

Marshall County Planning & Zoning
STAFF REPORT
May 23, 2023
Issue: Variance for Building Setback

OWNER/APPLICANT: Jenna Nordquist

PROPERTY DESCRIPTION: Lot 40 in the Plat of Lots 37A, 38A, 39A, 40 & 41 of Isensee's Second Addition in Gov't Lot 1 in the NE1/4 of Section 13, T126N, R54W.

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Jenna Nordquist has requested a variance to construct a new home and deck. The petitioner is asking to build the attached garage 15ft from the right-of-way line instead of the 30ft requirement, the home; 6ft from the western property line and 6.5ft from the eastern property lines instead of the 7ft requirements and 32ft from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The Lot was purchased by the applicant on April 9, 2018.
2. There is an existing house and a single stall garage on the Lot.
3. The eaves of the proposed structure will be 1-2 feet varying throughout the structure.
4. Lot 40 has an average depth of approximately 111.45ft and a width of approximately 69.1ft.
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: 29.85 feet.
6. The road lying Northeast of the Lot is a span of 30'.
7. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line, 7ft from a property line and 50ft from the normal high-water mark.
8. No written comments or objections were received prior to the hearing.
9. Staff Recommendation – **15' variance to the road right-of-way line setback, 1' variance to the western property line setback, .5' from the eastern property line and an 18' 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 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 – 7' for B. Johnson 8/22, 4' for J. Teveldal 10/2020, 7' for W. Buss 9/13, 8' for M. Hill 7/14 & 15' for K. Stiegelmeier 10/12
 - 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 – 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 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 – 11.5' for L. & J. Johnson 4/22, 10' for R. Renner 6/21, 6' for R. & K. Moeckly 6/19, 7' for J. Monson 10/20 & 22' for M. & M. Braun 9/16
- d. 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 – 15' variance to the road right-of-way line setback, 1' variance to the western property line setback, .5' from the eastern property line and an 18' 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 May 23, 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.

Jenna Nordquist has requested a variance to construct a new home and deck on the property described as Lot 40 in the Plat of Lots 37A, 38A, 39A, 40 & 41 of Isensee's Second Addition in Gov't Lot 1 in the NE1/4 of Section 13, T126N, R54W. The petitioner is asking to build the attached garage 15ft from the right-of-way line instead of the 30ft requirement, the home; 6ft from the western property line and 6.5ft from the eastern property lines instead of the 7ft requirements and 33ft 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: May 10, 2023

1T (May 10)
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Erin Collins-Miles, Planning & Zoning Administrator
Published at an approximate cost of \$9.57 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 12, 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 5/12/23:

1. Sheila Durland – 4709 E 6th St. Apt. G59 Sioux Falls, SD 57110
2. Ronald Binger – 442829 North Shore Dr. Lake City, SD 57247
3. Dept. of Game, Fish and Parks Habitat Section – 523 E Capitol Ave. Pierre, SD 57501

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 04/21/2023

**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) new home 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 40 Isensee's 2nd Addition in Gov't Lot 1 in NE 1/4 of Section 13

Reason: To build new home.

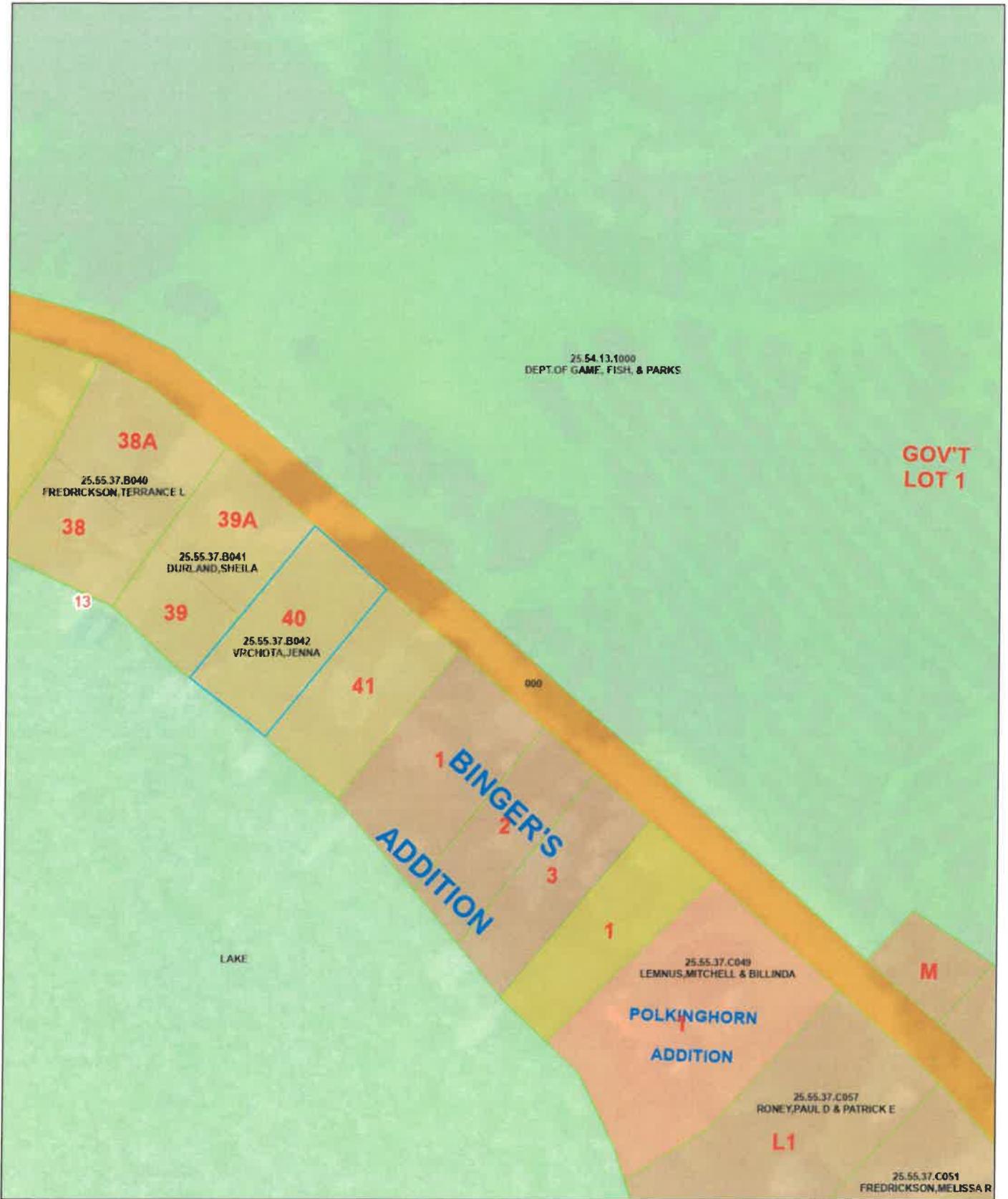
Applicant Name: Jenna Nordquist Phone: 701-388-5331
Address: 442823 N Shore Dr Lake City SD, 57247
Applicant Signature: Jenna Nordquist
Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 4/21/23 Fees(non-refundable): \$150.00 Paid: YES NO
Inspection Report: See staff report onsite on 5/5/23

Date of Hearing by Planning and Zoning Commission: May 23, 2023
Action taken by Planning and Zoning Commission: _____

MARSHALL COUNTY WEB VIEWER



5/12/2023, 12:00:36 PM

ZONING

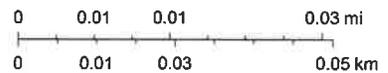
- Agricultural District
- Lake Front Residential District

PLAT

- BINGER'S ADDITION
- CORNELIOUS ADDITION
- ISENSEE'S 2ND SUBDIVISION

- ISENSEE'S 3RD SUBDIVISION
- POLKINGHORN ADDITION
- TISHER'S CLEAR LAKE ADDITION
- TOWNSHIPS
- SECTIONS
- PARCELS

1:1,128



** SITE SKETCH **

LOT 40 ISENSEE'S 2ND SUBD.

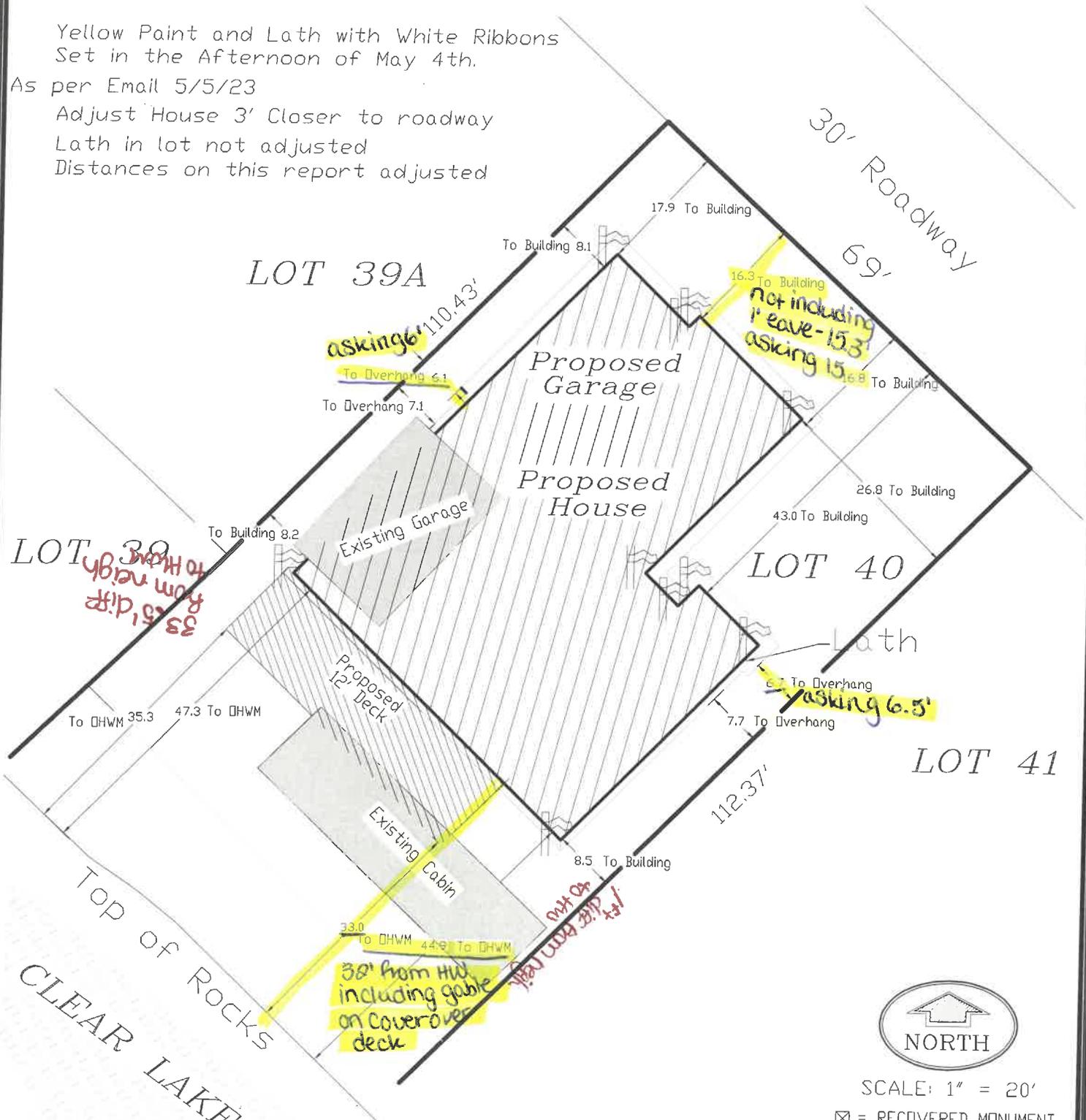
Yellow Paint and Lath with White Ribbons
Set in the Afternoon of May 4th.

As per Email 5/5/23

Adjust House 3' Closer to roadway

Lath in lot not adjusted

Distances on this report adjusted



SCALE: 1" = 20'

- ⊠ = RECOVERED MONUMENT
- = CAPPED MONUMENT SET

HOLTTON ENGINEERING INC.



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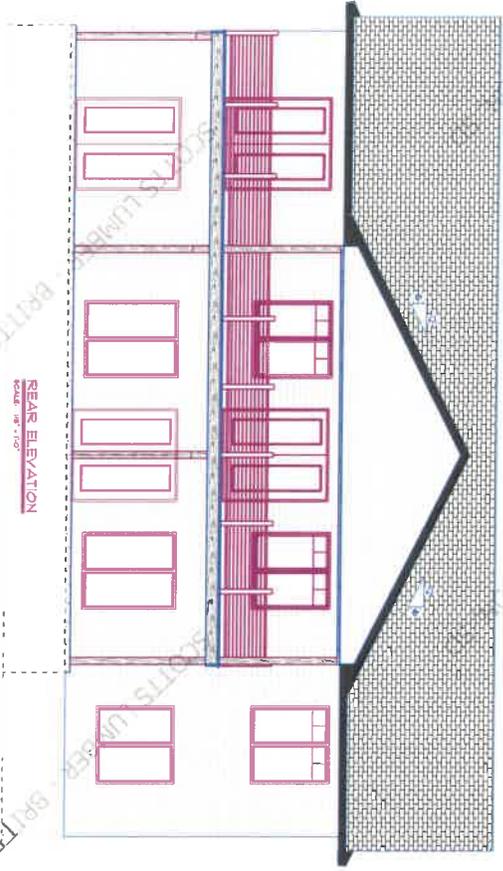
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FAX:
(605) 448-5278
www.ScottsLumber.com

DRAWN BY: orlin.punt@scottalumber.com
PLOT DATE: Tuesday, April 25, 2023
JOB: Nordquist, Luke & Jeann Lake Home #6

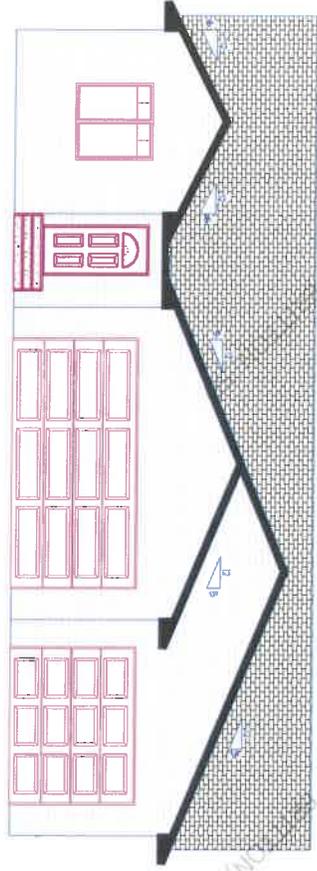
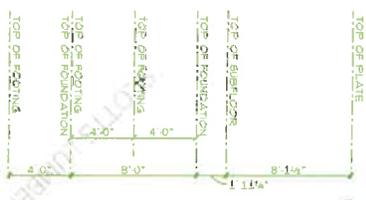
SALESMAN:
Josh.kraft@scottalumber.com

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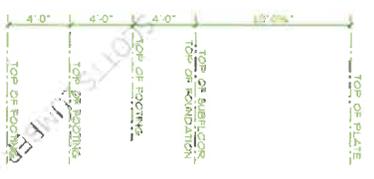
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REAR ELEVATION
SCALE: 1/8" = 1'-0"



FRONT ELEVATION
SCALE: 1/8" = 1'-0"



ELEVATIONS			
Revision	Date	By	Date
0	04/25/2023	OP	

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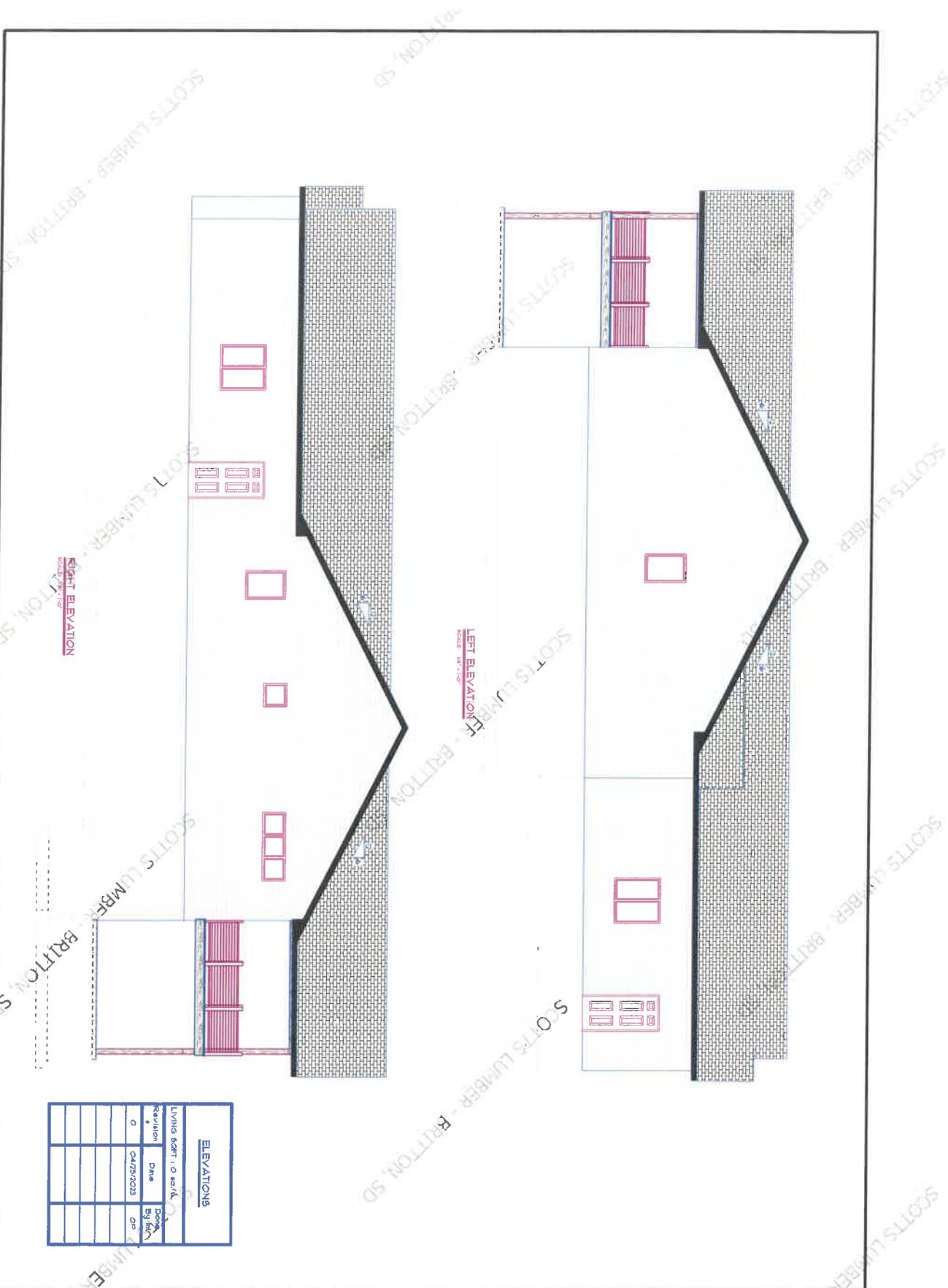
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SALESMAN: Josh.kraft@scottslumber.com

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ELEVATIONS			
Revision	Date	Drawn By	Checked By
0	04/25/2023	ORP	

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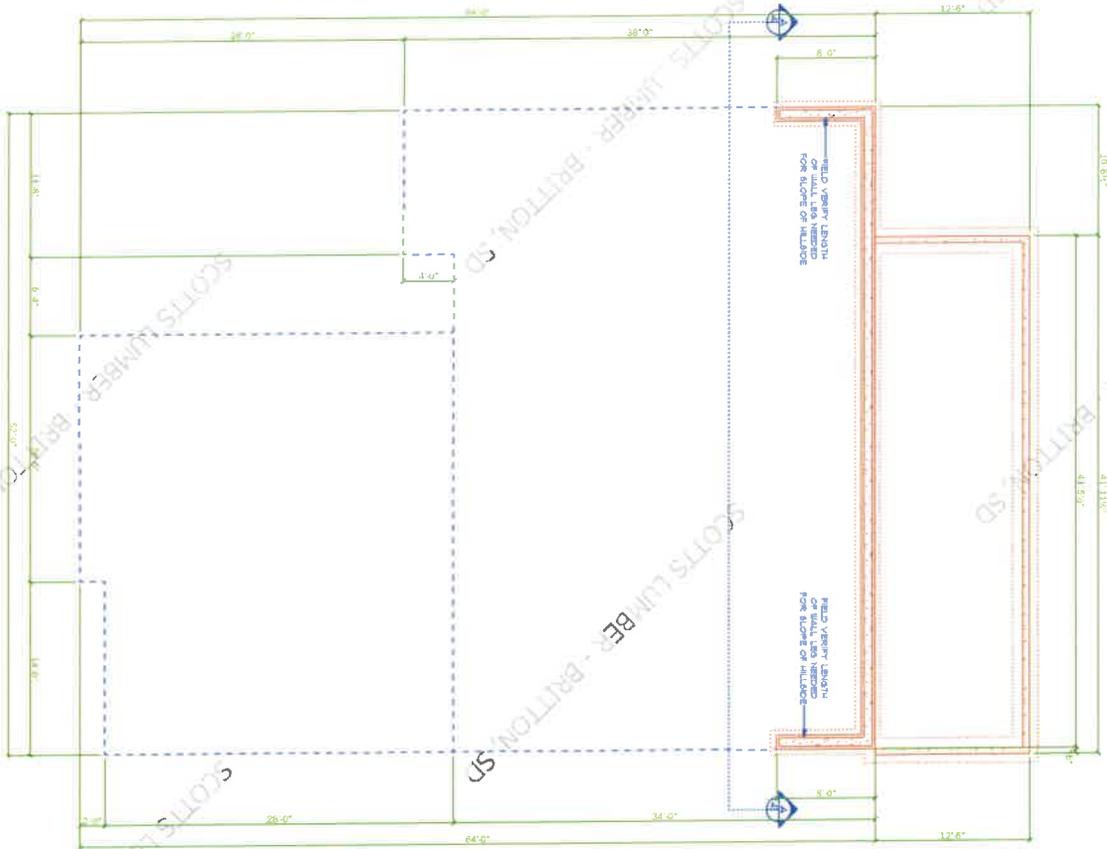


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NOTE:
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Revision	Date	By	Checked
0	03/28/2023	CP	

FOUNDATION PLAN
 LIVING AREA / 0.00 SQ. FT.
 FOUNDATION PLAN

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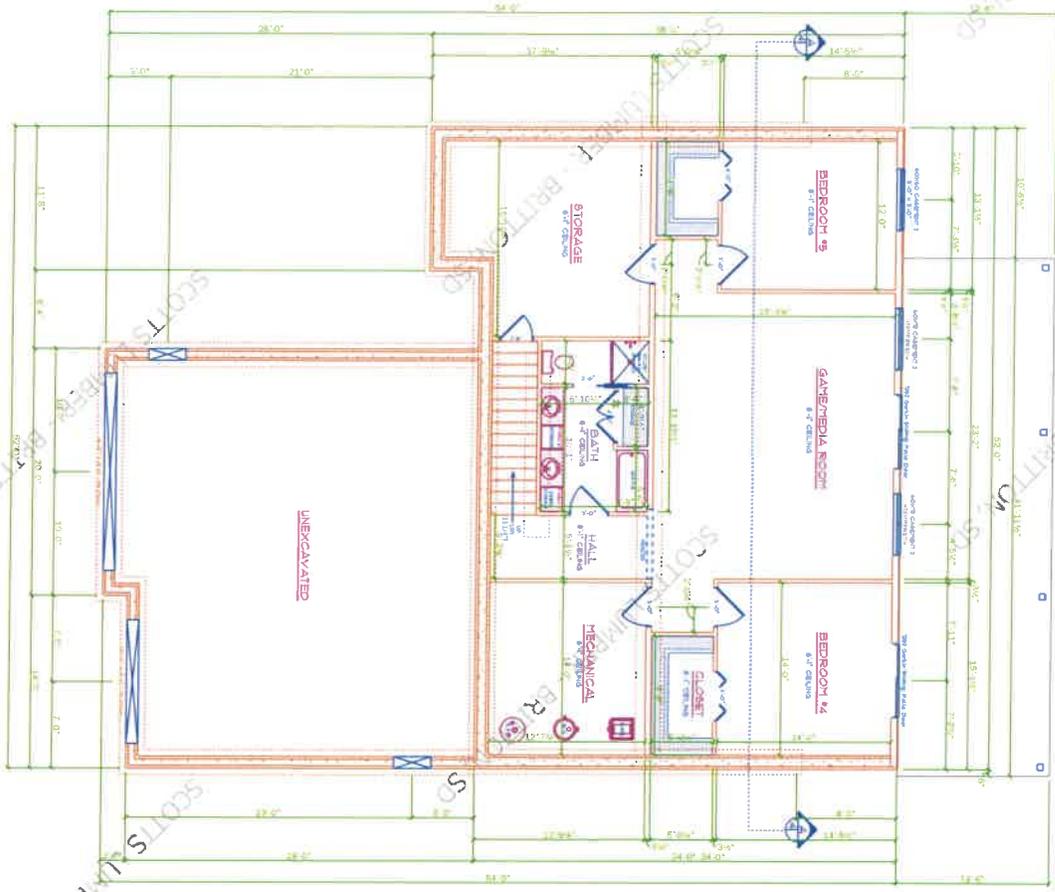
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 JOB: Nordquist, Luke 4 Jenna Lake Home #6
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 PAGE:
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NOTE
 - DO NOT raise openings if this plan DOES NOT show Scott's Lumber or indicated by the opening.
 * Top of window at 6'8 1/2" unless noted otherwise

BASEMENT PLAN			
SCALE: 1/8" = 1'-0"			
DATE	BY	CHKD	APP'D
04/25/2023	DL	DL	DL

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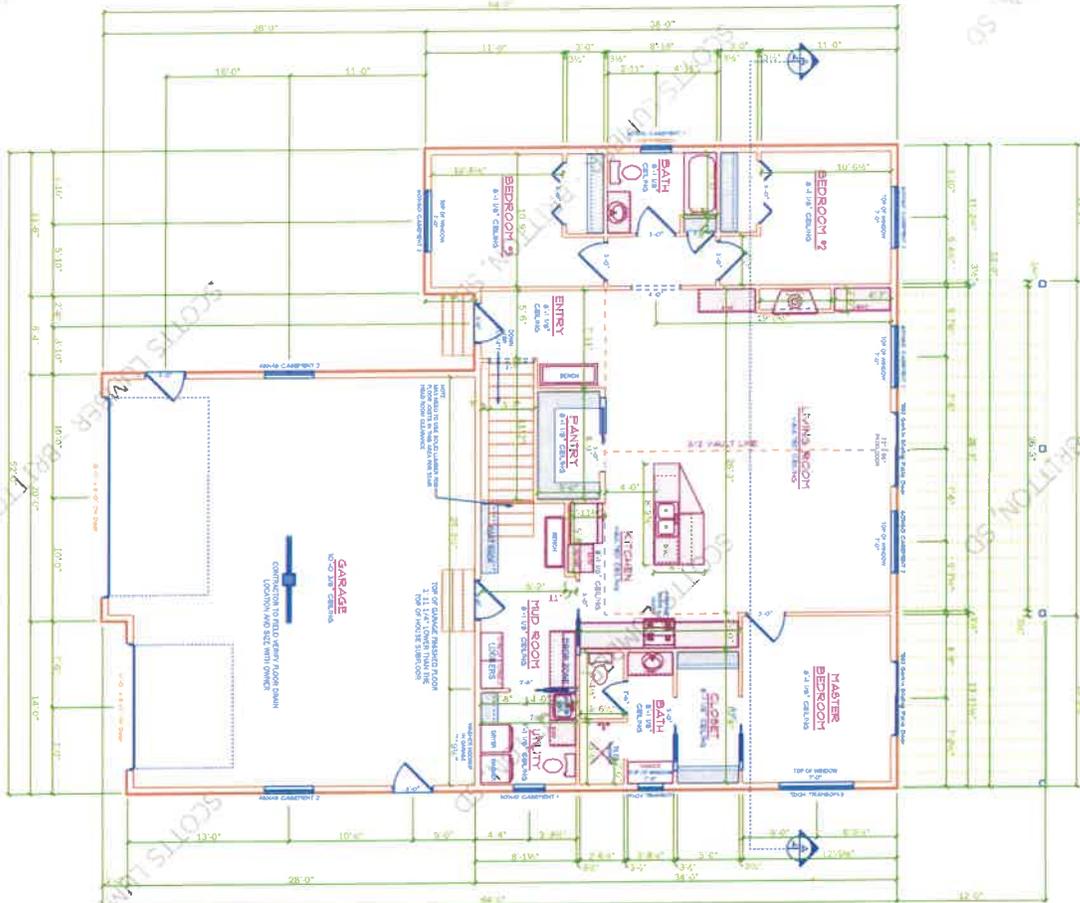
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NOTE:
 - DO NOT have openings if this is in DOGS NOT
 have R.O.S. based on located by the openings
 - Top of window at 6'-8" 1/2" finish noted otherwise

MAIN FLOOR PLAN		
NO.	DATE	DESCRIPTION
1	04/25/2023	ISSUE

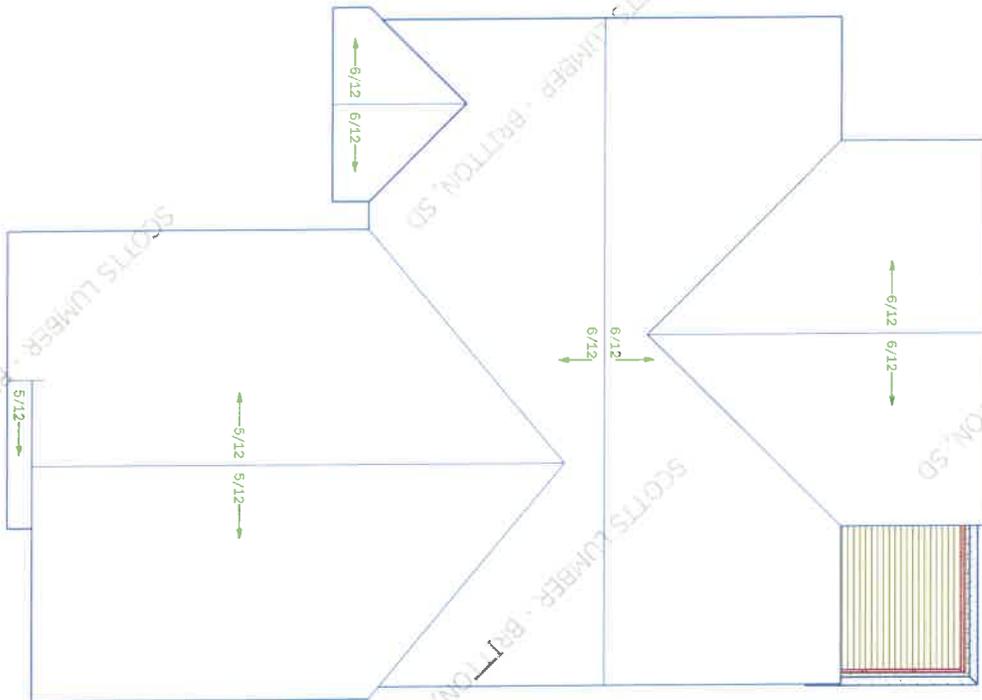
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BOGE PLAN			
Location	Date	By	Checked

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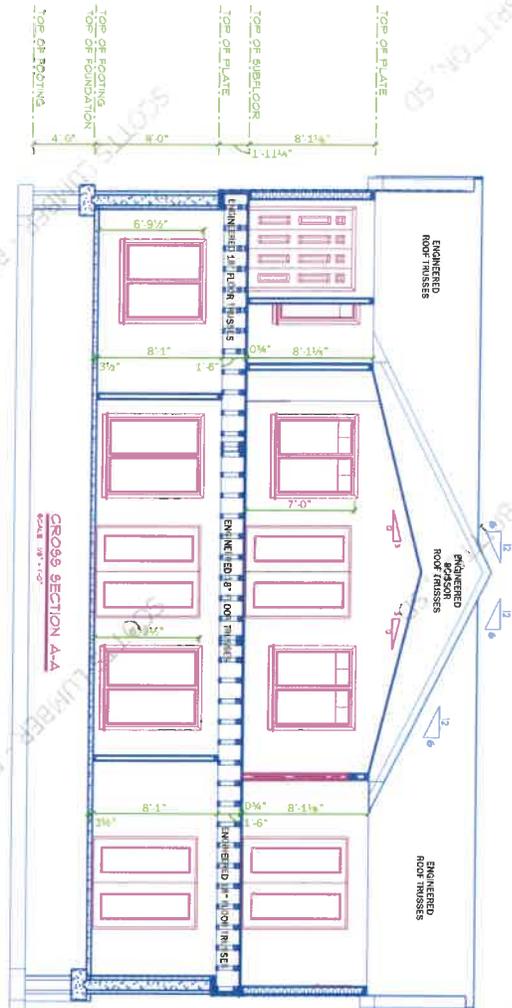
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TOP OF PLATE
 TOP OF SUBFLOOR
 TOP OF PLATE
 TOP OF FOOTING
 TOP OF FOUNDATION
 TOP OF FOOTING

CROSS SECTIONS

Room	Area	Perimeter	Volume
LIVING AREA	1,043 sq. ft.		

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Variance – Jenna Nordquist





