

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, December 13, 2012

TIME: **10:00 a.m.**

PLACE: Planning Department Conference Room, First Floor, Kalana Pakui Building, 250 South High Street, Wailuku, Hawaii

A. CALL TO ORDER

B. APPEALS

1. RODNEY KILBORN appealing the Director of the Department of Parks and Recreation's decision to not allow a stand up paddle surfing event at Hookipa Beach Park located off of Hana Highway, Haiku, Maui, Hawaii; TMK: (2) 2-5-004:025 (BVAA 20120010). **(Continued from the 11/21/12 meeting. Members, please bring previously distributed material with you to the meeting.)**

- a. Appellant's Exhibit List
- b. Subpoena To Glenn Correa, Director of Department of Parks and Recreation
- c. Subpoena To Billy Amoral, Recreation Leader III, Department of Parks and Recreation-East District
- d. Appellee Director, Department of Parks and Recreation, County of Maui's Witness List

C. **PUBLIC HEARING (and the remaining agenda items) to begin at 1:30 p.m. or soon thereafter:**

1. GARRETT W. MARRERO of MAUI BREWING CO. requesting a variance from Maui County Code, §19.33.060(A) to allow a 35-foot building setback from Lipoa Parkway whereas 60 feet is required, for property located at 605 Lipoa Parkway and 1335 North Holopono Street, Kihei, Maui, Hawaii; TMK:(2) 2-2-024:005 and 006 (BVAV 20120009).

D. STIPULATIONS

1. RICK and DEBRA STRINI of the STRINI FAMILY TRUST appealing the Department of Fire and Public Safety's decision to not approve construction plans for failure to provide a 20-foot wide, all weather surface access road, for the proposed Manawai Homestead Subdivision (DSA File No. 2.2806) located at 263 Manawai Place, Haiku, Maui, Hawaii; TMK: (2) 2-8-003:041 (BVAA 20120005).

- a. Stipulation to Continue Hearing On Appeal
2. 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).
 - a. Stipulation to Dismiss Appeal
- E. APPROVAL OF THE NOVEMBER 21, 2012 MEETING MINUTES
- F. DIRECTOR'S REPORT
 1. Status Update on BVA's Contested Cases
 2. 2013 BVA Meeting Schedule
- G. NEXT MEETING DATE: Thursday, January 10, 2013
- 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.