

**BOARD OF VARIANCES AND APPEALS
REGULAR MEETING
October 25, 2018**

[\(HYPERLINK TO AUDIO RECORDING OF THE MEETING\)](#)

A. CALL TO ORDER

(Item A begins at 00:00:03 of the Audio Recording)

The regular meeting of the Board of Variances and Appeals (Board) was called to order by Chairman Raymond Sung at approximately, 1:38 p.m., Thursday, October 25, 2018, 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).

(Items B begins at 00:00:17 of the Audio Recording)

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. **Board will receive an update on the status of the Maui Planning Commission Special Use Permit application for the D&S Ventures zipline.**
 - c. **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.

(Items B finishes at 00:16:40 of the Audio Recording)

(Item C.1 begins at 00:16:58 of the Audio Recording)

C. PUBLIC HEARING

1. **P. S. UNITED is requesting an after-the-fact variance from the following Maui County Code sections: 1. §Chapter 16.26B.100 to allow fire sprinklers to be installed in the upper level units only, instead of the entire building and to allow exceptions to stairway width, headroom, stair treads and risers, dimensional uniformity, profile, and stairway landings to allow existing stairwells to remain in place (2006 IBC Sections 504, 903, and 1009). 2. §Chapter 16.20B.100 to allow exceptions for required toilet clear space to allow toilets in two (2) units to remain in place as relocation would require significant reconfiguration of walls and plumbing fixtures (2006 UPC Section 407). For property located at 3975 Lower Honoapiilani Road, Lahaina, HI 96761; TMK (2) 4-3-008:002 & (2) 4-3-008:003 (BVAV 20180003). (C. Keliikoa)**

(Motion made by Member Ray Shimabuku at 01:25:34 of the Audio Recording to approve variance with Hold Harmless Agreement, General Liability Insurance and to include Fire Department's comments as noted in the Staff Report)

(Seconded by Member Trisha Egge at 01:28:17 of the Audio Recording)

(At 01:33:16 of the Audio Recording a vote was taken)

VOTED: Motion passes, Variance granted to approve variance for P.S. United, BVAV 2018/0003;

(Assenting: R. Sung, J. Reyher-Colon, M. Kincaid, T. Egge, R. Shimabuku)

(Excused: W. Greig, J. Borge, B. Kamai).

(Item C.1 finishes at 01:33:45 of the Audio Recording)

(Item D.a begins at 01:33:47 of the Audio Recording)

D. DISCUSSION (Deferred/Continued from June 28, 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.

(At 01:58:56 of the Audio Recording quorum is lost. Member Max Kincaid leaves meeting. Chair Sung continues with discussion for Item D.)

(Item D.a finishes at 02:01:21 of the Audio Recording)

(Item E begins at 02:01:23 of the Audio Recording)

E. NEXT MEETING DATE: November 8, 2018

(Item E finishes at 02:02:41 of the Audio Recording)

F. ADJOURNMENT

(Item F. meeting adjourned at 02:02:45 of the Audio Recording)

There being no further discussion brought forward to the Board, the meeting was adjourned.

Respectfully submitted by,

Chalsey Kwon

CHALSEY KWON
Secretary to Boards & Commission II

RECORD OF ATTENDANCE

Members Present:

Raymond Sung, Chairman
Juanita Reyher-Colon, Vice Chairman
Max Kincaid Jr.
Trisha Egge
Ray Shimabuku

Excused:

William Greig
Jeffrey Borge
William Kamai

Others:

John Rapacz; Planning Program Administrator
Danny Dias; Supervising Planner
Ana Lilis; Staff Planner
Christi Keliikoa; Staff Planner
Chalsey Kwon, Secretary to Boards & Commission II, Department of Planning
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel