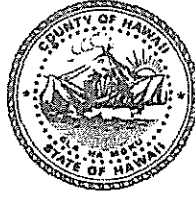


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED™ AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

101 Aupuni Street, Suite 3 • Hilo, Hawaii 96720-3043
(808) 961-8288 • FAX (808) 961-8742

February 3, 2006

Mr. Nelson H. Kinoshita
22 Lei Street
Hilo, Hawaii 96720

Dear Mr. Kinoshita:

SUBJECT: Ohana Dwelling Unit Permit Application (ohd-05-000060)
Applicant(s): Nelson H. Kinoshita
Land Owner(s): Nelson H. Kinoshita
Proposal: Construct A Detached Ohana Dwelling Unit
Tax Map Key: (3) 2-4-040:174

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 December 23, 2005):

“We have reviewed the subject application forwarded by your memo dated December 16, 2005 and have the following comments.

The proposed second driveway location is not permitted. Per Hawaii County Code Section 22-4.9. (d) (1) (A), ‘no portion of the driveway approach including flares shall be constructed within thirty feet of the intersection of property lines or their extensions’, and ‘no portion of the driveway approach including flares shall be constructed within the curve’.

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

2. The Department of Water Supply (DWS) (memorandum dated January 11, 2006):

“We have reviewed the subject application and have the following comments and conditions.

FEB 06 2006

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 for the detached ohana dwelling. Water is available from the 6-inch waterline in Kaikea 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:

FACILITIES CHARGE	
(One 2 nd service @ \$5,500.00 each)	\$5,500.00
SERVICE LATERAL INSTALLATION CHARGE	
(Install one meter on Haleokea or Kaikea 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):

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

4. The Hawaii County Fire Department (HFD) (memorandum dated September 12, 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 **Nelson H. Kinoshita**, dated October 31, 2005, included with the Ohana Dwelling application states:

“Nelson H. Kinoshita, being first duly sworn, on oath deposes and says:

1. That he is the affiant herein, an adult, resident of the County and State of Hawaii and has personal knowledge of the events herein; and
2. Affiant and Lucille K. Kinoshita are the titleholder of the affected property for ohana dwelling; and
3. There are no restrictions, covenants or provisions in the deed prohibiting ohana dwelling or second dwelling Unit; and
4. A copies (sic) of the notice and Application for Ohana Dwelling Unit Permit were sent to owners of properties within 300 feet of the perimeter boundary of the lot informing them that an application for ohana dwelling Unit permit was filed. Attached hereto and incorporated by reference are copies of the notice and Application for Ohana Dwelling Unit Permit marked as Exhibit '1 and 2', respectively.
5. Attached hereto as Exhibit '3' and incorporated herein by reference is a list of the property owners notified of the application for ohana dwelling.
6. Attached hereto as Exhibit '4' and incorporated herein by reference is the Real Property Tax Clearance dated October 28, 2005."

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 February 4, 2007.**

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 15,319 sq.ft. is zoned Residential Single-Family (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 – not applicable, corner lot w/two front yards;
 - 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

Mr. Nelson H. Kinoshita
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February 3, 2006

25-4-53 of the Zoning Code. All existing and additional parking spaces shall be arranged so as to be individually accessible.

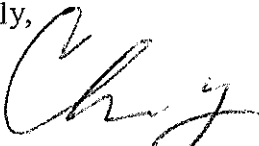
6. This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements of the Planning Department, Department of Public Works, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application.
7. The applicant should contact the DOH to determine the number and type of individual wastewater systems that would be allowed on the lot.
8. The applicant should also consult with the DPW to determine the permitted location of the proposed second driveway.

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,

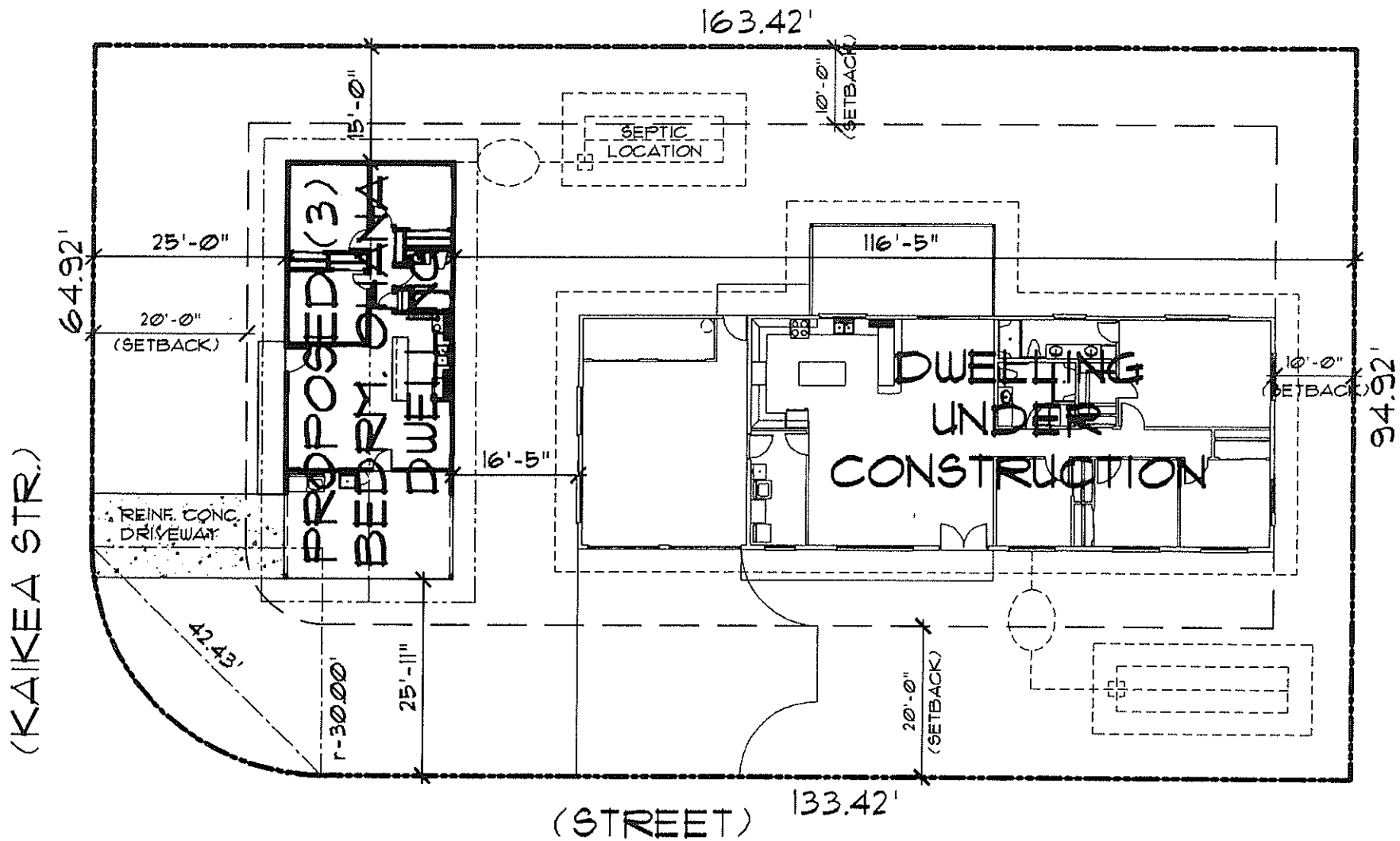


CHRISTOPHER J. YUEN
Planning Director

JRH:mad

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



(KINOSHITA RES.)
PLOT PLAN

SC: 1" = 20.00'

TMK: (3)2-4-040: 174

LOT# 6

LOT AREA: 15,319 sq.ft

por. WAIKEA, SOUTH HILO, HAWAII