

Bond Case Briefs

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ZONING & PLANNING - SOUTH DAKOTA

Hyde v. Sully County Bd. of Adjustment

Supreme Court of South Dakota - September 28, 2016 - N.W.2d - 2016 WL 5637003 - 2016 S.D. 65

Petitioners sought writ of certiorari, challenging decision of county board of adjustment granting a conditional use permit (CUP) for an ethanol plant.

The Circuit Court dismissed petition as untimely. Petitioners appealed.

The Supreme Court of South Dakota held that 30-day period for filing petition for writ of certiorari challenging board's decision to issue CUP began to run when board's decision was filed in county planning and zoning office, not on later date when board approved the minutes from its previous meeting and, in doing so, approved additional language to be added to the conditions of the CUP. Petitioners did not contend that by adding language in the minutes, the board had failed to regularly pursue its authority.