

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, September 8, 2022**

TIME: 1:30 p.m.

REMOTE MEETING LOCATION: Interactive conference technology via BlueJeans Videoconferencing; **Meeting ID: 508 010 653**; To watch the meeting or provide testimony, use meeting link <https://bluejeans.com/508010653>

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: 508 010 653**.

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, Edward Rickord

A. CALL TO ORDER

B. INTRODUCTION OF NEW MEMBER-EDWARD RICKORD

C. APPEALS

1. **PETER HOROVITZ of HOROVITZ TILLEY LLLC, representing YUKA YONEBAYASHI** appealing Notice of Violation NOV 2021/0014 for use of a structure as an apartment building; having a BBQ area within the 15' front yard setback and conversion of the garage into a dwelling unit for property located at 66 Puu Koa Place, Ha'ikū, Maui, Hawai'i; TMK: (2) 2-7-006:121 (BVAA 2021/0004) (C. Cortez)

- 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. **PETER HOROVITZ of HOROVITZ TILLEY LLLC, representing YUKA YONEBAYASHI** appealing Notice of Violation NOV 2021/0013 for use of the garage as a laundry center for the rental business and converting all bedrooms into dwellings thus creating an apartment building for property located at 64 Puu Koa Place, Ha'ikū, Maui, Hawai'i; TMK: (2) 2-7-006:122 (BVAA 2021/0005) (C. Cortez)

- 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. **PETER HOROVITZ of HOROVITZ TILLEY LLLC, representing STEFFANO MAFFINI** appealing Notice of Violation NOV 2021/0033 issued on 52 Puu Koa Place, for use of a structure as a multi-family building; exceeding the number of allowed accessory dwellings; conversion of the garage into a dwelling unit. TMK (2) 2-7-006:125 (BVAA 2021/0012) (C. Cortez)

- 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. **PETER HOROVITZ of HOROVITZ TILLEY LLLC, representing STEFFANO MAFFINI** appealing Notice of Violation NOV 2021/0032 issued on 48 Puu Koa Place, for use of a structure as a multi-family building; exceeding the number of allowed accessory dwellings; conversion of the garage into a dwelling unit; and construction of a storage shed for renters' use. TMK (2) 2-7-006:126 (BVAA 2021/0013) (C. Cortez)

- 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](#)

5. **CAIN & HERREN** on behalf of **MARIA FATIMA GINNEBAUGH** appealing Notices of Violations for Advertising and Operating a Short-Term Rental Home located at 885 Nahiku Road, Ha'ikū, Maui, Hawai'i; TMK: (2) 1-2-002:018 (BVAA 2019/0021 & BVAA 2019/0022) (C. Rabago)

- a. The Board to review, revise and/or approve of the Proposed Findings of Fact, Conclusions of Law, and Decision & Order

[Proposed Findings of Fact, Conclusions of Law, And Decision & Order
October 24, 2019 BVA Meeting Minutes](#)

6. **ROBERT AND ROXANA HOLLIFIELD** appealing the Planning Director's Revocation of a Short-Term Rental Permit (STRH) – for providing false and misleading information during the STRH permit application process, for property located at 27 Naniāli'i Place, Unit "E", Kihei, Maui, Hawai'i, (BVAA 2020/0008) (C. Rabago)
 - a. The Board to review, revise and/or approve of the Proposed Findings of Fact, Conclusions of Law, and Decision & Order

[Proposed Findings of Fact, Conclusions of Law, And Decision & Order
February 24, 2022 BVA Meeting Link Recording](#)

D. NEXT MEETING DATE: September 22, 2022

E. 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.