

**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: County of Hawaii, Aupuni Center Conference Room  
101 Pauahi Street, Hilo, Hawai'i

DATE: Friday, August 8, 2008

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

UNFINISHED BUSINESS - 10:00 a.m.

1. **PETITIONER: BEN AKAMINE (BOA 08-000055)** - Hearing pursuant to the Board's actions at the June 13, 2008 meeting: 1) examine the adequacy of notice provided to the landowner Charles Allen, Jr.; 2) examine reopening the case to allow the landowner, Charles Allen, Jr. to present evidence and examine witnesses. This matter relates to the Appeal of Decision by the Planning Director dated January 17, 2008, approval of Variance application (VAR 07-075), to landowner Charles Allen Jr., from Chapter 25, Zoning Code, relating to minimum yards. The property consists of approximately 7,413 square feet and is located on the Puna side of Puainako Street across of Waiakea Elementary School, Waiakea Homesteads, South Hilo, Hawai'i, TMK: (3) 2-4-9:53.

NEW BUSINESS - 10:00 a.m.

2. **PETITIONER: TAS MAN CO, LLC (BOA 08-000065)** - Appeal of Decision by the Planning Director dated April 3, 2008, Notice of Violation and Order (ZCV-2008-007E) Special Management Area Violation (SMA/V 08-01) and Shoreline Setback Violation (SSV 08-01), relating to unpermitted grading and cutting of trees without first obtaining an SMA permit. The subject property consists of 1.098 acres and is located on the makai side of Highway 19 near mile marker 19 in the town of Ninole, Kahuku and Kapena, North Hilo, Hawai'i, TMK: (3) 3-2-2:105.
3. **PETITIONER: WILLIAM L. GEORGE AND GAY P. GEORGE (BOA 08-000067)** - Appeal of the Planning Director's Decision to Sign the Settlement Agreement and Mutual Release dated April 10, 2008 with Derrick Liu and Sonia Liu. The matter relates to a previous appeal BOA 07-000046 relating to an operation of an "Amusement and Recreation Facility, Major Outdoor" (motorcycle and dirt bike race track) in an Agricultural District. The property consists of approximately 19.5 acres and is located on the south side of Kapuna Road, Ahualoa Homesteads, Hamakua, Hawai'i, TMK: (3) 4-6-8:24.

4. **PETITIONER: KOKO PALMS KEAUKAHA LLC & PACIFIC ISLAND INVESTMENTS LLC (BOA 08-000069)** - Appeal of the Director of Public Works' Decision for denial of use of alternate roofing materials and methods of construction relating to Section 62 requirements of the Hawaii Building Code. The subject property is bordered by Kalaniana'ole Street, Hapai Avenue and Apapane Street, near the County's Onekahakaha Beach Park, Keaukaha, South Hilo, Hawai'i, TMK: (3) 2-1-14:5.

NEW BUSINESS - 1:00 p.m.

5. **PETITIONER: CHARMAINE KEANU (BOA 08-000066)** - Appeal of Decision by the Planning Director dated April 14, 2008, relating to Approval of Special Management Area Minor Permit No. 08-000077 to LLC Kawala for Consolidation and Resubdivision of twelve (12) lots. The subject property consists of approximately 1044.245 acres, and is located to the south (makai) of Na`alehu Village at Kawala, Ka`u, Hawai'i, TMK: (3) 9-5-10:1.

MINUTES

July 11, 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 is on file and open to inspection during office hours in the Planning Department, Aupuni Center, 101 Pauahi Street Suite 3, Hilo, Hawai'i 96720.

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: July 16, 2008)

(West Hawaii Today: July 16, 2008)