

**NOTICE OF PUBLIC MEETING AND HEARINGS**  
**BOARD OF APPEALS AGENDA**  
**COUNTY OF HAWAII**

NOTICE IS HEREBY GIVEN of hearings to be held by the Board of Appeals of the County of Hawai'i in accordance with the provisions of Section 6-10.2 of the Charter of the County of Hawai'i and the Board's Rules of Practice and Procedure.

PLACE: West Hawai'i Mayor's Office, Conference Room  
75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai'i

DATE: Friday, January 16, 2009

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

UNFINISHED BUSINESS - 10:00 a.m.

1. **PETITIONER: BRIDGE AINA LEA LLC (BOA 08-000068)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of the Planning Director's Decision of May 22, 2008 Denying the Request for Nonsignificant Zoning Change. The project area consists of approximately 444.399 acres and is located between Queen Ka'ahumanu Highway and Waikoloa Village, Waikoloa, South Kohala, Hawai'i, TMK: (3) 6-8-1:39.
2. **PETITIONER: KOHALA PRESERVE CONSERVATION TRUST, LLC (BOA 08-000070)** - Continued hearing, including consideration on the Petition to Intervene filed by Kamakani O Kohala Ohana (KAKO`O), on the Appeal of Decision by the Planning Director dated July 3, 2008, to defer action on the application for proposed subdivision and approval of preliminary plat map. The project area consists of approximately 365.5 acres and is located in the vicinity and north of Mahukona Harbor, Kapaaunui, Kou, Kamano, and Mahukona, North Kohala, Hawai'i, TMK: (3) 5-7-2:11, 5-7-3:3 and 10.
3. **PETITIONER: DORIS M. SCHARPF TRUST (BOA 08-000062)** - Continued hearing, including consideration for intervention filed by Thomas S. Lowe III, on the Appeal of Decision by the Planning Director dated February 29, 2008 for Special Management Area Violation (SMA/V 2008-013W) and Shoreline Setback Violation (SSV 2008-013W), relating to construction of seawall in County right-of-way and within the shoreline setback area. The subject property consists of approximately 19,401 square feet and is located on the makai side of Puako Beach Drive, Puako, South Kohala, Hawai'i, TMK: (3) 6-9-5:1.

NEW BUSINESS - 10:00 a.m.

4. **PETITIONERS: JAMES S. AND NANCY J. PHILLIPS TRUST (BOA 08-000071)** - Petition for Variance to Section 504(a) & (b), Section 1711 and Table No. 5-A, Part III,

relating to projections (eaves) requirements of the Uniform Building Code. The subject property consists of approximately 14,500 square feet and is located at Lanikepu Place, Lalamilo House Lots, Waimea, South Kohala, Hawai`i, Tax Map Key: (3) 6-6-4:90.

## MINUTES

December 12, 2008

## ELECTION OF 2009 OFFICERS

## ADMINISTRATIVE MATTERS

Status of appeals filed on Board of Appeals decisions - Corporation Counsel

Other Board matters

## ANNOUNCEMENTS

## ADJOURNMENT

Additional information related to the above matters are on file and open to inspection during office hours in the Planning Department, Aupuni Center, 101 Pauahi Street Suite 3, Hilo, Hawai`i 96720 and/or in the Planning Department's West Hawai`i Office, 75-5706 Kuakini Highway, Suite 109, Kailua-Kona, Hawai`i 96740.

Under New Business, Intervention to the proceeding may be filed by the following agencies or individuals:

1. Any department or agency of the State or the County shall be admitted as a party upon timely application for intervention.
2. Any person who has some property interest in the land, who lawfully resides on the land, or who can demonstrate that person will be so directly and immediately affected by the Board's decision that that person's interest in the proceeding is clearly distinguishable from that of the general public shall be admitted as a party upon timely application for intervention.
3. Any other person may be admitted as a party upon a timely application, when the Board finds there is just cause for intervention.

The petition to intervene with proof of service on all parties shall be filed with the Board at least ten days prior to the date of the scheduled hearing. Petitions to intervene shall be in conformity with Part 2, Section 2-7 of the Rules of Practice and Procedure. The Board's Rules may be viewed at the County of Hawai`i website (<http://www.co.hawaii.hi.us>).

If you are a lobbyist, you must register with the Hawai`i County Clerk within five days of becoming a lobbyist. {Article 15, Section 2-91.3(b), Hawai`i County Code} A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or

administrative action by communicating or urging others to communicate with public officials.”  
{ Article 15, Section 2-91.3(a)(6), Hawai`i County Code} Registration forms and expenditure  
report documents are available at the Office of the County Clerk-Council, 333 Kilauea Avenue  
(Ben Franklin Building), 2<sup>nd</sup> Floor, Hilo, Hawai`i 96720.

Any disabled person requiring special assistance or person requiring auxiliary aid and/or  
services to participate in the hearing should contact the Planning Department at 961-8288 five  
(5) working days prior to the hearing so that appropriate arrangements can be made.

JOEL GIMPEL, CHAIRPERSON  
BOARD OF APPEALS

*Hawai`i County is an Equal Opportunity Provider and Employer*

(Hawaii Tribune Herald: December 26, 2008)  
(West Hawaii Today: December 26, 2008)