

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Deadwood, SD 57732



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**FINDINGS OF FACT AND
CONCLUSIONS
CONDITIONAL USE PERMIT FOR
CONDOMINIUMS**

APPLICANT: Keating Resources

PURPOSE: Request for a Conditional Use Permit for Condominiums.

ADDRESS: 51, 55, 53 Sherman Street

LEGAL DESCRIPTION:

THE NORTHERN ONE FOOT SIX INCHES (1'6") OF LOT 17, ALL OF LOTS 19, 21, 23, 25 AND VACATED ALLEY BETWEEN LOT 23 AND LOT 25, AND ALL OF LOT 26, AND LOT 27, ALL IN BLOCK 30 OF THE CITY OF DEADWOOD ACCORDING TO THE P.L. ROGERS MAP OF THE CITY OF DEADWOOD. LESS AND EXCEPT TRACT 1 OF MILLER STREET SUBDIVISION ACCORDING TO PLAT DOCUMENT #2012-05646, AND LESS AND EXCEPT WILD BILL LOT ACCORDING TO PLAT DOCUMENT #2012-03484, ALL LOCATED IN THE SW1/4 OF SECTION 23, TOWNSHIP 5 NORTH, RANGE 3 EAST OF THE BLACK HILLS MERIDIAN, CITY OF DEADWOOD, SOUTH DAKOTA.

ASSESSORS NO.: 30025-03000-270-00, 30025-03000-170-00, 30025-03000-150-00

RE: Request for Conditional Use Permit

WHEREAS, the above application for a Conditional Use Permit for condominiums in the C – Commercial District came on review before the Deadwood Planning and Zoning Commission on Wednesday, September 21, 2022. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the application for a Conditional Use Permit for condominiums in the C – Commercial District 51, 53, 55 Sherman Street as recommended by the Planning and Zoning Commission on October 3, 2022.

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 CONCLUSIONS

- 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 Permit was filed as required by Section 17.76.060.J.
- 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 C – Commercial District. This area is surrounded by commercial businesses and public use spaces.
- 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 structure is not being enlarged or altered.
- The granting of the conditional use permit would not increase the proliferation of non-conforming uses. The use is permitted 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 condominiums. 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 that the Building Inspector has inspected the building and it meets all building code requirements.**

ATTEST:

Jessica McKeown, Finance Officer
City of Deadwood
/ / /2022

David Ruth, Mayor
City of Deadwood
/ / /2022

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2022

Dave Bruce, Secretary
Planning and Zoning Commission
/ / /2022