

Marshall County Planning & Zoning
STAFF REPORT
September 21, 2021

Issue #1 Variances for Building Setback

OWNER/APPLICANT: Larry E. Hanson

PROPERTY DESCRIPTION: 1 acre in the corner of SW1/4SW1/4SE1/4 in Section 8, T125N, R59W of the 5th P.M., Marshall County, South Dakota

CURRENT ZONING: Agricultural District

SURROUNDING ZONING: Agricultural District

REQUEST: Hanson has requested a variance to build a cold storage building and has also requested a variance to acreage size. The petitioner is asking to build the structure 57ft from the road right-of-way line instead of the 60ft requirement and to allow the acreage size to be platted as 1.25 acres instead of the 2-acre requirement.

HISTORY/ISSUE(S):

1. The original home on the property was built in 1920. The home was moved to its current location in 1954. A 16x20 addition to the home was built in 1970 and a 32x36 addition was built in 2007.
2. According to property cards, there are 4 buildings, including the house, located on this property.
3. The large storage building proposed would be constructed to the West of the house.
4. Additional land will be acquired South of the building from Donnell Hanson in order to prevent the building from being constructed on two different landowners' properties. (See preliminary Plat of L Hanson Addition.)
5. Currently, the lot owned by Larry Hanson is 1 acre. After the preliminary plat is filed, the property would be 1.25 acres, which would still not meet acreage requirements, but would allow the structure to be placed within said Lot and meet property line setbacks.
6. Marshall county road number 13 is located to the South of the property in question.
7. Marshall County Ordinance requires new structures to be placed a minimum of 60ft from a county road right-of-way line, and the minimum lot area to be two acres, for both platted and unplatted lots.
8. No written comments or objections were received prior to the hearing.
9. **Staff Recommendation – 3' variance to the right-of-way line setback and a 0.75-acre variance to lot size requirement.**
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 the AG District.
 - a. The Board has granted similar right-of-way and acreage size variances in the past, when neighbors had no objections.
 - i. Similar right-of-way line variances allowed – 14' for R. Sonstegard 10/16, 17' for G. Waldner 2/2020
 - ii. Similar lot size variances allowed – 1.043 acres for BDM 8/14, 1.13 acres for R. Skare 10/18, 0.6 acres for G. Lehr 8/19 and 0.68 acres for Game, Fish, & Parks 9/15
 - 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 AG District.

Action Item – 3' variance to the right-of-way line setback and a 0.75-acre variance to lot size requirement.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on September 21, 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.

Larry E. Hanson has requested a variance to build a cold storage building and has also requested a variance to acreage size on the property described as 1 acre in the corner of SW1/4SW1/4SE1/4 in Section 8, T125N, R59W of the 5th P.M., Marshall County, South Dakota. The petitioner is asking to build the structure 57ft from the road right-of-way line instead of the 60ft requirement and to allow the acreage size to be platted as 1.25 acres instead of the 2-acre requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: September 1, 2021

1T (Sept 1)
**NOTICE OF HEARING
- APPLICATION FOR
VARIANCE**

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on September 21, 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.

Larry E. Hanson has requested a variance to build a cold storage building and has also requested a variance to acreage size on the property described as 1 acre in the corner of SW1/4SW1/4SE1/4 in Section 8, T125N, R59W of the 5th P.M., Marshall County, South Dakota. The petitioner is asking to build the structure 57ft from the road right-of-way line instead of the 60ft requirement and to allow the acreage size to be platted as 1.25 acres instead of the 2-acre requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator
Published once at the approximate
cost of \$9.96.

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

August 30, 2021

Dear Property Owner,

Larry E. Hanson has requested a variance to build a cold storage building and has also requested a variance to acreage size on the property described as 1 acre in the corner of SW1/4SW1/4SE1/4 in Section 8, T125N, R59W of the 5th P.M., Marshall County, South Dakota. The petitioner is asking to build the structure 57ft from the road right-of-way line instead of the 60ft requirement and to allow the acreage size to be platted as 1.25 acres instead of the 2-acre requirement, per the Marshall County Zoning Ordinance.

A hearing will be held at the Marshall County Courthouse, Commissioners Chambers on September 21, 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 8/30/2021:

1. I C The Farm, LLLP c/o Gwenda Koch & Debra Lucas – 1424 Park Dr. Mitchell, SD 57301
2. Donnell Hanson – 41354 120th St. Claremont, SD 57432
3. Daniel Olson – 40606 114th St. Houghton, SD 57449

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 8-14-21

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) 90 ft from middle of road within _____

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

High Water Mark. A variance is also needed from 2.0 requirement for plat. Applicant intends to plat the existing parcel described below and acquire additional property to North to be surveyed and platted is likely less than 2.0 acres total.

Structure would be located on (legal description): Section 8, TWP 125, Range 59
SW corner -- East 13.2 rods, North 12.15 rods west 13.2 rods
then South 12.15 rods. See attached.

Reason: Construction of cold storage building -- equipment

Applicant Name: Larry E. Hanson Phone: 605-294-5887

Address: 41352 120th St., Claremont, SD 57432

Applicant Signature: Larry E. Hanson

Owner Signature (if different than applicant): Larry E. Hanson

For Internal Office Use Only:

Date Received: 8/25/21 Fees (non-refundable): \$150.00 Paid: ☒ YES ☐ NO

Inspection Report: See Staff Report

Date of Hearing by Planning and Zoning Commission: September 21, 2021

Action taken by Planning and Zoning Commission: _____

PRELIMINARY

Plat of L HANSON ADDITION

located in the SW1/4SW1/4SE1/4 of Section 8, T125N, R59W
of the 5th P.M., Marshall County, South Dakota

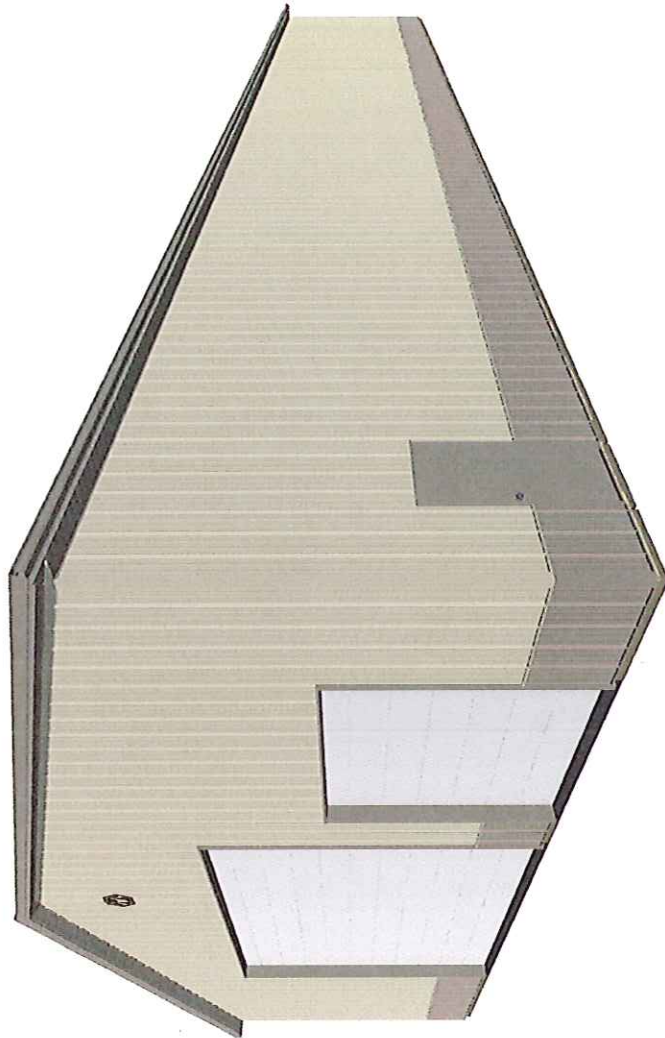


SCALE: 1" = 300'
 O = CAPPED IRON PIN SET
 X = RECOVERED MONUMENT
 Δ = CALCULATED POSITION

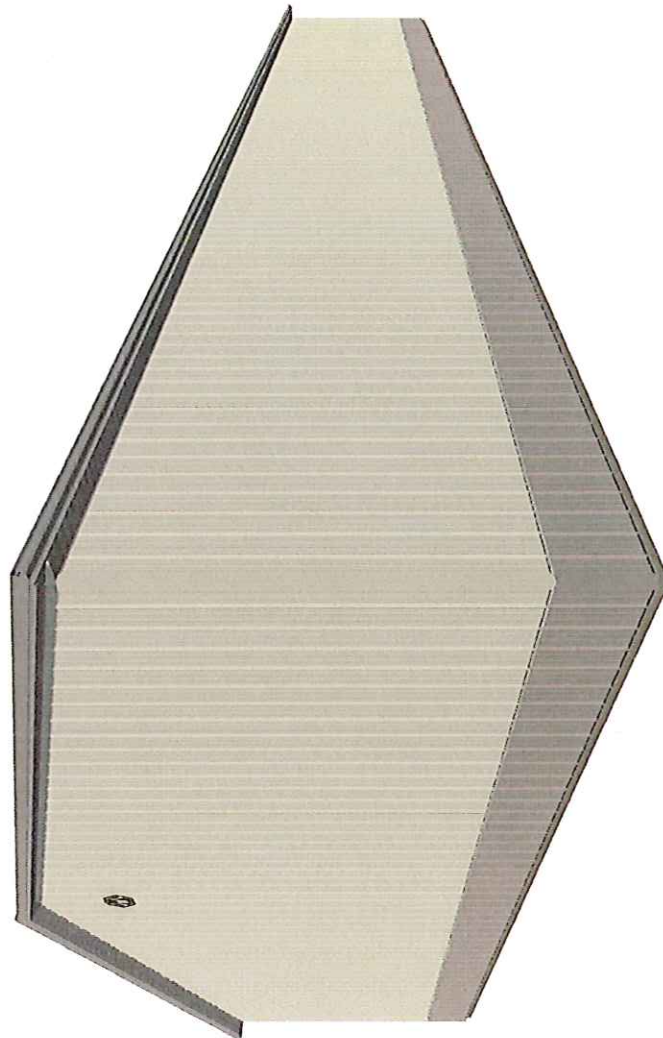
DRAWN: 8/26/21 FIELD: 8/2021 512 VETERANS AVE. Sisseton, SD PH. 1-605-698-3850 0812559-P623

ROBERTSON ENGINEERING INC.

306 48'x17'x104' South and East Walls



306 48'x17'x104' North and West Walls





Building #1 Specifications

Building Info	Style	Width	Height	Length	Truss Spacing	Roof Pitch	Lower Chord	Peak Height	Soffit Height
	306	48'	17'	104'	8'	4/12	1/12	26' 6.5"	17' 9"

306 48'x17'x104' (#1) - Building Use: Farm - Storage

Foundation

Morton Foundation System Morton Buildings, Inc. exclusive foundation system. Reinforced precast concrete column with an internal threaded adjustment bracket set in a readi-mix poured footing set below frost depth or a minimum of 5'-0" below building grade. Fastened to a laminated wood column with an internal column connector bracket. Treated Wood splashboard system, mounted at grade to column.

Siding

East, North, West, South wall(s) Fluoroflex™ 1000 Hi-Rib Steel Minimum .019 (Fastened with Stainless Steel Screws)

Wainscot

East, North, West, South with 36" tall Fluoroflex™ 1000 Hi-Rib Steel Minimum .019 wainscot (Fastened with Stainless Steel Screws)

Protective Liner

East, North, West, South wall(s) with 7/16" thick OSB by approx. 32" tall Protective Liner Protective Liner

Roof

Hi-Rib Steel Minimum .019 (Fluoroflex™ 1000) (Fastened with Stainless Steel Screws) with Vent-A-Ridge
 Structure has not been designed for installation of anything which could retain snow on the roof.

Overhangs

East, West wall(s) 1' Wide Vented Sidewall Overhang with Standard 6" fascia, 5" Gutters and 3"x4" Downspouts, with elbows at base
 North, South wall(s) 1' Wide Non Vented Endwall Overhang with Standard 6" fascia

Walk Doors

1 A 3' x 6'8" MB 910 Plain Flat Leaf Walk Door(s) in swing left hinge with lockset

Overhead Door Opening

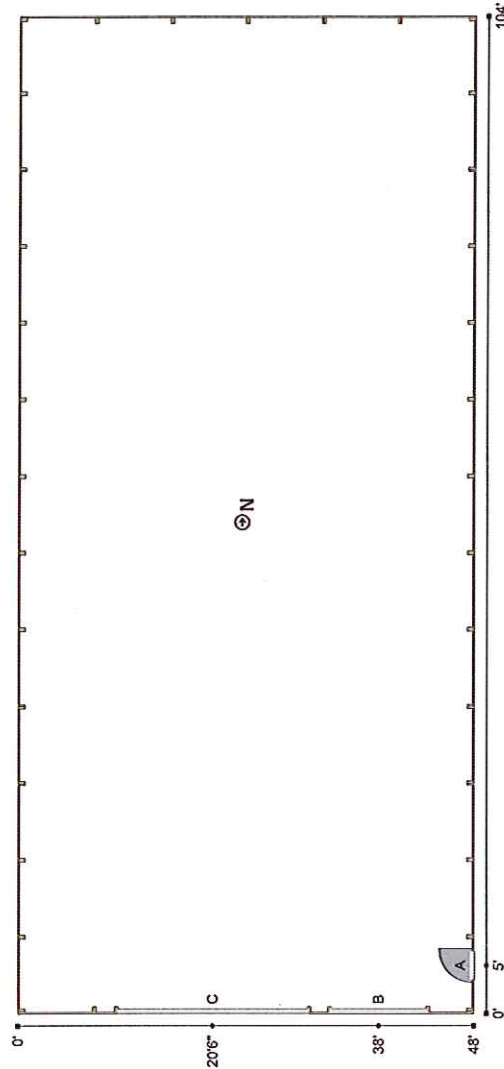
1 B 10'0" x 10'0" Overhead Door Opening, 10' 2" X 10' 1" Panel, OHD/Operator requires 7' 1" Headroom, Available Headroom is 7' 1", with preparation for hi-lift track
 See Subcontract Section for Detailed Door Information
 1 C 20'0" x 16'0" Overhead Door Opening, 20' 2" X 16' 1" Panel, OHD/Operator requires 1' 7" Headroom, Available Headroom is 1' 7", See Subcontract Section for Detailed Door Information

Subcontracts

Install (20'x16') Insulated OHD, Beige, 6 windows in door



Install (10'x10') Insulated OHD, Beige, hi-lift track to 17', 3 windows in door

306 48'x17'x104' (#1) Column Plan

LAW OFFICE OF DANNY R. SMEINS, P.C.

P.O. BOX A - 755 7TH ST., SUITE 106

BRITTON, SOUTH DAKOTA

57430-0318

WEBSTER OFFICE
506 MAIN ST.
WEBSTER, SD 57274-1719
PHONE (605) 345-4875
FAX (605) 345-4250
drslaw@itctel.com

PHONE (605) 448-5964
FAX (605) 448-5251
drslawb@venturecomm.net

August 5, 2021

Donnell Hanson
41354 120th Street
Claremont, SD 57432

Dear Donnell:

Larry, Sharon and Lorrie are interested in building a new shop or equipment storage building on the 1-acre site that they presently own. In looking at the size of the structure they want to build and after doing some measurements, it appears that their lawn mower sheds do not appear to be within the boundaries of the 1 acre. This information is not a result of any survey, but it does appear from the map, a copy of which is enclosed, that those do appear outside of what might be described as the boundaries of the 1 acre.

What this letter is for is to see if you'd be interested in conveying to Larry and Sharon an additional piece of property north of the 1 acre to accommodate the construction of this building. The building would be run north and south on the west side of their house. It would appear that they not only need to cure the problem with the lawn mower sheds, but the length of the structure would appear to go outside of the 1 acre.

What would need to be done is that you would need to agree to convey them that parcel under whatever terms and conditions can be worked out. The entire parcel will probably be surveyed, including the 1 acre, and this additional parcel and probably divided into 2 lots, Lot 1 and Lot 2, and you would need to sign the plat in order to get it approved. The cost of the surveying and platting would be born by Larry and Sharon.

Please let me know as soon as possible whether or not you'd accommodate this request, and if so, I will arrange for the surveyor to get this surveyed. If you have any questions, please let me know.

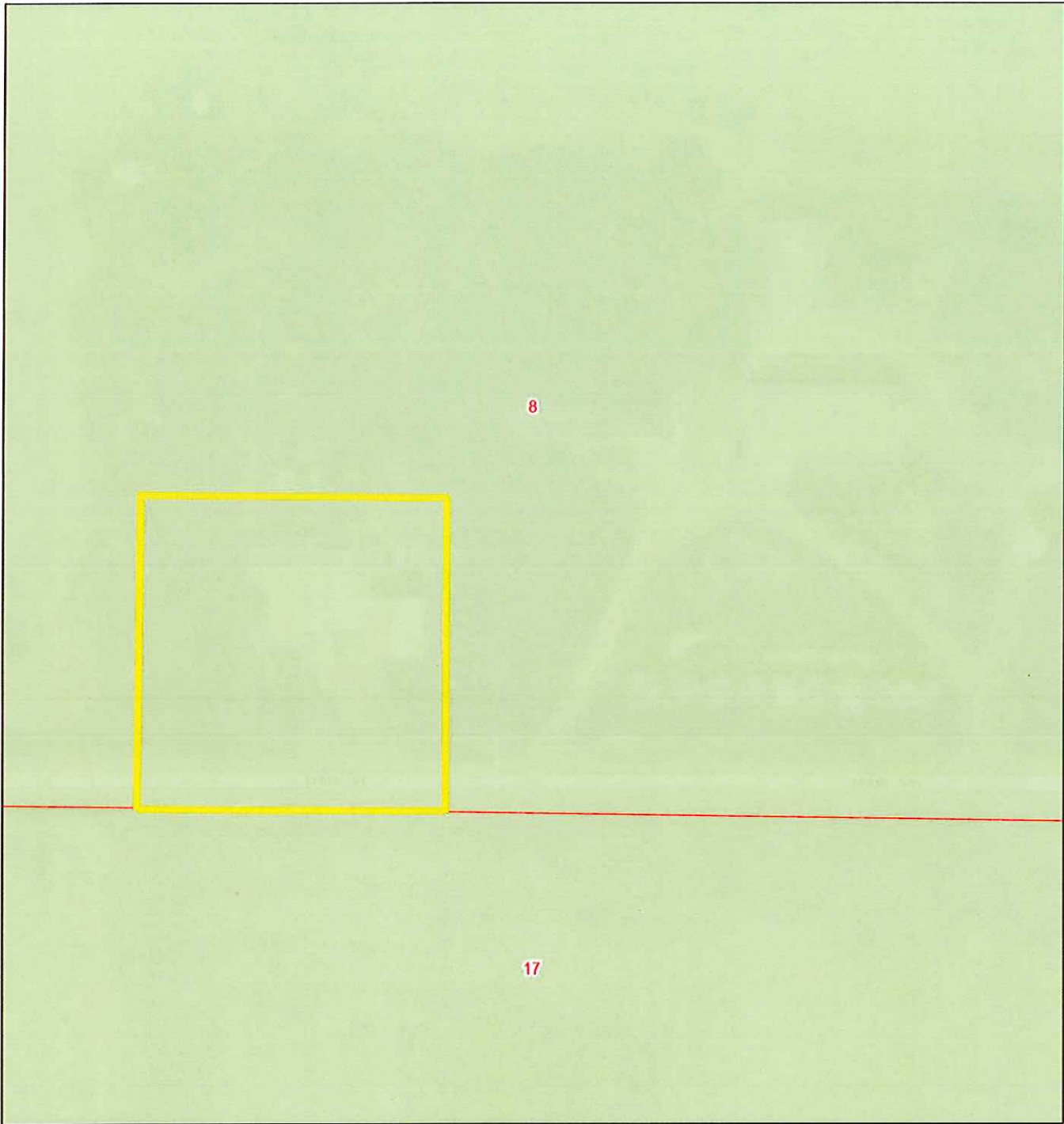
Most Sincerely,



Danny R. Smeins
Attorney at Law




DRS:rlb

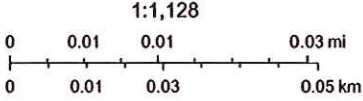
MARSHALL COUNTY WEB VIEWER



9/14/2021, 2:20:28 PM

ZONING

-  Agricultural District
-  SECTIONS
-  TOWNSHIPS



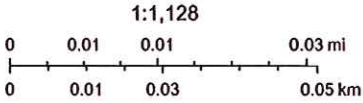
Esri, HERE, Garmin, INCREMENT P, NGA, USGS, Maxar, Microsoft

MARSHALL COUNTY WEB VIEWER



9/14/2021, 2:19:25 PM

- SECTIONS
- TOWNSHIPS



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

Larry Hanson –Variance







