

Marshall County Planning & Zoning
STAFF REPORT
August 10, 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 an addition and a carport on the East side of their existing cabin. The petitioner is asking to build the structures 20ft 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 and shed on the property. There will be a garage constructed as well that was recently approved for a variance to the road right-of-way at the June 22, 2021 hearing.
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 50ft from the normal high-water mark.
7. No written comments or objections were received prior to the hearing.
8. Staff Recommendation – **30' variance from the normal high-water mark setback.**
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 high-water mark variances to lake lots in the past, when the neighbors had no objections.
 - i. Similar high-water mark variances allowed – 25' for A. & M. Feia 4/21, 25' for D. Hicks 5/16 and 22' for T. Brewster 6/13
 - 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 – 30' variance from the normal high-water mark setback.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on August 10, 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 an addition and a carport on the East side of their existing cabin 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 structures 20ft 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: July 21, 2021

1T (July 21)

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Erin Collins-Miles
Planning & Zoning Administrator
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cost of \$10.62.

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

July 20, 2021

Dear Property Owner,

Darrell and Lois Vig have requested a variance to build an addition and a carport on the East side of their existing cabin 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 structures 20ft 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 August 10, 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 7/20/2021:

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

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 7/19/21

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) entryway and attached carport within 22' and 20' 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 1 & 1A of Gangle's Subdivision in Cont Lot 5 of Section 22, T26N, R55W of the 5th PM, Marshall Co, SD

Reason: Building entryway and carport onto side of existing cabin

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

Address: 125 Pine Cone Cir, Spearfish, SD 57783

Applicant Signature: _____

Owner Signature (if different than applicant): _____

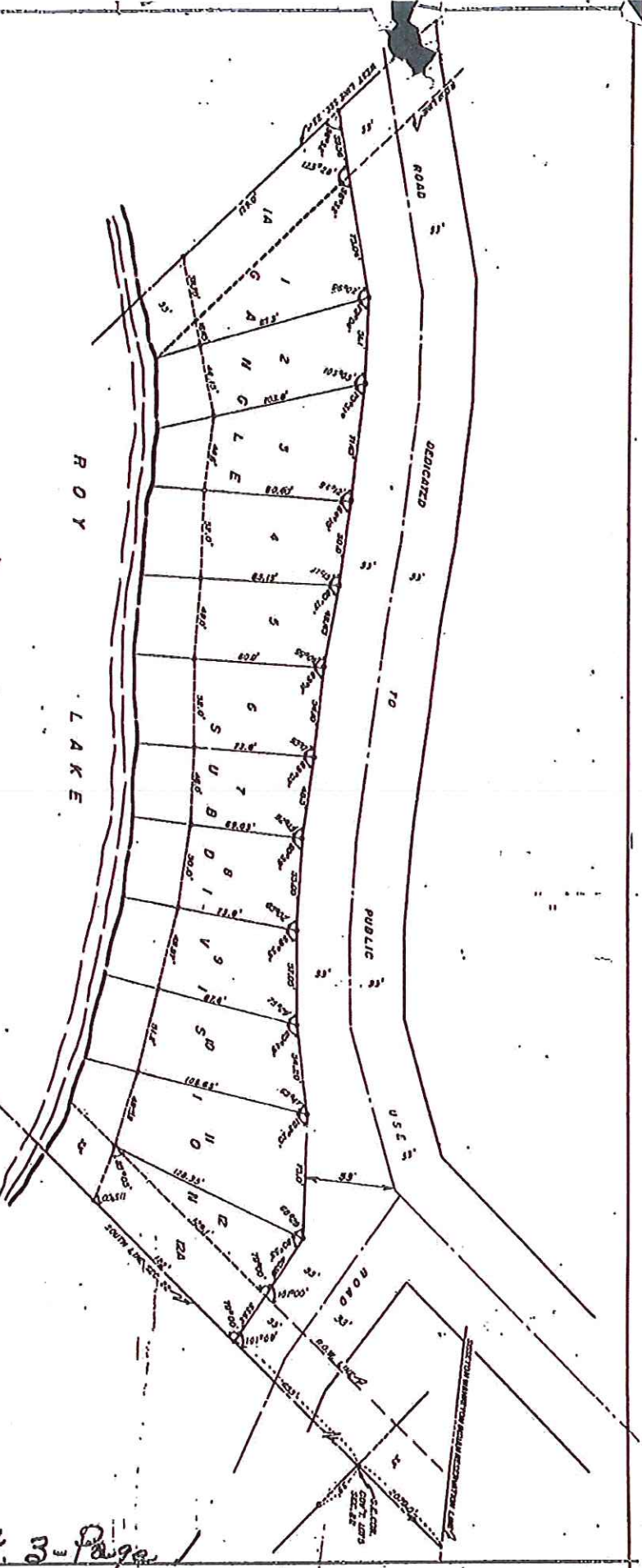
For Internal Office Use Only:

Date Received: 7/19/21 Fees(non-refundable): \$150.00 Paid: (YES) NO

Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: August 10, 2021

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.

W. B. B. B.
REG. PROF. ENG. & LAND SURVEYOR
SCALE 1" = 40'
MAY 11, 1912
RICH PM



Darrell & Lois Vlg
Entry room & carport

7/19/21

Existing Building

High

20'-22'

18'

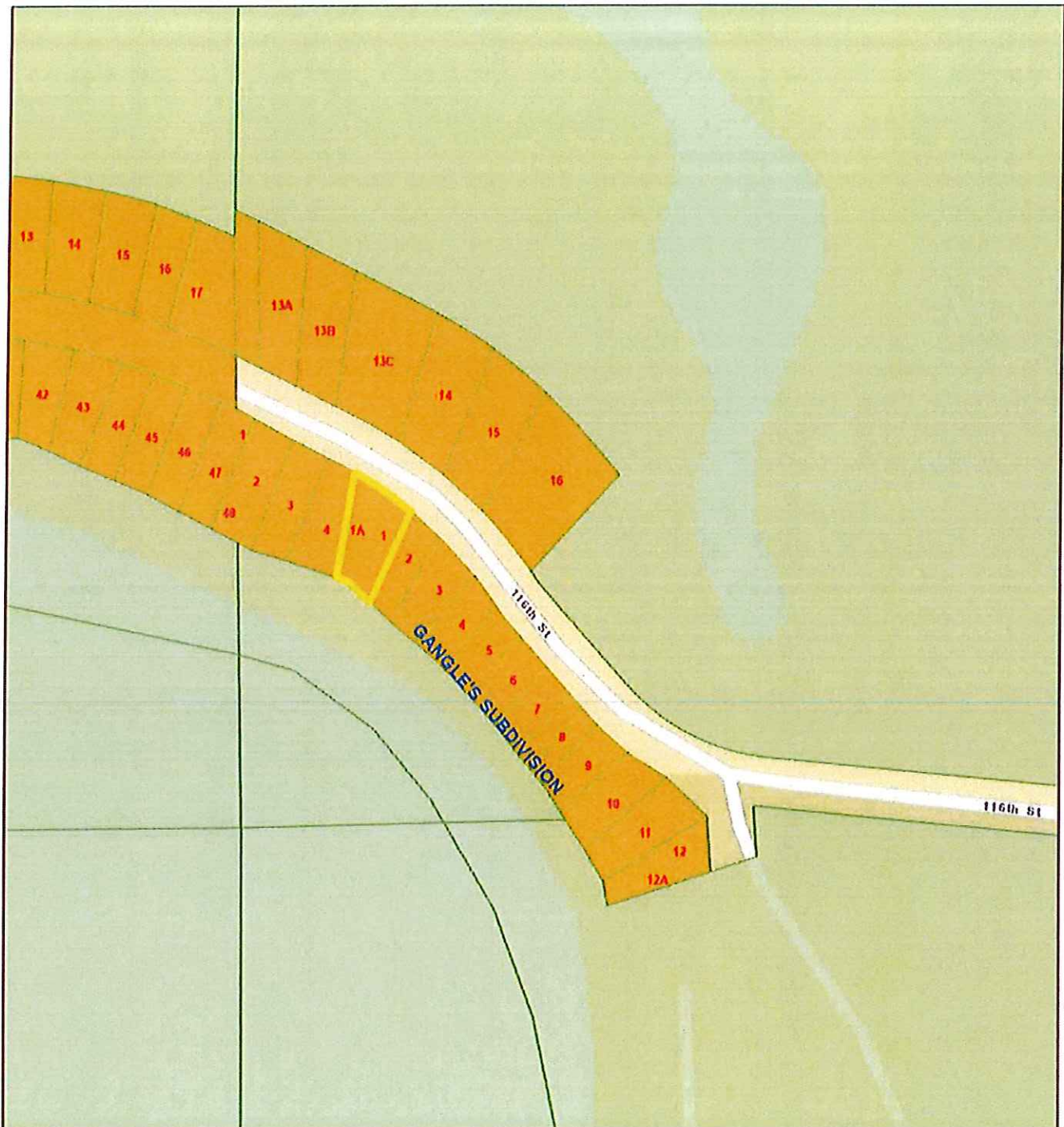
Existing Ext Wall

8'

Gravel

16'

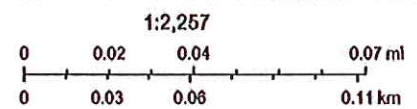
MARSHALL COUNTY WEB VIEWER



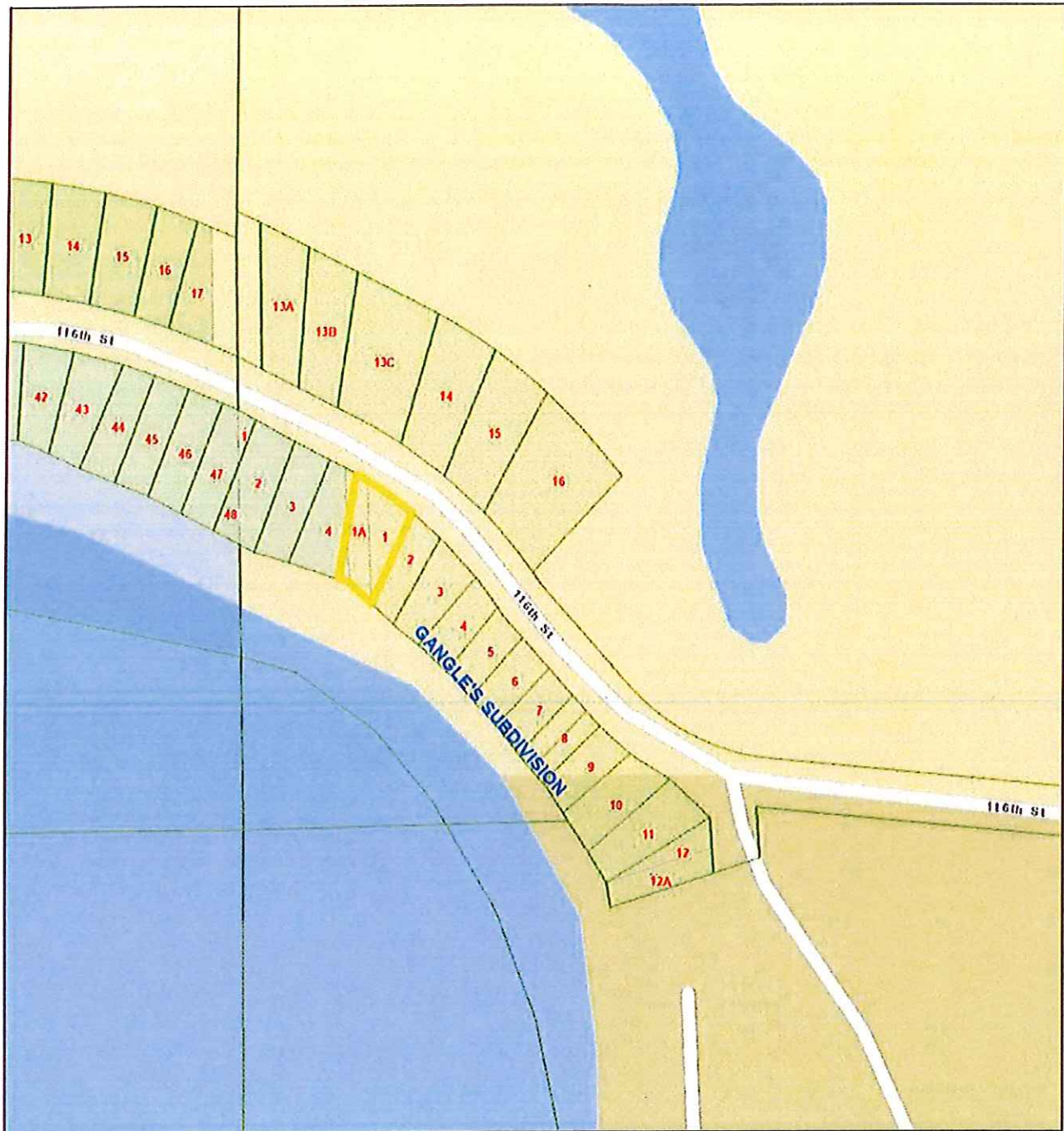
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ZONING

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



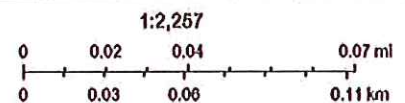
MARSHALL COUNTY WEB VIEWER



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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, NOAA, USGS

Darrell & Lois Vig – Variance

