

BOARD OF APPEALS  
COUNTY OF HAWAI'I

MINUTES  
JULY 11, 2008

The County of Hawai'i Board of Appeals met in regular session at 10:20 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  
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 08-000052  
GIG DEVELOPMENT  
LLC/JIM GOMEZ,  
STEVE AND JOANNE  
HUDDLESTON  
KAWELA,  
KAU

The Board took this item up at 10:20 a.m. with three people from public in attendance.

**PETITIONER: GIG DEVELOPMENT LLC/JIM GOMEZ, STEVE AND JOANNE HUDDLESTON (BOA 08-000052)** - Action on the Order to Dismiss regarding the Appeal of Decision by the Planning Director dated December 24, 2007, denial of the variance request (VAR 07-066) relating to minimum water supply requirements of Chapter 23, Subdivision Code. The subject property consists of approximately 42.633 acres and is located on the north side of Kamaoa Road, approximately 2,000 feet west of Discovery Harbour Subdivision, Kawela, Ka'u, Hawai'i, TMK: (3) 9-4-4:11.

The Chair stated that the Order Dismissing Appeal has been distributed to the Board.

It was moved by Mr. Drury and seconded by Ms. Tavares that the Board accept the Order Dismissing Appeal. Motion was unanimously carried by a voice vote of all Members in attendance.

BOA 08-000056  
SURETY KOHALA  
CORPORATION  
KAPA`AU ROAD,  
NORTH KOHALA

The Board took this item up at 10:23 a.m. with three people from the public in attendance.

**PETITIONER: SURETY KOHALA CORPORATION (BOA 08-000056) -** Appeal of Decision by the Planning Director dated January 14, 2008, relating to the determination of pre-existing lots. The property consists of approximately 378.77 acres and is located to the south of Kapa`au Village and at the end of Kapa`au Road, North Kohala, Hawai`i, TMK: (3) 5-4-3:2.

The Chair stated that this matter is continued.

BOA 08-000059  
KALIKO CHUN AND  
RICHARD NELSON, III  
KEALAKEHE,  
NORTH KONA

The Board took this item up at 10:23 a.m. with three people from the public in attendance.

**PETITIONERS: KALIKO CHUN AND RICHARD NELSON III (BOA 08-000059) -** Action on Motion to Dismiss regarding the Appeal of Decision by the Planning Director dated February 4, 2008, relating to the rezoning of Department of Hawaiian Home Lands (DHHL) subject property pursuant to a Memorandum of Agreement (MOA) with DHHL without the approval of the County Council. The subject property consists of approximately 200 acres and is located on the makai side of Queen Ka`ahumanu Highway, mauka of Honokohau Boat Harbor and adjacent to the Kealakehe Wastewater Treatment Plant site, Kealakehe, North Kona, Hawai`i, TMK: (3) 7-4-8:72.

The Chair stated that the Planning Director's Proposed Order Granting the Planning Director's Motion to Dismiss filed April 7, 2008, has been distributed to the Board.

It was moved by Mr. Hendricks and seconded by Ms. Tavares that the Board accept the Order Granting the Planning Director's Motion to Dismiss. In response to inquiry from Mr. Winfield Chang, a resident of Kona, the Chair clarified the action by the Board. Motion was unanimously carried by a voice vote of all Members in attendance.

BOA 08-000053  
MATTHEW A. BERGEY,  
BRUCE AND CAROLYN  
BERGEY  
KAUMALUMALU,  
NORTH KONA

The Board took this item up at 10:25 a.m. with two people from the public in attendance.

**PETITIONER: MATTHEW A. BERGEY, BRUCE AND CAROLYN BERGEY (BOA 08-000053)** - Appeal of Decision by the Planning Director dated December 19, 2007 Notice of Violation and Order (ZCV 2006-005W), relating to Vacation Rentals in an Agricultural District. The subject property consists of 4.796 acres and is located on the mauka side of Alii Drive in the vicinity of Kona Magic Sands, Kaunalumalu, North Kona, Hawai`i, TMK: (3) 7-7-4:73.

The Chair stated that this appeal has been withdrawn.

BOA 08-000063  
RESOLUTE INC.  
HOLUALOA,  
NORTH KONA

The Board took this item up at 10:25 a.m. with no one from the public in attendance.

**PETITIONER: RESOLUTE INC. (BOA 08-000063)** - Appeal of Decision by the Planning Director dated March 17, 2008 denial for additional farm dwelling agreement application. The subject property consists of 500.734 acres and is located within Waiono Meadows Ranch Subdivision, Lot 10-A-1 Condominium Project, approximately 2.25 miles east of the intersection of Waiono Meadows Drive and Mamalahoa Highway, Holualoa, North Kona, Hawai`i, TMK: (3) 7-6-1:1.

(SEE EXHIBIT A)

BOA 08-000064  
SUTTON RESIDENTIAL  
TRUST (H. DEBRA  
LEVIN, TRUSTEE)  
PUAKO,  
SOUTH KOHALA

The Board took this item up at 2:20 p.m. with no one from the public in attendance.

**PETITIONER: SUTTON RESIDENTIAL TRUST (H. Debra Levin, Trustee) (BOA 08-000064)** - Appeal of Decision by the Planning Director dated March 10, 2008 for Special Management Area Violation (SMA/V 2008-017W) and Shoreline Setback Violation (SSV 2008-017W), relating to construction of paved walkway in the SMA and shoreline setback area. The subject property consists of approximately 16,401 square feet and is located on the makai side of Puako Beach Drive, Puako, South Kohala, Hawai`i, TMK: (3) 6-9-6:25.

Planning Director's representative, Amy Self, stated that the parties have settled this matter and are in process of drafting the settlement agreement, and that once the agreement has been signed, the appellant will withdraw their appeal.

The Chair expressed the Board's appreciation for the parties' settlement effort.

MINUTES

The Board took up the following minutes at this time, 2:24 p.m.

June 13, 2008 – It was moved by Mr. Hendricks and seconded by Mr. Drury that the minutes be approved with a typographical correction. Motion was unanimously carried by a voice vote of all Members in attendance.

ADMINISTRATIVE  
MATTERS

The Board at this time, 2:25 p.m. took up the following under Administrative Matters:

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

Other Board matters – No other matters were brought before the Board.

ANNOUNCEMENTS

There was no announcement.

ADJOURNMENT

There being no further business the Chair declared the meeting adjourned at 2:25 p.m.

Respectfully submitted,

Noriko Sauer, West Hawai'i Secretary

A T T E S T:

Joel Gimpel, Chairman  
Board of Appeals