

Marshall County Planning & Zoning
STAFF REPORT
September 7, 2021

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Clark Moeckly

PROPERTY DESCRIPTION: Lot 6 of Wismer-Printup Subdivision in Gov't Lot 1, Section 19, T126N, R53W

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Clark Moeckly has requested a variance to tear down the West half of the original cabin and rebuild in the same footprint. The petitioner is asking to rebuild the structure 6ft from the Northeast property line instead of the 7ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The original 24x42 cabin was constructed in 2002. A 24x24 addition was constructed on the East side of the original cabin in 2011.
2. The eaves of the proposed structure which will replace the existing are 2'.
3. According to property cards, the property has been in ownership of the Moeckly's since 7/3/02.
4. Lot 6 has an average depth of approximately 175ft and a width of approximately 45.05ft.
5. The road to the East is a span of 66'.
6. Marshall County Ordinance requires new structures to be placed a minimum of 7ft from a property line.
7. No written comments or objections were received prior to the hearing.
8. Staff Recommendation – **1' variance from the Northeast property line 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 lot line variances to lake lots in the past, when the neighbors had no objections.
 - i. Similar property line variances allowed – 3' for R. Renner 6/21, 2' for P. Hanson 2/13, 2' for K. Freudenthal 3/18 and 3' for J. Zetocha 7/15.
 - 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 – 1' variance from the Northeast property line 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.

Clark Moeckly has requested a variance to tear down the West half of the original cabin and rebuild in the same footprint on the property described as Lot 6 of Wismer-Printup Subdivision in Gov't Lot 1, Section 19, T126N, R53W. The petitioner is asking to rebuild the structure 6ft from the Northeast 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: August 11, 2021

1T (Aug 11)
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- APPLICATION FOR
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Erin Collins-Miles
Planning & Zoning Administrator
Published once at the approximate cost of \$8.96.

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

August 9, 2021

Dear Property Owner,

Clark Moeckly has requested a variance to tear down the West half of the original cabin and rebuild in the same footprint on the property described as Lot 6 of Wismer-Printup Subdivision in Gov't Lot 1, Section 19, T126N, R53W. The petitioner is asking to rebuild the structure 6ft from the Northeast 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 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 8/9/2021:

1. Alan & Marla Grupe; 1208 Main St. Britton, SD 57430
2. Kirk & Carol Moeckly; P.O. Box 196 Britton, SD 57430

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 8-7-2021

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) Remodel within 6 ft 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): _____

Reason: Fixing foundation, Raising part of home
putting same structure back in same place

Applicant Name: Clark Moeckly Phone: 605-237-2054

Address: 41698 SD Hwy 10, Britton SD 57430

Applicant Signature: [Signature]

Owner Signature (if different than applicant): Clark Moeckly by [Signature]

For Internal Office Use Only:

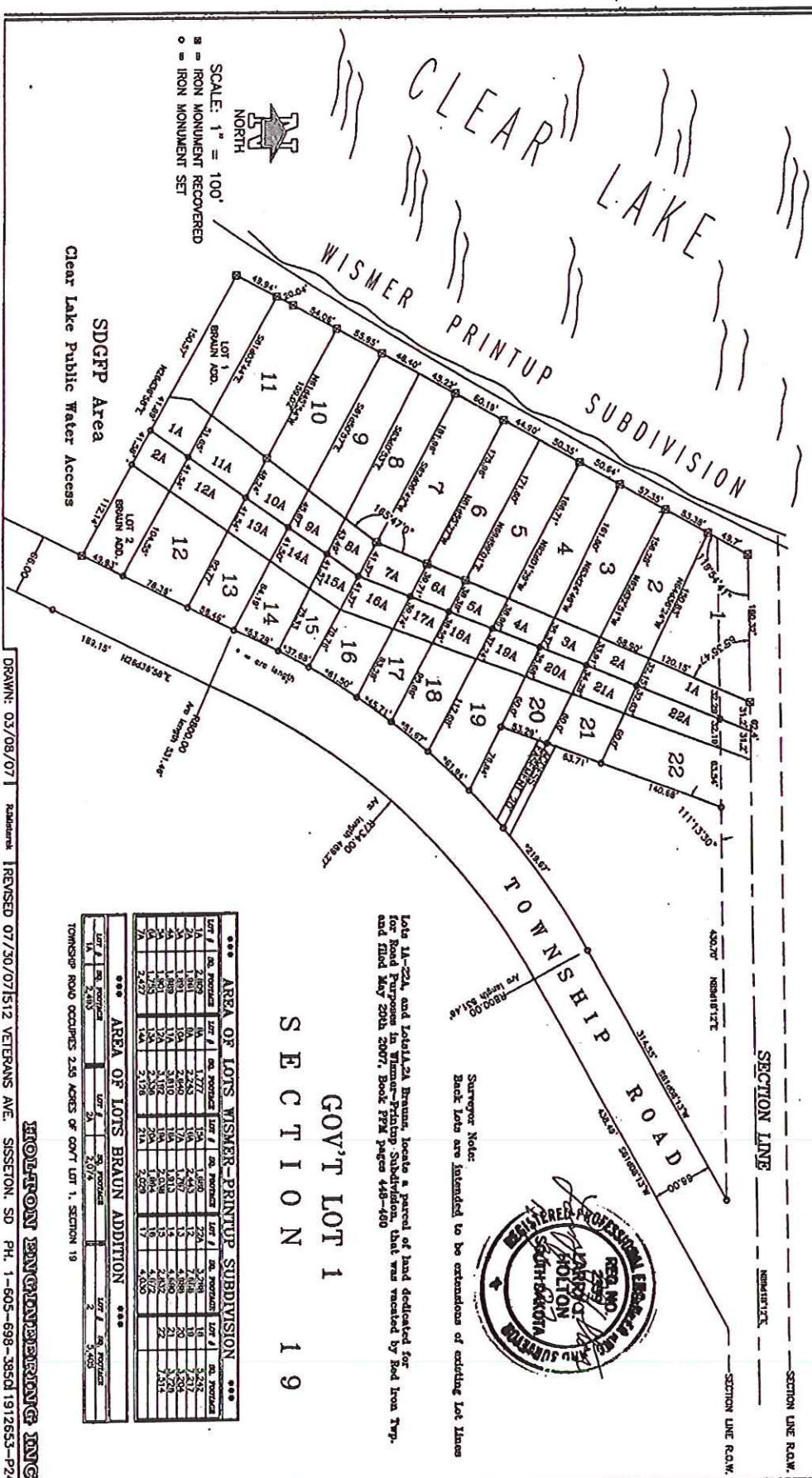
Date Received: 8-4-21 Fees (non-refundable): \$150.00 Paid: YES NO

Inspection Report: See staff report

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

Action taken by Planning and Zoning Commission: _____

Lots 12 thru 22; Lots 1A thru 22A; of WISMER-PRINTUP SUBDIVISION;
and Lots 1A, 2 and 2A of Braun Addition
in Gov't Lot 1, Section 19, T126N, R53W of the 5th P.M., Marshall County, South Dakota





These drawings were prepared and issued on provided to us by the customer and a liability waiver for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and only meet the local code and local building codes which vary widely. The customer shall consult their contractor and local building inspector for determining any changes to meet the local building code requirements. Customer is responsible for obtaining local building permits for the building project. We assume no responsibility for claims or damages arising from any errors, omissions, deficiencies or defects of any drawings.

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**Scott's
Lumber**

767 Vander Horck, Britton, SD

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(605) 448-5282
FAX:
(605) 448-5278

www.scottslumber.com

DRAWN BY: orlin.punt@scottslumber.com
PLOT DATE: Tuesday, June 22, 2021
JOB: Moeckly, Clark #1 (P&M Addition)

SALESMAN:
Josh.kraft@scottslumber.com

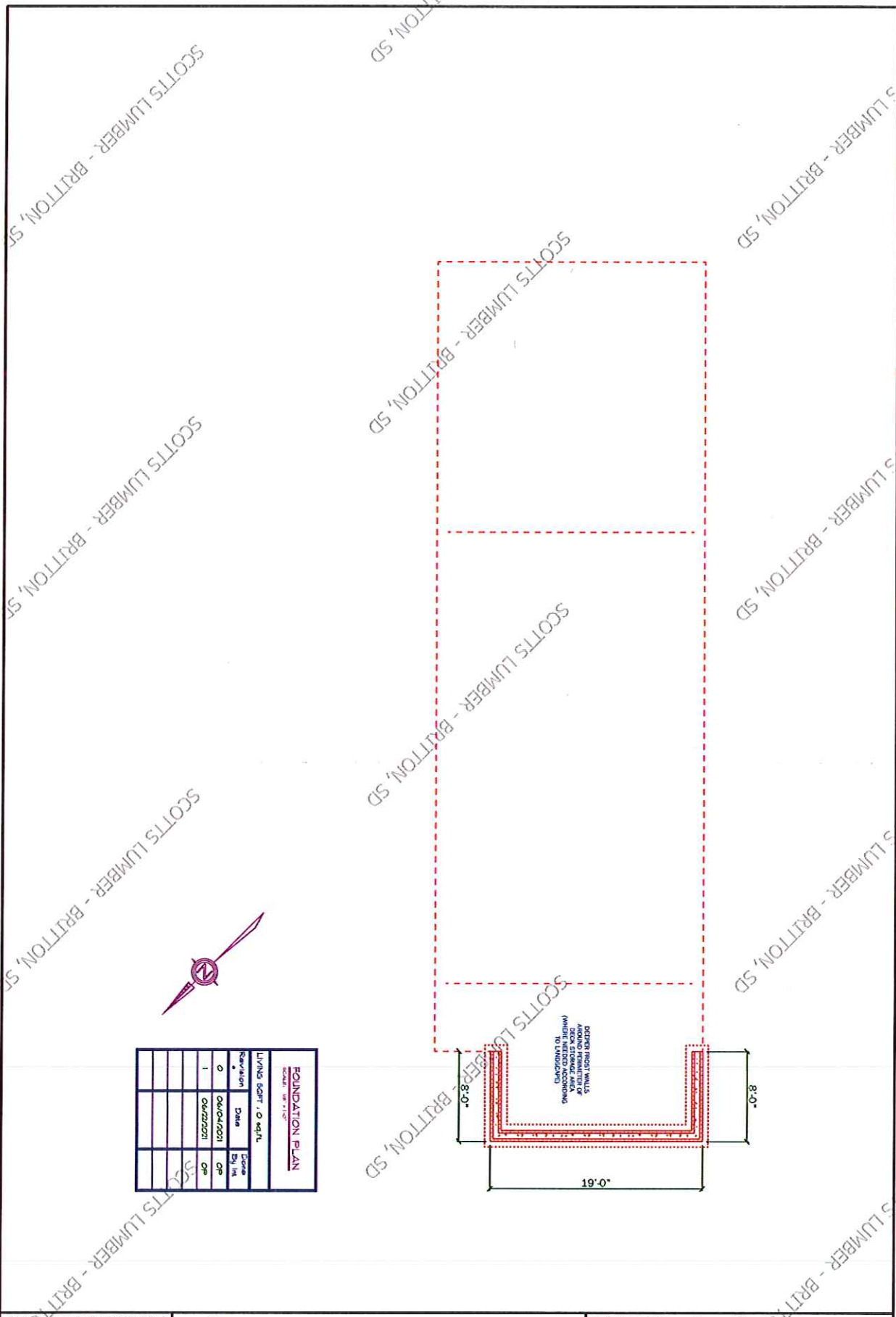
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These drawings are prepared using information provided to us by the customer and are not to be used for the actual construction of the building. The drawings are not a permit drawing and are not to be used for the actual construction of the building. The customer is responsible for obtaining all necessary permits and for ensuring that the building is constructed in accordance with all applicable codes and regulations. The customer is also responsible for ensuring that the building is constructed in accordance with the drawings and specifications provided by Scott's Lumber.

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 161 Vander Horck, Britton, SD
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DRAWN BY: orlin.punt@scottslumber.com
 PLOT DATE: Tuesday, June 22, 2021
 JOB: Moseckly, Clark # (Pam Addition)
 SALESMAN: Josh.kraft@scottslumber.com
 PAGE: 2



FOUNDATION PLAN			
SCALE: 1/8" = 1'-0"			
Revision	Date	By	Scale
0	06/04/2021	CP	
1	06/22/2021	CP	

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 or building prepared by an architect and may not meet all state and local building codes which vary widely. The customer shall consult their construction agent or local building department to determine any changes to meet the state and local building code requirements. Customer is responsible for obtaining local building codes for the required building permits. We assume no responsibility for errors or omissions resulting from any errors, omissions, or omissions of any drawings.

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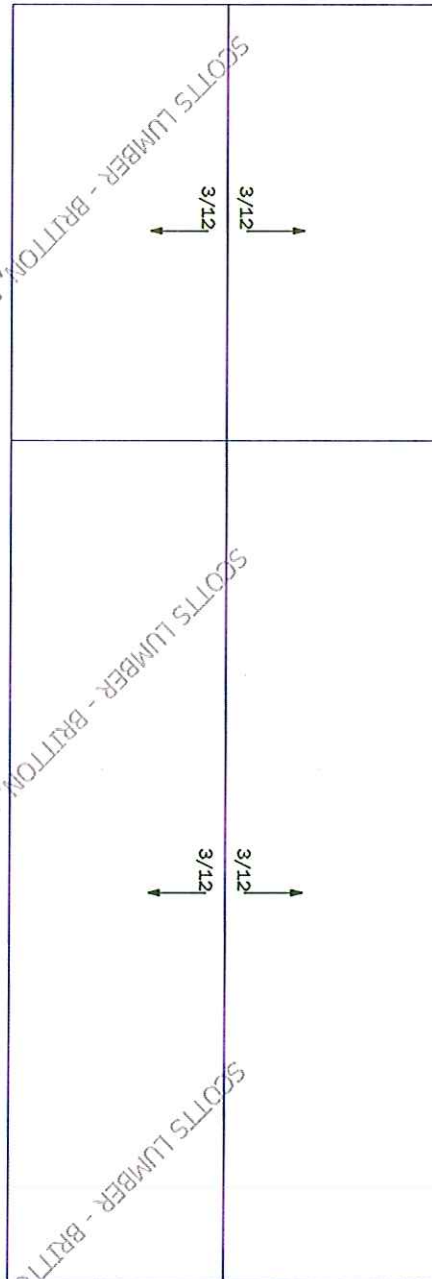


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PLOT DATE: Tuesday, June 22, 2021	
JOB: Moeckly, Clark # (Pam Addition)	
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ROOF PLAN			
Scale: 1/8" = 1'-0"			
Revision	Date	Drawn By	Checked By
0	06/22/2021	CP	

These drawings have been prepared using a form or provided to us by the customer and we hereby warrant the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and they are not a structural drawing and they are not a building code drawing. The customer shall obtain their own structural engineer and/or local building department to determine any changes to meet the rules and local building code requirements. Customer is responsible for obtaining local building officials for the required building permits. We assume no responsibility for claims or damages arising from any errors or omissions made in or on behalf of any drawings.

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PLOT DATE: Tuesday, June 22, 2021	
JOB: Moeckly, Clark (P&M Addition)	
SALESMAN:	PAGE:
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These drawings have been prepared using information provided to us by the customer and are not intended to be a final or complete set of drawings. They are for informational purposes only and are not to be used for construction. The customer is responsible for obtaining all necessary permits and for ensuring that the drawings are in compliance with all applicable codes and regulations. The customer is also responsible for providing accurate information regarding the project and for ensuring that the drawings are in compliance with all applicable codes and regulations.



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PLOT DATE: Tuesday, June 22, 2021
JOB: Moeckly, Clark (Pan Addition)

SALESMAN:
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These drawings have been prepared using information provided to us by the customer and a sketch prepared for the building of the structure provided. These drawings are not a permit drawing prepared by an architect and they are not applicable for use and local building codes which may vary. The customer should consult their contractor and/or local building inspector to determine any changes to meet the state and local building code requirements. Customer is responsible for obtaining local building permits for the required building permit. We make no representation for liability or damages resulting from any errors, omissions, conflicts or omissions of any drawings.



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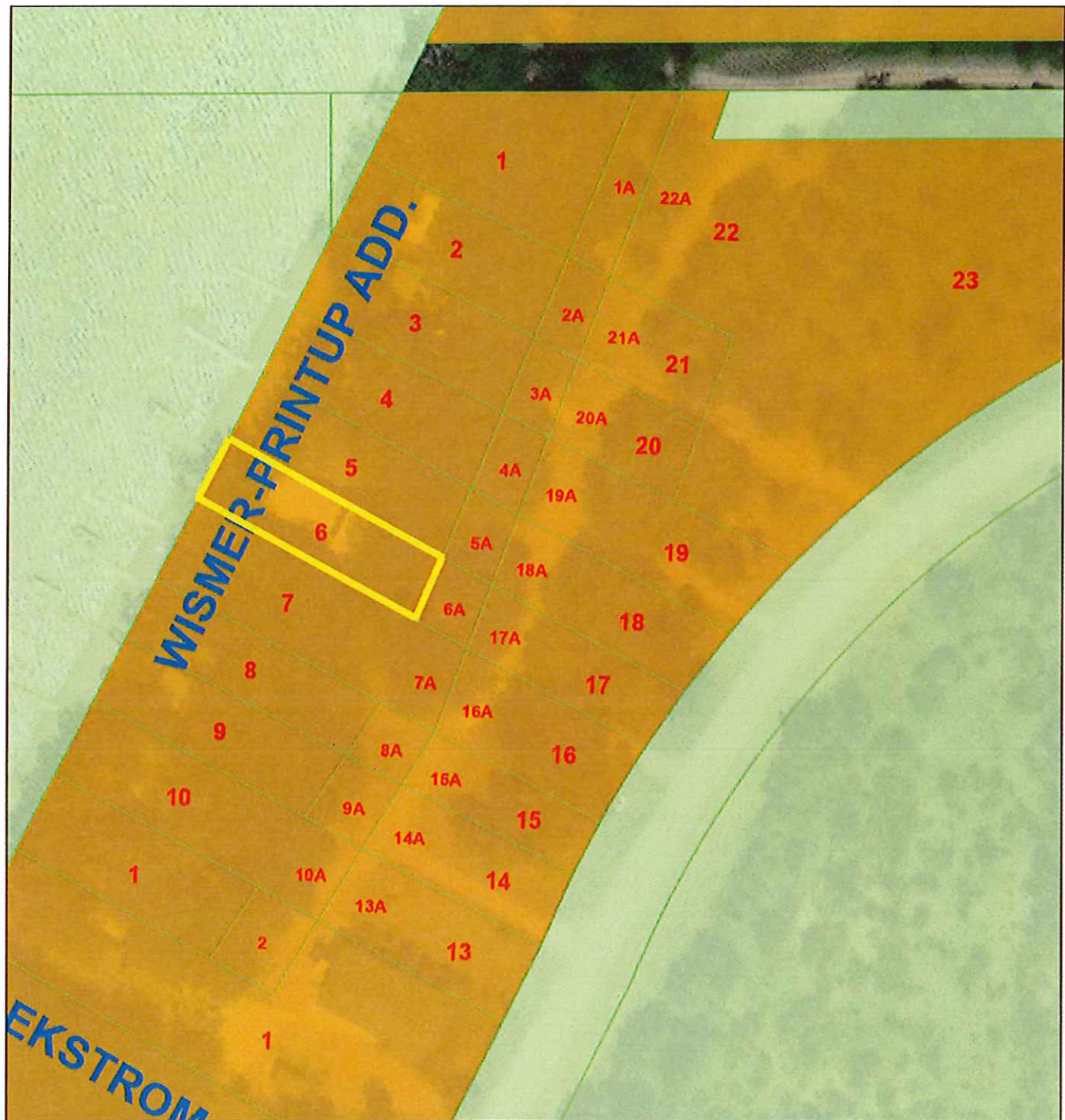
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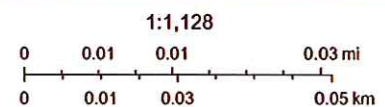
MARSHALL COUNTY WEB VIEWER



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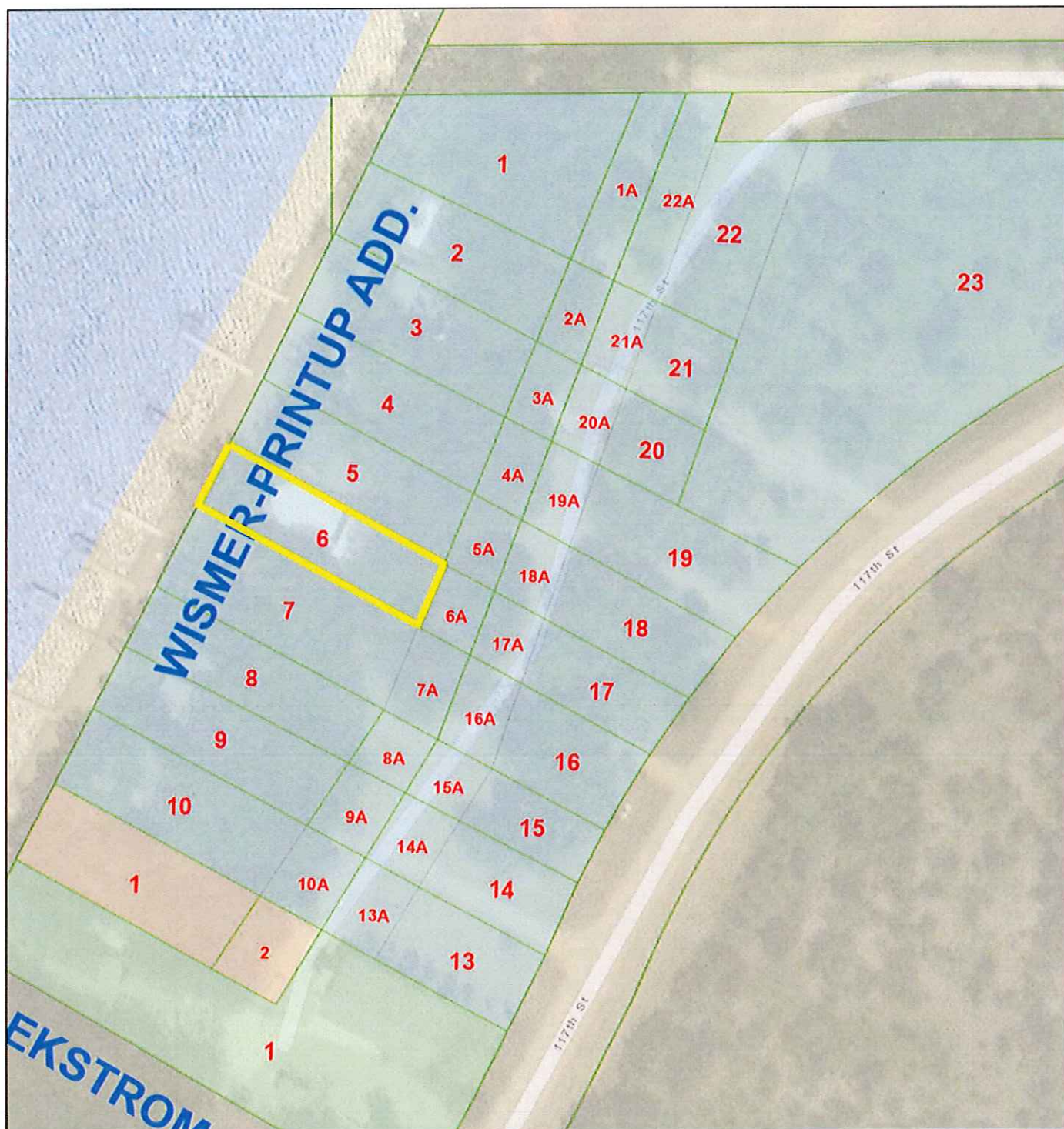
ZONING

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



Maxar, Microsoft

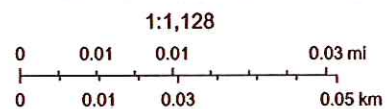
MARSHALL COUNTY WEB VIEWER



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PLAT

-  EKSTROM ADDITION
-  GRAFF'S CLEAR LAKE ADDITION
-  STANTON ADDITION
-  WISMER-PRINTUP ADDITION
-  TOWNSHIPS
-  PARCELS



Clark Moeckly – Variance



