



Planning and Zoning Commission Regular Meeting Agenda

Wednesday, June 01, 2022 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes**
 - [a.](#) Approval of May 18, 2022 Minutes
4. **Sign Review Commission**
 - [a.](#) 700 Main Street - Andy Mosher - Install New Projecting Sign Relocated from 624 Main Street
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, May 18, 2022 at 5:00 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, May 18, 2022 at 5:00 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 Kevin Wagner

Commissioner Vicki Dar

City Commissioner Charlie Struble

City Commissioner Sharon Martinisko

STAFF PRESENT

Jeremy Russell, Planning and Zoning Administrator

Trent Mohr, Building Inspector

Cindy Schneringer, Administrative Assistant

3. Approval of Minutes

- a. Approval of May 4, 2022 Minutes

It was moved by Commissioner Wagner and seconded by Commissioner Bruce to approve the May 4, 2022 minutes. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Dar

4. Sign Review Commission

- a. 629 Main Street - Jill and Todd Weber - Install New Projecting Sign in Place of Existing Wall Sign

Mr. Mohr stated the sign location is 629 Main Street, the Lucky Horse. Previously the applicant submitted a permit before the board for a wall sign and then came in and modified it to add more to the sign. They want to do away with the wall sign and do a projecting sign in its place. They have provided a rendering. The sign and its location are compliant with the ordinance and requires no variances.

It was moved by Commissioner Wagner and seconded by Commissioner Keehn to approve the sign permit for 629 Main Street to install new projecting sign in place of existing wall sign. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Dar

- b. 781 Main Street - Shirlene Joseph - Install New Freestanding Sign

Mr. Mohr stated Shirlene Joseph and her brother acquired this property and are going to operate a rental out of it. Much like all of the rentals they have in that area, they want to do a yard sign very similar, location and mounting. This sign is compliant with the ordinance and requires no variances.

It was moved by Commissioner Keehn and seconded by Commissioner Dar to approve the sign permit for 781 Main Street to install new freestanding sign. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Dar

5. Planning and Zoning Commission

- a. Public Hearing - Request for Variance - Side Yard Setback - 26 Washington Avenue

Chairman Martinisko began the public hearing and opened up the floor for comment. Residents in attendance made comment: R. Bertrand. No written comments were received.

Being no further comment Chairman Martinisko closed the public hearing.

- b. Request for Variance - Richard Neeson - 26 Washington Avenue

Tract A being a Subdivision of Lots 3 and 4 in Block 53 of the Original Townsite of Deadwood Lawrence County, South Dakota

Mr. Russell stated the applicant today is Richard Neeson, he is on the phone. Mr. Neeson is requesting a variance on the side yard setbacks which are normally five feet on the sides. Being this is a corner lot, the setbacks which are fifteen feet. This lot is legally described as Tract A being a Subdivision of Lots 3 and 4 in Block 53 of the Original Townsite of Deadwood Lawrence County, South Dakota. All legal obligations have been completed. This is a R-1 residential zoning district. Mr. Neeson has applied for an approximate fourteen foot variance to the side yard setbacks which is fifteen.

It was moved by Commissioner Wagner and seconded by Commissioner Dar to approve the Request for Variance for side yard setback at 26 Washington Avenue, legally described as Tract A being a Subdivision of Lots 3 and 4 in Block 53 of the Original Townsite of Deadwood Lawrence County, South Dakota. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Dar

- c. Rezoning Request - Nicole Ideus - 6, 8, 10 Water Street

Plat of Tract A revised, including Tract A, Lot B-2, Lot C of Water Street Right of Way and the remainder of probate Lot 318 lying West of the East Bulkhead of Whitewood Creek. Being a portion of Probate Lot 318 and Block 38, Original Town, City of Deadwood. All located in the SE1/4 of Section 22, and the SW1/4 of Section 23, T.5N., R.3E., B.H.M., Lawrence County, South Dakota. (Lot C and B-2 according to Plat Doc. #95-04001)

Mr. Russell stated the applicant is Nicole Ideus. The purpose is a rezoning request from R-1 Residential to Commercial. The location is 6, 8, 10 Water Street legally described as Plat of Tract A revised, including Tract A, Lot B-2, Lot C of Water

Street Right of Way and the remainder of probate Lot 318 lying West of the East Bulkhead of Whitewood Creek. Being a portion of Probate Lot 318 and Block 38, Original Town, City of Deadwood. All located in the SE1/4 of Section 22, and the SW1/4 of Section 23, T.5N., R.3E., B.H.M., Lawrence County, South Dakota. (Lot C and B-2 according to Plat Doc. #95-04001). Nicole has an interesting request. She is the new owner of 6, 8, 10 Water Street which has traditionally been a tri-plex with two apartments on the bottom and one apartment up top. In her letter, you will see she has long term good tenants on the bottom. She recognizes the prices for rent have gone up tremendously. The reasoning for her request is she wants to run a short term rental upstairs with the purpose to maintain low rent for her long term tenants.

It was moved by Commissioner Wagner and seconded by Commissioner Bruce to approve the Rezoning Request for 6, 8, 10 Water Street legally described as Tract A, Lot B-2, Lot C of Water Street Right of Way and the remainder of probate Lot 318 lying West of the East Bulkhead of Whitewood Creek. Being a portion of Probate Lot 318 and Block 38, Original Town, City of Deadwood. All located in the SE1/4 of Section 22, and the SW1/4 of Section 23, T.5N., R.3E., B.H.M., Lawrence County, South Dakota. (Lot C and B-2 according to Plat Doc. #95-04001). Voting Yea: Martinisko, Keehn, Bruce, Wagner, Dar

- d. Final Plat - Creating Property Lines/Sale of Property - The Ridge - Randy Horner LOT A OF THE RIDGE DEVELOPMENT FORMERLY A PORTION OF THE PREACHER SMITH TRACT. LOCATED IN GOVERNMENT LOT 8 AND GOVERNMENT LOT 5 SEC. 1, T.5.N., R.3.E., B.H.M. THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

Mr. Russell stated our applicant today is Randy Horner. The purpose of this plat is to create property lines for the purpose of transferring the land. This is located near the Preacher Smith monument legally described as LOT A OF THE RIDGE DEVELOPMENT FORMERLY A PORTION OF THE PREACHER SMITH TRACT. LOCATED IN GOVERNMENT LOT 8 AND GOVERNMENT LOT 5 SEC. 1, T.5.N., R.3.E., B.H.M. THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. As stated in my staff report, the purpose is to facilitate the transfer of land. They have to create some property lines. I'd like to thank Shannon from Baseline Surveying. They are the only surveyors that show up when we have a plat of theirs.

It was moved by Commissioner Wagner and seconded by Commissioner Keehn to approve the Final Plat for creating property lines for the sale of the property legally described as LOT A OF THE RIDGE DEVELOPMENT FORMERLY A PORTION OF THE PREACHER SMITH TRACT. LOCATED IN GOVERNMENT LOT 8 AND GOVERNMENT LOT 5 SEC. 1, T.5.N., R.3.E., B.H.M. THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Dar

- e. Corrected Final Plat - Creating Property Lines/Sale of Property - Stage Run - DMG Construction INC.

LOTS 12A, 12B, 13A AND 13B, BLOCK 4A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY A PORTION OF LOT 1, BLOCK 4A

Mr. Russell stated we approved this recently. Unfortunately, we were provided incorrect information by the surveyor. Ownership for this plat will be DMG Construction, Darren and Monica Goodsell. This is to transfer the land and create property lines legally described as LOTS 12A, 12B, 13A AND 13B, BLOCK 4A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY A PORTION OF LOT 1, BLOCK 4A. Just wanted to get this back to you for approval of correct ownership so we can get the plat recorded.

It was moved by Commissioner Keehn and seconded by Commissioner Bruce to approve the Final Plat for creating property lines for sale of property legally described as LOTS 12A, 12B, 13A AND 13B, BLOCK 4A OF PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION TO THE CITY OF DEADWOOD LOCATED IN THE SW1/4 OF SECTION 14, THE SE1/4 OF SECTION 15, THE NE1/4NE1/4 OF SECTION 22 AND THE N1/2NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA FORMERLY A PORTION OF LOT 1, BLOCK 4A. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Dar

- f. Final Plat - Consolidating Property Lines - Park Plat - City of Deadwood PARK LOT AND SPRING STREET LOTS 1 AND 2; CONSISTING OF AN UNNAMED LOT, LOT C AND LOT 2 OF BLOCK 1, LOTS A, B AND LOTS 2 THRU 6 OF BLOCK 2, AND THE UNNAMED RIGHT OF WAY; BEING PORTIONS OF M.S. 283, IN THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

Mr. Russell stated the applicant is the City of Deadwood. The purpose of this is to consolidate a bunch of property lines for City owned property in the area of Railroad Avenue and McKinley legally described as PARK LOT AND SPRING STREET LOTS 1 AND 2; CONSISTING OF AN UNNAMED LOT, LOT C AND LOT 2 OF BLOCK 1, LOTS A, B AND LOTS 2 THRU 6 OF BLOCK 2, AND THE UNNAMED RIGHT OF WAY; BEING PORTIONS OF M.S. 283, IN THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. This is the first location the City is looking at for a possible dog park.

It was moved by Commissioner Wagner and seconded by Commissioner Keehn to approve the final plat for the purpose of consolidating property lines legally described as PARK LOT AND SPRING STREET LOTS 1 AND 2; CONSISTING OF AN UNNAMED LOT, LOT C AND LOT 2 OF BLOCK 1, LOTS A, B AND LOTS 2 THRU 6 OF BLOCK 2, AND THE UNNAMED RIGHT OF WAY; BEING PORTIONS OF M.S. 283, IN THE CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Dar

- g. Findings of Fact and Conclusion - Conditional Use Permit - Bed and Breakfast - Deanna and Thomas Smith

The Southerly 57 feet of Lots 21, 22, 23 and 24, Block 50 Original Townsite, City of Deadwood Lawrence County, South Dakota

Mr. Russell stated this is the Findings of Fact and Conclusion for the Conditional Use Permit to operate a Bed and Breakfast at 29 Van Buren Avenue, with stipulation of the required conditions of 1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void; 2. The Bed and Breakfast must be owner occupied; 3. Proof of a state sales tax number shall be provided to the Planning and Zoning Office for their files; 4. Proof that the Building Inspector has inspected the building and it meets all the building codes; 5. Proper paperwork is filed with the City of Deadwood Finance Office for BID taxes; 6. Proof of City of Deadwood Business License; 7. Obtain lodging license after inspection from the South Dakota Department of Health; 8. All parking shall be off street.

It was moved by Commissioner Dar and seconded by Commissioner Wagner to approve the Findings of Fact and Conclusion for the Conditional Use Permit to operate a Bed and Breakfast for 29 Van Buren. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Dar

6. Items from Citizens not on Agenda

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

7. Items from Staff

Mr. Russell thanked Vicki Dar for her time with the P&Z Commission as she will be going to the HP Commission. We appreciate your service to this commission.

8. Adjournment

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

There being no further business, the Planning and Zoning Commission adjourned at 5:43 p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Cindy Schneringer, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission

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



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

TRENT MOHR
 Building Inspector
 Dept. of Planning & Zoning
 Telephone: (605) 578-2082
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SIGN PERMIT STAFF REPORT

Sign Review Commission

June 1, 2022

Applicant: Andy Mosher, Executive Director, Deadwood Alive

Address: PO Box 190, Deadwood, SD 57732

Site Address of Proposed Signage: 700 Main Street (Franklin Hotel)

Computation of Sign Area

Building Frontage: 140 Feet

Total Available Signage: 280 Square Feet

Existing Signage: One wall sign (43.75 Square Feet) and one hanging sign (8 Square Feet)

Remaining Available Signage Area: 228.25 Square Feet

Proposed Sign Project: Install new projecting sign (17 Square Feet) relocated from 624 Main

Proposed Building Materials: Painted metal (see attached rendering)

Proposed Lighting of the Signs: None

Location of Proposed Sign: Attached is a photograph showing the proposed 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.*

Beginning this season, the Trial of Jack McCall will be held at this location. The applicant wishes to relocate this sign from 624 Main Street and install above the door patrons of the Trial of Jack McCall will use to enter and exit the building.

The proposed sign does require one variance from the sign ordinance. The sign ordinance requires that a projecting sign not project no more than 6 feet from the face of the building or 4 feet back from the face of the curb whichever is less. This proposed sign does not project more than 6 feet from the building but will be approximately 1.5 feet from the face of the curb.

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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 granting a variance for new projecting sign 700 Main Street

OR

Motion to deny proposed sign permit application as submitted.



2 inch welded square steel tubing bracket attached to wall with anchors, centered above the door.

Sign will be above top of door to allow full opening.

Sign is 60" x 40". With additional pointing finger approximately 6" x 18"



Deadwood Alive Inc
P.O. Box 190
Deadwood, SD 57732

May 21, 2022

Sign Review Commission
Deadwood City Hall
102 Sherman Street
Deadwood, SD 57732

Dear Commissioners,

I am writing to request a variance to the sign ordinance for the Trial of Jack McCall projecting sign at the Franklin Hotel. The Trial of Jack McCall will be held in the Franklin Hotel banquet room this year and we would like to hang our existing projecting sign above the Shine Street entrance. We will be using this entrance exclusively for our guests in an effort to comply with gaming commission restrictions on children in gaming areas. It provides the most direct access to the banquet room limiting exposure to gaming.

According to current Deadwood ordinances, it "shall project no more than 6 feet from the face of the building, or four feet back from the face of the curb, which ever is less". We will be under the 6 foot projection limit but would be unable to comply with the setback from the curb. The distance from the building to the face of the curb in this location is approximately 55 inches and will not allow room for a sign.

We respectfully request a variance to the sign ordinance that will allow us to display our sign above the Shine Street entrance to the Franklin Hotel.

Thank you so much

Andy Mosher

Executive Director
Deadwood Alive