

### 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.

## MEETING SCHEDULE

### FILING DEADLINE

December 21, 2023  
January 25, 2024  
February 22, 2024  
March 28, 2024  
April 25, 2024  
May 23, 2024  
June 27, 2024  
July 25, 2024  
August 22, 2024  
September 26, 2024  
October 24, 2024  
November 29, 2024\*  
December 26, 2024

### DATE OF HEARING

January 17, 2024\*  
February 21, 2024\*  
March 18, 2024  
April 15, 2024  
May 22, 2024\*  
June 17, 2024  
July 15, 2024  
August 19, 2024  
September 16, 2024  
October 21, 2024  
November 18, 2024  
December 16, 2024  
January 22, 2025\*

\*special dates

MEETINGS ARE HELD AT 6 PM IN THE  
CARNEGIE TOWN HALL COUNCIL CHAMBERS,  
235 WEST TENTH STREET.

Contact the board via  
**Planning and Development Services**  
**Zoning Division**  
231 North Dakota Avenue  
Sioux Falls, SD 57117-7402  
(605) 367-8254  
TTY/Hearing Impaired (605) 367-7039  
zoning@siouxfalls.gov  
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# ZONING BOARD OF ADJUSTMENT

Purposes, Powers, and Duties



CITY OF  
SIOUX FALLS

Planning and Development Services

2024

### 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 the 2013 Shape Places 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 Division 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.