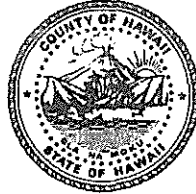


Harry Kim
Mayor



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

September 21, 2006

Mr. Harold Hatanaka
385 Puainako Street
Hilo, Hawaii 96720

Dear Mr. Hatanaka:

Ohana Dwelling Unit Permit Application (ohd-06-000086)

Applicant(s): Harold Hatanaka

Land Owner(s): Harold and Kiyo Hatanaka

Proposal: Construct A Detached Ohana Dwelling Unit

Tax Map Key: (3) 2-4-013:031

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 August 30, 2006)

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

1. The driveway access to the proposed ohana dwelling unit crosses a ditch, watercourse and may require the installation of a culvert crossing. §22-4.9(g)(3). When in the construction of a driveway approach, the proper runoff of the surface waters and other waters require the construction of a drainage structure other than swale, such drainage structure shall be designed by an engineer and subject to approval of the DPW.

Questions may be referred to Cres Rambayon at 961-8327.”

2. The Department of Water Supply (DWS) (memorandum dated September 14, 2006):

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

Please be informed that the subject parcel is currently served by a 5/8-inch meter, which is adequate for only one dwelling at an average daily use of 400 gallons. Inasmuch as this application is proposing an additional dwelling, the installation of a separate 5/8-inch meter will be required. Water can be made available from the Department's existing 6-inch waterline within Melani Street, fronting 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 one-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 (FC):

2 nd service to the parcel	\$5,500.00
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SERVICE LATERAL INSTALLATION CHARGE:

<u>Install one meter on Melani Street, a County road</u>	<u>2,600.00</u>
Total (Subject to change)	\$8,100.00

Should there be any questions, please 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 September 6, 2006):

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

4. The Hawaii County Fire Department (HFD) (memorandum dated August 31, 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 **Harold Hatanaka**, dated July 5, 2006, included with the Ohana Dwelling application state:

"To whom it may concern:

I, Harold Hatanaka, hereby on the said date of July 5th, 2006 is stating that my wife, Kiyo Hatanaka and I, are the title owners of the said property TMK (3)2-4-013-031, which is located in Waiakea, Hilo, Hawaii. Under the circumstances, I have power-of-attorney for my wife and will be applying for this Ohana Dwelling Unit application as an individual.”

and

“To whom it may concern:

I, Harold Hatanaka, hereby on the said date of July 5th, 2006 is stating that to the best of my knowledge that there are no provisions, restrictions, or covenants applicable to the said property TMK (3)2-4-013-031, which includes allowing a second dwelling unit or ohana unit to be constructed on the above-mentioned property.”

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 September 23, 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 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 22,200 sq.ft. is zoned Residential (RS-15) 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) – 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.

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.

Mr. Harold Hatanaka
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- 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

Harold Hatanaka
385 Puainako Street
Hilo, HI 96720

