

PURSUANT TO CHAPTERS 91 AND 92, HAWAII REVISED STATUTES, AS AMENDED; NOTICE IS HEREBY GIVEN OF A PUBLIC MEETING 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, Stephen West

**AGENDA**  
(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: **December 12, 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. APPEAL UPDATE

1. **AOAO OF MAUI SUNSET** appealing the decision of the Director of Environmental Management dated June 5, 2018 related to the use of R1 recycled water for property located at 1032 South Kihei Road, Kihei, Maui, Hawaii; TMK: (2) 3-9-001:002 (BVAA 2019/0010) (C. Keliikoa)

[Request letter dated December 5, 2019](#)

C. SECOND CIRCUIT COURT APPEALS

1. **KENNETH W. REDSTONE VS. BOARD OF VARIANCES AND APPEALS**, CIVIL NO. 17-1-0496(1), Circuit Court of the Second Circuit, appealing BVA Decision & Order dated October 31, 2017 related to the following application for variances:

WAYNE I. ARAKAKI representing KENNETH W. REDSTONE requesting variances from Maui County Code (MCC), §16.04B.140 to delete the requirement of providing standpipes every 500 feet along Easement 1; MCC, §18.20.040 to allow a 12 foot wide roadway instead of installing 20 foot wide pavement; and MCC, §19.30A.030 to allow two (2) water tanks to be located within the required 15 foot side/rear yard area, for the Hoolawa-Iki Subdivision (DSA File No. 2.3192) located at 156 Loomis Road, Haiku, Maui, Hawaii; TMK: (2) 2-9-003:028; (BVAV 2013/0015); (D.Dias)

[Variance application](#)

[Staff Report](#)

[Minutes of the July 24, August 14, and August 28, 2014 BVA meetings](#)

[Minutes of the September 26, 2019 BVA meeting](#)

[Findings of Fact, Conclusion of Law, and Decision and Order dated October 31, 2017](#)

[Stipulated Findings of Fact, Conclusions of Law and Decision and Order of Remand, filed July 19, 2018, in CIVIL NO. 17-1-0496\(1\)](#)

[Appellant Kenneth Redstone's Motion to Comply with Decision and Order of Remand Entered in Civil No. 17-1-0496 \(1\)](#)

The Board may take action on the Appellant's above-entitled motion.

2. **D&S VENTURES LTD, LLC VS. MAUI BOARD OF VARIANCES AND APPEALS, ET AL.**, filed November 12, 2019, in the Second Circuit Court, State of Hawaii, 2CCV-19-0001031, related to the following BVA appeal:

IN THE MATTER OF THE APPEAL OF MARIAN PROSSER, ET AL. (aka Affected Residents of Haiku), regarding zipline activity within the County's Agricultural District for property located at 2065 Kauhikoa Road, Haiku, Hawaii, Tax Map Key (2)2-7-012:086 from (1) the Department of Planning's Letter dated December 6, 2018 and (2) the Settlement Agreement dated December 6, 2018, related to Maui County Code §19.30A.050. (BVAA T2019/0002)

[Appellee County of Maui Department of Planning, et al., Answer to Amended Statement of the Case](#)  
[Appellee Maui Board of Variances and Appeals' Motion to Dismiss Notice of Appeal filed November 12, 2019; Memorandum in Support of Motion](#)

Deputy Corporation Counsel Iwalani Mountcastle Gasmen, representing the Board of Variances and Appeals, will provide a status update to the Board in executive session.

D. NEXT MEETING DATE: January 9, 2020

E. 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.