

**BOARD OF VARIANCES AND APPEALS  
REGULAR MEETING  
July 23, 2015**

**A. CALL TO ORDER**

The regular meeting of the Board of Variances and Appeals (Board) was called to order by Chairman Abbott at approximately, 1:32 p.m., Thursday, July 23, 2015, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

A quorum of the Board was present. (See Record of Attendance).

Chairman Abbott: The meeting of the Board of Variances and Appeals will now come to order. It is 1:32 p.m., let the record show we do have a quorum.

**B. PUBLIC TESTIMONY**

Chairman Abbott: At this time if there's any public testimony, I'm opening it to public testimony. Seeing none, we'll close public testimony.

**C. PUBLIC HEARING**

1. R. GREGORY LAGOY AND VICTORIA JOYCE LAGOY applying for a variance from §19.30A.030(C), Maui County Code "District Standards" to allow a 36,000 gallon water tank to remain at 5 feet from the side and rear property line when a 15 foot side and rear yard setback is required within the agricultural district for property located 223 Aulii Drive, Kula, Maui, Hawaii 96768 TMK (2) 2-3-051:018, (BVAV 2015/0012); (M. Balberdi)

Chairman Abbott: Will the staff read the agenda item and state the purpose of the application please?

Ms. Balberdi: *Reads item into record.*

Chairman Abbott: Thank you. Is there a presentation?

Ms. Balberdi: Yes, just a short one.

Chairman Abbott: Thank you.

Ms. Balberdi: Ok. This is just to familiarize you with the property? Over here- - it's pointing down here, this is where the water tank is, located in the back. I think this is the applicant's garage. And this is the aerial view of the property which the water tank is back here. Again, this is his garage, his main dwelling and that's it.

Chairman Abbott: Thank you. Will the applicant please come forward, speak into the mic and state your name please?

Mr. Gregory Lagoy: Gregory Lagoy.

Chairman Abbott: Are you agreeable to waive the staff report?

Mr. Lagoy: I am agreeable to that. I'm familiar with the staff report.

Chairman Abbott: Are there any questions from the Board? Do we have any letters of support or opposition?

Ms. Balberdi: There was one letter of support and it was included in the staff report attached as an exhibit.

Chairman Abbott: Ok thank you. Thank you Greg, you may proceed please if you would. Thank you.

Mr. Lagoy: Proceed meaning sit down?

Chairman Abbott: No, no stay right there and present your case.

Mr. Lagoy: Ok. My case is actually quite simple. I guess it would only fair to state the history as to why this is coming out now when the water tank has been there for 15 years. When I put it in, it didn't occur to me that it was a building so it didn't even occur to me that we would need a building permit. So, I didn't look into setbacks, I just said "Well, let's see I've got about 35 feet between the building and the setback and if I give myself a few feet from the building and a few five feet from the setback, I can get a 36,000 gallon tank in here; 24 feet in diameter and about 10 feet tall.

So I did that and the reason that I put it there was because that is the high point on the property. And the reason why I bothered with a water tank when we're on county water- - have always been on county water. There were two reasons; the compelling reason was that at the time and for several years before and after we would go through periods of months of substantial water restrictions. And the water restriction 10% cutback was based upon typically a whole year's use and or in the previous several months when there was not much water needed because there was plenty of rain.

So it made sense to build a tank that would have enough water in it to be able to use- - because we use drip irrigation in all the garden beds as well as the fruit tree areas. To be able to not decrease our fruit drip irrigation during times of drought. So that's how I set it up and that's how we used it.

The valve area where the irrigation valves are set up, I have a choice of either county water or tank water. When water restrictions are on, I use tank water more in order to- -then I don't fill up the tank and we let it go through the dry season. It's a way for us to not have to suffer with our Ag stuff based upon water restrictions.

That is most of the story the only other piece of the story is when we first moved onto that property in the late 80's, there was some construction up at the end of the road and somebody

broke a water line and it was out for three days and people were having to check into hotels because you can't brush your teeth, you can't flush a toilet, you can't do anything without water. And it was a rude awakening for us and we thought, "How nice to have some water as well, for things like that."

Again, that's a very small piece of it. My hope is, and the reason why I'm going through this process, I'm basically requesting that this body consider the difference in the setback in the context of trying to maintain Ag during water restrictions. Because that's really what it boils down to. I can say that as you can see from the photos and I apologize for it not being in color, I had actually all of the color photos but the need for 20 copies came up and I didn't have time to go back to my house and put all the colored photos in, so I just xeroxed it.

But there's an oleander hedge on both sides so it's not visible from the neighbors. The one letter of support that came - - and I didn't ask people for letters of support, this came spontaneously, is from the adjacent neighbor on the side that has a building closest to this. So, it doesn't have an impact in the neighborhood. It doesn't really have an impact anywhere unless you've got aerial photography.

I just ask that you consider that and I respect that you folks are here to try to balance county needs, the rule of law and exceptional situations. And I hand it to you with full faith with whatever you come up with, I'm happy to abide by. If it needs to be a different setback- - there isn't room for a water tank there, so we'll just do without.

Chairman Abbott: Questions for the gentleman from the Board please?

Mr. Howard Kihune: I do.

Chairman Abbott: Howie?

Mr. Kihune: What type of agriculture are you growing on property?

Mr. Lagoy: We've got citrus, avocados; a few sorted other little things that don't amount to much and we've got 21 garden boxes where we have herbs and vegetables and things like that?

Mr. Kihune: For personal use?

Mr. Lagoy: Some, but we sell it. We bring in a few thousand a year, not a lot.

Mr. Kihune: Thank you.

Vice-Chairman Fukunaga: Question. Where do you drain the water to fill this tank up?

Mr. Lagoy: Spigot . . .It's up in the air above the tank- -

Vice-Chairman Fukunaga: Oh, so it's from your water meter?

Mr. Lagoy: its county water, we're buying the county water. We're just anchoring it when it's plentiful and then using it when it's not.

Chairman Abbott: Juanita?

Mrs. Juanita Reyher-Colon: I have a couple of questions. With this water tank and your property being Ag zoned, do you have a backup preventer on your water meter?

Mr. Lagoy: We do.

Mrs. Reyher-Colon: Perfect. Good job. Secondly, do you have any plans regarding flood mitigation if that tank should rupture?

Mr. Lagoy: No. I mean I could go into engineering details, I know what would happen, I know where the flow would be, I mean I'm an engineer so I understand all this stuff but no, I don't have a plan.

Mrs. Reyher-Colon: The last question, your neighbor that sent in the letter of support had commented about mosquitoes . . . how do you plan on addressing that issue?

Mr. Lagoy: That's not actually our problem. What she's cited doesn't exist. And I sent her - - she sent me a copy of the letter that she sent you and I read it and I texted her and I said, "You should know, here's a photo of the tank and it's got a standing thing inside so it has like a tent so that it can't collect water like that." I told her that years ago when some of the photos were taken, it had a different cover on it and it did sag, but what she saw was not water that was debris that collected.

So that was not - -and what there is . . . is a lot of plantings in that corner on her side, because we keep our plantings cut back so there isn't mosquitoes and she didn't know that the wondering ... (inaudible)... and these other things that trap water were breathing places for mosquitoes and by the time we finished our conversation, she was very grateful that I had - - I wasn't so happy that she had used avenue to say that she thought I was causing a mosquito problem, because I would've been happy to talk to her then. But they don't actually live there, they live in Oahu and they just bought the place and they haven't moved yet, so we're just beginning our communications.

Chairman Abbott: I just noticed that the picture you submitted in the thing here, it does look like it sags.

Mrs. Reyher-Colon: Yeah.

Chairman Abbott: It doesn't look like its domed.

Mr. Lagoy: Because what I did to show her is I stood further back.

Chairman Abbott: No, I understand.

Mr. Lagoy: No, it's domed. One of the pictures that you had up here has it with the new peek on it and one of the pictures is older and it has the sag.

Mrs. Reyher-Colon: My final question is, from these pictures that you submitted- -for myself, I can't really tell whether or not that structure is outside of the five foot setback that you have- -

Mr. Lagoy: It's about 5'8 from one boundary and about 6'6 from the other boundary. Is that what you were asking?

Mrs. Reyher-Colon: Yes. So at this particular moment, there's no visual clarification that that's in the 5' or 15'- -Well, we know it's in the 15' but he's asking for a 5' - -

Mr. Lagoy: Well, Planning sent up a fellow who looked at the boundary marker which it was surveyed, because it was surveyed recently and I stood with him and we looked at the fence, and he measured it and your staff report should reflect that.

Mrs. Reyher-Colon: In the staff report, I thought it said it could not be determined . . . Yes so, on page 2 of the staff report, "Site inspection on June 3<sup>rd</sup> to determine a setback of the water tank. Due to the over grown plants, he could not determine the exact distance."

Mr. Lagoy: Right. The exact meaning to the inch; but it's within less than a foot. We could- -

Mrs. Reyher-Colon: So, what happens if it's say 4' from the boundary line?

Mr. Lagoy: Then that means that the fence isn't plantings and that have been there forever and the surveyor who put in the stake are all wrong. Seriously, that is what it would mean. It would mean that the surveyor who did the survey because the fences come together at the corner, and where the survey pin was, we simply kept that distance from the fence on both sides.

Now it's a fence, and like you said, you can't tell exactly, it may be 2" or 3" off. But, it's already- - I gave myself padding so, I don't think it's an issue. But that's my favored rights.

Mrs. Reyher-Colon: Ok. That's it.

Chairman Abbott: Raymond?

Mr. Raymond Sung: Question Mr. Lagoy. I'd like you to clarify please. I understand that the topography of the lot is such that the current location is at the high point, so by natural gravity the water will just flow downwards in the various directions.

Mr. Lagoy: Right.

Mr. Sung: But, if the tank were to be located somewhere else- -

Mr. Lagoy: I could put a pump on it.

Mr. Sung: Exactly. So, is that a large financial commitment to put a pump on it or is this rather something straight forward?

Mr. Lagoy: It would be large because to put the tank anywhere else, would be at least 250' from any electrical source. So you'd be trenching down at 18". It would be a big thing to power the pump, to run power to the pump.

Mr. Sung: Have you inquired as to getting cost estimates, quotes as to what it might cost?

Mr. Lagoy: I haven't. One of the things is that the kind of pump that one normally uses which would be a small pump with a bladder chamber on it . . . they're noisy, so that would imply to either burring it inside some kind of little thing.

I haven't really looked into it much. It would be an eye sore for the entire neighborhood if it were put anywhere else, and I wouldn't want to inflict that on anybody, regardless of how- -

Mr. Sung: I thought it couldn't be seen?

Mr. Lagoy: In the corner that it's in, it can't be seen.

Mr. Sung: I see. But from somewhere else, it might be seen?

Mr. Lagoy: Almost certainly it would be seen. So that would be unacceptable for us and our neighbors.

Mr. Sung: So then, if the variance requested were to not be approved, would your alternative be simply to remove the tank and not replace it?

Mr. Lagoy: That's it. Correct. That is exactly right.

Mr. Sung: Ok. Thank you.

Chairman Abbott: Howard?

Mr. Kihune: Mr. Lagoy, when was the tank put in? Do you know when?

Mr. Lagoy: In the summer of 2000.

Mr. Kihune: And your garage was built when?

Mr. Lagoy: In the 80's before we got there. It was there when we arrived in 1989, on the property.

Mr. Kihune: Correct me if I'm wrong. It's kind of interesting because your garage shows like there's a- -

Mr. Lagoy: A notch out of it- - I know.

Mr. Kihune: Yea. You ...(inaudible)... cut it out when you put the tank in or something?

Mr. Lagoy: The garage was there, I put the tank in afterwards and the reason that it's like that is

because there's a little stone wall, it's a really short wall, a retaining wall, because the back lot line is - - that's a high side even if it does slope down the other way. And the house has a brick patio behind it and so that retaining wall runs almost the entire length. And the retaining wall has a - - it curves towards the end. And when this building was apparently built, the building went so far and then it jogs in and it continues to clear the retaining wall.

And what that did is it made that area at the back wider at that spot. So it made it the perfect place and that's why I made it 24' because it actually got wider and I was able to get a bigger tank then I'd otherwise would have. If that retaining wall hadn't veered like that.

Mr. Kihune: I was just trying to get some timeline on that. Thank you.

Chairman Abbott: Greg, how many feet from the garage side and the hedge is the garage from the property line?

Mr. Lagoy: The wall of the garage to that back property line is over 30' it's a little over 30'. And on the other end of that garage its 15' or a little over like 17' or something like that.

Chairman Abbott: Ok. I know it was in the diagram that we got but it looks considerably closer, I guess it's due to the angle of the photograph.

Mr. Lagoy: And the roof overhang is not included in that.

Chairman Abbott: Right. And the tank appears to be gigantic in relation to the garage.

Mr. Lagoy: The tank is 24' across and the narrow end of the garage at that point is 22 minus 5, whatever that is- - that's 17'. So it's quite a bit bigger.

Chairman Abbott: Ok. Do we have any other questions for Mr. Lagoy? Because I would like to have the staff read their report now.

Mr. Sung: I have a question either for Mr. Lagoy or for staff, but I'm just curious, if this was initially built in 2000, how is the issue only coming up now in 2015 and you're asking for the variance?

Mr. Lagoy: It came up because I put in a building permit request over a year ago for a pool. And the folks said, "Gee, there's all kinds of stuff on this property, that's not permitted." So, I didn't know about that, so we went through it all, so I'm in the process of conforming it, getting the whole thing conforming.

And one of the things that came up was this tank and there's no building permit for it, I'm not going to put in a building permit application until I find out if it's going to be allowed. If it's not allowed, then there's no point, we'll just take it down.

Mr. Sung: And is anything else on your property going to be in dispute as far as- -

Mr. Lagoy: I don't think so, everything else- -

Board of Variances and Appeals  
Approved Minutes-July 23, 2015  
Page 8  
Mr. Sung: It's just this?

Mr. Lagoy: Yeah. It appears to - -I had a licensed engineer come and look at things and a drafts person, because we had to put all kinds of plans together to bring into the county. And everybody said it looks like it's been done to code, it just wasn't permitted.

Mrs. Reyher-Colon: Currently, its 36,000 gallons, are you willing to go to a smaller size tank, to irrigate your orchard?

Mr. Lagoy: So, just to give you an idea, if we were to increase the setback to 15', it can't come closer to the building, because of the setback to the buildings. Just one of the things I did when I was having to do that, was measure that and the folks next door here said it was enough, it's more than 5'.

And so we'd be taking a 24' tank and reducing 10' off of it in this direction, that would make it 14' and so it would go down to probably 10,000 gallons or less and then we'd have to move it or cut another 10' out the other side and end up with a 2,000 or 3,000 gallon tank. It would be a tiny tank if we were to put 10' off both sides of it.

Then it would be a matter of whether we would relocate it further away from that other boundary. I don't think we'd put that much in to it. The whole thing cost us like - - I don't know, we bought it new and maybe \$3,000 or something like that. I just put it up myself so, I don't think I would go through any of that.

Mrs. Reyher-Colon: Ok thank you.

Chairman Abbott: Howard?

Mr. Kihune: Question. How big is your pool planned to be.

Mr. Lagoy: We're looking at one of those miniature pools with the propeller thing in the front of it. Like 9' wide and 18' long or something like that.

Mr. Kihune: Can you give me a general location where it's going to go?

Mr. Lagoy: The pool is going to go in between the cottage and the house generally.

Mr. Kihune: The cottage is on the far right? Where that tree area is?

Mr. Lagoy: Yeah. And in the process of this, there's no more trees there because we are on cesspools, we had three cesspools there. So we've put in two septic systems and had to take out. It took us probably six months of builders or machinery and what not to get the septic systems a big deal, and we had to take out a huge monkey pod tree to do it.

Mr. Kihune: The reason I asked Mr. Lagoy is, you're putting in a pool and I don't know exactly how many gallons that is, if it came down to a drought situation the water from the pool could be used too. But, it all depends; I'm not sure how big that pool as far as gallon wise would be.

Mr. Lagoy: Well, it's the length times the width times the depth times 7.5. About 5,000 gallons.

Mr. Kihune: Thank you.

Mr. Sung: Bear with me I'm not an engineer so I'm just going to ask this "what if" and maybe it doesn't make sense. But, what if the tank were left in the same location but buried so it's not sticking up, you would still probably need a pump then to pump the water out, but then again it can still flow and if it were buried so it was not sticking up, does that run afoul of the setback requirements if it's not above ground anymore?

Mr. Lagoy: It does.

Mr. Sung: It still is a setback issue?

Chairman Abbott: John, we'll pass to you.

Mr. John Rapacz: Thank you. And I'm going to try and quickly find, so I can quote directly from the code. The definition of yard: "Yard means, an open space on a lot, unoccupied and unobstructed from the ground upward by any structure". So if there is no structure above, then it would not be considered an issue with the setback.

Mr. Sung: So if he actually buried it completely, it would not be a setback issue.

Mr. Rapacz: Right. And in fact, we have allowed swimming pools in the setback so long that part of the pool extends above the ground.

Mr. Sung: So then I guess the question is that even feasible Mr. Lagoy to bury it?

Mr. Lagoy: It's not something that I would do. I mean it's feasible from an engineering point of view.

Mr. Sung: But, not something that you would want to do?

Mr. Lagoy: I wouldn't want to do and you're not supposed to bury galvanized steel because it can't have moisture against it all the time, it'll go bad- -so there's a number of considerations.

Mr. Sung: Thank you for the explanation.

Chairman Abbott: Max, go ahead, please speak into the microphone.

Mr. Max Kincaid Jr.: During the course of all the droughts while you were there on the property, how much water did you use at any given time? Cause 36,000 is what you have right now.

Mr. Lagoy: Right. So, there's total property irrigation, there's total property water usage and then there's total irrigation and some of that is ornamental irrigation spray and then some of it is just Ag with drip. I'd have to estimate it. So if you want me to estimate it here, I can do that. But what we did is we ran it for probably eight months. And I would use county or water tank and then

look to try to make it so that I didn't use more than about a foot a month, because we've gone through periods where I figured I'd like it to last up to 10 months.

So I would just operate my valves so that I would use that much. So we'd do part of - and this is only with the valves that are on the drip irrigation, the ornamental irrigation there are two other valves sets for that and they're only on county because obviously a setup like this won't run it. So probably then 2,400 gallons is about - -3,600 gallons a month so about a 110 gallons a day- 120 gallons a day then is what the usage is that was sort of saved and stored and using the tank.

Mr. Kincaid: Thank you.

Chairman Abbott: Chad?

Vice-Chairman Fukunaga: Question. Are you keeping the tank full? Most of the time is the tank topped off?

Mr. Lagoy: I keep the tank topped off all through the rainy times and what not and once the rain stops and it looks like it's getting dry out, I try to keep an eye on whether this is a short-term or a long-term thing. If it looks like it's going to be a dry problem thing then I start using it. I haven't started using it this year I was thinking, it's been pretty wet and then I was going to start using it and then I started working on this, so I'm quite distracted from the whole idea at the moment.

Vice-Chairman Fukunaga: ...(inaudible)...stagnation in the water--?

Mr. Lagoy: its dark, it's covered. I've worried about that, I've worried about getting algae in it, but it won't get algae cause it's dark. I've got filters so that when it comes in if there's some debris that gets in or dust comes through the lid and forms some debris, it filters it out so it doesn't plug my drippers. So there's little filters in the valve bodies themselves that turn on and off.

It's never been a problem. I put a new liner in it about three years ago and a new top on it and I was astonished on how clean it was inside. It had a layer of silt on the bottom but it has a white fruit grade liner in it and it was still white. Up around the top where it wrapped and what not, it has dried out and it was cracking and parts of it were starting to fall down because of that, but it wasn't grotty like one would expect and the water was clean. I was quite surprise at the quality.

Chairman Abbott: Go ahead. Thank you Juanita.

Mrs. Reyher-Colon: Just to confirm, this 36,000 gallon tank is for irrigation purposes only and not for potable usage?

Mr. Lagoy: Correct. There's no way to get it for potable usage without going in there with a ladle or something to bring it out. Which in an emergency, that's a different story.

Chairman Abbott: At this time I'm going to ask for the staff's recommendation please.

Board of Variances and Appeals  
Approved Minutes-July 23, 2015  
Page 11  
Mr. Lagoy: Should I sit down?

Chairman Abbott: No, stay there please. There may be questions in between. Thank you for your patience.

Ms. Balberdi: Based on this analysis the Planning Director has concluded that the applicant does not meet any of the three requirements that there is not an exceptional unique or unusual physical or geographical condition that's existing on the subject property. And there is the strict compliance with the provisions of this title will not prevent useable use of the property and the condition creating a hardship is the result of the applicant's actions who constructed the water tank without the proper permits.

Chairman Abbott: Thank you. Any more questions? Chad, you look like you have a question.

Vice-Chairman Fukunaga: Yeah. So we have certain criteria that you need to address for every application. And personally, I agree with staff's recommendation. So I'd like to give you the opportunity to further argue your point. And the first point is that you need to establish that you have a unique physical or geographical condition existing on your property as it's different from other properties in your area. And that's the first ...(inaudible)...I'm trying to- - I understand your point, but I don't see that your property is unique.

Mr. Lagoy: Every property has a high point and a low point right?

Vice-Chairman Fukunaga: Yes.

Mr. Lagoy: So yea, that's right, it's not unique. It's a use, it's something not knowing it would be an issue seem to be like a good idea at the time and there are other ways to deal with the water restriction problem, so- -

Chairman Abbott: I have a – and this may be kind of a strange question. But do water tanks come in various sizes? Or shapes?

Mr. Lagoy: All sorts of sizes, no shape differences but they need to be round. But all different sizes.

Chairman Abbott: Ok. Any more discussion from the Board members for Mr. Lagoy? Do we have a motion from the Board regarding the matter?

Mr. Sung: I'll make a motion.

Chairman Abbott: Thank you.

Mr. Sung: I move to adopt the Staff Report and Recommendations. I agree with their analysis and for that reason I will move to deny the request.

Chairman Abbott: Ok. We have a motion to deny the request. Do we have a second?

Mr. Willy Greig: Second.

Chairman Abbott: We have a second. Discussion? All in favor of the denial vote Aye.

Members: "Aye."

Chairman Abbott: Any no's? Thank you Mr. Lagoy, the **variance is denied**.

Mr. Lagoy: Ok. Thank you everybody, I appreciate your time and effort that you put into this.

Mr. Kihune: Thank you.

Mr. Lagoy: Aloha.

It was moved by Mr. Sung seconded by Mr. Greig then,

**VOTED: Motion to deny the variance request as stated in the Staff Report and Recommendation.**

**(Assenting:, C. Fukunaga, H. Kihune, W. Greig, R. Sung. J. Reyher-Colon, M. Kincaid)**

**(Excused: P. DePonte, T. Espeleta)**

**D. APPROVAL OF THE JUNE 10, 2015 MEETING MINUTES**

Chairman Abbott: Next agenda item is the vote of the minutes, approval of the minutes.

Mrs. Reyher-Colon: I make a motion to approve the minutes of the June 10<sup>th</sup> meeting.

Chairman Abbott: Do we have a second?

Mr. Sung: I have some corrections.

Chairman Abbott: Ok. We have a question or correction.

Mr. Sung: Ok. So, on page 7, the middle of the page in the paragraph attributed to me, the last sentence reads "but that's my deal" that's not what I said and it's not something I would've said.

Chairman Abbott: I'm sorry Raymond could you please tell what page?

Mr. Sung: Page 7, the middle of the page, the paragraph that's attributed to Mr. Sung, the last sentence reads "but, that's my deal". I did not say that, that is not something I would've said. Most likely, it probably was something to the affect of "but, that's my feeling". That would make sense, that's sort of what I remember the connotation or context of what I was saying, but I wouldn't say "but, that's my deal."

Chairman Abbott: Understand. Any other corrections.

Mr. Sung: Yup. Page 18 again in the middle of the page in that paragraph attributed to Mr. Sung, third line from the bottom, it reads "interpretation and taking into view that they step into the shoes of their predecessor and the word is and a-n-d and the next word is interest." That should be predecessor-in-interest. Predecessor-in-interest not predecessor and interests.

Chairman Abbott: Gotcha. Thank you.

Mr. Sung: Still checking. Those are my only two. Thank you.

Ms. Thomson: And then you have the same corrections in the next line right?

Mr. Sung: Did I?

Ms. Thomson: Yeah. So "and their predecessors- in-interest"

Mr. Sung: You're right because in the next line it's without the "in" i-n". Thank you counselor.

Chairman Abbott: We have a motion, we have discussion, do we have a second for approval of the minutes.

Mr. Sung: I'll second the motion to adopt the minutes as corrected.

Chairman Abbott: As corrected, ok. Do we have a motion to second that?

Mrs. Reyher-Colon: I second.

Chairman Abbott: Ok. We have a second. Thank you. Any discussion? All in favor?

Members: "Aye."

Chairman Abbott: Thank you. **Motion carried.**

It was moved by Mr. Sung seconded by Mrs. Reyher-Colon then,

**VOTED: Motion to adopt the June 10, 2015 meeting minutes as corrected.**

**(Assenting:, C. Fukunaga, H. Kihune, W. Greig, R. Sung. J. Reyher-Colon, M. Kincaid)**

**(Excused: P. DePonte, T. Espeleta)**

**E. NEXT MEETING DATE: THURSDAY, AUGUST 13, 2015**

Chairman Abbott: Anything else that we need to discuss? Any Director's report? Anything? If not, the next meeting date is August 18?

Ms. Balberdi: 13<sup>th</sup>.

Board of Variances and Appeals  
Approved Minutes-July 23, 2015  
Page 14  
Chairman Abbott: August 13, 2015.

**F. ADJOURNMENT**

Chairman Abbott: If there's no further business, meeting adjourned at 2:06 p.m.

There being no further to come before the Board, the meeting adjourned at 2:06 p.m.

Respectfully submitted by,

*Chalsey Kwon*

CHALSEY R. K. KWON  
Secretary to Boards & Commission II

**RECORD OF ATTENDANCE**

**Members Present:**

G. Clark Abbott, Chairman  
Chad Fukunaga, Vice-Chairman  
Howard S. K. Kihune  
William Greig  
Raymond Sung  
Juanita Reyher-Colon  
Max Kincaid Jr.

**Members Excused:**

Patrick De Ponte  
Teddy Espeleta

**Others:**

John Rapacz, Planning Program Administrator, Department of Planning  
Carolyn Cortez, Staff Planner, Department of Planning  
Malia Balberdi, Staff Planner, Department of Planning  
Nancy Mahi, Secretary to Zoning Administration Division  
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel

**Others Excused:**

Chelsea Rabago, Staff Planner, Department of Planning  
Chalsey Kwon, Secretary to Boards & Commission II, Department of Planning