

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, Bernice Vadla

AGENDA

DATE: August 12, 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. To determine a hearing officer to preside over the following matter:

FAYE KASHIWA OTSUKA representing STREAM RESOURCES, INC. appealing the Director of the Department of Public Works' determination that roadway lots in the S. R. Inc. Subdivision application (DSA File No. 2.3118) are not "developable lots" as it pertains to Ordinance 2372 [Maui County Code, §18.04.020(C)] for property located off of Lower Ulumalu Road, Haiku, Maui, Hawaii; TMK: (2) 2-8-003:036 and former Lower Ulumalu Road (BVAA 20100003)

C. VARIANCES

1. WAYNE ARAKAKI of ARAKAKI ENGINEER, LLC, representing DAVID EASTON & CYNTHIA WRIGHT requesting a variance from Maui County Code, §18.16.230 to allow a two (2) lot subdivision of a 4.265 acre lot with recorded road and utility easements totaling 0.962 acres whereby the required subtraction of said easements would result in two (2) substandard agricultural lots, both of which would be less than the required two (2) acres for the proposed Easton Subdivision located off of Hana Highway at 61-63 Kakio Road, Kakio, Hana, Maui; TMK: (2) 1-4-011:027 (BVAV 20090005).
 - a. Wayne Arakaki, on behalf of David Easton and Cynthia Wright, requesting to amend Condition No. 2, liability insurance requirement, of the variance granted on August 27, 2009.

D. UNFINISHED BUSINESS

1. MAUI LAND & PINEAPPLE COMPANY, INC. requesting a variance from Maui County Code, §18.04.030 to allow a proposed two (2) lot subdivision of a 2.461 acre lot that would not conform to or be consistent with the County general plan, community plans, land use ordinances and the provisions of the Maui County

Code, as it relates to the community plan designation of public/quasi-public and multi-family residential, for the proposed Kapalua Bay Park Subdivision (Subdivision File No. 4.906) located at One Bay Club Drive, Lahaina, Maui; TMK: (2) 4-2-004:025, (BVAV 20090008).

- a. Applicant's motion for a determination that the application for variance is deemed approved; declaration of Yarrow Flower; Exhibits "A" and "B."
- b. Paul Horikawa, Attorney for Applicant; order denying West Maui Preservation Association Inc.'s Petition to intervene
- c. Lance D. Collins, Attorney; order denying West Maui Preservation Association Inc.'s Petition to intervene

E. APPROVAL OF THE JULY 29, 2010 MEETING MINUTES

F. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

F. NEXT MEETING DATE: August 26, 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.