

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), William Kamai, Rachel Ball Phillips, Stephen Castro, Sr., Ray Shimabuku, Bart Santiago, Jr., Rick Tanner

### AGENDA

DATE: May 13, 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. JAMES and KATHLEEN WISTHOFF, AMY MARTIN-WISTHOFF and DAN MARTIN requesting a variance from Maui County Code, §19.30A.030 to allow an electrical pedestal wall within the 25-foot agricultural setback area to exceed the 4-foot height limit by 2-feet 7-inches for property located at 138 Awaiku Street, Launiupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-009:058 (BVAV 20100007)

a. Department of Planning, County of Maui's motion to intervene; memorandum in support of motion.

2. MICHAEL MUNEKIYO of MUNEKIYO & HIRAGA, INC. representing the COUNTY OF MAUI, POLICE DEPARTMENT requesting a variance from Maui County Code. §19.31.020(B)(4) to allow the construction of the new Kihei Police Station to exceed the 35 feet Public/Quasi-Public height limit by approximately 11 to 17 feet for property located in the vicinity of Piilani Highway near its intersection with Kanani Road, Kihei, Maui, Hawaii; TMK: (2) 2-2-002:070 (por.) (BVAV 20100005)

C. COMMUNICATIONS

1. Letter dated April 6, 2010, from James & Elizabeth Whitehead to Kathleen Aoki, Deputy Planning Director, requesting the waiving of fines and additional time to comply with a notice of violation to lower an existing wall approximately, five (5) feet in height to four (4) feet in height, in accordance with Maui County Code §19.30A.030(F), for property located at 701 Kai Hele Ku Street, Launiupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-010:017.

- D. APPROVAL OF THE APRIL 22, 2010 SITE INSPECTION AND REGULAR MEETING MINUTES
- E. DIRECTOR'S REPORT
  - 1. Status Update on BVA's Contested Cases
- F. NEXT MEETING DATE: May 27, 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, 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.