

PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 202 <u>0</u> - <u>12</u>	
Acceptance Date:	10/8/18
Website Posting Date:	10/9/18
Determination Date:	10/8/18
Planning Commission Date:	NA
Expiration Date:	10/9/19
Planner Assigned:	JB/R

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: <u>John M. Nira</u>	
Mailing Address: <u>PO Box 523</u> <u>Koloa, Hi. 96756</u>	Phone: <u>808 338 1091</u> Email: <u>jackswps@hawaii.co.com</u>
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: <u>9-5-2018</u>	

Project Information (attach additional sheets, if necessary)	
County Zoning District: <u>open</u>	Tax Map Key(s): <u>4-2-6-3-22</u> Land Area: <u>4660 sq ft.</u>
Nature of Development: (Description of proposed structure or subdivision)	<u>repairs, install AirCond. replace not working windows</u> <u>shingle replace</u>

**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): 28 ft.
2. Property is Not Abutting the Shoreline
 Proposed project's approximate distance from shoreline (based on aerial map): 28 ft
3. Additional Information:
 - Shoreline Change (Erosion/Accretion) Rate: _____ ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaiconty/KCounty.html)
 - Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

NONE



PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

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

Flat

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

rocky, small pocket beaches, Basaltic headlands

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): _____

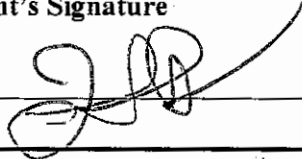
Is property in coastal floodplain (if checked, what zone)? AE zone

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

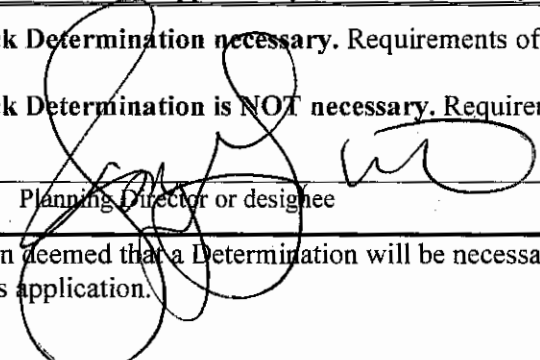
Signature 

Date 9-5-2018

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.

Planning Director or designee 

Date 10-8-2019

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)



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)

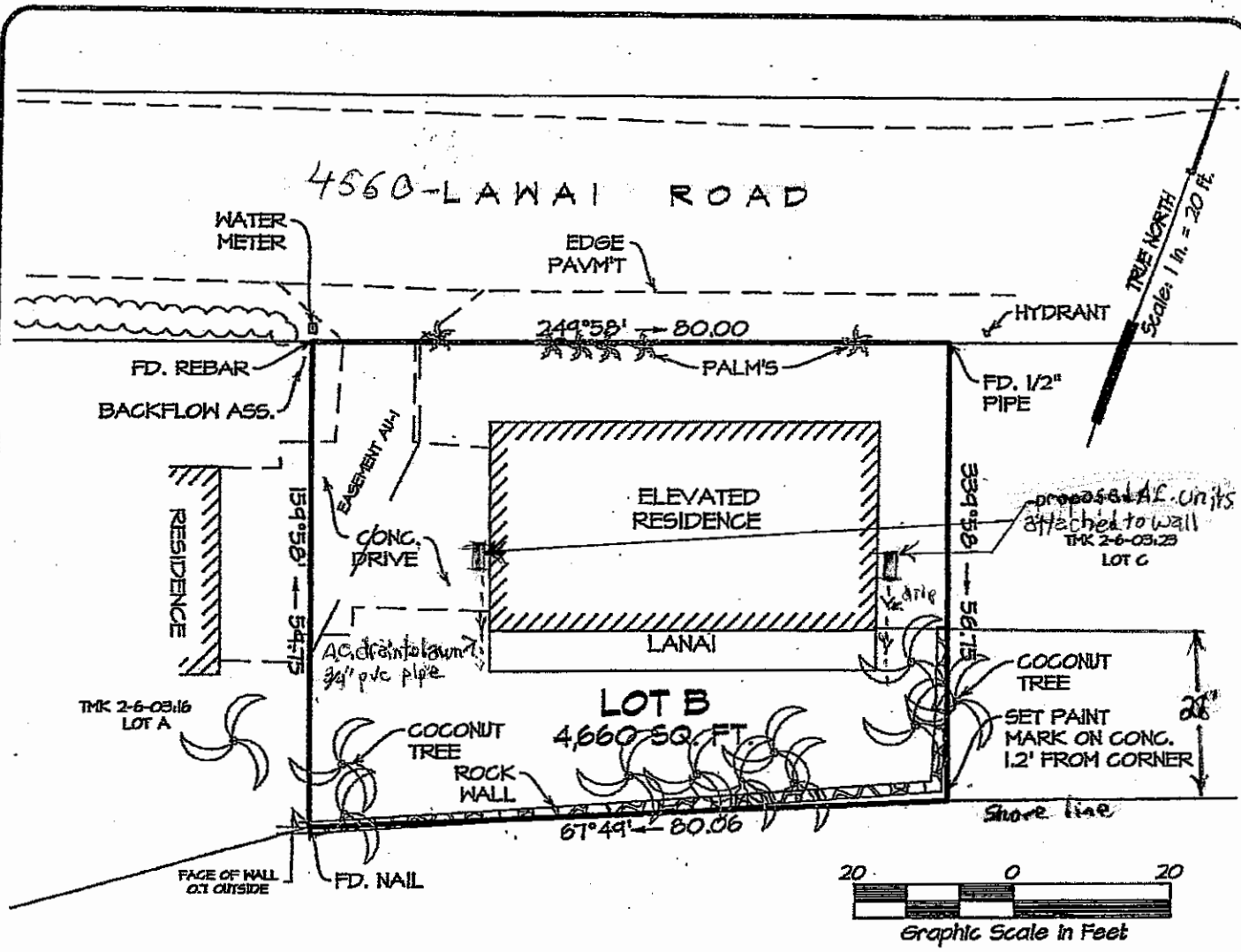
- Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
- Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, 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

10.9.19

Date

Additional comments/conditions:



KUKUI'ULA SMALL BOAT HARBOR

Site Plan

Showing 2 wall mounted (exterior) air cond. units,

John Murray
(808) 338-1091

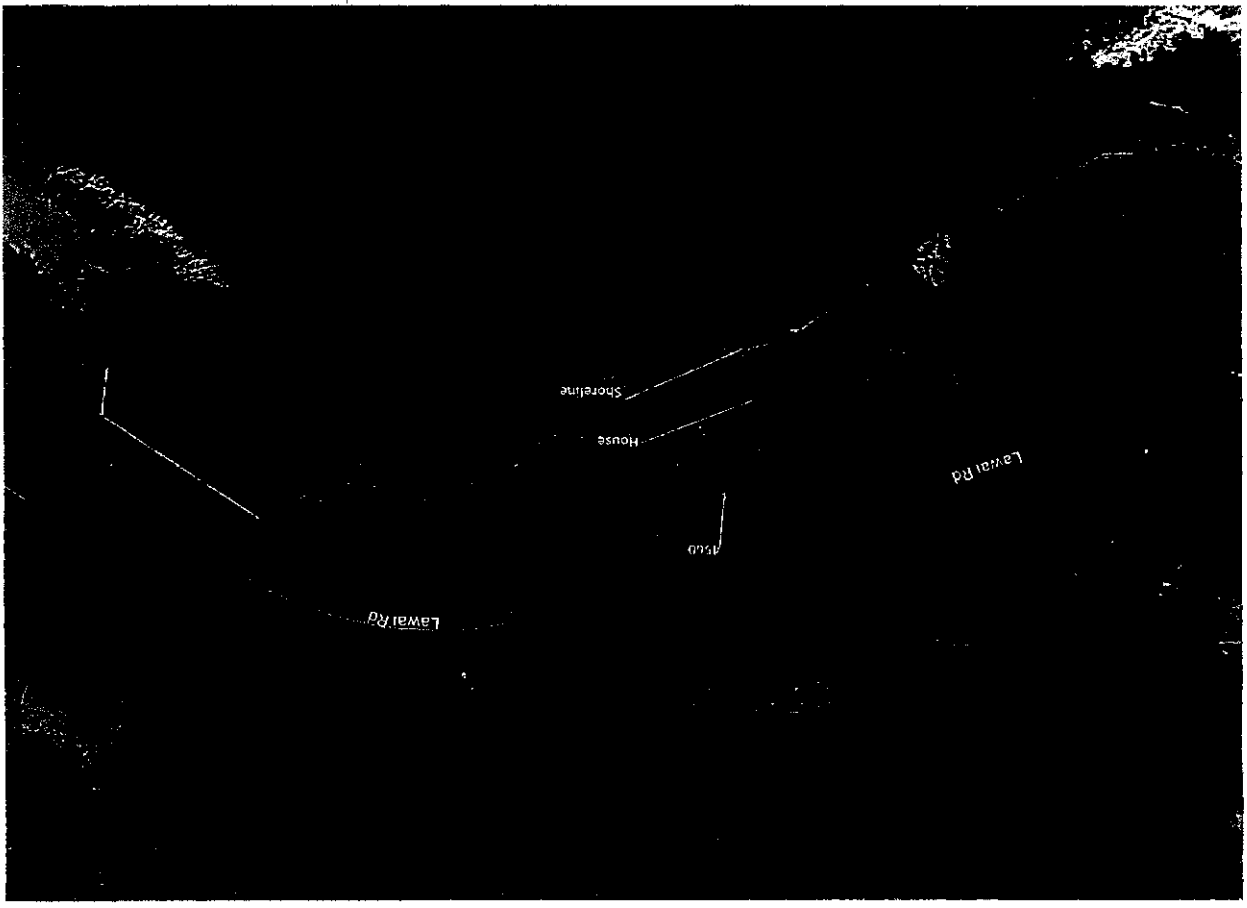
Koloa, HI 96756

Jana Murray residence at 4560 Lawai Rd

Ph. (808) 338-1091

TMK 4-2-6-3-22

Google earth map
Showing distance from
Shoreline to house





ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUA'I

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

LYLE M. TABATA
DEPUTY COUNTY ENGINEER

County of Kauai
PLANNING DIVISION

19 OCT -3 P2:52

RECEIVED

October 4, 2019

John Murray
P.O. Box 523
Kōloa, HI 96756

Subject: SHORELINE SETBACK APPLICATION,
SUBSTANTIAL IMPROVEMENT DETERMINATION
4560 Lāwa'i Road
TMK: (4) 2-6-003: 022

09.19.014

Dear Mr. Murray,

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 to an existing dwelling located on TMK 2-6-003:022 in Poipu. 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.” There were no permits issued for improvements to this deck during the past ten years.

Unless a professional appraisal is provided, the market value shall be determined by the County’s Real Property Assessment Division. The cost of improvements is determined by the County’s Building Valuation Policy.

Market Value

Since there were no permits within the past ten years, 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 \$276,100. Fifty percent (50%) of this is \$138,050 (or \$276,100 divided by 2).



Cost of Improvements

The owner proposes to install air conditioning, replace roof shingles, and replace a window. The total cost of these improvements was estimated to be \$33,365. This was based on a cost estimate prepared by home-owner which were dated September 5, 2019 and September 11, 2019.

Summary

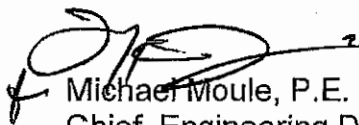
The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$33,365}{\text{Market Value (Real Property): } \$276,100} = 0.1208 \text{ or } 12.08\%$$

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.

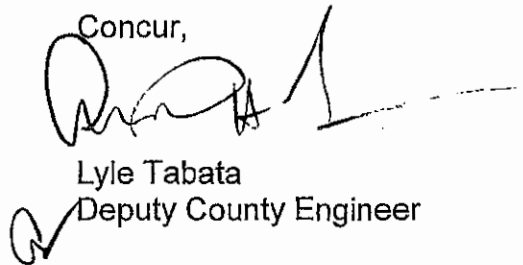
If you have any questions or need additional information, contact Anthony Chandler at (808) 241-4884 or email at achandler@kauai.gov.

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)

