



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, May 03, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
 - a. Approval of April 19, 2023 Minutes
4. **Sign Review Commission**
 - a. 300 Cliff Street - Grace Ellenbecker - Install Three New Signs
Action Required:
 - a. Approval/Denial by Sign Review Commission
 - b. 51, 53, & 55 Sherman Street - Allison Roach of Love Sign Co. - Install Four New Signs
Action Required:
 - a. Approval/Denial by Sign Review Commission
 - c. 24 Cliff Street - Amy Petersen - Install New Wall Sign
Action Required:
 - a. Approval/Denial by Sign Review Commission
 - d. 460 Main Street - Blake Haverberg - Install Projecting Sign
Action Required:
 - a. Approval/Denial by Sign Review Commission
5. **Planning and Zoning Commission**
6. **Items from Citizens not on Agenda**
(Items considered but no action will be taken at this time.)
7. **Items from Staff**
8. **Adjournment**

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



Planning and Zoning Commission Regular Meeting Minutes

Wednesday, April 19, 2023 at 4:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, April 19, 2023, at 4:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

2. Roll Call

PRESENT

Commissioner (Chair) John Martinisko
 Commissioner (Vice-Chair) Josh Keehn
 Commissioner Charles Eagleson
 Commissioner Ken Owens

Michael Johnson, City Commissioner

ABSENT

Commissioner (Secretary) Dave Bruce

STAFF PRESENT

Kevin Kuchenbecker, Planning, Zoning and Historic Preservation Officer
 Trent Mohr, Building Inspector
 Cindy Schneringer, Administrative Assistant

3. Approval of Minutes

a. Approval of April 5, 2023 Minutes

It was moved by Commissioner Owens and seconded by Commissioner Keehn to approve the April 5, 2023 minutes. Voting Yea: Martinisko, Keehn, Eagleson, Owens

4. Sign Review Commission

5. Planning and Zoning Commission

a. Conditional Use Permit - 63 Stewart Street - Carson Witt - Home Occupation

Mr. Kuchenbecker stated we have an application for a Conditional Use Permit (CUP) for a home occupation, specifically for a home delivery donut business. The applicant is Carson Witt located at 63 Stewart and legally described as THE EASTERLY 50 FEET OF LOT 2, BLOCK 72 ORIGINAL TOWN IN THE CITY OF DEADWOOD LAWRENCE COUNTY, SOUTH DAKOTA EXCEPT THAT PORTION DEEDED TO THE CITY OF DEADWOOD FOR STREET PURPOSES. It is zoned residential. All legal obligations have been completed. It is surrounded to the north by commercial district being the hospital and clinic. To the south it is zoned R-1,

however it is a vacant hillside. East and west are R-1 zoning districts with residential housing. The applicant submitted a formal request for a CUP for the operations of a small business in the form of a delivery donut shop under Section 17.24.030 Conditional Uses under Home Occupation. The subject property is located on the south side of Stewart Street behind the vicinity of the Deadwood Hospital and Clinic. You have the factual information. The property comprises of a lot approximately 7500 square feet. It is on the National Register of Historic Places and a contributing structure with in the National Historic Landmark District. It has access from Stewart Street and located in a low-density land use classification on the adopted Zoning Map. It is located outside of the floodplain. Adequate public facilities are available to serve the property. It is surrounded by a mixture of single-family dwellings located in the Cleveland Historic Overlay Zone. The applicant has submitted a request for a Conditional Use Permit for the operations of a small business in the form of a delivery donut shop under Section 17.24.030 Conditional Uses under Home Occupation in a R1 – Residential District. Specific detail on the proposed operations and business plan are included with the application and supporting documentation. It appears to be limited impact on the proposed location of the subject property for Home Occupation. The applicant has coordinated the proposed business operations with the South Dakota Department of Health and would operate under South Dakota's Cottage Food Laws which are shown in Exhibit B. Exhibit C shows the notification. We did a buffer of three hundred feet and sent out notifications. Posted the property for this conditional use. We also advertised twice in the newspaper. You have the general use standards of the CUPs that are outlined in the staff report. The conditions governing the applications are outlined as well. One of the things we need to do is on item C is the Planning and Zoning Commission shall have the authority to review CUPs at any time and/or on an annual basis and place additional stipulations to mitigate a problem. The "or" does not exist in our zoning ordinance. Based on conversations on Monday night at the City Commission meeting and confirmation from legal counsel is that this body shall review all CUPs on an annual basis. Staff recommendations if approved, the CUP runs with the applicant and not the land; therefore, should the property be sold, the CUP is null, and void and the non-conforming status could be voided from the property and proof of a City of Deadwood Business License. I would add to this annual review as part of that approval. Exhibits show the subject property, the plat map of the subject property, street views of said subject property, and also includes the Department of Health Cottage Industries, the notice that was put in the newspaper, and the letter that was sent to the owners. Also in the packet, is the application and outline of the business plan. I did not receive any calls or emails. I did talk to one city commissioner that wanted additional information to provide to a resident. There is a resident here that might have questions. Open it up to any questions and encourage the commission to see if anyone wants to advocate for or against this CUP.

Chairman Martinisko opened the floor for any comments for or against this CUP.

Jeff Snedeker, next door neighbor, said his question is it is a duplex with two parking spaces, so they spill out onto him. Is there going to be another delivery car

in that neighborhood too because that gets to be a lot of vehicles for a residence that doesn't have any parking?

Commissioner Keehn stated according to that statement no.

Mr. Kuchenbecker said they are using their personal vehicles.

Mr. Snedeker asked if it has to be commercially inspected? If you are boiling donuts, you have to have like an ANSUL system?

Mr. Kuchenbecker stated I know she has been working with Charlotte Johnson with the Department of Health, so they have to meet the criteria under the Department of Health Food Cottage. One of the things I learned in doing the research and talking with the applicant is their revenues shall not exceed \$5,000.00 otherwise they get bumped up to commercial kitchen and everything else. It is really a small operation. One of the other things is they will not be custard filed because she does not have the refrigeration necessary because it is not a commercial kitchen.

Chairman Martinisko stated it sounds very small because they both have fulltime jobs which they are going to maintain. They are going to do deliveries in the morning with their personal vehicles before they went to their jobs. There will be nobody coming on site to purchase. That is not an option. There should not be any additional traffic that way. Those are kind of the important parts of it.

Mr. Kuchenbecker stated that under the ordinance, three residents in the three hundred feet that were notified of this, if three of them lodge a concern this commission can call it in for a review and either revoke it or add additional conditions. As of Monday night, we will be reviewing it on an annual basis and can address any issues that may arrive if there isn't a mid-year or concerns raised by residents or this body. With that said, I am taking the word of the applicant, they have full intentions of being here. Appreciate the concern of the neighbor.

Commissioner Keehn asked Mr. Snedeker if he talked to any of his neighbors.

Mr. Snedeker stated just his daughter.

Commissioner Keehn asked do you care?

Mr. Snedeker said his concern is just the parking situation.

Chairman Martinisko stated if it becomes an issue, somebody needs to let the city know. The permit can be revoked. Their business plan sounds like parking should not be any different than it is now. Asked are there any other comments from the floor or the commission on this permit application?

Mr. Kuchenbecker stated I will note it will also have a public hearing in front of the Board of Adjustment which will be the City Commission. There will be another opportunity for the community, specifically the residents, to voice any concerns.

It was moved by Commissioner Eagleson and seconded by Commissioner Owens to approve the Conditional Use Permit for a home occupation for 63 Stewart legally described as THE EASTERLY 50 FEET OF LOT 2, BLOCK 72 ORIGINAL TOWN IN THE CITY OF DEADWOOD LAWRENCE COUNTY, SOUTH DAKOTA EXCEPT THAT PORTION DEEDED TO THE CITY OF

DEADWOOD FOR STREET PURPOSES with conditions it is reviewed annually and required to have a City of Deadwood Business License. Voting Yea: Martinisko, Keehn, Eagleson, Owens

- b. Discussion for consideration of potential setback variance request for small homes along south side of Mystery Wagon Road, Stage Run Phase II, Deadwood, Lawrence County, South Dakota - Bill Pearson

Mr. Kuchenbecker stated about three weeks ago Bill Pearson emailed me the sight plan you have in your packet wanting to request a variance for some small homes, that are about seven hundred square feet, along the south side of Mystery Wagon Road in Stage Run Phase II. I did not communicate well enough with Bill on getting in the application. He asked if we could get it on the agenda to do a discussion to feel the temperature.

Mr. Pearson stated what if you do grant the variance, I have to mark the back corner and do some test drilling to make sure that ground is solid enough to build on. The reason I am asking for the variance is because I only have thirty feet to actually build on on that side. I want to put two homes there. They are thirty feet long and twenty feet deep. The utility easement along Mystery Wagon Road on the east side is nine feet long so there would be a nine-foot buffer there anyway. We are going to request there be no parking on that side of the road. The entrance into the homes would be on the side not facing the street. I think that takes care of some of the safety issues I am sure you guys would be concerned with. We are also putting a concrete pad in on the side where the doorway is so they can park their car off the street. The depth will be for two cars to park there. Basically, what I am asking for is a variance to be able to build up to that nine-foot utility easement.

Mr. Kuchenbecker stated this is R-1 and it is a twenty-foot set back. It would be an eleven-foot difference from what is required under our ordinance. In this location, I think it is justifiable. Staff can administratively approve a small variance to that, but this exceeds that administrative approval, so it does come to this body for consideration.

After some discussion, the consensus was the commission members supported submitting the request for variance.

6. Items from Citizens not on Agenda

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

- a. Open discussion regarding property owners request for cell tower on personal property located below Brown Rocks behind 170 Pleasant Street, Deadwood, Lawrence County, SD - Bonnie Fosso

Mr. Kuchenbecker stated that Bonnie Fosso has reached out to staff, and she has also completed a Conditional Use Permit. However, I could not find where it was a conditional use or a use of right in R-1 zoning. Part of it is telephone lines. Is it a stretch? I don't know. At her location right below brown rocks, has a challenge with cell services and is also looking at avenues for additional revenues. If she found a cell company interested in putting it on there, she would receive payments on that.

Ms. Fasso provide information regarding the need and want of adding a cell phone tower to her property below brown rocks.

After much discussion, it was recommended her first step be a change of zoning from R-1 to Park Forest and would need to be contiguous and adjacent with her neighbor.

7. Items from Staff

- a. GIS Online Maps - Zoning Map - gis.cityofdeadwood.com/portal/home

Mr. Kuchenbecker provided an update and presentation of the new online Zoning Map.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 5:08 p.m.

ATTEST:

Chairman, Planning & Zoning Commission Secretary, Planning & Zoning Commission
Cindy Schneringer, Planning & Zoning Office/Recording Secretary

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

May 3, 2023

Applicant: Grace Ellenbecker

Address: 304 Cliff Street, Deadwood, SD 57732

Site Address of Proposed Signage: 300 Cliff Street (formerly Creekside Restaurant)

Computation of Sign Area

Building Frontage: 100 Feet

Total Available Signage: 200 Square Feet

Existing Signage: None

Remaining Available Signage Area: 200 Square Feet

Proposed Sign Project: Install three new signs:

sign "A" – a wall sign (27 Square Feet)

sign "B" – a wall sign (27 Square Feet)

sign "C" – a valance sign (size is not counted against total allowed)

Proposed Building Materials: Metal and fabric (see attached rendering)

Proposed Lighting of the Signs: None

Location of Proposed Sign: see attached renderings for proposed locations

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.*

Last year this building was remodeled and opened as a Boston's Pizza. These signs are to advertise this business.

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

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

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

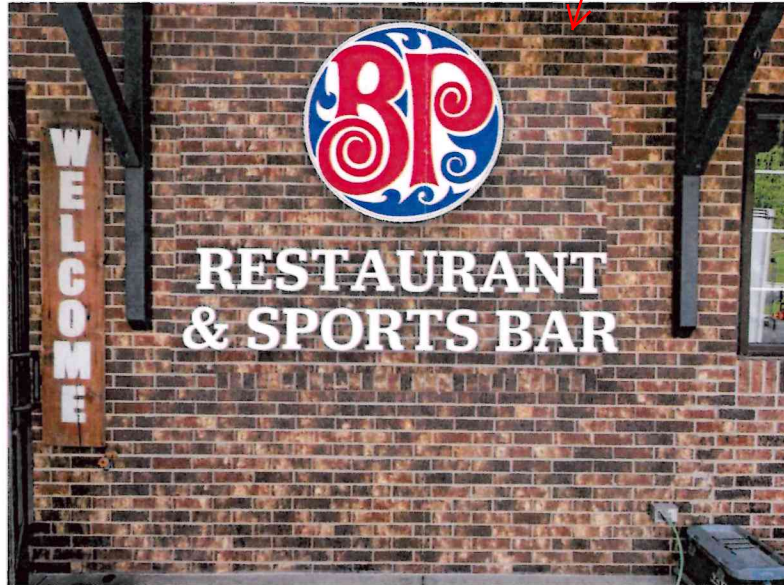
Motion to approve permit for new signs at 300 Cliff Street

OR

Motion to deny proposed sign permit application as submitted.

BOSTON PIZZA | FLAT CUT ALUMINUM LETTERS

sign "A" location



ELEVATION VIEW:
SCALE: NTS

signs "A" & "B" rendering



DESIGN VIEW:
SCALE: 3/4" = 1'

SPECIFICATIONS:

- A1: 1/4" Aluminum Routed Circular Panel with 1/4" Aluminum Routed Letters & Shapes, Surface Painted Satin White Circle & Blue & Red Painted Letters and Shapes, Stud Mounted with 1/2" Stand-Off spacers.
 - A2: 1/4" Aluminum Routed Letters, Surface Painted Satin White, Stud Mounted with 1/2" Stand-Off spacers.
- Client to receive crated Letter & Logo set with Stud Mounted drill pattern and touch up paint.**



 3712 Renggold Rd. #306 Chattanooga, TN 37412 www.dbmsignage.com	This is an original unpublished drawing submitted for your use on a project being planned for you by DBM Signage & Branding. It is shall not be reproduced, copied, or shown in any manner without written permission of DBM Signage & Branding.	Client: Boston Pizza Project Name: Interior Flat Cut Letters Project Location: 304 Cliff St. Deadwood, SD 57732 Project Zoning Jurisdiction: N/A Interior Drawing #: 23-032401 Drawing Date: 03/24/23 Designer: CN	Notes & Info: Two Sets Required.	Pg.1 of 1
	Electrical Requirements: 	120 Volts 20 AMP Circuit		



sign "B" location



sign "A" location

sign "C" valance

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
 May 3, 2023

Applicant: Allison Roach of Love Sign Co

Address: 51 53 & 55 Sherman Street, Deadwood, SD 57732

Site Address of Proposed Signage: 51 53 & 55 Sherman Street (formerly Deadwood Dick's)

Computation of Sign Area

Building Frontage: 251 Feet

Total Available Signage: 502 Square Feet

Existing Signage: None

Remaining Available Signage Area: 502 Square Feet

Proposed Sign Project: Install 4 new signs:

 "B1" a wall sign (32 Square Feet)

 "B2" a wall sign (43.3 Square Feet)

 "B3" a wall sign (17.8 Square Feet)

 "P1" a projecting sign (25.5 Square Feet)

Proposed Building Materials: Metal and high-density foam (see attached rendering)

Proposed Lighting of the Signs: Exterior lighting

Location of Proposed Sign: Please 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.*

This building is currently being remodeled and when finished will have a casino on the first floor, a sports book on the second floor and a restaurant on the third floor. The business name is "The Landmark Casino"

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

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

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

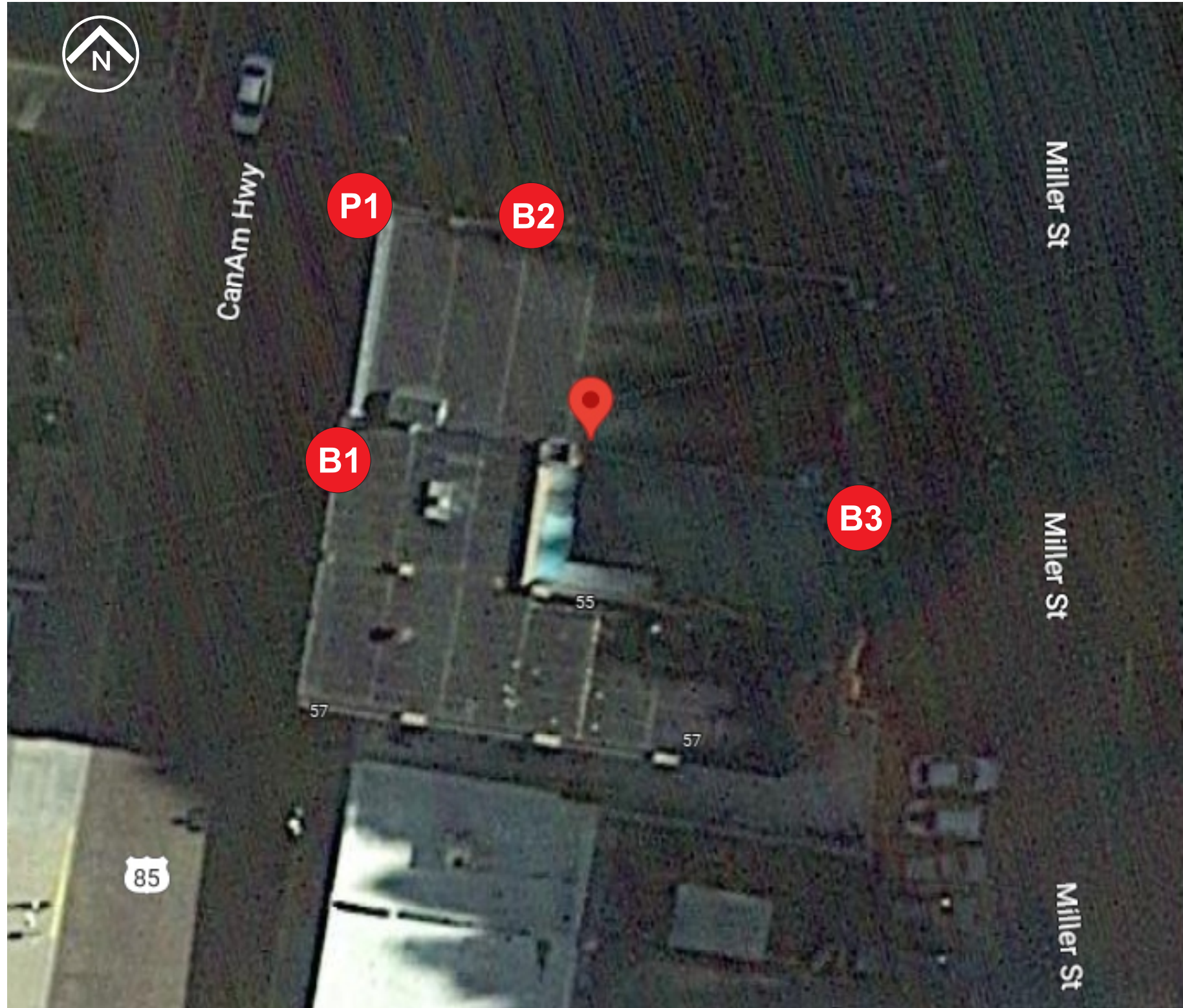
Motion to approve permit for new signs at 51 53 & 55 Sherman Street

OR

Motion to deny proposed sign permit application as submitted.



SITE PLAN
SCALE: NTS



LEGEND

B1	(1) SET CHANNEL LETTERS	32 SF
B2	(1) SET CHANNEL LETTERS	99 SF
B3	(1) SET CHANNEL LETTERS	18 SF
P1	(1) PROJECTION SIGN	26 SF



3030 W Old Hwy 30
Grand Island, NE 68802
308.381.5525
1.877.381.5530
www.lovesignco.com

Designer: DB
Sales: Derek Beck
Location: Grand Island, NE
Date: 3-2-23
Approved By:

Project: #22078

Exterior Signage

Client:



Location:

53 Sherman Street
Deadwood, SD 57732

Revisions:

#	DATE	REASON
1	4/11	size

File Location:

G:\Misc projects\Landmark Casino\#22078-Landmark Deadwood-Exterior Signage-Deadwood SD.cdr

NOTICE:
ALL RIGHTS RESERVED,
NO PART OF THIS
DRAWING MAY BE
DISTRIBUTED TO OTHERS
OR REPRODUCED IN
ANY FORM WITHOUT
WRITTEN PERMISSION
FROM LOVE SIGNS
OF GRAND ISLAND.

DRAWING APPROVED

CLIENT SIGNATURE

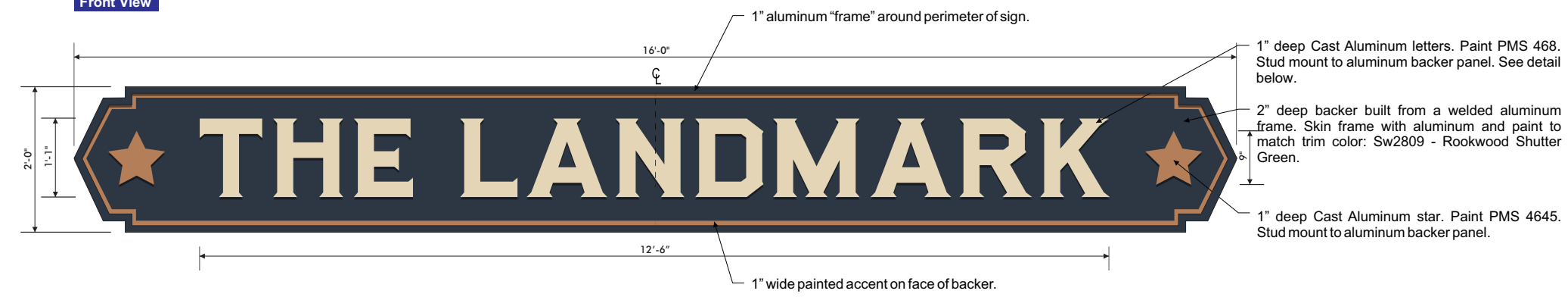
FOR PRESENTATION PURPOSES ONLY
NOT CONSTRUCTION DOCUMENTS

SHEET
B1.01
Copyright 2006-2023

B1 BUILDING ID - CAST METAL LETTERS (ON BACKER)
SCALE: 1/2"=1'-0"

COLORS		
	PMS/ PAINT	VINYL
	SW 28909	NA
	PMS 468	NA
	PMS 4645	NA

Front View



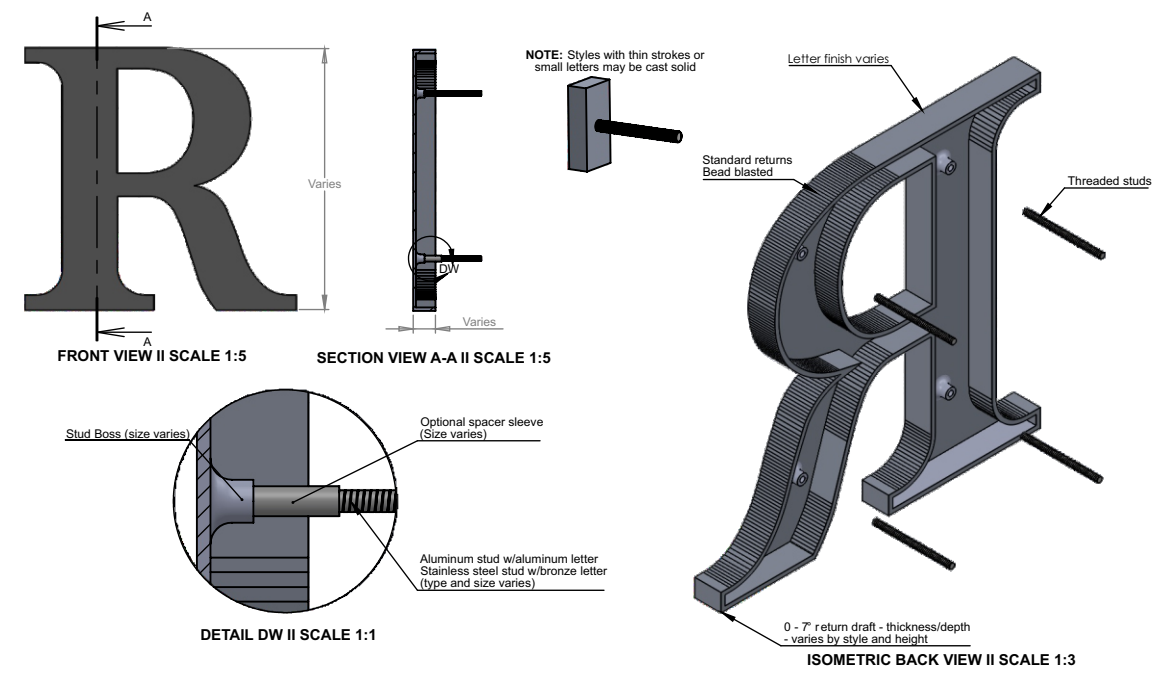
Top View



Rendering
Scale: 3/16"=1'-0"



Cast Metal Letter Detail





3030 W Old Hwy 30
Grand Island, NE 68802
308.381.5525
1.877.381.5530
www.lovesignco.com

Designer: DB
Sales: Derek Beck
Location: Grand Island, NE
Date: 3-2-23
Approved By:

Project: #22078

Exterior Signage

Client:



Location:

53 Sherman Street
Deadwood, SD 57732

Revisions:

#	DATE	REASON
1	3/28	size

File Location:

G:\Misc projects\Landmark Casino\#22078-Landmark Deadwood-Exterior Signage-Deadwood SD.cdr

NOTICE:
ALL RIGHTS RESERVED,
NO PART OF THIS
DRAWING MAY BE
DISTRIBUTED TO OTHERS
OR REPRODUCED IN
ANY FORM WITHOUT
WRITTEN PERMISSION
FROM LOVE SIGNS
OF GRAND ISLAND.

DRAWING APPROVED

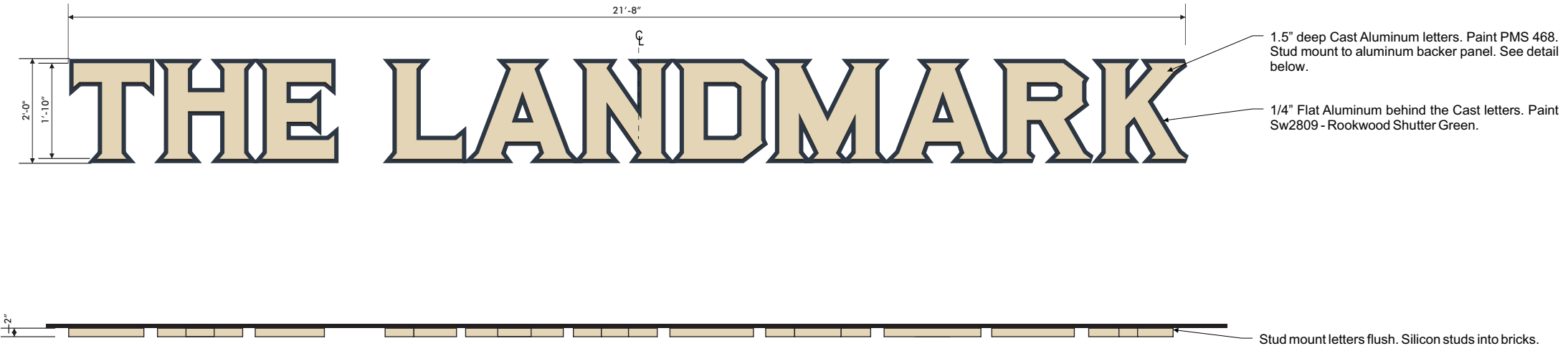
CLIENT SIGNATURE

FOR PRESENTATION PURPOSES ONLY
NOT CONSTRUCTION DOCUMENTS

SHEET
B2.01
Copyright 2006-2023 16

B2 BUILDING ID - CAST METAL LETTERS
SCALE: 3/8"=1'-0"

COLORS		
	PMS/ PAINT	VINYL
	SW 28909	NA
	PMS 468	NA
	PMS 4645	NA



Rendering
Scale: 3/16"=1'-0"





3030 W Old Hwy 30
Grand Island, NE 68802
308.381.5525
1.877.381.5530
www.lovesignco.com

Designer: DB
Sales: Derek Beck
Location: Grand Island, NE
Date: 3-2-23
Approved By:

Project: #22078

Exterior Signage

Client:



Location:

53 Sherman Street
Deadwood, SD 57732

Revisions:

#	DATE	REASON
1	4/11	size

File Location:

G:\Misc projects\Landmark Casino\#22078-Landmark Deadwood-Exterior Signage-Deadwood SD.cdr

NOTICE:
ALL RIGHTS RESERVED,
NO PART OF THIS
DRAWING MAY BE
DISTRIBUTED TO OTHERS
OR REPRODUCED IN
ANY FORM WITHOUT
WRITTEN PERMISSION
FROM LOVE SIGNS
OF GRAND ISLAND.

DRAWING APPROVED

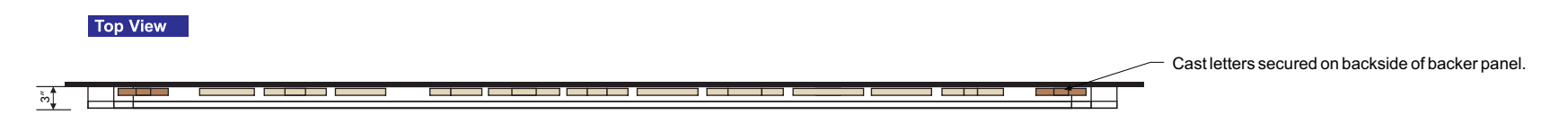
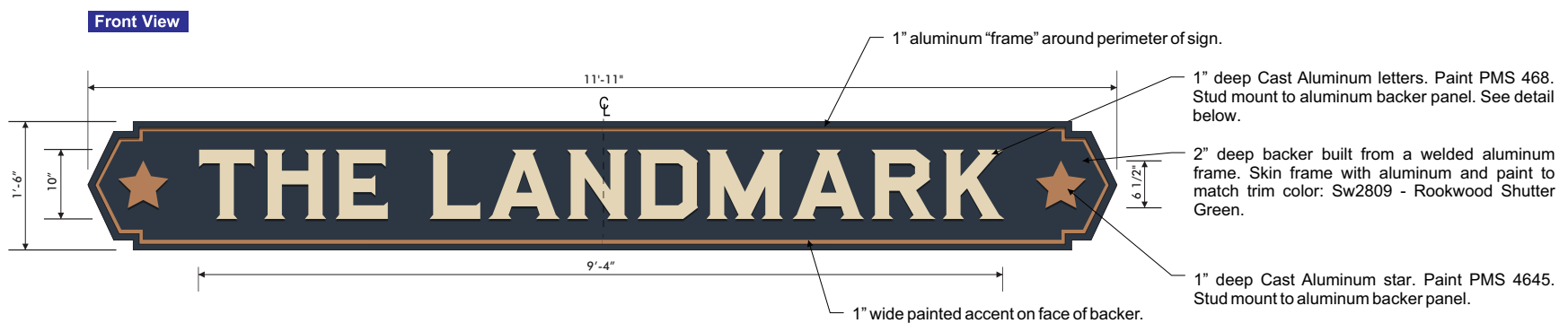
CLIENT SIGNATURE

FOR PRESENTATION PURPOSES ONLY
NOT CONSTRUCTION DOCUMENTS

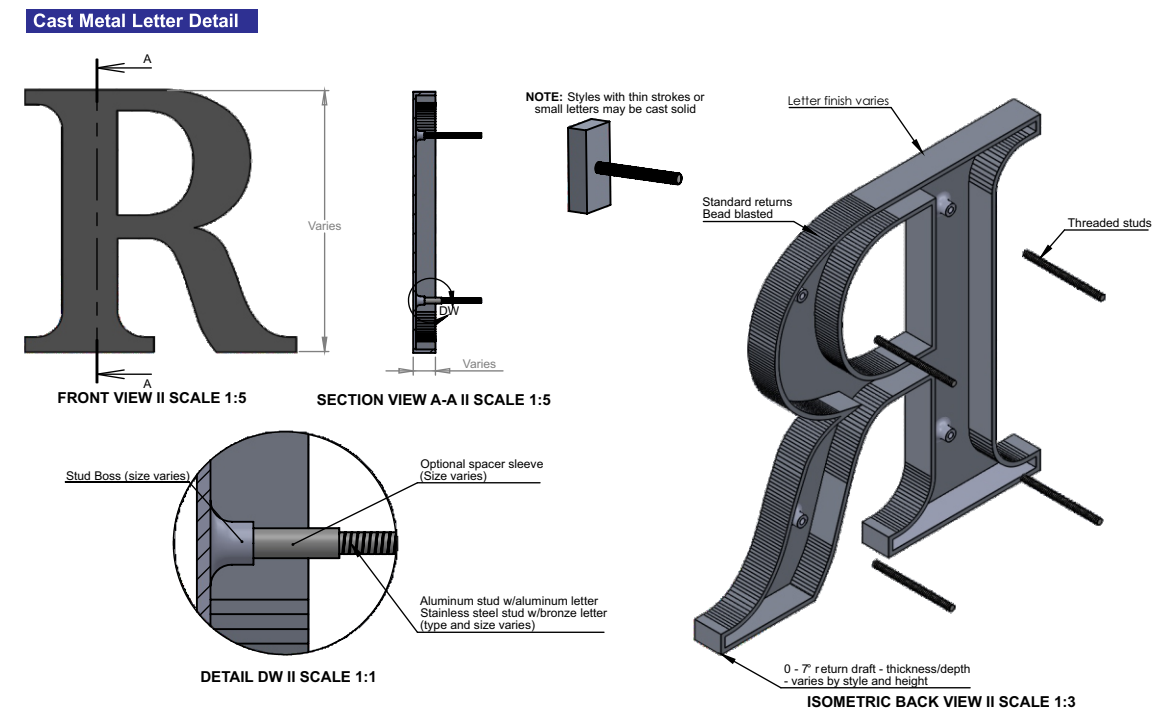
SHEET
B3.01
Copyright 2006-2023 17

B3 BUILDING ID REAR - CAST METAL LETTERS (ON BACKER)
SCALE: 1/2"=1'-0"

COLORS		
	PMS/ PAINT	VINYL
	SW 28909	NA
	PMS 468	NA
	PMS 4645	NA



Rendering
Scale: 3/16"=1'-0"





3030 W Old Hwy 30
Grand Island, NE 68802
308.381.5525
1.877.381.5530
www.lovesignco.com

Designer: DB
Sales: Derek Beck
Location: Grand Island, NE
Date: 3-2-23
Approved By:

Project: #22078

Exterior
Signage

Client:



Location:

53 Sherman Street
Deadwood, SD 57732

Revisions:

#	DATE	REASON
1	3/28	size

File Location:

G:\Misc projects\Landmark Casino\#22078-Landmark Deadwood-Exterior Signage-Deadwood SD.cdr

NOTICE:
ALL RIGHTS RESERVED,
NO PART OF THIS
DRAWING MAY BE
DISTRIBUTED TO OTHERS
OR REPRODUCED IN
ANY FORM WITHOUT
WRITTEN PERMISSION
FROM LOVE SIGNS
OF GRAND ISLAND.

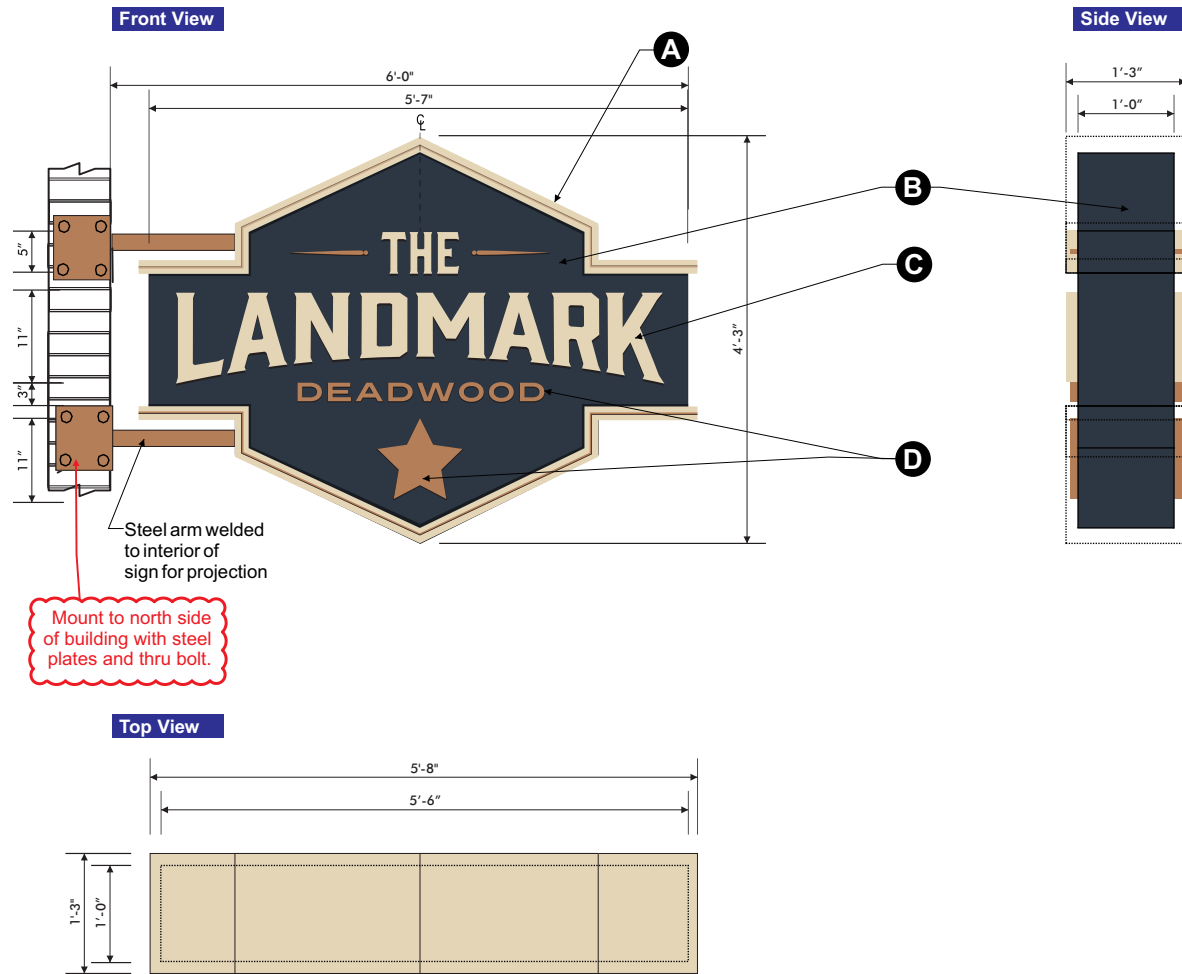
DRAWING APPROVED

CLIENT SIGNATURE

FOR PRESENTATION PURPOSES ONLY
NOT CONSTRUCTION DOCUMENTS

SHEET
P1.01
Copyright 2006-2023

P1 PROJECTION ID - PROJECTION SIGN
SCALE: 1/2"=1'-0"



Rendering
Scale: 3/16"=1'-0"



SPECIFICATIONS

- A** Top and bottom decorative accents to be high density foam. Paint PMS 468 with 1/2" deep reveal painted PMS 4645.
- B** Sign cabinet routed from HD foam and painted to match color of building trim. Cabinet to have metal frame interior in order to project mount from building.
- C** "The Landmark" copy to be 1 1/2" deep and painted PMS 468. Stack on faces of cabinet.
- D** "Deadwood" copy, top accents, and star to be 1" deep and painted PMS 4645. Stack on faces of cabinet.

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

May 3, 2023

Applicant: Amy Petersen

Address: 24 Cliff Street, Deadwood, SD 57732

Site Address of Proposed Signage: 24 Cliff Street (next door to State Farm Insurance)

Computation of Sign Area

Building Frontage: 27 Feet

Total Available Signage: 54 Square Feet

Existing Signage: None

Remaining Available Signage Area: 54 Square Feet

Proposed Sign Project: Install new wall sign (5 Square Feet)

Proposed Building Materials: Painted wood (see attached rendering)

Proposed Lighting of the Signs: None

Location of Proposed Sign: See attached photograph

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 is leasing this space and will operate an embroidery business. This location will also serve as the business office for Mad Mountain Adventures, which the applicant is an owner of. The two signs represented in the rendering will be joined together to form one sign as the ordinance only allows one wall sign per public entrance.

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

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

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 wall sign at 24 Cliff Street

OR

Motion to deny proposed sign permit application as submitted



Colors - black
stained
wood
(background)
white painted
wood logo
(raised)



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

May 3, 2023

Applicant: Blake Haverberg

Address: PO Box 594, Deadwood, SD 57732

Site Address of Proposed Signage: 460 Main Street (From the Hills – formerly HUB Insurance)

Computation of Sign Area

Building Frontage: 100 Feet

Total Available Signage: 200 Square Feet

Existing Signage: One wall sign (37 Square Feet)

Remaining Available Signage Area: 163 Square Feet

Proposed Sign Project: Install projecting sign in different location than previously approved (24 Square Feet)

Proposed Building Materials: Wood and Metal (see attached rendering and photographs)

Proposed Lighting of the Signs: None

Location of Proposed Sign: Attached is a photograph showing the current location

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.*

At the August 3, 2022, Planning and Zoning meeting a permit was approved for a wall sign and a projecting sign for this business. The proposed locations of these signs were compliant with the ordinances and required no variances.

On February 10, 2023, I observed that the projecting sign had been installed in a location different than what had been approved and not in compliance with the ordinances. The sign also encroaches into the state highway right of way. I contacted the owner and directed him to

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

relocate the sign. He indicated to me that he wanted to keep the sign where it is and asked how that could be accomplished. We discussed that it would take a new sign permit approved by the Sign Review Commission. This would involve requesting and being granted a variance from the ordinance requirements that a projecting sign be located on the same façade as a public entrance. Additionally, a right to occupy permit would need to be obtained from the South Dakota Department of Transportation. The owner has obtained this permit.

The proposed sign is complaint, the location does require a variance from the ordinance.

Variances

The sign permit application in review as proposed requires a variance 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 the sign in its installed location granting a variance from the sign ordinance

OR

Motion to deny proposed sign permit application as submitted.



proposed and approved location of sign

current location of sign



Rendering submitted with permit application in 2022

Section 4 Item d.



15.32.300 Historic District

Within the local historic district as established by Ordinance No. 777 and any amendment thereto:

1. Residential Uses in Any Zone. One nonilluminated or indirectly illuminated identification sign, not to exceed two square feet in area shall be permitted for each residential use. If freestanding, such sign shall be located not less than five feet from any property line and shall not exceed five feet in height.
2. Commercial Uses (Whether Nonconforming, Use by Special Review, or Home Occupation) in Residential Zone. One nonilluminated or indirectly illuminated identification sign, not to exceed ten (10) square feet in area, shall be permitted for each building or use, whichever is less. If freestanding, such sign shall be located not less than five feet from any property line and shall not exceed five feet in height.
3. Commercial Uses in Nonresidential Zone. Each building in a commercial zone in which one or more commercial uses exist shall be allowed a maximum of two square feet of signage for each one foot of building frontage. Such signs shall be nonilluminated or indirectly illuminated, except in the case of landmark signs described in Article 15.32-VI of this chapter or interior neon signs described in Section 15.32.200(B).
 1. Wall Sign. One wall sign per public entrance so long as such entrances and signs are at least ten (10) feet apart. Such sign shall be attached parallel to the building and shall project not more than eight inches from the building surface. The maximum square footage of the sign is fifty (50) square feet. The maximum vertical dimension of the sign shall be two feet. The top of any wall sign shall be no higher than the lowest of the following:
 1. Twenty-five (25) feet above grade;
 2. The bottom of the sills of the first level of windows above the first story, except in the case of upper story business with exterior entrances;
 3. The lowest point of the roof surface, except in the case of a one-story building with a continuous horizontal parapet, the top of such parapet.
 2. Projecting Sign. One projecting sign per public entrance so long as such entrances are at least ten (10) feet apart. Such signs shall be attached at right angles to a building, shall have no more than two faces, shall be located on the same facade as the public entrance and within reasonable proximity to that entrance, and:
 1. Shall project no more than six feet from the face of the building, or four feet back from the face of the curb, whichever is less;
 2. The maximum area of one face shall not exceed one square foot of signage for each one foot of building frontage, subject to a maximum of thirty-six (36) square feet;

3. The top of the sign shall be no higher than is permitted for a wall sign on that building; and
4. In the case of a building set back more than fifteen (15) feet from the nearest sidewalk, street or property line, a freestanding sign may be substituted for each allowable projecting sign. The area of the sign face shall be the same as for a projecting sign with a maximum of ten (10) square feet, and the bottom of the sign shall not be less than eight feet or more than twelve (12) feet above grade.

SOUTH DAKOTA DEPARTMENT OF TRANSPORTATION
APPLICATION FOR PERMIT TO OCCUPY RIGHT-OF-WAY: ENCROACHMENT

Highway No. 14A/85 County Lawrence Project No. _____ PCEMS _____

City Deadwood Legal Description 460 main st

Description of Encroachment: Sign attached to building over hangs 2.6' into the ROW.

I, the undersigned, request permission to occupy public right-of-way at the above location and as shown on the attached photo. In consideration for this permission, I agree to abide by all conditions as herein stated.

1. To furnish all materials, labor, incidentals and pay all costs involved with this occupancy including restoration of any damage to the roadway and right-of-way to equal or better conditions than existed prior to the occupancy covered by this permit.
2. To provide protection to highway traffic during occupancy by the use of proper signs, barricades, flagpersons and lights as prescribed in the "Manual of Uniform Traffic Control Devices."
3. To indemnify, hold and save harmless the State of South Dakota, its Department of Transportation and the **City of Deadwood SD**, their Officers and Employees, from any and all suits, actions or claims of any kind or nature brought because of any injuries or damage received or sustained by any person or property on account of the use or occupancy of right right-of-way designated in this application.
4. To move said encroachment out of the Right-of-Way when it becomes structurally or functionally obsolete, or requires replacement, upgrading or refurbishing for any reason, including storm damage.
5. The replacement of obsolete or the installation of new awnings, canopies, marquees, advertising signs or similar installations supported wholly from the building shall be permitted provided that no part of the encroachment is less than 3 feet back from the face of the curb and 8 feet above the curb elevation.
6. In the event the encroachment, by reason of color or placement, obscures or in any way detracts from the effectiveness of the highway signs, traffic signals, pedestrian safety, or interferes with the free or safe flow of the traffic, the City shall cause the removal of such encroachment or take appropriate measures to improve highway signs or traffic signals and traffic safety.

SIGNATURE [Signature] DATE 3/22/23

ADDRESS 460 Main St., Deadwood, SD TELEPHONE _____

REPRESENTING From The Hills
(Name of Individual, Company, Organization, etc.)

To be completed by Department of Transportation

Station _____ Milepost 41.30 Photo Number Attached.

1. Special Conditions _____
2. Failure to accomplish the occupancy in accordance with the provisions of this permit will automatically render this permit null and void and where applicable, constitute grounds for its removal and/or full restoration of the occupancy site all at the applicant's expense.

This permit to occupy right-of-way is granted to all conditions as herein stated on this 31 day of March, 2023.

City of Deadwood.

[Signature]
Area Engineer

cc. City of Deadwood.

