

Harry Kim
Mayor

Roy Takemoto
Managing Director

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



County of Hawai'i
PLANNING DEPARTMENT

Michael Yee
Director

April Surprenant
Acting Deputy Director

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

June 22, 2020

Daniel Robert Bona
Matthew Roy Belli
RR2 Box 4748
Pāhoa, HI 96778

Dear Mr. Bona & Mr. Belli:

SUBJECT: Application: 'Ohana Dwelling Unit Permit (OHD-20-000197)
Applicant: Daniel Robert Bona & Matthew Roy Belli
Land Owners: Daniel Robert Bona & Matthew Roy Belli
Proposal: Construct a Detached 'Ohana Dwelling Unit
Tax Map Key: (3) 2-4-040:008 (Lot 8)

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.

PROPERTY DESCRIPTION

The subject TMK parcel, comprises of 15,000 square feet, Lot 8, and is situated within Waiākea Homesteads, 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. The subject parcel was created by Subdivision-1537-A on April 26, 1962.

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 Public Works - Engineering Division (DPW - Engineering): See attached memorandum dated February 20, 2020. (**Exhibit A**);
2. Department of Environmental Management-Solid Waste Division (DEM-Solid Waste): See attached memorandum dated February 24, 2020. (**Exhibit B**);
3. The Department of Environmental Management –Wastewater Division (DEM-Wastewater): See attached memorandum dated February 24, 2020. (**Exhibit C**);
4. The Department of Water Supply (DWS): See attached memo dated February 25, 2020. (**Exhibit D**);
5. The State of Hawai‘i Department of Health (DOH): See attached memorandum dated March 31, 2020. (**Exhibit E**);
6. The Department of Public Works – Building Division (DPW – Building): See attached memorandum dated April 15, 2020. (**Exhibit F**);
7. The Hawai‘i County Fire Department (HFD): No comments received.

COMMUNITY COMMENTS

There was one comment requesting additional information received from surrounding property owners or the public.

ADDITIONAL FINDINGS

We note the following documents that accompanied your application:

Included with the OHD application is a notarized Warranty Deed of **Daniel Robert Bona and Matthew Roy Belli**, recorded with the State of Hawai‘i, Bureau of Conveyances on October 18, 2019.

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, the proposal would be to build a new ‘ohana dwelling behind the current single-family dwelling. 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 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 Kawaiiani Street, fronting the subject parcel.

DECISION AND CONDITIONS

In view of the above, by this letter, you are hereby **granted** permission to construct a 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, 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 780218 was issued in 1978 to the subject property for a single-family dwelling.
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 15,000 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 – minimum **twenty-five feet (25')** feet required;
- 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 to be individually accessible.

6. A guest house shall not be permitted or constructed where an 'ohana dwelling has been permitted or constructed.
7. **The 'ohana dwelling is not approved for use as a non-residential short-term vacation rental (STVR).**
8. This OHD permit is subject to all other applicable rules, regulations and requirements of the Planning Department, DPW, HFD, DOH, DWS and any other reviewing agencies/divisions listed on the Building Permit Application.
9. 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.

Daniel Robert Bona
Matthew Roy Belli
June 22, 2020
Page 5

Should you have any questions regarding the above, please contact Larry Nakayama of this office.

Sincerely,



MICHAEL YEE
Planning Director

LHN:jaa

P:\Admin Permits Division\Ohana\2020\OHD-20-000197 Bona-Belli\ APVL.doc

Encl: Agency Comments - Exhibit A-F

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

DEPARTMENT OF PUBLIC WORKS
COUNTY OF HAWAII
HILO, HAWAII

DATE: February 20, 2020

Memorandum

TO: Michael Yee, Planning Director

FROM: ^{FOR:} Department of Public Works, Engineering Division ^{BA}

SUBJECT: OHANA DWELLING UNIT PERMIT APPLICATION (OHD 20-000197)

Applicant: Daniel Robert Bona & Mathew Roy Belli
Land Owners: Daniel Robert Bona & Mathew Roy Belli
Proposal: Construct a Detached Ohana Dwelling Unit
TMK: 2-4-040:008 (Lot 8)

2020 FEB 20 PM 2 34
PLANNING DEPARTMENT
COUNTY OF HAWAII

We have reviewed the subject application forwarded by your memo dated February 14, 2020 and offer the following comments for your consideration:

1. All earthwork and grading activity shall conform to Chapter 10, Erosion and Sedimentary Control, of the Hawaii County Code.
2. All driveway connections and construction within the Kapaka Street shall conform to Chapter 22, County Streets, of the Hawaii County Code. Access to Kapaka Street, including the provision of adequate sight distances, shall meet with the approval of the Department of Public Works, Engineering Division.
3. All development-generated runoff shall be disposed of on site and not directed toward any adjacent properties. A drainage plan may be required by the Plan Approval process in accordance with Section 25-2-72(3) of the Hawaii County Code.
4. 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 Bryce Harada at 961-8042.

EXHIBIT

A

SCAN.....

FEB 21 2020

131481

Harry Kim
Mayor

Roy Takemoto
Managing Director



William A. Kucharski
Director

Diane A. Noda
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanā'oa Street, Suite 41 · Hilo, Hawai'i 96720

Ph: (808) 961-8083 • Fax: (808) 961-8086

Email: cohdem@hawaiicounty.gov

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
COUNTY OF HAWAII

2020 FEB 25 09 11 14

MEMORANDUM

TO: Michael Yee, Director
Planning Department

FROM: William A. Kucharski, Director
Environmental Management Department *WAK*

DATE: February 24, 2020

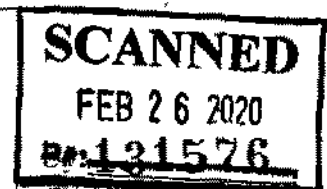
SUBJECT: Application: 'Ohana Dwelling Unit Permit (OHD-20-000197)
Applicants: Daniel Robert Bona and Mathew Roy Belli
Land Owners: Daniel Robert Bona and Mathew Roy Belli
Proposal: Construct a Detached 'Ohana Dwelling Unit
Tax Map Key: (3) 2-4-040:008 (Lot 8)

EXHIBIT

B

The Solid Waste Division has reviewed the subject application and offers the following comments and/or recommendations (contact the Solid Waste Division for details):

- No comments.
- Commercial operations, State and Federal agencies, religious entities and non-profit organization may not use transfer stations for disposal.
- Aggregates and any other construction/demolition waste should be responsibly reused to its fullest extent.
- Ample and equal room should be provided for rubbish and recycling.
- Green waste may be transported to the green waste sites located at the West Hawai'i Organics Facility and East Hawai'i Organics Facility, or other suitable diversion programs.
- Construction and demolition waste is prohibited at all County Transfer Stations.
- Submit Solid Waste Management Plan in accordance with attached guidelines.
- Existing Solid Waste Management Plan is to be followed. Provide update to the department on current status.
- Other: _____



The Wastewater Division has reviewed the subject application and offers the following comments and/or recommendations (contact the Wastewater Division for details):

- (X) No comments.
- () Require connection of existing and/or proposed structures to the public sewer in accordance with Section 21-5 of the Hawai'i County Code.
- () Require Council Resolution to approve sewer extension in accordance with Section 21-26.1 of the Hawai'i County Code. Complete Sewer Extension Application.
- () Require extension of the sewer system to service the proposed subdivision in accordance with Section 23-85 of the Hawai'i County Code.
- () *Check or line out as applicable:* [] If required by the Director of the Department of Environmental Management ("Director of DEM"), [] applicant shall conduct a sewer study in accordance with the then applicable wastewater system design standards prior to approval to connect to the County sewer system. Applicant shall provide such sewer line or other facility improvements as the Director of DEM may reasonably require, which the sewer study may indicate are advisable for mitigation of impacts of the proposed project. Contact Wastewater Division Chief for details.
- () Other: _____

WK:mef

EXHIBIT

C



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

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

February 25, 2020

2020 FEB 26 pm 2 02
DEPARTMENT OF WATER SUPPLY
COUNTY OF HAWAII

TO: Mr. Michael Yee, Director
Planning Department

FROM: Keith K. Okamoto, Manager-Chief Engineer

SUBJECT: **Ohana Dwelling Unit Permit
(OHD 20-000197)
Applicant – Daniel Robert Bona and Mathew Roy Belli
Tax Map Key 2-4-040:008**

We have reviewed the subject application and have the following comments and conditions.

Please be informed that there is one (1) existing service assigned to the subject parcel (Account No. 130-24800). 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 Kapaka 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 1-inch service lateral to service a 5/8-inch meter, which shall be restricted to a maximum daily-flow of 600 gallons.
2. Remittance of the following charges, 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:

Install one (1) meter on Kapaka Street, a County road \$4,000.00

Total (Subject to Change) \$9,500.00

Should there be any questions, please contact Mr. Troy Samura of our Water Resources and Planning Branch at 961-8070, extension 255.

Sincerely yours,

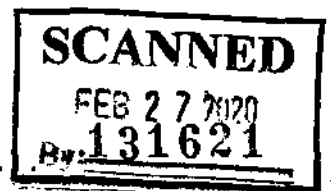
Keith K. Okamoto, P.E.
Manager-Chief Engineer

EXHIBIT

D

TSdfg

copy – Mr. Daniel Robert Bona and Mr. Mathew Roy Belli



... Water, Our Most Precious Resource ... Ka Wai A Kāne ...

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



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

hand delivered
APR 02 2020
RECEIVED
COUNTY OF HAWAII
PLANNING
DEPT.

MEMORANDUM

DATE: March 31, 2020

TO: Mr. Michael Yee
Planning Director, County of Hawaii

FROM: Eric Honda *m*
District Environmental Health Program Chief

SUBJECT: Application: Ohana Dwelling Unit Permit (OHD-20-000197)
Applicants: Daniel Robert Bona & Mathew Roy Belli
LandOwners: Daniel Robert Bona & Mathew Roy Belli
Proposal: Construct a Detached Ohana Dwelling Unit
TMK: 2-4-040:008 (Lot 8)

EXHIBIT

E

The applicant would need to meet the requirements of our Department of Health Air Pollution Rules, Chapter 60.1, Title 11, State of Hawaii for fugitive dust control. If there is need to discuss these requirements, please contact our Clean Air Branch staff at Ph. 933-0401.

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

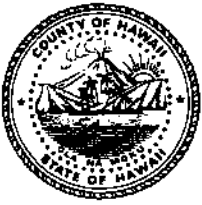
1. The contractor must obtain a noise permit if the noise levels from the construction activities are expected to exceed the allowable levels of the rules.
2. Construction equipment and on-site vehicles requiring an exhaust of gas or air must be equipped with mufflers.
3. The contractor must comply with the requirements pertaining to construction activities as specified in the rules and the conditions issued with the permit.

Should there be any questions on this matter, please contact the Department of Health at 933-0917.

Wastewater Branch found no wastewater/environmental health concerns with regulatory implications in the submittal.

SCANNED

APR 06 2020
132320



BUILDING DIVISION – DPW

COUNTY OF HAWAII – 74-5044 Ane Keohokalole HWY. BLDG E 1st Floor KAILUA-KONA, HI 96740
Hilo Office (808) 961-8331 * Fax (808) 961-8410 Kona Office (808) 323-4720 * Fax (808) 327-3509


Date of Notice: April 15, 2020
Owner: Daniel Robert Bona & Mathew Roy Belli
Mailing address: 420 Ainalako Rd, Hilo, HI 96720

Address location of property:

SUBJECT: Ohana Dwelling Permit (OHD 2-000197)
T.M.K.: 2-4-040: 008

This is to inform you that our records on file, relative to the status of the subject, discloses that:

- No Building permit was issued for work done on the premise.
- No building permit was issued for the change of occupancy.
- At the time of completion, the subject complied with all building regulations that were in effect.
- Variance from any building regulation (Building, Electrical, Plumbing, or Sign) was/was not granted.
- The following violation(s) still outstanding:
 - Building
 - Electrical
 - Plumbing
 - Sign
- Others: (See Below)
- No Objections


Neil Erickson, Plans Examining Manager
County of Hawaii Department of Public Works Building Division

EXHIBIT

7