

CLIVE BOARD OF ADJUSTMENT MEETING MINUTES

Regular Session

October 21, 2025

This meeting was held in the City Hall Council Chambers. 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

Call to Order/Roll Call

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

PRESENT: TERRY BROWN, PATRICIA HEMPHILL, NATHAN BORLAND, ROBERT FORTE

ABSENT: ROSIE FITZGERALD

STAFF: GRUTZMACHER, PURVIS, RIVERA

Action Items

1. Approve Meeting Minutes – September 16, 2025

Brown motioned to approve the September 16, 2025, meeting minutes, seconded by Borland.

Roll Call: Ayes: Brown, Borland, Hemphill, Forte

2. Application Case# BOA25-000002: 2555 Berkshire Parkway — Shaw Spine and Sport

Neither the applicant nor the tenant were present for the meeting.

Purvis presented the City's case to the Board.

Brown motioned to grant the variance as requested, seconded by Hemphill.

Roll Call: Nos: Brown, Hemphill, Borland, Forte

The variance was denied.

Being no further business before the Board, the meeting was adjourned at 5:54 pm.



**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: BOA25-000002

APPLICANT: Tate Muilenburg, FastSigns

PROPERTY: 2555 BERKSHIRE PKWY

PUBLIC HEARING: Oct 21, 2025

AFFECTED CODE SECTION: 11-12-6-3

VARIANCE REQUESTED: Would like to be able to have a logo and capsule that are 70% of the total signage. The square footage of the total signage is 8.02 with a linear frontage of 33 square feet.

FINDINGS OF FACT

Testimony was taken at the public hearing at 1900 NW 114th Street, Clive, Iowa on Oct 21, 2025. At that hearing, Kathryn Purvis, Planner, represented the City of Clive. No representative was present on behalf of the applicant.

The following information was presented at the hearing:

1. The Subject Property is located at 2555 Berkshire Parkway, legally described as Lot 10, Berkshire Commons Office Park Plat 1, in a C-3 Planned Office Park Commercial District.
 - At the time of the public hearing and deliberation by the Board, the subject property was owned by Two Peds and a Pod, LLC. The applicant is a tenant within the building: Shaw Spine and Sport.
 - The subject property is an existing building built in 2001, Shaw Spine and Sport has been in Suite F since 2013.

- The applicant is requesting to be allowed to install 70% of their signage to be comprised of "capsule" signage in order to display their logo and additional text outside of the individual letters.
- Section 11-12-6(1)(A) states: One and a half square feet of sign area may be erected for every linear foot of tenant frontage to a maximum of 100 square feet.
- Section 11-12-6(3) states: All building signs shall be principally comprised of individual channel letters or similar solid construction letters, at least one inch in thickness.
- Section 11-12-6(3) states: Push through, routed letters, and dimensional letters on backer boards, provided they are internally illuminated, shall be permitted.
- Section 11-12-6(3) states: For the purpose of displaying letters, symbols, or logos, no more than 25 percent of the total sign area may be allotted to an awning or capsule sign. The design standards further defines "total sign area" as the installed sign area.
- Section 11-2-1(19)(M) states: "Sign, capsule" means a sign fabricated from metal, aluminum, or some other material with a face constructed out of a panel product."
- The Development Standards Manual Version 202401, Section XII. Signs provides additional clarification and graphic examples of building mounted sign area calculations.
- The Development Standards Manual Version 202401, Section XII. Signs states: "Can" or "Cloud Channel" signs shall not meet the requirement that a sign be "principally comprised of individual" letters. "Can" signs may be utilized as capsule signs comprising no more than 25% of the installed sign area, as defined in the Zoning Ordinance.
- The subject suite is permitted to install up to 49.5 total square feet of building sign area.
- The subject suite had previously been issued Sign Permit #13-6281 for the previous building sign. The previously installed sign was approximately 9.06 square feet with individual cut letters 7" tall, a 5" tall capsule, and did not include a logo.
- The applicant submitted SGN25-000006 sign permit application on February 26, 2025. The proposed building sign was approximately 8.02 square feet, including the logo, with individual cut letters 4.9" tall, and a 3.96" tall capsule.
- Staff comments on SGN25-000006 sign permit application were emailed to the permit applicant on March 6, 2025. Said comment stated: "The logo and capsule under the individual letters need to be sized so that it only comprises 25% of the total proposed signage, or it will need to be dimensionally layered and illuminated. Currently both features comprise approximately 75% of the proposed signage."
- Staff further clarified the comment in an email exchange with Fast Signs on April 10, 2025 stating: "Building mounted signs can have logos or other small panels (similar to the Chiropractic | Rehab | Performance panel) as part of the overall sign - Clive's ordinance calls those "capsule" signs. Capsule signs shall comprise no more than 25% of the total installed sign area. The ordinance also allows for routed, push through, or other sign designs utilizing a backer; however, these types of signs are required to be illuminated. Only individual channel letters or solid construction letters with a minimum 1" thickness wouldn't need to be illuminated." The email exchange additionally stated: "The sign ordinance has been amended since the current sign was permitted and the " Chiropractic | Rehab | Performance" panel no longer complies with the ordinance as it is more than 25% of the installed sign area. This sign can remain and the vinyl could be updated, but it could not be removed and replaced with a new, otherwise identical sign. The proposed logo also does not fall within 25% of the sign area as designed."

- On May 30, 2025 staff identified the proposed sign had been installed without a permit and contacted Tate Muilenburg with FastSigns, as the primary contact that had been working with staff. FastSigns advised they were working with the client for an alternative, asking for clarification on internally mounted signage regulations. Staff advised the code does not regulate internally mounted signage, and that staff needed a new sign specification sheet demonstrating the removal of the logo to move forward.
- Staff reached out to the applicant for SGN25-000006 again on July 28, 2025, providing that updated sign specifications needed to be sent in by July 30, 2025 or the installation would be seen as a code infraction.
- On July 30, 2025 Shaw Spine and Sport reached out to Staff to gain clarity as they had been informed by FastSigns that the sign installation had been done incorrectly. Staff went over the issue being that the sign was not approved as designed and had been installed without a permit. Shaw Spine and Sport then advised that they would work with FastSigns to correct the issue, and asked for previous conversations to be forwarded to them, which staff provided the same day.
- On August 1, 2025 staff referred the unpermitted sign installation to Code Enforcement, however no official notice was mailed to the property owner.
- On August 7, 2025, Tate Muilenburg with Fast Signs called and discussed the unpermitted sign installation with Amanda Grutzmacher, Senior Planner. Amanda emailed Tate information on the variance application and process.
- On August 28, 2025 staff changed SGN25-000006 permit status to Denied.
- On September 8, 2025 Tate Muilenburg emailed Amanda Grutzmacher typed responses for the variance application. On September 11, 2025 Amanda Grutzmacher created the variance application BOA25-000002 in the CitizenServe permit portal on Muilenburg's behalf.
- The applicant states that the practical difficulty is that the "business will not be able to have the logo on the building for their business. which could cause a decline in foot traffic and expose blemishes on the walls from past signage. With the Area of the building limiting the layout and the amount of signage that can be used" and that "Due to the small area of the building where the signage can go there is not enough space to make the letters larger so the logo is less than 25%. The logo is now just barely visible from the road. Making it smaller would render it useless."
- The applicant states that the practical difficulty is not self imposed as " The area of the building where the signage goes can only fit a max amount of signage of 24 inches tall and 96 inches wide. It would make the "Shaw Spine and Sport" have oddly shaped letters due to the size of the area on the building for signage. Making the signage smaller will limit the visibility for the customers to see when driving by with the amount of space that the building can support."
- The applicant states the public interest is protected as "The business will be able to have their logo on the building and will draw more business. It will not result in injury since the way they are installed is that they are stud mounted to the wall and no piece weighs more than a pound or two"
- The applicant states that the request is consistent with the spirit and intent of the zoning ordinance and comprehensive plan as "The letters are 1 inch pvc stud mounted to the wall signage area with the pill and logo being smaller. and everything is within the allowed square foot amount."
- Staff has identified alternatives to the unpermitted signage that would be compliant with the sign regulations:
 1. increasing the size of the individual letters so that the "capsule" components are only 25% of the total installed signage
 2. decreasing the size of the logo to be within 25% of the installed signage and not removing the existing capsule sign under the individual letters
 3. installing individual letters in place of the "Chiropractic | Rehab | Performance" capsule and adjusting the logo to be within 25% of the total installed signage

4. moving the logo in its current size to an interior space such as a window or entry way where the regulations for building mounted signs would not affect its design.
5. install illuminated channel letters onto the panels of the logo and capsule

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** / **DOES NOT** have unique physical characteristics.
2. The hardship stated above **IS** / **IS NOT** self-imposed.
3. The hardship stated above **IS** / **IS NOT** based solely on property value or other financial considerations.
4. The granting of the variance **IS** / **IS NOT** 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** / **IS NOT** 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** / **WILL NOT** be injurious to the neighborhood or otherwise detrimental to the public welfare.
7. The variance requested **IS** / **IS NOT** 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 # BOA25-000002 - 2555 BERKSHIRE PKWY is:

DENIED

GRANTED AS REQUESTED

GRANTED AS FOLLOWS:

Signed and entered into record on the 21st day of October, 2025.



Robert Forte, Chair



Kelly Rivera, Secretary