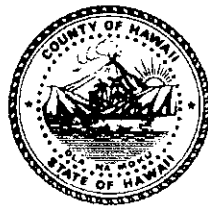


William P. Kenoi  
Mayor



BJ Leithead Todd  
Director

Margaret K. Masunaga  
Deputy

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
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**County of Hawai'i**  
PLANNING DEPARTMENT

East Hawai'i Office  
101 Pauahi Street, Suite 3  
Hilo, Hawai'i 96720  
Phone (808) 961-8288  
Fax (808) 961-8742

July 30, 2012

Mr. Lloyd K. Shimoda  
Ms. Kay K. Shimoda  
52 Ho'onanea Street  
Hilo, Hawai'i 96720

Dear Mr. and Ms. Shimoda:

**Subject: Ohana Dwelling Unit Permit Application (OHD-12-000143)**  
**Applicant(s): LLOYD K. AND KAY K. SHIMODA**  
**Land Owner(s): SHIMODA FAMILY TRUST**  
**Proposal: Construct a Detached Ohana Dwelling Unit**  
**Tax Map Key: (3) 2-4-011:021, Waiākea Homesteads 1<sup>st</sup>, Hilo**

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 May 14, 2012):

“Driveway shall conform to Chapter 22 of the Hawai'i County Code.”

2. The Department of Water Supply (DWS) (memorandum dated June 29, 2012):

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

The subject parcel is currently served by a 5/8-inch meter, which is limited to an average daily usage of 400 gallons and suitable for only one single family dwelling. 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 an existing 6-inch waterline within Kehaulani Street or a 6-inch waterline within Hoonanea Street, both fronting the subject parcel.

Mr. Lloyd K. Shimoda  
Ms. Kay K. Shimoda  
Page 2 of 5  
July 30, 2012

Therefore, the Department has no objections to the proposed application, subject to the following conditions:

1. Installation by the Department of Water Supply, of a second 1-inch lateral to service a 5/8-inch meter, which shall be restricted to an average 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 <sup>nd</sup> service to the parcel	\$5,500.00
SERVICE LATERAL INSTALLATION CHARGE:	
Installation on Kehaulani Street	\$3,000.00
Installation on Hoonanca Street	\$4,000.00
<b>Total (Subject to change)</b>	<b>\$8,500.00 or \$9,500.00</b>

Should there be any questions, you may contact Mr. Finn McCall of our Water Resources and Planning Branch at 961-8070, extension 255.”

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated May 16, 2012):

“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 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.”

We note the following documents that accompanied your application. The original and notarized affidavit of **Lloyd K. and Kay K. Shimoda**, dated April 4, 2012, included with the Ohana Dwelling application states:

“There are no provisions of any restriction, covenant or other land use restrictions applicable to the lot by way of a deed or lease or other provisions to prohibit the

Mr. Lloyd K. Shimoda  
Ms. Kay K. Shimoda  
Page 3 of 5  
July 30, 2012

construction or placement of an ohana unit or a second dwelling on the property at 52 Hoonanea Street, TMK: 2-4-11-21.”

Further, the original and notarized affidavit of **Lloyd K. Shimoda**, dated April 5, 2012, included with the Ohana Dwelling application states:

“The applicant (Lloyd K. & Kay. K. Shimoda, Shimoda Family Trust) for this Ohana dwelling permit application is the title holder of the property.

Address: 52 Hoonanea Street  
Hilo, HI 96720  
TMK: 2-4-11-21.”

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 Hawai‘i 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 July 30, 2013.**

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 Unit 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 22,200 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 Hawai'i 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 yards – minimum **fifteen (15)** feet required;
  - Open space from other main structure(s) – **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

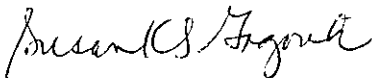
Mr. Lloyd K. Shimoda  
Ms. Kay K. Shimoda  
Page 5 of 5  
July 30, 2012

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 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, Hawai'i 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, Hawai'i County Code, as amended.

Should you have any questions regarding the above, please contact Jonathan Holmes of this office.

Sincerely,



*f* BJ LEITHEAD TODD  
Planning Director

JRH/KWR:kwr

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