

**Marshall County Planning & Zoning
STAFF REPORT
March 4, 2025**

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Randy Heitmann

PROPERTY DESCRIPTION: Lot 8 in the Plat Showing Isensee's Fourth Clear Lake Subdivision in the SW1/4 of Section 18, T126N, R53W

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: Pertaining to the Lot line closest to the road; the petitioner is asking to place the home 24 feet at the NE corner and 27 feet at the NW corner from the right-of-way line, instead of the 30ft requirement. The petitioner is also asking to construct the deck 29 feet at the SE corner and 34 feet at the SW corner from the high-water mark and also to construct stairs off of the deck 27 feet from the normal high-water mark instead of the 50ft requirement.; all per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The applicants have owned the Lot in question since October 12, 2017
2. A camper currently sits where the proposed home would be placed, and would need to be removed.
3. Lot 8 has an average depth of approximately 96.1ft and a width of approximately 51ft. Note that the dimensions of the home in which they wish to place on the lot is 50'4"x28'7", which includes a deck and stairs.
 - a. Applicant stated on the variance application that the house is too big for the lot.
4. The applicant noted that they may decide to have the home built smaller prior to placing it on the lot due to new increased prices. Per the variance request, the home placed on the lot would not exceed the setbacks requested.
5. Note that there is a principal structure located less than fifty (50) feet from the normal high-water mark on properties contiguous to the lot or parcel upon which a proposed structure is to be constructed, the setback from the normal high-water mark will be established utilizing a sight line that averages the setback of the principal structures on the adjoining lots. Average setback: **31ft.**
6. Engineers drawing shows that the proposed house is parallel to the Lot line shared between 8 & 9. The Deck and stairs facing the water are parallel to the houses on Lots 7 & 9.
7. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line and a minimum of 50ft from the normal high-water mark.
8. No written comments or objections have been received prior to the writing of this staff report.
9. Staff Recommendation – **6' variance at the NE corner and a 3' variance at the NW corner to the right-of-way line setback, a 21' variance at the SE corner and a 16' variance at the SW corner of the deck and a 23' variance for the stairs; all to the normal high-water mark 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 – 8' for M. Hill 7/14, 1.5' for L. & J. Johnson 4/22, 5' for J. & D. Stickland 8/24, 4' for J. Teveldal 10/2020, 7' for W. Buss 9/13

- b. The Board has granted similar high-water mark variances to lake lots in the past, when the neighbors had no objections.
 - i. Similar high-water mark variances allowed – 4’ for M. Hill 7/14, 11.5 for L. & J. Johnson 4/22, 22’ for T. Brewster 6/13, 18’ for J. Nordquist 5/23, 20’ for R. Tchida 7/24, 25’ for K. Freudenthal 4/19 (deck), 18’ for K. Nielson
- c. 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 – 6’ variance at the NE corner and a 3’ variance at the NW corner to the right-of-way line setback, a 21’ variance at the SE corner and a 16’ variance at the SW corner of the deck and a 23’ variance for the stairs; all to the normal high-water mark setback.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on March 4, 2025 at 9:00 a.m. at the North Marshall Firehall meeting room, concerning the following application for variance from the Marshall County Zoning Ordinance.

Randy Heitmann has requested a variance to place a house, deck and stairs on the property described as Lot 8 in the Plat Showing Isensee's Fourth Clear Lake Subdivision in the SW1/4 of Section 18, T126N, R53W. Pertaining to the Lot line closest to the road; the petitioner is asking to place the home 24 feet at the NE corner and 27 feet at the NW corner from the right-of-way line, instead of the 30ft requirement. The petitioner is also asking to construct the deck 29 feet at the SE corner and 34 feet at the SW corner from the high-water mark and also to construct stairs off of the deck 27 feet from the normal high-water mark instead of the 50ft requirement.; all per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: February 19, 2025

1T(Feb 19)
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(Continued on p9)

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

February 14, 2025

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 Director

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Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Director

Sent to the following adjacent landowners on 2/14/25:

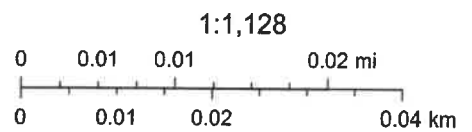
1. Mildred Breker – 443435 North Shore Dr. Lake City, SD 57247
2. Thomas & Joan Brewster – 443425 North Shore Dr. Lake City, Sd 57247
3. David Lee Carruthers – 9361 Verdi Ln West Des Moines, IA 50266

MARSHALL COUNTY WEB VIEWER



2/14/2025, 2:10:35 PM

- MarshallAddressPoints
- PLAT
 - ISENSEE'S 4TH ADDITION
 - <Null>
- TOWNSHIPS
- SECTIONS
- PARCELS



MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 2-6-2025

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 within _____ 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): Red Iron LAKE TWP.
18-126-53 Lot 8 - Isensee's 4th SUBD

Reason: House is too Big for Lot

Applicant Name: RANDY HEITMANN Phone: 605-237-1841

Address: 44066 114th ST LAKE CITY SD 57247

Applicant Signature: Randy Heitmann

Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 2/6/25 Fees(non-refundable): 8150.00 Paid: YES NO

Inspection Report: See Staff report

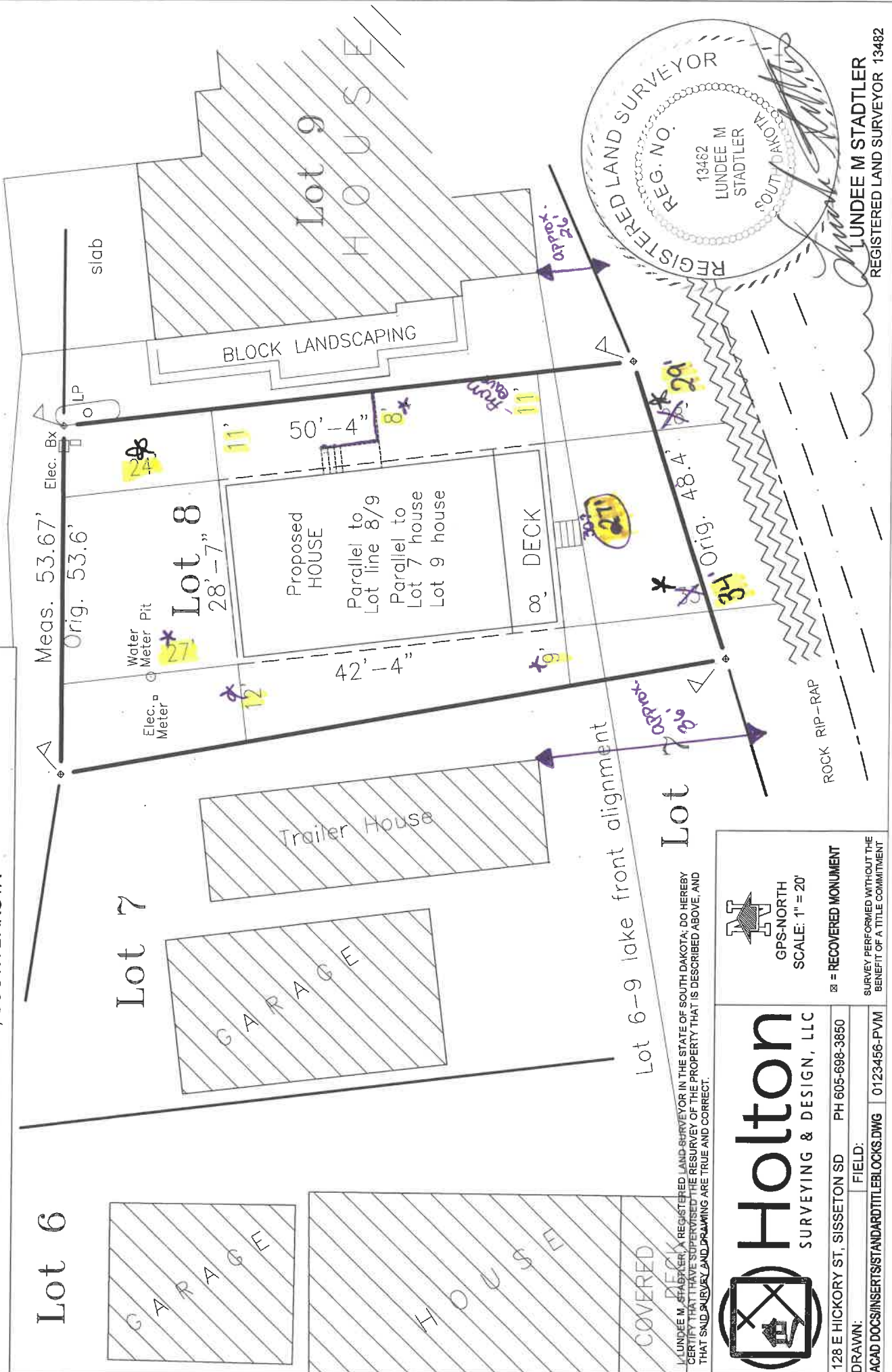
Date of Hearing by Planning and Zoning Commission: March 4, 2025

Action taken by Planning and Zoning Commission: _____

BUILDING PERMIT SKETCH

FOR A PROPOSED STRUCTURE ON LOT 8
 OF ISSENSEE'S FOURTH CLEAR LAKE SUBDIVISION
 LOCATED IN THE SE1/4 OF SECTION 18, T127N, R53W OF THE 5TH P.M.,
 MARSHALL COUNTY, SOUTH DAKOTA

GRAVELED SURFACE ROAD

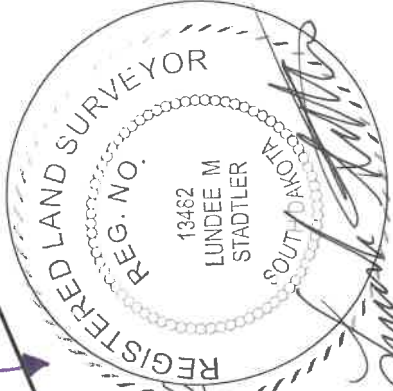


LUNDEE M. STADLER, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SUPERVISED THE RESURVEY OF THE PROPERTY THAT IS DESCRIBED ABOVE, AND THAT SAID SURVEY AND DRAWING ARE TRUE AND CORRECT.

H
 GPS-NORTH
 SCALE: 1" = 20'
 RECOVERED MONUMENT
 SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT

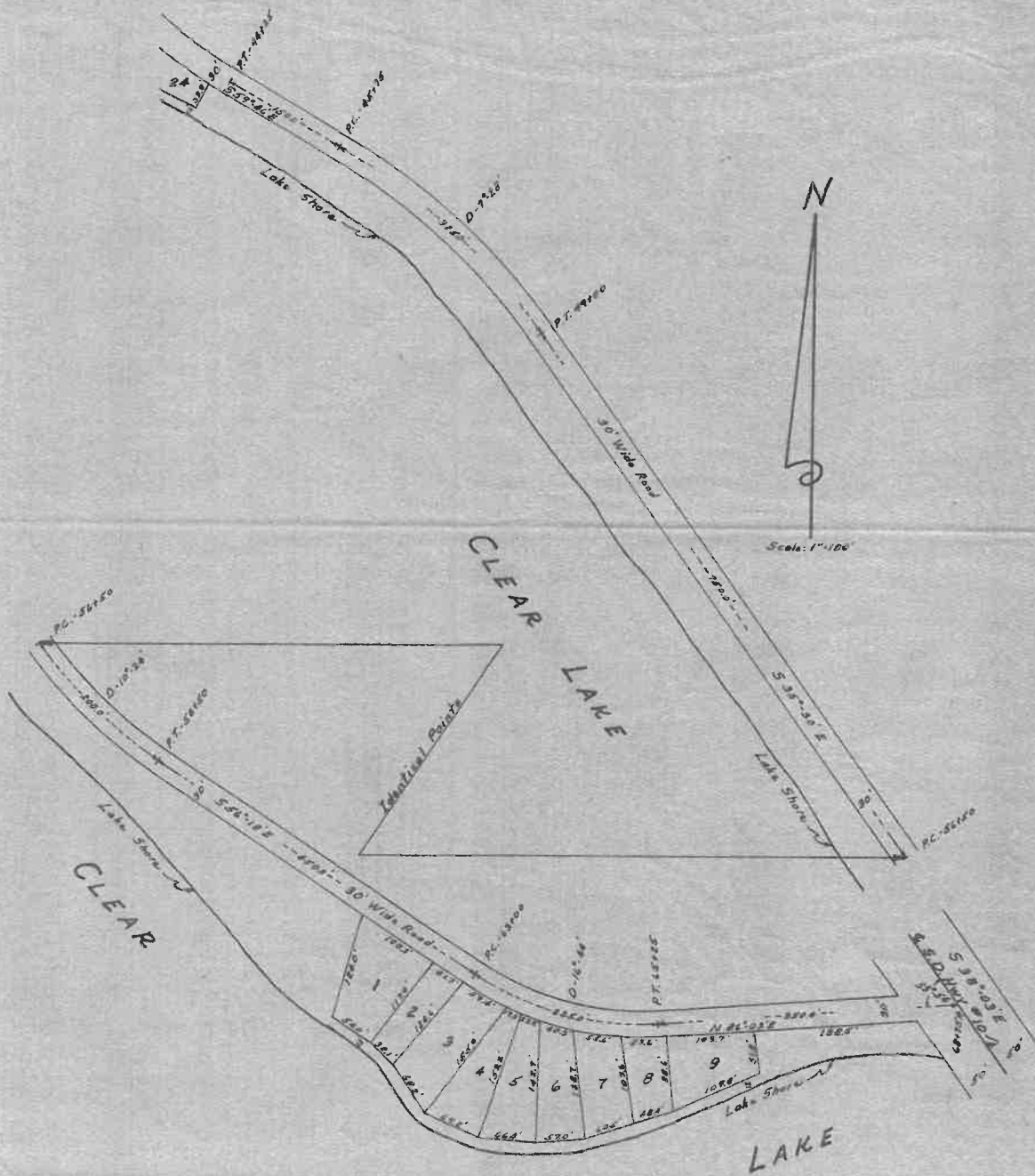
Holton
 SURVEYING & DESIGN, LLC

128 E HICKORY ST, SISSETON SD PH 605-698-3850
 DRAWN: FIELD: ACAD DOCS\INSERTS\STANDARD\TITLELOCKS.DWG 0123456-PVM



LUNDEE M STADTLER
 REGISTERED LAND SURVEYOR 13482

Plat Showing
**ISENSEE'S FOURTH CLEAR LAKE SUBDIVISION IN
 THE SW 1/4 OF SEC. 18 - T. 126 N. - R. 53 W.
 MARSHALL COUNTY, S. DAK.**



OWNER'S CERTIFICATE

I, Lena Ianssee, do hereby certify that I am the absolute and unqualified owner of lot 7 of Government Lot 4 in Section 18, Township 126 North, Range 53 East of the Fifth Principal Meridian, in Marshall County, South Dakota, and that I have caused a portion of the same to be subdivided and platted into lots as shown on the above plat, which shall hereafter be known and described as "lots 1 - 9, Ianssee's Fourth Clear Lake Subdivision." I further certify that the above described lands are free from any incumbrances. I hereby dedicate to the public use the thirty-foot wide access road as shown.

Dated this 21 day of July, 1963.

State of South Dakota)
 County of Marshall)

OWNER

On this 21 day of July, 1963, before me, a Notary Public, personally appeared Lena Ianssee, known to me to be the person described in and who executed the within instrument, and who acknowledged to me that she executed the same.

My commission expires April 20 1966.

Lena Ianssee
 Notary Public, South Dakota

SURVEYOR'S CERTIFICATE

MARSHALL COUNTY WEB VIEWER



2/27/2025, 2:53:50 PM

PLAT

ISENSEE'S 4TH ADDITION

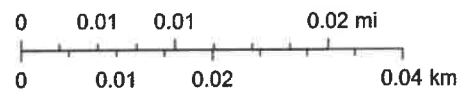
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TOWNSHIPS

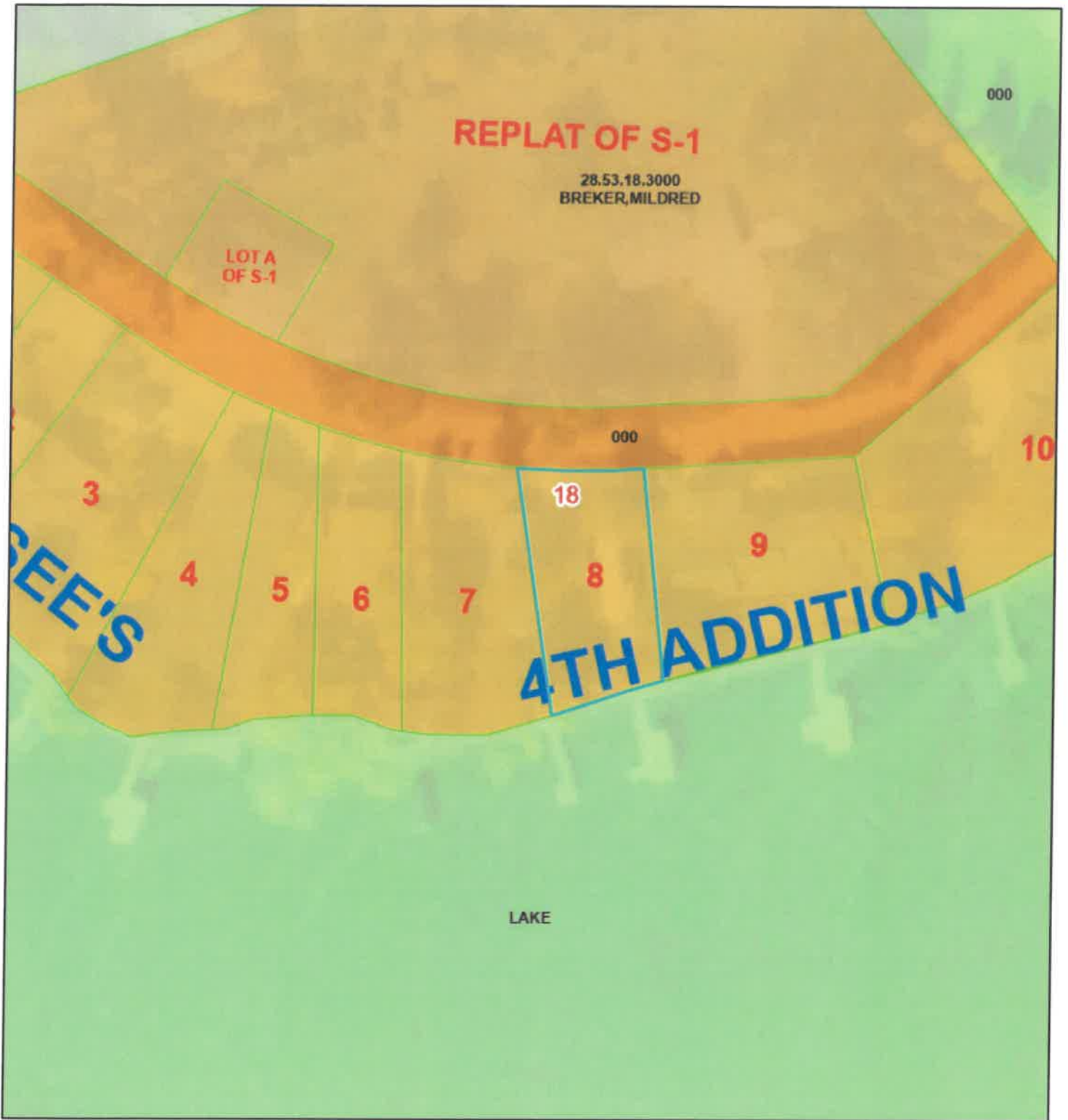
SECTIONS

PARCELS

1:1,128



MARSHALL COUNTY WEB VIEWER







2/27/2025, 2:56:22 PM

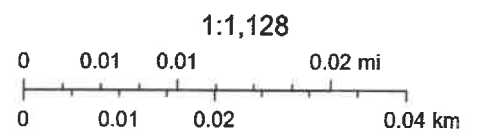
ZONING

-  Agricultural District
-  Lake Front Residential District

PLAT

-  ISENSEE'S 4TH ADDITION

-  <Null>
-  TOWNSHIPS
-  SECTIONS
-  PARCELS



Variance – Randy Heitmann







