

NOTICE OF REQUEST TO REZONE

Marshall County
State of South Dakota

To: Marshall County Planning and Zoning Commission

Notice is hereby filed by Mark STEINER, landowner, and
David EIEL, buyer, for the following described property to be rezoned from
AG to R-3.

Legally described as: The South portion of Lot 12A in the proposed Plat of Lot 12A of Steiners Addition in Government Lot 4 in Section 13, and Government Lot 1 in Section 24, T126N, R34W

Landowner's Signature Mark Steiner Date 3-25-22

Buyer's Signature David Eiel Date 3/25/22

For Internal Use Only: Date Received: 3/29/22

Date of Hearing by Marshall County Planning Commission: April 26th, 2022

Action taken by Zoning and Planning Commission:

Date of hearing(s) by Marshall County Commissioners:
April 26th, 2022 (1st reading/hearing), May 10th, 2022 (2nd reading/adoption)

Action taken by Marshall County Commissioners: _____

Effective: May 31st, 2022

STAFF REPORT
April 26, 2022

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

GENERAL INFORMATION:

PETITIONER	Mark Steiner & David Eiel
REQUEST	Agricultural (AG) to Lake Front Residential (R-3)
LEGAL DESCRIPTION	The South portion of Lot 12A in the proposed Plat of Lot 12A of Steiners Addition in Government Lot 4 in Section 13, and Government Lot 1 in Section 24, T126N, R54W of the 5th P.M., Marshall County, South Dakota
	(Proposed plat available in the office of Zoning Administrator.)
CURRENT ZONING	Agricultural District (AG)
SURROUNDING ZONING	Agricultural (Ag), 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 vacate the existing Lot 12 of Steiner's Addition in Gov't Lot 4 in Section 13, T126N, R54W and acquire additional land to the South of the existing Lot 12. The land cannot be platted prior to the Rezone as there can only be one Zoning classification on a parcel of land. 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 Agricultural.

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

ORDINANCE NO. 54

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:

The South portion of Lot 12A in the proposed Plat of Lot 12A of Steiners Addition in Government Lot 4 in Section 13, and Government Lot 1 in Section 24, T126N, 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

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 _____ April 13, 2022
Passed First Reading _____ April 26, 2022
Passed Second Reading _____ May 10, 2022
Adopted _____ May 10, 2022
Published _____ May 11, 2022
Effective Date _____ May 31, 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 26th 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:

The South portion of Lot 12A in the proposed Plat of Lot 12A of Steiners Addition in Government Lot 4 in Section 13, and Government Lot 1 in Section 24, T126N, 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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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 13th day of April, 2022.

Erin Collins-Miles, Marshall County Planning & Zoning Administrator

Published once at the total approximate cost of _____.

1T (April 13)
**NOTICE OF PUBLIC
HEARING OF THE
MARSHALL COUNTY
PLANNING AND ZONING
COMMISSION AND
MARSHALL COUNTY
BOARD OF COUNTY
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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.

Megan Biel, 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 13th day of April, 2022.

Erin Collins-Miles, Marshall County Planning & Zoning Administrator

Published once at an approximate cost of \$24.36 and can be viewed free of charge at www.sdpublic-notices.com.

MARSHALL COUNTY PLANNING & ZONING COMMISSION
P.O.BOX 9
BRITTON, SOUTH DAKOTA 57430
605.448.7540

April 4, 2022

TO: Mark & Kathy Steiner David & Claudia Eiel
441224 117th St. 11706 442nd Ave.
Lake City, SD 57247 Lake City, SD 57247

To whom this may concern,

This letter shows the official schedule for your Rezone application. Please note that a notice will be published in the paper next week on April 13th, 2022. *Also note on your calendar that your plat will be presented to the Board at the hearing scheduled for May 24th, 2022. A decision will be made by the Board which will be contingent upon the effective date of your rezone.* Please see below for detail;

The South portion of Lot 12A in the proposed Plat of Lot 12A of Steiners Addition in Government Lot 4 in Section 13, and Government Lot 1 in Section 24, T126N, 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

Notice of Hearing _____ April 13, 2022
Passed First Reading _____ April 26, 2022
Passed Second Reading _____ May 10, 2022
Adopted _____ May 10, 2022
Published _____ May 11, 2022
Effective Date _____ May 31, 2022

If you have any questions, please contact my office.
Sincerely,

Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator

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

April 11, 2022

Dear Property Owner,

Please take notice that an application has been made by Mark Steiner & David Eiel 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 The South portion of Lot 12A in the proposed Plat of Lot 12A of Steiners Addition in Government Lot 4 in Section 13, and Government Lot 1 in Section 24, T126N, 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

The first reading of this application is on the agenda for a public hearing which will be held on April 26th, 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 12A OF STEINER'S ADDITION IN GOVERNMENT LOT 4 IN SECTION 13, AND GOVERNMENT LOT 1 IN SECTION 24 T126N R54W, MARSHALL COUNTY, SOUTH DAKOTA

LOT 12 OF STEINER'S
ADDITION, IN GOV'T LOT 4 IN
SECTION 13 T126N R54W OF
THE 5TH P.M., MARSHALL
COUNTY, SOUTH DAKOTA.
(VACATED BY THIS PLAT)

LOT 12A
0.37 ACRES

GOVERNMENT
LOT 4
13-126-54

GOVERNMENT
LOT 1
24-126-54

PRIVATE ROAD

PRIVATE ROAD

STEINER'S ADDITION

LOT 7

LOT 8

LOT 9

LOT 11

SW CORNER
SECTION 13
T126N-R54W
(FOUND #2359)

20'

N83°24'37"E
77.00'

20'

N05°21'19"W
156.82'

165.46'
S05°15'06"E

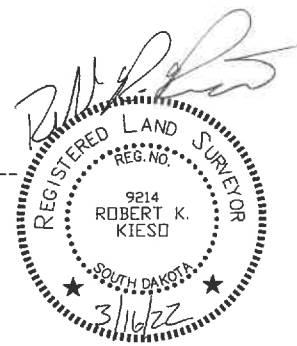
412.21'

N02°28'29"E
48.94'

77.00'
S89°50'56"W

53.91'
S13°33'08"W

20'

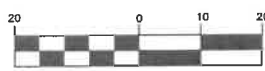


LEGEND

- FOUND PROPERTY CORNER
- ▲ CALCULATED POSITION

BASIS OF BEARINGS

GPS OBSERVATION, US SURVEY FEET



(IN FEET)
1 inch = 20 ft.

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

PLAT OF

A-8562

LOT 12A OF STEINER'S ADDITION
IN GOVERNMENT LOT 4 IN SECTION 13 , AND
GOVERNMENT LOT 1 IN SECTION 24 T:126N R54W,
MARSHALL COUNTY, SOUTH DAKOTA

SURVEYOR'S CERTIFICATE

I, ROBERT K. KIESO, A REGISTERED LAND SURVEYOR OF ABERDEEN, SOUTH DAKOTA, DO HEREBY CERTIFY THAT AT THE REQUEST OF MARK S. STEINER AND KATHY A. STEINER REVOCABLE LIVING TRUST AND DAVID E. EIEL AND CLAUDIA L. EIEL AS OWNERS, AND UNDER THEIR DIRECTION FOR THE PURPOSES INDICATED THEREIN, I DID ON OR PRIOR TO FEBRUARY 10, 2022, SURVEY THOSE PARCELS OF LAND DESCRIBED AS FOLLOWS: LOT 12A OF STEINER'S ADDITION IN GOVERNMENT LOT 4 IN SECTION 13 AND GOVERNMENT LOT 1 IN SECTION 24 T126N R54W OF THE 5th P.M., MARSHALL COUNTY, SOUTH DAKOTA.

I FURTHER CERTIFY THAT THE WITHIN AND FOREGOING PLAT IS IN ALL RESPECTS TRUE AND CORRECT.
DATED THIS 16th DAY OF March, 2022



ROBERT K. KIESO

LS 9214

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS THAT I THE UNDERSIGNED, HEREBY CERTIFY THAT I THE ABSOLUTE AND UNQUALIFIED OWNER OF ALL THE LAND INCLUDED IN THE WITHIN AND FOREGOING PLAT, THAT THE PLAT HAS BEEN MADE AT MY REQUEST AND UNDER MY DIRECTION FOR THE PURPOSES INDICATED THEREIN; WHICH SAID PROPERTY AS SO SURVEYED AND PLATTED SHALL HEREAFTER BE KNOWN AS; LOT 12A OF STEINER'S ADDITION IN GOVERNMENT LOT 4 IN SECTION 13 AND GOVERNMENT LOT 1 IN SECTION 24 T126N R54W OF THE 5th P.M., MARSHALL COUNTY, SOUTH DAKOTA, AS SHOWN BY THIS PLAT, AND THAT DEVELOPMENT OF THE LAND INCLUDED WITHIN THE BOUNDARIES OF SAID ADDITION SHALL CONFORM TO ALL EXISTING APPLICABLE EASEMENTS, ZONING, SUBDIVISION, AND EROSION AND SEDIMENT CONTROL REGULATIONS.
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND.

OWNER: LOT 12 STEINER'S ADDITION IN
GOVERNMENT LOT 4 IN SECTION 13 T126N R54W OF
THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA.

OWNER: WEST 1000 FEET OF GOVERNMENT LOT 1
IN THE NW 1/4 NW 1/4 AND THE SW 1/4 NW 1/4
IN SECTION 24 T126N R54W OF THE 5TH P.M.,
MARSHALL COUNTY, SOUTH DAKOTA.

DAVID E. EIEL DATE

MARK S. STEINER DATE
(TRUSTEE)

CLAUDIA L. EIEL DATE

KATHY A. STEINER DATE
(TRUSTEE)

DECLARATION OF VACATION

KNOW ALL MEN BY THESE PRESENTS THAT (WE) THE UNDERSIGNED HEREBY DECLARE TO VACATE THAT PORTION AS SHOWN AND MARKED ON THE FOREGOING PLAT AND OF THE PLAT OF LOT 12 OF STEINER'S ADDITION, AS RECORDED IN BOOK 5, PAGE 45, ON FEBRUARY 22, 2011 IN THE MARSHALL COUNTY, REGISTER OF DEEDS OFFICE.

THIS IN WITNESS WHEREOF I HAVE HEREUNTO SET MY HAND THIS ____ DAY OF _____, 20 ____.

DAVID E. EIEL

CLAUDIA L. EIEL

ACKNOWLEDGEMENT

STATE OF)
COUNTY OF)SS

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED MARK S. STEINER AND KATHY A. STEINER KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE EXECUTED THEY SAME FOR THE PURPOSES THEREIN CONTAINED.
IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____ STATE

MY COMMISSION EXPIRES: _____

ACKNOWLEDGEMENT

STATE OF)
COUNTY OF)SS

ON THIS THE ____ DAY OF _____, 20____, BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED DAVID E. EIEL AND CLAUDIA L. EIEL KNOWN TO ME OR SATISFACTORILY PROVEN TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THE EXECUTED THEY SAME FOR THE PURPOSES THEREIN CONTAINED.
IN WITNESS WHEREOF I HEREUNTO SET MY HAND AND OFFICIAL SEAL.

NOTARY PUBLIC, _____ STATE

MY COMMISSION EXPIRES: _____

PLAT OF
LOT 12A OF STEINER'S ADDITION
IN GOVERNMENT LOT 4 IN SECTION 13 , AND
GOVERNMENT LOT 1 IN SECTION 24 T:126N R54W,
MARSHALL COUNTY, SOUTH DAKOTA

COUNTY PLANNING COMMISSION CERTIFICATION

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE COUNTY PLANNING COMMISSION OF MARSHALL COUNTY, SOUTH

DAKOTA. AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE COUNTY PLANNING COMMISSION OF MARSHALL COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING LOT 12A OF STEINER'S ADDITION IN GOVERNMENT LOT 4 IN SECTION 13 AND GOVERNMENT LOT 1 IN SECTION 24 T126N R54W OF THE 5th P.M., MARSHALL COUNTY, SOUTH DAKOTA. HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-2-2, AND ANY AMENDMENTS THEREOF."

SECRETARY OF MARSHALL COUNTY PLANNING COMMISSION, SOUTH DAKOTA

APPROVAL BY COUNTY

I HEREBY CERTIFY THAT THE FOLLOWING IS A CORRECT COPY OF THE RESOLUTION DULY PASSED BY THE BOARD OF COMMISSIONERS OF MARSHALL COUNTY, SOUTH

DAKOTA AT A MEETING HELD ON THE ____ DAY OF _____, 20____.

"BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MARSHALL COUNTY, SOUTH DAKOTA, THAT THE PLAT SHOWING LOT 12A OF STEINER'S ADDITION IN GOVERNMENT LOT 4 IN SECTION 13 AND GOVERNMENT LOT 1 IN SECTION 24 T126N R54W OF THE 5th P.M., MARSHALL COUNTY, SOUTH DAKOTA. HAVING BEEN EXAMINED, IS HEREBY APPROVED IN ACCORDANCE WITH THE PROVISIONS OF SDCL 11-3, AND ANY AMENDMENTS THEREOF."

COUNTY AUDITOR, MARSHALL COUNTY, SOUTH DAKOTA

HIGHWAY AUTHORITY CERTIFICATE

THE LOCATION THE PROPOSED PROPERTY LINES ABUTTING THE COUNTY OR STATE HIGHWAY, OR THE COUNTRY ROAD AS SHOWN HEREON, IS HEREBY APPROVED ANY CHANGE IN THE LOCATION OF THE EXISTING ACCESS OR ANY NEW ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

BY: _____
HIGHWAY AUTHORITY

TITLE: _____

DIRECTOR OF EQUALIZATION'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS ____ DAY OF _____, 20____.

DIRECTOR OF EQUALIZATION, MARSHALL COUNTY, SOUTH DAKOTA

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT ALL TAXES WHICH ARE LIENS UPON ANY OF THE LANDS INCLUDED IN THE ABOVE PLAT ARE SHOWN BY THE RECORDS OF MY OFFICE TO BE FULLY PAID.

SIGNED THIS ____ DAY OF _____, 20____.

COUNTY TREASURER, MARSHALL COUNTY, SOUTH DAKOTA

REGISTER OF DEED'S CERTIFICATE

FILED FOR RECORD THIS ____ DAY OF _____, 20____ AT ____ O'CLOCK ____ AND DULY RECORDED IN BOOK OF PLATS NO. _____ ON PAGE _____ THEREIN.





REGISTER OF DEEDS, MARSHALL COUNTY, SOUTH DAKOTA

MARSHALL COUNTY WEB VIEWER

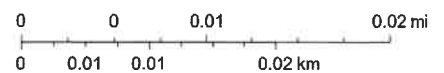


4/19/2022, 3:19:54 PM

ZONING

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

1:564



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

MARSHALL COUNTY WEB VIEWER

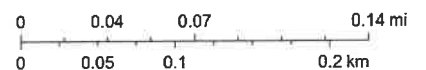


4/19/2022, 3:23:47 PM

ZONING

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

1:4,514



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

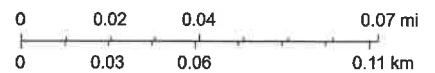
MARSHALL COUNTY WEB VIEWER



4/19/2022, 3:31:04 PM

-  TOWNSHIPS
-  PARCELS

1:2,257



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community