

**Marshall County Planning & Zoning
STAFF REPORT
June 20, 2023
Issue: Variance for Building Setback**

OWNER/APPLICANT: Dan Brake

PROPERTY DESCRIPTION: Lot 4A in the Plat of Lot 2A & 4A, Block 1, Coteau Acres in Government Lot 9 in Section 4, T125N, R53W

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Dan Brake has requested a variance to build a home 2ft from the Northwestern 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 August 13, 2021.
2. There are currently no structures on the property. The lot has an existing driveway on the South side of the lot which is entered from the road to the West.
3. Lot 4A has an average depth of approximately 170.56ft and a width of approximately 110.18ft.
4. The private road lying West of the Lot is a span of 66'.
5. The applicant is proposing to place the structure 2 ft from the Northwestern property line which would leave approximately 58' on the Southern side of the property.
6. The applicant wishes to utilize the driveway on the South side of the property which is the intent of asking for the variance. The garage doors will face the existing driveway.
7. Marshall County Ordinance requires new structures to be placed a minimum of 7ft from a property line.
8. No written comments or objections were received prior to the hearing.
9. Staff Recommendation – **5' variance to the property line 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 property line variances to lake lots in the past, when the neighbors had no objections.
 - i. Similar property line variances allowed – 2' & 2.5' for D. Eiel 6/23, 1' for J. Nordquist 5/23, 2' for L. & J. Johnson 4/22, 1' for C. Moeckly 9/21 and 3' for R. Renner 6/21
 - 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 – 5' variance to 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 20, 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.

Dan Brake has requested a variance to build a home on the property described as Lot 4A in the Plat of Lot 2A & 4A, Block 1, Coteau Acres in Government Lot 9 in Section 4, T125N, R53W. The petitioner is asking to build the new home 2ft from the Northwestern 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 31, 2023

1T (May 31)
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Administrator
Published at an approximate cost of \$6.96 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 31, 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

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Planning and Zoning Administrator

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Sincerely,

Erin Collins-Miles

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Planning and Zoning Administrator

Sent to the following adjacent landowners on 5/31/23:

1. Wallace Holman – P.O. Box 3523 Alpine, WY 83128
2. Dept. of Game, Fish & Parks/Habitat Section – 523 E Capitol Ave. Pierre, SD 57501
3. Steven Smith – 6042 60th Ave. S Horace, ND 58047
4. Karen & Cameron Koeppe – 15951 53rd St. NE St. Michael, MN 55376

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 5-26-23

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) Home within 2 feet 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 4A, Blk 1, Coteau Acres in Gov't. Lot 9 Sec. 4, T125N, R53W

Reason: Structure/home is 50' in width/depth. Looking to utilize front approach to enter garage/shop with truck & trailer/boat

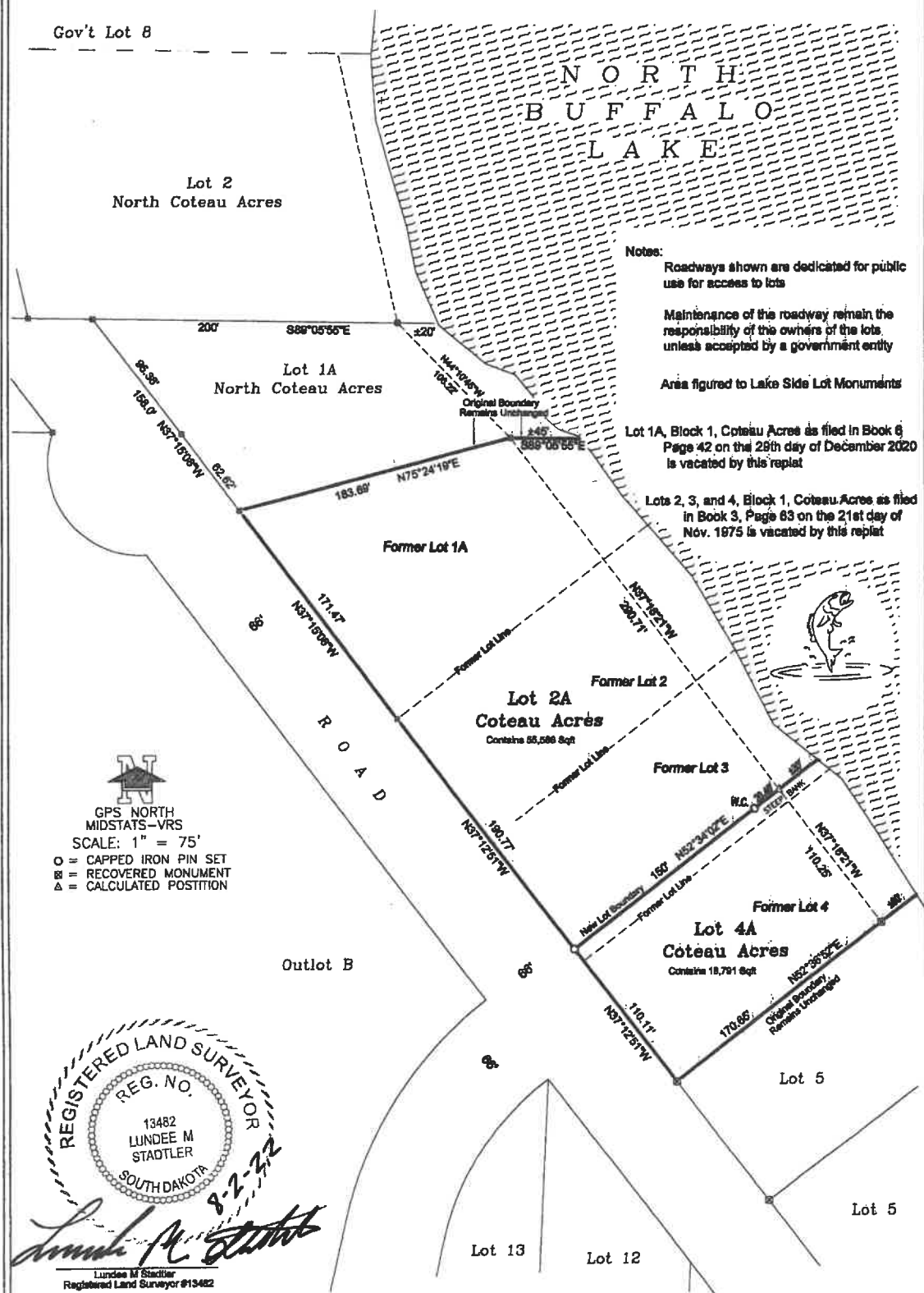
Applicant Name: Dan Brake Phone: 507-766-2588
Address: 406 S Shebal Ave Harrisburg SD 57032
Applicant Signature: [Signature]
Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 5/26/23 Fees(non-refundable): \$150.00 Paid: YES NO
Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: June 20, 2023
Action taken by Planning and Zoning Commission: _____

PLAT OF
 LOT 2A & 4A, BLOCK 1, COTEAU ACRES
 IN GOV'T LOT 9 IN SECTION 4,
 T125N, R53W OF THE 5TH P.M.,
 MARSHALL COUNTY, SOUTH DAKOTA



Notes:
 Roadways shown are dedicated for public use for access to lots
 Maintenance of the roadway remain the responsibility of the owners of the lots unless accepted by a government entity
 Area figured to Lake Side Lot Monuments
 Lot 1A, Block 1, Coteau Acres as filed in Book 6 Page 42 on the 29th day of December 2020 is vacated by this replat
 Lots 2, 3, and 4, Block 1, Coteau Acres as filed in Book 3, Page 63 on the 21st day of Nov. 1975 is vacated by this replat

GPS NORTH
 MIDSTATS-VRS
 SCALE: 1" = 75'
 ○ = CAPPED IRON PIN SET
 □ = RECOVERED MONUMENT
 △ = CALCULATED POSITION

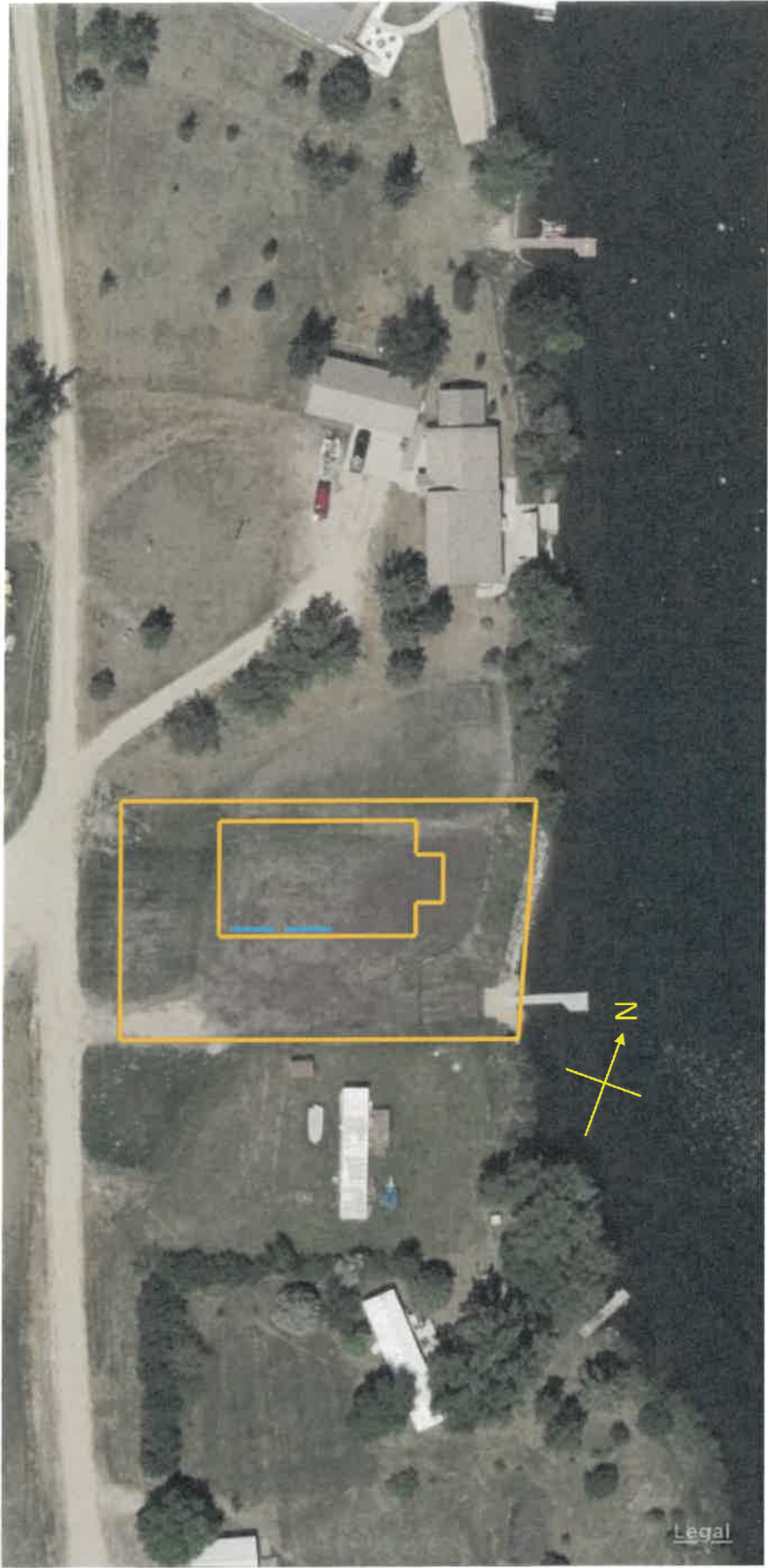
REGISTERED LAND SURVEYOR
 REG. NO. 13482
 LUNDEE M STADTLER
 SOUTH DAKOTA

Lundee M Stadler
 Lundee M Stadler
 Registered Land Surveyor #13482

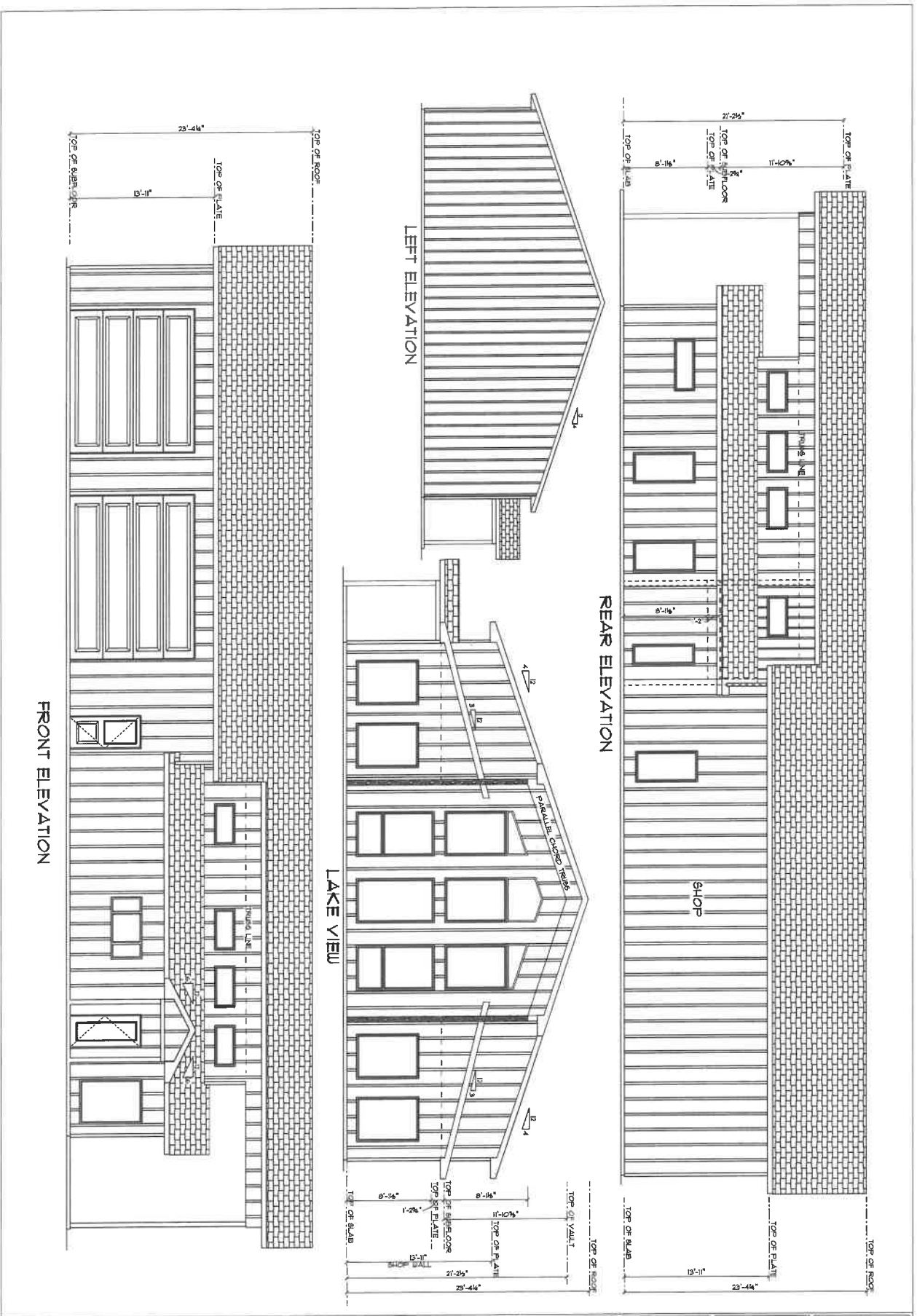
HOLTON ENGINEERING INC.

DRAWN: 8/2/22 FIELD: JULY 2022 128 EAST HICKORY ST Sisseton, SD PH. 1-605-698-3850 1312553-P702

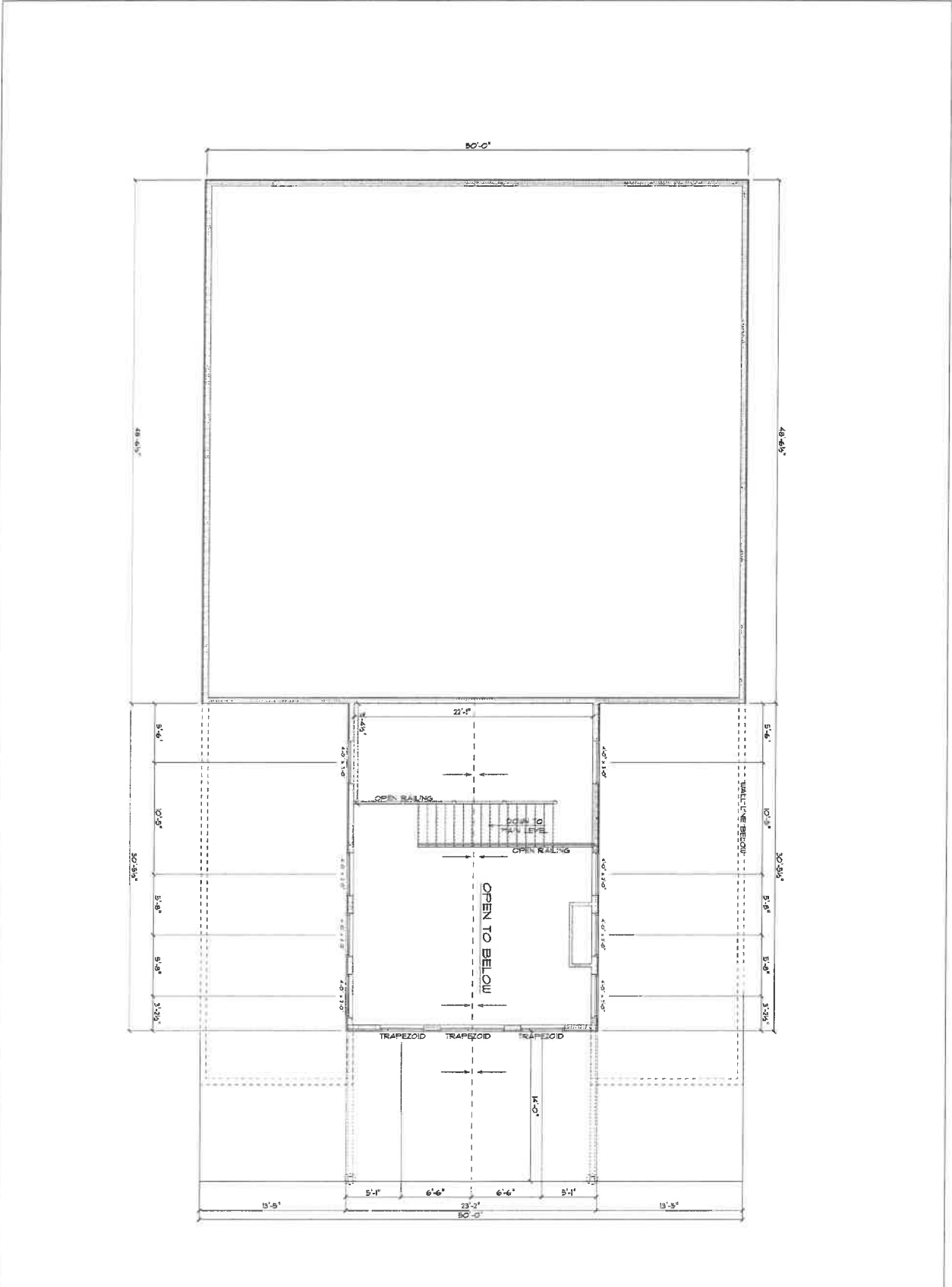
6-75 Slide 159



Legal



ELEVATIONS <small>PROJECT ELEVATIONS NOT FOR CONSTRUCTION</small>	DEALER: NFP PROJECT TITLE: DAN BRAKE SOLID CORE BUILDING PACKAGE	PRELIMINARY NOT FOR CONSTRUCTION	DATE: 03/20/2023 DRAWING NO.: 05/02/023 SHEET #: 01 PLOT DATE: JUN 2023	PROJECT NUMBER: 2023H0157/01 CUSTOMER SERVICE: #1 DESIGNED BY: KAJ CHECKED BY: #11	
	SHEET TITLE: ELEVATIONS		PROJECT ELEVATIONS NOT FOR CONSTRUCTION	SHEET: A/1	



PROJECT TITLE
 2 ND LEVEL
 LIVING AREA 250 SQ FT

PROJECT STATUS
 NOT FOR
 CONSTRUCTION

SHEET
 A/3

DEALER
 NFP
 PROJECT TITLE
 DAN BRAKE
 SOLID CORE BUILDING PACKAGE

DATE
 03/07/2023

REVISIONS
 0523223

BY
 HH

CHK'D BY
 S. W. 2021

PRELIMINARY NOT
 FOR
 CONSTRUCTION

PRODUCT NUMBER
 2023HOUSE#8

CLIENT SERVICE
 KAU

DESIGNER
 HH








MARSHALL COUNTY WEB VIEWER

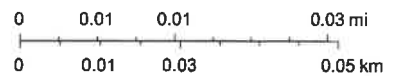


5/30/2023, 1:57:46 PM

PLAT

-  COTEAU ACRES ADDITION
-  NORTH COTEAU ACRES ADDITION
-  TOWNSHIPS
-  SECTIONS
-  PARCELS

1:1,128



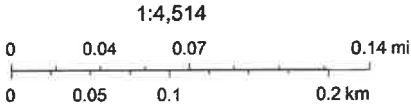
MARSHALL COUNTY WEB VIEWER



6/13/2023, 1:59:03 PM

ZONING

- Agricultural District
- Lake Front Residential District
- TOWNSHIPS
- SECTIONS
- PARCELS



Dan Brake – Variance









