

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

**AGENDA**

DATE: July 8, 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. INTRODUCTION OF NEW MEMBER: BERNICE VALDA

C. PUBLIC HEARINGS

1. WILBUR AND SOCORRO WONG requesting a variance from Maui County Code, §19.30A.030 to allow the consolidation of three (3) parcels and resubdivision into two (2) parcels of 2.302 and 0.923 acres, whereby the minimum lot area for agricultural lots is two (2) acres, for property located at 360 and 370 Hahana Road, Kaupakalua, Makawao, Maui, Hawaii; TMK: (2) 2-7-0013: 072, 076, 077. (BVAV 20100011) **(Rescheduled from the June 24, 2010 meeting. Members, please bring previously distributed material with you to the meeting.)**
  - a. Wilbur & Socorro Wong requesting a deferral.
  - b. Letter from Lloyd Poelman, Attorney, advising that Philip Valentine has filed a lawsuit in regards to TMK: (2) 2-7-0013: 076 and (2) 2-7-0013: 077.
2. RICHARD LOPEZ, JULIE VERMAAS, JOHN & SHARON KEVAN & BROWN REVOCABLE TRUST requesting a variance from Maui County Code, §19.30A.030 to allow an electrical utility pedestal wall within the 25-foot front yard and 15-foot side yard to exceed the 4-foot height limit in the County's agricultural district by 3 feet for property located at 70 Paia Pohaku Street, Luniupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-009:061 (BVAV 20100012) **(Rescheduled from the June 24, 2010 meeting. Members, please bring previously distributed material with you to the meeting.)**
  - a. Department of Planning, County of Maui's motion to intervene; memorandum in support of motion.
3. STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES

requesting variances from Maui County Code §§19.62.060(A)(3)(a) and 19.62.060(G)(1) relating to Flood Hazard Areas, Standards of Development, to allow development of portions of a comfort station building to be located below the 11 feet mean sea level base flood elevation for property located at 101 Maalaea Harbor Road, Maalaea, Maui, Hawaii; TMK: (2) 3-6-001:002 (BVAV 20100013)

D. APPEALS

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

MAUI BEACH RESORT LIMITED PARTNERSHIP appealing the Director of the Department of Public Works' decision to require a letter of authorization from every property owner for a condominiumized property (Honua Kai) in order to subdivide land for conveyance to the State of Hawaii (North Beach Subdivision IIA, Subdivision File No. 4.960) for property located at 130 Kai Malina Parkway, Lahaina, Maui, Hawaii; TMK: (2) 4-4-014:006 & 008 (BVAA 20100002).

E. UNFINISHED BUSINESS

1. MICHAEL GRONEMEYER, MICHAEL MCDONALD & PHILIP SEGURA requesting a variance from Maui County Code, §19.30A.030 to allow an electrical pedestal wall within the 25 feet front yard setback to exceed the 4 feet height limit by 1-foot-10-inches to 3-feet-6-inches for an agricultural property located at 105 Awaiku Street, Launiupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-009:050 (BVAV 20100010) **(Continued from the May 27, 2010 meeting and rescheduled from the June 24, 2010 meeting. Members, please bring previously distributed material with you to the meeting.)**
  - A. Department of Planning, County of Maui's Motion to Intervene; Memorandum in Support of Motion
  - B. Michael Gronemeyer's Motion for Continuance; Memorandum in Support of Motion
2. 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). **(Continued from the June 10, 2010 meeting. Members, please bring previously distributed material with you to the meeting.)**
  - a. County of Maui's Hearing Memorandum
  - b. County of Maui's Exhibit List; Exhibits "A" - "L"
  - c. Lance D. Collins, Attorney, for the Appellant, Requesting a Motion for an Order Directing the Parties to Mediation
  - d. Lance D. Collins, Attorney, for the Appellants – Notice of Withdrawal of Counsel
  - e. County of Maui's Memorandum in Opposition to Appellant's Motion for an Order Directing the Parties to Mediation
  - f. County of Maui's Amended Hearing Memorandum
  - g. County of Maui's Supplemental Exhibit List; Exhibits "M" - "O"
  - h. John S. Rapacz, Attorney, for the Appellant, Requesting for a Continuance of Hearing Scheduled for June 10, 2010; Memorandum in

- Support of Request for Continuance of Hearing
  - i. County of Maui's Second Supplemental Exhibit List; Exhibits "P" & "Q"
- F. APPROVAL OF THE APPROVAL OF THE MAY 27, 2010 MEETING MINUTES **(Deferred from the June 10, 2010 meeting. Members, please bring previously distributed material with you to the meeting.)** APPROVAL OF THE JUNE 10, 2010 MEETING MINUTES
- G. DIRECTOR'S REPORT
  - 1. Status Update on BVA's Contested Cases
- H. NEXT MEETING DATE: July 29, 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, 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.