

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAII 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

AGENDA

DATE: December 10, 2009, Thursday

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. APPEALS

1. Determine a hearings officer to preside over the following matter:

SVO PACIFIC, INC. appealing the Director of the Department of Public Works' determination that in accordance with Maui County Code, §18.04.030, the Community Plan designation of Open Space is inconsistent with the County Zoning designation of H-M Hotel District, and therefore cannot be processed, for the proposed Westin Kaanapali Ocean Resort Villas (Building Permit Application Nos. B T2008/0972-0977) located off of Honoapiilani Highway, in the vicinity of Airport Beach, Hanakaoo, Kaanapali, Maui, Hawaii; TMK: (2) 4-4-014:005 (BVAA 20090004)

- a. Appellee Director of Public Works, County of Maui's Motion for Appointment of Hearing Officer; Memorandum in Support of Motion; Exhibits A - C; Certificate of Service

C. UNFINISHED BUSINESS

1. MAUILAND & PINEAPPLE COMPANY, INC. requesting a variance from Maui County Code, §18.04.030 to allow a proposed two (2) lot subdivision of a 2.461 acre lot that would not conform to or be consistent with the County general plan, community plans, land use ordinances and the provisions of the Maui County Code, as it relates to the community plan designation of public/quasi-public and multi-family residential, for the proposed Kapalua Bay Park Subdivision (Subdivision File No. 4.906) located at One Bay Club Drive, Lahaina, Maui; TMK: (2) 4-2-004:025 (BVAV 20090008) (**Deferred from the November 12, 2009 meeting.**)

D. APPROVAL OF THE NOVEMBER 25, 2009 MEETING MINUTES

E. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

F. NEXT MEETING DATE: Thursday, January 14, 2010

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.