



## COUNTY OF KAUA'I DEPARTMENT OF PLANNING

### VARIANCE PERMITS

#### ○ What is a Variance Permit?

The Comprehensive Zoning Ordinance (CZO) sets development standards within each zoning district of the County. The primary intent of a Variance Permit is to allow a deviation from a standard that is required by law and it can be done only under exceptional circumstances. It is a basic planning principle that variances should be difficult to obtain, since it establishes a precedent.

Pursuant to Article 3 of the Comprehensive Zoning Ordinance (CZO), Chapter 8 of the Kaua'i County Code (1987), as amended, a Variance may be granted provided that:

- because of special circumstances applicable to the property (including size, shape, topography, location or surroundings), the strict application of the regulations deprives the property of privileges enjoyed by other properties in the vicinity and the applicant shows that he cannot make a reasonable use of the property if the regulations are applied;
- granting the variance shall be the minimum departure from existing regulations necessary to avoid the deprivation of privileges enjoyed by other property and to facilitate a reasonable use; and
- it will not create significant probabilities of harm to property and improvements in the neighborhood or of substantial harmful environmental consequences. An Applicant must demonstrate that the variance request would not adversely impact the surrounding neighborhood; i.e. the proposal would not be out of character with the neighborhood, nor would it significantly reduce light, air, or open space.

Financial hardship to the applicant is not a permissible basis for the granting of a variance.

#### ○ What are the requirements for submitting a Variance Permit Application?

A Variance Permit is subject to review & approval by the Planning Commission and a public hearing will be required. If a Variance Permit is being sought, the following criteria are required to initiate the processing of the application:

- a. \$300.00 filing & processing fee along with a completed application form/petition. Fees are non-refundable;

*Note: When an Applicant applies for a variance after being cited for taking action without having obtained necessary approvals (after-the-fact), the application fee set forth above shall be doubled. The payment of the fee required by this section shall*

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*not relieve the Applicant from compliance with the Comprehensive Zoning Ordinance or from penalties imposed there under.*

- b. Letter of Authorization, if applicable;
- c. Original plus eleven (11) copies of the Project Description; and
- d. Twelve (12) copies (drawn to scale) of:
  - Plot/Site Plan: showing all existing and proposed structures, including fences and walls. In addition, the site plan should also show existing structures to be removed and/or modified; on-site traffic circulation patterns & access; details of parking areas including dimensions of parking stalls and maneuvering; and details for each existing & proposed structure including building heights, setbacks from property lines, street setbacks, floor area, and building area;
  - Location Map: identifies the project site relative to the surrounding neighborhood; and
  - Building Plans: Detailed plans for all new structures, including building elevations and section drawings which show finish and existing grades, and setback from property lines; and floor plans which include the dimensions of rooms/habitable areas and activity areas.
- e. Photos: The Applicant should include as part of their transmittal, photos of the project site showing the following:
  - Street access (ingress & egress) to the project site;
  - Uses on adjoining properties; and
  - Building setbacks from property lines, distances to neighboring buildings, parking areas, and other uses on the site.
- o **What is a “Project Description”?**

The project description is generally the heart of the permit application. It must thoroughly describe the proposal and provide reasons for the deviation. Some of the basic information required in a project description will vary and be dependent on the deviation being sought. In addition to describing the proposed use, activity, or development, certain information is helpful in evaluating the Variance Permit. It would be very helpful to evaluate and provide justification based on the standards outlined in Section 3.3(b) of the Kaua'i County Code (1987), as amended.

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It is important to note that the Applicant is bound by the representations made in the Project Description. Any other subsequent change or activity that is contrary to the representations made in the project description may be subject to additional review by the Planning Department and/or Planning Commission through a public hearing procedure.

o ELECTRONIC DOCUMENT SUBMITTALS:

The submittal of electronic documents, either in whole or in part of this application IS REQUIRED. Electronic document submittals shall adhere to the following formats: PDF (Adobe Reader), JPEG, or Word. However, .PDF files are highly encouraged. Electronic documents **must** be submitted on either CD or DVD. No individual electronic document shall exceed 15 megabytes in size; any electronic document involving a larger size **must** be broken down into smaller size files. ALL maps, drawings and/or plan **must** be drawn to an appropriate scale (architectural or engineering), and must be indicated on the document.

Pre-Application Meeting: The department encourages Applicant(s) to schedule a pre-application meeting with staff to discuss the application and processing requirements.

**APPLICATION CHECK LIST**

a.	Pre-Application meeting with Department of Planning	
b.	Completed Zoning Permit Application	
c.	Fees	
d.	Project Description/Petition	
e.	Scaled Drawings: o Site/Plot Plan o Location Map o Building/Floor Plans	
f.	Photos (labeled and keyed to a general site map)	

**NOTE:** The above provides a general summary and overview of the requirements for a Variance Permit application. Other requirements will apply during the process and instructions will be made available. Please verify with the Department of Planning at (808) 241-4050 for any additional details, requirements, and questions before preparing/submitting a Variance Permit application.