

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: February 11, 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. RESOLUTION ACKNOWLEDGING THE RESIGNATION OF BOARD MEMBER SANDRA DUVAUCHELLE

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. Hearing Officer's Report
- b. Hearing Officer's Recommended Findings of Fact, Conclusions of Law and Order in Consolidated Appeals
- c. Appellee County of Maui's Exceptions to and Memorandum in Support of Exceptions to the Hearing Officer's Report; Exhibits A-G
- d. Appellee County of Maui's Exceptions to Hearing Officer's Recommended Findings of Fact, Conclusions of Law and Order; Exhibits 1 & 2
- e. Appellant Uwe H. H. Schulz's Brief In Support of Hearing Officer's Report and Recommended Findings of Fact, Conclusions of Law and Order in Consolidated Appeals
- f. 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. **(Deferred from the January 29, 2010 meeting.)**
- g. Appellant Uwe H. H. Schulz's Memorandum in Opposition to Appellee County of Maui's Motion Requesting Board to Reopen Case, to Take Further Evidence and to Hear Oral Argument by the Parties. **(Deferred from the January 29, 2010 meeting.)**
- h. Intervenors' Memorandum in Opposition to Appellee County of Maui's

Motion Requesting Board to Reopen Case to Take Further Evidence and to Hear Oral Arguments by the Parties. **(Deferred from the January 29, 2010 meeting.)**

- D. APPROVAL OF THE JANUARY 28, 2010 MEETING MINUTES
- E. DIRECTOR'S REPORT
  - 1. Status Update on BVA's Contested Cases
- F. NEXT MEETING DATE: February 25, 2010, Thursday
- 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.