



County of Hawai'i Planning Department

(February 23, 2011)

Zoning^①, Land Use, and SMA Violation Complaint Form

Hilo (Volcano to Waimea): 101 Pauahi Street, Suite 3 Hilo, HI 96720-4224 / (808) 961-8288 / Fax: (808) 961-8742
Kona (Pahala to Hawi): 74-5044 Ane Keohokalole Hwy, Bldg F, 2nd Floor, Kailua-Kona, HI 96740 / (808) 323-4770 / Fax (808) 327-3563

Complainant Information:^②

Complainant's Name: _____

Mailing Address: _____

Phones – Cell: _____ Home: _____ Work: _____

E-mail: _____

Note: Name, address and a phone number are mandatory so that we can contact you if further information is needed.

Describe Alleged Zoning Violation (refer to Note 1 below):

If no property address, what distinguishing feature is seen from the street that identifies the property?

Have you tried to resolve this problem with the violator before asking for our help? Yes No

If Yes, Please explain why it didn't work: _____

Have you filed this complaint with another government agency? Yes No If Yes, Date of Contact: _____

Person Contacted: _____ Results of Contact: _____

Enter the following information for the alleged violator:

Property Tax Map Key (TMK) #: _____ Community: _____

Property Street Address: _____

Violator (s) Full Name (if known): _____

Violator (s) Mailing Address (if known): _____

Would you like to be blind copied on letters? Yes: No:

Signature: _____ Date: _____

Notes: 1) **Construction of any structure without a building permit is a Building Code Violation and should be referred to the Department of Public Works, Hilo Building Division (961-8331) or Kailua-Kona Building Division (323-4720). This includes people living in tents, buses, shacks, sheds, etc. See back page for information on Zoning Code Violations.**

2) a. Per Planning Department Rules of Practice and Procedures 9-2(a)(1): **All information and records acquired by the Planning Department under this part shall be confidential.** However, it is possible that if court proceedings occur that this information could be subpoenaed and made known to all involved parties.

b. 9-2(b) All complaints shall be given to the zoning inspector. **Anonymous complaints will not be investigated** by the zoning inspector and/or other Planning Department personnel assigned.

Department Use Only

State Land Use: ____ / County Zoning: ____ / In SMA Zone? Yes: ____ No: ____ / Parcel Size: _____

Land Owner: _____ Address: _____

Complaint Form received by: Mail: ____ / Fax: ____ / Counter: ____ / Email: ____ / Docket #: _____

Notes:

Zoning Violations

Zoning is covered under Hawai'i County Code Chapter 25. Access to the code can be found at:
<http://co.hawaii.hi.us/countycode.html#countycode>

Zoning inspectors are required to enforce the code through the complaint process. (*Planning Department Rules of Practice and Procedure 9-2*)

To determine if an owner is in violation of the zoning code you first must determine the zoning of the property (residential, agricultural, industrial, commercial, etc...) and then check what is permitted in that zoning or requires a permit. If you are not sure or need help to better understand the code, please do not hesitate to call the Planning Department.

The list below, which is not all inclusive, shows the different types of Planning Department violations that we investigate:

Coastal Issues – Unpermitted / Unapproved

Development or Activity:

- Special Management Area / Shoreline Setback

Non-compliance of:

- Special and Use Permits
- Change of Zone Ordinance Conditions
- Plan Approval Conditions

Illegal / Unpermitted:

- Operation of a Junkyard (more than two unregistered vehicles or more than 200 sf of junk)
- Recreational Vehicles; Courses and Tracks
- Auto Repair
- Base Yard
- Bed & Breakfast
- Commercial
- Equipment Storage
- Retreats and resorts

Encroachment:

- Intrusion of Setbacks
- Exceeding Height Requirements

Dwellings – Illegal or improper use of:

- Additional Farm Dwelling
- Duplex
- Mobile Homes
- Multiple Units
- Ohana Home
- More than five unrelated people

Livestock – Maintaining, Raising or Keeping of:

- Apiaries
- Kennels (*commercial kennel, where one is boarding or keeping dogs belonging to other people*)
- Piggeries (*more than four pigs on an agricultural property requires approval. A brochure on piggeries is available at the Planning Department.*)
- Roosters or chickens (*on a non-agricultural zoned property*)

The purpose of the Zoning Code is to promote health, safety, morals, or the general welfare of the County by regulating and restricting the height, size of buildings, and other structures, the percentage of a building site that may be occupied, off-street parking, setbacks, size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. (Section 25-1-2(b))

So if you have any questions come in and see us. We are here to assist you.