

**Marshall County Planning & Zoning  
STAFF REPORT  
October 20, 2020**

**Issue #1 Variance for Building Setback**

**OWNER/APPLICANT:** Amy Dirkes (C & D Revocable Living Trust)

**PROPERTY DESCRIPTION:** Lot 7 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:** Amy Dirkes has requested a variance to build a bunkhouse to replace the existing 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 three structures on the property; which include the lake cabin, the existing bunkhouse and a shed.
2. The Lot has an average depth of approximately 139.15ft and a width of approximately 61.05ft.
3. The current bunkhouse is 12x16 in dimension. According to site plans, the proposed new bunkhouse would extend 2' to the South toward the existing parking pad and 4' to the West toward the existing lake cabin (see site plan for full details).
4. Lot 7 has an average depth of approximately 121.2ft and a width of approximately 60.1ft.
5. The road to the East is a span of 30'.
6. Marshall County Ordinance requires new structures to be placed 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 – 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 road variances allowed – 20' for K. Duerre 5/12, 25' for R. Jorgenson 7/2020, 23 for D. Joy 9/2020 and 26' for S. Phillips 9/2020.
  - 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 – 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 October 20, 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.

Amy Dirkes has requested a variance to build a bunkhouse to replace the existing on the property described as Lot 7 Sckerl's Roy Lake Subdivision in the NE1/4 of the SW1/4 of Section 27, T126N, R55W. The petitioner is asking to build the bunkhouse 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: September 23, 2020*

1T (Sept 9)  
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Planning & Zoning  
Administrator

Published once at the approximate cost of \$9.96.

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

September 21, 2020

Dear Property Owner,

Amy Dirkes has requested a variance to build a bunkhouse to replace the existing on the property described as Lot 7 Sckerl's Roy Lake Subdivision in the NE1/4 of the SW1/4 of Section 27, T126N, R55W. The petitioner is asking to build the bunkhouse 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 October 20, 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 9/21/2020:**

1. Louan Overbust – 1516 Royal Rd Aberdeen, SD 57401
2. Scott Phillips – P.O. Box 116 Lake City, SD 57247

# MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 9/18/2020

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 <sup>REBUILD</sup> build (or set) A BUNKHOUSE within 7'-0" +/- 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 SCKERL'S ROY-LAKE SUBDIVISION OF THE NE 1/4 OF THE SW 1/4 OF SECTION 27, TOWNSHIP 126N, RANGE 55W OF THE 5TH P.M.

Reason: REPLACEMENT OF EXISTING BUNKHOUSE BUILT IN 1971. STRUCTURE HAS SUSTAINED WATER DAMAGE THAT HAS UNDERMINED IT'S STRUCTURAL INTEGRITY & MUST BE REPLACED FOR SAFETY REASONS. WE ARE ASKING FOR A MODEST EXPANSION FOR INCREASED USABILITY.

Applicant Name: AMY DIRCES. Phone: 218 851-6765

Address: 6587 RIVERWOOD RD, BAXTER, MN 56425

Applicant Signature: [Signature]

Owner Signature (if different than applicant): Liane M Falk

## For Internal Office Use Only:

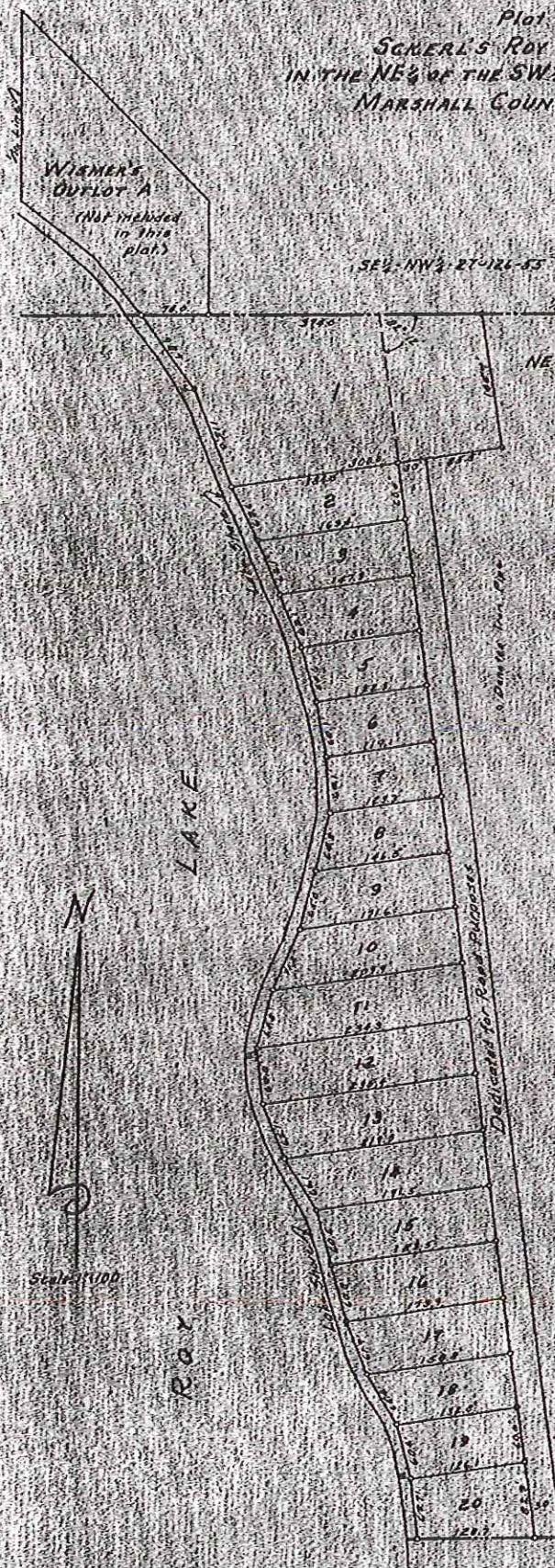
Date Received: 9-18-2020 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: October 20, 2020

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

**Plot Showing  
SCHERL'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**



**OWNER'S CERTIFICATE**

I, Max M. Scherl, 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 East of the Fifth Principal Meridian, in Marshall County, South Dakota, and that I have caused a plat of the same to be surveyed and platted into lots as shown on this plat, which shall hereafter be known and described as "Scherl'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. Scherl  
Owner

State of Arkansas  
County of Washington

On this 16 day of April, 1968, before me, a Notary Public, personally appeared Max M. Scherl, 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. Lurp  
Notary Public  
(My Commission Expires May 31, 1971)

**SURVEYOR'S CERTIFICATE**

I, William D. Stallner, Registered Land Surveyor, do hereby certify that I have surveyed and platted Scherl'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 pipe as corners, and that said survey and plat are true and correct.

Signed this 6th day of December, 1967.

William D. Stallner  
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. Stallner, 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.

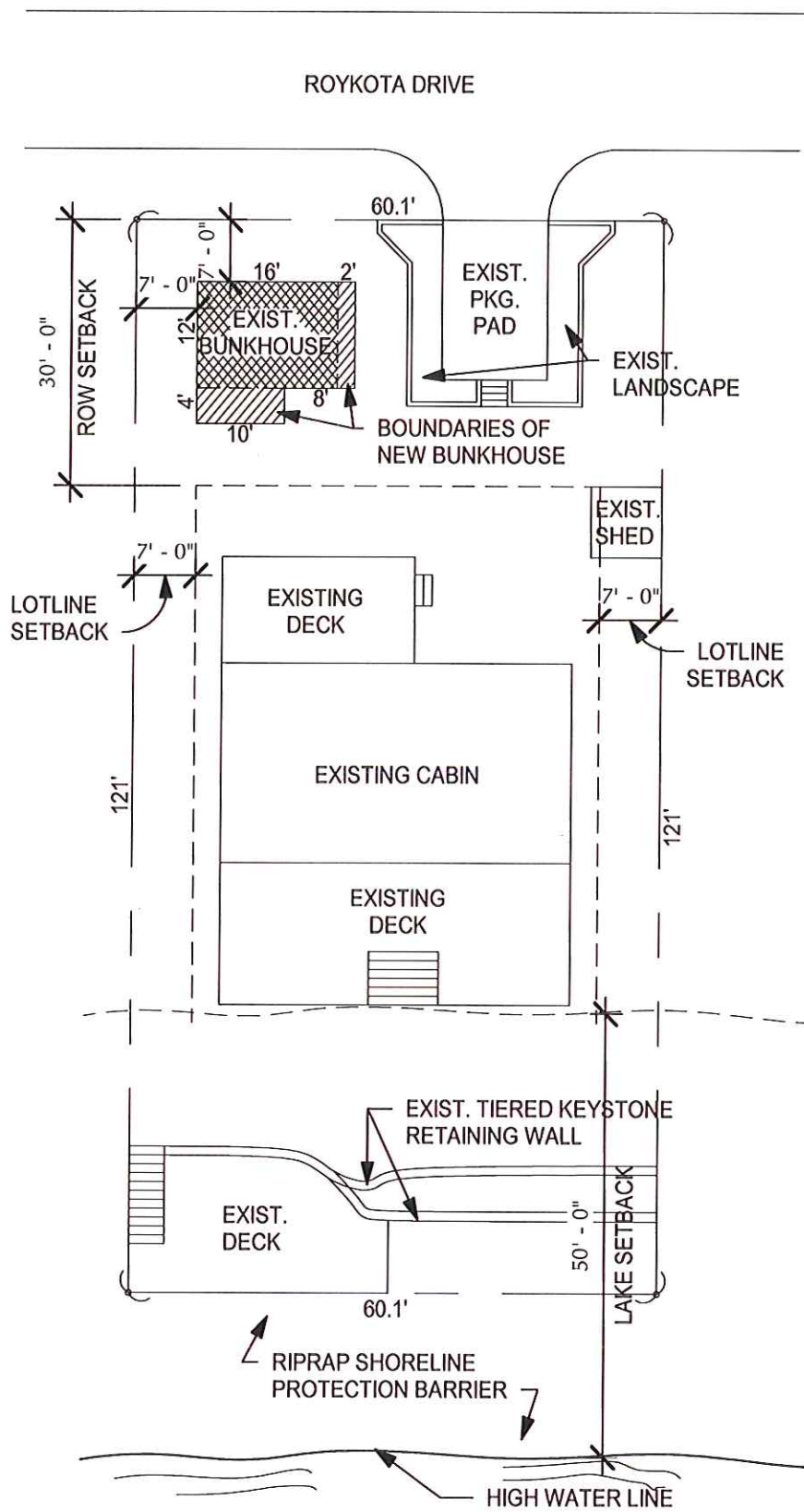
My commission expires:

Arthur J. Lurp  
Notary Public, State of South Dakota

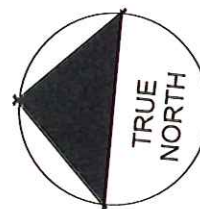
**APPROVAL BY COUNTY**

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 16th day of May, 1968.

Marion C. Cramer



1 SITE PLAN  
A1.1 1" = 20'-0"



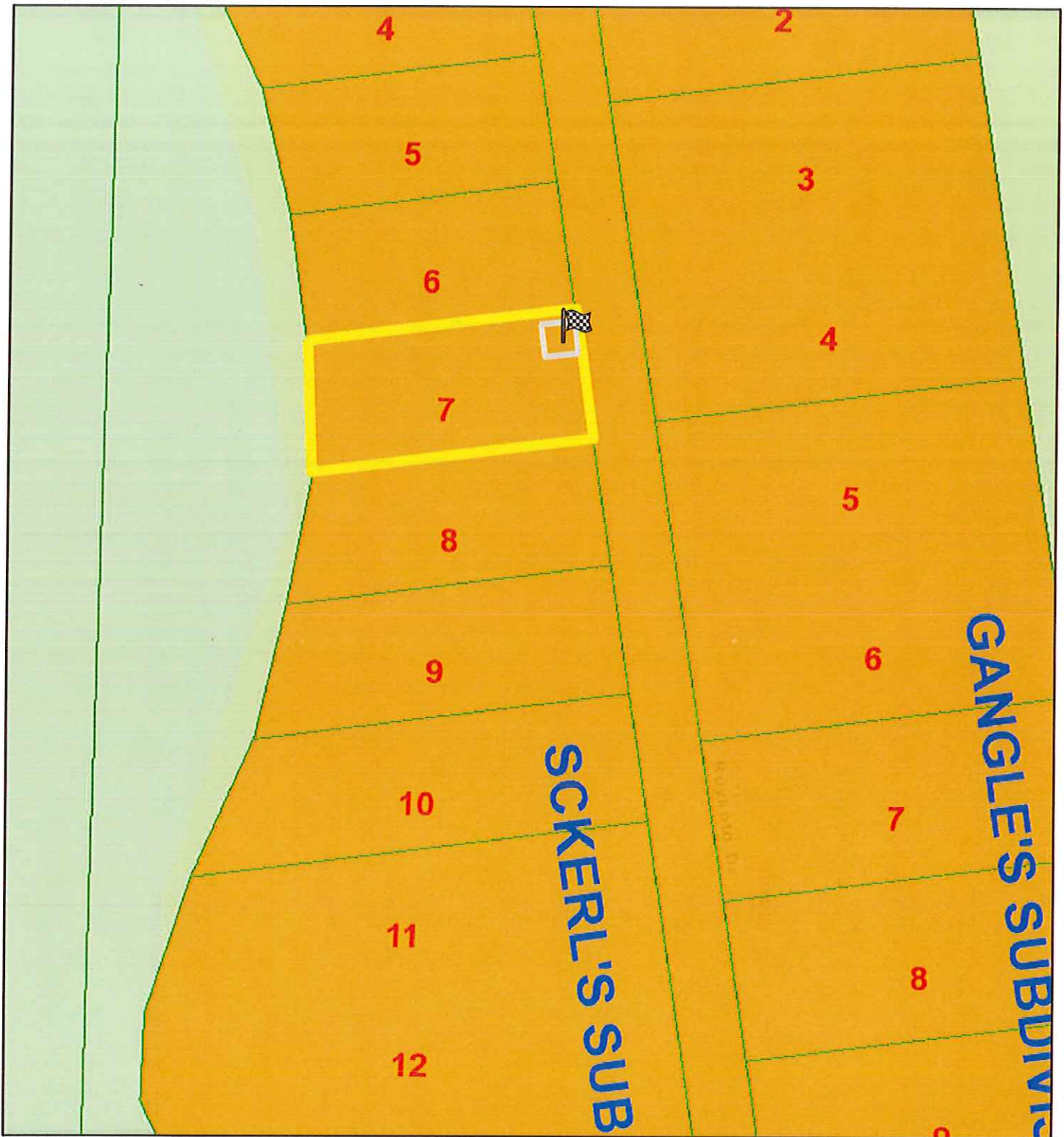
116593 ROYKOTA DR.

SITE PLAN

9/18/2020

SHEET  
A1.1

# Web AppBuilder for ArcGIS



September 21, 2020

PARCELS

CITY\_LIMIT

TOWNSHIPS

ZONING

Agricultural District

Agricultural Fringe Protection District

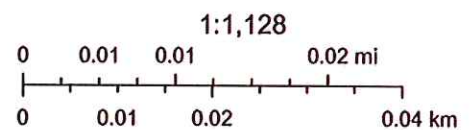
Commercial District

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

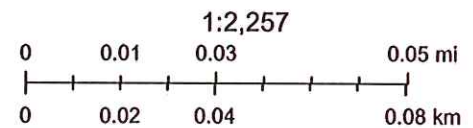
This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. Marshall County is not responsible for any errors in the drawing.

# Web AppBuilder for ArcGIS



October 8, 2020

- PARCELS
- CITY\_LIMIT
- TOWNSHIPS



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

Amy Dirkes – Variance





