

William P. Kenoi
Mayor



BJ Leithead Todd
Planning Director

Margaret K Masunaga
Deputy 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 11, 2010

Mr. Paul Kobayashi
Ms. Linda Kobayashi
73-993 Ahulani St.,
Kailua-Kona, HI 96740

Dear Mr. And Ms. Kobayashi:

Subject: Ohana Dwelling Unit Permit Application (OHD-10-000129)
Applicant(s): Paul and Linda Kobayashi
Land Owner(s): Paul and Linda Kobayashi
Proposal: Construct A Detached Ohana Dwelling Unit
Tax Map Key: (3)7-3-028:039 COR-10-059648

Based on our review of your application and comments from other government agencies, you are hereby **granted** permission to construct a detached single family Ohana Dwelling Unit subject to the conditions set forth below in this letter.

REVIEW, PUBLIC AND AGENCY COMMENTS

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) (Letter dated February 5, 2010):

“We have reviewed the subject application forwarded by your letter dated January 20, 2010 and have the following comments for your consideration.

The driveway apron (that portion within the County right-of-way) shall conform to Chapter 22, County Streets, of the Hawaii County Code and will require a permit from the Department of Public Works.

Should you have any questions or concerns, please contact the engineering Division at 327-3530 or 961-8327.”

2. The Department of Water Supply (DWS) (Comments dated February 11, 2010):

“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 for an ohana dwelling from the existing 6-inch waterline within Ahulani 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:

- 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 second service to the parcel	\$5,500.00
SERVICE LATERAL INSTALLATION CHARGE:	
<u>Install one meter on Ahulani 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 Quitoriano of our Water resources and Planning Branch at 961-8070, extension 256.”

3. The State of Hawaii Department of Health (DOH) (Memorandum dated February 4, 2010):

“The construction of a new individual wastewater system on the property is not allowed as there is insufficient land area to serve both the existing and proposed wastewater systems. However, the project can be built if the existing wastewater system (cesspool) is upgraded to a septic system AND the total number of bedrooms for both main and Ohana units do not exceed 5 bedrooms.

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.

The same website also features a Healthy Community Design Smart Growth Checklist (Checklist) created by Built Environment Working Group (BEWG) of the Hawaii State Department of Health. The BEWG recommends that the state and the county planning departments, developers, planners, engineers and other interested parties apply the healthy built environment principles in the Checklist whenever they plan or review new developments or redevelopments projects. We also ask you to share this list with others to increase community awareness on the healthy community design.”

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4. The Hawaii County Fire Department (HFD) (Letter dated February 19, 2009):

"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 **TITLEHOLDER** of the subject property dated January 12, 2010 included with the Ohana Dwelling application states:

"We Paul and Linda Kobayashi state that we are the titleholders of property address 73-993 Ahulani Street Kailua Kona, HI 96740
TMK: 73028039."

And

"We Paul and Linda Kobayashi of address 73-993 Ahulani Street Kailua Kona, HI 96740 TMK # 73028039 that there are no restrictions, covenant or other land use restrictions applicable to the lot by way of a deed or lease or other provisions that would prohibit the construction or placement of an ohana dwelling unit or second dwelling unit.

APPROVAL

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.
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 12, 2011.**

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 18,589 sq. ft. is zoned Agricultural (A-.5a) 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

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25-4-53 of the Zoning Code. All existing and additional parking spaces shall be arranged so as to be individually accessible.

6. 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.

Should you have any questions regarding the above, please contact Allen A. Salavea of our West Hawaii office at (808) 327-3510.

Sincerely,


BJ LEITHEAD TODD
Planning Director

AAS:aas

P:\wpwin60\AAS\Ministerial\Ohana\7-3-28 39 OHNap Kobayashi

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

KAILUA OFFICE

75-5749 Kalawa Street Phone: (808) 329-5339
Kailua-Kona, Hawaii 96740 Fax: (808) 329-5334
Email: Orders@KonaDigitalPrints.com

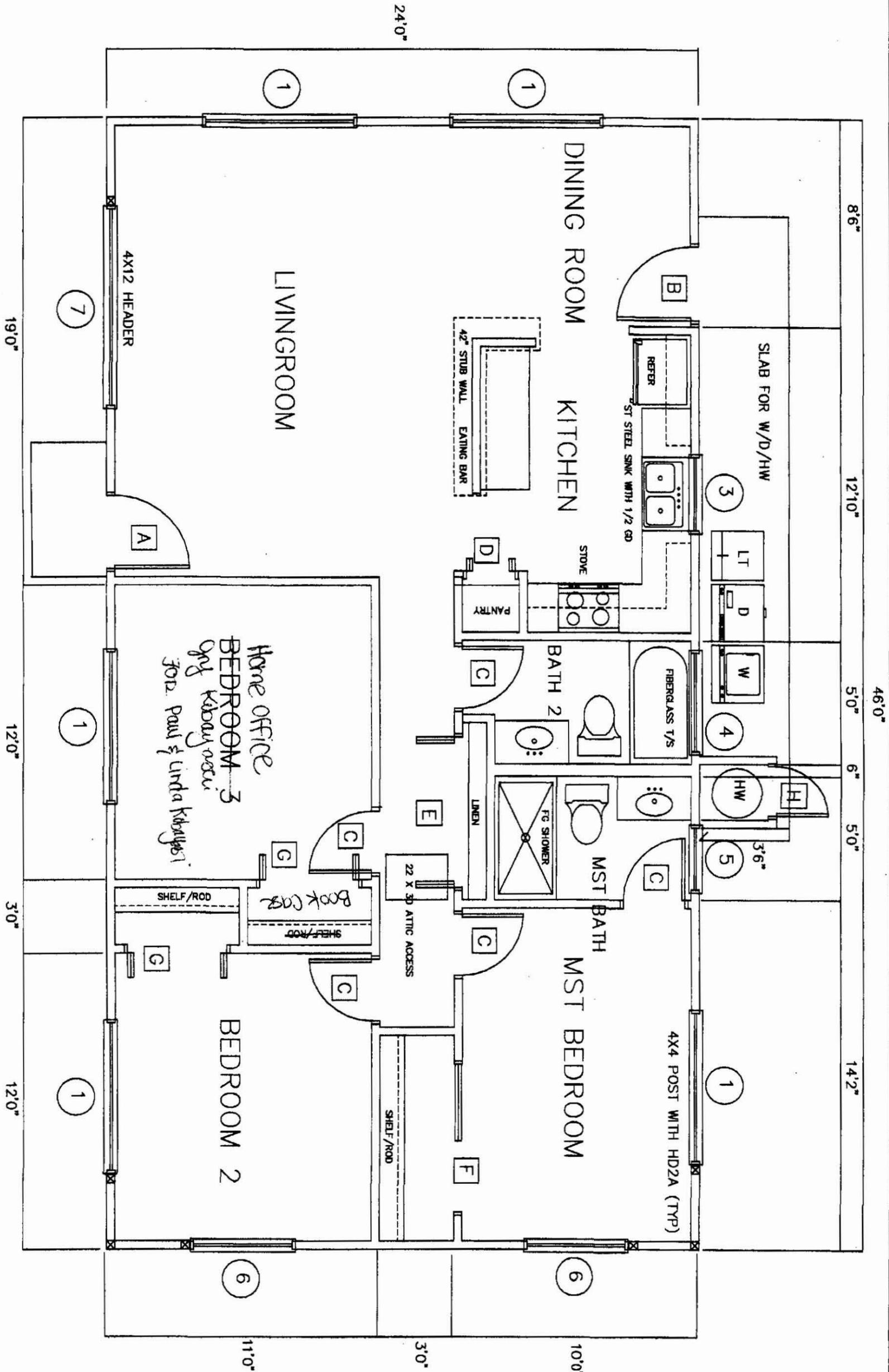


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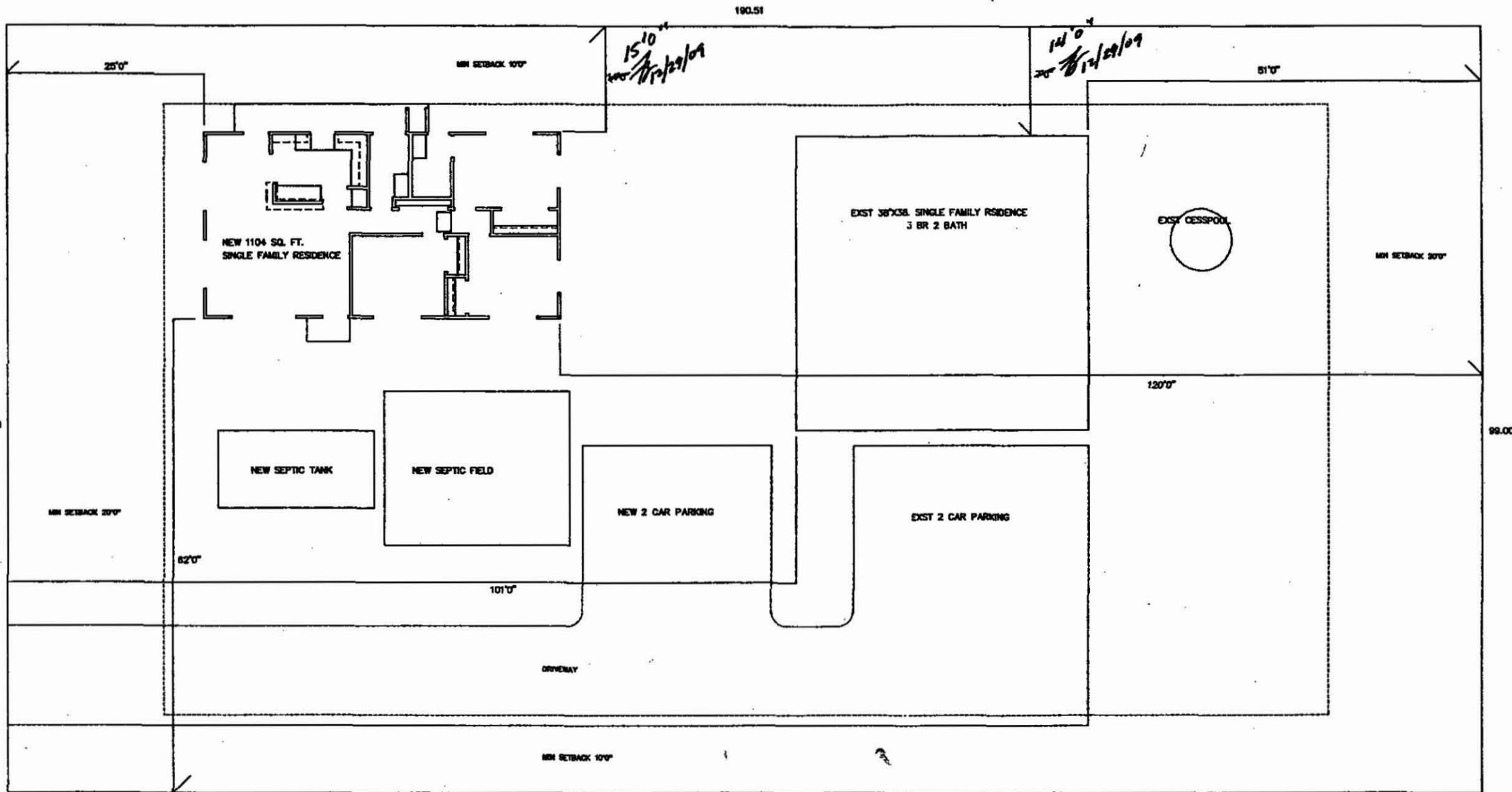
KALOKO OFFICE

73-4976 Kamanu Street, #108 B Phone: (808) 327-9763
Kailua-Kona, Hawaii 96740 Fax: (808) 327-9783
Email: Kaloko@KonaDigitalPrints.com

MAI I E D A I N I N I

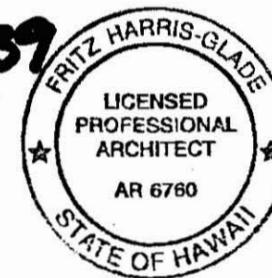


AHULANI



PLOT PLAN
 PAUL AND LINDA KOBAYASHI
 7-3-028:039
 SCALE 1/16" = 1'0"

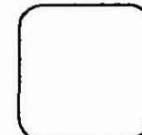
OHD-10-000129
TMK 7-3-028:039
3/11/2010



REVISIONS

HONSADOR LUMBER CORP.
 77-5580 KAUIHOLA ST. KAILUA-KONA, HAWAII. 96740

PROPOSED OHANA RESIDENCE FOR
 PAUL AND LINDA
 KOBAYASHI



THIS PLAN WAS PREPARED BY ME UNDER THE SUPERVISION OF THE ARCHITECT AND I AM A MEMBER OF THE ARCHITECTS' BOARD OF HAWAII

DATE
 3/11/2010

PROJECT NO.
 7-3-028:039

DATE
 10/15/09

SCALE
 1/16" = 1'0"