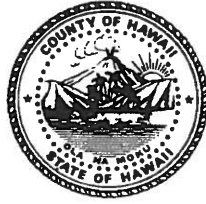


Mitchell D. Roth
Mayor

Lee E. Lord
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

Zendo Kern
Director

Jeffrey W. Darrow
Deputy Director

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

September 7, 2021

Christopher M.P. Kua
204 E. Kawaihāni Street
Hilo, HI 96720-5609

Dear Ms. Kohler:

SUBJECT: Application: Ohana Dwelling Unit Permit (OHD-21-000211)
Applicant: Christopher M.P. Kua
Land Owner: Christopher M.P. Kua
Proposal: Construct a Detached Ohana Dwelling Unit
Tax Map Key: (3) 2-2-045:063 Lot A

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 16,513 square feet, Lot A, and is situated within the "Waiakea Homesteads- 1st Series", Waiakea, South Hilo Hawai'i. The property is zoned Single-Family Residential, minimum building site of ten thousand square feet (RS-10) by the County and is situated within the State Land Use Urban district. Subject parcel was created by Subdivision-1419-revised on January 18, 1960. (See **Exhibit A**)

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 (DEM): No comments received.

2. The State of Hawai'i Department of Health (DOH): No comments received.
3. The Hawai'i County Fire Department (HFD): See attached memorandum dated July 15, 2021 (**Exhibit B**).
4. The Department of Public Works (DPW): No comments received.
5. The Department of Water Supply (DWS): See attached memorandum dated July 21, 2021 (**Exhibit C**).

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 Christopher Michael Piliki Kua dated March 3, 2021, included with the OHD application states:

"This document shall serve as an affidavit stating that any restrictions, covenant or other land use restriction applicable to the lot, do not prohibit the construction of an Ohana dwelling unit."

ANALYSIS

The building site for the subject OHD application is a legal lot of record of at least 16,513 square feet located within the RS-10 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 Kawailani Street fronting the subject parcel, per DWS memo dated July 21, 2021. (**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 30297 was issued on December 9, 1964, to the subject property for a single-family dwelling consisting of 3 bedrooms, 2 baths for a total count of 7 rooms and a carport.
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 16,513 sq. ft., is zoned Single-Family Residential (RS-10) 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 Yards – minimum 25 feet required and
- 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. 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):

2nd service to the parcel \$6,095.00

SERVICE LATERAL INSTALLATION CHARGE:

Install one (1) meter on Kawailani Street, a County road \$3,000.00

Total (Subject to Change)

\$9,095.00

Christopher M.P. Kua
September 7, 2021
Page 5

10. 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,



ZENDO KERN
Planning Director

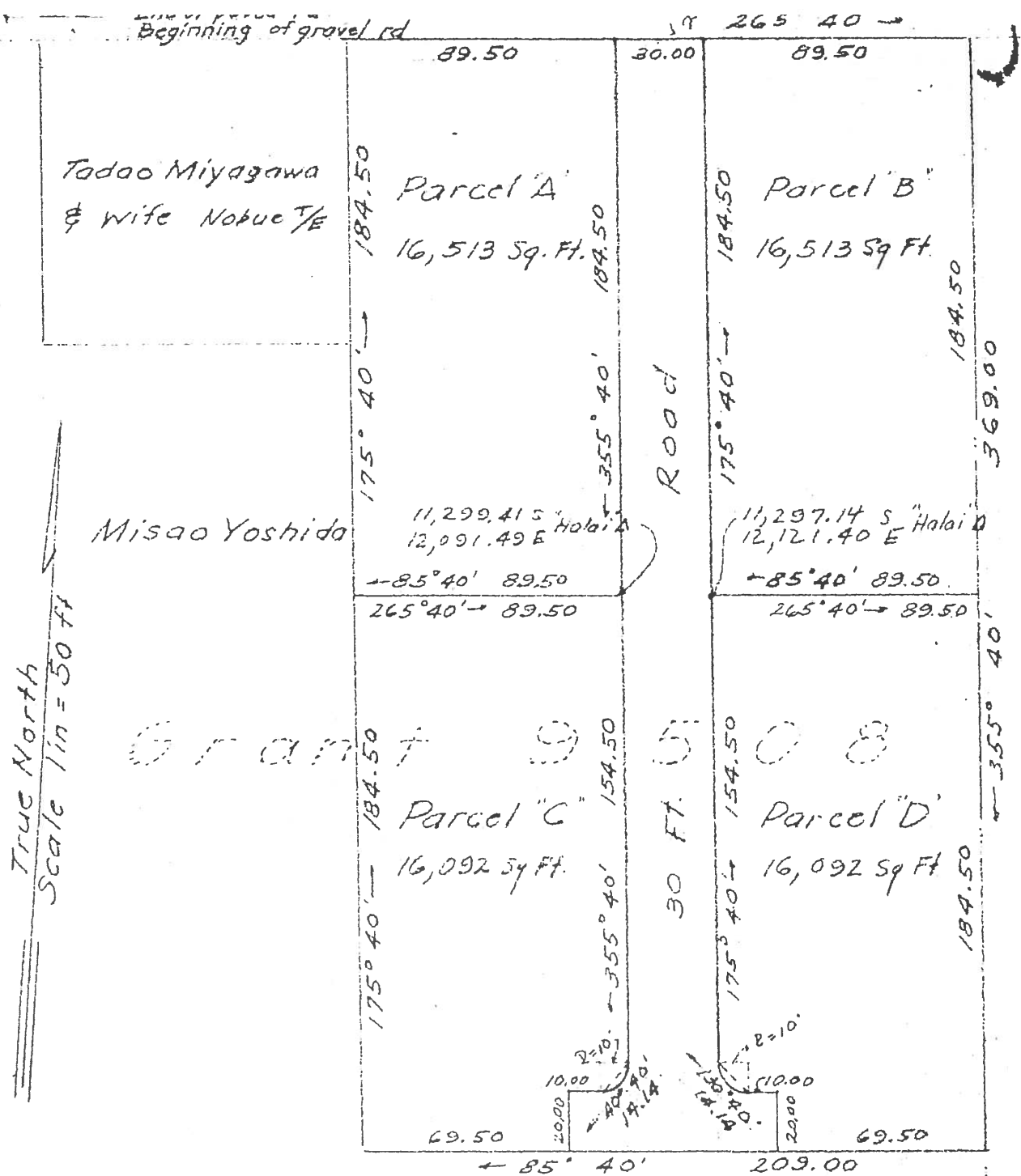
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C:\Users\rnewlon\OneDrive - County of Hawaii\Desktop\Newlon-2\Ohana Permits\OHNAp 2-2-045-063 Kua.doc

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)



CONSOLIDATION &
RESUBDIVISION OF PORTION
OF GRANT 9508 INTO PARCELS "A" TO "D"
LOT 11, BLOCK 701
WAIAKEA HOMESTEADS, 1ST. SERIES
WAIAKEA, S. HILO, HAWAII

"EXHIBIT A"

Subdivider

Noriyoshi Masumoto
2202 Kapiolani Blvd

Hajime Takata - Surveyor
143 Kimo Place Hilo Hawaii

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director



Kazuo S. K. L. Todd
Fire Chief

Eric H. Moller
Deputy Fire Chief

County of Hawai'i
HAWAI'I FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

RCVD COH PLANNING DEPT
JUL 15 '21 PM2:24

July 15, 2021

TO: ZENDO KERN, PLANNING DIRECTOR

FROM: KAZUO S. K. L. TODD, FIRE CHIEF

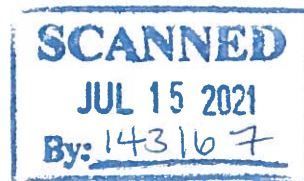
SUBJECT: **Application: Ohana Dwelling Unit Permit (OHD-21-000211)**
Applicant: Christopher M. P. Kua
Land Owner: Christopher M. P. Kua
Proposal: Construct a Detached Ohana Dwelling Unit
Tax Map Key: (3) 2-2-045:063 Lot A

In regards to the above-mentioned request to Ohana Dwelling Unit Permit (OHD-21-000211) the Hawai'i Fire Department has no objections.

If there are any further questions, please contact the Fire Prevention Bureau at 932-2911.

KAZUO S. K. L. TODD
Fire Chief

KT:lk



"EXHIBIT B"

Hawai'i County is an Equal Opportunity Provider and Employer.



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

July 21, 2021

COH PLANNING DEPT
 JUL 22 2021 8:31:52

TO: Mr. Zendo Kern, Director
 Planning Department

REC'D HAND DELIVERED

FROM: Keith K. Okamoto, Manager–Chief Engineer

SUBJECT: Ohana Dwelling Unit Permit Application (OHD 21-000211)
Applicant – Christopher M. P. Kua
Tax Map Key 2-2-045:063

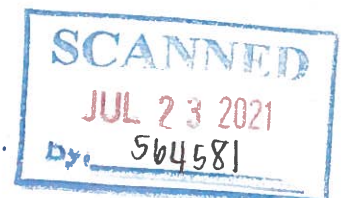
We have reviewed the subject application and have the following comments and conditions.

Please be informed that there is an existing service assigned to the subject parcel which is adequate for only one (1) dwelling at an average daily usage of 400 gallons. 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 Kawaiilani 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 400 gallons.
2. Remittance of the following charges, which are subject to change, to our Customer Service Section:

FACILITIES CHARGE (FC):	
2 nd service to the parcel	\$6,095.00
SERVICE LATERAL INSTALLATION CHARGE:	
<u>Install 1 meter on Kawaiilani Street, a County road</u>	<u>\$3,000.00</u>
Total (Subject to Change)	\$9,095.00



Mr. Zendo Kern, Director
Page 2
July 21, 2021

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

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Keith K. Okamoto', written in a cursive style.

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

TS:dfg

copy – DWS Customer Service (Hilo)
Mr. Christopher M. P. Kua

“EXHIBIT C”