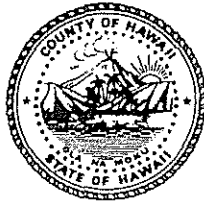


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

## County of Hawaii

### PLANNING DEPARTMENT

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

October 23, 2009

Mr. Larry T. Nagata  
1293 Malawaina Street  
Hilo, Hawaii 96720

Dear Mr. Nagata:

**Subject: Ohana Dwelling Unit Permit Application (OHD-09-000127)**  
**Applicant(s): Larry T. Nagata**  
**Land Owner(s): Larry T. and Sandra A. Nagata**  
**Proposal: Construct Detached Ohana Dwelling Unit**  
**Tax Map Key: (3) 2-4-048:078**

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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):

As of this date, no comments have been received from DPW.

2. The Department of Water Supply (DWS) (letter dated September 30, 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 6-inch waterline within Malawaina Street, fronting the subject parcel.

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Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting 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 600 gallons.
2. Remittance of the following charges, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC):

2 <sup>nd</sup> service to the parcel	\$5,500.00
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SERVICE LATERAL INSTALLATION CHARGE:

<u>Install one meter on Malawaina Street, a County road</u>	<u>\$2,600.00</u>
Total	\$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 October 1, 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 rules allow one (1) on-site wastewater system per 10,000 square feet. Your lot would need 20,000 square feet or more to have two on-site wastewater systems. If your lot is less than 20,000 square feet, you can use one septic system to serve 2 dwellings provided the total number of bedrooms is no more than 5 bedrooms. EPA rules prohibit one cesspool from serving two dwellings.”

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4. The Hawaii County Fire Department (HFD) (memorandum dated September 22, 2009):

“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 affidavits of September 4, 2009, included with the Ohana Dwelling application states:

“To Whom It May Concern:

We, Larry T. Nagata and Sandra A. Nagata, are the titleholders of the 1293 Malawaina Street property.

Provisions of any restrictions, 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 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, and 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 October 23, 2010.**

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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 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** (20) feet required;
- Rear yard – minimum **twenty-five** (25) feet required;
- Side yard(s) – minimum **fifteen** (15) feet required;

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- 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.

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.

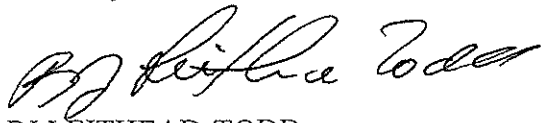
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Should you have any questions regarding the above, please contact Larry Nakayama of this office.

Sincerely,



BJ LEITHEAD-TODD  
Planning Director

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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

