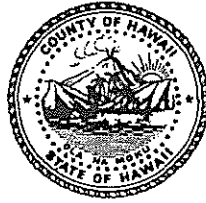


Harry Kim
Mayor



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

May 9, 2005

Lawrence Sabarre, Jr.
P.O. Box 342
Kealahou, Hawaii 96750

Dear Mr. Sabarre:

SUBJECT: Ohana Dwelling Permit Application (2005-0036)
Applicants: Lawrence Sabarre, Jr.
Land Owners: Lawrence Sabarre, Jr.
Gemey Panoke Chang
Lawrence H. Sabarre, Sr.
Kawelo K. Sabarre
Proposal: Construct a Detached Ohana Dwelling Unit
Tax Map Key: (3) 7-7-014:014

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 April 12, 2005):
"Department of Public Works Ohana Application Comments
No Comments."
2. The Department of Water Supply (DWS) (Memorandum dated April 7, 2005):
"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 ohana dwelling unit. Water is available from the 12-inch waterline in Kuakini Highway, 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 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 prior to the building permit being issued:

FACILITIES CHARGE (FC):

One 2nd service @ \$5,500.00 each \$5,500.00

SERVICE LATERAL INSTALLATION CHARGE

Install one meter on Kuakini Highway, a State right-of-way 4,600.00

Total (**Subject to Change**) \$10,100.00

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 April 28, 2005):

“The project lot is 12,954 square feet/acres. Under the current provisions, a total of one (1) individual wastewater system can be utilized on this lot with a combined total of five (5) bedrooms max. The type of individual wastewater system to be used will be determined at the time of building permit application.”

4. The Hawaii County Fire Department (HFD):

There were no comments received.

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 February 24, 2005 included with the Ohana Dwelling application states:

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

1. He and his fiancé, Femey Panoke-Chang, along with his parents, Lawrence H. and Kawelo Sabarre are the title holders or owners of the real property located at 77- 6601 Kuakini Highway Kailua-Kona, Hawaii. The property is comprised of 12,300 feet, more or less, and further identified as Tax Map Key No. 3/7-7-14-14 (hereafter “Subject Property”).
2. The Covenants, of any other land use restrictions applicable to the Subject Property do no prohibit the construction of placement of an ohana/second dwelling unit upon the Subject Property.”

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We note the following document and revised site plan received by our office May 4, 2005. States:

"I'm writing this letter to inform the Planning Dept that I've revised my plans to change the existing structure on the property from a 3 bedroom house now to a 2 bedroom and the proposed ohana house from a 4 bedroom house now a 3 bedroom.

The proposed wastewater system will be converted to a septic system with the existing cesspool being used as a seepage tank so that we are in compliance with building regulations and codes. Thank you for your time and attention to this matter."

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 2 building permits from the Department of Public Works, Building Division, for the renovation of the existing dwelling from 3 to a 2 bedroom dwelling and the construction of the 3 bedroom ohana dwelling unit on or before May 9, 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) 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 and shall

submit proof of remittance with the submittal of a building permit application.

- 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 12,954 s.f. is zoned Single Family Residential (RS-10) 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.

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- 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. 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

BM:deb

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

ZONING: RS-10
 AND USE: URBAN
 SCALE: 1/2" = 1'
 HEIGHT OF OHANA
 HSE: 25'
 MK: 7/7/14/14

