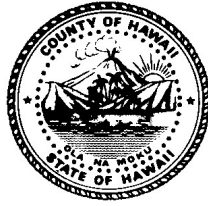


Mitchell D. Roth
Mayor

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

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.

Leslie E. Sears & Christopher G. Hardenbrook
'Ohana Dwelling Unit Permit Approval Letter
PL-OHD-2023-000010
March 16, 2023
Page 5

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

Sincerely,

Zendo Kern

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

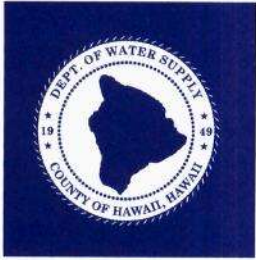
ZENDO KERN
Planning Director

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

February 7, 2023

COH PLANNING DEPT
FEB 8 2023 PM 1:57

EXHIBIT A

REC'D HAND DELIVERED

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)

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

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

