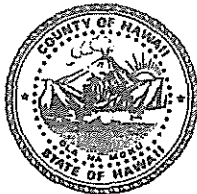


Harry Kim
Mayor



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 21, 2007

Mr. Edwin W. Davis, Jr. and
Mrs. Charene K. Davis
P.O. Box 235411
Honolulu, Hawaii 96823

Dear Mr. and Mrs. Davis, Jr.:

Ohana Dwelling Unit Permit Application (OHD-07-000098)
Applicant(s): Edwin W. Davis, Jr. and Charene K. Davis
Land Owner(s): Edwin W. Davis, Jr. and Charene K. Davis
Proposal: Construct A Detached Ohana Dwelling Unit
Tax Map Key: (3) 1-9-006:044

This acknowledges receipt of the revised Ohana Dwelling Unit Permit submittals. All conditions of our letter of approval of April 30, 2007 remain in effect except as revised as follows:

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 20,065 sq.ft. is zoned Residential Single-Family (RS-20) by the County and is situated within the State Land Use Urban district.
- c) Minimum Yards (Setbacks) and Open Space: The proposed Ohana 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 **thirty (30)** feet required;

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Mr. Edwin W. Davis, Jr. and
Mrs. Charene K. Davis
Page 2
May 21, 2007

- Rear yard – minimum **thirty (30)** feet required;
- Side yard(s) – minimum **twenty (20)** feet required;
- Open space from other main structure(s) – **minimum fifteen (15) feet required.**

By a copy of this letter, we are transmitting the revised plans to the listed agencies for their file. Although unexpected, should any of their comments/conditions require revision, you will be notified accordingly.

Should you have any questions regarding the above, please contact Jonathan Holmes of this office.

Sincerely,



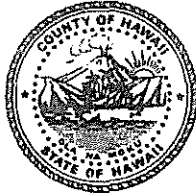
CHRISTOPHER J. YUEN
Planning Director

JRH:cd

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xc: Dept. of Health, Chief Sanitarian w/revised plans
Dept. of Public Works w/revised plans
Real Property Tax w/revised plans
Dept. of Water Supply w/revised plans
Jonathan Kawamura, Architectural Designer, LLC

Harry Kim
Mayor



Christopher J. Yuen
Director

Brad Kurokawa, ASLA
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Deputy Director

County of Hawaii
PLANNING DEPARTMENT

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

April 30, 2007

Mr. Edwin W. Davis, Jr. and
Mrs. Charene K. Davis
P.O. Box 235411
Honolulu, Hawaii 96823

Dear Mr. and Mrs. Davis, Jr.:

Ohana Dwelling Unit Permit Application (OHD-07-000098)
Applicant(s): Edwin W. Davis, Jr. and Charene K. Davis
Land Owner(s): Edwin W. Davis, Jr. and Charene K. Davis
Proposal: Construct An Attached Ohana Dwelling Unit
Tax Map Key: (3) 1-9-006:044

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 March 29, 2007):

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

1. Driveway access from the Kilauea Place to the proposed ohana dwelling units shall comply with Chapter 22, County Streets, of the Hawaii County Code (HCC). Proper driveway approach shall (sic) be provided as required by HCCC, Section 22-4.8 and in conformance with DPW Standard Details R-29/R-37 and R-38.

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

2. The Department of Water Supply (DWS) (memorandum dated March 30, 2007):

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

Mr. Edwin W. Davis, Jr. and
Mrs. Charene K. Davis
Page 2
April 30, 2007

Please be informed that the subject property is not within the Department's existing service limits. The nearest point of connection is from the existing 4-inch waterline within Volcano Highway approximately 11 miles northeast from the subject parcel.

Should there be any questions, you may contact Mr. Ryan Quitoriano of our Water Resources and Planning Branch at 961-8070, extension 256."

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated April 2, 2007):

"A septic system can serve a maximum of five (5) bedrooms.

The Department of Health's Safe Drinking Water Branch authority on drinking water quality is based on the definition of a 'public water system'. A 'public water system' means a system which provide water for human consumption through pipe or other constructed conveyance if such system has fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. All public water systems are regulated by the Department of Health and shall be in compliance with the Hawaii Administrative Rules, Title 11, Chapter 20. Recommend the subdivision lots be connected to an existing public water system.

Concerns on water quality for lead, copper, algae and microbial and chemical contaminations in private water systems have identified the need for self monitoring. The Department of Health does not support the use of these private rain catchment systems for drinking purposes since the quality may not meet potable water standards.

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

1. The Hawaii County Fire Department (HFD) (memorandum dated April 4, 2007):

"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 **Edwin W. Davis, Jr. and Charlene K. Davis**, dated February 20, 2007, included with the Ohana Dwelling application states:

"Edwin W. Davis, Jr. and Charlene K. Davis, applicants for an Ohana Dwelling Unit are titleholders to the affected property whose TMK is: 190060440000.

Mr. Edwin W. Davis, Jr. and
Mrs. Charene K. Davis
Page 3
April 30, 2007

Any provisions of any restriction, covenant or other land use restrictions applicable to the lot by way of a deed or lease or other provision do not prohibit the construction or placement of an ohana dwelling unit or a second dwelling unit.

The undersigned has read the foregoing and fully understands it.”

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 May 1, 2008.**

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 20,065 sq.ft. is zoned Residential Single-Family (RS-20) 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 attached 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 – minimum **twenty five** (25) feet required;
 - Side yard(s) – minimum **fifteen** (15) 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.
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 Summer Lots, Puna, receives 120 to 160 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.

In reference to the DWS comment may we suggest the following:

Mr. Edwin W. Davis, Jr. and
Mrs. Charene K. Davis
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April 30, 2007

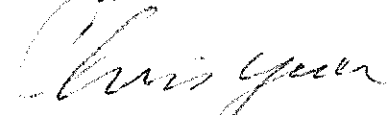
- a. Any dwelling not serviced by a County water system should be provided with and maintain a private potable rain catchment system which includes a minimum 6,000 gallons for domestic consumption or potable uses. This catchment system should adhere to the Department of Public Works, Building Division's "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 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: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

