

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAII REVISIED STATUTES, AS AMENDED, NOTICE IS HEREBY GIVEN OF A MEETING 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 De Ponte

AGENDA

DATE: February 23, 2012, 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. MICHAEL J. ANDERSON requesting variances from Maui County Code, §§19.30A.030, 16.08.060(A) and (E), and 1997 Uniform Building Code, §§501, 503.2., 705, 1006.2.1, and Table 5-A, to allow the western portion an existing dwelling to be on the property line, whereby a six (6) foot and fifteen (15) foot side yard, a roof projection no nearer than three (3) feet to the lot boundary, and one (1) hour fire-resistive construction for exterior walls and projections are required, and to allow roof projections to exceed twelve (12) inches in areas where openings (windows/doors) are prohibited, and unprotected openings in exterior walls, an exterior exit balcony and a stairway to be less than three (3) feet to the property line for property located off of Hana Highway, Pauwela, Haiku, Maui, Hawaii; TMK: (2) 2-7-004:039 (BVAV 20110018).

C. APPEALS

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

ROBERT H. THOMAS, ESQ., MARK M. MURAKAMI, ESQ., & MATTHEW T. EVANS, ESQ. of DAMON KEY LEONG KUPCHAK HASTERT, representing HANS-JUERGEN GERHARD BECKER & LYNN SUSAN BECKER appealing the Department of Public Works' decision to not approve two (2) after-the-fact building permit applications (B T2011/0205 & 0206) for the mauka and makai lanai enclosures of unit #G-303 of the Kaanapali Royal Condominium located at 2560 Kekaa Drive, Lahaina, Maui, Hawaii; TMK: (2) 4-4-008:023 (CPR 0049) (BVAA 20110004).

- a. Department of the Corporation Counsel, County of Maui's stipulation to continue date for hearing of appeal application from January 12, 2012 to February 23, 2012.
- b. Appellee Jeffrey A. Murray, Chief, Department of Fire and Public Safety, County of Maui's motion to dismiss appeal filed on November 29, 2011.
- c. James A. O'Brien & Margaret Mary O'Brien as Trustees under the James A. O'Brien & Margaret Mary O'Brien Joint Revocable Living Trust

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- Agreement dated June 20, 1994's petition to intervene.
- d. Maui Partners, LLC's petition to intervene.
- e. Gretchen Christine von Helms' petition to intervene.
- f. Robert & Wendy Patrucco's petition to intervene.
- g. APC Resources LLC's petition to intervene.
- h. Donna Dixon's petition to intervene.
- i. Angelo Toppiano's petition to intervene.
- j. Harold & Vivian Hyman's petition to intervene.
- k. Jurgen Vahrenkamp's petition to intervene.
- l. George Basil Millan's petition to intervene.
- m. June J. Delany, Tr's petition to intervene.
- n. Edward James Kelly & Annette Leah Kelly's petition to intervene.
- o. Jeffrey & Patricia Caputo, Trustee's petition to intervene.
- p. Gina & Peter Shugar's petition to intervene.
- q. Renee Miklethun's petition to intervene.
- r. Thomas Edward Perkins' petition to intervene.
- s. Richard L. & Lauri T. Beck, Ronald R. & Jennifer J. Beck, and Lewis & Julia Beck's petition to intervene.
- t. Rodney D. & Deborah D. Conklin's petition to intervene.
- u. Glenn William Bodinson's petition to intervene.
- v. Francis C. Wadell's petition to intervene.
- w. Anthony Chan & Ellen D. Chan, members of Worldco Holding, LLC's petition to intervene.
- x. Michael & Deborah Ebert's petition to intervene.
- y. William D. & Ann C. Flint's petition to intervene.
- z. Dan Cantore's petition to intervene.
- aa. David Berger's petition to intervene.
- bb. Thomas G. & Sandra J. Johnson's petition to intervene.
- cc. Robert J. & Carol L. Hickel's petition to intervene.
- dd. William & Shaun Kane's petition to intervene.
- ee. Charles & Meri Fedak's petition to intervene.
- ff. Rick Laforet's petition to intervene.
- gg. Thomas Bryski's petition to intervene.
- hh. Joseph & Kata Magdic's petition to intervene.
- ii. Matthew J. Kinney's petition to intervene.
- jj. Kevin & Gina Webb's petition to intervene.
- kk. Sharon Bounds' petition to intervene.
- ll. Fred & Pamela Harris' petition to intervene.
- mm. Tom Butler's petition to intervene.
- nn. Paul Londynski's petition to intervene.
- oo. Charles Delzer's petition to intervene.
- pp. William F. Brown's petition to intervene.
- qq. Wendell Payne's petition to intervene.
- rr. Michael Allan Smith's petition to intervene.
- ss. James & Marrietta Gillogly's petition to intervene.
- tt. Sommerville/Olsson Trust's petition to intervene.
- uu. J101 Trust's petition to intervene.
- vv. 686624 B. C. Ltd.'s petition to intervene.
- ww. Mike C. Burns' petition to intervene.
- xx. James Arbuckle's petition to intervene.

D. APPROVAL OF THE MEETING MINUTES OF JANUARY 26, 2012

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E. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

F. NEXT MEETING DATE: March 8, 2012, 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 is 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 (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.