

**Marshall County Planning & Zoning  
STAFF REPORT  
June 16, 2026**

**GENERAL INFORMATION:**

**OWNER/APPLICANT:** Pat Roney

**REQUEST:** **The petitioner is requesting to place the structure 19ft from the right-of-way line, instead of the 30ft requirement; per the Marshall County Zoning Ordinance.**

**PROPERTY DESCRIPTION:** Lot L1 in the Plat of Lots L1 and L2 in Lot "L," Lot 1 of Isensee's Third Clear Lake Subdivision and Lot "A" of Gov't Lot 1 in the NE1/4 of Section 13, T126N, R54W

**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. The applicant has been part owner of the Lot in question since May 19, 2008.
2. There is currently a 20x24 cabin with an 8x10 deck on the Lot which was added in 2010. A small shed is also present on the Lot toward the lakeside which was approved via variance in 2009.
  - a. The proposed home would be the second cabin on the Lot.
3. The proposed 12x36 home is a move in park model with 9' sidewalls.
4. Applicant called on June 8<sup>th</sup> and stated that the house was going to be moved in that day. Zoning Director advised that the meeting was not until June 16<sup>th</sup>.
5. Per the applicants, a variance is requested in order to avoid the removal of two large trees on the Lot. There are existing water and sewer hookups in the location the applicants wish to place the home.
  - a. There was previously a camper located in the position the home is proposed to be placed.
  - b. Notes made during the site visit show that there is a large amount of unused and open space within the Lot.
6. The road lying in a Northeast direction is a public road access.
  - a. Road span is 40'.
7. Lot L1 has an average depth of approximately 216.25ft and a width of approximately 89ft.
8. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line
9. No written comments or objections were received prior to the writing of this staff report.

10. **Staff Recommendation – 11’ variance to the property line setback and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.**
11. 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 property line variances allowed – 10’ for R. Heitmann 4/25, 10’ for J. & A. Meissner, 11’ for E. Kornelsen 4/25 and 12’ for M. & E. Hrabik 7/25
  - b. The Board would consider approving other similar requests meeting the unique circumstances.
12. 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.
13. 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 – 11’ 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: 5-19-26

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) Park model / tiny Home within 19  
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 L1 in Lot "L"  
Lot 1 of isensee's 3rd CL Subd + Lot "A" of Govt Lot 1

Reason: two trees in the way that we do not want  
to tear out

Applicant Name: Port Lonet Phone: 701-710-0115  
Address: 9358 113 Ave SE Oakes ND 58474  
Applicant Signature: [Signature]  
Owner Signature (if different than applicant): \_\_\_\_\_

**For Internal Office Use Only:**

Date Received: 5/19/26 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See Staff report  
Structure can't move any closer to Lot line

Date of Hearing by Planning and Zoning Commission: June 16, 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 June 16, 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.

Pat Roney has requested a variance to place a home on the property described as Lot L1 in the Plat of Lots L1 and L2 in Lot "L," Lot 1 of Isensee's Third Clear Lake Subdivision and Lot "A" of Gov't Lot 1 in the NE1/4 of Section 13, T126N, R54W. The petitioner is requesting to place the structure 19ft 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: May 27, 2026*

1T (May 27)  
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Published at an approximate cost of \$7.54 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

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

May 26, 2026

Dear Property Owner,

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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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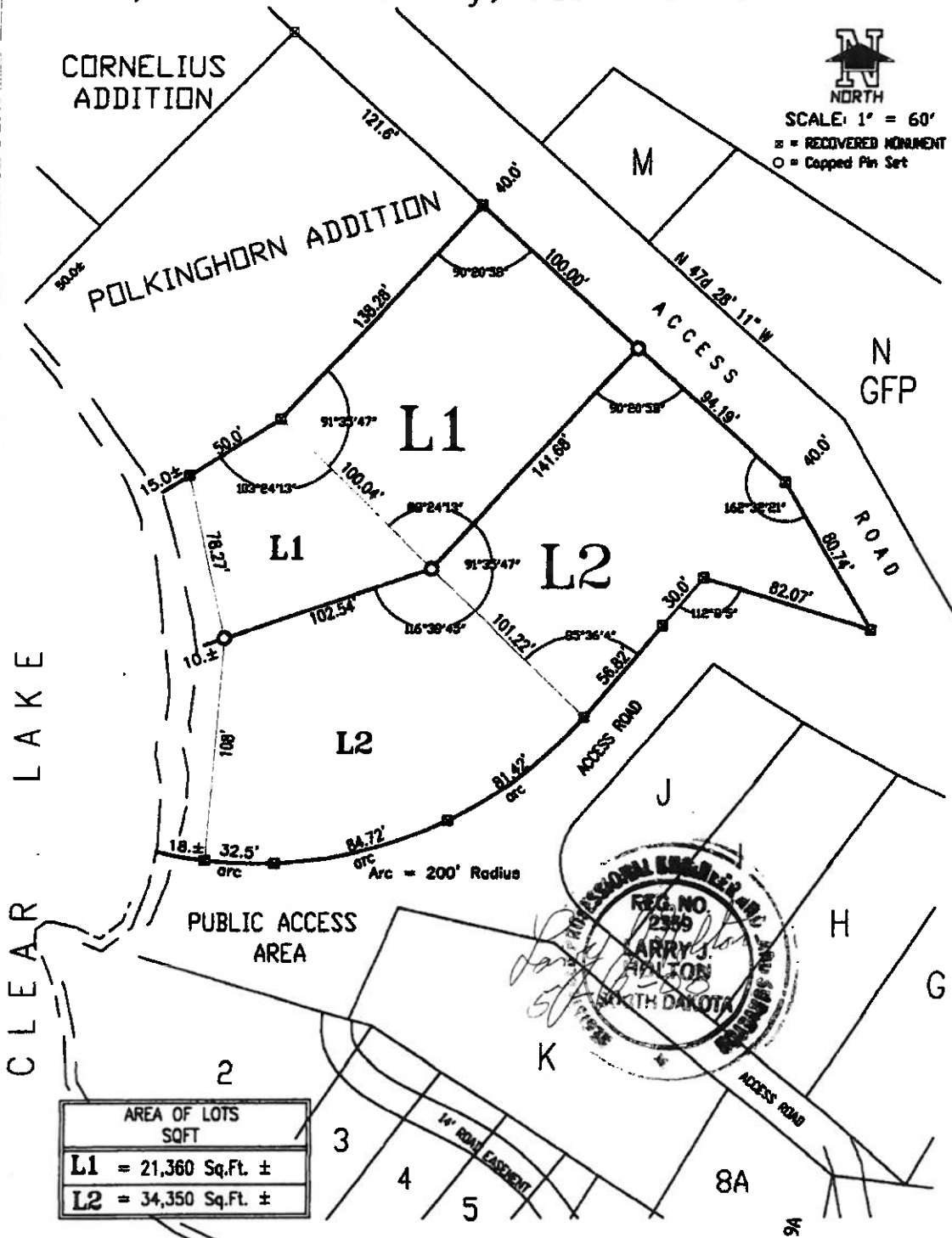
Erin Collins-Miles  
Planning and Zoning Director

**Sent to the following adjacent landowners on 5/26/26:**

1. Mitchell & Billinda Lemnus – 204 4<sup>th</sup> Ave. SE Gwinner, ND 58040
2. Melissa Fredrickson – PO Box 924 Britton, SD 57430
3. Terry & Elleen Riedl – 40070 112<sup>th</sup> St. Houghton, SD 57449
4. Dept. of Game, Fish & Parks c/o Habitat Section – 523 E Capitol Ave. Pierre, SD 57501

# PLAT OF:

Lots L1 and L2 in Lot "L", Lot 1 of  
 Isensee's Third Clear Lake Subdivision  
 and Lot "A" of Gov't Lot 1 in the NE1/4  
 of Section 13, T126N, R54W of the 5th  
 P.M., Marshall County, South Dakota



SCALE: 1" = 60'  
 ■ = RECOVERED MONUMENT  
 ○ = Capped Pin Set

AREA OF LOTS SQFT	
L1	= 21,360 Sq.Ft. ±
L2	= 34,350 Sq.Ft. ±

**HOLTON ENGINEERING INC.**

DRAWN: 5/08 FIELD: 5/08 512 VETERANS AVE. SISSETON, SD PH. 1-605-698-3850 DRAWN: RJMst

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