

ZONING ORDINANCE VARIANCE APPLICATION PACKET

A variance is a one time departure from the provisions of a zoning ordinance which relates to dimension or size factors such as building setbacks, side yards, frontage requirements and lot size, but does not involving the land use of the property.

South Dakota Codified Law authorizes the county Board of Adjustment to approve variances to the zoning regulations provided that:

- the variance will not be contrary to the public interest
- if, owing to special conditions, a literal enforcement of the provisions of the ordinance will result in unnecessary hardship, and
- the spirit of the ordinance is observed and substantial justice done.

APPLICATION REQUIREMENTS

The Minnehaha County Zoning Ordinance, and its Joint Ordinances with Sioux Falls and Dell Rapids, also provides for variances to the ordinance. In order to apply for a variance, the applicant must complete an application form (attached), pay the required \$250 non-refundable application fee and provide specific proof that each of the following factors applies:

- The reason for the variance must be based on physical aspects of the lot such as physical surroundings, shape, topography,
- The strict adherence to the regulations would result in a particular hardship as opposed to a mere inconvenience.
- The conditions that require the variance must be unique to the particular property.
- The variance will not be detrimental to the public welfare or injurious to other property or improvements.

- The variance will not diminish adequate light or air to adjacent property; increase traffic congestion; increase fire danger; endanger public safety; or reduce property values.
- There is no possibility that the property can be reasonably used if the provisions of the zoning regulations are strictly enforced.
- The variance is the minimum variance necessary to provide the needed relief.

Self imposed hardships are not a valid reason for the approval of a variance.

APPROVAL PROCESS

Once an application is received, staff prepares a report for a public hearing before the Board of Adjustment. The Board of Adjustment can approve a variance only if a two-thirds majority of the total board membership finds that each of the above factors specifically applies to the matter at hand and votes in favor of the variance. For example, there are seven members of the Board of Adjustment for the County, so five positive votes are required in order to approve a variance. The Board may place binding conditions or stipulations on the variance. .

Board of Adjustment meetings are typically held at 7:00 p.m. on the fourth Monday of each month (except December and holidays). The application deadline for each meeting is typically 3-1/2 weeks before the meeting. Meetings are held in the Minnehaha County Administration Building at 415 North Dakota Avenue in Sioux Falls.



Administration Building, 3rd Floor
415 N. Dakota Avenue, Sioux Falls, SD 57104

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P: (605)367-4204

F: (605)367-4713

minnehahacounty.org



Minnehaha County Planning & Zoning

**ZONING ORDINANCE VARIANCE
APPLICATION CHECKLIST**

- Complete application form

- Written narrative describing the justification for the proposed variance. Be sure to cover each of the seven criteria listed above that the Board of Adjustment must consider if they are to approve a variance.

- \$250 permit application fee.



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Minnehaha County ____
Sioux Falls ____
Dell Rapids ____

ZONING BOARD OF ADJUSTMENT APPLICATION

Minnehaha County
Office of Planning and Zoning
Administration Building, 3rd Floor
415 N. Dakota Avenue
Sioux Falls, SD 57104
Phone: 605-367-4204
Fax: 605-367-7413
Website: www.minnehahacounty.org

Petition No.: _____
Date: _____
Filing Fee: \$250
(Non-refundable)

I/We the undersigned, do hereby request action by the Board of Adjustment for the following:

- Appeal of Administrative decision
- Variance

Legal Description: _____

Size of Parcel: _____

Address or General Location: _____

Existing Zoning District: _____

Reason for appeal or variance: _____

Site Plan Required:

Petitioner (Print): _____

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

Owner (Print): _____

If different than above

Signature: _____

Date: _____ Phone: _____

Address: _____

City State Zip

Property must be posted at least 5 days prior to the meeting.