

**Marshall County Planning & Zoning  
STAFF REPORT  
May 21, 2024  
Issue: Variance for Lot Size**

**OWNER/APPLICANT:** Wayne Schlekewy

**PROPERTY DESCRIPTION:** Proposed Lots 14, 15, 17, 18 & 19 in the Rezone Sketch showing a Part of the unplatted portion of Government Lot 3 in Section 12, T126N, R54W As shown as proposed Lots 16, 17, 18 and 19, Block 1, Schlekewy Addition. (rezone sketch available in the office of the Zoning Administrator.)

**CURRENT ZONING:** Agricultural (Ag); proposed to be Lake Front Residential (R-3) through Rezone application

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

**REQUEST:** The petitioner is asking to create Lot 14 with depths of 131.97 & 140 feet and Lot 15 with depths of 140 feet instead of the 200-foot requirement. The petitioner is asking to create Lot 17 with a width of 50 feet and 18 & 19 with widths of 75 feet, instead of the 100-foot requirements for minimum lot road frontage, per the Marshall County Zoning Ordinance.

**HISTORY/ISSUE(S):**

1. The proposed Lots in question is part of a plat that will be going through in the coming weeks. A variance and rezone application are required to be approved prior to a plat being filed.
2. The proposed Lots 14 & 15 lie South of the Road and are lakefront properties, and Lots 17-19 lie North of the road and are currently zoned as Ag (see rezone application).
3. Proposed Lot 14 contains a house and garage and proposed Lot 18 has a shed on the property.
4. Proposed Lots 14 & 15 do not meet depth requirements and proposed Lots 17-19 do not meet width requirements to comply with Marshall County Zoning Ordinances.
5. Marshall County Ordinance requires that Each lot shall have a depth of not less than two hundred (200) feet and shall have a shoreline frontage width of not less than one hundred (100) feet. The minimum lot road frontage shall not be less than one hundred (100) feet in width.
6. No written comments or objections were received prior to the hearing.
7. Staff Recommendation – **Lot 14; 68.03' (East side) & 60' (West side) variance to lot size depth, Lot 15; 60' variance to both the East and West lot size depths, Lot 17; 50' variance to lot size width, Lots 18 & 19; 25' variance to lot size widths**
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), various lot sizes for R. & L. Westby 11/22 and 25' & 12.54' for K. Freudenthal 3/24.
  - 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 – Lot 14; 68.03' (East side) & 60' (West side) variance to lot size depth, Lot 15; 60' variance to both the East and West lot size depths, Lot 17; 50' variance to lot size width, Lots 18 & 19; 25' variance to lot size widths**

**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.

Wayne Schlekewy has requested a variance to lot size for proposed Lots 14, 15, 17, 18 & 19 in the Rezone Sketch showing a Part of the unplatted portion of Government Lot 3 in Section 12, T126N, R54W As shown as proposed Lots 16, 17, 18 and 19, Block 1, Schlekewy Addition. (rezone sketch available in the office of the Zoning Administrator.) The petitioner is asking to create Lot 14 with depths of 131.97 & 140 feet and Lot 15 with depths of 140 feet instead of the 200-foot requirement. The petitioner is asking to create Lot 17 with a width of 50 feet and 18 & 19 with widths of 75 feet, instead of the 100-foot requirements for minimum lot road frontage, per the Marshall County Zoning Ordinance.

Erin Collins-Miles  
Planning & Zoning Administrator

Published once at the approximate cost of

*For publication: May 8, 2024*

1T(May 8)  
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Erin Collins-Miles Planning & Zoning Administrator  
Published at an approximate cost of \$10.44 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

**MARSHALL COUNTY APPLICATION FOR VARIANCE**

DATE: April 30 2024

**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) \_\_\_\_\_ 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: Variance on Lot Dimensions: Proposed Lots 14, 15 depth requirement is 150' which we not meet. Proposed Lot 17 does not meet road width of ~~75~~ ~~100~~ ~~75~~ 100'.

Applicant Name: Wayne Schlekewy Phone: 702 370 4938

Address: 442101 Schlekewy Drive, Lake City, S.D.

Applicant Signature: Phil Mistek

Owner Signature (if different than applicant): \_\_\_\_\_

**For Internal Office Use Only:**

Date Received: 4/30/24 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,

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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

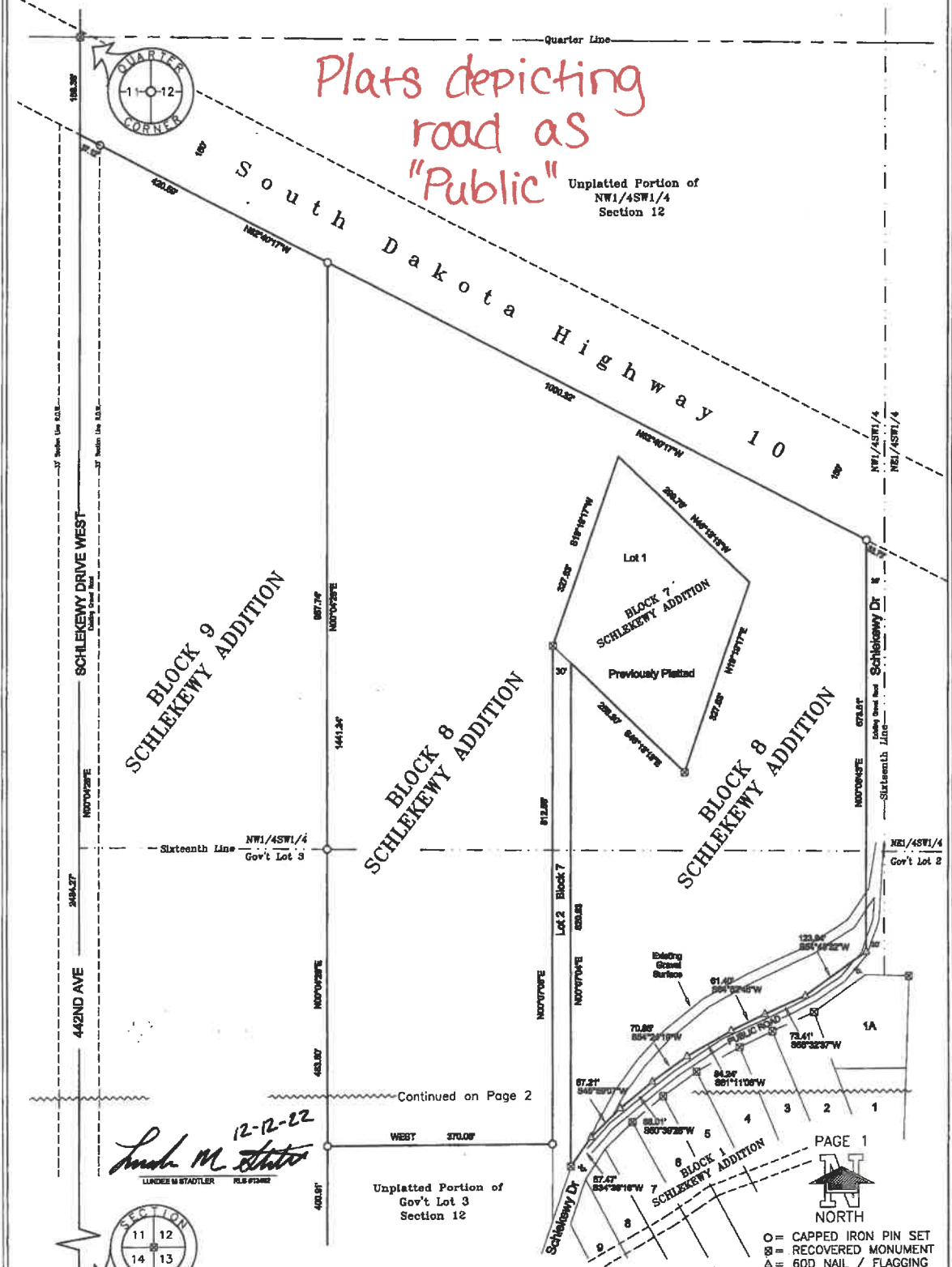
**Sent to the following adjacent landowners on 5/7/24:**

1. William Torness – 442253 Schlekewy Dr. E Lake City, SD 57247
2. Waylin & Amy Buss – 509 N Sunday Dr. Brandon, SD 57005
3. Scott Purintun – P.O. Box 891 Britton, SD 57430
4. Mark & Emily Hrabik – P.O. Box 516 Britton, SD 57430
5. Stephen Oetken – 5883 Tee To Green St. Saint Cloud, MN 56304
6. Peter & Carol Oetken – 756 S 4<sup>th</sup> Ave. Sioux Falls, SD 57104
7. Patrick & Ember Dady – 45872 118<sup>th</sup> St. Sisseton, SD 57262



**PLAT OF**  
**BLOCKS 8 AND 9 IN SCHLEKEWY ADDITION IN GOV'T LOT 3 AND THE**  
**NW1/4SW1/4 OF SECTION 12, T126N, R54W OF THE 5TH P.M., MARSHALL**  
**COUNTY, SOUTH DAKOTA**

*Plats depicting  
road as  
"Public"*



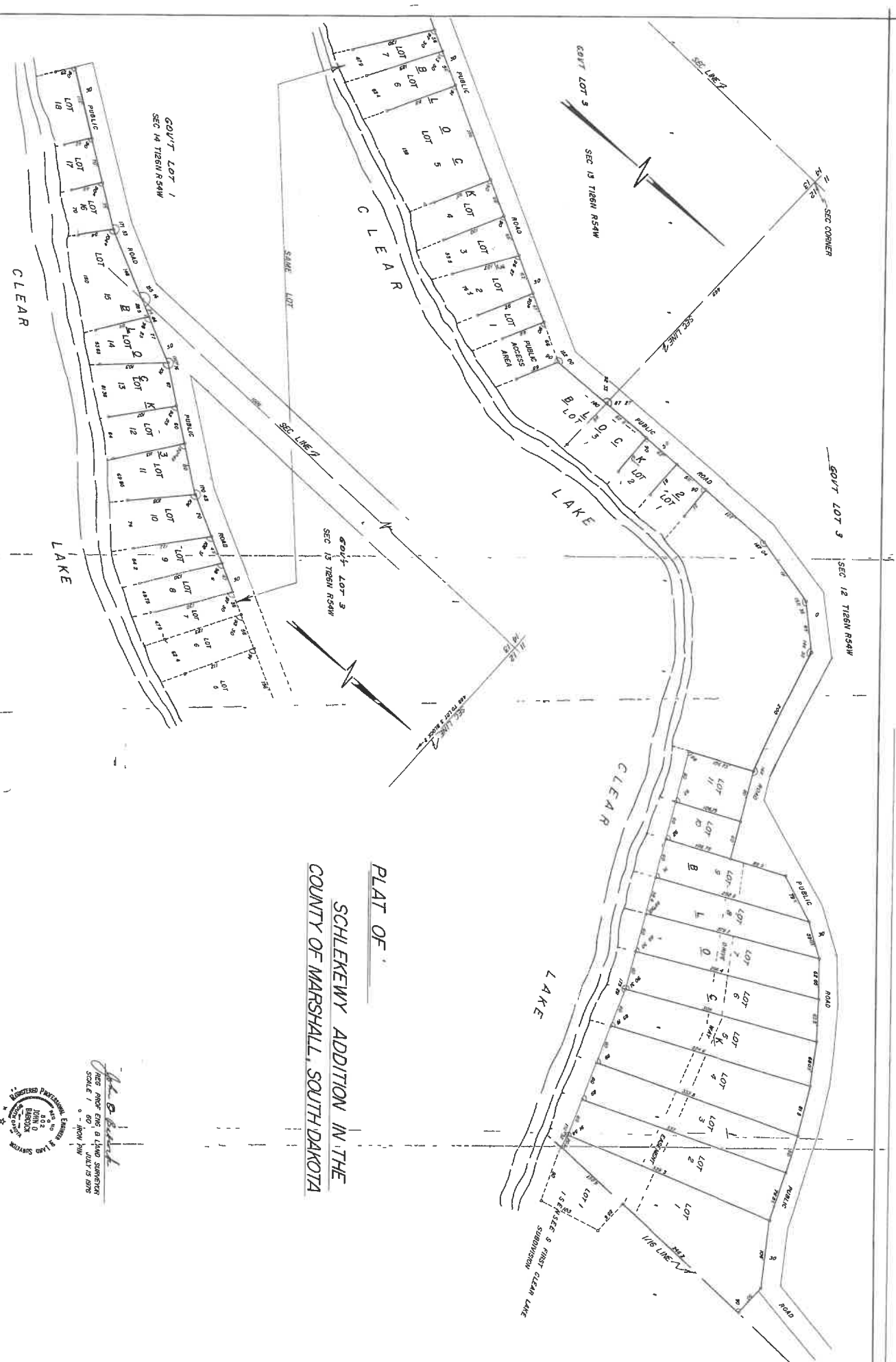
*12-12-22*  
*Lucretia M. Statler*  
 LUNDEEN & STATLER RLS #12482

Unplatted Portion of Gov't Lot 3 Section 12

- O = CAPPED IRON PIN SET
- ⊗ = RECOVERED MONUMENT
- Δ = 60D NAIL / FLAGGING

**HOLTON ENGINEERING INC.**





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

*John O. Erickson*  
 JOHN O. ERICKSON  
 REGISTERED PROFESSIONAL ENGINEER & LAND SURVEYOR  
 1105 10TH AVE. S. & 14TH ST. S.W.  
 SCALE 1" = 60' ±  
 1907 MAY 25 878

2:30



+1 (702) 373-7566

iMessage  
Tuesday 1:55 PM

Hi Erin, I Wayne Schlekewy here by give Rick Misterek permission to sign the necessary paperwork to complete the plotting of the Schlekewy land. Thank you! Wayne Schlekewy please call if you need any additional information. 702-370-4938

The sender is not in your contact list.

[Report Junk](#)



iMessage



# MARSHALL COUNTY WEB VIEWER



5/16/2024, 2:22:10 PM

PLAT

BAIR'S ADDITION

EAST VIEW ADDITION

ISENSEE'S 1ST SUBDIVISION

ISENSEE'S 2ND SUBDIVISION

SCHLEKEWY'S ADDITION

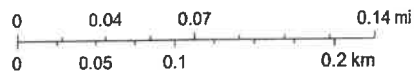
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TOWNSHIPS

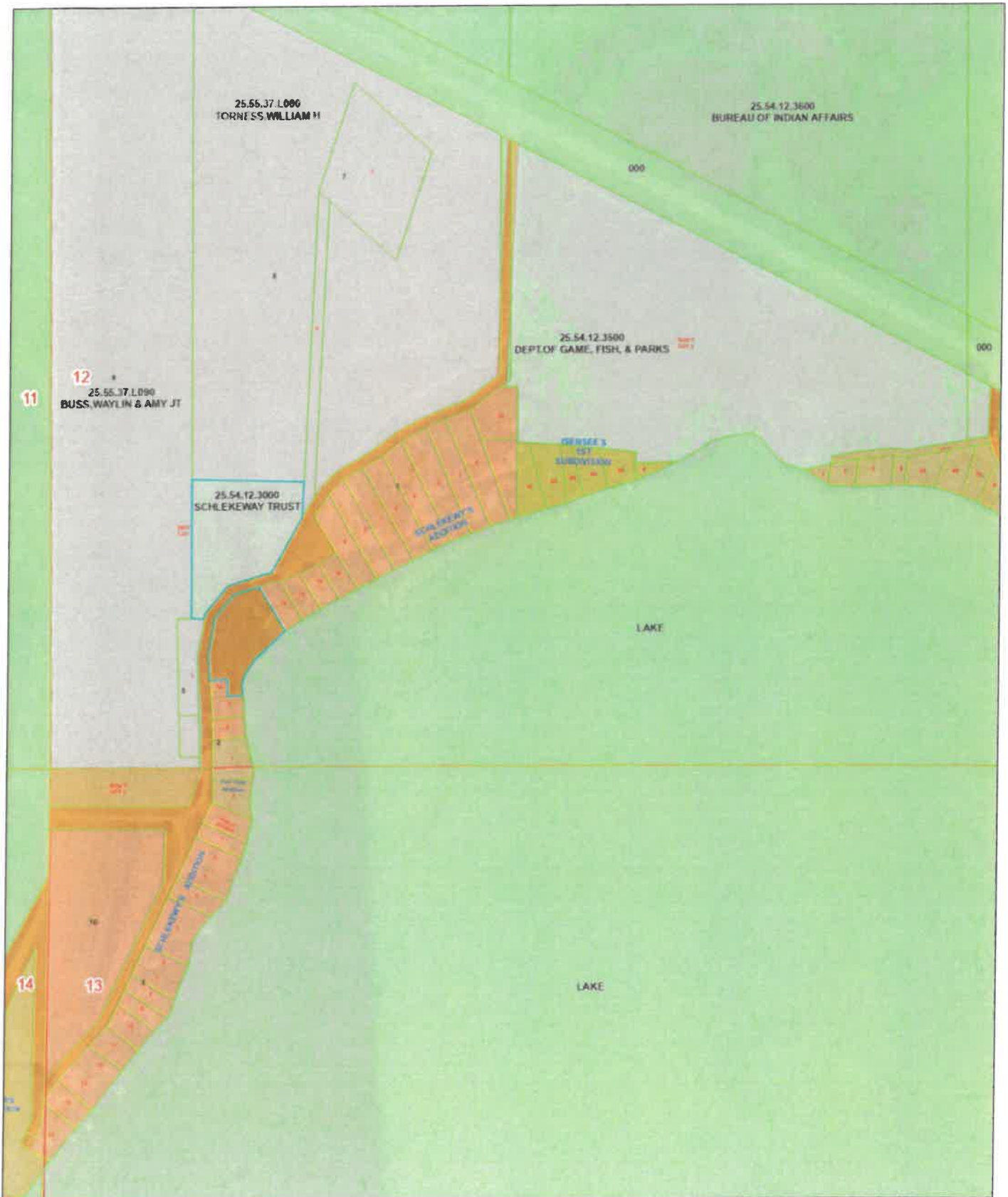
SECTIONS

PARCELS

1:4,514



# MARSHALL COUNTY WEB VIEWER



5/16/2024, 2:21:11 PM

**ZONING**

- Agricultural District
- Lake Front Residential District

**PLAT**

- BAIR'S ADDITION
- EAST VIEW ADDITION
- ISENSEE'S 1ST SUBDIVISION

**ISENSEE'S 2ND SUBDIVISION**

SCHLEKEWY'S ADDITION

<Null>

TOWNSHIPS

SECTIONS

PARCELS

1:4,514

