



Dubuque County Board of Adjustment Board of Adjustment Meeting Minutes May 05, 2026

Chairperson Schroeder called the meeting to order at 7:00 p.m.
Present: Vice-Chairperson Loras Link, Devon Welty, Dave Klein,
Penny Wulfekuhle

The Board of Adjustment met at the Dubuque County West Campus, 1225 Seippel Rd, Dubuque, IA, 52002. You have the option to attend Board of Adjustment meetings. The County offers Zoom with both audio and video available. Every agenda will include information on how to login to attend that meeting. Those wishing to attend meetings in person may do so. All Zoning Board official meetings are recorded and available to be viewed at <https://www.dubuquecountyiowa.gov/467/Agendas-Minutes>

ROLL CALL:

Members present: Loras Link, Dave Klein, Penny Wulfekuhle, Ben Schroeder, and Devon Welty. Staff Present: Ben Kober and Bill Doyle.

APPROVAL OF MINUTES:

A motion was made by Mr. Klein, seconded by Ms. Welty, and passed unanimously to approve the minutes of the April 07, 2026 meeting. Vote: 5-0.

PUBLIC HEARINGS:

BA#05-11-26 John McDermott Declaration of Trust – Variance

In the staff report, Zoning Administrator Ben Kober noted that during a site visit, the way the property was staked out did not demonstrate a 50 ft setback from the property line, and the measurement from the center of the roadway demonstrated a much shorter measurement.

Speaking in support of the variance to the board:

- John McDermott and Carol McDermott, the property owners, both of 9983 Military Rd., Dubuque, IA.

John McDermott said that the location works better for the septic system due to the slope of the site

- Matt Horsfield, 1720 Creekwood Dr. Dubuque, noted that he had staked out the property and believed that it was staked showing a 50 foot setback, he believed it was possible that zoning staff had measured to a stake that was left behind from a previous configuration.

Speaking against the variance:

- Bob and Jackie Jaeger of 20315 San Sebastian Rd.

Bob and Jackie argued that the proposed variance would make for an awkward layout, and that the McDermott backyard would be even with the neighbor's front yard.

Mr. Schroeder noted that the site plan is not to scale and that he would like to see something closer to scale to evaluate the variance.

Ms. Welty stated that she didn't see a need for the variance and that the application didn't demonstrate a hardship.

*Ms. Wulfkuhle made a motion to table the application; it was Seconded by Mr. Link. **The motion passed unanimously. Vote: 5-0.***

BA#05-12-26 KOETZ, JOHN F & MARY F – Variance

Speaking in support of the variance to the board:

- John Koetz, the property owner, of 11708 Cox Springs Rd., New Vienna, IA.

Mr. Koetz argued that he wanted to locate the building in that part of his property to maintain his agricultural plantings and to be able to have a view from the front entry of his large shed building.

Ms. Welty stated that she believes the location of the proposed building is a safety issue and that he is locating their out of a concern for the view.

*Ms. Wulfkuhle made a motion to approve the application with the condition that the project had gutters and downspouts installed to direct water toward their own property. It was seconded by Mr. Link. **The motion passed with a vote of 4-1. Ms. Welty was against approval of the variance.***

BA#05-13-26 KANE, THOMAS P & JULIE M REVOCABLE TRUST 2017 – Variance

Speaking in support of the variance to the board:

- Tom Kane 11062 Lakeview Dr. Dubuque, IA

Mr. Kane explained his proposal and noted the presence of the large utility easement and small lot size that made it difficult to locate his property within the typical setbacks.

*A motion was made by Mr. Link and seconded by Mr. Klein to approve the variance application with the condition that the project had gutters and downspouts installed to direct water toward their own property. **The motion passed unanimously. Vote: 5-0.***

BA#05-14-26 TRUMM, WILLIAM J & ROHR, DEBRA A – Special Use Permit

William Trum of 25297 Garryowen Rd., Cascade, IA sat at the podium but had nothing to add after the staff report on the property.

Commissioner Link asked if the proposed building would have a basement.

*A motion was made by Ms. Wulfschle and seconded by Mr. Klien to approve the application with the condition that the building would have gutters and downspouts to ensure that water runoff was not directed to the neighboring property. **The motion passed unanimously. Vote: 5-0.***

BA#05-15-26 BEARD, BENJAMIN H & MARTHA E – Variance

Speaking in support of the variance to the board:

- Benjamin Beard of 1854 Churchill Dr. Dubuque, IA.

Mr. Beard noted that the site location was selected based on topography and a few mature trees that he wanted to keep out of the dripline of the building.

*A motion was made by Ms. Welty and seconded by Mr. Link to approve the variance application with the condition that the building would have gutters and downspouts to ensure that water runoff was not directed to the neighboring property. **The motion passed unanimously. Vote: 5-0.***

BA#05-16-26 PFABCO LLC – Special Use Permit

Speaking in support of the variance to the board:

Cory Pfab 6333 Olde Davenport Rd. La Motte, IA.

Speaking against the variance to the board:

Erin and Jessie Maloy of 3460 Bernard Rd. Bernard, IA.

Erin and Jessie Maloy highlighted safety concerns with the existing site and included historic imagery from google street view that they provided to the board. The family has a home close to the Anhydrous storage and was present at the last zoning meeting that enabled the single tank to be built on site. The couple also addressed several nuisance concerns that they thought might impact on the safety of the site including general disorganization, long term storage of vehicles not related to farming, unkept weeds and poor paving conditions. Another concern was whether or not local fire departments had any kind of safety plan for anhydrous tanks.

Board discussion centered on questions to applicant about the safety of the site and were concerned with the sites' cluttered appearance and impacts that that could have on the safety of the site.

Mr. Schroeder voiced some concerns about the unsafe appearance of the site based on the photos provided by Erin and Jessie Maloy.

Ms. Welty voiced that she would not support the application based on past violations and lack of adherence to rules thus far as set forth by the zoning commission.

Commissioners spent time compiling a list of conditions for approval noting that the conditions need to be clearly set forth and not to expect the applicant to do anything that is not clearly spelt out as an approval condition.

The conditions that the board came up with were to be worked into a decision produced by the zoning administrator. Those conditions are as follows.

1. Cory Pfab, Pfabco LLC, and any future designated agent, administrator, representative, or executor of Pfabco LLC property holdings (henceforth referred to as 'applicant(s)'), must adhere to all Local, State and Federal laws and regulations which pertain to the installation, construction, maintenance, access, use, safety and security of the storage tanks, associated mechanical features, and property located on Lot 2 of Lynch Industrial Subdivision.
2. Once the three on-site 30,000 gallon storage tanks are filled, only the applicant(s) may use anhydrous ammonia stored on-site. Only the applicant(s) or designated employees of the applicant(s) may fill accessory tanks used to facilitate the application of anhydrous ammonia. No sale of anhydrous ammonia to third parties shall occur.
3. The applicant(s) must maintain and keep in place the 8' high chain linked fence around the baffle and pump areas. The fence must continue to be locked when not in use and follow the regulations of the Iowa Department of Agriculture and Land Stewardship.
4. The applicant(s) must maintain and keep in place the cement bollards (called "pilasters" in previous Conditions of Approval) that are 10 inch H Beams with ½ inch flanged or 10 inch Steel Case Concrete Bollards that are 5' above ground, 5' below ground and 5' from the existing and proposed tanks, spaced in 5' intervals around the tanks for crash protection, in accordance with regulations of the Iowa Department of Agriculture and Land Stewardship. Unless mandated by IDALS, bollards shall not be required in the space between adjacent tanks if the bollards are spaced in such a way that vehicles cannot maneuver between bollards or the adjacent tanks.
5. The applicant(s) must maintain and keep in place a minimum of (2) two operational lights around each tank: (1) one light at the front of the tank, and (1) one light at the rear of the tank (6 total lights, 2 for each tank). Lights must project directly onto the tanks, and they must be on from sunset to sunrise.
6. The applicant(s) must maintain and keep in place an operational security camera over the pumping area.
7. The applicant(s) must maintain and keep in place emergency contacts which includes names, phone numbers and addresses. The list of emergency contacts must be clearly visible and posted by the road side at the site entrance located on Bernard Road. The bottom of the sign must be posted 4 feet above the ground and the vegetation must be maintained around the sign so that it is clearly visible. A second sign with the same information must be clearly visible and posted at the pump area.
8. The applicant(s) must maintain and keep in place a lock box to cover up the valves, plumbing and hoses so they cannot be accessed at night. All manual valves must be locked and/or chained when not in use.
9. In combination, a maximum of ten (10) empty anhydrous trailers may be parked or stored onsite. Examples of allowed trailers include but are not limited to: gooseneck wagons or trailers, nurse tank trailers, or MC331 tanker trailers. Any vehicles or trailers stored onsite must be related to anhydrous ammonia transport or storage, and must be properly licensed, registered, placarded, and otherwise legally operable as required by Iowa Department of

Agriculture and Land Stewardship and/or the Iowa Department of Transportation. Additionally, such trailers may not be located on the property in such a way that would create a visual obstruction for vehicles entering and exiting the property to and from Bernard Road (Refer to Chapter 1-41 of the Zoning Ordinance).

10. To protect the health, safety, and welfare of the traveling public on Bernard Road and vehicles accessing the property, ingress and egress on the property must be provided in such a way so that vehicles are not reversing or “backing out” onto a public thoroughfare (Refer to Chapter 1-42 of the Zoning Ordinance).
11. Other than the agricultural production on the undeveloped portion of Lot 2 of Lynch Industrial Subdivision, applicant(s) shall not allow vegetation and noxious weeds to grow unabated. Regular property maintenance shall occur.
12. The property is subject to annual inspection by field inspectors employed by the Iowa Department of Agriculture and Land Stewardship.
13. When any of the three on-site 30,000 gallon storage tanks are scheduled to be filled with anhydrous ammonia by delivery trucks, the applicant(s) shall, by phone call or text message, contact the Dubuque County Zoning Department and each property owner within 500’ of Lot 2 of Lynch Industrial Subdivision (henceforth referred to as ‘parties’). The contact to parties shall occur no less than 24 hours prior to scheduled arrival of delivery truck(s). In lieu of repeated daily contacts, the applicant(s) may instead, inform the parties of deliveries to be made over a period no greater than seven (7) days. For example, if the applicant schedules multiple deliveries over a period of seven days, applicant may contact parties no less than 24 hours prior to the first delivery of that (7) seven day period. The applicant(s) shall provide parties with the following information: (1) the estimated quantity of anhydrous ammonia to be delivered over the seven (7) day period OR number of delivery trucks expected over the seven (7) day period; and (2)-the date range when the first and last delivery trucks are expected to arrive on-site.
14. In the interest of the public health, safety, welfare, and education, the applicant(s) shall make the property available for training opportunities related to the proper handling of hazardous materials in the event of a leak, spill, or similar event. If such a training opportunity is requested by a local fire department, state or local law enforcement, emergency service provider, hazardous material disposal specialists, or similar entity, such opportunity shall occur no less than one day per calendar year during the 2-year sunset period of BA #06-16-26. Such training shall occur with no cost or inconvenience placed upon the applicant. Applicant(s) must have good reason to deny the requested training opportunity, but shall engage in a good faith effort to make the property available for training at a future date. Acceptable reasons for denial of such a training opportunity will include but are not limited to the following: increased seasonal activity to and from the property that would be unreasonably delayed by training activity on-site; insurability of persons on the property other than those employed by Pfabco LLC; inclement weather; scheduled inspection by IDALS personnel; or scheduled maintenance of storage tanks and related mechanical features.
15. The applicant(s) are granted a Special Use Permit for a 2-year sunset period which expires on June 6, 2028, which is assumed to be the next available regular meeting two years from approval of this extension. This date coincides with the expiration date mandated by BA#06-25-23 prior to June 6th, 2028. If the applicant(s) wishes to continue operation under the conditions of the new Special Use Permit, he/they must reapply to extend the Special Use Permit if they wish to continue use and operation of the three (3) storage tanks onsite. If the

applicant(s) request a modification of the Special Use Permit prior to the expiration date, they will need to request an additional hearing with the Board of Adjustment.

16. By approving this Special Use Permit, the Board of Adjustment is effectively revoking the Special Use Permit granted under the conditions of BA #06-25-23.
17. This Special Use Permit and all rights and responsibilities conveyed to the property owner are not transferrable. In the event that Lot 2 of Lynch Industrial Subdivision or a future lot or parcel which encompasses what is today known as Lot 2 of Lynch Industrial Subdivision is sold to another party, said party must apply for a new Special Use Permit if they seek to use the storage facility.
18. All the above conditions must be met or will be subject to immediate revocation of the Special Use Permit.

*A motion was made by Mr. Klein and seconded by Mr. Link to approve the application with the conditions outlined above. **The motion passed Vote: 4-1.** Ms. Welty voted against approving the application.*

OLD BUSINESS:

No old business was brought forth.

NEW BUSINESS:

No new business was brought forth.

ITEM FROM STAFF: None

PUBLIC COMMENTS: None

ADJOURNMENT: A motion was made by Mr. Link, seconded by Mr. Klein, to adjourn the meeting. ***The motion passed unanimously. Vote: 5-0.*** The meeting ended at 10:24 P.M.