

APPENDIX MAUI-7

Shoreline Setback Variance Application - Lanai County of Maui Department of Planning Current Planning Division

Permit Packet Includes:

1. Process Overview
2. Lanai 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 Lanai Planning Commission
- Shoreline Setback Rules and Regulations for the Lanai 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

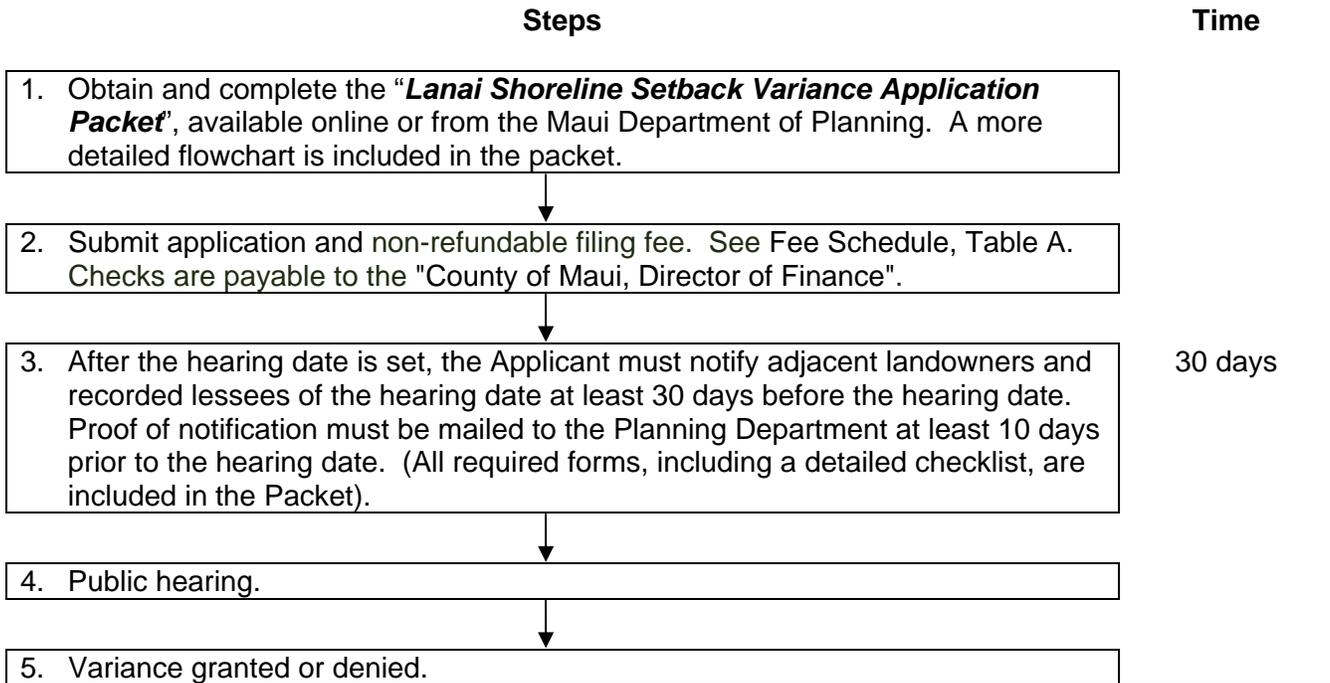
Website: <http://www.co.maui.hi.us/index.aspx?NID=1271>

APPENDIX MAUI-7

**Shoreline Setback Variance Application - Lanai
County of Maui
Department of Planning
Current Planning Division**

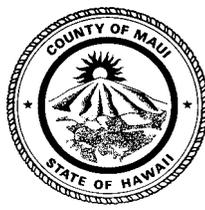
NOTE:

- 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.



Total Time Period: TBD

Fees	Amount	Maximum
Fee varies (see Fee Schedule, Table A).	\$550	
Public hearing is required.	~	
Total Fees:	\$550 (minimum)	No maximum



COUNTY OF MAUI
DEPARTMENT OF PLANNING
Lanai Planning Commission Shoreline Setback Variance Application

SOURCE OF LEGAL AUTHORITY: Chapter 205, Hawaii Revised Statutes, as amended, and Title MC-12, Subtitle 02, Chapter 403, Shoreline Setback Rules and Regulations for the Lanai Planning Commission.

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 and Environmental Management (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 Lanai Planning Commission to review and act upon the request.

Between the date of certification of completeness and Planning Commission hearing, the following must be completed:

Planning Department

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

Applicant

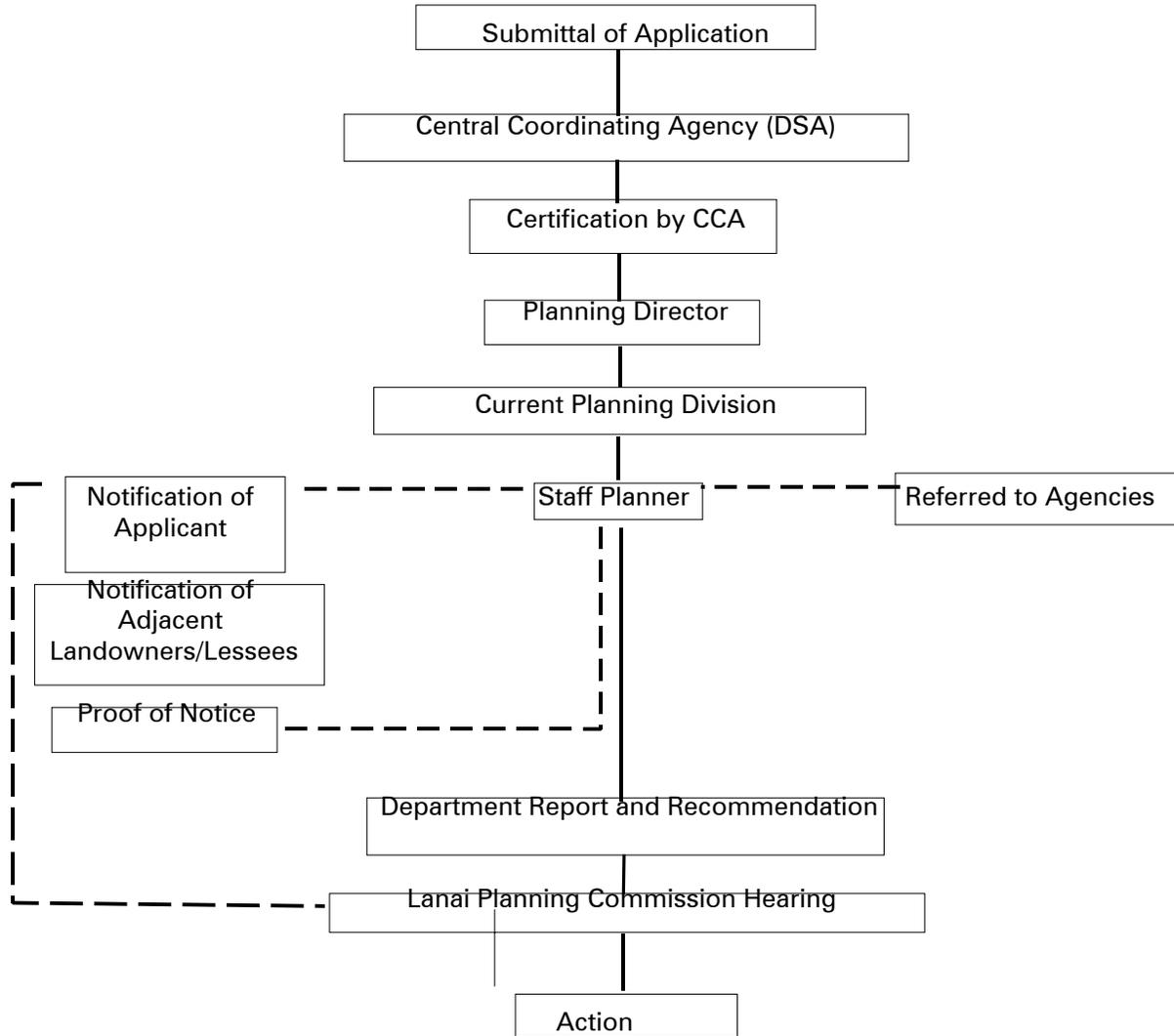
- Notify adjacent owners and recorded lessees of the hearing date. Proof of notice will be mailed back to the Department at least 10 days prior to the hearing date.

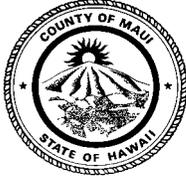
Please note that prior to scheduling a hearing, full compliance with Chapter 200 of the State Department of Health, Environmental Impact Rules, is required.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
PLANNING DIVISION: (808) 270-7735; FACSIMILE: (808) 270-7634
LANAI: 1-800-272-0125

SHORELINE SETBACK VARIANCE

FLOW CHART





COUNTY OF MAUI
DEPARTMENT OF PLANNING
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-7735 FAX: (808) 270-7634
LANAI 1-800-272-0125

**APPLICATION TYPE: LANAI PLANNING COMMISSION
SHORELINE SETBACK VARIANCE**

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(PRINT) _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP CODE: _____

PHONE (B): _____ (H): _____ FAX: _____

APPLICANT SIGNATURE: _____

CONTACT NAME:(PRINT) _____

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: _____

PROJECT VALUATION: \$ _____

**LANAI PLANNING COMMISSION
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. The names, addresses and the tax map key identification of owners of real property situated adjacent to and abutting the boundaries of the land on which the proposed use, activity or operation is to occur.
- ___ 4. Original + 1 copy of the Application Form.
- ___ 5. Original + 1 copy of a site plan of the shoreline setback area, drawn to a minimum scale of pf 1" = 20' showing:
 - a. Existing natural and man-made features and conditions within the shoreline setback areas;
 - b. Existing natural and man-made features and conditions along properties immediately adjacent to the shoreline setback area and proposed improvements;
 - c. The certified shoreline and the shoreline setback line;
 - d. Contours at a minimum interval of two (2) feet unless waived by the Department; and
 - e. Proposed development and improvements showing new conditions.
- ___ 6. A written justification for the requested variance, which addresses criteria and conditions set forth in Section 12-403-19.
- ___ 7. Original + 1 copy of a preliminary drainage and erosion control report, and a grading plan.
- ___ 8. Original + 1 copy of an environmental assessment.
- ___ 9. Photographs (preferably slides) of the shoreline area.
- ___ 10. **Non-refundable filing fee** (see Fee Schedule, Table A) payable to *County of Maui, Director of Finance*.
- ___ 11. Additional information that may be required by the Planning Director (i.e., Engineering Report, soils analysis, archaeological report, etc.).

NOTE: Upon reviewing Items 4-8 and 11 for completeness, the Planning Department will notify the applicant as to how many copies of the application packet are needed for agency transmittal.



DATE:

TO:

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

1. Tax Map Key: _____
2. Location: In the vicinity of _____
3. Zoning Designation: _____
4. Proposed Use: _____

THIS SECTION TO BE COMPLETED BY THE DEPARTMENT OF PLANNING:

Public Hearing Date: _____

Time: _____

Place: _____

Information relative to the application is available for review at the Department of Planning, 250 South High Street, Wailuku, Maui, Hawaii, Telephone: 270-7735; Toll-Free from Molokai 1-800-272-0117 and Toll-Free from Lanai 1-800-272-0125..

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 12-401-20 of the Rules of Practice and Procedure for the Lanai 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 County 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 legal state holiday. When the prescribed period of time is ten 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 Lanai Planning Commission, c/o the Maui County Planning Department, 250 South High Street, Wailuku, Maui, Hawaii 96793, or presented in person at the time of the public hearing.

Name of Applicant

Address

Signature

Telephone Number

_____, 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 _____, _____, 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:

**COUNTY OF MAUI
DEPARTMENT OF PLANNING**

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
Zoning Administration and Enforcement Division

Date