

**STAFF REPORT**  
**August 10, 2023**

---

**REZONING: AGRICULTURAL DISTRICT (AG) TO LAKEFRONT DISTRICT (R-3)**

---

GENERAL INFORMATION:

PETITIONER	Robert Novotny
REQUEST	<b>Agricultural (Ag) to Lakefront Residential (R-3)</b>
LEGAL DESCRIPTION	Lots 1-9 in the Proposed Plat of Roykota Legacy Estates Second Subdivision being a replat of part of Lot 14, Roykota Legacy Estates, in Government Lot 5 of Section 27, T126N, R55W of the 5th P.M., Marshall County, South Dakota.
	(Proposed Plat available in the office of the Zoning Administrator.)
CURRENT ZONING	Agricultural (Ag)
SURROUNDING ZONING	Agricultural (Ag) and Lakefront Residential (R-3) (see map attached)
REPORTED BY	Erin Collins-Miles

GENERAL COMMENT: The petitioner is requesting to Rezone the above-described proposed lots in order to create 9 new lake lots without shore frontage. Currently, the land is being used as a golf course. 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 use as a golf course, as it is currently zoned. The land in question currently has no structures and is intended to be used as a lake property. Based on the intended use of the proposed lake lots, a Rezone is necessary. No 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 10th day of August, 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:

**Lots 1-9 in the Proposed Plat of Roykota Legacy Estates Second Subdivision being a replat of part of Lot 14, Roykota Legacy Estates, in Government Lot 5 of Section 27, T126N, R55W of the 5th P.M., Marshall County, South Dakota.**

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

To "R-3" Lakefront 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 \_\_\_\_.

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 26<sup>th</sup> day of July, 2023.

Erin Collins-Miles, Marshall County Planning & Zoning Administrator

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

11 (July 26)  
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 10th day of August, 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:

Lots 1-9 in the Proposed Plat of Roykota Legacy Estates Second Subdivision being a replat of part of Lot 14, Roykota Legacy Estates, in Government Lot 5 of Section 27, T126N, R55W of the 5th P.M., Marshall County, South Dakota.

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

To "R-3" Lakefront 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.

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 26th day of July, 2023.

Erin Collins-Miles, Marshall County Planning & Zoning Administrator

Published at an approximate cost of \$24.65 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

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

July 24, 2023

Dear Property Owner,

Please take notice that an application has been made by Robert Novotny 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 Lots 1-9 in the Proposed Plat of Roykota Legacy Estates Second Subdivision being a replat of part of Lot 14, Roykota Legacy Estates, in Government Lot 5 of Section 27, T126N, R55W of the 5th P.M., Marshall County, South Dakota. (Proposed Plat available in the office of the Zoning Administrator.) To "R-3" Lakefront 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 August 10<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

July 24, 2023

Dear Property Owner,

Please take notice that an application has been made by Robert Novotny 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 Lots 1-9 in the Proposed Plat of Roykota Legacy Estates Second Subdivision being a replat of part of Lot 14, Roykota Legacy Estates, in Government Lot 5 of Section 27, T126N, R55W of the 5th P.M., Marshall County, South Dakota. (Proposed Plat available in the office of the Zoning Administrator.) To "R-3" Lakefront 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 August 10<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

**Sent to the following adjacent landowners on 7/24/23:**

1. Scott Gangle – 11677 SD HWY 25 Lake City, SD 57247
2. Gary Gangle – 11624 SD HWY 25 Lake City, SD 57247
3. Samuel & Rebekah Swanson – 116730 Roykota Dr. Lake City, SD 57247
4. Lincoln Bierman – 116738 Roykota Dr. Lake City, SD 57247
5. Sonny & Lindsey Nickeson – 116746 Roykota Dr. Lake City, SD 57247

6. East Bay Association, LLC c/o Wayne Sattler – 6743 10<sup>th</sup> Ave. Wheaton, MN  
56296 & 1186 3<sup>rd</sup> St. NW Watertown, SD 57201
7. Andrew & Meredith Feia – 1915 42<sup>nd</sup> St. S Moorhead, MN 56560
8. Alan Vernell Halvorson – 442 3<sup>rd</sup> Ave. S Casselton, ND 58012
9. Elwood & Marilyn Hochstetler – 1508 11<sup>th</sup> St. S Fargo, ND 58103
10. Tommy & Debra Opsahl – 44024 117<sup>th</sup> St. Lake City, SD 57247

**NOTICE OF REQUEST TO REZONE**

Marshall County  
State of South Dakota

To: Marshall County Planning and Zoning Commission

Notice is hereby filed by Robert Novotny, landowner, and

\_\_\_\_\_, buyer, for the following described property to be rezoned from

Agricultural to Lakefront Residential Roz  
Legally described as: part of Lot 14 Legacy  
Estate

Landowner's Signature \_\_\_\_\_ Date 7-18-23

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

For Internal Use Only: \_\_\_\_\_ Date Received: 7/18/23

Date of Hearing by Marshall County Planning Commission: 8/10/23

Action taken by Zoning and Planning Commission:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date of hearing(s) by Marshall County Commissioners:  
8/22/23

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

ORDINANCE NO. 59

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:

**Lots 1-9 in the Proposed Plat of Roykota Legacy Estates Second Subdivision being a replat of part of Lot 14, Roykota Legacy Estates, in Government Lot 5 of Section 27, T126N, R55W of the 5th P.M., Marshall County, South Dakota.**

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

To "R-3" Lakefront 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 \_\_\_\_\_ July 26, 2023

Passed First Reading \_\_\_\_\_ August 10, 2023

Passed Second Reading \_\_\_\_\_ August 22, 2023

Adopted \_\_\_\_\_ August 22, 2023

Published \_\_\_\_\_ August 23, 2023

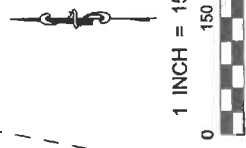
Effective Date \_\_\_\_\_ September 12, 2023

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

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

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

**EASEMENTS OF RECORD**  
DOCUMENT NO. 31945  
20' ELECTRIC LINE EASEMENT  
BLANKETING OVER GOVERNMENT LOT 5.  
  
DOCUMENT NO. 41930  
30' WATER LINE EASEMENT  
BLANKETING OVER LOTS 1, 3 & 4,  
ROYKOTA SUBDIVISION.

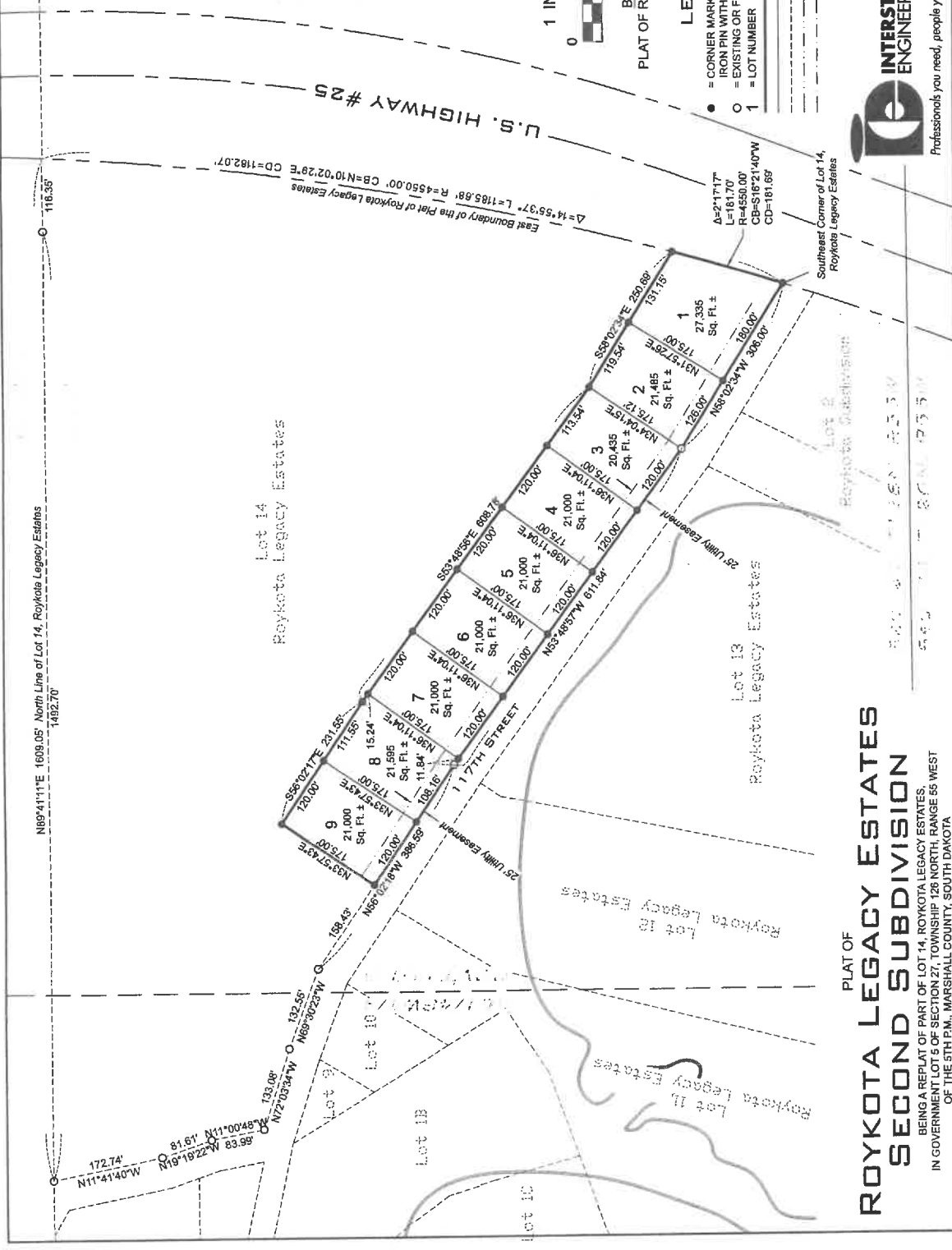


**BASIS OF BEARING**  
PLAT OF ROYKOTA LEGACY ESTATES

- LEGEND**
- = CORNER MARKED WITH A 5/8" x 18" SMOOTH IRON PIN WITH ALUMINUM CAP MARKED "LS 7860"
  - = EXISTING OR FOUND CORNER MONUMENT
  - 1 = LOT NUMBER
  - = PLAT BOUNDARY LINE
  - - - = NEW PROPERTY LINE
  - - - = EXISTING PROPERTY LINE
  - - - = NEW EASEMENT LINE
  - - - = EXISTING EASEMENT LINE

**INTERSTATE ENGINEERING**  
Professionals you need, people you trust.

Interstate Engineering, Inc.  
P.O. Box 687  
10801 13th Ave. S.  
Wahpeton, ND 58074-0687  
Ph: (701) 642-5521  
Fax: (701) 642-5215  
www.interstateeng.com  
Offices in North Dakota, Minnesota,  
Montana and South Dakota



**PLAT OF**  
**ROYKOTA LEGACY ESTATES**  
**SECOND SUBDIVISION**  
BEING A REPLAT OF PART OF LOT 14, ROYKOTA LEGACY ESTATES,  
IN GOVERNMENT LOT 5 OF SECTION 27, TOWNSHIP 128 NORTH, RANGE 58 WEST  
OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA



# MARSHALL COUNTY WEB VIEWER



8/3/2023, 11:52:24 AM

PLAT

GOLDEN POND ADDITION

ROYKOTA LEGACY ESTATES

ROYKOTA LEGACY ESTATES 1ST SUBDIVISION

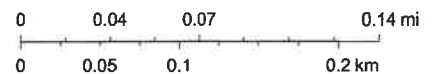
ROYKOTA SUBDIVISION

TOWNSHIPS

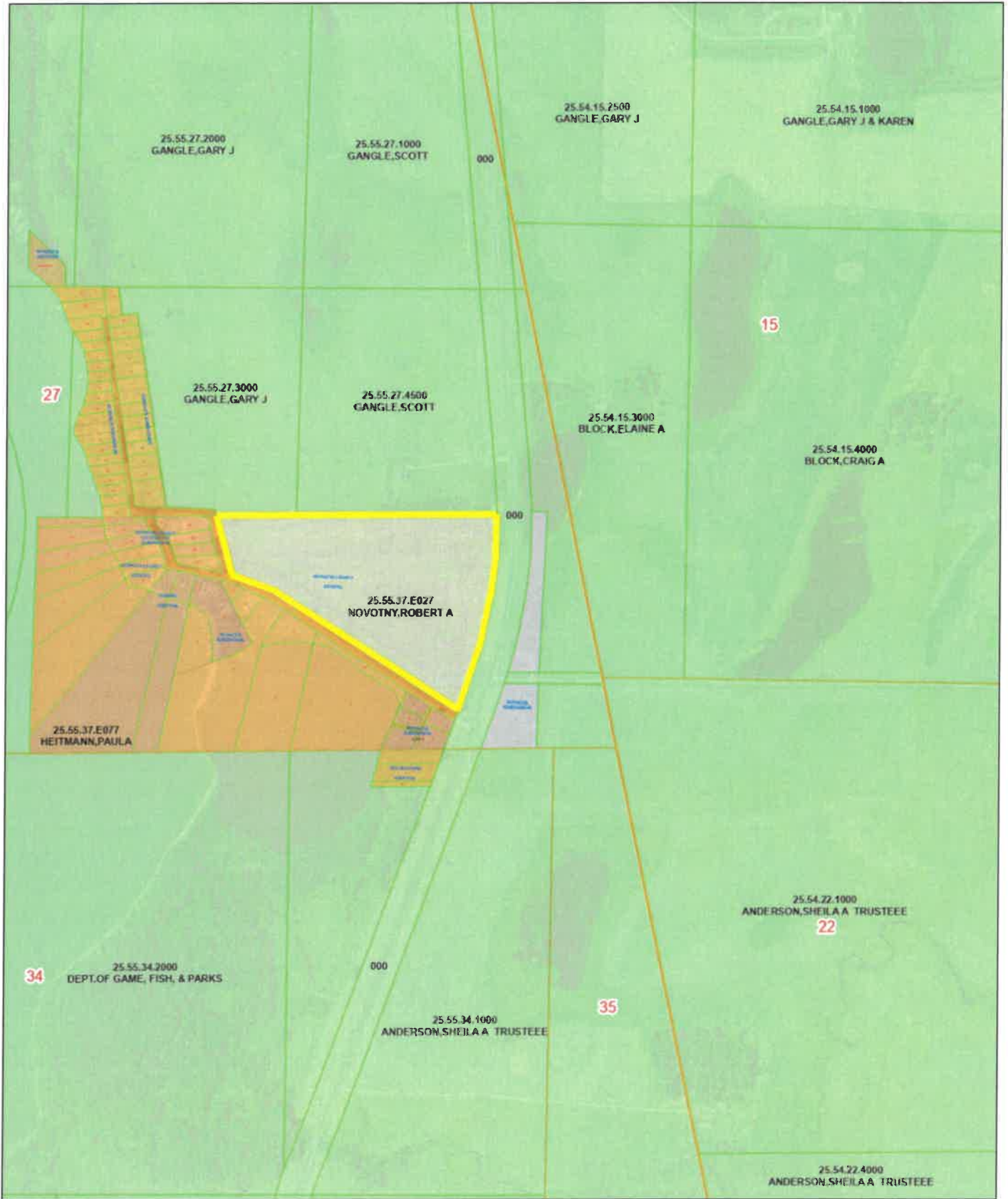
SECTIONS

PARCELS

1:4,514



# MARSHALL COUNTY WEB VIEWER



8/3/2023, 11:49:24 AM

PLAT

- CONARD ADDITION
- GANGLE'S SUBDIVISION
- GOLDEN POND ADDITION
- ROYKOTA LEGACY ESTATES
- ROYKOTA LEGACY ESTATES 1ST SUBDIVISION
- ROYKOTA SUBDIVISION
- SCKERL'S SUBDIVISION

- WISMER'S ADDITION
- ZONING
  - Agricultural District
  - Lake Front Residential District
  - TOWNSHIPS
  - SECTIONS
  - PARCELS

1:9,028

