

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: **March 23, 2023**
TIME: 1:30 p.m.

REMOTE MEETING LOCATION: Interactive conference technology via BlueJeans Videoconferencing; **Meeting ID: 821 583 020**; Meeting link: <https://bluejeans.com/821583020>

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, Hawaii'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: 821 583 020**.

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.

USERS ARE NOT PERMITTED TO USE THE CHAT FUNCTION 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. RESOLUTION THANKING OUTGOING MEMBERS TRISHA EGGE AND STEPHEN WEST
- C. APPEALS
 - 1. **CHRISTOPHER GOODIN of CADES SCHUTTE LLP, representing 598 STABLE LLC AND 600 STABLE LLC** appealing Notice of Violation NOV 2020/0099 for failure to obtain a flood development permit prior to construction or renovation of a structure in the special flood hazard area for property located at 598 & 600 Spreckelsville Beach Road, Pā'ia, Maui, Hawaii'i; TMK: (2) 3-8-002:026 CPR 0001 and (2) 3-8-002:026 CPR 0002 (BVAA2020/0018) (C. Cortez)
 - 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](#)

2. **CHRISTOPHER GOODIN of CADES SCHUTTE LLP, representing 600 STABLE LLC** appealing Notice of Violation V2020/0018 for failure to obtain a building permit prior to construction or renovation of a structure for property located at 600 Spreckelsville Beach Road, Pā'ia, Maui, Hawai'i; TMK: (2) 3-8-002:026 (BVAA2020/0019) (C. Cortez)
 - 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](#)

D. NEXT MEETING DATE: April 13, 2023

E. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION

DECORUM: ANY PERSON OR PERSONS WHO WILLFULLY DISRUPTS A HEARING OR OTHERWISE COMPROMISES THE CONDUCT OF THE HEARING SHALL BE REMOVED FROM THE HEARING ROOM. EXAMPLES OF DISRUPTIVE BEHAVIOR INCLUDES, BUT IS NOT LIMITED TO: SHOUTING, USE OF PROFANITY, HECKLING, AND THREATENING REMARKS MADE TO ANY MEMBER OF THE BOARD, STAFF, OR GENERAL PUBLIC.

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 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, HAWAII, 96793.

FOR **APPEAL** MATTERS, ANY MEMBER OF THE PUBLIC IS WELCOME TO ATTEND THE APPEAL HEARING TO LISTEN AND WATCH THE PROCEEDINGS; HOWEVER, THE MATTER IS ONLY LIMITED TO THE FORMAL PARTIES. THEREFORE, PUBLIC TESTIMONY WILL NOT BE ACCEPTED BY THE BOARD FOR APPEAL MATTERS.

Board of Variances and Appeals

Agenda-March 23, 2023

Page 3

WRITTEN TESTIMONY FOR AGENDA ITEMS, WITH THE EXCEPTION OF APPEAL MATTERS, 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. 15 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 DICUSSED, WITH THE EXCEPTION OF APPEAL MATTERS. 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 (MOLOKA'I), or 1-800-272-0125 (LĀNA'I), or 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.