

CITY AND COUNTY OF HONOLULU
DEPARTMENT OF PLANNING AND PERMITTING (DPP)

**Zoning Adjustment: Ohana (Accessory) Dwelling
Expansion**

Application Instructions

This document is intended to assist you in preparing a complete application, and should be read in conjunction with the Land Use Ordinance (LUO).

I. Overview.

- A. Applicability. Where practical difficulties or results inconsistent with the general purpose of the LUO would occur from its strict literal interpretation, the adjustment review process provides a mechanism by which specified regulations may be modified to provide flexibility for unusual situations and to allow for alternative ways to meet the purposes of the LUO, while continuing to provide certainty and efficient processing. See LUO Section 21-2.140-1(i)(2) for details.
- B. Standard of Review. This permit covers expansions of ohana dwellings if certain standards and conditions are met, including:
1. The Declaration of Condominium Property Regime or Declaration of Horizontal Property Regime was filed with the Bureau of Conveyances or the Land Court of the State of Hawaii on or before December 31, 1988;
 2. The building permit was issued prior to April 28, 1988 (the effective date of Ordinance No. 88-48, which had established floor area restrictions for the maximum size of ohana dwelling units); and
 3. The proposed expansion conforms to the yard requirements and other development standards for the applicable zoning district, including maximum building area.

Note: Pursuant to Ordinance No. 06-15, there are no longer maximum size (floor area) limits for ohana dwelling units. However, nonconforming ohana dwellings may still need a zoning adjustment to be expanded or altered, e.g., when the ohana dwelling unit was lawfully constructed as a single-family dwelling or it is owned by non-family members (of the owner of the principal dwelling) as a condominium.

- B. Time Frame. The time frame for processing this permit is 45 days from acceptance of a completed application. However, the time limit may be extended under certain circumstances. If the DPP fails to process this

permit within the required time frame, the permit shall be deemed approved.

II. Application Requirements

- A. DPP Master Application. Complete and submit the DPP Land Use Permits Division Master Application Form. Provide all requested information.
- B. Fee. Submit a non-refundable fee of \$300 payable to the City and County of Honolulu.

*Note: When an Applicant applies for a zoning adjustment after being cited for taking action without having obtained necessary approvals, the application fee set forth above **shall be doubled**. The payment of the fee required by this section shall not relieve the applicant from compliance with the LUO or from penalties imposed there under.*

C. Written Statement.

- 1. Authorization from both condominium and/or dwelling owners, because the zoning adjustment will be for both dwellings.
- 2. Documentation to show that the Declaration of Condominium Property Regime or the Declaration of Horizontal Property Regime was filed with the Bureau of Conveyances of the State of Hawaii on or before December 31, 1988; and that the building permit for the dwellings was issued prior to April 28, 1988.
- 3. Building area calculations which show that the maximum building area for each dwelling unit on the zoning lot shall not exceed the ratio of that unit's proportionate share of the common interest to the total common interest of both units on the same zoning lot. The common interest shall be as specified in the applicable Condominium/Horizontal Property Regime documents. (Essentially, the maximum size of a dwelling unit shall be determined by multiplying the maximum building area of the zoning lot by the unit's percentage of common interest.)

- D. Drawings/Plans. Submit two (2) copies of the following fully dimensioned drawings and/or plans applicable to the project. All drawings/plans must be black line prints, drawn to scale and prepared by a draftsman, architect, engineer, land surveyor, or similar professional. For document imaging purposes, one set of drawings shall be a maximum size of 11" x 17" and the second should not exceed 24" x 36". DPP staff may request additional copies after acceptance of the application.

1. Site Plan. Two sets drawn to practical scale, showing:
 - a. Property lines, lot dimensions and area; condominium property lines; easements, and stream, road-widening, and other setback lines, including shoreline and shoreline setback lines;
 - b. Location, size, and dimensions of all existing and proposed structures, and additions, and building setbacks from property lines; and, location of all off-street parking spaces.
2. Floor Plans. Floor plans must show the existing dwelling layout (rooms and use), and the exact size of the building area (lot coverage) and the proposed expansion.
3. Exterior Building Elevation Drawings. Elevation drawings showing the existing dwellings, proposed additions, and setbacks from the property lines.

*Note: All scaled plans and drawings **must** include a graphic ("bar") scale in addition to or in lieu of a numerical scale.*

- E. Photos. Submit photographs of the site showing existing site conditions and dwelling units, including parking areas.

Note: all photos should be labeled and keyed to a general site map.

- F. Supplemental Information. Additional information which may be required to successfully process the application by the DPP.

- G. Environmental Assessment. If the project is subject to the requirements of Chapter 343, Hawaii Revised Statutes (HRS), the Environmental Impact Statement (EIS) law, then provide documentation of compliance.

1. If the project involves an exempt class of action, pursuant to Section 11-200-8, Hawaii Administrative Rules (HAR), then provide written documentation of such exemption from the appropriate proposing and/or approving agency (for projects subject to HRS Chapter 343, only); or
2. Submit two (2) copies of the Finding of No Significant Impact (FONSI) or EIS for the project.

Note: If the project requires an Environmental Assessment (EA) or EIS, then this must be processed before the Zoning Adjustment application will normally be accepted for processing.

3. If the project is not an exempt class of action, but is associated with a prior FONSI or EIS, then a determination must be made that a Supplemental EA or EIS is not necessary before the zoning adjustment application will be accepted for processing. Therefore, provide detailed written justifications why the proposal does not require the preparation of a Supplemental EA or EIS.

Note: If the project has substantially changed in size, scope, intensity, use, location, timing, or other means since the time the FONSI was issued or the EIS was accepted, and the project will involve significant effects, then the applicant must prepare a supplemental assessment prior to submitting the application for the zoning adjustment. The supplemental assessment will be processed in the same manner as the EA or EIS (see Subchapter 10 of Chapter 200, Title 11, HAR, for details).

- III. Electronic Document Submittals. The submittal of electronic documents, either in whole or in part of this application, is encouraged; and, shall be at the sole discretion of the Applicant. Electronic document submittals shall adhere to the following specified formats: PDF (Adobe Reader 9 or earlier), JPEG, or Word (2003 or earlier). 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 plans **must** be drawn to an appropriate scale, and **must** include a graphic ("bar") scale accurately representing the applicable scale of the document.

For further assistance or information on how to complete the application, please call the DPP at 768-8021.