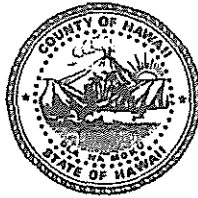


Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT

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

March 7, 2007

Mr. Todd Geiger and Mr. Paul Haut
P.O. Box 7541
Santa Cruz, California 95061-7541

Dear Mr. Geiger and Mr. Haut:

Ohana Dwelling Unit Permit Application (OHD-06-000070)
Applicants: Todd Geiger and Paul Haut
Land Owners: Todd Geiger and Paul Haut
Proposal: Construct An Attached Ohana Dwelling Unit
Tax Map Key: (3) 2-3-034:071

This is in response to your letter of January 24, 2007 requesting that a time extension of 30 days be granted to obtain a building permit for the subject ohana dwelling. We apologize for the delay of this response.

We find that a time extension of 30 days is reasonable. Therefore, condition 4 of the Ohana Dwelling Unit Permit approval letter is revised to read:

“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 April 23, 2007.”

All other provisions of the original Ohana Dwelling Unit Permit remain in effect and unchanged.

Please bring or attach a copy of the original Ohana Dwelling Unit Permit and this time extension 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.

Mr. Todd Geiger and Mr. Paul Haut

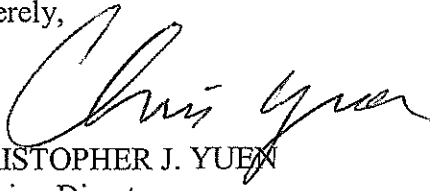
Page 2

March 7, 2007

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.

If you should have any questions, please do not hesitate to contact Jonathan Holmes of this office at 961-8288.

Sincerely,



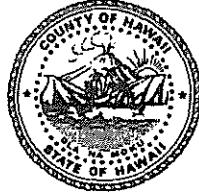
CHRISTOPHER J. YUEN
Planning Director

JRH:cd

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xc Pat Scullary, Agent for Todd Geiger and Paul Haut
101 Aupuni Street, Suite 214
Hilo, Hawaii 96720

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
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County of Hawaii
PLANNING DEPARTMENT

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

March 21, 2006

Pat Scullary, Agent for Todd Geiger and Paul Haut
101 Aupuni Street, Suite 214
Hilo, Hawaii 96720

Dear Pat Scullary:

Ohana Dwelling Unit Permit Application (OHD-06-000070)
Applicant(s): Pat Scullary, Agent for Todd Geiger and Paul Haut
Land Owner(s): Todd Geiger and Paul Haut
Proposal: Construct An Attached Ohana Dwelling Unit
Tax Map Key: (3) 2-3-034:071

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 February 22, 2006):

“No Comments.”

2. The Department of Water Supply (DWS) (memorandum dated March 8, 2006):

“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. Therefore, a second 5/8-inch meter should be installed for the ohana dwelling Unit. Water is available from the 6-inch waterline in Hualilili Street 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 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:

FACILITIES CHARGE (FC):

One 2 nd service at \$5,500.00 each	\$5,500.00
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SERVICE LATERAL INSTALLATION CHARGE:

<u>Install one meter on Maunakai Street, a County road</u>	<u>2,600.00</u>
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 February 16, 2006):

“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 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) (memorandum dated February 10, 2006):

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

We note the following documents that accompanied your application. The original and notarized affidavits of **Todd Geiger and Paul Haut**, dated January 17, 200, included with the Ohana Dwelling application state:

“Todd Geiger and Paul Haut, are the titleholders of the property located at 56 Huali lili Street in Hilo, Hawaii. This property is also identified as TMK #3-2-3-034-071-0000.

Todd Geiger and Paul Haut state that the known provisions of any restriction, covenant or other land use restrictions applicable to said property by way of deed or lease or other provision do not prohibit the construction or placement of an ohana dwelling Unit or a second dwelling Unit.

Furthermore, Todd Geiger and Paul Haut authorize Pat Scullary of Aloha Honua Realty to act on their behalf as their Agent in regard to the Building and Planning permits for said property during Todd Geiger and Paul Haut's absence. Pat Scullary shall act under the direction of Todd Geiger and Paul Haut regarding this matter. Pat Scullary's authority to act on the behalf of Todd Geiger and Paul Haut shall expire when the first floor work is finalized and the Ohana permit is finalized at said property."

And

"To Whom It May Concern:

As per the notification requirement contained in the Planning Department's APPLICATION FOR OHANA DWELLING UNIT PERMIT, Todd Geiger and Paul Haut have mailed the notice attached herein as **Exhibit A** to the following parties: all parties listed in the application who did not execute the application as titleholders; to owners of properties within three hundred feet of the perimeter boundary of the lot; and to any known association of property owners. A list of parties to whom notices were sent is attached herein as **Exhibit B**. Said notice informs the parties that an application for an ohana dwelling unit permit has been filed.

Todd Geiger and Paul Haut hereby state that I/we have made a good faith effort to serve said notices to all parties as required by the ohana application."

In view of the above, by this letter, you are hereby **granted** permission to construct an attached 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 March 22, 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 attached ohana dwelling unit shall be thirty-five (35'-0") feet.
- b) **Zoning and Minimum Building Site Area (Lot Size):** The subject TMK parcel containing 11,250 sq.ft. is zoned Single-Family Residential (RS-7.5) 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 **fifteen** (15) feet required;
 - Rear yard – minimum **fifteen** (15) feet required;
 - Side yard(s) – minimum **eight** (8) feet required;

- Open space from other main structure(s) – not applicable, attached duplex unit.
- 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.

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

