

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., Ray Shimabuku

AGENDA

DATE: January 28, 2010, 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. PUBLIC HEARING - VARIANCES

1. CORPORATION OF THE PRESIDING BISHOP OF THE CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS (LDS), A UTAH CORPORATION SOLE representing MAUI LANI VILLAGE CENTER, INC. requesting a variance from Maui County Code, §19.78.020(B)(1)(b)(iv) to allow a church steeple to exceed the 30 feet height limit by 37 feet and 8.25 inches for the proposed Kahului LDS Church, to be located off of the future extension of Maui Lani Parkway and Kuikahi Drive, Kahului, Maui, Hawaii; TMK: (2) 3-8-007:151 (por.) (BVAV 20090014)

C. APPEALS

1. JAMES W. GEIGER, ESQ., of MANCINI, WELCH & GEIGER representing UWE H. H. SCHULZ appealing the Department of Fire and Public Safety's decision to require an automatic sprinkler system for an existing lanai enclosure (Building permit application no. B T20080351) at the Kaanapali Royal Condominium located at 2560 Kekaa Drive, Kaanapali, Lahaina, Maui, Hawaii; TMK: (2) 4-4-008:023-0059 (BVAA 20080009)
 - a. Appellee County of Maui's motion requesting the Board to reopen case to take further evidence and to hear oral argument by the parties; Exhibit A.

D. UNFINISHED BUSINESS

1. 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, Launiupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-010:017. (BVAV 20090007) **(Deferred from the November 25, 2009 meeting)**

E. COMMUNICATIONS

1. Correspondence dated December 28, 2009, from Cathy L. Takase, Acting Director, State Office of Information Practices, to Randall Endo, Chair, Board of Variances and Appeals, regarding a Request for Opinion (S INVES-P 10-36) by Mr. Richard Mayer regarding the Board of Variance and Appeals' December 10, 2009 meeting in relation to the Maui Land and Pineapple Company's Kapalua Bay Park Subdivision Variance.
2. Correspondence dated January 7, 2010, from Cathy L. Takase, Acting Director, State Office of Information Practices, to Randall Endo, Chair, Board of Variances and Appeals, regarding a Request for Opinion (S INVES-P 10-12) by Ms. Nell Woods regarding the Board of Variance and Appeals' meetings of November 12 and December 10, 2009 in relation to the Maui Land and Pineapple Company's Kapalua Bay Park Subdivision Variance.

F. APPROVAL OF THE NOVEMBER 25, 2009 AND THE DECEMBER 10, 2009 MEETING MINUTES ***(Previously distributed to the BVA Members. Members, please bring your copies with you to the meeting.)***

G. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

H. NEXT MEETING DATE: February 11, 2010, Thursday

I. 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.

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.