

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAII REVISED STATUTES, AS AMENDED, NOTICE IS HEREBY GIVEN OF A PUBLIC HEARING/MEETING OF THE MAUI COUNTY BOARD OF VARIANCES AND APPEALS (BVA)

Members: Rick Tanner, Jacqueline Haraguchi, Patrick De Ponte, Teddy Espeleta, G. Clark Abbott, Chad Fukunaga, Howard S.K. Kihune, William Greig

AGENDA

DATE: Thursday, May 22, 2014

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. ELECTION OF CHAIRPERSON AND VICE-CHAIRPERSON FOR THE 2014-2015 YEAR

C. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. Maximum time limits of at least three minutes may be established by the Board. More information on oral and written testimony can be found below.

D. APPEALS

In deciding the following Appeals, which are contested cases pursuant to Chapter 91 HRS, the Board is exercising an adjudicatory function. Therefore, Pursuant to Section 92-6 (a)(2) Hawaii Revised Statutes, the following portion of the meeting is NOT a public meeting; and the Board is not required to allow the public to be present or to testify.

The Board will consider the possible appointment of a Hearing Officer to preside over each of the following Appeals:

1. PAUL ALSTON, ESQUIRE of ALSTON HUNT FLOYD & ING representing MICHAEL BASKIN of SEASHORE PROPERTIES, LLC for an appeal of the Planning Director's Notice of Violation for failure to obtain a special management area determination for ongoing grading, grubbing, and excavation for the Paia Inn located at 93 Hana Highway, Paia, Maui, Hawaii; TMK: (2) 2-6-002:027 (BVAA 20140001; NOV 20130009).
2. PAUL ALSTON, ESQUIRE of ALSTON HUNT FLOYD & ING representing

- MICHAEL BASKIN of SEASHORE PROPERTIES, LLC for an appeal of the Planning Director's Notice of Violation for failure to obtain a special management area determination for a paved parking lot for the Parking Lot located at 75 Hana Highway, Paia, Maui, Hawaii; TMK: (2) 2-6-002:005 (BVAA 20140002; NOV 20130010).
3. PAUL ALSTON, ESQUIRE of ALSTON HUNT FLOYD & ING representing MICHAEL BASKIN of PAIA PLACE TRUST for an appeal of the Planning Director's Notice of Violation for a shower shed located within the 6' side yard and a shed located within the 15' front yard (respectively) for the Paia Place located at 95 Hana Highway, Paia, Maui, Hawaii; TMK: (2) 2-6-002:022 (BVAA 20140003; NOV 2013/0007 & 0008).
 4. PAUL ALSTON, ESQUIRE of ALSTON HUNT FLOYD & ING representing MICHAEL BASKIN of SEASHORE PROPERTIES, LLC for an appeal of the Director of the Department of Public Works' decision to deny a May 16, 2013 request for a time extension of an after-the-fact permit for the Paia Inn located at 93 Hana Highway, Paia, Maui, Hawaii; TMK: (2) 2-6-002:027 (BVAA 20140004).
 5. PAUL ALSTON, ESQUIRE of ALSTON HUNT FLOYD & ING representing MICHAEL BASKIN of PAIA PLACE TRUST for an appeal of the Director of the Department of Public Works' and the Planning Directors' Notices of Violation dated October 21 and November 27, 2013 (respectively) for the Paia Place located at 95-B Hana Highway, Paia, Maui, Hawaii; TMK: (2) 2-6-002:022 (BVAA 20140005; NOV 2013/0030-0034; V 2013/0065 & 0066).
 6. PAUL ALSTON, ESQUIRE of ALSTON HUNT FLOYD & ING representing MICHAEL BASKIN of PAIA LIFE, LLC for an appeal of the Planning Director's Notices of Violation for a shower shed located within 6' side yard and shed located within 15' front yard (respectively) for the Beachcomber located at 23 Nalu Place, Paia, Maui, Hawaii; TMK: (2) 2-6-002:019 (BVAA 20140006; NOV 2013/0038 & 0039).
 7. PAUL ALSTON, ESQUIRE of ALSTON HUNT FLOYD & ING representing MICHAEL BASKIN of PAIA PAD TRUST for an appeal of the Planning Director's Notices of Violation for a main dwelling converted into two dwelling units, and an unpermitted STR/TVR located in a converted garage (respectively) for the Paia Pad located at 40 Ae Place, Paia, Maui, Hawaii; TMK: (2) 2-6-002:029 (BVAA 20140007; NOV 2013/0035 & 0036).
 8. PAUL ALSTON, ESQUIRE of ALSTON HUNT FLOYD & ING representing MICHAEL BASKIN of PAIA PLACE TRUST for an appeal of the Planning Director's decision to revoke a short-term rental permit for the Paia Place located at 95-B Hana Highway, Paia, Maui, Hawaii; TMK: (2) 2-6-002:022 (BVAA 20140008; STPH 20130002).
 9. PAUL ALSTON, ESQUIRE of ALSTON HUNT FLOYD & ING representing MICHAEL BASKIN of PAIA PAD TRUST for an appeal of the Planning Director's decision to revoke short-term rental permit and the issuance of

NOV No.'s 2013/0035, 0036, & 0037 for the Paia Pad located at 40 Ae Place, Paia, Maui, Hawaii; TMK: (2) 2-6-002:029 (BVAA 20140009; STPH 20130007; NOV 2013/0035, 0036, & 0037).

10. PAUL ALSTON, ESQUIRE of ALSTON HUNT FLOYD & ING representing MICHAEL BASKIN of PAIA PLACE TRUST for an appeal of the Planning Director's decision to not extend STPH 2013/0005, a short-term rental permit, for property located at 23 Nalu Place, Paia, Maui, Hawaii; TMK: (2) 2-6-002:019 (BVAA 20140010).

E. ORIENTATION

1. County of Maui Sexual Harassment Policy (*C. Cortez*)
2. Area Variances (*C. Cortez*)
3. Use Variances (*C. Cortez*)
4. Flood Hazard Districts (*A. Cabais*)
5. Rules of Practice and Procedure for the Board of Variances and Appeals (*M. Hopper*)
6. Title 12, Streets, Sidewalks, and Public Places, Maui County Code (MCC) (*DSA*)
7. Title 16, Buildings and Construction, MCC (*DSA & Fire*)
8. Title 18, Subdivisions, MCC (*DSA*)
9. Title 19, Zoning, MCC (*C. Cortez*)
10. Ethics (*L. Joesting*)
11. Sunshine Law (*L. Joesting*)
12. Discussion of Boards and Commissions Booklet distributed by the Department of the Corporation Counsel (*L. Joesting*)
13. Maui County Charter (*L. Joesting*)
14. Chapter 91, Administrative Procedure, Hawaii Revised Statutes (HRS) (*L. Joesting*)
15. Chapter 92, Public Agency Meetings and Records, HRS (*L. Joesting*)

F. NEXT MEETING DATE: Thursday, June 12, 2014

G. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES, PURSUANT TO SEC. 92-5 (a)(4), HRS.

DOCUMENTS ARE ON FILE WITH THE DEPARTMENT OF PLANNING. THE ADDRESS OF THE BOARD IS C/O DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793.

UNLESS OTHERWISE SPECIFIED BY ANOTHER SPECIFIC BOARD RULE, ANY PETITION TO INTERVENE AS A FORMAL PARTY IN THE PROCEEDINGS BEFORE THE BOARD MUST BE FILED WITH THE BOARD AND SERVED UPON THE APPLICANT NO LESS THAN TEN (10) DAYS BEFORE THE FIRST PUBLIC HEARING DATE. (Note: The calculation of time for deadlines of ten days or less excludes weekends and State-recognized holidays.) THE ADDRESS OF THE BOARD IS NOTED ABOVE. The deadline for filing a timely Petition to Intervene for an item where the first public hearing date is May 22, 2014 was on May 8,

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2014.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON ANY AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE BOARD'S RULES OF PRACTICE AND PROCEDURE, EXCEPT FOR CONTESTED CASES UNDER CHAPTER 91, HRS, AS NOTED ABOVE.

WRITTEN TESTIMONY AND FAXES SHOULD BE RECEIVED AT LEAST TWO (2) BUSINESS DAYS BEFORE THE MEETING TO ENSURE DISTRIBUTION TO THE BOARD. FIFTEEN (15) COPIES OF WRITTEN TESTIMONY ARE REQUESTED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE MEETING.

THOSE PERSONS REQUESTING SPECIAL ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE DEPARTMENT OF PLANNING AT 270-7735 (MAUI) OR 1-800-272-0117 (MOLOKAI) OR 1-800-272-0125 (LANAI) OR NOTIFY THE DEPARTMENT OF PLANNING IN WRITING AT ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, MAUI, HAWAII 96793 OR BY FAX NUMBER 270-7634 AT LEAST **SIX (6)** BUSINESS DAYS BEFORE THE SCHEDULED MEETING.

PLEASE NOTE: If any member of the Board is unable to attend the scheduled meeting, please contact the Planning Department at least one day prior to the meeting date. Thank you for your cooperation.
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