

**Marshall County Planning & Zoning
STAFF REPORT
June 6, 2023
Issue: Variance for Building Setback**

OWNER/APPLICANT: David Eiel

PROPERTY DESCRIPTION: Lot 8 in the Plat of Lots 7, 8, 9, 10 and 11 of Steiner's Addition Located in Government Lot 4 in Section 13 and Government Lot 1 in Section 24, T126N, R54W

CURRENT ZONING: Lake Front Residential (R-3)

SURROUNDING ZONING: Lake Front Residential (R-3) and Agricultural (Ag)

REQUEST: David Eiel has requested a variance to replace an existing shed and build the new shed 14ft from the right-of-way line instead of the 30ft requirement, and 4.5ft from the Southeast corner and 5ft from the Southwest corner; both on the South property line, instead of the 7ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The Lot was purchased by the applicant on November 23, 2005.
2. There is an existing shed in the location where the new one will be placed and a residence on the Lot.
3. Lot 8 has an average depth of approximately 150.6ft and a width of approximately 57.9ft.
4. The private road lying West of the Lot is a span of 20'.
5. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line and 7ft from a property line.
6. No written comments or objections were received prior to the hearing.
7. Staff Recommendation – **16' variance to the road right-of-way line setback, 2.5' variance to the Southeast corner of the property line setback, 2' from the Southwest corner of the property 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 – 12.1' for D. & L. Vig 6/21, 15' for G. Wickre 8/19, 20' for K. Duerre 5/12 and 15' for D. & D. Normandin 5/18
 - b. The Board has granted similar property line variances to lake lots in the past, when the neighbors had no objections.
 - i. Similar property line variances allowed – 1' for J. Nordquist 5/23, 2' for L. & J. Johnson 4/22, 1' for C. Moeckly 9/21, 3' for R. Renner 6/21, 2.5' for K. Freudenthal 5/19 & 3' for D. Weber 10/19
 - c. 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 – 16' variance to the road right-of-way line setback, 2.5' variance to the Southeast corner of the property line setback, 2' from the Southwest corner of the property line setback.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on June 6, 2023 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 Eiel has requested a variance to replace an existing shed and construct new on the property described as Lot 8 in the Plat of Lots 7, 8, 9, 10 and 11 of Steiner's Addition Located in Government Lot 4 in Section 24, T126N, R54W. The petitioner is asking to build the new shed 14ft from the right-of-way line instead of the 30ft requirement, and 4.5ft from the Southeast corner and 5ft from the Southwest corner; both on the South property line, instead of the 7ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: May 22, 2023

1T (May 24)
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(Continued on p9)

Public Notices

(Continued from p8)

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Published at an approximate cost of \$9.28 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

May 22, 2023

Dear Property Owner,

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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

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Sincerely,

Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator

Sent to the following adjacent landowners on 5/22/23:

1. Curtis Weber – 1505 E Melgaard RD #305 Aberdeen, SD 57401
2. Michael & Lynn Ewing – 4269 N Olsen Ave. Shoreview, WI 53211

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 5/18/23

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 4.5' + 5', 14' from POW 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 8 of Steiner's Addition

Reason: Replacing existing smaller shed with a larger shed in the same location.

Applicant Name: David Eiel Phone: 515-537-3685
Address: 441224 117th St Lake City, SD 57247
Applicant Signature: David Eiel
Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 5/18/23 Fees(non-refundable): \$150.00 Paid: YES NO
Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: June 6, 2023
Action taken by Planning and Zoning Commission: _____

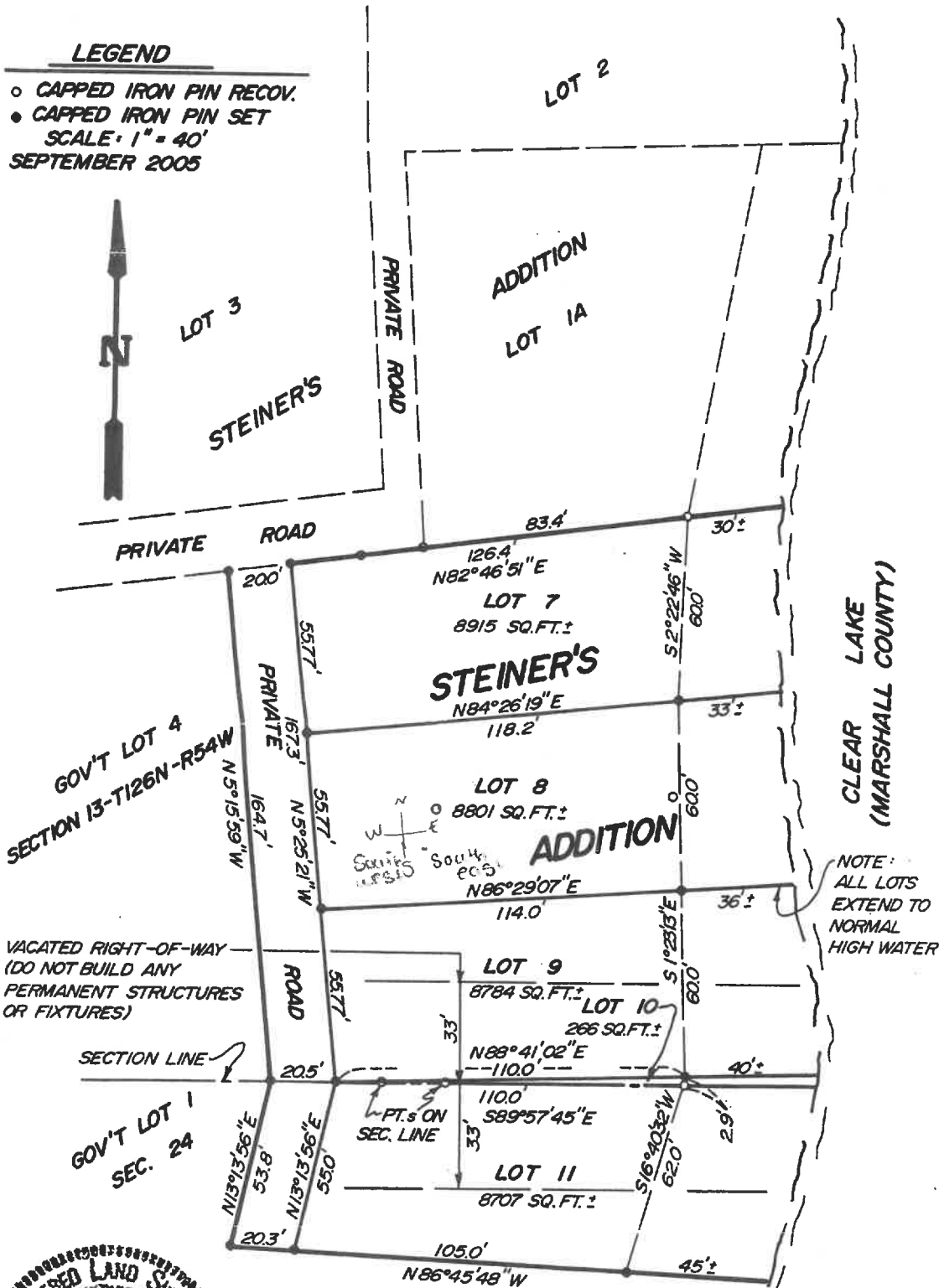
PLAT OF:

LOTS 7, 8, 9, 10 AND 11 OF STEINER'S ADDITION

LOCATED IN GOVERNMENT LOT 4 IN SECTION 13 AND GOV'T LOT 1 IN SECTION 24 - T126N - R54W OF THE 5TH P.M. MARSHALL COUNTY, SOUTH DAKOTA

LEGEND

- CAPPED IRON PIN RECOV.
 - CAPPED IRON PIN SET
- SCALE: 1" = 40'
SEPTEMBER 2005

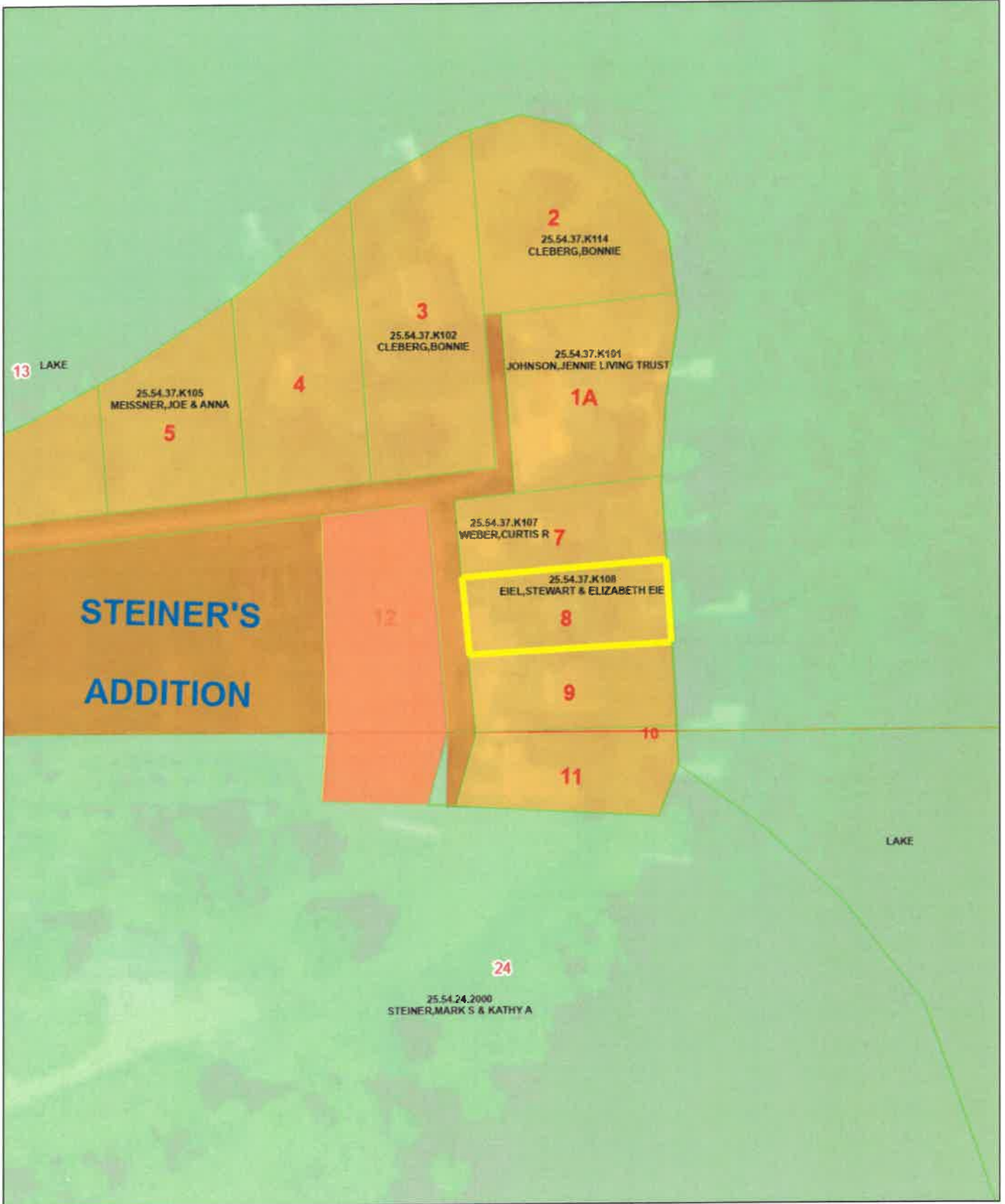


SURVEYED & PLATTED BY:

Darin D. Bihara
REGISTERED LAND SURVEYOR



MARSHALL COUNTY WEB VIEWER



5/31/2023, 3:00:43 PM

ZONING

Agricultural District

Lake Front Residential District

PLAT

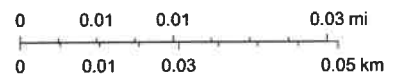
STEINER'S ADDITION

TOWNSHIPS

SECTIONS

PARCELS

1:1,128



MARSHALL COUNTY WEB VIEWER

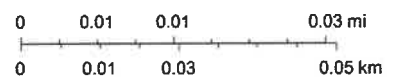


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PLAT

- STEINER'S ADDITION
- TOWNSHIPS
- SECTIONS
- PARCELS

1:1,128



Variance – David Eiel





