

STAFF REPORT
Variance Application
May 5, 2026

GENERAL INFORMATION:

PETITIONER	Josh Kraft on behalf of K Properties, LLC
REQUEST	To plat new lake lots, which will include Proposed Lots 2-10. 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 variance sketch. The proposed variance sketch and preliminary plat are available in the Planning & Zoning office.
LEGAL DESCRIPTION	A preliminary plat shows the proposed lots to be known as Lot 2-10 in Block 10 in Schlekewy Addition in Gov't Lot 3 of Section 13, T126N, R54W. The proposed variance sketch and preliminary plat are available in the Planning & Zoning office.
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 variance sketch is 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. Per the applicant, the proposed lots are designed to be offered for purchase to adjacent property owners.
 - a. The area of land in question has been maintained by the adjacent lake-front Lot owners for years.
3. This proposed variance prioritizes compatibility within the existing neighborhood, and allows existing property owners the opportunity to expand their property, access their lots with more ease and preserve open space in a manner consistent with their needs.
4. The petitioner intends to Plat the above-described proposed lots in order to create new lake lots without shore frontage.

- a. The platting will need to comply with all applicable zoning and environmental regulations to ensure responsible development and long-term sustainability.
 - b. The land cannot be platted prior to the variance approval.
- 5. Lots 2-10 would not match the widths of the adjacent Lots with shoreline frontage. The proposed Lots would be platted within a new subdivision, and would therefore need a variance.
 - a. Currently, the land for the proposed Lots sits empty (no structures).
 - b. Lot 1 (not included in this proposal) contains a storage building.
- 6. A 30' access road runs along the East side of the proposed Lots which is used by Lake Front Lot owners to access their properties.
 - a. The road is a dead end.
- 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. One written objection was received after the writing of this staff report.
- 9. **Staff recommendation: to grant the variance allowing the proposed Lots 2-10 to be platted as requested (see sketch), and to adopt the facts and the recommended findings of the Planning Commission listed in this 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 S. Nordquist 12/25, 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 Lots 2-10 to be platted as requested (see sketch), and to adopt the facts and the recommended findings of the Planning Commission listed in this staff report.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on May 5, 2026 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for variance from the Marshall County Zoning Ordinance.

Josh Kraft, on behalf of K Properties, LLC, has requested a variance to plat new lake lots, which will include Proposed Lots 2-10. 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 variance sketch. A preliminary plat shows the proposed lots to be known as Lot 2-10 in Block 10 in Schlekewy Addition in Gov't Lot 3 of Section 13, T126N, R54W. The proposed variance sketch and preliminary plat are available in the Planning & Zoning office.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: April 15, 2026

1T (April 15)
MC ZONING AND
PLANNING BOARD
NOTICE OF HEARING
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the Planning & Zoning office. -
Erin Collins-Miles, Planning &
Zoning Administrator

Published at an approximate cost of \$9.57 and can be viewed free of charge at www.sdpublicnotices.com.

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

April 13, 2026

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on May 5, 2026 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, 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 following adjacent landowners on 4/13/26:

1. Wayne & Joanne Schlekewy – 116030 Schlekewy Dr. Lake City, SD 57247
2. Waylin & Amy Buss – 509 N Sunday Dr. Brandon, SD 57005
3. Gary Gangle – 11624 SD HWY 25 Lake City, SD 57247
4. Ricky Cole – 11946 415th Ave. Langford, SD 57454
5. Clear Lake Investments, LLP c/o Joshua Aletta Kraft – 900 Country View Lane Britton, SD 57430 -DNS

6. Daniel & Kari Dalchow – 2650 26th Ave. S #201 Grand Forks, ND 58201
7. Shannon Wegleitner – 43878 SD HWY 10 Lake City, SD 57247
8. Barbera Anderson – 618 N Grant St. Canton, SD 57013
9. Paul & Marcia Reints – 42052 124th St. Langford, SD 57454
10. Daniel & Kalissa Stelzer – 1201 3rd St. Britton, SD 57430 (hand delivered)
11. Autumn Holland (Kent Oland) – 43515 102nd St. Britton, SD 57430 (hand delivered)
12. David & Sherri Koeppel – PO Box 492 Britton, SD 57430
13. John & Kaite Kroll – 13174 395th Ave. Bath, SD 57427
14. Steven & Michelle Swanson – 310 Hickory St. Langford, SD 57454

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

April 14, 2026

Dear Property Owner,

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Sincerely,



Erin Collins-Miles
Planning and Zoning Director

MARSHALL COUNTY WEB VIEWER



4/13/2026, 3:03:31 PM

PLAT

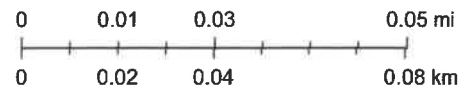
BAIR'S ADDITION

EAST VIEW ADDITION

SCHLEKEWY'S ADDITION

- TOWNSHIPS
- SECTIONS
- PARCELS
-

1:2,257



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

LAW OFFICE OF DANNY R. SMEINS, P.C.
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Webster, SD 57274-1719
Phone (605) 345-4875
Fax (605) 345-4250
drslaw@itctel.com

Phone (605) 448-5964
Fax (605) 448-5251
drslawb@venturecomm.net

April 30, 2026

TO: Erin Collins-Miles – Planning and Zoning Director
FROM: Danny R. Smeins, Attorney at Law
RE: Variance Application K Properties LLC

On behalf of Ricky D. Cole Family Trust an adjacent landowner I file this objection to the proposed variance application. The intended purpose is purported to be to sell the platted lots to the lake lot owners that adjoin the proposed plat. We understand it is necessary to plat the lots to facilitate a conveyance of individual parcels and have no objection to plat itself but do object fi by approving the plat that the proposed lots do not meet the minimum size requirements per Title 10 R-3 paragraph 10.4. If the plat is approved without a restriction then lots could be used despite without complying with the ordinance.

We believe the plat can be conditionally approved with the restriction that any proposed use of the lots comply with the ordinance lot size and set backs and permitted uses etc - unless restricted the adjoining owners object to the proposed plat.

Sincerely,

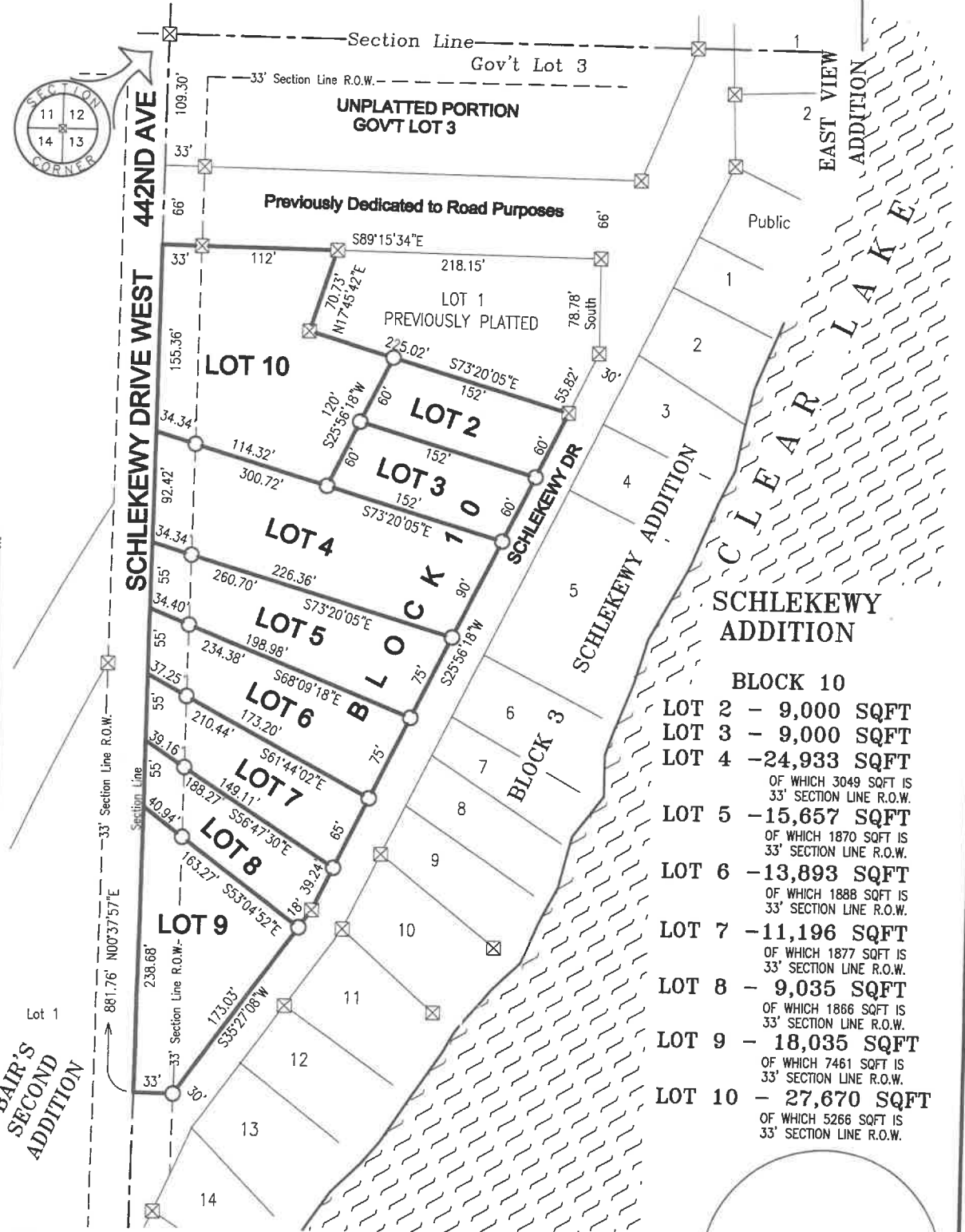


Danny R. Smeins

DRS:ch

VARIANCE SKETCH

FOR THE PROPOSED LOTS WITHIN BLOCK 10 IN SCHLEKEWY ADDITION
 IN GOVT LOT 3 OF SECTION 13,
 T126N, R54W OF THE 5TH P.M.,
 MARSHALL COUNTY, SOUTH DAKOTA



BLOCK 10

LOT 2	- 9,000 SQFT
LOT 3	- 9,000 SQFT
LOT 4	- 24,933 SQFT OF WHICH 3049 SQFT IS 33' SECTION LINE R.O.W.
LOT 5	- 15,657 SQFT OF WHICH 1870 SQFT IS 33' SECTION LINE R.O.W.
LOT 6	- 13,893 SQFT OF WHICH 1888 SQFT IS 33' SECTION LINE R.O.W.
LOT 7	- 11,196 SQFT OF WHICH 1877 SQFT IS 33' SECTION LINE R.O.W.
LOT 8	- 9,035 SQFT OF WHICH 1866 SQFT IS 33' SECTION LINE R.O.W.
LOT 9	- 18,035 SQFT OF WHICH 7461 SQFT IS 33' SECTION LINE R.O.W.
LOT 10	- 27,670 SQFT OF WHICH 5266 SQFT IS 33' SECTION LINE R.O.W.

I, LUNDEE M. STADTLER, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SUPERVISED THE RESURVEY OF THE PROPERTY THAT IS DESCRIBED ABOVE, AND THAT SAID SURVEY AND DRAWING ARE TRUE AND CORRECT.

Holton
 SURVEYING & DESIGN, LLC

GPS-NORTH
 SCALE: 1" = 125'
 ○ = CAPPED IRON PIN SET
 ⊗ = RECOVERED MONUMENT

28 E HICKORY ST, SISSETON SD PH 605-696-3860
 RAWN: 4/1/26 FIELD: 4/2026 1312854-P083
 AT\MARSHALL\LAKE\WP\SECTION13\BLOCK10\REPLAT.DWG

SURVEY PERFORMED WITHOUT THE
 BENEFIT OF A TITLE COMMITMENT

LUNDEE M STADTLER
 REGISTERED LAND SURVEYOR 13482

MARSHALL COUNTY WEB VIEWER



4/30/2026, 3:55:51 PM

1:2,257

PLAT

BAIR'S ADDITION

EAST VIEW ADDITION

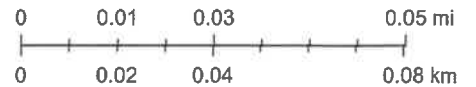
KRETCHMAN'S CLEAR LAKE SUBDIVISION

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TOWNSHIPS

SECTIONS

PARCELS



MARSHALL COUNTY WEB VIEWER



4/30/2026, 3:56:28 PM

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ZONING

- Agricultural District
- Lake Front Residential District

PLAT

- BAIR'S ADDITION
- EAST VIEW ADDITION
- KRETCHMAN'S CLEAR LAKE SUBDIVISION

SCHLEKEWY'S ADDITION

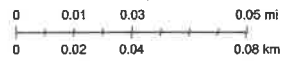
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TOWNSHIPS

SECTIONS

PARCELS

ROADS



ArcGIS Web AppBuilder

This map is intended for general planning purposes only. District III and Marshall County makes no claims, representations, and warranties regarding the accuracy of the data.