

BOARD OF APPEALS
COUNTY OF HAWAI'I

MINUTES
JULY 10, 2009

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

PRESENT: Joel Gimpel
David Drury
Karen Maedo
Kim Tavares

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

ABSENT & EXCUSED: Peter Hendricks
Charlene Hart

The Chair introduced the Board to members of the public.

BOA 08-000072 The Board took this item up at 10:03 a.m. with two people
DAVID OWENS from the public in attendance.
DOWNTOWN HILO,
SOUTH HILO

PETITIONER: DAVID OWENS (BOA 08-000072) Continued hearing on the Petition for Variance from the Building Code requirements relating to doors, fire wall, and projection and clearance. The subject property is bordered by Keawe Street, Mamo Street and Kilauea Street, adjacent to the Garden Exchange commercial building, Downtown Hilo, South Hilo, Hawai'i, TMK: (3) 2-3-11:16.

The Chair stated this item has been continued to the September 11th Hilo meeting to allow the petitioner to work on a settlement with the Department of Public Works, Building Division.

BOA 09-000076 The Board took this item up at 10:05 a.m. with two people
MARYE LYNN from the public in attendance.
GILMORE
HAWAIIAN
OCEAN VIEW ESTATES,
KA'Ū

PETITIONER: MARYE LYNN GILMORE (BOA 09-000076) - Appeal of Decision by the Planning Director dated March 4, 2009, relating to Determination of Pre-Existing Lots. The subject properties consist of approximately 43,595 square feet and is located at the corner of

Lotus Blossom and Sea Breeze Parkway, Hawaiian Ocean View Estates, Ka`ū, Hawai`i, TMK:
(3) 9-2-12:11 and 73.

(SEE EXHIBIT A)

MINUTES

The Board took up the following minutes at this time,
10:35 a.m.

May 8, 2009 Executive Session Minutes – It was moved by Ms. Tavares, seconded by Ms. Maedo, that the minutes be approved. Motion was unanimously carried by a voice vote of all Members in attendance.

June 12, 2009 Minutes - It was moved by Ms. Tavares, seconded by Ms. Maedo, that the minutes be approved. Motion was unanimously carried by a voice vote of all Members in attendance.

ADMINISTRATIVE
MATTERS

The Board took this item up at 10:37 a.m. with two people
from the public in attendance.

Status of appeals filed on Board of Appeals decisions - Corporation Counsel – Circuit Court Appeal on Kamakani ‘O Kohala ‘Ohana vs Hawai‘i County Board of Appeals, Daryn Arai in his official capacity as Hawai‘i County Planning Director and Kohala Preserve Conservation Trust LLC – Civil No. 09-1-038 K – Ms. Schoen reported that all briefs have been submitted and parties will be presenting oral arguments in August before Judge Strance.

ANNOUNCEMENTS

The following announcements were made at this time, 10:38 a.m.

HCPO Conference – Ms. Kawaha stated that due to budgetary constraints only Chair Joel Gimpel and Vice-Chairman Pete Hendricks will represent the Board at this September 23-25, 2009 Conference.

Next meeting – Upon the Chair’s suggestion, Ms. Kawaha said she will check with Steven A. Kornberg to see if he is agreeable to have the adoption of the proposed Findings of Fact, Conclusions of Law and Decision and Order on the appeal of Ali Ghalanfarsa scheduled for the Board’s September meeting in Hilo. It was noted that the Board’s August meeting will be cancelled as this was the only item on the agenda and it appeared there may be a quorum problem.

ADJOURNMENT

There being no further business, the Chair declared the meeting
adjourned at 10:40 a.m.

Respectfully submitted,

Sharon M. Nomura, Secretary

A T T E S T:

Joel Gimpel, Chairman
Board of Appeals