

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

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Jason Teveldal

PROPERTY DESCRIPTION: as Lot 1B in Lot 1 Roykota Subdivision in Gov't Lot 5 and the SE1/4SW1/2 of Section 27, T126N, R55W

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Jason Teveldal has requested a variance to place a mobile home to replace the existing 26ft from the road right-of-way line instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. According to records, the mobile home is located on leased land that is part of East Bay Association, LLC.
2. The mobile home was purchased by the applicant on June 29, 2015 but was placed prior to the current ownership, according to the property card.
3. According to plat documents, the span of the road directly North of the leased site is 39.5', whereas the road span directly West, is 30' (please see file for more information).
4. The new mobile home would be 14x60 in dimension with an attached deck on the South end of the Lot.
5. Marshall County Ordinance requires new structures to be placed 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 – 4' 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 right-of-way line variances to lake lots in the past, when the neighbors had no objections.
 - i. Similar road variances allowed – 7' for W. Buss 9/13, 8' for M. Hill 7/14.
 - 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 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.

Jason Teveldal has requested a variance to place a mobile home to replace the existing on the property described as Lot 1B in Lot 1 Roykota Subdivision in Gov't Lot 5 and the SE1/4SW1/2 of Section 27, T126N, R55W. The petitioner is asking to place the mobile home 26ft 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 30, 2020

1T(Sept 23)
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Erin Collins-Miles
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 23, 2020

Dear Property Owner,

Jason Teveldal has requested a variance to place a mobile home to replace the existing on the property described as Lot 1B in Lot 1 Roykota Subdivision in Gov't Lot 5 and the SE1/4SW1/2 of Section 27, T126N, R55W. The petitioner is asking to place the mobile home 26ft 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. Paula Heitmann – 633 43 ½ Ave S Moorhead, MN 56560
2. Steve Dykman – 116805 East Bay Drive Lake City, SD 57247
3. Sonny and Lindsey Nickeson – P.O. Box 134 Lake City, SD 57247

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 9-15-2020

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) mobile home within 26' 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 1B in Lot 1 Boykota Subdivision in Gov't Lot 5 and the SE 1/4 SW 1/2 of section 27, T126N, R55W

Reason: mobile home will be placed in the same location as the previous structure and be in line with MH to to East. Narrow space to work with.

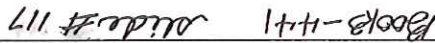
Applicant Name: Jason Texel Phone: 470-0228
Address: 42455 Golfview Dr Britton SD
Applicant Signature: [Signature]
Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 9-15-2020 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: _____

LOT 1B IN LOT 1 OF ROYKOTA SUBDIVISION IN GOV'T LOT 5 AND THE SE1/4 OF THE SW1/4 OF SECTION 27, T126N, R55W OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA.



Holton Engineering Inc.
512 Veterans Avenue
Sisseton, South Dakota
Ph. 1-605-698-3850

**PLAT OF
ROYKOTA LEGACY ESTATES
IN THE SE 1/4 SW1/4 AND GOVERNMENT LOT 5 OF SECTION 27-T126N-R55W OF THE 5th P.M.,
MARSHALL COUNTY, SOUTH DAKOTA**

A-4456

*Note:
This plat is present in
this file to show the
differing road spans
adjacent to Lot 1B in
Lot 1 Roykota Subdivision.*



LOT 1A OF LOT 1 OF
ROYKOTA SUBDIVISION
(VACATED BY THIS PLAT)



Sta.	Chord	Delta Angle	Length	Chord	Tangent
C1	50.00	77°53'57"	45.79	37.72	24.25
C2	6500.00	14°55'37"	1159.15	1152.07	594.04



(IN FEET)
1 inch = 200 ft.

LEGEND

- SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214.
- WITNESS CORNER SET 5/8" X 18" REBAR WITH SURVEY CAP STAMPED KIESO RLS 9214
- FOUND PROPERTY CORNER
- ▲ CALCULATED POINT
- ◆ CHISELED X ON CONCRETE
- ◆ POINT NOT SET, BUILDING AT LOCATION
- M MEASURED IN FIELD
- PP PREVIOUSLY PLATTED
- ALL ACRES ARE CALCULATED TO MEANDER LINE

**BASIS OF BEARINGS
GPS OBSERVATION**

**LOT 1 ROYKOTA
SUBDIVISION
(VACATED BY THIS
PLAT)**

Helms & Associates
CIVIL ENGINEERS & LAND SURVEYORS
231 Brown County Highway 19
P.O. Box 111
Aberdeen, S.D. 57401
Phone 605.225.5112 Fax 605.225.5119

** Site Survey **

Of Lot 1B in Lot 1 Roykota Subdivision
in Gov't Lot 5 and the SE1/4SW1/2 of
Section 27, T126N, R55W of the 5th P.M.,
Marshall County, South Dakota

LOT 15
Roykota Legacy Estates

30' Road

HOUSE

Concrete

Lath Set

LOT 1

Cabin

Finish Floor ± 1799.5

Conard Addition
to Roy Lake

Firepit

* HAS BEEN MOVED
SHED

Shed Floor ± 1800.1
Grass At Shed 1799.3

Lath Set

50' Setback
From Elev 1795.7

LOT 1B

Trailer House
Finish Floor ± 1802.5

Trailer House

Deck

South Dakota GF&P Pdf Document on Roy Lake
Water Level Observation:
The South Dakota Water Management Board
established OHWM is 1795.7 fmsl, and the
outlet elevation of Roy Lake is 1795.2 fmsl.

SD DNR Website:
All elevations are referenced to the
National Geodetic Vertical Datum of 1929
(NGVD 29).

SD DNR Lake Elevations:

10/23/18	1793.07
5/22/18	1793.63
4/26/16	1794.46
10/29/14	1795.37
5/18/11	1798.11
5/6/08	1796.1
5/14/01	1798.3
5/1/97	1799 (Highest)
9/28/94	1786.9 (Lowest)

VERTCON Conversion at this location is
NAVD 88-(0.912)=NGVD29.

All Elevations have been converted
to Match SD DNR NGVD29

Collected Bench Mark HL-2
OHWM Bench Mark for Roy Lake
by Boat Ramp at Roy Lake State Park (West)
Set on 5/6/83

Water At Time of Survey (6-19-19)
Elev. 1797.67
Water At Time of Survey (7-15-19)
Elev. 1797.83
Approx. 2.7' Water Over Spillway



SCALE: 1" = 40'

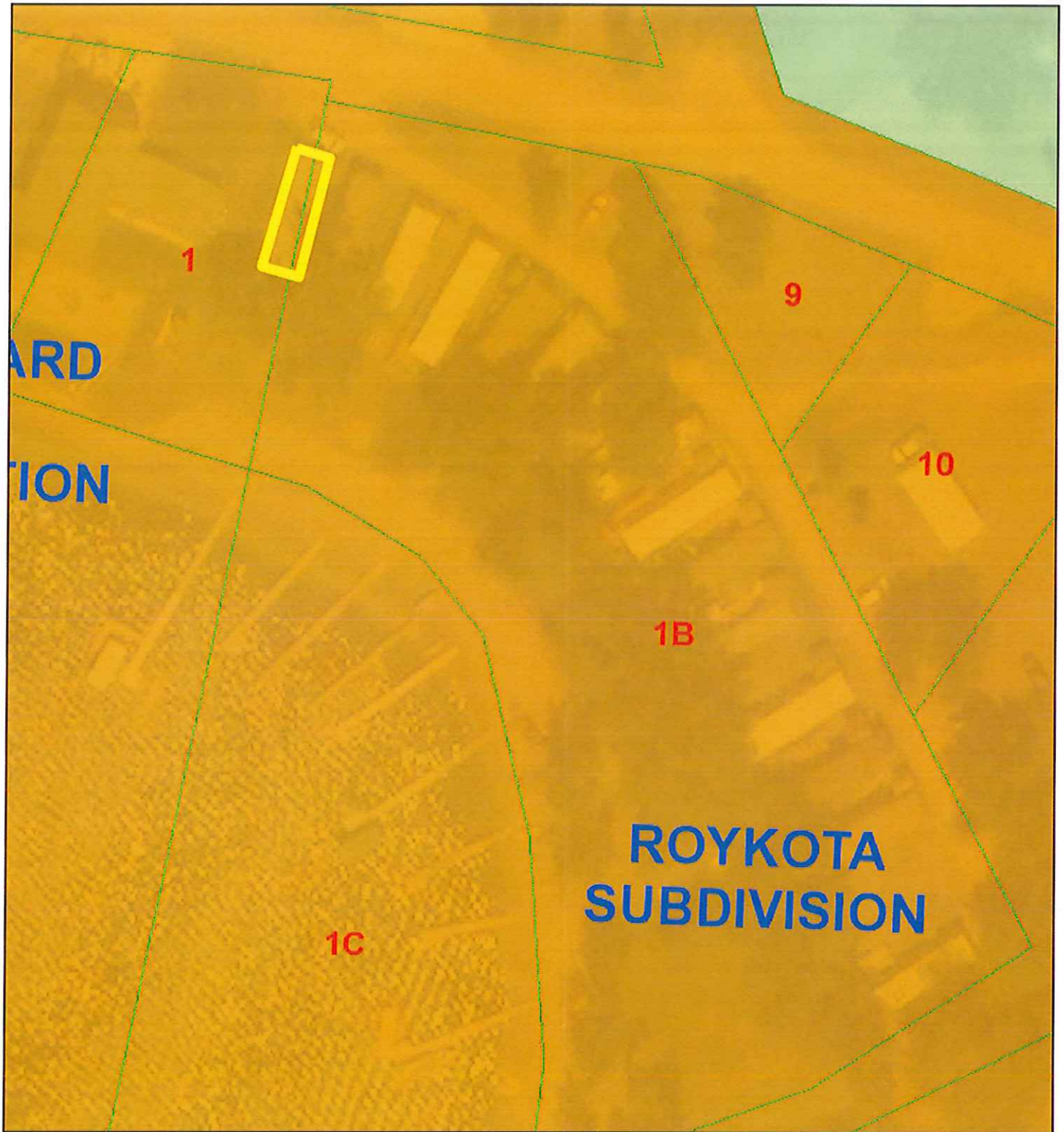
☒ = RECOVERED MONUMENT

✕ = RECORDED SHOT IN THE WATER

HOLTON ENGINEERING INC.

DRAWN: 9/22/20 FIELD: 9/2020 512 VETERANS AVE. SISSETON, SD PH. 1-605-698-3850

Web AppBuilder for ArcGIS



October 9, 2020

PARCELS

CITY_LIMIT

TOWNSHIPS

ZONING

Agricultural District

Agricultural Fringe Protection District

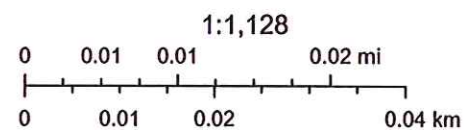
Commercial District

General Industrial District

Highway Commercial District

Lake Front Residential District

Residential District

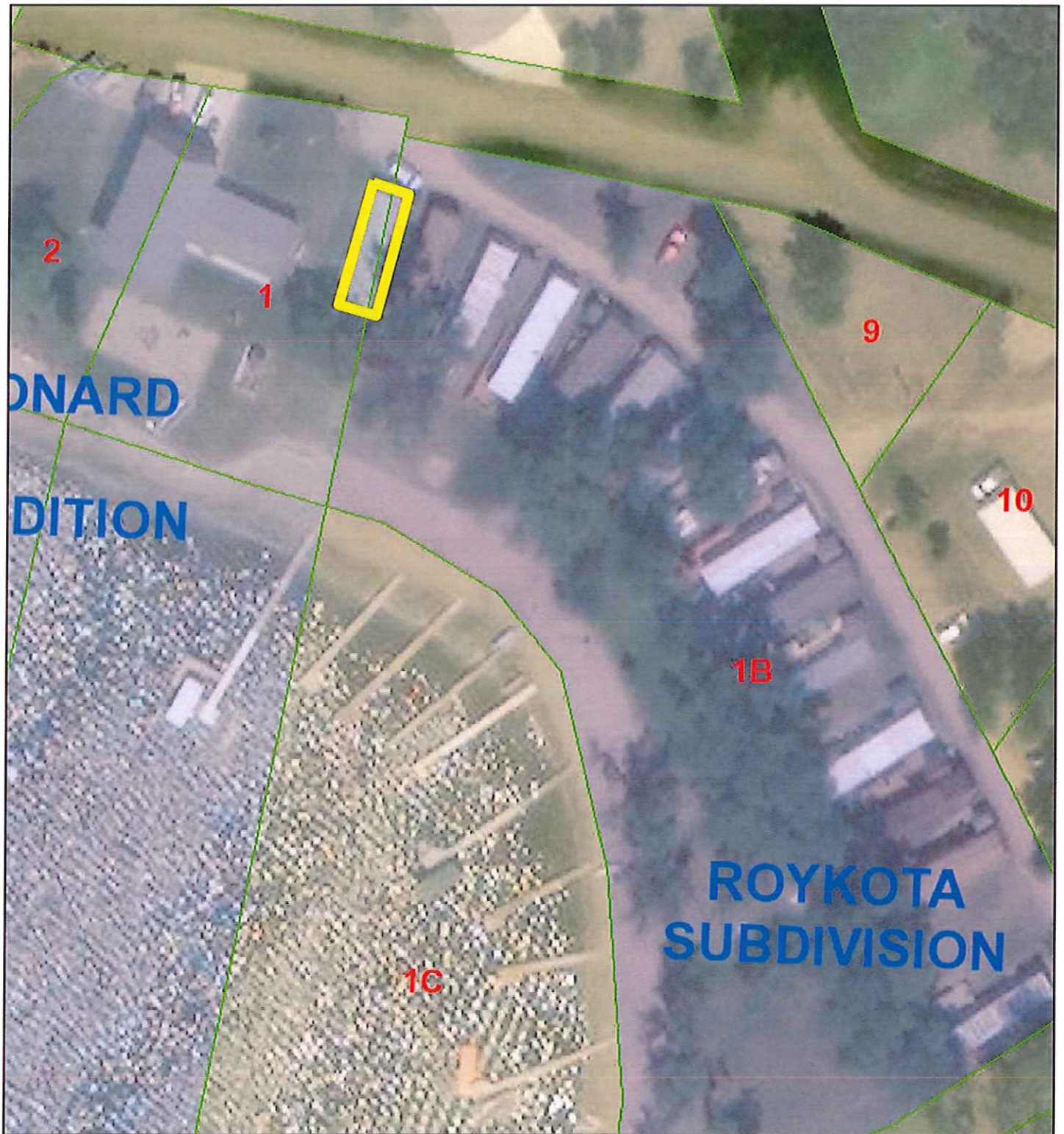


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Marshall County Web Viewer

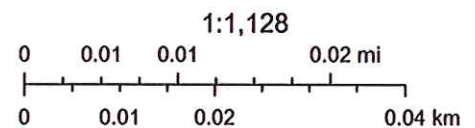
This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. Marshall County is not responsible for any errors in the drawing.

Web AppBuilder for ArcGIS



October 9, 2020

-  PARCELS
-  CITY_LIMIT
-  TOWNSHIPS



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Jason Teveldal – Variance



