

**Marshall County Planning & Zoning
STAFF REPORT
August 11, 2020**

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Cynthia Bremmon

PROPERTY DESCRIPTION: Lot 27 in the Plat of South Clear Lake Addition, Marshall County, South Dakota A Subdivision of Sattler Outlot 1 & Sattler Outlot 2 in Government Lots 2, 3 & 4, Section 24, T126N, R54W

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Cynthia Bremmon has requested a variance to place a cabin 5ft from the property line on the East side instead of the 7ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. According to records, the current property owners have had ownership of the property since August 16, 2017.
2. The Lot currently has no permanent structures.
3. The Lot has an average depth of approximately 236.8ft and a width of approximately 53.5ft.
4. The dimensions of the proposed cabin are 30x52; leaving enough space to allow the structure to be placed within the Lot to meet all setbacks.
5. I have recommended to the owner to re-position the cabin within the Lot to meet all setbacks, making a variance unnecessary. The owner made it known that they would like to leave space to pull up their dock, park vehicles and allow extra space to maneuver within the Lot.
6. Marshall County Ordinance requires new structures to be placed a minimum of 7ft from a property line.
7. No written comments or objections were received prior to the hearing.
8. Staff Recommendation – 2’ variance to the property line setback. I recommend to move the structure to meet setbacks. There is 17’ on the West side of the property, which leaves ample room for the structure to be built without the use of a variance. 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 property line variances to lake lots in the past, when the neighbors had no objections. Similar property line variances allowed – 3’ for D. Weber 10/19, 3’ for S. St. Sauver 9/18, 3’ for J. Zetocha 7/15 and 2’ for P. Hanson 2/13.
 - 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 – 2’ variance to the property line setback. I recommend to move the structure to meet setbacks. There is 17’ on the West side of the property, which leaves ample room for the structure to be built without the use of a variance.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on August 11, 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.

Cynthia Bremmon has requested a variance to place a cabin on the property described as Lot 27 in the Plat of South Clear Lake Addition, Marshall County, South Dakota A Subdivision of Sattler Outlot 1 & Sattler Outlot 2 in Government Lots 2, 3 & 4, Section 24, T126N, R54W. The petitioner is asking to place the building 5ft from the property line on the East side instead of the 7ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: July 15, 2020

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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

July 14, 2020

Dear Property Owner,

Cynthia Bremmon has requested a variance to place a cabin on the property described as Lot 27 in the Plat of South Clear Lake Addition, Marshall County, South Dakota A Subdivision of Sattler Outlot 1 & Sattler Outlot 2 in Government Lots 2, 3 & 4, Section 24, T126N, R54W. The petitioner is asking to place the building 5ft from the property line on the East side instead of the 7ft requirement, per the Marshall County Zoning Ordinance.

A hearing will be held at the Marshall County Courthouse, Commissioners Chambers on August 11, 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 7/14/2020:

Matthew and Jodi Kraft – PO Box 894 Britton, SD 57430

Donald Hannasch – PO Box 119 Sisseton, SD 57262

Jerry Gutzmer – PO Box 118 Lidgerwood, ND 58053

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 7-9-2020

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) dwellling within 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 27 South Clear Lake Addition Section 24, T126N, R31W - Lake township

Reason: narrow lot - see file
17' - only access to lake, park vehicle, bring dock up in winter - giving room to maneuver

Applicant Name: Cindy Bremmon Phone: 605-448-2471
Address: box 27 Britton SD 57430
Applicant Signature: Cindy Bremmon
Owner Signature (if different than applicant): _____

For Internal Office Use Only:

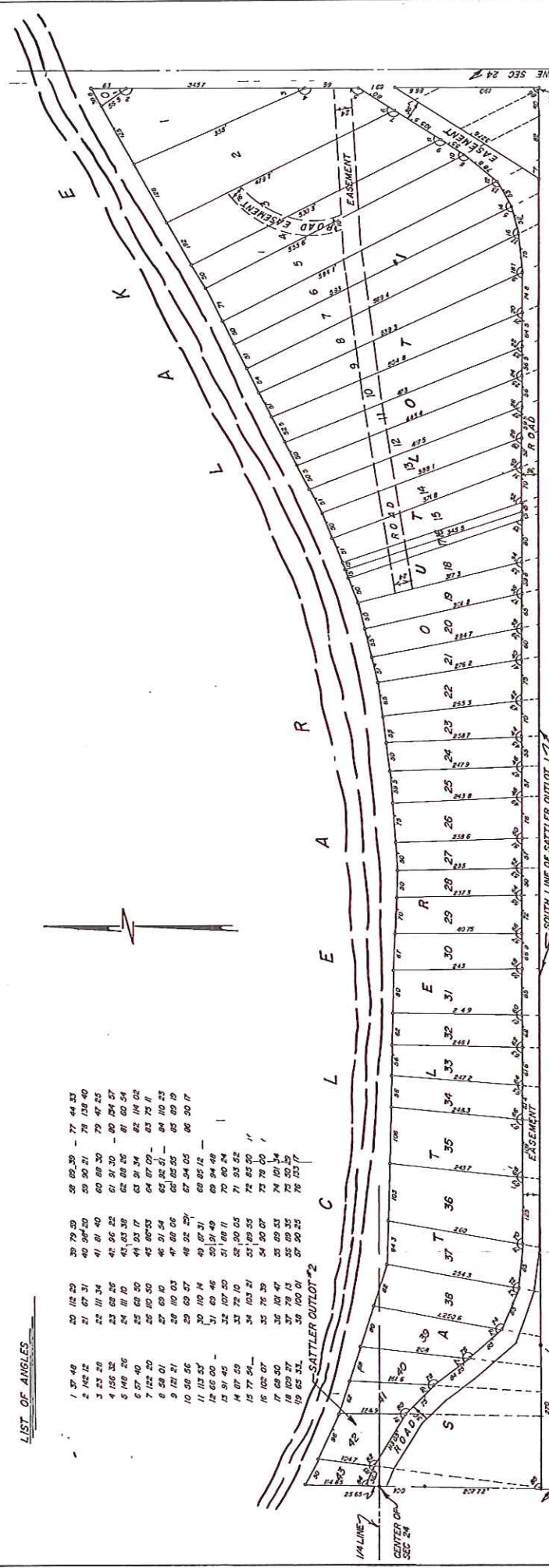
Date Received: 7-9-2020 Fees(non-refundable): \$150.00 Paid: YES NO
Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: August 11, 2020
Action taken by Planning and Zoning Commission: _____

LIST OF ANGLES

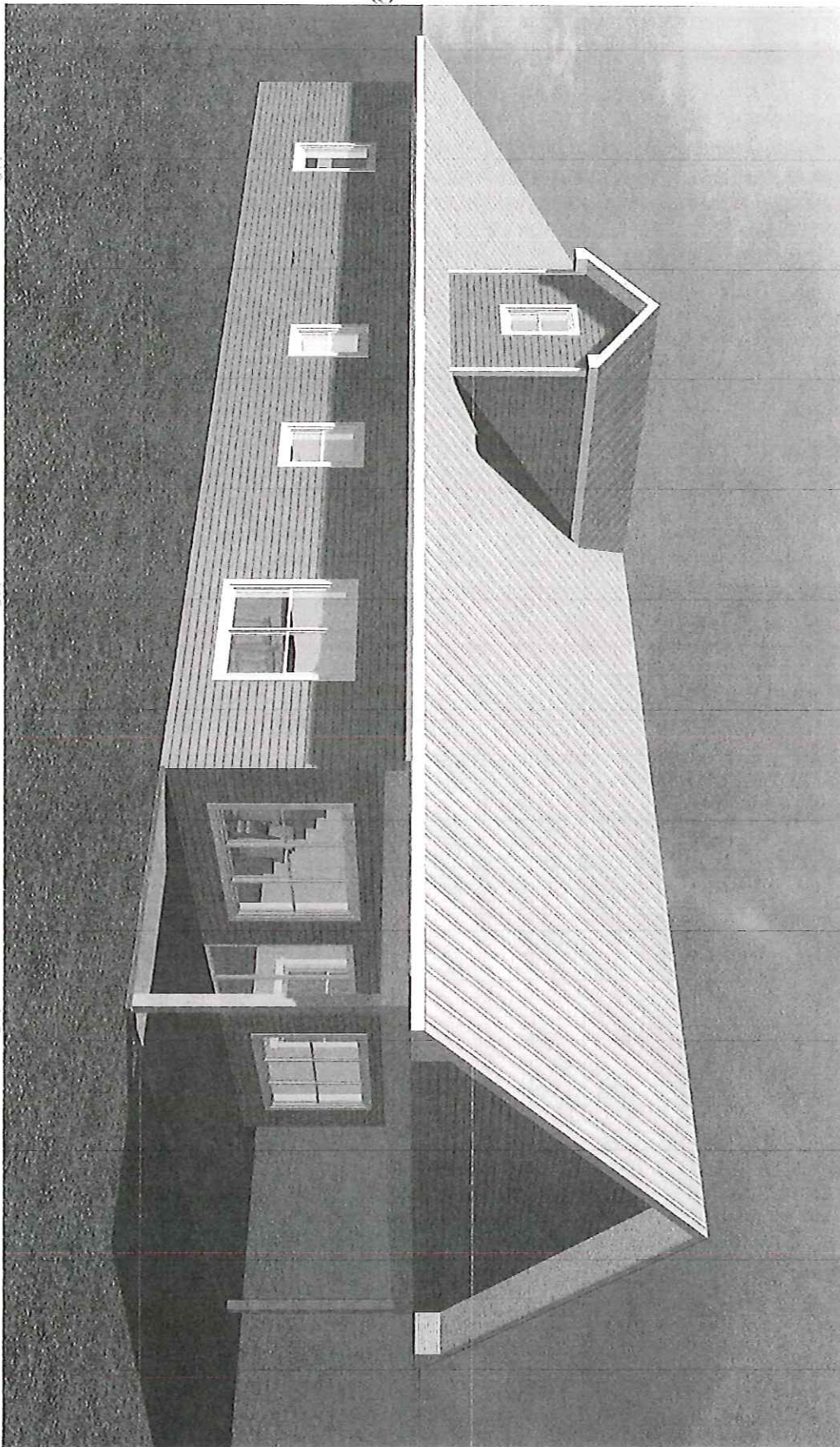
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4 153.32	23 68.25	42 56.22	61 51.30	80 254.57
5 140.26	24 11.10	43 43.30	62 28.25	81 160.54
6 27.40	25 63.50	44 33.17	63 31.34	82 144.02
7 122.20	26 102.50	45 06.53	64 07.09	83 75.11
8 58.01	27 69.10	46 31.54	65 32.01	84 100.23
9 125.21	28 110.03	47 01.06	66 05.55	85 09.19
10 58.55	29 69.57	48 32.24	67 34.05	86 30.17
11 112.55	30 103.14	49 07.31	68 05.12	87 94.46
12 23.40	31 11.46	50 51.05	69 30.24	88 11.46
13 91.44	32 67.50	51 08.11	70 00.24	89 03.52
14 97.50	33 72.10	52 30.03	71 03.52	90 24.11
15 77.54	34 103.21	53 09.55	72 05.50	91 79.10
16 102.07	35 75.35	54 50.07	73 07.14	92 101.14
17 68.50	36 20.47	55 09.51	74 07.14	93 101.14
18 68.50	37 100.01	56 10.01	75 10.01	94 100.23
19 68.50	38 100.01	57 10.01	76 10.01	95 100.23

SATTLE OUTLOT #2



PLAT OF
SOUTH CLEAR LAKE ADDITION,
MARSHALL COUNTY, SOUTH DAKOTA
(A SUBDIVISION OF SATTLE OUTLOT 1 & SATTLE OUTLOT 2
IN GOVT LOTS 2 3 & 4 SEC 24 T126N R 54W OF THE
5TH P.M. MARSHALL COUNTY SOUTH DAKOTA.)

John D. Bland
C.E.G. PROF. ENG. & LAND SURVEYOR
JULY 26 1973
SCALE 1" = 100' IRON PIN



These drawings have been prepared using information provided to us by the owner who is solely responsible for the accuracy of the information provided. These drawings are not a part of a contract and are not to be used for any other purpose. The owner is responsible for obtaining all necessary permits and for ensuring that the construction of the building complies with all applicable codes and regulations. The owner is also responsible for obtaining all necessary approvals from the local building department. The owner is responsible for obtaining all necessary approvals from the local building department. The owner is responsible for obtaining all necessary approvals from the local building department.



**Scott's
Lumber**

767 Vander Horck, Britton, SD

PHONE:
(605) 448-5283
FAX:
(605) 448-5278

www.scottslumber.com

DRAWN BY: orlin.punte@scottslumber.com
PLOT DATE: Wednesday, July 8, 2020
JOB: Bremmon, Cindy Lake Home 2020 #2

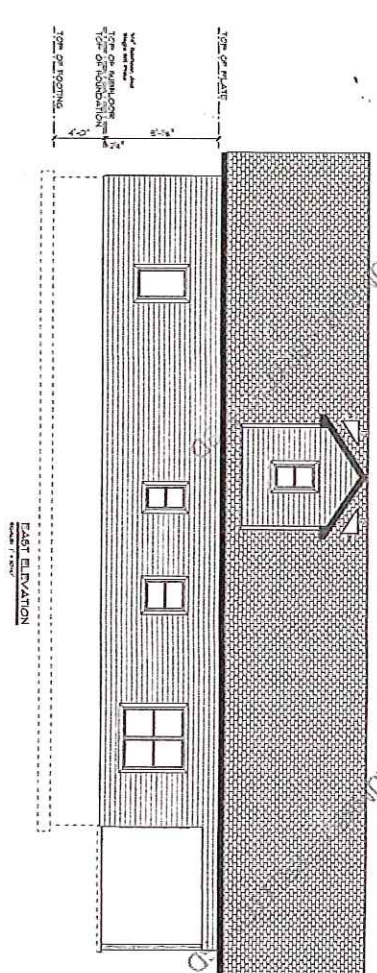
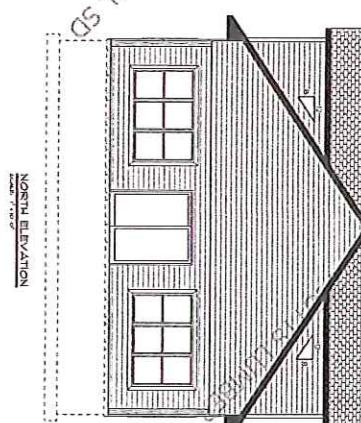
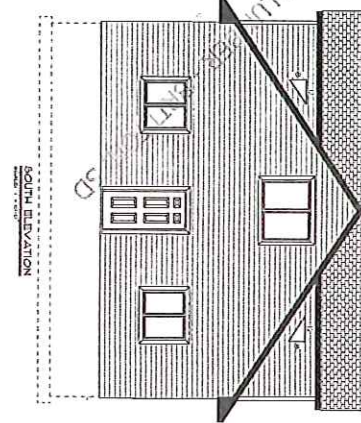
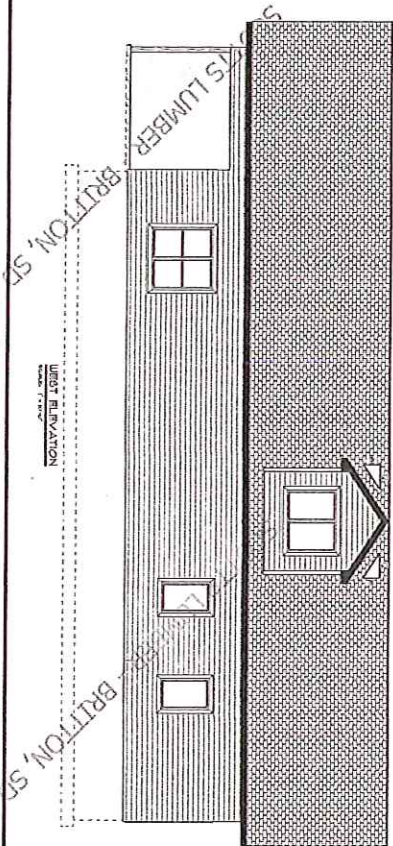
SALESMAN:
elli.nelson@scottslumber.com

PAGE:
1

SCOTT'S LUMBER - BRITTON, SD

BRITTON, SD

SCOTT'S LUMBER - BRITTON, SD



ELEVATIONS			
Living Room	10' x 14'	Living Room	10' x 14'
Bedroom	10' x 14'	Bedroom	10' x 14'
Bath	5' x 7'	Bath	5' x 7'
Kitchen	10' x 14'	Kitchen	10' x 14'
Dining Room	10' x 14'	Dining Room	10' x 14'
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Dining Room	10' x 14'	Dining Room	10' x 14'

SCOTT'S LUMBER - BRITTON, SD

BRITTON, SD

SCOTT'S LUMBER - BRITTON, SD

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 architect and may not meet applicable code and local building codes which vary widely. The customer should consult their contractor and/or local building inspector for obtaining any changes to meet the state and local building code requirements. Customer is responsible for obtaining local building permits for the required building permits. We shall not be responsible for errors or omissions coming from any errors, omissions, deficiencies or defects of any drawings.

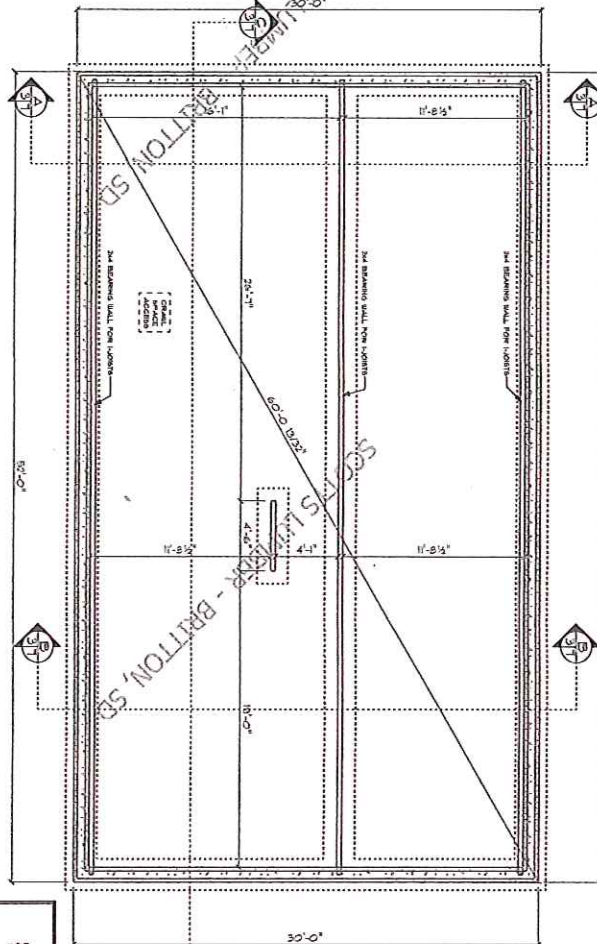


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161 Vander Horck, Britton, SD

PHONE: (605) 448-5283
FAX: (605) 448-5278
www.scottslumber.com

DRAWN BY: orlin.punt@scottslumber.com
PLOT DATE: Wednesday, July 8, 2020
JOB: Britton, Cindy Lake Home 2020 #2
SALESMAN: ell.nelson@scottslumber.com
PAGE: 2



CRAWL SPACE			
Scale: 1/4" = 1'-0"			
Living Space	0	10	20
Revision	Date	Drawn By	Checked By
0	05/10/2020	OP	

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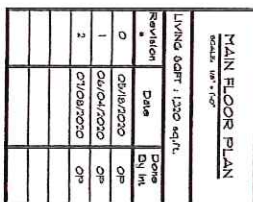
PHONE:
(605) 448-5283
FAX:
(605) 448-5278

www.scottslumber.com

DRAWN BY: orlin.punt@scottslumber.com
PLOT DATE: Wednesday, July 8, 2020
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SALESMAN:
ell.nelson@scottslumber.com

PAGE:
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DO NOT frame openings if the plan DOTS NOT
never R.O.'s listed or located by the openings

These findings can be prepared using information provided by the fire department, the building inspector, the owner, or by the fire department and the building inspector. The report is prepared by an architect and may not meet applicable local and state building codes which vary widely. The owner would consult their contractor and/or local building inspector to determine any changes to state the existing and local building codes. The architect is responsible for obtaining the existing local building officials for the required building permits. It is the owner's responsibility for claims or damages during fire, explosion, demolition, deficiencies or defects of any damage.

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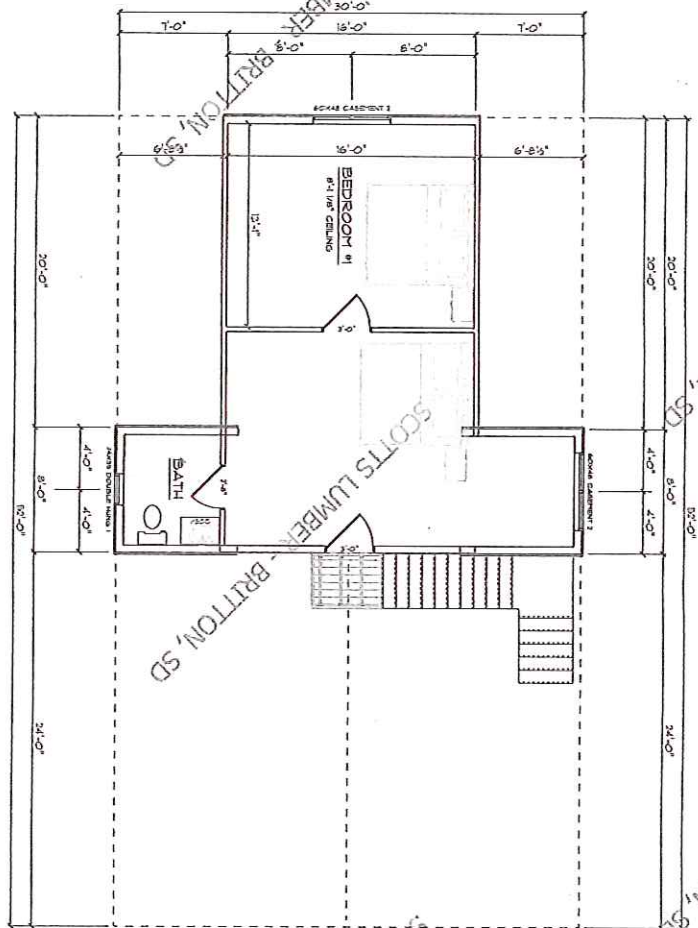
PHONE:
(605) 448-5282
FAX:
(605) 448-5278

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SALESMAN:
ell.nelson@scottslumber.com

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NOTE:

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BONUS FLOOR PLAN			
LIVING ROOM: 16'0" x 20'0"			
Revision	Date	By	Int.
0	05/18/2020	OP	
1	06/04/2020	OP	



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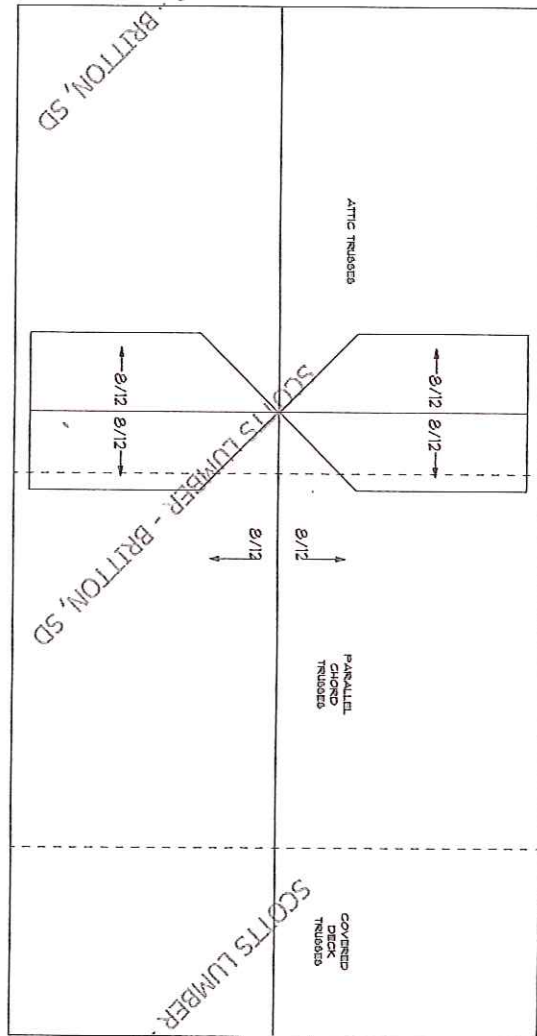
PHONE:
(605) 448-5282
FAX:
(605) 448-5218

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PLOT DATE: Wednesday, July 8, 2020
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SALESMAN:
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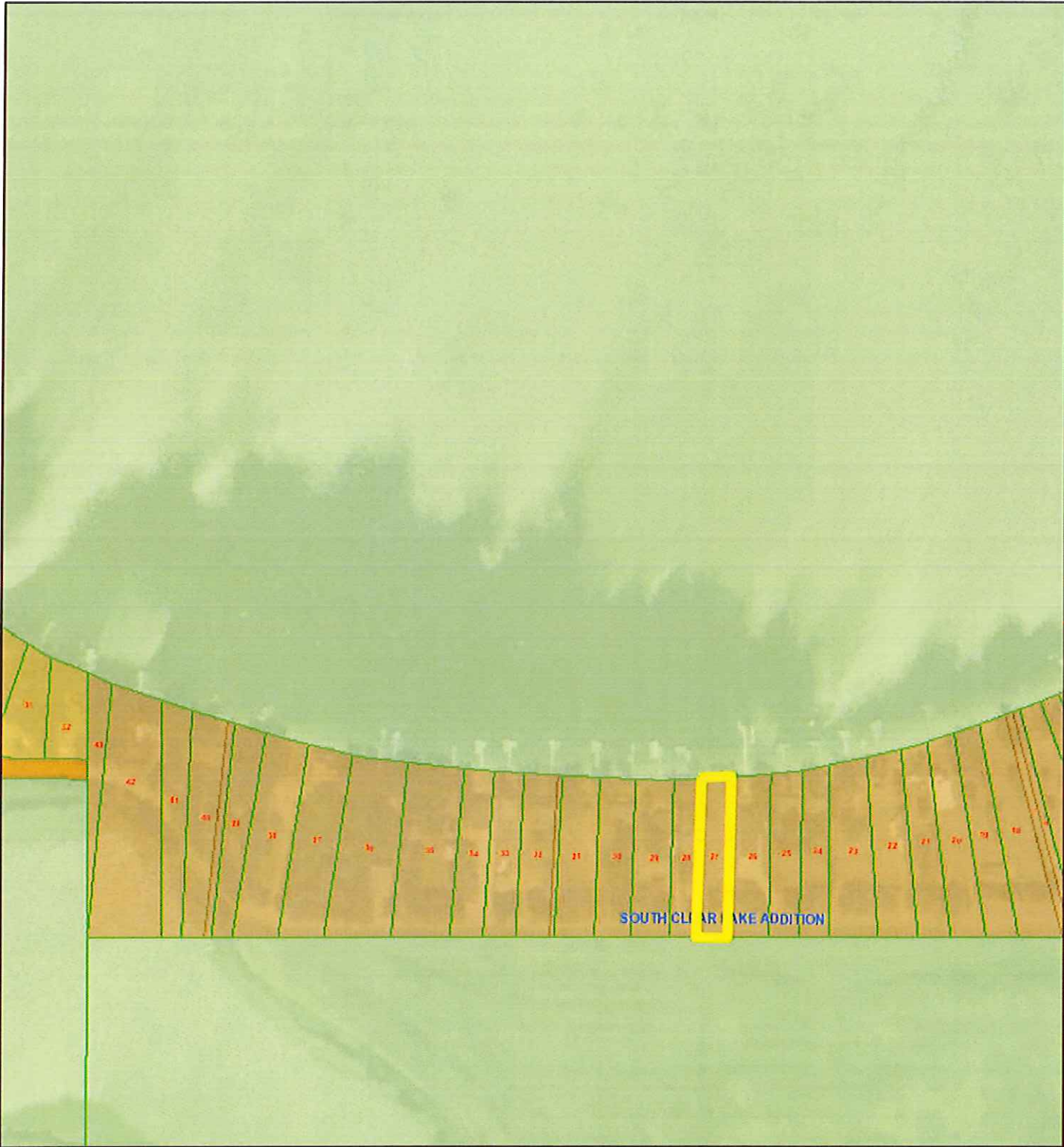
ROOF PLAN			
Scale: 1/4" = 1'-0"			
Living Room: 10 sq. ft.	Revision	Date	Drawn By: JNK
0	01/01/2020	01/01/2020	01/01/2020

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 PHONE: (605) 448-5283
 FAX: (605) 448-5218
 www.scottslumber.com

DRAWN BY: orlin.punte@scottslumber.com
 PLOT DATE: Wednesday, July 8, 2020
 JOB: Brennon, Cindy Lake Home 2020 #2
 SALESMAN: ell.nelson@scottslumber.com
 PAGE: 6

Web AppBuilder for ArcGIS



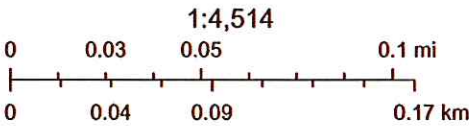
August 6, 2020

- PARCELS
- CITY_LIMIT
- TOWNSHIPS

ZONING

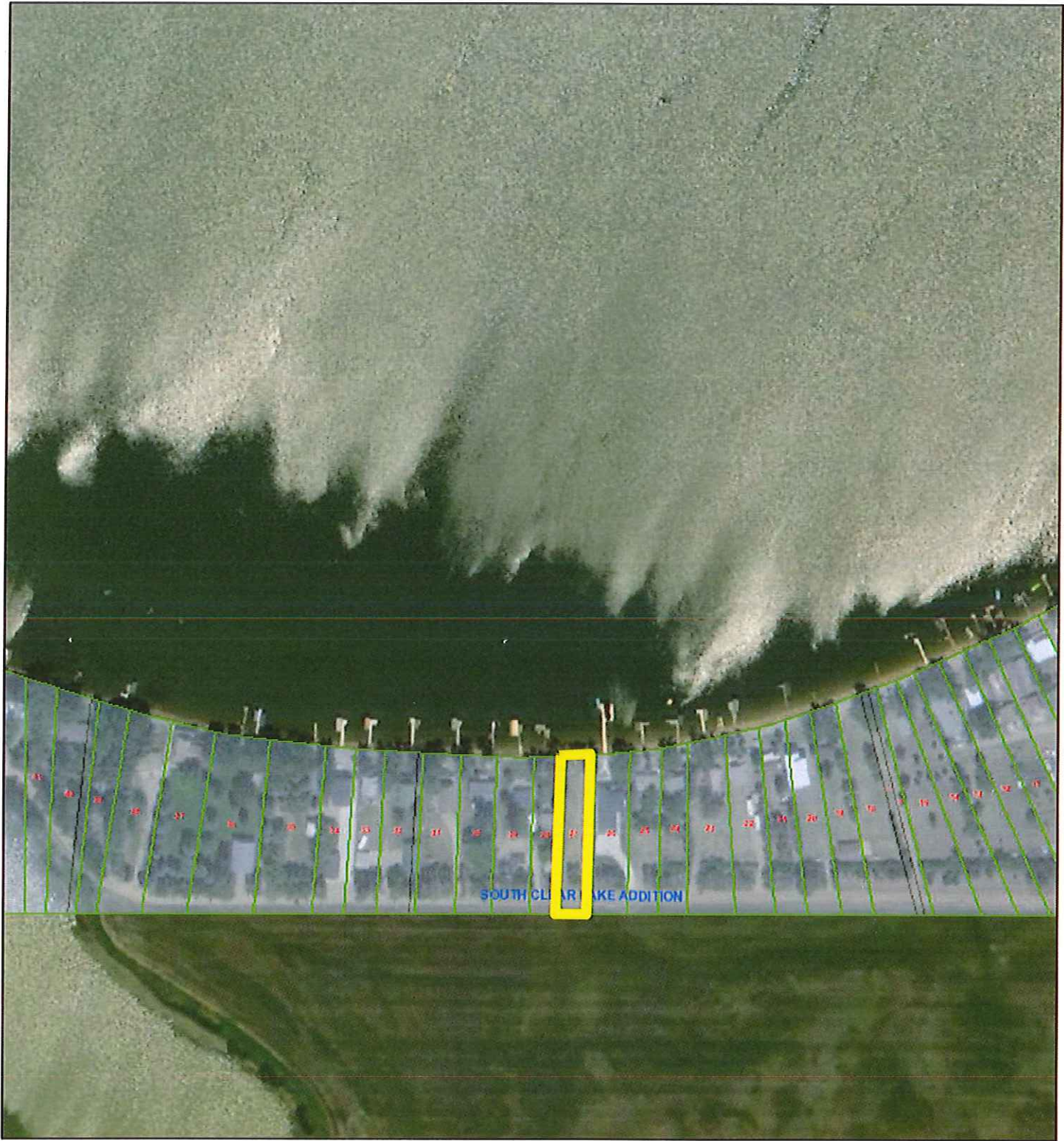
- Agricultural District
- Agricultural Fringe Protection District

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



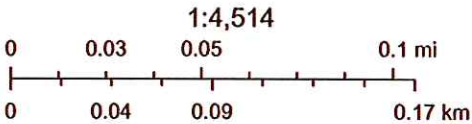
Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Web AppBuilder for ArcGIS



August 6, 2020

-  PARCELS
-  CITY_LIMIT
-  TOWNSHIPS



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

Cynthia Bremmon – Variance









