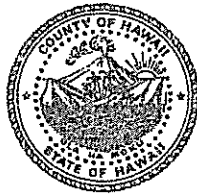


Harry Kim
Mayor



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 8, 2003

Ms. Lawrie F. White (Ahuna)
1575 Alu Street
Hilo, Hawaii 96720

Dear Ms. White:

SUBJECT: Ohana Dwelling Permit Application 3894 (2003-010)
Applicant: Lawrie F. White (Ahuna)
Land Owners: Mazie K. Ahuna and Lawrie F. Ahuna
**Proposal: Construct A New Detached
Ohana Dwelling Unit**
Tax Map Key: (3) 2-4-019:029

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 July 17, 2003):


“We have reviewed the subject application forwarded by your letter dated July 9, 2003 and have the following comments.

Access to the proposed ohana dwelling crosses over parcel 2-4-19:014. Legal access over the private parcel should be verified.

Relocate all encroachments (fences, gates, trees, etc.) from the Ainaola Drive right-of-way.

The Planning Dept. shall determine the future road-widening setback along Ainaola Drive.

Questions may be referred to Kelly Gomes at 961-8327.”

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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 3-inch waterline in Ainaola 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:

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 \$5,500.00 each) \$5,500.00
 - b. Service Lateral Installation Charge
(Install one meter on Ainaola Drive, a County road) \$2,250.00
- 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 Hawaii County Fire Department (HFD) (Memorandum dated July 23, 2003):

“We have no comments to offer at this time regarding the above-referenced ohana dwelling permit application.”

4. The State of Hawaii Department of Health (DOH-HILO) (Memorandum dated August 4, 2003);:

“The use of individual wastewater systems is allowed. The type and number of individual wastewater systems to be used on each lot will be determined by the wastewater rule rules in effect at the time of building permit application.”

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There were no comments 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 **Lawrie F. White (Ahuna)** dated May 13, 2003 included with the Ohana Dwelling application that state:

“I, Lawrie F. (Ahuna) White, applicant, certify that I am a co-titleholder with Maizie K. Ahuna of the affected property, tax map key 2-4-19:029 located at 166 Ainaola Dr., Hilo, Hawaii.”

“I hereby certify that the provisions of any restrictions, covenant or other land use restrictions applicable to the lot by way of deed or lease or other provision does not prohibit the construction or placement of an ohana dwelling unit or a second dwelling unit on the affected property, tax map key 2-4-19:029 located at 166 Ainaola Dr., Hilo, Hawaii.”

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 August 5, 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, per DPW comments, verify the legality of access over a portion of TMK 2-4-019:014. If need be, applicant shall obtain legal access via a deeded easement or other recorded method. Applicant is further required to remove all encroachments from the Ainaola Drive right-of-way.

There is no indication on our maps that this section of Ainaola Drive is set for future road widening at this time.

- 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 conform to the Department of Health requirements.
- 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 detached ohana dwelling unit shall be twenty-five (25'-0") feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 20,146 square feet is zoned Residential Single-Family (RS-15) 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 five (25)** feet required;

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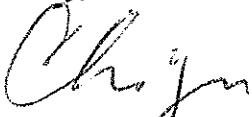
- Rear yard – minimum **twenty-five (25)** feet required; **(Please note that this setback to the carport area is shown incorrectly on the presented site plan. You must adhere to this stated minimum when the ohana dwelling is constructed);**
 - Side yard(s) – minimum **fifteen (15)** feet required;
 - Open space from other main structure(s) – minimum **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.

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. YUEN
Planning Director

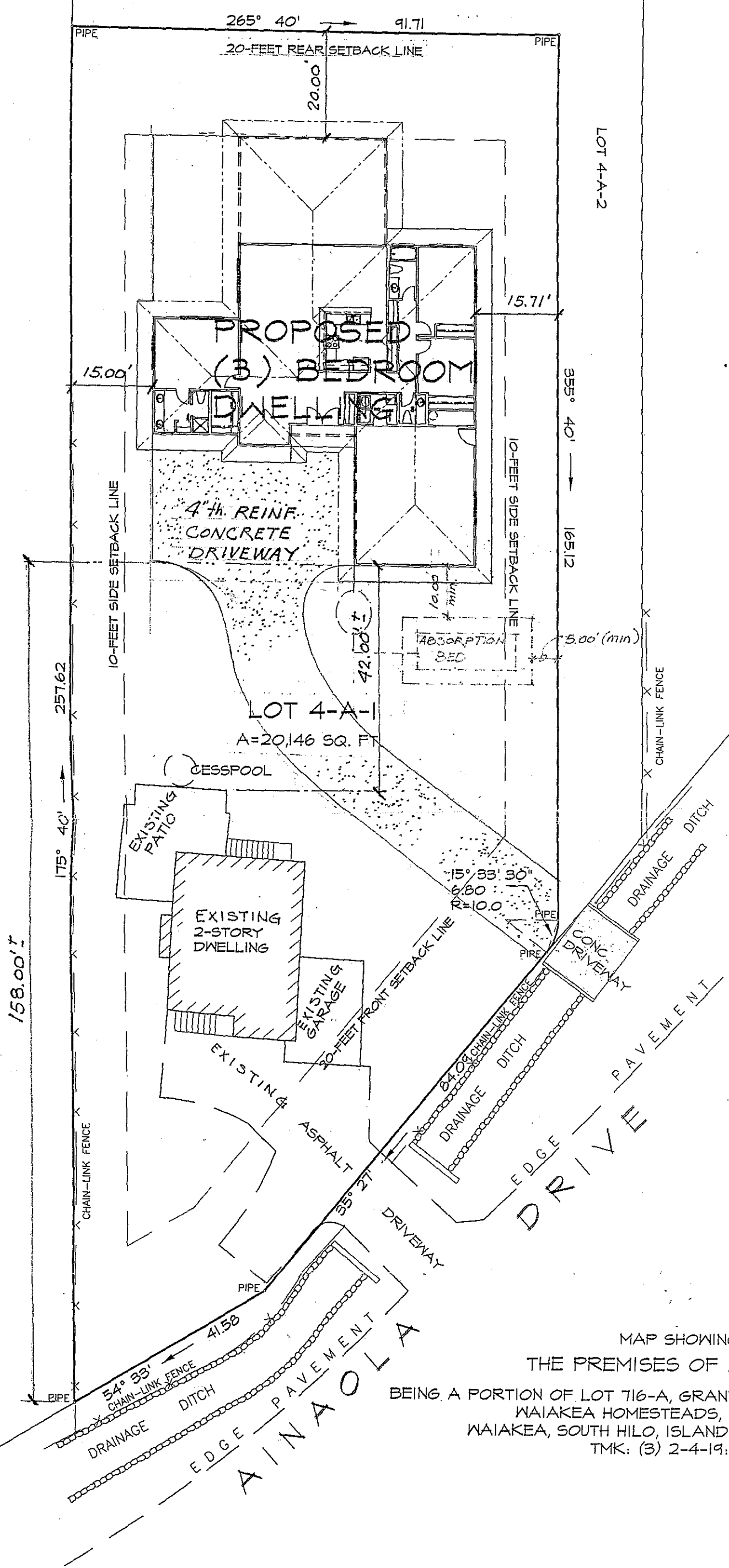
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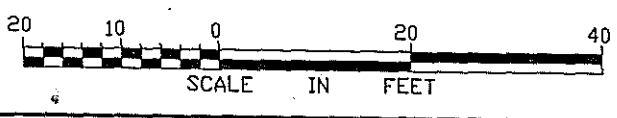
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xc: Dept. of Health, Chief Sanitarian
Dept. of Public Works
Real Property Tax
Dept. of Water Supply

TRUE NORTH
SCALE: 1 IN. = 20 FEET



MAP SHOWING
THE PREMISES OF LOT 4-A-1
BEING A PORTION OF LOT 716-A, GRANT 11445 TO MOSES M. AHUNA
WAIAKEA HOMESTEADS, FIRST SERIES
WAIAKEA, SOUTH HILO, ISLAND OF HAWAII, HAWAII
TMK: (3) 2-4-19: 029



MAY 27, 2003