

BOARD OF APPEALS  
COUNTY OF HAWAI'I

MINUTES  
JANUARY 26, 2007

The County of Hawai'i Board of Appeals met in regular session at 10:02 a.m. in the West Hawai'i Mayor's Office, Conference Room, 75-5706 Kuakini Highway, Suite 103, Kailua-Kona, Hawai'i, with Vice-Chairperson Diane Gentry presiding.

PRESENT: Anson Chong  
George Curtis  
David Drury  
Diane Gentry  
Joel Gimpel  
Peter Hendricks

ABSENT & EXCUSED: Valta A. Cook

Patricia O'Toole, Counsel to the Board  
Alice Kawaha, Staff to the Board

DR 06-000001  
JAN R. HERRON  
WHITEHEAD AND  
LAVERNE TILL  
REZONING  
ORD. 96-117

The Board took this item up at 10:02 a.m. with no one from the public in attendance.

**PETITIONERS: JAN R. HERRON WHITEHEAD AND LAVERNE TILL**

**(DR 06-000001)** - Adoption of the Proposed Order Granting Christopher J. Yuen, Planning Director, County of Hawai'i's Motion to Dismiss Petition for Declaratory Ruling filed November 17, 2006, relating to the Petition for Declaratory Ruling relating to Change of Zone Ordinance No. 96-117 (M)(1)(b); Hawai'i Revised Statutes §92F, Uniform Information Practices Act; and County of Hawai'i General Plan §13.2.5.6.2(g) "Connector Road" Course of Action.

The petitioners' attorney, Margaret Wille, the intervenors' attorney, Steven Lim, and the Planning Director's attorney, Amy Self, were in attendance.

It was moved by Mr. Gimpel and seconded by Mr. Curtis that the proposed Order Granting Christopher J. Yuen, Planning Director, County of Hawai'i's Motion to Dismiss Petition for Declaratory Ruling filed November 17, 2006, be adopted. Motion was carried with six ayes (Gimpel, Curtis, Chong, Drury, Hendricks and Gentry) and one absent and excused (Cook).

BOA 06-000034  
MICHAEL A.  
FERRINGTON  
PAPA 2<sup>ND</sup>,  
SOUTH KONA

The Board took this item up at 10:06 a.m. with no one from the public in attendance.

**PETITIONER: MICHAEL A. FERRINGTON (BOA 06-000034)** - Appeal of Decision by the Planning Director dated October 19, 2006, that denied the variance request (VAR 06-037) relating to minimum water supply requirements of Chapter 23, Subdivision Code; and the Decision on the subdivision preliminary plat within the 45-day period pursuant to Chapter 23, Section 23-62(b). The property is located on the north side of Milolii Road, approximately 350 feet makai of Māmalahoa Highway-Milolii intersection, Papa 2<sup>nd</sup>, South Kona, Hawai‘i TMK: (3) 8-8-16:20.

(SEE EXHIBIT A)

MINUTES

The Board at this time, 12:25 p.m., took up the following minutes:

October 13, 2006 – It was moved by Mr. Gimpel and seconded by Mr. Curtis that the minutes be approved as circulated. Motion was unanimously carried by a voice vote.

December 8, 2006 – It was moved by Mr. Gimpel and seconded by Mr. Curtis with a correction to Page 2, the last paragraph amended to read, “The Chair stated these items have been continued as the Board’s counsel (James Giroux) was not able to attend today’s meeting.” Motion was unanimously carried by a voice vote.

ADMINISTRATIVE  
MATTERS

The Commission took up the following under administrative matters at 12:27 p.m.:

Corporation Counsel Report on status of appeals filed on decisions by Board of Appeals – Ms. O’Toole noted the case of Marlene E. Calvert (BOA 05-000014) has been reversed by the Circuit Court and it will be on the next agenda, and added that the Board hasn’t received a final written order yet.

Ms. Kawaha announced the next meeting is scheduled for Friday, February 9<sup>th</sup>, at the Aupuni Center Conference Room in Hilo.

ADJOURNMENT

There being no further business, the Vice-Chair declared the meeting adjourned at 12:29 p.m.

A T T E S T:

Respectfully submitted,

Diane Gentry, Vice-Chairperson  
Board of Appeals

Noriko Sauer  
West Hawai`i Secretary