

**Marshall County Planning & Zoning
STAFF REPORT
July 21, 2026**

GENERAL INFORMATION:

OWNER/APPLICANT: John Kroll

REQUEST: The petitioner is requesting to place the cabin 12ft from the right-of-way line, instead of the 30ft requirement; per the Marshall County Zoning Ordinance. The petitioner is also asking to construct the cabin 45 feet from the high-water mark instead of the 50ft requirement.; all per the Marshall County Zoning Ordinance.

PROPERTY DESCRIPTION: Lot 4A in the Plat of Lot 4A and 5A in Block 3 in Schlekewy Addition in Gov't Lot 3 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 owned the Lot in question since November 25, 2025.
2. The Lot currently sits empty.
3. Additional land along the South property line was more recently acquired through plat approval on November 18, 2025.
 - a. Plat of Lot 4A and 5A in Block 3 in Schlekewy Addition in Gov't Lot 3
4. Per the applicants, a variance is requested as the Lot is narrow and has a steep drop off going toward the water which makes the usable area very small.
 - a. Applicants are requesting the variance in order to be able to build a suitable cabin to utilize the space the property provides.
 - b. Notes made during the site visit show that there is a large drop off toward the water.
 - c. All property line setbacks will be met.
5. The road lying in a Westerly direction is a public road access.
 - a. Road span is 30'.
6. Lot 4A has an average depth of approximately 96.5ft and a width of approximately 64.69ft.
7. Note that there is a principal structure located less than fifty (50) feet from the normal high-water mark on properties contiguous to the lot or parcel upon which a proposed structure is to be constructed, the setback from the normal high-water mark will be

established utilizing a sight line that averages the setback of the principal structures on the adjoining lots. **Average setback: 49.43ft.**

8. According to the SDDENR Measured Lakes website at the time of writing this report; <https://apps.sd.gov/NR65LakeInfo/public.aspx>,
 - a. The outlet elevation is 1,822.5', and the Ordinary High-Water Mark is measured at 1,823.7ft.
 - i. Note: website information shows that the OHWM sits slightly above outlet level, and that the measured lake elevation on 9/23/25 was in between those measurements at 1,822.97ft.
 - ii. **Note Website Disclaimer:** *Though we make efforts to provide and maintain accurate, complete, usable, and timely information at our websites the user should understand that the information is not guaranteed to be correct or complete. Conclusions or actions taken (based upon the maps and the information contained therein) is the sole responsibility of the user.*
9. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line and 50ft from the normal high-water mark.
10. No written comments or objections were received prior to the writing of this staff report.
11. **Staff Recommendation** – **An 18' variance to the right-of-way line setback, a 5' variance to the high-water mark setback, and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.**
12. 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, 12' for M. & E. Hrabik 7/25 and 16' for R. Tchida 7/24.
 - b. The Board has granted similar high-water mark variances to lake lots in the past, when the neighbors had no objections.
 - ii. Similar high-water mark variances allowed – 7' for J. Monson 10/2020, 6' for T. Vosberg, 5' for J. & J. Amacher 9/25 and 10' for R. Renner 6/21.
 - c. The Board would consider approving other similar requests meeting the unique circumstances.
13. 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.
14. 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 – An 18’ variance to the right-of-way line setback, a 5’ variance to the high-water mark 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 July 21, 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.

John Kroll has requested a variance to place a cabin on the property described as Lot 4A in the Plat of Lot 4A and 5A in Block 3 in Schlekewy Addition in Gov't Lot 3 of Section 13, T126N, R54W. Pertaining to the closest point at the NW corner; the petitioner is requesting to place the cabin 12ft from the right-of-way line, instead of the 30ft requirement; per the Marshall County Zoning Ordinance. The petitioner is also asking to construct the cabin 45 feet from the high-water mark instead of the 50ft requirement.; all per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: July 8, 2026

1T (July 8)
MARSHALL COUNTY
PLANNING & ZONING
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- Erin Collins-Miles, Planning & Zoning Administrator
Published at an approximate cost of \$10.50 and can be viewed free of charge at www.adpublicnotices.com.

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 6-25-26

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) 45' (High Water Mark) 20' (Other Rd) within _____ of a (circle applicable): Twp Rd, County Rd, Federal or State Hwy, Other Rd, Lot Line or High Water Mark.

6-25-26

Structure would be located on (legal description): _____
Lot 4A in Block 3 of Schlekewey Addition

Reason: The lot is narrow and has a steep drop off going toward the water which make the usable area very small. We are requesting this variance to be able to build a suitable cabin to fit on the property.

Applicant Name: John Kroll Phone: 605-216-8264

Address: 13174 39th Ave Bath, SD 57427

Applicant Signature: John Kroll

Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 6/25/26 Fees(non-refundable): \$150.00 Paid: YES NO

Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: July 21, 2026

Action taken by Planning and Zoning Commission: _____

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

July 6, 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

Sent to the following adjacent landowners on 7/6/26:

1. Steven & Michelle Swanson – 310 Hickory St. Langford, SD 57454
2. Wayne & Joanne Schlekewy – 116030 Schlekewy Dr. Lake City, SD 57247
3. K Properties, LLC c/o Josh Kraft – PO Box 123 Britton, SD 57430
4. David & Sherri Koeppe – PO Box 492 Britton, SD 57430

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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".

Erin Collins-Miles
Planning and Zoning Director

PLAT OF

LOT 4A AND 5A In BLOCK 3 In SCHLEKEWY ADDITION
IN GOVT LOT 3 OF SECTION 13,
T128N, R54W OF THE 5TH P.M.,
MARSHALL COUNTY, SOUTH DAKOTA

THIS PLAT SHALL VACATE LOT 4 AND LOT 5 OF BLOCK 3 IN SCHLEKEWY ADDITION
IN SECTION 13, T128N, R54W OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA
AS FILED IN BOOK 3 PAGE 63 ON THE 15TH DAY OF JULY, 1976.

