

Marshall County Planning & Zoning
STAFF REPORT
June 22, 2021

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Roger Renner

PROPERTY DESCRIPTION: Lot 41 in the Plat Showing Roy Lake Northside Addition in the SE1/4 of Section 21 & the SW1/4 of Section 22 T126N, R55W

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Roger Renner has requested a variance to build a house with a second story wrap around deck to extend around the South and East sides of the home and a deck on the North end of the home. The petitioner is asking to build the deck on the North side of the home 23ft at the NW corner and 28ft at the NE corner from the road right-of-way line instead of the 30ft requirement, to build the second story wrap around deck 1ft at the SE corner from the East property line instead of the 7ft requirement; and to build the house 40ft from the normal high-water mark and to build the second story deck 28' from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

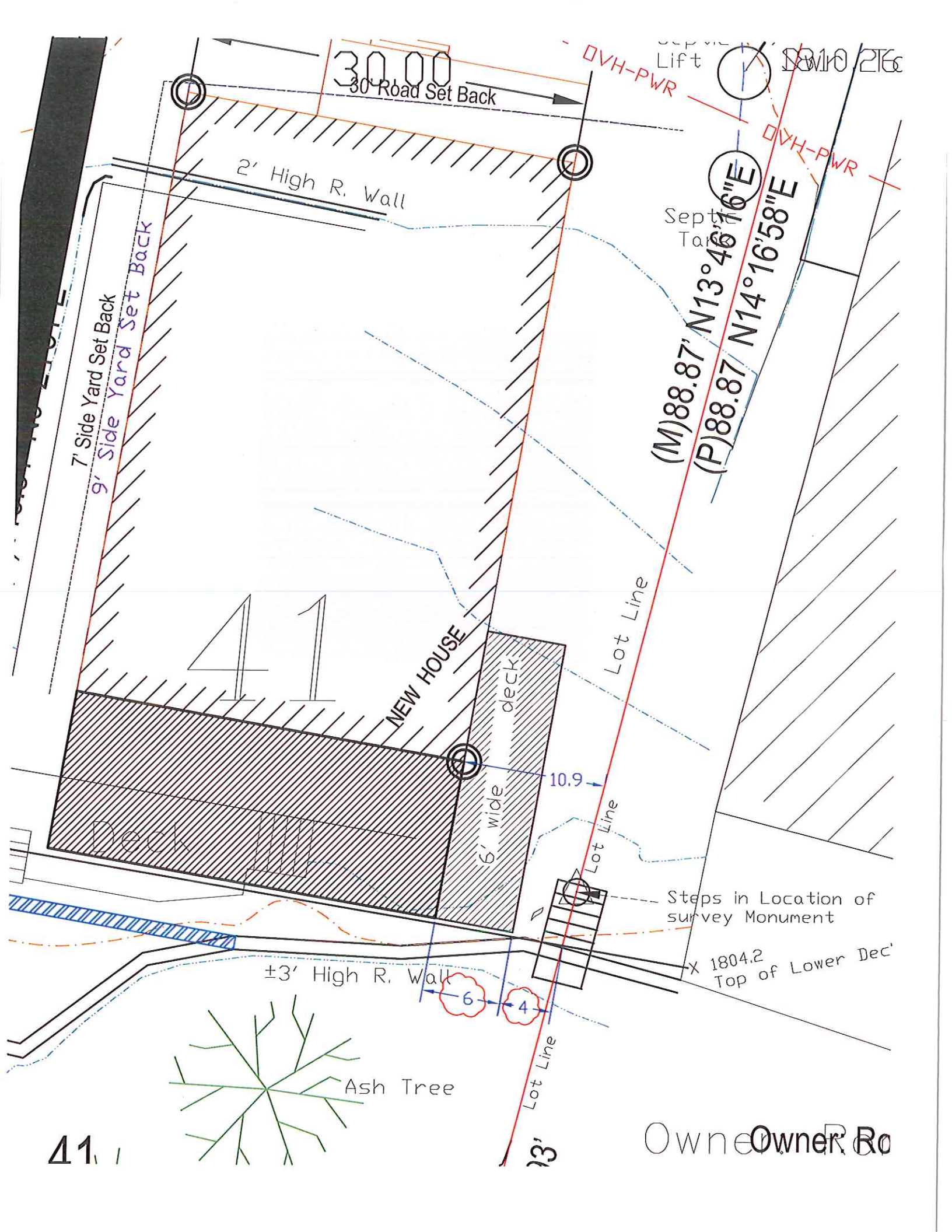
HISTORY/ISSUE(S):

1. Application was first heard on June 8, 2021. A neighbor objection was presented and new information on footage agreed upon by neighbors/applicant was presented. This is the second hearing for this applicant/application.
2. There is currently an existing cabin on the property. There is also a shed present.
3. According to property cards, the property has been in ownership of the Renner's since 5/20/16.
4. The Lot has an average depth of approximately 126.9ft and a width of approximately 52.32ft.
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, 7ft from a property line and 50ft from the normal high-water mark.
7. I have received one letter of objection prior to the hearing. Please see file.
8. Staff Recommendation – **7' variance at the NW corner and a 2' variance at the NE corner to the right-of-way line setback for the deck to the North, 6' variance at the SE corner from the property line and a 10' variance to the normal high-water mark setback for the house and a 22' variance to the normal high-water mark setback for the second story deck.**
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, lot line and high-water mark variances to lake lots in the past, when the neighbors had no objections.
 - i. Similar road variances allowed – 4' for J. Teveldal 10/2020, 7' for W. Buss 9/13, 8' for M. Hill 7/14, 15' for K. Stiegelmeier 10/12 & 29' for R. Mahoney 10/12
 - ii. Similar property line variances allowed – 2' for K. Freudenthal 3/18, 2' for P. Hanson 2/13, 2.5' for K. Freudenthal 5/19 & 3' for D. Weber 10/19
 - iii. Similar high-water mark variances allowed – 6' for R. & K. Moeckly 6/19, 7' for J. Monson 10/20 & 22' for M. & M. Braun 9/16
 - 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 – 7' variance at the NW corner and a 2' variance at the NE corner to the right-of-way line setback for the deck to the North, 6' variance at the SE corner from the property line and a 10' variance to the normal high-water mark setback for the house and a 22' variance to the normal high-water mark setback for the second story deck.



30.00

30' Road Set Back

2' High R. Wall

7' Side Yard Set Back
9' Side Yard Set Back

(M)88.87' N13°46'16"E
(P)88.87' N14°16'58"E

Lot Line

NEW HOUSE

6' wide deck

10.9

Steps in Location of
survey Monument

X 1804.2
Top of Lower Dec'

±3' High R. Walk

6

4

Ash Tree

41

Owner's Po

3 Subject **Re: Roger Rennes variance**
From Erin Collins-Miles <mczoning@venturecomm.net>
To Ron Mahoney <rdmahoney6@gmail.com>
Date 2021-06-14 14:01

Ron,

I have received this formal letter stating you do not object to Roger's variance request after receiving new information and measurements, and will add it to Roger Renner's file to be read at the hearing scheduled for 6/22/2021.

If you have any other questions or comments, please feel free to contact me via phone or email. Thank you!

Have a great day,

Erin Collins-Miles
Planning & Zoning/E911 Addressing/Drainage Administrator
Marshall County
605.448.7540
PO Box 9
Britton, SD 57430
<http://marshall.sdcounties.org/>

2 On 2021-06-14 13:58, Ron Mahoney wrote:

After seeing the new drawing of the South East corner of the Renner property, we will agree to the 4 foot set back rather than the required 7 foot set back

Ron Mahoney

1 On Wed, Jun 9, 2021 at 4:00 PM Erin Collins-Miles <mczoning@venturecomm.net> wrote:

Hi Ron,

I have some new information on Roger Renner's variance request and was wondering if you could give me a call at your earliest convenience. I am in the office until 4:30 today, but will be back tomorrow morning at 8:00 AM.

Thanks!

Marshall County Planning & Zoning
STAFF REPORT
June 8, 2021

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Roger Renner

PROPERTY DESCRIPTION: Lot 41 in the Plat Showing Roy Lake Northside Addition in the SE1/4 of Section 21 & the SW1/4 of Section 22 T126N, R55W

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Roger Renner has requested a variance to build a house with a second story wrap around deck to extend around the South and East sides of the home and a deck on the North end of the home. The petitioner is asking to build the deck on the North side of the home 23ft at the NW corner and 28ft at the NE corner from the road right-of-way line instead of the 30ft requirement, to build the second story wrap around deck 1ft at the SE corner from the East property line instead of the 7ft requirement; and to build the house 40ft from the normal high-water mark and to build the second story deck 28' from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. There is currently an existing cabin on the property. There is also a shed present.
 2. According to property cards, the property has been in ownership of the Renner's since 5/20/16.
 3. The Lot has an average depth of approximately 126.9ft and a width of approximately 52.32ft.
 4. The road to the North is a span of 66' and is a dedicated public road right-of-way.
 5. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line, 7ft from a property line and 50ft from the normal high-water mark.
 6. No written comments or objections were received prior to the hearing.
 7. Staff Recommendation – **7' variance at the NW corner and a 2' variance at the NE corner to the right-of-way line setback for the deck to the North, 6' variance at the SE corner from the property line and a 10' variance to the normal high-water mark setback for the house and a 22' variance to the normal high-water mark setback for the second story deck.**
 8. 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, lot line and high-water mark variances to lake lots in the past, when the neighbors had no objections.
 - i. Similar road variances allowed – 4' for J. Teveldal 10/2020, 7' for W. Buss 9/13, 8' for M. Hill 7/14 & 15' for K. Stiegelmeier 10/12
 - ii. Similar property line variances allowed – 2' for K. Freudenthal 3/18, 2' for P. Hanson 2/13, 2.5' for K. Freudenthal 5/19 & 3' for D. Weber 10/19
 - iii. Similar high-water mark variances allowed – 6' for R. & K. Moeckly 6/19, 7' for J. Monson 10/20 & 22' for M. & M. Braun 9/16
 - 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 – 7' variance at the NW corner and a 2' variance at the NE corner to the right-of-way line setback for the deck to the North, 6' variance at the SE corner from the property line and a 10' variance to the normal high-water mark setback for the house and a 22' variance to the normal high-water mark setback for the second story deck.

MARSHALL COUNTY PLANNING & ZONING COMMISSION
P.O.BOX 9
BRITTON, SOUTH DAKOTA 57430
605.448.7540

June 8, 2021

Roger Renner
502 James Place
Yankton, SD 57078

To whom this may concern,

This letter is to inform you of the decision made by the Marshall County Planning & Zoning Commission in regards to your variance application.

After review and county commissioner hearing held in the Commissioners Chambers and via Zoom on June 8, 2021, your application to build the deck on the North side of the home 23ft at the NW corner and 28ft at the NE corner from the road right-of-way line, to build the second story wrap around deck 1ft at the SE corner from the East property line; and to build the house 40ft from the normal high-water mark and to build the second story deck 28' from the normal high-water mark; is hereby: **POSTPONED**. *Please see below for detail:*

Jones motioned; Schuller seconded to postpone the variance request to build the deck on the North side of the home 23ft at the NW corner and 28ft at the NE corner from the road right-of-way line, to build the second story wrap around deck 1ft at the SE corner from the East property line; and to build the house 40ft from the normal high-water mark and to build the second story deck 28' from the normal high-water mark instead of the 30ft, 7ft and 50ft requirements; respectively, per the Marshall County Zoning Ordinance setback requirements in the Lake-Front District. The variance application and building permit will be heard again by the Board at the scheduled Commissioners Hearing to be held on June 22, 2021.

If you have any questions, please contact my office at one of the above-mentioned phone numbers.

Sincerely,

Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning/E911/Drainage Administrator

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on June 8, 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.

Roger Renner has requested a variance to build a house with a second story wrap around deck to extend around the South and East sides of the home and a deck on the North end of the home; on the property described as Lot 41 in the Plat Showing Roy Lake Northside Addition in the SE1/4 of Section 21 & the SW1/4 of Section 22 T126N, R55W. The petitioner is asking to build the deck on the North side of the home 23ft at the NW corner and 28ft at the NE corner from the road right-of-way line instead of the 30ft requirement, to build the second story wrap around deck 1ft at the SE corner from the East property line instead of the 7ft requirement; and to build the house 40ft from the normal high-water mark and to build the second story deck 28' from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: May 19, 2021

1T (May 19) NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on June 8, 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:

Roger Renner has requested a variance to build a house with a second story wrap around deck to extend around the South and East sides of the home and a deck on the North end of the home; on the property described as Lot 41 in the Plat Showing Roy Lake Northside Addition in the SE1/4 of Section 21 & the SW1/4 of Section 22 T126N, R55W. The petitioner is asking to build the deck on the North side of the home 23ft at the NW corner and 28ft at the NE corner from the road right-of-way line instead of the 30ft requirement, to build the second story wrap around deck 1ft at the SE corner from the East property line instead of the 7ft requirement; and to build the house 40ft from the normal high-water mark and to build the second story deck 28' from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator
Published once at the approximate cost of \$13.61.

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

May 17, 2021

Dear Property Owner,

Roger Renner has requested a variance to build a house with a second story wrap around deck to extend around the South and East sides of the home and a deck on the North end of the home; on the property described as Lot 41 in the Plat Showing Roy Lake Northside Addition in the SE1/4 of Section 21 & the SW1/4 of Section 22 T126N, R55W. The petitioner is asking to build the deck on the North side of the home 23ft at the NW corner and 28ft at the NE corner from the road right-of-way line instead of the 30ft requirement, to build the second story wrap around deck 1ft at the SE corner from the East property line instead of the 7ft requirement; and to build the house 40ft from the normal high-water mark and to build the second story deck 28' from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

A hearing will be held at the Marshall County Courthouse, Commissioners Chambers on June 8, 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 5/17/2021:

1. Dennis & Diane Healy – 438928 Northside Dr. Lake City, SD 57247
2. Ronald Mahoney – 2601 Fairfield Dr. Edmond, OK 73012
3. Curtis Healy 438937 Northside Drive Lake City, SD 57247

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 4/22/21

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) New House and Patio within see below 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 41, Northside Addition,
Section 21, T126N, R55W of the 5th P.M., Marshall County (Roy Lake)

Reason: _____

Applicant Name: Roger Renner Phone: 605-660-0706
 Address: 438945 Northside Drive
 Applicant Signature: *Roger Renner*
 Owner Signature (if different than applicant): _____

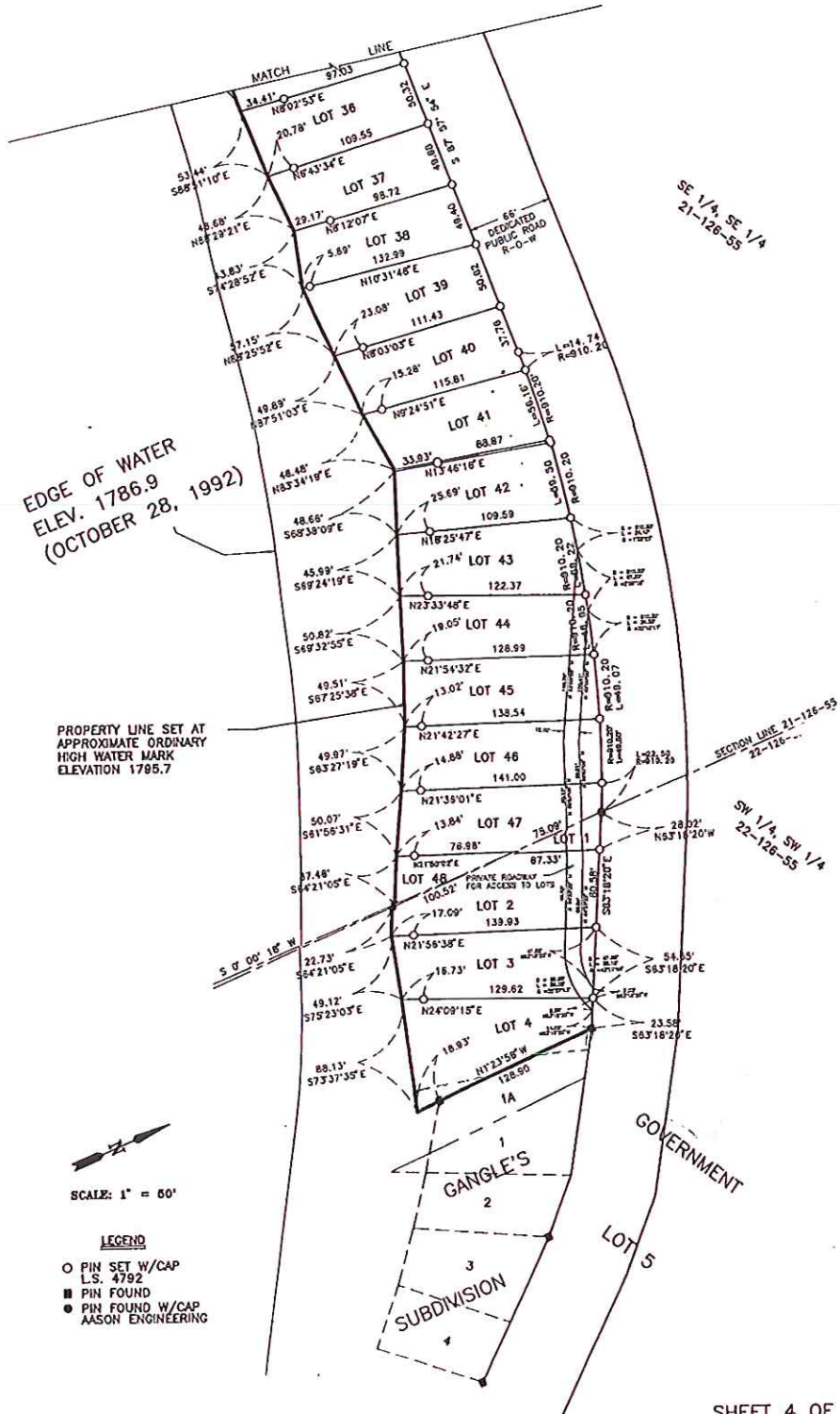
For Internal Office Use Only:

Date Received: 5/7/21 Fees(non-refundable): \$150.00 Paid: ☒ YES ☐ NO
 Inspection Report: See Staff report

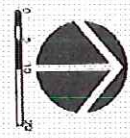
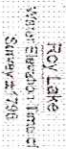
Date of Hearing by Planning and Zoning Commission: June 8, 2021

Action taken by Planning and Zoning Commission: See reverse side for 6/6/21
Jones motioned; Schuller seconded to postpone the variance request to build the deck on the North side of the home 23ft at the NW corner and 28ft at the NE corner from the road right-of-way line, to build the second story wrap around deck 1ft at the SE corner from the East property line; and to build the house 40ft from the normal high-water mark and to build the second story deck 28' from the normal high-water mark instead of the 30ft, 7ft and 50ft requirements; respectively, per the Marshall County Zoning Ordinance setback requirements in the Lake-Front District. The variance application and building permit will be heard again by the Board at the scheduled Commissioners Hearing to be held on June 22, 2021.

PLAT SHOWING
ROY LAKE NORTHSIDE ADDITION
IN THE SE 1/4 OF SEC. 21 & THE SW 1/4 SEC. 22
T126N-R55W OF THE 5th P.M.
MARSHALL COUNTY, SOUTH DAKOTA







Page 2

Along the North Side of Property, within the 30' road setback, A 8' Wide deck with Steps will be within the setback at max of 4.3' for the Deck and 5.0' for the Steps.

This will be farther back than adjacent property.

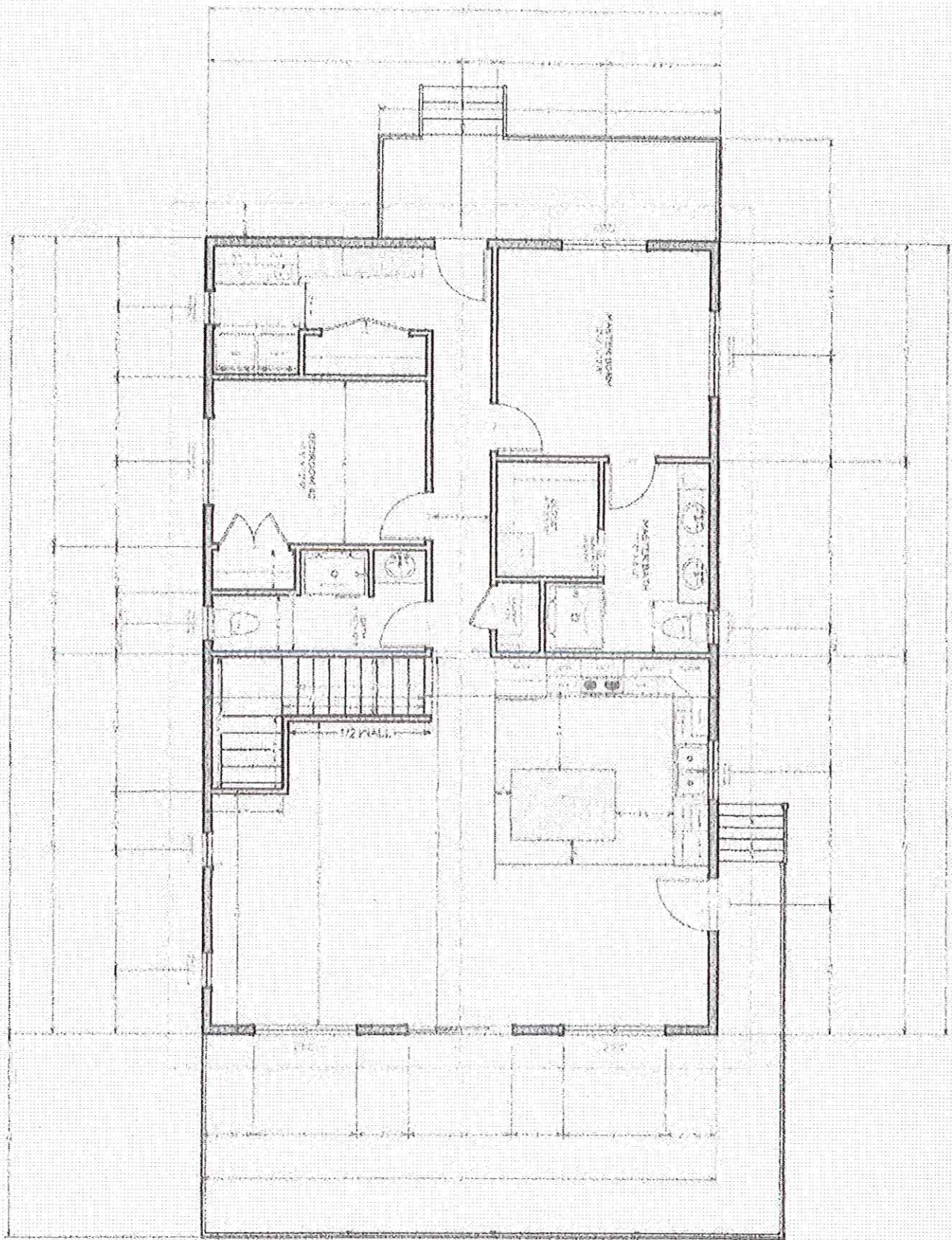
Along the East Property Line (with Lot 42), within the 7' Side yard setback, a deck 6' wide will be 3.9' from the Property Line.

Along the South Side of Property, within the 50' High Water Setback, part of the house and the deck/patio will be within the setback. The house will be approx. 44' from the High water mark. The patio will be 32' from the high water mark.

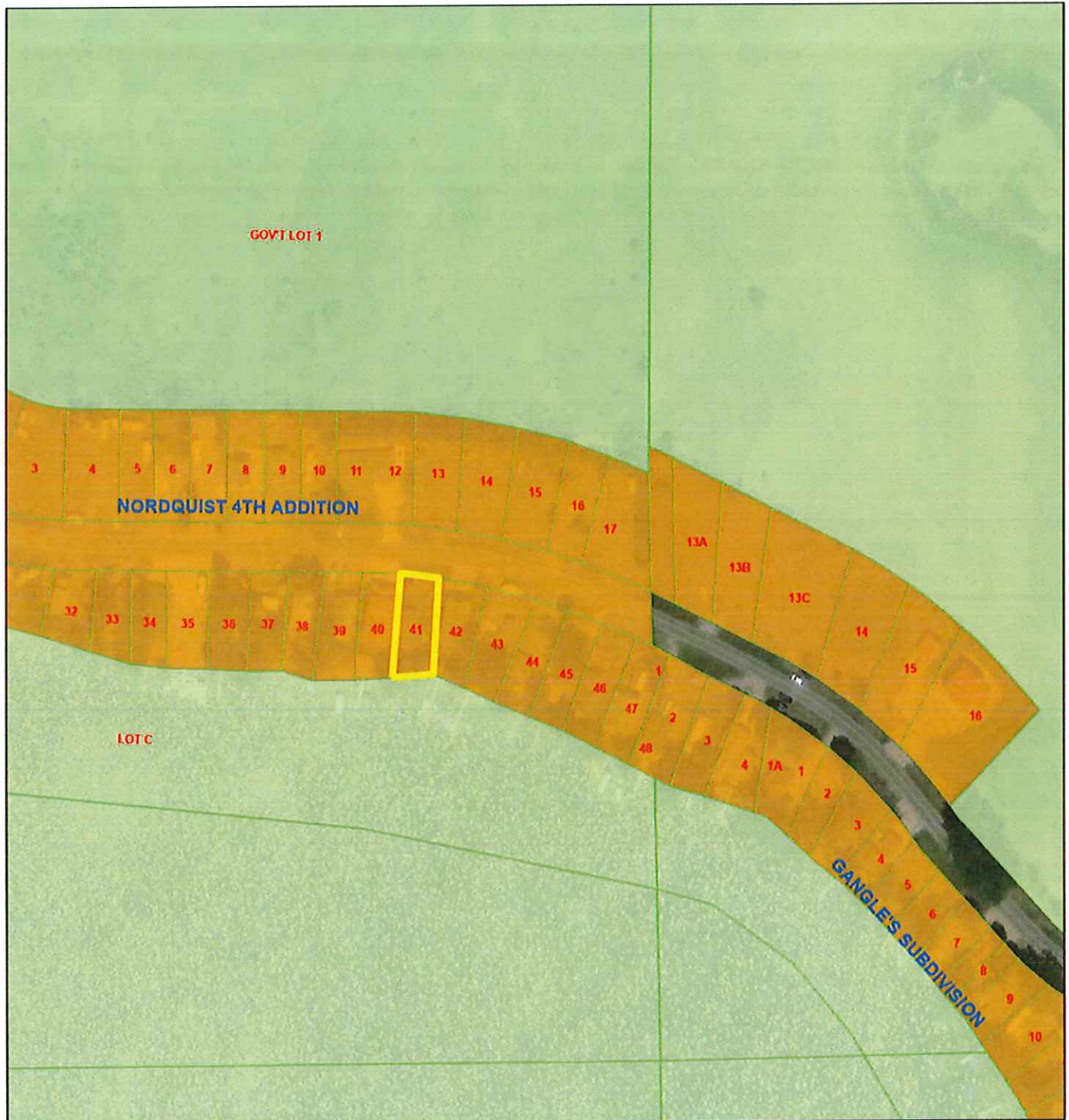
This will be farther back than current existing cabin, and in-line with existing adjacent property

Along the West Side of Property we are building at the 7' Side yard setback.

See Attached page for drawing; page 2, Proposed Site Plan, from Stockwell Engineers INC



MARSHALL COUNTY WEB VIEWER

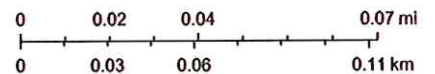


5/27/2021, 3:23:17 PM

ZONING

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

1:2,257










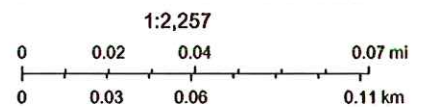
MARSHALL COUNTY WEB VIEWER



5/27/2021, 3:22:33 PM

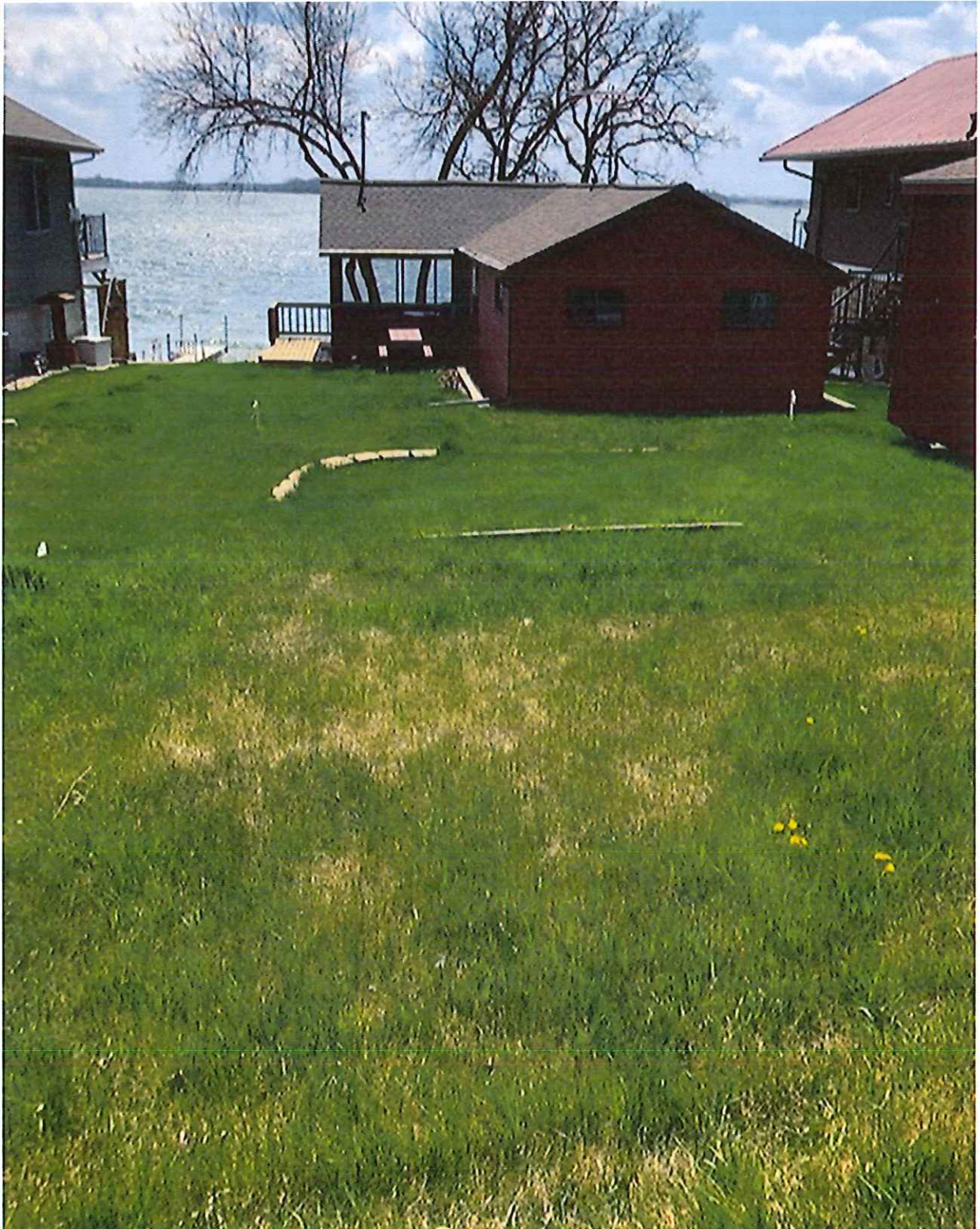
PLAT

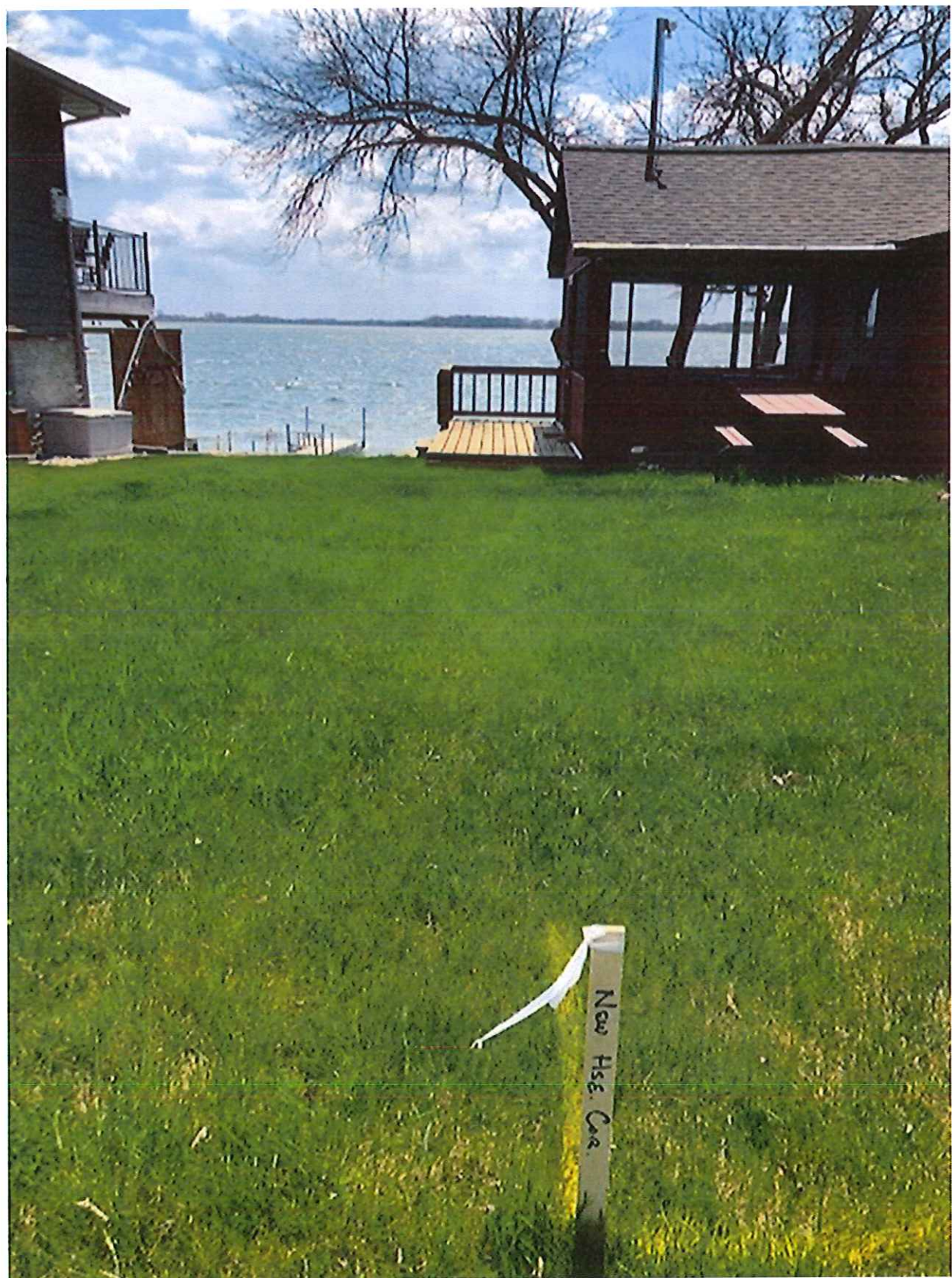
-  GANGLE'S SUBDIVISION
-  NORDQUIST 4TH ADDITION
-  ROY LAKE NORTHSIDE ADDITION
-  SIGATY'S 2ND SUBDIVISION
-  SIGATY'S SUBDIVISION
-  TOWNSHIPS
-  PARCELS



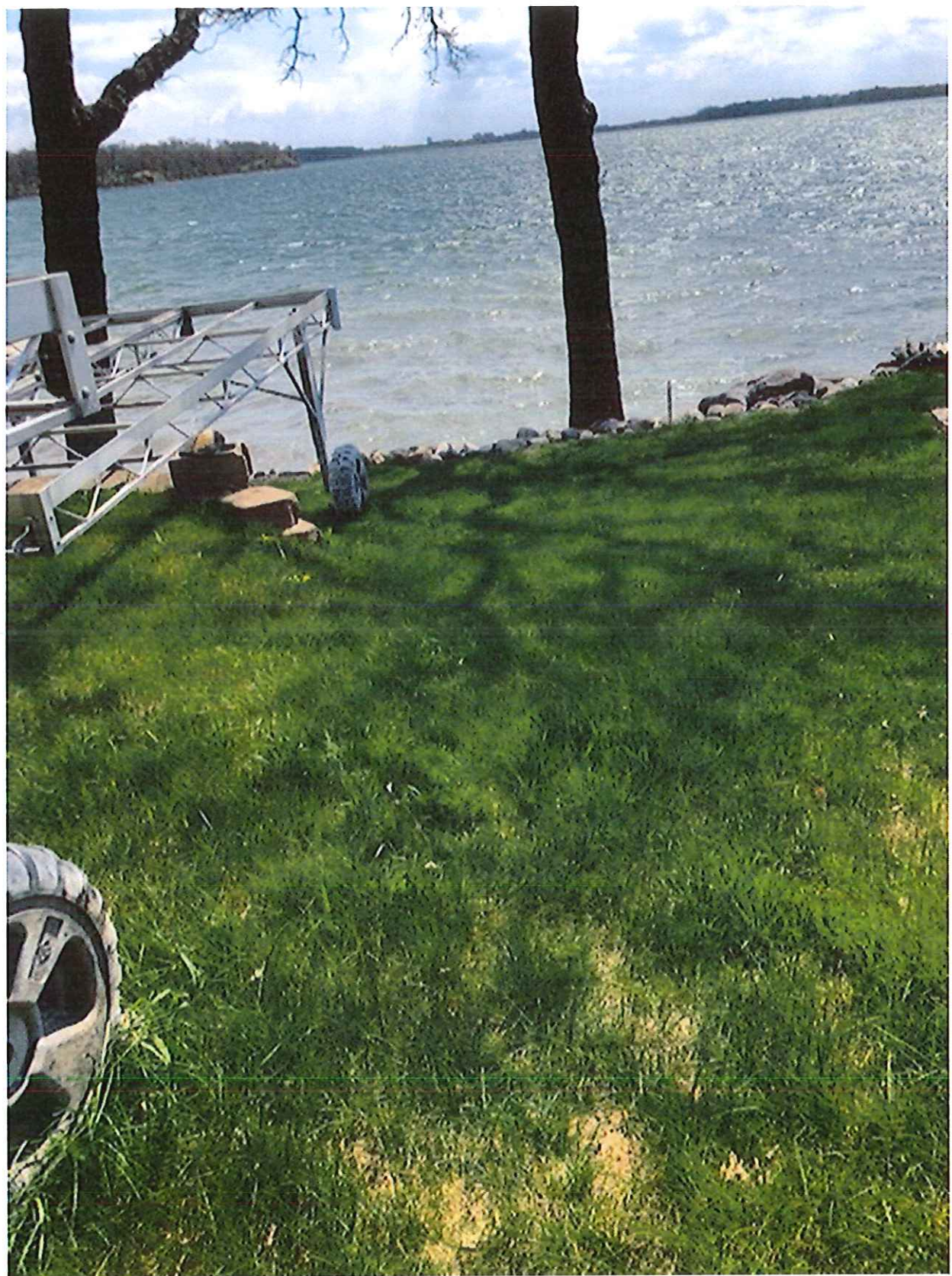
Esri, HERE, Garmin, INCREMENT P, NGA, USGS, Maxar, Microsoft

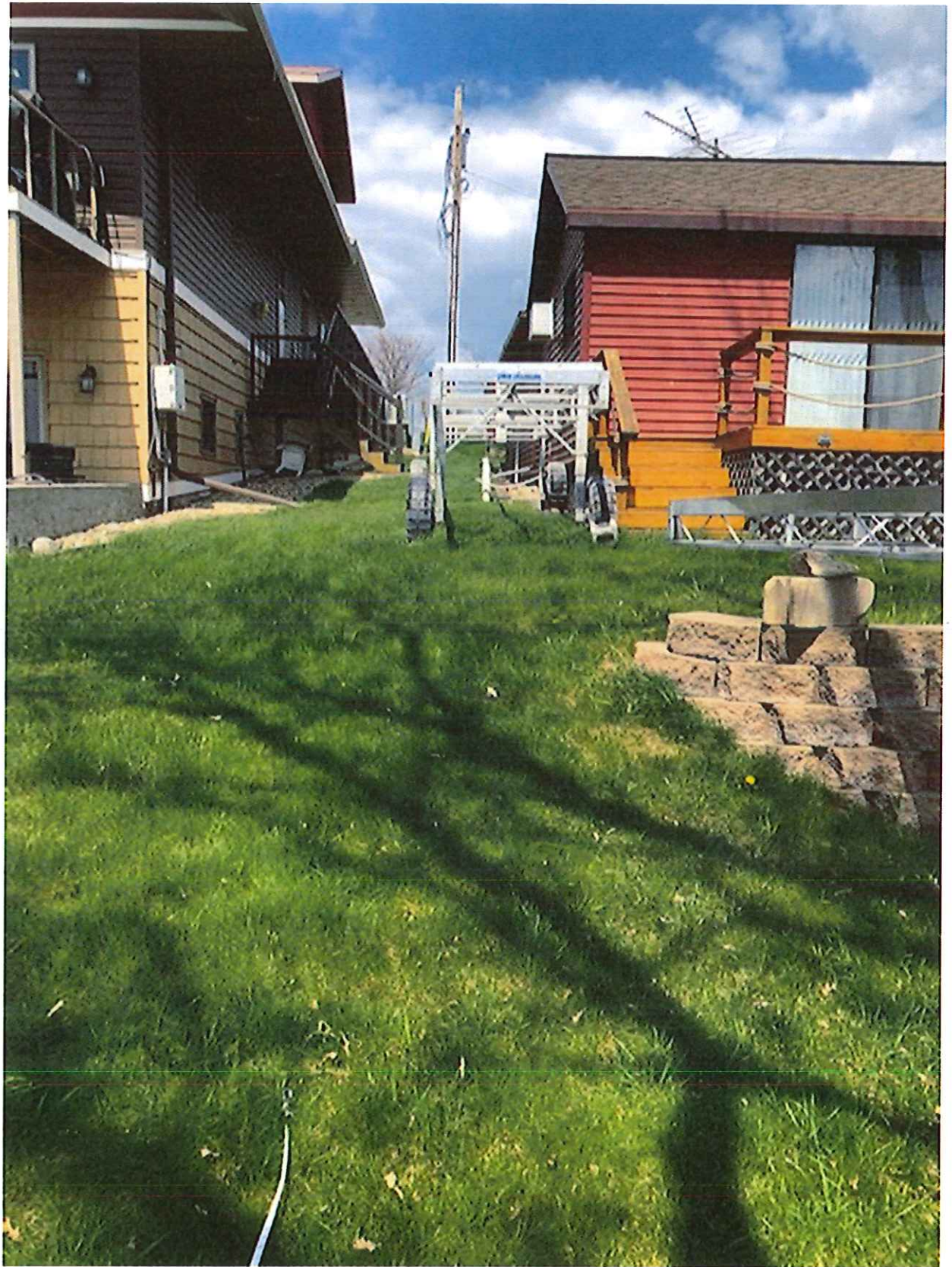
Roger Renner – Variance













Subject **Roger Rennes variance**
From Ron Mahoney <rdmahoney6@gmail.com>
To mczoning@venturecomm.net <mczoning@venturecomm.net>
Date 2021-06-07 14:04

I am writing you today to object to a portion of a variance for Roger Rennes. I object to the part that states 1 foot at the SE corner from the east property line instead of the 7ft requirement.

Roger and I discussed and agreed to 4 feet at the SE corner of the property line instead of the 7 ft requirement.

I do not have any concerns over the rest of the requests of this variance.

Thank You
Ron Mahoney

Subject **Re: Roger Rennes variance**
From Erin Collins-Miles <mczoning@venturecomm.net>
To Ron Mahoney <rdmahoney6@gmail.com>
Date 2021-06-07 14:24

Hi Ron,

I have received this formal objection and will add it to Roger Renner's file to be read at tomorrow's (6/8/2021) hearing.

If you have any other questions or comments, please feel free to contact me via phone or email. Thank you!

Have a great day,

Erin Collins-Miles
Planning & Zoning/E911 Addressing/Drainage Administrator
Marshall County
605.448.7540
PO Box 9
Britton, SD 57430
<http://marshall.sdcounties.org/>

On 2021-06-07 14:04, Ron Mahoney wrote:

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Thank You
Ron Mahoney