

10

NOTICE OF REQUEST TO REZONE

Marshall County  
State of South Dakota

To: Marshall County Planning and Zoning Commission

Notice is hereby filed by Heitmann Farms, landowner, and  
Robert Tchida, buyer, for the following described property to be rezoned from  
Agricultural to Lake front Residential

Legally described as: Proposed Plat of Lake Dumasce Ninth Subd. in  
Government Lot 6 in the SW 1/4 of Section 24

Landowner's Signature Bruce Heitman Date 12-9-2021

Buyer's Signature [Signature] Date 12-6-21

For Internal Use Only: Date Received: 12/9/2021

Date of Hearing by Marshall County Planning Commission: 12/28/21

Action taken by Zoning and Planning Commission: On 12/28/21

Date of hearing(s) by Marshall County Commissioners:

12-28-21 (1st reading/hearing) + January 4th, 2021 (2nd reading/adoption)

Action taken by Marshall County Commissioners: On 1/4/22

**STAFF REPORT**  
**December 28, 2021**

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**REZONING: AGRICULTURAL DISTRICT (AG) TO LAKE FRONT RESIDENTIAL DISTRICT (R-3)**

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GENERAL INFORMATION:

PETITIONER	Robert Tchida
REQUEST	<b>Agricultural (Ag) to Lake Front Residential (R-3)</b>
LEGAL DESCRIPTION	Proposed Plat of Lake Dumarce Ninth Subdivision in Government Lot 6 in the SW1/4 of Section 24, T127N, R54W of the 5th P.M., Marshall County, South Dakota
(Proposed plat available in the office of Zoning Administrator.)	
CURRENT ZONING	Agricultural (Ag)
SURROUNDING ZONING	Agricultural (Ag) and Lake Front Residential (R-3) (see map attached)
REPORTED BY	Erin Collins-Miles

GENERAL COMMENT: The petitioner is requesting to Rezone Lot 1 in the above-described proposed plat in order to plat Lake Dumarce Ninth Subdivision. The Lot which requires the rezone contains 0.56 acres, and would not meet zoning requirements if it were to be left zoned as Ag. The minimum acreage requirement in the Ag district is 2 acres. Lot 1 currently contains a portion of a road that is zoned as Lake Front Residential in the surrounding Lots it inhabits. The Rezone would make the land conform with other surrounding Zoning and bring it into compliance with the same use as other surrounding property.

REVIEW: Staff has reviewed this Rezone. The land described above is currently listed as Agricultural, but serves no Agricultural use. The intent of this lots is to serve as part of the access for surrounding Lots in the Lake Front District. If the Lot were to stay zoned as Ag, it would not meet zoning requirements. If the Lot were to be rezoned to R-3, it would meet zoning requirements for that district. No objections were received prior to the hearing.

ORDINANCE NO. 50

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.2  
AS AMENDED TO REZONE CERTAIN DESCRIBED PROPERTY

BE IT ORDAINED by the Board of County Commissioners of Marshall County, South Dakota: that Title 4 chapter 4.2 adopted by Ordinance No.32, September 28, 2021 as amended, of the Zoning Ordinance of Marshall County be amended to classify the following property:

**Proposed Plat of Lake Dumarce Ninth Subdivision in Government Lot 6 in the SW1/4 of Section 24, T127N, R54W of the 5<sup>th</sup> P.M., Marshall County, South Dakota**

**(Proposed plat available in the office of Zoning Administrator.)**

To "R3" Lake Front Residential District from "AG" Agricultural District

BE IT FURTHER ORDAINED by the Marshall County Commission, Britton, South Dakota, that the zoning official for the County of Marshall is hereby authorized to change the official zoning map for the County of Marshall to reflect this Ordinance.

Notice of Hearing \_\_\_\_\_ December 15, 2021  
Passed First Reading \_\_\_\_\_ December 28, 2021  
Passed Second Reading \_\_\_\_\_ January 4, 2021  
Adopted \_\_\_\_\_ January 4, 2021  
Published \_\_\_\_\_ January 5, 2021  
Effective Date \_\_\_\_\_ January 25, 2021

\_\_\_\_\_  
Doug Medhaug, Chairman  
Marshall County Commission

ATTEST: \_\_\_\_\_  
Megan Biel, Marshall County Auditor

Published once at the total approximate cost of \$\_\_\_\_\_.

PLAT OF

A-8475

LAKE DUMARCE NINTH SUBDIVISION  
IN GOVERNMENT LOT 6 IN THE SW 1/4 OF SECTION 24-T127N-R54W  
OF THE 5th P.M., MARSHALL COUNTY, SOUTH DAKOTA

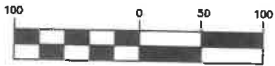
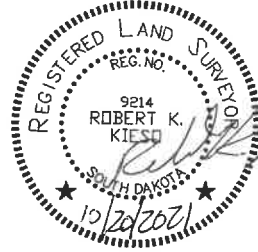


LEGEND

○ FOUND PROPERTY CORNER

BASIS OF BEARINGS

GPS OBSERVATION



( IN FEET )

1 inch = 100 ft.

WEST 1/4  
CORNER  
SECTION 24

1/16  
CORNER

S00°04'31"W  
1319.69'

LOT 1  
0.56 ACRES

S89°34'33"E  
270.00'

N45°07'11"W  
256.20'

S26°19'29"W  
199.47'

GOVT  
LOT 6

LOT 18  
LAKE DUMARCE  
7TH SUBDIVISION  
(NOT PART OF  
THIS PLAT)

WATER LINE

WATER LINE

WATER LINE

LOT 18  
LAKE DUMARCE  
6TH SUBDIVISION  
(NOT PART OF  
THIS PLAT)

LOT 17  
LAKE DUMARCE  
6TH SUBDIVISION  
(NOT PART OF  
THIS PLAT)

WATER LINE

1/16 LINE

LAKE DUMARCE

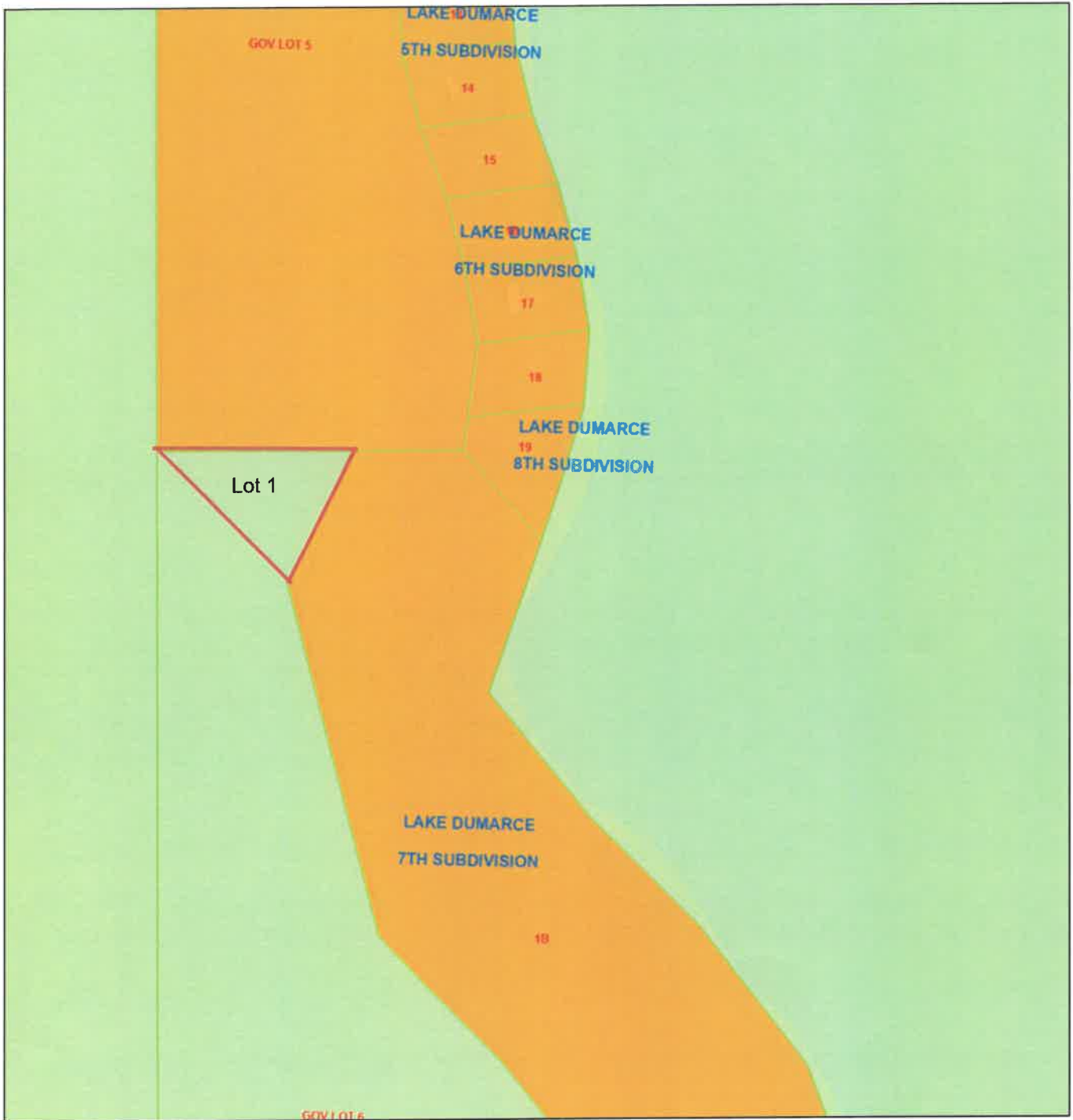
SW 1/4 CORNER  
SECTION 24

**Helms ASSOCIATES**  
CIVIL ENGINEERS & LAND SURVEYORS

416 PRODUCTION STREET N.  
P.O. Box 111  
Aberdeen, S.D. 57401  
Phone: 605.225.1212  
Fax: 605.225.3189

DWG. 8475-LS BY: AMG SHEET 1 OF 3

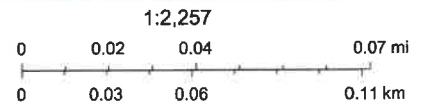
# MARSHALL COUNTY WEB VIEWER



12/23/2021, 10:39:50 AM

## ZONING

- Agricultural District
- Lake Front Residential District
- TOWNSHIPS
- PARCELS



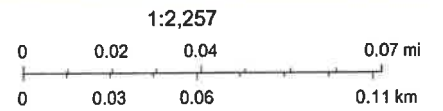
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# MARSHALL COUNTY WEB VIEWER



12/23/2021, 10:42:04 AM

-  TOWNSHIPS
-  PARCELS



**NOTICE OF PUBLIC HEARING OF THE MARSHALL COUNTY PLANNING AND ZONING COMMISSION AND MARSHALL COUNTY BOARD OF COUNTY COMMISSIONERS ON PROPOSED CHANGE OF THE ZONING ORDINANCE OF MARSHALL COUNTY**

Notice is hereby given pursuant to SDCL 11-2 that on the 28th day of December, 2021, at 9:10a.m. in the Commission Chambers of the Marshall County Courthouse in Britton, South Dakota, is the time and place when and where all persons interested therein may appear and be heard before the Marshall County Planning & Zoning Commission and Marshall County Board of County Commissioners, concerning the proposed changes to the Zoning Ordinance of Marshall County. The Planning and Zoning Commission will submit to the Board of County Commissioners their recommendation as to whether or not the following ordinance should be passed by the respective governing bodies. If recommended for approval the Board of County Commissioners will then have the first reading of the proposed ordinance change.

AN ORDINANCE ENTITLED, An Ordinance to amend the Marshall County Zoning Map.

Be it ordained by the Board of County Commissioners of Marshall County, South Dakota: that Title 4 chapter 4.2 adopted by Ordinance No.32, September 28, 2021 as amended, of the Zoning Ordinance of Marshall County be amended to classify the following property:

**Proposed Plat of Lake Dumarce Ninth Subdivision in Government Lot 6 in the SW1/4 of Section 24, T127N, R54W of the 5<sup>th</sup> P.M., Marshall County, South Dakota**

**(Proposed plat available in the office of Zoning Administrator.)**

To "R-3" Lake Front Residential District from "AG" Agricultural District

BE IT FURTHER ORDAINED by the Marshall County Commission, Britton, South Dakota, that the zoning official for the County of Marshall is hereby authorized to change the official zoning map for the County of Marshall to reflect this Ordinance.

Passed and adopted this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Auditor

Any persons wishing to present testimony may appear at said hearing or may file written comments with the Marshall County Auditor P.O. Box 130, Britton, South Dakota 57430 prior to said hearing.

Dated this 15<sup>th</sup> day of December, 2021.

Erin Collins-Miles, Marshall County Planning & Zoning Administrator

Published once at the total approximate cost of \_\_\_\_\_.

*Sent to paper 12/14/21*

1T (Dec 15)  
**NOTICE OF PUBLIC  
HEARING OF THE  
MARSHALL COUNTY  
PLANNING AND ZONING  
COMMISSION AND  
MARSHALL COUNTY  
BOARD OF COUNTY  
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Ninth Subdivision in Government  
Lot 6 in the SW1/4 of Section 24,  
T127N, R54W of the 5th P.M.,  
Marshall County, South Dakota

(Proposed plat available in the  
office of Zoning Administrator.)

To "R-3" Lake Front  
Residential District from "AG"  
Agricultural District

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ORDAINED** by the Marshall  
County Commission, Britton,  
South Dakota, that the zoning official for the County of Marshall is hereby authorized to change the official zoning map for the County of Marshall to reflect this Ordinance.

Any persons wishing to present testimony may appear at said

hearing or may file written comments with the Marshall County Auditor P.O. Box 130, Britton, South Dakota 57430 prior to said hearing.

Dated this 15th day of December, 2021.

Erin Collins-Miles, Marshall  
County Planning & Zoning  
Administrator

Published once at the  
proximate cost of \$26.55

11/15/21



NOTICE OF ADOPTION  
ORDINANCE NO. 50

Notice is hereby given that Ordinance No. 50, An Ordinance Amending Title 4 chapter 4.2 adopted by Ordinance No.32, September 28, 2021, As Amended, Of the Zoning Ordinance of Marshall County was duly adopted by the Board of County Commissioners on the 4<sup>th</sup> of January, 2021, and will become effective on the 25<sup>th</sup> of January, 2021.

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Doug Medhaug, Chairman  
Marshall County Commission

ATTEST: \_\_\_\_\_  
Megan Biel, Marshall County Auditor

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

December 15, 2021

Dear Property Owner,

Please take notice that an application has been made by Robert Tchida for a hearing before the Marshall County Planning & Zoning Commission and Marshall County Board of County Commissioners for a proposed change of the zoning ordinance of Marshall County.

The application is for the rezoning of a Proposed Plat of Lake Dumarce 9<sup>th</sup> Subdivision in Government Lot 6 in the SW 1/4, Section 24, T127N, R54W of the 5th P.M., Marshall County, South Dakota (Proposed plat available in the office of the Zoning Administrator), from Agricultural (AG) District to Lake Front Residential (R3) District.

This application is now on the agenda for a public hearing which will be held on December 28<sup>th</sup>, 2021 at 9:10 am at the Marshall County Courthouse, Commissioners Chambers.

This notice is sent to you as an owner of the property adjacent to the applicant. Should this request be of concern to you, you may appear at the above stated hearing or may send your comments to:

Marshall County Auditor  
PO Box 130  
Britton, SD 57430

Sincerely,

Erin Collins-Miles  
Planning & Zoning Administrator

12/15/21 Sent to:

Matthew Murlick

Keith Guy

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Megan Biel, Marshall County Auditor

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