

**Marshall County Planning & Zoning
STAFF REPORT
March 24, 2020**

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Joel Carlson

PROPERTY DESCRIPTION: Lots 15 thru 18, Block 1 of Lot 2 Freeman's Subdivision, Gov. Lot 4, Section 18, T126N, R55W

CURRENT ZONING: Lake Front Residential (R-3)

SURROUNDING ZONING: Lake Front Residential (R-3) & Agricultural District (Ag)

REQUEST: Carlson has requested a variance to build a garage with living quarters. The petitioner is asking to place the building 12ft from the road right-of-way line instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

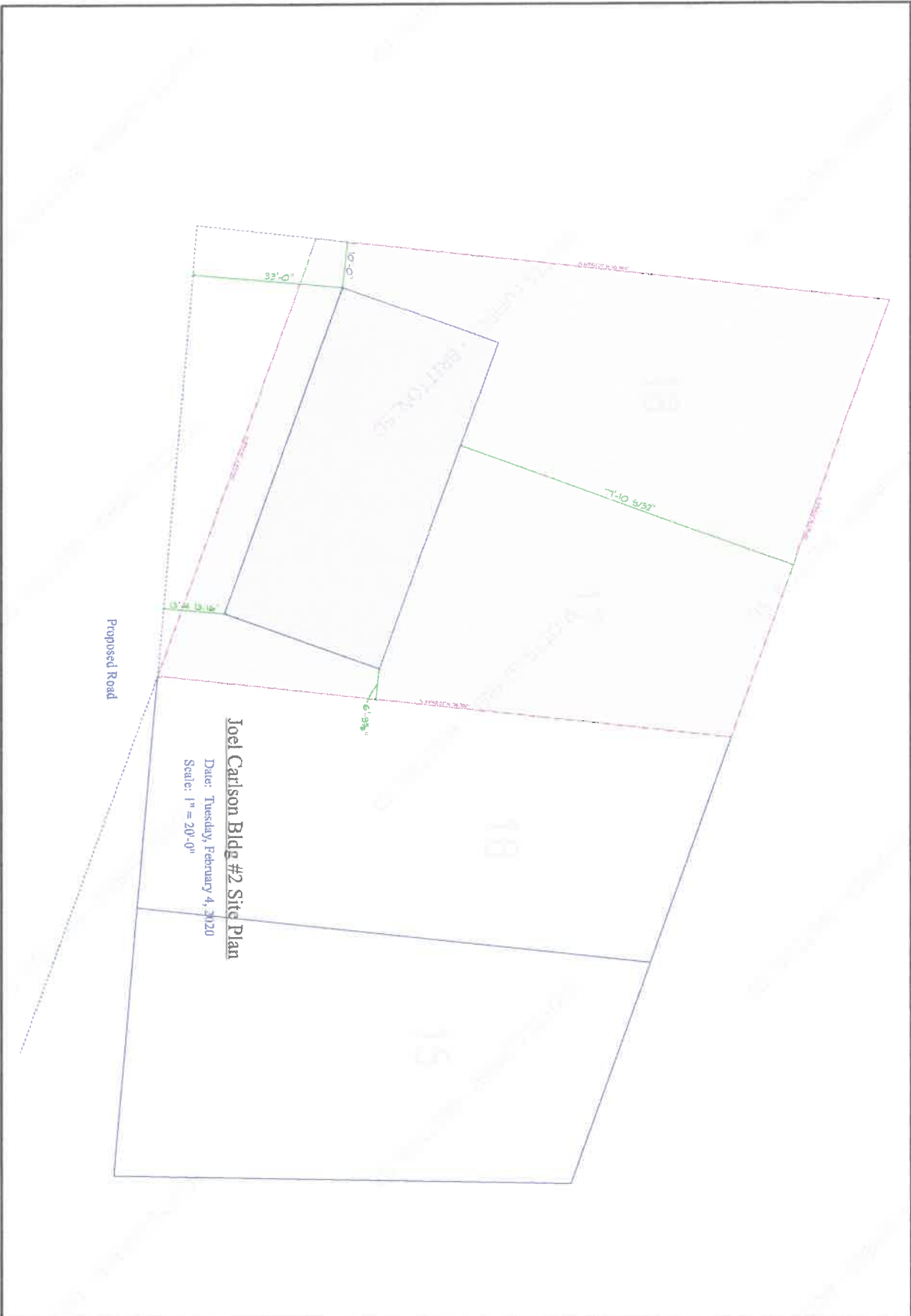
HISTORY/ISSUE(S):

1. The property was purchased by the applicant on July 3, 2019. Ownership of the property was filed with the Register of Deeds office on July 8, 2019.
2. Records from the November 19th, 2019 county commissioners hearing indicates there was a plat approval of the area which includes a proposed road that is to be put in on the East side of the lots. This road would create the 30' ROW line setback. (see file)
3. The applicant owns Lots 15 through 18 as per the legal description; the building will be placed in Lots 17 & 18.
4. The lots have an average depth of approximately 121.75ft and a width of approximately 53.8ft.
5. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line.
6. No written comments or objections were received prior to the hearing.
7. Staff Recommendation – **18' Variance to road R.O.W. line setback.** The Board could table, deny or approve the request. If the Board chooses to approve the variance it could use the following findings, similar to those used in previous approvals of R.O.W. setback requirements.
 - a. The Board has granted similar variances to right-of-way line setbacks, when the neighbors had no objections.
Similar right-of-way line variances allowed – 18' for P. Nelson 10/12, 20' for J. Cooper 8/11, 20' for K. Freudenthal 5/19 and 23' for G. Jensen 5/19.
 - b. The Board would consider approving other similar requests.

If the Board chooses to deny the variance, it could use the following findings, similar to those used in previous denials of setback variances.

- a. The lot and situation are not so unique to necessitate the relaxation for the setback requirement.
- b. The granting of this variance would confer upon the applicant special privilege denied to others in the R-3 District.

Action Item – Variances –18' Variance to road R.O.W. line setback.



Proposed Road

Joel Carlson Bldg #2 Site Plan
 Date: Tuesday, February 4, 2020
 Scale: 1" = 20'-0"

These drawings have been prepared using information provided to us by the customer and is solely responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and may not meet applicable codes and building department requirements. The customer should consult their architect and/or local building department to determine any changes to meet the codes and building department requirements. Customer is responsible for providing local building officials for the required building permits. We assume no responsibility for any errors or omissions or changes or any other drawings or information not shown or omitted or any other drawings or information not shown or omitted.



Scott's Lumber
 167 Vander Horck, Britton, SD

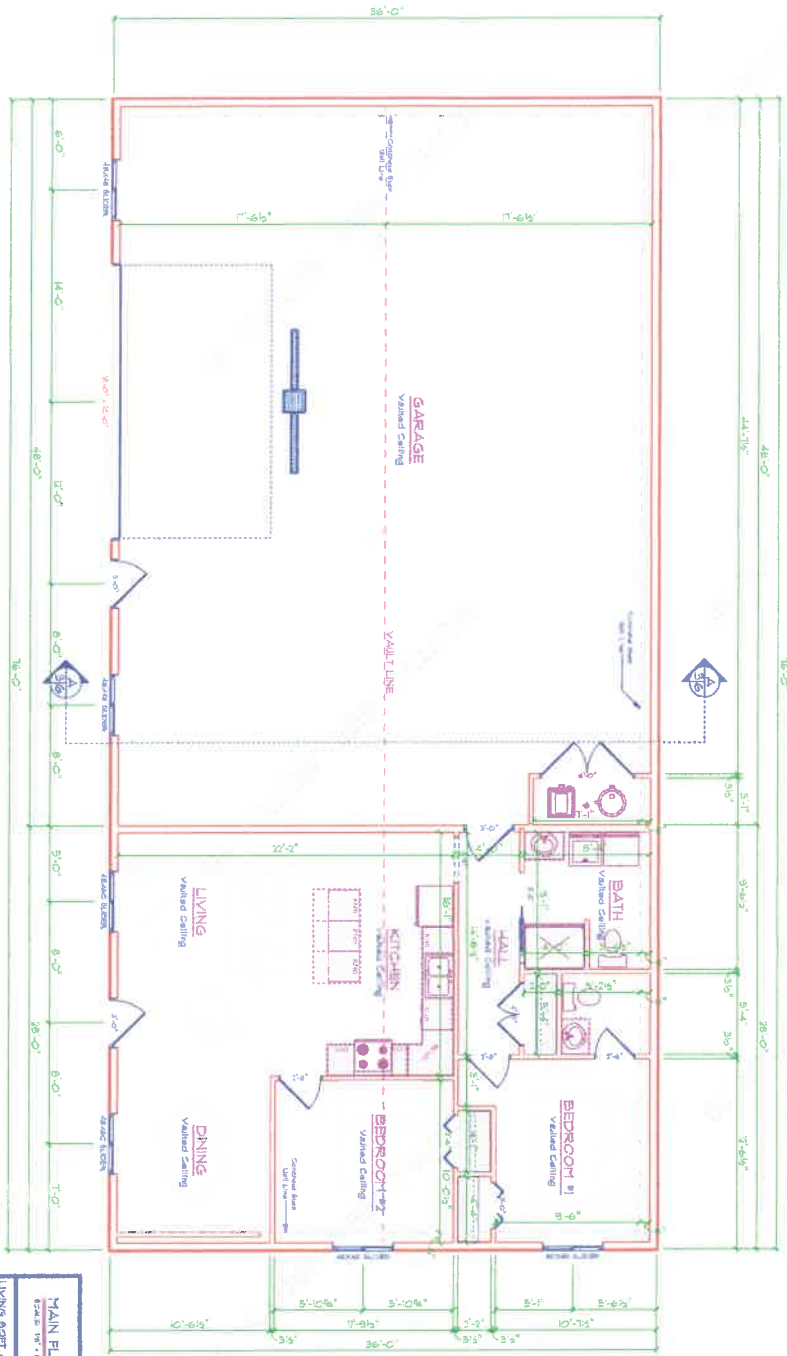
PHONE:
 (605) 448-5282
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www.scottslumber.com

DRAWN BY: orlin.punt@scottslumber.com
 PLOT DATE: Tuesday, February 4, 2020
 JOB: Carlson, Joel Bldg #2

SALESMAN:
Joeh.kraft@scottslumber.com

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- WALLS - 2x6 16" o/c
 - Sheathed and Basesel
 TRUSSES - 24" o/c
 ROOF - 4/12 Pitch
 - 2x12 Vault Pitch
 - 2x4 OH
 - Sheathed & Steel

NOTE:
 DO NOT REMOVE OPENINGS FROM THIS PLAN
 UNLESS SPECIFICALLY NOTED BY THE ARCHITECT

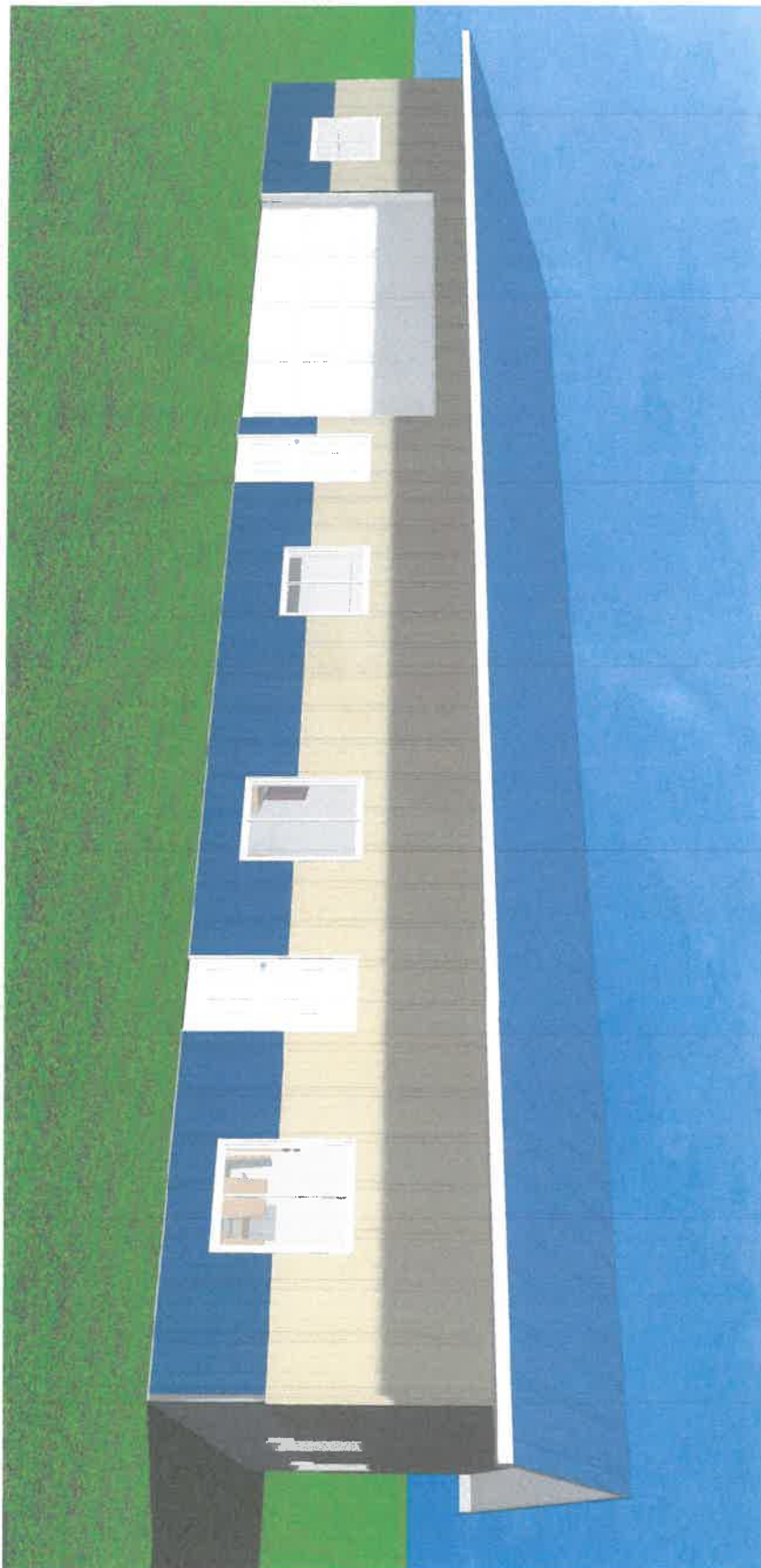
MAIN FLOOR PLAN		
Revision	Date	Done By
0	11/14/2018	CP
1	11/14/2018	CP
2	11/14/2018	CP
3	11/21/2018	CP
4	1/22/2019	CP

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 SALESMAN: Josh.kraft@cottslumber.com
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These drawings have been prepared using information provided to us by the customer who is solely responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an approved professional. The customer should consult with a professional engineer or architect for all structural and engineering changes to make any modifications, including code requirements. Customer is responsible for obtaining all necessary permits for construction. For more information or details of any drawings, please contact Scott's Lumber.

WHICH EVER IS SCOTT'S LUMBER
NO OTHERS CAN BE MADE WITHOUT PERMISSION
W078 7441 THE CUSTOMER IS RESPONSIBLE
FOR THE ACCURACY OF ALL INFORMATION



**Scott's
Lumber**

767 Vanders Horck, Britton, SD

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NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on March 24, 2020 at 9:10 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for variance from the Marshall County Zoning Ordinance.

Joel Carlson has requested a variance to build a garage with living quarters on the property described as Lots 15 thru 18, Block 1 of Lot 2 Freeman's Subdivision, Gov. Lot 4, Section 18, T126N, R55W. The petitioner is asking to place the building 12ft from the road right-of-way line instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: February 26, 2020

1T(Feb. 26)
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Erin Collins-Miles, Planning & Zoning Administrator

Published once at the approximate cost of \$9.63.

MARSHALL COUNTY PLANNING & ZONING BOARD
P.O.BOX 9
BRITTON, SOUTH DAKOTA 57430
605.824.8014

February 27, 2020

Dear Property Owner,

Joel Carlson has requested a variance to build a garage with living quarters on the property described as Lots 15 thru 18, Block 1 of Lot 2 Freeman's Subdivision, Gov. Lot 4, Section 18, T126N, R55W. The petitioner is asking to place the building 12ft from the road right-of-way line instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

A hearing will be held at the Marshall County Courthouse, Commissioners Chambers on March 24, 2020 at 9:10 a.m., to approve or disapprove the variance application.

As an adjacent landowner, you are being notified of the hearing. If you have any questions, please contact my office. Any comments or concerns should be stated in writing and forwarded to my office or expressed at the scheduled hearing.

Sincerely,

Erin Collins-Miles
Planning and Zoning Administrator

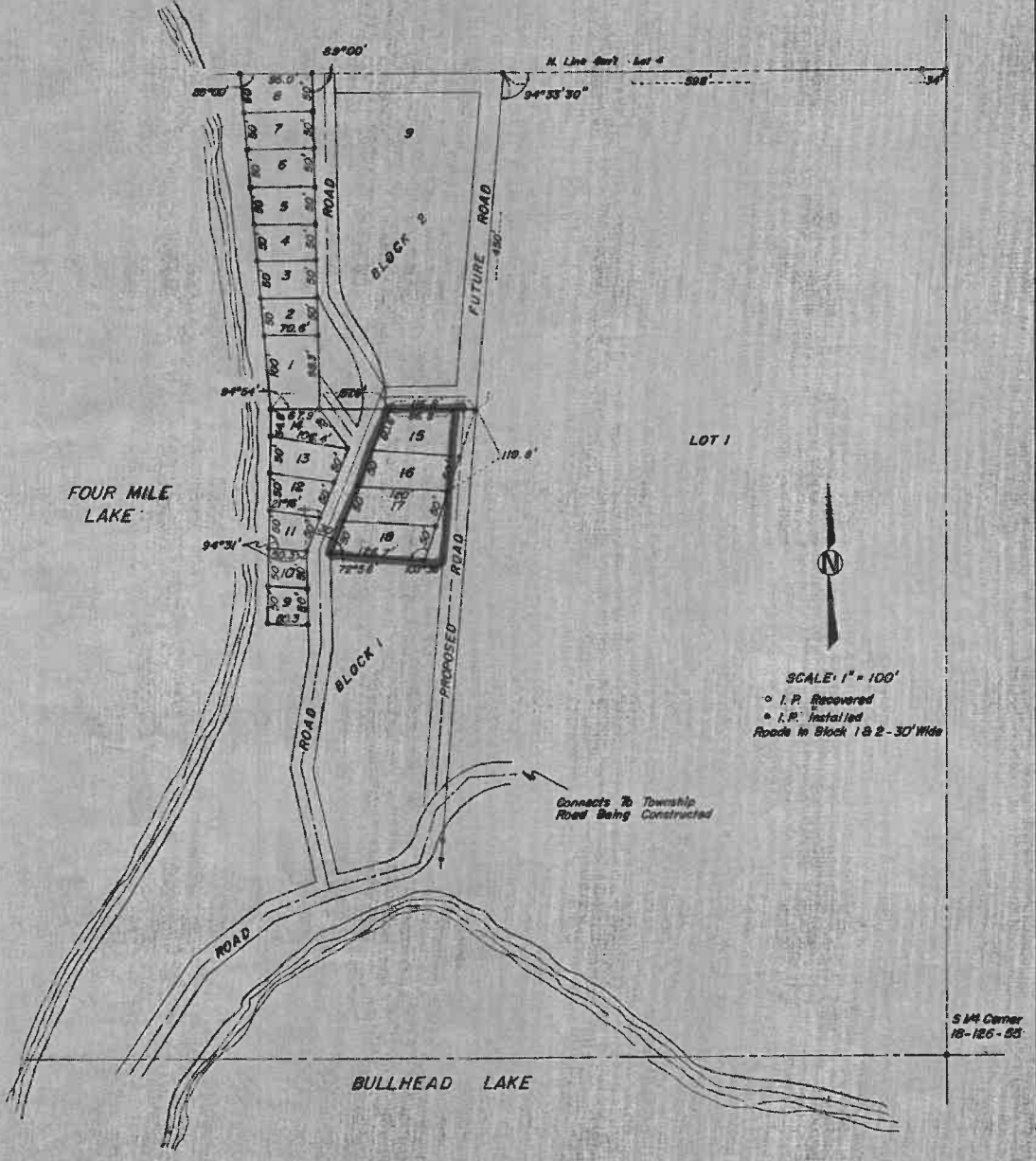
Sent to the following adjacent landowners on 2/27/2020:

1. Douglas Chapin & ETAL: Lot 9 – 42742 104th St. Britton, SD 57430
2. Dept. of GF & P: Lot 1 – 523 E Capitol Ave. Pierre, SD 57501
3. Sue Bull: Balance of Blk 1 of Lot 2 – 11482 Spillway Dr. Lake City, SD 57247
4. Jerry Nice: Lot 26 – 18 Hilltop Circle Wahoo, NE 68066
5. Gary Wickre: Lots 12-14 – PO Box 465 Britton, SD 57430
6. Galen Jensen Jr.: Lot 11 – PO Box 151 Pierpont, SD 57468
7. Wayne Freeman: Lots 9 & 10 - 42875 112th St. Britton, SD 57430

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PLAT OF

LOTS 9 THRU 18 BLOCK 1 & LOTS 1 THRU 9 BLOCK 2
OF LOT 2 FREEMAN'S SUBDIVISION GOVT LOT 4
SECTION 18-T126N-R85W OF THE 5TH P.M.
MARSHALL COUNTY, SOUTH DAKOTA



SCALE: 1" = 100'

- I.P. Recovered
- I.P. Installed

Roads in Block 1 & 2 - 30' Wide

Connects To Township
Road Being
Constructed

S 1/4 Corner
18-126-85

Surveyed & Platted By
David P. Gilbert
Registered Land Surveyor
Reg # 1456




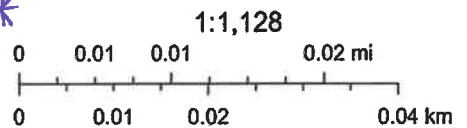
Web AppBuilder for ArcGIS



March 20, 2020

** Old (previous Lot dimensions)**

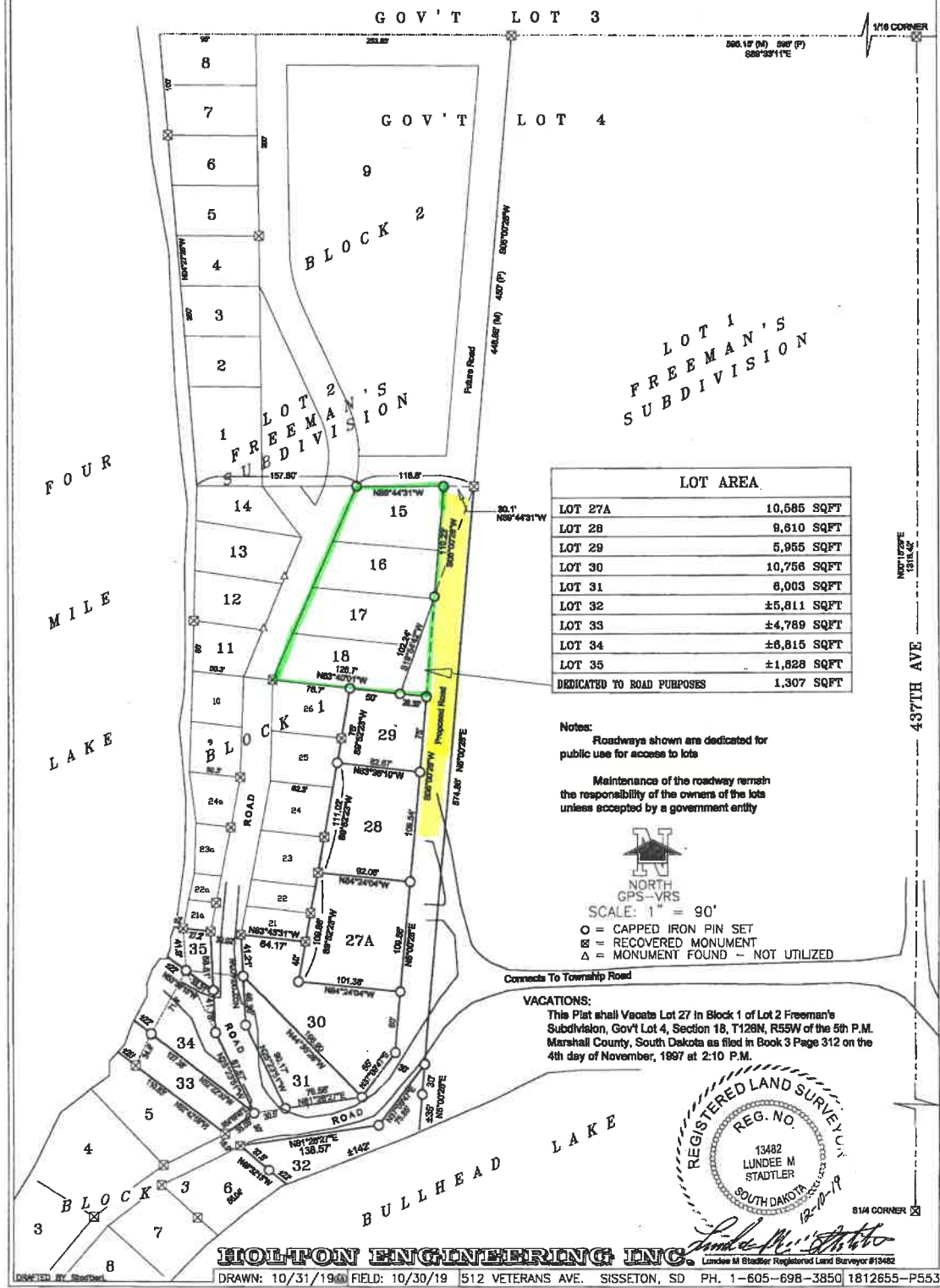
-  PARCELS
-  CITY_LIMIT
-  TOWNSHIPS



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

for reference to proposed new road* *New Lot dimensions

PLAT OF
 LOTS 27A, 28 THROUGH 35 IN BLOCK 1,
 LOT 2 FREEMAN'S SUBDIVISION, GOV'T LOT 4
 OF SECTION 18, T126N, R55W OF THE 5TH P.M.,
 MARSHALL COUNTY, SOUTH DAKOTA






HOLLIFORD ENGINEERING INC.
 DRAWN: 10/31/1900 FIELD: 10/30/19 512 VETERANS AVE. Sisseton, SD PH. 1-605-698-3850 1812655-P553

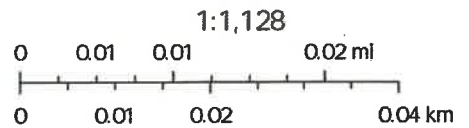
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Web AppBuilder for ArcGIS



March 20, 2020

-  PARCELS
-  CITY_LIMIT
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Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community