

**BOARD OF VARIANCES AND APPEALS
SITE VISIT
FEBRUARY 22, 2007**

A. CALL TO ORDER

The site visit of the Board of Variances and Appeals (Board) was called to order by Chairman Lance Holter at approximately, 11:03 a.m., Thursday, February 22, 2007, at the Jacaranda Square located at 632 Jacaranda Street, Lana`i City, Lana`i, Hawai`i.

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

B. SITE INSPECTION

1. **Site inspection of the Jacaranda Square located at 632 Jacaranda Street, Lana`i City, Lana`i, Hawai`i, TMK: (2) 4-9-006:049 for the following variance request:**

JASON ALLEN requesting variances from the following sections of the Maui County Code: (1) §18.16.050 to delete the requirement to provide a 50 feet right-of-way (ROW) and a 24 feet pavement width for Sixth Street, and a 44 feet ROW and a 28 feet pavement width for Koele and Jacaranda Streets; (2) §18.20.070 to delete the requirement to provide a 6 feet sidewalk on Koele Street; and (3) §18.20.080 to delete the requirement to provide concrete curbs and gutters for the proposed Jacaranda Square located at 632 Jacaranda Square, Lana`i City, Lana`i, Hawai`i; TMK: (2) 4-9-006:049. (BVAV 20070001)

Mr. Jason Allen: . . . The Lana`i Community Plan states, "Maintain existing scale and street layout pattern of Lana`i City," and "Maintain existing road right-of-way widths within Lana`i City." And I have – I do site those so you can take a look. I do have those sections copied in my application.

No. 2, I request a variance from Section 18.20.070 that would be satisfied if I install five-foot wide sidewalks centered on the right-of-ways of all sides of the property adjacent to public streets. I request that a sidewalk not be placed along Koele Street, and that's the street on this side of the property. I am not opposed to installing sidewalks along Sixth Street and Jacaranda Street as these are regular pedestrian ways and indicated on the "Sidewalk Masterplan" of the Lana`i City Community Design Guidelines.

Chair Holter: Could you describe where are those?

Mr. Allen: I'm sorry?

Chair Holter: Is this Sixth Street?

Mr. Allen: This one is Sixth Street. This is Jacaranda. And so therefore, I still think there should be sidewalks along here and along here. I'm just asking that they not be placed along Koele.

Mr. James Shefte: Where would the sidewalks be then?

Mr. Allen: They'd be just inside this line. Or – I'm sorry. This would be the parking lot. This – on this side of the line.

Mr. Harjinder Ajmani: Five feet?

Mr. Allen: Yes, sir, five feet. Okay, no. 3, I request a variance from Section 18.20.080 that states that curbs and gutters shall be constructed. Curbs and gutters should not be constructed at this time. There is no continuity with the surrounding properties and the current Lana'i Community Plan identifies the lack of curbing as part of the rural ambience of the town. I am not opposed to signing a deferral agreement that if and when curbing is put in place that I, as the owner of the property, would be responsible for paying my pro rata share of the costs. A similar deferral is signed for utilities.

Now, they do have a – there is a – part of doing a property such as this, a development is, they now require you to put the utilities underground. However, I'd be the only place in the city that would have that. So they regularly have a deferral that you can sign. And I have a copy of what I'm going to be doing with the utilities. I'd like to sign something similar for the curbs. Like I said, I'm not opposed to it, but I think there should be continuity.

And that's pretty much my description of the request. If anybody has any questions, we can–

Chair Holter: Any questions from the Board?

Mr. Uwe Schulz: Yeah, I have a question. If you have a sidewalk five feet in, what's happening with the rest?

Mr. Allen: This still remains right-of-way.

Mr. Schulz: Is it going to be paved?

Mr. Allen: No.

Mr. Shefte: Grassy like it is now?

Mr. Allen: It would be maintained just as it is.

Mr. Schulz: Okay.

Chair Holter: I have a question. Is that tree in the way?

Mr. Allen: The tree is in the way. We have already had an arborist out here stating that if that is going to be our entryway, the traffic over the root system will definitely be detrimental to that tree.

Mr. Shefte: So you have to take that out?

Mr. Allen: Yes.

Ms. Gail Allen: And replant in the landscape areas some more trees. (Inaudible) . . . that type of tree.

Mr. Shefte: Is that a Cook Pine?

Mr. Allen: Yes, sir.

Ms. Allen: Cook Pine. And the tree in the corner was recently taken out because it was rotten by the County.

Mr. Ajmani: Where does the rainwater from like this roof go? Is there an underground storm system?

Mr. Allen: Currently, there is a drain that is down on the corner. We can walk down there and take a look.

Mr. Francis Cerizo: Before you go down there, can you explain this portion here that you wanted deleted? You wanted the sidewalk deleted up here?

Mr. Allen: Oh, if we'd like to walk up there, we can take a look up and down the street. It's not – for no. 1, it's not a heavily-traveled street. No. 2, a sidewalk constructed here would lead to nowhere.

This line would represent – the sidewalk would be on this side, five feet. I'm sorry. Here's – the sidewalk would be centered about my left foot going up and down.

Mr. Shefte: So that tree would have to come out also?

Mr. Allen: Yes. If there's sidewalk constructed, that tree would have to be removed.

Mr. Cerizo: Why don't you want the tree here?

Mr. Allen: The tree?

Mr. Cerizo: I mean the sidewalk.

Mr. Allen: Well, if we went this way with it, we'd also have to remove that tree, that tree, and—

Mr. Cerizo: Why would you have to remove—?

Mr. Allen: For me, for my sidewalk to go to here, it doesn't do anything that I can see. However, we do have a walkway, and it's in the plan, that comes out to here. It's on this side of the structure. It goes about the whole – around the whole building. There's a bathroom located in the back.

Mr. Shefte: How many parking stalls?

Mr. Allen: We have eight parking stalls which meets the minimum requirement for Maui County for this building of this size.

Chair Holter: Where are the parking stalls?

Mr. Allen: The parking stalls are 00 they're set at a diagonal in the area where we were standing just prior.

Mr. Warren Shibuya: And what's the setback from this property line next to the post office?

Mr. Allen: The setback for—?

Mr. Shibuya: Your building.

Mr. Allen: The building is – the closest part of our building comes ten feet.

Mr. Shibuya: Ten feet. But it's two stories, right?

Mr. Allen: Yes.

Mr. Shibuya: Should be 15 feet? What's the setback?

Mr. Shefte: It's ten, isn't it?

Chair Holter: Six and ten.

Mr. Shibuya: What's the setback for a two-story?

Chair Holter: Ten. Six and ten.

Mr. Shibuya: Okay. Thank you.

Chair Holter: Any other questions?

Mr. Ajmani: So where is the – you are not putting any gutters or any drainage system?

Mr. Allen: We do have a drainage system. It's on the downside of the building. We do have– And I'm not entirely familiar with this. However, it's where we remove a lot of the earth and place in a percolation-type of drainage that can – it can take a lot of water.

Mr. Ajmani: Like a wet well or something? A dry well?

Mr. Allen: Yes, sir.

Ms. Allen: It was designed on O`ahu by a mechanical engineer and it's on the plan.

Mr. Ajmani: Okay. So there's no outflow of the rainwater onto the street from the paved area?

Mr. Allen: The overflow of our wet well will go onto Jacaranda. And then it goes down to – like I said, there is a master drain for this area.

Mr. Shefte: What was here before?

Mr. Allen: There were two houses: one on this high side and one on the low side.

Chair Holter: Is that all the questions? Shall we hold public comment at the hearing?

Mr. Schulz: I have one more question.

Chair Holter: All right. Uwe?

Mr. Schulz: If a sidewalk goes in, you have to move the fire hydrant, right? Or will the pedestrians straddle–?

Mr. Allen: I think it might get close, awfully close, to that fire hydrant. I don't think it would be in the middle of it, but however, it would be perhaps into the sidewalk a bit.

Mr. Schulz: So that means the Fire Department might make you move it.

Mr. Allen: Right.

Mr. Schulz: Okay. So the tree has to go and maybe the fire hydrant.

Mr. Allen: Correct.

Mr. Schulz: Okay. Thank you.

Mr. Ajmani: Are you going to keep this area that it can be built in the future?

Mr. Allen: That's something else that I wanted to point out that none of our structure is within – if the roads are widened, it doesn't affect us. We can move our sidewalks, if we need to, in. We can do a lot of things. We're not constructing outside of that right-of-way area.

Mr. Ajmani: So what will this be when you are built out?

Mr. Allen: There is an entryway right here that goes to the front of the building. There's the steps that come out.

Ms. Allen: The architect set precedent with the two homes that were here before. The architect, Charlie Palumbo, is a Lana'i architect. He set precedent in that what was here before is actually very similar to what will be built in the future with a home here and a home in front. There were two homes here that were very close together. And he wanted to design it and keep it the same way as it was in the past. So that was the reason that we built the – instead of cutting into the ground as the post office did and excavating the soil, we wanted to build on the landscape of the land.

Mr. Ajmani: So you're not planning to build this portion here?

Mr. Allen: This is the one where it says request no. 2, "Delete requirements for sidewalks along Koele."

Mr. Ajmani: So this part you will not do?

Mr. Allen: I think I will do it. Makes sense, I'd probably end it right there. I would do this.

Mr. Ajmani: So then walking up to the stair will be some concrete?

Mr. Allen: Yes, concrete out to perhaps the street or something that makes sense.

Mr. Schulz: If you have a stairway there, how do you get the handicapped ADA requirement?

Mr. Allen: There's a ramp that comes along the side of the building.

Mr. Schulz: Okay.

Mr. Shefte: Over here?

Mr. Allen: Yes, sir.

Chair Holter: Any further questions? All right. We'll go to the building and have our hearing. The site visit is closed.

B. NEXT MEETING DATE: February 22, 2007, 1:00 p.m., Lana`i Senior Center, 309 Seventh Street, Lana`i City, Lana`i, Hawai`i.

C. ADJOURNMENT

The site visit concluded at approximately, 11:15 a.m.

Respectfully submitted by,

TREMAINE K. BALBERDI
Secretary to Boards and Commissions II

RECORD OF ATTENDANCE

Members Present:

Lance Holter, Chairman
Warren Shibuya, Vice-Chairman
Harjinder Ajmani
Uwe Schulz
William Kamai
James Shefte

Members Excused:

Randall Endo
Kathleen Acks

Others:

Francis Cerizo, Planning Department Staff
James Giroux, Deputy Corporation Counsel
Lance Nakamura, Development Services Administration, Department of Public Works
and Waste Management