

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAI'I REVISED STATUTES, AS AMENDED, NOTICE IS HEREBY GIVEN OF A PUBLIC HEARING/HEARING OF THE MAUI COUNTY BOARD OF VARIANCES AND APPEALS (BVA)

Members: Kevin Tanaka (Chairman), Rick Tanner (Vice-Chairman), Rachel Ball Phillips, Stephen Castro, Sr., Ray Shimabuku, Bart Santiago, Jr., Bernice Vadla, Jacqueline Haraguchi, Patrick De Ponte

AGENDA

DATE: June 9, 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. APPEALS

1. DAVID H. BROWN and ANNE WILMPJE K. BROWN of ANNE WILMPJE KALFF BROWN TRUST appealing the Department of Public Works' Notice of Violation for a dwelling determined to be structurally unsafe due to inadequate maintenance, dilapidation, obsolescence, or abandonment, thereby declared to be a public nuisance for property located at 2525 Kahekili Highway, Wailuku, Maui, Hawaii; TMK: (2) 3-2-005:028 (BVAA 20110002).
 - a. Director, Department of Public Works, County of Maui's Witness List.
 - b. Appellee, Director, Department of Public Works, County of Maui's Exhibit List; Exhibits A - E.
 - c. Appellant, David H. Brown and Anne Wilmpje K. Brown's Transmitting Additional Information
2. THOMAS D. WELCH, ESQ., MANCINI WELCH & GEIGER, LLP representing MAKILA LAND CO., LLC, appealing the Director of the Department of Public Works' letter dated March 25, 2008, amending the preliminary approval letter dated March 3, 2008 for the Makila Nui Subdivision (DSA File No. 4.957) located off of Pua Niu Way, Launiupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-001:025 (BVAA 20080003).
3. THOMAS D. WELCH, ESQ., MANCINI WELCH & GEIGER, LLP representing MAKILA LAND CO., LLC, appealing the Director of the Department of Public Works' letter dated March 25, 2008, amending the preliminary approval letter dated September 11, 2006 for the Makila Ranches - Phase 1 Subdivision (DSA File No. 4.924) located at 373 Haniu Street, Launiupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-001:027 (BVAA 20080004).

4. THOMAS D. WELCH, ESQ., MANCINI WELCH & GEIGER, LLP representing MAKILA LAND CO., LLC, appealing the Director of the Department of Public Works' letter dated March 25, 2008, amending the preliminary approval letter dated October 17, 2006 for the Makila Ranches - Phase 2 Subdivision (DSA File No. 4.927) located off of Kai Hele Ku Street, Launiupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-001:026 (BVAA 20080005).
5. THOMAS D. WELCH, ESQ., MANCINI WELCH & GEIGER, LLP representing MAKILA LAND CO., LLC, appealing the Director of the Department of Public Works' letter dated March 27, 2008, amending the preliminary approval letter dated October 17, 2006 for the Makila Ranches - Phase 3 Subdivision (DSA File No. 4.929) located off of Kai Hele Ku Street, Launiupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-001:030 (BVAA 20080006).
 - a. County of Maui, Department of Public Works' Notice of Appeal to Circuit Court; Exhibit A; Settlement of the Case; Appellant's Designation of Record on Appeal; Order to Certify and Transmit the Record on Appeal; for Agenda Items B-2 through B-5.

(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.)

C. COMMUNICATIONS

1. JAMES STANLEY DAUGHERTY of the 2000 DAUGHERTY FAMILY TRUST requesting a variance from Maui County Code §19.30A.030 to allow an approximate seven foot tall, 16.5 foot long, electrical pedestal wall/structure to exceed the four foot height limit for walls within the 25 foot agricultural setback area, for property located at 188 Awaiku Street, Launiupoko, Lahaina, Maui, Hawaii; TMK: (2) 4-7-009:066 (BVAV 20110009)
 - a. Department of Planning, County of Maui's Motion to Intervene; Memorandum in Support of Motion.
 - b. Withdrawal of Department of Planning, County of Maui's Motion to Intervene.
2. May 10, 2011 memo from Joshua Stone, Chair of the Maui County Charter Commission to Boards and Commissions requesting submittal of proposed charter amendments and/ or recommendations by June 30, 2011, as it relates to the BVA's powers, duties, and authority.

D. APPROVAL OF THE MAY 12, 2011 MEETING MINUTES

E. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

F. NEXT MEETING DATE: June 23, 2011, Thursday

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 is 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 (Maui), OR 1-800-272-0117 (from Molokai), or 1-800-272-0125 (from Lanai); 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 issued 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.