

BOARD OF APPEALS  
COUNTY OF HAWAI'I

MINUTES  
JUNE 13, 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  
David Drury  
Charlene Hart  
Peter Hendricks  
Karen Maedo  
Kim Tavares

ABSENT & EXCUSED: Kelly Ann Soo

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

The Chair introduced the Board to Members from the public.

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

BOA 07-000049 The Board took this item up at 10:02 a.m. with 9 people  
PACIFIC HORIZONS from the public in attendance.  
DEVELOPMENT CO. LP  
KUKUIOPAE 1ST,  
SOUTH KONA

**PETITIONER: PACIFIC HORIZONS DEVELOPMENT CO. LP (BOA 07-000049) -**  
Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding 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.

The Board acknowledged receipt of the Appellant's May 19, 2008, correspondence informing the Board of the Appellant's agreement with the Planning Department and withdrawal of the above-referenced appeal based on the agreement.

BOA 08-000055 The Board took this item up at 10:04 a.m. with 9 people  
BEN AKAMINE from the public in attendance.  
WAIAKEA HOMESTEADS,  
SOUTH HILO

**PETITIONER: BEN AKAMINE (BOA 08-000055)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of Decision by the Planning Director dated January 17, 2008, approval of Variance application (VAR 07-075), to landowner Charles Allen Jr., from Chapter 25, Zoning Code, relating to minimum yards. The property consists of approximately 7,413 square feet and is located on the Puna side of Puainako Street across of Waiakea Elementary School, Waiakea Homesteads, South Hilo, Hawai‘i, TMK: (3) 2-4-9:53.

(SEE EXHIBIT A)

BOA 08-000060  
PAUL W. BRENNAN  
NINOLE,  
SOUTH HILO

The Board took this item up at 10:57 a.m. with 9 people from the public in attendance.

**PETITIONER: PAUL W. BRENNAN (BOA 08-000060)** - Appeal of Decision by the Planning Director dated February 5, 2008, relating to denial of lots of record determination. The subject property consists of 28.1675 acres and is located between Hualolo Stream and Ninole Stream, Waikaumalo-Maulua Homesteads, Pu`uohua, Ninole, South Hilo, Hawai‘i, TMK: (3) 3-2-3:11.

John Cross representing Paul Brennan and Amy Self representing the Planning Director were in attendance.

Ms. Self stated for the record that the Director and the Appellant have settled the appeal.

Mr. Cross stated they have come to an agreement regarding the lots of record on the parcel and with Mr. Yuen’s and Ms. Self’s commitment on the settlement they will be dropping the appeal.

MINUTES

The Board took up the following minutes at this time, 10:58 a.m.

February 8, 2008 – It was moved by Mr. Hendricks and seconded by Ms. Maedo that the minutes be approved as circulated. Motion was unanimously carried by a voice vote of all Members in attendance.

May 9, 2008 – It was moved by Mr. Hendricks and seconded by Ms. Maedo that the minutes be approved as circulated. Motion was unanimously carried by a voice vote of all Members in attendance.

ADMINISTRATIVE MATTERS

The Board took up the following under administrative matters at this time, 10:59 a.m.

Status of appeals filed on Board of Appeals decisions - Corporation Counsel – Ms. Schoen stated she had nothing to report at this time.

ADJOURNMENT

There being no further business the Chair declared the meeting adjourned at this time 11:00 a.m.

Respectfully submitted,

Sharon M. Nomura, Secretary

A T T E S T:

Joel Gimpel, Chairman  
Board of Appeals