INSTRUCTIONS FOR FILING A PETITION FOR A VARIANCE
City and County of Honolulu
§20-3-64 Variances

The petition for a variance shall be submitted to the Department of Planning and Permitting Director. The Director may authorize a petitioner to vary from any requirement established by the Rules Relating to Water Quality, if the petitioner can establish all of the following are true:

1. The variance is necessary to prevent a hardship caused by unique Site conditions not ordinarily found in other areas within the City;
2. The unique conditions are not the result of a petitioner’s own actions or his/her agents, contractors, consultants, or tenants;
3. Granting a variance will not adversely affect the rights of abutting property owners;
4. The variance requested will not result in an unreasonable threat of Pollutant discharges to the MS4 or State Waters;
5. The variance requested is the minimum accommodation needed to overcome the hardship caused by naturally occurring conditions; and

The petitioner must include the following information on Page 2:
1. Provide a designation of the specific sections and provisions of these rules from which the variance is sought.
2. Provide a narrative explanation of the grounds on which the variance may be granted.
3. Provide Engineer certified plans, illustrations, and/or calculations in support of the petition.

Relevant Terms
- **Director** means the director of the City and County of Honolulu Department of Planning and Permitting or the Director’s authorized agent or representative.
- **Site** means the real property on which Development, construction, or other land disturbing activities occur and/or are intended to occur. Where “Development” means the sum of any and all actions that are undertaken to alter the natural or existing condition of real property or improvements on real property if a building, electric, grading, grubbing, plumbing, stockpiling or trenching permit is required for the Project. Development also includes redevelopment and changes in land use that may result in different or increased pollutant discharges to the MS4 or Receiving Waters.
- **City** means the City and County of Honolulu.
- **Pollutant** means any dredge, spoil, solid refuse, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or dismantled equipment, rock, sand, soil, sediment, dirt, industrial, municipal, or agricultural waste and substances of similar nature.
- **MS4** or “Municipal Separate Storm Sewer System” means the City’s drainage infrastructure that is designed or intended to collect and convey storm water and includes, but is not limited to, City roads with drainage improvements, City streets, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.
- **State Waters** or “Receiving Waters” means all waters, fresh, brackish, or salt, around and within the State of Hawaii, including but not limited to, coastal waters, streams, rivers, ponds, estuaries, reservoirs, canals, ground waters, and lakes. Waters in drainage ditches, drainage ponds, and drainage reservoirs required as part of a water pollution control system are excluded.
- **Engineer** means an Engineer licensed in the State of Hawaii.

Petitioner shall supply all information on this form; if not applicable, write “N/A”. Attach a separate sheet, if addition space is required.

DO NOT SUBMIT THIS PAGE
Project and Applicant Information:

Project Name: ________________________________________________________________

Address: _______________________________ TMK(s): ________________________________

Petitioner Name: ___________________________ Title: ______________________________

Company: _______________________________ Address: ______________________________

Telephone: _______________________ E-mail Address: ______________________________

Contact Person (if different than Applicant): __________________________________________

Mailing Address: __________________________________________________________________

Telephone: _______________________ E-mail Address: ______________________________

Section No. | Explain Reason for Variance* | For Official Use Only
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*Attach supporting documents

I hereby certify that I have read and understand this petition for a variance form and that the above statements are true and correct to the best of my knowledge. I also certify that I agree to comply with all applicable City codes, ordinances, and state laws. Finally, I certify that I am the owner of the property involved in this request or have authorization to act as the owner’s agent for the herein described request.

Petitioner Name __________________________ Signature __________________________ Date __________________________

FOR OFFICIAL USE:

Signed by: __________________________ Date: __________________________

Director, Department of Planning and Permitting (DPP Ref. No. __________________________)

This variance shall be effective from the date of its approval, until the final construction plan is approved. The Director has the right to revoke this variance should the nature and scope of the project, for which it was granted, has changed.

Rev. 01/2019