

**Marshall County Planning & Zoning  
STAFF REPORT  
September 30, 2025**

**OWNER/APPLICANT:** Ehren Grupe

**PROPERTY DESCRIPTION:** East 1,000ft of the North 780ft of the NW1/4, Section 24, T128N, R58W, Except Lot 1, Eberhart's 1st Addition

**CURRENT & SURROUNDING ZONING:** Agricultural (Ag)

**REQUEST:** The petitioner is asking to build the bin 19 feet from the right-of-way line, instead of the 60-foot requirement, per the Marshall County Zoning Ordinance.

**HISTORY/ISSUE(S):**

1. The property is owned by Stuart Eberhart. Recorded information shows that the property has been owned by Eberhart since May of 1975.
2. There are currently 6 other bins on the property.
  - a. 5 of those bins are organized in a cluster South of 103<sup>rd</sup> St., with the 6<sup>th</sup> bin being further into the farmyard to the South.
    - i. Bin #6 is permitted under BP No. 11-22
  - b. There are several other farm buildings on the property.
3. The construction of the proposed grain bin would make this the 7<sup>th</sup> bin on the property.
  - a. Per the applicant, they would like to set the bin within the existing cluster of bins to feed the drying bin and to aid in not obstructing traffic flow within the yard.
    - i. All other existing bins within this cluster are closer to the right-of-way line than the required setbacks in the Ag District.
4. Marshall County Ordinance requires that all structures shall be set back not less than sixty (60) feet from all public right-of-ways measured from the road right-of-way line.
5. No written comments or objections were received prior to the writing of this staff report.

**Staff Recommendation/Action Item – 41' variance to the right-of-way line setback and to adopt the facts and the recommended findings of the Planning Commission listed in the staff report.**
6. The Board could table, deny or approve the request. If the Board chooses to approve the variance, it could use the following findings, similar to those used in previous approvals of setback requirements in the Ag District.
  - a. The Board has granted similar right-of-way line variances to Ag parcels in the past, when the neighbors had no objections.
    - i. Similar right-of-way line variances allowed – 51' for J. Amacher 3/17 (4 grain bins), 50' for A. Steiner 6/14, 50' for A. & T. Steiner, and 30' for T Nelson 5/16
  - b. The Board would consider approving other similar requests meeting the unique circumstances.
7. If the Board chooses to deny the variance, it could use the following findings, similar to those used in previous denials of setback variances.

- a. The lot and situation are not so unique to necessitate the relaxation for the setback requirement.
  - b. The granting of this variance would confer upon the applicant special privilege denied to others in the Ag District.
8. If the Board chooses to grant the variance, it must make findings pursuant to TITLE 19, Chapter 19.6 of the Zoning Ordinance.

## NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on September 30, 2025 at 9:00 a.m. at the North Marshall Firehall meeting room, concerning the following application for variance from the Marshall County Zoning Ordinance.

Ehren Grupe has requested a variance to construct a grain bin on the property described as the East 1,000ft of the North 780ft of the NW1/4, Section 24, T128N, R58W, Except Lot 1, Eberhart's 1<sup>st</sup> Addition. The petitioner is asking to build the bin 19 feet from the right-of-way line, instead of the 60-foot requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles  
Planning & Zoning Administrator

Published once at the approximate cost of

*For publication: September 17, 2025*

1T (Sept 17)  
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Administrator

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 APPLICATION FOR VARIANCE

DATE: 9-9-2025

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) grain bin within 19' 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): 24-128-58 E. 1000'  
of the N780' In the NW 1/4 Excl. Lot 1 Eberhart 1st Addition

Reason: Set the bin within an existing cluster of bins  
to feed the drying bin and not obstruct traffic flow  
within yard.

Applicant Name: Ehren Grupe Phone: 605-470-0003  
Address: 1004 1st St. PO Box 247 Britton, SD 57430  
Applicant Signature: Eh Grupe  
Owner Signature (if different than applicant): \_\_\_\_\_

### For Internal Office Use Only:

Date Received: 9/9/25 Fees(non-refundable): \$150.00 Paid: ☒ YES ☐ NO  
Inspection Report: See Staff report

Date of Hearing by Planning and Zoning Commission: September 30, 2025  
Action taken by Planning and Zoning Commission: \_\_\_\_\_

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

September 12, 2025

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on September 30, 2025 at 9:00 a.m. at the North Marshall Firehall meeting room, 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  
Planning and Zoning Director

**Sent to the following adjacent landowners on 9/12/25:**

1. Stuart & Diane Eberhart – 42485 Golfview Dr. Britton, SD 57430
2. Timothy & DeeAnn Ellerton – 640 9<sup>th</sup> Ave. SW STE 1000 Aberdeen, SD 57401
3. Linda Reisenweber – 130 Arrow St. N Havana, ND 58043
4. John & Deborah Eye – PO Box 408 Britton, SD 57430
5. Ty & Michele Krutsinger – 10295 424<sup>th</sup> Ave. Britton, SD 57430

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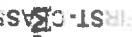
A handwritten signature in blue ink, appearing to read "Erin Collins-Miles".

Erin Collins-Miles  
Planning and Zoning Director

Marshall County  
Zoning  
Box 9  
Britton SD 57430-0009

DAKOTA CENTRAL 573

13 SEP 2025 PM 4:53

US POSTAGE <sup>IMPT</sup>NEY BOWLS

2000 740

Timothy & DeeAnn Ellerton  
640 9th Ave SW, STE 1000  
Aberdeen, SD 57401

NIXIE 551 551 0109/23/25

NOT DELIVERABLE AS ADDRESSED  
RETURN TO SENDER  
UNABLE TO FORWARD

BU: 57-30000309 \*2124-01263-15-52

57430-0000  
57401-50100  
LTMFD

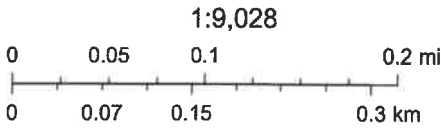


# MARSHALL COUNTY WEB VIEWER



9/12/2025, 11:21:28 AM

- TOWNSHIPS
- SECTIONS
- PARCELS





42347 103rd St



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 50 ft

Flag road to center of property



## Variance – Ehren Grupe











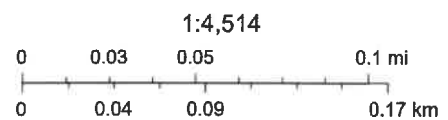


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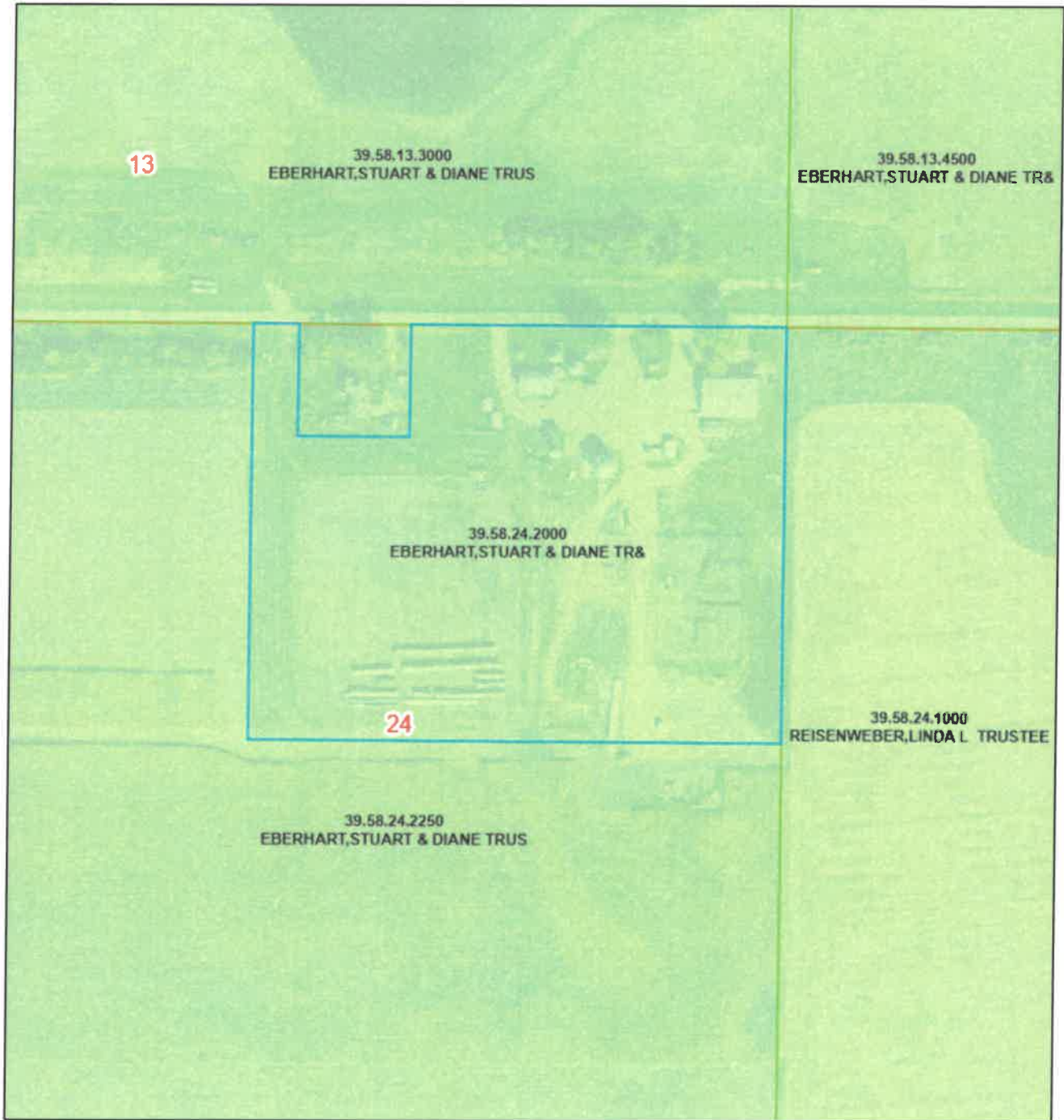


9/25/2025, 2:55:50 PM

- TOWNSHIPS
- SECTIONS
- PARCELS



# MARSHALL COUNTY WEB VIEWER



9/25/2025, 2:56:37 PM

## ZONING

Agricultural District

TOWNSHIPS

SECTIONS

PARCELS

1:4,514

