

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAII REVISED STATUTES, AS AMENDED, NOTICE IS HEREBY GIVEN OF A MEETING OF THE MAUI COUNTY BOARD OF VARIANCES AND APPEALS.

AGENDA

DATE: October 10, 2002

TIME: 1:30 p.m.

PLACE: PLANNING DEPARTMENT CONFERENCE ROOM, FIRST FLOOR,
250 SOUTH HIGH STREET, WAILUKU, HAWAII

A. CALL TO ORDER

B. UNFINISHED BUSINESS

1. JO ANNE JOHNSON, ALAN ARAKAWA AND KELLY ARBOR, (Appellants), Appealing the decision by the Director of Public Works & Waste Management, to grant a time extension for preliminary subdivision approval for the Maunaolu Agricultural Subdivision, LUCA No. 2.2218, located on Baldwin Avenue, Haiku, Maui, Hawaii TMK: 2-5-004:039 (BVA020006).
 - a. Order Granting Intervenor Maunaolu Associates' Motion to Dismiss

It is anticipated that the Board will review and take action upon the Hearing Officer's Order granting Intervenor Maunaolu Associates' Motion to Dismiss the appeal filed by Jo Anne Johnson, Alan Arakawa, and Kelly Arbor.
2. ROY SMITH, for "FRIENDS OF SUNNYSIDE", (Appellants), Appealing the decision by the Director of Public Works & Waste Management for granting final subdivision approval for the Maunaolu Plantation Agricultural Subdivision located on Baldwin Avenue, Haiku, Maui, Hawaii TMK: 2-5-004:039 (BVA020011).
 - a. Order: (1) Granting in part and denying in part Motions to Dismiss filed by Maunaolu Associates, David Goode and Alexander & Baldwin, Inc.; and (2) Denying Appellant's Motion that the only automatic parties are Appellants and Appellee Goode.
 - b. Amended Order: (1) Granting in part and denying in part Motions to Dismiss filed by Maunaolu Associates, David Goode and Alexander & Baldwin, Inc.; and (2) Denying Appellant's Motion that the only automatic parties are Appellants and Appellee Goode.

It is anticipated that the Board will review and take action upon that portion of the Hearing Officer's Order granting in part the Motions to Dismiss filed by Maunaolu Associates, David Goode and Alexander & Baldwin, Inc. In particular, the Board is anticipated to discuss and take action upon that portion of the Hearing Officer's Order relating to the dismissal of Appellants: Marcia Wilmore-Aroyan, Melanie Duarte, Roy Smith, Diane Dahl, Alan Arakawa, Kelly Arbor, Jo Anne Johnson, Rob Parsons, Lesley A. Bruce, Lynn Rasmussen, Dennis Dehr, Nell Sunn, William Giebink, and Cindy Giebink.

C. HEARINGS

1. APPEALS APPLICATIONS

- a. GLENN M. KOSAKA, ESQ, on behalf of ALFRED G. AND DOLORES G. HUDCOVIC; AND KENNETH T. SUDA, (Appellants), Appealing the decision by the Director of Public Works & Waste Management dated April 30, 2002, to deny a request for a time extension for the preliminary subdivision approval for Nahiku Ocean View Farm Lots Subdivision, LUCA file No. 1.182 located at Lower Nahiku, Maui, Hawaii TMK: 1-2-002-026 (BVA020021)
- b. HENRY VANDERVELDE, TRUSTEE OF PUEO TRUST DATED AUGUST 26, 1991 AND SANDRA STARR ATHERTON, TRUSTEE OF THE AMAKUA TRUST DATED AUGUST 28, 1991 (Appellants), appealing the Notice of Violation and fine ordered by the Planning Director for the operation of a transient vacation rental in the Residential District located at 583 Kulaiwi Street, Wailuku, Maui, Hawaii; TMK:3-6-015:069 (BVA020019)
 - i. Request for Contested Case Procedures filed by John S. Rapacz, Esq. dated August 30, 2002.

D. NEW BUSINESS

1. Discussion re: Ordinance No. 3026, Bill No. 110 (2001) Building Code Amendment Pertaining to Indigenous Hawaiian Architecture Structures

E. COMMUNICATIONS

1. LEE A. OHIGASHI, representing the "TRUSTEES OF THE SUEHIRO TRUST, requesting a time extension to obtain a change in zoning which was a condition for a variance previously granted on September 11, 1997 to the former Food Pantry Store at 1217 Front Street, Lahaina, Maui Hawaii; TMK: 4-5-005:007. (97-BVA-031)

2. GEORGE W. EGAN, requesting approval of a variance from the Maui County Code, Section 19.08.060(A) "Yards" to allow for a pool equipment house to be situated approximately 2.9 feet from the side property line whereas a 6 feet side yard is required for property in the residential district located at 45 Hale Hookipa Way, Kihei, Maui, Hawaii; TMK: 2-1-020:020 (BVA020003)
 - a. Letter dated August 15, 2002 from J. P. Schmidt, requesting a reconsideration and removal of the requirement that he provide a one million dollar insurance policy.
3. Regular Board Meeting Dates for 2003

F. ANNOUNCEMENTS

G. NEXT MEETING DATE: October 24, 2002 (MOLOKAI)

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/COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES.

PLEASE NOTE: If any member of the commission is unable to attend the scheduled meeting, please contact Naomi Guillermo, Planning Department at 270-7253 at least one day prior to the meeting date.

