

**Marshall County Planning & Zoning
STAFF REPORT
May 19, 2026**

GENERAL INFORMATION:

OWNER/APPLICANT: James Rabenberg

REQUEST: **The petitioner is requesting to place the new shed 2ft from the property line instead of the 7ft requirement; per the Marshall County Zoning Ordinance.**

PROPERTY DESCRIPTION: Lot 19 in the Plat showing Roy Lake Northside Addition in the SE1/4 of Section 21 and the SW1/4 of Section 22, T126N, R55W

CURRENT ZONING: Lake Front Residential (R-3)

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

REPORTED BY: E. Collins-Miles

COMMENTS/HISTORY:

1. According to property cards, the Lot has been owned by the applicant since August 19, 2002.
 - a. The 8x10 shed which is being replaced is on record to have been placed on the Lot in approximately 1997.
 - i. The structure is deteriorating and needs to be replaced.
 - b. Additionally, it should be noted that the existing shed has already been positioned as close to the South property line as is being requested with this application.
2. The property also includes an existing cabin which appears to have been on the property since the applicant took ownership.
 - a. The original cabin was remodeled in 1996 (BP No. 96-30). The original deck was removed and replaced with the approval of BP No. 46-15.
3. Lot 19 has an average depth of approximately 153.93ft and a width of approximately 50.04ft.
4. Marshall County Ordinance requires new structures to be placed a minimum of 7ft from a property line.
5. No written comments or objections were received prior to the writing of this staff report.
6. **Staff Recommendation – 5’ variance to the property line setback and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.**
7. 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 property line variances to lake lots in the past, when the neighbors had no objections.
 - i. Similar property line variances allowed – 5’ for R. Grajczyk 4/26 & 5/26, 5’ for D. Rinas 4/15, 3’ for P. Nelson 10/12 and 3’ for D. Erickson 8/11
 - b. The Board would consider approving other similar requests meeting the unique circumstances.
8. 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.
9. If the Board chooses to grant the variance, it must make findings pursuant to TITLE 19, Chapter 19.6 of the Zoning Ordinance.

Staff Recommendation – 5’ variance to the property line setback and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 4-28-26

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) Set within 2' (5' variance) 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 19 Northside Addition, Roy Lake

Reason: Replace old Storage shed with new one.

Applicant Name: James A. Rabenberg Phone: 712-310-0755
Address: 414 Parkwild Dr. Council Bluffs, IA 51503
Applicant Signature: [Signature]
Owner Signature (if different than applicant): _____

For Internal Office Use Only:
Date Received: 4/28/26 Fees(non-refundable): \$150.00 Paid: YES NO
Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: May 19, 2026
Action taken by Planning and Zoning Commission: _____

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on May 19, 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.

James Rabenberg has requested a variance to replace a shed on the property described as Lot 19 in the Plat showing Roy Lake Northside Addition in the SE1/4 of Section 21 and the SW1/4 of Section 22, T126N, R55W. The petitioner is requesting to place the new shed 2ft from the property line instead of the 7ft requirement; per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: May 6, 2026

1T (May 6)

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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.sdpublicnotices.com.

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

May 4, 2026

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on May 19, 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

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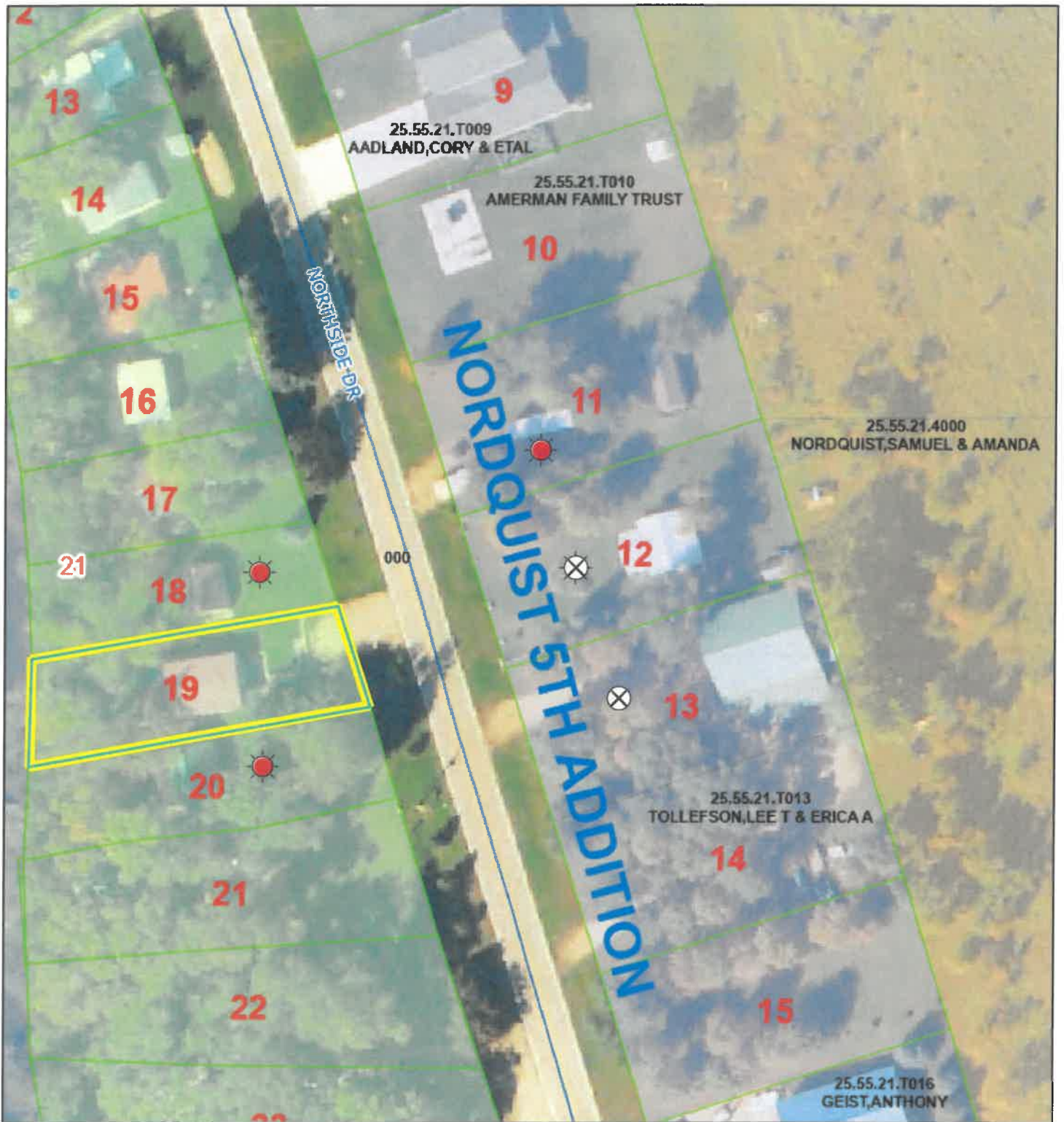


Erin Collins-Miles
Planning and Zoning Director

Sent to the following adjacent landowners on 2/4/26:

1. James Rabenberg – 414 Parkwild Dr. Council Bluffs, IA 51503
2. Lee & Erica Tollefson – 11649 399th Ave. Houghton, SD 57449
3. Jack & Dorene Brown – PO Box 55 Gwinner, ND 58040

MARSHALL COUNTY WEB VIEWER



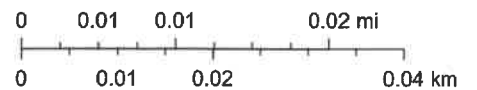
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PLAT

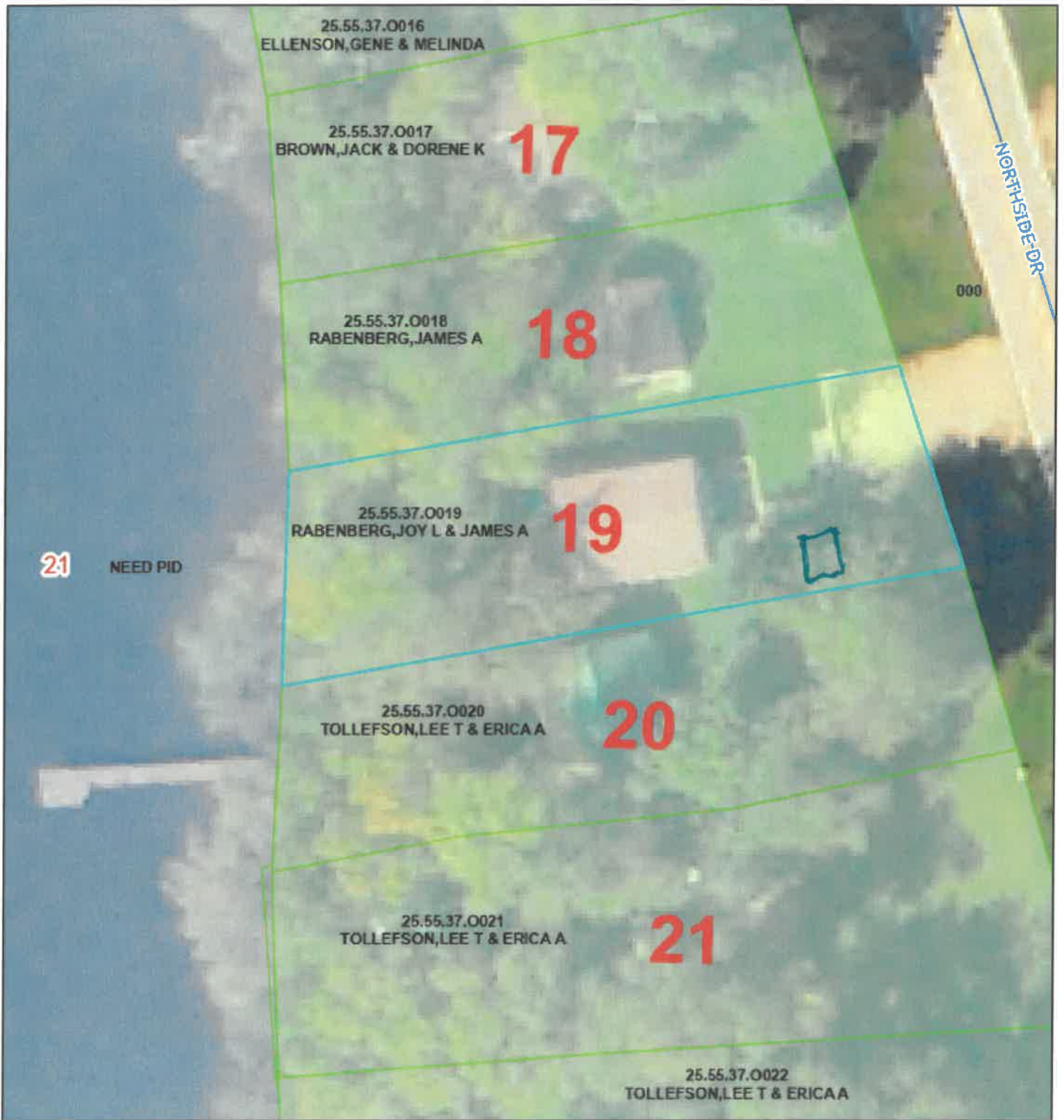
- NORDQUIST 5TH ADDITION
- ROY LAKE NORTHSIDE ADDITION
- SIGATY'S 2ND SUBDIVISION

- TOWNSHIPS
- SECTIONS
- PARCELS
- ROADS

1:1,128



MARSHALL COUNTY WEB VIEWER



4/28/2026, 2:28:22 PM

PLAT

ROY LAKE NORTHSIDE ADDITION

SIGATY'S 2ND SUBDIVISION

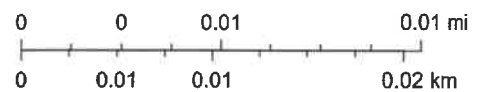
TOWNSHIPS

SECTIONS

PARCELS

ROADS

1:564



PLAT SHOWING
ROY LAKE NORTHSIDE ADDITION
IN THE SE 1/4 OF SEC. 21 & THE SW 1/4 SEC. 22
T126N-R55W OF THE 5th P.M.
MARSHALL COUNTY, SOUTH DAKOTA

