

Marshall County Planning & Zoning
STAFF REPORT
March 5, 2024
Issue: Variance for Lot Size

OWNER/APPLICANT: Korey Freudenthal

PROPERTY DESCRIPTION: Proposed Lot 1 in the Proposed Plat of F & M Subdivision in the NE1/4SW1/4 of Section 27, T126N, R55W of the 5th P.M., Marshall County, South Dakota. (Proposed Plat available in the office of the Zoning Administrator.)

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Rodney The petitioner is asking to create Lot 1 with widths of 62.46 & 50 feet, instead of the 75-foot requirement and with depths of 86.64 & 85.36 feet, instead of the 150-foot requirements for all lots without shoreline frontage, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The proposed Lot in question is part of a plat that will be going through in the coming weeks. A variance application is required to be approved prior to a plat being filed.
2. The proposed Lot is expected to be sold to one of the neighboring landowners.
3. The proposed buyers have a mortgaged property (Lot 1A), which is the reason they can't replat as one lot currently. They will revisit the idea at a later date.
4. Proposed Lot 1 does not meet width or depth requirements to comply with Marshall County Zoning Ordinances.
5. Marshall County Ordinance requires that all lots without shoreline frontage shall have a minimum width of seventy-five (75) feet and a minimum depth of one hundred fifty (150) feet.
6. No written comments or objections were received prior to the hearing.
7. **Staff Recommendation – 25' (East) and 12.54' (West) variance to the lot size width requirement and a 63.36' (North) and 64.64' (South) variance to the lot size depth requirement.**
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 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) and various lot sizes for R. & L. Westby 11/22.
 - 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 – 25' (East) and 12.54' (West) variance to the lot size width requirement and a 63.36' (North) and 64.64' (South) variance to the lot size depth requirement.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on March 5, 2024 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for variance from the Marshall County Zoning Ordinance.

Korey Freudenthal has requested a variance to lot size for proposed Lot 1 in the Proposed Plat of F & M Subdivision in the NE1/4SW1/4 of Section 27, T126N, R55W 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 1 with widths of 62.46 & 50 feet, instead of the 75-foot requirement and with depths of 86.64 & 85.36 feet, instead of the 150-foot requirements for all lots without shoreline frontage, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: February 21, 2024

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Erin Collins-Miles
&
Zoning
Administrator
Published at an approximate cost of \$9.28 and can be viewed free of charge at www.sdpublicnotices.com.

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 1/24/24

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) Lot Size 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): _____

Reason: Doesn't meet Lot Size requirement

Applicant Name: Korey Freudenthal Phone: 605-380-5727

Address: 13751 403 ave Groton SD 57445

Applicant Signature: [Signature]

Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 2/15/24 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: March 5, 2024

Action taken by Planning and Zoning Commission: _____

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

February 20, 2024

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

Sent to the following adjacent landowners on 2/20/24:

1. Gary Gangle – 11624 SD HWY 25 Lake City, SD 57247
2. Tyler & Darah Melroe – P.O. Box 227 Britton, SD 57430
3. Dean & Gaylene Haar – 932 S Washington St. Aberdeen, SD 57401

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Planning and Zoning Administrator

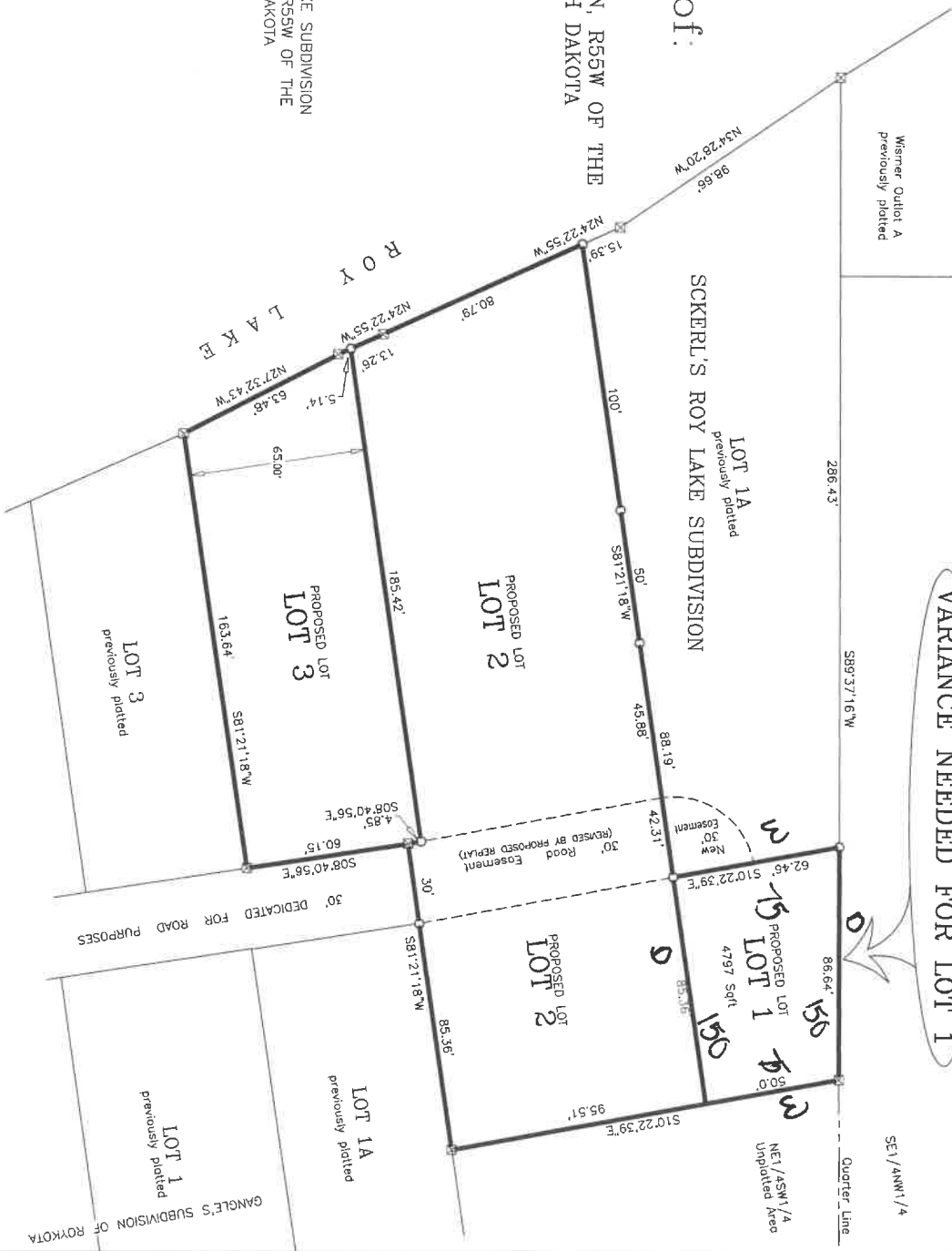
PRELIMINARY

Proposed Plat of:

F & M SUBDIVISION
IN THE NE1/4SW1/4 OF SECTION 27, T126N, R55W OF THE
5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA

THIS PLAT SHALL VACATE
LOT 1B, 1C AND LOT 2A OF SCKERL'S ROY LAKE SUBDIVISION
IN THE NE1/4SW1/4 OF SECTION 27, T126N, R55W OF THE
5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA

- GPS-NORTH
- SCALE: 1" = 50'
- O = CAPPED IRON PIN SET
- ⊠ = RECOVERED MONUMENT
- ± 1" IRON PIPE
- Distance Between Recovered Monuments shown as Measured



DRAWN: 12/8/23

HOLLTON ENGINEERING INC.
512 VETERANS AVE. SISSETON, SD PH: 1-605-698-3850 ROYLAKE-P422



MARSHALL COUNTY WEB VIEWER



2/29/2024, 12:20:36 PM

DFIRM DATA

PLAT A

PLAT

GANGLE'S SUBDIVISION

SCKERL'S SUBDIVISION

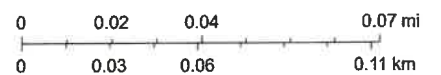
WISMER'S ADDITION

TOWNSHIPS

SECTIONS

PARCELS

1:2,257



MARSHALL COUNTY WEB VIEWER



2/29/2024, 12:21:49 PM

ZONING

- Agricultural District
- Lake Front Residential District

DFIRM DATA

- A

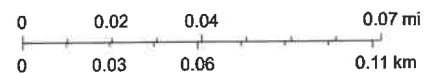
PLAT

GANGLE'S SUBDIVISION

SCKERL'S SUBDIVISION

- WISMER'S ADDITION
- TOWNSHIPS
- SECTIONS
- PARCELS

1:2,257



Variance – Freudenthal





