

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, July 11, 2008

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

UNFINISHED BUSINESS - 10:00 a.m.

1. **PETITIONER: GIG DEVELOPMENT LLC/JIM GOMEZ, STEVE AND JOANNE HUDDLESTON (BOA 08-000052)** - Action on the Order to Dismiss regarding the Appeal of Decision by the Planning Director dated December 24, 2007, denial of the variance request (VAR 07-066) relating to minimum water supply requirements of Chapter 23, Subdivision Code. The subject property consists of approximately 42.633 acres and is located on the north side of Kamaoa Road, approximately 2,000 feet west of Discovery Harbour Subdivision, Kawela, Ka'u, Hawai'i, TMK: (3) 9-4-4:11.
2. **PETITIONER: SURETY KOHALA CORPORATION (BOA 08-000056)** - Appeal of Decision by the Planning Director dated January 14, 2008, relating to the determination of pre-existing lots. The property consists of approximately 378.77 acres and is located to the south of Kapa'au Village and at the end of Kapa'au Road, North Kohala, Hawai'i, TMK: (3) 5-4-3:2.
3. **PETITIONERS: KALIKO CHUN AND RICHARD NELSON III (BOA 08-000059)** - Action on Motion to Dismiss regarding the Appeal of Decision by the Planning Director dated February 4, 2008, relating to the rezoning of Department of Hawaiian Home Lands (DHHL) subject property pursuant to a Memorandum of Agreement (MOA) with DHHL without the approval of the County Council. The subject property consists of approximately 200 acres and is located on the makai side of Queen Ka'ahumanu Highway, mauka of Honokohau Boat Harbor and adjacent to the Kealakehe Wastewater Treatment Plant site, Kealakehe, North Kona, Hawai'i, TMK: (3) 7-4-8:72.

NEW BUSINESS - 10:00 a.m.

4. **PETITIONER: MATTHEW A. BERGEY, BRUCE AND CAROLYN BERGEY (BOA 08-000053)** - Appeal of Decision by the Planning Director dated December 19, 2007 Notice of Violation and Order Zoning Ord. 1996-03 relating to Vacation Rentals in an Agricultural District. The subject property consists of 4.796 acres and is located on

the mauka side of Alii Drive in the vicinity of Kona Magic Sands, Kaunalumalu, North Kona, Hawai`i, TMK: (3) 7-7-4:73.

5. **PETITIONER: RESOLUTE INC. (BOA 08-000063)** - Appeal of Decision by the Planning Director dated March 17, 2008 denial for additional farm dwelling agreement application. The subject property consists of 500.734 acres and is located within Waiono Meadows Ranch Subdivision, Lot 10-A-1 Condominium Project, approximately 2.25 miles east of the intersection of Waiono Meadows Drive and Mamalahoa Highway, Holualoa, North Kona, Hawai`i, TMK: (3) 7-6-1:1.
6. **PETITIONER: SUTTON RESIDENTIAL TRUST (H. Debra Levin, Trustee) (BOA 08-000064)** - Appeal of Decision by the Planning Director dated March 10, 2008 for Special Management Area Violation (SMA/V 2008-017W) and Shoreline Setback Violation (SSV 2008-017W), relating to construction of paved walkway in the SMA and shoreline setback area. The subject property consists of approximately 16,401 square feet and is located on the makai side of Puako Beach Drive, Puako, South Kohala, Hawai`i, TMK: (3) 6-9-6:25.

CONTINUED

MINUTES

June 13, 2008

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.

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), 2nd 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: June 27, 2008)

(West Hawaii Today: June 27, 2008)