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



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

March 16, 2023

Leslie E. Sears Christopher G. Hardenbrook P.O. Box 558 Kurtistown, HI 96760

Dear Leslie E. Sears & Christopher Hardenbrook:

SUBJECT: Application: 'Ohana Dwelling Unit Permit | PL-OHD-2023-000010

Applicant(s): Leslie E. Sears and Christopher G. Hardenbrook Land Owner(s): Hardenbrook, Christopher G./Sears, Leslie E. Trust

Proposal: Construct Proposed 'Ohana Dwelling Unit

Tax Map Key: (3) 1-7-015:014, 17-324 Momona Road, Kurtistown HI

Upon review of your application and as applicable, comments from the public and government agencies for an 'Ohana Dwelling Unit (OHD) Permit, you are **approved** 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 50,530 square feet, Lot 20, and is situated in a portion of Happy Homes Tr., Kea'au, Puna, Hawai'i. The property is zoned Residential and Agriculture District – 50,530 square feet (RA-.5a) by the County and is situated within the State Land Use Rural district.

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 Water Supply (DWS): See attached memorandum dated February 7, 2023 (Exhibit A)

COMMUNITY COMMENTS

There were no community comments received for this application.

ADDITIONAL FINDINGS

We note the following documents that accompanied your application:

Included with the OHD application are the original and notarized affidavits of Leslie Elizabeth Sears and Christopher Graves Hardenbrook, both of which are dated December 22, 2022, and state in part:

- Leslie E. Sears and Christopher Graves Hardenbrook are the title holders as trustees of the Living trust for the subject parcel, TMK (3) 1-7-015:014.
- The Parcel is TMK (3) 1-7-015:014. 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 RA-.5a district and is designated Rural by the State Land Use Commission. 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 form 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 meets the requirements for an OHD Permit.

The Department of Water Supply, County of Hawaii has indicated that the subject parcel is currently served by a 5/8-inch meter (Account No. 060-00800), which is adequate for only one (1) dwelling unit each at an average daily usage of 400 gallons per day. Inasmuch as this applicant is proposing an additional dwelling, the installation of a separate 5/8-inch meter would normally be required in accordance with the Department's regulations.

However, the Department's existing water system facilities cannot support an additional water meter at this time. Extensive improvements and additions, which may include, but not be limited to, source, storage, booster pumps, transmission, and distribution facilities, would be required. Currently, sufficient funding is not available from the Department for such improvements and no time schedule is set.

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 farm dwelling. Should the application be approved, all dwellings shall not share the existing meter, and the water system plumbing between any dwellings shall not be interconnected in any way.

DECISION AND CONDITIONS

In view of the above, by this letter, you are hereby **granted** permission to construct a single-family Ohana Dwelling Unit, 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. The proposed OHD shall comply with the State of Hawai'i Department of Health's Hawai'i Administrative Rules, Chapter 11-20 (HAR 11-20), and titled "Rules to Public Water Systems." The proposed site plan indicates that there is an existing cesspool built for the existing 3 bedroom / 1 bath single family dwelling and a proposed septic system for the proposed 'Ohana Dwelling Unit.
- 3. **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.
- 4. **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.
- 5. **Building Permit:** Hawai'i County records indicate that the first dwelling structure was built in 1938, a three bedroom single-wall home, old water tank, bathhouse, shed and garage.
- 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 50,530 sq. ft., is zoned Single-Family Residential (RA-.5a) by the County and is situated within the State Land Use Rural 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 feet (30') feet required;
- Rear yard minimum feet (30') feet required;
- Side yards minimum feet (20') feet required;
- Between dwellings 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. A guest house shall not be permitted or constructed where an 'Ohana dwelling has been permitted or constructed.
- 8. 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.
- 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 zoning 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 of 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, amended.

Should you have any questions regarding the above, please contact Terri Napeahi of this office, at (808) 961-8288 or email terri.napeahi@hawaiicounty.gov.

Sincerely,

Zendo Kern Zendo Kern (Mar 21, 2023 07:56 HST)

ZENDO KERN Planning Director

TLN:so

\\COH01\planning\public\Admin Permits Division\Ohana\2023\PL-OHD-2023-000010 Sears & Hardenbrook Apvl Ltr 3-13-2023.doc

Encl: Exhibit A, Site/Plot plan

cc: Dept. of Health, Chief Sanitarian w/site plan

> Dept. of Water Supply w/site plan Hawai'i Fire Dept. w/site plan Dept. of Public Works w/site plan GIS Section (via email) w/enclosure



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAI'I

345 KEKŪANAŌʻA STREET, SUITE 20 • HILO, HAWAIʻI 96720 TELEPHONE (808) 961-8050 • FAX (808) 961-8657

February 7, 2023

COH PLANNING DEPT FEB 8 2023 PM1:57

REC'D HAND DELIVERED

EXHIBIT A

TO:

Mr. Zendo Kern, Director

Planning Department

FROM:

Keith K. Okamoto, Manager-Chief Engineer

SUBJECT:

Ohana Dwelling Unit Permit

Applicant - Christopher G. Hardenbrook / Leslie E. Sears

Tax Map Key 1-7-015:014 (PL-OHD-2023-000010)

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

Please be informed that each of the subject parcel is served by an existing 5/8-inch meter (Account No. 060-00800) and is adequate for only one (1) dwelling unit each at an average of 400 gallons per day. Inasmuch as this application is proposing an additional dwelling, the installation of a separate 5/8-inch meter would normally be required in accordance with the Department's regulations.

However, the Department's existing water system facilities cannot support an additional water meter at this time. Extensive improvements and additions, which may include, but not be limited to, source, storage, booster pumps, transmission, and distribution facilities, would be required. Currently, sufficient funding is not available from the Department for such improvements and no time schedule is set.

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 farm dwelling. Should the application be approved, all dwellings shall not share the existing meter, and the water system plumbing between any dwellings shall not be interconnected in any way.

Should there be any questions, please contact Mr. Troy Samura of our Water Resources and Planning Branch at (808) 961-8070, extension 255.

Sincerely yours

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

TS:dfg

copy - Christopher J. Hardenbrook / Leslie E. Sears DWS Customer Service (Hilo)

BUILDER'S OBLIGATIONS

THE CONTRACTOR/BUILDER SHALL INSPECT THE PLAND PROJECT STE, AND VERIEY ALL DIMENSIONS, CONDITIONS, AND DETAILS BEFORE STARTING CONSTRUCTION.

THE CONTRACTOR/BUILDER SHALL BE RESPONSIBLE TO VEHEY THAT ALL SOLT CONDITIONS. AND ACCOMMODATE FOUNDATION DESIGN AND SHALL SLOPE ALL FINISHED GRADES AWAY FROM STRUCTURE, AS PER OURSENT LOCALLY ADOPTED BUILDING CODE.

GENERAL CONDITIONS

OWNER'S OBLIGATIONS

BY APPLYING FOR A BUILDING PERMIT, THE OWNER CONFIRMS THAT HE OR SHE HAS REVIEWED THESE CAMES AND ACQUENTE AND ACQUENTE IN REGARDS TO HIS OR HER REQUIREMENTS.

Index to Drawing

GENERAL NOTES, FLOOR PLAN, TABULATION DOOR & WINDOW SCHEDULES, EXTERIOR ELEVATIONS PROJECT INFORMATION, AND PLOT PLAN

DESCRIPTION

FOUNDATION PLAN, BRACED WALL LAYOUT, AND DEFAILS

SHEET NO.

AOI

ROOF LAYOUT PLAN, BUILDING SECTIONS AND DEFAILS

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Energy Conservation Code (Interim per HRS 107-28, State Energy Conservation Code, 2018 IECC as amended.)
(Effective September 1, 2021
RESIDENTIAL BUILDING ENERGY EFFICIENCY STANDARDS

2018 HAWAI'I STATE ENERGY CODE

TO THE REST OF MY INDOM, EDGE. THS PROJECT'S DESIGN SUBSTANTIALLY CONFORMS TO THE RESIDENTIAL PROVISIONS OF THE 2018 IECC WITH AMENDMENTS PER HAR OHAPTER 5-1811.

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A02

A03

HOMES HOMES FROME PLANNING & DESIGN SERVICES E

COMPLANCE ENTING

Through SELD CONTROL STRUCTURE or opening were
Directed Seld Control Seld Cont

INFORMATION IN CONSTRUCTION DOCUMENTS

Envelope

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1.2 THOSE THAT DO NOT CONTAIN CONDITIONED SPACE

THIS WORK WAS PREPARED BY ME OR U MY SUPERVISION, CONSTRUCTION OF: PROJECT WILL BE UNDER MY OBSERVA

Edeut Jahusur BIGNATURE EXPIRES 430-2024

UAIE: Dec. 2022

A CERTIFICATE COMPLIANT WITH IECC 2018 - R4013, AS AMENDED, IS TO BE POSTED IN A UTILITY ROOM! (OR SIMILAR) PRIOR TO FINAL INSPECTION.

NO. DATE

2. Medical Julianian-Robert Lidenser
Robert Lidenser
Licensed Professional Architect

PROPOSED 1BED / 1BATH OHANA DWELLING W/ONE-CAR CARPORT

OPOSED

POST .

BUILDING CODE INFORMATION 2018 IRC. OCCUPANCY R.3. TYPET BE CONCESSED.

WIND SPEED V_{MLT} = 118 mph mph wind SPI214(a); EXPOSURE A(B): D SPISMLD EXPOSURE (ATEODRY (ref. figure RB01214(a)); EXPOSURE A(B): D PROSERVAREORY ETO 2019 (R 970121312).

CHRIS HARDENBROOK LESUE SEARS TRUST

TMK: (3) 1 - 7 - 015: 014

MODIFIED - CONCRETE FLOOR

HPM DESIGN

(VAULTED CELING)

SCALE

T 101

BXIST. 3 BEDRM / 1 BATH DWELLING (TO REMAIN)

OTHER TANK SIZES GALLONS DIAMETER(FT) HEIGHT(FT)

#4 MORTAR SAND (FLODR AND BERM)

12" WIDE X 4" DEEP OPTIONAL CONCRETE PING

202

PROJECT LOCATION

SITE PLAN SC. 1" = 20' TMK (3) 1-7-015: 014 LOTNO; 20 LOT AREA 1.16 AGRE KURTISTOWN, HAWAII

EXIST. DRIVEWAY (TO REMAIN)

1±72°.0" O PROPERTY LINE

PROPOSED DRIVEWAY

12 GA. PLATE 10°L × 2°W

-18 CA. CALV. STEEL ASTM A446-D C90 CALV. FINISH

25-MIL. MIN. FOOD GRADE VINYL LINER

14 BOLTS ON JOINTS © 2-3/8" SPACING ® HORIZONTAL BOLTS CONCRETE RING ON W. MINUS BASE

18 GA, GALVANIZED CORRUGATED STEEL PANELS

PEBAR 4

#4 SAND BERM

CATCHMENT TANK DETAIL

MOMONA ROAD