
**PLANNING AND ZONING COMMISSION
FINDINGS OF FACT AND CONCLUSION
CONDITIONAL USE PERMIT**

Date: March 18, 2026
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
To: Board of Adjustment
Planning and Zoning Commission
RE: Findings of Fact and Conclusion

APPLICANT(S): HACA, LLC
PURPOSE: Conditional Use Permit – Multi-Family Dwelling Unit
ADDRESS: Burnham Avenue
Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: Lots 1, 2, 3, 4, 5, 6, and 7, Block 1 of Highland Park Addition, to the City of Deadwood, Lawrence County, South Dakota, according to the Plat recorded in Book 1 Page 135.
FILE STATUS: Denial of Conditional Use Permit

WHEREAS the above application for a Conditional Use Permit for a Multi-Family Dwelling Unit in the R1 – Residential zoning district came on review before the Deadwood Planning and Zoning Commission on Wednesday, February 4, 2026. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment denied the request for a Multi-Family Dwelling Unit on Burnham Avenue on Monday, March 2, 2026.

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. 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.D.
- The subject area is zoned R1 - Residential. The area near the subject property consists of single-family dwelling units.
- It was determined the use, as proposed, would result in a substantial or undue adverse effect on adjacent property or the character of the neighborhood and the use would alter the character of the area.
- The granting of the Conditional Use Permit would increase the proliferation of non-conforming uses.
- Based on these findings, the Deadwood Board of Adjustment denied the request.

ATTEST:

Jessicca McKeown, Finance Officer
City of Deadwood
March 16, 2026

Alea Struble, Mayor
City of Deadwood
March 16, 2026

John Martinisko, Chairman
Planning and Zoning Commission
March 18, 2026

Josh Keehn, Vice Chair
Planning and Zoning Commission
March 18, 2026