

**Marshall County Planning & Zoning
STAFF REPORT
November 7, 2023**

OWNER/APPLICANT: Norman Grobe/Jeff Grobe

PROPERTY DESCRIPTION: Lot 4 in the Plat of Nordquist Fourth Addition in Gov't Lot 1, Section 21, T126N, R55W

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

REQUEST: Jeff Grobe has requested a variance to construct a retaining wall 22ft from the right-of-way line, instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. According to property cards, this property has been owned by the applicant since December 29, 1998.
2. There is a hoop shed located on this Lot; Building Permit No. 52-12.
3. The proposed retaining wall will be built for a camper to be placed on the property.
4. The road lying South of Lot 4 is a span of 66' and is maintained by the County.
5. Marshall County Ordinance states; Notwithstanding other provisions of this Ordinance fences, walls, and hedges may be permitted in any required yard. Except fences, walls, and hedges which are more than thirty (30) percent solid shall meet the requirements of Chapter 14. Further, the aforementioned fence, wall, or hedge shall not be constructed within thirty (30) feet of a public right-of-way or private road.
6. One written objection was received prior to the hearing.
7. Staff Recommendation – **8' variance to the road 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 the R-3 District.
 - a. The Board has not granted similar right-of-way line variances to lake lots in the past, when the neighbors had no objections.
 - i. The Fences Section of our Ordinance, Title 14, Chapter 14.7 was established when updates became effective on September 28, 2021.
 - 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 – 8' variance to the road 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 November 7, 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.

Jeff Grobe has requested a variance to construct a retaining wall on the property described as Lot 4 in the Plat of Nordquist Fourth Addition in Gov't Lot 1, Section 21, T126N, R55W. The petitioner is asking to place the wall 22ft from the right-of-way line, instead of the 30ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: October 25, 2023

17 (Oct 25)
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Erin Collins-Miles, Planning & Zoning Administrator
Published at an approximate cost of \$7.25 and can be viewed free of charge at www.sdpublicationnotices.com.

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

October 23, 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

Erin Collins-Miles
Planning and Zoning Administrator

Sent to the following adjacent landowners on 10/23/23:

1. Donna Small, MD – 380 East Nelson Ave. Stratford, SD 57474
2. Samuel & Amanda Nordquist – 444 W Roy Lake Ave. Lake City, SD 57247
3. Darren & Pamela Burchill – 3585 Bridgeview Dr. SE Rochester, MN 55904
4. Karen Zuehlke – 42010 SD HWY 10 Britton, SD 57430

Subject **Nordquist Fourth Addition Variance Request**
From <smallmd@venturecomm.net>
To <mczoning@venturecomm.net>
Date 2023-10-25 14:18

October 25, 2023

Dear Ms. Collins-Miles,

I am responding to your letter regarding the request for a variance to construct a retaining wall on the property described as Lot 4 in the Plat of Nordquist Fourth Addition in Gov't Lot 1, Section 21, T126N, R55W. Mr. Jeff Grobe requested this variance. Mr. Grobe contacted me on October 1, 2023, via telephone requesting to build a retaining wall up to my property line to the west of his property line. I declined that request and instructed Mr. Grobe to contact Marshall County and follow the Marshall County Zoning Ordinance requirements.

My husband (David Jark) and I were up to our Roy Lake property last weekend and noted that Mr. Grobe started to build a retaining wall. We (David Jark and Donna (Small)Jark M.D.) had great concerns if the county zoning ordinance requirements were being followed.

I received your letter today in the United States mail notifying me of the hearing regarding the variance request for Mr. Grobe to build the retaining wall 22 feet from the right-of-way line instead of the 30-foot requirement. Your letter notified me/us of the pending Marshall County Planning & Zoning meeting on November 7, 2023. Your letter requested that any concerns be stated in writing and forwarded to your office or expressed at the hearing. Please note the below concerns. I will not be able to attend the meeting since I am a physician with prior commitments, but my husband (David Jark) will attend and speak for us (David Jark and Donna (Small) Jark M.D.)

Please note the below concerns:

- 1 -- We 100% object to the above variance request for many reasons including safety, access (emergent such as fire and medical access to our property if developed in the future), and ordinances zoning requirements (the ordinance requirements were developed and set for the safety of the people).
- 2 -- Mr. Grobe plans to develop a recreational vehicle/camper site in front of the retaining wall, and if allowed would again compromise safety and access to our property.
- 3 -- Mr. Grobe does not have our permission to build the wall up to our property line. He must follow the zoning regulations.
- 4 -- Mr. Grobe has already started to build his retaining wall within the right-of-way line. I would think the Zoning Commissioners would have great concerns about proceeding with a build that has not been approved.
- 5 -- It appeared to us that Mr. Grobe already also installed a 55-gallon septic system in front of the developing retaining wall. We have great concerns about the regulations on this project since the runoff could affect our property. Also, the Web water pipe runs in the right-of-way line.
- 6 -- If one right-of-way variance is approved then more variance requests will follow. The Roy Lake access road will soon become a tunnel of structures and vehicles. Please look at the whole picture for the people and preserve the safety and access to the beautiful Glacial Lake/Roy Lake.

Please send me receipt that you received this document.

Thank you kindly for allowing the residents who live next to the property in question to express their thoughts and opinions,

Dr. Donna (Small) Jark
380 East Nelson Avenue
Stratford, SD 57474

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 10/17/2023

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) retaining wall within less than 30' of right of way 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 4 Nordquist Fourth Addition
Sect 21 Township 126N Range 55W

Reason: _____
construct retaining wall approximately 22' from road right of way for camper pad

Applicant Name: Jeff Grobe Phone: 605-881-0623

Address: 1000 Silver Ln, Aberdeen, SD 57401

Applicant Signature: Jeff Grobe DocuSigned by: _____

Owner Signature (if different than applicant): Norman Grobe
A8448E2B2FC1427...

For Internal Office Use Only:

Date Received: 10/17/23 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: November 7, 2023

Action taken by Planning and Zoning Commission: _____

NORTH

Camper-
not permanent

Garden
Shed

Canopy

Old Shed
to be destroyed

E

GROBE
NORMAN
OR CAROL

Approximate Size of in-ground wall

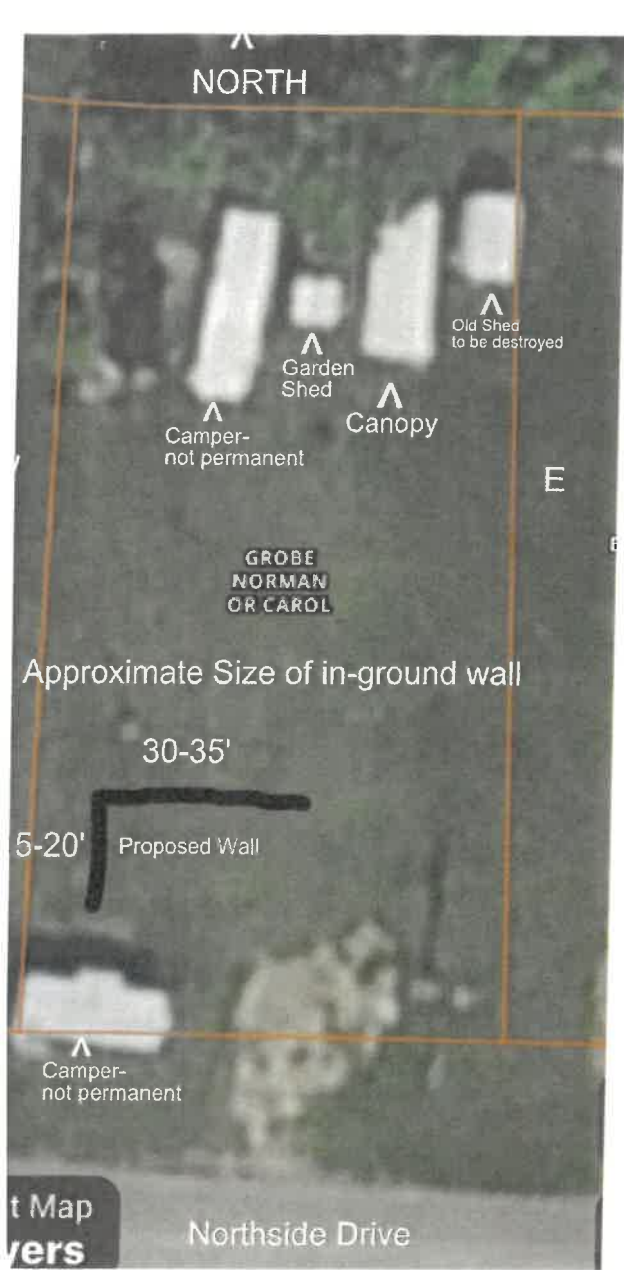
30-35'

5-20' Proposed Wall

Camper-
not permanent

t Map
yers

Northside Drive



Plat of Nordquist Fourth Addition in Gov't Lot 1, Section 21, T126N, R55 West of the 5th P.M. in the County of Marshall, South Dakota.

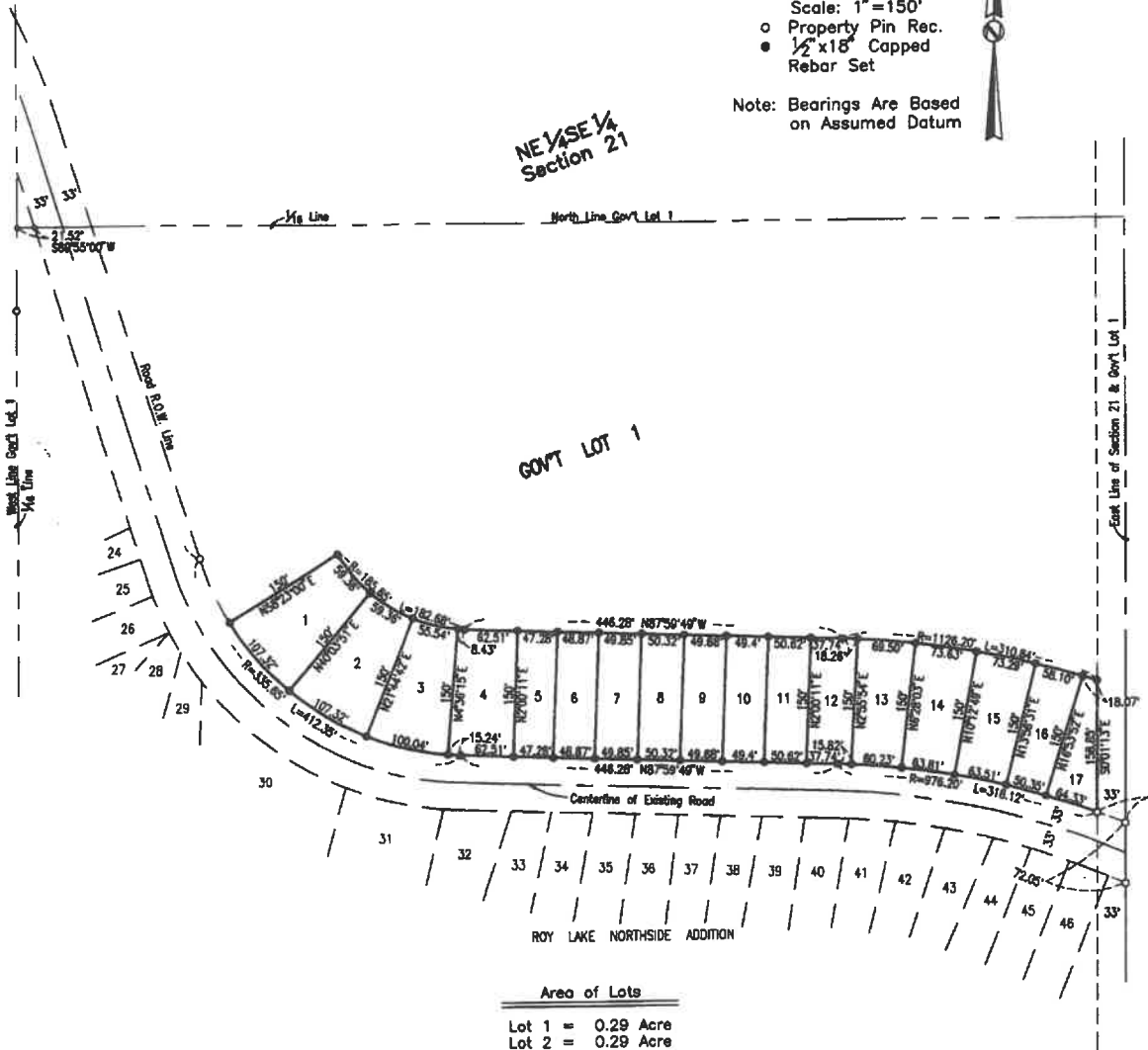
Being a Replat of a Portion of Gov't Lot 1 of the plat entitled: "Sigaty's
Subdivision Located in Section 21, T126N, R55W of the 5th P.M.,
Marshall County, South Dakota."

September 1998

Scale: 1"=150'

- Property Pin Rec.
- 1/2" x 18" Capped Rebar Set

Note: Bearings Are Based
on Assumed Datum



Area of Lots

Lot 1 =	0.29 Acre
Lot 2 =	0.29 Acre
Lot 3 =	0.27 Acre
Lot 4 =	0.26 Acre
Lot 5 =	0.16 Acre
Lot 6 =	0.17 Acre
Lot 7 =	0.17 Acre
Lot 8 =	0.17 Acre
Lot 9 =	0.17 Acre
Lot 10 =	0.17 Acre
Lot 11 =	0.17 Acre
Lot 12 =	0.19 Acre
Lot 13 =	0.22 Acre
Lot 14 =	0.24 Acre
Lot 15 =	0.24 Acre
Lot 16 =	0.19 Acre
Lot 17 =	0.14 Acre

Note: Dimension Lengths Shown
along Curves are Arc Lengths

MARSHALL COUNTY WEB VIEWER



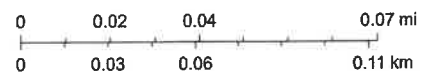
10/31/2023, 3:22:31 PM

PLAT

- GANGLE'S SUBDIVISION
- NORDQUIST 4TH ADDITION
- NORDQUIST 5TH ADDITION
- ROY LAKE NORTHSIDE ADDITION

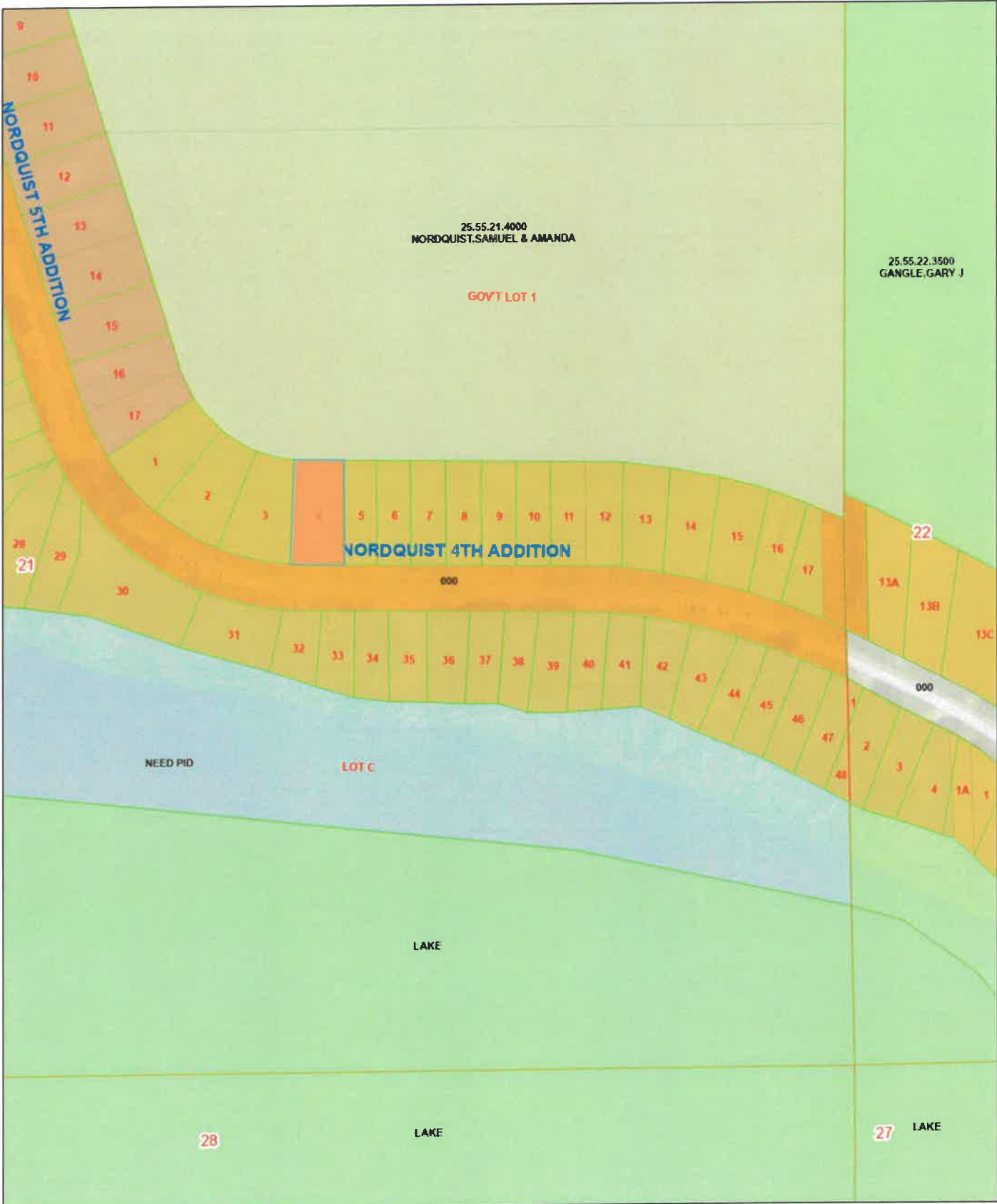
- SIGATY'S 2ND SUBDIVISION
- SIGATY'S SUBDIVISION
- TOWNSHIPS
- SECTIONS
- PARCELS

1:2,257



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

MARSHALL COUNTY WEB VIEWER



10/31/2023, 3:23:52 PM

ZONING

- Agricultural District
- Lake Front Residential District

PLAT

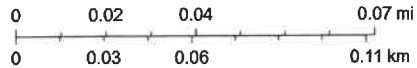
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Variance –Jeff Grobe



