

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

OWNER/APPLICANT: Loren Cutler

PROPERTY DESCRIPTION: NW1/4 of Section 5, T127N, R57W

CURRENT & SURROUNDING ZONING: Agricultural (Ag)

REQUEST: The petitioner is asking to allow the pole building to be 45 feet from the right-of-way line, and also to allow a shed to be 22' from the right-of-way; instead of the 60-foot requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The property, according to records, contained no buildings and was filed under Ag-land only.
 - a. Both structures in question were completed and present on the property prior to obtaining a building permit.
 - b. The first notification letter was sent to the property owners on August 6, 2025. The second notice was sent on August 22, 2025.
2. GIS layers indicate that the building was not present in 2021 when aerial view photos were collected, but were both present on the 2022 layer.
3. According to the applicant, the pole building is 40x96 and is intended to be used as machinery storage and for livestock.
 - a. The road lying to the North of the structure is a township road.
4. The 12x24 shed also abuts a township road which lies to the West of the building.
 - a. There is a line of trees which sits directly between the shed and the township road.
5. The applicants also own the parcel to the West, which includes a residence.
6. 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 line.
7. No written comments or objections were received prior to the writing of this staff report.

Staff Recommendation/Action Item – 15' variance to the right-of-way line setback for the pole building, a 38' variance to the right-of-way line setback for the shed and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.

8. 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 – 14' for R. Sonstegard 10/16, 17' for G. Waldner 2/2020, 33' for Newport 11/17, and 42' for N. Schultz 3/25
 - b. The Board would consider approving other similar requests meeting the unique circumstances.
9. 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.

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

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.

Loren Cutler has requested a variance for two existing storage buildings on the property described as the NW1/4 of Section 5, T127N, R57W. The petitioner is asking to allow the pole building to be 45 feet from the right-of-way line, and also to allow a shed to be 22' from the right-of-way; 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: September 17, 2025

1T (Sept 17)
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Erin Collins-Miles
Planning & Zoning
Administrator

Published at an approximate cost of \$7.54 and can be viewed free of charge at www.sdpublicnotic-

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 9/10/25

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) Pole building/Shed within 45' + 22' 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): NW 1/4 of Section
5, T127N, R57W

Reason: A pole shed and smaller shed are already on
the property and do not meet right-of-way requirements
in the Ag District.
Pole shed - 40 x 96, Shed - 12 x 24

Applicant Name: Loren Cutler Phone: (605) 470-0407

Address: 43985 101st St Yebelen, SD 57270

Applicant Signature: [Signature]

Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 9/10/25 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 12, 2025

Dear Property Owner,

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.

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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 9/12/25:

1. Evergreen Trust c/o Jan Vold – 43852 SD Hwy 10 Lake City, SD 57247
2. Nelson Meadowlands, LLC c/o Kristine N. Likness – 1802 Douglas Ave. Yankton, SD 57078
3. Ridgeview Ag Service, LLC c/o – Todd Sherburn – PO Box 857 Chadron, NE 69337
4. Douglas & Shelly Henley – 10585 423rd Ave. Britton, SD 57430
5. Bo & Suzanne Svard – 10559 425th Ave. Britton, SD 57430

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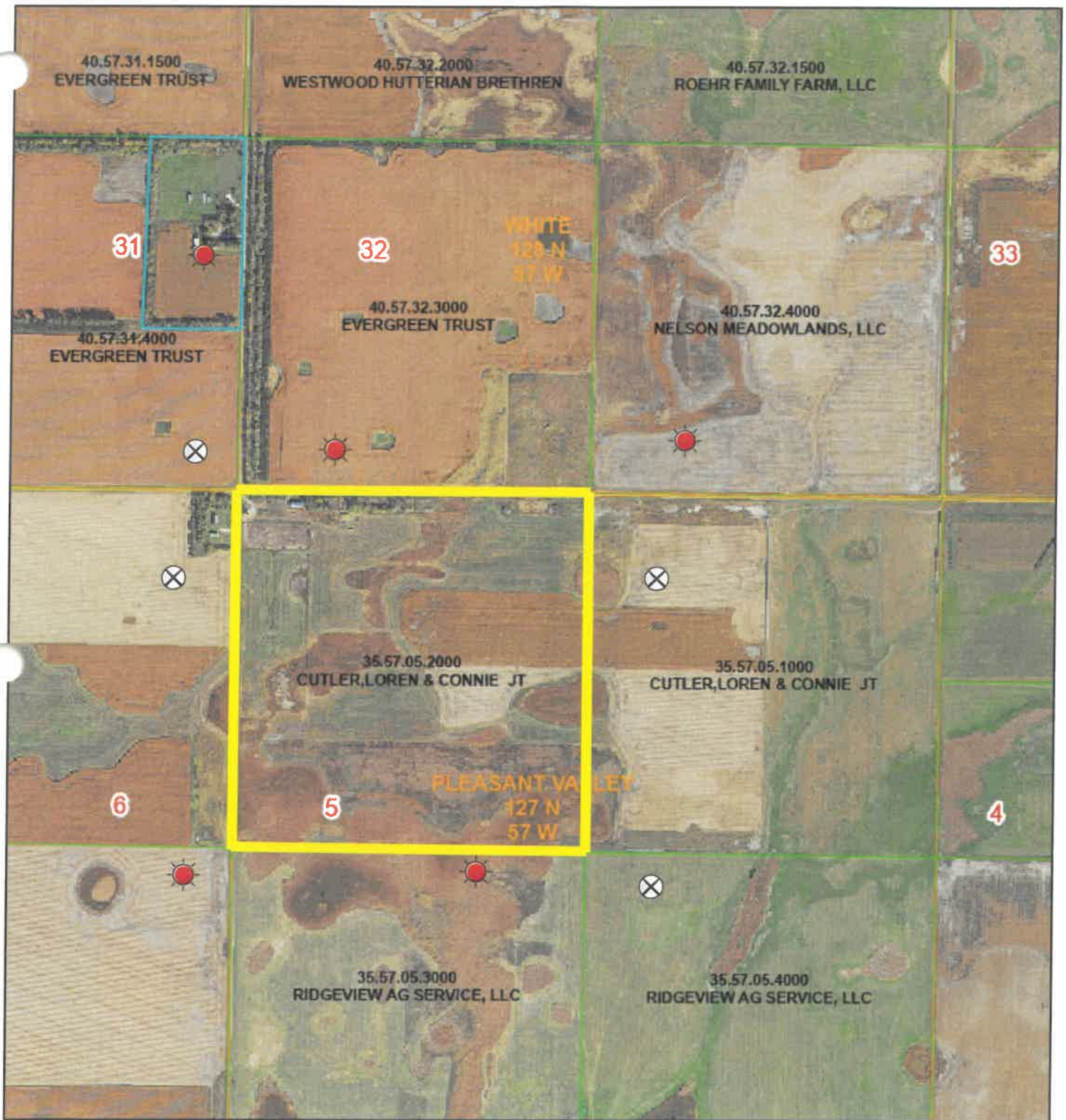
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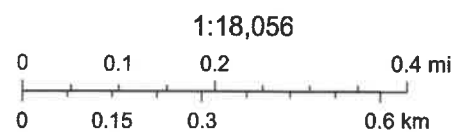
Erin Collins-Miles
Planning and Zoning Director

MARSHALL COUNTY WEB VIEWER



9/12/2025, 11:03:53 AM

- TOWNSHIPS
- SECTIONS
- PARCELS

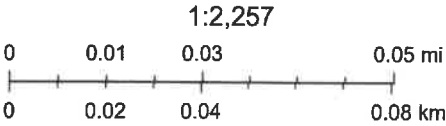


MARSHALL COUNTY WEB VIEWER

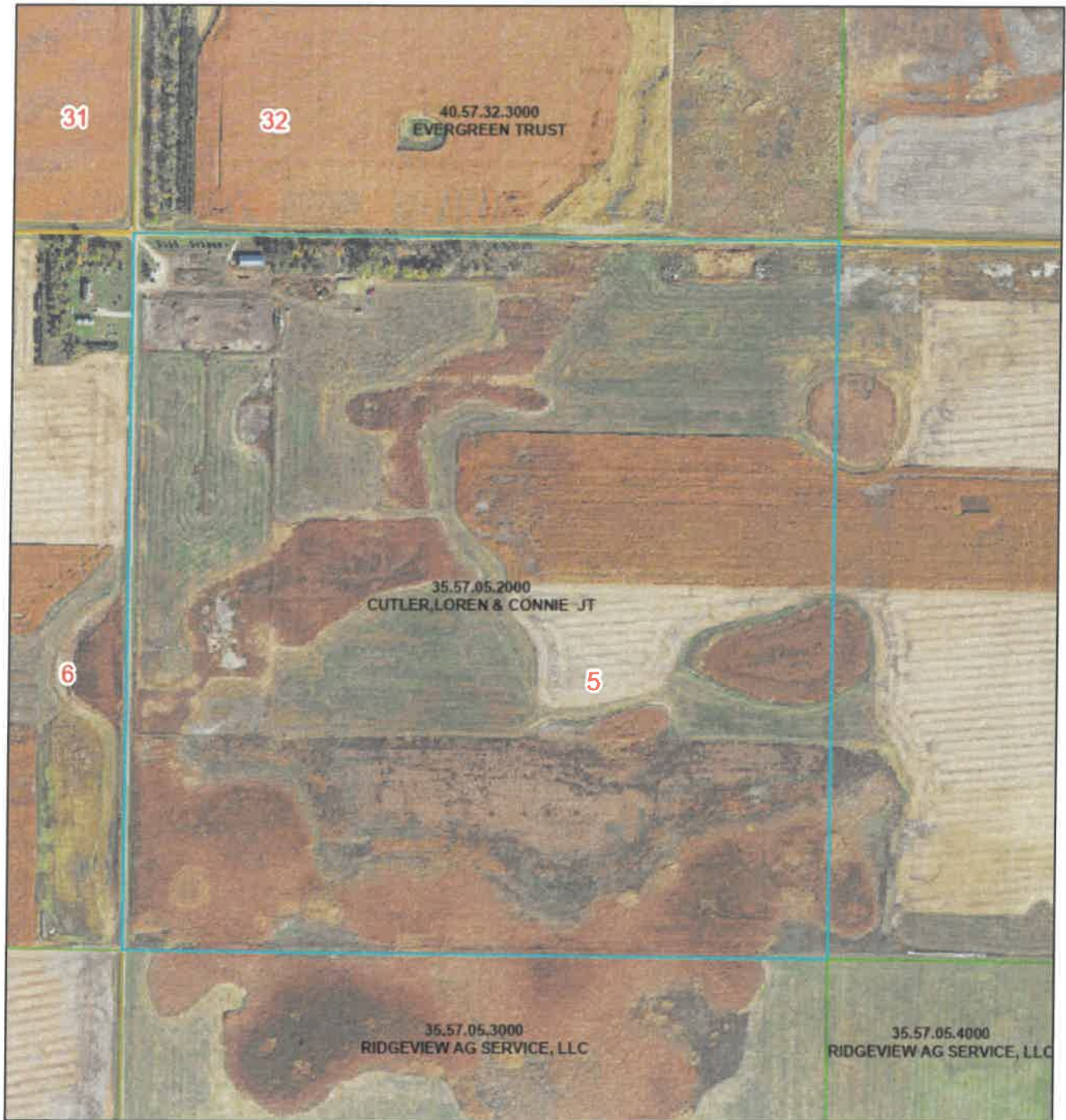


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- TOWNSHIPS
- SECTIONS
- PARCELS

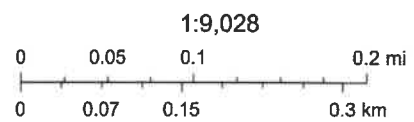


MARSHALL COUNTY WEB VIEWER

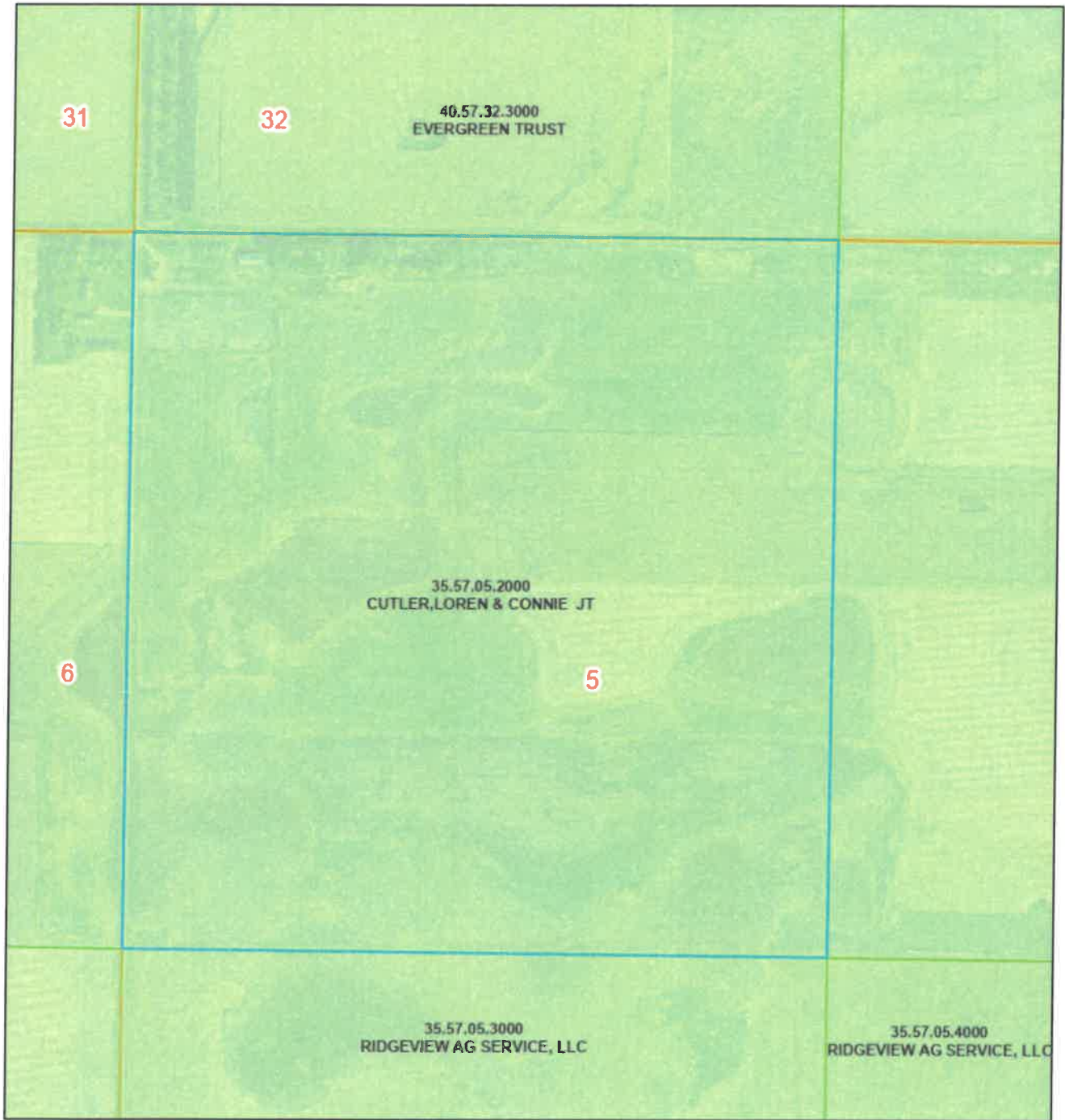


9/25/2025, 2:59:12 PM

- TOWNSHIPS
- SECTIONS
- PARCELS



MARSHALL COUNTY WEB VIEWER



9/25/2025, 2:59:51 PM

ZONING

Agricultural District

TOWNSHIPS

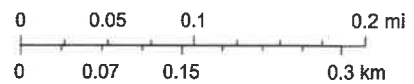


SECTIONS



PARCELS

1:9,028



Variance – Loren Cutler







