

**JACKSON COUNTY BOARD OF ADJUSTMENT**  
**MINUTES**  
**Monday, April 27, 2026 – 7:00 p.m.**

**Call to Order**

Chair Mike Nickeson called the meeting to order at 7:00 p.m.

**Roll Call**

Members present: Mike Nickeson, Daryl DeVore, John Arenz, Pete Fish and Dave Kendell.

Members absent: None.

Also present: Becca Pflughaupt, Zoning Administrator and members of the public.

**Approval of Minutes**

The Board reviewed the draft minutes from the March 23, 2026 meeting.

Motion by Kendell, second by Arenz to approve the March 23, 2026 minutes as presented.

Motion carried unanimously.

**Public Hearing**

**BOA26-02 – Ammon Wengerd Dimensional Variance**

**Property Address:** 22991 180th Street, Maquoketa, Perry Township

**Request:** Dimensional variance to reduce the required front setback from the public right-of-way for a bedroom/bath addition and front porch addition to an existing residence.

Chair Nickeson opened the continued public hearing for BOA26-02, a dimensional variance request submitted by Ammon Wengerd. The request would allow a bedroom/bath addition and front porch addition to an existing residence at 22991 180th Street, Maquoketa, Perry Township. The required front setback is 40 feet from the public right-of-way. The proposed setback was discussed as approximately 26 to 27 feet, based on Secondary Roads verification and applicant measurement.

The applicant, Ammon Wengerd, addressed the Board. Mr. Wengerd acknowledged that construction had begun without first obtaining a zoning permit. He stated that the mistake was not intentional or malicious and explained that he had moved from Wyoming, where he was not accustomed to county building permit requirements other than septic permitting. He further explained that he had received incorrect information indicating that a permit was not required. After receiving notice from Jackson County regarding the ongoing construction and potential violation, he contacted the Zoning Administrator and began the process to address the issue.

Mr. Wengerd explained that the proposed location of the addition was selected because other areas of the property presented practical difficulties. He stated that one end of the house slopes

down steeply and would require substantial grading and foundation work. The back of the house includes a walkout basement area, gas, septic, and HVAC and the other end of the house contains a garage rather than living space. He stated that the proposed location made the most practical sense for the needed living space addition.

Board discussion included the status of construction, the location of the proposed addition, the slope and layout of the existing property, and whether the practical difficulty was unique to the property and not self-created under the dimensional variance standard. One Board member stated that the fact construction had begun without a permit should not be considered either for or against the applicant in deciding the variance request, and that the Board should evaluate the request as if it had been submitted before construction began.

Discussion was also held regarding the relatively new Iowa Code language for dimensional variances, including the requirement that the property owner prove the practical difficulties are unique to the property and not self-created. Concerns were raised regarding how “property owner” should be interpreted, whether conditions created by a prior owner should be considered self-created, and how future dimensional variance cases may be affected by the Board’s interpretation.

### **Public Comment**

Chair Nickeson opened the floor for public comment.

John Hoff spoke in support of the request. He stated that he owns property across the street and was pleased to have Mr. Wengerd in the neighborhood. He stated that he believed Mr. Wengerd was unaware there was an issue and had no reservations regarding the proposed setback.

Peter Hoff also spoke in support of the request. He stated that he lives across from Mr. Wengerd and his wife and agreed with John Hoff’s comments regarding their character. He stated that he did not feel the reduced setback would be an issue.

Steve Kurtz, with Mississippi Valley Metals, spoke in support of the request. He stated that he works with Mr. Wengerd and supported allowing the project to move forward. He stated that, given the location, traffic and roadway, he did not see a significant issue with the proposed setback. Mr. Kurtz also requested whether the County could provide a one-page summary or bulletin explaining zoning permit requirements for contractors and property owners. The Zoning Administrator stated that the zoning ordinance is lengthy but that a summary of common requirements, such as setbacks and permit requirements, could be provided.

Additional public comment was received in support of the applicant, including comments that Mr. Wengerd was not someone who would intentionally cut corners and that the roadway conditions did not appear to create a major concern.

No further public comments were received. No rebuttal comments were offered.

Motion by Fish, second by Kendell to close the public hearing. Motion carried unanimously.

### **Board Deliberation and Decision**

The Board discussed the request as a dimensional variance because it involved a numerical setback requirement. The Zoning Administrator stated that the request involved reducing the required 40-foot setback to approximately 26 feet, noting that Secondary Roads measured approximately 27 feet, but that measurement may have been to the side of the building rather than to the overhang. The applicant's measurement from the overhang was approximately 26 feet.

The Board discussed the County's general 50% guideline for dimensional variance requests and confirmed that the requested variance was within that guideline.

The Board also discussed whether the request could have been handled through the administrative waiver process. The Zoning Administrator explained that an administrative waiver would require specific criteria to be met, including neighbor consent, and that the current request was being brought before the Board because the proposed addition extended closer to the right-of-way than the existing principal structure. Discussion followed regarding the ordinance wording for administrative waivers and whether clarification may be needed in the future.

Further discussion was held regarding the practical difficulties associated with the property, including the existing house location, slope, walkout basement, septic, gas, HVAC, garage location, and overall site layout. The Zoning Administrator stated that, as interpreted, the existing house location and site layout were fixed conditions of the property and that the applicant was working with the existing structure rather than placing a new house in a non-compliant location.

Board members discussed the importance of reviewing each case individually and not relying on prior approvals, neighboring properties, or hypothetical future requests as the basis for the decision.

Motion by Nickeson, second by Kendell to approve BOA26-02, granting the requested dimensional variance to allow the proposed addition with an approximately 26-foot front setback from the public right-of-way, subject to completion within one year.

Motion carried.

**Ayes:** Nickeson, DeVore, Fish, Kendell

**Nay:** Arenz

### **Other Business**

The Board discussed the next meeting date, which was identified as Tuesday, May 26, 2026, at 7:00 p.m., following Memorial Day.

Under other business, the Board continued discussion regarding the new dimensional variance language in Iowa Code § 335.15 and the need for additional clarification or training. Board members expressed concern regarding how the phrase “property owner” should be interpreted, particularly when site conditions were created by a prior owner or by long-standing property layouts.

The Board discussed whether guidance could be sought from Iowa State University Extension or other zoning training resources regarding interpretation of the new statutory language. The Zoning Administrator stated she would contact Iowa State or appropriate training resources for clarification.

The Board also briefly discussed the administrative waiver process, including the requirement for neighbor consent and the fact that failure to obtain required signatures would result in the matter coming before the Board.

Discussion was also held regarding whether applicants or public speakers should be sworn in before providing testimony. Board members discussed whether testimony under oath would be appropriate, particularly in contested cases, but no action was taken.

The Board also discussed general public education regarding rural living, zoning requirements, setbacks, agricultural versus residential property and the difficulty property owners sometimes have in understanding County requirements.

### **Adjournment**

There being no further business, Chair Nickeson adjourned the meeting at 7:38 p.m.

**Respectfully submitted,**

*Becca Pflughaupt*

Zoning Administrator

Adopted: 5/27/2026