

Bond Case Briefs

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ZONING & PLANNING - SOUTH DAKOTA

DeCramer v. Dorale

Supreme Court of South Dakota - February 12, 2025 - N.W.3d - 2025 WL 483341 - 2025 S.D. 5

Neighbors filed petition for certiorari review of county board of adjustment decision granting homeowner's request for variance from county side yard setback requirements for house which he had constructed.

The Circuit Court denied the petition, and neighbors appealed.

The Supreme Court held that board of adjustment acted illegally and in excess of its authority when granting variance.

County board of adjustment acted illegally and in excess of its authority when granting variance to homeowner who allegedly was unaware of and violated nine-foot side yard setback requirements when building house; homeowner agreed in his building permit to comply with all zoning regulations and county ordinances, as well as permit conditions, which set forth a ten-foot setback requirement, board did not find that any special conditions existed, and board specifically found "nothing extraordinary in this residential district" when considering variance requirement that "extraordinary conditions or circumstances exist which are peculiar to the use or structure involved and are not applicable to other uses or structures in the same district."