



**FINDINGS OF FACT AND CONCLUSIONS
REQUEST FOR A VARIANCE
16.04.020 K STREET GRADES AND ALLEYS**

APPLICANT: The Summit at Deadwood Stage Run

ADDRESS: Deadwood Stage Run Development

LEGAL DESCRIPTION: PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION, FORMERLY TRACTS E, F, G, H, I, J, K AND L AND THE REMAINING PORTION OF MS 696 PALISADES STONE PLACER, ALL LOCATED IN THE SW1/4, SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, BHM, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

PURPOSE: Request for Variance – 16.04.020 K Street Grades and Alleys. Maximum street grades R1 (Residential) District 9%.

ZONING: PF – Park Forest

WHEREAS, the above application for a variance from Deadwood City Ordinance 16.04.020 K Street Grades and Alleys (Maximum street grades R1 (Residential) District 9%) came on for public hearing on October 5, 2022, at 5:05 p.m. and was recommended for approval by the Deadwood Planning and Zoning Commission with the Deadwood Board of Adjustment approving the request as recommended by the Planning and Zoning Commission.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed the variance 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 applications 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

COMPLIANCE:

1. Staff provided public notice identifying the applicant, describing the purpose of the application and its location, and giving the scheduled date of the public hearing to adjacent landowners within 300' in accordance with Section 17.80.010.B.
2. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.80.010 B.
3. An official sign was posted on the property for which the variance was filed as required by Section 17.80.010 B.
4. Application(s) requirements were met.

- There are special circumstances unique to this property. These circumstances involve the shape and size of the lot. This has created a physical constraint which is unique to this site. Approving the variance request enables the reasonable use of the property.
- That within the intent and purposes of this application for variance, as granted, is the minimum adjustment necessary to afford relief or the reasonable use of the land and substantial notices had been given regarding the application. The remaining bulk regulations are all met.
- The granting of the variance would not be detrimental to public health, safety or general welfare. A variance cannot be granted if it would pose any threat to the public health or safety. This finding includes concerns such as fire safety, structural stability, clearance, preservation of light and open space, and visual and aesthetic concerns.
- The granting of the variance in the subject area would not be injurious to the area in general. The variance would not alter the essential character of the neighborhood in which the property is located; substantially or permanently impair the appropriate use or development of adjacent property.
- The hardship was not self-created by the applicant(s). The granting of the variance would not constitute a special privilege.
- The use and value of the area adjacent to the property included in the variance request will not be affected in a substantially adverse manner. There will be no significant adverse impacts on water supply, fire protection, schools, or other services. The granting of the variance would not be detrimental to public health, safety, or general welfare.
- The applicant has proven that he or she is the owner of the property or is his or her officially designated agent, and has presented proof thereof.
- Substantial notice had been established by notification to adjacent landowners within 300' and notice posted on the property. Notice in the newspaper was run ten (10) days in advance of the hearing.
- For the above mentioned, reasons and based on the information and findings included in the Staff Report, Minutes, and other records of proceedings, the Deadwood Planning and Zoning Commission and Board of Adjustment recommended approval of the variance.

ATTEST:

Jessicca 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