

Marshall County Planning & Zoning
STAFF REPORT
August 22, 2023
Issue: Variance for Building Setback

OWNER/APPLICANT: Bosse Family Cabin

PROPERTY DESCRIPTION: Lot 12 & 13 in the Plat of Schlekewy Addition in the County of Marshall, South Dakota

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Bosse Family Cabin has requested a variance to place a lake home with an attached deck and stairs 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 applicants on August 1, 2019.
2. The Lot in question currently has two cabins. Property cards state that the oldest existing cabin acts as a bunkhouse and the cabin permitted in 2009 acts as the main cabin. There is also a garage on site.
 - a. The oldest existing cabin will be removed in order to move the new cabin onto the lot.
3. Lot 12 has an average depth of approximately 110ft and a width of approximately 62ft. Lot 13 has an average depth of approximately 105ft and a width of approximately 74.18ft.
4. 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.
 - a. The cabin lying Northeast of Lots 12 is 5' from the high-water mark. The main cabin sits 22' from the high-water mark setback.
5. Marshall County Ordinance requires new structures to be placed a minimum of 50ft from the normal high-water mark.
6. No written comments or objections were received prior to the hearing.
7. Staff Recommendation – **18' variance to the normal high-water mark 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 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, 14' for R. Mahoney 10/12, 11' for K. Freudenthal 3/18, 14' for J. & J. Harris 5/23 and 18' for J. Nordquist 5/23.
 - 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 – 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 August 22, 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.

Bosse Family Cabin has requested a variance to place a lake home with an attached deck and stairs on the property described as Lot 12 & 13 in the Plat of Schlekewy Addition in the County of Marshall, South Dakota. The petitioner is asking to place the home 32ft 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: August 9, 2023

1T (Aug 9)
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Erin Collins-Miles, Planning & Zoning Administrator
Published at an approximate cost of \$7.54 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

August 8, 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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Erin Collins-Miles

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Planning and Zoning Administrator

Sent to the following adjacent landowners on 8/8/2023:

1. Daniel & Kari Dalchow – 2650 26th Ave. S #201 Grand Forks, ND 58201
2. Barbara Anderson Rev. Trust – 618 N Grant St. Canton, SD 57013
3. Schlekeway Trust c/o Wayne Schlekeway – 905 3rd Ave. W Mobridge, SD 57601

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 7-31-23

**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) manufactured home within 37' 32" ^{deck steps} 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): _____

Reason: Replacing old cabin

Applicant Name: Bosse Family Cabin
Junda Bosse Phone: 605-470-0149

Address: Box 135, Britton, SD 57430

Applicant Signature: Junda Bosse

Owner Signature (if different than applicant): _____

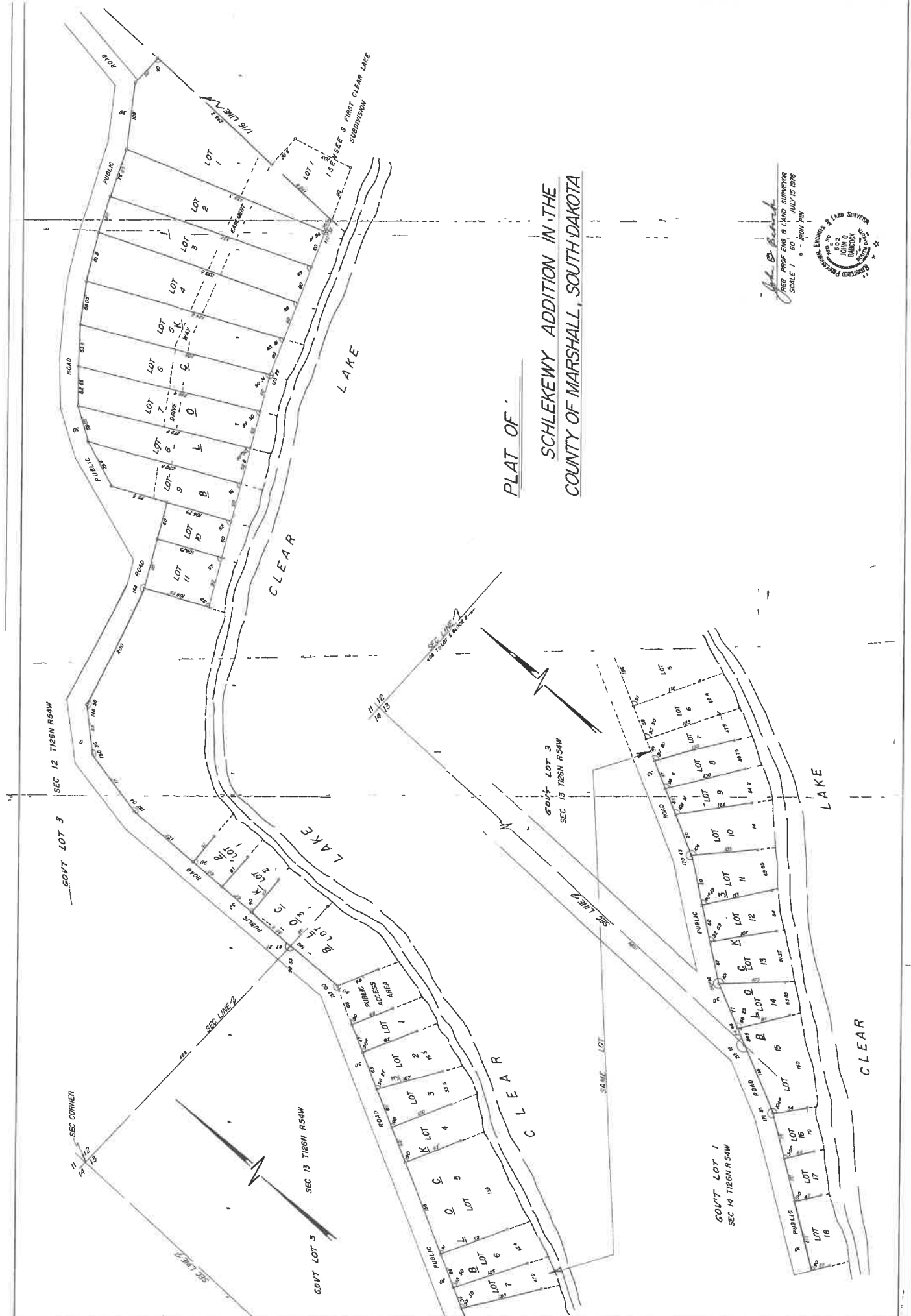
For Internal Office Use Only:

Date Received: 7/31/23 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: _____

Date of Hearing by Planning and Zoning Commission: _____

Action taken by Planning and Zoning Commission: _____

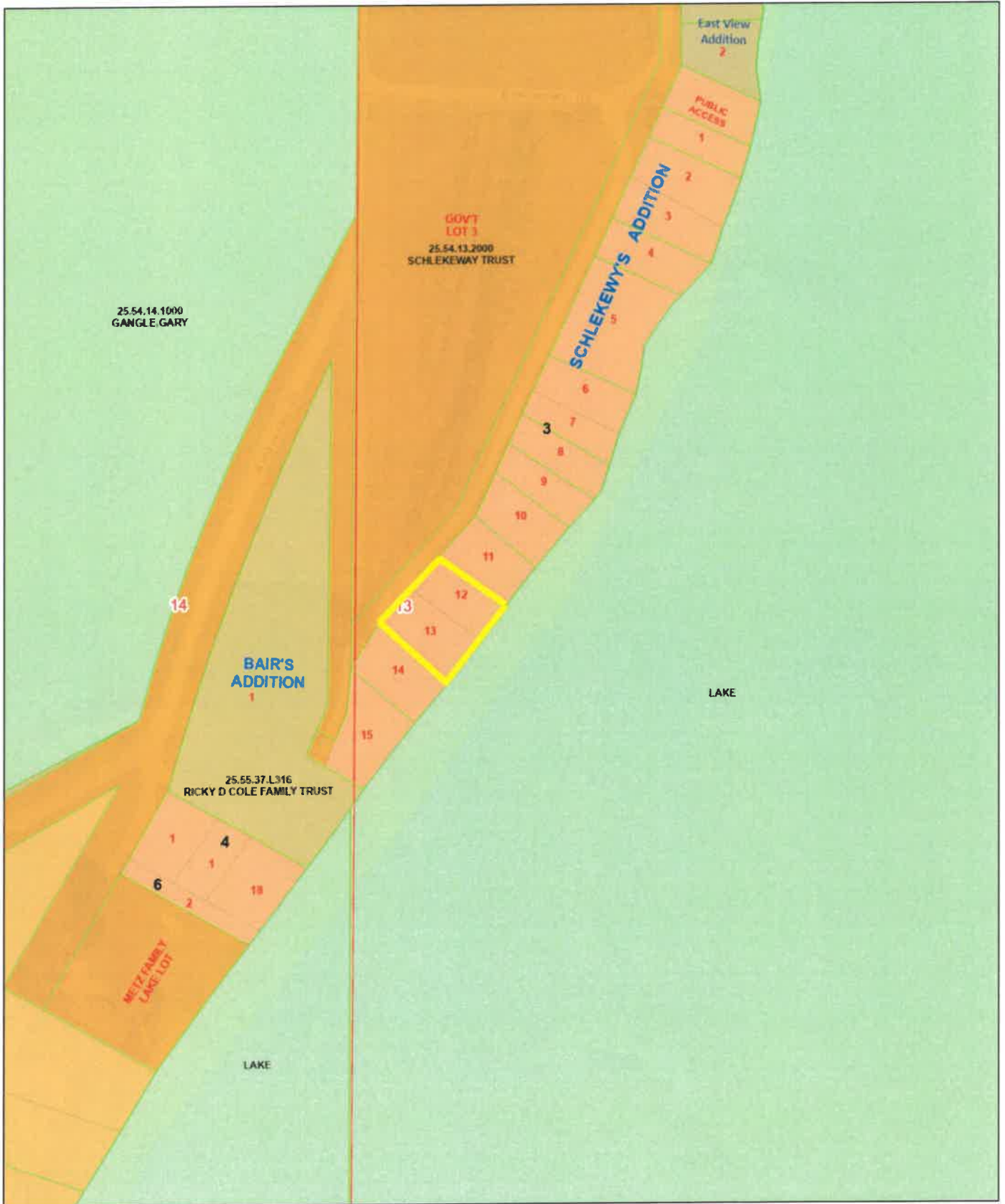


PLAT OF
 SCHLEKEWY ADDITION IN THE
 COUNTY OF MARSHALL, SOUTH DAKOTA

John P. Beck
 PLAT MAP FILED IN THE PUBLIC RECORDS
 SCALE 1" = 60' - HIGHWAY
 JULY 15 1926



MARSHALL COUNTY WEB VIEWER



8/15/2023 2:21:25 PM

ZONING

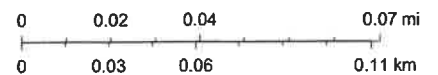
- Agricultural District
- Lake Front Residential District

PLAT

- BAIR'S ADDITION
- CLEAR LAKE ESTATES

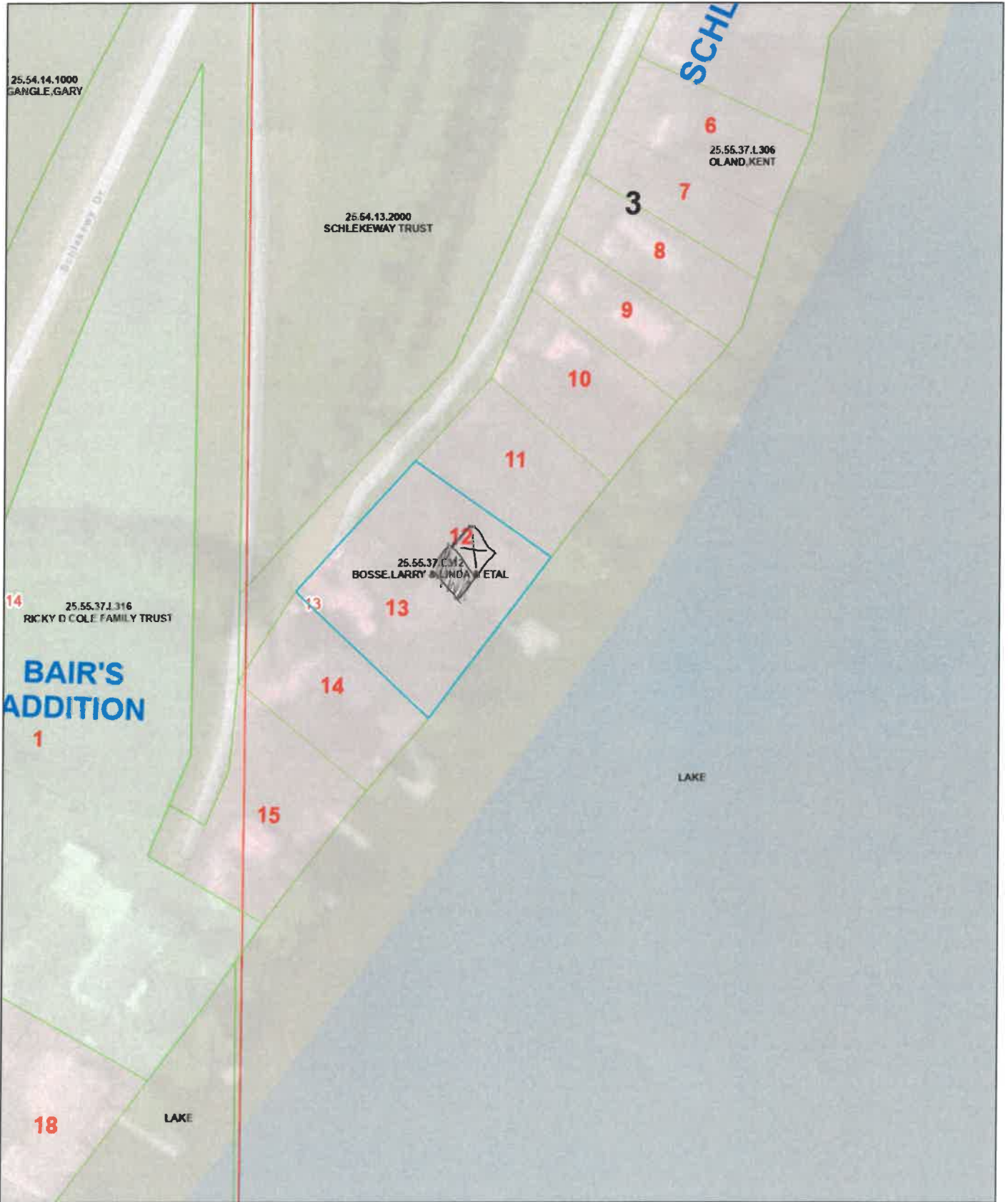
- EAST VIEW ADDITION
- KRETCHMAN'S CLEAR LAKE SUBDIVISION
- SCHLEKEWY'S ADDITION
- TOWNSHIPS
- SECTIONS
- PARCELS

1:2,257



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

MARSHALL COUNTY WEB VIEWER

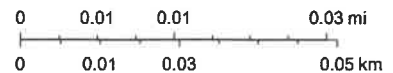


7/31/2023, 4:12:13 PM

PLAT

- BAIR'S ADDITION
- SCHLEKEWY'S ADDITION
- TOWNSHIPS
- SECTIONS
- PARCELS

1:1,128



Esri, HERE, Garmin, INCREMENT P, NGA, USGS

MARSHALL COUNTY WEB VIEWER

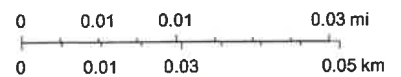


8/8/2023, 1:53:33 PM

PLAT

- BAIR'S ADDITION
- SCHLEKEWY'S ADDITION
- TOWNSHIPS
- SECTIONS
- PARCELS

1:1,128



Variance – Bosse Family Cabin







