



## Planning & Development Services

Boise City Hall, 2nd Floor  
150 N. Capitol Boulevard  
P. O. Box 500  
Boise, Idaho 83701-0500

Phone: 208/384-3830  
Fax: 208/384-3753  
TDD/TTY: 800/377-3529  
Website: [www.cityofboise.org/pds](http://www.cityofboise.org/pds)

# Application for Appeal

Fee: \$ 101.00

Susan Graham and the

I (we) North End Neighborhood Association, Inc (NENA), hereby appeal the decision of the Boise City:

- ☐ Planning & Zoning Commission ☐ Hearing Examiner ☐ Design Review Committee  
☒ Historic Preservation Commission ☒ Planning Director

1102-1110 W. Hays St. and

File Number: DRH08-00067

Address: 1101-1123 W. Fort St.

Specific Action Being Appealed: Issuance of Certificate of appropriateness

### Grounds for Appeal

1. Determination is clearly erroneous and is form of favoritism
2. Determination is arbitrary and capricious and violates Boise City Code 11.02.06.4 and 11.02.06.5
3. and 11.02.08 and BCC 2-18-9 is an unlawful delegation of legislative authority by City Council
4. Proposed use is illegal and is form of spot zoning and is prohibited by Idaho Land Use Planning Act  
Process employed by Boise City violates due process of law.

Appeal Contact Person: Michael R. Jones of Michael R. Jones, PLLC

Address: P. O. Box 7743 Boise, ID 83707-1743

Home Phone: \_\_\_\_\_

Work Phone: (208) 385-7400

### Appeals

- ☐ Appeal of an Administrative Decision to the Planning & Zoning Commission or Design Review Committee (non-refundable fee).  
☐ Appeal of a Design Review Committee Decision to the Planning & Zoning Commission.  
☒ Appeal of a Planning & Zoning or Historic Preservation Commission decision to City Council.\*  
☐ Appeal of a Hearing Examiner decision to City Council.\*

\* Portion of fee is refundable if appeal is successful.

### Notes

1. If the reasons for the appeal are resolved prior to the appeal hearing, please contact the Planning Staff at 384-3830.
2. The only topics which may be discussed during the appeal hearing are the specific reasons for the appeal as stated in the application.
3. Neighborhood groups are encouraged to elect a spokesperson for appeals that are supported by numerous residents of the project to avoid a duplication of testimony.
4. Section 11-3-7.2 of the Zoning Ordinance provides that an appeal to Council may not be withdrawn without the consent of Council.

Signature of Appellant/Representative: \_\_\_\_\_

Date: 4-21-08

### For Staff Use Only:

If the appellant is not the applicant, the applicant must be contacted immediately following the acceptance of this appeal.

Applicant contacted on 4/21/08 by Colleen Carroll ☐ Appeal is by applicant

CERTIFIED PUBLIC ACCOUNTANT

ATTORNEY AT LAW

April 21, 2008

**MICHAEL R. JONES PLLC**

Boise City Hall, 2<sup>nd</sup> Floor  
Planning and Development Service  
150 N, Capitol Blvd  
P. O. Box 500  
Boise, ID 83701-0500

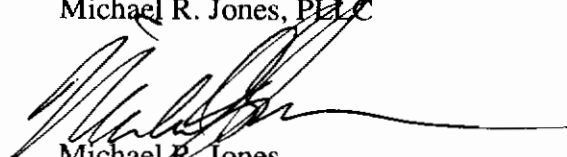
**RE: Block 75 BCOT DRH08-00067 and CUP 08-00027**

Dear City Officials:

Enclosed is Notice of Appeal filed on behalf of the North End Neighborhood Association, Inc. and Ms Susan Graham a resident within 300 feet of the proposed use.

The Certificate of Appropriateness has been issued without notice and without compliance with Boise City Code. The Appeal should be granted and a hearing held before Boise City Council. Failure to grant a hearing before Boise City Council is considered further denial of due process of law.

Sincerely,  
Michael R. Jones, PLLC



Michael R. Jones  
Attorney at Law

Cc clients  
Enclosure Appeal Notice and Fee

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DRH 08 00067

**From:** Suezann Yorita  
**To:** Planning & Zoning  
**Date:** 4/21/2008 2:57 PM  
**Subject:** APPEAL REC'D DRH08-00067 4/21/2008

We, North End Neighborhood Association Inc (NENA), hereby appeal the decision of the Boise City Historic Preservation Commission & Planning Director.

File #: DRH08-00067

Action being appealed: Issuance of Certificate of Appropriateness

Grounds for appeal: 1. Determination is clearly erroneous and is form of favoritism. 2. Determination is arbitrary and capricious and violates Boise City Code 11.02.06.4 and 11.02.06.5 and 11.02.08 and BCC 2-18-9 is an unlawful delegation of legislative authority by City Council. 3. Proposed use is illegal and is form of spot zoning and is prohibited by Idaho Land Use Planning Act. 4. Process employed by Boise City violated due process of law.

Analyst: Julie Archambeault