



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, December 06, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes**

a. P&Z Minutes 11.15.23

4. **Sign Review Commission**

5. **Planning and Zoning Commission**

a. Conditional Use Permit - Bed and Breakfast Establishment - 338 and 390 Main Street - Nugget Saloon LLC (Wayne Morris)

LOT TWELVE (12) AND THE SOUTH HALF OF LOT THIRTEEN (13), BOTH LOTS IN BLOCK THREE (3) IN THE FOUNTAIN CITY ADDITION TO THE CITY OF DEADWOOD, TOGETHER WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES THEREUNTO BELONGING, SUBJECT TO COVENANTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

b. Conditional Use Permit - Vacation Home Establishment - 606 1/2 Main Street - Nugget Saloon LLC (Wayne Morris)

LOT 24, IN BLOCK 15 OF THE ORIGINAL TOWNSITE OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO THE P.L. ROGERS MAP EXCEPT A PORTION OF LAND ALONG THE SOUTHERLY SIDE OF LOT 24, BLOCK 15 BEING 8 INCHES IN WIDTH FRONTING ON MAIN AND BACK OF EVEN WIDTH 100' AS SET FORTH IN DEED AND RECORDED IN BOOK 162 PAGE 243.

c. Approve/deny Findings of Fact and Conclusion - Variance - Setbacks - Lot 1 Block 3A Mystery Wagon Road - WJP Holdings, LLC (William Pearson) legally described as Lot 1, Block 3A of the Palisades Tract of the Deadwood Stage Run Addition to the City of Deadwood Located in the SW1/4 of Section 14, the SE14 of Section 15, the NE1/4NE1/4 of Section 22 and the N1/2NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Recommend Approval by Planning and Zoning Commission and Approved by Board of Adjustment on May 15, 2023.

d. Approve/deny Findings of Fact and Conclusion - Variance - Setbacks - 3 Pearl Street - Bob and Bonita Goode legally described as Lot A, Block 7, Highland Park Addition, Formerly a Portion of Lots 1 thru 6, Block 7 Highland Park Addition, City of Deadwood, Lawrence County, South Dakota, according to Plat Document No. 2009-

6668. Recommend Approval by Planning and Zoning Commission and Approved by Board of Adjustment on August 7, 2023.

- e. Approve/deny Findings of Fact and Conclusion - Variance - Setbacks - 22 Washington Street - Jackie and Diana Fisher and Bryan James Duffy Revocable Trust legally described as Tract C, Block 53, a Subdivision of Part of Lots 1 and 2, Block 53, Original Town, City of Deadwood, Located in the NW1/4 of Section 26, T5N, R3E, B.H.M., Lawrence County, South Dakota according to Plat Records as Document No. 2001-01165, Subject to Easements, Reservations, and Restrictions of Record. Recommend Approval by Planning and Zoning Commission and Approved by Board of Adjustment on July 3, 2023.
- f. Approve/deny Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment - 819 Main Street - Deadwood Rentals, LLC (Trinity Conrad) legally described as Lot 12 in Block A of Sunnyside Addition to the City of Deadwood as set out in Plat Book 3 Page 251, Lawrence County, South Dakota, Except that Part Deeded to the State of South Dakota for Highway Purposes as Set Out in Book 372 Page 58 and Page 168; and, Tract A-1 in Block A, a Replat of Tracts "A" and "B" of the Subdivision of Lot 13, Block A of Sunnyside Addition, Located in the NW1/4NE1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, According to Plat Filed in Document No. 2001-4003. Recommend Approval by Planning and Zoning Commission on September 6, 2023 and Approved by Board of Adjustment on September 18, 2023.
- g. Approve/deny Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment - 64 Cliff Street - Owson Properties, LLC (Mike and Kat Sneesby) legally described as Lot X2 of Riverside Addition City of Deadwood, Lawrence County, South Dakota Formerly Lot X of Riverside Addition located in the NE1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Recommended Approval by the Planning and Zoning Commission on August 16, 2023 and Approved by Board of Adjustment on August 21, 2023.
- h. Approve/deny Findings of Fact and Conclusion - Conditional Use Permit - Home Business - 63 Stewart Street - Carson Witt legally described as the Easterly 50 Feet of Lot 2, Block 72 Original Town in the City of Deadwood Lawrence County, South Dakota Except that Portion Deeded to the City of Deadwood for Street Purposes. Recommend Approval by Planning and Zoning Commission on April 19, 2023 and Approved by Board of Adjustment on May 1, 2023.
- i. Approve/deny Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals, LLC (Trinity Conrad) legally described as Tract A, an 8' Platted Alley and a Portion of Lot R-1 of the City of Deadwood Railroad Property all Located in the Hillsdale Addition to the City of Deadwood, in the NW1/4 of Section 26, T5N, R3E, B.H.M., City of Deadwood Lawrence County, South Dakota; and, Tract B-1, McGovern Hill Addition of the City of Deadwood, Located in the NW1/4W1/4 of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Recommend Approval by Planning and Zoning Commission on August 16, 2023 and Approved by Board of Adjustment on August 21, 2023.

6. **Items from Citizens not on Agenda**
(Items considered but no action will be taken at this time.)
7. **Items from Staff**
 - a. [2024 Deadwood Chamber of Commerce event schedule.](#)
8. **Adjournment**

Planning and Zoning Commission meetings are not available by Zoom unless requested.



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, November 15, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, November 15, 2023, at 4:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

2. Roll Call

PRESENT

Commissioner (Chair) John Martinisko
 Commissioner (Vice-Chair) Josh Keehn
 Commissioner (Secretary) Dave Bruce
 Commissioner Charles Eagleson
 Commissioner Ken Owens

City Commissioner Michael Johnson

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer
 Trent Mohr, Building Inspector
 Bonny Anfinson, Historic Preservation Coordinator

3. Approval of Minutes

a. Approval of October 18, 2023

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve the minutes of the October 18, 2023 meeting. Voting Yea: Martinisko, Keehn, Bruce, Owens, Eagleson

4. Sign Review Commission

a. 685 Main Street - Rich Turbiville for DHIH, LLC - Install New Suspended Sign

Action Required

a. Approval/Denial by Sign Review Commission

Mr. Mohr stated we have an application for 685 Main Street, Rocksino, to add a new suspended sign under the awning in front of the Main Street entrance. There was a Hickok's gaming sign there previously. The proposed sign will be in the same location. The proposed sign and its location are compliant with the sign ordinance. ***It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve the new suspended sign for Rocksino located on the front entrance at 685 Main. Voting Yea: Martinisko, Bruce, Owens, Keehn, Eagleson***

5. Planning and Zoning Commission

- a. Final Plat - Creating Property Lines and Transfer of Property - Lot 3 Block 5 - The Summit at Deadwood Stage Run

PLAT OF LOT 3, BLOCK 5 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD ALL LOCATED IN THE SW1/4 OF 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, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Mr. Kuchenbecker stated this is a final plat for creating a property line and transfer of property on Lot 3, Block 5 of the Summit at Deadwood Stage Run legally described as PLAT OF LOT 3, BLOCK 5 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD ALL LOCATED IN THE SW1/4 OF 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, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. All legal obligations have been completed. ***It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve the final plat to create property lines and transfer of property legally described as PLAT OF LOT 3, BLOCK 5 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD ALL LOCATED IN THE SW1/4 OF 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, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Bruce, Owens, Keehn, Eagleson***

6. Items from Citizens not on Agenda

(Items considered but no action will be taken at this time.)

7. Items from Staff

Mr. Kuchenbecker stated the Fassbender Newsletter is attached for your review.

Next meeting, we will be reviewing two CUPs from Wayne Morris for short term rentals.

The FEMA/Whitewood Creek project is moving along. They are about 1/3 to 1/2 way through Sherman Street. RCS Construction will be bringing in a third crew for Charles Street to Walnut Street. Next spring they will be doing Comfort Inn. The Mickelson Trail is closed from Sherman Street parking lot to Walnut Street.

They are working on the Whiterocks and Fuller Brothers Trail Master Plans. There is a new trail from Mt. Moriah Cemetery parking lot to Van Buren Avenue including a Gamblers Scramble walk next week.

The City Commission will be hearing the second reading on the ordinance on spot zoning at their Monday meeting.

Effective December 31 the city will no longer be recycling cardboard. The containers for glass, plastic and cans will be relocated to the football field area.

8. Adjournment

It was moved by Commissioner Bruce and seconded by Commissioner Owens to adjourn the Planning and Zoning Commission meeting. Voting Yea: Martinisko, Keehn, Bruce, Owens, Eagleson

There being no further business, the Planning and Zoning Commission adjourned at 4:20 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Bonny Anfinson, Historic Preservation Coordinator

OFFICE OF
PLANNING, ZONING AND
HISTORIC
PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084



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

PLANNING AND ZONING COMMISSION CONDITIONAL USE PERMIT

Staff Report

Date: November 30, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Bed and Breakfast Establishment

APPLICANT(S): Nugget Saloon LLC (Wayne Morris)
PURPOSE: Application for CUP – Bed and Breakfast Establishment
ADDRESS: 388 and 390 Main Street

LEGAL DESCRIPTION: LOT TWELVE (12) AND THE SOUTH HALF OF LOT THIRTEEN (13), BOTH LOTS IN BLOCK THREE (3) IN THE FOUNTAIN CITY ADDITION TO THE CITY OF DEADWOOD, TOGETHER WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES THEREUNTO BELONGING, SUBJECT TO COVENANTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

FILE STATUS: All legal obligations have been completed.

ZONE: CH – Commercial Highway

STAFF FINDINGS:

<u>Surrounding Zoning:</u>	<u>Surrounding Land Uses:</u>
North: CH – Commercial Highway	Businesses
South: CH – Commercial Highway	Businesses
East: PU – Public Use	Public Use
West: R1 - Residential	Residential Housing

SUMMARY OF REQUEST

The applicants have submitted a request for a Conditional Use Permit to operate a Bed and Breakfast Establishment in the cottages located at 388 and 390 Main Street. Since 2005, First Deadwood Cottages have been utilized as a vacation rental location as a Bed and Breakfast establishment. Recently, this property is now owned by a new business entity.

FACTUAL INFORMATION

1. The property is currently zoned CH – Commercial Highway.
2. The property has operated as a bed and breakfast multiple years.
3. The subject property has access from Main Street with off street parking.
4. The subject property is located within a CH - Commercial Highway zoning.
5. The property is not located within a flood zone.
6. Adequate public facilities are available to serve the property.
7. The area is characterized by businesses and a couple single-family dwellings.

STAFF DISCUSSION

The applicants have submitted a request for a Conditional Use Permit for a Bed and Breakfast establishment and City regulations permit Bed and Breakfast establishments in CH- Commercial Highway zoning district with an approved Conditional Use Permit. The subject property has been operating as a Bed and Breakfast establishment since 2005. According to their application, they have adequate off-street parking and a long driveway providing ingress/egress.

The Deadwood Zoning Code 17.08 and South Dakota Codified Law defines a Bed and Breakfast as the following:

“Bed and breakfast establishment” means:

Any building or buildings run by an operator that is used to provide accommodations for a charge to the public, with at most five rental units for up to an average of ten guests per night and in which family style meals are provided.

Conditional Use Permit – Bed and Breakfast Establishment
Nugget Saloon LLC
November 30, 2023

1. No bed and breakfast home shall be located on a lot closer than two hundred (200) feet from any other lot containing a bed and breakfast establishment. The Deadwood building inspector shall inspect the premises to ensure compliance with the Building Code;

In this instance there are no bed and breakfasts within the two hundred feet required buffers. Wayne Morris plans to continue to operate the cottages as he has since 2005.

2. Applicants proposing tandem parking shall be required to provide a control board for the keys of the guests. The owner/manager shall be responsible for the control board. The subject residence proposed for a bed and breakfast shall be required to provide the following: Off-street parking for four vehicles.

The Deadwood Zoning Code requires a bed and breakfast establishment to be run by an operator which provides family style meals. The code also states a requirement of one off-street parking space per guestroom in section 17.64.060 of the ordinance book. The property does have adequate off street parking spaces on site.

COMPLIANCE:

1. The Zoning Office provided notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 10.10.B.
2. A sign was posted on the property for which the requests were filed.
3. Notice of the time and place was published in the designated newspaper of the City of Deadwood.

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

In reviewing any application under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission(s) shall consider, among other things, the following facts:

- A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district in which it is located, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the City of Deadwood.

Conditional Use Permit – Bed and Breakfast Establishment
Nugget Saloon LLC
November 30, 2023

The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Preserve the existing stock of historic structures by working with the individuals and guiding the uses is an acceptable means. Traffic and parking have not significantly affected the neighborhood if the applicant abides by the parking requirements associated with a Bed and Breakfast. This area has a mixture of businesses and single-family dwellings.

- B. Whether or not a community need exists for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and also within the immediate area of the proposed use: (a) the proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the proposed use.

The subject area is zoned CH – Commercial Highway District and is intended to provide locations for commercial uses, which require access to roads and highways, and substantial amounts of parking. There are no B&Bs within 200 feet of the proposed B&B.

- C. The proposed use at this location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvement, public sites, or rights-of-way.

If the applicant only uses off street parking and prevents any public nuisance issues that are often associated with Short-Term Rentals, the proposed use will not result in a substantial or undue adverse effect on adjacent property, or the character of the property and the use would not alter the character of the district. There will be no change in the size of the dwelling. To support a denial of a conditional use permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community. To-date, the City has not received any complaints with the operation of this establishment.

- D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

Conditional Use Permit – Bed and Breakfast Establishment
Nugget Saloon LLC
November 30, 2023

For any conditional use, lot and performance standards shall be the same as similar type uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

The proposed use would not increase the proliferation of non-conforming uses. The subject residence is in an area that does not have additional bed and breakfasts nearby and the new ordinance changes limited the number of Bed and Breakfast establishments through a buffer requirement. The appearance of the structure will not change; therefore, the character and use of the buildings and structures adjoining the subject property will not be adversely affected.

- E. Whether or not the proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this section.

The proposed use will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the issuance of a conditional use permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.
- B. The Board of Adjustments can revoke conditional use permits, once granted, for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filed with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit application hearings.
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.
- D. If the use permitted under the terms of a Conditional Use Permit has not been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that

Conditional Use Permit – Bed and Breakfast Establishment
Nugget Saloon LLC
November 30, 2023

further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

- E. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

If approved, staff recommendations for stipulation(s):

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. The Bed and Breakfast Establishment must provide family style meals by the operator.
3. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files.
4. Proof that the Building Inspector has inspected the building and it meets all the building codes.
5. City water and sewer rates to be changed from residential to commercial rates.
6. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
7. Proof of City of Deadwood Business License.
8. Obtain lodging license after inspection from the South Dakota Department of Health.
9. All parking shall be off street.

ACTION REQUIRED:

1. Approval/Denial by Deadwood Planning and Zoning Commission
2. Approval/Denial by Deadwood Board of Adjustment

Return Completed Form To:
Planning and Zoning
108 Sherman Street
Deadwood, SD 57732



Questions Contact:
Kevin Kuchenbecker
(605) 578-2082 or
kevin@cityofdeadwood.com

Application No. _____

APPLICATION FOR CONDITIONAL USE PERMIT

Application Fee: \$200.00

Applicants: Please read thoroughly prior to completing this form. Only complete applications will be considered for review.

Name of Proposed Development: *EXISTING* First Deadwood Cottages

Street Location of Property: 388 & 399 Main Street

Legal Description of Property: LOT 12 AND SOUTH HALF LOT 13 BLOCK 3 FOUNTAIN CITY ADD, & NORTH HALF OF LOT 13 and ALL OF LOT 14 BLOCK 3 FOUNTAIN CITY ADDITION

Zoning Classification of Property: Commercial Highway

Name of Property Owner: Wayne Morris/Nugget Saloon LLC Telephone: (605) 920-1512

Address: 388 Main Street, Deadwood, SD 57732
Street City State Zip

Name of Applicant: Wayne Morris Telephone: (605) 920-1512

Address: 388 Main Street, Deadwood, SD 57732
Street City State Zip

1. The following documents shall be submitted:

- a. An improvement survey, including all easements,
- b. Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and
- c. A written statement addressing the criteria for approval.

Uses of Building or Land: Vacation Homes and Long-term rentals

Signature of Applicant: *Wayne Morris* Date: 11-6-23

Signature of Property Owner: *Wayne Morris* Date: 11-6-23

Fee: \$ _____ Paid On _____ Receipt Number _____

Legal Notice Published Date: _____ Hearing Date: _____

PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____
DEADWOOD BOARD OF ADJUSTMENT:			
Approved/City Commission:	Yes	No	Date: _____

Reason for Denial (if necessary): _____

Conditional Use Permit Application
Change of ownership – First Deadwood Cottages

Since 2005, First Deadwood Cottages has been utilized as a vacation rental location for thousands of visitors, serving an important role in the community. The property is zoned highway commercial, registered with the South Dakota Department of Health, has a South Dakota Sales Tax License in good standing and is a member of various Business Improvement Districts in the community.

The current owner, Wayne Morris, is a member of the business community in Deadwood and a strong supporter of Historic Preservation and other community programs. Wayne is also an owner of the LLC that owns the Nugget Building on Main Street and was an integral part of developing the second floor of the building to house Deadwood History Inc's Brothel museum. This LLC, Nugget Saloon LLC, will be the new owners of the First Deadwood Cottages, and Wayne will continue to be an owner of this LLC.

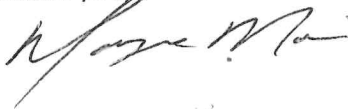
The First Deadwood Cottages has received no complaints regarding doing business as a vacation rental business. The area is perfectly suited for rentals, with off-street parking and a long driveway providing ingress/egress. An office area is currently in place for visitor services. Signage exists on the highway side of the property. Refuse pick-up is established.

With any questions, please contact:

Wayne Morris, (605) 920-1523

Lee Harstad, (605) 920-0537

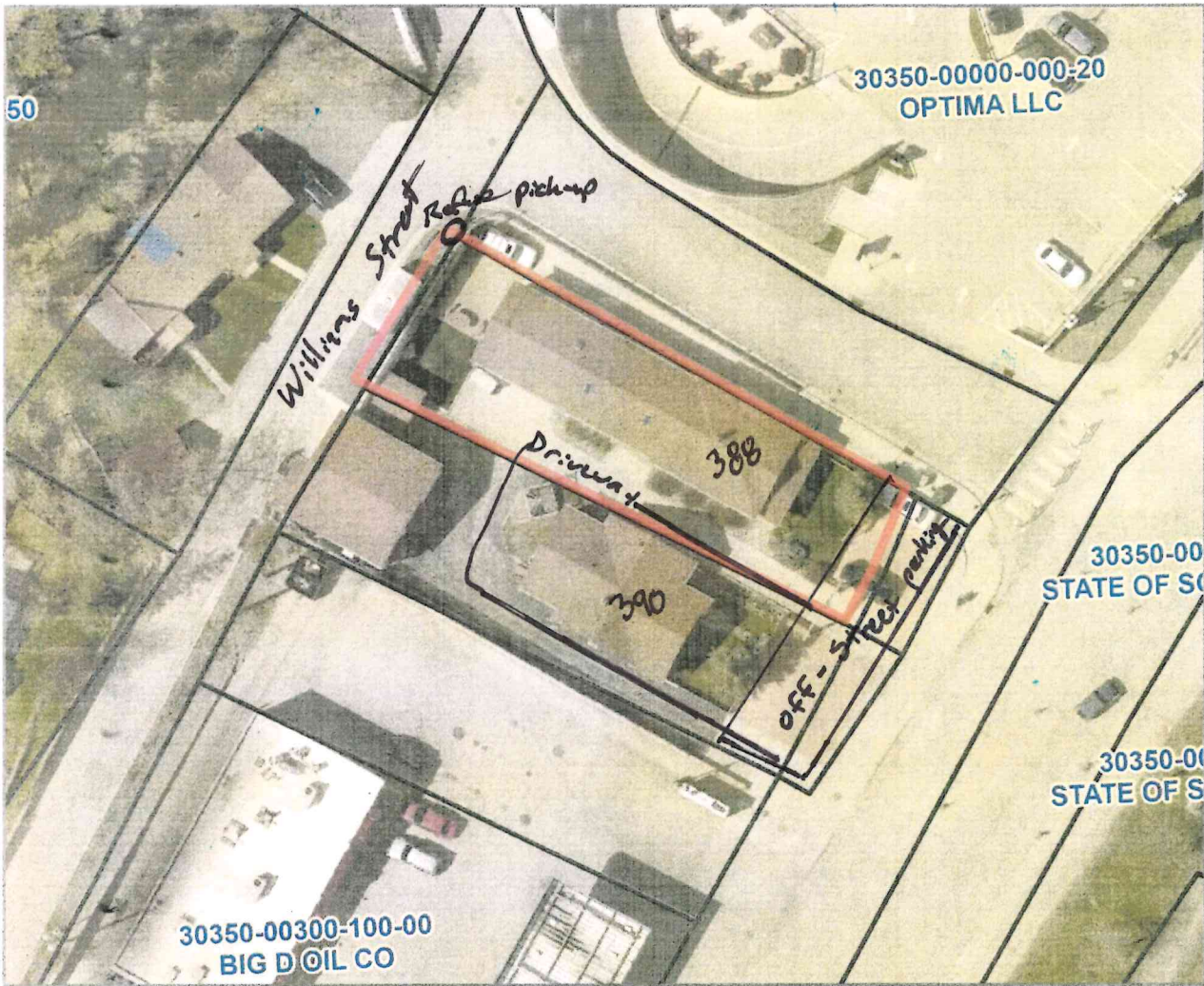
Thank you,



Wayne Morris

First Deadwood Cottages and Nugget Saloon LLC

Lawrence County, SD



Parcel ID	30350-00300-140-00	Taxing Unit	40-1_DE-L-DW
Plat	Not available	School District	40-1
Owner	MORRIS, WAYNE	Fire District	DE
Additional Owners	0	Road District	0
Mailing Address	388 MAIN ST DEADWOOD, SD 57732	SAN	L
Legal	FOUNTAIN CITY ADDITION TIF #10 N1/2 OF LOT 13 & ALL OF LOT 14 BLK 3 PLAT BK1 PG2	Land Use	NA
Property Address	388 MAIN ST, DEADWOOD, SD 57732	Class	D
Legal Acres	0	Ward	05
S-T-R	--	City Ward	0
Neighborhood	51000	Extent	6328.11703786



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 47 feet
11/3/2023

**NOTICE OF PUBLIC HEARING
BEFORE THE PLANNING AND ZONING COMMISSION**

City of Deadwood
Planning and Zoning Commission
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the operations for a Bed and Breakfast Establishment as allowed under Section 17.40.030 Conditional Uses.

APPLICANTS: Nugget Saloon LLC (Wayne Morris)

LEGAL DESCRIPTION: LOT TWELVE (12) AND THE SOUTH HALF OF LOT THIRTEEN (13), BOTH LOTS IN BLOCK THREE (3) IN THE FOUNTAIN CITY ADDITION TO THE CITY OF DEADWOOD, TOGETHER WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES THEREUNTO BELONGING, SUBJECT TO COVENANTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

ADDRESS: 388 and 390 Main Street

ZONE: CH Commercial Highway District

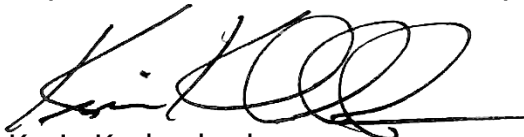
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, December 6, 2023 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

NOTICE IS FURTHER GIVEN, that the proposed request for a Vacation Home Establishment is on file and available for public examination at the Deadwood Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this 14th of November 2023

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: November _____, 2023

Published once at the total approximate cost of \$ _____

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

Public Notification

Date: November 14, 2023
 To: Deadwood Property Owner / Resident
 From: Kevin Kuchenbecker
 Planning, Zoning & Historic Preservation Officer
 RE: Request for Conditional Use Permit for Bed and Breakfast
 Establishment

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the operations of a Bed and Breakfast Establishment as allowed under Section 17.40.030 Conditional Uses under Bed & Breakfast.

APPLICANT(S): Nugget Saloon LLC (Wayne Morris)

LEGAL DESCRIPTION: LOT TWELVE (12) AND THE SOUTH HALF OF LOT THIRTEEN (13), BOTH LOTS IN BLOCK THREE (3) IN THE FOUNTAIN CITY ADDITION TO THE CITY OF DEADWOOD, TOGETHER WITH ALL IMPROVEMENTS THEREON AND APPURTENANCES THEREUNTO BELONGING, SUBJECT TO COVENANTS, RESTRICTIONS AND RESERVATIONS OF RECORD.

ADDRESS: 388 and 390 Main Street

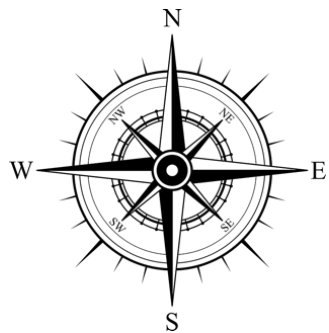
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, December 6, 2023, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted. A public hearing will also be heard by the Deadwood City Commission at 5:00 p.m. on Monday, December 18, 2023, at the same location.

NOTICE IS FURTHER GIVEN, that the proposed request for a Bed and Breakfast Establishment is on file and available for public examination at the Deadwood Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

The purpose of this mailed notice is to reasonably inform the surrounding property owners of the applications for a Conditional Use Permit and to inform you of the type of use being requested.

If you have any questions, please feel free to contact our office at 605-578-2082.



**CONDITIONAL USE PERMIT
BED & BREAKFAST ESTABLISHMENT
388 & 390 MAIN STREET**



OFFICE OF
PLANNING, ZONING AND
HISTORIC
PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084



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

PLANNING AND ZONING COMMISSION CONDITIONAL USE PERMIT

Staff Report

Date: November 14, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Vacation Home Establishment

APPLICANT(S): Nugget Saloon LLC (Wayne Morris)

PURPOSE: Application for CUP – Vacation Home Establishment

ADDRESS: 606 ½ Main Street

LEGAL DESCRIPTION: LOT 24, IN BLOCK 15 OF THE ORIGINAL TOWNSITE OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO THE P.L. ROGERS MAP EXCEPT A PORTION OF LAND ALONG THE SOUTHERLY SIDE OF LOT 24, BLOCK 15 BEING 8 INCHES IN WIDTH FRONTING ON MAIN AND BACK OF EVEN WIDTH 100’ AS SET FORTH IN DEED AND RECORDED IN BOOK 162 PAGE 243.

FILE STATUS: All legal obligations have been completed.

ZONE: C1 – Commercial District

STAFF FINDINGS:

Surrounding Zoning:

North: C1 – Commercial District
South: C1 – Commercial District
East: C1 – Commercial District
West: C1 – Commercial District

Surrounding Land Uses:

Businesses
Businesses
Businesses
Businesses

SUMMARY OF REQUEST

The applicant has submitted a request for a Conditional Use Permit to operate a Vacation Home Establishment located at 606 ½ Main Street and is located on the second floor of the Nugget Saloon property. Apartment 1 is a one bedroom, one bath. Renters will be offered validated parking in the Broadway Parking Ramp. The subject property is surrounded by businesses.

FACTUAL INFORMATION

1. The property is zoned C1– Commercial District.
2. The subject property has access from Main Street with validated parking in the Broadway Parking Ramp.
3. The property is not located within a flood zone.
4. Adequate public facilities are available to serve the property.
5. The area is characterized as the core historic business district.

STAFF DISCUSSION

The applicant submitted a request for a Conditional Use Permit for Vacation Home Establishment and City regulations permit Vacation Home Establishments in C1- Commercial District with an approved Conditional Use Permit. The subject property is a one bedroom, one bath apartment located on the second floor of the Nugget Saloon property. Due to parking issues in the alley behind the building, renters are offered validated parking in the Broadway Parking Ramp.

The Deadwood Zoning Code 17.08 and South Dakota Codified Law defines a Vacation Home Establishment as the following:

“Vacation home establishment” means:

Any home, cabin, or similar building that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than 14 days in a calendar year and is not occupied by an owner or manager during the time of rental as defined and permitted by the State of South Dakota and this Title. This term does not include a bed and breakfast establishment as defined in this Title.

COMPLIANCE:

1. The Zoning Office provided notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 10.10.B.
2. A sign was posted on the property for which the requests were filed.
3. Notice of the time and place was published in the designated newspaper of the City of Deadwood.

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

In reviewing any application under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission(s) shall consider, among other things, the following facts:

- A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district in which it is located, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the City of Deadwood.

The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Traffic and parking should not significantly affect the business district if the applicant provides parking validations in the Broadway Parking Ramp for the short-term rentals. This area has a mixture of businesses.

- B. Whether or not a community need exists for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and also within the immediate area of the proposed use: (a) the proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the proposed use.

The subject area is zoned C1– Commercial District and is intended to provide locations for commercial uses. The City Commission adopted ordinances allowing consideration of Vacation Home Establishments through a conditional use process reviewed on an annual basis if the property have special uniqueness and does not have a local impact based on the public need.

Conditional Use Permit – Vacation Home Establishment
Nugget Saloon LLC
November 30, 2023

- C. The proposed use at this location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvement, public sites, or rights-of-way.

If the applicant uses parking solution of validation through the Broadway Parking Ramp and prevents any public nuisance issues sometimes associated with Short-Term Rentals, the proposed use should not result in a substantial or undue adverse effect on adjacent property, or the character of the building and the use would not alter the character of the business district. To support a denial of a conditional use permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community.

- D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

For any conditional use, lot and performance standards shall be the same as similar type uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

The proposed does increase the proliferation of non-conforming uses; however, Deadwood has been encouraging the use of upper floors within the commercial district. The subject property is in an area that does not have a proliferation of short-term rentals. The appearance of the structure will not change; therefore, the character and use of the buildings and structures adjoining the subject property will not be adversely affected.

- E. Whether or not the proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this section.

The proposed use will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite. All utilities will be commercial rates.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the issuance of a conditional use permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.
- B. The Board of Adjustments can revoke conditional use permits, once granted, for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filed with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit application hearings.
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.
- D. If the use permitted under the terms of a Conditional Use Permit has not been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.
- E. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

If approved, staff recommendations for stipulation(s):

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 all the building codes.

Conditional Use Permit – Vacation Home Establishment
Nugget Saloon LLC
November 30, 2023

4. City water and sewer rates to be 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. 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 preferably validated in the Broadway Parking Ramp.

ACTION REQUIRED:

1. Approval/Denial by Deadwood Planning and Zoning Commission
2. Approval/Denial by Deadwood Board of Adjustment

Return Completed Form To:
Planning and Zoning
108 Sherman Street
Deadwood, SD 57732



Questions Contact:
Kevin Kuchenbecker
(605) 578-2082 or
kevin@cityofdeadwood.com

Application No. _____

APPLICATION FOR CONDITIONAL USE PERMIT

Application Fee: \$200.00

Applicants: Please read thoroughly prior to completing this form. Only complete applications will be considered for review.

Name of Proposed Development: *EXISTING* Apartment as part of First Deadwood Cottages

Street Location of Property: 606.5 Main Street

Legal Description of Property: Original Town Deadwood Lot 24 Block 15

Zoning Classification of Property: Commercial

Name of Property Owner: Wayne Morris/Nugget Saloon LLC Telephone: (605) 920-1512

Address: 388 Main Street, Deadwood, SD 57732
Street City State Zip

Name of Applicant: Wayne Morris Telephone: (605) 920-1512

Address: 388 Main Street, Deadwood, SD 57732
Street City State Zip

1. The following documents shall be submitted:

- a. An improvement survey, including all easements,
- b. Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and
- c. A written statement addressing the criteria for approval.

Uses of Building or Land: Vacation and long-term rentals

Signature of Applicant: Wayne Morris Date: 11-6-23

Signature of Property Owner: Wayne Morris Date: 11-6-23

Fee: \$ _____ Paid On _____ Receipt Number _____

Legal Notice Published _____ Date: _____ Hearing Date: _____

PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____
DEADWOOD BOARD OF ADJUSTMENT:			
Approved/City Commission:	Yes	No	Date: _____

Reason for Denial (if necessary): _____

Conditional Use Permit Application**Existing Apartment at 606.5 Main Street to be used as a rental – First Deadwood Cottages**

As part of the Nugget Saloon LLC's property on Main Street in Deadwood, there are four separate apartments on the second floor of the buildings. Three of these apartments are currently used as month-to-month rentals. Three of the four apartments are one-bedroom, one-bath units. The building is zoned commercial.

The LLC is requesting a conditional use permit to allow shorter term rentals in Apartment #1, a one-bedroom, one-bath unit. The LLC will work with both long-term renters as well. The LLC is working on a solution to access and parking in the alley behind the building by cleaning up the hillside and longer retaining walls, but that process has proved difficult to begin due to the inability to remove power lines and poles, among other things. Parking and general access to all of the apartment units is difficult, and until that situation has been resolved, to avoid even more over-crowding, a shorter-term rental on Apartment 1 will be beneficial. Renters to this unit are offered validated parking in the Broadway Parking Ramp.

A current owner of the LLC, Wayne Morris, is a member of the business community in Deadwood and a strong supporter of Historic Preservation and other community programs. Wayne was an integral part of developing the second floor of the building to house Deadwood History Inc's Brothel museum.

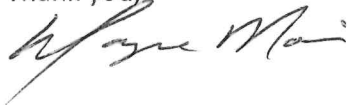
Operating as a second-floor rental, no complaints regarding this usage have been received. Signage exists on the property and refuse pick-up is established along with all utility services.

With any questions, please contact:

Wayne Morris, (605) 920-1523

Lee Harstad, (605) 920-0537

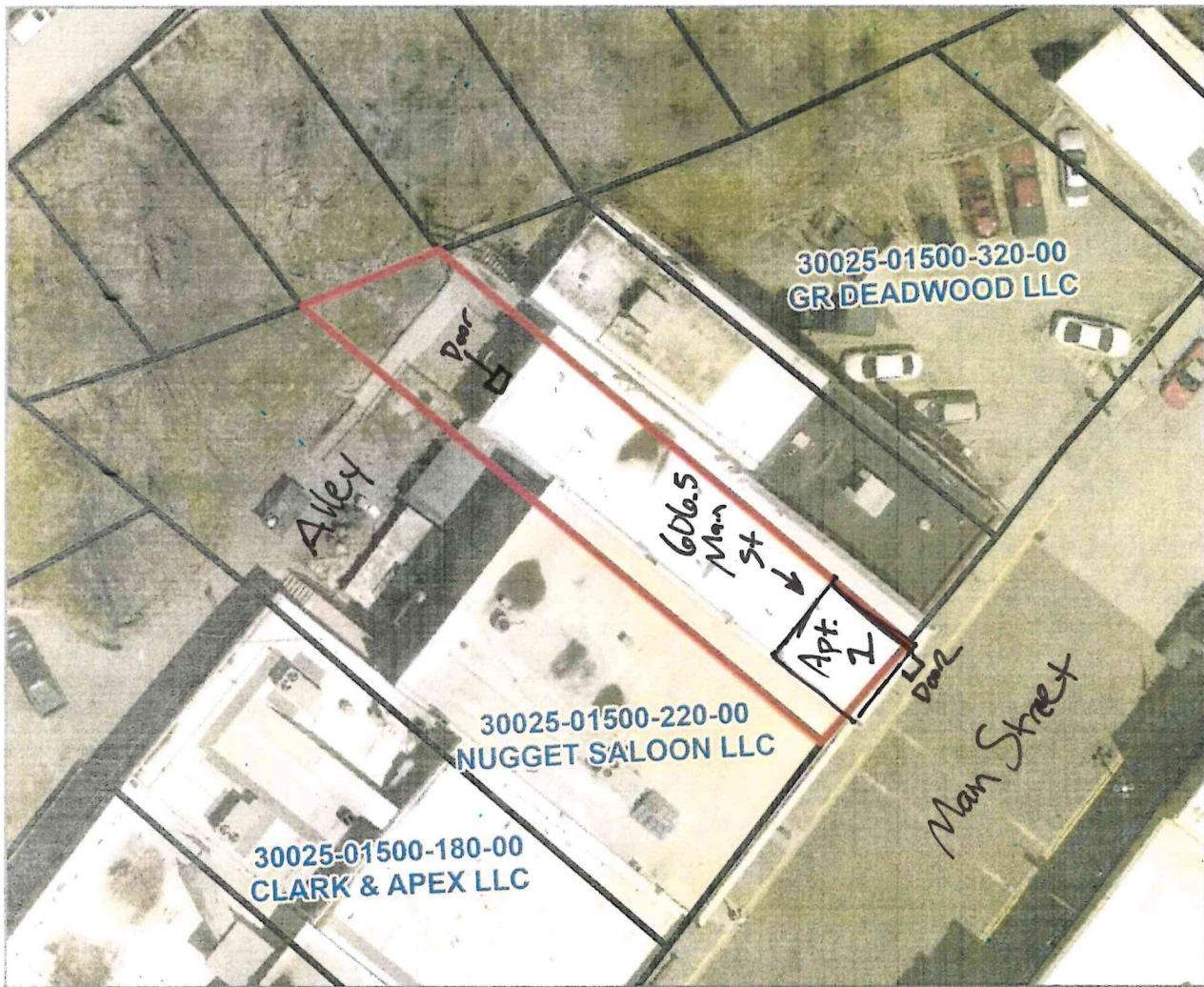
Thank you,



Wayne Morris

First Deadwood Cottages and Nugget Saloon LLC

Lawrence County, SD



Parcel ID	30025-01500-240-00	Taxing Unit	40-1_DE-L-DW
Plat	Not available	School District	40-1
Owner	NUGGET SALOON LLC	Fire District	DE
Additional Owners	0	Road District	0
Mailing Address	PO BOX 385 DEADWOOD, SD 57732	SAN	L
Legal	ORIGINAL TOWN DEADWOOD LOT 24 BLK 15	Land Use	NA
Property Address	606 MAIN ST, DEADWOOD, SD 57732	Class	DC
Legal Acres	0	Ward	05
S-T-R	--	City Ward	0
Neighborhood	50040	Extent	3474.2779777



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 35 feet
11/3/2023

**NOTICE OF PUBLIC HEARING
BEFORE THE PLANNING AND ZONING COMMISSION**

City of Deadwood
Planning and Zoning Commission
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the operations for a single unit Vacation Home Establishment as allowed under Section 17.32.030 Conditional Uses.

APPLICANTS: Nugget Saloon LLC (Wayne Morris)

LEGAL DESCRIPTION: LOT 24, IN BLOCK 15 OF THE ORIGINAL TOWNSITE OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO THE P.L. ROGERS MAP EXCEPT A PORTION OF LAND ALONG THE SOUTHERLY SIDE OF LOT 24, BLOCK 15 BEING 8 INCHES IN WIDTH FRONTING ON MAIN AND BACK OF EVEN WIDTH 100' AS SET FORTH IN DEED AND RECORDED IN BOOK 162 PAGE 243.

ADDRESS: 606 ½ Main Street

ZONE: C1 Commercial District

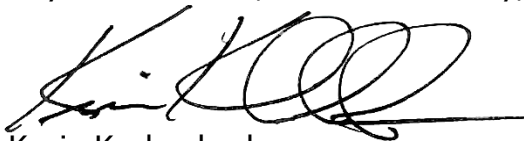
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, December 6, 2023 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

NOTICE IS FURTHER GIVEN, that the proposed request for a Vacation Home Establishment is on file and available for public examination at the Deadwood Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this th of November 2023

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: November _____, 2023

Published once at the total approximate cost of \$ _____

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

Public Notification

Date: November 14, 2023
To: Deadwood Property Owner / Resident
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for Conditional Use Permit for Vacation Home
Establishment

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the operations of a Vacation Home Establishment as allowed under Section 17.32.030 Conditional Uses under Vacation Home Establishment.

APPLICANT(S): Nugget Saloon LLC (Wayne Morris)

LEGAL DESCRIPTION: LOT 24, IN BLOCK 15 OF THE ORIGINAL TOWNSITE OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO THE P.L. ROGERS MAP EXCEPT A PORTION OF LAND ALONG THE SOUTHERLY SIDE OF LOT 24, BLOCK 15 BEING 8 INCHES IN WIDTH FRONTING ON MAIN AND BACK OF EVEN WIDTH 100' AS SET FORTH IN DEED AND RECORDED IN BOOK 162 PAGE 243.

ADDRESS: 606 ½ Main Street

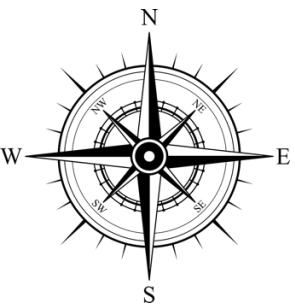
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, December 6, 2023, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted. A public hearing will also be heard by the Deadwood City Commission at 5:00 p.m. on Monday, December 18, 2023, at the same location.

NOTICE IS FURTHER GIVEN, that the proposed request for a Vacation Home Establishment is on file and available for public examination at the Deadwood Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

The purpose of this mailed notice is to reasonably inform the surrounding property owners of the applications for a Conditional Use Permit and to inform you of the type of use being requested.

If you have any questions, please feel free to contact our office at 605-578-2082.



**CONDITIONAL USE PERMIT
VACATION HOME ESTABLISHMENT
606 1/2 MAIN STREET**



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

FINDINGS OF FACT AND CONCLUSION REQUEST FOR VARIANCE

Date: November 10, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for Variance from Section 17.24.040.B – Front Yard and
Side Yard Setback Requirements – R1 Residential

APPLICANT(S): WJP Holdings, LLC (William Pearson)
ADDRESS: Mystery Wagon Road
Deadwood, Lawrence County, South Dakota

LEGAL DESCRIPTION: LOT 1, BLOCK 3A OF THE PALISADES TRACT OF THE DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD LOCATED IN THE SW1/4 OF 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, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

PURPOSE: The applicant has submitted a request for a variance to the required 20-foot setbacks according to Deadwood City Ordinance 17.24.040 (Area and Bulk Requirements).

ASSESSORS NO.: 30810-00300-010-00

RE: Request for Variance

WHEREAS, the above application for a Variance from the Front Yard and Side Yard Setbacks came for public hearing on May 15, 2023 at 5:00 p.m. were recommended for approval by the Deadwood Planning and Zoning Commission with the Deadwood Board of Adjustment approving the requests 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

Findings of Fact and Conclusion – Variance
Lot 1, Block 3A-Mystery Wagon Road
November 10, 2023

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 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

COMPLIANCE:

1. A sign was posted on the property for which the request was filed as required by Section 17.80.010.B.
2. Notice of time and place for the public hearing was published ten (10) days in advance of the hearing in the designated newspaper of the City of Deadwood as required by Section 17.80.010.B.
3. Application(s) requirements were met.

FINDINGS:

1. Planning and Zoning staff conducted a site visit and concluded that the developer has limited buildable space due to the size and shape of the lot. If fact, all lots on the south side of Mystery Wagon Road will likely need a variance for setbacks.
2. The construction of a new single-family home that has been proposed is a use by right in a Planned Unit Development.
3. The intent and purpose of this application for variance, if granted, the minimum adjustment necessary to afford relief or the reasonable use of the land will be an eleven-foot variance. The remaining bulk and height regulations are all met (i.e., side and rear setback requirements and height).
4. The proposed project is compatible with the area. The granting of the proposed structure will not be detrimental to fire safety, clearance, preservation of light and open space and/or visual and aesthetic concerns. The variance will not alter the essential character of the surrounding area in which the property is located; substantially or permanently impair the appropriate use or development of adjacent property.

Findings of Fact and Conclusion – Variance
Lot 1, Block 3A-Mystery Wagon Road
November 10, 2023

5. There is evidence of practical difficulty due to the size and shape of the lot. The developer is making every attempt to provide affordable housing to the City of Deadwood which will not only include this home but several additional small homes on this side of the Mystery Wagon Road.
6. The use and value of the area adjacent to the property included in the variance request will not be affected in an adverse manner. There will be no significant adverse impacts on water supply, schools, or other services. 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, and visual and aesthetic concerns.
7. The applicant has paid the \$200.00 fee to process the variance and have the public hearing.
8. The applicant has proven to the City of Deadwood Planning and Zoning office that they are the current owner of subject property.
9. 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.

Findings of Fact and Conclusion – Variance
Lot 1, Block 3A-Mystery Wagon Road
November 10, 2023

ATTEST:

Jessicca McKeown, Finance Officer
City of Deadwood
/ / /2023

David Ruth, Mayor
City of Deadwood
/ / /2023

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2023

David Bruce, Secretary
Planning and Zoning Commission
/ / /2023

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

**FINDINGS OF FACT AND CONCLUSION
REQUEST FOR VARIANCE**

Date: November 7, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for Variance from Section 17.24.040.B – Front Yard and
Side Yard Setback Requirements – R1 Residential

APPLICANT(S): Bob and Bonita Goode
ADDRESS: 3 Pearl Street
Deadwood, Lawrence County, South Dakota

LEGAL DESCRIPTION: Lot A, Block 7, Highland Park Addition, formerly a portion of Lots 1 thru 6, Block 7 Highland Park Addition, City of Deadwood, Lawrence County, South Dakota, according to Plat Document No. 2009-6668

PURPOSE: The applicant has submitted a request for a variance to the required 20-foot setbacks according to Deadwood City Ordinance 17.24.040 (Area and Bulk Requirements).

ASSESSORS NO.: 30500-00700-030-00

RE: Request for Variance

WHEREAS, the above application for a Variance from the Front Yard and Side Yard Setbacks came for public hearing on August 7, 2023 at 5:00 p.m. were recommended for approval by the Deadwood Planning and Zoning Commission with the Deadwood Board of Adjustment approving the requests 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 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

COMPLIANCE:

1. A sign was posted on the property for which the request was filed as required by Section 17.80.010.B.
2. Notice of time and place for the public hearing was published ten (10) days in advance of the hearing in the designated newspaper of the City of Deadwood as required by Section 17.80.010.B.
3. Application(s) requirements were met.

FINDINGS:

1. Planning and Zoning staff conducted a site visit and concluded that the applicant has limited buildable space due to the size and shape of the lot. Strict adherence to the ordinance would adversely affect the rhythm, site, and setting of the National Landmark District, and the State and National Register Historic Districts (Collectively known as historic districts for the balance of this report).
2. The construction of the proposed carport would be for the existing single-family home that is a use by right in the R1 – Residential Zoning District.
3. The intent and purpose of this application for variance, if granted, is to mimic existing setbacks on adjacent historic properties and to allow the maximum use of the land. The remaining bulk and height regulations are met (i.e., side and rear setback requirements and height).
4. The proposed project is compatible with the area. The granting of the proposed structure will not be detrimental to fire safety, clearance, preservation of light and open space and/or visual and aesthetic concerns. The variance will not alter the essential character of the surrounding area in which the property is located; substantially or permanently impair the appropriate use or development of adjacent property.
5. There is evidence of practical difficulty due to the size of the lot.

Findings of Fact and Conclusion – Variance
Bob and Bonita Goode
November 10, 2023

6. The use and value of the area adjacent to the property included in the variance request will not be affected in an adverse manner. There will be no significant adverse impacts on water supply, schools, or other services. 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, and visual and aesthetic concerns.
7. The applicant has paid the \$200.00 fee to process the variance and have the public hearing.
8. The applicant has proven to the City of Deadwood Planning and Zoning office that they are the current owner of subject property.
9. 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.

Findings of Fact and Conclusion – Variance
Bob and Bonita Goode
November 10, 2023

ATTEST:

Jessica McKeown, Finance Officer
City of Deadwood
/ / /2023

David Ruth, Mayor
City of Deadwood
/ / /2023

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2023

David Bruce, Secretary
Planning and Zoning Commission
/ / /2023

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
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Kevin Kuchenbecker
Planning, Zoning and
Historic Preservation Officer
Telephone (605) 578-2082
kevin@cityofdeadwood.com

FINDINGS OF FACT AND CONCLUSION REQUEST FOR VARIANCE

Date: November 10, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for Variance from Section 17.24.040.B – Front Yard and
Side Yard Setback Requirements – R1 Residential

APPLICANT(S): Jackie Diana Fisher and Bryan James Duffy Revocable Trust

ADDRESS: 22 Washington Street
Deadwood, Lawrence County, South Dakota

LEGAL DESCRIPTION: TRACT C, BLOCK 53, A SUBDIVISION OF PART OF LOTS 1 AND 2, BLOCK 53, ORIGINAL TOWN, CITY OF DEADWOOD, LOCATED IN THE NW1/4 OF SECTION 26, T5N, R3E, B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO PLAT RECORDED AS DOCUMENT NO. 2001-01165, SUBJECT TO EASEMENTS, RESERVATIONS, AND RESTRICTIONS OF RECORD

PURPOSE: The applicant has submitted a request for a variance to the required 20-foot setbacks according to Deadwood City Ordinance 17.24.040 (Area and Bulk Requirements).

ASSESSORS NO.: 30025-05300-010-00

RE: Request for Variance

WHEREAS, the above application for a Variance from the Front Yard and Side Yard Setbacks came for public hearing on July 3, 2023 at 5:00 p.m. were recommended for approval by the Deadwood Planning and Zoning Commission with the Deadwood Board of Adjustment approving the requests 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 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

COMPLIANCE:

1. A sign was posted on the property for which the request was filed as required by Section 17.80.010.B.
2. Notice of time and place for the public hearing was published ten (10) days in advance of the hearing in the designated newspaper of the City of Deadwood as required by Section 17.80.010.B.
3. Application(s) requirements were met.

FINDINGS:

1. Planning and Zoning staff conducted a site visit and concluded that the developer has limited buildable space due to the size and shape of the lot. Strict adherence to the ordinance would adversely affect the rhythm, site, and setting of the National Landmark District, and the State and National Register Historic Districts (Collectively known as historic districts for the balance of this report). The existing adjacent historic properties do not meet the setback dimensions in the zoning ordinance.
2. The construction of a new single-family home that has been proposed is a use by right in the R1 – Residential Zoning District.
3. The intent and purpose of this application for variance, if granted, is to mimic existing setbacks on adjacent historic properties and to allow the maximum use of the land. The remaining bulk and height regulations are all met (i.e., side and rear setback requirements and height).
4. The proposed project is compatible with the area. The granting of the proposed structure will not be detrimental to fire safety, clearance, preservation of light and open space and/or visual and aesthetic concerns. The variance will not alter the essential character of the surrounding area in which the property is located; substantially or

Findings of Fact and Conclusion – Variance
22 Washington Street
November 10, 2023

permanently impair the appropriate use or development of adjacent property.

5. There is evidence of practical difficulty due to the size of the lot. The applicant has made an attempt to provide infill housing on an existing lot which has been vacant within the City of Deadwood. In many ways, this is efficient use of stranded infrastructure which is not fully utilized and does not require high costs and additional maintenance from the city services already provided to this area of the community.
6. The use and value of the area adjacent to the property included in the variance request will not be affected in an adverse manner. There will be no significant adverse impacts on water supply, schools, or other services. 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, and visual and aesthetic concerns.
7. The applicant has paid the \$200.00 fee to process the variance and have the public hearing.
8. The applicant has proven to the City of Deadwood Planning and Zoning office that they are the current owner of subject property.
9. 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.

Findings of Fact and Conclusion – Variance
22 Washington Street
November 10, 2023

ATTEST:

Jessica McKeown, Finance Officer
City of Deadwood
/ / /2023

David Ruth, Mayor
City of Deadwood
/ / /2023

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2023

David Bruce, Secretary
Planning and Zoning Commission
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FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

Date: November 3, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Vacation Home Establishment

APPLICANT(S): Deadwood Rentals, LLC (Trinity Conrad)
PURPOSE: Conditional Use Permit – Vacation Home Establishment
ADDRESS: 819 Main Street
Deadwood, Lawrence County, South Dakota

LEGAL DESCRIPTION: LOT 12 IN BLOCK A OF SUNNYSIDE ADDITION TO THE CITY OF DEADWOOD AS SET OUT IN PLAT BOOK 3 PAGE 251, LAWRENCE COUNTY, SOUTH DAKOTA, EXCEPT THAT PART DEEDED TO THE STATE OF SOUTH DAKOTA FOR HIGHWAY PURPOSES AS SET OUT IN BOOK 372 PAGE 58 AND PAGE 168; AND, TRACT A-1 IN BLOCK A, A REPLAT OF TRACTS “A” AND “B” OF THE SUBDIVISION OF LOT 13, BLOCK A OF SUNNYSIDE ADDITION, LOCATED IN THE NW1/4NE1/4 OF SECTION 27, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ACCORDING TO PLAT FILED IN DOCUMENT NO. 2001-4003.

ASSESSORS NO.: 30800-00100-130-10

RE: Request for Conditional Use Permit

WHEREAS, the above application for a Conditional Use Permit for a Vacation Home Establishment in the C1 – Commercial District came on review before the Deadwood Planning and Zoning Commission on Wednesday September 6, 2023. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of

Findings of Fact and Conclusion – Conditional Use Permit
Deadwood Rentals, LLC
November 3, 2023

Adjustment approved the request for a Vacation Home Establishment at 819 Main Street as recommended by the Planning and Zoning Commission on September 18, 2023.

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 CONCLUSION

- 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.
- 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 C1 – Commercial District. The area near the subject property consists of a mixture of commercial, single and multi-family dwellings, and undeveloped land.
- 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. The 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.

Findings of Fact and Conclusion – Conditional Use Permit
Deadwood Rentals, LLC
November 3, 2023

- 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 all of the building codes.
 4. City water and sewer rates to be changed from residential to commercial rates.
 5. Proper paperwork is filed with the City of Deadwood Finance Office for BID taxes.
 6. Proof of City of Deadwood Business License.
 7. Obtain lodging license after inspection from the South Dakota Department of Health without changing the historic character of the resource through window replacement.
 8. All parking shall be off street.

Findings of Fact and Conclusion – Conditional Use Permit
Deadwood Rentals, LLC
November 3, 2023

ATTEST:

Jessica McKeown, Finance Officer
City of Deadwood
/ / /2023

David Ruth, Mayor
City of Deadwood
/ / /2023

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2023

David Bruce, Secretary
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kevin@cityofdeadwood.com

FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

Date: November 7, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Vacation Home Establishment

APPLICANT(S): Owson Properties, LLC (Mike and Kat Sneesby)
PURPOSE: Conditional Use Permit – Vacation Home Establishment
ADDRESS: 64 Cliff Street
Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: LOT X2 OF RIVERSIDE ADDITION CITY OF
DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA
FORMERLY LOT X OF RIVERSIDE ADDITION
LOCATED IN THE NE1/4 OF SECTION 27, T5N, R3E,
B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY,
SOUTH DAKOTA
ASSESSORS NO.: 30735-07800-180-10
RE: Request for Conditional Use Permit

WHEREAS, the above application for a Conditional Use Permit for a Vacation Home Establishment in the C1 – Commercial Highway district came on review before the Deadwood Planning and Zoning Commission on Wednesday, August 16, 2023. 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 64 Cliff Street as recommended by the Planning and Zoning Commission on August 21, 2023.

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

Findings of Fact and Conclusion – Conditional Use Permit
Owson Properties, LLC
November 7, 2023

advised in the premises, the Deadwood Planning and Zoning Commission and Deadwood Board of Adjustment hereby enter their:

FINDINGS OF FACT AND CONCLUSION

- 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.
- 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 CH – Commercial Highway. The area near the subject property consists of a mixture of single-family dwellings and businesses.
- 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. The use is expressly allowed in the CH – Commercial Highway 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.

Findings of Fact and Conclusion – Conditional Use Permit
Owson Properties, LLC
November 7, 2023

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 all of the building codes.
4. City water and sewer rates to be changed from residential to commercial rates.
5. Proper paperwork is filed with the City of Deadwood Finance Office for 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.

ATTEST:

Jessicca McKeown, Finance Officer
City of Deadwood
/ / /2023

David Ruth, Mayor
City of Deadwood
/ / /2023

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2023

David Bruce, Secretary
Planning and Zoning Commission
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FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

Date: November 7, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Home Business

APPLICANT(S): Carson Witt
PURPOSE: Conditional Use Permit – Home Delivery Donut Business
ADDRESS: 63 Stewart Street
Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: THE EASTERLY 50 FEET OF LOT 2, BLOCK 72 ORIGINAL TOWN IN THE CITY OF DEADWOOD LAWRENCE COUNTY, SOUTH DAKOTA EXCEPT THAT PORTION DEEDED TO THE CITY OF DEADWOOD FOR STREET PURPOSES.
ASSESSORS NO.: 30025-07200-020-00
RE: Request for Conditional Use Permit

WHEREAS, the above application for a Conditional Use Permit for a Home Delivery Donut Business in the R1 – Residential district came on review before the Deadwood Planning and Zoning Commission on Wednesday, April 19, 2023. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request for a Home Delivery Donut Business at 63 Stewart Street, as recommended by the Planning and Zoning Commission, on May 1, 2023.

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

Findings of Fact and Conclusion – Conditional Use Permit
Carson Witt
November 7, 2023

Deadwood Board of Adjustment hereby enter their:

FINDINGS OF FACT AND CONCLUSION

- 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.
- 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 R1 – Residential. The area near the subject property consists of single-family dwellings.
- 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. The use is expressly allowed in the R1 – Residential 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 Home Delivery Donut Business. 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 City of Deadwood Business License.

Findings of Fact and Conclusion – Conditional Use Permit
Carson Witt
November 7, 2023

3. The Conditional Use Permit shall be reviewed annually by the Planning and Zoning Commission as required under 17.76.060.

ATTEST:

Jessicca McKeown, Finance Officer
City of Deadwood
/ / /2023

David Ruth, Mayor
City of Deadwood
/ / /2023

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2023

David Bruce, Secretary
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FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

Date: November 7, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Vacation Home Establishment

APPLICANT(S): Deadwood Rentals, LLC (Trinity Conrad)
PURPOSE: Conditional Use Permit – Vacation Home Establishment
ADDRESS: 36 Water Street
Deadwood, Lawrence County, South Dakota

LEGAL DESCRIPTION: TRACT A, AN 8’ PLATTED ALLEY AND A PORTION OF LOT R-1 OF THE CITY OF DEADWOOD RAILROAD PROPERTY ALL LOCATED IN THE HILLSDALE ADDITION TO THE CITY OF DEADWOOD, IN THE NW 1/4 OF SECTION 26, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA; AND, TRACT B-1, MCGOVERN HILL ADDITION OF THE CITY OF DEADWOOD, LOCATED IN THE NW1/4NW1/4 OF SECTION 26 T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

ASSESSORS NO.: 30525-00100-110-10

RE: Request for Conditional Use Permit

WHEREAS, the above application for a Conditional Use Permit for a Vacation Home Establishment in the C1 – Commercial District came on review before the Deadwood Planning and Zoning Commission on Wednesday, August 16, 2023. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request by the Planning and Zoning Commission August 21, 2023.

WHEREAS, all present members of the Deadwood Planning and

Findings of Fact and Conclusion – Conditional Use Permit
Deadwood Rentals, LLC
November 7, 2023

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 CONCLUSION

- 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.
- 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 C1 – Commercial District. The area near the subject property consists of a mixture of commercial, single family dwellings, and vacant land.
- 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. The 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:

Findings of Fact and Conclusion – Conditional Use Permit
Deadwood Rentals, LLC
November 7, 2023

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 all of the building codes.
4. City water and sewer rates to be changed from residential to commercial rates.
5. Proper paperwork is filed with the City of Deadwood Finance Office for BID taxes.
6. Proof of City of Deadwood Business License.
7. Obtain lodging license after inspection from the South Dakota Department of Health without changing the historic character of the resource through window replacement.
8. All parking shall be off street.

Findings of Fact and Conclusion – Conditional Use Permit
Deadwood Rentals, LLC
November 7, 2023

ATTEST:

Jessica McKeown, Finance Officer
City of Deadwood
/ / /2023

David Ruth, Mayor
City of Deadwood
/ / /2023

John Martinisko, Chairman
Planning and Zoning Commission
/ / /2023

David Bruce, Secretary
Planning and Zoning Commission
/ / /2023

DEADWOOD CITYWIDE EVENTS

Section 7 Item a.

2024

*All 2024 event dates are tentative

January 12-13
RED DIRT FESTIVAL

January 26 - 27
PRO SNOCROSS RACES

January 27
K9 KEG PULL

February 9 - 10
MARDI GRAS WEEKEND

February 17
WINE & CHOCOLATE STROLL

March 15 - 16
ST. PATRICK'S DAY WEEKEND

April 2024
STARDUST FEST

April 12 - 13
FORKS, CORKS & KEGS

May 17 - 18
HOPS & HOGS: CRAFT BEER FESTIVAL

May 24 - 25
SUMMER KICKOFF IN THE SQUARE

May 25
BLACK HILLS MOTORCYCLE SHOW

May 26
BACK WHEN THEY BUCKED

June 2024
ALL-IN FREESTYLE MOTOCROSS

June 1-2
MICKELSON TRAIL MARATHON

June 7 - 8
DEADWOOD PBR

June 13 - 15
WILD BILL DAYS

June 15
WILD BILL DAYS CLASSIC CAR AUCTION

June 15
WILD DEADWOOD READS

June 21 - 23
SUMMER MICKELSON TRAIL TREK

June 22
SHRINE CIRCUS

June 28-29
MONSTERS OF DESTRUCTION

July 4
INDEPENDENCE DAY PARADE & CELEBRATION

July 7 - 12
3-WHEELER RALLY

July 21 - 27
DAYS OF '76 RODEO

August 17
PREACHER SMITH'S REDEMPTION DAY IN OUTLAW SQUARE

August 2024
BADLANDS STEER ROPING

August 2 - 11
STURGIS RALLY

August 5
LEGENDS RIDE

August 21 - 25
KOOL DEADWOOD NITES

August 22 - 24
KOOL DEADWOOD NITES CLASSIC CAR AUCTION

September 2024
ALL-IN FREESTYLE MOTOCROSS

September 13 - 14
DEADWOOD JAM

September 20 - 22
MICKELSON TRAIL TREK

October 4 - 5
OKTOBERFEST

October 17 - 19
WILD WEST SONGWRITERS FESTIVAL

October 25 - 26
DEADWEIRD

November 9
BIG WHISKEY FESTIVAL

November 15 - 30
HOLIDAY HO HO HORSESHOES

December 6
COMMUNITY CHRISTMAS TREE LIGHTING

December 31
NEW YEAR'S EVE CELEBRATION

