

BOARD OF APPEALS
COUNTY OF HAWAI'I

MINUTES
OCTOBER 10, 2008

The County of Hawai'i Board of Appeals met in regular session at 10:08 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
Charlene Hart
Peter Hendricks
Karen Maedo
Kim Tavares

ABSENT & EXCUSED: David Drury

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

PUBLIC STATEMENTS The following individuals provided testimony under public statements.

Gay George – (SEE EXHIBIT A)

Alice Guild – (SEE EXHIBIT B)

Dick Threlfall – (SEE EXHIBIT C)

Beverly Kalani - (SEE EXHIBIT D)

Stacy Disney – (SEE EXHIBIT E)

The Chair introduced the Board to members from the public.

BOA 08-000069
KOKO PALMS
KEAUKAHA LLC &
PACIFIC ISLAND
INVESTMENTS LLC
KEAUKAHA,
SOUTH HILO

The Board took this item up at 10:17 a.m. with approximately 16 people from the public in attendance.

PETITIONER: KOKO PALMS KEAUKAHA LLC & PACIFIC ISLAND INVESTMENTS LLC (BOA 08-000069) - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of the Director of Public Works' Decision for denial of use of alternate roofing materials and methods of construction relating to Section 62 requirements of the Hawaii Building Code. The subject property is bordered by Kalaniana'ole Street, Hapai Avenue and Apapane Street, near the County's Onekahakaha Beach Park, Keaukaha, South Hilo, Hawai'i, TMK: (3) 2-1-14:5.

The Chair noted the proposed Findings of Fact, Conclusions of Law and Decision and Order were distributed to the Board.

Ms. Schoen noted that the Director of Public Work has suggested additional wording to Findings of Fact B(6), which were distributed to the Board.

The applicant's representative, Gilbert L. Barden, was in attendance.

It was moved by Mr. Hendricks and seconded by Ms. Maedo that the Findings of Fact, Conclusions of Law and Decision and Order be adopted with the following added sentence to Findings of Fact B(6): "Mr. Kajikawa testified that under the Building Code, such sprinkler systems are for protection against exposure to fire." A roll call vote was taken and motion carried with five ayes (Hendricks, Maedo, Hart, Tavares, and Gimpel) and one absent and excused (Drury).

BOA 08-000063
RESOLUTE INC.
HOLUALOA,
NORTH KONA

The Board took this item up at 10:21 a.m. with approximately 16 people from the public in attendance.

PETITIONER: RESOLUTE INC. (BOA 08-000063) - Action relating to the 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.

The Chair stated this appeal has been withdrawn.

BOA 08-000067
WILLIAM L. GEORGE
AND GAY P. GEORGE
AHUALOA,
HAMAKUA

The Board took this item up at 10:22 a.m. with approximately 14 people from the public in attendance.

PETITIONER: WILLIAM L. GEORGE AND GAY P. GEORGE (BOA 08-000067) - Appeal of the Planning Director's Decision to Sign the Settlement Agreement and Mutual Release dated April 10, 2008 with Derrick Liu and Sonia Liu. The matter relates to a previous

appeal BOA 07-000046 relating to an 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.

(SEE EXHIBIT F)

BOA 08-000070
KOHALA PRESERVE
CONSERVATION
TRUST, LLC
KAPAAUNUI, KOU,
KAMANO, AND
MAHUKONA,
NORTH KOHALA,

The Board took this item up at 3:13 p.m. with no one from the public in attendance.

PETITIONER: KOHALA PRESERVE CONSERVATION TRUST, LLC

(BOA 08-000070) - Appeal of Decision by the Planning Director dated July 3, 2008, to defer action on the application for proposed subdivision and approval of preliminary plat map. The project area consists of approximately 365.5 acres and is located in the vicinity and north of Mahukona Harbor, Kapaaunui, Kou, Kamano, and Mahukona, North Kohala, Hawai`i, TMK: (3) 5-7-2:11, 5-7-3:3 and 10.

The Chair stated a continuance has been granted and the item is on the next Kona agenda.

MINUTES

The Board took this item up at 3:14 p.m.

September 5, 2008 – It was moved by Ms. Tavares and seconded by Mr. Hendricks that the regular minutes and executive session minutes be accepted. Motion was unanimously carried by a voice vote of all members in attendance.

ADMINISTRATIVE
MATTERS

The Board took this item up at 3:15 p.m.

Status of appeals filed on Board of Appeals decisions - Corporation Counsel – Ms. Schoen said she would be more than happy, if the Board wishes, to have an executive session regarding the case of Yuen versus the Board of Appeals and Edmund Jin and Eva Y. Lu, Civil No. 07-1-261K, Supreme Court No.29192. She noted as the matter is currently on appeal and still being decided she would feel uncomfortable discussing the Board’s position in an open meeting. She added she was unaware of other cases that are on appeal or have been filed.

ANNOUNCEMENTS

The Chair made the following announcement.

Next Meeting – The Chair noted the next meeting is scheduled for November 14, 2008 in Kona.

ADJOURNMENT

There being no further business, the Chairman declared the meeting adjourned at 3:16 p.m.

Respectfully submitted,

Sharon M. Nomura, East Hawai`i Secretary

ATTEST:

Joel Gimpel, Chairman
Board of Appeals