

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 - Chairman, Kevin Tanaka - Vice-Chairman, Harjinder Ajmani, James Shefte, William Kamai, Rachel Ball Phillips, Stephen Castro, Sr., Sandra Duvauchelle, Ray Shimabuku

### **AMENDED AGENDA**

DATE: November 25, 2009, **Wednesday**

TIME: 1:30 p.m.

PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Hawaii

A. CALL TO ORDER

B. PUBLIC HEARING

1. MAUI LAND & PINEAPPLE COMPANY, INC. requesting variances from Maui County Code, §19.36.070 "Fences and Landscaping" and §19.36.080 "Paving" to allow an unpaved, natural-surface parking lot with non-irrigated landscaping whereas paving and irrigation are required for property located off of Honoapiilani Highway, Napili, Lahaina, Maui, Hawaii, TMK: (2) 4-3-001:001. (por.) (BVAV 20090010)

C. UNFINISHED BUSINESS

1. MEH LIMITED PARTNERSHIP appealing the Director of Public Works' determination that preliminary subdivision approval for the Sunset Estates Subdivision (DSA Subdivision File No. 3.1834) is null and void for property located off of Waipuilani Street, Kihei, Maui, Hawaii, TMK: (2) 3 9 046:013. (BVAA20090003) **(Continued from the September 10, 2009 meeting.)**
  - a. Department of the Corporation Counsel, Brian Moto, Corporation Counsel, Mary Blaine Johnston, Deputy Corporation Counsel, Attorneys for Milton Arakawa, Director of Public Works, County of Maui presenting the County of Maui's Appeal Hearing Memorandum
  - b. Department of the Corporation Counsel, Brian Moto, Corporation Counsel, Mary Blaine Johnston, Deputy Corporation Counsel, Attorneys for Milton Arakawa, Director of Public Works, County of Maui presenting the County of Maui's Exhibit List; Exhibits "1" - "11"
  - c. Department of the Corporation Counsel, Brian Moto; Corporation Counsel, Mary Blaine Johnston, Deputy Corporation Counsel, Attorneys for Milton Arakawa, Director of Public Works, County of Maui presenting the County of Maui's Witness List

2. JAMES G. & ELIZABETH P. WHITEHEAD requesting a variance from Maui County Code §19.30A.030(F) to allow an existing wall, approximately five (5) feet in height, to remain within the agricultural setback area whereby a maximum of four (4) feet in height is allowed, for property located at 701 Kai Hele Ku Street, Laniupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-010:017. (BVAV 20090007) **(Continued from the September 10, 2009 meeting.)**

D. APPROVAL OF THE NOVEMBER 12, 2009 MEETING MINUTES

E. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases
2. BVA Meeting Schedule for 2010 Year

F. NEXT MEETING DATE: DECEMBER 10, 2009

G. 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, HAWAII.

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, HAWAII 96793, OR BY FAX NUMBER 270-7634 AT LEAST SIX (6) DAYS BEFORE THE SCHEDULED MEETING.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH ANY AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF VARIANCES AND APPEALS. WRITTEN TESTIMONY SHOULD BE RECEIVED AT LEAST TWO BUSINESS DAYS BEFORE THE MEETING TO INSURE DISTRIBUTION TO THE BOARD. FIFTEEN (15) COPIES OF WRITTEN TESTIMONY ARE NEEDED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE 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.