

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: Lance Holter (Chair), Warren Shibuya (Vice-Chair), Kathleen Acks, Uwe Schulz, Harjinder Ajmani, James Shefte, Randall Endo, William Kamai

AGENDA

DATE: Thursday, June 22, 2006

TIME: 1:30 p. m.

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

A. CALL TO ORDER

B. APPEALS

1. To determine a hearings' officer to preside over the following matter:

HANOHANO, LLC, by its attorney, DAVID NAKAMURA, of CROCKETT AND NAKAMURA, appealing (1) the decision of the Director of the Department of Public Works and Environmental Management, to amend his letter dated June 6, 2005, which granted approval to the preliminary plat for consolidation and re-subdivision; and (2) the decision of the Director of Planning that the zoning is Interim or otherwise improper for the uses permitted under the R-3 Residential District for two (2) parcels of land situated at Keahua, Kula, Maui, Hawaii, TMK: 2-3-011:1 and 2. (BVAA2006002)

2. ISAAC HALL, ESQ., representing MEDO, LLC, appealing the decision of the Director of Parks and Recreation, County of Maui dated April 29, 2005, refusing to grant credits for privately owned and maintained parks and playgrounds, pursuant to Maui County Code §18.16.320.E for the Liloa Subdivision located at 1585 Welakaho Street, Kihei, Maui, Hawaii; TMK: 3-9-002:116, 150 and 151. (BVA 20050016)

- a. Hearings' Officer Timothy McNulty's Findings of Fact, Conclusions of Law and Order.
- b. Isaac Hall, Attorney for Appellants: MEDO, LLC and SunStone Keokea, LLC, requesting oral argument before the BVA.
- c. Appellee County of Maui, Department of Parks & Recreation's Exceptions to Hearings' Officer's Report, Proposed Findings of Fact, Conclusions of Law, and Decision and Order.
- d. Isaac Hall, Attorney for Appellants' Brief in Support of Hearings' officer Report and Recommendations.

3. MAUI'S BEST GIFT & CRAFT FAIR, LLC. appealing the Planning Director's Notice of Violation for "noncompliance of conditions set forth in the Conditional Change in Zoning" for the Maui's Best International Marketplace located at the intersection of Honoapiilani Highway and Lahainaluna Road, Lahaina, Maui, Hawaii; TMK: 4-6-010:025. (BVA20050013)
 - a. Appellee Michael W. Foley, Director, Department of Planning, County of Maui's Motion Re: Documents Protected by Deliberative Privilege; Memorandum in Support of Motion.

C. APPROVAL OF THE MAY 25, 2006 MEETING MINUTES

D. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

E. NEXT MEETING DATE: July 8, 2006

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 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 Tremaine Balberdi, Planning Department at 270-7253 at least one day prior to the meeting date.