



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, June 21, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes**

[a.](#) Approval of June 7, 2023 Minutes

4. **Sign Review Commission**

5. **Planning and Zoning Commission**

[a.](#) Final Plat of Consolidating Parcels - 58 Pleasant - Donna Keller

PLAT OF LOT D-1 BEING A SUBDIVISION OF A PORTION OF SCHOOL LOT 70 AND LOTS D AND E OF THE SUBDIVISION OF PROBATE LOT 439 LOCATED IN THE NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Action Required:

a. Approval/Denial by Planning and Zoning Commission

[b.](#) **Final Plat for Dividing Lot X of Riverside Addition - Hole in the Sky Holdings, LLC**

PLAT OF LOTS X1 AND X2 OF RIVERSIDE ADDITION CITY OF DEADWOOD, LAWRENCE COUNTY SOUTH DAKOTA FORMERLY LOT X OF RIVERSIDE ADDITION LOCATED IN THE NE1/4 OF SECTION 27, T5N, R3E, B.H.M.

Action Required:

a. Approval/Denial by Planning and Zoning Commission

[c.](#) Discussion and recommendation for setback variance request for construction of new single-family home on corner of Washington and Monroe Street - Jackie Fisher

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

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

7. **Items from Staff**

[a.](#) Discussion on amendment of Zoning Code under Chapter 17.60.100 - Fire and Safety.

b. Discussion and recommendation on the development of a grading ordinance for the City of Deadwood.

c. Update on Short-Term Rental compliance and enforcement activities

8. **Adjournment**

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



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, June 07, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, June 7, 2023, at 4:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

2. Roll Call

PRESENT

Commissioner (Chair) John Martinisko

Commissioner (Vice-Chair) Josh Keehn

Commissioner (Secretary) Dave Bruce

Commissioner Charles Eagleson

Commissioner Ken Owens

Michael Johnson, City Commissioner

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer

Trent Mohr, Building Inspector

Cindy Schneringer, Administrative Assistant

3. Approval of Minutes

- a. Approval of May 17, 2023 Minutes

It was moved by Commissioner Keehn and seconded by Commissioner Bruce to approve the May 17, 2023 minutes. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

4. Sign Review Commission

- a. 685 Main Street - Rich Turbiville - Install new projecting sign on Deadwood Street facade

Mr. Mohr stated there is one permit application for your review tonight for one sign. It is for a projecting sign on 685 Main Street. The existing signage was a little interesting. This was the four wall signs and six awning signs. They were permitted in 2022 but they have not been installed yet. This project is installing a new projecting sign of ten square feet, painted metal. As everyone should know by now, Hickok's is being remodeled to become Rocksino, a brand of Hard Rock. They have a retail space accessed by the door shown in the rendering. The name of their retail store is the Rock Shop. That is the intent of the permit application and sign. The sign is in compliance and requires no variances.

Mr. Kuchenbecker stated, I will note that Trent worked with them to bring that in to compliance. The original application and renderings did not. It would've required several variances.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve the sign permit for 685 Main Street to install new projecting sign on Deadwood Street facade. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

5. Planning and Zoning Commission

- a. Temporary Vendor Application - 629 Main Street - Ray Drea - Ray Drea Studios LLC

Mr. Kuchenbecker stated this is for Ray Drea Studios. This will be a 629 Main Street, set up in the Celebrity Hotel. They will be operating August 4th through the 21st during the Rally. They have paid their \$250.00.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the Temporary Vendor Application for 629 Main Street for Ray Drea Studios LLC. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

- b. Consider preliminary boundaries and zoning for Phase 3 in the Palisades Tract of Deadwood Stage Run Addition.

Mr. Kuchenbecker stated the first item, Item B, is to consider preliminary boundaries and zoning for Phase 3 in the Palisades Tract of Deadwood Stage Run Addition. Should this get reviewed it will be in the form of an ordinance that would go in front of the City Commission. You have the exhibit in front of you that has R1 (green), R2 (peach), Multi-Family, which is also R2, (peach), C1 - Commercial, which is up by the apartments for storage units. I think we may want to look at that as CH - Commercial Highway. The rest of yours is Commercial Highway and consider that Commercial Highway. Commercial, as we look at it, is reserved for the core district so this would possibly make more sense as Commercial Highway.

Mr. Pearson confirmed the majority of R2 will be townhomes with about an eighty-three unit apartment building. Fifty-nine regular single-family lots and fifteen single-family lots in the pink that fall within the SD guidelines so we can keep the cost down on the build outs. There is ninety total lots.

Mr. Kuchenbecker state that I will say we have been working with Bill and we have preliminary engineering that would connect the road to Burnham Avenue. We have met with both of the property owners that this new road would traverse through. It has been challenging working with the one owner. The communication has been challenging. His sons are supposed to be looking at it. We are sending a legal letter to him asking for his response. That would be George Auer. This is my first setting of the boundaries and reading through this it does take an ordinance to establish the PUD and that would go to the City Commission. It does come through her for consideration review and comments. I am looking for a recommendation in the form of a motion to take to the City Commission for approval of the preliminary boundaries and establish zoning in this PUD.

It was moved by Commissioner Keehn and seconded by Commissioner Owens by to recommend the Board of Adjustment approve the preliminary boundaries and establish zoning for Phase 3 in the Palisades Tract of Deadwood Stage Run Addition with condition C1 - Commercial Zoning District be changed to CH - Commercial Highway Zoning District. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

- c. Consider Preliminary Plat for Phase 3 in the Palisades Tract of Deadwood Stage Run Addition.

Mr. Kuchenbecker stated we just recommended the boundaries with the zoning as proposed. This would be a preliminary plat which shows you the layout of these. They can be adjusted as he builds it out. You can see his proposed right-of-ways for the roads and each of the lots. Very similar but it is a preliminary plat map.

It was moved by Commissioner Owens and seconded by Commissioner Keehn to recommend the Board of Adjustment to approve the preliminary plat for Phase 3 in the Palisades Tract of Deadwood Stage Run Addition as presented. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

d. Final Plat of Creating Property Lines - Stage Run - Deadwood Stage Run, LLC (William Pearson)

PLAT OF LOTS 11 REVISED, 12 REVISED, 13 REVISED, 14 REVISED, 18A REVISED, 20 REVISED, 30 REVISED AND 31A REVISED, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOT 11, 12, 13, 14, 18A, 20, 30, AND 31A, BLOCK 2 ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M. CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Mr. Kuchenbecker stated we have see several similar other ones. This is the PLAT OF LOTS 11 REVISED, 12 REVISED, 13 REVISED, 14 REVISED, 18A REVISED, 20 REVISED, 30 REVISED AND 31A REVISED, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOT 11, 12, 13, 14, 18A, 20, 30, AND 31A, BLOCK 2 ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M. CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. They are all zoned R1. This is just taking what was originally considered possible green space and incorporating it into the lots. Similar to what we have done before.

It was moved by Commissioner Bruce and seconded by Commissioner Keehn to approve the final plat creating lot lines legally described as PLAT OF LOTS 11 REVISED, 12 REVISED, 13 REVISED, 14 REVISED, 18A REVISED, 20 REVISED, 30 REVISED AND 31A REVISED, BLOCK 2 OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOT 11, 12, 13, 14, 18A, 20, 30, AND 31A, BLOCK 2 ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF

SECTION 23, T5N, R3E, B.H.M. CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

e. Final Plat for lots in Phase 3 of Stage Run Addition - William Pearson

PLAT OF LOTS 13, 14, 15, BLOCK 3A AND DEDICATED PUBLIC RIGHT OF WAY OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOT 25B, BLOCK 2 AND A PORTION OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Mr. Kuchenbecker stated now we are in Stage 3 of Stage Run. This actually takes the preliminary plat and creates three lots plus a plat for dedicated right-of-way. It is legally described as PLAT OF LOTS 13, 14, 15, BLOCK 3A AND DEDICATED PUBLIC RIGHT OF WAY OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOT 25B, BLOCK 2 AND A PORTION OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. This creates for sale those lots that were described in the legal descriptions of 13, 14, and 15 and continues Mystery Wagon Road.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the final plat for lots in Phase 3 of Stage Run Addition legally described as PLAT OF LOTS 13, 14, 15, BLOCK 3A AND DEDICATED PUBLIC RIGHT OF WAY OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD FORMERLY LOT 25B, BLOCK 2 AND A PORTION OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Eagleson, Owens

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 we have building officials annual conference tomorrow and Friday in Sturgis. I am going to make it to a couple of the sessions. Trent is the Vice-Chair of the SD Building Officials Association. He will be there for the entire conference. I have kept you abreast of some of our water studies. Just got the preliminary plan for Phase 3 which will allow us to get on the state water plan. One of the first recommendations was improving Denver Street pump station to increase the capacity. The initial engineer's estimate was to put a new pump station and building there. That was eight hundred thousand. We are able to use the existing building and replace some pumps for sixty thousand. That is a huge difference. That will help us with the pumping

up to the Roosevelt tank. We are still looking at four and a half million dollars to take a twelve-inch line from Lee Street down to the rodeo grounds and then working with the developer, who is developing Booth Hill, to go from an eight inch, which he has planned, to a twelve inch and put another storage tank at the top of Boot Hill on Winter's property. That should give us the capacity and redundancy to service all these developments. We do not have a price on that. Getting on the state water plan is the process to get funding. That will be on the next City Commission agenda. The FEMA project, which goes from DMG to Charles Street bridge and back behind the Comfort Inn, is out to bid. Next Thursday will be the bid opening. Hopefully we get bids. Just came out of a very good trails meeting. John and Bill were in there. With the Fuller Brothers property, the committee is active with their GPS and hiking potential paths. Hopefully, sometime this fall we can start some construction on some pedestrian trails in the Fuller Brothers property. We will also have another creek access. I got confirmation in that meeting as well. Across from the hardware store, Thad and Natasha Fuller had that low creek crossing and flat area this side of the creek. We are going to get an easement and create a little loop down to the creek and the water falls you can see from there. This is very exciting. We have funding from BID 8 for creek access in the amount of fifty thousand dollars. I have met with Wharf and sounds like we might be able to get some funding from them as well. The other item of kind of interest is Commissioner Johnson has been the lead on this is the public art on Main Street. We have commissioned Paul Moore out of Oklahoma to sculpture Calamity Jane sitting on a bench. That total project is one hundred thousand dollars. It is getting ready to go to the foundry and we are getting ready to kick off the fundraising. We will be looking for some primary sponsors and secondary sponsors. We are hoping to get that set after Labor Day. It will be the first of five along Historic Main Street. Very similar to the bronze presidents in Rapid City or the governors in Pierre. Most importantly, I have a zoning coordinator now. Cindy is our new zoning coordinator. We will be advertising for a new administrative assistant.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:32 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Cindy Schneringer, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission

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 MEETING
BOARD OF ADJUSTMENT
STAFF REPORT
June 14, 2023**

APPLICANT: Donna Keller

PURPOSE: Consolidating Parcels

GENERAL LOCATION: 58 Pleasant Street

LEGAL DESCRIPTION: PLAT OF LOT D-1 BEING A SUBDIVISION OF A PORTION OF SCHOOL LOT 70 AND LOTS D AND E OF THE SUBDIVISION OF PROBATE LOT 439 LOCATED IN THE NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

FILE STATUS: All legal obligations have been completed.

ZONE: R1 Residential

STAFF FINDINGS:

Surrounding Zoning:

North: Residential

South: Residential

East: Residential

West: Residential

Surrounding Land Uses:

Cemetery

Vacant Land

Vacant Land

Vacant Land

SUMMARY OF REQUEST

The Final Plat for Lot D-1 of the subdivision of Probate Lot 439 has been submitted to consolidate parcels of common ownership. The property is located off Pleasant Street. The address for D-1 is 58 Pleasant Street.

FACTUAL INFORMATION

1. The property is currently zoned R1 – Residential.
2. Lot D-1 will be comprised of 0.425 Acres \pm .
3. The subject property is located within a low-density residential designation.
4. The property is not located within a flood zone or flood hazard zone.
5. Public facilities are available to serve the property.
6. The area is currently characterized by open space, one historic home and adjacent to the St. Ambrose Cemetery.

STAFF DISCUSSION

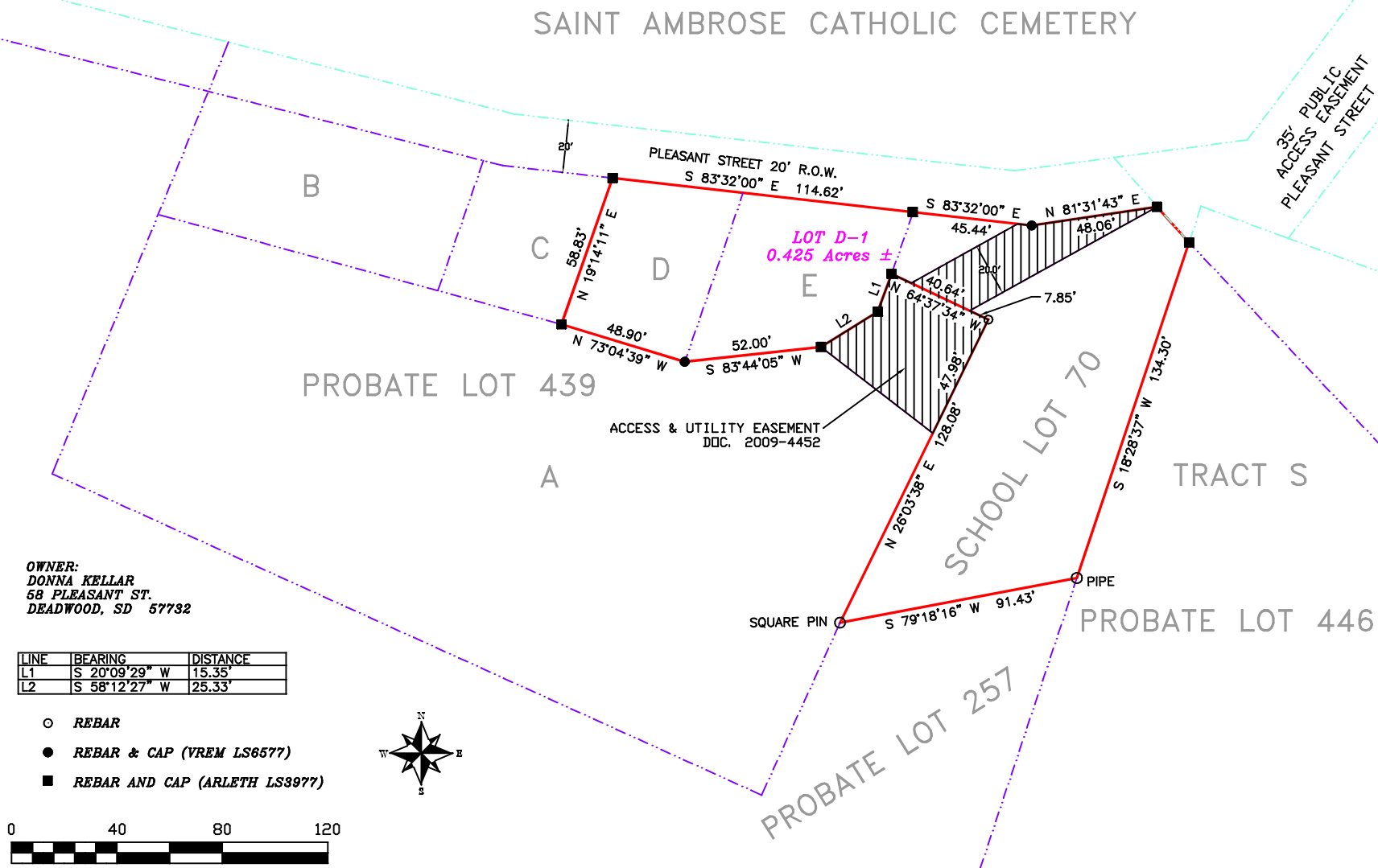
The subject property is owned by a single owner, and they desire to have three parcels consolidated into one parcel. The lot meets the area and bulk requirements for square footage.

1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot is shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.
9. Area's taken out of the mineral survey and remaining acreage is indicated on the plat.

ACTION REQUIRED:

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

PLAT OF LOT D-1
BEING A SUBDIVISION OF A PORTION OF SCHOOL LOT 70 AND
LOTS D AND E OF THE SUBDIVISION OF PROBATE LOT 439
LOCATED IN THE NW1/4 OF SECTION 23, T5N, R3E, B.H.M.,
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA



SURVEYOR'S CERTIFICATE

I, LOREN D. VREM, 332A WEST MAIN STREET, LEAD, SOUTH DAKOTA, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA. THAT AT THE REQUEST OF THE OWNER AND UNDER MY SUPERVISION, I HAVE CAUSED TO BE SURVEYED AND PLATTED THE PROPERTY SHOWN AND DESCRIBED HEREON. TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE PROPERTY WAS SURVEYED IN GENERAL CONFORMANCE WITH THE LAWS OF THE STATE OF SOUTH DAKOTA AND ACCEPTED METHODS AND PROCEDURES OF SURVEYING. DATED THIS____DAY OF_____, 20____.

LOREN D. VREM, R.L.S. 6577

OWNER'S CERTIFICATE
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

_____, DO HEREBY CERTIFY THAT I/WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

OWNER:_____ ADDRESS:_____

OWNER:_____ ADDRESS:_____

ACKNOWLEDGMENT OF OWNER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

ON THIS ____DAY OF_____, 20____, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY

APPEARED _____
KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES:_____, NOTARY PUBLIC:_____

CERTIFICATE OF COUNTY TREASURER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, _____, LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY THAT _____ TAXES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY HAVE BEEN PAID. DATED THIS____DAY OF_____, 20____.

LAWRENCE COUNTY TREASURER:_____

APPROVAL OF HIGHWAY AUTHORITY
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THE LOCATION OF THE PROPOSED ACCESS ROADS ABUTTING THE COUNTY OR STATE HIGHWAY AS SHOWN HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE PROPOSED ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

HIGHWAY AUTHORITY:_____

APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THIS PLAT APPROVED BY THE CITY OF DEADWOOD PLANNING COMMISSION THIS____DAY OF_____, 20____.

CHAIRMAN _____ ATTEST: _____
CITY PLANNER

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

BE IT RESOLVED THAT THE CITY OF DEADWOOD BOARD OF COMMISSIONERS HAVING VIEWED THE WITHIN PLAT, DO HEREBY APPROVE THE SAME FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS, LAWRENCE COUNTY, SOUTH DAKOTA, DATED THIS____DAY OF_____, 20____.

ATTEST: _____
FINANCE OFFICER MAYOR

OFFICE OF THE COUNTY DIRECTOR OF EQUALIZATION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, LAWRENCE COUNTY DIRECTOR OF EQUALIZATION, DO HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT. DATED THIS____DAY OF_____, 20____.

LAWRENCE COUNTY DIRECTOR OF EQUALIZATION:_____

OFFICE OF THE REGISTER OF DEEDS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

FILED FOR RECORD THIS____DAY OF_____, 20____, AT ____O'CLOCK, ____M., AND RECORDED IN DOC._____.

LAWRENCE COUNTY REGISTER OF DEEDS:_____ FEE: \$_____



Prepared By:
PONDEROSA LAND SURVEYS, L.L.C.
332A WEST MAIN STREET
LEAD, SD 57754
(605) 722-3840

Date:	6/12/2023
Drawn By:	L. D. Vrem
Project No.:	23-200
Dwg. No.:	23-200.dwg

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 MEETING
BOARD OF ADJUSTMENT
STAFF REPORT
June 15, 2023**

APPLICANT: Hole in the Sky Holdings LLC

PURPOSE: Transfer of Land & Creating Property Lines

GENERAL LOCATION: 64 Cliff Street

LEGAL DESCRIPTION: PLAT OF LOTS X1 AND X2 OF RIVERSIDE ADDITION CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, FORMERLY LOT X OF RIVERSIDE ADDITION LOCATED IN THE NE1/4 OF SECTION 27, T5N, R3E, B.H.M.

FILE STATUS: All legal obligations have been completed.

ZONE: CH Commercial Highway

STAFF FINDINGS:

Surrounding Zoning:

North: Commercial Highway

South: Commercial Highway

East: R2 – Multi-Family Residential

West: Commercial Highway

Surrounding Land Uses:

Commercial Structure

Single Family Residential Unit

Vacant land

Mobile Home Court

SUMMARY OF REQUEST

The purpose of this plat is to facilitate the transfer of property by dividing lot and establishing property lines. This plat describes the areas located at 64 Cliff Street. The applicant would like to divide the lot into two partials to separate the house from their business parking lot for the purpose of selling the house in the future. This plat will create Lots X1 and X2, formerly Lot X.

FACTUAL INFORMATION

1. The property is currently zoned CH – Commercial Highway.
2. Lot X1 is comprised of 0.181 Acres_±.
Lot X2 is comprised of 0.144 Acres_±.
3. The subject property is located within a Commercial Highway Zoning designation.
4. The property is located within a flood zone or flood hazard zone.
5. Public facilities are available to serve the property.
6. The area is currently characterized by a mixture of commercial and residential uses along US Highway 85 / Cliff Street.

STAFF DISCUSSION

The subject property is owned by a legal entity, and they desire to have the parcel divided into two parcels. The lot(s) meets the area and bulk requirements for square footage.

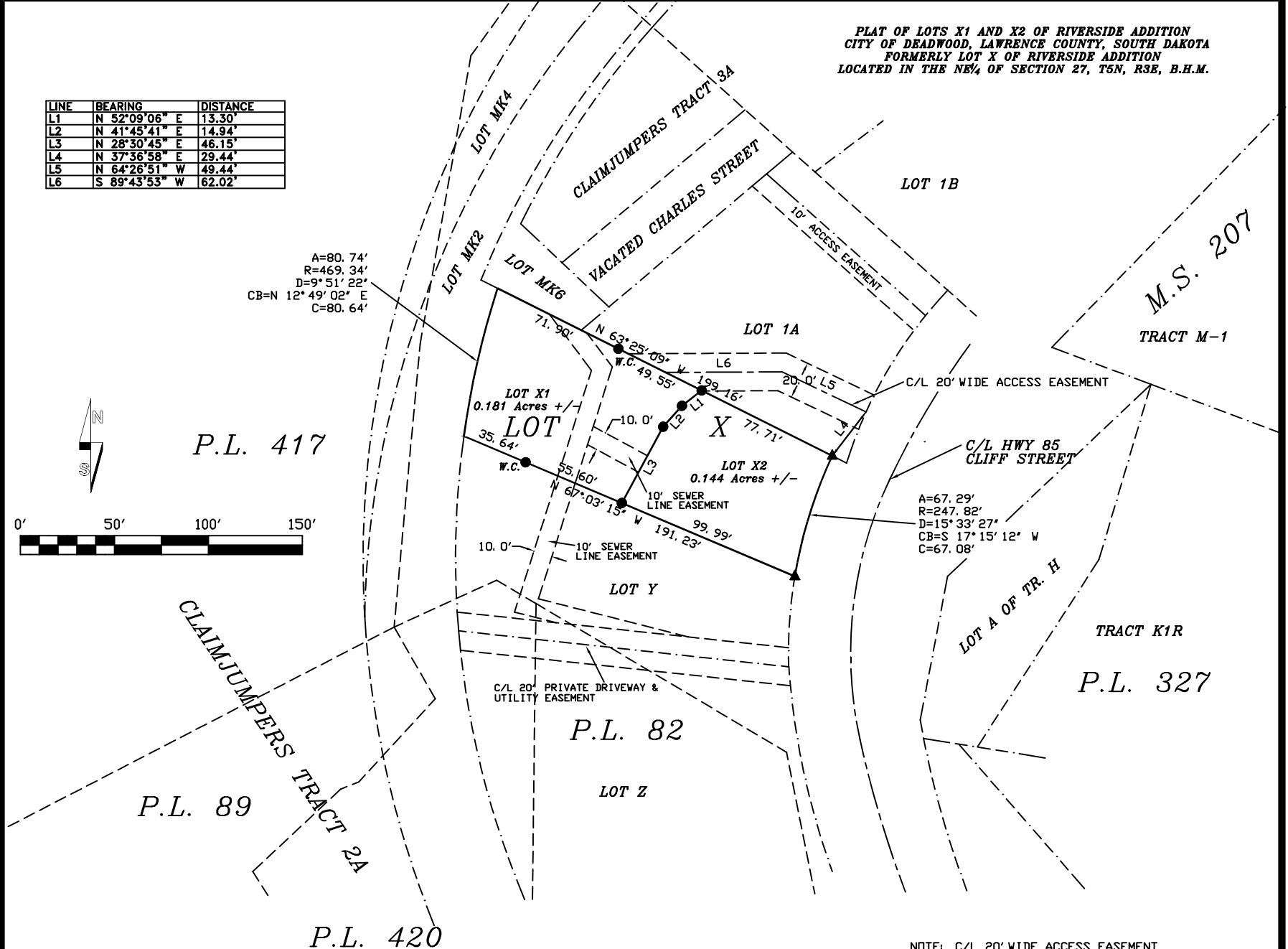
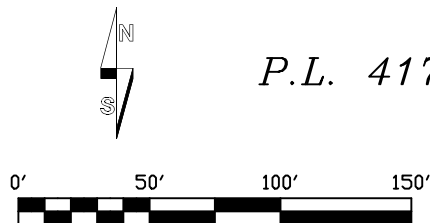
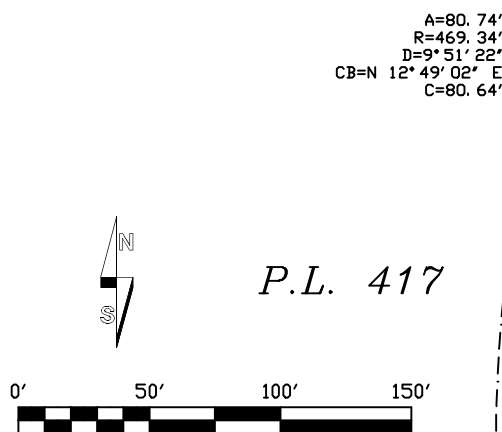
1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot is shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.
9. Area's taken out of the mineral survey and remaining acreage is indicated on the plat.

ACTION REQUIRED:

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

LINE	BEARING	DISTANCE
L1	N 52°09'06" E	13.30'
L2	N 41°45'41" E	14.94'
L3	N 28°30'45" E	46.15'
L4	N 37°36'58" E	29.44'
L5	N 64°26'51" W	49.44'
L6	S 89°43'53" W	62.02'

**PLAT OF LOTS X1 AND X2 OF RIVERSIDE ADDITION
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA
FORMERLY LOT X OF RIVERSIDE ADDITION
LOCATED IN THE NE¼ OF SECTION 27, T5N, R3E, B.H.M.**



NOTE: C/L 20' WIDE ACCESS EASEMENT
AS RECORDED IN DOC. # _____

- REBAR & CAP (VREM LS6577)
- ▲ SD DEPT OF TRANSPORTATION REBAR & CAP

SURVEYOR'S CERTIFICATE

I, LOREN D. VREM, 332A WEST MAIN STREET, LEAD, SOUTH DAKOTA, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA. THAT AT THE REQUEST OF THE OWNER AND UNDER MY SUPERVISION, I HAVE CAUSED TO BE SURVEYED AND PLATTED THE PROPERTY SHOWN AND DESCRIBED HEREON. TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE PROPERTY WAS SURVEYED IN GENERAL CONFORMANCE WITH THE LAWS OF THE STATE OF SOUTH DAKOTA AND ACCEPTED METHODS AND PROCEDURES OF SURVEYING. DATED THIS ____ DAY OF _____, 20____

LOREN D. VREM, R. L. S. 6577

OWNER'S CERTIFICATE
STATE OF ARIZONA COUNTY OF MARICOPA

-----, DO HEREBY CERTIFY THAT I/WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HERON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

OWNER: _____ ADDRESS: _____

OWNER: _____ ADDRESS: _____

ACKNOWLEDGMENT OF OWNER
STATE OF ARIZONA COUNTY OF MARICOPA

ON THIS ____ DAY OF _____, 20__, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY

APPEARED _____
KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC: _____

CERTIFICATE OF COUNTY TREASURER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, _____, LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY THAT _____ TAXES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY HAVE BEEN PAID. DATED THIS _____ DAY OF _____, 20_____.

LAWRENCE COUNTY TREASURER: _____

APPROVAL OF HIGHWAY AUTHORITY
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THE LOCATION OF THE PROPOSED ACCESS ROADS ABUTTING THE COUNTY OR STATE HIGHWAY AS SHOWN HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE PROPOSED ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

HIGHWAY AUTHORITY: _____

APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THIS PLAT APPROVED BY THE CITY OF DEADWOOD PLANNING COMMISSION THIS _____ DAY OF _____, 20____.

CHAIRMAN _____ ATTEST: _____
CITY PLANNER _____

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

BE IT RESOLVED THAT THE CITY OF DEADWOOD BOARD OF COMMISSIONERS HAVING VIEWED THE WITHIN PLAT, DO HEREBY APPROVE THE SAME FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS, LAWRENCE COUNTY, SOUTH DAKOTA,
DATED THIS _____ DAY OF _____, 20____.

ATTEST: _____ MAYOR

OFFICE OF THE COUNTY DIRECTOR OF EQUALIZATION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, LAWRENCE COUNTY DIRECTOR OF EQUALIZATION, DO HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT. DATED THIS _____ DAY OF _____, 20_____

LAWRENCE COUNTY DIRECTOR OF EQUALIZATION: _____

OFFICE OF THE REGISTER OF DEEDS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

FILED FOR RECORD THIS ____ DAY OF _____, 20____, AT ____ O' CLOCK, ____ M., AND RECORDED IN DOC. _____

LAWRENCE COUNTY REGISTER OF DEEDS: FEE: \$



Prepared By:
PONDEROSA LAND SURVEYS, L.L.C.
 332A WEST MAIN STREET
 LEAD, SD 57754
 (605) 722-3840

<i>Date:</i>	<i>5/3/2023</i>
<i>Drawn By:</i>	<i>L. D. Vrem</i>
<i>Project No.:</i>	<i>23-123</i>
<i>Dwg. No.:</i>	<i>23-123.dwg</i>

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

BOARD OF ADJUSTMENT REQUEST FOR A VARIANCE

Staff Report

Date: June 16, 2023
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for a Variance – Front Yard and Side Yard Setbacks

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

PURPOSE: Single Family Home

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

LEGAL DESCRIPTION: TRACT C, BLOCK 53, A SUBDIVISION OF PART OF
LOTS 1 AND 2, BLOCK 53, ORIGINAL TOWN, CITY OF
DEADWOOD, LOCATED IN THE NW1/4 OF SECTION
26, T5N, R3E, B.H.M., LAWRENCE COUNTY, SOUTH
DAKOTA, according to Plat recorded as Document No.
2001-01165, subject to easements, reservations, and
restrictions of record.

FILE STATUS: All legal obligations have been completed.

ZONE: R1 – Residential District

STAFF FINDINGS:

<p>Surrounding Zoning:</p> <p>North: R1 – Residential District</p> <p>South: R1 – Residential District</p> <p>East: R1 – Residential District</p> <p>West: R1 – Residential District</p>	<p>Surrounding Land Uses:</p> <p>Residential Housing</p> <p>Residential Housing</p> <p>Residential Housing</p> <p>Residential Housing</p>
--	---

SUMMARY OF REQUEST

The applicant has submitted a request for a variance to the required 20' front yard setback according to Deadwood City 17.24.040 (Area and Bulk Requirements). The applicant is requesting a variance (11'-4"± to building

plane and 15'-4"± to the covered porch) on Washington Street and a variance (7'-10"± to building plane or 11'-10"± to the covered porch) along the Monroe Street.

FACTUAL INFORMATION

1. The property is currently zoned R1 – Residential District.
2. The property is vacant until construction begins. (It appears to have been vacant since Deadwood's founding.)
3. The subject property has access to off-street parking would be from Washington Street.
4. The subject property is located within a residential land use classification on the adopted Zoning Map and mainly surrounded by historic single-family residential properties.
5. The property is located outside of Flood Zone AE – Areas of 100-year flood and Flood Zone X – Areas of 500-year flood.
6. Adequate public facilities are available to serve the property.
7. The area is characterized by a mixture of single-family dwellings located in the Ingleside Planning Unit known as the Presidential District.

COMPLIANCE

1. A sign was posted on the property for which the request was filed as required by Section 17.80.010.B.
2. Notice of the time and place for the public hearing was published ten (10) days in advance of the hearing in the designated newspaper of the City of Deadwood as required by section 17.80.010.B. [Exhibit A]

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.

Planning and Zoning staff conducted a site visit and concluded that the developer has limited buildable space due to the size and shape of the lot. Strict adherence to the ordinance would adversely affect the rhythm, site, and setting of the National Landmark District, and the State and National Register Historic Districts (Collectively known as historic districts for the balance of this report). The existing adjacent historic properties do not meet the setback distances in the zoning ordinance.

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

The construction of a new single-family home that has been proposed is a use by right in the R1 – Residential Zoning 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, is to mimic existing setbacks on adjacent historic properties and to allow the maximum use of the land. The remaining bulk and height regulations are all met (i.e., side and rear setback requirements and height).

4. The 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

Request for a Variance – Front & Side Yard Setbacks
22 Washington Street
June 16, 2023

located; substantially or permanently impair the appropriate use or development of adjacent property.

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.

There is evidence of practical difficulty due to the size of the lot. The applicant has made an attempt to provide infill housing on an existing lot which has been vacant within the City of Deadwood. In many ways, this is efficient use of stranded infrastructure which is not fully utilized and does not require high costs and additional maintenance from the city services already provided to this area of the community.

6. 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 applicant has 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 applicant has 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. Approval / Denial by Deadwood Board of Adjustment

Request for a Variance – Front & Side Yard Setbacks
22 Washington Street
June 16, 2023

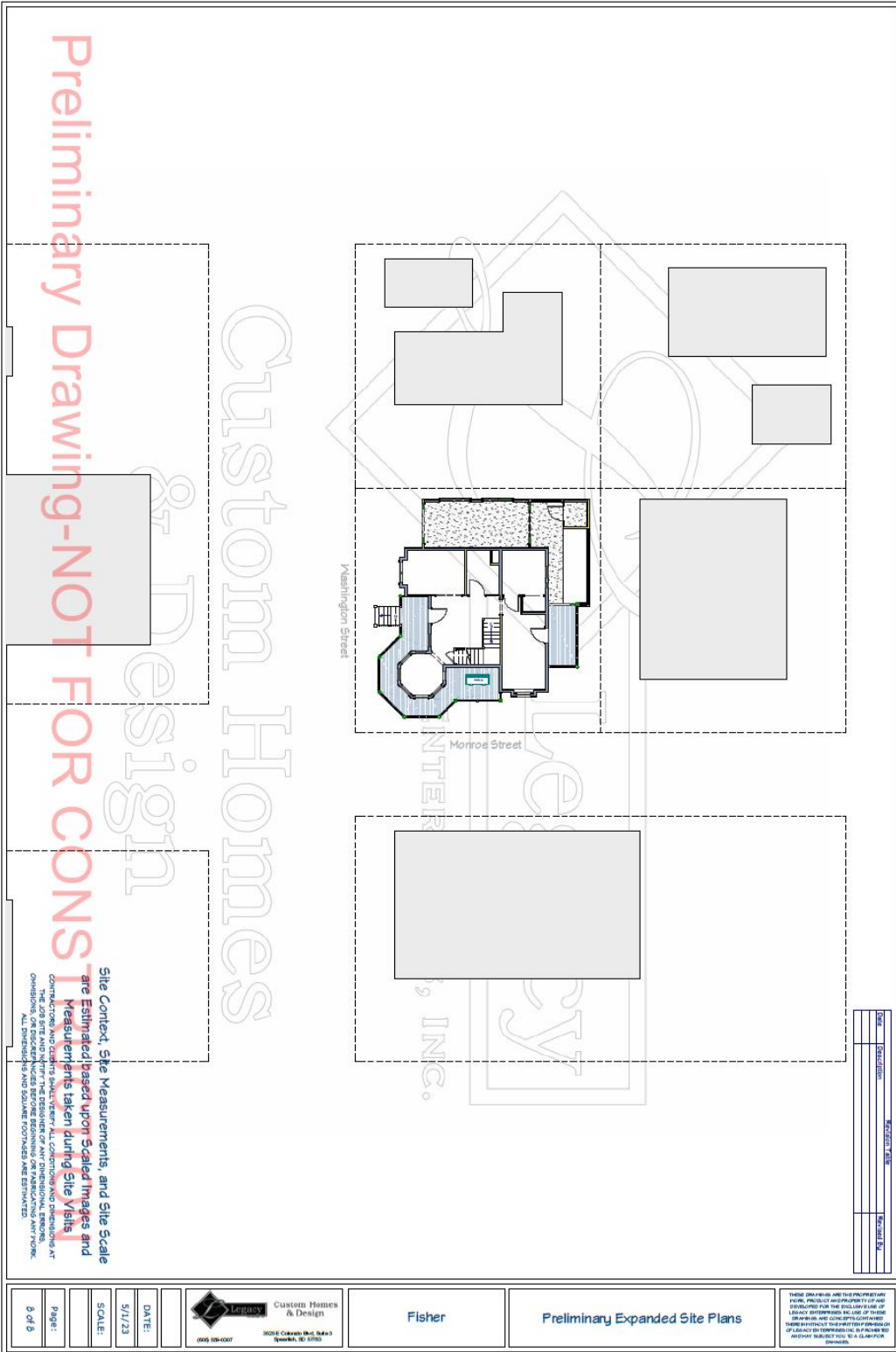
LOCATION MAP & SITE PLAN



Map showing the general vicinity of the subject property.

Request for a Variance – Front & Side Yard Setbacks
22 Washington Street
June 16, 2023

PRELIMINARY SITE PLAN



Request for a Variance – Front & Side Yard Setbacks
22 Washington Street
June 16, 2023

NOTICE OF PUBLIC HEARING

NOTICE OF PUBLIC HEARING BEFORE THE DEADWOOD BOARD OF ADJUSTMENT

City of Deadwood
Board of Adjustment
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 the Front and Side Yard Setbacks requirements found in Sections 17.24.040 (Residential Zoning District).

APPLICANTS: Jackie Diana Fisher and Bryan James Duffy Revocable Trust

LEGAL DESCRIPTION: TRACT C, BLOCK 53, A SUBDIVISION OF PART OF LOTS 1 AND 2, BLOCK 53, ORIGINAL TOWN, CITY OF DEADWOOD, LOCATED IN THE NW1/4 OF SECTION 26, T5N, R3E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA

ADDRESS: Washington Street and Monroe Street (Vacant Lot)

ZONE: R1 Residential

NOTICE IS FURTHER GIVEN that said application will be heard by the Board of Adjustment within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Monday, July 3, 2023 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 5:00 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 14th of June, 2023.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: June ___, 2023

Published once at the total approximate cost of \$_____



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: Jackie Diana Fisher and Bryan James Duffy Revocable Trust Telephone: (928) 533-7111

Address: 353 E. Bonneville Ave, Unit 637 Las Vegas NV 89101


Street City State Zip

Legal Description of Property: Tract C, Block 53 Washington Street, Deadwood, SD 57732

Property Address:	Tract C, Block 53 Washington Street,	Deadwood,	SD	57732
	Street	City	State	Zip

Description of Request: set back

Appeal from Section: _____

Signature of Applicant:  Date: 4/28/2023

Signature of Property Owner:  Date: 4/28/2023

Fee: \$ 200.00 Paid On 6/6/23 Receipt Number 00185994

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): _____

Revision Table		
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Exterior Perspective Views

Fisher

Custom Homes & Design
3024 E. Colorado Blvd., Suite 3
Boulder, CO 80501
(800) 550-0027

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5/1/23

SCALE:

Page:

1 of 8



Preliminary Drawing-NOT FOR CONSTRUCTION

CONTRACTORS AND CLIENTS SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE DESIGNER OF ANY DIMENSIONAL ERRORS, OMISSIONS, OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK. ALL DIMENSIONS AND SQUARE FOOTAGES ARE ESTIMATED.

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Exterior Elevations

Fisher

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& Design
3024 E. Colorado Blvd., Suite 3
Boulder, CO 80501
(800) 558-0207



DATE:

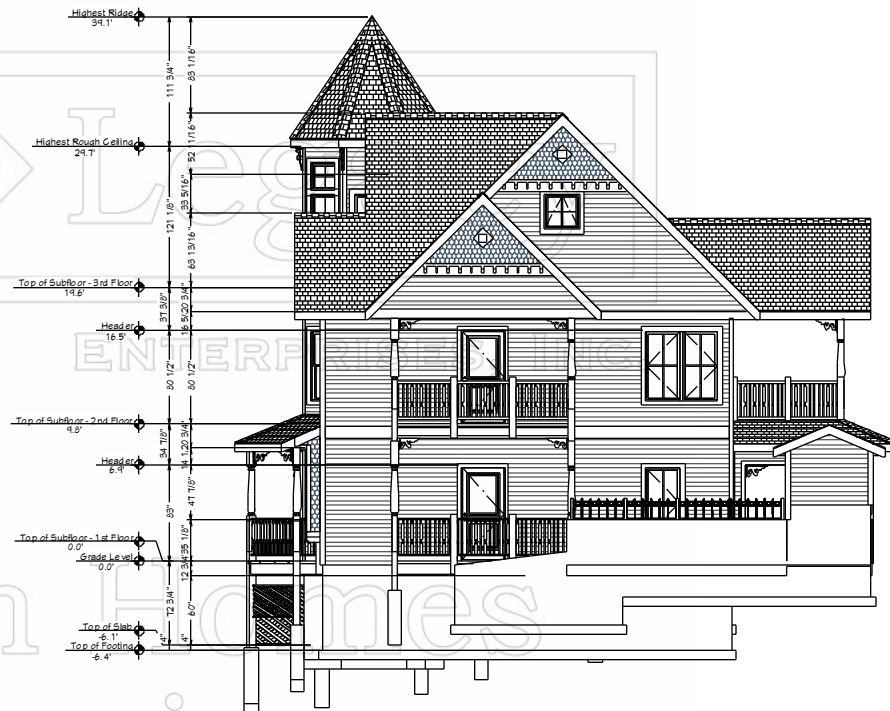
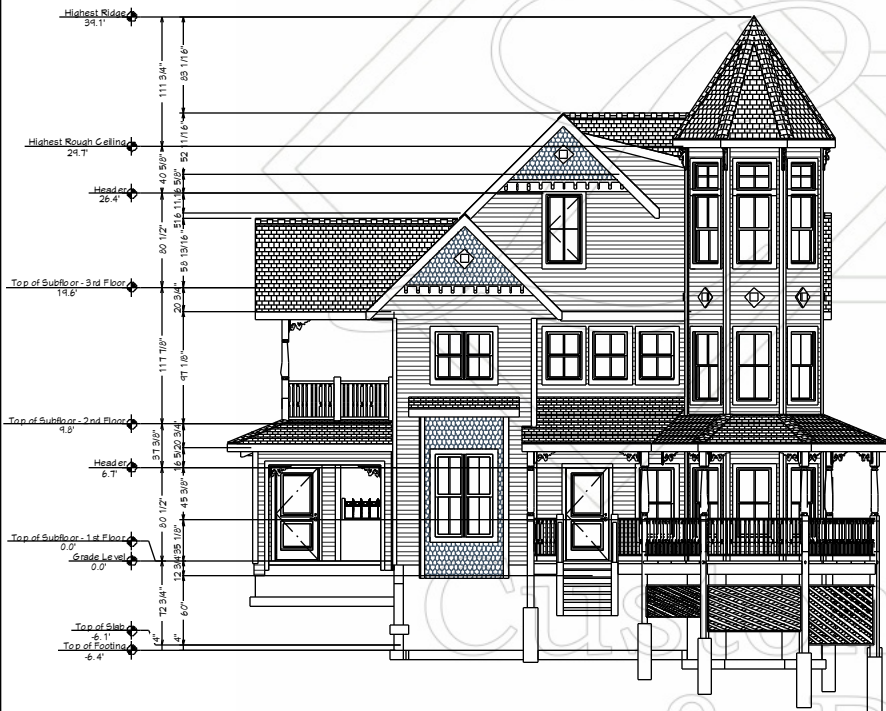
5/1/23

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2 of 8



Preliminary Drawing-NOT FOR CONSTRUCTION

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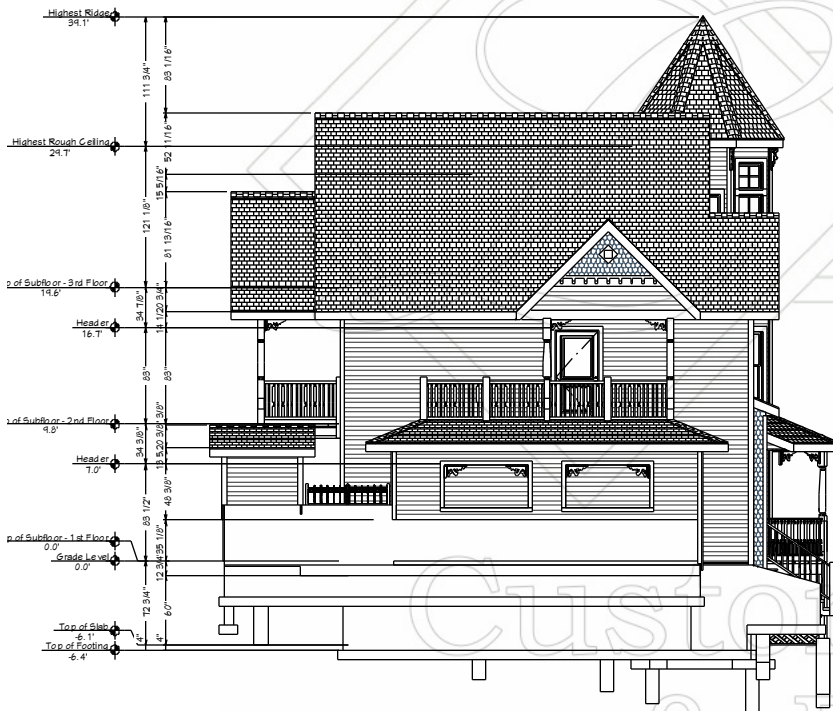
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Exterior Elevations

Fisher

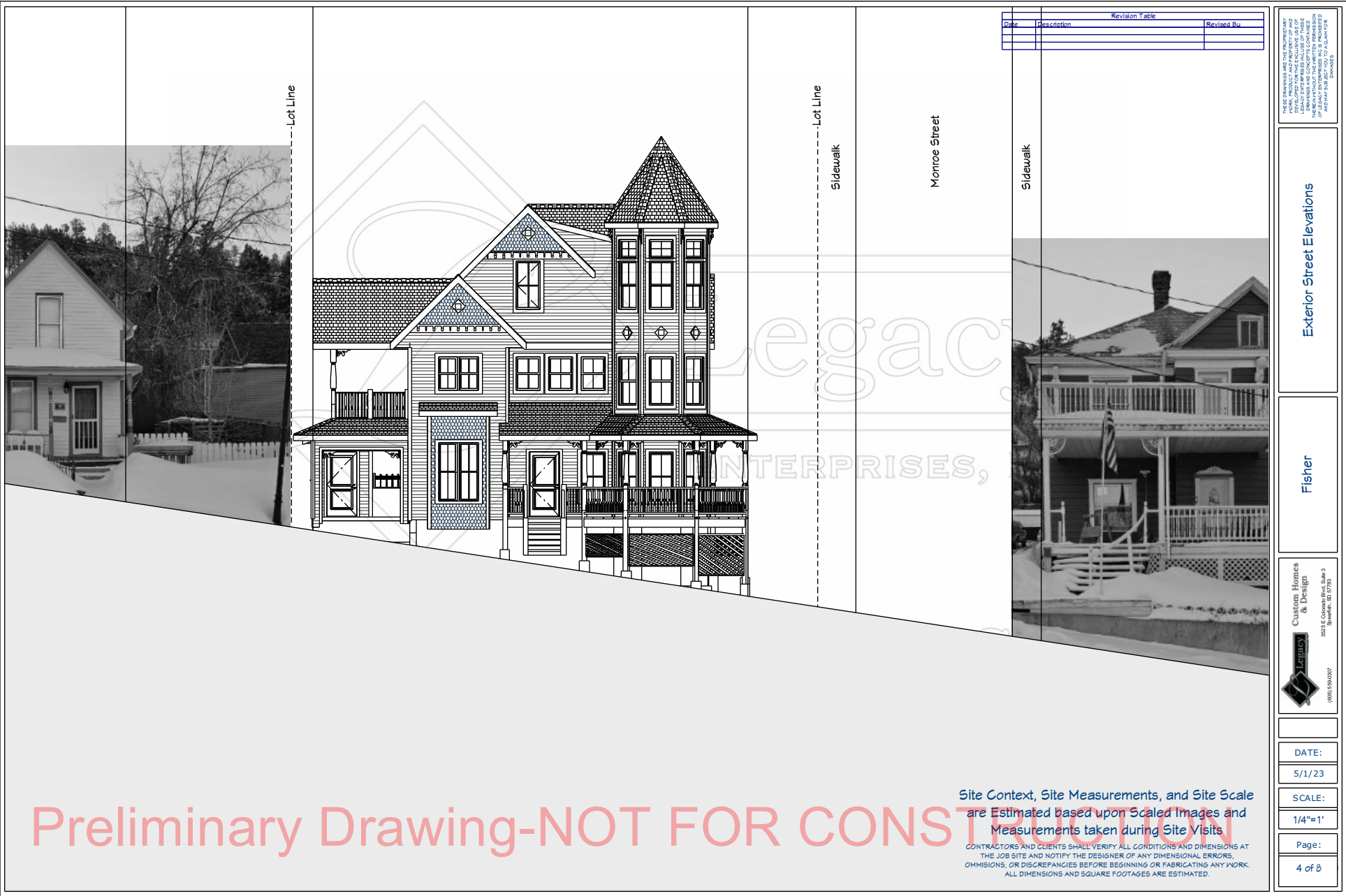
Custom Homes & Design
3024 E. Colorado Blvd., Suite 3
Boulder, CO 80501
(800) 550-0027

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3 of 8

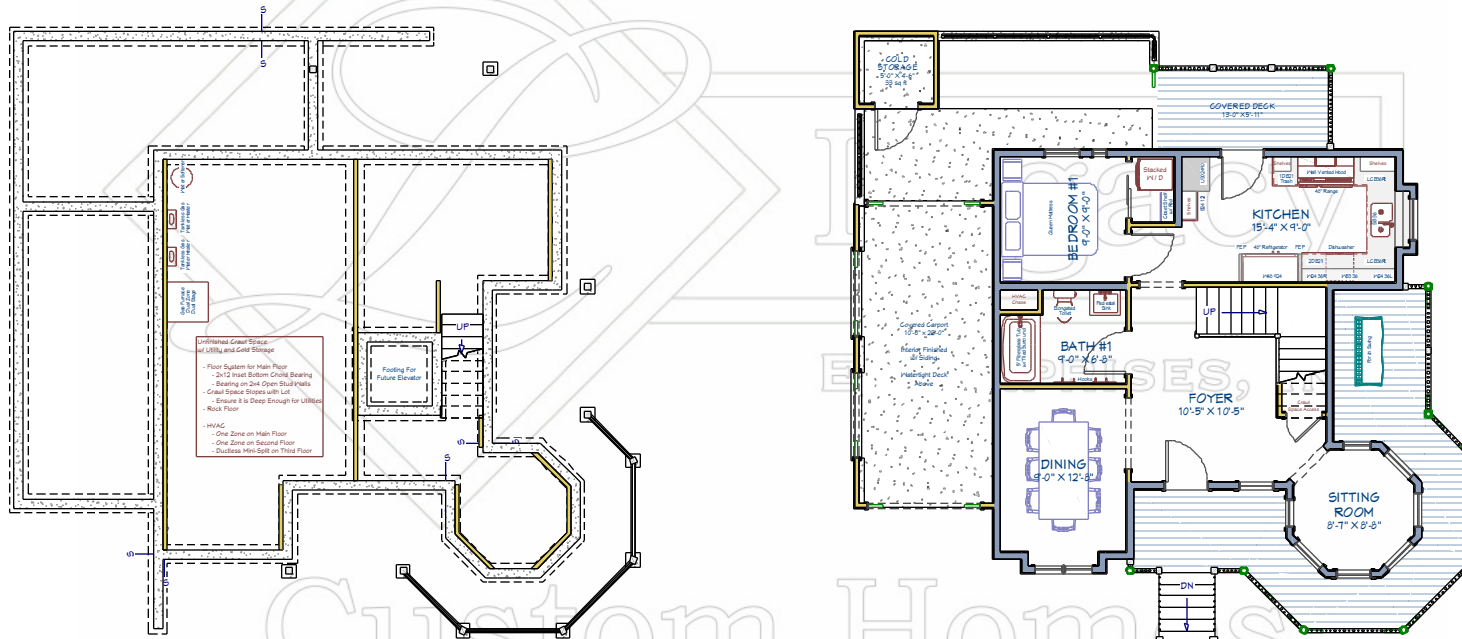


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Revision Table		
Date	Description	Revised By



Crawlspace
Main Floor 773 sq ft

Fisher

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& Design
3024 E. Corbett Blvd., Suite 3
Bozeman, ID 83703
(800) 558-0027

DATE:

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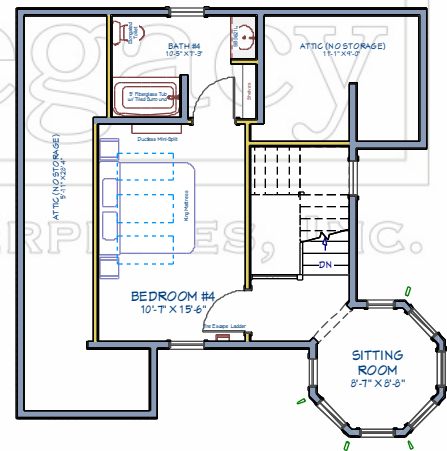
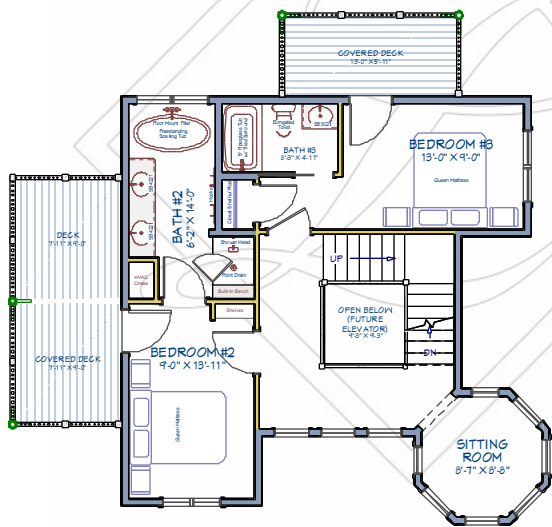
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2nd Floor 762 sq ft
3rd Floor 457 sq ft

Fisher

Custom Homes
& Design
3024 E. Corns Road, Suite 3
Bozeman, ID 83703
(800) 558-0207

DATE:

5/1/23

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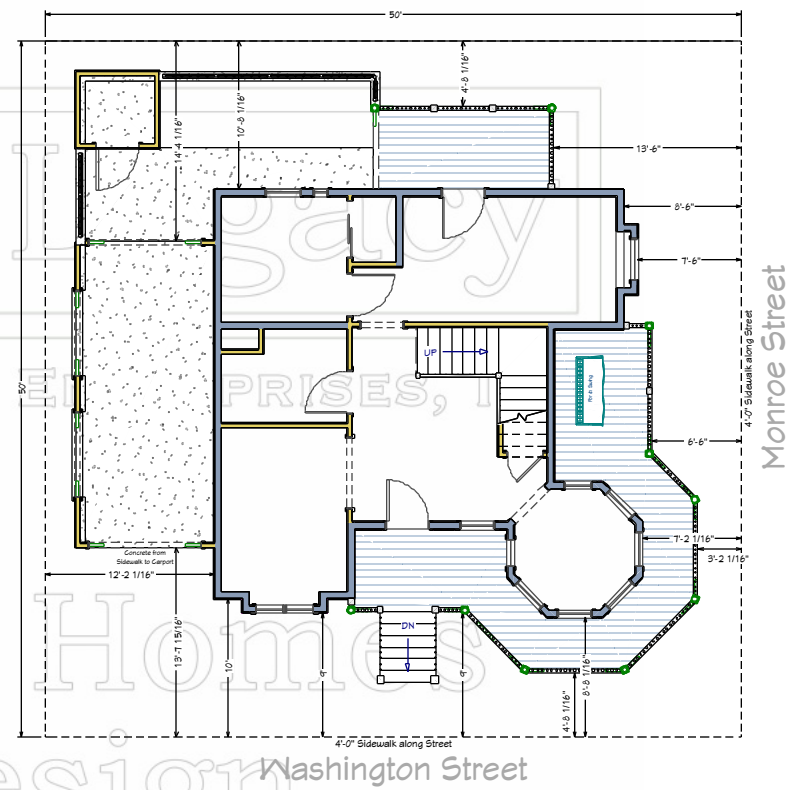
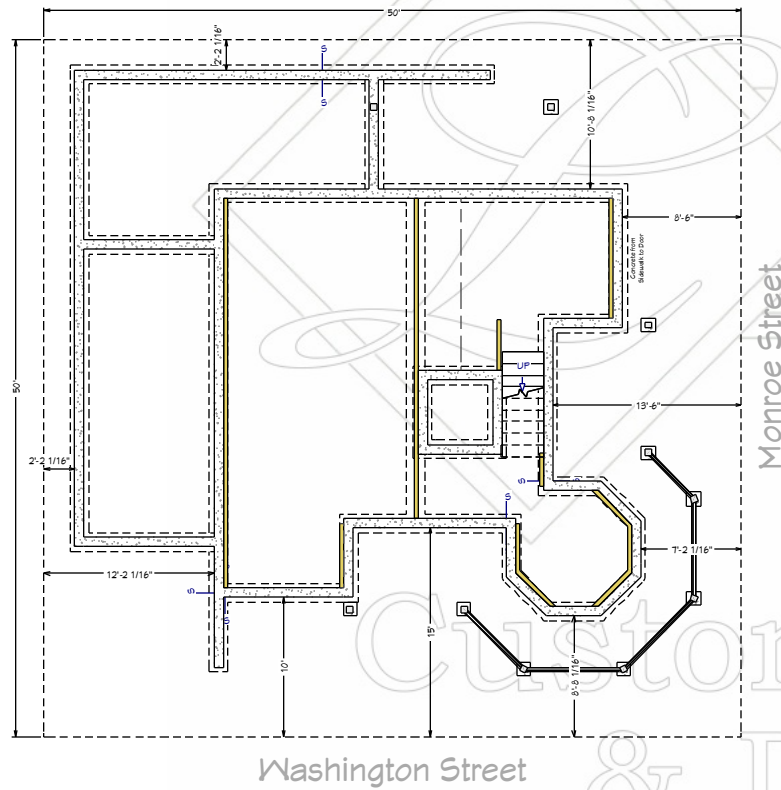
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Preliminary Site Plans

Fisher

Legacy
Custom Homes & Design
3524 E Colorado Blvd, Suite 3
Greenfish, SD 57763
(605) 559-0307

DATE:

5/1/23

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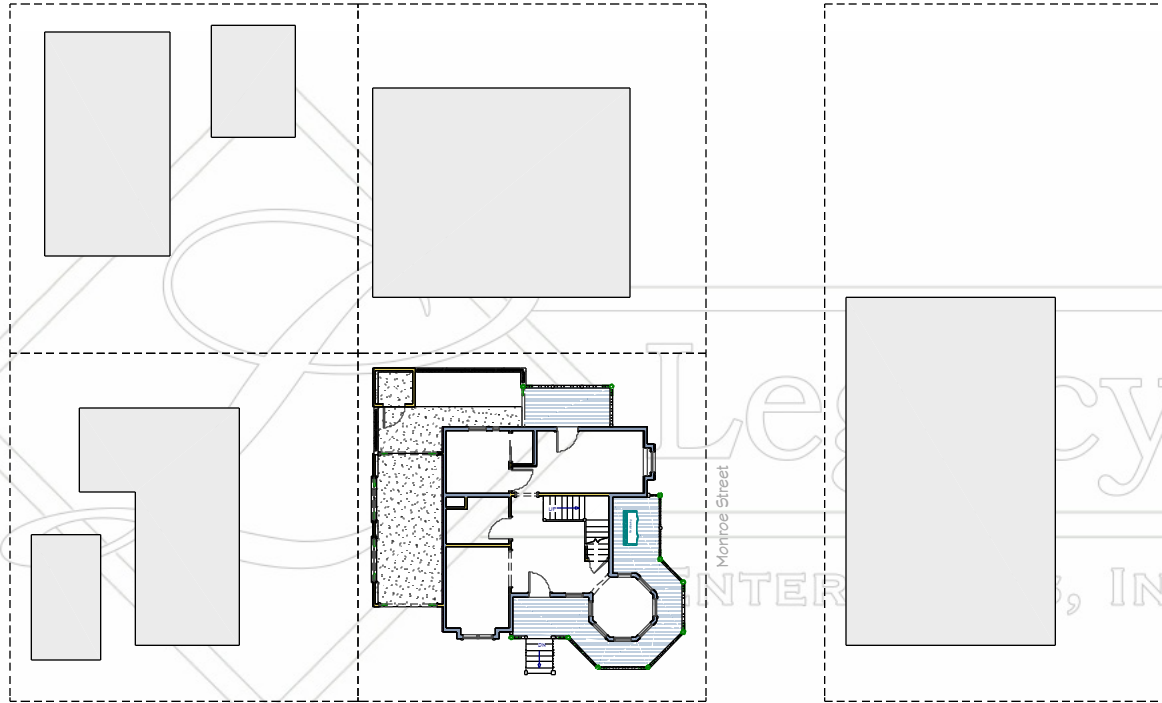
7 of 8

Preliminary Drawing-NOT FOR CONSTRUCTION

CONTRACTORS AND CLIENTS SHALL VERIFY ALL CONDITIONS AND DIMENSIONS
ON THE JOB SITE AND NOTIFY THE DESIGNER OF ANY DIMENSIONAL ERRORS.

CONTRACTORS AND CLIENTS SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT THE JOB SITE AND NOTIFY THE DESIGNER OF ANY DIMENSIONAL ERRORS, OMISSIONS, OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK. ALL DIMENSIONS AND SQUARE FOOTAGES ARE ESTIMATED.

Revision Table		
Date	Description	Revised By



Washington Street

Monroe Street

Custom Homes
& Design

Preliminary Drawing-NOT FOR CONSTRUCTION

Site Context, Site Measurements, and Site Scale
are Estimated based upon Scaled Images and
Measurements taken during Site Visits

CONTRACTORS AND CLIENTS SHALL VERIFY ALL CONDITIONS AND DIMENSIONS AT
THE JOB SITE AND NOTIFY THE DESIGNER OF ANY DIMENSIONAL ERRORS,
OMMISSIONS, OR DISCREPANCIES BEFORE BEGINNING OR FABRICATING ANY WORK.
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Preliminary Expanded Site Plans

Fisher

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3014 E. Colorado Blvd., Suite 3
Boulder, CO 80501
(800) 550-0027

DATE:

5/1/23

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Page:

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**Custom Homes
& Design**

Specification Sheet

Fisher Project

Washington St Tract 53, Lot C, Deadwood, SD 57732

1.1 Project Specs

1101 Lot

Home to be built on owners lot. Cost of lot not included.

1102.2 Crawlspace

Crawlspace foundation-

Unfinished Crawlspace w/ utility and cold storage per plan.

Approximately 773 SF of unfinished space.

1103 2nd Floor

Square Feet - 762 SF

Ceiling Height - 8'

1103.25 3rd Floor

Square Feet - 457 SF

Ceiling Height - 8'

1104 Main Floor

Square Feet - 773 SF

Ceiling Height - 8'

1.2 Preparation Preliminaries

1200 Permits and Fees

Builder shall complete permit applications and make submissions to municipality for all building and mechanical permits required. Standard permits have been included in this agreement for the permit fees. Unexpected fees will be billed to the client as needed.

Owner is responsible for any HOA approvals and utility meter fees, if required.

1201 Financial

Construction Loan and Title Company.
Homeowner is responsible for any bank or loan fees and carrying the construction loan.
Title & Closing fees not included or covered by builder.

1202 Architectural and Engineering

Provide location survey for layout of foundation and building setbacks as required.
If additional engineering is needed it may be added.

1203 Builders Risk Insurance

Builder will carry Builders Risk Insurance on the home during the course of construction.
It will be the Homeowners responsibility to obtain Insurance at the time of closing upon completion of the home.

1204 Utility Connections**ELECTRIC:**

Connection to public electric service is included. Line from public service to home service panel is included. No converter if needed, lines to be provided by utility companies.

Electric service is assumed to be in road right of way adjacent to property line. Trenching required beyond area of road adjacent to property line is not included. Hookup fees and any required deposit for normal residential use account setup is not included. House electrical service to be 200 Ampere (one 200 Ampere panel). Location of panel to be determined in conjunction with exterior meter placement.

NATURAL GAS:

Connection to natural gas service is included where available. Line from public service to home service meter is included.

Natural gas service is assumed to be in road right of way adjacent to property line. Trenching required beyond area of road adjacent to property line is not included. Hookup fees and any required deposit for normal residential use account setup is not included.

PROPANE:

Propane tank is not included and must be provided by homeowner through Propane Company. Legacy will prepare area for tank to be set and connect propane to home.

CABLE, PHONE, INTERNET PROVIDER:

It is the homeowner's responsibility to coordinate the installation of preferred providers. It is the homeowners responsibility to arrange the respective hook up after they take possession of the home.

Cable, phone, and internet provider service is assumed to be in road right of way adjacent to property line. Trenching required beyond area of road adjacent to property line is not included.

WATER:

Connection to public water service is included. Private well or drilling NOT included.

Water service is assumed to be in road right of way adjacent to property line. Trenching required beyond area of road right of way adjacent to property line is not included. Hookup fees and any required deposit for normal residential use & account setup is not included.

SEWER:

Connection to public sewer service is included. Private Septic System not included unless specified.

1205 Site Work

Property clearing includes removal of trees/brush from property within limits of disturbance and as defined for removal on site development plans. Stumps to be ground or removed per Builder discretion and debris removed from property. Live trees that are not called out for removal shall remain. Dead trees outside of limit of disturbance can not be removed by builder. Builder to use discretion in winter months regarding live/dead trees within limit of disturbance.

1.4 Excavation & Foundation

1401 Excavation

Strip topsoil and stockpile on property, if applicable. Excavate for foundation to plan bottom per architectural drawings and all excavated soils to be stockpiled for use during back fill. Unsuitable soil conditions at or above plan bottom are unknowns and can not be budgeted for prior to excavation. ie. Rock, soft clays, sinkholes, etc.

Builder will back fill foundation with existing excavated soils. Excess soils shall be graded out on property.

Contractor shall spread existing topsoil on disturbed areas if applicable. Yard will be finished to rough grade, further landscaping will be homeowners responsibility. Additional topsoil required due to lack of existing topsoil generated on-site is not included in agreement.

Exclusions from Agreement:

Rock

De-watering

Unsuitable or unstable soil conditions

Hidden/Undisclosed wells, tanks, pits, etc.

Hauling expenses except as related to demolition.

1402 Concrete

Poured concrete per plans, including if applicable:

- Concrete Formwork
- Structural Slabs
- Structural Frame
- Garage Slab
- Garage Apron
- Concrete Walkways
- Concrete Patios
- No Retaining Walls Included
- No Exterior Flat Work Sealed

****If any concrete is stained and stamped, stain is surface stain and not through stained (unless specified and agreed upon by Home Owner and Contractor). Stamped pattern needs to be specified. Stained and stamped concrete is slippery when wet.**

****If concrete is poured during months that there is concern with freezing then concrete will be blanketed. This can often result in discoloration due to uneven curing conditions and moisture.**

Excavate as necessary, form and pour poured concrete footings per architectural plans and IRC (International Residential Construction Code).

8" rebar reinforced poured concrete walls, 4" rebar & fiber mesh reinforced poured concrete floors, commercial grade mix, minimum of 4" crushed base course underneath all interior and exterior flat concrete.

Install minimum 4" clean stone and perimeter drain system connected to sump pit or day lighted if grade allows.

1403 Damp-proofing

Deco sprayed Damp-proofing Membrane on exterior walls below grade where exterior grade exceeds interior grade (excluding exterior garage walls).

1.5 Rough Structure

1500 Framing

All lumber and framing materials sized and spaced per approved construction drawings. Materials, where applicable, to be kiln dried.

The first piece of wood installed on the foundation (sill plate) is installed with foam barrier sealer to help with air infiltration at the foundation level, and the 1st piece of wood is typically a chemically treated lumber to minimize the risk of decay where in contact with the foundation. Walls are typically 2x6 dimensional lumber. Floor and roof systems are designed and sized depending upon the distance between supports.

The floor sheathing or subfloor is the material that is put down to hold the final flooring materials.

Floor sheathing to be 3/4" structural tongue and groove Oriented Strand Board installed per code.

Wall and roof sheathing to be 1/2" nom. (7/16) oriented strand board installed per code using H clips where applicable.

Floor framing to be Engineered Floor Truss system or as called out on approved plans.

Floor sheathing (subfloor) materials installed per plans and drawings.

Roof Trusses or Rafters to be per construction Drawings, and sized for appropriate spans between supports.

1.6 Roof

1600 Roofing Specifications

30 year Architectural Asphalt shingles, Titanium felt paper with ice and water shield at eaves, and valleys per code with drip edge. Ridge venting to be cobra or equivalent venting. No Snow-breaks will be installed by Legacy.

1.7 Exterior Finishes

1700 Exterior Design Board

Exterior Design Board

1700.1 Exterior Siding & Trim

LP SmartSide siding is installed according to the construction drawings. 6" Lapsiding w/ 4" reveal to meet Deadwood Historic Preservation Requirements.

LP SmartSide Exterior Trim per construction drawings.

Rollex metal soffits and fascia on all overhangs and eaves.

1704 Rain Gutters

5" Seamless Custom metal gutters and downspouts. Color coordinated with soffit color.

1.8 Exterior Structures

1804 Decks

Decking per plan - Exterior Grade Lumber finished and painted white per plan for decking and railing. Customer selection TBD

No deck is engineered or built to carry a Hot Tub or any size of pool, the builder will not be held liable for any damage or injury caused by placement of these on any deck. Any & all rough cut lumber is not kiln dried which means natural Wood characteristics may possibly become present. These characteristics are as follows but not limited to:

- Shrinking
- Twisting
- Cracking/ splinting
- Pitch/sap possible as product dries
- Takes stain/ paint differently than kiln dried materials
- Small burrowing insects may present in any live edge materials. Insects are typically eliminated once product is stained and lacquered.

2.0 Electrical

2000 Electrical Specifications

Home lighting plan is to be developed by builder and approved by owners prior to construction. Types and locations of lights for interior and exterior of home will be determined at that time.

When framing is complete, homeowner may walk house with electrician and decide final lighting locations before electrical pre-wire. A lighting fixture list will be developed from this walk through.

An allowance is included for homeowner to select lights based upon the fixture list that is compiled.

2000.55 Low Voltage Electronics Perceived Upgrades

Allowance for cable and ethernet, audio system wiring, security system wiring, surround system, and any other low voltage electronics customer upgrades

2.1 Plumbing & Gas Lines

2100 Plumbing Specifications

Color of Fiberglass: White

Color of Faucets: Black

Toilets: Comfort Height, Elongated, White

2101 Kitchen

Kitchen-

Type of Countertop: Granite

Sink: Double bowl undermount composite

Faucet: Moen Genta single handle faucet Black

Disposal: yes

Kitchen strainer & disposal ring: match faucet color

2102 Master Bathroom

Master Bathroom:

Type of Countertop: Granite

Sink: Oval white undermount porcelain

Faucet: Moen Single Handle Genta Black

Valve for shower: 1 Moen Single Handle Genta Black

Shower: 5' Fiberglass Tub Shower with tiled surround.

2103 2nd Bathroom

2nd Bathroom-

Type of Countertop: Granite

Sink: Oval white undermount porcelain

Faucet: Moen single handle Genta Black

Valve for tub/shower: 2 Moen Genta Black

Shower: Walk-In Tiled Shower per plan w/ glass shower door.

Tub: Freestanding tub per plan w/ tiled surround.

2104 3rd Bathroom

3rd Bathroom-

Type of Countertop: Granite

Sink: Oval or rectangle white undermount porcelain

Faucet: Moen Genta Black

Valve for tub/shower: 1 Moen Genta Black

Fiberglass or Custom: 5' Fiberglass tub shower w/ tiled surround.

2104.5 4th Bathroom

4th Bathroom-

Type of Countertop: Granite

Sink: Oval or rectangle white undermount porcelain

Faucet: Moen Genta Black

Valve for tub/shower: 1 Moen Genta Black

Fiberglass or Custom: 5' Fiberglass tub shower w/ tiled surround.

2107 Laundry Room

Laundry Room-

Stacked W/D Unit Per Plan.

Shelf w/ closet rod per plan.

2108 Water Heater

Water Heater

Dual gas tankless on-demand water heater units.

2108.5 Recirculating

Recirculating Pump and Lines

2109 Hose Bibs

2 Exterior frost-free Hose Bibs

2110 Softener Loop

Water Softener Loop for future softener

2111 Sprinkler Stub-out

Sprinkler Stub-out for future sprinkler system

2112 Sump Pump and Piping

Sump Pump and piping to exterior

2113 Water Heater Gas Line

Gas Line to Water Heater

2114 Furnace Gas Line

Gas Line to Gas Furnace

2115 Range Gas Line

Range Gas Line

2116 Fireplace Gas Line

Fireplace Gas Line

2117 Garage Heater Gas Line

Garage Heater Gas Line

2118 BBQ Gas Line

BBQ Gas Line

2.2 HVAC**2200 HVAC**

System locations to be set at best location for system performance.

+95% efficiency Gas Furnace with A/C & Custom Metal Ductwork

One traditional, forced-air HVAC system on main floor.

One traditional, forced air HVAC system on second floor.

Ductless mini-split heating and cooling system on third floor.

2201 Range Hood - vented outside

Range hood (provided by Owner) vented outside of wall or roof

2.3 Insulation

2300 Insulation

R-23 Blown-in Fiberglass BIB system insulation in exterior 2x6 above grade walls.

R-52 Blown Fiberglass insulation in attic/roof spaces.

R-19 insulation as needed where there is no access for blown insulation.

2.4 Drywall

2400 Drywall

All drywall to be 1/2" installed with screws in field, perimeter nails, taped and textured.

Knockdown texture on walls and ceilings. All corners rounded.

Wet areas to include moisture resistant drywall. All tile areas to be cement board or Shluter System.

2.7 Interior Finishes

2700 Interior Design Board

Interior Design Board

2701 Interior Trim

Home trim package includes

- 5 1/4" Stained solid wood base boards
- 3 1/2" Stained solid wood casing on doors
- 3 1/2" Stained solid wood casing on windows

All interior doors to be solid wood.

Wood grain print closet shelving in color that coordinates trim color.

Shelving brackets and closet rod coordinating with other hardware.

Stains will exaggerate grains and marking in wood, grain radiation and color change should be expected.

Wood exhibits other defining characteristics such as mineral deposits/streaks, knots, sap runs, and holes.

While every effort will be made to bring the stain as close as possible to the intended color it is a natural material and will vary.

2701.1 Interior Closet Shelving

Interior Closet Shelving Allowance

-1 rod and Shelf (12") in bedroom closets

-4 shelves in linen and pantry (Depth of shelf depending on size of Room)

-Complimentary upgrade in Master Closet dependent on size and shape of closet (includes more than one shelf and rod)

2705.2 Interior Stairs: Wood Treads & Metal Risers

Stairway style for:

Crawlspace rising to main floor per plan.

Main Floor rising to second floor per plan.

Second Floor rising to third floor per plan.

Wood Treads & Metal Risers. *Paint/Stain Color selection TBD*

2706 Interior Railing

Interior Railing Style

-Post Style - Selection TBD

-Railing Style - Selection TBD

-Material - Selection TBD

2707 Interior Doors

Solid Poplar wood Interior Doors stained to coordinate with Cabinetry.

Stains will exaggerate grains and marking in wood, grain radiation and color change should be expected.

Wood exhibits other defining characteristics such as mineral deposits/streaks, knots, sap runs, and holes.

While every effort will be made to bring the stain as close as possible to the intended color it is a natural material and will vary.

3.0 Windows & Exterior Doors

3001 Windows

Andersen 100 series Windows according to plan.

Interior trimmed and cased with wood.

Screens included with opening Windows.

3003 Other Exterior Doors

Bayer-Built smooth Fiberglass painted. No Storm or Screen Doors included.

3007 Door Hardware

Schlage or Kwikset lever style door handles. All keyed hardware to be keyed alike with the exception of French Doors

Keypad dead bolt on front door with passage lever. Standard dead bolts on all other exterior doors.

Please specify specific areas of home that will require a different hardware than standard to be used:

-Bedroom and Bathrooms - Privacy (locking)

-Closets/Pantry - Passage (non-locking)

-Exterior Doors - Keyed Entrance (locking with keys) **This excludes the front door due to the keypad dead bolt

3.2 Landscaping

3200 Landscaping Specifications

Black dirt set off to side will be replaced to a rough-grade.

Legacy will have drainage at a minimum of 1/4" per foot away from structure. We may accomplish this at our discretion by grading existing soils, drains, gutters, trenches, culverts, etc. to meet local building inspection codes.

The homeowner is responsible for maintaining the drainage after closing.

3.3 Walk Through Inspection

3300 Final Walk Through

A final walk through inspection with the homeowner will be performed prior to closing.

3.4 Appliances

3400 Appliances

No appliances are included. Legacy does not install any appliances. Specifications and details on appliances are for information purposes only.

The homeowner must provide and verify appliance details and specs before cabinets are ordered so that every effort can be made to accommodate non-standard sizes and specs, otherwise standard sizes will be used.

Legacy has no responsibility or liability for the warranty of any appliances and damage to or by appliances.


3.4 Completion

3400 Building Clean-Up

Home to be cleaned by a professional cleaning service. Final detailed cleaning to be performed prior to final Orientation with Project Manager.

Dumpsters to be provided as necessary to store and remove debris.

Portable Bathroom Facilities shall be maintained on site in good condition for duration of project.



Revision Table		
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Exterior Perspective Views

Fisher



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& Design
3024 E. Colorado Blvd., Suite 3
Boulder, CO 80501
(800) 558-0027

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5/30/23

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Preliminary Drawing-NOT FOR CONSTRUCTION

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Exterior Elevations

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(800) 558-0207

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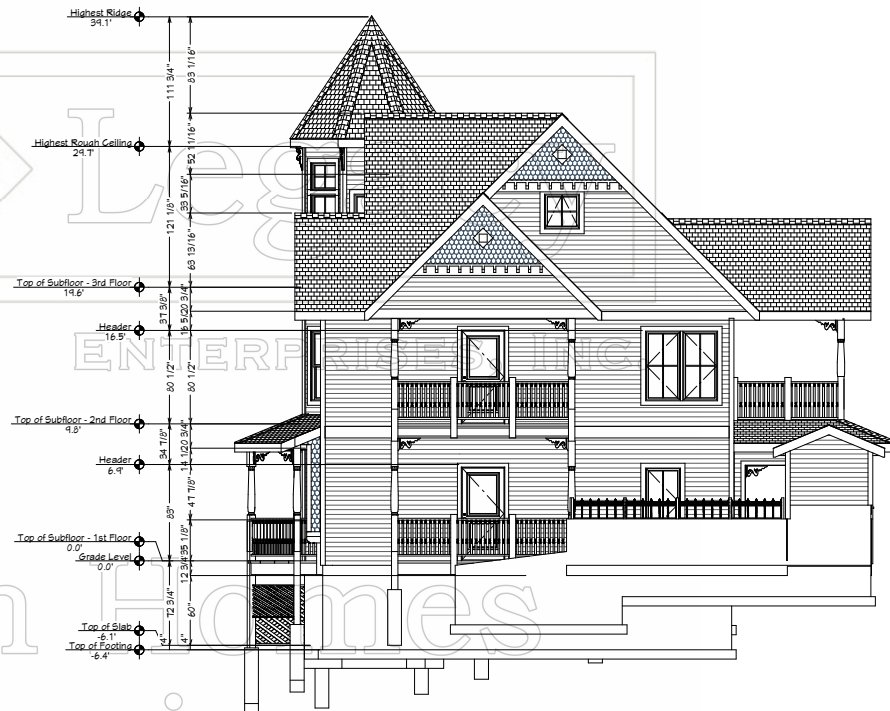
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Exterior Elevation Front



Exterior Elevation Back

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Exterior Elevations

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Legacy
3024 E. Cornish Blvd., Suite 3
Bismarck, ND 58103
(605) 584-0207

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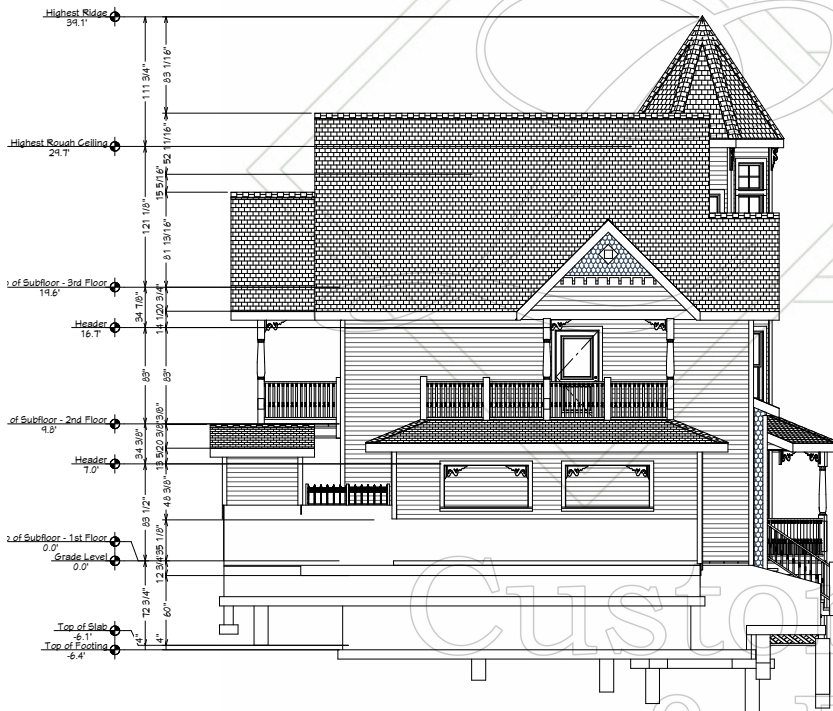
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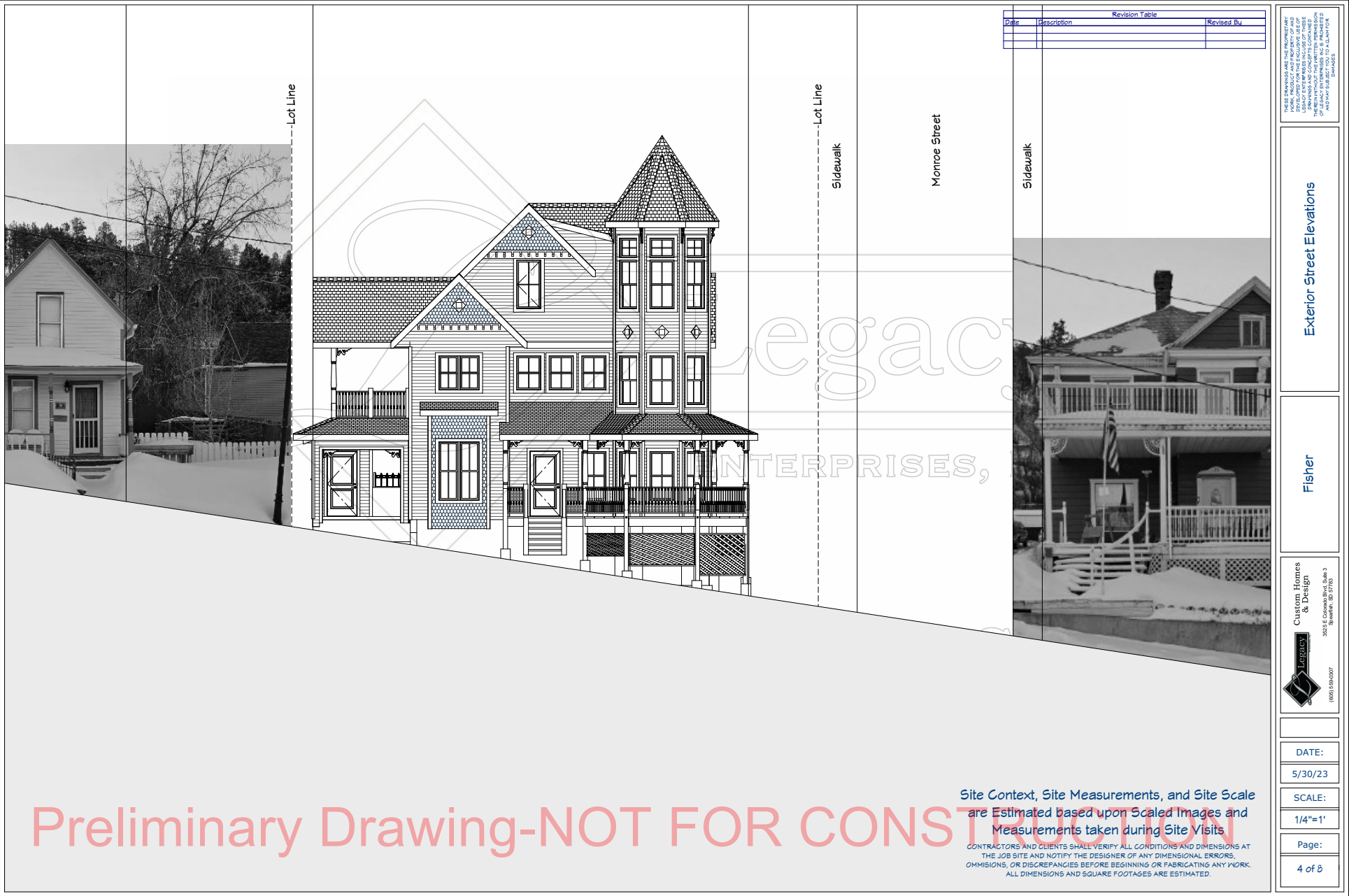
Exterior Elevation Left



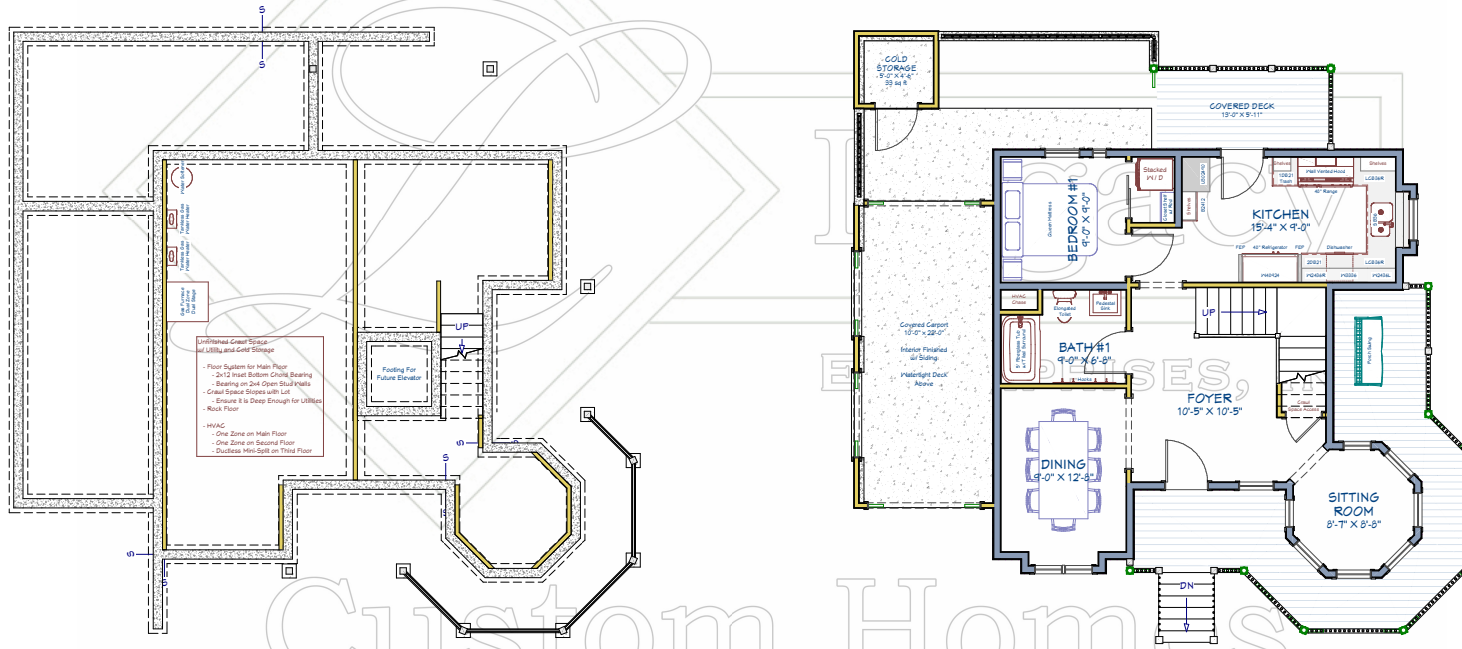
Exterior Elevation Right

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Revision Table		
Date	Description	Revised By



Unfinished Great Escape
- 2x12 Insert Bottom Chord Bearing
- Bearing on 2x4 Open Studs
- Great Escape Stairs with Lvl
- Ensure it is Deep Enough for Utilities
- Back Floor

HVAC
- One Zone on Main Floor
- One Zone on Basement Floor
- Ductless Mini-Split on Third Floor

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Crawlspace
Main Floor 773 sq ft

Fisher

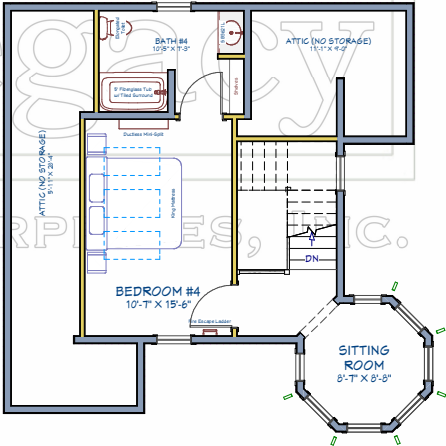
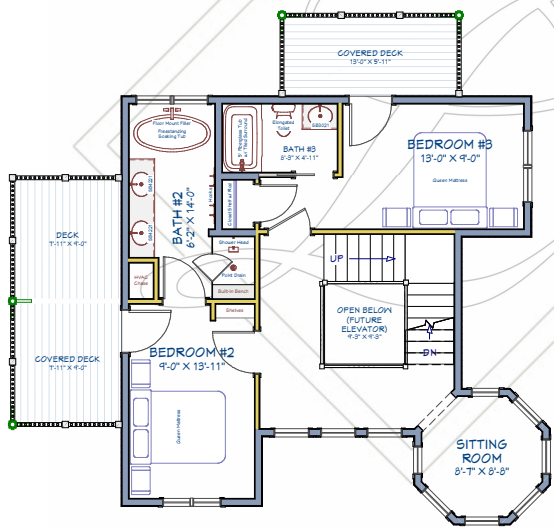
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Bozeman, ID 83703
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2nd Floor 762 sq ft
3rd Floor 457 sq ft

Fisher



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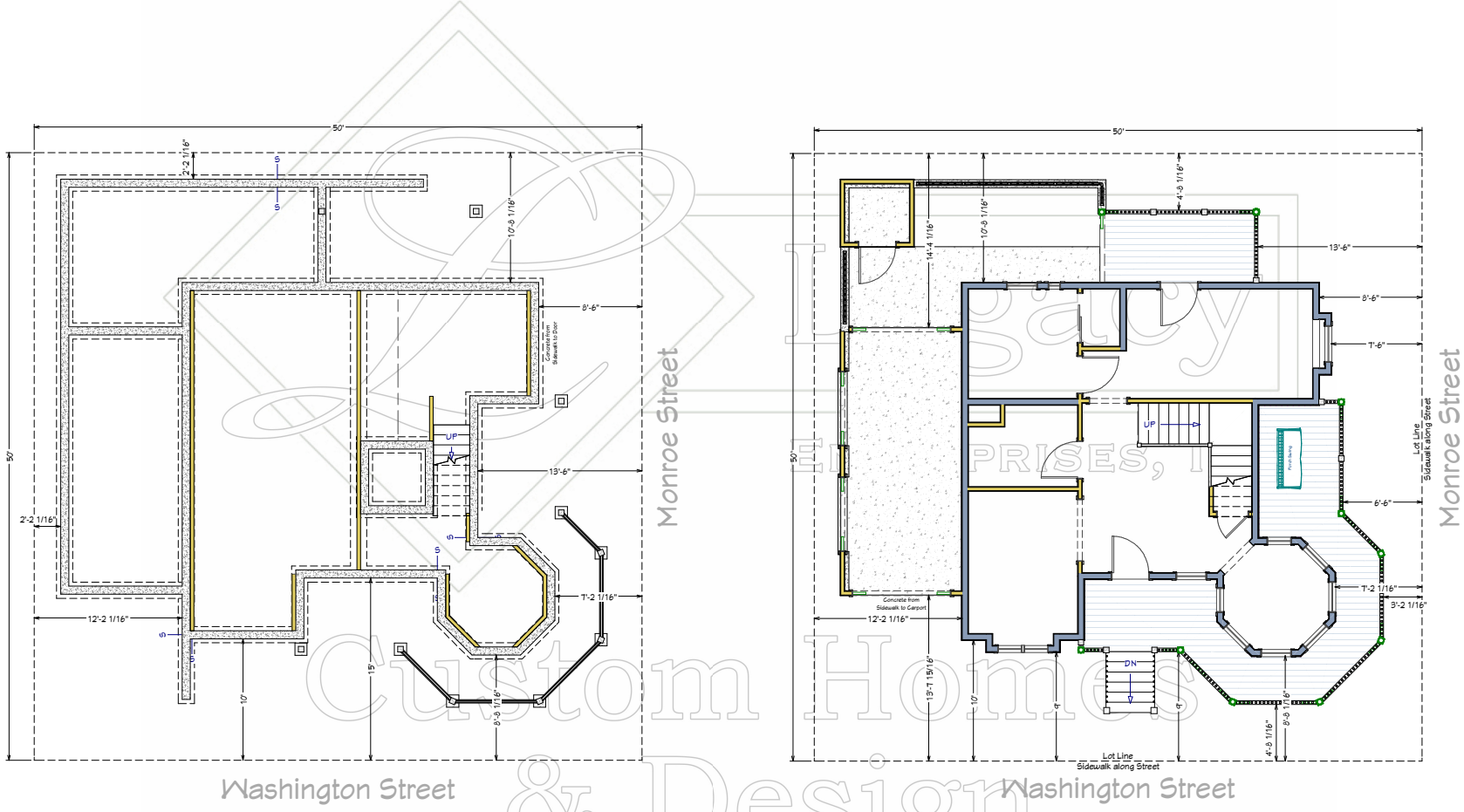
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Preliminary Site Plans

Fisher

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Preliminary Expanded Site Plans

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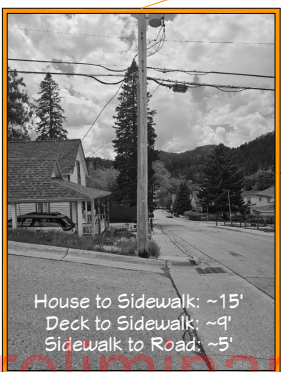
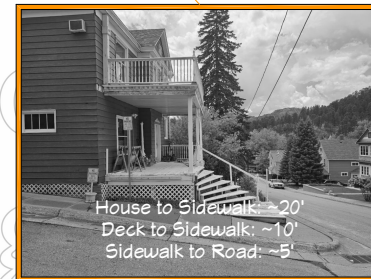
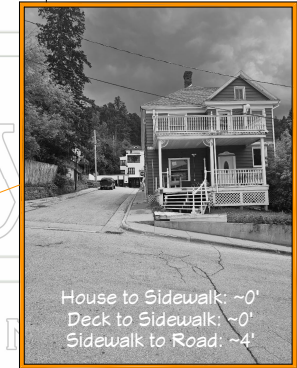
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Site Context, Site Measurements, and Site Scale
are Estimated based upon Scaled Images and
Measurements taken during Site Visits

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NOTICE OF PUBLIC HEARING BEFORE THE DEADWOOD BOARD OF ADJUSTMENT

City of Deadwood
Board of Adjustment
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 the Front and Side Yard Setbacks requirements found in Sections 17.24.040 (Residential Zoning District).

APPLICANTS: Jackie Diana Fisher and Bryan James Duffy Revocable Trust

LEGAL DESCRIPTION: TRACT C, BLOCK 53, A SUBDIVISION OF PART OF LOTS 1 AND 2, BLOCK 53, ORIGINAL TOWN, CITY OF DEADWOOD, LOCATED IN THE NW1/4 OF SECTION 26, T5N, R3E, BHM, LAWRENCE COUNTY, SOUTH DAKOTA

ADDRESS: Washington Street and Monroe Street (Vacant Lot)

ZONE: R1 Residential

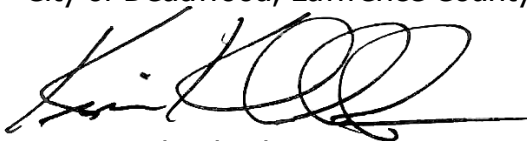
NOTICE IS FURTHER GIVEN that said application will be heard by the Board of Adjustment within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Monday, July 3, 2023 in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 5:00 p.m. or soon thereafter 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 14th of June, 2023.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: June ____, 2023

Published once at the total approximate cost of \$_____

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 722-0786



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

MEMORANDUM

Date: June 16, 2023
To: City Commission
From: Kevin Kuchenbecker, Planning and Zoning Administrator
Trent Mohr, Building Inspector
Re: Discussion and recommendation regarding DCO 17.60.010

Staff will be recommending an ordinance change to the Zoning Code dealing with Fire and Safety under Chapter 17.60.100. This amendment to the ordinance will bring the chapter in line with language under Title 15 – Buildings and Construction where the Building Code of the City of Deadwood is officially adopted.

The proposed amendment is below:

17.60.100 Fire And Life Safety

All development shall meet the applicable requirements of ~~UBC, NFPA 101, UFC~~ the Building Code of the City of Deadwood as adopted and amended in 15.01.010 and 15.01.020.

(Ord. 831 § 6.23, 1992)

Staff desires to have the first reading of said ordinance change be in front of the City Commission for consideration on July 3, 2023.