

**FOR OFFICE USE ONLY**

Appeal No. \_\_\_\_\_

Date Received: \_\_\_\_\_

Form Updated (10/23)



## Special Exception Application

Filing Fee \$75

Hawkeye Interconnect Company

**Applicant Name**

115 west main st Hawkeye Ia 52147

**Applicant Address**

208 8th ave se 1822351007

**Property Address or Parcel Number**

563 412 9765

**Phone Number**

craig.schmitt@hawkeyetelephone.com

**Email Address**

Residential

**Current Zoning of Property**

11/25/24

**Application Date**

## Special Uses and Conditional Uses (Special Exceptions)

The Board of Adjustment has the power to “hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance” (Iowa Code §§ 335.15 (counties) and 414.12 (cities)).

The terms “special use,” “use exception” and “conditional use” are frequently found in zoning ordinances and are generally synonymous with the term “special exception.”

Please refer to sections 201.3, 202.3, 203.3, 204.3, 205.3, 206.3, 207.3, 208.3, 209.3, 210.3, and 211.3 of City Code for a list of special exceptions that may be allowed depending on the zoning of the property in question.

To be granted a special exception, the applicant carries the burden of proving to the board that, given the imposition of conditions, the requested use will comply with the standards established in the ordinance. If the use cannot be made to fit, then it is within the board’s discretion to deny the special exception. A board of adjustment’s power to grant special exceptions, therefore, must be governed by adequate guidelines. The zoning ordinance includes general criteria for granting special exceptions. The criteria typically state something to the effect that, with the imposition of conditions, the special exception will be:

- Compatible with the principles and objectives of the plan.
- Compatible with uses permitted in the zoning district under which it is regulated.
- Compatible with existing or planned uses of nearby properties.
- Will not endanger public health or safety.

The ordinance typically includes specific criteria that must be met, in addition to the general criteria, before certain types of special exceptions are approved. Home occupations, cell towers and some specific commercial uses often carry such specific criteria that must be met.



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Commonly imposed conditions of approval include buffering, hours of operation, site improvements or submission of special site plans (such as landscaping or parking). Conditions carry the same force of law as the ordinance; that is, a violation of a condition is subject to enforcement proceedings just as violation of any provision of the ordinance itself.

**Please describe your request in detail and include any relevant data and drawings as applicable. If necessary, attach your documents to the application.**

Hawkeye Interconnect Company and the owner of 208 8th ave se have agreed upon a perpetual easement for HIC to have easement rights to place a 10x16 concrete building on the westerly potion of parcel 1822351007. This structure will be used to provide the city of Oelwein with fiber optics telecommunications voice,internet, and video service. I have attached a map showing a highlighted red potion of the easement on where this building will be located.This structure will be bolted to a concrete pad in this area.

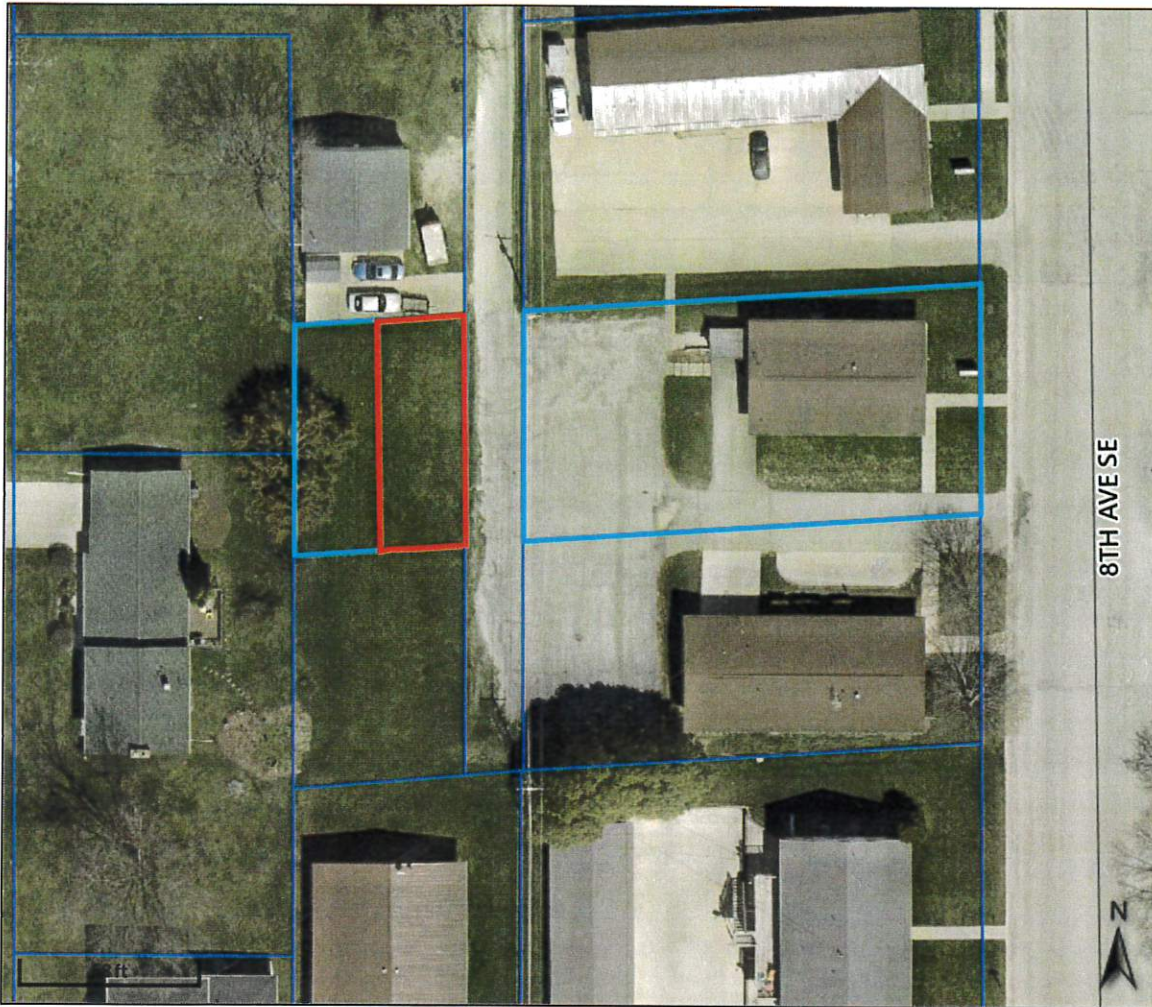
Applicant Signature

11/23/24

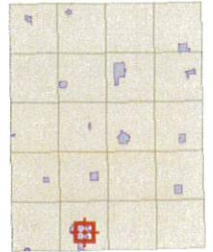
Date

Applicant Signature

Date



**Overview**



**Legend**

-  Corporate Limits
-  Parcels
- Major Highways**
-  Federal Highway
-  State Highway
-  County Highway
-  Roads

<b>Parcel ID</b>	1822351007	<b>Alternate ID</b>	n/a	<b>Owner Address</b>	Mortenson, Dr. Rachel V. &
<b>Sec/Twp/Rng</b>	22-91-9	<b>Class</b>	C		Mortenson, Timothy P.
<b>Property Address</b>	208 8TH AVE. SE	<b>Acreage</b>	n/a		208 8th Ave. SE
	OELWEIN				Oelwein, IA 50662
<b>District</b>	OELWEIN OELWEIN INC				
<b>Brief Tax Description</b>	LOTS 1 & 4				
	MEDICAL PARK ADD				
	<i>(Note: Not to be used on legal documents)</i>				

*Disclaimer: Fayette County, the Fayette County Assessor and their employees make every effort to produce and publish the most current and accurate information possible. The maps included in this website do not represent a survey and are compiled from official records, including plats, surveys, recorded deeds, and contracts, and only contain information required for government purposes. See the recorded documents for more detailed legal information. Data is provided in "as is" condition. No warranties, expressed or implied, are provided for the data herein, its use or its interpretation. Fayette County and its employees assume no responsibility for the consequences of inappropriate uses or interpretations of the data. Any person that relies on any information obtained from this site does so at his or her own risk. All critical information should be independently verified. If you have questions about this site please contact the Assessor's Office at (563) 422-3397.*

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