

**Marshall County Planning & Zoning
STAFF REPORT
April 12, 2022
Issue: Variance for Building Setback**

OWNER/APPLICANT: David & Shannon Wegleitner

PROPERTY DESCRIPTION: Lot 4 Cottonwood Lake Subdivision in Gov't Lot 5, Section 16, T126N, R55W of the 5th P.M., Marshall County, South Dakota

CURRENT ZONING: Highway Commercial (HC)

SURROUNDING ZONING: Highway Commercial (HC), Lake Front Residential (R-3) and Agricultural (Ag)

REQUEST: David & Shannon Wegleitner have requested a variance to build a storage shed on the property described as Lot 4 Cottonwood Lake Subdivision in Gov't Lot 5, Section 16, T126N, R55W. The petitioner is asking to build the storage shed 52ft from the state highway right-of-way line instead of the 60ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The Lot was purchased by the applicants on August 27, 2021. Lot 4 was split from the parcel which is now legally described as E272'OF W382'OF LOT 5 EXC LOT 4 COTTONWOOD LAKE SUBD EXC HWY.
2. The property is in the process of being rezoned in order to be in compliance with the use of the Lot.
3. There are no eaves on the proposed structure.
4. Lot 4 has an average depth of approximately 165ft and a width of approximately 60ft.
5. The State Highway to the South is a span of 75'.
6. Marshall County Ordinance requires new structures to be placed a minimum of 60 feet from federal and state highways.
7. No written comments or objections were received prior to the hearing.
8. Staff Recommendation – **8' variance to the right-of-way line setback. Application must be approved/denied contingent upon reaching the rezone effective date of May 17, 2022.**
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 right-of-way line variances to lake lots in the past, when the neighbors had no objections. PLEASE NOTE: The examples below show approved variances from State ROW setbacks in the AG District, as there have not been any recent State ROW variances in the Lake Front District.
 - i. Similar right-of-way line variances allowed – 16' for C. Fagerland 8/12
 - 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 – 8' variance to the right-of-way line setback. Application must be approved/denied contingent upon reaching the rezone effective date of May 17, 2022.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on April 12, 2022 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for variance from the Marshall County Zoning Ordinance.

David & Shannon Wegleitner have requested a variance to build a storage shed on the property described as Lot 4 Cottonwood Lake Subdivision in Gov't Lot 5, Section 16, T126N, R55W. The petitioner is asking to build the storage shed 52ft from the state highway right-of-way line instead of the 60ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: March 30, 2022

1T (Mar 30)
**NOTICE OF HEARING
- APPLICATION FOR
VARIANCE**

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on April 12, 2022 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for variance from the Marshall County Zoning Ordinance.

David & Shannon Wegleitner have requested a variance to build a storage shed on the property described as Lot 4 Cottonwood Lake Subdivision in Gov't Lot 5, Section 16, T126N, R55W. The petitioner is asking to build the storage shed 52ft from the state highway right-of-way line instead of the 60ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles, Planning & Zoning Administrator

Published once at the approximate cost of \$8.41.

For publication: March 30, 2022

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

March 30, 2022

Dear Property Owner,

David & Shannon Wegleitner have requested a variance to build a storage shed on the property described as Lot 4 Cottonwood Lake Subdivision in Gov't Lot 5, Section 16, T126N, R55W. The petitioner is asking to build the storage shed 52ft from the state highway right-of-way line instead of the 60ft requirement, per the Marshall County Zoning Ordinance.

A hearing will be held at the Marshall County Courthouse, Commissioners Chambers on April 12, 2022 at 9:00 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

Sent to the following adjacent landowners on 3/30/2022:

1. Dept. of Game, Fish & Parks – 523 E Capitol Ave. Pierre, SD 57501
2. Charles Guy – 10997 442nd Ave. Veblen, SD 57270
3. Terrance Nordquist – PO Box 74 Lake City, SD 57247
4. Samuel & Amanda Nordquist – 444 W Roy Lake Ave. Lake City, SD 57247

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 03-21-22

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) a storage shed within 52' 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): lot 4 Cottonwood
lake Subd, in town't lot 5, 16-126-55

Reason: We would like to build a storage building, 36x60.
We would like to line it up with our existing garage,
which would require a variance of the state highway
setback requirements. Please see drawing provided.

Applicant Name: Shannon & David Wegleitner Phone: 605-290-5595

Address: 43878 SD Hwy 10 Lake City SD 57247

Applicant Signature: Shannon Wegleitner

Owner Signature (if different than applicant): _____

For Internal Office Use Only:

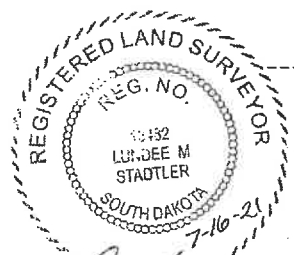
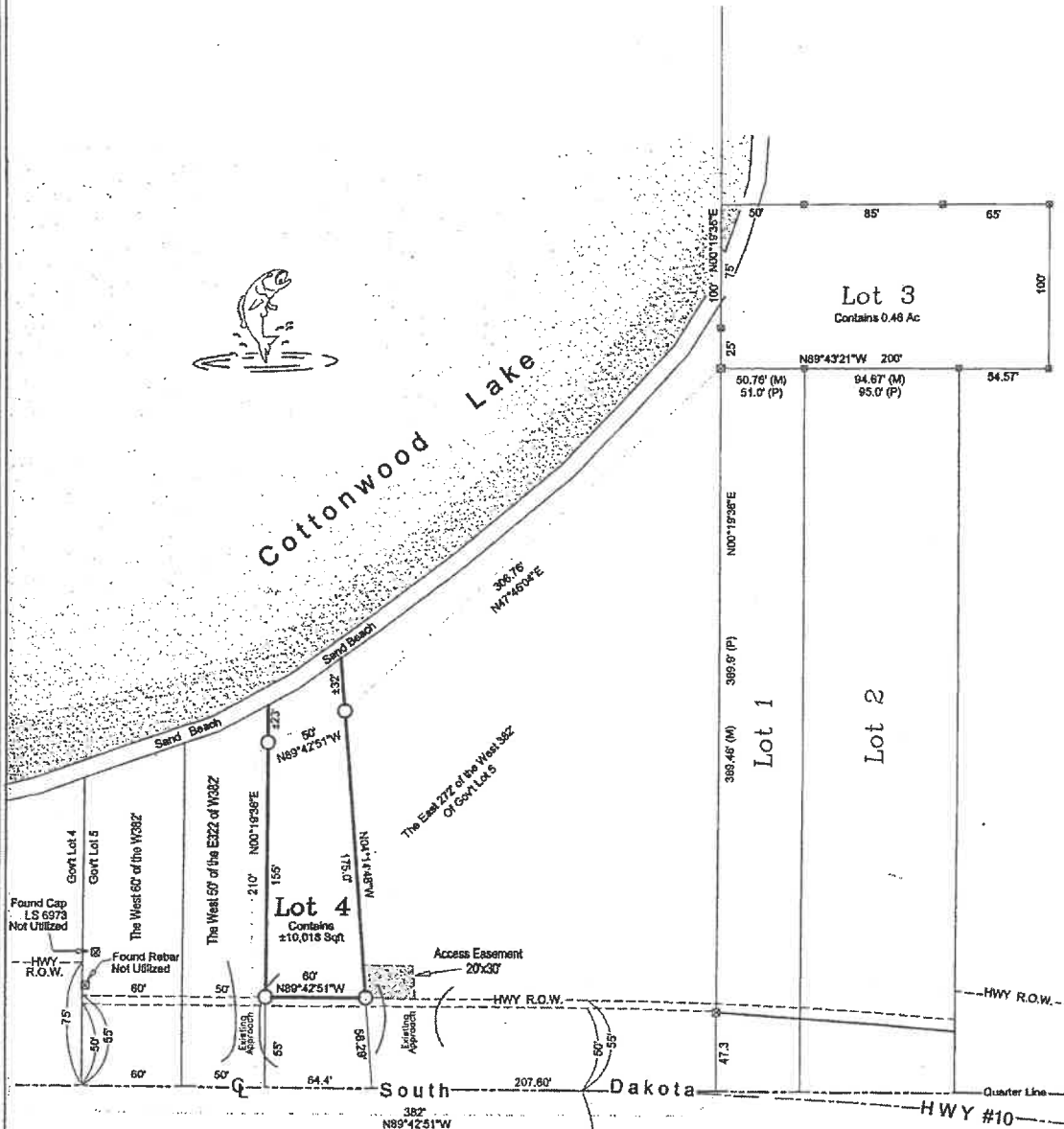
Date Received: 3/21/22 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: April 12th, 2022

Action taken by Planning and Zoning Commission: _____

Plat of
 Lot 4 Cottonwood Lake Subdivision
 in Gov't Lot 5, Section 16, T126N, R55W
 of the 5th P.M., Marshall County, South Dakota



Lundee M. Stadler
 LUNDEE M STADLER RLS #13482

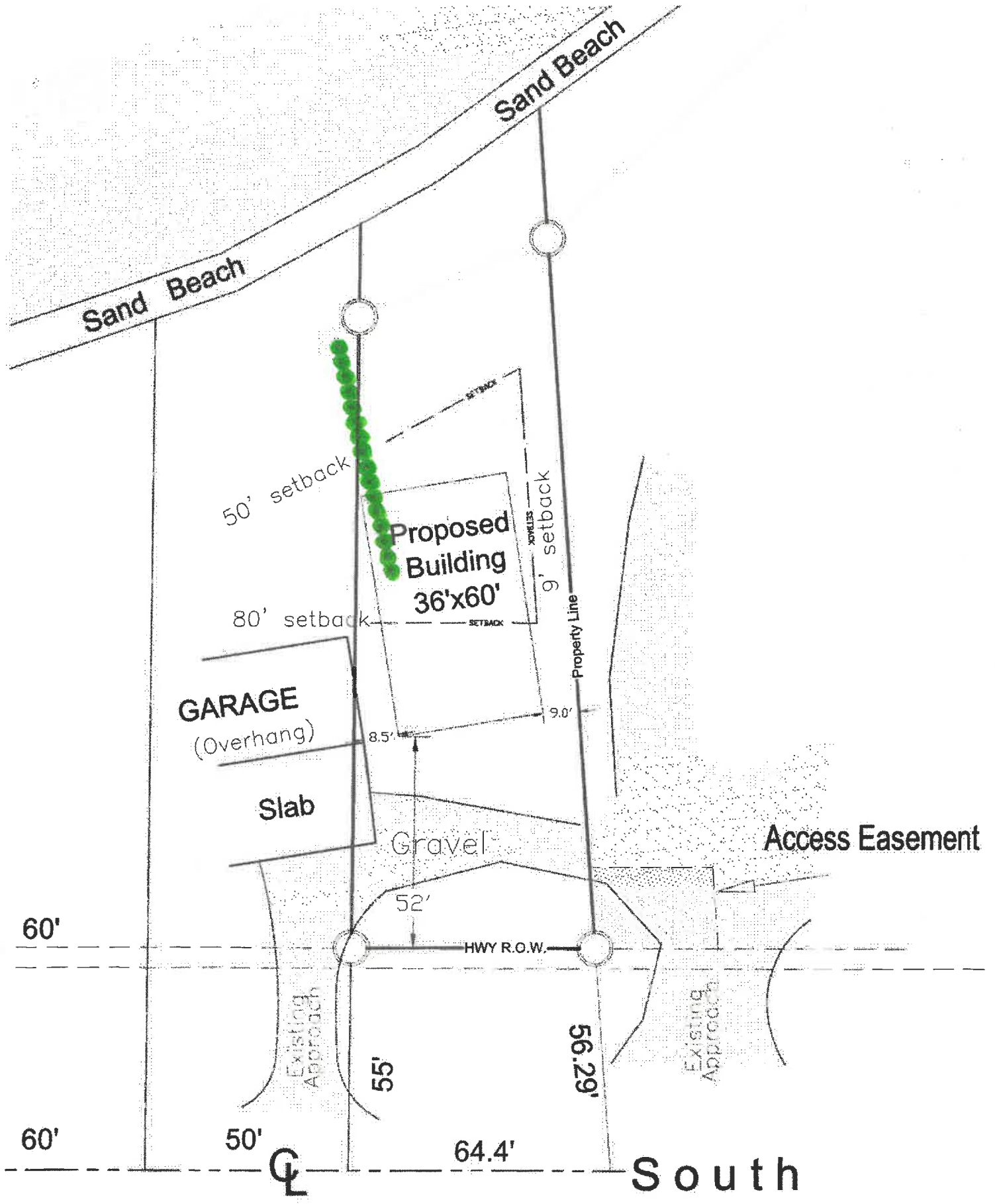


SCALE: 1" = 80'
 ○ = CAPPED IRON PIN SET
 ⊗ = RECOVERED MONUMENT

HOLTON ENGINEERING INC.

DRAWN: 6/2/21 FIELD: 6/2/21 512 VETERANS AVE. Sisseton, SD PH. 1-605-698-3850 1612655-P634

6-52 slide 158






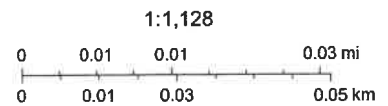
MARSHALL COUNTY WEB VIEWER



4/7/2022, 1:36:13 PM

PLAT

-  COTTONWOOD LAKE SUBDIVISION
-  TOWNSHIPS
-  PARCELS



Variance – David & Shannon Wegleitner







