**Marshall County Planning & Zoning**
**STAFF REPORT**
**June 22, 2021**

**Issue #1 Variance for Building Setback**

**OWNER/APPLICANT:** Darrell & Lois Vig

**PROPERTY DESCRIPTION:** Lots 1 and 1A on the property described as Lots 1, 1A and 2 of Gangle's Subdivision in Government Lot 5 of Section 22, T126N, R55W of the 5th P.M., Marshall County, South Dakota. Lot 4 of Roy Lake Northside Addition in the SE1/4 Section 21 and the SW1/4 Section 22, T126N, R55W

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

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

**REQUEST:** Darrell and Lois Vig have requested a variance to build a garage and to place a storage shed. The petitioner is asking to build the garage 17.9ft at the NW corner and 16.6ft at the NE corner from the road right-of-way line instead of the 30ft requirement and to place the storage shed 4.9ft from the West property line instead of the 7ft requirement, per the Marshall County Zoning Ordinance.

**HISTORY/ISSUE(S):**

1. There is currently an existing cabin on the property. The shed mentioned in the variance application is already present on the property at 4.9ft from the West property line.
2. Previous records indicate that there have been some disputes between the applicant and the property owners to the West.
3. Records indicate that 16ft of land East of the Northwest corner of Lot 1A and 16ft of land West of the Southwest corner of Lot 1A were given in an exchange agreement between the applicant and the neighbors to the West. Please see files located in the Marshall County Register of Deeds office.
4. Lots 1 and 1A have an average depth of approximately 112.78ft and a width of approximately 84.88ft. The structures on the property, both existing and proposed, lie overtop of the boundary line shared by Lots 1 and 1A.
5. The road to the North is a span of 66' and is a dedicated public road right-of-way.
6. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line and 7ft from a property line.
7. I have received word that an objection letter was mailed out on June 14th or 15th, but I have not received that letter as of today, June 18, 2021.
8. Staff Recommendation – **12.1' variance at the NW corner and a 13.4' variance at the NE corner to the right-of-way line setback for the garage and a 2.1' variance from the property line.**
9. 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 and lot line variances to lake lots in the past, when the neighbors had no objections.
        i. Similar road variances allowed – 23' for D. Joy 9/2020, 14' for R. Sonstegard 10/16, 18' for J. Carlson 4/2020 & 20' for 23' for G. Jensen 5/19
        ii. Similar property line variances allowed – 2.5' for D. Joy 9/20, 3' for P. Nelson 10/12 & 3' for D. Erickson 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 – 12.1' variance at the NW corner and a 13.4' variance at the NE corner to the right-of-way line setback for the garage and a 2.1' variance from the property line.**

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on June 22, 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.

Darrell and Lois Vig have requested a variance to build a garage and to place a storage shed on Lots 1 and 1A on the property described as Lots 1, 1A and 2 of Gangle's Subdivision in Government Lot 5 of Section 22, T126N, R55W of the 5th P.M., Marshall County, South Dakota. Lot 4 of Roy Lake Northside Addition in the SE1/4 Section 21 and the SW1/4 Section 22, T126N, R55W. The petitioner is asking to build the garage 17.9ft at the NW corner and 16.6ft at the NE corner from the road right-of-way line instead of the 30ft requirement and to place the storage shed 4.9ft from the West property line instead of the 7ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

*For publication: June 2, 2021*

1T (June 2)
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Erin Collins-Miles
Planning & Zoning Administrator
Published once at the approximate cost of $11.62.

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

May 28, 2021

Dear Property Owner,

Darrell and Lois Vig have requested a variance to build a garage and to place a storage shed on Lots 1 and 1A on the property described as Lots 1, 1A and 2 of Gangle's Subdivision in Government Lot 5 of Section 22, T126N, R55W of the 5th P.M., Marshall County, South Dakota. Lot 4 of Roy Lake Northside Addition in the SE1/4 Section 21 and the SW1/4 Section 22, T126N, R55W. The petitioner is asking to build the garage 17.9ft at the NW corner and 16.6ft at the NE corner from the road right-of-way line instead of the 30ft requirement and to place the storage shed 4.9ft from the West property line instead of the 7ft requirement, per the Marshall County Zoning Ordinance.

A hearing will be held at the Marshall County Courthouse, Commissioners Chambers on June 22, 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*

Erin Collins-Miles
Planning and Zoning Administrator

***The following adjacent landowners were notified on 5/28/2021:***

1. Selina Thorson – 439009 North Shore Dr. Lake City, SD 57247
2. Aaron & Kimber Severson – 747 W Mardo Circle Sioux Falls, SD 57108
3. Robert & Linda Jensen – 439037 Northside Drive Lake City, SD 57247

6-8-21

Hi Erin,

I'm afraid I don't understand about the variance aspects. I know there was a problem with mine which I knew nothing about until after my home had been built.

The Vigs have bullied me all these years. They wanted me to sue Kristoffersson for changing the layout. The basement was laid out with the angle of the lake. David called Larry while he was trying to get his crop in & told him it was wrong. Larry told him to make sure we weren't on Vigs line. The corner roof of my front deck hung over their line. Darrell said he didn't care as he had nothing to go that high. After Larry passed he said I had to cut off the corner, which I did.

I didn't ask for advice when Darrell & I switch 16 lake front for the road side. I got scolded from JoAnn for not checking. Darrell's surveyor also said I should have 8 extra feet on the roadside compared to the lake side. I had a triangle lot. It was the summer after I lost the kids Dad. I trusted him. Wrong. Take the widow for whatever he wanted. They wanted me to pay $1000.00 per feet to get it back.

My pin was under his deck & I didn't care because I didn't need it with our small cabin. He had a shad on my land for years. He's already move his shed 4ft from the line with no variance asked for. Seems he can do whatever he wants.

This year Lois got on to my renters because their boat drifted across their line. I'm lost with no one to ask advice from.

Is it possible for you to come out one day & help me understand his reasoning??

My phone # is 605-237-2146. I have many Doctor appointments so we'd have to set up a time.

PLEASE HELP ME UNDERSTAND WHERE HE PLANS TO PUT HIS GARAGE.

SINCERELY,

SELINA (EVENSON) THORSON

Selina

# MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 5-24-2021

**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) 2-carage w/ loft within 16.6 feet and 17.9' 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): Lots 1A and 1 of Gangle's subdivision in Gov't Lot 5 of section 22, T126N, R55W of the 5th P.M., Marshall County, So. Dak.

Reason: New garage will be set back 10' from old row of lilac bushes to allow room to build and maintain lilac. And another 10' from garage to shed to allow room to build the south side of new garage.

Applicant Name: Darrell and Lois Vig Phone: 605-347-1904

Address: 125 Pine Cone Circle, Spearfish, S.D. 57783

Applicant Signature: Darrell Vig Lois Vig

Owner Signature (if different than applicant):

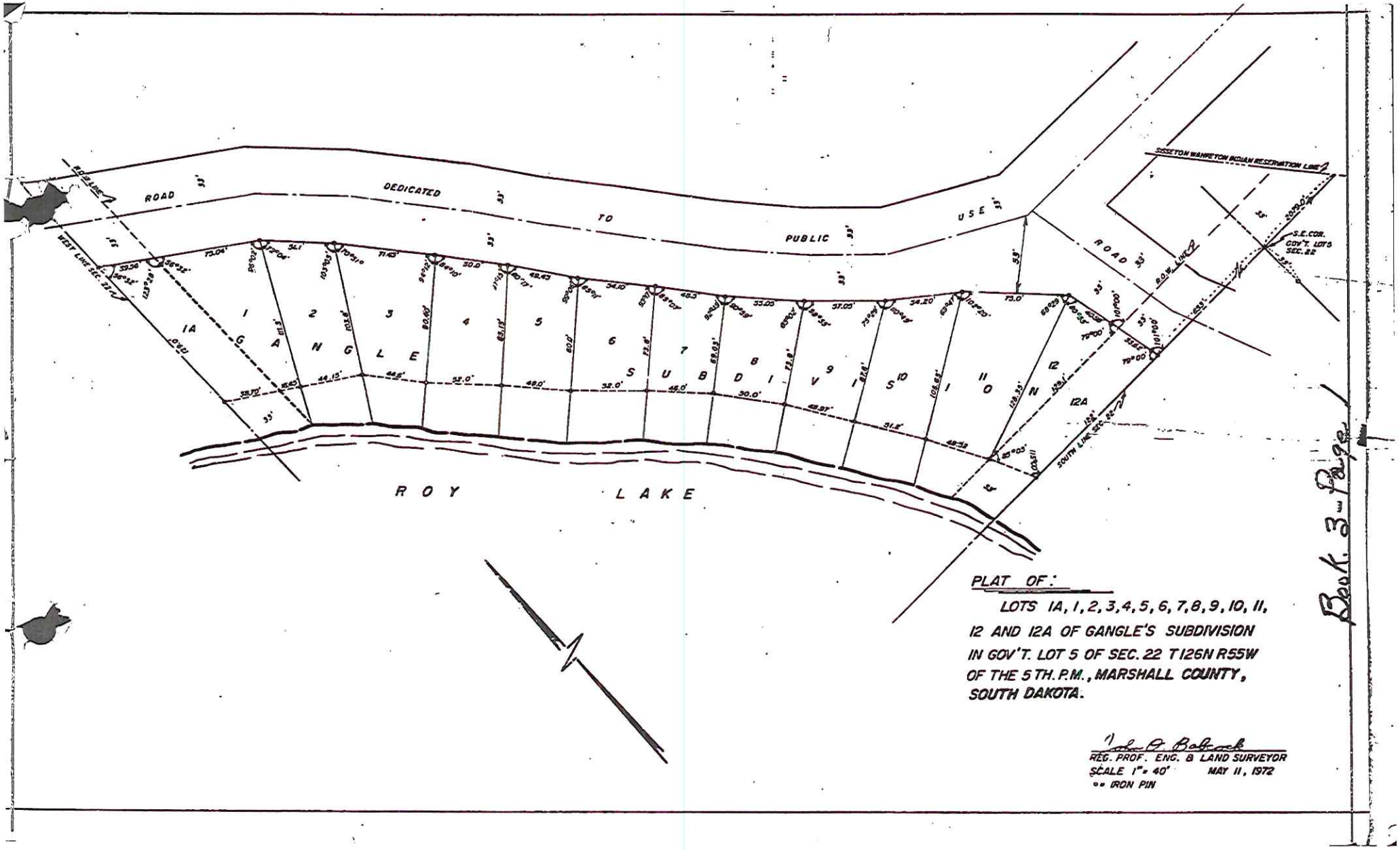
***For Internal Office Use Only:***

Date Received: 5/25/21 Fees(non-refundable): $150.00 Paid: (YES) NO

Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission:

Action taken by Planning and Zoning Commission:




PLAT OF:

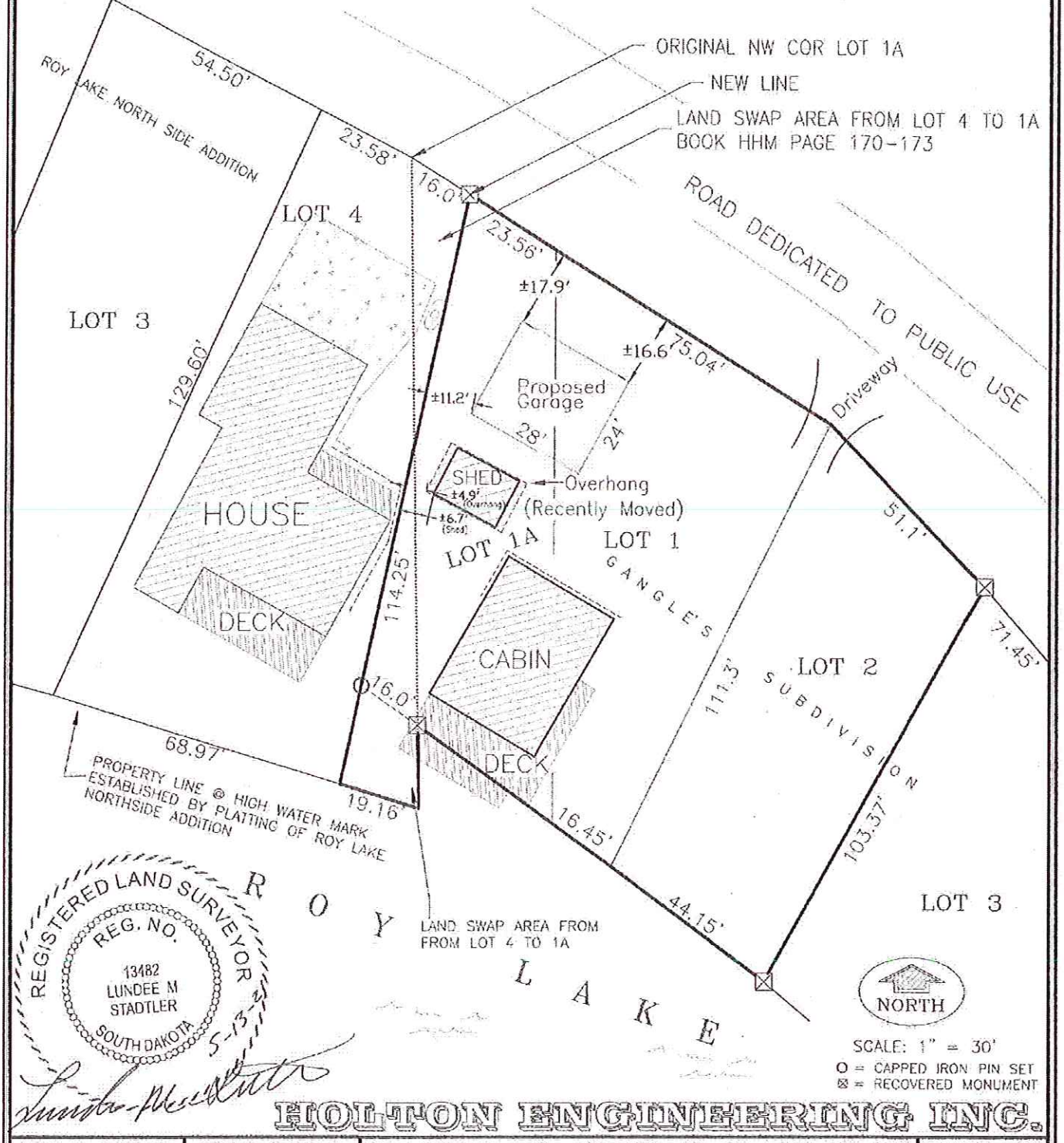
LOTS 1A, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 AND 12A OF GANGLE'S SUBDIVISION IN GOV'T. LOT 5 OF SEC. 22 T126N R55W OF THE 5TH. P.M., MARSHALL COUNTY, SOUTH DAKOTA.

John A. Bobrick
REG. PROF. ENG. & LAND SURVEYOR
SCALE 1" = 40' MAY 11, 1972
•• IRON PIN

Book 3 Page 1

# INFORMATIONAL DRAWING

OF THE PROPERTY LOCATED IN LOTS 1, 1A, AND 2 OF GANGLE'S SUBDIVISION IN GOV'T LOT 5 OF SECTION 22, T126N, R55W OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA. LOT 4 OF ROY LAKE NORTHSIDE ADDITION IN THE SE1/4 SECTION 21 AND THE SW1/4 SECTION 22, T126N, R55W OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA




HOLTON ENGINEERING INC.

| DRAWN: 5/13/21 | FIELD: 5/12/21 | 512 VETERANS AVE. SISSETON, SD PH. 1-605-698-3850 | 2212655-V699 |
|---|---|---|---|

# MARSHALL COUNTY WEB VIEWER

6/17/2021, 1:53:29 PM

1:2,257

0 0.02 0.04 0.07 mi

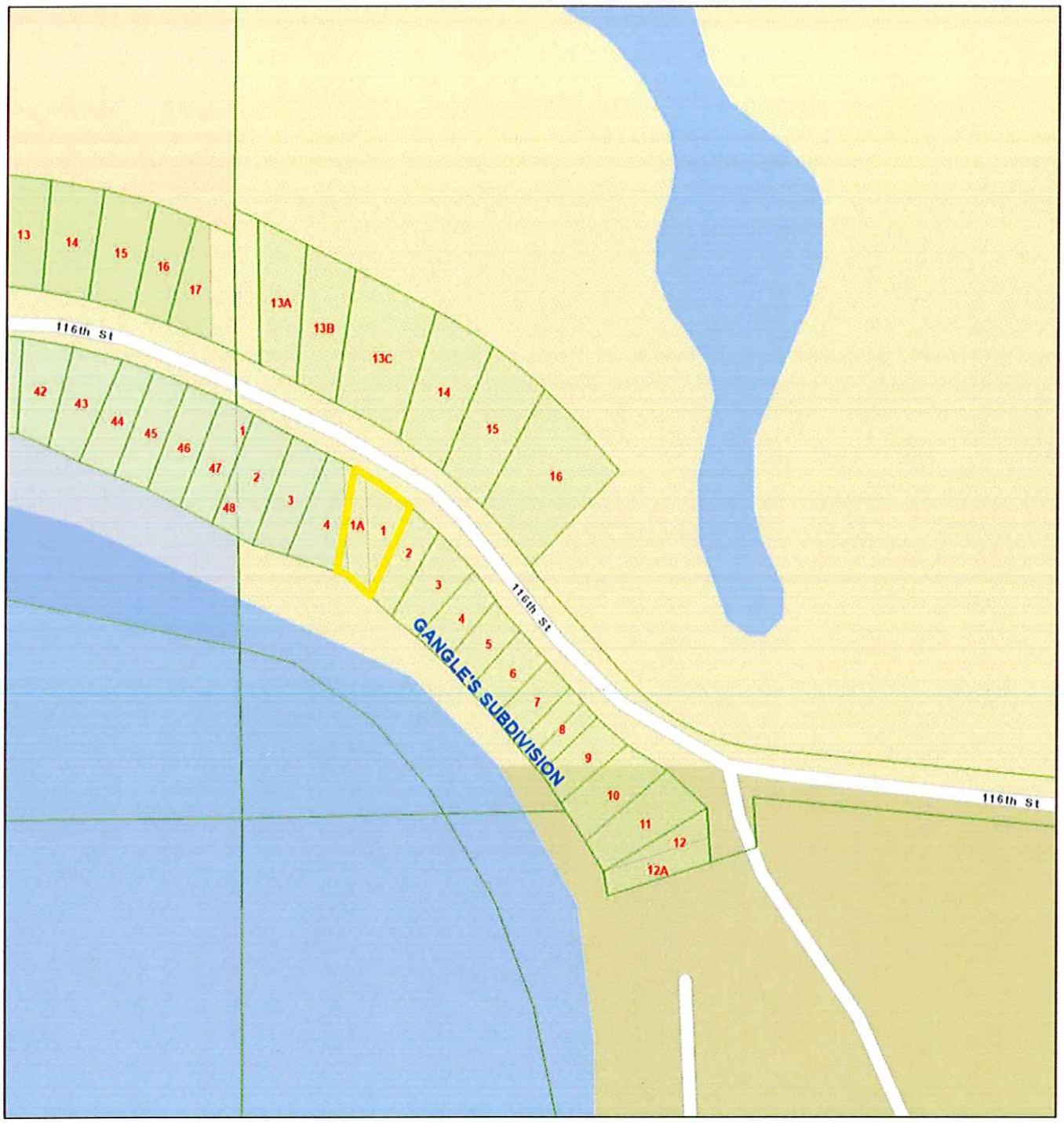
0 0.03 0.06 0.11 km

ZONING

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

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

# MARSHALL COUNTY WEB VIEWER




6/17/2021, 1:52:38 PM

1:2,257

0 0.02 0.04 0.07 mi

0 0.03 0.06 0.11 km

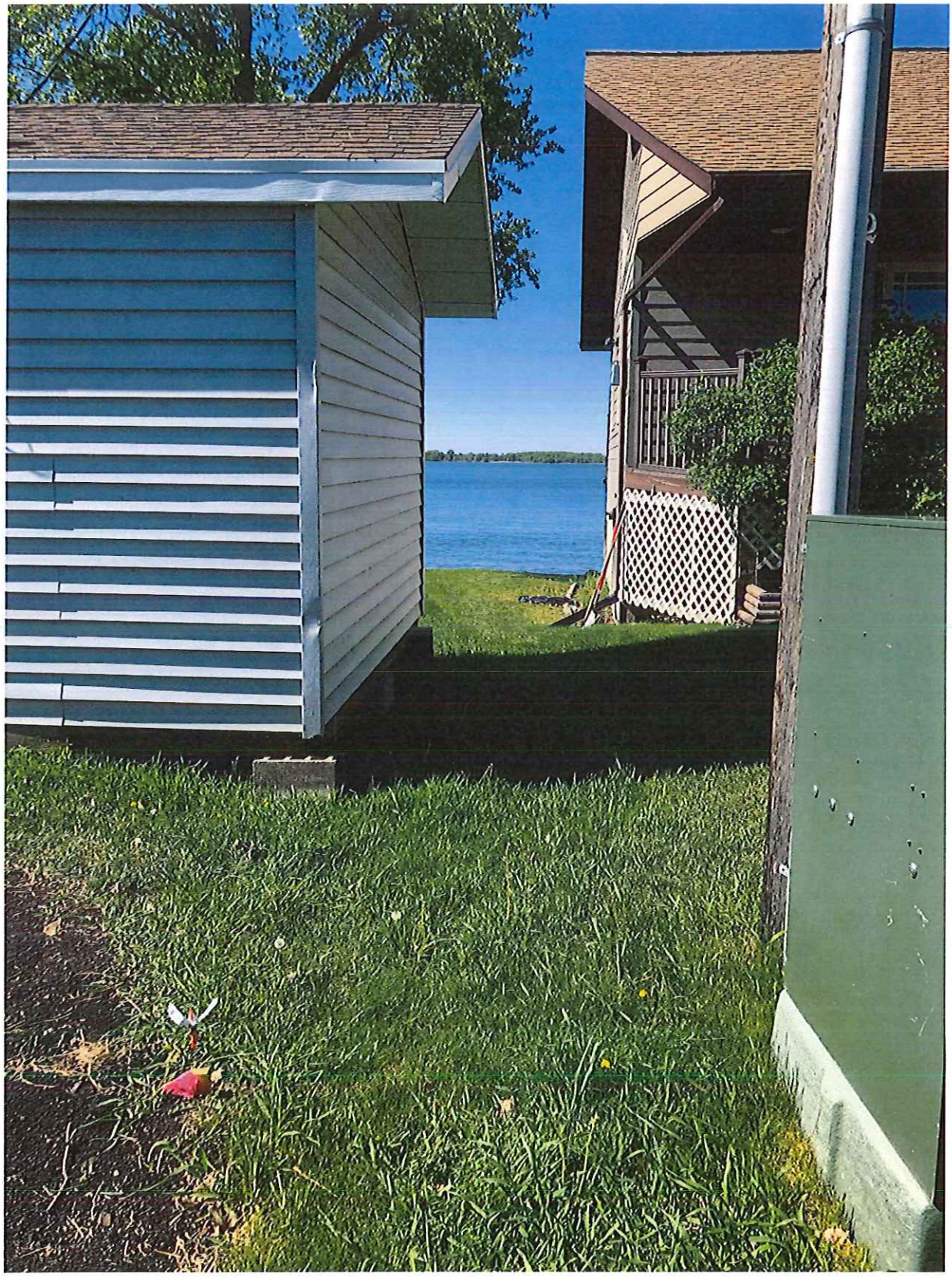
PLAT

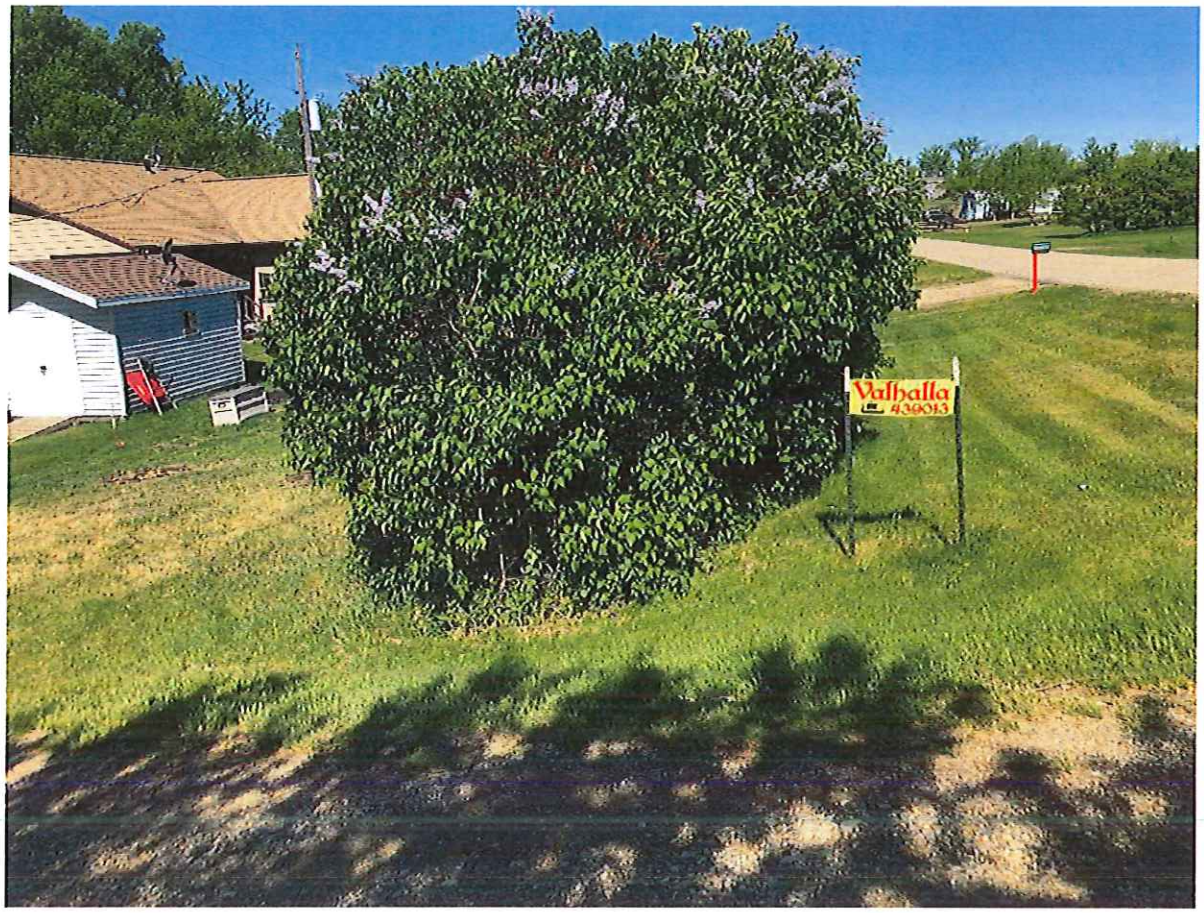
- GANGLE'S SUBDIVISION
- NORDQUIST 4TH ADDITION
- ROY LAKE NORTHSIDE ADDITION
- SIGATY'S 2ND SUBDIVISION
- SIGATY'S SUBDIVISION
- TOWNSHIPS
- PARCELS

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

This map is intended for general planning purposes only. District III and Marshall County makes no claims, representations, and warranties regarding the accuracy of the data.

# Darrell & Lois Vig – Variance




Valhalla
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