

OFFICE OF  
PLANNING, ZONING AND  
HISTORIC PRESERVATION  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 722-0786



Kevin Kuchenbecker  
Planning, Zoning and  
Historic Preservation Officer  
Telephone (605) 578-2082  
kevin@cityofdeadwood.com

## MEMORANDUM

---

**DATE:** May 6, 2024

**TO:** Board of Adjustment / City Commission

**FROM:** Kevin Kuchenbecker, Historic Preservation Officer & Planning and Zoning Administrator

**RE:** Conditional Use Permits – Annual Reviews

---

### COMMISSION AND STAFF FINDINGS:

In accordance with Deadwood Zoning Code 17.76.060, the Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and on an annual basis and place additional stipulations to mitigate a problem.

On Wednesday, May 1, 2024, the Planning and Zoning Commission conducted annual reviews of the following three (3) Conditional Use Permits:

1. 63 Stewart Street – Home Based Business – Do or Donut

After completing their review, the Planning and Zoning Commission has made the recommendation to continue the Conditional Use Permit with conditions. The conditions that must be met for this establishment are as follows:

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 City of Deadwood Business License.
  3. The Conditional Use Permit shall be reviewed annually by the Planning and Zoning Commission as required under 17.76.060.
2. 28 Lincoln Avenue – Bed and Breakfast Establishment – The Backyard Cottage
  3. 771 Main Street – Bed and Breakfast Establishment – The Tucker Inn

After completing their reviews, the Planning and Zoning Commission has made the recommendation to continue the Conditional Use Permits for 28 Lincoln Avenue and 771 Main Street with conditions. The conditions that must be met for both of these establishments are as follows:

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. The Building Inspector has inspected the building, and it meets all the building codes.
4. City water and sewer rates to remain changed from residential to commercial rates.
5. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
6. Maintain a City of Deadwood Business License.
7. Maintain lodging license after inspection from the South Dakota Department of Health and provide copy to the Planning and Zoning Office for their files on an annual basis.
8. All parking shall be off street.

---

**RECOMMENDED ACTION:**

Accept the Conditional Use Permit Annual Reviews completed on May 1, 2024, by the Planning and Zoning Commission.