

**Marshall County Planning & Zoning  
STAFF REPORT  
July 9, 2024**

**Issue #1 Variance for Building Setback**

**OWNER/APPLICANT:** Roxanne Tchida

**PROPERTY DESCRIPTION:** Lot 19A in 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:** Roxanne Tchida is asking to place the home 14 feet from the right-of-way line, instead of the 30ft requirement, and to construct a deck attached to the home 30 feet from the normal high-water mark instead of the 50ft requirement; all per the Marshall County Zoning Ordinance.

**HISTORY/ISSUE(S):**

1. The 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 East of Rodney Tchida's mobile home, which is located on the property. A structure currently sits where the proposed home would be constructed and would need to be removed.
3. The legal owner of Lot 19A is Rodney Tchida, the applicant's father. The additional single-family residence on the Lot would sit to the West of property owned by Game, Fish & Parks.
  - a. The Variance application was received on 3/21/24. Zoning Administrator waited until the applicant called to confirm property boundaries.
  - b. Game, Fish & Parks has contacted the Planning & Zoning office in regard to this application and property boundaries with no formal objection as of 7/3/24.
4. Note that there is a principal structure located less than fifty (50) feet from the normal high-water mark on properties contiguous to the lot or parcel upon which a proposed structure is to be constructed, the setback from the normal high-water mark will be established utilizing a sight line that averages the setback of the principal structures on the adjoining lots. Average setback: **21ft.**
5. Marshall County Ordinance requires new structures to be placed a minimum of 30ft from a road right-of-way line and a minimum of 50ft from the normal high-water mark.
6. No written comments or objections have been received prior to the writing of this staff report.
7. Staff Recommendation – **16' variance to the right-of-way line setback and a 20' 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 right-of-way line variances to lake lots in the past, when the neighbors had no objections.
    - i. Similar right-of-way line variances allowed – 15' for J. Nordquist 5/23, 12.1' & 13.4' for D. & L. Vig 6/21, 15' for S. Anderson 4/12 & 15' for K. Stiegelmeier 10/12
  - b. The Board has granted similar high-water mark variances to lake lots in the past, when the neighbors had no objections.
    - i. Similar high-water mark variances allowed – 18' for Bosse Family Cabin 8/23, 18' for J. Nordquist 5/23, 20' for W. Brooks 4/17 & 18' for K. Nielsen 8/2020
  - c. 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 – 16' variance to the right-of-way line setback and a 20' 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 9, 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.

Roxanne Tchida has requested a variance to place a home and a deck on the property described as Lot 19A in the Replat of Lot 1A of Buffalo Acres Subdivision in Gov't Lot 10 and 11, and Lot 19A of Block 1 in Coteau Acres in Gov't Lot 10 and 11, All in Section 4, T125N, R53W. The petitioner is asking to place the home 14 feet from the right-of-way line, instead of the 30ft requirement, and to construct a deck attached to the home 30 feet from the normal high-water mark instead of the 50ft requirement; all per the Marshall County Zoning Ordinance.

Erin Collins-Miles  
Planning & Zoning Administrator

Published once at the approximate cost of

*For publication: June 19, 2024*

1T(June 19)  
**NOTICE OF HEARING  
APPLICATION FOR  
VARIANCE**

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on July 9, 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.

Roxanne Tchida has requested a variance to place a home and a deck on the property described as Lot 19A in the Replat of Lot 1A of Buffalo Acres Subdivision in Gov't Lot 10 and 11, and Lot 19A of Block 1 in Coteau Acres in Gov't Lot 10 and 11, All in Section 4, T125N, R53W. The petitioner is asking to place the home 14 feet from the right-of-way line, instead of the 30ft requirement, and to construct a deck attached to the home 30 feet from the normal high-water mark instead of the 50ft requirement; all per the Marshall County Zoning Ordinance. Erin Collins-Miles Planning & Zoning Administrator

Published at an approximate cost of \$8.99 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

June 17, 2024

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on July 9, 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.

Roxanne Tchida has requested a variance to place a home and a deck on the property described as Lot 19A in the Replat of Lot 1A of Buffalo Acres Subdivision in Gov't Lot 10 and 11, and Lot 19A of Block 1 in Coteau Acres in Gov't Lot 10 and 11, All in Section 4, T125N, R53W. The petitioner is asking to place the home 14 feet from the right-of-way line, instead of the 30ft requirement, and to construct a deck attached to the home 30 feet from the normal high-water mark instead of the 50ft requirement; all per the Marshall County Zoning Ordinance.

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

June 17, 2024

Dear Property Owner,

Notice is hereby given that the Marshall County Planning & Zoning Board will meet on July 9, 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.

Roxanne Tchida has requested a variance to place a home and a deck on the property described as Lot 19A in the Replat of Lot 1A of Buffalo Acres Subdivision in Gov't Lot 10 and 11, and Lot 19A of Block 1 in Coteau Acres in Gov't Lot 10 and 11, All in Section 4, T125N, R53W. The petitioner is asking to place the home 14 feet from the right-of-way line, instead of the 30ft requirement, and to construct a deck attached to the home 30 feet from the normal high-water mark instead of the 50ft requirement; all per the Marshall County Zoning Ordinance.

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 6/17/24:**

1. William Brooks – 45507 122<sup>nd</sup> St. Sisseton, SD 57262
2. Dept. of Game, Fish & Parks c/o Habitat Section – 523 E Capitol Ave. Pierre, SD 57501

## MARSHALL COUNTY APPLICATION FOR VARIANCE

DATE: 2-28-24

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) House + Deck within 35 FEET 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): Attachment A

Reason: Proper distance for setting New Structure

Applicant Name: Roxanne Tchida Phone: 605-419-1717  
Address: 620 4<sup>th</sup> Ave W - Sisseton SD 57262

X Applicant Signature: Roxanne Tchida  
X Owner Signature (if different than applicant): \_\_\_\_\_

### For Internal Office Use Only:

Date Received: 3/21/24 Fees (non-refundable): \$150.00 Paid: YES NO

Inspection Report: See staff report

Spring snowstorm will have impact on scheduling in person visit to measure/take pictures.

Date of Hearing by Planning and Zoning Commission: July 9, 2024

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

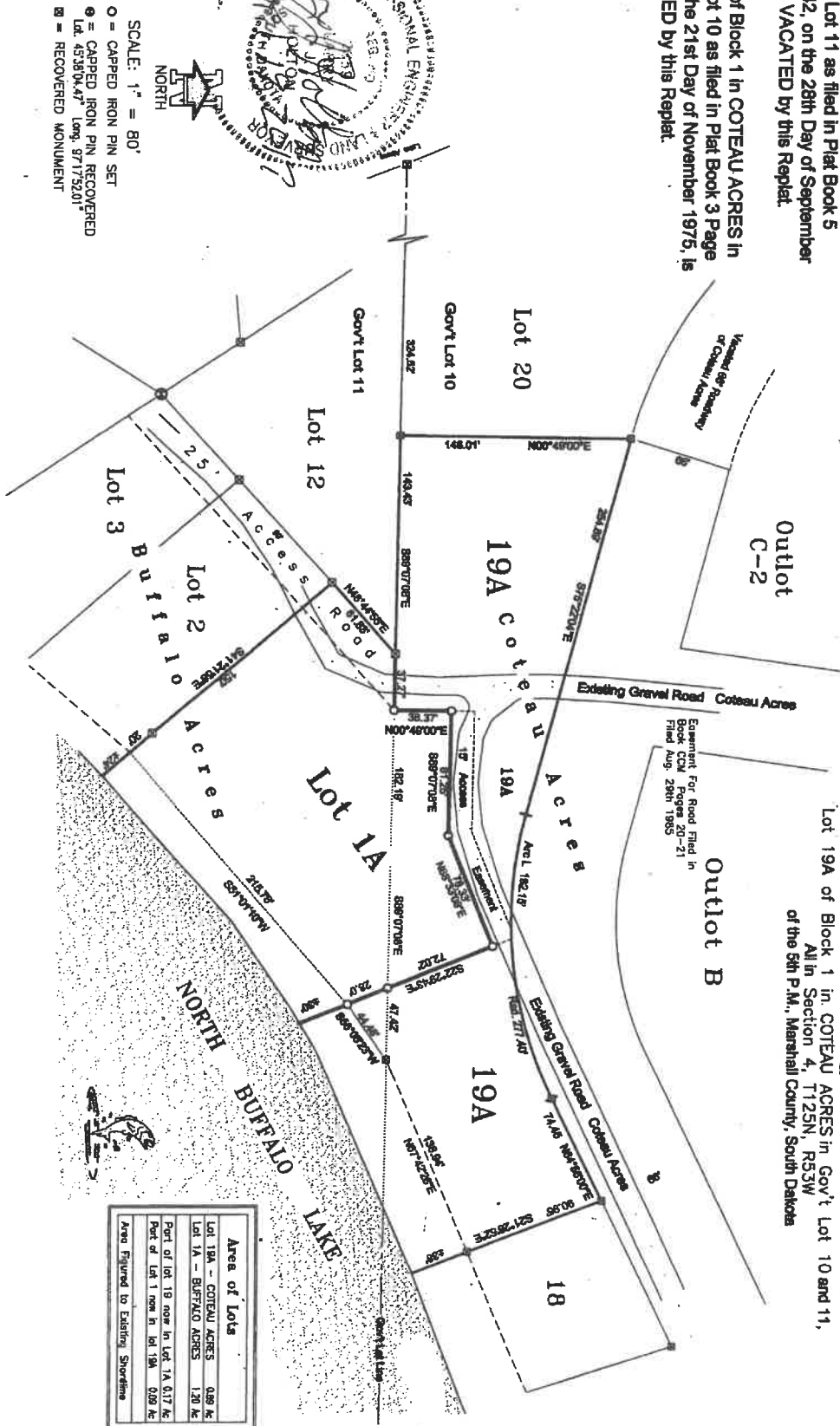
**NOTE:**

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



SCALE: 1" = 80'  
O = CAPPED IRON PIN SET  
● = CAPPED IRON PIN RECOVERED  
Lat. 45°30'47" Long. 97°17'52.01"  
■ = RECOVERED MONUMENT



DRAWN: 4/4/17

FIELD: 3/2017

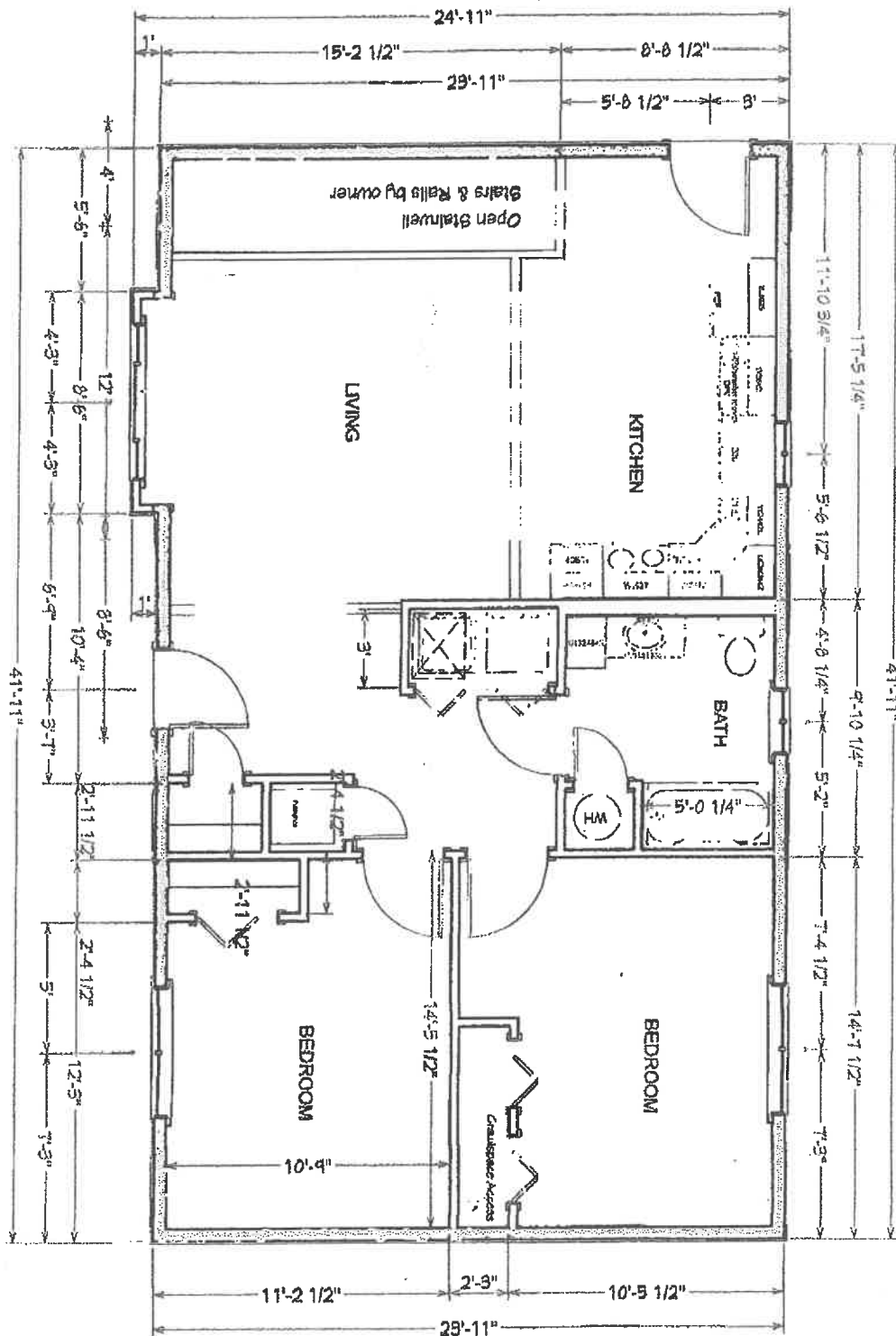
512 VETERANS AVE. Sisseton, SD PH. 1-605-698-3850

0412553-P465

**HOLTFON ENGINEERING & INC.**

# Governor's House 2-Bedroom Door Left (reverse)

Dimensions are Framing Dimension  
Verify surface dimension upon ordering  
1/4" = 1'



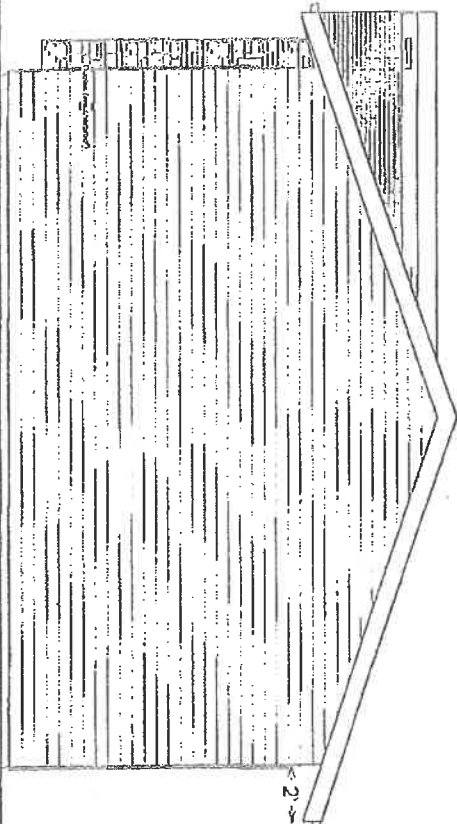
DESIGN BY:  
3/21/2018

Governor's House Program 2018  
2-Bedroom Door Left (reverse)



4

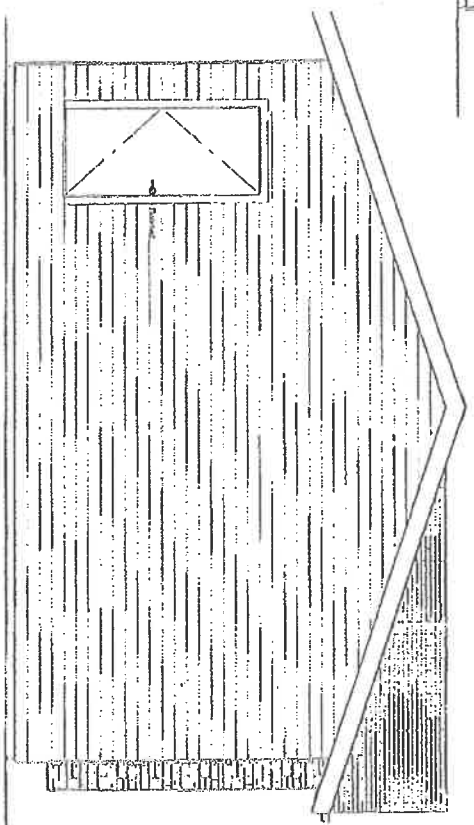




Right Elevation 1/4"=1'

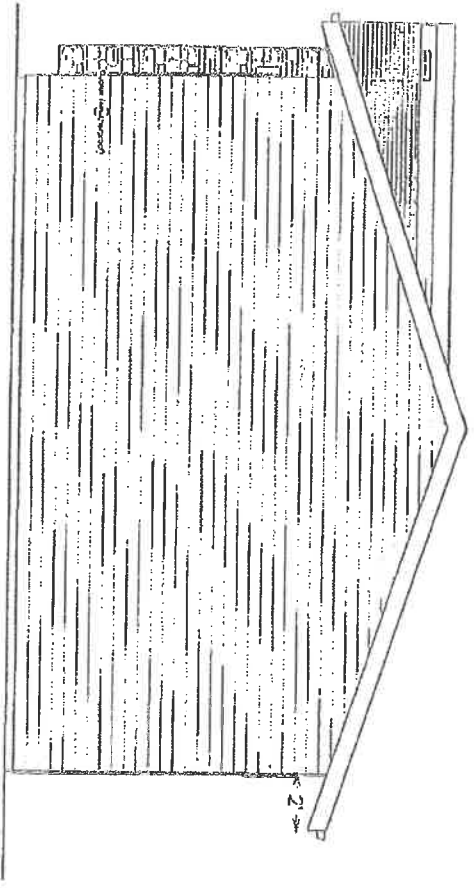
Door Schedule			
Type	Size	R.O. Size	Style
A	3'-0"x6'-8"	38 1/2"x82 1/2"	Ins. Steel w/ Lite
B	3'-0"x6'-8"	38 1/2"x82 1/2"	Ins. Steel
C	2'-0"x6'-8"	26"x82 1/2"	Wood Passage
D	3'-0"x6'-8"	38 1/2"x82 1/2"	Wood Passage
E	4'-0"x6'-8"	50 1/2"x82 1/2"	Wood Bifold
F	2'-6"x6'-8"	32"x82 1/2"	Wood Passage
G	5'-0"x6'-8"	62 1/2"x82 1/2"	Wood Bifold

Window Schedule		
Type	R.O. Size	Style
A	6'-0"x4'-8"	Casement
B	3'-0"x3'-6"	Casement
C	3'-0"x3'-0"	Casement
D	1'-2"x6'-0"	Triple Casement



Left Elevation 1/4"=1'

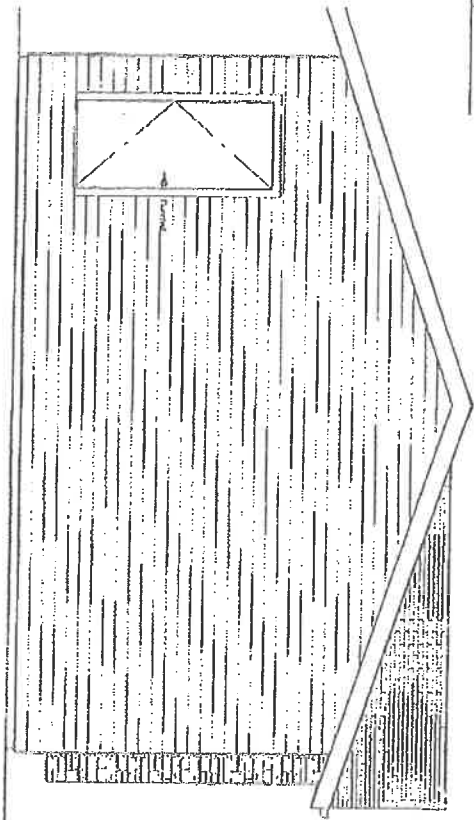
Governor's House 2-Bedroom  
Door Left (reverse)



Right Elevation 1/4"=1'

Window Schedule		
Type	R.O. Size	Style
A	60"x48"	Casement
B	30"x36"	Casement
C	30"x30"	Casement
D	12"x60"	Triple Casement

Door Schedule			
Type	Size	R.O. Size	Style
A	3'-0"x6'-8"	38 1/2"x82 1/2"	Ins. Steel w/ Lite
B	3'0"x6'8"	38 1/2"x82 1/2"	Ins Steel
C	2'0"x6'8"	26"x82 1/2"	Wood Passage
D	3'0"x6'8"	38 1/2"x82 1/2"	Wood Passage
E	4'0"x6'8"	50 1/2"x82 1/2"	Wood Bifold
F	2'6"x6'8"	32"x82 1/2"	Wood Passage
G	5'0"x6'8"	62 1/2"x82 1/2"	Wood Bifold



Left Elevation 1/4"=1'

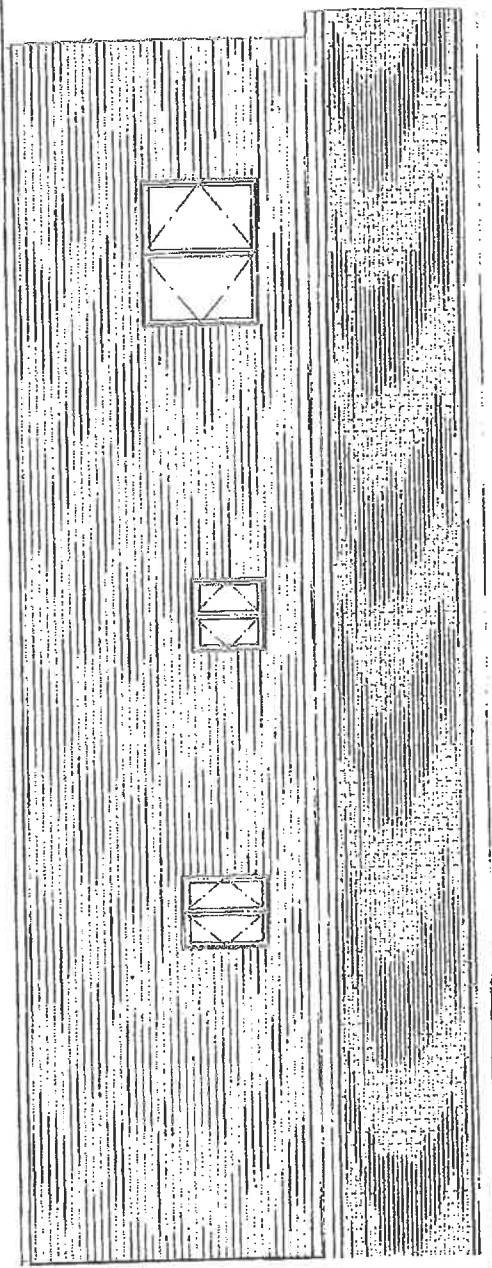
Vernor's House 2-Bedroom  
or Left (reverse)

DESIGN BY:

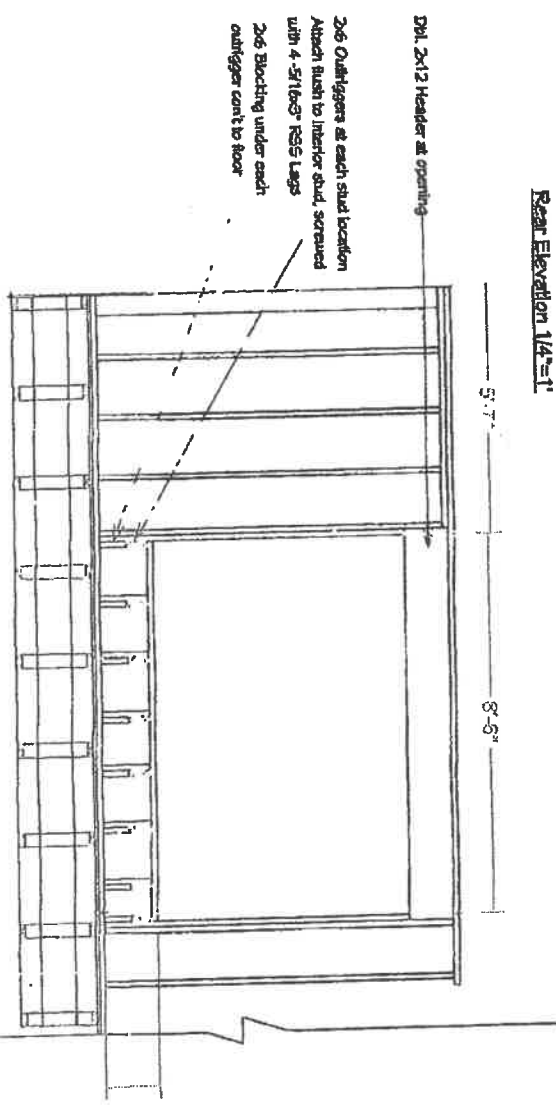
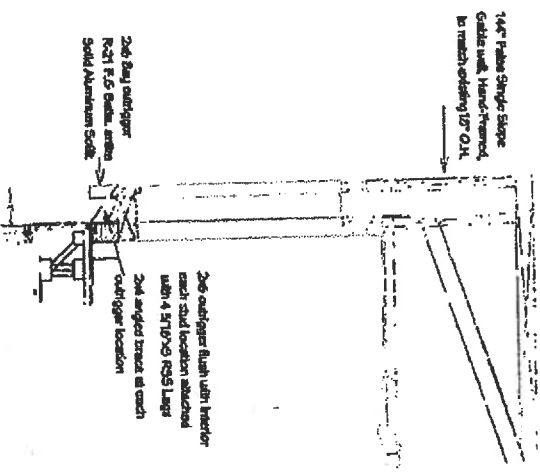
3/21/2018

Governor's House Program 2018  
2-Bedroom Door Left (reverse)





Rear Elevation 14'-1"

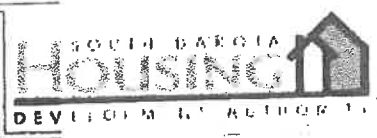


Box Bay Opening

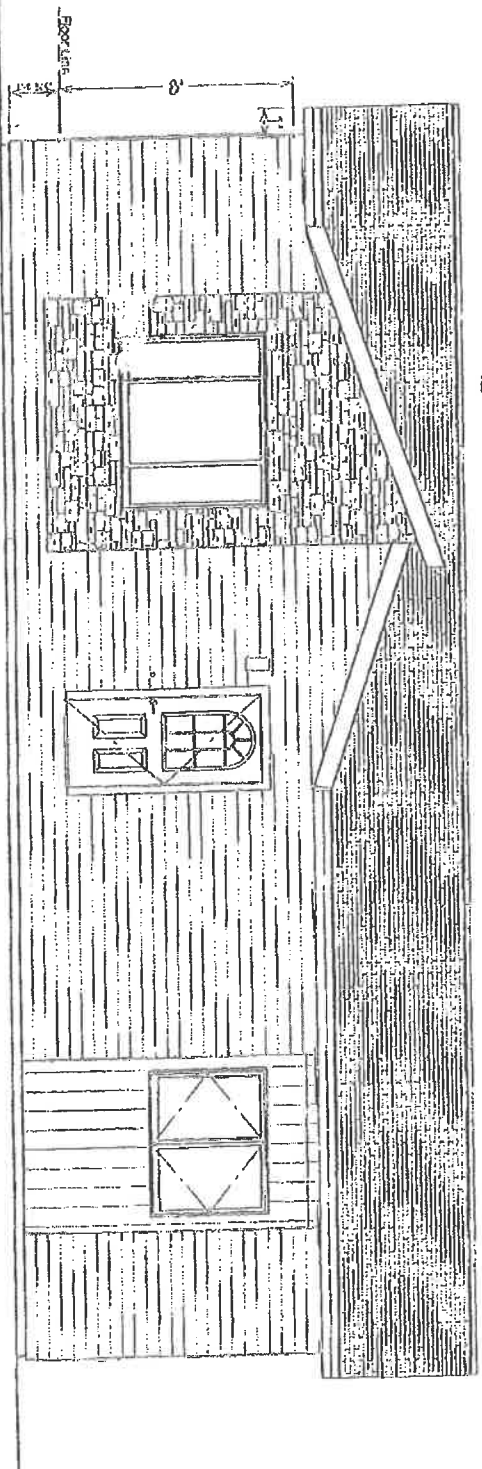
**Box Bay Section**  
**Governor's House 2-Bedroom**  
**Door Left (reverse)**

DESIGN BY:  
 3/21/2018

Governor's House Program 2018  
 2-Bedroom Door Left (reverse)



12'  $\frac{4}{4}$



Front Elevation 1/4"=1'

Governor's House 2-Bedroom  
Door Left (reverse)



6/26/2024, 3:19:47 PM

#### ZONING

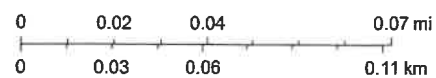
- Agricultural District
- Lake Front Residential District
- Marshall Address Points

#### PLAT

■ BUFFALO ACRES

- COTEAU ACRES ADDITION
- TOWNSHIPS
- SECTIONS
- PARCELS

1:2,257





6/26/2024, 3:16:58 PM

• MarshallAddressPoints  
PLAT  
BUFFALO ACRES  
COTEAU ACRES ADDITION

TOWNSHIPS  
SECTIONS  
PARCELS

1:2,257  
0 0.02 0.04 0.07 mi  
0 0.03 0.06 0.11 km  
Esri, HERE, Garmin, INCREMENT P, NGA, USGS



## Variance – Roxanne Tchida





