

**Marshall County Planning & Zoning**  
**STAFF REPORT**  
**April 8, 2025**

**Issue #1 Variance for Building Setback**

**OWNER/APPLICANT:** Eddy Kornelsen

**PROPERTY DESCRIPTION:** Lot B in the Plat of Lots A, B, C, D, E In Lot 2 of Roykota Subdivision in Gov't Lot 5 of Section 27 and Gov't Lot 5 of Section 34, T126N, R55W

**CURRENT ZONING:** Lake Front Residential (R-3)

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

**REQUEST:** The petitioner is asking to build a garage 23 feet at the NE corner and 19 feet at the SE corner from the right-of-way line, instead of the 30ft requirement; per the Marshall County Zoning Ordinance.

**HISTORY/ISSUE(S):**

1. The applicants have owned the Lot in question since September 7, 2022.
2. A 28'x30' cabin was built on the Lot in 2024.
  - a. BP No. 47-24
3. The property includes some major concrete work including a pad for RV parking on the South side of the cabin.
4. Lot B has an average depth of approximately 156.8ft and a width of approximately 89ft. Note that the dimensions of the home with the addition of the garage would bring the total length of the structure to approximately 54'.
5. Applicant has stated on the variance application that a bit more space allowance is needed in order to build his garage on the East side of the house.
6. According to the plat, the road is shown as a 20' access road which runs along the East and South borders of Lot B.
7. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line.
8. No written comments or objections have been received prior to the writing of this staff report.
9. Staff Recommendation – **7' variance at the NE corner and an 11' variance at the SE corner to the right-of-way line 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 – 7' for B. Johnson 8/22, 15' for J. Nordquist, 12.1' & 13.4' for D. & L. Vig 6/21 & 10' for T. Fredrickson 9/18
      1. Greater distances allowed – 19' for J. & D. Stickland 8/24 & 24' for J. Peters 5/23
  - 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 – 7' variance at the NE corner and an 11' variance at the SE corner to the right-of-way line setback.**

**MARSHALL COUNTY APPLICATION FOR VARIANCE**

DATE: 3/12/25

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) 19'8" 27' within 30' Zone of a (circle applicable): Twp Rd, County Rd, Federal or State Hwy, Other Rd, Lot Line or High Water Mark. Access Road.

Structure would be located on (legal description): Lot B in Lot 2 Roykota  
See below 116885 Roykota Dr. Lake City SD  
57247

Reason: I just need a little more room  
To put my Garage on the lot.

Applicant Name: Eddy Korreben Phone: 605-418-1347  
Address: 116885 Roykota Dr Lake City SD 57247  
Applicant Signature: [Signature]  
Owner Signature (if different than applicant): \_\_\_\_\_

**For Internal Office Use Only:**

Date Received: 3-19-25 Fees(non-refundable): \$150.00 Paid:  YES  NO  
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.

Eddy Kornelsen has requested a variance to build a garage on the property described as Lot B in the Plat of Lots A, B, C, D, E In Lot 2 of Roykota Subdivision in Gov't Lot 5 of Section 27 and Gov't Lot 5 of Section 34, T126N, R55W. Pertaining to the Lot line closest to the road; the petitioner is asking to place the garage 23 feet at the NE corner and 19 feet at the SE corner from the right-of-way line, instead of the 30ft requirement; per the Marshall County Zoning Ordinance.

Erin Collins-Miles  
Planning & Zoning Administrator

Published once at the approximate cost of

*For publication: March 26, 2025*

1T(Mar 26)  
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MARSHALL COUNTY PLANNING & ZONING COMMISSION  
P.O.BOX 9  
BRITTON, SOUTH DAKOTA 57430  
605.448.7540

March 25, 2025

Dear Property Owner,

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.

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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 3/25/25:**

1. Elwood & Marilyn Hochstetler – 1508 11<sup>th</sup> St. S Fargo, ND 58103
2. Dakota Pier, LLC c/o Paula Conard – 633 43 ½ Ave. S Moorhead, MN 56560
3. Robert Novotny – 10035 Co. Rd. 19 Lidgerwood, ND 58053

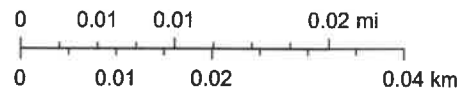
# MARSHALL COUNTY WEB VIEWER



3/24/2025, 2:51:26 PM

1:1,128

- PLAT
- GOLDEN POND ADDITION
  - ROYKOTA LEGACY ESTATES
  - ROYKOTA SUBDIVISION
  - ROYKOTA LEGACY ESTATES 2ND SUBDIVISION
  - TOWNSHIPS
  - SECTIONS
  - PARCELS

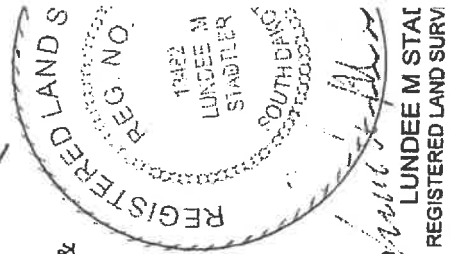
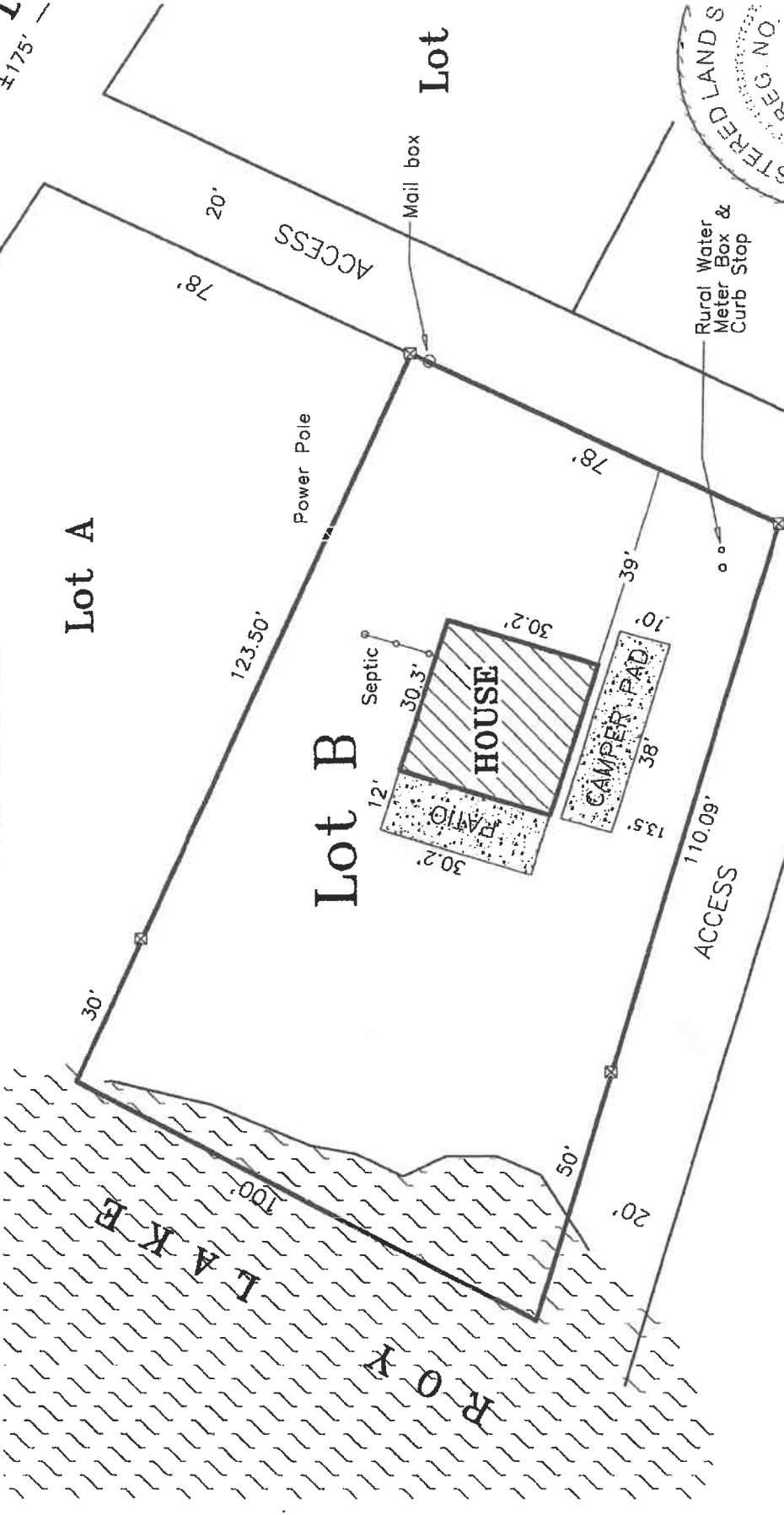






# MORTGAGE SURVEY

OF THE PROPERTY LOCATED WITHIN  
**LOT B, IN LOT 2, ROYKOTA SUBDIVISION**  
 LOCATED IN Gov't Lot 5 of Section 27, and Gov't Lot 5 of Section 34,  
 T126N, R55W OF THE 5TH P. M., MARSHALL COUNTY, SOUTH DAKOTA



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



☒ = 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: 3/11/25 FIELD: 3/5/25 2712555-M019  
 MORTGAGE/MARSHALL/ARESECTION ZIROYKOTAGOLDEN POND/DEED/CAR/BLDNG

SUBDIVISION  
 Lot E

ROYKOTA

Prepared for: Eddy & Katherine Kornelsen  
 Requested by: Karysa Luckow  
 Town & Country Credit Union

3

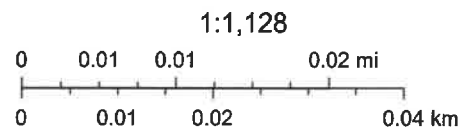


# MARSHALL COUNTY WEB VIEWER

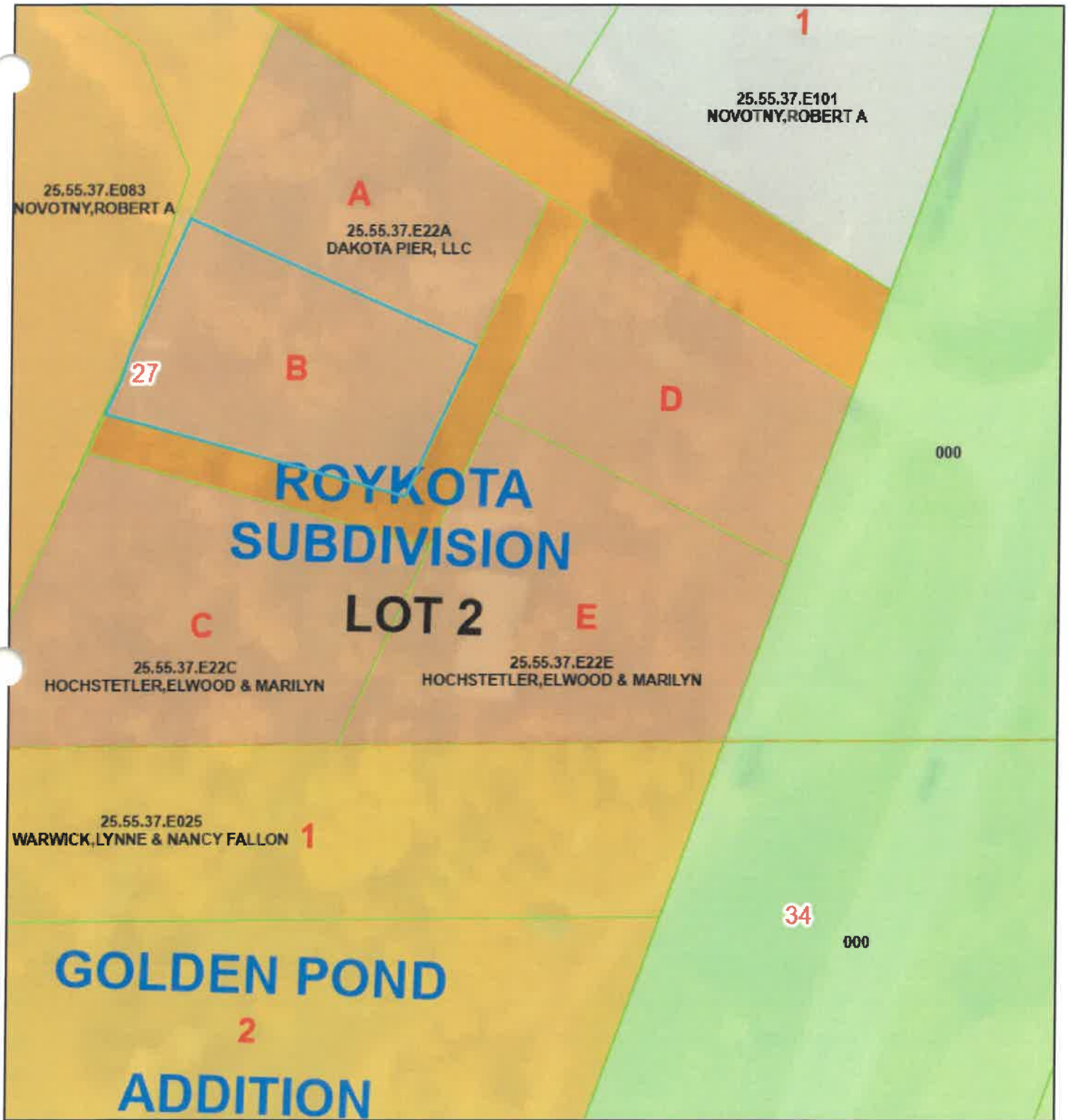


4/1/2025, 2:03:15 PM

- PLAT
- GOLDEN POND ADDITION
  - ROYKOTA LEGACY ESTATES
  - ROYKOTA SUBDIVISION
  - ROYKOTA LEGACY ESTATES 2ND SUBDIVISION
  - TOWNSHIPS
  - SECTIONS
  - PARCELS

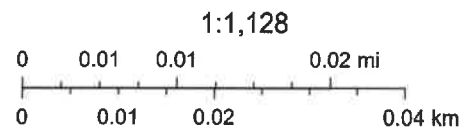


# MARSHALL COUNTY WEB VIEWER



4/1/2025, 2:00:13 PM

- |                                 |                                        |
|---------------------------------|----------------------------------------|
| ZONING                          | ROYKOTA SUBDIVISION                    |
| Agricultural District           | ROYKOTA LEGACY ESTATES 2ND SUBDIVISION |
| Lake Front Residential District | TOWNSHIPS                              |
| GOLDEN POND ADDITION            | SECTIONS                               |
| ROYKOTA LEGACY ESTATES          | PARCELS                                |



**Variance – Eddy Kornelsen**







