

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.

Members: Glenn Kunitake (Chair), Lance Holter (Vice Chair), Garret Abe, Kathleen Acks, Harjinder Ajmani, John "Keone" Ball, Uwe Schulz, James Shefte, Warren Shibuya

AMENDED AGENDA

DATE: May 12, 2005
TIME: 1:30 p. m.
PLACE: Kalana Pakui Conference Room, First Floor,
250 South High Street, Wailuku, Hawaii

A. CALL TO ORDER

B. PUBLIC HEARINGS:

1. **PAUL L. HORIKAWA, ESQ. OF ING, HORIKAWA & JORGENSEN** representing **WESTERN APARTMENT SUPPLY & MAINTENANCE CO. & SARENTO'S ON THE BEACH, LLC** requesting variances to allow: (1) An existing awning for Sarento's On The Beach, and a replacement thereof, to be less than fifteen (15) feet from the rear yard boundary, as required by Maui County Code (MCC), Section 19.14.070; (2) A portion of the electrical boxes for the Maui Oceanfront Inn to be less than ten (10) feet from the side yard boundary, as required by MCC, Section 19.14.070; (3) The structures that surround the electrical room, garbage bins, propane tanks and storage area to be less than ten (10) feet from the side yard boundary, as required by the MCC, Section 19.14.050; (4) The lot coverage of buildings and structures on the property to be more than thirty percent (30%), as required by MCC, Section 19.14.050 for the Maui Oceanfront Inn and Sarento's on the Beach, located at 2980 South Kihei Road, Kihei, Maui, Hawaii; TMK: 3-9-004:029 (BVA20050008).

a. Petition to Intervene; Certificate of Service

2. BERNADINE SILA requesting a variance from Maui County Code, Section 19.08.060 "Yards" to allow two story structure to be located six feet from the property line whereas ten feet is required for property located at 52 Ohukai Road, Kihei, Maui, Hawaii; TMK: 3-9-041:010 (BVA20050009).

C. NEW BUSINESS:

1. DAVID J. DORN, appealing the Director of Finance's decision of July 24, 2004, to exclude two beach parks from an Ocean Recreation Activity

Business Permit for Waipuilani Beach Park located off of South Kihei Road; TMK: 3-9-001:001; and Kalama State Park, located at 1900 South Kihei Road; Kihei, Maui, Hawaii; TMK: 3-9-005:052 (BVA20050002).

a. Appellant's Motion for Reconsideration

2. ALAN ARKLES requesting approval of variances from the following sections of the Maui County Code: (1) SECTION 19.30A.030(G) to allow a consolidation and resubdivision of four lots into three lots, of an original parcel which was a portion of eight existing lots, thereby reducing the total lots to seven, which exceeds the maximum subdivision potential of four lots, that may be created from the original parcel; and (2) SECTION 19.30A.040(A) to delete the requirement to record a lot allocation for the proposed A. Arkles Hoolawa Subdivision (DSA #2.2738) located off of Hoolawa Road, Honopou, Haiku, Hawaii; TMK: 2-9-001:071, 072, 074, and 075 (BVA20040016).

a. Motion for Reconsideration

D. APPROVAL OF MINUTES:

1. April 28, 2005

E. NEXT MEETING DATE: May 26, 2005

F. 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, HAWAII.

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, HAWAII 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/COMMISSION TO CONSULT WITH THEIR ATTORNEY ON QUESTIONS AND ISSUES PERTAINING TO THE COMMISSION'S POWERS, DUTIES, PRIVILEGES, IMMUNITIES AND LIABILITIES.

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

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