



FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

Date: June 5, 2024

From: Kevin Kuchenbecker, Planning, Zoning & Historic Preservation Officer
Leah Blue-Jones, Zoning Coordinator

RE: Conditional Use Permit – Vacation Home Establishment

APPLICANT(S): BNS Properties, LLC (Luann Berg, Property Manager)

PURPOSE: Conditional Use Permit – Vacation Home Establishment

ADDRESS: 81 Charles Street
Deadwood, Lawrence County, South Dakota

LEGAL DESCRIPTION: LOT 7 IN BLOCK 74 OF THE ORIGINAL TOWN OF
DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA,
AS SHOWN ON THE P.L. ROGERS MAP OF THE
TOWN OF DEADWOOD.

ASSESSORS NO.: 30025-07400-070-00

RE: Request for Conditional Use Permit

WHEREAS the above application for a Conditional Use Permit for a Vacation Home Establishment in the C1 – Commercial District came on review before the Deadwood Planning and Zoning Commission on Wednesday, March 20, 2024. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request for a Vacation Home Establishment at 81 Charles Street, as recommended by the Planning and Zoning Commission, on April 1, 2024.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed the Conditional Use Permit request and having considered all comments offered and all the evidence and testimony presented for the application; and, after discussion and consideration of the application and being fully advised in the premises, the Deadwood Planning and Zoning Commission and Deadwood Board of Adjustment hereby enter their:

FINDINGS OF FACT AND CONCLUSION

- Staff provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 17.76.020. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.76.060.J.
- An official sign was posted on the property for which the Conditional Use would occur.
- Property owners within three hundred (300) feet of the boundaries of the subject land were notified by first class mail as required by Section 17.76.060.J.
- The subject area is zoned C1 – Commercial District. The area near the subject property consists of commercial businesses and residences.
- The use, as proposed, would not result in a substantial or undue adverse effect on adjacent property or the character of the neighborhood and the use would not alter the character of the area.
- The granting of the Conditional Use Permit would not increase the proliferation of non-conforming uses. Use is expressly allowed in the C1 – Commercial District under certain conditions and the conditions were met.
- The use would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. This type of use does not demand a high degree of services.
- Based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the request for a conditional use permit for a Vacation Home Establishment. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission with the following conditions:
 1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
 2. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files.
 3. The Building Inspector will inspect the building to ensure all

building codes are met.

4. City water and sewer rates to be changed from residential to commercial rates.
5. Proper paperwork will be filed with the City of Deadwood Finance Office for BID taxes.
6. A City of Deadwood Business License will be obtained.
7. Obtain lodging license after inspection from the South Dakota Department of Health.
8. Designated off-street parking spaces are to be painted on the driveway.
9. Signs are to be hung designating parking spaces.
10. Compliance with all city ordinances shall be met.

ATTEST:

Jessicca McKeown, Finance Officer
City of Deadwood
/ / /2024

David Ruth, Mayor
City of Deadwood
/ / /2024

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2024

David Bruce, Secretary
Planning and Zoning Commission
/ / /2024