



FINDINGS OF FACT AND CONCLUSION REQUEST FOR VARIANCE

Date: November 10, 2023

From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer

RE: Request for Variance from Section 17.24.040.B – Front Yard and
Side Yard Setback Requirements – R1 Residential

APPLICANT(S): WJP Holdings, LLC (William Pearson)

ADDRESS: Mystery Wagon Road
Deadwood, Lawrence County, South Dakota

LEGAL DESCRIPTION: LOT 1, BLOCK 3A OF THE PALISADES TRACT OF THE
DEADWOOD STAGE RUN ADDITION TO THE CITY OF
DEADWOOD LOCATED IN THE SW1/4 OF SECTION
14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4
OF SECTION 22 AND THE N1/2NW1/4 OF SECTION
23, T5N, R3E, B.H.M., CITY OF DEADWOOD,
LAWRENCE COUNTY, SOUTH DAKOTA

PURPOSE: The applicant has submitted a request for a variance
to the required 20-foot setbacks according to
Deadwood City Ordinance 17.24.040 (Area and Bulk
Requirements).

ASSESSORS NO.: 30810-00300-010-00

RE: Request for Variance

WHEREAS, the above application for a Variance from the Front Yard and Side Yard Setbacks came for public hearing on May 15, 2023 at 5:00 p.m. were recommended for approval by the Deadwood Planning and Zoning Commission with the Deadwood Board of Adjustment approving the requests as recommended by the Planning and Zoning Commission.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed

the Variance 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

COMPLIANCE:

1. A sign was posted on the property for which the request was filed as required by Section 17.80.010.B.
2. Notice of time and place for the public hearing was published ten (10) days in advance of the hearing in the designated newspaper of the City of Deadwood as required by Section 17.80.010.B.
3. Application(s) requirements were met.

FINDINGS:

1. Planning and Zoning staff conducted a site visit and concluded that the developer has limited buildable space due to the size and shape of the lot. In fact, all lots on the south side of Mystery Wagon Road will likely need a variance for setbacks.
2. The construction of a new single-family home that has been proposed is a use by right in a Planned Unit Development.
3. The intent and purpose of this application for variance, if granted, the minimum adjustment necessary to afford relief or the reasonable use of the land will be an eleven-foot variance. The remaining bulk and height regulations are all met (i.e., side and rear setback requirements and height).
4. The proposed project is compatible with the area. The granting of the proposed structure will not be detrimental to fire safety, clearance, preservation of light and open space and/or visual and aesthetic concerns. The variance will not alter the essential character of the surrounding area in which the property is located; substantially or permanently impair the appropriate use or development of adjacent property.

5. There is evidence of practical difficulty due to the size and shape of the lot. The developer is making every attempt to provide affordable housing to the City of Deadwood which will not only include this home but several additional small homes on this side of the Mystery Wagon Road.
6. The use and value of the area adjacent to the property included in the variance request will not be affected in an adverse manner. There will be no significant adverse impacts on water supply, schools, or other services. A variance cannot be granted if it would pose any threat to the public health or safety. This finding includes concerns such as fire safety, and visual and aesthetic concerns.
7. The applicant has paid the \$200.00 fee to process the variance and have the public hearing.
8. The applicant has proven to the City of Deadwood Planning and Zoning office that they are the current owner of subject property.
9. For the above-mentioned reasons, and based on the information and findings included in the Staff Report, Minutes, and other records of proceedings, the Deadwood Planning and Zoning Commission and Board of Adjustment recommended approval of the variance.

ATTEST:

Jessicca 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