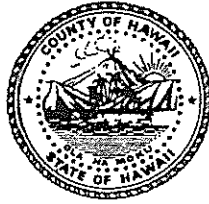


Harry Kim
Mayor



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

July 28, 2005

David Basque
P.O. Box 135
Kealahou, Hawaii 96750

Dear Mr. Basque:

Should be:
OHD-05-000044

SUBJECT: Ohana Dwelling Permit Application (OHD-05-000043)
Applicants: David Basque
Land Owners: David Basque Trust
Proposal: Construct an Attached Ohana Dwelling Unit
Tax Map Key: (3) 6-4-024:031

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 July 5, 2005):
"Department of Public Works Ohana Application Comments
No Comments."
2. The Department of Water Supply (DWS) (Memorandum dated June 27, 2005):
"We have reviewed the subject application and have the following comments and conditions.

An existing 5/8-inch meter services this property and is adequate for one dwelling unit at a daily average of 400 gallons or a daily maximum of 600 gallons. Therefore, as the entire dwelling with the attached Ohana Dwelling unit is still considered to be one dwelling unit, the Department has no objections to this application.

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):
There were no comments received.

David Basque
July 28, 2005
Page 2

4. The Hawaii County Fire Department (HFD) (memorandum dated June 27, 2005):

“We have no comments to offer at this time in reference to the above-mentioned Ohana dwelling permit application.”

There were no comments received from the surrounding property owners.

We note the following document that accompanied your application. The original letter by the **Applicant and Owners** of the subject property dated May 27, 2005 included with the Ohana Dwelling application states:

“Pursuant to the Denial of the first application (2004-0021) and to Section 25-2-6, Waiting period after denial of application, as provided, however, that upon a showing of a substantial change of circumstances, the director or commission may permit the filling of a new application prior to the expiration of the one year period.

The change of circumstances is that the applicant will not pursue the Ohana Permit as applied for but will use the constructed building for the Ohana Permit, making the top floor with the main Residence and the bottom floor for the Ohana dwelling. All applications for the present Permit is in order and will not change any structure on the proposed lot.

No additional water or parking are is needed for the Permit applied for. The septic facility installed is sufficient at this time.”

The original and notarized affidavit of **Applicant and Owners** of the subject property dated May 27, 2005 included with the Ohana Dwelling application states:

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

1. He, David BASQUE, Trustee, David BASQUE TRUST, is the title holder or owner of the real property located at Lalamilo, South Kohala, Waimea, Hawaii.

The property is comprised of 15,000 square feet, more or less, and further identified as Tax Map Key No. 6-4-024-031 (hereafter Subject Property”)

2. The Covenants, or any other land use restrictions applicable to the Subject Property do no prohibit the construction or placement of an Ohana/second unit upon the Subject Property.”

In view of the above, by this letter, you are hereby **granted** permission to construct an attached 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: 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 thirty-five (35'-0") feet.
 - b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 15,000 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** (20) feet required;
 - Rear yard – minimum **twenty** (20)feet required;
 - Side yard(s) – minimum **ten** (10) 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. 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.

David Basque
July 28, 2005
Page 5

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

Sincerely,



CHRISTOPHER J. YUEN
Planning Director

DEB:deb

P:\Ohana\Kona Ohana\Approval\OHNap 6-4-24-31 Basque 2nd App.doc

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

MR. DAVID BASQUE
T.M.R (3) 6-4-24:31

