

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: Stephen West, Trisha Egge, Jeffrey Borge, William Kamai, Emmanuel Baltazar, Ivan Lay, Caron Green, Charlene Shibuya

AGENDA
(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: **May 13, 2021**
TIME: 1:30 p.m.
PLACE: Online only via BlueJeans; **Meeting ID: 178 688 264**

A. CALL TO ORDER

Public testimony will be taken when each agenda item is discussed. Testimony will be limited to a maximum of three (3) minutes.

To listen to the meeting or to provide oral testimony via phone, dial 1-888-748-9073 (toll free) or 1-408-915-6290 or 1-408-740-7256 and enter code **178 688 264**.

To watch the meeting or provide video testimony, use meeting link:
<https://bluejeans.com/178688264>

Testifiers via video are asked to sign up using the Chat function by providing your name and the item you are wishing to testify on. Testifiers via phone will be called by the Chair after video testimony is finished.

When testifying, please state your first and last name for the record. If you are testifying on behalf of an organization or group, please include the name of the organization for the record as well.

ALL PARTICIPANTS MUST KEEP THEIR MICROPHONE AND CAMERA/VIDEO MUTED AT ALL TIMES, EXCEPT WHEN THE CHAIR OR BOARD SECRETARY CALLS UPON YOU TO TESTIFY OR SPEAK. WHEN FINISHED SPEAKING, PLEASE MUTE YOUR MICROPHONE AND CAMERA/VIDEO.

The CHAT function may not be used to contact Board Members, or other meeting participants, for commenting on the agenda items, or other matters.

B. ELECTION OF CHAIR AND VICE-CHAIR FOR THE 2021-2022 BOARD YEAR

C. COMMUNICATIONS

1. Memorandum, dated March 22, 2021 from the Charter Commission requesting submittal of Charter amendments and/or recommendations from County boards, commissions, and committees.

[May 13, 2021 Department of Planning Memo w/March 22, 2021 Charter Commission Memo](#)
[2021 Charter of the County of Maui](#)
[April 30, 2021 Proposed Charter Amendments Memo](#)

D. PUBLIC HEARING

1. **LEMUEL & MARIES BACALSO** requesting a variance from Maui County Code §19.08.060 “Yards”, related to R-1 Residential front, side, and rear yard setbacks, to allow a 6 foot front yard setback and 4 foot side and rear yard setbacks whereas the code requires the front yard setback to be 15 feet, and the side and rear yards to be 6 feet, for a property located at 235 Gay Street, Lana'i City, Island of Lana'i, County of Maui, Hawai'i, TMK (2) 4-9-008:008 (BVAV 2020/0002) (D. Dias)
 - 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. If members of the Board or a Party wish to question a public testifier, seek approval of the Chair prior to questioning the testifier.

[Variance Application with Exhibits
Staff Report](#)

E. 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.

This item is subject to the Sunshine Law. Public testimony will be received and will be limited to three (3) minutes.

F. NEXT MEETING DATE: May 27, 2021

G. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

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-

Board of Variances and Appeals

Agenda-May 13, 2021

Page 2

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.

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