



## Planning & Development Services

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

Phone: 208/608-7100  
Fax: 208/384-3867  
TDD/TTY: 800/377-3529  
Website: [www.cityofboise.org/pds](http://www.cityofboise.org/pds)

# #106: Application for Appeal

Fee: \$ 180.00

I (we) Joe Scott, 800 N. Houston Road, Boise, Idaho, hereby appeal the decision of the Boise City:

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

File Number: PUD19-00011 & CFH19-00013 Address: 3600 W. Americana Terrace

Specific Action Being Appealed: Granting of height exception to 63' instead of enforcing the 45' height limitation for the C-3D (Service Commercial and Design Review) Zone. Such approved height exception is also inconsistent with the policy of the river system ordinance because of the height and mass of the approved project.

### Grounds for Appeal

1. The decisions are in violation of constitutional, state, or city law.
2. The review body's decision exceeds its statutory authority.
3. The decisions are made upon unlawful procedure.
4. The decisions are not supported by substantial evidence. See No. 5 Attached hereto.

Appeal Contact Person: Terry C. Copple, Esq.

Address: Davison, Copple, Copple & Copple, LLP, P.O. Box 1583, Boise, Idaho 83701

Phone: 208-342-3658

Email: tc@davisoncopple.com

### 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 and 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 208-608-7100.
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 Section 11-3-7.2 of the Zoning Ordinance provides that an appeal to Council may not be withdrawn without the consent of Council.

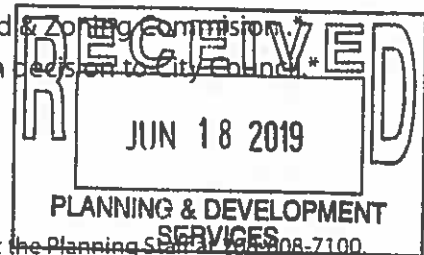
Signature of Appellant/Representative: [Signature]

Date: 6-14-19

### 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 \_\_\_\_\_ by \_\_\_\_\_ ☐ Appeal is by applicant.

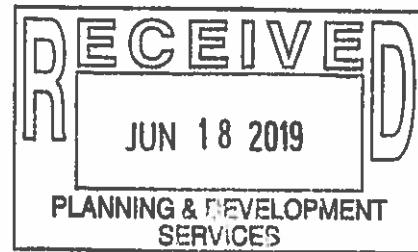


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Grounds for Appeal (cont.)

5. The decisions are arbitrary, capricious or an abuse of discretion in that they were made without rational basis, or in disregard of the facts and circumstances presented.





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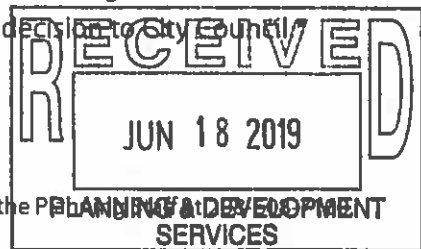
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