

Bernard P. Carvalho, Jr.
Mayor



Michael A. Dahilig
Director of Planning

Gary K. Heu
Managing Director

Dee M. Crowell
Deputy Director of Planning

PLANNING DEPARTMENT

County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite A-473, Lihu'e, Hawai'i 96766
TEL (808) 241-4050 FAX (808) 241-6699

CERTIFIED

April 5, 2011

~~Stephen Long~~
P.O. Box 223459
Princeville HI 96722

JOSEPH OR PATRICIA GERNAND

HAVE SUBMITTED FLOOD ZONE INFORMATION
FOR QUESTION #5.

HAVE RECEIVED OUR CERTIFICATE OF
OCCUPANCY FOR YOUR RECORDS

SUBJECT: Issuance of NCU Certificate TVNC-4206
Tax Map Key 5-8-012:015
Stephen Long; applicant

PLEASE LET US KNOW IF ANY OTHER
INFORMATION IS REQUIRED.

After review of your transient vacation rental Non-Conforming Use application, conditional approval is hereby granted. The certificate number is referenced above, and must be reflected in your outdoor sign as required by Sec. 8-17.8 (b) (3). This Non-Conforming Use certificate is approved pursuant to the following conditions:

1. This certificate is not evidence of compliance with any and all pertinent zoning and use regulations of the County of Kauai;
2. This certificate does not vest any rights for any subsequent annual renewal of the certificate or inspection of the property by the Planning Department and/or any other government agency as may be necessary;
3. The owner or lessee who has obtained a non-conforming use certificate under this section shall apply to renew the NCU certificate annually on the date of issuance of the NCU certification. Application Forms can be found online at www.kauai.gov.
4. Any subsequent use, development, repairs and/or improvement on the property requires Planning Department review and approval prior to such occurring.
5. Prior to renewal of this certificate, applicant/owner shall provide documentation from the County of Kaua'i, Department of Public Works, Engineering Section to the Planning Department that the proposed use/structure complies with the applicable flood standards/requirements.
6. This approval for the use of the Transient Vacation Rental is being permitted at this time; Any and all CZO violation(s) on the property or structure not necessarily connected to the TVR use must be complied with. The remedy of any violation(s) must be **completed** prior to any consideration for renewal of this certificate.

An Equal Opportunity Employer

Certificate of Occupancy

County of Kauai

Department of Public Works

This Certificate issued pursuant to the requirements of the Building Code certifying that at the time of issuance this structure was in compliance with the various ordinances of the County regulating building construction or use. For the following:

Use Classification..... Add. Residential..... Bldg. Permit No. 10-1001.....
Group..... R3..... Type Construction..... VN..... Section..... Chapter 12, Building Code, K.C.C.,
Owner of Building..... Joseph. Gernard..... 1987 as amended.....
Address..... 5-6947. Kuhio Highway.....
Building Address..... 5-6947 Kuhio Highway..... Hanalei, Hawaii 96714
Tax Map Key..... 5-8-012-015.....

Ron Darville
Building Official

Ron Darville

Date..... September 21, 2011.....

POST IN A CONSPICUOUS PLACE

To: County of Kaua'i
Planning Dept.
4444 Rice Street
Kapule Bldg. Suite A473
Lihu'e Kaua'i, HI 96766-1326

Subject: Written response to letter from planning department Re: Rainbows End, TVNC - 1101

This letter is written response to the certified letter received April 22, 2009.

In response to your letter the following actions have been taken or will be implemented within the next 30 days.

1. Transient Vacation Rental Bookings for Rainbows End have been suspended
2. The storage structure has not been used as a dwelling unit for approximately the last 6 months.
3. The gas service supply has been disconnected and all cooking facilities removed from the storage unit.
4. Plans, applications, and filing fees for the storage unit will be submitted for review within the next 30 days.



Joseph J Gernand
2108 Walnut Creek Dr.
League City, TX 77573

Cc
Patrick J. Childs
Attorney at Law
4365 Kukui Grove Street
Suite 104
Lihue, HI 96766

Russell Davis Speir
Hanalei Design Build Consultants
Ching Young Village
Suit B8
Hanalei, HI

09 MAY -4 P352
COUNTY OF KAUAI
PLANNING DEPT.

BERNARD P. CARVALHO JR.
MAYOR



IAN K. COSTA
DIRECTOR OF PLANNING

GARY K. HEU
ADMINISTRATIVE ASSISTANT

IMAIKALANI P. AIU
DEPUTY DIRECTOR OF PLANNING

COUNTY OF KAUA'I
PLANNING DEPARTMENT
4444 RICE STREET
KAPULE BUILDING, SUITE A473
LIHU'E, KAUA'I, HAWAII 96766-1326

TELEPHONE: (808) 241-6677 FAX: (808) 241-6699

CERTIFIED

April 20, 2009

Joseph J. Gernand
2108 Walnut Creek Drive
League City TX 77573

SUBJECT: Non-Conforming Use Certificate Application # TVNC-1101
TMK: 5-8-012:015 RAINBOW'S END

We have reviewed your application for a Non-Conforming Use Certificate to continue Transient Vacation Rental operations on TMK 5-8-012:015 and have found the following on your property.

- a. **"Section 8-17.8 Single Family Transient Vacation Rentals.**
(b) ...Development standards shall be the same as those for single-family detached dwellings in Sections 8-3.5 through 8-3.8, ...
The use of the Storage as a Dwelling.
- b. **Article 19. Zoning Permits Sec. 8-19.1 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. (Ord. No. 164, August 17, 1972; Sec. 8-18.1, R.C.O. 1976)
The use of the main residence storage area along with associated construction of interior partitions with kitchen facilities creating an additional Dwelling Unit constitutes a violation.

Joseph J. Gernand
2108 Walnut Creek Drive
League City TX 77573

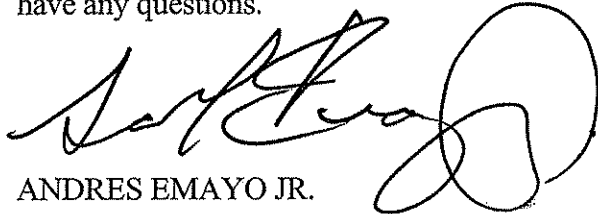
April 20, 2009

Pursuant to **Section 8-17.10** of the Kauai County Code which states:

your application has been denied and you are directed to comply with the following requirements immediately:

- a. **Cease and desist transient vacation rental operations immediately**
- b. **Cease and desist use of above noted structures (Storage), as a living unit and remove all illegal gas and/or electric service supplies along with cooking facilities within 30 days from receipt of this notice.**
- c. **Submit plans and applications along with filing fees for review by the Department for all illegal construction, additions and alterations. Such construction, additions and alterations without proper approval shall be demolished and removed.**

Failure to contact the Planning Department in **writing** within **15** calendar days upon receipt of this letter to provide an acceptable plan for compliance provides us with no other alternative but to issue a Notice of Violation and pursue litigation. Please call the Planning Department at 241-6677 if you have any questions.

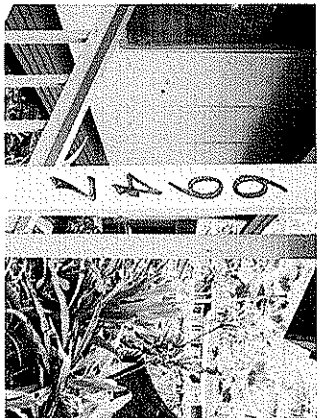


ANDRES EMAYO JR.
Planning Inspector

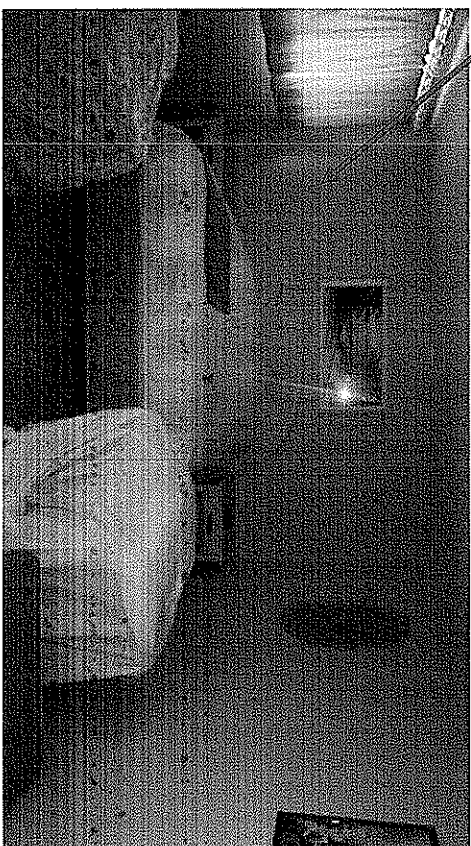
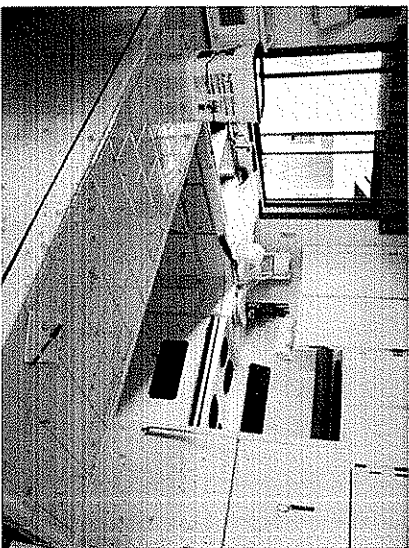
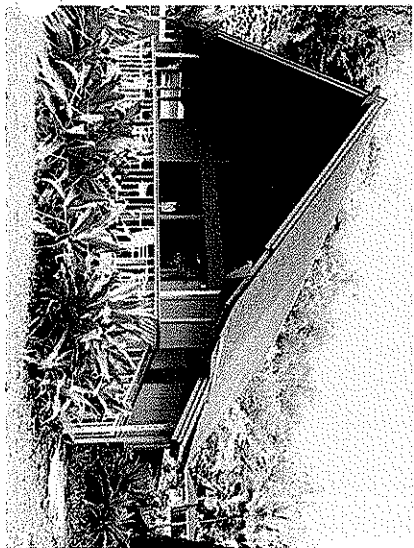
cc: County Attorney
Prosecuting Attorney
Finance Department, Real Property Division
Office of the Mayor, PIO

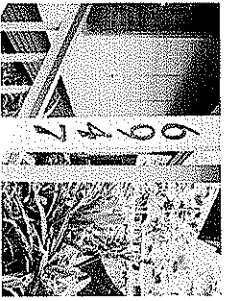
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|---|---------------------------|-------------------------------|--|
| () COMPLAINT | | (X) REGISTRATION INSPECTION | |
| NAME: RAINBOW'S END | UNIT/S: | TYPE: NCU | |
| TRK: 5-8-012:015 | LAND AREA: | TV#: TVNC-1101 | |
| DIST: Hanalei | LOC: Wainiha | | |
| ZONING: R-4 | OWNER: Joseph J. Gernand | | |
| SLUC DIST: | MNGR Co. | | |
| LOG # | SITE ADDR: 6947 KUHIO HWY | | |
| OWNER: | MANAGING COMPANY: | | |
| NAME: Joseph J. Gernand | NAME: | | |
| ADDR: 2108 Walnut Creek Drive | ADDR: | | |
| League City TX 77573 | PHONE: | | |
| PHONE: | | | |
| NATURE OF VIOLATION: | | | |
| Storage in back is used as an illegal dwelling. | | | |
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| | | | |
| INSPECTOR: | | | |

TMK 5-8-012:015 3/5/09



Owners unit with kitchen
In back of SFR





TMK 5-8-012:015 3/5/09

Owners unit with kitchen
In back of SFR

