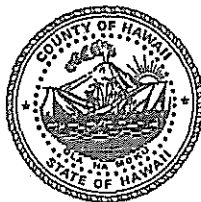


Harry Kim  
Mayor



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

December 30, 2005

Mr. Richard Cunningham  
794 Piilani Street  
Hilo, Hawaii 96720

Dear Mr. Cunningham:

**Ohana Dwelling Unit Permit Application (ohd-05-000056)**

**Applicant(s): Richard Cunningham, et.al.**

**Land Owner(s): Richard Cunningham, et.al.**

**Proposal: Construct A Detached Ohana Dwelling Unit**

**Tax Map Key: (3) 2-2-036:082**

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The subject parcel has previous approvals and permits associated with it. The first is a variance (PD VAR 453) which allowed the original property to be subdivided (SUB 6255) with a resulting setback encroachment. An Ohana Dwelling Permit (OD 94-152) was issued on June 1, 1994. This permit was issued with a condition that the building permit (BP) to construct the Ohana Dwelling be obtained within one year from the approval, or by June 1, 1995.

Article 25 of the Zoning Code (Sections 25-270 through 25-277) were the regulations for Ohana Dwellings in effect at the time this permit was issued. There were no provisions in those Sections, 25-270 through 25-277, which authorized the Planning Director to set a time limit on Ohana Dwelling Unit Permits.

Thus, the subject Ohana Dwelling Unit Permit does not expire and is currently active. In addition, the referenced regulations did not prohibit the transferability of Ohana Dwelling Unit Permits. Therefore, the subject Ohana Dwelling Unit Permit that was issued for this property is also fully transferable to you, the subsequent owners of the property. Your current application is hereby withdrawn since we find that the previous Ohana Dwelling Permit (OD-94-152) is still available for your use.

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

DEC 29 2005

A copy of the Ohana Dwelling Permit is enclosed for your reference.

For your information and action we include the following comments from the agencies that reviewed this latest application.

1. The Department of Public Works (DPW) (Memorandum dated November 16, 2005):

“We have reviewed the subject application forwarded by your memo dated November 7, 2005 and have the following comments.

There shows on the plan one driveway access onto Leilani Street. If the driveway is proposed, a permit to Work Within the County ROW should be obtained to construct the driveway approach. Should there be a second driveway, the minimum distance between the two approaches shall be 30 ft.

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

2. The Department of Water Supply (DWS) (Memorandum dated December 5, 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 day of 400 gallons per day (gpd) or a maximum of 600 gpd. Therefore, a second 5/8-inch meter should be installed. Water is available from the 6-inch waterline in Leilani 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 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 issuance of building permit:

a. Facilities Charge (One 2 <sup>nd</sup> Service at \$5,500.00 each)	\$5,500.00
b. Service Lateral Installation Charge	
(Install one meter on Leilani Street, a County road)	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 December 1, 2005):

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

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 be considered as a large capacity cesspool by 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):

The HFD did not comment on this application as of this date.

The following are the current requirements of the Planning Department in relation to the construction of the Ohana Dwelling:

- a) The applicant shall contact the DPW for details for the construction of the driveway(s).
  - b) The applicant shall consult with the DWS to coordinate service lateral and water meter installation and to remit the required charges.
1. 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 thirty-five (25'-0") feet.
    - b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 12,500 sq.ft. is zoned Single-Family Residential (RS-10) 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 (s) – 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.

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.

2. 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.

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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Enclosure OD Permit

xc: Dept. of Health, Chief Sanitarian  
Dept. of Public Works  
Real Property Tax  
Dept. of Water Supply  
PD VAR 453

June 1, 1994

Mr. William V. Brilhante, Jr.  
c/o 1342 Kilauea Avenue  
Hilo, HI 96720

Dear Mr. Brilhante:

Ohana Dwelling Permit (OD' 94-152) 3558  
Tax Map Key: 2-2-36: Por. 82, Lot 1-B

The subject application has been reviewed by the concerned agencies and note:

1. The subject tax map key parcel is served by an acceptable street;
2. The subject application can meet with the State Department of Health wastewater treatment and disposal systems requirements;
3. The copy of document(s) received relating to subject tax map key parcel to establish title and exhibits contained therein do not include any deed restriction or covenant to prohibit construction of requested ohana dwelling; and,
4. The site plan dated April 4, 1994 denotes two off-street parking stalls on the property.

In view of the above, by this letter, you are hereby granted permission to construct the Ohana Dwelling (Additional Single Family Dwelling), subject to the following condition(s):

- (a) The building permit for the Ohana Dwelling shall be secured on or before June 1, 1995. It should be noted that the permit is effective for only one (1) year and should applicant fail to secure a building permit within this period, a new application must be applied for.

Please bring or attach a copy of this Permit to expedite processing the building plans and building permit application to construct the ohana dwelling.

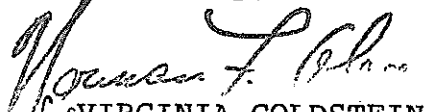
07351

William V. Brilhante, Jr.  
Page 2  
June 1, 1994

- (b) Off-street parking space for two vehicles is designated on the submitted site plan to fulfill the off-street parking requirement. The off-street parking spaces may not be employed for storage or other use unless and until approved alternative on-site parking arrangements are established.
- (c) All construction drawings together with approved site plan drawn to scale submitted with the ohana dwelling building permit application shall denote location and identify required two (2) off-street parking spaces.
- (d) The ohana dwelling shall conform to all requirements of codes and statutes pertaining to access and building construction.
- (e) The applicant shall conform to State Department of Health standards and regulations and following comment(s) dated May 19, 1994:  
  
"The Department of Health would support any sewer requirements made by the County of Hawaii for the proposed project."
- (f) This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements, including but not limited to those of the Planning Department, Department of Public Works, and State Department of Health.

Should you have any questions regarding the above, please feel free to contact Gilbert Bailado of my staff at 961-8288.

Sincerely,

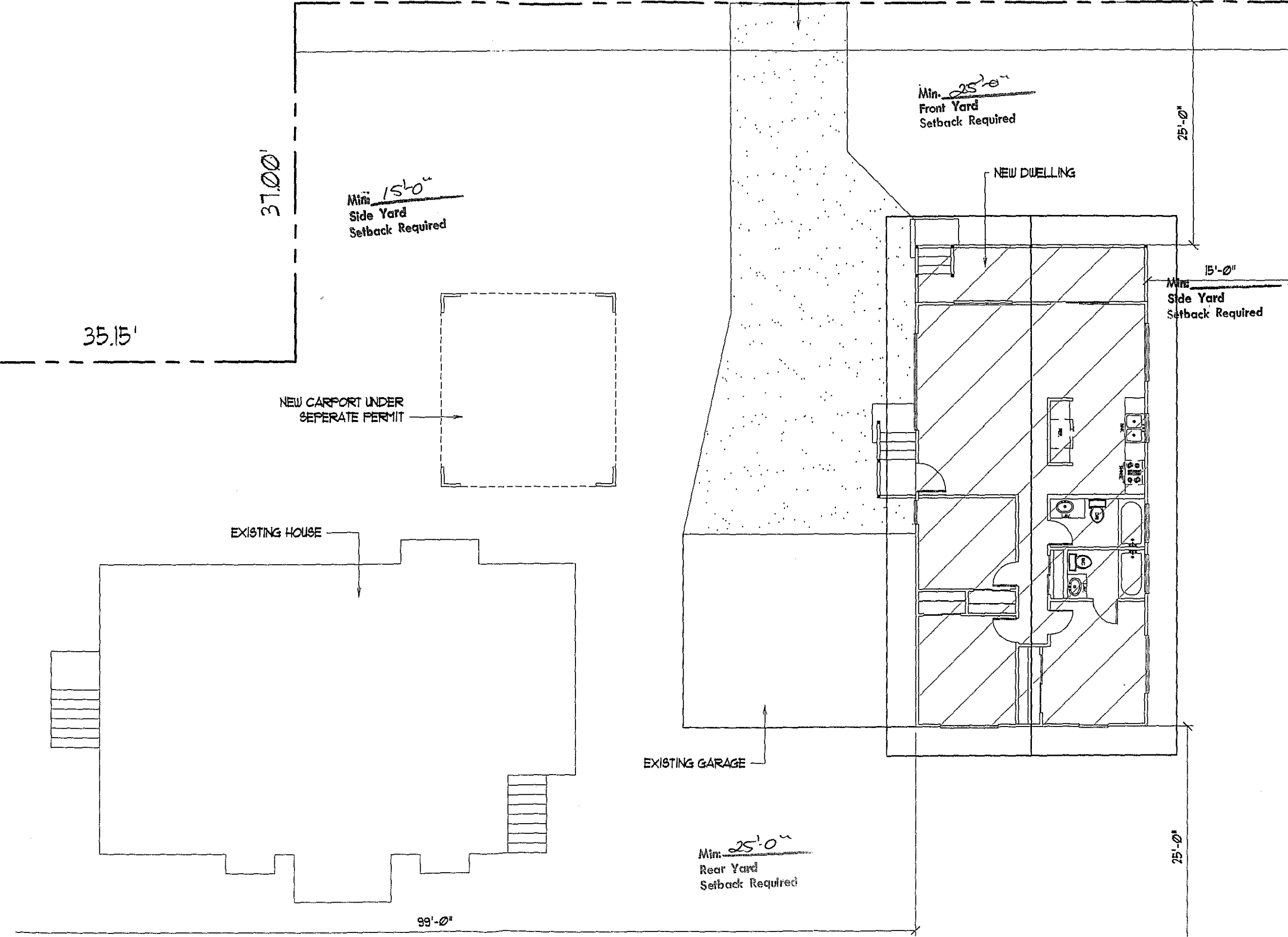
  
for VIRGINIA GOLDSTEIN  
Planning Director

GB:jc  
3953D  
xc: Department of Health,  
Chief Sanitarian  
Real Property Tax Division - Hilo

LEILANI STREET

102.10'

ENTRANCE FROM STREET



100.00'

DEPARTMENT OF PUBL  
ENGINEERING DIV

DRIVEWAY: IN ACCORDAN  
CHAPTER 22 OF THE HAWA  
CODE, A PERMIT SHALL B  
FOR DRIVEWAY CONSTRUCT  
WITHIN THE COUNTY ROAD  
WAY.

GRADING: ALL EARTHWOR  
SHALL CONFORM TO CHAPT  
HAWAII COUNTY CODE. A  
BE REQUIRED FOR LOT GR  
GRADING.

DRAINAGE: NO ADDITION  
RUNOFF GENERATED BY TI  
SHALL BE DISPOSED OF I  
ROADWAYS OR ADJACENT I  
ALL DRAINAGE IMPROVEMI  
CONFORM TO CHAPTER 27  
COUNTY CODE.

ROADWAY: CHECK WITH  
DIVISION IF ROADWAY IS  
BY COUNTY OF HAWAII

DEPARTMENT OF P  
ENGINEERING

REVIEWED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_ DEC