

DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, November 2, 2016 – 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

1. Call Meeting to Order
2. Approval of October 19, 2016 Minutes
3. Sign Review Commission
No items for review.
4. Planning and Zoning Commission
5. Board of Adjustments

Optima LLC – Create One Tract of Property

Bradsky Tract Revised, Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way; A Replat of the Bradsky Tract of M.S. 308, Lots 1A, 2A, 3 and 4 of Tract A of M.S. 81, A Portion of M.S. 308 Described with 50' on Main St, Lots A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21, and 22 of Block 3 of the Fountain City Addition to the City of Deadwood, and the Relocated Williams Street Right-of-Way Located in the NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

Action Required:

- a. Approval/Denial by Deadwood Board of Adjustments

Van Rokel Properties/Karl and Deelaina Webb – Property Transfer

Tract C1 and Lot 4A of Deadwood Gulch Addition II, Formerly Tract C of Deadwood Gulch Addition II and Lot 4 of Arnio Subdivision, Being A Portion of Deadwood Gulch Addition II and M.S. 107, All Located in the NE1/4, SE1/4 and SW1/4 of Section 27, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

Action Required:

- a. Approval/Denial by Deadwood Board of Adjustments

Bob and Carmen Walton – Adverse Possession Claim

Lots 59A Being a Portion of Lots 59 and 60, Block 35, Original Townsite, City of Deadwood, Located in the SW1/4 of Section 23, T5N, R3E, B.H.M., Lawrence County, South Dakota

Action Required:

- a. Approval/Denial by Deadwood Board of Adjustments

Deadwood Stage Run LLC/Palisades LLC – Property Transfer

Lot 6B, Block 2 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW ¼ Section 14, the SE ¼ of Section 15, the NE ¼ NE ¼ of Section 22 and the N ½ NW ¼ of Section 23, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

Action Required:

- a. Approval/Denial by Deadwood Board of Adjustments

Neighborhood Housing Services of the Black Hills – Request for Variance

Tract H being a portion of Probate Lot 327, Lot 1 of Murray Subdivision of Probate Lot 327 and a portion of Lot 5 of Pecks Garden Subdivision and a portion of School Lot 16, all located in the City of Deadwood in the NW1/4 of Section 27, T5N, R3E, B.H.M, Lawrence County, South Dakota, according to Plat Document No. 99-2448 and affidavit of correction recorded as Document No. 2000-656; LESS & EXCEPT Peck's Garden Townhomes Subdivision Lots 1 thru 7 according to Plat Document No. 2004-6763 and Lots 14 thru 17 according Plat Document No. 2005-6936, and LESS & EXCEPT Tract A of SKY Subdivision formerly a portion of Tract H as shown in Plat Document No. 2014-3180 and LESS & EXCEPT Lot A of Tract H deeded to State of South Dakota for highway as recorded in Document NO. 2014-3176;

-and-

Tract A of SKY Subdivision formerly a portion of Tract H as shown in Plat Document No. 2014-3180, all located in the City of Deadwood

Deadwood Planning and Zoning Commission recommended to the City Commission denial on October 19, 2016.

6. Items from Staff
 - a. Welcome Center Update
 - b. Whitewood Creek
 - c. DOT
 - d. Retaining Walls
 - e. Cadillac Jacks
7. Adjourn

CITY OF DEADWOOD
PLANNING AND ZONING COMMISSION
Wednesday, October 19, 2016

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Jim Shed on Wednesday, October 19, 2016, 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, Mel Allen, Marie Farrier, Brett Runge and Tony Biesiot

Absent:

Board of Adjustments Present: Mayor Chuck Turbiville and Mark Speirs

Staff Present:

Bob Nelson Jr., Trent Mohr and Bonny Anfinson

Approval of September 21, 2016 Minutes:

It was moved by Mr. Biesiot and seconded by Mr. Allen to approve the September 21, 2016 meeting minutes. Aye - All. Motion carried.

Sign Review Commission:

50 Cliff Street – Greg and Matt Klein – Install New Free Standing Sign

Mr. Mohr stated the applicant is requesting permission to replace the existing freestanding sign with a new freestanding sign of a different design in the same location. The planter box will remain in its current location. The planter box has been granted a variance by the South Dakota Department of Transportation as the encroachment is less than one foot. The proposed sign would not be allowed to encroach into the right of way. *It was moved by Mr. Biesiot and seconded by Mrs. Runge to approve the replacement of the existing freestanding sign with a new freestanding sign at 50 Cliff Street. The sign will not encroach into the right of way. Aye - All. Motion carried.*

645 and 647 Main Street – Carol Tellinghuisen – The Pour House

Mr. Mohr informed the Commission the applicant wishes to install two proposed signs on the entrances of her businesses. The proposed signs and their location are compliant with the sign ordinance. *It was moved by Mrs. Runge and seconded by Ms. Farrier to approve the installation of the two signs at 645 and 647 Main Street as presented. Aye - All. Motion carried.*

650 Main Street – Dale Berg – Berg Jewelry – Installing Awning and Valance

Mr. Mohr informed the Commission the applicant is restoring historic features to the building through the Historic Preservation Façade Program. The applicant has removed the marquee sign and will replace it with an awning and valance sign. The proposed sign and its location are compliant with the sign ordinance. *It was moved by Mr. Biesiot and seconded by Mr. Allen to approve the removal of the marquee sign and replace with an awning and valance at 650 Main Street. Aye—All. Motion carried.*

650 Main Street – Dale Berg – Berg Jewelry – Raise Sign and Propose Awning

Mr. Mohr stated this item has been withdrawn from the agenda.

Planning and Zoning Commission:

Optima LLC – Create One Tract of Property

Mr. Nelson Jr. stated the applicant is requesting permission to create one tract of property, take in vacated Williams Street, and create dedicated Williams Street right-of-way. The property consists of Bradsky Tract Revised, Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way; A Replat of the Bradsky Tract of M.S. 308, Lots 1A, 2A, 3 and 4 of Tract A of M.S. 81, A Portion of M.S. 308 Described with 50' on Main St, Lots A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21, and 22 of Block 3 of the Fountain City Addition to the

City of Deadwood, and the Relocated Williams Street Right-of-Way Located in the NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Ms. Farrier and seconded by Mr. Allen to approve the plat presented for Bradsky Tract Revised, Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way; A Replat of the Bradsky Tract of M.S. 308, Lots 1A, 2A, 3 and 4 of Tract A of M.S. 81, A Portion of M.S. 308 Described with 50' on Main St, Lots A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21, and 22 of Block 3 of the Fountain City Addition to the City of Deadwood, and the Relocated Williams Street Right-of-Way Located in the NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye - All. Motion carried.*

Van Rokel Properties/Karl and Deelaina Webb - Property Transfer

Mr. Nelson Jr. stated the applicant is requesting permission to transfer land. The property is located on Cliff Street adjacent to the Mickelson Trail legally described as Tract C1 and 4A of Deadwood Gulch Addition II, Formerly Tract C of Deadwood Gulch Addition II and Lot 4 of Arnio Subdivision, Being A Portion of Deadwood Gulch Addition II and M.S. 107, All Located in the NE1/4, SE1/4 and SW 1/4 of Section 27, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Ms. Farrier and seconded by Mrs. Runge to approve the plat presented as Tract C1 and 4A of Deadwood Gulch Addition II, Formerly Tract C of Deadwood Gulch Addition II and Lot 4 of Arnio Subdivision, Being A Portion of Deadwood Gulch Addition II and M.S. 107, All Located in the NE1/4, SE1/4 and SW 1/4 of Section 27, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye - All. Motion carried.*

Bob and Carmen Walton - Adverse Possession Claim

Mr. Nelson Jr. stated the applicant is submitting an adverse possession claim by court order recorded document 2015-5244 located on Taylor Avenue legally described as Lots 59A Being a Portion of Lots 59 and 60, Block 35, Original Townsite, City of Deadwood, Located in the SW 1/4 of Section 23, T5N, R3E, B,H,M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Ms. Farrier and seconded by Mr. Biesiot to approve the plat presented as Lots 59A Being a Portion of Lots 59 and 60, Block 35, Original Townsite, City of Deadwood, Located in the SW 1/4 of Section 23, T5N, R3E, B,H,M., City of Deadwood, Lawrence County, South Dakota. Aye - All. Motion carried.*

Deadwood Sign Run LLC/Palisades LLC - Property Transfer

Mr. Nelson Jr. stated the applicant is requesting a transfer of land located off Mt. Roosevelt Road. The property is located at Lot 6B, Block 2 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW 1/4 Section 14, the SE 1/4 of Section 15, the NE 1/4 NE 1/4 of Section 22 and the N 1/2 NW 1/4 of Section 23, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. *It was moved by Ms. Farrier and seconded by Mrs. Runge to approve the plat presented as Lot 6B, Block 2 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW 1/4 Section 14, the SE 1/4 of Section 15, the NE 1/4 NE 1/4 of Section 22 and the N 1/2 NW 1/4 of Section 23, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye - All. Motion carried.*

Neighborhood Housing Services of the Black Hills - Request for Variance

Mr. Nelson Jr. stated the applicant is requesting a five foot variance from front yard setback requirements for the construction of four living units. All public comment received so far has been distributed to the Planning and Zoning Commission. Joy McCracken, Executive Director with Neighborhood Housing Services, presented preliminary plans for the project. McCracken stated it is a very narrow piece of land located next to a very steep hill so the foot print has to be very small. The plan is to build four very small little homes with tuck under garage, living room, kitchen, bathroom on the second floor and two bedrooms and bathroom on the third floor. The reason for the variance is to keep the price as low as they can to meet incomes of people living in Deadwood for workforce housing. This would make the driveways five feet shorter so they would not have to cut into the hillside which would cost more. Everyone would have off street parking. Mrs. Runge asked how far they are expecting to cut into the hillside. Mrs. McCracken stated the foot print will be 42 feet back. Ms. Ferrier stated she measured from the street to the hill and it was 57 feet. Mrs. McCracken stated there is a deck off the back that is four to five feet. Mr. Nelson Jr. stated that is why they need the five feet because of the deck and the overhang in the front. Mrs. Runge asked if the driveways are 20 feet. Mr. Nelson Jr. stated they range from 17 feet 8 inches to 15 feet 9 and 3/4. Mrs.

Runge asked if there are concerns as far as digging into the hillside and stability. Have there been tests done? Mrs. McCracken stated it will be engineered to assure the cut is sufficient. The concrete around the garage will work as a retaining wall as well. Mr. Allen stated him and Ms. Farrier went to the property and took measurements. Mr. Allen stated he has questions regarding parking and sees that garages would answer that question. There is no parking in the streets in that area. When I was parking on the street reviewing this property I had to move my vehicle in order for the UPS truck to get through. There is a question regarding the hill and possibility of it sliding if not properly pinned. Ms. Farrier stated one of the concerns is pickups with an extended cab. They would not fit in the driveway. You can think that everyone would have a little car but it doesn't work that way. Bonnie Krueger, 9 Calamity Lane, stated she lives directly across from the proposed project. Ms. Krueger stated her main concern is safety. There are covenants in this neighborhood stating no overnight parking on the street, no unused vehicles parked in a driveway and no parking in any of the empty lots. These covenants are not enforced. People who own property there need to go to owners and say they are not following the covenants. If one of the townhomes had a fire and someone was parked on the street I don't believe a fire truck could get through. John Neimeyer, 6 Calamity Lane, stated he has a big work truck and there is no way the truck would fit in the drive so he parks on the empty lot or on the street. The street is too narrow and the driveways are too short. If someone parks on the street in front of his house he is unable to back out into the street and had to find who is parked there so they can move the vehicle. The biggest concern is the hill where they plan to construct the buildings. My family hikes that hill. It has moved just in the last year. Every week there is glass and items that have fallen down from this hill. It moves every week. I am not sure what was all up there at one time. The hill is not stable. Mr. Neimeyer suggested having someone go up and determine what is up on the hill besides what is down below. Ms. Krueger stated she has a standard driveway but if someone is parked across the street from her driveway she cannot back onto the street. There is not enough space. Keith Ewy, 7 Calamity Lane, stated he also has the same issue of backing out of the driveway. Mr. Ewy asked why all four units are together. Why is there one on its own? Mrs. McCracken stated anytime you have more than three connected units' fire sprinkler systems are required. It adds \$5,000 to the project costs. There are covenants for this area and will they be enforced for this new construction. Ms. Krueger stated the covenants cover the whole development. Mr. Ewy asked if there will be sidewalks. This is a safety issue. Is it even necessary to build the stand alone structure. Mr. Biesoit asked if they had to construct all four units. Mrs. McCracken stated she would discuss with the board. The fewer units you have the more you are driving up the costs. It would be more expensive to build three versus four. Pam Smith, 5 Burlington, stated we should not forget what happens when you cut into these hills. When I was young there was a mud slide and a lady died. Why would you put that safety concern out there. With the hill already being compromised farther up the hill is a safety concern. Ms. Smith stated she is concerned about people getting through on the road especially in the winter. The biggest concern is safety. Pat Romell, 11 Calamity Lane, stated he is opposed to the construction. Mr. Romell stated he has gone to the top of the hill and it is very steep. When walking the road there is always stuff on the street that has fallen from the hill. He and his wife have been maintaining the lot because the owner has not. They clean up the garbage and mow the grass. Are the owners going to stabilize the hill? Mr. Romell stated he is opposed to the construction. Mrs. McCracken asked if there was a variance issued for the width of the street. Mr. Nelson Jr. stated he has not been able to find where one was issued. Mr. Biesoit stated if there was a fire how would a fire truck get through there. Mr. Romell stated it would also be an issue for an ambulance. Mr. Neimeyer stated they could create an area for off street parking. Mr. Allen stated the granting of any variance will not be injurious to the neighborhood nor detrimental to the public welfare; substantially increase the congestion in the public streets, increase the danger of fire; sluffing and fire safety. Mr. Allen stated Ken Hawki with the fire department has brought up very good points on fire safety. All zoning looks at is the foot print. The commission does not like variances. I am not saying nothing can be built there. Something could be worked out. Mrs. Runge stated she agrees with what was brought up on number four and number six as far as safety and congestion. Mrs. McCracken stated the variance has nothing to do with the issues brought up such as the parking on the street and emergency vehicle access. These issues are already there. Mrs. Runge stated she feels the construction will add even more congestion on the street that is already too narrow. *It was moved by Mrs. Runge and seconded by Ms. Farrier to recommend to the City Commission to deny the variance of the five foot set back to*

Neighborhood Housing Services for construction at 10, 12, 14, and 16 Calamity Lane. Aye – All. Motion carried.

Items From Staff (no action taken)

- Mr. Nelson Jr. stated Whitewood Creek is being worked on by RCS. Working on planting and rocks in the creek.
- Mr. Nelson Jr. stated there are retaining walls being worked on at 3 Shine Street, breaking ground today at 382 Williams Street and Guy, repairing city steps, hand rail and drainage.
- Mr. Nelson Jr. stated the next step of Cadillac Jacks is to rezone and will start bidding the TIF portion of the project.
- Mr. Nelson Jr. stated there is a copy of the Lead the Way Master Plan if anyone wishes to review it.
- Mr. Nelson Jr. stated DOT is putting the hand rails up on the Highway 85 project. There is not much left on the project. The rest rooms are open with automatic door locks.
- Trent Mohr stated the Welcome Center framing is almost done. You can really see the outline of the building. The fireplace will be accessed by the interior and exterior.

Adjournment:

It was moved by Mr. Biesiot and seconded by Mrs. Runge 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 6:10 p.m.

ATTEST:

Chairman, Planning & Zoning Commission
Bonny Anfinson, Planning & Zoning Office/Recording Secretary

Secretary, Planning & Zoning Commission

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
PLANNING AND ZONING
NOVEMBER 7, 2016 CITY COMMISSION

APPLICANT: Optima LLC

PURPOSE: To Create One Tract of Property, Take in Vacated Williams Street, and Create Dedicated Williams Street Right-of-Way

GENERAL LOCATION: North Williams Street

LEGAL DESCRIPTION: Bradsky Tract Revised, Bradsky Tract Number 2 and Relocated Williams Street Right-of-Way; A Replat of the Bradsky Tract of M.S. 308, Lots 1A, 2A, 3 and 4 of Tract A of M.S. 81, A Portion of M.S. 308 Described with 50' on Main St, Lots A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21, and 22 of Block 3 of the Fountain City Addition to the City of Deadwood, and the Relocated Williams Street Right-of-Way Located in the NW1/4 of Section 23, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

FILE STATUS: All legal obligations have been completed.

ZONE: CH - Commercial Highway / R1 - Residential

STAFF FINDINGS:

Surrounding Zoning:

North: CH – Commercial
South: CH – Commercial
East: PU – Public Use
West: PF – Park Forest

Surrounding Land Uses

Hotel / Parking
Residential Structures
Trail / Creek
Hillside / Forest

SUMMARY OF REQUEST

The Final Plat of the Bradsky Tract Revised and the Bradsky Tract Number 2 has been submitted to create two large tracts of land, include a vacated portion of Williams Street and dedicate property for right-of-way purposes.

Bradsky Tract Plat
Optima LLC
October 19, 2016

FACTUAL INFORMATION

1. The property is currently zoned Commercial Highway and Residential
2. Bradsky Tract Revised is comprised of 1.47 Acres±
Bradsky Tract Number 2 is comprised of 2.02 Acres±
Williams Street ROW is comprised of 0.144 Acres±
3. The subject property is located within an area designated "Tourist Service" by the City of Deadwood's Comprehensive plan of 2001. This area is intended to accommodate uses that support the tourist industry.
4. The subject lot is not located within the 500 year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile.
5. Public facilities are available to serve the property.
6. The area is currently being used as a private parking and two residential home sites.

STAFF DISCUSSION

The property involved in this plat is zoned commercial highway and residential, however the next step of the owners is to rezone the property in the plat to commercial highway. The lot sizes are code compliant and the dedicated right-of-way will be a wider roadway than the previous Williams Street.

1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot lots is shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.
9. Area's taken out of the mineral survey and remaining acreage is indicated on the plat.

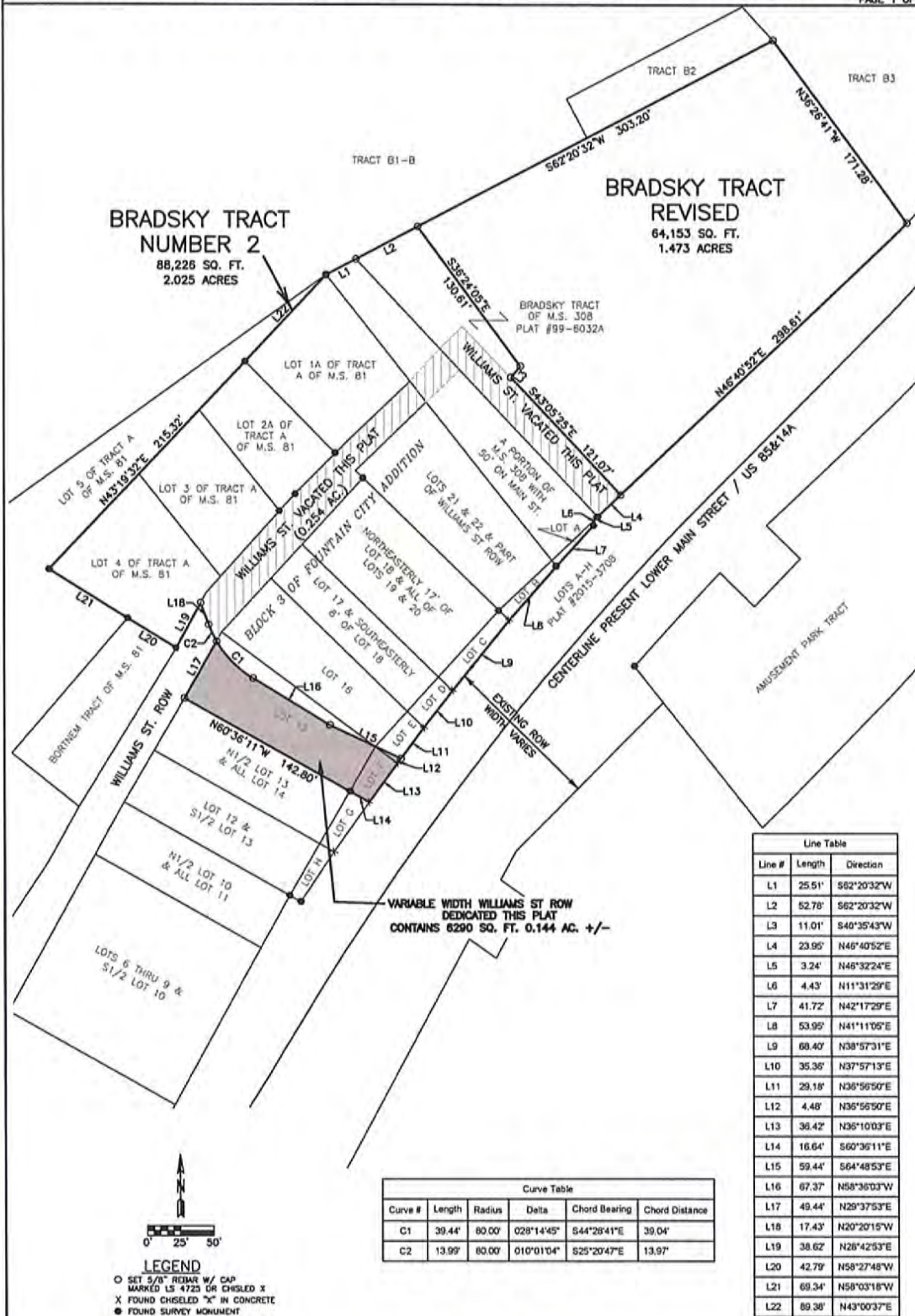
ACTION REQUIRED:

1. Approved by Deadwood Planning and Zoning Commission on 10/19/16.
2. Approval/denial by Deadwood Board of Adjustment.

PLAT OF BRADSKY TRACT REVISED, BRADSKY TRACT NUMBER 2 AND RELOCATED WILLIAMS STREET RIGHT-OF-WAY

A REPLAT OF THE BRADSKY TRACT OF M.S. 308, LOTS 1A, 2A, 3 AND 4 OF TRACT A OF M.S. 81, A PORTION OF M.S. 308 DESCRIBED WITH 50' ON MAIN ST, LOTS A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21 AND 22 OF BLOCK 3 OF THE FOUNTAIN CITY ADDITION TO THE CITY OF DEADWOOD, AND THE RELOCATED WILLIAMS STREET RIGHT-OF-WAY LOCATED IN THE NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

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- NOTES:**
1. All major drainage easements shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedges, trees and shrubs. These easements grant to all public authorities the right to construct, operate, maintain, inspect and repair such improvements and structures as it deems expedient to facilitate drainage from any source.
 2. Utility and Minor Drainage Easements - none.
 3. Total Right-of-Way dedicated by this plat: 0.144 acres.
 4. Total Right-of-Way vacated by this plat: 0.254 acres.
 5. Building Setbacks are per City Zoning Ordinance.
 6. Pursuant to SDCL 11-3-8.1 and 11-3-2, The Developer of the property described within this Plat shall be responsible for protecting any waters of the State, including groundwater, located adjacent to or within such plotted area from pollution from sewage from such subdivision and shall in prosecution of such protection conform to and follow all regulations of the state of South Dakota Department of Environment and Natural Resources relating to the same.

PLAT OF BRADSKY TRACT REVISED, BRADSKY TRACT NUMBER 2
AND RELOCATED WILLIAMS STREET RIGHT-OF-WAY

A REPLAT OF THE BRADSKY TRACT OF M.S. 308, LOTS 1A, 2A, 3 AND 4 OF TRACT A OF M.S. 81, A PORTION OF M.S. 308
DESCRIBED WITH 50' ON MAIN ST, LOTS A, B, C, D, E, F, 15, 16, 17, 18, 19, 20, 21 AND 22 OF BLOCK 3 OF THE FOUNTAIN CITY
ADDITION TO THE CITY OF DEADWOOD, AND THE RELOCATED WILLIAMS STREET RIGHT-OF-WAY
LOCATED IN THE NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

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CERTIFICATE OF SURVEYOR

State of South Dakota
County of Lawrence S.S.

I, Keith S. Peterson, Registered Land Surveyor No. 4725 in the
State of South Dakota, do hereby certify that at the request of the
owners listed hereon, I have surveyed the tract of land shown and
described hereon and to the best of my knowledge and belief, the within
plot is a representation of said survey, and hereby approve the survey
and within plot of said land.

In witness whereof, I hereunto set my hand and seal.

Keith S. Peterson - Registered Land Surveyor No. 4725 Date _____

CERTIFICATE AND ACKNOWLEDGMENT OF OWNERSHIP

State of South Dakota
County of Lawrence S.S.

We, the undersigned Corporation and authorized Corporate Officer(s), do
hereby certify that said Corporation is the owner of the land shown and
described hereon; that we did authorize and do hereby approve the
survey and within plot of said land, and that the development of this
land shall conform to all existing applicable zoning, subdivision, and
erosion and sediment control regulations, and hereby approve the survey
and within plot of said land.

Any land shown on the within plot as dedicated to public right of way is
hereby dedicated to public use and public utility use as such, and
forever, but such dedication shall not be construed to be a donation of
the fee of such land.

OWNER: B Y Development Inc.

By: _____
Paul Bradsky

On this _____ day of _____, 20____, before me, a Notary Public,
personally appeared Paul Bradsky, known to me to be the person
described in the foregoing instrument and acknowledged to me that such
corporation executed the same.

Notary Public: _____

My Commission Expires: _____

OWNER: Optima LLC

By: _____
Paul Bradsky

On this _____ day of _____, 20____, before me, a Notary Public,
personally appeared Paul Bradsky, known to me to be the person
described in the foregoing instrument and acknowledged to me that such
corporation executed the same.

Notary Public: _____

My Commission Expires: _____

CERTIFICATE OF COUNTY TREASURER

State of South Dakota
County of Lawrence S.S.

I, _____ Treasurer of Lawrence County, do hereby
certify that all _____ year taxes which are liens upon the within
described lands are fully paid according to the records of my office.

Dated this _____ day of _____, 20____

Treasurer of Lawrence County

OFFICE OF THE COUNTY DIRECTOR OF EQUALIZATION

State of South Dakota
County of Lawrence S.S.

I, Director of Equalization of Lawrence County, do hereby certify that I
have on record in my office a copy of the within described plat.

Dated this _____ day of _____, 20____

Director of Equalization of Lawrence County

APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION

State of South Dakota
County of Lawrence S.S.

This plat is hereby approved by the City of Deadwood Planning
Commission.

Dated this _____ day of _____, 20____

City Planner

Chairman

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS

State of South Dakota
County of Lawrence S.S.

Be it resolved that the City of Deadwood Board of Commissioners having
review the within plat, do hereby approve the same for recording in the
Office of the Register of Deeds, Lawrence County, South Dakota

Dated this _____ day of _____, 20____

Attest: _____
Finance Officer Mayor

CERTIFICATE OF THE REGISTER OF DEEDS

State of South Dakota
County of Lawrence S.S.

Filed for record this _____ day of _____, 20____
at _____ o'clock _____ M. In Document # _____

Register of Deeds of Lawrence County

Fee: \$ _____

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

State of South Dakota
County of Lawrence S.S.

The location of the proposed property lines to the County or State
Highway or City Street as shown hereon is hereby approved. Any
approaches or access to the Highway or Street will require additional
approval.

Highway or Street Authority

Date

CERTIFICATE OF HIGHWAY OR STREET AUTHORITY

State of South Dakota
County of Lawrence S.S.

The location of the proposed property lines to the County or State
Highway or City Street as shown hereon is hereby approved. Any
approaches or access to the Highway or Street will require additional
approval.

Highway or Street Authority

Date

Prepared By:

 1550 Concourse Drive
Rapid City, SD 57703
Phone: (605) 341-7800
Fax: (605) 341-7864
www.aes2a.com
DATE 10/2/18

OFFICE OF
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Bob Nelson, Jr.
Planning & Zoning Administrator
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bobjr@cityofdeadwood.com

STAFF REPORT
PLANNING AND ZONING
NOVEMBER 7, 2016 CITY COMMISSION

APPLICANT: Van Rokel Properties / Karl and Deelaina Webb

PURPOSE: To transfer the property.

GENERAL LOCATION: Cliff Street (Pluma)

LEGAL DESCRIPTION: Tract C1 and Lot 4A of Deadwood Gulch Addition II, Formerly Tract C of Deadwood Gulch Addition II and Lot 4 of Arnio Subdivision of M.S. 107, All Located in the NE1/4, SE1/4 and SW1/4 of Section 27, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

FILE STATUS: All legal obligations have been completed.

ZONE: CH – Commercial Highway District

STAFF FINDINGS:

Surrounding Zoning:

North: PF – Park Forest
South: PF – Park Forest
East: CH – Commercial Highway
West: PF – Park Forest

Surrounding Land Uses:

Vacant
Vacant
Motel
Vacant

SUMMARY OF REQUEST

The Final Plat for Lot C1 and 4A of Deadwood Gulch Addition II has been submitted to facilitate the transfer of land. The property is located on Cliff Street adjacent the Mickelson Trail.

FACTUAL INFORMATION

1. The property is currently zoned CH – Commercial Highway District
2. Lot 4A is comprised of 1.36 Acres \pm .
Tract C1 is comprised of 2.38 Acres \pm .
3. The subject property is located within a low density residential designation.
4. The property is located within a flood zone and flood hazard zone.
5. Public facilities are available to serve the property.
6. The area is currently characterized by open space, various commercial buildings, and recreational property.

STAFF DISCUSSION

The subject property is currently occupied by a storage building and a residential property. The lots meet the area and bulk requirements for square footage.

1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot is shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.
9. Area's taken out of the mineral survey and remaining acreage is indicated on the plat.

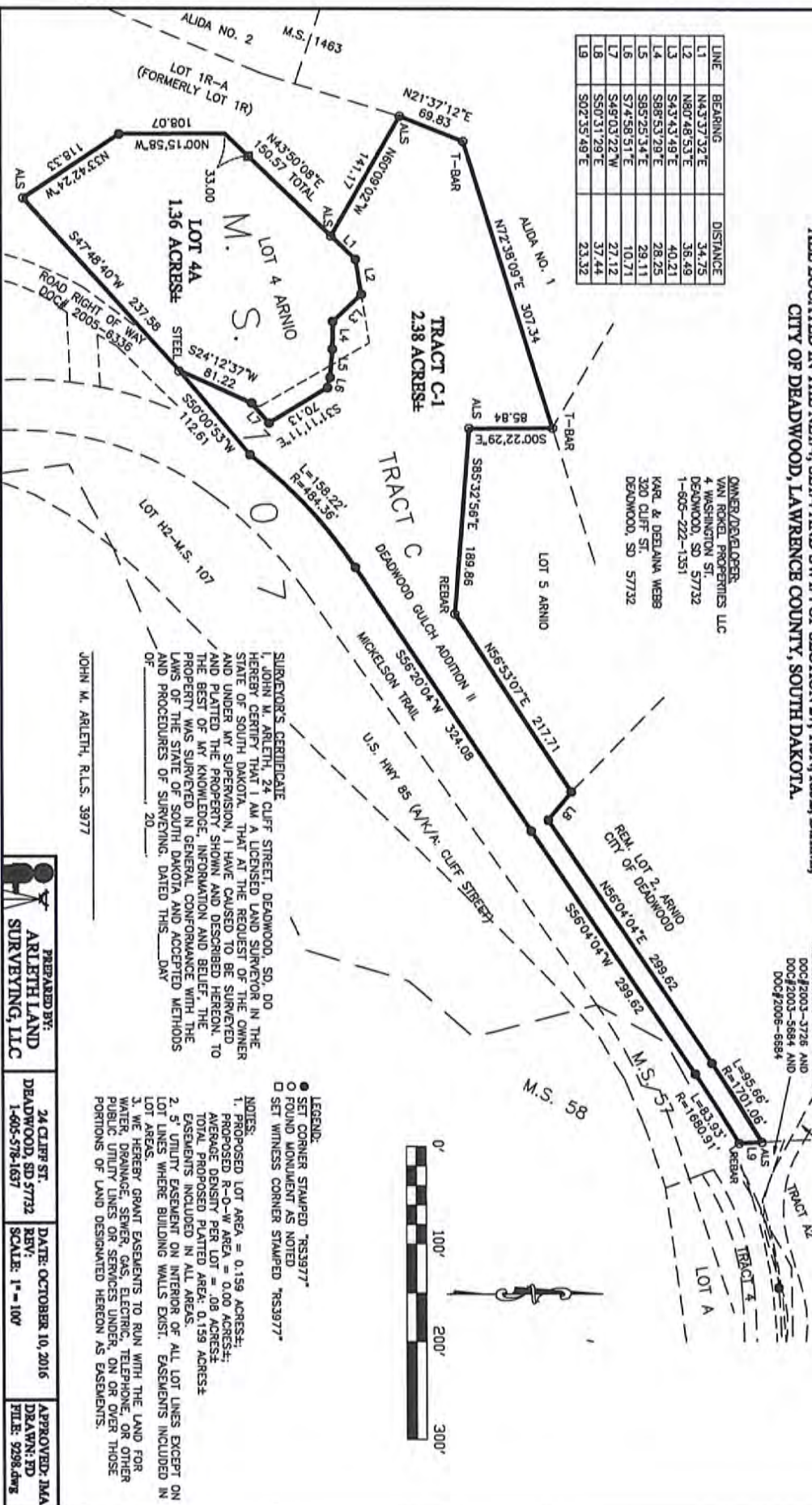
ACTION REQUIRED:

1. Approved by Deadwood Planning and Zoning Commission on 10/19/16.
2. Approval / denial by Deadwood Board of Adjustment.

**PLAT OF TRACT C1 AND LOT 4A
OF DEADWOOD GULCH ADDITION II,
FORMERLY TRACT C OF DEADWOOD GULCH ADDITION II, AND
LOT 4 OF ARNIO SUBDIVISION OF M.S. 107,
ALL LOCATED IN THE NE1/4, SE1/4 AND SW1/4 OF SECTION 27, T.5N, R.3E, B.H.M.,
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.**

OWNER/DEVELOPER:
VAN ROCK, PROPERTIES LLC
4 WASHINGTON ST.
DEADWOOD, SD 57732
1-605-222-1351
KARL & DEBRA WEBB
320 CLIFF ST.
DEADWOOD, SD 57732

LINE	BEARING	DISTANCE
L1	N43°37'32"E	34.75
L2	N80°48'53"E	36.49
L3	S43°43'49"E	40.21
L4	S88°53'29"E	28.25
L5	S85°25'34"E	29.11
L6	S74°58'51"E	10.71
L7	S46°03'22"W	22.12
L8	S50°31'29"E	37.44
L9	S07°35'49"E	23.32



SURVEYOR'S CERTIFICATE
I, JOHN M. ARLETH, 24 CLIFF STREET, DEADWOOD, SD, DO HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA. THAT AT THE REQUEST OF THE OWNER AND UNDER MY SUPERVISION, I HAVE CAUSED TO BE SURVEYED AND PLATTED THE PROPERTY SHOWN AND DESCRIBED HEREON. TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE PROPERTY WAS SURVEYED IN GENERAL CONFORMANCE WITH THE LAWS OF THE STATE OF SOUTH DAKOTA AND ACCEPTED METHODS AND PROCEDURES OF SURVEYING. DATED THIS ____ DAY OF ____ 20__.

LEGEND:
● SET CORNER STAMPED "S3977"
○ FOUND MONUMENT AS NOTED
□ SET WITNESS CORNER STAMPED "S3977"

NOTES:
1. PROPOSED LOT AREA = 0.159 ACRES±.
2. PROPOSED R-O-W AREA = 0.08 ACRES±.
3. AVERAGE DENSITY PER LOT = 0.08 ACRES±.
4. TOTAL PROPOSED PLATTED AREA: 0.159 ACRES±.
5. EASEMENTS INCLUDED IN ALL AREAS.
6. 5' UTILITY EASEMENT ON INTERIOR OF ALL LOT LINES EXCEPT ON LOT LINES WHERE BUILDING WALLS EXIST. EASEMENTS INCLUDED IN LOT AREAS.
7. WE HEREBY GRANT EASEMENTS TO RUN WITH THE LAND FOR WATER, DRAINAGE, SEWER, GAS, ELECTRIC, TELEPHONE, OR OTHER PUBLIC UTILITY LINES OR SERVICES UNDER, ON OR OVER THOSE PORTIONS OF LAND DESIGNATED HEREON AS EASEMENTS.

PREPARED BY: **ARLETH LAND SURVEYING, LLC**

24 CLIFF ST.
DEADWOOD, SD 57732
1-605-578-1637

DATE: OCTOBER 10, 2016

REVIEWED: **DEAN R. ED**
FILE: 9298.dwg

OWNER'S CERTIFICATE
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF
THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HEREON SHOWN
AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING,
SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

OWNER: VAN ROEL PROPERTIES LLC, 4 WASHINGTON ST., DEADWOOD, SD 57732
ADDRESS: VAN ROEL PROPERTIES LLC, 4 WASHINGTON ST., DEADWOOD, SD 57732

ACKNOWLEDGMENT OF OWNER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
ON THIS DAY OF, 20 , BEFORE ME THE UNDERSIGNED NOTARY PUBLIC,
PERSONALLY APPEARED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.
MY COMMISSION EXPIRES:
NOTARY PUBLIC:

OWNER'S CERTIFICATE
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
WE, KARL & DELOANA WEBB, DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY
SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HEREON SHOWN AND THAT
DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION,
EROSION AND SEDIMENT CONTROL REGULATIONS.

OWNER:
ADDRESS: 320 CLIFF ST., DEADWOOD, SD 57732

ACKNOWLEDGMENT OF OWNER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
ON THIS DAY OF, 20 , BEFORE ME THE UNDERSIGNED NOTARY PUBLIC,
PERSONALLY APPEARED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.
MY COMMISSION EXPIRES:
NOTARY PUBLIC:

CERTIFICATE OF COUNTY TREASURER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
TAXES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY HAVE BEEN PAID. DATED
THIS DAY OF, 20 .
LAWRENCE COUNTY TREASURER:

APPROVAL OF HIGHWAY AUTHORITY
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
THE LOCATION OF THE PROPOSED ACCESS ROADS ABUTTING THE COUNTY OR STATE HIGHWAY AS SHOWN
HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE PROPOSED ACCESS SHALL REQUIRE ADDITIONAL
APPROVAL.

HIGHWAY AUTHORITY:

APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
THIS PLAT APPROVED BY THE CITY OF DEADWOOD PLANNING COMMISSION THIS DAY
OF , 20 .

CITY PLANNER

CHAIRMAN

PLAT OF TRACT C1 AND LOT 4A
OF DEADWOOD GULCH ADDITION II,
FORMERLY TRACT C OF DEADWOOD GULCH ADDITION II AND
LOT 4 OF ARNOLD SUBDIVISION OF M.S. 107,
ALL LOCATED IN THE NE1/4, SE1/4 AND SW1/4 OF SECTION 27, T.5N, R.3E, B.H.M.,
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA.

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
BE IT RESOLVED THAT THE CITY OF DEADWOOD BOARD OF COMMISSIONERS HAVING VIEWED THE
WITHIN PLAT, DO HEREBY APPROVE THE SAME FOR RECORDING IN THE OFFICE OF THE REGISTER
OF DEEDS, LAWRENCE COUNTY, S.D. DATED THIS DAY OF, 20 .


ATTEST: FINANCE OFFICER MAYOR

OFFICE OF THE COUNTY DIRECTOR OF EQUALIZATION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
I, LAWRENCE COUNTY DIRECTOR OF EQUALIZATION, DO HEREBY CERTIFY THAT I HAVE RECEIVED A
COPY OF THIS PLAT. DATED THIS DAY OF, 20 .

LAWRENCE COUNTY DIRECTOR OF EQUALIZATION

OFFICE OF THE REGISTER OF DEEDS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
FILED FOR RECORD THIS DAY OF, 20 AT O'CLOCK M., AND
RECORDED IN DOC.

LAWRENCE COUNTY REGISTER OF DEEDS FEE \$

	PREPARED BY:	24 CLIFF ST.	DATE: OCTOBER 10, 2016	APPROVED: JMA
	ARLEIGH LAND SURVEYING, LLC	DEADWOOD, SD 57732	REV:	DEAVN:ED
		1-605-578-1637	SCALE: 1" = 100'	FILE: 0208.dwg

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

STAFF REPORT PLANNING AND ZONING November 7, 2016 City Commission

APPLICANT: Bob and Carmen Walton
31 Taylor Avenue
Deadwood, SD 57732

PURPOSE: Adverse possession claim by court order recorded in Doc. #2015-5244

GENERAL LOCATION: Taylor Avenue

LEGAL DESCRIPTION: Lots 59A Being a Portion of Lots 59 and 60, Block 35, Original Townsite, City of Deadwood, Located in the SW1/4 of Section 23, T5N, R3E, B.H.M., Lawrence County, South Dakota

FILE STATUS: All legal obligations have been completed.

ZONE: R1 – Residential District

STAFF FINDINGS:

Surrounding Zoning:

North: R1 – Residential
South: R1 – Residential
East: R1 – Residential
West: PU – Public Use

Surrounding Land Uses:

Vacant Lands
Residential Structures
Residential Structures
Municipal Parking

SUMMARY OF REQUEST

The Final Plat for Lots 59A Block 35 located on the North end of Taylor Avenue has been submitted to create a lot as a result of an adverse possession claim. The adverse possession claim was recently resolved in Lawrence County Court and the South Dakota Supreme Court.

FACTUAL INFORMATION

1. The property is currently zoned R1– Residential District
2. Lot 59A is comprised of 0.039 Acres±.

31 Taylor Avenue
Bob and Carmen Walton
November 7, 2016

3. The subject property is located within a moderate-density residential district.
4. The property is not located within a flood zone or flood hazard zone.
5. Public facilities are available to serve the property.
6. The area is currently characterized by open space and residential structures.

STAFF DISCUSSION

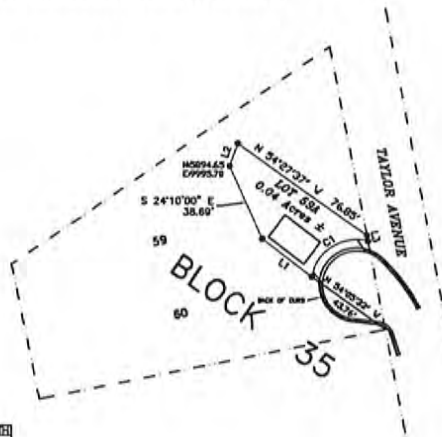
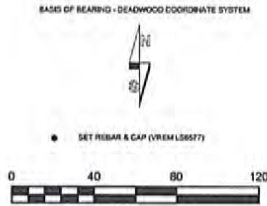
Lot 59A has been a property dispute for the last couple of years and recently was settled by the court system which requires the plat to be filed. Currently there is a garage located on the lot that is associated with the residence at 31 Taylor Avenue.

1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot is shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.
9. Area's taken out of the mineral survey and remaining acreage is indicated on the plat.

ACTION REQUIRED:

1. Approved by Deadwood Planning and Zoning Commission on 10/19/16.
2. Approval / denial by Deadwood Board of Adjustment.

PLAT OF LOT 59A
BEING A PORTION OF LOTS 59 AND 60, BLOCK 35, ORIGINAL TOWNSHIP,
CITY OF DEADWOOD, LOCATED IN THE SW1/4 OF SECTION 23, T5N, R3E,
B.H.M., LAWRENCE COUNTY, SOUTH DAKOTA



CURVE	ARC LENGTH	RADIUS	CHORD	BEARING	CHORD LENGTH
C1	156.13'	122.01'	194.02'	S 37°13'07" W	152.21'

LINE	CURVE	CHORD	BEARING
L1	S 82°31'01" E	150.43'	
L2	S 19°32'43" W	111.72'	
L3	S 19°30'54" E	112.77'	

SURVEYOR'S CERTIFICATE

I, LOREN D. VREM, 332A WEST MAIN STREET, LEAD, SOUTH DAKOTA, DO HEREBY CERTIFY THAT I AM A REGISTERED LAND SURVEYOR IN THE STATE OF SOUTH DAKOTA. THAT AT THE REQUEST OF THE OWNER AND UNDER MY SUPERVISION, I HAVE CAUSED TO BE SURVEYED AND PLATTED THE PROPERTY SHOWN AND DESCRIBED HEREON, TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF, THE PROPERTY WAS SURVEYED IN GENERAL CONFORMANCE WITH THE LAWS OF THE STATE OF SOUTH DAKOTA AND ACCEPTED METHODS AND PROCEDURES OF SURVEYING. DATED THIS ____ DAY OF ____, 20__.

LOREN D. VREM, R.L.S. 6577

OWNER'S CERTIFICATE
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

_____, DO HEREBY CERTIFY THAT I/WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

OWNER: _____ ADDRESS: _____

OWNER: _____ ADDRESS: _____

ACKNOWLEDGMENT OF OWNER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

ON THIS ____ DAY OF ____, 20__, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED _____ KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES: ____ NOTARY PUBLIC: _____

CERTIFICATE OF COUNTY TREASURER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, _____, LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY THAT _____ TAXES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY HAVE BEEN PAID. DATED THIS ____ DAY OF ____, 20__.

LAWRENCE COUNTY TREASURER: _____

APPROVAL OF HIGHWAY AUTHORITY
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THE LOCATION OF THE PROPOSED ACCESS ROADS ABUTTING THE COUNTY OR STATE HIGHWAY AS SHOWN HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE PROPOSED ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

HIGHWAY AUTHORITY: _____

APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

THIS PLAT APPROVED BY THE CITY OF DEADWOOD PLANNING COMMISSION THIS ____ DAY OF ____, 20__.

CHAIRMAN _____ ATTEST: _____
CITY PLANNER

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

BE IT RESOLVED THAT THE CITY OF DEADWOOD BOARD OF COMMISSIONERS HAVING VIEWED THE WITHIN PLAT, DO HEREBY APPROVE THE SAME FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS, LAWRENCE COUNTY, SOUTH DAKOTA, DATED THIS ____ DAY OF ____, 20__.

ATTEST: _____ FINANCE OFFICER _____ MAYOR

OFFICE OF THE COUNTY DIRECTOR OF EQUALIZATION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

I, LAWRENCE COUNTY DIRECTOR OF EQUALIZATION, DO HEREBY CERTIFY THAT I HAVE RECEIVED A COPY OF THIS PLAT. DATED THIS ____ DAY OF ____, 20__.

LAWRENCE COUNTY DIRECTOR OF EQUALIZATION: _____

OFFICE OF THE REGISTER OF DEEDS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

FILED FOR RECORD THIS ____ DAY OF ____, 20__, AT ____ O'CLOCK, ____ M., AND RECORDED IN DOC. _____

LAWRENCE COUNTY REGISTER OF DEEDS: _____



Prepared By:
PONDEROSA LAND SURVEYS, L.L.C.
332A WEST MAIN STREET
LEAD, SD 57754
(605) 722-3840

Date:	1/6/2018
Drawn By:	L. D. Vrem
Project No.:	15-436
Dwg. No.:	15-436.dwg

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
PLANNING AND ZONING
NOVEMBER 7, 2016 CITY COMMISSION

APPLICANT: Deadwood Stage Run LLC / Palisades LLC

PURPOSE: To transfer the property.

GENERAL LOCATION: Deadwood Stage Run Addition

LEGAL DESCRIPTION: Lot 6B, Block 2 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW ¼ Section 14, the SE ¼ of Section 15, the NE ¼ NE ¼ of Section 22 and the N ½ NW ¼ of Section 23, T.5N, R.3E, B.H.M., City of Deadwood, Lawrence County, South Dakota

FILE STATUS: All legal obligations have been completed.

ZONE: R1 – Residential District

STAFF FINDINGS:

Surrounding Zoning:

North: R1 - Residential
South: Future Development Area
East: R1 - Residential
West: Future Development Area

Surrounding Land Uses:

Residential Dwellings
Vacant
Vacant Lots and Dwellings
Vacant

SUMMARY OF REQUEST

The Final Plat for Lot 6B, Block 2 of the Stage Run Addition has been submitted to facilitate the transfer of land. The property is located off of Mt. Roosevelt Road and the lot fronts Stage Run. The address for Lot 6B, Block 2 is 745 Stage Run.

FACTUAL INFORMATION

1. The property is currently zoned R1 – Residential District
2. Lot 6B, Block 2, is comprised of 0.27 Acres±.
3. The subject property is located within a low density residential designation.
4. The property is not located within a flood zone or flood hazard zone.
5. Public facilities are available to serve the property.

6. The area is currently characterized by open space, many new homes, and homes under construction.

STAFF DISCUSSION

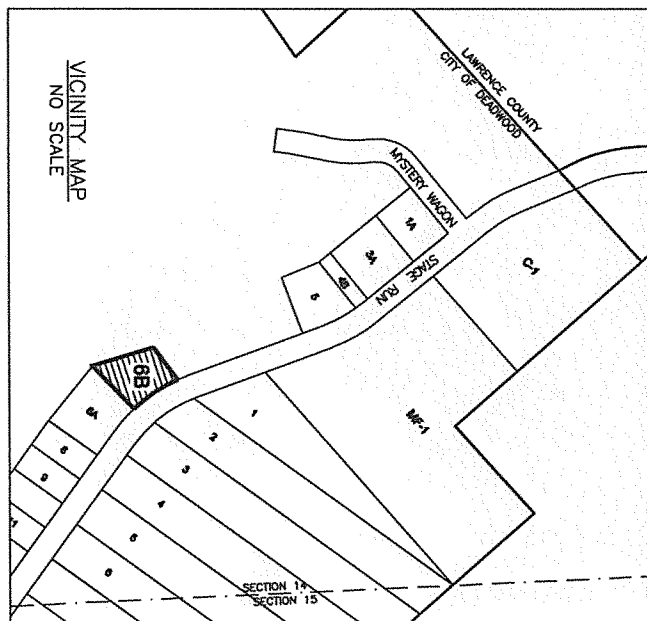
The subject property is currently vacant and will remain vacant in the future. The lot meets the area and bulk requirements for square footage. Currently the Deadwood Stage Run has several homes occupied, homes being constructed, and the possibility of a few more homes to be constructed this year.

1. The North Arrow is shown on the plat with a direct reference to the coordinate mapping system.
2. Land is identified with a new legal description for the transfer of the land.
3. Surveyor's Certificate is shown with the name of the surveyor and his registered land surveyor number.
4. A date is shown on the plat and serves to "fix in time" the data represented on the plat.
5. The street bounding the lot is shown and named.
6. All certifications are indicated and correct on the plat.
7. Dimensions, angles and bearings are shown along the lot lines.
8. Scale of the plat is shown and accompanied with a bar scale.
9. Area's taken out of the mineral survey and remaining acreage is indicated on the plat.

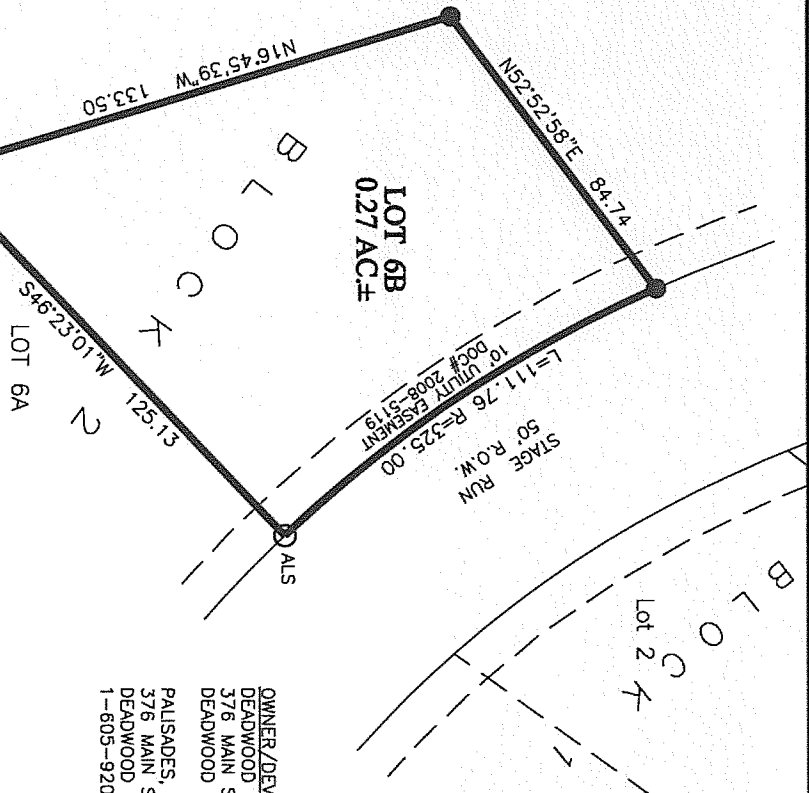
ACTION REQUIRED:

1. Approved by Deadwood Planning and Zoning Commission on 10/19/16.
2. Approval / denial by Deadwood Board of Adjustment.

**PLAT OF LOT 6B, BLOCK 2 OF
PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION
ALL LOCATED IN THE SW1/4 OF SECTION 14, THE SW1/4 OF SECTION 15,
AND THE NW1/4 OF SECTION 22, T.5N, R.3E, B.1M,
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA**



REMAINDER PALISADES TRACT



OWNER/DEVELOPER:
DEADWOOD STAGE RUN, LLC
376 MAIN ST.
DEADWOOD SD 57732
1-605-920-1240

PALISADES, LLC
376 MAIN ST.
DEADWOOD SD 57732
1-605-920-1240

SURVEYOR'S CERTIFICATE
I, JOHN M. ARLETH, 24 CLIFF STREET, DEADWOOD, SD, DO
HEREBY CERTIFY THAT I AM A LICENSED LAND SURVEYOR
IN THE STATE OF SOUTH DAKOTA. THAT AT THE REQUEST
OF THE OWNER AND UNDER MY SUPERVISION, I HAVE
CAUSED TO BE SURVEYED AND PLATTED THE PROPERTY
SHOWN AND DESCRIBED HEREON, TO THE BEST OF MY
KNOWLEDGE, INFORMATION AND BELIEF, THE PROPERTY
WAS SURVEYED IN GENERAL CONFORMANCE WITH THE LAWS
OF THE STATE OF SOUTH DAKOTA AND ACCEPTED METHODS
AND PROCEDURES OF SURVEYING. DATED THIS ____ DAY
OF ____ 20__.

JOHN M. ARLETH, R.L.S. 3977

PREPARED BY:
**ARLETH LAND
SURVEYING, LLC**

24 CLIFF ST.
DEADWOOD, SD 57732
1-605-920-1637

DATE: OCTOBER 12, 2016
SCALE: 1" = 30'
APPROVED: JMA
DRAWN: ED
FILE: 9078.dwg

LEGEND:
● SET REBAR AND CAP STAMPED "LS 3977" UNLESS NOTED
○ FOUND MONUMENT STAMPED "LS 3977" UNLESS NOTED

NOTES:
1. TOTAL AREA THIS PLAT: 0.27 ACRES±.
TOTAL AREA LOTS THIS PLAT: 0.00 ACRES±.
REMAINING AREA PALISADES TRACT = 87.14 ACRES±.
2. STAGE RUN AND MYSTERY WAGON RD. PREVIOUSLY RECORDED
IN PLAT DOCUMENT NO. 2008-5119. PALISADES TRACT OF
DEADWOOD STAGE RUN PREVIOUSLY RECORDED IN DOCUMENT
NO. 2008-2791 WITH AFFIDAVIT OF CORRECTION RECORDED IN
DOCUMENT NO. 2008-3295.
3. 5' DRAINAGE AND UTILITY EASEMENTS HEREBY GRANTED
ALONG BOTH SIDES OF ALL LOT LINES.
4. BASIS OF BEARING IS DEADWOOD COORDINATE SYSTEM.

OWNER'S CERTIFICATE
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
I, _____ DO HEREBY CERTIFY THAT WE ARE THE OWNERS
OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS
HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING
APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

OWNER: _____
ADDRESS: 376 MAIN ST. DEADWOOD SD 57732

ACKNOWLEDGMENT OF OWNER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

ON THIS _____ DAY OF _____, 20____, BEFORE ME THE UNDERSIGNED NOTARY
PUBLIC, PERSONALLY APPEARED _____, KNOWN TO
ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC: _____

OWNER'S CERTIFICATE
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
I, _____ DO HEREBY CERTIFY THAT WE ARE THE OWNERS
OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS
HEREON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING
APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

OWNER: _____
ADDRESS: 376 MAIN ST. DEADWOOD SD 57732

ACKNOWLEDGMENT OF OWNER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE

ON THIS _____ DAY OF _____, 20____, BEFORE ME THE UNDERSIGNED NOTARY
PUBLIC, PERSONALLY APPEARED _____, KNOWN TO
ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES: _____

NOTARY PUBLIC: _____

CERTIFICATE OF COUNTY TREASURER
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
I, _____ LAWRENCE COUNTY TREASURER, DO HEREBY CERTIFY
THAT _____ TAXES WHICH ARE LIENS UPON THE HEREIN PLATTED PROPERTY HAVE BEEN PAID.
DATED THIS _____ DAY OF _____, 20____.

LAWRENCE COUNTY TREASURER: _____

APPROVAL OF HIGHWAY AUTHORITY
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
THE LOCATION OF THE PROPOSED ACCESS ROADS ADJUTING THE COUNTY OR STATE HIGHWAY
AS SHOWN HEREON, IS HEREBY APPROVED. ANY CHANGE IN THE PROPOSED ACCESS SHALL
REQUIRE ADDITIONAL APPROVAL.

HIGHWAY AUTHORITY: _____

PLAT OF LOT 6B, BLOCK 2 OF
PALISADES TRACT OF DEADWOOD STAGE RUN ADDITION
ALL LOCATED IN THE SW 1/4 SECTION 14, THE SE 1/4 OF SECTION 15,
THE NE 1/4 AND NE 1/4 OF SECTION 22
AND THE N 1/2 NW 1/4 OF SECTION 23 T.5N. R.3E. B.H.M.,
CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

APPROVAL OF THE CITY OF DEADWOOD PLANNING COMMISSION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
THIS PLAT APPROVED BY THE CITY OF DEADWOOD PLANNING COMMISSION THIS _____ DAY
OF _____, 20____.

CITY PLANNER

CHAIRMAN

APPROVAL OF THE CITY OF DEADWOOD BOARD OF COMMISSIONERS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
BE IT RESOLVED THAT THE CITY OF DEADWOOD BOARD OF COMMISSIONERS HAVING VIEWED
THE WITHIN PLAT, DO HEREBY APPROVE THE SAME FOR RECORDING IN THE OFFICE OF THE
REGISTER OF DEEDS, LAWRENCE COUNTY, S.D. DATED THIS _____ DAY
OF _____, 20____.


ATTEST: _____ MAYOR
FINANCE OFFICER

OFFICE OF THE COUNTY DIRECTOR OF EQUALIZATION
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
I, LAWRENCE COUNTY DIRECTOR OF EQUALIZATION, DO HEREBY CERTIFY THAT I HAVE
RECEIVED A COPY OF THIS PLAT. DATED THIS _____ DAY OF _____, 20____.

LAWRENCE COUNTY DIRECTOR OF EQUALIZATION

OFFICE OF THE REGISTER OF DEEDS
STATE OF SOUTH DAKOTA COUNTY OF LAWRENCE
FILED FOR RECORD THIS _____ DAY OF _____, 20____, AT _____ O'CLOCK, _____ M., AND
RECORDED IN DOC. _____

LAWRENCE COUNTY REGISTER OF DEEDS FEE: \$ _____

	PREPARED BY:	24 CLIFF ST.	DATE: OCTOBER 12, 2016	APPROVED: JAA DRAWN: FD FILE: 9078.dwg
	ARLETH LAND SURVEYING, LLC	DEADWOOD, SD 57732 1-605-578-1637	REV: _____ SCALE: 1" = 30'	

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
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**STAFF REPORT REQUEST
FOR VARIANCE FROM
CHAPTER 17.20
SECTION 17.28.040.B.1**

APPLICANTS: Neighborhood Housing Services of the Black Hills Inc.

SIZE AND LOCATION: Calamity Lane (Pecks Garden) - 1.53± Acres

ADDRESS: 10, 12, 14, 16 Calamity Lane

LEGAL DESCRIPTION: Tract H being a portion of Probate Lot 327, Lot 1 of Murray Subdivision of Probate Lot 327 and a portion of Lot 5 of Pecks Garden Subdivision and a portion of School Lot 16, all located in the City of Deadwood in the NW1/4 of Section 27, T5N, R3E, B.H.M, Lawrence County, South Dakota, according to Plat Document No. 99-2448 and affidavit of correction recorded as Document No. 2000-656; LESS & EXCEPT Peck's Garden Townhomes Subdivision Lots 1 thru 7 according to Plat Document No. 2004-6763 and Lots 14 thru 17 according Plat Document No. 2005-6936, and LESS & EXCEPT Tract A of SKY Subdivision formerly a portion of Tract H as shown in Plat Document No. 2014-3180 and LESS & EXCEPT Lot A of Tract H deeded to State of South Dakota for highway as recorded in Document NO. 2014-3176;
-and-

Tract A of SKY Subdivision formerly a portion of Tract H as shown in Plat Document No. 2014-3180, all located in the City of Deadwood

ZONE: R2 – Multi-family Residential District

REQUEST: Five foot variance from front yard setback requirements.

EXISTING ZONING AND LAND USE: The property is currently zoned R2 – Multi-Family Residential District. The proposed buildings will be connected just as the townhouses are across the street. The proposed use is a use by Right.

ADJACENT ZONING AND LAND USES:

The property to the north is zoned R2 – Multi-Family Residential District and is currently vacant. The land to the south is zoned CH – Commercial Highway District built out with townhouses. The land to the east is zoned R1 - Residential District with single family dwellings located next to the subject property. To the west more townhouses occupy several commercially zoned lots.

BACKGROUND:

NHS is requesting a variance from the front yard setback requirement of 20 feet in an R2 – Multi-family Residential District. Their request is for a five foot variance from said setback. The subject lot has infrastructure provided at the lot lines for home sites, however the topography of the lot is very restrictive as the elevation increases rapidly in the rear of the parcel. Given the shape of the lot, 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 off-street parking.

Environmental Corridor Status: The property is located outside of the Flood Area.

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 of 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 R2 – Multi-Family 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 five 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 the street (Calamity Lane) 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.

NHS has 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.

NHS has 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 Administrator's 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 Board's decision.

ACTION REQUIRED:

1. Planning and Zoning recommended to deny the 5' variance from the front yard setback requirements in the R2 – Multi-family Residential District on 10/19/16.
2. Approve/deny/or approve with conditions from Board of Adjustment.

10, 12, 14, 16 Calamity Lane Variance

