

**Marshall County Planning & Zoning  
STAFF REPORT  
September 1, 2020**

**Issue #1 Variance for Building Setback**

**OWNER/APPLICANT:** Dave and Linda Carruthers

**PROPERTY DESCRIPTION:** The W1/3 of Lot 7 in Isensee's Fourth Clear Lake Subdivision in the SW1/4 of Section 18, T126N, R53W

**CURRENT ZONING:** Lake Front Residential (R-3)

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

**REQUEST:** Dave and Linda Carruthers have requested a variance to place a garage and a cabin 3ft from the West property line instead of the 7ft requirement and 15ft from the road right-of-way line instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

**HISTORY/ISSUE(S):**

1. There W1/3 of Lot 7 has no structures according to records. The applicants recently purchased the remaining E2/3 of Lot 7 and now own the entire Lot (8/10/2020 filing date).
2. According to site plans, the proposed garage and single bedroom and bath cabin would be 24' wide by 40' long. There are plans of adding on to this new construction in the future.
3. The proposed construction would be the second property on Lot 7, with plans of removing the mobile home that was placed prior to the new owners in the near future. The small sheds currently on the property will be removed as the garage will take the place of them for storage needs.
4. Lot 7 has an average depth of approximately 116.15ft and a width of approximately 58.05ft.
5. The road which is North of the Lot is a span of 30ft.
6. Marshall County Ordinance requires new structures to be placed a minimum of 7ft from a property line and a minimum of 30ft from a road right-of-way line.
7. No written comments or objections were received prior to the hearing.
8. Staff Recommendation – 4' variance to the West property line setback and 15' 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 R-3 District.
  - a. The Board has granted similar lot line and right-of-way line variances to lake lots in the past, when the neighbors had no objections. Similar lot line variances allowed – 4' for M. Hill 7/14, 3' for D. Weber 7/19, 3' for D. Weber 10/19 and 3' for S. Sullivan 4/15. Similar road variances allowed –18' for J. Carlson 4/2020, 8' for M. Hill 7/14 and 20' for J. Cooper 8/11.
  - 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 – 4' variance to the West property line setback and 15' 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 September 1, 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.

Dave and Linda Carruthers have requested a variance to place a garage and a cabin on the property described as The W1/3 of Lot 7 in Isensee's Fourth Clear Lake Subdivision in the SW1/4 of Section 18, T126N, R53W. The petitioner is asking to place the structures 3ft from the West property line instead of the 7ft requirement and 15ft 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: August 12, 2020*

1T (July 12)  
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- APPLICATION FOR  
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Erin Collins-Miles  
Planning & Zoning Administrator  
Published once at the approximate cost of \$10.95.



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

August 12, 2020

Dear Property Owner,

Dave and Linda Carruthers have requested a variance to place a garage and a cabin on the property described as The W1/3 of Lot 7 in Isensee's Fourth Clear Lake Subdivision in the SW1/4 of Section 18, T126N, R53W. The petitioner is asking to place the structures 3ft from the West property line instead of the 7ft requirement and 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 September 1, 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 8/12/2020:**

1. Matthew Hill – 10985 86<sup>th</sup> St. SE Oakes, ND 58474
2. Gregory Slaby – 3369 Rolling Hills Drive Eagan, MN 55121
3. Randy & Rosemary Heitmann – 44066 114<sup>th</sup> St. Lake City, SD 57247
4. Mildred Breker – 443460 N Shore Drive Lake City, SD 57247

# MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 8/10/2020

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) Garage with bedroom and bath within 3 feet of the lot line 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 7 of the Isensee Fourth Clear Lake Subdivision in the southwest quarter of section 18, T126N, R53W.

Reason: Limited lot size for a garage

Applicant Name: David Carruthers

Phone: 507 276-6679

Address: 410 East Cottonwood Street, Springfield, MN 56087

Applicant Signature: David Carruthers

Owner Signature (if different than applicant): \_\_\_\_\_

## For Internal Office Use Only:

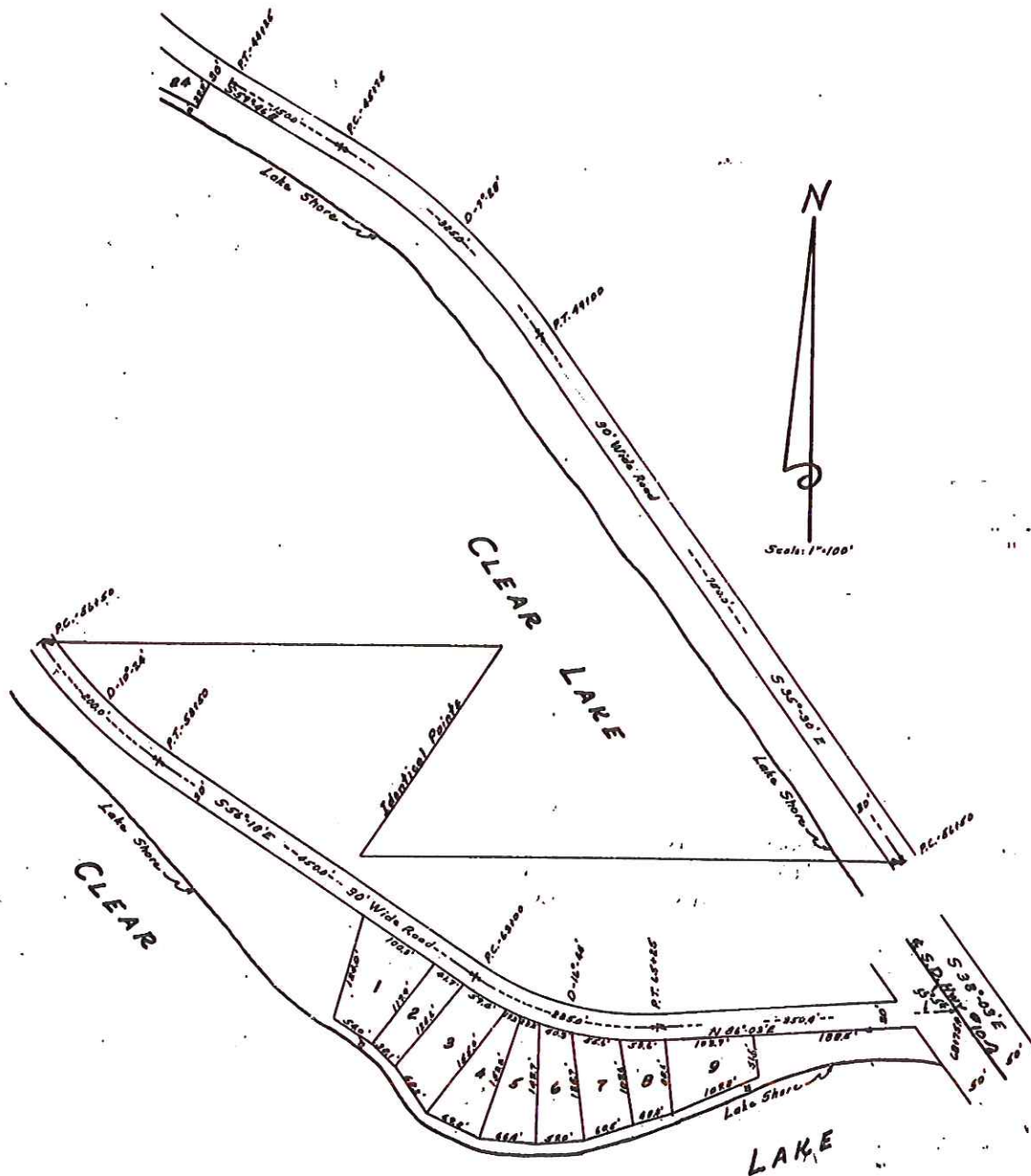
Date Received: 8-10-2020 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: September 1, 2020

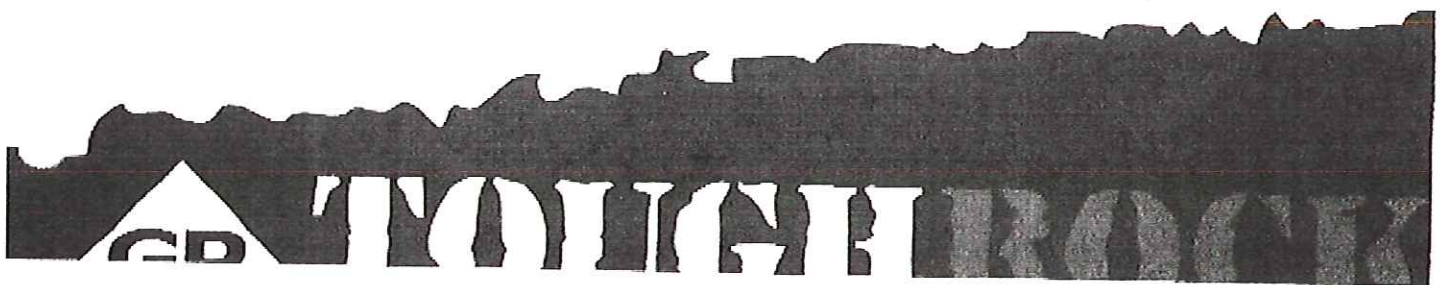
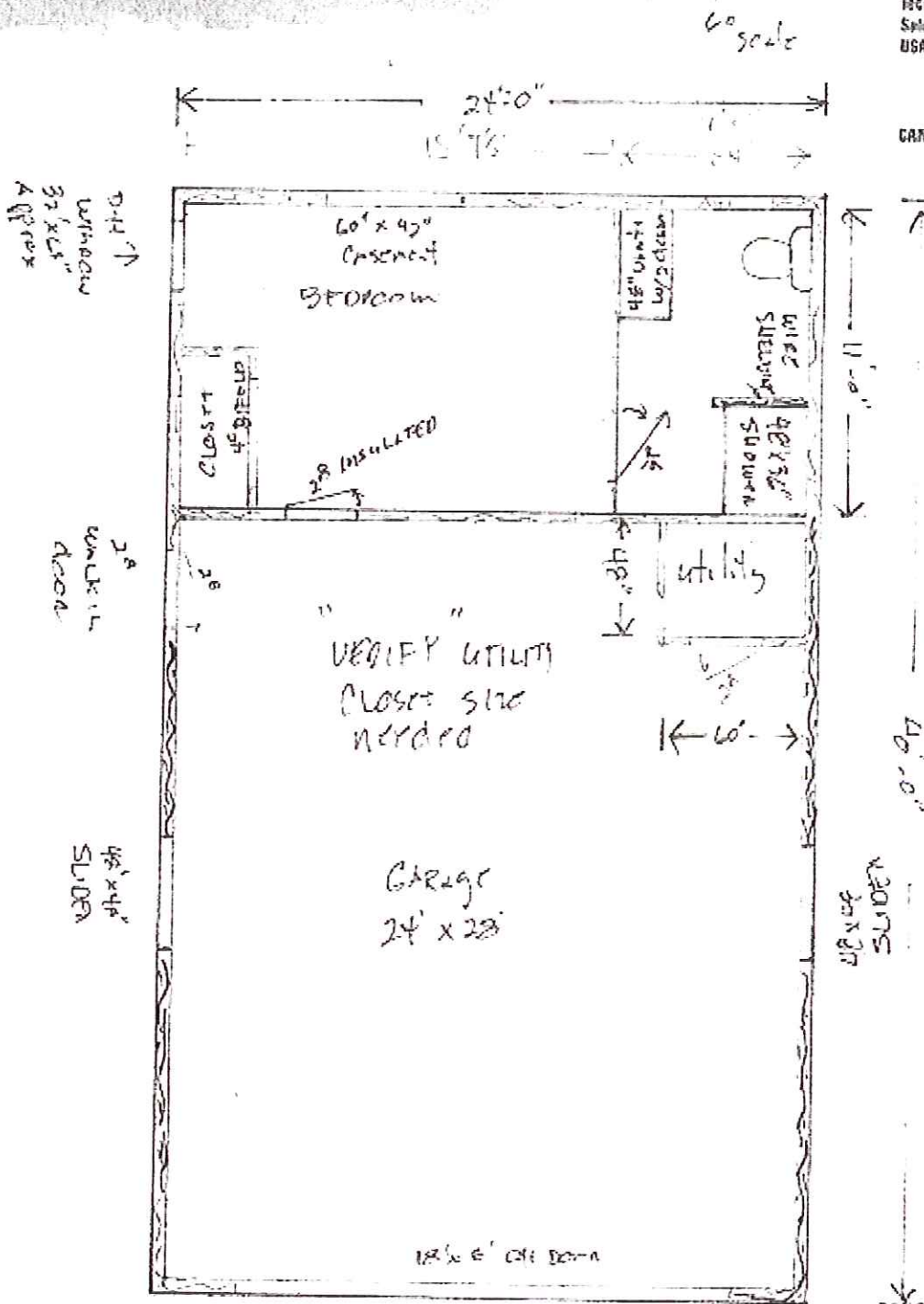
Action taken by Planning and Zoning Commission: \_\_\_\_\_

Plat Showing  
**ISENSEE'S FOURTH CLEAR LAKE SUBDIVISION IN**  
**THE SW 1/4 OF SEC. 18 - T. 126 N. - R. 53 W.**  
 MARSHALL COUNTY, S. DAK.



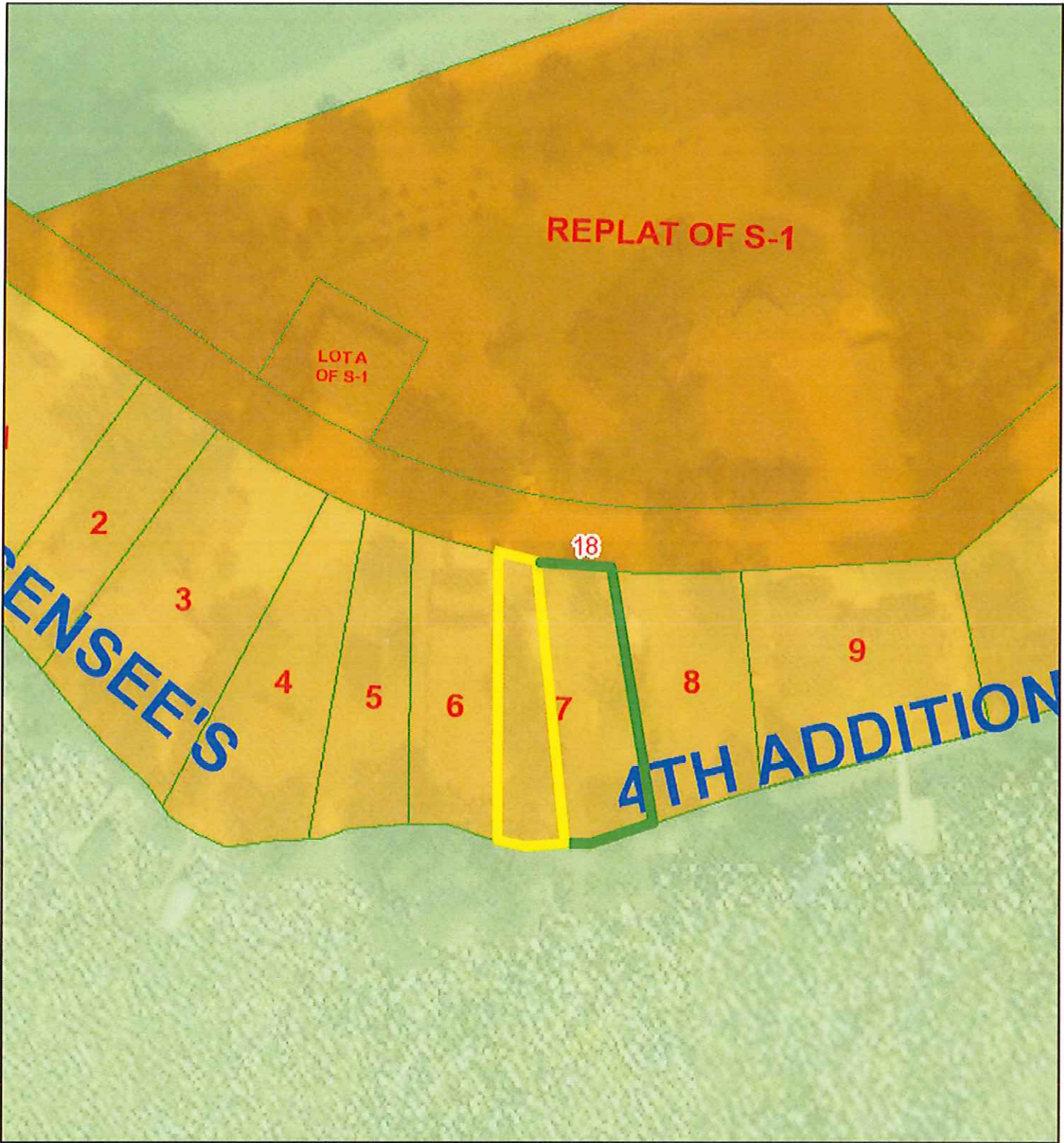
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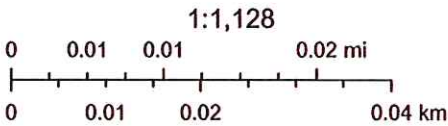


# Web AppBuilder for ArcGIS



August 27, 2020

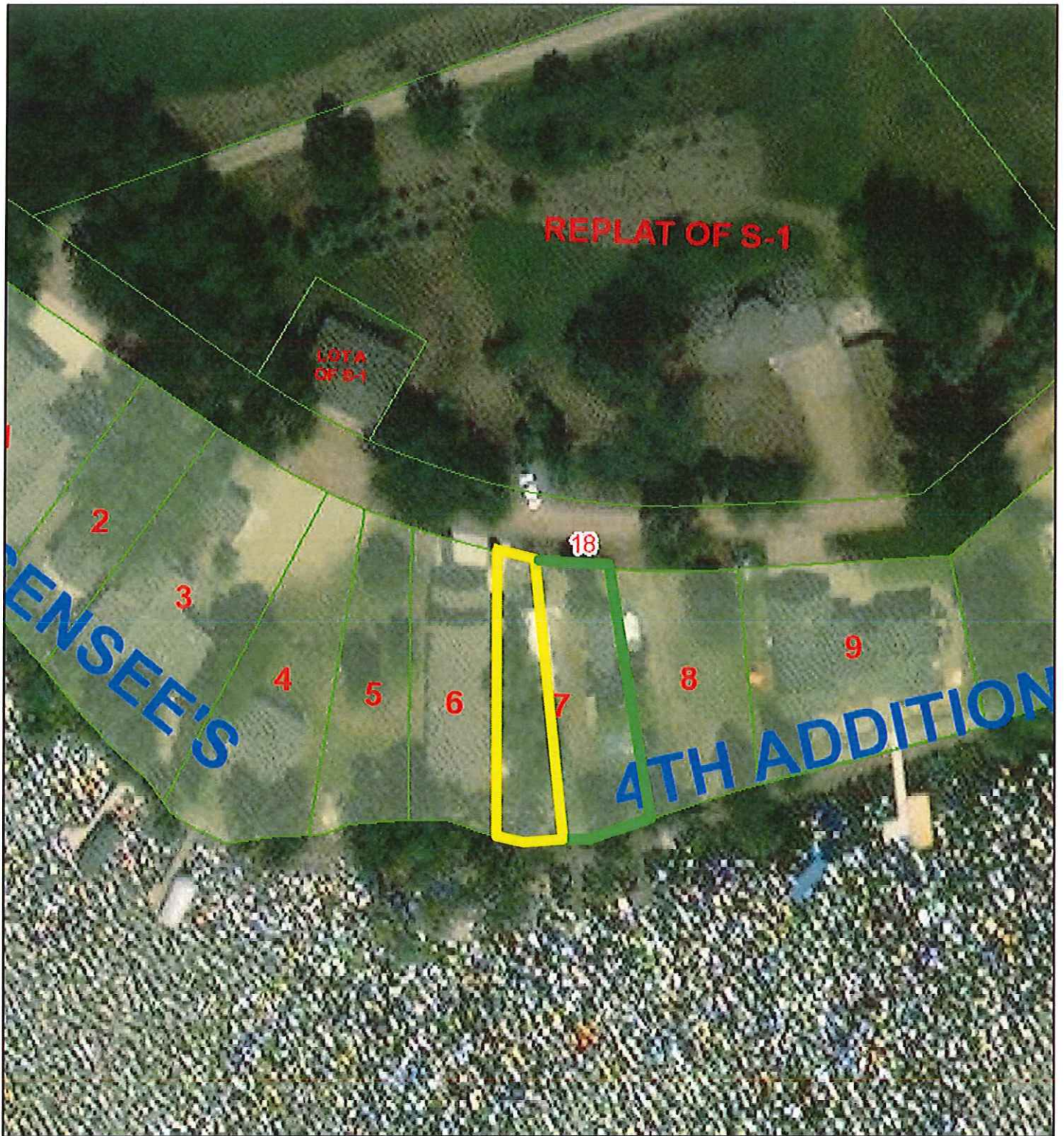
- |            |   |
|------------|---|
| PARCELS    | <b>ZONING</b>                           |
| CITY_LIMIT | Agricultural District                   |
| SECTIONS   | Agricultural Fringe Protection District |
| TOWNSHIPS  | Commercial District                     |
|            | General Industrial District             |
|            | Highway Commercial District             |



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

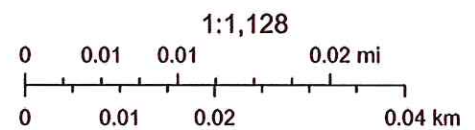


# Web AppBuilder for ArcGIS



August 27, 2020

- PARCELS
- CITY\_LIMIT
- SECTIONS
- TOWNSHIPS



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



Dave & Linda Carruthers – Variance













