

**BOARD OF VARIANCES AND APPEALS
REGULAR MEETING
August 13, 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, 1:30 p.m., Thursday, August 13, 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 1:30 p.m., let the record show we do have a quorum.

B. PUBLIC TESTIMONY

Chairman Abbott: At this point in time if there are any people wishing to give testimony that cannot give it when their item is called, you may come forth now. If not, wait until the item is called before you testify. This is for people who are under a time constraint.

Seeing no one, I will take that as a no.

C. PUBLIC HEARING

1. JORDAN HART of CHRIS HART & PARTNERS, INC., representing MAUI TIMESHARE VENTURE, LLC, is applying for a variance from Maui County Code (MCC), §19.14.050, "Development standards" to allow a side yard distance of 29' instead of the required 30' for property located at 180 Nohea Kai Drive, Ka'anapali, Hawaii; TMK (2) 4-4-013:013 (BVAV 2015/0011); (C.Rabago).

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

Ms. Chelsea Rabago: Afternoon, Chelsea Rabago with the Planning Department. *Reads item into the record.*

Chairman Abbott: Is there a presentation?

Ms. Rabago: Yes, by the applicant.

Chairman Abbott: Ok. Would you please come forward and state your name and speak into the microphone please?

Mr. Jordan Hart: Good afternoon Chair and members. My name is Jordan Hart of Chris Hart and Partners, I'm representing the applicant.

Chairman Abbott: At this point Sir, are you willing to waive the staff's presentation or their report?

Mr. Hart: I am.

Chairman Abbott: Thank you. Please proceed.

Mr. Hart: Thank you. As stated, this is a request for a specific encroachment of an existing structure. The applicant, Maui Timeshare Venture, LLC is the owner of the timeshare tower, we're their consultant. This is a request for variance from Chapter 19.14.050 Development Standards.

As some background, the timeshare tower is 12 stories in height, its 131 units, and it was initiated for construction in July of 2013 under Building Permit 2013/0596. The construction of the timeshare tower passed final building inspection in November of 2014. The encroachment was discovered by the applicant in January of 2015.

There was a final construction land survey in closing out the project. It was discovered that approximately 10 inches of a stairway the corner of the stairway is encroaching on the side yard setback. So we are here to request a variance for that specific encroachment. And the goal is just too basically established and document compliance of completion of the project.

The timeshare tower is located within the Ka'anapali Beach Resort, here's a regional location map, here's an aerial location map, this aerial location map the photo was taken before the construction of the timeshare tower. The timeshare tower is constructed here as existing- -Hyatt regency here.

Here's a photograph of the completed timeshare tower. This is looking from south to north; we're going to be talking about a stairway that's on the north end of the project site here. This is looking from west towards the east and this is the segment that encroaches here. This is a segment of the construction plans and basically what you're looking at is ground level. There is a parking area below subsurface.

This is a beach access path owned by the County of Maui that takes you from Nohea Kai Drive to the ocean. A maintenance path that comes up from that area and then this is an ingress egress stairway like an emergency stairway. And just this corner here of this CMU wall is encroaching 10 inches. Hawaii Revised Statute identifies de minimis encroachments for multi-family development as being four inches, so it's beyond that threshold so the owner was obligated to address it, just for the security of their property in the future.

This is a detail prepared by the surveyor identifying what we're talking about. This is was that stairwell-stairwell goes 12 stories. But this triangle here is encroaching. The distance of encroachment is 0.897 feet, that's approximately 10 and 3/4 inches. The side yard setback in this location would be 30 feet. We're talking about approximately 2.9% of the total setback and this is the only location on the project site where there's any sort of encroachment and the only location where we're asking for a variance.

We're not asking for a reduction of the full length of setback just to clean up this location. This is standing on the ground looking directly at the encroachment; it's here-this triangle or this corner here. This is looking west to east; this is looking east to west, this right here. Close up.

So the justification of the variance as you saw in the Planning Department's staff report, the project meets the criteria for a variance. The unique condition is that the abutting parcel is a county owned beach path. This is not a prevalent condition in the neighborhood. There would be direct impact to a 10 inch encroachment in one location to the beach access.

Strict compliance with regulations would require demolition of a 12 story 10 inch encroachment. This would result in a lot of other impacts. Basically, they would have to reanalyze the structure; they would have to redesign how to address this ingress egress feature in relation to the building. We're in the Special Management Area; it would likely require a SMA Major permit. There are a lot of other impacts that are really - - would result if the strict compliance was applied.

The encroachment was not the act of this current applicant, basically there was a Holding Company that was the construction developer at the time. The site was laid out and the building was constructed in this time frame, the ownership entity assumed the property and basically coming to you to try to clear this up.

That's really the meat of the presentation. So thank you for that and I'm available for any further discussion.

Chairman Abbott: Thank you. Further questions from the Board at this time? Do we have any letter of support or opposition to the project?

Ms. Rabago: There were no letters of support or opposition.

Chairman Abbott: Thank you. Any other public testimony? Again, I refer to the Board, does anybody have any questions?

Vice-Chairman Fukunaga: I have a question, I don't know if it's for the applicant or the staff. But the variance is ... (inaudible)... from County Code 19.14.050 . . . is that the section in regards to lot coverage?

Mr. Hart: I believe the section we were trying to address is design standards and area regulations for hotel zoned. So it would be the section that dictates side yard setbacks.

Ms. Rabago: No, that's accurate. It's for the hotel district standards.

Vice-Chairman Fukunaga: When I look at my book- -

Ms. Rabago: Oh yes, no- that's lot coverage.

Vice-Chairman Fukunaga: Yeah, it's lot coverage. Are we- -

Ms. Rabago: No, this is the old one I think.

Vice-Chairman Fukunaga: Am I looking at an old one?

Discussion regarding old code and new code amongst staff and members.

Mr. Hart: If I may, there's an insert in the staff report that I believe reflects the proper information. That would be page 6 of the staff report and then it continues on.

Chairman Abbott: We have a pause going on. Be patient with us.

More discussion regarding old code and new code amongst staff and members.

Vice-Chairman Fukunaga: Sorry, I've been updated.

Mr. Hart: I would just like to say that I appreciate you raising that. It would be terrible if we got a variance for the wrong section.

Vice-Chairman Fukunaga: Is there an overhang on this structure?

Mr. Hart: There is a roof overhang. Yes.

Vice-Chairman Fukunaga: Do you know what the overhang is?

Mr. Hart: I don't have that handy I believe. I believe it's something like three feet but I don't have it immediately handy.

Vice-Chairman Fukunaga: I guess the reason why I was asking that and looking at the ordinance was - - I'm not sure if I understand the ordinance properly and I want to make sure it doesn't include the overhang. If it does and if it does exclude overhangs only to a certain distance- - Is that something that Staff- -

Chairman Abbott: Yes, John go ahead.

Mr. John Rapacz: The way that we've applied the ordinance is to measure from the main wall of the building closest to the setback. We have- - because we recognize there can be a huge variation in overhangs and that kind of thing, we've typically allowed up to three foot overhang, so long as the main wall is at or away from the setback area.

Vice-Chairman Fukunaga: So if the overhang is more than three feet, how is that?

Mr. Rapacz: That's been my understanding. That's been the practice. That usually applies in residential, I'm not sure if there might be some further flexibility if it's a large commercial building.

Mr. Hart: If I could add some clarity, the project did go through Building Plan Review with ZAED as well. I don't have those building plans in front of me, but I'm going to assume that the building overhang complied with the requirements under review. So it may be that it is also 10 inches beyond as well. Because the whole thing was constructed- - when they were constructing it, they didn't realize they were 10 inches over. So the overhang may reflect as well.

Vice-Chairman Fukunaga: Are you saying the overhang is a part of that encroachment?

Mr. Hart: No, the measured encroachment was the boundary wall.

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Vice-Chairman Fukunaga: Ok.

Chairman Abbott: Any other questions? May we have the staff's report please? Staff's recommendation.

Mr. Howard Kihune: I've got a question.

Chairman Abbott: Howard?

Mr. Kihune: Mr. Hart, just a quick question. The original survey prior to going vertical, is that done by the same company that did the foundation?

Mr. Hart: No. Unfortunately it was one of the contractors that did the foundation. The surveyor got the site and the separate surveyor did the post construction survey to verify everything.

Mr. Kihune: Ok. Thank you.

Chairman Abbott: John?

Mr. Rapacz: I'm sorry Mr. Chair, I was speaking with staff and I didn't hear the question.

Chairman Abbott: No problem. We just need the staff's recommendation.

Mr. Rapacz: Ok.

Ms. Rabago: Ok. Based on its analysis the Director has concluded that the applicants have met all three requirements in order for the variance to be granted. Therefore, the Director recommends approval of the subject variance with the standard conditions.

Chairman Abbott: Thank you. Any other discussion from the Board members?

Chairman Abbott: We'll have to excuse Mr. Sung for just a minute please. Before we call for a vote, we need him or we don't have quorum.

Mr. Raymond Sung leaves meeting room at 1:44 pm. Returns at 1:52 pm.

Ms. Richelle Thomson: We still have quorum

Chairman Abbott: I was reminded we do have a quorum.

Vice-Chairman Fukunaga: Chair, I want to clarify what's being considered here. Jordan, you mentioned that you're just requesting a variance just for where the structure is now and not a variance along that entire building- -

Mr. Hart: And to re-clarify, yes, this figure that is up now most clearly presents what we're requesting. Just basically portion of the structure that happens to encroach onto the side yard setback is what we're asking for. We're not asking to reduce the side yard setback on the north boundary to 29'.

Vice-Chairman Fukunaga: Ok. So question for staff, is there an exhibit that we would attach to the variance? Say this is where the variance takes ... (inaudible)... or are we just referencing a portion area?

Mr. Rapacz: There is not a specific exhibit in the staff report. But the approval would be based on the application that's been submitted and the exhibits- - I believe the same exhibits in the application.

Mr. Hart: It is as well as others.

Vice-Chairman Fukunaga: Ok.

Chairman Abbott: Any other discussion? Do we have a motion? I'll make a motion to approve the variance with all of the regulations and all of the information infringed in the staff report.

Mrs. Reyher-Colon: Second.

Chairman Abbott: We have a second. Any discussion? I'll call for a vote. All those in favor say "Aye."

Members: "Aye".

Chairman Abbott: Any opposed? No. The variance is granted. Thank you very much.

Mr. Hart. Thank you.

It was moved by Chairman Abbott seconded by Mrs. Reyher-Colon then,

VOTED: Motion to approve the variance with all the regulations and information in the Staff's Report and Recommendation.

(Assenting: G. Abbott, C. Fukunaga, H. Kihune, W. Greig, R. Sung. J. Reyher-Colon)

(Excused: P. DePonte, T. Espeleta, Max Kincaid.)

Chairman Abbott: Ok next item up. Staff?

2. LOKAHI PACIFIC, together with the COUNTY OF MAUI DEPARTMENT OF HOUSING, is applying for a variance from Maui County Code (MCC) §19.84.040(C)(1), "Development Standards" to allow the creation of 16 lots on a 1.9322 acre (84,167 square feet) parcel when MCC states that 15 lots are allowed for property located at 2023 Mokuhau Road, Wailuku, Hawaii; TMK (2) 3-4-033:005, (BVAV 2015/0013); (M. Balberdi).

Ms. Balberdi: Hello, my name is Malia Balberdi; I'm a Planner with the Planning Department.
Reads item into record.

Chairman Abbott: Thank you. Is there a presentation?

Ms. Balberdi: Yes. Just to familiarize you with the subject property I've prepared a brief presentation. The proposed subdivision is located in an area called Happy Valley. Mokuahau Road is located west off of North Market Street, which past Takamiya Market as if you were heading to Waiehu Terrace.

Currently this is the entry to the proposed subdivision and as you can see, the property is cleared of all buildings and miscellaneous structures. This site plan which is also part of the applicant's application depicts how the lots are going to be situated for the proposed subdivision. On each lot will have a three bedroom, two bath, single family, two-story dwelling with a living area of 1,180 square feet and a covered entry, garage and enclosed laundry room.

If there are no other further questions, I would like to introduce the applicant Susie Thieman who is the Executive Director of Lokahi Pacific.

Chairman Abbott: Thank you. Would you come forward, state your name and speak into the microphone please and are you willing to waive the staff report?

Ms. Susie Thieman: Ok. That's three things right? Susie Thieman, Executive Director with Lokahi Pacific and Yes.

I want to thank you all for considering this today, I think you all have a copy of the packet that was sent out earlier, showing the property and what we plan to do with it with all the plans on it and so forth. I would like to call your attention to a typo that we had on the first page of the variance application. In the last paragraph, second line, last figure quoted there 3,00- - obviously we're missing a zero (0), so it's 3,000 square feet; which is a minimum for zero lot line.

Just to give you a quick overview and I think we stated it pretty clearly in the request, that with the dire need for affordable housing a request to build 16 houses rather than the 15 that are allowed by code, we're trying to do what we can to help with those prices.

Would we not build it if we only get to do 15? Obviously the answer is "Yes, we will still build it." But, if we can build 16 and not infringe on anyone's rights-if you will . . . that's what we would like to do. And the lots as you can see from your packet vary in size from almost 3,200 square feet to 5,200 square feet.

So each of the houses has a good size lot and the house footprint is about 700 square feet, off of that 3,200 so you've got a 2,500 foot yard or square foot yard for these families, for the kids to play and enjoy life and growing up.

I don't want to take time to go over the things that are in here because I know you've read it, you're up on it. And I guess I would just like to ask that if you have any questions, please ask and we'll try to answer them.

Chairman Abbott: Ok. Are there questions from the Board?

B. PUBLIC TESTIMONY (Continued....)

We'll close public testimony. I'm sorry we have to open it first. Is there any public testimony? Seeing none, I'll now close public testimony.

C. PUBLIC HEARING (Continued...)

Chairman Abbott: May we have the staff's recommendation please?

Ms. Balberdi: Based on its analysis the Director has concluded that the applicants have met all three requirements in order for the variance to be granted.

Chairman Abbott: Thank you. Again, any discussion or questions from the Board?

Mr. Howie Kihune: Comment. I'd like to really stress your commitment Lokahi and the County's to actually develop this. I think it's a very needed project, as we all know affordable housing will continue to be a big issue here in the County for many, many years and you need to tackle this by taking small projects at a time. So congratulations.

Ms. Thieman: Thank you very much. I appreciate that.

Mr. Kihune: You're welcome.

Chairman Abbott: Thank you Howard. Any other comments? Questions? Discussion? Seeing none, do we have a motion?

Mr. Kihune: Motion to approve.

Chairman Abbott: We have a motion to approve the variance.

Mr. Sung: Second.

Chairman Abbott: We have a second. Any discussion on this?

Ms. Thomson: Just confirming that-that is with the recommendations and staff report?

Mr. Kihune: Correct.

Chairman Abbott: It includes everything the staff report recommends. So I'll call for a vote, all those in favor say "Aye."

Members: "Aye."

Chairman Abbott: Any opposed? No. The **variance is granted.**

Ms. Thieman: Thank you very much we really appreciate it and I know that 16 families will appreciate it, especially the 16 families. Thanks.

Chairman Abbott: You betcha.

Mr. Kihune: Good luck.

Ms. Thieman: Thank you.

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

VOTED: Motion to approve the variance as stated in the Staff's Report and Recommendation.

(Assenting: G. Abbott, C. Fukunaga, H. Kihune, W. Greig, R. Sung. J. Reyher-Colon)

(Excused: P. DePonte, T. Espeleta, Max Kincaid.)

D. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER (D&O)

1. Having voted on January 22, 2015 to approve the variance for M. Herling Subdivision (BVAV 2014/0004), the Board will consider and may adopt the draft Findings of Fact, Conclusions of Law and Decision and Order.

Chairman Abbott: Ok, the next agenda are the minutes, for approval. Richelle, you have anything to say.

Ms. Thomson: Yeah. You're going to do the Decisions and Orders, right? The list of Decisions and Orders?

Chairman Abbott: Yes.

Ms. Thomson: Ok. So if you could confirm that all of you have had the chance to review the record and if you weren't present for the voting that you familiarize yourself with the documents that led up to the Decision and Order and that it accurately reflects the record. That's what you'll be voting on today is that the D&O accurately reflects the record.

Mr. Kihune: Looks like we're catching up.

Chairman Abbott: Should we call for a vote?

Ms. Thomson: We should take them one by one.

Chairman Abbott: Ok. Starting at the top here, the David Jorgensen, Takitani proceedings . . . should we take them one at a time or in a group?

Ms. Thomson: We should do it one at a time, it would be better.

Chairman Abbott: Can I call for a vote now?

Ms. Thomson: Motion to approve and then vote.

Chairman Abbott: A motion to approve?

Mr. Kihune: Any docket number in specific? Or all of the dockets- -

Ms. Thomson: I think it would be better to do them separately, just so there's no confusion on the record. If you want to just go down the order on the agenda, the first one is Herling, and that's BVAV 2014/0004.

Chairman Abbott: Right now, we're on the Jorgensen topic, because I got them a little out of order; want them in order?

Ms. Thomson: May as well.

Chairman Abbott: What order did you have them in?

Ms. Thomson: Herling first.

Chairman Abbott: Ok. Motion to approve on the Herling?

Mr. Sung: I so move.

Mr. Kihune: Second.

Chairman Abbott: It's been moved and seconded. Any discussion? All in favor?

Members: "Aye."

Chairman Abbott: Any opposed? None. **Passed.**

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

VOTED: Motion to approve/adopt Decision and Order BVAV 2014/0004.

(Assenting: G. Abbott, C. Fukunaga, H. Kihune, W. Greig, R. Sung.)

(Excused: P. DePonte, T. Espeleta, Max Kincaid.)

(Abstain: J. Reyher-Colon)

Discussion between Chairman Abbott and Ms. Thomson

D. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER (D&O) (Continued...)

2. Having voted on March 12, 2015 to approve the variance for Land Court Application 342/Agena (BVAV 2015/0001), the Board will consider and may adopt the draft Findings of Fact, Conclusions of Law and Decision and Order.

Chairman Abbott: Ok. Now we're on - - this is docket BVAV 2015/0001, this is regarding David Jorgensen of Takitani, Agaran and Jorgensen representing Dale Sanae Agena. Do we have a motion?

Mr. Sung: I so move.

Mr. Willy Greig: Second.

Chairman Abbott: We have a motion and a second. Any discussion? I'll call for a vote, all in favor?

Members: "Aye."

Chairman Abbott: **Granted and passed.**

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

VOTED: Motion to approve/adopt Decision and Order BVAV 2015/0001.

(Assenting: G. Abbott, C. Fukunaga, H. Kihune, W. Greig, R. Sung.)

(Excused: P. DePonte, T. Espeleta, Max Kincaid.)

(Abstain: J. Reyher-Colon)

D. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER (D&O) (Continued...)

3. Having voted on March 12, 2015 to approve the variance for Land Court Application 342/Ito (BVAV 2015/0002), the Board will consider and may adopt the draft Findings of Fact, Conclusions of Law and Decision and Order.

Chairman Abbott: Next one is- - we've got four of the same thing right? This one is the same representing Robert Mitsuo Ito. This was on the variance off Naele Road in Kula.

Mr. Kihune: This is docket number 0002.

Chairman Abbott: Right 0002. I'm sorry. I'll call for a motion.

Mr. Kihune: Motion to approve.

Chairman Abbott: Motion to approve, do we have a second?

Mr. Sung: Second.

Chairman Abbott: We have a second. Motion to approve and seconded. Any discussion? All in favor?

Members: "Aye."

Chairman Abbott: **Approved.**

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

VOTED: Motion to approve/adopt Decision and Order BVAV 2015/0002.

(Assenting: G. Abbott, C. Fukunaga, H. Kihune, W. Greig, R. Sung.)

(Excused: P. DePonte, T. Espeleta, Max Kincaid.)

(Abstain: J. Reyher-Colon)

D. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER (D&O) (Continued...)

4. Having voted on March 12, 2015 to approve the variance for Land Court Application 342/Taniguchi (BVAV 2015/0003), the Board will consider and may adopt the draft Findings of Fact, Conclusions of Law and Decision and Order.

Chairman Abbott: Any opposed. Ok. Now this is the same thing only it's Dale Sanae Agena- -

Ms. Thomson: No, we're doing Taniguchi.

Chairman Abbott: Oh, I'm sorry. This is concerning Molly Taniguchi and Eugene T. Taniguchi; this is BVAV 2015/0003. Any discussion or changes? I'll call for a motion.

I make a motion to approve.

Do we have a second? It's been motioned and seconded. Any discussion, if not I'll call for a vote. All those in favor say "Aye."

Members: "Aye."

Chairman Abbott: **Approved.**

It was moved by Chairman Abbott seconded by Mr. Kihune then,

VOTED: Motion to approve/adopt Decision and Order BVAV 2015/0001.

(Assenting: G. Abbott, C. Fukunaga, H. Kihune, W. Greig, R. Sung.)

(Excused: P. DePonte, T. Espeleta, Max Kincaid.)

(Abstain: J. Reyher-Colon)

D. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION AND ORDER (D&O) (Continued...)

5. Having voted on April 9, 2015 to approve the variance for Green Computing Initiative PV Project (BVAV 2015/0005), the Board will consider and may adopt the draft Findings of Fact, Conclusions of Law and Decision and Order.

Chairman Abbott: Let's go on with number four. Now we're going on with the Maui High Performance Computing Center. This is docket number BVAV 2015/0005. This is Findings of Facts, Conclusions of Law, Decision and Order. Do I have a motion or any discussion?

Mr. Kihune: Motion to approve.

Chairman Abbott: We have a motion to approve, do we have a second?

Mrs. Reyher-Colon: Second.

Chairman Abbott: We have a second. Thank you. Any discussion? All those in favor, say "Aye."

Members: "Aye."

Chairman Abbott: Any opposed? No. **Approved.** Ok does that take care of that?

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

VOTED: Motion to approve/adopt Decision and Order BVAV 2015/0001.

(Assenting: G. Abbott, C. Fukunaga, H. Kihune, W. Greig, R. Sung, J. Reyher-Colon)

(Excused: P. DePonte, T. Espeleta, Max Kincaid.)

E. APPROVAL OF THE MEETING MINUTES

Chairman Abbott: Next agenda is the minutes and there are two packages, is this correct?

1. APRIL 9, 2015 (*Deferred from June 10, 2015 meeting*)

Chairman Abbott: Let's take April 9th? I have corrections; do you have any changes that you wish to make? Raymond?

Mr. Sung: No, but just a point of word- -one is I thought we had already approved the April 9th but evidently we did not. But should we not have approved the minutes first before approving the D&O for a matter relating to those April 9th minutes?

Ms. Thomson: That's a good question. I think that if- - well, since we take verbatim minutes and we don't normally reflect to the actual text of the minutes in the D&O's so if there wasn't any major discrepancy or flaw with the recording, I think that we're ok.

Mr. Sung: But maybe for future reference we should approve minutes first before approving any D&O based on items in those minutes.

Ms. Thomson: That's probably a better practice. Yes.

Chairman Abbott: The only reason I brought it up because they still got the same mistake on page 5 and calling it hooting towers and it's not hooting it's cooling and that's the fourth time I've told them. It's a typographical error that needs to be corrected.

Mrs. Reyher-Colon: You gotta approve it. And I think the reason why we're doing it now is because it was my first meeting and I abstained from voting on this because I wasn't present.

Mr. Sung: I thought that-that's why we had voted and approved this, so why are we doing it again now. That's my recollection.

Mrs. Reyher-Colon: Corp Counsel suggested that it be defer to - -

Mr. Sung: Oh, ok so we didn't actually vote?

Mrs. Reyher-Colon: Yeah.

Mr. Sung: Thank you.

Mrs. Reyher-Colon: So now that there's a quorum of those that were present- -

Chairman Abbott: You were here at the 25th meeting?

Mrs. Reyher-Colon: Yes.

Chairman Abbott: Ok. Let's go back, we're trying to approve the minutes of the June 25th minutes-
-

Mrs. Reyher-Colon: April 9th.

Chairman Abbott: And the April 9th, I'm sorry.

Mr. Kihune: I motion to approve.

Mr. Greig: Second.

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Chairman Abbott: Is this the 9th?

Mr. Kihune: April 9th, correct.

Chairman Abbott: We have a motion and a second. All in favor?

Members: "Aye."

Chairman Abbott: Thank you. We'll get this right. **Minutes approved.**

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

VOTED: Motion to approve the April 9, 2015 meeting minutes with corrections.

(Assenting: G. Abbott, C. Fukunaga, H. Kihune, W. Greig, R. Sung, J. Reyher-Colon)

(Excused: P. DePonte, T. Espeleta, Max Kincaid.)

E. APPROVAL OF THE MEETING MINUTES (Continued...)

2. JUNE 25, 2015 MEETING MINUTES

Chairman Abbott: Now we can go on to the June 25th minutes. Are there any questions? Yes, I have them. On page 19th, paragraph three, "I'm sorry we're putting the course", it's not a 'course' it's a horse before the cart.

And on page 21, "if you have not have adequate time" that should be 'had' adequate time. I'm sorry that's the 7th paragraph down, starting with Ms. Thomson.

Mr. Kihune: This was the actual meeting that the application was just wrong. Just to refresh the Board.

Chairman Abbott: Right. I just want everything correct. Do you see where I am on this page? It's about 2/3 down, right above your comment Mrs. Colon. That was the only thing I was concerned about, what I was saying. Anybody else have any comments or questions? Changes? Chad? Howie? Willy? Ok. Raymond?

Mr. Sung: I wasn't there.

Chairman Abbott: Ok. I'll call for a motion to approve the minutes.

Mr. Kihune: Motion to approve.

Mrs. Reyher-Colon: Second.

Chairman Abbott: We have a second. It's been motioned and seconded for approval. All in favor?

Members: "Aye."

Chairman Abbott: **Passed.** No "nays."

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

VOTED: Motion to approve the June 25, 2015 meeting minutes with corrections.

(Assenting: G. Abbott, C. Fukunaga, H. Kihune, W. Greig, R. Sung, J. Reyher-Colon)

(Excused: P. DePonte, T. Espeleta, Max Kincaid.)

F. NEXT MEETING DATE: AUGUST 27, 2015

Chairman Abbott: Ok. Any other thing to come before the Board, if not the next meeting date is August 27th.

G. ADJOURNMENT

Chairman Abbott: If there's no further business, meeting adjourned at 2:08 p.m.

There being no further to come before the Board, the meeting adjourned at 2:08 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

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Raymond Sung
Juanita Reyher-Colon

Members Excused:

Patrick De Ponte
Teddy Espeleta
Max Kincaid Jr.

Others:

John Rapacz, Planning Program Administrator, Department of Planning
Carolyn Cortez, Staff Planner, Department of Planning
Malia Balberdi, Staff Planner, Department of Planning
Chalsey Kwon, Secretary to Boards & Commission II, Department of Planning
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel

Others Excused:

Chelsea Rabago, Staff Planner, Department of Planning
Nancy Mahi, Secretary to Zoning Administration Division