

**BOARD OF VARIANCES AND APPEALS  
REGULAR MEETING  
June 28, 2018**

**[\(HYPERLINK TO AUDIO RECORDING OF THE MEETING\)](#)**

**A. CALL TO ORDER**

The regular meeting of the Board of Variances and Appeals (Board) was called to order by Chairman Raymond Sung at approximately, 1:40 p.m., Thursday, June 28, 2018, 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).

**B. COMMUNICATION**

1. **CALVERT G. CHIPCHASE AND CHRISTOPHER T. GOODIN OF CADES SCHUTTE LLLP representing D AND S VENTURES, LLC Appeal of the Planning Director's Notice of Violation (NOV 2014/0013) for the zipline activity within the County's Agricultural District without a Special Use permit pursuant to MCC §19.30A.060 (H) for property located at 2065 Kauhikoa Road, Haiku, Maui, Hawaii; TMK (2) 2-7-012:086 (BVAA 2015/0002), (J. Rapacz/D. Dias)**
  - a. **As requested by the Board, Appellant's counsel and Corporation Counsel will provide an update on the status of this appeal.**
  - b. **Discussion and possible action regarding the Hearing Officer and contested case hearing, including but not limited to: status and schedule of the hearing; status of the hearing officer contract and billing; whether the board or designated members of the board wish to serve as hearing officer.**

**No public testimony will be received.**

*(Agenda Item B.1 begins at 00:01:54 of the Audio Recording)*

Recess at 2:13 p.m. to 2:20 p.m. (00:31:53 -00:39:07 Audio Recording)

*(Agenda Item B.1 finishes at 00:57:55 of the Audio Recording)*

**C. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS OF LAW,  
DECISION AND ORDER (D&O)**

1. **Having voted on September 24, 2015, to deny the variance for Verizon Wireless (BVAV 2015/0014), the Board will consider and may adopt the draft Findings of Fact, Conclusions of Law and Decision and order. (D. Dias)**

**No public testimony will be received.**

(Agenda Item C.1 begins at 00:57:56 of the Audio Recording)

Recess at 2:30 p.m. to 2:43 p.m.)

(Motion was made at 01:02:33 of the Audio Recording)

**It as moved by Vice-Chair Juanita Reyher-Colon, seconded by Mr. William Greig, then unanimously**

(Vote was taken at 01:02:51 of the Audio Recording)

**VOTED: Motion to accept the Findings of Fact, Conclusion of Law Decision and order (BVAV 2015/0014)**  
*(Assenting: J. Reyher-Colon, W. Greig, M. Kincaid, J. Borge, W. Kamai)*  
*(Excused: T. Egge, E. Kissen)*

(Agenda Item C.1 finishes at 01:22:35 of the Audio Recording)

Board Member William Greig leaves meeting at 3:04p.

**D. DISCUSSION**

- a. **Board discussion of Board procedures, including without limitation: Preparation of written minutes; Procedures for setting agendas; Procedures for canceling Board meetings.**

**No public testimony will be received.**

(Agenda Item D.a finished at 01:43:58 of the Audio Recording)

**E. NEXT MEETING DATE: July 12, 2018**

(Agenda Item E begins at 01:44:00 of the Audio Recording)

**F. ADJOURNMENT**

There being no further discussion brought forward to the Board, the meeting was adjourned at 3:40 p.m.

(Item F. meeting adjourned at 01:48:36)

Respectfully submitted by,

*Chalsey Kwon*

CHALSEY KWON

Secretary to Boards & Commission II

**RECORD OF ATTENDANCE**

**Members Present:**

Raymond Sung, Chairman  
Juanita Reyher-Colon, Vice Chairman  
William Greig  
Max Kincaid Jr.  
Jeffrey Borge  
William Kamai

**Excused:**

Trisha Egge  
Evelyn Klssen

**Others:**

John Rapacz; Planning Program Administrator  
Danny Dias; Supervising Planner  
Ana Lilis; Staff Planner  
Christi Keliikoa; Staff Planner  
Chalsey Kwon, Secretary to Boards & Commission II, Department of Planning  
Summer Enfield-Carlos; ZAED Secretary  
Richelle Thomson, Deputy Corporation Counsel, Department of the Corporation Counsel