

**STAFF REPORT**

**April 25, 2023**

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**REZONING: RESIDENTIAL DISTRICT (R-1) TO COMMERCIAL DISTRICT (C)**

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GENERAL INFORMATION:

PETITIONER	Schmieg Management, LLC
REQUEST	<b>Residential (R-1) to Commercial (C)</b>
LEGAL DESCRIPTION	W1/2W1/2NW1/4NE1/4 of Section 19, T127N, R57W
(Full file available in the office of the Zoning Administrator.)	
CURRENT ZONING	Residential (R-1)
SURROUNDING ZONING	Agricultural (Ag), Agricultural Fringe Protection (AGFP) and Residential (R-1) (see map attached)
REPORTED BY	Erin Collins-Miles

GENERAL COMMENT: The petitioner is requesting to Rezone the above-described property in order to build a 10-unit storage building on the Lot. There is an existing single-family home on the property which is currently being used as a rental home. The Rezone would make the land different than other surrounding Zoning but bring it into compliance due to the use of the structures on the property, with that being both present and proposed structures. The property is currently Zoned Residential.

The proposed storage building will go South of the residence and run East to West. The applicant is aware that prior to the start of construction, the Zoning Director will be notified to confirm the desired setback distances from the road and lot lines as shown in the site plan attached and will meet Zoning requirements.

REVIEW: Staff has reviewed this Rezone. The land does serve use as it is currently zoned but would fall under Commercial District of the ordinance considering the use and proposed use of the property. In the Commercial District under 11.3 Conditional Use, number 3 states that it includes structures containing both commercial and residential uses. Objections were received prior to the hearing.

**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 25th day of April, 2023, 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:

**W1/2W1/2NW1/4NE1/4 of Section 19, T127N, R57W of the 5th P.M., Marshall County, South Dakota.**

**(Full file available in the office of Zoning Administrator.)**

To "C" Commercial District from "R-1" Residential 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\_\_.

Matthew Schuller  
Chairperson

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 12<sup>th</sup> day of March, 2023.

Erin Collins-Miles, Marshall County Planning & Zoning Administrator

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

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

April 11, 2023

**NOTICE: BEING PRESENT AT THE HEARING IS NOT MANDATORY UNLESS YOU SUBMIT A LETTER OF OBJECTION OR WISH TO BRING QUESTIONS OR CONCERNS TO THE BOARD.**

Dear Property Owner,

Please take notice that an application has been made by Schmieg Management, LLC 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 W1/2W1/2NW1/4NE1/4 of Section 19, T127N, R57W of the 5th P.M., Marshall County, South Dakota. (Full file available in the office of Zoning Administrator.) To "C" Commercial District from "R-1" Residential District.

The first reading of this application is on the agenda for a public hearing which will be held on April 25<sup>th</sup>, 2023 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

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

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Marshall County Auditor  
PO Box 130  
Britton, SD 57430

Sincerely,

*Erin Collins-Miles*

Erin Collins-Miles  
Planning & Zoning Administrator

**Sent to the following adjacent landowners on 4/11/23:**

1. Shawn and April Tosse – 42475 109<sup>th</sup> St. Britton, SD
2. Lynn and Randy Carlson – 42462 109<sup>th</sup> St. Britton, SD
3. David Mitchell – 40154 111<sup>th</sup> St. Houghton, SD 57449
4. Melissa Fredrickson – P.O. Box 924 Britton, SD

5. Bruce and Kitty Johnson – P.O. Box 461 Britton, SD
6. Stuart and Diane Eberhart – 42485 Golf View Dr.
7. Jason and Kelly Teveldal – 42455 Golfview Dr.
8. Wayne and Laurie Polzin – 807 6<sup>th</sup> St. Britton, SD

NOTICE OF REQUEST TO REZONE

Marshall County  
State of South Dakota

To: Marshall County Planning and Zoning Commission

Notice is hereby filed by Schmieg Management LLC, landowner, and ~~\_\_\_\_\_~~,  
~~\_\_\_\_\_~~, buyer, for the following described property to be rezoned from

Residential to Commercial.

Legally described as: W½ W½ NW¼ NE¼ of Section 19,

T127N, R57W of the 5th P.M. Marshall County, SD.

Landowner's Signature [Signature] Date 4/11/2023

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

For Internal Use Only: Date Received: 4/11/23

Date of Hearing by Marshall County Planning Commission: April 25, 2023 + May 9, 2023

Action taken by Zoning and Planning Commission:

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

Date of hearing(s) by Marshall County Commissioners:

\_\_\_\_\_

Action taken by Marshall County Commissioners: \_\_\_\_\_

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

ORDINANCE NO. 57

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:

**W1/2W1/2NW1/4NE1/4 of Section 19, T127N, R57W of the 5th P.M., Marshall County, South Dakota.**

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**To “C” Commercial District from “R-1” Residential 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 12, 2023

Passed First Reading \_\_\_\_\_ April 25, 2023

Passed Second Reading \_\_\_\_\_ May 9, 2023

Adopted \_\_\_\_\_ May 9, 2023

Published \_\_\_\_\_ May 10, 2023

Effective Date \_\_\_\_\_ May 30, 2023

\_\_\_\_\_  
Matthew Schuller, Chairman  
Marshall County Commission

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

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

# MARSHALL COUNTY WEB VIEWER



3/20/2023, 9:24:00 AM

PLAT

JOHNSON'S 2ND ADDITION

JOHNSON'S ADDITION

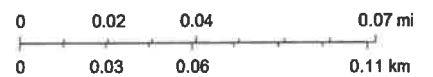
OUTLOT

TOWNSHIPS

SECTIONS

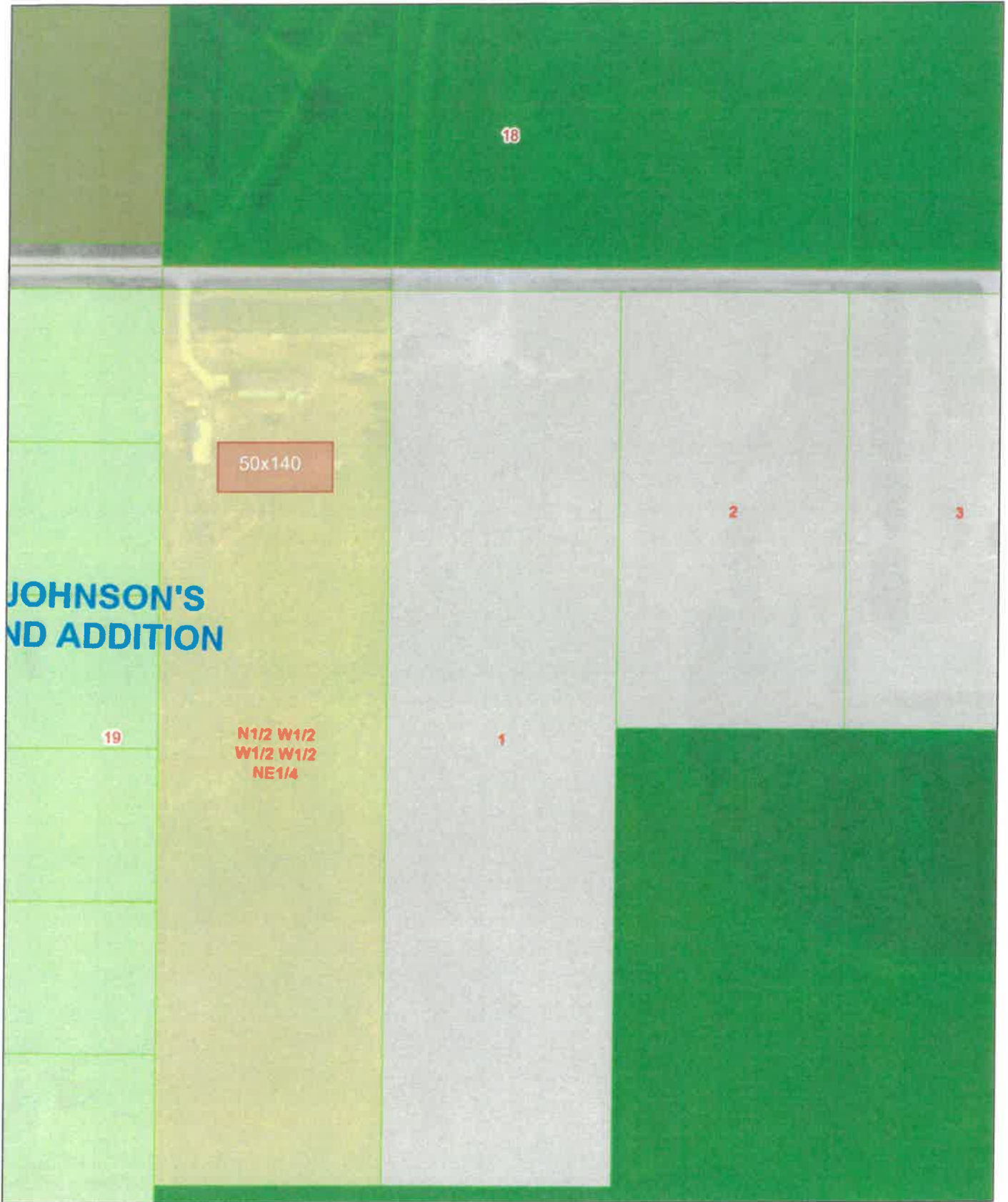
PARCELS

1:2,257





# MARSHALL COUNTY WEB VIEWER



3/20/2023, 9:24:48 AM

## ZONING

- Agricultural Fringe Protection District
- Residential District

## PLAT

JOHNSON'S 2ND ADDITION

JOHNSON'S ADDITION

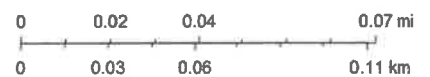
OUTLOT

TOWNSHIPS

SECTIONS

PARCELS

1:2,257



# Schmieg Management, LLC – Conditional Use



