

Marshall County Planning & Zoning
STAFF REPORT
January 5, 2021

Issue #1 Variances for Building Setback

OWNER/APPLICANT: Gary Wickre

PROPERTY DESCRIPTION: Lots 12 thru 14 in Block 1 of Lot 2 Freeman's Subdivision, Gov. Lot 4, Section 18, T126N, R55W

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Wickre is requesting a variance to place a deck with stairs. The petitioner is asking to place the deck 14½ ft from the road right-of-way line that lies directly to the East, instead of the 30ft requirement and to attach stairs on the North side of the deck 15ft from the road right-of-way line that lies to the Northeast, instead of the 30ft requirement.

HISTORY/ISSUE(S):

1. The deck in question is currently attached to a camper which resides on the Lot. There is a shed on the Lot in which a variance was obtained on August 20, 2019.
2. Property cards indicate the Lots have been in the possession of the Wickre's since approximately 1997.
3. Each of the three Lots have an average length of approximately 90ft and a width (lake frontage) of approximately 50ft.
4. The road is a span of 30ft.
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 – 15½' variance to the East right-of-way line setback and a 15' variance to the Northeast 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 the R-3 District.
 - a. The Board has granted similar road right-of-way variances to lake lots in the past when the neighbors had no objections. Similar road variances allowed – 15' for G. Wickre 8/19, 20' for K. Freudenthal 5/19 and 25' for K. Freudenthal 3/18.
 - 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 – Variances – 15½' variance to the East right-of-way line setback and a 15' variance to the Northeast 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 January 5, 2021 at 9:10 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for variance from the Marshall County Zoning Ordinance.

Gary Wickre has requested a variance to place a deck with stairs on the property described as Lots 12 thru 14 in Block 1 of Lot 2 Freeman's Subdivision, Gov. Lot 4, Section 18, T126N, R55W. The petitioner is asking to place the deck 14½ ft from the road right-of-way line that lies directly to the East, instead of the 30ft requirement and to attach stairs on the North side of the deck 15ft from the road right-of-way line that lies to the Northeast, 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: December 16, 2020

1T (Dec 16)
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Erin Collins-Miles
Planning & Zoning Administrator
Published once at the approximate cost of \$11.28.

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

December 16, 2020

Dear Property Owner,

Gary Wickre has requested a variance to place a deck with stairs on the property described as Lots 12 thru 14 in Block 1 of Lot 2 Freeman's Subdivision, Gov. Lot 4, Section 18, T126N, R55W. The petitioner is asking to place the deck 14½ ft from the road right-of-way line that lies directly to the East, instead of the 30ft requirement and to attach stairs on the North side of the deck 15ft from the road right-of-way line that lies to the Northeast, instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

A hearing will be held at the Marshall County Courthouse, Commissioners Chambers on January 5, 2021 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 12/16/2020:

1. Galen Jensen – P.O. Box 151 Pierpont, SD 57468
2. Joel & Teresa Carlson – 16163 Pinkney St. Omaha, NE 68116
3. Jeffrey Loutsch – 701 Dakota Street South Milbank, SD 57252
4. Doug Chapin – 42742 104th St. Britton, SD 57430

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 10-5-2020

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) a deck with stairs within 14.5 feet of roadway (East) + 15 ft of a (circle applicable): Twp Rd, County Rd, Federal or State Hwy, Other Rd, Lot Line or High Water Mark. from NE

Structure would be located on (legal description): Lots 12 thru 14 in Block 1 of Lot 2 Freeman's Subdivision in Government Lot 4 Section 18, T126N, R55W

Reason: Wishes to keep camper in current location.
IS attached to deck. K/K
-Steps on North side

Applicant Name: Gary Wickre Phone: 228-4079
Address: PO Box 465 Britton, SD 57430
Applicant Signature: Gary Wickre
Owner Signature (if different than applicant): _____

For Internal Office Use Only:

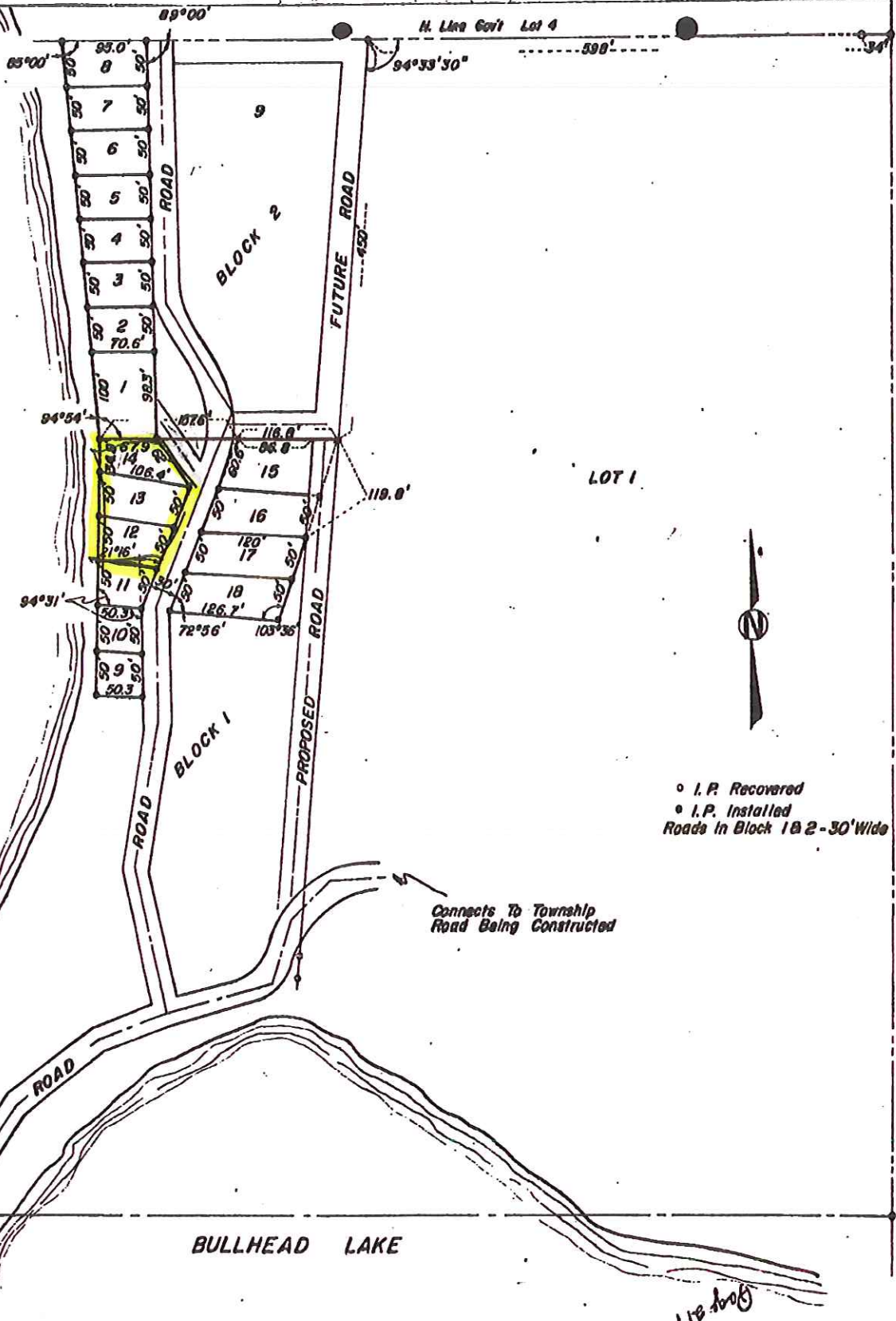
Date Received: _____ Fees(non-refundable): \$150.00 Paid: YES NO
Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: January 5th, 2021
Action taken by Planning and Zoning Commission: _____

FOUR MILE LAKE

PLAT OF

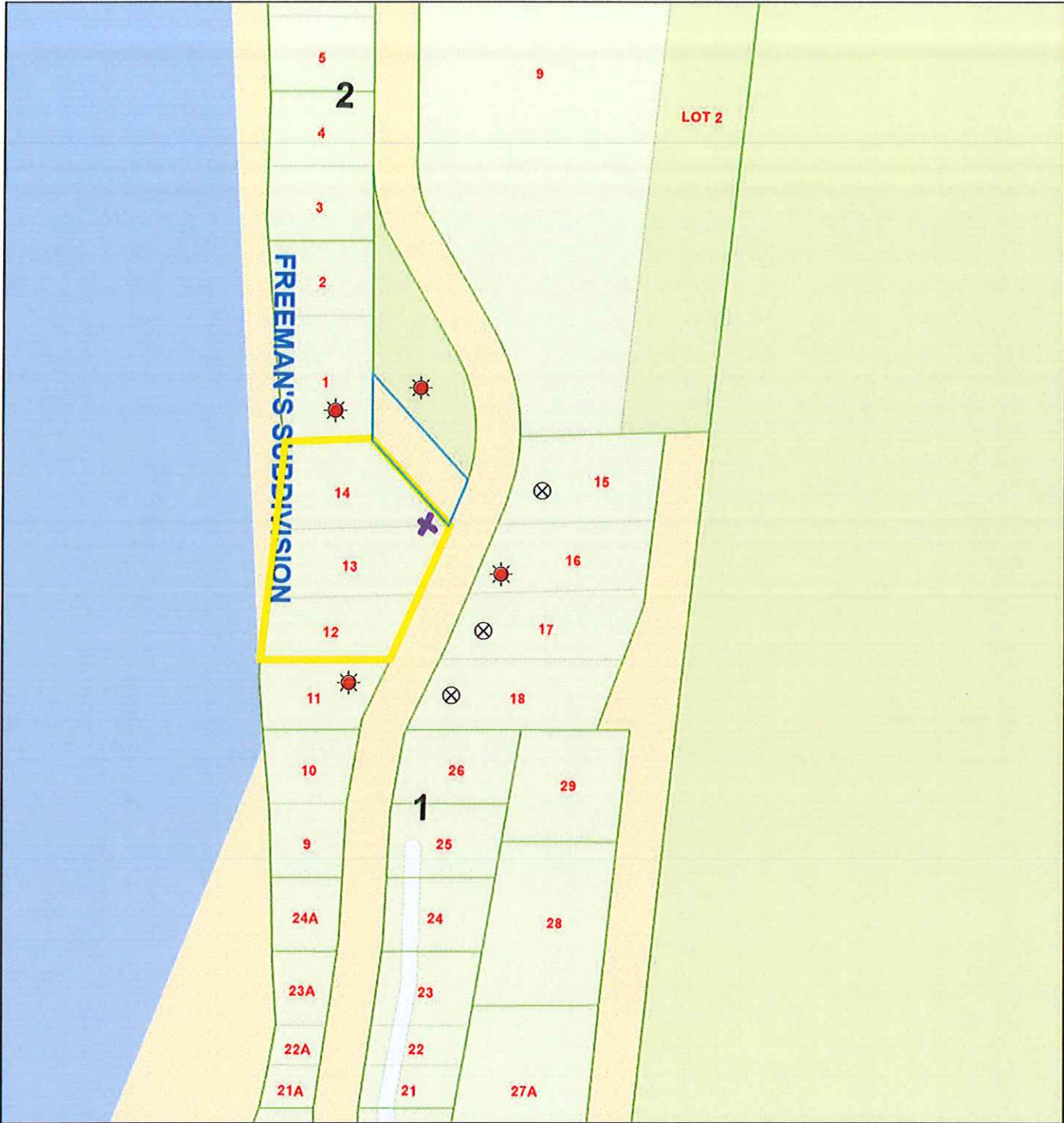
LOTS 9 THRU 18 BLOCK 18 LOTS 1 THRU 9 BLOCK 2
OF LOT 2 FREEMAN'S SUBDIVISION GOV'T LOT 4
SECTION 18-T126N-R55W OF THE 5TH P.M.
MARSHALL COUNTY, SOUTH DAKOTA



- I.P. Recovered
 - I.P. Installed
- Roads in Block 18 2-30' Wide

S 1/4 Corner
18-126-55

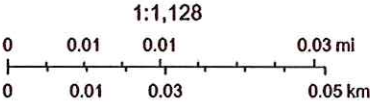
MARSHALL COUNTY WEB VIEWER



12/16/2020, 11:00:33 AM

PLAT

- FREEMAN'S OUTLOT ADDITION
- FREEMAN'S SUBDIVISION
- TOWNSHIPS
- PARCELS



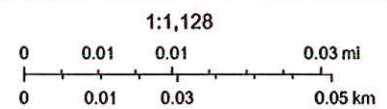
MARSHALL COUNTY WEB VIEWER



12/16/2020, 11:15:20 AM

ZONING

-  Agricultural District
-  Lake Front Residential District
-  TOWNSHIPS
-  PARCELS



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

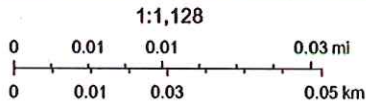
MARSHALL COUNTY WEB VIEWER



12/16/2020, 11:16:48 AM

PLAT

- FREEMAN'S OUTLOT ADDITION
- FREEMAN'S SUBDIVISION
- TOWNSHIPS
- PARCELS



GeoEye, Maxar, Microsoft

Gary Wickre – Variance









