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Kent Delaney,
of Counsel

June 2, 2025

Marshall County Planning & Zoning Commission
P.O. Box 9
Britton, South Dakota 57430

RE: Joe and Anna Meissner Variance for Building Setback

Dear Marshall County Planning & Zoning Commission:

Be advised that my office represents Steven Steiner in relation to the variance for building setback requested by Joe and Anna Meissner for their Clear Lake Property. Be advised my client objects to the variance requested by Mr. and Mrs. Meissner for the following reasons:

First, Mr. Steiner supports the objection to the high water mark setback as stated previously by Gary and Mary Carlson. Gary and Mary have been great neighbors, and Mr. Steiner shares their concern that the setback will interfere with their line of sight and would be a detriment to their property.

Second, Mr. Steiner opposes the right of way setback from the existing private road on the grounds of safety as well as utility for the snow removal. With regards to safety, my client operates a business out of his nearby property. He is concerned that the setback variance would reduce the visibility that pedestrians and occupants of the property would have from the road as well as operators on the road which would cause a safety hazard. With regards to the utility of the snow removal, Mr. Steiner is hired by several of the occupants of cabins further down the road to remove the snow in the winter time and the 20 foot setback would not be sufficient in Mr. Steiner's opinion to accommodate a heavy snow load occurrence. Mr. Steiner is concerned that if the set back is only 20 feet from the road, that he or anybody else removing snow would be subject to liability for damage to the structure due to flying snow during the removal process. Additionally, the 20 feet setback would not provide the adequate distance for the snow to be stored in the ditch during a heavy snow load situation.

For these reasons listed, Mr. Steiner is objecting to the above stated variance.

Sincerely,

DELANEY, NIELSEN & SANNES, P.C.



David A. Geyer

DAG:aw

cc: Client