

When is the Board's decision effective?

Every decision of the Zoning Board of Adjustment is written into the public record in a document referred to as the written Findings of Fact. The Board's decision becomes effective once the written Findings of Fact is signed and dated and filed by the Board's chairperson. A copy of the written Findings of Fact is usually mailed to the applicant within 15 days of the meeting.

Court review alleging illegality of decision by the Board of Adjustment

Any person, taxpayer, officer, department, board, or bureau of the City of Sioux Falls may present to a court of record a petition alleging an illegal decision of the Board of Adjustment. Such a petition shall be presented to the court within 30 days after the filing of the final written Findings of Fact as provided by SDCL 11-4-25.

Does a variance expire?

Yes, the variance or special exception is good for two years. A project has to be substantially complete within two years or the variance expires without notice.

**THE BOARD MAY BE CONTACTED THROUGH ITS CITY LIAISON:
Zoning Department at 367-8254**

BOARD OF ADJUSTMENT SCHEDULE

FILING DEADLINE	DATE OF HEARING
December 20, 2018	January 16, 2019
January 17, 2019	February 20, 2019
February 14, 2019	March 11, 2019
March 21, 2019	April 15, 2019
April 18, 2019	May 20, 2019
May 17, 2019	June 17, 2019
June 20, 2019	July 15, 2019
July 18, 2019	August 19, 2019
August 22, 2019	September 16, 2019
September 19, 2019	October 21, 2019
October 17, 2019	November 18, 2019
November 21, 2019	December 16, 2019
December 19, 2019	January 15, 2020

MEETINGS ARE HELD AT 6 PM IN THE CARNEGIE TOWN HALL MEETING ROOM, 235 WEST 10TH STREET.

ZONING BOARD OF ADJUSTMENT



Its Purposes, Powers, and Duties



City of Sioux Falls
**PLANNING AND
DEVELOPMENT
SERVICES**

REVISED OCTOBER 2018

Why does the City of Sioux Falls Have a Zoning Board of Adjustment?

Since the first zoning ordinance was adopted in 1928, the Zoning Board of Adjustment (the Board) has been established to adjust certain zoning standards that cause serious problems to individual land owners. Additionally, the Board can provide decisions where it is alleged that an error was made in the enforcement of the Zoning Ordinance. Without the Board, a land owner would have to take such issues to court.

What is the Zoning Board of Adjustment?

The Zoning Board of Adjustment is called a quasi-judicial board because their decisions are legally binding and they interpret the Zoning Ordinance. Board members are volunteers. The Board consists of five members and two alternates. The members are appointed by the Mayor and confirmed by the City Council. The Board's duties include conducting public hearings and make decisions based on their authority granted in State Law and the Zoning Ordinance.

What authority does the Zoning Board of Adjustment have?

The Zoning Board of Adjustment has authority or jurisdiction over three specific types of cases which are based in the Sioux Falls Code of Ordinance found in Appendix B, the Zoning Ordinance. These powers are relative to errors, variances and exceptions.



What are the Powers relative to errors?

The Zoning Board of Adjustment can hear appeals where it is alleged there is an error in any order, decision, or determination made by an administrative official when enforcing the Zoning Ordinance.

What are the Powers relative to variances?

The Zoning Board of Adjustment can adjust the standards of the Zoning Ordinance where exceptional and extraordinary circumstances apply to a lot. This exceptional and extraordinary circumstance is known as a hardship. The Board can vary the area and dimensional standards of zoning that cause particular difficulty. The zoning office has prepared a separate handout that explains variances and hardships.

What are the Powers relative to exceptions?

The Zoning Board of Adjustment can allow reconstruction of a building that has been destroyed by fire or an act of God, that does not conform to allowed land uses. Additionally, the Board can allow the placement of a single manufactured home as a temporary residence if the principle residence was destroyed by fire, flood, explosion or storm.

Can the Board attach any special conditions or stipulations to a request?

Yes. In granting a request, the Board's decision may include conditions or stipulations. These conditions are to assure that the property will be compatible with surrounding properties and will not alter the essential character of the neighborhood.

What information will the Board consider in reviewing a request?

Applicants should present the Board with sufficient information to have a clear understanding of the request including the nature of the hardship. The Board needs this information to establish findings of fact. Applicants should provide information regarding only the property, structure, or use proposed. Information concerning a person's health, age, family conditions, or other personal needs will not provide the Board necessary information.