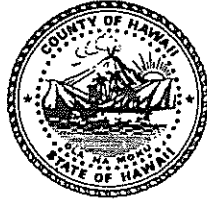


Harry Kim  
Mayor



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 1, 2005

Steven & Denise Karp  
7233 Mission Hills Dr.  
Las Vegas, Nevada 89113

Dear Mr. & Mrs. Karp:

Should be:  
OHD-05-000045A

**SUBJECT: Ohana Dwelling Permit Application (OHD-05-000044)**  
**Applicants: Steven & Denise Karp**  
**Land Owners: Steven & Denise Karp**  
**Proposal: Construct an Attached Ohana Dwelling Unit**  
**Tax Map Key: (3) 7-7-017:052**

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):  
No Comments were received.
2. The Department of Water Supply (DWS) (Memorandum dated June 24, 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 a daily average of 400 gallons, or a daily maximum of 600 gallons. Therefore, a second 5/8-inch meter should be installed for the attached ohana dwelling unit. Water is available from the 4-inch waterline in Princess Keelikolani Drive, 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.

1. Installation, by the Department of Water Supply, of a second 1-inch service lateral to service a 5/8-inch meter, which shall be restricted to a maximum daily flow of 600 gallons.

Steven & Denise Karp  
August 1, 2005  
Page 2

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 2<sup>nd</sup> service @ \$5,500.00 each \$5,500.00

SERVICE LATERAL INSTALLATION CHARGE

Install one meter on Princess Keelikolani Drive, a County right-of-way 4,600.00

Total (**Subject to Change**) \$8,100.00

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) (Memorandum dated July 7, 2005):

“Wastewater Branch does not concur with the Ohana Dwelling Application. The project lot is 10,224 square feet. Under the current provisions, a total of (five bedrooms maximum) one (existing cesspool) individual wastewater system can be utilized on this lot. 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) (memorandum dated June 22, 2005):

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

We note the following comments received from the surrounding property owners:

“I received this letter recently and I am adamantly against this residence receiving the Ohana Permit. This is the second time this residence has applied for this permit and this is the second time I have replied in the negative for it. My reasons are as follows:

1. The residence has already been renting to numerous and multiple families. There must be at least eight persons living in the house already.
2. There are at least 4-8 cars parked in front of the house at any time.
3. On several occasions, there are cars parked in one lane blocking the roadway in front of the house.
4. The front yard of the house is already cluttered and messy with various items as children’s toys to old boats and other items.

Steven & Denise Karp

August 1, 2005

Page 3

5. A few months ago, the police has to come and break up a huge party at the residence because of the amount of people in the street, the noise and the cars parked in front of the house blocking the entire roadway.
6. I have spoken to another neighbor, Barbara Welsh at 77-6554 Princess Keelikolani Dr., who is also against issuance of the Ohana Permit a the house in question. However, I am not in contact with other neighbors.

Therefore, I prey that this residence not be issued the permit, as it will only cause more congestion and problems in the neighborhood. I am also in questions as to why they are allowed to keep applying for the permit when they were obviously turned down the first time. Please contact me is you need further information.”

Lisa J. Sims-Hulsey

We note the following document that accompanied your application. The original and notarized affidavit dated June 2, 2005 of **Applicant and Owners** of the subject property included with the Ohana Dwelling application states:

“Affiants, being duly sworn on oath, deposes and say that:

They are the title holders or owners of the real property located at 77-6541 Princess Keelikolani Drive, Kailua-Kona, HI. The property is comprised of 10,224 square feet, more or less, and further identified as Tax Map Key No.: 7-7-17-052 (hereafter “Subject Property”).

The Covenants, or any other land use restrictions applicable to the Subject Property do not prohibit the construction or placement of an Ohana/Second dwelling unit upon the Subject Property.”

The County Zoning Code in Article 6, Division 3 states in part:

“Ohana dwellings shall be permitted ... provided that: ...

The following public facilities are adequate to serve the ohana dwelling unit: ...

Sewage Disposal System. The building site shall be served by a public or private sewage disposal system. An adequate public sewage disposal system shall meet with the requirements of the department of public works and an adequate private sewage disposal system, cesspool or septic tank shall meet with the requirements of the State department of health.

The Planning Department’s Rules of Practice and Procedure, Rule 12-4(d)(1) states in part:

“An ohana dwelling unit may be permitted.....provided that:

“The following public facilities are adequate to serve the ohana dwelling unit:

Steven & Denise Karp

August 1, 2005

Page 4

“Sewage disposal system. A lot on which an ohana dwelling unit is proposed shall be served by a public or private sewage disposal system meeting with the requirements of the County Department of Public Works or the State Department of Health, respectively.”

In view of the above, by this letter, we must regretfully **deny** permission to construct the proposed detached Ohana Dwelling Unit. The premise of approval for Ohana Dwellings is that the existing (and/or) proposed wastewater system is sufficient to support the Existing Dwelling and the Ohana Dwelling.

Please be aware that decisions by the Planning Director may be appealed to the Board of Appeals per Section 25-6-39.7:

“Any person aggrieved by the decision of the director in the issuance of an ohana dwelling permit decision, except for a decision regarding the duration of a permit under section 25-6-39.2, may appeal the director's action to the board of appeals, in accordance with this chapter, within thirty days after the date of the director's written decision.”

An application for General Petition for Appeal of Decisions by Planning Director is enclosed for your convenience should you decide to petition to the Board of Appeals.

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

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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

