

**CITY OF MERIDIAN  
FINDINGS OF FACT, CONCLUSIONS OF LAW,  
DECISION, AND ORDER**



**Date of Order:** April 6, 2023  
**Case No.:** N/A  
**Applicant:** Aaron Orme, Orme Family and Implant Dentistry  
**In the Matter of:** Variance request from a Department Determination concerning a proposed addressing change for 2201 E. Gala Street by Orme Family and Implant Dentistry

Pursuant to testimony and evidence received regarding this matter at the public hearing before the Planning and Zoning Commission of the City of Meridian (the “Commission”) on March 16, 2023, as to this matter, the Commission enters the following findings of fact, conclusions of law, decision, and order.

**A. Findings of fact.**

1. The facts pertaining to the Applicant’s property, the Applicant’s request, and the process are set forth in the March 2, 2023, staff report titled “Staff Recommendation on Application for Variance,” which is incorporated herein by reference.
2. The Applicant requested that the City assign separate suite numbers to two businesses which are co-located in the same building at 2201 E. Gala Street, but that request was denied by the Director of Community Development.
3. The Applicant subsequently requested a variance from the requirements set forth in Meridian City Code section 8-2-7(E)(1), which states, “Only one (1) address number shall be assigned to each residence, dwelling, structure, business, industry or other property.”
4. Under Meridian City Code section 8-2-11(A)(2)(d), in order to grant the Applicant’s request, the Commission must find that the variance “will not adversely affect the health, safety, and welfare of the community including the accurate dispatch of emergency vehicles or delivery of emergency services.”
5. Under Meridian City Code section 8-2-11(A)(2)(b), in order to grant the Applicant’s request, the Commission must also find that the variance will not grant a right or special privilege to the Applicant that is not otherwise allowed under the Meridian City Code.
6. Deputy Chief of Prevention Joseph Bongiorno testified, both in writing and in person, that the proposed variance would adversely affect the delivery of emergency services by the Meridian Fire Department. The Commission finds Chief Bongiorno’s testimony to be credible and trustworthy.
7. Staff from the Community Development Department testified, in writing and in person, that the proposed variance would grant a special privilege to the Applicant because the City

routinely denies similar requests from other property owners. The Commission finds staff's testimony to be credible and trustworthy.

8. Based on the foregoing, the Commission finds that the Applicant's request for a variance is not in accord with Meridian City Code sections 8-2-11(A)(2)(b) and (d).

**B. Conclusions of law.**

1. The Commission takes judicial notice of the Meridian City Code, including, but not limited to, chapter 2, title 8.
2. In order to grant a variance under Meridian City Code Section 8-2-11(A), the Commission must make certain findings, including:
  - a. "That 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." MCC § 8-2-11(A)(2)(d).
  - b. "That the requested variance will not grant a right or special privilege to the property owner that is not otherwise allowed under this chapter." MCC § 8-2-11(A)(2)(b).
3. When the Commission cannot make the findings required by Meridian City Code section 8-2-11(A)(2), the Commission must deny an Applicant's request for a variance. *See* MCC § 8-2-11(A)(2) ("A request for variance may be granted upon a finding by the Commission that all of the following conditions have been met.").

**C. Order.** Pursuant to the above findings of fact and conclusions of law, the Commission hereby denies the Applicant's request for a variance because the Commission is unable to make all of the required findings under Meridian City Code section 8-2-11(A)(2).

**D. Final decision.** Upon approval by majority vote, this is a final decision of the Commission.

**E. Limited right of appeal to City Council.** Pursuant to Meridian City Code section 8-2-11(B)(2)(a), "A property owner may appeal to [City] Council a final decision of the Commission in which the property owner is an affected party by filing a written notice of appeal with the City Clerk's Office. The appeal shall be filed within five (5) working days of the mailing date of written notice of the Commission decision. A copy of the notice of appeal shall be provided to the [Community Development Department]." Additionally, "The notice of appeal shall specifically state where the [C]ommission erred in the findings of fact and/or the interpretation or application of [chapter 2, title 8, Meridian City Code]." MCC § 8-2-11(B)(2)(b).

**F. Notice of right to regulatory takings analysis.** Pursuant to Idaho Code 67-8003, an owner of private property that is the subject of a final decision may submit a written request with the Meridian City Clerk for a regulatory takings analysis.

**IT IS SO ORDERED** by the Planning and Zoning Commission of the City of Meridian, Idaho, on this 6th day of April, 2022.

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Andrew Seal, Chair

Attest:

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Joy Hall, Deputy City Clerk