



PLANNING AND DEVELOPMENT SERVICES

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GROUND'S FOR APPEAL GUIDELINES

PLANNING DIRECTOR / ADMINISTRATIVE APPLICATION APPEALS

WHAT ARE THESE?

Administrative applications are applications where a planner reviews a request and makes a determination on its compliance with the Boise City Code. This decision is made under the direction of the Planning Director. To appeal an administrative decision, you must be able to demonstrate that:

A. Prevention of an allowed use

What does this mean? The decision is preventing an applicant from using their property in a manner listed in the Table of Allowed uses as acceptable.

B. Prohibited or unwarranted restriction of building type, material, or method

What does this mean? The decision is unfairly denying the applicant from using a specific building method or material.

C. Misapplication or misinterpretation of the criteria in review of the application

What does this mean? The decision was made with an incorrect understanding of the code or an incorrect understanding of the application.

D. Conditions not authorized by Section 11-05-04.6.A(4), *Conditions*.

What does this mean? The decision was made with requirements that are unreasonable, inappropriate or outside the scope of city code, state, or federal law.

You must be able to identify IN CITY CODE where and how the error was made.

HEARING LEVEL APPLICATION APPEALS

WHAT ARE THESE?

Hearing Level Application applications are applications that require a public hearing in order to be processed. These decisions are made at either the Design Review Commission, Historic Preservation Commission or the Planning and Zoning Commission (Commissions). To appeal a Hearing Commission decision, you must be able to demonstrate that:

A. The decision violates state or federal law

What does this mean? The decision was illegal

B. The decision exceeds the statutory or delegated authority of Hearing Commission

What does this mean? The commission is not authorized under the rules of the city to make the claim or amended conditions added at the hearing.

C. The decision was made through procedures that are unlawful or are inconsistent with City Code

What does this mean? The decision was made with an incorrect use of the City Code, or the decision was reached unlawfully.

D. The decision is not supported by substantial evidence

What does this mean? The decision was not supported by facts or did not have enough information to support the findings.

E. The decision is arbitrary, capricious or an abuse of discretion in that it was made without rational basis, or in disregard of the facts and circumstances presented

What does this mean? The decision was made by ignoring the information presented.

