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## **SOURCE OF LEGAL AUTHORITY**

- [Charter of the County of Maui](#), as amended
- [Maui County Code \(MCC\)](#)

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## **VARIANCE STANDARDS**

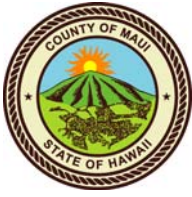
Pursuant to [MCC, §16.13.170](#), variances from the provisions of [MCC, Chapter 16.13](#) may be granted by the Urban Design Review Board (Board), should the Board find one of the following:

1. A variance may be granted for a structure or activity which is undertaken by a public agency or by a public utility regulated under [Hawaii Revised Statute Chapter 269](#) or a private facility or improvement which is undertaken by a private entity and is clearly in the public interest; provided that the proposal is the practicable alternative which best conforms to the purpose of this chapter.
2. A variance may be granted for a sign if the following criteria are met:
  - a. Unique circumstances or special conditions exist which are peculiar to the land, structure or activity involved;
  - b. The proposal is the most practicable alternative; and
  - c. The granting of the variance would not be contrary to the purposes of this chapter.

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## **PUBLIC HEARING REQUIREMENTS**

1. Not less than thirty (30) calendar days prior to the public hearing date, the Planning Director will publish a notice of the date, time, place and subject matter of the public hearing in the Maui News.
2. Not less than thirty (30) calendar days prior to the public hearing date, the applicant shall give notice by certified mail, return receipt requested, of the date, time, place, and subject matter of the public hearing, using the Notice of Public Hearing prescribed by the Planning Director, to the owners and lessees of record adjacent to the subject property and shall submit any updated names and addresses of these owners and lessees derived from the return receipts received on the notices of application previously mailed to these owners and lessees.
3. Not less than thirty (30) calendar days prior to the public hearing date, the Applicant shall submit an affidavit (Form 5) certifying that the Notice of Public Hearing (Form 4) (with Exhibits "A" and "B" attached) was mailed to all adjacent owners and lessees and those directly across the street from the subject property and shall submit any updated names and addresses of these owners and lessees derived from the return receipts received on the notices of application previously mailed to these owners and lessees.
4. Not less than ten (10) business days prior to the date of the public hearing, the applicant shall submit all certified mail receipts received for the certified mail sent out (mounted on 8 ½" x 11" sheets of paper).
5. Not less than six (6) business days prior to the date of the public hearing, the Planning Director shall transmit the staff and recommendation reports to the applicant, interested persons, and other appropriate county or state agencies.



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## **APPLICATION PROCEDURES**

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Upon the review and approval of one (1) copy of the required documents, the Department of Planning will additionally request one (1) original plus 15 copies.

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## **APPLICATION REQUIREMENTS**

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1. Completed and signed application. (Form 1)

*Application shall be signed by **ALL** of the subject property owners, if applicable. Additional signature pages may be added, if applicable.*

*Fillable PDF versions of this application are available online at the Department's website ([www.mauicounty.gov](http://www.mauicounty.gov)). (Home > Departments > Planning Department > Development Permits, Applications & Reviews > Variances & Appeals > Sign Permit Variance)*

2. Documents which identify the owner(s) of the subject property.

*The applicant shall be the owner or lessee, who holds a recorded lease with an unexpired term of not less than five (5) years from the date of the filing of the application.*

*If the Applicant is not the owner, provide a signed and notarized letter from the owner, authorizing the variance request.*

3. List by Tax Map Key (TMK) of all adjacent owners and lessees, including those located directly across the street from the subject property, formatted on 8 ½" x 11" sheets of paper.

*The TMK list shall be compiled from the latest records of the Department of Finance, Real Property Tax Division (RPT), located at the Maui Mall, 70 East Kaahumanu Avenue, Kahului, Maui, Hawaii, or using RPT's website ([www.mauipropertytax.com](http://www.mauipropertytax.com)).*

4. Completed Notice of Application for a Variance (Form 2) with a location map attached, depicting the subject property and the adjacent parcels.

*Form 2 shall be reviewed and approved by the Department **BEFORE** the certified mailing to all adjacent owners and lessees and those directly across the street from the subject property.*

5. Notarized Affidavit of Mailing of Notice of Application (Form 3), with Exhibits "A" and "B" attached.

*All notices (Form 2) shall be mailed by certified mail, return receipt requested.*

6. Dated photographs on 8 ½" x 11" sheets of paper, of the site or structure which relate to the variance request.

7. Copies of all previously approved sign permits and notices of warning and/or violation for the subject property, if applicable.

8. Drawings pertaining to the subject of the variance request, stamped, prepared by, or under the supervision of a licensed engineer, surveyor, or architect, if applicable, reduced to 8 ½" x 11", 8 ½" x 14" or 11" x 17" sheets of paper.



**APPLICATION REQUIREMENTS (Continued)**

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9. A site plan drawn to scale which shows, if applicable:
  - a. The property lines and easements, with dimensions and area calculations, of the subject property;
  - b. Location, size, spacing, setbacks, and dimensions of all existing and proposed buildings, structures and improvements;
  - c. The building elevations, sections, and floor plan and site sections which clearly define the character of the development;
  - d. The existing and proposed landscaping plans which show open spaces, plantings, and trees;
  - e. The existing streets which access the property and all proposed roads and parking areas, with dimensions; and
  - f. The shoreline, shoreline setback lines, stream and other setback lines.
10. A description of the existing and proposed signage.
11. A location map identifying the site, adjacent roadways, and identifying landmarks, reduced to an 8 ½" x 11" sheet of paper.
12. A **non-refundable** filing fee, payable to County of Maui, Director of Finance. See [Fee Schedule, Table B](#) (Sign Variances). The current fee schedule is available at the Department of Planning or at the Department of Planning section of the County of Maui website under "Development Permits, Applications & Reviews".









Information relative to this application is available for review at the Department of Planning (Department), located at One Main Plaza, 2200 South High Street, Suite 335, Wailuku, Maui, Hawaii. Inquiries may be made in person, at the Department's Zoning Administration and Enforcement Division, at [planning@mauicounty.gov](mailto:planning@mauicounty.gov) or (808) 270-7253.

You will be notified of the date, time and place of the public hearing via certified mail, and the date, time and place of the hearing will be published at least thirty (30) days, as well as three (3) consecutive weeks, prior to the date of the hearing.

All testimony pertaining to this request should be submitted in writing to the Department of Planning, 2200 Main Street, Suite 315, Wailuku, Maui, Hawaii 96793, or presented in person at the time of the public hearing.

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(Applicant's Name—Print)

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(Applicant's Signature)

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(Applicant's Mailing Address)

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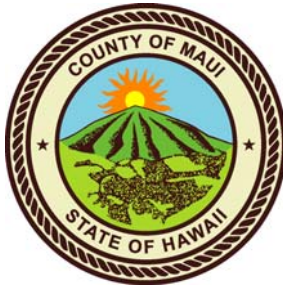
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(Applicant's Phone No.)

Attachment (Location map)



**ATTACHMENT  
(LOCATION MAP)**



**NOTARIZED AFFIDAVIT OF MAILING  
OF NOTICE OF APPLICATION**

\_\_\_\_\_ , being first duly sworn on oath,

Deposes and says that:

1. Affiant is the Applicant for a \_\_\_\_\_ variance for land situated at \_\_\_\_\_ ; and identified for real property tax purposes as TMK: \_\_\_\_\_ .
2. Affiant did on \_\_\_\_\_ , 20 \_\_\_\_\_ , deposit in the United States mail, by certified mail, return receipt requested, post paid, a copy of a **NOTICE OF APPLICATION FOR A VARIANCE** (Form 2), which is identified as “**EXHIBIT A**” attached hereto and made a part hereof, addressed to each of the persons identified in the **LISTING OF RECORDED OWNERS AND LESSEES** identified as “**EXHIBIT B**” attached hereto and made a part hereof.

Further Affiant sayeth naught:

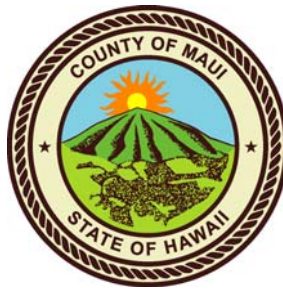
\_\_\_\_\_  
Signature

(FORM 3)



**EXHIBIT "A"**  
**(COPY OF NOTICE OF APPLICATION FOR A VARIANCE  
WITH THE LOCATION MAP ATTACHED—FORM 2)**

**EXHIBIT "B"**  
**(COPY OF LISTING OF RECORDED OWNERS AND LESSEES)**



**NOTICE OF PUBLIC HEARING  
URBAN DESIGN REVIEW BOARD**

NOTICE IS HEREBY GIVEN of a public hearing to be held by the Urban Design Review Board at the Kalana Pakui Building Conference Room, First Floor, 250 South High Street, Wailuku, Maui, Hawaii, on Wednesday, November 3, 2010, at 10:00 a.m., or as soon thereafter, as those interested may be heard to consider the following request pursuant to Maui County Code, §16.13.170:

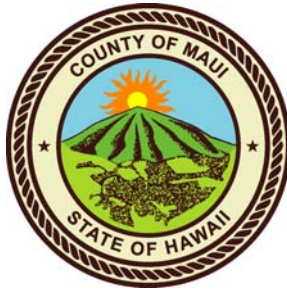
**(FORM TO BE PROVIDED BY THE PLANNING DIRECTOR  
UPON DEEMING THE APPLICATION COMPLETE)**

Information relative to the above application is available for review at the Department of Planning located at One Main Plaza, 2200 Main Street, Suite 335, Wailuku, Maui, Hawaii.

Those persons requesting special accommodations, due to disabilities, please call the Department of Planning at (808) 270-7253 (Maui) or (800) 272-0117 (Molokai) or (800) 272-0125 (Lanai) or notify the Department of Planning in writing at 2200 Main Street, Suite 315, Wailuku, Maui, Hawaii 96793, or by facsimile at (808) 270-7634, at least ten (10) business days before the scheduled meeting.

All testimony regarding the above request may be filed in writing or faxed to the Department of Planning by 4:30 p.m., at least two (2) days prior to the public hearing date, or may be presented by providing fifteen (15) copies of said written testimony at the time of the hearing.

**URBAN DESIGN REVIEW BOARD**  
By: Planning Director



**NOTARIZED AFFIDAVIT OF MAILING  
OF NOTICE OF PUBLIC HEARING**

\_\_\_\_\_, being first duly sworn on oath,

Deposes and says that:

1. Affiant is the Applicant for a \_\_\_\_\_ variance for land situated at \_\_\_\_\_ ; and identified for real property tax purposes as TMK: \_\_\_\_\_ .
2. Affiant did on \_\_\_\_\_ , 20 \_\_\_\_\_ , deposit in the United States mail, by certified mail, return receipt requested, post paid, a copy of a **NOTICE OF PUBLIC HEARING** (Form 4), which is identified as “**EXHIBIT A**” attached hereto and made a part hereof, addressed to each of the persons identified in the **LISTING OF RECORDED OWNERS AND LESSEES** identified as “**EXHIBIT B**” attached hereto and made a part hereof.

Further Affiant sayeth naught:

\_\_\_\_\_  
Signature

(FORM 5)





**EXHIBIT "A"**  
**(COPY OF NOTICE OF PUBLIC HEARING**  
**WITH THE LOCATION MAP ATTACHED—FORM 2)**

**EXHIBIT "B"**  
**(COPY OF LISTING OF RECORDED OWNERS AND LESSEES)**