

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, Shirley Alapa

AGENDA

DATE: Thursday, August 10, 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. PUBLIC HEARING

1. GWEN OHASHI HIRAGA of MUNEKIYO & HIRAGA, INC., representing KEAKA, LLC, requesting variances from the following sections of Maui County Code: (1) §18.16.050 "Minimum right-of-way and pavement widths" to allow a right-of-way (ROW) width that varies from 46.9 to 57.4 feet and a pavement width that is approximately 24 feet, whereas 44 feet ROW and 28 feet pavement widths are required; (2) §18.20.070 "Sidewalks" to delete the requirement to construct concrete sidewalks six feet wide on both sides of the street within areas zoned hotel; and (3) §18.20.080 "Curbs and gutters" to delete the requirement to construct concrete curbs and gutters for a proposed 71-unit condominium and related improvements at Lot H-1, located off of Makena-Keoneoio Road, north of Makena Alanui Drive, Makena, Maui, Hawai'i; TMK: (2) 2-1-006:037 and 056 (por.) (Rescheduled from the July 13, 2006 meeting.) (BVAV 20060001)

C. APPEALS

1. To determine a hearings' officer to preside over the following matters:
 - a. 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 resubdivision; 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: 2-3-011:001 and 002. (BVAA2006002)
(Rescheduled from the June 22, 2006 meeting.)

- b. DAVID H. NAKAMURA of CROCKETT and NAKAMURA representing HANO HANO, LLC appealing the Director of Public Works and Environmental Management's decision to deem the Kualono Subdivision (DSA File No. 2.2896) null and void for property located off of Haleakala Highway, Keahua, Kula, Maui, Hawaii; TMK: (2) 2-3-011:001 and 002. (BVAA20060003)
2. 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. (Rescheduled from the June 22, 2006 meeting.) (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.
 - b. Maui's Best Gift & Craft Fair LLC, Memorandum in Opposition to Planning Director's Discovery Motion; Exhibits 1-5.
 - c. Maui's Best Gift & Craft Fair LLC, Supplemental Memorandum in Opposition to Planning Director's Discovery Motion.

D. COMMUNICATIONS

1. KRISTY SABIN of CURVES UPCOUNTRY for EDWARD HAOLE, JR. requesting a variance from Maui County Code, Section 19.500.110 (D)(1) "Nonconforming parking and loading," to allow a change in use utilizing the one loading and five existing nonconforming stalls whereby seven conforming parking stalls and landscaping are required for Curves Upcountry, located at 1134-B Makawao Avenue, Makawao, Hamakuapoko, Maui, Hawaii; TMK: 2-4-007:045. (BVA200500010)
 - a. Applicant's request to revoke variance approval. The Board will review letter and take the appropriate action to revoke variance approval.

E. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

F. NEXT MEETING DATE: August 24, 2006

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, 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.