

BOARD OF APPEALS  
COUNTY OF HAWAI'I

MINUTES  
FEBRUARY 8, 2008

The County of Hawai'i Board of Appeals met in regular session at 10:00 a.m. in the County of Hawaii, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i, with Chairman Joel Gimpel presiding.

PRESENT: Joel Gimpel  
Valta A. Cook (Left at 11:19 a.m.  
And returned at 1:03 p.m.)  
David Drury  
Diane Gentry  
Peter Hendricks  
Kim Tavares

ABSENT & EXCUSED: Kelly Ann Soo

William Brilhante, Counsel to the Board  
James Giroux, Counsel to the Board from Maui Corporation Counsel  
Alice Kawaha, Staff to the Board

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

BOA 07-000042 The Board took this item up at 10:05 a.m. with 3 people  
ROBERT C. & from the public in attendance.  
TERESA D. STONIER  
HAWAIIAN ACRES,  
PUNA

**PETITIONERS: ROBERT C. & TERESA D. STONIER (BOA 07-000042)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of Decision by the Planning Director dated February 6, 2007 Notice of Violation (ZCV06-048E), relating to the operation of a non-agricultural business within an Agricultural District. The property consists of approximately 3.0 acres and is located at the northwestern corner of Road 7 and Road F, Hawaiian Acres Subdivision, Puna, Hawai'i, TMK: (3) 1-6-41:1.

The petitioner's representative, Christopher Schleuger, and the Planning Director and his attorney, Amy Self, were in attendance.

It was moved by Ms. Tavares and seconded by Mr. Hendricks that the Board adopt the proposed Findings of Fact, Conclusions of Law and Decision and Order with the following corrections: Page 4, 16.2), last line change "it's" to "its"; Page 6, paragraph 4, first line change "Statues" to "Statutes" and "has" to "have;" and 7 the signature of the document should be changed from

“VALTA A. COOK” to “JOEL GIMPEL.” Motion was unanimously carried by a voice vote of all Members in attendance.

BOA 07-000046  
DERRICK AND  
SONIA LIU  
AHUALOA,  
HAMAKUA

The Board took this item up at 10:09 a.m. with 3 people from the public in attendance.

**PETITIONERS: DERRICK AND SONIA LIU (BOA 07-000046)** - Continued hearing regarding the Appeal of Decision by the Planning Director dated March 19, 2007 First Recurring Violation (ZCV 06-019E) relating to operation of an “Amusement and Recreation Facility, Major Outdoor” (motorcycle and dirt bike race track) in an Agricultural District. The property consists of approximately 19.5 acres and is located on the south side of Kapuna Road, Ahualoa Homesteads, Hamakua, Hawai‘i, TMK: (3) 4-6-8:24.

The Chair stated that the hearing on this item has been continued.

(BOA 07-000051)  
JAMES H. REDDEKOPP,  
JR. AND HAWAIIAN  
VANILLA COMPANY, INC.  
PAAUILO,  
HAMAKUA

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

**PETITIONER: JAMES H. REDDEKOPP, JR. AND HAWAIIAN VANILLA COMPANY, INC. (BOA 07-000051)** - Appeal of Decision by the Planning Director dated October 11, 2007 Notice of Violation (ZCV 07-098E), relating to Operation of a Restaurant and Retail Establishment within an Agricultural District without an approved Special Permit. The property consists of approximately 29,926 square feet and is located on the south side of Paauilo Mauka Road, Paauilo Homesteads, Hamakua, Hawai‘i, TMK: (3) 4-3-013:27.

(SEE EXHIBIT A)

ADMINISTRATIVE  
MATTERS

The Board took up the administrative matters at this time, 1:57 p.m.

Status of appeals filed on Board of Appeals decisions - Corporation Counsel – Mr. Brillhante said the Circuit Court has set the hearing dates for oral arguments on the appeals of Edmund Jin and Eva Lu’s Appeal, Civil No. 07-1-261, and Marlene Calvert Civil No. 07-1-414. He added that he will keep the Board apprised on the progress of these cases.

ANNOUNCEMENT

At 2:00 p.m., the Board took up the following:

March 20, 2008 – Ms. Kawaha announced the next Board meeting is scheduled for March 20<sup>th</sup> in Kona at Mayor’s conference room and briefed the Board on the agenda items.

ADJOURNMENT

There being no further business, the Chair declared the meeting adjourned at 2:01 p.m.

Respectfully submitted,

Sharon M. Nomura  
East Hawai'i Secretary

A T T E S T:

Joel Gimpel, Chairman  
Board of Appeals