Permit Packet Includes:
1. Process Overview
2. Shoreline Setback Variance Application Packet & instructions

Resources:
- Maui County Code, Chapter 19.510 (Application and Procedures,
- Hawaii Revised Statutes, Chapter 205
- Special Management Area Rules for the Maui Planning Commission
- Shoreline Rules for the Maui Planning Commission

Approval or Permit Required: To allow for proposed structures, facilities, construction or any such activities which are prohibited within the shoreline setback area.

Contact Information: Department of Planning
250 S. High Street
Wailuku, HI 96793
Phone: 808-270-7735

Website: http://www.co.maui.hi.us/index.aspx?NID=1271
Shoreline Setback Variance Application - Maui
County of Maui
Department of Planning
Current Planning Division

NOTE:
- No expiration date, however, the approval can expire if construction has not started by the
deadline stated in the permit.
- Applicant must be in full compliance with Chapter 200 of the State Department of Health,
Environmental Impact Rules before a hearing can be scheduled by the Planning
Department.

<table>
<thead>
<tr>
<th>Steps</th>
<th>Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Obtain and complete the &quot;Shoreline Setback Variance Application Packet&quot;, available online or from the Maui Department of Planning. A more detailed flowchart is included in the packet.</td>
<td></td>
</tr>
<tr>
<td>2. Submit application and non-refundable filing fee. See Fee Schedule, Table A. Checks are payable to the &quot;County of Maui, Director of Finance&quot;.</td>
<td></td>
</tr>
<tr>
<td>3. After the hearing date is set, the Applicant must notify adjacent landowners and recorded lessees of the hearing date at least 30 days before the hearing date. Proof of notification must be mailed to the Planning Department at least 10 days prior to the hearing date. (All required forms, including a detailed checklist, are included in the Packet).</td>
<td>30 days</td>
</tr>
<tr>
<td>4. Public hearing.</td>
<td></td>
</tr>
<tr>
<td>5. Variance granted or denied.</td>
<td></td>
</tr>
</tbody>
</table>

Total Time Period: TBD

<table>
<thead>
<tr>
<th>Fees</th>
<th>Amount</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fee varies (see Fee Schedule, Table A).</td>
<td>$550</td>
<td></td>
</tr>
<tr>
<td>Public hearing is required.</td>
<td>~</td>
<td></td>
</tr>
<tr>
<td>Total Fees:</td>
<td>$550 (minimum)</td>
<td>No maximum</td>
</tr>
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Updated December 2009
SHORELINE SETBACK VARIANCE

SOURCE OF LEGAL AUTHORITY: Chapter 205, Hawaii Revised Statutes, as amended, and Title MC-12, Subtitle 02, Chapter 5, Rules of the Maui Planning Commission relating to the Shoreline Area of the Islands of Kahoolawe, Lanai, and Maui.

INFORMATIONAL SHEET

A variance is required for all proposed structures, facilities, construction or any such activities which are prohibited within the shoreline setback area. (The shoreline setback is not less than 25 feet and not more than one hundred fifty (150) feet inland from the upper reaches of the wash of waves other than storm and seismic waves, at high tide during the season of the year in which the highest wash of the waves occurs, usually evidenced by the edge of vegetation growth, or the upper limit of debris left by wash of the waves.) This will protect the public’s right to utilize and enjoy the shoreline to the fullest extent possible; to preserve the natural shoreline environment with compatible man-made features, and to protect the natural shoreline processes.

Upon submittal of a Shoreline Setback Variance Application, it will be sent to the Central Coordinating Agency, Department of Public Works (DSA) and reviewed for completeness.

Upon certification by the CCA, the application will be transmitted to the various reviewing agencies provided the information submitted is adequate and additional information is not required. Upon receipt of all comments from the reviewing agencies a hearing will be scheduled with the Maui Planning Commission to review and act upon the request.

PLANNING DEPARTMENT

--Referral to other agencies for comments.
--Publication of Hearing Notice.
--Preparation of a report

APPLICANT

--Notify adjacent owners and recorded lessees of the hearing date.
Proof of notice will be mailed back to the Department at least 10 days prior to the hearing date.

Please note that prior to scheduling a hearing, full compliance with Chapter 200 of the State Department of Health, Environmental Impact Rules, is required.
SHORELINE SETBACK VARIANCE

FLOW CHART

1. Submittal of Application
2. Central Coordinating Agency (DSA)
3. Certification by CCA
4. Planning Director
5. Current Planning Division
   - Notification of Applicant
   - Notification of Owners w/in 500 Ft.
   - Proof of Notice
6. Staff Planner
7. Referred to Agencies
8. Department Report and Recommendation
9. Maui Planning Commission Hearing
10. Action
**COUNTY OF MAUI**  
**DEPARTMENT OF PLANNING**  
250 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
TELEPHONE: (808) 270-7735  
FAX: (808) 270-7634

**APPLICATION TYPE:** SHORELINE SETBACK VARIANCE  
(Rev. 7/10/03)

**DATE:**  
________________________________________

**PROJECT NAME:**  
_____________________________________________________________________

**PROPOSED DEVELOPMENT:**  
_____________________________________________________________________

**TAX MAP KEY NO.:** __________  
**CPR/HPR NO.:** __________  
**LOT SIZE:** __________

**PROPERTY ADDRESS:**  
_____________________________________________________________________

**OWNER:**  
_______________________ PHONE:(B)____________________ (H)___________________

**ADDRESS:**  
_____________________________________________________________________

**CITY:** __________  
**STATE:** __________  
**ZIP CODE:** __________

**OWNER SIGNATURE:**  
_____________________________________________________________________

**APPLICANT:**  
_____________________________________________________________________

**ADDRESS:**  
_____________________________________________________________________

**CITY:** __________  
**STATE:** __________  
**ZIP CODE:** __________

**PHONE (B):** ______________ (H): ______________ FAX:_______________________

**APPLICANT SIGNATURE:**  
_____________________________________________________________________

**AGENT NAME:**  
_____________________________________________________________________

**ADDRESS:**  
_____________________________________________________________________

**CITY:** __________  
**STATE:** __________  
**ZIP CODE:** __________

**PHONE (B):** ______________ (H): ______________ FAX:_______________________

**EXISTING USE OF PROPERTY:**  
_____________________________________________________________________

**CURRENT STATE LAND USE DISTRICT BOUNDARY DESIGNATION:** __________

**COMMUNITY PLAN DESIGNATION:** _______  
**ZONING DESIGNATION:** _______

**OTHER SPECIAL DESIGNATIONS:**  
_____________________________________________________________________

**VALUATION:** $ ________________
SHORELINE SETBACK VARIANCE
REQUIRED SUBMITTALS

1. Evidence that the applicant is the owner or lessee of record of the real property.

2. A notarized letter of authorization from the legal owner if the applicant is not the owner.

3. Original and (2) copies of the shoreline survey certified by the Department of Land and Natural Resources within the preceding (12) months.

4. Ten (10) sets of a site plan showing the location of the shoreline drawn to a minimum scale of 1" = 20'. The shoreline and existing conditions along properties immediately adjacent shall also be shown on the site plans. It shall also include contours at a minimum interval of 2 feet, together with all natural and man-made features in the subject area unless otherwise required by the Director.

5. A written justification for the requested variance.

6. Ten (10) sets of a preliminary drainage and erosion control report, and a grading plan.

7. Ten (10) copies of an environmental assessment may be required.

8. Photographs (preferably slides) of the shoreline area.

9. Non-refundable filing fee (see Fee Schedule, Table A) payable to County of Maui, Director of Finance.

10. High quality and legible transparency vu-graphs (8 ½" x 11") illustrating:
   - Detailed site plan showing shoreline and existing conditions

11. Additional information that may be required by the Planning Director (i.e., Engineering Report, soil’s analysis, archaeological report, etc.)

NOTE:

Two (2) additional copies for projects located on Lanai.

One (1) additional copy if the project fronts a State Highway.
NOTARIZED AFFIDAVIT OF MAILING

__________________________________________________, being first duly sworn on oath, deposes and says that:

1. Affiant is the applicant for a ________________________________ for land situated at ________________________________,
   TMK: _________________________________________

2. Affiant did on _______________________________, 20____, deposit in the United States mail, post paid, by certified or registered mail and delivery to addressee, a copy of a Notice of Hearing, a copy which is attached hereto as “Exhibit A” and made a part hereof, addressed to each of the persons identified on “Exhibit B,” attached hereto and made a part hereof.

3. Thereafter there was returned to the Office of Affiant the United States Post Office Certified or Registered Mail Receipts, which are attached hereto as “Exhibit C” and made a part hereof.

4. Further Affiant sayeth naught:

________________________________________________
TO: 

DATE:

Please be informed that the undersigned has applied to the Maui Planning Commission of the County of Maui for a Shoreline Setback Variance at the following parcel(s):

1. Tax Map Key: ________________________________________________________________
2. Location: In the vicinity of ______________________________________________________
3. Zoning Designation: __________________________________________________
4. Proposed use: ______________________________________________________________________

THIS SECTION TO BE COMPLETED BY THE PLANNING DEPARTMENT:

Public Hearing Date: __________________________________________
Time: __________________________________________
Place: __________________________________________

Attached please find a map identifying the location of the specific parcel being considered in the request for Shoreline Setback Variance Application.

Petitions to intervene shall be in conformity with Section 12-201-20 of the Rules of Practice and Procedure for the Maui Planning Commission and shall be filed with the commission and served upon the applicant no less than ten days before the first public hearing date. Filing of all documents of the commission is c/o the Maui Planning Department, 250 South High Street, Wailuku, Maui, Hawaii 96793.

The computation of time begins with the day following the act, event, or default, and includes the last day of the period unless it is a Saturday, Sunday or state holiday in which event the period runs until the end of the next day which is not a Saturday, Sunday, or state holiday. When the prescribed period of time is 10 days or less, Saturdays, Sundays, or state holidays within the designated period shall be excluded in the computation.

Any party may be represented by Counsel or other representative.

Testimony relative to this request may be submitted in writing to the Maui Planning Commission, 250 South High Street, Wailuku, Maui, Hawaii 96793, or presented in person at the time of the public hearing.

Information relative to the application is available for review at the Planning Department, 250 S. High Street, Wailuku, Maui, Hawaii, Telephone (808) 270-7735; toll free from Molokai 1-800-272-0117, Extension 7735; and toll free from Lanai 1-800-272-0125, Extension 7735.

___________________________________________
Name of Applicant

___________________________________________
Signature

___________________________________________
Address

___________________
(____)_____________________
Telephone
ZONING AND FLOOD CONFIRMATION REQUEST FORM

APPLICANT: __________________________ PHONE NO.: _______
ADDRESS: ____________________________________________________________________________
PROJECT NAME: _________________________________________________________________________
ADDRESS AND/OR LOCATION: _________________________________________________________________________
TMK NUMBER(S): __________________________________________________________________________

ZONING INFORMATION

STATE LAND USE __________________ COMMUNITY PLAN __________________
COUNTY ZONING ___________ SPECIAL DISTRICT ________________
OTHER __________________________

FLOOD INFORMATION

FLOOD HAZARD AREA* ZONE ________________
BASE FLOOD ELEVATION ________________ mean sea level, 1929 National Geodetic Vertical Datum
or for Flood Zone A0, FLOOD DEPTH ________________ feet.

FLOODWAY [ ] Yes or [ ] No

FLOOD DEVELOPMENT PERMIT IS REQUIRED [ ] Yes or [ ] No
* For flood hazard area zones B or C; a flood development permit would be required if any work is
done in any drainage facility or stream area that would reduce the capacity of the drainage facility,
river, or stream, or adversely affect downstream property.

*******************************************************************************
FOR COUNTY USE ONLY

REMARKS/COMMENTS: ______________________________________________________
☐ Additional information required.
☐ Information submitted is correct.
☐ Correction has been made and initialed.

Reviewed and Confirmed by:

______________________________________________________________________________
Signature Date

Zoning Administration and Enforcement Division