

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

Members: Randall Endo (Chairman), Warren Shibuya (Vice-Chairman), Harjinder Ajmani, James Shefte, William Kamai, Rachel Ball Phillips, Stephen Castro, Sr., Sandra Duvauchelle, Kevin Tanaka

AGENDA

DATE: Thursday, August 14, 2008

TIME: 1:30 p. m.

PLACE: Planning Department Conference Room, First Floor,
Kalana Pakui Building, 250 South High Street, Wailuku, Hawai'i

A. CALL TO ORDER

B. PUBLIC HEARING

1. CHRIS HART & PARTNERS representing A&B KANE, LLC requesting a variance from Maui County Code, §18.04.030 to allow open space, landscaping, and a children's play area within a portion of land that is located within the County's R-3 Residential District and designated as Community Plan Business/Commercial and State Land Use Urban, whereas "[t]he director shall not approve any subdivision that does not conform to or is inconsistent with the county general plan, community plans, land use ordinances, the provisions of the Maui County Code, and other laws relating to the use of land" for the Kane Street Mixed Use Commercial Project located off of Kane and Vevau Streets, Kahului, Maui, Hawai'i; TMK: (2) 3-7-005:003, 011, and 023 (BVAV 20080002).

C. APPEALS

1. JAMES W. GEIGER, ESQ., of MANCINI, WELCH & GEIGER representing UWE H. H. SCHULZ appealing the Department of Fire and Public Safety's decision to require an automatic sprinkler system for an existing lanai enclosure (Building permit application no. B T20080351) at the Ka'anapali Royal Condominium located at 2560 Keka'a Drive, Ka'anapali, Lahaina, Maui, Hawai'i; TMK: (2) 4-4-008:023-0059.
 - a. Mark Murakami, Esq. of Damon Key Leong Kupchak Hastert representing James F. Arbuckle and Natalie D. Arbuckle's Application to Intervene in the Appeal of Uwe H. H. Schulz
 - b. Mark Murakami, Esq. of Damon Key Leong Kupchak Hastert representing Brian Mallard's Application to Intervene in the Appeal of Uwe H. H. Schulz
 - c. Mark Murakami, Esq. of Damon Key Leong Kupchak Hastert representing James J. Gillogly and Marrietta S. D. Gillogly, Could-

- Trustees of the Gillogly Family Trust Dated July 29, 2003's Application to Intervene in the Appeal of Uwe H. H. Schulz
- d. Mark Murakami, Esq. of Damon Key Leong Kupchak Hastert representing John L. Barneson, Jr. and Vickilee G. Barneson's Application to Intervene in the Appeal of Uwe H. H. Schulz
 - e. Mark Murakami, Esq. of Damon Key Leong Kupchak Hastert representing Douglas Duckworth and Priscilla Duckworth's Application to Intervene in the Appeal of Uwe H. H. Schulz

(Continued from the July 24, 2008 meeting. Members, please bring previously distributed materials with you to the meeting.)

- 2. B. MARTIN LUNA, ESQ. of CARLSMITH BALL, LLP representing W2005 KAPALUA/GENGATE HOTEL REALTY, LLC appealing the Director of Parks and Recreation's decision to apply the park dedication requirements of Maui County Code, §18.16.320 for the Ritz Carlton renovations located at 1 Ritz Carlton Drive, Kapalua, Maui, Hawai'i; TMK: (2) 4-2-004:014, 015 & 021. (BVAA 20070006)
 - a. Stipulation to Dismiss Appeal
- D. APPROVAL OF THE JULY 24, 2008 MEETING MINUTES
- E. DIRECTOR'S REPORT
- 1. Status Update on BVA's Contested Cases
- F. NEXT MEETING DATE: August 28, 2008
- G. ADJOURNMENT

AGENDA ITEMS ARE SUBJECT TO CANCELLATION.

EACH APPLICANT IS REQUESTED TO PROVIDE RESPONSIBLE REPRESENTATION AT THE MEETING. INFORMATION RELATIVE TO THE ABOVE APPLICATIONS ARE AVAILABLE FOR REVIEW AT THE PLANNING DEPARTMENT'S OFFICE LOCATED AT 250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAI'I.

ANY PERSONS REQUESTING ACCOMMODATION DUE TO DISABILITIES, PLEASE CALL THE MAUI PLANNING DEPARTMENT AT 270-7253, OR NOTIFY THE MAUI PLANNING DEPARTMENT IN WRITING AT 250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAI'I 96793, OR BY FAX NUMBER 270-7634 AT LEAST SIX (6) DAYS BEFORE THE SCHEDULED MEETING.

ANY FAXES SHOULD BE RECEIVED BY THE DEPARTMENT OF PLANNING BY 4:30 P.M. ON THE SECOND WORKING DAY BEFORE THE MEETING TO INSURE THAT IT IS CIRCULATED TO THE BOARD.

AN EXECUTIVE SESSION MAY BE CALLED IN ORDER FOR THE BOARD TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE BOARD'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES.

PLEASE NOTE: If any member of the Commission is unable to attend the scheduled meeting, please contact the Planning Department at 270-7253 at least one day prior to the meeting date.