

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

Issue #1 Variance for Building(s) Setback

OWNER/APPLICANT: Richard Olson

PROPERTY DESCRIPTION: Lot 3 in the Plat of Clear Lake Estates Second Addition to the county of Marshall South Dakota a replat of part of Lot 12 of Clear Lake Estates in Section 14, T126N, R54W

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Richard Olson has requested a variance to bury anchors around the existing home to repair foundation. The petitioner is asking to place anchors 2ft from the North property line, instead of the 7ft requirement. The petitioner is also asking to bury anchors on the West side of the home 25' from the right-of-way line, instead of the 30ft requirement; all per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. This property was purchased by the applicants on April 13, 2004.
2. Property card indicates that the cabin which requires foundation work was built in 2012 (BP No. 23-12).
3. There are 24 proposed anchors to be buried in the ground; 11 on the North side of the structure, 5 on the West side of the structure and 8 anchors on the South side of the structure.
 - a. The basement of the cabin is partially finished on the East side, and unfinished on the West side
 - b. Anchors would be buried 15' from the foundation of the home to their positions in the ground.
 - c. To complete the project, the applicants will remove the existing deck and digging along the foundation of the home
4. The road lying to the West is maintained by the Township. The road is a span of 66'.
5. Lot 3 has an average depth of approximately 262.01ft and a width of approximately 100.44ft.
6. Marshall County Ordinance requires new structures to be placed a minimum of 7ft from a property line and 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 – **5' variance to the North property line setback and a 5' variance to the right-of-way 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 right-of-way line variances allowed – 7' for B. Johnson 8/22, 5' of T. & N. Stiegelmeier 5/22, 5' for J. & D. Stickland 8/24 & 3' for K. Duerre 11/23
 - ii. 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.

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 – 5' variance to the North property line setback and a 5' 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 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.

Richard Olson has requested a variance to bury anchors around the existing home to repair foundation, on the property described as Lot 3 in the Plat of Clear Lake Estates Second Addition to the county of Marshall South Dakota a replat of part of Lot 12 of Clear Lake Estates in Section 14, T126N, R54W. The petitioner is asking to place anchors 2ft from the North property line, instead of the 7ft requirement. The petitioner is also asking to bury anchors on the West side of the home 25' from the right-of-way line, instead of the 30ft requirement; all 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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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. Adam & Jennifer Mauch – 401 Apple Dr. Mooreton, ND 58061
2. Sharon Hanson – 11714 Schlekewy Dr W Lake City, SD 57247
3. Len Kretchman – 504 74th St. Holmes Beach, Florida 34217

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 10/4/2024

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) Foundation anchors within the set back of a (circle applicable): Twp Rd, County Rd, Federal or State Hwy, Other Rd, Lot Line or High Water Mark. From the utility Easement along Township Road 11708 Schlekewy Drive West and the property line for lot 2 of the Second Clear Lake Addition.

Structure would be located on (legal description): Lot 3 of the Clear Lake 2nd Addition.
Lake Township Sec/Twp/Rng 14-25-54

Reason: Underground anchors and cable to stabilize basement walls.
Anchors are 2x4x6.

Applicant Name: Richard Olson Phone: 320-226-3068

Address: 3612 170th Street, Boyd, MN 56218

Applicant Signature: Richard Olson

Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 10-4-24 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See Staff report

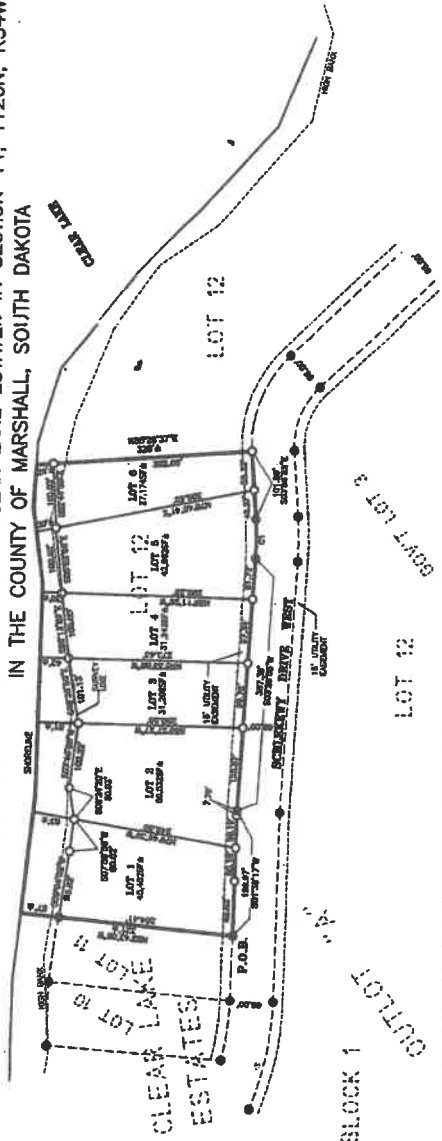
Date of Hearing by Planning and Zoning Commission: October 22, 2024

Action taken by Planning and Zoning Commission: _____

4-46 Slide 137

CLEAR LAKE ESTATES SECOND ADDITION

TO THE COUNTY OF MARSHALL, SOUTH DAKOTA
 A REPLAT OF PART OF LOT 12 OF CLEAR LAKE ESTATE; IN SECTION 14, T126N, R54W
 IN THE COUNTY OF MARSHALL, SOUTH DAKOTA



CURVE NO.	CHORD LENGTH	ANGLE
1	147.00	72.87
2	147.00	72.87



- LEGEND**
- POINT
 - HIGHWAY
 - UTILITY
 - EASEMENT
 - FENCE
 - PROPERTY LINE
 - SECTION LINE
 - COUNTRYSIDE LINE

CERTIFICATE AND ACKNOWLEDGMENT OF OWNERSHIP STATE OF SOUTH DAKOTA

This part of Lot 12 of Clear Lake Estate in the County of Marshall, South Dakota, containing the approximately corner of L&L #1 of said CLEAR LAKE ESTATE, being the portion of the said CLEAR LAKE ESTATE, more particularly described in the plat of L&L #1 of said CLEAR LAKE ESTATE, recorded in Book 117 of Official Records of the County of Marshall, South Dakota, at page 100, is being replatted as follows: ...

On the 28th day of March, 1928, at the office of the Surveyor General, State of South Dakota, I, the undersigned, being duly sworn to, and finding that the above described land and interests therein are the property of the said owner, and that he is the owner thereof, and that he is competent to dispose of the same as herein provided, I have signed this certificate of acknowledgment of ownership to him, in full faith and belief that he is the owner thereof, and that he is competent to dispose of the same as herein provided.

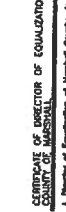
Witness my hand and the seal of the Surveyor General at Pierre, South Dakota, this 28th day of March, 1928.



CERTIFICATE OF SURVEYOR STATE OF SOUTH DAKOTA

I, Gary A. King, Registered Land Surveyor in the State of South Dakota, do hereby certify that the above described land, together with the interest therein, is the property of the said owner, and that he is the owner thereof, and that he is competent to dispose of the same as herein provided, and that the same have been surveyed and located as shown on the accompanying plat.

Witness my hand and the seal of the Surveyor General at Pierre, South Dakota, this 28th day of March, 1928.



CERTIFICATE OF THE COUNTY COMMISSIONER STATE OF SOUTH DAKOTA

I, the County Commissioner of the County of Marshall, South Dakota, do hereby certify that the above described land, together with the interest therein, is the property of the said owner, and that he is the owner thereof, and that he is competent to dispose of the same as herein provided, and that the same have been surveyed and located as shown on the accompanying plat.

Witness my hand and the seal of the County Commissioner at Pierre, South Dakota, this 28th day of March, 1928.

Approved: _____
 County Commissioner



CERTIFICATE OF THE COUNTY TREASURER STATE OF SOUTH DAKOTA

I, the County Treasurer of the County of Marshall, South Dakota, do hereby certify that the above described land, together with the interest therein, is the property of the said owner, and that he is the owner thereof, and that he is competent to dispose of the same as herein provided, and that the same have been surveyed and located as shown on the accompanying plat.

Witness my hand and the seal of the County Treasurer at Pierre, South Dakota, this 28th day of March, 1928.

Approved: _____
 County Treasurer

PREPARED BY
ULTEIG ENGINEERS, INC.
 REGISTERED PROFESSIONAL ENGINEERS
 1503 WEST 4TH AVENUE, SIOUX FALLS, S.D.

MARSHALL COUNTY WEB VIEWER

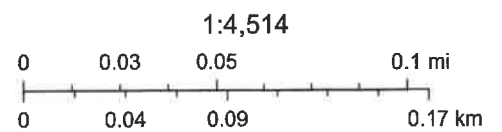


10/7/2024, 10:05:45 AM

PLAT

- CLEAR LAKE ESTATES
- CLEAR LAKE ESTATES 2ND ADDITION
- KRECHMAN'S CLEAR LAKE SUBDIVISION
- KRECHMAN'S SUNNY SHORES ADDITION

- SUNNY SHORES ADDITION
- TOWNSHIPS
- SECTIONS
- PARCELS



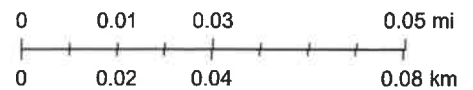
MARSHALL COUNTY WEB VIEWER



10/7/2024, 10:26:49 AM

1:2,257

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|---------------------------------|------------------------------------|
| ZONING | KRETCHMAN'S CLEAR LAKE SUBDIVISION |
| Agricultural District | KRETCHMAN'S SUNNY SHORES ADDITION |
| Lake Front Residential District | SUNNY SHORES ADDITION |
| PLAT | TOWNSHIPS |
| CLEAR LAKE ESTATES | SECTIONS |
| CLEAR LAKE ESTATES 2ND ADDITION | PARCELS |



Variance – Richard Olson







