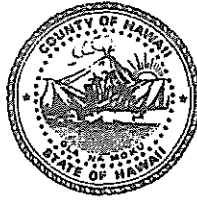


Harry Kim
Mayor



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

May 19, 2006

Mr. Russell Alan Shinji Rapoza
484 Kipuni Street
Hilo, Hawaii 96720

Dear Mr. Rapoza:

SUBJECT: Ohana Dwelling Unit Permit Application (ohd-06-000074)
Applicant: Russell Alan Shinji Rapoza
Land Owner(s): Russell Alan Shinji Rapoza and Paricia Emi-Lyn Rapoza
Proposal: Construct An Attached Ohana Dwelling Unit
Tax Map Key: (3) 1-7-012:007

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 April 19, 2006)

“We have reviewed the subject application and offer the following comment.

2. Driveway access from the County-maintained North Kulani Road to the proposed ohana dwelling units shall comply with Chapter 22, County Streets, of the Hawaii County Code (HCC). Secure a driveway permit from the DPW prior to commencing any work within the county road right-of-way.

Questions may be referred to Cres Rambayon at 961-8372.”

2. The Department of Water Supply (DWS) (memorandum dated May 5, 2006):

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

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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. Inasmuch as this application is proposing an additional dwelling, the installation of a separate 5/8-inch meter would normally be required in accordance with the Department's regulations. However, the Department's existing water system facilities cannot support an additional water meter at this time. Extensive improvements and additions, including source, storage, booster pumps, transmission, and distribution facilities, must be constructed. Currently, sufficient funding is not available from the Department for such improvements and no time schedule is set.

Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting that the Department cannot provide service to the proposed additional farm dwelling. (sic) Further, should the application be approved, both dwellings shall not share the existing meter.

Should there be any questions, you may contact Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255."

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated May 1, 2006):

"The use of individual wastewater systems is allowed. The type and number of individual wastewater systems to be used will be determined by the wastewater rules in effect at the time of building permit application."

4. The Hawaii County Fire Department (HFD) (memorandum dated April 18, 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 **Russell Alan Shinji Rapoza and Patricia E.L. Rapoza**, dated April 4 and 17, 2006, included with the Ohana Dwelling application state:

"To whom it may concern:

This letter is to inform you of my application for an Ohana Dwelling Unit Permit for my property (TMK# 1-7-012:007 lot 10) on North Kulani Rd, across from the flood control, located in Mt. View Hawaii. In accordance with the Hawaii County Planning Department rules for Ohana Dwelling, I am writing this letter that is signed, that I am within my rights to legally construct an Ohana Dwelling. In the deed it does not have any provision that will hinder me from obtaining a Ohana permit as well as no other restrictions which I am aware of that will preclude me from applying for the Ohana permit (includes but not

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limited to Liens in any shape or form, Covenants, Association restrictions, etc.). And as the legal titleholder of record for the above property, I would like to exercise my rights as a property owner upon this TMK and apply for an Ohana Dwelling permit.

Sincerely,

Russell A.S. Rapoza.”;

“To whom it may concern:

This letter is to inform you of my application for an Ohana Dwelling Unit Permit for my property (TMK# 1-7-012:007 lot 10) on North Kulani Rd, across from the flood control, located in Mt. View Hawaii. In accordance with the Hawaii County Planning Department rules for Ohana Dwelling, I am writing this letter that is signed, that I am the legal titleholder of record for the above property, and possess all rights to execute my rights as a property owner upon this TMK.

Sincerely,

Russell A.S. Rapoza.”; and

“To whom it may concern:

This letter is to inform you of my application for an Ohana Dwelling Unit Permit for my property (TMK# 1-7-012:007 lot 10) on North Kulani Rd, across from the flood control, located in Mt. View Hawaii. In accordance with the Hawaii County Planning Department rules for Ohana Dwelling, I am writing this letter that is signed, that I am the legal titleholder of record for the above property, and possess all rights to execute my rights as a property owner upon this TMK. I give my authorization to my husband is requesting an Ohana Dwelling Permit.

Sincerely,

Patricia E.L. Rapoza.”

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.

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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 May 20, 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 Unit 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 twenty-five (35'-0") feet.
 - b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 20,500 sq.ft. is zoned Residential (RS-20) 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 yards - minimum **twenty five (25)** feet required;
 - Rear yard – not applicable, corner lot;
 - Side yards – minimum **fifteen (15)** feet required;
 - Open space from other main structure(s) – not applicable, attached dwelling 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.
7. This Department's research indicates that the area in which the subject parcel is located, Olaa, Puna, receives 160 to 200 inches of rainfall annually, which, according to the Zoning Code and the Planning Department's Rules of Practice and Procedure is sufficient for an ohana dwelling to be served by a water catchment system should additional water not be available from the DWS.

In reference to the DWS comment, since additional water is not available from the Department and considering that there is sufficient annual rainfall to satisfy the minimum Planning Department requirements, may we suggest the following:

- a. Any dwelling not serviced by a County water system should be provided with and maintain a private potable rain catchment system which includes a minimum 6,000 gallons for domestic consumption or potable uses. This catchment system should adhere to the Department of Public Works, Building Division's "Guidelines for Owners of Rain Catchment Water Systems" as well as the State Department of Health requirements related to water testing and water purifying devices.
- b. Any dwelling on a water catchment system should be provided with and maintain an additional 3,000 gallon water storage capacity for fire fighting and emergency purposes. The emergency water supply system, including the necessary compatible

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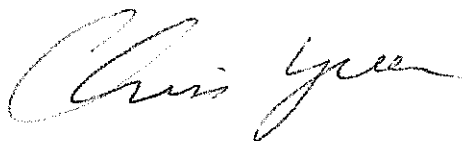
connector system and location of the water storage facility on the property, should meet with the approval of the Hawaii County Fire Department.

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

Scanned Map
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Due to Size

See File

