APPENDIX MAUI-38(a)

Board of Variance & Appeals (BVA) Application - Appeals County of Maui Department of Planning Zoning Administration & Enforcement Section

Permit Packet Includes:

- 1. Process Overview
- 2. Variance and Appeals Applications Procedures (Notice of Appeal) & instructions

Resources:

• Charter of the County of Maui (2003), Sect. 8-8.7 (See Appendix CCM – Chap. 8)

Approval or Permit Required:	To appeal a decision or order of, or alleged error by, any department charged with the enforcement of zoning, subdivision, and building ordinances.
Contact Information:	Department of Planning Zoning Administration and Enforcement Division 250 South High Street Kalana Pakui Building, 2nd Floor Wailuku, HI 96793 Phone: 808-270-7735
Website:	http://www.co.maui.hi.us/index.aspx?NID=1292

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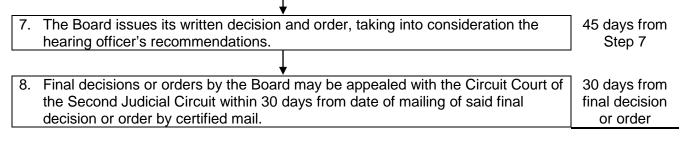
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NOTE:

- Unless specified otherwise by the "Appeal Regulations and General Deadlines" table in the application packet, appeals must be filed not later than 30 days after the date of the written decision or order from which the appeal is sought.
- The City 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; from any order made by the County Fire Chief concerning the Fire Code; and, from any decision made by the Director of Water Supply concerning matters involving any denial of the use of new or alternate materials, types of construction, equipment, devices or appliances.
- Steps Time Complete a "Variance and Appeals Application Procedures (Notice of Appeal)" packet, available from the Maui Department of Planning or the website listed above. Review the table on the front page and the "Appeal Application Requirements" (p. 2). It is the responsibility of the applicant to fully complete the application. Incomplete applications will cause delay. Submit the application and fee (see below for fee amount). Make checks 2. payable to the "County of Maui, Director of Finance". 3. Serve upon all parties/departments to the appeal, by hand-delivery and/or When filing certified mail, the "Notice of Appeal" (Form 1). Submit "Certificate of Service" application or (Form 3) and "Notice of Appeal" to the Department of Planning when filing the within 7 days from filing appeal or within 7 days after filing the application. A file-marked copy of the appeal must also be served, by certified mail or hand-delivery, to the application Department of Corporation Counsel. 4. The director will make a determination as to the completeness of the appeal 10 days from application within 10 days. If determined to be complete, a meeting will be receipt of (complete) scheduled on the Board's agenda within the same 10 days. If determined to be incomplete, the application will be returned to the applicant with a statement application why the application was deemed incomplete within the same 10-day period. 5. The director submits a recommendation report to the Board. The director will Report transmit copies of the Board's agenda and the recommendation report to the submitted 45 applicant/appellant and all other parties to the appeal at least 6 days before the days after acceptance meeting. 6. Board meeting. The hearings officer appointed for the meeting, which may be the Board, provides recommendations to the Board.

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Total Time Period (Notices of Violations):2–3 monthsTotal Time Period (Department Decisions):6–12 months

Fees dependent on cost of project. Please refer to Fee Schedule, Table A for complete listing.	\$550	
Board meeting is required. *Applicant is responsible for all fees for notice requirements, including all publication and mail fees. *The processing fee for appeals shall be refunded to the appellant if and only if the Board of Variances and Appeals renders a final decision and order in favor of the appellant. * No fee for appeals submitted by county agencies.	~	
Total Fees:	\$550 (minimum)	No maximum