



FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

Date: November 7, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Bed and Breakfast Establishment

APPLICANT(S): Jay and Pam Smith
PURPOSE: Conditional Use Permit – Bed and Breakfast Establishment
ADDRESS: 5 Burlington Street
Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: LOTS THREE (3) AND FOUR (4) OF PECK'S GARDEN SUBDIVISION OF PART OF PROBATE LOTS 138 AND 327, DEADWOOD CITY, LAWRENCE COUNTY, SD, ACCORDING TO THE RECORDED PLAT THEREOF.
ASSESSORS NO.: 30670-00000-030-00

RE: Request for Conditional Use Permit

WHEREAS, the above application for a Conditional Use Permit for a Bed and Breakfast Establishment in the R1 – Residential came on review before the Deadwood Planning and Zoning Commission on Wednesday, July 5, 2023. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request for a Bed and Breakfast Establishment at 5 Burlington Street, as recommended by the Planning and Zoning Commission, on July 17, 2023.

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 of 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.
- 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 R1 – Residential. The area near the subject property consists of a mixture of single-family dwellings and multi-family dwellings.
- 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. The use is expressly allowed in the R1 – Residential 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 Bed and Breakfast 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. The Bed and Breakfast Establishment must be owner occupied.

3. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files.
4. Proof that the Building Inspector has inspected the building and it meets all of the building codes.
5. City water and sewer rates to be changed from residential to commercial rates.
6. Proper paperwork is filed with the City of Deadwood Finance Office for BID taxes.
7. Proof of City of Deadwood Business License.
8. Obtain lodging license after inspection from the South Dakota Department of Health.
9. All parking shall be off street.

ATTEST:

Jessica McKeown, Finance Officer
City of Deadwood
/ / /2023

David Ruth, Mayor
City of Deadwood
/ / /2023

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2023

David Bruce, Secretary
Planning and Zoning Commission
/ / /2023