

PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD	2020-33
Acceptance Date:	2.4.20
Website Posting Date:	2.9.20
Determination Date:	2.4.20
Planning Commission Date:	NA
Expiration Date:	2.4.21
Planner Assigned:	JL

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know that your parcel will require a Certified Shoreline Survey, due to the proximity to the shoreline. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	MATTHEW HOWARTH
Mailing Address:	PO Box 206 SONOMA, CA 95476
Phone:	707-290-1611
Email:	matthowarth@gmail.com
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization SEE EXHIBIT "A"
Transmittal Date:	11/16/19

Project Information (attach additional sheets, if necessary)	
County Zoning District:	RESIDENTIAL R-20
Tax Map Key(s):	(4) 4-5-001-012
Land Area:	10,125 SF
Nature of Development: (Description of proposed structure or subdivision)	EXISTING SINGLE FAMILY DWELLING MINOR REMODEL

NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)

Part A

Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- Property is Abutting the Shoreline
☐ Proposed project's approximate distance from shoreline (based on aerial map): _____ ft.
- Property is Not Abutting the Shoreline
☒ Proposed project's approximate distance from shoreline (based on aerial map): 200 ft.
SEE EXHIBIT "B"
- Additional Information:
☐ Shoreline Change (Erosion/Accretion) Rate: _____ ft./year
(Information available here: www.soest.hawaii.edu/coasts/kauaicounty/KCounty.html)
☐ Number and description of parcels (including roads, buildings, structures) between Shoreline and this parcel:

THE SUBJECT PROPERTY IS SEPERATED FROM THE NEAREST SHORELINE
BY 1) PRIVATE PROPERTY (TMK 4-5-001-007); MOANA KAI ROAD (COUNTY);
SEAWALL; BEACH.



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)
THE EXISTING TOPOGRAPHY IS FLAT. THE SUBJECT PROPERTY IS AT AN APPROXIMATE ELEVATION OF 11-12' MSL.

☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)
THE EXISTING SHORELINE IS A MIXTURE OF SANDY BEACH AND ROCKY OUTCROPPINGS.

☒ Artificially armored Shoreline
☒ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): SEAWALL, PROTECTING COUNTY ROAD.
☐ Is the armoring permitted/authorized?
☐ Date of authorization (attach copy of authorization letter):

☒ Is property in coastal floodplain (if checked, what zone)? X OUTSIDE SPECIAL FLOOD ZONE
☐ Has this property been subject to coastal hazards (i.e. flooding, erosion, tsunami, etc.) in the past?
NO

PLEASE NOTE:

Any misrepresentation of information in this shoreline setback application will result in revocation of this determination and may result in fines and criminal prosecution.

Applicant's Signature

Signature [Signature]

Date 1/16/20

Applicability (to be completed by Planning Department)

☒ Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.

☐ Setback Determination is NOT necessary. Requirements of Ordinance No. 979 are not applicable.

[Signature] Planning Director or designee Date 2-4-20

If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B

- ☒ A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))
- ☒ An aerial map/image (ex. Google Maps or Google Earth) with a line drawn from the shoreline/vegetation line (approximate shoreline) to the proposed project and the calculated distance in feet.
- ☒ A detailed Plot Plan to scale with all existing and proposed structures including driveways, visible lot coverage, setbacks and measurement details, fences, gates, and walls, etc.
- ☐ Building Permit Number (If building plans submitted)



PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

Exemption Determination

☐ Exemption 1

In cases where the proposed structure or subdivision satisfies the following four criteria:

- (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;
- (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;
- (C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and
- (D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☒ Exemption 2

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☒ Exemption 3

Pursuant to §8-27.7, those structures and uses found exempt in Table 3 (see pg. 7) including repairs and renovations to a lawfully existing structure, including nonconforming structures, provided that:

- (A) The repairs DO NOT enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;
- (B) The repairs DO NOT constitute a substantial improvement of the structure; and
- (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.

- ☒ Letter from the Department of Public Works stating that the proposed project does **NOT** constitute "Substantial Improvement," pursuant to §8-27.2 (If applicable, will require valuation of project).

Exemption Determination (to be completed by Planning Department)

- ☒ Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
- ☐ Pursuant to §8-27.7 the Kaua'i County Code, 1987 as amended, the proposed structure(s) is permitted within the shoreline setback area. While exempt from those shoreline setback determination requirements established under §8-27.8, the proposed structure(s) is subject to the conditions of §8-27.7(b). (See pg. 8)

Planning Director or designee

Date

☒ Additional comments/conditions:

Must be exemption #3.

December 16th 2019

Subject: Agent Authorization Letter

To whom it may concern,

I, Craig Schwed, as owner of 1004 Kealoha Road, authorize Matt Howarth and Bobby Smith as my agent(s) to sign and act on my behalf regarding all applications, submittals and documents related to an exemption from Shoreline Setback Determination for the property.

This letter will serve as proof of authorization.

Sincerely, Craig Schwed



1004 Kealoha Road

TMK 445001012

EXHIBIT "A"

DISTANCE FROM HOUSE TO SEAWALL



KEALOHA RD

KEALOHA RD

1004
KEALOHA
RD

199.8

MOANAKAI RD

1.042

EXAM BT 4 B 10



ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

LYLE M. TABATA
DEPUTY COUNTY ENGINEER

January 14, 2019

Matthew Howarth
850 Donner Avenue
Sonoma, CA 95476

SUBJECT: SHORELINE SETBACK APPLICATION
SUBSTANTIAL IMPROVEMENT DETERMINATION
1004 KEALOHA STREET
KAPA'A, HAWAII 96746
TMK: (4) 4-5-001-012

PW 12.18.057

Dear Mr. Howarth,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works - Engineering Division (DPW) has reviewed the work performed on the building at 1004 Kealoha Street and determined that the work constitutes a substantial improvement. It should be noted that the work as already been completed and that this determination is being made for an after the fact building permit. A summary of the calculations is provided below.

Market Value

The market value used in the calculations is the 2018 Replacement Cost New Less Depreciation (RCNLD) as determined by the County's Real Property Assessment Division. The RCNLD for 2018 was \$60,200. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawaii and the market value shall be based on the "Cost Approach" (or RCNLD). The appraisal must determine the RCNLD of the structure before the first improvements were performed in this current ten year cycle.

EXHIBIT "C"

Cost of Improvements

The applicant has submitted an after the fact building permit application for the construction of a roofed deck, new siding, and wiring. The cost of these improvements was estimated by architect Rafal Chlodzinski to be \$33,400. The estimate is found on the construction plans and is dated November 26, 2018.

It also appears like the roof on the structure has also been replaced within the last ten years. Although a building permit is not required for re-roofing projects, the cost of this repair must also be included in the cost of improvements. We have used an estimated cost of \$8,000 for the re-roofing in these calculations. This brings the total cost of improvements to \$41,400.

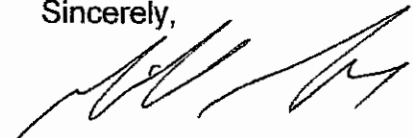
Summary

The cost of improvements for the structure compared to the 2018 RCNLD market value is summarized as follows:

$$\frac{\text{Cost of Improvements (past 10 years): \$41,400}}{\text{Market Value (Real Property): \$ 60,200}} = 0.6877 \text{ or } 69\%$$

Since the cost of improvements is more than 50% of the market value, the work is considered to be substantial. If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or siwamoto@kauai.gov.

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

Concur,



Lyle Tabata
Deputy County Engineer

SI

copy: Planning Department (Jody Galinato)
Real Property Assessment Office (Mike Hubbard)

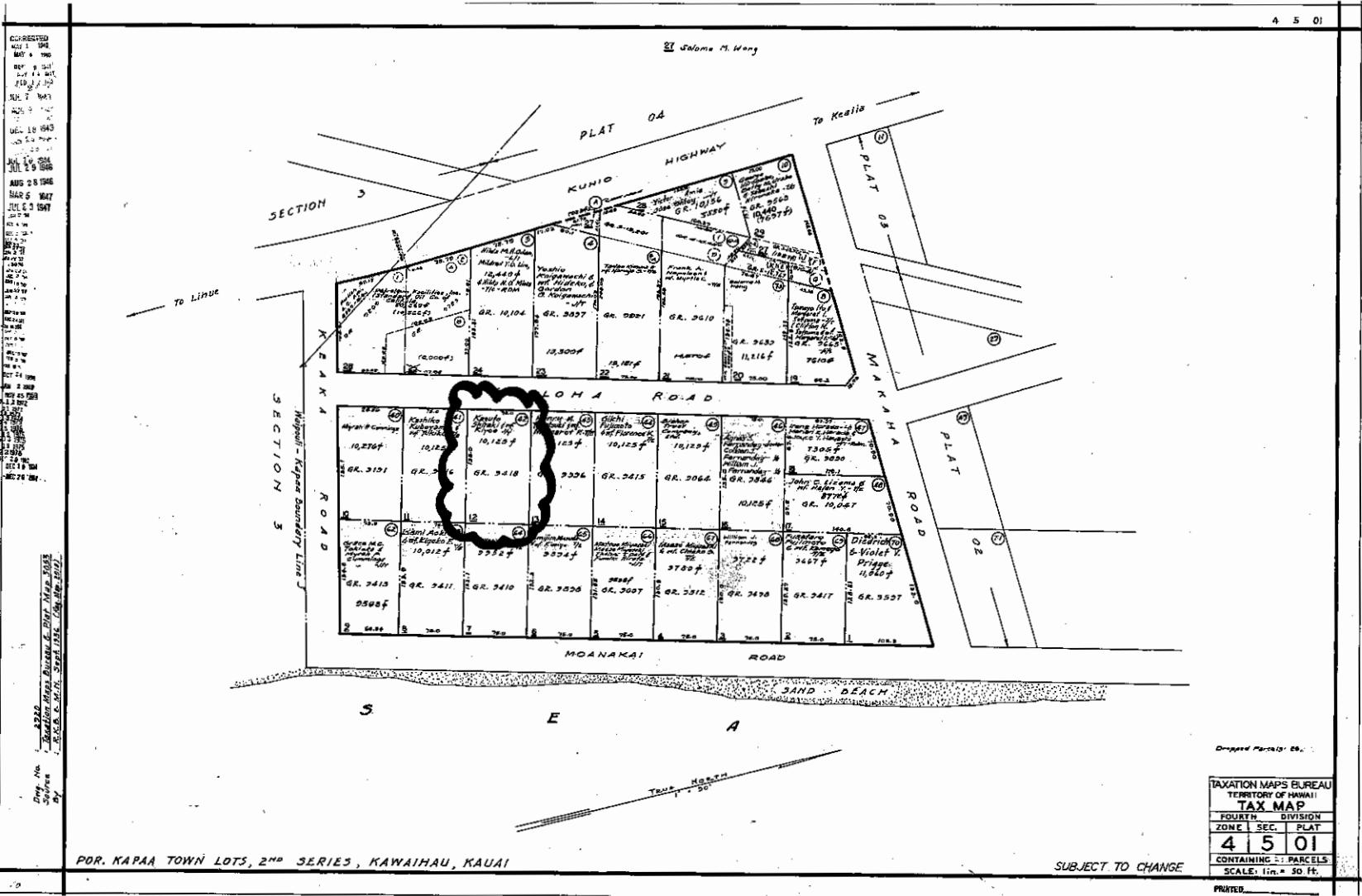


EXHIBIT "D"

SUBJECT PROPERTY



Flood Hazard Assessment Report

www.hawaiiifip.org

Property Information

COUNTY: KAUAI
TMK NO: (4) 4-5-001:012
WATERSHED: WAIKAEA
PARCEL ADDRESS: 1004 KEALOHA RD
KAPAA, HI 96746

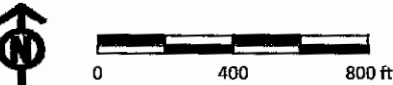
Notes:

Flood Hazard Information

FIRM INDEX DATE: NOVEMBER 26, 2010
LETTER OF MAP CHANGE(S): NONE
FEMA FIRM PANEL: 1500020204F
PANEL EFFECTIVE DATE: NOVEMBER 26, 2010

THIS PROPERTY IS WITHIN A TSUNAMI EVACUATION ZONE: YES
FOR MORE INFO, VISIT: <http://www.scd.hawaii.gov/>

THIS PROPERTY IS WITHIN A DAM EVACUATION ZONE: NO
FOR MORE INFO, VISIT: <http://dlnreng.hawaii.gov/dam/>



Disclaimer: The Hawaii Department of Land and Natural Resources (DLNR) assumes no responsibility arising from the use, accuracy, completeness, and timeliness of any information contained in this report. Viewers/Users are responsible for verifying the accuracy of the information and agree to indemnify the DLNR, its officers, and employees from any liability which may arise from its use of its data or information.

If this map has been identified as 'PRELIMINARY', please note that it is being provided for informational purposes and is not to be used for flood insurance rating. Contact your county floodplain manager for flood zone determinations to be used for compliance with local floodplain management regulations.

FLOOD HAZARD ASSESSMENT TOOL LAYER LEGEND

(Note: legend does not correspond with NFHL)

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD - The 1% annual chance flood (100-year), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. SFHAs include Zone A, AE, AH, AO, V, and VE. The Base Flood Elevation (BFE) is the water surface elevation of the 1% annual chance flood. Mandatory flood insurance purchase applies in these zones:

	Zone A: No BFE determined.
	Zone AE: BFE determined.
	Zone AH: Flood depths of 1 to 3 feet (usually areas of ponding); BFE determined.
	Zone AO: Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined.
	Zone V: Coastal flood zone with velocity hazard (wave action); no BFE determined.
	Zone VE: Coastal flood zone with velocity hazard (wave action); BFE determined.
	Zone AEF: Floodway areas in Zone AE. The floodway is the channel of stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without increasing the BFE.

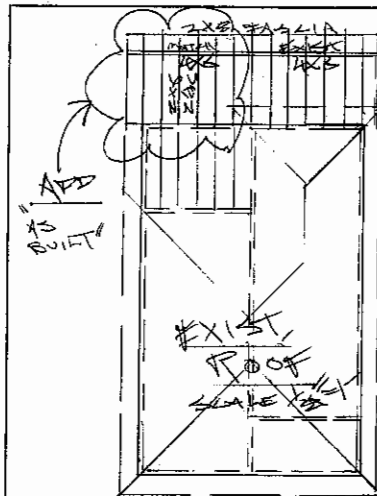
NON-SPECIAL FLOOD HAZARD AREA - An area in a low-to-moderate risk flood zone. No mandatory flood insurance purchase requirements apply, but coverage is available in participating communities.

	Zone XS (X shaded): Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
	Zone X: Areas determined to be outside the 0.2% annual chance floodplain.

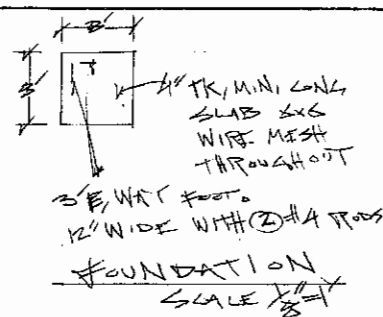
OTHER FLOOD AREAS

	Zone D: Unstudied areas where flood hazards are undetermined, but flooding is possible. No mandatory flood insurance purchase apply, but coverage is available in participating communities.
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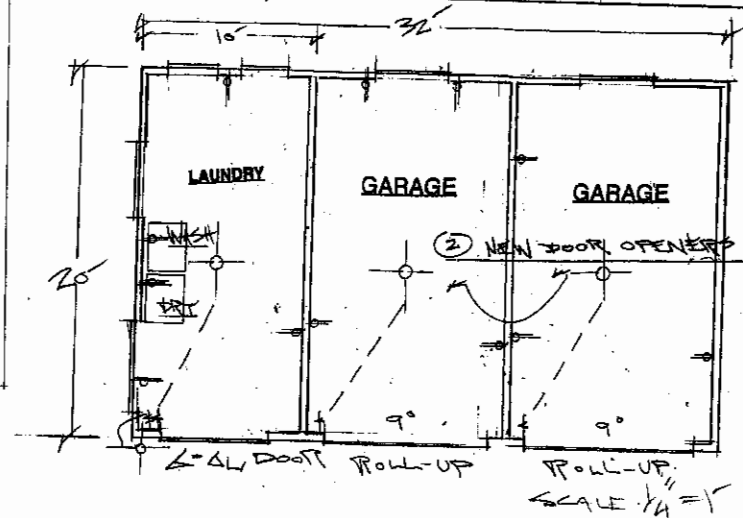
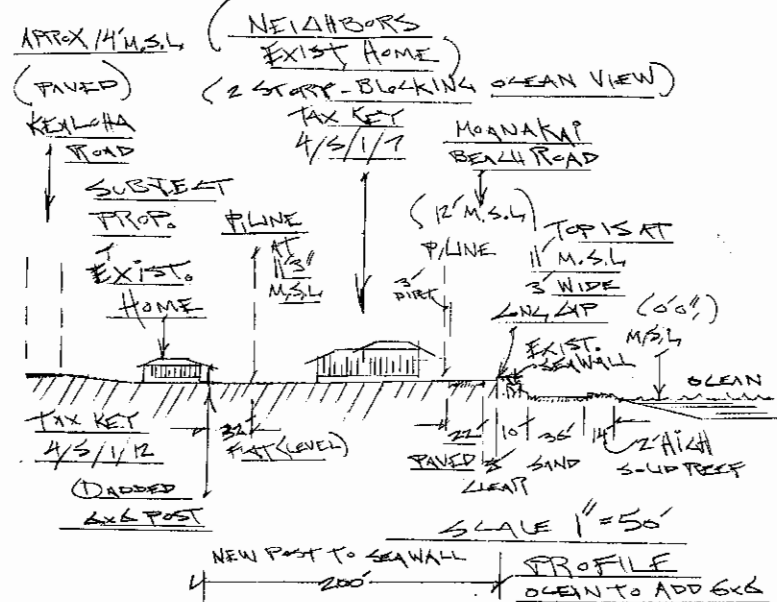
EXHIBIT "E"



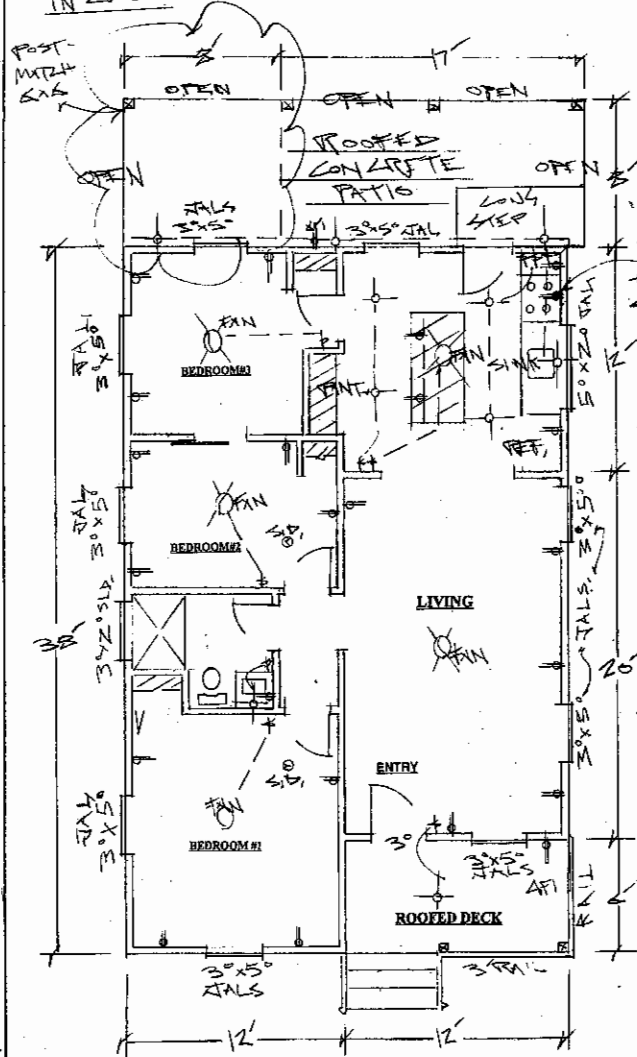
"AS BUILT"
IN CLOUD



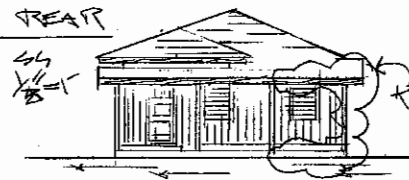
1/4" BAR GRAPH
SCALE 1/8"=1'



GARAGE. "AS WIRED"... (2 new door openers, no structural changes)

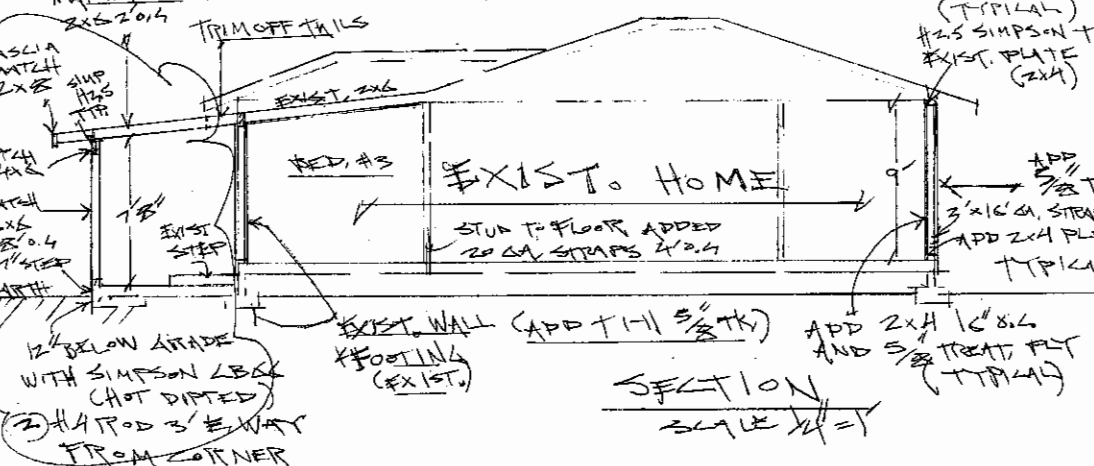


FLOOR SCALE 1/4"=1'

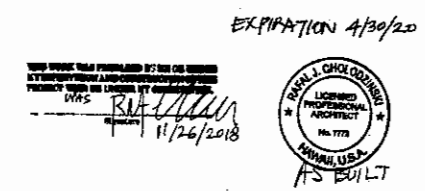


"AS BUILT" LEFT SIDE SCALE 1/8"=1'

MATCH "TORN DOWN" FINISH
ON 3/4" THICK TREAT PLT.



SECTION
SCALE 1/4"=1'



- SCOPE OF "AS BUILT"
1. Extend existing roofed deck (8x8 concrete on earth, one post at \$100 a square foot) = \$ 6,400.
 2. Add 2x4 to all exterior walls, leave windows, add T1-11 S&B siding, 124 feet at \$160 a foot = \$19,840.
 3. Whole home rewired (23 plugs, 6 fans, 10 lights, 2 smoke detectors) = \$ 8,000.
 4. 2 new garage door openers = \$ 400.
- Total = \$ 34,640

SHEET #2 (OF 2) OF #01

"AS BUILT" Improvements to Existing Home
Also, "as built" new wiring for detached garage (see top right)

Tax Key 4-5-001-012 Address, 1004 Kealoha road, Kapaa
Owner..... MATTHEW HAWARTH



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 2020 - 3A	
Acceptance Date:	2.4.2020
Website Posting Date:	2.5.2020
Determination Date:	2.4.2020
Planning Commission Date:	2.11.2020
Expiration Date:	2.11.2021
Planner Assigned:	JS

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information	
Applicant:	Adam Brown for Andi and Robert Ferguson
Address:	5784 Ahakea St. Kapaa, Hawaii
Phone:	808 652 9440
Email:	bwaybrown@gmail.com
Applicant's Status: (Check one)	
<input type="checkbox"/> Owner of the Property	(Holder of at least 75% of the equitable and legal title)
<input type="checkbox"/> Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
<input checked="" type="checkbox"/> Authorized Agent	Attach Letter of Authorization
Transmittal Date:	January 24, 2020

Project Information (attach additional sheets, if necessary)	
County Zoning District:	R4
Tax Map Key(s):	(4) 5-5-04:041
Land Area:	8,588 sf
Nature of Development: (Description of proposed Structure of subdivision)	Total roof replacement of existing garage due to poor construction and lack of maintenance, replace windows, electrical, garage door and deteriorated siding. All structural walls to remain

**NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,
EXCEPT AS PROVIDED IN §8-27.8(c)(8)**

Part A

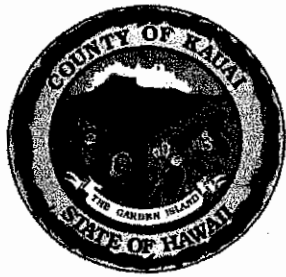
Shoreline Setback Determination of Applicability (§8-27.1)

Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.

- ☐ Properties Abutting the Shoreline
☐ Project's approximate distance from shoreline: _____
- ☒ Properties Not Abutting the Shoreline
☒ Project's approximate distance from shoreline: 455' front 485' rear

- ☒ Additional Information:
☒ Closest distance of improvement(s) from Shoreline is approximately 65' 400' ft. *JS*
☒ Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:

Waioli Beach Park and parking lot fronts Hanalei bay. Mauka is a parcel TMK (4)5-5-04:003 with large existing residence. Mauka is Weke road. Across Weke road is subject parcel 4165 Anae road (TMK 5-5-004:040) with existing residence, garage and art studio. 455' to shoreline.



PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION

FOR OFFICIAL USE ONLY:	
SSD 201 -	
Acceptance Date:	
Website Posting Date:	
Determination Date:	
Planning Commission Date:	
Expiration Date:	
Planner Assigned:	

- ☒ Topography (undulating, flat, slope, etc.) and ground elevation of subject parcel (Lowest and Highest elevations)

Flat

- ☒ Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, etc.)

sandy beach

- ☐ Artificially armored Shoreline
- ☐ If checked, what type of armoring (e.g. seawall, revetment, bulkhead): _____
- ☐ Is the armoring permitted/authorized? _____
- ☐ Date of authorization (attach copy of authorization letter): _____
- ☐ Is property in coastal floodplain (if checked, what zone)? _____
- ☐ Has this property been subject to coastal hazards in the past? (If checked, please describe)

If the proposed structure or subdivision is within the shoreline setback area then, please be aware that if the determination of a structure is approved, the Applicant shall agree in writing that the Applicant, its successors, and permitted assigns shall defend, indemnify, and hold the County of Kaua'i harmless from and against any and all loss, liability, claim or demand arising out of damages to said structures from any coastal natural hazards and coastal erosion, pursuant to §8-27.7(b)(2).

The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

Applicant's Signature

Adam Breen

Signature

JANUARY 20, 2020

Date

Applicability (to be completed by Planning Department)

- ☒ Setback Determination necessary. Requirements of Ordinance No. 979 apply, submit full application.

[Signature]

Planning Director or designee

2-4-2020

Date



**PLANNING DEPARTMENT
SHORELINE SETBACK APPLICATION**

If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

**Part B
Exemption Determination**

☒ A non-refundable processing fee of **one hundred dollars (\$100.00)** shall accompany a request for determination. (§8-27.8(e))

☐ **Exemption 1**

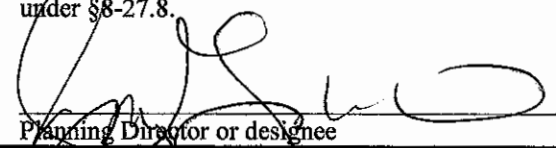
- In cases where the proposed structure or subdivision satisfies the following four criteria:
- (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;
 - (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;
 - (C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and
 - (D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.

☒ **Exemption 2**

In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.

☐ **Exemption 3**

- Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)
- ☐ Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2

Exemption Determination (to be completed by Planning Department)	
Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination required established under §8-27.8.	
 Planning Director or designee	2/4/2020 Date

* Justification for exemption #2 attached. OK per KH.

TREEFISH LLC

ADAM BROWN ARCHITECT

5784 Ahakea St., Kapaa, Kauai, Hawaii 96746
Phone: (808) 652-9440 • Email: Bwaybrown@gmail.com

Andi and Bobby Ferguson
318 Meadow Rd.
Snowmass Village, Colorado
81615

March 2, 2019

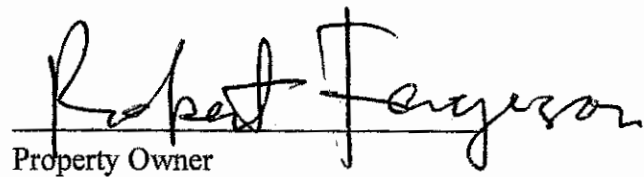
Department of Planning & Building Division
County of Kauai
4444 Rice Street
Lihue, HI 96766

SUBJECT: Agent Authorization
TMK (4) 5-5-004:04
4421 Anae Rd.
Hanalei, HI. 96714

To whom it may concern:

Authorized representative pertaining to the property at the above TMK is:

Adam Brown
Licensed Architect
TreeFish llc
5784 Ahakea St.
Kapaa, HI 96746
voice: 652-9440
email: bwaybrown@gmail.com


Property Owner

TREEFISH LLC

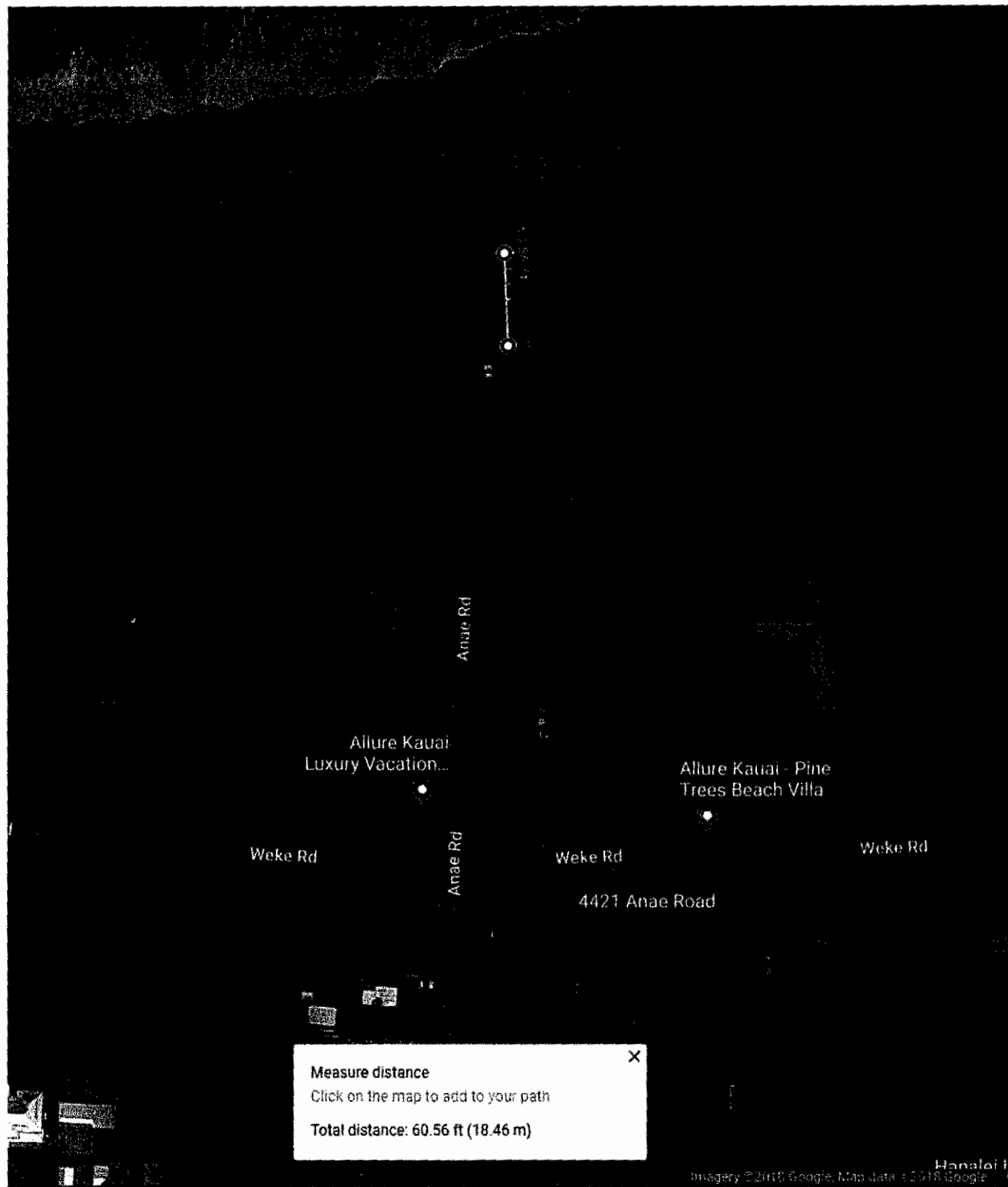
ADAM BROWN ARCHITECT

5784 Ahakea St. Kapa'a, HI. 96746

Phone: (808) 652-9440 • Email: Bwaybrown@gmail.com

January 20, 2020

Exhibit 1



Showing distance from shoreline to start of public beach parking barrier (structure).

TREEFISH

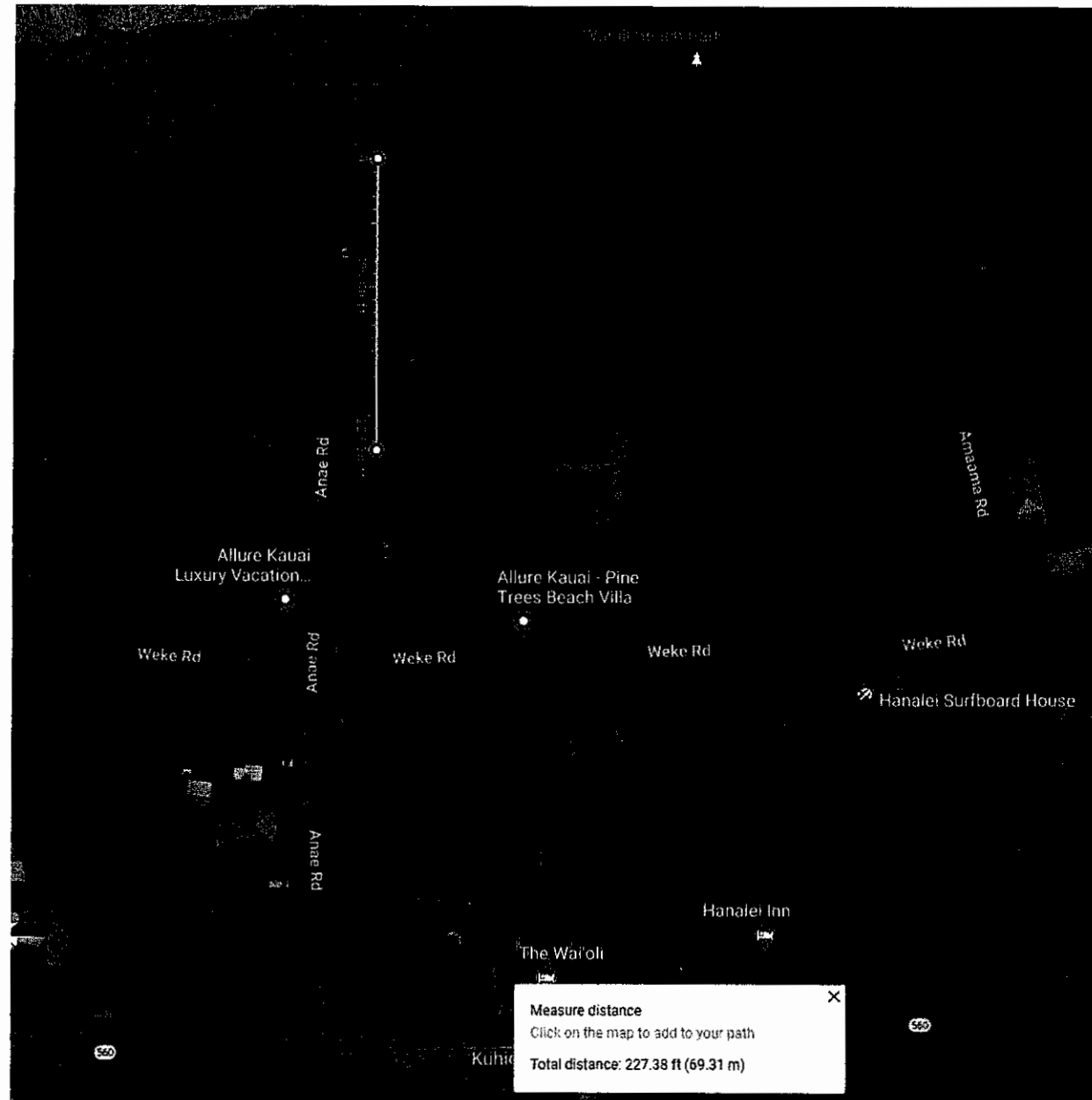
ADAM BROWN ARCHITECT

5784 Ahakea St. Kapaa, HI. 96746

Phone: (808) 652-9440 • Email: Bwaybrown@gmail.com

January 20, 2020

Exhibit 2



Showing distance to shoreline from existing residence Makai of Weke road and in front of subject parcel (4421 Anae road).

TREEFISH LLC

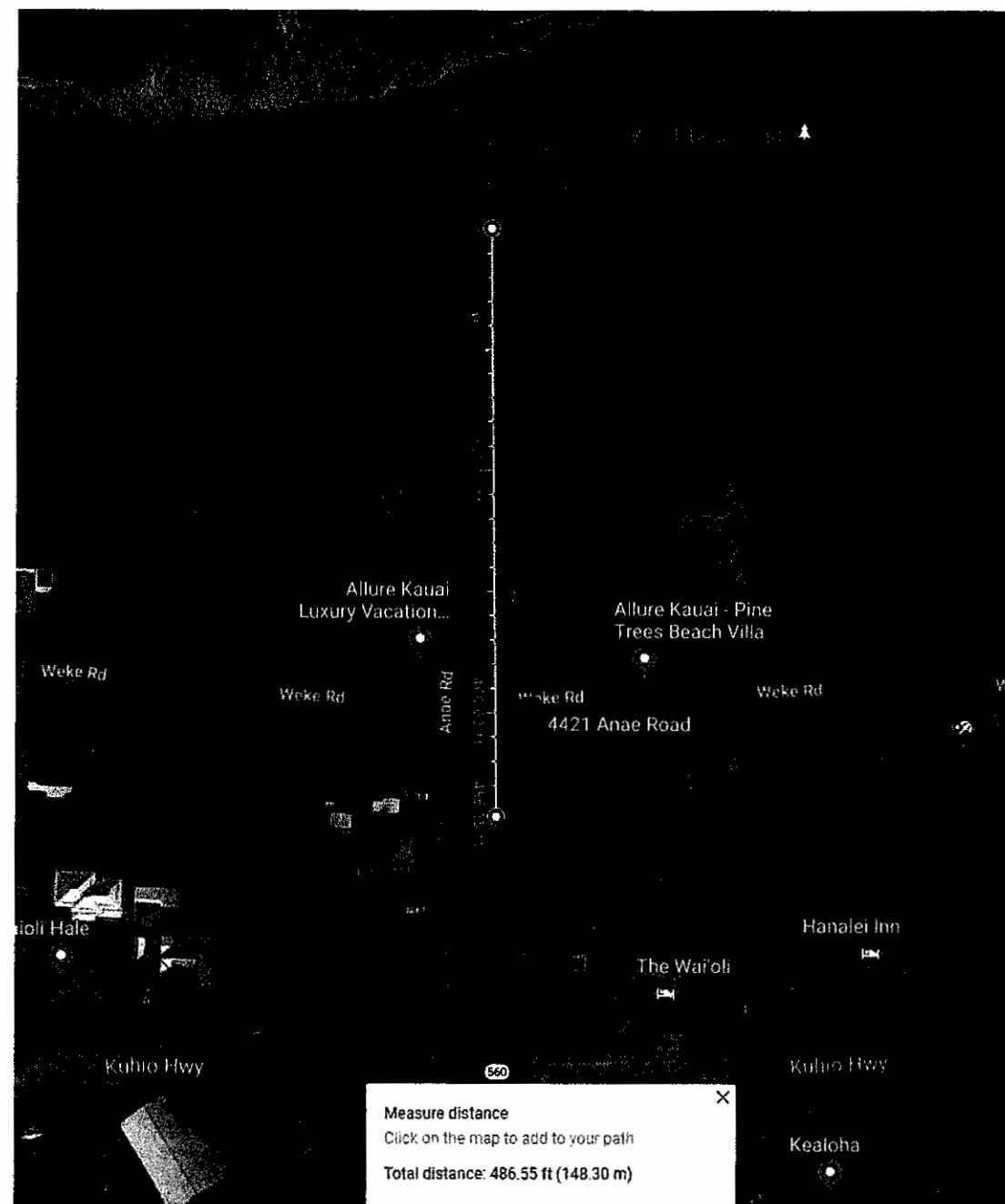
ADAM BROWN ARCHITECT

5784 Ahakea St. Kapaa, HI. 96746

Phone: (808) 652-9440 • Email: Bwaybrown@gmail.com

January 20, 2020

Exhibit 3

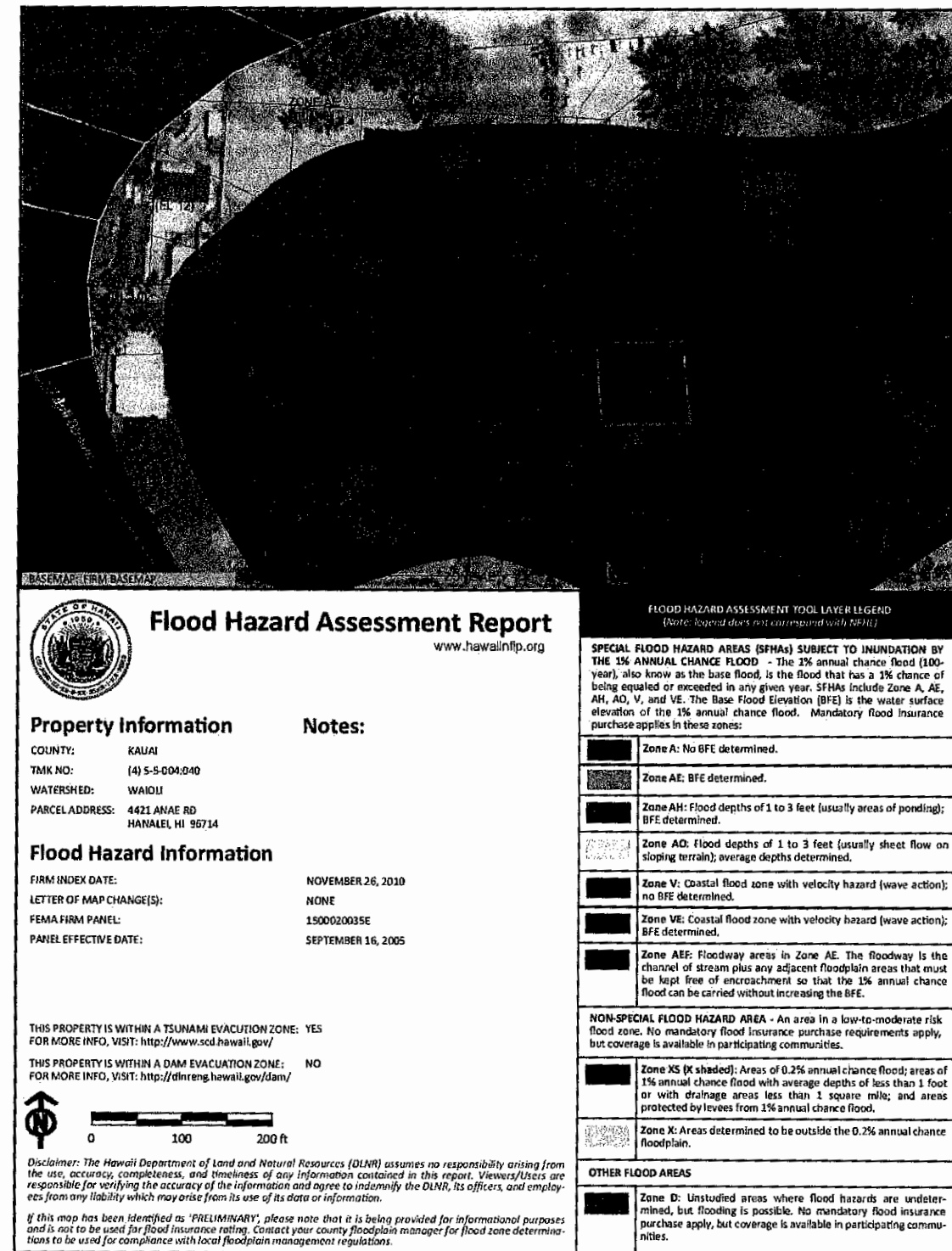


4421 Anae road lies in Zone X shaded. Approximately 485' from shoreline to the rear of existing garage.

TREEFISH LLC
ADAM BROWN ARCHITECT
5784 Ahakea St. Kapaa, HI. 96746
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January 20, 2020

Exhibit 4



TREEFISH LLC

ADAM BROWN ARCHITECT

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Phone: (808) 652-9440 • Email: Bwaybrown@gmail.com

January 20, 2020

Subject parcel TMK: (4) 5-5-004:040

Ferguson Residence

4421 Anae road

Hanalei, Hawaii 96714

Property and permitted structures sit on the mauka side of Weke rd. at the intersection of Anae and Weke.

There are two parcels and Weke road between the shoreline and subject parcel. Waioli Beach park parking lot fronts the shoreline (TMK 5-5-04:002) and is an extremely large parcel. The line of vegetation at beach front to rear of parking lot is approximately 200' and is an active county beach parking lot (see exhibit 1).

Behind the parking lot (mauka) is a 16,408 sf parcel (TMK 5-5-04-003) with large existing residence that sits about 227' from the shoreline (see exhibit 2) and average lot depth is 196'.

Mauka of this lot is Weke road which is approximately 40' wide.

Mauka of Weke road is the subject parcel / residence 4165 Anae road (TMK 5-5-04:040). The closest side of permitted garage to shoreline is approximately 455' from the shoreline and the rear of structure is approximately 485' from the shoreline (see exhibit 3).

Current shoreline rate of erosion is 0 as this portion of Hanalei Bay is accreting at a rate of 2.2'/year (per Hawaii.edu website). Regardless of the rate of accretion, average lot depth setback line of the County lot would be 60' from the shoreline per guidelines and average lot depth setback line of the second lot would be 138'. There is no concern of erosion impacting the subject parcel.

4421 Anae road residence lies in an XS (x shaded) zone (see Exhibit 4) which is a non-special flood hazard area. It has no flood restrictions on construction or permitting and there was no flooding to the residence during the massive flood event of April 15-17, 2018.

TREEFISH LLC

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All buildings on lot are permitted and approved and the proposed scope of work does not increase the structure footprint or density. There are no plans for increased street access, vehicular use or added parking.

An approved DOH septic conversion permit is in place replacing the old cesspool system to correct the waste water deficiency that has been in use for several decades by previous owners.

The parcel is a suitable, buildable lot for normal permit approval and regulation and the project is not a non-substantial project (Engineering letter provided).

For all the reasons stated above, exemption 2 is requested as was previously under building permit # 19-22 and granted last year.

Mahalo for your time,



Adam Brown

Architect Lic # 14135



ENGINEERING DIVISION
DEPARTMENT OF PUBLIC WORKS
THE COUNTY OF KAUAI

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

LYLE M. TABATA
DEPUTY COUNTY ENGINEER

January 22, 2020

Adam Brown Architect
5784 Ahakea Street
Kapa'a, HI 96746

Attention: Adam Brown

Subject: SHORELINE SETBACK APPLICATION,
SUBSTANTIAL IMPROVEMENT DETERMINATION
Ferguson, 4421 Anae Road, Hanalei
TMK: (4) 5-5-004:040

PW 11.19.041

Dear Mr. Brown,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 579) Section 8-27.2 states:

"Substantial improvement' means any cumulative series of repairs, reconstruction, improvements or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure...."

Improvements are being proposed to the dwelling/garage building at TMK: (4) 5-5-004:040 in Hanalei. To determine if the improvements are considered "substantial," we compare the total cost of all improvements within the past 10 years to the market value of the structure before the start of construction of the first improvement. If the resulting ratio is less than 50%, then the improvements are determined to be "unsubstantial."

Unless a professional appraisal is provided, the market value shall be determined by the County's Real Property Assessment Division. The cost of improvements is determined by the County's Building Valuation Policy.

Market Value

The market value is the Replacement Cost New Less Depreciation (RCNLD) value for 2019 as determined by the County's Real Property Assessment Division. The market value of the building is \$29,400.



Cost of Improvements

There was one (1) building permit within the past ten years, BP# 19-228 for \$5,760. The estimated cost of improvements is \$44,460. The total cost of improvements is estimated to be \$50,220. This was based on a cost estimate prepared by Adam Brown of Adam Brown Architect.

Summary

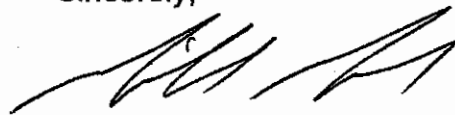
The cost of improvements compared to the market value is:

$$\frac{\text{Cost of Improvements (past 10 years): } \$50,220}{\text{Market Value (Real Property): } \$29,400} = 1.70816 \text{ or } 170.82\%$$

Since the total cost **does** exceed 50% of the market value, the improvement is considered to be **substantial**. Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

If you have any questions or need additional information, contact Anthony Chandler at (808) 241-4884 or email at achandler@kauai.gov.

Sincerely,



Michael Moule, P.E.
Chief, Engineering Division

Concur,



Lyle Tabata
Deputy County Engineer

MM/SI/AC

Copy: Design and Permitting
Planning Department (Romio Idica)



ROUTING FORM
ENGINEERING DIVISION

Subject: Shoreline Setback Application, Substantial Improvement Determination
Ferguson, 4421 Anae Road, Hanalei
TMK: (4) 5-5-004:040 PW: 11.19.041

Preparer: ☒ Staff ☐ Section Head ☐ Division Chief
Recommend: ☒ Approval ☐ Disapproval ☐ With Conditions

Comments:

Submitting for your review.

(Use additional Sheet if Necessary)

Anthony Chandler Digitally signed by Anthony Chandler
Date: 2019.12.12 07:48:59 -10'00'

Sect. Head's Review ☒ Concur ☐ Do not Concur SWL (Init) 1/10/2020 (Date)

Comments or reason for non-concurrence:

LETTER ONLY.

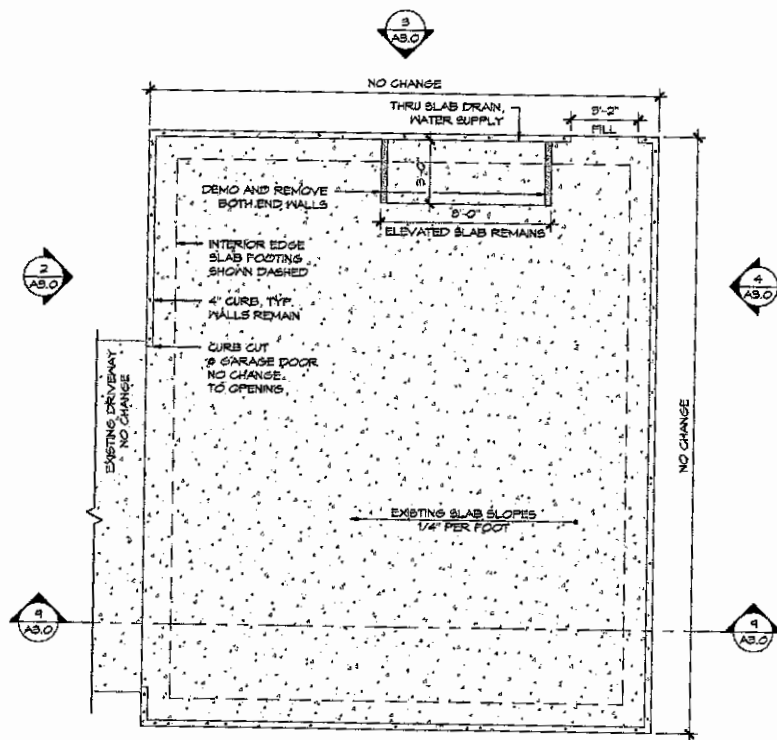
Division Chief's Review:

☐ Recommended Approval

☐ Recommended Approval w/ Conditions

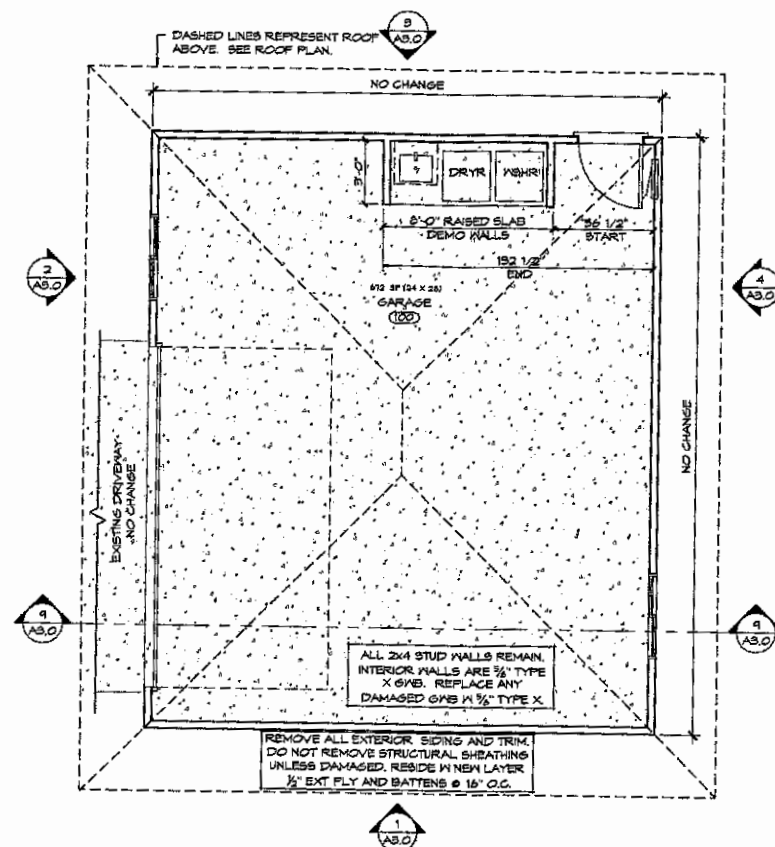
1/1 (Init) 1/24/20 (Date)

1218



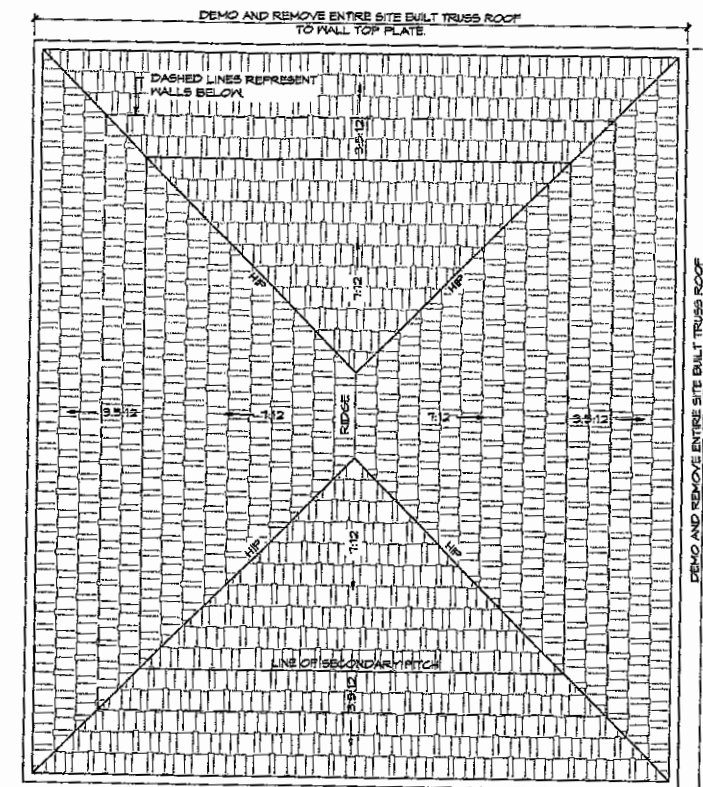
1 EXISTING FOUNDATION PLAN

ALL DIMENSIONS ON PLANS ARE FIELD DIMENSIONS. CONTRACTOR MUST VERIFY IN FIELD ALL DIMENSIONS AND ANY DISCREPANCIES PRIOR TO START OF WORK.

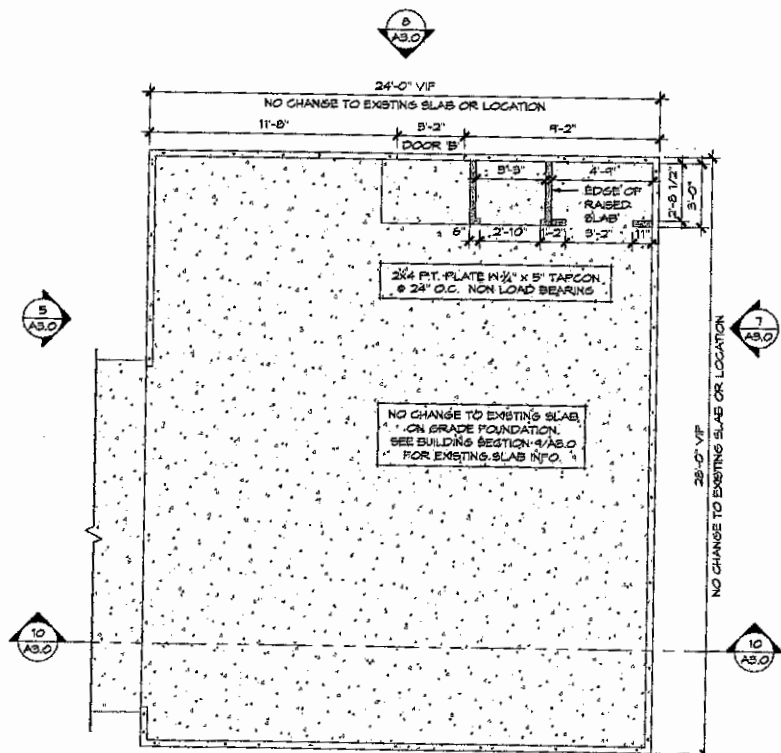


3 EXISTING GARAGE PLAN

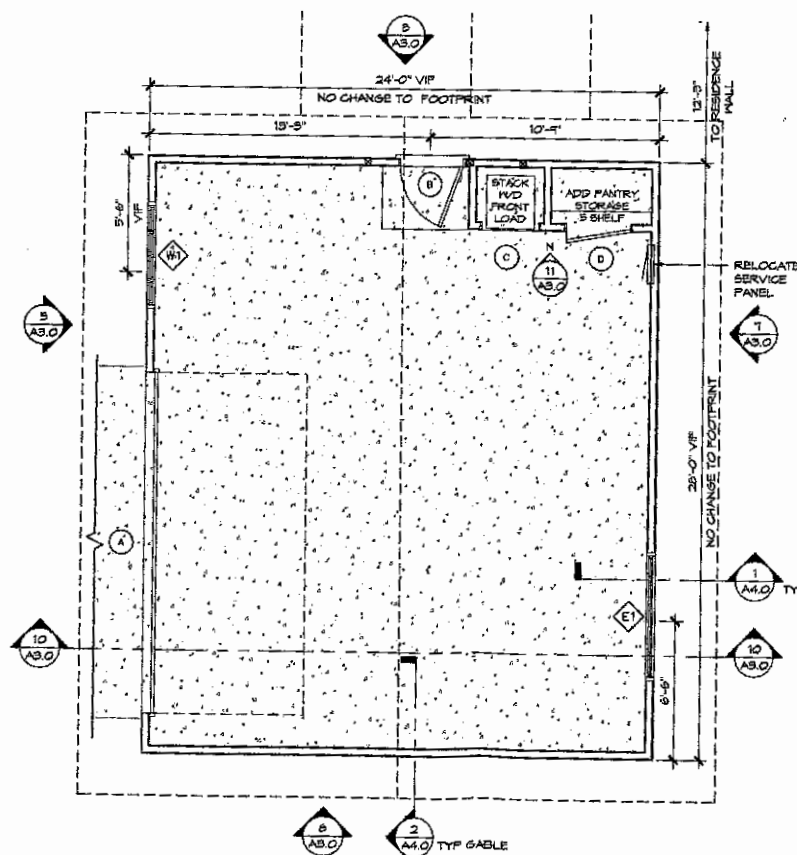
DOOR SCHEDULE ***							WINDOW SCHEDULE***							
QTY	MARK	TYPE	WIDTH	HEIGHT	HANDING	REMARKS	QTY	NUMBER	TYPE	HANDING	WIDTH	HEIGHT	SCREEN	REMARKS
1	A	GARAGE	16'-0"	7'-0"	ROLL UP	REPLACE IN NEW	1	B1	FIXED		6'-0"	1'-6"	NO	
1	B	1 HR SC SLAB PAINT	3'-0"	6'-0"	LH	SELF CLOSING HINGES	1	W1	FIXED		5'-0"	3'-0"	NO	
1	C	CASED OPENING	2'-8"	6'-0"		VENT DRYER TO EXT								
1	D	SC SLAB PAINT	3'-0"	6'-0"	RHR									



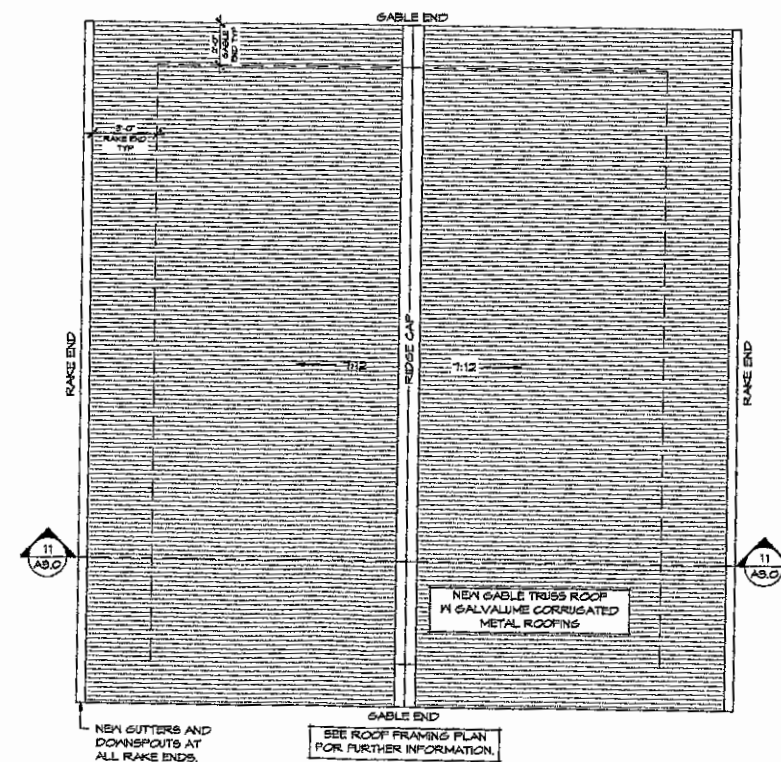
5 EXISTING ROOF PLAN



2 NEW FOUNDATION PLAN
NO CHANGE TO FOOTPRINT



4 NEW GARAGE PLAN
NO CHANGE TO FOOTPRINT



6 NEW ROOF PLAN
NO CHANGE TO FOOTPRINT

TREEFISH
ADAM BROWN ARCHITECT
505.852.9440
5704 ANAHEA ST.
KAPAA, HI 96746

FERGUSON GARAGE TOTAL ROOF, REMODEL

4421 ANAHEA ROAD
HANALEI, HI 96714

TMK: (4) 5-5-004:040



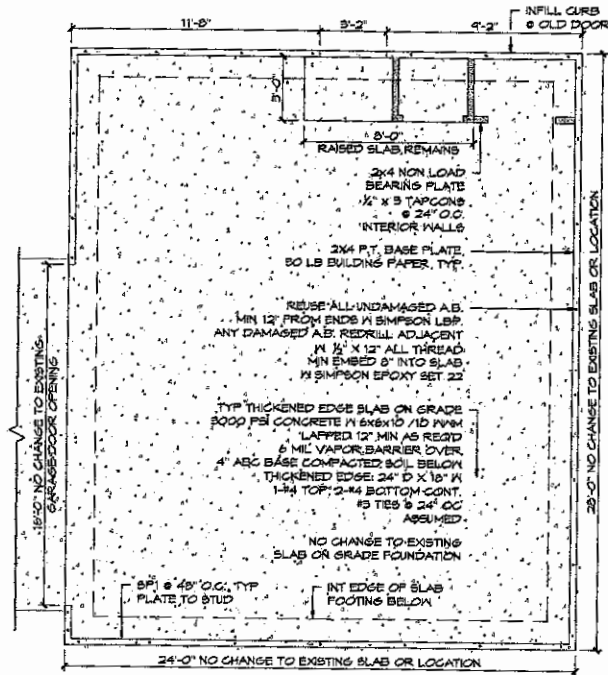
Adam Brown
THIS WORK HAS BEEN PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY SUPERVISION. LICENSE EXPIRES: 04/20

FOR PERMIT
REVISION

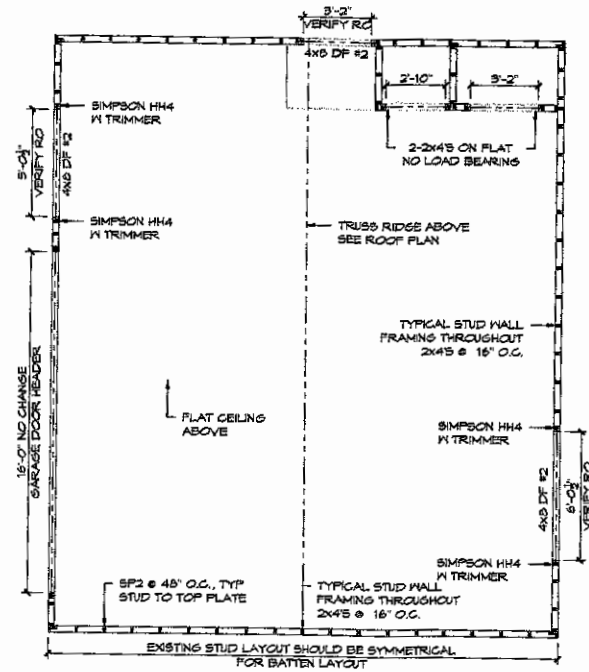
FOUNDATION, FLOOR
AND ROOF PLANS
EXISTING AND NEW

DATE: 10/28/19
SCALE: 1/4" = 1'-0"
SHEET

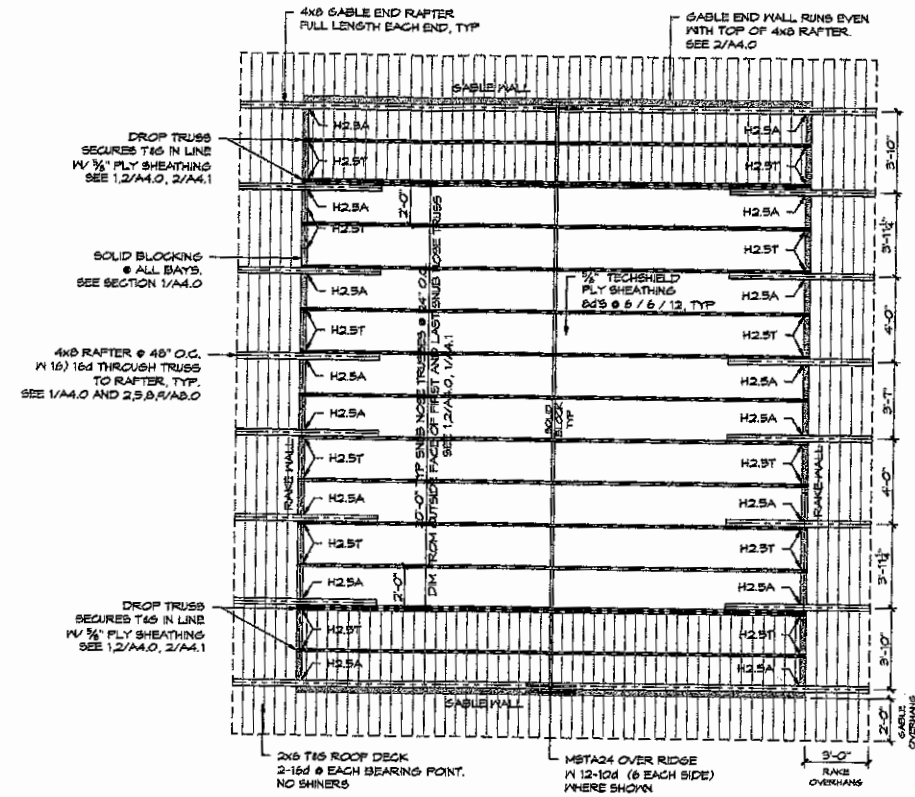
A 2.0



① FOUNDATION FRAMING PLAN
NO CHANGE TO FOOTPRINT

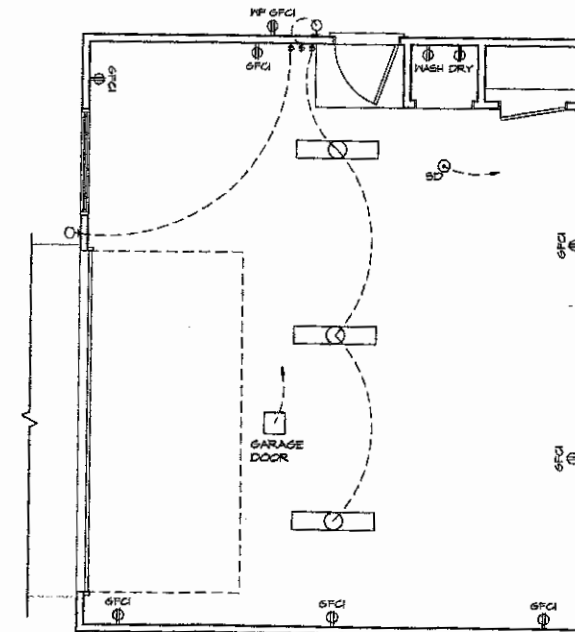


② WALL FRAMING PLAN
NO CHANGE TO FOOTPRINT



③ ROOF FRAMING PLAN
NO CHANGE TO FOOTPRINT

LIGHTING		EQUIPMENT	
10	EXT ENTRY LIGHT W/	SD	SMOKE DETECTOR (HARD WIRE IN BATTERY BACK UP)
	1x4 LED 40 WATT		GARAGE DOOR (EXISTING)
WIRING AND RACEWAYS		RECEPTACLES AND OUTLETS	
1	SWITCH - SINGLE POLE	120V	RECEPTACLE 120V
2	SWITCH - THREE WAY	220V	DRYER RECEPTACLE 220V
3	SWITCH - DIMMER	GFCI	ALL RECEPTACLES GFCI
4	SWITCH - 5 WAY DIMMER	SP	SERVICE PANEL
5	SWITCH - FAN DIMMER	WP	WEATHER PROOF
6	100 AMP EXISTING SERVICE PANEL		



④ ELECTRICAL PLAN

TREEFISH
ADAM BROWN ARCHITECT
805.852.9440
574 ANAHEA ST.
KAHALA, HI. 96746

FERGUSON GARAGE TOTAL ROOF, REMODEL
4421 ANAHEA ROAD
HANALEI, HI. 96714
TMK: (4) 5-5-004:040



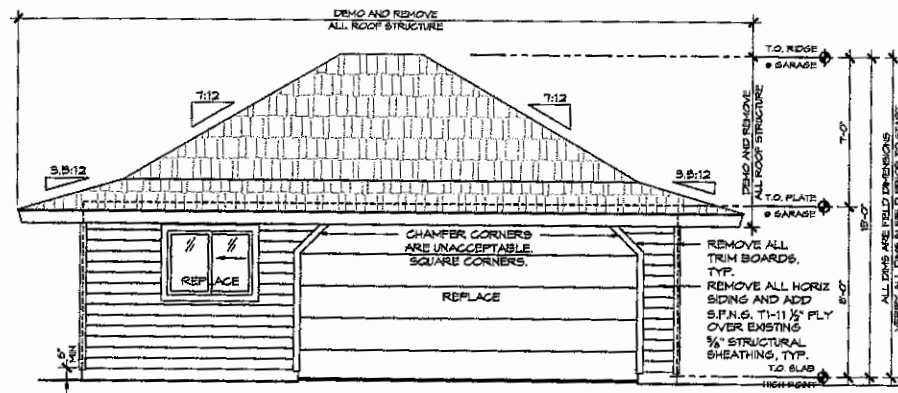
ADAM BROWN
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LICENSE EXPIRES: 04/20

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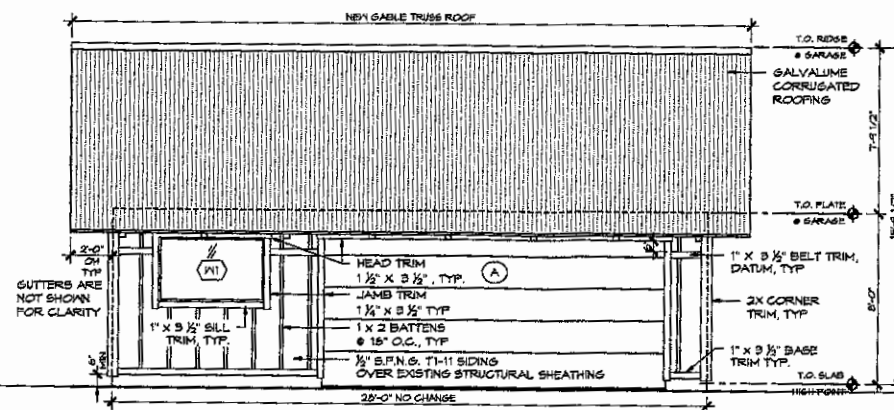
FRAMING PLANS
ELECTRICAL PLAN

DATE: 10/28/19
SCALE: 1/4" = 1'-0"
SHEET

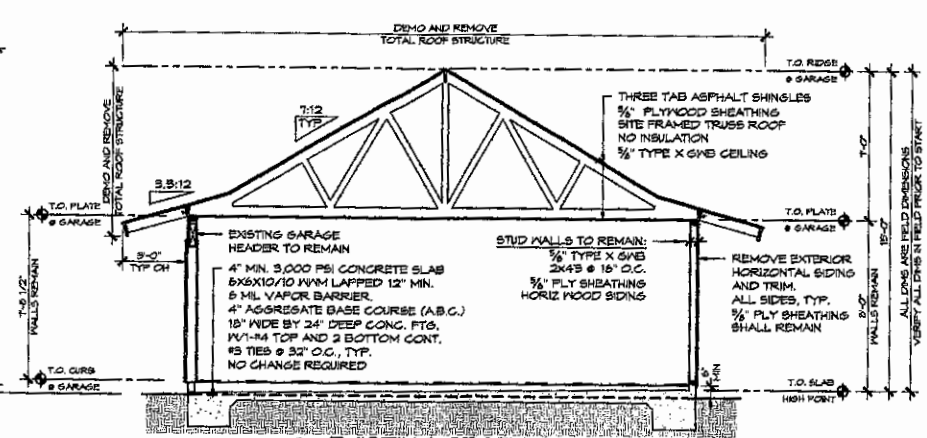
A2.1
3 OF 7



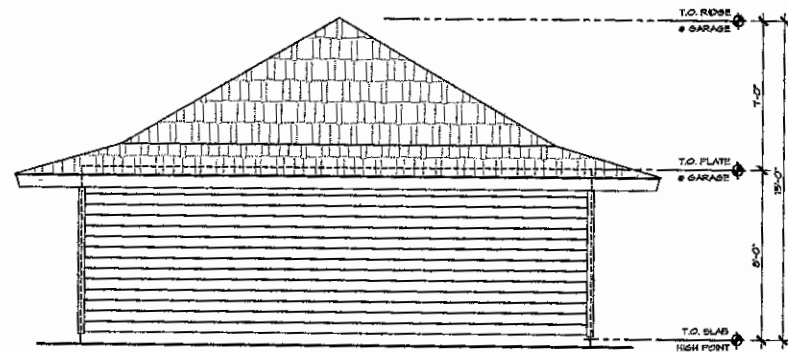
① EXISTING GARAGE
WEST / FRONT



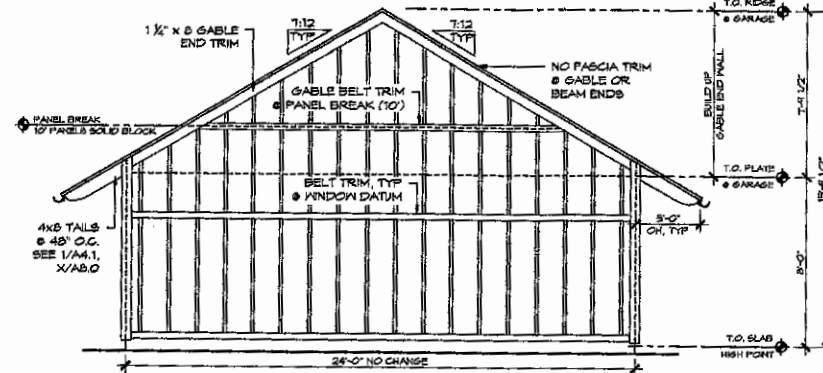
⑤ NEW GARAGE
WEST / FRONT



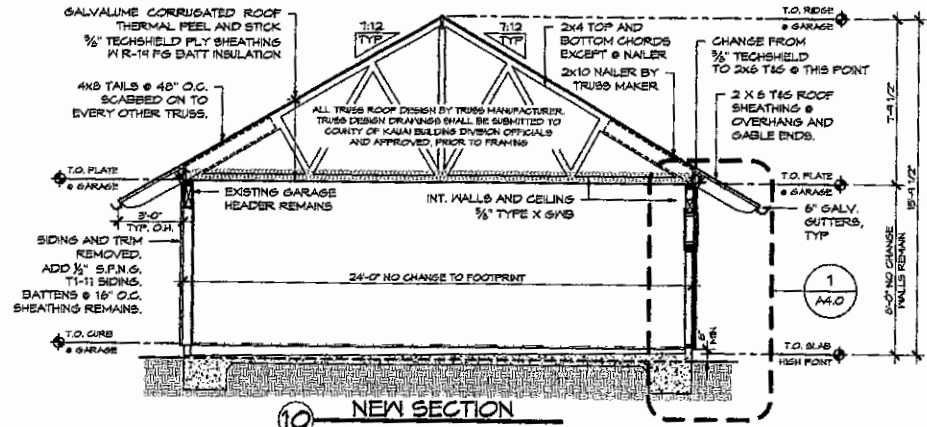
⑨ EXISTING SECTION



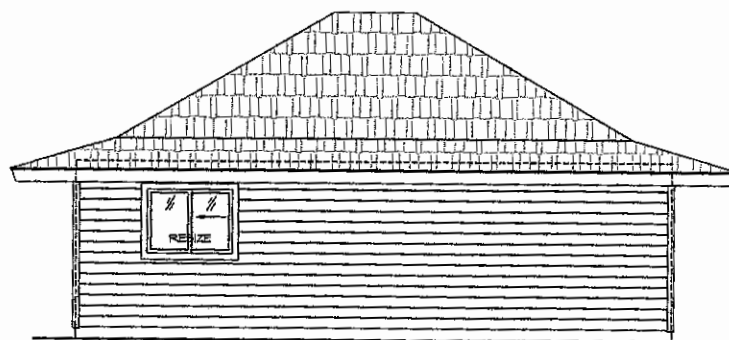
② EXISTING GARAGE
SOUTH / SIDE



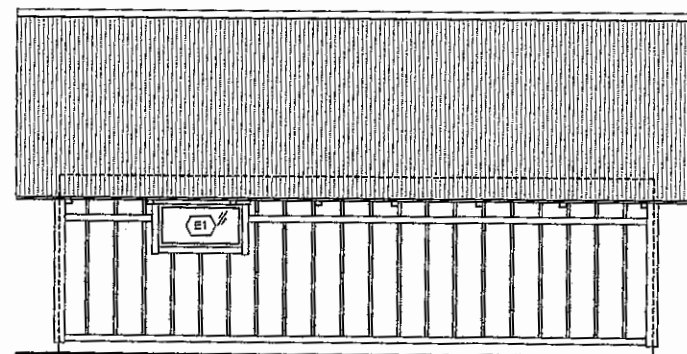
⑥ NEW GARAGE
SOUTH / SIDE



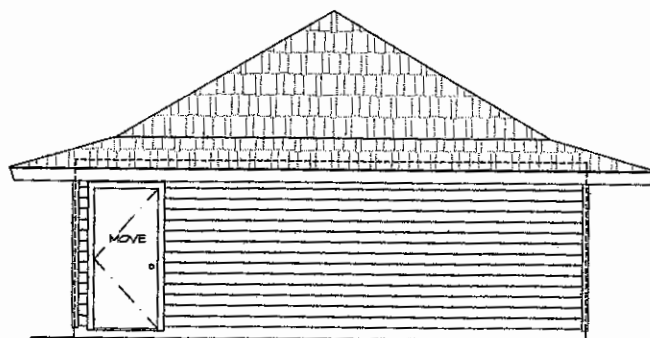
⑩ NEW SECTION



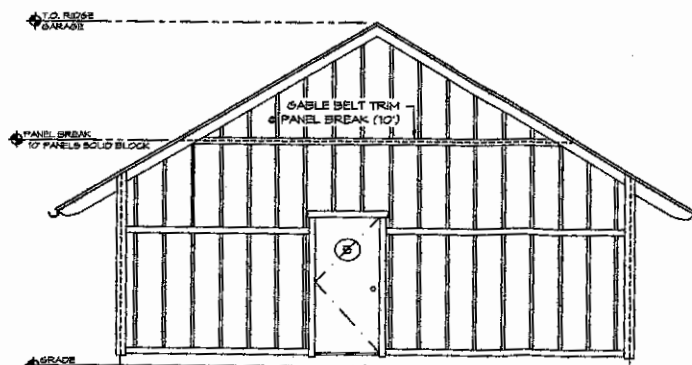
③ EXISTING GARAGE
EAST / REAR



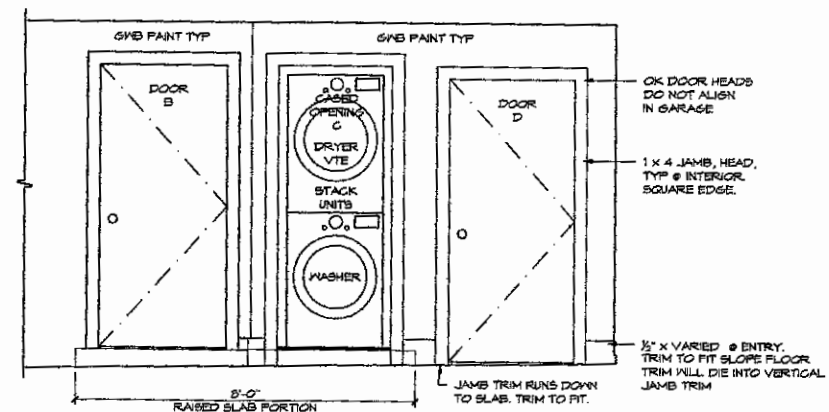
⑦ NEW GARAGE
EAST / REAR



④ EXISTING GARAGE
NORTH / SIDE



⑧ NEW GARAGE
NORTH / SIDE



⑪ INT ELEV W.D. CLOSET

TREEFISH
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5764 KANAKA ST.
KAPAA, HI. 96746

FERGUSON GARAGE TOTAL ROOF, REMODEL
4421 ANAE ROAD
HANALEI, HI. 96714
TMK: (4) 5-5-004-040



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A 3.0