

## APPENDIX KAUAI-13

### Variance County of Kauai Department of Planning

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#### Permit Packet Includes:

1. Process Overview
2. Variance Application
3. Instructions for completing application
4. Comprehensive Zoning Ordinance (CZO) Chapter 8, Article 21 (See **Appendix CZO, Chapter 8**)

**Approval or Permit Required:** To request a variance from the county land use regulations as they are set forth in CZO Chapter 18; to do so the applicant must determine that special circumstances are applicable to the property, including size, shape, topography, location or surroundings, and that the strict application of the regulations deprives the property of privileges enjoyed by other property in the vicinity and within the same District, and the applicant shows that he cannot make a reasonable use of the property if the regulations are applied.

**Contact Information:** 4444 Rice Street, Suite 473  
Lihue, HI 96766  
Phone: 808-241-4050

#### Website:

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#### Website:

County of Kauai: <http://www.kauai.gov/Kamaaina/tabid/36/Default.aspx>

Government / Planning Department / Zoning and Land Use Permits:

<http://www.kauai.gov/Government/Departments/PlanningDepartment/ZoningandLandUsePermits/ResourceDocuments/tabid/627/Default.aspx>

Go to Variance Permit (downloadable)

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Steps	Time
<p>1. Complete and Submit the Variance Application.</p> <ul style="list-style-type: none"> <li>- The Variance Application, wherever feasible, shall be filed together with the required "Zoning Permit Application" and a single application shall be used for both permits in those cases.</li> <li>- The application shall contain the information required pursuant to Section 8-19.2 and other information justifying the issuance of the Variance.</li> </ul>	
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<p>2. The Planning Director will prepare and distribute a report that indicates the reasons supporting the issuance, issuance with conditions, or denial of the application. The report is made public in addition to being sent to the applicant, the Planning Commission, and any persons who have duly requested the report.</p>	60 days from Step 1
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<p>3. Notice of the proposed public hearing is given to the applicant and published at least once in a newspaper of general circulation in the county.</p>	20 days prior to Step 5
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<p>4. The applicant either hand delivers written notice or sends certified mail to all persons listed on the current Notice of Property Assessment Card File located at the Real Property Division of the Department of Finance for the County of Kauai.</p> <ul style="list-style-type: none"> <li>- This should be completed for at least 85% of all parcels of real property within 300 feet from the nearest point of the premises involved in the application to the nearest point of the affected property.</li> <li>- See CZO Section 8-19.6 (d) for more details</li> </ul>	12 days prior to Step 5
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<p>5. The Planning Commission holds at least one public hearing on the application, then issues the permit with or without conditions or denies the permit. See CZO Section 8-22.3 for more details on Public Hearing procedures.</p>	60 days from Step 2

**Total Time Period: 120 days**

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Fees	Amount	Maximum
Application Fee	*The application fee is not required if the Variance Application is filed with an application for a Zoning Permit	\$50
<b>Total Fees:</b>	<b>\$0 (minimum)</b>	<b>\$50 (maximum)</b>