



# Planning and Zoning Commission Regular Meeting Agenda

Wednesday, August 21, 2024 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

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1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes**

- a. Approve the minutes from the July 17, 2024 Planning & Zoning Commission meeting.

4. **Sign Review Commission**

- a. Application for Sign Permit - 638 Main Street - Madame Peacocks (Julie Koth). Applicant is requesting permission to replace existing projecting sign with new projecting sign. Sign and location are compliant with sign ordinance.

Actions:

1. Approve/deny Application for Sign Permit.

5. **Planning and Zoning Commission**

- a. Annual Review - Conditional Use Permit - Specialty Resort - 20577 Highway 85 - Can Am 85 VRBO-RV (B. Kooiker) legally described as Lot A in Lot H2 of H.E.S. No. 613 in the NE 1/4 of Section 11, T5N, R3E, BHM, Lawrence County, South Dakota and Lot C in H.E.S. No 613 in the NE 1/4 of Section 11, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Public Comment  
2. Approve/Deny/Approve with Conditions

- b. Annual Review - Conditional Use Permit - Vacation Home Establishment - 64 Cliff Street - Owson Properties, LLC (M. Sneesby) legally described as Lot X2 of Riverside Addition City of Deadwood, Lawrence County, South Dakota, formerly Lot X of Riverside Addition located in the NE 1/4 of Section 27, T5N, R3E, B.H.M.

Actions:

1. Public Comment  
2. Approve/Deny/Approve with Conditions

- c. Review Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment – 140 Timm Lane – Glen Morovits legally described as 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. (Approved with conditions by Board of Adjustment on May 20, 2024).

[d.](#) Review Findings of Fact and Conclusion - Conditional Use Permit - Specialty Resort – 21 Lincoln Avenue – Aaron Sternhagen legally described as 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. (Approved with conditions by P&Z Commission on May 1, 2024 and Board of Adjustment on May 20, 2024).

[e.](#) Review Findings of Fact and Conclusion - Conditional Use Permit - Bed and Breakfast – 25 Lincoln Avenue – Aaron Sternhagen legally described as 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. McKay, all according to the P.L. Rogers map of the City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by Board of Adjustment on May 20, 2024).

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

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

7. **Items from Staff**

[a.](#) Fassbender Photographic Collection Newsletter 2nd Quarter 2024

8. **Adjournment**

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



# Planning and Zoning Commission Regular Meeting Minutes

Wednesday, July 17, 2024 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

## 1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, July 17, 2024, at 4:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

## 2. Roll Call

PRESENT

Commissioner (Chair) John Martinisko  
 Commissioner (Vice-Chair) Josh Keehn  
 Commissioner (Secretary) Dave Bruce  
 Commissioner Charles Eagleson  
 Commissioner Ken Owens  
 City Commissioner Blake Joseph  
 Quentin Riggins, City Attorney

STAFF PRESENT

Kevin Kuchenbecker - Planning, Zoning, and Historic Preservation Officer  
 Trent Moore – Building Inspector  
 Leah Blue-Jones – Zoning Coordinator  
 Justin Lux – Parking and Transportation Director

## 3. Approval of Minutes

- a. Approve the minutes from the July 3, 2024 Planning and Zoning Commission Meeting.

***It was moved by Commissioner Keehn and seconded by Commissioner Eagleson to approve the minutes from the July 3, 2024 Planning and Zoning Commission meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

## 4. Sign Review Commission

- a. Application for Sign Permit - 667 Main Street - Tootsie's Taproom (Nick Bennet). Applicant is requesting permission to install vinyl window signs for new business. Signs and locations are compliant with sign ordinance.

Actions:

1. Approve/deny Application for Sign Permit.

Mr. Mohr introduced Application for Sign Permit - 667 Main Street - Tootsie's Taproom (Nick Bennet). Four (4) window signs are requested. Signs and locations are compliant with sign ordinance.

***It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Application for Sign Permit - 667 Main Street - Tootsie's Taproom (Nick Bennet). Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

## **5. Planning and Zoning Commission**

- a. Annual Review – Conditional Use Permit – Bed & Breakfast Establishment – 7 Burlington Street (Jay & Pam Smith) legally described as Lot 4 of Peck's Garden Subdivision of part of Probate Lots 138 and 327, Deadwood City, Lawrence County, SD, according to the recorded plat thereof.

Actions:

1. Public Comment
2. Approve/Deny continued use of Conditional Use Permit

Mr. Kuchenbecker shared Annual Review - Conditional Use Permit - Bed & Breakfast Establishment - 7 Burlington Street (Jay & Pam Smith) and introduced Ms. Pam Smith to the commission. Details of the Staff Report were discussed. The Conditional Use Permit was originally issued with eight (8) conditions and the business has maintained compliance for the past year since opening.

Commissioner Eagleson inquired as to the number of other Bed & Breakfasts in the Peck Gardens Neighborhood. Ms. Blue-Jones responded there were no others besides the one at 7 Burlington Street.

Commissioner Eagleson asked if the owners were onsite. Ms. Smith stated that she lives on the grounds, in the main house.

***It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Annual Review - Conditional Use Permit - Bed & Breakfast Establishment - 7 Burlington Street (Jay & Pam Smith) with eight (8) conditions. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

- b. Continuation of Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 7 Spring Street (Kenneth Steier) legally described as Lots X, a replat of Lots 1, 2, and 3, Block 1, Miricks Addition and a portion of MS 735, located in the City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Public discussion
2. Approve/Deny continued use of Conditional Use Permit

Mr. Kuchenbecker discussed Continuation of Annual Review - Conditional Use Permit - Bed and Breakfast Establishment - 7 Spring Street (Kenneth Steier) and introduced Kenneth and Lee Steier, property owners, as well as Amber Galbraith, Property Manager, to the Commission. Details of the Staff Report were discussed. During the June 19, 2024, Planning and Zoning meeting, twelve (12) conditions were recommended by the Commission to allow for the continued use of the Conditional Use Permit – Bed and Breakfast Establishment. Mr. Kuchenbecker reminded the Commission the property is licensed as a Bed and Breakfast establishment with the

City of Deadwood, but as a Vacation Home Establishment with the State of South Dakota. In Deadwood, Vacation Home Establishments are prohibited in R2 - Multi-Family Residential districts, which is where the property is located.

Ms. Galbraith stated, unbeknownst to her, the State of South Dakota Department of Health (SDDOH) changed their license from a Specialty Resort to a Vacation Home Establishment instead of a Bed and Breakfast. However, she would like to ask the Commission to allow them to continue to operate as a Vacation Home Establishment and requested the city grandfather them in, pursuant to South Dakota Codified Law 11-6-39 since they have never ceased operations as a Vacation Home Establishment. Quentin Riggins responded that SDCL 11-6-39 would not apply in this instance since the original Conditional Use Permit was issued for a Bed and Breakfast. A grandfathered use would mean utilizing the property as the originally permitted purpose, which was for a Bed and Breakfast. Even if a brand-new Conditional Use Permit was issued, it could only be issued for a Bed and Breakfast, and not for a Vacation Home Establishment, since a Vacation Home Establishment is not permitted in an R2-Multi-Family Residential district.

Commissioner Owens asked if the property would need to meet the criteria for a Bed and Breakfast to continue operations as a Short-Term Rental establishment. Mr. Riggins responded in the affirmative. The owner, or agent, must be onsite and a family style meal must be served per city ordinance.

Ms. Galbraith stated the SDDOH told her she doesn't have to serve a meal and most places serve granola bars or provide coupons. Commissioner Martinisko responded that the city can be more restrictive than the state and reiterated that a family style meal must be served. In addition, and more importantly, someone must be onsite to ensure parking and noise regulations are being tended to, and to meet the intent of the ordinance.

Ms. Steier stated the property has not had any recent complaints. Commissioner Martinisko responded despite whether there have been any complaints, someone must be on site. It would be unfair for a single property with a Bed and Breakfast to be allowed to have no owner or agent onsite, while all other Bed and Breakfasts must comply with the ordinance.

Commissioner Bruce asked how the owners plan to comply with having someone on site. Ms. Galbraith responded that a small cabin could be built on an adjacent lot, or the neighboring property could be purchased and lived in. Commissioner Bruce asked if an agent could utilize one of the rooms within the existing house to meet the onsite requirements. Ms. Galbraith responded that other Bed and Breakfasts don't do that, and they would prefer not to either.

Mr. Steier stated even an onsite caretaker could leave the premises after check-in and inquired how the city would enforce that matter. Mr. Kuchenbecker responded an onsite agent could leave the premises when they need to, but ultimately resides at the property. Mr. Steier said he is always available by phone, which is the same thing. Mr. Riggins responded if an owner or agent is available by phone and not onsite, the property is a Vacation Home Establishment, not a Bed and Breakfast. Mr.

Steier said he would like to comply with city ordinance, but having someone onsite will be difficult since he does not intend to live there.

Ms. Galbraith and Mr. Steier stated that everyone in town has known they have continually operated as a Vacation Home Establishment and while they don't want to be treated special, they want to find a way to be grandfathered in so they can continue running their business as they have been. Commissioner Martinisko reiterated that grandfathering a Conditional Use Permit for 7 Spring Street would mean the original use permitted for the property would need to be used, and since the Conditional Use Permit was originally issued for a Bed and Breakfast, a grandfathering would mean that Bed and Breakfast rules would apply. Commissioner Martinisko further noted that the establishment has been out of compliance for over twenty (20) years and the city is now enforcing compliance with the ordinances.

Discussion occurred about the types of structures allowed to be built in an R2 – Multi-Family Residential district which could be utilized as a dwelling unit for an agent of the owner.

Commissioner Owens inquired as to how long the booking window for the property is. Ms. Galbraith responded there were some for the summer, and a few in September. Commissioner Owens stated the Commission does not wish to provide the owners time to come into compliance only to have the owners use upcoming bookings as an excuse to continue to require extensions on meeting compliance requirements. Ms. Galbraith responded she intends to update to a Bed and Breakfast license with the SDDOH and it should get done quickly.

Commissioner Bruce suggested a short period of time be provided to the owners to decide their course of action to comply with all twelve (12) conditions of the Conditional Use Permit. Mr. Riggins suggested the Commission consider an approval of the Conditional Use Permit under the condition that all twelve (12) conditions are met, and the property comes into full compliance by the time of the next annual review in June 2025. In addition, a further review within sixty (60) days of today's meeting should be held to discuss the owner's plans to come into compliance with having an agent on site.

***It was moved by Commissioner Owens and seconded by Commissioner Eagleson to temporarily approve Conditional Use Permit - Bed and Breakfast Establishment - 7 Spring Street (Kenneth Steier) for sixty (60) days with the following ten (10) conditions must be met, or continue to be met, immediately.***

1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
2. The City of Deadwood Building Inspector shall have the right to inspect the premises to ensure compliance with the Building Code under Title 15.
3. Proof of a state sales tax number must be provided to the Planning and Zoning Office for their files.
4. City water and sewer rates to remain changed from residential to commercial rates.
5. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.

6. Maintain a City of Deadwood Business License.
7. All parking shall be off street.
8. No more than ten (10) guests permitted to stay overnight.
9. No large gatherings or events shall be held at the property.
10. Family style meal(s) must be provided for all overnight guests.

***AND, in addition the following items must be completed and submitted to the City of Deadwood Planning and Zoning Office no later than Monday, September 16, 2024:***

1. Obtain and maintain a Bed & Breakfast Lodging License from the South Dakota Department of Health (SDDOH) and surrender the SDDOH Vacation Home Establishment license with final copy to the Planning and Zoning Office for their files.
2. The owner or the owner's agent is required to reside in the Bed and Breakfast Establishment or on contiguous property when guests are present. A detailed plan must be submitted within 60 days showing how you intend to meet this requirement prior to the next annual review.

***Once these two (2) items are received, a review of the submitted items by the Planning and Zoning Commission will be scheduled. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.***

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

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

#### **7. Items from Staff**

Mr. Kuchenbecker discussed the FEMA project. Curb, gutter and trenching for utilities is occurring behind City Hall. A curb, gutter and sidewalk will also be installed up to Cemetery Street. The creek bank behind the Comfort Inn has been stabilized.

The Whitewood Creek boardwalk is going well. An archaeological feature was discovered during construction. It is a culvert associated with the railroad from approximately 1890 built from Deadwood Formation rock and railroad track roof.

The Vacation Home Establishment located at 29 Lee Street has been given until August 31 to come into compliance with Ordinance 17.53.030.D.2.

#### **8. Adjournment**

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

There being no further business, the Planning and Zoning Commission adjourned at 4:58 p.m.

ATTEST:

\_\_\_\_\_  
Chairman, Planning & Zoning Commission

***Leah Blue-Jones, Planning & Zoning Coordinator***

\_\_\_\_\_  
Secretary, Planning & Zoning Commission

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



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

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

# SIGN PERMIT STAFF REPORT

Sign Review Commission

August 21, 2024

**Applicant:** Julie Koth

**Address:** 638 Main Street, Deadwood, SD 57732

**Site Address of Proposed Signage:** 638 Main Street (Madame Peacocks)

## Computation of Sign Area

**Building Frontage:** 25 Feet

**Total Available Signage:** 50 Square Feet

**Existing Signage:** One projecting (16 Square Feet to be replaced)

**Remaining Available Signage Area:** 50 Square Feet

**Proposed Sign Project:** Replace existing projecting sign with a new sign with a slightly different design (16 Square Feet)

**Proposed Building Materials:** Wood and metal (see attached rendering)

**Proposed Lighting of the Signs:** External illumination

**Location of Proposed Sign:** Same location as existing, sign centered on the front of the building

## Discussion

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

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

The applicant wishes to replace the existing projecting sign with a new projecting sign of a different design in the same location.

The proposed sign and its location are compliant with the sign ordinance.



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## **Variances**

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

### **Sign Review Commission Action**

Motion to approve permit for new projecting sign at 638 Main Street

OR

Motion to deny proposed sign permit application as submitted.



**Tim Peterson**  
ARTIST  
 101 E. WASHINGTON ST. #111  
 DENVER, CO 80202  
 (603) 642-5794

Designed exclusively for <b>MADAME PEACOCK'S</b>	Date <b>7/16/21</b>
Address <b>638 MAIN ST. DEADWOOD</b>	Phone <b>603-559-1002</b>
<i>The prices, specifications, and conditions as described are satisfactory and are hereby accepted. You are authorized to do the work as specified.</i>	<b>50% DEPOSIT REQUIRED ON ALL WORK. BALANCE DUE ON COMPLETION.</b>
Signature _____	Date _____

This design is the property of the designer, and may not be reproduced in any manner without written permission.



**Tim Peterson**  
 122 E. WASHINGTON LODGE STE. C  
 BEAVERHILL, SD 57003  
 (605) 642-5794

Designed exclusively for <i>NEANE PEACOCKS</i>	Date: <i>7/16/21</i>
Address: <i>630 MAIN ST. DEERWOOD</i>	Phone: <i>605-559-1002</i>
<i>The prices, specifications, and conditions as described are satisfactory and are hereby accepted. You are authorized to do the work as specified.</i>	<b>50% DEPOSIT REQUIRED ON ALL WORK. BALANCE DUE ON COMPLETION.</b>
Signature: _____	Date: _____

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## Project specifications:

One double sided 32"h x 72" w aluminum/redwood and steel projecting sign as per sketch of 7/16/24

Primary panels of aluminum composite material (ACM)

Ribbon at bottom of layout cut out of a separate piece of ACM mounted on stand-offs

Cap on top and bottom of sign of redwood and aluminum

Top filigree with street number of ACM (text could be "EST. 2013"...)

All aluminum components clear coated with two-part urethane automotive enamel

Substructure of steel, redwood and aluminum

Installed using existing bracket

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:** August 21, 2024  
**From:** Kevin Kuchenbecker  
Planning, Zoning & Historic Preservation Officer  
**To:** Planning and Zoning Commission  
**RE:** Annual Review - Conditional Use Permit – Specialty Resort

**APPLICANT(S):** Can Am 85 VRBO-RV (Brad Kooiker)  
**PURPOSE:** Annual Review – Conditional Use Permit – Specialty Resort  
**ADDRESS:** 20577 Highway 85  
Deadwood, Lawrence County, South Dakota  
**LEGAL DESCRIPTION:** Lot A in Lot H2 of H.E.S. No. 613 in the NE ¼ of Section 11, T5N, R3E, BHM, Lawrence County, South Dakota  
  
And  
  
Lot C in H.E.S. No. 613 in the NE ¼ of Section 11, T5N, R3E, BHM, City of Deadwood, Lawrence County, South Dakota.  
**FILE STATUS:** All legal obligations have been completed.  
**ZONE:** CH – Commercial Highway

**STAFF FINDINGS:**

Surrounding Zoning:	Surrounding Land Uses:
North: CH – Commercial Highway	Business
South: R1 – Residential District	Undeveloped Land
East: N/A	Highway
West: N/A	Black Hills National Forest

**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 August 7, 2023, to operate a Specialty Resort establishment at 20577 Highway 85.

The subject property is located on Highway 85 and is surrounded by different zoning classifications, including Commercial Highway, Residential, and open land.

### **FACTUAL INFORMATION**

1. The property is currently zoned CH – Commercial Highway.
2. The subject property has access from Highway 85.
3. The property is not in a Flood Zone.
4. Adequate public facilities are available to serve the property.
5. The area is characterized by a mixture of business, highway and undeveloped land.

### **STAFF DISCUSSION**

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The applicant was granted a Conditional Use Permit for a Specialty Resort and City regulations permit Specialty Resorts in CH – Commercial Highway Districts with an approved Conditional Use Permit. The subject property is a multi-family building consisting of a total of three (3) bedrooms and two (2) bathrooms. Renters can park in multiple garage spaces on the property. RV parking is also available.

### **“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.

### **COMPLIANCE:**

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This Specialty Resort has been in continual use over the last 12 months.

According to Deckard – Rentalscape the property was booked 101 nights in the past 12 months and has received very good reviews.

No complaints are on record for this establishment.

## **GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:**

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

- A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district 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 continues to abide 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 CH – Commercial Highway 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, 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:**

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



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

- E. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof shall be given to the person(s) affected, together with notice that 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. State of South Dakota Sales Tax number has been provided to the Planning and Zoning Office for their files.
3. The Building Inspector has inspected the building, and it meets all the building codes.
4. Proper paperwork is filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
5. City of Deadwood Business License has been maintained.
6. Provide a copy of Lodging License from the South Dakota Department of Health to the Planning and Zoning Office for their files on an annual basis.
7. All parking shall be off street.

**ACTION REQUIRED FOR CONDITIONAL USE PERMIT:**

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1. Approval/Denial by Deadwood Planning and Zoning Commission



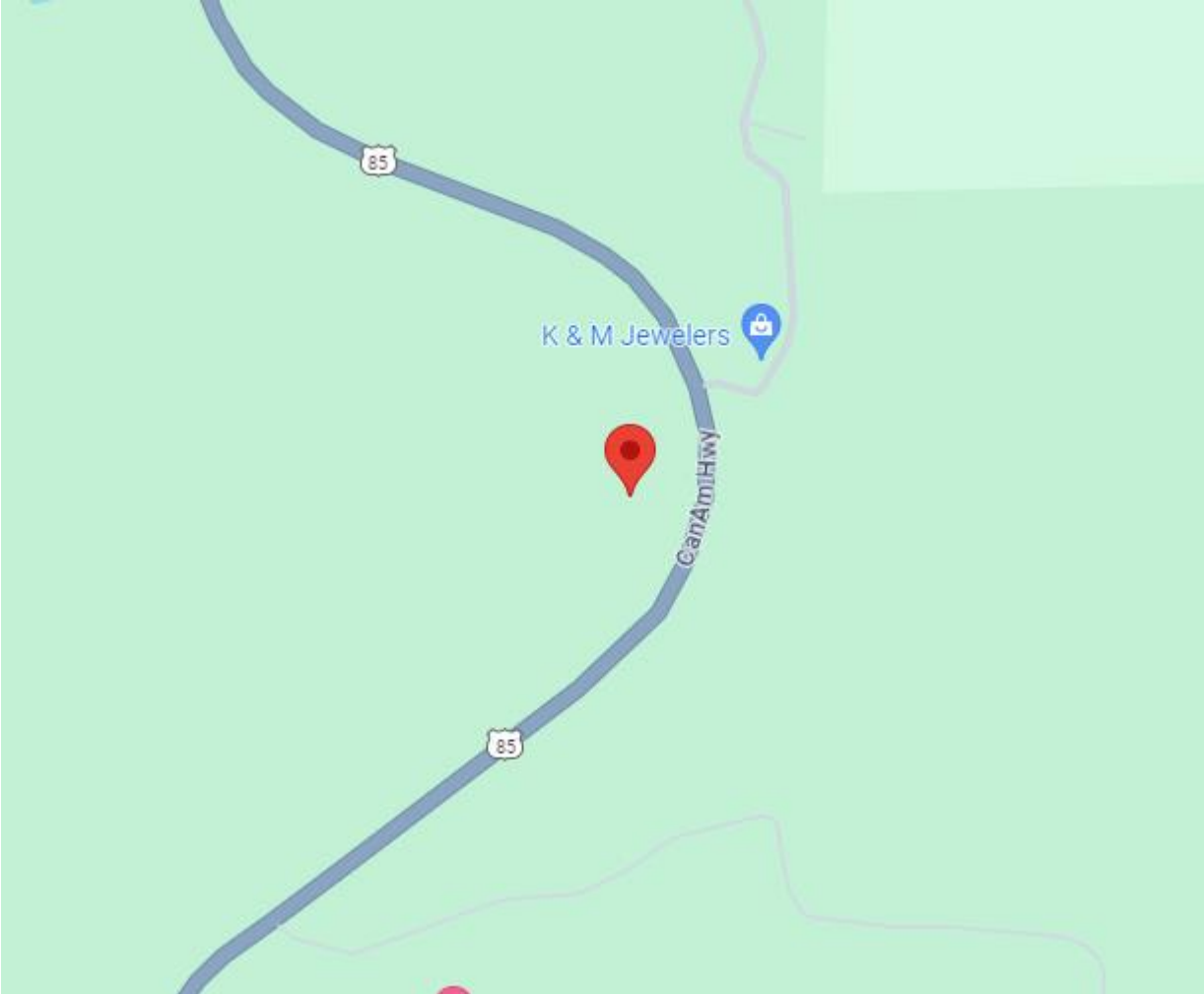
**Map of Short-Term Rentals near 20577 Highway 85, Deadwood, SD 57732.**





**Aerial view of 20577 Highway 85, Deadwood, SD 57732.**





Map showing location of 20577 Highway 85, Deadwood, SD 57732.



Deadwood

Overview

See what guests love  
**Modern Deadwood**  
This beautiful location is tucked right in the mountains, and we were in awe when we walked in. It's so gorgeous, and the process of checking in...

Excellent location — rated 9.5/10! (score from 5 reviews) Real guests • Real stays • Real opinions

"Host and property were great, could not ask for better!"

Steven United States

"The location was less than 5 minutes from the historic Main Street of Deadwood. The host opened the garage for our arrival because it was raining. The apartment was..."

Jennifer United States

Categories:

Staff ↑

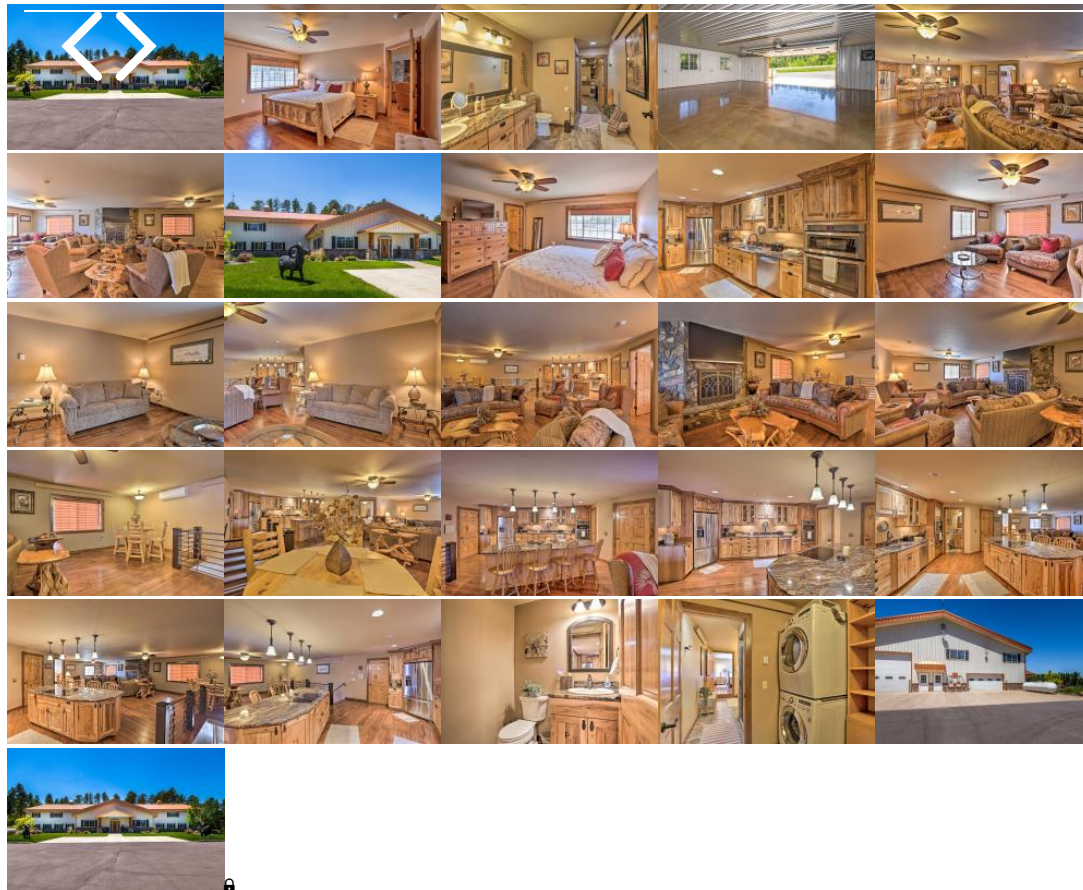
Facilities ↑

Cleanliness ↑

Comfort ↑

Value for money ↑

Modern Deadwood Apt with RV Parking and Views! 👍👍👍



9.8 Exceptional  
5 reviews

Entire apartment

1600 ft² size

On-site parking

Free WiFi

Air conditioning

Exceptional 5 reviews 9.8

"This beautiful location is tucked right in the mountains, and we were in awe when we walked in. It's so gorgeous, and the process of checking in..."

Wood United States

Staff 9.5

+17 photos

9.5

9.5

↑ High score for Deadwood

Non-smoking rooms

Kitchen

Shower

Washing machine

Cable channels

You're eligible for a Genius discount at Modern Deadwood Apt with RV Parking and Views!! To save at this property, all you have to do is [sign in](#). Modern Deadwood Apt with RV Parking and Views! is set in Deadwood. Free WiFi is available throughout the property and Adams Museum is 5.9 km away.

**Property highlights**

- Top location: Highly rated by recent guests (9.5)
- Parking available on-site

The spacious apartment comes with 1 bedroom, a TV with cable channels and a fully equipped kitchen that provides guests with a dishwasher, an oven, a washing machine, a microwave and a toaster. Towels and bed linen are featured in the apartment. The accommodation offers a fireplace.

The nearest airport is Rapid City Regional Airport, 92 km from the apartment. Distance in property description is calculated using © OpenStreetMap

**Most popular facilities**

- Parking on site
- Free WiFi
- Non-smoking rooms

**Sign in, save money**

You could save 10% or more at this property when you sign in

[Sign in](#) [Create an account](#)



**Availability**

Select dates to see this property's availability and prices



Accommodation Type	Number of guests
<p><a href="#">Apartment</a></p> <p><b>Bedroom :</b> 1 extra-large double bed </p> <p><b>Living room:</b> 1 sofa bed </p>	<p> x 4</p>

**Guest reviews**

**Categories:**

Staff	9.5 <b>Facilities</b>	10 <b>Cleanliness</b>	10
Comfort	10 <b>Value for money</b>	9.5 <b>Location</b>	9.5

High score for Deadwood

**Select topics to read reviews:**

[+ Location](#)

**See what guests loved the most:**

**W Wood**  
 United States

"This beautiful location is tucked right in the mountains, and we were in aww when we walked in. It's so gorgeous, and the process of checking in was soo easy and simplistic. But just the layout and design of this place made me want to move in."

**S Steven**  
 United States

"Host and property were great, could not ask for better!"

**J Jennifer**  
 United States

"The location was less than 5 minutes. The host opened the garage for our a was absolutely gorgeous. We are excit be..."

**Quality rating** ■ ■ ■

Booking.com rated the quality of this property as 3 out of 5 based on factors such as facilities, size, location and services provided.

**Travellers are asking**

Placeholder for search filters or filters.

Placeholder for search filters or filters.

**Still looking?**  
We have an instant answer to most questions



### Managed by Evolve

Company review score: 9.1 Based on 53,140 reviews from 33950 properties

33950 managed properties

#### Company information

Evolve makes it easy to find and book properties you'll never want to leave. You can relax knowing that our properties will always be ready for you and that we'll answer the phone 24/7. Even better, if anything is off about your stay, we'll make it right. You can count on our homes and our people to make you feel welcome--because we know what vacation means to you.

#### Property information

Newly Renovated | Gas Fireplace | Free WiFi (High Speed) | Easy Access to Deadwood Let your next trip to the Deadwood area be one full of comfort and convenience — made possible when you book this welcoming family apartment! Bedroom: King Bed | Living Room: Sleeper Sofa | Additional Sleeping: 2 Non-Pullout Chaise Lounge Sofas APARTMENT HIGHLIGHTS: 2 Smart TVs w/ cable, ceiling fans, dining table, open floor plan, patio recliners, wooded & mountain views, gas grill KITCHEN: Fully equipped w/ stainless steel appliances, bar seating, drip coffee maker, knife set, toaster, Crockpot, blender, spices, cooking basics, dishware & flatware GENERAL: Central air conditioning, washer & dryer, linens & towels, complimentary toiletries, hair dryer, keyless entry FAQ: Homeowner on-site (separate unit), stairs required to access (upstairs unit) PARKING: Community parking area (ample parking) ADDT'L ACCOMMODATIONS: An additional 2-bedroom property for 4 guests is available on-site with a separate nightly rate. If you would like to reserve both rentals, please inquire for more information prior to booking

#### Neighbourhood information

NATURAL WONDERS: Kirk Trail Head (7.8 miles), Lead Trailhead George S. Mickelson Trail (7.8 miles), Terry Peak Ski Area (12.1 miles), Bridal Veil Falls (16.0 miles), Mount Rushmore National Memorial (52.6 miles), Crazy Horse Memorial (57.4 miles), Devils Tower National Monument (70.1 miles) DEADWOOD + LEAD: Adams Museum (3.7 miles), Deadwood Alive (3.8 miles), Mount Roosevelt Memorial (3.9 miles), Broken Boot Gold Mine (4.4 miles), George S. Mickelson Trail (4.9 miles), Sanford Underground Research Facility (6.5 miles), Dakota Shivers Brewing (7.6 miles), Black Hills Mining Museum (7.8 miles) STURGIS (~15.0 miles): Loud American Roadhouse, Sturgis Motorcycle Rally, Sturgis Motorcycle Museum & Hall of Fame, Shenanigans Casino AIRPORT: Rapid City Regional Airport (56.7 miles)

### Property surroundings

Excellent location - show map

#### What's nearby

Adams Museum 2.7 mi

#### Natural beauty

Peak Whitewood Peak (1558m) 1.8 mi

#### Closest airports

Rapid City Regional Airport 40 mi

#### Restaurants & cafes

Restaurant Deadwood Grille 1.3 mi

Restaurant Oggie's Sports Bar 1.3 mi

Cafe/bar Starbucks 2.5 mi

#### Ski lifts

Kussy Express 7 mi

Goldcorp Express 8 mi

Surprise Express 8 mi

All distances are measured in straight lines. Actual travel distances may vary.

Missing some information? /

### Facilities of Modern Deadwood Apt with RV Parking and Views!

Great facilities! Review score, 10

#### Most popular facilities

Parking on site Free WiFi Non-smoking rooms

**Parking**  
Public parking is possible on site (reservation is not needed) and charges may be applicable.

- Street parking
- Accessible parking

**Internet**  
WiFi is available in all areas and is free of charge.

- Kitchen**
  - Coffee machine
  - Toaster
  - Stovetop
  - Oven
  - Tumble dryer
  - Kitchenware
  - Kitchen
  - Washing machine
  - Dishwasher
  - Microwave
  - Refrigerator

- Bedroom**
  - Linen
  - Wardrobe or closet
- Bathroom**
  - Towels
  - Toilet
  - Free toiletries
  - Hairdryer
  - Shower
- Living Area**
  - Fireplace

- Media & Technology
- ✓ Cable channels
- ✓ TV

- Room Amenities
- ✓ Private entrance
- ✓ Fan
- ✓ Air conditioning
- Accessibility
- ✓ Upper floors accessible by stairs only

- ✓ Miscellaneous
- ✓ Non-smoking throughout
- ✓ Non-smoking rooms
- Languages spoken

Missing some information? /

## House rules

Modern Deadwood Apt with RV Parking and Views! takes special requests - add in the next step!

### →] Check-in

From 15:00

Guests are required to show a photo identification and credit card upon check-in. You'll need to let the property know in advance what time you'll arrive.

### [→ Check-out

Until 10:00

### ⓘ Cancellation/ prepayment

Cancellation and prepayment policies vary according to accommodation type. Please **enter the dates of your stay** and check the conditions of your required option.

### 👶 Children and beds

#### Child policies

Children of any age are welcome. To see correct prices and occupancy information, please add the number of children in your group and their ages to your search.

#### Cot and extra bed policies

Cots and extra beds are not available at this property.

### 👤 Age restriction

The minimum age for check-in is 25

### 📄 Payments by Booking.com

Booking.com takes your payment on behalf of the property for this reservation. During your stay you can pay for any extras using American Express, Visa, Mastercard, Diners Club, JCB, Maestro, Discover, Bancontact, UnionPay debit card and UnionPay credit card.

### 🚭 Smoking

Smoking is not allowed.

### 🍷 Parties

Parties/events are not allowed

### 🐾 Pets

Pets are not allowed.

## The fine print

Need-to-know information for guests at this property

Guests are required to show a photo identification and credit card upon check-in. Please note that all Special Requests are subject to availability and additional charges may apply. This property will not accommodate hen, stag or similar parties.

### The best of Deadwood

Click here to see more properties near popular landmarks in Deadwood



# Homey Deadwood Apartment in Convenient Spot!

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



Entire rental unit in Deadwood, South Dakota

4 guests · 2 bedrooms · 2 beds · 1 bath

Guest favorite
 5.0
10

★★★★★
[Reviews](#)

Hosted by Evolve  
Superhost · 7 years hosting

**Self check-in**  
Check yourself in with the keypad.

**Evolve is a Superhost**  
Superhosts are experienced, highly rated Hosts.

Add dates for prices

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest <span style="float: right;">▼</span>	


[Check availability](#)


[Report this listing](#)

Whether you're looking forward to a stroll on Deadwood's Main Street, a visit to the Sturgis Motorcycle Rally, or a day trip to Mount Rushmore, this apartment is ready to accommodate your every need, no matter what brings you to town! You'll feel right at home at this vacation rental, complete with 2 bedrooms, 1 bathroom, a well-equipped kitchen, and a comfortable interior. After days spent sightseeing or hiking on the Mickelson Trail, retire early to this slice of Black Hills paradise....











[Show more](#) >

## Where you'll sleep

 **Bedroom 1**  
1 king bed

 **Bedroom 2**  
1 queen bed

### What this place offers

-  Kitchen
-  Wifi
-  Free parking on premises
-  TV
-  Washer
-  Dryer
-  Air conditioning
-  Bathtub
-  Hair dryer
-  Exterior security cameras on property

Show all 31 amenities

### Select check-in date

Add your travel dates for exact pricing

July 2024							August 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31



[Clear dates](#)



### 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	5.0	5.0	5.0	4.8	4.8	5.0
4						
3						
2						
1						

**Marla**  
Neligh, Nebraska

★★★★★ · August 2023 · Stayed a few nights  
This was a very nice place to stay. It was just as described. It was reasonably priced and it was nice that we were able to put our vehicle in the garage. We will definitely stay again if we go back there.

[Show more](#)

**Theresa**  
3 years on Airbnb

★★★★★ · March 2023 · Stayed a few nights  
Great place and location!

**Kim**  
5 years on Airbnb

★★★★★ · January 2023 · Stayed a few nights  
Location was perfect! It was everything we needed

**Larry**  
Odessa, Missouri

★★★★★ · July 2022 · Stayed a few nights  
Wonderful place. Perfect for us.

**Keith**  
6 years on Airbnb

★★★★★ · July 2022 · Stayed a few nights  
the facility was big and very clean, Queen and Double sized beds. No breakfast served and there are no easy to access breakfast places. A Casino in Deadwood serves breakfast all day about 12 mins away + parking. kitchen was reasonably kitted out. Coffee maker but limited cookware. Plenty of dishes and mugs. good size refrigerator stove and oven. Its an upstairs apartment. Huge parking pad for trailers or buses. Owner is on site during the warm...

[Show more](#)

**Kalli**  
 Fargo, North Dakota

★★★★★ · July 2022 · Stayed a few nights  
I can't say enough nice things about this place! It was clean, spacious, and located in such a prime location. We will most definitely be coming back!

[Show all 10 reviews](#)

### Where you'll be

Deadwood, South Dakota, United States



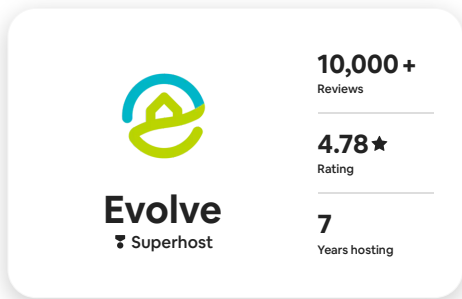
We verified that this listing's location is accurate. [Learn more](#)

### Neighborhood highlights

NEARBY MUST-DOS: Adams Museum (3.7 miles), Deadwood Alive (3.8 miles), Mount Roosevelt Memorial (3.9 miles), Broken Boot Gold Mine (4.4 miles), George S. Mickelson Trail (4.9 miles), Sanford Underground Research Facility (6.5 miles), Dakota Shivers Brewing (7.6 miles), Black Hills Mining Museum (7.8 miles)...

[Show more >](#)

### Meet your Host



**Evolve**  
Superhost

**10,000+**  
Reviews

**4.78★**  
Rating

**7**  
Years hosting

 My work: Evolve

 Speaks English, French, and Spanish

Hi! We're Evolve, the hospitality team that helps you rest easy when you rent a private, professionally cleaned home from us. We promise your rental will be clean, safe, and true to what you saw on Airbnb or we'll make it right. Check-ins are always smooth, and we're here 24/7 to answer an...

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#### Evolve is a Superhost

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

#### Host details

Response rate: 100%  
Responds within an hour

[Message Host](#)

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

### Things to know

#### House rules

- Check-in after 3:00 PM
- Checkout before 10:00 AM
- 4 guests maximum

[Show more >](#)

#### Safety & property

- Exterior security cameras on property
- Carbon monoxide alarm
- Smoke alarm

[Show more >](#)

**Cancellation policy**

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

[Add dates >](#)

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

**Explore other options in and around Deadwood**

**Rapid City**

Vacation rentals

**Sturgis**

Vacation rentals

**Custer**

Vacation rentals

**Gillette**

Vacation rentals

**Keystone**

Vacation rentals

**Deadwood**

Vacation rentals

**Spearfish**

Vacation rentals

**Hill City**

Vacation rentals

**Lead**

Vacation rentals

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[North Lawrence monthly stays](#)

[Apartment vacation rentals in United States](#)

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

[Family-friendly vacation rentals in South Dakota](#)

[Apartment vacation rentals in South Dakota](#)

[Family-friendly vacation rentals in United States](#)

**Support**

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[AirCover](#)

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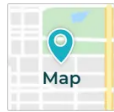
< View more Deadwood properties

APARTMENT

Save Share

# Modern Deadwood Apt with RV Parking & Views!

Property ID: 462343  
Deadwood, SD, US  
Sleeps 4 guests · 1 Bedrooms · 1.5 Bathrooms



## Description

Start planning your trip to the Black Hills with this alluring apartment as the launching point for all your excursions! This 1-bedroom, 1.5-bathroom vacation rental boasts a chic interior, a full kitchen, and plenty of entertainment space for some family bonding! When you're ready for adventure, you'll be in the best spot to access Deadwood's historic sites and natural beauty, Sturgis events, and must-see spots like Crazy Horse Memorial and Mount Rushmore National Memorial.

Show More

## Sleeping Arrangements

Bedroom  
King Bed

Additional Sleeping (Living Room)  
Pull-Out Couch

## Amenities

- Washer
- Free Parking
- Essentials
- Self Check-In
- Kitchen
- Wireless Internet (WIFI)
- Central Air Conditioning
- Cable/Satellite TV

Show More

## Map

## Add dates for prices

5 ★★★★★ 8 reviews

Check-in

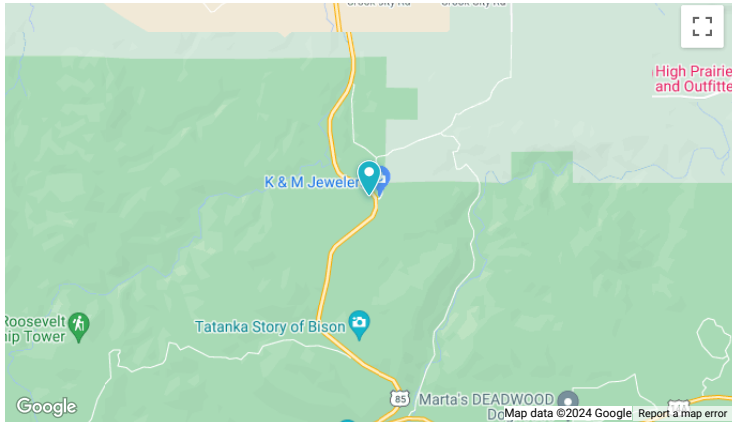
Guests

Select Dates

### Book with confidence

Most trips qualify for free 48 hour cancellation. Add dates for more information.





**Location Details**

NATURAL WONDERS: Kirk Trail Head (7.8 miles), Lead Trailhead George S. Mickelson Trail (7.8 miles), Terry Peak Ski Area (12.1 miles), Bridal Veil Falls (16.0 miles), Mount Rushmore National Memorial (52.6 miles), Crazy Horse Memorial (57.4 miles), Devils Tower National Monument (70.1 miles)

DEADWOOD + LEAD: Adams Museum (3.7 miles), Deadwood Alive (3.8 miles), Mount Roosevelt Memorial (3.9 miles), Broken Boot Gold Mine (4.4 miles), George S. Mickelson Trail (4.9 miles), Sanford Underground Research Facility (6.5 miles), Dakota Shivers Brewing (7.6 miles), Black Hills Mining Museum (7.8 miles)

STURGIS (~15.0 miles): Loud American Roadhouse, Sturgis Motorcycle Rally, Sturgis Motorcycle Museum & Hall of Fame, Shenanigans Casino

AIRPORT: Rapid City Regional Airport (56.7 miles)

**Reviews**

5 ★★★★★ 8 reviews

Write a Review

**An ideal place to stay near Deadwood SD. Highly recommended!**

5/5 ★★★★★

I got lucky when I found this option for a place to stay in Deadwood SD. I didn't want to stay in a motel or casino in Deadwood, so searched nearby and found this special place, nicely located in a private wooded setting a couple miles from Deadwood. Easy to find, easy to enjoy.

This is a 1600 square foot fully furnished apartment with wonderful privacy in an ideal location to enjoy the grandeur of the Black Hills, Devil's Tower and Badlands. Like returning to your own second home fully furnished as you would your own. Also comes with a double garage! The building, grounds and appearance are classy and beautiful. All for a remarkable low price.

Friendly owner Brad is nearby, responding to questions, texts or emails promptly. Felt like a family gathering visiting with him and learning about the region he loves and knows well.

I travel frequently for photography. Best package, price and opportunity I've experienced in my decades of travel. I give this rental my highest recommendation!

**Philip**  
Published May 28, 2024

**Repeat**

5/5 ★★★★★

I have stayed at this property 3 years in a row, and will use it again. I think that says everything.

\*This review was originally posted on Vrbo

**Craig**

Published September 29, 2023

### Deadwood apt stay

5/5 ★★★★★

This was a great stay, very nice accommodations and felt like we were at home. A big plus was we had our own 2 stall garage to park in when we returned each day. It was a pleasure to talk to the owner about the area, we would definitely stay again.

\*This review was originally posted on Vrbo

**Brian K.**

Published August 1, 2023

### Wonderful

5/5 ★★★★★

Very nice place to stay, would recommend to anyone. Just a short way away from all the hustle and quiet! Property manager on sight, friendly and courteous! The best Vrbo I have stayed in!

\*This review was originally posted on Vrbo

**Donald H.**

Published June 27, 2023

### Black Hills Jem.

5/5 ★★★★★

Perfect location for easy riding/driving to all of the Black Hill favorite spots. Plenty of space for you to relax when done exploring with everything you need in the apartment. Large area where we had inside garage parking for our truck, motorcycle, and trailer. Book it. I know we will again. Happy Exploring!

**Marigayle**

Published June 24, 2023

1 2 >

### Other properties that match your search

These properties match your search criteria, and are nearby:



APARTMENT

#### Homey Deadwood Apartment in Convenient...

Deadwood, SD  
Sleeps 4 · 2 BR · 1 BA

5 ★★★★★ (25)

\$168 Avg. / night



APARTMENT

#### Deadwood Apartment - Walk to Historic Downtown!

Deadwood, SD  
Sleeps 4 · 2 BR · 1 BA

4.59 ★★★★★ (22)

\$154 Avg. / night

○ ○ ○ ○ ○

### Still have questions?

Reach out help with general questions about the property.

Ask a Question

### THE EVOLVE DIFFERENCE

## Private homes with hospitality

We promise private, professionally-cleaned vacation rentals with 24/7 guest support so you can travel without worry.





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

Homey Deadwood Apartment in Convenient Spot!, Deadwood

See all properties

Save

Apartment

# Homey Deadwood Apartment in Convenient Spot!

Going to Lead, South Da...

Dates

Travelers 2 travelers

Search



Overview Amenities Policies Location Host

10 Exceptional

See all 24 reviews >

2 bedrooms

1 bathroom

Sleeps 4

1600 sq ft

## Popular amenities

Free WiFi

Kitchen

Air conditioning

Washer

Dryer

See all >



Check-in time

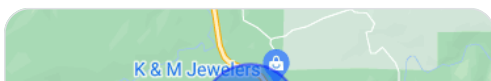
3:00 PM



Check-out time

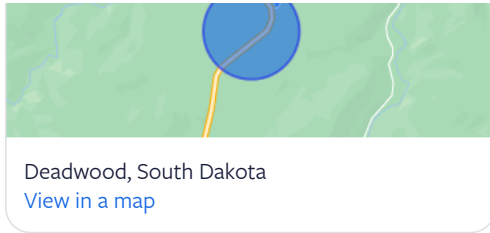
10:00 AM

## Explore the area



Cadillac Jacks Casino

5 min drive



- Deadwood Welcome Center 5 min drive
  - Deadwood Mountain Grand 6 min drive
  - Rapid City, SD (RAP-Rapid City Regional) 58 min drive
- [See more >](#)

## Most relevant reviews

**10/10 Excellent**

The property was very clean with up to date amenities. Convenient location out side of town but still close to all attra...

[Read more](#)

**Larry H.**  
Sep 12, 2023

**10/10 Excellent**

The accommodations could not have been better. Very clean, comfortable furniture, super comfortable bedding, great kitch...

[Read more](#)

**Susan K.**  
Sep 9, 2023

1  
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J  
A

[See all 24 reviews →](#)

## Rooms & beds

2 bedrooms (sleeps 4)

### Bedroom 1



1 King Bed

### Bedroom 2



1 Queen Bed

## 1 bathroom

Full Bathroom

## Spaces

Kitchen

[See all rooms and beds details](#)

Check-in  
Select date

Check-out  
Select date

Travelers  
1 room, 2 travelers

[Check availability](#)

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: August 21, 2024  
From: Kevin Kuchenbecker  
Planning, Zoning & Historic Preservation Officer  
RE: Annual Review - Conditional Use Permit – Vacation Home  
Establishment

**APPLICANT(S):** Owson Properties, LLC (Mike Sneesby)  
**PURPOSE:** Annual Review – Conditional Use Permit – Vacation  
Home Establishment  
**ADDRESS:** 64 Cliff Street  
Deadwood, Lawrence County, South Dakota  
**LEGAL DESCRIPTION:** Lot X2 of Riverside Addition City of Deadwood,  
Lawrence County, South Dakota, formerly Lot X of  
Riverside Addition located in the NE ¼ of Section 27,  
T5N, R3E, B.H.M.  
**FILE STATUS:** Legal requirements have been met.  
**ZONE:** CH – Commercial Highway  
**STAFF FINDINGS:**

Surrounding Zoning:	Surrounding Land Uses:
North: CH – Commercial Highway	Business
South: CH – Commercial Highway	Residence
East: CH – Commercial Highway	Highway
West: CH – Commercial Highway	Business/Parking Lot

### 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 August 1, 2023, to operate a Vacation Home Establishment at 64 Cliff Street.

Conditional Use Permit Review – Vacation Home Establishment  
64 Cliff Street  
August 21, 2024

---

The subject property is located on Cliff Street and is surrounded by mixed use, including Residential, Commercial, and Highway.

**FACTUAL INFORMATION**

1. The property is currently zoned CH – Commercial Highway.
2. The subject property is accessed from Cliff Street.
3. The property is in a Flood Zone.
4. Adequate public facilities are available to serve the property.
5. The area is characterized by a mixture of single-family dwellings, commercial and public use areas.

**STAFF DISCUSSION**

---

The applicant was granted a Conditional Use Permit for a Vacation Home Establishment and City regulations permit Vacation Home Establishments in CH – Commercial Highway Districts with an approved Conditional Use Permit. The subject property is a two (2) bedroom, one (1) bath single family home located on the subject property. Renters can park in three (3) parking spaces on the property.

**“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 the rental as defined and permitted by the State of South Dakota.

**COMPLIANCE:**

---

This Vacation Home Establishment has been in continual use over the last 12 months.

According to Deckard – Rentalscape the property was booked 14 nights in the past 12 months and has received very good reviews.

No complaints are on record for this establishment.

Copy of Lodging License from South Dakota Department of Health required.

**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:

Conditional Use Permit Review – Vacation Home Establishment  
 64 Cliff Street  
 August 21, 2024

---

- 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 CH – Commercial Highway District and is intended to provide locations for commercial uses, which require access to roads and highways, and substantial amounts of parking.*

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

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

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

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

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

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

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

#### **CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:**

---

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

Conditional Use Permit Review – Vacation Home Establishment  
64 Cliff Street  
August 21, 2024

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

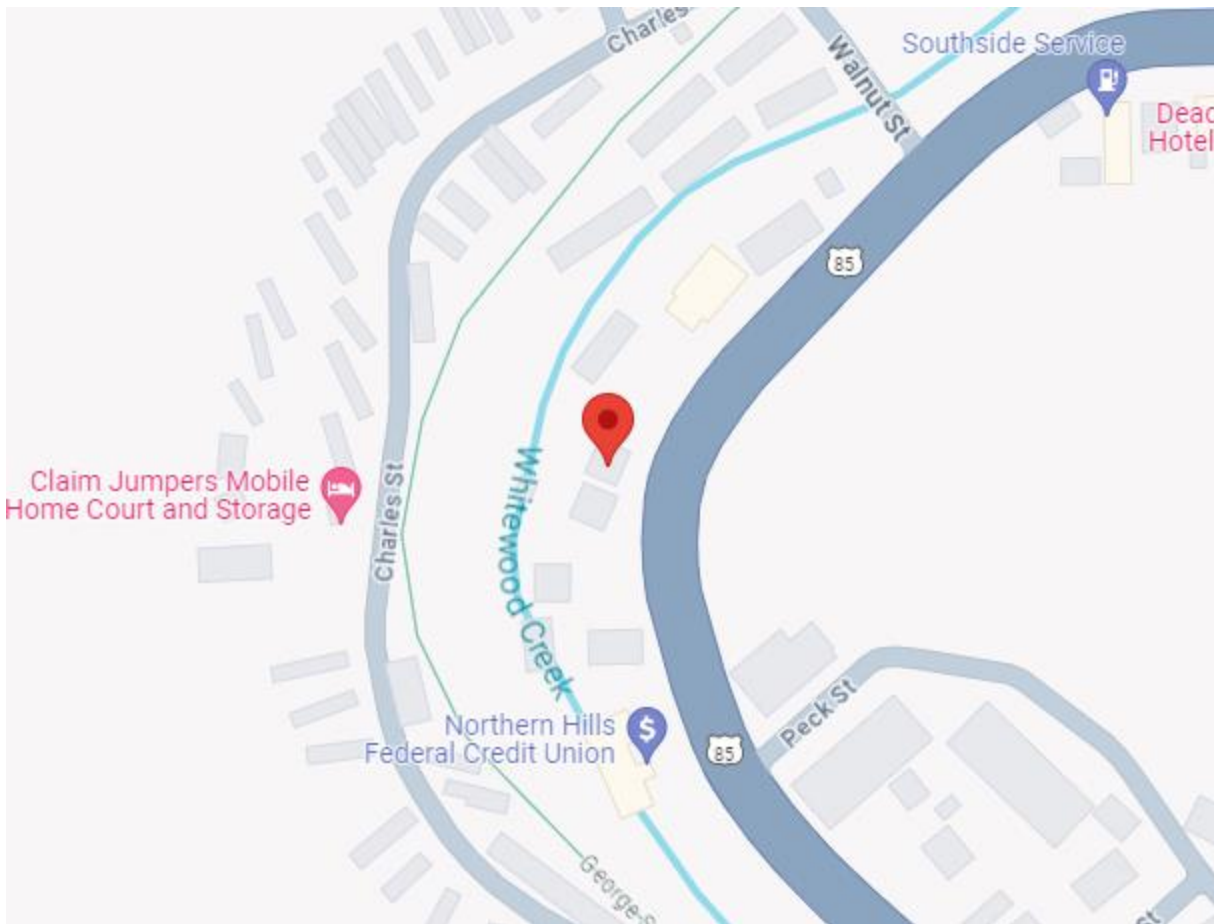
If approved, staff recommendations for stipulation(s):

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

**ACTION REQUIRED FOR CONDITIONAL USE PERMIT:**

---

1. Approval/Denial by Deadwood Planning and Zoning Commission



Map showing location of 64 Cliff Street, Deadwood, SD 57732.







**Aerial view of 64 Cliff Street, Deadwood, SD 57732.**





Short-Term Rentals near 64 Cliff Street, Deadwood, SD 57732.



# The Yellow Door!

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



Show all photos

## Entire home in Deadwood, South Dakota

6 guests · 2 bedrooms · 3 beds · 1 bath

Guest favorite
 5.0
9

★★★★★
[Reviews](#)

Hosted by Michael  
Superhost · 2 years hosting

- Dedicated workspace**  
A room with wifi that's well-suited for working.
- Michael is a Superhost**  
Superhosts are experienced, highly rated Hosts.
- Great check-in experience**  
100% of recent guests gave the check-in process a 5-star rating.

Make "The Yellow Door" your home away from home. Centrally located in the heart of Deadwood, this lovely home has everything you need to enjoy your stay. Whether you are here to gamble at one of Deadwood's 30 casinos or here to enjoy its rich history of the Wild West.

1 block from nearest trolley stop.  
sleeps 6  
Full kitchen with all the amenities, BBQ Grill on the patio and lounge area...

[Show more](#) >

## What this place offers

- Kitchen
- Wifi
- Dedicated workspace
- Free parking on premises
- TV
- Washer
- Free dryer – In building

### Add dates for prices


<b>CHECK-IN</b> Add date	<b>CHECKOUT</b> Add date
<b>GUESTS</b> 1 guest	

[Check availability](#)

[Report this listing.](#)

 Air conditioning

 Bathtub

 Patio or balcony

Show all 43 amenities

### Select check-in date

Add your travel dates for exact pricing

July 2024							August 2024						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
	1	2	3	4	5	6					1	2	3
7	8	9	10	11	12	13	4	5	6	7	8	9	10
14	15	16	17	18	19	20	11	12	13	14	15	16	17
21	22	23	24	25	26	27	18	19	20	21	22	23	24
28	29	30	31				25	26	27	28	29	30	31



[Clear dates](#)



### Guest favorite

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

Overall rating



Cleanliness

5.0



Accuracy

5.0



Check-in

5.0



Communication

5.0



Location

4.8



Value

4.9



**Shelby**

8 years on Airbnb

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

We had a great time staying here. Everything was as expected. Would definitely stay again.



**Kelsey**

3 years on Airbnb

★★★★★ · 2 weeks ago · Group trip

Perfect location for a Deadwood girls weekend, half of us even said the Yellow Door was so cute we could imagine living there!! All the amenities needed and easily located/labeled. Michael gave information early on for parking and local recommendations, which was much needed for someone out of state. Thank you so much for such a lovely space to stay!

[Show more](#)



**Cassidy**

2 years on Airbnb

★★★★★ · 3 weeks ago · Group trip

The Yellow Door is the perfect place to stay in Deadwood! It's in walking distance with everything in town. The house was clean and the perfect size for a small group of people. Would definitely stay there again!

[Show more](#)



**Teara**

4 years on Airbnb

★★★★★ · 4 weeks ago · Stayed with kids  
Great place to stay in Deadwood!



**Yessenia**  
Los Angeles, California

★★★★★ · May 2024 · Stayed a few nights

Great place! Everything was walking distance. The home was spotless and the kitchen was stocked with all the necessary amenities we could possibly need to feel at home! I accidentally left my AirPods behind, I reached out to Micheal and he's helping me get them back! Amazing! Definitely would stay again!

[Show more](#)



**Karen**  
2 years on Airbnb

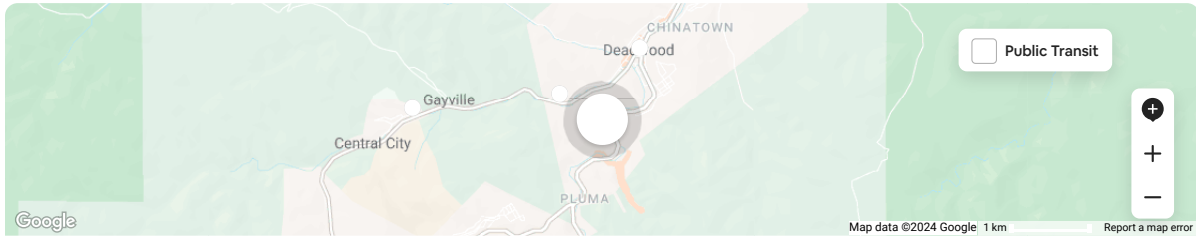
★★★★★ · May 2024 · Group trip

very nice home. we enjoyed our stay.

Show all 9 reviews

### Where you'll be

Deadwood, South Dakota, United States



### Meet your Host

**M**  
**Michael**  
Superhost

**38**  
Reviews

**4.95** ★  
Rating

**2**  
Years hosting

#### Michael is a Superhost

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

#### Host details

Response rate: 100%  
Responds within an hour

[Message Host](#)

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

### Things to know

#### House rules

- Check-in after 3:00 PM
- Checkout before 10:00 AM
- 6 guests maximum

[Show more >](#)  
**Safety & property**

- Carbon monoxide alarm
- Smoke alarm
- Potential for noise

[Show more >](#)  
**Cancellation policy**

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

[Add dates >](#)

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

### Explore other options in and around Deadwood

**Rapid City**  
Vacation rentals

**Spearfish**  
Vacation rentals

**Hill City**  
Vacation rentals

**Lead**  
Vacation rentals

**Hot Springs**  
Vacation rentals

**Sturgis**  
Vacation rentals

**Custer**  
Vacation rentals

**Gillette**  
Vacation rentals

**Keystone**  
Vacation rentals

### Other types of stays on Airbnb

[Deadwood vacation rentals](#)

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

[House vacation rentals in Lawrence County](#)

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

[Family-friendly vacation rentals in South Dakota](#)

[Deadwood monthly stays](#)

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

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

[Vacation rentals with outdoor seating 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](#)

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PLANNING, ZONING AND  
HISTORIC PRESERVATION  
108 Sherman Street  
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Fax (605) 722-0786



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

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## FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

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Date: July 15, 2024  
From: Kevin Kuchenbecker, Planning, Zoning & Historic Preservation Officer  
Leah Blue-Jones, Zoning Coordinator  
RE: Conditional Use Permit – Vacation Home Establishment

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**APPLICANT(S):** Glen and Sherry Morovits  
**PURPOSE:** Conditional Use Permit – Vacation Home Establishment  
**ADDRESS:** 140 Timm Lane  
Deadwood, Lawrence County, South Dakota  
**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.  
**ASSESSORS NO.:** 30900-00107-010-60

**RE: Request for Conditional Use Permit**

WHEREAS the above application for a Conditional Use Permit for a Vacation Home Establishment in the CH – Commercial Highway zoning district came on review before the Deadwood Planning and Zoning Commission on Wednesday, May 1, 2024. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request for a Vacation Home Establishment at 140 Timm Lane, as recommended by the Planning and Zoning Commission, on Monday, May 20, 2024.

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

Findings of Fact and Conclusion – Conditional Use Permit  
Hidden Gulch Cabin  
July 15, 2024

---

## **FINDINGS OF FACT AND CONCLUSION**

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- Staff provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 17.76.020. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.76.060.J.
- An official sign was posted on the property for which the Conditional Use would occur.
- Property owners within three hundred (300) feet of the boundaries of the subject land were notified by first class mail as required by Section 17.76.060.J.
- The subject area is zoned CH – Commercial Highway. The area near the subject property consists of residences and undeveloped land.
- The use, as proposed, would 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 area.
- The granting of the Conditional Use Permit would not increase the proliferation of non-conforming uses. Use is expressly allowed in the CH – Commercial Highway District under certain conditions and the conditions were met.
- The use would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. This type of use does not demand a high degree of services.
- Based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the request for a Conditional Use Permit for a Vacation Home Establishment. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission with the following conditions:
  1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
  2. Proof of a state sales tax number has been provided to the Planning and Zoning Office for their files.
  3. The Building Inspector has inspected the building to ensure all



Findings of Fact and Conclusion – Conditional Use Permit  
Hidden Gulch Cabin  
July 15, 2024

---

building codes are met.

- 4. Proper paperwork has been filed with the City of Deadwood Finance Office for BID taxes.
- 5. A City of Deadwood Business License has been obtained.
- 6. Lodging License obtained after inspection from the South Dakota Department of Health.
- 7. Compliance with all city ordinances shall continue to be met.

**ATTEST:**

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Jessicca McKeown, Finance Officer  
City of Deadwood  
/ / /2024

---

David Ruth, Mayor  
City of Deadwood  
/ / /2024

---

John Martinisko, Chairman  
Planning and Zoning Commission  
/ / /2024

---

David Bruce, Secretary  
Planning and Zoning Commission  
/ / /2024

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Fax (605) 722-0786



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

## FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

**Date:** August 21, 2024  
**From:** Kevin Kuchenbecker, Planning, Zoning & Historic Preservation Officer  
Leah Blue-Jones, Zoning Coordinator  
**To:** Planning & Zoning Commission / City of Deadwood Board of  
Adjustment  
**RE:** Conditional Use Permit – Specialty Resort

**APPLICANT(S):** Aaron Sternhagen  
**PURPOSE:** Conditional Use Permit – Specialty Resort  
**ADDRESS:** 21 Lincoln Avenue  
Deadwood, Lawrence County, South Dakota

**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.

**ASSESSORS NO.:** Parcel # 30025-04200-030-000

**RE: Request for Conditional Use Permit**

WHEREAS the above application for a Conditional Use Permit for a Specialty Resort in the R1 – Residential zoning district came before the Deadwood Planning and Zoning Commission on Wednesday, May 1, 2024. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request for a Specialty Resort at 21 Lincoln Avenue, as recommended by the Planning and Zoning Commission, on Monday, May 20, 2024.

WHEREAS, all present members of the Deadwood Planning and Zoning Commission and the Deadwood Board of Adjustment having reviewed the Conditional Use Permit request and having considered all comments offered and all the evidence and testimony presented for the application; and, after discussion and consideration of the application and being fully advised

Findings of Fact and Conclusion – Conditional Use Permit  
21 Lincoln Avenue  
August 21, 2024

---

in the premises, the Deadwood Planning and Zoning Commission and Deadwood Board of Adjustment hereby enter their:

### **FINDINGS OF FACT AND CONCLUSION**

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- Staff provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 17.76.020. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.76.060.J.
- An official sign was posted on the property for which the Conditional Use would occur.
- Property owners within three hundred (300) feet of the boundaries of the subject land were notified by first class mail as required by Section 17.76.060.J.
- The subject area is zoned R1 - Residential. The area near the subject property consists of single and multi-family dwellings.
- The use, as proposed, would 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 area.
- The granting of the Conditional Use Permit would not increase the proliferation of non-conforming uses. Use is expressly allowed in the R1 – Residential zoning district under certain conditions and the conditions were met.
- The use would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. This type of use does not demand a high degree of services.
- Based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the request for a Conditional Use Permit for a Specialty Resort. The Deadwood Board of Adjustment approved the request as recommended by the Planning and Zoning Commission with the following conditions:
  1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
  2. Proof of a state sales tax number has been provided to the Planning and

Findings of Fact and Conclusion – Conditional Use Permit  
21 Lincoln Avenue  
August 21, 2024

---

Zoning Office for their files.

3. The Building Inspector has inspected the building to ensure all building codes are met.
4. City water and sewer rates have been changed from residential to commercial rates.
5. Proper paperwork has been filed with the City of Deadwood Finance Office for BID taxes.
6. A City of Deadwood Business License has been obtained.
7. A Lodging License from the South Dakota Department of Health has been obtained.
8. All parking shall be off street.
9. The Conditional Use Permit has been in effect since the successful sale of the property occurred in June 2024.
10. The Specialty Resort must be owner occupied and the owner or owners representative must be on-site when guests are present.

**ATTEST:**

\_\_\_\_\_  
 Jessica McKeown, Finance Officer  
 City of Deadwood  
 Date: \_\_\_\_\_

\_\_\_\_\_  
 David Ruth, Mayor  
 City of Deadwood  
 Date: \_\_\_\_\_

\_\_\_\_\_  
 John Martinisko, Chairman  
 Planning and Zoning Commission  
 Date: \_\_\_\_\_

\_\_\_\_\_  
 David Bruce, Secretary  
 Planning and Zoning Commission  
 Date: \_\_\_\_\_

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Fax (605) 722-0786



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

## FINDINGS OF FACT AND CONCLUSION CONDITIONAL USE PERMIT

**Date:** August 19, 2024

**From:** Kevin Kuchenbecker, Planning, Zoning & Historic Preservation Officer  
Leah Blue-Jones, Zoning Coordinator

**To:** Planning and Zoning Commission / City of Deadwood Board of Adjustment

**RE:** Conditional Use Permit – Bed and Breakfast Establishment

**APPLICANT(S):** Aaron Sternhagen

**PURPOSE:** Conditional Use Permit – Bed and Breakfast

**ADDRESS:** 25 Lincoln Avenue  
Deadwood, Lawrence County, South Dakota

**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. McKay, all according to the P.L. Rogers map of the City of Deadwood, Lawrence County, South Dakota.

**ASSESSORS NO.:** Parcel # 30025-04200-140-000

**RE: Request for Conditional Use Permit**

WHEREAS the above application for a Conditional Use Permit for a Bed and Breakfast Establishment in the R1 – Residential zoning district came before the Deadwood Planning and Zoning Commission on Wednesday, May 1, 2024. The application was recommended for approval by the Deadwood Planning and Zoning Commission. The Deadwood Board of Adjustment approved the request for a Bed and Breakfast Establishment at 25 Lincoln

Findings of Fact and Conclusion – Conditional Use Permit  
25 Lincoln Avenue  
August 21, 2024

---

Avenue, as recommended by the Planning and Zoning Commission, on Monday, May 20, 2024.

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

### **FINDINGS OF FACT AND CONCLUSION**

---

- Staff provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 17.76.020. Notice was placed in the designated newspaper of the City of Deadwood, ten (10) days in advance of the hearing as required by Section 17.76.060.J.
- An official sign was posted on the property for which the Conditional Use would occur.
- Property owners within three hundred (300) feet of the boundaries of the subject land were notified by first class mail as required by Section 17.76.060.J.
- The subject area is zoned R1 - Residential. The area near the subject property consists of single and multi-family dwellings.
- The use, as proposed, would 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 area.
- The granting of the Conditional Use Permit would not increase the proliferation of non-conforming uses. Use is expressly allowed in the R1 – Residential zoning district under certain conditions and the conditions were met.
- The use would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation or other services. This type of use does not demand a high degree of services.
- Based on these findings, the Deadwood Planning and Zoning Commission recommended approval of the request for a Conditional Use Permit for a Bed and Breakfast Establishment. The Deadwood Board of Adjustment

Findings of Fact and Conclusion – Conditional Use Permit  
25 Lincoln Avenue  
August 21, 2024

---

approved the request as recommended by the Planning and Zoning Commission with the following conditions:

1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
2. Proof of a state sales tax number has been provided to the Planning and Zoning Office for their files.
3. The Building Inspector has inspected the building to ensure all building codes are met.
4. City water and sewer rates have been changed from residential to commercial rates.
5. Proper paperwork has been filed with the City of Deadwood Finance Office for BID taxes.
6. A City of Deadwood Business License has been obtained.
7. A Lodging License from the South Dakota Department of Health has been obtained.
8. All parking shall be off street.
9. The Conditional Use Permit has been in effect since the successful sale of the property occurred in June 2024.
10. The Bed and Breakfast must be owner occupied and the owner or owners representative must be on-site when guests are present.

**ATTEST:**

\_\_\_\_\_  
Jessica McKeown, Finance Officer  
City of Deadwood  
Date: \_\_\_\_\_

\_\_\_\_\_  
David Ruth, Mayor  
City of Deadwood  
Date: \_\_\_\_\_

\_\_\_\_\_  
John Martinisko, Chairman  
Planning and Zoning Commission  
Date: \_\_\_\_\_

\_\_\_\_\_  
David Bruce, Secretary  
Planning and Zoning Commission  
Date: \_\_\_\_\_

# HISTORIC BLACK HILLS STUDIOS

HOME OF THE FASSBENDER PHOTOGRAPHIC COLLECTION

## Cold Storage

Most of the photographs in the Fassbender Photographic Collection are stored at the Homestake Adams Research & Cultural Center (HARCC) in Deadwood and on the second floor of Lead City Hall.

As cataloguing and organizing efforts progress, a portion of the “finished” boxes containing thousands of negatives will be moved from Lead City Hall to the HARCC.

Out of sight, but not forgotten, are the items in the rest of the collection that are in cold storage in Deadwood. A variety of retail photography items, studio and darkroom equipment, camera cases, flash bulbs and more will migrate to Lead City Hall later this year. The storage in Lead will be more accessible and the items can get in line for evaluation and cataloguing. The space will also offer more stable conditions for temperature and humidity.



## Photography Quote:

“Photography is by nature a documentary art.”  
-August Sander



## Road Show in Spearfish

More than 80 people stopped by the Snappers Club in Spearfish City Park in April to help us identify a variety of portrait, wedding and group photos from the Fassbender Photographic Collection. More than 50 portraits were identified and will be catalogued and stored. The event, known unofficially as the “Fassbender Road Show,” is a chance to gather accurate information as well as enjoy a social gathering and relive memories.



**Above:** Shelves with unidentified prints were moved from the collection storage in Deadwood to the Snappers Club in Spearfish.

**Right and below:** Attendees work through stacks of prints at the Snappers Club. Information was added to the back of the prints when applicable.

(Continued on page 2)





## From the Archive

Josef Fassbender spent about 10 years in the Faith and Mobridge area before moving to Spearfish in 1924. Below are some images from the Faith Sheep Show, a prominent annual event.



## Photography Community

•**Black Hills Focus Group**  
[historicblackhillstudios.org/BHFG](http://historicblackhillstudios.org/BHFG)

•**Black Hills Photography Club**  
[blackhillsp photographyclub.com](http://blackhillsp photographyclub.com)

•**Black Hills Photo Shootout** and related photography events  
[blackhillsp hotshootout.com](http://blackhillsp hotshootout.com)



## Fassbender Road Show (cont.)



**Above:** Jerry and Sonia Ainsworth found portraits of their children Mistie and Layne while perusing the stacks of prints at the Fassbender Road Show at the Snappers Club in Spearfish.

**Right:** Identified prints will be stored in archival print boxes and catalogued.

The organization of the identified materials will make it easier to find and digitize when image requests are made. We are planning another road show event this fall.

