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Kirwan v. City of Deadwood

Supreme Court of South Dakota - April 26, 2023 - N.W.2d - 2023 WL 3111176 - 2023 S.D. 20

Building owner appealed city historic district commission's denial of certificate of appropriateness to conduct renovations on saloon building.

The Circuit Court affirmed, and building owner appealed.

The Supreme Court held that:

- As a matter of first impression, clearly erroneous standard of review applies to appeals from the decision of a historic district commission;
- Commission considered the relevant factors as required by ordinance when denying building owner's application;
- Commission placed upon the record the reasons for its denial, as required by statute;
- Letter from historic preservation officer denying certificate of appropriateness satisfied statutory requirement that commission furnish the applicant a copy of its reasons for the decision;
- Commission's failure to provide building owner with an "attested copy" of the reasons for its denial did not require reversal; and
- Record supported commission's denial of building owner's application.

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