

BOARD OF APPEALS
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
DECEMBER 12, 2008

The following is public testimony provided by **TIP DAVIS** regarding the appeal of **DAVID OWENS (BOA 08-000072)** at 10:16 a.m., in the County of Hawaii, Aupuni Center Conference Room, 101 Pauahi Street, Hilo, Hawai'i, with Chairman Joel Gimpel presiding.

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

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: Tip Davis, 150 Kilauea Avenue, Hilo, Hawaii. I live, work, and am a property owner less than a block from the subject of this morning. And I am somebody that's gone through all the hoops in the last five years. I bought the Kilauea Hotel which, as some of you who have lived in Hilo know, was in very poor repair and actually seized by the U. S. Marshall in 1996. And somebody bought it at auction and I ended up taking it over, after it sat for another five years, and spent a lot of time and a lot of money to restore it. It was originally built in 1906 and we put all new double walls, all new electrical, all new plumbing. And we have awning issues and, same kind of awning issues. And at the time I was also a member of the HRA, the last bit of it, and so we were able to prevail with Rule 6.

And I'm concerned because it's so difficult to restore Hilo. The usual response is to, well, tear down the building, put it on stilts because of the FEMA Rules; and so that Downtown is going to look like a stilt town. And we're trying to save the old buildings Downtown so that we can preserve the character of old Hilo. It's important to, in my opinion, to the State. A lot of people come from Oahu, all over, to see an old town that we cherish. And we're hoping that we can get some way that we can communicate better with the Building Department and not be just thrown the rules. I mean here it is; and they've changed because California rules have changed, so on and so forth. It has very little to do with our individual problems. And it's not that -. Our structures are safe. That particular situation on the awning, in David's case, is ridiculous because the way the traffic flows a truck can't even go, it wouldn't even make a turn that it would hit that

overhang. I mean it's one way, Kilauea is one way, Keawe is one way. And there's no turn into those corners. I mean it just doesn't make any sense.

And there just doesn't seem to be any way that we can get a hearing on this issue and other issues as far as trying to do something to save Downtown Hilo. If you have any questions, I'd be happy to answer. I have a lot of experience there.

GIMPEL: Questions? Thank you.

The statement concluded at 10:19 a.m.

Respectfully submitted,

Sharon M. Nomura, East Hawai'i Secretary