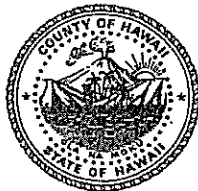


Harry Kim
Mayor



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 29, 2003

Mr. Gerald Lee
352 Kukuau Street
Hilo, Hawaii 96720

Dear Mr. Lee:

SUBJECT: Ohana Dwelling Permit Application 3895 (2003-011)
Applicant: Gerald J. K. Lee
Land Owner: Gerald J. K. Lee
**Proposal: Construct A New Attached
Ohana Dwelling Unit**
Tax Map Key: (3) 2-3-041:003

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 August 4, 2003):

"No comments."

2. The Department of Water Supply (DWS) (memorandum dated August 20, 2003):

"We have reviewed the subject application and have the following comments.

An existing 5/8-inch meter services this property; and because the usage is under 600 gallons per day and the entire dwelling with the attached Ohana Dwelling unit is relatively small, the Department has no objections to this application.

Should there be any questions, please call Ms. Sheri Komata of our Water Resources and Planning Branch at 961-8070"

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

040802
SEP 5 2003

Mr. Gerald Lee
Page 2
August 29, 2003

“The subject project is located within or near proximity to the County sewer system. All wastewater generated shall be disposed into the County sewer system.”

4. 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.”

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 **Gerald Lee** dated June 24, 2003 included with the Ohana Dwelling application state:

“I Gerald Lee, hereby on the said date of June 24, 2003 am stating that I am the sole title holder of the said property TMK: (3) 2-3-41:03.”

“I Gerald Lee, hereby on the said date of June 24, 2003, am stating that to the best of my knowledge that there are no provisions, restrictions or covenants applicable to the said property TMK (3) 2-3-41:03, which include allowing a second dwelling unit or ohana unit to be constructed on the said 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 AUGUST 26, 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 conform to the Department of Health requirements as to wastewater disposal. Applicant shall contact the Wastewater Division of the Department of Public Works to determine the requirements for connecting to the County Sewer System, if applicable.
- b) 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.
- c) 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 14,725 square feet is zoned Residential Single-Family (RS-7.5) 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 yards –minimum **twenty** feet required;
 - Rear yard – not applicable, this is a through lot (2 street frontages);

Mr. Gerald Lee
Page 4
August 29, 2003

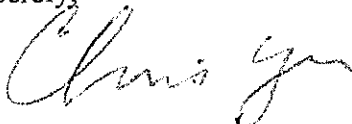
- Side yard(s) – minimum **ten** (10) feet required;
 - Open space from other main structure(s) – Not applicable, attached dwelling unit.
- d) Off-Street Parking: The Ohana Dwelling unit shall be provided with a minimum of two (2) off-street parking spaces that comply with the requirements of Section 25-4-53 of the Zoning Code. All existing and additional parking spaces shall be arranged so as to be individually accessible.
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,



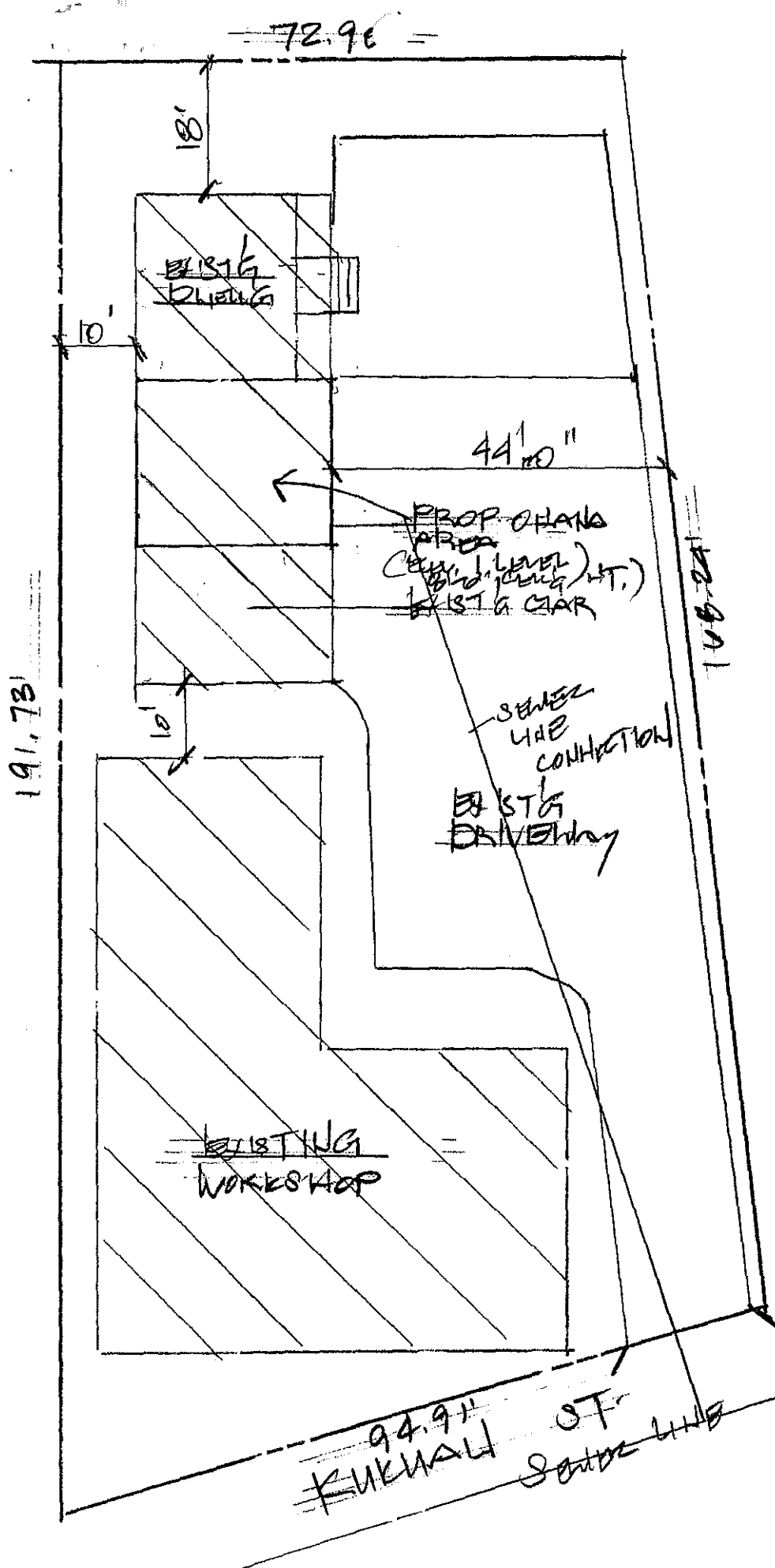
CHRISTOPHER J. YUEN
Planning Director

JRH:pak

P:\ohana\jrhohana\apvl\lee23041003apvl.doc

Mr. Gerald Lee
Page 5
August 29, 2003

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



SITE PLAN
 SCALE: 1" = 20' 0"
A PROP. CHANGE FOR
MAR GERALD LEB
 TRAC (S) 2-3-4113

94.91'
KUKUAI ST
 SIDE WAY