

# Planning and Zoning Commission Regular Meeting Agenda

Wednesday, August 20, 2025 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

- 1. Call to Order
- 2. Roll Call
- 3. Approval of Minutes
  - a. Planning Zoning meeting minutes

## 4. Sign Review Commission

a. Application for Sign Permit - 50 Tatanka Drive - RCS Construction. Applicant is requesting permission to install a new freestanding sign. Proposed sign and location are compliant with sign ordinance.

#### **Actions:**

- 1. Approve/deny Application for Sign Permit as submitted
- <u>b.</u> Application for Sign Permit 666 Main Street Cem Iskender (Deadwood Rustic). Applicant is requesting permission to install a projecting sign. Proposed sign and location are compliant with sign ordinance.

#### Actions:

1. Approve/deny Application for Sign Permit as submitted

## 5. Planning and Zoning Commission

a. Annual Review - Conditional Use Permit for Bed and Breakfast Establishment – 7
Burlington Street – Burlington B&B, legally described as Lots 3 and 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.

### Action Required:

- 1. Public Hearing
- 2. Approval/Denial of continued use by Planning and Zoning Commission
- b. Annual Review Conditional Use Permit for Specialty Resort 20577 Hwy 85 Can Am 85 VRBO-RV, legally described as Lot 34 in Block 15, being a part of Mineral Lot 38, and also known 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.

#### **Action Required:**

- 1. Public Hearing
- 2. Approval/Denial of continued use by Planning and Zoning Commission
- C. Annual Review Conditional Use Permit for Vacation Home Establishment 64 Cliff Street – Owson Properties LLC, 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.

### Action Required:

- 1. Public Hearing
- 2. Approval/Denial of continued use by Planning and Zoning Commission
- d. Annual Review Conditional Use Permit for Vacation Home Establishment 36 Water Street – Deadwood Rentals - Creekside, legally described as Tract A, an 8' platted alley and a portion of Lot R-1 of the City of Deadwood railroad property all located in the Hillsdale Addition to the City of Deadwood, in the NW 1/4 of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

#### And

Tract B-1, McGovern Hill Addition of the City of Deadwood, located in the NW 1/4 NW 1/4 of Section 26 T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

## Action Required:

- 1. Public Hearing
- 2. Approval/Denial of continued use by Planning and Zoning Commission
- e. Annual Review Conditional Use Permit for Vacation Home Establishment 819 Main Street – Deadwood Rentals - Main, legally described as Lot 12 in Block A of Sunnyside Addition to the City of Deadwood as set out in Plat Book 3 Page 251, Lawrence County, South Dakota, except that part deeded to the State of South Dakota for highway purposes as set out in Book 372 Page 58 and Page 168.

#### And

Tract A-1 in Block A, a replat of Tracts "A" and "B" of the subdivision of Lot 13, Block A of Sunnyside Addition, located in the NW 1/4 NE 1/4 of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, according to Plat filed in Document No. 2001-4003.

#### Action Required:

- 1. Public Hearing
- 2. Approval/Denial of continued use by Planning and Zoning Commission
- f. Application for Conditional Use Permit 138 Sherman Street Laundromat (Deadwood Laundry Co.) legally described as Lot Twenty-Two (22) in Block Forty (40), Original Town of the City of Deadwood, Lawrence County, South Dakota, according to the P.L. Rogers Map of said City of Deadwood.

#### **Actions:**

- 1. Public Hearing
- 2. Approve/Deny Application for Conditional Use Permit
- g. Application for Conditional Use Permit 5 Charles Street Vacation Home Establishment (Ole Grey Barn LLC) legally described as The southwesterly one-half of Lot 2 and all of Lot 3 in Block 69 of the City of Deadwood, Lawrence County, South Dakota, according to P.L. Rogers plat.

#### Actions:

- 1. Public Hearing
- 2. Approve/Deny Application for Conditional Use Permit
- 6. Items from Citizens not on Agenda

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

- 7. **Items from Staff** 
  - a. Fassbender 2025 Summer Newsletter
- 8. Adjournment

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



# Planning and Zoning Commission Regular Meeting Agenda

Wednesday, July 02, 2025 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

#### 1. Call to Order

The Planning and Zoning Commission Meeting was called to order by Chairman Martinisko on Wednesday, July 2, 2025, at 4:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Steet, Deadwood, SD 57732.

## 2. Roll Call

**PRESENT** 

Commissioner (Chair) John Martinisko Commissioner (Vice-Chair) Josh Keehn Commissioner Ken Owens Commissioner Jim Williams

**ABSENT** 

Commissioner (Secretary) David Bruce

STAFF PRESENT

Kevin Kuchenbecker – Planning, Zoning and Historic Preservation Officer Cammie Schmidt – Administrative Assistant Trent Mohr – Building Official

## 3. Approval of Minutes

Approve the minutes of June 18, 2025, Planning and Zoning Commission Meeting.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve the minutes from the June 18, 2025, Planning and Zoning Commission Meeting. Voting Yea: Martinisko, Keehn, Owens, Williams.

## 4. Sign Review Commission

# 5. Planning and Zoning Commission

a. Request for Variance to front yard and side yard setback requirements for 125A Mystery Wagon Road, legally described as Lot 14A, Block 4A of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood formerly Lot 14, Block 4A located n the SW 1/4 of Section 14, the SE 1/4 of Section 15, the NE 1/4 NE 1/4 of Section 22 and the N 1/2 NW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Actions Required: Approve/Deny Request for Variance

It was moved by Commissioner Owens and seconded by Commissioner Keehn to approve Request for Variance – 125A Mystery Wagon Road – for

# front yard and side yard setback requirements. Voting Yea: Martinisko, Keehn, Owens, Williams.

b. Request for Variance to front yard and side yard setback requirements for 125B Mystery Wagon Road, legally described as Lot 14A, Block 4A of Palisades Tract of Deadwood Stage Run Addition to the City of Deadwood formerly Lot 14, Block 4A located n the SW 1/4 of Section 14, the SE 1/4 of Section 15, the NE 1/4 NE 1/4 of Section 22 and the N 1/2 NW 1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Actions: Approve/Deny Request for Variance

It was moved by Commissioner Williams and seconded by Commissioner Owens to approve Request for Variance — 125B Mystery Wagon Road for front yard and side yard setback requirements. Voting Yea: Martinisko, Keehn, Owens, Williams.

## 6. Items from Citizens not on Agenda

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

#### 7. Items from Staff

a. Deckard Technologies Case Study on Deadwood for Short-Term Rental regulations.

Mr. Kuchenbecker stated in your packet is a case study that Deckard technologies is our Short-Term Rental Marketer and monitoring. Did a case study of Deadwood and of course they are using it for promotional opportunities because it also gets the word out there that Deadwood is not a short-term rental ordinance and using their software as part of our system for monitoring and keeping compliance.

Mr. Kuchenbecker stated there is a lot going on in the city. The contractor for the Trailhead Parking lot, which is below the Lodge, has started and they are moving dirt. They have about 15 days of moving dirt, they have 5 side dumps going 8 hours a day 5 days a week. Mr. Chairman asked is the Trolley going to stop there when it's finished? Mr. Kuchenbecker stated yes. Mr. Kuchenbecker stated the forty-two trailer/truck parking, oversized vehicle parking spaces up there and that will relieve the partial need for the slag pile. We use it for the rodeo as well, it does not solve that issue, but on a year-round basis this is going to be a nice addition.

Mr. Kuchenbecker stated the water redundancy project will start to mobilize next week or the following week, we will start on that. Start in the parking lots of the hotel by Gold Dust and then the Bullock and then we will cross the Railroad Lot and down Railroad. It will take about 20 days once they get started to get through those parking lots.

Mr. Kuchenbecker stated Ridge Apartment Complex is getting close to an agreement with the City and that we would supply them with sewer through a private system.

Mr. Kuchenbecker stated Boot Hill Estates, we've reached an agreement with them on a septic system.

Mr. Kuchenbecker stated numerous retaining walls that are either in process or failing and moving up the ladder. We had two in the presidential district that we

had rocks fall off this Spring. We had one on Jefferson and one on Adams and a wall on Jackson that is building out and started up on McGovern Hill tree removal.

Mr. Kuchenbecker stated we will be submitting an application for the reconstruction of Crescent Street.

## 8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:13 p.m.

ATTEST:	
Chairman, Planning & Zoning Commission	Secretary, Planning & Zoning Commission

Minutes by Cammie Schmidt, Administrative Assistant



"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 20, 2025

**Applicant:** Bob Conway – RCS Construction

Address: 1314 Fountain Plaza Dr, Rapid City, SD 57702

**Site Address of Proposed Signage:** 50 Tatanka Drive (Across from The Lodge)

# **Computation of Sign Area**

**Building Frontage:** 363 Feet

**Total Available Signage:** 726 Square Feet

**Existing Signage:** None

Remaining Available Signage Area: 726 Square Feet

**Proposed Sign Project:** Install new freestanding sign (146 Square Feet)

**Proposed Building Materials**: Metal (see attached rendering)

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

**Location of Proposed Sign:** Near the intersection of Tatanka Drive and US Hwy 85

#### Discussion

The sign permit application in review is proposed at a location outside the locally-designated historic district and outside the national historic landmark district which is regulated by chapter 15.32.315 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The sign proposed in the current application is regulated by 15.32.090 of the Sign Ordinance, reference below.

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

The applicant wishes to install a freestanding sign to mark the location of the new Lawrence County Public Safety and Service Center.

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



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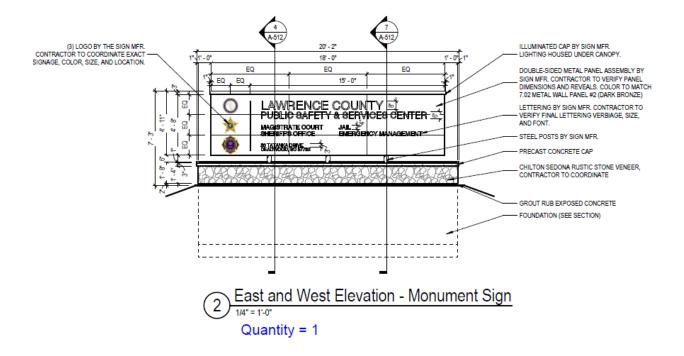
#### **Variances**

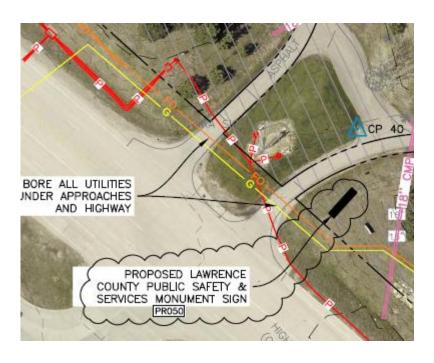
The sign permit application in review as proposed requires no variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find "special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or 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 freestanding sign at 50 Tatanka Drive OR

Motion to deny proposed sign permit application as submitted.







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Deadwood, South Dakota 57732

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# SIGN PERMIT STAFF REPORT

Sign Review Commission August 20, 2025

Applicant: Cem Iskender

Address: 1081 Main Street, Sturgis, SD 57785

**Site Address of Proposed Signage:** 666 Main Street (formerly Patch Stop)

# **Computation of Sign Area**

**Building Frontage:** 23 Feet

Total Available Signage: 46 Square Feet

Existing Signage: None

Remaining Available Signage Area: 46 Square Feet

**Proposed Sign Project:** Install new projecting sign (6 Square Feet) **Proposed Building Materials:** Wood (see attached photograph)

Proposed Lighting of the Signs: None

**Location of Proposed Sign:** On existing mount (see attached rendering)

#### Discussion

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

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

The applicant wishes to install a projecting sign. The business name is changing from "Patch Stop" to "Deadwood Rustic". The proposed sign will represent the new business name.

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 666 Main Street OR

Motion to deny proposed sign permit application as submitted.





# 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:** July 16, 2025

**From:** Kevin Kuchenbecker

Planning, Zoning & Historic Preservation Officer

**To:** Planning and Zoning Commission

**RE:** Annual Review - Conditional Use Permit - Bed and Breakfast

Establishment

**APPLICANT(S):** Burlington B&B

**PURPOSE:** Annual Review – Conditional Use Permit – Bed and

Breakfast Establishment

**ADDRESS:** 7 Burlington Street

Deadwood, Lawrence County, South Dakota

**LEGAL DESCRIPTION:** Lots 3 and 4 of Peck's Garden subdivision of part of

Probate Lots 138 and 327, Deadwood City, Lawrence County, SD, according to the recorded plat thereof.

**FILE STATUS:** Legal obligations remain in compliance.

**ZONE:** R1 - Residential

#### **STAFF FINDINGS:**

Surrounding Zoning: Surrounding Land Uses:

North: R2 – Multi-Family Residential Residential South: R1 – Residential Residential Residential East: R1 – Residential Residential Residential West: R2 – Multi-Family Residential Residential

#### SUMMARY OF REQUEST

The Deadwood City Commission has directed the Planning and Zoning Commission to conduct annual reviews of all Conditional Use Permits in accordance with City of Deadwood Municipal Code 17.76.060. The applicant was issued a Conditional Use Permit on July 1, 2023, to operate a Bed and Breakfast Establishment at 7 Burlington Street.

The subject property is located within the Peck's Garden neighborhood and is surrounded by single and multi-family properties.

#### **FACTUAL INFORMATION**

- 1. The property is currently zoned R1 Residential District.
- 2. The subject property has access from Burlington Street.
- 3. The subject property is located within a medium density land use classification on the adopted Zoning Map.
- 4. The property is not in a Flood Zone.
- 5. Adequate public facilities are available to serve the property.
- 6. The area is characterized by single-family and multi-family dwellings.

#### STAFF DISCUSSION

The applicant was granted a Conditional Use Permit for a Bed and Breakfast Establishment and City regulations permit Bed and Breakfast Establishments in R1 – Residential Districts with an approved Conditional Use Permit. The subject property is a one (1) bedroom, one (1) bath guest house located on the subject property. Renters can park in a driveway located on the property.

#### "Bed and Breakfast Establishment" means:

Any building run by an operator that is used to provide accommodation 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.

#### **COMPLIANCE:**

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

According to Deckard – Rentalscape the property was booked 71 nights in the past 12 months and is listed as a guest favorite on AirBnB.

No complaints are on record for this establishment.

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

In reviewing any case under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission shall consider, among other things, the following facts: A. The Conditional Use is 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.

B. Whether or not a community need exists for the Conditional Use at the 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 use: (a) the use in the current location has not resulted in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the use.

The subject area is zoned R1- Residential District and is intended to provide locations for medium density, residential development commensurate with an urban area. The use as a Bed and Breakfast Establishment has not resulted in an over-concentration of Short-Term Rentals in this area.

C. The Conditional Use at this location has not resulted 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 continued 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.

D. Whether or not the Conditional Use increases the proliferation of nonconforming uses as well as previously 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 types located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

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

E. Whether or not the Conditional Use in the proposed area has been adequately served by and has not imposed an undue burden on any of the improvements, facilities, utilities, and services specified in the ordinance.

The Conditional 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. In the R-1 Residential District and/or R2 Multi-Family Residential District, Conditional Use Permits granted shall be temporary in nature, except for townhouses, condominiums and multi-family dwellings, and shall be granted to a designated person who resides at the residential address. They are not transferable from person to person or from address to address.
- B. Following the issuance of a Conditional Use Permit, such permit may be amended, varied or altered only pursuant to the standards and procedures established by ordinance for its original approval.
- C. Conditional Use Permits, once granted, can be revoked by the Board of Adjustment for cause after a hearing is held before them. Complaints seeking the revocation of such a 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.
- D. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and on an annual basis and place additional stipulations to mitigate a problem.
- E. Any use permitted under the terms of any Conditional Use Permit shall be

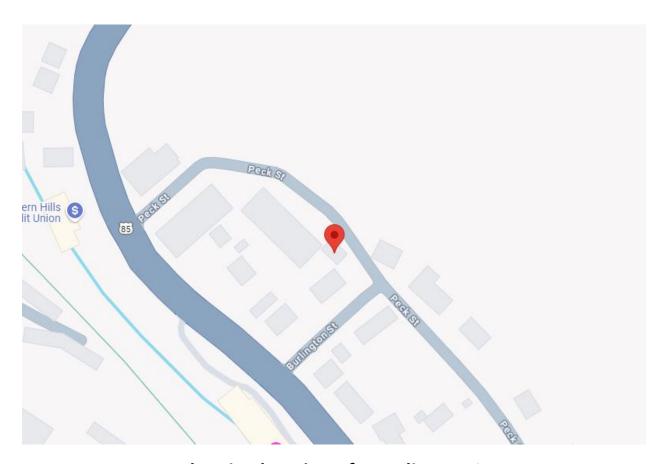
- established and conducted in conformity with the terms of such a permit and of any conditions designated in connection herewith.
- F. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, the permit shall expire and be canceled 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 continuation of the Conditional Use Permit is approved, staff will continue to recommend 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. The Bed and Breakfast must be owner occupied.
- 3. Proof of a state sales tax number from the South Dakota Department of Revenue has been provided to the Planning and Zoning Office for their files.
- 4. The Building Inspector has inspected the building, and it meets applicable building codes.
- 5. City water and sewer rates are to remain at commercial rates.
- 6. Proper paperwork has been filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
- 7. City of Deadwood Business and Short-Term Rental Licenses have been maintained.
- 8. A Lodging License from the South Dakota Department of Health has been maintained.
- 9. All parking shall remain off street.

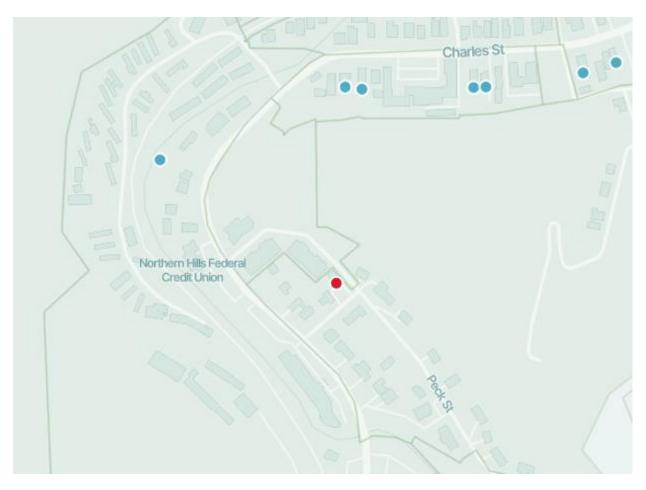
#### ACTION REQUIRED FOR CONTINUED USE OF CONDITIONAL USE PERMIT:

1. Approval/Denial by Deadwood Planning and Zoning Commission



Map showing location of 7 Burlington Street.





Map showing locations of nearby Short-Term Rentals to 7 Burlington Street.





Aerial photo of 7 Burlington Street.







# Zoning map of 7 Burlington Street, Deadwood, SD 57732

# Zoning Legend

- C1 COMMERCIAL
- CE COMMERCIAL ENTERPRISE
- CH COMMERCIAL HIGHWAY
- PF PARK FOREST
- PU PUBLIC USE
- PUD PLANNED UNIT DEVELOPMENT
- R1 RESIDENTIAL
- R2 MULTI-FAMILY RESIDENTIAL

# **Burlington Bunkhouse**

♡ <u>Save</u>











#### Entire home in Deadwood, South Dakota

4 guests  $\cdot$  1 bedroom  $\cdot$  2 beds  $\cdot$  1 bath

Guest favorite

5.0

12 Reviews



## Hosted by Jay

2 years hosting



#### Top 10% of homes

This home is highly ranked based on ratings, reviews, and reliability.

 $\Box$ 

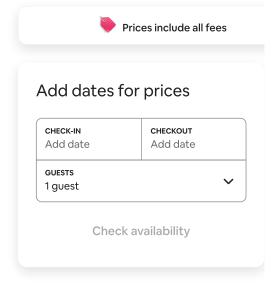
#### Self check-in

Check yourself in with the lockbox.



#### Beautiful and walkable

This area is scenic and easy to get around.



Report this listing

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

•••

Show more

## Where you'll sleep



**Bedroom** 

1 queen bed, 1 sofa bed

# What this place offers

PYD	Kitcher
-----	---------



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

Show all 52 amenities

#### Select check-in date

Add your travel dates for exact pricing

	June 2025					July 2025						
S	М	Т	W	Т	F	S	S	М	Т	W	Т	F
1	2	3	4	5	6	7			1	2	3	4
8	9	10	11	12	13	14	6	7	8	9	10	11
<del>15</del>	16	17	18	19	<del>20</del>	<del>21</del>	<del>13</del>	14	15	16	17	18
22	23	24	<del>25</del>	26	27	28	<del>20</del>	21	22	23	24	25
29	30						27	28	29	30	31	





### **Guest favorite**

This home is in the **top 10%** of eligible listings based on ratings, reviews, and reliability

Overall rating	Cleanliness	Accuracy	Check-in	Communication	Location	Value
5	5.0	5.0	5.0	5.0	4.9	4.9
4						
2	<b>₹</b>	$\bigcirc$	Q	$\Box$		$\bigcirc$



**Chloe**3 years on Airbnb

★★★★ · March 2025 · Stayed a few nights

Absolutely incredible stay! The place was spotless, beautifully decorated, and had everything we needed. The host was super responsive and went above and beyond to make sure we were comfortable. The location was perfect!. We'd stay here again in a heartbeat! Highly recommend!

#### **Show more**



6/4/25, 9:52 AM

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

We had such a wonderful stay—the place was absolutely perfect! It was just as pictured and described. We also walked in to the amazing scent of fresh-cut lilacs—my favorite flower, and treats. It was such a thoughtful and beautiful touch! We were hoping to book again for Kool Deadwood Nights and were a little disappointed to see it was already reserved, we understand why though. We come ...

#### **Show more**



**Gracie** 3 years on Airbnb

★★★★ · August 2024 · Stayed about a week

Jay's place was great! Every room in the house was very clean and spacious. Full size kitchen was great! Large closet in bedroom was great! Very convenient having washer and dryer. Location was great, extremely close to trolley pick up, 1 mile walk to Mainstreet and so close to Michaelson trail. We had a great stay in beautiful Deadwood!

#### Show more



**Leslie**Lexington, Kentucky

★★★★ · June 2024 · Stayed a few nights

If you are going to Lead, Deadwood, or any surrounding area, this is a great place to stay. It is an awesome bunkhouse with room and a kitchen and a fantastic location. It was very clean, neat and quiet. This is a 5-star pace to stay in the area and the response from owners was top-notch. Could have asked for anything else. Loved this place.

#### **Show more**



**David** Des Moines, Iowa

★★★★ · July 2024 · Stayed a few nights

my wife and i ha e brought our kids and extended family to Deadwood for 7 years. As our family has grown we have needed an additional place to stay. Jay's house is as amazing as it looks in the pictures. From the moms t we walked in it felt like our home away from home. So comfortable and quiet. Everything was perfect. We will definitely stay here again next yer( if it's not fully rented alread...

#### Show more



**Hervy** Annapolis, Maryland

★★★★ · October 2024 · Stayed a few nights

My wife and I had the pleasure of staying at Jay and Pam's beautiful home in Deadwood, and it was truly a phenomenal experience! From the moment we arrived, we were captivated by the cozy ambiance and stunning decor that perfectly suited the charming character of the area. The home provided a warm retreat after our daily adventures in the vibrant town....

#### Show more

Show all 12 reviews

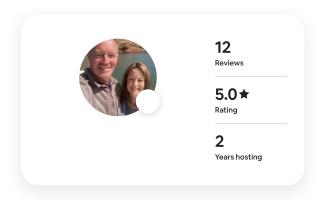
Learn how reviews work

# Where you'll be

Deadwood, South Dakota, United States



# Meet your host



Born in the 60s

Where I went to school: Lead-Deadwood School District

My wife and I were both born and raised in Deadwood. The Black Hills has so much to offer. The trails to hike, lakes to fish, woods to hunt, and golf courses to conquer are just a few of the activities we love. Deadwood offers so many great events and concerts. Sharing our area with others is a passion we both enjoy. And you can't beat the people. South Dakotans are friendly and helpful. We love our town!

#### Host details

Response rate: 100%

# 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 20, 2025

**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:** Legal obligations are being met.

**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. A Conditional Use Permit was issued on August 7, 2023, to operate a Specialty Resort at 20577 Highway 85.

The subject property is located on Highway 85 and is surrounded by properties zoned Commercial Highway, Residential, and properties located outside of Deadwood City limits.

#### **FACTUAL INFORMATION**

- 1. The property is currently zoned CH Commercial Highway.
- 2. The subject property has access from Highway 85.
- 3. The subject property is located within a zone intended to provide locations for commercial use.
- 4. The property is not in a Flood Zone.
- 5. Adequate public facilities are available to serve the property.
- 6. The area is characterized by a mixture of business, highway and undeveloped land.

#### STAFF DISCUSSION

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 three (3) bedroom, two (2) bath home. Renters can park in community parking 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:**

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

According to Deckard – Rentalscape the property was booked 111 nights in the past 12 months and is listed as a guest favorite on AirBnB with excellent reviews.

No complaints are on record for this establishment.

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

In reviewing any application under the authority of Chapter 17.76.040 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 Conditional 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 has not significantly affected the neighborhood since the applicant abides by the parking requirements associated with Short-Term Rentals.

B. Whether or not a community need exists for the Conditional Use at the 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 Conditional Use in the location has not resulted in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the Conditional 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 Conditional Use at this location has not resulted 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 Conditional Use has not resulted 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.

D. Whether or not the proposed use increases the proliferation of nonconforming 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 of uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

The current use has not increased the proliferation of non-conforming uses. The subject residence is in an area that does not have other 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 area has been adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in city ordinance.

The Conditional 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 Commission for its original approval.
- B. Conditional Use Permits, once granted, can be revoked by the Board of Adjustment 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 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.

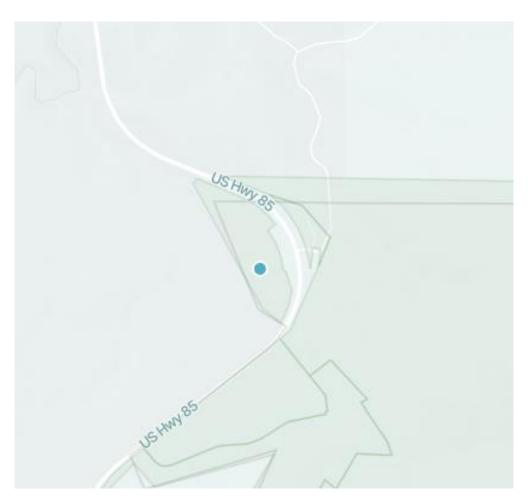
- D. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such a permit and of any conditions designated in connection therewith.
- E. If the permitted use under the terms of a Conditional Use Permit ceases, for whatever reason, 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 for continued use, staff recommends the following conditions be met:

- 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.
- 8. Burn permits will not be issued for this location.

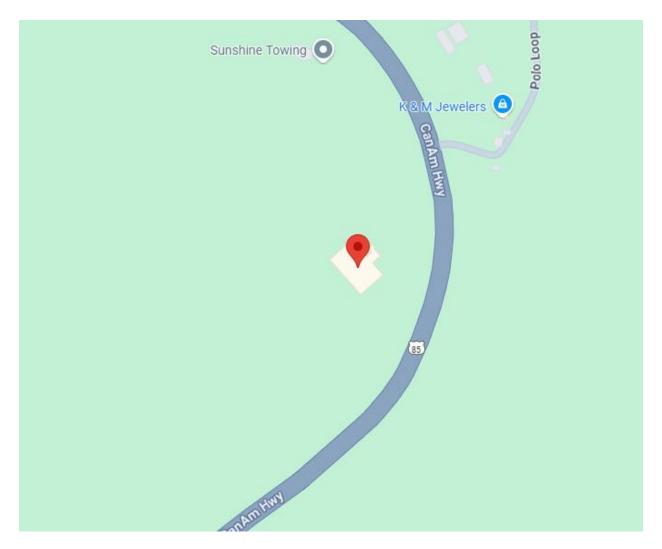
## ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

1. Approval/Denial by Deadwood Planning and Zoning Commission



Map showing locations of nearby Short-Term Rentals to 20577 Highway 85.

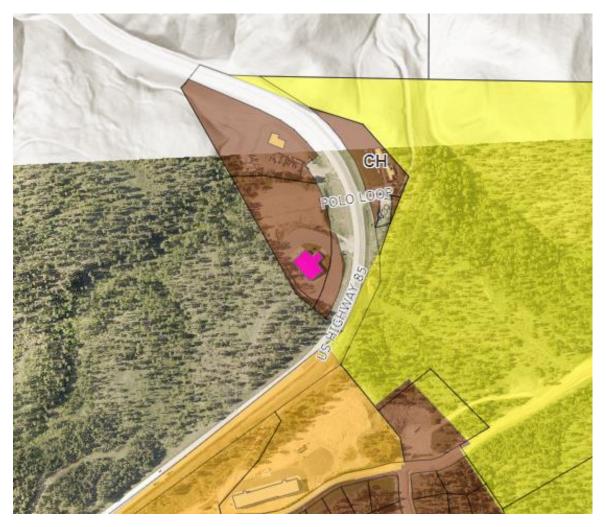




Map showing location of 20577 Highway 85, Deadwood, SD 57732







Zoning map showing 20577 Highway 85, Deadwood, SD 57732

# Zoning Legend

- C1 COMMERCIAL
- CE COMMERCIAL ENTERPRISE DISTRICT
- CH COMMERCIAL HIGHWAY
- PF PARK FOREST
- PU PUBLIC USE
- PUD PLANNED UNIT DEVELOPMENT
- R1 RESIDENTIAL
- R2 MULTI-FAMILY RESIDENTIAL

# Modern Deadwood Apt with Mountain Views & Grill!

 $\bigcirc$  Save





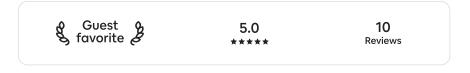


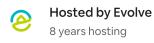




#### Entire rental unit in Deadwood, South Dakota

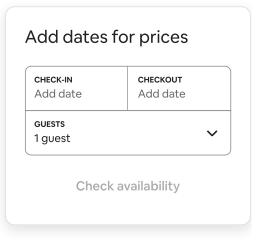
4 guests  $\cdot$  1 bedroom  $\cdot$  2 beds  $\cdot$  1.5 baths





- Self check-in
  Check yourself in with the keypad.
- Unbeatable location
   100% of guests in the past year gave this location a 5-star rating.
- Exceptional host communication

  Recent guests gave Evolve a 5-star rating for communication.



Report this listing

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

# Where you'll sleep



Bedroom

1 king bed



Common space

1 sofa bed

## What this place offers

Kitchen

ি Wifi

📑 🛮 Free residential garage on premises

□ TV

Washer

Oryer

A Central air conditioning

📓 Indoor fireplace

Hair dryer

Exterior security cameras on property

#### Show all 33 amenities

## Select check-in date

Add your travel dates for exact pricing

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## **Guest favorite**

This home is a guest favorite based on ratings, reviews, and reliability

Overall rating	Cleanliness	Accuracy	Check-in	Communication	Location	Value
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Trudy

King William, Virginia

 $\star\star\star\star\star$  · 1 week ago · Stayed a few nights

7/9/25, 4:21 PM

Modern Deadwood Apt with Mountain Views & Grill! - Apartments for Rent in Deadwood, South Dakota, United S

Section 5 Item b.

We had the most spectacular experience all the way around. I do not say that often. The location was perfect to everything we wanted the space was perfect for us. Clean and fresh. The host was awesome the grounds beautiful. When I head back to the area I would absolutely stay here again. Just perfect.

#### **Show more**

Kris

5 years on Airbnb

★★★★ · 3 weeks ago · Stayed a few nights

Great place to stay! Very clean and the owners were great to work with! Close to Deadwood, so that was great!

Kim

Platteville, Colorado

★★★★ · September 2024 · Stayed a few nights

We had an amazing time at this property! The home was beautiful, clean, and well-equipped for cooking, making it easy to prepare meals during our stay. The accommodations were very comfortable, and we especially appreciated how well-maintained the BBQ was for outdoor cooking. The garage with an opener made it super convenient to come and go easily. Th...

#### Show more

#### Makayla

Wheatland, Wyoming

\*\*\*\* August 2024 · Stayed a few nights

I would 100% recommend this place for anyone traveling to the area! The apartment was very clean, we had access to park in a garage, and the host was super friendly and always available.

#### **Show more**

Jane

2 years on Airbnb

★★★★ · July 2024 · Stayed a few nights

Beautiful place to stay, easy access right off of 85, and nice, quiet place after a long day!

Amy

Midway, Texas

 $\star\star\star\star\star$  · July 2023 · Stayed a few nights

We really enjoyed our stay. The host was very friendly and helpful. The property is beautiful and has everything you need. The kitchen is modern, well stocked with dishware and cookware, and has all necessary appliances. The bed is very comfortable. The living area is large and has seating for a crowd. We couldn't have stayed at a better place with a nicer host. Parking is goo...

#### **Show more**

Show all 10 reviews

Learn how reviews work

# Centrally-Located Deadwood Apt w/ Mountain Views!

♡ <u>Save</u>





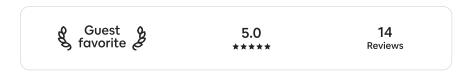






#### Entire rental unit in Deadwood, South Dakota

4 guests  $\cdot$  2 bedrooms  $\cdot$  2 beds  $\cdot$  1 bath





### **Hosted by Evolve**

8 years hosting

Self check-in

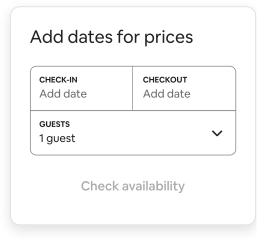
Check yourself in with the keypad.

O Unbeatable location

100% of guests in the past year gave this location a 5-star rating.

Exceptional host communication

Recent guests gave Evolve a 5-star rating for communication.



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

্কি Wifi

Free residential garage on premises

□ TV

Washer

Dryer

Central air conditioning

Bathtub

P Hair dryer

Exterior security cameras on property

#### Show all 31 amenities

## Select check-in date

Add your travel dates for exact pricing

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31





## **Guest favorite**

This home is a guest favorite based on ratings, reviews, and reliability

Overall rating	Cleanliness	Accuracy	Check-in	Communication	Location	Value
5	4.9	5.0	5.0	4.9	4.9	5.0
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Kathleen

Laporte, Minnesota

★★★★ · June 2025 · Stayed a few nights

7/9/25, 4:20 PM

Centrally-Located Deadwood Apt w/ Mountain Views! - Apartments for Rent in Deadwood, South Dakota, United

This is a beautiful place in an amazing location. Close to downtown Deadwood and yet peacful location. We will back!

Section 5 Item b.

#### Christian

Lampe, Missouri

★★★★ · August 2024 · Stayed a few nights

Really nice place, host was very friendly and polite. Location was far enough from town to be quiet, but easy to get to when you're ready. Lots of stuff in town to do, and other attractions close by. Highly recommend.

#### **Show more**

#### Heather

North Platte, Nebraska

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

Very nice place good location clean and plenty of room.

#### **Thomas**

3 years on Airbnb

★★★★ · July 2024 · Stayed a few nights

Brad was such a gracious and accommodating host. We loved our time here and would definitely come back again!

#### 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**

#### Keith

7 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 ...

#### Show more

Show all 14 reviews

Learn how reviews work

# 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 20, 2025

**From:** Kevin Kuchenbecker

Planning, Zoning & Historic Preservation Officer

**To:** Planning and Zoning Commission

**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 obligations are being 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.

The subject property is located on Cliff Street and is surrounded by residences, businesses and bordered by a highway.

#### **FACTUAL INFORMATION**

- 1. The property is currently zoned CH Commercial Highway.
- 2. The subject property has access from Cliff Street.
- 3. The subject property is located within a zone intended to provide locations for commercial use.
- 4. The property is in the floodplain.
- 5. Adequate public facilities are available to serve the property.
- 6. The area is characterized by a mixture of residences and businesses.

#### 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 home. Renters can park in three (3) parking spaces in the driveway.

### "Vacation Home Establishment" means:

Any home, cabin, or similar building that is rented, leased or furnished in its entirety that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than fourteen (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 city ordinance.

#### **COMPLIANCE:**

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

According to Deckard – Rentalscape the property was booked 105 nights in the past 12 months and is listed as a guest favorite on AirBnB with excellent reviews.

No complaints are on record for this establishment.

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

In reviewing any application under the authority of Chapter 17.76.040 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 Conditional 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 has not significantly affected the neighborhood since the applicant abides by the parking requirements associated with Short-Term Rentals.

B. Whether or not a community need exists for the Conditional Use at the 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 Conditional Use in the location has not resulted in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the Conditional 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 Conditional Use at this location has not resulted 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 Conditional Use has not resulted 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.

D. Whether or not the proposed use increases the proliferation of nonconforming 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 of uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

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

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

The Conditional 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 Commission for its original approval.
- B. Conditional Use Permits, once granted, can be revoked by the Board of Adjustment 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 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. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such a permit and of any conditions designated in connection therewith.
- E. If the permitted use 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

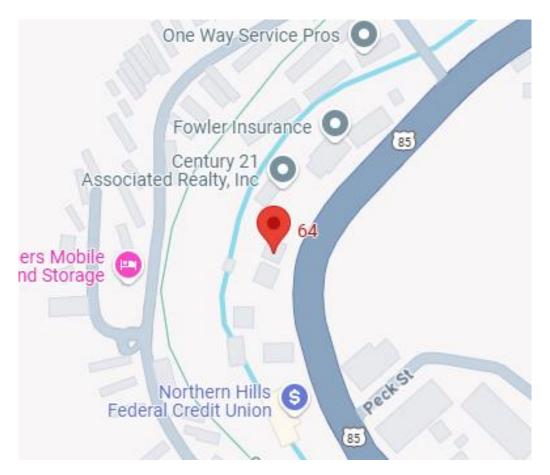
thereof shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.

If approved for continued use, staff recommends the following conditions be met:

- 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. A state sales tax number from the South Dakota Department of Labor has been provided to the Planning and Zoning Office for their files.
- 3. The Building Inspector has inspected the building, and it meets applicable building codes.
- 4. City water and sewer rates have changed from residential to commercial rates.
- 5. Proper paperwork has been filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
- 6. City of Deadwood Business and Short-Term Rental Licenses have been maintained and are active.
- 7. A Lodging License from the South Dakota Department of Health has been maintained and is active.
- 8. All parking shall remain off-street.
- 9. Burn permits will not be issued for this location.

#### 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







# Zoning map showing 64 Cliff Street, Deadwood, SD 57732

# Zoning Legend

- C1 COMMERCIAL
- CE COMMERCIAL ENTERPRISE
- DISTRIC
- CH COMMERCIAL HIGHWAY
- PF PARK FOREST
- PU PUBLIC USE
- PUD PLANNED UNIT DEVELOPMENT
- R1 RESIDENTIAL
- R2 MULTI-FAMILY RESIDENTIAL



Aerial photo of 64 Cliff Street, Deadwood, SD 57732





Map showing locations of nearby Short-Term Rentals to 64 Cliff Street.



# The Yellow Door!

♡ <u>Save</u>











#### Entire home in Deadwood, South Dakota

6 guests  $\cdot$  2 bedrooms  $\cdot$  3 beds  $\cdot$  1 bath

Guest 5.0 38 favorite \*\*\*\* Reviews



#### Hosted by Michael

 ${\it Superhost} \cdot {\it 3 years hosting}$ 



#### Top 5% of homes

This home is highly ranked based on ratings, reviews, and reliability.



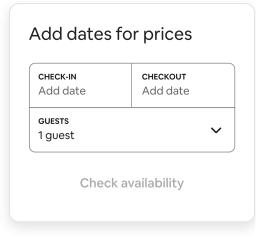
#### Exceptional check-in experience

Recent guests gave the check-in process a 5-star rating.



#### Comfy bed for better sleep

The room-darkening shades and extra bedding are loved by guests.



Report this listing

Section 5 Item c.

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. Trailer parking on-site, no pets, no smoking!...

Show more

Kitchen

Wifi

Dedicated workspace

Free parking on premises

Washer

Free dryer - In building

Air conditioning

Bathtub

Patio or balcony

Show all 43 amenities

#### Select check-in date

Add your travel dates for exact pricing

August 2025

July 2025

Section 5 Item c.

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6	7	8	9	<del>10</del>	11	<del>12</del>	3	4	5	6	7	
13	14	15	16	17	18	<del>19</del>	10	11	<del>12</del>	13	14	
<del>20</del>	<del>21</del>	22	23	24	25	26	<del>17</del>	<del>18</del>	<del>19</del>	<del>20</del>	<del>21</del>	1

5.0

### **Guest favorite**

This home is in the **top 5%** of eligible listings based on ratings, reviews, and reliability

Overall rating	Cleanliness	Accuracy	Check-in	Communication	Location	Value
5	5.0	5.0	5.0	5.0	4.9	5.0
4						
2	<b>X</b> *	$\bigcirc$	Q			<b>(</b> >
	J		-	•		•

#### Katelyn

Pittsburgh, Pennsylvania

#### ★★★★ · May 2025 · Stayed a few nights

We loved everything about The Yellow Door! It's the perfect little get away home, its super clean and spacious. It has everything you need and more. The house is in a nice quiet area, but close enough to walk to downtown Deadwood. Michael was a great host, gave clear easy instructions and responded at a reasonable time. 10/10, would stay again and I recommend!

#### **Show more**

#### Michelle

Sioux Falls, South Dakota

#### ★★★★ · April 2025 · Stayed a few nights

Cute cozy house just outside of all the hustle and bustle but still close enough to walk. There was a trolley available but too nice not to walk. I received clear to-the-point instructions (some of them get to be a lot of reading so I appreciated that) the day of. Had no issues whatsoever!

#### **Show more**

Section 5 Item c.

#### Derek

Saint Paul, Minnesota

#### ★★★★ · 2 weeks ago · Stayed a few nights

Great location everything is with in walking distance. Very clean and comfortable house. Glad we stayed here.

#### **Emily**

7 years on Airbnb

#### ★★★★ · March 2025 · Stayed a few nights

We stayed here for a short weekend in Deadwood. It was the perfect location to not be on the historic Main Street, but a quick 3 minute drive down the street. Very easy to find and a perfect house for my husband & I traveling with my parents! Would definitely stay again.

#### **Show more**

#### McKenna

Salt Lake City, Utah

#### ★★★★ · March 2025 · Group trip

This place was perfect for our St Paddy's weekend! Super close to the trolley stops, but still walkable to the Main Street if you choose not to take the trolley. And it was a great place for the price. Would definitely book again!

#### **Show more**

#### Jarrod

Dayton, Wyoming

#### ★★★★ · January 2025 · Stayed a few nights

Michaels place is close enough to walk downtown if that's what you have planned, there are also trolleys that stop pretty close bye. The place is cozy quite and has good views.

Show all 38 reviews

Learn how reviews work

# Where you'll be

Deadwood, South Dakota, United States

# 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 20, 2025

**From:** Kevin Kuchenbecker

Planning, Zoning & Historic Preservation Officer

**To:** Planning and Zoning Commission

**RE:** Annual Review - Conditional Use Permit - Vacation Home

Establishment

**APPLICANT(S):** Deadwood Rentals - Creekside

**PURPOSE:** Annual Review – Conditional Use Permit – Vacation

Home Establishment

**ADDRESS:** 36 Water Street

Deadwood, Lawrence County, South Dakota

**LEGAL DESCRIPTION:** Tract A, an 8' platted alley and a portion of Lot R-1 of

the City of Deadwood railroad property all located in the Hillsdale Addition to the City of Deadwood, in the

NW ¼ of Section 26, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

And

Tract B-1, McGovern Hill Addition of the City of Deadwood, located in the NW ¼ NW ¼ of Section 26

T5N, R3E, B.H.M., City of Deadwood, Lawrence

County, South Dakota.

**FILE STATUS:** Legal obligations are being met.

**ZONE:** C1 – Commercial

#### STAFF FINDINGS:

Surrounding Zoning: Surrounding Land Uses:

North: R1 – Residential Residential

South: PU – Public Use Open Space/Trail

East: C1 - Commercial Businesses
West: C1 - Commercial Open Space

#### 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 21, 2023, to operate a Vacation Home Establishment at 36 Water Street.

The subject property is located on Water Street and is surrounded by a variety of zoning districts.

#### **FACTUAL INFORMATION**

- 1. The property is currently zoned C1 Commercial District.
- 2. The subject property has access from Water Street.
- 3. The subject property is located within a zone where certain commercial uses and gaming are permitted.
- 4. The property is in a floodway and flood zone.
- 5. Adequate public facilities are available to serve the property.
- 6. The area is characterized by a mixture of residences, open space, and other commercial businesses.

#### STAFF DISCUSSION

The applicant was granted a Conditional Use Permit for a Vacation Home Establishment and City regulations permit Vacation Home Establishments in C1 - Commercial Districts with an approved Conditional Use Permit. The subject property is a three (3) bedroom, two (2) bath home. Renters can park in the driveway on the property.

#### "Vacation Home Establishment" means:

Any home, cabin, or similar building that is rented, leased or furnished in its entirety that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than fourteen (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 city ordinance.

#### **COMPLIANCE:**

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

According to Deckard – Rentalscape the property was booked 132 nights in the past 12 months and has excellent reviews.

No complaints are on record for this establishment.

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

In reviewing any application under the authority of Chapter 17.76.040 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 Conditional 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 have not significantly affected the neighborhood since the applicant abides by the parking requirements associated with Short-Term Rentals.

B. Whether or not a community need exists for the Conditional Use at the 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 Conditional Use in the location has not resulted in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the Conditional Use.

The subject area is zoned C1– Commercial District and is intended to provide locations coinciding with the Downtown Core Commercial Zone where certain commercial uses and gaming are permitted.

C. The Conditional Use at this location has not resulted 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 Conditional Use has not resulted 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.

D. Whether or not the proposed use increases the proliferation of nonconforming 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 of uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

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

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

The Conditional 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 Commission for its original approval.
- B. Conditional Use Permits, once granted, can be revoked by the Board of Adjustment 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

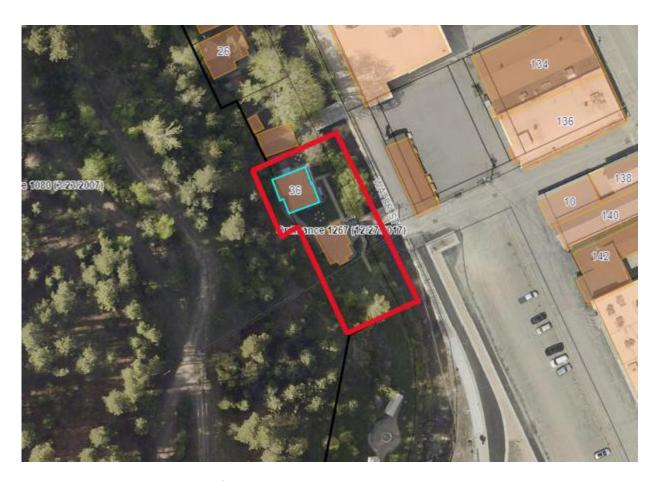
- the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit Application hearings.
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.
- D. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such a permit and of any conditions designated in connection therewith.
- E. If the permitted use 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 for continued use, staff recommends the following conditions be met:

- 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 have changed from residential to commercial rates.
- 5. Proper paperwork has been filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
- 6. City of Deadwood Business and Short-Term Rental Licenses have been maintained.
- 7. A Lodging License from the South Dakota Department of Health has been maintained.
- 8. All parking shall be off street.
- 9. Burn permits will not be issued for this address.

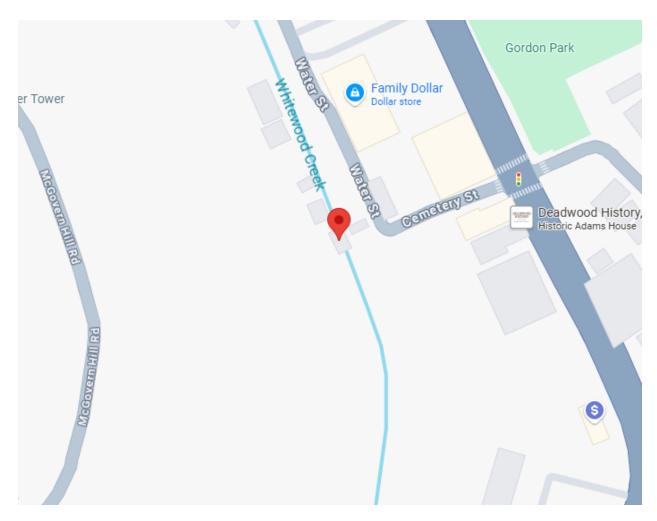
# ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

1. Approval/Denial by Deadwood Planning and Zoning Commission



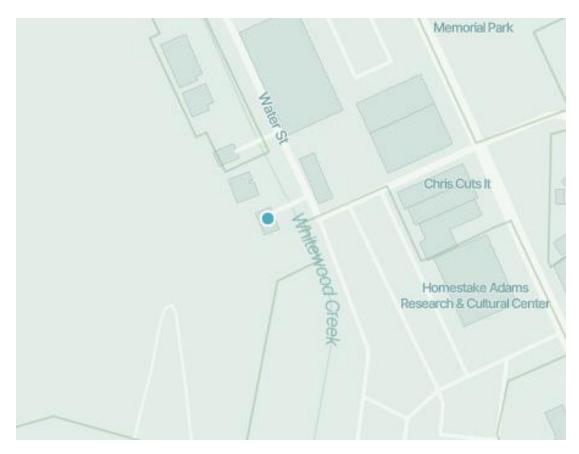
Aerial photo of 36 Water Street, Deadwood, SD 57732





Map showing location of 36 Water Street, Deadwood, SD 57732.





Map showing locations of nearby Short-Term Rentals to 36 Water Street.







# Zoning map showing 36 Water Street, Deadwood, SD 57732

# Zoning Legend

- C1 COMMERCIAL
- CE COMMERCIAL ENTERPRISE
- CH COMMERCIAL HIGHWAY
- PF PARK FOREST
- PU PUBLIC USE
- PUD PLANNED UNIT DEVELOPMENT
- R1 RESIDENTIAL
- R2 MULTI-FAMILY RESIDENTIAL

# Historic Creekside Home Dwtn Deadwood w/ Hot Tub

♡ Save











#### Entire home in Deadwood, South Dakota

14 guests  $\cdot$  3 bedrooms  $\cdot$  9 beds  $\cdot$  2 baths

**★** 4.87 · <u>297 reviews</u>



#### **Hosted by Trinity**

Superhost · 9 years hosting

Self check-in

Check yourself in with the keypad.

Walkable area

Guests say this area is easy to get around.

Mountain view

Soak up the view during your stay.

This gorgeous property is just a block from Main Street, and Deadwood Mountain Grand, making it a fantastic location for all guests. Whether you're planning a family vacation, a quiet getaway with your significant other, or a fun filled weekend with friends, we can accommodate you! The Mickelson Trail also begins directly adjacent to this property. Perfect for Bikers, hikers, snowmobilers, or adventure seekers. After a long day of activities, step out the kitchen porch into the 7-person hot tub.

Add dates for prices

CHECK-IN
Add date

CHECKOUT
Add date

GUESTS
1 guest

Check availability

Report this listing

...

#### Show more

# Where you'll sleep









**Bedroom 1**1 king bed, 1 double bed, 1 single bed

Bedroom 2
1 queen bed

# What this place offers

- Mountain view
- 队 Kitchen
- ্কি Wifi
- 😝 Free parking on premises
- Private hot tub
- **∞** Pets allowed
- TV with standard cable
- Free washer In unit
- Free dryer In unit
- Exterior security cameras on property

#### Show all 66 amenities

#### Select check-in date

Add your travel dates for exact pricing

		Ju	ıly 202	25				Αυς	gust 2	025		
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27	28	29	30	<del>31</del>			24	25	26	27	28	4

31



## ★ 4.87 · 297 reviews

Overall rating	Cleanliness	Accuracy	Check-in	Communication	Location	Value
5	4.8	4.8	5.0	4.9	4.9	4.8
4						
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#### Scott

Houston, Minnesota

#### ★★★★ · 2 weeks ago · Group trip

This was a great location for exploring the city of Deadwood. It is an easy 5 minute walk to all the restaurants and shops in Deadwood. It is also right at the trailhead for the Mickelson Trail. The actual driveway has limited space, but there is ample free public parking right across the street. The owner was very responsive and quickly answered our questions about parking for ...

### Show more



#### Kinsley Chadron, Nebraska

★★★★ · May 2025 · Group trip

This place is great if you have a bigger group staying in deadwood! It is in a great location and everything we wanted to do was a very short distance! It also was far enough off the main drag to be nice and peaceful.

#### Show more



**Lynda** 4 years on Airbnb

★★★★ · September 2024 · Stayed with a pet

What a great location!!! The king and queen beds were amazing! The bunk bed mattress was a little less amazing but still not terrible! The hot tub had a little too much of a chemical smell in it so we didn't use that but it was nice and hot when we arrived! The place was spotless and very comfortable. Would recommend and would stay here again!!!

#### Show more



**Kathy** 1 year on Airbnb

★★★★ · July 2024 · Stayed a few nights

it was our first sisters trip. I picked Deadwood because I was there 10 years ago and always wanted to go back. The air B&B I chose was perfect. Trinity was an awesome host, we had everything we needed. It was walking distance to all the shops, restaurants. Coffee in the morning while relaxing in the hottub. Thank you for letting us enjoy and stay in your beautiful home.

#### **Show more**



**Jen**Plymouth, Michigan

**★★★★** · 1 week ago · Group trip

This home exceeded our expectations with its cleanliness, coziness and charm. We fell in love with Deadwood and will be back!! 10/10 recommend staying here!!



**Joan** 7 years on Airbnb

\*\*\*\* · September 2024 · Group trip

Annual girls trip to the Black Hills and we all enjoyed the time at Trinity's. The location is very close to restaurants, coffee shops, trolley and the downtown area. Enough room for all 7 of us to be comfortable and safe. Only suggestion we have is to be certain to read the descriptions of the bedrooms and not rely on the sketch pictures of the rooms so you know how many be...

#### Show more

Show all 297 reviews

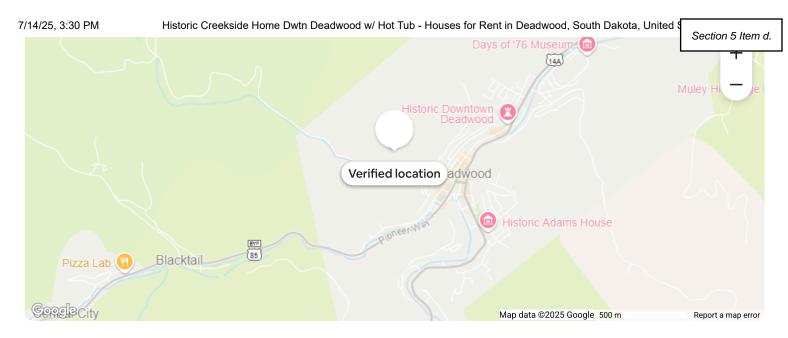
Learn how reviews work

# Where you'll be

Deadwood, South Dakota, United States



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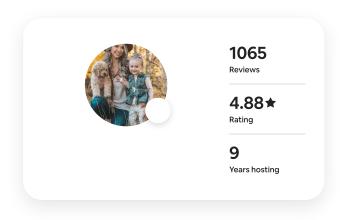
We verified that this listing's location is accurate. Learn more

## Neighborhood highlights

Very small creekside neighborhood with only 3 other houses on this street. Only one direct neighbor with a privacy fence between. The other side of the property is the start of Mickelson trail. Located behind the Family Dollar building.

Show more >

# Meet your host



Q Born in the 90s

My work: Self employed

Hello! I was born and raised in Deadwood, SD and continue to live here year round. I thoroughly enjoy hosting Airbnb properties to everyone coming to visit our little piece of paradise. I got started on Airbnb in 2016 to rent my house out while traveling for work, and I've been fortunate to grow it into a multi-property, superhost Operation. I am a professional traveling aerialist/stunt performer, own 7 local businesses (Deadwood Rentals, The Dungeon Bar, Live It Up aerial studio, Deadwood Growhouse, Hickoks Casino, Bullock Casino, and Cabo Conrad, Costa Rica) with several other

Section 5 Item d.

Airbnb properties in town. I also am a single mom to the sassiest two year old around, Lavender Rae and her new doodle pup, Honey B. The support of all of YOU enables my businesses to do sponsorships such as: - Local Meals and wheels -Veterans of America -Silver sponsors of Local youth sports teams. -yearly food/health sponsorship of Elders in Guatamala (sharing the Dream) - Scholastic Sponsorship at local Elementary school - and Dozens of local Gofundme fundraisers and Benefits. Thank you for supporting my small business! Don't hesitate to ask about the other properties or any questions about the area. The Black Hills is a wonderful place to visit!

#### Trinity 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 help protect your payment, always use Airbnb to send money and communicate with hosts.

# Things to know

#### House rules

Check-in after 4:00 PM

Checkout before 11:00 AM

14 guests maximum

# Show more > Safety & property

Exterior security cameras on property

Pool/hot tub without a gate or lock

May encounter potentially dangerous animal

# Show more >

**Cancellation policy** 

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

#### Add dates >

#### Support

# 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

Telephone (605) 578-2082 kevin@cityofdeadwood.com

# PLANNING AND ZONING COMMISSION CONDITIONAL USE PERMIT – ANNUAL REVIEW

# **Staff Report**

**Date:** August 20, 2025

**From:** Kevin Kuchenbecker

Planning, Zoning & Historic Preservation Officer

**To:** Planning and Zoning Commission

**RE:** Annual Review - Conditional Use Permit - Vacation Home

Establishment

**APPLICANT(S):** Deadwood Rentals – Main

**PURPOSE:** Annual Review – Conditional Use Permit – Vacation

Home Establishment

**ADDRESS:** 819 Main Street

Deadwood, Lawrence County, South Dakota

**LEGAL DESCRIPTION:** Lot 12 in Block A of Sunnyside Addition to the City of

Deadwood as set out in Plat Book 3 Page 251, Lawrence County, South Dakota, except that part deeded to the State of South Dakota for highway purposes as set out in Book 372 Page 58 and Page

168.

And

Tract A-1 in Block A, a replat of Tracts "A" and "B" of the subdivision of Lot 13, Block A of Sunnyside Addition, located in the NW ¼ NE ¼ of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota, according to plat filed in

Document No. 2001-4003.

**FILE STATUS:** Legal obligations are being met.

**ZONE:** C1 – Commercial

#### **STAFF FINDINGS:**

Surrounding Zoning: Surrounding Land Uses:

North: C1 – Commercial Parking Lot

South: PU – Public Use Highway/Open Space

East: C1 – Commercial Hotel
West: R2 – Multi-Family Residential Church

#### 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 September 18, 2023, to operate a Vacation Home Establishment at 819 Main Street.

The subject property is located on Main Street and is surrounded by a variety of zoning districts.

#### **FACTUAL INFORMATION**

- 1. The property is currently zoned C1 Commercial District.
- 2. The subject property has access from Main Street.
- 3. The subject property is located within a zone where certain commercial uses and gaming are permitted.
- 4. The property is in a 500-year flood zone.
- 5. Adequate public facilities are available to serve the property.
- 6. The area is characterized by a mixture of businesses.

#### STAFF DISCUSSION

The applicant was granted a Conditional Use Permit for a Vacation Home Establishment and City regulations permit Vacation Home Establishments in C1 - Commercial Districts with an approved Conditional Use Permit. The subject property is a triplex consisting of a total of six (6) bedrooms and six (6) baths. Renters can park in the parking lot across the street.

#### "Vacation Home Establishment" means:

Any home, cabin, or similar building that is rented, leased or furnished in its entirety that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than fourteen (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 city ordinance.

#### **COMPLIANCE:**

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

According to Deckard – Rentalscape the property was booked 194 nights in the past 12 months and has excellent reviews.

No complaints are on record for this establishment.

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

In reviewing any application under the authority of Chapter 17.76.040 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 Conditional 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 has not significantly affected the neighborhood since the applicant abides by the parking requirements associated with Short-Term Rentals.

B. Whether or not a community need exists for the Conditional Use at the 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 Conditional Use in the location has not resulted in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the Conditional Use.

The subject area is zoned C1– Commercial District and is intended to provide locations coinciding with the Downtown Core Commercial Zone where certain commercial uses and gaming are permitted.

C. The Conditional Use at this location has not resulted 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 Conditional Use has not resulted 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.

D. Whether or not the proposed use increases the proliferation of nonconforming 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 of 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 nearby. 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 area has been adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in city ordinance.

The Conditional 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 Commission for its original approval.
- B. Conditional Use Permits, once granted, can be revoked by the Board of Adjustment 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 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. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such a permit and of any conditions designated in connection therewith.
- E. If the permitted use 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 for continued use, staff recommends the following conditions be met:

- 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. 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 applicable building codes.
- 4. City water and sewer rates have changed from residential to commercial rates.
- 5. Proper paperwork has been filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
- 6. City of Deadwood Business and Short-Term Rental Licenses have been maintained.
- 7. A Lodging License from the South Dakota Department of Health has been maintained.
- 8. All parking shall be off street.
- 9. No burn permits will be issued to this address.

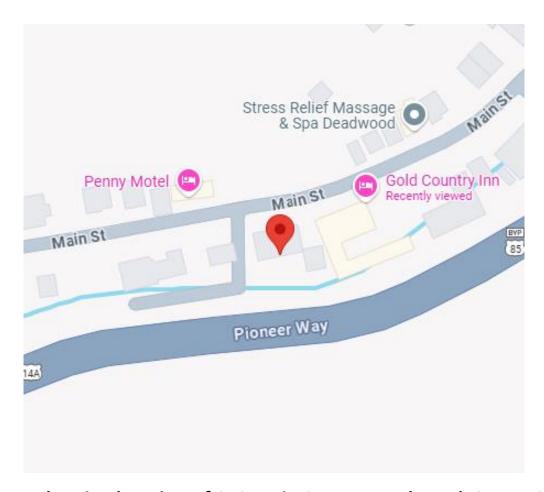
## ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

1. Approval/Denial by Deadwood Planning and Zoning Commission



Map showing locations of nearby Short-Term Rentals to 819 Main Street





Map showing location of 819 Main Street, Deadwood, SD 57732





Aerial photo of 819 Main Street, Deadwood, SD 57732







# Zoning map showing 891 Main Street, Deadwood, SD 57732

# Zoning Legend

- C1 COMMERCIAL
- CE COMMERCIAL ENTERPRISE DISTRICT
- CH COMMERCIAL HIGHWAY
- PF PARK FOREST
- PU PUBLIC USE
- PUD PLANNED UNIT DEVELOPMENT
- R1 RESIDENTIAL
- R2 MULTI-FAMILY RESIDENTIAL

## Rare Hideaway on Main, Retro unit

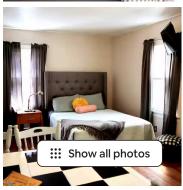
♡ Save











#### Entire rental unit in Deadwood, South Dakota

6 guests  $\cdot$  2 bedrooms  $\cdot$  3 beds  $\cdot$  2 baths

★ 4.82 · <u>111 reviews</u>



#### **Hosted by Trinity**

Superhost · 9 years hosting



#### Self check-in

Check yourself in with the smartlock.



#### Walkable area

This area is easy to get around.

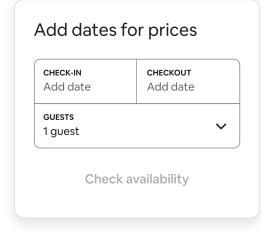


#### Trinity is a Superhost

Superhosts are experienced, highly rated Hosts.

#### Charming 50s-Themed Main Street Apartment in Deadwood

Located just blocks from downtown, this unique Main Street apartment is the perfect choice for a weekend getaway with friends, a family vacation, or a couples' retreat. We are proud new owners of this historic 1920s building and have lovingly remodeled it to offer a blend of vintage charm and modern comfort, with a fun 50s theme throughout. Guests are also welcome to enjoy the backyard space for outdoor relaxation or activitie...



Report this listing

#### Show more

## Where you'll sleep



Bedroom 1 1 king bed, 1 air mattress

Bedroom 2
1 queen bed

## What this place offers

Kitchen

୍ଦି Wifi

Free parking on premises

‰ Pets allowed

TV with standard cable

Central air conditioning

Bathtub

Patio or balcony

**♀** Backyard

Children's books and toys

Show all 50 amenities

Section 5 Item e.

Add your travel dates for exact pricing

	July 2025					August 2025						
S	М	Т	W	Т	F	S	S	М	Т	W	Т	
		1	2	3	4	5						
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20	21	22	23	24	<del>25</del>	<del>26</del>	17	18	19	20	21	1
27	28	29	<del>30</del>	<del>31</del>			24	25	26	27	<del>28</del>	4

31



## ★ 4.82 · 111 reviews

Overall rating Cleanliness Accuracy Check-in Com	unication Location Value
5 4.8 4.8 5.0 4.9	5.0 4.8
4	
	m •
	Ш



#### Emily

9 years on Airbnb

#### ★★★★ · September 2024 · Stayed a few nights

Trinity's place was a wonderful and relaxing stay. The bed was extremely comfortable and the kitchen was adorable! It was an easy walk to the main part of Deadwood. Will definitely be back next time we are in the area!

#### **Show more**



#### Heather

1 year on Airbnb

★★★★ · July 2024 · Stayed a few nights

We had a great stay everything we needed for the stay was at the Airbnb. The place was very clean and comfortable and easy to access the area of Deadwood lots within walking distance. The retro unit we stayed in was great for us due to two couples being able to have a private space with are own rooms/ bathrooms! It was also very well priced. Thanks for having us we woul...

#### Show more





**Katie** 9 years on Airbnb

★★★★ · September 2024 · Stayed with a pet

We loved the apartment. The back yard was convenient and quiet for our dogs. Being able to walk into town was perfect for us. It's a quick easy walk.



#### Rob

Denver, Colorado

★★★★ · January 2025 · Stayed with a pet

Trinity's listing was perfect for our New Year's trip to Deadwood. We would stay again.



#### Jeremiah

Prior Lake, Minnesota

★★★★ · August 2024 · Stayed about a week

Great place for the rally. Walking distance to downtown deadwood. Will be back!



#### Suzanne

Casper, Wyoming

\*\*\*\* · November 2024 · Stayed a few nights Great place, would definitely stay again

Show all 111 reviews

Learn how reviews work

# Where you'll be

Deadwood, South Dakota, United States









Verified location

Section 5 Item e.

Report a map error



Map data @2025 Google 500 m

We verified that this listing's location is accurate. <u>Learn more</u>

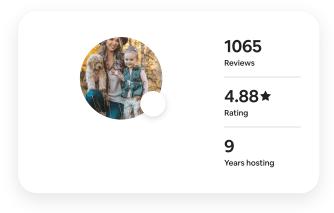
#### Neighborhood highlights

Location & Neighborhood:

Nestled in the historic Upper Main neighborhood, our property is located in one of Deadwood's most prominent areas, once...

Show more >

## Meet your host





Born in the 90s



My work: Self employed

Hello! I was born and raised in Deadwood, SD and continue to live here year round. I thoroughly enjoy hosting Airbnb properties to everyone coming to visit our little piece of paradise. I got started on Airbnb in 2016 to rent my house out while traveling for work, and I've been fortunate to grow it into a multi-property, superhost Operation. I am a professional traveling aerialist/stunt performer, own 7 local businesses (Deadwood Rentals, The Dungeon Bar, Live It Up aerial studio, Deadwood Growhouse, Hickoks Casino, Bullock Casino, and Cabo Conrad, Costa Rica) with several other Airbnb properties in town. I also am a single mom to the sassiest two year old around, Lavender Rae and her new golden doodle pup, Honey B. The support of all of YOU enables my businesses to do sponsorships such as: - Local Meals and wheels -Veterans of America -Silver sponsors of Local youth sports teams. -yearly food/health sponsorship of Elders in Guatamala (sharing the Dream) - Scholastic Sponsorship at local Elementary school - and Dozens of local Gofundme fundraisers and Benefits. Thank you for supporting my small business! Don't hesitate to ask about the other properties or any questions about the area. The Black Hills is a wonderful place to visit!

#### Trinity is a Superhost

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

# 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:** August 20, 2025

**To:** Planning and Zoning Commission

From: Kevin Kuchenbecker

Planning, Zoning & Historic Preservation Officer

**RE:** Conditional Use Permit – Laundromat

**APPLICANT(S):** Deadwood Laundry Co.

**PURPOSE:** Application for CUP – Laundromat

**ADDRESS:** 138 Sherman Street

**LEGAL DESCRIPTION:** Lot Twenty-Two (22) in Block Forty (40), Original Town

of the City of Deadwood, Lawrence County, South Dakota, according to the P.L. Rogers Map of said City of

Deadwood.

**FILE STATUS:** All legal obligations have been completed.

**ZONE:** C1 - Commercial

#### STAFF FINDINGS:

<u>Surrounding Zoning:</u> <u>Surrounding Land Uses:</u>

North: C1 – Commercial Business
South: C1 – Commercial Business

East: C1 – Commercial Street/Parking Lot

West: C1 - Commercial Business

#### SUMMARY OF REQUEST

The applicants have submitted a request for a Conditional Use Permit to operate a Laundromat located at 138 Sherman Street. The Laundromat would be available to the public to utilize and serve as laundry services for Deadwood Rentals LLC, a property management company that oversees vacation rentals.

#### **FACTUAL INFORMATION**

- 1. The property is currently zoned C1 Commercial.
- 2. The subject property has access from Sherman Street with on-street parking located on Sherman Street and additional parking in the Sherman Street parking lot.
- 3. The subject property is located within a C1 Commercial zoning location.
- 4. The property is located within a 100-year flood zone.
- 5. Adequate public facilities are available to serve the property.
- 6. The area is characterized by business uses located within the Local Historic District.

#### STAFF DISCUSSION

The applicants have submitted a request for a Conditional Use Permit for a Laundromat and City regulations permit Laundromats in C1 - Commercial zoning districts with an approved Conditional Use Permit. According to their application, the building will undergo an interior remodel to accommodate the laundromat. They will have on-street parking along Sherman Street with additional parking in the Sherman Street parking lot.

#### **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 11-4-4.
- 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. Preservation of the existing stock of historic structures can be obtained by working with individuals and guiding the uses of historic structures.

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, and substantial amounts of parking. This area is of business use and the proposed use will not result in an overconcentration of Laundromats within the neighborhood.

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 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 the 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.

D. Whether or not the proposed use increases the proliferation of nonconforming 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.

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 city ordinance. Where any such improvements, facilities, utilities or services are not available or adequate to service the proposed use in the proposed location, the applicant, as part of the application and as a condition to approval of the proposed Conditional Use Permit, is responsible for establishing ability, willingness and binding commitment to provide such improvements, facilities, utilities and services in sufficient time and in a manner consistent with the policy plan, this title, and other plans, programs, maps and ordinances adopted by the city to guide its growth and development. The approval of the Conditional Use Permit shall be conditioned upon such improvements, facilities, utilities, and services being provided and guaranteed by the applicant as described in Section 17.04.110.

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. Conditional Use Permits, once granted, can be revoked by the Board of Adjustment for cause after a hearing is held before them. Complaints seeking the revocation of such a 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. To defray the administration costs of processing requests for Conditional Use Permits, a fee has been set by resolution of the City Commission and such information is available at the Planning and Zoning Office.
- E. Any use permitted under the terms of any Conditional Use Permit shall be established and conducted in conformity with the terms of such permit and of any conditions designated therewith.
- F. 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.
- G. 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.
- H. Upon receipt in proper form of the application and other requested material, the Board of Adjustment shall hold at least one (1) public hearing in a location to be prescribed by the Board of Adjustment and shall make a decision upon the proposal to grant or deny the Conditional Use Permit. At least ten (10) days in advance of each hearing, notice of the time and place of such hearing shall be published in the official newspaper of the city. Notice shall be posted on the property for which the Application for Conditional Use Permit has been filed.

If approved for a Conditional Use Permit, staff recommends the following stipulation(s):

- 1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
- 2. The Building Inspector shall inspect the building to ensure it meets applicable building codes.
- 3. A City of Deadwood Business License shall be obtained and maintained.
- 4. Verification of a sales tax number issued by the South Dakota Department of Revenue shall be provided to the Planning and Zoning Office for their files.
- 5. Each coin operated machine designed for washing, cleaning or drying any material must be licensed with the South Dakota Department of Revenue. Verification of such license(s) shall be provided to the Planning and Zoning Office for their files.

#### **ACTION REQUIRED:**

1. Approval/Denial by Deadwood Planning and Zoning Commission

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

~1	ppiicationire	4000.00		
pplicants: Please read thoroughly prior to	completing this fo	rm. Only comp	lete applications will be o	onsidered t
eview.				
lame of Proposed Development: Dead	dwood La	aundry 1	Co.	
treet Location of Property: 138 Sher				
egal Description of Property: Original	town De	adwood	Lot ZZ BIK 40	3
Zoning Classification of Property: Comme	ercial			
Name of Property Owner: Tim Conso	ad		Telephone:	
Address: _				
Street		City	AND ALTO AND	Zip
Name of Applicant: Trinity Conra	ad		Felephone:	
Address: Street		City	State	Zip
The following documents shall be s     a. An improvement survey, including b. Development plan, including parking, loading areas, refuse.	uding all easemen site plan with loca	ation of building		
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## Written Statement for Conditional Use Permit Application Proposed Laundromat – Deadwood, South Dakota

We are applying for a Conditional Use Permit to operate a self-service laundromat within the city limits of Deadwood, South Dakota. This proposed business will serve both local residents and visitors by providing a clean, safe, and efficient facility for personal laundry services. In addition to general public use, the facility will also be utilized by Deadwood Rentals for routine laundry services in support of its short-term rentals. This dual-purpose use will help ensure consistent facility upkeep and contribute to the overall viability and sustainability of the business.

#### **Business Overview:**

The laundromat will be located at 138 Sherman Street within an existing/commercially zoned building. The space will be remodeled to include a range of high-efficiency washers and dryers, folding tables, and comfortable seating. Hours of operation will generally be 7:00 AM to 7:00 PM, seven days a week. The laundromat will operate as an unattended facility, monitored via security systems and maintained daily by staff. Additionally, this building is owned by a local family with several other businesses located within this building, adding ease to the functionality and managerial aspect of the business.

#### Parking and Site Plan

Adequate on-site parking will be provided to support the proposed use. The preliminary site plan (attached) outlines the anticipated layout, including:

- The location of the primary building
- Designated customer parking areas
- Ingress and egress points to and from the property
- Pedestrian access and ADA-compliant pathways

Customer parking will consist of two designated spaces located directly in front of the building along Sherman Street. Additional parking will be available at the rear of the property within the Charles Street parking area. The Cemetery Street side parking and entrance will be reserved exclusively for 5-minute pick-up and drop-off use by employees only, ensuring clear site circulation and minimizing disruption to adjacent areas.

There are no indications that this new business will impact traffic, as there have already been previous businesses in this space that had several customers visiting at once, without any issues. Parking demand is anticipated to align with similar small-scale retail uses, and the proposed configuration is designed to comfortably meet this demand while maintaining safe and efficient site operations. Additionally, given the facility's proximity to several residential neighborhoods, it is anticipated that many patrons will be able to walk to the establishment, further reducing vehicle traffic and parking needs.

#### Additional Notes:

All signage will comply with local ordinances. Wastewater discharge will be handled in accordance with city and environmental regulations, and equipment will be selected for energy and water efficiency. Our goal is to enhance neighborhood convenience while maintaining a low-impact, well-managed presence in the community.

We are happy to provide any additional information or adjustments requested by the Commission.

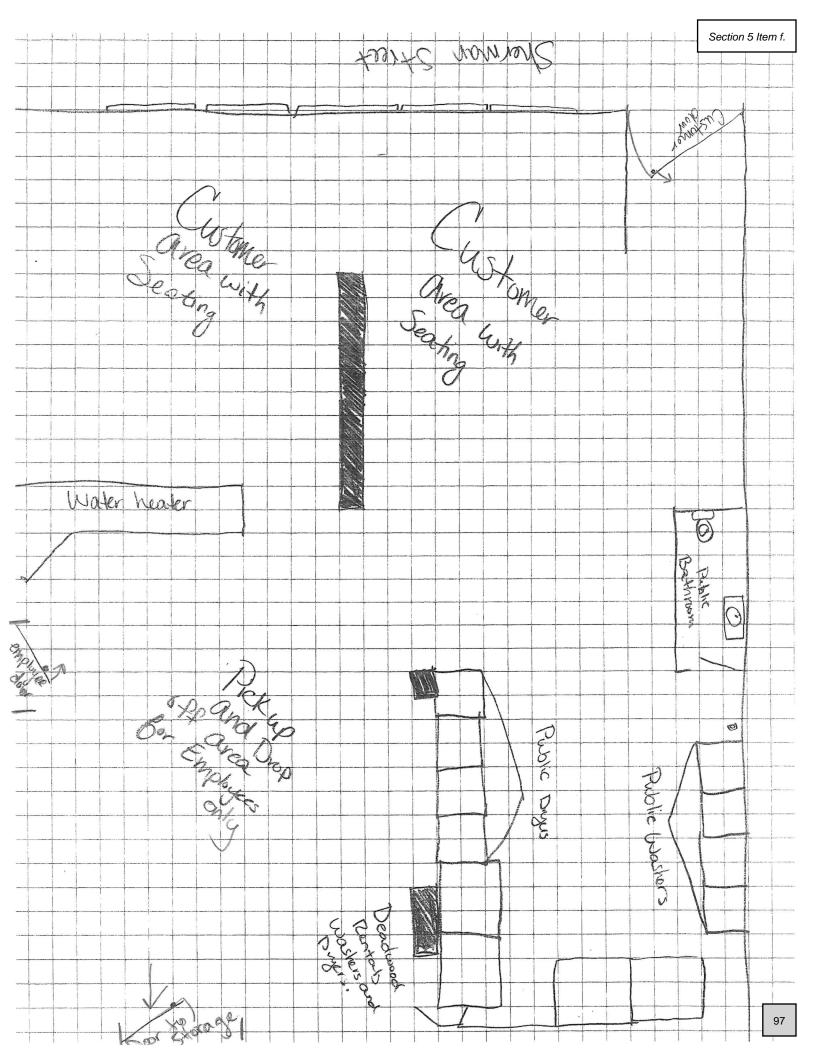
Respectfully, Trinity Conrad Conrad Companies, LLC 605-920-9266

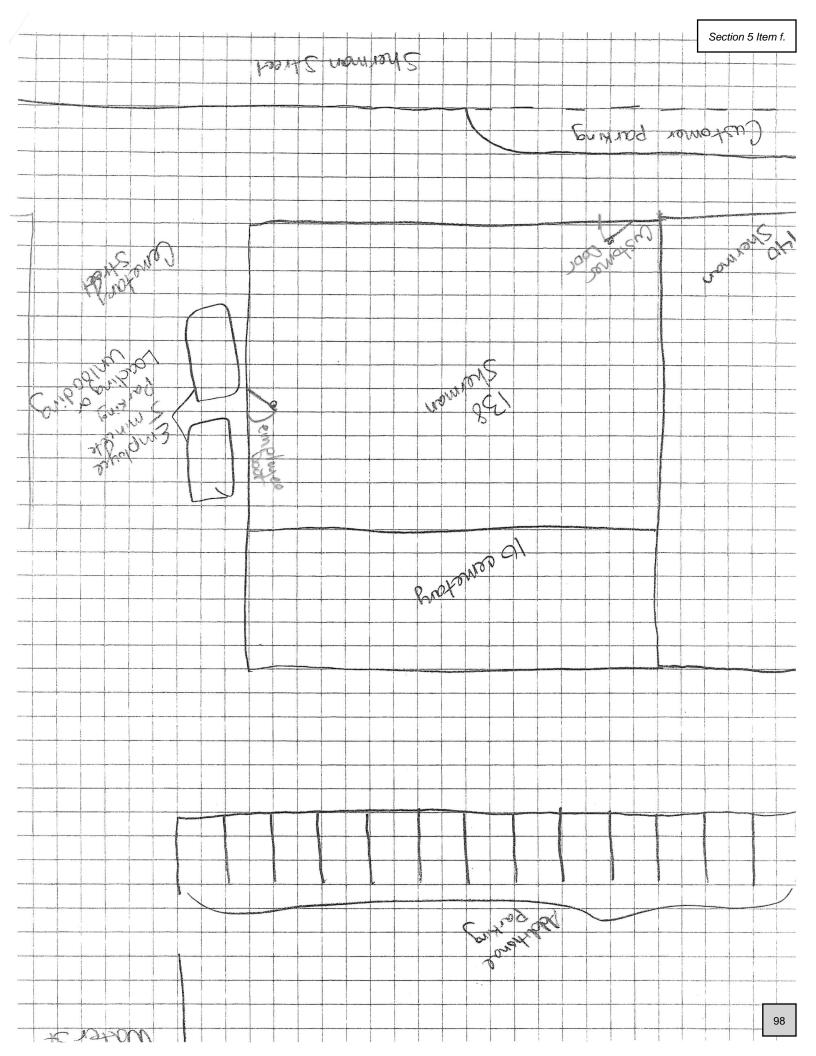
conradcompaniesllc@gmail.com

Tim Conrad

605-920-1214

Deadwoodelectric@rushmore.com





#### 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 Laundromat as allowed under Section 17.32.030 Conditional Uses.

**APPLICANTS:** Trinity Conrad

**LEGAL DESCRIPTION:** Lot Twenty-Two (22) in Block Forty (40), Original Town of the

City of Deadwood, Lawrence County, South Dakota, according

to the P.L. Rogers Map of said City of Deadwood.

**ADDRESS:** 138 Sherman 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, August 20, 2025, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, at 4:00 p.m. or soon thereafter 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 Laundromat 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.

Dated this 31st day of July 2025.

City of Deadwood, Lawrence County, South Dakota

Kevin Kuchenbecker

Planning, Zoning and Historic Preservation Officer

**PUBLISH:** Black Hills Pioneer: Date

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

Telephone (605) 578-2082 kevin@cityofdeadwood.com

#### **Public Notification**

Date: July 31, 2025

To: Deadwood Property Owner / Resident

From: Kevin Kuchenbecker

Planning, Zoning & Historic Preservation Officer

RE: Request for Conditional Use Permit for Laundromat

**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 Laundromat as allowed under Section 17.32.030 Conditional Uses.

**APPLICANT(S):** Deadwood Laundry Co.

**LEGAL DESCRIPTION:** Lot Twenty-Two (22) in Block Forty (40), Original Town

of the City of Deadwood, Lawrence County, South Dakota, according to the P.L. Rogers Map of said City of

Deadwood.

**ADDRESS:** 138 Sherman 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, August 20, 2025, 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, September 1, 2025, at the same location.

**NOTICE IS FURTHER GIVEN,** that the proposed request for a Laundromat 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.



Aerial photo of 138 Sherman 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:** August 20, 2025

**To:** Planning and Zoning Commission

From: Kevin Kuchenbecker

Planning, Zoning & Historic Preservation Officer

**RE:** Conditional Use Permit – Vacation Home Establishment

**APPLICANT(S):** Ole Grey Barn LLC (Darin Buskohl)

**PURPOSE:** Application for CUP – Vacation Home Establishment

**ADDRESS:** 5 Charles Street

**LEGAL DESCRIPTION:** The southwesterly one-half of Lot 2 and all of Lot 3 in

Block 69 of the City of Deadwood, Lawrence County,

South Dakota, according to P.L. Rogers plat.

**FILE STATUS:** All legal obligations have been completed.

**ZONE:** C1 - Commercial

#### **STAFF FINDINGS:**

Surrounding Zoning: Surrounding Land Uses:

North: C1 – Commercial Highway

South: C1 – Commercial Residence

East: PU – Public Use Parking Lot

West: R1 - Residential Residences

#### SUMMARY OF REQUEST

The applicants have submitted a request for a Conditional Use Permit to operate a Vacation Home Establishment located at 5 Charles Street. The property was recently purchased by the current owners who intend to make some updates to the home and rent it out on a short-term basis.

#### **FACTUAL INFORMATION**

- 1. The property is currently zoned C1 Commercial.
- 2. The property has access from Charles Street with off-street parking for two (2) vehicles.
- 3. The subject property is located within a Commercial zoning location on 2 sides, Public Use on the west side, and Residential zoning on the east side.
- 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 businesses and residential homes.

#### 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. According to their application, the rental will consist of 2 bedrooms and adequate off-street parking will be available via a driveway providing ingress/egress onto Charles Street.

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
5 Charles Street
August 20, 2025

- 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 and will not violate Ordinance 17.53.040.
- 2. Vacation Home Establishments shall be located in upper floors of commercial structures only within the Local Historic District.
  - While this property is located within the Local Historic District, it was originally built as a residence and not as a commercial structure within the downtown core. Therefore, having the entire building utilized as a Vacation Home Establishment would not violate Ordinance 17.53.030.
- 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.

There are no structures within two hundred (200) feet of this building currently being used as a 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 11-4-4.
- 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 - Vacation Home Establishment August 20, 2025

The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Preserving the existing stock of historic structures by working with the individuals and guiding usage is an acceptable means of accomplishing this goal. This area contains a mixture of businesses and singlefamily 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 C1 – Commercial and is intended to provide locations for commercial uses, which require access to roads and highways, and substantial amounts of parking. Because another Vacation Home Establishment does not exist within proximity to this location, the proposed use will not result in an over concentration of Short-Term Rental activity.

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 the 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.

D. Whether or not the proposed use increases the proliferation of nonconforming 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 Conditional Use Permit – Vacation Home Establishment
5 Charles Street
August 20, 2025

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.
- 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,

Conditional Use Permit – Vacation Home Establishment
5 Charles Street
August 20, 2025

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. The Building Inspector shall inspect the building to ensure it meets applicable building codes.
- 4. City water and sewer rates to be changed from residential to commercial rates.
- 5. Proper paperwork is to be filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
- 6. A City of Deadwood Business License will be obtained.
- 7. A City of Deadwood Short-Term Rental license will be obtained.
- 8. A Lodging License from the South Dakota Department of Health will be obtained.
- 9. All parking shall be off street.
- 10. Burn permits will not be issued for this property.

#### **ACTION REQUIRED:**

1. Approval/Denial by Deadwood Planning and Zoning Commission

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



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

Application No.

# **APPLICATION FOR CONDITIONAL USE PERMIT**

Application Fee: \$500.00

App revie	licants: Please read thoroughly prior to completing	this form. Only	complete applicatio	ons will be co	nsidered for				
Nam	Name of Proposed Development: 5 Charles Street								
Stree	Street Location of Property: 5 Charles Street								
Legal Description of Property: Southwesterly 1/2 of lot 2 and all of Lot 3, Block 69 City of Deadwood									
Zonii	ng Classification of Property: Commercial								
Nam	e of Property Owner: Ole Grey Barn LLC	Telephone:							
Addr									
	Street	City		State Zi	p				
Nam	e of Applicant: Darin Buskohl		Telephone:						
Addr	ess: _								
	<ul> <li>a. An improvement survey, including all ease</li> <li>b. Development plan, including site plan wing parking, loading areas, refuse area, ingrestreets, and</li> <li>c. A written statement addressing the crite</li> </ul>	th location of bu ess/egress, screen ria for approval.							
	of Building or Land: STR- Vacation Home Est	ablishment							
Signa	ature of Applicant:		Date:	7-21-20	)25				
Signa	ature of Property Owner:	Buskohl	Date:	7-21	-2025				
	Fee: \$ 500.00 Paid On _7.23.25	Rece	ipt Number _20258	33					
Legal Notice Published Date: Hearing Date:									
PLANNING AND ZONING ADMINISTRATOR:									
	Approved/P&Z Administrator: Yes No Signatu	ıre:	Date:						
	PLANNING AND ZONING COMMISSION:								
	Approved/P&Z Commission: Yes	No	Date:		_				
	DEADWOOD BOARD OF ADJUSTMENT:								
	Approved/City Commission: Yes	No	Date:		_				

#### 5 Charles Street, Conditional Use Permit Application

To whom it is concerned, Ole Grey Barn LLC is seeking a conditional use permit for the 5 Charles location as a STR- Vacation Home Establishment. This property is Zoned commercial and has no other STR's or BnB's within the 200' distance required to be considered. Property exterior needs new windows, paint and possibly some foundation repair, we are tentatively looking at the week of August 11th to meet and walk the property with the Deadwood Historical Society, to go over the requirements to maintain the historical look of the property, this house needs updating and will consist of 2 bedrooms and 1 and ½ bathrooms, off street parking for 2 cars. I am a lifelong resident of South Dakota, where my wife and I own and operate cattle and row crop operation rural Parker SD, and both have full time jobs off the farm as well. This will be our 2<sup>nd</sup> property in the Deadwood area, our other is at 21236 US highway 385, Deadwood and is currently a vacation rental as well, I invite you to view our VRBO listing #1255947 and read our reviews to give you a better idea of how we maintain and run our businesses/ houses. We take great pride in the appearance of our properties and look forward to keeping the Historical look and integrity of this property and improving one more house in Deadwood. I hope you take us into consideration in the CUP permit application.

Sincerely

Darin Buskohl

# 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:** Ole Grey Barn LLC

**LEGAL DESCRIPTION:** The southwesterly one-half of Lot 2 and all of Lot 3 in Block

69 of the City of Deadwood, Lawrence County, South Dakota,

according to P.L. Rogers plat.

**ADDRESS:** 5 Charles 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, August 20, 2025, in the Commission Room at 102 Sherman Street, Deadwood, South Dakota, 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 1<sup>st</sup> day of August 2025.

City of Deadwood, Lawrence County, South Dakota

Kevin Kuchenbecker

Planning, Zoning and Historic Preservation Officer

**PUBLISH:** Black Hills Pioneer: Date

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: August 1, 2025

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 17.32.030 Conditional Uses.

**APPLICANT(S):** Ole Grey Barn LLC

**LEGAL DESCRIPTION:** The southwesterly one-half of Lot 2 and all of Lot 3 in

Block 69 of the City of Deadwood, Lawrence County,

South Dakota, according to P.L. Rogers plat.

**ADDRESS:** 5 Charles Street

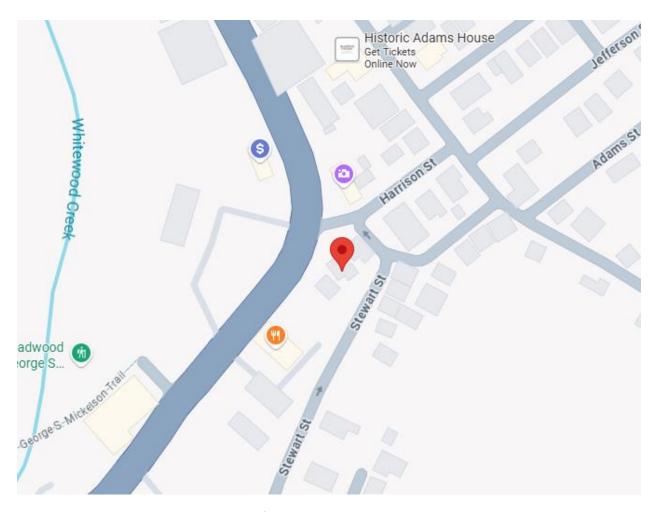
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**NOTICE IS FURTHER GIVEN,** that the proposed request for a Vacation Home Establishment is on file and available for public examination at the Deadwood Planning and Zoning Office located at 108 Sherman Street, Deadwood, South Dakota.

**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 5 Charles Street, Deadwood, SD 57732





Aerial photo of 5 Charles Street, Deadwood, SD 57732







# Zoning map showing 5 Charles Street, Deadwood, SD 57732

# Zoning Legend

C1 - COMMERCIAL

CE - COMMERCIAL ENTERPRISE
DISTRICT

CH - COMMERCIAL HIGHWAY

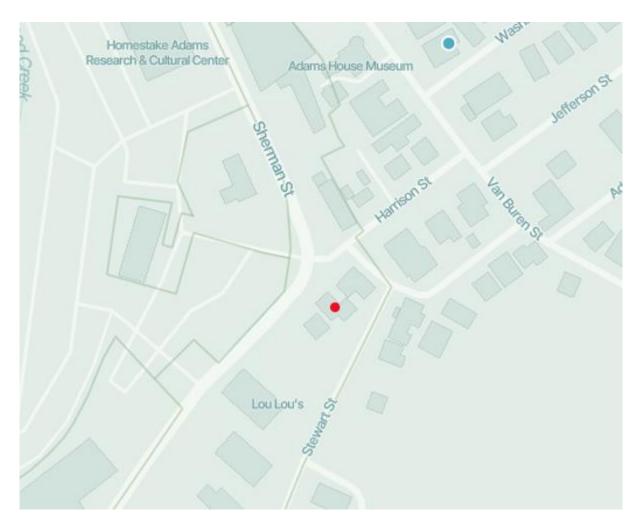
PF - PARK FOREST

PU - PUBLIC USE

PUD - PLANNED UNIT DEVELOPMENT

R1 - RESIDENTIAL

R2 - MULTI-FAMILY RESIDENTIAL



Map showing locations of nearby Short-Term Rentals to 5 Charles Street.



August 5, 2025 9:45 a.m.

The Planning and Zoning office received a call from Deadwood citizen, Mark Spiers. Mr. Spiers expressed concern about the property at 5 Charles Street being turned into a Short-Term Rental.

The concern stems from upkeep of the property. Mr. Spiers would like the property to be well maintained and not ignored, both in the summer (lawn maintenance) and winter (snow removal).

# HISTORIC BLACK HILLS STUDIOS

HOME OF THE FASSBENDER PHOTOGRAPHIC COLLECTION

# **Recent Artifacts**



Polaroid Flash Gun ca. 1960s



Vintage Kodak close-up attachment



Kodak Pony 828 camera, ca. 1949-1959



Kodak Stereo Field Case ca. 1954-1959

# **Featured Artifact**



adapt to several types of cameras, including 35mm, medium format and Polaroid.

Artifacts from the Fassbender Photographic Collection have mostly taken a back seat to the photographs. The prints and negatives in the collection were prioritized for improved storage conditions and cataloguing. Artifacts such as cameras, lenses, cases, filters and many other items related to the studio and darkroom were considered less vulnerable and left mostly in cold storage. While there are still shelves full of photographs to review and catalogue at the Homestake Adams Research & Cultural Center, some of the other artifacts have made their way from cold storage to a storage on the 2nd floor of Lead City Hall as seen in the last newsletter of 2024. Photography is a craft that inevitably leads to many gadgets and accessories to help enhance the final image. Featured in this newsletter are just a few of hundreds of items to be evaluated.

blackhillshistory.org 1

# **Recently Digitized**





Pictures depict the debris and mud on the street in Whitewood, South Dakota and a damaged road after 6-7 inches of rain caused a flood June 19, 1962. Six bridges in Lawrence County were lost or damaged due to the flood.

# 2025 Conferences

#### October 1-3, 2025

West River History Conference in Deadwood.

The theme for 2025 is "Historic 1876 Deadwood: LIVING the PAST!"

(www.westriverhistoryconference.org)

#### October 19-21, 2025

Association of South Dakota Museums (ASDM) Conference in Aberdeen, SD

Theme: "Engage the Past, Inspire the Future"

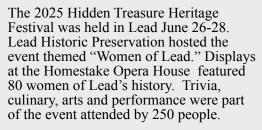
(southdakotamuseums.wildapricot.org)

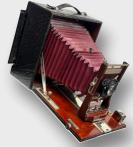
# Heritage Festival



Above: Homestake images by photographer O.A. Vik were on display at the festival. The images are part of the Fassbender Photographic Collection.

**Left:** Mannequins with period attire were on exhibit from Deadwood History, Inc.





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