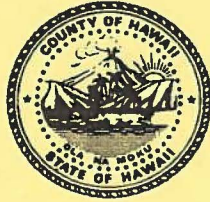


William P. Kenoi  
Mayor



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

December 8, 2010

Mr. Christopher Dutton  
Ms. Shoshana Dutton  
73-1056 Ahikawa Street  
Kailua Kona, HI 96740

Dear Mr. and Ms. Traylor:

**SUBJECT: Ohana Dwelling Permit Application (OHD-10-000136)**  
**Applicants: Christopher Dutton**  
**Shoshana Dutton**  
**Land Owners: Christopher Dutton**  
**Shoshana Dutton**  
**Proposal: Construct a Detached Ohana Dwelling Unit**  
**Tax Map Key: (3) 7-3-023:020 (COR-10-067046)**

Based on our review of your application and comments from the public and 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) (Memorandum dated November 24, 2010):  
"We have reviewed the subject application forwarded by your letter dated October 22, 2010 and have no comments.  
Should you have any questions, please contact Mr. Carter Romero at 961-8327."
2. The Department of Water Supply (DWS) (Memorandum dated November 23, 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

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will be required. Water can be made available from the Department's existing 6-inch waterline within Ahikawa 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 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
SERVICE LATERAL INSTALLATION CHARGE	

***Install one meter on Ahikawa Street, a County road \$3,000.00***

<b>Total (Subject to Change)</b>	<b>\$8,500.00</b>
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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 November 22, 2010):

"We recommend that you review all of the Standard Comments on our website: [www.state.hi/health/environmental/env-planning/landuse.html](http://www.state.hi/health/environmental/env-planning/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 Hawai'i State Department of Health. The BEWG recommends that state and 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 healthy community design.

4. The Hawaii County Fire Department (HFD) (Memorandum dated November 3, 2010):

"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 **Applicant and Owners** of the subject property dated October 7, 2010, included with the Ohana Dwelling application states:

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“The property situated at 73-1056 Ahikawa Street, Kailua Kona, HI 96740 with TMK # 7-3-023-020 is owned by Christopher and Shoshana Dutton. Christopher and Shoshana Dutton are current titleholders of said property.”

And

“Provisions of ANY restrictions, covenants or other land use restrictions applicable to the above stated lot by way of deed or lease or other provision do not prohibit the construction or placement of an ohana dwelling unit or second dwelling unit on said property.”

## 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.
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 December 7, 2011.**

Please bring a copy of this Permit to the Building Division, Department of Public Works, when submitting your Building Permit Application to them in order to assist the reviewing agencies in reviewing and processing the building permit application and construction plans for the Ohana Dwelling on the subject parcel.

Prior to submitting your Building Permit Application:

- a) The applicant shall consult with the DPW to ensure that the construction plans conform to DPW driveway requirements.
- b) The applicant shall apply to the DWS and (1) obtain their written commitment for a second water meter, (2) pay any required facilities charge and service lateral installation charges to the DWS, and (3) submit proof of payment of such charges with the submittal of a building permit application.
- c) The applicant shall correspond with the DOH to determine the number and type of individual wastewater systems allowed.
- d) The applicant shall consult with the HFD to verify the accessibility of the premises for emergency/fire fighting purposes.

- e) The applicant shall ensure that its architect is advised of the special Height limitation, Yard (Setback) and Open Space requirements applicable as set forth below.

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.

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 20,674 square feet is zoned Agriculture District (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 attached ohana dwelling unit to be located on the subject TMK property shall be as follows:
- Front yard –minimum **thirty** (30) feet required;
  - Rear yard –minimum **thirty** (30) feet required;
  - Side yard(s) – minimum **twenty** (20) 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. 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.
7. 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

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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.

If you have any questions, please call Rosalind Newlon of our West Hawaii Office at 327-3510.

Sincerely,

  
BJ Leithead Todd  
Planning Director

RJN: rjn

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