

BOARD OF VARIANCES AND APPEALS
KA PAPA NOI KŪ'ĒLULA 'ĀINA A HO'OPI'I

PURSUANT TO CHAPTERS 91 AND 92, HAWAI'I REVISED STATUTES AS AMENDED; NOTICE IS HEREBY GIVEN OF A REGULAR REMOTE PUBLIC MEETING OF THE MAUI COUNTY BOARD OF VARIANCES AND APPEALS. (BVA)

E LIKE ME NĀ MOKUNA 91 A ME 92, KE KĀNĀWAI 'AHA'ŌLELO HAWAI'I I HO'OPONOPONO 'IA, EIA KE HO'OLAHA 'IA AKU NEI KEKAHI HĀLĀWAI MA 'AMAU A LOLOUILA A KA PAPA NOI KŪ'ĒLULA 'ĀINA A HO'OPI'I (PNKAH) O KE KALANA O MAUI NO KA LEHULEHU.

AGENDA
KA PAPA KUMUMANA'O

(HYPERLINKS TO MEETING MATERIALS ADDED)
(KOMOHIA NĀ LOULOU NO NĀ KINO HĀLĀWAI)

DATE:/ KA LĀ: **January 22, 2026 | 22 Ianuali, 2026**
TIME:/KA HOLA: **1:30 p.m.**

REMOTE MEETING LOCATION: Interactive conference technology via Teams Videoconferencing; **Meeting ID: 262 404 860 149 14;** **Meeting Passcode: to7Nq7Nr;** **Meeting link: <https://tinyurl.com/2yv225ry>**

KE KAHUA HĀLĀWAI LOLOUILA: *Ka 'ōnaehana hālāwai kūka 'ipā ma o ka Teams; Ka Helu Hālāwai: 262 404 860 149 14; Ka 'Ōlelo Huna: to7Nq7Nr; Ka Loulou Hālāwai: <https://tinyurl.com/2yv225ry>*

PHYSICAL LOCATION: Members of the public may observe the meeting in-person using audio/visual technology at the Department of Planning Conference Room, Kalana Pakui Building, 250 South High Street, 1st floor, Wailuku, Maui, Hawai'i 96793. **Note:** The Board members may not be physically present at this location.

KE KAHUA HĀLĀWAI MAOLI: *Hiki nō i ka lehulehu ke nānā i ka hālāwai he alo a he alo me ka 'ōnaehana 'aukiō/wikiō ma ka Lumi Hālāwai o ka 'Oihana Kālai'āina, Kalana Pakui Building, 250 South High Street, 1st floor, Wailuku, Maui, Hawai'i 96793.
E Nānā: 'A'ole paha nā lālā o ka Papa ma ke kahua hālāwai maoli.*

TELEPHONE: To listen to the meeting via phone, dial +1-808-800-0254 (toll free)
Access code: 212 206 627#

KE KELEPONA: *No ka ho'olohe 'ana i ka hālāwai me ke kelepona, e wili iā +1-808-800-0254 (uku 'ole) Ka Helu Hālāwai: 212 206 627#*

ALL PARTICIPANTS MUST KEEP THEIR MICROPHONE AND CAMERA/VIDEO MUTED AT ALL TIMES EXCEPT WHEN THE CHAIR OR BOARD SECRETARY CALLS UPON YOU TO SPEAK. WHEN FINISHED SPEAKING, PLEASE MUTE YOUR MICROPHONE AND CAMERA/VIDEO.

NA KA MEA HĀLĀWAI E HO'OMŪ I KONA 'AUKIŌ A ME KA WIKIŌ I NĀ MANAWA A PAU, KOE AKU KA WĀ I KĀHEA 'IA AI 'O IA E KA LUNA HO'OMALU A I 'OLE KE KĀKAU 'ŌLELO. KE PAU KĀU 'ŌLELO 'ANA, E HO'OMŪ HOU I KA 'AUKIŌ A ME KA WIKIŌ.

USERS ARE NOT PERMITTED TO USE THE CHAT FUNCTION FOR COMMENTING ON THE AGENDA ITEMS OR OTHER MATTERS OR CONTACTING BOARD MEMBERS OR OTHER MEETING PARTICIPANTS.

'A'OLE E HO'OHANA 'IA KA PAHU KOLEKOLE E NĀ MEA HĀLĀWAI E HO'OPUKA MANA'O NO NĀ 'IKAMU A KEKAHI MEA PAHA, KA PĀPĀ'ŌLELO PŪ 'ANA ME NĀ LĀLĀ O KA PAPA, A PĒLĀ PŪ NĀ HOA HĀLĀWAI.

MEMBERS:/ NĀ LĀLĀ: David Weiss (Chair/ *Ka Luna Ho 'omalū*), Harry Hecht (Vice Chair/ *Ka Hope Luna Ho 'omalū*), Charlene Shibuya, Ross Takashima, Deborah Vial, Joseph Wilson, Ali Grimes, Mihaela Stoops

A. APPEALS / *NĀ HO'OPĪ'I*

1. **CADES SCHUTTE LLP representing LOTHAR KUSTER** appealing Notice of Violation (NOV20220004) for operation of a zipline, the building of structures associated with the zipline, statues, and the selling of photographs on a property located at 50 Waipi'o Road, Ha'ikū, Maui, Hawai'i; TMK (2)-2-9-005:039 (BVAA20220006)

CADES SCHUTTE LLP no ka pono o LOTHAR KUSTER Ka Ho 'opi 'i o Ka Hehikū (NOV20220004) no ka holo 'ana o kekahi uea wikiwiki, nā hale e pili ana i ka uea wikiwiki, nā ki 'i, a me ke kū'ai aku 'ana o nā ki 'i ma 50 Waipi'o Road, Ha'ikū, Maui, Hawai'i; Ke Kī Palapala 'Āina (2)-2-9-005:039 (BVAA20220006)

- a. Scheduled appeal hearing. The matter was remanded to the Board by the Circuit Court with instructions to conduct further proceedings and consider Appellant's request for a stay of the proceeding. This appeal was scheduled for the February 27, 2025, March 27, 2025, and the October 9, 2025, meetings.

Ka lohena ho 'opi 'i i ho 'opa 'a mua 'ia. Ua ho 'iho 'i 'ia i Ka Papa e Ka 'Aha 'Āpana Ho 'okolokolo me na 'ōkuhi e nānā hou a e no 'ono 'o i ke noi mai Ka Mea Ho 'opi 'i no ka noho a ho 'olohe i ka holomua o ka hana. Ua ho 'opa 'a 'ia kēia ho 'opi 'i ma nā hālāwai o ka 27 Pepeluali 2025, 27 Malaki 2025, a me ka 9 'Okakopa 2025.

- b. The Board may vote on the parties' request for a continuance of this matter from the January 22, 2026, meeting to April 23, 2026, and to amend the filing deadlines for the parties.

E koho paha ka Papa e pili ana i ke noi ho 'omau a ua po 'e nei e pili ana i ia kumuhana mai ka hālāwai i ka 22 Ianuali, 2026 a i ka 23 'Apelila, 2026, a e ho 'oponopono pū paha i ka lā palena pau waiho palapala no nā po 'e.

[Meeting Materials](#)

[Documents Received After Posting](#)

2. **CADES SCHUTTE LLP representing LOTHAR KUSTER** appealing Notice of Violation (NOV20220005) for operation of a zipline, the building of structures associated with the zipline, statues, and the selling of photographs on a property located at West Waipi'o Road, Ha'ikū, Maui, Hawai'i; TMK (2)-2-9-005:040 (BVAA20220007)

CADES SCHUTTE LLP no ka pono o LOTHAR KUSTER *Ka Ho 'opi 'i o Ka Hehikū (NOV20220005) no ka holo 'ana o kekahi uea wikiwiki, nā hale e pili ana i ka uea wikiwiki, nā ki 'i, a me ke kū 'ai aku 'ana o nā ki 'i ma West Waipi 'o Road, Ha 'ikū, Maui, Hawai 'i; Ke Kī Palapala 'Āina (2)-2-9-005:040 (BVAA20220007)*

- a. Scheduled appeal hearing. The matter was remanded to the Board by the Circuit Court with instructions to conduct further proceedings and consider Appellant's request for a stay of the proceeding. This appeal was scheduled for the February 27, 2025, March 27, 2025, and the October 9, 2025, meetings.

Ka lohena ho 'opi 'i i ho 'opa 'a mua 'ia. Ua ho 'iho 'i 'ia i Ka Papa e Ka 'Aha 'Āpana Ho 'okolokolo me na 'ōkuhi e nānā hou a e no 'ono 'o i ke noi mai Ka Mea Ho 'opi 'i no ka noho a ho 'olohe i ka holomua o ka hana. Ua ho 'opa 'a 'ia kēia ho 'opi 'i ma nā hālāwai o ka 27 Pepeluali 2025, 27 Malaki 2025, a me ka 9 'Okakopa 2025.

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[Meeting Materials](#)

[Documents Received After Posting](#)

3. **CADES SCHUTTE LLP representing LOTHAR KUSTER** appealing Notice of Violation (NOV20220002) for operation of a zipline, the building of structures associated with the zipline, statues, and the selling of photographs on a property located at 306 Waipi 'o Road, Ha 'ikū, Maui, Hawai 'i; TMK (2)-2-9-005:026 (BVAA20220008)

CADES SCHUTTE LLP no ka pono o LOTHAR KUSTER *Ka Ho 'opi 'i o Ka Hehikū (NOV20220002) no ka holo 'ana o kekahi uea wikiwiki, nā hale e pili ana i ka uea wikiwiki, nā ki 'i, a me ke kū 'ai aku 'ana o nā ki 'i ma 306 Waipi 'o Road, Ha 'ikū, Maui, Hawai 'i; Ke Kī Palapala 'Āina (2)-2-9-005:026 (BVAA20220008)*

- a. Scheduled appeal hearing. The matter was remanded to the Board by the Circuit Court with instructions to conduct further proceedings and consider Appellant's request for a stay of the proceeding. This appeal was scheduled for the February 27, 2025, March 27, 2025, and the October 9, 2025, meetings.

Ka lohena ho 'opi 'i i ho 'opa 'a mua 'ia. Ua ho 'iho 'i 'ia i Ka Papa e Ka 'Aha 'Āpana Ho 'okolokolo me na 'ōkuhi e nānā hou a e no 'ono 'o i ke noi mai Ka Mea Ho 'opi 'i no ka noho a ho 'olohe i ka holomua o ka hana. Ua ho 'opa 'a 'ia kēia ho 'opi 'i ma nā hālāwai o ka 27 Pepeluali 2025, 27 Malaki 2025, a me ka 9 'Okakopa 2025.

- b. The Board may vote on the parties' request for a continuance of this matter from the January 22, 2026, meeting to April 23, 2026, and to amend the filing deadlines

for the parties.

E koho paha ka Papa e pili ana i ke noi ho 'omau a ua po 'e nei e pili ana i ia kumuhana mai ka hālāwai i ka 22 Ianuali, 2026 a i ka 23 'Apelila, 2026, a e ho 'oponopono pū paha i ka lā palena pau waiho palapala no nā po 'e.

[Meeting Materials](#)

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AGENDA ITEMS ARE SUBJECT TO CANCELLATION

HE PAPAHA KE KĀPAE 'IA 'ANA I NĀ 'IKAMU PAPA KUMUMANA 'O

Decorum: Any person who willfully disrupts a hearing or otherwise compromises the conduct of the hearing shall be removed from the hearing room. Examples of disruptive behavior include, but is not limited to shouting, use of profanity, heckling, and threatening remarks made to any member of the Board, staff, or general public

Ka hana kūpono: *e kāpae 'ia ka mea nāna i kīkahō i kekahi lohena a ho 'opilikia paha i ka hana o ka lohena mai loko aku o ka lumi lohena. Eia nā hana kūpono 'ole: ka uwā a ka leo, ka 'ōlelo pelapela, ka ho 'ohenehene, a me ka ho 'oweliweli i kekahi lālā o ka papa, kekahi limahana, a kekahi o ka lehulehu.*

Interruption in video/audio: If the connection between any testifier and the video conference is lost, the meeting will continue. A meeting held by interactive conference technology shall be automatically recessed for up to 30 minutes to restore communication when audiovisual communication cannot be maintained with the Board Member(s) participating in the meeting or with the public location identified above. If connection cannot be restored within 30 minutes, the meeting is automatically terminated.

Ho 'oka 'awale ka wikiō/ 'aukiō: *ke lilo ke ku 'ina pūnaewelee ma waena o kekahi mea ha 'i manao a lilo paha ka hālāwai lolouila, e mau aku nō ka hālāwai. E ho 'omalolo pololei 'ia aku nō kekahi hālāwai me ka 'ōnaehana kūka 'ipā no 30 minuke ma ka nui loa e ho 'oponopono i ke keleka 'a 'ike ke hiki 'ole ke kūka 'aukiō/wikiō me nā komikina ma ka hālāwai a i 'ole me ke kahua lehulehu i hō 'ike 'ia i luna a 'e. Ke hiki 'ole ke ho 'oponopono 'ia ke keleka 'a 'ike i loko o ka 30 minuke, ho 'ōki 'ia aku ka hālāwai.*

An **executive session** may be called on any agenda item in order for the Board to consult with its attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities, pursuant to sec. 92-5 (a)(4), hrs.

*E kāhea 'ia paha kekahi **kau kapu** no nā 'ikamu papa kumumana 'o i mea e kūkā ai ka papa me kona loio e pili ana i nā nīnau a me nā mea e pili pū ana i ka mana, ke kuleana, a me ke kumu 'ai 'ē o ke komikina, e like me ka paukū 92-5(a)(4), ke kānāwai 'aha 'ōlelo Hawai 'i.*

Documents relating to this meeting are on file with the Department of Planning and may be found by clicking on the links provided on this agenda, and on the official County of Maui website at www.mauicounty.gov under Boards and Commissions, Board of Variances and Appeals.

'O nā palapala e pili ana i kēia hālāwai, aia ma ka pa 'a lima ma ka 'oihana kālai 'āina, a hiki nō ke loa 'a ia ke kaomi i nā loulou i loko o kēia papa kumumana 'o, a ma ke kahuapa 'a kūhelu o ke Kalana o Maui ma <https://www.mauicounty.gov>, ma lalo o nā papa me nā komikina, ka papa noi kū 'ēlula 'āina a ho 'opi 'i.

Any **petition to intervene** as a formal party in the proceedings before the Board must conform to rule 12-801-18, Rules of Practice and Procedure for the Board of Variances and Appeals and be filed with the Board and served upon the applicant within a reasonable time before the meeting in which the subject matter of the intervention is to be heard. The address of the Board is c/o Department of Planning, 2200 Main Street, Suite 315, Wailuku, Hawai 'I, 96793.

*E kū nā **papalapala ho 'opi 'i** ma ke 'ano pa 'alula ma ka hana 'ana ma mua o ka papa i ka lula 12-801-18, nā lula hana a me nā loina o ka papa noi kū 'ēlula 'āina a ho 'opi 'i, a e waiho 'ia i ka papa a e ho 'okō 'ia aku i*

ka mea pale me ka manawa e lawa ai ma mua o ka hālāwai e lohe ‘ia ai ka mana ‘o o loko. Eia ka helu wahi noho o ka papa: c/o Department of Planning, 2200 Main Street, Suite 315, Wailuku, Hawai‘I, 96793.

For **appeal** matters, any member of the public is welcome to attend the appeal hearing to listen and watch the proceedings; however, the matter is only limited to the formal parties. Therefore, public testimony will not be accepted by the Board for appeal matters.

No nā ho‘opi‘i, hiki nō i ka lehulehu ke hele i ka lohena ho‘opi‘i e ho‘olohe a e nānā i ka hana ‘ana eia na ‘e, ua kaupalena ‘ia ka hana no nā po‘e pa‘alula wale nō. No laila, ‘a‘ole e lohe ‘ia ka ‘ōlelo hō‘ike lehulehu e ka papa no nā hana ho‘opi‘i.

Written testimony for agenda items, with the exception of appeal matters, interested persons can submit written testimony in advance of each meeting that will be distributed to members prior to the meeting. We request written testimony be submitted via Dropbox or via USPS mail c/o Department of Planning, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Hawai‘i, 96793, no later than 24 hours prior to the meeting to ensure time for members review. Late testimony will be retained as part of the record and distributed to members as soon as practicable, but we cannot ensure that members will receive it with sufficient time for review prior to decision-making.

No ka ‘ōlelo hō‘ike i kākau ‘ia e pili ana i nā ‘ikamu, koe aku nā hana ho‘opi‘i, hiki nō i ka po‘e hoihoi ke waiho i ka ‘ōlelo hō‘ike i kākau ‘ia ma mua o kēlā me kēia hālāwai a e mahele ‘ia i kēlā me kēia lālā ma mua o ka hālāwai. ‘o ke noi a ka papa, e waiho ‘ia ka ‘ōlelo hō‘ike i kākau ‘ia me ka Dropbox a i ‘ole ka leka ‘ana aku c/o Department of Planning, One Main Plaza, 2200 Main Street, Suite 315, Wailuku, Hawai‘I, 96793, he ho‘okahi lā ma mua o ka hālāwai ma ka li‘ili‘i, i mea e lawa ai ka manawa no nā lālā e nānā ai. E mālama ‘ia ka ‘ōlelo hō‘ike lohi no ka mo‘olelo, a e ho‘oka‘a ‘ia i na lālā i ka wā i hiki, ‘a‘ole na‘e e ho‘ohiki aku i ka lawa o ka manawa e nānā ai nā lālā no ke koho ‘ana.

Oral testimony will be taken when each agenda item is discussed, with the exception of appeal matters. Testifiers via video are asked to sign-up using the chat function by providing their name and the information for the item they wish to testify on. Testifiers via phone will be called by the chair after video and phone testimony are finished.

E lohe ‘ia ka ‘ōlelo hō‘ike ha‘i waha no kēlā me kēia ‘ikamu papa kumumana ‘o i kūkā ‘ia, koe aku nā hana ho‘opi‘i. E kāinoa ka po‘e ha‘i mana ‘o wikiō me ka pahu kolekole, e hō‘ike aku i kou inoa a me ka ‘ikamu e ha‘i mana ‘o aku ai. E kāheha ‘ia ka po‘e ha‘i mana ‘o kelepona e ka luna ho‘omalua ma hope o ka pau ‘ana o ka po‘e ha‘i mana ‘o wikiō.

Special assistance: If any person needs an auxiliary aid/service or other accommodation due to a disability, contact the Planning Department at 808-270-7735 (Maui), 1-800-272-0177 (Moloka‘i), or 1-800-272-0125 (Lāna‘i), or planning@mauicounty.gov, as soon as possible. Requests made as early as possible will allow adequate time to fulfill the request. Upon request, this notice is available in alternate formats such as large print, braille, or electronic copy.

Ke Kāko‘o Kūikawā: ke pono kekahi kanaka i ke kāko‘o ho‘olohe a i ‘ole kekahi ‘ano lawelawe no ke kīnā, e kelepona aku i ka ‘oihana kālai‘āina me ka helu 808-270-7735 (Maui), 1-800-272-0177 (Moloka‘i) a i ‘ole 1-800-272-0125 (Lāna‘i), a i ‘ole planning@mauicounty.gov, me ka nui mikimiki i hiki. Ke noi ‘ia me ia mikimiki, ‘oi a‘e ka wā e ho‘omākaukau ai. E like me ke noi, hiki ke loa‘a kēia ho‘olaha ma kekahi ‘ano, e like me ke kinona hua nui, ka mākau lonoa ho‘opā heluhelu, a i ‘ole kekahi kope lolouila.