

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, September 11, 2009

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

UNFINISHED BUSINESS - 10:00 a.m.

1. **PETITIONER: MARYE LYNN GILMORE (BOA 09-000076)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of Decision by the Planning Director dated March 4, 2009, relating to Determination of Pre-Existing Lots. The subject properties consist of approximately 43,595 square feet and is located at the corner of Lotus Blossom and Sea Breeze Parkway, Hawaiian Ocean View Estates, Ka'u, Hawai'i, TMK: (3) 9-2-12:11 and 73.
2. **PETITIONER: DAVID OWENS (BOA 08-000072)** - Continued hearing on the Petition for Variance from the Building Code requirements relating to doors, fire wall, and projection and clearance. The subject property is bordered by Keawe Street, Mamo Street and Kilauea Street, adjacent to the Garden Exchange commercial building, Downtown Hilo, South Hilo, Hawai'i, TMK: (3) 2-3-11:16.

NEW BUSINESS - 10:00 a.m.

3. **PETITIONER: NEIL C. ERICKSON, ARCHITECT (BOA 09-000078)** - Appeal of the Director of Public Works' Decision for denial of use of Bangkirai hardwood as alternate materials and methods of construction relative to Hawaii Building Code (1991 Uniform Building Code Section 105.). The subject property is located on the south side of Laukapu Avenue, Olaa Summer Lots in Volcano, Puna, Hawai'i, TMK: (3) 1-9-2:11.
4. **PETITIONER: KALANI KAI (BOA 09-000079)** - Appeal of Decision by the Planning Director dated May 18, 2009 or, in the alternative, Petition for Declaratory Ruling relating to the Notice of Violation and Order (ZCV 2009-036E), violation of Special Permit and Special Management Area (SMA) conditions. The subject property is located on the mauka side of the Kalapana-Kapoho Road, Keekee Homesteads, Puna, Hawai'i, TMK: (3) 1-2-9:29.

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.

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 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, 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: August 20, 2009)

(West Hawaii Today: August 20, 2009)