



Mayor Robert E. Simison

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March 2, 2023

TO: Meridian Planning and Zoning Commission

FROM: Seth Oaks, Land Development Supervisor

RE: Staff Recommendation on Application for Variance
Applicant: Dr. Aaron Orme, 2201 E. Gala Street, Meridian, Idaho

By letter dated December 21, 2022, Dr. Orme asked the Community Development Department to assign two suite numbers to the building he owns at 2201 E. Gala Street, one suite number for his business, Orme Family and Implant Dentistry, and one suite number for a second business operating at this location, Mountain View Pointe Dental.

Meridian City Code section 8-2-7(E)(2)(b) reads:

Multi-tenant commercial building. When multi-tenants are colocated in a commercial building, there shall be a single address assigned. Suite numbers shall be assigned to each tenant space in accordance with this section.

The building at 2201 E. Gala Street has only one tenant space. For this reason, by letter to Dr. Orme dated January 3, 2023, Staff had denied the requested assignment of suite numbers.

On January 6, 2023 pursuant to Meridian City Code section 8-2-11(A)(1), Dr. Orme requested a variance from Meridian City Code section 8-2-7(E)(2)(b). Meridian City Code section 8-2-11(A)(1) reads:

The standards and requirements of these regulations may be modified or varied by the Commission where the enforcement of the rules hereunder will result in extraordinary hardship; provided, that substantial justice is done and the public interest is secured. In granting any such variance or modification, the Commission may require conditions thereof as will, in its judgment, secure substantial compliance with the general principles of this chapter.

The Planning and Zoning Commission held a hearing on the matter on February 2, 2023. The Commission received testimony from Dr. Orme and City staff, and ultimately continued the hearing, requesting that staff meet with Dr. Orme and Mountain View Pointe Dental to explore possible solutions.

On Wednesday, February 15, 2023, Joe Bongiorno (Deputy Fire Chief, Community Risk Reduction), John Shane (Building Inspection Supervisor), Seth Oaks (Land Development Supervisor), and Mercedes Amador (Civil Engineer Plans Examiner I) met with Dr. Orme and Sean Wasden Operation Manager at Mountain View Pointe Dental. City staff presented options that would meet the requirements for assigning suite numbers for the businesses. The first option discussed was for both dentists that occupy the building to form a partnership. This would mean that the two separate addresses would not be needed as they would operate as one business. Both doctors expressed that they would prefer to maintain the autonomy that they each have with their businesses. The second option presented was doing a tenant improvement to the building to create two separate suites. John Shane and Joe Bongiorno provided several options on how to divide the building with walls and doors to create separate tenant spaces. This would allow City staff to assign suite numbers pursuant to Meridian City Code section 8-2-7(E)(2)(b). Both Dr. Orme and Mr. Wasden appeared to be interested in pursuing an applicant for a building permit T.I. (tenant improvement) to install the dividing walls between the businesses. As of Monday 10 am, January 27, 2023 one was has not been received.

In order for the Commission to grant the variance, the Commission must make *all* of the seven findings enumerated in Meridian City Code section 8-2-11(A). The following findings cannot be made:

- *The request will not grant a right or special privilege to the property owner that is not otherwise allowed under this chapter.* (Meridian City Code section 8-2-11(A)(2)(b).) In compliance with Meridian City Code section 8-2-7(E)(2)(b), the City of Meridian's addressing staff routinely denies requests for assigned suite numbers where separate tenant spaces do not exist. Assigning suite numbers to the building at 2201 E. Gala Street would provide a special privilege in contravention of Meridian City Code.
- *The variance requested will not adversely affect the health, safety, and welfare of the community including the accurate dispatch of emergency vehicles or delivery of emergency services.* (Meridian City Code section 8-2-11(A)(2)(d).) As stated in the attached letter from Deputy Fire Chief Joe Bongiorno: "Creating a suite just for addressing where one does not exist creates confusion for fire crews. This can cause delays in care, or extinguishing of a fire." Assigning suite numbers to a building without separate tenant spaces will present a public safety issue and may confuse the accurate dispatch and delivery of emergency services.

For these reasons, City staff recommends that the Commission deny the assignment of two separate suites to the building at 2201 E. Gala Street.