

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAII REVISIED 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, Rick Tanner, Ray Shimabuku, Bart Santiago, Jr., Bernice Vadla, Jacqueline Haraguchi, Patrick De Ponte, Teddy Espeleta, Gene Abbott

AGENDA

DATE: Thursday, April 26, 2012

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. Determine a hearings officer to preside over the following matter:

WILLIAM C. BYRNS of MACDONALD RUDY BYRNS O'NEILL & YAMAUCHI representing LINEX INVESTMENTS, LLC appealing the Planning Director's decision to require a fifteen (15) foot agricultural setback for a garage/storage structure on property located at 3412 Kalua Koi Road, Kaluakoi, Molokai, Hawaii; TMK: (2) 5-1-007:064 (BVAA 20120001).

C. VARIANCES

1. PAUL L. HORIKAWA, ESQ. representing JONATHAN ROSS and SEAN ROSS requesting variances to delete: (1) The requirement that right-of-way access streets be a minimum width of twenty-four (24) feet, as required by Maui County Code, §18.16.060; and (2) The requirement to pave a portion of Door of Faith Road, as required by MCC, §18.20.040, for the Huelo Hui Partition Lots Subdivision (Ross Subdivision) (Subdivision File No. 2.2063) located at 215 and 295 Door of Faith Road, Huelo, Maui, Hawaii; TMK: (2) 2-9-007:020 (BVAV 20100001).
 - a. Request to delete the requirement to obtain an insurance policy with a minimum policy limit of \$50,000.00 and name the County of Maui as an additional insured on said policy.
2. 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 of an existing dwelling to be on the property line, whereby a six (6) foot and fifteen (15) foot side yards, 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).
 - a. Findings of fact, conclusions of law, and decision and order.

D. UNFINISHED BUSINESS

1. CHRISTINE A. GALE appealing the Director of the Department of Public Works' Notice of Violation (V 20010069) for the construction of a mezzanine without first obtaining the proper building permit, for property located at 3975/3985 Lower Honoapiilani Road, #215, Lahaina, Maui, Hawaii; TMK: (2) 4-3-008:002:0041 (BVAA 20110003). **(Deferred from the 10/27/11 meeting.)**
 - a. Appellee, Director, Department of Public Works, County of Maui's motion to stay appeal pending Appellant Gale's complete abatement of violation;
 - b. County of Maui's preliminary exhibit list;
 - c. County of Maui's witness list; and
 - d. County of Maui's certificate of service.

E. APPROVAL OF THE APRIL 12, 2012 MEETING MINUTES

F. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

G. NEXT MEETING DATE: Thursday, May 10, 2012

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 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 issued 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.