

BOARD OF APPEALS
COUNTY OF HAWAII

MINUTES
OCTOBER 13, 2006

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 Valta A. Cook presiding.

PRESENT: Valta A. Cook
Anson Chong
George Curtis
David Drury
Diane Gentry
Joel Gimpel
Peter Hendricks

Kathy Garson, Counsel to the Board on De Luz and MS Petroleum
James Giroux, Counsel to the Board from Maui Corporation Counsel
Alice Kawaha, Staff to the Board

BOA06-000030 The Board took this item up at 10:03 a.m. with seven people
JASON DE LUZ, DBA from the public in attendance.
J. DELUZ AUTO
BODY REPAIR
SOUTH KOHALA,
HAWAII

PETITIONER: JASON DELUZ, DBA J. DELUZ AUTO BODY REPAIR (BOA 06-000030) - Appeal of Decision by the Planning Director dated July 5, 2006 Notice of Violation and Order (ZCV 05-177E) relating to establishment of an automobile repair shop, and imposition of daily fines. The subject property is located along the south side of Mamalahoa Highway, across from Kakanihia Road, Puukapu Homesteads, South Kohala, Hawai'i, TMK: (3) 6-4-1:Portion of 4.

Ms. Leithead-Todd stated that the appellant's attorney, Steven Lim, indicated he would not appear today as they have agreed on a settlement and the petitioner has withdrawn the appeal.

BOA 06-000032 The Board took this item up at 10:04 a.m. with seven people
MS PETROLEUM, INC. from the public in attendance.
WAIAKEA,
SOUTH HILO

PETITIONER: MS PETROLEUM, INC. (BOA 06-000032) - Appeal of Decision by the Planning Director dated June 27, 2006 Notice of Violation and Order (ZCV 06-053E), Special Management Area Violation (SMA/V 06-07) relating to grubbing a portion of the property

within the SMA without proper approvals. The subject property consists of approximately 44,780 square feet and is located on the north side of Kalanianaʻole Street, Waiakea, South Hilo, Hawai‘i, TMK: (3) 2-1-7:46.

Ms. Leithead-Todd requested a continuance of the hearing to allow the parties to finalize a settlement agreement and subsequent withdrawal of the appeal, noting Steven Strauss, the appellant’s attorney, asked that she make this representation as he had to be in court today on another matter.

The Chair thanked Mr. Strauss and the Planning Department in their attempts to resolve the matter.

BOA 06-000020
ASSOCIATION OF
APARTMENT OWNERS
OF PUNAHELE
PROFESSIONAL
BUILDING,

The Board took up the following three matters simultaneously at 9:07 a.m. with six people from the public in attendance.

BOA 06-000021
AJRN PARTNERS,
AND BOA 06-000022
ASSOCIATION OF
APARTMENT OWNERS
OF PUNAHELE
PROFESSIONAL
BUILDING
PUNAHOA,
SOUTH HILO

PETITIONER: ASSOCIATION OF APARTMENT OWNERS OF PUNAHELE PROFESSIONAL BUILDING (BOA 06-000020) - Appeal of Decision by the Planning Director dated March 2, 2006 Notice of Violation and Order (ZCV 06-030E) 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.

PETITIONER: AJRN PARTNERS (BOA 06-000021) - Appeal of Decision by the Planning Director dated March 7, 2006 Notice of Violation and Order (ZCV 06-029E) relating to landscaping requirements as set forth in Ordinance No. 95 33. The subject property consists of approximately 17,569 square feet and is located on the makai side of Komohana Street at Puuhonu Place, Punahoa, South Hilo, Hawai‘i, TMK: (3) 2-3-35:16.

PETITIONER: ASSOCIATION OF APARTMENT OWNERS OF PUNAHELE PROFESSIONAL BUILDING (BOA 06-000022) - Appeal of Decision by the Planning Director dated March 10, 2006 Notice of Violation and Order (ZCV 05-095E) relating to operation of a vehicle parking lot in a Single Family Residential zoned district. The subject

property consists of approximately 9,230 square feet and is located along the south side of Punahale Street, Punahoa, South Hilo, Hawai'i, TMK: (3) 2-3-35:18.

(SEE EXHIBIT A)

MINUTES

The Board took up the following minutes at this time, 2:20 p.m.

September 8, 2006 – It was moved by Mr. Curtis and seconded by Mr. Gimpel that the minutes be approved as circulated. Motion was unanimously carried by a voice vote of all members in attendance.

ADMINISTRATIVE
MATTERS

The Commission took up the following under administrative matters:

Corporation Counsel Report on status of appeals filed on decisions by Board of Appeals – There was no report given.

Board's Counsel from Maui – The Chair expressed the Board's appreciation on having Mr. James Giroux serving as the Board's Counsel today, noting he did a splendid job.

ADJOURNMENT

There being no further business, at 2:22 p.m., it was moved by Mr. Chong and seconded by Ms. Gentry that the meeting be adjourned. Motion was unanimously carried by a voice vote of all Members in attendance.

Respectfully submitted,

Sharon M. Nomura, Secretary

A T T E S T:

Valta A. Cook, Chairman
Board of Appeals