

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

Zoning Variance

Application Instructions

*This document is intended as a guide to assist you in
preparing a complete application.*

I. Overview.

- A. Authority. Petitions for varying the application of the provisions of the Land Use Ordinance (LUO) to a specific parcel of land shall be determined pursuant to Section 6-1517 of the City Charter, including the application of the provisions relating to signs.
- B. Standard of Review. Section 6-1517 of the City Charter specifies that the Director of Planning and Permitting may grant a variance upon the grounds of unnecessary hardship if the record shows that:
 - 1. The applicant would be deprived of the reasonable use of the land or building if the provisions of the zoning code were strictly applied;
 - 2. The request of the applicant is due to unique circumstances and not the general conditions in the neighborhood, so that the reasonableness of the neighborhood zoning is not drawn into question; and
 - 3. The request, if approved, will not alter the essential character of the locality nor be contrary to the intent and purpose of the zoning code.
- C. Public Hearing. Zoning variances require a public hearing.
- D. Restriction on Filing. If an application is rejected as incomplete twice within a one-year period, the same application shall not be filed again within a year of the second rejection of incompleteness.

II. Application Requirements.

- A. DPP Master Application. Complete and submit the DPP Land Use Permits Division Master Application Form. Provide all requested information. If your project/proposal requires other DPP permits, indicate which additional permits are being applied for on the DPP Land Use

Permits Master Application Form, and submit separate plans or other application materials, including filing fees, as necessary.

- B. Fees. \$600. Submit the appropriate fee payable to the City and County of Honolulu.

Fees are non-refundable.

*Note: When an applicant applies for a zoning variance 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 Land Use Ordinance or from penalties imposed there under.*

- C. Written Statement. Submit a written statement explaining why compliance with the LUO is not feasible and how the conditions of hardship identified in Section I.B above are met.
- D. Permits and Violation Notices. Provide copies of previous building permits and violation notices if they are relevant to the request.
- E. Other Information. Provide any other information which supports the request for a variance, such as dated photographs of the site or structure as it relates to the variance request.
- F. Drawings/Plans. Submit two (2) sets 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, or similar professional. For document imaging purposes, one (1) 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 drawn to **practical** scale, showing:
 - a. Property and easement lines, including lot dimensions and area.
 - b. Location, size, spacing, and dimensions of all existing and proposed buildings, structures and improvements, and building setbacks from property lines.
 - c. Topographic information showing existing features and conditions and proposed grading.

- d. Existing and proposed streets showing access to the project, and parking layout with dimensions.
- e. Shoreline, shoreline setback line, stream, road widening, and any other setback lines.

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

*Note: For **after-the-fact variance applications** involving **yard and/or other setback encroachments**, the site plan must be certified by a licensed land surveyor.*

2. Floor area, off-street parking, and loading calculations, if relevant to the variance request.
3. Building elevation and section drawings; and floor plans showing proposed and existing uses.
4. Landscape plans showing open spaces, planting areas and trees.

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 variance 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 variance 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 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 variance. 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 information or assistance on how to complete the application, please call the DPP at 768-8022.

**ZONING VARIANCE
APPLICATION CHECK LIST**

1.	Pre-Application Meeting w/DPP	
2.	Master Application Form	
3.	Fees	
4.	Written Statement	
5.	Permits and Violation Notices (if relevant)	
6.	Other Supportive Information (i.e., photos of site or structure)	
7.	Drawings/Plans – two (2) sets drawn to scale, one set with maximum dimensions of 11" x 17", and the second set with maximum dimensions of 24" x 36"	

*Note: This list is intended as a general reference for applicants. Please refer to the attached permit instruction sheets for complete application requirements.

The adequacy/completeness of application submittals for acceptance will be determined by the DPP within 10 working days of submittal.