



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, July 21, 2021 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
 - [a.](#) Approval of June 16, 2021 Minutes
4. **Sign Review Commission**
 - [a.](#) 658 Main - Midwest Motels of Deadwood/KHJ Hospitality - Install New Wall Sign
Action Required:
 - a. Approval/Denial by Planning and Zoning Commission
5. **Planning and Zoning Commission**
 - [a.](#) Temporary Vending Application - 21 Deadwood Street - Camy Wenberg - Rally Tattoo Business
Action Required:
 - a. Approval/Denial by Planning and Zoning Commission
 - [b.](#) Findings of Fact and Conclusions - Request for Variance - Robb & Wendy Nelson - 19 Centennial Avenue
Lot 8A, Block K, Original Townsite, City of Deadwood, Lawrence County, South Dakota, Formerly Portions of Lots 8 and 9, Block K
Action Required:
 - a. Approval/Denial by Planning and Zoning
 - [c.](#) Final Plat - Transfer of Land and Creating Property Lines - 731 and 733 Stage Run - WJP Holdings, LLC (William Pearson)
PLAT OF LOTS 1C AND 1D, BLOCK 4A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY A PORTION OF LOT 1, BLOCK 4A
Action Required:
 - a. Approval/Denial by Planning and Zoning Commission
 - [d.](#) Plat - Development, Construction and Creating Property Lines - Mystery Wagon Road - WJP Holdings, LLC (William Pearson)
PLAT OF LOTS 6, 7, 8, 9, 10, 11, 12, 13 and 14, BLOCK 4A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF

SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF
DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Action Required:

a. Approval/Denial by Planning and Zoning Commission

6. **Items from Citizens not on Agenda**
(Items considered but no action will be taken at this time.)
7. **Items from Staff**
8. **Adjournment**

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



Planning and Zoning Commission Meeting Minutes

Wednesday, June 16, 2021 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, June 16, 2021 at 5:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

2. Roll Call

PRESENT

Commissioner (Chair) John Martinisko

Commissioner (Vice Chair) Bill Rich

Commissioner (Secretary) Josh Keehn

Commissioner Dave Bruce

Commissioner Kevin Wagner

City Commissioner Charlie Struble Mook

Staff:

Jeramy Russell, Planning and Zoning Administrator

Trent Mohr, Building Inspector

Kevin Kuchenbecker, Historic Preservation Officer

Bonny Anfinson, Program Coordinator

3. Approval of Minutes

- a. Approval of 5/19/21 Meeting Minutes

It was moved by Commissioner Bruce and seconded by Commissioner Keehn to approve the May 19, 2021 minutes. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Rich

4. Sign Review Committee

- a. 73 Sherman Street - Pump House - Install New Free Standing Sign

Mr. Mohr stated the applicant wishes to add a freestanding sign. The sign is original and has been determined to be a historic land mark sign by the Historic Preservation Officer, Kevin Kuchenbecker. The proposed sign and its location are compliant with the sign ordinance. The sign permit application requires no variances from the sign ordinance. ***It was moved by Commissioner Rich and seconded by Commissioner Keehn to approve the sign permit for 73 Sherman Street. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Rich***

- b. 665 Main Street - Gold Dust 777/Holiday Inn Express - Install Two New Projecting Signs

Mr. Mohr stated the applicant wishes to add two projecting signs. Sign number one will advertise a sportsbook at this location and sign number two will advertise the gaming establishment. Sign number one requires a variance as it is not on the same facade as the public entrance it is associated with. Sign number two does not require a variance as the applicant plans to modify the associated door by adding a handle on the exterior to grant access. This would make it a public entrance as it now is an exit only door.

It was moved by Commissioner Bruce and seconded by Commissioner Rich to approve the permit for sign number one and grant a variance at 655 Main. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Rich.

It was moved by Commissioner Rich and seconded by Commissioner Wagner to approve the permit for sign number two contingent upon the handle being installed on the door to grant public access. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Rich.

5. Planning and Zoning Commission

a. Public Hearing - Request for Variance - Front Yard Setback - 19 Centennial Avenue

Commissioner Martinisko opened up the meeting to take public comment regarding the variance request for front yard setback for 19 Centennial Avenue.

Bob Sjomeling, who lives on Williams Street just below the project area, stated he has a couple of questions. Why is the applicant going back to 10'? What is the difference from the 20' to the 10'? Owner Rob Nelson stated the vacant lot towards the back is a very steep hill. The architect and the contractors have expressed it would not be very economical or practical for him to dig out that much soil. Mr. Nelson stated he would prefer a 20' driveway but it would not be practical. Mr. Sjomeling asked why is it 20'. Mr. Russell stated it is required in the ordinance for residential R-1. Mr. Sjomeling stated Centennial is a very narrow street that is only 12 to 15' wide, and where they proposed to construct a driveway is right behind my house that is right along the wall. I am concerned about what could happen. How will that 20' affect Raymond Street. Mr. Russell stated it would not come close to that at all. My daughters bedroom would be exposed to the exhaust from the driveway. There is no setback in our back yard from Centennial. Our house is three to four feet from the wall. How will this construction affect mine and the neighbors retaining walls. I am more concerned with what could and will happen. Parking is also a problem on that street.

Mr. Kuchenbecker stated this is an empty lot next to 19 Centennial where the proposed garage will be constructed. Originally it was designed with a 20' setback from the property line. The concern was how much of the hill side would need to be removed. The owner came back to the Historic Preservation Commission with the 10' setback request. When it was the 20' setback it did not have to come before the Planning and Zoning Commission but now they are requesting 10' so it will require a variance by Planning and Zoning. The Historic Preservation Commission approved the 10' set back contingent upon the Planning and Zoning approval of a variance.

Commissioner Martinisko asked if the proposed house would be behind the garage or above the garage. Would this also require a variance. Mr. Russell stated initially that was the owners plan. The design has changed and it will just be the garage. The owner does not have an interest in building the house at this time. Originally it was going to be on top of the garage.

Terry Adler stated she lives at the top of Centennial. Ms. Adler stated she never received a letter informing her of the variance request. Mr. Russell stated it is possible you were not in the 300' requirement for notification. I will check into why you didn't receive information. Ms. Adler asked about the design of the structure and if there will be soil test done so there won't be slides. Mr. Russell stated soil tests will be completed. Mr. Mohr stated the city shares these concerns and are required this be designed by an engineer. Mr. Russell stated the garage will not come out right at the street. There is the 10' set back. Ms. Adler stated her main focus is to be able to get home when I want to. Do we know the time frame of the construction? If I want to go up and down to my house four times in two hours will I be able to do that? I feel like the owner and the contractor needs to be the patient ones or are the residents going to be inconvenienced. Mr. Nelson stated he completely agrees with your comments. We have been very slow in this process primarily because of the engineering and archeology to assure we are staying as safe as possible and not risking any sort of issues and respect to the construction and blocking traffic. We will work closely with the city to determine when and for what period and give notice to the neighbors. We will keep the interference to a minimum. This will be a partnership with the contractor and the city to assure access will always be available. We can not block the street. Mr. Nelson said this has been discussed with contractors at length. One proposal is to bring in a mini excavator with a dump truck that will move back and forth to allow traffic to go through whenever a car needs to go by. Ms. Adler asked if there is a construction time frame. Mr. Nelson stated there is no time frame as of yet. We hope to try to do it this year. It may have to be pushed of until next spring. We are still working through all that needs to be done prior to construction. There are soil samples, surveys and that type of thing to be done. Ms. Adler asked how long it will take to do the construction. Mr. Nelson stated he does not have that time frame. Ms. Adler asked about mail, FedEx delivery, etc. Mr. Russell stated we can not impeded them. They will have access.

Mr. Sjomeling expressed concern regarding the placement of the driveway and the current location of the retaining wall behind his house. The driveway will be right accross from the retaining wall. When you are backing out, what are the chances of running into the wall or into the metal railing on the wall next to ours? Would it be possible to have bollards installed? That is a big concern to us. Mr. Russell stated all of the departments in the city understand the impact this project could have in your neighborhood.

Christin Sjomeling asked if the city would fix their house if the wall were to fail. Mr. Russell stated the city would investigate and if it was found that was the cause, the City and Contractor would fix what was done. Mr. Kuchenbecker stated they could work with public works on getting bollards or something there to protect the

houses. Nobody wants to go off the wall. Ms. Sjomeling stated in the staff report created there are a couple of lines stating the variance will not alter the central character of the surrounding area in which the property is located substantially or permanently impairs the appropriate use of the adjacent property. When I read that, does adjacent property mean 416 Williams Street? Mr. Russell stated any adjacent property. Ms. Sjomeling stated she has trouble with that because my bedroom is right there if you were to back up. When I look at the pictures presented of the garages they all open up on a full width street and to other garages across the street, not to a bedroom window. The houses up on Centennial all have stairs going up to them. When the snow plow goes by it does shake our house. If you wanted to put a house up there with steps leading to it we wouldn't be here today. This garage is a little different. It would be appreciated if bollards were installed. Mr. Rich stated the whole issue is 20' or 10', will it make that much difference. Ms. Sjomeling stated either way you are backing out into a small street. Mr. Russell stated the photos were to show the different set backs. This had nothing to do with the design.

Mr. Nelson stated he would like to add, the design of the driveway, 10' or 20', is such that it would be wider at the opening to allow us to back out in a safer way. I am at a loss as to the house below us other than a cement type pillar. We certainly want to do everything we can to be good neighbors. Obviously for use we do not need to build another house. Our interest is to enjoy the neighborhood and our time here. We will do everything in our power to be safe and prudent in the design and construction of this property to minimize the effect on any of our neighbors. We are working with the city to assure we are following these requirements.

Ms. Adler stated I am not up to par on how this all works. Does the Commission have the right to deny a variance. Mr. Martinisko stated he has the right to build the garage. We are looking at the set back. The requirement is 20' and he is asking for 10'. When it comes to construction other departments will over see that.

Mr. Russell stated he received an e-mail from Randi Coddington and she stated my name is Randi Coddington and I live at 21 Guy St. with my husband, Jim. We are against any building, garage or any variance on Centennial. The main entrance to our home is on Centennial St. where the historic garages are located. It would be an extreme fire hazard to close off Centennial during construction, especially for an invasive project like building a garage on Centennial, where there isn't even enough room for two cars to pass each other (one has to back up or go down the hill, it isn't just a street, it is a very narrow "no outlet" street on a dangerous hill. It is difficult to even drive up or down the "no outlet" (Centennial) street. Also, There is no other entrance if there is a fire for the homes that are further up Centennial or Raymond St. Additionally, the street has a curve in it with a blind spot in the road where they want the garage to be built. This street is already one of the most dangerous in our city. Thank-you, Randi Coddington.

- b. Request for Variance - Robb & Wendy Nelson - 19 Centennial Avenue
Lot 8A, Block K, Original Townsite, City of Deadwood, Lawrence County, South Dakota Formerly Portions of Lots 8 and 9, Block K

Commissioner Martinisko stated he would have liked to see the report from the engineer regarding the feasibility and costs. Personally I am not in favor of the 10' variance. Commissioner Wagner asked Mr. Mohr if going back 20' would be detrimental versus going back 10'. Is there any benefit. Mr. Mohr stated he is not in the position to make that determination. It would be the engineers interpretation of the site and construction of the structure. Commissioner Martinisko stated the cost is not the factor. Commissioner Wagner stated there needs to be proof of difficulty which would be based on economic factors. Commissioner Martinisko stated what is the cost of the 20' and the cost of the 10'. Commissioner Keehn asked the public if they are against the project as a whole or are they against the 10' variance. Mr. Sjomeling stated he has no problem with that. Ms. Adler has concerns with digging up the lot and being limited to going up and down the street. The owner and contractor need to be the patient ones and allow the residents access. There have been issues with the hillside and I have a concern about digging up the hillside. Commissioner Rich stated he would rather see it 10' rather than 20' which means you can park the car in the garage. Commissioner Keehn stated he thought 10' is better because you are removing less of the hillside. Mr. Nelson stated the primary concern of the architect was the steepness of the grade on the lot. There is a financial impact there. The main emphases of the variance is for the grade of the hill. Commissioner Martinisko expressed concern of needing more information. Commissioner Wagner stated it will need to be engineered when they move forward in the process. There needs to be soil compaction tests or geotech soil testing. It will be up to the other departments to make sure it follows the correct process. ***It was moved by Commissioner Rich and seconded by Commissioner Wagner to approve the 10' variance for Robb & Wendy Nelson, 19 Centennial Avenue, Lot 8A, Block K, Original Townsite, City of Deadwood, Lawrence County, South Dakota Formerly Portions of Lots 8 and 9, Block K. Voting Yea: Keehn, Bruce, Wagner, Rich. Voting Nay: Martinisko,***

- c. Temporary Vending Application - 21 Deadwood Street - Lacy Blair - Therapeutic Massage

Mr. Russell stated the applicant has applied for a temporary vending license for the purpose of operating a massage business during the Sturgis Motorcycle Rally. The memo states they will be selling merchandise which needs to be deleted. The applicant will be working inside of the Iron Horse located at 21 Deadwood Street. The applicant has obtained their South Dakota State Sales Tax ID and is also licensed with the South Dakota Department of Health. ***It was moved by Commissioner Keehn and seconded by Commissioner Wagner to approve the temporary vending application for Lacy Blair, 21 Deadwood Street for therapeutic message. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Rich***

- d. Findings of Fact and Conclusion - Rick and Chris Jordan - 768 Main Street Part of Lots 46 & 47, Block 23, Original Townsite, City of Deadwood, Lawrence County, South Dakota

Mr. Russell stated this is the Findings of Fact and Conclusions for the request for conditional use permit for Rick and Chris Jordan, 768 Main Street, legally described as Part of Lots 45 and 47, Block 23, Original Townsite, City of Deadwood, Lawrence County, South Dakota. This will finalize and close the file. ***It was moved by Commissioner Wagner and seconded by Commissioner Bruce to approve the Finding of Facts and Conclusions for the request for conditional use permit for Rick and Chris Jordan, 768 Main Street, legally described as Part of Lots 45 and 47, Block 23, Original Townsite, City of Deadwood, Lawrence County, South Dakota. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Rich***

6. Items from Staff

There were no items from staff.

7. Adjournment

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

There being not further business, the Planning and Zoning Commission adjourned at 5:56 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Bonny Anfinson, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission

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



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

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

SIGN PERMIT STAFF REPORT

Sign Review Commission

July 21, 2021

Applicant: Midwest Motels of Deadwood/ KHJ Hospitality
Address: 29 South Harman Dr., Mitchell, SD 57301
Site Address of Proposed Signage: 658 Main St (Buffalo Saloon)

Computation of Sign Area

Building Frontage: 75 Feet
Total Available Signage: 150 Square Feet
Existing Signage: One projecting (35 Square Feet counted as 17.5 due to landmark status)
Remaining Available Signage Area: 132.5 Square Feet
Proposed Sign Project: Install new wall sign (175 Square Feet)
Proposed Building Materials: Vinyl wrapped metal (see attached rendering)
Proposed Lighting of the Signs: None
Location of Proposed Sign: See attached rendering

Discussion

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

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

The applicant wishes to install a wall sign. There was a previously approved wall sign of a different design and size (60 Square Feet) in the same location. That sign was approved September 8, 2011 and was removed by the applicant after being damaged by hail.

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

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

The proposed sign requires four variances. They are as follows:

- Exceed the maximum square footage of a wall sign of 50 square feet (proposed sign is 175 square feet)
- Exceed the maximum vertical dimension of a wall sign of 2 feet (proposed sign is 10 feet tall)
- The top of the sign will be higher than bottom sills of the second story windows
- The addition of this sign will exceed the overall maximum square footage allowed for signage at this address by 42.5 square feet

Variances

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

Sign Review Commission Action

Motion to approve permit for new wall sign at 658 Main Street granting requested variances

OR

Motion to deny proposed sign permit application as submitted

SIGN COMMISSION

TO WHO IT CONCERNS

Buffalo/Bodega Complex would like to update the sign at the 658 Main Street location. To reflect the company logo. We request a variance on the size the location. The old sign which was a Buffalo did have the City of Deadwood approval. The sign was damaged by the hail storm became a hazard to the public was removed. Enclosed is a picture from street view, approx. size and color. Material will be a vinyl wrap on a aluminum backer. We are open to any suggestions the commission has.

Thank you for your consideration

Tim VanBriesen

Facilities Manager Buffalo Bodega complex

605-920-8121





17.5 Feet wide 10 ft tall

175 Sq Ft

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



Section 5 Item a.

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

Application Date: _____

APPLICATION FOR TEMPORARY VENDORS LICENSE

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

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

Applicant: Tattoos by Camilla Telephone: (320) 214-7889

Name of Business: Camy Wenberg Telephone: ()

Applicant's Mailing Address: 515 Pacific Ave S.W. Willmar MN 56201
Street City State Zip

Please select your type of vending:

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

For a period of fourteen (14) days: Beginning: 8-5-21
Ending: 8-15-21

South Dakota Sales Tax Number: Applied - 5001-9202-SE

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

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

Complete Description of Goods and/or Services: Tattoo Artist

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

Applicant's signature: _____ Date submitted: _____

Fee: \$ _____ Paid On _____ Receipt Number _____

PLANNING AND ZONING ADMINISTRATOR:

Approved/P&Z Administrator: Yes No Signature: _____ Date: _____

PLANNING AND ZONING COMMISSION:

Approved/P&Z Commission: Yes No Date: _____

Reason for Denial (if necessary): _____

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



Jeremy Russell
Planning and Zoning Administrator
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jeramyr@cityofdeadwood.com
Fax (605) 578-2084

TEMPORARY VENDOR APPLICATION

Date: June 29, 2021
To: Planning and Zoning Commission
From: Jeremy Russell, Planning & Zoning Administrator
Re: Tattoos by Camilla – Camy Wenberg

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

Merchandise: Tattoo Services

Action: Approval / Denial of the vendor license for Camy Wenberg operating as Tattoos by Camilla.

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PLANNING, ZONING AND
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108 Sherman Street
Deadwood, SD 57732



Jeremy Russell
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FINDINGS OF FACT AND CONCLUSIONS
REQUEST FOR VARIANCE
FROM SECTION 17.24.040.B. –
FRONT YARD SETBACK REQUIREMENTS
R1 - RESIDENTIAL DISTRICT

APPLICANTS: Rob & Wendy Nelson

ADDRESS: 19 Centennial Street

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

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

ZONING: R1 - Residential District

WHEREAS, the above application for a variance from the Front Yard Setback came on for public hearing on June 16, 2021, at 5:05 p.m. were recommended for approval by the Deadwood Planning and Zoning Commission with the Deadwood Board of Adjustment approving the requests as recommended by the Planning and Zoning Commission.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed the variance request and having considered all comments offered and all of the evidence and testimony presented for the application; and, after discussion and consideration of the applications and being fully advised in the premises, the Deadwood Planning and Zoning Commission and Deadwood Board of Adjustment hereby enter their:

FINDINGS OF FACT AND CONCLUSIONS

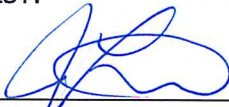
COMPLIANCE:

1. Staff provided public notice identifying the applicant, describing the purpose of the application and its location, and giving the scheduled date of the public hearing to adjacent landowners within 300' in accordance with Section 17.80.010.B.
2. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.80.010 B.
3. An official sign was posted on the property for which the variance was filed as required by Section 17.80.010 B
4. Application(s) requirements were met.

FINDINGS:

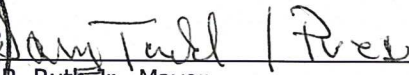
1. *There are special circumstances unique to this property. These circumstances involve the shape of the lot and the hillside, along with the amount of excavation that would be needed to meet the 20' front yard. This has created a physical constraint which is unique to this site. Approving the variance requests from front yard setback requirements and notice requirements enable the reasonable use of the property.*
2. *The zoning ordinance does not preclude the construction of a garage in this zone, the uses are permitted by right.*
3. *That within the intent and purposes of this application for variances, as granted, is the minimum adjustment necessary to afford relief or the reasonable use of the land and substantial notices had been given regarding the application. The remaining bulk regulations are all met.*
4. *The granting of the variance would not be detrimental to public health, safety or general welfare. 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, structural stability, clearance, preservation of light and open space, and visual and aesthetic concerns.*
5. *The granting of the variances in the subject area would not be injurious to the area in general. Again, this use is permitted by right in the R1-Residential District. The variance would not alter the essential character of the neighborhood in which the property is located; substantially or permanently impair the appropriate use or development of adjacent property.*
6. *The hardship was not self-created by the applicant(s). The granting of the variances would not constitute a special privilege.*
7. *The use and value of the area adjacent to the property included in the variance request will not be affected in a substantially adverse manner. There will be no significant adverse impacts on water supply, fire protection, schools, or other services. The granting of the variance would not be detrimental to public health, safety or general welfare.*
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.*
9. *Substantial notice had been established by notification to adjacent landowners within 300' and notice posted on the property. Notice in the newspaper was run ten (10) days in advance of the hearing.*
10. *For the above mentioned reasons, and based on the information and findings included in the Staff Report, Minutes, and other records of proceedings, the Deadwood Planning and Zoning Commission and Board of Adjustment recommended approval of the variance.*

ATTEST:



Ms. Jessica McKeown, Finance Officer
City of Deadwood
/ /21





David R. Ruth Jr., Mayor
City of Deadwood
/21

John Martinisko, Chairperson
Planning and Zoning
City of Deadwood
/ /21

Josh Keehn, Secretary
Planning and Zoning
City of Deadwood
/ /21

OFFICE OF
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HISTORIC
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Jeramy Russell
Planning and Zoning Administrator
Telephone (605) 578-2082
jeramyr@cityofdeadwood.com

STAFF REPORT
PLANNING AND ZONING
July 21, 2021 MEETING

APPLICANT: WJP Holdings, LLC (William Pearson)

PURPOSE: Transfer of land & Creating Property Lines.

GENERAL LOCATION: Stage Run Phase 2

LEGAL DESCRIPTION: PLAT OF LOTS 1C AND 1D, BLOCK 4A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY A PORTION OF LOT 1, BLOCK 4A

FILE STATUS: All legal obligations have been completed.

ZONE: P.U.D. – Planned Unit Development

STAFF FINDINGS:

Surrounding Zoning:

North: PF – Park Forest

South: P.U.D – Planned Unit Development

East: P.U.D – Planned Unit Development

West: Lawrence County Land

Surrounding Land Uses:

Lawrence County/Vacant

Residential Homes

Residential Homes

Vacant

SUMMARY OF REQUEST

The purpose of this plat is to facilitate the transfer of property and establish property lines. This plat describes the area located at 731 (Lot 1C) and 733 (Lot 1D) Stage Run Road. A duplex has been constructed on these two lots and this is the final process before the property is sold.

FACTUAL INFORMATION

1. The property is currently zoned P.U.D. – Planned Unit Development.
2. The proposed lots are comprised of the following acreage: *Lot 1C* 0.116 Acres \pm , *Lot 1D* 0.140 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.

STAFF DISCUSSION

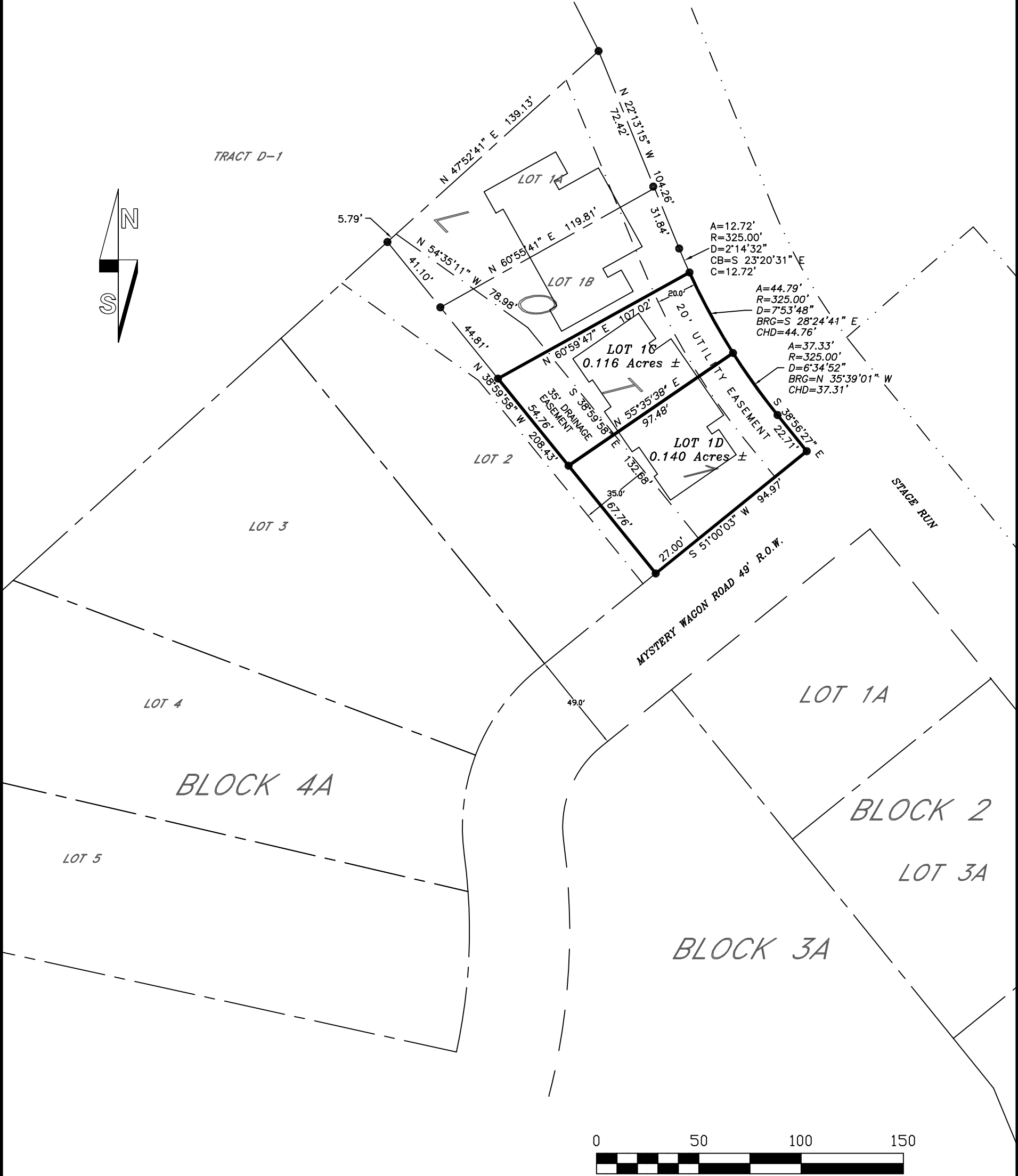
Phase 2 of Stage Run was laid out in the original master plan that Deadwood Stage Run LLC presented to the City of Deadwood in 2007. At that time, it was approved by the Deadwood Planning and Zoning Commission as well as the City Commission.

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.

ACTION REQUIRED:

1. Approval /Denial by Deadwood Planning and Zoning Commission

PLAT OF LOTS 1C AND 1D, BLOCK 4A OF PALISADES TRACT OF DEADWOOD STAGE
RUN ADDITION TO THE CITY OF DEADWOOD
LOCATED IN THE SW¼ OF SECTION 14, THE SE¼ OF SECTION 15, THE NE¼NE¼
OF SECTION 22 AND THE N½NW¼ OF SECTION 23, T5N, R3E, B.H.M.,
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA
FORMERLY A PORTION OF LOT 1, BLOCK 4A



● REBAR & CAP (VREM LS6577)

- NOTES:
- 1) OWNER/DEVELOPER
WJP HOLDINGS LLC
PO BOX 631
DEADWOOD, SD 57732
 - 2) A 5' DRAINAGE & UTILITY EASEMENT IS HEREBY GRANTED
ALONG SIDE AND REAR LOT LINES AND 10' ALONG THE FRONT
UNLESS OTHERWISE NOTED



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

Date:	7/4/2021
Drawn By:	L. D. Vrem
Project No.:	21-398
Dwg. No.:	21-398.dwg

SURVEYOR'S CERTIFICATE

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

OWNER'S CERTIFICATE

OWNER'S CERTIFICATE
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

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

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

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

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:



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

<i>Date:</i>	7/4/2021
<i>Drawn By:</i>	L. D. Vrem
<i>Project No.:</i>	21-398
<i>Dwg. No.:</i>	21-398.dwg

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



Jeramy Russell
Planning and Zoning Administrator
Telephone (605) 578-2082
jeramyr@cityofdeadwood.com

STAFF REPORT
PLANNING AND ZONING
July 21, 2021 MEETING

APPLICANT: Deadwood Stage Run, LLC (William Pearson)

PURPOSE: Development, Construction and Creating Property Lines.

GENERAL LOCATION: Stage Run Phase 2

LEGAL DESCRIPTION: PLAT OF LOTS 6, 7, 8, 9, 10, 11, 12, 13 and 14, BLOCK 4A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

FILE STATUS: All legal obligations have been completed.

ZONE: P.U.D. – Planned Unit Development

STAFF FINDINGS:

Surrounding Zoning:

North: PF – Park Forest

South: P.U.D – Planned Unit Development

East: P.U.D – Planned Unit Development

West: Lawrence County Land

Surrounding Land Uses:

Lawrence County/Vacant

Residential Homes

Residential Homes

Vacant

SUMMARY OF REQUEST

The purpose of this plat is to facilitate further development of Phase 2 at Stage Run. The new development will be completed in phases and this phase contains Lots 6 through 14. This plat also vacates an access and utility easement and the cul de sac area. Once approved, the construction phase will begin immediately. The proposed lots meet the area and bulk requirements for square footage.

FACTUAL INFORMATION

1. The property is currently zoned P.U.D. – Planned Unit Development
2. The proposed lots are comprised of the following acreage: *Lot 6* 0.420 Acres±, *Lot 7* 0.353 Acres±, *Lot 8* 0.599 Acres+, *Lot 9* 0.588 Acres+, *Lot 10* 0.498 Acres+, *Lot 11* 0.409 Acres+, *Lot 12* 0.385 Acres+, *Lot 13* 0.349 Acres+, *Lot 14* 0.350 Acres+
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.

STAFF DISCUSSION

Phase 2 of Stage Run was laid out in the original master plan that Deadwood Stage Run LLC presented to the City of Deadwood in 2007. At that time, it was approved by the Deadwood Planning and Zoning Commission as well as the City Commission.

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ACTION REQUIRED:

1. Approval / Denial by Deadwood Planning and Zoning Commission.

PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	624.50'	66.68'	66.68'	N 33°35' E	5°39'23"
C2	624.50'	70.25'	70.25'	S 05°30'48" W	6°26'23"
C3	624.50'	70.03'	69.99'	S 00°55'20" E	6°25'30"
C4	624.50'	70.19'	70.15'	S 07°21'15" E	6°26'21"
C5	624.50'	50.93'	50.91'	S 12°54'37" E	4°40'21"
C6	775.44'	3.92'	3.92'	S 14°52'40" E	0°44'00"
C7	776.01'	78.15'	78.12'	N 11°37'30" W	5°46'13"
C8	48.00'	10.11'	83.42'	N 14°07'58" W	120°41'13"
C9	775.50'	10.13'	10.13'	S 45°07'34" W	4°16'15"
C10	824.50'	61.46'	61.45'	S 10°07'34" E	4°16'15"
C11	824.50'	70.32'	70.30'	S 14°42'18" E	4°53'11"
C12	824.44'	51.72'	51.71'	S 13°26'52" E	3°35'39"



<i>Date:</i>	<i>7/16/2021</i>
<i>Drawn By:</i>	<i>L. D. Vrem</i>
<i>Project No.:</i>	<i>21-399</i>
<i>Dwg. No.:</i>	<i>21-399.dwg</i>

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