

BOARD OF ADJUSTMENT MINUTES
July 15, 2025

This meeting was held in the Public Safety Training Room. Public access was provided in-person at City Hall and via Zoom. Information on how to access via Zoom was provided on the city's website and on the agenda. The recording of the meeting is available on the city's website at:

https://www.cityofclive.com/boards_and_commissions/board_of_adjustment.php

FORTE CALLED THE MEETING TO ORDER AT 5:30 P.M.

PRESENT: ROSIE FITZGERALD, PATRICIA HEMPHILL, ROBERT FORTE

ABSENT: TERRY BROWN

STAFF: GRUTZMACHER, PURVIS, RIVERA

MOTION WAS MADE BY HEMPHILL, SECONDED BY FITZGERALD to approve the January 21, 2025 minutes

VOTE: YES – UNANIMOUS

2025 Legislative Updates

Amanda Grutzmacher, Senior Planner, went over the 2025 Legislative updates affecting Board of Adjustment cases and training required for newly appointed board members (all newly elected or appointed public officials).

Case #SU25-000001: 1500 NW 118th ST – Apiary Schools

The case was continued at the January 21, 2025, meeting to allow the applicant to provide a traffic study; however, they have decided to withdraw their Special Use request. Staff recommended the Board receive and file the applicant's withdrawal.

Case #SU25-000002: 1400 NW 100th ST – Salvation Army Church

The applicant requested approval of a Special Use Permit to allow for a religious institution located at 1400 NW 100th ST to operate outside of the current office hours.

Currently the building is used for the Salvation Army offices. Allowing the additional church use will not create parking burdens, diminish property values, etc. To allow growth of the church, staff suggested allowing up to 3,200 sf, the maximum area currently in conformance with on-site parking requirements, to operate as a religious institution.

MOTION WAS MADE BY HEMPHILL, SECONDED BY FITZGERALD to grant a Special Use Permit for Case #SU25-000002: 1400 NW 100th ST – Salvation Army Church

VOTE: YES – UNANIMOUS

Case #BOA25-000001: 9051 Swanson BLVD – Calvary Chapel Living Hope

The applicant requested a variance to allow a reduction in the number of required parking spaces for a church.

The applicant entered into a purchase agreement for the former Big Brothers/Big Sisters building but has inadequate parking to allow for the religious institution. Calvary Chapel Living Hope has a draft agreement with the property to the west to allow overflow parking at 9083 Swanson BLVD. There are 20 parking spaces on the subject property and 35 spaces are required for the proposed church use. The agreement would provide an additional 20 spaces for parking, bringing the total available parking to 40 spaces.

Edward and Suzanne Walters, 8925 Luin Drive, raised concern about traffic accidents due to the “blind driveway” on 9051 Swanson in combination with speeding vehicles and the historically low traffic volumes at the subject property. Ann Koontz, daughter of Edward and Suzanne Walters, also spoke to her parents’ concerns and suggested additional signage to warn drivers on Swanson BLVD of the potential for exiting vehicles. Amanda Grutzmacher, Senior Planner, advised the driveway location is an existing condition that cannot feasibly be changed and is not directly related to the request for approval of an off-site parking agreement. Grutzmacher further stated staff would review motor vehicle incidents in the vicinity and consider whether any additional signage is necessary.

MOTION WAS MADE BY HEMPHILL, SECONDED BY FITZGERALD to grant the parking variance to 9051 Swanson BLVD – Calvary Chapel Living Hope based on the execution and maintenance of a parking agreement with the owner of 9083 Swanson BLVD.

VOTE: YES – UNANIMOUS

Being no further business before the Board, the meeting was adjourned at 6:13 pm.





COUNCIL APPROVED
Date 7/24/2025

**ZONING BOARD OF ADJUSTMENT
CITY OF CLIVE, IOWA
DECISION AND ORDER**

This Decision and Order of the Board of Adjustment does not constitute approval of any construction. All necessary permits must be obtained before any construction is commenced upon the property. A Certificate of Occupancy must be obtained before any structure is occupied or reoccupied after a change of use. Any conditions allowed by this Decision and Order shall not be commenced or resumed until all the requirements imposed on such use by the Zoning Ordinance and this Order have been satisfied.

The conditions allowed by this Order must commence within **90 days** or this Order will be void and of no further force and effect.

CASE NUMBER: SU25-000002

APPLICANT: Daniel Hull on behalf of the Salvation Army Church

PROPERTY: 1400 NW 100TH ST

PUBLIC HEARING: Jul 15, 2025

LAND USE REQUESTED: Religious institution

FINDINGS OF FACT

Testimony was taken at the public hearing at 8800 Hickman Road, Clive, Iowa on Jul 15, 2025. At that hearing, Kathryn Purvis, Planner, represented the City of Clive. Daniel Hull was present on behalf of the applicant.

The following information was presented at the hearing:

1. The subject property is located at 1400 NW 100th Street in a C-4 Shopping Center Commercial District.
2. The subject property is legally described as Lot 4, Dahls Plaza, an official plat in Clive, Polk County, Iowa.
3. At the time of the public hearing and deliberation by the Board, the subject property was owned by The Salvation Army.
4. Clive City Code Section 11-7-4 "Principal Permitted Uses" states a Special Use Permit is required to operate a Religious Institution in a C-4 Planned Shopping Center Commercial District.

5. The applicant is requesting a special use permit to approve the use of approximately 2,475 square feet of the existing building for worship services and ancillary needs, such as Sunday school, bible study, and general fellowship.
6. The site contains 32 parking spaces. The existing office use of the property requires 41 parking spaces and is permitted non-conforming due to changes in parking requirements overtime.
7. Clive City Code Section 11-13-8 "Number of Parking Spaces Required" states Religious organizations are required to provide 1 space per 4 fixed seats; in cases where an auditorium is not involved, 10 per 1,000 square feet of gross floor area.
8. The subject property provides parking to allow up to 3,200 square feet of the existing building to operate as a religious institution and remain in compliance with Section 11-13-8.
9. The applicant states the proposed use will adequately safeguard the health, safety, and general welfare by only servicing a small congregation, not interrupting the current services the Salvation Army offices provide at this location, and providing additional ways to "engage the neighborhood in community activities" with potential planned events in the future.
10. The proposed use does not propose any substantial exterior modifications and therefore will not impair light or air surrounding the property.
11. Local data indicates the proposed use will not diminish established property values. The applicant will operate in a way that "continues to positively impact and enhance the community with their physical, spiritual, emotional, and relational services and programs."
12. There is adequate public utilities to serve the subject property and the proposed use.
13. The subject property is served by an existing hard surface driveway and has adequate shared ingress/egress access to the surrounding properties to provide safe circulation and emergency access if needed.
14. Public notice was sent to surrounding property owners within 310-feet of the subject site on July 2, 2025.
15. A public notification sign was posted on the property on July 7, 2025.

DECISION AND ORDER

Based upon this information and its interpretation of the cited code provisions, the general sentiment of the Board is that:

1. The requested land use **WILL NOT** affect the health, safety, and general welfare of those living or working in the surrounding area.
2. The requested land use **WILL NOT** impair an adequate supply of light and air to the surrounding properties.
3. The requested land use **WILL NOT** unduly increase congestion in the streets or public danger of fire and safety.
4. The requested land use **WILL NOT** diminish or impair established property values in the surrounding area.
5. The requested land use **WILL NOT** unduly burden public utilities.

IT IS THEREFORE RESOLVED BY THE BOARD that the requested special use permit for Religious institution for the above-described property for Case # SU25-000002 - 1400 NW 100TH ST is:

DENIED

GRANTED AS REQUESTED

GRANTED AS FOLLOWS:

To allow up to 3,200 square feet of the existing building to operate as a religious institution.

Signed and entered into record on the 15th day of July, 2025.



Robert Forte, Chair



Kelly Rivera, Secretary



COUNCIL APPROVED
Date 7/24/2025

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The conditions allowed by this Order must commence within 90 days or this Order will be void and of no further force and effect.

CASE NUMBER: BOA25-000001

APPLICANT: Steve Freeman

PROPERTY: 9051 SWANSON BLVD

PUBLIC HEARING: Jul 15, 2025

AFFECTED CODE SECTION: 11-13-8: Number of Parking Spaces Required

VARIANCE REQUESTED: We are requesting a variance on the required number of parking spaces for our use of the building as a church. The code requires 35 spaces. With the parking easement agreed upon with our neighbor to the west, we would be able to get to 40 spaces.

FINDINGS OF FACT

Testimony was taken at the public hearing at 8800 Hickman Road, Clive, Iowa on Jul 15, 2025. At that hearing, Amanda Grutzmacher, Senior Planner, represented the City of Clive. James Carlton was present on behalf of the applicant.

The following information was presented at the hearing:

1. The subject property is located at 9051 Swanson Boulevard, legally described as Lot 1, Westtown Industrial Park, in a M-1 Light Industrial Zoning District.
2. At the time of the public hearing and deliberation by the Board, the subject property was owned by Big Brothers Big Sisters of Central Iowa, Inc.

3. At the time of the public hearing and deliberation by the Board, the applicant had entered into a purchase agreement for the subject property.
4. The subject property is an irregular shaped lot and was platted in conformance with the City of Clive's Subdivision Regulations.
5. Clive City Code Section 11-10-2 Principal Permitted Uses states religious institutions are Permitted in M-1 Districts.
6. Clive City Code Section 11-13-8 states required parking for religious organizations where an auditorium with fixed seats is not involved is calculated as 10 spaces per 1,000 square feet of gross floor area.
7. The existing building is 4,144 square feet, including a 700 square foot interior garage space.
8. The required parking for a religious institution in the existing building is 35 parking spaces.
9. The subject property can provide a maximum of 20 parking spaces, including the interior garage space.
10. The applicant is requesting a variance to utilize an off-site parking agreement with the adjacent property to provide a portion of the required parking. Under the proposed parking agreement, a total of 40 parking spaces will be available for use by the proposed religious institution.
11. If the variance is not granted, the size of the building under the current parking ordinance would restrict the full use of the building as a religious institution based on the available parking on site. Only permitted uses requiring 4 or fewer parking spaces per 1,000 square feet of gross floor area would be able to utilize the property.
12. The property is unique due to the irregular shape of the lot. Due to the triangular shape, the easternmost approximately 100 feet of the lot is unusable for any improvements to the property. The property has provided the maximum amount of parking feasible while maintaining safe vehicular movements and meeting all other zoning requirements related to parking space size, layout, and setbacks.
13. The subject property is unable to construct additional parking on-site due to the layout of the existing improvements, even though there is an excess of required open space.
14. The applicant states "the parking available at our neighbor's lot is closely aligned. Both provide direct access to the building, either via a short walk on the sidewalk or a short walk across the grass."
15. The applicant states granting the "variance is consistent with the spirit and intent of the Zoning Ordinance because it helps provide adequate and safe parking access for attendees to the property."
16. There are no viable alternatives that allow use of the property as requested. Additional parking cannot be accommodated on-site.
17. The 2025 Iowa Legislative session passed HF652 which adds a standard of "practical difficulty" for dimensional variances. The variance application has not been updated to reflect the change in state law and still refers to "unnecessary hardship"; however, the new standard shall be used in determining if the variance should be approved.

DECISION AND ORDER

Based upon this information and it's interpretation of the cited code provisions, the general sentiment of the Board is that:

1. The subject property **DOES** have unique physical characteristics.
2. The hardship stated above **IS NOT** self-imposed.
3. The hardship stated above **IS NOT** based solely on property value or other financial considerations.
4. The granting of the variance **IS** necessary for the reasonable use of land for a permitted use in the property's zoning district designation.
5. The granting of the variance **IS** in harmony with the general purpose and intent of Title 11 Zoning Regulations of the City of Clive Code of Ordinances.
6. The granting of the variance **WILL NOT** be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. The variance requested **IS** the minimum variance that will accomplish this purpose. If the variance requested is not the minimum required, a lesser variance may still be approved.

IT IS THEREFORE RESOLVED BY THE BOARD that the requested variance from Section [code] of the Clive Zoning Ordinance for the above-described property for Case # BOA25-000001 - 9051 SWANSON BLVD is:

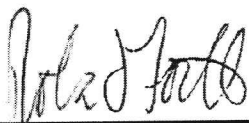
DENIED

GRANTED AS REQUESTED

GRANTED AS FOLLOWS:

Subject to execution and recording of the proposed parking agreement. A recorded copy of the agreement shall be provided to the City.

Signed and entered into record on the 15th day of July, 2025.



Robert Forte, Chair



Kelly Rivera, Secretary