

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

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Mark & Emily Hrabik

PROPERTY DESCRIPTION: as Lot 12 in the Plat of Lots 12 & 13 of Block 1 and Lots 3A and 3B, A subdivision of Lot 3 of Block 2, All in Schlekey Addition

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 18 feet at the NE corner and 26 feet at the NW corner from the right-of-way line, instead of the 30ft requirement. The petitioner is also asking to construct the covered porch which is attached to the home 33 feet at the SE corner and 36 feet at the SW corner from the 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 21, 2022.
2. There are currently no structures on the Lot.
 - a. There is a private driveway on the NW corner of the Lot. The pin found indicates that the Lot corner lies in the center of the road.
 - b. Drawings and stakes representing the position of the proposed structure on the Lot indicates that the building will meet the property line setbacks if built as requested.
3. The proposed house is 40'x60', according to the building permit submitted. The attached covered porch is proposed to be 40'x10', extending out toward the water.
4. Lot 12 has an average depth of approximately 106.75ft and a width of approximately 60.65ft.
 - a. Note that the dimensions of the home with the covered porch would bring the total length of the structure to approximately 70', not including the 1' overhang.
5. Photos in the file show that the home on Lot 11 to the East protrudes further toward the lake than the covered porch on the proposed home, if built as requested.
6. 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: 33ft.
7. According to the SDDENR Measured Lakes website at the time of writing this report; <https://apps.sd.gov/NR65LakeInfo/public.aspx>,
 - a. The outlet measurement is 1,822.5', and the Ordinary High-Water Mark is measured at 1,823.7'.
 - i. Note: website information shows that the OHWM is currently sitting above outlet level.
8. According to the plat, the public road to the North in which the driveway can be accessed from is shown as a 30' roadway.
9. 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.
10. No written comments or objections have been received prior to the writing of this staff report.
 - a. Oetken stated via phone that he has no issue with the project.

11. Staff Recommendation – **12' variance at the NE corner and 4' variance at the NW corner from the right-of-way line, and a 17' variance at the SE corner and a 14' variance at the SW corner to the high-water mark setback for the covered porch.**
12. 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 – 6.5' & 10' for R. Heitmann 4/25, 12.1' & 13.4' for D. & L. Vig 6/21, 16' for R. Tchida 7/24
 - 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 – J. & J. Harris 14' (covered Porch on Clear) 5/23, 18' for J. Nordquist 5/23, 18' for Bosse 8/23
 - 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.

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 – 12' variance at the NE corner and 4' variance at the NW corner from the right-of-way line, and a 17' variance at the SE corner and a 14' variance at the SW corner to the high-water mark setback for the covered porch.

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 5-15-25

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) Build within 14' other than (16' variance) 18' high water (32' variance) 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): Dance # 25.55.37.L112
Lot 12, Block 1,
Schlekey Addition

Reason: New Construction, New Home

Applicant Name: Mark Emily Hrabik Phone: _____

Address: PO Box 516, Britton, SD 57430

Applicant Signature: MJ Hrabik by Josh Kraft

Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 5/16/25 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: July 8, 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 July 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.

Mark & Emily Hrabik have requested a variance to place a house with a covered porch on the property described as Lot 12 in the Plat of Lots 12 & 13 of Block 1 and Lots 3A and 3B, A subdivision of Lot 3 of Block 2, All in Schlekewy Addition. Pertaining to the Lot line closest to the road; the petitioner is asking to place the home 18 feet at the NE corner and 26 feet at the NW corner from the right-of-way line, instead of the 30ft requirement. The petitioner is also asking to construct the covered porch which is attached to the home 33 feet at the SE corner and 36 feet at the SW corner from the 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: June 18, 2025

1T(June 18)
NOTICE OF HEARING
- APPLICATION FOR
VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on July 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. Mark & Emily

Hrabik have requested a variance to place a house with a covered porch on the property described as Lot 12 in the Plat of Lots 12 & 13 of Block 1 and Lots 3A and 3B, A subdivision of Lot 3 of Block 2, All in Schlekewy Addition. Pertaining to the Lot line closest to the road; the petitioner is asking to place the home 18 feet at the NE corner and 26 feet at the NW corner from the right-of-way line, instead of the 30ft requirement. The petitioner is also asking to construct the covered porch which is attached to the home 33 feet at the SE corner and 36 feet at the SW corner from the high-water mark instead of the 50ft requirement.; all per the Marshall County Zoning Ordinance. Erin Collins-Miles Planning & Zoning Administrator
Published at an approximate cost of \$10.15 and can be viewed free of charge at www.sdpublicnotices.com.

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

June 16, 2025

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on July 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.

Mark & Emily Hrabik have requested a variance to place a house with a covered porch on the property described as Lot 12 in the Plat of Lots 12 & 13 of Block 1 and Lots 3A and 3B, A subdivision of Lot 3 of Block 2, All in Schlekewy Addition. Pertaining to the Lot line closest to the road; the petitioner is asking to place the home 18 feet at the NE corner and 26 feet at the NW corner from the right-of-way line, instead of the 30ft requirement. The petitioner is also asking to construct the covered porch which is attached to the home 33 feet at the SE corner and 36 feet at the SW corner from the high-water mark instead of the 50ft requirement.; all per the Marshall County Zoning Ordinance.

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
Planning and Zoning Director

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

June 16, 2025

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on July 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.

Mark & Emily Hrabik have requested a variance to place a house with a covered porch on the property described as Lot 12 in the Plat of Lots 12 & 13 of Block 1 and Lots 3A and 3B, A subdivision of Lot 3 of Block 2, All in Schlekewy Addition. Pertaining to the Lot line closest to the road; the petitioner is asking to place the home 18 feet at the NE corner and 26 feet at the NW corner from the right-of-way line, instead of the 30ft requirement. The petitioner is also asking to construct the covered porch which is attached to the home 33 feet at the SE corner and 36 feet at the SW corner from the high-water mark instead of the 50ft requirement.; all per the Marshall County Zoning Ordinance.

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,

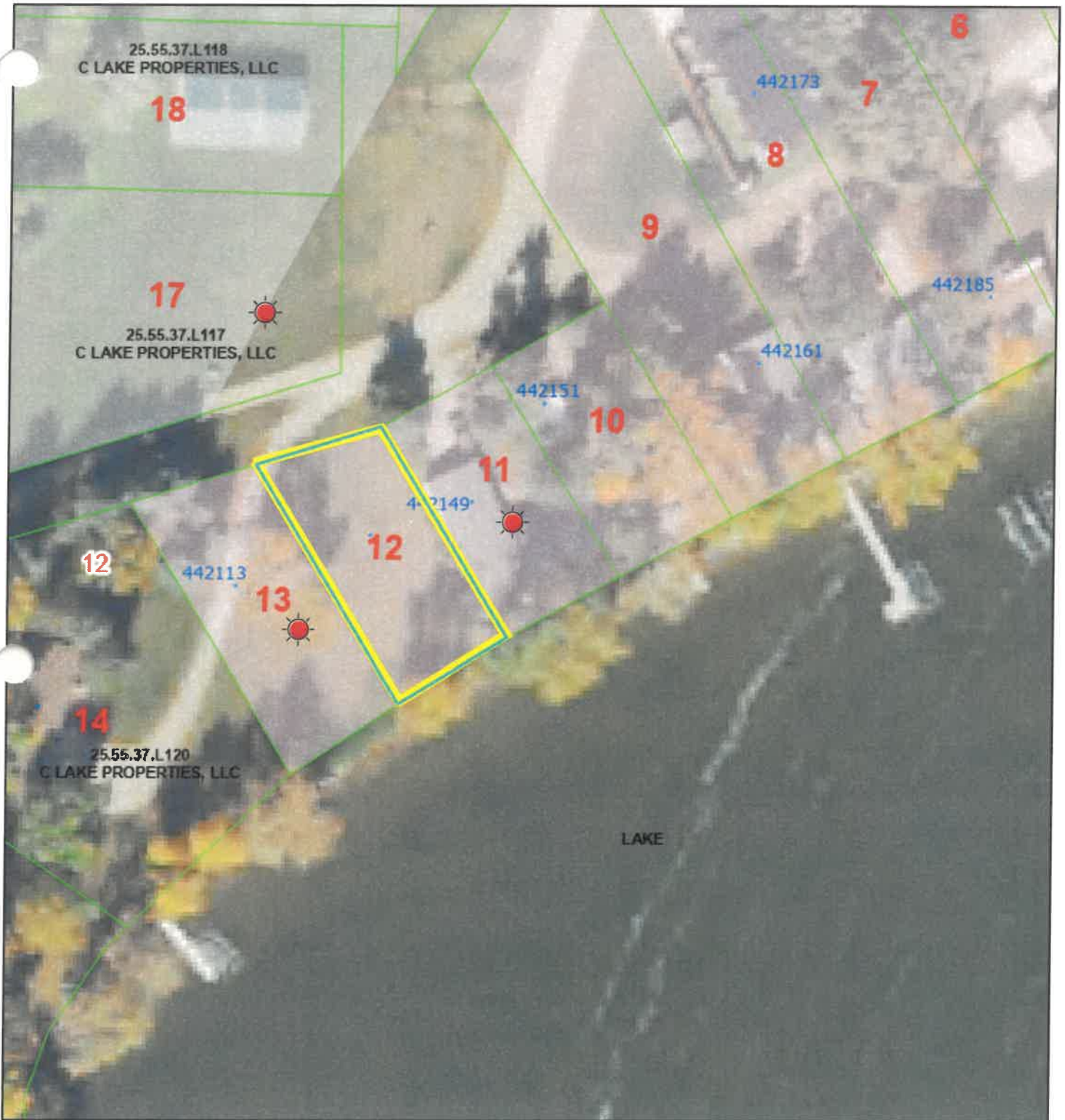


Erin Collins-Miles
Planning and Zoning Director

Sent to the following adjacent landowners on 6/16/25:

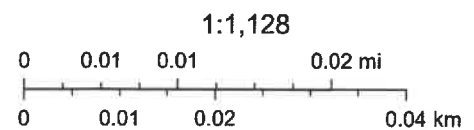
1. Stephen Oetken – 5883 Tee To Green St. Saint Cloud, MN 56304
2. C Lake Properties, LLC c/o Mary Carlson – 104 8th Ave. Britton, SD 57430

MARSHALL COUNTY WEB VIEWER

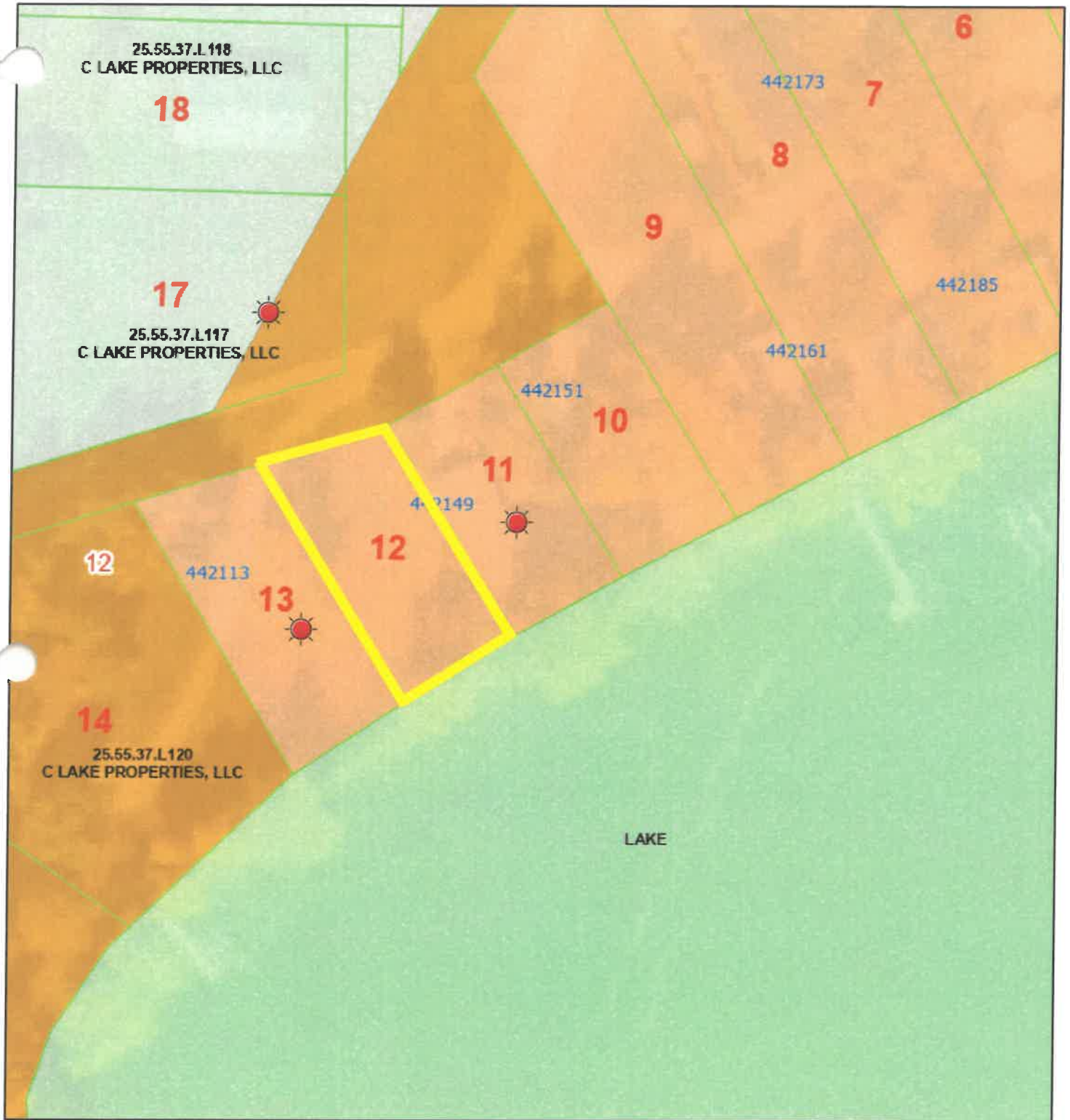


6/16/2025, 9:26:02 AM

- PLAT
- MarshallAddressPoints
 - SCHLEKEWY'S ADDITION
 - <Null>
 - TOWNSHIPS
 - SECTIONS
 - PARCELS



MARSHALL COUNTY WEB VIEWER






6/16/2025, 9:27:19 AM

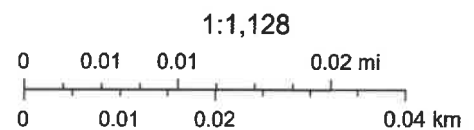
ZONING

-  Agricultural District
-  Lake Front Residential District
-  MarshallAddressPoints

PLAT

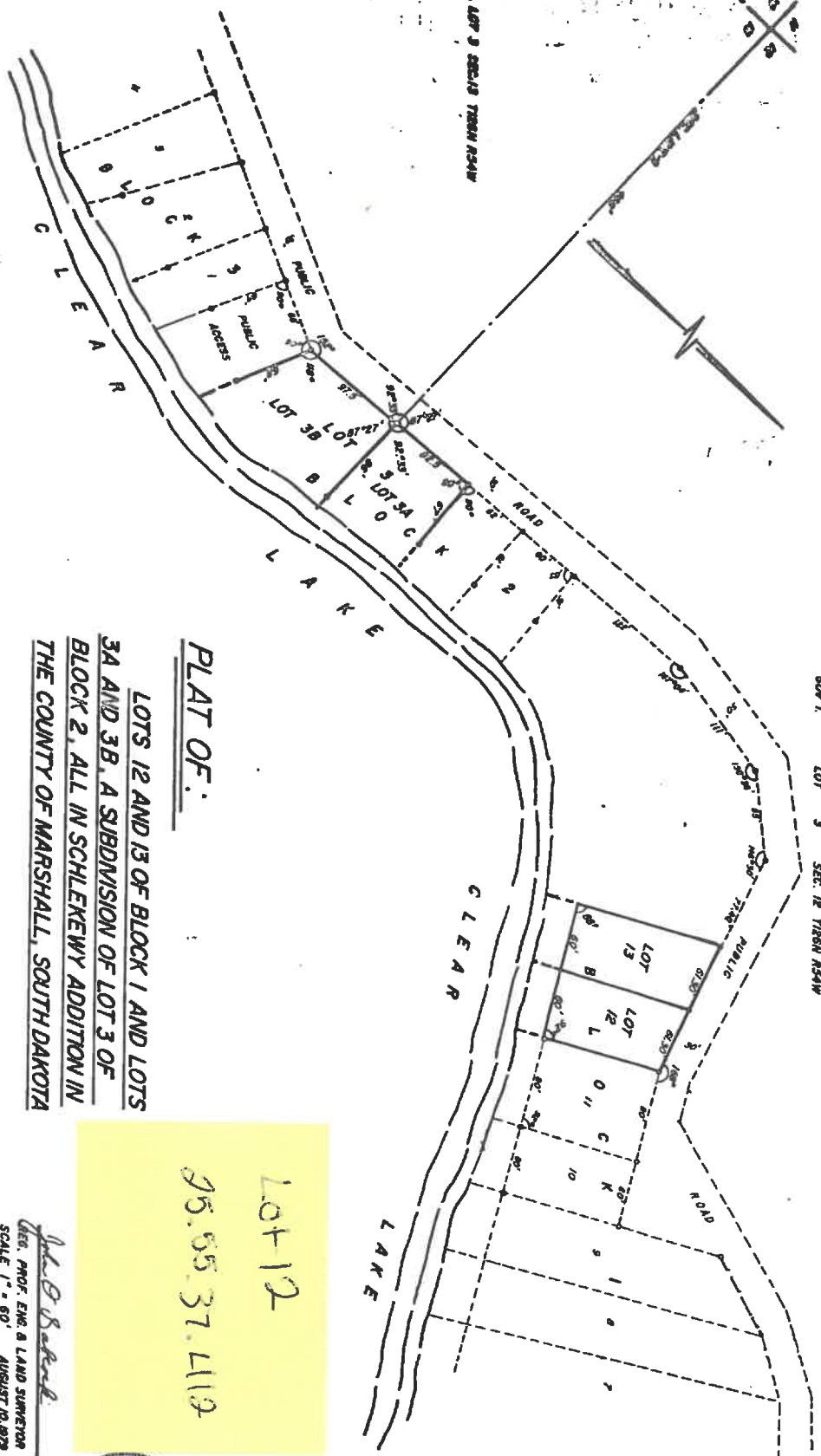
SCHLEKEWY'S ADDITION

-  <Null>
-  TOWNSHIPS
-  SECTIONS
-  PARCELS



Block 3-116

GOVT. LOT 3 SEC. 12 T18N R34W



GOVT. LOT 3 SEC. 12 T18N R34W

PLAT OF:

LOTS 12 AND 13 OF BLOCK 1 AND LOTS
3A AND 3B, A SUBDIVISION OF LOT 3 OF
BLOCK 2, ALL IN SCHLEKEYW ADDITION IN
THE COUNTY OF MARSHALL, SOUTH DAKOTA

Lot 12
95.55.37.4112

John O. B. B. B.
REG. PROF. ENG. & LAND SURVEYOR
SCALE 1" = 60' AUGUST 10, 1979
• • IRON PIN





MJ HRABIK SHOUSE

DATE: Thursday, May 15, 2025

SCALE: 1/4" = 1'-0"

These drawings have been prepared using information provided to us by the customer who is solely responsible for the accuracy of the information provided. These drawings are not a contract, and may not meet applicable state and local building codes or other requirements. The customer should consult their contractor and/or local building inspector to determine any changes to meet the state and local building code requirements. Customer is responsible for obtaining local building permits for the proposed building project. We assume no responsibility for errors or omissions resulting from any errors, omissions, misstatements or omissions of any drawings.



**Scott's
Lumber**

767 Vander Horck, Britton, SD

PHONE:

(605) 448-5282

FAX:

(605) 448-5278

www.ScottsLumber.com

DRAWN BY: orlin.punt@scottslumber.com

PLOT DATE: Thursday, May 15, 2025

JOB: Hrabik, MJ Shouse #2

SALESMAN:

Josh.kraft@scottslumber.com

PAGE:

8



These drawings have been prepared using information provided to us by the customer who is solely responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and may not meet applicable state and local building codes which vary widely. The customer should consult their contractor and/or local building inspector to determine any changes to meet the state and local building code requirements. Customer is responsible for consulting local building officials for the required building permits. We assume no responsibility for errors or omissions resulting from any errors, omissions, deficiencies or defects of any drawings.

PROPERTY OF SCOTT'S LUMBER
NO COPIES CAN BE MADE WITHOUT PERMISSION
NOTE THAT THE CUSTOMERS ARE RESPONSIBLE FOR VERIFICATION OF ALL MEASUREMENTS



**Scott's
Lumber**

767 Vander Horck, Britton, SD

PHONE:

(605) 448-5282

FAX:

(605) 448-5278

www.ScottsLumber.com

DRAWN BY: orlin.punt@scottslumber.com

PLOT DATE: Thursday, May 15, 2025

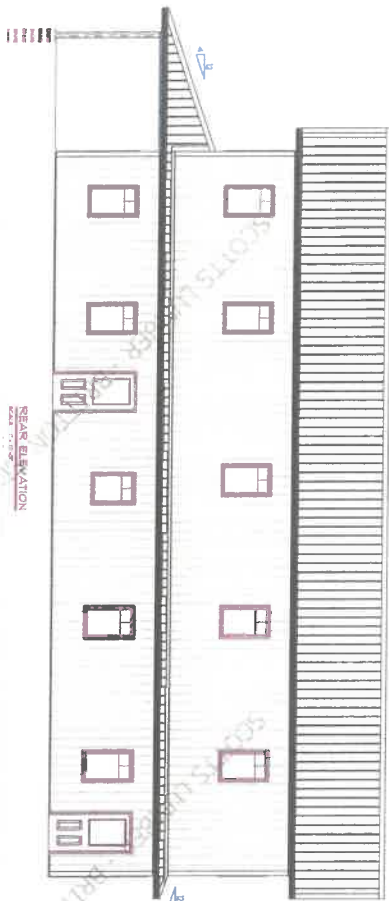
JOB: Hrabik, MJ Shouse #2

SALESMAN:

Josh.kraft@scottslumber.com

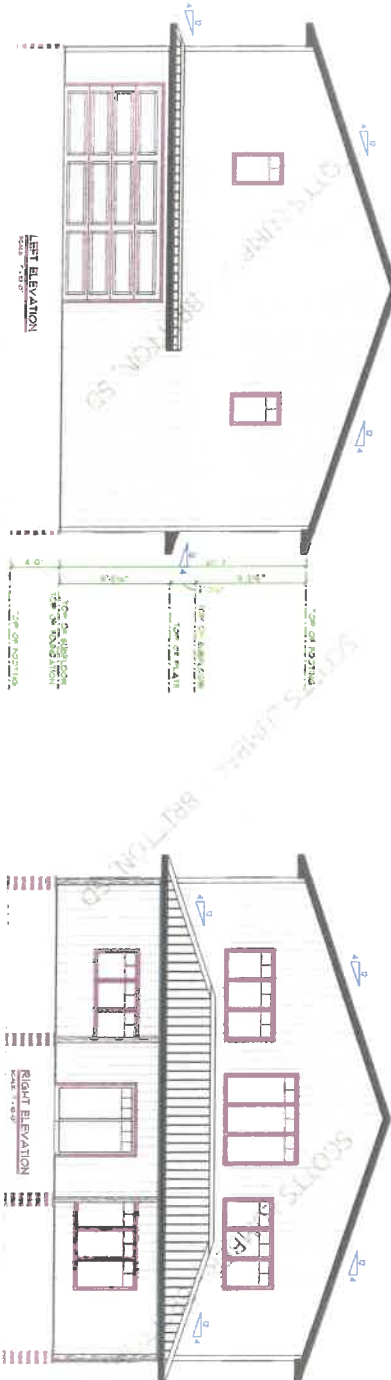
PAGE:

1



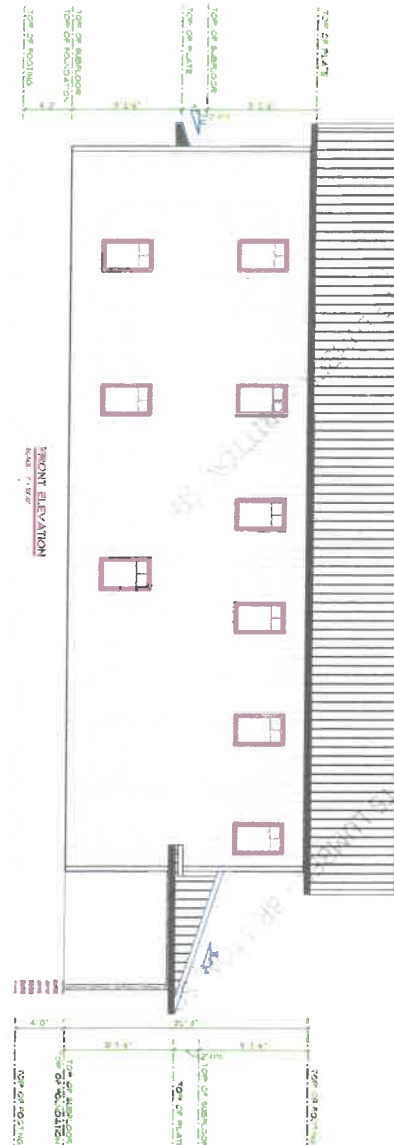
REAR ELEVATION
Scale: 1"=8'-0"

ELEVATIONS			
Window	Door	Trim	Other
0	0	0	0
1	1	1	1
2	2	2	2
3	3	3	3



LEFT ELEVATION
Scale: 1"=8'-0"

RIGHT ELEVATION
Scale: 1"=8'-0"



FRONT ELEVATION
Scale: 1"=8'-0"

These drawings have been prepared using information provided by us to the customer and we hereby disclaim any liability for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and may not meet applicable state and local building codes which vary widely. The customer should consult their contractor and/or local building inspector to determine any changes to meet the state and local building code requirements. Customer is responsible for consulting local building officials for the required building permits. We assume no responsibility for claims or damages arising from any errors, omissions, misstatements or defects of any drawings.



**Scott's
Lumber**

767 Vander Horck, Britton, SD

PHONE:

(605) 448-5282

FAX:

(605) 448-5278

www.ScottsLumber.com

DRAWN BY: orlin.punt@scottslumber.com

PLOT DATE: Thursday, May 15, 2025

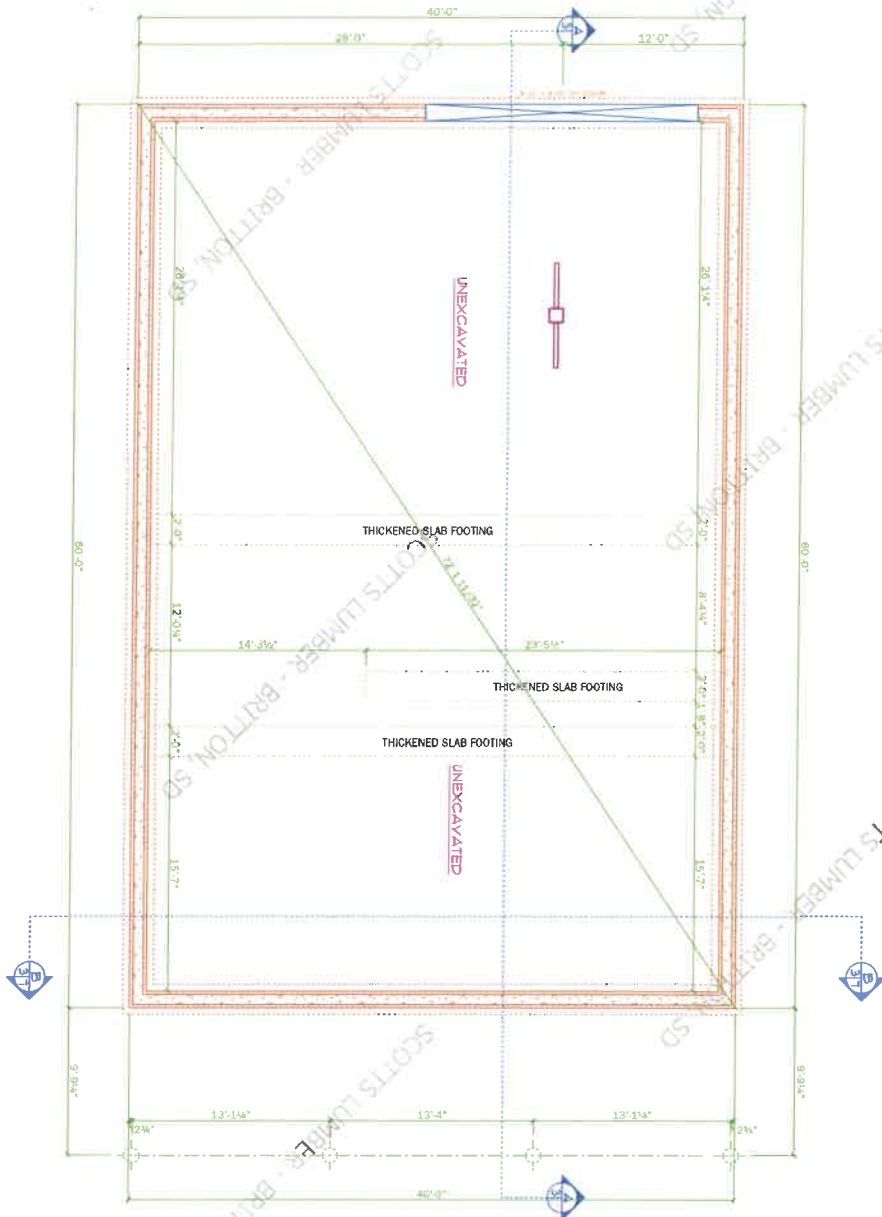
JOB: Hrabik, MJ Shouse #2

SALESMAN:

josh.kraft@scottslumber.com

PAGE:

2



NOTES:

- Refer to local or I.B.C. codes for the following:
- Foundation depth and width and depth.
- Thickened slab footing.
- Rebar size, quantity, and locations for footings.
- Foundation walls, and concrete floor.
- Contractor to verify size and location of floor.
- Owner with power.

FOUNDATION PLAN

Scale: 1/4" = 1'-0"

LIVING ROOM: 10' x 11'

Revision: 0

Date: 12/16/2024

By: JH

Done: 01/16/2025

By: JH

Done: 05/16/2025

By: JH

Done: 05/16/2025

By: JH

Done: 05/16/2025

By: JH

Done: 05/16/2025

By: JH

Done: 05/16/2025

By: JH

Done: 05/16/2025

By: JH

Done: 05/16/2025

By: JH

Done: 05/16/2025

By: JH

Done: 05/16/2025

By: JH

These drawings have been prepared using information provided to us by the client and are not responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect, and may not meet any state and local building codes which may vary. The customer should consult their contractor and/or local building department to determine any changes to meet the state and local building codes requirements. Customer is responsible for consulting local building officials for the required building permits. We assume no responsibility for errors or omissions resulting from any errors, omissions, deficiencies or defects of any drawings.



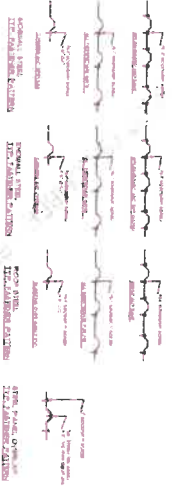
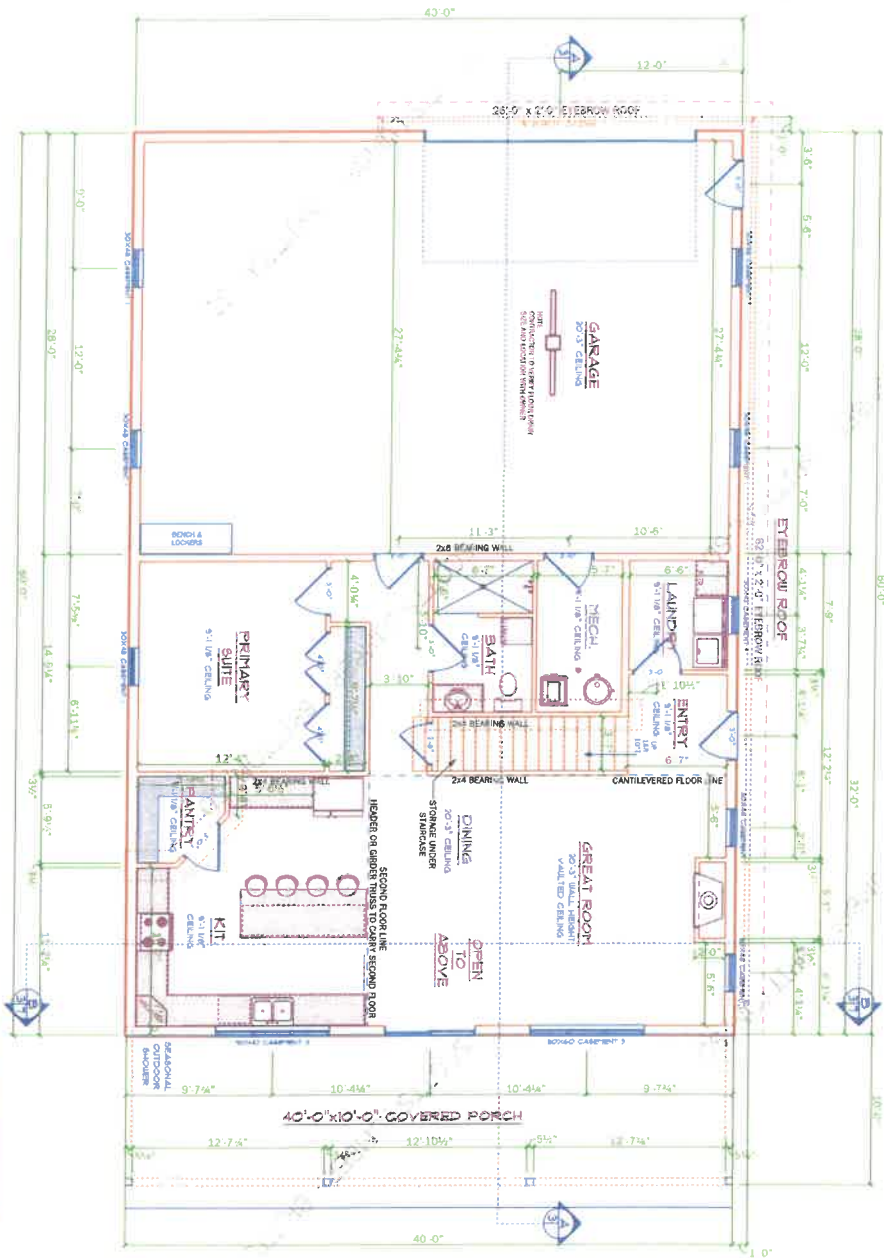
Scott's Lumber

1671 Vander Horck, Britton, SD

PHONE: (605) 448-5282
FAX: (605) 448-5278
www.ScottsLumber.com

DRAWN BY: orlin.punt@scottslumber.com
PLOT DATE: Thursday, May 15, 2025
JOB: Hrabik, MJ Shovel #2
SALESMAN: Josh.kraft@scottslumber.com

PAGE: 3



- NOTES:**
- DO NOT frame openings if this plan DOES NOT have P.C.'s listed by located by the opening.
 - Top of window at 6'6" 12" 14" 16" 18" 20" 22" 24" 26" 28" 30" 32" 34" 36" 38" 40" 42" 44" 46" 48" 50" 52" 54" 56" 58" 60" 62" 64" 66" 68" 70" 72" 74" 76" 78" 80" 82" 84" 86" 88" 90" 92" 94" 96" 98" 100"
 - Two exterior garage walls and three walls around Great Room, Dining Room, and Kitchen are 2x8 balloon framed.

MAIN FLOOR PLAN			
Scale: 1/8" = 1'-0"			
Revision	Date	By	Check
1	01/10/2024	CP	
2	01/14/2025	CP	
3	06/04/2025	CP	

These drawings have been prepared using information provided to us by the customer who is solely responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and may not meet all applicable code requirements. Customer is responsible for obtaining all necessary permits and for ensuring that the drawings comply with all applicable code requirements. Customer is responsible for obtaining all necessary permits and for ensuring that the drawings comply with all applicable code requirements.



Scott's Lumber

767 Vander Horck, Britton, SD

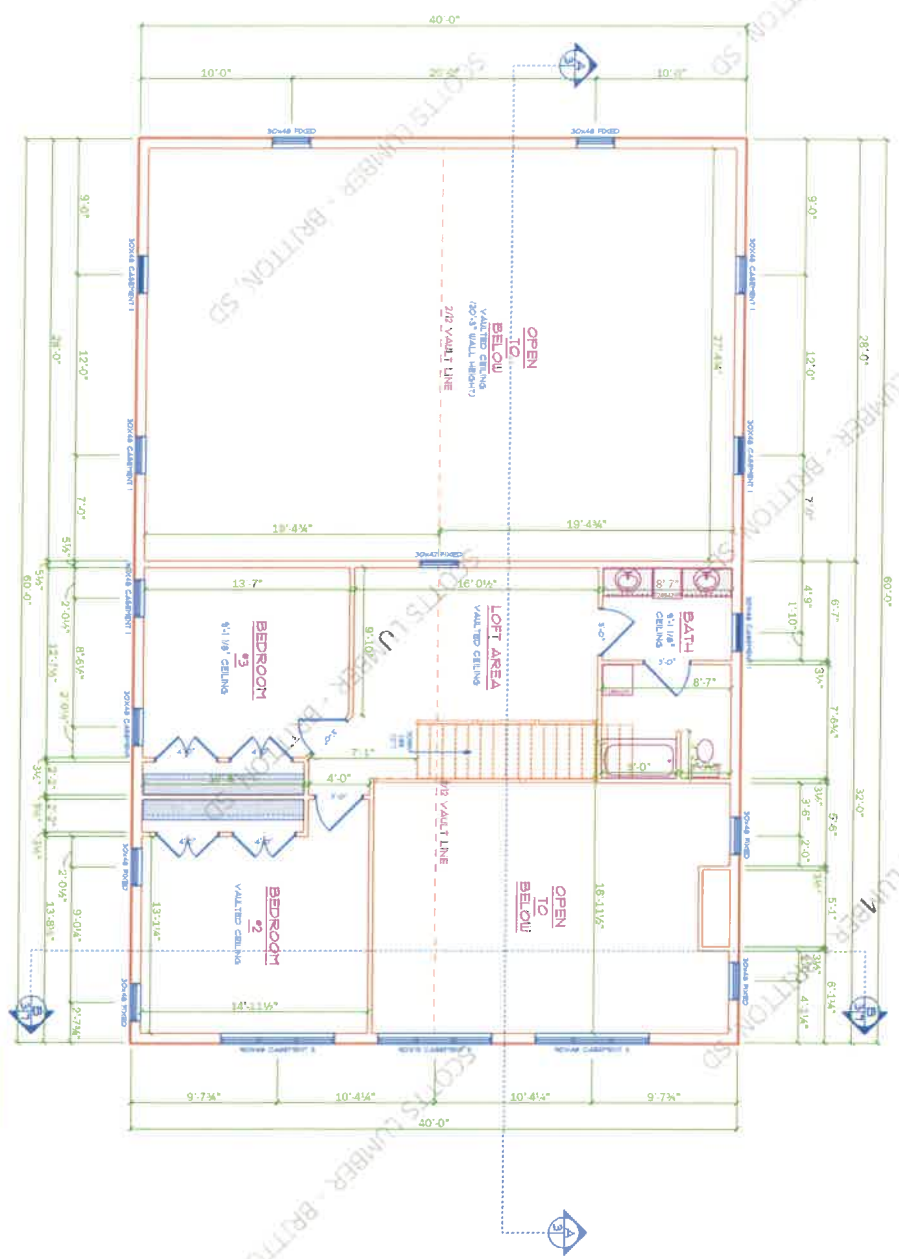
PHONE: (605) 448-5282
FAX: (605) 448-5278
www.ScottsLumber.com

DRAWN BY: orlin.punt@scottslumber.com
PLOT DATE: Thursday, May 15, 2025
JOB: Hrabik MJ Shouse #2
SALESMAN: Josh.kraft@scottslumber.com



- NOTES:**
- DO NOT make openings if this plan DOES NOT have R.O.'s located by the openings.
 - Top of windows is 1/2" above sill.
 - Top of doors is 1/2" above threshold.
 - Two exterior garage walls and inner walls around Great Room, Dining Room and Kitchen are 2x8 balloon framed.

SECOND FLOOR PLAN			
Room	Area	Code	By
LIVING ROOM	11.0	CP	ML
DINING ROOM	11.0	CP	ML
KITCHEN	11.0	CP	ML
BEDROOM	11.0	CP	ML
BEDROOM	11.0	CP	ML
BATH	11.0	CP	ML
LOFT AREA	11.0	CP	ML



These drawings have been prepared using information provided to us by the customer who is solely responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and may not meet applicable state and local building codes unless otherwise noted. The customer should consult their contractor and/or local building inspector to determine any changes to meet the state and local building code requirements. Customer is responsible for obtaining local building permits for the required building permits. We assume no responsibility for errors or omissions resulting from any errors, omissions, deficiencies or defects of any drawings.



Scott's Lumber
767 Vander Horck, Britton, SD

PHONE: (605) 448-5282
FAX: (605) 448-5278
www.ScottsLumber.com

DRAWN BY: orlin.punt@scottslumber.com
PLOT DATE: Thursday, May 15, 2025
JOB: Hrabik, MJ Shouse #2
SALESMAN: josh.kraft@scottslumber.com

4/12 PITCH EYEBROW
(SEE ELEVATIONS SHEET 2)



ROOF PLAN			
SCALE: 1" = 10'			
Revision	Date	By	Drawn
0	05/07/24	OP	



**Scott's
Lumber**

767 Vander Horck, Britton, SD

PHONE:
(605) 448-5282
FAX:
(605) 448-5278
www.ScottsLumber.com

DRAWN BY: orlin.punt@scottslumber.com

PLOT DATE: Thursday, May 15, 2025

JOB: Hrabik MJ House #2

SALESMAN:

Joeh.kraft@scottslumber.com

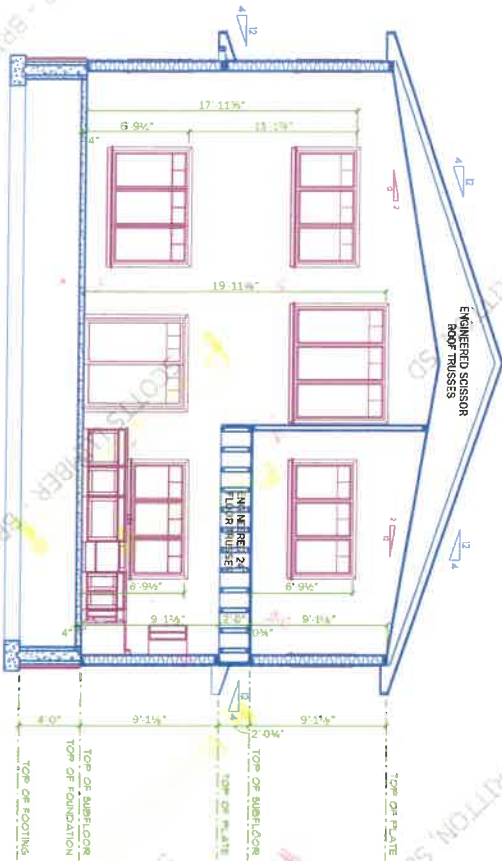
PAGE:

6

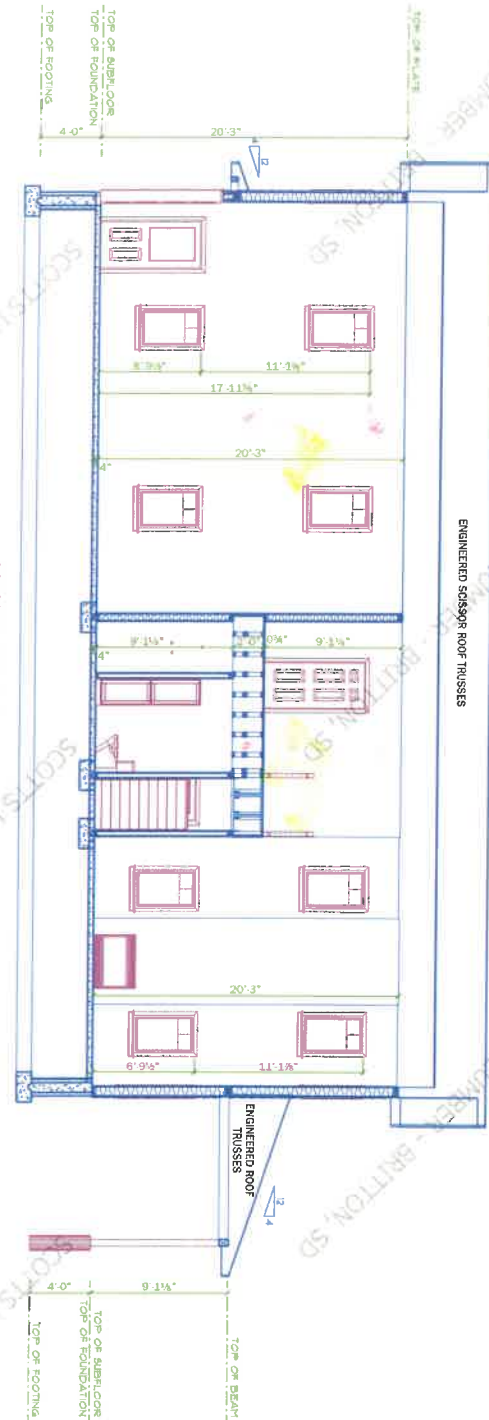
These drawings have been prepared using information provided to us by the customer and are solely responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and may not meet applicable state and local building codes or any other safety. The customer should consult their contractor and/or local building inspector to determine any changes to meet the state and local building codes requirements. Customer is responsible for obtaining local building permits for the required building permits. We assume no responsibility for errors or omissions arising from any errors, omissions, deficiencies or defects of any drawings.

PROPERTY OF SCOTT'S LUMBER
NO COPIES CAN BE MADE WITHOUT PERMISSION
NOTES THAT THE CUSTOMER IS RESPONSIBLE FOR VERIFICATION OF ALL REQUIREMENTS

CROSS SECTION B-B
SCALE: 1/8" = 1'-0"



CROSS SECTION A-A
SCALE: 1/8" = 1'-0"



CROSS SECTIONS			
Revision	Date	By	Check
0	10/18/2024	OP	OP
1	01/13/2025	OP	OP
2	03/04/2025	OP	OP
3	03/04/2025	OP	OP

These drawings have been prepared using information provided to us by the customer who is solely responsible for the accuracy of the information provided. These drawings are not a permit drawing prepared by an architect and may not meet applicable state and local building codes and other regulations. The customer should consult their contractor and/or local building inspector to determine any changes to meet the state and local building code requirements. Customer is responsible for obtaining local building permits for the required building permits. We assume no responsibility for errors or omissions resulting from any errors, omissions, deficiencies or delays of any drawings.



**Scott's
Lumber**

161 Vander Horck, Britton, SD

PHONE:
(605) 448-5282
FAX:
(605) 448-5278
www.ScottsLumber.com

DRAWN BY: orlin.punt@scottslumber.com

PLOT DATE: Thursday, May 15, 2025

JOB: Hrabik, MJ Shovel #2

SALESMAN:

Joeh.kraft@scottslumber.com

PAGE:

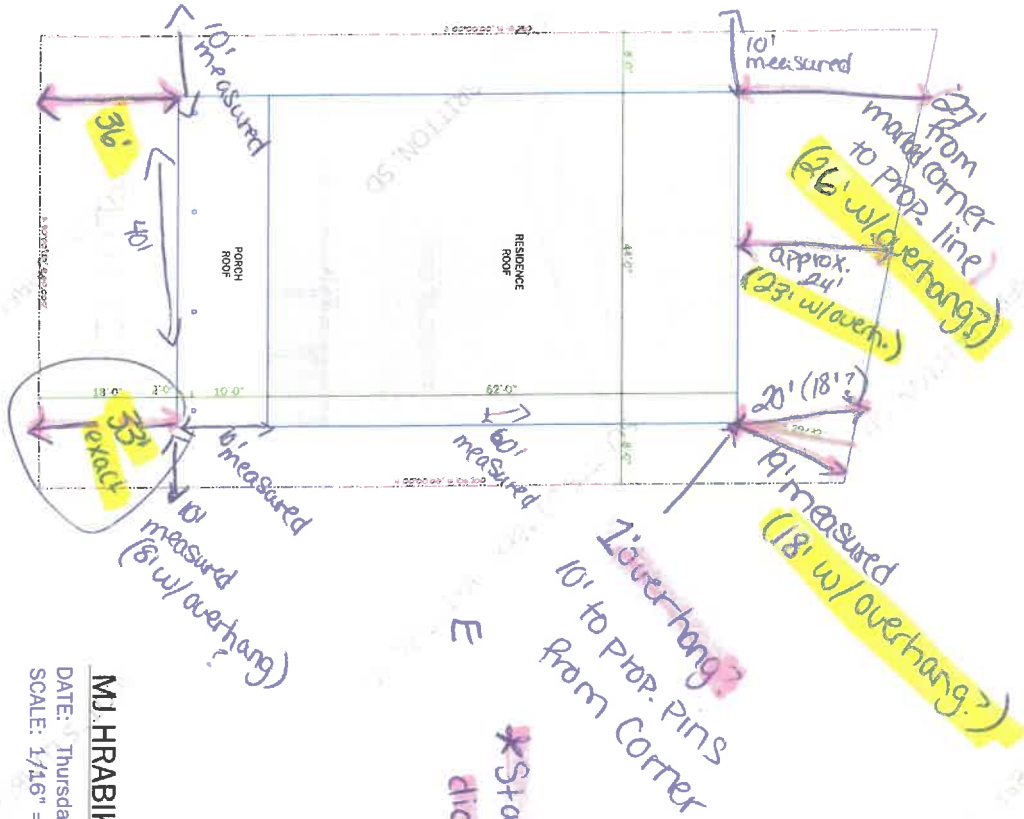
7

N

S

N

E



MJ HRABIK SHOUSE
 DATE: Thursday, May 15, 2025
 SCALE: 1/16" = 1'-0"

*Stakes
 did not include
 overhang*

NE corner - 17.6 (18') average
 of 3 measurements
 NW corner - 26' to pin in asphalt
 SE corner - 33' to high-water
 SW corner - 36' to high-water

These drawings have been prepared using information provided to us by the customer and are not a contract. These drawings are not a permit drawing prepared by an architect and may not meet applicable state and local building codes which vary widely. The customer should consult their professional architect or local building department to determine any changes in local codes and local building code requirements. Local building officials for the required building permits. We assume no responsibility for any errors or omissions, including but not limited to, any errors, omissions, deficiencies or defects of any drawings.



**Scott's
 Lumber**

761 Vander Horck, Britton, SD

PHONE:
 (605) 448-5282
 FAX:
 (605) 448-5278
www.ScottsLumber.com

DRAWN BY: orlin.punt@scottslumber.com
 PLOT DATE: Thursday May 15 2025
 JOB: Hrabik, MJ Shouse #2
 SALESMAN:
 josh.kraft@scottslumber.com

PAGE:
 8

Variance – MJ and Emily Hrabik









