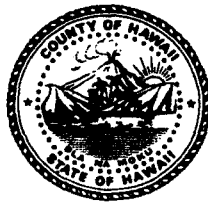


Harry Kim
Mayor

Roy Takemoto
Managing Director

West Hawai'i Office
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Kailua-Kona, Hawai'i 96740
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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

July 29, 2020

Mira Gurung
77-6412 Kepano Place
Kailua-Kona, HI 96740-9725

Dear Ms. Gurung:

SUBJECT: Ohana Dwelling Unit Permit (OHD-20-000203)
Applicants: Mira Gurung
Land Owners: Mira Gurung, Fee Owner
Proposal: Construct a Detached Ohana Dwelling Unit
Tax Map Key: (3) 5-4-005:018

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 0.622 acres (27,094 square feet), and is situated within a Por. of Honopueo, North Kohala, Hawai'i. The property is zoned Single-Family Residential (RS-15) minimum building site of 15,000 square feet, by the County and is situated within the State Land Use Urban district.

AGENCY COMMENTS

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

1. The State of Hawai'i Department of Health (DOH): See attached memorandum dated June 18, 2020 (**Exhibit A**).
2. The Department of Public Works (DPW): See attached memorandum dated June 2, 2020 (**Exhibit B**).
3. The Department of Water Supply (DWS): See attached memorandum dated June 8, 2020 (**Exhibit C**).

COMMUNITY COMMENTS

There was one comment 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 **Mira Gurung** dated March 5, 2020, included with the OHD application states:

"I hereby declare I am the owner of the property at 54-3867 Akoni Pule highway, Kapaau, HI 96755, TMK 5-4-005:018-0000. I also declare that provisions of any restriction, covenant or other land use restriction applicable to the lot by way of a deed or lease or other provision do not prohibit the construction 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 (0.622 acres) 27,094 square feet located within the RS-15 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 Akoni Pule Highway fronting the subject parcel, per DWS memo dated July 6, 2020. (See Exhibit C)

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, 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 (BK2020-00177) was issued on February 10, 2020, to the subject property for an "As-Built" Yurt Efficiency Dwelling consisting of a living area with kitchen area with sink & cooktop, open deck with enclosed bath, 2 exterior stairways, with roof above 1,550 gallon water tank with solar water panels.
5. **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 July 28, 2021. Please bring a copy of this Permit to the Building Division, Department of Public Works, when submitting your Building Permit Application to them in order to assist the reviewing agencies in reviewing and processing the building permit application and construction plans for the Ohana Dwelling on the subject parcel.

Prior to submitting your Building Permit Application:

- a) The applicant shall consult with the DPW to ensure that the construction plans conform to DPW driveway requirements.
- b) The applicant shall apply to the DWS and (1) obtain their written commitment for a second water meter, (2) pay any required facilities charge and service lateral installation charges to the DWS, and (3) submit proof of payment of such charges with the submittal of a building permit application.
- c) The applicant shall correspond with the DOH to determine the number and type of individual wastewater systems allowed.

- d) The applicant shall consult with the HFD to verify the accessibility of the premises for emergency/fire fighting purposes.
- e) The applicant shall ensure that its architect is advised of the special Height limitation, Yard (Setback) and Open Space requirements applicable as set forth below.

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.

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.

6. 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 (0.622 acres) 27,094 square feet., 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 25-5-7 and 25-6-35.

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 yards –minimum 25 feet (including additional 5 feet for Ohana dwelling unit)
 - Rear yards – minimum 25 feet (including additional 5 feet for Ohana dwelling unit)
 - Side yards – minimum 15 feet required (including additional 5 feet for Ohana dwelling unit)
 - 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.

7. Designation of the Ohana Dwelling Unit per Section 25-6-33(b): “The Director may designate an existing first single-family dwelling unit as an ohana dwelling unit in order to allow permitting of a new first single-family dwelling when such existing dwelling is the only dwelling unit on the building site and the dwelling unit complies or will be modified to comply with all the requirements of this division”.
8. A guest house shall not be permitted or constructed where an Ohana dwelling has been permitted or constructed.
9. 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.
10. 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.
11. 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. Submit construction plans, prepared by a professional engineer licensed in the State of Hawai‘i for review and approval.
 - c. Remittance of the following charge, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC):

1st service to the parcel \$1,900.00

SERVICE LATERAL INSTALLATION CHARGE:

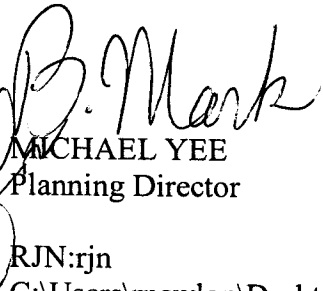
Install one (1) meter on Akoni Pule Highway, a State Highway \$17,000.00

Total (Subject to Change) \$18,190.00

12. The applicant shall comply to the following Department of Public Works condition:
a. Driveways shall conform to Chapter 22 of the Hawaii County Code.

Should you have any questions regarding the above, please contact Rosalind Newlon of this office at (808) 323-4770.

Sincerely,



MICHAEL YEE
Planning Director

RJN:rjn

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Encls: Agency comments – Exhibits A-C

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)