

STAFF REPORT
March 19, 2024

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

GENERAL INFORMATION:

PETITIONER	Gary J. Gangle
REQUEST	Agricultural (Ag) to Lakefront Residential (R-3)
LEGAL DESCRIPTION	Proposed Lot 17; In the Sketch of the rezone of a part of Government Lot 5, Section 22, T126N, R55W; For the proposed Lot 17 of Gangle's Subdivision in Gov't Lot 5 of Section 22, T126N, R55W of the 5th P.M., Marshall County, South Dakota.
	(Proposed drawing 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 lot in order to create a new lake lot without shore frontage. Currently, the land sits empty (no structures). 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. Although the land serves use as it is currently zoned, the intended use of the property would be for use as a lake lot and for a structure or lake home to be built in the near future. The land in question, as it currently sits, has no structures and is Agricultural land. Based on the intended use of the proposed lake lot, a Rezone is necessary. No written comments or 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 19th day of March, 2024, 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:

Proposed Lot 17; In the Sketch of the re-zone of a part of Governmen't Lot 5, Section 22, T126N, R55W; For the proposed Lot 17 of Gangle's Subdivision in Gov't Lot 5 of Section 22, T126N, R55W of the 5th P.M., Marshall County, South Dakota.

(Proposed drawing 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 6th day of March, 2024.

Erin Collins-Miles, Marshall County Planning & Zoning Administrator

Published once at the total approximate cost of _____.

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Matthew Schuller, Chairperson
Megan Biel, Auditor

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Dated this 6th day of March, 2024.

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

March 4, 2024

Dear Property Owner,

Please take notice that an application has been made by Gary J. Gangle 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 Proposed Lot 17; In the Sketch of the re-zone of a part of Government Lot 5, Section 22, T126N, R55W; For the proposed Lot 17 of Gangle's Subdivision in Gov't Lot 5 of Section 22, T126N, R55W of the 5th P.M., Marshall County, South Dakota. (Proposed drawing 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 March 19th, 2024 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

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PO Box 130
Britton, SD 57430

Sincerely,

Erin Collins-Miles

Erin Collins-Miles
Planning & Zoning Administrator

Sent to the following adjacent landowners on 3/4/24:

1. Lance & Aimee Griese – 439026 Northside Dr. Lake City, SD 57247
2. Robert & Linda Jensen – 117 Sandhill Woods Rockport, TX 78382
3. Jerome & David Wieber – 9970 County Rd 19 Lidgerwood, ND 58053
4. Arlin & Darla Elsen – P.O. Box 112 Hecla, SD 57446
5. Dan & Kiley Hicks – 501 Willow Bend Dr. Casselton, ND 58012

6. Terry Josephson/ Karleen & Loren Josephson– 1502 E 18th St. Sioux Falls, SD
57104
7. Kevin Coleman – 8736 116th Ave. SE Oakes, ND 58474
8. Dept. of Game, Fish & Parks c/o Habitat Section – 523 E Capitol Ave. Pierre, SD
57501

ORDINANCE NO. 65

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:

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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 6, 2024
Passed First Reading _____ March 19, 2024
Passed Second Reading _____ April 9, 2024
Adopted _____ April 9, 2024
Published _____ April 10, 2024
Effective Date _____ April 30, 2024

Matthew Schuller, Chairman
Marshall County Commission

ATTEST: _____
Megan Biel, Marshall County Auditor

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

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

March 7, 2024

TO: Gary J. Gangle
11624 SD HWY 25
Lake City, SD 57247

To whom this may concern,

This letter shows the official schedule for your **Rezone** application. Please note that the first notice was published in the paper on March 6, 2024.

Also note that future plat approval would be contingent upon the approval/effective date of this rezone.

Please see below for detail;

Proposed Lot 17; In the Sketch of the re-zone of a part of Government Lot 5, Section 22, T126N, R55W; For the proposed Lot 17 of Gangle's Subdivision in Gov't Lot 5 of Section 22, T126N, R55W of the 5th P.M., Marshall County, South Dakota.

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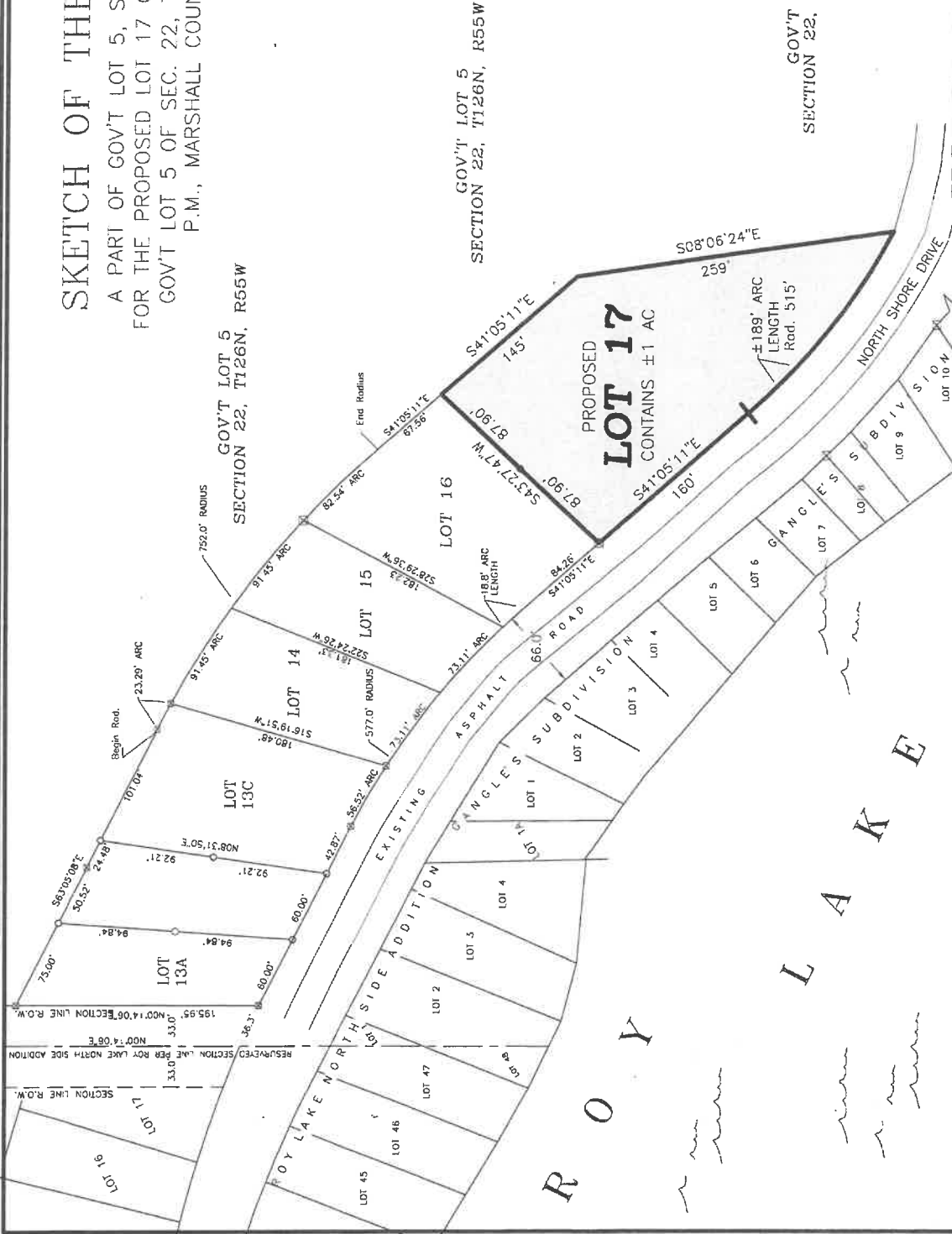
If you have any questions, please contact my office.
Sincerely,

Erin Collins-Miles

Erin Collins-Miles
Planning and Zoning Administrator

SKETCH OF THE RE-ZONE OF

A PART OF GOV'T LOT 5, SECTION 22, T126N, R55W;
FOR THE PROPOSED LOT 17 OF GANGLE'S SUBDIVISION IN
GOV'T LOT 5 OF SEC. 22, T126N, R55W OF THE 5TH
P.M., MARSHALL COUNTY, SOUTH DAKOTA



SCALE: 1" = 100'

- = CAPPED IRON PIN SET
- ⊗ = RECOVERED MONUMENT

GOV'T LOT 5
SECTION 22, T126N, R55W

HOLLON ENGINEERING INC.

DRAWN: 3/1/24 FIELD: 02/2024 128 E HICKORY ST. SISSETON, SD PH. 1-605-698-3850 DRAWN: RUMIST

MARSHALL COUNTY WEB VIEWER



3/4/2024, 10:59:13 AM

DFIRM DATA

PLAT

- A
- GANGLE'S SUBDIVISION
- NORDQUIST 4TH ADDITION
- ROY LAKE NORTHSIDE ADDITION

SIGATY'S 2ND SUBDIVISION

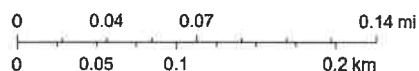
SIGATY'S SUBDIVISION

TOWNSHIPS

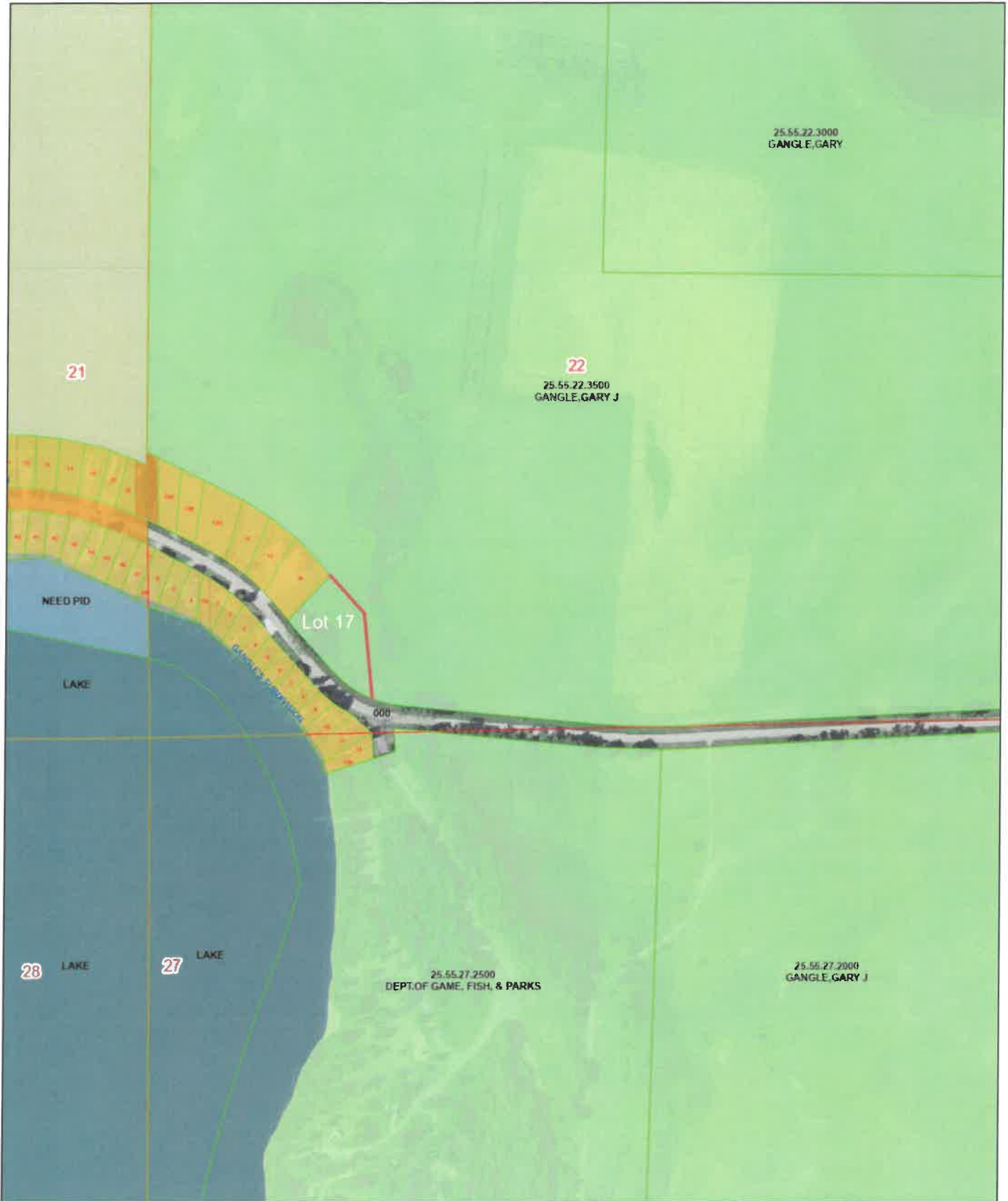
SECTIONS

PARCELS

1:4,514



MARSHALL COUNTY WEB VIEWER



3/4/2024, 11:00:24 AM

ZONING

- Agricultural District
- Lake Front Residential District

DFIRM DATA

- A

PLAT

- GANGLE'S SUBDIVISION
- NORDQUIST 4TH ADDITION

- ROY LAKE NORTHSIDE ADDITION
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- SECTIONS
- PARCELS

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