

ZONING VARIANCE APPLICATION
PENNINGTON COUNTY, SOUTH DAKOTA

1. APPLICANT: _____ DAYTIME PHONE: _____
MAILING ADDRESS: _____
AUTHORIZED AGENT: _____ DAYTIME PHONE: _____
MAILING ADDRESS: _____
OWNER: _____ DAYTIME PHONE: _____
MAILING ADDRESS: _____

2. ZONING VARIANCE REQUESTED: _____

LEGAL DESCRIPTION: _____

ADDRESS: _____

LANDMARK LOCATION: _____

PHYSICAL HARDSHIP: _____

EXISTING LAND USE: _____

PROPOSED LAND USE: _____

ZONING REFERENCE: _____ LOT SIZE: _____ ACRES

SITE ZONING: _____

SURROUNDING ZONING: NORTH _____ SOUTH _____ EAST _____ WEST _____

PHYSICAL CHARACTERISTICS: _____ UTILITIES: _____

3. THE OWNER, APPLICANT, OR AUTHORIZED AGENT, ACKNOWLEDGES: That he / she has read and received a copy of the instruction sheet and this application form concerning the filing and hearing of this matter; that he / she authorizes the Pennington County Planning Department staff and designees to enter onto and inspect the above-described property; and, that he / she has been advised of the fee requirements and they have been paid on _____.

APPLICANT / AGENT SIGNATURE DATE

OWNER SIGNATURE DATE

Subscribed and sworn to before me at Rapid City, South Dakota, this _____ day of _____, 20____.

Notary Public: _____ My Commission Expires: _____

4. DATE / TIME OF:
PRE-HEARING CONFERENCE: _____ LOCATION: _____
COUNTY COMMISSION HEARING: _____ LOCATION: _____

**PENNINGTON COUNTY
PLANNING DEPARTMENT**

**315 St. Joseph Street, Suite 118
Rapid City, SD 57701
(605) 394-2186**

**ZONING VARIANCE
PROCEDURE**

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**The Filing Fee for a Zoning Variance is \$300.00
PLUS \$20.00 for a Mailing List and \$50.00 for a refundable Sign Deposit**

1. Discuss the proposed use with County Planning staff member(s).
2. Review Standards and Requirements for the Granting of a Variance. (See attached)
3. Provide the staff member with a legal description of the property involved in the request. The staff member will assign the date of the public hearing and will assist you in completion of the application form which is to be signed by the owner(s) of the subject property.
4. A fee of \$252.00, plus publication costs of approximately \$48.00 (nonrefundable) must be submitted with the application. Publication costs may exceed the estimated costs due to a lengthy legal description. A site plan, drawn to scale, which shows the boundaries of the property involved in the request, any existing and/or proposed buildings, the proposed location of the structure involved in the Variance request, utilities, access, etc., must be submitted at the time of application.
5. Upon submittal of all the application materials and the required fee, the Planning Office will prepare a list of names and addresses of those persons who own land within 500 feet of the subject property. A separate fee (minimum of \$20.00) is added to cover the costs of preparing the property owners list.

The Planning Department will notify the applicant when the property owner list and the letters have been prepared. The applicant must then return to the Planning Department and pick up the list and appropriate number of notice letters. The applicant must send a copy of the notice

letter to each of the property owners on the list by certified mail with return receipt requested. The notice letters must be mailed no less than ten days prior to the date of the public hearing.

The white receipts for certified mail and the green return receipt cards must be returned to the Planning Department prior to the date of the public hearing. These are retained in the Planning Department as part of the official record to document that the required mailings were completed. If the mailing has not been completed or the documentation not returned, the hearing must be continued to the next meeting.

6. A \$50.00 deposit (refundable) is required for the sign, provided by the Planning Department, which advertises the request. This sign must be posted on the property in such a manner that it is visible from the road, which provides access to the property. The sign must be posted no less than ten days prior to the date of the hearing, and must remain posted until final action by the County Board. The \$50.00 deposit is refunded when the sign is returned within six (6) months of County Board action.
7. It is recommended that the petitioner or a representative attend the County Board of Adjustment (County Board of Commissioners) meeting to answer any questions. The Board of Adjustment action on the request is final, although their decisions may be appealed through the Circuit Court.

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STANDARDS FOR VARIANCES:

In granting a variance, the Board of Adjustment shall ascertain that the following criteria are met:

1. Variances shall be granted only where specific circumstances or conditions (such as exceptional narrowness, topography or siting) fully described in the finding of the Board of Adjustment, do not apply generally in the district.
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
3. For the reasons fully set forth in the finding of the Board of Adjustment, the aforesaid circumstances or conditions are such that the strict application of the provisions of the Zoning Ordinance would be an unwarranted hardship, constituting an unreasonable deprivation of use as distinguished from the mere grant of a privilege.
4. The granting of any Variance is in harmony with the general purposes and intent of the Zoning Ordinance and shall not be injurious to the neighborhood or detrimental to the public welfare.

**REQUIREMENTS FOR THE
GRANTING OF A VARIANCE:**

Before the Board of Adjustment shall have the authority to grant a Variance. The person claiming the Variance has the burden of showing:

1. That the granting of the permit shall not be contrary to the public interest.
2. That the literal enforcement of the Zoning Ordinance shall result in unnecessary hardship.
3. Notice of a request for a Variance, consisting of a sign, shall be posted on the frontage of the property for which a Variance is requested. A good faith effort must be made by the applicant to notify all landowners holding property within five hundred feet of the property or district for which the request is filed. Said notice shall state the change requested and the legal description of the property and shall be sent by certified, return receipt mail to all landowners within five hundred feet as determined by the records of the Director of Equalization.