

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

Members: Raymond Sung (Chair), Juanita Reyher-Colon (Vice-Chair), William Greig, Max Kincaid Jr., Jeffrey Borge, William Kamai, Trisha Egge, Evelyn Kissen, Ray Shimabuku

AGENDA

(Hyperlinks to meeting materials added)

DATE: **August 9, 2018**
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. COMMUNICATION

1. **CALVERT G. CHIPCHASE AND CHRISTOPHER T. GOODIN OF CADES SCHUTTE LLLP** representing **D AND S VENTURES, LLC** Appeal of the Planning Director's Notice of Violation (NOV 2014/0013) for the zipline activity within the County's Agricultural District without a Special Use permit pursuant to MCC §19.30A.060 (H) for property located at 2065 Kauhikoa Road, Haiku, Maui, Hawaii; TMK (2) 2-7-012:086 (BVAA 2015/0002), (J. Rapacz/D. Dias)

- a. As requested by the Board, Appellant's counsel and Corporation Counsel will provide an update on the status of this appeal.
- b. Discussion and possible action regarding the Hearing Officer and contested case hearing, including but not limited to: status and schedule of the hearing; status of the hearing officer contract and billing; whether the board or designated members of the board wish to serve as hearing officer.

No public testimony will be received.

[Joint Status Report](#) [MPC Notice Letter](#) [Opposition Letters](#)

C. PUBLIC HEARING

1. **PAUL L. HORIKAWA** representing **HUI KUA I AINA O ULUMALU PARTITION** is requesting a variance from the following Maui County Code sections: (1) §19.30A.040(A) to allow the subdivision of 6 lots into 4 with a maximum lot allocation of 5 lots, whereas the code allows for a maximum lot allocation of 4 lots; (2) §19.30A.030(A) to create a lot of 18,858 square feet whereas the code requires a minimum of 2 acres; (3) §19.30A.030(B) to allow 2 lots to have lot widths of approximately 100 and 125 feet, whereas the code requires a minimum lot width of 200 feet; and (4) §19.30A.030(C) to allow a building to be located zero (0) feet from side yard the property boundary, whereas the code requires a minimum 15 feet side yard setback; for property located at 4148, 4150, and 4166, Hana Highway, Haiku, Hawaii, 96708; TMK (2) 2-8-002:046 AND 269 – 273 (BVAV 2018/0002). (P. Critchlow)

(Deferred from the June 14, 2018 meeting. Members, please bring previously and newly distributed material with you to this meeting.)

1. **Public Hearing:** To avoid unnecessary cumulative evidence or to ensure that each individual has an equal amount of time to testify, testimony is limited to three (3) minutes. Should members of the Board or a Party wish to question a public testifier, seek leave of the Chair.

[Variance Application](#) [Director's Report with Exhibits](#) [Additional Support Letters](#)

D. DIRECTOR'S REPORT

- a. Approval of the 2019 BVA Meeting Dates

[2019 BVA Meeting Schedule](#)

E. DISCUSSION (Deferred/Continued from July 12, 2018)

- a. Board discussion of Board procedures, including without limitation: Preparation of written minutes; Procedures for setting agendas; Procedures for canceling Board meetings.

No public testimony will be received.

F. NEXT MEETING DATE: August 23, 2018

G. ADJOURNMENT

ANY PETITION TO INTERVENE AS A FORMAL PARTY IN THE PROCEEDINGS BEFORE THE BOARD MUST CONFORM TO RULE 12-801-18, RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF VARIANCES AND APPEALS, AND BE FILED WITH THE BOARD AND SERVED UPON THE APPLICANT WITHIN A REASONABLE TIME BEFORE THE MEETING IN WHICH THE SUBJECT MATTER OF THE INTERVENTION IS TO BE HEARD. THE ADDRESS OF THE BOARD IS NOTED BELOW.

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 Department of Planning at least one day prior to the meeting date. Thank you for your cooperation.