

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

February 12, 2004

Frank and Patricia Wagner  
P.O. Box 6077  
Kamuela, Hawaii 96743

Dear Mr. and Mrs. Wagner:

**SUBJECT: Ohana Dwelling Permit Application (04-001) 3906**  
**Applicants: Frank J. and Patricia J. Wagner**  
**Land Owners: Frank J. and Patricia J. Wagner**  
**Proposal: Construct a New Attached**  
**Ohana Dwelling Unit**  
**Tax Map Key: (3) 6-6-007:067**

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 February 6, 2004):

"We have reviewed the subject application forwarded by your letter dated January 16, 2004 and have the following comment.

The new driveway may require a permit from the Department of Public Works and shall have a minimum space of 30 feet between the new and existing driveway approaches in conformance with Chapter 22 of the Hawaii County Code."

2. The Department of Water Supply (DWS) (memorandum dated February 5, 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 600 gallons per day. Therefore, a second 5/8-

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inch meter should be installed. Water is available from the 6-inch waterline in Alaneo Place, which fronts the subject parcel.

Therefore, the Department has no objection 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 2<sup>nd</sup> service at \$5,500.00 each) \$5,500.00
    - b) Service Lateral Installation Charge  
(Install one meter in Alaneo Place, 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 State of Hawaii Department of Health (DOH) (memorandum dated February 11, 2004):

“The construction of a new individual wastewater system on the property is not allowed as there is insufficient land area to serve both the existing and proposed wastewater systems.

The existing wastewater system can continue to be utilized provided that wastewater flows do not exceed 1000 gallons per day which is equivalent to a total of five bedrooms or bedroom like rooms from one or two dwelling units.”

4. The Hawaii County Fire Department (HFD) (memorandum dated February 10, 2004):

“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 **Frank J. Wagner** dated January 2, 2004 included with the Ohana Dwelling application states:

“Affiant, being first duly sworn on oath, deposes and says that:

1. He and his wife, Patricia J. Wagner, are the title holders or owners of the real property located at 66-1736 Alaneo Place, Kamuela, HI. The property is composed of 11,059 feet, and further identified as Tax Map Key No. 6-6-7-67 (hereafter “Subject Property”).
2. The covenants, or other land use restrictions applicable to the Subject Property do no 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 February 18, 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 consult with DPW for the construction of the new driveway.
- b) The applicant is required to comply with the State Department of Health standards for Individual Wastewater Systems.

- c) The applicant shall contact the DWS and pay the required facilities charge and service lateral installation charges to the DWS.
- 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 **thirty-five** (35'-0") feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 11,059 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** (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 duplex 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-

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53 of the Zoning Code. All existing and additional parking spaces shall be arranged so as to be individually accessible.

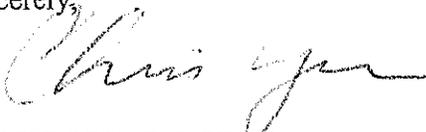
6. This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements of the Planning Department, Department of Public Works, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application.

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 at 961-8288.

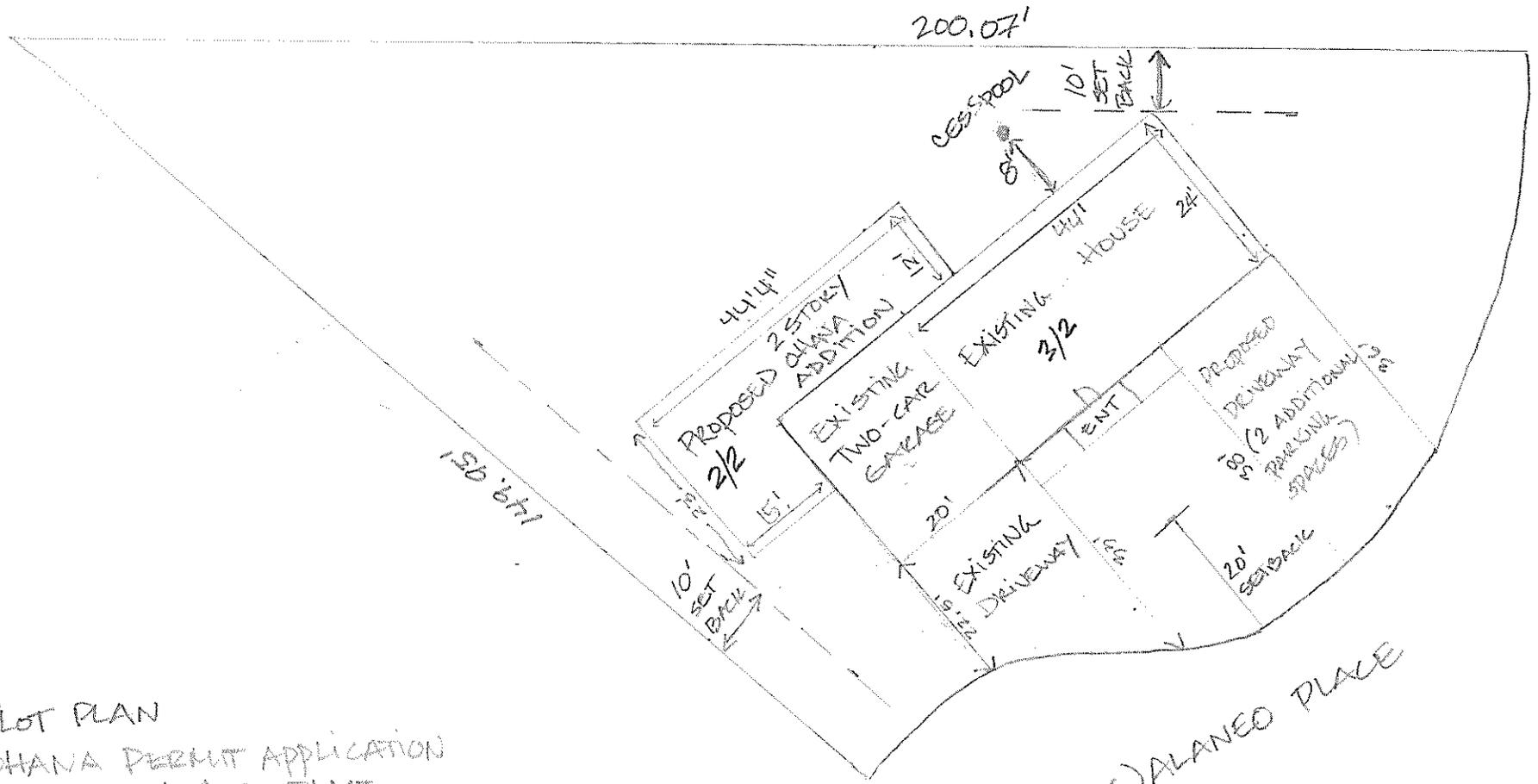
Sincerely,



CHRISTOPHER J. YUEN  
Planning Director

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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



PLOT PLAN  
 CHANA PERMIT APPLICATION  
 66-1736 ALANED PLACE  
 KAMUELA, HI 96743  
 FRANK + PAT WAGNER  
 6-6-7-67.  
 5 BEDROOMS TOTAL  
 SCALE = 1 INCH = 21'6"

(66-1736) ALANED PLACE

1 in = 21'6"