

BOARD OF APPEALS
COUNTY OF HAWAI'I

MINUTES
JANUARY 16, 2009

The County of Hawai'i Board of Appeals met in regular session at 10:08 a.m. in the West Hawai'i Mayor's Office, Conference Room, 75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai'i with Chairman Joel Gimpel presiding.

PRESENT: Joel Gimpel
David Drury
Peter Hendricks
Karen Maedo
Kim Tavares

ABSENT & EXCUSED: Charlene Hart

Renee Schoen, Counsel to the Board
Alice Kawaha, Staff to the Board

The Chair introduced the Board to members of the public.

PUBLIC STATEMENTS There was no one wishing to make a public statement.

BOA 08-000068
BRIDGE AINA LEA
LLC
WAIKOLOA,
SOUTH KOHALA

The Board took this item up at 10:00 a.m. with three people from the public in attendance.

PETITIONER: BRIDGE AINA LEA LLC (BOA 08-000068) - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of the Planning Director's Decision of May 22, 2008 Denying the Request for Nonsignificant Zoning Change. The project area consists of approximately 444.399 acres and is located between Queen Ka`ahumanu Highway and Waikoloa Village, Waikoloa, South Kohala, Hawai'i, TMK: (3) 6-8-1:39.

The Chair noted that the proposed Findings of Fact, Conclusions of Law and Decision and Order were distributed to the Board, and the Board is not aware of any opposition.

Molly Lugo representing the Planning Director was in attendance. Neither the appellant nor its representative was present.

It was moved by Mr. Hendricks and seconded by Ms. Maedo that the Findings of Fact, Conclusions of Law and Decision and Order be adopted as submitted. Motion was unanimously carried by a voice vote of all Members in attendance.

BOA 08-000070
KOHALA PRESERVE
CONSERVATION
TRUST, LLC
KAPAAUNUI, KOU,
KAMANO, AND MAHUKONA,
NORTH KOHALA

The Board took this item up at 10:03 a.m. with six people from the public in attendance.

PETITIONER: KOHALA PRESERVE CONSERVATION TRUST, LLC

(BOA 08-000070) - Continued hearing, including consideration on the Petition to Intervene filed by Kamakani O Kohala Ohana (KAKO`O), on the Appeal of Decision by the Planning Director dated July 3, 2008, to defer action on the application for proposed subdivision and approval of preliminary plat map. The project area consists of approximately 365.5 acres and is located in the vicinity and north of Mahukona Harbor, Kapaaunui, Kou, Kamano, and Mahukona, North Kohala, Hawai`i, TMK: (3) 5-7-2:11, 5-7-3:3 and 10.

(SEE EXHIBIT A)

BOA 08-000062
DORIS M. SCHARPF
TRUST
PUAKO,
SOUTH KOHALA

The Board took this item up at 10:25 a.m. with one person from the public in attendance.

PETITIONER: DORIS M. SCHARPF TRUST (BOA 08-000062) - Continued hearing, including consideration for intervention filed by Thomas S. Lowe III, on the 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.

The Chair noted that the Board is in receipt of a letter from Roy Vitousek III representing the appellant, withdrawing the appeal contingent upon the Department's signing a Settlement and Release Agreement in the form attached to the letter.

Mr. Vitousek and Molly Lugo representing the Planning Director were in attendance. Ms. Lugo stated that the Settlement and Release Agreement was signed by the Acting Planning Director and Deputy Corporation Counsel, and transmitted to Mr. Vitousek the day before. At this time the Board was provided with a copy of the fully executed Agreement.

The Chair acknowledged that the appeal is withdrawn.

BOA 08-000071
JAMES S. AND NANCY J.
PHILLIPS TRUST.
WAIMEA,
SOUTH KOHALA

The Board took this item up at 10:54 a.m. with three people from the public in attendance.

