

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, 2022	January 18, 2023*
January 26, 2023	February 22, 2023*
February 23, 2023	March 20, 2023
March 23, 2023	April 17, 2023
April 20, 2023	May 15, 2023
May 25, 2023	June 21, 2023*
June 22, 2023	July 17, 2023
July 27, 2023	August 21, 2023
August 24, 2023	September 18, 2023
September 21, 2023	October 18, 2023*
October 26, 2023	November 20, 2023
November 24, 2023*	December 18, 2023
December 21, 2023	January 17, 2024*

*special dates

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

Contact the board via
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ZONING BOARD OF ADJUSTMENT

Purposes, Powers, and Duties



CITY OF
SIOUX FALLS

Planning and Development Services

DECEMBER 2022

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.