

**Marshall County Planning & Zoning  
STAFF REPORT  
September 22, 2020**

**Issue #1 Variance for Building Setback**

**OWNER/APPLICANT:** Dennis Joy

**PROPERTY DESCRIPTION:** Lot 4 Sckerl's Roy Lake Subdivision in the NE1/4 of the SW1/4 of Section 27, T126N, R55W

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

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

**REQUEST:** Dennis Joy has requested a variance to place a storage shed 4 ½ ft from the North property line instead of the 7ft requirement and 7ft from the road right-of-way line instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

**HISTORY/ISSUE(S):**

1. There are currently two sheds on the property. There was a temporary building permit granted for the second plastic portable shed on 8/25/2020 (#42-2020).
2. The new shed would replace both existing sheds that are currently on the property and be placed in the same location as the existing.
3. The Lot has an average depth of approximately 139.15ft and a width of approximately 61.05ft.
4. According to site plans, the proposed new shed would be 10x14 in dimension.
5. 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.
6. No written comments or objections were received prior to the hearing.
7. Staff Recommendation – 2 ½' variance to the North property line setback and 23' 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.
    - i. Similar lot line variances allowed – 3' for D. Erickson 8/11, 3' for P. Nelson 10/12 and 5' for D. Rinas 4/15.
    - ii. Similar road variances allowed – 20' for K. Duerre 5/12, 18' for P. Nelson 10/12, 15' for G. Wickre 8/19 and 25' for R. Jorgenson 7/2020.
  - 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 ½' variance to the North property line setback and 23' 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 22, 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.

Dennis Joy has requested a variance to place a storage shed on the property described as Lot 4 Sckerl's Roy Lake Subdivision in the NE1/4 of the SW1/4 of Section 27, T126N, R55W. The petitioner is asking to place the shed 4 ½ ft from the North property line instead of the 7ft requirement and 7ft 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 26, 2020*

1T (Aug 26)  
**NOTICE OF HEARING  
- APPLICATION FOR  
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Erin Collins-Miles  
Planning & Zoning Administrator  
Published once at the approximate cost of \$10.29.



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

August 24, 2020

Dear Property Owner,

Dennis Joy has requested a variance to place a storage shed on the property described as Lot 4 Sckerl's Roy Lake Subdivision in the NE1/4 of the SW1/4 of Section 27, T126N, R55W. The petitioner is asking to place the shed 4 ½ ft from the North property line instead of the 7ft requirement and 7ft 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 22, 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 8/24/2020:**

1. Brenda Joy, ETAL – 610 17<sup>th</sup> Ave NE Aberdeen, SD 57401
2. Ronald & Coleen Monson – 602 Market St. Langford, SD 57454
3. Dean & Gaylene Haar – 932 S Washington St. Aberdeen, SD 57401

# MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 8/19/20

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 <sup>14'</sup>Green Road <sup>4 1/2'</sup>Lot 3 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): Sckerl's Division  
Lot 4

Reason: would like to put it where the current 1 is  
If we were to put storage shed anywhere else  
we would have to cut trees down. Plus it would  
be on sewer drain field. 30' road span - 45' from center

Applicant Name: Dennis JOY Phone: 605-226-2724

Address: 610 17<sup>th</sup> Ave NE Aberdeen SD

Applicant Signature: Dennis Joy

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

## For Internal Office Use Only:

Date Received: 8-19-2020 Fees(non-refundable): \$150.00 Paid: YES NO

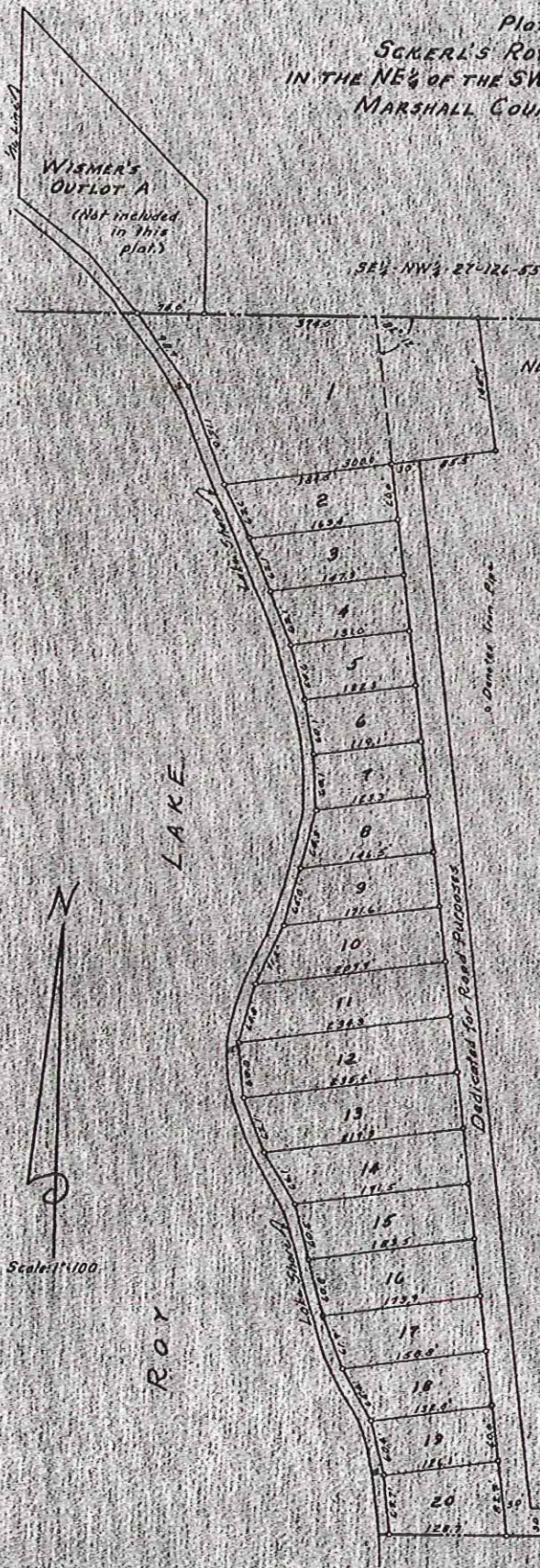
Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: September 22, 2020

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



**Plot Showing  
SEKERI'S ROY LAKE SUBDIVISION  
IN THE NE $\frac{1}{4}$  OF THE SW $\frac{1}{4}$  OF SEC. 27, T. 126 N., R. 55 W.  
MARSHALL COUNTY, SOUTH DAKOTA**



Lot 113  
(Revised)  
FILED THIS BOOK 3 PAGE 180

**OWNER'S CERTIFICATE**

I, Max M. Sekeri, do hereby certify that I am the absolute and unqualified owner of the Northeast Quarter of the Southwest Quarter of Section 27, Township 126 North, Range 55 West of the Fifth Principal Meridian, in Marshall County, South Dakota, and that I have caused a portion of the same to be surveyed and platted into lots as shown on this plat, which shall hereafter be known and described as "Skeri's Roy Lake Subdivision in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 27, T. 126 N., R. 55 W." I further certify that the above described land is free from any incumbrances.

Signed this 16 day of April, 1968.

Max M. Sekeri  
Owner

State of Arkansas  
County of Washington

On this 16 day of April, 1968, before me, a Notary Public, personally appeared Max M. Sekeri, 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 commission expires:

Arthur J. Switzer  
Notary Public  
My Commission Expires July 31, 1971

**SURVEYOR'S CERTIFICATE**

I, William D. Stollner, Registered Land Surveyor, do hereby certify that I have surveyed and platted Sekeri's Roy Lake Subdivision in the NE $\frac{1}{4}$  of the SW $\frac{1}{4}$  of Sec. 27, T. 126 N., R. 55 W., as shown on this plat, that I have set iron pins as shown, and that said survey and plat are true and correct.

Signed this 6th day of December, 1967.

William D. Stollner  
Registered Land Surveyor 1960

State of South Dakota  
County of Brown

On this 6th day of December, 1967, before me, a Notary Public, personally appeared William D. Stollner, 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 commission expires:

Notary Public, Brown County, South Dakota

**APPROVAL BY COUNTY**

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 16<sup>th</sup> day of May, 1968.

Marion Curick

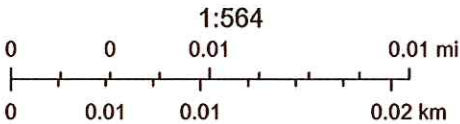


# Web AppBuilder for ArcGIS



September 17, 2020

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- TOWNSHIPS



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



# Web AppBuilder for ArcGIS



September 17, 2020

PARCELS

CITY\_LIMIT

TOWNSHIPS

## ZONING

Agricultural District

Agricultural Fringe Protection District

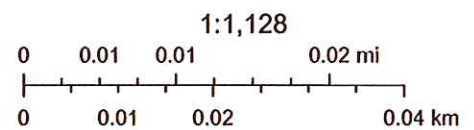
Commercial District

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

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.

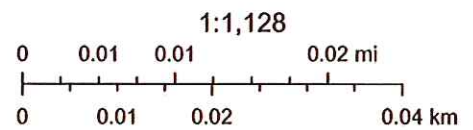


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Dennis Joy – Variance









