



FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

Date: August 19, 2024

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

To: Planning and Zoning Commission / City of Deadwood Board of
Adjustment

RE: Conditional Use Permit – Bed and Breakfast Establishment

APPLICANT(S): Aaron Sternhagen

PURPOSE: Conditional Use Permit – Bed and Breakfast

ADDRESS: 25 Lincoln Avenue
Deadwood, Lawrence County, South Dakota

LEGAL DESCRIPTION: Lots 12, 13 and 14, Block 42 in the City of Deadwood, Lawrence County, South Dakota, except the southeasterly 10 feet of Lots 12, 13 and 14 and one-half of the vacated alley, Block 42, previously conveyed to Dennis L. McKay and Linda M. McKay. Also that portion of Lots E, F, and G, Block 35 of Probate Lot 226 and sometimes referred to as Child's addition to the City of Deadwood, quit claimed by Francis Caneva to Lawrence C. McKay, all according to the P.L. Rogers map of the City of Deadwood, Lawrence County, South Dakota.

ASSESSORS NO.: Parcel # 30025-04200-140-000

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 zoning district came 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 Bed and Breakfast Establishment at 25 Lincoln

Avenue, 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

- 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 R1 - Residential. The area near the subject property consists of single 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. Use is expressly allowed in the R1 – Residential zoning 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. 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 to ensure all building codes are met.
4. City water and sewer rates have been changed from residential to commercial rates.
5. Proper paperwork has been filed with the City of Deadwood Finance Office for BID taxes.
6. A City of Deadwood Business License has been obtained.
7. A Lodging License from the South Dakota Department of Health has been obtained.
8. All parking shall be off street.
9. The Conditional Use Permit has been in effect since the successful sale of the property occurred in June 2024.
10. The Bed and Breakfast must be owner occupied and the owner or owners representative must be on-site when guests are present.

ATTEST:

Jessicca McKeown, Finance Officer
City of Deadwood
Date: _____

David Ruth, Mayor
City of Deadwood
Date: _____

John Martinisko, Chairman
Planning and Zoning Commission
Date: _____

David Bruce, Secretary
Planning and Zoning Commission
Date: _____