

PLANNING DEPARTMENT
COUNTY OF HAWAII

2011 AUG -1 PM 1: 42

MEMORANDUM

July 25, 2011

To: Tax Map Key File 8-2-005:016

From: Randy Lovato, Zoning Inspector *RL*

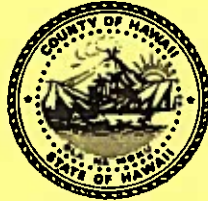
Subject: Completion of Investigation, File Closed
ZCV - 2010-097W - COR 10-066280

A site inspection was conducted on October 20, 2010 at approximately 10:30 a.m. which revealed the subject property has complied with corrective action by removing tenant responsible for renting kayaks to tourists.

This file is closed as of this date.

cc: Bennett Mark, Supervisor
TMK File

William P. Kenoi
Mayor



BJ Leithead Todd
Planning Director

Margaret K. Masunaga
Deputy Planning Director

County of Hawaii

PLANNING DEPARTMENT

Aupuni Center • 101 Pauahi Street, Suite 3 • Hilo, Hawaii 96720
Phone (808) 961-8288 • Fax (808) 961-8742

September 24, 2010

Mr. Kenneth W. Koski
82-6026 Puuhonua Road
Captain Cook, HI 96704

Dear Mr. Koski:

SUBJECT: Warning Letter
Complaint – Operating a Business in a Residential Zone
File No. 2010-097W – COR 10-066280
TMK: 8-2-005:016, WAIPUNAUULA-KALAMAKOWALI, SOUTH
KONA, HAWAII

We have received a complaint alleging that you are operating a business in a residential zone at the subject property.

FINDINGS

Our initial investigation based on a complaint has revealed the following:

1. The property is situated within the State Land Use Urban district and the County's Single Family Residential (RS-10) zoning district.

Prohibited Uses: According to Section 25-4-4 (Uses Prohibited) of Chapter 25 (Zoning Code), Hawaii County Code, any use not listed among the permitted uses in a zoning district is a prohibited use within that district, except as otherwise provided in this chapter.

Permitted Uses: According to Section 25-5-3(a) (Permitted uses in the RS (single-family residential) District), Hawaii County Code, a "kayak rental business" is not listed as a permitted use.

SEP 27 2010

2. Home Occupations are allowed when they are incidental and subordinate to the use of a dwelling in any district in which a dwelling is located. There are several conditions that must be met to have a legal home occupation. If you are operating a business from your home then you will need to comply with the restrictions and limitations for a home occupation. For your convenience we have enclosed the County of Hawaii, Planning Department, Home Occupation Declaration form that needs to be completed and returned to the Planning Department.

WARNING

This letter offers you the opportunity to correct a possible violation before a formal Notice of Violation & Order and fines are issued. To respond to the complaint please do **one of the following** by the **“Deadline Date” of October 15, 2010:**

If you are operating a business from your property, then do the following:

1. Stop operating the business from your property.
2. **Provide a letter** to our office by the **“Deadline Date”** with the following:
 - a) A statement that you have stopped operating your business from the subject property.
 - b) Include any supporting information such as pictures of your property showing before and after pictures.
3. Contact our zoning inspector listed at the end of this letter to arrange a date and time to have the property inspected to verify compliance.

If you are not operating a business from your property, then do the following:

1. **Provide a letter** to our office by the **“Deadline Date”** stating that you are not operating a business of any type on the subject property.
2. Provide the following information in your letter If you were operating a business in the past:
 - a. Describe the type of business.
 - b. When you closed or moved the business.
 - c. If the business was moved, where the business is now located.
3. Contact our zoning inspector listed at the end of this letter to arrange a date and time to have the property inspected to verify compliance.

Mr. Kenneth W. Koski
September 24, 2010
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Upon receipt of your letter and after our satisfactory review we may close this complaint process with no formal action depending on the evidence that you provide to this office.

GENERAL INFORMATION

What happens if I don't correct the alleged violation?

If your letter is not received by the "**Deadline Date**" listed above, then your property will be inspected and if a violation is discovered you will be issued a "Notice of Violation and Order" which could lead to daily fines and legal action against you.

Can I get a time extension to have more time to correct the violation?

If you know you can not complete the corrective action by the "Deadline Date", you may want to submit a "request for a time extension" before the "Deadline Date", **including all of the following information with your request:**

1. Describe what you have accomplished prior to requesting this time extension.
2. The amount of additional time necessary to complete the corrective action.
3. The name and telephone number of the person assisting you in this effort.
4. The date in which you expect the violation to be fully corrected.

The submission of a time extension request does not guarantee the approval of the request nor does it extend your right to appeal.

Should you have any questions on this matter, please contact Randy Lovato, Zoning Inspector at 327-3510.

Sincerely,


BJ LEITHEAD TODD
Planning Director

RJL:
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Enclosure: County of Hawaii, Planning Department, Home Occupation Declaration form

cc: Randy Lovato, Zoning Inspector