

STAFF REPORT
August 9, 2022

APPLICATION FOR CONDITIONAL USE FOR 11 CAMPSITES
APPLICATION FOR VARIANCE

GENERAL INFORMATION:

PETITIONER	Jeff & Jody Breker
REQUEST	Application for Conditional Use for 11 campsites and Variance
LEGAL DESCRIPTION	Lot A in the SE1/4 of Section 12, T126N, R54W
CURRENT ZONING	Highway Commercial (HC)
SURROUNDING ZONING	Agricultural District (AG), Lake Front Residential District (R-3)
REPORTED BY	Erin Collins-Miles

GENERAL COMMENT: Jeff and Jody Breker have requested a Conditional Use from the Marshall County Zoning Ordinance to place a campground and 11 campsites with hookups on the property described as Lot A in the SE1/4 of Section 12, T126N, R54W.

Jeff & Jody Breker have also requested a variance to place camp sites and a fence on the property. The petitioner is asking to place campsite numbers 9, 10 and 11 and a chain-link fence 0ft from the State Highway right-of-way line instead of the 40ft requirement set forth in the Highway Commercial District, per the Marshall County Zoning Ordinance.

REVIEW: There will be 11 campsites placed in the location of the building that the North Shore Artistry and Eatery building sits currently. This building will be removed to allow for the proposed sites. As stated under 'Permitted Uses and Structures,' the Ordinance states there are 'None.' No objections were received prior to the scheduled CU hearing.

HISTORY/ISSUE(S):

1. Records show that the instrument date for this property under the current owner is 11/2/21.

2. Each camper pad is 54' long and 16' wide and will include hookups.
3. Prior to the proposal of this project, the building which currently resides on the Lot in question was used as a restaurant.
4. The road lying Southeast of the Lot is SD Highway 10. The road is a span of 100'.
5. Marshall County Ordinance states there shall be a front yard setback of not less than 40 feet.
6. SDDOT stated via phone call on 7/29/22 that they instructed the applicant to follow Zoning regulations set forth by Marshall County. The State also stated that the applicant can't be in the State highway right-of-way under any circumstances and that there may be some concerns about creating snow banks with the fence.
7. No written comments or objections were received prior to the hearing.
8. Staff Recommendation – **0' variance to the front yard setback requirement, discussion on whether or not being as close as 0' to the right-of-way line may impact ROW conditions and whether or not there should be a smaller setback granted than the 40' requirement.**
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.
 - i. Similar right-of-way line variances allowed – N/A
 - 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 – 0' variance to the front yard setback requirement, discussion on whether or not being as close as 0' to the right-of-way line may impact ROW conditions and whether or not there should be a smaller setback granted than the 40' requirement.

NOTICE OF HEARING - APPLICATION FOR CONDITIONAL USE FOR 11 CAMPSITES
NOTICE OF HEARING - APPLICATION FOR VARIANCE

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

Jeff and Jody Breker have requested a Conditional Use from the Marshall County Zoning Ordinance to place a campground and 11 campsites with hookups on the property described as Lot A in the SE1/4 of Section 12, T126N, R54W.

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Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: July 27, 2022

1T (July 27)
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Erin Collins-Miles, Planning & Zoning Administrator
Published once at an approximate cost of \$11.60 and can be viewed free of charge at www.sdpublicnotices.com.

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

July 27, 2022

Dear Property Owner,

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

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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

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 7-22-2022

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) Campground within 40 ft front yard setback 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 A in the SE 1/4 of section 12, T126N, R54W of the 5th PM Marshall County, South Dakota

Reason: Allowing the 3 camping pads within the 40 ft. frontyard setback, pads numbered 9, 10, 11 including a chain link fence ~~along~~ showing on the diagram.

Applicant Name: Jeff and Jody Breker Phone: 701-680-1875, 701-640-4878

Address: 442695 North Shore Drive

Applicant Signature: Jeffrey D Breker Jody R. Breker

Owner Signature (if different than applicant): Jeffrey D Breker Jody R. Breker

For Internal Office Use Only:

Date Received: 7/22/22 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: August 9, 2022

Action taken by Planning and Zoning Commission: _____

MARSHALL COUNTY APPLICATION FOR CONDITIONAL USE

DATE: 7-20-2022

To: Marshall County Planning and Zoning Commission
PO Box 9
Britton, SD 57430

The undersigned do hereby request a conditional use from the Marshall County Zoning Ordinance as provided by Article ~~12~~ 12 Section 1203 for the purpose of building a chain link fence, allow 3 gravel pads within the 40' setback line, within the fence as part of the North Shore Campground-main Purpose-campground.

Legal Description: LOTA in the SE 1/4 of Section 12, T126N, R54W of the 6th P.M. Marshall County, SD

Reason: to keep dogs and kids from running on the highway
Campground

Applicant's Name: Jeff and Jody Breker Phone: Jeff - 701-680-1875
Jody - 701-640-4878
Address: 442695 North Shore Drive, Lake City SD, 57247
Applicant's Signature: Jeff Breker Jody R. Breker
Owner's Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 7/22/22 Fees (non-refundable): \$150.00 Paid: YES NO

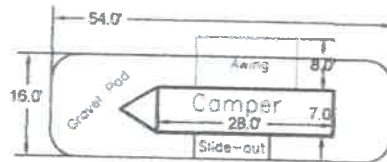
Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: August 9, 2022

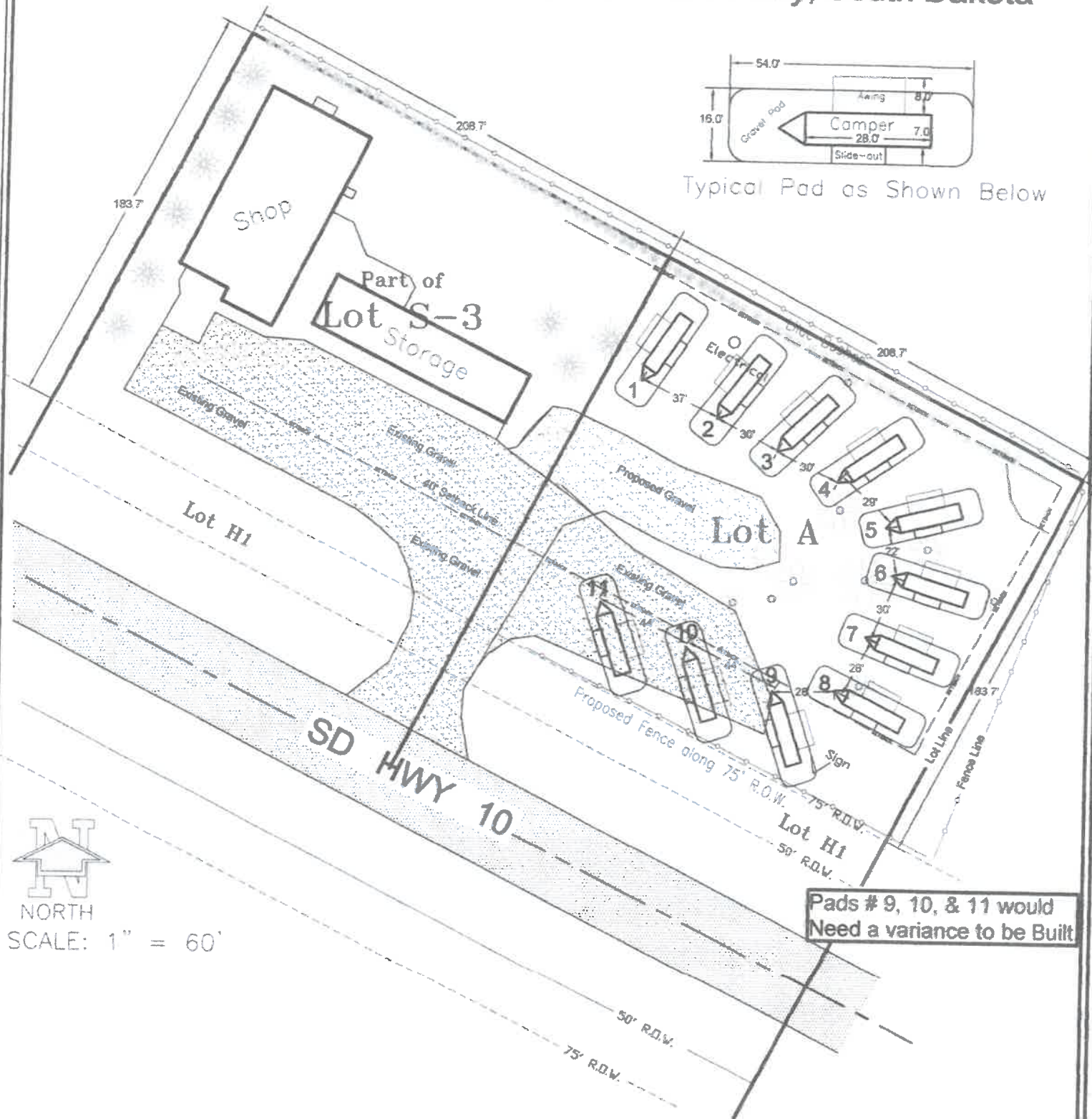
Action taken by Planning and Zoning Commission: _____

RV Site Layout

Located in Lot A in the SE1/4 of Section 12,
T126N, R54W of the 5th P.M., Marshall County, South Dakota



Typical Pad as Shown Below



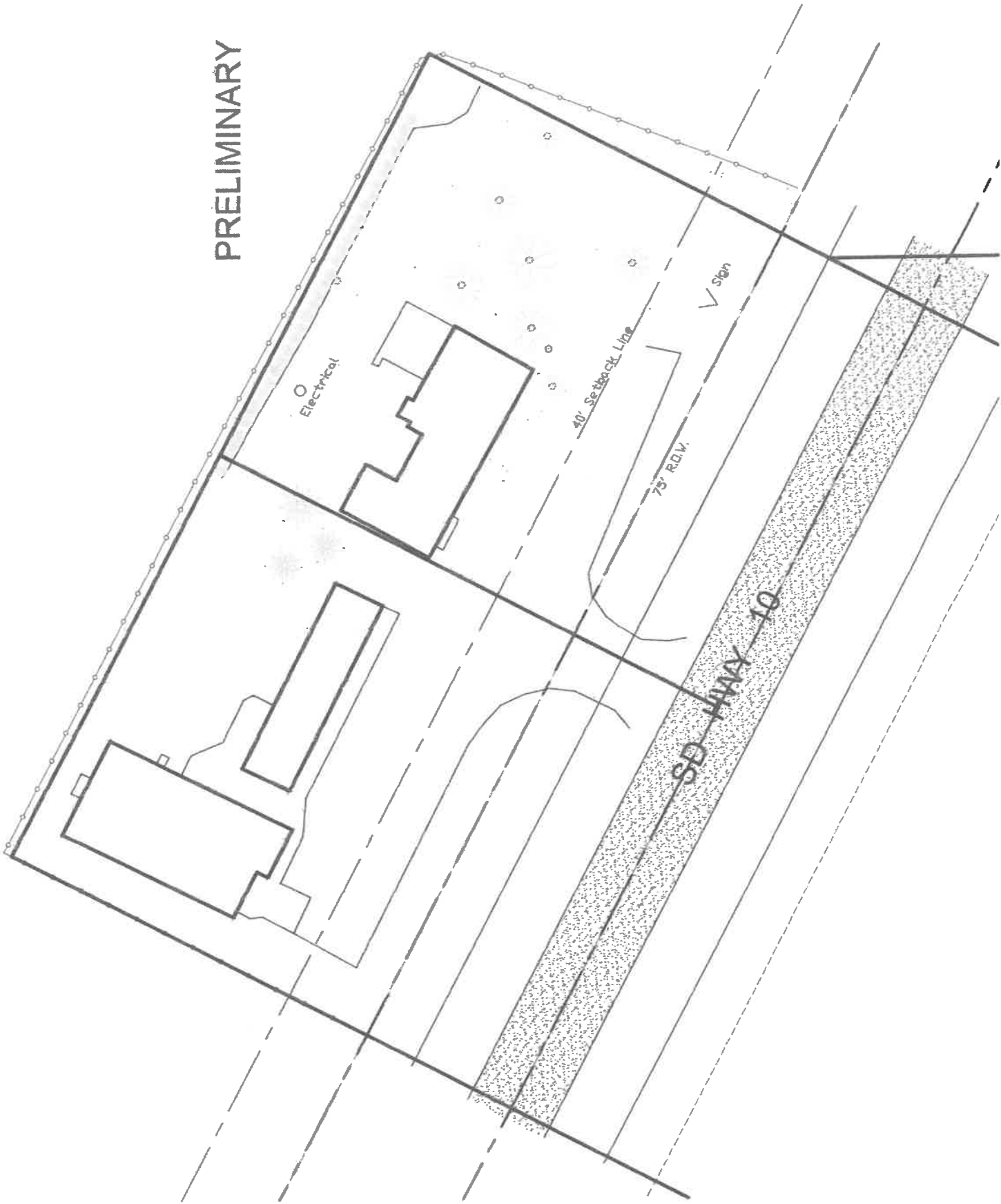
Pads # 9, 10, & 11 would
Need a variance to be Built



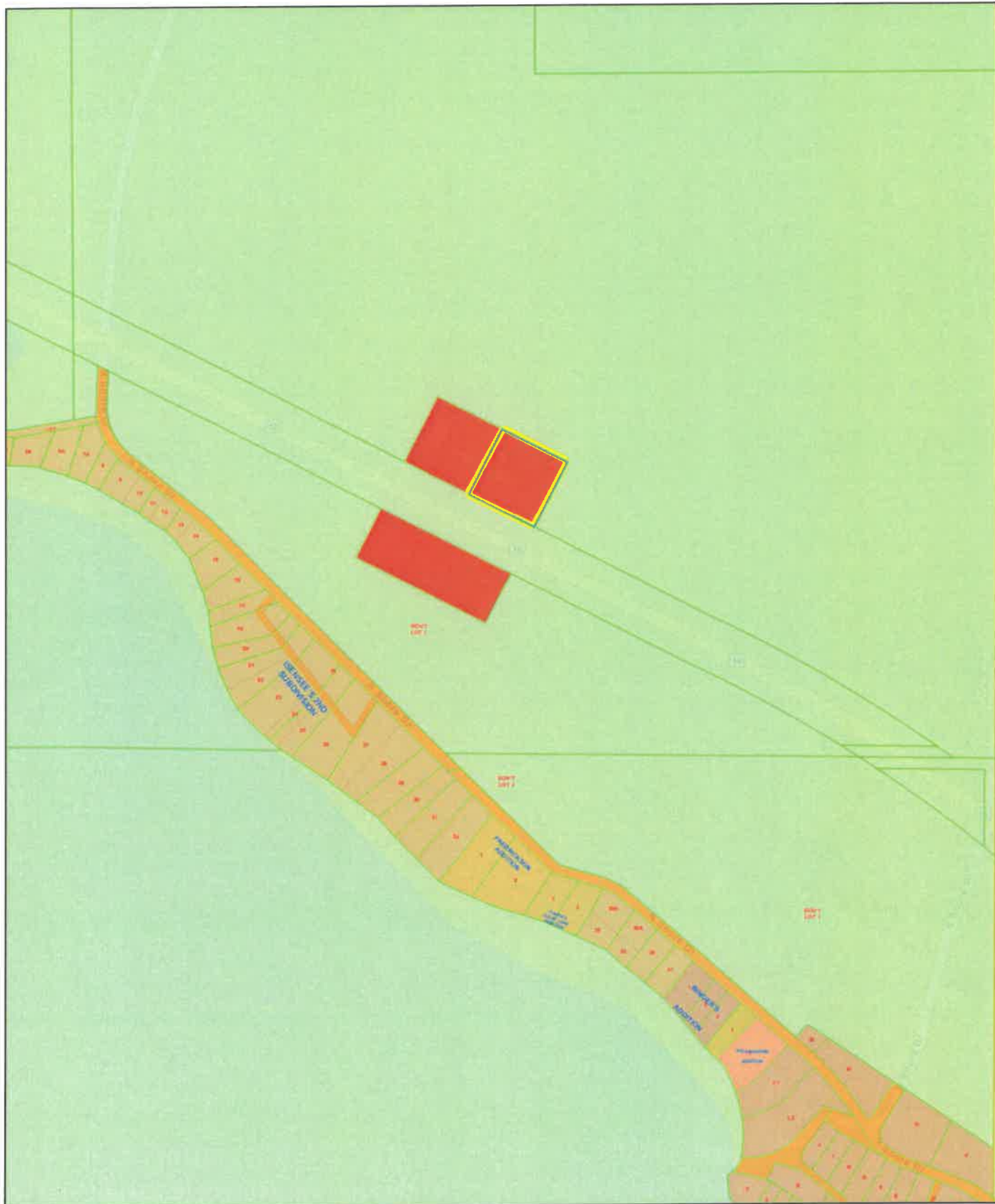
NORTH
SCALE: 1" = 60'

HOLTON ENGINEERING INC.

PRELIMINARY



MARSHALL COUNTY WEB VIEWER



8/4/2022, 3:29:35 PM

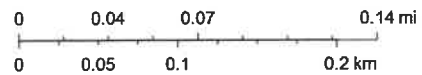
ZONING

- Agricultural District
- Highway Commercial District
- Lake Front Residential District

PLAT

- BINGER'S ADDITION
- CORNELIOUS ADDITION
- FREDRICKSON ADDITION
- ISENSEE'S 2ND SUBDIVISION
- ISENSEE'S 3RD SUBDIVISION
- POLKINGHORN ADDITION
- TISHER'S CLEAR LAKE ADDITION
- TOWNSHIPS
- PARCELS

1:4,514



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MARSHALL COUNTY WEB VIEW



GOVT
LOT 1

CU & Variance – Jeff & Jody Breker





