



**Eldridge Board of Adjustment
January 31, 2023, 6:00 p.m., Eldridge City Hall**

Minutes

The Eldridge Board of Adjustment meeting was called to order by Karl Donaubauer at 6:00 p.m. at Eldridge City Hall on January 31, 2023. Board members present were Karl Donaubauer, Dean Ferguson, Bob Kuehl, Paul Hayungs and Eric Gruenhagen. Also present were Jeff Martens, Tony Rupe, Officer Tony Cavanaugh, Officer Erik Johnson, Brian Dockery, Nikki Iossi, Danny McLaughlin, Jerry Demartelaere, Becky Demartelaere, Jim Nau, Richard Pratt, Mike Wilcox, Marilee Wilcox, Marty O'Boyle, Brian Bush, Joy Bush, Ashley Atkins, Amber Atkins, Dale Grunwald and Jill Grunwald.

The minutes from the previous meeting were presented. A motion was made by Hayungs to approve the minutes, seconded by Gruenhagen. Motion carried 5-0 by voice vote.

Donaubauer reviewed the ground rules of the public hearing process.

Public Hearing opened at 6:02 p.m. Consideration of a Use on Review to extend temporary occupancy application submitted by Ashley Atkins, 880 S. 1st Street, to live in a camper inside of an accessory building on her property.

Martens gave a summary stating on Oct. 7, 2021 the City of Eldridge entered into a use on review agreement with Ms. Atkins for a camper to be on the property and occupied for up to 60 days after power was hooked up to a city power meter. After that time period the camper was to be in the accessory building while being occupied for a period of up to 9 months. During this time period a primary residence was to be constructed on the site. This use on review is expiring at midnight on January 31, 2023. The city has upheld it's end of this agreement and Ms. Atkins has not. Ms. Atkins was offered the opportunity to schedule a public hearing in front of the board to ask for an extension by Administrator Rupe on April 28, which she declined at that time, and again by myself in an email on December 12 which she did not respond to. Since no response was received a Notice and Order, included in your packets, was mailed to Ms. Atkins on Jan. 6. Since the Notice and Order has been served this hearing is also an appeal to that Notice and Order. Ms. Atkins sent in her application for a Use on Review on Monday, January 9, after the Notice and Order had been sent but before she signed and received it from the USPS on Wednesday, January 11. In the application submitted by Ms. Atkins she is requesting temporary occupancy due to unforeseen circumstances and multiple issues outside of her control related to her house build. She is requesting additional time towards living in her building.

Eric Gruenhagen

Karl Donaubauer
Dean Ferguson

Paul Hayungs
Bob Kuehl

Ms. Atkins explained that this was not some wild scheme she had thought up. She said that the realtor and developer that previously owned the property supported her plan as well as city officials. Atkins said the plan has always been and still is to build a house on this property. Atkins plans to split the property and put house plans out to bid. Due to inflation and the housing market things have been coming back too expensive and she is trying to make changes to the house to make it more affordable. Atkins stated that not allowing her to stay there will only prolong her ability to build a house.

Public comment made:

Jerry Demartelaere (neighbor) spoke in opposition of the request due to unsupervised children on the property. Becky Demartelaere (neighbor) spoke in opposition of the request due to weeds and uncared for berms on the property. Brian Bush (neighbor) asked if the board would be imposing a "hard deadline" for the house to be completed and commented on the behavior of the children on the property. Dale Grunwald (developer, property owner) asked if plans had been approved and when construction would start. Marilee Wilcox (neighbor) asked questions about the living conditions in the accessory building. Michael Wilcox (neighbor) reiterated all of the neighbors concerns and asked board to impose a hard deadline if they approved the request. Jill Grunwald (developer, property owner) commented later in the meeting that their children planned and built a house in less than a year from last March until now so it can be done in this economy. She said as a developer she has to follow the rules and everyone else should too. Councilman Dockery stated later in the meeting that the city had already granted a period of time to Ms. Atkins and that time was now up. During the public comment Atkins responded to questions and disputed the January 31 expiration date put forth by the city. Martens presented documentation and explained the timeline leading up to the expiration date.

Public Hearing closed at 6:32 p.m.

The Board discussed the proposal and asked a few questions clarifying access to the property and intentions to subdivide. Comments were made that Atkins could still build a house without residing on the property. Atkins disputed that any agreement was made with the city. Hayungs clarified that tonight's meeting was to decide whether Atkins could continue to live in the accessory building and any code violations are a separate issue. Further questions were asked of Atkins about the timeline what she has done so far to build a house. Martens stated that one year and four months had passed since the October 7, 2021 use on review had been granted and not much progress had been made that he could see. Atkins stated that bids would go out again in April to see if the cost of building materials had gone down and she hoped to begin building at that time.

Gruenhagen made a motion to deny the Use on Review. Hayungs seconded the motion. Motion carried 5-0 by roll call vote.

Martens asked the board how to handle the code violation created by now having an accessory building on the property without a primary building. The board made the decision to reconvene on or about a time in late April to meet with Ms. Atkins to access progress made on the house.

Motion to adjourn by Ferguson at 7:06 p.m. Second by Kuehl. Motion carried 5-0 by voice vote.

Eric Gruenhagen

Karl Donaubaue
Dean Ferguson

Paul Hayungs
Bob Kuehl

Respectfully submitted,
Jeff Martens
Assistant City Administrator

Eric Gruenhagen

Karl Donaubauer
Dean Ferguson

Paul Hayungs
Bob Kuehl