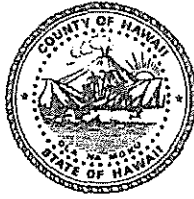


Harry Kim  
Mayor



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

November 27, 2006

Mr. George Tavares Jr. and  
Ms. Geraldine Tavares  
P.O. Box 197  
Papaaloa, Hawaii 96780

Dear Mr. Tavares Jr. and Ms. Tavares:

**Ohana Dwelling Unit Permit Application (ohd-06-000090)**  
**Applicant(s): George Tavares Jr. and Geraldine Tavares**  
**Land Owner(s): George Tavares Jr. and Geraldine Tavares**  
**Proposal: Construct An Attached Ohana Dwelling Unit**  
**Tax Map Key: (3) 3-5-006:041**

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 November 8, 2006)

"We have reviewed the subject application and have no comments to offer.

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

2. The Department of Water Supply (DWS) (memorandum dated November 13, 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 8-inch waterline within Nanu Street, fronting the subject parcel.

Mr. George Tavares Jr. and  
Ms. Geraldine Tavares  
Page 2  
November 27, 2006

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 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 (FC):**

2 <sup>nd</sup> service to the parcel	\$5,500.00
---------------------------------------	------------

**SERVICE LATERAL INSTALLATION CHARGE:**

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

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 November 9, 2006):

“We recommend that you review all of the Standard Comments on our website: [www.state.hi/health/environmental/env-planning/landuse/landuse.html](http://www.state.hi/health/environmental/env-planning/landuse/landuse.html). Any comments specifically applicable to this project should be adhered to.

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) (memorandum dated November 11, 2006):

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

Mr. George Tavares Jr. and  
Ms. Geraldine Tavares  
Page 3  
November 27, 2006

We note the following documents that accompanied your application. The original and notarized affidavit of **Geraldine Tavares**, dated July 11, 2006, included with the Ohana Dwelling application states:

“To Whom it may concern:

This is to inform you that George Tavares, Jr. and Geraldine Tavares are owners of said property – Parcel ID 3-5-006-041.

We are seeking an Ohana Permit to allow our daughter Kimberly Tavares-Varios and her husband Agrifino Varios to build an extension.”; and

Evidence that there are no restrictive covenants disallowing Ohana Dwellings.

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 November 28, 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 thirty-five (35'-0") feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 10,010 sq. ft. is zoned Residential (RS-10) 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 attached Ohana Dwelling Unit to be located on the subject TMK property shall be as follows:

- Front yard - minimum **twenty** (20) feet required;
  - Rear yard – minimum **twenty** (20) feet required;
  - Side yards – minimum **ten** (10) feet required;
  - Open space from other main structure(s) – not applicable, attached dwelling.
- 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.

Mr. George Tavares Jr. and  
Ms. Geraldine Tavares  
Page 5  
November 27, 2006

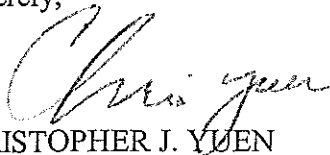
6. This Ohana Dwelling permit is subject to all other applicable rules, regulations and requirements of the Planning Department, Department of Public Works, Fire Department and State Department of Health and other reviewing agencies/divisions listed on the Building Permit Application.

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,

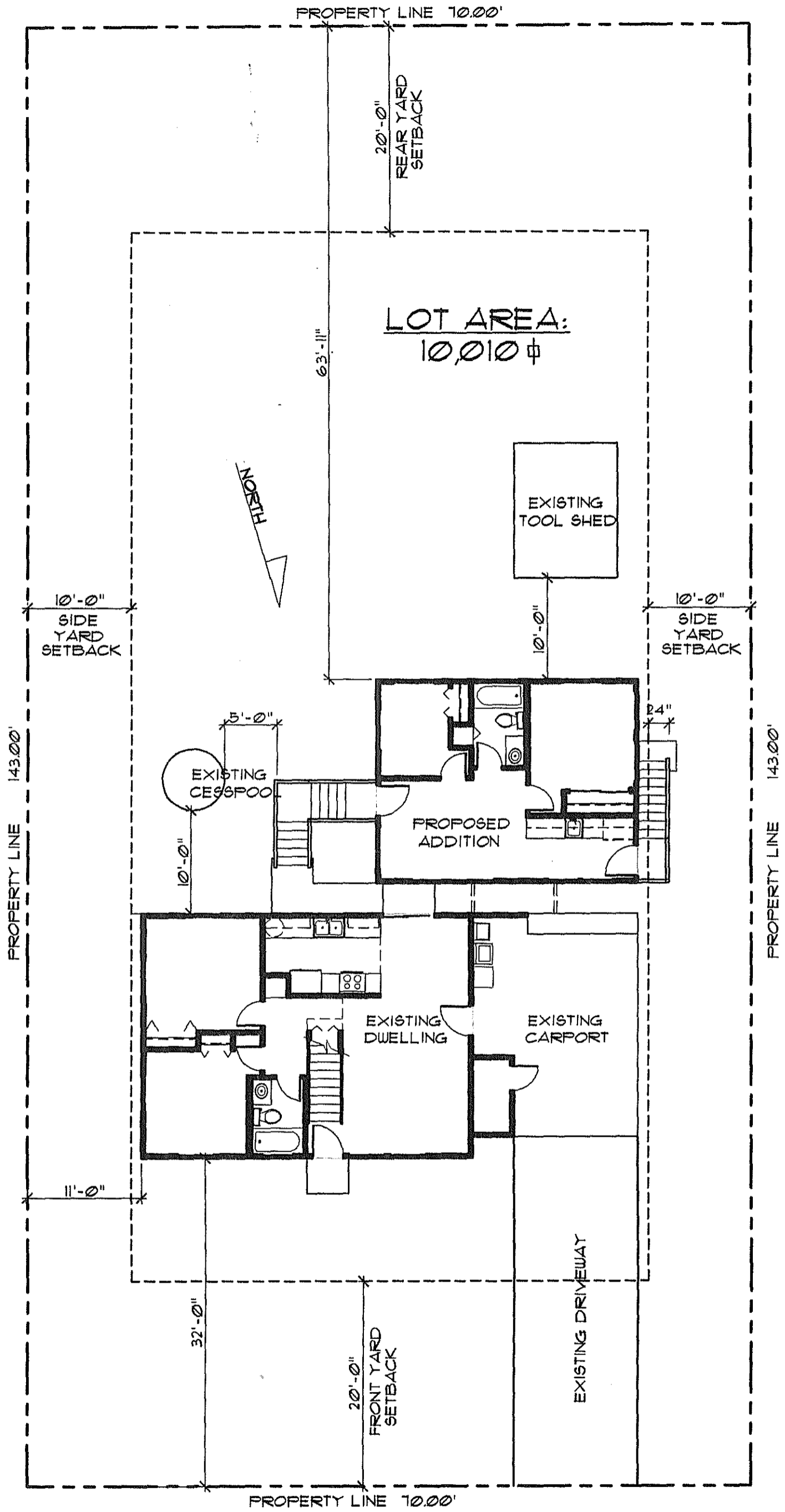


CHRISTOPHER J. YUEN  
Planning Director

JRH:cd

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



**SITE PLAN**  
 SCALE: 1/8" = 1'-0"