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## FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

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**Date:** September 18, 2024

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

**To:** Planning and Zoning Commission

**RE:** Conditional Use Permit – Vacation Home Establishment

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**APPLICANT(S):** 47 North, LLC (Budi Kusser)

**PURPOSE:** Conditional Use Permit – Vacation Home Establishment

**ADDRESS:** 29 Lee Street  
Deadwood, Lawrence County, South Dakota

**LEGAL DESCRIPTION:** Lot B in Block 8 of the City of Deadwood, Lawrence County, South Dakota, also known as 29 Lee Street, according to P.L. Rogers Map.

**ASSESSORS NO.:** 30025-01800-000-05

**RE: Request for Conditional Use Permit**

WHEREAS the above application for a Conditional Use Permit for a Vacation Home Establishment in the C1 – Commercial zoning district came on review before the Deadwood Planning and Zoning Commission on Wednesday, May 1, 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 29 Lee Street, as recommended by the Planning and Zoning Commission, on Monday, May 20, 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**

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- 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. The area near the subject property consists of commercial businesses.
- 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 has been provided to the Planning and Zoning Office for their files.

3. The Building Inspector has inspected the building, and it meets building codes.
4. Commercial city water and sewer rates apply.
5. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
6. A City of Deadwood Business License has been issued.
7. A Lodging License from the South Dakota Department of Health has been obtained.
8. All parking shall be off street.
9. The Vacation Home Establishment shall be limited to only the second floor and the ground level used as retail space.

**ATTEST:**

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Jessicca McKeown, Finance Officer  
City of Deadwood  
\_\_\_\_\_, 2024

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David Ruth, Mayor  
City of Deadwood  
\_\_\_\_\_, 2024

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John Martinisko, Chairman  
Planning and Zoning Commission  
\_\_\_\_\_, 2024

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David Bruce, Secretary  
Planning and Zoning Commission  
\_\_\_\_\_, 2024