

BOARD OF APPEALS
COUNTY OF HAWAII

HEARING TRANSCRIPT
DECEMBER 14, 2007

A regularly advertised meeting regarding the appeal of **REX A. RAMSEY (BOA 07-000044)** was called to order at 11:00 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

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

Glenn Sunoda representing appellant
Rex A. Ramsey, appellant
Amy Self representing the Planning Director

And approximately 5 people from the public in attendance

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

COOK: Okay, the next matter on the Board's agenda is Mr. Rex Ramsey matter, Board of Appeals 07-000044. And would the parties come forward, please. Okay, I'd ask the parties to identify themselves first. If the Appellant would identify, the representative, and who's here.

SONODA: Yes, thank you, Mr. Chairman, Members of the Board. Glenn Sonoda representing Mr. Rex Ramsey. Mr. Ramsey is on my left.

COOK: Okay. And the Planning Director's representative?

SELF: Amy Self, Deputy Corporation Counsel, representing the Planning Director.

COOK: Okay. We have two items on the agenda this morning. The first is the motion to reconsider, and we continued the last hearing on this matter to give additional time to respond to that motion to reconsider; and I would note that we did receive a Memorandum in Opposition from the Planning Director. I'm going to give just a brief, no more than five minutes for each party if they want to make an oral argument on that, because we're going to take that matter up first. Okay?

SONODA: Thank you, Mr. Chairman. Actually the applicant stands on its pleadings.

COOK: Okay. Does the Planning Director have anything further to add to their Memorandum?

SELF: This is just on the Motion for Reconsideration, correct?

COOK: Well -.

SELF: This is just on the Motion for Reconsideration?

COOK: Yes, that's all we're on right now.

SELF: Yeah, I've stated all of my opposition on memos, so I'll rest on that.

COOK: Anyone on the Board have any questions for either of the parties? Okay, then I'm open to a motion on whether to entertain or reject the Motion to Reconsider. I'm open for a motion. Mr. Drury?

DRURY: I move that we reject the Motion to Reconsider.

GENTRY: Second.

COOK: Okay. It has been moved and seconded that we reject the motion to reconsider. Anyone to my right have any statements? To my Left? I would just like to add that I have reviewed the, particularly the Memorandum in Opposition and it seems to me that our rule is pretty clear on this matter. And I believe that we have no choice but to reject This Motion for Reconsideration. Okay, with that said, I would ask the clerk to call the roll on this Motion to Reconsider.

KAWAHA: Mr. Drury?

DRURY: Yes.

KAWAHA: Ms. Gentry?

GENTRY: Aye.

KAWAHA: Mr. Gimpel?

GIMPEL: Aye.

KAWAHA: Mr. Hendricks?

HENDRICKS: Aye.

KAWAHA: Ms. Tavares?

TAVARES: Aye.

KAWAHA: Chair Cook?

COOK: Yes.

KAWAHA: Chair, there are six ayes. Motion is carried.

COOK: I just wanted to state, Mr. Ramsey, we, you know, have read all of your statements and your attachments in support; but I do want to say that I believe the Board gave you full time to argue and to present your evidence on this matter. We've spent considerable time on it. And I believe that you did have your full day in court and we've considered your motion to reconsider. So at this point I think we're ready to move forward with the consideration of the proposed Findings of Fact and Conclusions of Law. I would note that we do have the proposed Findings of Fact and Conclusions of Law from the Planning Director; and we do have the Statement of No Position from the Appellant. Okay, do we have any discussion from the Board? I'd like to have a motion on the Findings of Fact, Conclusions of Law and Decision that has been submitted by the Planning Director.

GENTRY: Yeah, I move to adopt the County's Findings of Fact, Conclusions of Law, and Decision and Order in this matter.

COOK: Do I have a second?

GIMPEL: Second.

COOK: Okay, is there any further discussion from the Board? Okay, would the clerk call the roll, please.

KAWAHA: Ms. Gentry?

GENTRY: Aye.

KAWAHA: Mr. Gimpel?

GIMPEL: Aye.

KAWAHA: Mr. Hendricks?

HENDRICKS: Aye.

KAWAHA: Ms. Tavares?

TAVARES: Aye.

KAWAHA: Mr. Drury?

DRURY: Yes.

KAWAHA: Chair Cook?

COOK: Yes.

KAWAHA: Chair, there are six ayes, motion is carried.

COOK: Okay, that concludes that matter.

The discussion ended at 10:20 a.m.

Respectfully submitted,

Sharon M. Nomura, Secretary