

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: Randall Endo (Chairman), Kevin Tanaka (Vice-Chairman), William Kamai, Rachel Ball Phillips, Stephen Castro, Sr., Ray Shimabuku, Bart Santiago, Jr., Rick Tanner, Bernice Vadla

AGENDA

DATE: January 13, 2011, Thursday

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. ORIENTATION WORKSHOP

1. Use Variances
2. Area Variances
3. Appeals
4. Ethics
5. Sunshine Law

C. APPEALS

1. MAUI'S BEST GIFT & CRAFT FAIR, LLC.'s appeal of the Notice of Violation issued by the Director of Planning in regards to the use of property located at 270 Lahainaluna Road, Lahaina, Maui, Hawaii, TMK: 4-6-010:025. (BVA 20050013)

PETER A. HOROVITZ representing BARRY BROWN appealing the Planning Director's Notice of Violation for "noncompliance of conditions set forth in the Conditional Change in Zoning" for the Maui's Best International Marketplace located at the intersection of Honoapiilani Highway and Lahainaluna Road, Lahaina, Maui, Hawaii; TMK: 4-6-010:025. (BVA20050024)

WILLIAM F. CROCKETT representing MAUI'S BEST GIFT & CRAFT FAIR, LLC appealing the Planning Director's Notice of Violation (V20050070) for the operation of Maui Best International Marketplace located at the intersection of Honoapiilani Highway and Lahainaluna Road, Lahaina, Maui, Hawaii; TMK: 4-6-010:025. (BVA20050027)

- a. James Geiger, Attorney for Appellant, Barry Brown, transmitting to the BVA a Stipulation for Dismissal of Appeal document.
- b. Anthony Ranken, Attorney for Evelyn Goo (Maui's Best Gift & Craft Fair

LLC), and Kimberly A. B. Sloper, Deputy Corporation Counsel of the Department of the Corporation Counsel, informing the BVA that Evelyn Goo hereby dismisses with prejudice the two abovementioned appeals by letter dated January 4, 2011.

2. DOMINIC and ANN PISTILLO of the DOMINIC AND ANN PISTILLO TRUST appealing the Planning Director's Notice of Violation for the construction of a wall which exceeds the four (4) foot height limit for walls within the yard setback area for property located within the agricultural district at 51 Paia Pohaku Street, Lahaina, Maui, Hawaii; TMK: (2) 4-7-010:023-0001 (BVAA 20100004)
 - a. Department of Planning, County of Maui's Motion to Intervene; Memorandum in Support of Motion
 - b. County of Maui's Witness List
 - c. County of Maui's Exhibit List; Exhibit's A to D
 - d. Withdrawal of Department of Planning, County of Maui's Motion to Intervene; Memorandum in Support of Motion
 - e. Department of Planning, County of Maui's Hearing Memorandum; Certificate of Service

D. COMMUNICATIONS

1. JAMES GIROUX, Deputy Corporation Counsel, Maui County Department of the Corporation Counsel, transmitting a decision of the Intermediate Court of Appeals of Hawaii regarding Waikiki Marketplace Investment Company v. Chair of Zoning Board of Appeals of the City and County of Honolulu.

E. APPROVAL OF THE DECEMBER 9, 2010 MEETING MINUTES

F. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

G. NEXT MEETING DATE: January 27, 2011, Thursday

H. 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.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON EACH ANY AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF VARIANCES AND APPEALS. WRITTEN TESTIMONY SHOULD BE RECEIVED AT LEAST TWO BUSINESS DAYS BEFORE THE MEETING TO INSURE DISTRIBUTION TO THE BOARD. FIFTEEN (15) COPIES OF WRITTEN TESTIMONY ARE NEEDED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE 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 the Planning Department at 270-7253 at least one day prior to the meeting date.