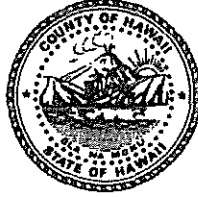


Harry Kim
Mayor



Christopher J. Yuen
Director
Brad Kurokawa, ASLA
LEED® AP
Deputy Director

County of Hawaii
PLANNING DEPARTMENT
101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720-4224
(808) 961-8288 • FAX (808) 961-8742

January 3, 2008

Mr. Ronald Whitmore
and Ms. Alexandra Williams
113 Alae Street
Hilo, Hawai'i 96720

Dear Mr. Whitmore and Ms. Williams:

Ohana Dwelling Unit Permit Application (OHD-07-000106)
Applicants: Ronald Whitmore and Alexandra Williams
Land Owners: Ronald Whitmore and Alexandra Williams
Proposal: Construct An Attached Ohana Dwelling Unit
Tax Map Key: (3) 2-3-021:034

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):

The DPW did not comment on this application as of this date.

2. The Department of Water Supply (DWS) (memorandum dated December 7, 2007):

"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 usage of 400 gallons. Inasmuch as this application has an additional attached dwelling, the installation of a separate 5/8-inch meter will be required. Water can be made available from the Department's existing 4-inch waterline within Alae Street, fronting the subject parcel.

Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting the following conditions:

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1. Installation, by the Department of Water Supply, of a second 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 nd service to the parcel	\$5,500.00
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SERVICE LATERAL INSTALLATION CHARGE:

<u>Install one meter on Alae 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. Ryan Quitariano of our Water Resources and Planning Branch at 961-8070, extension 256.”

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated December 17, 2007):

“The subject project is located within or near proximity to the County sewer system. All wastewater generated shall be disposed into the County sewer system.”

4. The Hawaii County Fire Department (HFD) (memorandum dated December 3, 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 affidavit of **Ron Whitmore and Alexandra Williams**, dated November 6, 2007, included with the Ohana dwelling application states:

“Dear Mr. Yuen:

...

Please note that we can verify that we are the titleholders of the property, as trustees to the Ronald Whitmore and Alexandra Williams Trust Dated September 15, 2005. We purchased the property, including the existing attached ohana dwelling unit, in March 2007.

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Please note that because the home is not part of a neighborhood or condominium association, there are no restrictions, covenants, or other land use restrictions or provisions on the deed that prohibit the construction or placement of an ohana dwelling unit or second dwelling unit. Again, you can verify this with records on file.
..."

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 January 4, 2009.**

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 detached Ohana Dwelling Unit shall be thirty-five (35'-0") feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 10,172 sq.ft. is zoned Residential (RS-7.5) 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 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 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. The DWS requires that an additional meter be installed for the Ohana Dwelling Unit. Please arrange with them for the required installation.
7. 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.

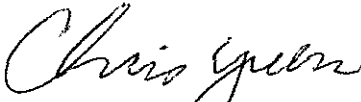
Ohana Dwelling Units are prohibited on a building site that is the subject of an approved variance from the Subdivision Code (Chapter 23), the Zoning Code Chapter 25), and property where a second Dwelling Unit is specifically prohibited by a change of zone ordinance.

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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 Public Works
Real Property Tax
Dept. of Water Supply

PLOT PLAN 113 ALAE ST.

$\frac{1}{2}'' = 10'$

