

**Marshall County Planning & Zoning  
STAFF REPORT  
August 20, 2024**

**Issue #1 Variance for Building(s) Setback**

**OWNER/APPLICANT:** James & Deanna Stickland

**PROPERTY DESCRIPTION:** Lot 7 in the Plat of Lake Dumarce Third Subdivision in Government Lots 4 and 5 in Section 24, T127N, R54W

**CURRENT ZONING:** Lake Front Residential (R-3)

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

**REQUEST:** James & Deanna Stickland have requested a variance to build a home and a garage. The petitioner is asking to build the home 25 feet from the right-of-way line and to build the garage 11 feet from the right-of-way line, instead of the 30ft requirement; per the Marshall County Zoning Ordinance.

**HISTORY/ISSUE(S):**

1. This property was recently purchased by the applicants.
2. Property card indicates that the lot is low lying with history of remaining wet & swampy. There has been dirt brought in to remedy the issue. There are no structures on the Lot currently.
3. The road lying to the Northwest is privately maintained and is a township road.
4. Lot 7 has an average depth of approximately 144.43ft and a width of approximately 114.45ft.
5. The Lot line lying adjacent to the road veers upward into the Northeast corner creating an uneven lot line.
6. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line.
7. No written comments or objections have been received prior to the writing of this staff report.
8. Staff Recommendation – **From the home, a 5' variance to the right-of-way line setback and from the garage, a 19' variance to the right-of-way line setback.** 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 – 7' for B. Johnson 8/22, 24' for J. Peters 5/23, 15' for J. Nordquist 5/23, 15' for S. Anderson 4/12 & 15' for K. Stiegelmeier 10/12
  - 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 – From the home, a 5' variance to the right-of-way line setback and from the garage, a 19' variance to the 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 August 20, 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.

James & Deanna Stickland have requested a variance to build a home and a garage on the property described as Lot 7 in the Plat of Lake Dumarce Third Subdivision in Government Lots 4 and 5 in Section 24, T127N, R54W. From the closest protruding edges of the structure(s), the petitioner is asking to build the home 25 feet from the right-of-way line and to build the garage 11 feet 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: July 31, 2024*

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Published at an approximate cost of \$8.41 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

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

July 29, 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*

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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 7/29/24:**

1. James & Betty Hilleson – 406 S Rosholt St. Veblen, SD 57270
2. Andrew Fonken – 44249 Dumarce Rd. Veblen, SD 57270
3. Robert Tchida – 44201 Dumarce Rd Veblen, SD 57270
4. Nicholas Heitmann – 11415 SD HWY 25 Lake City, SD 57247

**MARSHALL COUNTY APPLICATION FOR VARIANCE**

DATE: 7/26/24

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) House + garage within 25', 11' 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 in the Plat of Lake Dumarce Third Subd. in Gov't Lots 4+5 Sec. 24, T127N, R54W

Reason: Lot line veers upward, creating uneven lot line

Applicant Name: James + Deanna Stickland Phone: \_\_\_\_\_

Address: 10046 450th Ave Lidgenwood, ND 58053

Applicant Signature: \_\_\_\_\_

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

***For Internal Office Use Only:***

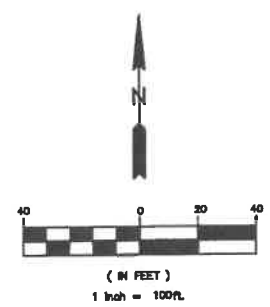
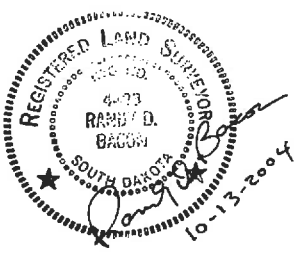
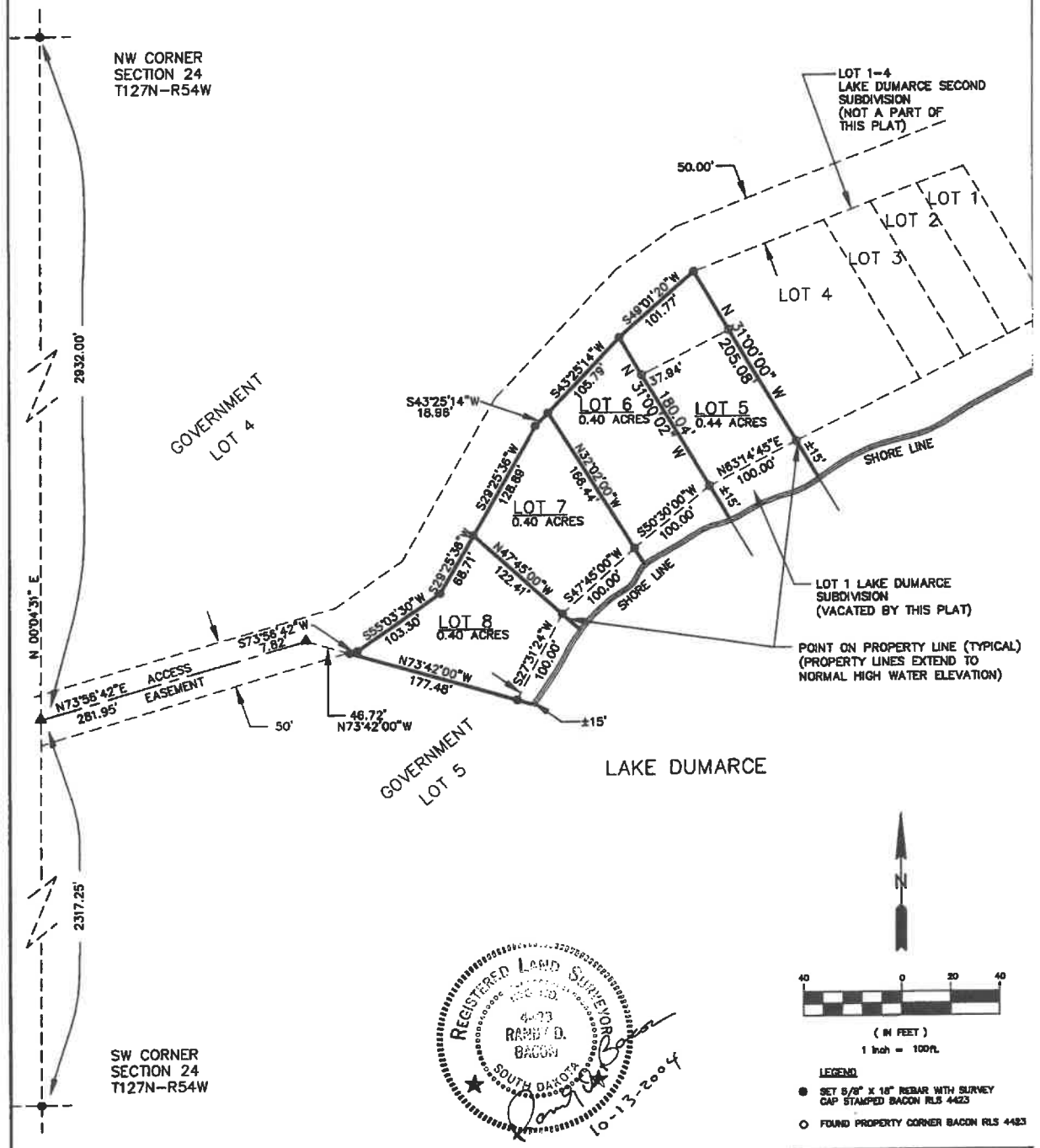
Date Received: 7/26/24 Fees(non-refundable): \$150.00 Paid:  YES NO

Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: August 20, 2024

Action taken by Planning and Zoning Commission: \_\_\_\_\_

# PLAT OF LAKE DUMARCE THIRD SUBDIVISION IN GOVERNMENT LOTS 4 AND 5 IN SECTION 24-T127N-R54W OF THE 5TH P.M. MARSHALL COUNTY, SOUTH DAKOTA



- LEGEND**
- SET 5/8" X 16" REBAR WITH SURVEY CAP STAMPED BACON RLS 4423
  - FOUND PROPERTY CORNER BACON RLS 4423

**HUEBLS and ASSOCIATES**  
CONSULTING ENGINEERS AND LAND SURVEYORS  
P.O. BOX 12 - BELLEVILLE RESERVING PLAZA  
408 4TH AVENUE NW - AMBROSIA, SOUTH DAKOTA 57003  
PHONE: 605/438-1212 FAX: 605/438-1213

JSW: 3723 PLAT SHEET 1 OF 2

456 slide 128

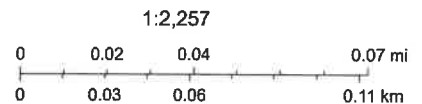
# MARSHALL COUNTY WEB VIEWER



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PLAT

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	LAKE DUMARCE 2ND ADDITION		TOWNSHIPS
	LAKE DUMARCE 3RD ADDITION		SECTIONS
	LAKE DUMARCE 4TH ADDITION		PARCELS
	LAKE DUMARCE 5TH ADDITION		
	LAKE DUMARCE 6TH ADDITION		



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# MARSHALL COUNTY WEB VIEWER



8/15/2024, 3:39:03 PM

## ZONING

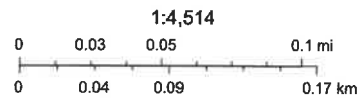
 Agricultural District

 Lake Front Residential District

 TOWNSHIPS

 SECTIONS

 PARCELS





## Variance –Stickland







