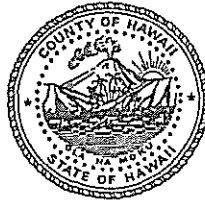


Harry Kim
Mayor



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 7, 2005

Siu Ying Shaneyfelt
P.O. Box 78
Papaikou, Hawaii 96781

Dear Siu Ying Shaneyfelt:

SUBJECT: Ohana Dwelling Unit Permit Application (2004-0028)
Applicant(s): Siu Ying Shaneyfelt
Land Owner(s): Siu Ying Shaneyfelt
Proposal: Construct A Detached Ohana Dwelling Unit
Tax Map Key: (3) 2-2-038:151

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 November 26, 2004):

“No comments.”

2. The Department of Water Supply (DWS) (memorandum dated December 14, 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. Inasmuch as this application is proposing an additional detached dwelling, the installation of a second 5/8-inch meter would normally be required in accordance with the Department's regulations. However, as this parcel does not front the Department's water system, a second service is not available for the proposed ohana dwelling unit.

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MD
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Therefore, the Department has no objection to the proposed application subject to the applicant understanding and accepting that the Department cannot provide water service to the proposed ohana dwelling unit. Further, should the application be approved, both dwellings shall not share the existing meter.

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):

The DOH did not respond to this application as of this date.

4. The Hawaii County Fire Department (HFD) (memorandum dated December 6, 2004)

“We have no comments to offer at this time on the above-referenced Ohana dwelling unit permit.”

The following comment was received from a surrounding property owner:

“I object to the rezoning because as the density of the neighborhood increases – so will the rezoning. I have seen local families lose their homesteads when zoning changed to 125 & they could not afford hotel taxes nor could they afford to build a hotel themselves. If Sin Yang merely has a big family (s)he can add a bedroom. If (s)he is merely after a bigger (sic) revenue then it should not be at the expense of his/her neighbors.

E. Von-Garske

We note the following documents that accompanied your application. The original and notarized affidavits of **Siu Ying Shaneyfelt**, dated November 8, 2004, included with the Ohana Dwelling application state:

“On this Eighth day of November, 2004, I, Siu Ying Shaneyfelt, married, whose mailing address is P.O. Box 78, Papaikou, HI 96781, being duly sworn, did say that I am the titleholder of the property which is located at 1580-A Kinoole Street, Hilo, Hawaii 96720. Property Tax Map Key is 3-2-2-038-151-0000.”

and

“On this Eighth day of November, 2004, I, Siu Ying Shaneyfelt, married, whose mailing address is P.O. Box 78, Papaikou, HI 96781, being duly sworn, did say concerning the property which is located at 1580-A Kinoole Street, Hilo, Hawaii 96720 (Property Tax Map Key is 3-2-2-038-151-0000), that to the best of my knowledge, no provisions of any

restriction, covenant or other land use restrictions applicable to the lot by way of deed or lease or other provision prohibits 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 January 8, 2006.**

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) 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.
 - b) 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 twenty-five (25'-0") feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 10,500 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 detached ohana dwelling unit and any accessory structures (water catchment tank) to be located on the subject TMK property shall be as follows:
 - Front yard facing the 30 foot Rail Road right-of-way – minimum **twenty five** (25) feet required;
 - Rear yard – not applicable, lot is accessed by a driveway easement;
 - 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.
7. In reference to the DWS comment, may we suggest the following:
- a. Any dwelling not serviced by a County water system should be provided with and maintain a private potable rain catchment system which includes a minimum 6,000 gallons for domestic consumption or potable uses. This catchment system should adhere to the Department of Public Works, Building Division's "Guidelines for Owners of Rain Catchment Water Systems" as well as the State Department of Health requirements related to water testing and water purifying devices.

Siu Ying Shaneyfelt

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January 7, 2005

- b. Any dwelling on a water catchment system should be provided with and maintain an additional 3,000 gallon water storage capacity for fire fighting and emergency purposes. The emergency water supply system, including the necessary compatible connector system and location of the water storage facility on the property, should meet with the approval of the Hawaii County Fire Department.

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,

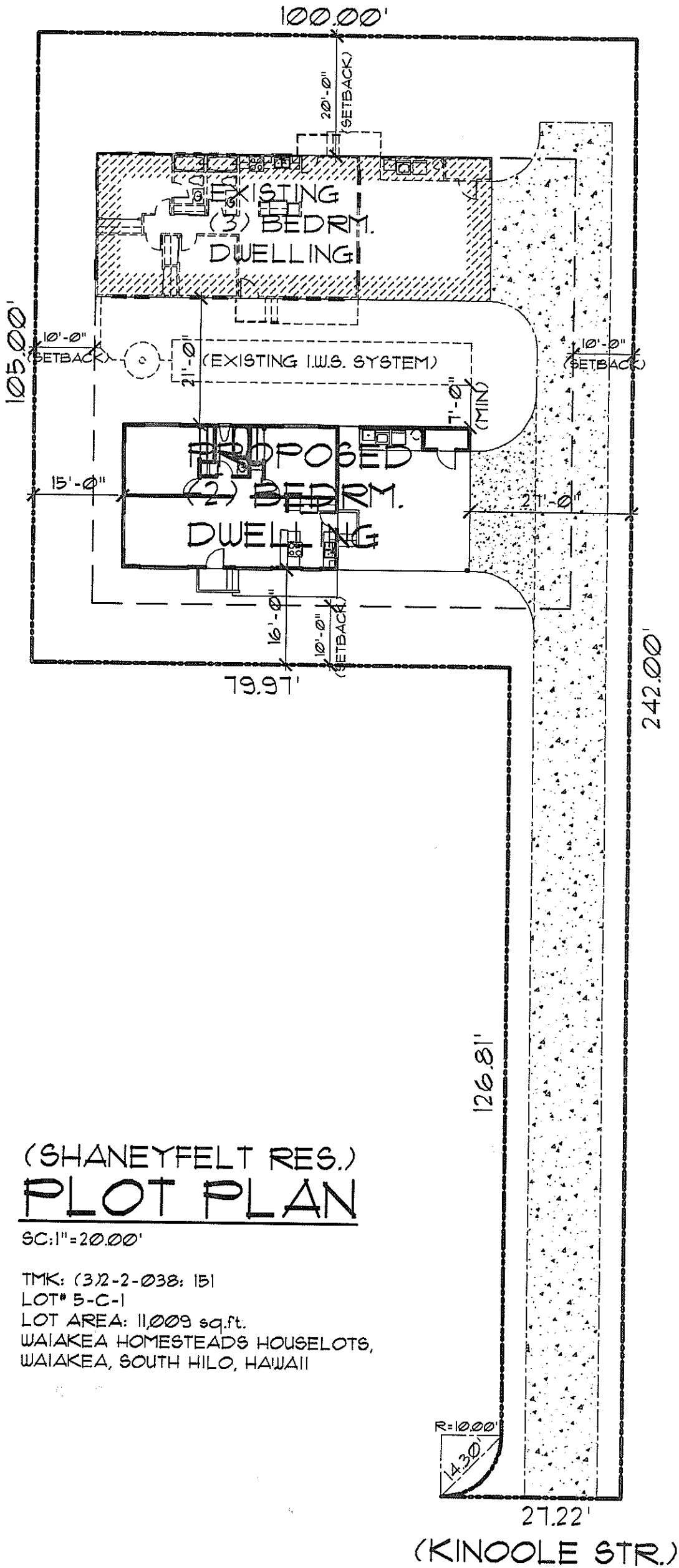


CHRISTOPHER J. YUEN
Planning Director

JRH:mad

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



(SHANEYFELT RES.)
PLOT PLAN

SC: 1" = 20.00'

TMK: (3)2-2-038: 151
 LOT# 5-C-1
 LOT AREA: 11,009 sq.ft.
 WAIAKEA HOMESTEADS HOUSELOTS,
 WAIAKEA, SOUTH HILO, HAWAII

R=10.00'
 14.30'
 27.22'
 (KINOOLE STR.)