# STAFF REPORT Variance Application December 9, 2025

POSTPONED; December 16, 2025 POSTPONED; December 30, 2025

### **GENERAL INFORMATION:**

**PETITIONER** Samuel & Amanda Nordquist

**REQUEST** To plat 35 Lake Lots, which include Proposed Lot 1A

Nordquist 3rd, Lots 1B-17B Nordquist 4th Subdivision and

Lots 1A-17A Nordquist 5th Subdivision.

**LEGAL DESCRIPTION** A part of Sigaty Subdivision in Gov't lot 1 & 2 & NE1/4SE1/4 in

Section 21, T126N, R55W of the 5th P.M., Marshall County, South Dakota; APPROX 5.7 acres North & East of Lot 1 Nordquist 3rd, Lots 1-17 Nordquist 4th, and 1-17 Nordquist 5th

Subdivision, SEE SKETCH.

CURRENT ZONING (SURROUNDING)

Agricultural District (AG) and Lakefront Residential (R-3) (see

map attached)

**REPORTED BY** Erin Collins-Miles

#### **COMMENTS/HISTORY:**

- 1. The proposed lots do not meet the minimum lot size requirement of the Lake Front District per the Zoning Ordinance. Proposed rezone sketch available in the Planning & Zoning office.
  - a. The variance request for Lot sizes includes varying Lot dimension requests for each proposed Lot.
  - b. The recommended Lot size requirement would be based off of the following: The minimum lot road frontage shall not be less than one hundred (100) feet in width. All lots without shoreline frontage shall have a minimum width of seventy-five (75) feet and a minimum depth of one hundred fifty (150) feet.
- 2. The request for a variance was submitted in an effort to extend the back of existing lots due to encroachments upon this land.
- 3. The current adjacent landowners will be given opportunity to purchase if they wish.
- 4. The petitioner has also submitted a Rezone for the above-described proposed lots in order to create new lake lots without shore frontage.
  - a. The land cannot be platted prior to the Rezone as there can only be one Zoning classification on a parcel of land.
- 5. The lots would match the widths of Lots already existing within the original plat.
  - a. Currently, the land for the proposed Lots sits empty (no structures) and is currently used as pasture land.

- 6. A 30' private access road is proposed to be created on the West side of Lot 1 of Nordquist Third Addition. The access road width is proposed to be 20' along the North side (back yard side) of proposed Lots, and is proposed to extend along all proposed Lots for ease of access. Please see proposed sketch for more detail.
- 7. A variance to Lot size must be granted in order for a plat to be approved and filed with the requested Lot dimensions, per the Marshall County Zoning Ordinance. The Plat will be presented to the Board at a later meeting date.
- 8. A plat will need to be filed upon the effective date of the rezone to establish new boundaries between zoning districts. Effective date is January 20, 2026.
- 9. One written objection received after the writing of this staff report.
- 10. <u>Staff recommendation:</u> to grant the variance allowing the proposed 35 Lots to be platted as requested (see sketch), and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.
  - 1. 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 variances to Lot sizes in the past, when the neighbors had no objections.
      - i. Similar variances to Lot sizes allowed various dimensions for R.
         & L. Westby 11/22 & 9/23, Randy Deutsch, W. Schlekewy 5/24,
         P. Price 12/24, R. Hofland 6/25 and 25' for R. Deutsch.
    - b. The Board would consider approving other similar requests meeting the unique circumstances.
  - 2. 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.
  - 3. 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 – to grant the variance allowing the proposed 35 Lots to be platted as requested (see sketch), and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.

## STAFF REPORT Variance Application December 9, 2025

### **GENERAL INFORMATION:**

**PETITIONER** Samuel & Amanda Nordquist

**REQUEST** To plat 35 Lake Lots, which include Proposed Lot 1A

Nordquist 3rd, Lots 1B-17B Nordquist 4th Subdivision and

Lots 1A-17A Nordquist 5th Subdivision.

**LEGAL DESCRIPTION** A part of Sigaty Subdivision in Gov't lot 1 & 2 & NE1/4SE1/4 in

Section 21, T126N, R55W of the 5th P.M., Marshall County, South Dakota; APPROX 5.7 acres North & East of Lot 1

Nordquist 3rd, Lots 1-17 Nordquist 4th, and 1-17 Nordquist 5th

Subdivision. SEE SKETCH.

CURRENT ZONING

Agricultural District (AG) and Lakefront Residential (R-3) (see map attached)

(SURROUNDING)

**REPORTED BY** Erin Collins-Miles

### **COMMENTS/HISTORY:**

- 1. The proposed lots do not meet the minimum lot size requirement of the Lake Front District per the Zoning Ordinance. Proposed rezone sketch available in the Planning & Zoning office.
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- 3. The current adjacent landowners will be given opportunity to purchase if they wish.
- 4. The petitioner has also submitted a Rezone for the above-described proposed lots in order to create new lake lots without shore frontage.
  - a. The land cannot be platted prior to the Rezone as there can only be one Zoning classification on a parcel of land.
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  - a. Currently, the land for the proposed Lots sits empty (no structures) and is currently used as pasture land.
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- North side (back yard side) of proposed Lots, and is proposed to extend along all proposed Lots for ease of access. Please see proposed sketch for more detail.
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- 8. A plat will need to be filed upon the effective date of the rezone to establish new boundaries between zoning districts. Effective date is January 20, 2026.
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- 10. <u>Staff recommendation:</u> to grant the variance allowing the proposed 35 Lots to be platted as requested (see sketch), and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.
  - 1. 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 variances to Lot sizes in the past, when the neighbors had no objections.
      - Similar variances to Lot sizes allowed various dimensions for R. & L. Westby 11/22 & 9/23, Randy Deutsch, W. Schlekewy 5/24, P. Price 12/24, R. Hofland 6/25 and 25' for R. Deutsch.
    - b. The Board would consider approving other similar requests meeting the unique circumstances.
  - 2. 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.
  - 3. 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 – to grant the variance allowing the proposed 35 Lots to be platted as requested (see sketch), and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.

December 16, 2025

Samuel & Amanda Nordquist 444 W Roy Lake Ave. Lake City, SD 57247

To whom this may concern,

This letter is to inform you of the decision made by the Marshall County Planning & Zoning Board in regard to your variance application.

After review and county commissioner hearing held in the North Marshall Firehall Meeting Room on December 16,2025, your application for a variance for various Lot sizes, per the Marshall County Zoning Ordinance; is hereby: **POSTPONED until December 30, 2025.** 

Please see below for detail:

Pertaining to a variance for Samuel & Amanda Nordquist; Discussion was held at length with some members of the community present to give testimony. The applicant was also present at the meeting. Topics including the buying and selling of the proposed lots, drainage concerns and the private access easement. Kilker motioned; Luttrell seconded to postpone the requested varying lot size variance for the proposed 35 lake lots until the scheduled meeting on December 30, 2025; per the Marshall County Zoning Ordinance and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report. A roll call vote was taken; Bender – Aye, Luttrell – Aye, Kilker – Aye, Medhaug – Absent, Schuller - Aye. Motion carried.

If you have any questions, please contact my office at the above-mentioned phone number or send me an email.

Sincerely,

Erin Collins-Miles

Planning and Zoning/E911/Drainage Director

Emi Colfline

December 10, 2025

Samuel & Amanda Nordquist 444 W Roy Lake Ave. Lake City, SD 57247

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Please see below for detail:

Kilker motioned; Bender seconded to <u>postpone</u> the requested varying lot size variance for the proposed 35 lake lots until the scheduled meeting on December 16, 2025; per the Marshall County Zoning Ordinance and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report. A roll call vote was taken; Medhaug – Aye, Luttrell – Aye, Knebel – Aye, Bender – Aye, Schuller - Aye. Motion carried.

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Sincerely,

Erin Collins-Miles

Planning and Zoning/E911/Drainage Director

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### NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on December 9, 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.

Samuel and Amanda Nordquist have requested a variance to plat 35 Lake Lots, which include Proposed Lot 1A Nordquist 3<sup>rd</sup>, Lots 1B-17B Nordquist 4<sup>th</sup> Subdivision and Lots 1A-17A Nordquist 5<sup>th</sup> Subdivision. The proposed lots do not meet the minimum lot size requirement of the Lake Front District per the Zoning Ordinance, and are requested per a rezone sketch to be known as A part of Sigaty Subdivision in Gov't lot 1 & 2 & NE1/4SE1/4 in Section 21, T126N, R55W of the 5th P.M., Marshall County, South Dakota; APPROX 5.7 acres North & East of Lot 1 Nordquist 3rd, Lots 1-17 Nordquist 4th, and 1-17 Nordquist 5th Subdivision. Proposed rezone sketch available in the Planning & Zoning office.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: November 12, 2025

1T (NOV. 12)
NOTICE OF HEARING
- APPLICATION FOR
VARIANCE

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# MARSHALL COUNTY APPLICATION FOR VARIANCE

| DATE: $1/6/25$   |  |  |
|--|--|--|
| To: Marshall County Planning and Zoning Commission<br>PO Box 9<br>Britton, SD 57430  |  |  |
| The undersigned do hereby request a variance from the Marshall County Zoning   |  |  |
| Ordinance to build (or set)create lots / PLATwithin  |  |  |
| 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): _LOT 1A NORDQUIST 3RD, LOT 1B-17B NORDQUIST 4TH SUBDIVISON AND 1A-17A NORDQUIST 5TH SUBDIVISION IN SECTION 21 T126N R55W OF THE MARSHALL COUNTY, SOUTH DAKOTA  Reason: TO EXTEND THE BACK OF EXISTING LOTS DUE TO ENCOARCHMENTS UPON THIS LAND, |  |  |
| Applicant Name: SAM NORDQUIST Phone: 605-467-9000  Address: 444 ROY LAKE AVE LAKE CITY SD 57247  Applicant Signature:  |  |  |
| Owner Signature (if different than applicant):   |  |  |
| For Internal Office Use Only:  Date Received: 11/6/25 Fees(non-refundable): \$\frac{6}{50.00}\$ Paid: YES NO  Inspection Report: See Staff report  |  |  |
| Date of Hearing by Planning and Zoning Commission: December 9, 2025  Action taken by Planning and Zoning Commission:   |  |  |

November 14, 2025

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on December 9, 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.

Samuel and Amanda Nordquist have requested a variance to plat 35 Lake Lots, which include Proposed Lot 1A Nordquist 3rd, Lots 1B-17B Nordquist 4th Subdivision and Lots 1A-17A Nordquist 5th Subdivision. The proposed lots do not meet the minimum lot size requirement of the Lake Front District per the Zoning Ordinance, and are requested per a rezone sketch to be known as A part of Sigaty Subdivision in Gov't lot 1 & 2 & NE1/4SE1/4 in Section 21, T126N, R55W of the 5th P.M., Marshall County, South Dakota; APPROX 5.7 acres North & East of Lot 1 Nordquist 3rd, Lots 1-17 Nordquist 4th, and 1-17 Nordquist 5th Subdivision. Proposed rezone sketch available in the Planning & Zoning office.

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

Emil Delin

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Sincerely,

Erin Collins-Miles

Planning and Zoning Director

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### Sent to the following adjacent landowners on 11/14/25:

- 1. Paula Hanson 438375 Northside Dr. Lake City, SD
- 2. Travis & Nicole Stiegelmeier 42863 SD HWY 10 Britton, SD 57430
- 3. Weldon & Ronda Hoesel 15905 HWY 11 Lidgerwood, ND 58053
- 4. Craig & Julie Mauch 16245 Co. Rd. 14 Barney, ND 58008

- 5. James & Judith Kleingarn 13753 HWY 13 Milnor, ND 58060
- 6. Charles Hanson 438712 Northside Dr. Lake City, SD 57247
- 7. Kurt & Shana Zuehlke 42020 SD HWY 10 Britton, SD 57430
- 8. Anthony Satrang 3552 Rolling Meadows Dr. Aberdeen, SD 57401
- 9. Lorne & Patricia Aadland 438742 Northside Dr. Lake City, SD 57247
- 10. Amerman Family Trust c/o Lori Amerman 42231 111th St. Britton, SD 57430
- 11. Jack & Dorene Brown P.O. Box 55 Gwinner, ND 58040
- 12. Lee & Erica Tollefson 11649 399th Ave. Houghton, SD 57449
- 13. Anthony Geist 725 E 15th Ave. Mitchell, SD 57301
- 14. Jerry & David Wieber 9970 County Rd 19 Lidgerwood, ND 58053
- 15. Betty Wettstein 15232 County Rd 17 Lidgerwood, ND 58053
- 16. Norman & Carol Grobe P.O. Box 287 Veblen, SD 57270
- 17. Darren & Pamela Burchill 3585 Bridgeview Dr. SE Rochester, MN 55904
- 18. Karen Zuehlke 42010 SD HWY 10 Britton, SD 57430
- 19. Douglas & Amy Jo Vietor 11334 420th Ave. Britton, SD 57430
- 20. Lisa Dahme 1208 7<sup>th</sup> St. Britton, SD 57430
- 21. Mark & Audrey Johnson 306 West 3<sup>rd</sup> St. Pierpont, SD 57468
- 22. Dennis & Diane Healy 438928 Northside Dr. Lake City, SD 57247
- 23. Roger Allen & Mary Jo Renner 502 James Place Yankton, SD 57078
- 24. Ann Erickson 438962 Northside Dr. Lake City, SD 57247
- 25. Scott & Jean Ann Phillips P.O. Box 116 Lake City, SD 57247
- 26. Joyce Ogren 411 9th St. Britton, SD 57430



### **Petition of Samuel & Amanda Nordquist**

From Roger/Mary Jo Renner <rmjrenner@gmail.com>
Date Mon 12/8/2025 9:04 PM
To Erin Collins-Miles <mczoning@venturecomm.net>

# To Erin Collins-Miles Planning & Zoning Director

My wife and I own lots #13 & #14 in Nordquist 4th Addition which adjoins the land of the Samuel & Amanda Nordquist Request. We strongly object to the Nordquist Rezoning & Variance Request:

To Plat 35 Lake Lots, Which Includes Proposed Lot 1A Nordquist 3rd, Lots 1B-17B Nordquist 4th

SubDivision and Lots 1A-17A Nordquist 5th SubDivision.

Our objections are numerous:

- 1) The Nordquist's concern about encroachment on their land is a minor issue that can be resolved by law enforcement and/or repairing their existing fence. Rezoning, with a very significant variance, is a major step to solve a minor issue. I myself have never ever encroached on their land.
- 2) The proposed access road of 20' width is far too narrow for two-lane traffic, large pickups, campers, boats, etc. There is no place for vehicles to turn around safely and the road isn't even wide enough to make a 3 point turn to change direction.
- 3) What are the specifications for the road build? Will the access road be made of dirt, gravel, asphalt, or concrete? If dirt or gravel, how much unnecessary dust will be created for the adjoining property owners. Will the road have gutters, ditches, or culverts? Where will runoff from the road be diverted to...east, west,

north, south? Who will take responsibility for maintaining the road summer and winter....the new landowners, the Nordquist family, or the Marshall County road crew?

4) Our lakeshore property is south of lot #13 and we have a very significant problem dealing with water runoff from the north and from the west, which are both uphill from my property. Before we started construction of our cabin, we hired Stockwell Engineers of Sioux Falls to do a watershed study of this area in an effort to protect our cabin and our neighbors. Before any plat is approved I would demand that the Nordquists complete a Watershed Study to protect those of us who own lakeshore property in the area. As I think of concrete pads, garages, sheds, campers, boats, and an access road being placed on the proposed property, I can only see more runoff and more

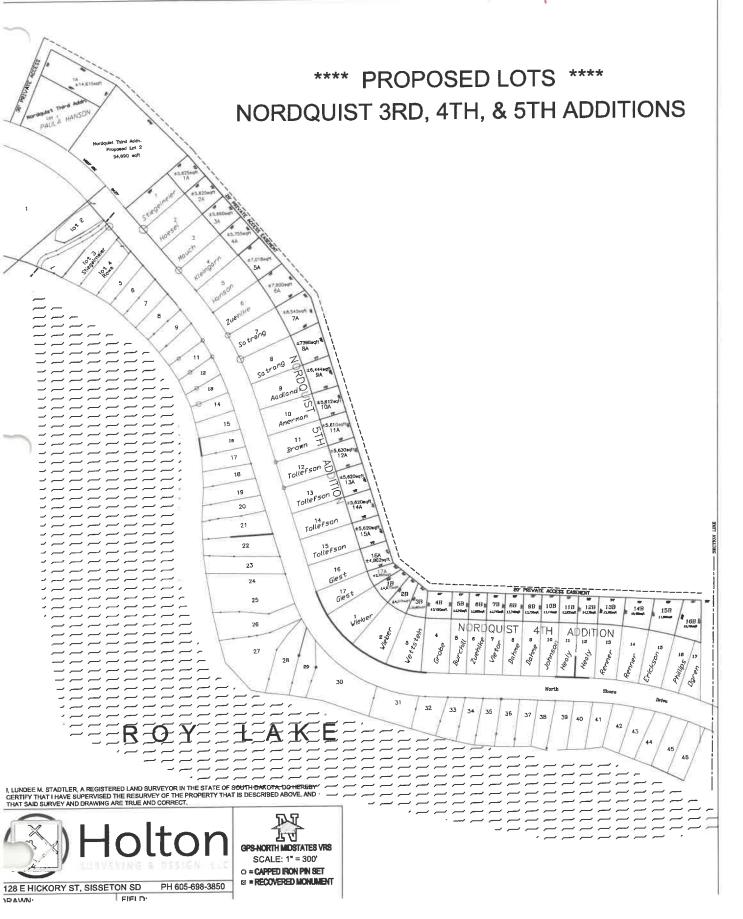
water damage to all of the properties south of the proposed plat.

- 5) Since the proposed lots are extremely small and the Marshall County Sheriff has a large area to cover, I see them being used to park old boats, old campers, storage sheds, and miscellaneous items of questionable value. If this happens, the taxable value of my property will go down which won't benefit Marshall County.
- 6) Do the Nordquists have a plan to get electricity or water to the lots? Are the lots large enough to safely install septic tanks and drain fields?
- 7) The proposed lots will only increase traffic and thus the need for maintenance on North Side Drive. Does Marshall County have a budget allotment for increasing maintenance/repair on North Side Drive?

8) What will be the zoning rules for the new plat? Who will make the zoning rules and who will enforce them?

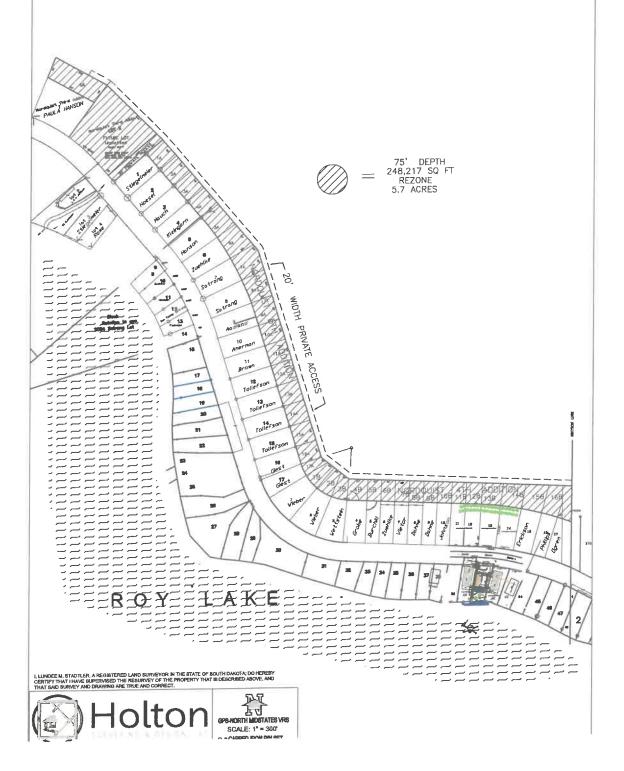
In summary, all the above questions must be answered before this plat and variance is approved. The Nordquist request is a big idea that requires a lot more thought and more planning. The Nordquists need to invest in a Watershed Study and have an engineer write specs for an appropriate access road. Marshall County has to decide who will maintain the access road and if the county is willing to increase the maintenance/repair budget for North Side Drive.

Sincerely,
Roger & Mary Jo Renner
Property Owners of Lots #13 & #14 Nordquist
4th Addition



### \*\*\*\* REZONE AREA \*\*\*\*

OF ±5.8 ACRES IN GOV'T LOTS 1,2, AND NE1/4SE1/4 SECTION 21, T126N, R55W OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA

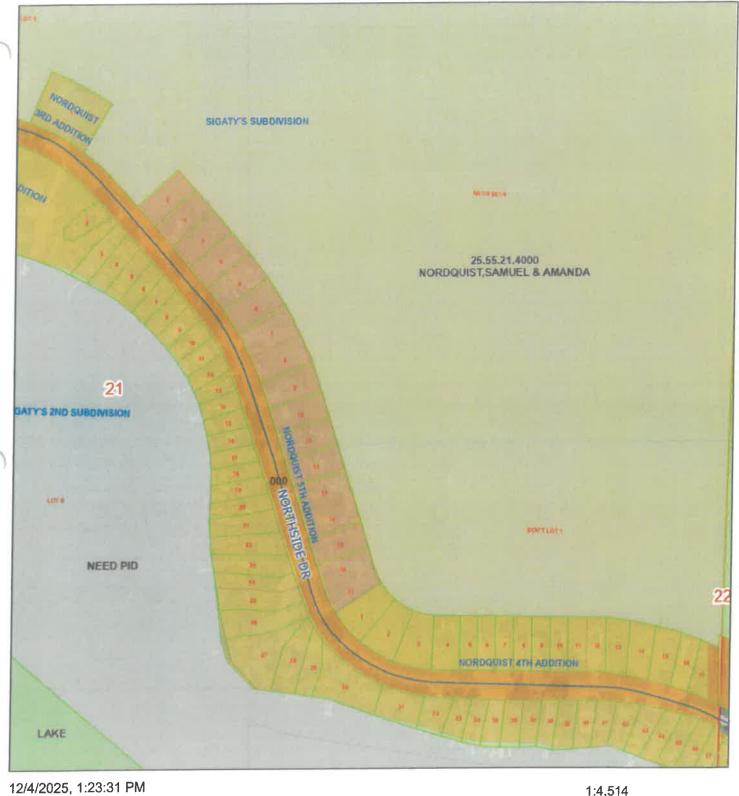


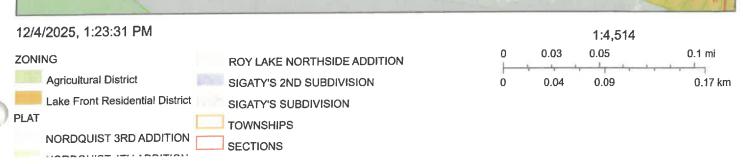
# MARSHALL COUNTY WEB VIEWER





# MARSHALL COUNTY WEB VIEWER





December 9, 2025

TO: Samuel and Amanda Nordquist 444 W Roy Lake Ave.
Lake City, SD 57247

To whom this may concern,

This letter reflects the official schedule for your Rezone application and which step in the process the County is on in the decision-making process. Please note that the second reading and adoption for Ordinance No. 74 is set to take place during regular session on December 30, 2024, pending any possible changes.

Please see below for details from today's meeting;

Kilker motioned; Medhaug seconded to recommend Ordinance No. 74 to the County Commission and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report. A roll call vote was taken; Medhaug – Aye, Luttrell – Aye, Bender – Aye, Kilker – Aye, Schuller – Aye. Motion carried.

By recommendation of the Planning & Zoning Board, the first reading of this Ordinance was held by the County Commission during regular session on December 9, 2025.

A part of Sigaty Subdivision in Gov't lot 1 & 2 & NE1/4SE1/4 in Section 21, T126N, R55W of the 5<sup>th</sup> P.M., Marshall County, South Dakota; APPROX 5.7 acres North & East of Lot 1 Nordquist 3<sup>rd</sup>, Lots 1-17 Nordquist 4<sup>th</sup>, and 1-17 Nordquist 5<sup>th</sup> Subdivision. SEE SKETCH.

(Proposed rezone sketch available in the office of the Zoning Director. Per the proposed rezone sketch, the shaded area shows approx. 5.7 acres to be rezoned.)

# To "R-3" Lakefront Residential District from "AG" Agricultural District

| Notice of Hearing     | November 12, 2025 |
|-----------------------|-------------------|
| Passed First Reading  | December 9, 2025  |
| Passed Second Reading | December 30, 2025 |
| Adopted               | December 30, 2025 |
| Published             | December 31, 2025 |
| Effective Date        | January 20, 2026  |

If you have any questions, please contact my office.

Sincerely,

Erin Collins-Miles Planning and Zoning Director

December 10, 2025

Samuel & Amanda Nordquist 444 W Roy Lake Ave. Lake City, SD 57247

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After review and county commissioner hearing held in the North Marshall Firehall Meeting Room on December 9,2025, your application for a variance for various Lot sizes, per the Marshall County Zoning Ordinance; is hereby: <u>POSTPONED until December 16, 2025</u>.

Please see below for detail:

Kilker motioned; Bender seconded to <u>postpone</u> the requested varying lot size variance for the proposed 35 lake lots until the scheduled meeting on December 16, 2025; per the Marshall County Zoning Ordinance and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report. A roll call vote was taken: Medhaug – Aye, Luttrell – Aye, Knebel – Aye, Bender – Aye, Schuller - Aye. Motion carried.

If you have any questions, please contact my office at the above-mentioned phone number or send me an email.

Sincerely,

December 10, 2025

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After review and county commissioner hearing held in the North Marshall Firehall Meeting Room on December 9,2025, your application for a variance for various Lot sizes, per the Marshall County Zoning Ordinance; is hereby: <u>POSTPONED until</u> <u>December 16, 2025.</u>

Please see below for detail:

Kilker motioned; Bender seconded to <u>postpone</u> the requested varying lot size variance for the proposed 35 lake lots until the scheduled meeting on December 16, 2025; per the Marshall County Zoning Ordinance and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report. A roll call vote was taken; Medhaug – Aye, Luttrell – Aye, Knebel – Aye, Bender – Aye, Schuller - Aye, Motion carried.

If you have any questions, please contact my office at the above-mentioned phone number or send me an email.

Sincerely,



### **Nordquist Plat and Variances**

From Roger/Mary Jo Renner <rmjrenner@gmail.com>
Date Mon 12/15/2025 10:50 PM
To Erin Collins-Miles <mczoning@venturecomm.net>

# To Erin Collins-Miles Planning & Zoning Director

From Roger & Mary Jo Renner
Owners of lots #13 & #14 in Norquist 4th
Addition

After submitting a letter to you last week concerning the Nordquist Rezoning & Variance Request, we had phone calls with both Sam Nordquist and Planning Director Erin. Many of our issues were answered but 2 remain.

1) If outsiders own some of the lots in the future, what kind of development could we expect to see there? With such a small size, no water, no electricity, no sanitation, and only a

narrow access road it could easily become a dumping ground for old cars, old campers, storage sheds, etc. How can that be prevented?

2) As I stated in my previous letter, I'm very concerned about water runoff from the proposed plat, which is north of my property. My lakeshore lot, and others, experience large amounts of runoff from the hill to the north. Any structures, concrete, or campers placed on those 35 lots will only add to our existing problem with runoff. (Note: The Watershed Study I had done did not account for additional development to the north.) Therefore, this plat must include a plan to mitigate runoff.

I do believe Sam Nordquist is sincere and honest in his desire to sell land to the adjoining landowners. I have no problem with that. I just don't want some of the 35 lots to become eyesores or create more runoff problems for lakeshore property.

Thank you for your time.

Sincerely Roger & Mary Jo Renner