Marshall County Planning & Zoning
STAFF REPORT
October 20, 2026

GENERAL INFORMATION:

OWNER/APPLICANT:	Dan Brake
REQUEST:	**The petitioner is asking to place the structure 25ft from the right-of-way line instead of the 30ft requirement; per the Marshall County Zoning Ordinance.**
PROPERTY DESCRIPTION:	Lot 4A in the Plat of Lot 2A & 4A, Block 1, Coteau Acres in Government Lot 9 in Section 4, T125N, R53W
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 Lot was purchased by the applicant on August 13, 2021.
2. A cabin was approved to be built per a variance recorded in 2023. There are currently no other buildings located on the Lot.
    a. The home was approved by variance on June 20, 2023, and BP No. 30-23.
    b. The lot has an existing driveway on the South side of the lot which is entered from the road to the West.
3. Per the applicants, a variance is requested to place a 12x16 shed on the Lot for storage of personal property.
    a. Most of the Lot is being utilized for the home and driveway space.
    b. From the road, there is a steep decline down to the proposed location of the shed.
        i. There is an existing wall made of rocks at the base of the hill which transitions into leveled gravel on the Lot.
4. The public road lying West of the Lot is a span of 66'.
5. Lot 4A has an average depth of approximately 170.56ft and a width of approximately 110.18ft.
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 – 5' variance to the road right-of-way line setback 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, like 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 – 3' for K. Duerre 11/23, 5' for T. & N. Stiegelmeier 5/22, 4' & 7' for A. & M. Feia 4/21
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, like 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> – 5' variance to the road right-of-way line 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

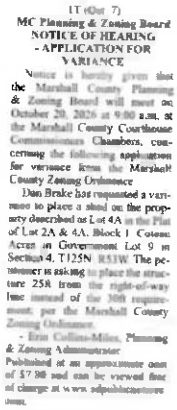
Notice is hereby given that the Marshall County Planning & Zoning Board will meet on October 20, 2026 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for variance from the Marshall County Zoning Ordinance.

Dan Brake has requested a variance to place a shed on the property described as Lot 4A in the Plat of Lot 2A & 4A, Block 1, Coteau Acres in Government Lot 9 in Section 4, T125N, R53W. The petitioner is asking to place the structure 25ft 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: October 7, 2026



LT (Oct 7)
MC Planning & Zoning Board
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- Erin Collins-Miles, Planning & Zoning Administrator

Published at an approximate cost of $7.98 and can be viewed free of charge at www.mtpublicnoticeservices.com.

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 9-28-26

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) Shed within 25' 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 4A, BLK 1

Reason: Storage of personal property (mower, snow blower, etc)

Applicant Name: Brake, Dan Living Trust Phone: 507-766-2588
Address: 120 708 Coteau Acres Lane, PO Box 126
Applicant Signature: Dan Brake
Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 9-28-26 Fees(non-refundable): $150.00 Paid: (YES) NO
Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: October 20, 2026
Action taken by Planning and Zoning Commission: _____

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

October 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 & Zoning Director

Sent to the following recipients on 10/6/26:

1. Wallace Holman – PO Box 3523 Alpine, WY 83128
2. Karen & Cameron Koeppe – 15951 53rd St. NE St. Michael, MN 55376
3. Dept. of Game, Fish, & Parks – Habitat Section 523 Capitol Ave. Pierre, SD 57501
4. Steven Smith – 6042 60th Ave. S Horace, ND 58047

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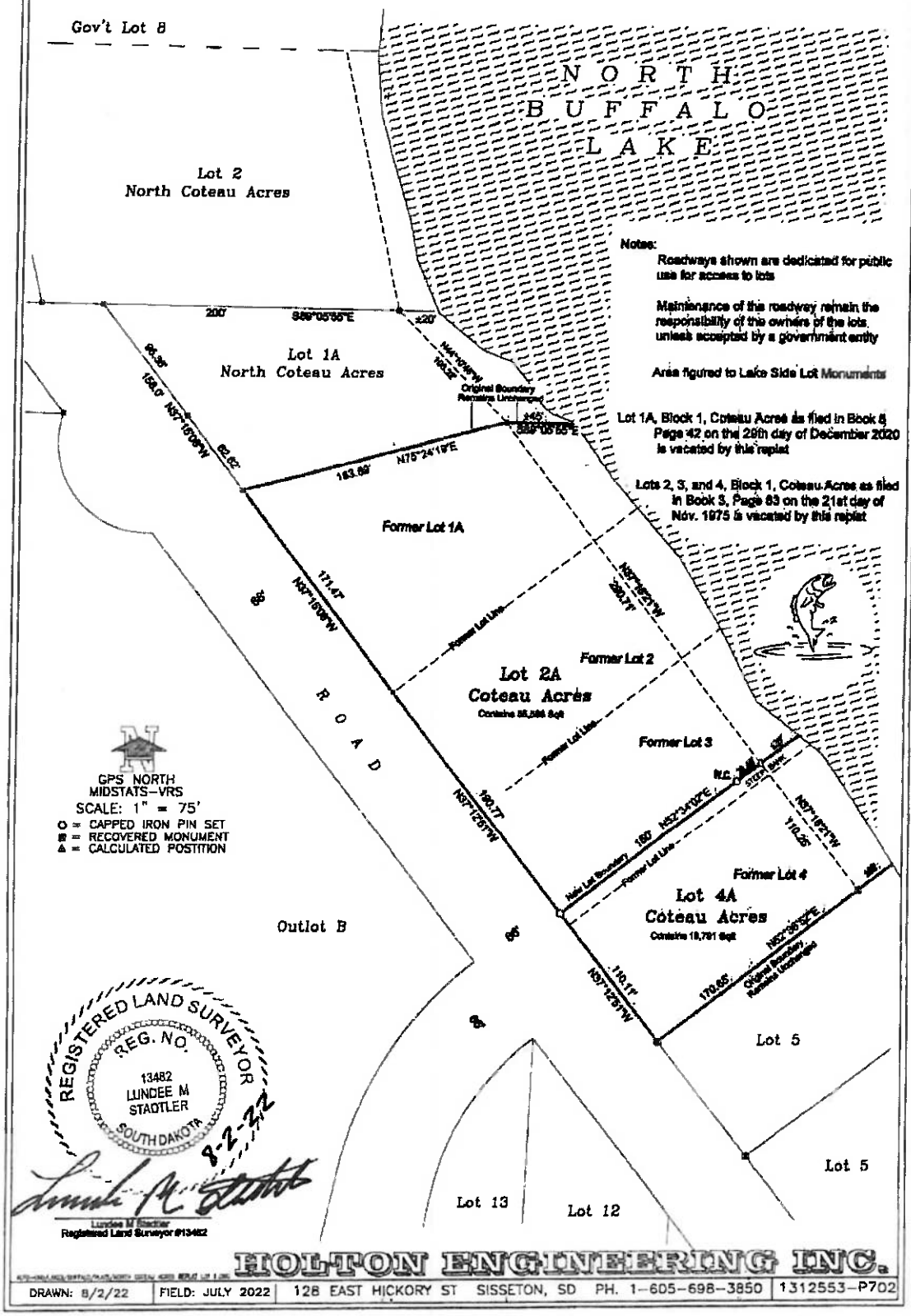
Sincerely,

Erin Collins-Miles
Planning & Zoning Director

PLAT OF

LOT 2A & 4A, BLOCK 1, COTEAU ACRES IN GOV'T LOT 9 IN SECTION 4, T125N, R53W OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA



HOLTON ENGINEERING INC.

DRAWN: 8/2/22	FIELD: JULY 2022	128 EAST HICKORY ST SISSETON, SD PH. 1-605-698-3850	1312553-P702

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