

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

Members: Lance Holter (Chair), Warren Shibuya (Vice-Chair), Kathleen Acks, Uwe Schulz, Harjinder Ajmani, James Shefte, Randall Endo, William Kamai, Shirley Alapa

AGENDA

DATE: Thursday, September 14, 2006

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 HEARINGS

1. DEAN FRAMPTON of FRAMPTON & WARD, LLC representing JEFFREY & TIMOTHY KELE requesting a variance from Maui County Code §18.16.060(C) to allow a subdivision with an approximate 450 feet long right-of-way (ROW) that ranges in width from 19 to 20 feet whereas a 24-foot ROW is required for the Kele Subdivision (DSA No. 2.2773) located at 434 Kamehameiki Road, Kamehameiki-Pulehuiki Homesteads, Kula, Maui Hawai'i; TMK: (2) 2-3-001:085. (BVAV 20060004)
2. DEAN FRAMPTON of FRAMPTON & WARD, LLC representing JOHN LEWIS & FRANCINA GIBBS requesting a variance from Maui County Code §18.16.060(C) to allow a subdivision with an approximate 450 feet long right-of-way (ROW) that ranges in width from 19 to 20 feet whereas a 24-foot ROW is required for the Gibbs Subdivision (DSA No. 2.2723) located at 478 Kamehameiki Road, Kamehameiki-Pulehuiki Homesteads, Kula, Maui Hawai'i; TMK: (2) 2-3-001:030. (BVAV 20060005)

C. APPEALS

1. To determine a hearing's officer to preside over the following matter:

DAVID H. NAKAMURA of CROCKETT and NAKAMURA representing HANOHANO, LLC appealing (1) the decision of the Director of Public Works and Environmental Management, that the consolidation and resubdivision of two parcels of land, situated at Keahua, Kula, Maui, Hawaii, bearing Tax Map Key Numbers (2) 2-3-011:001 and (2) 2-3-

011:002, do not comply with Maui County Code, §18.04.030 and (2) the decision of the Planning Director that the zoning of those two parcels of land, situated at Keahua, Kula, Maui, Hawaii, bearing Tax Map Key Numbers (2) 2-3-011:001 and (2) 2-3-011:002 is Interim. (BVAA 20060004)

2. ISAAC HALL, ESQ., representing MEDO, LLC, appealing the decision of the Director of Parks and Recreation, County of Maui dated April 29, 2005, refusing to grant credits for privately owned and maintained parks and playgrounds, pursuant to Maui County Code §18.16.320.E for the Liloa Subdivision located at 1585 Welakaho Street, Kihei, Maui, Hawaii; TMK: 3-9-002:116, 150 and 151. (BVA 20050016)
 - a. MEDO's proposed findings of fact, conclusions of law and order.
 - b. Appellee County of Maui, Department of Parks and Recreation's objections and exceptions to MEDO's proposed findings of fact, conclusions of law, and decision and order.

D. APPROVAL OF THE AUGUST 10, 2006 MEETING MINUTES

E. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

F. NEXT MEETING DATE: September 28, 2006

G. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

EACH APPLICANT IS REQUESTED TO PROVIDE RESPONSIBLE REPRESENTATION AT THE MEETING.

INFORMATION RELATIVE TO THE ABOVE APPLICATIONS ARE AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT'S OFFICE LOCATED AT 250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII.

ANY PERSONS REQUESTING ACCOMMODATION DUE TO DISABILITIES, PLEASE CALL THE MAUI PLANNING DEPARTMENT AT 270-7253 OR NOTIFY THE MAUI PLANNING DEPARTMENT IN WRITING AT 250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793 OR BY FAX NUMBER 270-7634, AT LEAST SIX (6) DAYS BEFORE THE SCHEDULED MEETING.

ANY FAXES SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY 4:30 P.M. ON THE SECOND WORKING DAY BEFORE THE MEETING TO INSURE THAT IT IS CIRCULATED TO THE BOARD.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE BOARD TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES.

PLEASE NOTE: If any member of the commission is unable to attend the scheduled meeting, please contact Tremaine Balberdi, Planning Department at 270-7253 at least one day prior to the meeting date.