

**Marshall County Planning & Zoning
STAFF REPORT
November 4, 2025**

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Randy Heitmann

PROPERTY DESCRIPTION: Lot 8 in the Plat Showing Isensee's Fourth Clear Lake Subdivision in the SW1/4 of Section 18, T126N, R53W

CURRENT ZONING: Lake Front Residential (R-3)

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

REQUEST: The petitioner is asking to place the shed 12 feet at the NE corner from the right-of-way line, instead of the 30ft requirement.; per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. The applicants have owned the Lot in question since October 12, 2017
2. A building permit (BP No. 10-25) and variance for a cabin was approved on April 8, 2025.
 - a. The dimensions of the home placed on the lot is 50'4"x28'7", which includes a deck and stairs.
 - b. The permits, which included a variance to the right-of-way line setback, concludes that any other structure placed, built or otherwise, would require a variance to the right-of-way line due to the position in which the home was placed.
3. Previously submitted engineer's drawings from variance files depicts the small space toward the road the proposed shed is intended to be placed.
4. A 6x8 shed which was previously located on the South end of the lot near the water was moved to the roadside when the new cabin was placed on the Lot.
 - a. A letter was sent to Randy Heitmann notifying of the noncompliant structure on August 28, 2025.
 - b. The applicant was granted a temporary building permit (BP No. 67-25) on September 16, 2025, contingent upon the shed being moved to a position in which it would meet all setbacks set forth by Marshall County, no later than October 28, 2025.
 - i. 10/8/25 - The building was removed from the Lot.
 - ii. 10/10/25 - The variance application for an 8x16 storage shed was received by the Zoning office.
5. Lot 8 has an average depth of approximately 96.1ft and a width of approximately 51ft.
6. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line.
7. No written comments or objections were received prior to the writing of this staff report.

8. Staff Recommendation – **18' variance at the NE corner to the right-of-way line setback, and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.**
9. 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 – 10' for R. Heitmann 4/25 (same applicant/location), 19' for J. & D. Stickland 8/24, 24' for J. Peters 5/23 and 23' & 26' for T. Henning 11/24.
 - b. The Board would consider approving other similar requests meeting the unique circumstances.
10. 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.
11. 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 – 18' variance at the NE corner to the right-of-way line setback, and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on November 4, 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.

Randy Heitmann has requested a variance to place a storage shed on the property described as Lot 8 in the Plat Showing Isensee's Fourth Clear Lake Subdivision in the SW1/4 of Section 18, T126N, R53W. The petitioner is asking to place the shed 12 feet at the NE corner from the right-of-way line, instead of the 30ft requirement.; per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: October 22, 2025

1T (OCT. 22)
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Published at an approximate cost of \$7.25 and can be viewed free of charge at www.sdpublicnotices.com.

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 10-9-2025

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 on move in within 21' of Road 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):
18-126-53 Lot 8 Isensee's 4th S4BD

Reason: 21' from Road

Applicant Name: RANDY Heitmann Phone: 605-237-1841
Address: ~~44066~~ 443405 North Shore Drive
Applicant Signature: Randy Heitmann
Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 10/10/25 Fees(non-refundable): \$150.00 Paid: YES NO
Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: November 4, 2025
Action taken by Planning and Zoning Commission: _____



Erin Collins-Miles
Planning & Zoning/E911/Drainage Director
Phone: 448.7540
Email: mczoning@venturecomm.net

911 Vander
Horck
PO Box 9
Britton, SD 57430

April 28, 2025

Randy & Rosemary Heitmann
44066 114th St.
Lake City, SD 57247

To whom this may concern,

I am aware that a shed has been placed near the road on the property described as Lot 8 in Isensee's 4th Subdivision, Section 18, T126N, R53W; Parcel number 28.53.37.B008. I am writing to make you aware that construction or placement of any buildings or structures of any kind is prohibited without first acquiring a building permit through Marshall County. Per our ordinance; No building, structure or driveway shall be erected, partially erected, moved, added to, or structurally altered without a permit issued by the Zoning Administrator. Please contact my office to ensure a permit is on file for you in regard to this structure.

Upon receipt of this letter, if applicable, please fill out the permit enclosed and contact my office as soon as possible to confirm that you are complying with the Zoning Ordinances set forth by Marshall County. Failure to comply could result in further action being taken.

Please find the following document enclosed:
Building Permit Application

If you have any questions, please contact my office.

Sincerely,

Erin Collins-Miles
Planning & Zoning, Drainage, E911 Director
Marshall County, South Dakota

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

October 20, 2025

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on November 4, 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 10/20/25:

1. Mildred Breker – 443435 North Shore Dr. Lake City, SD 57247
2. Thomas & Joan Brewster – 443425 North Shore Dr. Lake City, Sd 57247
3. David Lee Carruthers – 9361 Verdi Ln West Des Moines, IA 50266

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

October 20, 2025

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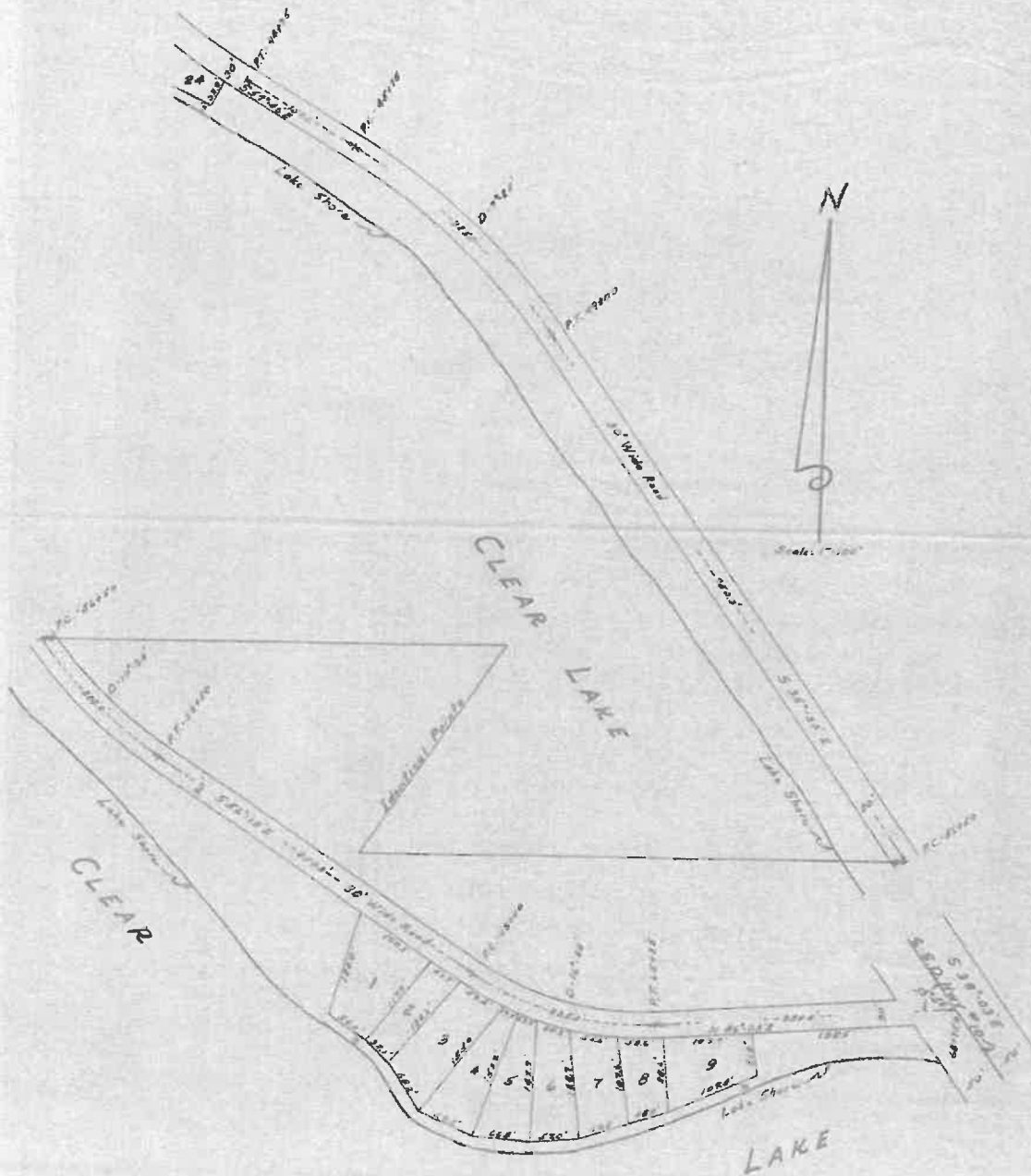
As an adjacent landowner, you are being notified of the hearing. If you have any questions, please contact my office. Any comments or concerns should be stated in writing and forwarded to my office or expressed at the scheduled hearing.

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

Plot Showing
**ISENSEE'S FOURTH CLEAR LAKE SUBDIVISION IN
 THE SW 1/4 OF SEC. 18 - T. 126 N. - R. 53 W.
 MARSHALL COUNTY, S. DAK.**



DEED'S CERTIFICATE

I, Lena ISENSEE, do hereby certify that I am the absolute and unqualified owner of lot 7 of Government lot 6 in Section 18, Township 126 North, Range 53 West of the Fifth Principal Meridian, in Marshall County, South Dakota, and that I have caused a portion of the same to be subdivided and platted into lots as shown on the above plat, which shall hereafter be known and described as "Lots 1 - 10, ISENSEE'S FOURTH CLEAR LAKE SUBDIVISION." I further certify that the above described lots are free from all incumbrances. I hereby dedicate to the public use the thirty-foot wide access road as shown.

Witness my hand and seal this 12th day of July, 1923.

State of South Dakota
 County of Marshall

Given

On this 12th day of July, 1923, before me, a Notary Public, personally appeared Lena ISENSEE, known to me to be the person described in and who executed the within instrument, and she acknowledged to me that she executed the same.

My commission expires August 26, 1924.

Notary Public, South Dakota

DEED'S CERTIFICATE

MARSHALL COUNTY WEB VIEWER



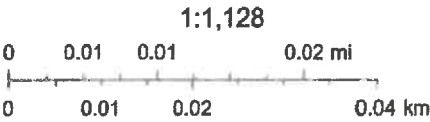
2/27/2025, 2:53:50 PM

PLAT

ISENSEE'S 4TH ADDITION

<Null>

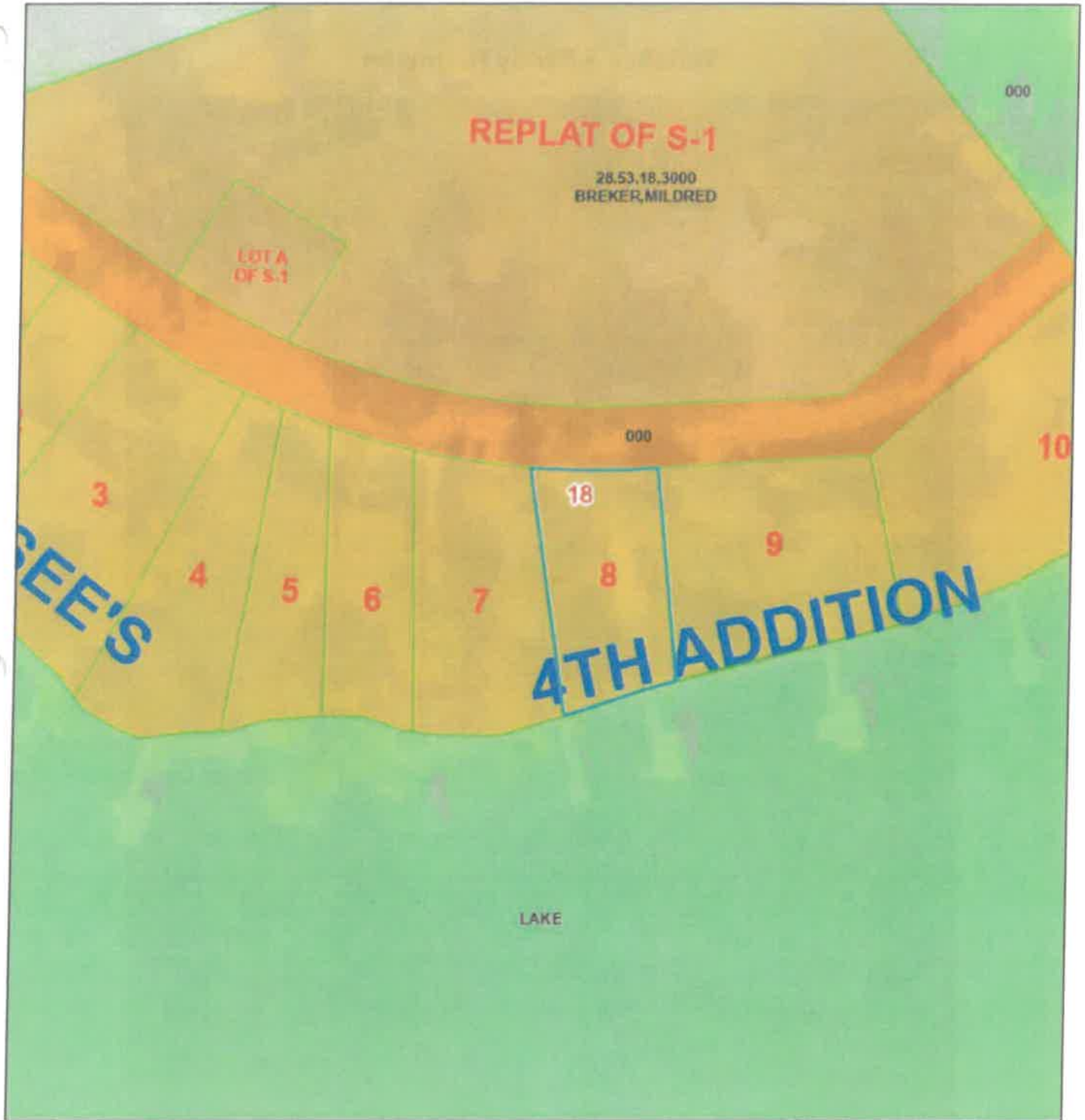
- TOWNSHIPS
- SECTIONS
- PARCELS



21' from board



MARSHALL COUNTY WEB VIEWER



2/27/2025, 2:56:22 PM

ZONING

- Agricultural District
- Lake Front Residential District

PLAT

ISENSEE'S 4TH ADDITION

<Null>

- TOWNSHIPS
- SECTIONS
- PARCELS



FOR A PROPOSED STRUCTURE ON LOT 8
OF ISSENSEE'S FOURTH CLEAR LAKE SUBDIVISION
LOCATED IN THE SE1/4 OF SECTION 18, T127N, R53W OF THE 5TH P.M.,
MARSHALL COUNTY, SOUTH DAKOTA

Lot 6

ALL HOUSE DIMENSIONS
TO OVERHANG
Lot 7

Lot 8

Meas. 53.67'

Elec. Bx

qob/s

BLOCK LANDSCAPING

Lot 9

25

Proposed
HOUSE
Parallel to
Lot line 8/9
Parallel to
Lot 7 house
Lot 9 house

Parallel to
Lot line 8/9
Parallel to
Lot 7 house
Lot 9 house

DECK

10.9

NEW sketch

Need new permits

Lot 6-9 lake front alignment

Lot 7

FOR IN THE STATE OF SOUTH DAKOTA; DO HEREBY
F THE PROPERTY THAT IS DESCRIBED ABOVE, AND
RECT.

Section
SURVEYING & DESIGN, LLC

GPS-NORTH
SCALE: 1" = 20'

ROCK RIP-RAP

128 E HICKORY ST, SISSETON SD	PH 605-698-3850
DRAWN:	FIELD:
ACORN PROS	INAROTTH FRI CYXG NMG
	0172456.D\VA

☒ = RECOVERED MONUMENT

UNDEEMSTADLER
REGISTERED LAND SURVEYOR 13482

Variance – Heitmann



