

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAII 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, March 14, 2013

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. DEBORAH K. WRIGHT, ESQ., AND DOUGLAS R. WRIGHT, ESQ., of WRIGHT & KIRSCHBRAUN representing TROY and SUSAN MCCASLAND for an appeal of the Planning Director's notice of violations of Maui County Code, §§19.12.020, 19.37(A), & 19.65.080(D) for the operation of a non-permitted short term rental within the County's Apartment District for property located at 120 Kanani Road, Kihei, Maui, Hawaii; TMK: (2) 3-9-016:038 (BVAA 20130001).

- a. Appellants Troy McCasland and Susan McCasland's Motion to Adjourn Hearing, Request Pre-Hearing Conference, Establish a Scheduling Order and Demand for Mediation
- b. Appellants Troy McCasland and Susan McCasland's Motion in Limine; Exhibits "1" - "3"
- c. County of Maui's Memorandum in Opposition to Appellants' Motion in Limine
- d. Appellants Troy McCasland and Susan McCasland's Exhibits "A" - "M"
- e. Appellants Troy McCasland and Susan McCasland's Witness List
- f. County of Maui's Prehearing Brief
- g. County of Maui's Exhibits "1" to "15"

C. APPROVAL OF THE FEBRUARY 14, 2013 MEETING MINUTES

D. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

E. NEXT MEETING DATE: Thursday, March 28, 2013

F. 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 Maui 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 Maui Planning Department 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 Board is unable to attend the scheduled meeting, please contact the Maui Planning Department at 270-7253 at least one day prior to the meeting date.