

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

DATE: Friday, October 12, 2007

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

UNFINISHED BUSINESS - 10:00 a.m.

1. **PETITIONER: VACATIONLAND HAWAII COMMUNITY ASSOCIATION, INC. (BOA 07-000045)** - Continued hearing on the Appeal of Decision by the Planning Director dated March 15, 2007 Approval of Variance Application (VAR06-083) for James P. Tipton, et al. from the requirements of Section 23-86 of Chapter 23, Subdivision Control Code, relating to roadway improvements. The property consists of approximately 4.996 acres and is located at the northeast corner of Kapoho Kai Drive and Ililani Road, Vacationland Hawaii Subdivision, Kapoho, Puna, Hawai'i, TMK: (3) 1-4-71:8.
2. **PETITIONER: ASSOCIATION OF APARTMENT OWNERS OF PUNAHELE PROFESSIONAL BUILDING (BOA 06-000020)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of Decision by the Planning Director dated March 2, 2006 Notice of Violation and Order (ZCV06-030E) relating to landscaping requirements as set forth in Ordinance No. 95 33 and Final Plan Approval. The subject property consists of approximately 59,108 square feet and is located on the makai side of Komohana Street at Puuhonu Place, Punahoa, South Hilo, Hawai'i, TMK: (3) 2-3-35:42.
3. **PETITIONER: REX A. RAMSEY (BOA 07-000044)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of Decision by the Planning Director dated March 8, 2007, Denied Variance Application (VAR07-004) from minimum yards requirements of Chapter 25, Zoning Code. The property consists of approximately 8,662 square feet and is located on the north side of Welea Street, Hawaiian Beaches Subdivision, Puna, Hawai'i, TMK: (3) 1-5-87:12.
4. **PETITIONER: EDMUND JIN AND EVA Y. LU (BOA 07-000043)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of Decision by the Planning Director dated February 12, 2007, that denied the Variance Application (VAR 06-101) relating to variance from minimum water supply requirements of Chapter 23, Subdivision Code for a proposed subdivision. The property

consists of approximately 35.9 acres and is located on the west (mauka) side of Mamalahoa Highway in the Kolo Subdivision, South Kona, Hawai'i, TMK: (3) 8-7-13:11.

5. **PETITIONERS: JASON K. DELUZ & MELITA DELUZ DBA J. DELUZ AUTO BODY REPAIR (BOA 07-000041)** - Continued hearing, including consideration on Petition for Intervention filed by Charles and Cindy May, on the Appeal of Decision by the Planning Director dated February 5, 2007 Notice of Violation (ZCV06-158E), relating to Operation of an Auto Body Repair Shop in an Urban district. The property consists of approximately 2.559 acres and is located on the east side of Lehua Street (former site of macadamia nut factory), Paalaea to Lauka, Hamakua, Hawai'i, TMK: (3) 4-5-2:46.

NEW BUSINESS - 10:00 a.m.

6. **PETITIONER: PATRICK JOHN LAWRENCE, JR. (BOA 06-000035)** - Appeal of Decision by the Planning Director dated October 27, 2006 Notice of Violation and Order (ZCV06-130E), relating to operation of a contractor's base yard within an Agricultural District. The property is located on the mauka side of Mamalahoa Highway, approximately 600 feet north from the intersection of Mamalahoa Highway and Honomu Road, Kuhua, South Hilo, Hawai'i, TMK: (3) 2-8-15:24.
7. **PETITIONER: CARNOR J. SUMIDA (BOA 07-000039)** - Consideration of Petition for Intervention filed by James Paulsen, and hearing on the Appeal of Decision by the Planning Director dated December 7, 2006 Notice of Violation and Order (ZCV06-100E), relating to operation of a semi-truck and trailer baseyard within an Agricultural District. The property is one acre in size and located approximately 135 feet east from the intersection of Paradise Drive and 28<sup>th</sup> Avenue, Hawaiian Paradise Park Subdivision, Puna, Hawai'i, TMK: (3) 1-5-20:80.
8. **PETITIONER: DERRICK AND SONIA LIU (BOA 07-000046)** - Appeal of Decision by the Planning Director dated March 19, 2007 First Recurring Violation (ZCV 06-019E) relating to 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.
9. **PETITIONERS: ROBERT C. & TERESA D. STONIER (BOA 07-000042)** - Appeal of Decision by the Planning Director dated February 6, 2007 Notice of Violation (ZCV06-048E), relating to the operation of a non-agricultural business within an Agricultural District. The property consists of approximately 3.0 acres and is located at the northwestern corner of Road 7 and Road F, Hawaiian Acres Subdivision, Puna, Hawai'i, TMK: (3) 1-6-41:1.

MINUTES

September 14, 2007

## 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.

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), 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.

VALTA A. COOK, CHAIRPERSON  
BOARD OF APPEALS

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

(Hawaii Tribune Herald: September 19, 2007)

(West Hawaii Today: September 19, 2007)