

BOARD OF APPEALS  
COUNTY OF HAWAI'I

MINUTES  
OCTOBER 12, 2007

The County of Hawai'i Board of Appeals met in regular session at 10:04 a.m. in the County of Hawaii, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i, with Chairman Valta A. Cook presiding.

PRESENT: Valta A. Cook  
David Drury  
Diane Gentry  
Joel Gimpel  
Peter Hendricks  
Kim Tavares

ABSENT & EXCUSED: Kelly Ann Soo

Brooks Bancroft, Counsel to the Board  
James Giroux, Counsel to the Board from Maui Corporation Counsel  
Alice Kawaha, Staff to the Board

PUBLIC STATEMENTS The Chair welcomed the public and invited any public statements to be heard at this time. He reminded them that they are not parties to the action, and that although their comments will be considered by the Board, they are not testimony.

(SEE EXHIBITS A through G)

BOA 07-000045 The Board took this item up at 10:32 a.m. with approximately  
VACATIONLAND 25 people from the public in attendance.  
HAWAII COMMUNITY  
ASSOCIATION, INC.  
VACATIONLAND  
HAWAII SUBDIVISION,  
PUNA

**PETITIONER: VACATIONLAND HAWAII COMMUNITY ASSOCIATION, INC.**  
**(BOA 07-000045)** - Continued hearing on the Appeal of Decision by the Planning Director dated March 15, 2007 Approval of Variance Application (VAR06-083) for James P. Tipton, et al. from the requirements of Section 23-86 of Chapter 23, Subdivision Control Code, relating to roadway improvements. The property consists of approximately 4.996 acres and is located at the northeast corner of Kapoho Kai Drive and Ililani Road, Vacationland Hawaii Subdivision, Kapoho, Puna, Hawai'i, TMK: (3) 1-4-71:8.

The Chair stated that this matter has been withdrawn by the appellant, and added that the Board appreciates when parties are able to arrive a mutually satisfactory resolution.

BOA 06-000020 The Board took this item up at 10:35 a.m. with approximately

ASSOCIATION OF APARTMENT OWNERS OF PUNAHELE PROFESSIONAL BUILDING  
PUNAHOA,  
SOUTH HILO

20 people from the public in attendance.

**PETITIONER: ASSOCIATION OF APARTMENT OWNERS OF PUNAHELE PROFESSIONAL BUILDING (BOA 06-000020)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of Decision by the Planning Director dated March 2, 2006 Notice of Violation and Order (ZCV06-030E) relating to landscaping requirements as set forth in Ordinance No. 95 33 and Final Plan Approval. The subject property consists of approximately 59,108 square feet and is located on the makai side of Komohana Street at Puuhonu Place, Punahoa, South Hilo, Hawai‘i, TMK: (3) 2-3-35:42.

(SEE EXHIBIT H)

PUBLIC STATEMENTS

The Chair at this time, 10:55 a.m., allowed Rex Ramsey to make a statement.

(SEE EXHIBIT I)

BOA 07-000044  
REX A. RAMSEY  
HAWAIIAN BEACHES  
SUBDIVISION,  
PUNA

The Board took this item up at 11:00 a.m. with approximately 21 people from the public in attendance.

**PETITIONER: REX A. RAMSEY (BOA 07-000044)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of Decision by the Planning Director dated March 8, 2007, Denied Variance Application (VAR07-004) from minimum yards requirements of Chapter 25, Zoning Code. The property consists of approximately 8,662 square feet and is located on the north side of Welea Street, Hawaiian Beaches Subdivision, Puna, Hawai‘i, TMK: (3) 1-5-87:12.

(SEE EXHIBIT J)

BOA 07-000043  
EDMUND JIN AND  
EVA Y. LU  
KOLO SUBDIVISION,  
SOUTH KONA

The Board took this item up at 11:21 a.m. with approximately 17 people from the public in attendance.

**PETITIONER: EDMUND JIN AND EVA Y. LU (BOA 07-000043)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of Decision by the Planning Director dated February 12, 2007, that denied the Variance Application (VAR 06-101) relating to variance from minimum water supply requirements of Chapter 23, Subdivision Code for a proposed subdivision. The property consists of approximately 35.9 acres and is located on the west (mauka) side of Mamalahoa Highway in the Kolo Subdivision, South Kona, Hawai'i, TMK: (3) 8-7-13:11.

(SEE EXHIBIT K)

BOA 07-000041  
JASON K. DELUZ &  
MELITA DELUZ DBA  
J. DELUZ AUTO  
BODY REPAIR  
PAALAEA TO LAUKA,  
HAMAKUA

The Board took this item up at 11:35 a.m. with approximately 17 people from the public in attendance.

**PETITIONERS: JASON K. DELUZ & MELITA DELUZ DBA J. DELUZ AUTO BODY REPAIR (BOA 07-000041)** - Continued hearing, including consideration on Petition for Intervention filed by Charles and Cindy May, on the Appeal of Decision by the Planning Director dated February 5, 2007 Notice of Violation (ZCV06-158E), relating to Operation of an Auto Body Repair Shop in an Urban district. The property consists of approximately 2.559 acres and is located on the east side of Lehua Street (former site of macadamia nut factory), Paalaea to Lauka, Hamakua, Hawai'i, TMK: (3) 4-5-2:46.

The Chair stated that the appeal has been withdrawn, and that the original decision by the Planning Director is therefore in effect.

BOA 06-000035  
PATRICK JOHN  
LAWRENCE, JR.  
KUHUA,  
SOUTH HILO

The Board took this item up at 11:36 a.m. with approximately 17 people from the public in attendance.

**PETITIONER: PATRICK JOHN LAWRENCE, JR. (BOA 06-000035)** - Appeal of Decision by the Planning Director dated October 27, 2006 Notice of Violation and Order (ZCV06-130E), relating to operation of a contractor's base yard within an Agricultural District. The property is located on the mauka side of Mamalahoa Highway, approximately 600 feet north from the intersection of Mamalahoa Highway and Honomu Road, Kuhua, South Hilo, Hawai'i, TMK: (3) 2-8-15:24.

(SEE EXHIBIT L)

BOA 07-000039  
CARNOR J. SUMIDA  
HAWAIIAN PARADISE  
PARK SUBDIVISION,  
PUNA

The Board took this item up at 11:39 a.m. with approximately 16 people from the public in attendance.

**PETITIONER: CARNOR J. SUMIDA (BOA 07-000039)** - Consideration of Petition for Intervention filed by James Paulsen, and hearing on the Appeal of Decision by the Planning Director dated December 7, 2006 Notice of Violation and Order (ZCV06-100E), relating to operation of a semi-truck and trailer baseyard within an Agricultural District. The property is one acre in size and located approximately 135 feet east from the intersection of Paradise Drive and 28<sup>th</sup> Avenue, Hawaiian Paradise Park Subdivision, Puna, Hawai‘i, TMK: (3) 1-5-20:80.

(SEE EXHIBIT M)

RECESSED

The Chair called a lunch recess at 12:07 p.m.

RECONVENED

The meeting reconvened at 1:55 p.m.

BOA 07-000046  
DERRICK AND  
SONIA LIU  
AHUALOA HOMESTEADS,  
HAMAKUA

The Board took this item up at 1:55 p.m. with 9 people from the public in attendance.

**PETITIONER: DERRICK AND SONIA LIU (BOA 07-000046)** - 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.

(SEE EXHIBIT N)

BOA 07-000042  
ROBERT C. &  
TERESA D STONIER  
HAWAIIAN ACRES  
SUBDIVISION,  
PUNA

The Board took this item up at 4:15 p.m. with no one from the public in attendance.

**PETITIONERS: ROBERT C. & TERESA D. STONIER (BOA 07-000042)** - 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.

