



COMMUNITY PLANNING & DEVELOPMENT SERVICES

City of Summerset
12150 Siouxland Road, Summerset, SD 57718
Phone: (605) 718-9858 Fax: (605) 718-9883 Web: www.summerset.us

VARIANCE PROCEDURES

The Filing Fee for a Variance Request is \$300.00

Information and actions required:

Petitioner:

1. **Petitioner shall file application** for a variance, in writing, on a form furnished by the city with associated fee and sign deposit.
2. **Application shall include:**
 - Legal description of land on which variance is being requested and local street address (if available).
 - Name and address of each owner of the property.
 - Name, address and phone number of applicant(s).
 - Zoning district class upon application.
 - Specific standard, regulation or decision being appealed.
 - Specific remedy being requested.
 - Drawings, plans, and other documentation being requested by Board.
3. **Notification of surrounding property owners:**
 - A sign noting the request shall be posted by applicant on the site not less than ten (10) days before the public hearing.
 - Sign shall be secured from the city and deposit of \$75 shall be collected to cover cost of replacement. Location and number of signs to be determined by city.
 - Petitioner shall submit postal receipts to city to demonstrate good faith attempt to notify by certified letter with return receipt all property owners within two hundred fifty feet (250).
 - Certified mailing notice shall include date, place and time of public hearing and variance requested.
 - Mailing list prepared by City of Summerset - notices to be sent by applicant no less than ten (10) days prior to the public hearing.
4. **Petitioner has the burden of showing:**
 - that granting variance will not be contrary to public interest.
 - that literal enforcement of title will result in unnecessary hardship.
 - that by granting the variance contrary to the provisions of this title the spirit of the

title will be observed.
-that by granting the variance, substantial justice will be done.

Procedure:

1. Upon filing of complete application city shall set date of public hearing on date when Board of Adjustments is regularly scheduled to meet and allows for necessary noticing requirements.
2. Legal notice of public hearing shall be placed in general circulation paper by City of Summerset Finance Officer.
3. Zoning Board of Adjustments shall consider and decide upon application within 30 days of public hearing.
4. Decision of Board shall be accompanied by a written finding of fact based on testimony and other evidence, specifying the reason for granting or denying the variation.
5. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustments, or any taxpayer, department, board, or bureau of the city, may petition a court of record within 30 days after the filing of the board's decision, as provided by SDCL 11-4-25



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APPLICATION FOR DEVELOPMENT REVIEW

REQUEST (please check all that apply)

- Annexation
- Comprehensive Plan Amendment
- Fence Height Exception
- Planned Development (Overlay)
 - Designation
 - Initial Plan Final Plan
 - Major Amendment
 - Minimal Amendment
- Subdivision
 - Layout Plan
 - Preliminary Plat
 - Final Plat
 - Minor Plat
- Variance
- Rezoning
- Road Name Change

- Conditional Use Permit
 - Major Amendment
 - Minimal Amendment
- Vacation
 - Utility / Drainage Easement
 - R.O.W. / Section Line Highway
 - Access / Non-Access
 - Planting Screen Easement
- OTHER (specify) _____

LEGAL DESCRIPTION (Attach additional sheets as necessary)

EXISTING		
PROPOSED		
LOCATION		
Size of Site—Acres	Square Footage	Proposed Zoning
DESCRIPTION OF REQUEST:		Utilities: Private / Public
		Water
HARDSHIP:		Sewer

APPLICANT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

PROJECT PLANNER - AGENT

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

OWNER OF RECORD (If different from applicant)

Name _____ Phone _____
 Address _____ E-mail _____
 City, State, Zip _____

Property Owner Signature _____ Date _____

Property Owner Signature _____ Date _____

Signature _____ Date _____

Signature _____ Date _____

Print Name: _____

Print Name: _____

Title*: _____

Title*: _____

*required for Corporations, Partnerships, etc.

FOR STAFF USE ONLY

ZONING
Current
North
South
East
West
Planner
File No.
Comp Plan
Received By:

- Sewer Utility
- Fire Department
- Public Works
- Planning
- Building Inspector
- Engineering
- City Code Enforcement
- Police
- City Attorney
- BHP&L
- Finance Officer
- Register of Deeds
- County - Planning
- SD DOT
- SD DENR
- Auditor - Annexation
- Drainage
- Parks & Recreation
- Diamond D Water
- Black Hills Water
-
- Other: _____
- Other: _____
- Other: _____
-

Board of Adjustments Meeting Date: _____

Date Paid: _____

Sign Deposit Received: _____ Amount: _____ Sign returned: _____

Payment Type: Cash Credit Check