

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAII REVISED STATUTES, AS AMENDED, NOTICE IS HEREBY GIVEN OF A MEETING OF THE MAUI COUNTY BOARD OF VARIANCES AND APPEALS.

### AGENDA

DATE: March 13, 2003

TIME: 1:30 p.m.

PLACE: PLANNING DEPARTMENT CONFERENCE ROOM, FIRST FLOOR,  
250 SOUTH HIGH STREET, WAILUKU, HAWAII

A. CALL TO ORDER

B. UNFINISHED BUSINESS

1. APPEALS

- a. JO ANNE JOHNSON, ALAN ARAKAWA AND KELLY ARBOR, (Appellants), Appealing the decision by the Director of Public Works & Waste Management, to grant a time extension for preliminary subdivision approval for the Maunaolu Agricultural Subdivision, LUCA No. 2.2218, located on Baldwin Avenue, Haiku, Maui, Hawaii TMK: 2-5-004:039 (BVA020006)
  - i. Proposed Findings of Fact, Conclusions of Law and Order Regarding Dismissal of Docket No. 020006; Certificate of Service.
  - ii. Intervenor Maunaolu Associates, LLC's Exceptions to Proposed Findings of Fact, Conclusions of Law and Order Regarding Dismissal of Docket No. 020006; Certificate of Service.
  - iii. Alexander & Baldwin Inc.'s Partial Exception to Hearing Officer's Proposed Findings of Fact, Conclusions of Law and Order Regarding Dismissal of Docket No. 020006; Memorandum in Support of Partial Exception; Certificate of Service.
- b. ROY SMITH, for "FRIENDS OF SUNNYSIDE", (Appellants), Appealing the decision by the Director of Public Works & Waste Management for granting final subdivision approval for the Maunaolu Plantation Agricultural Subdivision located on Baldwin Avenue, Haiku, Maui, Hawaii TMK: 2-5-004:039 (BVA020011).

- (i) Proposed Findings of Fact, Conclusions of Law and Order Regarding Intervention of Appellants William Giebink, Cynthia Giebink, Lesley Ann Bruce, Anella Sunn, Dennis Dehr, Lynn Rasmussen, Roy Smith, Diana Dahl, Kelly Arbor and Rob Parsons; Certificate of Service.
- (ii) Intervenor Maunaolu Associates, LLC's Exceptions to Proposed Findings of Fact, Conclusions of Law and Order Regarding Intervention of Appellants William Giebink, Cynthia Giebink, Lesley Ann Bruce, Anelia Sun, Dennis Dehr, Lynn Rasmussen, Roy Smith, Diana Dahl, Kelly Arbor and Rob Parsons Dated November 19, 2002; Certificate of Service.
- (iii) Alexander & Baldwin, Inc.'s Partial Exception to Proposed Findings of Fact, Conclusions of Law and Order Dated November 19, 2002; Certificate of Service.
- (iv) Hearing Officer's Proposed Findings of Fact, Conclusions of Law and Order; Certificate of Service.
- (v) Appellants' Exceptions to Hearing Officer's Proposed Findings of Fact, Conclusions of Law and Order; Certificate of Service.
- (vi) Appellants' Motion to the BVA to Reopen the Docket and Take Further Evidence and for Oral Argument; Declaration of Isaac Hall; Exhibits "A" and "B"; Certificate of Service.
- (vii) Appellants' Supplemental Motion to the BVA to Reopen the Docket and Take Further Evidence and for Oral Argument; Declaration of Isaac Hall; Exhibit "C"; Certificate of Service.
- (viii) Intervenor Maunaolu Associates, LLC's Brief in Support of the Hearing Officer's Proposed Findings of Fact, Conclusions of Law and Order; Exhibits "A"- "D"; Declaration of Jack R. Naiditch; Certificate of Service
- (ix) Intervenor Maunaolu Associates, LLC's Response to Appellants' Motion to the BVA to Reopen the Docket and Take Further Evidence and for Oral Argument; Certificate of Service
- (x) Intervenor Maunaolu Associates, LLC's Response to Appellants' Supplemental Motion to the BVA to Reopen the Docket and Take Further Evidence and for Oral Argument; Certificate of Service
- (xi) Appellee County of Maui's Joinder in Intervenor Maunaolu

Associates, LLC's Brief in Support of the Hearing Officer's Proposed Findings of Fact, Conclusions of Law and Order; Appellee County of Maui's Brief in Support of Hearing Officer's proposed Findings of Fact, Conclusions of Law and Order dated February 1, 2003; Certificate of Service

2. VARIANCES

- a. CHRIS HART & PARTNERS, on behalf of TRUNK FAMILY TRUST AND GEORGE M. AND ELEANOR K. YANAGI, requesting approval of variances from Maui County Code Sections 19.29.020 (B) "Minimum Lot Width" to create a lot with an approximate width of 95 feet whereas 100 feet is required, and 19.29.020 (C) "Minimum Yards" to allow for the existing two-story dwelling to be situated ten (10) feet from the side property line and the existing one-story detached accessory dwelling and existing detached garage to be situated six (6) feet from the side property line whereas fifteen (15) feet is required in the rural district at 3407 and 3391 Keha Drive, Kihei, Maui, Hawaii, TMK: 2-1-018:096 & 097 (BVA020023)
- (i) Letter dated February 19, 2003 from Chris Hart and Partners, Inc.

C. NEW BUSINESS

D. COMMUNICATIONS

E. APPROVAL OF MINUTES:

\_\_\_\_\_ 1. February 27, 2003

F. ANNOUNCEMENTS

G. NEXT MEETING DATE: March 27, 2003

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 Guillermo, Planning Department at 270-7253 at least one day prior to the meeting date.

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