

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAI'I 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 (Chair), G. Clark Abbott (Vice-Chair), Patrick De Ponte, Teddy Espeleta, Chad Fukunaga, Howard S. K. Kihune, William Greig, Scott Matsuura, Raymond Sung

AGENDA

DATE: November 26, 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. 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.

C. PUBLIC HEARING

1. FRANCIS SKOWRONSKI is requesting a variance from Maui County Code §19.15.040.C.2.b "Development Standards" (Rear yard setback standard of six feet) for the walk-in refrigeration unit that presently affords a 3'6" setback instead of the required 6'0", for property located at 87 Hana Hwy, Paia, Hawaii, 96779; TMK (2) 2-6-002:002 (BVAV 2014/0005)

D. COMMUNICATIONS

1. ALSTON HUNT FLOYD & ING., and CARLSMITH BALL LLP, representing MR. MICHAEL S. BASKIN, Co-Trustee of the PAIA PAD TRUST'S submitting a Petition to Intervene dated November 19, 2014 on the request by FRANCIS SKOWRONSKI is requesting a variance from Maui County Code §19.15.040.C.2.b "Development Standards" (Rear yard setback standard of six feet) for the walk-in refrigeration unit that presently affords a 3'6" setback instead of the required 6'0", for property located at 87 Hana Hwy, Paia, Hawaii, 96779; TMK (2) 2-6-002:002 (BVAV 2014/0005)

E. APPROVAL OF THE AUGUST 28, 2014 MEETING MINUTES

F. NEXT MEETING DATE: December 11, 2014, Thursday

G. ADJOURNMENT

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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 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 November 26, 2014 was on November 12, 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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