

PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 20 <u>20</u> - <u>24</u>	
Acceptance Date:	12.30.19
Website Posting Date:	12.30.19
Determination Date:	12.30.19
Planning Commission Date:	1.14.20
Expiration Date:	1.14.23
Planner Assigned:	<i>JL</i>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	Randall S. & Laura Gail Weir
Mailing Address:	6332 Makana Road Kapaa, Hawaii 96746
Phone:	808 639-8692
Email:	
Applicant's Status: (Check one)	
<input checked="" type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date:	12/13/2019

Project Information (attach additional sheets, if necessary)	
County Zoning District:	AG/Open
Tax Map Key(s):	(4) 1-7-006-012
CPR No. 001 Unit A	Land Area: 3 acres
Nature of Development: (Description of proposed structure or subdivision)	768 sq. ft. cottage <i>prev. SSD. 2018.36 gms</i>

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

1. Property is Abutting the Shoreline
 - Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
2. Property is Not Abutting the Shoreline
 - Proposed project's approximate distance from shoreline (based on aerial map): 365ft ft.
3. Additional Information:
 - Shoreline Change (Erosion/Accretion) Rate: _____ ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html)
 - Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

CPR 001 Unit B one residential structure
CPR 001 Unit C one residential structure



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

Flat 10'-12' AMSL

Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

Artificially armored Shoreline

If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____

Is the armoring permitted/authorized? _____

Date of authorization (attach copy of authorization letter): _____

Is property in coastal floodplain (if checked, what zone)? XS

Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

R. Wein

12.10.2019

Signature

Date

Applicability (to be completed by Planning Department)

Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.

[Signature]
Planning Director or designee

12/30/19
Date

If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.

A detailed Plot Plan to scale with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.

Building Permit Number (If building plans submitted) 19-1764 (this replaces 17-665 below)
17-655 (Submitted by deadline with extensions
& issued 07.12.19)



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Exemption Determination

Exemption 1

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and

(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

Exemption 2

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

Exemption 3

Pursuant to §8-27.7, those structures and uses found exempt in Table 3 (see pg. 7) including repairs and renovations to a lawfully existing structure, including nonconforming structures, provided that:

(A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;

(B) The repairs DO NOT constitute a substantial improvement of the structure; and

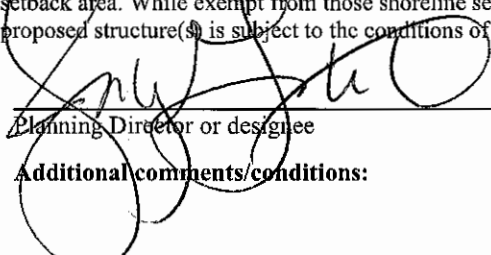
(C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

Letter from the Department of Public Works stating that the proposed project does **NOT** constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project).

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

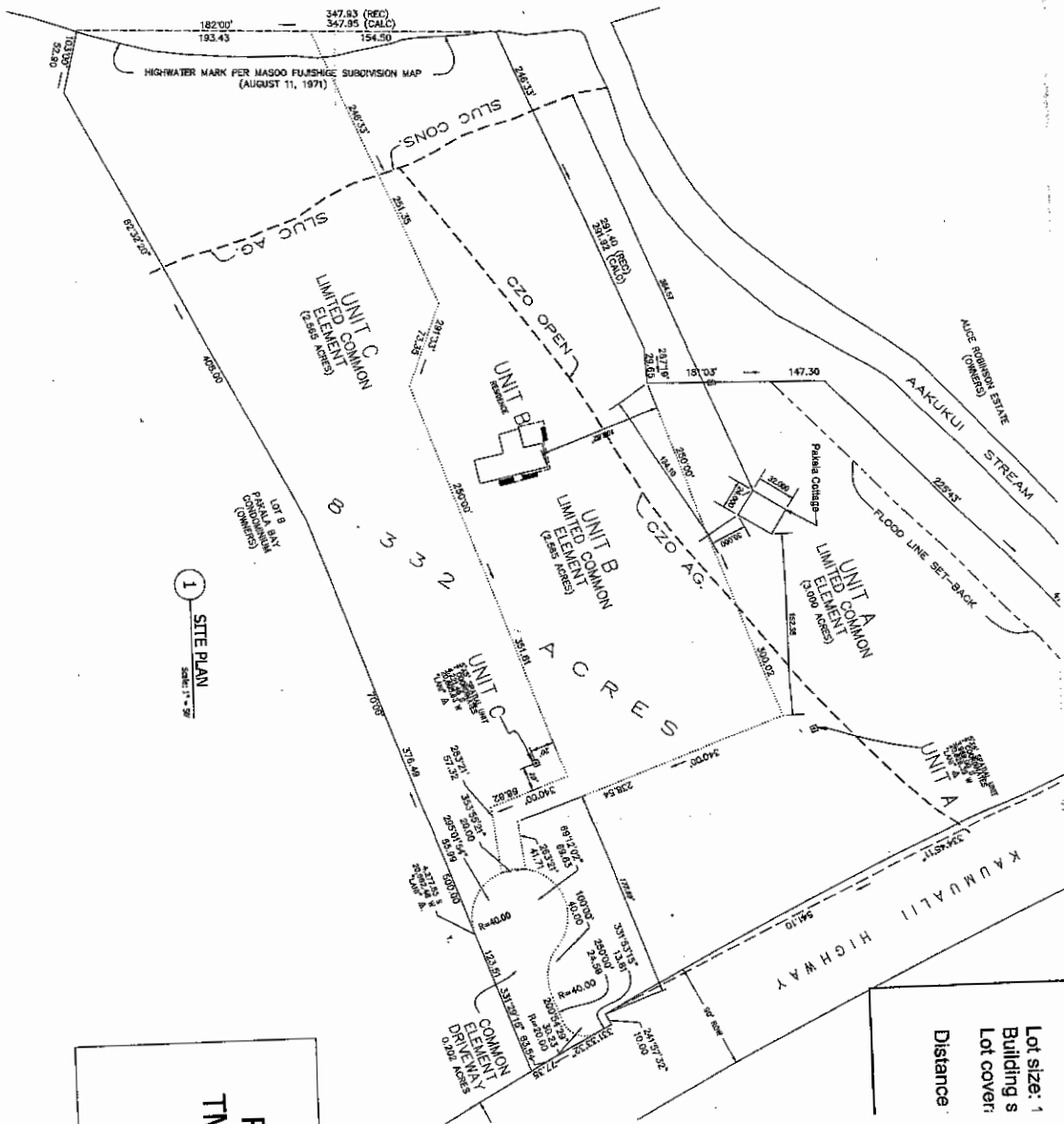

Planning Director or designee

12.30.19
Date

Additional comments/conditions:

S E A

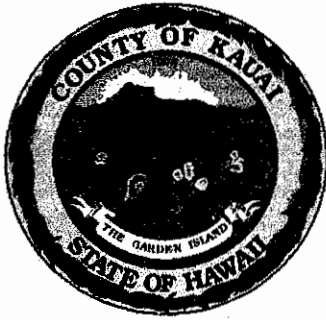
SANDY SHORELINE



1 SITE PLAN

Lot size: 1
 Building s
 Lot cover
 Distance

F TN



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2020 - 30	
Acceptance Date:	12.30.19
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Determination Date:	12.30.19
Planning Commission Date:	NA
Expiration Date:	12.30.20
Planner Assigned:	<i>JL</i>

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	Donivan Konno <i>for James & Nancy Lyman</i>
Mailing Address:	4235B Hehei Road Lihue HI 96766
Phone:	808-651-1088
Email:	kimanikoa@hawaii.rr.com
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date: _____	

Project Information (attach additional sheets, if necessary)	
County Zoning District: 2-20 2-20	Tax Map Key(s): (4)2-8-15-3-0008
	Land Area: 211,431 sf
Nature of Development: (Description of proposed structure or subdivision)	Interior Remodel

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

1. Property is Abutting the Shoreline
 Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
2. Property is Not Abutting the Shoreline
 Proposed project's approximate distance from shoreline (based on aerial map): 148.1' _____ ft.
3. Additional Information:
 Shoreline Change (Erosion/Accretion) Rate: _____ ft./year
 (Information available here: www.soest.hawaii.edu/coasts/kauaicontry/KCounty.html)
 Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

Rock wall Makai of Hoonani and Hoonani Road



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
 Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
 Rocky
 Artificially armored Shoreline
 If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
 Is the armoring permitted/authorized? _____
 Date of authorization (attach copy of authorization letter): _____
 Is property in coastal floodplain (if checked, what zone)? _____
 Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunamis, etc.) in the past?

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

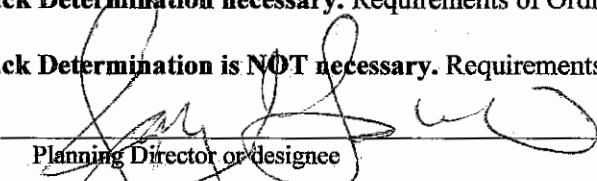

10/16/19

 Signature Date

Applicability (to be completed by Planning Department)

Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.


12/30/19

 Planning Director or designee Date

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

- A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.3(e))
- An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- A detailed Plot Plan to scale with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- Building Permit Number (If building plans submitted)



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Exemption Determination

Exemption 1

In cases where the proposed structure or subdivision satisfies the following four criteria:

(A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;

(B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;

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(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

Exemption 2

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

Exemption 3

Pursuant to §8-27.7, those structures and uses found exempt in Table 3 (see pg. 7) including repairs and renovations to a lawfully existing structure, including nonconforming structures, provided that:

(A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;

(B) The repairs DO NOT constitute a substantial improvement of the structure; and

(C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

Letter from the Department of Public Works stating that the proposed project does NOT constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project).

Exemption Determination (to be completed by Planning Department)

Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.

Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

Planning Director or designee

12/30/19

Date

Additional comments/conditions:



ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

I. LYLE M. TABATA
DEPUTY COUNTY ENGINEER

November 14, 2019

Kimani Koa Drafting & Design Services
4235B Hehi Road
Lihue, HI 96766
Attention: Donovan Konno

Subject: SHORELINE SETBACK APPLICATION,
SUBSTANTIAL IMPROVEMENT DETERMINATION
2221 Kapili Road, Po'ipū Kapili, Unit 8
TMK: (4) 2-8-015:003-0008

PW 10.19.081

Dear Mr. Konno,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 579) Section 8-27.2 states:

“Substantial improvement’ means any cumulative series of repairs, reconstruction, improvements or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure....”

Improvements are being proposed via Building Permit 19-2248 to Unit 8 at TMK: (4) 2-8-015:003-0008, which is one of six units in Building 2 of Po'ipū Kapili. To determine if the improvements are considered “substantial,” we compare the total cost of all improvements within the past 10 years to the market value of the structure before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the improvements are determined to be “unsubstantial.”

Unless a professional appraisal is provided, the market value shall be determined by the County's Real Property Assessment Division.

Market Value

The market value is the Replacement Cost New Less Depreciation (RCNLD) value for 2019 as determined by the County's Real Property Assessment Division. The market value of the building is \$2,221,700. Fifty percent (50%) of this is \$1,110,850 (or \$2,221,700 divided by 2).

Cost of Improvements

There were no permits within the past ten years. The estimated cost of improvements for BP 19-2248 is \$185,000. This is based on a cost estimate prepared by general contractor Ted Burkart of BCO Construction which was dated November 7, 2019.

Summary

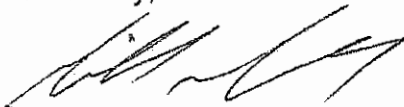
The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$185,000}{\text{Market Value (Real Property): } \$2,221,700} = 0.08327 \text{ or } 8.33\%$$

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial. Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

If you have any questions or need additional information, contact Anthony Chandler at (808) 241-4884 or email at achandler@kauai.gov.

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

Concur,

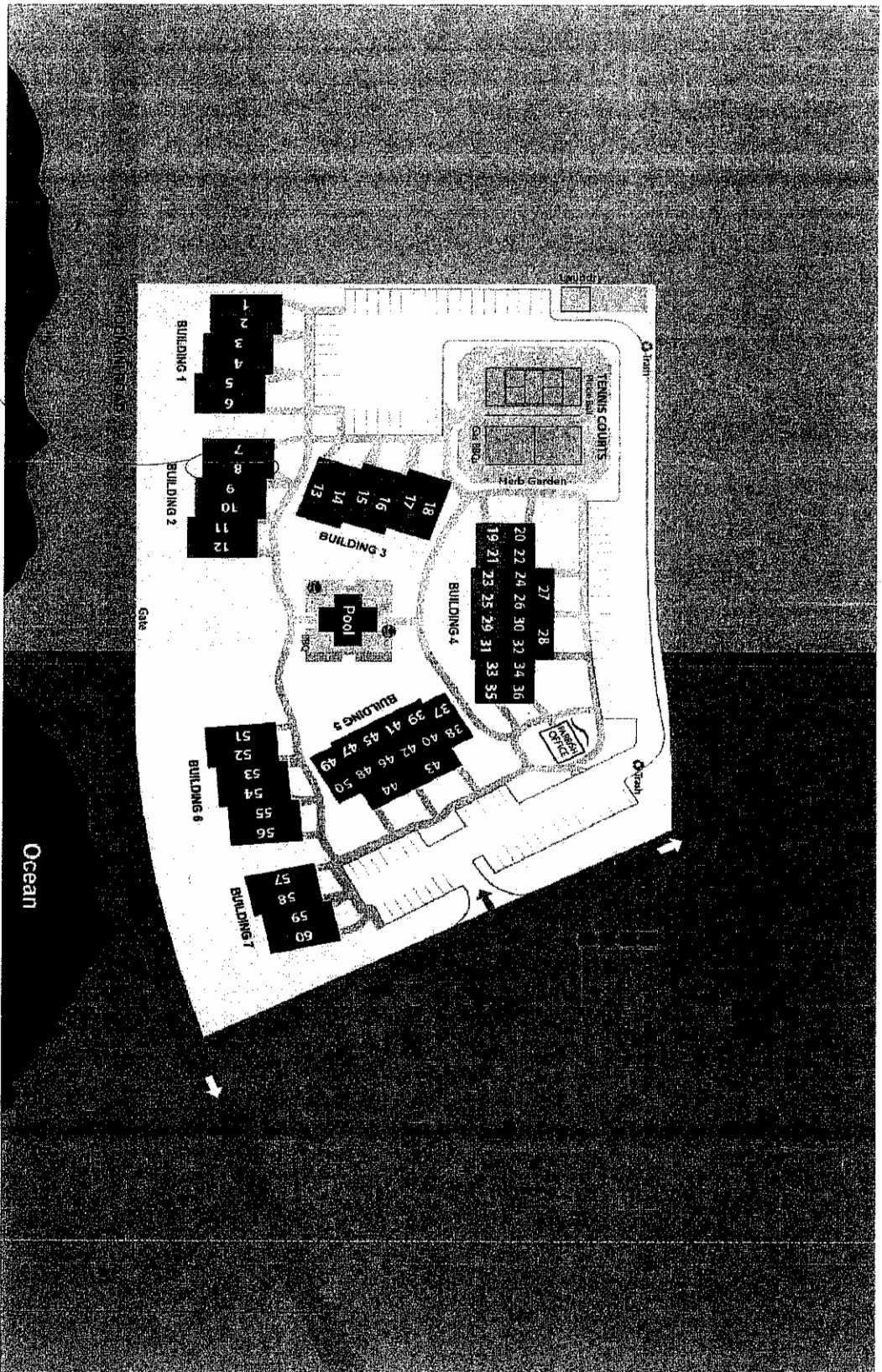


Lyle Tabata
Deputy County Engineer

MM/SI/AC

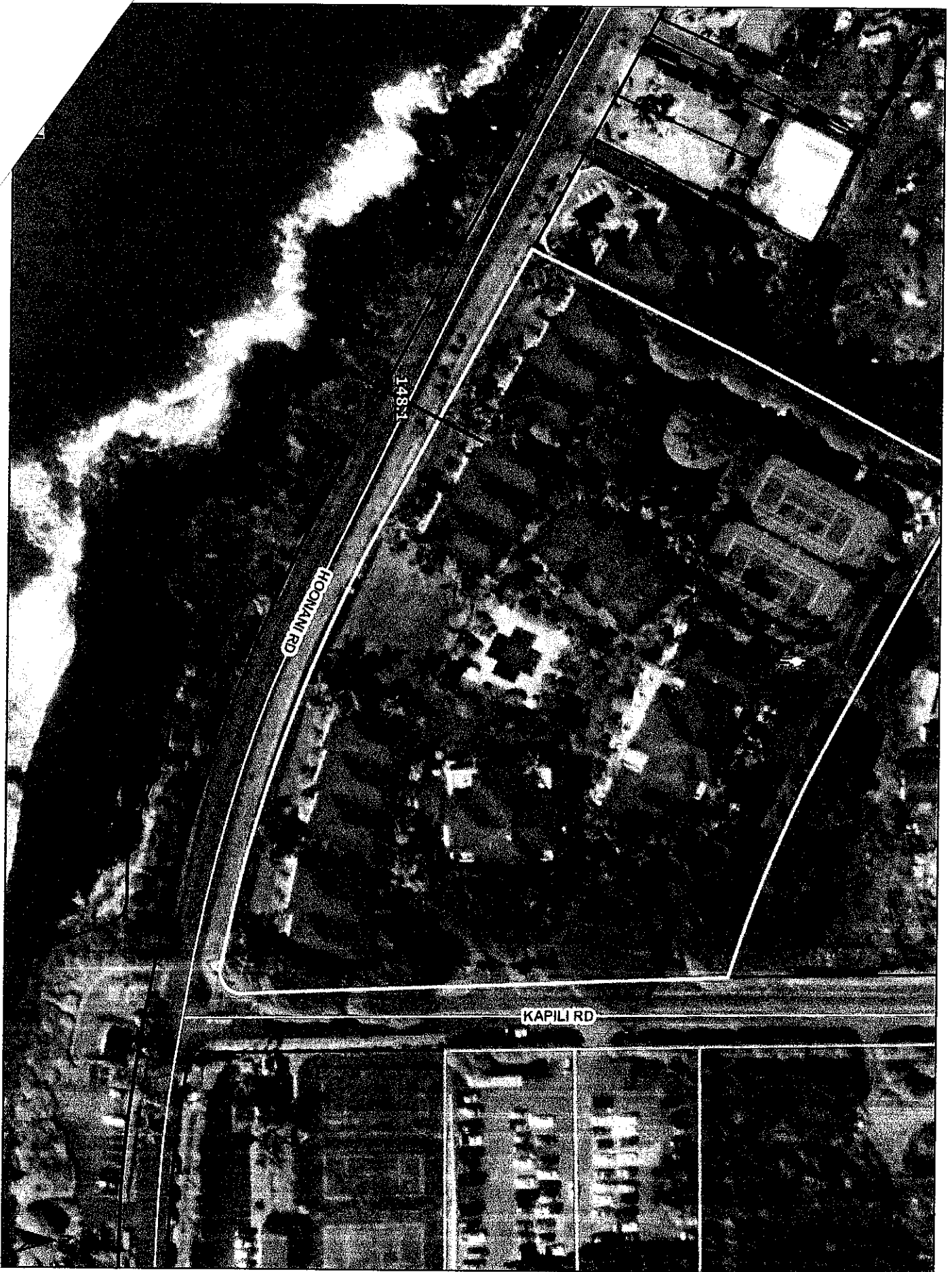
Copy: Design and Permitting
Planning Department (Romio Idica)

PROJECT - UNIT #8



Ocean

PROPERTY MAP



POIPU KAPILI

POIPU KAPILI ASSOCIATION REMODEL APPROVAL LETTER

December 20, 2019

Aloha James and Nancy Lyman:

The Poipu Kapili Board of Directors has approved your request to remodel Unit 8's interior along with replacing of three sliding glass doors, as per your written request submitted to the board dated December 3rd, 2019. If any unforeseen conditions are found during demolition, such as rotten wood, please bring it to the property manager's attention immediately. You can start your work once the following requirements are met.

Prior to start of work:

1. Your contractor must have the required Construction Approval Agreement Forms and proof of liability insurance with paperwork naming the Association as additionally insured for not less than \$1,000,000 on file with the Property Manager's Office.
2. If required, permits must be on file prior work beginning.
3. Any plumbing or electrical work must be done by a currently licensed contractor.
4. This letter with your dated signature must be on file with the Property Manager. A copy of this letter with the Property Manager's signature will be returned to you for your files.

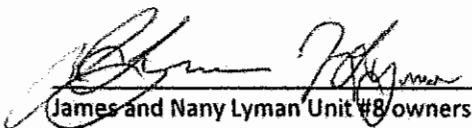
If there are ANY changes to your original plans or materials, please supply the Board with a copy of the plans with the changes clearly indicated for approval. The Board will make every effort to approve the changes quickly so there will be little or no delay in your project. You may E-mail these to the Property Manager (rmpoipukapili@gmail.com) for distribution to the Board.

Please be advised that strict adherence to by-laws, House Rules and Remodel Rules will be enforced. Please make sure you have read these rules as they have been updated and revised. Copies will be supplied for you if you do not have them.

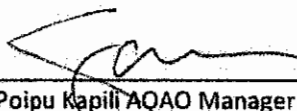
if for any reason you cannot be contacted during your project, you must provide the Association (via the Property Manager) the name of your agent capable of making legal decisions in your absence.

If there are any questions, please do not hesitate to contact the Board. We wish you good luck and happy remodeling!!

Poipu Kapili Board of Directors


James and Nancy Lyman Unit #8 owners

Date December 20, 2019


Scott Robey, Poipu Kapili AOAO Manager

Date 12.23.19



POIPU KAPILI AOAO
2221 Kapili Rd.
Koloa, HI 96756