

**Marshall County Planning & Zoning
STAFF REPORT
May 21, 2024**

OWNER/APPLICANT: Thomas Satrang

PROPERTY DESCRIPTION: Lot 12 in the Plat showing Roy Lake Northside Addition in the SE1/4 of Section 21 & the SW1/4 of Section 22, T126N, R55W

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

REQUEST: Pertaining to the Lot line closest to the road; the petitioner is asking to build the home 2.4 feet at the SE corner and 4.7 feet at the NE corner from the right-of-way line, instead of the 30ft requirement. The petitioner is also asking to construct a deck 21.5 feet from the normal high-water mark instead of the 50ft requirement; all per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. This property has been owned by the applicants since February 23, 2007.
2. There is currently a mobile home on the property, which will be replaced by the proposed structure. There is also a shed located on the lot.
3. The petitioner is asking for the variance due to lack of space within the lot, per their request.
4. The road lying to the East is maintained by the County. The road is a span of 66'.
5. Lot 12 has an average depth of approximately 112.9ft and a width of approximately 48.83ft.
6. 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: 25ft.
7. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line and 50ft from the normal high-water mark.
8. No written comments or objections were received prior to the hearing.
9. Staff Recommendation – **27.6' (SE corner) and a 25.3 (NE corner) variance to the road right-of-way line setback and a 28.5' variance to the normal high-water mark 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 right-of-way line variances to lake lots in the past, when the neighbors had no objections.
 - i. Similar right-of-way line variances allowed – 29' for R. Mahoney 10/12 (County ROW), 28' for C. Roerich 9/14 (private), 26' for R. Tom 7/16 (private)
 - b. 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 – 31' for D. & K. Docter 10/2020, 25' for K. Freudenthal 4/19, 25' for A. & M. Feia 4/21, 33' for D. Siefkes 9/22
 - c. The Board would consider approving other similar requests meeting the unique circumstances.
11. 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 – 27.6' (SE corner) and a 25.3 (NE corner) variance to the road right-of-way line setback and a 28.5' 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 May 21, 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.

Thomas Satrang has requested a variance to build a home on the property described as Lot 12 in the Plat showing Roy Lake Northside Addition in the SE1/4 of Section 21 & the SW1/4 of Section 22, T126N, R55W. Pertaining to the Lot line closest to the road; the petitioner is asking to build the home 2.4 feet at the SE corner and 4.7 feet at the NE corner from the right-of-way line, instead of the 30ft requirement. The petitioner is also asking to construct a deck 21.5 feet from the normal high-water mark instead of the 50ft requirement; all per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: May 8, 2024

IT(May 8)
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Published at an approximate cost of \$9.57 and can be viewed free of charge at www.sdpublicnotices.com.

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 4.18.24

**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) a home 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): Lot 12 Northside Addition Ruy Lake Section 21

Reason: to build a home because of lot size deck toward the lake

Applicant Name: Thomas Satrang Phone: 605-268-0398
Address: 438732 Northside Dr, Lake City, SD 57247
Applicant Signature: [Signature]
Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 4/18/24 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: _____

Action taken by Planning and Zoning Commission: _____

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

May 7, 2024

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on May 21, 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.

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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 5/7/24:

1. Bryce Wayne Hanson – 438727 Northside Dr. Lake City, SD 57247
2. Nicholas Fosness – 42476 Golfview Dr. Britton, SD 57430

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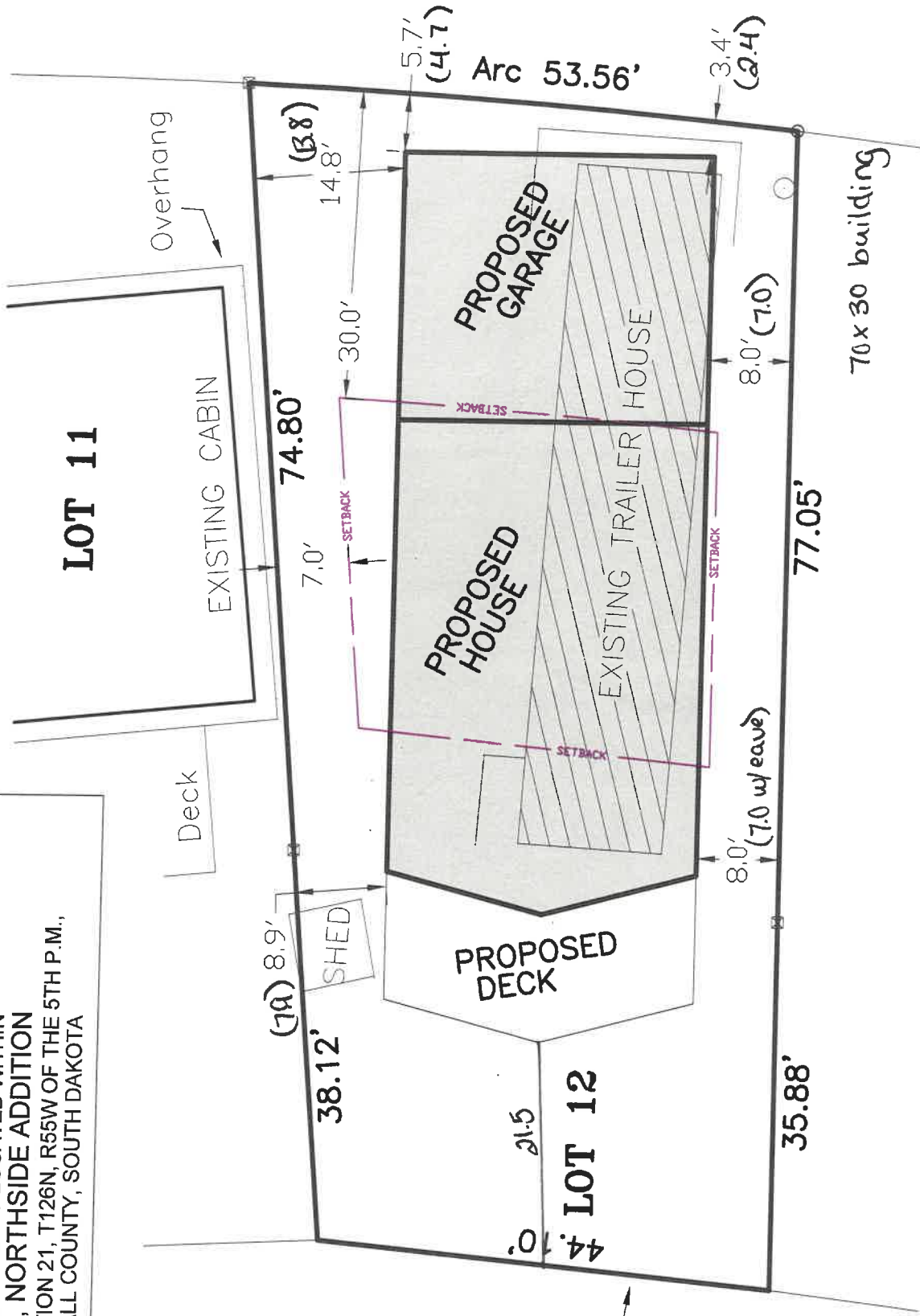
Sincerely,

Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator

SITE SKETCH


OF THE PROPERTY LOCATED WITHIN
 LOT 12, NORTHSIDE ADDITION
 LOCATED IN SECTION 21, T126N, R55W OF THE 5TH P.M.,
 MARSHALL COUNTY, SOUTH DAKOTA



Roy Lake

Approx Ordinary
 High Water Mark
 As Shown on Plat

LOT 13
 Structure not located

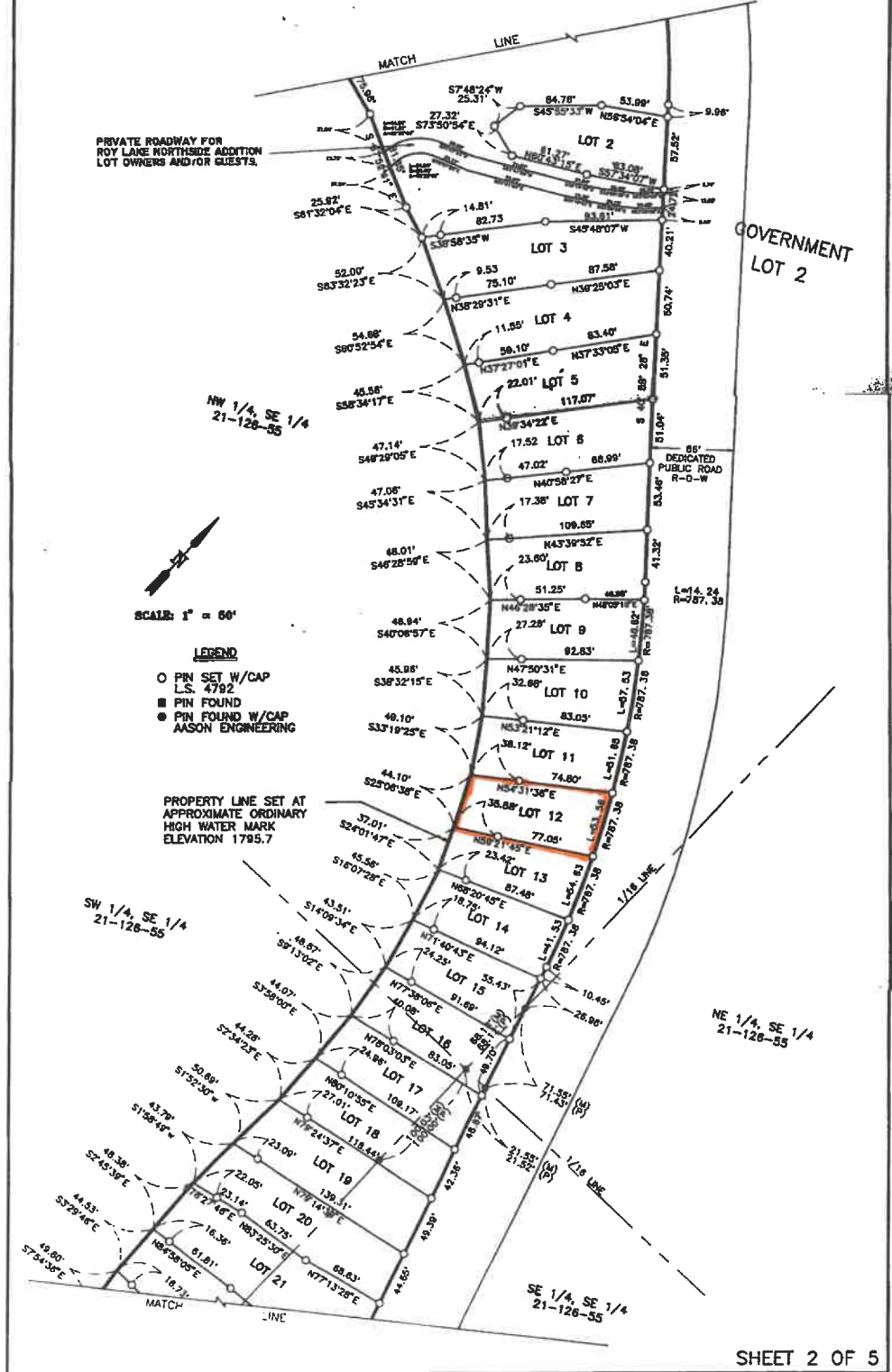


GPS-NORTH
 SCALE: 1" = 15'
 O = CAPPED IRON PIN SET
 X = RECOVERED MONUMENT
 SURVEY PERFORMED WITHOUT THE
 BENEFIT OF A TITLE COMMITMENT



Holton
 SURVEYING & DESIGN, LLC
 128 E HICKORY ST, SISSETON SD PH 605-698-3850
 DRAWN: 4/30/2024 FIELD:

PLAT SHOWING
ROY LAKE NORTHSIDE ADDITION
IN THE SE 1/4 OF SEC. 21 & THE SW 1/4 SEC. 22
T126N-R55W OF THE 5th P.M.
MARSHALL COUNTY, SOUTH DAKOTA



PRIVATE ROADWAY FOR ROY LAKE NORTHSIDE ADDITION LOT OWNERS AND/OR GUESTS.

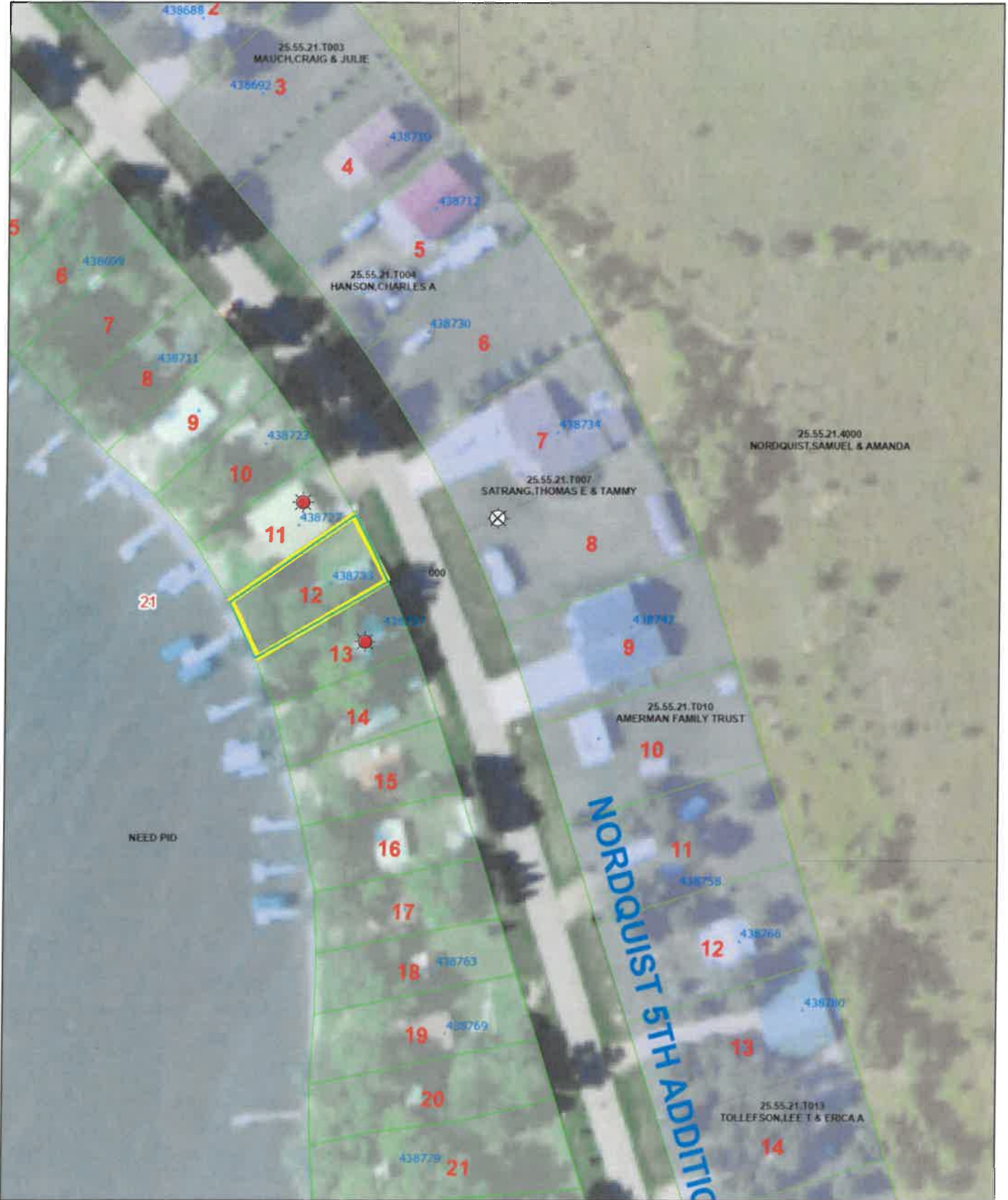
GOVERNMENT LOT 2

SCALE: 1" = 60'

- LEGEND**
- PIN SET W/CAP L.S. 4792
 - PIN FOUND
 - PIN FOUND W/CAP AASON ENGINEERING

PROPERTY LINE SET AT APPROXIMATE ORDINARY HIGH WATER MARK ELEVATION 1795.7

MARSHALL COUNTY WEB VIEWER



5/7/2024, 2:48:37 PM

• MarshallAddressPoints

PLAT

■ NORDQUIST 5TH ADDITION

■ ROY LAKE NORTHSIDE ADDITION

■ SIGATY'S 2ND SUBDIVISION

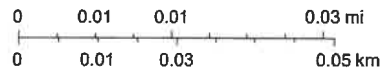
■ SIGATY'S SUBDIVISION

■ TOWNSHIPS

■ SECTIONS

■ PARCELS

1:1,128



Variance – Thomas Satrang







