

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., Ray Shimabuku

AGENDA

DATE: February 25, 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. APPEALS

1. VICTOR V. CAMPOS and MYRNA J. CAMPOS appealing the Planning Director's Notice of Violation (NOV 20090014) for the un-permitted storage of damaged vehicles on property located at 1215 Lower Main Street, Wailuku, Maui, Hawaii; TMK: (2) 3-4-039:076 (BVAA 20100001)
 - a. Applicant's Motion Requesting a Time Extension for Filing a Notice of Appeal
 - b. County of Maui's Hearing Memorandum
 - c. County of Maui's Exhibit List; Exhibits "A" - "L"
2. 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)
 - a. Appellant MEH Limited Partnership, by and through its Attorneys, Carlsmith Ball, LLP's Motion for Reconsideration and to Reopen the Hearing Based Upon Newly Discovered Evidence; Exhibits "A" and "B"
 - b. County of Maui's Memorandum in Opposition to MEH Limited Partnership's Motion for Reconsideration and to Reopen the Hearing Based Upon Newly Discovered Evidence; Exhibits 12 & 13

C. COMMUNICATIONS

1. SEASHORE PROPERTIES, LLC appealing the Director of Public Works' Notice of Violation (V 20090014) for exterior renovations without first obtaining the proper permit for property located at 93 Hana Highway, Paia, Maui, Hawaii; TMK: (2) 2-6-002:027 (BVAA 20090001)
 - a. Stipulation to Dismiss with Prejudice
2. MICHAEL BASKIN of SEASHORE PROPERTIES, LLC appealing the Director of Public Works' Notice of Violation (V20090018) for completing interior renovations

without first obtaining building permits for a commercial building located at 93 Hana Highway, Paia, Maui, Hawaii; TMK: (2) 2-6-002:027 (BVAA 20090002)

a. Stipulation to Dismiss with Prejudice

3. MICHAEL BASKIN of SEASHORE PROPERTIES, LLC appealing the Director of Public Works' denial to reissue Notice of Violations (V20080061 and V20090014) for completing interior renovations without first obtaining building permits for a commercial building located at 93 Hana Highway, Paia, Maui, Hawaii; TMK: (2) 2-6-002:027 (BVAA 20090004)

a. Stipulation to Dismiss with Prejudice

D. APPROVAL OF THE FEBRUARY 11, 2010 MEETING MINUTES

E. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

F. NEXT MEETING DATE: March 11, 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.