



PLANNING AND ZONING COMMISSION CONDITIONAL USE PERMIT – ANNUAL REVIEW

Staff Report

Date: October 16, 2024
To: Planning and Zoning Commission
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Surrender of Conditional Use Permit – Bed and Breakfast

OWNER(S): Kenneth & Lee Steier
PURPOSE: Surrender of Conditional Use Permit – Bed and
Breakfast Establishment
ADDRESS: 7 Spring Street
Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: Lots X, a replat of Lots 1, 2, and 3, Block 1, Miricks
Addition and a portion of MS 735, located in the City
of Deadwood, Lawrence County, South Dakota.
FILE STATUS: Requested item(s) have been submitted.
ZONE: R2 – Multi-Family Residential
STAFF FINDINGS:

Surrounding Zoning:	Surrounding Land Uses:
North: R2 – Multi-Family Residential	Residential
South: R2 – Multi-Family Residential	Residential
East: R2 – Multi-Family Residential	Residential
West: R2 – Multi-Family Residential	Residential

SUMMARY OF REQUEST

The owner was issued a Conditional Use Permit on June 8, 2003, to operate a Bed and Breakfast establishment at 7 Spring Street.

The Conditional Use Permit was reviewed by the Planning and Zoning Commission on June 19, 2024, with two (2) continued discussions on July 17 and October 2, 2024.

STAFF DISCUSSION

The Conditional Use Permit was reviewed by the Planning and Zoning Commission on June 19, 2024. During that meeting, discussion centered around a lack of compliance with both City Ordinance and the Conditional Use Permit issued for a Bed and Breakfast Establishment on June 8, 2003. Both ordinance and permit requirements state the property is to be operated as a Bed and Breakfast Establishment, however it has continually operated as a Vacation Home Establishment. During the meeting, twelve (12) conditions were recommended by the Planning and Zoning Commission to allow for the continued use of the Conditional Use Permit as a Bed and Breakfast Establishment and a continuance of the discussion was given to allow the property owners to consider their options.

On July 17, 2024, a continuance of the discussion by the Planning and Zoning Commission occurred with the owners present. It was recommended by the Planning and Zoning Commission that ten (10) conditions continue to be met, and a plan for two (2) additional items were to be submitted to the Planning and Zoning Department no later than Monday, September 16, 2024, by the applicant or owner's agent.

On September 12, 2024, an email was sent by the Property Manager (owner's agent) of 7 Spring Street to the Planning and Zoning Department notifying them that the owners intend to convert the property from a Short-Term to a Long-Term Rental property.

On October 2, 2024, the discussion was continued. It was determined the Conditional Use Permit for a Bed and Breakfast Establishment would be surrendered by the property owners with the intent of converting the property into a Long-Term Rental. A continuance of the discussion was given until October 16, 2024; the continuance being contingent upon submission of a request to surrender the Conditional Use Permit by the property owners.

COMPLIANCE:

This Short-Term Rental has been in continual use over the last twenty-one (21) years. The original Conditional Use Permit was under the auspices of a Bed & Breakfast Establishment; however, they are currently licensed with the South Dakota Department of Health as a Vacation Home Establishment which is prohibited in R2 – Multi Family Residential zoning districts within the city limits. Additionally, the property has continued to be operated in the fashion of a Vacation Home Establishment despite repeated requests in the past from Planning and Zoning officials to come into compliance.

The conversion into a Long-Term Rental will bring the property into compliance with City Ordinances 17.28 and 17.53.030.

CONDITIONS AND PROVISIONS:

Staff recommendation(s) for formal action:

1. Surrender of the Conditional Use Permit for a Bed and Breakfast Establishment issued by the City of Deadwood. A letter requesting the surrender of the Conditional Use Permit to be received by the Planning and Zoning Department no later than October 9, 2024.

ACTION REQUIRED FOR SURRENDER OF CONDITIONAL USE PERMIT:

1. Approval/Denial by Deadwood Planning and Zoning Commission