



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, July 17, 2024 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
 - a. Approve the minutes from the July 3, 2024 Planning and Zoning Commission Meeting.
4. **Sign Review Commission**
 - a. Application for Sign Permit - 667 Main Street - Tootsie's Taproom (Nick Bennet). Applicant is requesting permission to install vinyl window signs for new business. Signs and locations are compliant with sign ordinance.
Actions:
 1. Approve/deny Application for Sign Permit.
5. **Planning and Zoning Commission**
 - a. Annual Review- Conditional Use Permit - Bed & Breakfast Establishment - 7 Burlington Street (Jay & Pam Smith) legally described as Lot 4 of Peck's Garden Subdivision of part of Probate Lots 138 and 327, Deadwood City, Lawrence County, SD, according to the recorded plat thereof.
Actions:
 1. Public Comment
 2. Approve/Deny continued use of Conditional Use Permit
 - b. Continuation of Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 7 Spring Street (Kenneth Steier) legally described as Lots X, a replat of Lots 1, 2, and 3, Block 1, Miricks Addition and a portion of MS 735, located in the City of Deadwood, Lawrence County, South Dakota.
Actions:
 1. Public discussion
 2. Approve/Deny continued use of Conditional Use Permit
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 Regular Meeting Minutes

Wednesday, July 03, 2024 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, July 3, 2024, 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
 City Commissioner Blake Joseph

STAFF PPRESENT

Kevin Kuchenbecker – Planning, Zoning and Historic Preservation Officer
 Trent Mohr – Building Inspector
 Leah Blue-Jones, Zoning Coordinator

3. Approval of Minutes

- a. Approve the minutes from the June 19, 2024 Planning and Zoning Commission Meeting

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve the minutes from the June 19, 2024 Planning and Zoning Commission meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

4. Sign Review Commission

- a. Application for Sign Permit - 61 Sherman Street - Dave's Deli Delights (David Bruechner). Applicant has applied for a new wall sign located above the front door and window of the building exterior. Proposed sign and sign location are compliant with sign ordinance.

Mr. Mohr discussed Application for Sign Permit - 61 Sherman Street - Dave's Deli Delights (David Bruechner). The property is being leased and will hold a delicatessen. The proposed sign, and its location, are compliant with city ordinance.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Application for Sign Permit - 61 Sherman Street - Dave's Deli Delights (David Bruechner). Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

- b. Application for Banner Permit - 54 Sherman Street - City of Deadwood (Adams Museum). Per Ordinance 15.32.150.C.4, banners placed by the City of Deadwood solely to promote the history of Deadwood are exempt from regulation.

Mr. Mohr provided information on Application for Banner Permit - 54 Sherman Street - City of Deadwood (Adams Museum). A waterfall banner with historic Deadwood characters will be placed on the back of the museum, facing Siever Street.

5. Planning and Zoning Commission

- a. Application for Temporary Vendors License - Ray Drea Studios, LLC (Ray Drea) - applicant requests license to sell fine art and paintings during the Sturgis Rally from August 1, 2024 through August 11, 2024.

Actions:

1. Approve/deny Application for Temporary Vendors License

Mr. Kuchenbecker introduced Application for Temporary Vendors License - Ray Drea Studios, LLC (Ray Drea). Vendor has sold art from the Celebrity Hotel for a number of years during the rally.

It was moved by Commissioner Owens, and seconded by Commissioner Eagleson to approve Application for Temporary Vendors License - Ray Drea Studios, LLC (Ray Drea). Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

- b. Permanent Utility and Access Easement - 1 Katon Drive (Kraft Living Trust) is for the benefit of 1 Katon Drive legally described as Plat of Lot 3R-1 revised of Katon Subdivision formerly Lot 3R-1 of Katon Subdivision, Lot AB1 of Placer 58, Lot AB1 of Placer Claim 57 and Lot 1 of the subdivision of Tract E-1 being a portion of Placer M.S. 57, Placer M.S. 58 and Hillside Placer M.S. 749 located in the SE 1/4 of Section 27, T5N, R3E, B.H.M. City of Deadwood, Lawrence County, South Dakota.

Easement provides owners of 1 Katon Drive the right to enter property owned by the City of Deadwood (Grantor) legally described as Lot A1 in a portion of Lot H2 and the 66 foot right-of-way of US Highway 85 in Tract 1 of the Jim Lode Mineral Survey 1636; the 66-foot right-of-way of US Highway 85 in Lot 7 and Placer Claim 57 and a portion of Lot H2 and the 66 foot right-of-way of US Highway 85 in M.S. 107; all in Section 27 - Township 5 North - Range 3 East of B.H.M., in the City of Deadwood.

Actions:

1. Approve/deny Permanent Utility and Access Easement

Mr. Kuchenbecker shared Permanent Utility and Access Easement - 1 Katon Drive (Kraft Living Trust). This easement allows the Grantee to access property by providing ingress and egress through property owned by the City of Deadwood.

Commissioner Keehn requested clarification on the purpose of the easement. Mr. Kuchenbecker stated the property at 1 Katon Drive was isolated from highway access after the location of the highway was adjusted. City property now needs to be crossed to access the driveway of 1 Katon Drive.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Permanent Utility and Access Easement - 1 Katon Drive (Kraft Living Trust). Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

- c. Application for Conditional Use Permit - Construction of Dwelling Unit, Single Family - 307 Cliff Street (Terry and Dawn Bahr) legally described as Lot 1 revised of the subdivision of Tract E-1 formerly Lot 1 of the subdivision of Tract E-1 being a portion of Hillside Placer M.S. 749 located in the SE 1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Public Discussion
2. Approve/Deny Application for Conditional Use Permit

Mr. Kuchenbecker introduced Application for Conditional Use Permit - Construction of Dwelling Unit, Single Family - 307 Cliff Street (Terry and Dawn Bahr). Construction of a single-family dwelling requires a Conditional Use Permit to be issued due to the property being in a CH-Commercial Highway zoning district. Staff Report was reviewed as was the recommended conditions of no commercial activity allowed at location, one (1) Conditional Use Permit allowed at location, and building codes and setbacks must be met for new construction.

Commissioner Eagleson asked for clarification on what will be allowed to be built at the location. Mr. Kuchenbecker responded that only a single-family home will be permitted to be built and further explained that a future Vacation Home Establishment would not be allowed to be established at the site due to the proximity of other Vacation Home Establishments within 200 feet of the subject location. In addition, a location can only have a single Conditional Use Permit, and the single-family dwelling unit will require one on its own.

Commissioner Owens inquired if the Conditional Use Permit will pass to new owners if the property is sold in the future. Mr. Kuchenbecker responded in the affirmative.

It was moved by Commissioner Bruce and seconded by Commissioner Eagleson to approve Application for Conditional Use Permit - Construction of Dwelling Unit, Single Family - 307 Cliff Street (Terry and Dawn Bahr) with three (3) conditions. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

- d. Place Conservation Easements on eleven (11) undeveloped properties owned by the City of Deadwood to prevent future development and/or alterations that would encroach upon, damage, or destroy the Deadwood National Historic Landmark District.

Mr. Kuchenbecker discussed eleven (11) properties owned by the City of Deadwood. The City wishes to protect the properties in perpetuity. Once the conservation easements are placed on the properties, the properties would be open for recreation, but not for development.

Commissioner Martinisko asked if any of the properties had current developments or trails on them. Mr. Kuchenbecker responded there were no developments, but some may have future trail systems.

It was recommended by Commissioner Bruce and seconded by Commissioner Owens to approve eleven (11) Conservation Easements on property owned by the City of Deadwood. 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 shared that blocks are being laid on the Whitewood Creek Trail. The piping of storm drains near the Comfort Inn has started. A progress meeting for 1A & 1B of the FEMA project occurred. Utilities with transformers will take up space in the City Hall parking lot and require a three (3) foot wall to keep the utilities out of the base flood elevation. In addition, the retaining wall at 10 Denver Street should be completed in approximately two (2) weeks.

Mr. Kuchenbecker went on to state that an application for reclamation and grading at Boot Hills Estates has been received. A special meeting of the Historic Preservation Commission will occur Monday, July 8, 2024 to review the proposed cuts. The property owner is interested in creating a building site on the lower level of the property in the interest of a potential future sale. A bond will be required for the work, since the grading will cost approximately \$500,000 for the movement of 67,040 cubic yards of dirt.

Commissioner Keehn asked if Boot Hills Estates was approved for development. Mr. Kuchenbecker responded that it has not been approved for subdividing. Paperwork has just been received to allow a holding tank for a septic system. An agreement has been signed with the property owner stating that if a future subdivision is to occur, all ordinances will be complied with, and structures must hook up to city water and sewer.

Mr. Kuchenbecker mentioned the city is working with the property owner of 29 Lee Street to bring them into compliance with city ordinances. The property owner has continued to rent out the main floor of the property as a Short-Term Rental, in violation of Ordinance 17.53.030. Lack of compliance may result in a vacation of the Conditional Use Permit recently assigned to the property.

Commissioner Eagleson mentioned the Friday Farmer's Market and wished to thank the Parks and Rec Department for keeping the area clean and mowed.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:27 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Leah Blue-Jones, Zoning Coordinator

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
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SIGN PERMIT STAFF REPORT

Sign Review Commission

July 17, 2024

Applicant: Nick Bennet

Address: 118 Cyanide St, Lead, SD 57754

Site Address of Proposed Signage: 667 Main Street (formerly Ponderosa Trading Company)

Computation of Sign Area

Building Frontage: 34 Feet

Total Available Signage: 68 Square Feet

Existing Signage: None

Remaining Available Signage Area: 68 Square Feet

Proposed Sign Project: Install four new window signs:

- Sign A (1 Square Foot counted as .25 Square Foot)
- Sign B (5 Square Feet counted as 1.25 Square Feet)
- Sign C (4 Square Feet counted as 1 Square Foot)
- Sign D (3 Square Feet counted as .75 Square Feet)

Proposed Building Materials: Vinyl (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 has recently opened a new business at this location and is requesting permission to install signs that advertise this new business.

The proposed signs and their locations are compliant with the sign ordinance.

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Variances

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

Sign Review Commission Action

Motion to approve permit for new window signs at 667 Main Street

OR

Motion to deny proposed sign permit application as submitted.

Tootsie's Taproom Sign Permits

Address: 667 Main St. Deadwood

Request: 4 Window Decals to be installed on the inside of each window, including the front door.

Window Sizes:

Door = 25" x 60"

Lee Street Side = 71" x 61"

Main Street Left = 53.5" x 57"

Main Street Right = 49" x 57"

Proposed Decal Sign Size:

Door = 15" x 10"

Lee Street Side = 10" x 71"

Main Street Left = 10" x 53.5"

Main Street Right = 10" x 49"

Sign materials:

Opaque vinyl decals

Proposed artwork: (artwork may vary slightly by design)

Door:



Lee Street



Main Street:



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

PLANNING AND ZONING COMMISSION CONDITIONAL USE PERMIT – ANNUAL REVIEW

Staff Report

Date: July 17, 2024
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Annual Review - Conditional Use Permit – Bed & Breakfast

APPLICANT(S): JP Pursuits, LLC (Jay & Pam Smith)
PURPOSE: Annual Review – Conditional Use Permit – Bed & Breakfast Establishment
ADDRESS: 7 Burlington Street
Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: Lot 4 of Peck’s Garden Subdivision of part of Probate Lots 138 and 327, Deadwood City, Lawrence County, SD, according to the recorded plat thereof.
FILE STATUS: Legal obligations are complying.
ZONE: R1 - Residential
STAFF FINDINGS:

Surrounding Zoning:	Surrounding Land Uses:
North: R2 – Multi-Family Residential	Residential
South: R1 – Residential	Residential
East: R1 – Residential	Residential
West: R1 – Residential	Residential

SUMMARY OF REQUEST

The Deadwood City Commission has directed the Planning and Zoning Commission to conduct annual reviews of all Conditional Use Permits in accordance with City of Deadwood Municipal Code 17.76.060. The applicant was issued a Conditional Use Permit on July 17, 2023, to operate a Bed & Breakfast establishment at 7 Burlington Street.

The subject property is located in the Peck’s Garden neighborhood and is surrounded by both single family and multi-family homes.

FACTUAL INFORMATION

1. The property is currently zoned R1 - Residential.
2. The subject property has access from Burlington Street and has off-street parking.
3. The property is not in a Flood Zone.
4. Adequate public facilities are available to serve the property.
5. The area is characterized by a mixture of single-family and multi-family dwellings, commercial and public use areas.

STAFF DISCUSSION

The applicant was granted a Conditional Use Permit for a Bed & Breakfast establishment and City regulations permit Bed & Breakfast establishments in R2- Residential Districts with an approved Conditional Use Permit. The subject property is a one (1) bedroom, one (1) bath accessory building located on the subject property. Renters can park in two parking spaces in the driveway.

“Bed & Breakfast Establishment” means:

Any building or buildings run by an operator that is used to provide accommodations for a charge to the public, with at most five (5) rental units for up to an average of ten (10) guests per night and in which family style meals are provided as defined and permitted by the State of South Dakota and this Title.

COMPLIANCE:

This Bed & Breakfast has been in continual use over the last 12 months.

According to Deckard – Rentalscape the property was booked 65 nights in the past 12 months and has received very good reviews.

No complaints are on record for this establishment.

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

In reviewing any application under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission(s) shall consider, among other things, the following facts:

- A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district

Conditional Use Permit Review – Bed & Breakfast
7 Burlington Street
July 17, 2024

in which it is located, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the City of Deadwood.

The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Traffic and parking should not significantly affect the neighborhood if the applicant abides by the parking requirements associated with Short-Term Rentals. This area is of residential use.

- B. Whether or not a community need exists for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and also within the immediate area of the proposed use: (a) the proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the proposed use.

The subject area is zoned R1 – Residential District and is intended to provide locations for medium density, residential development commensurate with an urban area. The primary use is single-family detached residences.

- C. The proposed use at this location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvement, public sites, or rights-of-way.

The applicant only uses off street parking and prevents any public nuisance issues that are often associated with Short-Term Rentals, the proposed use should not result in a substantial or undue adverse effect on adjacent property, or the character of the neighborhood and the use would not alter the character of the neighborhood. There has been no change in the size of the dwelling.

- D. The previously approved Conditional Use Permit is still in use, and when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

For any conditional use, lot and performance standards shall be the same as similar type uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

The current use has not increased the proliferation of non-conforming uses. The subject residence is in an area that does not have additional Short-Term Rentals in the immediate area. The appearance of the structure has not changed; therefore, the character and use of the buildings and structures adjoining the subject property has not been adversely affected.

- E. Whether or not the current use in the proposed area has been adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this section.

The proposed use has not caused significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite. All utilities have been assigned commercial rates.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the review of a Conditional Use Permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.
- B. The Board of Adjustments can revoke Conditional Use Permits, once granted, for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filed with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit Application hearings.
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.
- D. If the use permitted under the terms of a Conditional Use Permit has not been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department. Written notice thereof shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.
- E. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof shall be given to the person(s) affected, together with notice that

Conditional Use Permit Review – Bed & Breakfast
7 Burlington Street
July 17, 2024

further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.

If approved, staff recommendations for stipulation(s):

1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
2. Proof of a state sales tax number has been provided to the Planning and Zoning Office for their files.
3. The Building Inspector has inspected the building, and it meets all the building codes.
4. City water and sewer rates to remain changed from residential to commercial rates.
5. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
6. Maintain a City of Deadwood Business License.
7. Maintain lodging license from the South Dakota Department of Health and provide copy to the Planning and Zoning Office for their files on an annual basis.
8. All parking shall be off street.

ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

1. Approval/Denial by Deadwood Planning and Zoning Commission



Aerial photo of 7 Burlington Street, Deadwood, SD 57732.





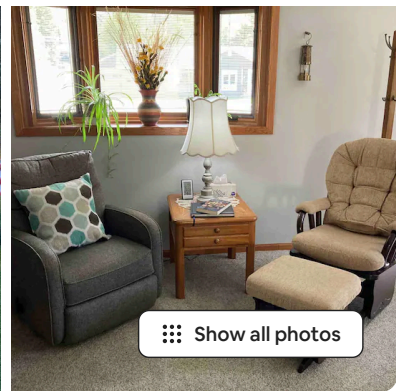
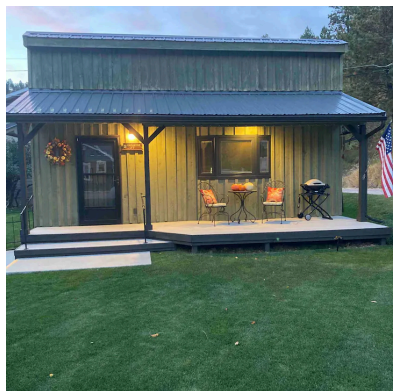
Anywhere Any week Add guests

Airbnb your home



Burlington Bunkhouse

Share Save



Show all photos

Entire home in Deadwood, South Dakota

4 guests · 1 bedroom · 2 beds · 1 bath



5.0
★★★★★

5
Reviews



Hosted by Jay

10 months hosting



Self check-in

Check yourself in with the lockbox.



Great check-in experience

100% of recent guests gave the check-in process a 5-star rating.



Great communication

100% of recent guests rated Jay 5-star in communication.

The Burlington Bunkhouse is located a half mile from Deadwood's Main Street in a quiet neighborhood. The trolley stop for hitching a ride downtown is half a block away and the Mickelson Trail for exploring or walking to Main Street is a block away. The quaint home is the perfect get away for enjoying the Black Hills and all that it offers. There is a covered porch to enjoy the great view. The kitchen, dining, and living area are spacious and bright for resting after a long day.

...

[Show more >](#)

Where you'll sleep



Bedroom

Add dates for prices

CHECK-IN
Add date

CHECKOUT
Add date











GUESTS
1 guest



Check availability

[Report this listing](#)

What this place offers

-  Kitchen
-  Wifi
-  Free driveway parking on premises – 2 spaces
-  TV
-  Free washer – In unit
-  Free dryer – In unit
-  Central air conditioning
-  Private patio or balcony
-  Private backyard – Not fully fenced
-  Children's books and toys

Show all 52 amenities

Select check-in date

Add your travel dates for exact pricing

< >

Su Mo Tu We Th Fr Sa Su Mo Tu We Th Fr Sa

June 2024

July 2024



[Clear dates](#)



Guest favorite

One of the most loved homes on Airbnb based on ratings, reviews, and reliability

Overall rating

5
4
3
2
1

Cleanliness

5.0



Accuracy

5.0



Check-in

5.0



Communication

5.0



Location

4.8



Value

4.8



Emma

4 months on Airbnb

★★★★★ · March 2024 · Stayed a few nights

Such a cute place to stay! Felt safe and they even left us cinnamon rolls for breakfast! Definitely recommend for someone who knows they won't be spending a lot of time...

[Show more](#)



Liz

2 years on Airbnb

★★★★★ · September 2023 · Stayed a few nights



Stephanie

Atlanta, Georgia

★★★★★ · September 2023 · Stayed a few nights

Jay was very friendly and the house was set up beautifully; spacious, clean and accommodating. They even left little snacks on the counter. It is right next to their place, so...

[Show more](#)



Mike

United States

★★★★★ · September 2023 · Stayed a few nights

This was absolutely the best place we have ever stayed! So homy and clean and comfortable. Jay was so accommodating to us and communicated well too! Would recommend this...

[Show more](#)



David
Brownsboro, Texas

★★★★★ · August 2023 · Stayed a few nights

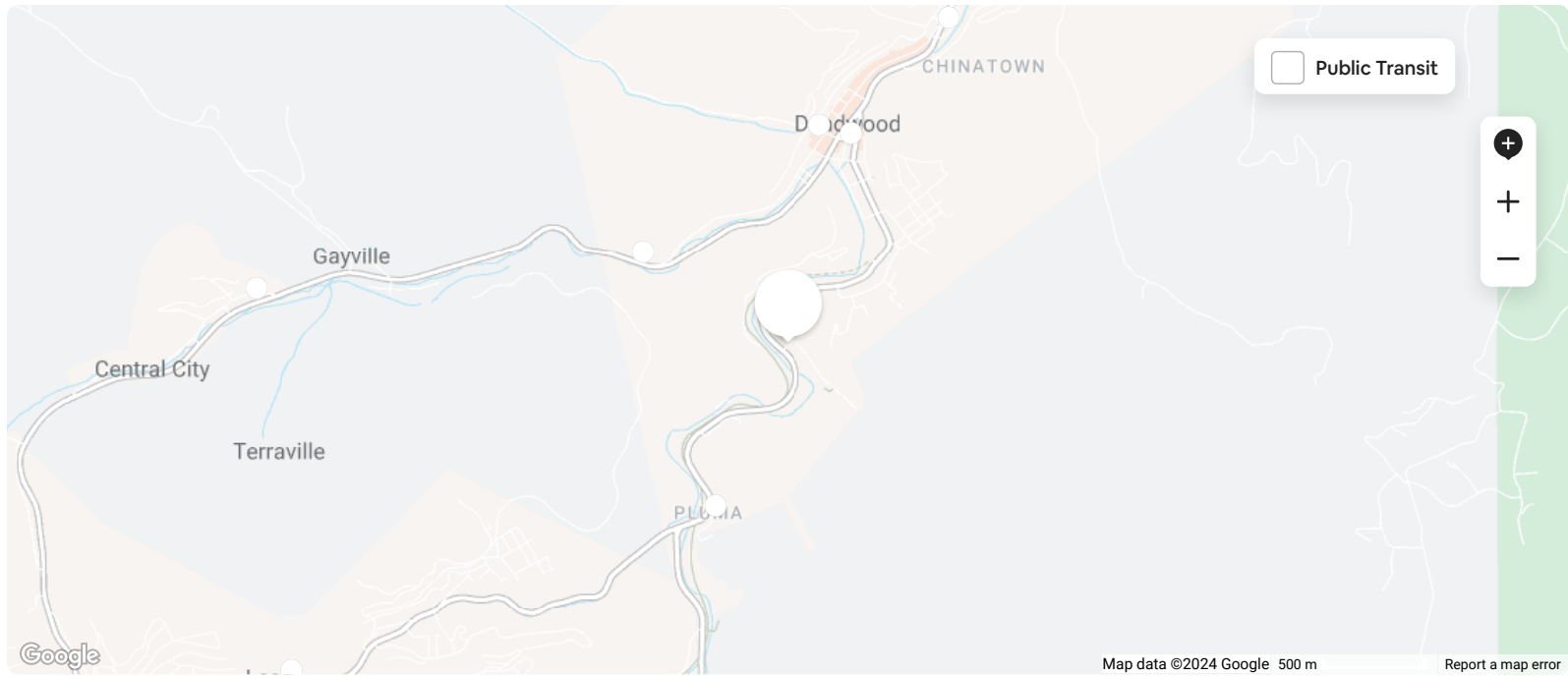
Outstanding stay! Friendly couple and clean place. Highly recommend

Jay and Pam are great hosts! The place was perfect for our long weekend cycling the Mickelson Trail. They had plenty of local recommendations in and around Deadwood, and their...


[Show more](#)

Where you'll be

Deadwood, South Dakota, United States



Meet your Host



5
Reviews

5★
Rating


Jay
Host


10
Months hosting


Host details

Response rate: 100%
Responds within an hour

[Message Host](#)

 To protect your payment, never transfer money or communicate outside of the Airbnb website or app.

 Born in the 60s

 Where I went to school: Lead-Deadwood School District

My wife and I were both born and raised in Deadwood. The Black Hills has so much to offer. T...

[Show more](#) >

Things to know

House rules

Check-in after 3:00 PM

Checkout before 10:00 AM

4 guests maximum

[Show more](#) >

Safety & property

Carbon monoxide alarm

Smoke alarm

[Show more](#) >

Cancellation policy

Add your trip dates to get the cancellation details for this stay.

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Vacation rentals

Sturgis

Vacation rentals

Spearfish

Vacation rentals

Custer

Vacation rentals

Hill City

Vacation rentals

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Vacation rentals

Lead

Vacation rentals

Keystone

Vacation rentals

Hot Springs

Vacation rentals

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Deadwood monthly stays

Vacation rentals with outdoor seating in Deadwood

Kid-friendly vacation rentals in Deadwood

House vacation rentals in Lawrence County

Kid-friendly vacation rentals in Lawrence County

Vacation rentals with outdoor seating in Lawrence Co...

Kid-friendly vacation rentals in South Dakota

Vacation rentals with outdoor seating in South Dakota

Support

Help Center

AirCover

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Disability support

Cancellation options

Report neighborhood concern

Hosting

Airbnb your home

AirCover for Hosts

Hosting resources

Community forum

Hosting responsibly

Airbnb-friendly apartments

Join a free Hosting class

Airbnb

Newsroom

New features

Careers

Investors

Gift cards

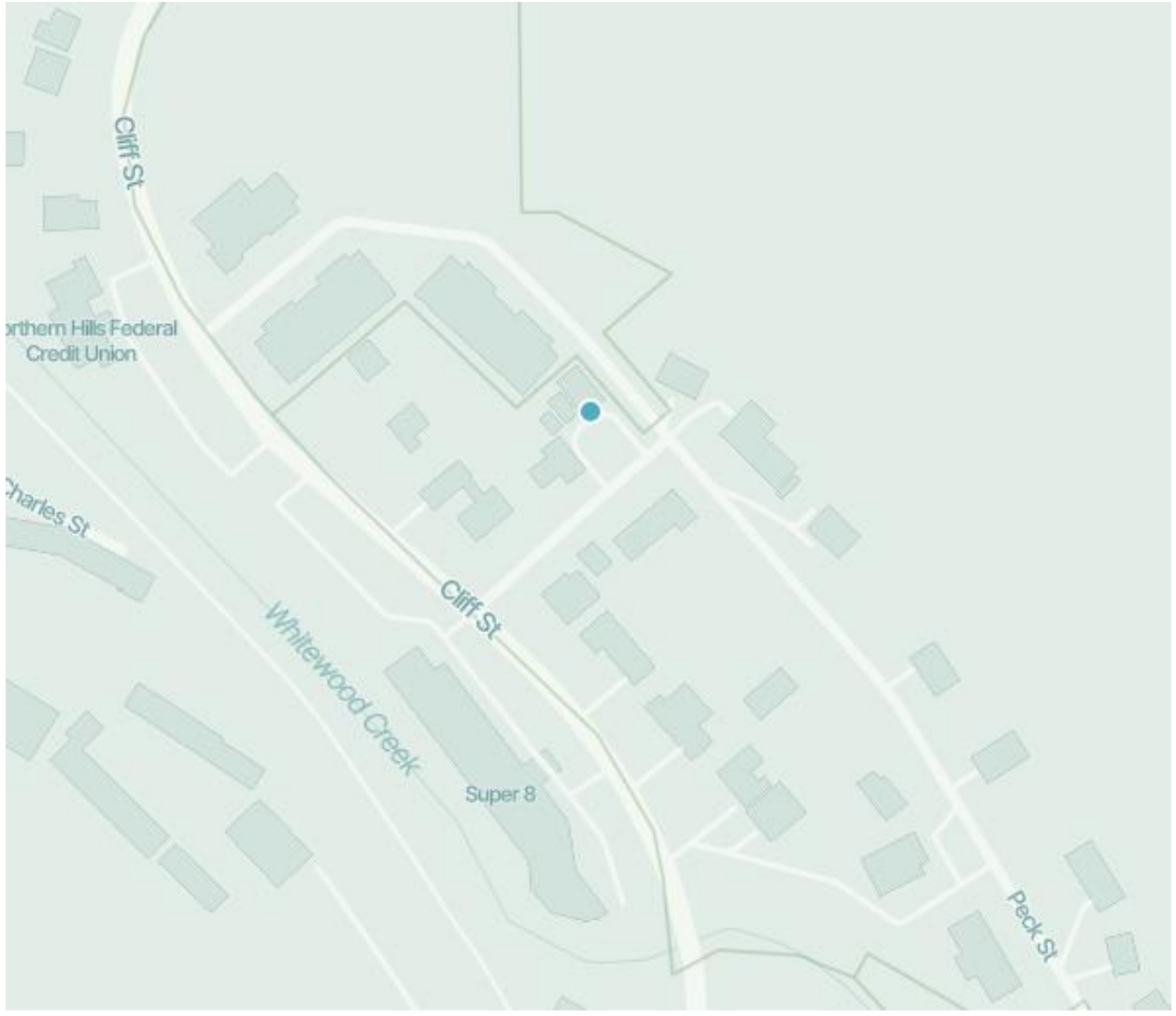
Airbnb.org emergency stays

🌐 English (US) \$ USD



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Map showing locations of nearby Short-Term Rentals to 7 Burlington Street, Deadwood, SD 57732.



OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
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Kevin Kuchenbecker
Planning, Zoning and
Historic Preservation Officer
Telephone (605) 578-2082
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PLANNING AND ZONING COMMISSION

CONDITIONAL USE PERMIT – ANNUAL REVIEW

Staff Report

Date: July 17, 2024
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Annual Review - Conditional Use Permit – Bed and Breakfast

OWNER(S): Kenneth & Lee Steier
PURPOSE: Annual Review – Conditional Use Permit – Bed and Breakfast Establishment

ADDRESS: 7 Spring Street
Deadwood, Lawrence County, South Dakota

LEGAL DESCRIPTION: Lots X, a replat of Lots 1, 2, and 3, Block 1, Miricks Addition and a portion of MS 735, located in the City of Deadwood, Lawrence County, South Dakota.

FILE STATUS: Legal obligations completed.

ZONE: R2 – Multi-Family Residential

STAFF FINDINGS:

Surrounding Zoning:	Surrounding Land Uses:
North: R2 – Multi-Family Residential	Residential
South: R2 – Multi-Family Residential	Residential
East: R2 – Multi-Family Residential	Residential
West: R2 – Multi-Family Residential	Residential

SUMMARY OF REQUEST

The Deadwood City Commission has directed the Planning and Zoning Commission to conduct annual reviews of all Conditional Use Permits in accordance with City of Deadwood Municipal Code 17.76.060. The owner was issued a Conditional Use Permit on June 8, 2003, to operate a Bed and Breakfast establishment at 7 Spring Street.

The subject property is located on Spring Street and is surrounded by an R2 Zoning District.

FACTUAL INFORMATION

1. The property is currently zoned R2 – Multi-Family Residential District.
2. The subject property is accessed from Spring Street.
3. The property is not in a Flood Zone.
4. Adequate public facilities are available to serve the property.
5. The area is characterized by a mixture of single-family homes and open space.

STAFF DISCUSSION

The applicant was granted a Conditional Use Permit for a Bed and Breakfast establishment, and City regulations permit Bed and Breakfast establishments in R2- Residential Districts with an approved Conditional Use Permit. The subject property is a five (5) bedroom, five (5) bath single family home located on the subject property. The establishment allows up to twelve (12) guests. Renters can park in two (2) parking spaces in front of the establishment, with additional off-street parking across the street.

Under the current ordinance, as well as the South Dakota Department of Health this would be considered a specialty resort establishment due to the number of guests it may accommodate.

“Bed and Breakfast Establishment” means:

Any building or buildings run by an operator that is used to provide accommodations for a charge to the public, with at most five (5) rental units for up to an average of ten (10) guests per night in which family style meals are provided as defined and permitted by the State of South Dakota and this Title.

COMPLIANCE:

This short-term rental has been in continual use over the last twenty-one (21) years. The original Conditional Use Permit was under the auspices of a Bed & Breakfast Establishment; however, they are currently licensed with the South Dakota Department of Health as a vacation home establishment which is prohibited in R2 – Multi Family Residential zoning districts. Furthermore, under the definitions regarding short-term rentals, they appear to be operating a specialty resort also prohibited in R2 –zoning districts.

According to Deckard – Rentalscape the property was booked 166 nights in the past 12 months and has received very good reviews.

Staff is aware of complaints during the early years of this Conditional Use Permit; however, no formal complaints are on record for this establishment over the past 24 months or longer.

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

In reviewing any application under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission(s) shall consider, among other things, the following facts:

- A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district in which it is located, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the City of Deadwood.

The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Traffic and parking should not significantly affect the neighborhood if the applicant abides by the off-street parking requirements associated with Short-Term Rentals. This area is of residential use.

- B. Whether or not a community need exists for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and also within the immediate area of the proposed use: (a) the proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the proposed use.

The subject area is zoned R2– Multi-Family Residential District and is intended to provide locations for medium density, multiple family units such as duplexes, townhouses, condominiums, and apartment developments.

- C. The proposed use at this location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvement, public sites, or rights-of-way.

If the applicant only uses off street parking and prevents any public nuisance issues that are often associated with Short-Term Rentals, the proposed use should not result in a substantial or undue adverse effect on adjacent property, or the character of the neighborhood and the use would not alter the character of the neighborhood. There has been no change in the size of the dwelling.

- D. The previously approved Conditional Use Permit is still in use, and when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or

Conditional Use Permit Review – Bed & Breakfast Establishment
7 Spring Street
July 17, 2024

under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

For any conditional use, lot and performance standards shall be the same as similar type uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

The current use has not increased the proliferation of non-conforming uses. The subject residence is in an area that does not have additional Short-Term Rentals in the immediate area. The appearance of the structure has not changed; therefore, the character and use of the buildings and structures adjoining the subject property has not been adversely affected.

- E. Whether or not the current use in the proposed area has been adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this section.

The proposed use has not caused significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite. All utilities have been assigned commercial rates.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the review of a Conditional Use Permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.
- B. The Board of Adjustments can revoke Conditional Use Permits, once granted, for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filed with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit Application hearings.
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.
- D. If the use permitted under the terms of a Conditional Use Permit has not been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department.

Conditional Use Permit Review – Bed & Breakfast Establishment
7 Spring Street
July 17, 2024

Written notice thereof shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.

- E. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.

If approved, staff recommendations for stipulation(s):

1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
2. The City of Deadwood Building Inspector shall have the right to inspect he premises to ensure compliance with the Building Code under Title 15.
3. Proof of a state sales tax number must be provided to the Planning and Zoning Office for their files.
4. City water and sewer rates to remain changed from residential to commercial rates.
5. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
6. Maintain a City of Deadwood Business License.
7. Obtain and maintain a Bed & Breakfast Lodging License from the South Dakota Department of Health and provide copy to the Planning and Zoning Office for their files on an annual basis. Surrendering the vacation home establishment license would be a requirement.
8. All parking shall be off street.
9. No more than ten (10) guests permitted to stay overnight.
10. No large gatherings or events shall be held at the property.
11. Family style meal(s) must be provided for all overnight guests.

Conditional Use Permit Review – Bed & Breakfast Establishment
7 Spring Street
July 17, 2024

12. The owner or the owner's agent is required to reside in the Bed and Breakfast Establishment or on contiguous property when guests are present.

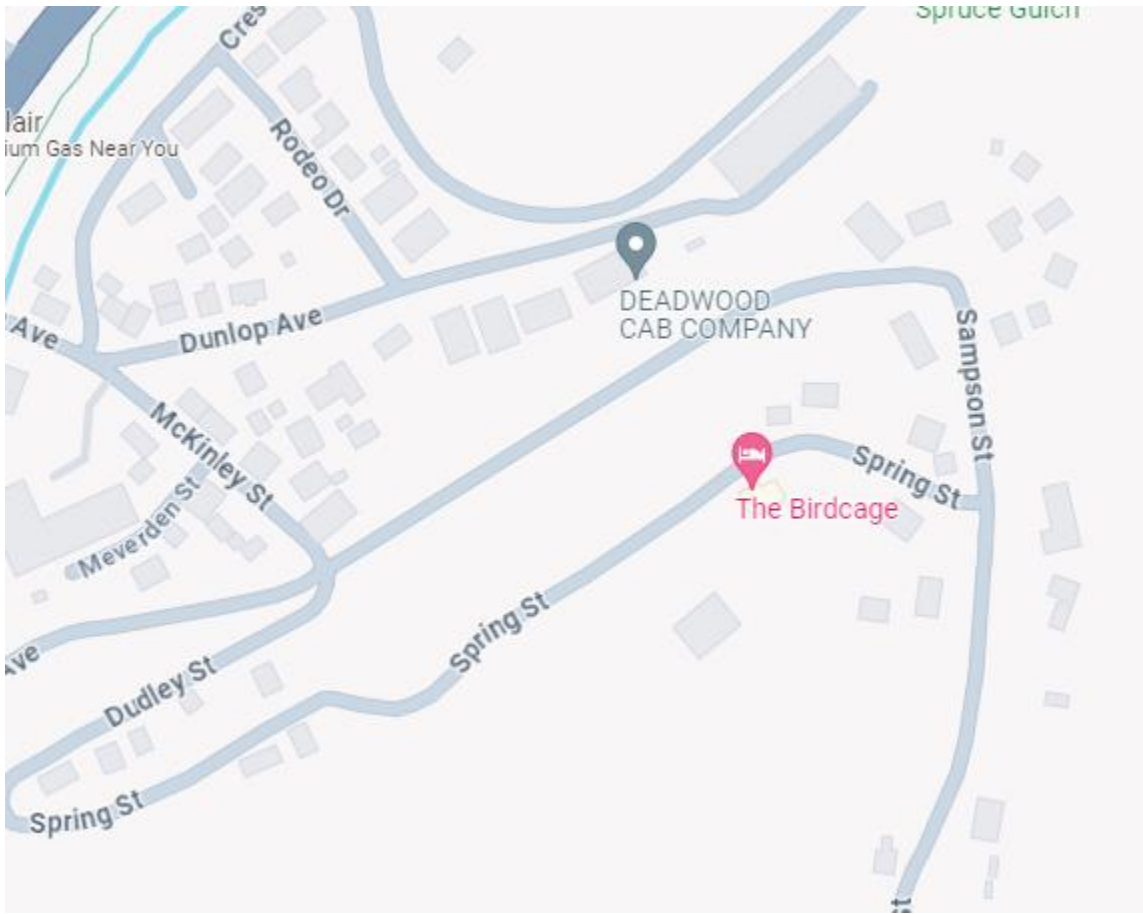
ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

1. Approval/Denial by Deadwood Planning and Zoning Commission



Map of STR locations near 7 Spring Street, Deadwood, SD 57732.





Map showing location of 7 Spring Street, Deadwood, SD 57732.





Aerial view of 7 Spring Street, Deadwood, SD 57732.





Get the app

United States

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List your property

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Sign in

Home > Vacation Rentals > United States of America > South Dakota > Lawrence County > Deadwood >

Birdcage- within minutes of downtown Deadwood, Deadwood

See all properties



Save

Entire home

Birdcage- within minutes of downtown Deadwood



Going to
Deadwood, So...



Dates



Travelers
2 travelers

Search



Overview

Amenities

Policies

Location

Host

10 **Exceptional**

See all 5 reviews >

5 bedrooms

4 bathrooms

Sleeps 12

Popular amenities

Hot Tub

Fireplace

Barbecue grill

Washer

See all >



Check-in time

4:00 AM



Check-out time

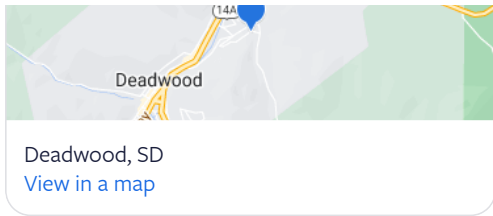
10:00 AM




Explore the area



Cadillac Jacks Casino

12 min walk



-  Deadwood Welcome Center 12 min walk
 -  Deadwood Mountain Grand 3 min drive
 -  Spearfish, SD (SPF-Black Hills) 19 min drive
- [See more >](#)

Most relevant reviews

10/10 Excellent

The house was amazing, they have everything you could want while staying in Deadwood. Walking distance to downtown was a...

[Read more](#)

Brandon E.
Mar 20, 2024

10/10 Excellent

Absolutely Wonderful! The house is very clean, beautiful setting, the yard is beyond perfect from what a picture can sho...

[Read more](#)

Sue C.
Sep 24, 2023

1
|
|
|
/

[See all 5 reviews →](#)

Rooms & beds

5 bedrooms (sleeps 12)

4 bathrooms

Bathroom 1

Bathroom 2

Bathroom 3

Bathroom 4

Spaces

[See all rooms and beds details](#)

About this property

Birdcage- within minutes of downtown Deadwood

Located close to Downtown Deadwood South Dakota, this cabin is great experience for friends and family. It is equipped with a full outdoor kitchen that features a 42 -inch grill, two gas burners, a flat top griddle, a gas oven, and a beverage station with an ice maker and refrigerator. Sit back and relax on the outdoor patio or private hot tub listening to the custom waterfall. Great outdoor play area for the children and green space to play some yard games. This place has it all. Inside takes you back in time with historical features throughout the house.

Property manager

Amber Galbraith

 Check-in
Select date

 Check-out
Select date

 Travelers
1 room, 2 travelers

Check availability

Amenities

 Hot Tub

 Washer

 Barbecue grill

 Fireplace

[See all 22 amenities](#)

House Rules

Check in after 4:00 AM

Check out before 10:00 AM

Children

Children allowed: ages 0-17

Events

No events allowed

Pets

No pets allowed

Call host

Smoking

Smoking is not permitted

Important information

You need to know

Extra-person charges may apply and vary depending on property policy

Government-issued photo identification and a credit card, debit card, or cash deposit may be required at check-in for incidental charges

Special requests are subject to availability upon check-in and may incur additional charges; special requests cannot be guaranteed

Onsite parties or group events are strictly prohibited

Host has not indicated whether there is a carbon monoxide detector on the property; consider bringing a portable detector with you on the trip

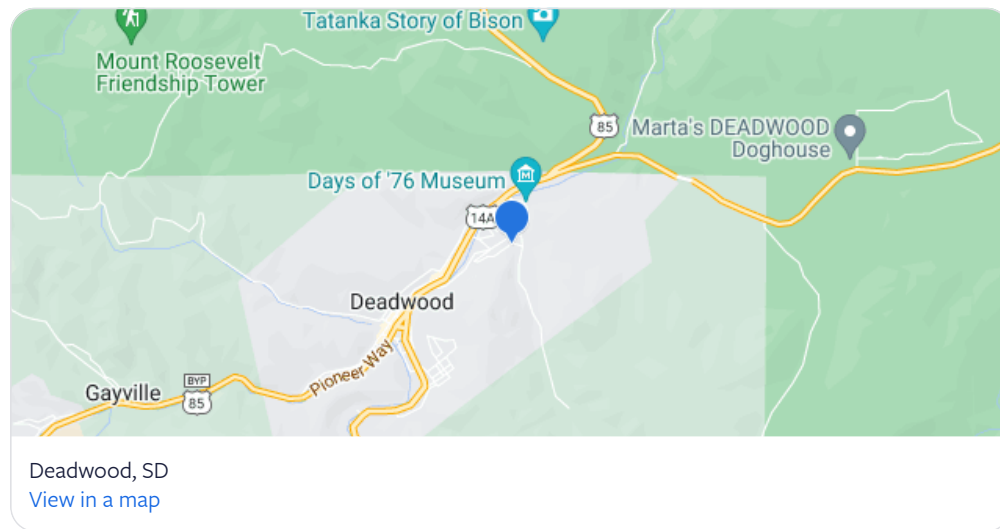
Host has not indicated whether there is a smoke detector on the property

About the neighborhood

Deadwood

This vacation home is located in Deadwood. While the natural beauty of Black Hills National Forest and Spearfish Canyon Scenic Byway can be enjoyed by anyone, those looking for an activity can check out Terry Peak Ski Area.

[View more Vacation Homes in Deadwood](#)



What's nearby

- Cadillac Jacks Casino - 12 min walk
- Deadwood Welcome Center - 12 min walk
- Days of '76 Museum - 13 min walk
- Deadwood Mountain Grand - 3 min drive
- Silverado - 3 min drive

Restaurants

- Mustang Sally's - 19 min walk
- Sick-N-Twisted Brewery - 3 min drive
- Saloon No 10 - 19 min walk
- Paddy O'Neill's Irish Pub & Grill - 15 min walk
- Tin Lizzie Casino & Restaurant - 15 min walk

10 Exceptional
5 reviews

Birdcage, Families and comforts of home.

[Share](#) [Save](#)



Show all photos

Entire cabin in Deadwood, South Dakota

12 guests · 5 bedrooms · 6 beds · 4.5 baths



4.93

14
Reviews



Hosted by Amber Ranek Galbraith

Superhost · 2 years hosting



Dedicated workspace

A room with wifi that's well-suited for working.



Self check-in

Check yourself in with the keypad.



Amber Ranek Galbraith is a Superhost

Superhosts are experienced, highly rated Hosts.

Take it easy at this unique and tranquil getaway. The Birdcage of Deadwood is sure to have you taking your vacation to the next level. Winter months you can sit back and be part of a snow globe as you watch the white powder fluffs fall. Come time for the holidays this home will make you feel like you stepped into a hallmark movie. Decorated with multiple trees, garlands, and those little touches of holiday spirit. No celebrations of bachelorette, bachelor, weddings permitted city ordinance

...

[Show more](#) >

What this place offers

- Mountain view
- Kitchen
- Wifi
- Dedicated workspace
- Free driveway parking on premises – 6 spaces
- Private hot tub
- HDTV with premium cable, Hulu, Apple TV

Add dates for prices

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest	

Check availability

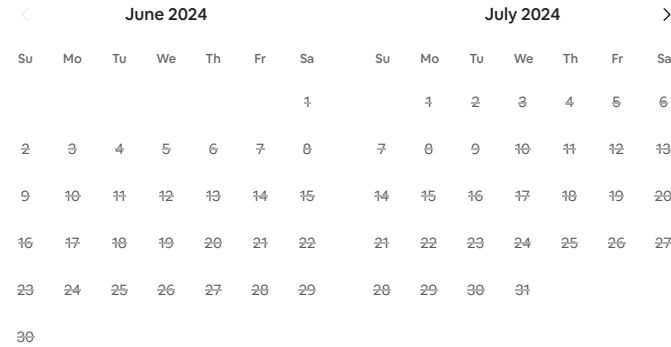
[Report this listing.](#)

- Free washer – In unit
- Free dryer – In unit
- Central air conditioning

Show all 70 amenities

Select check-in date

Add your travel dates for exact pricing



Clear dates

4.93

Guest favorite

One of the most loved homes on Airbnb based on ratings, reviews, and reliability

Overall rating 5 4 3 2 1	Cleanliness 5.0 	Accuracy 4.9 	Check-in 4.9 	Communication 4.9 	Location 4.9 	Value 4.8
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Tara
Saint Paul, Nebraska

★★★★ - 2 weeks ago · Group trip

It was a great place. We did have an issue with the power. The breaker was tripped. It did take a while for the host to get back to us and fix it.



James
Minneapolis, Minnesota

★★★★★ - May 2024 · Group trip

Fantastic home and location. Will definitely rebook for any future trips to Deadwood.



Lisa
4 years on Airbnb

★★★★★ - April 2024 · Group trip

The Birdcage was a beautiful home. The game room was our nightly gathering. So many memories were made with our friends. The outside area was amazing. We will rent again on our next visit to Deadwood.

[Show more](#)



Austin
Castle Rock, Colorado

★★★★★ - April 2024 · Group trip

Great location and fun house to stay in with the video games, hot tub, and other amenities.



Richard
3 years on Airbnb

★★★★★ · February 2024 · Group trip
super nice place



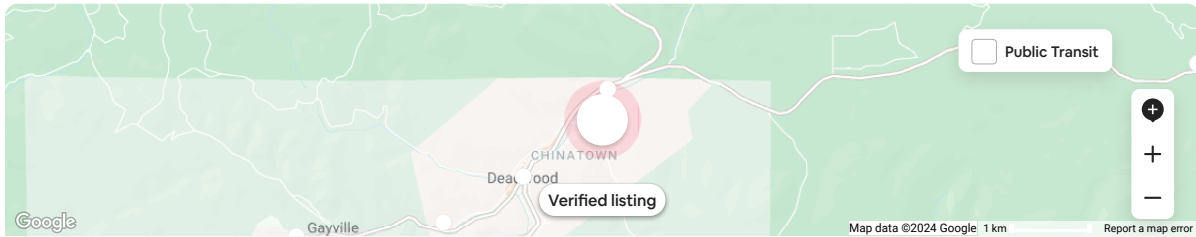
Riley
Omaha, Nebraska

★★★★★ · September 2023 · Group trip
This was our 2nd trip to the Birdcage. We absolutely love it!!

Show all 14 reviews

Where you'll be

Deadwood, South Dakota, United States



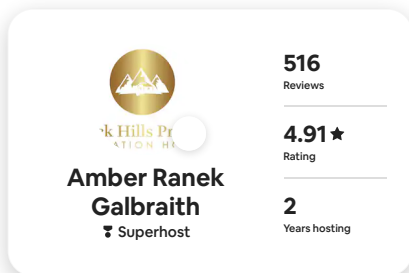
We verified that this listing's location is accurate. [Learn more](#)

Neighborhood highlights

Quite neighborhood. Able to sit back and relax. There are neighbors that are full time residence. We ask that we respect driving speeds and quite hours after 10 pm

[Show more](#) >

Meet your Host



Amber Ranek Galbraith
Superhost

516 Reviews
4.91★ Rating
2 Years hosting

Where I went to school: Bon Homme- SDSU

My work: BlackHillsPremier

Been working on this Industry for 12 years. Worked for a company, now own BlackHillsPremier vacation homes. Enjoy meeting new people visiting the area and getting to know owners and the up and coming in the vacation industry.

[Show more](#) >

Amber Ranek Galbraith is a Superhost

Superhosts are experienced, highly rated hosts who are committed to providing great stays for guests.

Co-hosts

Kelsey

Host details

Response rate: 100%
Responds within an hour

[Message Host](#)



To protect your payment, never transfer money or communicate outside of the Airbnb website or app.

Things to know

House rules

- Check-in after 4:00 PM
- Checkout before 10:00 AM
- 12 guests maximum

[Show more >](#)

Safety & property

- Carbon monoxide alarm
- Smoke alarm

[Show more >](#)

Cancellation policy

Add your trip dates to get the cancellation details for this stay.

[Add dates >](#)

[Airbnb](#) > [United States](#) > [South Dakota](#) > [Lawrence County](#) > [Deadwood](#)

Explore other options in and around Deadwood

Rapid City
Vacation rentals

Spearfish
Vacation rentals

Hill City
Vacation rentals

Lead
Vacation rentals

Hot Springs
Vacation rentals

Sturgis
Vacation rentals

Custer
Vacation rentals

Gillette
Vacation rentals

Keystone
Vacation rentals

Other types of stays on Airbnb

[Deadwood vacation rentals](#)

[Vacation rentals with outdoor seating in Deadwood](#)

[Kid-friendly vacation rentals in Deadwood](#)

[Cabin vacation rentals in Lawrence County](#)

[Family-friendly vacation rentals in Lawrence County](#)

[Deadwood monthly stays](#)

[Family-friendly vacation rentals in Deadwood](#)

[Kid-friendly vacation rentals in Lawrence County](#)

[Vacation rentals with outdoor seating in Lawrence County](#)

6/19/2024

This has to do with the Bird case.
 People that stayed would have parties
 outside & music was very loud.
 at 3:00 - 3:30 AM ~~was~~ called the
 police lot of times cause of the
 loud party. lot of times I was
 when they would be in the HOT
 Tub. I had to be at work by
 5:00 AM. So I would call police
 window's would be closed &
 could still hear the music.

Hope no more BB Here,
 From the
 Schallenkemp's

Sorry about the writing. Book & my
 arm & writing is Bad.

Birdcage

Originally allowed to run B&B using a manager not staying at the property.

“Various Complaints” from 2003 – 2012 prompted review of CUP in 2012.

Complaints:

7.21.03: vehicles blocking street

7.31.03: vehicles blocking street

8.20.03: CUP review. Neighbor complains at review include garbage and noise.

12.25.03: vehicles blocking street

1.26.04: warning letter sent from P&Z

2.25.04: vehicles blocking street

11.8.04: letter sent by P&Z asking for contact information for new property manager. The letter states that property falls under an old code that only requires an operator, not owner occupied (Ordinance 831 enacted 8.4.92).

7.18.06: letter sent by P&Z regarding complaint stating 22 people and a wedding took place

6.18.12: letter sent by P&Z regarding advertisement for lodging of up to 18 people in violation of 10 person maximum

8.7.12: complaint by neighbor stating a wedding with 55 people took place on 6.16.12; 8 vehicles parked on 6.20.12; 9 vehicles parked on 6.22.12; a wedding on 7.7.12; 14 guests during the rally; 15 motorcycles parked on 8.5.12; meals are not served to guests.

11.7.12: CUP review

11.8.12: letter sent by P&Z requesting monthly occupancy reports for 6 months.

9.28.13: DPD Incident Report – wedding held on property

10.26.13: DPD Incident Report - noise