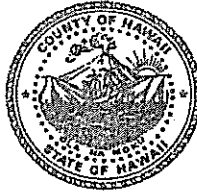


Harry Kim
Mayor



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

July 3, 2003

Michael J. and Amber M. Hudnall
and Sherill M. Passos
74-5081 Kai-Opua Street
Kailua-Kona, Hawaii 96740

Dear Mr. and Mrs. Hudnall and Ms. Passos:

SUBJECT: Ohana Dwelling Permit Application (2003-004) 3890
Applicants: Michael J. and Amber M. Hudnall
and Sherill M. Passos
Land Owners: Michael J. and Amber M. Hudnall
and Sherill M. Passos
Proposal: Construct A New Attached
Ohana Dwelling Unit
Tax Map Key: (3) 7-4-009:052

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 May 5, 2003):

“No comments.”

2. The Department of Water Supply (DWS) (memorandum dated June 13, 2003):

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

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. Water is available from the 6-inch waterline in Kai-Opua Street with the Department’s ‘Policy & Conditions for Water Service (Premises not within Service Limits of the Department).’

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Michael J. and Amber M. Hudnall
and Sherill M. Passos

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

1. Sign a 'Policy & Conditions for Water Service (Premises not within Service Limits of the Department) as the parcel does not front the waterline.
2. The applicant is responsible to obtain all necessary permits, clearances, or easements from the Department of Public Works and/or any other agency or party for the installation of the customer's water supply pipe.
3. 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
4. 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 2,250.00Total (Subject to change) \$7,100.00

Effective July 1, 2003

- a. Facilities Charge (One 2nd service at \$4,350.00 each) \$5,500.00
 - b. Capital Assessment Fee 500.00
 - c. Service Lateral Installation Charge 2,600.00
- Total (Subject to change) \$8,600.00

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):

There were no comments received from the DOH.

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

We note the following document that accompanied your application. The original and notarized affidavit of **Sherill M. Passos, Michael J. Hudnall and Amber M. Hudnall** dated April 9, 2003 included with the Ohana Dwelling application states:

"The above named individuals being first duly sworn, say that they are the lawful title holders of the following described property.

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and Sherill M. Passos
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Tax Map Key 7-4-9-52-42, Street Address 74-5081 Kai-Opua Street. Kailua
Kona, Hawaii 96740.

Additionally, we swear that the provisions of any restriction, covenant or other
land use restrictions applicable to the lot by way of deed or lease or other
provision do not prohibit the construction or placement of an ohana dwelling unit
or a second dwelling unit on the above mentioned 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 the ohana
dwelling unit on or before JUNE 16, 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 shall contact the DWS and pay any required facilities charge and
capital assessment fee charges to the DWS.
- b) The applicant shall conform to the Department of Health requirements as to
number of bedrooms.
- 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.

- 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 attached ohana dwelling unit shall be thirty-five (35'-0") feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 11,397 square feet is zoned Residential Single-Family (RS-10) 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** feet required;
 - Rear yard – minimum **twenty** (20) feet required;
 - Side yard(s) – minimum **fifteen** (15) feet required;
 - Open space from other main structure(s) – Not applicable, attached 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.

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and Sherill M. Passos

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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.

Sincerely,



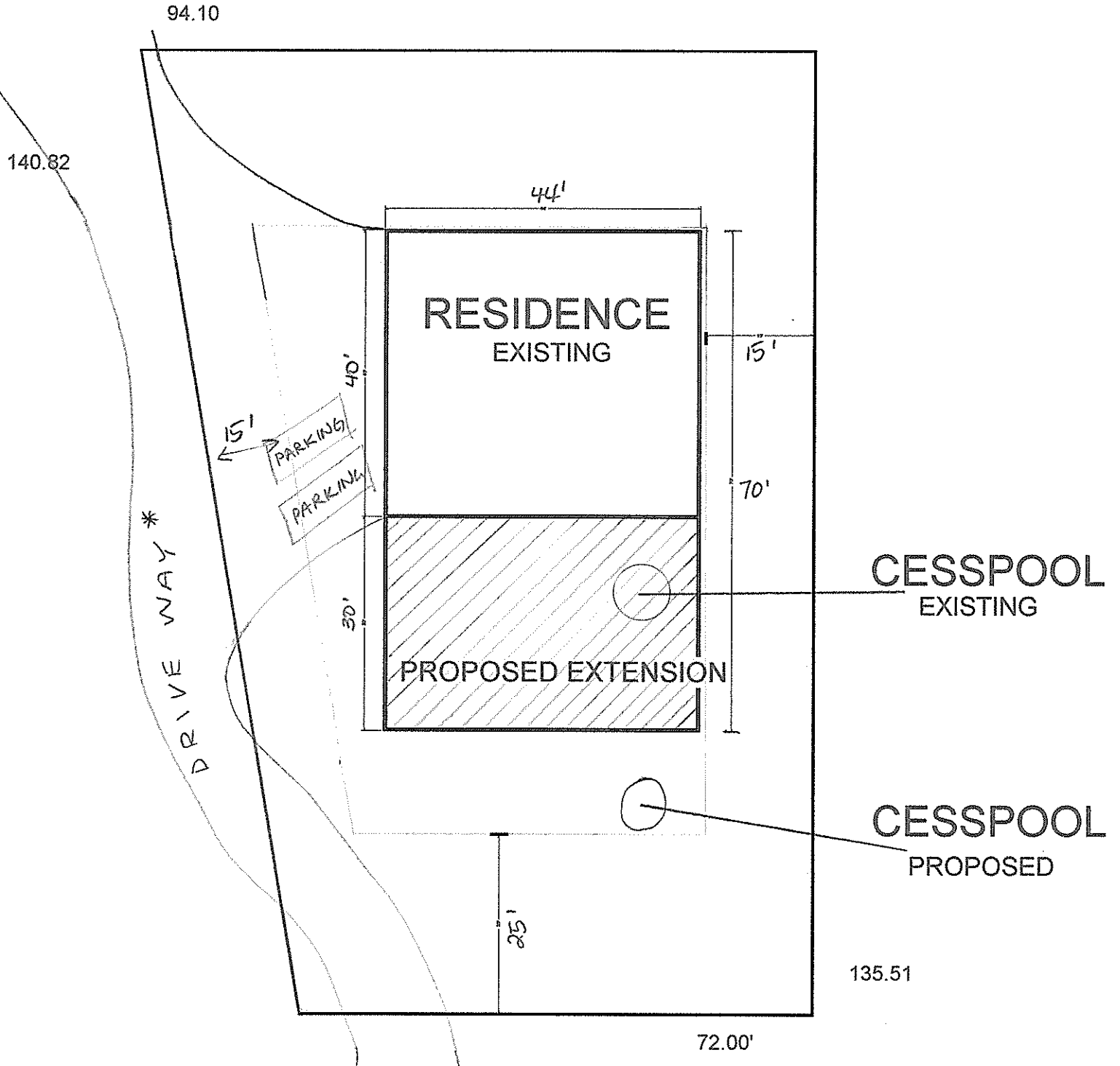
CHRISTOPHER J. WUEN
Planning Director

JRH:pak

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

PLOT PLAN



EASEMENT WITH NEIGHBOR ALLOWS THEM ACCESS TO THEIR OHANA UNIT.