

# Resolution

No. 96-79 Introduced By WAYNE K. NISHIKI Councilmember

## PROPOSING AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983) RELATING TO THE BOARD OF VARIANCES AND APPEALS

BE IT RESOLVED by the Council of the County of Maui:

1. That it does hereby propose that Section 8-5.4 of the Revised Charter of the County of Maui, pertaining to the Board of Variances and Appeals, be amended to read as follows:

"Section 8-5.4. Board of Variances and Appeals. The board of variances and appeals shall consist of nine members appointed by the mayor with the approval of the council.

In accordance with such principles, conditions and procedures prescribed by the council, the board of variances and appeals shall:

1. Hear and determine applications for variances from the strict application of any [general plan,] zoning, subdivision or building ordinances. The board shall hold a public hearing prior to ruling on a variance application and shall issue findings of fact and conclusions of law on decisions granting or denying variance applications.

2. Hear and determine appeals alleging error from any person aggrieved by a decision or order of any department charged with the enforcement of zoning, subdivision and building ordinances; provided, that the council may by ordinance confer to another county agency the authority to hear and determine appeals from the decisions of the building official in the administration of the county of Maui building code, plumbing code, electrical code, and housing code, and from any order made by the county fire chief in the administration of applicable state law and the county of Maui fire code, and the director of water supply in the administration of the rules and regulations of the department of water supply relating to matters involving any denial of the use of new or alternate materials, types of construction, equipment, devices or appliances.

3. Hear and determine all other matters which the board may be required to pass on pursuant to ordinances.

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4. Adopt rules of procedure for the conduct of the board's business."

2. That this resolution shall be submitted to the voters of the County of Maui at the next general election; and

3. That the County Clerk is hereby requested to prepare the appropriate question for presentation to the voters at the 1996 General Election; and

4. That, upon approval by the majority of the voters in favor of amending the Revised Charter of the County of Maui as indicated by the number of votes cast and upon official certification of such result, the amendment proposed herein shall take effect; and

5. That a certified copy of this resolution be transmitted to the Mayor and the Department of Public Works and Waste Management.

APPROVED AS TO FORM AND LEGALITY:




BRIAN T. MOTO  
Deputy Corporation Counsel  
County of Maui resos\chart2\ln

COUNCIL OF THE COUNTY OF MAUI  
WAILUKU, HAWAII 96793

**CERTIFICATION OF ADOPTION**

It is HEREBY CERTIFIED that the foregoing resolution was adopted by the Council of the County of Maui, State of Hawaii, on the 4th day of September, 19 96 by the following vote:

MEMBERS	Alice L. LEE Chair	Patrick S. KAWANO Vice-Chair	James "Kimo" APANA	Alan ARAKAWA	Sol P. KAHOOHALAHALA	Robert M. MONDEN	Thomas P. MORROW	Dennis Y. NAKAMURA	Wayne K. NISHIKI
ROLL CALL	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye

  
COUNTY CLERK