

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

Members: Rick Tanner (Chair), Jacqueline Haraguchi (Vice-Chair), G. Clark Abbott, Patrick De Ponte, Teddy Espeleta, Chad Fukunaga, Howard S. K. Kihune, Bart Santiago, Jr., Ray Shimabuku.

AGENDA

DATE: February 13, 2014

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. PUBLIC TESTIMONY - At the discretion of the Chair, public testimony may also be taken when each agenda item is discussed, except for contested cases under Chapter 91, HRS. Individuals who cannot be present when the agenda item is discussed may testify at the beginning of the meeting instead and will not be allowed to testify again when the agenda item is discussed unless new or additional information will be offered. Maximum time limits of at least three minutes may be established by the Board. More information on oral and written testimony can be found below.

C. PUBLIC HEARINGS

1. GREGORY L. BROWN and SUSUN M. WHITE on behalf of RB², LLC requesting a variance from Maui County Code §19.36A.010, to delete the requirement of providing six (6) additional parking stalls for Da Vine Art wine tasting bar located next door to The Wine Corner; 149 Hana Highway, Unit 3A, Paia, Maui, Hawaii; TMK: (2) 2-6-004:012 (BVAV 20130019).
2. TOM SCHNELL, PBR HAWAII & ASSOCIATES, INC representing the STATE OF HAWAII, DEPARTMENT OF EDUCATION requesting a variance from the Maui County Code §19.78.050 (B)(2) "Public/Quasi-Public PD-WK/1" to exceed the 30-foot height limit by 9 feet-6 inches for Maui Waena Intermediate School located at 795 Onehee Avenue, Kahului, Maui, Hawaii, TMK: (2) 3-8-007:002 (BVAV 20130018).

D. NEW BUSINESS

1. MAUI LAND & PINEAPPLE COMPANY, INC. appealing the Director of Parks and Recreations' requirement of \$4,433,610.00 for the development of a park in Napili for the West Maui Village Affordable Housing Development located off of Honoapiʻilani Highway, Alaeloā, Lahaina, Maui, Hawaiʻi; TMK: (2) 4-3-001:033 (BVAA 20070007).

- a. Stipulation to Dismiss Appeal

E. APPROVAL OF THE NOVEMBER 27, 2013 MEETING MINUTES

F. DIRECTOR'S REPORT

1. Discussion of the February 27, 2014; March 13, 2014; and March 27, 2014 meetings.
2. Annual Financial Disclosure Forms

G. NEXT MEETING DATE: FEBRUARY 27, 2014

H. ADJOURNMENT

Agenda items are subject to cancellation.

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, pursuant to Sec. 92-5(a)(4), HRS.

Documents are on file with the Department of Planning. The address of the Board is c/o Department of Planning, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Maui, Hawaii 96793.

UNLESS OTHERWISE SPECIFIED BY ANOTHER SPECIFIC BOARD RULE, ANY PETITION TO INTERVENE AS A FORMAL PARTY IN THE PROCEEDINGS BEFORE THE BOARD MUST BE FILED WITH THE BOARD AND SERVED UPON THE APPLICANT NO LESS THAN TEN (10) DAYS BEFORE THE FIRST PUBLIC HEARING DATE. (Note: The calculation of time for deadlines ten days or less excludes weekends and State recognized holidays.) THE ADDRESS OF THE BOARD IS NOTED ABOVE. The deadline for filing a timely Petition to Intervene for an item where the first public hearing date is February 13, 2014 was on February 3, 2014.

ORAL OR WRITTEN TESTIMONY WILL BE RECEIVED ON ANY AGENDA ITEM SUBJECT TO THE PROVISIONS OF CHAPTER 92, HAWAII REVISED STATUTES AND THE BOARD'S RULES OF PRACTICE AND PROCEDURE, EXCEPT FOR CONTESTED CASES UNDER CHAPTER 91, HRS, AS NOTED ABOVE.

Written testimony and faxes should be received at least two (2) business days before the meeting to insure distribution to the Board. Fifteen (15) Copies of written testimony are requested if testimony is presented immediately prior to or at the meeting.

Those persons requesting special accommodation due to disabilities, please call the Department of Planning at 270-7253 (Maui), or 1-800-272-0117 (Molokai), or 1-800-272-0125 (Lanai); or notify the Department of Planning in writing at One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Maui, Hawaii 96793, or by fax number 270-7634 at least six (6) business days before the scheduled meeting.

PLEASE NOTE: If any member of the Board is unable to attend the scheduled meeting, please contact the Planning Department at least one day prior to the meeting date. Thank you for your cooperation.
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