

BOARD OF ADJUSTMENTS – Meeting Minutes

Meeting Date: February 20, 2026

Location: Audubon County Courthouse – Law Library

Board Members Present: Todd Nelsen – Chairperson
 Linda Kerkhoff – Vice-Chair
 Abby Rasmussen
 Mike Blum
 Joseph Nelson

Others Present: Chris Reischl, Property Owner
 Eduardo Vazquez, Property Owner’s Contractor
 Mitch Rydl, County Engineer
 Tiffany Henkle, Planning & Zoning Director

The meeting was called to order at 11:01 A.M. by Todd Nelsen, Chairperson.

Mike Blum made a motion to approve the agenda, and Joseph Nelson seconded the motion. All in favor.

It was determined that all five Board of Adjustment members were in attendance, therefore a quorum was present.

The meeting minutes from January 8th, 2026, were reviewed. Blum made a motion to approve the minutes, and Abby Rasmussen seconded. All in favor.

The group introduced themselves.

Henkle explained Chris Reischl’s variance request on front yard setback. Chris Reischl and his wife want to add two additions to their current house. One addition would be on the north side of house and the other is on the west side. The addition on the west side is a 3-car garage with bedrooms above. Henkle explained to the group that the addition on the north side falls within the ordinance but the west addition does not. She went on to explain the west edge of the current house sits right at 50’ from ROW and adding the addition would be approximately 14.5’ from ROW. Per ordinance, the front yard setback is 50’ minimum. Henkle went on to explain Yellowwood is maintained by Shelby County and the

Shelby County Engineer was notified of this meeting as well as surrounding landowners with one landowner reaching out and stating she was not concerned with the construction plans.

Chris Reischl explained to the group his family is growing, and they are quickly outgrowing the house and the current bedroom situation. He explained the addition would add not only an attached 3-car garage but also 4 more bedrooms up above the garage. He and his contractor, Eduardo Vazquez, explained the west end of the house is the only area the garage/bedrooms addition could go. The rural water comes into the house on the north side and septic is on the east side. They explained they could not put it on the south side because of the current roof line.

Mitch Rydl, Audubon County Engineer, discussed the purpose of the 50' front yard setback being in place for drifting snow, snow removal safety, and a safe zone clearance should there ever be an accident there.

Reischl explained he's not concerned about the snow removal or rocks hitting the garage because he rarely sees rock that makes it past the ditch and the garage will have 6' tall concrete walls.

Nelson asked to confirm the layout and specs of the addition and how far it would be from ROW. Vazquez showed a picture to the group of the addition staked out and his measuring tape to the edge of the ditch being 8'. The group discussed the ROW of that road being 25' from center of the road and the ordinance being 50' from that ROW line.

Reischl explained there would not be a need for a new driveway and there would not be a change in line of sight with the new addition. The garage doors would be facing the south and they would not be backing out onto or across the road.

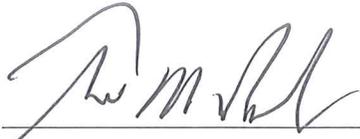
Joseph Nelson made a motion and Linda Kerkhoff seconded that granting this front yard setback variance would not adversely affect the public as stated in Article 25. All in favor.

Abby Rasmussen motioned to grant the variance with no restrictions or safeguards. Nelson seconded. All in favor.

The group discussed the process of this moving forward to be reviewed by the Board of Supervisors who can't change the ruling but can send them back to the Board of Adjustment to be reviewed again.

Nelson motioned to post the decision to the Audubon County website and on the bulletin board in the Courthouse. Kerkhoff seconded the motion. All in favor.

Meeting was adjourned at 11:26 A.M.



BOA Chairperson – Todd Nelsen



Attest by:

Tiffany L. Henkle

Planning & Zoning Director

BELOW INFORMATION IS FOR USE BY THE BOARD OF ADJUSTMENT AND ZONING ADMINISTRATOR:

Questions to Consider When Testing the Legality of an Application for Variance:

- ✓ **Has unnecessary hardship been proven by the applicant:**
 - Mere inconvenience to the applicant is not sufficient grounds for “unnecessary hardship”.
 - Inability to put the property to its most profitable use does not constitute “unnecessary hardship”.
 - The problem must be a very real hardship and not just a perceived one.
 - A strict application of the provisions of the Zoning Ordinance will preclude its use for any purpose to which the land is reasonably adapted.
 - The premises cannot be used in a manner permitted by the Zoning Ordinance unless the adjustment is granted.
 - Value alone is not the proper criteria in determining “unnecessary hardship”.

The burden of proof of “unnecessary hardship” rests upon the applicant and, without such proof, an adjustment must be denied. Also, the hardship must be created by the ordinance, not by the applicant themselves. If the applicant has made improvements to the property in violation of the Zoning Ordinance, either willfully or innocently, the hardship was created by the applicant and an adjustment may not be granted.

- ✓ **Has the public interest been served?**
 - There is not an explicit definition of a “public interest”, but the Board of Adjustment may not grant a variance if the action will injure or endanger other property or persons. Will the variance devalue nearby property?
- ✓ **Is the purpose and intent of the Ordinance and Comprehensive Plan upheld?**
 - The Board of Adjustment must assure that granting the adjustment will not be contrary to the general land use plan or other elements of the Comprehensive Plan. The Board’s actions should never knowingly destroy the provisions of the Ordinance but take steps to assure itself that its action is compatible with the Ordinance.
- ✓ **Has substantial justice been done?**
 - In its decision on appeal or variance, it is the duty of the Board of Adjustment to see that decisions are comprehensive and adequate enough to fulfill a fairness standard.

The above application has been:

APPROVED

Approved Denied



Signature of Board of Adjustment Chairperson

2-20-26

Date