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

October 27, 2003

Mr. Mitsuji Kobata
161 Malia Street
Hilo, Hawaii 96720

Dear Mr. Kobata:

SUBJECT: Ohana Dwelling Permit Application (2003-012) 3897
Applicant: Mitsuji Kobata
Land Owner: Kobata Family Trust
Proposal: Construct A New Attached Ohana Dwelling Unit
Tax Map Key: (3) 2-4-030:104

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):

   The DPW did not comment on this application.

2. The Department of Water Supply (DWS) (memorandum dated September 15, 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 Malia Street, 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:

043448

OCT 28 2003

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 Malia Street, a County road) $2,600.00

   Total (Subject to change) $8,100.00

Should there be any questions, please call Ms. Shari Komata of our Water Resources and Planning Branch at 961-8070, extension 1."

3. The Hawaii County Fire Department (HFD):

   "The Fire Department did not comment on this application."

4. The State of Hawaii Department of Health (DOH-HILO) (Memorandum dated August 26, 2003);:

   "The existing wastewater system is adequate to serve the proposed project."

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 **Mitsugi Kobata and Yaeko Kobata** dated April 23, 2003 included with the Ohana Dwelling application that states:

"Mitsugi Kobata and Yaeko Kobata, hereby depose and state:

1. They are the trustees under the Kobata Family Revocable Living Trust dated March 8,1995 ("Trust").

2. They, as Trustees of said Trust, are the only owners of the residential real estate, being lot 100, Sportsman's Paradise Lots, Hilo, Hawaii, 15,375 square feet bearing TMK No. [3] 2-4-30-104 ("Property").

3. In support of their application for Ohana Dwelling Unit Permit involving said Property, they hereby declare that there are no restrictions, covenants or other land use restrictions, whether contained in a deed, lease or any other document or provision that would prohibit the construction or placement of an ohana dwelling unit or second dwelling unit on the 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 October 14, 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 service lateral installation charges to the DWS

   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 detached ohana dwelling unit shall be thirty-five (35'-0") feet.

   b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 15,375 square feet is zoned Agricultural (A-1a) 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** (20) feet required;
      - Rear yard – minimum **twenty** (20) feet required;**)**;
      - Side yard(s) – minimum **ten** (10) 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.

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\kobata24030104apvl.doc

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