

BOARD OF APPEALS
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
MAY 8, 2009

The following is public testimony provided by **WILLIAM TIP DAVIS** regarding the appeal of **DAVID OWENS (BOA 08-000072)** at 10:01 a.m., in the County of Hawaii, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i, with Vice-Chairman Peter Hendricks presiding.

PRESENT: Peter Hendricks
David Drury
Charlene Hart
Karen Maedo
Kim Tavares

ABSENT & EXCUSED: Joel Gimpel

Renee Schoen, Counsel to the Board
Alice Kawaha, Staff to the Board

PETITIONER: DAVID OWENS (BOA 08-000072) - Petition for Variance from the Building Code requirements relating to doors, fire wall, and projection and clearance. The subject property is bordered by Keawe Street, Mamo Street and Kilauea Street, adjacent to the Garden Exchange commercial building, Downtown Hilo, South Hilo, Hawai'i, TMK: (3) 2-3-11:16.

DAVIS: For the record, I am William Tip Davis, TMK: (3) 2-3-10:parcel 6. I want everybody to know where to find me. I was shocked by the results the last time this issue was brought before this hearing group. Today I want to address one of the issues that I think is particularly onerous for Downtown Hilo, and that is the issue of overhangs. Overhangs affect sidewalks. The reality is that Downtown Hilo gets a lot of rain. Rain creates algae that cause difficulties for pedestrians and drivers alike. I'm located approximately 150 feet from Mr. Owen's property at 150 Kilauea Avenue. I'm very well aware of his project and his property. I replaced my overhang in '06 and actually restored my whole complex, a hotel and several, five store fronts. I met the new Code requirements, setback, per County Code. Neighbors on both sides of me have full overhangs all the way to the curb. I have algae, they don't. I have people who complain. They slip when getting in and out of their vehicles at the curb from the algae. The Public Works enforcement of the universal code does not suit Hilo's conditions. The next incident that I get where somebody complains to me or has an issue that makes me libelous I will pursue litigation. I will pursue litigation against Corp. Counsel in this session and I will pursue litigation against Public Works, specifically the supervisor. I'm tired of spending money Downtown and getting nowhere; and I'm prepared now to spend my money on litigation. This process is a joke. A Hui Hou.

The testimony concluded at 10:03 a.m.

Respectfully submitted,

Sharon M. Nomura
East Hawai'i Secretary