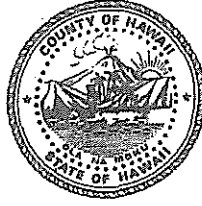


William P. Kenoi  
Mayor



Daryn S. Arai  
Acting Planning Director

## County of Hawaii

### PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720  
Phone (808) 961-8288 • Fax (808) 961-8742

January 29, 2009

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

Dear Mr. Yunis:

**Subject: Ohana Dwelling Unit Permit Application (OHD-08-000118)**  
**Applicant(s): Halaula Investment, LLC**  
**Land Owner(s): Halaula Investment, LLC**  
**Proposal: Construct A Detached Ohana Dwelling Unit**  
**Tax Map Key: (3) 5-3-009:013**

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The subject Application for an Ohana Dwelling Unit Permit was reviewed by the required agencies and their respective comments are as follows:

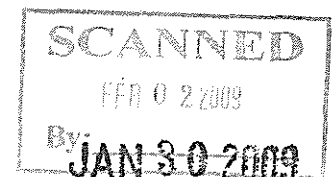
1. The Department of Public Works (DPW):

The DPW had no comments on this application.

2. The Department of Water Supply (DWS) (memorandum dated November 18, 2008):

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

An existing 5/8-inch meter services this property and is adequate for only one single-family dwelling unit at an average of 400 gallons per day. Inasmuch as this application is proposing an additional dwelling, the installation of a separate 5/8-inch meter would normally be required in accordance with the Department’s Rules and Regulations. However, the Department’s existing water system facilities cannot support additional water meters at this time.



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Extensive improvements and additions, which may include, but not be limited to source, storage, booster pumps, transmission, and distribution facilities, would be required. Currently, sufficient funding is not available from the Department for such improvements and not time schedule is set.

Therefore, the Department has not objections to the proposed application, subject to the applicant understanding and accepting that the Department cannot provide service to the proposed additional dwelling. Should the application be approved, both dwellings shall not share the existing meter, and the water system plumbing between the two dwellings shall not be interconnected in any way.

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):

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

4. The Hawaii County Fire Department (HFD);

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

We note the following documents that accompanied your application. The original and notarized affidavits of **Muhammad Yunis (Halaula Investments, LLC)**, dated October 22, 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:

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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 28, 2010.**

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.

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- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 15,000 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 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.

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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 Larry Nakayama of this office.

Sincerely,



DARYN S. ARAI  
Acting Planning Director

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

**GENERAL NOTES**

IT SHALL BE THE RESPONSIBILITY OF THE GENERAL CONTRACTOR/BUILDER TO CONSTRUCT THIS STRUCTURE WITH STRICT ACCORDANCE TO THE PLANS AND THE RULES AND REGULATIONS OF THE UNIFORM BUILDING CODE AS AMENDED BY THE COUNTY OF HAWAII.

THE CONTRACTOR/BUILDER SHALL INSPECT PLANS AND PROJECT SITE AND VERIFY ALL DIMENSIONS, JOB CONDITIONS, AND DETAILS BEFORE STARTING CONSTRUCTION.

THE CONTRACTOR/BUILDER SHALL BRING ANY POTENTIAL PROBLEMS, ERRORS, OR OMISSIONS TO THE ATTENTION OF DRAFTSMAN, PRIOR TO START OF CONSTRUCTION.

THE CONTRACTOR/BUILDER SHALL BRING ANY SITE CONDITIONS THAT MAY ADVERSELY AFFECT THE DESIGN OF THIS PROJECT TO THE ATTENTION OF ARCHITECT OR DRAFTSMAN BEFORE STARTING CONSTRUCTION.

**OWNERS OBLIGATIONS**

THE OWNER IS RESPONSIBLE FOR VERIFYING ALL LOT DIMENSIONS AND ANGLES, SETBACK, EASEMENTS, RIGHT-OF-WAYS, COVENANTS AND RESTRICTIONS, AND OTHER PLANNING AND ZONING ISSUES- REGARDLESS OF THE DRAFTED SITE PLAN.

BY APPLYING FOR A BUILDING PERMIT, THE OWNER CONFIRMS THAT HE OR SHE HAS REVIEWED THESE PLANS AND FINDS THEM COMPLETE AND ACCURATE IN REGARDS TO HIS OR HER REQUIREMENTS.

**NOTES:**

ALL CESSPOOL AND WATER TANK SPECS. SEE SEPARATE DRAWINGS.

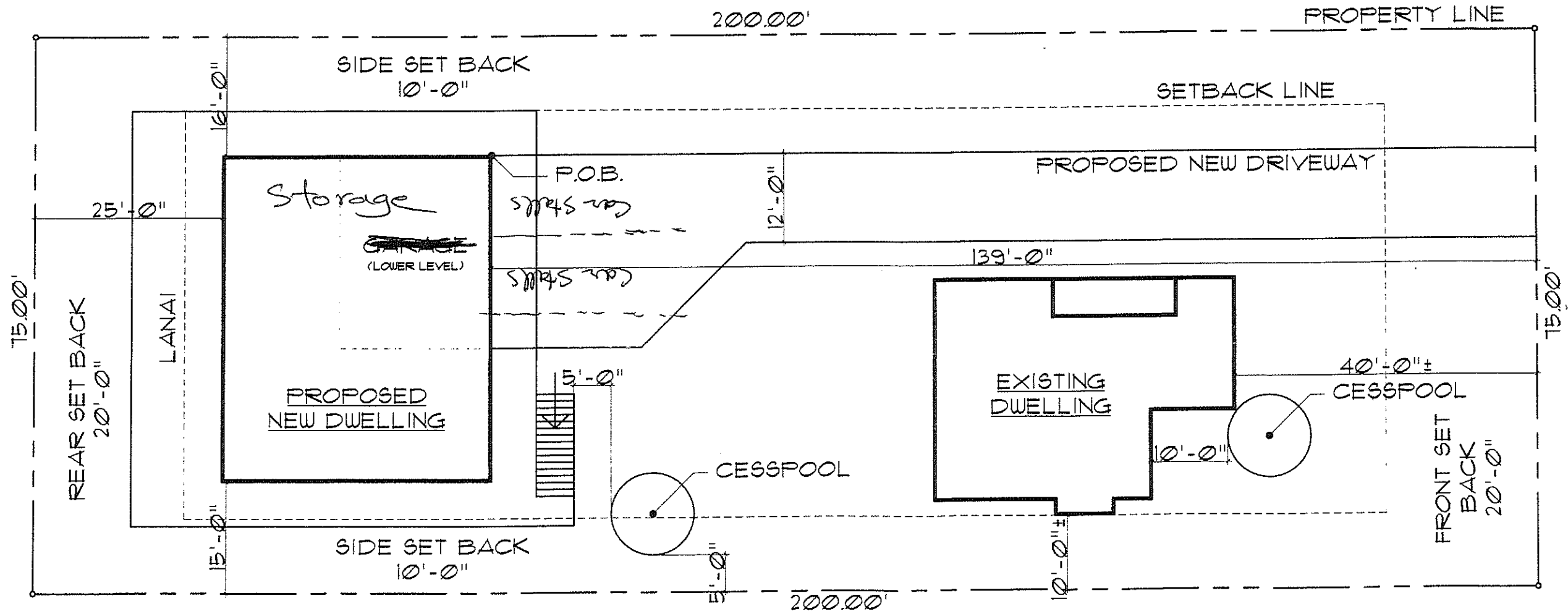
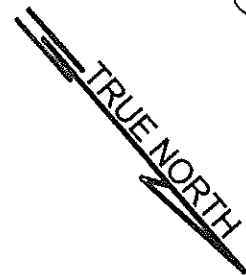
**PROJECT DATA**

OWNER: HALAULA INVESTMENT LLC  
 MUHAMMAD YUNIS (MANAGER)  
 TMK: 5-3-009-013  
 LOT SIZE: 15,000 SQ. FT.  
 SITE LOCATION: 53-435 HALAULA MAULILI RD.

MAILING ADDRESS:  
 RR2 BOX 3918  
 PAHOA, HI 96718

PHONE: (808)938-5331 CELL

LIVING: 1584 SQ. FT.  
 CARPORT: 520 SQ. FT.  
 LANAI: 1476 SQ. FT.  
 ACCESSORIES: 1064



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

MAULILI ROAD

**JAN DRAFTING SERVICES**  
 DRAFTING AND DESIGNING FOR  
 RESIDENTIAL HOMES  
 P.O. BOX 7666  
 HILO, HAWAII 96720  
 CELL PH#: (808)640-5095  
 EMAIL: JANAGIBGAY@YAHOO.COM

PROPOSED NEW RESIDENCE FOR:  
**HALAULA INVESTMENT LLC.**

SITE ADDRESS:  
 53-435 HALAULA MAULILI ROAD  
 KAPAHAU, HI 96755  
 PHONE #: (808)938-5337  
 TMK #: 5-3-009-013

SHEET CONTENTS:  
 SITE PLAN  
 GENERAL NOTES  
 OWNERS OBLIGATIONS  
 NOTES  
 PROJECT DATA

DATE:  
 OCTOBER 2008  
 SHEET NUMBER:  
**C-1**  
 1 OF 10 SHEETS