

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: **January 26, 2023**

TIME: 1:30 p.m.

**REMOTE MEETING LOCATION:** Interactive conference technology via BlueJeans Videoconferencing; **Meeting ID: 579 840 404**; To watch the meeting or provide testimony, use meeting link <https://bluejeans.com/579840404>

**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, 1<sup>st</sup> 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: 579 840 404**.

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 and Edward Rickord

A. CALL TO ORDER

B. APPEAL

1. **MICHAEL BASKIN, SEASHORE PROPERTIES LLC** appealing the Planning Director's decision dated 10/31/2022 that the renewal application for county special use permit, CUP2015/0006, is premature and cannot be granted at this time for property located at 93 Hana Hwy, Pā'ia, Maui, Hawai'i; TMK (2) 2-6-002:027 (BVAA2022-00005) (P. Critchlow)

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

[Appeal Application](#)

C. NEXT MEETING DATE: February 8, 2023

D. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

**INTERRUPTION IN VIDEO/AUDIO:** IF THE CONNECTION BETWEEN ANY TESTIFIER AND THE VIDEO CONFERENCE IS LOST, THE MEETING WILL CONTINUE. A MEETING HELD BY INTERACTIVE CONFERENCE TECHNOLOGY SHALL BE AUTOMATICALLY RECESSED FOR UP TO 30 MINUTES TO RESTORE COMMUNICATION WHEN AUDIOVISUAL COMMUNICATION CANNOT BE MAINTAINED WITH THE BOARD MEMBER(S) PARTICIPATING IN THE MEETING OR WITH THE PUBLIC LOCATION IDENTIFIED ABOVE. IF CONNECTION CANNOT BE RESTORED WITHIN 30 MINUTES, THE MEETING IS AUTOMATICALLY TERMINATED.

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.

**DOCUMENTS** RELATING TO THIS MEETING ARE ON FILE WITH THE DEPARTMENT OF PLANNING AND MAY BE FOUND BY CLICKING ON THE LINKS PROVIDED ON THIS AGENDA, AND ON THE OFFICIAL COUNTY OF MAUI WEBSITE AT [WWW.MAUICOUNTY.GOV](http://WWW.MAUICOUNTY.GOV) UNDER BOARDS AND COMMISSIONS, BOARD OF VARIANCES AND APPEALS.

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](mailto: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.

**ORAL TESTIMONY** WILL BE TAKEN WHEN EACH AGENDA ITEM IS DISCUSSED. TESTIFIERS VIA VIDEO ARE ASKED TO SIGN-UP USING THE CHAT FUNCTION BY PROVIDING THEIR NAME AND THE INFORMATION FOR THE ITEM THEY WISH TO TESTIFY ON. TESTIFIERS VIA PHONE WILL BE CALLED BY THE CHAIR AFTER VIDEO AND PHONE TESTIMONY ARE FINISHED.

**SPECIAL ASSISTANCE:** IF ANY PERSON NEEDS AN AUXILIARY AID/SERVICE OR OTHER ACCOMMODATION DUE TO A DISABILITY, CONTACT THE PLANNING DEPARTMENT AT 808-270-7735 (MAUI), 1-800-272-0177 (MOLOKAI), or 1-800-272-0125 (LANAI), or [PLANNING@MAUICOUNTY.GOV](mailto:PLANNING@MAUICOUNTY.GOV), AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL THE REQUEST. UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

**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.