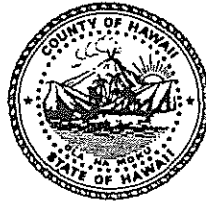


Harry Kim  
Mayor



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

October 4, 2004

Sidney M. Fuke  
100 Pauahi Street, Suite 212  
Hilo, Hawaii 96720

Dear Mr. Fuke:

**SUBJECT: Ohana Dwelling Permit No. 3919 (OHD 2004-0022)**  
**Applicants: Fusae Kamigaki**  
**Land Owners: Fusae Kamigaki**  
**Takeshi Kamigaki Rev. Trust Fusae**  
**Kamigaki Trustee**  
**Kamigaki Enterprises Inc.**  
**Proposal: Construct a New Detached Ohana**  
**Dwelling Unit**  
**Tax Map Key: (3) 8-1-001:016**

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 30, 2004):  
"Department of Public Works Ohana Application Comments  
No Comments."
2. The Department of Water Supply (DWS) (Memorandum dated September 20, 2004):  
"We have reviewed the subject application and have the following comments and conditions.

The parcel does not have an existing water service with the Department. Water is currently available for one dwelling from the 8-inch waterline in Māmalahoa Highway with a signed "Policy & Conditions for Water Service (Premises not within service limits of the Department)." 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

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Department regulations. However, as this parcel is outside of the Department's service limits, a second service is not available for the second dwelling unit.

Therefore, the Department has no objections to the proposed application subject to the applicant understanding and accepting the following conditions.

1. Installation, by the Department of Water Supply, of a 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 1<sup>st</sup> service @ \$1,190.00 each) \$1,190.00
  - b. Service Lateral Installation Charge  
(Install one meter on Māmalahoa Highway, a County road) 2,600.00Total (Subject to Change) \$3,790.00

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

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated September 21, 2004):

"State wastewater rules allows the existing cesspool to serve two dwellings with a total of five (5) bedrooms only. Wastewater Branch will not have any objections and will concur with the application.

However, EPA has a Large Capacity Cesspool (LCC) rule which requires all large capacity cesspools to be removed from service by April 5, 2005. If two (2) dwellings are connected to an existing cesspool, EPA will consider the cesspool as a large capacity cesspool regardless of the total number of bedrooms. Even if the total number of bedrooms were reduced to five (5) or less, the existing cesspool will still be considered as a large capacity cesspool by EPA. (A septic system designed for five (5) bedrooms would be allowed under both State and Federal rules.)

4. The Hawaii County Fire Department (HFD) (memorandum dated August 31, 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)

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‘(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.

‘(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 document that accompanied your application. The original and notarized affidavit of **Applicant and Owners** of the subject property dated July 27, 2004 included with the Ohana Dwelling application states:

“I, Fusae Kamigaki, is the Title Holder for the Property Number:3-8-1-001-016-000-00.

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In addition, there are no provisions of any restriction, covenant or other land use restriction applicable to the lot by way of a deed or lease or other provision which would prohibit the construction or placement of an ohana dwelling unit or a second dwelling unit.”

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 5, 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) 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 28,750 s.f. is zoned Single Family Residential (RS-15) 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) 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.

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7. 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.

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

Sincerely,

  
CHRISTOPHER J. YUEN  
Planning Director

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

Scanned Map  
Unavailable  
Due to Size

See File

