

**Marshall County Planning & Zoning**  
**STAFF REPORT**  
**June 17, 2025**  
**Issue: Variance for Lot Size**

**OWNER/APPLICANT:** Rick Hofland

**PROPERTY DESCRIPTION:** for proposed Lots 3A, 3WA and Lot 3B in the proposed Plat of Lots 3A, 3B, 3WA, and 3WB in Lakeview Addition to Roy Lake, Section 21, T126N, R55W

(Proposed Plat available to view in the office of the Zoning Director.)

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

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

**REQUEST:** The petitioner is asking to create Lots 3A and 3WA with a shoreline frontage width of 45' instead of the 100' requirement and to create Lot 3B with a width of 61.53 feet at the roadside instead of the 100' requirement; per the Marshall County Zoning Ordinance.

**HISTORY/ISSUE(S):**

1. The proposed Lot in question is part of a plat that will be going through later in the meeting. A variance application is required to be approved prior to a plat being filed.
2. The lots in question are proposed to be platted with the requested dimensions for the purpose of splitting the land to be kept within respective families after ownership adjustments.
  - a. Per property cards, proposed Lot 3A contains a cabin and garage. Proposed Lot 3B contains a cabin, 2 storage sheds and a camper.
3. The proposed lot width does not meet the requirement for lots with shoreline or road frontage in the Lake Front Residential District per the Zoning Ordinance.
4. Per the zoning ordinance, a newly platted lot must have the same width or shoreline as other neighboring lots within the same subdivision in order to obtain a building permit without the need for a variance.
  - a. The applicants chose to apply for a variance to lot size due to the positions of cabins within the lots
    - i. If Lot 3A/3WA were to be platted with the 50' shoreline width as is the minimum in this subdivision, the Lot line would lay approximately 2" from one of the cabins.
    - ii. The road frontage is shown on the plat as an Arc. Measurement. (see file)
5. The road lying to the North is maintained by the County and is the County's only secondary road.
6. The driveway remains unchanged and is used to access Lots 3A, 3B, 4 and 5A.
7. Marshall County Ordinance requires that the minimum lot shoreline frontage width shall not be less than one hundred (100) feet and the lot road frontage shall not be less than one hundred (100) feet in width.
8. No written comments or objections were received prior to the writing of this staff report.
9. Staff Recommendation – **55' variance to the shoreline width requirement for lot(s) 3A/3WA and a 38.47' (exact) variance to the road frontage requirement for Lot 3B.**
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 Lot Size variances to lake lots in the past, when the neighbors had no objections.

- i. Similar lot size variances allowed – 34.38/33.31 for H. Mairs 6/17 and 9 Lots for S. Bull 12/19 (see file), various lot sizes for R. & L. Westby 11/22 & 9/23, various lot sizes for W. Schlekewy 5/24, 25' & 12.54' for K. Freudenthal 3/24 and 25' for R. Deutsch 11/24.
- 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.

If the Board chooses to grant the variance, it must make findings pursuant to TITLE 19, Chapter 19.6 of the Zoning Ordinance.

**Action Item – 55' variance to the shoreline width requirement for lot(s) 3A/3WA and a 38.47' (exact) variance to the road frontage requirement for Lot 3B.**

## MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 5/27/2025

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) PLAT LOT LINE within LAKE FRONT RESIDENTIAL 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): FOR THE PROPOSED PLAT OF LOTS 3A, 3B, 3WA, AND 3WB IN LAKEVIEW ADDITION TO ROY LAKE, SECTION 21 T126N. R55W OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA

Reason: LOT WIDTH OF 45' ALONG THE SHORELINE FOR LOT 3A, TO FIT EXISTING CABINS . THE WIDTH OF LOT 3WA TO MATCH THE WIDTH OF THE SHORELINE OF LOT 3A

DRAWING PROVIDED

Applicant Name: RICK HOFLAND Phone: 701-799-3530  
Address: 44473 107TH ST, VEBLEN SD, 57270 SITE: 438415 NORTHSIDE DR  
Applicant Signature: *Rick Hofland*  
Owner Signature (if different than applicant): \_\_\_\_\_

### For Internal Office Use Only:

Date Received: 5/27/25 Fees(non-refundable): \$150.00 Paid: ☒ YES ☐ NO  
Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: June 17<sup>th</sup>, 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 June 17, 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.

Rick Hofland has requested a variance to lot size for proposed Lots 3A, 3WA and Lot 3B in the proposed Plat of Lots 3A, 3B, 3WA, and 3WB in Lakeview Addition to Roy Lake, Section 21, T126N, R55W (proposed Plat available to view in the office of the Zoning Director.) The petitioner is asking to create Lots 3A and 3WA with a shoreline frontage width of 45' instead of the 100' requirement and to create Lot 3B with a width of 61.53 feet at the roadside instead of the 100' requirement; per the Marshall County Zoning Ordinance.

Erin Collins-Miles  
Planning & Zoning Administrator

Published once at the approximate cost of

*For publication: June 4, 2025*

1T(June 4)  
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100' requirement and to create Lot 3B with a width of 61.53 feet at the roadside instead of the 100' requirement; per the Marshall County Zoning Ordinance. Erin Collins-Miles Planning & Zoning Administrator  
Published at an approximate cost of \$8.70 and can be viewed free of charge at [www.adpublicnotice.com](http://www.adpublicnotice.com).

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

June 2, 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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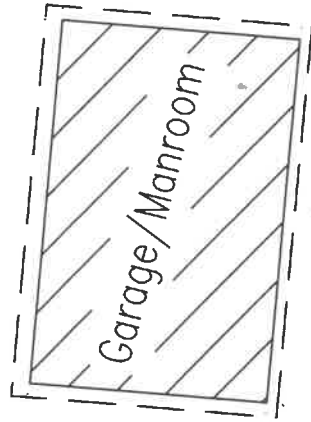
*Erin Collins-Miles*

Erin Collins-Miles  
Planning and Zoning Director

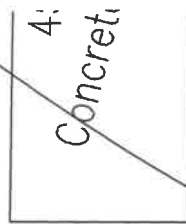
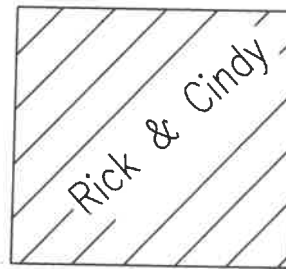
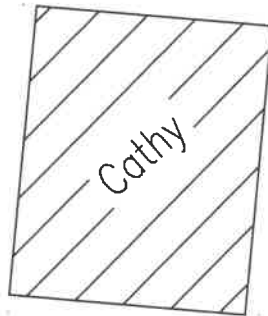
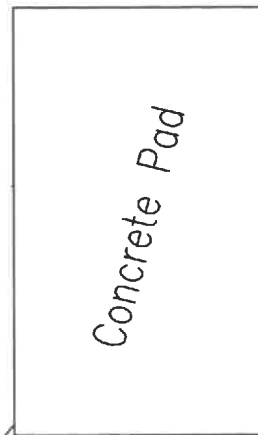
**Sent to the following adjacent landowners on 6/2/25:**

1. Paula Hanson – 438375 Northside Dr. Lake City, SD 57247
2. Steven & Teresa Chamley – 53 Horizon Dr. Council Bluffs, IA 51503
3. Samuel & Amanda Nordquist – 444 W Roy Lake Ave. Lake City, SD 57247

Lot 3A



Lot 3B



N00°59'34"E

247.37'

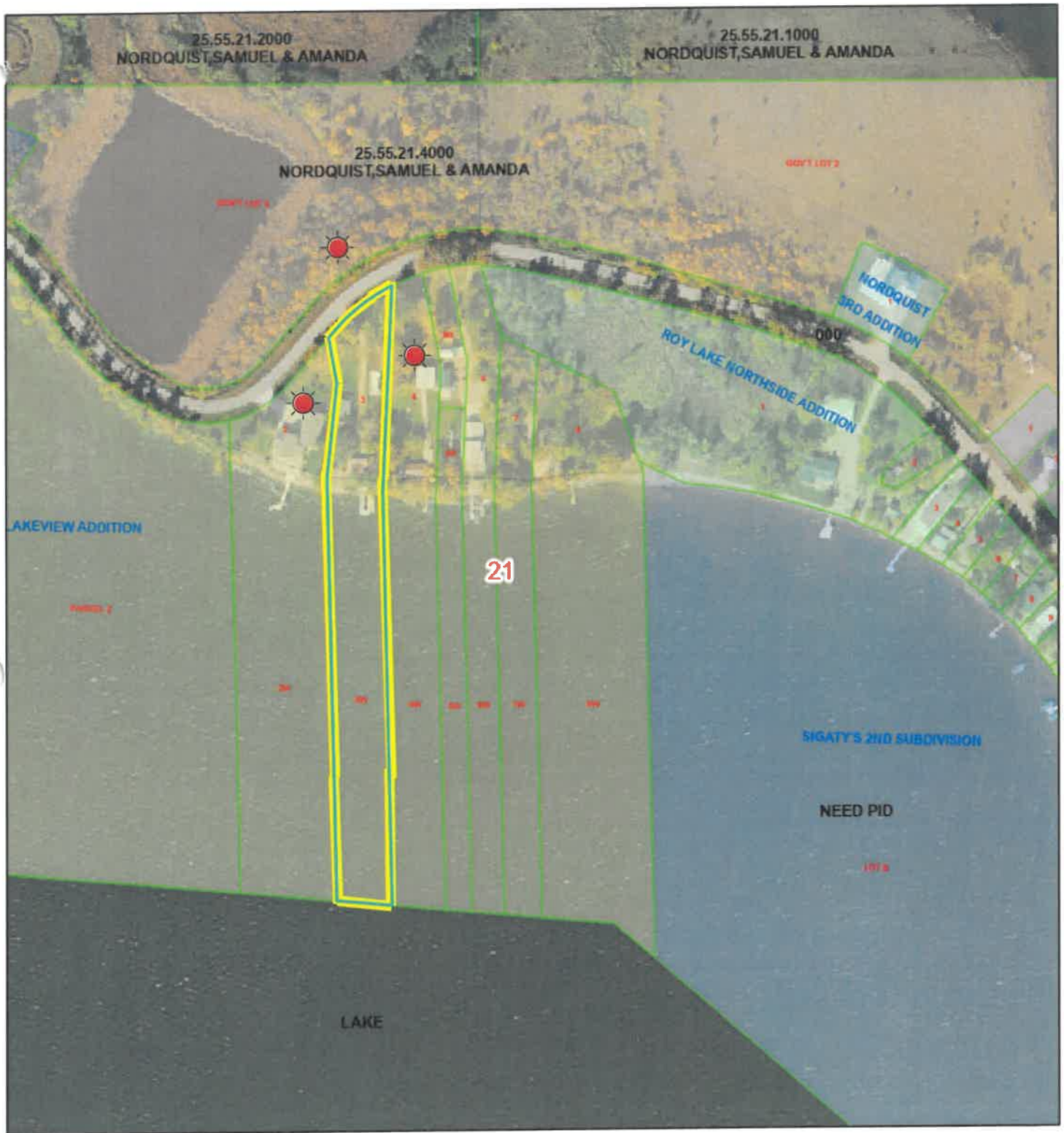
45.0

Lot 3WA

Lot 3WB



# MARSHALL COUNTY WEB VIEWER



6/2/2025, 2:35:37 PM

PLAT

LAKEVIEW ADDITION

NORDQUIST 1ST ADDITION

NORDQUIST 2ND ADDITION

NORDQUIST 3RD ADDITION

NORDQUIST 5TH ADDITION

ROY LAKE NORTHSIDE ADDITION

SIGATY'S 2ND SUBDIVISION

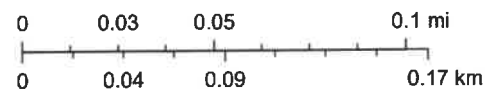
SIGATY'S SUBDIVISION

TOWNSHIPS

SECTIONS

PARCELS

1:4,514

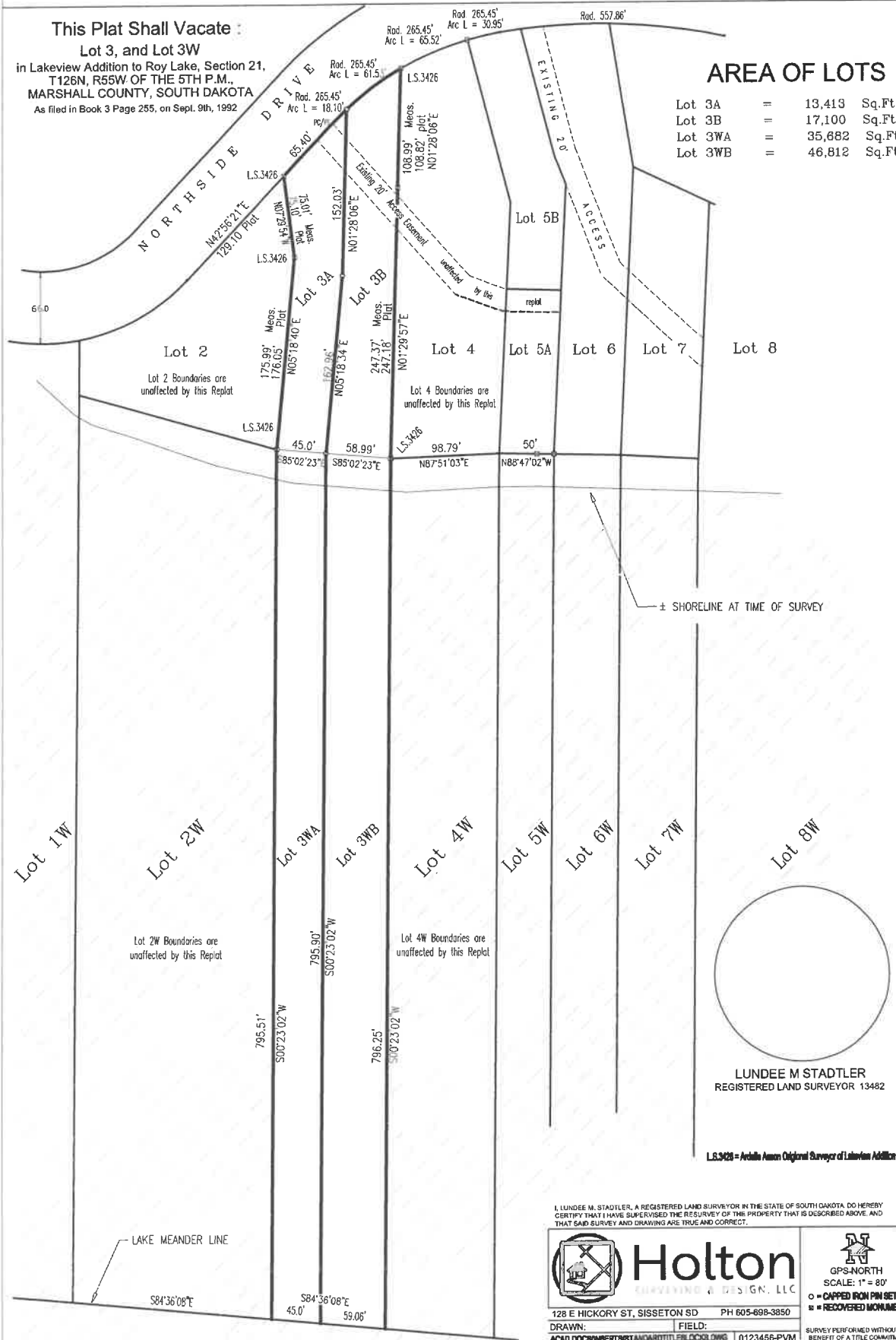




**Lots 3A, 3B, 3WA, and 3WB**  
in Lakeview Addition to Roy Lake, Section 21,  
T126N, R55W OF THE 5TH P.M.,  
MARSHALL COUNTY, SOUTH DAKOTA

## AREA OF LOTS

Lot 3A	=	13,413	Sq.Ft.
Lot 3B	=	17,100	Sq.Ft.
Lot 3WA	=	35,682	Sq.Ft.
Lot 3WB	=	46,812	Sq.Ft.



LUNDEE M STADTLER  
REGISTERED LAND SURVEYOR 13482

LS.9426 = Ardella Austin Original Surveyor of Limestone Addition

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



**Holton**  
SURVEYING & DESIGN, LLC



GPS-NORTH

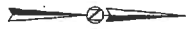
○ = CAPPED IRON PIN SET

128 E HICKORY ST, SISSETON SD PH 605-698-3850

DRAWN:	FIELD:
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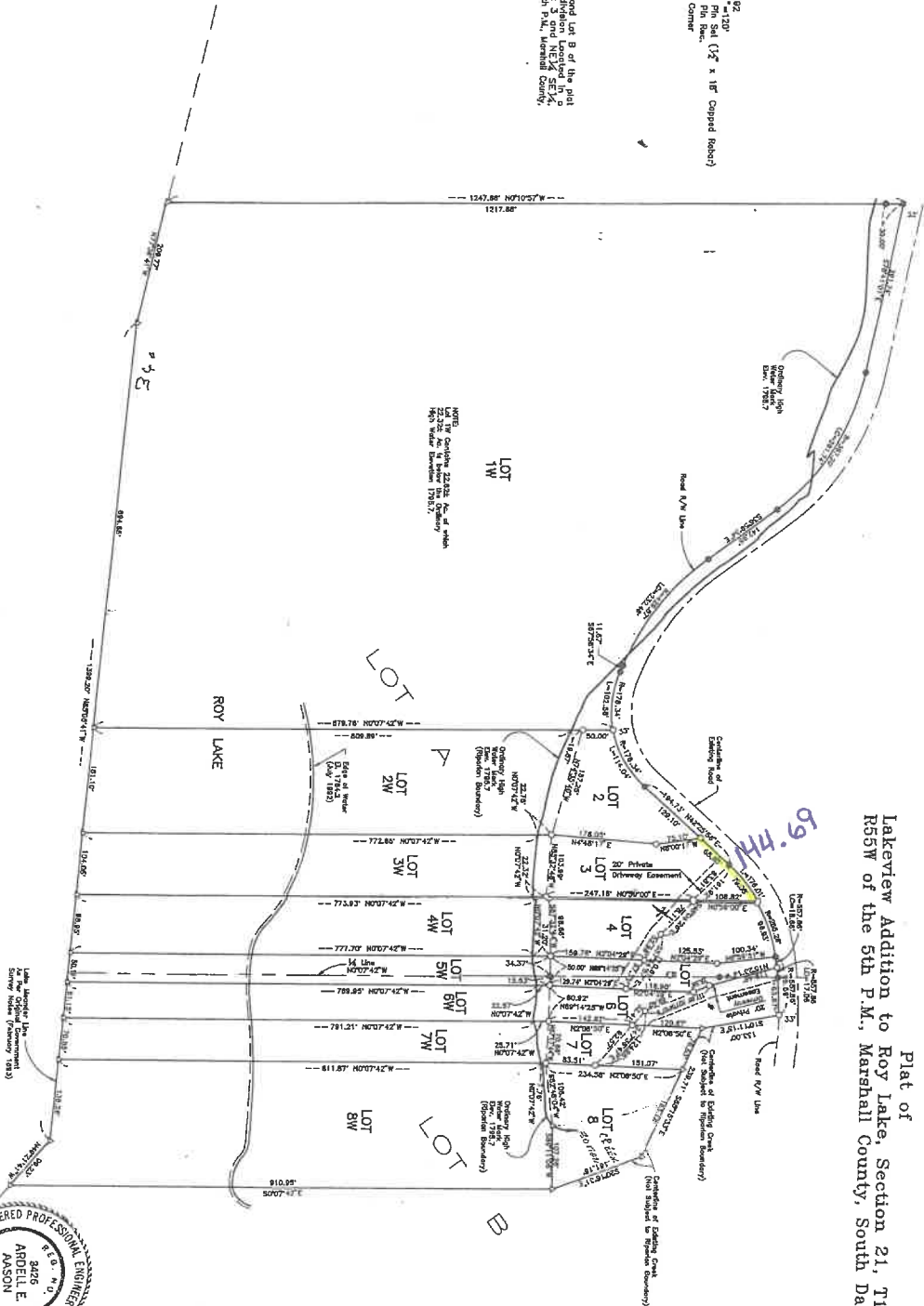
SURVEY PERFORMED WITHOUT THE  
BENEFIT OF A TITLE COMMITMENT

Plat of  
Lakeview Addition to Roy Lake, Section 21, T126N,  
R55W of the 5th P.M., Marshall County, South Dakota.



July, 1882  
Scale 1"=120'  
Property Plat. Sec. (1/2" x 1/2" Copied from)  
Property Plat. Sec.  
Property Corner

Being formerly a part of Lot A and Lot B of the plat  
entitled "Survey of Second Subdivision Located  
in Section 21, T126N, R55W, of the 5th P.M., Marshall County,  
South Dakota."



NOTE:  
Lots 1W thru 8W are lots that are below  
the ordinary high water elevation of 1725.7  
feet as established by Government Survey of  
1882. These lots would be  
voidable lots water elevations

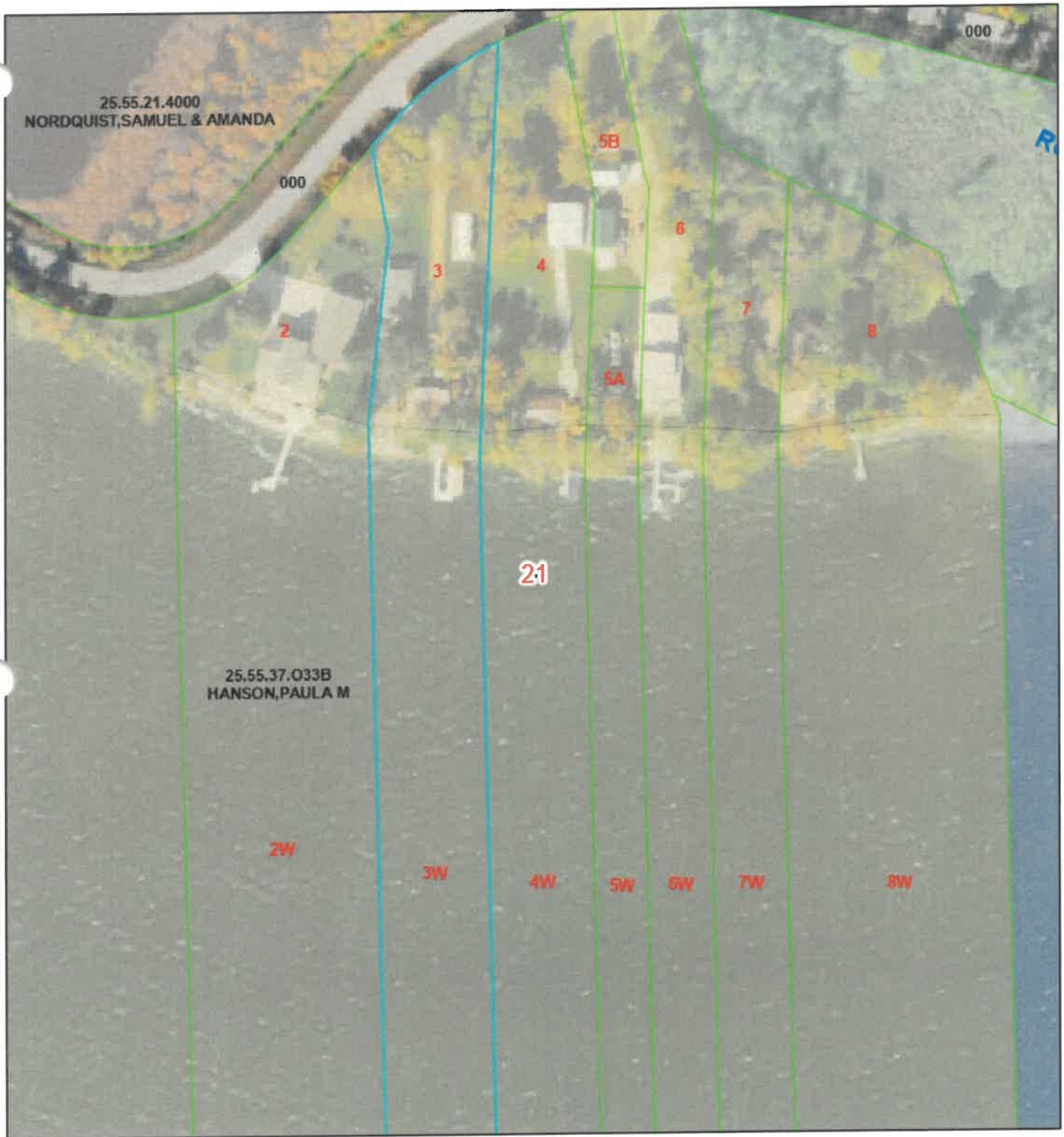
Lot 1W	22,802 Ac.
Lot 2W	0,000 Ac.
Lot 3W	0,000 Ac.
Lot 4W	0,000 Ac.
Lot 5W	0,000 Ac.
Lot 6W	0,000 Ac.
Lot 7W	0,000 Ac.
Lot 8W	0,000 Ac.
Total	41,742 Ac.



Surveyed & Platted  
By  
Mason Engineering Company Inc.  
Watertown, SD

Adelle E. Mason  
Surveyor

# MARSHALL COUNTY WEB VIEWER

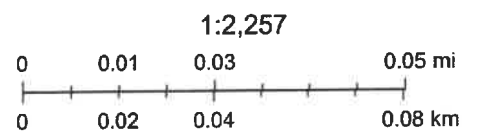


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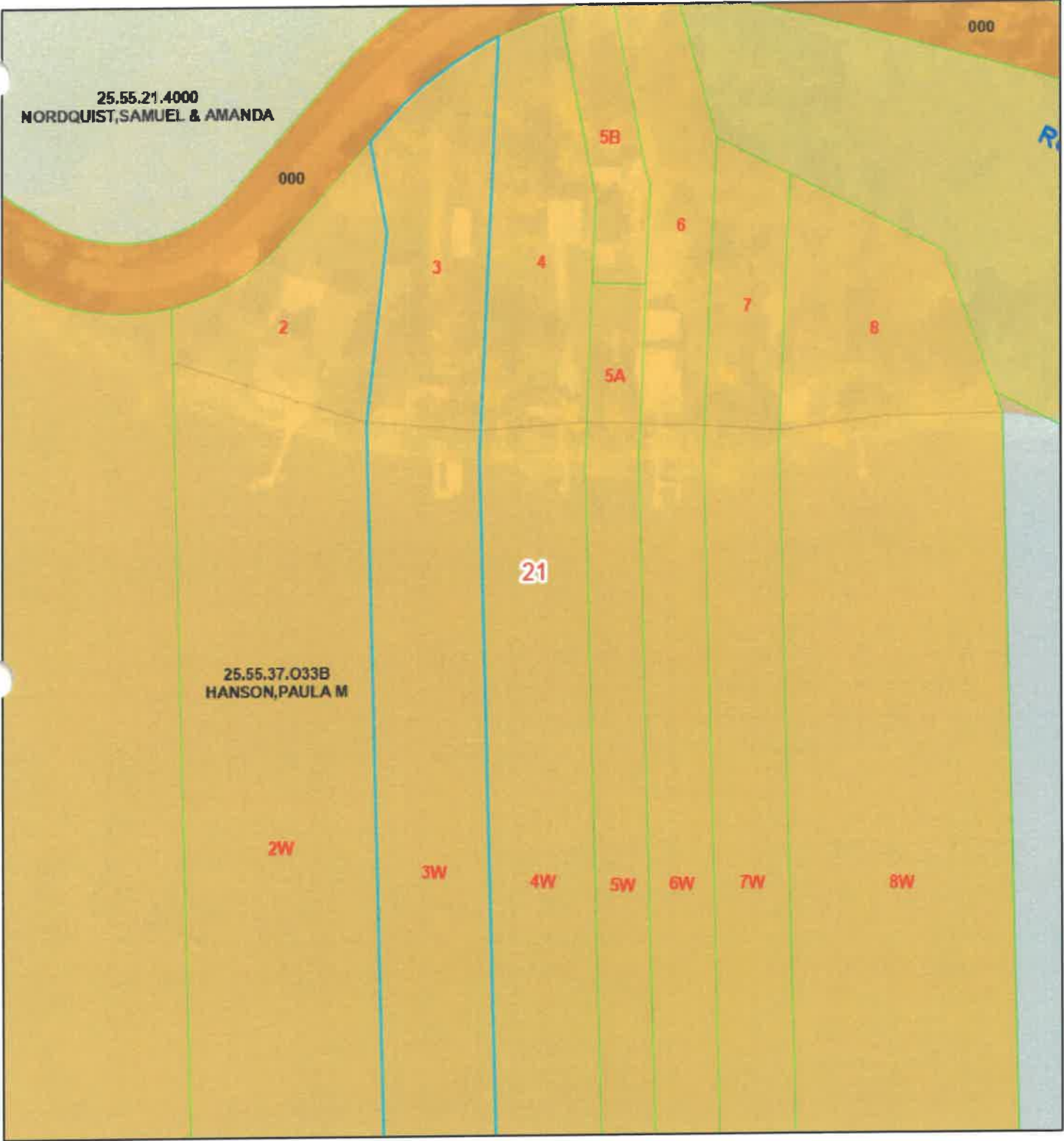
PLAT

- LAKEVIEW ADDITION
- ROY LAKE NORTHSIDE ADDITION
- SIGATY'S 2ND SUBDIVISION

- SIGATY'S SUBDIVISION
- TOWNSHIPS
- SECTIONS
- PARCELS



# MARSHALL COUNTY WEB VIEWER



6/12/2025, 2:06:53 PM

## ZONING

- Agricultural District
- Lake Front Residential District

## PLAT

- LAKEVIEW ADDITION
- ROY LAKE NORTHSIDE ADDITION

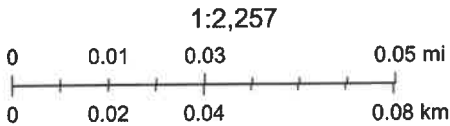
SIGATY'S 2ND SUBDIVISION

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TOWNSHIPS

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## Variance – Hofland













