

**Marshall County Planning & Zoning
STAFF REPORT
July 14, 2020**

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Richard and Coleen Jorgenson

PROPERTY DESCRIPTION: Lot 23 of Isensee's Third Clear Lake Subdivision in the NE1/4 of Section 13, T126N, R54W and the NW1/4 of Section 18, T126N, R53W and Lot A of Government Lot 1 in Section 13, T126N, R54W

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Richard and Coleen Jorgenson have requested a variance to place a storage shed 5ft from the road right-of-way line instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. According to the property card, there was a building removed in 2007 in order to make room for the building that currently sits on the Lot. (BP# 12-2007)
2. The shed will be placed between an existing propane tank and utility pole.
3. The road which is in a northeastern direction adjacent to the Lot is a span of 30ft.
4. The Lot in question has an average length of approximately 57.7ft and a width (lake frontage) of approximately 57.15ft.
5. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line.
6. One written letter of approval and no written or verbal objections were received prior to the hearing.
7. Staff Recommendation – 25' variance to the right-of-way 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 Lake Front District.
 - a. The Board has granted similar road variances in the past, when the neighbors had no objections. Similar road variances allowed – 28' for C. Roehrich 5/17, 26' for G. Tom 7/16, 28' for C. Roehrich 9/14 and 29' for R. Mahoney 10/12.
 - 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 – 25' variance to the right-of-way line setback.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on July 14, 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.

Richard and Coleen Jorgenson have requested a variance to place a storage shed on the property described as Lot 23 of Isensee's Third Clear Lake Subdivision in the NE1/4 of Section 13, T126N, R54W and the NW1/4 of Section 18, T126N, R53W and Lot A of Government Lot 1 in Section 13, T126N, R54W. The petitioner is asking to place the building 5ft 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: June 24, 2020

1T(June 24)
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Erin Collins-Miles, Planning & Zoning Administrator
Published once at the approximate cost of \$10.62.

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

June 22, 2020

Dear Property Owner,

Richard and Coleen Jorgenson have requested a variance to place a storage shed on the property described as Lot 23 of Isensee's Third Clear Lake Subdivision in the NE1/4 of Section 13, T126N, R54W and the NW1/4 of Section 18, T126N, R53W and Lot A of Government Lot 1 in Section 13, T126N, R54W. The petitioner is asking to place the building 15ft 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 July 14, 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 6/22/2020:

James and Connie Lilla - 27638 472ND AVE Harrisburg, SD 57032

Daniel and Amber Schempp – 3442 8th ST W West Fargo, ND 58078

Department of Game, Fish & Parks – Habitat Section 523 E CAPITOL AVE Pierre, SD 57501

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Sincerely,



Erin Collins-Miles
Planning and Zoning Administrator

*We have no objection to
the Jorgenson put up the shed*



Janet Little

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 5-19-20

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) Storage shed within 30' 5' 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 23 Isaacson Third Clear Lake Sub-division see file for full legal.
443075 N Shore Dr.

Reason: We would like to put a small storage shed on our lot. Our lot is small and we do not have any room to put it except where it would be within the setback of the road. The road is not used heavily as we only have 1 neighbor past us on the road.

Applicant Name: Richard & Coleen Jorgenson Phone: 701-640-1020

Address: 218 3rd Ave S.W. Lidgerwood ND 58052

Applicant Signature: RJA

Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: June 15, 2020 Fees (non-refundable): \$150.00 Paid: YES NO

Inspection Report: See Staff report

Note: Applicant tried to send the application via email on Tuesday May 19, 2020. Applicant called today, 6-15-2020, and realized he had made an error in typing out my email address.

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

Action taken by Planning and Zoning Commission: _____

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I, John Ferguson, do hereby certify that I am the sole owner and unqualified holder of Government Lot 1 in the Northwest Quarter of Section 18, Township 18 North, Range 6 East of the Fifth Principal Meridian, T4T of Government Lot 1 in the Northwest Quarter of Section 18, Township 18 North, Range 6 East of the Fifth Principal Meridian, and lot 4 of Government Lot 2 in the Northwest Quarter of Section 19, Township 18 North, Range 6 East of the Fifth Principal Meridian, which said lots are situated in the County of Lincoln, State of Nebraska, and that said lots have been lawfully sold as shown on the above plat, which shall hereafter be known and described as "Lot 1 - J. M. Lister's First Water Land Subdivision" and "Lot 4 of Government Lot 1 in Section 18; Township 18 North, Range 6 East." I further certify that the above described lands are free from any incumbrances. I hereby declare to the public that the thirty-five acre

Noted this day of _____, 1950.

State of South Dakota)
County of Marshall)

Verity of affidavit On this 19th day of July 1963, before me, a Notary Public, personally appeared said female, known to me to be the person deponent to and who executed the within instrument, and she acknowledged to me that she executed the same.

Ascometium aspicum (L.) Sacc. 1914

JOHN P. KELLY, JR., COAST GUARDIAN

I, William D. Stelinger, Registered Land Surveyor, do hereby certify that, at the request of the owner, I have surveyed and platted "Lots 1 & 2, Township 3 North Clear Lake Subdivision" and "Lot A of Government lot 1 in Section 30, Township 10 North, Range 4 East," as shown on the above plat, and that said survey and plat are true and correct in all respects.

Called this 15th day of October, 1953

William D. Still
Anglican Priest, Davenport

STATE of South Carolina } ss.
County of _____ }

On this 10th day of October, 1963, before me, a Notary Public, personally appeared William B. Stellanor, known to me to be the person described in and who executed the within instrument, and who acknowledged to me that he executed the same.

My analysis expires _____

Henry Fehle, South Dakota

I hereby certify that the following is a correct copy of the resolution duly passed by the Board of County Commissioners of Marshall County, South Dakota at a meeting held on the 25 day of October, 1905.

Marvin C. Smith
County Clerk, Marshall County, South Dakota

"As it resulted by the Board of County Commissioners of Marshall County, South Dakota, that the plat showing Lots 1 - 26, Township 4 North Clear Lake Subdivision, and Lot 4 of Government Lot 1 in Section 18, Township 10 North, Range 6 West, having been examined, is hereby approved in accordance with the provisions of Section 45,202, Chapter 45.20 of the South Dakota Code of 1919, and Sections thereof."

I hereby certify that all taxes which are listed upon any of the lands included in the above plat are shown by the records of my office to be fully paid.

Jan 25 day of Feb, 1890

County Treasurer, Marshall Square, South Dakota

I earnestly certify that I have received a copy of this plot and this 23 day of October, 1963.

Hardesty, O. J.
Director of Socialization, Carroll County, D. C.

Filed for record this 23 day of October, 1935, at 3:15 o'clock P. M., and duly recorded in Book 2, Page 157.

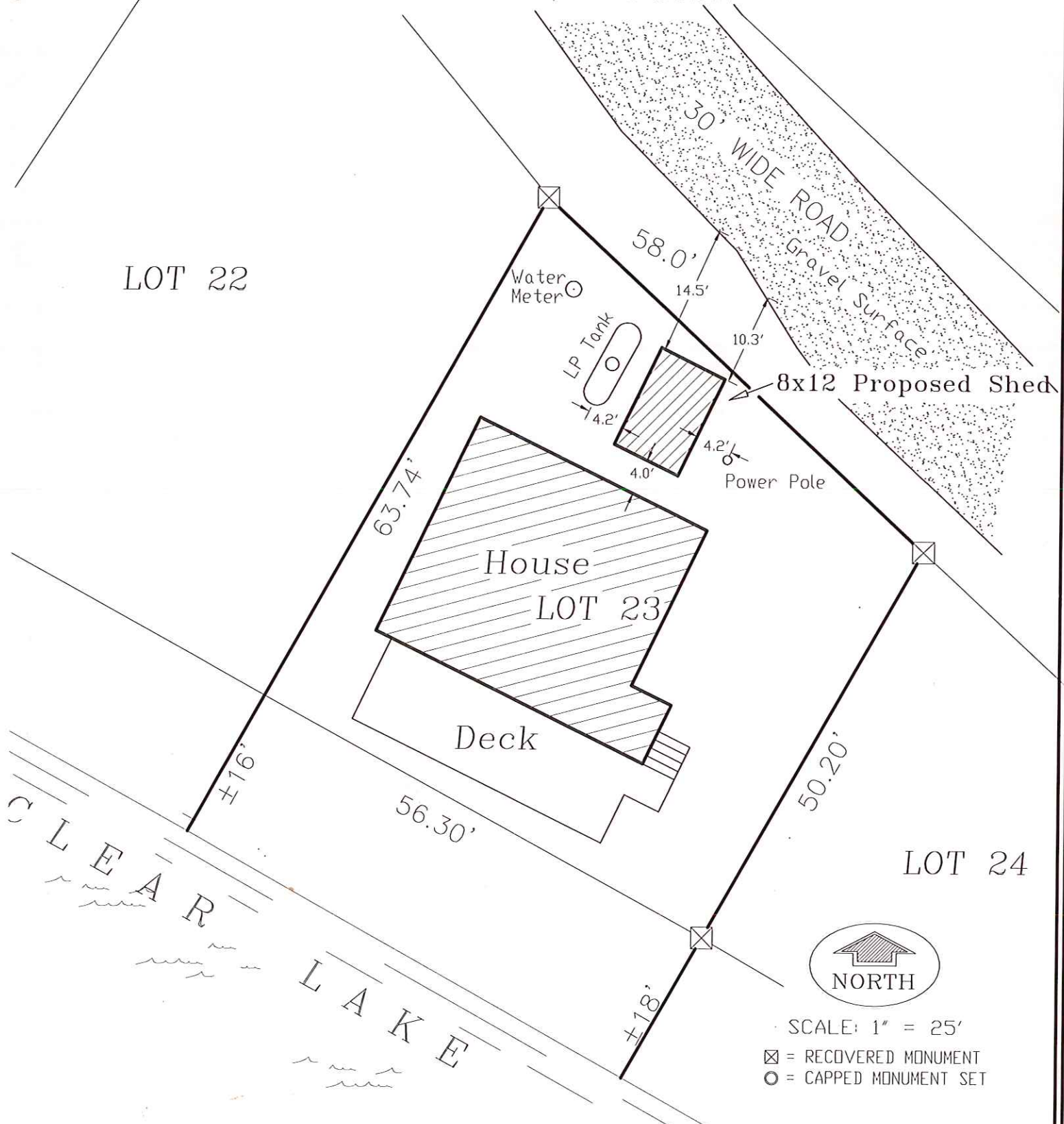
Regular of Bonds, Knoxville, Tenn., South Eastern

Red Yes ✓ Cost Price

** RESURVEY **

OF LOT 23 OF ISENSEE'S THIRD CLEAR LAKE SUBDIVISION IN THE
NE1/4 OF SEC. 13- T126N- R54W & THE NW1/4 OF SEC. 18 T126N
R53W AND LOT A OF GOV'T LOT 1 IN SEC. 13- T126N- R54W,
MARSHALL COUNTY, SOUTH DAKOTA

LOT 22



CLEAR LAKE

LOT 24



SCALE: 1" = 25'

- ⊗ = RECOVERED MONUMENT
- = CAPPED MONUMENT SET

HOLTON ENGINEERING INC.

REVISED 5/19/20

DRAWN: 5/13/20

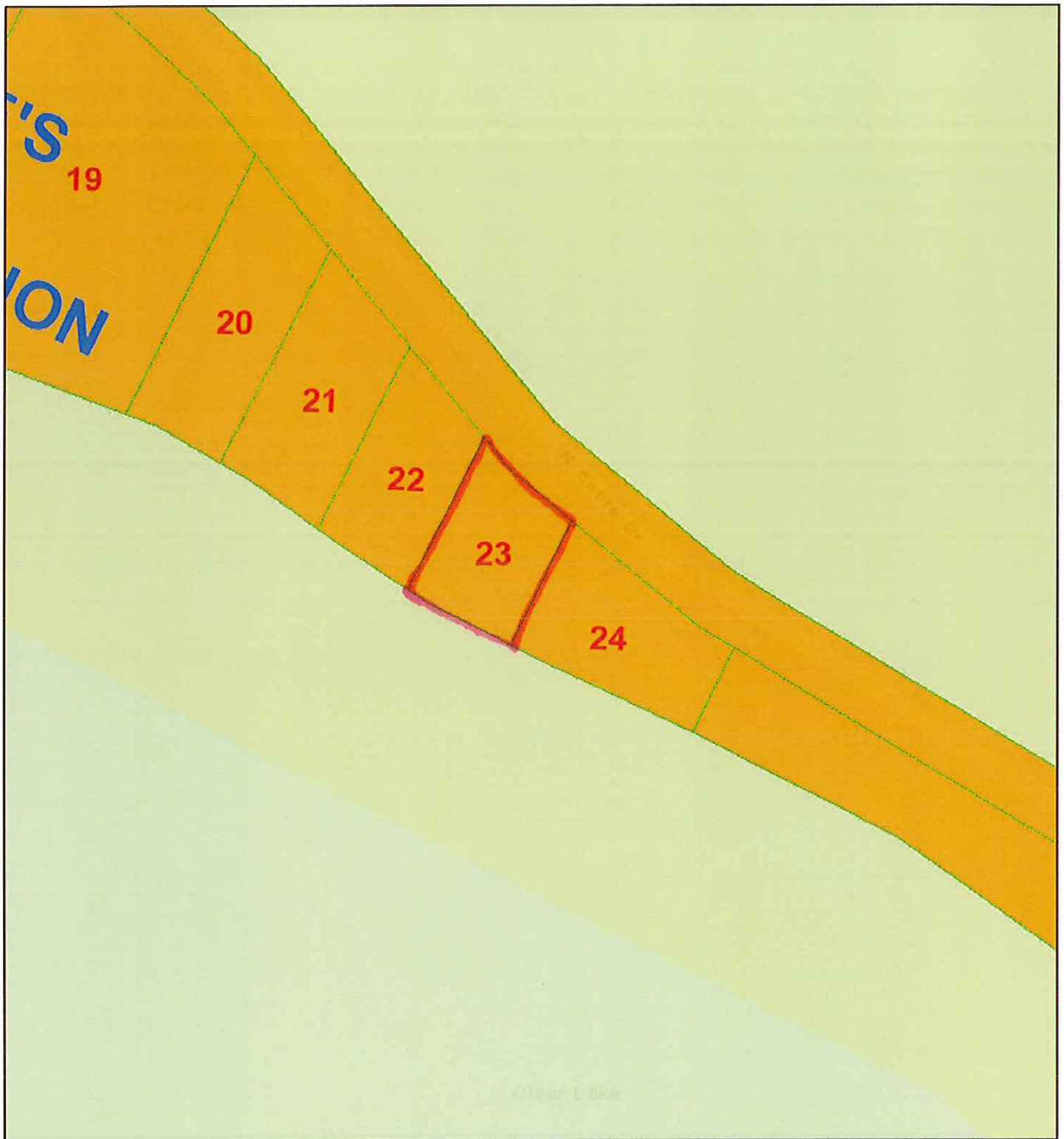
FIELD: 5/8/20

512 VETERANS AVE. SISSETON, SD

PH. 1-605-698-3850

INSES23-V658

Web AppBuilder for ArcGIS



July 8, 2020

PARCELS

CITY_LIMIT

TOWNSHIPS

ZONING

Agricultural District

Agricultural Fringe Protection District

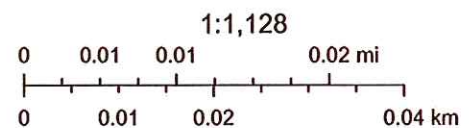
Commercial District

General Industrial District

Highway Commercial District

Lake Front Residential District

Residential District

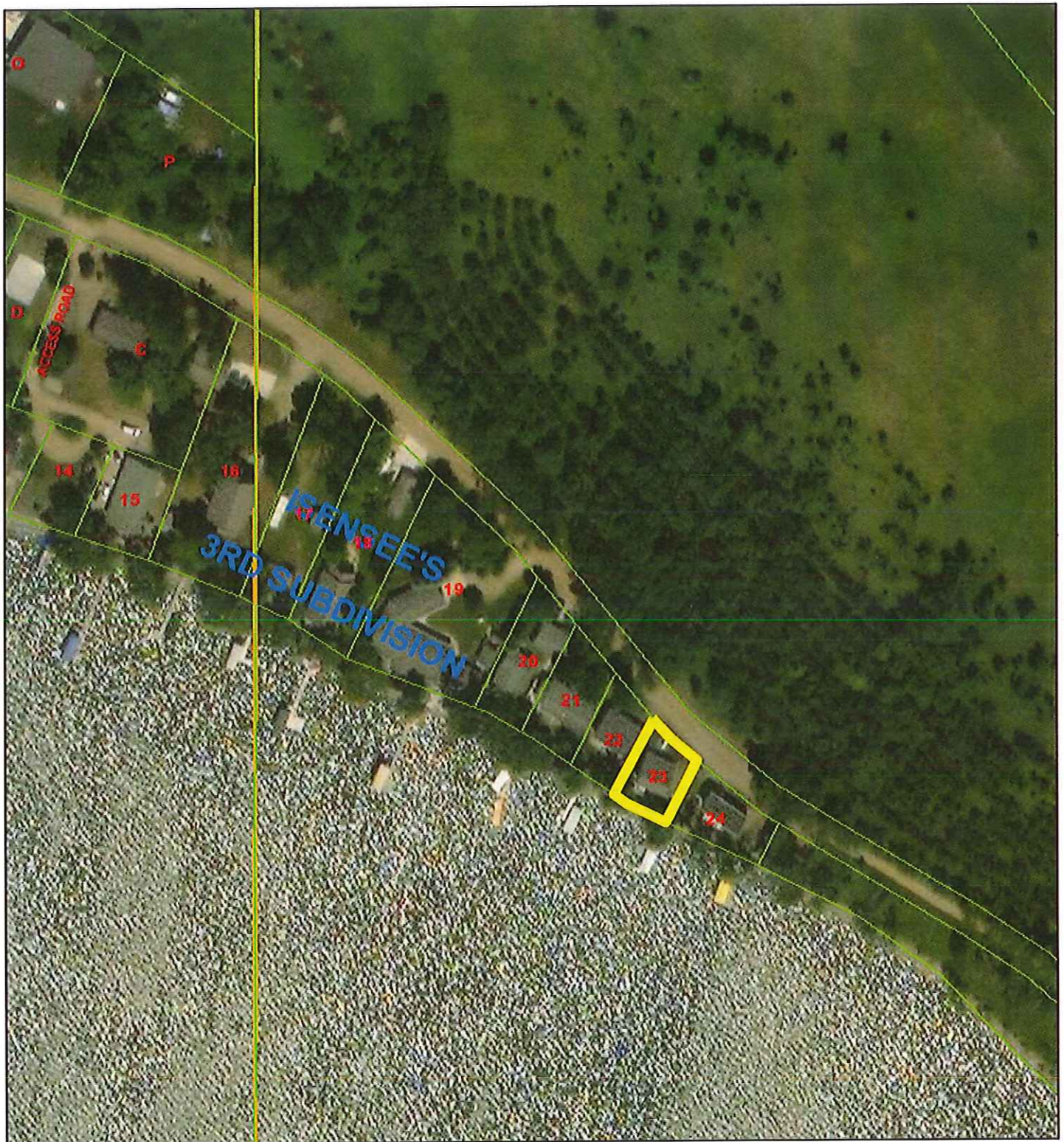


Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

Marshall County Web Viewer

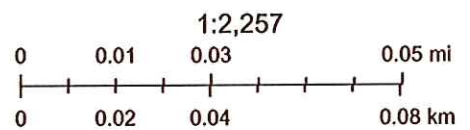
This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. Marshall County is not responsible for any errors in the drawing.

Web AppBuilder for ArcGIS



July 8, 2020

- PARCELS
- CITY_LIMIT
- TOWNSHIPS



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



