Marshall County Planning & Zoning
STAFF REPORT
October 6, 2026

GENERAL INFORMATION:

OWNER/APPLICANT:	Brent & Jacalyn Wolfe
REQUEST:	**The petitioner is requesting to place the home 4ft from the right-of-way line, instead of the 30ft requirement; per the Marshall County Zoning Ordinance.**
PROPERTY DESCRIPTION:	Lot 31 in the Plat showing Roy Lake Northside Addition in the SE¼ of Section 21 & the SW¼ 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. The applicant has owned the Lot in question since October 29, 2024.
2. There is an existing 10x12 shed and a 12x24 deck on the Lot.
    a. The deck was approved with BP No. 26-25.
3. The proposed 28x60 cabin is a double-wide manufactured home.
    a. There will be a small deck attached to the home on the lakeside.
4. Per the applicants, a variance is requested due to undue hardship with how the lot was platted.
    a. There have previously been campers located in the position the home is proposed to be placed.
        i. Marshall County does not permit for campers as they are temporary structures, and are typically placed on lots as the property owner sees fit.
        ii. The two campers currently sitting on the Lot are positioned both close to and outside of Lot boundaries.
    b. The applicants have positioned the proposed mobile home as close to the hillside as possible.
    c. Notes made during the site visit show that the house on the Lot directly East is also the same distance from the road; noting that the Lot is a different shape and size than the Lot in question.
5. The road lying to the North is maintained by the County and is a public road access.
    a. Road span is 66'.
6. Lot 31 has an average depth of approximately 88.9ft and a width of approximately 121.09ft.

7. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line
8. No written comments or objections were received prior to the writing of this staff report.
9. **<u>Staff Recommendation</u> – 26' 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.**
10. 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 – 23' for J. Konstant 9/26, 27.6, 25.3 & 26.6' for T. Satrang 5/24 & 7/25, 18' for J. Kroll 7/26, 23' for D. Joy 9/20, 29' for R. Mahoney 10/12
    b. The Board would consider approving other similar requests meeting the unique circumstances.
11. 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.
12. 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> – 26' 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

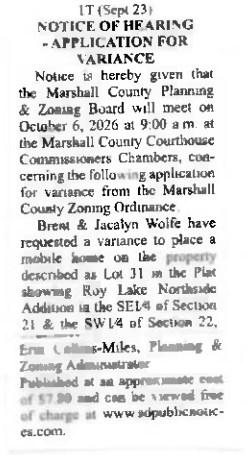
Notice is hereby given that the Marshall County Planning & Zoning Board will meet on October 6, 2026 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for variance from the Marshall County Zoning Ordinance.

Brent & Jacalyn Wolfe have requested a variance to place a mobile home on the property described as Lot 31 in the Plat showing Roy Lake Northside Addition in the SE¼ of Section 21 & the SW¼ of Section 22, T126N, R55W . The petitioner is requesting to place the home 4ft 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: September 23, 2026



1T (Sept 23)
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Erin Collins-Miles, Planning & Zoning Administrator

Published at an approximate cost of $7.80 and can be viewed free of charge at www.sdpublicnotices.com.

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 9-11-26

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) manufactured home within ~~44 ft~~ 5' from pins/ROW 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 31 in Plat of Roylake Northside Addition in SE ¼ of Sec 21 & SW ¼ of Sec 22

Reason: due to undo hardship that our lot has no depth to it. the manufactured home would be about six feet in from what the neighbors structures are currently at. We have the home moved as close to the hill that we can. We would like to put a new manufactured home on our lot.

Applicant Name: Brent & Jacalyn Wolfe Phone: 701-640-5239
Address: PO Box 207 Claire City SD 57224
Applicant Signature: [signature]
Owner Signature (if different than applicant): _____

For Internal Office Use Only:

Date Received: 9-11-26 Fees(non-refundable): $150.00 Paid: YES NO
Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: October 6, 2026
Action taken by Planning and Zoning Commission: _____

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

September 21, 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 adjacent landowners on 9/21/26:

1. Joe & Betty Wettstein – 15232 County Rd 17 Lidgerwood, ND 58053
2. Jerome & David Weber – 9970 County Rd 19 Lidgerwood, ND 58053
3. Jeffrey & Michael Grobe – 12954 Ironwood DR. Aberdeen, SD 57401
4. Darren & Pamela Burchill – 710 10th St. NW Rochester, MN 55901

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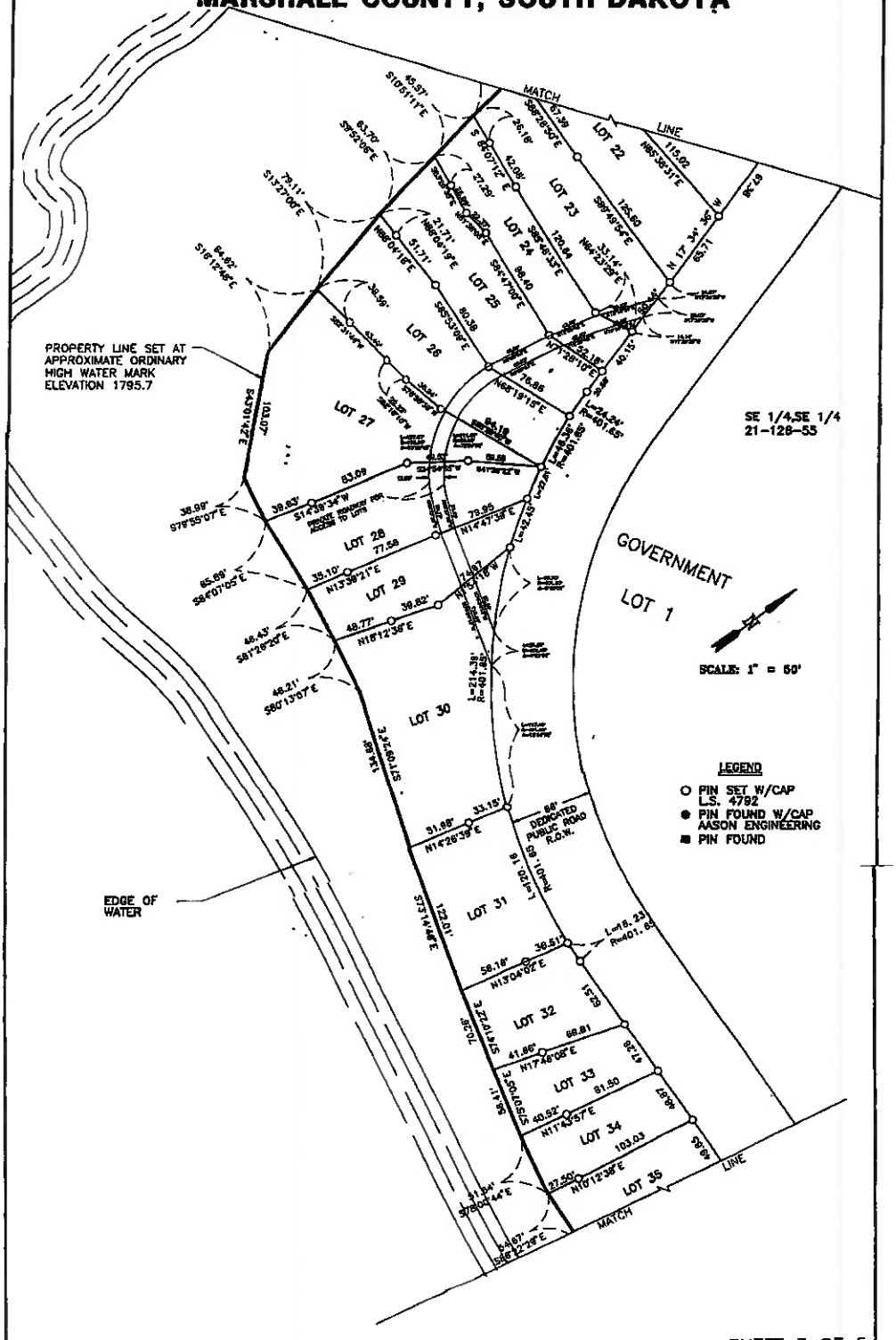
Erin Collins-Miles
Planning & Zoning Director

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