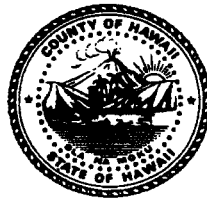


Harry Kim
Mayor

Wil Okabe
Managing 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

Michael Yee
Director

Duane Kanuha
Deputy Director

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

June 18, 2019

Kevin Iwasaki & Dennis Akamine
2039 Waiānuenu Avenue
Hilo, HI 96720

Dear Mr. Iwasaki & Mr. Akamine:

SUBJECT: Application: 'Ohana Dwelling Unit Permit (OHD-19-000192)
Applicants: Kevin Iwasaki and Dennis Akamine
Land Owners: Kevin Iwasaki and Dennis Akamine
Proposal: Construct a Detached 'Ohana Dwelling Unit
Tax Map Key: (3) 2-5-009:021 (Lot 2)

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

REQUEST

The applicant is requesting an OHD Permit to construct an additional dwelling unit on the subject property, replacing an old pre-existing dwelling.

PROPERTY DESCRIPTION

The subject TMK parcel, comprises of 20,891 square feet, Lot 2, and is situated within Pi'ihonua, South Hilo, Hawai'i. The property is zoned Single-Family Residential – 15,000 square feet (RS-15) by the County and is situated within the State Land Use Urban district. Subject parcel was created by Subdivision-334 on September 11, 1950.

AGENCY COMMENTS

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

1. The Department of Water Supply (DWS): See attached memorandum dated June 17, 2019 (Exhibit A);

COMMUNITY COMMENTS

There was one comment in support of the OHD permit received from surrounding property owners or the public.

ADDITIONAL FINDINGS

We note the following documents that accompanied your application:

Included with the OHD application are the original and notarized affidavits of **Kevin Iwasaki and Dennis Akamine**, both of which are dated April 5, 2019, and state in part:

Kevin Iwasaki and Dennis Akamine are the title holders for the subject parcel, TMK (3) 2-5-009:021.

The Parcel is TMK (3) 2-5-009:021. There are no covenants or any other land use restrictions that are applicable to the lot by way of 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. Although the current lot size and zoning would not currently allow multiple dwellings on the property, two pre-existing dwellings are already located on the property which predate the zoning regulation. The proposal would be to replace one of the existing dwellings. 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 there is one (1) existing 5/8-inch meter assigned to the subject parcel and is adequate for only one dwelling at an average daily usage of 400 gallons. The proposed 'ohana dwelling shall not share the existing water meter. Inasmuch as the application is proposing an additional dwelling, the installation of a water main capable of delivering water at adequate pressure and volume under peak-flow and fire-flow conditions would need to be extended from a 6-inch waterline within Waiānuenu Avenue to the front of the property.

DECISION AND CONDITIONS

In view of the above, by this letter, you are hereby **granted** permission to construct a single-family OHD to replace a pre-existing dwelling, 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, 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 records indicate that one dwelling structure was built in 1938 and the other in 1967, both of which pre-date the existence of the Zoning Code (Chapter 25, Hawai'i County Code).
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 20,891 sq. ft., is zoned Single-Family 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, Section 25-6-35 and 25-4-7.


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-five feet (25')** feet required;
- Rear yard – the property does not have rear yard setbacks, but should the determination of yards be amended, the minimum rear yard required would be **twenty-five feet (25')** feet;
- Side yards – minimum **fifteen (15')** feet required;
- 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, 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 Chapter 23 and Chapter 25, Hawai'i County Code, 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 Chapter 23 and Chapter 25, Hawai'i County Code, as amended.

Should you have any questions regarding the above, please contact Hans Santiago of this office.

Sincerely,



MICHAEL YEE
Planning Director

HS:jaa

P:\Admin Permits Division\Ohana\2019\OHD-19-000192IwasakiAkamine\OHD-19-000192IwasakiAkamine APPROVAL 06-18-19.docx

Encl: Exhibit A

cc: Dept. of Health, Chief Sanitarian w/revised site plan
Dept. of Water Supply w/revised site plan
Hawai'i Fire Dept. w/revised site plan
Dept. of Public Works w/revised site plan
GIS Section (via email) w/enclosure



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII
345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720
TELEPHONE (808) 961-8050 • FAX (808) 961-8657

June 17, 2019

2019 JUN 18 pm 2 40
PLANNING DEPARTMENT
COUNTY OF HAWAII

TO: Mr. Michael Yee, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: Ohana Dwelling Unit Permit (OHD-19-000192)
Kevin Iwasaki and Dennis Akamine
Tax Map Key 2-5-009:021 (Lot 2)

We have reviewed the subject application in advance of receiving a revised site plan or application, as discussed.

For your information, an existing 3/4-inch meter services this property and is adequate for only one dwelling unit at an average of 400 gallons per day.

Inasmuch as this application is proposing an additional dwelling, the installation of a separate 3/4-inch meter would normally be required in accordance with the Department's Rules and Regulations. However, the Department's existing waterline fronting the parcel cannot support an additional water meter for the proposed ohana dwelling at this time. Currently, sufficient funding is not available from the Department and no time schedule is set to replace the waterlines in this area.

The nearest point of adequacy is from an existing 6-inch waterline within Waiānuenu Avenue, approximately 150 lineal feet from the subject parcel. A water main capable of delivering water at adequate pressure and volume under peak-flow and fire-flow conditions would need to be extended to front the subject property.

Therefore, the Department has no objections to the proposed application, subject to the applicant understanding and accepting that the Department cannot provide service to the proposed additional ohana dwelling. Further, should the application be approved, both dwellings shall not share the existing meter.

Should there be any questions, please contact Mr. Ryan Quitoriano of our Water Resources and Planning Branch at 961-8070, extension 256.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

RQ:dfg

copy – Mr. Kevin Iwasaki and Mr. Dennis Akamine

... *Water, Our Most Precious Resource* ... *Ka Wai A Kāne* ... **126034**
The Department of Water Supply is an Equal Opportunity provider and employer.

EXHIBIT "A"