

BOARD OF APPEALS
COUNTY OF HAWAI'I

MINUTES
DECEMBER 14, 2007

The County of Hawai'i Board of Appeals met in regular session at 10:02 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

Ivan Torigoe, Counsel to the Board
Alice Kawaha, Staff to the Board

PUBLIC STATEMENTS The Chair welcomed the public and invited any public statements to be heard at this time.

(SEE EXHIBITS A AND B REGARDING REX RAMSEY/BOA 07-000044)

The Chair at this time took up the following matters accordingly in consideration of the public in attendance as several items were dropped from the agenda:

BOA 06-000035 The Board took up this matter at this time, 10:09 a.m. with
PATRICK JOHN 6 people from the public in attendance.
LAWRENCE, JR.
KUHUA,
SOUTH HILO

PETITIONER: PATRICK JOHN LAWRENCE, JR. (BOA 06-000035) - Continued hearing on the 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.

The Chair stated this item has been withdrawn.

BOA 07-000039 The Board took this item up at 10:10 a.m. with
CARNOR J. SUMIDA six people from the public in attendance.
HAWAIIAN PARADISE
PARK
PUNA,

PETITIONER: CARNOR J. SUMIDA (BOA 07-000039) - Continued 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 28th Avenue, Hawaiian Paradise Park Subdivision, Puna, Hawai‘i, TMK: (3) 1-5-20:80.

The Chair stated this item has been withdrawn

BOA 07-000046 The Board took this item up at 10:11 a.m. with
DERRICK AND six people from the public in attendance.
SONIA LIU
AHUALOA HOMESTEADS,
HAMAKUA

PETITIONER: DERRICK AND SONIA LIU (BOA 07-000046) - Continue the evidentiary 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.

The Chair stated this item has been continued to the next Hilo meeting.

BOA 06-000036 The Board took this item up at 10:12 a.m. with six people
JALENE RAMONA from the public in attendance.
HITZEMAN, TRUSTEE
OF THE JALENE
RAMONA HITZEMAN
REVOCABLE LIVING TRUST
KAUPAKUEA HOMESTEADS,
SOUTH HILO

PETITIONER: JALENE RAMONA HITZEMAN, TRUSTEE OF THE JALENE RAMONA HITZEMAN REVOCABLE LIVING TRUST (BOA 06-000036) - Adoption of Findings of Fact, Conclusions of Law, and Decision and Order, including oral arguments, regarding the Appeal of Decision by the Planning Director dated November 9, 2006, relating to determination of pre-existing lots of record. The subject property is located approximately 3 miles west of Mamalahoa Highway, Kaupakuea Homesteads, South Hilo, Hawai‘i, TMK: (3) 2-8-2:12.

(SEE EXHIBIT C)

BOA 07-000044 The Board took up the following two items simultaneously at this
REX A. RAMSEY time, 10:15 a.m. with five people from the public in attendance.
HAWAIIAN BEACHES,
PUNA

PETITIONER: REX A. RAMSEY (BOA 07-000044) - Motion for Reconsideration 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.

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 D)

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

The Board took this item up at 10:20 a.m. with two people 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.

(SEE EXHIBIT E)

MINUTES

The Board took up the following minutes at this time, 11:36 a.m.

October 12, 2007 – It was moved by Ms. Gentry 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.

November 9, 2007 – The Board deferred approval of the minutes to the next meeting.

ELECTION OF
2008 OFFICERS

The Board took up election of 2008 officers at this time, 11:38 a.m.

For Chairman, it was moved by Mr. Drury and seconded by Ms. Tavares that Mr. Gimpel be nominated as Chairman and that the nominations be closed. A motion carried with five ayes (Drury, Tavares, Gentry, Hendricks, and Cook).

For Vice-Chair, it was moved by Mr. Drury and seconded by Ms. Gentry that Mr. Hendricks be nominated as Vice-Chairman and that the nominations be closed. A motion was carried with five ayes (Drury, Gentry, Gimpel, Tavares and Cook).

ADMINISTRATIVE
MATTERS

At 11:41 a.m., the Board took up the following under Administrative Matters:

Status of appeals filed on Board of Appeals decisions - Corporation Counsel – Mr. Torigoe said he could not give a report on the Third Circuit Court appeal of the Planning Director on the Edmund Jin and Eva Y. Lu (BOA No. 07-000043) matter as he was not handling this case.

Other Board matters – The Board expressed its concern on attendance of Board Members at its meetings and requested its attorney to research and report back to the Board at the January meeting on whether there is any provision in its rules regarding absenteeism of Board Members.

ANNOUNCEMENTS

Ms. Kawaha announced the next Board meeting is scheduled for January 25, 2007 in Kona.

ADJOURNMENT

There being no further business, the Chair declared the meeting adjourned at 11:45 a.m.

Respectfully submitted,

Sharon M. Nomura, East Hawai'i Secretary

A T T E S T:

Valta A. Cook, Chairman
Board of Appeals