

BOARD OF APPEALS
COUNTY OF HAWAI‘I

MINUTES
January 10, 2025

The County of Hawai‘i Board of Appeals met in regular session at 9:30 a.m. in the Hawai‘i County Council Chambers at 25 Aupuni Street, Hilo, HI 96720 and via the Zoom online platform. The meeting was called to order with Chair Cathy Lewis presiding. A quorum was established with five members in attendance.

The full YouTube video of this hearing can be found here:
https://www.youtube.com/watch?v=PxlCpHQ_JIU

MEMBERS PRESENT IN PERSON: Cathy Lewis (Chair) and Scott Trefethen.

MEMBERS PRESENT ON ZOOM: Stacey Aguiar, Scott Martin, and Lisa McNamarra.

MEMBERS EXCUSED: Rachel Able and Daina “Noe” Saiki (Vice Chair).

ALSO IN ATTENDANCE: Sylvia Wan, Esq. (Deputy Corporation Counsel for the Board), April Surprenant (Staff to the Board), and Ashley DeVera (Board Secretary).

There were no members of the public in attendance.

Chair Lewis reviewed online meeting protocols and procedures. Introductions of board members and staff were made.

STATEMENTS FROM THE PUBLIC ON ITEMS ON THE AGENDA

At 9:33 a.m., Chair Lewis called for statements from the public. There were no members of the public in attendance to provide testimony.

Testimony closed at 9:34 a.m.

OLD BUSINESS

1. JOAQUIN BELISARIO (PL-BOA-2024-000101)

ORDER TO DISMISS

Appeal of Decision by the Director of Public Works Dated February 20, 2024, Regarding Finding of No Violation (DPW24-009).

Location: 76-785 Hualalai Road, Kailua-Kona, HI 96740

TMK: (3) 7-6-009:045

This item was called to order at 9:34 a.m. There were no members of the public in attendance.

[SEE YOUTUBE TIMESTAMP 4:00] Chair Lewis mentioned this matter has been continued to the February 14th hearing in Kona.

2. BEVERLY MARAGOS (PL-BOA-2024-000112)

ORDER TO DISMISS

Appeal of Decision by the Director of Public Works Dated June 20, 2024, Regarding Issuance of Permit No. 25910 to Work Within the County Right-of-Way.

Location: Kealahou, South Kona

TMK: (3) 8-3-015:113

This item was called to order at 9:34 a.m. There were no members of the public in attendance.

[SEE YOUTUBE TIMESTAMP 4:24] Chair Lewis mentioned this matter has been continued to the February 14th hearing in Kona.

3. LAWRENCE FORD, ET AL (PL-BOA-2022-000020)

PROPOSED ORDER GRANTING APPEAL pursuant to Judgment on Appeal in 3CCV-23-0000200 regarding an Appeal of Decision by the Planning Director Dated February 15, 2022, Regarding Complaint of Operating a Short-Term Vacation Rental Without Permits in an Agricultural Project District.

Location: 81-905 Makahiki Lane, Captain Cook, HI 96704

TMK: (3) 8-1-009:044

This item was called to order at 9:34 a.m. There were no members of the public in attendance.

[SEE YOUTUBE TIMESTAMP 4:38] Chair Lewis mentioned this matter has been continued to the April 11th hearing in Kona.

4. WILLIAM ROBERT GAGE, JR. & REBECCA S. GAGE (PL-BOA-2022-000021)

PROPOSED ORDER GRANTING APPEAL pursuant to Judgment on Appeal in 3CCV-23-0000200 regarding an Appeal of Decision by the Planning Director Dated February 15, 2022, Regarding Complaint of Operating a Short-Term Vacation Rental Without Permits in an Agricultural Project District.

Location: 81-905 Makahiki Lane, Captain Cook, HI 96704

TMK: (3) 8-1-009:044

This item was called to order at 9:34 a.m. There were no members of the public in attendance.

[SEE YOUTUBE TIMESTAMP 5:00] Chair Lewis mentioned this matter has been continued to the April 11th hearing in Kona.

NEW BUSINESS

5. ANDREW TEPPER (PL-BOA-2024-000113)

DEFECTIVE PETITION

Appeal of Decision by the Planning Director Dated June 25, 2024, Regarding Notice of Violation and Order (PL-PCV-2023-00567) Relating to Unpermitted Event (Falls of Fire) and Overnight Accommodations.

Location: 27-476 Indian Tree Road, Papaikou, HI 96781
TMK: (3) 2-7-007:001

This item was called to order at 9:35 a.m. There was one member of the public in attendance and no parties present.

[*SEE YOUTUBE TIMESTAMP 7:59*] Board Member Martin motioned to reject the petition based on it being a defective filing; Board Member Trefethen seconded. A brief discussion occurred. A roll-call vote was taken, and the motion passed with five ayes (Martin, Trefethen, Aguiar, McNamarra, Lewis).

[*SEE YOUTUBE TIMESTAMP 12:25*] Ms. Wan stated that she would prepare the draft order and file it with the Board by January 24th, and any objections from the appellant should be filed by February 3rd. The draft order will be on the next agenda scheduled for February 14th.

This item concluded at 10:09 a.m.

MINUTES

[*SEE YOUTUBE TIMESTAMP 14:48*] A motion was made by Board Member Martin to approve the hearing transcript of October 11th, 2024, as circulated. The motion was seconded by Board Member Trefethen. A brief discussion occurred. Board Member Martin motioned to amend the motion to accept the minutes with the additional changes provided by 1250 Oceanside, LLC. The motion was seconded by Board Member Trefethen. A brief discussion occurred. An all-in favor vote was taken, and the motion passed unanimously. The motion to amend was adopted. No further discussion occurred for the motion as amended. A roll-call vote was taken, and the motion passed with five ayes (Martin, Trefethen, Aguiar, McNamarra, Lewis).

[*SEE YOUTUBE TIMESTAMP 20:38*] A motion was made by Board Member Trefethen to approve the hearing transcript of December 13, 2024, as circulated. The motion was seconded by Board Member Martin. No discussion occurred. A roll-call vote was taken, and the motion passed with five ayes (Trefethen, Martin, Aguiar, McNamarra, Lewis).

[*SEE YOUTUBE TIMESTAMP 23:02*] A motion was made by Board Member Trefethen to approve the hearing minutes of December 13, 2024, as circulated. The motion was seconded by Board Member Martin. No discussion occurred. A roll-call vote was taken, and the motion passed with five ayes (Trefethen, Martin, Aguiar, McNamarra, Lewis).

ADMINISTRATIVE MATTERS

Election of Officers for 2025.

[*SEE YOUTUBE TIMESTAMP 24:05*] Chair Lewis requested nominations for Chair and Vice Chair. Vice Chair Saiki received two nominations for Vice Chair (Aguiar, Martin) and accepted offline. Board Member Trefethen received two nominations for Chair (Aguiar, Martin) and accepted. A brief discussion occurred, and a roll-call vote was taken. Vice Chair Saiki and Board Member Trefethen received five aye votes (Aguiar, Martin, McNamarra, Trefethen, Lewis).

Status of appeals filed on Board of Appeals decisions – Corporation Counsel

[*SEE YOUTUBE TIMESTAMP 29:59*] Ms. Wan reported that had nothing changed since the last hearing. Regarding the Rosehill cases, there had been a few pre-hearing conferences, but nothing had been settled for hearing dates. One case, Hefer, will be on the next agenda.

Status of outstanding petitions – Staff

[*SEE YOUTUBE TIMESTAMP 30:56*] Ms. Surprenant reported there are five cases on the next agenda. Three of them were orders from previous decisions, and two were currently set for hearing but had been working towards settlements.

ADJOURNMENT

The hearing was adjourned at 10:02 a.m.

Respectfully Submitted,

Ashley DeVera, Board Secretary

A T T E S T :

Stacey Aguiar, Chair Pro-Tempore
Board of Appeals