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**BOARD OF ADJUSTMENT  
FINDINGS OF FACT AND CONCLUSION  
CONDITIONAL USE PERMIT**

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**Date:** January 6, 2025  
**From:** Kevin Kuchenbecker  
Planning, Zoning & Historic Preservation Officer  
**To:** Board of Adjustment  
**RE:** Findings of Fact and Conclusion

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**APPLICANT(S):** JVK-SD, LLC  
**PURPOSE:** Conditional Use Permit – Vacation Home Establishment  
**ADDRESS:** 596 Main Street  
**LEGAL DESCRIPTION:** Lot 34 in Block 15, being a part of Mineral Lot 38, and also known as Lot 4, in Block 7 of the City of Deadwood, also known as 596 Main Street, Deadwood, South Dakota.  
**FILE STATUS:** All legal obligations have been completed.

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, June 5, 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 596 Main Street, as recommended by the Planning and Zoning Commission, on Monday, June 17, 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. 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 C1 - Commercial. The area near the subject property consists of mainly commercial businesses with residences located on the hill behind the subject property.

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 shall be provided to the Planning and Zoning Office for their files.
3. Proof that the Building Inspector has inspected the building, and it meets applicable building codes.

4. City water and sewer to be charged commercial rates.
5. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
6. Proof of City of Deadwood Business License.
7. Obtain Lodging License after inspection from the South Dakota Department of Health.
8. All parking shall be off street, except for one (1) reserved space located on Main Street.

**ATTEST:**

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Jessica McKeown, Finance Officer  
City of Deadwood  
January 6, 2025

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David Ruth, Mayor  
City of Deadwood  
January 6, 2025

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John Martinisko, Chairman  
Planning and Zoning Commission  
January 2, 2025

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David Bruce, Secretary  
Planning and Zoning Commission  
January 2, 2025