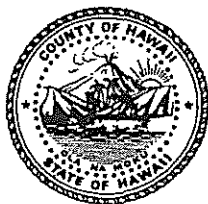


Harry Kim  
Mayor



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 25, 2005

Searle & Diane Grace  
Kekaiokalani & Krymsyn Grace  
P.O. Box 566  
Captain Cook, Hawaii 96704

Dear Mr. & Mrs Grace:

**SUBJECT: Ohana Dwelling Permit Application (OHD-05-000047)**  
**Applicants: Searle & Diane Grace**  
**Kekaiokalani & Krymsyn Grace**  
**Land Owners: Searle & Diane Grace**  
**Kekaiokalani & Krymsyn Grace**  
**Proposal: Construct a Detached Ohana Dwelling Unit**  
**Tax Map Key: (3) 8-2-003:023**

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 12, 2005):  
“We have reviewed the subject application forwarded by your memo dated July 05, 2005 and have no comments.  
Should you have any questions, please contact Ms. Yingwei Ni at 961-8327.”
2. The Department of Water Supply (DWS) (Memorandum dated July 21, 2005):  
“We have reviewed the subject application and our comments from our September 22, 2003, memorandum to you still stand. A copy is attached for your reference.  
Should this application be for a third ohana dwelling, the Department shall be notified and the dwellings should be shown on the site plan.  
Should there be any questions, please call Ms. Shari Komata of our Water Resources and Planning Branch at 961-8070, extension 252.”  
(Memorandum dated September 22, 2005)  
“We have reviewed the subject application and have the following comments and conditions.

AUG 31 2005<sup>1</sup>

For your information, an existing 5/8-inch meter services this property and is adequate for only one dwelling unit at 600 gallons per day. Therefore, a second 5/8-inch meter should be installed. Water is available from the 4-inch waterline in the Road and Waterline Easement, 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.
2. Remittance of the following charges, which are subject to change, to our Customer Service Section:
  - a. Facilities Charge (One 2<sup>nd</sup> service @ \$5,500.00 each): \$5,500.00
  - b. Service Lateral Installation Charge  
(Install one meter on the Road and Waterline Easement) 2,600.00

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.”

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated August 5, 2005):

“Wastewater Branch does not concur with the ohana dwelling application because Wastewater rules allows the existing cesspool to serve one dwelling with a maximum of five (5) bedrooms only. If the existing cesspool is upgraded to a septic system with 5 bedroom capacity to connect the existing 3 bedroom dwelling and new 2 bedroom dwelling, or an additional wastewater system is provided for the new ohana dwelling, Wastewater Branch will not have any objections and will concur with the application.”
4. The Hawaii County Fire Department (HFD) (memorandum dated July 14, 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 and notarized affidavit of **Applicant and Owners** of the subject property dated June 10, 2005 included with the Ohana Dwelling application states:

“Subject Property  
Owner: Searle W. Grace Jr.  
Diane K. Grace

Address: Kekaiokalani Grace  
Krymsyn Grace  
82-6069 Captain Cook Village Road  
Tax Map Key: (3)-8-2-3-23  
Warranty Deed: Lot 5-A being a portion of Lot 5 of the Captain Cook Subdivision  
State of Hawaii Bureau of Conveyances Recorded  
Nov 08, 2004 at 8:01 am  
Doc. No. 2004-225744  
Seller: Grace, Searle W. Jr.  
Grace, Diane K.M.  
Buyer: Grace, Searle W. Jr.  
Grace, Diane K.M.  
Grace, Kekaiokalani  
Grace, Krymsyn

We Searle W. Grace Jr. and Diane K. Grace and Kekaiokalani Grace and Krymsyn Grace are the Title holders of the above mentioned property.”

“Subject Property

Owner: Searle W. Grace Jr.  
Diane K. Grace  
Kekaiokalani Grace  
Krymsyn Grace  
Address: 82-6069 Captain Cook Village Road  
Tax Map Key: (3)-8-2-3-23  
Warranty Deed: Lot 5-A being a portion of Lot 5 of the Captain Cook Subdivision  
State of Hawaii Bureau of Conveyances Recorded  
Nov 08, 2004 at 8:01 am  
Doc. No. 2004-225744  
Seller: Grace, Searle W. Jr.  
Grace, Diane K.M.  
Buyer: Grace, Searle W. Jr.  
Grace, Diane K.M.  
Grace, Kekaiokalani  
Grace, Krymsyn

To Whom It May Concern:

The above mentioned covenants, conditions and restrictions, which are legally binding portion of the above mentioned Warranty Deed, Do NOT prohibit the construction or placement of a second dwelling or Ohana unit on the above mentioned property. There are no known other provisions that prevent the construction or placement of a second dwelling unit or Ohana.”

Searle & Diane Grace, Kekaiokalani & Krymsym Grace

August 25, 2005

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We note the following document received by our office August 10, 2005. States:

“In regards to my application for an Ohana dwelling on our property, I will be installing a separate septic system to service the additional structure. If you have any questions, feel free to call me at 960-9298.”

Kekai Grace

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 August 25, 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 1.002 acres is zoned Residential Agriculture (RA-1a) 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 **thirty** (30) feet required;
  - Rear yard – minimum **thirty** (30) feet required;
  - Side yard(s) – minimum **twenty** (20) 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. 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.

Searle & Diane Grace, Kekaiokalani & Krymsym Grace


August 25, 2005

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- 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

DEB:deb

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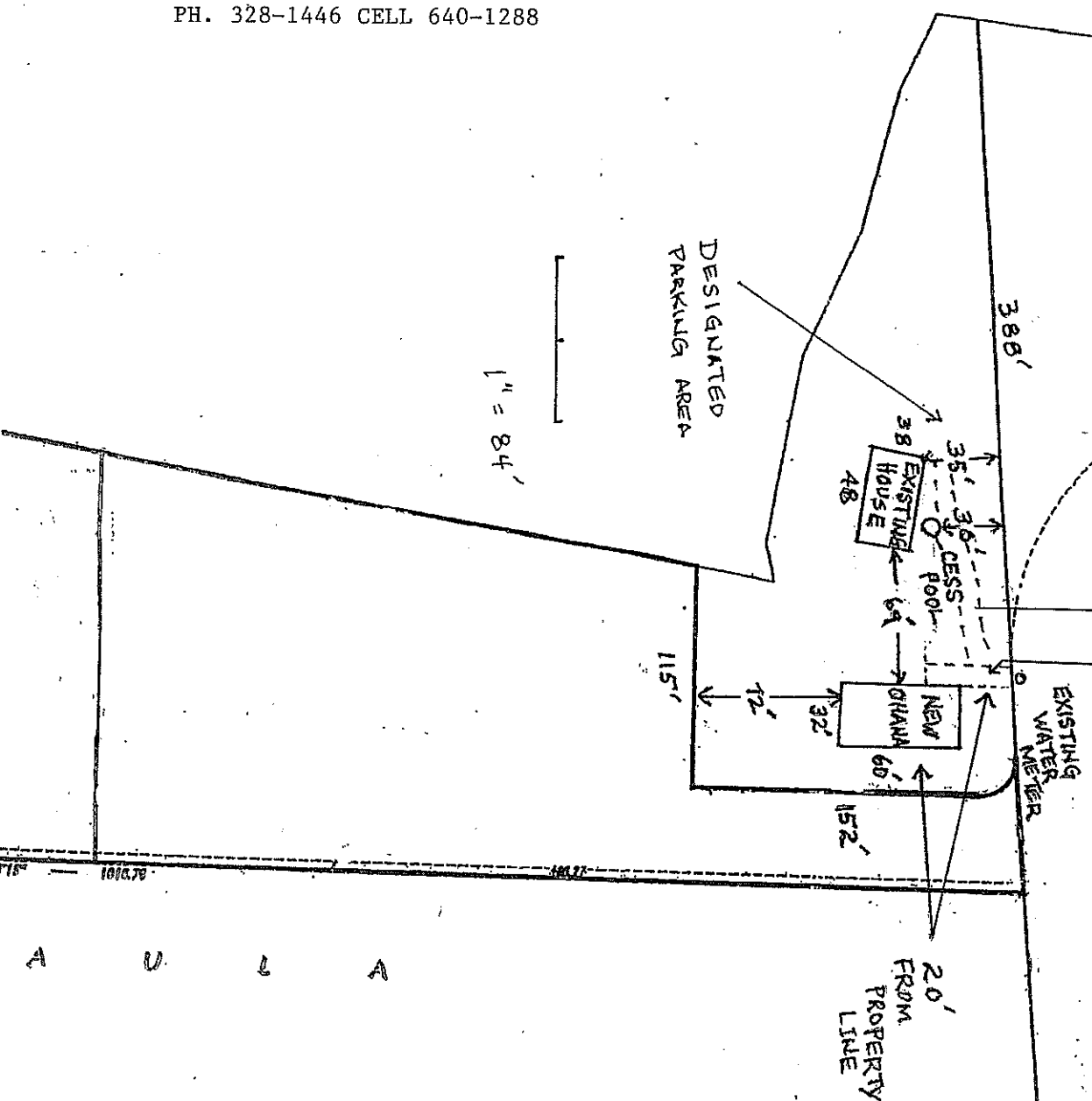
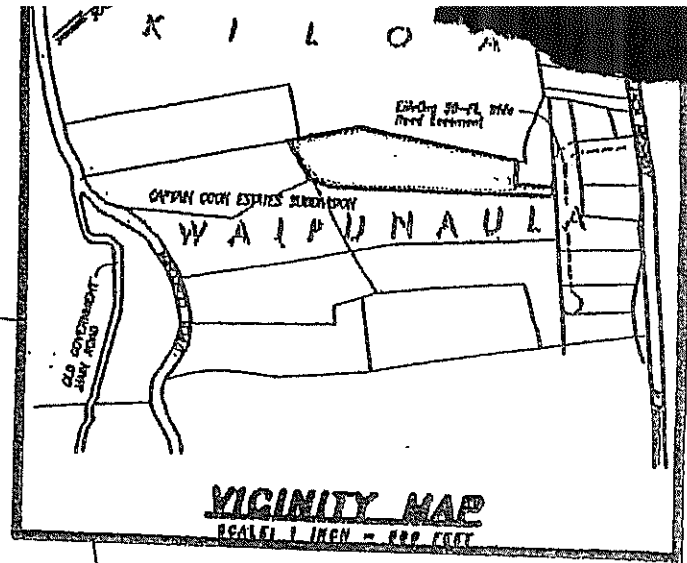
xc: Dept of Health, Chief Sanitarian  
Dept. of Public Works  
Real Property Tax  
Dept. of Water Supply

PLOT PLAN FOR SEARLE & DIANE GRACE / OHANA PERMIT APPLICATION

82-6069 CAPTAIN COOK VILLAGE ROAD / 3-8-2-3-23

P.O. BOX 566, CAPTAIN COOK, HI. 96704

PH. 328-1446 CELL 640-1288



A U L A