

**Marshall County Planning & Zoning
STAFF REPORT
September 30, 2025**

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Jeff & Jean Amacher

PROPERTY DESCRIPTION: Lots 10 & 10A in the Plat of Lots 12 thru 22; Lots 1A thru 22A; of Wismer-Printup Subdivision and Lots 1A, 2 and 2A of Braun Addition in Gov't Lot 1, Section 19, T126N, R53W

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: The petitioner is requesting to build the additions 3ft from the North and South property lines instead of the 7ft requirement. The petitioner is also asking that the addition on the South side of the Lot be constructed 45 feet from the normal 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 September 14, 2010.
2. The original cabin was built in 1945, and an addition which included a living room and second floor was built in 1972.
3. The proposed project consists of additions to be added to North and South sides of the existing home.
 - a. The addition would include adding space to the kitchen and dining area, adding 3 bedrooms/1bathroom upstairs and 1 bedroom downstairs. The garage will be extended toward the North to gain extra space as well.
4. Lots 10 & 10A have a combined average depth of approximately 210.47ft and a width of approximately 57.14ft.
 - a. In reference to the dimensions of the structure listed on the plans provided, the addition has a proposed square footage of 1,500 sq. ft.
 - b. Lot 10A was previously a road which was vacated.
 - i. 10A is maintained by the property owners. There is not a 30' road right-of-way setback on this Lot.
5. The existing cabin is closer than 50' to the high-water mark. Any addition or structural work on the West side of the cabin would require a variance.
 - a. The A-frame portion of the existing cabin extends further toward the water than the proposed addition on the South side.
 - b. There is also a shed located on the property according to property cards.
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: 38ft.**

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 elevation is 1,822.5', and the Ordinary High-Water Mark is measured at 1,823.7ft.
 - i. Note: website information shows that the OHWM is currently sitting slightly above outlet level.
 - ii. **Note Website Disclaimer:** *Though we make efforts to provide and maintain accurate, complete, usable, and timely information at our websites the user should understand that the information is not guaranteed to be correct or complete. Conclusions or actions taken (based upon the maps and the information contained therein) is the sole responsibility of the user.*
 - b. It is also important to take into consideration the large amount of water that has been accumulated within the last few months and how that could also affect the OHWM.
8. Marshall County Ordinance requires new structures to be placed a minimum of 7ft from a property line and 50ft from the normal high-water mark.
9. No written comments or objections were received prior to the writing of this staff report.
10. Staff Recommendation – **4' variance to both the North and South property lines, and 5' variance to the normal high-water mark setback.**
11. 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 property line variances allowed – 4' for R. Foltz 7/18, 3' for C. Moeckly 10/11, 3' for S. St. Sauver 9/18, 2' for D. Hicks 5/16, 2' for P. Schultz 10/17, 5' for R. Olson 10/24
 - 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 – 6' for R. & K. Randall, 6' for T. Vosberg 5/16, 4' for M. Holland
 - c. The Board would consider approving other similar requests meeting the unique circumstances.
12. 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.
13. 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 – 4' variance to both the North and South property lines, and 5' variance to the normal high-water mark setback.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on September 30, 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.

Jeff & Jean Amacher have requested a variance for additions on the North and South sides of their cabin on the property described as Lots 10 & 10A in the Plat of Lots 12 thru 22; Lots 1A thru 22A; of Wismer-Printup Subdivision and Lots 1A, 2 and 2A of Braun Addition in Gov't Lot 1, Section 19, T126N, R53W. The petitioner is requesting to build the additions 3ft from the North and South property lines instead of the 7ft requirement. The petitioner is also asking that the addition on the South side of the Lot be constructed 45 feet from the normal 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: September 10, 2025

1T (Sept 10)
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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 APPLICATION FOR VARIANCE

DATE: 8/27/2025

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) Build within 4' 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): Sec 19, T126N, R53W
Red Iron Township 117111 So. Shore Drive

Reason: ADDITION TO CABIN

Applicant Name: Jeff & Jean Amacher Phone: Jeff's cell 605-880-4528
Jean's cell 605-880-6026
Address: Box 254 Britton SD 57430 Home 605-448-5107
Applicant Signature: Jeff Amacher
Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 8/27/25 Fees(non-refundable): \$150.00 Paid: YES NO
Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: September 30, 2025
Action taken by Planning and Zoning Commission: _____

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

September 9, 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
Planning and Zoning Director

Sent to the following adjacent landowners on 9/9/25:

1. Jason & Jarod Stanton – 1202 Cherry Dr. Watertown, SD 57201
2. Scott & Peggy Ekstrom – PO Box 126 Lake City, SD 57247
3. Gregory & Carol Beck – 1012 4th St. Britton, SD 57430
4. Rodney & Lois Westby – PO Box 137 Rosholt, SD 57260

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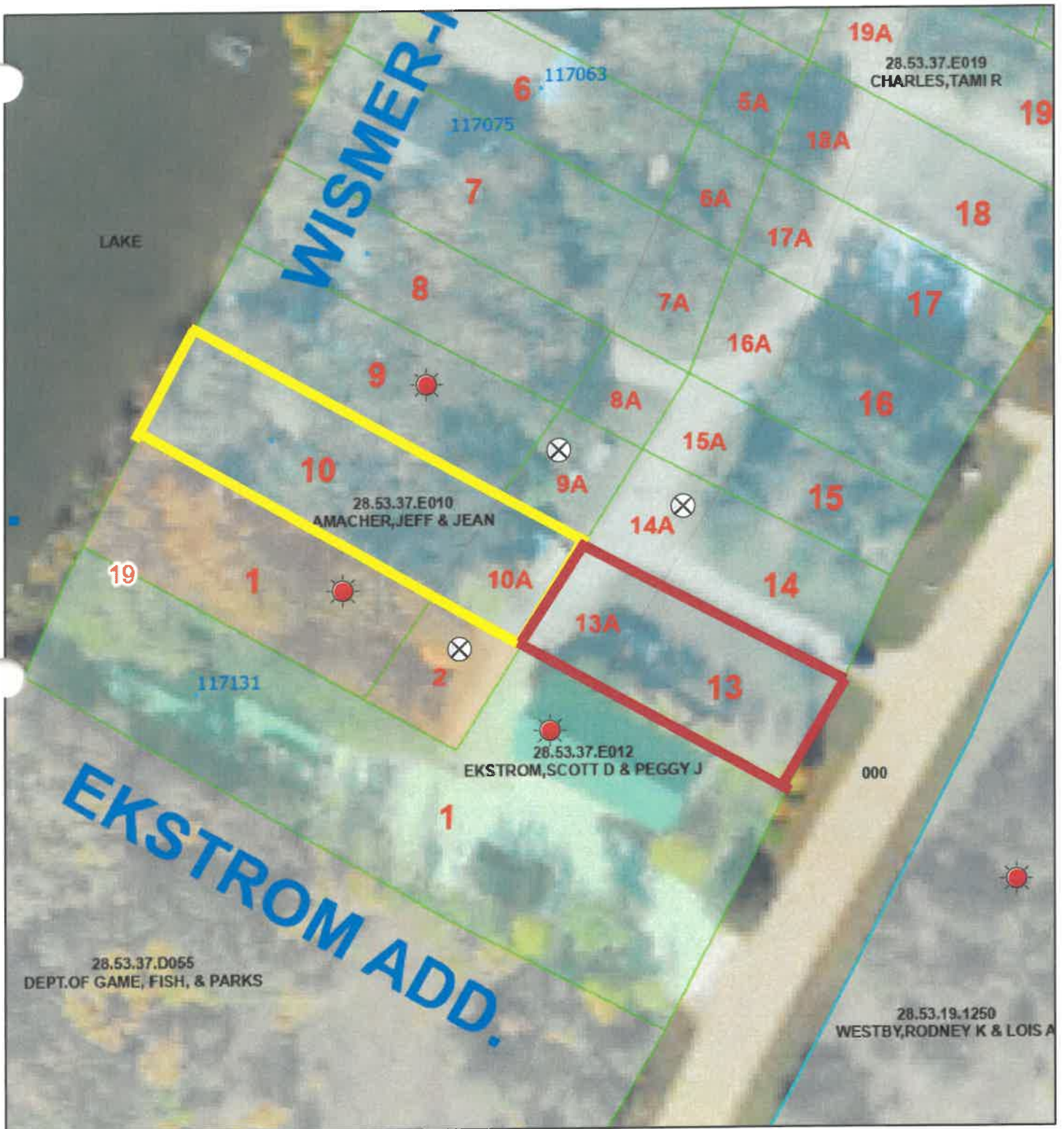
As an adjacent landowner, you are being notified of the hearing. If you have any questions, please contact my office. Any comments or concerns should be stated in writing and forwarded to my office or expressed at the scheduled hearing.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erin Collins-Miles", with a stylized flourish at the end.

Erin Collins-Miles
Planning and Zoning Director

MARSHALL COUNTY WEB VIEWER



9/4/2025, 4:18:28 PM

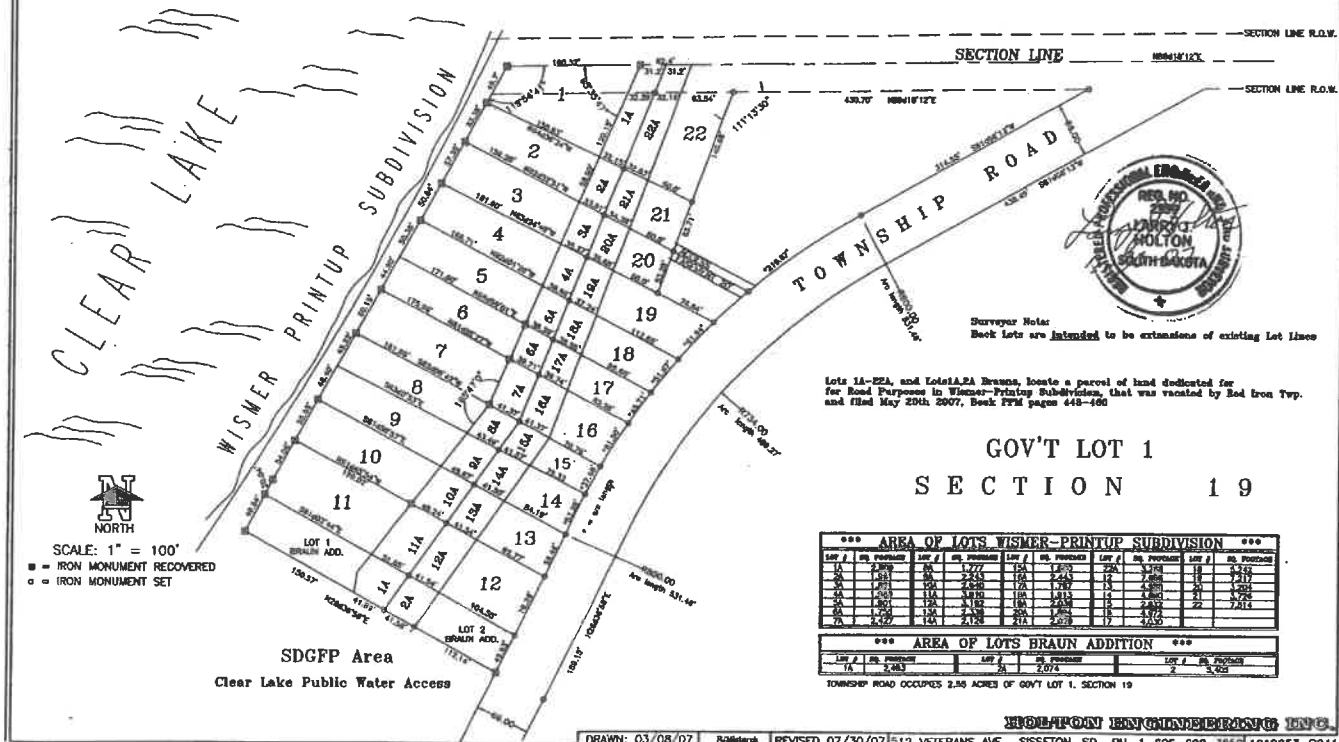
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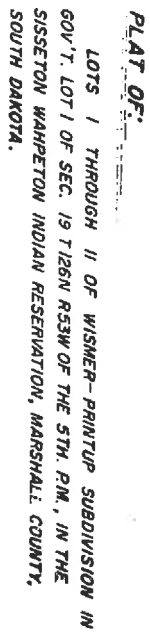
- MarshallAddressPoints
- PLAT
- EKSTROM ADDITION
- STANTON ADDITION

- <Null>
- TOWNSHIPS
- SECTIONS

Lots 12 thru 22; Lots 1A thru 22A; of WISMER-PRINTUP SUBDIVISION;
and Lots 1A, 2 and 2A of Braun Addition
in Gov't Lot 1, Section 19, T126N, R53W of the 5th P.M., Marshall County, South Dakota

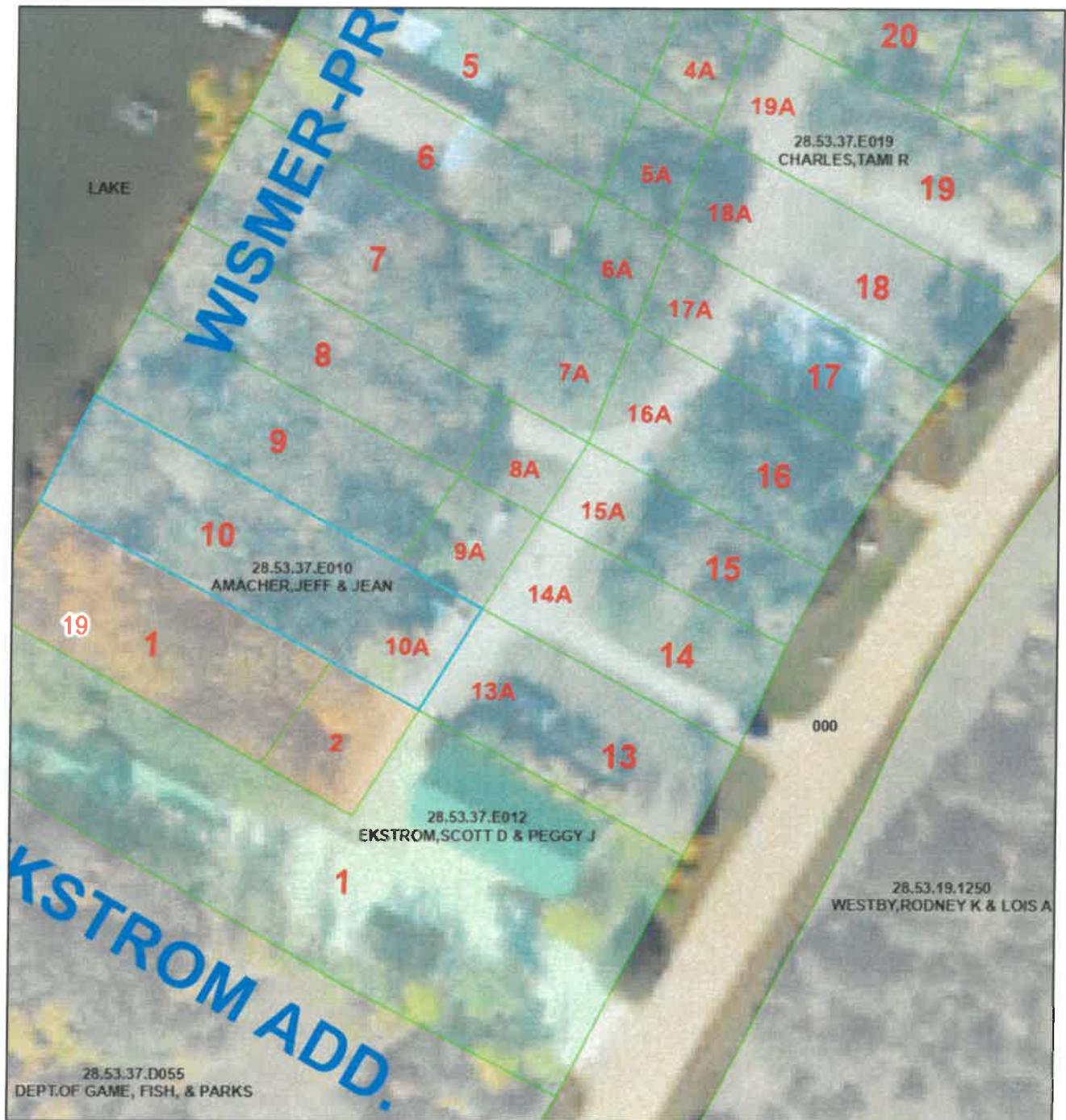


4-121 Slide 133



John D. Babcock
REG. PROF. ENG. & LAND SURVEYOR
OCT. 7, 1971
SCALE 1" = 40'
• IRON PIN

MARSHALL COUNTY WEB VIEWER



9/25/2025, 2:52:41 PM

PLAT

EKSTROM ADDITION

STANTON ADDITION

WISMER-PRINTUP ADDITION

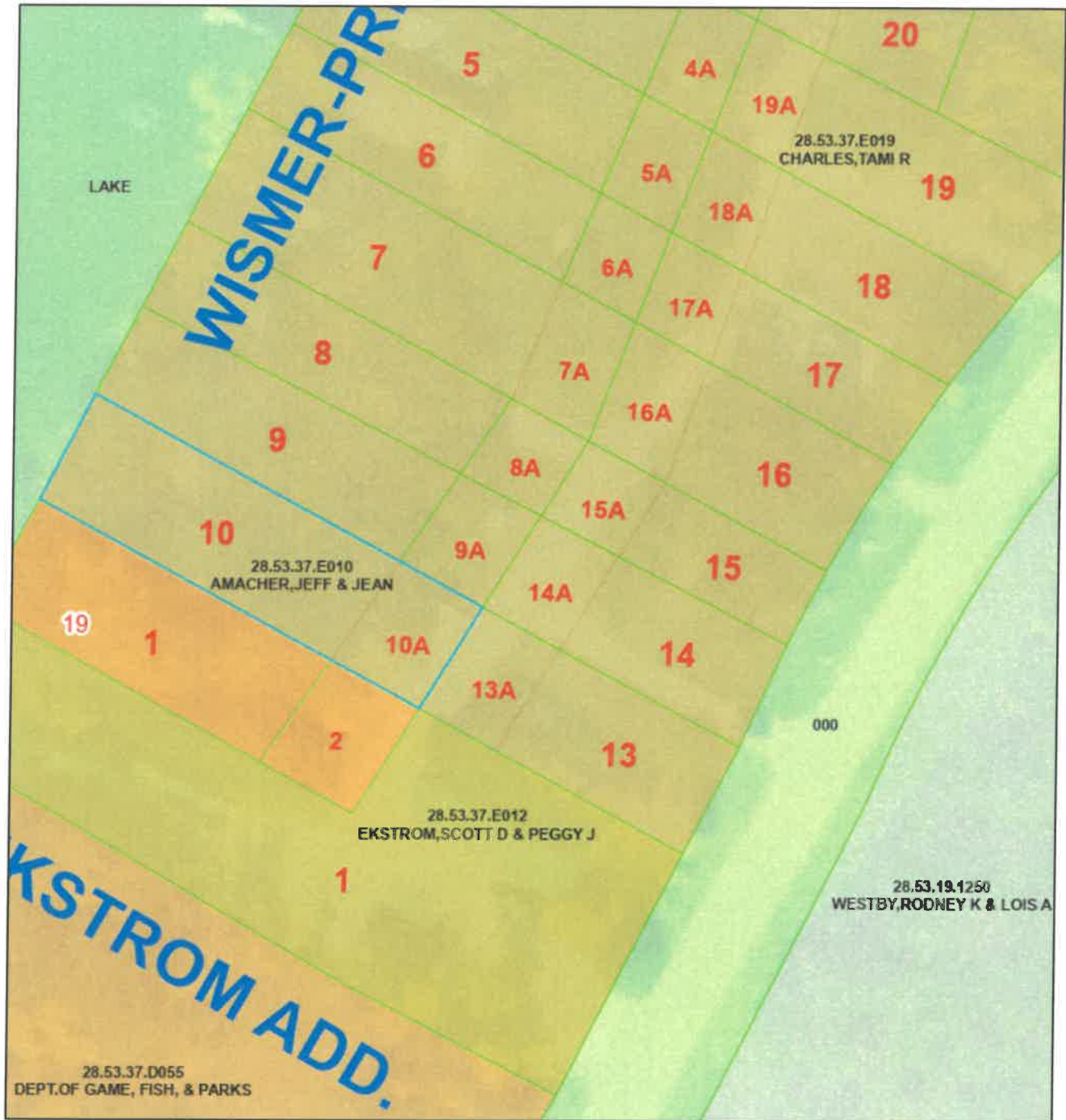
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TOWNSHIPS

SECTIONS

PARCELS

MARSHALL COUNTY WEB VIEWER



9/25/2025, 2:53:32 PM

ZONING

- Agricultural District
- Lake Front Residential District

PLAT

- EKSTROM ADDITION
- STANTON ADDITION

WISMER-PRINTUP ADDITION

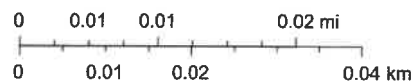
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TOWNSHIPS

SECTIONS

PARCELS

1:1,128



Variance – Jeff and Jean Amacher









