



Variance Procedure

Application fee of \$500 plus notification fee per parcel of property within 300 feet of the subject property

A variance is a modification of one or more regulatory requirements for a specific location where literal enforcement of the requirements would result in practical difficulty or unnecessary hardship which would deprive the owner(s) of the reasonable use of their land. Approval of a variance by the Board of Adjustment is required before the property owner(s) may obtain any related building or development permits.

Information and Materials Required:

1. A completed application signed by the property owner(s) and their designee;
2. Vicinity Map;
3. Intended use of the site;
4. Site plan including the position, size & use of all structures, improvements and facilities to be constructed.
5. Requested modification(s) to the regulations.

Procedure:

1. Discuss the proposed variance with the Planning Director before applying.
2. Application shall be submitted to the City per the approved submittal schedule.
3. After Planning staff has documented that a complete submittal has been filed with the City, Planning Department staff will place the request on the agenda per the approved submittal schedule and provide notice of the required public hearing to the public and owners of property within three hundred (300) feet of the subject property.
4. The Board of Adjustment will meet, hear public comments, review and rule on the request. The Box Elder Board of Adjustment is composed of the members of the Box Elder Planning Commission and meets as needed at regularly scheduled Planning Commission meetings before Planning Commission proceedings.

Time Limit:

The Board shall rule on the requested variance within thirty (30) days of the hearing.

Burden of proof:

The applicant has the burden of showing:

1. Granting of the requested variance will not be contrary to the public interest.
2. Literal enforcement of the zoning district or subdivision regulations will result in practical difficulty or unnecessary hardship.
3. Granting the requested variance contrary to the regulations in place observes the spirit of the regulations.
4. Substantial justice will be provided by granting the requested variance.

Right of appeal:

When the owner and/or designated agent do not concur regarding the information required or administrative refusal of an application, the applicant may request an appeal in consideration of the disputed item(s) to the Board of Adjustment. The Board may uphold or approve of the administrative decision, overrule the decision, and/or deny the application in its entirety.

Any person aggrieved by any ruling or decision of the Board may appeal said ruling or decision to the Council. Said appeal must be made in writing to the Planning Director within fourteen (14) days of the Board's ruling.

Withdrawal of application:

Applications may be withdrawn prior to the approval of the requested variance by contacting the Planning Department. Application and notification fees are not refundable.



Planning Department
 420 Villa Drive, Box Elder, SD 57719
 Phone: 605-923-1404 Fax: 605-923-4264
 This institution is an equal opportunity provider

Application for Planning and Zoning Action

I/We, the undersigned, do hereby submit an application to the City of Box Elder, to take such actions as may be required by the Ordinances of the City of Box Elder, South Dakota to allow the proposed development or action for the property described below:

Application Type:		
Zoning/Land Use	Subdivision	Planned Development
Rezoning	Conceptual Plan	Planned Development District
Conditional Use Permit	Preliminary Plan	Major Amendment
Zoning Variance	Minor Plat	Minor Amendment
Floodplain Development Permit	Final Plat	
Sign Variance	Subdivision Variance	
Other:	Vacation of Easement	
	Vacation of ROW/Section Line	
Legal Description:		
Location:		Size:
Request Proposed (attached additional pages if necessary):		

Petitioner/Agent Information

Company: _____
 Name: _____
 Address: _____
 City, State, Zip: _____

Phone: _____
 E-Mail: _____

Property Owner Information

Company: _____
 Name: _____
 Address: _____
 City, State, Zip: _____

Phone: _____
 E-Mail: _____

Acknowledgement – I/We hereby acknowledge that I/we have familiarized ourselves with the rules and regulations to the preparation of this application and the information is true and complete to the best of our knowledge.

Owner

Signature: _____
 Date: _____
 Title: _____
 (Required for Corporations, Partnerships, LLC & Other)

Petitioner/Agent

Signature: _____
 Date: _____
 Title: _____
 (Required for Corporations, Partnerships, LLC & Other)

Office Use Only			
Date Filed:		Project #:	
PC / BOA Date:		RC Publication Date:	
PC / BOA Action:		Signs Placed:	
Council Action:		Date Issued:	