

**Note: The Board of Variances and Appeals agenda filed with the Office of the County Clerk on October 28, 2010 at 2:14 p.m. for a meeting on November 10, 2010 has been rescinded, and is being replaced with this agenda.**

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: November 10, 2010, **Wednesday**

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. 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)

Request to appoint another hearings officer.

C. UNFINISHED BUSINESS

1. 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 October 28, 2010 meeting. Members, please bring previously distributed material with you to the 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. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

E. NEXT MEETING DATE: November 24, 2010, **Wednesday**

F. 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.