

NOTICE OF PUBLIC MEETING AND HEARINGS
BOARD OF APPEALS AGENDA
COUNTY OF HAWAI'I

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 14, 2006

UNFINISHED BUSINESS - 10:00 a.m.

1. **PETITIONERS: DENNIS R. AND CHRISTY M. NEEDHAM (BOA 05-009) -** Continued contested case hearing on the Appeal of Decision by the Director of Public Works dated May 31, 2005 relating to access to County Street over improper and unpermitted gravel approach. The properties are located at Puuoloka'a Place in Queen Liliuokalani Village, North Kona, Hawai'i, TMK: (3) 7-4-13:77, 78 and 80.

NEW BUSINESS - 10:00 a.m.

2. **PETITIONERS: TOM GREEN AND DIANE TADEMA (BOA 06-000025) -** Petition for Variance from provisions related to setback requirements of Hawaii County Code, Chapter 5 (U.B.C.), Sections 504(a) General and (b), Table No. 5-A, Part III, and Section 1711 Eaves. The property consists of 10,450 square feet, located at the intersection of Leilani Street and Ailina Street in Leilani Sunset Subdivision, Holualoa 3rd, North Kona, Hawai'i, TMK: (3) 7-7-20:69.
3. **PETITIONERS: ALAN POLLAK, KELLI POLLAK, ROBERT JOHNSON, SIMMY MCMICHEAL, ALAN GUGINO, ETC. (BOA 06-000026) -** Appeal of Decision by the Planning Director dated April 28, 2006 relating to the Approval of Variance Application WH(VAR 05-050), for landowner Judy Emanuel, from Chapter 25, Zoning Code, Minimum yards. The property consists of 0.21 acre, located on the makai side of Alii Drive and approximately 700 feet north of Kahaluu Beach Park, Kahaluu Beach Lots, North Kona, Hawai'i, TMK: (3) 7-8-14:82.
4. **PETITIONER: MOSELEY TRUST (BOA 06-000027) -** Appeal of Decision by the Planning Director dated April 13, 2006 Notice of Violation and Order (ZCV 06-010W) relating to operating a second dwelling within a permitted Guest House within a Single Family Residential zoned district and within the Special Management Area. The property consists of 12,393 square feet, located along Heeia Way in Keauhou Subdivision, Keauhou, North Kona, Hawai'i, TMK: (3) 7-8-20:9.

5. **PETITIONER: DVORAH HENDERSON (BOA 06-000028)** - Appeal of Decision by the Planning Director dated May 12, 2006 relating to the Denial of Variance Application (VAR 05-092) relating to water supply requirements of Chapter 23, Subdivision Control Code. The property consists of approximately 13.133 acres, located on the makai side of Mamalahoa Highway in Kolo Subdivision, Kolo and Olelomoana 1st, Kona, Hawai‘i, TMK: (3) 8-7-13:49.
6. **PETITIONER: PUU LANI RANCH CORP. (BOA 06-000024)** - Appeal of Decision by the Planning Director dated March 20, 2006, purporting to impose remediation requirements and to restrict the availability of building permits for Lot 1. The property consists of approximately 1.001 acres in Puu Lani Ranch Subdivision, Puuanahulu, North Kona, Hawai‘i, TMK: (3) 7-1-6:54.

MINUTES

May 12, 2006

ADMINISTRATIVE MATTERS

Corporation Counsel Report on status of appeals filed on decisions by Board of Appeals
Staff Report

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 proceedings for Item Nos. 2 – 6, 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. Petition 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 Hawaii 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, 25 Aupuni Street, 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.

VALTA A. COOK, CHAIRPERSON
BOARD OF APPEALS

Hawai‘i County is an Equal Opportunity Provider and Employer

(Hawaii Tribune Herald: June 20, 2006)

(West Hawaii Today: June 20, 2006)