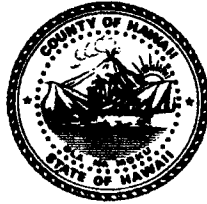


Harry Kim  
Mayor



Michael Yee  
Director

Daryn Arai  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
Fax (808) 327-3563

**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

December 23, 2016

Michael Best  
Nama Best  
210 Kapualani Street  
Hilo, HI 96720

Dear Michael & Nama Best:

**Subject: Application: Ohana Dwelling Unit Permit (OHD-14-000153)**  
**Applicants: MICHAEL and NAMA BEST**  
**Land Owners: MICHAEL DAVID and NAMA P. BEST**  
**Proposal: Construct a Detached Ohana Dwelling Unit**  
**Tax Map Key: (3) 2-4-012:058**

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**REQUEST**

By letter dated December 15, 2016, the applicant is requesting an extension of time in which to obtain the building permit (BP) for the construction of the Ohana Dwelling Unit (OHD). Per our approval letter, the original deadline of May 23, 2016 could be extended for 30 days, or until June 22, 2016, with no further time extension allowed.

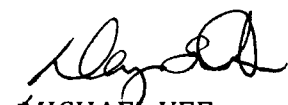
However, we find that there are extenuating circumstances in this case. We note that, in good faith, a BP application was submitted on November 10, 2014 and that the electrical and plumbing permits associated with it have been issued. The BP application has been held in limbo, through no fault of your own, for various reasons since then.

In light of the above and the fact that there are new plans prepared for immediate resubmission for a BP, we find that this time extension is warranted. We hereby give you thirty days from this date, until January 20, 2017 to submit the BP application.

Michael Best  
Nama Best  
Page 2 of 2  
December 23, 2016

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

Sincerely,



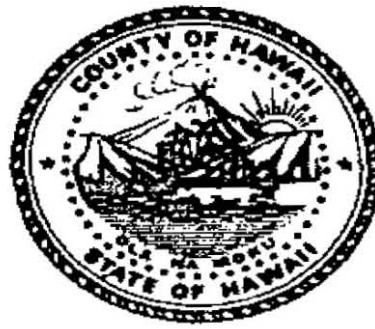
MICHAEL YEE  
Planning Director

JRH:nci

\\COH33\planning\public\Admin Permits Division\Ohana\2016\TIME EXT\OHD-14-000153Best24012058TE 12-21-16.docx

cc: Dept. of Health, Chief Sanitarian  
Dept. of Public Works  
Dept. of Water Supply  
GIS Section (via email)

William P. Kenoi  
Mayor



Duane Kanuha  
Director

Bobby Command  
Deputy Director

West Hawai'i Office  
74-5044 Ane Keohokalole Hwy  
Kailua-Kona, Hawai'i 96740  
Phone (808) 323-4770  
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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

May 28, 2014

Michael Best  
Nama Best  
210 Kapualani Street  
Hilo, HI 96720

Dear Michael & Nama Best:

**Subject: Application: Ohana Dwelling Unit Permit (OHD-14-000153)**  
**Applicant(s): MICHAEL and NAMA BEST**  
**Land Owner(s): MICHAEL DAVID and NAMA P. BEST**  
**Proposal: Construct a Detached Ohana Dwelling Unit**  
**Tax Map Key: (3) 2-4-012:058**

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## REQUEST

The applicant is requesting an Ohana Dwelling Permit (OHD) to construct an additional dwelling unit detached from the existing dwelling.

## PROPERTY DESCRIPTION

The subject TMK parcel, comprising 17,094 square feet, is located in 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): See attached e-mail dated March 28, 2014.
2. The State of Hawaii Department of Health (DOH-HILO): See attached memorandum dated April 11 2014.
3. The Department of Water Supply (DWS): See attached memorandum dated April 23, 2014.
4. No comments were received from the Fire Department.

Michael Best  
Nama Best  
Page 2 of 4  
May 28, 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 **Michael and Nama Best** received in this department on March 03, 2014 included with the OHD application, stating:

*“Michael and Nama Best are the title holders for TMK (3) 2-4-012:058”*

2. The original and notarized affidavit of **Michael and Nama Best** received in this department on March 03, 2013, included with the OHD application, stating:

*“The parcel number is TMK (3) 2-4-012:058. 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 that prohibit construction or placement of an ‘Ohana’ dwelling unit.”*

## **ANALYSIS**

The proposed building site for the subject OHD 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 OHD. 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 a detached single-family OHD subject to the following conditions:

1. The proposed OHD 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 OHDs.

2. **Non-transferability:** The permit for the OHD shall be personal to the applicant until construction of the OHD 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 OHD 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 23, 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 OHD 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 OHD 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 OHD shall be twenty (20'-0") feet.
    - b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel containing 17,094 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 OHD 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 **detached** Ohana Dwelling Unit to be located on the subject TMK property shall be as follows:

- Front yard(s) – minimum **twenty-five (25)** feet required;

- Side yard(s) – minimum **fifteen** (15) feet required;
  - Rear yard(s) – minimum **twenty-five** (25) feet required;
  - Open space from other main structure(s) – minimum **fifteen** (15) feet required.
- d) Off-Street Parking: The OHD 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 OHD 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 OHD.

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:nci

P:\Admin Permits Division\Ohana\Ohana\Alu Ohana\APRVL\Best24012058Apvl.doc

Atts.: Agency Comments

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

**Holmes, Jonathan**

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**From:** Matsumoto, Joy  
**Sent:** Friday, March 28, 2014 10:26 AM  
**To:** Holmes, Jonathan  
**Subject:** Ohana Permit OHD-11-000141     14-000153

Building Division has no objections to the Ohana Dwelling Permit.

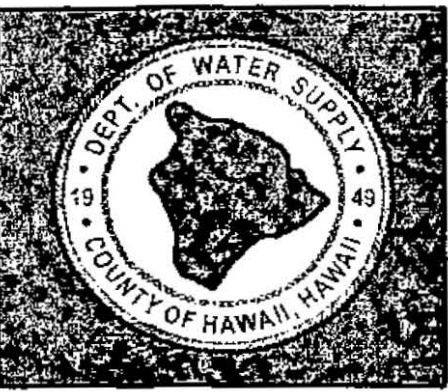
*Joy Matsumoto*

Supervising Building Inspector  
County of Hawaii  
Tel. (808) 961-8471  
Fax (808) 961-8410  
Email: jmatsumoto@co.hawaii.hi.us

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H



**DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII**

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

April 23, 2014

2014 APR 25 PM 3:35

PLANNING DEPARTMENT

TO: Mr. Duane Kanuha, Director  
Planning Department

FROM: Quirino Antonio, Jr., Manager-Chief Engineer

SUBJECT: **OHANA DWELLING PERMIT APPLICATION (OHD 11-000141)**  
**APPLICANT – MICHAEL AND NAMA BEST**  
**TAX MAP KEY 2-4-012:058**

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 located across Kapualani 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:

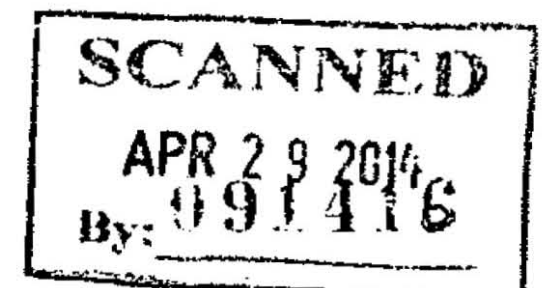
1. Installation, by the Department of Water Supply, of a second 1-inch service lateral to service a 5/8-inch meter, which shall be restricted to an average daily usage of 400 gallons and a maximum daily flow of 600 gallons per any one day.
2. Remittance of the following charges, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC):	
2 <sup>nd</sup> service to the parcel	\$5,500.00
SERVICE LATERAL INSTALLATION CHARGE:	
Install one meter on Kapualani Street, a County road	\$4,000.00
<b>Total (Subject to Change)</b>	<b>\$9,500.00</b>

Should there be any questions, you may contact Mr. Lawrence Beck of our Water Resources and Planning Branch at 961-8070, extension 260.

Sincerely yours,

Quirino Antonio, Jr., P.E.  
Manager/Chief Engineer



LB:dfg

copy – DWS Customer Service Section (Hilo)

*... Water, Our Most Precious Resource ... Ka Wai A Kane ...*

The Department of Water Supply is an Equal Opportunity provider and employer.





2014 APR 14 PM 12:50

**STATE OF HAWAII**  
**DEPARTMENT OF HEALTH**  
P.O. BOX 916  
HILO, HAWAII 96721-0916

MEMORANDUM

DATE: April 11, 2014

TO: Duane Kanuha  
Planning Director, County of Hawaii

FROM: Newton Inouye *ni*  
District Environmental Health Program Chief

SUBJECT: Application: Ohana Dwelling Unit Permit (OHD-11-000153)  
Applicant(s): MICHAEL and NAMA BEST  
Land Owner(s): MICHAEL DAVID and NAMA P. BEST  
Proposal: Construct a Detached Ohana Dwelling Unit  
Tax Map Key: (3) 2-4-012:058

Wastewater Branch found no wastewater/environmental health concerns with regulatory implications in the submittal. IWS upgrade permit approved 2/26/2014.

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.

