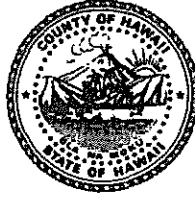


Harry Kim
Mayor



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

September 2, 2008

Mr. Muhammad Yunis, Manager
Janet Investment, LLC
RR2 Box 3918
Pahoa, Hawaii 96778

Dear Mr. Yunis:

Subject: Ohana Dwelling Unit Permit Application (OHD-08-000112)
Applicant(s): Janet Investment, LLC
Land Owner(s): Janet Investment, LLC
Proposal: Construct A Detached Ohana Dwelling Unit
Tax Map Key: (3) 1-4-011:052

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 had no comments on this application.

2. The Department of Water Supply (DWS) (memorandum dated August 21, 2008):

“Please be informed that the water system in the area is privately owned and operated. The applicant should contact Kapoho Water Company, Inc. owner of the private water system, to determine their water requirements. Therefore, the Department has no objections to the proposed application, subject to the applicant accepting and understanding that the Department cannot support the additional dwelling.

Should there be any questions, please contact Mr. Ryan Quitarano of our Water Resources and Planning Branch at 961-8070, extension 256.”

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Janet Investment, LLC
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3. The State of Hawaii Department of Health (DOH-HILO):

As of this date, no comments were received from DOH.

4. The Hawaii County Fire Department (HFD) (memorandum dated August 27, 2008);

“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 **Muhammad Yunis (Janet Investments, LLC)**, dated June 27, 2008, included with the Ohana Dwelling application state:

“Part 1:

Applicant is title holder of the affected property.

Part 2:

That provisions of any restrictions, covenant or other and use restriction applicable to the lot by way of deed or lease or other provisions do not prohibit the construction or placement of Ohana dwelling unit or a second dwelling unit.”

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.

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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 June 17, 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 twenty-five (25'-0") feet.
- b) **Zoning and Minimum Building Site Area (Lot Size)**: The subject TMK parcel containing 12,119 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 detached Ohana Dwelling Unit to be located on the subject TMK property shall be as follows:

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- 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) – 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. The DWS requires that an additional meter be installed for the Ohana Dwelling Unit. Prior to, or at the time of, submitting an application for a building permit for this Dwelling, present proof of conformance with that condition. The building permit application will not be approved by the Planning Department without said proof.
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.

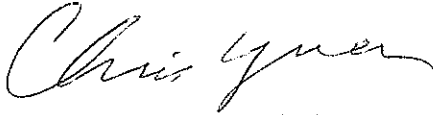
Ohana Dwelling Units are prohibited on a building site that is the subject of an approved variance from the Subdivision Code (Chapter 23), the Zoning Code Chapter 25), and property where a second Dwelling Unit is specifically prohibited by a change of zone ordinance.

- 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.

Mr. Muhammad Yunis, Manager
Janet Investment, LLC
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Should you have any questions regarding the above, please contact Larry Nakayama of this office.

Sincerely,

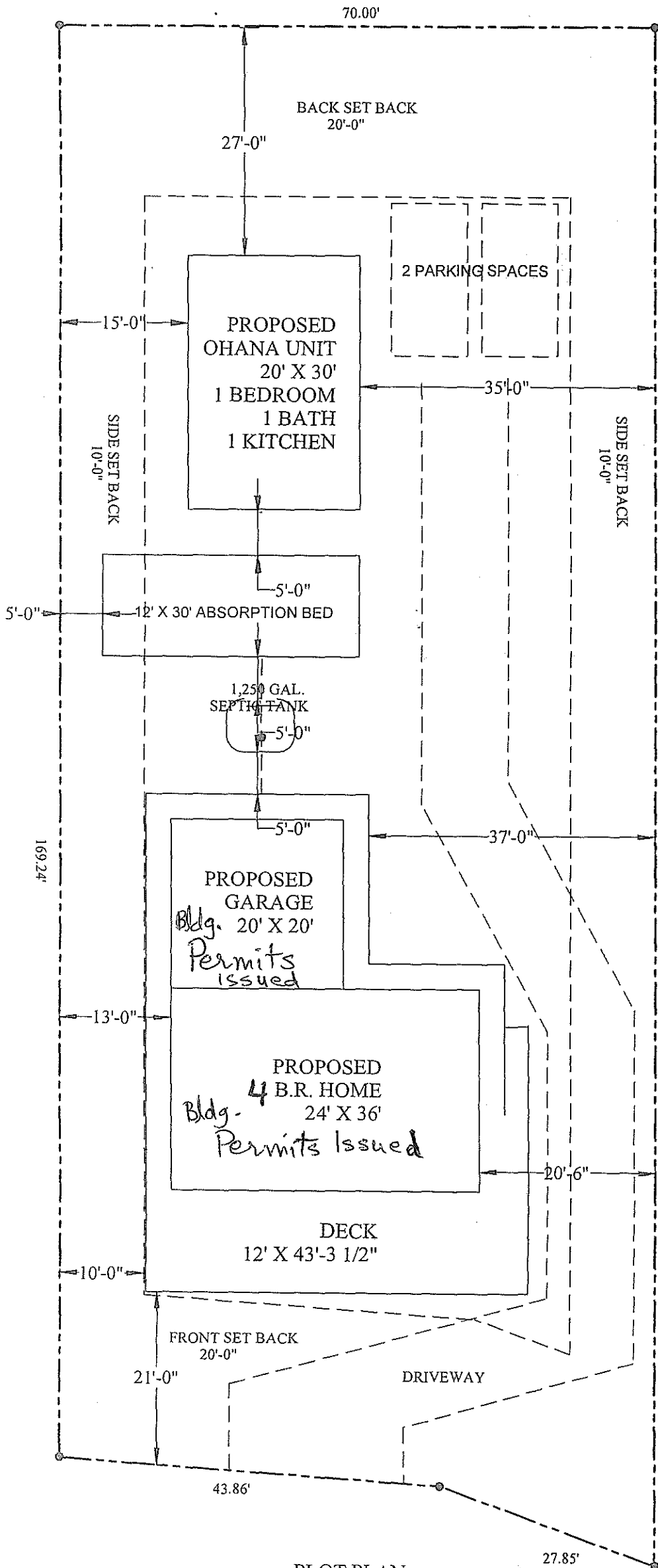


CHRISTOPHER J. YUEN
Planning Director

LHN:jlh

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



PROJECT DATA:

RESIDENTIAL CONSTRUCTION

FIRST FLOOR:
 LIVING AREA: 864 sq. ft.
 OPEN DECK AREA: 432 sq. ft.

SECOND FLOOR:
 LIVING AREA: 1,184 sq. ft.
 OPEN DECKS: 802 sq. ft.

THIRD FLOOR:
 LIVING AREA: 525 sq. ft.
 OPEN DECK: 108 sq. ft.

TOTAL LIVING AREA: 2,573 sq. ft.
 TOTAL OPEN DECK AREA: 1,342 sq. ft.
 GARAGE AREA: 400 sq. ft.

PROPOSED:
 OHANA UNIT 600 sq. ft.

GRAND TOTAL LIVING AREA 3,173 sq. ft.

LOT SIZE: 12,119 sq. ft.

TMK: (3) 1-4-011-052

JANET INVESTMENT LLC.
 M. YUNIS OWNER MANAGER

KONANI RD.
 PAHOA, HAWAII
 TMK: (3) 1-4-011-052
 808-965-4026 HOME
 808-938-5337 CELL
 MAIL ADDRESS
 RR 2 BOX 3918
 PAHOA, HI. 96778

PLOT PLAN
 SCALE 1" = 30'-0"

LOT AREA 12,119 SQ. FT.