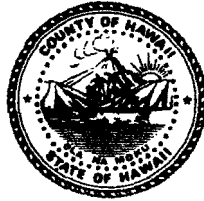


William P. Kenoi
Mayor



Duane Kanuha
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May 28, 2014

Lori Mikkelson
P.O. Box 291
Laupahoehoe, HI 96764

Dear Ms. Mikkelson:

Subject: Application: Ohana Dwelling Unit Permit (OHD-14-000152)
Applicant(s): CHRISTINE MATTOS
Land Owner(s): CHRISTINE MATTOS
Proposal: Construct an Attached Ohana Dwelling Unit
Tax Map Key: (3) 2-3-025:037

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 11,029 square feet, is located in Hilo, on the Island of Hawai'i. The property is zoned Single-Family Residential (RS-7.5) 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): See attached e-mail dated April 14, 2014.
2. The State of Hawaii Department of Health (DOH-HILO): See attached memorandum dated April 21, 2014.
3. The Department of Water Supply (DWS): See attached memorandum dated May 22, 2014.
4. The Hawaii Fire Department (HFD): See attached memorandum dated April 14, 2014.
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 **Christine Mattos** received in this department on March 18, 2014 included with the Ohana Dwelling application, stating:

“Christine Mattos is the title holder for TMK (3) 2-3-025:037”

2. The original and notarized affidavit of **Christine Mattos** received in this department on March 03, 2013, included with the Ohana Dwelling application, stating:

“The parcel number is TMK (3) 2-3-025:037. There are no covenants or any other land use restrictions that are applicable to the lot by way of the deed or lease or other provision do not prohibit construction or placement of an ‘Ohana’ dwelling unit.”

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. There has not been a previously approved variance from the Subdivision Code (Chapter 23) and the Zoning Code (Chapter 25) on the property, nor are there any conditions within a change of zone ordinance that would prohibit an Ohana Dwelling. 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 May 28, 2016.

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 11,029 square feet is zoned Single-Family Residential (RS-7.5) 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;
 - 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

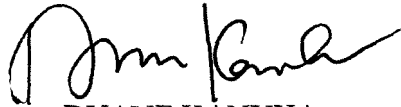
Lori Mikkelson
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Zoning Code. All existing and additional parking spaces shall be arranged so as to be individually accessible.

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. 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.

Should you have any questions regarding the above, please contact Jonathan Holmes of this office at (808) 961-8288.

Sincerely,



DUANE KANUHA
Planning Director

JRH/AK:kl

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xc: Dept. of Health, Chief Sanitarian
Dept. of Public Works
Real Property Tax
Dept. of Water Supply
GIS Section (via email)