

COUNTY OF MAUI
DEPARTMENT OF PLANNING
2200 MAIN STREET, SUITE 619
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 270-8205 FAX: (808) 270-7634

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

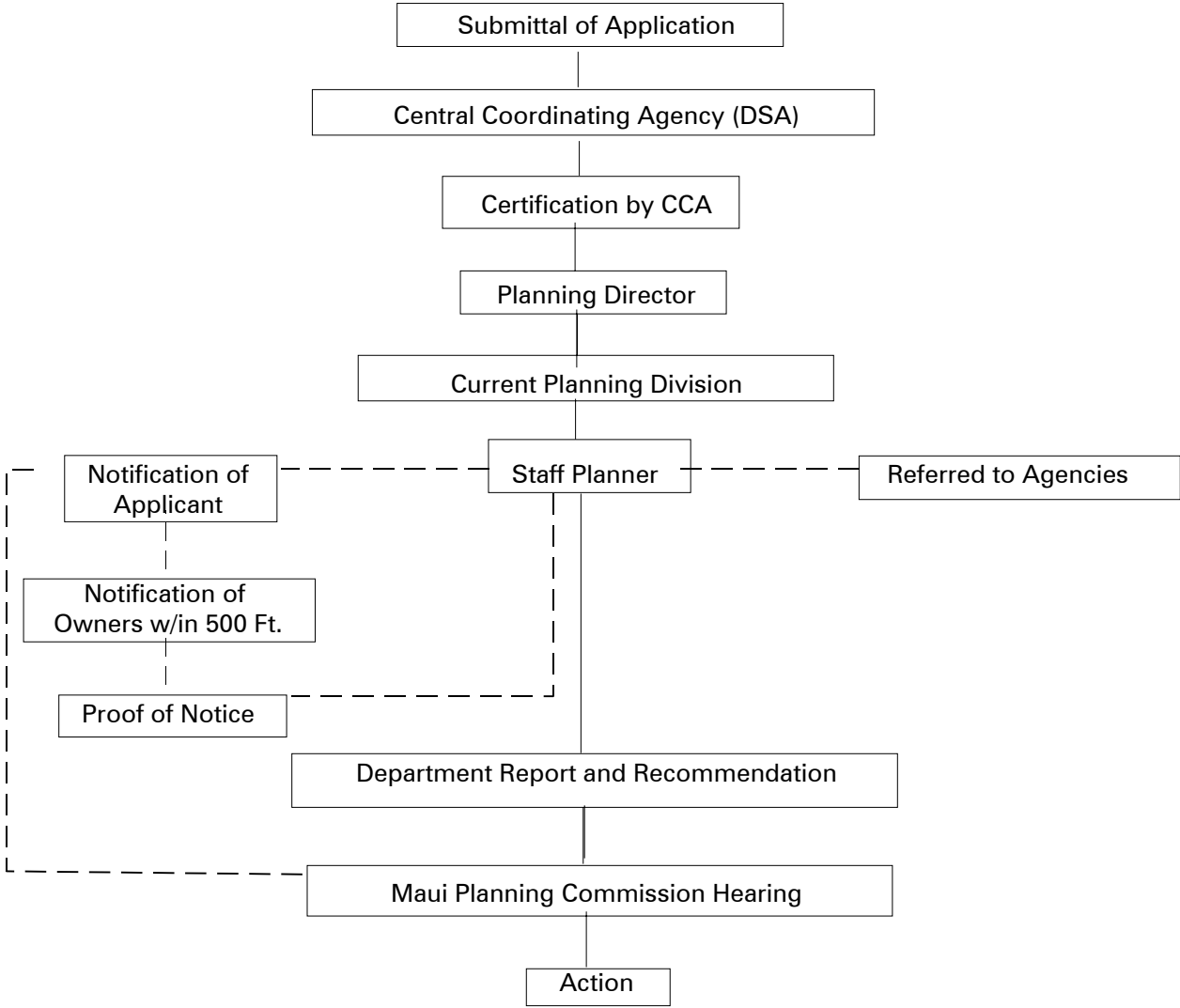
APPLICANT

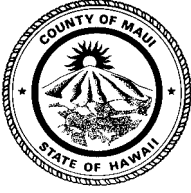
- Notify adjacent owners and recorded lessees of the hearing date.
- Proof of notice will be mailed back to the Department at least 10 days prior to the hearing date.

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





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APPLICATION TYPE: SHORELINE SETBACK VARIANCE

(Rev. 12/14)

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 of the shoreline area.
- ___ 9. **Non-refundable filing fee** (see Fee Schedule, Table A) payable to *County of Maui, Director of Finance*.
- ___ 10. 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, 2200 Main 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 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, 2200 Main 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, 2200 Main Street, Wailuku, Maui, Hawaii, Telephone (808) 270-8205; toll free from Molokai 1-800-272-0117, Extension 8205; and toll free from Lanai 1-800-272-0125, Extension 8205.

Name of Applicant

Signature

Address

()
Telephone



ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME _____ TELEPHONE _____
PROJECT NAME _____ E-MAIL _____
PROPERTY ADDRESS _____ TAX MAP KEY _____

Yes No Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A) Yes No Will it be processed under a consistency exemption from [Section 18.04.030\(B\), MCC?](#)
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) _____

B) State the purpose of subdivision and the proposed land uses (*ie 1-lot into 2-lots for all land uses allowed by law*):

- INSTRUCTIONS:**
- 1) Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.
 - 2) If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.
 - 3) If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.

(This section to be completed by ZAED)

| | |
|--|---|
| LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: ¹ | <input type="checkbox"/> (SMA) Special Management Area |
| STATE DISTRICT: <input type="checkbox"/> Urban <input type="checkbox"/> Rural <input type="checkbox"/> Agriculture <input type="checkbox"/> Conservation | |
| MAUI ISLAND PLAN Growth Boundary: ² <input type="checkbox"/> Urban <input type="checkbox"/> Small Town <input type="checkbox"/> Rural <input type="checkbox"/> Planned Growth Area <input type="checkbox"/> Outside Growth Boundaries | |
| Protected Area: ² <input type="checkbox"/> Preservation <input type="checkbox"/> Park <input type="checkbox"/> Greenbelt <input type="checkbox"/> Greenway <input type="checkbox"/> Sensitive Land <input type="checkbox"/> Outside Protected Areas | |
| COMMUNITY PLAN: ² | <input type="checkbox"/> (PD) Planned Development |
| COUNTY ZONING: | <input type="checkbox"/> (PH) Project District |
| OTHER/COMMENTS: | <input type="checkbox"/> See Additional Comments (Pg.2) |
| FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion. | <input type="checkbox"/> See Attached LUD Map |
| FLOOD HAZARD AREA ZONES ³ & BASE FLOOD ELEVATIONS: | |
| <input type="checkbox"/> FEMA DESIGNATED FLOODWAY | For Flood Zone AO, FLOOD DEPTH: |

SUBDIVISION LAND USE CONSISTENCY: Not Consistent, (LUDs appear to have NO permitted uses in common).

_____ Not Applicable, (Due to processing under consistency exemption No. 1, 2, 3, 4, 5).
(Signature)

Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

⁴ Consistent, (LUDs appear to have ALL permitted uses in common).

⁴ Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

⁴ Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

- NOTES:**
- 1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.
 - 2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.
 - 3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.
 - 4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

REVIEWED & CONFIRMED BY:

(Signature) (Date)

For: John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division