

CITY OF DEADWOOD

PLANNING AND ZONING COMMISSION

March 2, 2005

REGULAR MEETING

The Regular Meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Larry Ryan on Wednesday, March 2, 2005, at 5:00 p.m. in the Deadwood City Hall Meeting Room located at 102 Sherman Street, Deadwood, SD 57732.

PRESENT PLANNING & ZONING: Sheree Green, Mel Allen, Marie Farrier, Robert Thorp, and Larry Ryan

ABSENT PLANNING & ZONING: None

APPROVAL OF February 16, 2005 MINUTES

Mr. Thorp pointed out he had called the February 16, 2005, meeting to order on February 16th, not Mr. Ryan and such should be corrected in the minutes.

Mr. Thorp moved to approve the minutes of February 16, 2005 with the recommended change. Ms. Farrier seconded and the motion carried.

All in Favor - 5
Opposed - 0

FINAL PLAT OF CLAIMJUMPERS TRACT 3A, BEING A REPLAT OF CLAIMJUMPERS TRACT 3, BEING A PORTION OF VACATED CHARLES STREET; PORTION OF LOTS 3 THRU 21 OF BLOCK 79; BEING A PORTION OF VACATED CHARLES STREET; BEING A PORTION OF VACATED LOTS 2 THRU 13 OF BLOCK 78; ORIGINAL TOWNSITE, ACCORDING TO THE P.L. ROGERS MAP, ALL LOCATED IN THE NE ¼ OF SECTION 27, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

The property was located at 200 Charles Street and the land was zoned CH - Commercial Highway District. Ms. Williams noted this was the third and final plat that would be brought forward. She noted the storage unit encroachment would cease to exist with the vacation of Charles Street and the replat. She noted there were several mobile homes that were still located within the Railroad r-o-w; however, they were given an easement until such time that they are moved, and at that time, they must correct the situation.

Ms. Farrier moved to approve Plat of Claimjumpers Tract 3A, being a replat of Claimjumpers Tract 3, being a portion of vacated Charles street; portion of Lots 3 thru 21 of Block 79; being a portion of vacated Charles Street; being a portion of vacated Lots 2 thru 13 of Block 78; Original Town site, according to the P.L. Rogers Map, all located in the NE ¼ of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Ms. Green seconded and the motion carried.

All in Favor - 5
Opposed - 0

Ms. Williams provided the Planning and Zoning Commission with a copy of all of the Bed and Breakfasts' in the City of Deadwood, and whether the B&B's were owner occupied or not and whether the permit ran with the property or with the applicant. Ms. Williams noted several months ago, she had contacted Ms. Zupet regarding the Bed and Breakfast (next door to Ms. Zupet's) located at 788 Main Street. Ms. Williams stated Ms. Zupet had not answered her questions and had indicated she would get back to the Planning and Zoning Office. Mr. Allen noted that one of his sons lived in the downstairs of 788 Main Street and that the upstairs was rented on a nightly basis as a Bed and Breakfast. Ms. Williams explained that the Bed and Breakfast at 788 Main Street fell under the "owner occupied"; therefore, there was a problem with the current use. Mr. Allen thought that Ms. Zupet was managing the Bed and Breakfast. Ms. Williams pointed out the ordinance regulating Bed and Breakfasts had changed three times. At first, they were required to be owner occupied, then the State changed the regulations and allowed them to be run by a manager, so the city amended the local ordinance to match the state regulation. She noted that recently, the commission had recommended an amendment to

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the zoning ordinance to require B&B's to be owner occupied due to complaints from residents regarding nightly rentals in the residential neighborhoods of the city.

Ms. Green questioned why 15 Washington had two listings. Ms. Williams explained that they have two conditional use permits. One was the Bed and Breakfast and the other was for a limited catering business.

RESEARCH OF LOT LINE ON UPPER MAIN STREET

Ms. Williams noted she had researched the lot lines between 846 Main Street and 850 Main Street and it appeared that Mr. Grinager of 850 Main Street was parking his motor home on 846 Main Street's lot. Ms. Williams noted she would conduct further research at the Register of Deeds Office to confirm there were no written easements on file.

ADJOURNMENT:

Mr. Ryan moved to adjourn the regular meeting of the Planning and Zoning Commission. Mr. Thorp seconded and the motion carried.

All in favor - 4
Opposed - 0

There being no further business, Planning & Zoning Commission adjourned at 5:30 p.m.

ATTEST:

Larry Ryan
Chairman (Acting)
Planning and Zoning

Marie Farrier
Secretary (Acting)
Planning and Zoning