BOARD OF ADJUSTMENT

APPLICATION FOR SPECIAL USE PERMIT

Clive

COMMUNITY DEVELOPMENT

INSTRUCTIONS FOR REQUIRED INFORMATION

NO SPECIAL USE PERMIT CAN BE ACCEPTED FOR FILING UNLESS ALL OF THE REQUIRED INFORMATION IS PRESENTED

1. **GENERAL INFORMATION**. The Clive Board of Adjustment (BOA) is empowered by Iowa law and by ordinance to hear special use permit requests and to make decisions on said requests pertaining to the Zoning Ordinance and for certain exceptions to the district regulations. The BOA is a five-member quasi-judicial body with authority to review the conformity of the proposed building or use with the standards of the comprehensive plan and recognized principals of land use planning. The BOA may approve the special use permit as submitted, or before approval, may require that the applicant modify, alter, adjust, or amend the proposal as the BOA deems necessary to preserve the intent and purpose of the zoning ordinance in order to promote the health, safety, and general welfare of the community

2. **MEETING DATES**. The Board of Adjustment meets at 6:30 p.m. on the third Tuesday of each month. Submittal of all the information does not in any way guarantee that the application will be placed on the next available BOA agenda. All BOA meetings are open to the public and are held in the Council Chambers of City Hall, 1900 NW 114th Street, Clive, IA.

In the case of a special use permit that also requires the construction of modification of the site or building, the applicant may also be required to seek approval of the construction or modification from the Planning & Zoning Commission.

Following review of the case by BOA, the case will be placed on the next available City Council Agenda. City Council meets the 1st and 3rd Thursdays of each month at 7:00 p.m. in the Council Chambers in City Hall. Please note that although Council meets on the 5th Thursday of each month, there are no cases heard as those meetings are reserved as work sessions. Council reviews the BOA minutes and may, at Council's discretion, remand the case back to the BOA for further study. If remanded, the case will be placed on the following BOA agenda for further review. Once the case is remanded back and reviewed by the BOA, the decision of the board is final unless the case is appealed in a court of law.

3. **FILING DEADLINE:** The deadline to file an application for a special use permit with the BOA is 4:30 p.m. the first day of the month of the board meeting. All materials must be filed in the Community Development Department office at 1900 NW 114th Street.

NOTE: Be sure that you have all required materials at that time. Failure to do so may result in your special use permit hearing being delayed to the next regularly scheduled meeting.

4. FILING FEE: A filing fee is required at the time the materials are filed with the Community Development Department office. The fee covers administrative expenses

and legal notification of surrounding property owners within 310' of the property in question. The fee schedule for special use permits is as follows:

ZONING DISTRICT	*FEE*
Residential	$70.00
All other	$175.00

Payment of said fees must be submitted with the application. The fee shall be paid at the Community Development Department Office, 1900 NW 114th Street. Make all checks payable to the City of Clive. The fee is nonrefundable unless the appeal is withdrawn prior to staff sending out notices.

5. SITE PLAN: The applicant must submit a site plan that clearly shows the property in relationship to adjacent properties and uses. The site plan should be drawn to scale, and should be a reproducible, black line drawing no larger than 24" x *36" {Use of an actual property survey is suggested but not required*.) The site plan shall include the following information:

a) Property lines and dimensions
b) Location and size of all existing and proposed structures (buildings, driveways, parking lots, sidewalks, fences, etc.)
c) Required setback and buffer location(s)
d) Any other pertinent information necessary to fully understand the need for a special use (e.g. adjacent uses, adjacent zoning classifications, etc.)

6. ADDITIONAL INFORMATION: If you have questions about this form, or should you require additional information regarding the special use permit process, please contact the Community Development Department at 223-6221.

CASE NO._____
(City use only)

APPLICATION FOR SPECIAL USE PERMIT

All required information must be presented before acceptance of application.
The applicant must complete all sections in bold for review to begin.

Please type or print:

1. Date: _____

Appellant Name: _____

Address: _____
(Street) (City) (State) (Zip)

Telephone Number: _____
(Home) (Work)

E-Mail Address: _____

2. Location of Property

Street Address: _____

Legal Description: _____

_____

Zoning Classification: _____

This form cannot be processed until all required materials are submitted. In addition to this application, the following information is required for submission. On a separate sheet of paper please type or print the following:

3. Response to the attached Supporting Information Form

4. Site plan drawn to scale

This plan shall be no larger than 24″ x 36″ and easily reproducible.

5. Application fee

An application is not considered filed until filing fee is paid.

The BOA may grant a special use permit provided the BOA can make a finding that the use will not adversely affect the health, safety and general welfare of the community and may require the applicant to modify, alter, adjust or amend the proposal as the BOA deems necessary to preserve the intent and purpose of the Zoning Ordinance.

This request for special use will not be granted unless sufficient facts are presented in this application and at the BOA hearing to support a positive finding by the BOA. In support of this permit application, a Supporting Information Form shall be completed by the applicant(s).

Approval of this request for special use by the Board of Adjustment in no way absolves the applicant from subsequently obtaining the necessary development approvals, such as site plan, building permits, etc. from the City of Clive or any other applicable agency.

I (We) certify that I (We) have submitted all the required information for a special use permit and that such information is factual.

Signed by:_____**on date:**_____
(Owner)

or:_____**on date:**_____
(Owners Agent)

(City Use Only)

HEARING DATE:_____

FEE PAID: _____ RECEIPT NO: _____

DATE FILED: _____

BOARD OF ADJUSTMENT ACTION

APPROVED: _____ DENIED: _____
(Date) (Date)

COUNCIL ACTION

REMANDED: _____ DENIED: _____
(Date) (Date)

SUPPORTING INFORMATION FORM

The Board of Adjustment is authorized to grant a special use permit provided that the provisions of the proposed use adequately safeguard the health, safety, and general welfare of persons residing or working in adjoining or surrounding property. The BOA must find that the special use permit meets the criteria stated below. On a separate piece of paper, address each issue as it pertains to your request:

1. **General description of proposed special use.**

2. **The applicant must show the proposed location, design, construction and operation of the particular use does not affect the health, safety and general welfare of those people living or working in the adjoining or surrounding property.**

3. **The applicant must show that such use shall not impair an adequate supply of light and air to surrounding property.**

4. **The applicant must show that such use shall not unduly increase congestion in the streets or public danger of fire and safety.**

5. **The applicant must show that such use shall not diminish or impair established property values in adjoining or surrounding property.**

6. **The applicant must show that such use will not unduly burden public utilities.**

Supporting evidence from a professional appraiser, realtor, engineer, architect or other professional may be necessary to support the issuance of a special use permit. The Board of Adjustment may require additional documentation in order to grant a special use permit.