

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, Rick Tanner, Ray Shimabuku, Bart Santiago, Jr., Bernice Vadla, Jacqueline Haraguchi, Patrick De Ponte, Teddy Espeleta, G. Clark Abbott

### AGENDA

DATE: Thursday, May 24, 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. PUBLIC HEARING

1. WAYNE I ARAKAKI ENGINEERING, LLC requesting variances from Maui County Code (MCC), §§14.05.090 and 16.04B.140 as it pertains to the installation of fire hydrants at 500 foot intervals along Hana Highway and Ulaino Road; and MCC, §18.20.040 as it pertains to the paving and realignment of Ulaino Road, for the Kawela Subdivision located at Honomaele, Hana, Maui, Hawaii; TMK: (2) 1-3-003:012 (BVAV 20120003).

C. APPEALS

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

JOSEPH A. DURAN of VALLEY ISLE AQUATICS appealing the Director of Parks and Recreation's decision to deny an Ocean Recreation Activity (Type III) Permit for the use of various swimming pools for a nonprofit organization. (BVAA 20120004).

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 April 26, 2012 meeting. Members, please bring previously distributed material with**

**you to the 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. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

F. NEXT MEETING DATE: Thursday, June 14, 2012

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 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.