

**Marshall County Planning & Zoning**  
**STAFF REPORT**  
**April 8, 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 20 feet at the NE corner and 23.5 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. This application was previously noticed and scheduled to be heard at the March 4, 2025 meeting, but was postponed. Prior to the rescheduling, 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 – **10' variance at the NE corner and a 6.5' 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.**
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 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 – 10’ variance at the NE corner and a 6.5’ 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.**

**MARSHALL COUNTY APPLICATION FOR VARIANCE**

DATE: 3/3/25

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) manufactured home within See file 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 8 in the Plat showing Isensee's Fourth Clear Lake Subdivision in the SW 1/4 Sec. 18 126-53

Reason: Moving in House on a lot that doesn't have enough space

Applicant Name: Randy Plutman Phone: 605-~~448~~-237-1841  
Address: 4406 114th Street LAKE CITY SD  
Applicant Signature: Randy Plutman  
Owner Signature (if different than applicant): \_\_\_\_\_

**For Internal Office Use Only:**

Date Received: 3/3/25 Fees(non-refundable): \$150.00 Paid: YES NO Send bill  
Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: April 8th, 2025

Action taken by Planning and Zoning Commission: \_\_\_\_\_

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on April 8, 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 20 feet at the NE corner and 23.5 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: March 12, 2025*

17(Mar 12)  
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Published at an approximate cost of \$10.44 and can be viewed free of charge at [www.sdepublicnotic](http://www.sdepublicnotic)

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

March 10, 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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Sincerely,

*Erin Collins-Miles*

Erin Collins-Miles  
Planning and Zoning Director

**Sent to the following adjacent landowners on 3/10/25:**

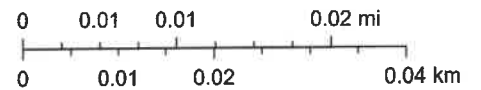
1. Mildred Breker – 443435 North Shore Dr. Lake City, SD 57247
2. Thomas & Joan Brewster – 443425 North Shore Dr. Lake City, Sd 57247
3. David Lee Carruthers – 9361 Verdi Ln West Des Moines, IA 50266

# MARSHALL COUNTY WEB VIEWER



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

1:1,128



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



# BUILDING PERMIT SKETCH

FOR A PROPOSED STRUCTURE ON LOT 8  
 OF ISSENSEES 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

Lot 6

ALL HOUSE DIMENSIONS  
 TO OVERHANG

Lot 7

Lot 8

Lot 9

NEW sketch  
 need new permits

FOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY  
 CERTIFY THAT THE PROPERTY THAT IS DESCRIBED ABOVE, AND  
 THE MEASUREMENTS THEREON, ARE TRUE AND CORRECT.

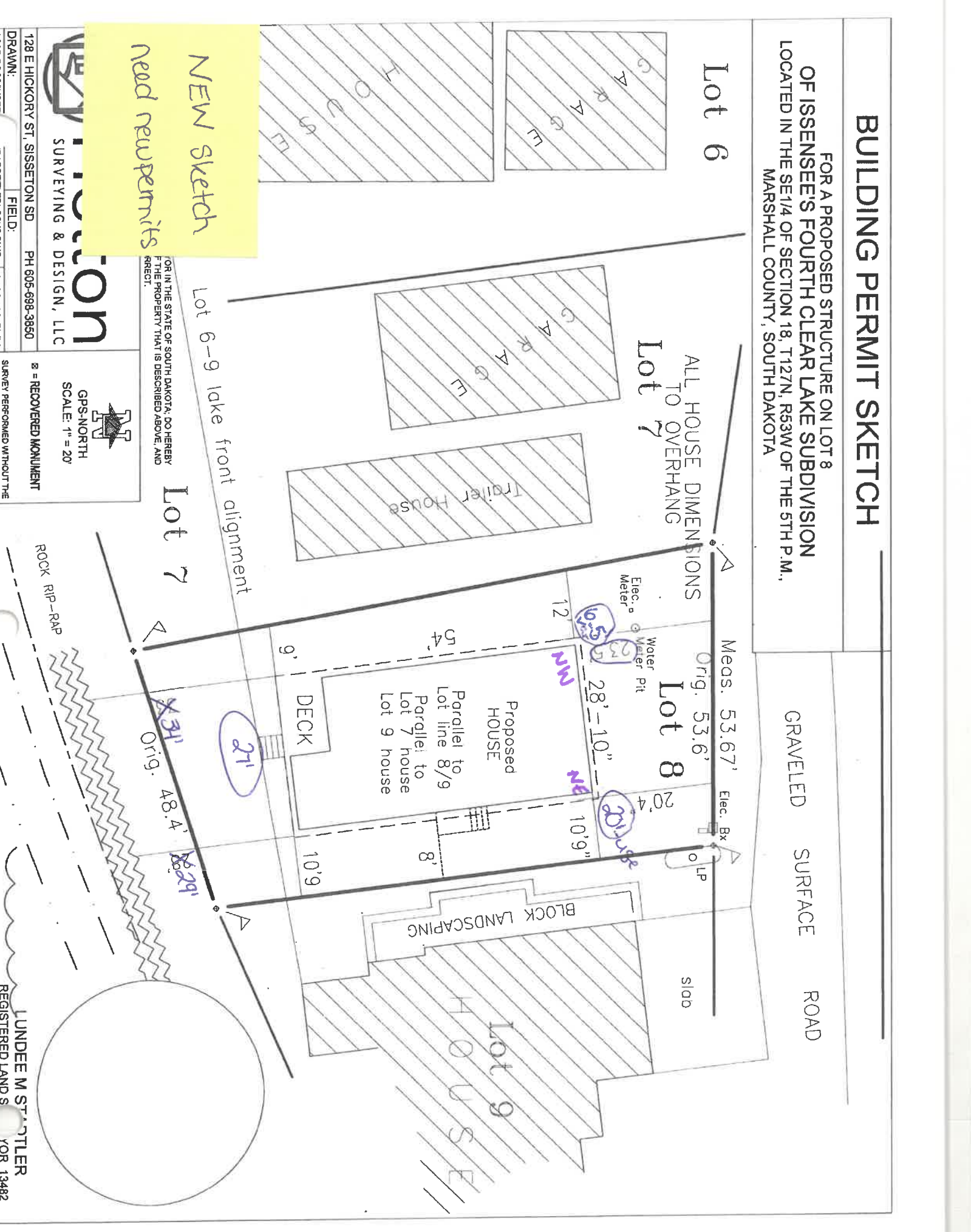
Lot 7

Lot 6-9 lake front alignment

ROCK RIP-RAP

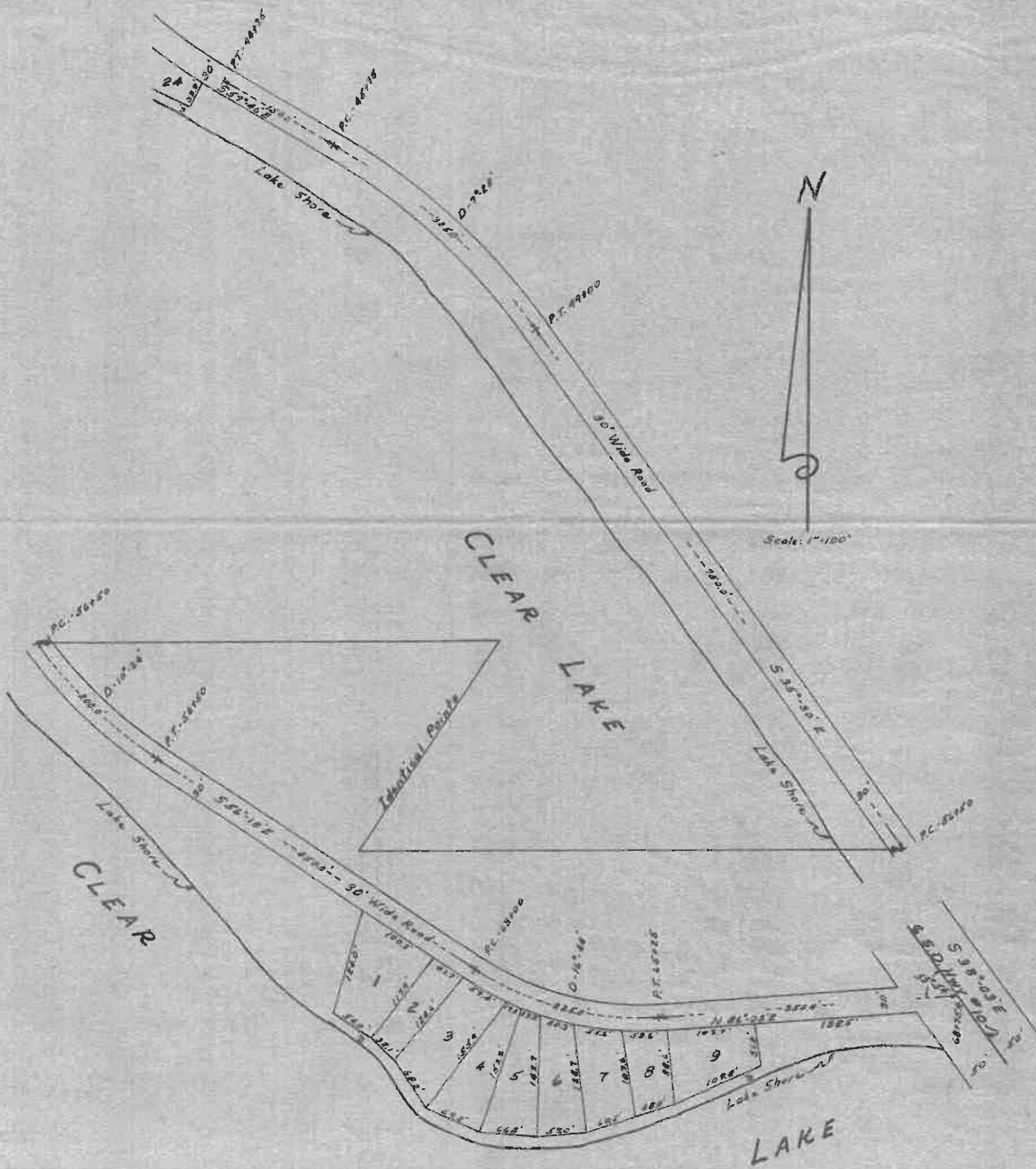
**Surveying & Design, LLC**  
 SURVEYING & DESIGN, LLC  
 128 E HICKORY ST, SISSETON SD 57080  
 PH 605-698-3850  
 DRAWN BY: MARIOTTI ERIKSON DWG 1 012446A-DVMA  
 FIELD: PH 605-698-3850  
 GPS-NORTH SCALE: 1" = 20'  
 RECOVERED MONUMENT  
 SURVEY PERFORMED WITHOUT THE ASSISTANCE OF A TITL F COMMINSURANT

**LUNDEE M STUTTLER**  
 REGISTERED LAND SURVEYOR 13482





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



OWNER'S CERTIFICATE

I, Lena Iensee, do hereby certify that I am the absolute and unqualified owner of Lot 1 of Government Lot 4 in Section 18, Township 126 North, Range 53 West 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, Iensee'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 27 day of July, 1963.

OWNER

State of South Dakota) ss  
 County of Marshall )

On this 27 day of July, 1963, before me, a Notary Public, personally appeared Lena Iensee, 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 26 1964.

Notary Public, South Dakota

SURVEYOR'S CERTIFICATE

# MARSHALL COUNTY WEB VIEWER



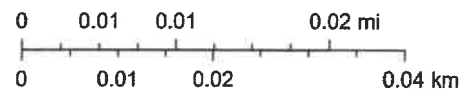
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PLAT

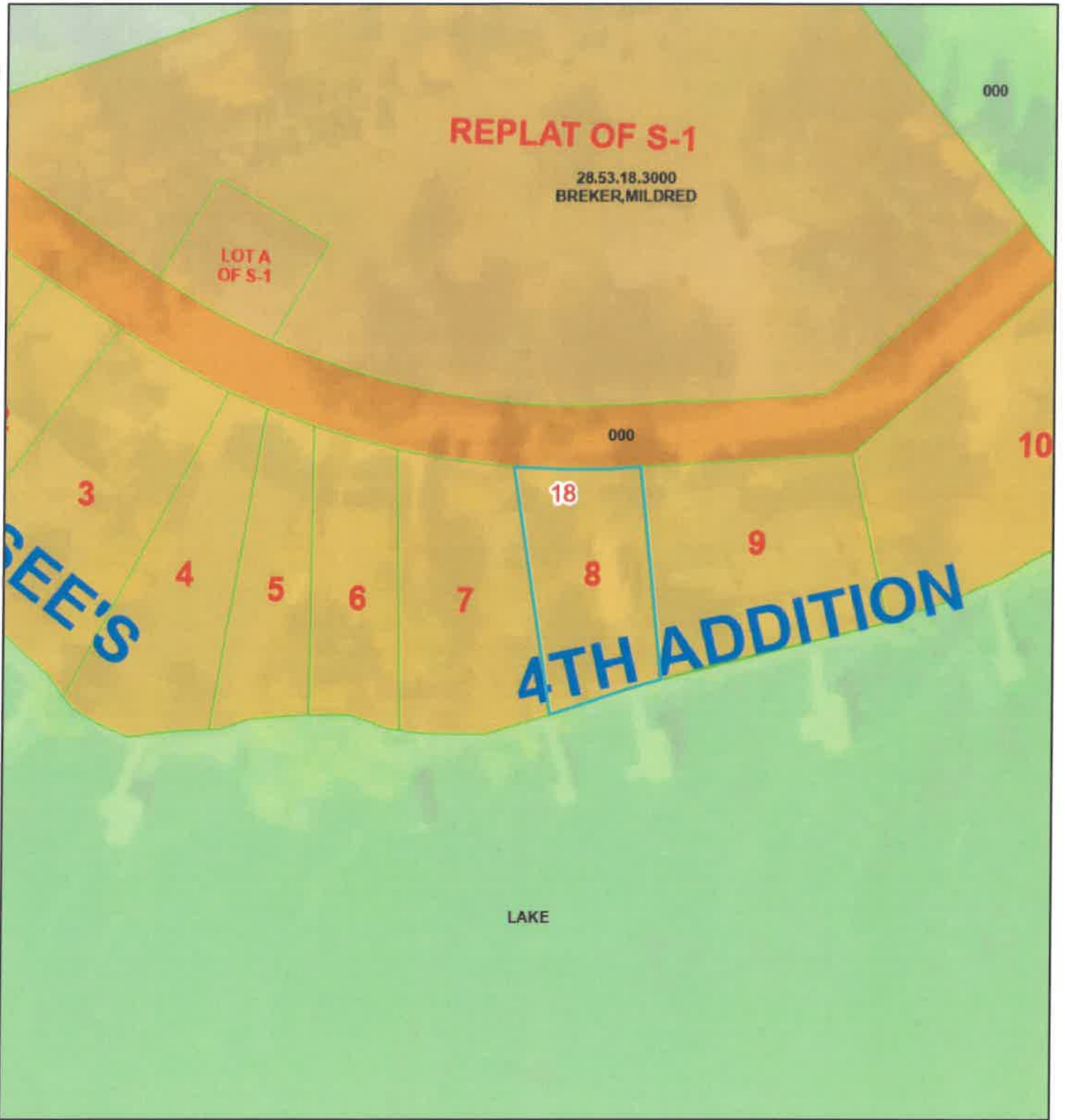
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-  <Null>

-  TOWNSHIPS
-  SECTIONS
-  PARCELS

1:1,128





# MARSHALL COUNTY WEB VIEWER







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

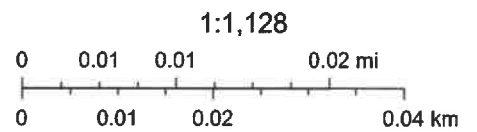
## ZONING

-  Agricultural District
-  Lake Front Residential District

## PLAT

-  ISENSEE'S 4TH ADDITION

-  <Null>
-  TOWNSHIPS
-  SECTIONS
-  PARCELS





Variance – Randy Heitmann











