

BOARD OF APPEALS  
COUNTY OF HAWAII

HEARING TRANSCRIPT  
OCTOBER 12, 2007

A regularly advertised hearing on the appeal of **PATRICK JOHN LAWRENCE, JR. (BOA 06-000035)** was called to order at 11:36 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                      ABSENT & EXCUSED: Kelly Ann Soo  
David Drury  
Peter Hendricks  
Joel Gimpel  
Diane Gentry  
Kim Tavares

Brooks Bancroft, Counsel to the Board  
Alice Kawaha, Staff to the Board

Sandra Song representing Appellant  
Katherine Garson representing the Planning Director

And 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.

COOK:                      Okay, the next item, is Item No. 6, is a petitioner Patrick John Lawrence, Jr., Board of Appeals 06-000035. I believe we have the Appellant's counsel here, Ms. Schutte (sic) - I'm sorry, what name do you go by now? Pechter, I guess, right?

SONG:                      It's been Song, Song.

COOK:                      Song, okay, sorry - and the Planning Director's Counsel. And we had a request I believe by letter from Ms. Song to continue this matter with the representation, I believe, that the Planning Director's counsel goes along with it. Is that a correct representation here?

GARSON: Yes, it is.

COOK: And what is the reason for the request for continuance?

SONG: We're talking about settlement and we're very close to settlement, which would mean withdrawal of the appeal. Because of my illness and Chris Yuen being out, it was difficult for us to meet. In fact, we only talked directly today. However, we still need time for the inspector to go out and to work out some details. But I'm confident that this appeal will be withdrawn.

COOK: Okay, well, the discretion is given to me, I believe, to either agree or not; and I think under the circumstances I am going to grant a continuance until the next hearing in Hilo. But I strongly urge the parties to either resolve this or, unless there is some very, very strong reasons, we will have the hearing the next time. Okay, thanks.

SONG: Mr. Chairman, if we advise the Board early enough, then this item will not be agendized, is that correct?

COOK: I'm sorry I can't -.

SONG: If we advise the Board early enough does this still remain on the Board's agenda?

COOK: Well, I guess it depends on what form it takes here. If it's like a withdrawal of the appeal then you don't have to come. We can just do that. But if it's something that requires the Board's action, I don't know what you guys are going to agree on, then I can't tell you in advance.

SONG: Okay. That's fine, Mr. Chairman.

COOK: Okay.

The discussion ended at 11:39 a.m.

Respectfully submitted,

Sharon M. Nomura, East Hawai'i Secretary

A T T E S T:

Noriko Sauer, West Hawai'i Secretary