

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: **May 25, 2023**  
TIME: 1:30 p.m.

**REMOTE MEETING LOCATION:** Interactive conference technology via BlueJeans Videoconferencing; **Meeting ID: 842 017 838**; Meeting link: <https://bluejeans.com/842017838>

**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, Hawaii 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: 842 017 838**.

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:** Caron Green (Chair), Ivan Lay (Vice Chair), Charlene Shibuya, Ross Takashima, Harry Hecht, Edward Rickord, and Deborah Vial

A. CALL TO ORDER

B. REQUESTS FOR CONTINUANCE

1. **EDWARD GREGORIO** appealing the Planning Director's letter dated October 20, 2022 to the Maui Lani Terraces Association of Apartment Owners that unpermitted transient vacation rental use at the Maui Lani Terraces will be subject to enforcement action after January 31, 2023 for property located at 3740 Lower Honoapi'ilani Road, Lahaina, Maui, Hawaii; TMK (2)-4-3-006:004 (BVAA2022-00004) (C. Rabago)
  - a. The Board may vote on the parties' request for a continuance of this matter from the 6/8/2023 meeting to a future date and to amend the filing deadlines for the parties'.

[Stipulation to Continue Hearing](#)

C. 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. Scheduled appeal hearing. The Board may vote on the parties' request for a continuance to a future date and to amend the filing deadlines for the parties'.

**Appellant Documents:**

[Appellant's List of Exhibits and Witnesses; Exhibits "1" – "38"; Certificate of Service](#)

**Respondent Documents:**

[County of Maui, Director of Planning's Witness and Exhibit List; Exhibits "1" – "8"; Certificate of Service](#)

D. NEXT MEETING DATE: June 8, 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](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, 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.

**WRITTEN TESTIMONY** FOR AGENDA ITEMS, WITH THE EXCEPTION OF APPEAL MATTERS, 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, HAWAII, 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 DISCUSSED, 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](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.