

CITY OF DEADWOOD
HISTORIC PRESERVATION COMMISSION

Wednesday, June 14, 2006

Present Historic Preservation Commission: Darin Derosier, Mary Ann Oberlander, Mike Olsen, Steve Olson, Rose Speirs, and Willie Steinlicht. Historic Preservation Officer Kevin Kuchenbecker was also present.

Absent Historic Preservation Commission: Ronda Feterl

Chairman Rose Speirs called the meeting of the Deadwood Historic Preservation Commission to order on Wednesday, June 14, 2006 at 5:18 p.m. in the Deadwood City Hall Meeting Room located at 108 Sherman Street, Deadwood, SD 57732.

The following announcement was made by Chairman Speirs:

Effective immediately, the deadline for submittal of applications shall be 5 p.m. the Wednesday prior to the Historic Preservation Commission meeting date.

Administrative Management

Election of Officers

Mr. Steinlicht nominated Rose Speirs for a second term as chairman of the commission. Ms. Oberlander seconded the nomination. It was moved by Mr. Steve Olson, seconded by Mr. Derosier and carried unanimously that nominations close and a vote by acclimation is declared.

Mr. Derosier nominated Willie Steinlicht for the position of vice chairman. Mr. Steve Olson seconded the nomination. It was moved by Ms. Oberlander and seconded by Mr. Steve Olson that nominations cease. Hearing no discussion, upon vote taken thereon, the motion carried unanimously.

HPC Scholarship Presentation

Chairman Speirs introduced Ms. Stephanie Wilder, a recipient of the scholarship awarded by the commission. Ms. Wilder will be attending the University of Morehead in the fall, majoring in archeology.

Additions, Deletions, Corrections to the Agenda:

It was moved by Ms. Oberlander, seconded by Mr. Steve Olson and carried unanimously to approve the following addition to the agenda under Old Business:

- d. Hot Springs Grant Extension

It was moved by Mr. Mike Olsen, seconded by Mr. Steve Olson and carried unanimously to approve the following addition to the agenda under New Matters before the Deadwood Historic Preservation Commission:

- d. 185 Cliff Street

It was moved by Mr. Steve Olson, seconded by Mr. Steinlicht and carried unanimously to delete the following item from the agenda under New Matters before the Deadwood Historic District Commission:

c. 555 Main Street- Window Replacement

It was moved by Mr. Derosier, seconded by Mr. Mike Olsen and carried unanimously to approve the following change to the order of the agenda: Item 7(l) under New Matters before the Historic Preservation Commission, 296 Main Street – Mike Gustafson Garage demolition, shall be heard immediately following item 5(b) under New Matters before the Deadwood Sign Commission, 250 Main Street – Terrace Hotel, so that the applicant can conduct all of his business at one time.

Review Minutes - May 24, 2006

The minutes were distributed to the commission via e-mail. It was moved by Mr. Steinlicht, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the minutes of the May 24, 2006 meeting, as presented.

Voucher Approval

Operating Account:

It was moved by Mr. Steinlicht, seconded by Mr. Derosier and carried unanimously to adopt a resolution approving the HP Operating Account in the amount of \$261,414.88, as presented.

Bonded Account:

None.

NEW MATTERS BEFORE THE DEADWOOD SIGN COMMISSION:

639 Main Street

Lisa Jorgenson announced that the location of the proposed signage is 639 Main Street not 641 Main Street. She requested permission to place seven (7) signs each measuring eight by fourteen inches (8" x 14") under the awning at her business known as Happy Days. Building Inspector Keith Umenthum stated the sign ordinance does not address signs under awnings. However, in the past the commission has approved this type of signage but limited the number to one or two hanging signs under an awning per building.

Mr. Mike Olsen questioned whether the signs were already in place, referring to a photograph taken by Mr. Umenthum which was attached to the Sign Permit Application. Ms. Jorgenson reported having taken down the signs at the request of Mr. Umenthum.

Mr. Steve Olson spoke against the request, expressing concern with a potential plethora of small signs that might appear on Main Street if the request is approved. Mr. Derosier also spoke against the number of signs. Chairman Speirs asked the property owner to consider fewer signs. Ms. Jorgenson explained that there are no other signs on the building except for the neon window signs. However, she was agreeable to reducing the number of signs to three (3) and also offered to modify the design to a more rustic appearance. Mr. Derosier stated the look of the sign is acceptable; it is the number of signs that seems excessive.

Having reviewed additional photographs included in the commission packet, Historic Preservation Officer Kuchenbecker noticed a projecting sign was in place above the awning at one time and stated that might be an appropriate location for a sign identifying the business. Ms. Jorgenson reported additional signage may be installed some time in the future.

It was moved by Mr. Derosier to approve the Sign Permit Application for Happy Days, 639 Main Street, limited to a total number of signs to three (3), stipulating the signs be hung in a uniform

fashion. The motion died for lack of a second. Mr. Steve Olson questioned the type of material used to construct the signs. Ms. Jorgenson explained she covered sign board with vinyl material printed at their business. Chairman Speirs stated vinyl signs are unacceptable.

It was moved by Mike Olsen, seconded by Steve Olson and carried unanimously to continue this matter to the meeting on June 28th, at which time Ms. Jorgenson will bring in an actual sign for review.

250 Main Street – Terrace Motel

Brad Hemmah, General Manager at First Gold, presented a design for a replacement sign for the recently restored Terrace Motel. They would like to place the sign in an area in which they have entered into an easement with the State of South Dakota. The property easement is in effect for “at least ten (10) years”. Chairman Speirs referred to the drawing of the proposed sign, which includes an arch containing the words “First Gold”. Mr. Hemmah stated, at this time, the request is for the replacement of the Terrace Motel sign only; he will come back before the commission should additional signage be desired at a later date.

It was moved by Mr. Steinlicht and seconded by Mr. Steve Olson to adopt a resolution to approve the Sign Permit Application for the Terrace Motel, 250 Main, as proposed by the property owner, Mike Gustafson, as presented. Steve Olson questioned whether it would be prudent to request a photocopy of the easement between the property owner and the State. Mr. Steinlicht amended the motion, with the concurrence of the second, to stipulate a copy of the aforementioned easement between the property owner and the State of South Dakota is filed with this request. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

300 Main Street. Mike Gustafson. garage demolition

The commission referred to the following staff report:

Case No. 06056
Address: 296 Main Street

June 9, 2006

STAFF REPORT

The applicant requests Project Approval to demolish a contributing structure located at 300 Main Street in the Fountain City Historic Overlay Zone in the City of Deadwood.

Applicant: Mike Gustafson
Owner: Mike Gustafson
Constructed: Circa early 1920's

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: This building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the commercial growth and economic activity which took place in Deadwood and the northern Black Hills from the late 1920's until World War II. Many these new buildings were built to serve the region's increasing automobile population, while others were geared to serve the Black Hills' growing tourist industry. This building's design, however, reflects only its function and is vernacular in style.

This building is located on property historically owned by the Auer Family. Although the actual year built and original function of this building remains undocumented, by at least the early 1920's it housed a car wash and oil or "greasing" facility that was operated by Otto and Carl Auer. The service station next to the structure was built in 1927.

2. Architectural design of the resource and proposed alterations: The applicant proposes to demolish old garage. At this point, the owner's agent, Jerry Anderson, has indicated there are no plans for the site upon demolition.

Attachments: Yes.

Plans: No.

Photo: Yes.

Recommended Decision: The proposed work and changes will have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

Staff recommends HPC consider whether or not a structure can be put to reasonable beneficial use without the approval of demolition. HPC should consider whether a reasonable return from the existing building can be obtained and failure to obtain maximum profit should not be considered in a determination of hardship. The structure is currently being used by the owner for storage. Furthermore, it should be noted the west side (west half) of this structure is owned by the Auer's.

Staff recommends HPC not authorize the issuance of this Project Approval (demolition permit) until all alternatives for saving the structure is fully explored or at such time as Project Approval is issued for plans for the site upon demolition. HPC should consider demolition as the last resort. At the same time, HPC and staff should work towards clear and concise guidelines for demolition requests.

Brad Hemmah explained Mike Gustafson just recently acquired this property. Having been informed that this is a contributing building, he stated the demolition request is premature at this time. It was moved by Mr. Steve Olson and seconded by Mr. Steinlicht to accept the withdrawal of the Application for Project Approval to demolish the contributing structure located at 300 Main Street as requested by Mr. Hemmah. City Attorney John Frederickson noted requested clarification as to whether the matter should be withdrawn which would require the property owner to resubmit an Application for Project Approval at a later date or whether the matter should be continued which would allow the property owner to continue work on the application already submitted. Mr. Hanna agreed it should be withdrawn. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

8-12 Lee Street. Blake Haverberg – The Gallows at the Old Town Hall

The commission referred to the following staff report:

Signage for the "Gallows" at the Old Town Hall – 8 Lee Street

There are 4 proposed signs. They are:

- 1. North side of building- Gallows wall sign. Width should be reduced to 24 inches. The size is OK. It is not located near a public entrance so a variance is required.
- 2. Sign on Highway 85.- Gallows wall sign. Width should be reduced to 24 inches. The size is OK. It is not located near a public entrance so a variance is required.
- 3. Sign on Lee Street.- Gallows wall sign. Width should be reduced to 24 inches. The size is OK. It is located above a public entrance.
- 4. Sign on Sherman Street. – Gallows Deadwood wall sign. This sign requires variances for width and location away from a public entrance. The size is OK.

This is not a typical main street building. It is surrounded by streets on all sides so the total signage available exceeds the actual that is used. Appropriate materials are used for the signs.

Blake Haverberg presented a request for several signs proposed for the "Gallows" at the Old Town Hall located at 8 Lee Street. He stated the proposed signs will be constructed of historic floor joists from the Martin Mason building, banded with steel bands, with recessed letters burned in the wood. A variance of two inches (2") for height is required on three of the signs, which state "Gallows"; the proposed sign on Sherman Street will be constructed of three of the floor joists banded together to accommodate "Deadwood" under "Gallows", requiring a variance for a height of fifteen inches (15"). Regarding staff's request to reduce the width of the signs to twenty-four inches (24"), Mr. Haverberg responded "it's historic material".

Following brief discussion initiated by Mr. Steve Olson regarding the proposed sign on Sherman Street ("Gallows Deadwood"), Mr. Haverberg agreed to eliminate the word "Deadwood" from that location.

Sign #1:

This wall sign will be located on the north side of the building. Due to the location of the building, it was moved by Mr. Steve Olson and seconded by Mr. Derosier to adopt a resolution to approve the Sign Permit Application for sign #1 for the "Gallows" at the old Town Hall, 8 Lee Street, as proposed by the property owner, Deadwood Development Corporation, and a variance to allow an additional two inches (2") in the width of the sign for a total of twenty six inches (26") and a variance for location as there is no public entrance on this side of the building. Mr. Haverberg stated when the building is complete, there will be a public entrance at this location. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

Sign #2:

This wall sign will be located on highway 85. There is currently a public entrance on this side of the building. It was moved by Mr. Steve Olson, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the Sign Permit Application for sign #2 for the "Gallows" at the old Town Hall, 8 Lee Street, as proposed by the property owner, Deadwood Development Corporation, and a variance to allow an additional two inches (2") in the width of the sign for a total of twenty six inches (26").

Sign #3:

This wall sign will be located on Lee Street. There is currently a public entrance on this side of the building. It was moved by Mr. Steve Olson, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the Sign Permit Application for sign #3 for the "Gallows" at the old Town Hall, 8 Lee Street, as proposed by the property owner, Deadwood Development Corporation, and a variance to allow an additional two inches (2") in the width of the sign for a total of twenty six inches (26").

Sign #4:

This wall sign will be located on Sherman Street. It was moved by Mr. Steve Olson, seconded by Mr. Mike Olsen and carried unanimously to adopt a resolution to approve the Sign Permit Application for sign #4 for the "Gallows" at the old Town Hall, 8 Lee Street, as proposed by the property owner, Deadwood Development Corporation, excluding the word "Deadwood" on the sign, and a variance to allow an additional two inches (2") in the width of the sign for a total of twenty six inches (26") and a variance for location as there is no public entrance on this side of the building.

OLD BUSINESS:

Ramkota Project, Wayne Lund

The commission referred to the following staff report:

Case No. 06045

Date: May 19, 2006

Address: 100 Pine Crest Lane

STAFF REPORT

The applicant requests Project Approval for new construction of The Lodge at Deadwood at address 100 Pine Crest Lane, Deadwood, South Dakota.

Applicant: Mike Wordeman & Wayne Lund

Owner: Deadwood Resorts, LLC

Constructed: New Construction

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. *Historic significance of the resource:* The project area lies immediately south of Highway 85 and sits on the north-facing slope of Sunrise Mountain. Sunrise Mountain is situated on the northeastern part of what is locally known as Deadwood Hill. Much of the project area was disturbed with a 1959 wild fire. Additionally, the construction of modern Highway 85, and the newly developed *Tatanka: Story of the Bison* has dramatically changed the historic setting of the Pine Crest Tourist Park which opened in 1924. This facility represented one of the early auto tourist camps with “modern” facilities in South Dakota and the Black Hills and was the first in Deadwood.

In March 2005, a National Register of Historic Places evaluation of this site was conducted to determine if the site of the Pine Crest Tourist Camp was eligible for listing under the National Register regulations or as contributing to the Deadwood Historic District. It was determined that the site does not contain the integrity for listing nor is contributing to the district.

Adjacent to the proposed undertaking is an eligible National Register of Historic Places site (39LA789) – Deadwood Dick’s cabin, which was once part of the Pine Crest Tourist Park.

2. *Architectural design of the resource and proposed alterations:* New construction (see attached rendering, site plans and floor plans).

Attachments: Yes

Plans: Yes

Photo: Yes (Architectural Rendering and Historic Photos)

Recommended Decision:

Staff has requested color and material samples, additional renderings from the perspective of Highway 85 and an overall height of the structure as defined by City of Deadwood Zoning Code – Title 17 prior to a complete staff review of this significant project.

In research the archeological survey information and the history of this property, we identified mediation agreements from 1995 between the following entities; Deadwood Historic Preservation Commission, Black Hills National Forest and the South Dakota Historical Society with regards to this property.

Staff concurs with the recommendations from the National Register of Historic Places Evaluation (39LA3000-PC) conducted in April 2005 by Quality Services, Inc. for the Ramkota Hotel Facilities. The recommendation from this report is an interpretive sign or display be created describing the history and significance of the Pine Crest Tourist Park due to the historical significance as a part of the proposed project. Furthermore, the previous 1995 Deadwood Historic Preservation Commission and Black Hills National Forest recommendations regarding Deadwood Dick's cabin (39LA789) should be followed to ensure no adverse effects to this adjacent site.

Upon complete information, HPC staff will review the application against the below rules regard new construction in historic districts. Any approval must also be subject to review by the Deadwood Planning and Zoning Commission.

South Dakota Administrative Rule Standards for new construction and additions in historic districts

24:52:07:04. Standards for new construction and additions in historic districts. New construction or additions within a historic district must comply with **The Secretary of the Interior's Standards for the Treatment of Historic Properties** as incorporated by reference in § 24:52:07:02. In addition the following standards apply:

- (1) Compatibility of design. Massing, size, and scale of new construction must be compatible with surrounding historic buildings. Overall architectural features of new construction must be of contemporary design which does not directly mimic historic buildings. Architectural elements such as windows, doors, and cornices must be similar in rhythm, pattern, and scale to comparable elements in adjacent historic buildings. The overall visual appearance of new construction may not dominate or be distracting to the surrounding historic landscape;
- (2) Height. The height of new buildings or additions to existing buildings may not exceed a standard variance of ten percent of the average height of historic buildings on both sides of the street where proposed new construction is to be located;
- (3) Width. The width of new buildings or additions to existing buildings must be similar to adjacent historic buildings;
- (4) Proportion. The relationship between the height and width of new buildings or additions to existing buildings must be similar in proportion to existing historic buildings. The proportion of openings in the facades of new construction or additions must be compatible with similar openings in adjacent historic buildings;
- (5) Rhythm and scale. The rhythm, placement, and scale of openings, prominent vertical and horizontal members, and separation of buildings which are present in adjacent historic buildings must be incorporated into the design of new buildings or additions to existing buildings;
- (6) Materials. Materials which make up new buildings or additions to existing buildings must complement materials present in nearby historic properties. New materials must be of similar color, texture, reflective qualities, and scale as historical materials present in the historic district;

- (7) Color. The colors of materials, trim, ornament, and details used in new construction must be similar to those colors on existing historic buildings or must match colors used in previous historical periods for identical features within the historic district;
- (8) Details and ornament. The details and ornament on new buildings or additions to existing buildings must be of contemporary design that is complementary to those features of similar physical or decorative function on adjacent historic buildings;
- (9) Roof shape and skyline. The roof shape and skyline of new construction must be similar to that of existing historic buildings;
- (10) Setting. The relationship of new buildings or additions to existing buildings must maintain the traditional placement of historic buildings in relation to streets, sidewalks, natural topography, and lot lines; and
- (11) Landscaping and ground cover. Retaining walls, fences, plants, and other landscaping elements that are part of new construction may not introduce elements which are out of character with the setting of the historic district.

Source: 16 SDR 239, effective July 9, 1990; 21 SDR 50, effective September 21, 1994; 24 SDR 73, effective December 4, 1997; 28 SDR 182, effective July 10, 2002.

General Authority: SDCL 1-19A-5, 1-19A-11, 1-19A-29.

Law Implemented: SDCL 1-19A-5, 1-19A-11.1.

Wayne Lund came before the commission at this time and reported having met with the Historic Preservation Officer as the commission recommended at the last meeting. Samples of primarily exterior materials similar to those to be used during the actual construction of the facilities were displayed during his presentation.

Mr. Lund reminded the commission that this is a noncontributing building. He cited the following projects proposed in recent years on properties near the site of the Lodge and variances associated with those projects. The Gold Mine Resort, a 486-room facility proposed by Silverado on top of the hill adjoining the property was granted a variance of forty feet (40') for a total of ninety five feet (95') on the tower. At that time, the commission approved the project. Additionally, he stated the Dunbar Resort was granted a variance to allow a total height of one hundred eleven feet (111') on the side toward the bison and ninety two feet (92') on the side toward the highway. He concluded by stating these variances for considerably higher structures were previously approved for locations just to the north and south of this property.

Mr. Lund stated a variance for height is required. The height of the proposed facility is currently designed to measure a height of seventy six feet (76') from ground level to the peak of the roof. However, Mr. Lund stated the ordinance requires a variance for the average height of the roof which he calculated to be seventeen feet (17'). Mr. Kuckenbecker the verbiage of the existing ordinance.

Having met with Planning & Zoning, Mr. Lund stated there are setback requirements for properties zoned as general commercial. The property line between the city property and the Deadwood Resort property is actually a wall so a variance will be required for a zero setback. The commission viewed a computer generated "drive by" illustrating what the project will look like from the highway.

A landscaping plan has not been completed at this time. The hillside toward the highway will have "a fair amount" of landscaping.

Responding to a question from Mayor Toscana, Mr. Lund stated the facility is not visible from downtown Deadwood.

Ms. Oberlander initiated further discussion regarding the Certificates of Appropriateness and variances approved in the past for the Silverado and the Dunbar cited by Mr. Lund. Mr. Kuckenbecker stated that Certificates of Appropriateness are valid for a period of one year; if development of the proposed project does not occur, the applicant or property owner must revisit the application and approval process.

Mr. Steinlicht requested clarification on the variances required. Mr. Lund responded the height of the proposed facility from grade level to its highest peak measures seventy six feet (76') requiring a variance of thirty one feet (31') for height. A variance for the zero setback is also required.

Mr. Steve Olson reiterated a concern regarding the issue of the entrance to the convention center. Mr. Lund stated there is a legal document in place for a cross easement between the city and the Deadwood Resort for access and parking on each property. City Attorney John Frederickson concurred that a reciprocal easement agreement has been executed between the parties. Steve Olson stated there is no public entrance to the convention center without going through the other facility. His concern being, "there are people bound, by law, that are restricted from entering a gaming or drinking establishment". Mr. Lund stated the plans provide access from the main entrance on the front of the facility without passing by a gaming or restaurant facility. Upon further review of the floor plan, Mr. Olson's concerns were put to rest.

Mr. Derosier admitted having "struggled with the height issue for the past three weeks". His main concern is the impact of future building projects in Deadwood.

Responding to a question by Mr. Steinlicht, Mr. Kuckenbecker explained the property is located within an historic overlay zone but it is not within the national landmark area. Mr. Kuckenbecker admitted he too is struggling with the height of the variance requested. City Attorney John Frederickson believes the commission has the flexibility to consider future projects on a case-by-case basis. Ms. Oberlander spoke against comparisons to the previous projects.

Discussion commenced regarding the action to be taken at this time. Mr. Derosier mentioned the matter of a performance bond for the project and those will certainly be in hand when the contractors commence with construction.

It was moved by Mr. Steinlicht and seconded by Mr. Derosier to approve the Application for Project Approval for the Lodge at Deadwood project as presented and a variance stipulating that the total height of the facility from ground level to its highest peak shall not exceed seventy six feet (76'). Mr. Mike Olsen recommended amending the motion to include criteria on which the decision was based. Mr. Steinlicht amended the motion with the concurrence of Mr. Derosier to adopt a resolution to approve the Application for Project Approval for the "Lodge at Deadwood" project as presented, and a variance stipulating that the total height of the facility from ground level to its highest peak shall not exceed seventy six feet (76') based on the following facts considered by the commission: 1) the site is not located within the core historic district; 2) the site and the proposed structure are not visible from the historic core district and never shall be visible from that district; and, 3) there are no existing buildings within the vicinity of the site with which to visually compare the height of the building. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

Townhouse Project. Tim Davis

The commission referred to the following staff report:

Case No. 06042

Date: May 22, 2006

Address: Lots 7, 8, 9, 10 & 11 Block D
Porter Addition, Williams Street

STAFF REPORT

The applicant requests Project Approval for new construction of four (4) town homes on Williams Street, Deadwood, South Dakota.

Applicant: Tim Davis
Owner: Tim Davis
Constructed: New Construction

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: The project area lies on lots 7, 8, 9, 10 & 11 of Block D in the Porter Addition, Williams Street in Deadwood. In researching the history of this property, staff has identified previous structure(s) which appear to be on this property circa 1900. This is evident in both historic photos and Sanborn Insurance maps. Additional research is needed to better understand and record the history of the proposed project site

2. Architectural design of the resource and proposed alterations: New construction (see attached rendering, site plans and floor plans).

Attachments: Yes

Plans: Yes

Photo: Yes (Architectural Rendering and Historic Photos)

Recommended Decision:

Staff has met with applicant's representative, Marshall Goodman, and requested color samples, material samples and an overall height of the proposed structure as defined by City of Deadwood Zoning Code – Title 17 prior to a complete review of this project.

Upon a site visit by HPC staff, there is physical evidence of a road leading to the entrance of St. Ambrose Catholic Cemetery and two structures within the vicinity of the proposed project based on photographic evidence. Therefore a Phase I archeological survey should be completed and deed search conducted to identify and record the history of the property.

Furthermore, it is the staff's recommendation that a complete soil engineering and engineering geology report be required for the proposed excavation and grading projects. The reports shall include information appropriate for the site including any retaining wall construction, hillside stabilization, grading plans and specifications.

Upon completion of the reports, HPC staff will review the application against the below rules regard new construction in historic districts. Any approval must also be subject to review by the Deadwood Planning and Zoning Commission, issuance of a building permit and issuance of an excavation permit.

South Dakota Administrative Rule Standards for new construction and additions in historic districts

24:52:07:04. Standards for new construction and additions in historic districts. New construction or additions within a historic district must comply with **The Secretary of the Interior's Standards for the Treatment of Historic Properties** as incorporated by reference in § 24:52:07:02. In addition the following standards apply:

- (12) **Compatibility of design.** Massing, size, and scale of new construction must be compatible with surrounding historic buildings. Overall architectural features of new construction must be of contemporary design which does not directly mimic historic buildings. Architectural elements such as windows, doors, and cornices must be similar in rhythm, pattern, and scale to comparable elements in adjacent historic buildings. The overall visual appearance of new construction may not dominate or be distracting to the surrounding historic landscape;
- (13) **Height.** The height of new buildings or additions to existing buildings may not exceed a standard variance of ten percent of the average height of historic buildings on both sides of the street where proposed new construction is to be located;
- (14) **Width.** The width of new buildings or additions to existing buildings must be similar to adjacent historic buildings;
- (15) **Proportion.** The relationship between the height and width of new buildings or additions to existing buildings must be similar in proportion to existing historic buildings. The proportion of openings in the facades of new construction or additions must be compatible with similar openings in adjacent historic buildings;
- (16) **Rhythm and scale.** The rhythm, placement, and scale of openings, prominent vertical and horizontal members, and separation of buildings which are present in adjacent historic buildings must be incorporated into the design of new buildings or additions to existing buildings;
- (17) **Materials.** Materials which make up new buildings or additions to existing buildings must complement materials present in nearby historic properties. New materials must be of similar color, texture, reflective qualities, and scale as historical materials present in the historic district;
- (18) **Color.** The colors of materials, trim, ornament, and details used in new construction must be similar to those colors on existing historic buildings or must match colors used in previous historical periods for identical features within the historic district;
- (19) **Details and ornament.** The details and ornament on new buildings or additions to existing buildings must be of contemporary design that is complementary to those features of similar physical or decorative function on adjacent historic buildings;
- (20) **Roof shape and skyline.** The roof shape and skyline of new construction must be similar to that of existing historic buildings;
- (21) **Setting.** The relationship of new buildings or additions to existing buildings must maintain the traditional placement of historic buildings in relation to streets, sidewalks, natural topography, and lot lines; and

(22) Landscaping and ground cover. Retaining walls, fences, plants, and other landscaping elements that are part of new construction may not introduce elements which are out of character with the setting of the historic district.

Source: 16 SDR 239, effective July 9, 1990; 21 SDR 50, effective September 21, 1994; 24 SDR 73, effective December 4, 1997; 28 SDR 182, effective July 10, 2002.

General Authority: SDCL 1-19A-5, 1-19A-11, 1-19A-29.

Law Implemented: SDCL 1-19A-5, 1-19A-11.1.

Marshall Goodman, representative for Tim Davis, addressed the commission regarding the proposed new construction of four (4) townhouses on Williams Street in Deadwood. Mr. Goodman will likely be the construction manager for the project and intends to purchase one of the townhouses if approved for construction. He is seeking project approval to proceed with the next phase of the project.

Mr. Goodman began by offering a personal perspective of the changes that have occurred over time in Deadwood. He stated the gulch has been pushed and pulled so investors can do what they want to do; cemeteries have been moved; the creek has been moved; the hillsides have been cut and benched, cut and benched in commercial, residential and industrial areas because "you have to go up".

There was discussion regarding the proximity of this property to St. Ambrose Cemetery. Mr. Kuckenbecker acknowledged that the back of this property line abuts the lower part of the cemetery property. That being said, Mike Olsen questioned whether some sort of archeological study will be necessary. Mr. Kuckenbecker reported having walked through the site and there appears to be an 2-track roadbed that came from Williams Street up; in photographic research that has been conducted, there were two residential structures in that area, one of which was located on Mr. Davis' property. Mr. Kuckenbecker concluded by stating it would be prudent to explore both properties for archeological findings. Ms. Oberlander stated St. Ambrose Cemetery did go down further at one time and although "there isn't evidence that there were graves there but there very well could have been".

Chairman Speirs referred to Mr. Kuckenbecker's memorandum regarding the project. Mr. Kuckenbecker reported having finished his report this afternoon and has not discussed his findings with Mr. Goodman at this time. Many issues are addressed therein including archeological aspects of the project and numerous areas of noncompliance with the city's residential design guidelines and the guidelines imposed by the State regarding new construction in historic districts. Responding to Mr. Goodman's request, Mr. Kuckenbecker elaborated on the standards set forth in South Dakota Administrative Rule 24.52.07.04 and the city's downtown and residential design guidelines. He concluded by stating, after reviewing all the information as submitted at this time, he finds the proposed construction project would have an adverse effect on the historic character of the Deadwood National Landmark District. However, he would like to meet with Mr. Goodman and the property owner to try to resolve some of the issues.

Steve Olson stated "24.52.07.04 is an administrative rule that we have to follow" and he feels the project as it is now, could never be approved, complying with the rules of the State of South Dakota. Mr. Goodman is of the opinion that a thorough reading of the guidelines would apply to primarily commercial buildings, not necessarily for residential. The proposed project "matches or exceeds everything else that is in the neighborhood".

Chairman Speirs offered comments on the importance of adhering to the Secretary of the Interior Standards and some of the issues Mr. Kuchenbecker noted in his staff report. Mr. Goodman stated "there is an existing apartment building just as tall that is our neighbor; there is a parking lot that is our neighbor". Mike Olsen feels the new structure as proposed "doesn't fit in that historic neighborhood. The existing buildings fit because they're old".

Mr. Steinlicht referred the commission to Mr. Kuckenbecker's staff report listing fifteen (15) items, ten (10) of which need to be addressed. Mr. Goodman has not seen the memorandum but agreed to meet with Mr. Kuchenbecker for further review of his concerns. Mr. Goodman, who traveled here from Des Moines, will be in town until Friday, June 16th; he and Mr. Kuckenbecker will meet prior to his departure.

It was moved by Mr. Steve Olson and seconded by Mr. Derosier to table the Application for Project Approval for new construction of four (4) townhomes on Williams Street, as proposed by Tim Davis, the applicant and property owner, to a special commission meeting scheduled for Friday, June 16th at 8 a.m. Mayor Toscana reminded the commission that the press needs to be notified of the special meeting. Mr. Kuckenbecker will handle those details. Mr. Goodman referred to the city attorney for direction on a procedural matter. Steve Olson amended the motion with the concurrence of Mr. Derosier to table the Application for Project Approval for new construction of four (4) townhomes on Williams Street, as proposed by Tim Davis, the applicant and property owner, to a special commission meeting scheduled for Friday, June 16th at 9 a.m.

81 Charles Street. Gary Miller - replace siding and windows

The commission referred to the following staff report:

Case No. 06043
Address: 81 Charles Street

May 19, 2006

STAFF REPORT

The applicant requests Project Approval to reside house with reverse cedar wood steel siding and window replacement at 81 Charles Street.

Applicant: Mark Lalonde – Spearfish Seamless
Owner: Gary Miller
Constructed: 1970

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: This house is less than 50 years old, it cannot contribute to the Deadwood National Historic Landmark District at this time.

2. Architectural design of the resource and proposed alterations: The applicant proposes to replace the existing siding with steel maintenance free siding. The siding will be Maple Tan. The applicant also proposed to replace all the windows in the house and both entry doors.

Attachments: Yes.

Plans: No.

Photo: Yes.

Recommended Decision: The proposed work and changes will not have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District. Furthermore, staff recommends the new proposed steel siding be installed with the optional 4” reveal.

Gary Miller presented samples of proposed siding he would like to install on his home in addition to replacing the doors and windows. He would like to install steel siding, maple tan in color, manufactured by the Cedarwood company, with a four inch (4”) width exposure. A prefabricated window sash in an off-white color is proposed and the installation of wooden replacement doors. Mr. Kuckenbecker clarified that the property owner plans to install the new siding all the way up to the gable top. He feels the type of material, with the appearance of wood-grain or hardy plank is appropriate.

Siding:

It was moved by Steve Olson and seconded by Mike Olsen to adopt a resolution to approve the Application for Project Approval for replacement of the siding at 81 Charles Street, as proposed by Gary Miller, the applicant and property owner, as presented. Carlton Spindler, a resident of 520 5th Street, called attention to the official minutes of the Historic Preservation Commission meeting conducted on June 11, 2003, reading the following: “The Historic Preservation Commission has never approved steel siding. Many homeowners have come before us and they have all been denied.” Chairman Speirs reminded him that the commission has not voted on the matter yet. Upon roll call vote being taken thereon at the request of Chairman Speirs, the motion carried 4-2 with the following commissioners voting AYE: Oberlander, Steinlicht, Mike Olsen; and, Steve Olson; and, the following commissioners voted NO: Speirs and Derosier.

Mr. Spindler reported having requested copies of the transcripts of previous meetings and having been denied the transcripts. Mayor Toscana ceased the discussion.

Doors:

It was moved by Mr. Derosier, seconded by Steve Olson and carried unanimously to adopt a resolution to approve the Application for Project Approval for installation of replacement wood entry doors at 81 Charles Street, as proposed by Gary Miller, the applicant and property owner, as presented.

Windows:

It was moved by Steve Olson, seconded by Mr. Derosier and carried unanimously to approve the replacement windows at 81 Charles, using windows of like configuration, similar to those in the house.

The commission took a short recess at this time and reconvened at 7:05 p.m.

Hot Springs Grant Extension

It was moved by Ms. Oberlander, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to approve extension of the Hot Springs grant to 2007, contingent upon discussions with the City Finance Officer who is on vacation.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC PRESERVATION COMMISSION:

Notice to Bidders on Williams Street Improvements

It was moved by Mr. Steinlicht, seconded by Steve Olson and carried unanimously to adopt a resolution to approve the Notice of Award for the City of Deadwood Williams Street Improvement project to Hills Materials, Inc., having submitted a total base bid of \$50,839.00, as presented.

Fire Hall Addition. Change Order #3. \$3,795.00. Drainage and Landscaping

Mayor Toscana explained this change order is the result of a request from Wells Fargo, the adjacent property owner. Some drainage improvements will be completed prior to the installation of river rock in place of sod. Speaking for Public Works Director Jim Raysor and the fire department staff, the Mayor stated that Wells Fargo "has been a great neighbor" throughout the project. It was moved by Steve Olson, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve Contract Change Order #3 for the Fire Hall Addition, an increase in the amount of \$3,795.00, to complete drainage improvements and landscaping, as presented.

235 Cliff Street. Whistler Gulch Campground

The commission referred to the following staff report:

Case No. 06048
Address: 235 Cliff Street

June 6, 2006

STAFF REPORT

The applicant requests Project Approval to build three (3) 12x16 cabins at 235 Cliff Street in the Pluma Historic Overlay Zone in Deadwood.

Applicant: Whistler Gulch Campground
Owner: Thomas Blair
Constructed: New Construction Proposed

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: *The property, Whistler Gulch Campground, is a portion of the Queen of the Hills Mine (1902), and then the Keimer Gold Mining and Milling Company (1912) located along Whistler Gulch. This was later the Frerichs Company Mine & Mill site (1933) – the last remaining mining/milling site located in the City of Deadwood. This area is historically significant as they represent the small scale mining and milling endeavors which proliferated throughout the northern Black Hills.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to build three (3) 12x16 cabins to be used for sleeping cabins at the entrance of the Whistler Gulch Campground. As of June 9, 2006, owner Tom Blair indicated he was only interested in positioning two (2) cabins close to the entrance of Whistler Gulch Campground.*

Attachments:

Plans

Photo (attached)

Recommended Decision: The proposed work and changes will not have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District due to the nature of the construction of the proposed cabins being removable, therefore reversible, in the future with no set permanency in the action as they are without foundations.

Tom Blair reported having recently contracted with an individual to build a several sleeping cabins at the campground. Work on the project has stopped since the Planning & Zoning Administrator “found that there was a gray area in the FEMA map”. The number of sleeping cabins to be constructed has been reduced to two and the cabins will be constructed “across the road”. Ms. Oberlander stated the cabins look very nice on the hillside. If the cabins are successful, Mr. Blair more may construct more on the property. It was moved by Mr. Derosier and seconded by Mr. Steinlicht to adopt a resolution to approve the Application for Project Approval for the new construction of no more than two (2) twelve by sixteen foot (12'x16') sleeping cabins at the entrance to the Whistler Gulch Campground, as proposed by Whistler Gulch Campground and Thomas Blair, the applicant and property owner respectively. Mr. Blair explained that the cabins are moveable and a different site may be determined more suitable should additional sleeping cabins be desired in the future. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

50 Van Buren – window replacement. Dan and Trisha Roe

The commission referred to the following staff report:

Case No. 06049
Address: 50 Van Buren

June 6, 2006

STAFF REPORT

The applicant requests Project Approval to replace rotted wood windows with new wood windows at 50 Van Buren, a contributing structure located in the Ingleside Historic Overlay Zone of the City of Deadwood.

Applicant: Dan and Trisha Roe
Owner: Dan and Trisha Roe
Constructed: 1879

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: *This residential property, built in 1879 for A.W. Hastie, is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the founding and initial period of growth of the City of Deadwood. This is of the Folk Victorian style.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to replace all the windows located in the house with all new wooden windows. The windows will remain the same shape as size that is currently in the house.*

Attachments: Yes

Plans: N/A

Photos: Yes

Recommended Decision: The proposed work and changes will not have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District. The owners have specified the windows will be replaced with identical windows as proposed – wood-sash, double hung one-over-one glazing with matching arch upper sash. Furthermore, the owners should be recognized for their efforts to maintain the look and function of this contributing residence.

Chairman Speirs informed Trisha Roe of the city's wooden window program. Chairman Speirs also recognized the property owners for their efforts to maintain the look and function of this contributing residence as recommended by Mr. Kuckenbecker in his staff report. It was moved by Steve Olson, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve replacement of the rotted wood windows at 50 Van Buren with identical new wood replacement windows with the corresponding window trim as proposed by Dan and Trisha Roe, the applicant and property owner, as presented.

288 Williams. Garage Removal

The commission referred to the following staff report:

Case No. 06050
Address: 288 Williams

June 12, 2006

STAFF REPORT

The applicant requests Project Approval to removal of decayed wooden garage and clear, flatten and pave driveway back to existing retaining wall at 288 Williams located in the Forest Hill Historic Overlay District in the City of Deadwood.

Applicant: Bernard Schuchmann
Owner: Bernard Schuchmann
Constructed: 1885

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: *This is a non-contributing structure to the Deadwood National Historic Landmark District. This late nineteenth century house has sustained several modern alterations.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to tear down an old decaying garage. After removal of the garage the applicant would like to clear and flatten the area to allow for paving back to the existing retaining wall.*

Attachments: *Yes*

Plans: *N/A*

Photos: *Yes*

Recommended Decision: This property is listed as a non-contributing resource to the Deadwood National Historic Landmark District, therefore, the proposed work and changes will not have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District; however, there is evidence of archeological features adjacent to and behind the proposed demolition of structures. Information should be garnered about the archeologically significant features that may be affected by

the proposed demolition. The Historic Preservation Commission should request detailed analysis of such features (Phase I, II, III investigations as warranted).

If the application is approved, the HPC should look for compensation for the loss incurred to the heritage of Deadwood. Compensation measures should include Recordation documentation and archeological preservation.

Project Approval (demolition permit) should be contingent upon agreement for recordation, archeological research and a complete set of plans for the site upon demolition.

The owners of this property reside in Texas. Having visited the site, Mr. Kuckenbecker acknowledged that the building is in "tough shape" but reported evidence of archeological features adjacent to and behind the proposed structure to be demolished.

It was moved by Mr. Steinlicht and seconded by Mr. Derosier to adopt a resolution to approve the Application for Project Approval for the demolition of the decayed wooden garage at 288 Williams, as proposed by the applicant and property owner, Bernard Schuchmann, with the following stipulations: prior to demolition, the property owner shall agree to recordation, archeological research and a complete set of plans for the site. In response to Steve Olson's concerns, receipt of photographs is part of the recordation process. In response to Mike Olsen's question regarding compliance with the stipulations, Chairman Speirs explained Mr. Kuckenbecker will ensure the stipulations are met prior to demolition. Hearing no further discussion, upon vote taken thereon, the motion carried unanimously.

Sherman Street and Lee Street. Tent for Rally

The commission referred to the following staff report:

Case No.06052

June 9, 2006

Address: Sherman & Lee Street

STAFF REPORT

The applicant has submitted a Certificate for Appropriateness for a temporary 10' x 20' tent during the week of the Sturgis Motorcycle Rally – August 5-12th, 2006 in the South Deadwood Historic Overlay District in the City of Deadwood.

Applicant: Pat McBride
Owner: Kellar Properties
Constructed: n/a

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: *Adjacent to the former "Preacher Smith" building site which was raze in 2005.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to place a 10' x 20' tent for the Bike Rally Ministry for the dates of August 5-12th, 2006. They will provide free water, a rest area and a contact point for emergency service center.*

Attachments:

Plans

Photo (attached)

Recommended Decision: The proposed work and changes will not have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District. This is a temporary tent and has been allowed to use this site in previous years. The applicant will need to gain City of Deadwood City Commission permission due to the use of public property (right-of-way).

Chairman Speirs directed a question to the Mayor. She was informed by previous staff that part of the parking lot should have been paved by now. She noticed that some of the landscaping was recently improved but no other improvements have been completed. Mayor Toscana recalls that the property owner was directed to pave on the other side of the Branch House; however, since the property is not being used as a parking lot at this time, he doesn't believe asphalt paving is necessary.

There was discussion regarding the need for subsequent approval of this request by the city commission.

Steve Olson recommended that, if approved, weighted barrels be used to secure the tent rather than stakes. It was moved by Mike Olsen, seconded by Steve Olson and carried unanimously to adopt a resolution to approve the Application for a Certificate of Appropriateness for the placement of a temporary ten by twenty foot (10' x 20') tent at the intersection of Sherman Street and Lee Street, adjacent to the former "Preacher Smith" building site, during the official dates of the Sturgis Motorcycle Rally, August 5-12, 2006, as proposed by Pat McBride and Kellar Properties, the applicant and property owner respectively, with the following stipulations: 1) the Certificate of Appropriateness shall be subsequently approved by the city commission; and 2) weighted barrels shall be used to secure the tent; no stakes shall be pounded in the ground.

206 Mountain Shadow Lane. Black Hills Inn

The commission referred to the following staff report:

Case No. 06053

June 9, 2006

Address: 206 Mountain Shadow Lane

STAFF REPORT

The applicant requests Project Approval to make the improvements at 206 Mountain Shadow Lane in the Pluma Historic Overlay Zone in Deadwood.

Applicant: Black Hills Inn
Owner: Millstar Properties, LLC
Constructed:

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: *The property, Whistler Gulch Campground, is a portion of the Queen of the Hills Mine (1902), and then the Keimer Gold Mining and Milling Company (1912) located along Whistler Gulch. This was later the Frerichs Company Mine & Mill site (1933) – the last remaining mining/milling site located in the City of Deadwood. This area is historically significant as they represent the small scale mining and milling endeavors which proliferated throughout the northern Black Hills.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes changes / additions to include the following:*

Replacement of white vinyl siding with hardi-plank fiber-cement siding (light brown)

Add appropriate trim around windows and doors (dark brown)

Replace blue metal parapet roof façade with dark brown roofing metal

Add a dark brown metal roof over sidewalk with wooden support posts

Paint existing roof dark brown to match new metal roofing over sidewalk.(carport and pool area)

Cover existing carport supports with wood

Attachments: yes

Plans

Photo: (attached)

Recommended Decision: The proposed work and changes will not have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

A correction to the staff report was noted by Mr. Kuchenbecker and paragraph one (1) referring to the historic significance of the resource, shall be eliminated. It was moved by Mike Olsen, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to approve the Application for Project Approval for improvements at 206 Mountain Shadow Lane, as proposed by Black Hills Inn and Millstar Properties, LLC, the applicant and property owner respectively, as submitted.

9 Wabash. roof replacement

The commission referred to the following staff report:

Case No. 06054

June 9, 2006

Address: 9 Wabash Ave.

STAFF REPORT

The applicant requests Project Approval to replace the cedar shingles with a metal roof at 9 Wabash located in the Cleveland Historic Overlay Zone in the City of Deadwood.

Applicant: Jeremy Bammer and Alisha Baudino

Owner: Same

Constructed: 1897

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: *This building is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the founding and initial period of growth of the City of Deadwood. D.B. Lilley may have been the original owner. The house is a 1.5 story in a vernacular style.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to replace the existing cedar shingles with a metal roof. The metal will be white in color.*

Attachments: *Yes*

Plans: *N/A*

Photo: *Yes*

Recommended Decision: The proposed work will have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

Staff is recommending the roofing material be replaced with a similar roofing material. Because the over-enthusiastic use of substitute materials can greatly impair the historic character of a historic structure, all preservation options should be explored thoroughly before substitute materials are used. Therefore the applicant's choice of metal Pro-Snap or Pro-Rib roof is an inappropriate roofing material for this contributing structure. If the economics do not allow the applicant to re-install the appropriate wooden shingles then asphalt shingles, or possibly a standing seam metal roof, would be appropriate.

In a rehabilitation project, there may be valid reasons for replacing the roof with a material other than the original. The historic roofing may no longer be available, or the cost of obtaining specially fabricated materials may be prohibitive. The decision to use an alternative material should be weighed carefully against the primary concern to keep the historic character of the building. If the roof is readily visible, the alternative material should match as closely as possible the scale, texture, and coloration of the historic roofing material.

Asphalt shingles is a common substitute material intended to duplicate the appearance of wood shingles. Fire-retardant, treated wood shingles are currently available. The treated wood tends, however, to be brittle, and may require extra care (and expense) to install. In some instances, shingles laid with an interlay of fire-retardant building paper may be an acceptable alternative.

Cost and ease of maintenance may dictate the substitution of a material wholly different in appearance from the original. The practical problems (wind, weather, and roof pitch) should be weighed against the historical consideration of scale, texture, and color. Sometimes the effect of the alternative material will be minimal. But on roofs with a high degree of visibility and patterning or texture, the substitution may seriously alter the architectural character of the building.

Roof replacement, wooden shingles, asphalt or an in kind material, would have no adverse effect on the historic character of the Deadwood National Landmark Historic District; however, the proposed type of metal roof would have an adverse effect.

Alisha Baudino came before the commission at this time requesting permission to replace the deteriorated cedar shingles with a white standing seam metal roof.

Chairman Speirs noted that this is a contributing resource

Mr. Kuchenbecker stated he has a problem with changing the texture of the roof from the existing cedar shingles but the guidelines identify standing seam as an option. His recommendation regarding the replacement material would be cedar shingles or asphalt shingles. Responding to a question by Steve Olson, Ms. Baudino reported that she has considered wood or asphalt shingles

but prefers the lifetime warranty offered with the metal roofing material considering the wind and weather extremes.

Mike Olsen noted the high visibility of her roof from lower Deadwood; it is “the most prominent feature on the hillside”. He feels the existing color of the roof sets off the whole neighborhood.

Mr. Derosier expressed concern with snow sliding off and accumulating around the home and the potential for electrical problems and concealing the lower windows.

Mr. Steinlicht suggested the property owner contact her homeowners insurance carrier regarding coverage with a metal roof for hail damage. When he considered steel roofing material a few years ago, his insurer denied coverage for hail damage.

Mr. Derosier feels asphalt shingles are more appropriate. Steve Olson informed Ms. Baudino that an architectural style asphalt shingle is much thicker than a standard 3-tab asphalt shingle and very durable. Mr. Kuchenbecker stated asphalt shingles offer a similar warranty. A member of the audience and local contractor, Ricardo Trevino, also spoke in favor of a product he referred to as “timberline shingles”. He encouraged the property owner to consider something other than metal telling her “you will not be happy with that roof”. Mike Olsen also encouraged Ms. Baudino to explore other options.

Discussion commenced regarding an appropriate color of an asphalt shingle. It was moved by Mr. Derosier, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to approve the Application for Project Approval to replace the cedar shingles at 9 Wabash with architectural asphalt shingles in a natural color.

102 Charles. Bruce and Mary Ann Oberlander

Ms. Oberlander recused herself from the commission during discussion of this item.

The commission referred to the following staff report:

Case No. 06055
Address: 102 Charles Street

June 12, 2006

STAFF REPORT

The applicant requests Project Approval for egress landings on back and incorporation of a carport at the rear of 102 Charles Street located in the Cleveland Historic Overlay District in the City of Deadwood.

Applicant: Bruce Oberlander
Owner: Bruce & Mary Ann Oberlander
Constructed: circa 1900

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: This residence is a contributing resource in the Deadwood National Historic Landmark District. It is significant for its historic association with the founding and initial period of growth of the City

of Deadwood. This house displays the architectural characteristics common to working-class housing in pre-World War I Deadwood. It is of the Queen Anne Cottage style.

2. Architectural design of the resource and proposed alterations: The applicant proposes to add first and second floor egress landings on the back of the residence while incorporating the landings with stairs and providing access to basement along with a new carport with a deck on top. The total dimensions of the addition will be 21' x 29'. This is a change to the previous Project Approval in December 2005 due to flood plain regulations.

Attachments: Yes.

Plans: Yes – scale model.

Photo: Yes.

Recommended Decision: On December 28, 2005, the Deadwood Historic Preservation Commission reviewed an application which included a proposed garage to the rear of the structure. At this time, the Project Approval was approved for the rear dormer – upper floor exit to proposed garage, however, due to flood plain issues the owner is requesting the carport be approved so not to obstruct water flow in the flood plain and is an alternative to the proposed garage.

Based on previous approvals, the proposed work and changes will not have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

Mr. Kuchenbecker provided an update on the ongoing rehabilitation of this contributing house.

Steve Olson questioned whether there is a raised porch or a deck on top of the carport. Ms. Oberlander stated it will have the proper railing around it. It was moved by Mr. Steinlicht, seconded by Mr. Derosier and carried with Ms. Oberlander abstaining to adopt a resolution to approve the Application for Project Approval for egress landings on back and incorporation of a carport at the rear of 102 Charles Street, as proposed by property owners Bruce and Mary Ann Oberlander, as presented.

8-12 Lee Street. Blake Haverberg. “Gallows” paint colors

Blake Haverberg displayed an historic wall color by Valspar called “Burnt Sienna” to be painted on the exterior of the building on the Sherman Street side. The trim will be painted black. It was moved by Mike Olsen, seconded by Ms. Oberlander and carried unanimously to adopt a resolution to approve the paint colors proposed by Blake Haverberg, the applicant and property owner, for the property to be known as “The Gallows” at the old Town Hall, located at 8-12 Lee Street, as presented.

46 Sherman (Martin Mason Building). Blake Haverberg. sidewalk funding request

Blake Haverberg requested financial assistance for the repair of the sidewalk on the Sherman Street side of the Martin Mason building and to move the retaining wall out to the proper location. Mr. Kuchenbecker’s memorandum dated June 12, 2006 states *“the stairwell will need to be moved out toward Sherman Street from the existing 24 inches to 52 inches from the floor of the basement to the new grade of the sidewalk”*. Mr. Haverberg explained that as the wall is now, it is preventing him from providing proper egress from the basement. Mr. Haverberg reported that Public Works Director Jim Raysor has offered to break up the concrete and haul it away. He has obtained a bid to replace the concrete including the retaining wall for approximately five thousand dollars (\$5,000); he has obtained one bid thus far of eighteen thousand five hundred dollars (\$18,500) to excavate and replace the wall.

Mr. Kuchenbecker’s memorandum also states *“Mr. Haverberg is also requesting financial assistance with the repair and replacement of the purple glass in the entrance way to the Martin*

Mason building to rehabilitate the basement skylight which was translucent admitting daylight into the entrance of the store located in the lower level of the structure. There appears to be several other similar basement skylights in the downtown area including Bullock Hotel and Deadwood Dick's . An estimated cost is unavailable at this time”.

Chairman Speirs questioned the commission could justify the expenditure of historic preservation funds for the sidewalk request. Mayor Toscana explained that the problem was created ten years ago, when the city, using historic preservation funding, went in and stabilized that building in its effort to save this historic resource. Mr. Steinlicht and Ms. Oberlander also recalled when the city completed the work because the building was in danger of collapsing. City commissioner Georganne Silvernail also recalled the city's effort to save the building.

It was moved by Mr. Derosier, seconded by Steve Olson, and carried unanimously to table this matter pending receipt of additional cost estimates and to allow staff time to research the matter.

185 Cliff. addition

The commission referred to the following staff report:

*Case No. 06057
Address: 185 Cliff*

June 14, 2006

PROJECT APPROVAL

The applicant is requesting Project Approval an addition to the residence located at 185 Cliff Street, in the City of Deadwood, South Dakota.

Applicant: Hole in the Wall Renovations
Owner: Carl Bulzanti
Constructed: 1930

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic Preservation Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

- 1. Historic significance of the resource:** The residence was constructed in 1930 and is a contributing building in the Deadwood National Landmark Historic District. The architectural style of the residence is Tudor Revival and it is a wood-framed structure that has stucco cladding.
- 2. Architectural design of the resource and proposed alterations:** The owner proposes to restore the complete house and add a five foot addition to the back of the house. (16'4" x 5'0")

Attachments: Enclosed

Photos:

Recommended Decision: Staff has reviewed the plans as submitted against the *Deadwood Downtown Design Guidelines* (March 1991), under the section of Design Guidelines of Residential Buildings.

The addition is at the rear of the building and an appropriate kind of addition using the same roof type and pitch. The proposed work and changes will not have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District.

Ricardo Trevino, with Hole in the Wall Renovations, explained that the property owner would like permission to construct an addition to the residence located at 185 Cliff Street. He described the project currently underway as "totally gutting the house". Chairman Speirs stated the city retained the services of an architect and engineer who examined the heavily fire damaged structure that remained. Mr. Trevino reported having removed the entire roof off and he is in the process of putting it back together.

Mr. Trevino stated the proposed addition will measure 5' x 16.4'. He plans to recondition the existing windows on the exterior wall and reinstall them on the addition. It was moved by Mr. Derosier, seconded by Steve Olson, and carried unanimously to approve the Application for Project Approval for a 5' x 16'4" addition to the residence at 185 Cliff Street, as proposed by Hole in the Wall Renovations and Carl Bulzanti, the applicant and property owner respectively, as presented. Steve Olson commended Ricardo Trevino on the admirable job he has done taking off the roof and stabilizing the gables as he has done.

NEW MATTERS BEFORE THE DEADWOOD HISTORIC DISTRICT COMMISSION:

657 Main Street - Deadwood Mountain Resorts

Mr. Derosier and Mike Olsen recused themselves from the commission during discussion of this item.

The commission referred to the following staff report:

Case No. 06057

Address: 657 Main Street

June 12, 2006

CERTIFICATE OF APPROPRIATENESS

The applicant has submitted an application for a Certificate of Approval for an outdoor boot to be located in front of the Old Style No. 10 Saloon at 657 Main Street located in the Deadwood City Historic Overlay District in the City of Deadwood.

Applicant: Deadwood Mountain Resorts

Owner: Old Style No. 10 Saloon

Constructed: n/a

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic Preservation Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. **Historic significance of the resource:** N/A
2. **Architectural design of the resource and proposed alterations:** The applicant along with the owner proposes to set a small booth for marketing Deadwood Mountain Resorts, the Old Style No. 10 Saloon and Deadwood Social Club on the sidewalk in front of the Old Style No. 10 Saloon located at 657 Main Street.

Attachments: Enclosed

Photos: Enclosed

Recommended Decision: The proposed booth would have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District. Furthermore, it is staff's understanding that the proposed booth would be in violation with city ordinance 5.28.030.

5.28.030 Peddling on public rights-of-way, streets or sidewalks--Unlawful acts--License required.

It is unlawful for any person, entity or business to sell or offer for sale or trade any goods, services, coupons, tokens or other items of trade or commerce or merchandise in the public streets, public sidewalks, public parks or public parking lots within the city, or on private property in residential zoned areas outside of any residence, home or structure within the city without a license issued pursuant to this chapter, provided that this chapter shall not apply to a person, entity or business which follows an established route and stops only at those premises which requested such goods or merchandise. A violation of this chapter is a Class Two misdemeanor. (Ord. 1005 § 22-102, 2003: Ord. 978 (part), 2001: prior code § 22-102)

Casey Mauldin, representing Deadwood Mountain Resorts, 735 Main Street, presented a request for a Certificate of Appropriateness for an outdoor kiosk to be located in front of the Old Style Saloon No. 10 at 657 Main Street.

Deadwood Mountain Resorts is a vacation ownership program designed to bring tourists to the Black Hills. Offering vacation ownership to out of town tourists gives the individual a feeling of ownership, without having to buy an unoccupied vacation home in the area. At the present time, Deadwood Mountain Resorts has (1) one bedroom condominium, (7) two bedroom condominiums and (2) three bedroom condominiums.

Mayor Toscana directed the commission to continue this matter until such time as the city commission considers the request for placement of the booth. It was moved by Steve Olson, seconded by Mr. Steinlicht and carried unanimously to refer this matter to the city commission for review prior to taking action on the request.

City Attorney John Frederickson informed Ms. Mauldin to seek assistance from the Finance Office regarding placement on the agenda for the next city commission meeting.

647 Main Street - Ken Kellar

The commission referred to the following staff report:

Case No.06046
Address: 647 Main Street

June 8, 2006

STAFF REPORT

The application for Certificate of Appropriateness is for proposed work at the rear of the building located at 647 Main Street in the Deadwood City Historic Overlay Zone.

Applicant: Troy Love
Owner: Ken Kellar
Constructed: 1879/1880

CRITERIA FOR THE ISSUANCE OF PROJECT APPROVALS

The Historic District Commission shall use the following criteria in granting or denying Project Approval:

General Factors:

1. Historic significance of the resource: *This building is a good example of the Italianate style found in Deadwood. After the fire of 1879, a one-story brick building was built and a year later the second story was added. The storefront was remodeled in 1935 for the J.E. Schlatter Co. Department Store with the addition of stained glass and black glass tiles.*

2. Architectural design of the resource and proposed alterations: *The applicant proposes to replace a deteriorated concrete block wall, on a later addition (estimated date 1950's – 60's) to the rear (SE side) of the building, with a stud wall, insulated and covered with a 4" hardi-plank cement board lap siding. Above the doorway shall be concrete block to match existing.*

Attachments:

Plans

Photos: (attached)

Recommended Decision: The proposed work (siding) is currently not visible from the public right-of-way and the changes will not have an adverse effect on the historic character of the building and the historic character of the Deadwood National Landmark Historic District. Furthermore, staff recommends the owner repair the brick work on the upper story of the original building due to spalling of existing brick. This is due to an earlier masonry repair using improper mortar. Staff will work with contractor to ensure proper techniques are made upon repair of the masonry. After repairs are made the rear of the building should be painted.

Mr. Kuckenbecker explained that the property owner is in the process of repairing the concrete cinderblock wall at the rear of the building. They propose to go over the doorway with the concrete block so that the rear is all the same cinderblock. They are proposing to construct a stud wall and install hardy plank siding down the side of the building behind the stairwell.

Chairman Speirs stated the property owner should be asked to repair the entire brick façade on the rear of the building. She recommended that staff be directed to proceed with demolition by neglect proceedings for the second floor of the rear facade. Mr. Kuckenbecker stated this is a good example of an earlier repair causing damage. Steve Olson said the upper story needs to be addressed as well as the lower wall. He requested more input on the whole back of the building. It was moved by Steve Olson, seconded by Mike Olsen and carried unanimously to continue the Application for a Certificate of Appropriateness to the next meeting and to adopt a resolution directing staff to pursue demolition by neglect for the entire back of the building.

REVOLVING LOAN FUND/RETAINING WALL GRANT UPDATE:

Joy McCracken, Executive Director of Neighborhood Housing Services, provided the following reports to the commission.

Retaining Wall Fund Voucher

None.

Revolving Loan Fund Disbursements

Mr. Steinlicht questioned whether the owners of the property located at 20 Washington have been asked to clean up and properly maintain the property. Chairman Speirs stated this loan was contingent upon the property owners addressing those issues. Ms. McCracken and Building Inspector Keith Umentum will work on that matter. It was moved by Steve Olson, seconded by Mike Olsen and carried unanimously to adopt a resolution to approve the historic preservation revolving loan fund cash disbursements journal totaling \$2,682.65, a reduction of \$216.44 for 20 Washington to the following: Hole in the Wall Renovations, \$2,500.00; Twin City Hardware, \$116.65; and, Lawrence County Register of Deeds for \$22.00, \$22.00 and \$22.00, as presented.

NHS Financial Report

Ms. McCracken referred the commission to the following financial reports for the month ending May 31, 2006: the HP Revolving Loan Fund Balance Sheet, Statement of Revenues and Expenditures, Deadwood HP Total Loans and Pool Trial Balance.

The loan delinquency report consists of The Gillmore. The loan committee and the city attorney have discussed legal options.

32 Denver

It was moved by Mr. Derosier, seconded by Steve Olson and carried unanimously to adopt a resolution to approve the loan refinance for Elizabeth Dworkin and Phillip W. Hinds, 32 Denver in the amount of \$6,709.00 with an interest rate of five percent (5%), as presented.

66 Lincoln - Retaining Wall Grant Application

It was moved by Steve Olson, seconded by Mr. Steinlicht and carried unanimously to adopt a resolution to approve the Retaining Wall Grant Program Application for 66 Lincoln, as presented by Verla Crane, the applicant and property owner, as presented.

ITEMS FROM CITIZENS NOT ON THE AGENDA:

None.

COMMITTEE REPORTS:

Loan:

No report was given.

Scholarship:

No report was given.

Advocacy/HistoryLink/Public Education:

No report was given.

Hall of Fame and Recognition:

No report was given.

Cemetery:

No report was given.

Museum/Homestake Archives:

No report was given.

Representative to Adams Museum Board:

No report was given.

Representative to Chamber of Commerce:

Mr. Derosier reported that the chamber of commerce recently approved some new billboard advertising along Interstate 90.

Representative to NHS:

No report was given.

Representative to Planning & Zoning:

No report was given.

OTHER BUSINESS:

Review new application for Certificate of Appropriateness. Project Approval and Signage

Mr. Kuckenbecker referred the commission to a revised all-inclusive application form for certificates of appropriateness, project approval and signage which he recently distributed to staff and elected officials. Suggestions received include using a separate form for signage and separate forms for commercial versus residential. Mike Olsen noted under one correction in the applicant information section, where "architect's name" needs to be in the next column.

Steve Olson suggested including a map of the historic overlay district.

Mr. Kuckenbecker explained no action from the commission is necessary. The forms will be revised and distributed at the next meeting and the forms can be revised at any time.

SARC Update

Mr. Kuckenbecker reported have met recently with Rose Estep-Fosha, an archaeologist with the South Dakota State Archaeological Research Center (SARC). The City of Deadwood will have 650 boxes of artifacts in our archives. Appropriate storage system(s) for the archives will be part of the 2007 budget request.

Archives Monthly Report

The monthly report from Archivist Mike Runge for May 2006 was distributed for information only.

Demolition by Neglect Update

The commission reviewed a memorandum from Building Inspector Keith Umenthum identifying the buildings determined demolition by neglect under section 17.68.100 of the ordinances. This information is an update to a list compiled in January 2004.

Mike Olsen requested an explanation as to the administrative procedures to address neglected properties. Chairman Speirs explained that the entire administrative process and existing ordinances and enforcement procedures will be reviewed by Mr. Kuckenbecker.

Committee Assignment:

2006/2007 HPC Committees

Advocacy, HistoryLink and Public Education: Mike Olsen, Willie Steinlicht, and Rose Speirs volunteered to serve on this subcommittee.

Archeology: Darin Derosier, Willie Steinlicht and Mike Olsen volunteered to serve on this subcommittee.

Archives: Mike Olsen and Steve Olson volunteered to serve on this subcommittee.

Budget: This subcommittee consists of the entire commission.

Cemetery: Mary Ann Oberlander, Steve Olson and Rose Speirs volunteered to serve on this subcommittee.

GIS Committee: Mary Ann Oberlander and Steve Olson volunteered to serve on this subcommittee.

Grants: Ronda Feterl, Willie Steinlicht and Mary Ann Oberlander volunteered to serve on this subcommittee.

Hall of Fame and Scholarship: Mary Ann Oberlander and Ronda Feterl volunteered to serve on this subcommittee.

Homestake Archives: Ronda Feterl and Mike Olsen volunteered to serve on this subcommittee.

Loan: Darin Derosier, Ronda Feterl and Willie Steinlicht volunteered to serve on this subcommittee.

Policies and Procedures: Rose Speirs, Mike Olsen and Steve Olson volunteered to serve on this subcommittee.

Signage: Darin Derosier and Willie Steinlicht volunteered to serve on this subcommittee.

Representative to the Adams Museum: Rose Speirs was appointed by Mayor Toscana to serve on this subcommittee.

Representative to Chamber of Commerce: Chairman Speirs appointed Darin Derosier and Willie Steinlicht to serve on this subcommittee.

Representative to the Days of '76: Steve Olson volunteered to serve on this subcommittee.

Representative to NHS: Willie Steinlicht volunteered to serve on this subcommittee.

Representative to Planning & Zoning: Chairman Speirs explained that last year, she and Louie Lalonde shared this responsibility. She emphasized the importance of active involvement and

Historic Preservation Commission
Wednesday, June 14, 2006

representation on this subcommittee as Planning & Zoning and HPC will be working very closely together. Mike Olsen volunteered to represent the commission.

EXECUTIVE SESSION:

Mayor Toscana recommended the executive session be delayed to the next meeting.

ADJOURNMENT:

Hearing no further business to come before the commission at this time and no objections from the commission or the audience, Chairman Speirs adjourned the meeting at 8:25p.m.

ATTEST:

Rose Speirs
Chairman
Historic Preservation Commission
Mary Burket, Recording Secretary