



Agenda

Zoning Board of Adjustment
20 Second Avenue SW, Oelwein
5:30 PM

December 17, 2024
Oelwein, Iowa

Mayor: Brett DeVore

Mayor Pro Tem: Matt Weber

Board Members: Warren Fisk, Cindy Noll, Gary Crawford, Ginger O'Connell, Board Secretary: David Kral

Roll Call

Approve Minutes

1. Approve minutes of August 2024 Meeting

Special Exception Request

2. Special Exception Application for building new fiber optics hub at 208 8th Avenue SE.

Old Business

New Business

Adjournment

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 319-283-5440



Minutes

Zoning Board of Adjustment
20 Second Avenue SW, Oelwein
August 15, 2024 - 6:00 PM

Roll Call

In attendance: Fisk, Noll, Crawford, O'Connell, Kral

Also in attendance: Chris Link of 548 8th Street SW

Approve Previous Minutes

Motion by Fisk, 2nd by Noll – Approved

Special Exception Requests

1. Special Exception Application for a Setback Relaxation for 548 8th Street SW.

Discussed what Chris expects his plans and timeline to be for building a new 3-stall garage on area of land depicted in packet attachment. He requests the maximum relaxation for setback of 10', allowing a 15' front yard setback for front a new garage. This would put him nearly in line with the setback of the existing home, as well as matching setback to neighboring homes on the block. It was agreed that the setback allowance does not deter from the characteristic of surrounding buildings. It was also understood that due to the slope of the land, setting a new building back further than the 15' setback would require an extensive amount of land addition, compaction, and grading. Discussed that the setback relaxation only applies to a single building permit that is based on the current discussion.

Motion to approve maximum setback relaxation of 10' by Noll, 2nd by Fisk. All vote yes, none vote no.

Special Exception is approved

Adjournment

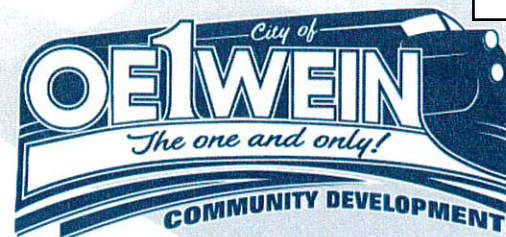
Motion by Fisk, 2nd by Noll.

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.





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.

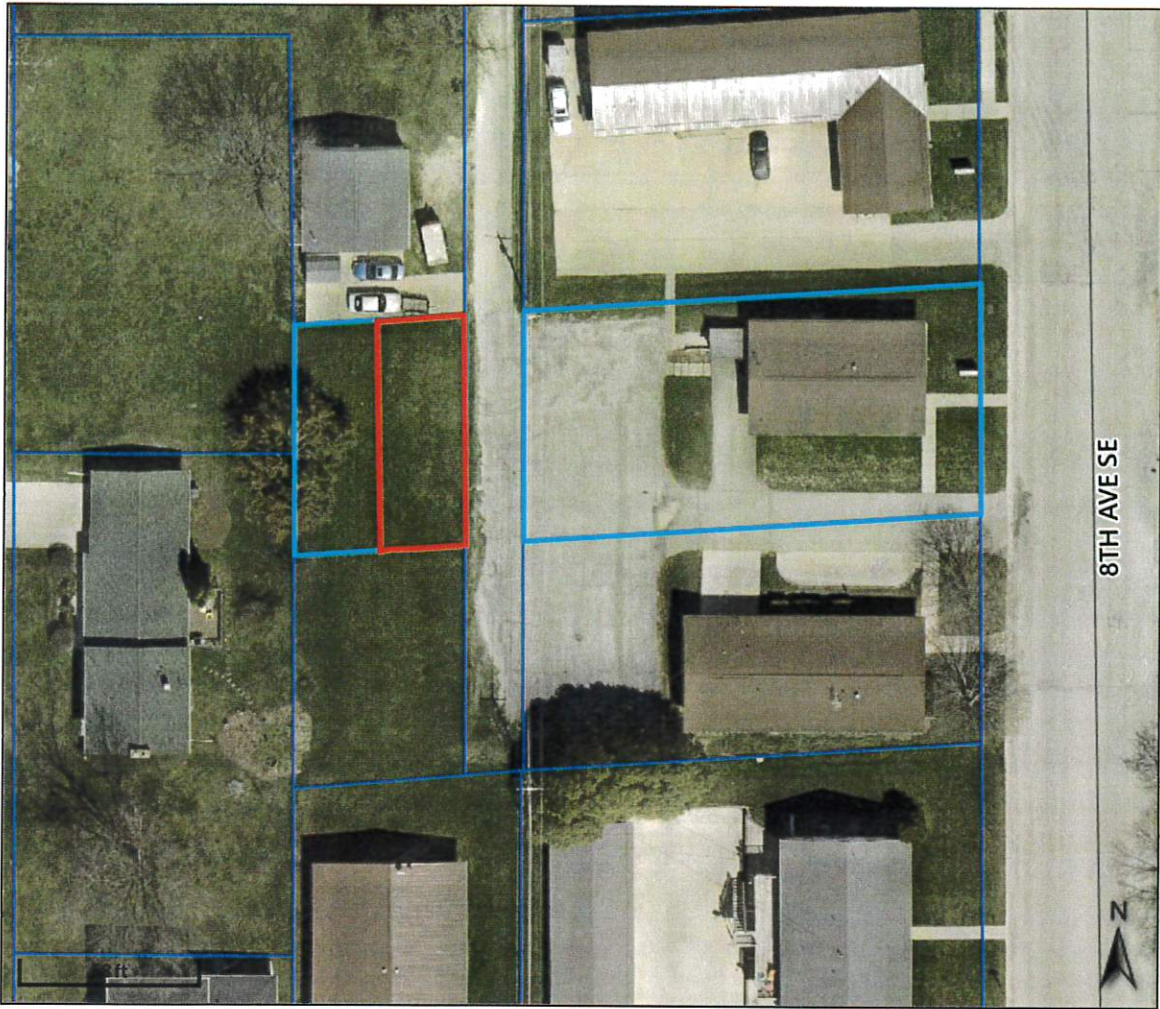
[Handwritten Signature]

Applicant Signature
11/23/24

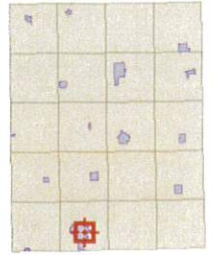
Date

Applicant Signature

Date



Overview



Legend

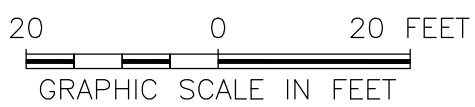
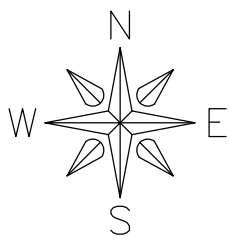
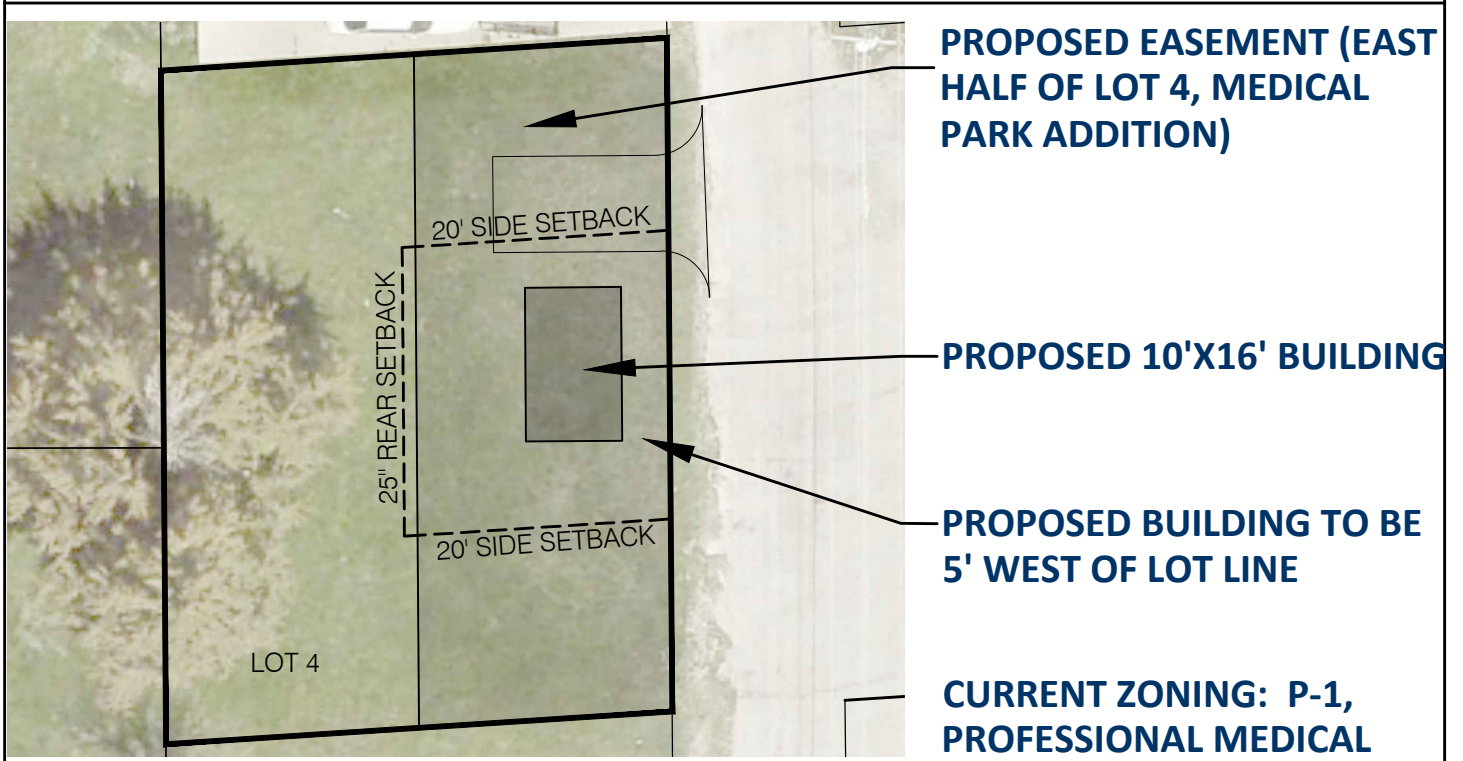
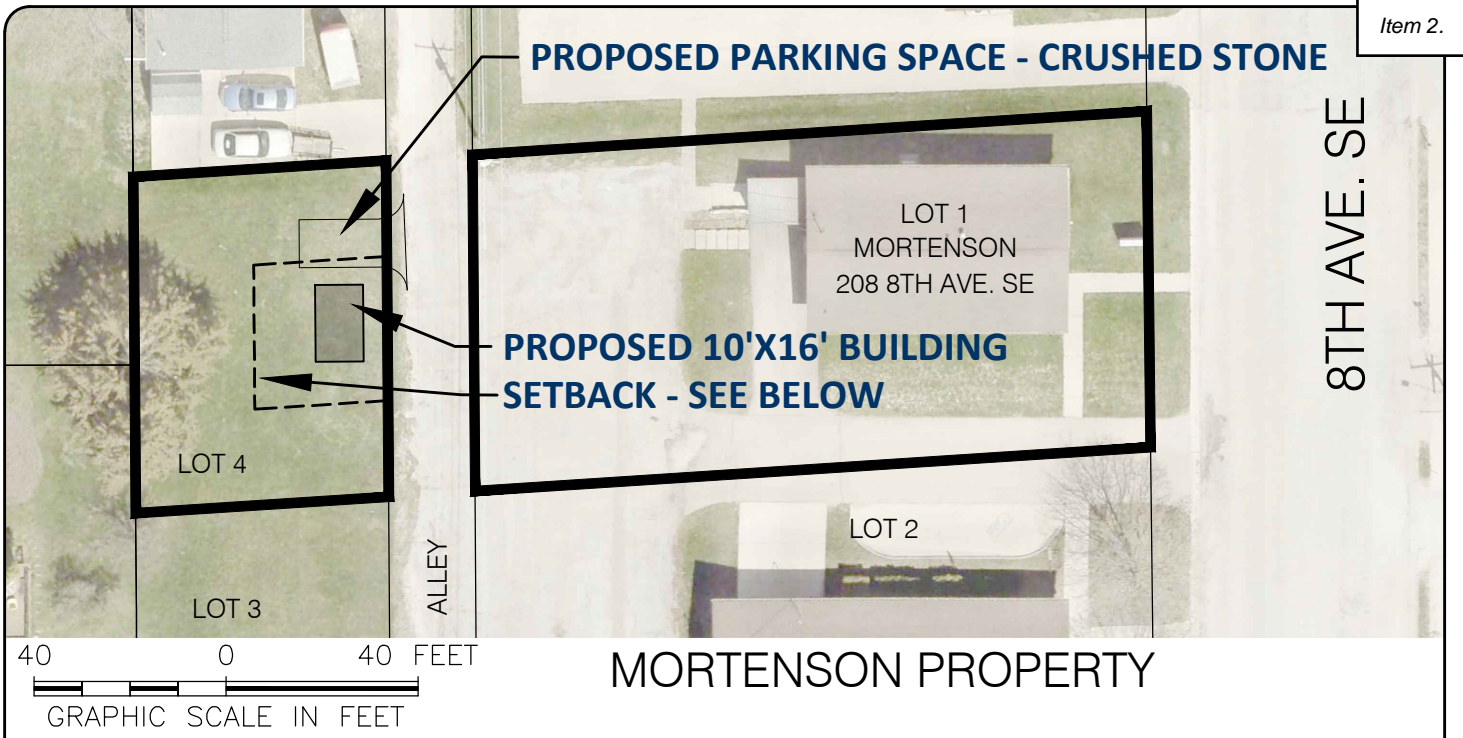
-  Corporate Limits
-  Parcels
- Major Highways**
 -  Federal Highway
 -  State Highway
 -  County Highway
 -  Roads

Parcel ID	1822351007	Alternate ID	n/a	Owner Address	Mortenson, Dr. Rachel V. &
Sec/Twp/Rng	22-91-9	Class	C		Mortenson, Timothy P.
Property Address	208 8TH AVE. SE	Acreage	n/a		208 8th Ave. SE
	OELWEIN				Oelwein, IA 50662
District	OELWEIN OELWEIN INC				
Brief Tax Description	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.

Date created: 11/25/2024
 Last Data Uploaded: 11/25/2024 3:34:18 AM

Developed by  **SCHNEIDER**
 GEOSPATIAL



HAWKEYE TELEPHONE COMPANY
OELWEIN CONTROL BUILDING
208 8TH AVE. SE

DECEMBER 12, 2024