

BOARD OF ADJUSTMENT MEETING AGENDA
Tuesday, January 31, 2023 - 6:00 PM
Eldridge City Hall 305 N 3rd Street

1. Call to Order
2. Consideration of Approval of Previous Meeting Minutes
3. Public Hearing – Appeal by Ashley Atkins to Notice and Order of Expiration of Use on Review:
Ashley Atkins, 880 S. 1st Street, is requesting additional time be granted towards living in her building per the application she submitted.
4. Consideration of Recommending Approval
5. Adjournment



**Eldridge Board of Adjustment
January 05, 2023, 6:00 p.m., Eldridge City Hall**

Minutes

The Eldridge Board of Adjustment meeting was called to order by Karl Donaubaauer at 5:58 p.m. at Eldridge City Hall on January 5, 2023. Board members present were Karl Donaubaauer, Dean Ferguson, Bob Kuehl, Paul Hayungs and Eric Gruenhagen. Also present was Jeff Martens, Tony Rupe, Bruce Cheek, Danny Marler and Joe Zrostlik.

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.

Donaubaauer reviewed the ground rules of the public hearing process.

Public Hearing opened at 6:00 p.m. Consideration of a Use on Review and Variance application submitted by Danny Marler, Project Manager for Robinson Outdoor, 50 Robinson Industrial Dr., Perryville, MO 63775, to build and operate an Off-Premise Advertising sign (billboard) at 110 S. 9th Ave. A use on review is required because this location is in a C-3 zone. Two variances would also be required at this location:

Variance 1: To build this sign within 1,000 feet of a residential neighborhood

Variance 2: To build this sign within 2,640 feet of another Off-Premise Advertising Sign

Martens gave an overview of the project and reviewed pertinent city code related to the project. He stated that due to the location and rules laid out in city code for variances that the city could not recommend approval of this project at this location. Martens then read a letter submitted by the Eldridge-North Scott Chamber of Commerce stating that they had been approached by project manager Danny Marler and that the project seemed to have value for the Chamber and the City as long as all city requirements were met. Martens also read a letter of opposition from Cornerstone Baptist Church Trustee Board in opposition of the project stating that it would detract from line of sight of current businesses and that it doesn't meet the requirements for a variance per city code.

Marler then gave an overview of the project. He said that Eldridge's distance requirements in comparison to other communities are quite strict. He also stating that any unused portions of advertising space on the billboard, generally 10-15%, would be available to the city, including police and fire departments, and the chamber of commerce free of charge to promote events, fundraisers, weather alerts, missing children, etc. He gave examples of how this is used in other communities and referred to how it helped Mayfield, Kentucky during recent tornadoes in that community.

Eric Gruenhagen

Karl Donaubaauer
Dean Ferguson

Paul Hayungs
Bob Kuehl

Zrostlik talked about being approached by Robinson Outdoor and summarized the process that led him to the decision to potentially enter into an agreement with them. He said he thought about it for awhile before agreeing. He thinks if another billboard is going to be put on LeClaire Road this is probably the best location and thinks it would be beneficial to the community.

Public Hearing closed at 6:26 p.m.

No other public comments were made in person or in writing.

The Board discussed the proposal and asked a few questions. Marler answered questions about the size, height and angle of the sign saying it would be approximately 12' off the ground extending another 12' in the air. It would be in a "V" shape pointed toward LeClaire Road so no light would be shining south toward the residential area in that direction.

The code itself was discussed and questions were asked about it. Councilman Cheek said he would like to see the council look at this ordinance to see if updates would be in order. Gruenhagen voiced his support for this. Gruenhagen also said he would like comparisons made to other towns close to, or similar in size, to ours to see what their ordinances are for billboards.

Gruenhagen asked Marler if he would be willing to make a presentation to the City Council on this issue. Marler said he would.

Ferguson made a motion to table further action until the council had a chance to review the ordinance. Hayungs seconded the motion.

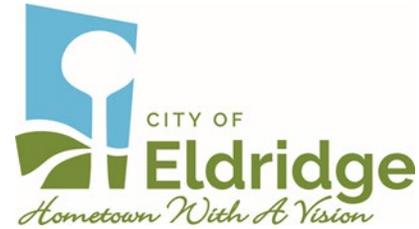
During the general discussion a reminder was given to the board about the upcoming expiration of the Use on Review for the property at 880 S. 1st Street owned by Ashley Atkins. Martens had prepared a Notice and Order to send to her and stated that prior to drafting this document he had sent an email to Atkins on December 12 asking if she would like to schedule a hearing to ask for an extension prior to the expiration of the Use on Review on January 31, 2023. No response to that email was given by Atkins. The Board agreed the best option moving forward is to send the Notice and Order. Martens said he would mail it on Friday, January 6, 2023.

Motion to adjourn by Hayungs at 7:13 p.m. Second by Ferguson. Motion carried 5-0 by voice vote.

Respectfully submitted,
Jeff Martens
Assistant City Administrator

City of Eldridge

MEMORANDIUM



To: Board of Adjustment
From: Jeff Martens, Assistant City Administrator
Re: Ashley Atkins, Appeal of Notice and Order
Date: 01/31/23

Board of Adjustment,

Ashley Atkins, 880 S. 1st Street, is requesting a public hearing to appeal a Notice and Order informing her that her current Use on Review to live inside a camper in an accessory building built on the property is expiring at midnight on January 31, 2023. Per the application Ms. Atkins submitted she is requesting "Temporary Occupancy" "due to unforeseen circumstances and multiple issues outside of my control related to my house build. I am requesting additional time to be granted towards living in my building."

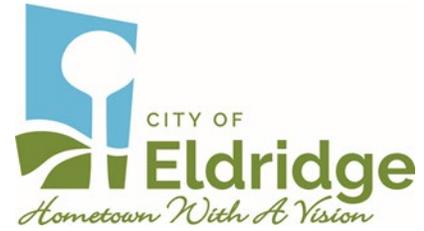
This property is zoned a Suburban Agricultural district. This is not a permitted Use on Review in this district. The following is the section of code pertaining to Use on Review in this district:

19.02 PERMITTED USES ON REVIEW. The following principal uses may be permitted on review by the Board in accordance with the provisions contained herein:

- A. Church or temple;
- B. Cemetery;
- C. Child care center;
- D. Commercial excavation of natural materials;
- E. Golf course;
- F. Home occupation;
- G. Municipal administrative or public service building or properties, except such cases as storage yard, warehouse, or garage;
- H. Park or playground;
- I. Public school or school offering general educational courses the same as ordinarily given in public schools;
- J. Riding stable, public or private;
- K. Sanitary landfill; and
- L. Sewage lagoon or treatment plant.

If an extension is not granted the Zoning Enforcement Officer will be seeking guidance from the Board of Adjustment in how to handle the code violation created by the existence of an accessory building being built on the property prior to the construction of the principal building to which it is an accessory. As stated in Title D, Chapter 7 section 33 of the Eldridge Code of Ordinances:

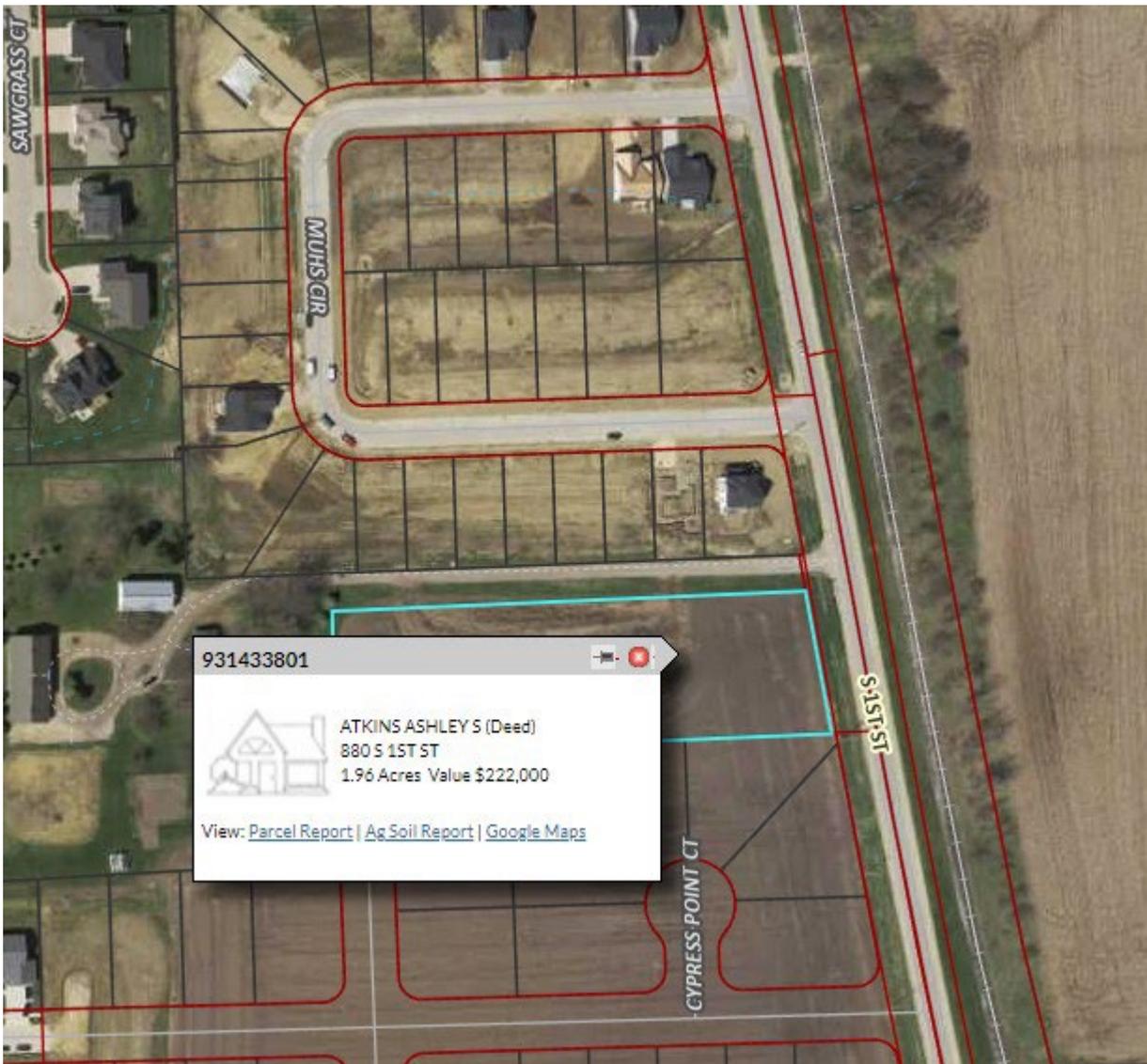
City of Eldridge MEMORANDIUM



33.00 ACCESSORY BUILDINGS.

33.01 TIME OF CONSTRUCTION. No accessory building or structure shall be constructed on any lot prior to the time of construction of the principal building to which it is an accessory.

The following pages contain a location map, the application and the Notice and Order.





BOARD OF ADJUSTMENT APPLICATION USE ON REVIEW

Property Address 880 s 1st st

Use On Review Requested Temporary Occupancy

For a Use on Review to be granted, a non-self-imposed hardship must be shown. Explain your hardship:

Due to unforeseen circumstances and multiple issues outside of my control related to m house build, I am requesting additional time to be granted towards living in my building.

Applicant Name Ashley Atkins
Address 880 S. 1st st
Phone Number 563-468-7210
Email Address asatkings85@yahoo.com

Title Holder's (If different than applicant)

Name _____
Address _____
Phone Number _____

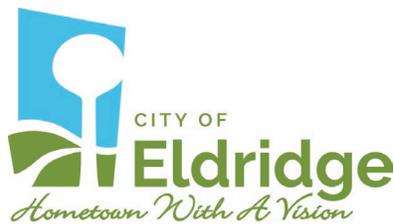
Signature of Applicants (s) ATKINS.ASHLEY.SUE.1272941480 Digitally signed by ATKINS.ASHLEY.SUE.1272941480
Date: 2023.01.09 12:12:15 -06'00'

Signature of Title Holder(s) _____
(if different than applicant) _____

On 8 1/2" x 11" paper, please provide the following:

- a. A scale accurate drawing showing the property location and boundary lines
- b. A scale accurate site plan showing developed features on the site and location of any requested variances

For office use only			
Amount Due	\$ <u>150</u>	Date Filed	<u>1/9/2023</u>
Filing Fee Paid	\$ <u>N/A</u>	Publication Date	<u>1/18/2023</u>
Payment Method	<u> </u>	Hearing Date	<u>1/31/2023</u>



305 N. Third Street, P. O. Box 375
Eldridge, Iowa 52748-0375
(563) 285-4841
(563) 285-7376 fax

01/06/2023

Ashley Atkins
880 S. 1st Street
Eldridge IA 52748

NOTICE AND ORDER

For pending expiration of Use on Review
at **880 S. 1st Street, Eldridge Iowa**

Legal Description: SHEEDY 1ST ADD Lot: 001 SHEEDY
1ST ADDLOT 1 located in the City of Eldridge,
Scott County, Iowa.

Ms. Atkins,

Pursuant to the City of Eldridge Municipal Code of Ordinances and the Use on Review granted by the Board of Adjustment on October 7, 2021, NOTICE is hereby given that the accessory building and camper located therein on the above referenced property can no longer be occupied as of the expiration of the Use on Review at midnight on January 31, 2023.

A brief description of the code requirements is provided. Full content may be found online at www.cityofeldridge.org. This determination is made due to the following code sections:

CODE SECTION: TITLE D, Chapter 2, Section 36.01, E, of the Code of the City of Eldridge, Iowa:

PROHIBITED USES. A camping or travel trailer, motorized dwelling or similar vehicle shall not be used for living, sleeping or housekeeping purposes while it is parked or stored in any area within the incorporated limits, except in a mobile home park authorized under ordinances of the City unless a permit is obtained from the Clerk. Such permit can be obtained for \$15.00 and shall limit such occupancy to no more than four (4) times per year per address for no longer than a seventy-two (72) hour period provided such vehicles are parked on private property.

As the accessory building was not designed for occupancy it does not meet minimum building or fire code standards for such and therefore cannot be used as a permanent residence.

Appeal: Any person directly affected by a decision of the Zoning Enforcement Officer, or a notice and order issued under this code shall have the right to appeal to the Board of Adjustment. A written application for appeal must be filed with a Clerk of the City of Eldridge or the Zoning Enforcement Officer within 20 days after the date of this notice and order. An application for the appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the law do not fully apply, or the requirements of the law have been adequately satisfied by other means. There are no variances or exceptions. **Failure to file for an appeal within 20 days of the date of this notice and order constitutes a waiver of the right to appeal.**

Penalties: An inspection shall be made on or about 30 days from the date of this notice. The conditions listed herein shall be complied with on or before Monday, February 6, 2023, or anyone residing in the property referenced above shall be in violation of this code and citations for a municipal infraction shall be issued for a civil penalty of \$50 for the first offense, \$200 for a second offense and \$500 for subsequent offenses. Each day that a violation occurs or is permitted to exist constitutes a repeat offense (Eldridge Code Chapter 2, Section 3.02).

Please feel free to contact me should you have questions regarding this Notice and Order.

Jeff Martens
Zoning Enforcement Officer and Assistant City Administrator
City of Eldridge, Iowa