

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 13, 2006

NEW BUSINESS - 10:00 a.m.

1. **PETITIONER: JASON DELUZ, DBA J. DELUZ AUTO BODY REPAIR (BOA 06-000030)** - Appeal of Decision by the Planning Director dated July 5, 2006 Notice of Violation and Order (ZCV 05-177E) relating to establishment of an automobile repair shop, and imposition of daily fines. The subject property is located along the south side of Mamalahoa Highway, across from Kakanihia Road, Puukapu Homesteads, South Kohala, Hawai'i, TMK: (3) 6-4-1:Portion of 4.
2. **PETITIONER: MS PETROLEUM, INC. (BOA 06-000032)** - Appeal of Decision by the Planning Director dated June 27, 2006 Notice of Violation and Order (ZCV 06-053E), Special Management Area Violation (SMA/V 06-07) relating to grubbing a portion of the property within the SMA without proper approvals. The subject property consists of approximately 44,780 square feet and is located on the north side of Kalaniana'ole Street, Waiakea, South Hilo, Hawai'i, TMK: (3) 2-1-7:46.

UNFINISHED BUSINESS - 10:00 a.m.

3. **PETITIONER: ASSOCIATION OF APARTMENT OWNERS OF PUNAHELE PROFESSIONAL BUILDING (BOA 06-000020)** - Continued hearing on the Appeal of Decision by the Planning Director dated March 2, 2006 Notice of Violation and Order (ZCV 06-030E) 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.
4. **PETITIONER: AJRN PARTNERS (BOA 06-000021)** - Continued hearing on the Appeal of Decision by the Planning Director dated March 7, 2006 Notice of Violation and Order (ZCV 06-029E) relating to landscaping requirements as set forth in Ordinance No. 95 33. The subject property consists of approximately 17,569 square feet and is located on the makai side of Komohana Street at Puuhonu Place, Punahoa, South Hilo, Hawai'i, TMK: (3) 2-3-35:16.

5. **PETITIONER: ASSOCIATION OF APARTMENT OWNERS OF PUNAHELE PROFESSIONAL BUILDING (BOA 06-00022)** - Continued hearing on the Appeal of Decision by the Planning Director dated March 10, 2006 Notice of Violation and Order (ZCV 05-095E) relating to operation of a vehicle parking lot in a Single Family Residential zoned district. The subject property consists of approximately 9,230 square feet and is located along the south side of Punahele Street, Punahoa, South Hilo, Hawai‘i, TMK: (3) 2-3-35:18.

MINUTES

September 8, 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.

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, 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: September 20, 2006)

(West Hawaii Today: September 20, 2006)