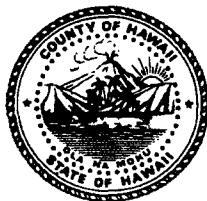


Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

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

November 27, 2018

Archie Bradford Thoma
Ashley Kate Thoma
73-1060 Ahulani Street
Kailua-Kona, HI 96740

Dear Mr. & Mrs. Thoma:

SUBJECT: Application: Ohana Dwelling Unit Permit (OHD-18-000190)
Applicant: ARCHIE BRADFORD THOMA AND ASHLEY KATE THOMA
Land Owner: ARCHIE BRADFORD THOMA AND ASHLEY KATE THOMA
Proposal: Construct a Detached Ohana Dwelling Unit
Tax Map Key: (3) 7-3-023:069 (Lot 33)

Upon review of your application and as applicable, comments from the public and government agencies for a detached Ohana Dwelling Unit Permit (OHD), you are hereby granted approval to construct a detached OHD subject to conditions set forth below in this letter.

REQUEST

The applicant is requesting an OHD Permit to allow for an additional dwelling unit on the subject property.

PROPERTY DESCRIPTION

The subject TMK parcel, comprises of 17,464 square feet, Lot 33, and is situated within the Kona Coastview Subdivision, Grant 1606, Kalaoa 3rd, N. Kona, Hawai'i. The property is zoned Agriculture (A-5a) by the County and is situated within the State Land Use Urban district. Subject parcel was created by Subdivision-2049C on July 21, 1967.

(See Exhibit A-Site Plan & Exhibit B- Subdivision Map)

AGENCY COMMENTS

The subject Application for an OHD Permit was reviewed by the required agencies and their respective comments are as follows:

1. Department of Environmental Management-Solid Waste Division (DEM-Solid Waste): See attached memorandum dated November 16, 2018 **(Exhibit C)**;
2. The Department of Environmental Management –Wastewater Division (DEM-Wastewater): See attached memorandum dated November 16, 2018 **(Exhibit D)**;
3. The Hawai'i County Fire Department (HFD): See attached memorandum dated November 7, 2018 **(Exhibit E)**;
4. The Department of Water Supply (DWS): See attached memorandum dated November 1, 2018 **(Exhibit F)**;
5. The State of Hawai'i Department of Health (DOH): See attached memorandum dated October 30, 2018 **(Exhibit G)**;
6. The Department of Public Works (DPW): See attached memorandum dated October 22, 2018 **(Exhibit H)**;

COMMUNITY COMMENTS

There were no comments from the surrounding property owners or the public.

ADDITIONAL FINDINGS

We note the following documents that accompanied your application:

The original and notarized affidavit of Archie Bradford Thoma and Ashley Kate Thoma dated August 2, 2018, included with the OHD application states:

“We, Archie Bradford Thoma and Ashley Kate Thoma, hear do by swear that we are the sole title holders of TMK 7-3-023:069. We also state that there are no provisions of any restriction, covenant or other land use restrictions applicable to the lot by way of lesse or other provision do not prohibit the construction or placement of an ohana dwelling unit or a second dwelling unit.”

ANALYSIS

The building site for the subject OHD application is a legal lot of record of at least 10,000 square feet located within the A-5a district and is designated Urban by the State Land Use Commission. Additional dwellings are not normally permitted on this lot, and a guest house is not 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 OHD Permit.

The DWS has indicated that water can be made available from the Department's existing 6-inch waterline within Ahulani Street fronting the subject parcel, per DWS memo dated November 1, 2018. (See Exhibit F)

DECISION AND CONDITIONS

In view of the above, by this letter, you are hereby granted permission to construct an attached 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 OHD's.
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 completion of its construction to the satisfaction of the Chief Engineer, DPW.
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: Hawai'i County Real Property Tax Office records indicate that Building Permit 761357 was issued on June 6, 1976, to the subject property for a single-family dwelling consisting of 3 bedrooms and 2 baths.
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 OHD shall be twenty-five (25'-0") feet.

- b. Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel, containing 17,464 sq. ft., is zoned Agricultural (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 Hawai'i County Zoning Code, Section 25-6-35 and 25-4-47.

The respective minimum open space, front, rear, side yard and dwelling unit requirements for the proposed attached OHD to be located on the subject TMK property shall be the minimum yard requirements as follows:

- Front yard - minimum twenty (25) feet required;
 - Rear yard - minimum twenty (25) feet required;
 - Side yards - minimum (15-+) feet required and
 - Between dwelling units - 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. A guest house shall not be permitted or constructed where an Ohana dwelling has been permitted or constructed.
 7. This OHD permit is subject to all other applicable rules, regulations and requirements of the Planning Department, DPW, HFD, DOH and DWS and other reviewing agencies/divisions listed on the Building Permit Application.
 8. OHD's 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 Hawai'i County Code Chapter 23 and Chapter 25, as amended, shall be granted to permit the construction or placement of an OHD.
 - b. An OHD shall not be permitted on a lot which has been the subject of a previously granted variance from any provision of Hawai'i County Code, Chapter 23 and Chapter 25, as amended.
 9. The applicant shall comply and accept the following Department of Water Supply conditions:
 - a. Installation of a 1-inch service lateral to service 5/8-inch meter, which shall be restricted to a maximum daily flow of 400 gallons.

b. Remittance of the following charge, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC):	
2nd service to the parcel	\$5,500.00
SERVICE LATERAL INSTALLATION CHARGE:	
<u>Install one (1) meter on Ahulani Street, a County</u>	<u>\$3,000.00</u>
Total (Subject to Change)	\$8,500.00

10. The applicant shall comply to the following State Department of Public Health condition:

“Construction activities must comply with the provisions of Hawaii Administrative Rules, Chapter 11-46”, Community Noise Control.””

Should you have any questions regarding the above, please contact Rosalind Newlon of our West Hawai‘i Office at 323-4770.

Sincerely,



MICHAEL YEE
Planning Director

RJN:rjn

Enclosures:

Agency comments – Exhibits A-H

cc:

Dept. of Health, Chief Sanitarian
Dept. of Water Supply
Hawai‘i Fire Dept.
Dept. of Public Works

cc w/encls:

GIS Section (via email)