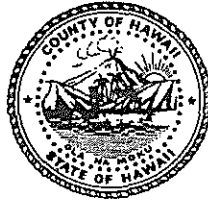


Harry Kim
Mayor



Christopher J. Yuen
Director

Roy R. Takemoto
Deputy Director

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

August 24, 2004

Richard and Ann Medve
P.O. Box 126
Kapaau, Hawaii 96755

Dear Mr. & Mrs. Medve:

SUBJECT: Ohana Dwelling Permit No. 3915 (OHD 2004-0010)
Applicants: Richard and Ann Medve
Land Owners: Richard and Ann Medve
Proposal: Construct a New Detached Ohana Dwelling Unit
Tax Map Key: (3) 5-5-011:059

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):
There were no comments received.
2. The Department of Water Supply (DWS) (Memorandum dated June 18, 2004):

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

For your information, the parcel has an existing 5/8-inch service with the Department, which is adequate for only one dwelling at an average of 400 gallons per day.

Inasmuch as this application is proposing an additional detached dwelling, the installation of a separate 5/8-inch meter by the applicant would normally be required in accordance with Department regulations. However, the Department's existing water system facilities cannot support an additional meter for the proposed ohana dwelling at this time.

Extensive improvements and additions, including, but not limited to, source, storage, and transmission facilities, must be constructed. Currently, sufficient funding is not available and no time schedule is set.

Should there be any questions, please call Ms. Shari Komata of our Water Resources and Planning Branch at 961-8070, extension 252.”

(Memorandum dated August 4, 2004):

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“Please be informed that the Department has agreed with Mr. Richard Medve that we will allow him to service his additional dwelling through his existing meter, Account No. 720-32060, with the payment of \$1,190.00 for the facilities charge. The facilities charge shall be remitted to our Customer Service Section prior to issuing the building permit. This understanding is in effect until the demise of Ms. Harriet Medve or until water for a second 5/8-inch meter becomes available. Please find enclosed a copy of the notarized letter by the applicants agreeing to these terms.

Should there be any questions, please call Ms. Shari Komata of our Water Resources and Planning Branch at 961-8070, extension 252.”

(Notarized Letter by Richard and Ann Medve dated July 19, 2004):

“Thank you for your recent decision of 16 July 2004 granting us permission to draw water for the proposed family “Ohana” dwelling from our existing 5/8” meter #0001046444, which is presently serving my wife and me at our main house. It is clearly understood by the undersigned that this water supply connection is temporary in nature until such time when a separate 5/8” meter can be provided per existing Water Department regulations. It is further understood and agreed upon that the proposed “Ohana” dwelling will be occupied by Harriet Medve, age 90, until her demise and that there will be a forthcoming charge to access additional water. There are no future plans to sell our property due to our mid-sixties retirement age; and if for some unforeseen situation, we do fully understand that this courtesy agreement granted by you shall be nullified and not transferable to anyone other than ourselves.”

3. The State of Hawaii Department of Health (DOH-HILO) (Memorandum dated June 25, 2004):

“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 June 10, 2004):

“Fire apparatus access roads shall be in accordance with UFC Section 10.207:

‘Fire Apparatus Access Roads

‘Sec. 10.207. (a) General. Fire apparatus access roads shall be provided and maintained in accordance with this section.

‘(b) Where Required. Fire apparatus access roads shall be required for every building hereafter constructed when any portion of an exterior wall of the first story is located more than 150 feet from fire department vehicle access as measured by an unobstructed route around the exterior of the building.

‘EXCEPTIONS: 1. When buildings are completely protected with an approved automatic fire sprinkler system, the provisions of this section may be modified.

‘2. When access roadways cannot be installed due to topography, waterways, nonnegotiable grades or other similar conditions, the chief may require additional fire protection as specified in Section 10.301 (b).

‘3. When there are not more than two Group R, Division 3 or Group M Occupancies, the requirements of this section may be modified, provided, in the opinion of the chief, fire-fighting or rescue operations would not be impaired.

‘More than one fire apparatus road may be required when it is determined by the chief that access by a single road may be impaired by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access.

‘For high-piled combustible storage, see Section 81.109.

‘(c) **Width.** The unobstructed width of a fire apparatus access road shall meet the requirements of the appropriate county jurisdiction.

‘(d) **Vertical Clearance.** Fire apparatus access roads shall have an unobstructed vertical clearance of not less than 13 feet 6 inches.

‘EXCEPTION: Upon approval vertical clearance may be reduced, provided such reduction does not impair access by fire apparatus and approved signs are installed and maintained indicating the established vertical clearance.

‘(e) **Permissible Modifications.** Vertical clearances or widths required by this section may be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

‘(f) **Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all-weather driving capabilities.’ (20 tons)

‘(g) **Turning Radius.** The turning radius of a fire apparatus access road shall be as approved by the chief.’ (45 feet)

‘(h) **Turnarounds.** All dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.

‘(i) **Bridges.** When a bridge is required to be used as access under this section, it shall be constructed and maintained in accordance with the applicable sections of the Building Code and using designed live loading sufficient to carry the imposed loads of fire apparatus.

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'(j) **Grade.** The gradient for a fire apparatus access road shall not exceed the maximum approved by the chief.' (15%)

'(k) **Obstruction.** The required width of any fire apparatus access road shall not be obstructed in any manner, including parking of vehicles. Minimum required widths and clearances established under this section shall be maintained at all times.

'(l) **Signs.** When required by the fire chief, approved signs or other approved notices shall be provided and maintained for fire apparatus access roads to identify such roads and prohibit the obstruction thereof or both.'

Water supply shall be in accordance with UFC Section 10.301.

'(c) **Water Supply.** An approved water supply capable of supplying required fire flow for fire protection shall be provided to all premises upon which buildings or portions of buildings are hereafter constructed, in accordance with the respective county water requirements. There shall be provided, when required by the chief, on-site fire hydrants and mains capable of supplying the required fire flow.

'Water supply may consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow.

'The location, number and type of fire hydrants connected to a water supply capable of delivering the required fire flow shall be protected as set forth by the respective county water requirements. All hydrants shall be accessible to the fire department apparatus by roadways meeting the requirements of Section 10.207.'

There were no comments received from the surrounding property owners.

We note the following documents that accompanied your application. The original and notarized affidavits of **Applicant and Owners** of the subject property dated May, 2004 included with the Ohana Dwelling application states:

"We, Richard S. Medve and Ann E. Medve, hereby certify that the provision of any restriction, covenant or other land use restrictions applicable to the lot by way of deed or lease or other provision do not prohibit the construction of placement of an ohana dwelling unit or second dwelling unit, on the property known as TMK: 3/5-5-11-59, located at Hualua Road, Hawi, HI 96719."

"We, Richard S. Medve and Ann E. Medve, are the legal title holders of the property known as TMK: 3/5-5-11-59, located at Hualua Road, Hawi, HI 96719."

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 24, 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 the DPW to conform with driveway requirements.
 - 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 correspond with the DOH to determine the number and type of individual wastewater systems allowed.
 - d) The applicant shall consult with the HFD to verify the accessibility of the premises for emergency/fire fighting purposes.
 - e) 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.
 - f) 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), Building Size and Off-Street Parking (Parking spaces):

- a) Height limit: The height limit for the proposed attached ohana dwelling unit shall be twenty-five (25'-0") feet.
 - b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 29,585 s.f. is zoned Agricultural (A-1a) by the County and is situated within the State Land Use Urban district.
 - c) 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. 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;
 - Rear yard – minimum **twenty-five** (25) feet required;
 - Side yard(s) – minimum **fifteen** (15) feet required;
 - Open space from other main structure(s) – minimum **fifteen** (15) feet required.
 - d) Building Size: The Ohana Dwelling shall have a maximum building size of **five hundred** (500) square feet.
 - e) 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.
 7. Since the DWS has limited water service to the Ohana dwelling unit to the duration of Ms. Harriet Medve's lifetime, this Ohana Dwelling Permit shall be automatically voided when water service to this Ohana dwelling unit is terminated. Should DWS allow a second water meter to service this Ohana dwelling unit, the Ohana Dwelling Permit shall be considered valid beyond the lifetime of Ms. Harriet Medve.
 8. Should the Ohana Dwelling Permit be voided the Applicant shall be required to obtain a building permit to demolish and remove the kitchen facilities, changing the Ohana dwelling into a Guest House.
 9. 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

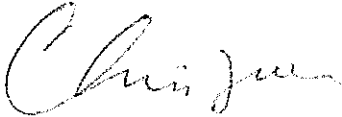
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property where a second dwelling unit is specifically prohibited by a change of zone ordinance.

- 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.

If you have any questions please call Deanne Bugado of our West Hawaii Office at 327-3510.

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

RT:deb

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

Scanned Map
Unavailable
Due to Size

See File

