

**Marshall County Planning & Zoning  
STAFF REPORT  
May 20, 2025**

**OWNER/APPLICANT:** Michael Docter

**PROPERTY DESCRIPTION:** NE1/4 of Section 19, T126N, R59W

**CURRENT & SURROUNDING ZONING:** Agricultural (Ag)

**REQUEST:** The petitioner is asking to construct the new grain leg 55 feet from the right-of-way line, instead of the 60-foot requirement, per the Marshall County Zoning Ordinance.

**HISTORY/ISSUE(S):**

1. There is currently an older grain leg in use which will be removed. The new grain leg will be constructed in the same place as the leg being removed.
  - a. The petitioner is constructing the new leg in the exact position and distance from the road as the current structure.
2. According to the applicant, the current leg in use was constructed by his father in the 70's and is a grandfathered structure.
  - a. The road lying to the East of the proposed project is a township road and runs through the feedlot which is located on either side (East/West) of the road.
3. There are several existing grandfathered grain bins located closer to the right-of-way line than the current zoning requirements allow.
  - a. Note that any work done to these existing structures or replacement of any equipment would most likely result in a variance needing to be obtained.
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 – **5' 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 – 3' for L. Hanson 9/21 (distance approved is similar), 30' for T. Nelson 5/16
      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 – 5' 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 May 20, 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.

Michael Docter as part of Dalton Docter Feedlot, has requested a variance to replace an existing grain leg which has become too old on the property described as the NE1/4 of Section 19, T126N, R59W. The petitioner is asking to build the new leg 55 feet from the right-of-way line, instead of the 60-foot requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles  
Planning & Zoning Administrator

Published once at the approximate cost of

*For publication: May 7, 2025*

1T(May 7)  
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MARSHALL COUNTY PLANNING & ZONING COMMISSION  
P.O.BOX 9  
BRITTON, SOUTH DAKOTA 57430  
605.448.7540

May 2, 2025

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on May 20, 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

**Sent to the following adjacent landowners on 5/2/25:**

1. Ryant & Richard Alberts – 404 Terry Point Ridge Dandridge, TN 37725
2. Donald & Donna Symens – 11520 412<sup>th</sup> Ave. Claremont, SD 57432
3. Wayne & Deeann Suther – 41238 116<sup>th</sup> St. Claremont, SD 57432
4. Brandon & Kellie Alberts – PO Box 236, Langford, SD 57454
5. Dawn Robinson – 41298 116<sup>th</sup> St. Claremont, SD 57432
6. Mark & Diane Luitjens – 11650 Schlekewy Dr. Lake City, SD 57247
7. Greg or Kent Wieker – 3576 Rolling Meadows Dr. Aberdeen, SD 57401
8. Leonard & Sheri Alberts – 11407 418<sup>th</sup> Ave. Britton, SD 57430

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Sincerely,

*Erin Collins-Miles*

Erin Collins-Miles  
Planning and Zoning Director

## MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 4-29-2025

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) Grain Leg within 88 ft from center / 55' from ROW  
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): NE-19-126-59

Reason: Replacing old existing leg.

Applicant Name: Michael Doctor DALTON Doctor Feedlot Phone: 605-350-2552

Address: 11511 413th Ave

Applicant Signature: Michael Doctor, President

Owner Signature (if different than applicant): Michael Doctor

### For Internal Office Use Only:

Date Received: 4/29/25 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: May 20th, 2025

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

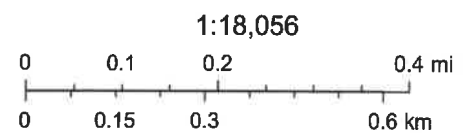


# MARSHALL COUNTY WEB VIEWER



5/2/2025, 2:40:47 PM

- TOWNSHIPS
- SECTIONS
- PARCELS

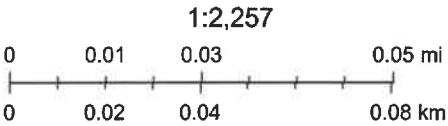


# MARSHALL COUNTY WEB VIEWER



5/15/2025, 12:01:54 PM

- TOWNSHIPS
- SECTIONS
- PARCELS





## Variance – Docter













