

# MARSHALL COUNTY PLANNING & ZONING COMMISSION

## Proposed Agenda

Regular Scheduled Meeting

July 11, 2023– 9:00 AM

Marshall County Courthouse, Commissioners Chambers

- I. Call to Order
- II. Roll Call
- III. Approval of Agenda
- IV. Review & Approval of Minutes from June 20, 2023
- V. Matters for Board Discussion
- VI. Open
- VII. Disclosure of Conflicts/Ex Parte Communication
- VIII. New Business:
  - A. Conditional Use – CDJ Electric, Plumbing & Heating**
    - 1) Staff report by E. Collins-Miles
    - 2) Open Public hearing
      - a) Discuss new developments
      - b) Testimony from applicant
      - c) Testimony from proponents and opponents
      - d) Applicant back up for questions (if needed)
    - 3) Close public hearing
    - 4) Boards Discussion
      - a) Questions for audience (No new topics to be discussed)
    - 5) P & Z Boards motion and roll call for vote for recommendation to County Commission
  - B. FEMA – Final flood hazard determination for Marshall County, South Dakota and Incorporated Areas**
- IX. Building Permits
- X. Other
- XI. Old Business
- XII. Adjourn

MARSHALL COUNTY PLANNING & ZONING BOARD  
PO BOX 9  
BRITTON, SOUTH DAKOTA  
UNAPPROVED MINUTES  
**June 20, 2023**

The Marshall County Planning & Zoning Board met at 9:00 AM, June 20, 2023, at the Marshall County Courthouse. Present at the hearing were the following Board members; Matthew Schuller, Kevin Jones, Doug Medhaug, LeRon Knebel and Lynda Luttrell. Commissioner Schuller presided. Others present at the hearing were Erin Collins-Miles, Planning & Zoning, Megan Biel, Auditor, Jeffrey Mills, John Eye, Shawn Tosse, Stuart Eberhardt, Chris Eye, Dan Brake, Diane Mitchell, David Mitchell, Cory Schmiege, David Seibel, Allan Seibel, Ben Reisenweber, Brad Abel, Ehren Grupe and Bruce Johnson. DuWayne Bosse, Kalissa Stelzer and Shelby Thompson were present for portions of the meeting via zoom.

**AGENDA:**

Jones motioned; Medhaug seconded to approve the agenda. All members voted aye. Motion carried.

**MINUTES:**

Knebel motioned; Luttrell seconded to approve the minutes from June 6, 2023. All members voted aye. Motion carried.

**CONDITIONAL USE:**

Pertaining to Schmiege Management, LLC; A motion and roll call vote were taken for an application for a Conditional Use from the Marshall County Zoning Ordinance for Schmiege Management, LLC on the property described as W1/2W1/2NW1/4NE1/4 of Section 19, T127N, R57W of the 5th P.M., Marshall County, South Dakota for a 10-unit storage building. Concerns and questions were heard, considered and discussed. Jones motioned; Luttrell seconded to approve the permit. Roll call vote; Medhaug – No, Luttrell – Aye, Jones – Aye, Knebel – No, Schuller – No. Motion failed.

Pertaining to Tom Leisure; A motion and roll call vote were taken for an application for a Conditional Use from the Marshall County Zoning Ordinance for Tom Leisure on the property described as Lot 1 in the Plat showing Lots 1-6 Hellevang's 2nd Addition in Gov't Lot 2 in Section 11, T125N, R53W of the 5th P.M., Marshall County, South Dakota for an unattached garage with sidewalls greater than 14 feet. Knebel motioned; Jones seconded to approve the permit. Roll call vote; Medhaug – Aye, Luttrell – Aye, Jones – Aye, Knebel – Aye, Schuller – Aye. Motion carried.

**VARIANCE:**

Pertaining to Dan Brake; Jones motioned; Medhaug seconded to approve the requested 5' variance to the Northwestern property line setback; allowing the structure to be built 2ft from the North property line; per the Marshall County Zoning Ordinance. A roll call vote was taken; Medhaug – Aye, Luttrell – Aye, Jones – Aye, Knebel – Aye, Schuller - Aye. Motion carried.

**DRAINAGE:**

Pertaining to Ehren Grupe; Jones motioned; Medhaug seconded to approve an application to drain on the properties described as the SW1/4, W1/2W1/2SE1/4 and the E1/2W1/2SE1/4 all of Section 13, T128N, R58W, the NW1/4 EXC E1000' OF THE N780' & EXC LOT 1 EBERHART 1ST ADDITION and E1000' OF THE N780' IN THE NW1/4 EXC LOT 1 EBERHART 1ST ADDITION both of Section 24 and the SW1/4 also of Section 24, T128N, R58W. Conditions to this permit are as follows; to make the construction completion date as seen on permit application; December 31, 2025. Please see file for full details. Applicant must reapply after said date. Applicant must follow all applicable laws. Concerns and questions were heard, considered and discussed. A roll call vote was taken; Medhaug – Aye, Luttrell – Aye, Jones – Aye, Knebel – Aye, Schuller – Aye. Motion carried.

**OTHER:**

The Planning & Zoning Administrator, Erin Collins-Miles, read the second notice for the proposed Zoning Regulations at today's hearing. A copy of the proposed zoning revision is available in its entirety for public review during normal business hours in the offices of the County Zoning Administrator, Erin Collins-Miles and the County Auditor, Megan Biel.

**BUILDING PERMITS:**

Medhaug motioned; Luttrell seconded to accept building permits for the following applicants: Jerome Michlitsch Eden Township, Nathan Bien Nordland Township, Ron Kohl Buffalo Township, Ivin Quamen White Township, Dan Brake Buffalo Township (Variance), Tom Leisure Buffalo Township (Conditional Use). All members voted aye. Motion carried.

Knebel Motioned; Medhaug seconded to accept a building permit for the following applicant with included conditions to its approval; Curtis Samson Eden Township; We, as the County, will allow Samsons to build on the property in question without risk of an injunction or fine unless the following happens: That the Court finds that Samsons do not own the property in question.

That they violate the zoning ordinances in any way. Marshall County would wait until the quiet title action is done before taking any action. Samsons acknowledge that they are taking the risk of them not owning the property and will not hold Marshall County liable for granting the conditional building permit. Also, Samsons must ensure all zoning ordinances are followed. (Please see file for full list of conditions). All members voted aye. Motion carried.

Medhaug motioned; Luttrell seconded to deny a permit for the following applicant; Blake Schmiege (Conditional Use). All members voted aye. Motion carried.

**ADJOURN:**

Knebel motioned; Medhaug seconded to adjourn as Planning and Zoning Board and convene as Marshall County Commission at 10:19 AM. All members voted aye. Motion carried.

**ATTEST:**

Erin Collins-Miles  
Marshall County Planning and Zoning Administrator  
Marshall County, South Dakota  
Published at the approximate cost of.....