

BOARD OF APPEALS  
COUNTY OF HAWAI'I

MINUTES  
JANUARY 25, 2008

The County of Hawai'i Board of Appeals met in regular session at 10:00 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  
Valta Cook  
Diane Gentry  
Peter Hendricks  
Kim Tavares

ABSENT & EXCUSED: Kelly Ann Soo

William Brillhante, Counsel to the Board  
Alice Kawaha, Staff to the Board

PUBLIC STATEMENTS The Chair welcomed the public and invited public testimony to be heard at this time.

(SEE EXHIBIT A)

**PETITIONER: PACIFIC HORIZONS DEVELOPMENT CO. LP (BOA 07-000049) -**  
Continued hearing on the Appeal of Decision by the Planning Director dated May 29, 2007 Denial of the Variance Application (VAR 07-028) relating to minimum water supply requirements of Chapter 23, Subdivision Code, for a proposed 6-lot subdivision. The subject property consists of approximately 47.906 acres and is located on the west (mauka) side of Mamalahoa Highway at approximately the 96 mile marker, Kukuiope 1st, South Kona, Hawai'i, TMK: (3) 8-7-10:9.

(SEE EXHIBIT B)

MINUTES

At 3:10 p.m., the Board took up the following minutes:

November 9, 2007 – It was moved by Mr. Hendricks and seconded by Mr. Cook that the minutes be approved as circulated. Motion was unanimously carried by a voice vote of all Members in attendance.

December 14, 2007 - It was moved by Ms. Gentry and seconded by Ms. Tavares that the minutes be approved as circulated. Motion was unanimously carried by a voice vote of all Members in attendance.

ADMINISTRATIVE  
MATTERS

The following were discussed under Administrative Matters:

EDMUND JIN AND EVA Y. LU (BOA 07-000043) – In response to the Chair’s inquiry regarding the appeal of the Planning Director filed at the Third Circuit Court on November 23, 2007 – Mr. Brillhante noted that at the hearing yesterday Judge Ibarra ruled in favor of the County of Hawaii that the appeal was timely filed. He said more information will be provided to the Board as they become available.

MARLENE E. CALVERT (BOA 05-000014) – In response to the Board’s inquiry, Mr. Brillhante said he did not have additional information at this time.

ANNOUNCEMENTS            The following announcement was made at this time:

Next Board Meeting – Ms. Kawaha announced the next meeting is scheduled for February 8, 2008 at 10:00 a.m. in the Aupuni Center in Hilo.

ADJOURNMENT            As there was no further business, the Chair declared the meeting adjourned at 3:27 p.m.

Respectfully submitted,

Sharon M. Nomura, East Hawaii Secretary

A T T E S T:

Joel Gimpel, Chairman  
Board of Appeals