

**Marshall County Planning & Zoning
STAFF REPORT
July 28, 2020**

Issue #1 Variance for Building Setback

OWNER/APPLICANT: Rodney Tchida

PROPERTY DESCRIPTION: The Replat of Lot 19A of Block 1 in Coteau Acres in Government Lot 10 and 11, All in Section 4, T125N, R53W

CURRENT ZONING: Lake Front Residential (R-3)

SURROUNDING ZONING: Lake Front Residential (R-3) and Agricultural (Ag)

REQUEST: Rodney Tchida has requested a variance to place a dwelling 24ft from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

HISTORY/ISSUE(S):

1. A replat of this property was filed in the Register of Deeds office on May 9, 2017.
2. The home will be placed on Lot 19A to the West of Rodney Tchida's mobile home, which is located on the property.
3. The home will be the residence of the property owner's daughter. The additional single-family residence on the Lot would meet both the road right-of-way and Lot line setbacks with the space provided on the Lot.
4. Marshall County Ordinance requires new structures to be placed a minimum of 50ft from the normal high-water mark.
5. No written comments or objections were received prior to the hearing.
6. Staff Recommendation – 26' variance to the normal high-water mark setback. 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 R-3 District.
 - a. The Board has granted similar high-water mark variances to lake lots in the past, when the neighbors had no objections. Similar high-water mark variances allowed – 25' for C. McMacken 6/17, 20' for W. Brooks 4/17, 22' for M. & M. Braun 9/16 and 22' for J. Zetocha 6/15.
 - b. The Board would consider approving other similar requests meeting the unique circumstances.

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 R-3 District.

Action Item – 26' variance to the normal high-water mark setback.

NOTICE OF HEARING - APPLICATION FOR VARIANCE

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on July 28, 2020 at 9:10 a.m. at the Marshall County Courthouse Commissioners Chambers, concerning the following application for variance from the Marshall County Zoning Ordinance.

Rodney Tchida has requested a variance to place a dwelling on the property described as the Replat of Lot 19A of Block 1 in Coteau Acres in Government Lot 10 and 11, All in Section 4, T125N, R53W. The petitioner is asking to place the new structure 24ft from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

Erin Collins-Miles
Planning & Zoning Administrator

Published once at the approximate cost of

For publication: July 8, 2020

**1T (July 8)
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Erin Collins-Miles
Planning & Zoning
Administrator

Published once at the approximate cost of \$9.96.

MARSHALL COUNTY PLANNING & ZONING BOARD
P.O.BOX 9
BRITTON, SOUTH DAKOTA 57430
Office | 605.448.7540
Cell | 605.824.8014

July 7, 2020

Dear Property Owner,

Rodney Tchida has requested a variance to place a dwelling on the property described as the Replat of Lot 19A of Block 1 in Coteau Acres in Government Lot 10 and 11, All in Section 4, T125N, R53W. The petitioner is asking to place the new structure 24ft from the normal high-water mark instead of the 50ft requirement, per the Marshall County Zoning Ordinance.

A hearing will be held at the Marshall County Courthouse, Commissioners Chambers on July 28, 2020 at 9:10 a.m., to approve or disapprove the variance application.

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 Administrator

Sent to the following adjacent landowners on 7/7/2020:

William Brooks – 45507 122nd St Sisseton, SD 57262

Department of Game, Fish & Parks – Habitat Section 523 E CAPITOL AVE Pierre, SD 57501

MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 7-7-2020

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) dwelling within 24' 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): Replat of Lot 19A of Block 7 in Coteau Acres in Government Lot 10 + 11, All in Section 4, T125N, R53W

Reason: HOME FOR DAUGHTER

Applicant Name: Rodney Tchida Phone: 605.698.7440
Address: 120699 COTEAU ACRES EDEN S. BAK
Applicant Signature: Rodney Tchida
Owner Signature (if different than applicant): SAME AS ABOVE

For Internal Office Use Only:

Date Received: 7-8-2020 Fees (non-refundable): \$150.00 Paid: ☒ YES ☐ NO

Inspection Report: See staff report

Date of Hearing by Planning and Zoning Commission: July 28, 2020

Action taken by Planning and Zoning Commission: _____

NOTE:

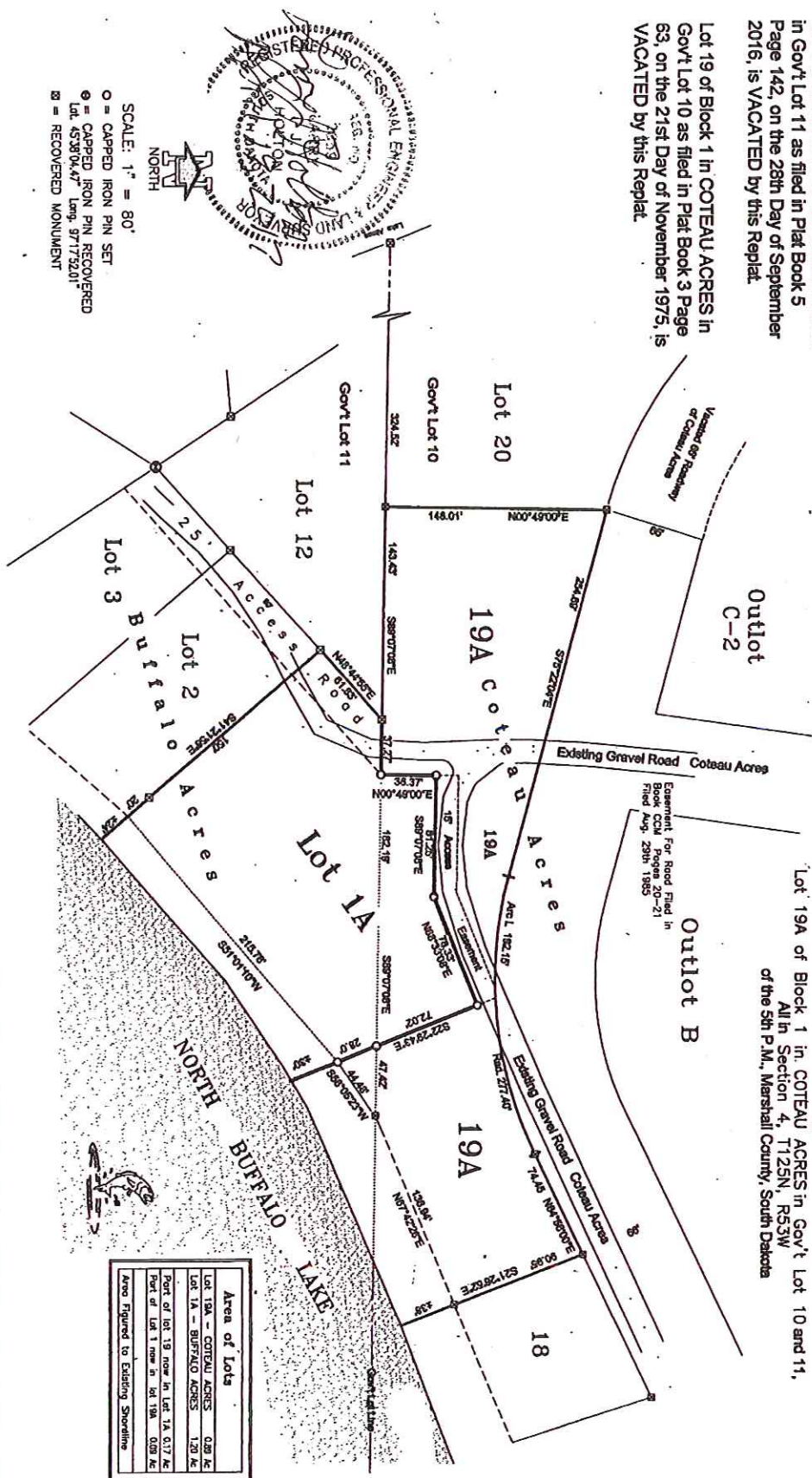
Lot 1 of BUFFALO ACRES SUBDIVISION in Gov't Lot 11 as filed in Plat Book 5 Page 142, on the 28th Day of September 2016, is VACATED by this Replat.

Lot 19 of Block 1 in COTEAU ACRES in Gov't Lot 10 as filed in Plat Book 3 Page 63, on the 21st Day of November 1975, is VACATED by this Replat.

REPLAT of

Lot 1A of BUFFALO ACRES SUBDIVISION in Gov't Lot 10 and 11,

&
Lot 19A of Block 1 in COTEAU ACRES in Gov't Lot 10 and 11,
All in Section 4, T125N, R53W
of the 5th P.M., Marshall County, South Dakota



DRAWN: 4/4/17

FIELD: 3/2017

512 VETERANS AVE. Sisseton, SD PH. 1-605-698-3850

0412553-P465

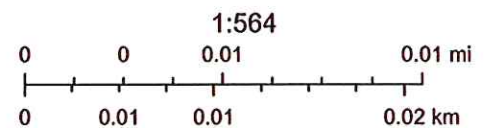
HOLTPON ENGINEERING INC.

Web AppBuilder for ArcGIS



July 22, 2020

-  PARCELS
-  CITY_LIMIT
-  TOWNSHIPS



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Sisseton Wahpeton Oyate
Tribal Historic Preservation Office
Archeological Survey Application 698-4283

Applicant/Head of Household:

Roxanne Tchida-Moreno

Mailing Address:

620 4th Ave W

Sisseton, SD 57262

Contact Information:

Home: N/A

Work: 742-3731

Cell: 419-1717

Email: ROXANNE.tchida@ihs.gov

Tribal Affiliation: SWO

Enrollment #: 347-0000 9274

Site Address: (attach copy of lease, deed and map)

Legal Description:

Lot 19A of block 1 in Coleau Acres in govt lot 10, Sect 4,
T125N, R53W of the 5th P.M., Marshall County, South Dakota

Acres to be surveyed:

1/10 of an acre

Project:

☒ Homesite

☐ Business

☐ Other

Describe:

Project Name:

GOVERNOR Tchida

Project Start Date:

6-1-20 OR SOONER

Project End Date:

July 2020

**** The SWO retains all Intellectual property information obtained and is
subject to review and/or change at our discretion.**

I understand that these services will be provided only when the application is completed, and I agree to allow the THPO staff and/or Archaeologist to enter my property to survey the facilities, and agree to stake out the site to be surveyed with appropriate flagging.

Roxanne Tchida-Moreno

Signature of Applicant

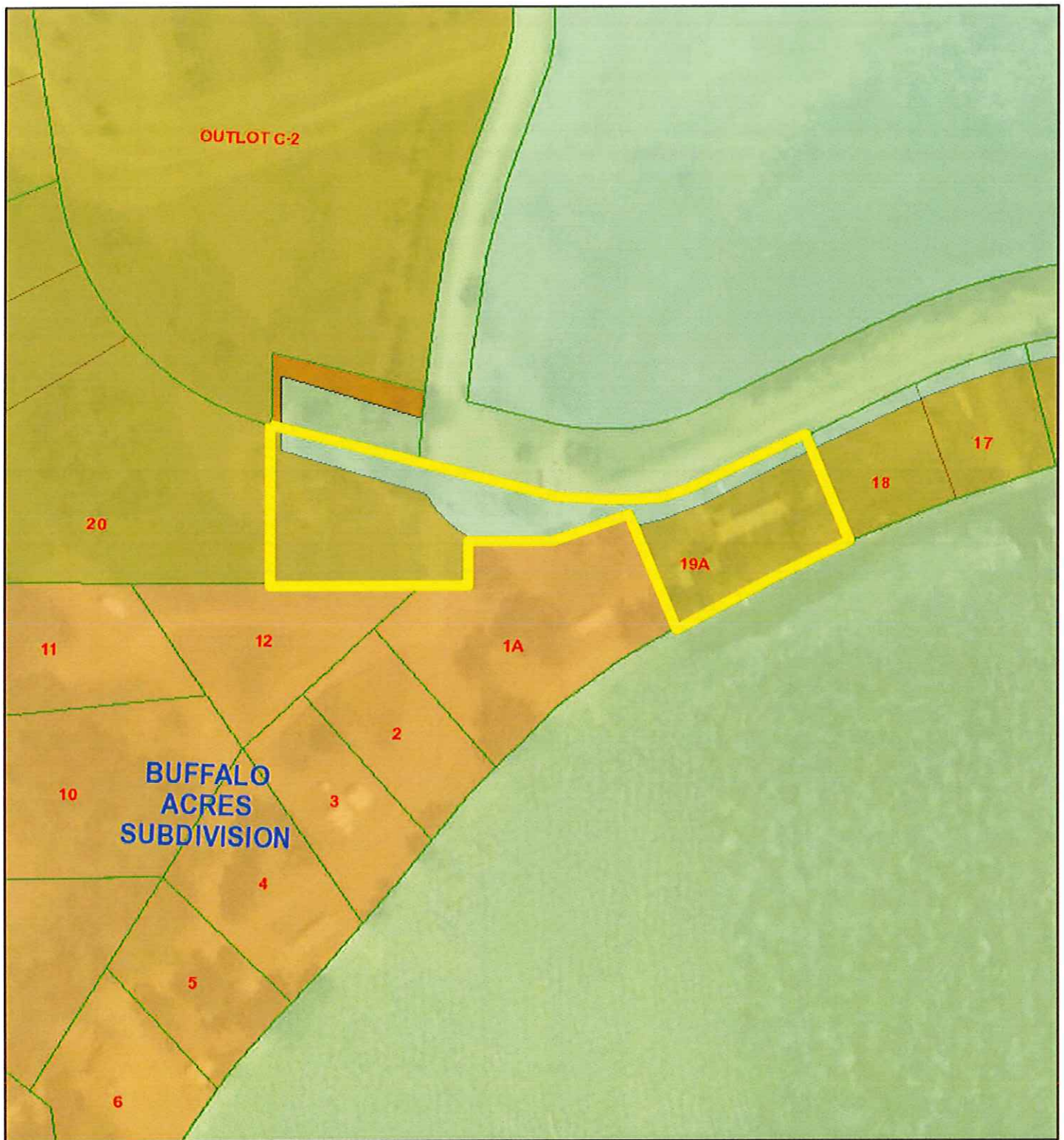
3-13-20

Date

THPO Representative

Date

Web AppBuilder for ArcGIS



July 22, 2020

PARCELS

CITY_LIMIT

TOWNSHIPS

ZONING

Agricultural District

Agricultural Fringe Protection District

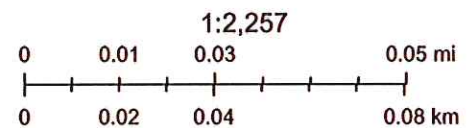
Commercial District

General Industrial District

Highway Commercial District

Lake Front Residential District

Residential District



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Marshall County Web Viewer

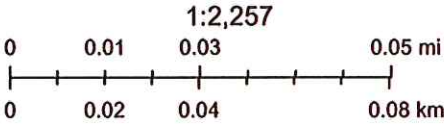
This drawing is neither a legally recorded map nor a survey and is not intended to be used as such. Marshall County is not responsible for any errors in the drawing.

Web AppBuilder for ArcGIS



July 22, 2020

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Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Rodney Tchida – Variance





