

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	DATE OF HEARING
December 22, 2021	January 19th, 2022
January 27th, 2022	February 23rd, 2022
February 24th, 2022	March 21st, 2022
March 24th, 2022	April 18th, 2022
April 21st, 2022	May 16th, 2022
May 26th, 2022	June 22nd, 2022
June 23rd, 2022	July 18th, 2022
July 21st, 2022	August 15th, 2022
August 25th, 2022	September 19th, 2022
September 22nd, 2022	October 17th, 2022
October 27th, 2022	November 21st, 2022
November 25th, 2022	December 19th, 2022
December 22nd, 2022	January 18th, 2023

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
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ZONING BOARD OF ADJUSTMENT

Purposes, Powers, and Duties



CITY OF
SIOUX FALLS

Planning and Development Services

DECEMBER 2021

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.