

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR
JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR

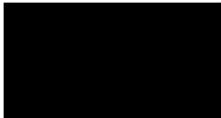


DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

AUG 10 2021

FIRST NOTICE OF VIOLATION

VIA CERTIFIED MAIL



SUBJECT: COMPREHENSIVE ZONING ORDINANCE (CZO) VIOLATION ON:

TMK: (4) 4-4-005:071

The Planning Department conducted an investigation of the subject property and verified violation(s) of the following Kaua'i County Code (KCC):

Chapter 8, Comprehensive Zoning Ordinance

Sec. 8-3.1 Zoning Permits.

(a) When Required. No person shall undertake any construction or development or carry on any activity or use, for which a Zoning Permit is required by this Chapter, or obtain a Building Permit for construction, development, activity or use regulated by this Chapter, without first obtaining the required Zoning Permit.

Sec. 8-1.5 Definitions

“**Dwelling Unit**” means any building or any portion thereof which is designed or intended for occupancy by one (1) family or persons living together or by a person living alone and providing complete living facilities, within the unit for sleeping, recreation, eating and sanitary facilities, including installed equipment for only one (1) kitchen. Any building or portion thereof that contains more than one (1) kitchen shall constitute as many dwelling units as there are kitchens.

“**Density**” means the number of dwelling units allowed on a particular unit of land area.

Sec. 8-3.5 Enforcement, Legal Procedures and Penalties.

(a) Enforcement, Legal Procedures and Penalties.

...

(2) It shall be the duty of the Planning Commission and Planning Director to enforce the provisions of this Chapter and it shall be the duty of all law enforcement officers of the County of Kaua'i to enforce this Chapter and all the provisions thereof.

...

(4) Any building or structure or other improvement or development set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Chapter or any use of land contrary to the provisions of this Chapter shall be unlawful and a public nuisance. The County Attorney shall immediately commence an action or proceeding for the abatement, removal, or injunction thereof in the manner provided by law, and shall take such other steps, and shall apply to such courts as may have jurisdiction to grant relief that will abate or remove such building, structure, improvement, development or use, and restrain and enjoin any person from setting up, erecting, building, maintaining, or using any such building, structure, improvement or development, or using any property contrary to the provisions of this Chapter.

(5) The remedies provided for in this Article shall be cumulative and not exclusive.

VIOLATION:

On August 9, 2021, Planning Inspector Andres Emayo, through his investigation, verified that the development of three (3) Dwellings within the R-2, Residential District on a parcel with the land area of 20,489 square feet was present on the subject property and constitutes a violation.

The change in use of the Artist studio / Storage Building (permitted Z-316-1997) into a building or portion thereof designed or used exclusively for residential occupancy and having all necessary facilities for permanent residency such as living, sleeping, cooking, eating and sanitation, was present on the subject property and constitutes a violation.

REMEDIAL ACTION REQUIRED:

Pursuant to Hawai'i Revised Statutes §46-1.5(24) and KCC §8-3.5, you must correct the violation, remove the construction or development, or obtain the proper zoning permits for the referenced alteration, and cease and desist the unpermitted activity and use immediately.

In addition, should you fail to rectify the violation, you are hereby notified of the following:

1. A fine of up to ten thousand dollars (\$10,000.00) may be imposed for the above noted violation(s).
2. An additional civil fine of up to ten thousand dollars (\$10,000.00) per day for each day in which the violation persists.
3. You may also be subject to criminal prosecution.

Zoning Compliance Notice
TMK: (4) 4-4-005:071
Page 3

Contact Andres Emayo of the Planning Department at 241-4051, or at aemayo@kauai.gov, within fifteen (15) calendar days upon receipt of this letter to provide a remedial action plan. Failure to do so provides us with no other alternative but to pursue enforcement action.

KA'ĀINA S. HULL
Director of Planning



AUG 19 2021

FIRST NOTICE OF VIOLATION

VIA CERTIFIED MAIL / EMAIL



SUBJECT: COMPREHENSIVE ZONING ORDINANCE (CZO) VIOLATION ON:

TMK: (4) 4-6-039:027

The Planning Department conducted an investigation of the subject property and verified violation(s) of the following Kaua'i County Code (KCC):

Chapter 8, Comprehensive Zoning Ordinance

Sec. 8-3.1 Zoning Permits.

(a) When Required. No person shall undertake any construction or development or carry on any activity or use, for which a Zoning Permit is required by this Chapter, or obtain a Building Permit for construction, development, activity or use regulated by this Chapter, without first obtaining the required Zoning Permit.

Sec. 8-3.5 Enforcement, Legal Procedures and Penalties.

(a) Enforcement, Legal Procedures and Penalties.

...

(2) It shall be the duty of the Planning Commission and Planning Director to enforce the provisions of this Chapter and it shall be the duty of all law enforcement officers of the County of Kaua'i to enforce this Chapter and all the provisions thereof.

...

(4) Any building or structure or other improvement or development set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Chapter or any use of land contrary to the provisions of this Chapter shall be unlawful and a public nuisance. The County Attorney shall immediately commence an action or proceeding for the abatement, removal, or enjoinder thereof in the manner provided by law, and shall take such other steps, and

shall apply to such courts as may have jurisdiction to grant relief that will abate or remove such building, structure, improvement, development or use, and restrain and enjoin any person from setting up, erecting, building, maintaining, or using any such building, structure, improvement or development, or using any property contrary to the provisions of this Chapter.

(5) The remedies provided for in this Article shall be cumulative and not exclusive.

VIOLATION:

On August 18, 2021, Planning Inspector Bambi Emayo, through his investigation, verified that sheds used for residential occupancy are present on the subject property.

The use of sheds for residential occupancy constitutes a violation.

REMEDIAL ACTION REQUIRED:

Pursuant to Hawai'i Revised Statutes §46-1.5(24) and KCC §8-3.5, you must correct the violation, remove the construction or development, or obtain the proper zoning permits for the referenced alteration, and cease and desist the unpermitted activity and use immediately.

In addition, should you fail to rectify the violation, you are hereby notified of the following:

1. A fine of up to ten thousand dollars (\$10,000.00) may be imposed for the above noted violation(s).
2. An additional civil fine of up to ten thousand dollars (\$10,000.00) per day for each day in which the violation persists.
3. You may also be subject to criminal prosecution.

Contact Bambi Emayo of the Planning Department at 241-4051, or at aemayo@kauai.gov, within fifteen (15) calendar days upon receipt of this letter to provide a remedial action plan. Failure to do so provides us with no other alternative but to pursue enforcement action.

Kaaina Hull

Digitally signed by Kaaina Hull
Date: 2021.08.19 08:47:14 -10'00'

KA'ĀINA S. HULL

Director of Planning

DEPARTMENT OF PLANNING
KA'ĀINA HULL, DIRECTOR
JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

JAN 31 2023

FIRST NOTICE OF VIOLATION

CERTIFIED MAIL



SUBJECT: COMPREHENSIVE ZONING ORDINANCE (CZO) VIOLATION ON:



TMK: 46009061

The Planning Department conducted an investigation of the subject property and verified violation(s) of the following Kaua'i County Code (KCC) Chapter 8, known as the Comprehensive Zoning Ordinance (CZO):

Sec. 8-3.5 Enforcement, Legal Procedures and Penalties.

(a) Enforcement, Legal Procedures and Penalties.

...

(2) It shall be the duty of the Planning Commission and Planning Director to enforce the provisions of this Chapter and it shall be the duty of all law enforcement officers of the County of Kaua'i to enforce this Chapter and all the provisions thereof.

...

(4) Any building or structure or other improvement or development set up, erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this Chapter or any use of land contrary to the provisions of this Chapter shall be unlawful and a public nuisance. The County Attorney shall immediately commence an action or proceeding for the abatement, removal, or enjoinder thereof in the manner provided by law, and shall take such other steps, and shall apply to such courts as may have jurisdiction to grant relief that will abate or remove such building, structure, improvement, development or use, and restrain and enjoin any person from setting up, erecting, building, maintaining, or using any such building, structure, improvement or development, or using any property contrary to the provisions of this Chapter.

(5) The remedies provided for in this Article shall be cumulative and not exclusive.

Sec. 8-8.2 Agriculture District Development Standards.

(c) Permitted residential densities shall be calculated as follows:

(1) One (1) dwelling unit for each parcel one (1) acre or larger.

(2) One (1) additional dwelling unit for each additional three (3) acres in the same parcel, provided that no more than five (5) dwelling units may be developed on any one (1) parcel.

VIOLATION:

On January 23, 2023, Planning Inspector Patrick Henriques, through his investigation verified that the use of the lower floor of the Additional Dwelling Unit (ADU) as an independent dwelling with kitchen facilities was present on the subject property.

The use of lower floor of the Additional Dwelling Unit (ADU) as an independent dwelling with kitchen facilities adding another dwelling to the subject property has created a density violation. Three existing dwellings on the subject property in the AG district exceeds the density ratio for 2 acres and constitutes a violation.

In addition, under KCC Section 8-3.5, any improvement, development, or use of land contrary to the provisions of KCC Chapter 8 is unlawful and a public nuisance.


REMEDIAL ACTION REQUIRED:

Pursuant to Hawai'i Revised Statutes Section 46-1.5(24) and KCC Section 8-3.5, you must correct the violation, remove the construction or development, or obtain the proper zoning permits for the referenced alteration, and cease and desist the unpermitted activity and use immediately.

In addition, should you fail to rectify the violation, you are hereby notified of the following:

1. A fine of up to ten thousand dollars (\$10,000.00) may be imposed for the above noted violation(s).
2. An additional civil fine of up to ten thousand dollars (\$10,000.00) per day for each day in which the violation persists.
3. You may also be subject to criminal prosecution.

Contact Patrick Henriques of the Planning Department at 241-4066, or at phenriques@kauai.gov, within fifteen (15) calendar days upon receipt of this letter to provide a remedial action plan. Failure to do so provides us with no other alternative but to pursue enforcement action.

A handwritten signature in black ink, appearing to read 'KA'AINA S. HULL', is written over a horizontal line.

KA'AINA S. HULL
Director of Planning

DEPARTMENT OF PLANNING

KA'ĀINA HULL, DIRECTOR
JODI A. HIGUCHI SAYEGUSA, DEPUTY DIRECTOR



DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

AUG 19 2021

FIRST NOTICE OF VIOLATION

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TMK: (4) 4-6-039:027

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(a) Enforcement; Legal Procedures and Penalties.

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shall apply to such courts as may have jurisdiction to grant relief that will abate or remove such building, structure, improvement, development or use, and restrain and enjoin any person from setting up, erecting, building, maintaining, or using any such building, structure, improvement or development, or using any property contrary to the provisions of this Chapter.

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VIOLATION:

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REMEDIAL ACTION REQUIRED:

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Kaaina Hull

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Date: 2021.08.19 08:47:14 -10'00'

KA'ĀINA S. HULL
Director of Planning