



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, September 04, 2024 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call to Order**

2. **Roll Call**

3. **Approval of Minutes**

- [a.](#) Approve the minutes from the August 21, 2024 Planning and Zoning Commission Meeting.

4. **Sign Review Commission**

- [a.](#) Application for Sign Permit - 745 Main Street - The Station (E. Costopoulos). Applicant is requesting permission to replace existing temporary freestanding sign with new permanent freestanding sign. Sign requires two (2) variances for size and design. Location of sign is compliant with sign ordinance.

Actions:

1. Approve/deny Application for Sign Permit.

5. **Planning and Zoning Commission**

- [a.](#) Annual Review - Conditional Use Permit - Vacation Home Establishment - 36 Water Street - Deadwood Rentals (Trinity Conrad) 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 of Section 26 T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Approve/Deny continued use of Conditional Use Permit

- [b.](#) Annual Review - Conditional Use Permit - Vacation Home Establishment - 819 Main Street (Trinity Conrad) 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.

Actions:

1. Approve/Deny continued use of Conditional Use Permit

- c. Application for Plat - Adjust Lot Lines and Subdivide - 15 Forest Avenue - Adrian Newkirk legally described as Plat of Lots 5A, 9A, and 9B Block P, Original Townsite, formerly Lots 5, 6, 7, 8 and a portion of Lot 9, Block P City of Deadwood, Lawrence County, South Dakota.

Actions:

1. Approve/Deny Application for Plat

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

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



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, August 21, 2024 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, August 21, 2024, at 4:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

2. Roll Call

PRESENT

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

STAFF PRESENT

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

3. Approval of Minutes

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

It was moved by Commissioner Owens and seconded by Commissioner Eagleson to approve the minutes from the July 17, 2024 Planning and Zoning Commission meeting. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

4. Sign Review Commission

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

Actions:

1. Approve/deny Application for Sign Permit.

Mr. Mohr introduced Application for Sign Permit - 638 Main Street - Madame Peacocks (Julie Koth). Applicant is requesting to replace their existing sign with a new one. Both sign and its location are compliant with sign ordinances.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Application for Sign Permit - 638 Main Street - Madame Peacocks (Julie Koth). Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

5. Planning and Zoning Commission

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

Actions:

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

Mr. Kuchenbecker discussed Annual Review - Conditional Use Permit - Specialty Resort - 20577 Highway 85 - Can Am 85 VRBO-RV (B. Kooiker) and associated Staff Report. All conditions of the original Conditional Use Permit have continued to be met. No complaints have been made against this establishment. Discussion regarding appropriate Conditional Use Permit classification for the property occurred. Staff will research classification history and appropriateness for future annual reviews.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Annual Review - Conditional Use Permit - Specialty Resort - 20577 Highway 85 - Can Am 85 VRBO-RV (B. Kooiker) with seven (7) conditions. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

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

Actions:

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

Mr. Kuchenbecker introduced Annual Review - Conditional Use Permit - Vacation Home Establishment - 64 Cliff Street - Owson Properties, LLC (M. Sneesby) and discussed the Staff Report. All conditions of the Conditional Use Permit have continued to be met. No complaints have been made against this establishment.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Mr. Kuchenbecker introduced Annual Review - Conditional Use Permit - Vacation Home Establishment - 64 Cliff Street - Owson Properties, LLC (M. Sneesby) with eight (8) conditions. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

- c. Review Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment – 140 Timm Lane – Glen Morovits legally described as Lot 6 of the Arnio Subdivision of M.S. 107, according to the S.C. Berry Plat recorded in Plat Book 2 Page 88D, City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by Board of Adjustment on May 20, 2024).

Mr. Kuchenbecker discussed Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment – 140 Timm Lane – Glen Morovits. All required conditions to obtain Conditional Use Permit have been met.

It was moved by Commissioner Bruce and seconded by Commissioner Owens to approve Findings of Fact and Conclusion - Conditional Use Permit - Vacation Home Establishment – 140 Timm Lane – Glen Morovits. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

- d. Review Findings of Fact and Conclusion - Conditional Use Permit - Specialty Resort – 21 Lincoln Avenue – Aaron Sternhagen legally described as Lots 1, 2, 3 and adjoining vacated alley and the southeasterly 10 feet of Lots 12, 13 and 14, in Block 42, according the the P.L. Rogers Map of the City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by P&Z Commission on May 1, 2024 and Board of Adjustment on May 20, 2024).

Mr. Kuchenbecker discussed Findings of Fact and Conclusion - Conditional Use Permit - Specialty Resort – 21 Lincoln Avenue – Aaron Sternhagen. All required conditions to obtain a Conditional Use Permit have been met.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Findings of Fact and Conclusion - Conditional Use Permit - Specialty Resort – 21 Lincoln Avenue – Aaron Sternhagen. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

- e. Review Findings of Fact and Conclusion - Conditional Use Permit - Bed and Breakfast – 25 Lincoln Avenue – Aaron Sternhagen legally described as Lots 12, 13 and 14, Block 42 in the City of Deadwood, Lawrence County, South Dakota, except the southeasterly 10 feet of Lots 12, 13 and 14 and one-half of the vacated alley, Block 42, previously conveyed to Dennis L. McKay and Linda M. McKay. Also that portion of Lots E, F, and G, Block 35 of Probate Lot 226 and sometimes referred to as Child's addition to the City of Deadwood, quit claimed by Francis Caneva to Lawrence C. McKay, all according to the P.L. Rogers map of the City of Deadwood, Lawrence County, South Dakota. (Approved with conditions by Board of Adjustment on May 20, 2024).

Mr. Kuchenbecker introduced Findings of Fact and Conclusion - Conditional Use Permit - Bed and Breakfast – 25 Lincoln Avenue – Aaron Sternhagen. All conditions required to obtain Conditional Use Permit have been met.

It was moved by Commissioner Keehn and seconded by Commissioner Owens to approve Findings of Fact and Conclusion - Conditional Use Permit - Bed and Breakfast – 25 Lincoln Avenue – Aaron Sternhagen. Voting yea: Martinisko, Keehn, Bruce, Owens, Eagleson.

6. Items from Citizens not on Agenda

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

7. Items from Staff

a. Fassbender Photographic Collection Newsletter 2nd Quarter 2024

Mr. Kuchenbecker discussed the Fassbender Photographic Collection Newsletter.

Mr. Kuchenbecker stated construction projects have continued to move forward despite the recent rainstorms. The FEMA project at the Comfort Inn is coming close to being complete and runoff issues from the heavy rain are being addressed. Work on undercutting the retaining wall beneath the Deadwood Mountain Grand continues. Curb, gutter and fencing is being installed along Water Street. Lights are being installed along the Welcome Center Boardwalk; concrete work at the site is complete. Railroad Avenue will be open for Kool Deadwood Nites.

The retaining wall at 10 Denver Avenue is nearly complete. The city is out to bid for retaining walls at 48 and 52 Taylor Avenue.

Other current projects for city staff include budgets and Short-Term Rental activity. One owner is continuing to operate a Vacation Home Establishment on Williams Street against city ordinance and legal action is expected to be forthcoming. Two other Vacation Home Establishments have not met the conditions required by the Commission to obtain their Conditional Use Permits and a possible revocation of those permits may be required in the near future.

The City Commission has approved the establishment of a Board of Appeals for Property Maintenance. The Board will consist of the City Commissioner for Parking and Transportation, as well as two (2) members from the Planning and Zoning Commission and two (2) members from the Historic Preservation Commission. Bylaw creation and officer selection will occur shortly.

Commissioner Bruce inquired about wayfinding signage for the Homestake Trail. Mr. Kuchenbecker confirmed that signage is being worked on.

The State of South Dakota Historic Preservation Office has been working with the city to prevent impact of historic resources along Railroad Avenue while the White Rocks trail is being worked on. The Fuller Brothers Trail near Broken Boot Gold Mine should be completed within 30 - 45 days.

Commissioner Eagleson mentioned the Friday Farmers Market has two (2) remaining dates of operation. Forty (40) vendors are registered for the next event. Thanks to the city for their assistance with the last event.

Commissioner Joseph thanked the Planning and Zoning Commission for their professionalism and hard work and commented that he has enjoyed learning from them.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 4:34 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Minutes by Leah Blue-Jones, Zoning Coordinator

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



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

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

SIGN PERMIT STAFF REPORT

Sign Review Commission
 September 4, 2024

Applicant: Emily Costopoulos

Address: 745 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 745 Main Street (formerly KDSJ)

Computation of Sign Area

Building Frontage: 32 Feet

Total Available Signage: 64 Square Feet

Existing Signage: One freestanding sign (to be replaced) permit for this sign as approved April 4, 2024

Remaining Available Signage Area: 64 Square Feet

Proposed Sign Project: Install new freestanding sign (21 Square Feet)

Proposed Building Materials: Wood, aluminum, and aluminum composite panels (see attached rendering)

Proposed Lighting of the Signs: None

Location of Proposed Sign: Left of the front door, in between two windows

Discussion

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

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

The applicant wishes to replace the existing freestanding "coming soon" sign, which was permitted on April 4, 2024, with a new freestanding sign. This sign will be a permanent advertisement for the businesses located at this address.

OFFICE OF
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The proposed sign requires two variances from the sign ordinance. A variance is needed to allow the sign to be larger than ten square feet and a second variance is required to allow the bottom of the sign to be lower than eight feet above grade.

The sign's proposed location is compliant with the sign ordinance.

Variances

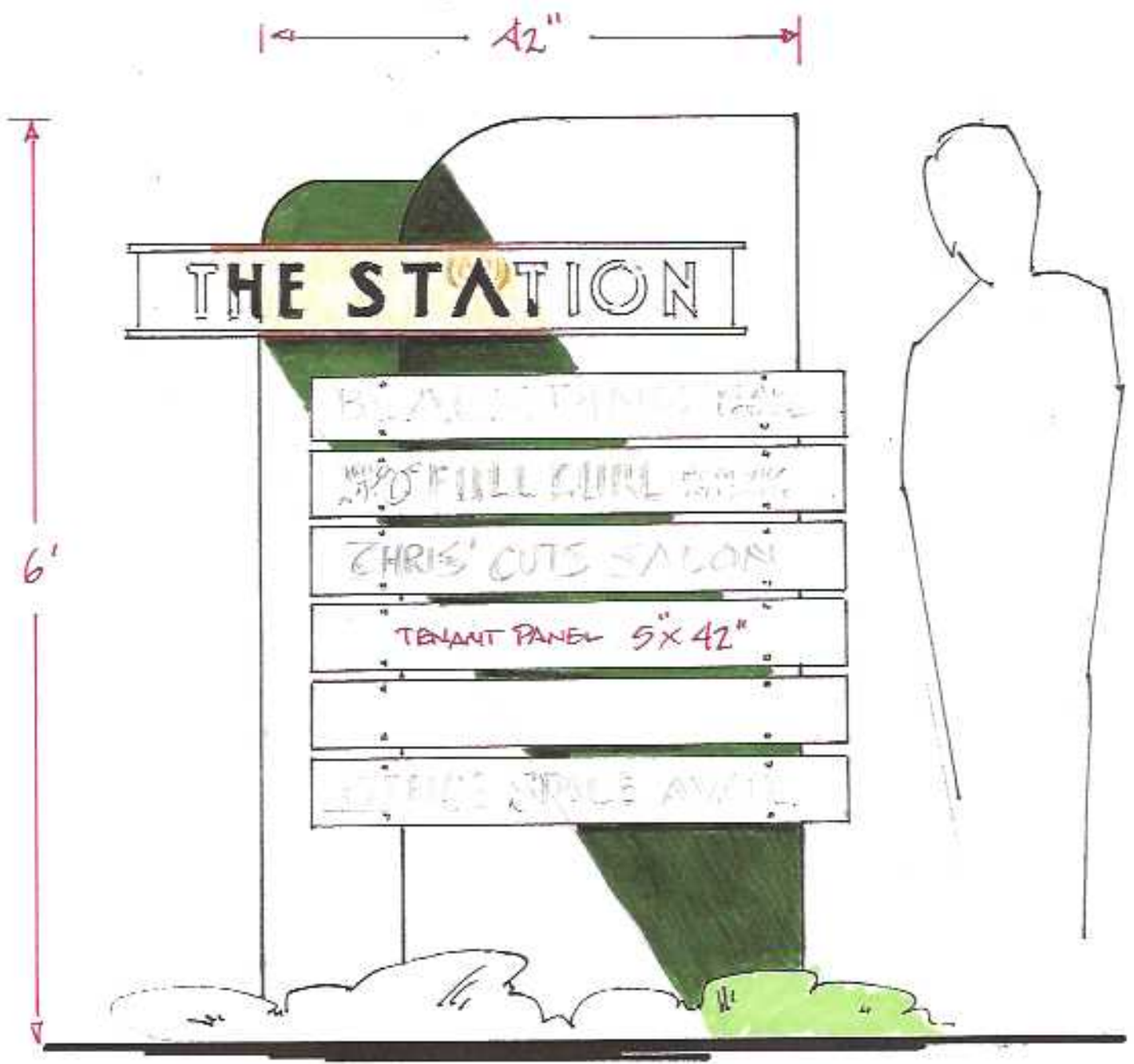
The sign permit application in review as proposed requires variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or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

Sign Review Commission Action

Motion to approve the requested variances and permit for new freestanding sign at 745 Main Street

OR

Motion to deny proposed sign permit application as submitted



SCALE: 1" = 1'-0"

Designed exclusively for: THE STATION - EMILY COSTOPOULOS	Date: 8/17/24
Address: 245 MAIN ST. DEADWOOD	Phone: 858.472.6986



Tim Peterson
ARTIST
3123 E. FAIRGROUNDS LOOP STE. C
SPEARFISH, SD 57783
(605) 642-5794

50% DEPOSIT REQUIRED ON ALL WORK. BALANCE DUE ON COMPLETION.
This design is the property of the designer, and may not be reproduced in any manner without written permission.

Project Specs from Flat Earth Art Co

“My marker colors are a bit darker than the final product would be. My intent is to make the small left hand panel in the same green as the building (Sage Green Light) and the larger right panel would be a darker shade of that color.

This piece is made of layers of aluminum panels. The smaller left panel is under the larger right panel and the station panel is mounted on top of that. There will be stand-offs to emphasize this layered effect. The tenant panels will be fastened into the right hand panel.”

One freestanding double-sided sign 72"h x 42"w x 10"deep

All panels of aluminum or aluminum composite materials (ACM) 1/8" or 1/4"

Primary panels (3) clear coated with automotive clear (not tenant panels)

THE STATION panel of 1/4" ACM

Flat painted with horizontal copper tubing top and bottom

Includes 6 sets of ACM tenant panels 5"h x 42"w x 1/4" thick

One set BLACK PINE, 5 sets blank white

Substructure of treated 5x6 timbers and redwood

Timbers set in cement

Any exposed wood oil primed and painted

Ends/top of sign boxed in with aluminum or ACM

Emily Costopoulos
745 Main Street
Deadwood SD 57732
858-472-6986
August 23, 2024

Planning and Zoning Commission
City of Deadwood
108 Sherman St.
Deadwood, SD 57732

Dear Members of the Planning and Zoning Commission,

I am writing to formally request a variance from the sign permit regulations as outlined in Chapter 15.32 of the Deadwood Municipal Code. My property, located at 745 Main Street, has a building frontage of 30 feet, which under current regulations permits a 30-square-foot projecting sign. However, due to unique circumstances, I am requesting to allocate this square footage to a freestanding sign instead, which is currently limited to 10 square feet.

Special Circumstances and Conditions:

- 1. Limited Frontage Space:** The frontage of my building is significantly occupied by three large windows, a door, and a circular overhang. As such, there is insufficient space to accommodate a 30-square-foot projecting sign without obstructing these architectural features.
- 2. Historical Integrity:** The building's historical components, including double-hung windows, textured stucco, and the circular overhang, would be visually overwhelmed by a projecting sign of this size. Preserving the historical aesthetics of the building is a priority, and a freestanding sign would allow us to maintain the integrity of these elements.
- 3. Multi-Tenant Occupancy:** The building is intended for use by multiple local businesses, including Black Pine Real Estate, Full Curl Roofing Co., and Chris Cuts It, with space for three more tenants. A freestanding sign would provide a clear and cohesive way for these businesses to be identified by the public, while aligning with the historic character of the district.

Additionally, I am requesting a variance to allow the sign to be less than eight feet high, as required by the ordinance. The sign would be placed between the two windows on the left of the front door, and positioned perpendicular to the building, in a location where pedestrian traffic is minimal, thus not necessitating a height of eight feet.

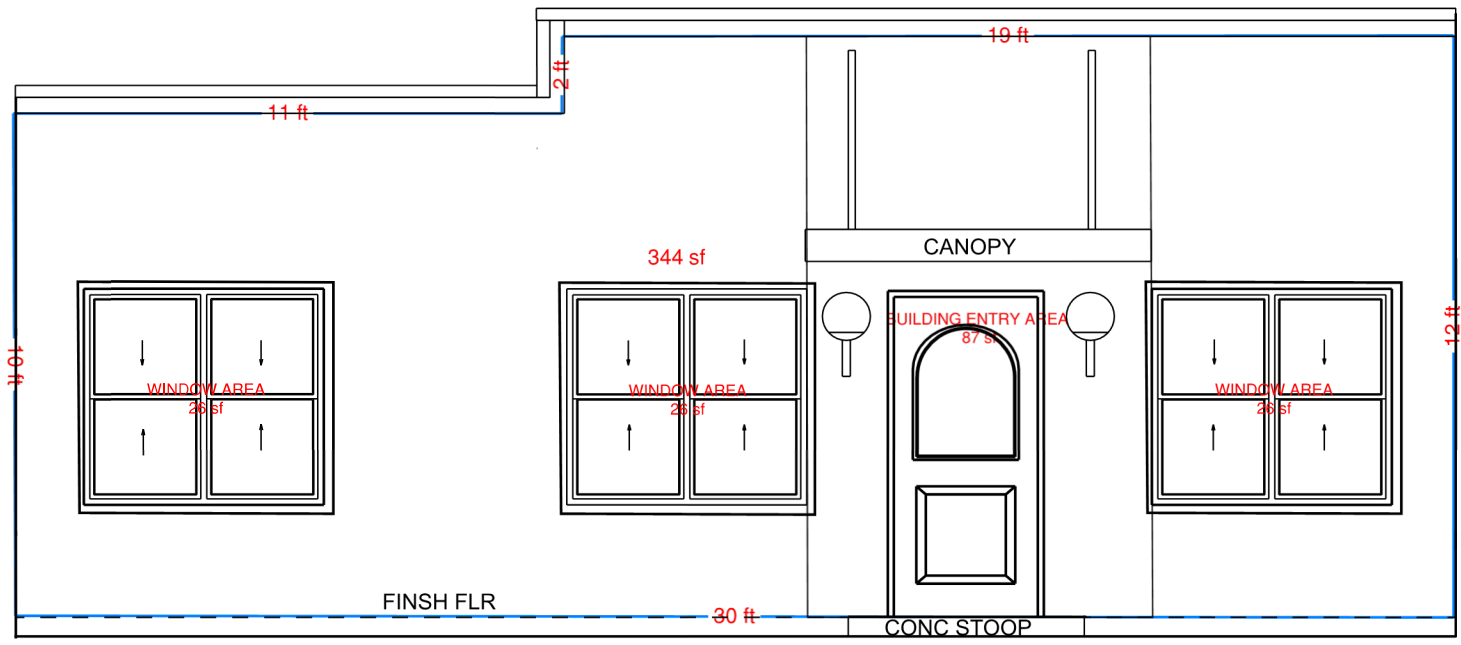
To support this request, I have attached a sketch of the proposed sign by Tim Peterson from Flat Earth Art Co., who has extensive experience in designing signs that complement Deadwood's historic architecture.

I believe these special circumstances and the thoughtful design of the sign justify a variance from the existing ordinance. The proposed sign would enhance both the visibility of the businesses and the historic charm of the building, without disrupting the character of the surrounding area.

Thank you for your consideration. I am happy to provide any additional information or answer questions to support my application.

Sincerely,

Emily Costopoulos



FRONT ELEVATION

FRONT ELEVATION WALL AREA

WALL AREA GROSS 344 SQ.FT
 WINDOW OPENINGS 78 SQ. FT.
 BUILDING PUBLIC ENTRY AREA 87 SQ.FT.
 NET WALL AREA 179 SQ. FT.

745 MAIN STREET DEADWOOD SD
 BLACK PINE REAL ESTATE OFFICE

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

PLANNING AND ZONING COMMISSION CONDITIONAL USE PERMIT – ANNUAL REVIEW

Staff Report

Date: September 4, 2024
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 of Section 26 T5N, R3E, B.H.M., City of
Deadwood, Lawrence County, South Dakota.
FILE STATUS: Legal requirements still need to be 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 different zoning classifications, including Residential, Public Use, and Commercial.

FACTUAL INFORMATION

1. The property is currently zoned C1 – Commercial.
2. The subject property has access from Water Street.
3. The property is located within an AE Flood Zone and has a 1 percent annual chance of experiencing a flood.
4. Adequate public facilities are available to serve the property.
5. The area is characterized by a mixture of single-family residences, businesses, and open space.

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 single family home that advertises an availability of eleven (11) beds with accommodation for sixteen (16) guests. Renters can park in the driveway of the property.

“Vacation Home Establishment” means:

Any home, cabin, or similar building that is rented, leased, or furnished in its entirety to the public on a daily or weekly basis for more than fourteen (14) days in the 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.

COMPLIANCE:

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

According to Deckard – Rentalscape, the property was booked 160 nights in the past 12 months and has received very good reviews.

No complaints are on record for this establishment.

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

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

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

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

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

- 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 District and is intended to provide locations coinciding with the downtown core commercial zone where certain commercial uses and gaming are permitted.

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

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

- D. The previously approved Conditional Use Permit is still in use, and when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as

Conditional Use Permit Review – Vacation Home Establishment
36 Water Street
September 4, 2024

a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

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

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

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

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

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

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

Conditional Use Permit Review – Vacation Home Establishment
36 Water Street
September 4, 2024

been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department. Written notice thereof shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.

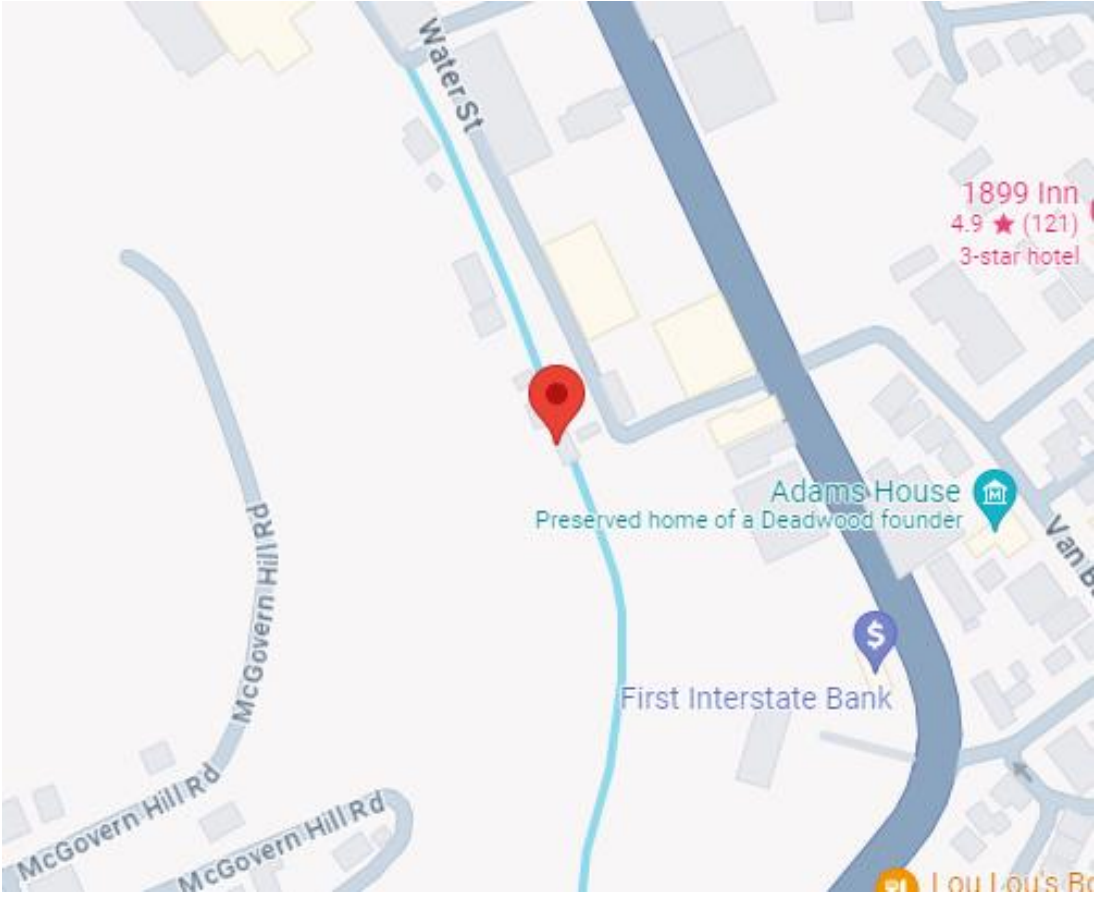
- E. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof shall be given to the person(s) affected, together with notice that further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

If approved, staff recommendations for stipulation(s):

1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
2. 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 applicable building codes.
4. City water and sewer rates have been changed from residential to commercial rates.
5. Proper paperwork has been filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
6. A City of Deadwood Business License has been issued.
7. Maintain Lodging License from the South Dakota Department of Health and provide copy to the Planning and Zoning Office for their files on an annual basis.
8. All parking shall be off street.

ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

1. Approval/Denial by Deadwood Planning and Zoning Commission



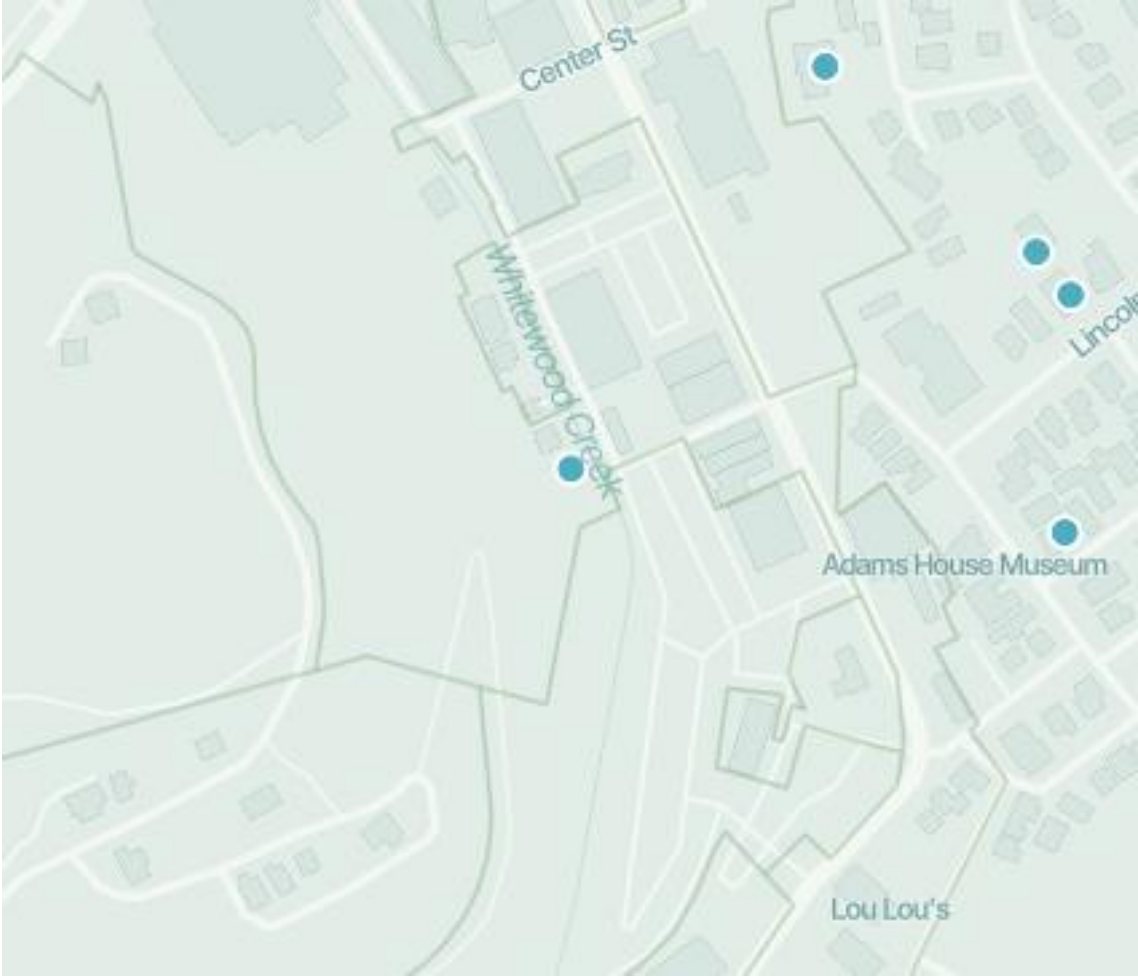
Map showing location of 36 Water Street.





Aerial view of 36 Water Street.





Short-Term Rentals near 36 Water Street.





Get the app

United States

Trip Boards

List your property

Help

My trips

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

Historic Creekside Home Dwtm Deadwood w/ Hot Tub, Deadwood

See all properties



Entire home

Historic Creekside Home Dwtm Deadwood w/ Hot Tub

Where to? Deadwood, So... Calendar icon Dates Person icon Travelers 2 travelers Search icon Search



Overview Amenities Policies Location Host

9.6 Exceptional

See all 4 reviews >

Highlights

Near Deadwood Mountain Grand

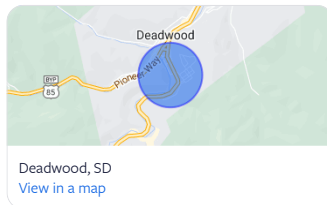
3 bedrooms 2 bathrooms Sleeps 16 1480 sq ft

Popular amenities

- Hot Tub
- Pet friendly
- Washer
- Barbecue grill
- Outdoor Space
- Free WiFi

See all >

Explore the area



- Deadwood Mountain Grand 4 min walk
- Tin Lizzie Gaming Resort 14 min walk
- Cadillac Jacks Casino 19 min walk
- Spearfish, SD (SPF-Black Hills) 19 min drive

See more >

Rooms & beds

3 bedrooms (sleeps 16)

2nd Bedroom



1 Queen Bed and 1 Twin Bunk Bed

3rd Bedroom



1 Twin Bunk Bed

Master Bedroom



1 Twin Bed, 1 King Bed and 1 Double Bed

2 bathrooms

2nd Bathroom



Bathtub or shower - Toilet

Downstairs Full Bathroom



Toilet - Shower only

Spaces

 Deck or patio

 Kitchen

 Garden

 Dining Area

[See all rooms and beds details](#)

 Check-in
Select date

 Check-out
Select date

 Travelers
1 room, 2 travelers

Check availability



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Historic Creekside Home Dwtn Deadwood w/ Hot Tub

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Entire home in Deadwood, South Dakota

16+ guests · 3 bedrooms · 11 beds · 2 baths

★ 4.87 · [272 reviews](#)



Hosted by Trinity

Superhost · 8 years hosting



Self check-in

Check yourself in with the keypad.



Trinity is a Superhost

Superhosts are experienced, highly rated Hosts.



Great location

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

Add dates for prices

CHECK-IN Add date	CHECKOUT Add date
GUESTS 1 guest ▼	


[Check availability](#)

[Report this listing](#)


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 ...

[Show more >](#)

Where you'll sleep













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



Bedroom 2
1 queen bed, 1 bunk bed

What this place offers

-  Mountain view
-  Kitchen
-  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

<

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

August 2024

September 2024

				1	2	3		1	2	3	4	5
4	5	6	7	8	9	10		8	9	10	11	12



★ 4.87 · 272 reviews

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

Kathy

1 month on Airbnb

★★★★★ · 1 week ago · 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

Ryan

3 months on Airbnb

★★★★★ · 2 weeks ago · Group trip

The host was very friendly and quick to respond. The house was very clean and awesome.

Maria

Dazey, North Dakota

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

Very nice place to stay while in Deadwood. Easy walk to downtown. Very nice to stay and relax after our activities

Anne

Bottineau, North Dakota

★★★★★ · June 2024 · Group trip

Very good location to be able to walk to amenities easily.

Dezi

Dell Rapids, South Dakota

★★★★★ · June 2024 · Group trip

Trinity explained everything so well and had so many helpful suggestions on places to go!! Definitely liked how I could walk to a lot of the places as well!!

Shaylee

Glendive, Montana

★★★★★ · May 2024 · Group trip

Loved the house! Very private yard! Lots of sleeping room! Beautiful tree!!!

Show all 272 reviews

Where you'll be

Deadwood, South Dakota, United States

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

Neighborhood highlights

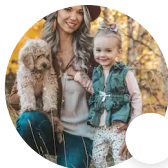
Very small creekside neighborhood with only 3 other houses on this street. Only one direct neighbor with a privacy fence between. The other side of the property is the start of Mickelson trail. Located behind the Family Dollar building.

[Show more](#) >

Meet your Host



879



Trinity
Superhost

Reviews

4.88 ★

Rating

8

Years hosting

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...

[Show more >](#)

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

Things to know

House rules

- Check-in after 4:00 PM
- Checkout before 11:00 AM
- Pets allowed

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Safety & property

- Exterior security cameras on property
- Pool/hot tub without a gate or lock
- May encounter potentially dangerous animal

[Show more >](#)

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

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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: September 4, 2024
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 requirements still need to be 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 different zoning classifications, including Multi-Family Residential, Public Use, and Commercial.

FACTUAL INFORMATION

1. The property is currently zoned C1 – Commercial.
2. The subject property has access from Main Street.
3. The property is located within a 500 year flood zone and has a 0.2% percent annual chance of experiencing a flood.
4. Adequate public facilities are available to serve the property.
5. The area is characterized by a mixture of single-family residences, businesses, and open space.

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 six (6) bedroom, six (6) bath triplex that advertises a total availability of nine (9) beds with accommodation for eighteen (18) guests. 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 to the public on a daily or weekly basis for more than fourteen (14) days in the 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.

COMPLIANCE:

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

According to Deckard – Rentalscape, the property was booked 183 nights in the past 12 months and has received very good reviews.

No complaints are on record for this establishment.

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

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

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

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

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

- 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 District and is intended to provide locations coinciding with the downtown core commercial zone where certain commercial uses and gaming are permitted.

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

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

- D. The previously approved Conditional Use Permit is still in use, and when influenced by matters pertaining to the public health, safety, and general

welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

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

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

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

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

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the review of a Conditional Use Permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.
- B. The Board of Adjustments can revoke Conditional Use Permits, once granted, for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filed with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit Application hearings.
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.

Conditional Use Permit Review – Vacation Home Establishment
819 Main Street
September 4, 2024

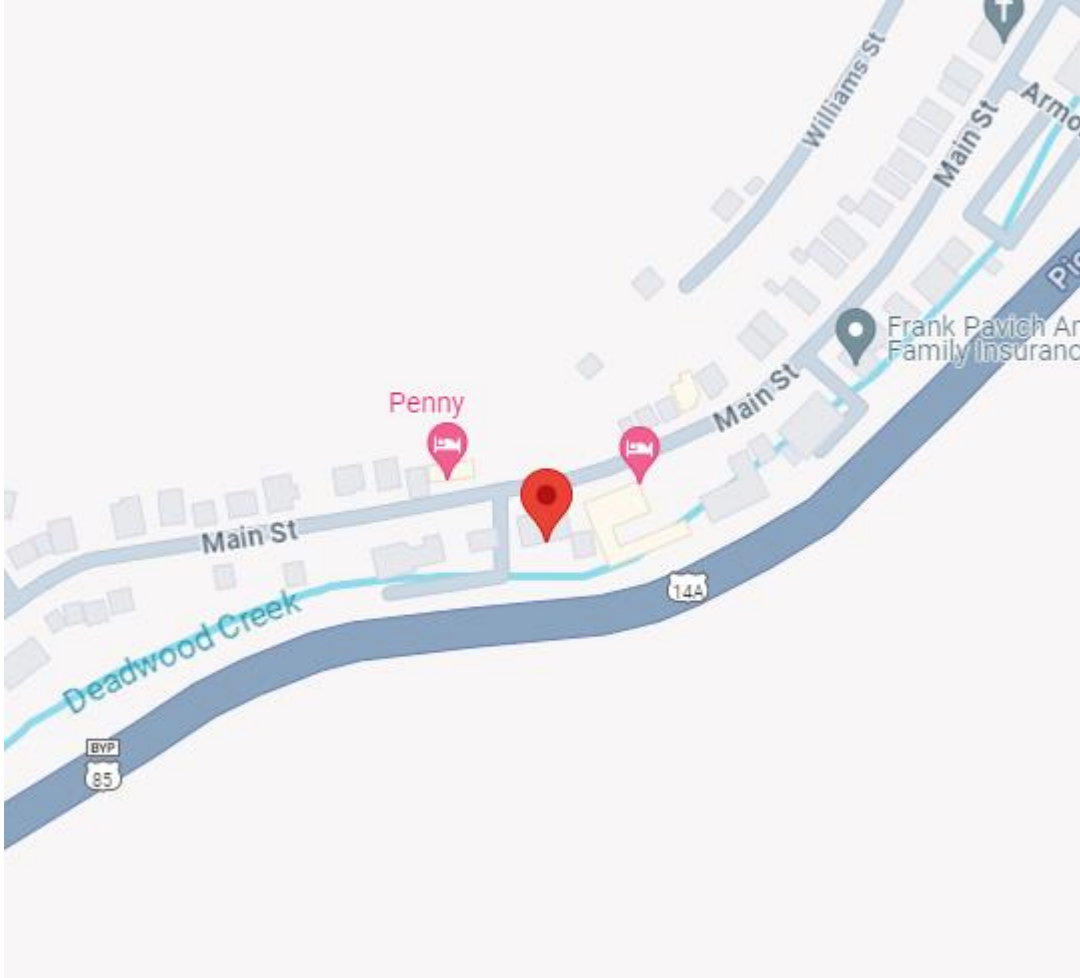
- D. If the use permitted under the terms of a Conditional Use Permit has not been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department. Written notice thereof shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.
- E. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new Conditional Use Permit has been obtained.

If approved, staff recommendations for stipulation(s):

1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
2. 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 applicable building codes.
4. City water and sewer rates have been changed from residential to commercial rates.
5. Proper paperwork has been filed with the City of Deadwood Finance Office for Business Improvement District (BID) taxes.
6. A City of Deadwood Business License has been issued.
7. Maintain Lodging License from the South Dakota Department of Health and provide copy to the Planning and Zoning Office for their files on an annual basis.
8. All parking shall be off street.

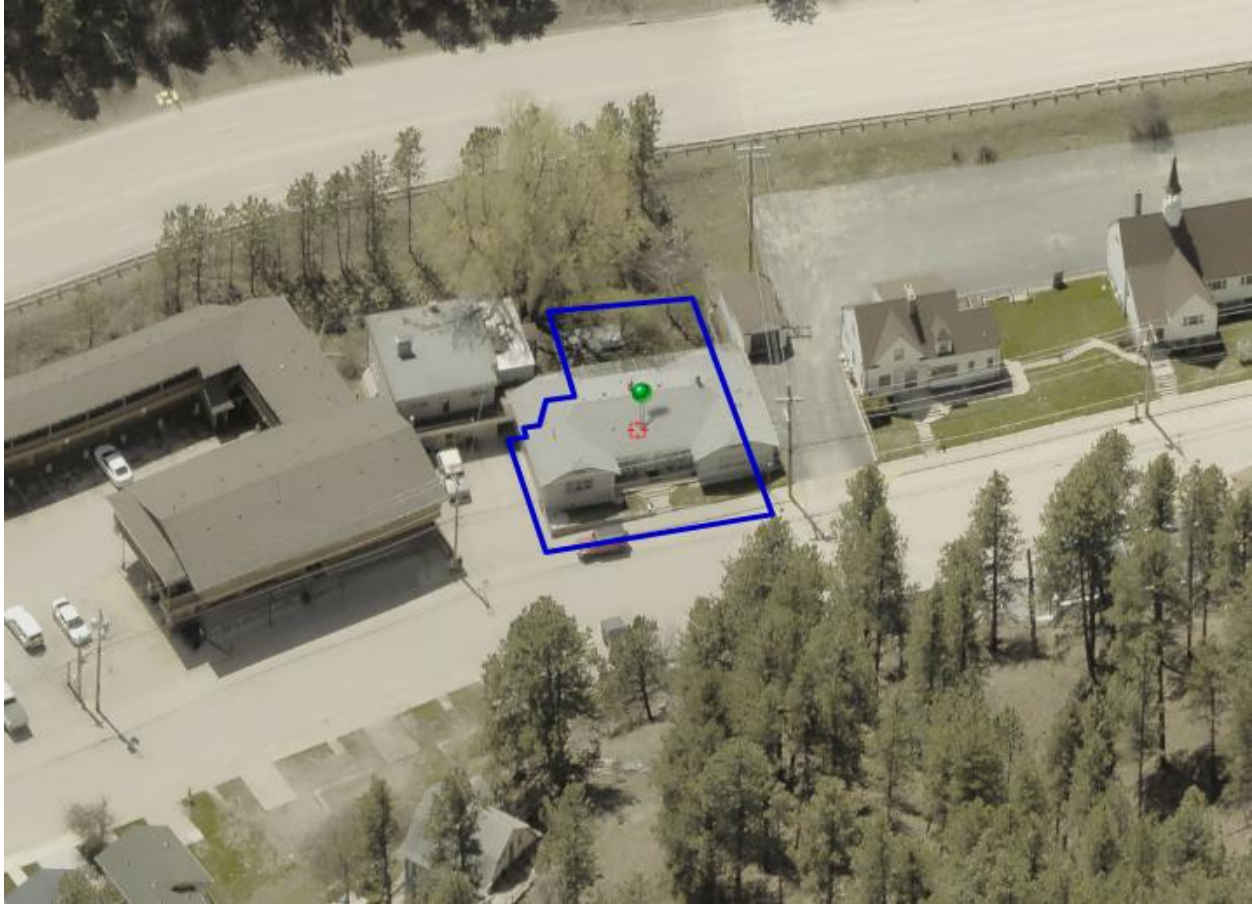
ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

1. Approval/Denial by Deadwood Planning and Zoning Commission



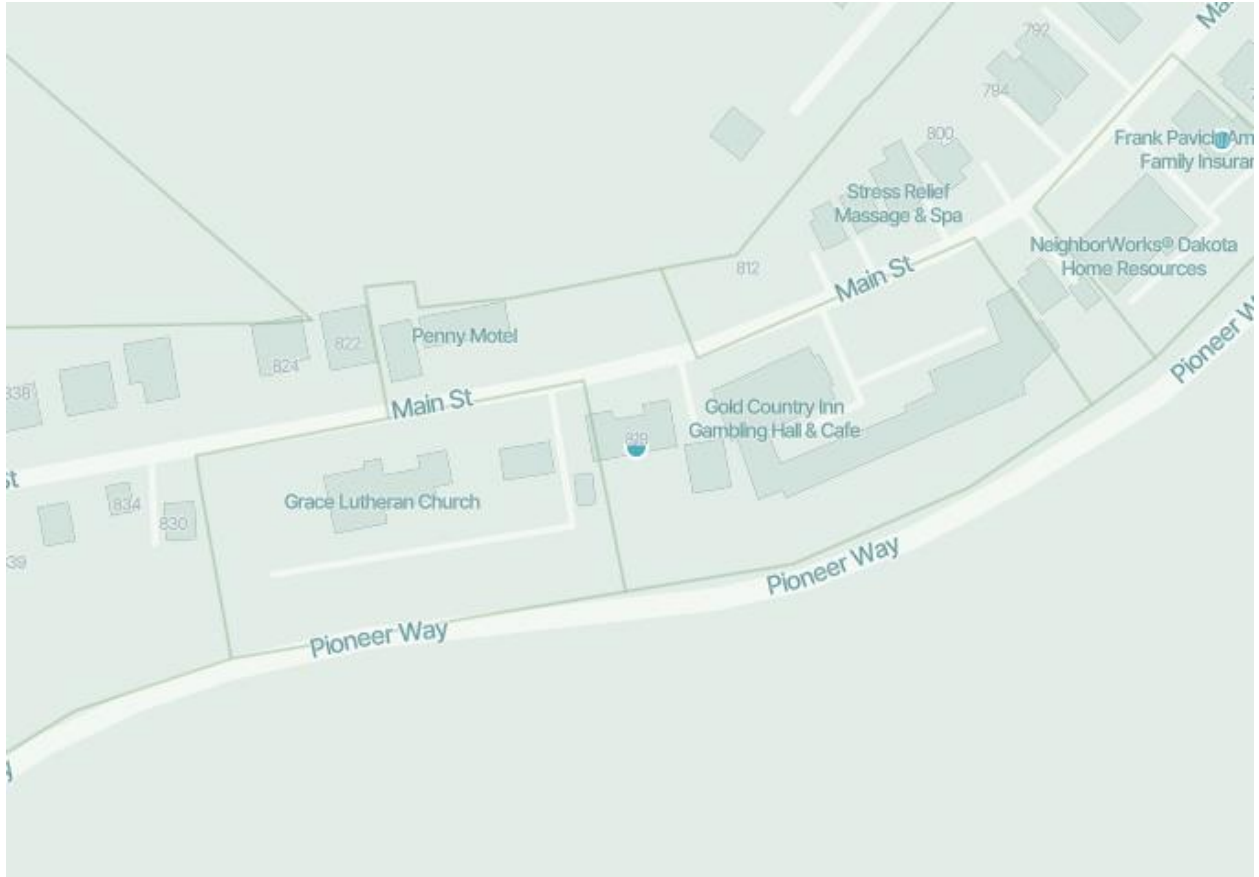
Map showing location of 819 Main Street.





Aerial view of 819 Main Street.





Short-Term Rental map of 819 Main Street.





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Apartment

Cozy hideaway on Main, Farmhouse Unit

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Overview Amenities Policies Location Host

10 **Exceptional**

[See all 2 reviews >](#)

Highlights

Close to Deadwood Mountain Grand

2 bedrooms

2 bathrooms

Sleeps 8

Popular amenities

Barbecue grill

Kitchen

Air conditioning

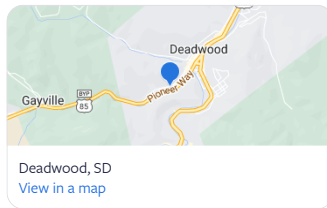
Outdoor Space

Pet friendly

Free WiFi

[See all >](#)

Explore the area



- Deadwood Mountain Grand 7 min walk
- Tin Lizzie Gaming Resort 15 min walk
- Cadillac Jacks Casino 19 min walk
- Spearfish, SD (SPF-Black Hills) 19 min drive

[See more >](#)

Rooms & beds

2 bedrooms (sleeps 8)

2nd Bedroom



2 Queen Beds

Front bedroom



2 Queen Beds

2 bathrooms

2nd Full Bathroom



Bathtub or shower · Toilet

Front Full Bathroom



Bathtub or shower · Toilet

Spaces

-  Deck or patio
-  Kitchen
-  Balcony
-  Garden
-  Dining Area

[See all rooms and beds details](#)

 Check-in
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 Travelers
1 room, 2 travelers

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Rare Hideaway on Main, Retro unit, Deadwood

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Rare Hideaway on Main, Retro unit



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Deadwood, So...



Dates



Travelers
2 travelers

Search



Overview

Amenities

Policies

Location

Host

10 **Exceptional**

See all 2 reviews >

Highlights



Walk to Deadwood Mountain Grand



2 bedrooms



2 bathrooms



Sleeps 6

Popular amenities



Barbecue grill



Kitchen



Air conditioning



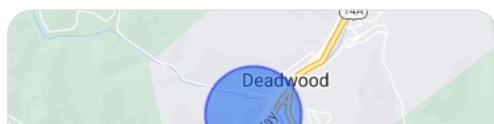
Outdoor Space



Pet friendly

See all >

Explore the area



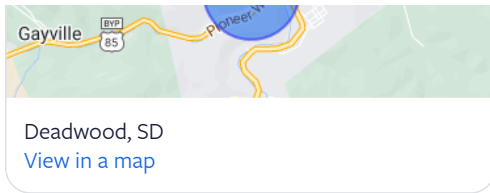
Deadwood Mountain Grand

7 min walk



Tin Lizzie Gaming Resort

15 min walk



- Cadillac Jacks Casino 19 min walk
- Spearfish, SD (SPF-Black Hills) 19 min drive

[See more >](#)

Rooms & beds

2 bedrooms (sleeps 6)

Back Bedroom



1 Queen Bed

Front Bedroom



1 King Bed

2 bathrooms

Back Bathroom



Bathtub or shower · Toilet

Front bathroom



Bathtub or shower · Toilet

Spaces



Deck or patio



Kitchen



Garden



Dining Area

[See all rooms and beds details](#)



Check-in

Select date



Check-out

Select date



Travelers

1 room, 2 travelers

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Dates

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2 travelers

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Overview Amenities Policies Location Host

10 **Exceptional**

See 1 review >

Highlights

Walk to Deadwood Mountain Grand

2 bedrooms

2 bathrooms

Sleeps 6

Popular amenities

Barbecue grill

Kitchen

Air conditioning

Outdoor Space

Pet friendly

Free WiFi

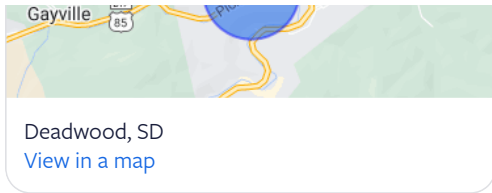
See all >



Explore the area



Deadwood Mountain Grand 7 min walk

Tin Lizzie Gaming Resort 15 min walk



-  Cadillac Jacks Casino 19 min walk
 -  Spearfish, SD (SPF-Black Hills) 19 min drive
- [See more >](#)

Rooms & beds

2 bedrooms (sleeps 6)

Back Bedroom



1 Queen Bed

Front Bedroom



1 King Bed and 1 Double Sofa Bed

2 bathrooms

Back bathroom



Toilet · Shower only

Front full bathroom



Bathtub or shower · Toilet

Spaces

 Deck or patio

 Kitchen

 Garden

 Dining Area

[See all rooms and beds details](#)

 Check-in
Select date

 Check-out
Select date

 Travelers
1 room, 2 travelers

[Check availability](#)

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

**PLANNING AND ZONING MEETING
STAFF REPORT
September 4, 2024**

APPLICANT: Adrian A. Newkirk, Jr.

PURPOSE: Adjust lot lines between Lot 5 and Lot 6 to provide space between the house on Lot 5 and the lot line shared with Lot 6. Rename Lot 5 to Lot 5A.

Combine Lots 6, 7, 8 and portion of Lot 9 and subdivide into two lots. Rename the two lots Lot 9A and Lot 9B.

GENERAL LOCATION: 15 Forest Avenue

LEGAL DESCRIPTION: Plat of Lots 5A, 9A, and 9B Block P, Original Townsite, Formerly Lots 5, 6, 7, 8 and a portion of Lot 9, Block P City of Deadwood, Lawrence County, South Dakota.

FILE STATUS: All legal obligations have been completed.

ZONE: R1 - Residential

STAFF FINDINGS:

Surrounding Zoning:

North: R1 - Residential
South: R1 - Residential
East: R1 - Residential
West: R1 - Residential

Surrounding Land Uses:

Residential
Residential
Residential
Residential

SUMMARY OF REQUEST

The purpose of this plat is to adjust the lot line between two (2) existing lots (Lot 5 and Lot 6) and subdivide four (4) other lots (Lots 6, 7, 8, and a portion of 9) into two (2) new lots.

The adjustment of the lot lines between Lot 5 and 6 will allow space between the house located at 15 Forest Avenue (which sits on Lot 5) and the lot line it shares with Lot 6. Further, the lot that the house at 15 Forest Avenue sits on will be renamed Lot 5A.

The subdivision of Lots 6, 7, 8 and a portion of Lot 9 into two (2) lots will allow for the possibility of development in the future. The two newly created lots will be named Lots 9A and 9B.

FACTUAL INFORMATION

1. The properties are currently zoned R1 – Residential.
2. Lot 5A (15 Forest Avenue) is comprised of 0.214 Acres \pm .
3. Lot 9A (formerly Lot 6, and a portion of Lots 7 and 8) is comprised of 0.608 Acres \pm .
4. Lot 9B (formerly a portion of Lots 7, 8 and 9) is comprised of 0.235 Acres \pm .
5. The property is located outside of a flood zone or flood hazard zone.
6. Public facilities are available to serve the property.
7. The area is currently characterized by single family residential homes.

STAFF DISCUSSION

Lot 5 is owned by the applicant who desires to widen the lot at 15 Forest Avenue. The widening of the lot will allow space between the house and the lot line shared between Lots 5 and 6. Lot 5 will subsequently be renamed Lot 5A. In addition, Lot 6, and a portion of Lots 7, 8 and 9 will be combined to create a single lot. This lot will be named Lot 9A. A separate portion of Lots 7, 8 and 9 will also be combined to create another single lot. This lot will be named Lot 9B.

Currently, Lots 6 – 8 and a portion of Lot 9 are undeveloped but do contain remnants of past structures. Archaeology and approval from the Historic Preservation Commission may be required prior to any building on this site.

The three (3) proposed new lot(s) meet the lot size requirements as outlined in City Ordinance 17.24.040.

1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot is shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.

ACTION REQUIRED:

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

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



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

Application No. _____

APPLICATION FOR PLAT

Application/Filing Fee: \$200.00 per lot

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

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

Applicant: ADRIANA NEWKIRK JR

Address: 15 FOREST AVE DEADWOOD SD 57732
Street City State Zip

Phone Number: 602-549-5235 Email Address: ADRIAN NEWKIRK (HOTMAIL.COM)

Property Address: 15 FOREST AVE

Property Owner: ADRIAN A. NEWKIRK, JR

Property Owner Phone Number: 602-549-5235

Full Legal Description of Property: READJUST PROPERTY LINES (HITS HOUSES-15)
SUBDIVISION OF LOTS 5, 6, 7, 8 & PART OF 9 BLK P

Purpose of this Plat: NEW PROP. LINES

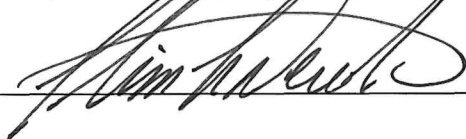
Summary of this Plat: _____

1. The following documents shall be submitted:

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

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

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

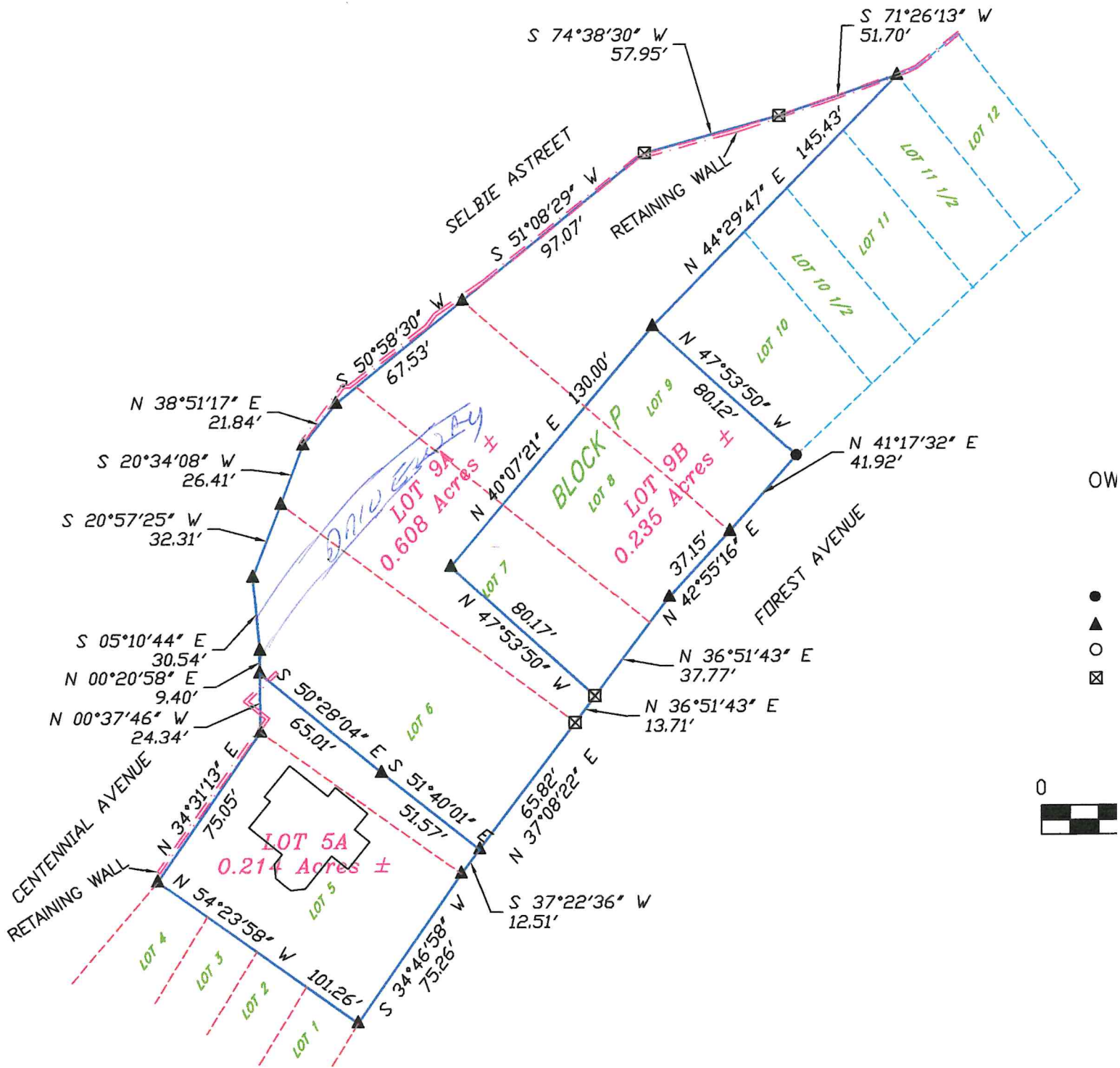
Signature of Owner/Applicant:  Date: 7-22-24

Staff Use Only

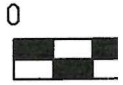
Fee: \$ _____	Paid On _____	Receipt Number _____
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PLANNING AND ZONING ADMINISTRATOR:			
Approved/P&Z Administrator:	Yes	No	Signature: _____ Date: _____
PLANNING AND ZONING COMMISSION:			
Approved/P&Z Commission:	Yes	No	Date: _____
DEADWOOD BOARD OF ADJUSTMENT:			
Approved/Board of Adjustment:	Yes	No	Date: _____

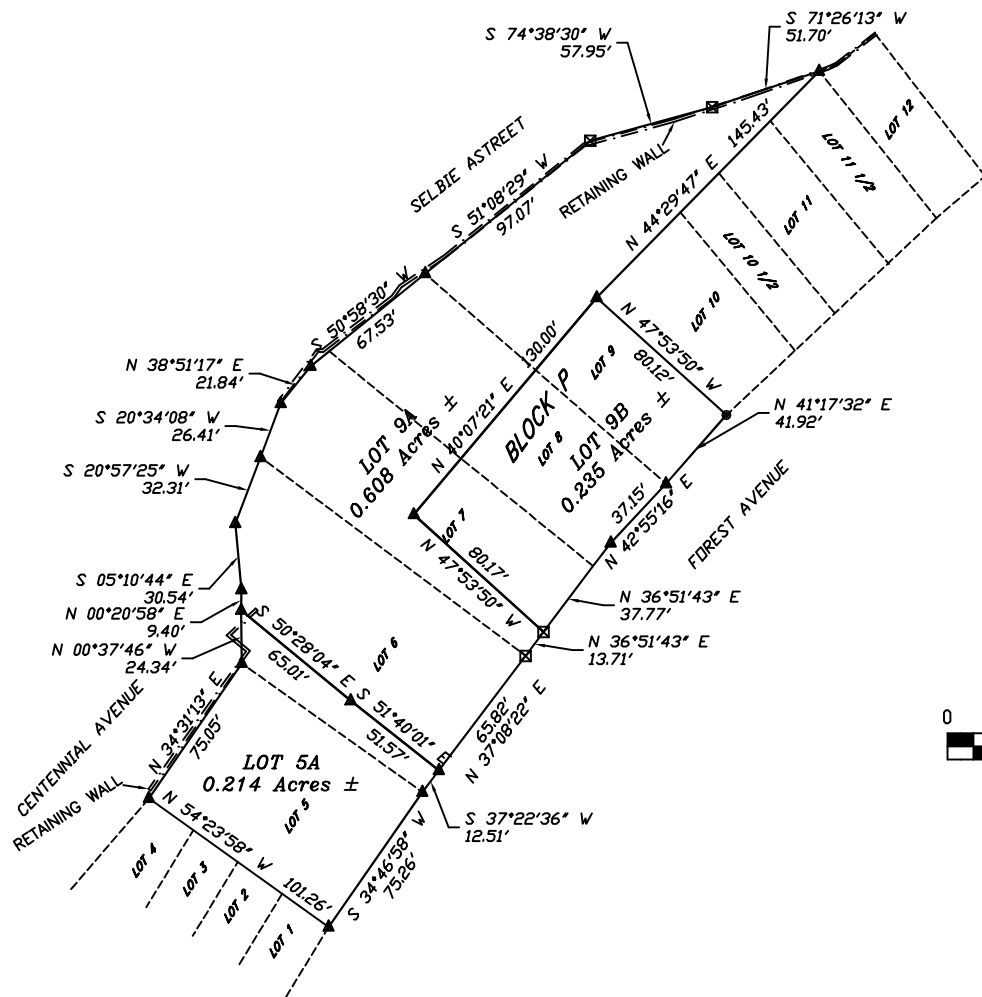
Reason for Denial (if necessary): _____



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- ▲
-
- ⊠



PLAT OF LOTS 5A, 9A AND 9B BLOCK P, ORIGINAL TOWNSITE,
FORMERLY LOTS 5, 6, 7, 8 AND A PORTION OF LOT 9, BLOCK P
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA



OWNER: ADRIAN A. NEWKIRK JR.
39 LINCOLN AVE,
DEADWOOD, SD 57732

- PIPE
- ▲ REBAR & CAP (VREM LS6577)
- REBAR & CAP (ARLETH LS3977)
- ☒ MAG NAIL

0 60 120 180

SURVEYOR'S CERTIFICATE

I, LOREN D. VREM, 332A WEST MAIN STREET, LEAD, SOUTH DAKOTA, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA. THAT AT THE REQUEST OF THE OWNER AND UNDER MY SUPERVISION, I HAVE CAUSED TO BE SURVEYED AND PLATTED THE PROPERTY SHOWN AND DESCRIBED HEREON. TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE PROPERTY WAS SURVEYED IN GENERAL CONFORMANCE WITH THE LAWS OF THE STATE OF SOUTH DAKOTA AND ACCEPTED METHODS AND PROCEDURES OF SURVEYING. DATED THIS _____ DAY OF _____, 20_____.

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

OWNER'S CERTIFICATE
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

_____, DO HEREBY CERTIFY THAT I/WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

OWNER: _____

ACKNOWLEDGMENT OF OWNER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

ON THIS ____ DAY OF _____, 20____, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY

APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES: _____ NOTARY PUBLIC: _____

CERTIFICATE OF COUNTY TREASURER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, _____, LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY THAT _____ TAXES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY HAVE BEEN PAID. DATED THIS _____ DAY OF _____, 20_____.

LAWRENCE COUNTY TREASURER: _____

APPROVAL OF HIGHWAY AUTHORITY
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

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

HIGHWAY AUTHORITY: _____

APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THIS PLAT APPROVED BY THE CITY OF DEADWOOD PLANNING COMMISSION THIS _____ DAY OF _____, 20_____.

CHAIRMAN _____ ATTEST: _____ CITY PLANNER

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

BE IT RESOLVED THAT THE CITY OF DEADWOOD BOARD OF COMMISSIONERS HAVING VIEWED THE WITHIN PLAT, DO HEREBY APPROVE THE SAME FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS, LAWRENCE COUNTY, SOUTH DAKOTA, DATED THIS _____ DAY OF _____, 20_____.

ATTEST: _____ FINANCE OFFICER _____ MAYOR

OFFICE OF THE COUNTY DIRECTOR OF EQUALIZATION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, LAWRENCE COUNTY DIRECTOR OF EQUALIZATION, DO HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT. DATED THIS _____ DAY OF _____, 20_____.

LAWRENCE COUNTY DIRECTOR OF EQUALIZATION: _____

OFFICE OF THE REGISTER OF DEEDS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

FILED FOR RECORD THIS _____ DAY OF _____, 20____, AT _____ O'CLOCK, _____ M., AND RECORDED IN DOC. _____.

LAWRENCE COUNTY REGISTER OF DEEDS: _____



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

Date:	8/12/2024
Drawn By:	L. D. Vrem
Project No.:	24-196
Dwg. No.:	24-196.dwg