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December 14, 2021

William Lester & Gary A. Mathias
78-7218 Puuloa Road
Kailua-Kona, HI 96740

Dear William Lester & Gary A. Mathias:

Ohana Dwelling Permit Application (PL-OHD-2021-000002)

Applicant: William Lester & Gary A. Mathias
Owner: William Lester & Gary A. Mathias
State Land Use: Urban
County Zoning: Single-Family Residential (RS-20)
Land Area: 0.897 acres
TMK: (3) 7-8-005:063

Upon review of your application and as applicable, comments from the public and government agencies for an 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 construct an additional dwelling unit on the subject property.

PROPERTY DESCRIPTION

The subject TMK parcel, comprised of 0.897 acres situated within the Keauhou 2nd Subdivision, North Kona, Island of Hawai'i. The property is zoned Single-Family Residential (RS-20) 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 Hawaii County Department of Public Works (DPW): The DPW did not comment on this application as of this date;;
2. The Department of Water Supply (DWS): The DWS did not comment on this application as of this date;;
3. The Hawai'i County Fire Department (HFD): The HFD did not comment on this application as of this date;
4. The State of Hawai'i Department of Health (DOH): The DOH did not comment on this application as of this date;.

5. The Department of Environmental Management (DEM): The DEM did not comment on this application as of this date;

COMMUNITY COMMENTS

Notice were sent to surrounding property owners on October 21, 2021 and November 5, 2021. No comments from the public were received.

ADDITIONAL FINDINGS

We note the following documents that accompanied your application:

The original and notarized affidavits of William Lester & Gary A Mathias, dated August 2, 2021, included with the OHD application and is attached as exhibit A.

ANALYSIS

The proposed building site for the subject OHD application is a legal lot of record greater than 10,000 square feet located within the single-family residential 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 OHD Permit.

DECISION AND CONDITIONS

In view 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 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:** The applicant is required to secure a building permit from the Department of Public Works, Building Division, within one (1) year from the date of this approval for the construction of the OHD on or before **December 15, 2022.**

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) The applicant shall consult with the DPW to conform with driveway requirements and to address potential runoff issues with the placement of the OHD.
 - b) The applicant shall contact the DWS and pay any required facilities charge and service lateral installation charges to the DWS.
 - 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) 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.
 - f) 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-five** (25'-0") feet.
 - b) Zoning and Minimum Building Site Area (Lot Size): The subject TMK parcel, containing 0.897 acres, is zoned Single-Family Residential (RS-20) 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 detached OHD to be located on the subject TMK property shall be the minimum yard requirements as follows:

- i) Front yard - minimum **thirty** (30) feet required;
- ii) Rear yard – minimum **thirty** (30) feet required;
- iii) Side yards – minimum **twenty** (20) feet required; and

- iv) 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 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.

If you have any questions please call Deanne Bugado of our West Hawai'i Office at 323-4770.

Sincerely,


April Surprenant (Dec 20, 2021 10:19 HST)

Zendo Kern
Planning Director

DEB:deb

P:\Ohana\Kona Ohana\ Approval\OHNap-7-8-005-063 _Lester&Mathias