



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, July 02, 2025 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes**

- [a.](#) Approve the minutes of the June 18, 2025 Planning and Zoning Commission Meeting.

4. **Sign Review Commission**

5. **Planning and Zoning Commission**

- [a.](#) Request for Variance to front yard and side yard setback requirements for 125A Mystery Wagon Road, legally described as Lot 14A, Block 4A of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood formerly Lot 14, Block 4A located n the SW 1/4 of Section 14, the SE 1/4 of Section 15, the NE 1/4 NE 1/4 of Section 22 and the N 1/2 NW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Public Hearing
2. Approve/Deny Request for Variance

- [b.](#) Request for Variance to front yard and side yard setback requirements for 125B Mystery Wagon Road, legally described as Lot 14A, Block 4A of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood formerly Lot 14, Block 4A located n the SW 1/4 of Section 14, the SE 1/4 of Section 15, the NE 1/4 NE 1/4 of Section 22 and the N 1/2 NW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Public Hearing
2. Approve/Deny Request for Variance

6. **Items from Citizens not on Agenda**

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

7. **Items from Staff**

- [a.](#) Deckard Technologies Case Study on Deadwood for Short-Term Rental regulations.

8. **Adjournment**



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, June 18, 2025 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The Planning and Zoning Commission Meeting was called to order by Chairman Martinisko on Wednesday, June 18, 2025, 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 Ken Owens
 Commissioner Jim Williams

ABSENT

City Commissioner Blake Joseph

STAFF PRESENT

Kevin Kuchenbecker – Planning, Zoning and Historic Preservation Officer
 Leah Blue-Jones – Zoning Coordinator

STAFF ABSENT

Trent Mohr – Building Official

3. Approval of Minutes

- a. Approve the minutes of the June 4, 2025 Planning and Zoning Commission Meeting.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the minutes from the June 4, 2025, Planning and Zoning Commission Meeting. Voting yea: Martinisko, Bruce, Keehn, Owens, Williams.

4. Sign Review Commission

5. Planning and Zoning Commission

- a. Annual Review - Conditional Use Permit for Vacation Home Establishment – 596 Main Street – JVK-SD, LLC, legally described as Lot 34 in Block 15, being a part of Mineral Lot 38, and also known as Lot 4, in Block 7 of the City of Deadwood, also known as 596 Main Street, Deadwood, South Dakota.

Action Required:

1. Public Hearing
2. Approval/Denial of continued use by Planning and Zoning Commission

Mr. Kuchenbecker reviewed Annual Review - Conditional Use Permit for Vacation Home Establishment – 596 Main Street – JVK-SD, LLC and discussed the Staff Report.

It was moved by Commissioner Keehn and seconded by Commissioner Bruce to approve Annual Review - Conditional Use Permit for Vacation Home Establishment – 596 Main Street – JVK-SD, LLC with nine (9) conditions. Voting yea: Martinisko, Bruce, Keehn, Owens, Williams.

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 pavement and striping in the interpretive parking lot is wrapping up and the lot should be open Friday.

The water redundancy line project will begin next week, as will the new parking lot construction near The Lodge.

Partial skeletal remains and a partial casket were discovered during construction of a retaining wall on Jackson Street. This is the third time remains have been found in that vicinity in recent years. This is the area where the old Ingleside cemetery was located from 1876 - 1878. Newspaper records show that eight (8) bodies were discovered at the same site during the construction of the existing home in the 1950s. The remains will be catalogued, photographed, tested, and DNA will be collected, if available. A vaulted casket will be made and the remains buried in Mt. Moriah.

A lift station and sewer connection will soon be installed on the new phase of Mystery Wagon Road. The playground area in Stage Run is being built.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:11 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Minutes by Leah Blue-Jones, Zoning 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 STAFF REPORT REQUEST FOR VARIANCE

Staff Report

Date: July 2, 2025
To: Planning and Zoning Commission
From: Kevin Kuchenbecker
 Planning, Zoning & Historic Preservation Officer
RE: Request for Variance

APPLICANT(S): Sara Hyser

PURPOSE: Request for Variance

ADDRESS: 125A Mystery Wagon Road

LEGAL DESCRIPTION: Lot 14A, Block 4A of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood formerly Lot 14, Block 4A located in the SW $\frac{1}{4}$ of Section 14, the SE $\frac{1}{4}$ of Section 15, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22 and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

FILE STATUS: All legal obligations have been completed.

ZONE: R2 – Multi-Family Residential

STAFF FINDINGS:

Surrounding Zoning:

North: R2 – Multi-Family Residential
 South: R2 – Multi-Family Residential
 East: R2 – Multi-Family Residential
 West: R1 – Residential

Surrounding Land Uses:

Residences
 Undeveloped
 Residences
 Undeveloped

Request for Variance
125A Mystery Wagon Road
July 2, 2025

SUMMARY OF REQUEST

The applicant has applied for a variance to Ordinance Chapter 17.28.040 (B) – Area and Bulk Requirements (Minimum front yard, principal buildings and uses: twenty (20) feet), and Chapter 17.28.040 (C) – Area and Bulk Requirements (Minimum side yard, principal buildings and uses: five (5) feet).

FACTUAL INFORMATION

1. The property is currently zoned R2 – Multi-Family Residential.
2. The property is not located within a flood zone.
3. The area is characterized by a mixture of duplexes and single-family homes.

STAFF DISCUSSION

The applicants have submitted a Request for a Variance to Ordinance 17.28.040 (B) – Area and Bulk Requirements. (Minimum front yard, principal buildings and uses: twenty (20) feet) and Ordinance 17.28.040 (C) – Area and Bulk Requirements (Minimum side yard, principal buildings and uses: five (5) feet). According to the application, a balcony is to be built above the garage. The balcony will extend five (5) feet into the front yard setback area and three (3) feet into the side yard setback area.

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 SDCL 11-4-4.
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 VARIANCE REQUESTS:

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:

1. A variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional

Request for Variance
125A Mystery Wagon Road
July 2, 2025

topographic conditions or other extraordinary conditions on a piece of property, the strict application of any regulation enacted under this title would result in peculiar, exceptional, and undue hardship on the owner of such property. The aforesaid circumstances or conditions shall be set forth in the findings of the board.

The front yard of 125A Mystery Wagon Road measures approximately 36 feet in width by 16 +/- feet in length. The length of the driveway is less than the twenty (20) foot setback required in 17.28.040 (B) due to an administrative variance provided at the time of construction of the home. A balcony is now desired by the property owner and will be placed over the garage. French doors will lead from the home to the balcony.

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

The subject property is in Zoning District R2 – Multi-Family Residential, and decks attached to homes are allowed within this zone.

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

The proposed balconies will measure five (5) feet in depth and eighteen (18) feet in width. Because the depth of the front yard/driveway is less than twenty (20) feet, the deck measuring five (5) feet in depth will encroach into the required setback area. In addition, the eighteen (18) feet width of the deck will encroach on the setback of five (5) feet for an interior lot line. Because the two balconies will only be a few feet from each other, fire resistant materials will need to be used in the construction of the balconies.

4. The granting of any variance is in harmony with the general purposes and intent of this title 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.

The granting of this variance is not anticipated to be injurious and/or detrimental to the public welfare. It is required that the property owner utilize fire resistant materials in the construction of the balconies.

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 knowledge of the restrictions; it must result from the application of this title; it must be

Request for Variance
125A Mystery Wagon Road
July 2, 2025

suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

The current configuration of the duplex does not allow the front of the home to be utilized as livable outdoor space due to the nature of the design. A balcony would allow the owner to further utilize the outdoor space and take advantage of the views.

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 proposed variance will not impair light and air to adjacent properties, nor will it increase the congestion in the public streets. Because the two balconies will only be a few feet from each other, fire resistant materials will need to be used in the construction of the balconies

7. A fee, as adopted by resolutions, due and payable prior to the public hearing, shall be paid to the zoning administrator as agent for the board to cover the costs of notices and other expenses incidental to the hearing.

The applicant paid an application fee at the time the Request for Variance was submitted to the Zoning Administrator.

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.

Per the Lawrence County online database, the applicant is the owner of the subject property.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

1. 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 year upon the receipt of a written request from the applicant demonstrating good cause for the delay.
2. If upon review by the Zoning Administrator, a violation of any condition imposed on the 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 the variance may be appealed to the Board of Adjustment within

Request for Variance
125A Mystery Wagon Road
July 2, 2025

thirty (30) days of its mailing. The Board of Adjustment shall consider the appeal and may affirm, reverse, or modify the administrators 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.

If approved, staff recommendations for stipulation(s):

1. Fire Department to inspect the balcony to ensure it meets applicable fire codes.
2. Building Inspector to inspect the balcony to ensure it meets applicable building codes.

ACTION REQUIRED:

1. Approval/Denial by Deadwood Planning and Zoning Commission

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. _____

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: Sara HYSER Telephone: [REDACTED]

Address: [REDACTED]

Legal Description of Property:

LOT 14A, Block 4A of Palisades ST 732
Tract of Deadwood Stage Run

Property Address:

125A Mystery Wagon RD Deadwood, SD
 Street City State Zip 57732

Description of Request:

Build a 5x18 Balcony above garage.

Appeal from Section: _____

Signature of Applicant:

S. Hyser

Date:

6/13/2025

Signature of Property Owner:

S. Hyser

Date:

6/13/2025

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): _____

Date: 5/15/2025 - 2:01 PM
 Design ID: 306458150284
 Estimate ID: 14092
 Estimated Price: \$5,341.11

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

Design & Buy™
 DECK

How to recall and purchase your design at home:



OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Deck Designer
3. Recall your design by entering Design ID: 306458150284
4. Follow the on-screen purchasing instructions

How to purchase your design at the store:

1. Enter Design ID: 306458150284 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions

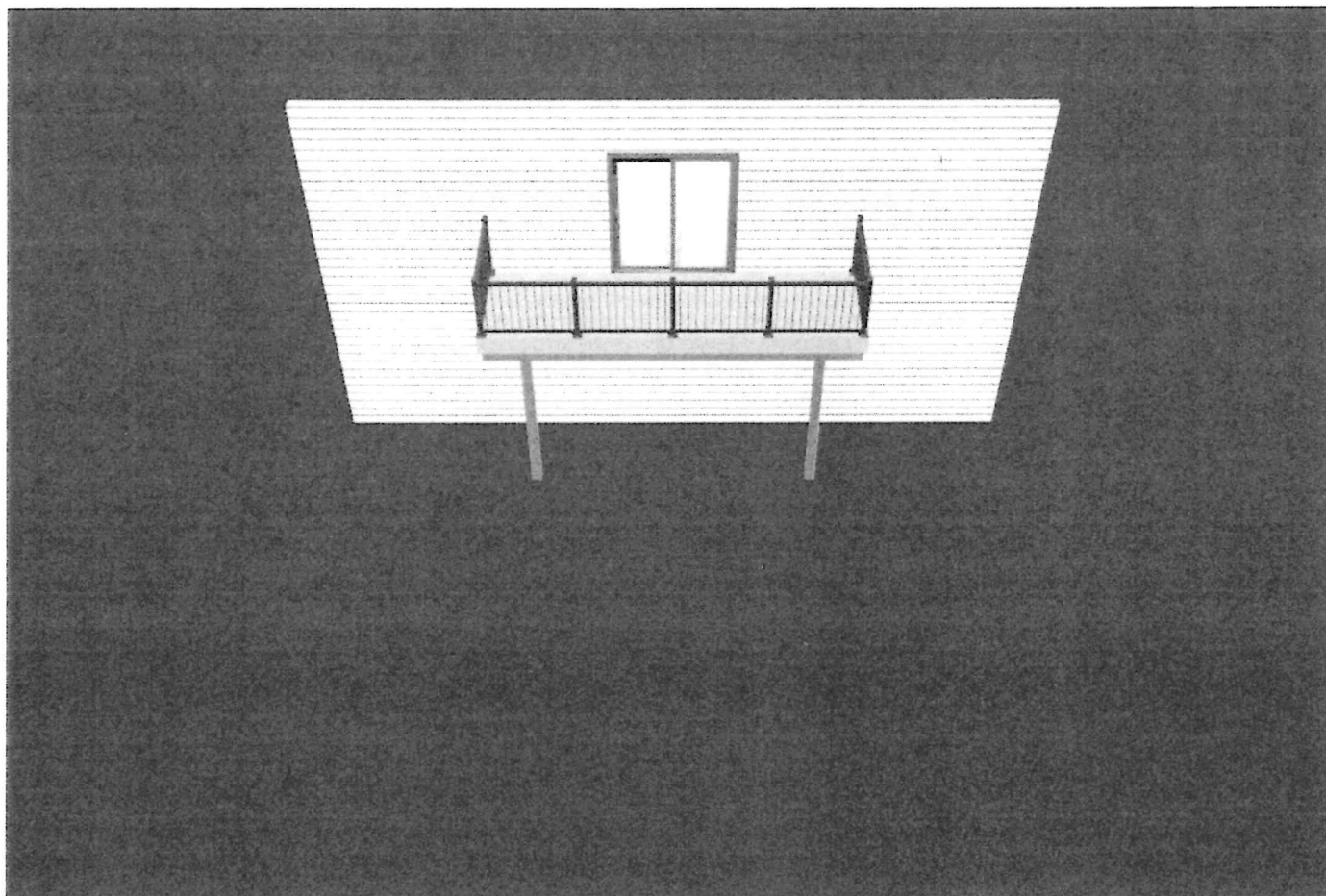


Illustration intended to show general deck size and shape. Some options may not be shown for picture clarity.

Layout dimension sheets are intended as a construction aid. Not all options selected are shown.

Final design should be performed by a registered professional engineer to ensure all applicable building codes and regulations are met. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE CUSTOMER WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the customer. Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE, THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE CUSTOMER. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS

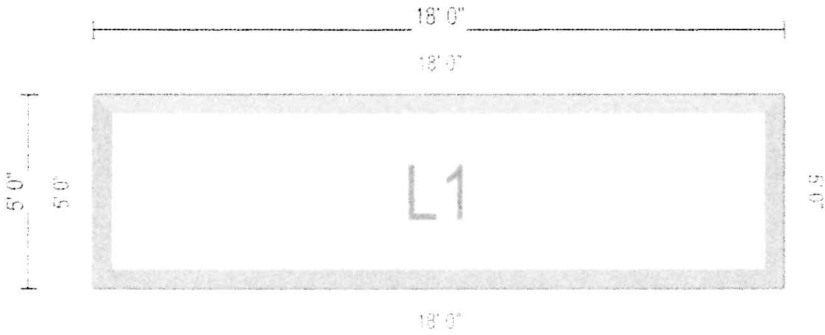
For other design systems search "Design & Buy" on Menards.com

Page 1 of 12

Date: 5/15/2025 - 2:01 PM
Design ID: 306458150284
Estimate ID: 14092
Estimated Price: \$5,341.11

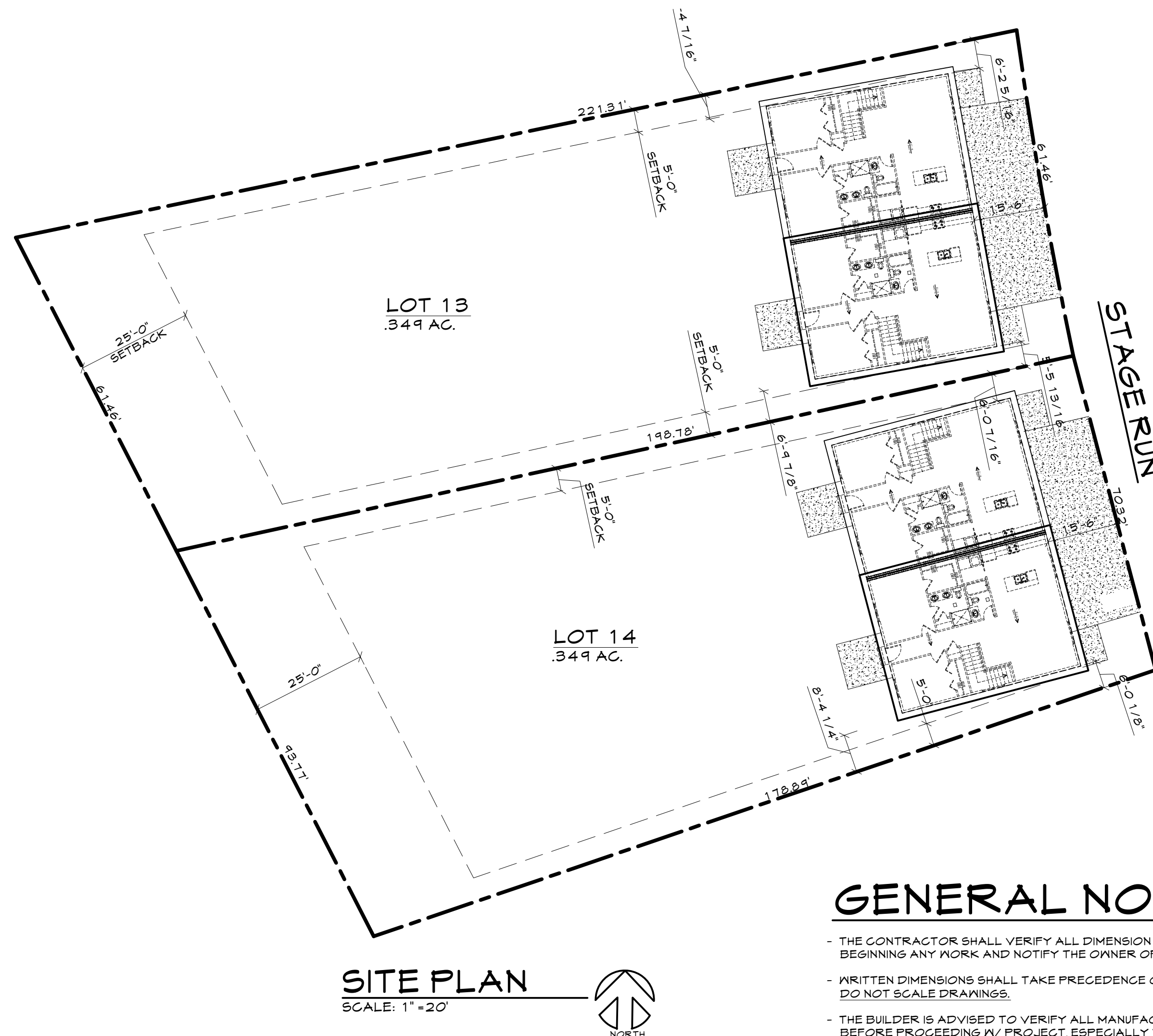
**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

Design & Buy™
DECK



Deck Side Color Legend

	Open Side/No Railing		Railing
	Unattached Walls		Attached Walls



GENERAL NOTES

- THE CONTRACTOR SHALL VERIFY ALL DIMENSION AND CONDITIONS PRIOR TO BEGINNING ANY WORK AND NOTIFY THE OWNER OF ANY DISCREPANCIES.
- WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. DO NOT SCALE DRAWINGS.
- THE BUILDER IS ADVISED TO VERIFY ALL MANUFACTURED PRODUCTS FOR AVAILABILITY BEFORE PROCEEDING W/ PROJECT, ESPECIALLY THOSE ITEMS AFFECTING ROUGH OPENING DIMENSIONS.
- ALL MANUFACTURED ITEMS SHALL BE INSTALLED IN CONFORMANCE WITH MANUFACTURER'S SPECIFICATIONS AND INSTRUCTIONS.
- BUILDER SHALL BE RESPONSIBLE FOR CONSTRUCTION METHODS, PROCEDURES AND CONDITIONS EXCEPT AS SPECIFICALLY INDICATED OTHERWISE, IN CONTRACT DOCUMENTS.
- GENERAL CONTRACTOR IS RESPONSIBLE FOR PROVIDING POSITIVE DRAINAGE AWAY FROM HOUSE.
- OWNER IS RESPONSIBLE FOR DRAINAGE TO PROPERTY LINE.
- KEEP SITE COPY OF PLAN SET ON JOB SITE.
- CALL FOR ALL SCHEDULED INSPECTIONS, WITH 4 HOURS NOTICE.
- GENERAL CONTRACTOR TO PROVIDE A DUMPSITE FOR CONSTRUCTION WASTE
- GENERAL CONTRACTOR TO PROVIDE SANITATION FACILITIES FOR WORKERS.
- POST BUILDING PERMIT ON JOB SITE.
- UTILITIES FROM STREET TO BUILDING WILL BE FIELD COORDINATED.
- COORDINATE GUTTER & DOWNSPOUT LOCATIONS SO THAT WATER DRAINS AWAY FROM HOUSE.
- THE PURCHASER AND OR BUILDER OF THIS PLAN RELEASES BRUCE DRAPEAUX AND "PLANS IN ACTION DRAFTING & DESIGN" FROM ANY CLAIMS OR LAWSUITS THAT MAY OCCUR DURING THE CONSTRUCTION PROCESS.

SHEET INDEX

- | | |
|----|--------------------------|
| #1 | SITE PLAN |
| #2 | FOUNDATION/BASEMENT PLAN |
| #3 | MAIN LEVEL PLAN |
| #4 | ROOF PLAN |
| #5 | EXTERIOR ELEVATIONS |
| #6 | BUILDING SECTIONS |

NOTE:
ALL GRADING SHALL BE COORDINATED
IN THE FIELD DURING CONSTRUCTION.

PLANS IN ACTION
Drafting & Design
 3103 Fairgrounds Loop #2, Spearfish, SD 57783
 (605) 645-7981 plansinaction@hotmail.com
www.plansinaction.com

DISCLAIMER:
THE INFORMATION IN THESE PLANS ARE A GRAPHIC ILLUSTRATION OF THE WORK REQUIRED TO COMPLETE THE PROJECT. ALL ASPECTS OF MECHANICAL, ELECTRICAL & STRUCTURAL SHALL BE COORDINATED PRIOR TO CONSTRUCTION. THE PURCHASER OF THESE DOCUMENTS RELEASES PLANS IN ACTION DRAFTING & DESIGN AND BRUCE DRAPEAUX FROM ANY CLAIMS OF JUDGEMENTS.

DMD CONSTRUCTION
LOT 13 & 14 BLOCK 4A STAGERUN
DEADWOOD, SOUTH DAKOTA 57732

SHEET TITLE:
SITE PLAN

DATE:
10-6-21

DRAWN BY:
BRUCE
DRAPEAUX

SHEET #
1

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: June 16, 2025
To: Deadwood Property Owner/Resident
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for Variance

NOTICE IS HEREBY GIVEN, that the following person(s) has submitted to the City of Deadwood Planning and Zoning Office a Request for Variance to Ordinance Chapter 17.28.040 (B) – Front Yard Requirements and Ordinance Chapter 17.28.040 (C) – Side Yard Requirements.

APPLICANT(S): Sara Hyser

LEGAL DESCRIPTION: Lot 14A, Block 4A of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood formerly Lot 14, Block 4A located in the SW $\frac{1}{4}$ of Section 14, the SE $\frac{1}{4}$ of Section 15, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22 and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

ADDRESS: 125A Mystery Wagon Road

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, July 2, 2025, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, 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 held by the Deadwood City Commission at 5:00 p.m. on Monday, July 7, 2025, at the same location.

NOTICE IS FURTHER GIVEN, that the proposed Request for a Variance is on file and available for public examination at the Deadwood Planning and 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 application for a Request for Variance and to inform you of the type of variance being requested.

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

**NOTICE OF PUBLIC HEARING
BEFORE THE DEADWOOD PLANNING & ZONING COMMISSION**

City of Deadwood
Planning & 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 Variance to Ordinance Chapter 17.28.040 (B) – Front Yard Requirements and Ordinance Chapter 17.28.040 (C) – Side Yard Requirements.

APPLICANTS: Sara Hyser

LEGAL DESCRIPTION: Lot 14A, Block 4A of Palisades Tract of Deadwood Stage Run addition to the City of Deadwood formerly Lot 14, Block 4A located in the SW ¼ of Section 14, the SE ¼ of Section 15, the NE ¼ NE ¼ of Section 22 and the N ½ NW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

ADDRESS: 125A Mystery Wagon Road

ZONE: R2 – Multi-Family Residential

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Dated this 13th day of June 2025.

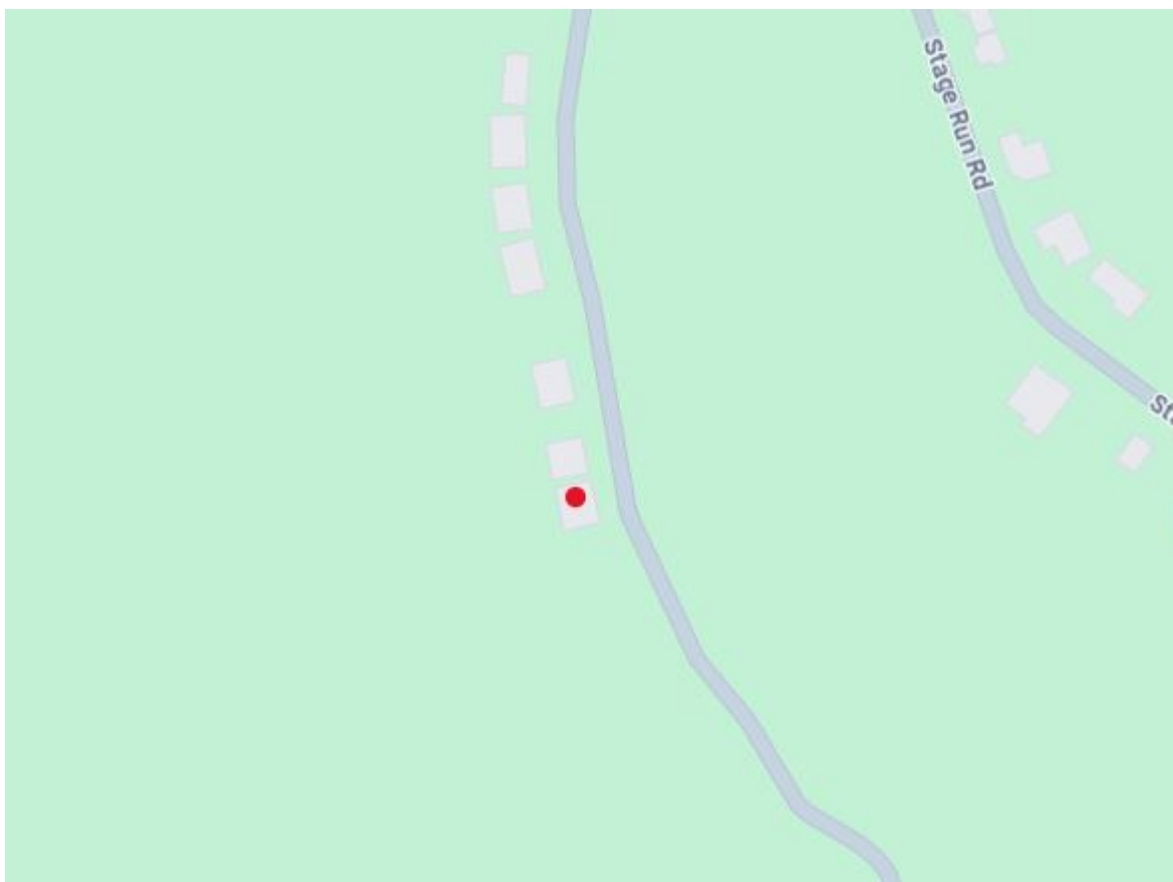
City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer:

Published once at the total approximate cost of \$_____



Map showing location of 125A Mystery Wagon Road



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. _____

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: Dion Friedt Telephone: [REDACTED]

Address: [REDACTED]
 Street City State Zip

Legal Description of Property: _____

Property Address: 125-B Mystery Wagon Rd, Deadwood SD
 Street City State Zip

Description of Request: Wanting a 5' x 10' walk-out upper deck with French doors also for a additional Fire escape from Top level

Appeal from Section: _____

Signature of Applicant: [Signature] Date: 6-12-25

Signature of Property Owner: [Signature] Date: 6-12-25

Fee: \$ 200. Paid On 6/12/25 Receipt Number 201625

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): _____

OFFICE OF
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PLANNING AND ZONING COMMISSION STAFF REPORT REQUEST FOR VARIANCE

Staff Report

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APPLICANT(S): Dion Friedt

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FILE STATUS: All legal obligations have been completed.

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Request for Variance
125B Mystery Wagon Road
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STAFF DISCUSSION

The applicants have submitted a Request for a Variance to Ordinance 17.28.040 (B) – Area and Bulk Requirements. (Minimum front yard, principal buildings and uses: twenty (20) feet) and Ordinance 17.28.040 (C) – Area and Bulk Requirements (Minimum side yard, principal buildings and uses: five (5) feet). According to the application, a balcony is to be built above the garage. The balcony will extend five (5) feet into the front yard setback area and three (3) feet into the side yard setback area.

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 SDCL 11-4-4.
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 VARIANCE REQUESTS:

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:

1. A variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional

Request for Variance
125B Mystery Wagon Road
July 2, 2025

topographic conditions or other extraordinary conditions on a piece of property, the strict application of any regulation enacted under this title would result in peculiar, exceptional, and undue hardship on the owner of such property. The aforesaid circumstances or conditions shall be set forth in the findings of the board.

The front yard of 125A Mystery Wagon Road measures approximately 36 feet in width by 16 +/- feet in length. The length of the driveway is less than the twenty (20) foot setback required in 17.28.040 (B) due to an administrative variance provided at the time of construction of the home. A balcony is desired by the property owner and will be placed over the garage. French doors will lead from the home to the balcony.

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

The subject property is in Zoning District R2 – Multi-Family Residential, and decks attached to homes are allowed within this zone.

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

The proposed balconies will measure five (5) feet in depth and eighteen (18) feet in width. Because the depth of the front yard/driveway is less than twenty (20) feet, the deck measuring five (5) feet in depth will encroach into the required setback area. In addition, the eighteen (18) feet width of the deck will encroach on the setback of five (5) feet for an interior lot line. Because the two balconies will only be a few feet from each other, fire resistant materials will need to be used in the construction of the balconies.

4. The granting of any variance is in harmony with the general purposes and intent of this title 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.

The granting of this variance is not anticipated to be injurious and/or detrimental to the public welfare. It is required that the property owner utilize fire resistant materials in the construction of the balconies.

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 knowledge of the restrictions; it must result from the application of this title; it must be

Request for Variance
125B Mystery Wagon Road
July 2, 2025

suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

The current configuration of the duplex does not allow the front of the home to be utilized as livable outdoor space due to the nature of the design. A balcony would allow the owner to further utilize the outdoor space and take advantage of the views.

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 proposed variance will not impair light and air to adjacent properties, nor will it increase the congestion in the public streets. Because the two balconies will only be a few feet from each other, fire resistant materials will need to be used in the construction of the balconies

7. A fee, as adopted by resolutions, due and payable prior to the public hearing, shall be paid to the zoning administrator as agent for the board to cover the costs of notices and other expenses incidental to the hearing.

The applicant paid an application fee at the time the Request for Variance was submitted to the Zoning Administrator.

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.

Per the Lawrence County online database, the applicant is the owner of the subject property.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

1. 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 year upon the receipt of a written request from the applicant demonstrating good cause for the delay.
2. If upon review by the Zoning Administrator, a violation of any condition imposed on the 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 the variance may be appealed to the Board of Adjustment within

Request for Variance
125B Mystery Wagon Road
July 2, 2025

thirty (30) days of its mailing. The Board of Adjustment shall consider the appeal and may affirm, reverse, or modify the administrators 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.

If approved, staff recommendations for stipulation(s):

1. Fire Department to inspect the balcony to ensure it meets applicable fire codes.
2. Building Inspector to inspect the balcony to ensure it meets applicable building codes.

ACTION REQUIRED:

1. Approval/Denial by Deadwood Planning and Zoning Commission

Date: 5/15/2025 - 2:01 PM
 Design ID: 306458150284
 Estimate ID: 14092
 Estimated Price: \$5,341.11

**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

Design & Buy™
 DECK

How to recall and purchase your design at home:



OR

1. On Menards.com, enter "Design & Buy" in the search bar
2. Select the Deck Designer
3. Recall your design by entering Design ID: 306458150284
4. Follow the on-screen purchasing instructions

How to purchase your design at the store:

1. Enter Design ID: 306458150284 at the Design-It Center Kiosk in the Building Materials Department
2. Follow the on-screen purchasing instructions

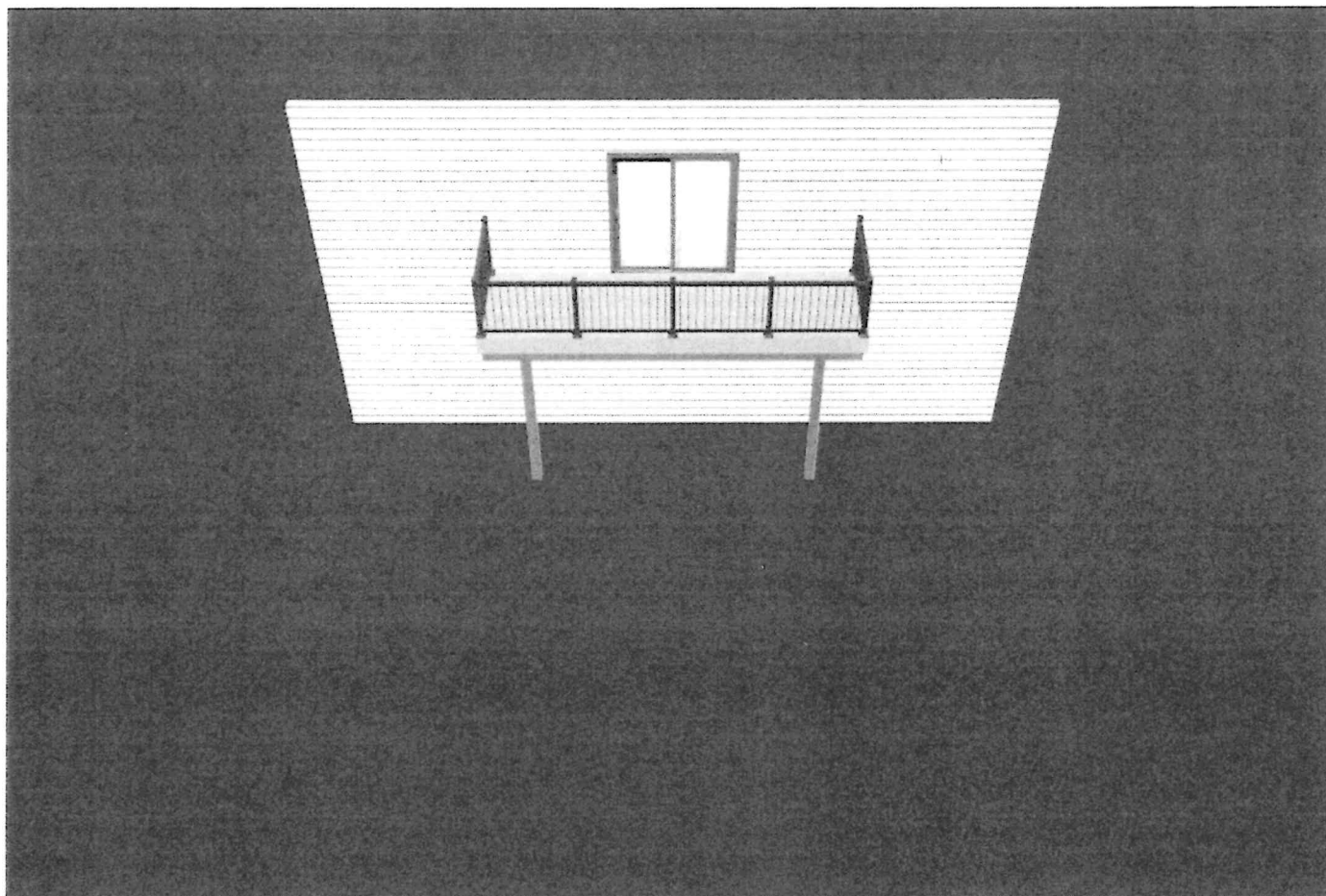


Illustration intended to show general deck size and shape. Some options may not be shown for picture clarity.

Layout dimension sheets are intended as a construction aid. Not all options selected are shown.

Final design should be performed by a registered professional engineer to ensure all applicable building codes and regulations are met. This is an estimate. It is only for general price information. This is not an offer and there can be no legally binding contract between the parties based on this estimate. The prices stated herein are subject to change depending upon the market conditions. The prices stated on this estimate are not firm for any time period unless specifically written otherwise on this form. The availability of materials is subject to inventory conditions. MENARDS IS NOT RESPONSIBLE FOR ANY LOSS INCURRED BY THE CUSTOMER WHO RELIES ON PRICES SET FORTH HEREIN OR ON THE AVAILABILITY OF ANY MATERIALS STATED HEREIN. All information on this form, other than price, has been provided by the customer. Menards is not responsible for any errors in the information on this estimate, including but not limited to quantity, dimension and quality. Please examine this estimate carefully. MENARDS MAKES NO REPRESENTATIONS, ORAL, WRITTEN OR OTHERWISE, THAT THE MATERIALS LISTED ARE SUITABLE FOR ANY PURPOSE BEING CONSIDERED BY THE CUSTOMER. BECAUSE OF THE WIDE VARIATIONS IN CODES, THERE ARE NO REPRESENTATIONS THAT THE MATERIALS LISTED HEREIN MEET YOUR CODE REQUIREMENTS

For other design systems search "Design & Buy" on Menards.com

Page 1 of 12

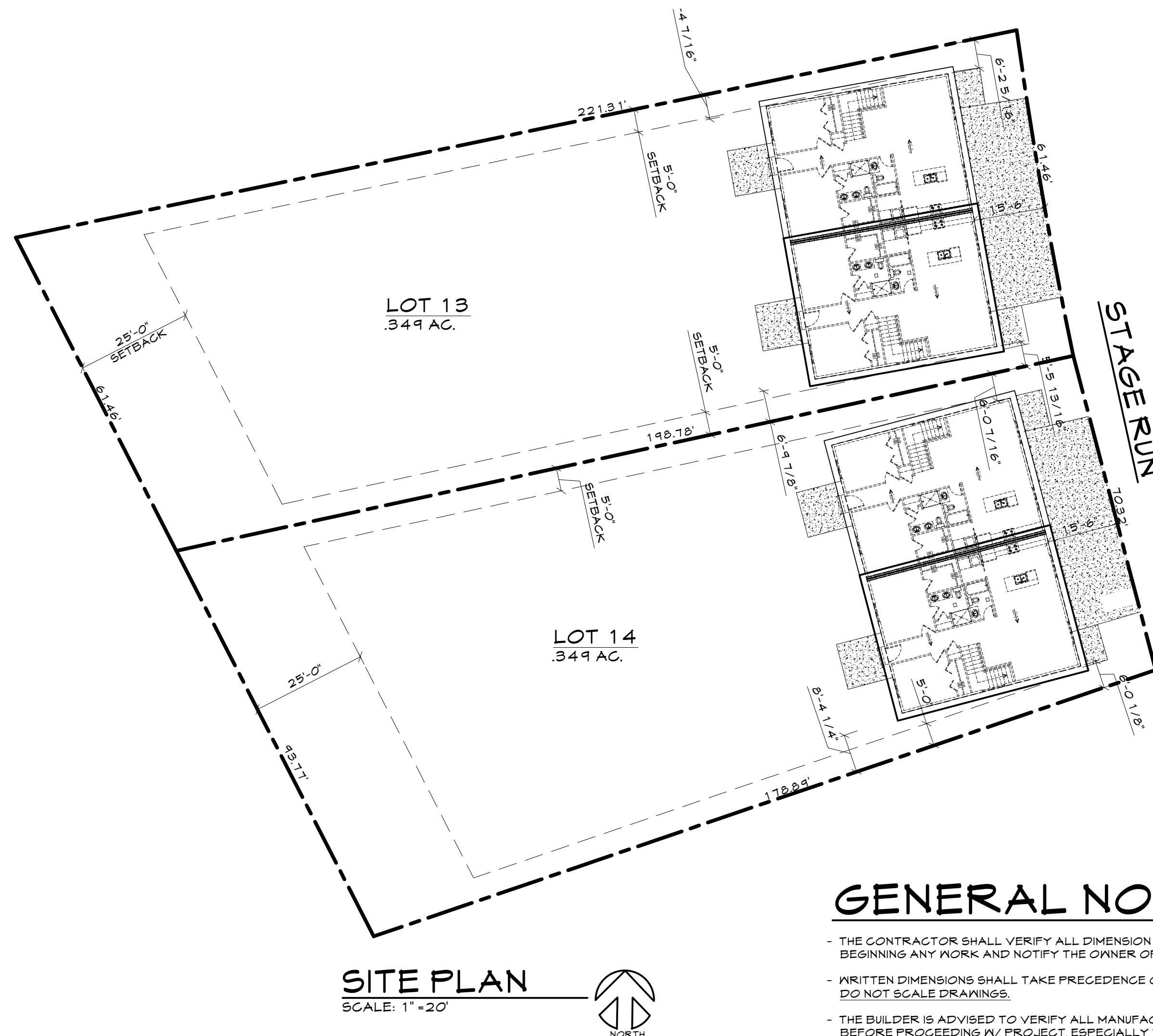
Date: 5/15/2025 - 2:01 PM
Design ID: 306458150284
Estimate ID: 14092
Estimated Price: \$5,341.11
**Today's estimated price. Future pricing may go up or down. Tax, labor, and delivery not included.*

Design & Buy™
DECK



Deck Side Color Legend

	Open Side/No Railing		Railing
	Unattached Walls		Attached Walls



GENERAL NOTES

- THE CONTRACTOR SHALL VERIFY ALL DIMENSION AND CONDITIONS PRIOR TO BEGINNING ANY WORK AND NOTIFY THE OWNER OF ANY DISCREPANCIES.
- WRITTEN DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS. DO NOT SCALE DRAWINGS.
- THE BUILDER IS ADVISED TO VERIFY ALL MANUFACTURED PRODUCTS FOR AVAILABILITY BEFORE PROCEEDING W/ PROJECT, ESPECIALLY THOSE ITEMS AFFECTING ROUGH OPENING DIMENSIONS.
- ALL MANUFACTURED ITEMS SHALL BE INSTALLED IN CONFORMANCE WITH MANUFACTURER'S SPECIFICATIONS AND INSTRUCTIONS.
- BUILDER SHALL BE RESPONSIBLE FOR CONSTRUCTION METHODS, PROCEDURES AND CONDITIONS EXCEPT AS SPECIFICALLY INDICATED OTHERWISE, IN CONTRACT DOCUMENTS.
- GENERAL CONTRACTOR IS RESPONSIBLE FOR PROVIDING POSITIVE DRAINAGE AWAY FROM HOUSE.
- OWNER IS RESPONSIBLE FOR DRAINAGE TO PROPERTY LINE.
- KEEP SITE COPY OF PLAN SET ON JOB SITE.
- CALL FOR ALL SCHEDULED INSPECTIONS, WITH 4 HOURS NOTICE.
- GENERAL CONTRACTOR TO PROVIDE A DUMPSITE FOR CONSTRUCTION WASTE
- GENERAL CONTRACTOR TO PROVIDE SANITATION FACILITIES FOR WORKERS.
- POST BUILDING PERMIT ON JOB SITE.
- UTILITIES FROM STREET TO BUILDING WILL BE FIELD COORDINATED.
- COORDINATE GUTTER & DOWNSPOUT LOCATIONS SO THAT WATER DRAINS AWAY FROM HOUSE.
- THE PURCHASER AND OR BUILDER OF THIS PLAN RELEASES BRUCE DRAPEAUX AND "PLANS IN ACTION DRAFTING & DESIGN" FROM ANY CLAIMS OR LAWSUITS THAT MAY OCCUR DURING THE CONSTRUCTION PROCESS.

SHEET INDEX

- | | |
|----|--------------------------|
| #1 | SITE PLAN |
| #2 | FOUNDATION/BASEMENT PLAN |
| #3 | MAIN LEVEL PLAN |
| #4 | ROOF PLAN |
| #5 | EXTERIOR ELEVATIONS |
| #6 | BUILDING SECTIONS |

NOTE:
ALL GRADING SHALL BE COORDINATED
IN THE FIELD DURING CONSTRUCTION.

PLANS IN ACTION
Drafting & Design
 3103 Fairgrounds Loop #2, Spearfish, SD 57783
 (605) 645-7981 plansinaction@hotmail.com
www.plansinaction.com

DISCLAIMER:
THE INFORMATION IN THESE PLANS ARE A GRAPHIC ILLUSTRATION OF THE WORK REQUIRED TO COMPLETE THE PROJECT. ALL ASPECTS OF MECHANICAL, ELECTRICAL & STRUCTURAL SHALL BE COORDINATED PRIOR TO CONSTRUCTION. THE PURCHASER OF THESE DOCUMENTS RELEASES PLANS IN ACTION DRAFTING & DESIGN AND BRUCE DRAPEAUX FROM ANY CLAIMS OF JUDGEMENTS.

DMD CONSTRUCTION
LOT 13 & 14 BLOCK 4A STAGERUN
DEADWOOD, SOUTH DAKOTA 57732

SHEET TITLE:
SITE PLAN

DATE:
10-6-21

DRAWN BY:
BRUCE
DRAPEAUX

SHEET #
1

NOTICE OF PUBLIC HEARING BEFORE THE DEADWOOD PLANNING & ZONING COMMISSION

City of Deadwood
Planning & 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 Variance to Ordinance Chapter 17.28.040 (B) – Front Yard Requirements and Ordinance Chapter 17.28.040 (C) – Side Yard Requirements.

APPLICANTS: Dion Friedt

LEGAL DESCRIPTION: Lot 14B, Block 4A of Palisades Tract of Deadwood Stage Run addition to the City of Deadwood formerly Lot 14, Block 4A located in the SW ¼ of Section 14, the SE ¼ of Section 15, the NE ¼ NE ¼ of Section 22 and the N ½ NW ¼ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

ADDRESS: 125B Mystery Wagon Road

ZONE: R2 – Multi-Family Residential

NOTICE IS FURTHER GIVEN that said application will be heard by the Planning & Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, July 2, 2025, 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 Variance is on file and available for public examination at the Deadwood Planning, 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 13th day of June 2025.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer:

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: June 16, 2025
To: Deadwood Property Owner/Resident
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for Variance

NOTICE IS HEREBY GIVEN, that the following person(s) has submitted to the City of Deadwood Planning and Zoning Office a Request for Variance to Ordinance Chapter 17.28.040 (B) – Front Yard Requirements and Ordinance Chapter 17.28.040 (C) – Side Yard Requirements.

APPLICANT(S): Dion Friedt

LEGAL DESCRIPTION: Lot 14B, Block 4A of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood formerly Lot 14, Block 4A located in the SW $\frac{1}{4}$ of Section 14, the SE $\frac{1}{4}$ of Section 15, the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 22 and the N $\frac{1}{2}$ NW $\frac{1}{4}$ of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

ADDRESS: 125B Mystery Wagon Road

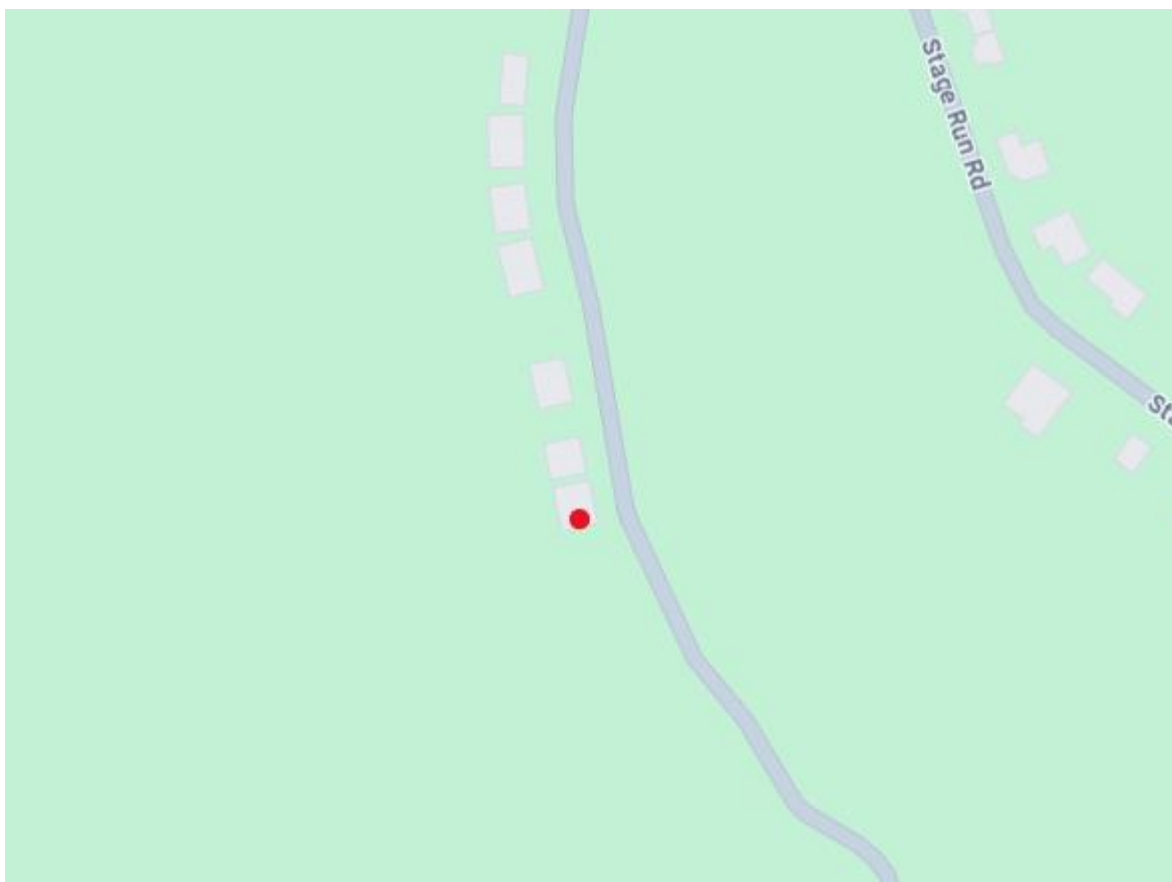
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, July 2, 2025, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, at 4:00 p.m. or 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 held by the Deadwood City Commission at 5:00 p.m. on Monday, July 7, 2025, at the same location.

NOTICE IS FURTHER GIVEN, that the proposed Request for a Variance is on file and available for public examination at the Deadwood Planning and 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 application for a Request for Variance and to inform you of the type of variance being requested.

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



Map showing location of 125B Mystery Wagon Road





City of Deadwood, SD

The City of Deadwood has reached 100% compliance.

Customer overview

Deadwood, South Dakota is a National Historic Landmark city set in the Black Hills. Renowned for its Western heritage, gaming industry, and vibrant events calendar, the city attracts thousands of visitors annually. Alongside this tourism growth came a dramatic increase in short-term rentals (STRs), raising concerns over compliance, enforcement, and community balance. To protect neighborhood character and maintain fairness for STR operators and residents, the city passed a new Ordinance 2023 — regulating how, where, and under what terms STRs can operate. This ordinance became the backbone of Deadwood's compliance strategy.

Challenge

Despite the new ordinance, enforcing STR regulations proved difficult. Key challenges included:

- Identifying unlicensed or non-compliant rentals
- Verifying resident complaints
- Enforcing zoning laws and permit conditions
- Supporting actions with verifiable evidence

City staff had limited visibility into live listings on platforms like Airbnb and Vrbo and resident complaints such as illegal operations were hard to confirm without substantial investigation.

“

“We get calls from time to time, ‘I think my neighbor’s renting their place.’ This allows us to see if they are or not. It helps, too, if we go to court. We can pull this up and say, ‘Well, you booked this room on March 2 for May and you told us that you didn’t.’”

Kevin Kuchenbecker,
Director of Planning and Zoning,
City of Deadwood

Solution



To address these issues, the City of Deadwood partnered with Deckard Technologies and adopted Rentalscape, for short-term rental identification and monitoring. The city now benefits from:

- Real-time listing detection across major STR platforms
- Booking history and pricing data, supporting court cases and enforcement
- A powerful, user-friendly map feature for visualizing rental activity and zoning conflicts
- Automated tracking of complaints and annual permit reviews

The city reviews permit compliance annually, using Rentalscape data and logged complaints to determine whether conditions should be added or permits revoked.

Results



The implementation of Rentalscape has significantly improved Deadwood's STR oversight and enforcement capabilities. Measurable outcomes include:

- 100% compliance among licensed STRs
- Multiple cease-and-desist letters issued to non-conforming operators
- Streamlined annual permit reviews with embedded Rentalscape insights
- Better-informed zoning decisions using map-based visualization
- More efficient and legally sound enforcement processes

Rentalscape has become an essential part of the city's planning and enforcement infrastructure, enabling Deadwood to uphold its ordinances and ensure STRs contribute equitably to the community.

“

“It's important to maintain a level playing ground amongst STR owners. Rentalscape helps us do just that.”

Kevin Kuchenbecker

“

“The most valuable features were the ease of the map feature as well as the historical information. It's a tool in the toolbox for us to continue to conduct the enforcement necessary to ensure that our rules and regulations, our ordinances, are in place and that property owners are compliant with their conditional uses.”

Kevin Kuchenbecker

Achievements

100% compliance among licensed STRs

Through ongoing monitoring and enforcement powered by Rentalscape, the City of Deadwood has achieved full compliance from all permitted short-term rental operators — reinforcing fairness and legal accountability.

Proactive enforcement with data-backed cease-and-desist actions

The city now identifies non-compliant properties quickly and sends targeted legal notices based on verified platform data and booking history — saving staff time and strengthening legal standing.

Ready to transform how your community handles short-term rental concerns?

Reach out to Deckard Technologies to schedule a demo today.



Discover what Rentalscape can do for your community. Scan the QR code.



deckard
technologies

RENTALSCAPE