

**Marshall County Planning & Zoning**  
**STAFF REPORT**  
**September 19, 2023**  
**Issue: Variance for Lot Size**

**OWNER/APPLICANT:** Rodney & Lois Westby

**PROPERTY DESCRIPTION:** Proposed Lot 11 on the property described as Proposed Lot 11 Westby Lakeside Addition in Gov't Lots 2 & 3, Section 19, T126N, R53W of the 5th P.M., Marshall County, South Dakota. (Proposed Plat available in the office of the Zoning Administrator.)

**CURRENT ZONING:** Agricultural (Ag)

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

**REQUEST:** Rodney Westby has requested a variance to lot size width to create Lot 11 with widths of 60' feet, instead of the 75-foot requirement for all lots without shoreline frontage and the 100-foot requirement for lot road frontage, per the Marshall County Zoning Ordinance.

**HISTORY/ISSUE(S):**

1. The Lot in question is part of a plat that will be going through in the coming weeks. A rezone and variance application are required prior to a plat being filed.
2. The Lot size proposed is similar to that of the Lot across the road, Lot 34. The owners of Lot 34 are those that are intended to purchase the proposed Lot 11.
3. The average depth of Lot 11 is 150' feet and meets Marshall County Zoning requirements.
4. Marshall County Ordinance requires that all lots without shoreline frontage shall have a minimum width of seventy-five (75) feet. The minimum lot road frontage shall not be less than one hundred (100) feet in width.
5. No written comments or objections were received prior to the hearing.
6. Staff Recommendation – **15' variance to the lot size width requirement for lots without shoreline frontage, and a 40' variance to the lot road frontage width requirement, for Lot 11.**
7. 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 Lot Size variances to lake lots in the past, when the neighbors had no objections.
    - i. Similar lot size variances allowed – 34.38/33.31 for H. Mairs 6/17 and 9 Lots for S. Bull 12/19 (see file).
  - 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 – 15' variance to the lot size width requirement for lots without shoreline frontage, and a 40' variance to the lot road frontage width requirement, for Lot 11.**

## NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on September 19, 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.

Rodney & Lois Westby have requested a variance to lot size width for proposed Lot 11 on the property described as Proposed Lot 11 Westby Lakeside Addition in Gov't Lots 2 & 3, Section 19, T126N, R53W of the 5th P.M., Marshall County, South Dakota. (Proposed Plat available in the office of the Zoning Administrator.) The petitioner is asking to create Lot 11 with widths of 60' feet, instead of the 75-foot requirement for all lots without shoreline frontage and the 100-foot requirement for lot road frontage, per the Marshall County Zoning Ordinance.

Erin Collins-Miles  
Planning & Zoning Administrator

Published once at the approximate cost of

*For publication: September 6, 2023*

1T (Sept 6)  
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Erin Collins-Miles, Planning & Zoning Administrator  
Published at an approximate cost of \$9.28 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

September 5, 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 9/5/23:**

1. Teddy Winburn – 218 Hillview Rd. Sisseton, SD 57262
2. Rebecca Hicks – P.O. Box 157 Lake City, SD 57247
3. Dept. of Game, Fish & Parks, Habitat Sec. – 523 E Capitol Ave. Pierre, SD 57501
4. Bureau of Indian Affairs - P.O. Box 688 Agency Village, SD 57262

**MARSHALL COUNTY APPLICATION FOR VARIANCE**

DATE: 8/2/2023

**To: Marshall County Planning and Zoning Commission  
PO Box 9  
Britton, SD 57430**

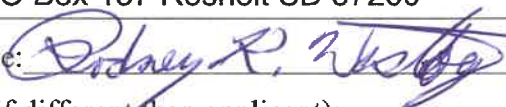
The undersigned do hereby request a variance from the Marshall County Zoning Ordinance to build (or set)      to plat      within      of a (circle applicable): Twp Rd, County Rd, Federal or State Hwy, Other Rd, Lot Line or High Water Mark.

Structure would be located on (legal description): Proposed Lot 11 in Westby Lakeside Addition in Gov't Lot 2 & 3; Section 19, T126N, R53W of the 5th P.M., Marshall County  
South Dakota

Reason:       
Platting the Size of the lot in order to line in with existing lot lines  
      
    

Applicant Name: Rodney K and Lois A Westby Phone: 605-268-0762

Address: P. O Box 137 Rosholt SD 57260

Applicant Signature:  

Owner Signature (if different than applicant):     

**For Internal Office Use Only:**

Date Received: 8/25/23 Fees(non-refundable): \$150.00 Paid:  YES  NO

Inspection Report: See staff report  
      
    

Date of Hearing by Planning and Zoning Commission: Sept. 19, 2023

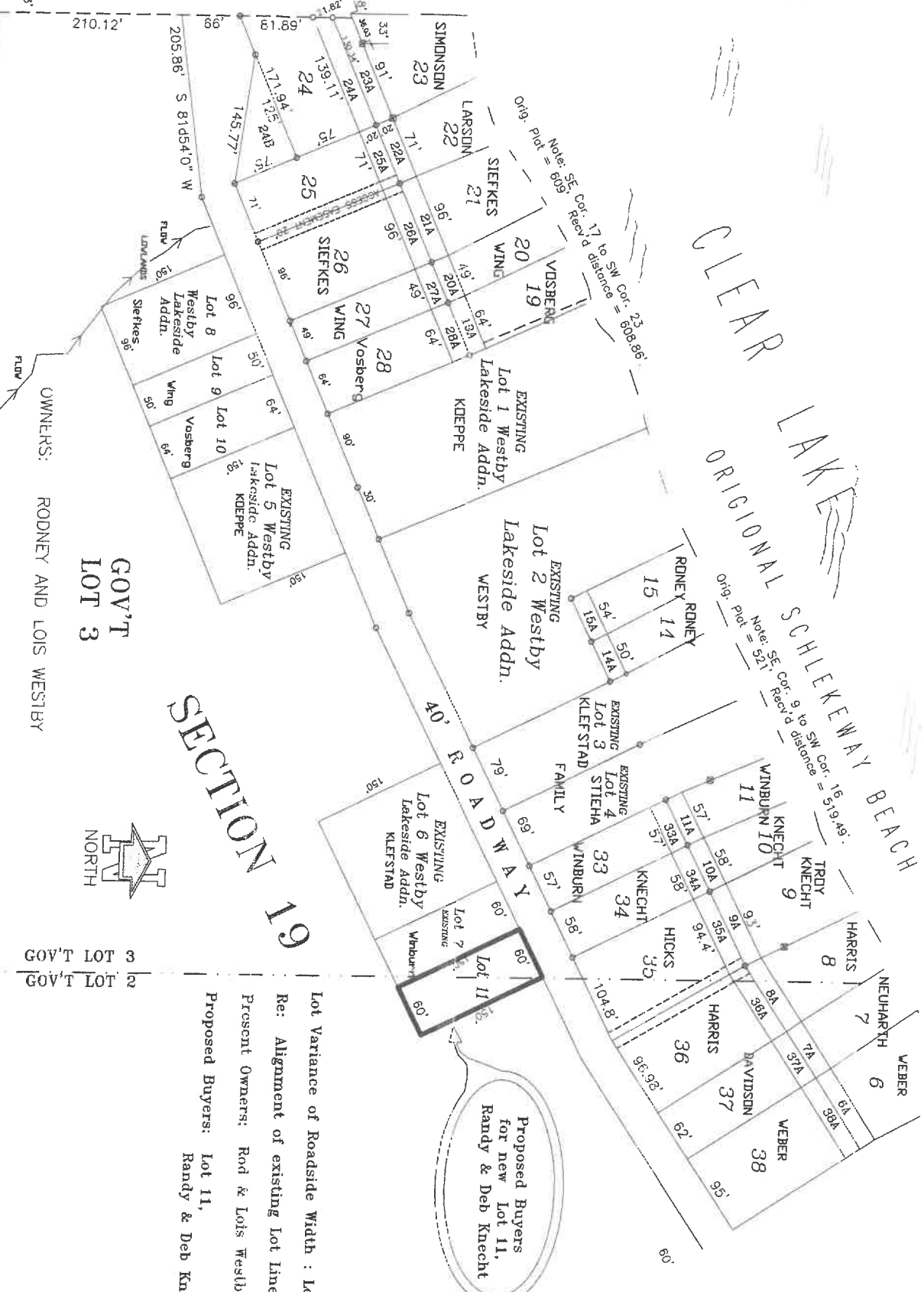
Action taken by Planning and Zoning Commission:

Section / Township Line

S 0d14'20" W

33' 33'

CLEAR LAKE ORIGINAL SCHLEKEWAY BEACH



69' Road contains 1.63 acres of gov't lot 3 T O W N S H I P R O A D

11111.61'

QUARTER SECTION LINE

S 89d29'32" W

210.12' 205.86' S 81d54'0" W

GOV'T LOT 3

GOV'T LOT 3  
GOV'T LOT 2

OWNERS: RODNEY AND LOIS WESTBY



SECTION 19

Lot Variance of Roadside Width : Lot 11  
Re: Alignment of existing Lot Lines  
Present Owners: Rod & Lois Westby  
Proposed Buyers: Lot 11,  
Randy & Deb Knecht

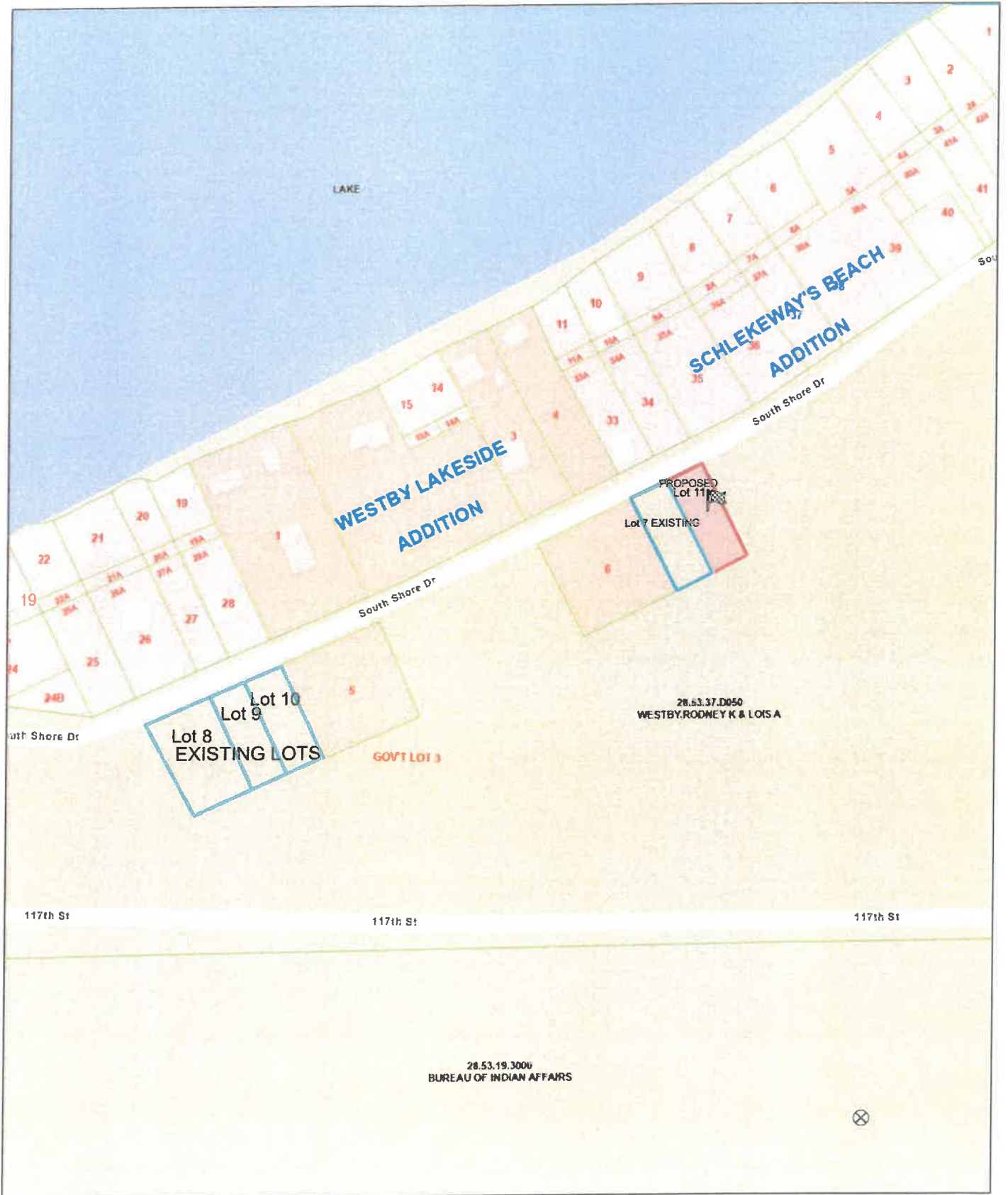
Proposed Buyers  
for new Lot 11,  
Randy & Deb Knecht

Note: SE Cor. 9 to SW Cor. 16 distance = 519.45'

Note: SE Cor. 17 to SW Cor. 23 distance = 608.86'

Note: SE Cor. 9 to SW Cor. 16 distance = 519.45'

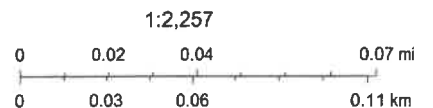
# MARSHALL COUNTY WEB VIEWER



8/31/2023, 1:08:38 PM

PLAT

- SCHLEKEWAY'S BEACH ADDITION
- WESTBY LAKESIDE ADDITION
- TOWNSHIPS
- SECTIONS
- PARCELS



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# MARSHALL COUNTY WEB VIEWER



8/31/2023, 1:09:27 PM

PLAT

SCHLEKEWAY'S BEACH ADDITION

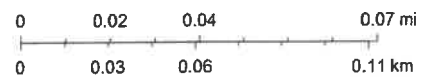
WESTBY LAKESIDE ADDITION

TOWNSHIPS

SECTIONS

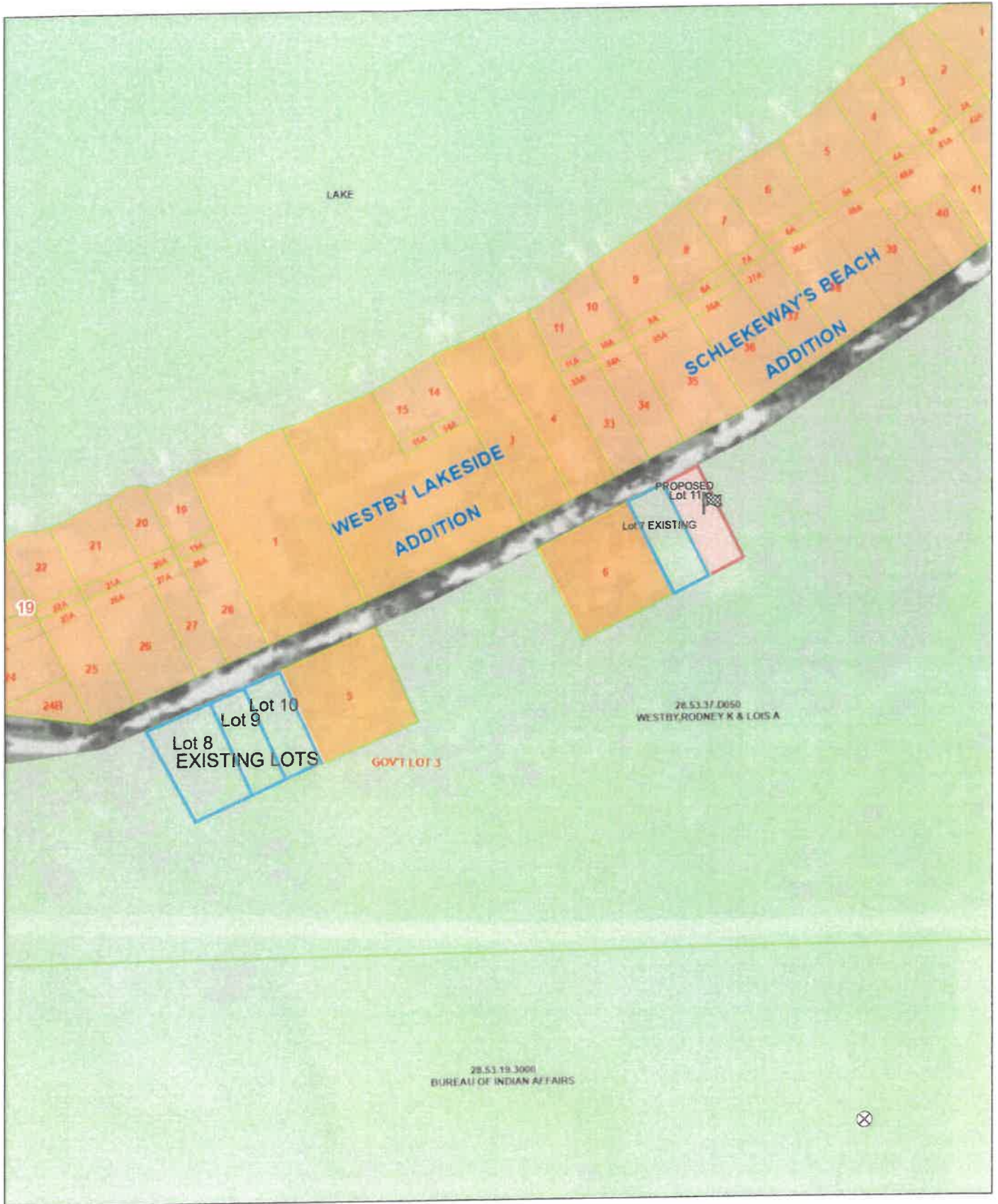
PARCELS

1:2,257





# MARSHALL COUNTY WEB VIEWER



8/31/2023, 1:11:11 PM

ZONING

- Agricultural District
- Lake Front Residential District

PLAT

SCHLEKEWAY'S BEACH ADDITION

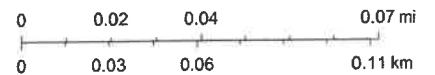
WESTBY LAKESIDE ADDITION

TOWNSHIPS

SECTIONS

PARCELS

1:2,257



## Variance – Rodney Westby

