

BOARD OF ADJUSTMENTS – Meeting Minutes

Meeting Date: January 8, 2026

Location: Audubon County Courthouse – Law Library

Board Members Present: Todd Nelsen – Chairperson
Abby Rasmussen
Mike Blum
Joseph Nelson

Others Present: Jason Moss
Tiffany Henkle, Planning & Zoning Director

The meeting was called to order at 10:02 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 four Board of Adjustment members were in attendance, therefore a quorum was present.

The meeting minutes from September 29th, 2025, were reviewed. Blum made a motion to approve the minutes; Rasmussen seconded. All in favor.

Nelsen requested a motion for nominations for 2026 Board of Adjustment Chair and Vice-Chair. Blum made a motion to maintain with Nelsen as Chair and Kerkhoff as Vice-Chair; Rasmussen seconded. All in favor.

The group introduced themselves.

Henkle explained Moss' lot area variance request. Moss purchased 4 parcels with two of those parcels having land south of F58 (Littlefield Drive). He would like to sell the land south of F58 to a buyer. The area in parcel 05-10-02-016-500 south of F58 is less than 2 acres leading to the meeting.

Jason Moss explained to the group he plans to have cattle in the other parcels he bought and the buyer plans to clean up the area less than 2 acres and preserve it as what he remembers it as "Evergreen Corner".

Blum made a motion and Joseph Nelson seconded that granting this lot area variance would not adversely affect the public as stated in Article 25. All in favor.

Joseph Nelson motioned to grant the variance with no restrictions or safeguards. Mike Blum seconded. Three affirmed; Rasmussen Abstained due to being an adjoining property owner.

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. Rasmussen seconded the motion. All in favor.

Rasmussen motioned to adjourn, and Blum seconded. All in favor.

Meeting was adjourned at 10:22 A.M.



BOA Chairperson – Todd Nelsen

Attest by: Tiffany L. Henkle
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 done 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 Denied

APPROVED

Signature of Board of Adjustment Chairperson



1-8-25

Date