

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, February 28, 2008

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. APPEALS

1. PAUL R. MANCINI, ESQ. of MANCINI, WELCH & GEIGER representing HIOLANI RANCH, LLC, appealing the Director of the Department of Public Works and Environmental Management's decision to not recognize separate lots within TMK: (2) 3-2-007:001 located off of Kahekili Highway in the vicinity of Waihe'e Elementary School, Waihe'e, Wailuku, Maui, Hawaii'i. (BVA20060006)
 - a. Hearing Officer E. John McConnell's Report
2. TOM W. WELCH of MANCINI, WELCH & GEIGER representing DAVID Y. S. KONG, WINONA K. KONG and NONA LANI COTTAGES LLC appealing the Planning Director's order to cease operation of a transient vacation rental, for property located at 455 South Kihei Road, Kihei, Maui, Hawaii'i; TMK: (2) 3-9-041:001. (BVAA 20070011)
 - a. Appellee Jeffrey S. Hunt, Department of Planning, County of Maui's Motion to Dismiss Appeal; Memorandum in Support of Motion; Exhibits A-C; Certificate of Service
 - b. Appellee Jeffrey S. Hunt, Director, Department of Planning, County of Maui's Appeal Hearing Memorandum; Certificate of Service
 - c. Appellee Planning Director, County of Maui's Exhibit List; Exhibit A to L; Certificate of Service
 - d. Appellants' Memorandum in Opposition to Appellee's Motion to Dismiss Appeal; Certificate of Service
 - e. Appellants' Demand for Disclosure Under Rule 12-801-98; Certificate of Service
 - f. Appellant's Memorandum of Law; Exhibit "A"; Exhibit "B"

- g. Certificate of Service re: Appellants' Memorandum of Law
- h. Appellant's Preliminary Exhibit List
- i. Appellant's Certificate of Service re: Appellant's Preliminary Exhibit List

C. APPROVAL OF THE JANUARY 24, 2008 MEETING MINUTES

D. NEXT MEETING DATE: March 13, 2008

E. 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, HAWAI'I.

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, HAWAI'I 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.