

**Marshall County Planning & Zoning
STAFF REPORT
October 22, 2024**

OWNER/APPLICANT: Brent Thayer

PROPERTY DESCRIPTION: Lot 5 & 5A in the following Plats; Plat of Nordquist First Addition in the Northwest Quarter and Gov't Lot 3, Section 21, T126N, R55W and the Plat of Nordquist Second Addition in the Northwest Quarter and Gov't Lot 3, Section 21, T126N, R55W

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

REQUEST: The petitioner has requested a variance to place a shed 6ft from the North property line, instead of the 7ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. This property was purchased by the applicants on June 5, 2012.
2. The shed in question was already moved onto the Lot prior to approval. The applicants were told the building would be considered noncompliant until the building would be moved over 1' or a variance would be issued.
3. The mobile home which will be removed was purchased on 7/27/2020.
4. A new mobile home was moved on to the Lot with the approval of building permit #72-24. This permit was approved on 10/1/24.
5. The road lying to the South is maintained by the County. The road is a span of 66'.
6. Lot 5 & 5A combined has an average depth of approximately 150ft and a width of approximately 50ft.
7. Marshall County Ordinance requires new structures to be placed a minimum of 7ft from a property line.
8. One adjacent landowner wrote that they have no issue with this request. Please see file for details. No written objections have been received prior to the writing of this staff report.
9. Staff Recommendation – **1' variance to the property line 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 property 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, 3' for R. Renner 6/21, 5' for D. Brake 6/23 and 6' for D. & A. Vietor 6/24.
 - b. 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 – 1' 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 October 22, 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.

Brent Thayer has requested a variance to place a shed on the property described as Lot 5 & 5A in the following Plats; Plat of Nordquist First Addition in the Northwest Quarter and Gov't Lot 3, Section 21, T126N, R55W and the Plat of Nordquist Second Addition in the Northwest Quarter and Gov't Lot 3, Section 21, T126N, R55W. The petitioner is asking to place the structure 6ft from the North 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: October 9, 2024

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Published at an approximate cost of \$8.41 and can be viewed free of charge at www.sdpublicnotices.com.

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

October 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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Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator

Sent to the following adjacent landowners on 10/7/24:

1. Shelly Jo Roth – 603 Sagehorn Dr. Hartford, SD 57033
2. Richard & Jesse Spurgin – 438340 Northside Dr. Lake City, SD 57247
3. Samuel & Amanda Nordquist – 444 W Roy Lake Ave. Lake City, SD 57247
4. Dept. of Game, Fish & Parks c/o Habitat Section – 523 E Capitol Ave. Pierre, SD 57501
5. Jerome & Lois Keintz – 438364 Northside Dr. Lake City, SD 57247

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Sincerely,

Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator

I have no issue with
this request.

Richard Spurgeon

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 10/2/24

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) Shed within 1' 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 5 Nordquist First Addition + Lot 5A Nordquist Second Addition

Reason: moved in shed - 6' from property line to the North, structure already in place

Applicant Name: BRENT THAYER Phone: 605-470-0346

Address: P.O. Box 341 Britton, SD 57430

Applicant Signature: [Signature]

Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 10/2/24 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: October 22, 2024

Action taken by Planning and Zoning Commission: _____

Northwest Corner of Sec. 21,
T126N, R55W (Iron Bar)

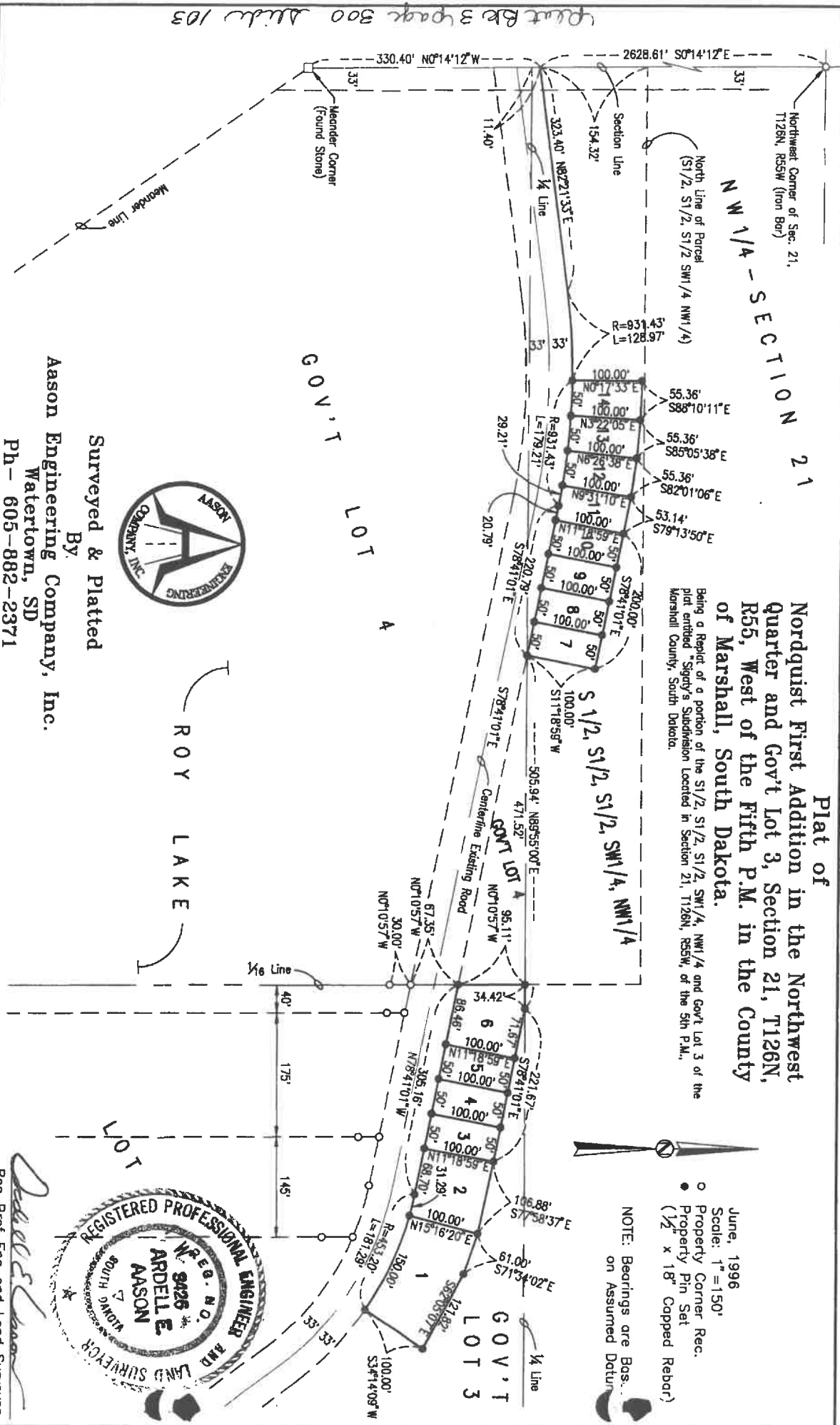
NW 1/4 - SECTION 21

Plat of Nordquist First Addition in the Northwest Quarter and Gov't Lot 3, Section 21, T126N, R55, West of the Fifth P.M. in the County of Marshall, South Dakota.

Being a Replat of a portion of the S1/2, S1/2, S1/2, SW1/4, NW1/4 and Gov't Lot 3 of the
plat entitled "Sigoy's Subdivision Located in Section 21, T126N, R55W, of the 5th P.M.,
Marshall County, South Dakota."

June, 1996
Scale: 1"=150'
o Property Corner Rec.
• Property Pin Set
(1/2" x 18" Capped Rebar)

NOTE: Bearings are Bas.
on Assumed Datum



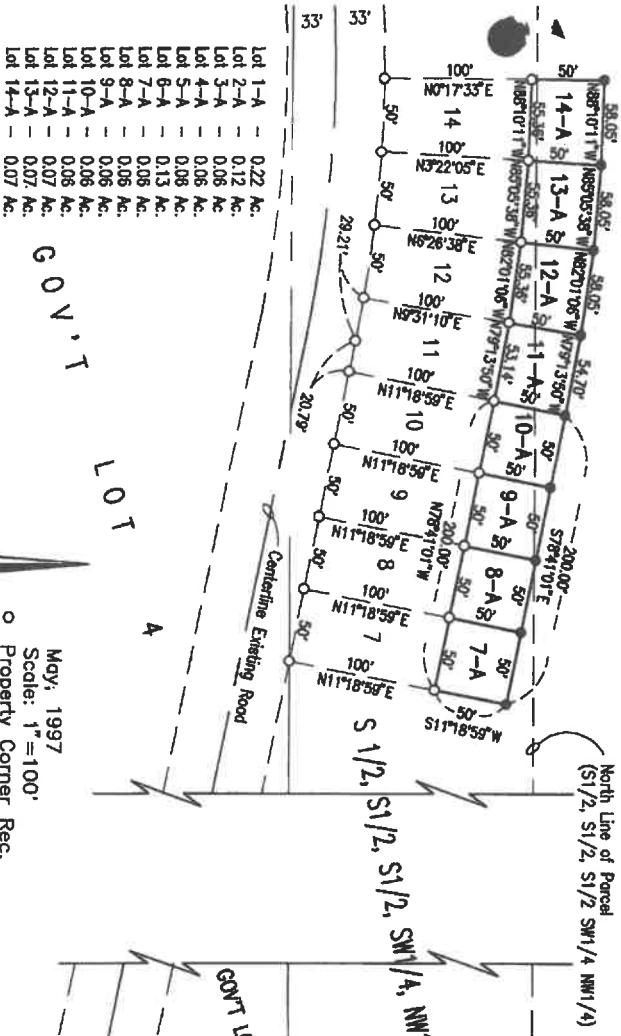
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By
Aason Engineering Company, Inc.
Watertown, SD
Ph - 605-882-2371



Reg Prof Eng and Land Surveyor

NW 1/4 - SECTION 21



MoY, 1997
 Scale: 1"=100'
 Property Corner Rec.
 Property Pin Set
 (1/2" x 18" Capped Rebar)

NOTE: Bearings are Based on Assumed Datum

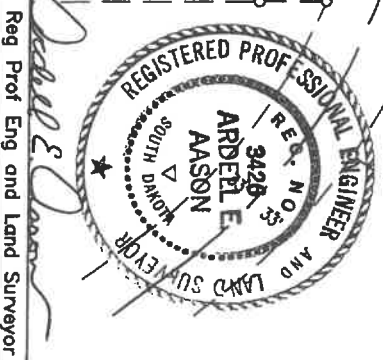
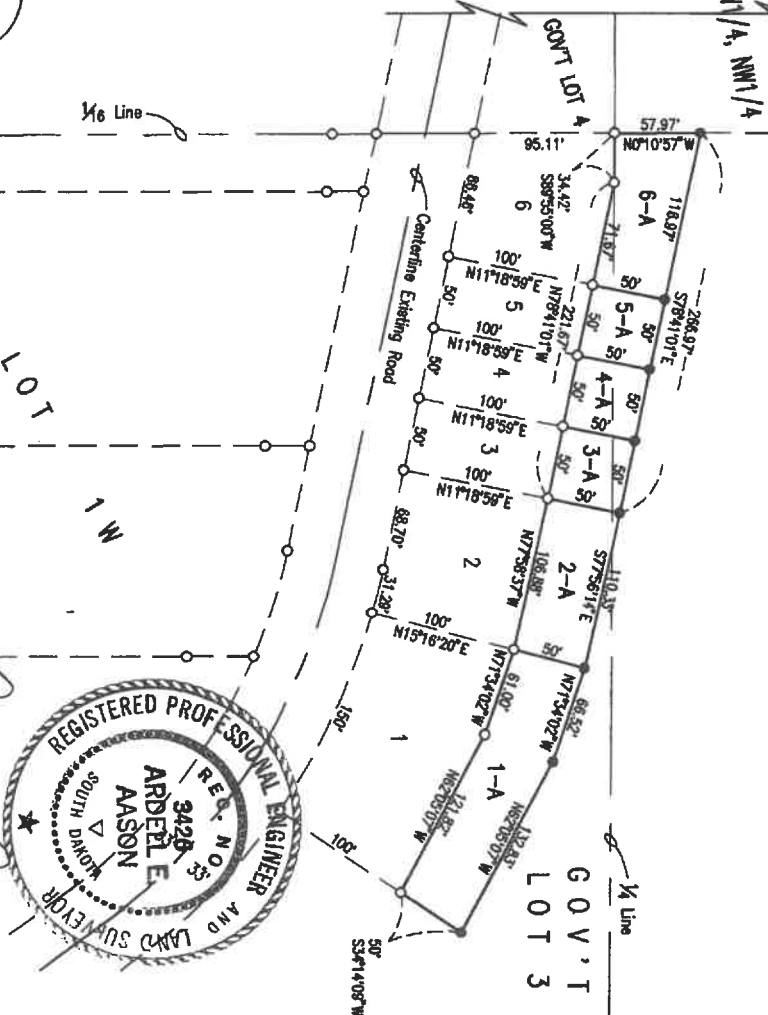


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ROY LAKE

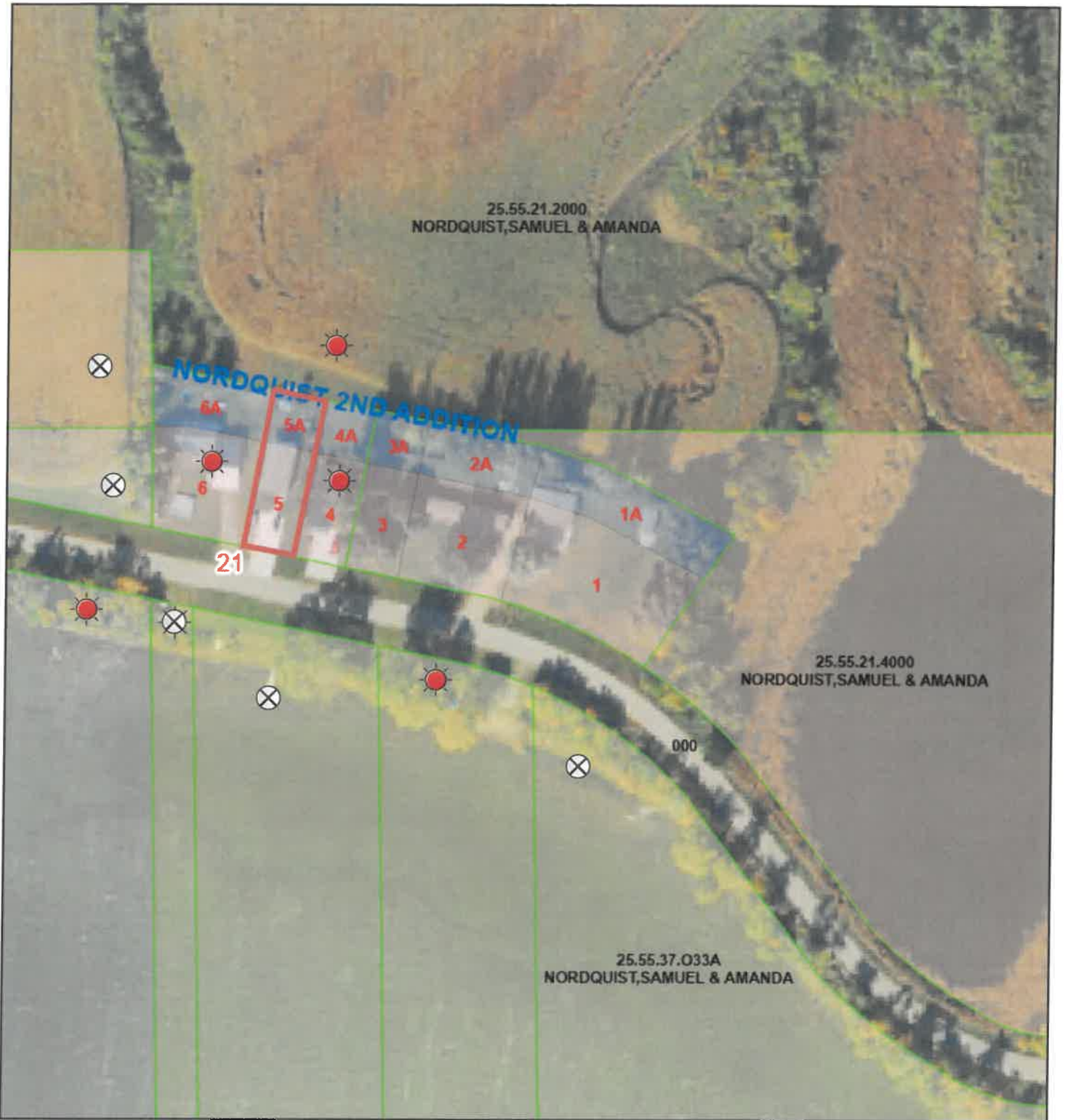
Plat of
 Nordquist Second Addition in the Northwest
 quarter and Gov't Lot 3, Section 21, T126N,
 R55, West of the Fifth P.M. in the County
 of Marshall, South Dakota.

Located in a portion of the NW 1/4 of Section 21, T126N, R55 West of the 5th P.M., and being a Replat of a portion of the S 1/2, S 1/2, S 1/2, SW 1/4, NW 1/4 and Gov't Lot 3 of the plat entitled: "Sigurd's Subdivision Located in Section 21, T126N, R55W, of the 5th P.M., Marshall County, South Dakota."



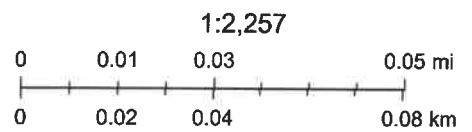
Reg Prof Eng and Land Surveyor

MARSHALL COUNTY WEB VIEWER

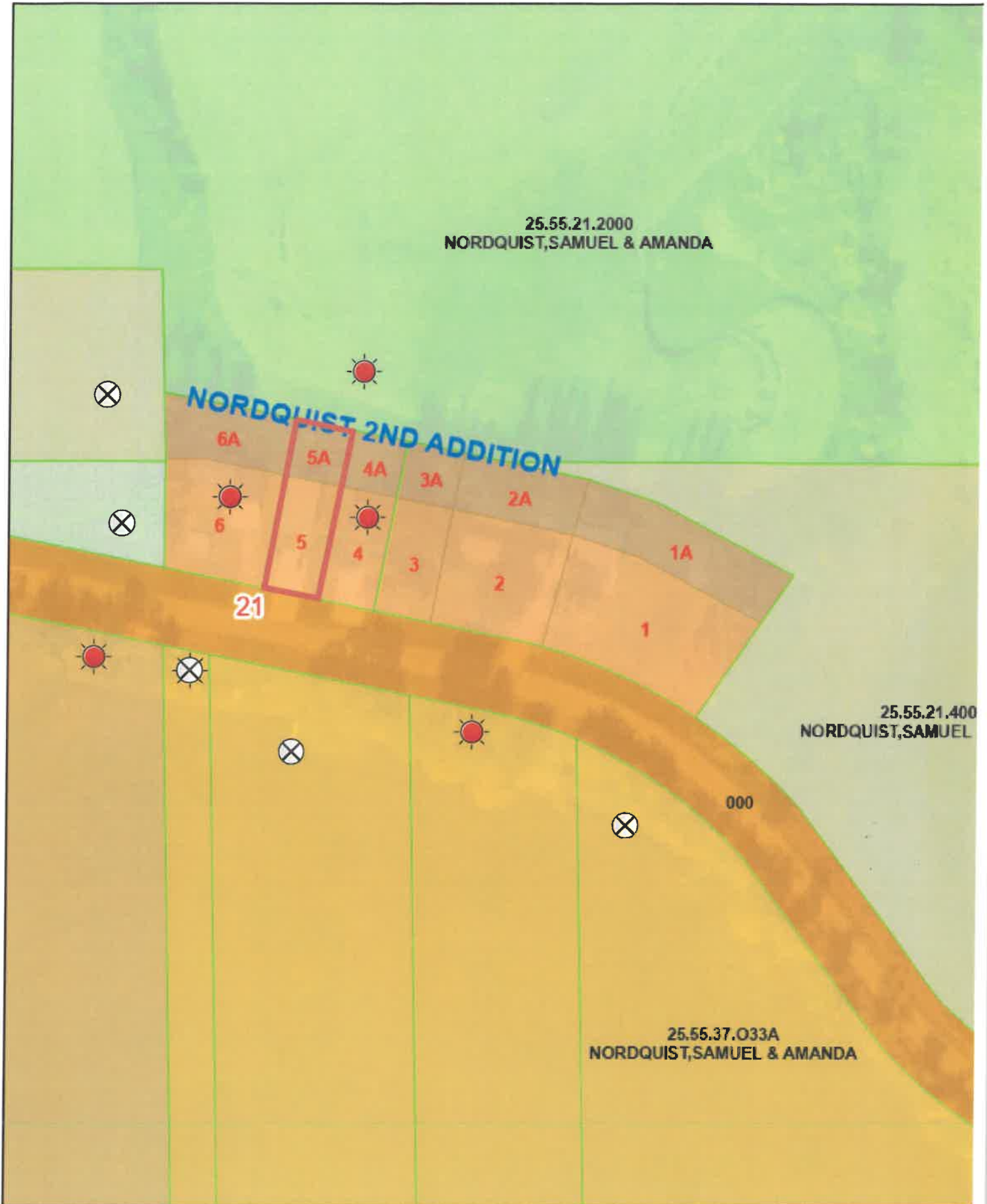


10/7/2024, 11:00:03 AM

- PLAT
- LAKEVIEW ADDITION
 - NORDQUIST 1ST ADDITION
 - NORDQUIST 2ND ADDITION
 - SIGATY'S SUBDIVISION
- <Null>
- TOWNSHIPS
- SECTIONS
- PARCELS



MARSHALL COUNTY WEB VIEWER



Variance – Brent Thayer

