

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: Kevin Tanaka (Chairman), Rick Tanner (Vice-Chairman), Rachel Ball Phillips, Stephen Castro, Sr., Ray Shimabuku, Bart Santiago, Jr., Bernice Vadla, Jacqueline Haraguchi, Patrick DePonte

AGENDA

DATE: April 28, 2011, 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 HEARINGS

1. LAWRENCE N. C. ING, ESQ. of ING & JORGENSEN representing TIMOTHY GARY HALONA MEDEIROS, URSULA MEDEIROS, MICHAEL Y. H. LAU and ROSEMARY FRANCINE MALANI LAU requesting a variance from Maui County Code, §18.16.230 to allow a proposed 10,111 square foot flag lot, which includes an approximate 1,441 square foot flag stem, to be less than the minimum lot area within the County's R-3 Residential District whereby the minimum lot area shall be 10,000 square feet, excluding the lot area of the flag stem, for a three (3) lot subdivision (Wahikuli Houselots; DSA File No. 4.867) for property located at 186 Wahikuli Road, Lahaina, Maui, Hawaii; TMK: (2) 4-5-014:027 (BVAV 20110005)
2. WAYNE I. ARAKAKI of WAYNE I. ARAKAKI ENGINEERING, LLC representing GORDON U. YOSHIZAWA requesting a variance from Maui County Code, §16.26.3304 to delete the requirement to dedicate approximately five (5) feet of property along Mill Street, improved with curbs, gutters and sidewalks for the Yoshizawa Subdivision (DSA File No. 3.2030) located at 1760 Mill Street, Wailuku, Maui, Hawaii; TMK: (2) 3-4-020:006 (BVAV 20110008).

C. UNFINISHED BUSINESS - Orientation

1. County of Maui Sexual Harassment Policy
2. Area Variances
3. Use Variances
4. Rules of Practice and Procedure for the Board of Variances and Appeals

5. Title 12, Streets, Sidewalks, and Public Places, Maui County Code (MCC)
6. Title 16, Buildings and Construction, MCC
7. Title 18, Subdivisions, MCC
8. Title 19, Zoning, MCC
9. Ethics
10. Sunshine Law
11. Discussion of Boards and Commissions Booklet distributed by the Department of the Corporation Counsel
12. Maui County Charter
13. Chapter 91, Administrative Procedure, Hawaii Revised Statutes (HRS)
14. Chapter 92, Public Agency Meetings and Records, HRS

D. COMMUNICATIONS

1. SVO Pacific, Inc., appealing the Director of the Department of Public Works' decision that Building Permit Application No.'s B T2008/0972-0977 does not comply with Maui County Code, §18.04.030 for Westin Kaanapali Ocean Resort Villas Lot 3, "North Beach Subdivision," TMK: (2) 4-4-014:005 (por.) located at Kaanapali, Maui, Hawaii. (BVAA 20090004)
 - a. Appellant's Withdrawal of Appeal

E. APPROVAL OF THE APRIL 14, 2011 MEETING MINUTES

F. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

G. NEXT MEETING DATE: May 12, 2011, Thursday

H. 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, OR AT THE LANAI PUBLIC LIBRARY, LANAI, HAWAII.

ANY PERSONS REQUESTING ACCOMMODATION DUE TO DISABILITIES, PLEASE CALL THE MAUI PLANNING DEPARTMENT AT 270-7253 (Maui), OR 1-800-272-0117 (from Molokai), or 1-800-272-0125 (from Lanai) 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.