

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, July 27, 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. INTRODUCTION OF NEW MEMBER: SHIRLEY ALAPA

C. PUBLIC HEARING

1. 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)

(Due to inadequate notice, this item has been rescheduled to August 24, 2006.)

D. 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. (Rescheduled from the June 22, 2006 meeting.) (BVA 20050016)

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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

- c. 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.

E. MOTIONS

- 1. PAUL L. HORIKAWA, ESQ. OF ING, HORIKAWA & JORGENSEN representing WESTERN APARTMENT SUPPLY & MAINTENANCE CO. & SARENTO'S ON THE BEACH, LLC requesting variances to allow: (1) An existing awning for Sarento's On The Beach, and a replacement thereof, to be less than fifteen (15) feet from the rear yard boundary, as required by Maui County Code (MCC), Section 19.14.070; (2) A portion of the electrical boxes for the Maui Oceanfront Inn to be less than ten (10) feet from the side yard boundary, as required by MCC, Section 19.14.070; (3) The structures that surround the electrical room, garbage bins, propane tanks and storage area to be less than ten (10) feet from the side yard boundary, as required by the MCC, Section 19.14.050; (4) The lot coverage of buildings and structures on the property to be more than 30 percent (30%), as required by MCC, Section 19.14.050 for the Maui Oceanfront Inn and Sarento's on the Beach, located at 2980 South Kihei Road, Kihei, Maui, Hawaii; TMK: 3-9-004:029. (BVA2005008)
  - a. Applicant's motion to extend the time to submit the hold harmless agreement.

F. APPROVAL OF THE MAY 25, 2006 AND JUNE 8, 2006 MEETING MINUTES

G. DIRECTOR'S REPORT

- 1. Status Update on BVA's Contested Cases

H. NEXT MEETING DATE: August 10, 2006

I. 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.

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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.