

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: Lance Holter (Chair), Warren Shibuya (Vice-Chair), Kathleen Acks, Uwe Schulz, Harjinder Ajmani, James Shefte, Randall Endo, William Kamai, Shirley Alapa

AGENDA

DATE: Thursday, August 24, 2006

TIME: 1:30 p. m.

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

A. CALL TO ORDER

B. PUBLIC HEARING

1. BRIAN R. JENKINS, ESQ. of BRUMBAUGH & JENKINS representing JAMES S. MAYER for a variance from Maui County Code, §19.30A.030(A) to allow a consolidation of Lot 2 [net area: 1.892 acres; private right-of-way (ROW) area: 0.108 acres] and Lot 3 (net area: 1.784 acres; ROW area: 0.216 acres) and resubdivision of said lots into Lot 2-A (net area: 1.892 acres; ROW area: 0.108 acres) and Lot 3-A (net area: 1.791 acres; ROW area: 1.209 acres) whereas two acres, exclusive of the ROW, are required for the Steward Subdivision (DSA No. 2.2940) located at 7850 and 7860 Kula Highway, Waiohuli-Keokea Homesteads, Kula, Maui, Hawaii; TMK: (2) 2-2-005:083 and 084. (BVAV 20060003)

C. APPEALS

1. ISAAC HALL, ESQ., representing MEDO, LLC, appealing the decision of the Director of Parks and Recreation, County of Maui dated April 29, 2005, refusing to grant credits for privately owned and maintained parks and playgrounds, pursuant to Maui County Code §18.16.320.E for the Liloa Subdivision located at 1585 Welakaho Street, Kihei, Maui, Hawaii; TMK: 3-9-002:116, 150 and 151. (BVA 20050016) (Deferred from the August 24, 2006 meeting.) **(Members, please bring your materials from the July 27, 2006 meeting.)**

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- a. Hearings' Officer Timothy McNulty's Findings of Fact, Conclusions of Law and Order.
 - b. Isaac Hall, Attorney for Appellants: MEDO, LLC and SunStone Keokea, LLC, requesting oral argument before the BVA.

- c. Appellee County of Maui, Department of Parks & Recreation's Exceptions to Hearings' Officer's Report, Proposed Findings of Fact, Conclusions of Law, and Decision and Order.
- d. Isaac Hall, Attorney for Appellants' Brief in Support of Hearings' officer Report and Recommendations.

D. APPROVAL OF THE JULY 27, 2006 MEETING MINUTES

E. DIRECTOR'S REPORT

- 1. Status Update on BVA's Contested Cases

F. NEXT MEETING DATE: September 14, 2006

G. 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.

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.