

**Marshall County Planning & Zoning
STAFF REPORT
November 19, 2024
Issue: Variance for Lot Size**

OWNER/APPLICANT: Randy Deutsch

PROPERTY DESCRIPTION: For proposed Lot 4 in the Preliminary Plat of Almos Northside Second Addition Located in Gov't Lot 7 and the SE1/4NW1/4 of Section 4, T125N, R53W

(Preliminary Plat available to view in the office of the Zoning Administrator.)

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Rodney The petitioner is asking to create Lot 1 with widths of 62.46 & 50 feet, instead of the 75-foot requirement and with depths of 86.64 & 85.36 feet, instead of the 150-foot requirements for all lots without shoreline frontage, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The proposed Lot in question is part of a plat that will be going through later in the meeting. A variance application is required to be approved prior to a plat being filed.
2. The proposed Lot is expected to be sold in the near future.
3. Lot 4 is proposed to be platted with the requested dimensions for additional lake lots to be platted next to Lot 4 in the future.
4. The proposed lot width does not meet the requirement for lots with road frontage in the Lake Front Residential District per the Zoning Ordinance.
5. Marshall County Ordinance requires that 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 writing of this staff report.
7. Staff Recommendation – **25' variance to the lot size width requirement.**
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 & 9/23, various lot sizes for W. Schlekewy 5/24 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 – 25' variance to the lot size width requirement.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on November 19, 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.

Randy Deutsch has requested a variance to lot size for proposed Lot 4 in the Preliminary Plat of Almos Northside Second Addition Located in Gov't Lot 7 and the SE1/4NW1/4 of Section 4, T125N, R53W (Preliminary Plat available to view in the office of the Zoning Administrator.) The petitioner is asking to create Lot 4 with a width of 75 feet at the roadside, instead of the minimum lot road frontage of 100 feet, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: November 6, 2024

1T(Nov 6)
**NOTICE OF HEARING
- APPLICATION FOR
VARIANCE**

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on November 19, 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.

Randy Deutsch has requested a variance to lot size for proposed Lot 4 in the Preliminary Plat of Almos Northside Second Addition Located in Gov't Lot 7 and the SE1/4NW1/4 of Section 4, T125N, R53W

(Preliminary Plat available to view in the office of the Zoning Administrator.) The petitioner is asking to create Lot 4 with a width of 75 feet at the roadside, instead of the minimum lot road frontage of 100 feet, per the Marshall County Zoning Ordinance. Erin Collins-Miles Planning & Zoning Administrator

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

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 10/30/24

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) PLAT within _____ of a (circle applicable): Twp Rd, County Rd, Federal or State Hwy, Other Rd, Lot Line or High Water Mark.

PROPOSED Structure would be located on (legal description): LOT 4, ALMOS NORTHSIDE SECOND ADDITION LOCATED IN GOVT LOT 7 AND THE SE1/4NE1/4 OF SECTION 4, T125N, R53W OF THE 5TH P.M. MARSHALL COUNTY, SOUTH DAKOTA

Reason: _____
PLATTING LOT 4 AT A REDUCED LENGHT OF 75' ALONG THE ROAD TO CONFORM WITH THE NATURAL LAY OF THE LAND; AND TO COMFORM WITH FUTURE LAYOUT OF ADDITIONAL LOTS IN THE FUTURE.

STAYING WITHIN THE AREA CHANGED TO LAKE FRONT RESIDENTIAL ZONED

Applicant Name: RANDY DEUTSCH Phone: _____

Address: _____

Applicant Signature: Randy Deutsch

Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 10-30-24 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: November 19, 2024

Action taken by Planning and Zoning Commission: _____

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

November 4, 2024

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on November 19, 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.

Randy Deutsch has requested a variance to lot size for proposed Lot 4 in the Preliminary Plat of Almos Northside Second Addition Located in Gov't Lot 7 and the SE1/4NW1/4 of Section 4, T125N, R53W (Preliminary Plat available to view in the office of the Zoning Administrator.) The petitioner is asking to create Lot 4 with a width of 75 feet at the roadside, instead of the minimum lot road frontage of 100 feet, per the Marshall County Zoning Ordinance.

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

Sent to the following adjacent landowners on 11/4/24:

1. Roswell Inc c/o Kent Moeckly – PO Box 903 Britton, SD 57430
2. Lawrence Green – 404 N Van Eps Ave. Madison, SD 57042
3. Troy & Natalie Sattler – PO Box 91 Roslyn, SD 57261
4. Emeliey Haigh – 46464 218th St. Volga, SD 57071
5. Bureau of Indian Affairs – 12554 BIA Highway 711 Agency Village, SD 57262
6. Dept. of Game, Fish & Parks – 523 E Capitol Ave. Pierre, SD 57501
7. Matthew & Rachel Deutsch – 12025 445th Ave. Eden, SD 57232
8. Richard & Sheila Oreskovich – 44770 120th St. Eden, SD 57232

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

November 4, 2024

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on November 19, 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.

Randy Deutsch has requested a variance to lot size for proposed Lot 4 in the Preliminary Plat of Almos Northside Second Addition Located in Gov't Lot 7 and the SE1/4NW1/4 of Section 4, T125N, R53W (Preliminary Plat available to view in the office of the Zoning Administrator.) The petitioner is asking to create Lot 4 with a width of 75 feet at the roadside, instead of the minimum lot road frontage of 100 feet, per the Marshall County Zoning Ordinance.

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,

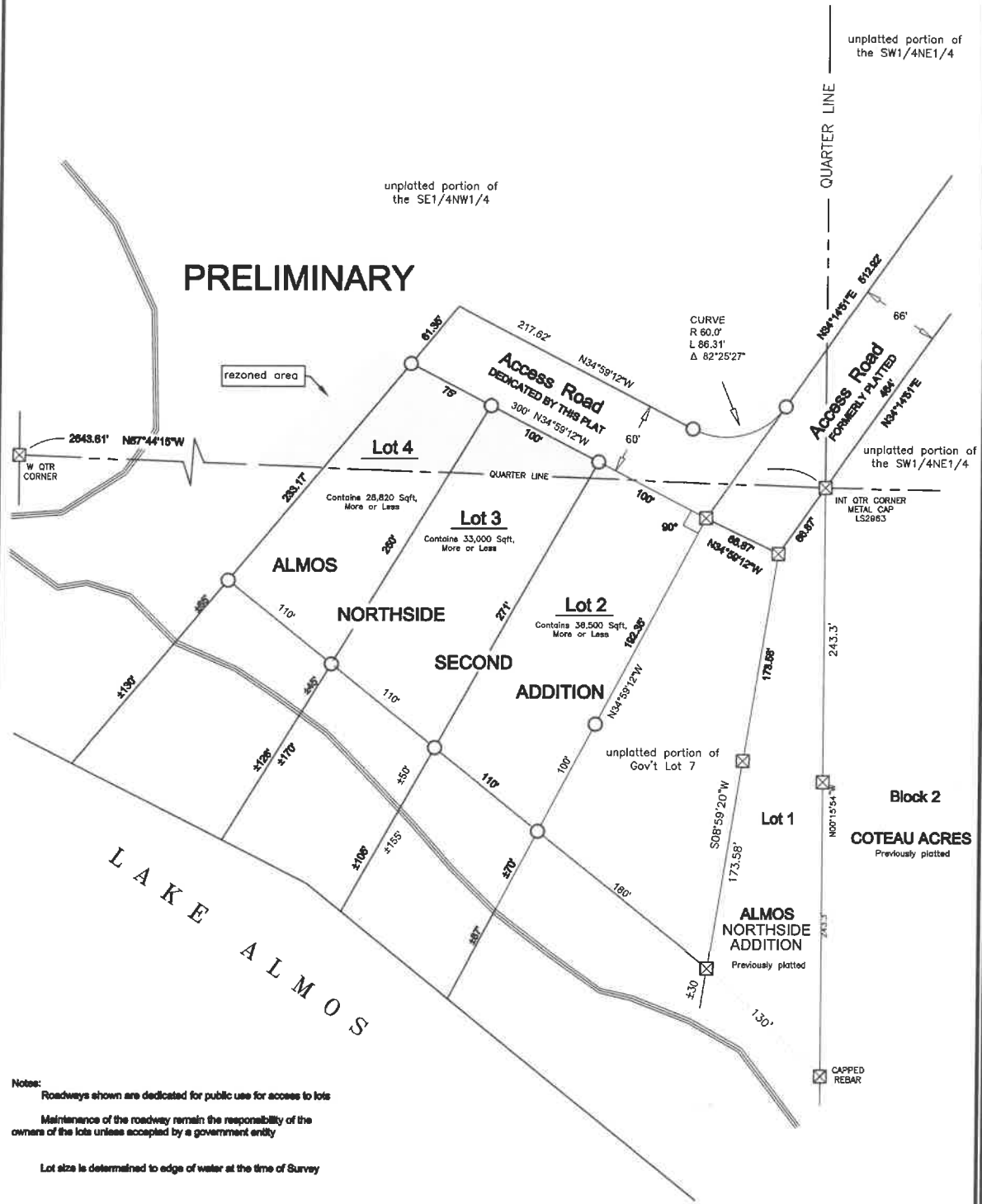
Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator

PRELIMINARY PLAT OF

ALMOS NORTHSIDE SECOND ADDITION
 LOCATED IN GOV'T LOT 7 AND THE SE1/4NW1/4 OF SECTION 4,
 T125N, R53W OF THE 5TH P.M.,
 MARSHALL COUNTY, SOUTH DAKOTA

THIS PLAT SHALL CREATE LOTS 2, 3, AND 4 OF ALMOS NORTHSIDE SECOND ADDITION



Notes:
 Roadways shown are dedicated for public use for access to lots
 Maintenance of the roadway remain the responsibility of the
 owners of the lots unless accepted by a government entity
 Lot size is determined to edge of water at the time of Survey

I, LUNDEE M. STADTLER, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA; DO HEREBY
 CERTIFY THAT I HAVE SUPERVISED THE RESURVEY OF THE PROPERTY THAT IS DESCRIBED ABOVE, AND
 THAT SAID SURVEY AND DRAWING ARE TRUE AND CORRECT.



Holton
 SURVEYING & DESIGN, LLC

128 E HICKORY ST, SISSETON SD PH 605-688-3850
 DRAWN: 8/12/24 FIELD: 8/11/24 0123456-PVM
 ACAD DOCS\INSERTS\STANDARD\TITLEBLOCKS.DWG



GPS-NORTH
 SCALE: 1" = ??
 ○ = CAPPED IRON PIN SET
 ■ = RECOVERED MONUMENT

SURVEY PERFORMED WITHOUT THE
 BENEFIT OF A TITLE COMMITMENT

LUNDEE M STADTLER
 REGISTERED LAND SURVEYOR 13482

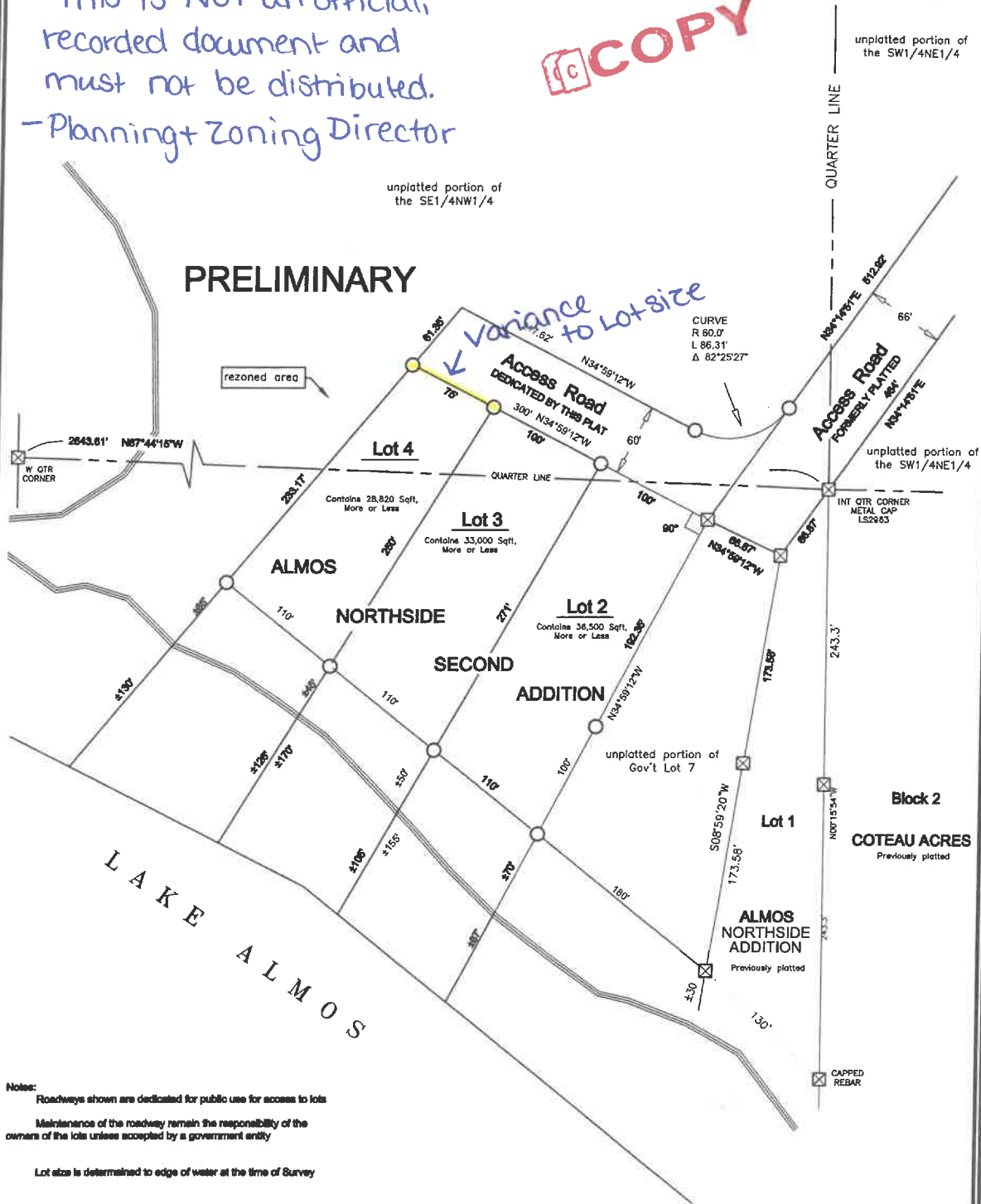
PRELIMINARY PLAT OF

ALMOS NORTHSIDE SECOND ADDITION
 LOCATED IN GOVT LOT 7 AND THE SE1/4NW1/4 OF SECTION 4,
 T125N, R53W OF THE 5TH P.M.,
 MARSHALL COUNTY, SOUTH DAKOTA

THIS PLAT SHALL CREATE LOTS 2, 3, AND 4 OF ALMOS NORTHSIDE SECOND ADDITION

*This is NOT an official,
 recorded document and
 must not be distributed.
 -Planning & Zoning Director*

COPY



I, LUNDEE M. STADTLER, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA; DO HEREBY CERTIFY THAT I HAVE SUPERVISED THE RESURVEY OF THE PROPERTY THAT IS DESCRIBED ABOVE, AND THAT SAID SURVEY AND DRAWING ARE TRUE AND CORRECT.



Holton
 SURVEYING & DESIGN, LLC

128 E HICKORY ST, BISSETON SD PH 605-698-3850
 DRAWN: 8/12/24 FIELD: 8/11/24 0123456-PVVM



GPS-NORTH
 SCALE: 1" = ??
 ○ = CAPPED IRON PIN SET
 ■ = RECOVERED MONUMENT

SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT

COPY

LUNDEE M STADTLER
 REGISTERED LAND SURVEYOR 13482

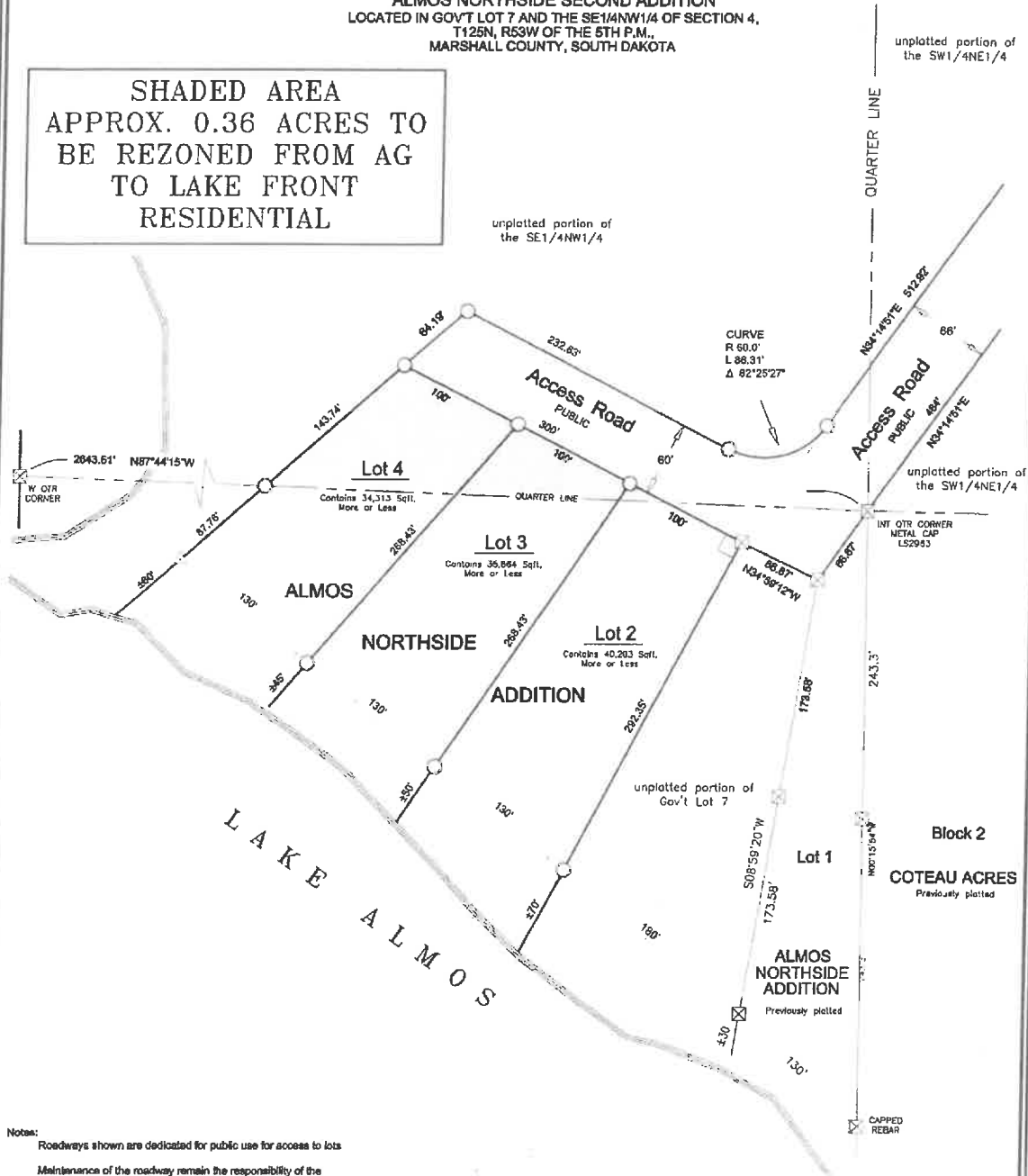
AREA OF REZONE

FOR A PORTION OF S1/2NW1/4 OF SECTION 4,
T125N, R53W OF THE 5TH P.M.,
MARSHALL COUNTY, SOUTH DAKOTA

FOR THE PROPOSED PLAT OF

ALMOS NORTHSIDE SECOND ADDITION
LOCATED IN GOV'T LOT 7 AND THE SE1/4NW1/4 OF SECTION 4,
T125N, R53W OF THE 5TH P.M.,
MARSHALL COUNTY, SOUTH DAKOTA

SHADED AREA
APPROX. 0.36 ACRES TO
BE REZONED FROM AG
TO LAKE FRONT
RESIDENTIAL



Notes:
Roadways shown are dedicated for public use for access to lots
Maintenance of the roadway remain the responsibility of the
owners of the lots unless accepted by a government entity

Lot size is determined to edge of water at the time of Survey

I, LUNDEE M. STADTLER, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SUPERVISED THE RESURVEY OF THE PROPERTY THAT IS DESCRIBED ABOVE, AND THAT SAID SURVEY AND DRAWING ARE TRUE AND CORRECT.



Holton
SURVEYING & DESIGN, LLC

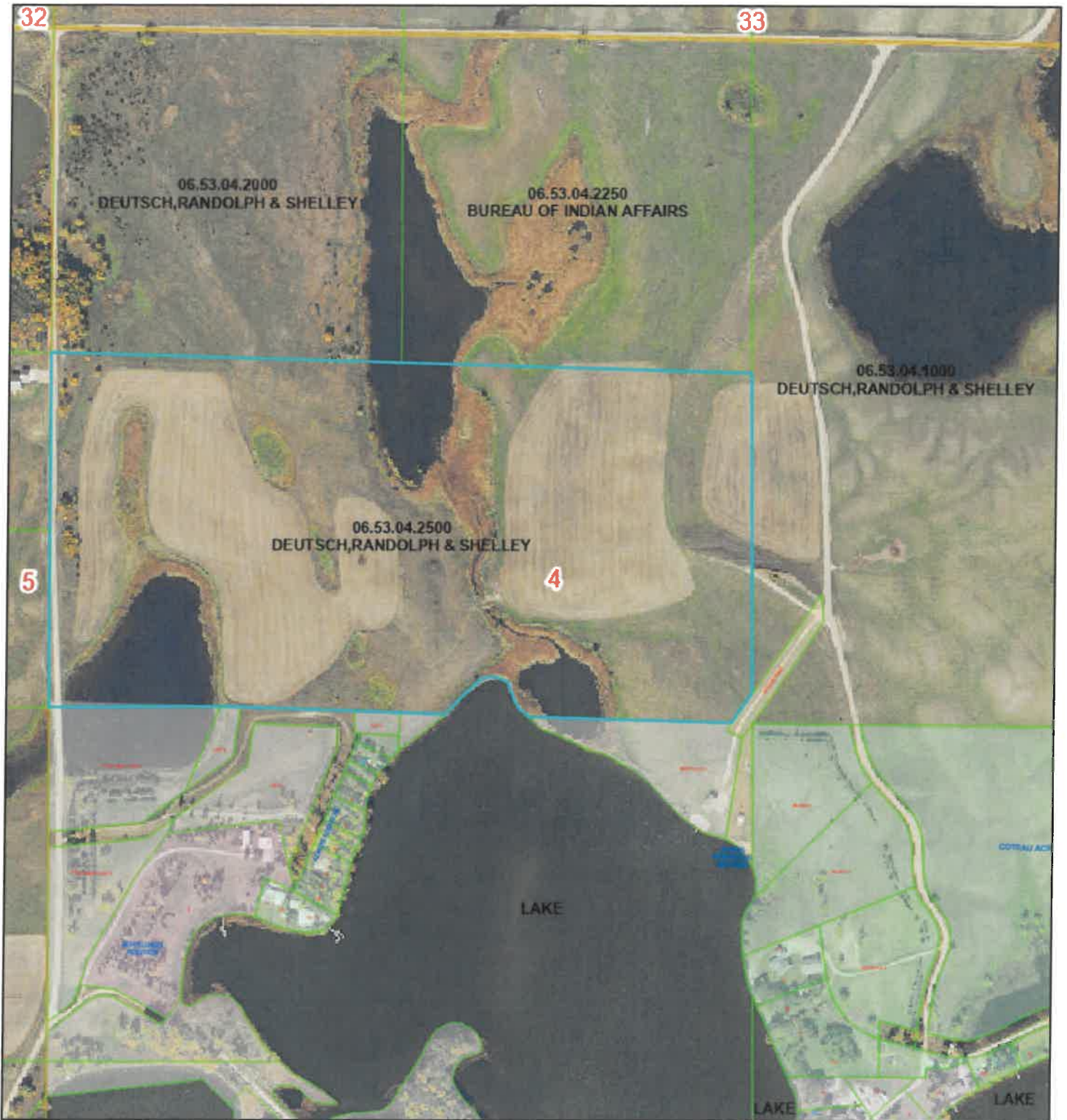
128 E HICKORY ST, SISSETON SD PH 605-698-3850
DRAWN: 8/12/24 FIELD: 8/11/24 0123456-PVM
ACAD DOCS\INSERTS\STANDARD\TITLEBLOCKS.DWG











GPS-NORTH
SCALE: 1" = 100'
○ = CAPPED IRON PIN SET
⊗ = RECOVERED MONUMENT

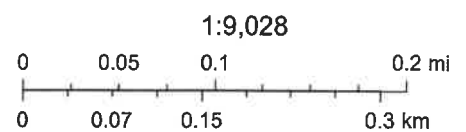
LUNDEE M STADTLER
REGISTERED LAND SURVEYOR 13482

MARSHALL COUNTY WEB VIEWER

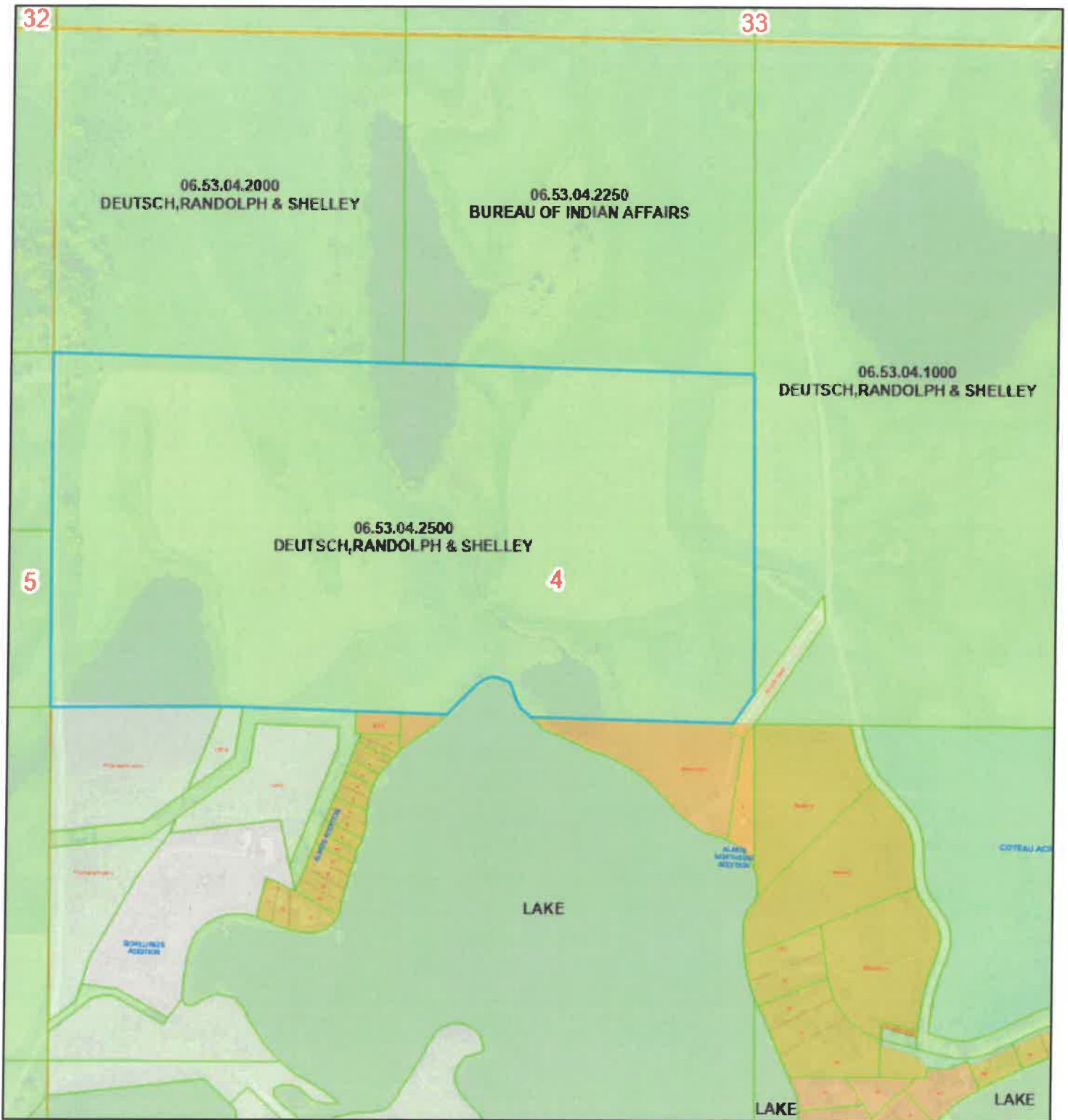


11/12/2024, 11:08:47 AM

- | | | |
|--|---|----------------------|
| PLAT |  | SCHILLING'S ADDITION |
|  | | <Null> |
|  |  | TOWNSHIPS |
|  |  | SECTIONS |
|  |  | PARCELS |



MARSHALL COUNTY WEB VIEWER



11/12/2024, 11:11:01 AM

1:9,028

ZONING

- Agricultural District
- Lake Front Residential District

PLAT

- ALMOS ADDITION
- ALMOS NORTHSIDE ADDITION
- BUFFALO ACRES

- COTEAU ACRES ADDITION
- SCHILLING'S ADDITION
- <Null>

- TOWNSHIPS
- SECTIONS
- PARCELS

