

**STAFF REPORT  
December 31, 2024**

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**APPLICATION FOR VARIANCE TO LOT SIZES**

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**GENERAL INFORMATION:**

<b><u>PETITIONER</u></b>	Paul Price
<b><u>REQUEST</u></b>	Variance for Lot Sizes
<b><u>LEGAL DESCRIPTION</u></b>	The proposed lots lie within the following described property: Lot A in the Plat of Lots "A" and "B" of Osness Addition in the County of Marshall, South Dakota (see attached for proposed plat)
<b><u>CURRENT &amp; SURROUNDING ZONING</u></b>	Agricultural (Ag)
<b><u>REPORTED BY</u></b>	Erin Collins-Miles

**GENERAL COMMENT:** The petitioner is requesting a variance to plat Lots 1 & 2 in the proposed Plat of Price 1<sup>st</sup> Subdivision. The proposed lot sizes do not meet the minimum two-acre lot size requirement of the Agricultural District per the Zoning Ordinance. Lot 1 would contain 1.10 acres and Lot 2 would contain 1.74 acres instead of the 2-acre requirement. Thus, the petitioner is asking the Board to approve a 0.9-acre (Lot 1) and a 0.26-acre (Lot 2) variance to the acreage size requirement.

The reason for the request as stated by the petitioner is for the acquisition of more land. There is an existing building that resides on the current property line which would be resolved upon the creation of the new Lots 1 & 2. A variance to acreage size must be completed prior to plat approval. No written comments or objections were received prior to the writing of this staff report.

## NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on December 31, 2024 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for variance from the Marshall County Zoning Ordinance.

Paul Price has requested a variance to acreage size on the property described as Lot A in the Plat of Lots "A" and "B" of Osnes Addition in the County of Marshall, South Dakota. The petitioner is asking to allow the acreage sizes to be platted as 1.10 acres in Lot 1 and 1.74 acres in Lot 2 instead of the 2-acre requirement, splitting Lot A into two lots; per the Marshall County Zoning Ordinance.

Erin Collins-Miles  
Planning & Zoning Administrator

Published once at the approximate cost of

*For publication: December 4, 2024*

1T(Dec 4)  
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Published at an approximate cost of \$7.54 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  
605.448.7540

December 2, 2024

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on December 31, 2024 at 9:00 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for variance from the Marshall County Zoning Ordinance.

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As an adjacent landowner, you are being notified of the hearing. If you have any questions, please contact my office. Any comments or concerns should be stated in writing and forwarded to my office or expressed at the scheduled hearing.

Sincerely,

*Erin Collins-Miles*

Erin Collins-Miles  
Planning and Zoning Administrator

**Sent to the following adjacent landowners on 12/2/24:**

1. Keith & Julie Hupke – PO Box 196 Langford, SD 57454
2. Donald Leshner – 12120 419<sup>th</sup> Ave. Langford, SD 57454
3. Agtegra Cooperative – 908 LaMont St. S Aberdeen, SD 57401

MARSHALL COUNTY PLANNING & ZONING COMMISSION  
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As an adjacent landowner, you are being notified of the hearing. If you have any questions, please contact my office. Any comments or concerns should be stated in writing and forwarded to my office or expressed at the scheduled hearing.

Sincerely,

*Erin Collins-Miles*

Erin Collins-Miles  
Planning and Zoning Administrator

**MARSHALL COUNTY APPLICATION FOR VARIANCE**

DATE: 11-20-24

To: Marshall County Planning and Zoning Commission  
PO Box 9  
Britton, SD 57430

The undersigned do hereby request a variance from the Marshall County Zoning Ordinance to build (or set) acreage size within to 1.10 + 1.74 acres of a (circle applicable): Twp Rd, County Rd, Federal or State Hwy, Other Rd, Lot Line or High Water Mark.

Structure would be located on (legal description): Lot A in the plat of Lots "A" and "B" of Osness Addition

Reason: proposed Lot sizes do not meet minimum acreage size requirements in the Ag District

Applicant Name: Paul Prizer Phone: 605-252-0830  
Address: PO Box 68 Langford SD 57454  
Applicant Signature: [Signature]  
Owner Signature (if different than applicant): \_\_\_\_\_

***For Internal Office Use Only:***

Date Received: 11-25-24 Fees (non-refundable): \$150.00 Paid:  YES  NO

Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: December 31, 2024

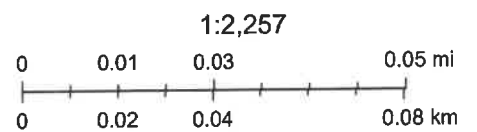
Action taken by Planning and Zoning Commission: \_\_\_\_\_

# MARSHALL COUNTY WEB VIEWER



12/2/2024, 2:30:41 PM

- TOWNSHIPS
- SECTIONS
- PARCELS

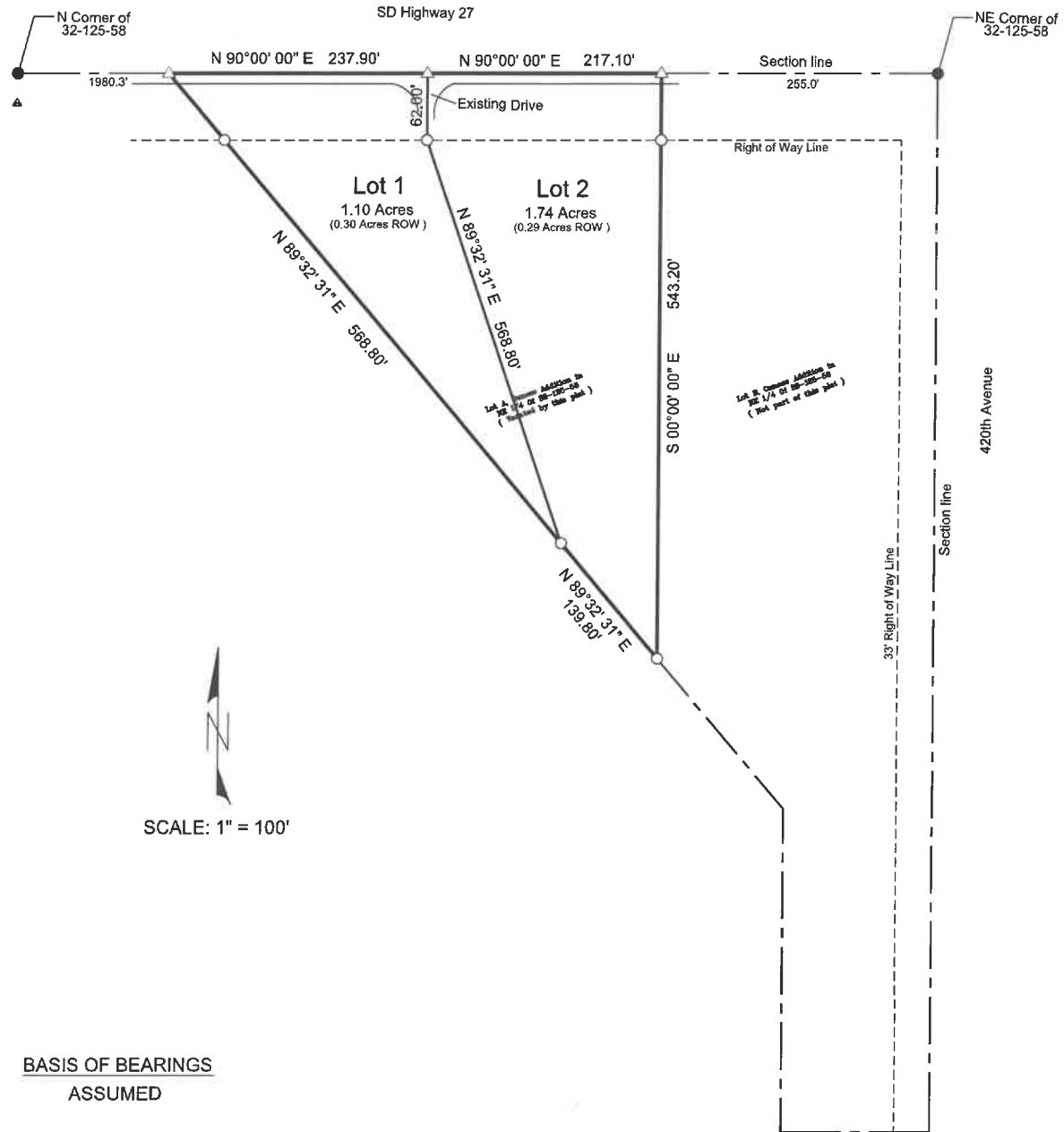


# PLAT OF PRICE 1ST SUBDIVISION

IN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 32,  
TOWNSHIP 125 NORTH, RANGE 58 WEST OF THE 5TH P.M., MARSHALL COUNTY, SOUTH DAKOTA

VACATION STATEMENT: THIS PLAT VACATES:

LOT A OF OSNESS ADDITION LOCATED IN THE NE QUARTER  
OF SECTION 32, TOWNSHIP 125 NORTH, RANGE 58 WEST OF THE  
5TH P.M., MARSHALL COUNTY SOUTH DAKOTA IN PLAT BOOK 3 PG 61.



BASIS OF BEARINGS  
ASSUMED

LEGEND

- DENOTES MONUMENT FOUND
- DENOTES 5/8" IRON MONUMENT WITH CAP SET
- ▲ CALCULATED POSITION

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENT that STEVEN H. PRICE is the owner or has an interest in the following described property situated in :

Lot A, Osness Addition in the Northeast Quarter except the East 90 feet of Section Thirty-Two (32), Township One Hundred Twenty-Five (125), Range Fifty-Eight (58) West of the 5th P.M., Marshall County, South Dakota.

Have caused a part of the same to be platted as "PRICE 1ST SUBDIVISION in the Northeast Quarter of the Northeast Quarter of Section 32, Township 125 North, Range 58 West of the 5th P.M., and do hereby certify that I am the qualified owner or have an interest in the portion of land included in the plat hereon drawn and that said land is free from any encumbrance whatsoever and that this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations and that we requested the preparation of this plat in compliance with the laws for the State of South Dakota in witness whereof said Steven H. Price have set his hand this \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.

STATE OF SOUTH DAKOTA)  
COUNTY OF DAY )SS

\_\_\_\_\_  
Steven H. Price

On this \_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_ before me, a Notary Public, personally appeared Steven H. Price who by me duly sworn, did say that he is the owner of or has interest named in the foregoing instrument and that he acknowledged said instrument for this purpose therein stated.

\_\_\_\_\_  
Notary Public  
My Commission Expires

KNOW ALL MEN BY THESE PRESENT that PAUL S. PRICE is the owner or has an interest in the following described property situated in :

The East 90 feet of Lot A, Osness Addition in the Northeast Quarter of Section Thirty-Two (32), Township One Hundred Twenty-Five (125), Range Fifty-Eight (58) West of the 5th P.M., Marshall County, South Dakota.

Have caused a part of the same to be platted as "PRICE 1ST SUBDIVISION in the Northeast Quarter of the Northeast Quarter of Section 32, Township 125 North, Range 58 West of the 5th P.M., and do hereby certify that I am the qualified owner or have an interest in the portion of land included in the plat hereon drawn and that said land is free from any encumbrance whatsoever and that this land shall conform to all existing applicable zoning, subdivision and erosion and sediment control regulations and that we requested the preparation of this plat in compliance with the laws for the State of South Dakota in witness whereof said Paul S. Price have set his hand this \_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_.

STATE OF SOUTH DAKOTA)  
COUNTY OF DAY )SS

\_\_\_\_\_  
Paul S. Price

On this \_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_ before me, a Notary Public, personally appeared Paul S. Price who duly sworn, did say that he is the owner of or has interest named in the foregoing instrument and that he acknowledged said instrument for this purpose therein stated.

\_\_\_\_\_  
Notary Public  
My Commission Expires

SURVEYOR'S CERTIFICATE

I, Keith L. Howe, a Registered and Licensed Land Surveyor, do hereby certify that I have platted a tract of land as shown on the plat hereon drawn which hereafter shall be known as "PRICE 1ST SUBDIVISION" in the Northeast Quarter of the Northeast Quarter in Section 32, Township 125 North, Range 58 West of the 5th P.M., Marshall County, South Dakota, and that said plat is in all respects true and correct.

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_ A.D., 20 \_\_\_\_.

\_\_\_\_\_  
Keith L. Howe, Land Surveyor  
S.D. Reg. No. 6574



RESOLUTION BY THE BOARD OF MARSHALL COUNTY PLAN COMMISSION

On motion made and carries the following was adopted: "Be it resolved by the County Plan Commission of Marshall County, South Dakota in a regular session that the plat of "PRICE 1ST SUBDIVISION" in the Northeast Quarter of the Northeast Quarter of Section 32, Township 125 North, Range 58 West of the 5th P.M., Marshall County, South Dakota be approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ in accordance with the provisions of SDCL Chapter 11-2-2 and all acts amendatory thereto, I \_\_\_\_\_ Chairman Marshall County Plan Commission certify that the foregoing is a true copy of the resolution adopted by the Marshall County Plan Commission at a meeting of the board held on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Chairman Marshall County Plan Commission

RESOLUTION BY THE BOARD OF COUNTY COMMISSION, MARSHALL COUNTY, SOUTH DAKOTA

On motion made and carries the following was adopted: "Be it resolved by the Board of County Commissioners of Marshall County, South Dakota in a regular meeting assembled that effective \_\_\_\_\_ the plat of PRICE 1ST SUBDIVISION in the Northeast Quarter of the Northeast Quarter of Section 32, Township 125 North, Range 58 West of the 5th P.M., Marshall County, South Dakota, be approved this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_ in accordance with the provisions of SDCL 11-3and all acts amendatroy thereto, I \_\_\_\_\_ County Auditor of Marshall County, certify that this is a true copy of the resolution adopted by the Board of Commisioners of Marshall County, South Dakota. Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
County Auditor, Marshall County, South Dakota

HIGHWAY AUTHORITY CERTIFICATE

The location of the proposed property lines abutting the State or County Road as shown hereon, is hereby approved. Any change in the location of the existing access or any new access shall require additional approval.

\_\_\_\_\_  
Highway Authority

\_\_\_\_\_  
Title

TREASURER'S CERTIFICATE

I, \_\_\_\_\_, Treasurer of Marshall County, South Dakota, do hereby certify that all the taxes which are liens upon any of the land included in the foregoing plat as shown by the records of said Treasurer's office, have been fully paid.

Dated at Britton, South Dakota this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Treasurer, Marshall County, South Dakota

CERTIFICATE OF DIRECTOR OF EQUALIZATION

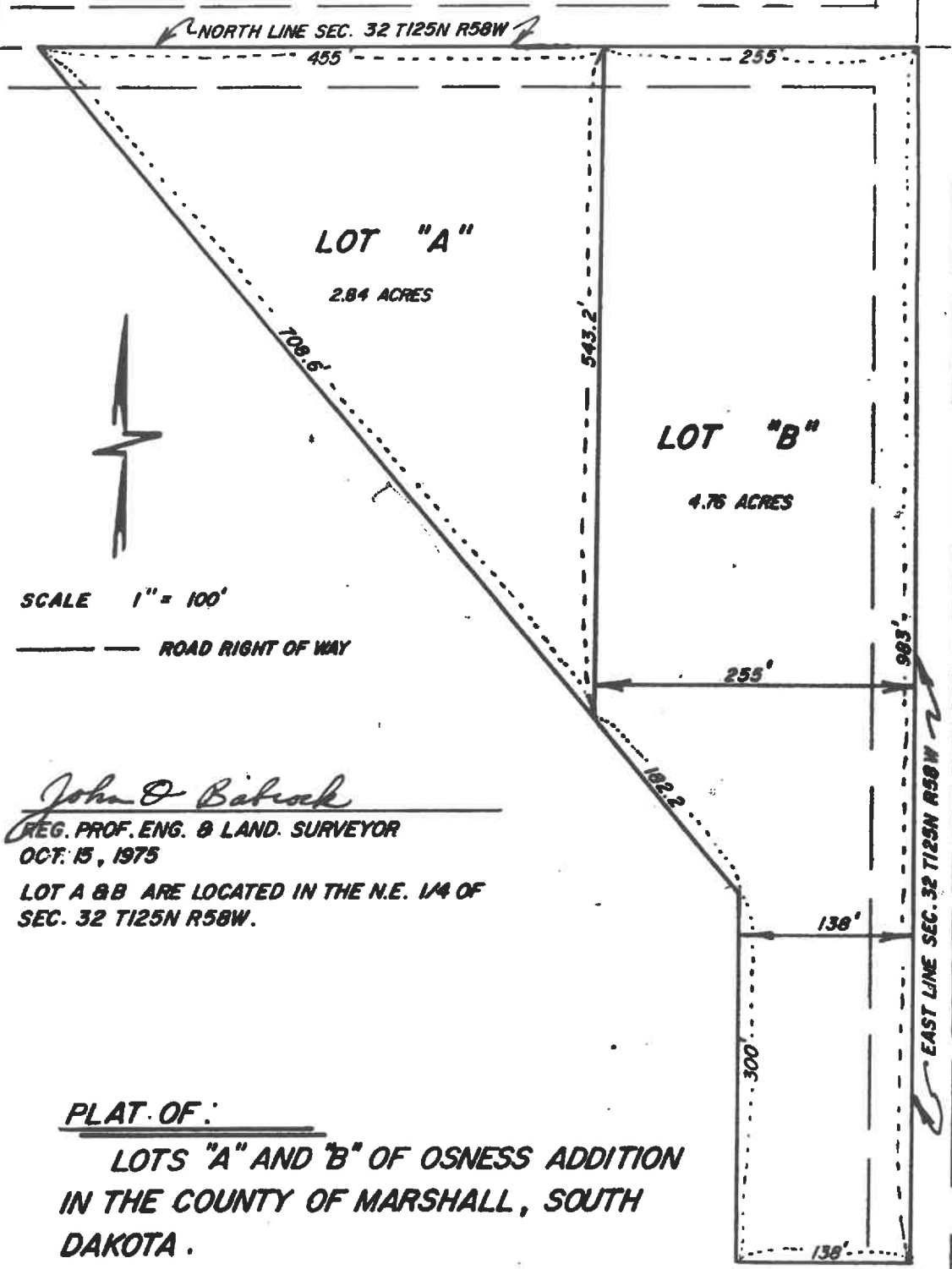
I, \_\_\_\_\_, Director of Equalization of Marshall County, South Dakota hereby certify that I received a copy of this plat on this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_\_\_\_.

\_\_\_\_\_  
Director of Equalization, Marshall County, South Dakota

REGISTER OF DEEDS

I, \_\_\_\_\_, Register of Deeds of Marshall County, South Dakota hereby certify that I received the original copy of the attached plat on this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 20\_\_ at \_\_\_\_\_ o'clock \_\_\_\_ M. and duly recorded in Book \_\_\_\_\_, Page \_\_\_\_\_ of Plats.

\_\_\_\_\_  
Register of Deeds, Marshall County, South Dakota



SCALE 1" = 100'

ROAD RIGHT OF WAY

*John O. Bataak*  
 REG. PROF. ENG. & LAND. SURVEYOR  
 OCT. 15, 1975

LOT A & B ARE LOCATED IN THE N.E. 1/4 OF  
 SEC. 32 T125N R58W.



PLAT OF:

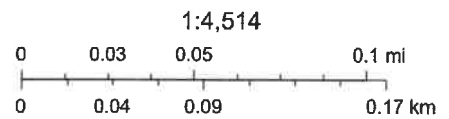
LOTS "A" AND "B" OF OSNESS ADDITION  
 IN THE COUNTY OF MARSHALL, SOUTH  
 DAKOTA.

# MARSHALL COUNTY WEB VIEWER

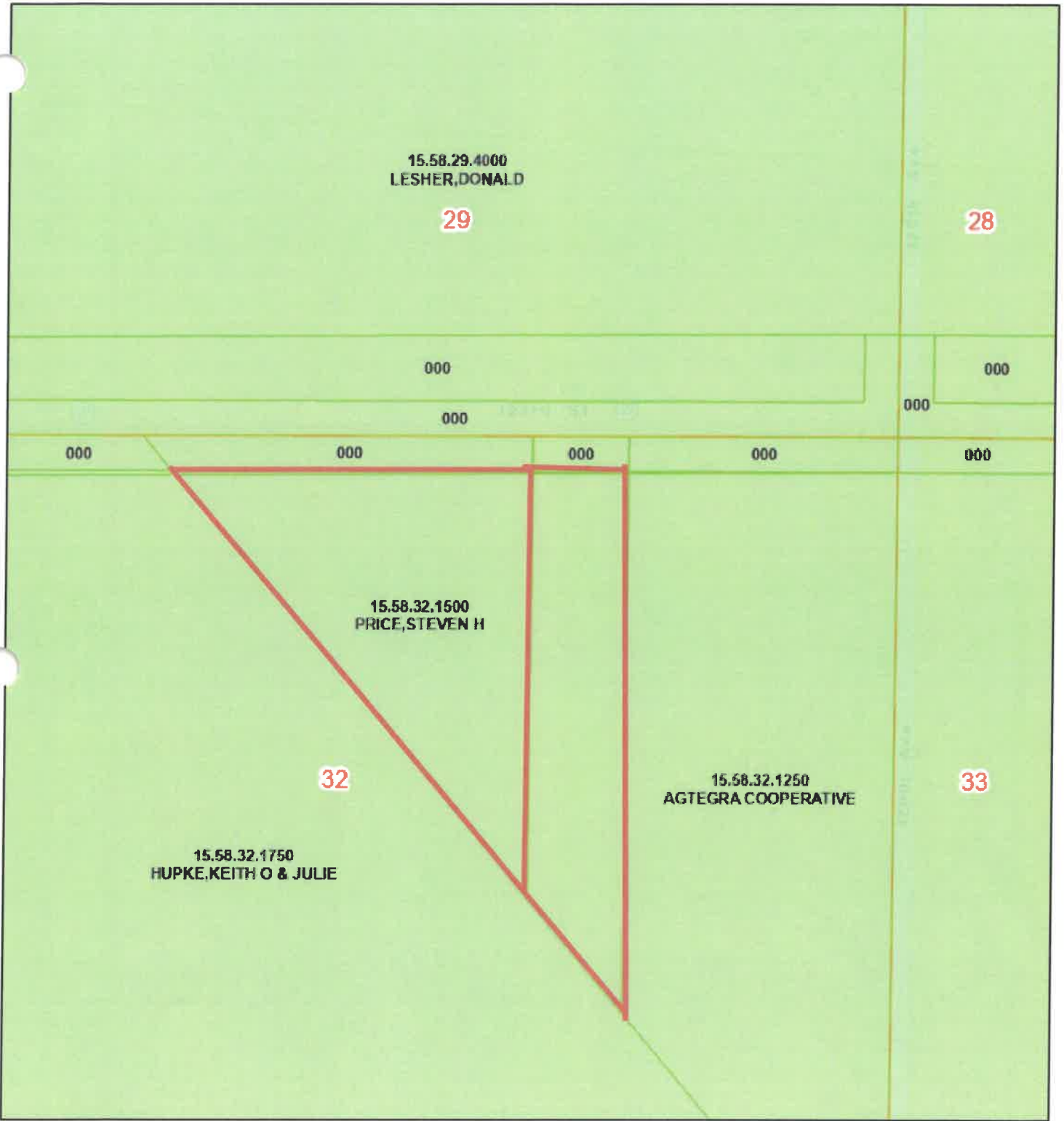


12/9/2024, 3:48:21 PM

-  TOWNSHIPS
-  SECTIONS
-  PARCELS



# MARSHALL COUNTY WEB VIEWER



12/9/2024, 3:50:26 PM

1:2,257

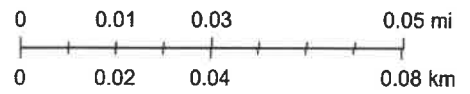
ZONING

SECTIONS

Agricultural District

PARCELS

TOWNSHIPS



Esri, HERE, Garmin, INCREMENT P, NGA, USGS