

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

**MOLOKAI PLANNING COMMISSION
SHORELINE SETBACK VARIANCE**

SOURCE OF LEGAL AUTHORITY:

Chapter 205, Hawaii Revised Statutes,
as amended Article III, Rules and
Regulation of the Maui County 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 150 feet inland from the upper reaches of the wash of waves, usually evidenced by the edge of vegetation growth, or the upper line of debris left by wash of the waves.) This will protect the public's right of 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.

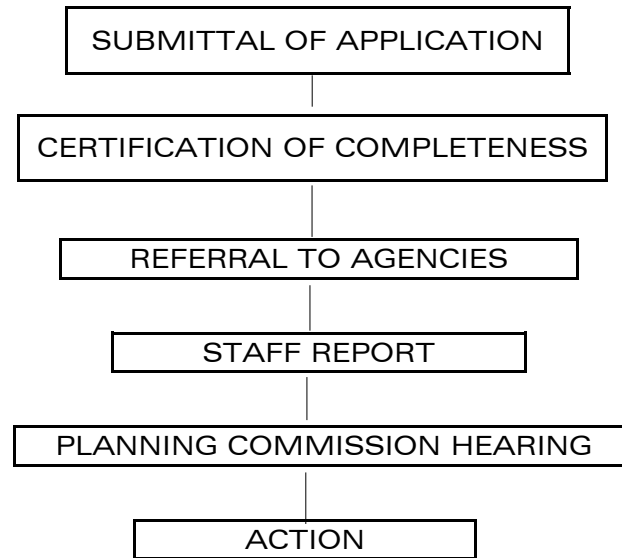
Upon submittal of a Shoreline Setback Variance Application, it will be reviewed for completeness.

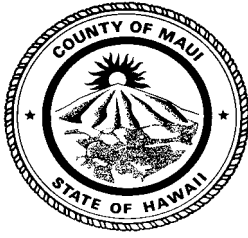
Upon certification of completeness, a hearing will be scheduled with the Molokai Planning Commission to review and act upon the Commission hearing, the following must be completed:

PLANNING DEPARTMENT:

1. Referral to other agencies for comments.
2. Preparation of report.

FLOW CHART





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APPLICATION TYPE: MOLOKAI PLANNING COMMISSION
SHORELINE SETBACK VARIANCE

DATE: _____ **Valuation:** \$ _____

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: _____

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. Original and one (1) set 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. Original and one (1) set of a preliminary drainage and erosion control report, and a grading plan.
- ___ 7. Original and one (1) set of an environmental assessment may be required.
- ___ 8. Photographs of the shoreline area.
- ___ 9. A **Non-refundable** filing fee (See fee schedule, Table A); checks payable to *County of Maui, Director of Finance*.

NOTE: Original and one (1) set of items 3 - 7 will be reviewed by Planning Department Staff for transmittal to agencies. Planning Department will notify the applicant of how many additional sets of application packet are needed for agency transmittal.

Date: _____

TO:

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

- 1. Tax Map Key: _____
- 2. Location: In the vicinity of _____
- 3. Zoning Description: _____
- 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 §12-1-16, of the Rules of Practice and Procedure, for the Molokai Planning Commission, and shall be filed with the Commission, and served upon the applicant no less than ten (10) days before the first public hearing date. Filing of all documents of the Commission is in c/o the Maui Planning Commission, 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 holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or holiday. When the prescribed period of time is ten (10) day or less, Saturdays, Sundays, or holidays within the designated period, shall be excluded in the computation.

Any party may be represented by Counsel or other representative(s).

Information relative to the application is available for review at the Planning Department, 2200 Main Street, Wailuku, Maui, Hawaii, or telephone 270-8205, or toll-free from Molokai at 1-800-272-0117, extension 8205, or toll-free from Lanai at 1-800-272-0125, extension 8205.

Name of Applicant

Applicant's Agent, (if applicable)

Signature

Signature

Address

Address

Phone Number

Phone Number



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

STATE DISTRICT: Urban Rural Agriculture Conservation (SMA) Special Management Area

MAUI ISLAND PLAN: Growth Boundary: ² Urban Small Town Rural Planned Growth Area Outside Growth Boundaries

Protected Area: ² Preservation Park Greenbelt Greenway Sensitive Land Outside Protected Areas

COMMUNITY PLAN: ² (PD) Planned Development

COUNTY ZONING: (PH) Project District

OTHER/COMMENTS: 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.

FLOOD HAZARD AREA ZONES ³ & BASE FLOOD ELEVATIONS:

FEMA DESIGNATED FLOODWAY For Flood Zone AO, FLOOD DEPTH: See Attached LUD Map

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

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

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

(Date)