

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

Members: G. Clark Abbott (Chair), Chad Fukunaga (Vice-Chair), Patrick De Ponte, Teddy Espeleta, William Greig, Howard S. K. Kihune, Raymond Sung, Juanita Reyher-Colon, Max Kincaid Jr.

AGENDA

DATE: Thursday, June 25, 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. APPEALS

1. **KEITH KIRSCHBRAUN OF WRIGHT & KIRSCHBRAUN** representing **ROBERT E. COPP JR. AND DOROTHY M. MUNOZ** Appeal of the Planning Director's Notice of Violation (NOV 2014/0013) for the zipline activity within the County's Agricultural District without a Special Use permit pursuant to §19.30A.060(H), Maui County Code, for property located at 2065 Kauhikoa Road, Haiku, Maui, Hawaii; TMK (2) 2-7-012:086 (BVAA 2015/0001)
 - a. Stipulated request for continuance of hearing to July 23, 2015, by Appellants Robert E. Copp Jr. and Dorothy M. Munoz and Appellee William Spence, Planning Director.
2. **CALVERT G. CHIPCHASE AND CHRISTOPHER T. GOODIN OF CADES SCHUTTE LLLP** representing **D & S VENTURES, LLC** Appeal of the Planning Director's Notice of Violation (NOV 2014/0013) for the zipline activity within the County's Agricultural

District without a Special Use permit pursuant to §19.30A.060(H), Maui County Code, for property located at 2065 Kauhikoa Road, Haiku, Maui, Hawaii; TMK (2) 2-7-012:086 (BVAA 2015/0002)

- a. Motion to continue the hearing to July 23, 2015 by Appellee William Spence, Planning Director.

D. COMMUNICATION

3. **ISAAC HALL** representing **DANA NAONE HALL** in the matter of the following variance application which was heard and approved by the Board at its May 14, 2015 public hearing:

JEFFREY MURRAY, FIRE CHIEF, representing **THE COUNTY OF MAUI, DEPARTMENT OF FIRE AND PUBLIC SAFETY** for a variance from §18.20.040(B), Maui County Code, "Existing Streets" to delete the road widening requirement on East Kuiaha Road from the existing 15 feet to 20 feet and to delete the 300 minimum linear feet of shoulder grading which is required by code, for the property located on East Kuiaha Road, Haiku, Maui, Hawaii; TMK (2) 2-7-007:008 (BVAV 2015/0006)

- a. Petition to Intervene in the variance.
- b. Motion to reconsider the Board's May 14, 2015 approval of the variance.

E. ADOPTION OF FINDINGS OF FACT, CONCLUSIONS OF LAW, DECISION & ORDER (D&O)

1. Having voted on December 11, 2014 to approve the variance for the Puuomalei Tract Subdivision variance (BVAV 2014/0003), the Board will consider and may adopt the draft Findings of Fact, Conclusions of Law and Decision and Order.
2. Having voted on January 22, 2015 to approve the variance for the Waiakoa Homestead Subdivision variance (BVAV 2014/0007), the Board will consider and may adopt the draft Findings of Fact, Conclusions of Law and Decision and Order.

F. APPROVAL OF THE MAY 14, 2015 MEETING MINUTES

G. NEXT MEETING DATE: THURSDAY, JULY 9, 2015

H. 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.

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