

**STAFF REPORT**  
**May 21, 2024**

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

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GENERAL INFORMATION:

PETITIONER	Wayne Schlekewy
REQUEST	<b>Agricultural (Ag) to Lakefront Residential (R-3)</b>
LEGAL DESCRIPTION	Proposed Lots 16, 17, 18 and 19; In the Rezone Sketch showing a Part of the unplatted portion of Government Lot 3 in Section 12, T126N, R54W of the 5th P.M., Marshall County, South Dakota. As shown as proposed Lots 16, 17, 18 and 19, Block 1, Schlekewy Addition
	(Proposed rezone sketch 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 21<sup>st</sup> day of May, 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 Lots 16, 17, 18 and 19; In the Rezone Sketch showing a Part of the unplatted portion of Government Lot 3 in Section 12, T126N, R54W of the 5th P.M., Marshall County, South Dakota. As shown as proposed Lots 16, 17, 18 and 19, Block 1, Schlekewy Addition**

**(Proposed rezone sketch 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 8<sup>th</sup> day of May, 2024.

Erin Collins-Miles, Marshall County Planning & Zoning Administrator

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

(May 8)  
**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**

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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 8th day of May, 2024.  
Erin Collins-Miles, Marshall County Planning & Zoning Administrator

Published at an approximate cost of \$25.52 and can be viewed free of charge at [www.sdpublicnotices.com](http://www.sdpublicnotices.com).

Carol & Peter Oetken  
756 S. 4th Ave.  
Sioux Falls, SD 57104  
caoetken@gmail.com  
May 15th, 2024

Erin Collins-Miles  
Marshall County Planning & Zoning Commission  
P.O. Box 9  
Britton, SD 57430

Dear Erin,

We are writing to express our concern regarding the potential rezoning of the land behind our property, labeled as Lot 10. While we understand the interest for rezoning, we want to ensure that any rezoning decision does not restrict our property rights in the future.

It is our intention to enhance our property and potentially rebuild our lake house, and we want to ensure that any rezoning decision does not limit our options or impose unnecessary constraints. Specifically, we request that the zoning board refrain from imposing restrictions on the height or design of future structures on our property based on potential impacts to neighboring properties such as obstructed views of the lake due to our future rebuild.

Thank you for considering our input on this matter.

Sincerely,

Carol & Peter Oetken

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

May 7, 2024

Dear Property Owner,

Please take notice that an application has been made by Wayne Schlekewy 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 Lots 16, 17, 18 and 19; In the Rezone Sketch showing a Part of the unplatted portion of Government Lot 3 in Section 12, T126N, R54W of the 5th P.M., Marshall County, South Dakota. As shown as proposed Lots 16, 17, 18 and 19, Block 1, Schlekewy Addition (Proposed rezone sketch 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 May 21, 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

MARSHALL COUNTY PLANNING & ZONING COMMISSION  
P.O.BOX 9  
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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 5/7/24:**

1. William Torness – 442253 Schlekewy Dr. E Lake City, SD 57247
2. Waylin & Amy Buss – 509 N Sunday Dr. Brandon, SD 57005
3. Scott Purintun – P.O. Box 891 Britton, SD 57430
4. Mark & Emily Hrabik – P.O. Box 516 Britton, SD 57430
5. Stephen Oetken – 5883 Tee To Green St. Saint Cloud, MN 56304

6. Peter & Carol Oetken – 756 S 4<sup>th</sup> Ave. Sioux Falls, SD 57104
7. Patrick & Ember Dady – 45872 118<sup>th</sup> St. Sisseton, SD 57262
8. Drew & Misty Fredrickson – P.O. Box 619 Britton, SD 57430



ORDINANCE NO. 66

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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<u>Notice of Hearing</u>	<u>May 8, 2024</u>
<u>Passed First Reading</u>	<u>May 21, 2024</u>
<u>Passed Second Reading</u>	<u>June 6, 2024</u>
<u>Adopted</u>	<u>June 6, 2024</u>
<u>Published</u>	<u>June 12, 2024</u>
<u>Effective Date</u>	<u>July 2, 2024</u>

\_\_\_\_\_  
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

May 13, 2024

**TO:** Wayne Schlekewy  
442101 Schlekewy Drive  
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 May 8, 2024.

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

Please see below for detail;

**Proposed Lots 16, 17, 18 and 19; In the Rezone Sketch showing a Part of the unplatted portion of Government Lot 3 in Section 12, T126N, R54W of the 5th P.M., Marshall County, South Dakota. As shown as proposed Lots 16, 17, 18 and 19, Block 1, Schlekewy Addition**

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<u>Effective Date</u>	<u>July 2, 2024</u>

If you have any questions, please contact my office.

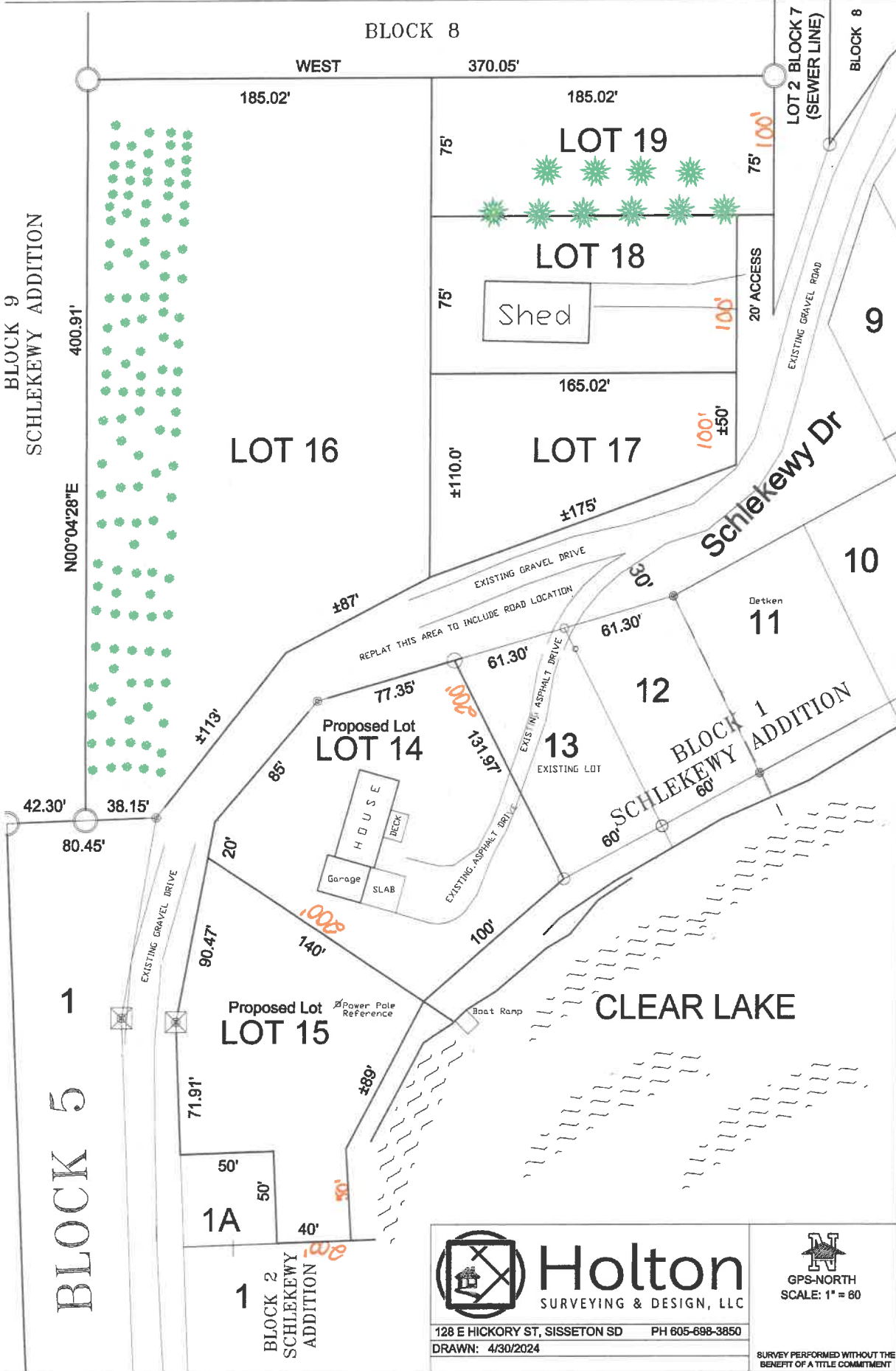
Sincerely,

Erin Collins-Miles  
Erin Collins-Miles  
Planning and Zoning Administrator

# REZONE SKETCH

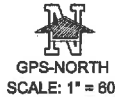
A PART OF THE UNPLATTED PORTION OF GOV'T LOT 3 IN SECTION 12 T125N, R50W OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA 126 54

AS SHOWN AS PROPOSED LOTS 16, 17, 18, AND 19, BLOCK 1, SCHLEKEWY ADDITION



**Holton**  
SURVEYING & DESIGN, LLC

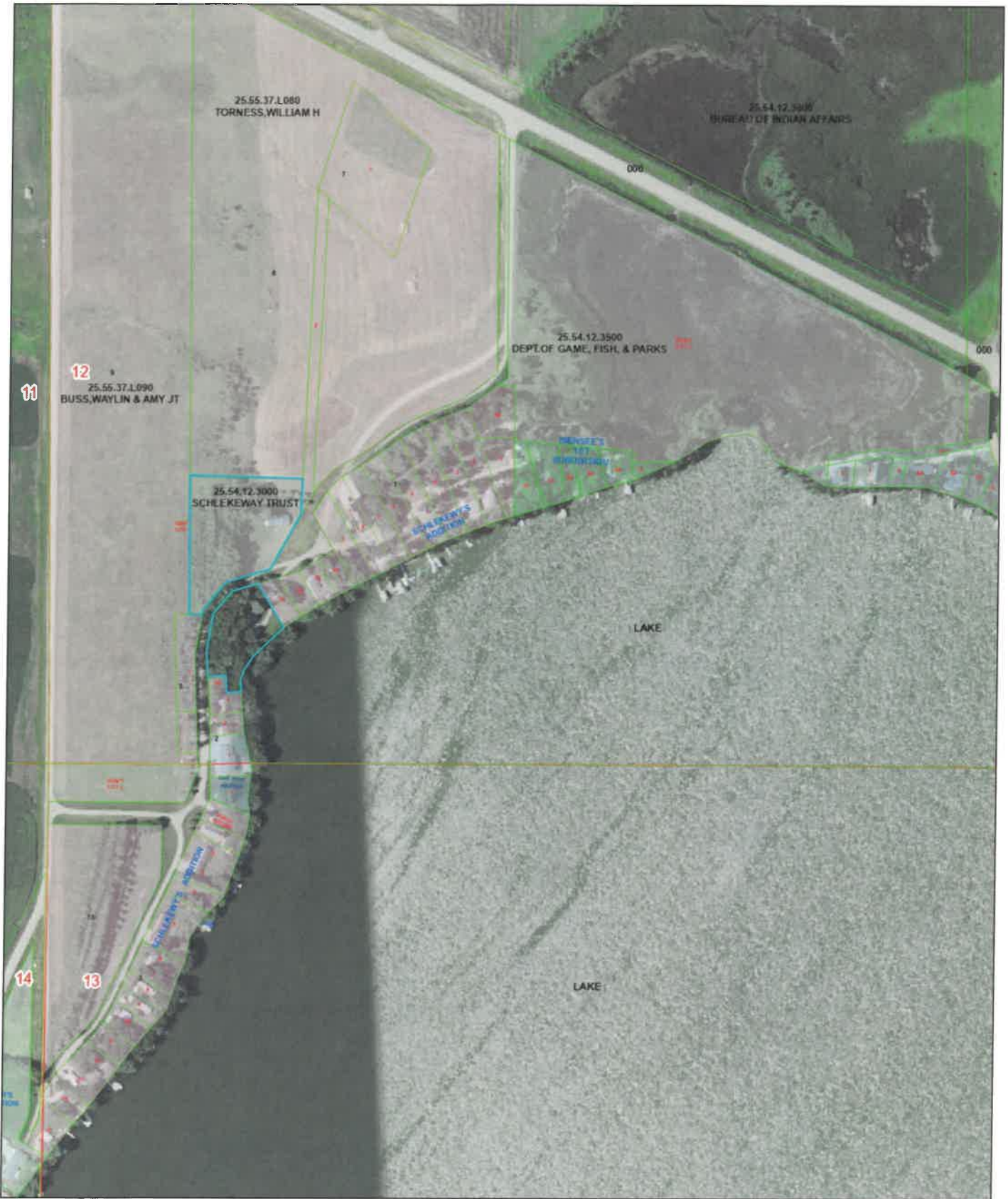
128 E HICKORY ST, SISSETON SD PH 605-698-3850  
DRAWN: 4/30/2024



GPS-NORTH  
SCALE: 1" = 80'

SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT

# MARSHALL COUNTY WEB VIEWER

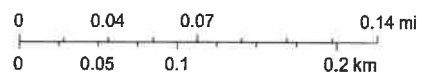


5/16/2024, 2:22:10 PM

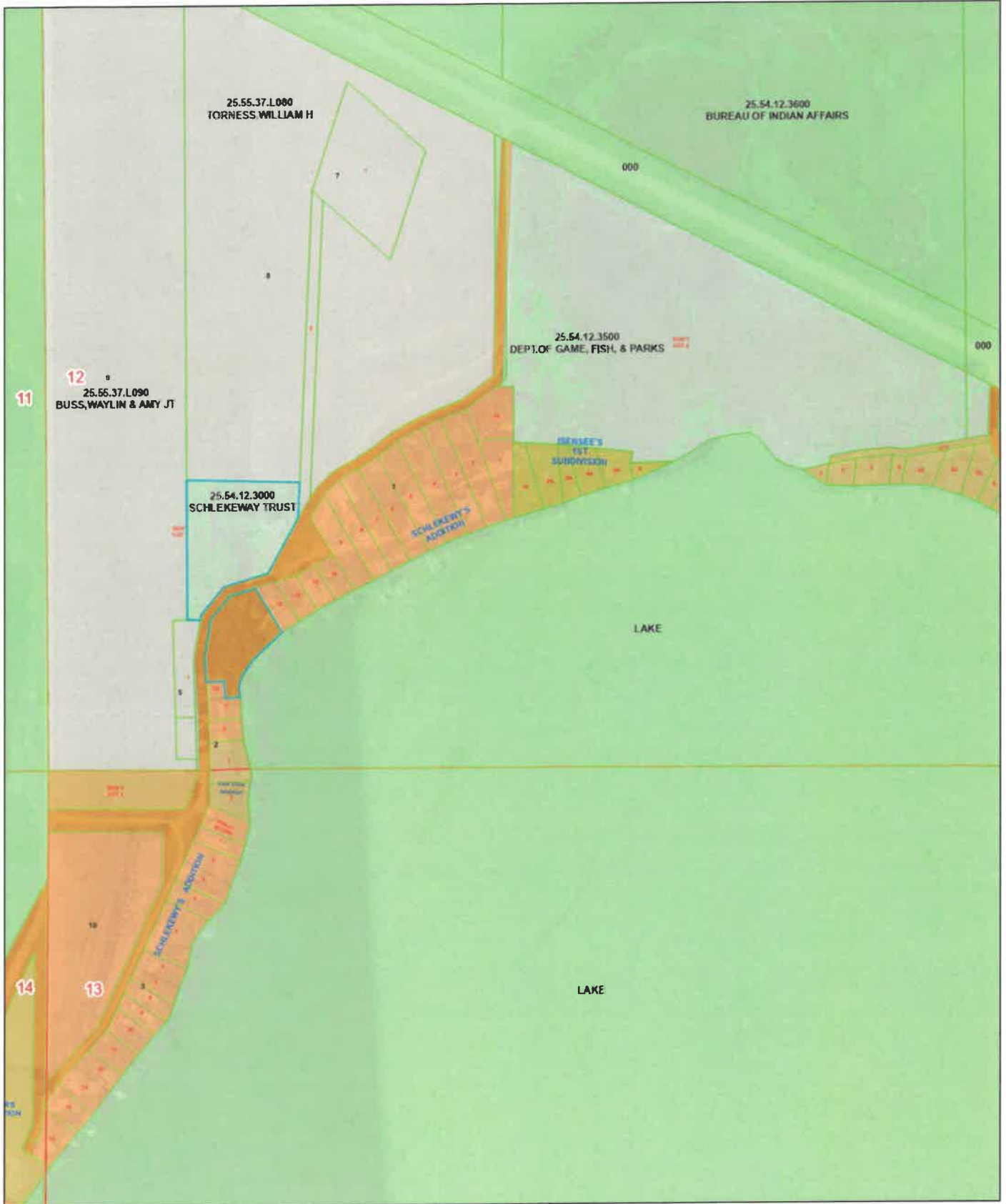
PLAT

- SCHLEKEWY'S ADDITION
- <Null>
- BAIR'S ADDITION
- TOWNSHIPS
- EAST VIEW ADDITION
- SECTIONS
- ISENSEE'S 1ST SUBDIVISION
- PARCELS
- ISENSEE'S 2ND SUBDIVISION

1:4,514



# MARSHALL COUNTY WEB VIEWER



5/16/2024, 2:21:11 PM

## ZONING

- Agricultural District
- Lake Front Residential District

## PLAT

- BAIR'S ADDITION
- EAST VIEW ADDITION
- ISENSEE'S 1ST SUBDIVISION

ISENSEE'S 2ND SUBDIVISION

SCHLEKEWY'S ADDITION

<Null>

TOWNSHIPS

SECTIONS

PARCELS

1:4,514

