

MARSHALL COUNTY PLANNING & ZONING COMMISSION

Proposed Agenda

Regular Scheduled Meeting

November 4, 2025– 9:00 AM

Marshall County Courthouse, Commissioners Chambers

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Review & Approval of Minutes from October 28, 2025
- V. Matters for Board Discussion
- VI. Open
- VII. Disclosure of Conflicts/Ex Parte Communication
- VIII. New Business:
 - A. **Variance – Heitmann**
 - 1) Staff report by E. Collins-Miles
 - 2) Open Public hearing
 - a) Discuss new developments
 - b) Testimony from applicant
 - c) Testimony from proponents and opponents
 - d) Applicant back up for questions (if needed)
 - 3) Close public hearing
 - 4) Boards Discussion
 - a) Questions for audience (No new topics to be discussed)
 - b) P & Z Boards motion and roll call for vote for recommendation to County Commission
- IX. **Building Permits**
- X. **Other**
- XI. Old Business
- XII. Adjourn

MARSHALL COUNTY PLANNING & ZONING BOARD
PO BOX 9
BRITTON, SOUTH DAKOTA
UNAPPROVED MINUTES
October 28, 2025

The Marshall County Planning & Zoning Board met at 9:00 AM, at the North Marshall Firehall Meeting Room. Present at the hearing were the following Board members; Matthew Schuller, Doug Medhaug, Jason Bender, Lynda Luttrell and Andrea Kilker. Commissioner Schuller presided. Others present at the hearing were Erin Collins-Miles - Planning & Zoning and Megan Biel – Auditor. Also present at the meeting were Dan Henning, Corrine Zorn, Logan Roehr and Dustin Hofland.

AGENDA:

Kilker motioned; Luttrell seconded to approve the agenda. All members voted aye. Motion carried.

MINUTES:

Medhaug motioned; Bender seconded to approve the minutes from September 30, 2025. All members voted aye. Motion carried.

VARIANCES:

Regarding a Variance for Dan & Tania Henning; Discussion was had regarding the position of the existing deck to the State Park boundary line. Dan Henning was present to answer any questions. Corrine Zorn also made comment. There were no opponents present at the meeting. Medhaug motioned; Kilker seconded to approve the requested 0' variance to the South property line setback. A roll call vote was taken; Bender – Nay, Luttrell – Nay, Kilker – Nay, Medhaug – Aye, Schuller - Aye. Motion failed. This variance request was denied due to the lot and situation being not so unique to necessitate the relaxation for the setback requirement, the granting of this variance would confer upon the applicant special privilege denied to others in the R-3 district, the Marshall County Zoning Ordinance was not followed as is written and the Board found that the structure could have been built further away from the property line. As a result, the Board instructs that the deck will be moved or cut from the property line no less than 1 foot in order to be 6' from the property line, which will reflect other property line variances that have been granted in the past. The deck will be moved or cut no later than July 1, 2026. The above motion was made per the Marshall County Zoning Ordinance, and also to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.

Medhaug motioned; Bender seconded to approve the requested 30' variance to the normal high-water mark setback. A roll call vote was taken; Bender – Aye, Luttrell – Aye, Kilker – Aye, Medhaug - Aye, Schuller - Aye. Motion carried. This motion was made noting that the average high-water mark setback in the area per records is 25'. These findings pertaining to the high-water mark allow for the deck to remain as requested; per the Marshall County Zoning Ordinance, and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.

BUILDING PERMITS:

Bender motioned; Luttrell seconded to accept building permits for the following applicants: Bob Skjonsberg - Dumarce Township, Douglas Chapin - White Township, Alan & Pam Benda - Pleasant Valley Township, Dan & Tania Henning - Lake Township (see variance for details), Cory Schmieg - Pleasant Valley Township, Todds Tavern - Weston Township, Chelsie Anderson - White Township and Gerry Person - Waverly Township. All members voted aye. Motion carried.

Kilker motioned; Luttrell seconded to allow the temporary building permit for Brett Buchheim contingent upon a plat being completed and recorded and the shed being moved to a position in which it will meet all setbacks set forth by Marshall County, no later than January 1, 2026. A roll call vote was taken; Bender – Aye, Luttrell – Aye, Kilker – Aye, Medhaug – Aye, Schuller - Aye. Motion carried.

OTHER:

The Zoning Director updated the Board on a shed that was granted a temporary permit and has now been removed prior to the deadline which was set for 10/28/25. The Comprehensive Plan will be underway as soon as a meeting date is established between the County and NECOG to begin the process. Additionally, building permit late fees, fee schedules and fines were discussed with more information to be provided on this in the coming weeks. The Board was also updated on a fence which is in violation of the Marshall County Zoning Ordinance. More information on this structure will be provided as developments arise.

ADJOURN:

Medhaug motioned; Kilker seconded to adjourn as Planning and Zoning Board and convened as Marshall County Commission at 10:03 AM. All members voted aye. Motion carried.

ATTEST:

Erin Collins-Miles
Marshall County Planning and Zoning Director
Marshall County, South Dakota
Published at the approximate cost of.....