

**JACKSON COUNTY BOARD OF ADJUSTMENT
PUBLIC HEARING**

Tuesday, May 26, 2026, 7:00 p.m.

Community Room, Jackson County Courthouse
201 W. Platt Street, Maquoketa, Iowa
Optional Zoom access was available.

Board Members Present: Chair Mike Nickeson; Pete Fish; Daryl DeVore; A. John Arenz

Absent and Excused: Dave Kendell

Staff Present: Becca Pflughaupt, Zoning Administrator

CALL TO ORDER AND ROLL CALL

The meeting was called to order by Chair Mike Nickeson at approximately 7:00 p.m. Roll call was taken. Four members were present, one member was absent and excused, and a quorum was established.

APPROVAL OF AGENDA

The agenda was accepted as presented with no amendments.

APPROVAL OF MINUTES

Motion was made and seconded to approve the April 27, 2026 Board of Adjustment meeting minutes as submitted. Motion carried unanimously, 4-0.

Public Hearing – BOA 26-03

Richard and DeeAnn Cheney – Dimensional Variance

Richard and DeeAnn Cheney requested a dimensional variance to allow a 13-foot setback between a proposed garage door opening and the road right-of-way where 20 feet is required. Richard Cheney addressed the Board and explained that the property is approximately 90 feet wide by 100 feet deep and that the small size of the lot, along with existing well and septic constraints, limits placement of the proposed structure. The applicants stated that they had understood the setback requirements differently when purchasing the property and believed the setback was measured from the traveled roadway rather than the road right-of-way. They also referenced other nearby properties and previously approved variances in the subdivision. The Board reviewed the history of communications regarding the property and discussed the current setback requirements. It was noted that the applicants had been advised in January and March that a 20-foot setback from the road right-of-way would apply to a garage door facing the road. The Board also reviewed correspondence from the Jackson County Engineer recommending that a 20-foot parking depth be maintained between an overhead garage door and the right-of-way line for traffic safety.

The applicants stated that maintaining the full 20-foot setback would require reducing the size of the proposed structure and would limit the amount of space available for vehicle or

recreational vehicle storage. They emphasized the unusual configuration and small lot sizes within the subdivision and stated that the proposed building would remain approximately 29 feet from the traveled portion of the road.

Staff explained that the recently adopted alternative regulations were intended to provide additional flexibility for older, smaller lots. The general front, side, and rear setbacks applicable to the property had been reduced; however, a garage door facing a road remains subject to the 20-foot setback from the right-of-way.

There being no additional public comment, motion was made and seconded to close the public hearing. Motion carried unanimously, 4-0.

The Board discussed the dimensional variance criteria and whether the circumstances presented met the required standards. Members discussed whether the hardship or practical difficulty was inherent to the property or resulted from the proposed size and configuration of the structure. The Board noted that the structure could be reduced in size to comply with the required setback.

The Board also discussed the applicants' references to other nearby properties and noted that existing development or prior approvals must be distinguished from the current application and current zoning requirements. Members further noted the County Engineer's recommendation to maintain the required 20-foot area between a forward-facing garage door and the road right-of-way for traffic safety.

Motion was made and seconded to deny BOA 26-03, the dimensional variance request of Richard and DeeAnn Cheney.

Motion carried unanimously, 4-0. BOA 26-03 was denied.

UNFINISHED BUSINESS/NEW BUSINESS/OTHER BUSINESS

Staff advised the Board that the next regularly proposed meeting date was July 27, 2026. Staff also noted that a June 22, 2026 meeting could potentially be necessary depending upon the outcome of an administrative relief request involving a rear setback for a commercial storage-unit property. The applicant was required to obtain signatures from the abutting property owners; if the required signatures were not obtained, the matter could come before the Board as a dimensional variance.

A Board member also raised recent discussions regarding proposed data center development in neighboring Dubuque County and the potential for similar proposals in Jackson County.

Staff provided an update on Jackson County's draft data processing center ordinance. Under the draft being considered at that time, data processing centers would be subject to a conditional use permit in designated commercial or industrial zoning districts. If rezoning were necessary, the rezoning request would first be considered through the Zoning Commission and Board of Supervisors process, with the Board of Adjustment subsequently considering the conditional use permit.

The Board briefly discussed potential data center impacts, including energy demand, water use, and noise. Staff noted that a joint work session of the Zoning Commission and Board of Supervisors was scheduled for June 15, 2026, to discuss the draft ordinance.

No action was taken.

ADJOURNMENT

There being no further business, motion was made and seconded to adjourn at 7:43 p.m.

Motion carried unanimously, 4-0.

Respectfully submitted,

Becca Pflughaupt, Zoning Administrator

Adopted: