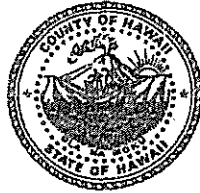


Harry Kim
Mayor



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

January 14, 2004

Tongda Edwards
74-5082 Huaala Street
Kailua-Kona, Hawaii 96740

Dear Tongda Edwards:

SUBJECT: Ohana Dwelling Permit Application 3905 (2003-021)
Applicant: Tongda Edwards
Land Owner: Tongda Edwards
Proposal: Construct a New Attached Ohana Dwelling Unit
Tax Map Key: (3) 7-4-014:053

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 January 6, 2004):
"No comments."
2. The Department of Water Supply (DWS) (memorandum dated January 9, 2004):
"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 an average of 400 gallons per day. Therefore, a second 5/8-inch meter should be installed for the attached second dwelling unit. Water is available from the 6-inch waterline in Hua'ala 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:

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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. Capital Assessment Fee 500.00
 - c. Service Lateral Installation Charge
(Install one meter in Hua'ala Street, a County road) 2,600.00Total (Subject to change) \$8,600.00

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

3. The State of Hawaii Department of Health (DOH):

The DOH did not comment on this application as of this date.

4. The Hawaii County Fire Department (HFD) (memorandum dated December 29, 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 affidavit of **Tongda Edwards** dated October 27, 2003 included with the Ohana Dwelling application states:

- "1. I, Tongda Edwards, am the owner of the real property located at 74-5082 Huaala St Kilua-Kona, HI 96740 identified as Tax Map Key 7-4-014-053.
2. The Covenants, or any other land use restrictions applicable to the Subject Property do not prohibit the construction or placement of an Ohana/second dwelling unit upon the Subject 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 an ohana dwelling unit on or before January 15, 2005.**

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 State Department of Health to determine the number and type of individual wastewater systems allowed.
 - b) The applicant shall contact the DWS and arrange to pay the required facilities charge, capital assessment fee and service lateral installation charges.
 - 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.
 - d) 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 **thirty-five (35'-0")** feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 11,183 sq.ft. is zoned Single-Family Residential (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 yard – minimum **fifteen (15)** feet required;
 - Rear yard – minimum **fifteen (15)** feet required;
 - Side yard(s) – minimum **eight (8)** feet required;
 - Open space from other main structure(s) – not applicable, duplex conversion.
- 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.

Tongda Edwards
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January 14, 2004

- 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,

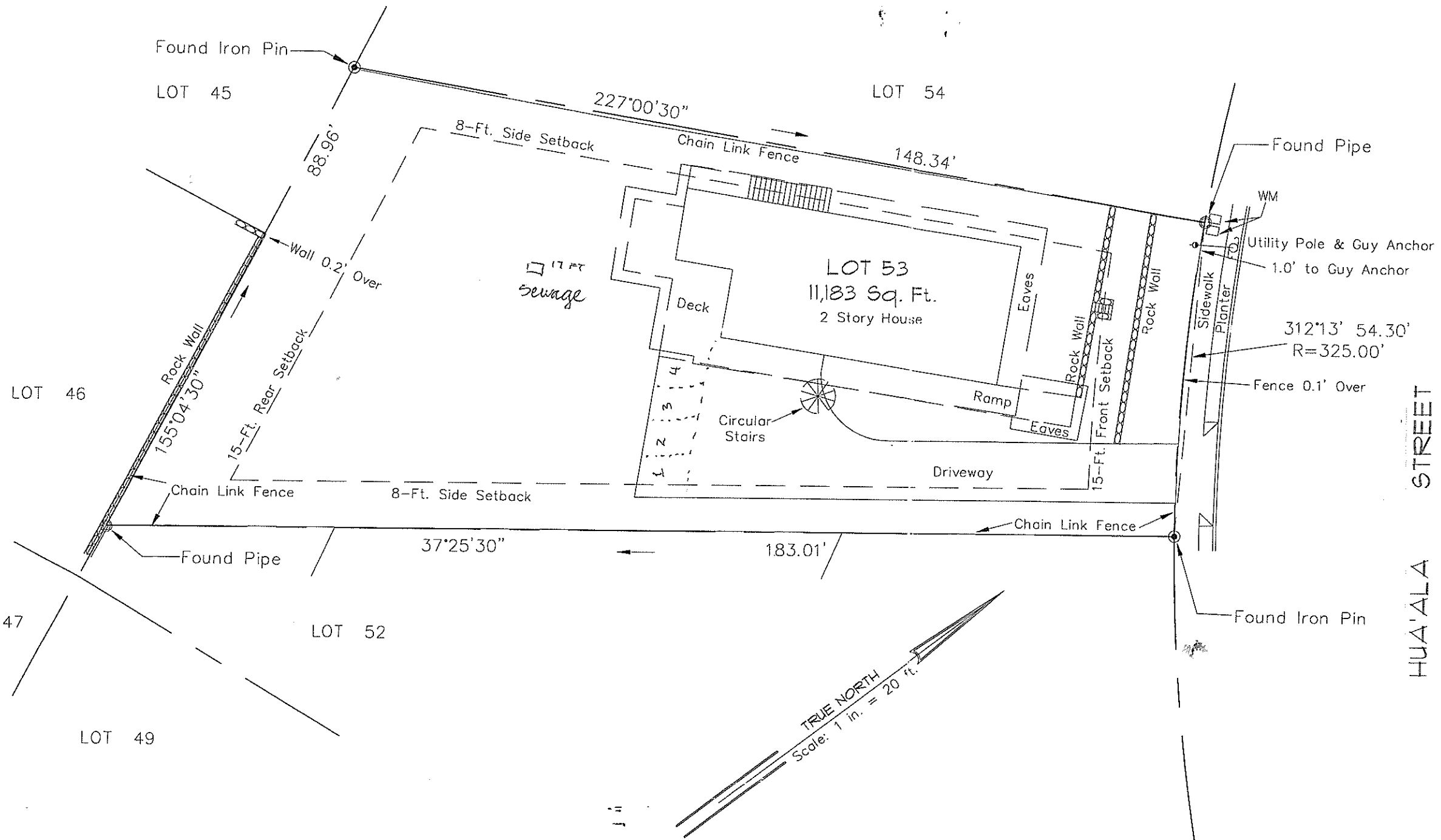


CHRISTOPHER J. YUEN
Planning Director

JRH:mad

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



THIS WORK WAS PREPARED BY ME
OR UNDER MY SUPERVISION

Kevin McMullen

DATE: 1/20/99

C-42 (DROA) SURVEY MAP
OF LOT 53
KONA MACADAMIA ACRES
FILE PLAN 1414

AT KEALAKEHE, NORTH KONA
ISLAND OF HAWAII, HAWAII
Tax Map Key (3rd Division): 7-4-14: 53

Notes:

Azimuths and Coordinates are referred to Government
Survey Triangulation Station "KEAHUOLU" Δ
The improvements shown hereon were located by an actual
survey on the ground done on January 23-26, 1999.

KKM SURVEYS
75-5768 Makelina Place
Kailua-Kona, Hawaii 96740
Phone (808) 326-4633 Fax (808) 334-0098