

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: Randall Endo (Chairman), Warren Shibuya (Vice-Chairman), Kathleen Acks, Uwe Schulz, Harjinder Ajmani, James Shefte, William Kamai, Rachel Ball Phillips, Stephen Castro, Sr.

AGENDA

DATE: Thursday, November 29, 2007

TIME: 1:30 p. m.

PLACE: Planning Department Conference Room, First Floor,
Kalana Pakui Building, 250 South High Street, Wailuku, Hawaii`i

A. CALL TO ORDER

B. PUBLIC HEARING

1. NEWCOMER-LEE LAND SURVEYORS, INC. representing MOUNTAIN SEAS DEVELOPMENT requesting a variance from Maui County Code, §19.12.030 to allow a 3,945 square foot portion of Lot 4 to be less than 10,000 square feet and 70 feet in lot width for the Papa`anui Beach-Makena Place Consolidation (DSA File No. 2.2878) located at 4950 and 5000 Makena Road, Papa`anui, Kihei, Maui, Hawaii; TMK: (2) 2-1-007:103 and 096 (por.) (Lot 10-A-2-C-1) (BVAV 20070013)

C. APPEALS

1. STEPHANIE RAGER appealing the Planning Director's notice of violation (NOV 20070002) for operation of a transient vacation rental in the R-2 Residential District for property located at 2626 Mikoi Place, Kihei, Maui, Hawaii; TMK: (2) 3-9-014:048. (BVAA 20070008)
 - a. Applicant's motion to request a time extension for filing a notice of appeal.
 - b. County of Maui, Department of Planning's statement of no opposition to motion to extend time to file appeal.
 - c. Request by the Applicant to postpone the hearing until January 2008.
2. MICHAEL W. FOLEY appealing the DEPARTMENT OF FIRE AND PUBLIC SAFETY's decision to require a 500 gallon per minute fire hydrant and a minimum 20 feet access road, pursuant to Maui County Code, §16.04B, and §§902.2.2.1 and 903.4.2, Uniform Fire Code, for the Pohoula Subdivision (DSA File No. 1.287) located off of Pi'ilani Highway, Pohoula, Kaupo, Maui, Hawaii; TMK: (2) 1-7-002:026. (BVAA 20070010)

- a. Appellee Milton Arakawa, Director, Department of Public Works, County of Maui's motion to dismiss for lack of jurisdiction.
 - b. Letter dated November 8, 2007, from Michael W. Foley to Cheryl Tipton and Richard Rost, Deputy Corporation Counsels, County of Maui, regarding the appeal of the Fire and Public Safety's requirements for Pohoula Subdivision.
3. MILTON ARAKAWA, DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL MANAGEMENT, requesting a variance to allow Pacific Biodiesel, subcontractor to County contractor, Maui EKO Systems, to process waste cooking oil into biodiesel for retail sales whereas such use is not permitted at the Central Maui Landfill, Phase III located off of Pulehu Road, Kahului, Maui, Hawaii; TMK: (2) 3-8-003:019. (BVAV 20060002)
- a. Michael J. Molina, Chair, Maui County Council's Land Use Committee, requesting clarification as to whether a time period was established for the variance granted on December 1, 2006.
- D. APPROVAL OF THE NOVEMBER 8, 2007, MEETING MINUTES
- E. CORRESPONDENCE
1. Letter of November 6, 2007, from Gladys C. Baisa, Chair, Maui County Council Planning Committee, to Jeff Hunt, Director, Planning Department, regarding parking assessment fees for developments within the B-CT Country Town Business and HD1 and HD2 Historical Districts (PC-13)
- F. DIRECTOR'S REPORT
1. Status Update on BVA's Contested Cases
- G. NEXT MEETING DATE: December 13, 2007
- H. 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.

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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.