

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

AGENDA

(HYPERLINKS TO MEETING MATERIALS ADDED)

DATE: **Thursday, August 11, 2022**
TIME: 1:30 p.m.

REMOTE MEETING LOCATION: Interactive conference technology via BlueJeans Videoconferencing; **Meeting ID: 978 951 688**; To watch the meeting or provide testimony, use meeting link <https://bluejeans.com/978951688>

PHYSICAL LOCATION: Members of the public may observe the meeting in-person using audio/visual technology at the Department of Planning Conference Room, Kalana Pakui Building 250 South High Street, 1st floor, Wailuku, Maui, Hawai'i 96793. **Note:** The Board members may not be physically present at this location.

To listen to the meeting via phone, dial 1-888-748-9073 (toll free) or 1-408-915-6290 or 1-408-740-7256 and enter **Meeting ID: 978 951 688**.

ALL PARTICIPANTS MUST KEEP THEIR MICROPHONE AND CAMERA/VIDEO MUTED AT ALL TIMES EXCEPT WHEN THE CHAIR OR BOARD SECRETARY CALLS UPON YOU TO SPEAK. WHEN FINISHED SPEAKING, PLEASE MUTE YOUR MICROPHONE AND CAMERA/VIDEO.

THE CHAT FUNCTION SHALL ONLY BE USED TO SIGN UP FOR PUBLIC TESTIMONY AND SHALL NOT BE USED FOR COMMENTING ON THE AGENDA ITEMS OR OTHER MATTERS OR CONTACTING BOARD MEMBERS OR OTHER MEETING PARTICIPANTS.

MEMBERS: Trisha Egge (Chair), Stephen West (Vice Chair), Ivan Lay, Caron Green, Charlene Shibuya, Ross Takashima, Harry Hecht, Leon Bolosan

A. CALL TO ORDER

B. APPEALS

1. **LOTHAR KUSTER** appealing Notice of Violation (NOV20220004) for operation of a zipline, the building of structures associated with the zipline, statues, and the selling of photographs on a property located at 50 Waipio Road, Ha'ikū, Maui, Hawai'i; TMK (2)-2-005:039 (BVAA20220006) (C. Rabago)

a. The Board will hold a scheduling conference where the Board may select a hearings officer, discuss hearing dates, set deadlines for filing of documents, and other matters.

[Appeal Application](#)

2. **LOTHAR KUSTER** appealing Notice of Violation (NOV20220005) for operation of a zipline, the building of structures associated with the zipline, statues, and the selling of photographs on a property located at West Waipio Road, Ha'ikū, Maui, Hawai'i; TMK: (2) 2-9-005:040 (BVAA20220007) (C. Rabago)
 - a. The Board will hold a scheduling conference where the Board may select a hearings officer, discuss hearing dates, set deadlines for filing of documents, and other matters.

[Appeal Application](#)

3. **LOTHAR KUSTER** appealing Notice of Violation (NOV20220002) for operation of a zipline, the building of structures associated with the zipline, statues, and the selling of photographs on a property located at 306 Waipio Road, Ha'ikū, Maui, Hawai'i; TMK: (2) 2-9-005:026 (BVAA20220008) (C. Rabago)
 - a. The Board will hold a scheduling conference where the Board may select a hearings officer, discuss hearing dates, set deadlines for filing of documents, and other matters.

[Appeal Application](#)

4. **IMPERIUM KIPAHULU KAI, LP AND IMPERIUM HOLDINGS, LP** appealing Notices of Violation (NOV 2021/0020-0021) for non-permitted construction/use of recreational vehicles as dwellings without conducting a principal agricultural use thereby exceeding the maximum amount of two dwellings allowed within the County's Agricultural District and for operating a construction business/base yard whereby said use is not permitted within the County's Agricultural District on a property located at 39607 Hana Highway, Hāna, Maui, Hawai'i; TMK: (2) 1-6-010:002 (BVAA 2021/0010) (C. Rabago) (*Deferred from 7/14/2022 meeting*)
 - a. Scheduled appeal hearing.

[Appeal Application](#)

[County of Maui, Department of Planning's Witness & Exhibits List](#)

[Amended Certificate of Service Regarding County of Maui, Department of Planning's Witness and Exhibit List; Exhibits 1-18](#)

- C. NEXT MEETING DATE: August 25, 2022
- D. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE BOARD TO CONSULT WITH ITS ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES, PURSUANT TO SEC. 92-5 (a)(4), HRS.

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 C/O DEPARTMENT OF PLANNING, 2200 MAIN STREET, SUITE 315, WAILUKU, HAWAI'I, 96793.

WRITTEN TESTIMONY CAN BE PROVIDED VIA EMAIL AT PLANNING@MAUICOUNTY.GOV OR VIA USPS MAIL C/O DEPARTMENT OF PLANNING, ONE MAIN PLAZA, 2200 MAIN STREET, SUITE 315, WAILUKU, HAWAI'I, 96793. WHILE THE BOARD REQUESTS THAT WRITTEN TESTIMONY BE SUBMITTED BY NOON, ONE BUSINESS DAY BEFORE THE MEETING TO ENSURE DISTRIBUTION TO THE BOARD, TESTIMONY SUBMITTED AFTER SUCH DATE AND TIME WILL STILL BE ACCEPTED BY THE BOARD. FIFTEEN COPIES OF WRITTEN TESTIMONY IS NEEDED IF TESTIMONY IS PRESENTED IMMEDIATELY PRIOR TO OR AT THE MEETING.

THOSE REQUIRING AN AUXILIARY AID OR SERVICE OR AN ACCOMMODATION DUE TO DISABILITIES, PLEASE CONTACT BOARD STAFF NO LATER THAN 3 BUSINESS DAYS PRIOR TO THE SCHEDULED MEETING DATE AT (808) 270-7735 (MAUI) OR 1-800-272-0117 (MOLOKA'I) OR 1-800-272-0125 (LĀNA'I).

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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