

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAI'I REVISED STATUTES, AS AMENDED, NOTICE IS HEREBY GIVEN OF A PUBLIC HEARING/HEARING OF THE MAUI COUNTY BOARD OF VARIANCES AND APPEALS (BVA)

Members: Randall Endo, Harjinder Ajmani, James Shefte, William Kamai, Rachel Ball Phillips, Stephen Castro, Sr., Sandra Duvauchelle, Kevin Tanaka

AGENDA

DATE: May 28, 2009, Thursday
TIME: 1:30 p.m.
PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Hawai'i

- A. CALL TO ORDER
- B. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON FOR THE 2008-2009 YEAR
- C. PUBLIC HEARING - VARIANCES
 - 1. JENNIFER M. P. E. OANA and BRADFORD R. ING of ING & JORGENSEN representing JOHN W. & GERALDINE S. B. ENRIQUES requesting variances from §§16.08.060(A), (E)(3) and 19.30A.030(C) to allow an existing pool pump house to remain approximately three (3) feet from the side boundary line, with a roof projection of approximately two (2) feet from the boundary line, whereas a six (6) foot side yard and three (3) foot roof projection to the lot boundary are required, for property that is located at 231 Kee Road, Makawao, Maui, Hawaii; TMK: (2) 2-4-003:021 (BVAV 20090002)
- D. COMMUNICATIONS
 - 1. JAMES B. TAKEYASU, ESQ. representing ANTHONY A. LUM appealing the Director of the Department of Public Works determination as to the requirements of Maui County Code ("MCC"), Title 18, pertaining to MCC, §§18.04.470, 18.04.220, 19.29.030(A)(1), 19.35.010(c)(5), 19.35.050, 18.20.040(B)(3)(a), 18.20.040(A), 19.16.060(C), 18.04.380, 18.16.060(C), 18.16.050 and 16.26.3304, relative to Building Permit Application No. B T2007/1270 for property located at 180 Alanuilili Place, Kula, Maui, Hawai'i; TMK: (2) 2-3-019:025-0003 (BVAA 20070004)
 - a. Letter of Withdrawal
 - 2. BLAINE J. KOBAYASHI of CARLSMITH BALL, LLP representing KEHALANI HOLDING COMPANY, INC. appealing the Director of the Department of Public Works' issuance of a Notice of Violation (V 20080036) for the construction of a "shack dwelling" on property located off of Pi'ihana Road, Wailuku, Maui, Hawai'i; TMK: (2) 3-4-032:001 (BVAA 20080010)
 - a. Stipulation to Dismiss Appeal

3. BLAINE J. KOBAYASHI of CARLSMITH BALL, LLP representing KEHALANI HOLDING COMPANY, INC. appealing the Director of the Department of Public Works' issuance of a Notice of Violation (V 20080037) for the storage of junk cars and debris on property located off of Pi'ihana Road, Wailuku, Maui, Hawai'i; TMK: (2) 3-4-032:001 (BVAA 20080011)

- a. Stipulation to Dismiss Appeal

E. APPROVAL OF THE MARCH 12, 2009 MEETING MINUTES

F. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases
2. Status on New Board Member

G. NEXT MEETING DATE: **Wednesday, June 10, 2009**

H. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

EACH APPLICANT IS REQUESTED TO PROVIDE RESPONSIBLE REPRESENTATION AT THE MEETING.

INFORMATION RELATIVE TO THE ABOVE APPLICATIONS ARE AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT'S OFFICE LOCATED AT 250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAI'I.

ANY PERSONS REQUESTING ACCOMMODATION DUE TO DISABILITIES, PLEASE CALL THE MAUI PLANNING DEPARTMENT AT 270-7253, OR NOTIFY THE MAUI PLANNING DEPARTMENT IN WRITING AT 250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAI'I 96793, OR BY FAX NUMBER 270-7634 AT LEAST SIX (6) DAYS BEFORE THE SCHEDULED MEETING.

ANY FAXES SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY 4:30 P.M. ON THE SECOND WORKING DAY BEFORE THE MEETING TO INSURE THAT IT IS CIRCULATED TO THE BOARD.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE BOARD TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES.

PLEASE NOTE: If any member of the Commission is unable to attend the scheduled meeting, please contact the Planning Department at 270-7253 at least one day prior to the meeting date.