

STAFF REPORT
September 10, 2024

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

GENERAL INFORMATION:

PETITIONER	Randy Deutsch
REQUEST	Agricultural (Ag) to Lakefront Residential (R-3)
LEGAL DESCRIPTION	Area of Rezone for a Portion of S1/2NW1/4 of Section 4, T125N, R53W of the 5th P.M., Marshall County, South Dakota For the Proposed Plat of Almos Northside Second Addition Located in Government Lot 7 and the SE1/4NW1/4 of Section 4, T125N, R53W of the 5th P.M., Marshall County, South Dakota (Proposed rezone sketch available in the office of the Zoning Administrator. Shaded area approximately 0.36 acres to be rezoned.)
CURRENT & 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 new lake lots with 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 lake lots and for a structure or lake home to be built on these Lots in the 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 writing of this staff report.

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 September, 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:

Area of Rezone for a Portion of S1/2NW1/4 of Section 4, T125N, R53W of the 5th P.M., Marshall County, South Dakota For the Proposed Plat of Almos Northside Second Addition Located in Government Lot 7 and the SE1/4NW1/4 of Section 4, T125N, R53W of the 5th P.M., Marshall County, South Dakota

(Proposed rezone sketch available in the office of the Zoning Administrator. Shaded area approximately 0.36 acres to be rezoned.)

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 28th day of August, 2024.

Erin Collins-Miles, Marshall County Planning & Zoning Administrator

Published once at the total approximate cost of _____.

IT(Aug.28)
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Published at an approximate cost of \$25.52 and can be viewed free of charge at www.sdpublicnotice.com.

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

August 26, 2024

Dear Property Owner,

Please take notice that an application has been made by Randy Deutsch 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 an Area of Rezone for a Portion of S1/2NW1/4 of Section 4, T125N, R53W of the 5th P.M., Marshall County, South Dakota For the Proposed Plat of Almos Northside Second Addition Located in Government Lot 7 and the SE1/4NW1/4 of Section 4, T125N, R53W of the 5th P.M., Marshall County, South Dakota (Proposed rezone sketch available in the office of the Zoning Administrator. Shaded area approximately 0.36 acres to be rezoned.) 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 September 10, 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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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 8/26/24:

1. Roswell Inc c/o Kent Moeckly – PO Box 903 Britton, SD 57430
2. Lawrence Green – 404 N Van Eps Ave. Madison, SD 57042
3. Troy & Natalie Sattler – PO Box 91 Roslyn, SD 57261
4. Emeliey Haigh – 46464 218th St. Volga, SD 57071

NOTICE OF REQUEST TO REZONE

Marshall County
State of South Dakota

To: Marshall County Planning and Zoning Commission

Notice is hereby filed by Randolph & Shelley Deutsch, landowner, and
_____, buyer, for the following described property to be rezoned from
Ag to Lake Front Residential.

Legally described as: a part of S1/2NW1/4 in Section 4, T125N, R53W
of the 5th P.M., Marshall County, South Dakota; Proposed Almos Northside Second Add.

Landowner's Signature Randy Deutsch Date 8-15-24

Buyer's Signature _____ Date _____

For Internal Use Only: Date Received: 8-15-24

Date of Hearing by Marshall County Planning Commission: September 10, 2024

Action taken by Zoning and Planning Commission:

Date of hearing(s) by Marshall County Commissioners:
September 24, 2024

Action taken by Marshall County Commissioners: _____

ORDINANCE NO. 68

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>August 28, 2024</u>
<u>Passed First Reading</u>	<u>September 10, 2024</u>
<u>Passed Second Reading</u>	<u>September 24, 2024</u>
<u>Adopted</u>	<u>September 24, 2024</u>
<u>Published</u>	<u>September 25, 2024</u>
<u>Effective Date</u>	<u>October 15, 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

August 26, 2024

TO: Randy Deutsch
44443 120th St.
Eden, SD 57232

To whom this may concern,

This letter shows the official schedule for your **Rezone** application. Please note that the first notice will be published in the paper on August 28, 2024.

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

Please see below for detail;

Area of Rezone for a Portion of S1/2NW1/4 of Section 4, T125N, R53W of the 5th P.M., Marshall County, South Dakota For the Proposed Plat of Almos Northside Second Addition Located in Government Lot 7 and the SE1/4NW1/4 of Section 4, T125N, R53W 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

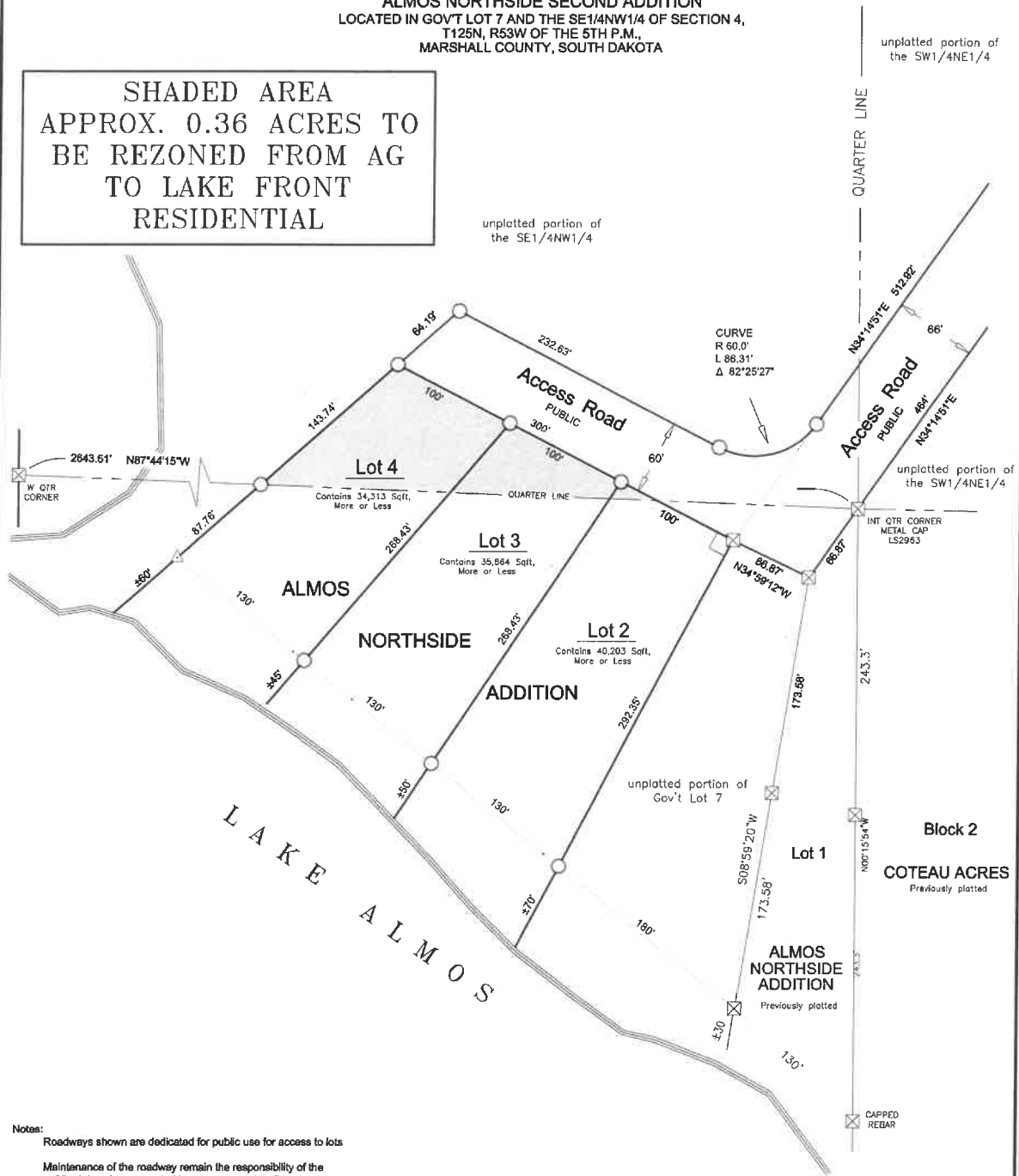
AREA OF REZONE

FOR A PORTION OF S1/2NW1/4 OF SECTION 4,
T125N, R53W OF THE 5TH P.M.,
MARSHALL COUNTY, SOUTH DAKOTA

FOR THE PROPOSED PLAT OF

ALMOS NORTHSIDE SECOND ADDITION
LOCATED IN GOV'T LOT 7 AND THE SE1/4NW1/4 OF SECTION 4,
T125N, R53W OF THE 5TH P.M.,
MARSHALL COUNTY, SOUTH DAKOTA

SHADED AREA
APPROX. 0.36 ACRES TO
BE REZONED FROM AG
TO LAKE FRONT
RESIDENTIAL



Notes:
Roadways shown are dedicated for public use for access to lots
Maintenance of the roadway remain the responsibility of the owners of the lots unless accepted by a government entity
Lot size is determined to edge of water at the time of Survey

I, LUNDEE M. STADTLER, A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA, DO HEREBY CERTIFY THAT I HAVE SUPERVISED THE RESURVEY OF THE PROPERTY THAT IS DESCRIBED ABOVE, AND THAT SAID SURVEY AND DRAWING ARE TRUE AND CORRECT.



Holton
SURVEYING & DESIGN, LLC

128 E HICKORY ST, SISSETON SD PH 605-698-3850
DRAWN: 8/12/24 FIELD: 8/11/24 0123456-PVM
ACAD DOCS\INSERTS\STANDARD\TITLEBLOCKS.DWG



GPS-NORTH
SCALE: 1" = 100'
○ = CAPPED IRON PIN SET
⊗ = RECOVERED MONUMENT

SURVEY PERFORMED WITHOUT THE
BENEFIT OF A TITLE COMMITMENT

LUNDEE M STADTLER
REGISTERED LAND SURVEYOR 13482

MARSHALL COUNTY WEB VIEWER

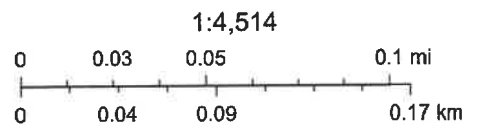


9/5/2024, 2:07:57 PM

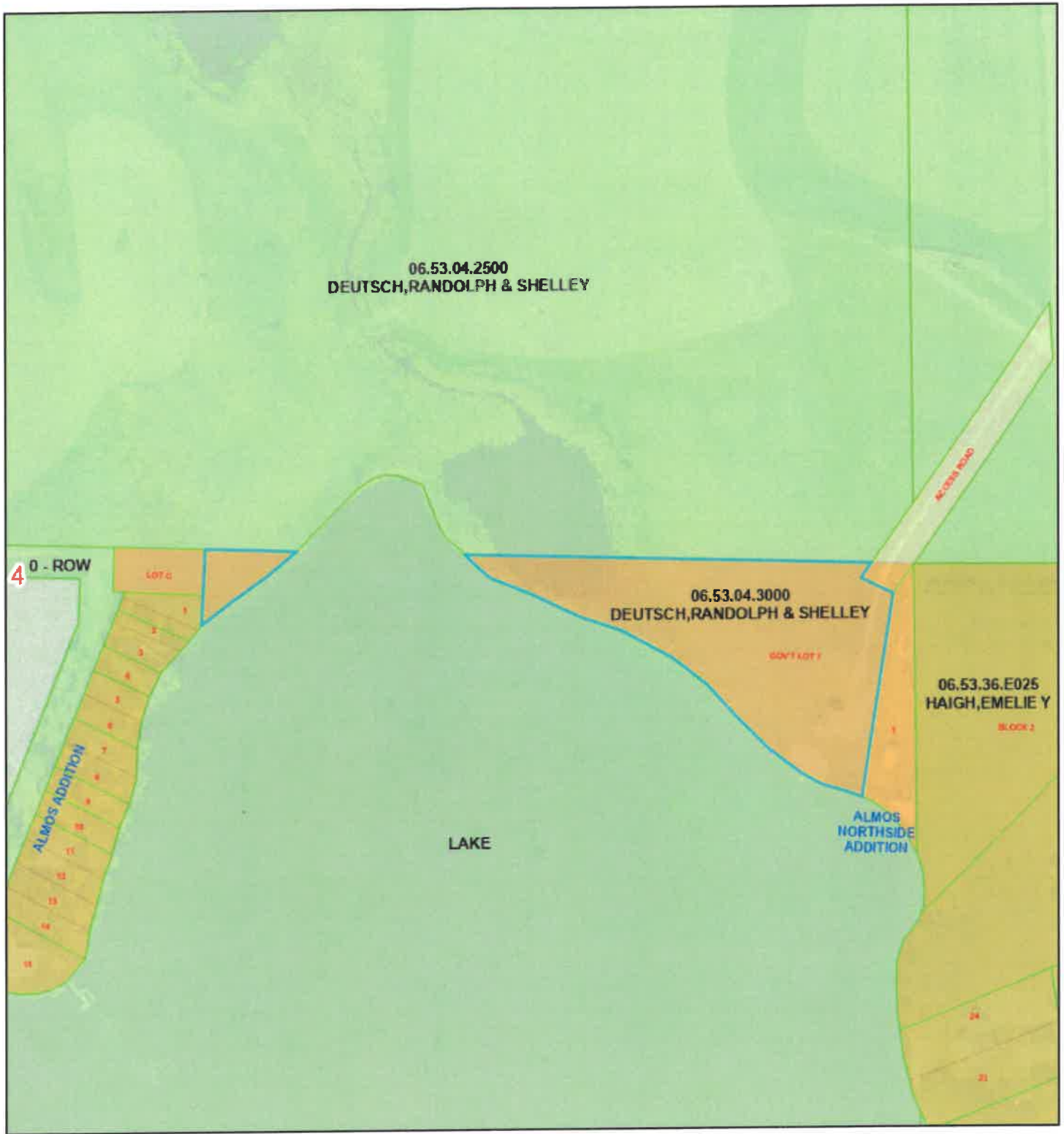
PLAT

- ALMOS ADDITION
- ALMOS NORTHSIDE ADDITION
- COTEAU ACRES ADDITION

- <Null>
- TOWNSHIPS
- SECTIONS
- PARCELS



MARSHALL COUNTY WEB VIEWER



9/5/2024, 2:09:36 PM

ZONING

- Agricultural District
- Lake Front Residential District

PLAT

- ALMOS ADDITION
- ALMOS NORTHSIDE ADDITION

COTEAU ACRES ADDITION

<Null>

TOWNSHIPS

SECTIONS

PARCELS

1:4,514

