

**Marshall County Planning & Zoning
STAFF REPORT
September 7, 2021**

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Mike Sydow; a Trustee of Buffalo Lake Lutheran Church

PROPERTY DESCRIPTION: SE1/4SW1/4 of Section 13, T125N, R53W of the 5th P.M., Marshall County, South Dakota

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Mike Sydow, a Trustee of Buffalo Lake Lutheran Church, has requested a variance to build an addition on the South end of the existing church. The petitioner is asking to build the addition 0.6ft from the South property line instead of the 200ft front yard setback requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The existing church has been on record in the Register of Deeds office, Book OA page 39, as the Buffalo Lake Lutheran Church since 4/12/1926.
2. The road which is used as the access road to the church is on Maurice and Luther Engevik's property. According to the applicant's, the road has been used for access for many years.
3. The land in which the church sits on is 2 acres.
4. There is currently a section line which is 35.6' from the South end of the existing church. A petition has been filed in the Auditor's office to have this section line vacated.
5. The County Road to the South is County Road 16 and is a dedicated public road right-of-way.
6. Marshall County Ordinance requires there to be a frontage of not less than 200' across the front yard.
7. No written comments or objections were received prior to the hearing.
8. Staff Recommendation – **199.4' variance from the 200' front yard 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 the Ag District.
 - a. There are no recent records of similar variances allowed.
 - 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 Ag District.

Action Item – 199.4' variance from the 200' front yard setback.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on September 7, 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.

Mike Sydow, a Trustee of Buffalo Lake Lutheran Church, has requested a variance to build an addition on the South end of the existing church on the property described as the SE1/4SW1/4 of Section 13, T125N, R53W of the 5th P.M., Marshall County, South Dakota. The petitioner is asking to build the addition 0.6ft from the South property line instead of the 200ft front yard setback requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: August 18, 2021

1T (Aug 18)
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Erin Collins-Miles
Planning & Zoning
Administrator

Published once at the approximate cost of \$9.29.

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

August 17, 2021

Dear Property Owner,

Mike Sydow, a Trustee of Buffalo Lake Lutheran Church, has requested a variance to build an addition on the South end of the existing church on the property described as the SE1/4SW1/4 of Section 13, T125N, R53W of the 5th P.M., Marshall County, South Dakota. The petitioner is asking to build the addition 0.6ft from the South property line instead of the 200ft front yard setback requirement, per the Marshall County Zoning Ordinance.

A hearing will be held at the Marshall County Courthouse, Commissioners Chambers on September 7, 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 8/17/2021:

1. David Valnes – 44858 123rd St. Eden, SD 57232
2. Maurice & Luther Engevik – 12301 447th Ave. Eden, SD 57232

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 8/6/2021

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) church addition within two feet .6 feet

of a (circle applicable): Twp Rd, County Rd, Federal or State Hwy, Other Rd, Lot Line or

High Water Mark.

→ Section Line

Structure would be located on (legal description): Beginning at the Southeast corner of the
Southeast Quarter of the Southwest Quarter (SE 1/4 SW 1/4) of Section Thirteen
(13), in Township One Hundred Twenty-five (125), Range Fifty-three (53),
thence west along the quarter section line 17.89 rods; thence due North
19.89 rods; thence due east 17.89 rods to the quarter section line, thence due
South 19.89 rods along the quarter section line to the place of
beginning, excepting the southerly two rods thereof used for road purposes;
said tract containing two (2) acres more or less.

Reason: Desire to extend existing church structure thirty-five (35)
feet from the south end of the church. Expansion would become a
handicapped-accessible Fellowship hall.

Applicant Name: Mike Sydow - Trustee, Buffalo Phone: 605-254-2743

Address: 1657 Cheyenne Ln, Greenville, SD 57239
Love Lutheran Church

Applicant Signature: [Signature]

Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 8/6/21 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: September 7th, 2021

Action taken by Planning and Zoning Commission: _____

Note: Expansion and proximity represented, discussed, and
approved with adjoining landowners Luther and Morris Engvik.
Luther Engvik 605-698-7820 MS

Office
605-698-3850
1-800-303-3850 - SD

HOLTON ENGINEERING, INC.
CONSULTING ENGINEERING and
LAND SURVEYING

112 East Oak • Rm 200
Sisseton, South Dakota 57262

Lundy

RICHARD MISTEREK
Technician

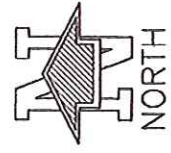
BUFFALO LAKE LUTHERAN
IN THE NE1/4NW1/4 AND THE NW1/4NE1/4 OF
SECTION 23, T125N, R53W OF THE 5TH P.M.,
MARSHALL COUNTY, SOUTH DAKOTA



	Acres
	Acres
	Acres
	Acres

NW1/4NE1/4
Section 24

NE1/4NW14
Section 24



PLAT OF

BUFFALO LAKE LUTHERAN ADDITION
IN THE NE1/4NW1/4 AND THE NW1/4NE1/4 OF
SECTION 23, T125N, R53W OF THE 5TH P.M.,
MARSHALL COUNTY, SOUTH DAKOTA

Preliminary

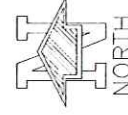
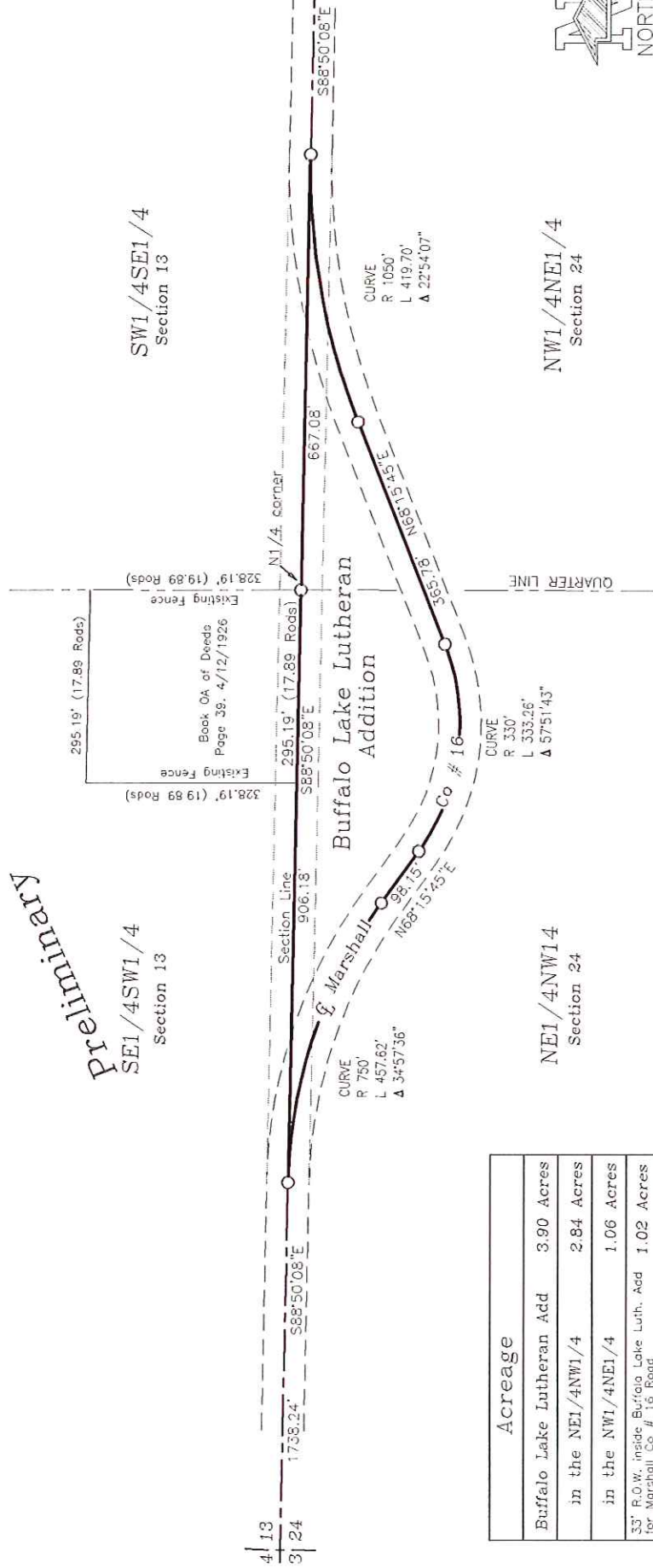
SE1/4SW1/4
Section 13

SW1/4SE1/4
Section 13

NE1/4NW1/4
Section 24

NW1/4NE1/4
Section 24

Acreage	
Buffalo Lake Lutheran Add	3.90 Acres
in the NE1/4NW1/4	2.84 Acres
in the NW1/4NE1/4	1.06 Acres
33' R.O.W. inside Buffalo Lake Luth. Add for Marshall Co. # 16 Road	1.02 Acres
33' R.O.W. in the NW1/4 Sec. 24 not including 33' Section Line R.O.W. for Marshall Co. # 16 Road	1.02 Acres



SCALE: 1" = 200'

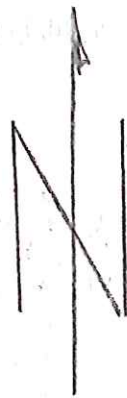
- O = CAPPED IRON PIN SET
- = RECOVERED MONUMENT

HOLLTON ENGINEERING INC.

DRAWN: 4/15/21 FIELD: ??/??/?? 512 VETERANS AVE. SISSETON, SD PH. 1-605-698-3850 2312553-P627

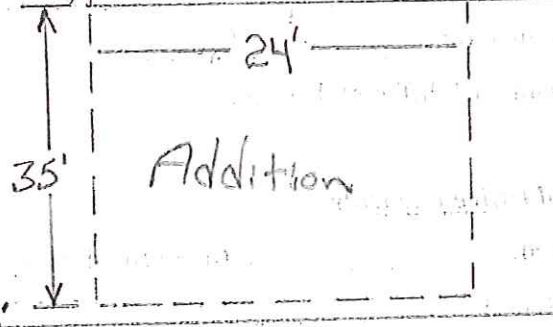
8-6-2021

MS



Existing
Church

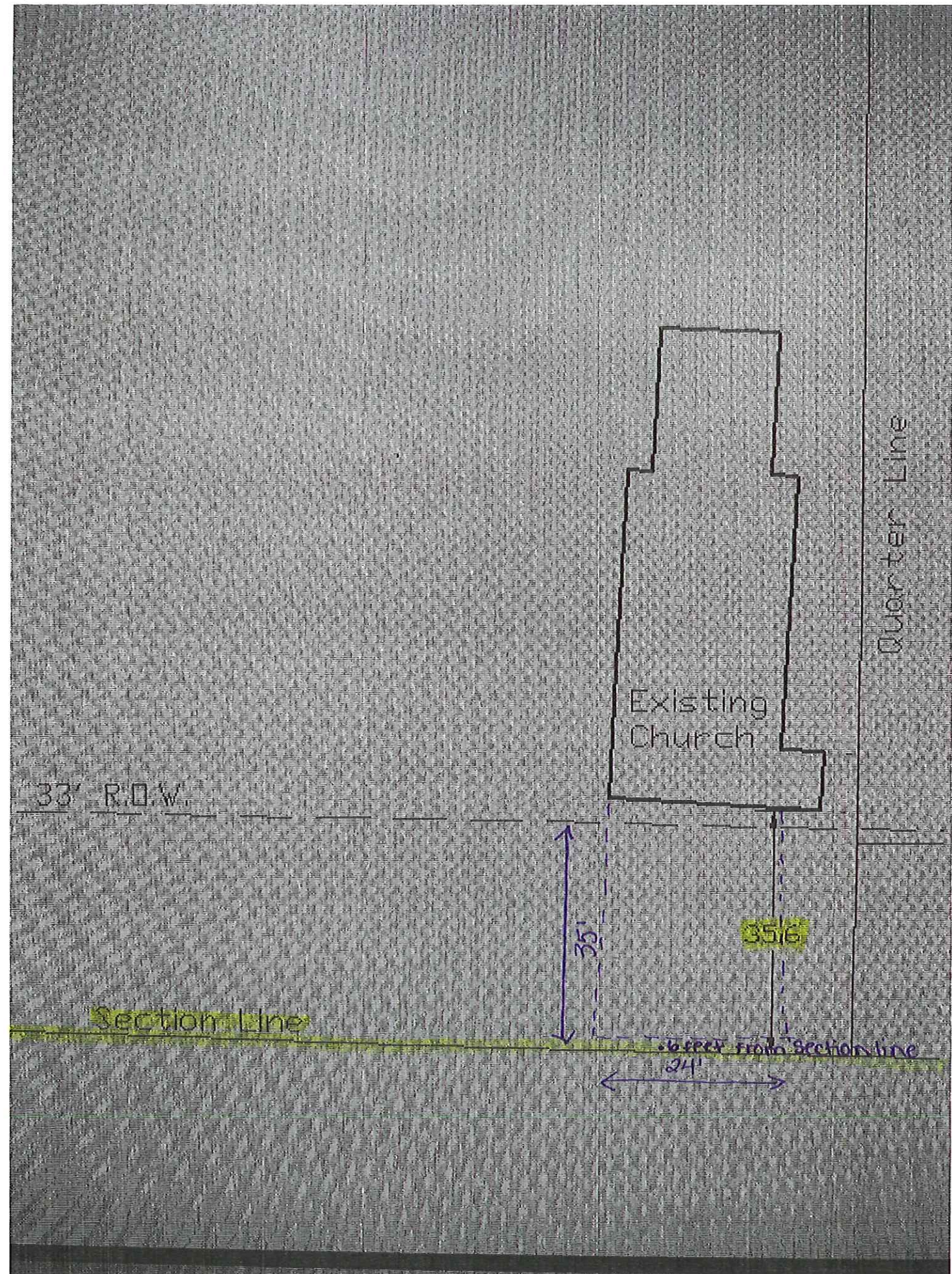
SE $\frac{1}{4}$ SW $\frac{1}{4}$
Sec 13



NE $\frac{1}{4}$ NW $\frac{1}{4}$
Sec 24

NW $\frac{1}{4}$
NE $\frac{1}{4}$
Sec 24

Owned by Engvik Brothers:
Luther Engvik 605-698-7820



NOTICE OF PETITION TO VACATE COUNTY ROAD

Notice is hereby given that Connie Van Der Vliet, representing Buffalo Lake Lutheran Church, S. Luther Engevik, and Maurice Engevik, all registered voters of Marshall County, South Dakota, presented a petition to the Marshall County Board of County Commissioners pursuant to SDCL 31-3-6 to vacate the county road running:

"A corridor bounded by 33' north and 33' south of the East/West section line extending 906.18' West and 667.08' East of the NorthEast (NE) corner of the NorthWest Quarter (NW1/4) of Section 24, T125, R33W, Marshall County, SD;"

because said county road has not been used or maintained by the public for more than twenty years, and therefore, the vacating thereof would be in the best interests of the public.

THEREFORE, the Board of County Commissioners of Marshall County will hold a public hearing on the matter on Tuesday, _____ (date) at _____ a.m. in the Commission Room of the Marshall County Courthouse in Britton, South Dakota. Any person or their representative may appear and express their views on the vacation of such road, or in the alternative, any person or their representative unable to attend the public hearing may present their information, opinions and arguments in writing by delivering or mailing same to the Marshall County Auditor, P.O. Box 130, Britton, SD 57430, prior to the date of the public hearing. Furthermore, this Notice of Hearing is given by publication in the official newspaper once each week for two consecutive weeks prior to the date of said hearing.

Dated this 13th day of August 2021.

Connie Van Der Vliet

Connie Van Der Vliet, Petitioner

S. Luther Engevik

S. Luther Engevik, Petitioner

Maurice Engevik

Maurice Engevik, Petitioner

2T (Aug 18-25)

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/S/ S. Luther Engevik, Petitioner

/S/ Maurice Engevik, Petitioner

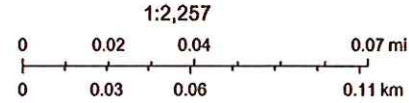
MARSHALL COUNTY WEB VIEWER



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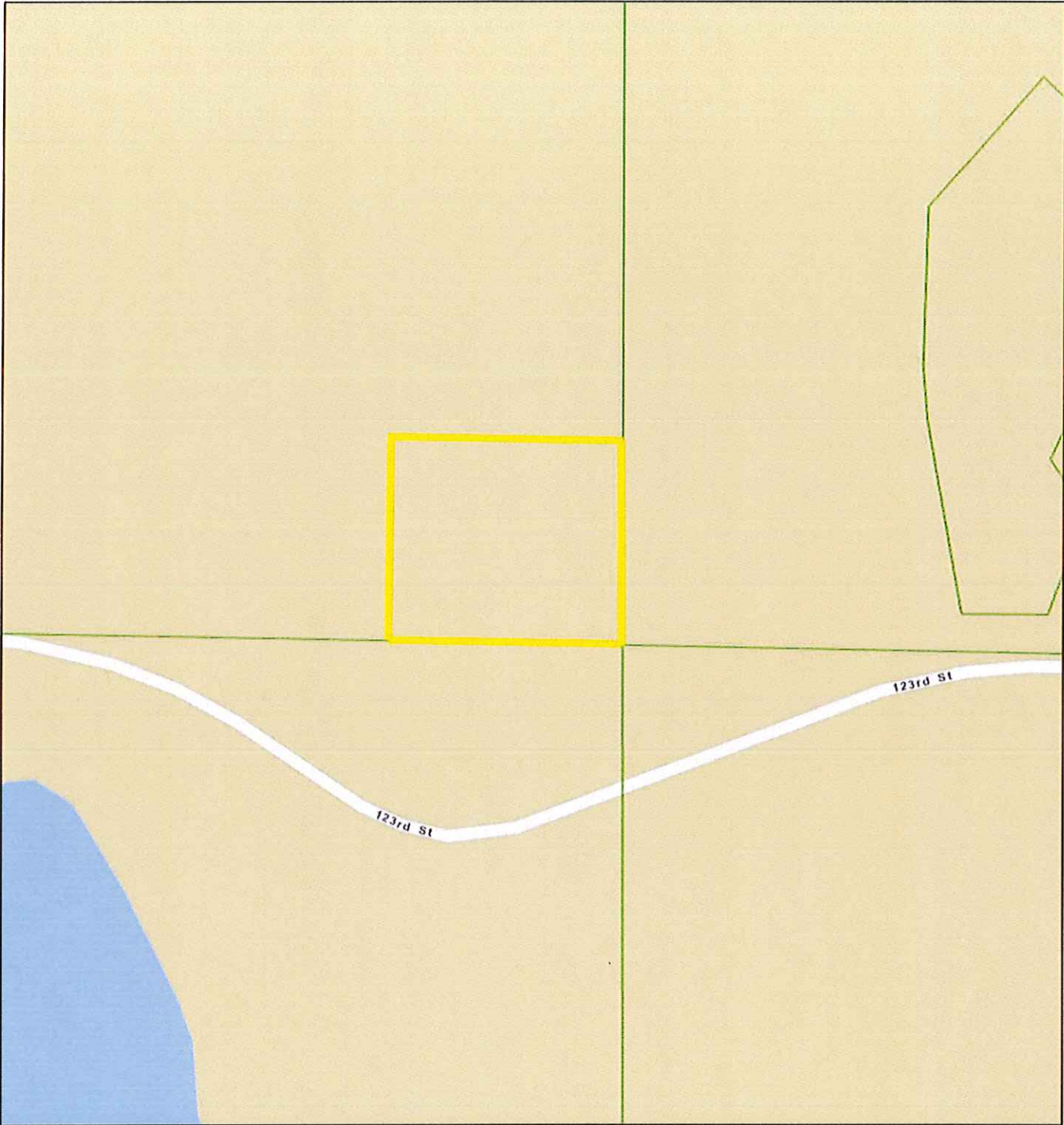
ZONING

-  Agricultural District
-  TOWNSHIPS
-  PARCELS



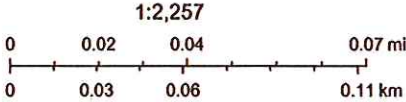
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MARSHALL COUNTY WEB VIEWER



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- TOWNSHIPS
- PARCELS



Buffalo Lake Lutheran Church – Variance





