

**Marshall County Planning & Zoning
STAFF REPORT
June 30, 2020**

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Gregory and Suzanne Benidt

PROPERTY DESCRIPTION: Lot 3 of Schlekeway Beach in Government Lot 2, Section 19, T126N, R53W

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Gregory and Suzanne Benidt have requested a variance to build a deck 35ft from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The original summer cabin was built in 2001 as a 40x50 home. Between the years of 2003 and 2004, a shed and an enclosed screen porch were added to the property, respectively. Construction began on the large addition on the South end of Lot 3 in 2013.
2. The proposed deck will be constructed off of the original summer cabin on the lake side of the Lot in question.
3. Marshall County Ordinance requires new structures to be placed a minimum of 50ft from the normal high-water mark.
4. No written comments or objections were received prior to the hearing.
5. Staff Recommendation – 15' variance to the normal high-water mark 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 R-3 District.
 - a. The Board has granted similar high-water mark variances to lake lots in the past, when the neighbors had no objections. Similar high-water mark variances allowed – 25' for K. Freudenthal 4/19, 38' for D. Stapleton 6/13 (2nd story deck) and 17' for L. James 11/12.
 - 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 R-3 District.

Action Item – 15' variance to the normal high-water mark setback.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on June 30, 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.

Gregory and Suzanne Benidt have requested a variance to build a deck on the property described as Lot 3 of Schlekeway Beach in Government Lot 2, Section 19, T126N, R53W. The petitioner is asking to build the deck 35ft from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: June 10, 2020

1T(June 3)
**NOTICE OF HEARING
APPLICATION FOR
VARIANCE**

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Erin Collins-Miles, Planning & Zoning Administrator
Published once at the approximate cost of \$9.29.

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Note: Variance was noticed twice due to a meeting being schedule for an earlier date.

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

June 3, 2020 & *June 8, 2020*

Dear Property Owner,

Gregory and Suzanne Benidt have requested a variance to build a deck on the property described as Lot 3 of Schlekeway Beach in Government Lot 2, Section 19, T126N, R53W. The petitioner is asking to build the deck 35ft from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

A hearing will be held at the Marshall County Courthouse, Commissioners Chambers on ~~July 14, 2020~~ *June 30, 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.

Please note the date change as the original notice sent to you on June 3rd had a previously scheduled hearing date of July 14th, 2020. This application will be heard on June 30th, 2020, as noted above.

Sincerely,

Erin Collins-Miles
Planning and Zoning Administrator

Sent to the following adjacent landowners on 6/3/2020: + 6/8/2020
Philip and Julie George: 117299 SOUTH SHORE DR Lake City, SD 57247
John and Ann Zetocha: 325 NORTH 13TH ST Oakes, ND 58474

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 5/29/2020

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) Deck within 35 feet 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): Lot 3 - Schleeceway's Beach

Section 19, T126N, R53W, Red Iron Lake Twnshp

Reason: to place a deck

Applicant Name: SUZANNE M BENIDT Phone: (605)698-4402

Address: 117285 South Shore Drive

Applicant Signature: Suzanne Benidt

Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 5-29-2020 Fees(non-refundable): \$150.00 Paid: ☒ YES ☐ NO

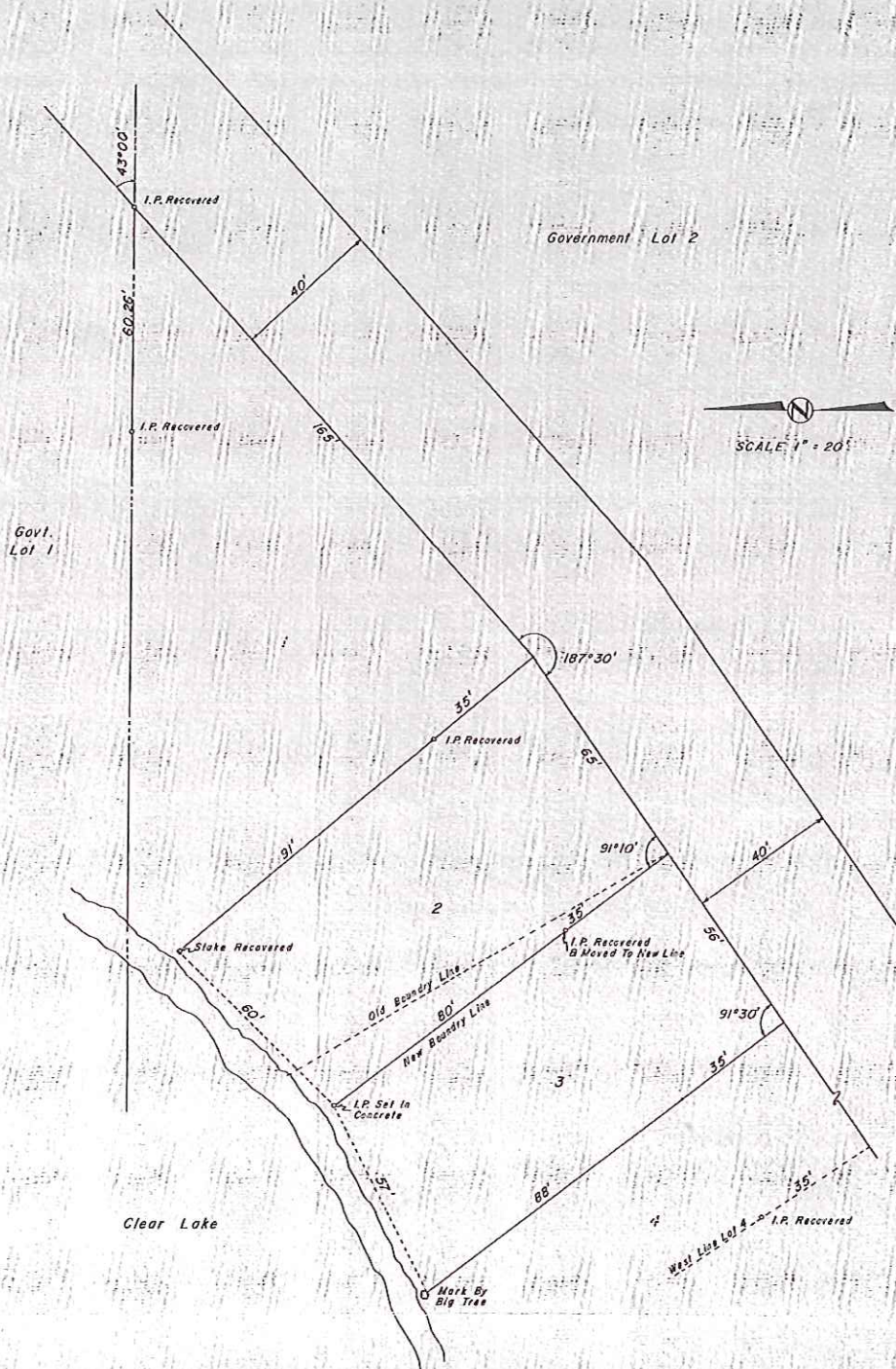
Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: July 14, 2020 June 30, 2020

Action taken by Planning and Zoning Commission: _____

REPLAT OF

Lots 2 & 3 In Schleikaway Beach
Sec. 19 - T126N - R53W
Marshall County, South Dakota

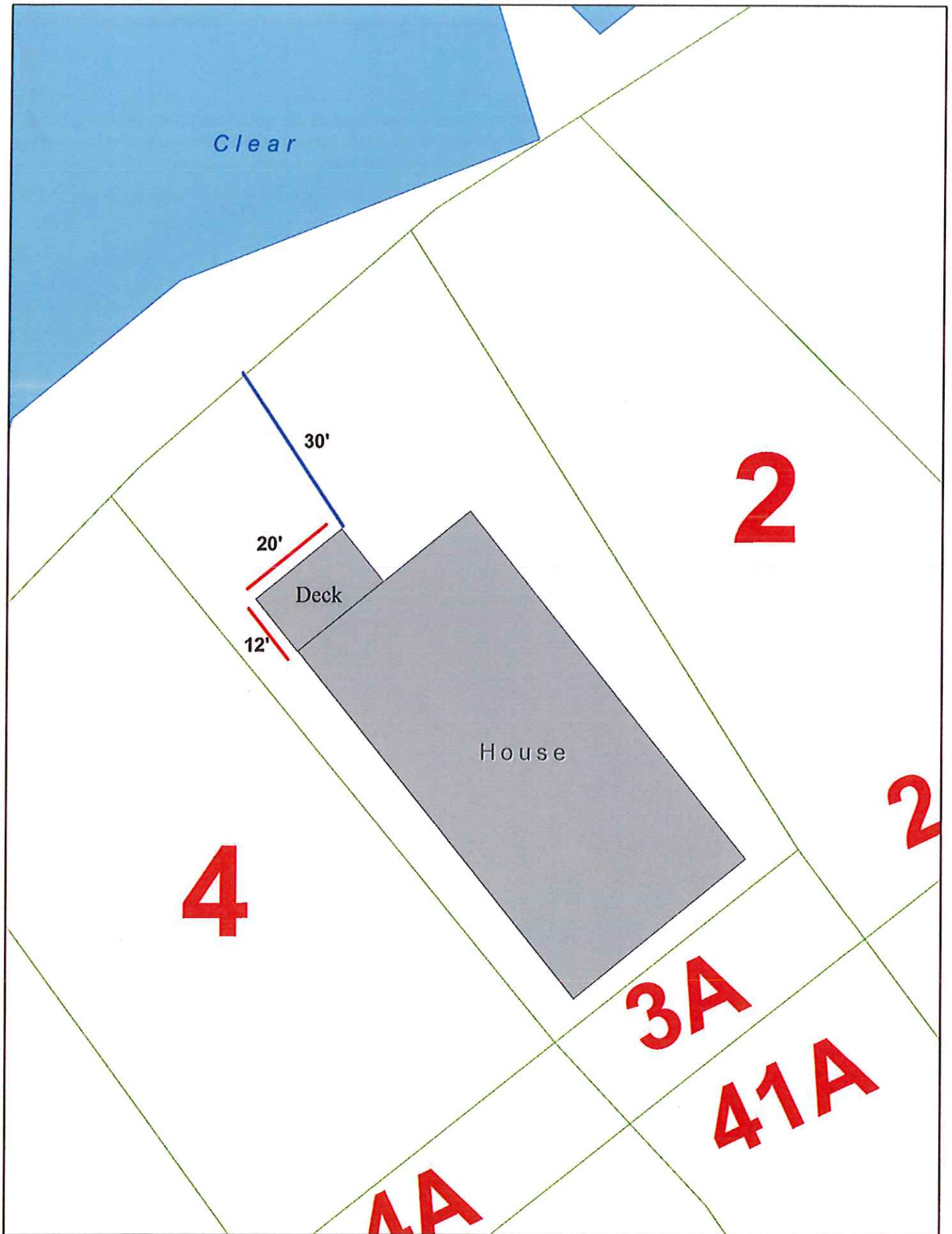


SCALE 1" = 20'

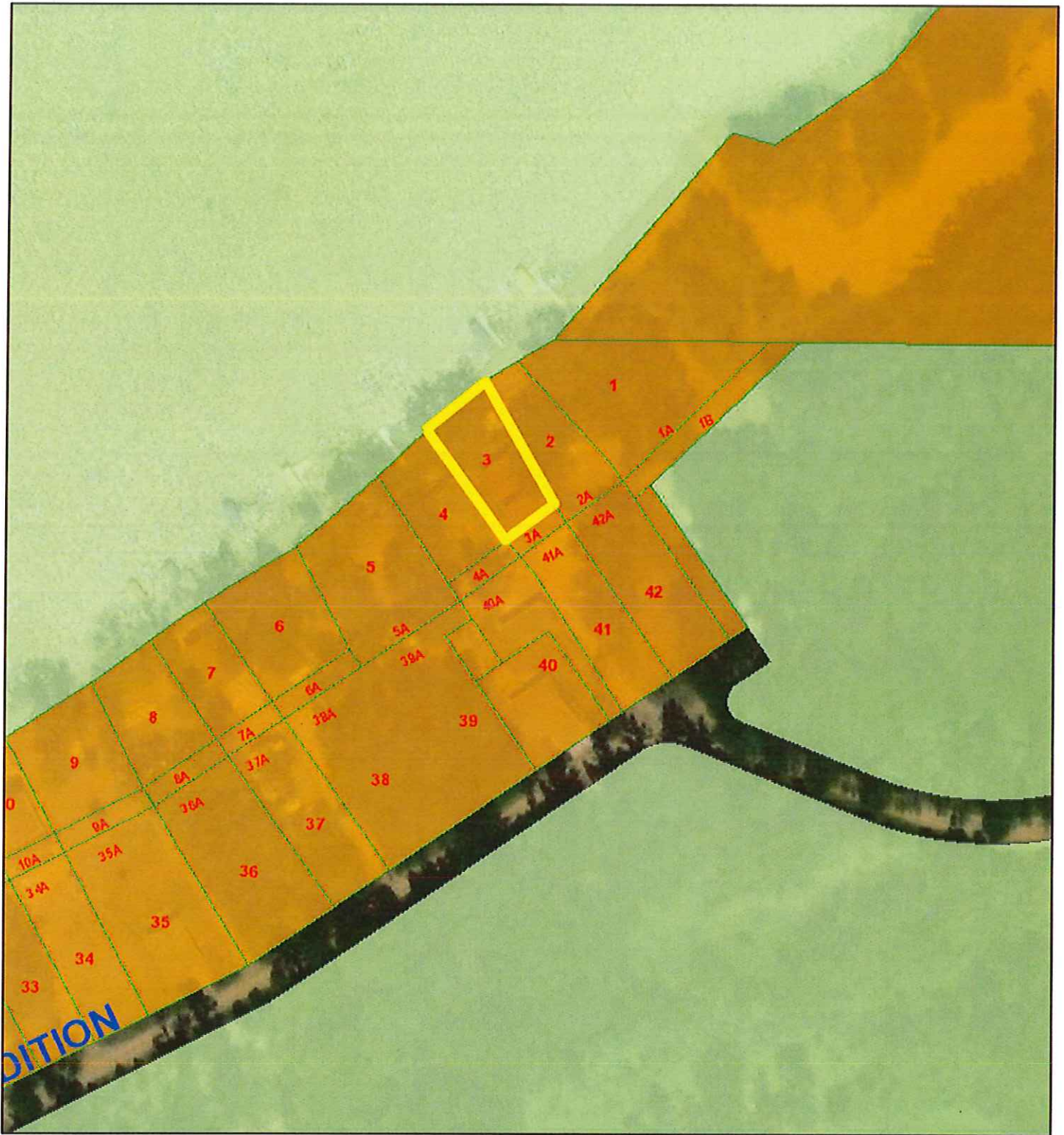
Surveyed & Platted By

George E. Gilbert
Registered Land Surveyor





Web AppBuilder for ArcGIS



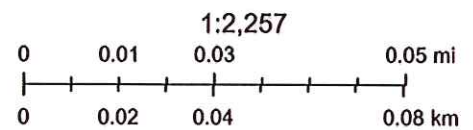
June 19, 2020

- PARCELS
- CITY_LIMIT
- TOWNSHIPS

ZONING

- Agricultural District
- Agricultural Fringe Protection District

- Commercial District
- General Industrial District
- Highway Commercial District
- Lake Front Residential District
- Residential District

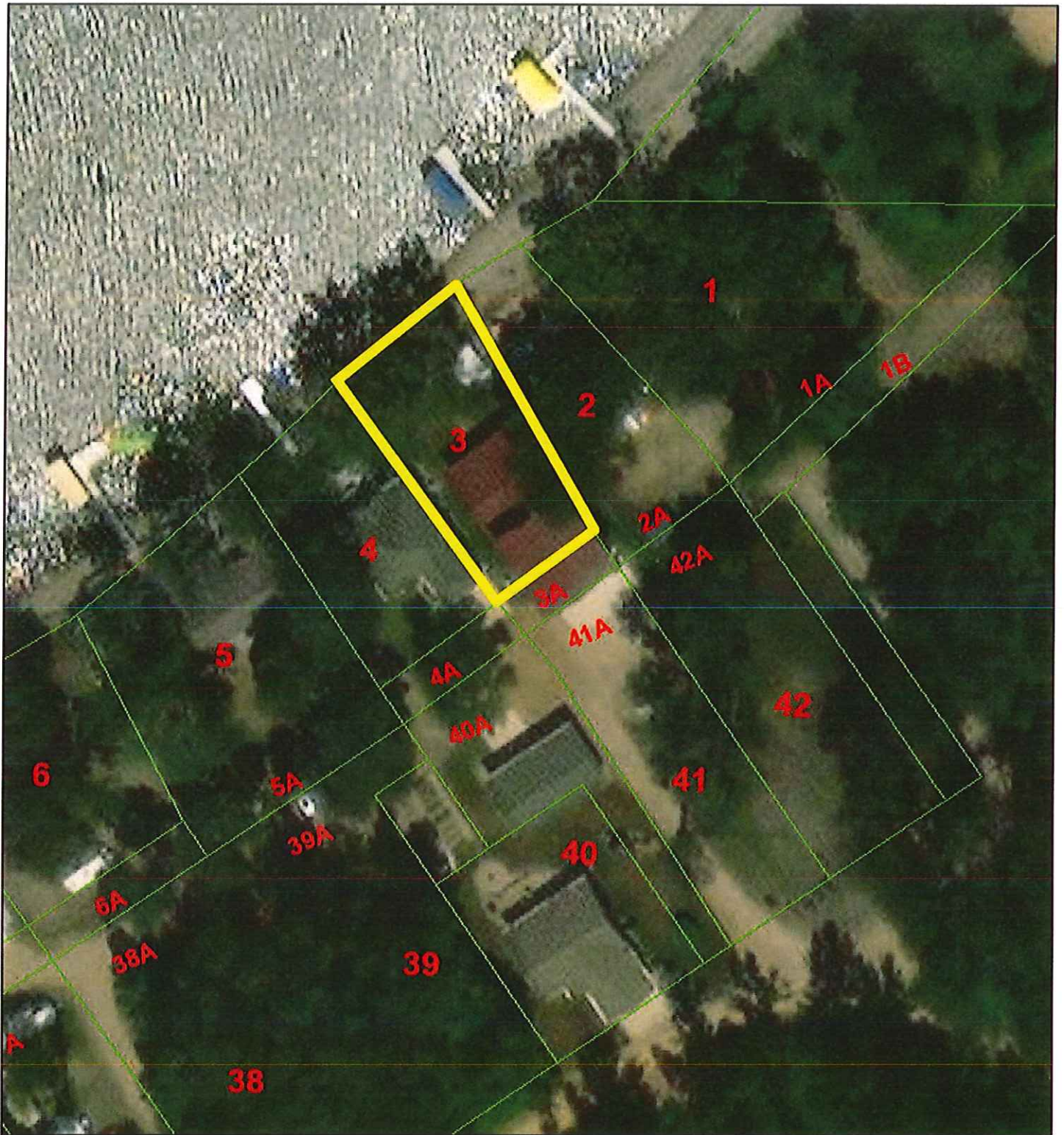


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Marshall County Web Viewer

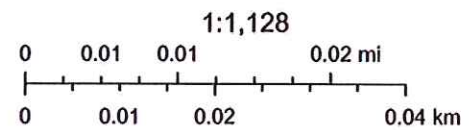
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Web AppBuilder for ArcGIS



June 19, 2020

- PARCELS
- CITY_LIMIT
- TOWNSHIPS



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Variance – Gregory and Suzanne Benidt



