

Marshall County Planning & Zoning
STAFF REPORT
July 13, 2021

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Scott Thayer

PROPERTY DESCRIPTION: Lot 18 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: Scott Thayer has requested a variance to build a house and an attached garage. The petitioner is asking to build the attached garage portion of the structure 28ft from the road right-of-way line instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. Scott Thayer previously requested a variance for this structure during the June 8, 2021 hearing, to which it was denied. The neighbors to the North and South objected to the lot line variance requests originally. The current plans meet the 7ft setback from the North and South lot lines.
2. There are currently no structures on the property. There was a cabin and an 8x10 shed present previously.
3. The eaves of the proposed structure are 2'.
4. According to property cards, the property has been in ownership of the Thayer's since 1/4/07.
5. The Lot has an average depth of approximately 145.8ft and a width of approximately 62.7ft.
6. The road to the East is a span of 30'.
7. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line.
8. No written comments or objections were received prior to the hearing.
9. Staff Recommendation – **2' variance to the right-of-way line setback.**
10. 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 – 4' for J. Teveldal 10/2020, 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 – 2' 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 July 13, 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.

Scott Thayer has requested a variance to build a house and an attached garage on the property described as Lot 18 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 attached garage portion of the structure 28ft 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: June 16, 2021

1T (June 16)
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Erin Collins-Miles
Planning & Zoning Administrator
Published once at the approximate cost of \$8.63.

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

June 15, 2021

Dear Property Owner,

Scott Thayer has requested a variance to build a house and an attached garage on the property described as Lot 18 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 attached garage portion of the structure 28ft 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 July 13, 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,

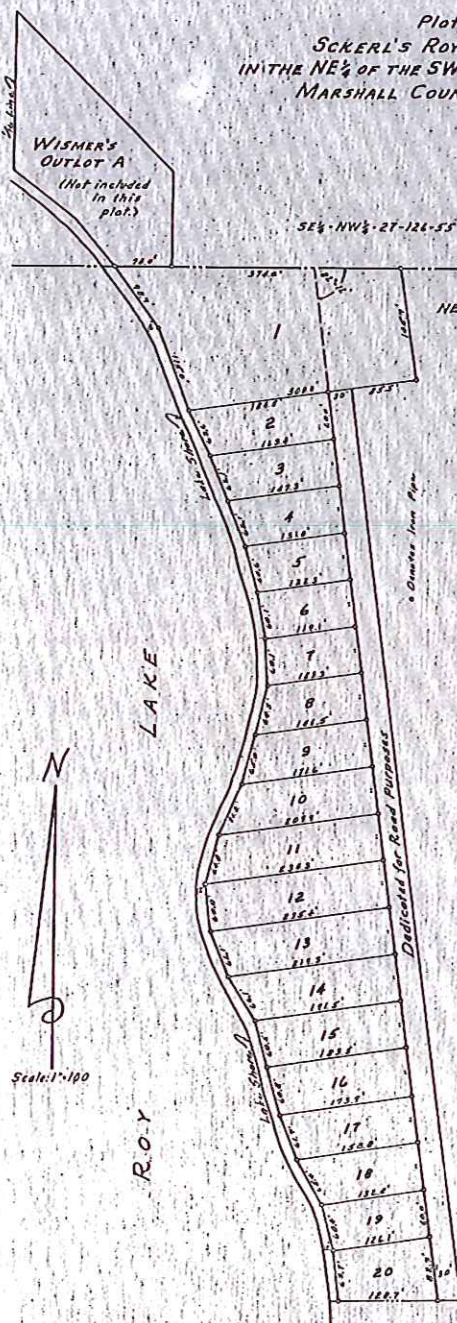
Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator

The following adjacent landowners were notified on 6/15/21:

1. Steve Thayer – 406 Interstate Blvd. Hardwood, ND 58042
2. Hope Erickson – 916 11th Ave West Spencer, IA 51301
3. Lawrence Sullivan – 116726 Roykota Drive Lake City, SD 57247

**Plot Showing
SCKERL'S ROY LAKE SUBDIVISION
IN THE NE¹/₄ OF THE SW¹/₄ OF SEC. 27, T. 126 N., R. 55 W.,
MARSHALL COUNTY, SOUTH DAKOTA**



Lot 11A
(Revised)
FILED IN BOOK 3 PAGE 180

OWNER'S CERTIFICATE

I, Max M. Sckers, 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 West of the Fifth Principal Meridian, in Marshall County, South Dakota, and that I have caused a portion of the same to be surveyed and platted into lots as shown on this plat, which shall hereafter be known and described as "Sckers Roy Lake Subdivision in the NE¹/₄ of the SW¹/₄ 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. Sckers
Owner

State of South Dakota

County of Marshall

On this 16 day of April, 1968, before me, a Notary Public, personally appeared Max M. Sckers, 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:

Notary Public
My Commission Expires July 31, 1971

SURVEYOR'S CERTIFICATE

I, William D. Stollner, Registered Land Surveyor, do hereby certify that I have surveyed and platted "Sckers Roy Lake Subdivision in the NE¹/₄ of the SW¹/₄ of Sec. 27, T. 126 N., R. 55 W.," as shown on this plat, that I have set iron pipe as shown, and that said survey and plat are true and correct.

Signed this 6th day of December, 1967.

William D. Stollner
Registered Land Surveyor 3790

State of South Dakota) ss
County of Brown)

On this 6th day of December, 1967, before me, a Notary Public, personally appeared William D. Stollner, 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:

Notary Public, Brown County,
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.

Marvin Cusick
County Auditor, Marshall County, S. Dak.

"Be it resolved by the Board of County Commissioners of Marshall County, South Dakota, that the plat showing "Sckers Roy Lake Subdivision in the NE¹/₄ of the SW¹/₄ of Sec. 27, T. 126 N., R. 55 W.," having been examined, is hereby approved in accordance with the provisions of Section 45.2806, Chapter 45.28 of the South Dakota Code of 1919, and amendments thereof."

TREASURER'S CERTIFICATE

I hereby certify that all taxes which are liens upon any of the lands included in the above plat are shown by the records of my office to be fully paid.

Notary Public
County Treasurer, Marshall County, S. D.

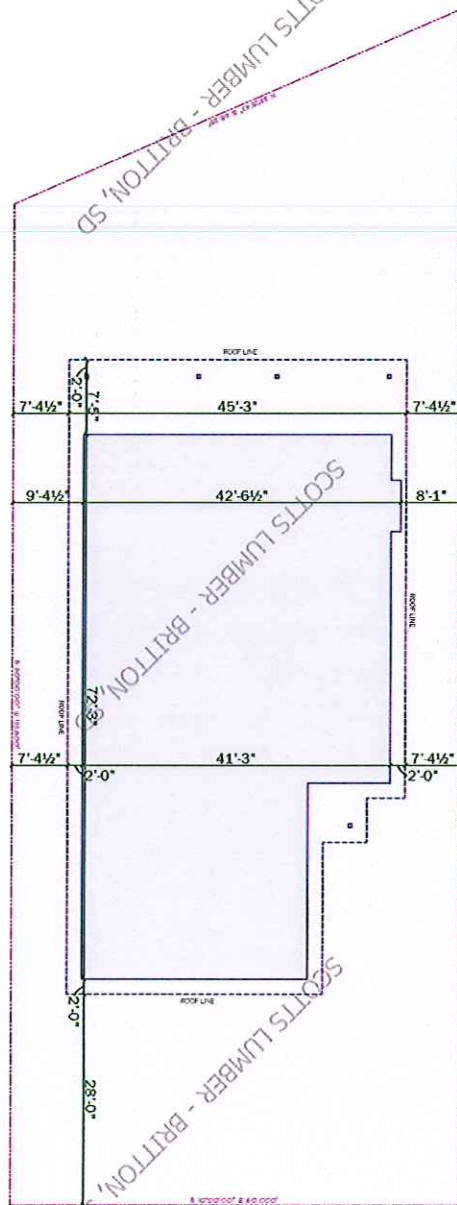
DIRECTOR OF EQUALIZATION'S CERTIFICATE

I hereby certify that I have received a copy of this plat this 16 day of April, 1968.

Director of Equalization, Marshall County
South Dakota

Filed for record this 16th day of April, 1968, at 4:00 o'clock P. M., and duly recorded in Book 3,

Register of Deeds, Marshall County, S. D.



Scott Thayer Lake Home #3
 Date: Tuesday, June 15, 2021
 Scale: 1/16" = 1'-0"

These drawings have been prepared using information provided to us by the customer and is subject to change for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and they are not a permit drawing and should not be used for any other purpose. The customer should consult their contractor and/or local building inspector for any changes to make the area and local building code requirements. Customer is responsible for securing local building permits for the required building permits. We have no responsibility for any errors or omissions during the design process or the construction of the building.

PROPERTY OF SCOTT'S LUMBER
 NO COPIES CAN BE MADE WITHOUT PERMISSION
 NOTE THAT THE CUSTOMER IS RESPONSIBLE FOR VERIFICATION OF ALL MEASUREMENTS



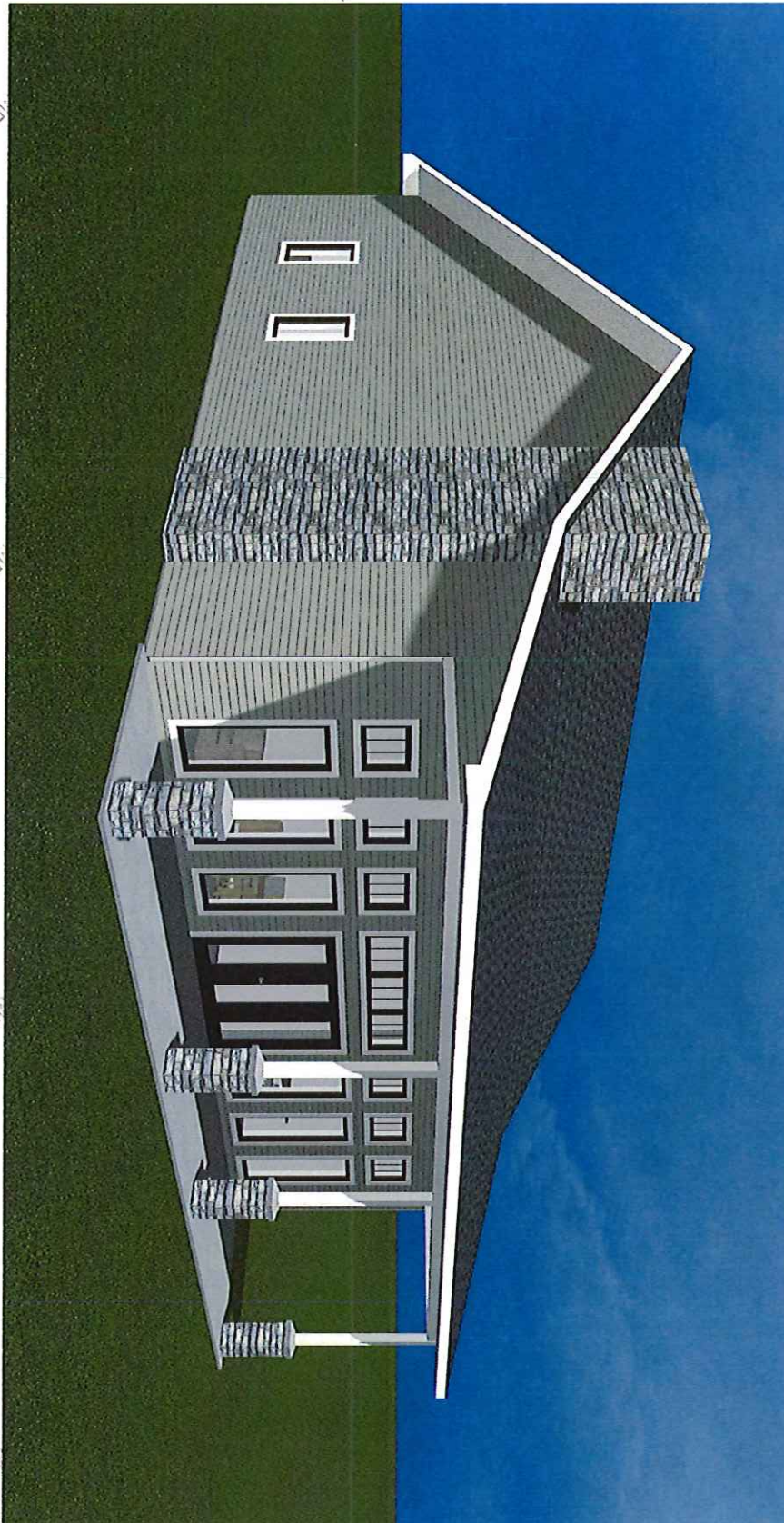
Scott's Lumber

767 Vander Horck, Britton, SD

PHONE:
 (605) 448-5282
FAX:
 (605) 448-5218
www.scottslumber.com

DRAWN BY: orlin.punt@scottslumber.com
PLOT DATE: Tuesday, June 15, 2021
JOB: Thayer, Scott Lake Home #3
SALESMAN:
 Josh.kraft@scottslumber.com

PAGE:
 8



These drawings have been prepared using information provided to us by the customer who is solely responsible for the accuracy of the information provided. These drawings are not a permit drawing and are not intended to be used for any other purpose. The customer is responsible for obtaining all necessary permits and for ensuring that the drawings comply with all applicable codes and regulations. The customer is also responsible for ensuring that the drawings are used for the intended purpose only and are not used for any other purpose. The customer is also responsible for ensuring that the drawings are used for the intended purpose only and are not used for any other purpose.



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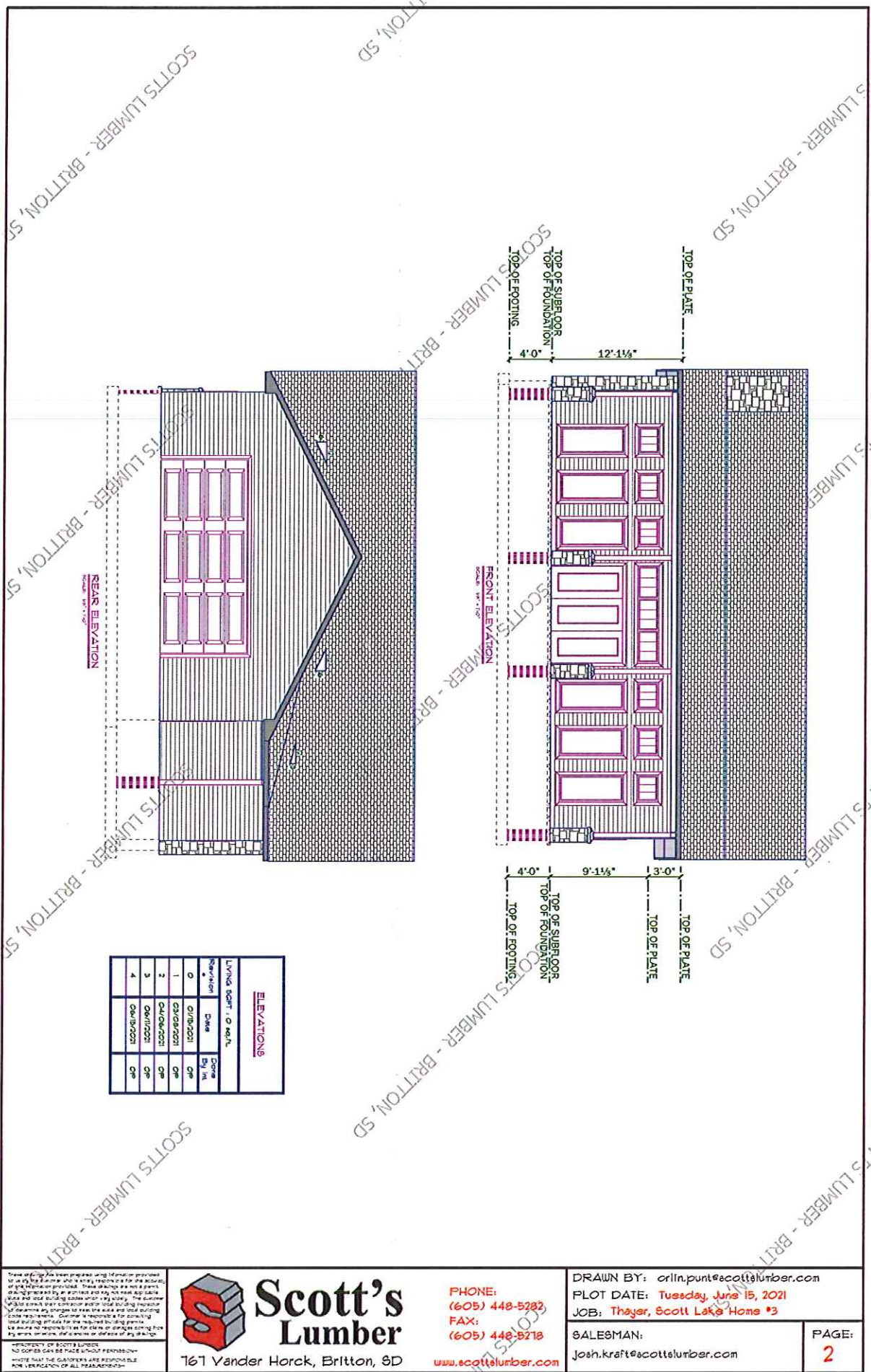
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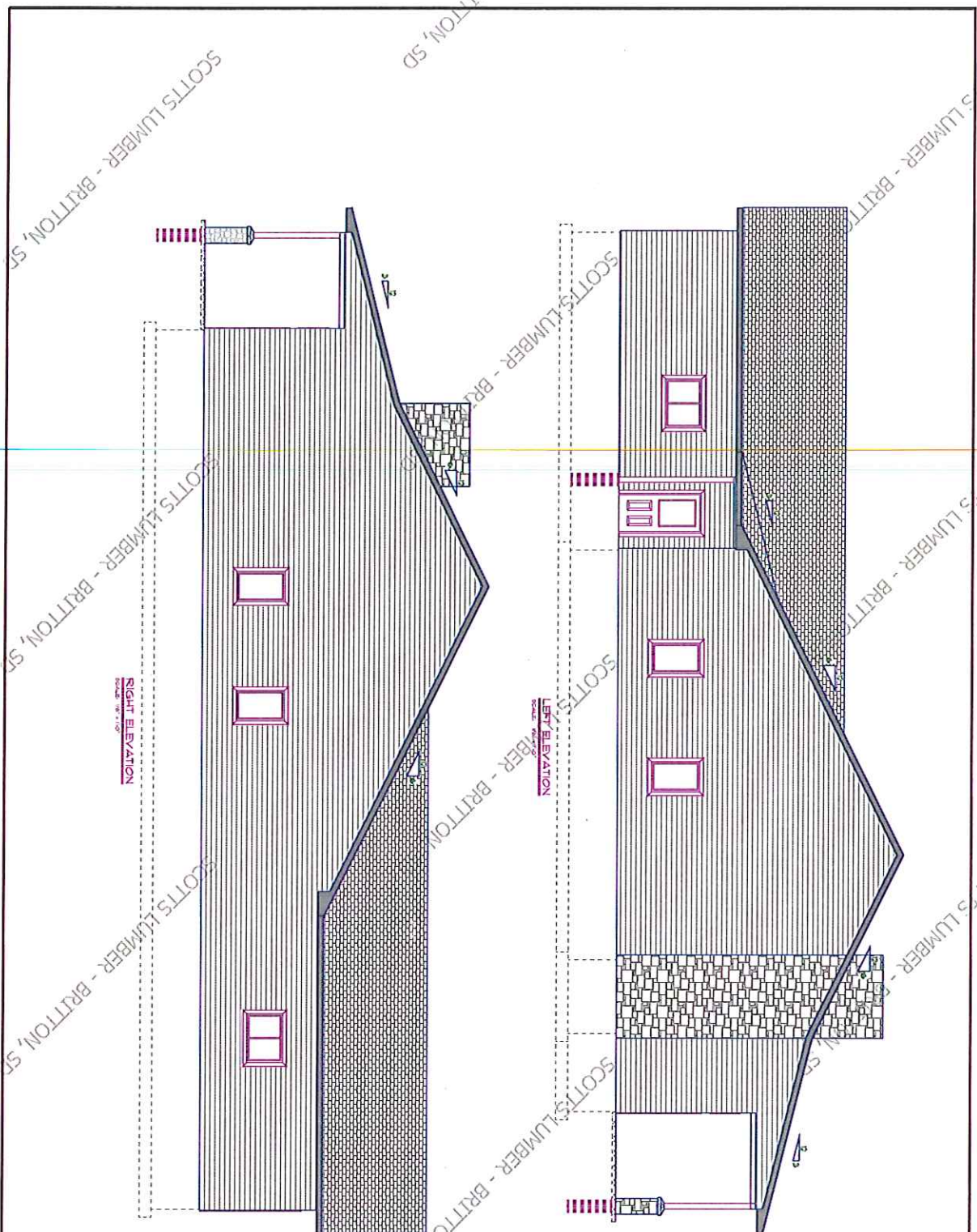
These drawings have been prepared using information provided to us by the owner who is solely responsible for the accuracy of the information provided. These drawings are not a part of any contract and are not to be used for any other purpose without the written consent of Scott's Lumber. The owner shall remain responsible for obtaining all necessary permits and for ensuring that the drawings are in compliance with all applicable codes and regulations. Customer is responsible for obtaining local building codes for the project and for ensuring that the drawings are in compliance with all applicable codes and regulations. We assume no responsibility for errors or omissions or for any consequences arising from the use of these drawings or from the use of any information derived from these drawings.



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ELEVATIONS			
Revision	Date	Drawn By	Int
0	05/08/2021	OP	
1	06/08/2021	OP	
2	06/08/2021	OP	
3	06/08/2021	OP	

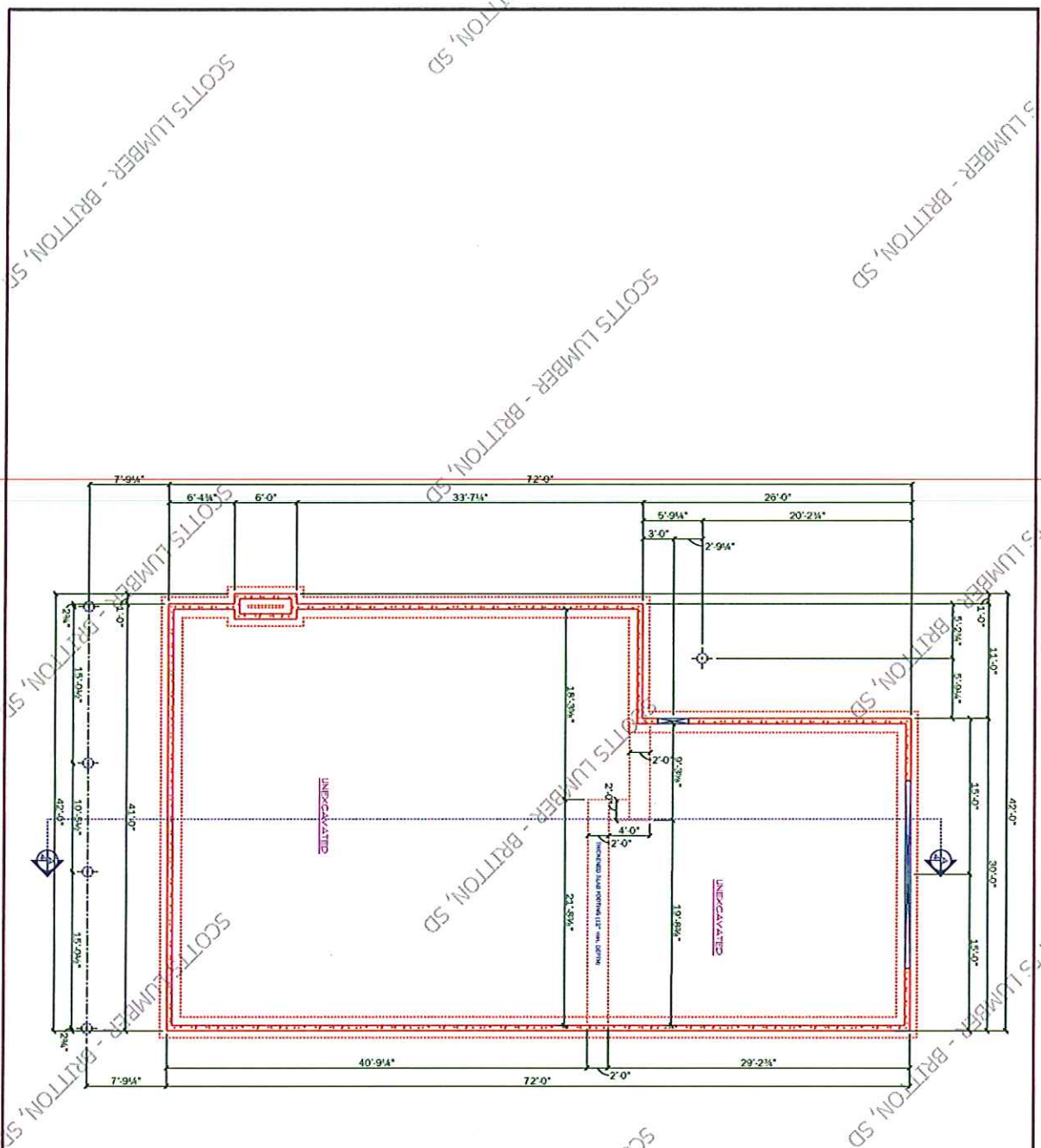
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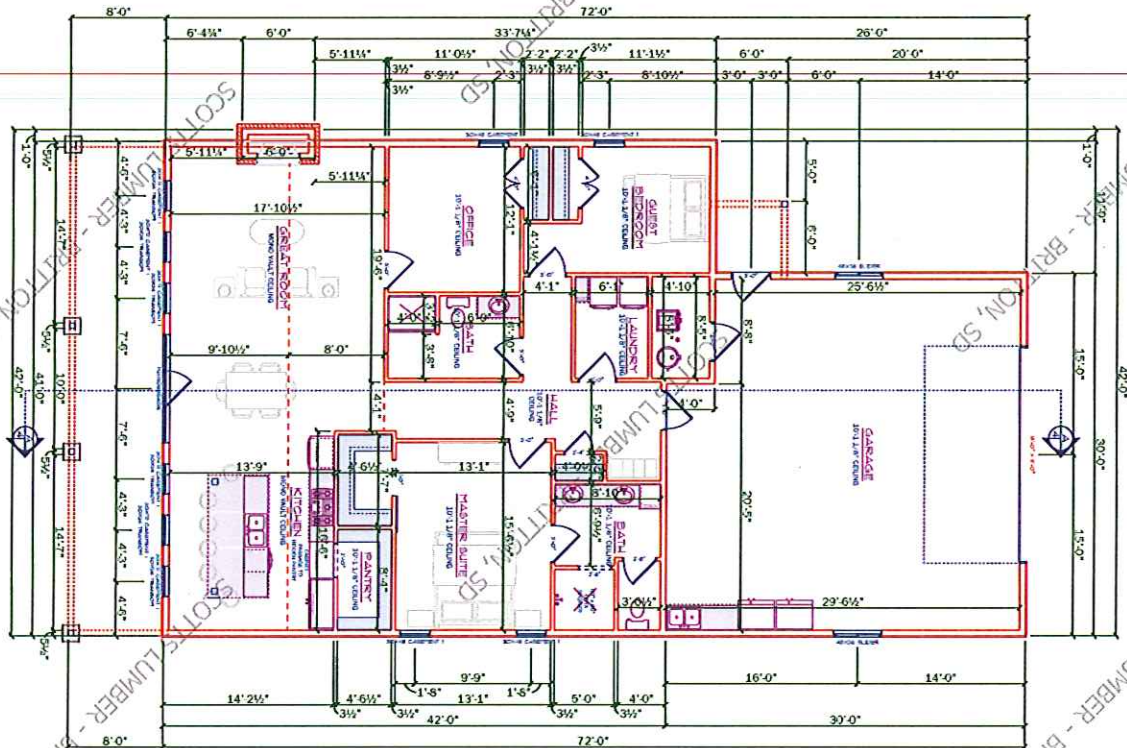
FOUNDATION PLAN			
NO.	DATE	BY	CHK
1	05-04-2021	CM	
2	05-04-2021	CM	
3	05-04-2021	CM	

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NO.	DATE	DESCRIPTION
1	05/28/2021	Initial Design
2	06/04/2021	Revised Design
3	06/04/2021	Final Design
4	06/04/2021	Final Design

NAME	AREA
LIVING ROOM	1,200 sq. ft.
KITCHEN	400 sq. ft.
DINING ROOM	300 sq. ft.
MASTER SUITE	500 sq. ft.
GUEST BEDROOM	300 sq. ft.
BATH	100 sq. ft.
LAUNDRY	100 sq. ft.
GARAGE	1,000 sq. ft.
TOTAL	3,800 sq. ft.

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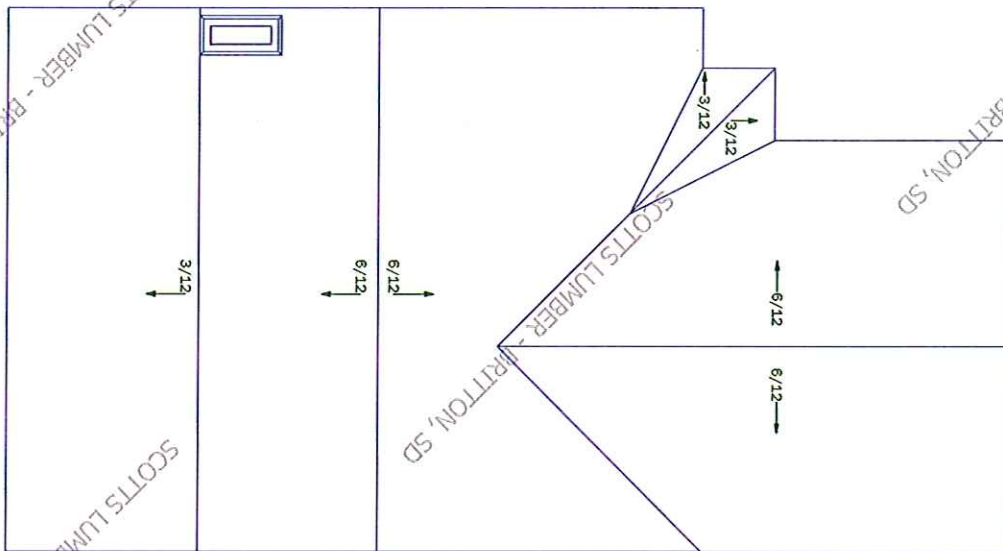
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SCOTT'S PLAN			
Revision	Date	By	Check
0	07/04/2021	CR	CR
1	07/04/2021	CR	CR
2	07/04/2021	CR	CR
3	07/04/2021	CR	CR
4	07/04/2021	CR	CR

These drawings have been prepared and issued or provided to any third person who is acting, writing or for the benefit of any third person. These drawings are not a part of any contract and are not intended to be used as such. They are for informational purposes only and do not constitute a contract. The customer is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The customer is responsible for obtaining all necessary permits and approvals from the appropriate authorities. The customer is responsible for obtaining all necessary permits and approvals from the appropriate authorities.



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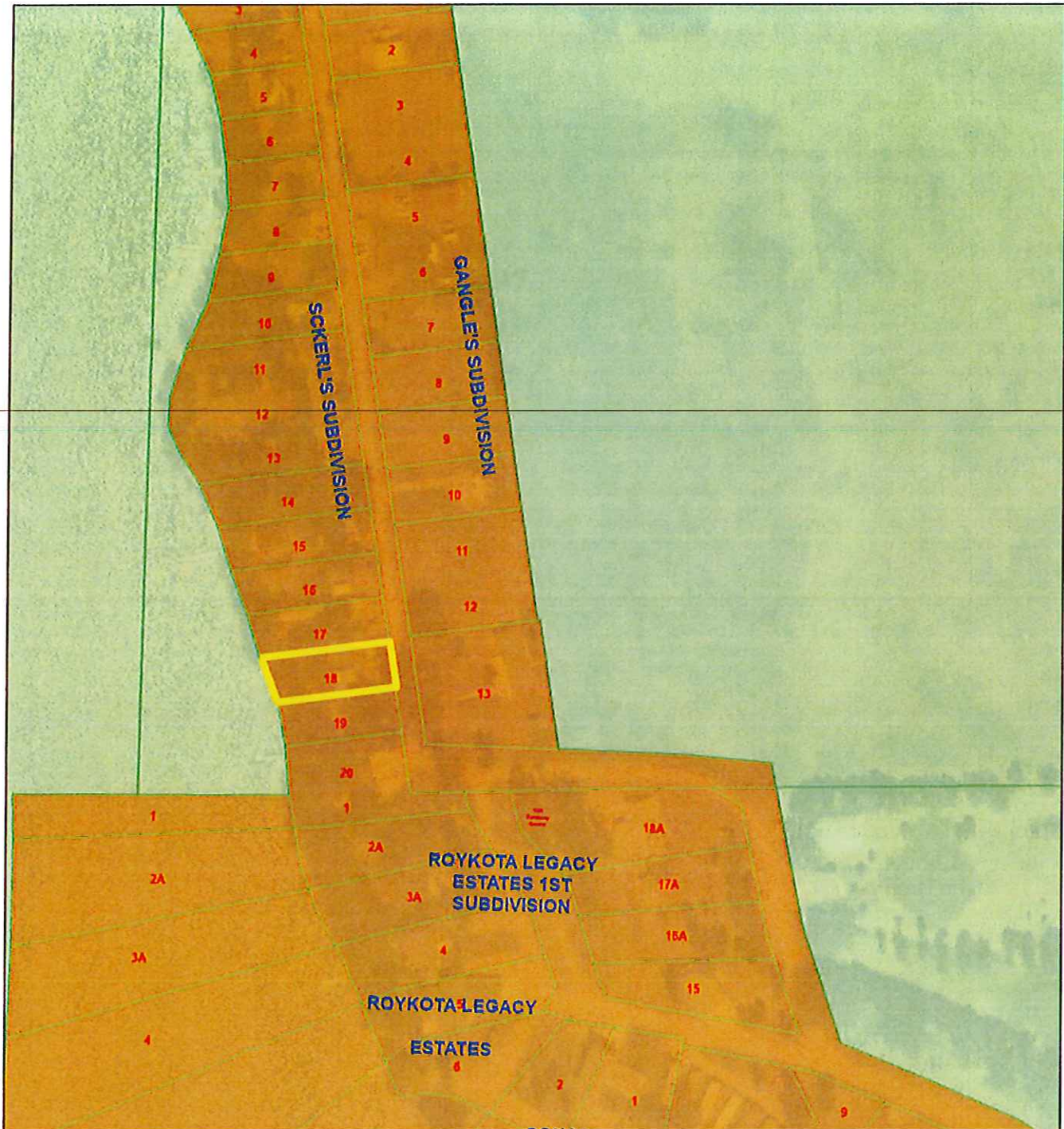
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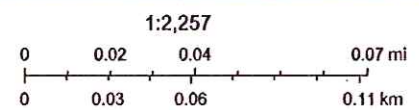
MARSHALL COUNTY WEB VIEWER



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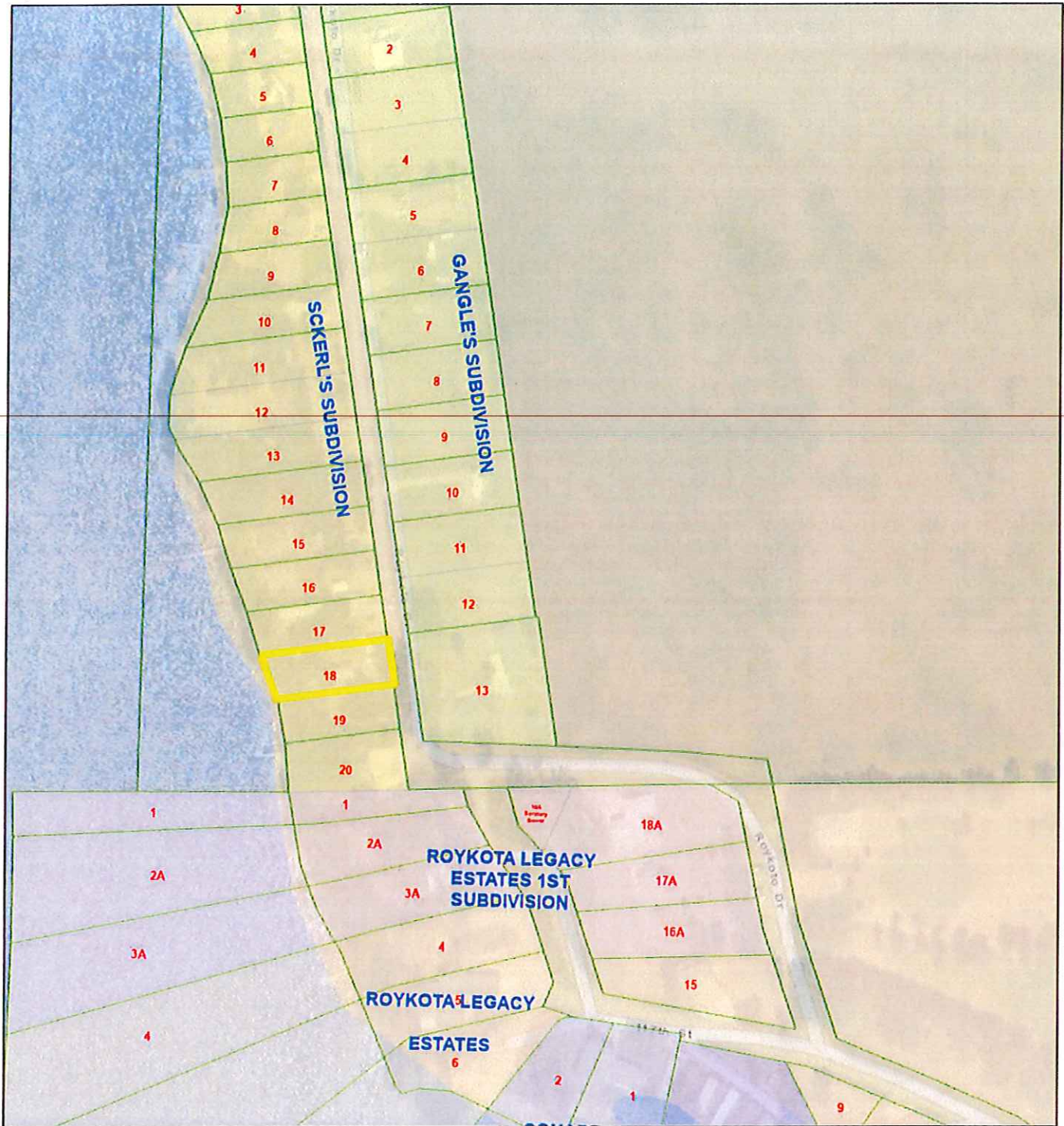
ZONING

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



Maxar, Microsoft

MARSHALL COUNTY WEB VIEWER

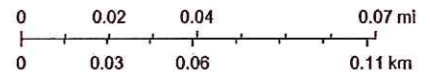


5/27/2021, 3:08:14 PM

PLAT

- CONARD ADDITION
- GANGLE'S SUBDIVISION
- ROYKOTA LEGACY ESTATES
- ROYKOTA LEGACY ESTATES 1ST SUBDIVISION
- ROYKOTA SUBDIVISION
- SCKERL'S SUBDIVISION
- TOWNSHIPS
- PARCELS

1:2,257



Scott Thayer – Variance







