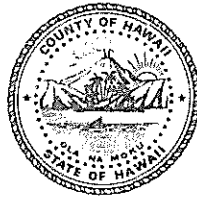


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

25 Aupuni Street, Room 109 • Hilo, Hawaii 96720-4252
(808) 961-8288 • Fax (808) 961-8742

December 24, 2002

Mr. Ralph Dana Simons
Ms. Barbara L. Brown
77-6458 Leilani Street
Kailua-Kona, Hawaii 96740

Dear Mr. Simons and Ms. Brown:

SUBJECT: Ohana Dwelling Permit Application 3886 (02-019)
Applicant: R. Dana Simons And Barbara L. Brown
Land Owner: R. Dana Simons And Barbara L. Brown
**Proposal: Construct A New Attached
Ohana Dwelling Unit**
Tax Map Key: (3) 7-7-011:043

The subject Application for an Ohana Dwelling Unit Permit was reviewed by the required agencies and their respective comments are as follows:

1. The Department of Public Works (DPW) (memorandum dated December 18, 2002):

“We have reviewed the subject application forwarded by your letter dated December 2, 2002 and have the following comment.

The plot plan submitted with the subject application does not indicate the driveway’s proximity to the northern property line and whether it is an existing or new driveway. A new driveway connection (including reconstruction) to Leilani Street shall conform to Chapter 22, County Streets, of the Hawaii County Code and will require a permit from the Department of Public Works.”

2. The Department of Water Supply (DWS) (memorandum dated December 4, 2002):

“We have reviewed the subject application and have the following comments and conditions.

029846

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Mr. Ralph Dana Simons
Ms. Barbara L. Brown
Page 2
December 24, 2002

For your information, an existing 5/8-inch meter services this property and is adequate for only one dwelling unit at 600 gallons per day. Therefore, a second 5/8-inch meter should be installed for the second dwelling unit. Water is available from the 6-inch waterline at Leilani Street, which fronts the subject parcel.

Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting the following conditions:

1. Installation, by the Department of Water Supply, of a second 1-inch service lateral to service a 5/8-inch meter, which shall be restricted to a maximum daily flow of 600 gallons
2. Remittance of the following charges, which are subject to change, to our Customer Service Section:
 - a. Facilities Charge (One 2nd service at \$4,350.00 each) \$4,350.00
 - b. Capital Assessment Fee 500.00
 - c. Service Lateral Installation Charge 2,250.00

Total (Subject to change) \$7,100.00

Should there be any questions, please call our Water Resources and Planning Branch at 961-8070”

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated December 18, 2002):

“The Health Department found no environmental health concerns with regulatory implications in the submittals.”

4. The Hawaii County Fire Department (HFD) (memorandum dated December 10, 2002):

“We have no comments to offer at this time regarding the above-referenced Ohana Dwelling Permit.”

No comments were received from the surrounding property owner(s) regarding this application for an Ohana Dwelling Unit Permit.

We note the following documents that accompanied your application. The original and notarized affidavits of **Barbara L Brown and R. Dana Simons** dated November 14, 2002 included with the Ohana Dwelling application state:

Mr. Ralph Dana Simons
Ms. Barbara L. Brown
Page 3
December 24, 2002

“This affidavit confirms that there are no restrictions, covenants, associations or any known provisions prohibiting an Ohana 2nd dwelling unit at the above address.”

A copy of the property deed was presented and “We acknowledge that this is our deed.”

In view of the above, by this letter, you are hereby **granted** permission to construct a detached single family Ohana Dwelling Unit subject to the following conditions:

1. The proposed Ohana Dwelling unit shall comply with Ordinance No. 96-47 and Rule 12, the County of Hawaii Planning Department's Rules of Practice and Procedure relating to Ohana Dwelling Units.
2. Non-transferability: The permit for the Ohana Dwelling unit shall be personal to the applicant until construction of the Ohana Dwelling unit has been completed. The permit shall not be transferable or assignable to any other person prior to its completion.
3. Prohibition of Advertising, Sales, Transfers: No person shall advertise or represent to the public that a permit to construct an Ohana Dwelling unit is transferable with the sale of the property on which the permit has been granted.
4. Building Permit: **The applicant is required to secure a building permit from the Department of Public Works, Building Division, for the construction of the ohana dwelling unit on or before December 26, 2003.**

Please bring or attach a copy of this Permit to assist the reviewing agencies in understanding and expediting the review and processing of the building construction plans and building permit application for the additional building improvements necessary to establish the Ohana Dwelling on the subject parcel.

- a) The applicant shall contact the DWS and pay any required facilities charge and capital assessment fee charges to the DWS.
- b) The applicant shall comply with the Department of Public Works requirements.
- c) A one time 30-day time extension to obtain the building permit may be granted by the Planning Director. A written request for a time extension shall be filed with the Planning Director not less than forty-five (45) days prior to the expiration date of the ohana dwelling unit permit. The Planning Director shall render a decision on the request for a time extension prior to the expiration date of the permit.

- d) The applicant shall not be able to obtain further extensions beyond the initial 30-day time extension. Further, such failure to conform to the time requirement shall not be cause to petition the Planning Director, Board of Appeals or any other governmental body for relief from the time requirement.

5. Requirements for Height, Site Area (Lot size), Yard (Setback) and Off-Street Parking (Parking spaces):

- a) Height limit: The height limit for the proposed detached ohana dwelling unit shall be twenty-five (35'-0") feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 10,000 square feet is zoned Residential Single-Family (RS-10) by the County and is situated within the State Land Use Urban district.

Minimum Yards (Setbacks) and Open Space: The proposed dwelling unit is required to comply with the yards and open space requirements of the Hawaii County Zoning Code.

- c) The respective minimum open space, front, rear, and side yard requirements for the proposed detached ohana dwelling unit to be located on the subject TMK property shall be as follows:
- Front yard –minimum **twenty** (20) feet required;
 - Rear yard – minimum **twenty** (20) feet required;
 - Side yard(s) – minimum **ten** (10) feet required;
 - Open space from other main structure(s) – not applicable, attached ohana dwelling unit.
- d) Off-Street Parking: The Ohana Dwelling unit shall be provided with a minimum of two (2) off-street parking spaces that comply with the requirements of Section 25-4-53 of the Zoning Code. All existing and additional parking spaces shall be arranged so as to be individually accessible.
6. This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements of the Planning Department, Department of Public Works, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application.

Mr. Ralph Dana Simons
Ms. Barbara L. Brown
Page 5
December 24, 2002

Ohana dwelling units are prohibited on a building site that is the subject of an approved variance from the Subdivision Code (Chapter 23), the Zoning Code Chapter 25), and property where a second dwelling unit is specifically prohibited by a change of zone ordinance.

- a) No variance from the requirements of Chapter 23 and Chapter 25, Hawaii County Code, as amended, shall be granted to permit the construction or placement of an Ohana Dwelling unit.
- b) An Ohana Dwelling unit shall not be permitted on a lot which has been the subject of a previously granted variance from any provision of Chapter 23 and Chapter 25, Hawaii County Code, as amended.

Should you have any questions regarding the above, please contact Jonathan Holmes of this office.

Merry Christmas!

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

JRH:mad

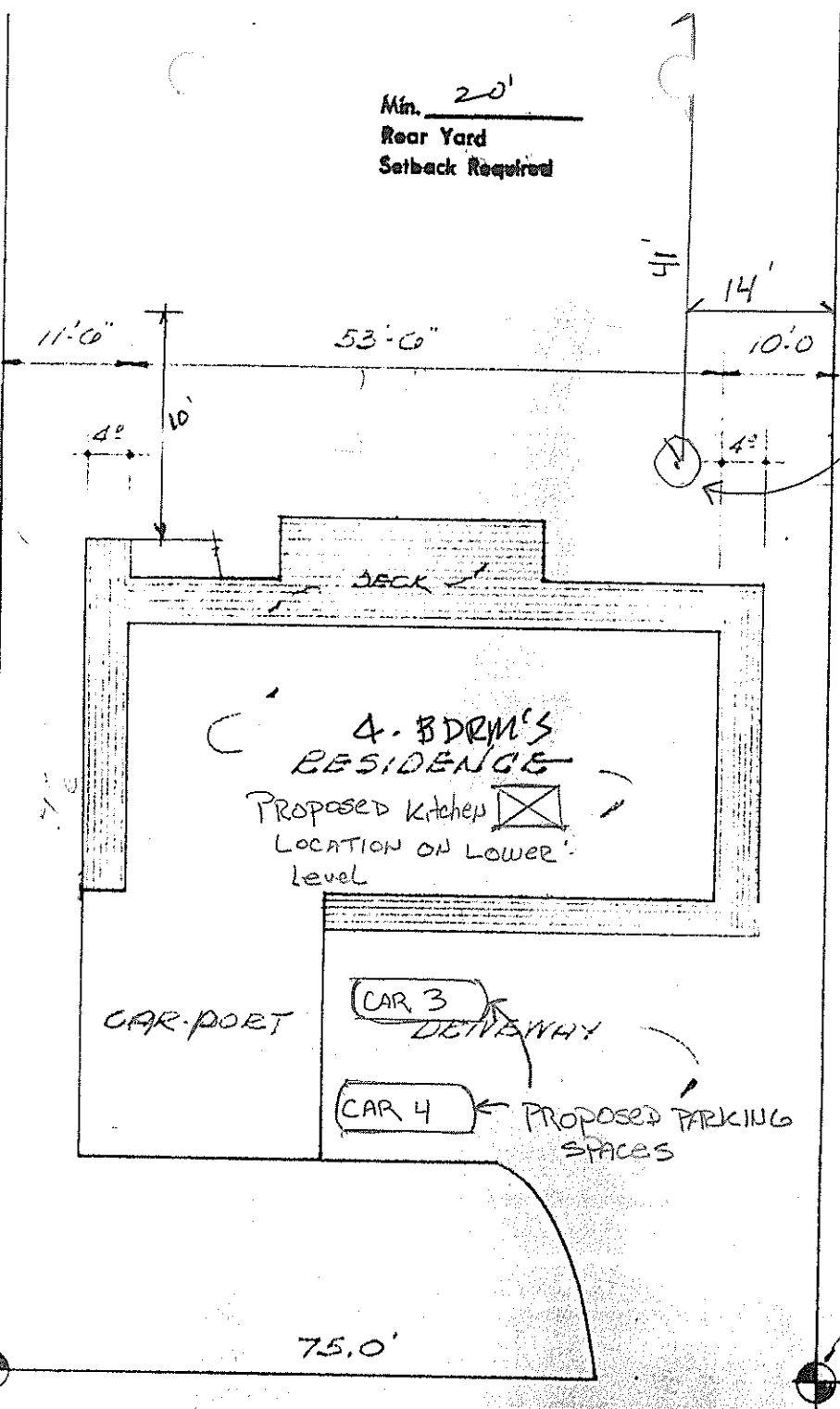
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cc: Dept. of Health, Chief Sanitarian
Dept. of Public Works
Real Property Tax
Dept. of Water Supply
Planning Dept. - Kona

SEE GROUND

47-0

Min. 20'
Rear Yard
Setback Required



Min. 10'
Side Yard
Setback Required

Min. 20'
Front Yard
Setback Required

STREET

LOT PLAN

SCALE: 1/16" = 1'-0"

77-6458 Leilani ST Tmk# 77-011-043