



# Planning and Zoning Commission Meeting Agenda

Wednesday, June 16, 2021 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

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1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
  - a. Approval of 5/19/21 Meeting Minutes
4. **Sign Review Committee**
  - a. 73 Sherman Street - Pump House - Install New Free Standing Sign  
Action Required:
    - a. Recommend Approval/Denial by Sign Review Commission
  - b. 665 Main Street - Gold Dust 777/Holiday Inn Express - Install Two New Projecting Signs  
Action Required:
    - a. Recommend Approval/Denial by Sign Review Commission
5. **Planning and Zoning Commission**
  - a. Public Hearing - Request for Variance - Front Yard Setback - 19 Centennial Avenue
  - b. Request for Variance - Robb & Wendy Nelson - 19 Centennial Avenue  
Lot 8A, Block K, Original Townsite, City of Deadwood, Lawrence County, South Dakota Formerly Portions of Lots 8 and 9, Block K  
Action Required:
    - a. Approval/Denial by Planning and Zoning Commission
    - b. Approval/Denial by Board of Adjustments
  - c. Temporary Vending Application - 21 Deadwood Street - Lacy Blair - Therapeutic Massage  
Action Required:
    - a. Approval/Denial by Planning and Zoning Commission
  - d. Findings of Fact and Conclusion - Rick and Chris Jordan - 768 Main Street  
Part of Lots 46 & 47, Block 23, Original Townsite, City of Deadwood, Lawrence County, South Dakota  
Action Required:
    - a. Approval/Denial by Planning and Zoning
6. **Items from Staff**
7. **Adjournment**



# Planning and Zoning Commission Meeting Minutes

Wednesday, May 19, 2021 at 5:00 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, May 19, 2021 at 5:00 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 (Secretary) Josh Keehn  
 Commissioner Dave Bruce  
 Commissioner Kevin Wagner

### ABSENT:

Commissioner (Vice Chair) Bill Rich

### CITY COMMISSION PRESENT:

David R. Ruth Jr., Mayor  
 Charlie Mook Struble  
 Mike Johnson  
 Sharon Martinisko

### STAFF PRESENT:

Jeremy Russell, Planning and Zoning Administrator  
 Trent Mohr, Building Inspector  
 Bonny Anfinson, Program Coordinator

## 3. Approval of Minutes

- a. Approval of May 5, 2021 Minutes

***It was moved by Commissioner Wagner and seconded by Commissioner Keehn to approve the May 5, 2021 minutes. Voting Yea: Martinisko, Keehn, Bruce, Wagner***

## 4. Sign Review Committee

- a. 677 Main Street - Lamar Feed & Grain, LLC - Install New Projecting Sign

Mr. Mohr stated the applicant is requesting permission to install a new projecting sign at 677 Main Street, Midnight Star. The sign will be located above the door that leads up stairs to where the business is located. The sign is compliant with the sign ordinance and requires no variances. ***It was moved by Commissioner Keehn and seconded by Commissioner Bruce to approve the sign permit for 677 Main Street. Voting Yea: Martinisko, Keehn, Bruce, Wagner***

## 5. Planning and Zoning Commission

- a. Conditional Use Permit - Rick & Chris Jordan - 768 Main Street  
PART OF LOTS 46 & 47, BLOCK 23, ORIGINAL TOWNSITE, CITY OF DEADWOOD,  
LAWRENCE COUNTY, SOUTH DAKOTA

Mr. Russell stated the applicant is applying for a CUP to operate a bed and breakfast at 768 Main Street legally known as Part of Lots 46 & 47, Block 23, Original Townsite, City of Deadwood, Lawrence County, South Dakota. The property is located on upper Main Street and is surrounded by different zoning classifications: Residential, Residential Multi-Family, Public Use, Commercial and Park Forest. The applicants intend to occupy the lower level as their residence and would comply with the stipulation of being owner occupied. In this instance there are bed and breakfasts within the two hundred feet required buffers. The applicant's home sits in between four legal operating bed and breakfast establishment's owned by Shirlene Joseph. The Planning and Zoning Commission may waive the distance limitation if the structure is listed on the National Register of Historic Places or eligible for individual listing on the register. This property is located on the register. Deadwood City Ordinance also requires one off street parking space which the applicant does not have. The applicants have leased two private parking areas nearby for compliance. ***It was moved by Commissioner Wagner and seconded by Commissioner Bruce to approve the Conditional Use Permit for 768 Main Street, legally described as Part of Lots 46 & 47, Block 23, Original Townsite, City of Deadwood, Lawrence County, South Dakota with staff recommendations for stipulations 1 - 8. Voting Yea: Martinisko, Keehn, Bruce, Wagner***

- b. Final Plat - Darleen Hicks - Calamity Lane Area

PLAT OF LOTS K1R AND K2R BEING A PORTION OF TRACT H OF THE SUBDIVISION OF PROBATE LOT 327, LOT 1 OF THE MURRAY SUBDIVISION OF PROBATE LOT 327, A PORTION OF LOT 5 OF PECK'S GARDEN SUBDIVISION AND A PROTION OF SCHOOL LOT 16, LOCATED IN THE NE1/4 OF SECTION 27, T5N, R3E, B.H.M. CITY OF DEADWOOD LAWRENCE COUNTY, SOUTH DAKOTA, FORMERLY LOTS K1 AND K2

Mr. Russell stated the applicant is submitting a final plat to establish a new property line for the purpose of transferring land. This property is legally described as Plat of Lots K1R and K2R being a portion of Tract H of the Subdivision of Probate Lot 327, Lot 1 of the Murray Subdivision of Probate Lot 327, a Portion of Lot 5 of Peck's Garden Subdivision and a Portion of School Lot 16, located in the NE1/4 of Section 27, T5N, R3E, B.H.M. City of Deadwood, Lawrence County, South Dakota, formerly Lots K1 and K2. The proposed plat does not require a variance and is compliant with all City of Deadwood zoning ordinances. ***It was moved by Commissioner Keehn and seconded by Commissioner Wagner to approve the final plat for the property legally described as Plat of Lots K1R and K2R being a portion of Tract H of the Subdivision of Probate Lot 327, Lot 1 of the Murray Subdivision of Probate Lot 327, a Portion of Lot 5 of Peck's Garden Subdivision and a Portion of School Lot 16, located in the NE1/4 of Section 27, T5N, R3E, B.H.M. City of Deadwood, Lawrence County,***

***South Dakota, formerly Lots K1 and K2. Voting Yea: Martinisko, Keehn, Bruce, Wagner***

Commissioner Martinisko adjourned the Planning and Zoning Meeting.

Mayor, David R. Ruth Jr. called the Board of Adjustments meeting to order.

- a. Conditional Use Permit - Rick & Chris Jordan - 768 Main Street

PART OF LOTS 46 & 47, BLOCK 23, ORIGINAL TOWNSITE, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

***It was moved by City Commissioner Martinisko and seconded by City Commissioner Mook Struble to approve the Conditional Use Permit for 768 Main Street, legally described as Part of Lots 46 & 47, Block 23, Original Townsite, City of Deadwood, Lawrence County, South Dakota with staff recommendations for stipulations 1 - 8. Voting Yea: Martinisko, Johnson, Mook Struble, Ruth***

- b. Final Plat - Darleen Hicks - Calamity Lane Area

PLAT OF LOTS K1R AND K2R BEING A PORTION OF TRACT H OF THE SUBDIVISION OF PROBATE LOT 327, LOT 1 OF THE MURRAY SUBDIVISION OF PROBATE LOT 327, A PORTION OF LOT 5 OF PECK'S GARDEN SUBDIVISION AND A PROTION OF SCHOOL LOT 16, LOCATED IN THE NE1/4 OF SECTION 27, T5N, R3E, B.H.M. CITY OF DEADWOOD LAWRENCE COUNTY, SOUTH DAKOTA, FORMERLY LOTS K1 AND K2.

***It was moved by City Commissioner Martinisko and seconded by City Commission Mook Struble to approve the final plat for the property legally described as Plat of Lots K1R and K2R being a portion of Tract H of the Subdivision of Probate Lot 327, Lot 1 of the Murray Subdivision of Probate Lot 327, a Portion of Lot 5 of Peck's Garden Subdivision and a Portion of School Lot 16, located in the NE1/4 of Section 27, T5N, R3E, B.H.M. City of Deadwood, Lawrence County, South Dakota, formerly Lots K1 and K2. Voting Yea: Martinisko, Johnson, Mook Struble, Ruth***

***It was moved by City Commissioner Johnson and seconded by City Commissioner Martinisko to adjourn the Board of Adjustments meeting.***

Commissioner Martinisko reconvened the Planning and Zoning Commission meeting.

**6. Items from Staff**

There were no items from staff.

**7. Adjournment**

***It was moved by Commissioner Wagner and seconded by Commissioner Bruce to adjourn the regular meeting of the Planning and Zoning Commission. Voting Yea: Martinisko, Keehn, Bruce, Wagner***

There being not further business, the Planning and Zoning Commission adjourned at 5:16 p.m.

ATTEST:

\_\_\_\_\_  
Chairman, Planning & Zoning Commission

\_\_\_\_\_  
Secretary, Planning & Zoning Commission

*Bonny Anfinson, Planning & Zoning Office/Recording Secretary*

OFFICE OF  
**Planning & Zoning**  
 108 Sherman Street  
 Telephone (605) 578-2082  
 Fax (605) 578-2084



"The Historic City of the Black Hills"  
 Deadwood, South Dakota 57732

**TRENT MOHR**  
 Building Inspector  
 Dept. of Planning & Zoning  
 Telephone: (605) 578-2082  
 Fax: (605) 578-2084

## SIGN PERMIT STAFF REPORT

Sign Review Commission

June 16, 2021

**Applicant:** Pat Eastman

**Address:** PO Box 652, Deadwood, SD 57732

**Site Address of Proposed Signage:** 73 Sherman St (Pump House)

### Computation of Sign Area

**Building Frontage:** 72 Feet

**Total Available Signage:** 144 Square Feet

**Existing Signage:** One freestanding (28 Square Feet)  
 One freestanding portable (8 Square Feet)  
 Two wall signs (20 Square Feet each)  
 One wall sign (5.6 Square Feet)

**Remaining Available Signage Area:** 62 Square Feet

**Proposed Sign Project:** Install new freestanding sign (10 Square Feet counted as 5 Square Feet against total allowed)

**Proposed Building Materials:** Metal (see attached rendering)

**Proposed Lighting of the Signs:** None

**Location of Proposed Sign:** Attached is a photograph showing the proposed location

### Discussion

The sign permit application in review is proposed at a location inside the locally-designated historic district which is regulated by chapter 15.32.300 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The sign proposed in the current application is regulated by 15.32.090 of the Sign Ordinance, reference below.

- A. *Before any sign can be erected or altered in any way, a valid permit must be issued. Any further alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign.*

The applicant wishes to add a freestanding sign. This sign is original and has been determined to be a historic land mark sign by the Historic Preservation Officer, Kevin Kuchenbecker (see attached).

The proposed sign and its location are compliant with the sign ordinance.

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## **Variances**

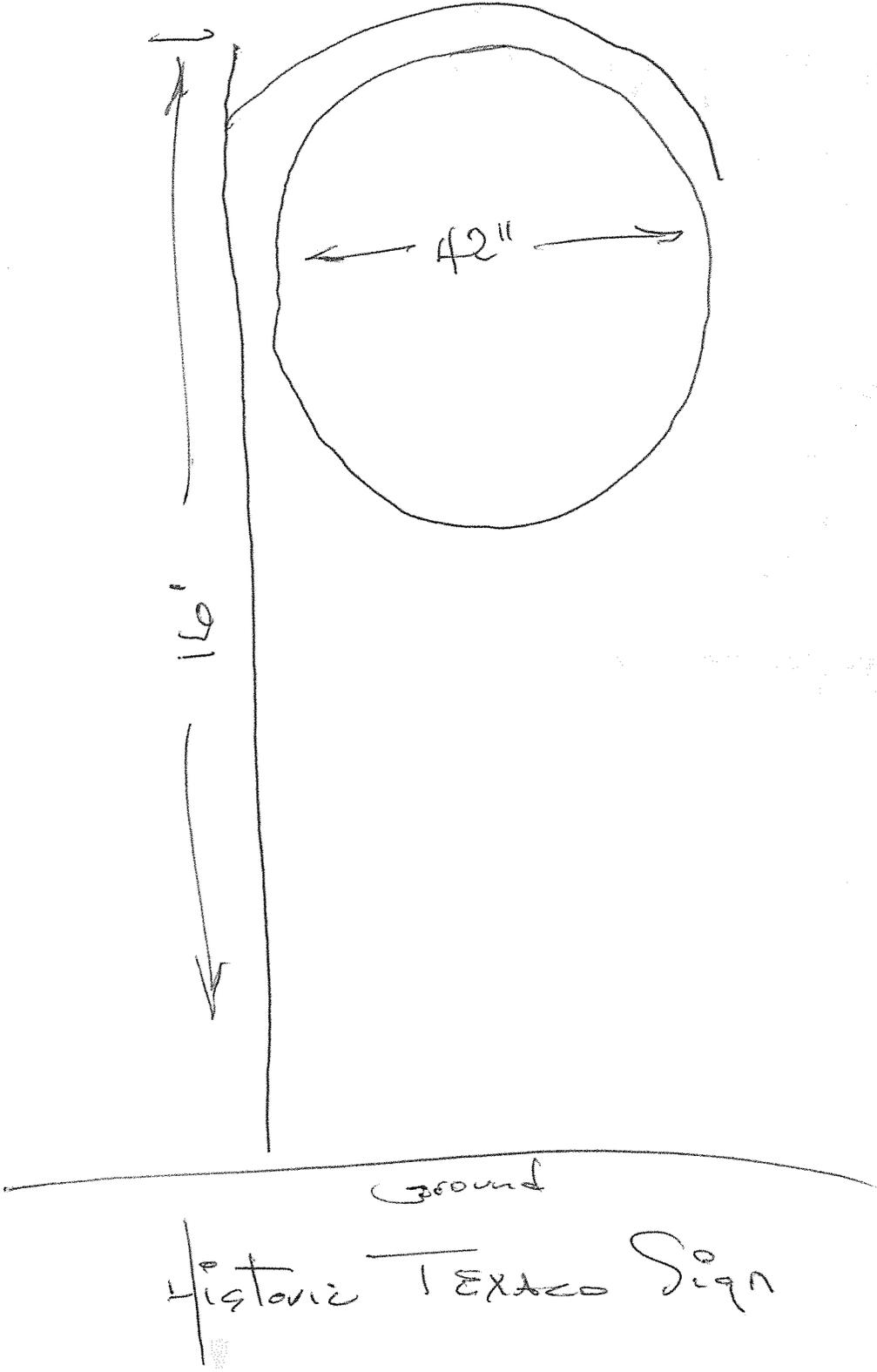
The sign permit application in review as proposed requires no variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area."* However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

## **Sign Review Commission Action**

Motion to approve permit for new freestanding sign at 73 Sherman Street

OR

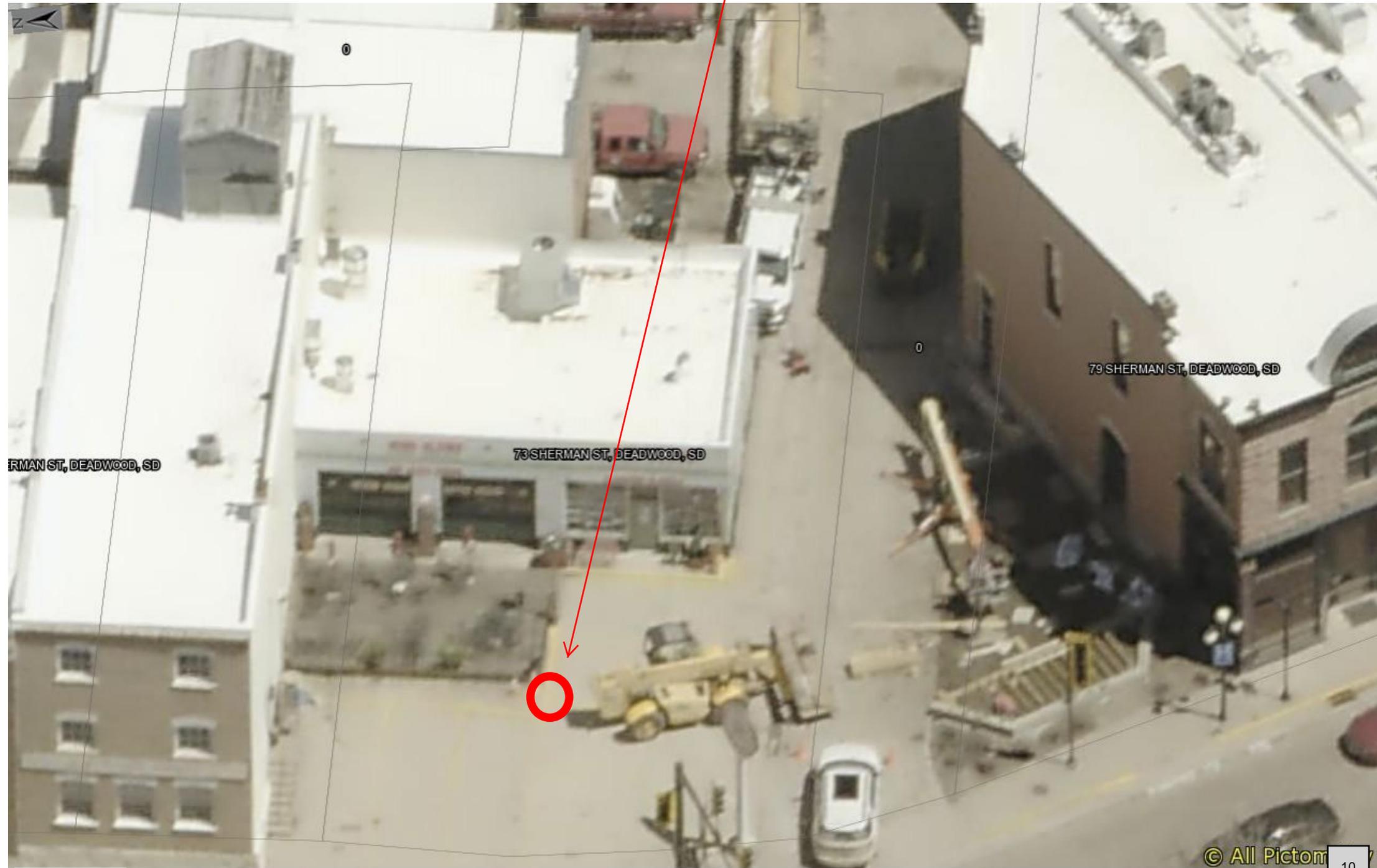
Motion to deny proposed sign permit application as submitted.



Also in BOOTS ON BRICKS - LANDMARK STARS



# proposed location



## Trent Mohr

---

**From:** Kevin Kuchenbecker  
**Sent:** Tuesday, June 8, 2021 10:10 AM  
**To:** Trent Mohr  
**Cc:** Jeramy Russell; Bonny Anfinson; Cindy Schneringer  
**Subject:** Landmark Sign  
**Attachments:** BOB\_73\_Sherman\_Street.pdf

Trent:

It is my understanding Pat Eastman is requesting the re-installation of the Texaco sign at 73 Sherman Street. This sign would be considered and certified by myself as the Historic Preservation Officer as a Historic Landmark Sign under Article VI of Chapter 15.32 of the Deadwood Codified Ordinances. The sign in question appears in the Boots on Bricks publication (attached) and is circa mid-1920s.

Let me know if you need anything else. Thank you.

Kevin Kuchenbecker  
Historic Preservation Officer

Following guidelines from Governor Kristi Noem and the Federal CDC regarding the COVID-19 Pandemic, the City of Deadwood is limiting public access to City Hall and staff offices. Staff will not receive walk-ins. Please schedule a telephonic appointment.

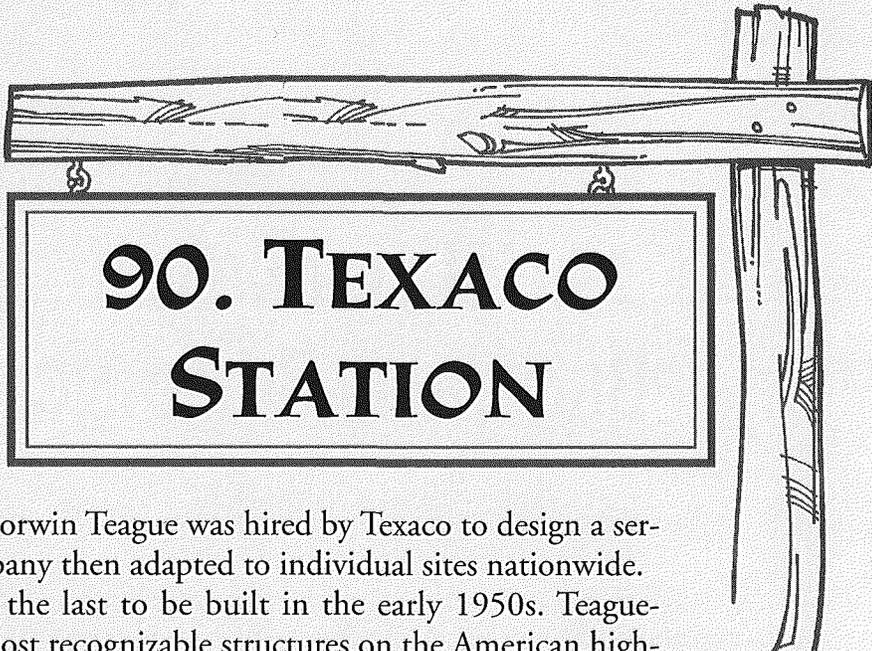
Please like HP on !!!



City of Deadwood  
 Department of Planning & Preservation  
 108 Sherman Street  
 Deadwood, South Dakota 57732  
 Phone 605.578.2082  
 Fax 605.578.2084  
 Cell 605.641.5568  
 Email [kevin@cityofdeadwood.com](mailto:kevin@cityofdeadwood.com)  
 Web [www.cityofdeadwood.com](http://www.cityofdeadwood.com)

<https://www.facebook.com/deadwoodhistoricpreservation/>

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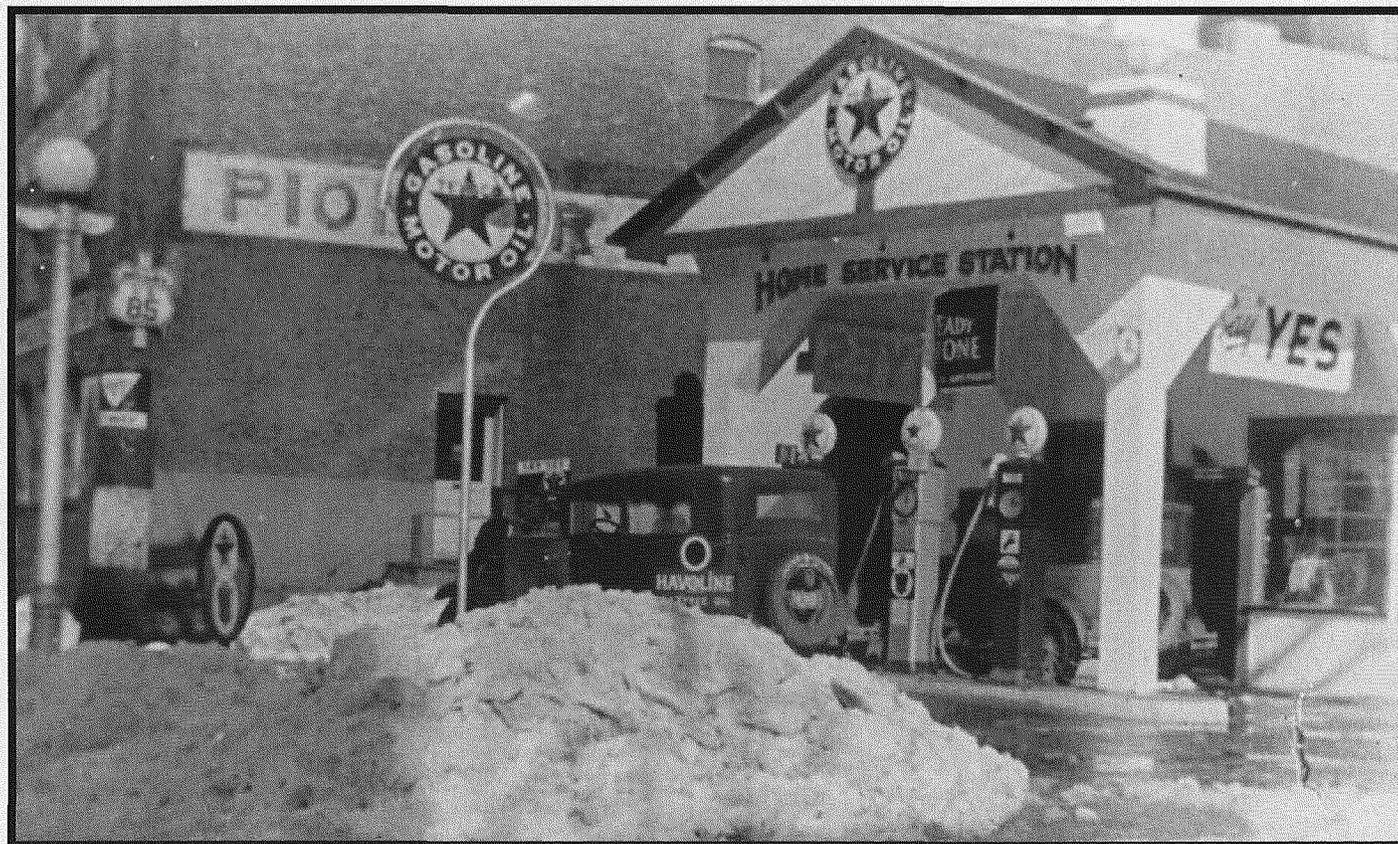


## 90. TEXACO STATION

*73 Sherman Street (c.1952) -  
Walter Dorwin Teague, Architect -*  
This lot was occupied by the Home  
Service Texaco Station as early as 1928.

In 1934, industrial designer Walter Dorwin Teague was hired by Texaco to design a series of prototype stations, which the company then adapted to individual sites nationwide.

This particular example was among the last to be built in the early 1950s. Teague-designed stations were once one of the most recognizable structures on the American highway. Now, due to Texaco's desire to modernize its corporate image, these stations are becoming increasingly rare.



*The Home Service Station, c.1930, predecessor to  
the existing building. Photo courtesy Pat Eastman  
Collection.*

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## SIGN PERMIT STAFF REPORT

Sign Review Commission

June 16, 2021

**Applicant:** Tony Sieber

**Address:** PO Box 645, Deadwood, SD 57732

**Site Address of Proposed Signage:** 665 Main St (Gold Dust 777 / Holiday Inn Express - HIE)

### Computation of Sign Area

**Building Frontage:** 229 Feet

**Total Available Signage:** 458 Square Feet

**Existing Signage:** One projecting sign "HIE" (18 Square Feet)  
 One wall sign "777" on Main St (34 Square Feet)  
 One marquee sign "HIE" on Lee St (56 Square Feet)  
 One wall sign "HIE on north side of building (24 Square Feet)

**Remaining Available Signage Area:** 326 Square Feet

**Proposed Sign Project:** Two new projecting signs numbered 1 and 2 (19 Square Feet each)

**Proposed Building Materials:** Sand blasted high density urethane

**Proposed Lighting of the Signs:** None

**Location of Proposed Sign:** See attached renderings and locations

### Discussion

The sign permit application in review is proposed at a location inside the locally-designated historic district which is regulated by chapter 15.32.300 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The sign proposed in the current application is regulated by 15.32.090 of the Sign Ordinance, reference below.

- A. *Before any sign can be erected or altered in any way, a valid permit must be issued. Any further alteration of the sign shall require an amendment of the existing permit or the issuance of a new permit. Such changes, as well as original permits, shall be issued pursuant to review by the sign review commission. It is unlawful to display, construct, erect, locate or alter any sign without first obtaining a sign permit for such sign.*

The applicant wishes to add two projecting signs. Sign #1 will advertise a sportsbook at this location and sign # 2 will advertise the gaming establishment.

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Sign #1 requires a variance as it is not on the same façade as the public entrance it is associated with. This is a requirement in section 15.32.300 para 2 of the sign ordinance. Excerpt follows:

*One projecting sign per public entrance so long as such entrances are at least ten (10) feet apart. Such signs shall be attached at right angles to a building, shall have no more than two faces, shall be located on the same facade as the public entrance and within reasonable proximity to that entrance.*

Please see attached variance request letter.

Sign #2 does not require a variance as the applicant plans to modify the associated door (see attached photo) by adding a handle on the exterior. This would make it a public entrance as it now is an exit only door.

### **Variations**

The sign permit application in review as proposed requires a variance from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area."* However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

### **Sign Review Commission Action**

Motion to approve permit for sign #1 granting a variance at 665 Main Street

OR

Motion to deny proposed permit for sign #1 as submitted

Motion to approve permit for sign #2 at 665 Main Street

OR

Motion to deny proposed permit for sign #2 as submitted



Black Diamond Capital, LLC dba Gold Dust Casino  
688 Main Street  
Deadwood, SD 57732

City of Deadwood  
Planning and Zoning Commission  
Attn: Sign Review Commission  
108 Sherman Street  
Deadwood, SD 57732

May 31, 2021

Dear Planning and Zoning Commission,

The Gold Dust Casino would like to request a variance in Deadwood's sign ordinance to allow a Projecting Sign to be placed on a different facade within 8 feet of the nearest public entrance.

With the newly approved Sports Betting coming soon to Deadwood, we would like to add additional signage to promote business for our Casino & Sportsbook inside the Holiday Inn Express located at 665 Main Street Deadwood, SD. We plan to use the same existing projecting signs as we have on the Gold Dust side of Main Street.

As illustrated in the attached photo of our Business, one of our Public Entrances is located on the Corner of Main and Lee Street which is positioned at a 45 degree angle instead of a traditional corner of a 90 degree angle. In an effort to gain the most visibility to traffic on Main Street, we are asking to place the Gold Dust Sportsbook (sign 1) on the Main Street side just 8 feet from the 45 degree angled corner. The other public entrance on the Main Street side is being used by the existing Holiday Inn Express projecting sign.

This proposal makes for a clean look to the Building while still maintaining realistic, appropriate distance from the closest public entrance which doesn't have any current signage.

Gold Dust Casino would therefore respectfully ask the Planning and Zoning Commission to grant this sign variance to Gold Dust Casino.

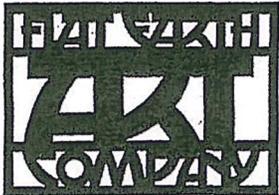
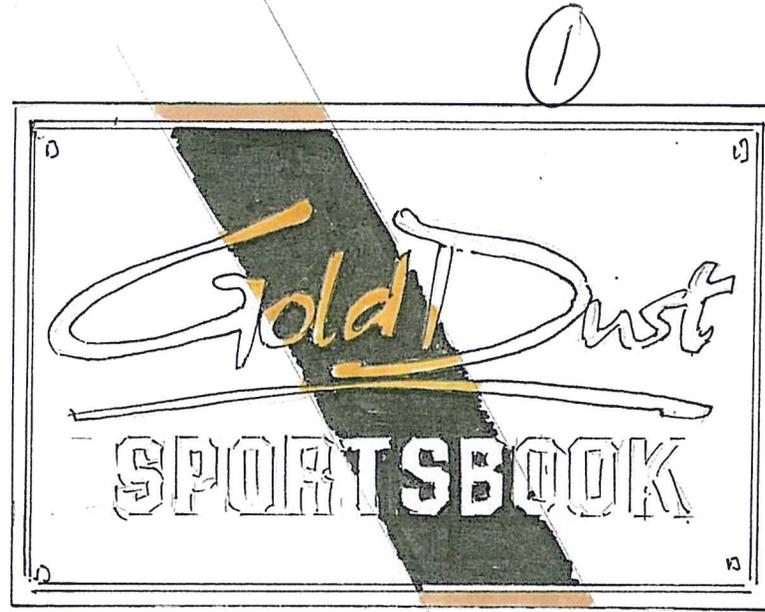
Thank you for your consideration with this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Sieber", is written over a thin horizontal line.

Tony Sieber  
Gold Dust Casino – General Manager

① DOUBLE-SIDED 42"H x 60"W x 2" SANDBLASTED HDU



**Tim Peterson**  
ARTIST

3123 E. FAIRGROUNDS LOOP STE. C  
SPEARFISH, SD 57783

(605) 642-5794

Designed exclusively for:

GOLD DUST

Date:

4/27/21

Address:

MAIN ST DEADWOOD

Phone:

578-2100

The prices, specifications, and conditions as described are satisfactory and are hereby accepted. You are authorized to do the work as specified.

50% DEPOSIT REQUIRED ON ALL WORK. BALANCE DUE ON COMPLETION.

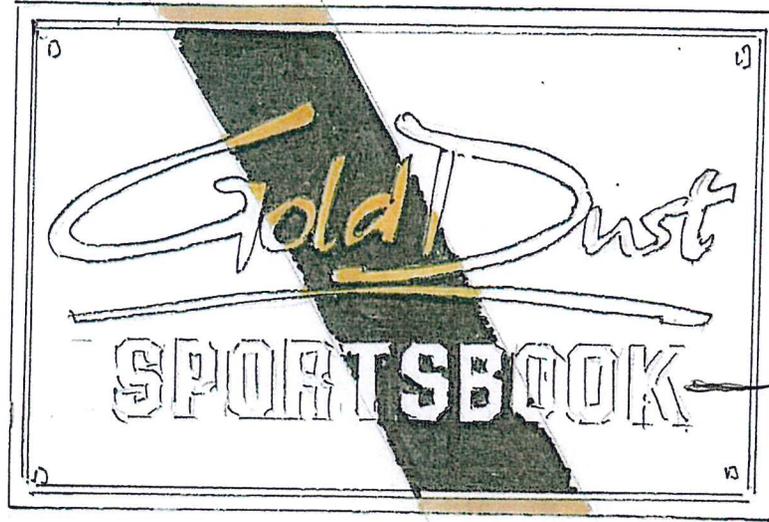
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Signature

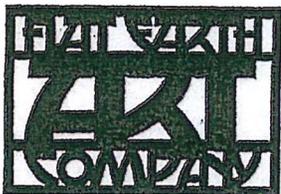
Date

① DOUBLE-SIDED 42"H x 66"W x 2" SANDBLASTED HDU

②



Will have GAMING instead of SPORTSBOOK



**Tim Peterson**  
ARTIST

3123 E. FAIRGROUNDS LOOP STE. C  
SPEARFISH, SD 57783

(605) 642-5794

Designed exclusively for:

GOLD DUST

Date:

8/27/21

Address:

MAIN ST DEADWOOD

Phone:

578-2100

The prices, specifications, and conditions as described are satisfactory and are hereby accepted. You are authorized to do the work as specified.

50% DEPOSIT REQUIRED ON ALL WORK. BALANCE DUE ON COMPLETION.

Signature

Date

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OFFICE OF  
PLANNING, ZONING AND  
HISTORIC PRESERVATION  
108 Sherman Street  
Deadwood, SD 57732



**Jeremy Russell**  
Planning and Zoning Administrator  
Telephone (605) 578-2082  
[jeramyr@cityofdeadwood.com](mailto:jeramyr@cityofdeadwood.com)  
Fax (605) 578-2084

**STAFF REPORT  
REQUEST FOR VARIANCE  
PLANNING AND ZONING COMMISSION  
June 16, 2021**

**APPLICANT:** Rob & Wendy Nelson

**PURPOSE:** Request for Variance – Setbacks for R1

**GENERAL LOCATION:** 19 Centennial Street

**LEGAL DESCRIPTION:** Lot 8A, Block K, Original Townsite, City of Deadwood, Lawrence County, South Dakota Formerly Portions of Lots 8 and 9, Block K

**FILE STATUS:** All legal obligations have been completed

**ZONE:** R1 – Residential District

**STAFF FINDINGS:**

Surrounding Zoning:

North: R1 – Residential District  
South: R1 – Residential District  
East: R1 – Residential District  
West: R1 – Residential District

Surrounding Land Uses:

Residential Housing  
Residential Housing  
Residential Housing  
Residential Housing

**SUMMARY OF REQUEST**

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). The Planning and Zoning Commission recently approved a replat of this area for the purpose of building a garage. According to the application submitted, due to the steep slope of the site, they are concerned with the amount of earth that will be excavated to build the garage. They are requesting that the setback be reduced to 10 feet to reduce the amount of excavation, reduce the cost of the structure to retain earth and increase safety of the excavation and construction crew.

**EXISTING ZONING AND LAND USES**

The property is currently zoned R1 – Residential District. This lot is located in the Williams Street neighborhood and is surrounded by legal non-conforming homes and garages as this entire area was established long before any zoning ordinances had been adopted by the City.

**Environmental Corridor Status:** The property is located outside of the Flood Area.

### **COMPLIANCE:**

1. The Zoning Officer provided notice identifying the applicant, describing the project and its location and giving the scheduled date and time of the public hearing in accordance with Section 17.80.010.B. This notice was mailed to property owners within 300 feet of the subject property.
2. A sign was posted on the property for which the request was filed as required by Section 17.80.010.B.
3. Notice of the time and place for the public hearing was published eight (10) days in advance of the hearing in the designated newspaper of the City of Deadwood as required by section 17.80.010.B.

### **VARIANCE**

The purpose of a variance is to modify the strict application of the specific requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional (Amended 99-952) conditions, whereby, such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his or her land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his or her lot as the Zoning Ordinance intended.

The Board shall consider and decide all applications for variances within 30 days of such public hearing and in accordance with the standards provided below.

### **STANDARDS FOR VARIANCES:**

In granting a variance, the Board shall ascertain that the following criteria are met, and presented at the public hearing or otherwise included in the record.

1. A variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions or other extraordinary conditions on a piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar, exceptional, and undue hardship on the owner of the property. The previously mentioned circumstances or conditions shall be set forth in the Findings of the Board.

*According to the application, they are concerned with the amount of earth that will be excavated to build the garage and coupled with the slope of the property create a hardship on the owner to build a garage and maintain the front setback.*

2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

*The subject use is a use by right in the R1 - Residential District.*

3. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.

*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 a ten-foot variance. The remaining bulk and height regulations are all met (i.e. side and rear setback requirements and height).*

4. The granting of any variance is in harmony with the general purposes and intent of this Ordinance and will not be injurious to the neighborhood, and/or detrimental to the public welfare, or in conflict with the established policies of the City of Deadwood.

*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. In fact, historically this would be a better representation of the historic Victorian style of homes and garages in the area.*

5. There must be proof of practical difficulty, which may be based upon sufficiently documented economic factors but such proof shall not be based solely upon or limited to such economic factors. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without the knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

*According to the application, they are concerned with the amount of earth that will be excavated to build the garage and coupled with the slope of the property create a hardship on the owner to build a garage and maintain the front setback.*

6. That the proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

*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 fee, as adopted by resolution, was paid to the Zoning Administrator as agent for the Board to cover the costs of notices and other expenses incidental to the hearing.

*The Nelson's have paid the \$200.00 fee to process the variance and have the public hearing.*

8. 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.

*The Nelson's have proven to the City of Deadwood Planning and Zoning office that they are the current owner of the subject property.*

### **Requirements for the Granting of a Variance:**

Before the Board shall have the authority to grant a variance, the person claiming the variances has the burden of showing:

1. That the granting of the permit will not be contrary to the public interest;
2. That the literal enforcement of the Ordinance will result in unnecessary hardship; and,
3. That by granting the permit, substantial justice will be done.

A variance shall be null and void two (2) years from the date it is granted unless completion or substantial construction has taken place. The Board of Adjustment may extend the variance for an additional period not to exceed one (1) year upon the receipt of a written request from the applicant demonstrating good cause for the delay.

If upon review by the Zoning Administrator, a violation of any condition, imposed in approval of a variance is found, the Administrator shall inform the applicant by registered mail of the violation and shall require compliance within sixty (60) days, or the Administrator will take action to revoke the permit. The Administrator's letter, constituting Notice of Intent to Revoke Variance may be appealed to the Board of Adjustment within thirty (30) days of its mailing. The Board of Adjustment shall consider the appeal and may affirm, reverse, or modify the Administrator's Notice of Intent to Revoke. The applicant must comply with the Board of Adjustment's Order on Appeal of Notice of Intent to Revoke Variance within thirty (30) days of the Board's decision.

### **ACTION REQUIRED:**

1. **Recommendation by Planning and Zoning to Approve/Deny/Approve with conditions for a 10' variance from the front yard setback requirements in the R1 - Residential District.**

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



Section 5 Item b.

Questions Contact:  
**Jeremy Russell**  
(605) 578-2082 or  
jeramyr@cityofdeadwood.com

Application No. \_\_\_\_\_

## REQUEST FOR VARIANCE

**Application Fee: \$200.00**

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

Name of Petitioner: Robb & Wendy Nelson Telephone: (303) 909-6491

Address: 7755 Valleyview Circle Windsor CO 80550  
Street City State Zip

Legal Description of Property: LOT 9 BLK K ORIGINAL TOWN DEADWOOD and LOT 8 BLK K ORIGINAL TOWN DEADWOOD

Property Address: 19 Centennial Avenue Deadwood SD 57732  
Street City State Zip

Description of Request: We are requesting a variance of the 20' front yard setback for a garage. Due to feasibility & cost challenges we want the setback reduced to 10'.

Appeal from Section: \_\_\_\_\_

Signature of Applicant:  Digitally signed by Robb Nelson Date: 2021.06.02 15:42:56 -06'00' Date: 6/2/2021

Signature of Property Owner:  Digitally signed by Robb Nelson Date: 2021.06.02 15:42:20 -06'00' Date: 6/2/2021

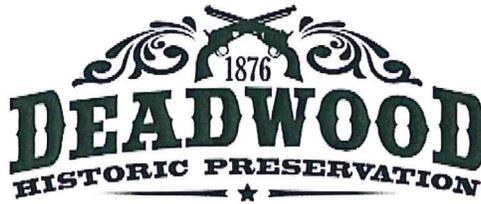
Fee: \$ \_\_\_\_\_ Paid On \_\_\_\_\_ Receipt Number \_\_\_\_\_

**Legal Notice Published** Date: \_\_\_\_\_ **Hearing Date:** \_\_\_\_\_

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

Reason for Denial (if necessary): \_\_\_\_\_

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



<b>FOR OFFICE</b>	Section 5 Item b.
Case No. _____	
<input type="checkbox"/> Project Approval	
<input type="checkbox"/> Certificate of Appropriateness	
Date Received ____/____/____	
Date of Hearing ____/____/____	

## City of Deadwood Application for Project Approval OR Certificate of Appropriateness

The Deadwood Historic Preservation Commission reviews all applications. Approval is issued for proposed work in keeping with City of Deadwood Ordinances & Guidelines, South Dakota State Administrative Rules and the Secretary of the Interior's Standards for Rehabilitation.

This application must be typed or printed in ink and submitted to:

City of Deadwood  
 Deadwood Historic Preservation Office  
 108 Sherman Street  
 Deadwood, SD 57732

FOR INFORMATION REGARDING THIS FORM, CALL 605-578-2082

PROPERTY INFORMATION
Property Address: <u>19 CENTENNIAL</u>
Historic Name of Property (if known): _____

APPLICANT INFORMATION
Applicant is: <input type="checkbox"/> owner <input type="checkbox"/> contractor <input type="checkbox"/> architect <input type="checkbox"/> consultant <input type="checkbox"/> other _____

Owner's Name: <u>ROBB &amp; WENDY NELSON</u>
Address: <u>19 CENTENNIAL</u>
City: <u>DEADWOOD</u> State: <u>SD</u> Zip: _____
Telephone: <u>303-909-6491</u> Fax: _____
E-mail: _____

Architect's Name: <u>CHAMBERLIN ARCHITECTS</u>
Address: <u>(BRAD BURNS)</u>
City: _____ State: _____ Zip: _____
Telephone: <u>605-355-6804</u> Fax: _____
E-mail: _____

Contractor's Name: <u>TBD</u>
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-mail: _____

Agent's Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Telephone: _____ Fax: _____
E-mail: _____

TYPE OF IMPROVEMENT
<input type="checkbox"/> Alteration (change to exterior) <input type="checkbox"/> New Building <input type="checkbox"/> Addition <input type="checkbox"/> Accessory Structure
<input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Re-Roofing <input type="checkbox"/> Wood Repair <input type="checkbox"/> Exterior Painting
<input type="checkbox"/> General Maintenance <input type="checkbox"/> Siding <input type="checkbox"/> Windows <input type="checkbox"/> Fencing
<input type="checkbox"/> Other <u>VARIANCE</u> <input type="checkbox"/> Awning <input type="checkbox"/> Sign



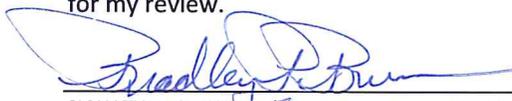
FOR OFFICE USE ONLY  
Case No. \_\_\_\_\_

**SIGNATURES**

I HEREBY CERTIFY I understand this application will not be accepted and processed until all the requested information has been supplied. I realize drawings and measurements must be exact and if errors result in a violation of the Commission's approval, then appropriate changes will have to be made. I also understand this application may require a site visit / additional research by staff and a PUBLIC HEARING by the DEADWOOD HISTORIC PRESERVATION COMMISSION.

I understand this application is for a Certificate of Appropriateness or Project Approval only and that a building permit is required for any uses associated with this location prior to any constructions, alterations, etc. All statements are true to the best of my knowledge and belief.

I understand approval is issued for proposed work in keeping with City of Deadwood Ordinances, South Dakota State Administrative Rules and the Secretary of the Interior's Standards for Rehabilitation and copies are available for my review.

 5/5/2021  
SIGNATURE OF OWNER(S) DATE  
ARCHITECT

\_\_\_\_\_  
SIGNATURE OF AGENT(S) DATE

\_\_\_\_\_  
SIGNATURE OF OWNER(S) DATE

\_\_\_\_\_  
SIGNATURE OF AGENT(S) DATE

\_\_\_\_\_  
SIGNATURE OF OWNER(S) DATE

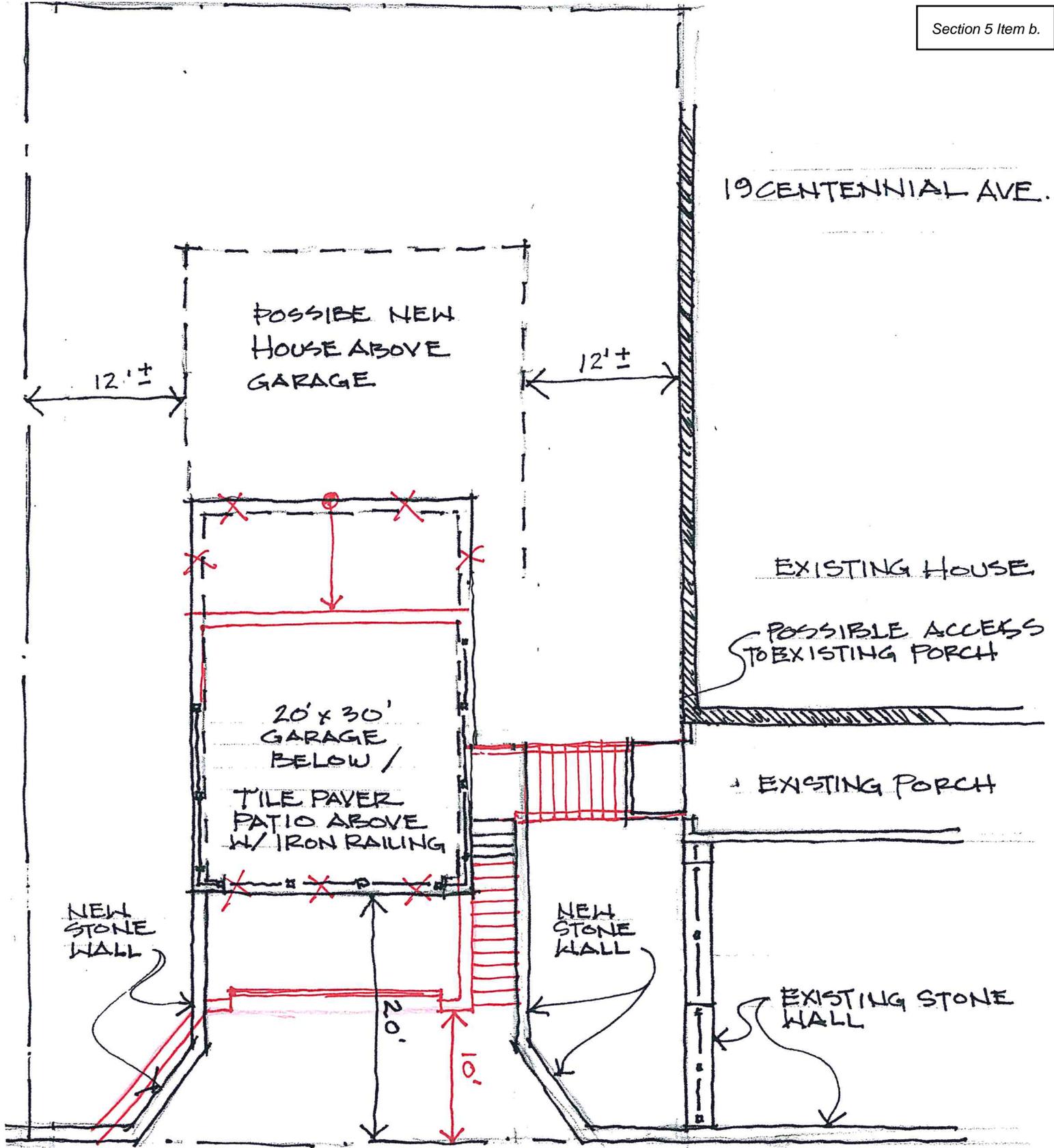
\_\_\_\_\_  
SIGNATURE OF AGENT(S) DATE

**APPLICATION DEADLINE**

This form and all supporting documentation **MUST** arrive by 5:00 p.m. on the 1<sup>st</sup> or 3<sup>rd</sup> Wednesday of every month to be considered at the next Historic Preservation Commission Meeting. The meeting schedule and filing deadlines are on file with the Historic Preservation Office. Any information not provided to staff in advance of the meeting will not be considered by the Commission during their deliberation. Please call if you have any questions and staff will assist you.

**Please use the attached criteria checklist as a guide to completing the application.** Incomplete applications cannot be reviewed and will be returned to you for more information. All submitted materials will be retained by the Historic Preservation Office. Do not submit your only copy of any piece of documentation.

The City of Deadwood Historic Preservation Office has numerous resources available for your assistance upon request.



19 CENTENNIAL AVE.

POSSIBLE NEW HOUSE ABOVE GARAGE

12'±

12'±

EXISTING HOUSE

POSSIBLE ACCESS TO EXISTING PORCH

20' x 30' GARAGE BELOW /

TILE PAVER PATIO ABOVE W/ IRON RAILING

EXISTING PORCH

NEW STONE WALL

NEW STONE WALL

EXISTING STONE WALL

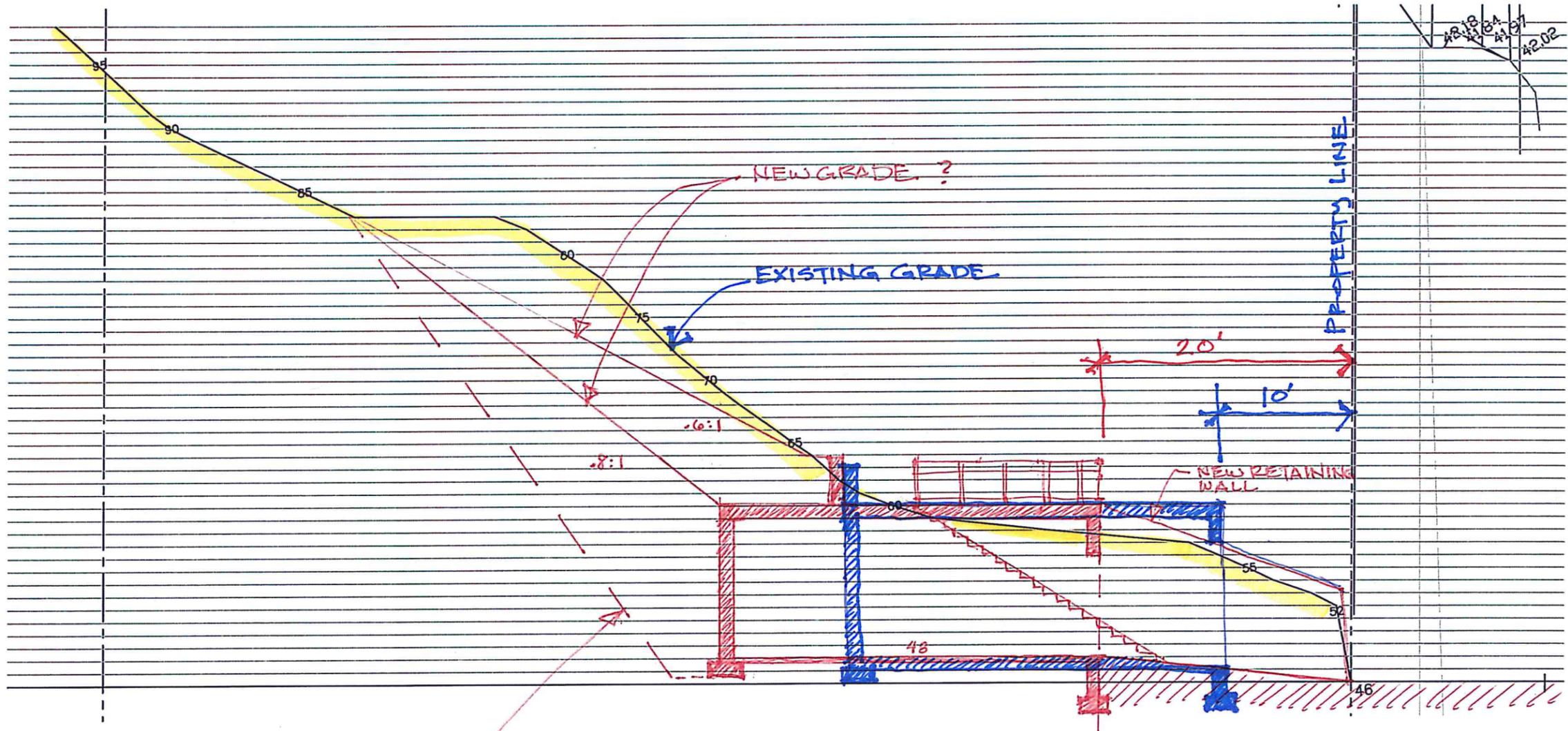
20'

10'

RED = CHANGE TO BUILDING LOCATION W/ 10' SETBACK

RECONSTRUCT STONE RETAINING WALL (DEADWOOD FORMATION)

RED = ORIGINAL DESIGN  
BLUE = PROPOSED LOCATION W/ 10' SETBACK



EXCAVATION  
(NEED GEOTECH TO DETERMINE MAX SLOPE)

NELSON GARAGE  
DEADWOOD, SD



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



Questions Contact:  
**Jeremy Russell**  
(605) 578-2082 or  
jeramyr@cityofdeadwood.com

Application Date: 6-6-2021

### APPLICATION FOR TEMPORARY VENDORS LICENSE

The Deadwood Zoning Administrator and Planning & Zoning Commission review all applications.

**Applicants:** Application must be received **60 days prior** to start of event. Please read thoroughly prior to completing this form. Only complete applications will be considered for review.

Applicant: Lacy Blair, LMT Telephone: (308) 530-8919

Name of Business: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_

Applicant's Mailing Address: 802 Sunnyhill Rd Lead SD 57754  
Street City State Zip

Please select your type of vending:

- \* Outside of a Structure – \$750.00 \_\_\_\_\_
- \* Inside of an Existing Structure – \$250.00 X

For a period of fourteen (14) days: Beginning: August 5, 2021  
Ending: August 15, 2021

South Dakota Sales Tax Number: 1033-4358-ST

Physical Street Address of Vending Location: 21 Deadwood St.  
Deadwood, SD 57732

Contact Name and Phone Number of Property Owners: Troy Gorans  
(320) 894-7482

Complete Description of Goods and/or Services: therapeutic chair Massage  
by SD licensed Massage Therapist lic # MT11595  
lic # MT11595

**I agree that any falsification, misstatements or omissions, including those related to location and goods to be sold, shall result in immediate revocation of this license and forfeiture of the right to operate within the City Limits of Deadwood. It is further understood that payment of applicable state and city sales tax is made a provision of this license.**

Applicant's signature: [Signature] LMT Date submitted: 6-6-2021

Fee: \$ \_\_\_\_\_ Paid On \_\_\_\_\_ Receipt Number \_\_\_\_\_

PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____

Reason for Denial (if necessary): \_\_\_\_\_

OFFICE OF  
PLANNING, ZONING AND  
HISTORIC PRESERVATION  
108 Sherman Street  
Deadwood, SD 57732



**Jeremy Russell**  
Planning and Zoning Administrator  
Telephone (605) 578-2082  
[jeramyr@cityofdeadwood.com](mailto:jeramyr@cityofdeadwood.com)  
Fax (605) 578-2084

## ***TEMPORARY VENDOR APPLICATION***

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**Date:** June 10, 2021  
**To:** Planning and Zoning Commission  
**From:** Jeremy Russell, Planning & Zoning Administrator  
**Re:** Lacy Blair, Therapeutic Chair Massage

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Lacy Blair has applied for a temporary vendor's license for the purpose of operating her massage business during the Sturgis Motorcycle Rally. If approved, Lacy will be working inside of the Iron Horse located at 21 Deadwood Street. Lacy has obtained her South Dakota State Sales Tax ID and is also licensed with the South Dakota Department of Health. *Staff recommends approval of the vendor permit.*

**Merchandise:** Leather Goods, Accessories, Event T-Shirts, and Patches

**Action:** Approval / Denial of the vendor license for Leather Headquarters

OFFICE OF  
PLANNING, ZONING AND  
HISTORIC PRESERVATION  
108 Sherman Street  
Deadwood, SD 57732



**Jeremy Russell**  
Planning and Zoning Administrator  
Telephone (605) 578-2082  
[jeramyr@cityofdeadwood.com](mailto:jeramyr@cityofdeadwood.com)  
Fax (605) 578-2084

**FINDINGS OF FACT AND  
CONCLUSIONS FOR CONDITIONAL  
USE PERMIT FOR A BED AND  
BREAKFAST**

**NAME:** Rick & Chris Jordan

**PURPOSE:** Request for a Conditional Use Permit for a Bed and Breakfast.

**ADDRESS:** 768 Main Street

**LEGAL DESCRIPTION:** Part of Lots 46 & 47, Block 23, Original Townsite, City of  
Deadwood, Lawrence County, South Dakota

**ASSESSORS NO.:** 30025-02300-470-00

**RE: Request for Conditional Use Permit**

WHEREAS, the above application for a Conditional Use Permit for a Bed and Breakfast in the R2 – Multi-Family District came on review before the Deadwood Planning and Zoning Commission on Wednesday May 19, 2021. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request for a Bed and Breakfast at 768 Main Street as recommended by the Planning and Zoning Commission on May 19, 2021.

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 CONCLUSIONS**

- 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 Permit was filed as required by Section 17.76.060.J
- 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 property is located within a very low density land use classification on the adopted Land Use Map.
- The subject area is zoned R2 – Multi-Family District. The area near the subject property consists of a mixture of single family, multi-family dwellings and commercial 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 structure is not being enlarged or altered.
- The granting of the conditional use permit would not increase the proliferation of non-conforming uses. The use is expressly allowed in the R2 – Multi-Family 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 Bed and Breakfast. 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. The Bed and Breakfast must be owner occupied.**
- 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 of the building codes.**
- 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:**

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Jessica McKeown, Finance Officer  
City of Deadwood  
/ / /2021

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David Ruth, Mayor  
City of Deadwood  
/ / /2021

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John Martinisko, Chairman  
Planning and Zoning Commission  
/ / /2021

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Josh Keehn, Secretary  
Planning and Zoning Commission  
/ / /2021