

**NOTICE OF REQUEST TO REZONE**

Marshall County  
State of South Dakota

To: Marshall County Planning and Zoning Commission

Notice is hereby filed by David & Shannon Wegleiters, landowner, and \_\_\_\_\_, buyer, for the following described property to be rezoned from

Hwy Commercial to Residential.

Legally described as: lot 4 Cottonwood lake subd in town lot 5  
16-126-55

Landowner's Signature Shannon Wegleiters Date 03-21-22

Buyer's Signature \_\_\_\_\_ Date \_\_\_\_\_

*For Internal Use Only:* Date Received: 3/21/22

Date of Hearing by Marshall County Planning Commission: April 12th, 2022

Action taken by Zoning and Planning Commission: April 12th

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of hearing(s) by Marshall County Commissioners:

April 12th, 2022-1st, April 26th - 2nd

Action taken by Marshall County Commissioners: On April 26th ;

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Effective: May 17, 2022

**STAFF REPORT**  
**April 12, 2022**

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**REZONING: HIGHWAY COMMERCIAL DISTRICT (HC) TO LAKE FRONT RESIDENTIAL DISTRICT (R-3)**

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GENERAL INFORMATION:

PETITIONER	David & Shannon Wegleitner
REQUEST	<b>Highway Commercial (HC) to Lake Front Residential (R-3)</b>
LEGAL DESCRIPTION	Lot 4 Cottonwood Lake Subdivision in Gov't Lot 5, Section 16, T126N, R55W of the 5th P.M., Marshall County, South Dakota
	(Plat available in the office of the Zoning Administrator.)
CURRENT ZONING	Highway Commercial (HC)
SURROUNDING ZONING	Agricultural (Ag), Highway Commercial (HC) and Lake Front Residential (R-3) (see map attached)
REPORTED BY	Erin Collins-Miles

GENERAL COMMENT: The petitioner is requesting to Rezone the above-described property in order build a shop on the Lot. The Lot was previously part of those in which Charlies, a now closed restaurant, resides on just East of the property. The Rezone would make the land conform with other surrounding Zoning and bring it into compliance with the same use as other surrounding property. The property is currently Zoned Highway Commercial.

REVIEW: Staff has reviewed this Rezone. The land serves no use as it is currently zoned. The Lot has no structures and is intended to be used as a lake front property. No objections were received prior to the hearing.

ORDINANCE NO. 53

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:

**Lot 4 Cottonwood Lake Subdivision in Gov't Lot 5, Section 16, T126N, R55W of the 5<sup>th</sup> P.M., Marshall County, South Dakota**

**(Plat available in the office of Zoning Administrator.)**

To "R-3" Lake Front Residential District from "HC" Highway Commercial 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 \_\_\_\_\_ March 30, 2022  
Passed First Reading \_\_\_\_\_ April 12, 2022  
Passed Second Reading \_\_\_\_\_ April 26, 2022  
Adopted \_\_\_\_\_ April 26, 2022  
Published \_\_\_\_\_ April 27, 2022  
Effective Date \_\_\_\_\_ May 17, 2022

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

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

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

**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 12th day of April, 2022, at 9:00a.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:

**Lot 4 Cottonwood Lake Subdivision in Gov't Lot 5, Section 16, T126N, R55W of the 5<sup>th</sup> P.M., Marshall County, South Dakota**

**(Plat available in the office of Zoning Administrator.)**

To "R-3" Lake Front Residential District from "HC" Highway Commercial 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 30<sup>th</sup> day of March, 2022.

Erin Collins-Miles, Marshall County Planning & Zoning Administrator

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

IT (Mar 30)  
**NOTICE OF PUBLIC  
HEARING OF THE  
MARSHALL COUNTY  
PLANNING AND ZONING  
COMMISSION AND  
MARSHALL COUNTY  
BOARD OF COUNTY  
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An Ordinance to amend the  
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Lot 4 Cottonwood Lake  
Subdivision in Gov't Lot 5,  
Section 16, T126N, R55W of the  
5th P.M., Marshall County, South  
Dakota

(Plat available in the office of  
Zoning Administrator.)

To "R-3" Lake Front  
Residential District from "HC"  
Highway Commercial 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.

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 30th day of March, 2022.

Erin Collins-Miles, Marshall  
County Planning & Zoning  
Administrator

Published once at the total approximate cost of \$23.20.

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

March 30, 2022

Dear Property Owner,

Please take notice that an application has been made by David & Shannon Wegleitner 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 Lot 4 Cottonwood Lake Subdivision in Gov't Lot 5, Section 16, T126N, R55W of the 5th P.M., Marshall County, South Dakota (Plat available in the office of the Zoning Administrator), from Highway Commercial (HC) District to Lake Front Residential (R3) District.

This first reading of this application is on the agenda for a public hearing which will be held on April 12<sup>th</sup>, 2022 at 9:00 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:

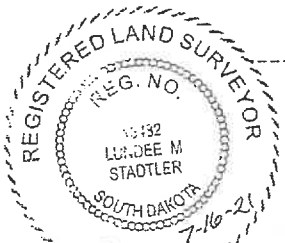
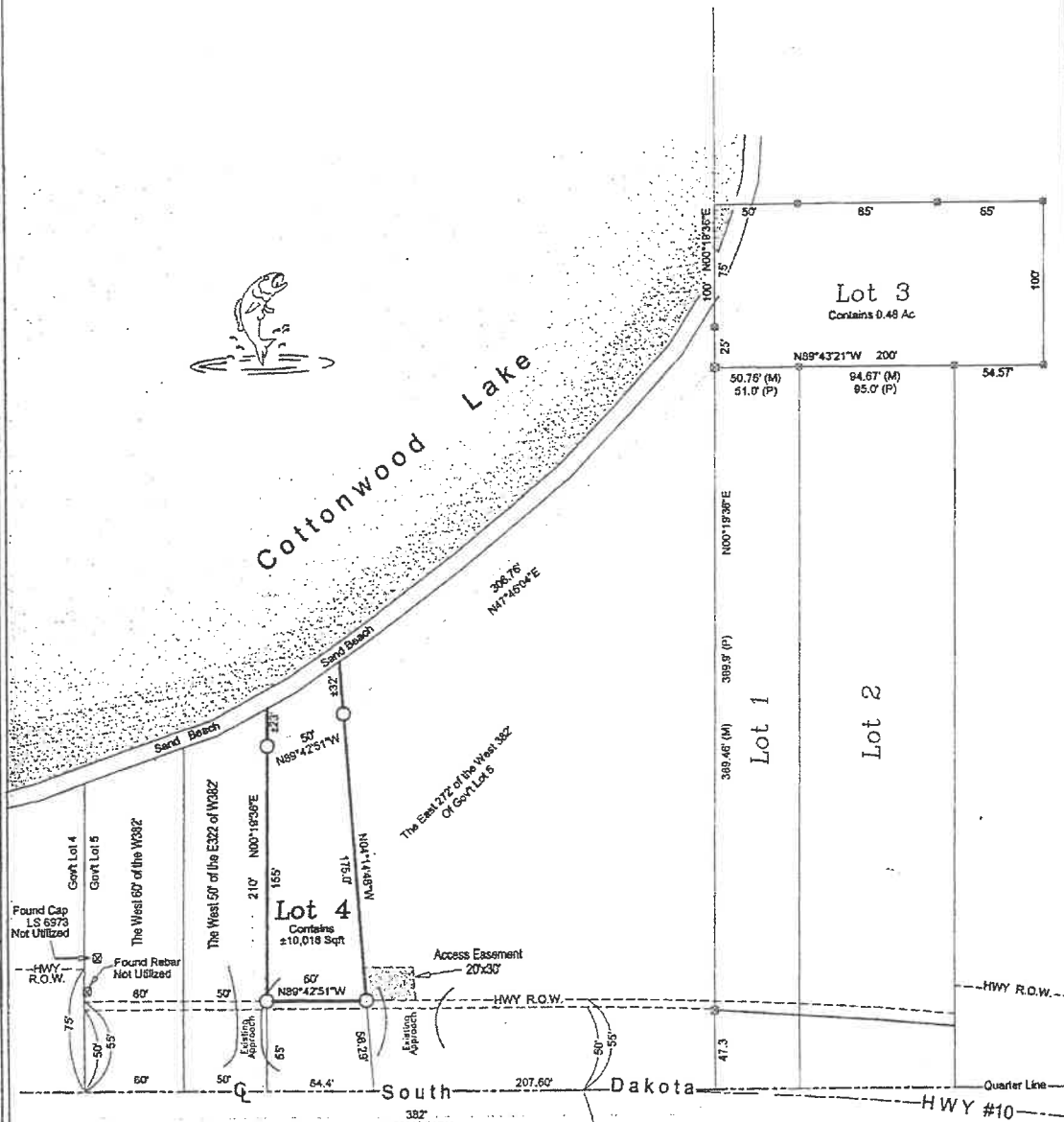
Marshall County Auditor  
PO Box 130  
Britton, SD 57430

Sincerely,

*Erin Collins-Miles*

Erin Collins-Miles  
Planning & Zoning Administrator

Plat of  
 Lot 4 Cottonwood Lake Subdivision  
 in Gov't Lot 5, Section 16, T126N, R55W  
 of the 5th P.M., Marshall County, South Dakota



*Lundee M. Stadler*  
 LUNDEE M. STADLER RLS #13482



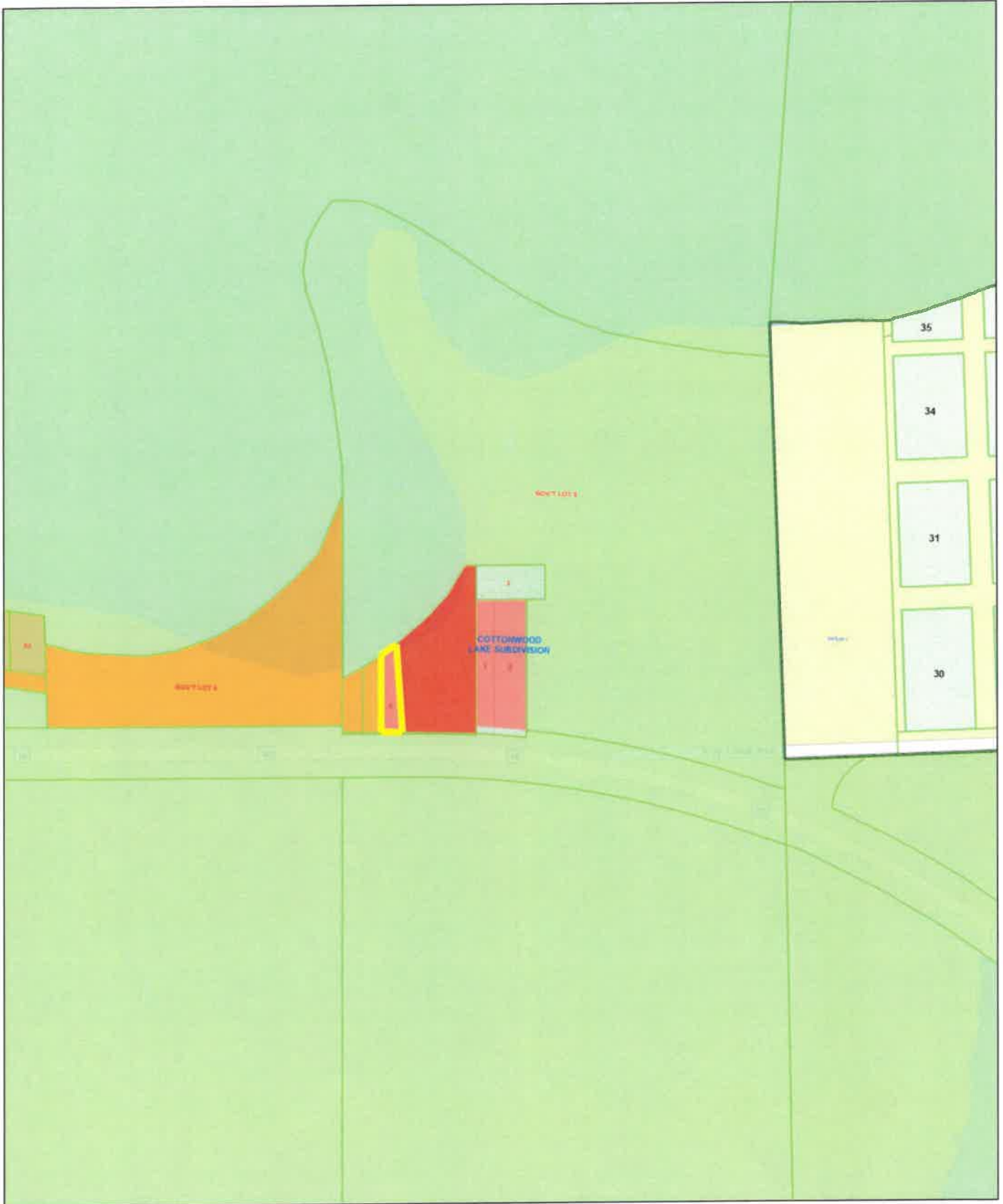
SCALE: 1" = 80'  
 O = CAPPED IRON PIN SET  
 ⊗ = RECOVERED MONUMENT

**HOLTON ENGINEERING INC.**

DRAWN: 6/2/21 FIELD: 6/2/21 512 VETERANS AVE. SISSETON, SD PH. 1-605-698-3850 1612655-P634

6-52 Slide 158

# MARSHALL COUNTY WEB VIEWER



4/7/2022, 1:25:19 PM

**PLAT**

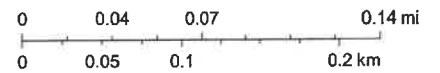
- ANDERSON'S ADDITION
- COTTONWOOD LAKE SUBDIVISION
- NORDQUIST SUBDIVISION

**ZONING**

- Agricultural District

- Highway Commercial District
- Lake Front Residential District
- TOWNSHIPS
- CITY\_LIMIT
- PARCELS

1:4,514



Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community



# MARSHALL COUNTY WEB VIEWER



4/7/2022, 1:36:13 PM

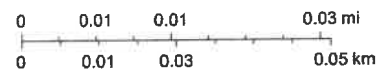
PLAT

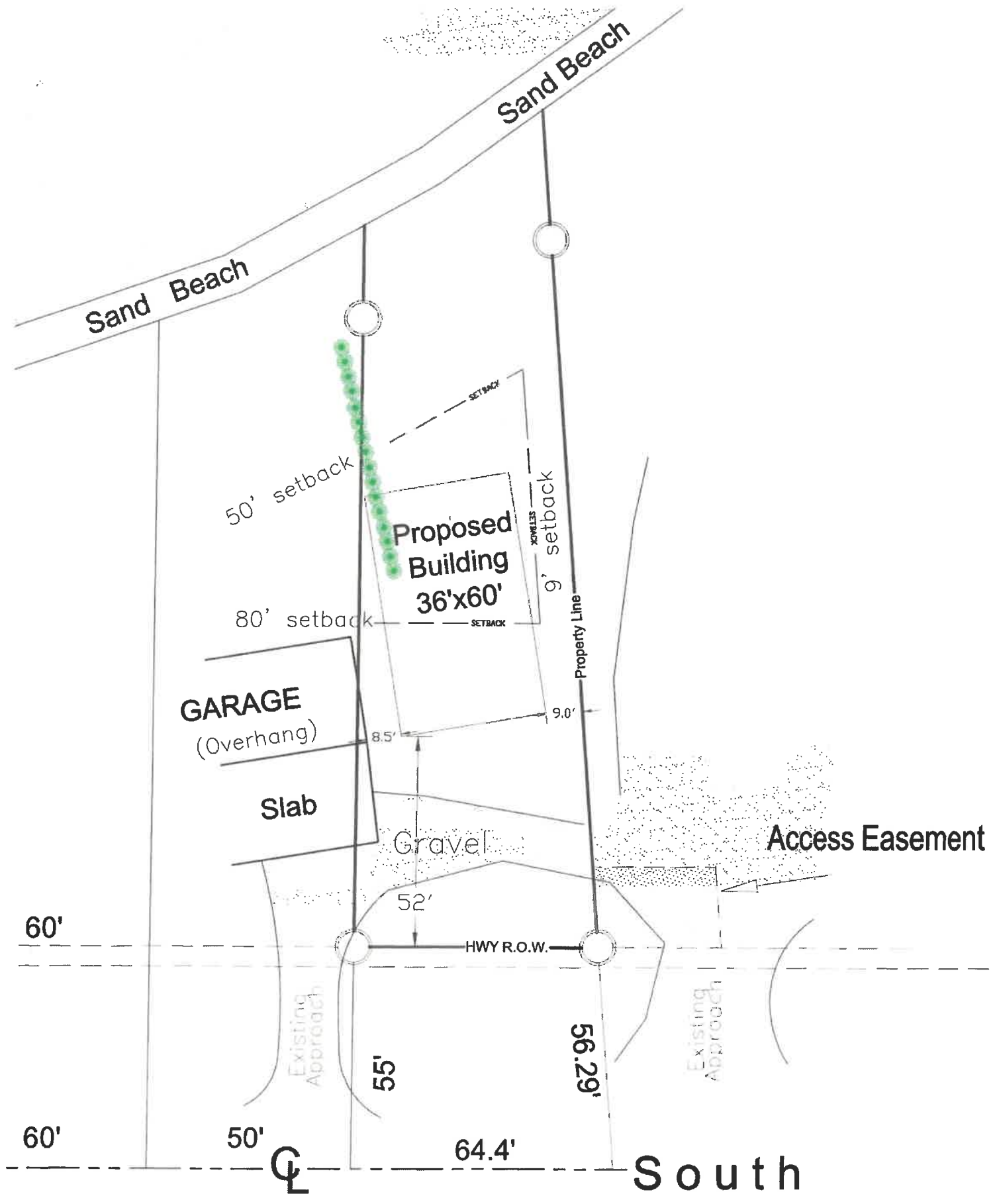
COTTONWOOD  
LAKE SUBDIVISION

TOWNSHIPS

PARCELS

1:1,128





Sand Beach

Sand Beach

50' setback

80' setback

Proposed Building  
36'x60'

9' setback

GARAGE  
(Overhang)

Slab

Gravel

Access Easement

Property Line

60'

HWY R.O.W.

60'

50'

55'

64.4'

56.29'

South

