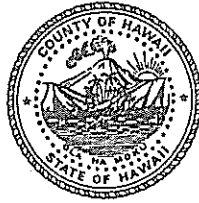


Harry Kim
Mayor



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

November 3, 2005

Mr. George and Mrs. Karen Nekoba, Mr. Neal Hatayama
and Ms. JoAnn Nekoba-Hatayama
1180 Kahoa Road
Hilo, Hawaii 96720

Dear Mr. and Mrs. Nekoba, Mr. Hatayama
and Ms. Nekoba-Hatayama:

Ohana Dwelling Unit Permit Application (ohd-05-000054)
Applicant(s): George and Karen Nekoba, Neal Hatayama
and JoAnn Nekoba-Hatayama
Land Owner(s): George and Karen Nekoba, Neal Hatayama
and JoAnn Nekoba-Hatayama
Proposal: Construct A Detached Ohana Dwelling Unit
Tax Map Key: (3) 2-7-017:009

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 October 17, 2005)

“We have reviewed the subject application forwarded by your memo dated October 06, 2005 and have the following comments.

The proposed second driveway location is not permitted. Per Hawaii County Code Section ss-4.9(F), when more than one driveway approach is to be constructed for a property, there shall be a minimum space of thirty feet between approaches,

Should you have any questions, please contact Ms. Yingwei Ni at 961-8327.”

Hawai'i County is an equal opportunity provider and employer.

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2. The Department of Water Supply (DWS) (memorandum dated October 19, 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, or a maximum of 600 gallons per day. Therefore, a second 5/8-inch meter should be installed. Water is available from the 8-inch waterline in Kahoa Street, which fronts the subject parcel

Therefore, the Department has no objection 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 2nd service @ \$5,500.00 each) \$5,500.00
 - b. Service Lateral Installation Charge
(Install one meter on Kahoa Street, a County right-of-way) 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, extension 252.”

3. The State of Hawaii Department of Health (DOH-HILO): (memorandum dated October 17, 2005)

“Wastewater branch is unable to make comments to the proposed project at this time. Before we can offer any comments, the applicant needs to address the location of all existing wastewater systems.

State wastewater rules no longer allow the existing cesspool to serve two dwellings.

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EPA has a Large Capacity Cesspool (LCC) rule which requires all large capacity cesspools to be removed from service by April 5, 2005. If two (2) dwellings are connected to an existing cesspool, EPA will consider the cesspool as a large capacity cesspool regardless of the total number of bedrooms. Even if the total number of bedrooms were reduced to five (5) or less, the existing cesspool will still (sic) be considered as a large capacity cesspool by the EPA. (A septic system designed for five (5) bedrooms would be allowed under both State and Federal rules.)”

4. The Hawaii County Fire Department (HFD) (memorandum dated October 17, 2005):

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

We note the following document that accompanied your application. The original and notarized affidavit of **Jo-Ann S. Nekoba-Hatayama**, dated September 22, 2005, included with the Ohana Dwelling application states:

“According to a Warranty Deed of 16 September 1965, there is no stated provision of any restriction, covenant, or other land use restrictions applicable to TMK (3) 27017:009 prohibiting the construction or placement of an Ohana dwelling unit or a second dwelling unit on said property. A copy, or copies, of the aforementioned Warranty Deed can be provided upon request.”

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 to the satisfaction of the Chief Engineer, Department of Public Works.
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 November 4, 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 16,274 sq. ft. is zoned Agricultural (RS-15) 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 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. In reference to the DOH, applicant shall comply with all requirements of the DOH with regards to individual wastewater systems. You should contact them to ascertain the type and number of individual wastewater systems that will be allowed.

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:cd

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

Scanned Map
Unavailable
Due to Size

See File

