

**Marshall County Planning & Zoning
STAFF REPORT
March 18, 2025**

OWNER/APPLICANT: Nathan Schultz

PROPERTY DESCRIPTION: Southeast Quarter (SE1/4) except Schultz Lot 1 in the Southeast Quarter (SE1/4) Section 1, T126N, R56W

CURRENT & SURROUNDING ZONING: Agricultural (Ag)

REQUEST: The petitioner is asking to build a shop 19 feet from the right-of-way line, instead of the 60ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. There is currently a deteriorating silage bunker, which will be removed, in the space that the new shop is proposed to be built. The petitioner is constructing the new shop in the exact position and distance from the road as the current structure.
2. The proposed farm shop is 60'X96' with a sidewall height of 20'. According to the applicant/application, there will be a 20' concrete apron on the Southeast end of the building toward the road which will be 1' from the right-of-way line.
 - a. Applicant is aware that permitting for concrete is not required, but the concrete must stay out of the right-of-way.
 - b. The road is maintained by the Schultz family. The road lying to the South is a township road but is used primarily by the Schultz's for their farming and personal use, according to the applicant.
3. There is another larger shop located across the township road to the South.
 - a. BP No. 59-13 - 80'X156' pole building
4. Marshall County Ordinance requires that all structures shall be set back not less than sixty (60) feet from all public right-of-ways measured from the road right-of-way.
5. No written comments or objections were received prior to the hearing.
6. Staff Recommendation – **41' variance to the right-of-way line setback and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.**
7. 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 the Ag District.
 - a. The Board has granted similar right-of-way line variances to Ag parcels in the past, when the neighbors had no objections.
 - i. Similar right-of-way line variances allowed – 40' for T. & K. Tracy (garage), 33' for Newport Colony 11/17, 14' for R. Sonstegard 10/16
 1. There are no *exact* situations of right-of-way line variances on record
 - b. The Board would consider approving other similar requests meeting the unique circumstances.
8. 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 Ag District.

Action Item – 41' variance to the right-of-way line setback and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on March 18, 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.

Nathan Schultz, has requested a variance to construct a shop on the property described as the Southeast Quarter (SE1/4) except Schultz Lot 1 in the Southeast Quarter (SE1/4) Section 1, T126N, R56W. The petitioner is asking to construct the shop 19 feet from the right-of-way line, instead of the 60ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: March 5, 2025

1T(Mar 5)
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MARSHALL COUNTY PLANNING & ZONING COMMISSION
P.O.BOX 9
BRITTON, SOUTH DAKOTA 57430
605.448.7540

March 3, 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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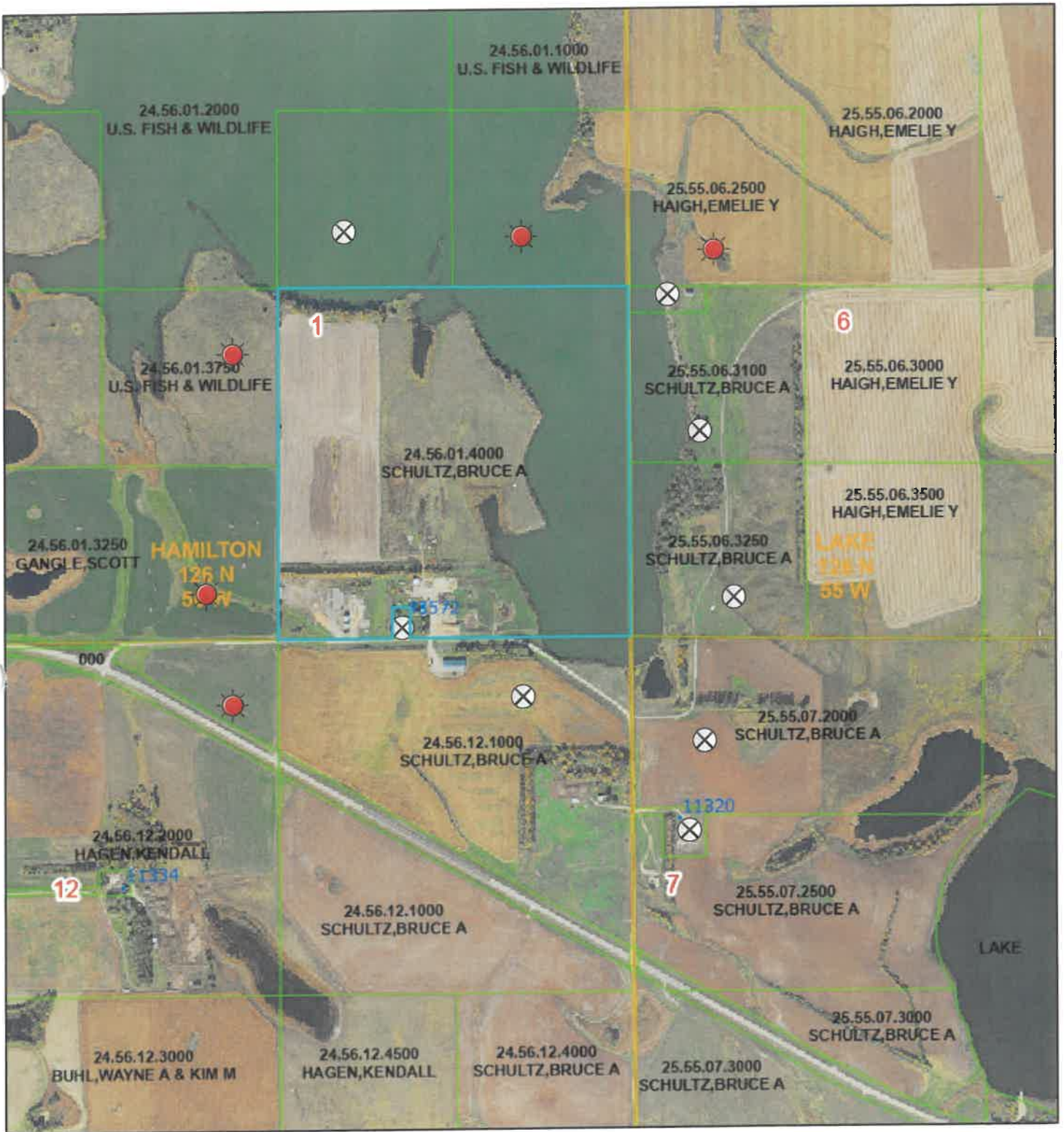
Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Director

Sent to the following adjacent landowners on 3/3/25:

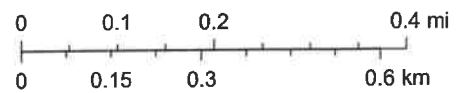
1. Kendall Hagen – 11334 435th Ave. Lake City, SD 57247
2. Scott Gangle – 11677 SD Hwy 25 Lake City, SD 57247
3. Game, Fish & Parks c/o Habitat Section – 523 E Capitol Ave. Pierre, SD
4. Michael & Steven Beardsley – 43574 113th St. Lake City, SD 57247
5. Emeliey Haigh – 46464 218th St. Volga, SD 57071

MARSHALL COUNTY WEB VIEWER



2/28/2025, 2:37:10 PM

1:18,056



• MarshallAddressPoints

- TOWNSHIPS
- SECTIONS
- PARCELS

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 2-24-25

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) Maintenance Shop within Building 54' of a (circle applicable) Twp Rd County Rd, Federal or State Hwy, Other Rd, Lot Line or High Water Mark.
*52' from center
41' from ROW
Concrete apron
34'*

Structure would be located on (legal description): SE 1/4 E & E Schultz Lot 1
Section 1 Twp 126 range S6

Reason: Removing existing silage bunker that is deteriorated and is the best spot in our yard for a shop. Building itself is 54' from the township road apron in front of door comes out to 34' from the road

Applicant Name: Nathan Schultz Phone: 605-448-8087
Address: 11320 436th Ave Lake City, SD 57247
Applicant Signature: Nathan Schultz
Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 2/24/25 Fees (non-refundable): \$150.00 Paid: YES NO
Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: March 18, 2025
Action taken by Planning and Zoning Commission: _____

MARSHALL COUNTY WEB VIEWER



24.56.01.4000
SCHULTZ, BRUCE A

24.56.12.1000
SCHULTZ, BRUCE A

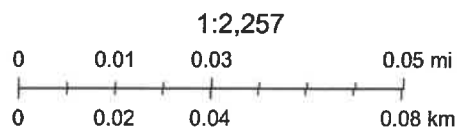
19' 33' 51' 9" 19' from ROW

1

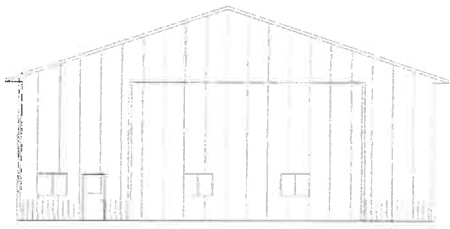
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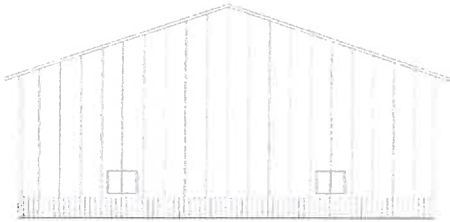
- TOWNSHIPS
- SECTIONS
- PARCELS



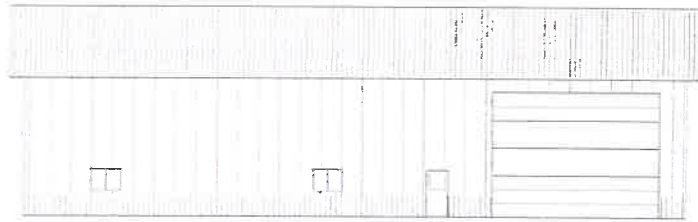




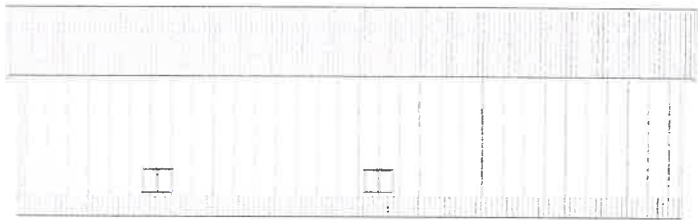
Gable 1



Gable 2



Eave 1



Eave 2

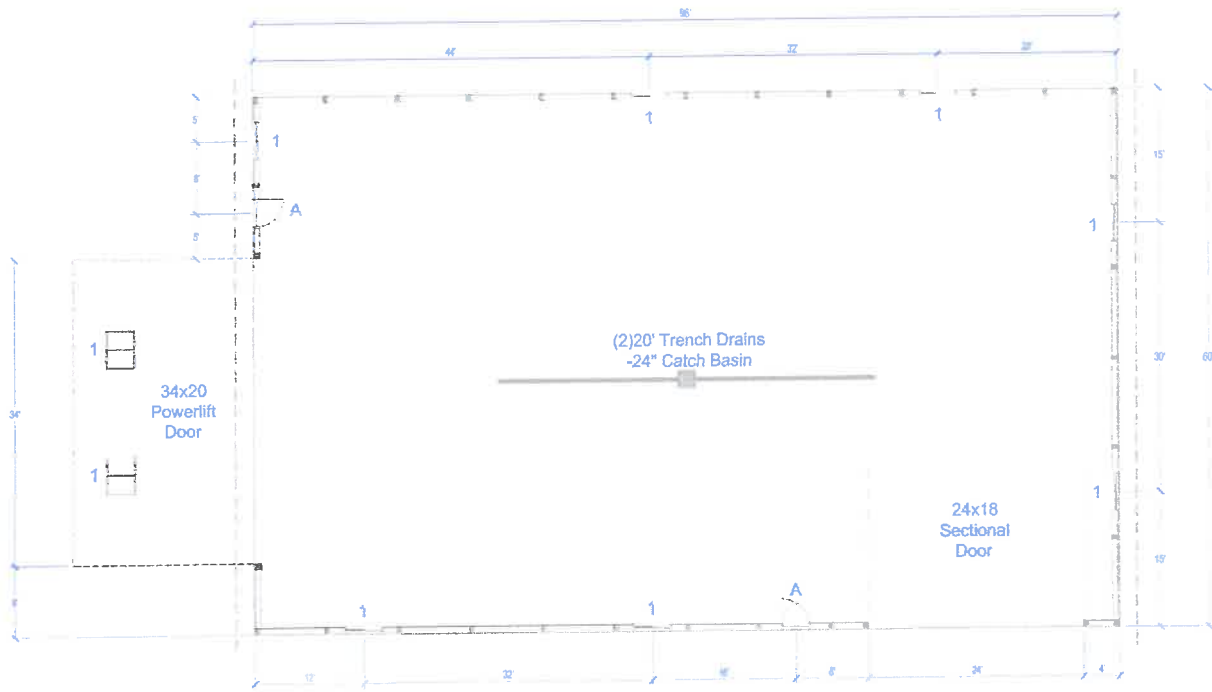
Elevations

Name:
Address:
Phone:

Client initials:

Summit Contracting
1001 S. 14th St.
P.O. Box 100
Summit, W.V. 26041



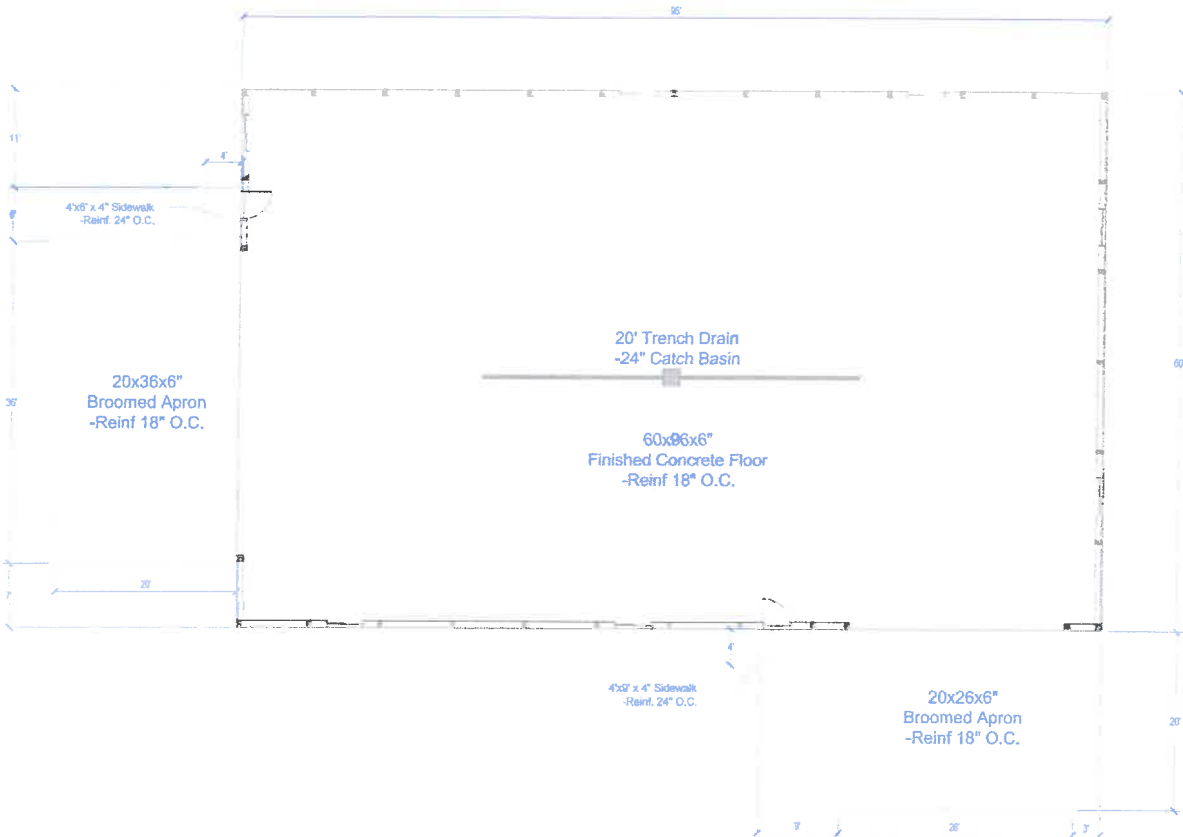


DOOR SCHEDULE				
ID	DESCRIPTION	NOMINAL	ROUGH	TOP ELV. QTY
A	AJ 3088 7100 1/2 LITE	3088	40-1/2 X 81"	81" 2
B	AJ 3088 7100 NO LITE	3088	40-1/2 X 81"	81" 0
C				

WINDOW SCHEDULE				
ID	DESCRIPTION	NOMINAL	ROUGH	TOP ELV. QTY
1	4X3 SLIDER	4X3	48" X 36"	81" 9
2	5X2 FIXED	5X2	60" X 24"	16"
3				

Floor Plan

 <p>SUMMIT CONTRACTING</p>	<p>Client: In House</p>
<p>2</p>	<p>Rev: 02/16/20</p> <p>Date: 02/16/20</p> <p>Scale: 1/8" = 1'-0"</p> <p>Project: 10-10-19-00</p> <p>Sheet: 10-10-19-00-01</p>



Concrete Plan

Sheet:
C-96420
Surf-Str

Client: _____

Summit Contracting
3030 15th Ave. SE
Burien, OR 97149
503.863.1111



2

MARSHALL COUNTY WEB VIEWER



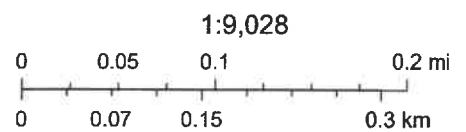
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• MarshallAddressPoints

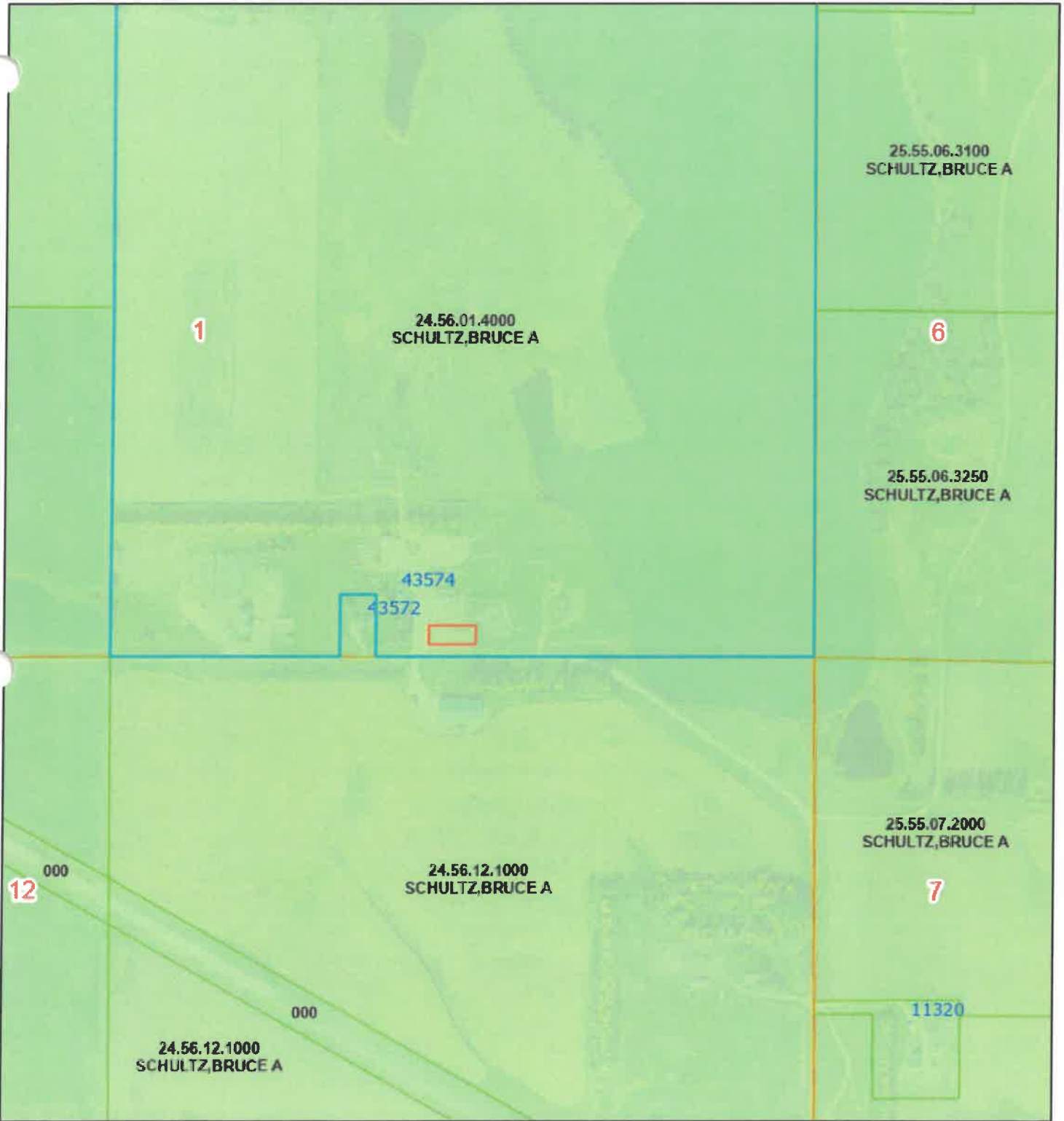
□ TOWNSHIPS

□ SECTIONS

□ PARCELS




MARSHALL COUNTY WEB VIEWER



3/11/2025, 3:26:07 PM

ZONING

-  Agricultural District
-  MarshallAddressPoints

-  TOWNSHIPS
-  SECTIONS
-  PARCELS



Variance – Nathan Schultz





