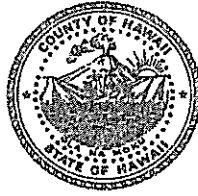


Harry Kim
Mayor



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

August 6, 2003

Mr. Chi Man Yu
48 Leihala Drive
Hilo, Hawaii 96720

Dear Mr. Yu:

Ohana Dwelling Permit Application (OHD 2003-007) 3891

Applicant: Chi Man Yu
Land Owner: Chi Man Yu
Proposal: Placement of A Detached Ohana
Dwelling Unit
Tax Map Key: 2-2-038:103

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 30, 2003):

"No Comments."

2. The Department of Water Supply (DWS) (memorandum dated July 2, 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 County waterline along Leihala Drive, 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:

AUG 11 2003 03995#

1. Installation by the Department of Water Supply of a second 1-inch 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:

Facilities Charge	
One 2 nd Service at \$5,500.00	\$5,500.00
Service Lateral Installation Charge	
(Install one service connection in Leihala Drive)	<u>\$2,600.00</u>
Total (Subject to Change)	\$8,100.00

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) :

No comments were received from the DOH.

4. The Hawaii County Fire Department (HFD) (memorandum dated June 23, 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 **Chi Man Yu** dated April 25, 2003 and May 8 included with the Ohana Dwelling application state:

“I’m submitting this affidavit as per requirement to achieve an ‘Ohana Permit’ for my property, TMK 2-2-038-103.

I am titleholder of the affected property.”

“I’m submitting this affidavit as per requirement to achieve an ‘Ohana Permit’ for my property, TMK 2-2-038-103.

I’m stating that provisions of any restriction, covenant, or other land use restrictions applicable lot (sic) by way of deed or lease or other provision does not

prohibit the construction or placement of an ohana dwelling or second dwelling unit.”

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 July 12, 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 any 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 **twenty-five (25'-0")** feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 10,500 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 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) – **fifteen (15)** feet required.
 - 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. Chi Man Yu
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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

