



## General Information

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 involve 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 the literal enforcement of the provisions of the ordinance will result in unnecessary hardship.
- The spirit of the ordinance is observed and substantial justice done.

## Application Requirements

In order to apply for a variance, the applicant must complete an application form, pay the required \$250 non-refundable application fee, and provide specific proof that each of the following factors apply:

- The reason for the variance must be based on physical aspects of the lot such as physical surroundings, shape, or 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, the applicant will be provided with a notification sign to be posted according to the ordinance and notice letters to be sent according to the ordinance. Staff will then prepare 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 4-1/2 weeks before the meeting.

## Contact Information

Please contact the Minnehaha County Planning Department at 605-367-4204 with any questions. All applications may be submitted to our office on the Third Floor of the County Administration Building, 415 N Dakota Avenue, Sioux Falls, SD 57104.



## ZONING ORDINANCE VARIANCE APPLICATION

I/We the undersigned, do hereby request action by the Board of Adjustment for the following and authorize representatives of Minnehaha County to enter the property for inspection purposes:

### Property Information – Please Fill Out Each of the Following Items

Legal Description: \_\_\_\_\_

Address or General Location: \_\_\_\_\_

Parcel Size: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Purpose \_\_\_\_\_

### Petitioner/Owner Information - Please Fill Out Each of the Following Items

Petitioner Name: \_\_\_\_\_

Owner Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Phone: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

Email: \_\_\_\_\_

### Office Use Only - Please Do Not Fill Out This Section

Petition Number: \_\_\_\_\_

Jurisdiction: \_\_\_\_\_

Date: \_\_\_\_\_

Checked By: \_\_\_\_\_

Receipt Number: \_\_\_\_\_

Planning Commission Date: \_\_\_\_\_