APPENDIX MAUI-38(v)

Board of Variance & Appeals (BVA) Application - Variances County of Maui Department of Planning Zoning Administration & Enforcement Section

Permit Packet Includes:

- 1. Process Overview
- 2. Variance and Appeals Applications Procedures (Title ___) & instructions
 - Title 12 (Streets, Sidewalks and Public Places); Title 16 (Building and Construction);
 Title 18 (Subdivisions); Title 19 (Comprehensive Zoning Districts) (Interim Districts)

Resources:

• Charter of the County of Maui (2003), Sect. 8-8.7 (See Appendix CCM – Chap. 8)

Approval or Permit Required: To obtain variances from the strict application of any

zoning, subdivision or building ordinances.

Contact Information: Department of Planning

Zoning Administration and Enforcement Division

250 South High Street

Kalana Pakui Building, 2nd Floor

Wailuku, HI 96793 Phone: 808-270-7735

Website: http://www.co.maui.hi.us/index.aspx?NID=1292

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NOTE:

- There may be protests to a variance application.
- Approved variances may require applicant to provide a certificate of liability insurance coverage (up to \$1,000,000), naming the County of Maui as insured, to protect the applicant and County from claims or demands for damages arising out of the variance.

Steps Time

- For the type of variance sought (streets, buildings, subdivisions, comprehensive zoning districts, or interim districts), complete the appropriate "Variance and Appeals Application Procedures" application packet. It is the responsibility of the applicant to fully complete the application. Incomplete applications will cause delay.
- 2. Prepare a "Notice of Application for a Variance" and a legible location map. Submit the Notice and map to the Department of Planning for approval. After approved applicant must mail, by certified mail/return requested, a copy of the Notice and map to all adjacent owners and recorded lessees and those directly across the street from the subject property. Verify this mailing list with the Real Property Tax Records of the County of Maui (Department of Finance, Real Property Division). Submit the mailing list and a completed "Notarized Affidavit of Mailing of Notice of Application" (Form 3) with the application.
- 3. Submit the application and fee (see below for fee amount). Make checks payable to the "County of Maui, Director of Finance".
- 4. The director will make a determination as to the completeness of the appeal application within 10 days. If complete, a meeting will be scheduled on the Board's agenda. If incomplete, the application will be returned to the applicant with a statement why the application incomplete.
- 10 days from receipt of (complete) application
- 5. Applicant must perform the required hearing notice and publication duties set out in the "Variance Procedures and Public Hearing Requirements" in the packet. This includes notifying adjacent owners and leases and those directly across the street from the subject property; see the "Notarized Affidavit of Mailing" (Form 5) and "Notice of Public Hearing" (Form 4) in the application packet. Applicant must submit written verification of the publishing and receipts of certified mailings 10 days prior to hearing.

At least 30 days prior to hearing; 10 days prior to hearing

6. The director submits a recommendation report to the Board and transmits copies of the Board's agenda and the recommendation report to the applicant and all other parties to the appeal at least 6 days before the meeting.

Report due 45 days after acceptance

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7. Public hearing before the Board of Variance and Appeals.

8. At the close of the hearing, the director submits a recommendation report to the Board to approve, approve with conditions, or deny the application. Unless a formal, contested case hearing is approved by the Board, the Board issues its written decision and order, taking into consideration the director's recommendations.

Board issues decision 60 days after hearing

9. Final decisions or orders by the Board may be appealed with the Circuit Court of the Second Judicial Circuit within 30 days from date of mailing of said final decision or order by certified mail.

30 days of final decision or order

Total Time Period: 3-6 months

Fees dependent on cost of project. Please refer to Fee Schedule, Table A, for complete listing.	\$550	
Public hearing is required. *Applicant is responsible for all fees for notice requirements, including all publication and mail fees.	~	
Total Fees:	\$550 (minimum)	No maximum