

**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, December 12, 2008

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

NEW BUSINESS - 10:00 a.m.

1. **PETITIONER: DAVID OWENS (BOA 08-000072)** - 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.
  
2. **PETITIONER: DORIS M. SCHARPF TRUST (BOA 08-000062)** - Appeal of Decision by the Planning Director dated February 29, 2008 for Special Management Area Violation (SMA/V 2008-013W) and Shoreline Setback Violation (SSV 2008-013W), relating to construction of seawall in County right-of-way and within the shoreline setback area. The subject property consists of approximately 19,401 square feet and is located on the makai side of Puako Beach Drive, Puako, South Kohala, Hawai`i, TMK: (3) 6-9-5:1.

MINUTES

November 14, 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 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.

JOEL GIMPEL, CHAIRPERSON  
BOARD OF APPEALS

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

(Hawaii Tribune Herald: November 19, 2008)  
(West Hawaii Today: November 19, 2008)