

APPLICATION FOR VARIANCE
FROM ZONING CODE

COUNTY OF HAWAII
PLANNING DEPARTMENT

(Type or Print the requested information)

OWNER: _____

OWNER'S SIGNATURE: _____ DATE: _____

ADDRESS: _____

TELEPHONE: (Bus.) _____ (Home) _____

REQUEST: _____

TAX MAP KEY: _____ SUBDIVISION #- _____

AREA OF PROPERTY: _____ ZONING OF PARCEL: _____

REPRESENTATIVE/APPLICANT: _____

ADDRESS: _____ DATE: _____

TELEPHONE: _____

APPLICANT'S REASONS(S) FOR REQUESTING A VARIANCE: (Please attach a detailed written explanation of the Purpose or Nature of the request. Photos and maps may be included.)

No variance may be granted unless it is found that:

1. There are special or unusual circumstances applying to the subject real property which exist either to a degree which deprives the owner or applicant of substantial property rights that would otherwise be available or to a degree which obviously interferes with the best use or manner of development of that property;
2. There are no other reasonable alternatives that would resolve the difficulty; and
3. The variance shall be consistent with the general purpose of the zoning district, the intent and purpose of the Zoning and Subdivision Codes, and the County General Plan and will not be materially detrimental to the public welfare or cause substantial, adverse impact to an area's character or to adjoining properties.

THIS APPLICATION MUST BE ACCOMPANIED BY A FILING FEE OF TWO HUNDRED FIFTY DOLLARS (\$250) payable to the County Director of Finance.

AND:

1. The Original and four (4) copies of the completed application form with attachments;
2. Five (5) copies of description of the property in sufficient detail for the public to precisely locate the property;
3. Five (5) copies of a scale-drawn plot plan of the property showing all existing and proposed structures and improvements including any intrusions into setbacks; and
4. A list of the names, address and tax map keys of all owners of property within boundaries established by Section 25-2-4 of the Zoning Code.
5. A certification of clearance (from the Director of Finance that the real property taxes and all other fees relating to the subject parcel(s) have been paid and that there are no outstanding delinquencies) shall accompany this Application.

**PLANNING DEPARTMENT
POSTING OF SIGNS FOR PUBLIC NOTIFICATION
Except from Minimum Yard Setbacks**

In accordance with the requirements of Chapter 25 (Zoning Code), Article 2, Division 1, Section 25-2-12, Hawai`i County Code 1983 (2005 Edition) regarding the Posting of signs for Public Notification, the applicant shall post a sign on the subject property **within ten (10) days** of filing variance application (except for minimum yard setback variances) notifying the public of the following:

- (1) The nature of the application;
- (2) The proposed number of lots;
- (3) The size of the property;
- (4) The tax map key or keys of the property;
- (5) That they may contact the Planning Department for additional information; and
- (6) The address and telephone number of the Planning Department.

Notwithstanding any other provisions of law, the sign shall be not less than nine (9) square feet and not more than twelve (12) square feet in area, with letters not less than one (1) inch high. No pictures, drawings, or promotional materials shall be permitted on the sign.

The sign shall be posted at or near the property boundary adjacent to a public road bordering the property and shall be readable from said public road. If more than one public road borders the property the applicant shall post the sign to be visible from the more heavily traveled public road.

The sign shall, in all other respects, be in compliance with Chapter 3, Hawai`i County Code 1983 (2005 Edition).

The applicant shall file an affidavit with the planning department not more than **five (5) days** after posting the sign stating that a sign has been posted in compliance with these requirements, and that the applicant and its agents will not remove the sign until the application has received final subdivision approval, or that such application has been rejected or withdrawn. A photograph of the sign in place shall accompany the affidavit.

The sign shall remain posted until final subdivision approval is issued, or until the application has been rejected or withdrawn. The applicant shall remove the sign promptly after such action.

Should you have any questions, please contact the Planning Department at (808) 961-8288.