



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, May 01, 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 April 3, 2024 Planning & Zoning Commission meeting.

4. **Sign Review Commission**

5. **Planning and Zoning Commission**

- a. Approve/Deny Temporary Vendor Application - Back When They Bucked - Black Horse Brew, LLC (Maria Roghair)

- b. Application for Plat - Adjust Lot Lines - 288 Williams Street

PLAT OF LOTS 1 AND 2 OF PROBATE LOTS 354 AND 508; FORMERLY PROBATE LOT 354 EXCEPT THE WEST 11' THEREOF AND PROBATE LOT 508 AND THE WEST 11' OF PROBATE LOT 354; CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

Action Required:

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

- c. Annual Review - Conditional Use Permit - Home Based Business - 63 Stewart Street - Do or Donut (Carsen Witt)

Act as Planning & Zoning Commission to approve/deny continued use of Conditional Use Permit for a Home Occupation establishment located at 63 Stewart Street, legally described as THE EASTERLY 50 FEET OF LOT 2, BLOCK 72 ORIGINAL TOWN IN THE CITY OF DEADWOOD LAWRECE COUNTY, SOUTH DAKOTA EXCEPT THAT PORTION DEEDED TO THE CITY OF DEADWOOD FOR STREET PURPOSES.

Action: approve / deny / approve with conditions

- d. Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 28 Lincoln Avenue - Backyard Cottage (Steven Flaigg)

Act as Planning & Zoning Commission to approve/deny continued use of Conditional Use Permit for a Bed & Breakfast establishment located at 28 Lincoln Avenue, legally described as LOTS 1 AND 2, BLOCK 49, ORIGINAL TOWN, CITY OF DEADWOOD, LOCATED IN THE NW 1/4, SECTION 26, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

Action: approve / deny / approve with conditions

- e. Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 771 Main Street - Tucker Inn (Shirlene Joseph)
- Act as Planning & Zoning Commission to approve/deny continued use of Conditional Use Permit for a Bed & Breakfast establishment located at 771 Main Street, legally described as LOTS 7 AND 8, BLOCK 24, ORIGINAL TOWN, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.
- Action: approve / deny / approve with conditions
- f. Conditional Use Permit Application for Vacation Home Establishment – 29 Lee Street – Budi Kusser
- LOT B IN BLOCK 18 OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ALSO KNOWN AS 29 LEE STREET, ACCORDING TO P.L. ROGERS MAP.
- Action Required:
1. Public Discussion
 2. Approval/Denial by Planning and Zoning Commission
- g. Conditional Use Permit Application for Vacation Home Establishment – 140 Timm Lane – Glen Morovits
- LOT 6 OF THE ARNIO SUBDIVISION OF M.S. 107, ACCORDING TO THE S.C. BERRY PLAT RECORDED IN PLAT BOOK 2 PAGE 88D, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.
- Action Required:
1. Public Discussion
 2. Approval/Denial by Planning and Zoning Commission
- h. Conditional Use Permit Application for Specialty Resort – 21 Lincoln Ave – Aaron Sternhagen
- LOTS 1, 2, 3, AND ADJOINING VACATED ALLEY AND THE SOUTHEASTERLY 10 FEET OF LOTS 12, 13 AND 14, IN BLOCK 42, ACCORDING TO P.L. ROGERS MAP OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.
- Action Required:
1. Public Discussion
 2. Approval/Denial by Planning and Zoning Commission
- i. Conditional Use Permit Application for Bed and Breakfast Establishment – 25 Lincoln Ave – Aaron Sternhagen
- LOTS 12, 13 AND 14, BLOCK 42 IN THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, EXCEPT THE SOUTHEASTERLY 10 FEET OF LOTS 12, 13 AND 14 AND ONE-HALF OF THE VACATED ALLEY, BLOCK 42, PREVIOUSLY CONVEYED TO DENNIS L. MCKAY AND LINDA M. MCKAY. ALSO THAT PORTION OF LOTS E, F, AND G, BLOCK 35 OF PROBATE LOT 226 AND SOMETIMES REFERRED TO AS CHILD’S ADDITION TO THE CITY OF DEADWOOD, QUIT CLAIMED BY FRANCIS CANEVA TO LAWRENCE C. MCCAY, ALL ACCORDING TO

THE P.L. ROGERS MAP OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

Action Required:

1. Public Discussion

2. Approval/Denial by Planning and Zoning Commission

[j.](#) Review and recommendation to City Commission on possible amendment to Deadwood Codified Ordinance within Chapter 17.53 - Transient Commercial Use of Property.

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

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

7. **Items from Staff**

[a.](#) Fassbender Collection Newsletter - 1st Quarter 2024

8. **Adjournment**

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



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, April 3, 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, April 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 Charles Eagleson
 Commissioner Ken Owens
 City Commissioner Michael Johnson

ABSENT

Commissioner (Secretary) Dave Bruce

STAFF PRESENT

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 March 20, 2024 Planning & Zoning Commission meeting.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the March 20, 2024 minutes. Voting yea: Martinisko, Keehn, Owens, Eagleson.

4. Sign Review Commission

- a. Sign Permit - 745 Main Street- Black Pine Real Estate (Emily Costopoulos)

Action Required

- a. Approval/Denial by Sign Review Commission

Mr. Mohr shared the application for Sign Permit – 745 Main Street – Black Pine Real Estate (Emily Costopoulos). Mr. Mohr explained the KSDJ building has undergone new ownership. The building will double as a real estate and construction office. Additional office space

will be available for lease. The sign is a "Coming Soon" sign. Mr. Mohr concluded the applicant intended to be at the meeting but has yet to arrive.

Commissioner Martinisko asked if the sign would be temporary. Mr. Mohr responded in the affirmative. Mr. Mohr explained the sign would require a variance from the ordinance since the height of the sign would be closer to the ground than eight (8) feet. There is no chance anyone would be able to walk under the sign.

Commissioner Martinisko asked for clarification as to where sign would be placed. Mr. Mohr confirmed the sign would be secured in the ground in front of the building. Mr. Mohr reiterated that the sign would have no impact on safety or sight lines.

Commissioner Martinisko asked about the length of time the sign would be in place. Mr. Kuchenbecker responded the owners would obtain project approval from Historic Preservation. New windows and stucco repair will be completed in the next 60 – 90 days. Mr. Mohr confirmed a remodel of the building will occur.

Commissioner Keehn asked if there is a time limit required on temporary signs. Mr. Mohr responded once a permit is obtained, a sign is classified as a regular sign, not temporary. Mr. Mohr clarified once a permanent sign is obtained, the temporary sign will be removed.

Commissioner Martinisko asked if the permanent sign would be placed on the building or if it would also be in the ground. Mr. Mohr stated it has yet to be decided.

The applicant, Emily Costopoulos, arrived at the meeting. Mr. Kuchenbecker asked Ms. Costopoulos how long she intends to keep the temporary sign up. Ms. Costopoulos responded that once construction is complete, the sign will be removed.

Commissioner Keehn asked Ms. Costopoulos if the permanent sign would be attached to the building. Ms. Costopoulos responded in the affirmative.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the Sign Permit – 745 Main Street – Black Hills Real Estate (Emily Costopoulos). Voting Yea: Martinisko, Keehn, Owens, Eagleson.

5. 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

Mr. Kuchenbecker informed the commission that a bid was awarded for completion of the Fuller Brothers trail. The project should begin in May. The bids for White Rocks trail are under review and a recommendation should appear on the next City Commission meeting agenda.

Mr. Kuchenbecker stated the FEMA project is going well. Curbs, gutters, sidewalks, and foundations for new lighting are being done. Completion should occur by June 1 so the parking lot can be opened for the Mickelson Trail Marathon.

Mr. Kuchenbecker mentioned that bids for the Water Street project will occur next week.

Mr. Kuchenbecker said annual reviews for Conditional Use Permits will occur during upcoming Planning and Zoning Commission meetings and will continue throughout the year. Mr. Kuchenbecker added the City Commission has requested that density be taken into consideration for all future short-term rentals, including those zoned C1 - Commercial and CH – Commercial Highway.

Mr. Kuchenbecker stated that Planning and Zoning staff met with Deckard Technologies and training on their system will occur on April 24, 2024.

Mr. Kuchenbecker informed the commission that a party is interested in developing a one (1) mile racetrack, a 200-unit RV park, and parking for 1,500 vehicles. The property of interest is zoned PF - Park Forest. This zoning allows for an RV park if a Conditional Use Permit is obtained. Recreational use is allowed without a permit. Commissioner Keehn expressed concern about noise. Mr. Kuchenbecker confirmed that noise would be a concern. Mr. Mohr added if the project moves forward, the city wants to ensure the project is done correctly. Commissioner Martinisko encouraged public opinion if the project gains momentum.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:19 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Leah Blue-Jones, Zoning Coordinator

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



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

MEMORANDUM

Date: May 1, 2024
To: Planning & Zoning Commission
From: Kevin Kuchenbecker,
Planning, Zoning and Historic Preservation Officer
Re: Temporary Vendor Application – Black Horse Brew, LLC

The Planning & Zoning Office has received a Temporary Vendor Application from Black Horse Brew, LLC. The request is to serve drinks at the Back When They Bucked event on May 26, 2024. Black Horse Brew, LLC has a South Dakota Sales Tax Number and is a mobile vendor.

Recommended Motion:

Approve/Deny the Temporary Vendor Application for Black Horse Brew, LLC.

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



Questions Contact:
Kevin Kuchenbecker
 (605) 578-2082 or
 kevin@cityofdeadwood.com

Application Date: April 2024

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: MARIA ROGHAI Telephone: (605) 848-0978
 Name of Business: BLACK HORSE BREW LLC Telephone: (605) 848-0978
 Applicant's Mailing Address: 22290 129th ST ISABEL SD 57633
Street City State Zip

Please select your type of vending:

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

For a period of fourteen (14) days: Beginning: May 26, 2024
 Ending: May 26, 2024

South Dakota Sales Tax Number: 1040-6321-ST

Physical Street Address of Vending Location: 22290 129th ST ISABEL
SD 57633 (Mobile Unit).

Contact Name and Phone Number of Property Owners: _____

Complete Description of Goods and/or Services: Espresso, Big Train, Italian Soda,
Red Bull infusion, Smoothies, Drip coffee, whole bean
coffee bags, coffee mugs.

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: Maria Roghain Date submitted: 04/23/24

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): _____

Revised 2/23/2022

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



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

**PLANNING AND ZONING MEETING
STAFF REPORT**
May 1, 2024

APPLICANT: City of Deadwood

PURPOSE: Adjust lot lines between two lots to allow for construction of outbuilding.

GENERAL LOCATION: 288 and 284 Williams Street

LEGAL DESCRIPTION: PLAT OF LOTS 1 AND 2 OF PROBATE LOTS 354 AND 508; FORMERLY PROBATE LOT 354 EXCEPT THE WEST 11' THEREOF AND PROBATE LOT 508 AND THE WEST 11' OF PROBATE LOT 354; CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

FILE STATUS: All legal obligations have been completed.

ZONE: R1 - Residential

STAFF FINDINGS:

Surrounding Zoning:

North: R1 - Residential

South: R1 - Residential

East: R1 - Residential

West: R1 - Residential

Surrounding Land Uses:

Residential Dwellings

Residential Dwellings

Residential Dwellings

Residential Dwellings

SUMMARY OF REQUEST

The purpose of this plat is to adjust the lot line between two lots. This adjustment will allow for the construction of a new garage at 288 Williams Street. The new lot line will move to a location five (5) feet from the existing home on the adjacent lot at 284 Williams Street. This plat will create a larger lot at 288 Williams Street, and a smaller lot at 284 Williams Street.

FACTUAL INFORMATION

1. The properties are currently zoned R1 – Residential.
2. Lot 1 (288 Williams Street) is comprised of 0.164 Acres \pm .
3. Lot 2 (284 Williams Street) is comprised of 0.327 Acres \pm .
4. The property is located outside of a flood zone or flood hazard zone.
5. Public facilities are available to serve the property.
6. The area is currently characterized by single family residential homes.

STAFF DISCUSSION

Lot 1 is owned by the applicant who desires to widen the lot at 288 Williams Street. The widening of the lot will allow space for a garage to be constructed. Lot 2 (284 Williams) is owned jointly by both the applicant and his sibling. The widening of Lot 1 will narrow Lot 2. Currently, both parcels are being utilized as single-family residences, and both will remain as such. The lot(s) meets the area and bulk requirements for lot lines, per Municipal Code 17.24.040, which states: Where contiguous lots are in single ownership, the setbacks for the structure may be measured from the perimeter of the combined lots.

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

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



Questions Contact:
Kevin Kuchenbecker
 (605) 578-2082 or
 kevin@cityofdeadwood.com

Application No. _____

APPLICATION FOR PLAT

Application/Filing Fee: \$200.00 per lot

The application fee needs to be paid when plat is submitted to the Planning and Zoning Office.

Applicants: Please read thoroughly prior to completing this form. Only complete applications will be considered for review. Applications must be received no later than fifteen (15) days prior to the P&Z Commission meeting. Mylar(s) must be received by the Planning and Zoning office no later than the Wednesday before the scheduled meeting. The Planning and Zoning Commission meets the first and third Wednesday of each month.

Applicant: ALL ASPECTS INC. Land Surveying

Address: 124 West Grant Street Spearfish SD 57783
Street City State Zip

Phone Number: 605-490-2944 Email Address: LIMBOPLSAAI@GMAIL.COM

Property Address: 288 Williams Street Deadwood SD

Property Owner: Brian Kinkler, bkinkler@mncomm.com

Property Owner Phone Number: 605-941-8666

Full Legal Description of Property: LOTS 1 AND 2 OF PROBATE LOTS 354 AND 508; FORMERLY
PROBATE LOTS 354 AND 508 IN THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH
DAKOTA

Purpose of this Plat: The owner would like to adjust the lot line between the two lots to allow for the
construction of a new garage on his existing residence. The new lot line will move to a location 5'
from the existing home on the adjacent lot owned jointly by Brian Kinkler and his sister.

Summary of this Plat: See previous statement

1. The following documents shall be submitted:

- a. An improvement survey, including all easements,
- b. Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and
- c. A copy of the full legal description from the Lawrence County Register of Deeds Office.

Check the box to confirm the following information is included on the plat and is accurate:

- ☒ The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
- ☒ Land is identified with a new legal description for the transfer of the land.
- ☒ Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
- ☒ A date is shown on the plat and serves to "fix in time" the data represented on the plat.
- ☒ The street bounding the lot is shown and named.
- ☒ All certifications are indicated and correct on the plat.
- ☒ Dimensions, angles, and bearings are shown along the lot lines.
- ☒ Scale of the plat is shown and accompanied with a bar scale.
- ☐ Area's taken out of the mineral survey and remaining acreage is indicated on the plat.
- ☐ I understand I am required to have the Lawrence County Register of Deeds email a digital copy of the completed final copy of this plat to kevin@cityofdeadwood.com.

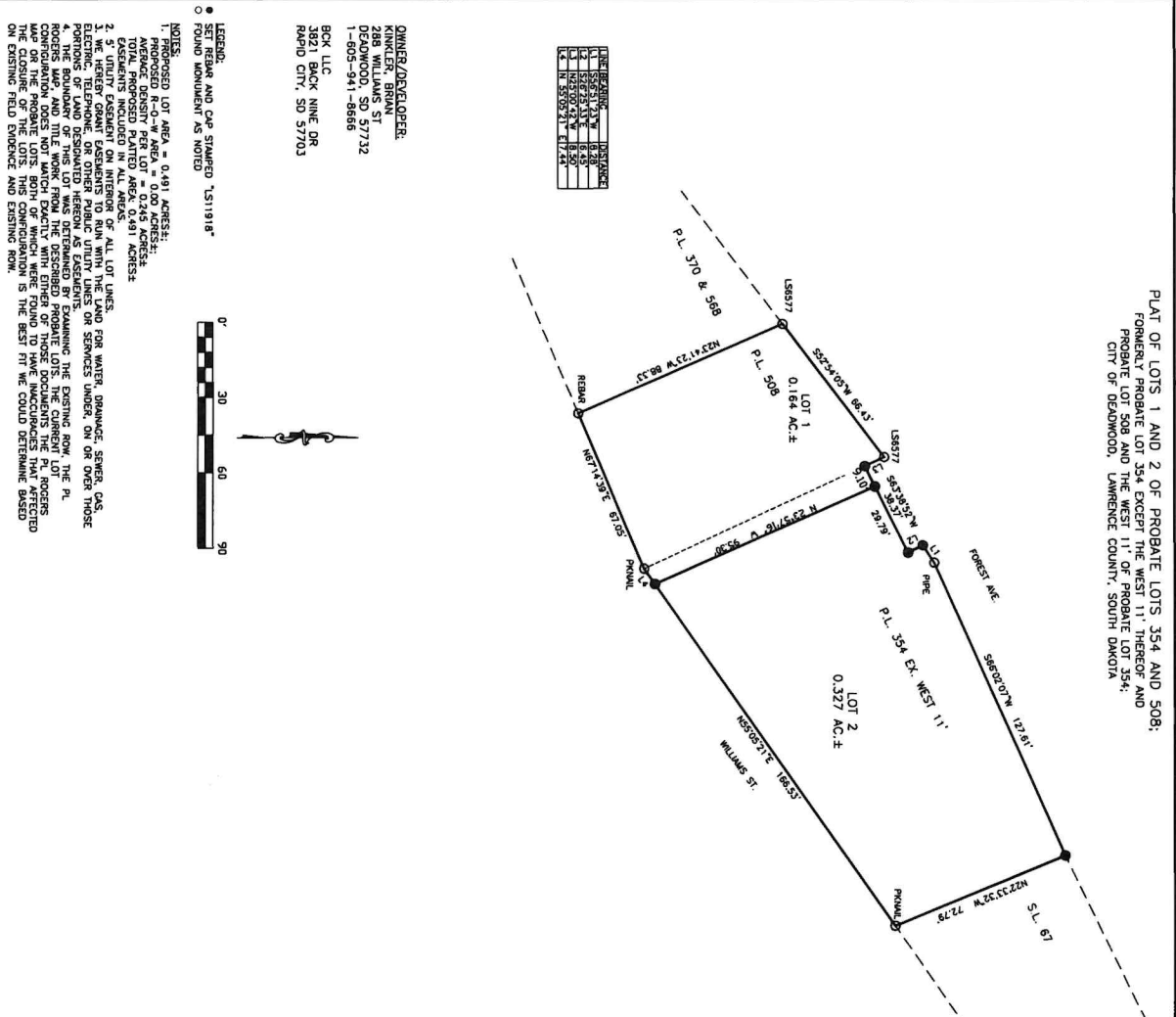
Signature of Owner/Applicant: Bradley Limbo Date: 3-27-2024

Staff Use Only

Fee: \$ <u>400.-</u>	Paid On <u>4/15/24</u>	Receipt Number <u>192920</u>
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PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____
DEADWOOD BOARD OF ADJUSTMENT:			
Approved/Board of Adjustment:	Yes	No	Date: _____

Reason for Denial (if necessary): _____



PLAT OF LOTS 1 AND 2 OF PROBATE LOTS 354 AND 508;
FORMERLY PROBATE LOT 354, EXCEPT THE WEST 11' THEREOF AND
PROBATE LOT 508 AND THE WEST 11' OF PROBATE LOT 354;
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

OWNER'S CERTIFICATE
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
I, _____ DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED
HEREON, THAT WE DO APPROVE THIS PLAT AS HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING,
SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.
OWNER: _____
ADDRESS: _____

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: _____

OWNER'S CERTIFICATE
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
I, _____ DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED
HEREON, THAT WE DO APPROVE THIS PLAT AS HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING,
SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.
OWNER: _____
ADDRESS: _____

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: _____

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____.

CITY PLANNER CHAIRMAN

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, S.D. DATED THIS ____ DAY OF _____, 20____.

ATTEST: _____ FINANCE OFFICER MAYOR

CERTIFICATE OF COUNTY TREASURER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY THAT _____ TAKES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY
HAVE BEEN PAID. DATED THIS ____ DAY OF _____, 20____.

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

HIGHWAY AUTHORITY: _____


CERTIFICATE OF 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 _____

CERTIFICATE OF REGISTER OF DEEDS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
FILED FOR RECORD THIS ____ DAY OF _____, 20____, AT ____ O'CLOCK ____ M., AND
RECORDED AS DOC. _____.

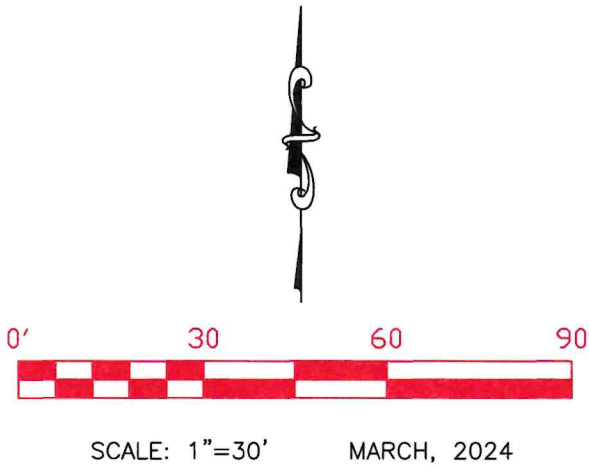
LAWRENCE COUNTY REGISTER OF DEEDS FEE: \$ _____

PREPARED BY: SHEET 2 of 2

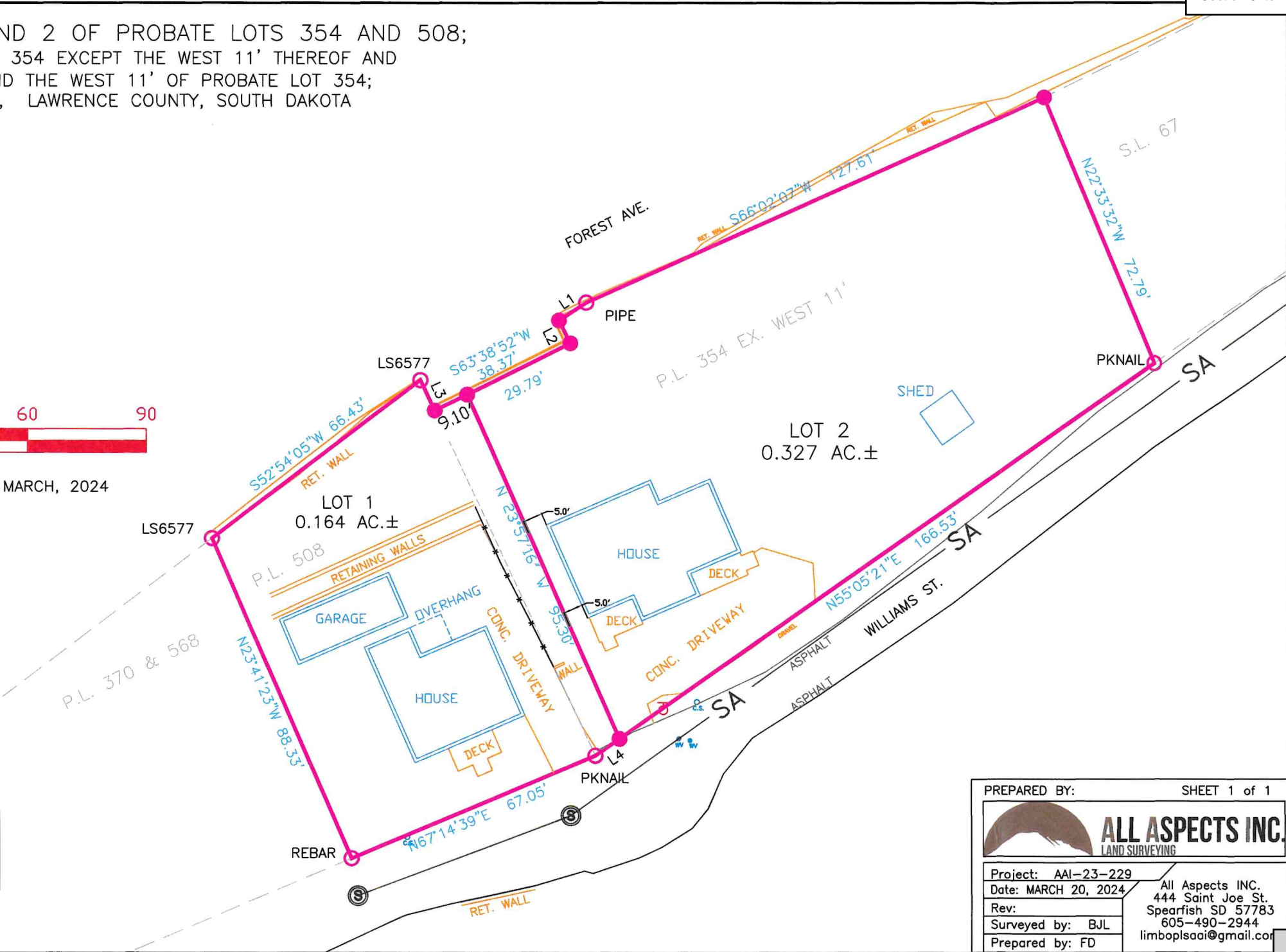
**ALL ASPECTS INC.**
LAWRENCE, SD
Date: 04-23-2024
Time: 09:28:28
Surveyed By: ELS
Reviewed By: TD

Project: 04-23-2024
Date: 04-23-2024
Time: 09:28:28
Surveyed By: ELS
Reviewed By: TD

SITE PLAN OF LOTS 1 AND 2 OF PROBATE LOTS 354 AND 508;
FORMERLY PROBATE LOT 354 EXCEPT THE WEST 11' THEREOF AND
PROBATE LOT 508 AND THE WEST 11' OF PROBATE LOT 354;
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA




LINE	BEARING	DISTANCE
L1	S56°51'23"W	8.28'
L2	S26°25'33"E	6.45'
L3	N25°00'42"W	8.50'
L4	N 55°05'21" E	7.44'



PREPARED BY:

SHEET 1 of 1



ALL ASPECTS INC.
LAND SURVEYING

Project: AAI-23-229
Date: MARCH 20, 2024
Rev:
Surveyed by: BJL
Prepared by: FD

All Aspects INC.
444 Saint Joe St.
Spearfish SD 57783
605-490-2944
limbopl@aai@gmail.com

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



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

PLANNING AND ZONING COMMISSION

CONDITIONAL USE PERMIT – ANNUAL REVIEW

Staff Report

Date: May 1, 2024
 From: Kevin Kuchenbecker
 Planning, Zoning & Historic Preservation Officer
 RE: Annual Review - Conditional Use Permit – Donut Delivery Business

APPLICANT(S): Carsen Witt
PURPOSE: Home Occupation for donut delivery business
ADDRESS: 63 Stewart Street
 Deadwood, Lawrence County, South Dakota
LEGAL DESCRIPTION: THE EASTERLY 50 FEET OF LOT 2, BLOCK 72
 ORIGINAL TOWN IN THE CITY OF DEADWOOD
 LAWRECE COUNTY, SOUTH DAKOTA EXCEPT THAT
 PORTION DEEDED TO THE CITY OF DEADWOOD
 FOR STREET PURPOSES.
FILE STATUS: Legal obligations have been met.
ZONE: R1 – Residential District
STAFF FINDINGS:

Surrounding Zoning:	Surrounding Land Uses:
North: C1 – Commercial District	Hospital / Clinic
South: R1 – Residential District	Vacant Hill Side
East: R1 – Residential District	Residential Housing
West: R1 – Residential District	Residential Housing

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 May 4, 2022, to operate a home-based donut delivery business at 63 Stewart Street.

The subject property is located on the south side of Stewart Street behind the

vicinity of the Deadwood Hospital and Clinic.

FACTUAL INFORMATION

1. The property is currently zoned R1 – Residential District.
2. The property comprises approximately 7,533 square feet +.
3. The dwelling began as a log cabin, presumably built in 1877. By 1890, it appeared as a two-story wood-frame structure and is a contributing structure to the National Historic Landmark District.
4. The subject property has access from Stewart Street.
5. The subject property is located within a very low-density land use classification on the adopted Zoning Map.
6. The property is located outside of Flood Zone AE – Areas of 100-year flood and Flood Zone X – Areas of 500-year flood.
7. Adequate public facilities are available to serve the property.
8. The area is characterized by a mixture of single-family dwellings located in the Cleveland Historic Overlay Zone.

STAFF DISCUSSION

The applicant was granted a Conditional Use Permit for the operations of a small business in the form of a delivery donut shop under Section 17.24.030 Conditional Uses under Home Occupation in a R1 – Residential District.

The applicant has coordinated the proposed business operations with the South Dakota Department of Health and operates under South Dakota's Cottage Food Laws. [See Exhibit B for more details]

“Home Occupation” means:

An occupation carried out in-residence, of a commercial nature, which has no employees other than family members and takes up no more than twenty-five (25) percent of the total floor area.

COMPLIANCE:

1. This Home Occupation was started within six (6) months of the date of issuance of Conditional Use Permit.
2. No complaints are on record for this establishment.

Conditional Use Permit Review – Home Based Occupation
Do or Donut
May 1, 2024

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. Preserve the existing stock of historic structures by working with the individuals and guiding the uses is an acceptable means. Traffic and parking has not significantly affected the neighborhood since the business will be operated on via a delivery service and not by walk-up or appointment basis. This property does not have off street parking. The delivery vehicle is the applicant's personal vehicle.

- 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. The R1 – Residential District is intended to provide locations for low to medium density, residential development commensurate with an urban area. Currently, there is not an over-concentration of this type of use in the city and there is limited home occupational use of residential property in this vicinity.

- C. The proposed use at the proposed 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 proposed use has not resulted in a substantial or undue adverse effect on adjacent property, and the use has not altered the character of the neighborhood. There has been no change in the size of the dwelling.

- D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, 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

Conditional Use Permit Review – Home Based Occupation
Do or Donut
May 1, 2024

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 proposed use has not increased the proliferation of non-conforming uses. There are approximately nine (9) homes along this portion of Stewart Street with a variety of on and off-street parking. The use is otherwise surrounded by single-family residences. The appearance of the residence has not changed and the character and use of the buildings and structures adjoining the subject property has not been adversely affected.

- E. Whether or not the proposed use in the proposed area will be 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.

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

Conditional Use Permit Review – Home Based Occupation
Do or Donut
May 1, 2024

been obtained.

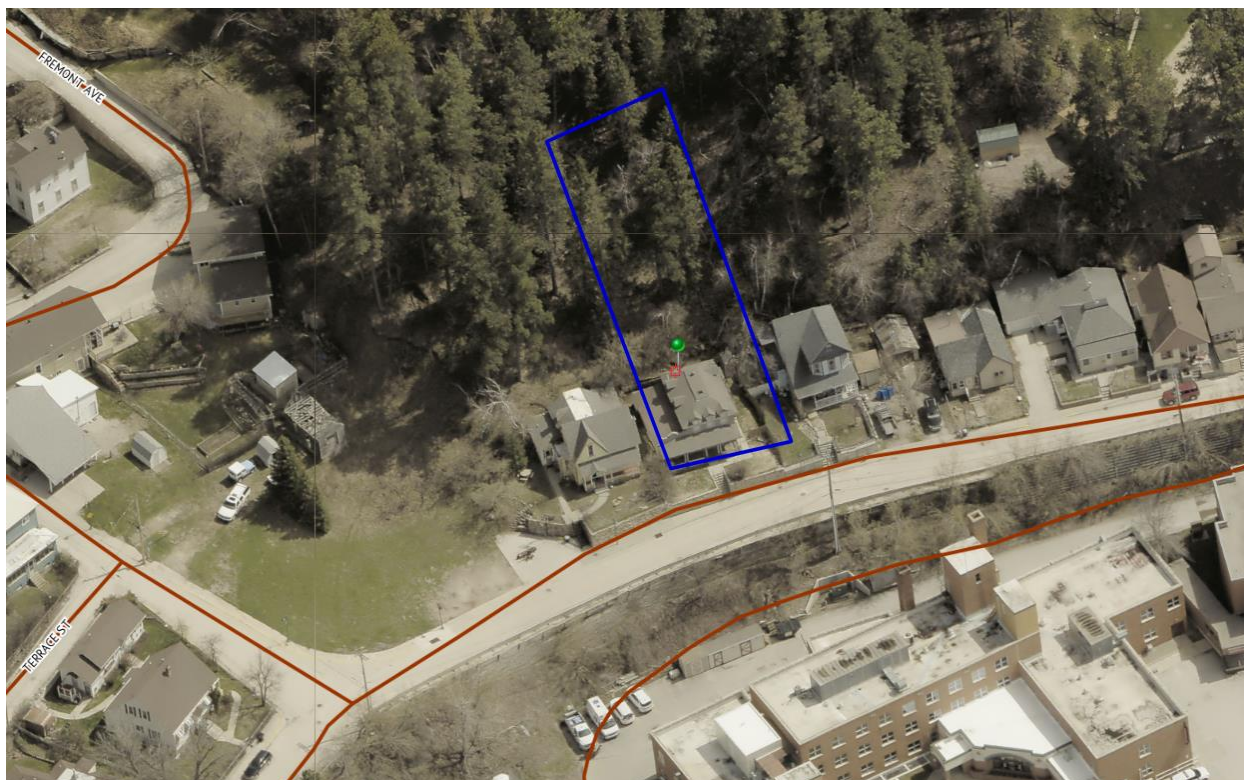
- E. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that 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. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files on an annual basis.
3. City water and sewer rates to remain changed from residential to commercial rates.
4. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
5. Maintain a City of Deadwood Business License.

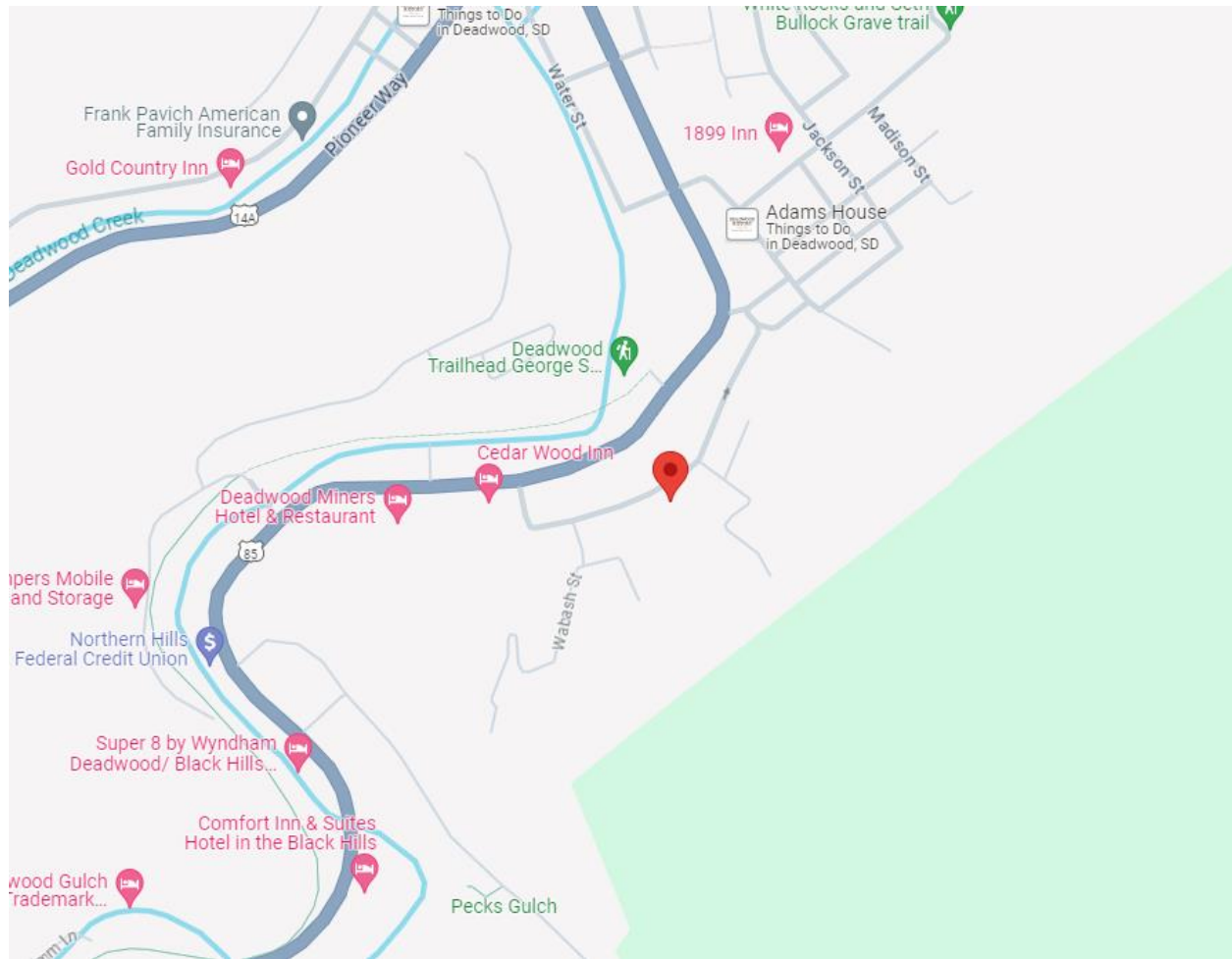
ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

1. Approval/Denial by Deadwood Planning and Zoning Commission



Aerial photo showing location of 63 Stewart Street, Deadwood, SD 57732.





Map showing location of 63 Stewart Street, Deadwood, SD 57732.



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



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

PLANNING AND ZONING COMMISSION CONDITIONAL USE PERMIT – ANNUAL REVIEW

Staff Report

Date: May 1, 2024
From: Kevin Kuchenbecker, Planning, Zoning & Historic Preservation Officer
Leah Blue-Jones, Zoning Coordinator
RE: Conditional Use Permit – Bed & Breakfast – Annual Review

BUSINESS: Backyard Cottage (Steven Flaigg)

PURPOSE: Annual Review of CUP – Bed & Breakfast

ADDRESS: 28 Lincoln Avenue

LEGAL DESCRIPTION: LOTS 1 AND 2, BLOCK 49, ORIGINAL TOWN, CITY OF DEADWOOD, LOCATED IN THE NW 1/4, SECTION 26, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

FILE STATUS: All legal obligations have been completed.

ZONE: R1 – Residential District

STAFF FINDINGS:

Surrounding Zoning:

North: R1 – Residential District

South: R1 – Residential District

East: R1 – Residential District

West: R1 – Residential District

Surrounding Land Uses:

Residential

Residential

Residential

Residential

Conditional Use Permit Review – Bed & Breakfast Establishment
Backyard Cottage
May 1, 2024

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 February 5, 2020, to operate a Bed & Breakfast located at 28 Lincoln Avenue. This establishment is a single unit, one bathroom guest home. The subject property is surrounded by residences.

FACTUAL INFORMATION

1. The property is zoned R1– Residential District.
2. The subject property has off-street parking available in a two (2) stall detached garage.
3. The property is not located within a flood zone.
4. Adequate public facilities are available to serve the property.
5. The area is characterized by residences.

STAFF DISCUSSION

The applicant was granted a Conditional Use Permit for a Bed & Breakfast establishment and City regulations permit Bed & Breakfast establishments in R1- Residential Districts with an approved Conditional Use Permit. The subject property is a one bedroom, one bath guest house located on the subject property. Renters can park in the detached two (2) car garage.

The Deadwood Zoning Code 17.08.010 and South Dakota Codified Law defines a Vacation Home Establishment as the following:

“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:

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

- 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. Bed & Breakfast Establishments may be allowed through a conditional use process reviewed on an annual basis.

- 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,

Conditional Use Permit Review – Bed & Breakfast Establishment

Backyard Cottage

May 1, 2024

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 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 issuance 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

Conditional Use Permit Review – Bed & Breakfast Establishment

Backyard Cottage

May 1, 2024

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

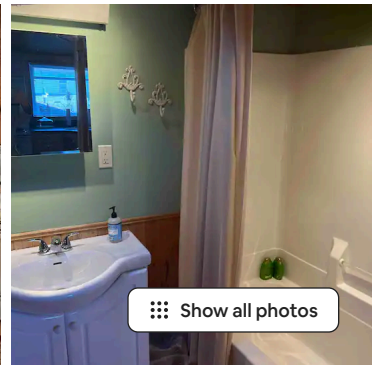
If approved, staff recommends the following conditions be added to the Conditional Use Permit to match existing Short-Term Rentals which has been conditioned on other actions by the Planning & Zoning Commission and Board of Adjustment:

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 shall be provided to the Planning and Zoning Office for their files on an annual basis.
3. 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 after inspection 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:

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

Backyard Cottage - Historic Deadwood

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Entire guesthouse in Deadwood, South Dakota

2 guests · 1 bedroom · 1 bed · 1 bath



4.96
★★★★★

54
[Reviews](#)



Hosted by **Kymberly**

Superhost · 3 years hosting



Fast wifi

At 60 Mbps, you can take video calls and stream videos for your whole group.



Kymberly is a Superhost

Superhosts are experienced, highly rated Hosts.



Great location

95% of recent guests gave the location a 5-star rating.

Add dates for prices

CHECK-IN
Add date

CHECKOUT
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GUESTS
1 guest



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Enjoy a cozy spot walking distance to downtown Deadwood,SD. Well appointed studio with full kitchen and bath, luxury linens, queen bed, grille, patio and off street parking.

The Historic neighborhood is charming and welcoming. Walk to Mt Moriah, the Michelson trail, hike local trails, or enjoy live music or a fun event in Outlaw Square.

...

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Where you'll sleep



Bedroom

1 queen bed

What this place offers

-  Garden view
-  Mountain view
-  Kitchen
-  Fast wifi – 60 Mbps
-  Free parking on premises
-  28" TV with standard cable, Netflix, Amazon Prime Video, Fire TV
-  Window AC unit
-  Bathtub
-  Private patio or balcony
-  Shared backyard – Not fully fenced

Show all 52 amenities

Select check-in date

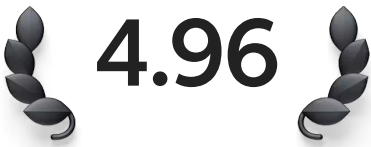
Add your travel dates for exact pricing

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[Clear dates](#)



4.96

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

4.9



Value

4.9



Loretta

9 months on Airbnb

★★★★★ · 1 week ago · Stayed a few nights

Kymberly and Steve were amazing hosts! We had to alter our reservation for a funeral and they were great at responding to us. After an emotional day with the funeral and the long drive it was so wonderful to see the goodies left for us in the fridge and the milk and orange juice were wonderful additions as well. The backyard cottage was peaceful and just what we needed for our getaway. I would highly recommend booking this lovely place with such...

[Show more](#)



Nicole

Terre Haute, Indiana

★★★★★ · 3 weeks ago · Stayed over a week

The perfect home base for exploring Deadwood and the Black Hills! The cottage is ideally situated in easy walking distance of downtown Deadwood, the Mickelson Trail, and the hiking trails around the cemetery. The neighborhood is peaceful, safe, and full of picturesque houses. This was a great place to stay for a month and work from home. The full kitchen makes cooking and storing food nice and easy, and the space is thoughtfully laid out so that i...

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Melanie

1 year on Airbnb

★★★★★ · January 2024 · Stayed a few nights

Super cozy cottage. Provided everything we needed including breakfast which was a pleasant surprise. Very comfortable and cozy atmosphere.



Ginny

Madison, South Dakota

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

Such a lovely place! We had a wonderful getaway!



Marlys

7 months on Airbnb

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

It was very nice, clean, quiet. The breakfast items in the fridge were a delightful surprise. She had everything that you would ever need in the bathroom. If you have trouble with steps, know that there are several that you need to navigate, along with a gate. The path to the cottage was well lighted. We had trouble getting the shower temp to be not too cold or hot. The controls are very sensitive....

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Tim
1 year on Airbnb

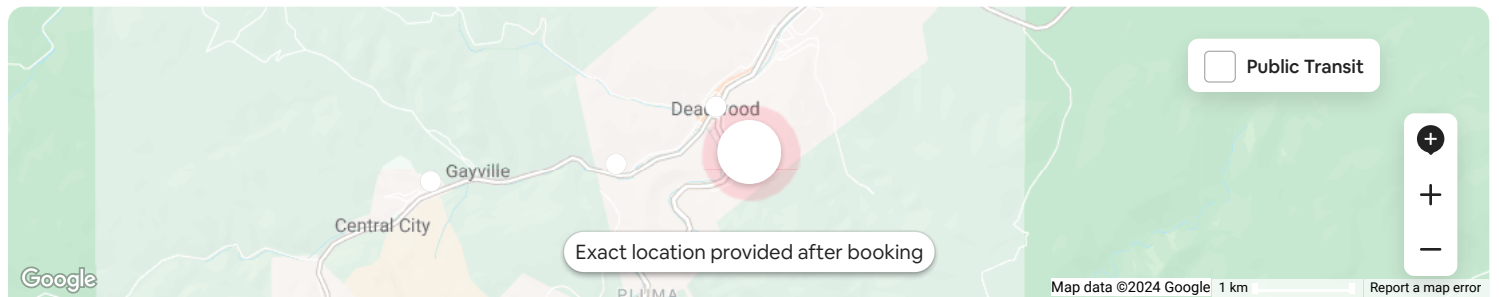
★★★★★ · September 2023 · Stayed a few nights

The cabin was very comfortable, great space for a couple. The area is quiet and peaceful and you can easily walk to the downtown area for more sound and excitement.

Show all 54 reviews

Where you'll be

Deadwood, South Dakota, United States



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

Neighborhood highlights

The historic neighborhood is walking distance and in the heart of Deadwood. Local attractions:

- Casinos
- Skiing...


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Hosted by Kymberly
Joined in April 2016

- ★ 54 Reviews
- ✓ Identity verified
- 🏆 Superhost

Co-Hosts



Steven

During your stay

Text us with any questions throughout your stay. Our contact information is emailed and located in the cottage for your convenience.

Kymberly is a Superhost

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

Contact 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 3:00 PM
- Checkout before 11:00 AM
- 2 guests maximum

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Safety & property

- Carbon monoxide alarm
- Smoke alarm
- Not suitable for children (2-12 years)

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Cancellation policy

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

Add dates >

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| Hill City
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| Gillette
Vacation rentals | Keystone
Vacation rentals |
| Hot Springs
Vacation rentals | |

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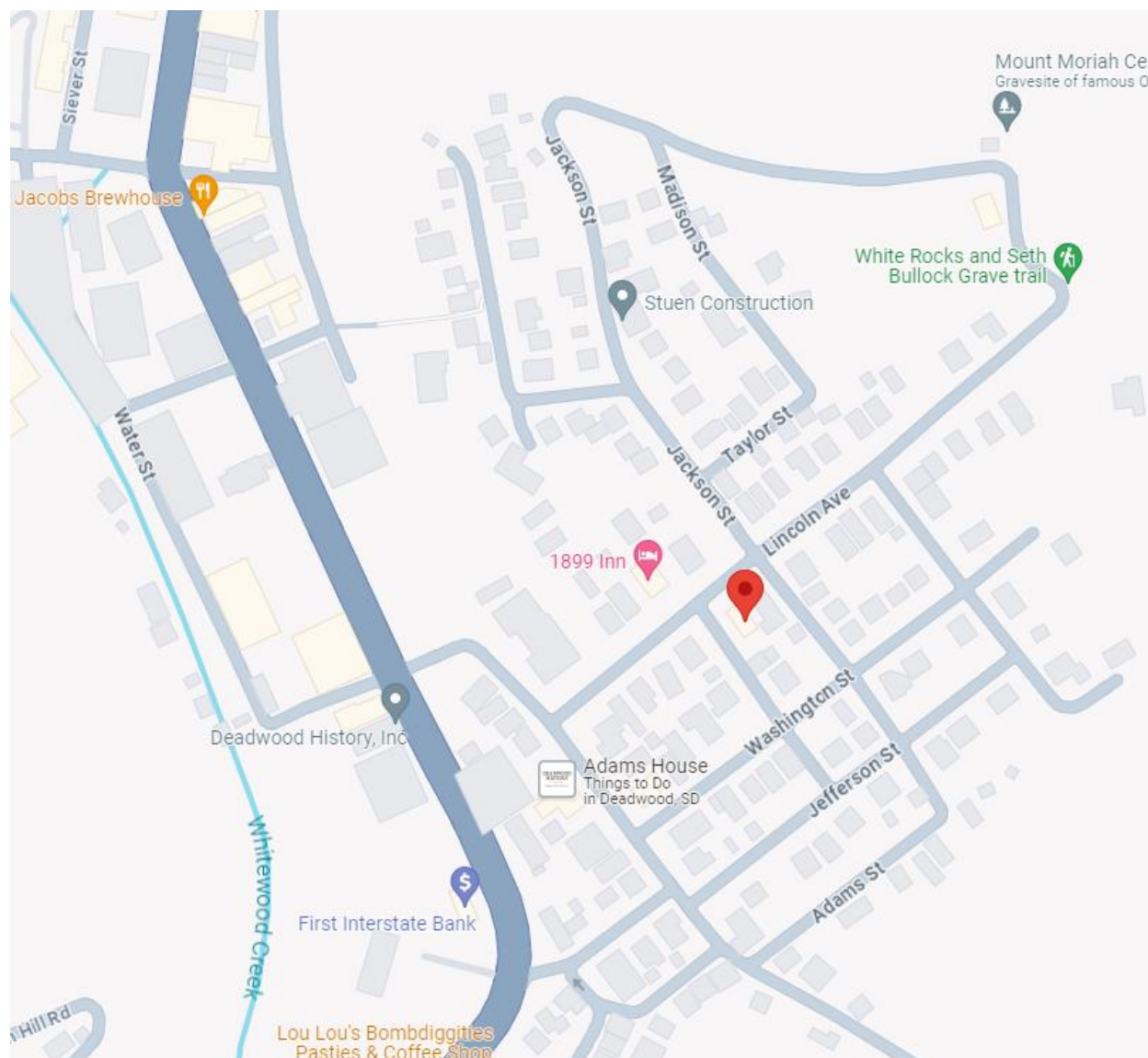
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| Vacation rentals with outdoor seating in Deadwood | Vacation rentals with outdoor seating in Lawrence County |

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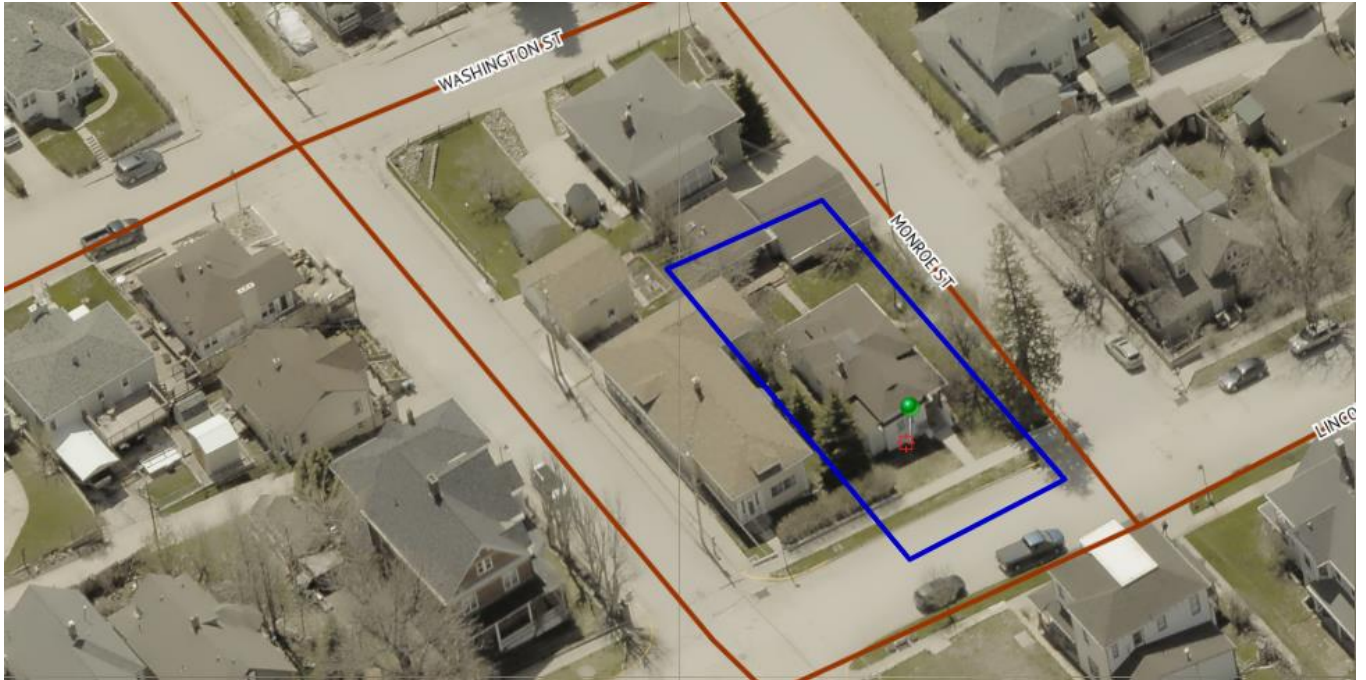
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 English (US) \$ USD



Map showing location of 28 Lincoln Avenue, Deadwood, SD 57732.





**Aerial photograph showing location of 28 Lincoln Avenue, Deadwood,
SD 57732.**



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



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

PLANNING AND ZONING COMMISSION CONDITIONAL USE PERMIT – ANNUAL REVIEW

Staff Report

Date: May 1, 2024
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Bed & Breakfast – Annual Review

BUSINESS: Tucker Inn (Shirlene Joseph)

PURPOSE: Annual Review of CUP – Bed & Breakfast

ADDRESS: 771 Main Street

LEGAL DESCRIPTION: LOTS 7 AND 8, BLOCK 24, ORIGINAL TOWN, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

FILE STATUS: Legal obligations not met.

ZONE: R2 – Multi- Family Residential District

STAFF FINDINGS:

Surrounding Zoning:

North: R2 – Residential District

South: PF – Park Forest

East: C1 – Commercial District

West: R2 – Residential District

Surrounding Land Uses:

Multi-Family Residential

State Highway

Parking Lot

Multi-Family Residential

SUMMARY OF REQUEST

Conditional Use Permit Review – Bed & Breakfast Establishment

Tucker Inn

May 1, 2024

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 May 19, 2004, to operate a Bed & Breakfast located at 771 Main Street.

This establishment is a duplex style home, with one unit on the main floor, and a second unit on the second floor. Each unit is rented out separately. There are a total of five (5) bedrooms for rent, with one (1) additional bed offered in the main room of the second-floor unit. Each unit has a single bathroom for a total of two (2) baths. The subject property is in a mixed-use area and is immediately surrounded by other residences, a parking lot, and a state highway.

FACTUAL INFORMATION

1. The property is zoned R2– Residential District.
2. The subject property has off-street parking available for three (3) vehicles via tandem parking in the driveway.
3. The property is located within a 100-year flood zone.
4. Adequate public facilities are available to serve the property.
5. The area is characterized by a mixture of residential and commercial uses.

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 five (5) bedroom, two (2) bath duplex located on the subject property. Renters can park in the driveway.

The Deadwood Zoning Code 17.08.010 and South Dakota Codified Law defines a Vacation Home Establishment as the following:

“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:

1. This Bed & Breakfast has been in continual use over the last 12 months.
2. No complaints are on record for this establishment.
3. Verification of 2024 South Dakota Department of Health Lodging License required to be submitted to the Planning and Zoning Department within thirty (30) days of this hearing.

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 parking requirements associated with short-term rentals. This area is of mixed 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.

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,

Conditional Use Permit Review – Bed & Breakfast Establishment
Tucker Inn
May 1, 2024

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 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 issuance 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 filled 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

Conditional Use Permit Review – Bed & Breakfast Establishment

Tucker Inn

May 1, 2024

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.
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If approved, staff recommendations for stipulation(s):

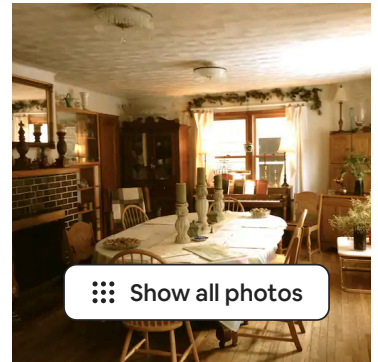
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- 2. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files on an annual basis.
- 3. Building Inspector has inspected the building, and it meets all the building codes.
- 4. City water and sewer rates 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 after inspection 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.

Conditional Use Permit Review – Bed & Breakfast Establishment
Tucker Inn
May 1, 2024

ACTION REQUIRED:

1. Approval/Denial by Deadwood Planning and Zoning Commission

The Tucker Inn, Main Floor Suite

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Entire rental unit in Deadwood, South Dakota

6 guests · 3 bedrooms · 3 beds · 1 bath

★ 4.58 · [206 reviews](#)



Hosted by Shirlene

Superhost · 11 years hosting



Shirlene is a Superhost

Superhosts are experienced, highly rated Hosts.



Great location

100% of recent guests gave the location a 5-star rating.



Great check-in experience

90% of recent guests gave the check-in process a 5-star rating.

Add dates for prices

CHECK-IN
Add date

CHECKOUT
Add date

GUESTS
1 guest

[Check availability](#)[Report this listing](#)










The space

"When you're tuckered out, Tucker Inn!"

This is a one of a kind lodging located in the heart of the beautiful ...

Show more >

What this place offers

-  Kitchen
-  Wifi
-  Free street parking
-  Free washer – In unit
-  Free dryer – In unit
-  Bathtub
-  Shared backyard – Fully fenced
-  Refrigerator
-  Microwave

Show all 25 amenities

Select check-in date

Add your travel dates for exact pricing

<

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

April 2024

May 2024



★ 4.58 · 206 reviews

Overall rating	Cleanliness	Accuracy	Check-in	Communication	Location	Value
5 4 3 2 1	4.8	4.8	4.8	4.8	4.9	4.6

Jane

Sutherland, Nebraska

★★★★☆ · 1 week ago · Stayed a few nights

The house was exactly as pictured and a great location. The beds were rather uncomfortable. To check in, she just leaves the front door unlocked and leaves the key inside. As two women, that felt rather unsafe. We had to check the house to make sure that nobody was hiding in there. I think a key pad entry or a lock box outside for the key would be a better...

[Show more](#)

Chance

Saint Paul, Minnesota

★★★★★ · February 2024 · Stayed one night

Shirlene has a nice, comfortable place in a great location! She is a timely and responsive host. It was a pleasure doing business with Shirlene.

Jeremy

8 months on Airbnb

★★★★★ · February 2024 · Stayed one night

Great place. Walking distance to downtown. Thank you.

Gerald

2 years on Airbnb

★★★★☆ · January 2024 · Stayed a few nights

Thanks

**Luke**

Bismarck, North Dakota

★★★★★ · November 2023 · Stayed one night

Great spot, throwing distance to deadwood, very clean and nice and peaceful!

**Jocelyn**

5 years on Airbnb

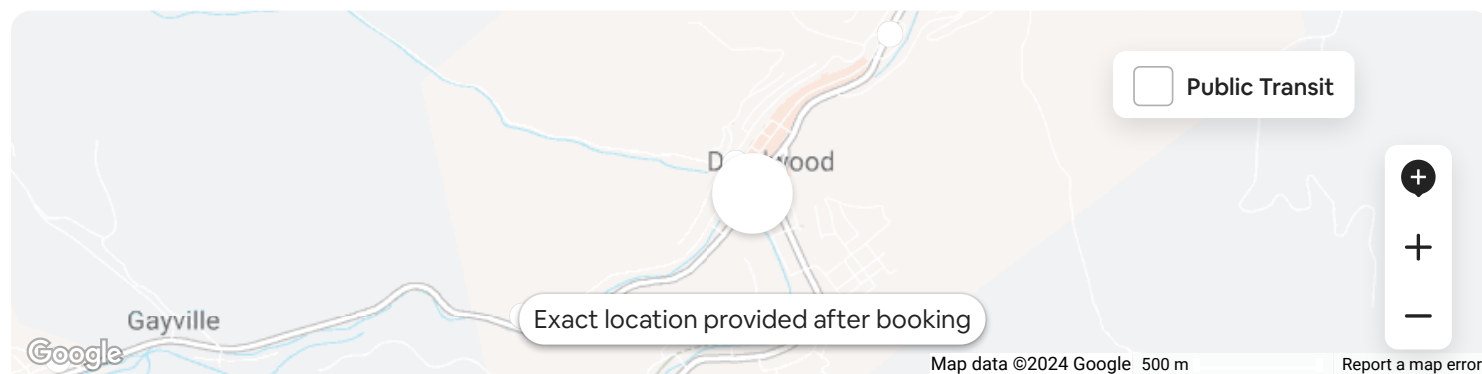
★★★★★ · October 2023 · Stayed one night

Shirlene was very friendly. Everything was exactly like it was listed. The house is just a few blocks from the edge of the casino strip of Deadwood so it was easy to walk down without trying to find parking or drive.

[Show more](#)[Show all 206 reviews](#)

Where you'll be

Deadwood, South Dakota, United States

We verified that this listing's location is accurate. [Learn more](#)[Show more](#) >**Hosted by Shirlene**

Joined in May 2013

★ 1,478 Reviews

✓ Identity verified



I was born and raised in the state of South Dakota and the Black Hills has always been a favorite vacation spot of mine. Loving to do mountain trails, this is a paradise, along with so many other outdoor adventures. Deadwood is an historically rich area and is mainly focused around the 'Old West'.

I am a teacher at the local high school and developed my home into a Main Street Inn for additional income.

We are right on the 'main drag' so my guests can walk to all of the casinos and tourist spots for the most part. There is also a historic trolley that can conveniently get guests around town.

Shirlene is a Superhost

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

Response rate: 100%

Response time: within an hour

[Contact 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 3:00 PM

Checkout before 10:00 AM

6 guests maximum

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Safety & property

Carbon monoxide alarm

Smoke alarm

Some spaces are shared

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Cancellation policy

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

[Add dates >](#)

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Explore other options in and around Deadwood

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Vacation rentals
- Sturgis

Vacation rentals
- Spearfish

Vacation rentals
- Custer

Vacation rentals
- Hill City

Vacation rentals
- Lead

Vacation rentals
- Gillette

Vacation rentals
- Keystone

Vacation rentals
- Hot Springs

Vacation rentals

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Deadwood monthly stays
- Apartment vacation rentals in United States

Family-friendly vacation rentals in Deadwood
- Apartment vacation rentals in Deadwood

Family-friendly vacation rentals in Lawrence County
- Apartment vacation rentals in Lawrence County

Apartment vacation rentals in South Dakota
- Family-friendly vacation rentals in South Dakota

Support

- Help Center
- AirCover
- Anti-discrimination
- 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

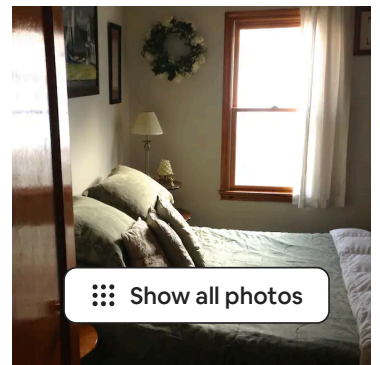
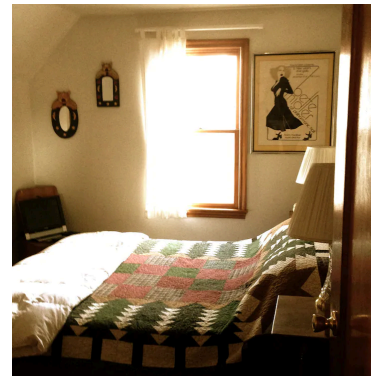
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🌐 English (US) \$ USD

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The Tucker Inn, Top Floor Suite

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Entire rental unit in Deadwood, South Dakota

6 guests · 3 bedrooms · 3 beds · 1 bath

Guest favorite

4.74
★★★★★

176
[Reviews](#)



Hosted by Shirlene

Superhost · 11 years hosting



Shirlene is a Superhost

Superhosts are experienced, highly rated Hosts.



Great location

95% of recent guests gave the location a 5-star rating.



Great check-in experience

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

Add dates for prices

CHECK-IN
Add date

CHECKOUT
Add date

GUESTS
1 guest



[Check availability](#)



[Report this listing](#)


The space

"When you're tuckered out, Tucker Inn!"


This is a one of a kind family owned and run lodging located in the ...

Show more >

Where you'll sleep












Bedroom 1
1 queen bed



Bedroom 2
1 queen bed

What this place offers

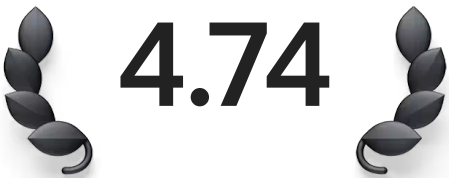
-  Kitchen
-  Wifi
-  Free street parking
-  Portable air conditioning
-  Bathtub
-  Private backyard – Fully fenced
-  Refrigerator
-  Microwave
-  Long term stays allowed

Show all 23 amenities

Select check-in date

Add your travel dates for exact pricing

April 2024							May 2024				
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th
	1	2	3	4	5	6				1	2
7	8	9	10	11	12	13	5	6	7	8	9
14	15	16	17	18	19	20	12	13	14	15	16
21	22	23	24	25	26	27	19	20	21	22	23
28	29	30					26	27	28	29	30



Guest favorite

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

Overall rating	Cleanliness	Accuracy	Check-in	Communication	Location	Value
5 4 3 2 1	4.9	4.9	4.8	4.8	5.0	4.7



Allison
1 year on Airbnb

★★★★★ · 2 weeks ago · Group trip
Great place! Walking distance to downtown Deadwood!

**Paige**

Casper, Wyoming

★★★★★ · February 2024 · Stayed a few nights

We love Shirlene's properties and would stay at any of them again!

**Levi**

1 year on Airbnb

★★★★★ · January 2024 · Group trip

Nice place.

**Audree**

Mandan, North Dakota

★★★★★ · January 2024 · Stayed a few nights

This was the third year in a row that I've stayed at the Tucker Inn, and it's the perfect location to walk anywhere downtown. It's a quiet, quaint location which makes it nice to come back to at the end of the night.

[Show more](#)**Colton**

Waubay, South Dakota

★★★★★ · January 2024 · Stayed a few nights

Good place decent walking distance

**Emily**

6 years on Airbnb

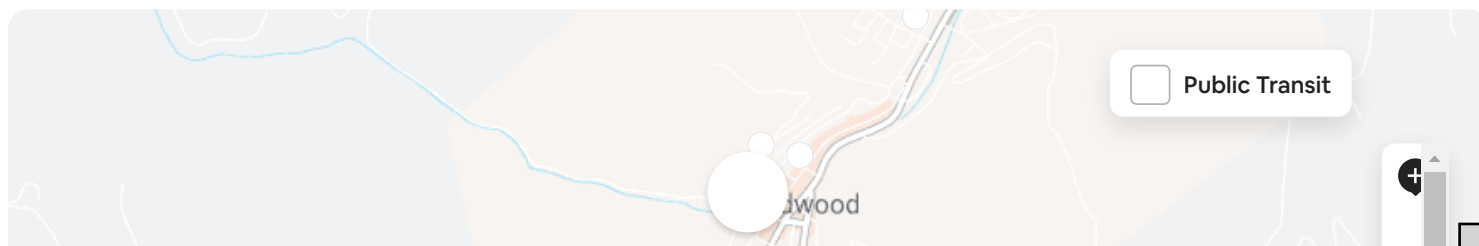
★★★★★ · October 2023 · Stayed one night

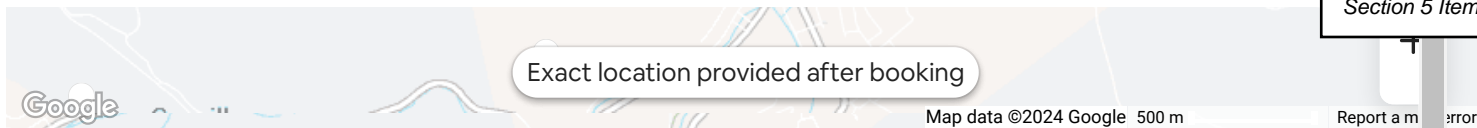
This inn looks even better in person than in the photos! Great location, spotless inside, very comfortable.

[Show all 176 reviews](#)

Where you'll be

Deadwood, South Dakota, United States





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



Hosted by Shirlene

Joined in May 2013

★ 1,478 Reviews

✓ Identity verified

🏆 Superhost

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Smoke alarm

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Cancellation policy

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

[Add dates](#) >

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Vacation rentals

Sturgis
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Family-friendly vacation rentals in Deadwood

Apartment vacation rentals in Lawrence County

Family-friendly vacation rentals in Lawrence County

Apartment vacation rentals in South Dakota

Family-friendly vacation rentals in South Dakota

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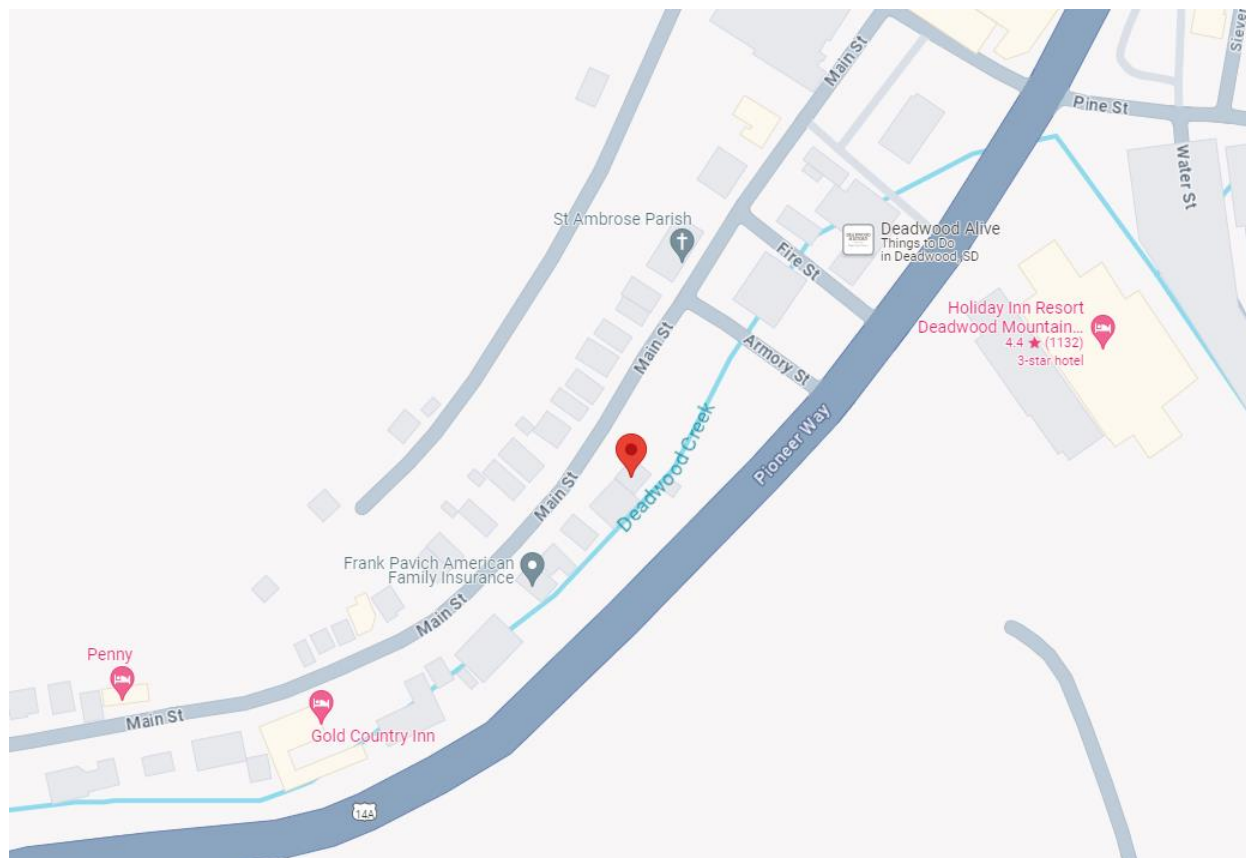
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Map showing location of 771 Main Street, Deadwood, SD 57732.





Aerial photograph of 771 Main Street, Deadwood, SD 57732.



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



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

PLANNING AND ZONING COMMISSION STAFF REPORT CONDITIONAL USE PERMIT

Staff Report

Date: May 1, 2024
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Vacation Home Establishment

APPLICANT(S): Budi Kusser

PURPOSE: Application for CUP – Vacation Home Establishment

ADDRESS: 29 Lee Street

LEGAL DESCRIPTION: LOT B IN BLOCK 18 OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ALSO KNOWN AS 29 LEE STREET, ACCORDING TO P.L. ROGERS MAP.

FILE STATUS: All legal obligations have been completed.

ZONE: C1 - Commercial

STAFF FINDINGS:

Surrounding Zoning:

North: C1 – Commercial
South: C1 – Commercial
East: C1 – Commercial
West: C1 - Commercial

Surrounding Land Uses:

Businesses
Businesses
Businesses
Businesses

SUMMARY OF REQUEST

The applicants have submitted a request for a Conditional Use Permit to operate a Vacation Home Establishment located at 29 Lee Street. Since 2022, 29 Lee

Conditional Use Permit – Vacation Home Establishment

29 Lee Street

May 1, 2024

Street has been utilized as a legal non-confirming Vacation Home establishment. This property was recently sold, and the new owner is seeking to become compliant with Municipal Code 17.53.

FACTUAL INFORMATION

1. The property is currently zoned C1 – Commercial District.
2. The property has operated in the past as a Vacation Home Establishment for two (2) years.
3. The applicant has not provided details to the Planning and Zoning staff related to parking.
4. The applicant has not provided details to the Planning and Zoning staff related to the number of rooms available and number of guests allowed.
5. The subject property is located within a C-1 Commercial zoning location on all sides.
6. The property is not located within a flood zone.
7. Adequate public facilities are available to serve the property.
8. The area is characterized as the historic core downtown business zone.
9. According to Deckard – Rentalscape the property has been booked for 117 nights over the past 12 months.

STAFF DISCUSSION

The applicants have submitted a request for a Conditional Use Permit for a Vacation Home Establishment and City regulations permit Vacation Home Establishments in C1 - Commercial zoning districts with an approved Conditional Use Permit. The subject property has been operating as a Vacation Home establishment since 2022.

The Deadwood Zoning Code 17.08 and South Dakota Codified Law defines a Vacation Home Establishment as the following:

“Vacation Home Establishment” means:

Any home, cabin, or similar building that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than 14 days in a calendar year and is not occupied by an owner or manager during the time of rental as defined and permitted by the State of South Dakota and this Title. This term does not include a bed and breakfast establishment as defined in this Title.

Conditional Use Permit – Vacation Home Establishment

29 Lee Street

May 1, 2024

1. Vacation Home Establishments are strictly prohibited in R1 and R2 zoning districts with the exceptions under 17.53.040;

In this instance the property is in a C1 – Commercial zoning district. Budi Kusser plans to continue to operate the Vacation Home Establishment in a similar fashion as it has been run since 2022.

2. Vacation Home Establishments shall be located in upper floors of commercial structures only within the local historic district.

This property is in a commercial structure within the local historic district. Therefore, first floor use of a short-term rental is prohibited. The new owners intend to turn the first floor of the structure into a retail space and maintain only the upper floor as a short-term rental. This will be done via a separate entrance and a barrier created between the two doors allowing private ingress/egress into the building for guests of the Vacation Home Establishment.

COMPLIANCE:

1. The Zoning Office provided notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 10.10.B.
2. A sign was posted on the property for which the requests were filed.
3. Notice of the time and place was published in the designated newspaper of the City of Deadwood.

GENERAL USE STANDARDS FOR 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. Preserve the existing stock of historic structures by working with the individuals and guiding the uses is an acceptable means. Traffic and

Conditional Use Permit – Vacation Home Establishment

29 Lee Street

May 1, 2024

parking have not significantly affected the neighborhood. This area is of a business nature.

- 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 C1 – Commercial and is intended to provide locations for commercial uses, which require access to roads and highways. Parking can be a challenge in the historic core and the property owner's plans to accommodate parking have not been submitted and should be discussed.

There are currently four (4) licensed Vacation Home Establishments within the historic core downtown business district. This does not include hotels and/or motels.

- 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 Vacation Home Establishments, the proposed use may not result in a substantial or undue adverse effect on adjacent properties, or the character of the property and the use would not alter the character of the district. There will be no change in the size of the dwelling. To support a denial of a conditional use permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community. To date, the city has not received any complaints about the operation of this establishment.

- D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, 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.

Conditional Use Permit – Vacation Home Establishment

29 Lee Street

May 1, 2024

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 proposed use would not increase the proliferation of non-conforming uses. The appearance of the structure will not change; therefore, the character and use of the buildings and structures adjoining the subject property will not be adversely affected.

- E. Whether or not the proposed use in the proposed area will be 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 will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the issuance 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.

Conditional Use Permit – Vacation Home Establishment

29 Lee Street

May 1, 2024

- 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. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files.
3. Proof that the Building Inspector has inspected the building and it meets all the building codes.
4. City water and sewer rates to be 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. Proof of City of Deadwood Business License.
7. Obtain lodging license after inspection from the South Dakota Department of Health.
8. All parking shall be off street.
9. The vacation home establishment shall be limited to only the second floor and the ground level used as retail space.

ACTION REQUIRED:

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

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



Questions Contact
Kevin Kuchenbecker
(605) 578-2082 or
kevin@cityofdeadwood.com

Section 5 Item f.

Application No. _____

APPLICATION FOR CONDITIONAL USE PERMIT

Application Fee: \$500.00

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

Name of Proposed Development: 47 North, LLC.

Street Location of Property: 29 Lee Street

Legal Description of Property: Lot B in Block 18 City of Deadwood.

Zoning Classification of Property: Commercial

Name of Property Owner: 47 North, LLC. Telephone: (605) 870-1683

Address: 505 S. Browning Dr. Sioux Falls SD 57106
Street City State Zip

Name of Applicant: Budi Kusser Telephone: (605) 490-9944

Address: 11334 Black Forest Rd. Lead SD 57754
Street City State Zip

1. The following documents shall be submitted:

- An improvement survey, including all easements,
- Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and
- A written statement addressing the criteria for approval.

Uses of Building or Land: Main level - specialized catering, boutiques, coffee
Upper - vacation rental with separate entrance.

Signature of Applicant: Budi Kusser Date: 4/10/2024

Signature of Property Owner: Budi Kusser Date: 4/10/2024

Fee: \$ _____ Paid On _____ Receipt Number _____

Legal Notice Published

Date: _____

Hearing Date: _____

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

Reason for Denial (if necessary): _____

47 North, LLC.

Main Level -

specialized catering service
boutique
coffee

Upper Level -

vacation rental with private entrance

2 Doors for Entrance -

one for the main floor business

one for private entrance to upper level.

Install 'jail' wall in between the 2
entrances for private entrance to upper
level vacation rental.

Outer - be able to set 2 small tables with
four chairs by front windows -

Option to opening up right-hand side
windows during summer months -

(half windows or garage door opening)

Signage -

Remove screen signage from previous owner
(Oyster bay - Dirty Nellie's, Fairmont Hotel)

& replace with screen signage for main level
business -

Add Signage on upper metal (existing) Black Bracket
(between 2 front doors) Brace

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING COMMISSION

City of Deadwood
Planning and Zoning Commission
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the operations for a single unit Vacation Home Establishment as allowed under Section 17.32.030 Conditional Uses.

APPLICANTS: Budi Kusser

LEGAL DESCRIPTION: LOT B IN BLOCK 18 OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ALSO KNOWN AS 29 LEE STREET, ACCORDING TO P.L. ROGERS MAP.

ADDRESS: 29 Lee Street

ZONE: C1 – Commercial

NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, May 1, 2024, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

NOTICE IS FURTHER GIVEN, that the proposed request for a Vacation Home Establishment is on file and available for public examination at the Deadwood Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this April 11, 2024.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: April ____, 2024

Published once at the total approximate cost of \$ ____

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



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

Public Notification

Date: April 15, 2024
To: Deadwood Property Owner / Resident
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for Conditional Use Permit for Vacation Home
Establishment

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the operations of a Vacation Home Establishment as allowed under Section 17.40.030 Conditional Uses under Vacation Home Establishment.

APPLICANT(S): Budi Kusser

LEGAL DESCRIPTION: LOT B IN BLOCK 18 OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, ALSO KNOWN AS 29 LEE STREET, ACCORDING TO P.L. ROGERS MAP.

ADDRESS: 29 Lee Street

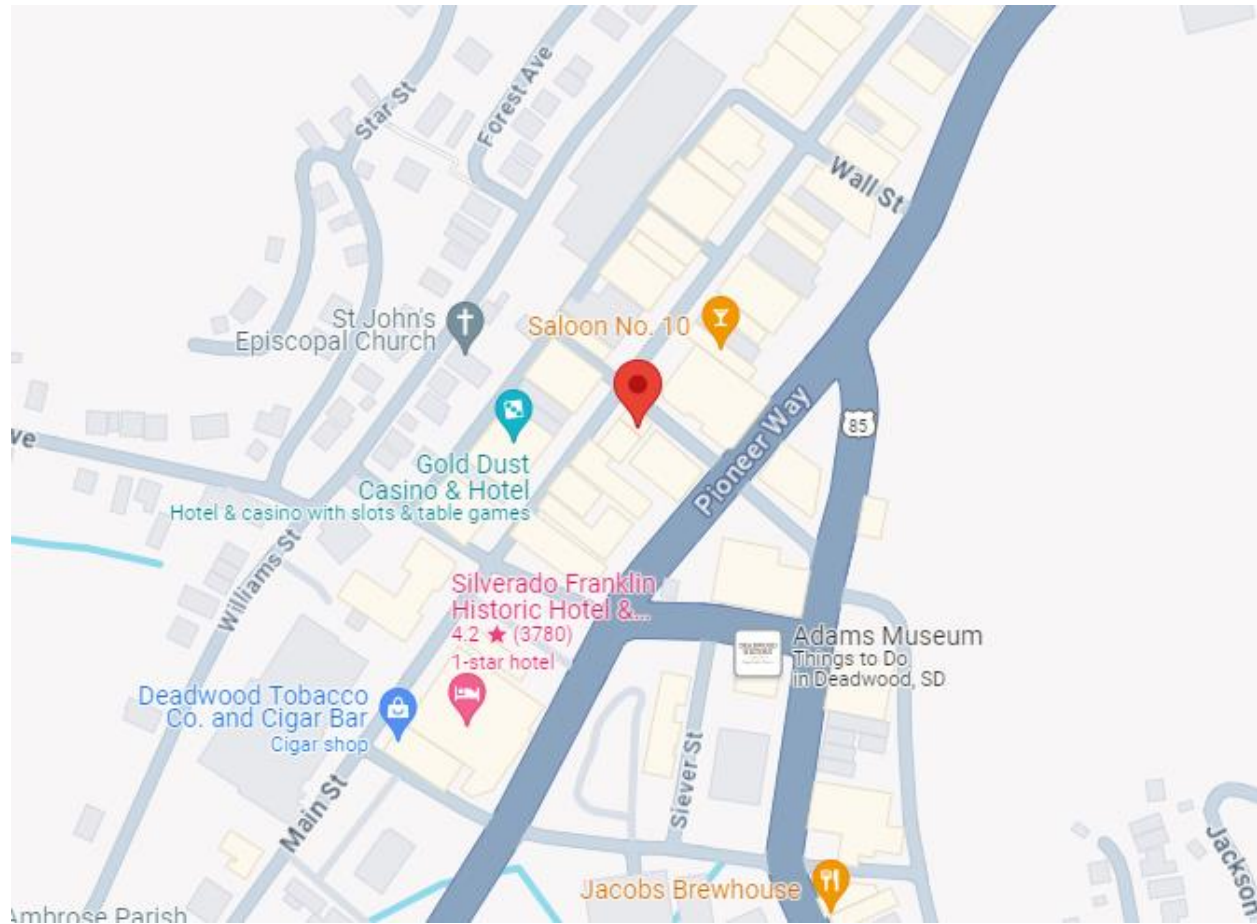
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, May 1, 2024, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted. A public hearing will also be held by the Deadwood City Commission at 5:00 p.m. on Monday, May 20, 2024, at the same location.

NOTICE IS FURTHER GIVEN, that the proposed request for a Vacation Home Establishment is on file and available for public examination at the Deadwood Planning and Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

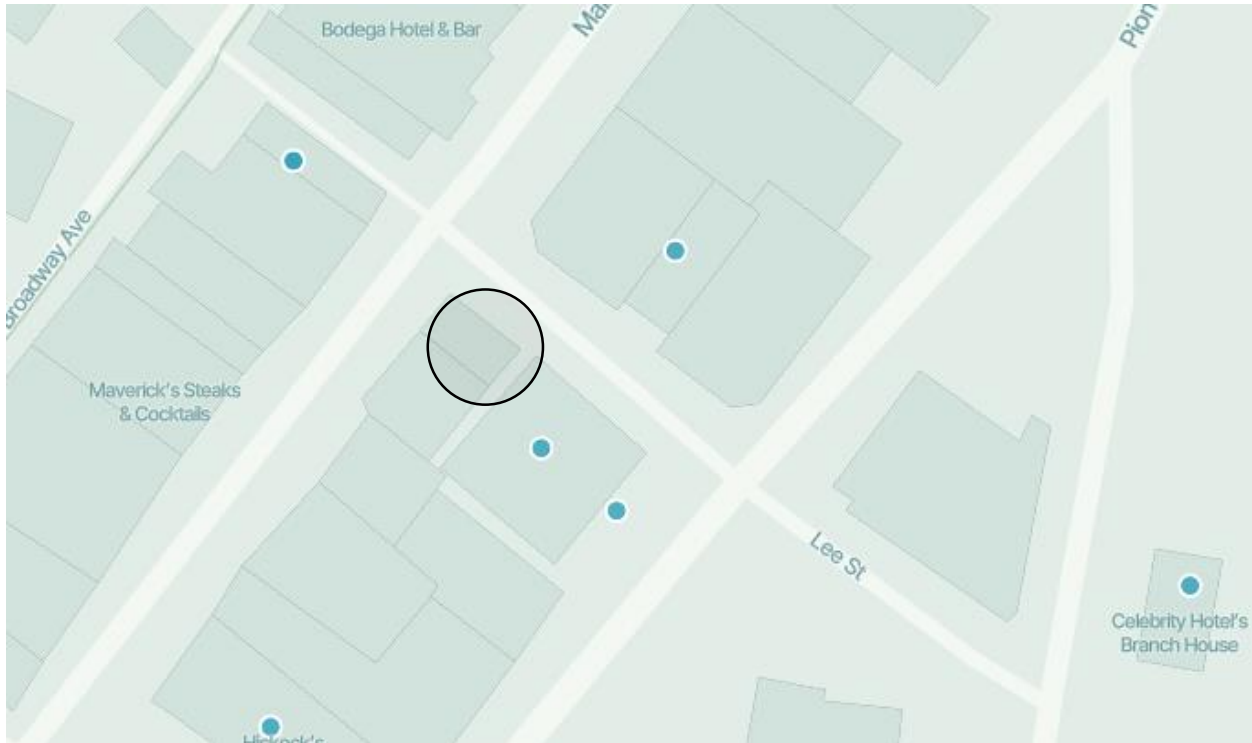
The purpose of this mailed notice is to reasonably inform the surrounding property owners of the applications for a Conditional Use Permit and to inform you of the type of use being requested.

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



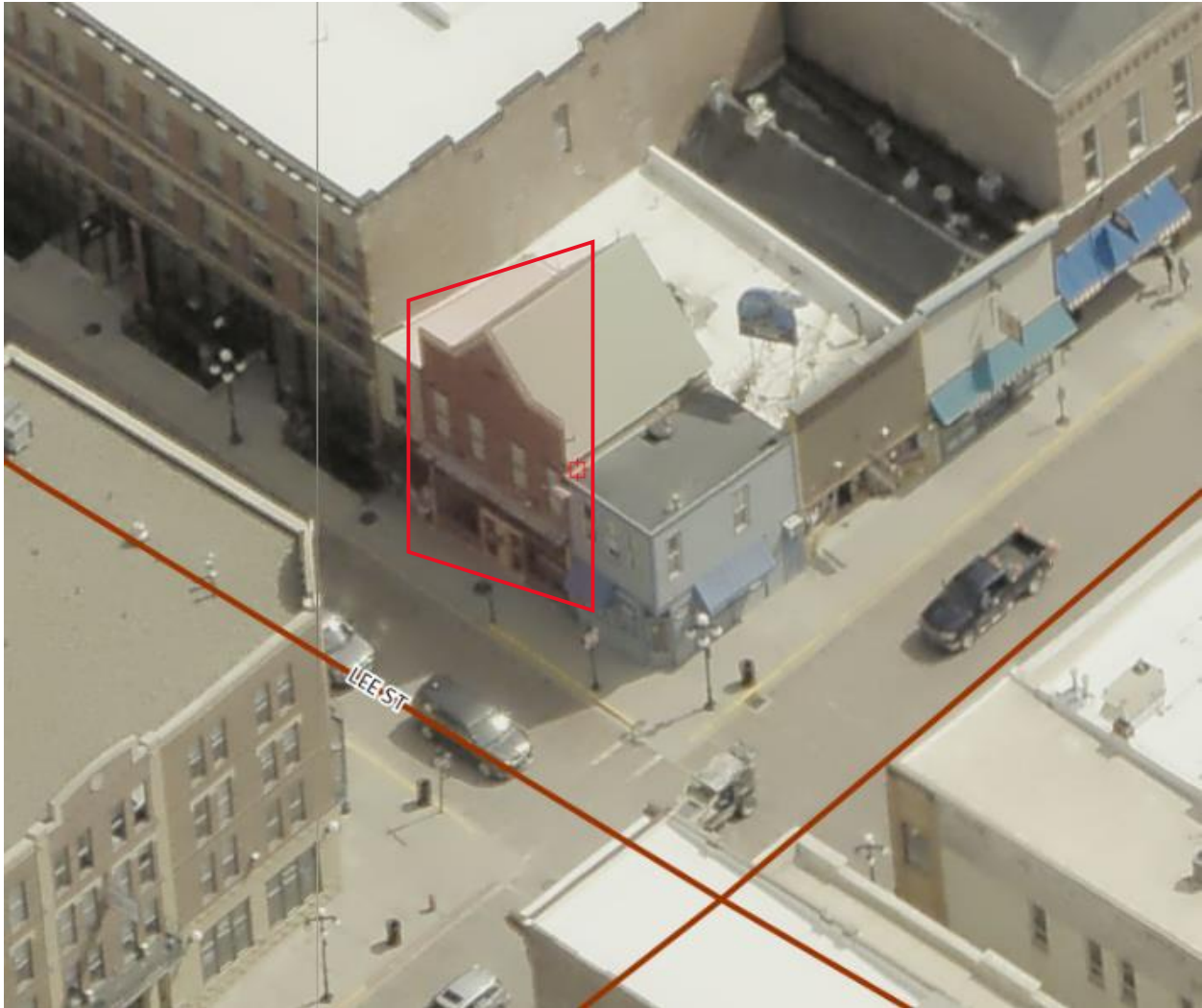
Map showing location of 29 Lee Street, Deadwood, SD 57732.





Map showing location(s) of Short-Term Rentals near 29 Lee Street.





Aerial view of 29 Lee Street, Deadwood, SD 57732.



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



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

BOARD OF ADJUSTMENT STAFF REPORT CONDITIONAL USE PERMIT

Staff Report

Date: May 1, 2024
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Vacation Home Establishment

APPLICANT(S): Glen Morovits

PURPOSE: Application for CUP – Vacation Home Establishment

ADDRESS: 140 Timm Lane

LEGAL DESCRIPTION: LOT 6 OF THE ARNIO SUBDIVISION OF M.S. 107, ACCORDING TO S.C. BERRY PLAT RECORDED IN PLAT BOOK 2 PAGE 88D, CITY OF DEADWOOD, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

FILE STATUS: All legal obligations have been completed.

ZONE: CH – Commercial Highway

STAFF FINDINGS:

Surrounding Zoning:

North: PF – Park Forest
South: CH – Commercial Highway
East: CH – Commercial Highway
West: CH – Commercial Highway

Surrounding Land Uses:

Open Space
Undeveloped Land
Residence
Residence

SUMMARY OF REQUEST

The applicants have submitted a request for a Conditional Use Permit to operate a Vacation Home Establishment located at 140 Timm Lane. Since 2020, 140

Conditional Use Permit – Vacation Home Establishment

140 Timm Lane

May 1, 2024

Timm Lane has been utilized as a Vacation Home Establishment. This property averages bookings of 100 to 150 nights per year. This property is requesting a Conditional Use Permit as it is seeking to become compliant with Municipal Code 17.53.

FACTUAL INFORMATION

1. The property is currently zoned CH – Commercial Highway.
2. The property has operated in the past as a vacation home establishment for several years.
3. The subject property has access from Timm Lane, via Cliff Street. There is enough off-street parking for four (4) vehicles.
4. The subject property is located within a CH – Commercial Highway zoning location on all four (4) sides.
5. The property is located within Regulatory Floodway.
6. Adequate public facilities are available to serve the property.
7. The area is characterized by a mixture of both business and residential uses.

STAFF DISCUSSION

The applicants have submitted a request for a Conditional Use Permit for a Vacation Home Establishment and City regulations permit Vacation Home Establishment in CH – Commercial Highway zoning districts with an approved Conditional Use Permit. The subject property has been operating as a Vacation Home establishment since 2020. According to their application, they have adequate off-street parking and a driveway providing ingress/egress onto Timm Lane. According to Deckard – Rentalscape the property has been booked 132 nights in the past 12 months.

The Deadwood Zoning Code 17.08 and South Dakota Codified Law defines a Vacation Home Establishment as the following:

“Vacation Home Establishment” means:

Any home, cabin, or similar building that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than 14 days in a calendar year and is not occupied by an owner or manager during the time of rental as defined and permitted by the State of South Dakota and this Title. This term does not include a bed and breakfast establishment as

defined in this Title.

1. Vacation Home Establishments are strictly prohibited in R1 and R2 zoning districts with the exceptions under 17.53.040.

In this instance the property is in a CH – Commercial Highway zoning district. Glen Morovits plans to continue to operate the Vacation Home Establishment as it has been run since 2020.

2. Vacation Home Establishments shall be on upper floors of commercial structures only within the local historic district.

This property is not located in a commercial structure within the local historic district. Therefore, first floor use is permissible in this instance.

COMPLIANCE:

1. The Zoning Office provided notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 10.10.B.
2. A sign was posted on the property for which the requests were filed.
3. Notice of the time and place was published in the designated newspaper of the City of Deadwood.

GENERAL USE STANDARDS FOR 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. Preserve the existing stock of historic structures by working with the individuals and guiding the uses is an acceptable means. Traffic and parking have not significantly affected the neighborhood. This area has a mixture of businesses and single-family dwellings.

Conditional Use Permit – Vacation Home Establishment

140 Timm Lane

May 1, 2024

- 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 CH – Commercial Highway and is intended to provide locations for commercial uses, which require access to roads and highways, and substantial amounts of parking. There are currently three (3) other Vacation Home Establishments within one quarter (1/4) mile of the subject property.

- 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 Vacation Home Establishments, the proposed use may not result in a substantial or undue adverse effect on adjacent properties, or the character of the property and the use would not alter the character of the district. There will be no change in the size of the dwelling. To support a denial of a Conditional Use Permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community. To date, the city has not received any complaints about the operation of this establishment.

- D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, 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 proposed use would not increase the proliferation of non-conforming uses. The appearance of the structure will not change; therefore, the character and

Conditional Use Permit – Vacation Home Establishment

140 Timm Lane

May 1, 2024

use of the buildings and structures adjoining the subject property will not be adversely affected.

- E. Whether or not the proposed use in the proposed area will be 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 will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the issuance 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 further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

Conditional Use Permit – Vacation Home Establishment
140 Timm Lane
May 1, 2024

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 shall be provided to the Planning and Zoning Office for their files.
3. Proof that the Building Inspector has inspected the building and it meets all the building codes.
4. City water and sewer rates to be 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. Proof of City of Deadwood Business License.
7. Obtain lodging license after inspection from the South Dakota Department of Health.
8. All parking shall be off street.
9. Any new construction or substantial improvements to this property must meet Chapter 15.36 – Flood Hazard Protection Regulations.

ACTION REQUIRED:

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

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



Section 5 Item g.

Questions Contact:
Kevin Kuchenbecker
(605) 578-2082 or
kevin@cityofdeadwood.com

Application No. _____

APPLICATION FOR CONDITIONAL USE PERMIT

Application Fee: \$500.00

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

Name of Proposed Development: Hidden Gulch Cabin

Street Location of Property: 140 Timm Lane, Deadwood, SD. 57732

Legal Description of Property: M.S. 107 Lot 6 Arnio S/D

Zoning Classification of Property: Highway Commercial

Name of Property Owner: Glen and Sherry Morovits Telephone: (605) 490-8438

Address: 338 S 5th Street, Douglas, WY, 82633
Street City State Zip


Name of Applicant: Glen Morovits Telephone: (605) 490-8438


Address: 338 S 5th Street, Douglas, WY, 82633
Street City State Zip

1. The following documents shall be submitted:

- An improvement survey, including all easements,
- Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and
- A written statement addressing the criteria for approval.

Uses of Building or Land: Vacation Rental

Signature of Applicant:  Date: Mar 27, 2024
Glen Morovits (Mar 27, 2024 22:17 MDT)

Signature of Property Owner:  Date: Mar 27, 2024
Glen Morovits (Mar 27, 2024 22:17 MDT)

Fee: \$ _____ Paid On _____ Receipt Number _____

Legal Notice Published _____ Date: _____ Hearing Date: _____

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

Reason for Denial (if necessary): _____







Conditional Use Permit Application 2024 Application

Final Audit Report

2024-03-28

Created:	2024-03-28
By:	Mark Kazmer (Century21Kaz@gmail.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA6QOs5vLVCC_JhXJ8ka04uPfOwwLE3Plu

"Conditional Use Permit Application 2024 Application" History

-  Document created by Mark Kazmer (Century21Kaz@gmail.com)
2024-03-28 - 4:00:05 AM GMT - IP address: 24.124.106.4
-  Document emailed to gmorovits@gmail.com for signature
2024-03-28 - 4:02:13 AM GMT
-  Email viewed by gmorovits@gmail.com
2024-03-28 - 4:14:15 AM GMT - IP address: 172.226.137.4
-  Signer gmorovits@gmail.com entered name at signing as Glen Morovits
2024-03-28 - 4:17:00 AM GMT - IP address: 208.114.69.240
-  Document e-signed by Glen Morovits (gmorovits@gmail.com)
Signature Date: 2024-03-28 - 4:17:02 AM GMT - Time Source: server- IP address: 208.114.69.240
-  Agreement completed.
2024-03-28 - 4:17:02 AM GMT



Written Statement - 140 Timm Lane Short-Term Rental CUP Application March 29th, 2024

Attn: Members of the Planning & Zoning Commission and Committee, and the Deadwood City Commissioners

Greetings City Leaders,

My name is Mark Kazmer, and I am the President and Property Manager of VacationintheBlackHills.com. I am writing on behalf of owners Glen and Sherry Morovits to ask for your approval of our Conditional Use Permit for a Short-Term Rental at 140 Timm Lane, and to provide some recent history on this property.

This property has been used as a Short-Term Rental for the past 4 years, and a long-term rental from mid-2017 to July of 2019. My property management company is VacationintheBlackHills.com, a division of Kazco Properties, LLC in Spearfish, and we manage 8 properties in the Black Hills including Thunder Ridge, including the property at 1 Katon Drive in Deadwood. In addition to our website, we utilize VRBO and Airbnb, and the owners we represent have a good history of clean, well-maintained properties, and the property at 140 Timm Lane has been one of them.

First off, I want to apologize as my company assumed that the Department of Health License and the City License had already been obtained. We have subsequently applied for the SD DOH Lodging License, and the initial inspection has been completed. On the report, we were asked to install a smoke alarm in the 3-seasons room, clean up the construction debris from the recently completed 3-seasons room, and to submit a water sample from the well. Those three items have been completed. The final item that needs to be completed is to replace the bedroom windows for proper egress, and those windows were ordered and have been received. Installation is scheduled to be done by the owners during their stay this March 29th – April 4th.

Although my company carelessly assumed that the licenses had already been obtained, we have dutifully collected and remitted sales and tourism taxes from Day 1, and of course that would not change. This property also imposes a stringent code of conduct of our guests, and that includes quiet hours so the neighbors are not adversely affected. At the beginning, we contacted Mary Timm, owner of the property at 120 Timm Lane, and made her aware of what we were doing. I provided our contact information and asked her to notify us if there were ever any disturbances from the guests. To date, our guests have been very respectful, and we have not had a single issue. The smaller size of this property has made it a desirable rental, appealing to an older demographic looking for a quieter location.

Since this property can only host 4 people at a time, there is plenty of parking – even if the guests arrive in pickup trucks pulling trailers. The property is also used regularly by the owners and thus the number of nights booked by travelers will continue to be in the 100 to 150 nights per year range. There has been, and will continue to have, minimal impact in the neighborhood.

I ask that you consider the previous successful (albeit unauthorized) operation of this property and approve the Conditional Use Permit for a Short-Term Rental as allowed by the Highway Commercial zoning.

Respectfully submitted,

Mark Kazmer
President and Property Manager
Kazco Properties, LLC
VacationintheBlackHills.com

Development Plan

Hidden Gulch Cabin, 140 Timm Lane, Deadwood, SD, 57732

140 Timm Lane is a single-family home built on Lot 6 of the Arnio Subdivision, behind The Deadwood Gulch Hotel and Casino. Owners Glen and Sherry Morovits wish to continue to run a Short-Term Vacation Rental of the property. No further development of additional units will or can be done due the size of the parcel.

Property Site Plan – Existing Layout

140 Timm Lane is a 2-bedroom, 1-bathroom single family home consisting of 938 square feet of living space, as well as a 3-seasons room that was recently completed. The 3-seasons room replaces the back patio and mudroom at the NW corner of the house currently shown on the Lawrence County GIS report showing the drawing of the house (attached). The only other addition considered is a 2-car garage, but that is not planned for the foreseeable future. The GIS report shows 2 sheds, but one has been removed.

Usable Open Space

As the lot is just .29 acres or 12,632 square feet, the remaining usable space is a small backyard, the front yard, and a large driveway. As a single lot, there is no room for community-use open space.

Off-Street Parking

The large driveway is roughly 60' long and 26' wide (see attached image). Guests are not allowed to park on Timm Lane. The property is advertised to sleep 4, so off-street parking is more than sufficient to accommodate 4 guests.

Loading and Refuse Areas

There is no loading area or the need for one as the property is a single-family residence. Any deliveries would be standard residential delivery like UPS, FedEx, or retail delivery services such as appliance delivery, lumberyard deliveries, etc. No commercial dumpster is on site, nor is one needed as the volume of trash is minimal. All refuse is stored in standard residential trash cans and is removed by the owner's son, who lives in Deadwood.

Ingress/Egress – Existing Street

No additional ingress or egress roads or driveways will be constructed, nor do they need to be. All access to the property is via Timm Lane and the Deadwood Gulch Parking lot (see attachment).

Signage

There is no existing signage nor is there any planned.

Respectfully submitted,

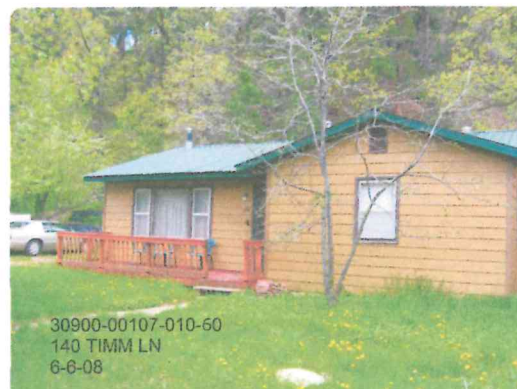
A handwritten signature in black ink, appearing to read "Mark Kazmer". The signature is fluid and cursive, with the first name "Mark" being more prominent than the last name "Kazmer".

Mark Kazmer
President and Property Manager
Kazco Properties, LLC
VacationintheBlackHills.com

Lawrence County, SD

Summary

ParcelNumber 30900-00107-010-60
 Quick Ref ID R13580
 Property Address 140 TIMM LN
 Brief Tax Description M.S. 107 Lot 6 Arnio S/D Plat Bk2 Pg88D
 (Note: Not to be used on legal documents)
 Taxing Unit Group 40-1_DE-DW
 Lot Size (SF) 12763
 Acreage 0
 Property Class Residential
 Zoning N/A
 Lot Number 6
 Block Number
 Subdivision Mineral - Deadwood
 S-T-R
 Plat 2-88D
 Ward 05
 City Ward



Owner

MOROVITS, GLEN E
 338 S 5TH ST
 DOUGLAS, WY 82633

MOROVITS, SHERRY L
 338 S 5TH ST
 DOUGLAS, WY 82633

Residential Buildings

Year Built: 1939
 Bedrooms: 2
 Half Baths: 0
 Full Baths: 1
 Wall Height: 8
 Style 1: One Story
 Style 2:
 Living Sq Ft: 938
 Owner Occupied: Yes

Building Permits

Number	Amount	Type	Issue Date	Status	Description
22-0151	\$37,000.00	Deck, Patio, or Porch	09/19/2022	O	Add a 3 season patio in the back yard. Concrete slab work starts in Oct 2022. Post & beam work starts May 2023.
04-0031	\$2,000.00	Reroof	05/17/2004	C	REROOF
05-0047	\$0.00	Demo	07/18/2005	C	DEMOLITION

Land

Land Type	Description	Soil	Acres	Unit Type
	DWD RESIDENTIAL		0	Sqft

Recent Sales in Area

Sale date range:

From: 03/28/2014 To: 03/28/2024

Sales by Neighborhood

1500 Feet



Sales by Distance

Sales

SaleDate	SalePrice	Validity	Inst Type	Book / Page
9/19/2017	\$117,500	Yes	WD - Warranty Deed	2017/04463

Valuation

All values reflect full and true values before any adjustments or exemptions are applied

Assessed Year	2023	2022	2021
ApprLandValue	\$41,140.00	\$34,950.00	\$30,950.00
ApprImprovementValue	\$124,850.00	\$99,880.00	\$83,230.00
ApprTotalValue	\$165,990.00	\$134,830.00	\$114,180.00

Tax Units

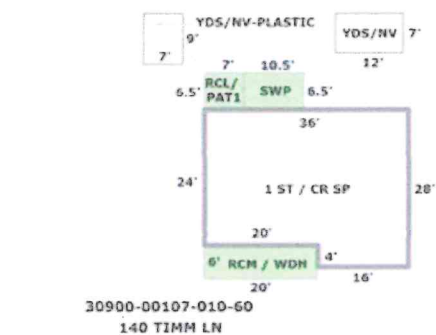
Code	Description	Rate
40-1	40-1 Lead-Deadwood School	
C_DW	CITY-DEADWOOD	
DE	DE-Deadwood Fire	

Images



Sketches

To print an image, click to view then right-click and open in new tab.



No data available for the following modules: Commercial Buildings, Other Buildings.

This Data is provided "as is" without warranty of any representation of accuracy, timeliness, or completeness. The burden for determining accuracy, completeness, timeliness, merchantability, and fitness for or the appropriateness for use rests solely on the user. There are no implied warranties of merchantability or fitness for a particular purpose. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

[User Privacy Policy](#) [GDPR Privacy Notice](#)
Last Data Upload: 3/28/2024, 12:08:28 PM

Centipede

Developed by
 Schneider
GEOSPATIAL





NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING COMMISSION

City of Deadwood
Planning and Zoning Commission
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the operations for a single unit Vacation Home Establishment as allowed under Section 17.32.030 Conditional Uses.

APPLICANTS: Glen Morovits

LEGAL DESCRIPTION: LOT 6 OF THE ARNIO SUBDIVISION OF M.S. 107, ACCORDING TO S.C. BERRY PLAT RECORDED IN PLAT BOOK 2 PAGE 88D, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

ADDRESS: 140 Timm Lane

ZONE: CH – Commercial Highway

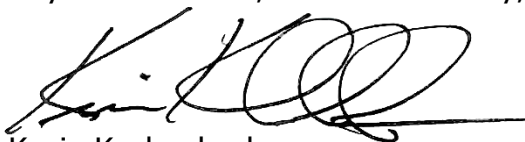
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, May 1, 2024, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

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ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this April 11, 2024.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: April ____, 2024

Published once at the total approximate cost of \$ ____

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



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

Public Notification

Date: April 12, 2024
To: Deadwood Property Owner / Resident
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for Conditional Use Permit for Vacation Home
Establishment

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the operations of a Vacation Home Establishment as allowed under Section 17.40.030 Conditional Uses under Vacation Home Establishment.

APPLICANT(S): Glen Morovits

LEGAL DESCRIPTION: LOT 6 OF THE ARNIO SUBDIVISION OF M.S. 107, ACCORDING TO S.C. BERRY PLAT RECORDED IN PLAT BOOK 2 PAGE 88D, CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

ADDRESS: 140 Timm Lane

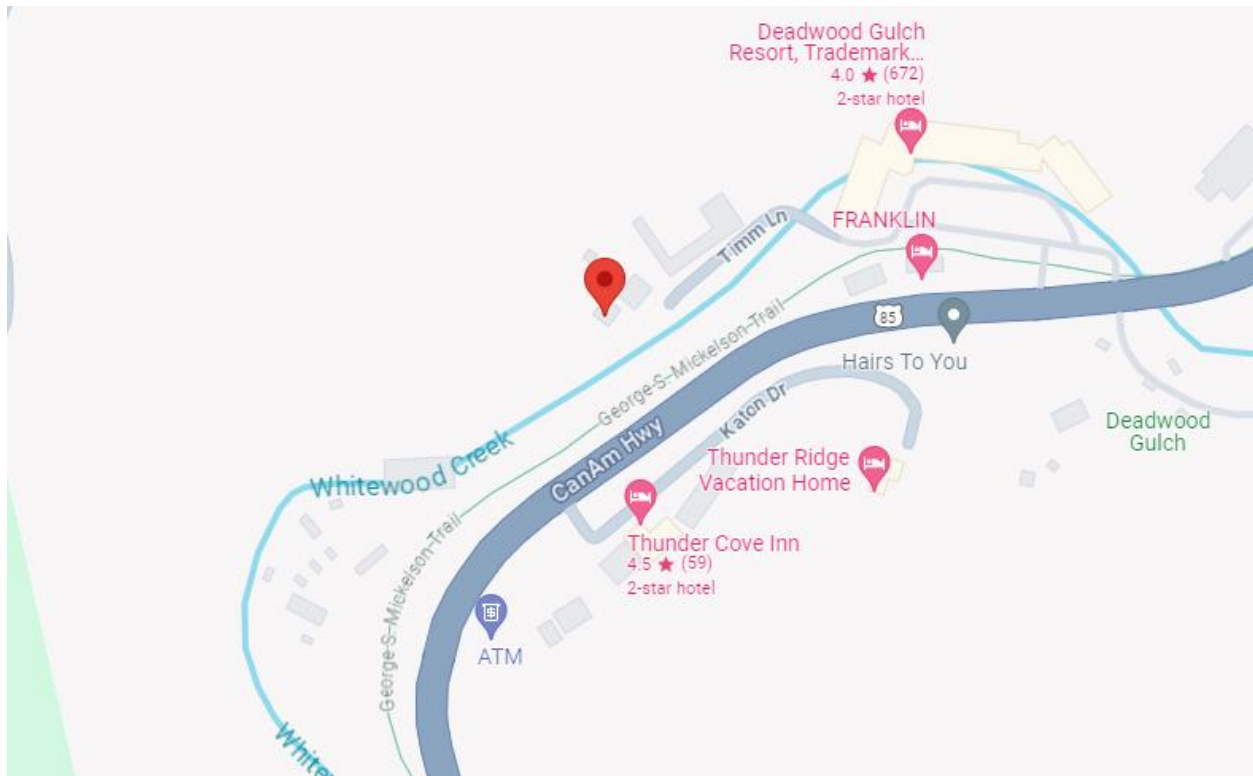
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, May 1, 2024, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted. A public hearing will also be held by the Deadwood City Commission at 5:00 p.m. on Monday, May 20, 2024, at the same location.

NOTICE IS FURTHER GIVEN, that the proposed request for a Vacation Home Establishment is on file and available for public examination at the Deadwood Planning and Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

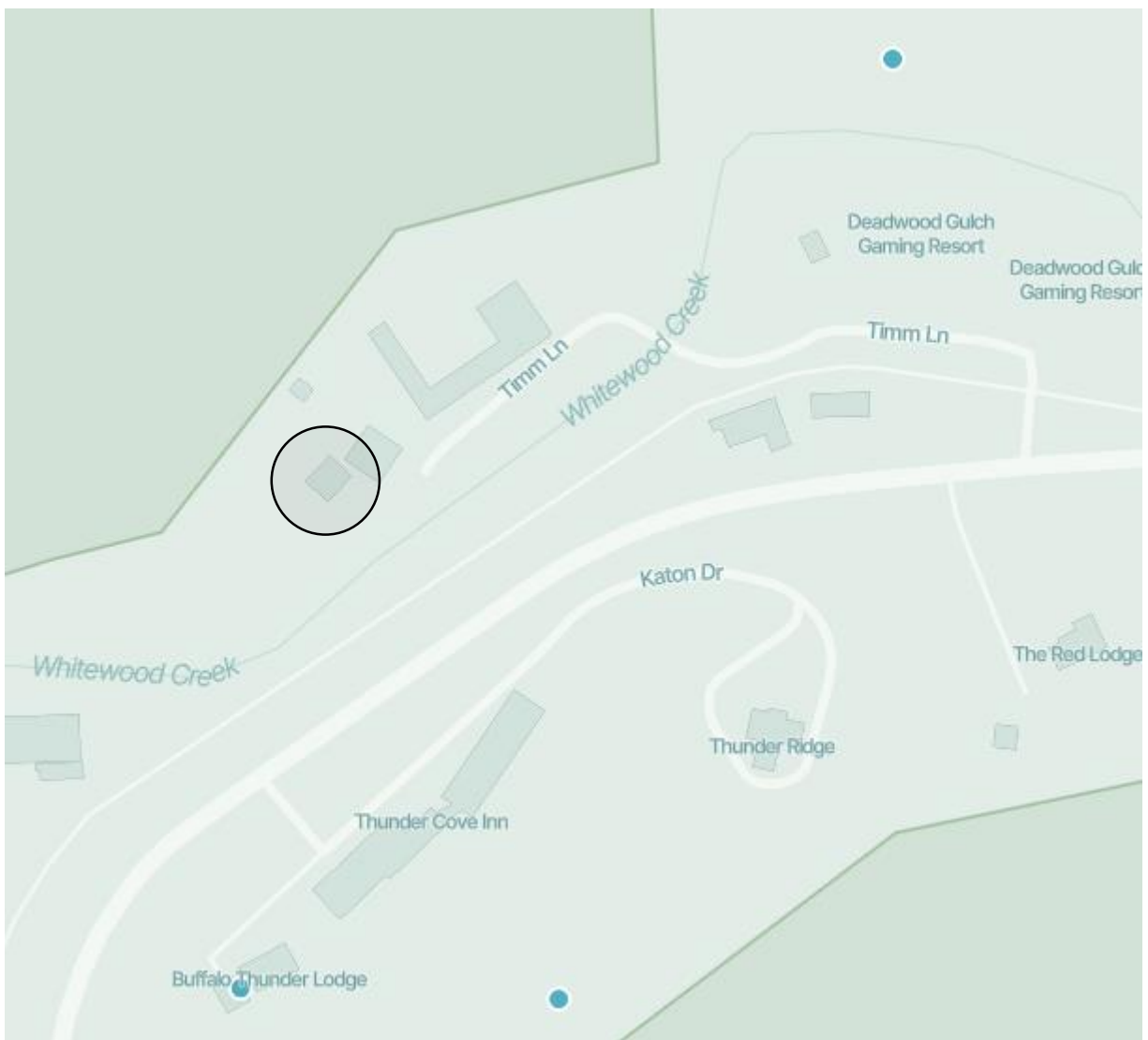
The purpose of this mailed notice is to reasonably inform the surrounding property owners of the applications for a Conditional Use Permit and to inform you of the type of use being requested.

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



Map showing location of 140 Timm Lane, Deadwood, SD 57732.





Map showing location(s) of Short-Term Rentals near 140 Timm Lane.





Aerial view of 140 Timm Lane, Deadwood, SD 57732.



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



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

PLANNING AND ZONING COMMISSION STAFF REPORT CONDITIONAL USE PERMIT

Staff Report

Date: May 1, 2024
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Specialty Resort

APPLICANT(S): Aaron Sternhagen

PURPOSE: Application for CUP – Specialty Resort

ADDRESS: 21 Lincoln Avenue

LEGAL DESCRIPTION: LOTS 1, 2, 3 AND ADJOINING VACATED ALLEY AND THE SOUTHEASTERLY 10 FEET OF LOTS 12, 13 AND 14, IN BLOCK 42, ACCORDING TO THE P.L. ROGERS MAP OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

FILE STATUS: All legal obligations have been completed.

ZONE: R1- Residential

STAFF FINDINGS:

Surrounding Zoning:

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

Surrounding Land Uses:

Residences
Residences
Residences
Residences

SUMMARY OF REQUEST

The applicant has submitted a request for a Conditional Use Permit to operate a Specialty Resort located at 21 Lincoln Avenue. Since 2012, 21 Lincoln Avenue has been utilized as a Specialty Resort. This property is currently under contract to be sold, and the prospective owner is seeking to maintain compliance with Municipal Code 17.53.

FACTUAL INFORMATION

1. The property is currently zoned R1 - Residential.
2. The property has operated as a Specialty Resort for twelve (12) years.
3. The subject property has access from Lincoln Avenue with off-street parking for several vehicles.
4. The property is not located within a flood zone.
5. Adequate public facilities are available to serve the property.
6. The area is characterized by a mixture of both single and multi-family residential uses.
7. According to Deckard – Rentalscape the property has been booked 204 nights in the last 12 months.

STAFF DISCUSSION

The applicant has submitted a request for a Conditional Use Permit for a Specialty Resort and City regulations permit Specialty Resorts in Residential zoning districts with an approved Conditional Use Permit. The subject property has been operating as a Specialty Resort since 2012. According to the application, there is adequate off-street parking and a driveway providing ingress/egress from Lincoln Avenue.

The Deadwood Zoning Code 17.08 and South Dakota Codified Law defines a Specialty Resort as the following:

“Specialty Resort” means:

Any bed and breakfast establishment, lodge, dude ranch, resort, building or buildings used to provide accommodations or recreation for a charge to the public, with no more than ten (10) rental units for up to an average of twenty (20) guests per night and in which meals are provided to only guests staying at the specialty resort as defined and permitted by the State of South Dakota.

Conditional Use Permit – Specialty Resort
21 Lincoln Avenue
May 1, 2024

1. Specialty Resorts are allowed in R1 and R2 zoning districts with a Conditional Use Permit under 17.24.030.

Aaron Sternhagen plans to continue to operate the Specialty Resort as it has been run since 2012.

2. Specialty Resorts shall be in upper floors of commercial structures only within the local historic district.

This property is not located in a commercial structure within the local historic district. Therefore, first floor use is permissible in this instance.

COMPLIANCE:

1. The Zoning Office provided notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 10.10.B.
2. A sign was posted on the property for which the requests were filed.
3. Notice of the time and place was published in the designated newspaper of the City of Deadwood.

GENERAL USE STANDARDS FOR 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. Preserve the existing stock of historic structures by working with the individuals and guiding the uses is an acceptable means. Traffic and parking have not significantly affected the neighborhood. This area has a mixture of single and multi-family dwellings.

- 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

Conditional Use Permit – Specialty Resort
21 Lincoln Avenue
May 1, 2024

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 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.

If the applicant only uses off street parking and prevents any public nuisance issues that are often associated with Specialty Resorts, the proposed use may not result in a substantial or undue adverse effect on adjacent properties, or the character of the property and the use would not alter the character of the district. There will be no change in the size of the dwelling. To support a denial of a Conditional Use Permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community.

On May 14, 2021, this office documented a complaint with regards to parking issues associated with this address. Two current letters of support, included in this packet, have been received in this office.

- D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, 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 proposed use would not increase the proliferation of non-conforming uses. The appearance of the structure will not change; therefore, the character and use of the buildings and structures adjoining the subject property will not be adversely affected.

Conditional Use Permit – Specialty Resort
21 Lincoln Avenue
May 1, 2024

- E. Whether or not the proposed use in the proposed area will be 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 will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the issuance 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 further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

Conditional Use Permit – Specialty Resort
21 Lincoln Avenue
May 1, 2024

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 shall be provided to the Planning and Zoning Office for their files.
3. Proof that the Building Inspector has inspected the building and it meets all the building codes.
4. City water and sewer rates to be 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. Proof of City of Deadwood Business License.
7. Obtain lodging license after inspection from the South Dakota Department of Health.
8. All parking shall be off street.

ACTION REQUIRED:

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

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



Questions Contact **Section 5 Item h.**
Kevin Kuchenbecker
(605) 578-2082 or
kevin@cityofdeadwood.com

Application No. _____

APPLICATION FOR CONDITIONAL USE PERMIT

Application Fee: \$500.00

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

Name of Proposed Development: 1899 Inn - Bed and Breakfast - Specialty Resort

Street Location of Property: 21 Lincoln Ave

Legal Description of Property: Lots 1,2,&3 & SE 10' of Lots 12,13,14 Block 42 & 1/2 Vacated Alley & Lots 12,13,&14 except SE 10', Block 42 PT. Vacated Cemetery St. & PTS Lots E,F,&G, Block 35

Zoning Classification of Property: R1

Name of Property Owner: Aaron Sternhagen (Purchase ~~order~~ is under contract) Telephone: (605) 580-4911

Address: To Be: 21 Lincoln Ave Deadwood SD 57732
Street City State Zip

Name of Applicant: Aaron Sternhagen Telephone: (605) 580-4911

Address: 1017 Gushurst Street Lead SD 57754
Street City State Zip

1. The following documents shall be submitted:

- An improvement survey, including all easements,
- Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and
- A written statement addressing the criteria for approval.

Uses of Building or Land: Bed and Breakfast

Signature of Applicant: Aaron Sternhagen Date: 4/15/2024

Signature of Property Owner: Aaron Sternhagen Date: 4/15/2024

Fee: \$ 500 Paid On 4/14/24 Receipt Number 192926

Legal Notice Published

Date: _____

Hearing Date: _____

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

Reason for Denial (if necessary): _____

CITY OF DEADWOOD
605-578-2600

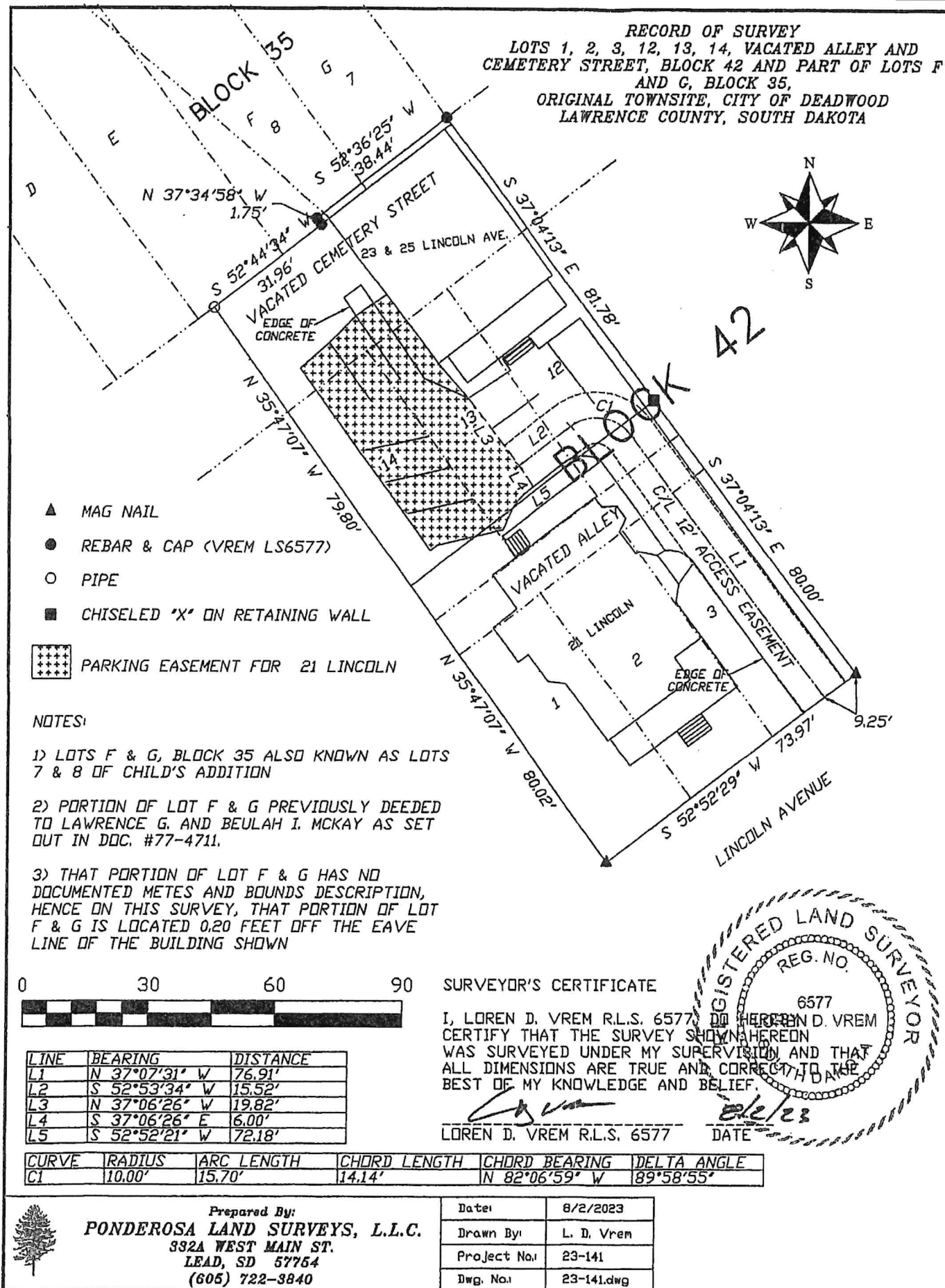
REC#: 00192926 4/16/2024 11:43 AM
OPER: FRONT TERM: 001
REF#: 206

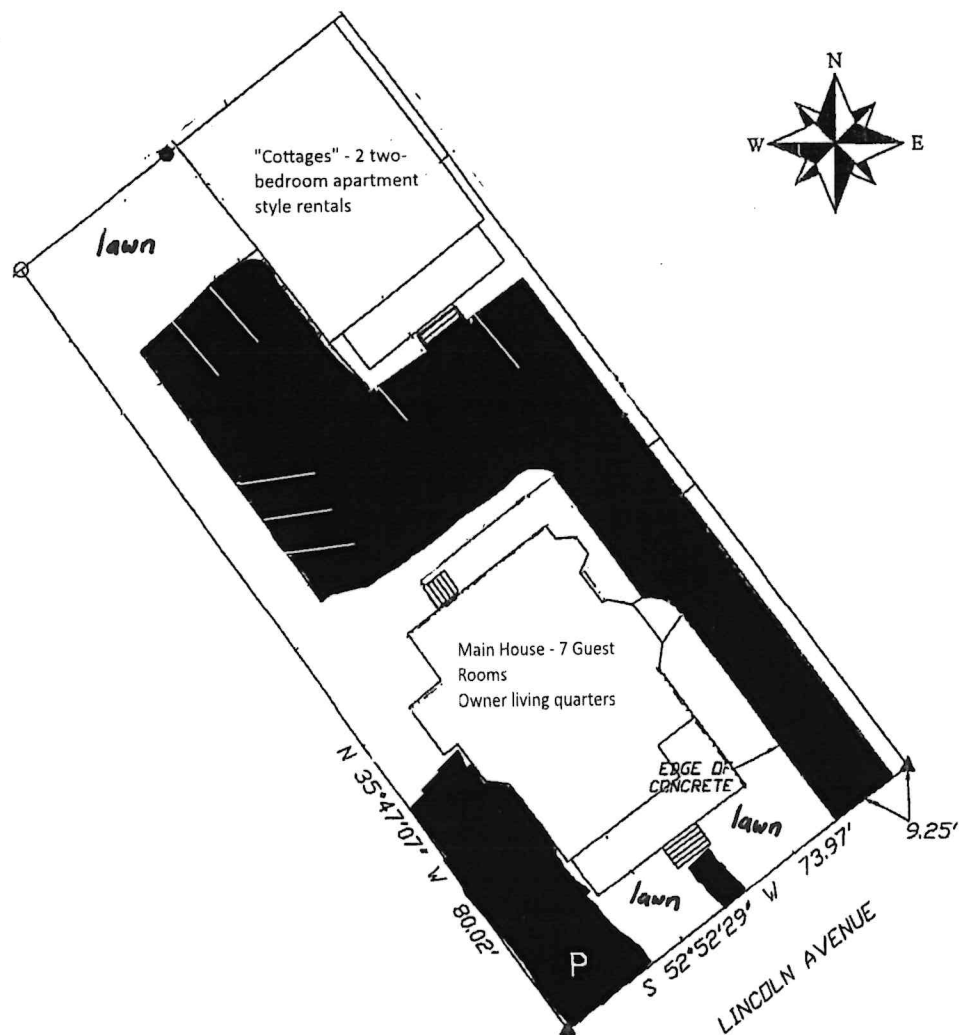
TRAN: 61.0000 USE ON REVIEW FEE
CUP - 1899 INN
101-3000-209
USE ON REVIEW 500.00CR

TRAN: 61.0000 USE ON REVIEW FEE
CUP - 1899 COTTAGE
101-3000-209
USE ON REVIEW 500.00CR

TENDERED: 1,000.00 CHECK
APPLIED: 1,000.00-

CHANGE:
0.00





The Main House comprises 7 Guest Rooms and 6 Guest Bathrooms, over three stories, with an additional one-bedroom manager apartment in the basement

The "Cottages" comprise 2 two-bedroom apartments on a single story

All black shading represents concrete off-street parking available to guests



Aaron Sternhagen
1017 Gushurst Street
Lead, SD 57754

April 15, 2024

Deadwood Planning and Zoning
108 Sherman Street
Deadwood, SD 57732

To Whom it May Concern,

I am submitting herewith an application for a conditional use permit to operate a bed and breakfast at 21 Lincoln Ave in the Presidential District of Deadwood. The property currently operates as a bed and breakfast under the business name "1899 Inn" and has been managed by Tom and Nyla Griffith for the last 4-5 years. I am currently under contract to purchase the turn-key operation, and hope to begin management by June 1st, 2024, the start of the busy tourism season in Deadwood.

The property consists of two historic buildings with a concrete parking area poured therebetween. The "Main House" comprises seven guest bedrooms with manager living quarters in the basement. The first floor of the Main House offers a formal dining room along with one guest room, and the remaining six guest rooms are located on the second and third floors of the home. The "Cottages" are comprised of two two-bedroom apartment style rentals, each with their own kitchen and bathroom. A concrete driveway and parking lot has been poured between the two buildings to provide a drop-off area and off-street parking for guests.

The manager/owner of the property will reside full-time in the basement apartment of the Main House, and will be on-site to assist guests with parking, checking in, and the like. Breakfast will be served on a daily basis, being available to guests of both the Main House and the Cottages, but not available to the general public. I am requesting that a single Conditional Use Permit be granted for both buildings, encompassing the entirety of the 9 units, and I will maintain the necessary licenses with the City of Deadwood and State of South Dakota.

This property has been a valuable historic asset to Deadwood for over a century, and I am excited and honored to share it with the visitors of our wild-west town.

Please feel free to contact me with any information or concerns.

Kind Regards,



Aaron Sternhagen

605-580-4911

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING COMMISSION

City of Deadwood
Planning and Zoning Commission
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the operations for a single unit Specialty Resort as allowed under Section 17.24.030 Conditional Uses.

APPLICANTS: Aaron Sternhagen

LEGAL DESCRIPTION: LOTS 1, 2, 3, AND ADJOINING VACATED ALLEY AND THE SOUTHEASTERLY 10 FEET OF LOTS 12, 13 AND 14, IN BLOCK 42, ACCORDING TO P.L. ROGERS MAP OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

ADDRESS: 21 Lincoln Avenue

ZONE: R1 – Residential

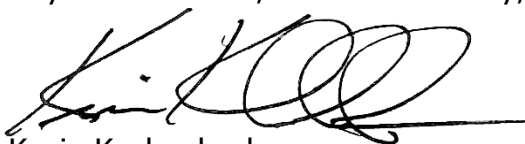
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, May 1, 2024, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

NOTICE IS FURTHER GIVEN, that the proposed request for a Specialty Resort is on file and available for public examination at the Deadwood Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this April 16, 2024.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: April ____, 2024

Published once at the total approximate cost of \$ ____

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



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

Public Notification

Date: April 18, 2024
To: Deadwood Property Owner / Resident
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for Conditional Use Permit for Specialty Resort

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the operations of a Specialty Resort as allowed under Section 17.24.030 Conditional Uses under Bed and Breakfast.

APPLICANT(S): Aaron Sternhagen

LEGAL DESCRIPTION: LOTS 1, 2, 3 AND ADJOINING VACATED ALLEY AND THE SOUTHEASTERLY 10 FEET OF LOTS 12, 13 AND 14, IN BLOCK 42, ACCORDING TO THE P.L. ROGERS MAP OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

ADDRESS: 21 Lincoln Avenue

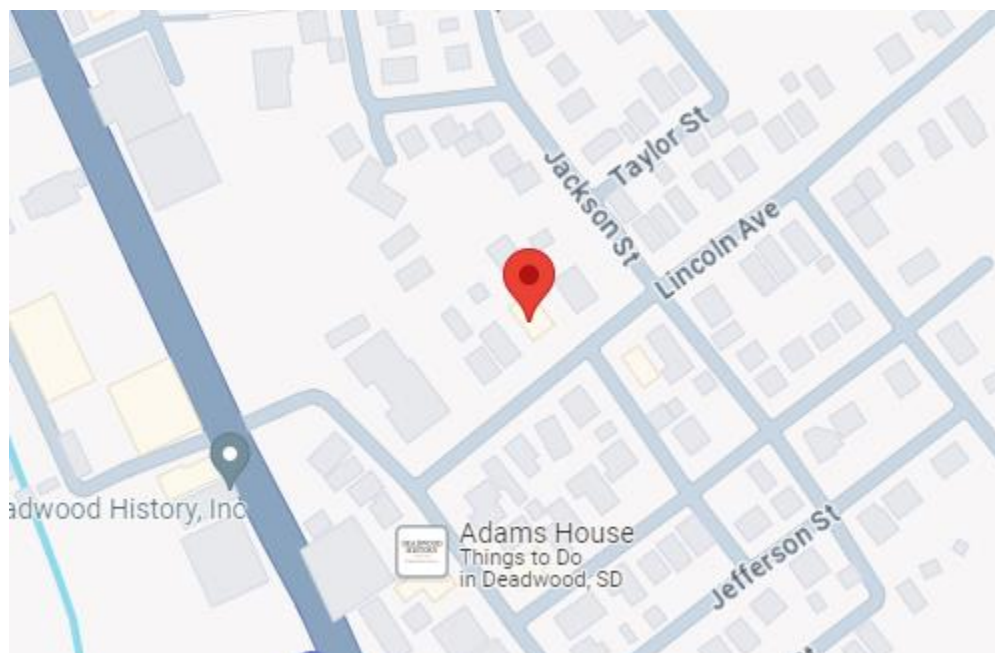
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, May 1, 2024, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted. A public hearing will also be held by the Deadwood City Commission at 5:00 p.m. on Monday, May 20, 2024, at the same location.

NOTICE IS FURTHER GIVEN, that the proposed request for a Specialty Resort is on file and available for public examination at the Deadwood Planning and Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

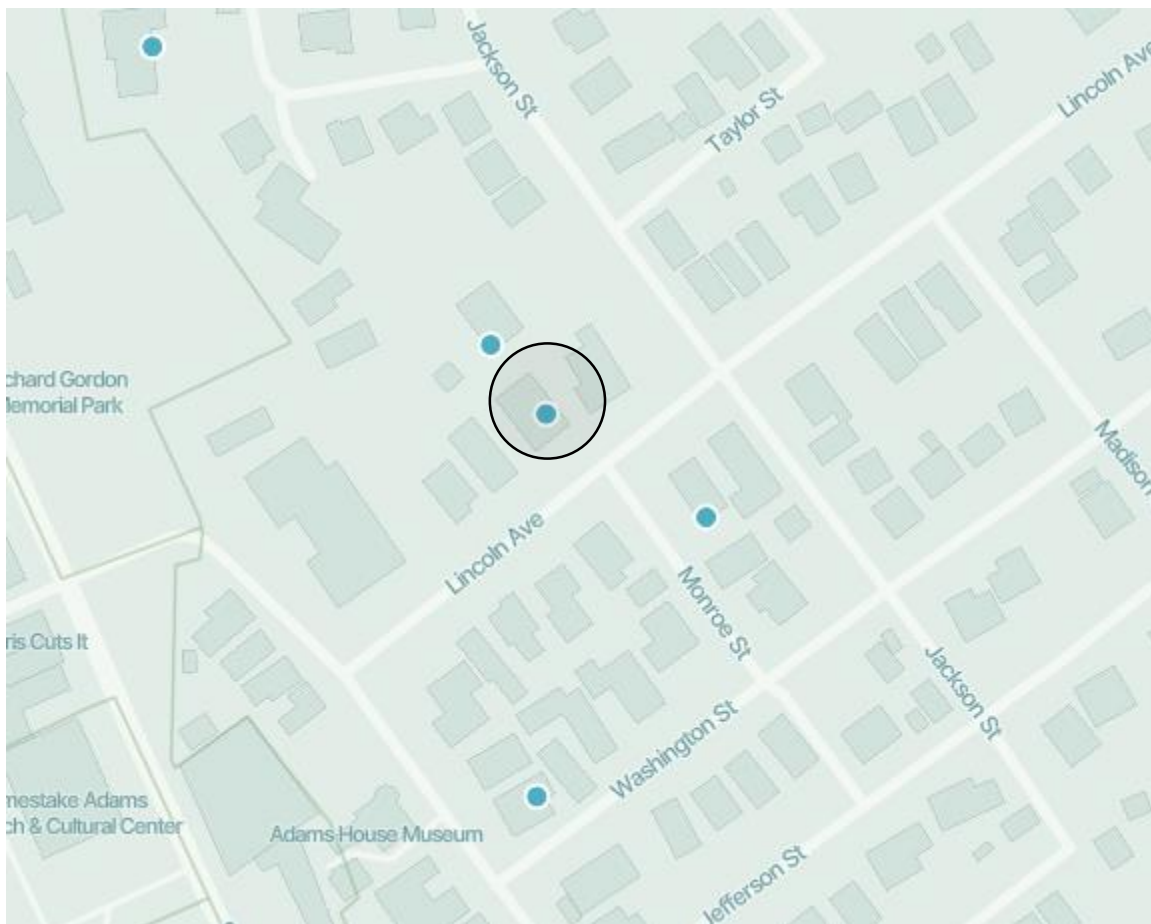
The purpose of this mailed notice is to reasonably inform the surrounding property owners of the applications for a Conditional Use Permit and to inform you of the type of use being requested.

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



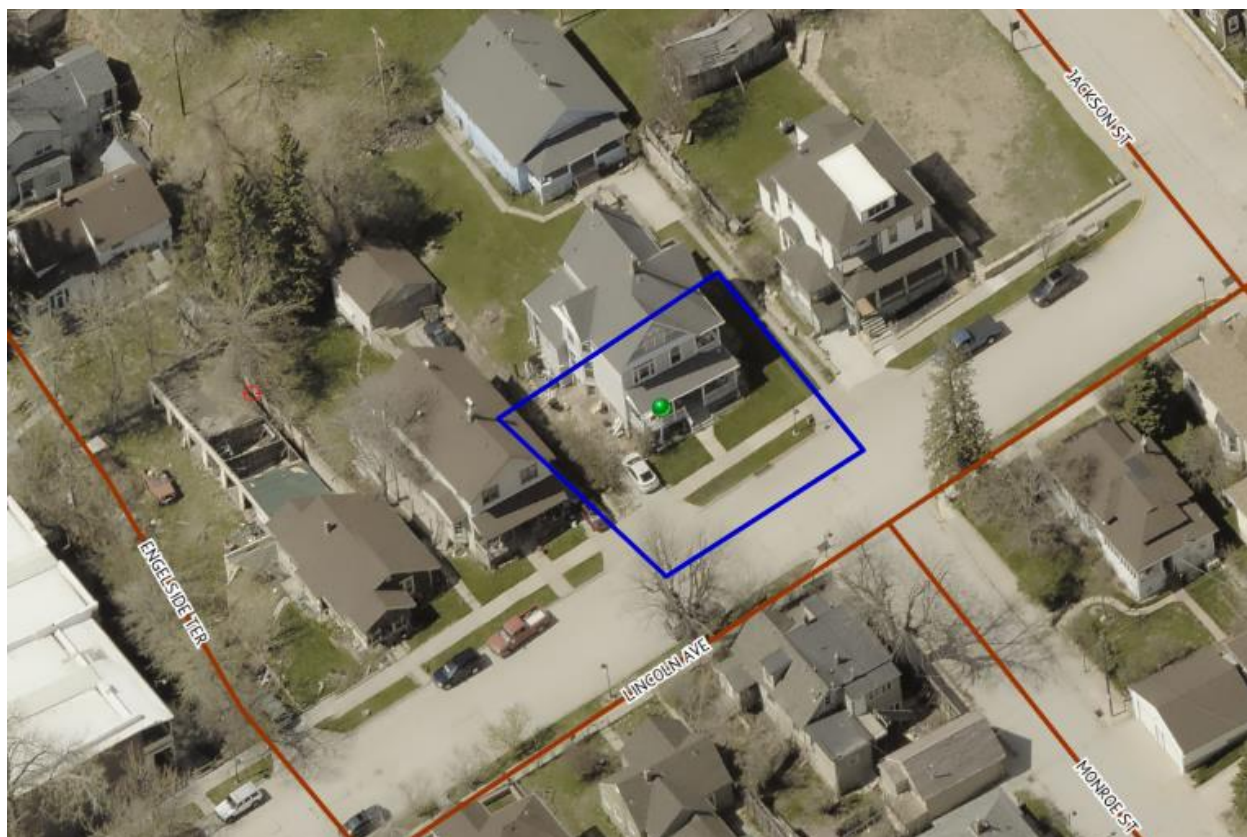
Map showing location of 21 Lincoln Ave, Deadwood, SD 57732.





Map showing location(s) of Short-Term Rentals near 21 Lincoln Ave.





Aerial view of 21 Lincoln Ave, Deadwood, SD 57732.



April 22, 2024

Louie Lalonde
65 Taylor Ave
Deadwood, SD 57732

To whom it may concern:

I live behind the property requesting a Conditional Use Permit for the use of a Specialty Resort. On occasion I have to walk by said property and during the summer months our windows are always open or we're busy in our backyard. In the 14 years that it has been owned by Dustin and Laura Floyd and then Tom and Nyla Griffith, there has never been an occasion that the Inn seemed like anything other than a quiet Bed & Breakfast. The customers that frequent such properties are typically older reserved individuals. They appreciate the unique personal attention that is given to each guest. The reviews that are available for anyone to read, expound upon the magnificent breakfasts and never-ending story telling that is always available for all. Believe me, a Bed & Breakfast that is managed in its true classic sense is a lot of work and basically consumes your life. Unfortunately, it is also becoming something of the past. Deadwood is so fortunate to have had these two families dedicate their lives to taking care and entertaining our visitors. It's a first-class operation that our community is proud of and I'm confident that Aaron will step into this role and do the same.

For the reasons listed above, I am 100% in favor of a Conditional Use Permit being issued to Aaron Sternhagen for 21 Lincoln Ave and 25 Lincoln Ave.

Sincerely,



Louie Lalonde

**JAMES W. OLSON
65 TAYLOR AVENUE
DEADWOOD, SOUTH DAKOTA 57332**

January 8, 2024

Deadwood Planning & Zoning
108 Sherman Street
Deadwood, South Dakota 57732

RE: Aaron Sternhagen Request for Conditional Use Permit

Dear Sir or Madam:

I live immediately behind the property in question. It is currently a bed and breakfast, and I am steadfastly behind the issuance of the Conditional Use Permit by Aaron Sternhagen. Over the years I have observed the comings and goings of renters, and I can recall no unpleasant occurrences.

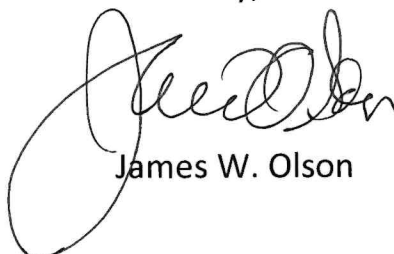
In fact, when operated by Tom and Nyla Griffith and their predecessors, my experience is notable for the absence of problems:

1. No drunken behavior.
2. No loud parties.
3. No police calls; and
4. No difficulties of any kind whatsoever.

The have been the best of neighbors, treating everyone with respect despite being situated next to the most difficult and unpleasant of neighbors. I am confident Mr. Sternhagen will continue this high level of conduct.

I wholeheartedly support Mr. Sternhagen's Petition without reservation. I ask the Board to grant his position.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Olson". The signature is stylized with large loops and flourishes, particularly a large loop on the left side.

James W. Olson

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



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

PLANNING AND ZONING COMMISSION STAFF REPORT CONDITIONAL USE PERMIT

Staff Report

Date: May 1, 2024
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Conditional Use Permit – Bed and Breakfast

APPLICANT(S): Aaron Sternhagen

PURPOSE: Application for CUP – Bed and Breakfast

ADDRESS: 25 Lincoln Avenue

LEGAL DESCRIPTION: LOTS 12, 13 AND 14, BLOCK 42 IN THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, EXCEPT THE SOUTHEASTERLY 10 FEET OF LOTS 12, 13 AND 14 AND ONE-HALF OF THE VACATED ALLEY, BLOCK 42, PREVIOUSLY CONVEYED TO DENNIS L. MCKAY AND LINDA M. MCKAY. ALSO THAT PORTION OF LOTS E, F, AND G, BLOCK 35 OF PROBATE LOT 226 AND SOMETIMES REFERRED TO AS CHILD'S ADDITION TO THE CITY OF DEADWOOD, QUIT CLAIMED BY FRANCIS CANEVA TO LAWRENCE C. MCCAY, ALL ACCORDING TO THE P.L. ROGERS MAP OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

FILE STATUS: All legal obligations have been completed.

ZONE: R1- Residential

STAFF FINDINGS:

Surrounding Zoning:

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

Surrounding Land Uses:

Residences
 Residences
 Residences
 Residences

SUMMARY OF REQUEST

The applicant has submitted a request for a Conditional Use Permit to operate a Bed and Breakfast located at 25 Lincoln Avenue. Since 2020, 25 Lincoln Avenue has been utilized as a Bed and Breakfast. This property is currently under contract to be sold, and the prospective owner is seeking to maintain compliance with Municipal Code 17.53.

FACTUAL INFORMATION

1. The property is currently zoned R1 - Residential.
2. The property has operated as a Bed and Breakfast since 2020.
3. The subject property has access from Lincoln Avenue with off-street parking for several vehicles.
4. The property is not located within a flood zone.
5. Adequate public facilities are available to serve the property.
6. The area is characterized by a mixture of both single and multi-family residential uses.
7. According to Deckard – Rentalscape this property has been booked for 205 nights in the past 12 months.

STAFF DISCUSSION

The applicant has submitted a request for a Conditional Use Permit for a Bed and Breakfast and City regulations permit Bed and Breakfast establishments in Residential zoning districts with an approved Conditional Use Permit. The subject property has been operating as a Bed and Breakfast since 2020. According to the application, there is adequate off-street parking and a driveway providing ingress/egress from Lincoln Avenue.

Conditional Use Permit – Bed and Breakfast

25 Lincoln Avenue

May 1, 2024

The Deadwood Zoning Code 17.08 and South Dakota Codified Law defines a Bed and Breakfast as the following:

“Bed and Breakfast” 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 rental units for up to an average of ten guests per night and in which family style meals are provided as defined and permitted by the State of South Dakota.

1. Bed and Breakfasts are allowed in R1 and R2 zoning districts with a Conditional Use Permit under 17.24.030.

Aaron Sternhagen plans to continue to operate the Bed and Breakfast as it has been run since 2020.

2. Specialty Resorts shall be in upper floors of commercial structures only within the local historic district.

This property is not located in a commercial structure within the local historic district. Therefore, first floor use is permissible in this instance.

COMPLIANCE:

1. The Zoning Office provided notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 10.10.B.
2. A sign was posted on the property for which the requests were filed.
3. Notice of the time and place was published in the designated newspaper of the City of Deadwood.

GENERAL USE STANDARDS FOR 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.

Conditional Use Permit – Bed and Breakfast
 25 Lincoln Avenue
 May 1, 2024

The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Preserve the existing stock of historic structures by working with the individuals and guiding the uses is an acceptable means. Traffic and parking have not significantly affected the neighborhood. This area has a mixture of single and multi-family dwellings.

- 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 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.

If the applicant only uses off street parking and prevents any public nuisance issues that are often associated with Specialty Resorts, the proposed use may not result in a substantial or undue adverse effect on adjacent properties, or the character of the property and the use would not alter the character of the district. There will be no change in the size of the dwelling. To support a denial of a Conditional Use Permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community.

On May 14, 2021, this office documented a complaint with regards to parking issues associated with this 21 Lincoln Avenue. Two current letters of support, included in this packet, have been received in this office.

- D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, 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.

Conditional Use Permit – Bed and Breakfast
25 Lincoln Avenue
May 1, 2024

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 proposed use would not increase the proliferation of non-conforming uses. The appearance of the structure will not change; therefore, the character and use of the buildings and structures adjoining the subject property will not be adversely affected.

- E. Whether or not the proposed use in the proposed area will be 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 will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the issuance 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.

Conditional Use Permit – Bed and Breakfast
25 Lincoln Avenue
May 1, 2024

- 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. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files.
3. Proof that the Building Inspector has inspected the building and it meets all the building codes.
4. City water and sewer rates to be 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. Proof of City of Deadwood Business License.
7. Obtain lodging license after inspection from the South Dakota Department of Health.
8. All parking shall be off street.

ACTION REQUIRED:

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

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



Questions Contact:
Kevin Kuchenbecker
 (605) 578-2082 or
 kevin@cityofdeadwood.com

Application No. _____

APPLICATION FOR CONDITIONAL USE PERMIT

Application Fee: \$500.00

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

Name of Proposed Development: 1899 Inn - Bed and Breakfast

Street Location of Property: 25 Lincoln Ave., Deadwood

Legal Description of Property: Original Town Deadwood Lots 12, 13, & 14 ex SE 10' BIK 42, pt vacated Cemetery St. & pt Lots E, F & G BIK 35 Plat 1987-0016

Zoning Classification of Property: R1

Name of Property Owner: Arnon Sternhagen Telephone: (605) 580-4911

Address: 21 Lincoln Ave., Deadwood SD 57732
 Street City State Zip

Name of Applicant: Arnon Sternhagen Telephone: (605) 580-4911

Address: 1017 Gushurst St Dead SD 57754
 Street City State Zip

1. The following documents shall be submitted:

- An improvement survey, including all easements,
- Development plan, including site plan with location of buildings, usable open space, off-street parking, loading areas, refuse area, ingress/egress, screening, proposed or existing signage, existing streets, and
- A written statement addressing the criteria for approval.

Uses of Building or Land: Bed and Breakfast

Signature of Applicant: Arnon Sternhagen Date: 4/16/24

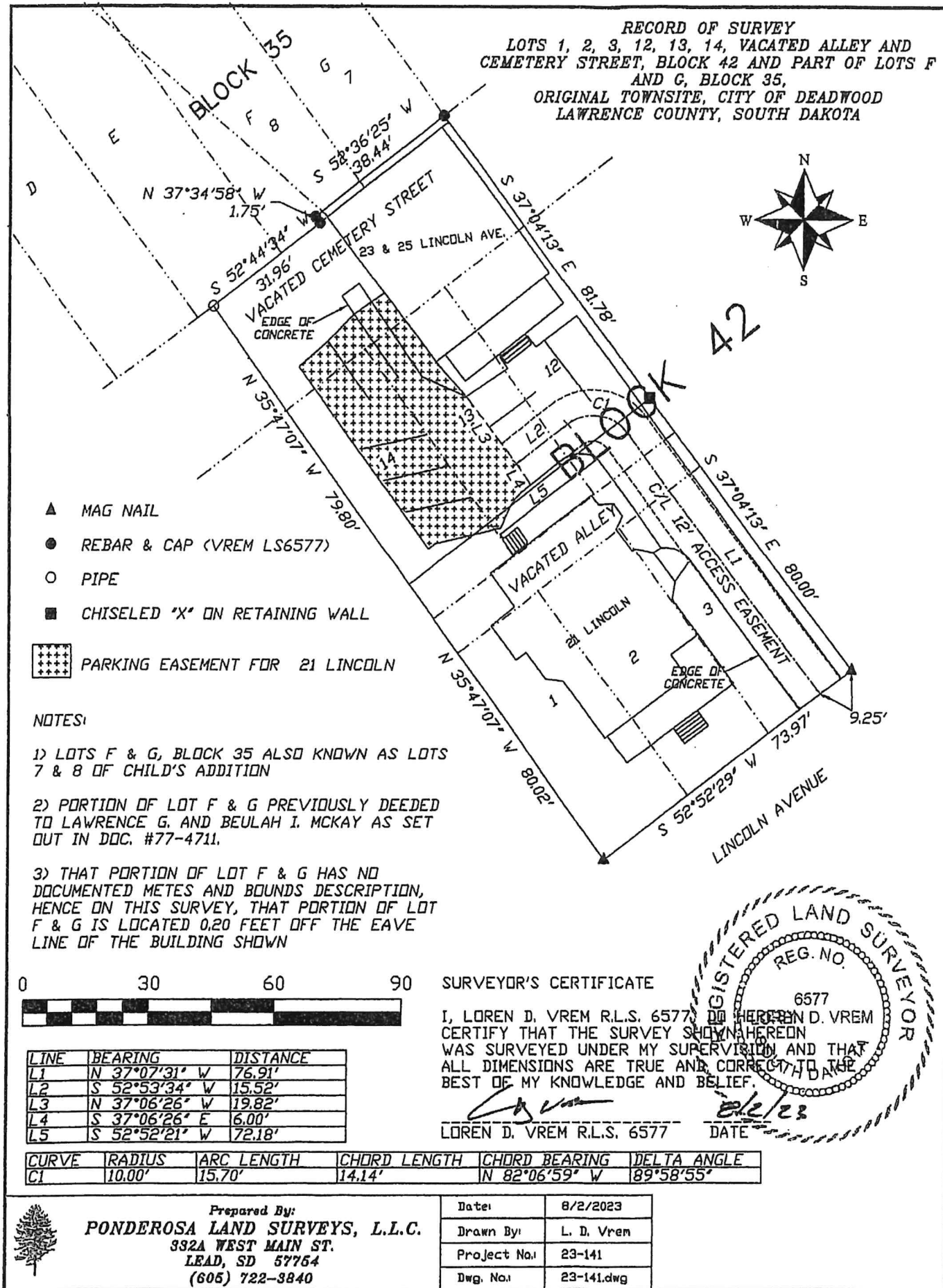
Signature of Property Owner: Arnon Sternhagen Date: 4/16/24

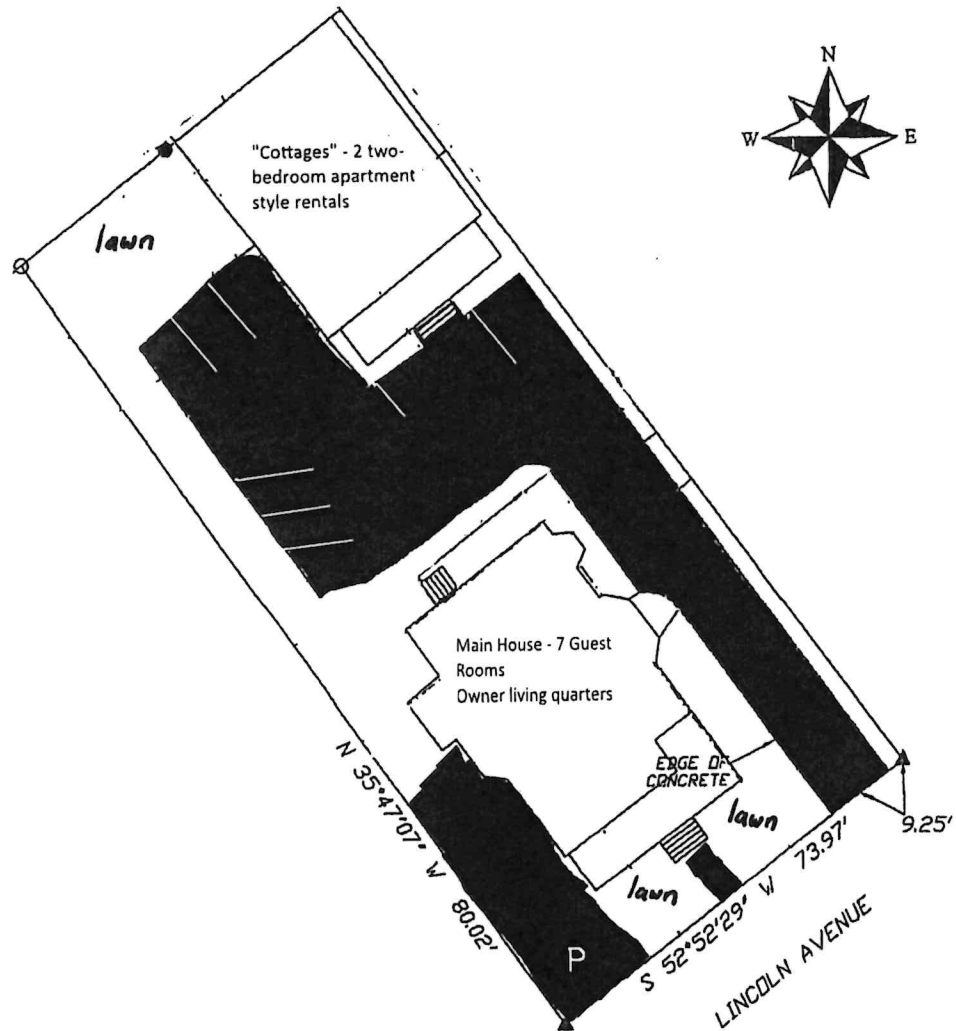
Fee: \$ 500 Paid On 4/16/24 Receipt Number 192926

Legal Notice Published _____ Date: _____ Hearing Date: _____

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

Reason for Denial (if necessary): _____





The Main House comprises 7 Guest Rooms and 6 Guest Bathrooms, over three stories, with an additional one-bedroom manager apartment in the basement

The "Cottages" comprise 2 two-bedroom apartments on a single story

All black shading represents concrete off-street parking available to guests



Aaron Sternhagen
1017 Gushurst Street
Lead, SD 57754

April 15, 2024

Deadwood Planning and Zoning
108 Sherman Street
Deadwood, SD 57732

To Whom it May Concern,

I am submitting herewith an application for a conditional use permit to operate a bed and breakfast at 21 Lincoln Ave in the Presidential District of Deadwood. The property currently operates as a bed and breakfast under the business name "1899 Inn" and has been managed by Tom and Nyla Griffith for the last 4-5 years. I am currently under contract to purchase the turn-key operation, and hope to begin management by June 1st, 2024, the start of the busy tourism season in Deadwood.

The property consists of two historic buildings with a concrete parking area poured therebetween. The "Main House" comprises seven guest bedrooms with manager living quarters in the basement. The first floor of the Main House offers a formal dining room along with one guest room, and the remaining six guest rooms are located on the second and third floors of the home. The "Cottages" are comprised of two two-bedroom apartment style rentals, each with their own kitchen and bathroom. A concrete driveway and parking lot has been poured between the two buildings to provide a drop-off area and off-street parking for guests.

The manager/owner of the property will reside full-time in the basement apartment of the Main House, and will be on-site to assist guests with parking, checking in, and the like. Breakfast will be served on a daily basis, being available to guests of both the Main House and the Cottages, but not available to the general public. I am requesting that a single Conditional Use Permit be granted for both buildings, encompassing the entirety of the 9 units, and I will maintain the necessary licenses with the City of Deadwood and State of South Dakota.

This property has been a valuable historic asset to Deadwood for over a century, and I am excited and honored to share it with the visitors of our wild-west town.

Please feel free to contact me with any information or concerns.

Kind Regards,



Aaron Sternhagen

605-580-4911

NOTICE OF PUBLIC HEARING BEFORE THE PLANNING AND ZONING COMMISSION

City of Deadwood
Planning and Zoning Commission
Deadwood, South Dakota 57732

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the operations for a double unit Bed and Breakfast as allowed under Section 17.24.030 Conditional Uses.

APPLICANTS: Aaron Sternhagen

LEGAL DESCRIPTION: LOTS 12, 13 AND 14, BLOCK 42 IN THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, EXCEPT THE SOUTHEASTERLY 10 FEET OF LOTS 12, 13 AND 14 AND ONE-HALF OF THE VACATED ALLEY, BLOCK 42, PREVIOUSLY CONVEYED TO DENNIS L. MCKAY AND LINDA M. MCKAY.

ALSO THAT PORTION OF LOTS E, F, AND G, BLOCK 35 OF PROBATE LOT 226 AND SOMETIMES REFERRED TO AS CHILD'S ADDITION TO THE CITY OF DEADWOOD, QUIT CLAIMED BY FRANCIS CANEVA TO LAWRENCE C. MCCKAY, ALL ACCORDING TO THE P.L. ROGERS MAP OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

ADDRESS: 25 Lincoln Avenue

ZONE: R1 – Residential


NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, May 1, 2024, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted.

NOTICE IS FURTHER GIVEN, that the proposed request for a Bed and Breakfast is on file and available for public examination at the Deadwood Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

Dated this April 16, 2024.

City of Deadwood, Lawrence County, South Dakota



Kevin Kuchenbecker
Planning, Zoning and Historic Preservation Officer

PUBLISH: Black Hills Pioneer: April ____, 2024

Published once at the total approximate cost of \$ ____

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



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

Public Notification

Date: April 18, 2024
To: Deadwood Property Owner / Resident
From: Kevin Kuchenbecker
Planning, Zoning & Historic Preservation Officer
RE: Request for Conditional Use Permit for Specialty Resort

NOTICE IS HEREBY GIVEN, that the following person(s) has applied to the City of Deadwood Planning and Zoning Office for a Conditional Use Permit for the operations of a Bed and Breakfast as allowed under Section 17.24.030 Conditional Uses under Bed and Breakfast.

APPLICANT(S): Aaron Sternhagen

LEGAL DESCRIPTION: LOTS 12, 13 AND 14, BLOCK 42 IN THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA, EXCEPT THE SOUTHEASTERLY 10 FEET OF LOTS 12, 13 AND 14 AND ONE-HALF OF THE VACATED ALLEY, BLOCK 42, PREVIOUSLY CONVEYED TO DENNIS L. MCKAY AND LINDA M. MCKAY. ALSO THAT PORTION OF LOTS E, F, AND G, BLOCK 35 OF PROBATE LOT 226 AND SOMETIMES REFERRED TO AS CHILD'S ADDITION TO THE CITY OF DEADWOOD, QUIT CLAIMED BY FRANCIS CANEVA TO LAWRENCE C. MCCKAY, ALL ACCORDING TO THE P.L. ROGERS MAP OF THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

ADDRESS: 25 Lincoln Avenue

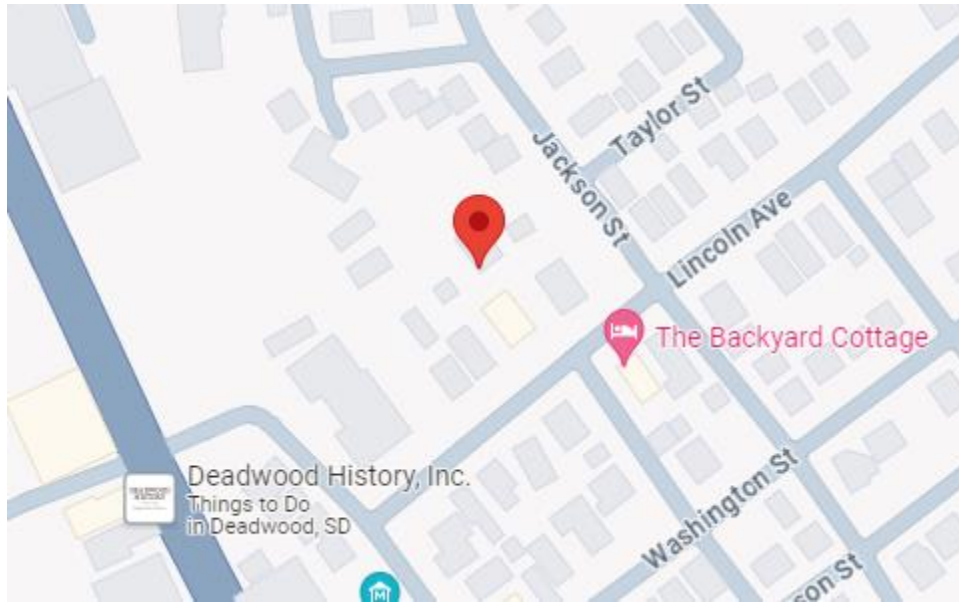
NOTICE IS FURTHER GIVEN that said application will be heard by the Planning and Zoning Commission within and for the City of Deadwood, State of South Dakota, at a regular meeting to be held Wednesday, May 1, 2024, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, will at 4:00 p.m. or soon thereafter as the matter at which time and place any such person interested may appear and show cause if there be any, why such special exception should not be granted. A public hearing will also be held by the Deadwood City Commission at 5:00 p.m. on Monday, May 20, 2024, at the same location.

NOTICE IS FURTHER GIVEN, that the proposed request for a Bed and Breakfast Establishment is on file and available for public examination at the Deadwood Planning and Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

ANY interested person or his/her agent is invited to submit oral or written comments or suggestions regarding the request to the Commissions or their agent prior to or at the public hearing.

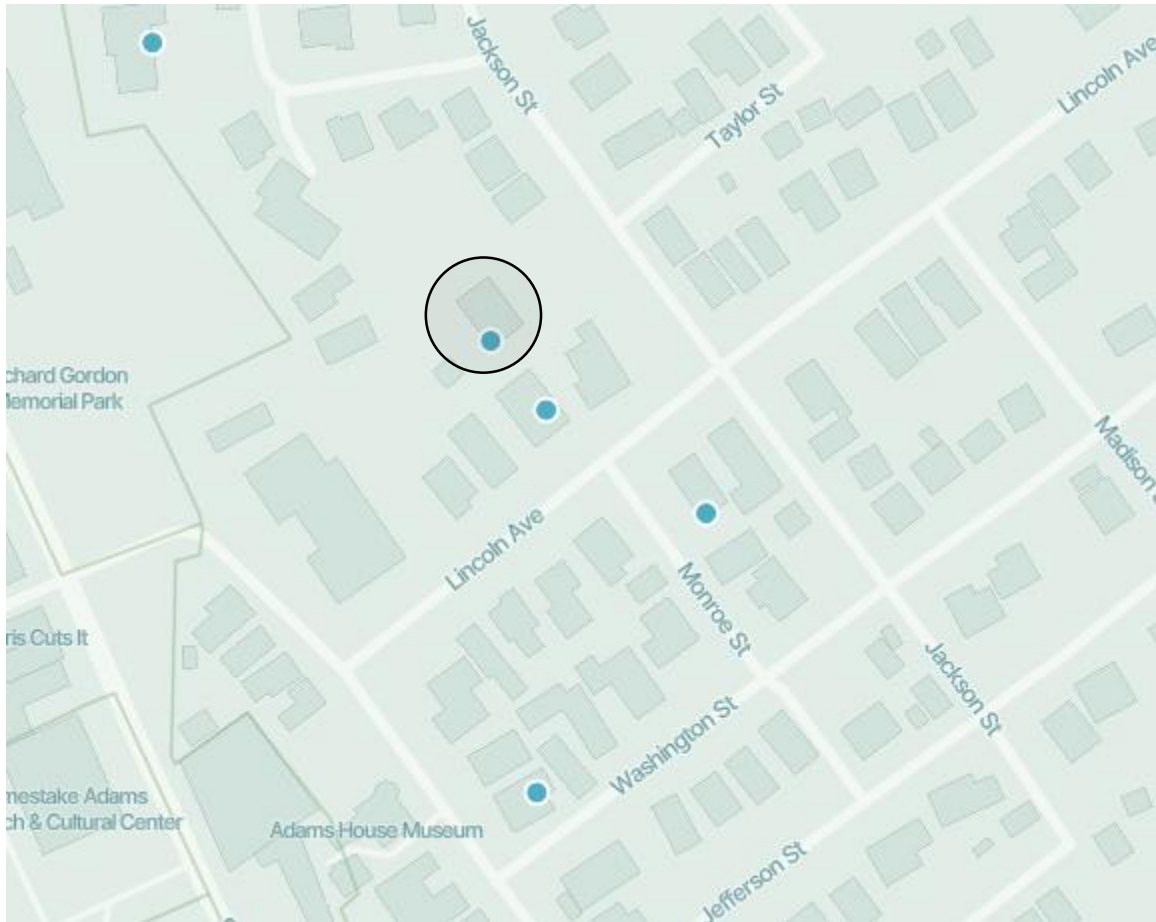
The purpose of this mailed notice is to reasonably inform the surrounding property owners of the applications for a Conditional Use Permit and to inform you of the type of use being requested.

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



Map showing location of 25 Lincoln Ave, Deadwood, SD 57732.





Map showing location(s) of Short-Term Rentals near 25 Lincoln Ave.





Aerial view of 25 Lincoln Ave, Deadwood, SD 57732.



April 22, 2024

Louie Lalonde
65 Taylor Ave
Deadwood, SD 57732

To whom it may concern:

I live behind the property requesting a Conditional Use Permit for the use of a Specialty Resort. On occasion I have to walk by said property and during the summer months our windows are always open or we're busy in our backyard. In the 14 years that it has been owned by Dustin and Laura Floyd and then Tom and Nyla Griffith, there has never been an occasion that the Inn seemed like anything other than a quiet Bed & Breakfast. The customers that frequent such properties are typically older reserved individuals. They appreciate the unique personal attention that is given to each guest. The reviews that are available for anyone to read, expound upon the magnificent breakfasts and never-ending story telling that is always available for all. Believe me, a Bed & Breakfast that is managed in its true classic sense is a lot of work and basically consumes your life. Unfortunately, it is also becoming something of the past. Deadwood is so fortunate to have had these two families dedicate their lives to taking care and entertaining our visitors. It's a first-class operation that our community is proud of and I'm confident that Aaron will step into this role and do the same.

For the reasons listed above, I am 100% in favor of a Conditional Use Permit being issued to Aaron Sternhagen for 21 Lincoln Ave and 25 Lincoln Ave.

Sincerely,



Louie Lalonde

**JAMES W. OLSON
65 TAYLOR AVENUE
DEADWOOD, SOUTH DAKOTA 57332**

January 8, 2024

Deadwood Planning & Zoning
108 Sherman Street
Deadwood, South Dakota 57732

RE: Aaron Sternhagen Request for Conditional Use Permit

Dear Sir or Madam:

I live immediately behind the property in question. It is currently a bed and breakfast, and I am steadfastly behind the issuance of the Conditional Use Permit by Aaron Sternhagen. Over the years I have observed the comings and goings of renters, and I can recall no unpleasant occurrences.

In fact, when operated by Tom and Nyla Griffith and their predecessors, my experience is notable for the absence of problems:

1. No drunken behavior.
2. No loud parties.
3. No police calls; and
4. No difficulties of any kind whatsoever.

The have been the best of neighbors, treating everyone with respect despite being situated next to the most difficult and unpleasant of neighbors. I am confident Mr. Sternhagen will continue this high level of conduct.

I wholeheartedly support Mr. Sternhagen's Petition without reservation. I ask the Board to grant his position.

Sincerely,

A handwritten signature in black ink, appearing to read 'James W. Olson', with a large, stylized loop on the left side.

James W. Olson

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



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

MEMORANDUM

Date: May 1, 2024
To: Planning & Zoning Commission
From: Kevin Kuchenbecker,
Planning, Zoning and Historic Preservation Officer
Re: Amendment to Municipal Code 17.53

The Planning & Zoning Office has been directed by the Deadwood City Commission to develop a proposed amendment to Chapter 17.53 – Transient Commercial Use of Property of the Deadwood Codified Ordinances. The amendment would add density restrictions to Short-Term Rentals located in C1-Commercial, CH-Commercial Highway and CE – Commercial Enterprise zoning districts.

Under current zoning regulations, Short-Term Rental establishments that are located within commercially zoned districts do not have density restrictions. The amendment would disallow a Short-Term Rental to be located on a lot closer than two hundred (200) feet from any other lot occupied by a structure used as a Short-Term Rental except for the local historic district (core historic commercial district). Existing Short-Term Rental establishments would become legal non-conforming (grandfathered) and have an exception to the amendment.

Recommended Motion:

Recommendation to the City Commission for the amendment to Chapter 17.53 of the Municipal Code as do pass.

CHAPTER 17.53 TRANSIENT COMMERCIAL USE OF PROPERTY--PROHIBITED

17.53.010 Purpose

17.53.020 Definitions

17.53.030 Permission

17.53.040 Exception

17.53.050 Liability And Enforcement

17.53.060 Violation--Penalty

17.53.010 Purpose

The purpose of this chapter is to:

- A. Preserve the historic character and protect the City of Deadwood's local, state and national historic districts and resources including the Deadwood National Historic Landmark District.
- B. Protect the community-oriented, family friendly quality and values of the neighborhoods within Deadwood.
- C. Balance the rights of property owners and neighbors.
- D. Retain a strong housing stock available for families, full-time residents, and the local workforce.
- E. Support a balance between owner-occupied / long-term rentals and the tourism-oriented industry which fuels Deadwood's economy.
- F. Grow the community to provide a variety of housing options while ensuring the infrastructure needs of Deadwood are maintained.

(Ord. 1022 (part), 2004)

HISTORY

Amended by Ord. [1370](#) on 5/1/2023

17.53.020 Definitions

- A. Except as otherwise defined or where the context otherwise indicates, the following defined words shall have the following meaning:

"Bed and Breakfast establishment" **is defined under Chapter 17.08.010.**

"Person" means an individual, a group of individuals, or an association, firm, partnership, corporation or other entity, public or private.

"Remuneration" means compensation, money, rent, or other bargained for consideration given in return for occupancy, possession, or use of real property.

"Residential property" means any single-family dwelling unit or structure located on one or more contiguous lots of record within the R-1 residential district and R-2 multi-family residential district.

"Short-Term Rentals" is defined under Chapter 17.08.010.

"Specialty resort" is defined under Chapter 17.08.010.

"Transient" means a period of time less than thirty (30) consecutive calendar days.

"Transient commercial use of property" means the commercial use, by any person, of residential property for bed and breakfast, hostel, hotel, inn, lodging, motel, resort or other transient lodging uses where the term of occupancy, possession or tenancy of the property by the person entitled to such occupancy, possession or tenancy is for less than thirty (30) consecutive calendar days.

"Vacation home establishment" is defined under Chapter 17.08.010.

- B. The definitions herein include the singular and plural meanings of each defined word.

(Ord. 1022 (part), 2004)

HISTORY

Amended by Ord. [1370](#) on 5/1/2023

17.53.030 Permission

A. Bed and Breakfast Establishment

1. No bed and breakfast establishment shall be located on a lot closer than two hundred (200) feet from any other lot occupied with a structure used as a bed and breakfast establishment in R1 and R2 zoning districts;
2. Applicants proposing tandem parking shall be required to provide a control board for the keys of the guests. The owner/manager shall be responsible for the control board; and,
3. Existing Bed and Breakfast establishments, operating and approved by the City of Deadwood prior to April 1, 2023, and in continuance use, shall remain authorized if the existing locations do not meet A.1 above until conditions outlined in Chapter 17.76 take effect.

B. Specialty Resort Establishment

1. Specialty Resort establishments are strictly prohibited in R1 and R2 zoning districts.
2. Specialty Resort Establishments shall only be located in upper floors of commercial structures within the local historic district boundaries.
3. No Specialty Resort Establishment shall be located on a lot closer than two hundred (200) feet from any other lot occupied by a structure used as a Specialty Resort Establishment unless located on the upper floors of a historic commercial structure within the local historic district boundaries.
4. Existing specialty resort establishments, operating and approved by the City of Deadwood prior to April 1, 2023, and in continuance use, shall remain authorized until conditions outlined in Chapter 17.76 take effect.

C. Vacation Home Establishment

1. Vacation Home Establishments are strictly prohibited in R1 and R2 zoning districts with the exceptions under 17.53.040.
 2. Vacation Home Establishments shall only be located in upper floors of commercial structures within the local historic district boundaries.
 3. No Vacation Home Establishment shall be located on a lot closer than two hundred (200) feet from any other lot occupied by a structure used as a Vacation Home Establishment unless located on the upper floors of a historic commercial structure within the local historic district boundaries.
 4. Existing Vacation Home Establishments, operating and approved by the City of Deadwood prior to April 1, 2023, and in continuance use, shall remain authorized conditions outlined in Chapter 17.76 take effect.
- D. All Short Term Rentals (Bed and Breakfast Establishments, Specialty Resort Establishments and Vacation Home Establishments shall comply with the following:
1. The Deadwood building inspector shall have the right to inspect the premises to ensure compliance with the Building Code under Title 15.
 2. First floor use for short-term rentals are prohibited within the local historic district as defined under this Title.
 3. The subject property proposed for a short-term rental shall be required to provide the following:
 1. Obtain a Conditional Use Permit from the City of Deadwood through the process established in Chapter 17.76;
 2. Establishment of commercial water, sewer, and refuse accounts, if they have not been established for subject premises;
 3. Proof of required South Dakota state tax certificates which shall be provided to the planning and zoning office for their files;
 4. Proof of Lodging License from the South Dakota Department of Health which shall be provide to the planning and zoning office for their files;
 5. Proof of enrollment with business improvement district(s) as a short-term rental establishment; and,
 6. Obtaining and maintaining City of Deadwood business license and short-term rental licenses.

(Ord. 1022 (part), 2004)

HISTORY

Amended by Ord. [1370](#) on 5/1/2023

17.53.040 Exception

1. This ordinance shall not apply to transient commercial use of residential property for remuneration for a period of fourteen (14) days or less during the month of August, commencing four days immediately preceding the official start of the Sturgis Motorcycle Rally and ending three days after the end of the Sturgis Motorcycle Rally each year.
2. Vacation home establishments may be allowed in planned unit developments with an approved plan through the planning and zoning commission and city commission where said vacation home establishments are adjacent and contiguous to one another with the percentage of lots dedicated to vacation home establishments not exceed 10% of the total number of platted lots within the planned unit development served by improvements complying with Chapter 16.05.020.
3. Vacation home establishments shall remain prohibited in R1 and R2 zoning districts within the boundaries of the Deadwood City Limits.

(Ord. 1022 (part), 2004)

HISTORY

Amended by Ord. [1370](#) on 5/1/2023

Amended by Ord. [1380](#) on 8/7/2023

17.53.050 Liability And Enforcement

1. Any person or legal entity acting as agent, real estate broker, real estate sales agent, property manager, reservation service or otherwise who arranges or negotiates for the use of residential property in violation of the provisions of this section shall be guilty of a violation as defined in this chapter for each day in which such residential property is used, or allowed to be used, in violation of this chapter.
2. Any person or legal entity who uses, or allows the use, of residential property in violation of the provisions of this chapter shall be guilty of a violation as defined in this chapter as an infraction for each day in which such residential property is used, or allowed to be used, in violation of this chapter.

(Ord. 1022 (part), 2004)

HISTORY

Amended by Ord. [1370](#) on 5/1/2023

17.53.060 Violation--Penalty

Citations will be issued to any person or legal entity who violates this title or any amendment hereto. The person or legal entity upon being found guilty, shall be punished as for a misdemeanor, and any court having jurisdiction of misdemeanor cases shall have jurisdiction to try said person or legal entity and upon finding them guilty, shall be guilty of a Class 2 misdemeanor punishable by the maximum sentence as set forth in SDCL imprisonment22-6-2 Each day that any violation of this title is in effect shall constitute a separate offense.

(Ord. 1022 (part), 2004)

HISTORY

Amended by Ord. [1370](#) on 5/1/2023

HISTORIC BLACK HILLS STUDIOS

HOME OF THE FASSBENDER PHOTOGRAPHIC COLLECTION

Prints for Sale

Select images will soon be on sale in the gift shop at the Days of '76 Museum in Deadwood. The print size will be 13"x19".



Photography Quote:

"If you are out there shooting, things will happen for you. If you're not out there, you'll only hear about it."

– Jay Maisel



Exhibit at Days of '76

An exhibit featuring both photography and equipment from the Fassbender Photographic Collection is now on display at the Days of '76 Museum in Deadwood. Most of the photographs have been stored at the Homestake Adams Research & Cultural Center and Lead City Hall. However, most of the rest of the artifacts have been in cold storage. The new exhibit will finally give visitors a look at some of those previously stored darkroom, studio and camera items.

Right: Deadwood History, Inc. curator of collections Sherri Hall moves an old projector to storage to make room for artifacts and photos from the Fassbender Photographic Collection.



Below: Members of the Fassbender Photographic Collection board visit the exhibit after a recent meeting. Pictured are Vicki Dar, John Martinisko, Jerry Krambeck, Paul Young, Denelle Sprigler and Elise Fowlkes.

The exhibit can be viewed at the Days of '76 Museum in Deadwood from 10am-4pm daily and 9am-5pm daily beginning May 1.



Recently Digitized

Variety of views of Lee St. and railroad in Deadwood ca. 1960s.



Photography Community

- **Black Hills Focus Group**
(historicblackhillstudios.org/BHFG)
- **Black Hills Photography Club**
(blackhillsp photographyclub.com)
- **Black Hills Photo Shootout** and related photography events
(blackhillsp photoshootout.com)

Exhibit at Days of '76 (cont. from pg. 1)



Above: A couple of darkroom timers typically used for processing film and exposing light-sensitive papers for printing. The Gralab Model 168 darkroom timer, left, is a model from the 1950s. The Time-O-Lite M-49, right, was produced in the 1940s.



Left: DHI Curator of Collections Sherri Hall and Archivist Tia Stenson Cunningham prepare to mount a large print to foam core. Large images provide a background to the other objects featured in the exhibit.

Below: Conley Folding Bed Revolving Back Camera for 5x7 plates circa 1907.

