

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: October 28, 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

1. STUART BRANDEL requesting a variance from Maui County Code, §18.20.040(B)(2) to delete the requirement of improving the adjoining half of Nahiku Road for the proposed Nahiku Homesteads Subdivision (Subdivision File No. 1.297) located off of Hana Highway at its intersection of Nahiku Road, Nahiku, Maui, Hawaii; TMK: (2) 1-2-003:058. (BVAV 20100015).

C. UNFINISHED BUSINESS

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) ***(Deferred from the July 8, 2010 meeting.)***
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 July 8, 2010 meeting.)***
3. 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). ***(Deferred from the August 12, 2010 meeting.)***

- 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.
 - b. PAUL K. NISHIDA of the NISHIDA FAMILY TRUST appealing the Planning Director's Notice of Violation for maintaining a construction equipment storage and baseyard within the agricultural district for property located at 756 Pulehu Road, Kula, Maui, Hawaii; TMK: (2) 2-3-060:006 (BVAA 20100005)
(Continued from the September 21, 2010 meeting.)
 - a. Paul K. Nishida's proposed findings of fact, conclusions of law; certificate of service.
 - b. Appellee Director, Department of Planning, County of Maui's proposed findings of fact, conclusions of law; decision and order; certificate of service.
- D. APPROVAL OF THE SEPTEMBER 21, 2010, MEETING MINUTES; AND THE OCTOBER 14, 2010 MEETING AND SITE INSPECTION MINUTES
- E. DIRECTOR'S REPORT
- 1. Status Update on BVA's Contested Cases
- F. NEXT MEETING DATE: November 10, 2010, **Wednesday**
- 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.