

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 4/1/2020

To: Marshall County Planning and Zoning Commission
PO Box 9
Britton, SD 57430

The undersigned do hereby request a variance from the Marshall County Zoning Ordinance to build (or set) trees within 35 ft of a (circle applicable): Twp Rd County Rd, Federal or State Hwy, Other Rd, Lot Line or High Water Mark.

Structure would be located on (legal description): Southeast 1/4 of Northeast 1/4 of Sec 25 - Pleasant Valley Township

Reason: So that it does not impede with future expansion of a b.n site

Applicant Name: Brandon Peters Phone: 605-470-0526
Address: 11051 430th Ave Britton SD
Applicant Signature: [Signature]
Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 4-1-2020 Fees(non-refundable): \$150.00 Paid: YES NO
Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: 5-5-2020

Action taken by Planning and Zoning Commission: _____

**Marshall County Planning & Zoning
STAFF REPORT
May 5, 2020**

Issue #1 Variance for Shelterbelt Setback

OWNER/APPLICANT: Brandon Peters

PROPERTY DESCRIPTION: NE1/4 EXC HWY of Section 25, T127N, R57W

CURRENT ZONING: Agricultural (Ag)

SURROUNDING ZONING: Agricultural (Ag)

REQUEST: Brandon Peters is requesting a variance to plant a shelterbelt on the southeast end of the property described above. The rows would be planted 35ft from the right-of-way line instead of the 75ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The shelterbelt would extend 400ft on the property described.
2. The Pleasant Valley township supervisors held a meeting via conference call to discuss the shelterbelt. Peters is on the Township Board, but abstained from voting. The meeting minutes show no opposition. (see file for township minutes)
3. Marshall County Ordinance requires any tree shelterbelts whether perpendicular or parallel to the right-of-way line to be placed a minimum of 75ft from a road right-of-way line.
4. No written comments or objections were received prior to the hearing.
5. Staff Recommendation – 40’ variance to ROW 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 setback requirements in the Ag District.
 - a. The Board has granted similar road variances to right-of-way lines in the past when the neighbors had no objections. Similar road variances allowed – 63’ for J. Burger 5/19 and 50’ for A. and T. Steiner 3/16
 - b. The Board would consider approving other similar requests meeting the unique circumstances.

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 Ag District.

Action Item – 40’ variance to ROW line setback

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on May 5, 2020 at 9:10 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following applications for variance from the Marshall County Zoning Ordinance.

Brandon Peters has requested a variance to plant a shelterbelt on the southeast end of the property described as the NE1/4 EXC HWY of Section 25, T127N, R57W. The rows would be planted 35ft from the right-of-way line instead of the 75ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: April 8, 2020

1T(April 8)
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Erin Collins-Miles
Planning & Zoning
Administrator
Published once at the approximate cost of \$9.29.

MARSHALL COUNTY PLANNING & ZONING BOARD
P.O.BOX 9
BRITTON, SOUTH DAKOTA 57430
Office | 605.448.7540
Cell | 605.824.8014

April 8, 2020

Dear Property Owner,

Brandon Peters has requested a variance to plant a shelterbelt on the southeast end of the property described as the NE1/4 EXC HWY of Section 25, T127N, R57W. The rows would be planted 35ft from the right-of-way line instead of the 75ft requirement, per the Marshall County Zoning Ordinance.

A hearing will be held at the Marshall County Courthouse, Commissioners Chambers on May 5, 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 4/8/2020:

1. Kara Damgaard: 315 8TH STREET NW Watertown, SD 57201
2. Brian and Kim Peters: 43016 SD HWY 10 Britton, SD 57430
3. Peter and Cynthia Bremmon: PO BOX 27 Britton, SD 57430
4. Douglas and Iva Carlson: 11045 BREMMON RD Britton, SD 57430
5. Jamison and Amanda Carlson: 11026 430 AVE Britton, SD 57430
6. Eileen Damgaard: 2613 PRAIRIE CREEK DR Aberdeen, SD 57401

On April 1st at 12:00 p.m. the Pleasant Valley Township supervisors had a conference call meeting to discuss a variance request from Brandon Peters to plant trees parallel to 430th Ave on the Northeast 1-4 of section 25. The request was for a 40' variance(35 ft from the right way) for a 400' long planting. Discussion was held and was decided that being the only residence beyond the tree planting was Peters that the board would approve the variance. Mike Smith motioned and Kirk Rabenberg second with Peters abstaining. Motion carried. The meeting adjourned at 12:10 p.m.

Customer(s): Crow Creek Ranch/ Brandon Peters
Legal Description: NE 25-127-57



Prepared with assistance from USDA-Natural Resources Conservation Service







