

## JACKSON COUNTY BOARD OF ADJUSTMENT

7:00 p.m.

Monday, August 25, 2025

Community Room, Jackson County Courthouse  
201 W Platt Street, Maquoketa, Iowa

Present	Excused	Absent	Roll Call Order	Officer
	x		Mike Nickeson	Chair
x			Daryl DeVore	Vice Chair
x			A. John Arenz	
x			Pete Fish	
x			David Kendell	

**Board Members Present:** Vice Chair Daryl DeVore, Board Members A. John Arenz, Pete Fish and David Kendell.

**Board Members Excused:** Chair Mike Nickeson

**Staff Member Present:** Becca Pflughaupt

**CALL TO ORDER AND ROLL CALL:** The meeting was called to order by Vice Chair DeVore at 7:00 p.m. and roll call taken. A sign-in sheet was distributed. Those noted in attendance were:

Diane Federspiel – Cascade

Tom Federspiel – Cascade

Mark Heitz – Bellevue

Julie Heitz – Bellevue

There were no attendees via Zoom.

**MINUTES:** Motion by Kendell, seconded by Arenz, to approve the minutes of the July 28, 2025 Board of Adjustment meeting as submitted. Motion carried unanimously.

Board Member	Motion	Second	Aye	Nay	Abstain
Daryl DeVore			x		
A. John Arenz		x	x		
Pete Fish			x		
David Kendell	x		x		

### **DOCKET – 25-09 – Special Exception (Lot Size Reduction)**

**Applicants:** Tom & Diane Federspiel

**Location:** 27570 46th Ave, Bernard — Section 9, Butler Township, PIN 050409400010000

**Request:** Special exception to allow creation of a ~1.0-acre residential parcel around an existing single-family dwelling within the A-1 Agricultural District (minimum lot size = 2 acres). The intent is to sell the house site to a family member while retaining surrounding agricultural land. No changes to land use, buildings, access, or private utilities are proposed.

#### **Staff Summary:**

- Existing residence and shed present.
- Reduction of nearly 50% from the 2-acre minimum triggers the need for a special exception.
- Driveway access and emergency response are adequate.

- Private well and septic serve the house; no expansion proposed.
- Resulting lot would be nonconforming without approval.

**Public Comment:** None (no written or online comments received).

Motion by Kendel, second by Fish, to close the public hearing on Docket #25-09.

Motion carried unanimously.

**Board Discussion (Key Points):**

- Concern about future implications of shared driveway/well arrangements if ownership changes.
- Effective buildable area further reduced by road right-of-way; practical lot size would be < 1 acre.
- Desire to avoid creating long-term maintenance and access conflicts for future owners.

**Action:** Motion by Fish, second by Arenz to deny Docket #25-09.

**Vote:** 4-0 to deny (Kendell, Fish, Arenz, DeVore — Aye; Nickeson absent).

Board Member	Motion	Second	Aye	Nay	Abstain
Daryl DeVore			x		
A. John Arenz		x	x		
Pete Fish	x		x		
David Kendell			x		

**Finding/Reason:** The request creates an undersized parcel with potential shared-infrastructure complications not in keeping with A-1 minimum standards and the public interest over the long term.

**DOCKET – 25-10 – Variance (Side Yard Setback)**

**Applicant:** Mark Heitz

**Location:** 38209 Highway 52, Bellevue — Section 7, Tete des Morts Township, PIN 450207101001000

**Request:** Variance to allow a 0-foot side setback for an existing detached garage after a contemplated reciprocal deed/land swap with the eastern neighbor (Dennis Althaus) to formalize driveway access (Heitz to deed 20' for neighbor's drive; neighbor to deed 30' to Heitz). Applicant proposed removing ~6' from the garage to lessen encroachment and retain functional depth.

**Staff Summary:**

- Parcel recently rezoned from A-1 to R-1 to enable two conforming lots (each ≥ 20,000 sq. ft.).
- The proposed ownership transfer (not an easement) would shift the property line, rendering the garage nonconforming to the side setback.
- Applicant intends to attach the 30' strip to the farm to the west; the house lot would remain conforming.

**Applicant/Discussion Highlights:**

- Longstanding access difficulty for the neighbor due to a steep highway bank where a historic 30' strip exists.
- Board emphasized that a surveyed, recorded easement would accomplish access without creating a zero-setback condition or future property-maintenance conflicts.
- Members expressed concern that a 0' setback would create ongoing

maintenance and property rights issues for future owners.

**Public Comment:** None (no written or online comments received).

Motion by Fish, seconded by Kendel, to close the public hearing on Docket #25-10.

Motion carried unanimously.

**Action:** Motion by Kendel, second by Arenz to deny the variance and encourage the parties to pursue a recorded ingress/egress easement solution.

**Vote:** 4-0 to deny (Kendell, Fish, Arenz, DeVore — Aye; Nickeson absent).

Board Member	Motion	Second	Aye	Nay	Abstain
Daryl DeVore			x		
A. John Arenz		x	x		
Pete Fish			x		
David Kendell	x		x		

**Finding/Reason:** A zero-setback condition is avoidable through an easement and would likely create long-term conflicts inconsistent with the spirit of the ordinance and public welfare.

**ITEMS FROM PUBLIC:** None

**ITEMS FROM BOARD:**

**Zoning Ordinance Update — Board of Adjustment Provisions**

- Terminology: "Special Exceptions" will be retitled "Conditional Use Permits (CUPs)"; BOA remains the approving authority.
- Administrative Extensions: Introduce limited zoning administrator authority to grant low-risk CUP extensions, with higher-impact/controversial items still requiring BOA public hearings.
- Standard Timeframe: CUPs to carry a default one-year completion window unless otherwise specified by BOA; up to two extensions available (criteria to be outlined).
- Organization: Conditional uses will be consolidated by major land-use categories (residential, commercial, industrial) to improve clarity and administration.
- Placeholders: The draft consolidates existing and forthcoming chapters; separate utility-scale ordinances (solar, battery storage, data processing) will be inserted upon adoption.

Consensus: BOA members expressed support for the proposed changes and organizational improvements; no formal vote required.

**ITEMS FROM STAFF:** Next Meeting

Monday, September 22, 2025 at 7:00 p.m. Beginning October 2025, meetings will move to 6:00 p.m. when cases are scheduled.

**ADJOURNMENT:** Motion by Kendel, seconded by Arenz, to adjourn the August 25, 2025 Board of Adjustment meeting. Motion carried unanimously.

Board Member	Motion	Second	Aye	Nay	Abstain
Daryl DeVore			x		

A. John Arenz		x	x		
Pete Fish			x		
David Kendell	x		x		

The meeting adjourned at 7:56 p.m.

Respectfully submitted,

Becca Pflughaupt  
Board Secretary

Adopted: 9/22/2025