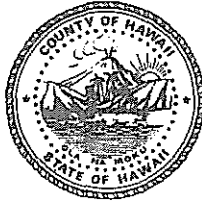


William P. Kenoi
Mayor



BJ Leithead Todd
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

March 30, 2009

Jiranan Thomas and
Jirapom Miyazaki
P.O. Box 28
Volcano, Hawaii 96785

Dear Sir/Madam:

Subject: Ohana Dwelling Unit Permit Application (OHD-09-000121)
Applicant(s): Jiranan Thomas and Jirapom Miyazaki
Land Owner(s): Jiranan Thomas and Jirapom Miyazaki
Proposal: Construct An Attached Ohana Dwelling Unit
Tax Map Key: (3) 2-2-050:039

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 March 19, 2009):

“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 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 East Lanikāula Street, fronting the subject parcel.

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

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 400 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
SERVICE LATERAL INSTALLATION CHARGE:	
Install one meter on E. Lanikāula Street, a County Road	
	<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 March 4, 2009):

We recommend that you review all of the Standard Comments on our website: <http://hawaii.gov/health/environmental/env-planning/landuse/landuse.html>. Any comments specifically applicable to this project should be adhered to.

Wastewater Branch is unable to make comments to the proposed project at this time. Before we can offer any comments, the applicant needs to address the location of all existing wastewater systems.

When two or more dwellings are connected to a cesspool, the cesspool is considered a large capacity cesspool EPA requires closure or upgrade of the large capacity cesspool by April 5, 2005 or the owner could face enforcement action by EPA, including a fine of \$32,000 per day per cesspool. In addition, State Wastewater Rules no longer allows an

existing cesspool to service two dwellings regardless of the number of bedrooms.”

3. The Hawaii County Fire Department (HFD) had no comments on this application;

We note the following documents that accompanied your application. The original and notarized affidavits of **Jiranan Thomas and Jirapom Miyazaki**, dated January 20, 2009, included with the Ohana Dwelling application state:

“Part 1:

The undersigned applicants swear, under the penalty of perjury, that:
They are the titleholders of the property located on 422 Lanikāula St.,
Hilo, Hawai‘i, 96720, TMK #2-2-50:39;.

Part 2:

That 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;”

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 March 30, 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 thirty-five (35'-0") feet.
 - b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 10,000 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 yard(s) – minimum **ten** (10) 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.

Thomas and Miyazaki

Page 6

March 30, 2009

- 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 at (808) 961-8288.

Sincerely,



BJ LEITHEAD TODD

Planning Director

LHN/JG:jg

O:\Ohana\LHN\Ohana\Apv\ThomasMiyazaki22050039Apvl-det.doc

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 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 SHALL INSPECT PLANS AND SITE AND VERIFY ALL DIMENSIONS, CONDITIONS, AND DETAILS BEFORE STARTING

CONTRACTOR SHALL BRING ANY POTENTIAL PROBLEMS, ERRORS, OR OMISSIONS TO THE ARCHITECT'S ATTENTION BEFORE STARTING

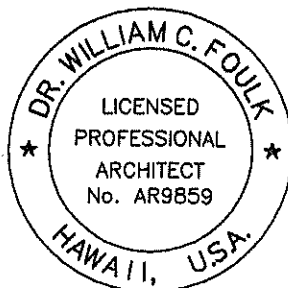
THE CONTRACTOR SHALL BRING ANY SITE CONDITIONS THAT MAY ADVERSELY AFFECT THE DESIGN TO THE ARCHITECT'S ATTENTION BEFORE STARTING JOB.

OWNERS RESPONSIBILITY

THE OWNER IS RESPONSIBLE FOR VERIFYING ALL LOT DIMENSIONS AND ANGLES, SETBACKS, EASEMENTS, RIGHTS OF WAY, COVENANTS AND RESTRICTIONS, AND OTHER PLANNING AND ZONING ISSUES - REGARDLESS OF THE DRAFTED

THE OWNER SHALL BE RESPONSIBLE FOR ALL EXTRA COST DUE TO CHANGES MADE BY THE COUNTY BUILDING DEPT. AFTER THE PLANS HAVE BEEN DRAWN, AND FOR CONFORMING TO ALL SUBDIVISION COVENANTS, CODES & RESTRICTIONS

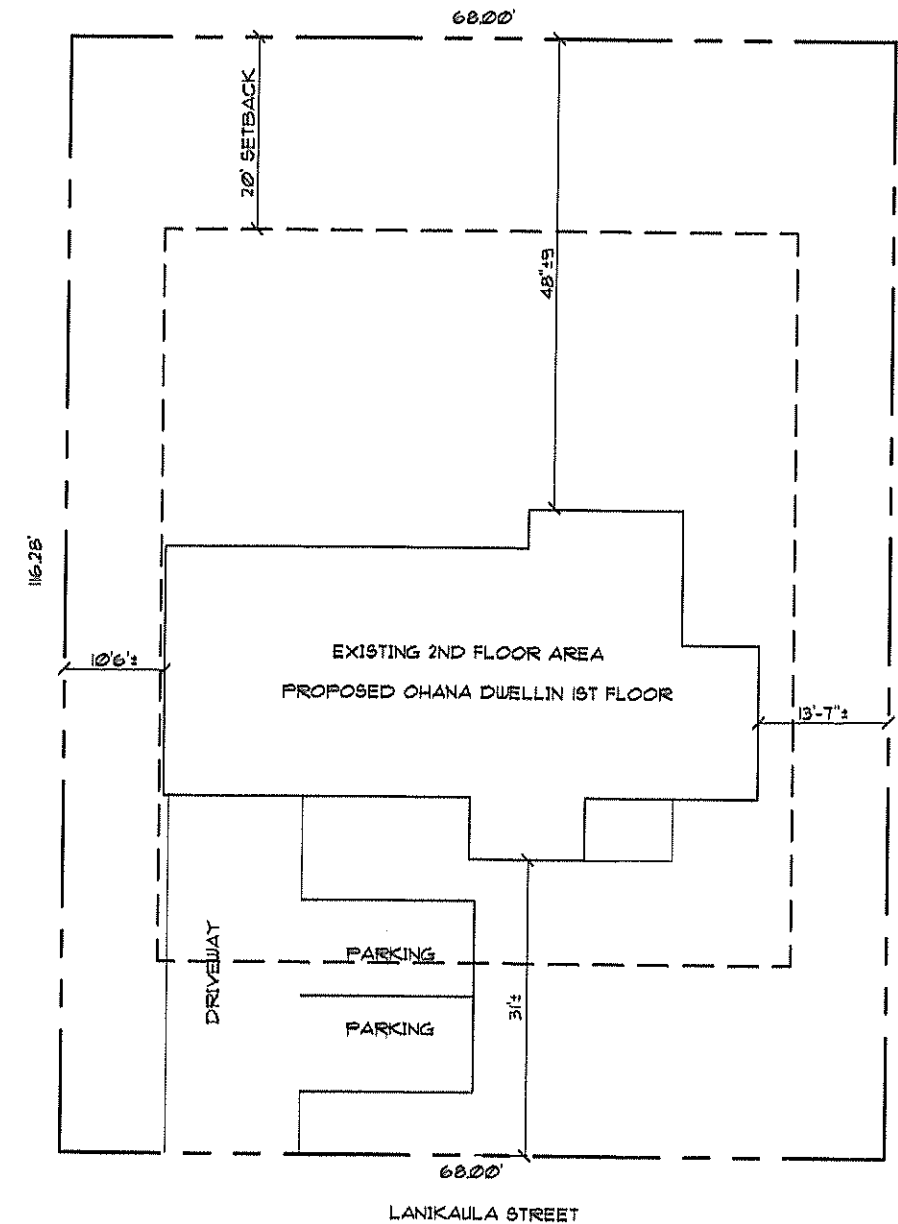
BY APPLYING FOR A BUILDING PERMIT, THE OWNER CONFIRMS THAT HE HAS REVIEWED THESE PLANS AND FINDS THEM COMPLETE AND ACCURATE IN REGARD TO HIS REQUIREMENTS.



THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION

EXPIRES: 4/30/2010

OWNER NAME: JIRANAN THOMAS
PHONE#967-7591
TMK: 2-2-050:039



COUNTY SEWER & WATER

PLOT PLAN
SCALE: 1" = 10'

DRAWN BY:	ALLAN	808/935-6307	DATE:	JANUARY 2009	CONTENTS:	AS BUILT ADDITION/REVISION FOR:		REVISIONS
						DESCRIPTION	DATE	
PLOT PLAN						JIRANAN THOMAS		
SHEET NO.						TMK#: 2-2-050:039		
T-1								