

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), G. Clark Abbott (Vice-Chair), Patrick De Ponte, Teddy Espeleta, Chad Fukunaga, William Greig, Howard S. K. Kihune, Scott Matsuura, Raymond Sung

AGENDA

DATE: Thursday, March 12, 2015

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. RESOLUTION THANKING OUTGOING MEMBERS RICK TANNER AND SCOTT MATSUURA

D. PUBLIC HEARING

1. DAVID JORGENSEN OF TAKITANI, AGARAN & JORGENSEN representing DALE SANAE AGENA, SUCCESSOR TRUSTEE OF THE HIDEO AGENA FAMILY TRUST is requesting a variance from Maui County Code (MCC) §18.16.060(C) to allow a portion of the existing access rights-of-way from Kula Highway to the subdivision, over which the owner has access rights, to remain at 20 feet in width, when MCC requires that the rights-of-way of access streets be at least 24 feet in width, for the subject property located at 851 Naele Road, Kula, Hawaii; TMK (2) 2-3-003:167, (BVAV 2015/0001); (M. Balberdi)
2. DAVID JORGENSEN OF TAKITANI, AGARAN & JORGENSEN representing ROBERT MITSUO ITO AND GAEL PUALANI ITO, TRUSTEES OF THE ROBERT MITSUO ITO AND GAEL PUALANI ITO REVOCABLE LIVING TRUST, DATED SEPTEMBER 19, 1997 is requesting a variance from Maui County Code (MCC) §18.16.060(C) to allow a portion of the existing access rights-of-way from Kula Highway to the subdivision, over which the owner has access rights, to remain at 20 feet in width, when MCC requires that the rights-of-way of access streets be at least 24 feet in width, for the subject

property located at 755 Naele Road, Kula, Hawaii; TMK (2) 2-3-003:168, (BVAV 2015/0002); (M. Balberdi)

3. DAVID JORGENSEN OF TAKITANI, AGARAN & JORGENSEN representing MOLLY TANIGUCHI JONES, TRUSTEE OF THE EUGENE T. TANIGUCHI AND HARRIET S. A. TANIGUCHI EXEMPTION TRUST is requesting a variance from Maui County Code (MCC) §18.16.060(C) to allow a portion of the existing access rights-of-way from Kula Highway to the subdivision, over which the owner has access rights, to remain at 20 feet in width, when MCC requires that the rights-of-way of access streets be at least 24 feet in width, for the subject property located at Naele Road, Kula, Hawaii; TMK (2) 2-3-003:203, (BVAV 2015/0003); (M. Balberdi)

E. APPROVAL OF THE JANUARY 22, 2015 MEETING MINUTES

E. NEXT MEETING DATE: **Wednesday**, March 25, 2015

F. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE COMMISSION TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'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.

ANY PETITION TO INTERVENE AS A FORMAL PARTY IN THE PROCEEDINGS BEFORE THE BOARD MUST CONFORM TO RULE 12-801-18, RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF VARIANCES AND APPEALS, AND BE FILED WITH THE BOARD AND SERVED UPON THE APPLICANT WITHIN A REASONABLE TIME BEFORE THE MEETING IN WHICH THE SUBJECT MATTER OF THE INTERVENTION IS TO BE HEARD. THE ADDRESS OF THE BOARD IS NOTED ABOVE.

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 ENSURE 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 ACCOMMODATIONS DUE TO DISABILITIES, PLEASE CALL THE DEPARTMENT OF PLANNING AT 270-7735 (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 Department of Planning at least one day prior to the meeting date. Thank you for your cooperation.