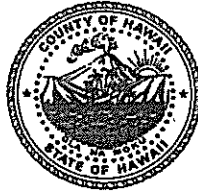


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • Fax (808) 961-8742

March 31, 2003

Daniel A. and Gerri Monck
77-6425 Kuakini Highway, C2, PMB 80
Kailua-Kona, Hawaii 96740-3213

Dear Mr. and Mrs. Monck:

SUBJECT: Ohana Dwelling Permit Application 3889 (2003-002)
Applicant: Daniel A. And Gerri Monck
Land Owner: Daniel A. and Gerri Monck
**Proposal: Construct A New Attached
Ohana Dwelling Unit**
Tax Map Key: (3) 7-7-003:045

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 March 4, 2003):

“No comments.”

2. The Department of Water Supply (DWS) (memorandum dated March 12, 2003):

“We have reviewed the subject application, and our records show that the subject parcel does not have water service with the Department. Therefore, the Department will wait to comment on the aforementioned application until the applicants notify the Department on how they are getting water for the existing dwelling and how they propose to provide water service to the ohana dwelling.

The applicant will be informed, through a copy of this letter, and shall respond by March 19, 2003, to the Department of Water Supply to enable your department to make a decision by April 20, 2003.

APR 4 2003 035406

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

The Department of Water Supply (DWS) (second memorandum dated March 27, 2003):

“We received your memorandum, via electronic mail, stating that the parcel receives water from Sunshine Homeowner’s Association. Although they are a private water system, they do receive their water from the Department through a master meter. Therefore, we require that each dwelling have its own meter or, in the case of a master meter, its own unit of water. This application is proposing an additional dwelling unit, so the purchase of an additional unit of water by the applicant is required in accordance with Department regulations.

Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting that they must remit a \$4,350.00 facilities charge and \$500.00 capital assessment fee, which are subject to change, for the additional unit of water to our Customer Service Section. Please be informed that we are scheduled for a rate increase effective July 1, 2003, where the facilities charge will be \$5,500.00 and the capital assessment fee will remain at \$500.00. Further, this additional unit of water is restricted to a daily maximum usage of 600 gallons.

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated March 7, 2003):

“The existing wastewater system can continue to be utilized provided that wastewater flows do not exceed 1,000 gallons per day which is equivalent to a total of five bedrooms or bedroom like rooms from one or two dwelling units.”

4. The Hawaii County Fire Department (HFD) (memorandum dated March 5, 2003):

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

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

The original and notarized affidavits of **Daniel A. and Gerri Monck** dated February 12, 2003 included with the Ohana Dwelling application state:

“This is to certify that we are the joint owners and title holders of certain property located at 77-6493 Kali Iki St. #F, Kailua-Kona, Hi 96740, Tax Map Key:

77003045, by virtue of that certain Deed recorded in the Bureau of Conveyances of the State of Hawaii on August 23, 2002 as Document Number 02-148793.

That the foregoing described real property is not subject to any restrictions, covenants or other applicable land use restrictions, by way of deed, lease or otherwise, prohibiting the construction or placement of an ohana dwelling unit upon the subject real property.”

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 an ohana dwelling unit on or before Current Date Plus One Day, 2004.**

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 is required to comply with the State Department of Health requirements.
- b) The applicant shall contact the DWS and pay any required facilities charge and service lateral installation charges to the DWS.
- c) The applicant shall comply with the requirements of the County of Hawaii Fire Department.

- d) 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.
- e) 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 ohana dwelling unit shall be **thirty-five (35'-0")** feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 33,498 square feet is zoned Residential and Agricultural (RA-.5) by the County and is situated within the State Land Use Rural 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 attached ohana dwelling unit to be located on the subject TMK property shall be as follows:
 - Front yard –minimum **twenty-five (25)** feet required;
 - Rear yard – minimum **twenty-five (25)** feet required;
 - Side yard(s) – minimum **fifteen (15)** feet required;
 - Open space from other main structure(s) – Not applicable, attached 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.

Daniel A. and Gerri Monck
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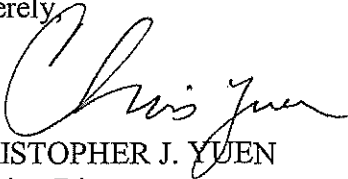
6. This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements of the Planning Department, Department of Public Works, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application.

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 at 961-8288.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

JRH:pak

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xc: Department of Health, Chief Sanitarian
Department of Public Works
Real Property Tax Division
Department of Water Supply
Planning Department - Kona

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Due to Size

See File

