

2015-2016 HONOLULU CHARTER COMMISSION
CITY AND COUNTY OF HONOLULU
CHARTER AMENDMENT PROPOSAL FORM

1. Provide a brief description of the:
 - Proposed Charter amendment;
 - Purpose of the proposed Charter amendment;
 - Issue or problem to be addressed by the proposal; and
 - How the proposal would address the issue or problem.

Establish a dimensional zoning variance, with criteria based on practical difficulties, rather than relying on unnecessary hardship as the exclusive grounds for granting a variance to the Land Use Ordinance. Current applicable Charter provisions only provide for the "hardship" criteria, which is typically (i.e., in most U.S. municipalities) applicable only to use-type zoning variances. Traditionally, dimensional/bulk variances are reviewed on the basis of practical difficulties tests. Establishing a dimensional variance, including the appropriate criteria needed for the Director of the Department of Planning and Permitting (DPP) to determine whether practical difficulty exists for non-use variance requests, will provide a more appropriate mechanism for the consideration of the majority of zoning variance requests received by the DPP.

2. If applicable, list the Charter provision affected by the proposal.

Section 6-1517. Zoning Variances

The director shall hear and determine petitions for varying the application of the zoning code with respect to a specific parcel of land and may grant such a variance upon the ground of unnecessary hardship if the record shows that (1) the applicant would be deprived of the reasonable use of such land or building if the provisions of the zoning code were strictly applicable; (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 neighborhood nor be contrary to the intent and purpose of the zoning ordinance.³⁰ Prior to the granting of any variance, the director shall hold a public hearing thereon. The director shall specify the particular evidence which supports the granting of a variance.

3. If the proposal is based on a provision or provisions in the charter or laws of another jurisdiction (e.g., another county, city, or municipality), name the jurisdiction and, if possible, attach a copy of each provision or law.

4. If the proposal is based on any written materials you have, please attach a copy of each with a citation to its source.

5. Attach the text of the proposed Charter amendment in Ramseyer format (see instructions below).

Section 6-1517. Zoning Variances

The director shall hear and determine petitions for varying the application of the zoning code with respect to a specific parcel of land and may grant such a variance upon: (a) the ground of unnecessary hardship for use variances if the record shows that (1) the applicant would be deprived of the reasonable use of such land or building if the provisions of the zoning code were strictly applicable; (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 neighborhood nor be contrary to the intent and purpose of the zoning ordinance[.]³⁰ ; or (b) the ground of practical difficulties for non-use or dimensional variances if the record shows that (1) the applicant proposes to use the property in a reasonable manner permitted by the zoning code; (2) the applicant's plight is due to circumstances unique to the property not created by the applicant; and (3) the variance will not alter the neighborhood's essential character or be injurious to the public health, safety and general welfare of the community. Prior to the granting of any variance, the director shall hold a public hearing thereon. The director shall specify the particular evidence which supports the granting of a variance.

Ramseyer format:

- **AMENDING AN EXISTING CHARTER PROVISION:** Indicate by underscoring, any language being proposed to be added to the Charter and indicate by [bracketing], any language being proposed to be deleted from the Charter.

- **REPLACING AN EXISTING CHARTER PROVISION:** [Bracket] the article, chapter, or section of the Charter proposed to be deleted, and underscore the text of any provision proposed to replace the deleted material.
 - **ADDING A NEW CHARTER PROVISION:** Provide the text of the new provision and, if possible, indicate where in the Charter the new material should be added.
6. If this proposal is being submitted by an organization, please indicate the organization. If it is being submitted by an individual, please indicate the individual's first and last name.*

City and County of Honolulu, Office of the Managing Director

7. Please include the address, phone number, and email of the organization or individual from Item 6 above, if you would like to be contacted.*

Roy K. Amemiya, Jr.
Managing Director
City and County of Honolulu
530 South King Street
Honolulu, Hawaii 96813
(808) 768-4275

*Responses to Items 6 and 7 are optional; however, providing responses to these items will help the Commission's deliberations, especially when additional information or research is required. Please be aware that these document will be part of the public record and available to the public.

All proposals must be submitted by **October 31, 2015**.

You may submit your proposal by:

- Filling the form online and uploading documents, if any; or
- Submitting your completed form and any attachments by mail or email:

✓ Mail to:

2015-2016 Charter Commission
City and County of Honolulu
530 South King Street, Room 501
Honolulu, Hawaii 96813

✓ Email to:

cclcharter@honolulu.gov

Thank you for participating in the 2015-2016 Honolulu Charter Commission process!