

**Marshall County Planning & Zoning
STAFF REPORT
September 20, 2022
Issue: Variance for Building Setback**

OWNER/APPLICANT: Karen Siefkes/Dick Siefkes

PROPERTY DESCRIPTION: Lot 21 in the Plat of Schlekeway Beach in Government Lot 3, Section 19, T126N, R53W 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: Dick Siefkes has requested a variance to construct a deck 17ft from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The filing date on record for the Lot in question is April 4, 2022. The legal owner of the property is Karen Siefkes, relative of the applicant.
2. The deck the applicants are proposing to construct is a replacement for the original structure.
3. The original deck structure was also closer than 50' to the normal high-water mark.
4. Lot 21 has an average depth of approximately 102ft and a width of approximately 95.5ft.
5. Note that there is a principal structure located less than fifty (50) feet from the normal high-water mark on properties contiguous to the lot or parcel upon which a proposed structure is to be constructed, the setback from the normal high-water mark will be established utilizing a sight line that averages the setback of the principal structures on the adjoining lots. Average setback: 13.5 feet.
6. The owner of Lot 21 owns all Lots directly South of Lot 21; 21A, 26A and 26.
7. Marshall County Ordinance requires new structures to be placed a minimum of 50ft from the normal high-water mark.
8. No written comments or objections were received prior to the hearing.
9. Staff Recommendation – **33' variance to the normal high-water mark setback.**
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 R-3 District.
 - a. The Board has granted similar high-water mark variances to lake lots in the past, when the neighbors had no objections.
 - i. Similar high-water mark variances allowed – 31' for D. & K. Docter 10/20, 25' for K. Freudenthal 5/19, 25' for A. & M. Feia 4/21 and 30' for D. & L. Vig 8/21.
 - 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 – 33' variance to the normal high-water mark setback.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on September 20, 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.

Dick Siefkes has requested a variance to construct a deck on the property described as Lot 21 in the Plat of Schlekeway Beach in Government Lot 3, Section 19, T126N, R53W. The petitioner is asking to place the deck 17ft from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: September 7, 2022

1T (Sept 7)
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Erin Collins-Miles, Planning & Zoning Administrator
Published once at an approximate cost of \$7.25 and can be viewed free of charge at www.sdpublic-notices.com.

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

September 6, 2022

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on September 20, 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.

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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: 9/1/22

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) Deck within _____ 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 21-Schlekeyay's Beach

Reason: replace existing deck

Applicant Name: Dick Sieftes Phone: 605-216-2799

Address: 13353 394th AVE BATH SD 57427

Applicant Signature: Dick Sieftes

Owner Signature (if different than applicant): Karen Sieftes POA Roland Sieftes

For Internal Office Use Only:

Date Received: 9/1/22 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: September 20, 2022

Action taken by Planning and Zoning Commission: _____

PLAT OF SCHLEKWAY BEACH

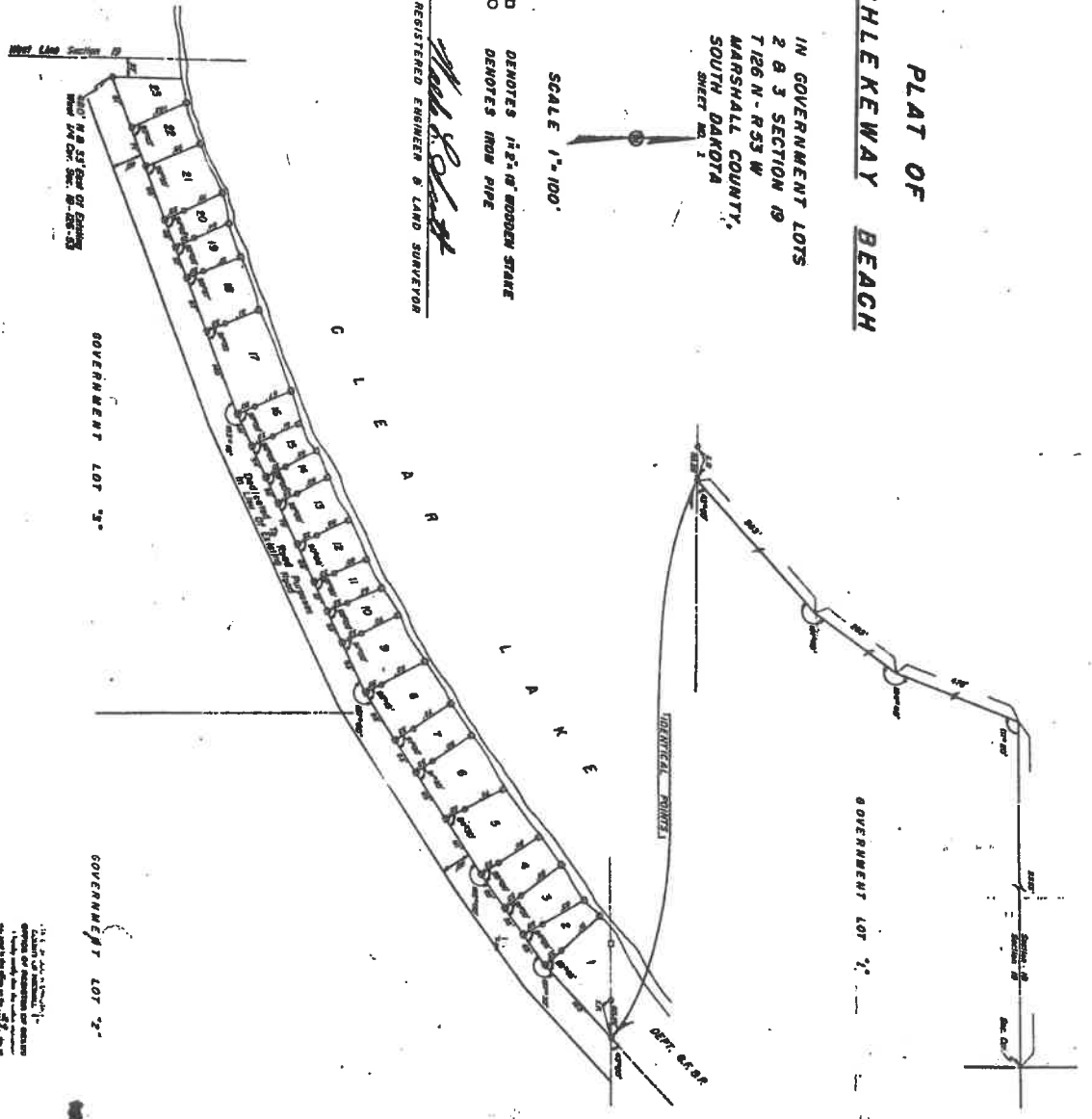
IN GOVERNMENT LOTS
2 & 3 SECTION 19
T 26 N. R 33 W
MARSHALL COUNTY,
SOUTH DAKOTA
SHEET NO. 1



SCALE 1"=100'

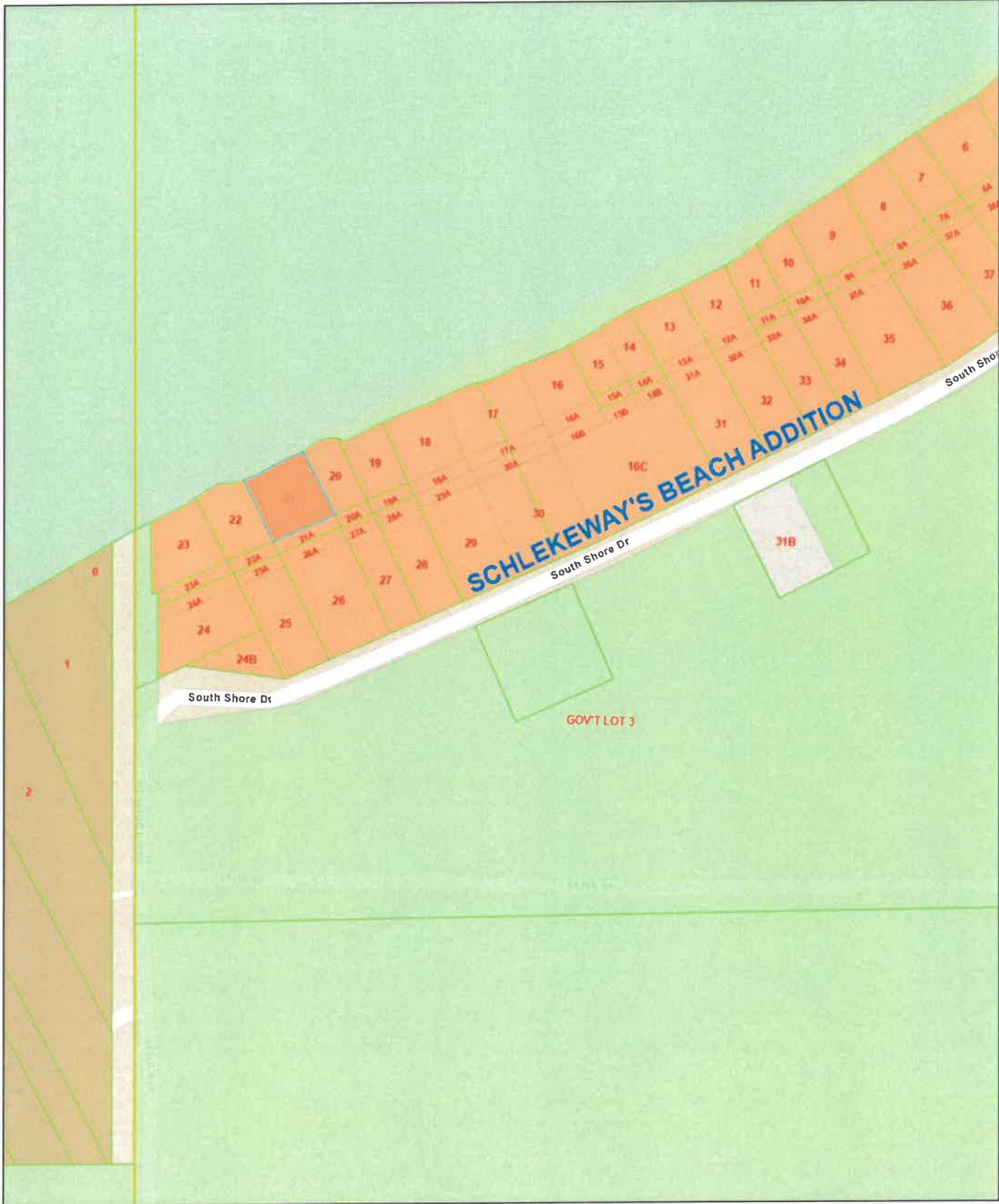
- DENOTES 1/2" x 8" WOODEN STAKE
- DENOTES IRON PIPE

Walter B. Schickel
REGISTERED ENGINEER & LAND SURVEYOR



THE STATE OF SOUTH DAKOTA
COUNTY OF MARSHALL
I, Walter B. Schickel, Registered Engineer & Land Surveyor, do hereby certify that the foregoing is a true and correct copy of the original plat of Schlekway Beach, as the same appears in my records, and that the same was duly filed for record in my office on this 15th day of June, 1915.

MARSHALL COUNTY WEB VIEWER



9/15/2022, 2:15:01 PM

ZONING

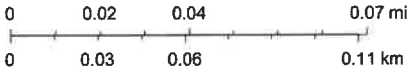
- Agricultural District
- Lake Front Residential District

PLAT

SCHLEKEWAY'S BEACH ADDITION

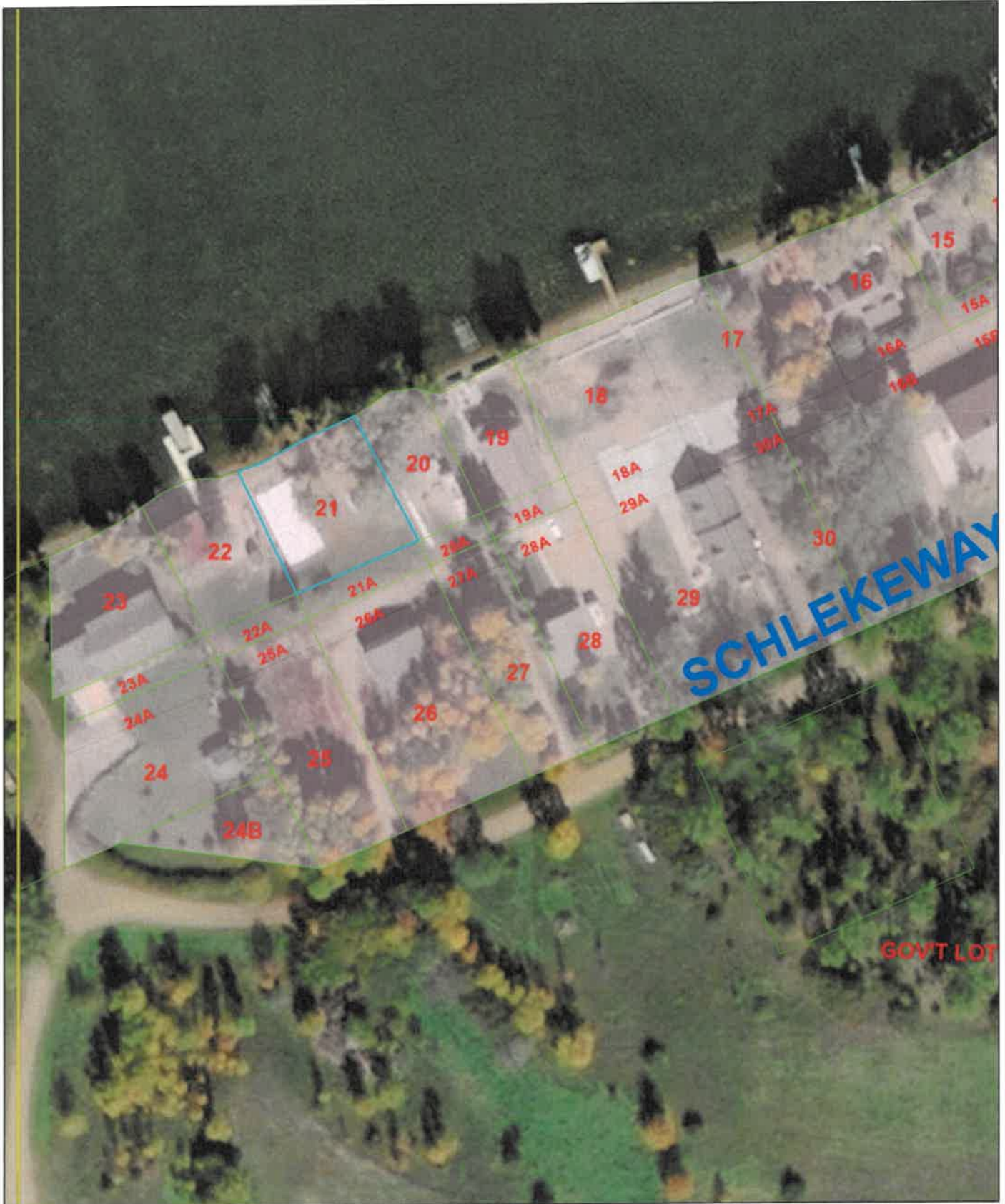
- SOUTH CLEAR LAKE ADDITION
- TOWNSHIPS
- PARCELS

1:2,257



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MARSHALL COUNTY WEB VIEWER

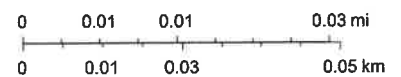


9/15/2022, 3:33:33 PM

PLAT

- SCHLEKEWAY'S BEACH ADDITION
- TOWNSHIPS
- PARCELS

1:1,128



Maxar, Microsoft

Variance – Siefkes



