Marshall County Planning & Zoning
STAFF REPORT
September 22, 2026

GENERAL INFORMATION:

OWNER/APPLICANT:	John Konstant
REQUEST:	**The petitioner is requesting to construct the garage 7ft at the Northwest corner, and 18ft at the Northeast corner from the right-of-way line instead of the 30ft requirement; per the Marshall County Zoning Ordinance.**
PROPERTY DESCRIPTION:	Lot 6 in the Plat of Lake Dumarce Third Subdivision in Government Lots 4 and 5 in Section 24, T127N, 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 June 12, 2024.
2. The Lot contains a 24x52 mobile home which was permitted with permit number 12-25.
    a. The home sits closest to the East property line, which provides the applicants with a large open space on the West side of the Lot.
3. Per the applicants, a variance is requested as the Lot is small.
    a. Applicants are requesting the variance to be able to build a garage situated to be just off the road for easy access, and to utilize the space the property provides.
    b. All property line and high-water mark setbacks will be met.
4. The road lying to the Northwest is privately maintained and is an extension of a township road.
5. Lot 6 has an average depth of approximately 173.24ft and a width of approximately 102.9ft.
6. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line.
7. No written comments or objections were received prior to the writing of this staff report.
8. **Staff Recommendation – 23ft at the Northwest corner, and 12ft at the Northeast corner, and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.**
9. 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 right-of-way line variances allowed – 5' & 19' for J. & D. Stickland, 7' for B. Johnson 8/22, 7' & 11' for E. Kornelsen 4/25, 12.1' for D. & L. Vig 6/21, 24' for J. Peters 5/23 and 23' for D. Joy 3/20
b. The Board would consider approving other similar requests meeting the unique circumstances.

10. 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.
11. If the Board chooses to grant the variance, it must make findings pursuant to TITLE 19, Chapter 19.6 of the Zoning Ordinance.

<u>Action Item</u> – 23ft at the Northwest corner, and 12ft at the Northeast corner, 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 September 22, 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 Konstant has requested a variance to construct a garage on the property described as Lot 6 in the Plat of Lake Dumarce Third Subdivision in Government Lots 4 and 5 in Section 24, T127N, R54W. The petitioner is requesting to construct the garage 7ft at the Northwest corner, and 18ft at the Northeast corner 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: August 26, 2026

1T (Aug 26)

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on September 22, 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 Konstant has requested a variance to construct a garage on the property described as Lot 6 in the Plat of Lake Dumarce Third Subdivision in Government Lots 4 and 5 in Section 24, T127N, R54W. The petitioner is requesting to construct the garage 7ft at the Northwest corner, and 18ft at the Northeast corner from the right-of-way line instead of the 30ft requirement; per the Marshall County - Zoning Ordinance. - Erin Collins-Miles, Planning & Zoning Administrator

Published at an approximate cost of $8.10 and can be viewed free of charge at www.sdpublicnotices.com.

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 8-16-2026

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) Garage within 12'
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 6 Lake Dumarce 3rd Sub in Govt Lots 4+5 31.54.24.A005

Reason: Lake Lot is small. Garage will be 45' from center of road, 12' from Lot Line on west and 12' from N Lot Line.

Applicant Name: John Konstant Phone: 507-621-2191
Address: 706 So 6th St, Milbank SD 57252
Applicant Signature: John Konst
Owner Signature (if different than applicant):

For Internal Office Use Only:
Date Received: 8/17/26 Fees(non-refundable): $150.00 Paid: (YES) NO
Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: September 22nd, 2026
Action taken by Planning and Zoning Commission:

MARSHALL COUNTY PLANNING & ZONING COMMISSION
911 VANDER HORCK
BRITTON, SOUTH DAKOTA 57430
605.448.7540

August 25, 2026

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on September 22, 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 Konstant has requested a variance to construct a garage on the property described as Lot 6 in the Plat of Lake Dumarce Third Subdivision in Government Lots 4 and 5 in Section 24, T127N, R54W. The petitioner is requesting to construct the garage 7ft at the Northwest corner, and 18ft at the Northeast corner from the right-of-way line instead of the 30ft requirement; per the Marshall County Zoning Ordinance.

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 8/25/26:

1. Robert & Eileen Skjonsberg – 46570 110th St. New Effington, SD 57255
2. James & Deanna Stickland – 442163 Dumarce Rd N Veblen, SD 57270
3. Robert Tchida – 44201 Dumarce Rd Veblen, SD 57270
4. The Heitmann Trust 2024 c/o Randy Heitmann – 44066 114th St. Lake City, SD 57247

MARSHALL COUNTY PLANNING & ZONING COMMISSION
911 VANDER HORCK
BRITTON, SOUTH DAKOTA 57430
605.448.7540

August 25, 2026

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on September 22, 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 Konstant has requested a variance to construct a garage on the property described as Lot 6 in the Plat of Lake Dumarce Third Subdivision in Government Lots 4 and 5 in Section 24, T127N, R54W. The petitioner is requesting to construct the garage 7ft at the Northwest corner, and 18ft at the Northeast corner from the right-of-way line instead of the 30ft requirement; per the Marshall County Zoning Ordinance.

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

Erin Collins-Miles
Planning & Zoning/E911/Drainage Director
Phone: 448.7540
Email: mczoning@venturecomm.net

911 Vander
Horck
PO Box 9
Britton, SD 57430

July 28, 2026

John & Katherine Konstant
706 S 6th St.
Milbank, SD 57252

To whom this may concern,

I am aware that a deck and stairs have been constructed on the West and East sides of your home, respectively, on the property described as LOT 6 LAKE DUMARCE 3RD SUBD IN GOVT LOTS 4 & 5; Parcel number 31.54.24.A005. I am writing to make you aware that construction, replacement or placement of any buildings or structures of any kind is prohibited without first acquiring a building permit through Marshall County. Per our ordinance; No building, structure or driveway shall be erected, partially erected, moved, added to, or structurally altered without a permit issued by the Zoning Administrator. Please contact my office to ensure a permit is on file for you in regard to this structure.

Upon receipt of this letter, if applicable, please fill out the permit enclosed and contact my office as soon as possible to confirm that you are complying with the Zoning Ordinances set forth by Marshall County. Failure to comply could result in further action being taken.

Please find the following document enclosed:
Building Permit Application

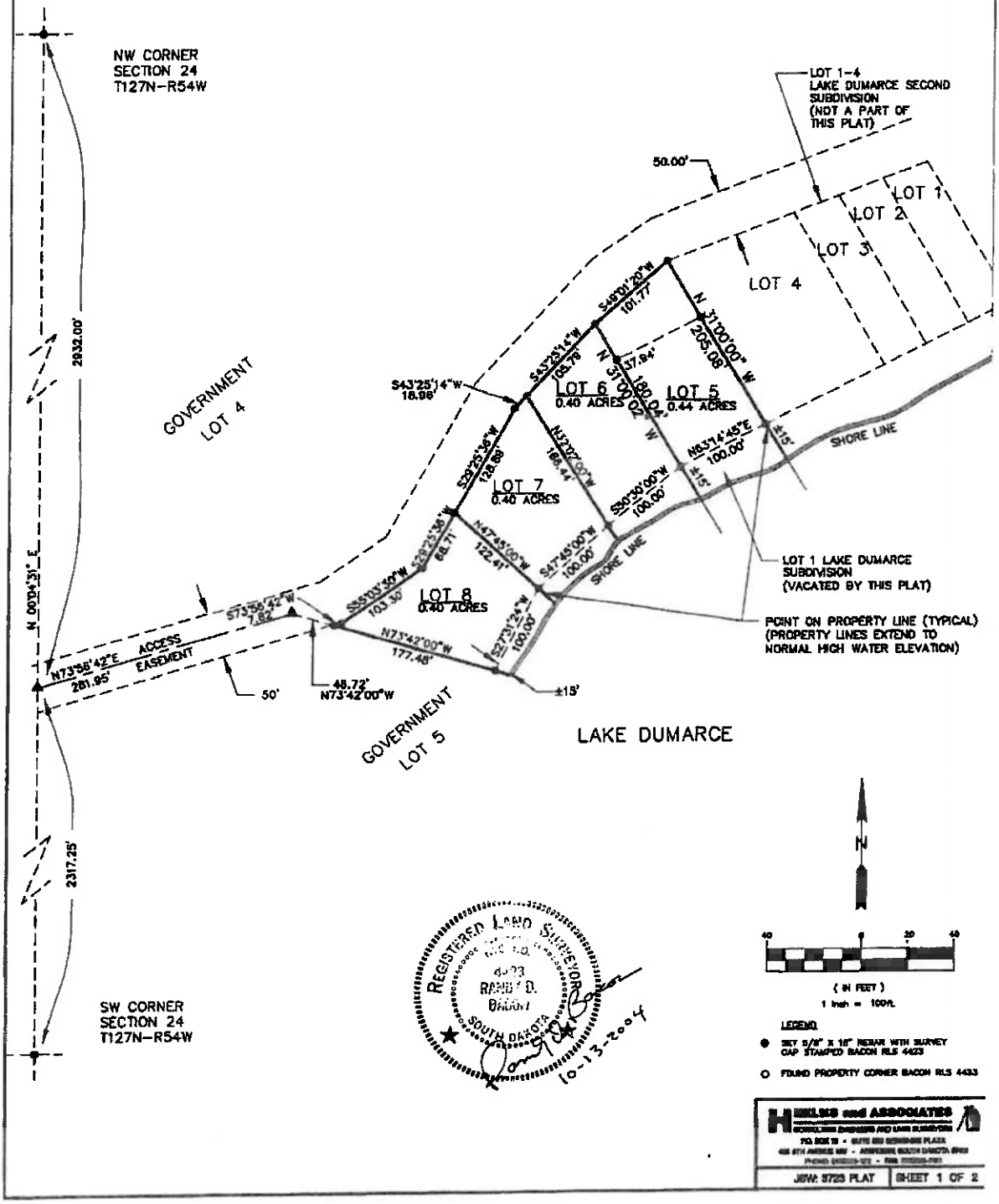
If you have any questions, please contact my office.

Sincerely,

Erin Collins-Miles
Planning & Zoning, Drainage, E911 Director
Marshall County, South Dakota

A-5723

PLAT OF LAKE DUMARCE THIRD SUBDIVISION IN GOVERNMENT LOTS 4 AND 5 IN SECTION 24-T127N-R54W OF THE 5TH P.M. MARSHALL COUNTY, SOUTH DAKOTA



REGISTERED LAND SURVEYOR
4423
RANDY D.
BACON
SOUTH DAKOTA
10-13-2004

HEILES and ASSOCIATES

JSW: 5723 PLAT | SHEET 1 OF 2

4-56 Slide 128