

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.

Members: Daniel Mizner (Chair), Dr. Marilyn Colvin (Vice Chair), Garret Abe, Kathleen Acks, John "Keone" Ball, Lance Holter, Glenn Kunitake, Uwe Schulz, Warren Shibuya

AGENDA

DATE: January 13, 2005
TIME: 1:30 p. m.
PLACE: Kalana Pakui Conference Room, First Floor,
250 South High Street, Wailuku, Hawaii

A. **CALL TO ORDER**

B. **UNFINISHED BUSINESS:**

- _____ 1. PAUL L. HORIKAWA, on behalf of ROBERT BLAINE BOETTNER AND DONALD GENE BRANSFORD, requesting approval of a variance from Maui County Code, Section 19.29.020(D) "Maximum Height Limit", to allow a dwelling to be constructed with a total height of 38.05 feet and an accessory dwelling with a total height of 31.2 feet whereas a maximum height of 30 feet is allowed for property situated in the Rural District at 3279 Kaha Drive, Kihei, Maui, Hawaii TMK: 2-1-019:014 (BVA020012/BVA030013).
 - a. APPLICANTS' PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION AND ORDER
 - b. INTERVENORS' PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDED DECISION AND ORDER
 - c. HEARING OFFICER'S REPORT SETTING FORTH A PROPOSED DECISION AND ORDER ON APPLICANT'S MOTION FOR THE BOARD TO DEEM ITS APPLICATION APPROVED
 - d. APPLICANTS' EXCEPTION TO HEARING OFFICER'S REPORT ON HEARING APPLICANT'S MOTION FOR THE BOARD TO DEEM ITS APPLICATION APPROVED
 - e. INTERVENORS' RESPONSE TO APPLICANTS' EXCEPTIONS TO HEARING OFFICER'S REPORT ON HEARING APPLICANT'S MOTION FOR THE BOARD TO DEEM ITS APPLICATION APPROVED

- f. APPLICANTS' REPLY TO INTERVENOR'S RESPONSE TO APPLICANTS' EXCEPTIONS TO HEARING OFFICER'S REPORT ON HEARING ON APPLICANTS' MOTION FOR A DETERMINATION THAT THE APPLICATION IS DEEMED APPROVED

C. PUBLIC HEARING:

Amendments to Chapter 801, Rules of Practice and Procedure for the Board of Variances and Appeals

D. COMMUNICATION:

1. Letter from Michele McLean dated November 29, 2004, Re: Hale Kanani Condominium; TMK: 3-9-016:002, 003 and 006

E. APPROVAL OF MINUTES:

- ____ 1. October 28, 2004
____ 2. November 10, 2004

F. NEXT MEETING DATE: January 19, 2005 (LANAI)

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/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 Guillemo, Planning Department at 270-7253 at least one day prior to the meeting date.