

**Marshall County Planning & Zoning  
STAFF REPORT  
May 24, 2022  
Issue: Variance for Building Setback**

**OWNER/APPLICANT:** Travis & Nicole Stiegelmeier

**PROPERTY DESCRIPTION:** Lot 3 in the Plat showing Roy Lake Northside Addition in the SE1/4 of Section 21 & The SW1/4 Section 22, T126N, R55W 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:** Travis and Nicole Stiegelmeier have requested a variance to place a storage shed 25ft from the right-of-way line instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

**HISTORY/ISSUE(S):**

1. Records show that the Instrument date for this property under the current owners was 9/10/20. The Instrument date for the home is listed as 9/17/21.
2. On May 10, 2022 the Board granted permission for the applicants to place the shed in the desired location outlined in this report prior to the hearing on May 24, 2022.
3. Lot 3 has an average depth of approximately 169.51ft and a width of approximately 46.1ft.
4. The road lying Northeast of the Lot is a span of 66'.
5. Marshall County Ordinance requires new structures to be placed a minimum of 30 feet from the right-of-way line.
6. No written comments or objections were received prior to the hearing.
7. Staff Recommendation – **5' variance to the right-of-way line setback.**
8. 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.
    - i. Similar right-of-way line variances allowed – 4' for A. & M. Feia 4/21, 7' for A. & M. Feia 4/21,
  - 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 – 5' variance to the right-of-way line setback.**

**NOTICE OF HEARING - APPLICATION FOR VARIANCE**

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on May 24, 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.

Travis and Nicole Stiegelmeier have requested a variance to build a shed on the property described as Lot 3 in the Plat showing Roy Lake Northside Addition in the SE1/4 of Section 21 & The SW1/4 Section 22, T126N, R55W. The petitioner is asking to build the storage shed 25ft from the right-of-way line instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles  
Planning & Zoning Administrator

Published once at the approximate cost of

*For publication: May 11, 2022*

1T (May 11)  
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Erin Collins-Miles  
Planning & Zoning Administrator  
Published once at the approximate cost of \$7.54 and can be viewed free of charge at [www.sdpublic-notices.com](http://www.sdpublic-notices.com).

**Public Notices  
continued on p10**

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

May 13, 2022

Dear Property Owner,

Travis and Nicole Stiegelmeier have requested a variance to place a shed on the property described as Lot 3 in the Plat showing Roy Lake Northside Addition in the SE1/4 of Section 21 & The SW1/4 Section 22, T126N, R55W. The petitioner is asking to place the storage shed 25ft from the right-of-way line instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

A hearing will be held at the Marshall County Courthouse, Commissioners Chambers on May 24, 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 5/13/2022:**

1. James & Fae Rowe – 8955 Highway 1 Oakes, ND 58474
2. Timothy & Kathleen Johnson – 438626 Northside Dr Lake City, SD 57247
3. Terrance & Anne Nordquist – PO Box 74 Lake City, SD 57247
4. Weldon & Ronda Hoesel – 15905 HWY 11 Lidgerwood, ND 58053

**MARSHALL COUNTY APPLICATION FOR VARIANCE**

DATE: 5-4-22

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) Shed within 26 feet of right away  
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): 4388661 Northside Dr.

Reason: Moving in a shed

Applicant Name: Travis Nicole Stiegelmeier Phone: 605 290 5212

Address: 42863 SD Hwy 10 Britton SD 57420

Applicant Signature: Nicole Stiegelmeier

Owner Signature (if different than applicant): \_\_\_\_\_

**For Internal Office Use Only:**

Date Received: 5/4/22 Fees (non-refundable): \$150.00 Paid: YES NO

Inspection Report: See staff report

onsite on 5/5/22 - Zoning administrator  
measured 25' from building to ROW line

Date of Hearing by Planning and Zoning Commission: May 24<sup>th</sup>, 2022

Action taken by Planning and Zoning Commission: \_\_\_\_\_

# MARSHALL COUNTY WEB VIEWER



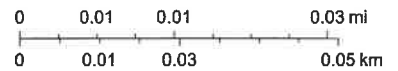
5/6/2022, 11:32:00 AM

PLAT

- NORDQUIST 3RD ADDITION
- NORDQUIST 5TH ADDITION
- ROY LAKE NORTHSIDE ADDITION

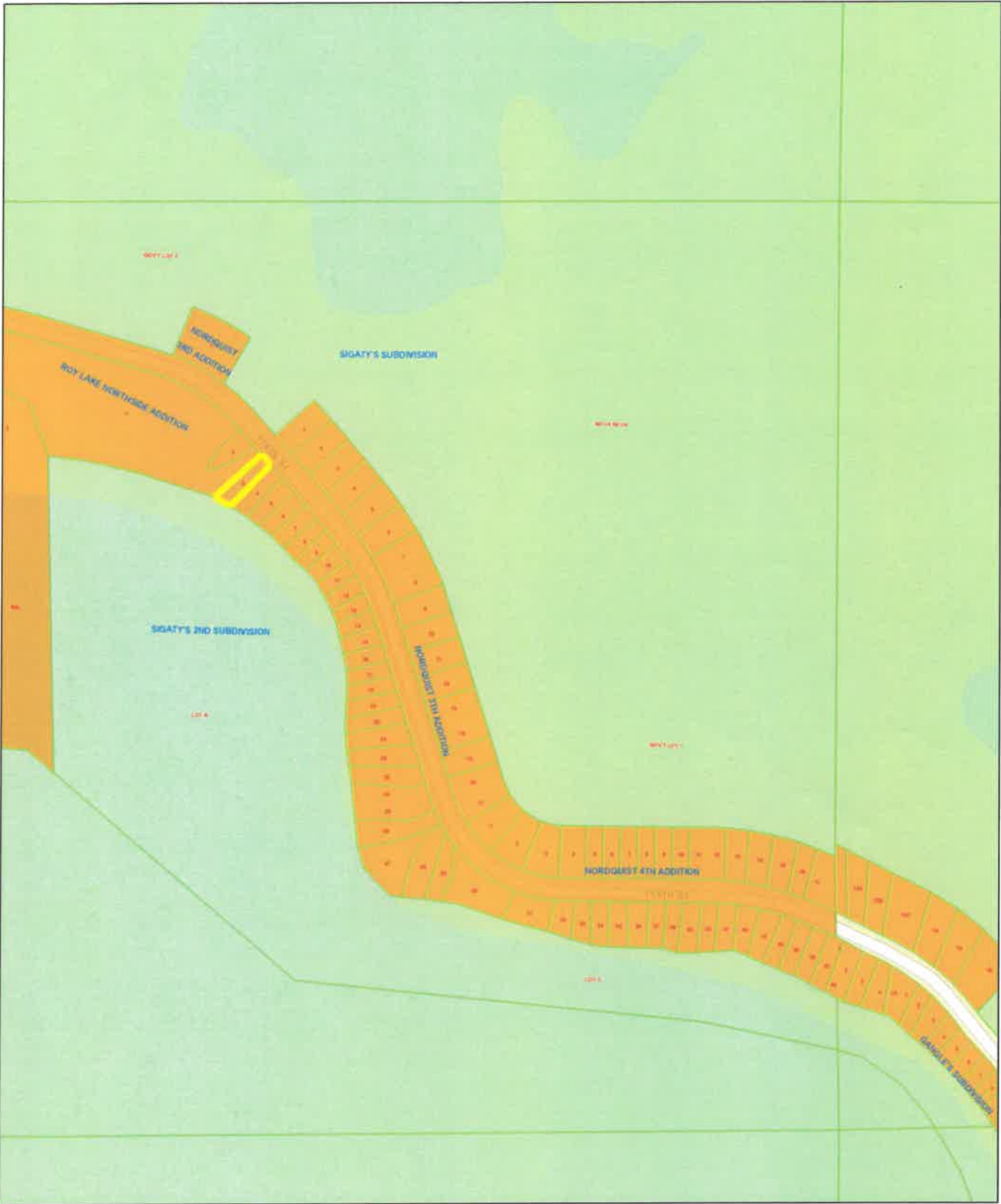
- SIGATY'S 2ND SUBDIVISION
- SIGATY'S SUBDIVISION
- TOWNSHIPS
- PARCELS

1:1,128



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

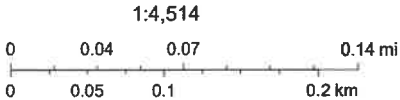
# MARSHALL COUNTY WEB VIEWER



5/6/2022, 11:13:27 AM

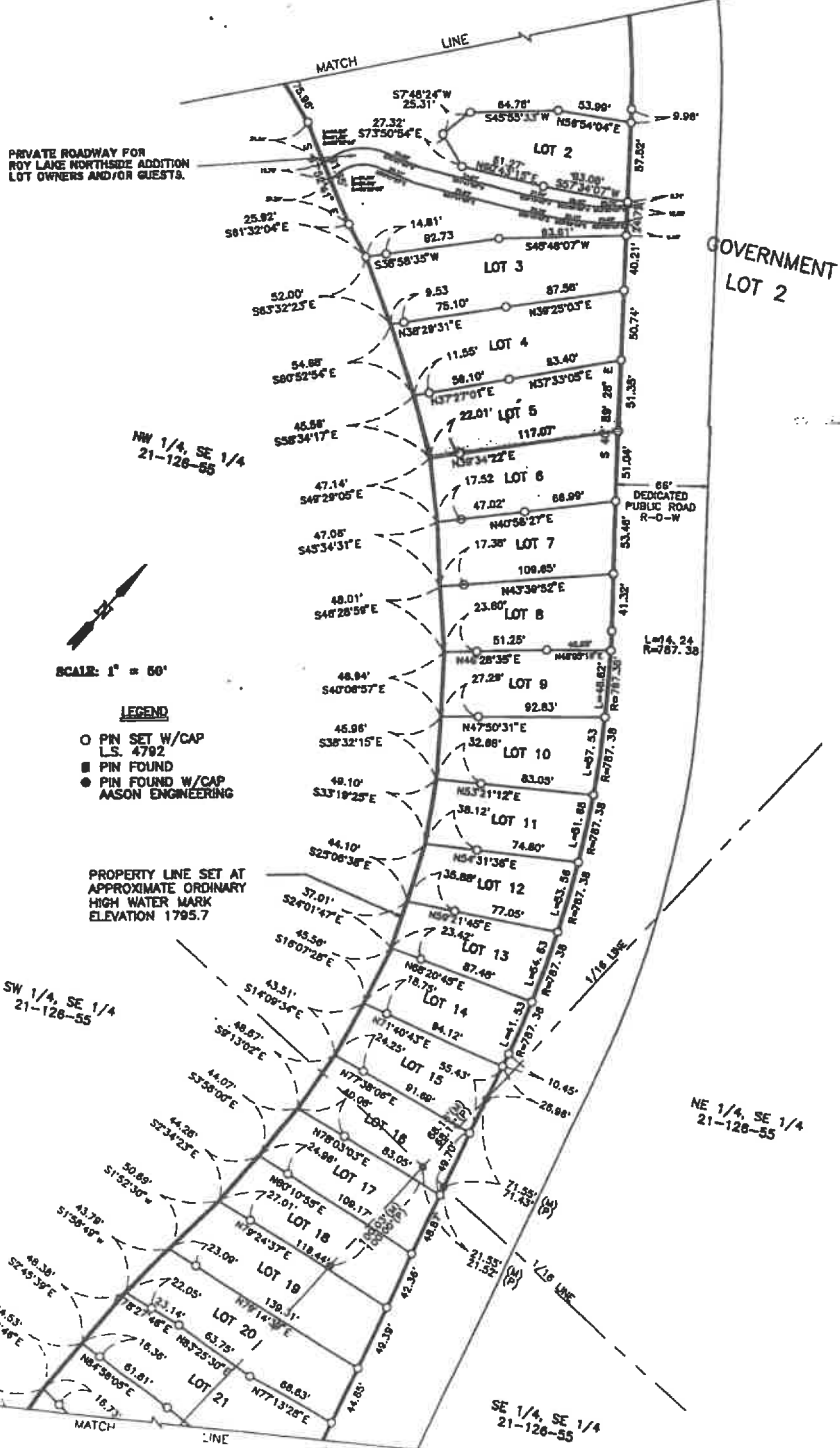
### ZONING

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



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

**PLAT SHOWING**  
**ROY LAKE NORTHSIDE ADDITION**  
**IN THE SE 1/4 OF SEC. 21 & THE SW 1/4 SEC. 22**  
**T126N-R55W OF THE 5th P.M.**  
**MARSHALL COUNTY, SOUTH DAKOTA**



**Variance – Travis & Nicole Stiegelmeier**





