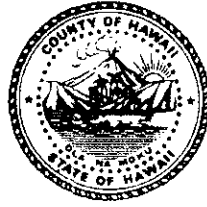


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret K. Masunaga
Deputy

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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

January 24, 2013

Ms. Laurie Connable
72 Halaulani Street
Hilo, Hawai'i 96720

Dear Ms. Connable:

Subject: Ohana Dwelling Unit Permit Application (OHD-12-000146)
Applicant(s): LAURIE L. CONNABLE
Land Owner(s): LAURIE LOUISE CONNABLE
Proposal: Construct an Attached Ohana Dwelling Unit
Tax Map Key: (3) 2-6-006:027, South Hilo, Hawai'i

REQUEST: The applicant is requesting an Ohana Dwelling Permit (OHD) to construct an additional dwelling unit attached to the existing dwelling.

PROPERTY DESCRIPTION: The subject TMK parcel, comprising 17,000 square feet, is located at South Hilo, on the Island of Hawai'i. The property is zoned Single-Family Residential (RS-15) by the County and is situated within the State Land Use Urban districts.

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 January 16, 2013):

"We have reviewed the subject application forwarded by your letter dated December 17, 2012 and have no objections to the request.

The subject parcel is in an area designated as Zone X on the Flood Insurance Rate Map (FIRM) by the Federal Emergency Management Agency (FEMA). Zone X is an area determined to be outside the 500-year floodplain.

Questions may be referred to Kelly Gomes at ext. 8327.”

2. The Department of Water Supply (DWS) (memorandum dated December 28, 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 water meter, which is limited to an average daily usage of 400 gallons and suitable for only one single-family dwelling. *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 Halaulani Place, 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 an average daily usage of 400 gallons and a maximum daily flow of 600 gallons per any one day.
2. Remittance of the following charges, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC):

2 ND service to parcel	\$5,500.00
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SERVICE LATERAL INSTALLATION CHARGE:

<u>Install one meter on Halaulani place, a County road</u>	<u>\$3,000.00</u>
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Total (Subject to Change)	\$8,500.00
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Should there be any questions, you may contact Mr. Lawrence Beck of our Water Resources and Planning Branch at 961-8070, extension 260.”

3. The State of Hawaii Department of Health (DOH-HILO) (memorandum dated December 19, 2012):

“The wastewater system is inadequate for the proposed project. Have your engineer submit to DOH.

- a. Plans to upgrade the current cesspool to a septic system.

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.

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.”

4. The Hawai‘i County Fire Department (HFD) (memorandum dated December 18, 2012):

“We have no comments to offer at this time in reference to the above-mentioned Ohana dwelling permit application.”

5. No comments were received from the public.

ADDITIONAL FINDINGS: We note the following documents that accompanied your application.

1. The original and notarized affidavit of **Laurie Connable** received in this department on November 1, 2012, included with the Ohana Dwelling application, stating:

“I, Laurie Connable, am the legal titleholder of this property. Attached is my deed.”

2. The original and notarized affidavit of **Laurie Connable** received in this department on November 1, 2012, included with the Ohana Dwelling application, stating:

“There are no CC&Rs for historical Halaulani Place neighborhood. My neighbors and my real estate agent said there are no CC&Rs. There is nothing on my deed about CC&Rs. The planning department has no record of CC&Rs for Halaulani Place neighborhood. Thus, there are no CC&Rs applicable to 72 Halaulani Place, Hilo, HI 96720.”

ANALYSIS: The proposed building site for the subject Ohana Dwelling Permit application is a legal lot of record of at least 10,000 square feet located within the RS district and is designated Urban by the State Land Use Commission. Additional dwellings are not normally permitted on this lot, and there is no guest house located on the property. There are no pending subdivision actions affecting the subject TMK property, nor has any variance, Planned Unit Development, Cluster Plan Development, or other preemption from requirements of the Hawai‘i County Code been granted. The applicant has not submitted any OHD applications in the previous two years. Therefore, the application meets the requirements for an Ohana Dwelling Permit.

DECISION AND CONDITIONS: In review 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 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, 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 January 24, 2014.

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 attached Ohana Dwelling Unit shall be thirty-five (35'-0") feet.
- b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 17,000 square feet is zoned Single-Family Residential (RS-15) by the County and is situated within the State Land Use Urban districts.
- 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 and setback requirements for the proposed **attached** Ohana Dwelling Unit to be located on the subject TMK property shall be as follows:

- Front yard(s) – minimum **twenty** (20) feet required;
- Side yard(s) – minimum **ten** (10) feet required;
- Rear yard(s) – minimum **twenty** (20) feet required;

Ms. Laurie Connable
Page 6 of 7
January 24, 2013

- 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.

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 at (808)961-8288.

Sincerely,



BJ LEITHEAD TODD
Planning Director

JRH/KWR:kwr

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xc: Dept. of Health, Chief Sanitarian
Dept. of Public Works

Ms. Laurie Connable
Page 7 of 7
January 24, 2013

Real Property Tax
Dept. of Water Supply
GIS Section (via email)