

BOARD OF VARIANCES AND APPEALS SUMMARY MINUTES

January 22, 2026

HYPERLINK TO VIDEO RECORDING: <https://tinyurl.com/bdh8csnu>

The regular meeting of the Board of Variances and Appeals was called to order by Chair David Weiss at 1:31 pm, on Thursday, January 23, 2026, at the Department of Planning's Conference Room, Kalana Pakui Building 250 Hight Street, Wailuku, Maui, Hawai'i 96793 and via TEAMS Meeting No: **262 404 860 149 14**

A quorum of the Board was present. (See Record of Attendance).

A. APPEALS

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)
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)
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)

(Item was read into the record at 00:1:32 of the meeting recording)

Both parties were online. Deputy Corporation Counsel Mariana Lowy-Gerstmar asked to note that the items were consolidated and that the Board of Variances and Appeals previously voted to stay the case. Representative for the appellant confirmed.

(A motion was made at 00:03:52 of the meeting recording)

It was moved by Member Stoops and seconded by Member Wilson.

VOTED: TO CONTINUE THIS UNTIL APRIL 23RD, 2026.

(Assenting: David Weiss, Harry Hecht, Alison Grimes, Charlene Shibuya, Ross Takashima, Mihaela Stoops, Deborah Vial, Joe Wilson)

NEXT MEETING DATE: FEBRUARY 12, 2026

MEETING ADJOURNED 1:35 pm

RECORD OF ATTENDANCE:

Present:

David Weiss- CHAIR

Harry Hecht- VICE-CHAIR

Alison Grimes

Charlene Shibuya

Joe Wilson

Deborah Vial

Ross Takashima

Mihaela Stoops