

**Marshall County Planning & Zoning
STAFF REPORT
June 18, 2024**

OWNER/APPLICANT: Doug & Amy Jo Vietor

PROPERTY DESCRIPTION: Lot 7 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: The petitioner has requested a variance to construct a platform with stairs and a railing. They are asking to place the railing 1ft from the East property line, instead of the 7ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The property has been owned by the applicants since 11/15/12. The applicants also own Lot 35 directly South of the road.
2. A house was moved on to the Lot with the approval of building permit #34-22. This permit was approved on 6/30/22
3. The road lying to the South is maintained by the County. The road is a span of 66'.
4. There have been some drainage issues with the move of the house onto the lot. The applicants are working to remedy the issue.
 - a. The proposed platform and railing would be constructed over top of a divot in concrete which has been poured to assist in the drainage of water within the Lot.
5. The applicants wish to construct the platform with an attached railing for safety for a more handicap accessible entrance to the home.
6. Marshall County Ordinance requires new structures to be placed a minimum of 7ft from a property line.
7. One written comment/objection was received prior to the hearing.
8. Staff Recommendation – **6' variance to the property line setback.**
9. 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 property line variances allowed – 2' & 2.5' for D. Eiel 6/23, 1' for J. Nordquist 5/23, 2' for L. & J. Johnson 4/22, 1' for C. Moeckly 9/21 and 3' for R. Renner 6/21, 5' for D. Brake 6/23
 - b. The Board would consider approving other similar requests meeting the unique circumstances.
10. 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 – 6' variance to the property line setback.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on June 18, 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.

Doug & Amy Jo Vietor have requested a variance to construct a platform with stairs and a railing on the property described as Lot 7 in the Plat of Nordquist Fourth Addition in Gov't Lot 1, Section 21, T126N, R55W. The petitioner is asking to place the railing 1ft from the East property line, instead of the 7ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: May 29, 2024

1T(May 29)
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MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 5.20.2024

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) deck within 12" or less 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 7 Nordquist 4th Addition in Govt Lot 1 Section 21 T126N R. 55W Parcel # 25.55.37.5007

Reason: Safe access to lake house for elderly walker users

Applicant Name: Doug & Amy Jo Victor Phone: 605 290 5074

Address: 11334 420th ave

Applicant Signature: Britton SD 57430

Owner Signature (if different than applicant): 

For Internal Office Use Only:

Date Received: 5/20/24 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: June, 18 2024

Action taken by Planning and Zoning Commission: _____

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

May 24, 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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Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator

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

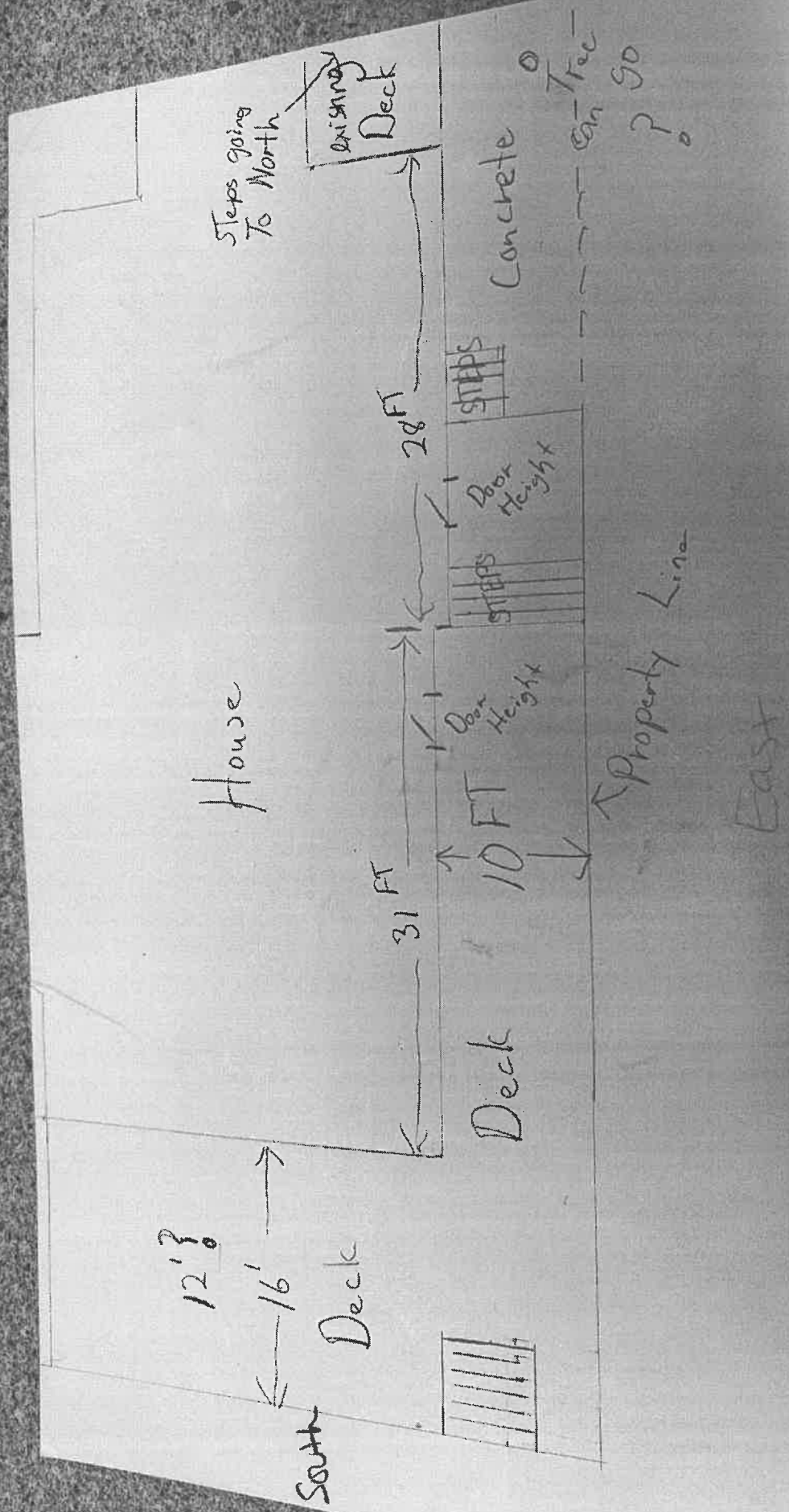
1. Karen Zuehlke – 42010 SD HWY 10 Britton, SD 57430
2. Samuel & Amanda Nordquist – 444 W Roy Lake Ave. Lake City, SD 57247
3. Lisa Dahme – 438906 Northside Dr. Lake City, SD 57247

marshaw co Planning + zoning

I have a potential buyer for my property on Roy Lake. The buyer does not want anything constructed beyond the 7 foot required property line. I am unable to attend the meeting but Jared Holland will represent me at the meeting. I can not approve the easement but I am hoping something can get worked out with the water drainage between buyer and the victors.

Jill Dahme

Lisa Dahme
438906 Northside Dr
Lake City, SD 57247



12'?

← 16' →

Deck

South

House

31 FT

Deck

10 FT

Door Height

STEPS

Door Height

STEPS

28 FT

Concrete

Steps going To North

existing Deck

Can Tree Go?

Property Line

East

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.

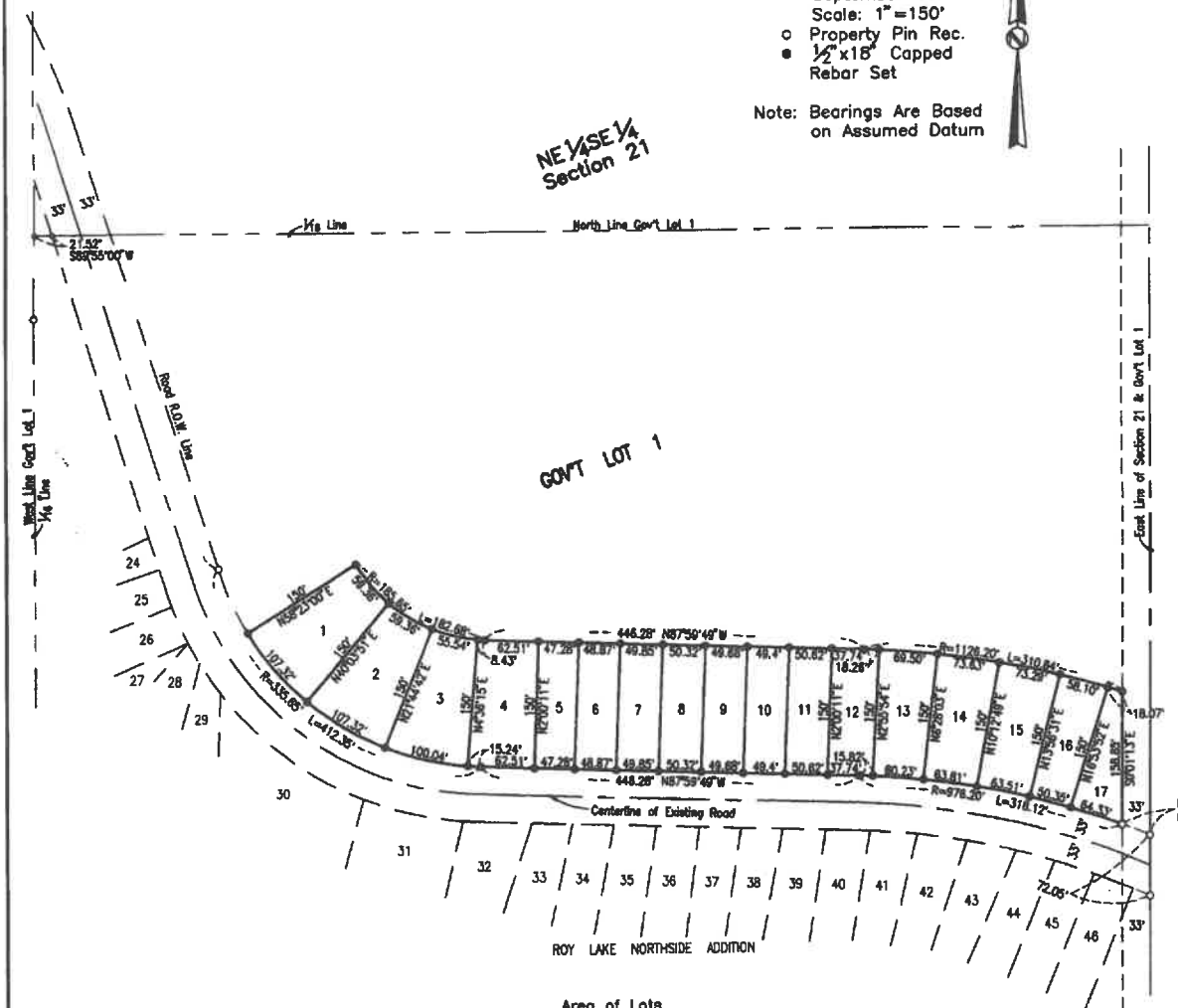
Being a Replat of a Portion of Gov't Lot 1 of the plat entitled: "Sigaty's
Subdivision Located in Section 21, T126N, R55W of the 5th P.M.,
Marshall County, South Dakota."

September 1998

Scale: 1"=150'

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

Note: Bearings Are Based on Assumed Datum

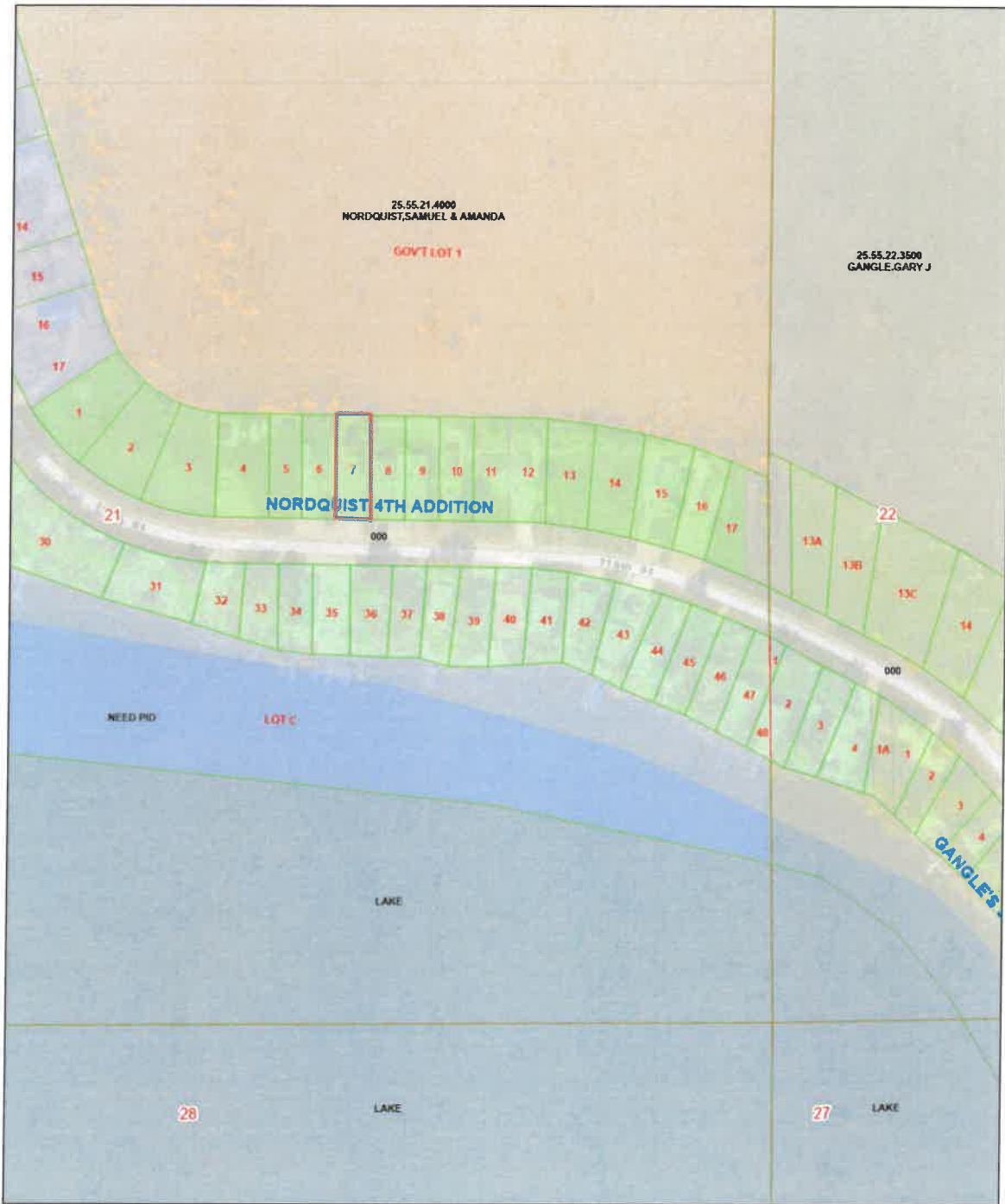


Area of Lots

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

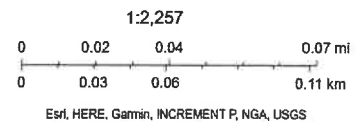
MARSHALL COUNTY WEB VIEWER



6/12/2024, 1:30:58 PM

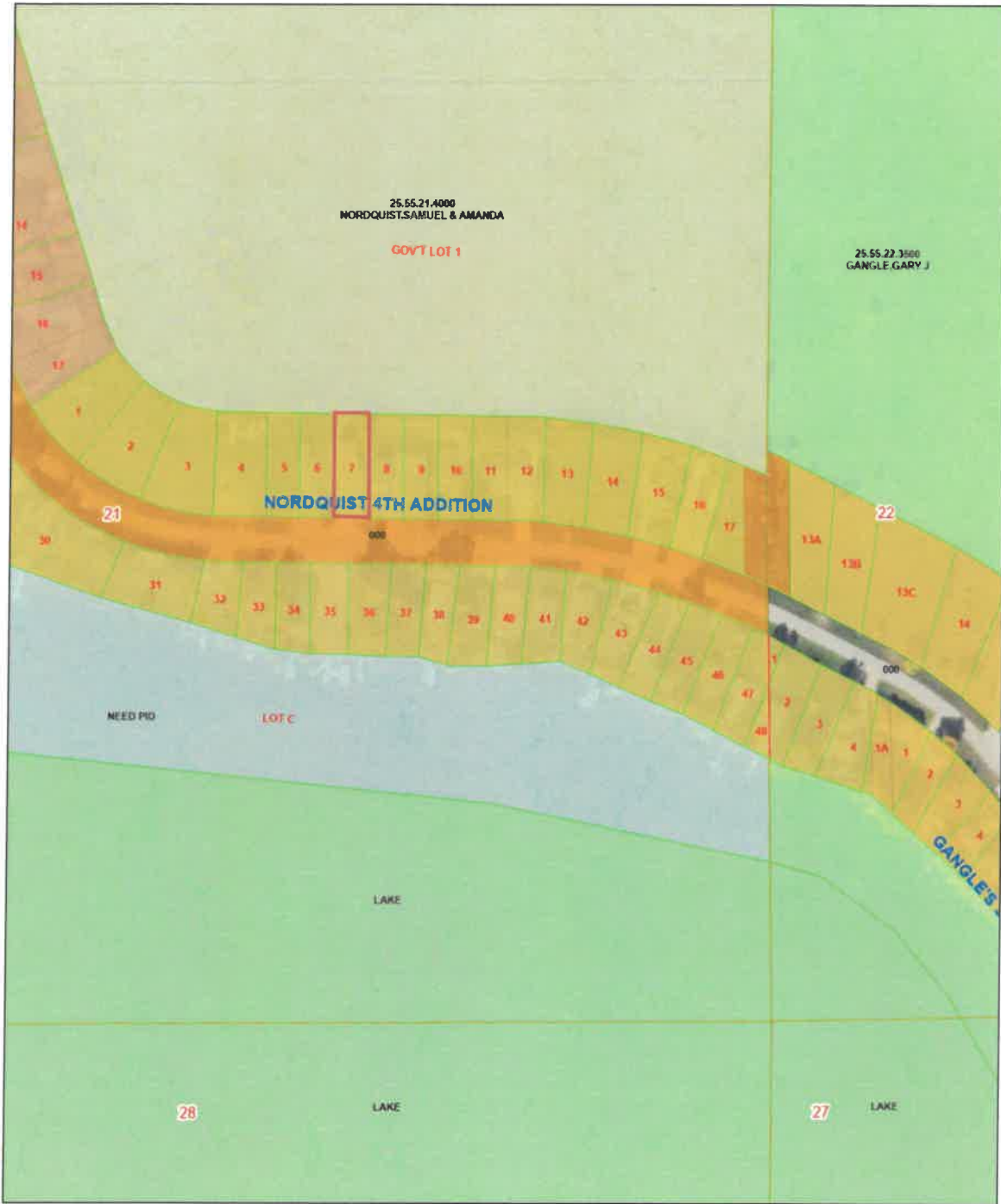
PLAT

- GANGLE'S SUBDIVISION
- NORDQUIST 4TH ADDITION
- NORDQUIST 5TH ADDITION
- ROY LAKE NORTHSIDE ADDITION
- SIGATY'S 2ND SUBDIVISION
- SIGATY'S SUBDIVISION
- TOWNSHIPS
- SECTIONS
- PARCELS



This map is intended for general planning purposes only. District III and Marshall County makes no claims, representations, and warranties regarding the accuracy of the data.

MARSHALL COUNTY WEB VIEWER



6/12/2024, 1:33:09 PM

ZONING

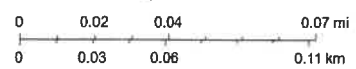
- Agricultural District
- Lake Front Residential District

PLAT

- GANGLE'S SUBDIVISION
- NORDQUIST 4TH ADDITION
- NORDQUIST 5TH ADDITION

- ROY LAKE NORTHSIDE ADDITION
- SIGATY'S 2ND SUBDIVISION
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- TOWNSHIPS
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1:2,257



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Variance – Doug and Amy Jo Vietor





