

NOTICE OF PUBLIC MEETING AND HEARINGS
BOARD OF APPEALS AGENDA
COUNTY OF HAWAI'I

NOTICE IS HEREBY GIVEN of hearings to be held by the Board of Appeals of the County of Hawai'i in accordance with the provisions of Section 6-10.2 of the Charter of the County of Hawai'i and the Board's Rules of Practice and Procedure.

PLACE: County of Hawaii, Aupuni Center Conference Room
101 Pauahi Street, Hilo, Hawai'i

DATE: Friday, April 11, 2008

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

UNFINISHED BUSINESS - 10:00 a.m.

1. **PETITIONER: JAMES H. REDDEKOPP, JR. AND HAWAIIAN VANILLA COMPANY, INC. (BOA 07-000051)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of Decision by the Planning Director dated October 11, 2007 Notice of Violation (ZCV 07-098E), relating to Operation of a Restaurant and Retail Establishment within an Agricultural District without an approved Special Permit. The property consists of approximately 29,926 square feet and is located on the south side of Paauilo Mauka Road, Paauilo Homesteads, Hamakua, Hawai'i, TMK: (3) 4-3-013:27.
2. **PETITIONER: PACIFIC HORIZONS DEVELOPMENT CO. LP (BOA 07-000049)** - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order regarding the Appeal of Decision by the Planning Director dated May 29, 2007 Denial of the Variance Application (VAR 07-028) relating to minimum water supply requirements of Chapter 23, Subdivision Code, for a proposed 6-lot subdivision. The subject property consists of approximately 47.906 acres and is located on the west (mauka) side of Mamalahoa Highway at approximately the 96 mile marker, Kukuiope 1st, South Kona, Hawai'i, TMK: (3) 8-7-10:9.
3. **PETITIONERS: DERRICK AND SONIA LIU (BOA 07-000046)** - Continued hearing on the 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.

NEW BUSINESS - 10:00 a.m.

4. **PETITIONER: CFI INC. (BOA 08-000054)** - Appeal of Decision by the Planning Director dated December 27, 2007 relating to Notice of Violation and Order (ZCV 07-062E), regarding structure encroachment into side yard setback. The property consists of

approximately 4.00 acres and is located across of Tex Drive In & Restaurant, at the junction of Mamalahoa Highway and Old Mamalahoa Highway, Honokaa, Hamakua, Hawai'i, TMK: (3) 4-5-10:80.

5. **PETITIONER: BEN AKAMINE (BOA 08-000055)** - Appeal of Decision by the Planning Director dated January 17, 2008, approval of Variance application (VAR 07-075), to landowner Charles Allen Jr., from Chapter 25, Zoning Code, relating to minimum yards. The property consists of approximately 7,413 square feet and is located on the Puna side of Puainako Street across of Waiakea Elementary School, Waiakea Homesteads, South Hilo, Hawai'i, TMK: (3) 2-4-9:53.
6. **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.
7. **PETITIONER: ALAN S. RUDO AND REBECCA M. ALMONY (BOA 08-000057)** - Appeal of Decision by the Planning Director dated January 18, 2008, Notice of Violation and Order (ZCV 2007-118E), for operating a School without an approved Special Permit within an Agricultural Zone District. The property consists of approximately 1.00 acre and is located on the west side of Puakalo (30th) Street, Hawaiian Paradise Park Subdivision, Puna, Hawai'i, TMK: (3) 1-5-17:49.

MINUTES

January 25, 2008
February 8, 2008

ADMINISTRATIVE MATTERS

Status of appeals filed on Board of Appeals decisions - Corporation Counsel
Other Board matters

ANNOUNCEMENTS

ADJOURNMENT

Additional information related to the above matters are on file and open to inspection during office hours in the Planning Department, Aupuni Center, 101 Pauahi Street Suite 3, Hilo, Hawai'i 96720.

Intervention to the proceeding may be filed by the following agencies or individuals:

1. Any department or agency of the State or the County shall be admitted as a party upon timely application for intervention.
2. Any person who has some property interest in the land, who lawfully resides on the land, or who can demonstrate that person will be so directly and immediately affected by the Board's decision that that person's interest in the proceeding is

clearly distinguishable from that of the general public shall be admitted as a party upon timely application for intervention.

3. Any other person may be admitted as a party upon a timely application, when the Board finds there is just cause for intervention.

The petition to intervene with proof of service on all parties shall be filed with the Board at least ten days prior to the date of the scheduled hearing. Petitions to intervene shall be in conformity with Part 2, Section 2-7 of the Rules of Practice and Procedure. The Board's Rules may be viewed at the County of Hawaii website (<http://www.co.hawaii.hi.us>).

If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist. { Article 15, Section 2-91.3(b), Hawai'i County Code } A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." { Article 15, Section 2-91.3(a)(6), Hawai'i County Code } Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 333 Kilauea Avenue (Ben Franklin Building), 2nd Floor, Hilo, Hawai'i 96720.

Any disabled person requiring special assistance or person requiring auxiliary aid and/or services to participate in the hearing should contact the Planning Department at 961-8288 five (5) working days prior to the hearing so that appropriate arrangements can be made.

JOEL GIMPEL, CHAIRPERSON
BOARD OF APPEALS

Hawai'i County is an Equal Opportunity Provider and Employer

(Hawaii Tribune Herald: March 19, 2008)
(West Hawaii Today: March 19, 2008)