

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

AGENDA

(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: **May 23, 2019**

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 HEARING

1. **CDF Engineering, LCC** on behalf of **Keath Keathly** requesting a variance from Maui County Code §16.04C.440, in order to allow a sprinkler system for fire protection in lieu of existing Fire Department requirements; Kula, Maui, Hawaii; TMK: (2) 2-2-008:003 (BVAV 2019/0005), (A. Lillis) **(Item originally scheduled for May 9, 2019 meeting. Due to lack of quorum meeting has been rescheduled to May 23, 2019. Members, please bring previously distributed material with you to this meeting.)**

- a. **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](#)

C. HEARINGS ON APPEALS OF NOTICES OF VIOLATION

The following Appeals of Notices of Violation are contested cases in which the Board is exercising its adjudicatory function pursuant to Section 92-6 (a)(2) Hawaii Revised Statutes and therefore Section 92-3 ["Open Meetings"] Hawaii Revised Statutes does not apply in such circumstances. Accordingly, the Board is not required to allow the public to testify with respect to such following Appeals.

1. **BONNIE PEDERSEN** appealing Notices of Violations for Advertising and Operating a Short-Term Rental Home located at 416 Kinaole Circle, Kihei, Maui, Hawaii; TMK: (2) 3-9-029:035 (BVAA 2019/0002); (C. Keliikoa) **(Item originally scheduled for May 9, 2019 meeting. Due to lack of quorum meeting has been rescheduled to May 23, 2019. Members, please bring previously distributed material with you to this meeting.)**

[Appeal Application](#)

D. DISCUSSION

1. Board discussion of Board powers, duties, and/or procedures, including without limitation regarding: contested hearing procedures; hearing officer assignments; status of and anticipated timetable for availability of written minutes (including substantially full transcripts of portions relevant to, and in advance of, anticipated D&O review and discussion and approval) of previous Board meetings; timing and method of distribution of relevant materials to Board members for review in advance of meetings; issues relating to quorum (or lack thereof); miscellaneous questions & answers and/or feedback with Staff and Corporation Counsel.

Public testimony may be received by the Board.

E. NEXT MEETING DATE: June 13, 2019

F. ADJOURNMENT

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE BOARD TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES, PURSUANT TO SEC. 92-5 (a)(4), HRS.

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.