

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.

Members: Daniel Mizner (Chair), Jerry Edlao (Vice Chair), Garret Abe, Kathleen Acks, Marilyn Colvin, Lance Holter, Glenn Kunitake, Warren Shibuya

**AGENDA**

DATE: April 22, 2004

TIME: 1:30 p. m.

PLACE: Kalana Pakui Conference Room, First Floor,  
250 South High Street, Wailuku, Hawaii

A. CALL TO ORDER

B. ELECTION OF CHAIR AND VICE CHAIR

C. UNFINISHED BUSINESS:

PUBLIC HEARING:

1. PAUL L. HORIKAWA, on behalf of ROBERT BLAINE BOETTNER AND DONALD GENE BRANSFORD, requesting approval of a variance from Maui County Code, Section 19.29.020(D) "Maximum Height Limit", to allow a dwelling to be constructed with a total height of 38.05 feet and an accessory dwelling with a total height of 31.2 feet whereas a maximum height of 30 feet is allowed for property situated in the Rural District at 3279 Kaha Drive, Kihei, Maui, Hawaii TMK: 2-1-019:014 (BVA020012/BVA030013).

a. Petition to Intervene; Certificate of Service

b. Amended Petition to Intervene; Certificate of Service

c. Applicants' Motion in Opposition to Petition to Intervene; Certificate of Service

d. Intervenors' Further Memorandum in Support of Petition to Intervene and Reply to Applicants' Motion in Opposition to Petition to Intervene; Certificate of Service

D. PUBLIC HEARINGS:

1. MARK F. SHEEHAN & ROBIE E. GUEST, appealing the Department of

Public Works and Environmental Management's denial of the Maluhia Country Ranches Subdivision (DSA #3.2038) located at 27 Lahaole Street, Wailuku, Maui, Hawaii, TMK: 3-1-007:012. (BVA20040007)

2. JO-ANNT. RIDAO OF LOKAHI PACIFIC, requesting approval of variances from the following sections of the Maui County Code: (1) Section 18.20.040 to delete the curbs, gutters, and sidewalks for the adjacent halves of Kopili and Paeohi Streets; (2) Section 18.20.040(3)(a) to allow the pavement on existing streets providing access to the subdivision to be less than the minimum width of twenty feet; (3) Section 18.16.060(C) to allow a subdivision whereby the rights-of-way of access streets will be less than the minimum width of twenty-four feet; (4) Section 18.20.140(B) to delete the placement of utilities underground, including but not limited to electric, telephone, street lighting, cable television and other related facilities; (5) Section 12.24A.070(D) to delete the planting of trees in the public rights-of-way of streets required for the Lokahi Kahua Subdivision (DSA No. 4.873) at 391 & 395 Paeohi Street, Lahaina, Maui, Hawaii, TMK: 4-5-023:070 & 072 (BVA20040008).

E. COMMUNICATION:

1. Letter of resignation from James R. Berg

F. NEW BUSINESS:

1. Discussion on Section 12-801-22 of the Rules of Practice and Procedure for the Board of Variances and Appeals, Voting

G. APPROVAL OF MINUTES:

1. March 25, 2004
2. April 8, 2004

H. NEXT MEETING DATE: May 13, 2004

I. 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/COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES.

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

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