

PURSUANT TO CHAPTERS 91 AND 92, PART I, HAWAII REVISIED 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, December 11, 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. VARIANCES

1. MICH HIRANO of MUNEKIYO & HIRAGA representing STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES requesting variances from Maui County Code §§19.62.060(A)(3)(a) and 19.62.060(G)(1) to allow development of portions of the ground floor of the Maalaea Small Boat Harbor ferry terminal building, including the ferry passenger waiting room, women's and men's restrooms, storage/janitor room, electrical/communication room, mechanical room and elevator, and three (3) electrical meter buildings to be located below the 11 feet mean sea level base flood elevation for property located at 101 Maalaea Harbor Road, Maalaea, Maui, Hawaii; TMK: (2) 3-6-001:002, 049 and 050 (BVAV 20080004) ***(Deferred from the meeting of November 26, 2008. Members, please bring your previously distributed materials with you to the meeting.)***
2. PAUL HORIKAWA, ESQ. representing BINHI AT ANI requesting a variance from Maui County Code, §19.36.010 to delete the requirement to provide 20 parking stalls for a second floor conference room and storage room addition for the Binhi At Ani Filipino Community Center located at 780 Onehe'e Avenue, Kahului, Maui, Hawai'i; TMK: (2) 3-8-007:124 (BVAV 20080005)
3. ELLIOT & BARBARA LUKE requesting a variance from Maui County Code, §16.04B.140, Subsection 903.4.2 (as amended) to delete the requirement to provide fire protection with a fire flow of 500 gallon per minute for a two hour duration for the Luke Family Subdivision located on 233 Anuhea Place, Kula, Maui, Hawai'i (BVAV 20080006)

C. APPEALS

1. BLAINE J. KOBAYASHI of CARLSMITH BALL, LLP representing KEHALANI

HOLDING COMPANY, INC. appealing the Director of the Department of Public Works' issuance of a Notice of Violation (V 20080036) for the construction of a "shack dwelling" on property located off of Pi'ihana Road, Wailuku, Maui, Hawai'i; TMK: (2) 3-4-032:001 (BVAA 20080010)

a. County of Maui's Hearing Memorandum; Exhibits 1-7

2. BLAINE J. KOBAYASHI of CARLSMITH BALL, LLP representing KEHALANI HOLDING COMPANY, INC. appealing the Director of the Department of Public Works' issuance of a Notice of Violation (V 20080037) for the storage of junk cars and debris on property located off of Pi'ihana Road, Wailuku, Maui, Hawai'i; TMK: (2) 3-4-032:001 (BVAA 20080011)

a. County of Maui's Hearing Memorandum; Exhibits 1-7

D. APPROVAL OF THE NOVEMBER 26, 2008 MEETING MINUTES

E. DIRECTOR'S REPORT

1. Status Update on BVA's Contested Cases

F. NEXT MEETING DATE: **January 8, 2009**

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 Board is unable to attend the scheduled meeting, please contact the Planning Department at 270-7253 at least one day prior to the meeting date.