

APPENDIX HAWAII-14

Variance Zoning Application Hawaii County Planning Department

Permit Packet Includes:

1. Process Overview
2. Hawaii County Variance Zoning Application
3. Instructions for completing application
4. Hawaii County Code, Chapter 25 (See **Appendix HCC – Chapter 25**)

Approval or Permit Required: To grant provisions in the zoning requirements (Hawaii County Code Chapter 25); provided that a variance shall not allow the introduction of a use not otherwise permitted within the district; and provided further that a variance shall not primarily effectuate relief from applicable density limitations.

Contact Information: Aupuni Center, 101 Pauahi Street, Suite 3
Hilo, HI 96720
Phone: 808-961-8288

Website:

Planning Department: <http://www.cohplanningdept.com/>

Planning Department - Planning Dept. Forms:

<http://records.co.hawaii.hi.us/Weblink8/Browse.aspx?dbid=1&startid=55628>

See "Application for Variance Zoning

Form: <http://records.co.hawaii.hi.us/Weblink8/1/doc/55610/Page1.aspx>

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Steps

Time

1. Applicant discusses the ground for variance with the Planning Department. A variance may only be granted if the following is found:

- (a) There are special or unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available, or to a degree which obviously interferes with the best use or manner of development of that property; and
- (b) There are no other reasonable alternatives that would resolve the difficulty; and
- (c) The variance is consistent with the general purpose of the district, the intent and purpose of this chapter, and the general plan, and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties.



2. Submit the "Application for Variance Zoning", which should be accompanied by:

- (1) A filing fee of \$250;
- (2) A description of the property in sufficient detail to determine the precise location of the property involved;
- (3) A plot plan of the property, drawn to scale, with all existing and proposed structures shown thereon;
- (4) A list of the names and addresses of all surrounding owners and lessees of record of property interests in property within the boundaries established by section 25-2-4; and
- (5) Any other plans or information required by rules adopted by the director in accordance with chapter 91, Hawai'i Revised Statutes.



3. The director requests additional information (as required). The director then informs the applicant of acceptance of the variance application and the date of the proposed decision.



4. The applicant serves notice of the application to surrounding owners and lessees of record, as provided by Hawaii County Code (HCC) Section 25-2-4. The applicant shall also serve notice on owners and lessees of record of interests in other properties which the director may find to be directly affected by the variance sought. Except for setback variances, the applicant shall also post a sign for public notification on the property as provided by HCC Section 25-2-12.

10 days from
Step 3



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5. The director publishes notice of the date of the proposed decision and the date by which written comments must be received in at least two newspapers of general circulation in the County.	At least 10 days prior to Step 6
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6. The director denies, approves, or approves the application subject to conditions. Any conditions imposed by the director shall bear a reasonable relationship to the variance granted, and shall contain a statement of the factual findings supporting the decision.	60 days from Step 4*
*If the director fails to act within the prescribed period, the application shall be considered as having been denied, and the director shall immediately inform the applicant of such denial.	

Total Time Period: 60 days

Fees	Amount	Maximum
Application Fee	\$250	
Public Notice Costs		Varies
Total Fees:	\$250 (minimum)	Varies (maximum)