



## Planning & Development Services

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# Application for Appeal

Fee: \$ 174.00

AASE's Canyon Pointe Development, LLC and Capital

I (we) Development, Inc., hereby appeal the decision of the Boise City:

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

File Number: CAR07-00042

Address: 6890 N. Plano Road

### Specific Action Being Appealed:

Denial of CUP07-00084 (conditional use permit), CFH07-00022 (hillside and foothill development permit), and SUB07-00065 (preliminary plat).

### Grounds for Appeal (See Boise Municipal Code § 11-03-07.05.G.8.)

1. The decisions below are in violation of constitutional, state or city law.
2. The review body's decisions exceed its statutory authority.
3. The decisions below are arbitrary, capricious or an abuse of discretion.
4. The decisions below are not supported by substantial evidence.

### Appeal Contact Person: Robert B. Burns, Esq.

Address: Moffatt, Thomas, Barrett, Rock & Fields, 101 S. Capitol Blvd., P.O. Box 829, Boise, ID 83701

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

Work Phone: 385-5412

### 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.

**From:** Suezann Yorita  
**To:** Planning & Zoning  
**Date:** 9/17/2008 1:07 PM  
**Subject:** APPEAL REC'D CAR07-00042 9/17/2008

We, AASE's Canyon Pointe Development LLC and Capital, hereby appeal the decision of the Boise City Planning & Zoning Commission.

File #: CAR07-00042

Action being appealed: Denial of CUP07-00084 (conditional use permit), CFH07-00022 (hillside and foothill development permit), and SUB07-00065 (preliminary plan).

Grounds for appeal: (1) The decisions below are in violation of constitutional, state or city law. (2) The review body's decisions exceed its statutory authority. (3) The decisions below are arbitrary, capricious or an abuse of discretion. (4) The decisions below are not supported by substantial evidence.

Analyst: Bruce Eggleston