

**BOARD OF VARIANCES AND APPEALS  
REGULAR MEETING  
JULY 10, 2008**

**A. CALL TO ORDER**

The regular meeting of the Board of Variances and Appeals (Board) was called to order by Chairman Randall Endo at approximately 1:32 p.m., Thursday, July 10, 2008, in the Planning Department Conference Room, first floor, Kalana Pakui Building, 250 South High Street, Wailuku, Island of Maui.

A quorum of the Board was present. (See Record of Attendance.)

Chairman Randall Endo: At this time, I'd like to ask the Planning Department to announce the first item on the agenda.

**B. 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, Hawai'i; TMK: (2) 3-9-014:048. (BVAA 20070008) (Continued from the June 26, 2008 meeting.)**

Ms. Trisha Kapua`ala read the agenda item into the record.

Ms. Kapua`ala: And I'd like to introduce Mary Blaine Johnston, Deputy Corporation Counsel, for the Department of Planning.

Ms. Mary Blaine Johnston: Good afternoon. Early this morning, we were able to reach a settlement agreement in this case. The settlement won't be concluded for about a month. So I can't go into the details right now. What we have asked is that this hearing be moved to the August 28<sup>th</sup> agenda. The settlement should be completed shortly prior to that. And at that meeting, I will come and I'll be able to talk with you about the settlement, and answer any questions you may have about this particular case. In the event that for some reason all the terms of the settlement are not met by – before August 28<sup>th</sup>, we may have to come back and put the matter on for a hearing. So that's why it would be inappropriate for me to talk about the settlement because it still may end up in front of you for a determination. So I'm – had hoped to have a – the conclusion on the settlement terms by yesterday. So if any you spent time preparing, I apologize, but we weren't able to do that till this morning, so–

Chairman Endo: So let the record reflect that no one from the appellant side is here today, but they are aware of all of this?

Ms. Johnston: Yes, I have correspondence. Mark Murakami who is an attorney in Honolulu – we have crossed letters confirming the settlement. So I told him I would make the representation to you. And I encouraged him to also write to the Board, if he felt like he wanted to do that. He said no, it's fine, just make the representation. So he's certainly aware of that.

Chairman Endo: Thank you. So, Trisha, so we're just all set then? We'll move the date to the

August date?

Ms. Kapua`ala: Yes.

Mr. James Giroux: And again, Trish, just as a matter of procedure, make sure that the attorney is served and has notice that if the settlement agreements do fail that we will expect that the hearing would proceed on that date.

Ms. Kapua`ala: Okay.

Chairman Endo: Okay. Next item on the agenda is the approval of the June 26, 2008 meeting minutes.

**C. APPROVAL OF THE JUNE 26, 2008 MEETING MINUTES**

Chairman Endo: Has everyone had the chance to review those? If so—

Mr. Warren Shibuya: I so move that we accept the minutes.

Mr. James Shefte: Second.

Chairman Endo: Okay, it's been moved and seconded to approve the minutes of June 26, 2008. Any discussion? Seeing none, all those in favor, please say. Opposed? No?

It was moved by Mr. Shibuya, seconded by Mr. Shefte, then

**VOTED: To approve the June 26, 2008 meeting minutes as presented.**

**(Assenting: W. Shibuya, J. Shefte, K. Tanaka, W. Kamai,  
R. Ball Phillips, S. Duvauchelle, H. Ajmani.)**

**(Excused: S. Castro)**

Chairman Endo: **The motion is carried and the minutes are approved.** Moving on to Director's report on the status of our contested cases.

**C. DIRECTOR'S REPORT**

**1. Status Update on BVA's Contested Cases**

Ms. Kapua`ala: There's no status. There's no update to report.

Chairman Endo: Okay. Thank you, Trisha. In that case, our next meeting is July 24, 2008, unless anyone wants to tell a joke, or has something to talk about, some business. No business? Okay. Meeting adjourned.

**E. NEXT MEETING DATE: July 24, 2008**

**F. ADJOURNMENT**

There being no further business to come before the Board, the meeting adjourned at 1:35 p.m.

Respectfully submitted by,

TREMAINE K. BALBERDI  
Secretary to Boards and Commissions II

**RECORD OF ATTENDANCE**

**Members Present:**

Randall Endo, Chairman  
Warren Shibuya, Vice-Chairman  
Rachel Ball Phillips  
James Shefte  
William Kamai  
Kevin Tanaka  
Sandra Duvauchelle  
Harjinder Ajmani

**Members Excused:**

Stephen Castro, Sr.

**Others:**

Aaron Shinmoto, Planning Program Administrator  
Trisha Kapua`ala, Staff Planner  
James Giroux, Deputy Corporation Counsel