

DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, February 15, 2017 – 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

1. Call Meeting to Order
2. Approval of February 1, 2017 Minutes
3. Sign Review Commission
681 Main Street - Hog Wild, LLC d.b.a Deadwood Harley Davidson - Install New Projecting Sign
 - a. Install new projecting sign
Action Required:
 - b. Approval/ Denial by Sign Review Commission
4. Planning and Zoning Commission
Rally Vending
 - a. Approval/ Approve with Conditions/ Denial of the Vendor License for Leather Headquarters
5. Planning and Zoning Commission and Board of Adjustments
Request for Variance - Jim and Rhonda Van Den Eykel - 36 Water Street

Tract A, an 8' Platted Alley and a Portion of Lot R-1 of the City of Deadwood Railroad Property all Located in the Hillsdale Addition to the City of Deadwood, in the NW ¼ of Section 26, T5N, R3E, B.H.M., Lawrence County, South Dakota

Action Required:

 - a. Approval/Denial by Planning and Zoning
 - b. Approval/Denial by Deadwood Board of Adjustments
6. Items from Staff
 - a. Welcome Center Update
 - b. Whitewood Creek
 - c. Cadillac Jacks
7. Adjourn

CITY OF DEADWOOD
PLANNING AND ZONING COMMISSION
Wednesday, February 1, 2017

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Tony Biesiot on Wednesday, February 1, 2017, at 5:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

Planning and Zoning Commission Present: Jim Shedd, Marie Farrier, Tony Biesiot, John Martinisko and Brett Runge

Absent: None

Board of Adjustments Present: None

Staff Present:

Bob Nelson Jr. and Jerity Krambeck

Approval of January 4, 2017 Minutes:

It was moved by Mr. Shedd and seconded by Mr. Martinisko to approve the January 4, 2017 meeting minutes. Aye - All. Motion carried.

Ali DeMersseman - Black Hills Council of Local Governments

Ms. DeMersseman with Black Hills Council of Local Governments discussed a potential regional comprehensive plan for Lead and Deadwood. Ms. DeMersseman stated it is currently at an investigative phase to see if there is an interest. Ms. DeMersseman stated in her research she found that both Lead and Deadwood utilize their current comprehensive plans and have accomplished several items and are continually working on these goals. Ms. DeMersseman stated the next phase will be stakeholder interviews. Ms. DeMersseman stated the last phase will provide a report to the Cities of Lead and Deadwood highlighting themes and provide next steps for public participation.

Sign Review Commission:

No sign applications were presented.

Planning and Zoning Commission and Board of Adjustments:

Request for Variance - Jim and Rhonda Van Den Eykel - 36 Water Street

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Mr. Martinisko addressed if there is a liability on the City if a variance is granted allowing a building to be put in six feet closer to the creek than what the ordinance calls for and erosion occurs in the future. Mr. Martinisko asked if new construction could be completed to meet current ordinance. Mr. Nelson Jr. stated he will get a legal opinion and stated there are other hurdles, such as the property is in a flood plain and MDU has a gas main that runs across the lot that services McGovern Hill and MDU is putting the burden of relocation on the property owner.

It was moved by Mrs. Runge and seconded by Mr. Shedd for continuation of the Request for Variance - Jim and Rhonda Van Den Eykel - 36 Water Street - Tract A, an 8' Platted Alley and a Portion of Lot R-1 of the City of Deadwood Railroad Property all Located in the Hillsdale Addition to the City of Deadwood, in the NW ¼ of Section 26, T5N, R3E, B.H.M., Lawrence County, South Dakota. Aye - All. Motion carried.

Items From Staff (no action taken)

- Mr. Nelson stated the Chamber portion is being completed and the main area is being stained, with an anticipated completion of construction of May 1; the programming phase has an expected completion and opening date of Memorial Day.
- Mr. Nelson stated a grant application has been submitted for Whitewood Creek for \$182,000.00 to continue the cleanup and it should be announced by the end of the week if it was awarded. A

project will be going out to bid for planting and rock moving by the Rodeo Grounds to make it kayak friendly and the next area to McKinley Street Bridge to the box culvert will have a complete cleanup.

- Mr. Nelson stated the storm sewer outfall is being completed at Cadillac Jacks which will be the drainage for the underground parking lot; they are putting new infrastructure in and have begun the retaining wall; the extent of the excavation is what you see today; there is an old road above it and it needs to be preserved and they are considering creating a trail to St. Ambrose and Stage Run.

Comments:

Mr. Alan Wright asked if he can have flashing signs. Mr. Nelson stated if it is on the inside of the glass it is allowed. Mr. Wright asked about the possible annexation near Shirt Tail Gulch and if any discussions have taken place. Mr. Nelson stated the discussion took place last summer and the City was not pursuing annexation, it was a land owner approaching the City. Mr. Wright stated multi-millions of dollars would be spent pursuing these properties, with little to no benefit to the City. Mr. Wright thanked the Commission.

Adjournment:

It was moved by Mr. Shedd and seconded by Ms. Farrier to adjourn the Regular Meeting of the Planning and Zoning Commission. Aye - All. Motion carried.

There being no further business, the Planning and Zoning Commission adjourned at 5:33 p.m.

ATTEST:

Chairman, Planning & Zoning Commission
Jerity Krambeck, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission

SIGN PERMIT STAFF REPORT

Sign Review Commission
February 15, 2017

Applicant: Hog Wild, LLC d.b.a Deadwood Harley Davidson
Address: 2820 Harley Drive, Rapid City, SD 57702
Site Address of Proposed Signage: 681 Main Street (Deadwood Harley Davidson)

Computation of Sign Area

Building Frontage: 32 Feet
Total Available Signage: 64 Square Feet
Existing Signage: One Projecting (to be removed)
Remaining Available Signage Area: 64 Square Feet
Proposed Sign Project: Install new projecting sign (21.7 Square Feet).
Proposed Building Materials: Wood and Metal. (see attached rendering).
Proposed Lighting of the Signs: External Illumination.
Location of Proposed Sign: To the left of the front doors. See attached rendering.

Discussion

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

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

The applicant wishes to install a new projecting sign. This sign was previously on the former location of Deadwood Harley Davidson across the street.

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

Variances

The sign permit application in review as proposed requires no variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area."* However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

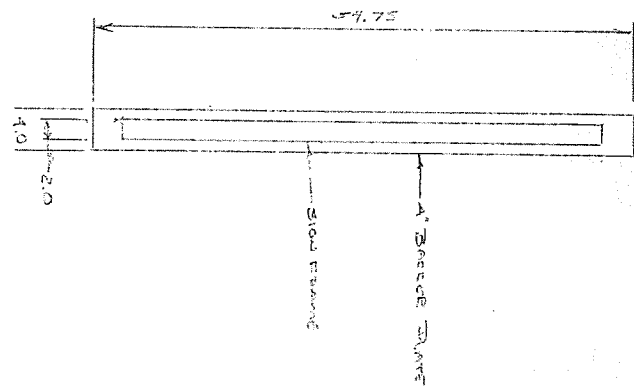
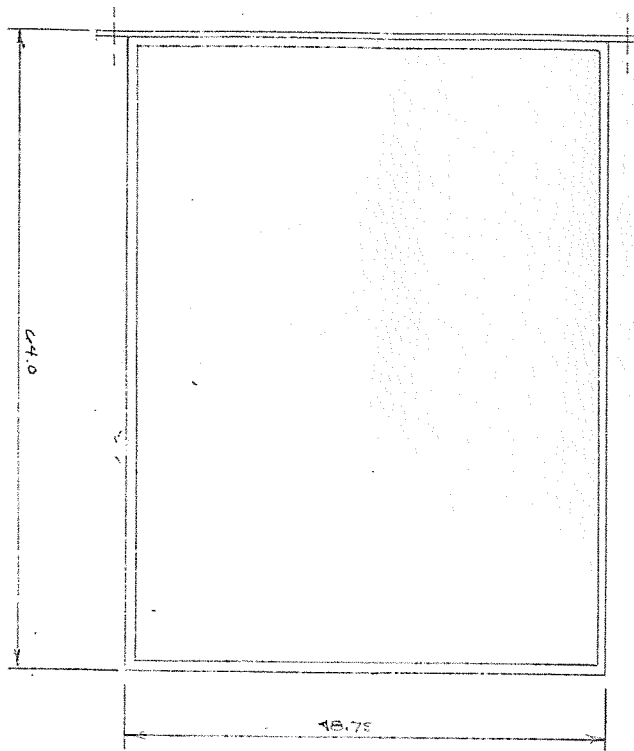
Sign Review Commission Action

Motion to approve sign permit for new projecting sign at 681 Main Street

OR

Motion to deny proposed sign permit application as submitted.





- COAST DETAILS
- BODY OF SIGN IS SANDBLASTED REDWOOD
- SIGN FRAME IS 1/2" STEEL CHANNEL
- SIGNS HAVE 1" OF 1/4" X 1/4" STEEL PLATE
- SIGN TO BE PROTECTED WITH 1/2" X 1/4" L.S.

SEE TABLE DIVISION - DETAIL 1000
 PROPOSED SIGN
 1" = 1'

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084



Bob Nelson, Jr.
Planning & Zoning Administrator
Telephone (605) 578-2082
bobjr@cityofdeadwood.com

**STAFF REPORT REQUEST
FOR VARIANCE FROM
CHAPTER 17.20
SECTION 17.42.040.B.1**

APPLICANTS: Jim and Rhonda Van Den Eykel

SIZE AND LOCATION: Water Street - 0.18± Acres

ADDRESS: 36 Water Street

LEGAL DESCRIPTION: Tract A, an 8' Platted Alley and a Portion of Lot R-1 of the City of Deadwood Railroad Property all Located in the Hillsdale Addition to the City of Deadwood, in the NW ¼ of Section 26, T5N, R3E, B.H.M., Lawrence County, South Dakota

ZONE: R1 – Residential District

REQUEST: Six foot variance from front yard setback requirements.

EXISTING ZONING AND LAND USE: The property is currently zoned R1 – Residential District. The applicant intends on building a new residential structure and removing the existing garage, in addition the applicant intends on platting their property into two tracts as to separate the two houses on two tracts of land. The proposed use is a use by right.

ADJACENT ZONING AND LAND USES:

The property to the north is zoned PU – Public Use District and is currently an outdoor recreation area known as Powerhouse Park. The land to the south is zoned PU – Public Use District and the current use is municipal parking. The land to the east is zoned C1 - Commercial District with a variety of commercial business. To the west is vacant land and residential dwellings on residentially zoned land.

BACKGROUND:

The Van Den Eykels are requesting a variance from the front yard setback requirement of 20 feet in an R1 – Residential District. Their request is for a six foot variance from said setback. The subject lot has infrastructure provided at the lot line for a home site, however the topography of the lot is very restrictive as the elevation increases rapidly in the rear of the parcel and Whitewood Creek fronts the lot. Given the slope in the rear of the lot, moving the dwelling into the setback will alleviate the hardship of construction on the proposed lot while accommodating use of the property.

Environmental Corridor Status: The property is located within the special flood hazard area and a floodplain development permit will be required prior to approval of any building permit for the home.

COMPLIANCE:

1. The Zoning Officer provided notice identifying the applicant, describing the project and its location and giving the scheduled date and time of the public hearing in accordance with Section 17.80.010.B. This notice was mailed to property owners within 300 feet of the subject property.
2. A sign was posted on the property for which the request was filed as required by Section 17.80.010.B.
3. Notice of the time and place for the public hearing was published eight (10) days in advance of the hearing in the designated newspaper of the City of Deadwood.

VARIANCE:

The purpose of a variance is to modify the strict application of the specific requirements of this Ordinance in the case of exceptionally irregular, narrow, shallow or steep lots, or other exceptional (Amended 99-952) conditions, whereby, such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his or her land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his or her lot as the Zoning Ordinance intended.

The Board shall consider and decide all applications for variances within 30 days of such public hearing and in accordance with the standards provided below.

STANDARDS FOR VARIANCES:

In granting a variance, the Board shall ascertain that the following criteria are met, and presented at the public hearing or otherwise included in the record.

1. A variance may be appropriate where, by reason of exceptional narrowness, shallowness, or shape or by reason of other exceptional topographic conditions or other extraordinary conditions on a piece of property, the strict application of any regulation enacted under this Ordinance would result in peculiar, exceptional, and undue hardship on the owner of the property. The previously mentioned circumstances or conditions shall be set forth in the Findings of the Board.

The shape of the lot in this case does not create a hardship for construction. The topographic conditions as well as the location of Whitewood Creek in relation to the property create a hardship on the owner to build a dwelling and maintain the front setback.

2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

The subject use is a use by right in the R1 – Residential District.

3. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.

That within the intent and purposes of this application for variance, if granted, the minimum adjustment necessary to afford relief or the reasonable use of the land

will be a six foot variance. The remaining bulk and height regulations are all met (i.e. side and rear setback requirements and height).

4. The granting of any variance is in harmony with the general purposes and intent of this Ordinance and will not be injurious to the neighborhood, and/or detrimental to the public welfare, or in conflict with the established policies of the City of Deadwood.

The proposed project is compatible with the present development of the area. The granting of the proposed structure will not be detrimental to fire safety, clearance, preservation of light and open space and/or visual and aesthetic concerns.

The variance will not alter the essential character of the surrounding area in which the property is located; substantially or permanently impair the appropriate use or development of adjacent property.

5. There must be proof of practical difficulty, which may be based upon sufficiently documented economic factors but such proof shall not be based solely upon or limited to such economic factors. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without the knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variance granted under similar circumstances shall not be considered.

Due to the topographic conditions and the proximity of Whitewood Creek along with the depth of the lot the hardship to build on the property exists. With the proposed minimal variance the hardship can be alleviated.

6. That the proposed variance will not impair an adequate supply of light and air to adjacent properties, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the adjacent neighborhood.

The use and value of the area adjacent to the property included in the variance request will not be affected in an adverse manner. There will be no significant adverse impacts on water supply, schools, or other services. A variance cannot be granted if it would pose any threat to the public health or safety. This finding includes concerns such as fire safety, and visual and aesthetic concerns.

7. The fee, as adopted by resolution, was paid to the Zoning Administrator as agent for the Board to cover the costs of notices and other expenses incidental to the hearing.

The Van Den Eykels have paid the \$150.00 fee to process the variance and hold the public hearing.

8. The applicant has proven that he or she is the owner of the property, or is his or her officially designated agent and has presented proof thereof.

The Van Den Eykels have proven to the City of Deadwood Planning and Zoning office that they are the current owner of the subject property.

Requirements for the Granting of a Variance:

Before the Board shall have the authority to grant a variance, the person claiming the variances has the burden of showing:

1. That the granting of the permit will not be contrary to the public interest;
2. That the literal enforcement of the Ordinance will result in unnecessary hardship; and,
3. That by granting the permit, substantial justice will be done.

A variance shall be null and void two (2) years from the date it is granted unless completion or substantial construction has taken place. The Board of Adjustment may extend the variance for an additional period not to exceed one (1) year upon the receipt of a written request from the applicant demonstrating good cause for the delay.

If upon review by the Zoning Administrator, a violation of any condition, imposed in approval of a variance is found, the Administrator shall inform the applicant by registered mail of the violation and shall require compliance within sixty (60) days, or the Administrator will take action to revoke the permit. The Administrator's letter, constituting Notice of Intent to Revoke Variance may be appealed to the Board of Adjustment within thirty (30) days of its mailing. The Board of Adjustment shall consider the appeal and may affirm, reverse, or modify the Administrators Notice of Intent to Revoke. The applicant must comply with the Board of Adjustment's Order on Appeal of Notice of Intent to Revoke Variance within thirty (30) days of the Boards decision.

ACTION REQUIRED:

1. Approve/deny/ or approve with conditions from Planning and Zoning.
2. Approve/deny/or approve with conditions from Board of Adjustment.

36 Water Street Variance Request



DEADWOOD

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

OFFICE OF
PLANNING, ZONING
AND HISTORIC PRESERVATION
108 Sherman Street
Telephone (605) 578-2082
Fax (605) 578-2084

DEADWOOD CITY HALL
102 Sherman Street
Telephone (605) 578-2600

VENDOR APPLICATION

Date: February 6, 2017
To: Planning and Zoning Commission
From: Robert E. Nelson, Jr., Zoning Administrator
Re: Rally Vending

The vendor permit before you has met the conditions of temporary vending within the city limits of Deadwood. The application was received before the review deadline, payment for the permit was received, and the vending is to be outdoors. Leather Headquarters has been a vendor in Deadwood and has done business in South Dakota and has reported sales tax to the state in the past. They do have a current sales tax number with the State Revenue Office in process. The location is to be at 555 Main Street. Staff recommends approval of the vendor permit for Michael Snyder dba Leather Headquarters.

Merchandise: Leather Goods, Accessories, Event T-Shirts, and Patches

Action:

Approval /denial of the vendor license for Leather Headquarters

Application Date: 1/30/17

Payment Received: 1/30/17

Application for Temporary Vendors License

The Deadwood Zoning Administrator and Planning & Zoning Commission review all applications.

Applicant: Michael Snyder

Name of Business: Leather Headquarters LHQ Inc

Applicant's mailing address: 4245 Boulder Highway Las Vegas NV 89121

Telephone: (702) 431-8808 Cell: (310) 480-2665

Please select your type of vending:

- * Outside of a structure – \$750.00 ✓
- * Inside of an existing structure – \$250.00

For a period of fourteen (14) days: Beginning: Aug 2 2017
Ending: Aug 13 2017

South Dakota Sales Tax Number: 5000-0127-SE (2017 Copy will follow shortly)

Physical street address of vending location: 555 Main Street, Deadwood SD 57732

Tin Lizzy Casino – Upper main Street Parking lot

Contact Name and phone number of property owners: Austin Burnham

605-827-0110 IT Director / LIV Hospitality

Complete description of goods and/or services: Retail Sales of Leather Goods &
Accessories, Event T-shirts, Product, Sewing of Patches

I agree that any falsification, misstatements or omissions, including those related to location and goods to be sold, shall result in immediate revocation of this license and forfeiture of the right to operate within the City Limits of Deadwood. It is further understood that payment of applicable state and city sales tax is made a provision of this license.

Applicant's signature: Michael Snyder Date submitted: 1/30/17