

(As of February 20, 2001)

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. (*Reso. 83-357; 1992 General Election Charter Amendment Question No. 5; 1998 General Election Charter Amendment Question No. 1(III)*)

³⁰"Reasonable use" within the meaning of the charter is not the use most desired by the property owner; property owner must show inability to make any reasonable use of his land without the variance. "Unique circumstances" has to do with whether specific attributes of the parcel are present that justify the request for a variance. Korean Buddhist Dae Won Sa Temple of Hawaii, Inc. v. Zoning Board of Appeals of City and County of Honolulu, 87 Hawai'i 217, 953 P.2d 1315 (1998).