

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

**AGENDA**

DATE: Thursday, September 27, 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 HEARINGS

1. TESSA MUNEKIYO NG, AICP of MUNEKIYO & HIRAGA, INC. representing GARY LEE PASSON and CHARLENE YVONNE SCHULENBURG, TRUSTEES OF THE PASSON FAMILY TRUST requesting a variance from Maui County Code, §19.04.040, as it pertains to the definitions of "Dwelling unit" and "Bed and breakfast home," to allow five (5) existing kitchens to remain in a main dwelling, whereas only one (1) kitchen is allowed, for the proposed Aloha Aku Inn Bed and Breakfast, located at 1390 South Kihei Road, Kihei, Maui, Hawaii; TMK: (2) 3-9-009:008 (BVAV 20120005).
2. SHELLY MADDIGAN and JOEL M. PARKER requesting a variance from Maui County Code §18.04.020(D) which states that parcels that have undergone a consolidation/resubdivision under this subsection shall not qualify for this exemption with respect to any subsequent consolidation/resubdivision for the Maddigan Subdivision (a.k.a. Haleakala Acres, DSA File No. 2.3153) located off of Haleakala Highway (Crater Road), Kula, Maui, Hawaii; TMK: (2) 2-3-013:032 and 054 (BVAV 20120006).

C. APPEALS

1. Determine a hearings officer to preside over the following matter:
  - a. FREDRICK HONIG appealing the Planning Director's determination that the following activities are not permitted within the County's Agricultural District for the Spirit of Aloha Botanical Garden located at 800 Haumana Road, Haiku, Maui, Hawaii; TMK (2) 2-8-004:032: (1) Classes, demonstrations, conferences, and seminars on plant-based nutrition, health and well-being (e.g., yoga, meditation, etc.); (2) Organic gardening, and environmental sustainability; holistic spiritual ceremonies (e.g., baptisms, bar mitzvahs, confirmations, weddings,

anniversaries, initiations, etc.); (3) Day retreats (e.g., club gatherings; organization planning sessions; family reunions, etc.); (4) Food service (catered or prepared on the premises) offered in conjunction with garden activities; and (5) Retail sale of educational material related to plant based nutrition, health and well being (e.g., yoga, meditation, etc.), organic gardening, and environmental sustainability. (BVAA 20120007)

D. APPROVAL OF THE AUGUST 23, 2012 MEETING MINUTES

E. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases
2. Report by Board Members who attended the 2012 Hawaii Congress of Planning Officials Conference

F. NEXT MEETING DATE: Thursday, October 11, 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.