

BOARD OF APPEALS
COUNTY OF HAWAI'I

HEARING TRANSCRIPT
DECEMBER 12, 2008

The following is public testimony provided by **JASPER MOORE** regarding the appeal of **DAVID OWENS (BOA 08-000072)** at 10:04 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.

MOORE: My name is Jasper Moore. My mailing address is 72 Halaulani Place, Hilo. And I'm here this morning to voice my support for the amendment or the variance for David Owens. And the reasons that I'm in favor of these are that all of us are aware of the condition of Downtown Hilo and we've seen a dramatic improvement in that building, he has taken on great expense to improve that and bring it up to Code, and in every way I can see that he has had the community as his concern in this project.

If the variance he is asking for between the Garden Exchange and his building, if one cannot really find a way that there is any liability that would be presented to anyone if there is a, you know, a variance allowed him, because of the structure, both buildings are cement blocks on that wall -. The Garden Exchange has a firewall that exceeds their roof. There are no windows on that side of the building that would allow fire or any other way of sparks to, you know, transfer danger between the buildings. So in that regard I would see that this added expense is not required of him and it does not present a liability to anybody.

He's asking for the awning. And it's funny sometimes how things gets serious and when you get in front of a group you start to quiver in your voice, and so I'm finding that true of myself at this moment. But, anyway, he's asking also that his awning extend beyond the law required now, you know. It's to go further. And I would also ask you to please accept this, because it does rain a lot in Hilo. He's asking something that really does not cause a danger to anyone.

Again, the setback from the street, a truck or whatever have you, this distance would not present a safety factor. You know, like the truck is not going to miss. If the truck is going up the sidewalk or something like this, it's going to hit the awning no matter what. So there's no real safety concerns here if he's going to have it done in a way that's structurally sound. The building is wonderful.

And, also, I would ask that when it comes to Downtown Hilo you consider that we're in a tropical situation, we're dealing with very, very old buildings, and many of us would like to keep the nature of Downtown Hilo as Downtown Hilo. In fact, we'd actually like to change, some of us would like to change the name to Uptown Hilo because, you know, it is becoming a very "up" place with some nice colors and nice construction going on. So we need some real looking at our Building Codes and how they're applied in Downtown Hilo, because of the nature of where we're located in a tsunami zone and the old structures. Sometimes it's redundant to ask us to spend money and to force us to shop where we don't need to. But that's all I have to say. So I thank you for listening. And, you know, best of luck to all of us in these times.

I just wanted to mention that I own the property that's across the street from him. I just mentioned my mailing address, so if that adds a little bit more to my testimony -.

GIMPEL: Thank you. That was Mr. Moore.

The statement concluded at this time, 10:09 a.m.

Respectfully submitted,

Sharon M. Nomura, East Hawai'i Secretary