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COUNTY OF KAUA'I
PLANNING DEPARTMENT

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LIHU'E, KAUA'I, HAWAII 96766-1326

TEL (808) 241-4050 FAX (808) 241-6699

JUL 01 2014

ZONING COMPLIANCE NOTICE

CERTIFIED

Kirby B. Guyer
PO BOX 82
Hanalei HI 96714

SUBJECT: Transient Vacation Rental (TVR) use outside of the Visitor Destination Area without the proper approval at:
7083 Alamihi Rd, Hanalei District
TMK: 5-8-012:022

The Planning Department conducted an investigation of the subject property and found the establishment of Transient Vacation Rental (TVR) operations in four separate units within the subject structure without the proper TVR Certificate. Also, the development of the four separate units has been constructed without proper permits. These are considered violations of the following provisions of the Comprehensive Zoning Ordinance, Chapter 8, Kauai County Code, 1987, As Amended (CZO):

- Pursuant to:
*"Section 8-17.8 Single Family Transient Vacation Rentals.
Notwithstanding any underlying zoning designation and with the exception of properties on the National or State Register of Historic Places, singlefamily transient vacation rentals are prohibited in all areas not designated as Visitor Destination Areas".*

And

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Permit No

in this box

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2. Pursuant to:

Section 8-17.9 Registration Of All Transient Vacation Rentals.

(b) No single-family Transient Vacation Rental shall operate outside a Visitor Destination Area without a Nonconforming Use Certificate obtained under Section S-17.10 Nonconforming Use Certificates for Single-Family Vacation Rentals.

Violation:

The use of the subject Single Family Residence as four separate Transient Vacation Rental units outside of the designated Visitor Destination Area without registering and obtaining Transient Vacation Rental Non-Conforming Use certificates constitute a violation of the CZO.

3. Pursuant to:

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.

Violation:

The construction or development and use of a Single Family Residence as four separate rental units without the proper zoning permit(s) required, constitute a violation of the CZO.

4. Pursuant to:

Section 8-17.11 Enforcement Against Illegal Transient Vacation Rentals.

(b) Advertising of any sort which offers a property as a transient vacation rental shall constitute prima facie evidence of the operation of a transient vacation rental on said property...

Violation:

The advertising, "Hale Ho'o Maha", offers the subject property as transient vacation rental units, and constitutes prima facie evidence of the operation of a TVR on said property.

Pursuant to Chapter 8, Kauai County Code, you are directed to comply with the following requirements immediately:

- a) Cease and desist the use of all subject structures as Transient Vacation Rentals.
- b) Submit plans and applications along with filing fees for review by the Planning Department for all illegal construction or alteration noted above. Plans will indicate all current conditions and proposed uses of such areas to address noted violations.
- c) Any construction, additions and alterations without proper approval shall be demolished and removed.
- d) Remove all advertisements related to the existing Transient Vacation Rental.

Pursuant to County Ordinance No. 919, any violation(s) of the CZO may result in a fine of up to \$10,000.00, and/or up to \$10,000.00 per day, should the violation(s) persist.

Please contact the Planning Department in **writing** or by email (aemayo@kauai.gov) within **14** calendar days upon receipt of this letter to provide an acknowledgement of the termination of the subject TVR. Failure to do so provides us with no other alternative but to pursue enforcement action.



DEE M. CROWELL
Deputy Director of Planning

Cc: County Attorney
Building Division