

**Marshall County Planning & Zoning  
STAFF REPORT  
May 9, 2023  
Issue: Variance for Building Setback**

**OWNER/APPLICANT:** Jameson Peters

**PROPERTY DESCRIPTION:** E825' of S542' of the SE1/4SE1/4 of Section 19, T126N, R57W of the 5th P.M., Marshall County, South Dakota

**CURRENT ZONING & SURROUNDING ZONING:** Agricultural (Ag)

**REQUEST:** Jameson Peters has requested a variance to place a garage on the property described as the E825' of S542' of the SE1/4SE1/4 of Section 19, T126N, R57W. The petitioner is asking to place the building 36ft from the right-of-way line instead of the 60ft requirement, per the Marshall County Zoning Ordinance.

**HISTORY/ISSUE(S):**

1. The property was purchased by the applicants on February 29, 2016.
2. There are 2' eaves on the proposed structure.
3. According to the property card, this garage will sit on a 10.27-acre piece of land.
4. The township road to the South is a span of 66'.
5. Marshall County Ordinance requires new structures to be placed a minimum of 60 feet from all public right-of-way's measured from the road right-of-way.
6. No written comments or objections were received prior to the hearing.
7. Staff Recommendation – **24' 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 Ag District.
  - a. The Board has granted similar right-of-way line variances to Ag properties in the past, when the neighbors had no objections.
    - i. Similar right-of-way line variances allowed. 3' for L. Hanson 9/21, PLEASE NOTE: This example below shows approved variances from State ROW setbacks in the AG District – 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 Ag District.

**Action Item – 24' 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 9, 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.

Jameson Peters has requested a variance to place a garage on the property described as the E825' of S542' of the SE1/4SE1/4 of Section 19, T126N, R57W. The petitioner is asking to place the building 36ft from the 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: April 26, 2023*

1T (April 26)  
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Published at an approximate cost of \$6.96 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

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

April 26, 2023

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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 4/26/23:**

1. James & Sandra Peters – 42160 116<sup>th</sup> St. Britton, SD 57430
2. Penrhos Farms, Inc. c/o Maurice and Dorothy Jones – 103 9<sup>th</sup> Ave. Britton, SD 57430
3. Gerald Person – 11288 SD Hwy 27 Britton, SD 57430
4. Kevin & Lynn Oland – P.O. Box 404 Britton, SD 57430

**MARSHALL COUNTY APPLICATION FOR VARIANCE**

DATE: 4/19/23

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) garage within 69' from center, 36' from Row line  
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): 19-126N-57W

Reason: Garage/Storage

Applicant Name: Jameson Peters Phone: 605 2284654

Address: 11599 425th Ave Britton SD 57430

Applicant Signature: Jameson Peters

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

**For Internal Office Use Only:**

Date Received: 4/20/23 Fees(non-refundable): \$150.00 Paid:  YES  NO

Inspection Report: See staff report - 24' variance request  
69' from center of township road, 33' of which is ROW  
which would put the building 36' from the Row line

Date of Hearing by Planning and Zoning Commission: May 9, 2023

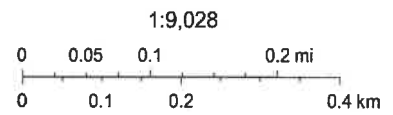
Action taken by Planning and Zoning Commission: \_\_\_\_\_

# MARSHALL COUNTY WEB VIEWER

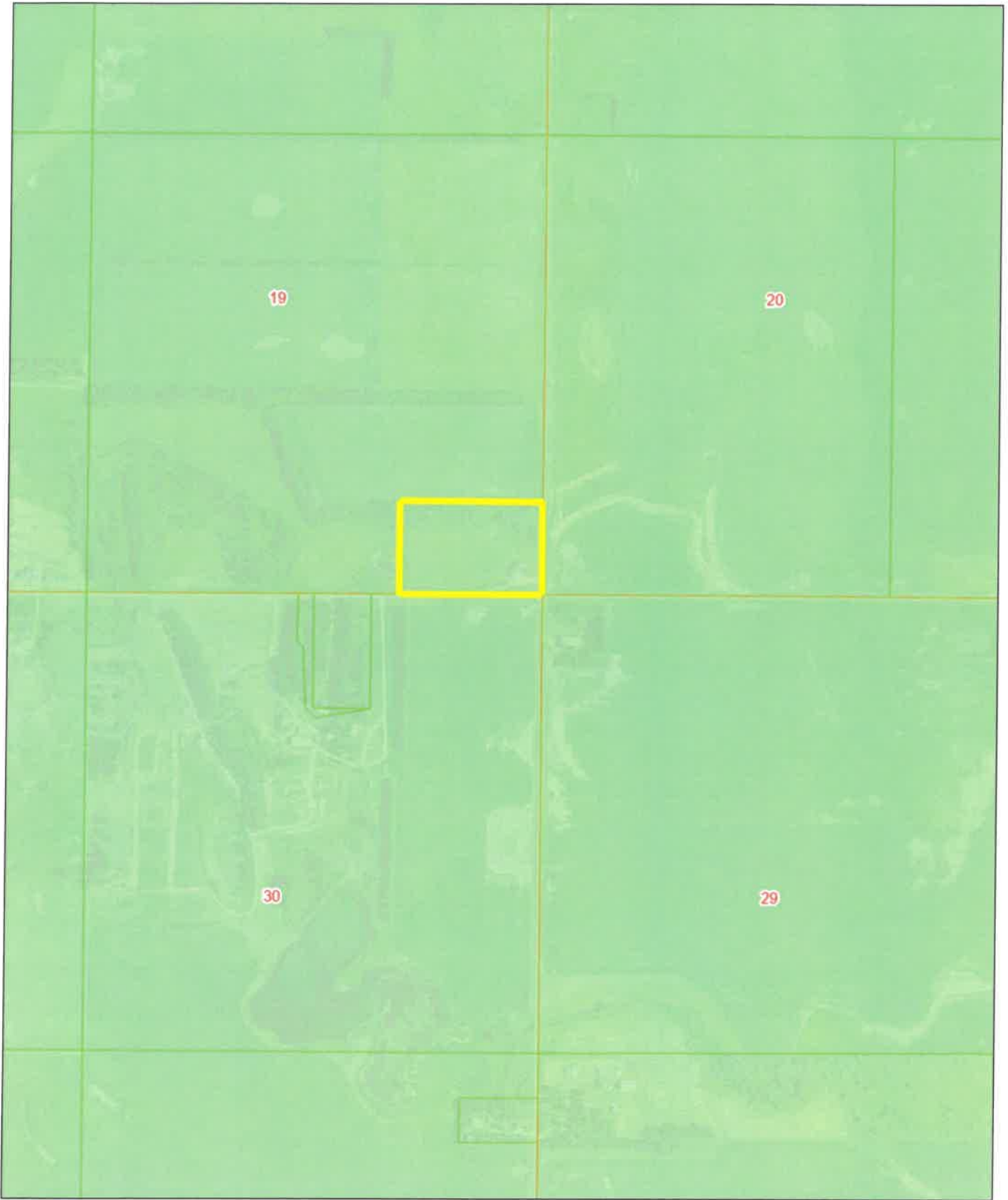


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-  TOWNSHIPS
-  SECTIONS
-  PARCELS







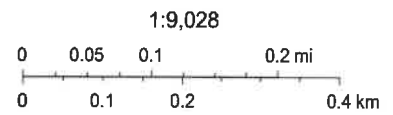
# MARSHALL COUNTY WEB VIEWER



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ZONING

-  Agricultural District
-  TOWNSHIPS
-  SECTIONS
-  PARCELS



## Variance – Jameson Peters





