

DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, October 19, 2016 – 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

1. Call Meeting to Order

2. Approval of September 21, 2016 Minutes

3. Sign Review Commission

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

a. Remove existing freestanding sign and install new freestanding sign in its place

Action Required:

b. Approval/ Denial by Sign Review Commission

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

a. Install new projecting sign at 645 Main and new hanging sign at 647 Main

Action Required:

b. Approval/ Denial by Sign Review Commission

650 Main Street – Dale Berg – Berg Jewelry

a. Install new awning with valance sign

Action Required:

b. Approval/ Denial by Sign Review Commission

650 Main Street – Dale Berg – Berg Jewelry

a. Raise projecting sign and one proposed valance sign

Action Required:

b. Approval/ Denial by Sign Review Commission

4. Planning and Zoning Commission and 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 Planning and Zoning

b. 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 Planning and Zoning
- b. 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 Planning and Zoning
- b. 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 Planning and Zoning
- b. 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

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

- 6. Adjourn

CITY OF DEADWOOD
PLANNING AND ZONING COMMISSION
Wednesday, September 21, 2016

The meeting of the Deadwood Planning and Zoning was called to order by Chairperson Jim Shedd on Wednesday, September 21, 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 and Tony Biesiot

Absent: Brett Runge

Board of Adjustments Present: Mayor Chuck Turbiville, Dave Ruth, Jim Van Den Eykel and Mark Speirs

Staff Present:

Bob Nelson Jr., Trent Mohr and Bonny Anfinson

Approval of September 7, 2016 Minutes:

It was moved by Mr. Biesiot and seconded by Mr. Allen to approve the September 7, 2016 meeting minutes. Aye - All. Motion carried.

Sign Review Commission:

65 Sherman Street – Danny Gray/Nick Spano – Deadwood Road House/Harry’s Spaghetti Western Restaurant

Mr. Mohr informed the Commission the applicant is requesting permission to move the existing “Road House” projecting sign to an unused mount on the same façade of the building and install a new “Harry’s Spaghetti Western” projecting sign in its place. The sign is metal and is 11 square feet. The proposed sign does not require a variance. *It was moved by Mr. Biesiot and seconded by Ms. Allen to approve moving the existing projecting sign to an unused mount on the same façade and install a new projecting sign in its place. Aye - All. Motion carried.*

Planning and Zoning Commission:

Calamity Lane – Increase Lot Sizes Utilizing Adjacent Vacant Lot

Mr. Nelson Jr. stated the applicant is presenting a plat to increase lot sizes utilizing an adjacent vacant lot located on Calamity Lane. The property consists of Lot 1A and 14A of Peck’s Garden Townhomes Subdivision, formerly Lots 1 and 14 of Peck’s Garden Townhomes Subdivision, being a portion of Tract H if probate Lot 327, Lot 1 of the Murray Subdivision of Probate Lot 327 and a portion of Lot 5 of Peck’s Garden Subdivision and a portion of School Lot 16; and Tract A of Sky Subdivision, formerly a portion of the remainder of Tract H of Probate Lot 327; all located in the NW ¼ of Section 27, 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 Lot 1A and 14A of Peck’s Garden Townhomes Subdivision, formerly Lots 1 and 14 of Peck’s Garden Townhomes Subdivision, being a portion of Tract H if probate Lot 327, Lot 1 of the Murray Subdivision of Probate Lot 327 and a portion of Lot 5 of Peck’s Garden Subdivision and a portion of School Lot 16; and Tract A of Sky Subdivision, formerly a portion of the remainder of Tract H of Probate Lot 327; all located in the NW ¼ of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye - All. Motion carried.*

Mt. Moriah Cemetery – Create Cemetery per Deed of City of Deadwood

Mr. Nelson Jr. stated the City of Deadwood is creating a cemetery per Deed to the City of Deadwood. The property is located at the Bullock Cemetery and the Bullock Lot and Lots 1 Thru 9; Being a Part of School Lots 5, 6, and 7; All Located in the SW ¼ of Section 23, T5N, R3E, City of Deadwood, Lawrence County, South Dakota. *It was moved by Mr. Biesiot and seconded by Mr. Allen to approve the plat presented as the Bullock Cemetery and the Bullock Lot and Lots 1 Thru 9; Being a Part of School Lots 5, 6, and 7; All Located in the SW ¼ of Section 23, T5N, R3E, City of Deadwood, Lawrence County, South Dakota. Aye - All. Motion carried.*

Pluma – Create a Lot and Transfer Property

Mr. Nelson Jr. stated the applicant wishes to create a lot and transfer property located at Lot 2 of Hunter Lode M.S. 1295, located in the S ½ of Section 27, 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 as Lot 2 of Hunter Lode M.S. 1295, located in the S ½ of Section 27, T5N, R3E, B,H,M., City of Deadwood, Lawrence County, South Dakota. Aye – All. Motion carried.*

Project Approval Planning and Zoning Tax Increment District Number Ten

Mr. Nelson Jr. introduced Blaise Emerson with the Black Hills Council of Local Governments. Mr. Emerson stated the Tax Increment District is a way of financing public improvements for properties and cities using this type of instrument of financing for a number of things. One of the components is creating a district bound by the legal description. The improvements can only happen in this district. No new taxes are added. Funds are used to finance improvements to the district creating the project plan. This does not increase the neighbor's property tax. Funds will be used to bury overhead power lines and upgrade the water and sewer system in the area of construction. Plans are to place a pedestrian crossing bridge across Whitewood creek leading to the Deadwood Event Complex. This is a 2.8 million dollar capital improvement project assessed at 90% evaluation with a thirteen year pay back.

Resolution Creating Tax Increment District Number Ten. *It was moved by Mr. Biesiot and seconded by Mr. Allen to recommend approval to the Board of Adjustments the resolution to create a Tax Increment District Number 10. Aye – All. Motion carried.*

Resolution Approving the Project Plan for Tax Increment District Number Ten. *It was moved by Ms. Farrier and seconded by Mr. Biesiot to recommend approval to the Board of Adjustments the Resolution approving the Project Plan for Tax Increment District Number 10. Aye – All. Motion carried.*

Chair Shedd closed the Planning and Zoning Meeting.

Mayor Turbiville called the meeting to order of the City of Deadwood Board of Adjustments.

Calamity Lane – Increase Lot Sizes Utilizing Adjacent Vacant Lot

It was moved by Mr. Ruth and seconded by Mr. Van Den Eykel to approve the plat presented for Lot 1A and 14A of Peck's Garden Townhomes Subdivision, formerly Lots 1 and 14 of Peck's Garden Townhomes Subdivision, being a portion of Tract H if probate Lot 327, Lot 1 of the Murray Subdivision of Probate Lot 327 and a portion of Lot 5 of Peck's Garden Subdivision and a portion of School Lot 16; and Tract A of Sky Subdivision, formerly a portion of the remainder of Tract H of Probate Lot 327; all located in the NW ¼ of Section 27, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye – All. Motion carried.

Mt. Moriah Cemetery – Create Cemetery per Deed of City of Deadwood

It was moved by Mr. Van Den Eykel and seconded by Mr. Ruth to approve the plat presented as the Bullock Cemetery and the Bullock Lot and Lots 1 Thru 9; Being a Part of School Lots 5, 6, and 7; All Located in the SW ¼ of Section 23, T5N, R3E, City of Deadwood, Lawrence County, South Dakota. Aye – All. Motion carried.

Pluma – Create a Lot and Transfer Property

It was moved by Mr. Ruth and seconded by Mr. Van Den Eykel to approve the plat presented as Lot 2 of Hunter Lode M.S. 1295, located in the S ½ of Section 27, T5N, R3E, B,H,M., City of Deadwood, Lawrence County, South Dakota. Aye – All. Motion carried.

Project Approval Planning and Zoning Tax Increment District Number Ten

Resolution Creating Tax Increment District Number Ten. *It was moved by Mr. Ruth and seconded by Mr. Van Den Eykel to approve the resolution to create a Tax Increment District Number 10. Aye – All. Motion carried.*

Resolution Approving the Project Plan for Tax Increment District Number Ten. *It was moved by Mr. Van Den Eykel and seconded by Mr. Ruth to approve the Resolution approving the Project Plan for Tax Increment District Number 10. Aye – All. Motion carried.*

Contract for Private Development – Tax Increment District Number Ten. *It was moved by Mr. Van Den Eykel and seconded by Mr. Ruth to approve the Contract for a Private Development Tax Increment District Number Ten. Aye – All. Motion carried.*

Being no further business Mayor Turbiville adjourned the Board of Adjustment meeting.

Mr. Shedd called the meeting of the Planning and Zoning Commission back to order.

Items From Staff (no action taken)

- Mr. Nelson Jr. stated there will be a meeting next week at City Hall regarding the Lead-Deadwood School Focus Group.
- Mr. Mohr stated they are pouring concrete on the walkway opposite Whitewood Creek at the Welcome Center. They are framing and installing membrane on the roof.
- Mr. Nelson Jr. stated the trail will open this weekend along Whitewood Creek just in time for the Zombie run.
- Mr. Nelson Jr. stated DOT is working on the punch list and the lights for the Highway 85 project.

Adjournment:

It was moved by Mr. Biesiot 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 5:37 p.m.

ATTEST:

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

Secretary, Planning & Zoning Commission

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

SIGN PERMIT STAFF REPORT

Sign Review Commission
October 19th, 2016

Applicant: Greg and Matt Klein

Address: 50 Cliff Street, Deadwood, SD 57732

Site Address of Proposed Signage: 50 Cliff Street (Century 21)

Computation of Sign Area

Building Frontage: 77 Feet

Total Available Signage: 154 Square Feet

Existing Signage: One Freestanding (to be replaced)

Remaining Available Signage Area: 154 Square Feet

Proposed Sign Project: Install new freestanding sign (21 Square Feet) in place of existing sign.

Proposed Building Materials: Wood and Metal. (see attached rendering).

Proposed Lighting of the Signs: None.

Location of Proposed Sign: Attached is a photograph showing the current sign. New sign would be in this same location.

Discussion

The sign project application in review are proposed at a location outside the locally-designated historic district and outside the national historic landmark district which is regulated by chapter 15.32.315 of the sign ordinance. The current signage at the subject property is compliant with the sign ordinance. The signage project proposed in the current applications 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 replace the existing freestanding sign with a new freestanding sign of a different design in the same location. The planter box would remain in its current location. The planter box is currently an encroachment into the highway right of way and 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. This is defined by the interior edge of the top cap of planter box. Please see rendering for illustration of this.

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

Variances

The sign 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

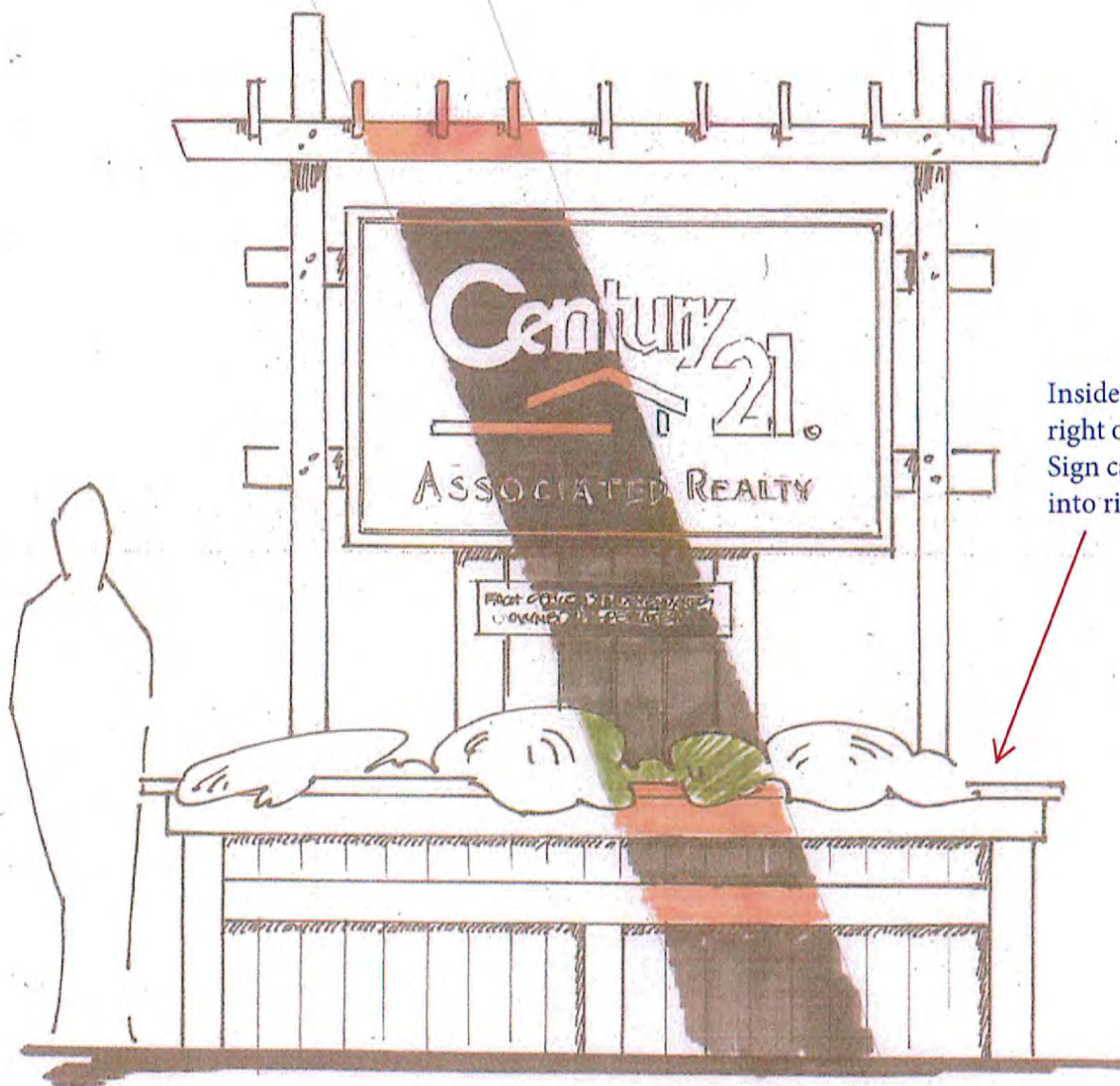
Motion to approve sign permit for new freestanding sign at 50 Cliff Street condition upon that it not encroach into the highway right of way

OR

Motion to deny proposed sign permit application as submitted.

Parking Lot

Highway



Designed exclusively for:

ASSOCIATED REALTY - GREG ^{KIRIN} ~~KIRIN~~

Date:

9/27/16

Address:

50 CLIFF ST., DEADWOOD SD

Phone:

578-1417



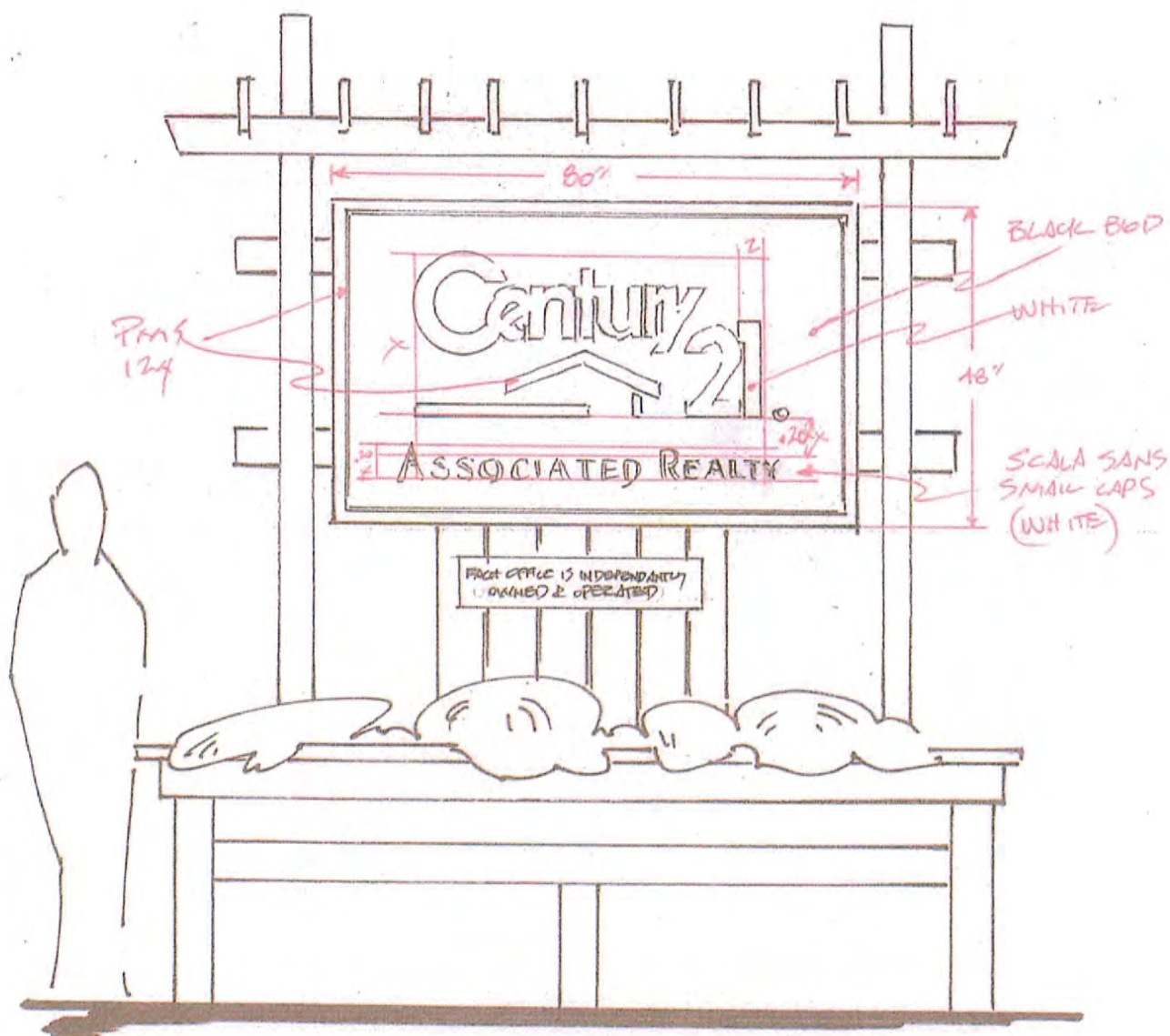
Tim Peterson
ARTIST

3123 E. FAIRGROUNDS LOOP STE. C
SPEARFISH, SD 57703

(605) 642-5794

50% DEPOSIT REQUIRED ON ALL
WORK. BALANCE DUE ON
COMPLETION.

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Designed exclusively for:

ASSOCIATED REALTY - GREG ~~KLEIN~~ ^{KLEIN}

Address:

50 CLIFF ST., DEADWOOD SD

Date:

9/27/16

Phone:

578-1417



Tim Peterson
ARTIST

3123 E. FAIRGROUNDS LOOP STE. C
SPEARFISH, SD 57783

(605) 642-5794

50% DEPOSIT REQUIRED ON ALL WORK. BALANCE DUE ON COMPLETION.

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current sign

SIGN PERMIT STAFF REPORT

Sign Review Commission
October 19th, 2016

Applicant: Carol Tellinghuisen

Address: 629 Main Street, Spearfish, SD 57783

Site Address of Proposed Signage: 645 and 647 Main Street (The Pour House)

Computation of Sign Area

Building Frontage: 645 Main = 24 Feet / 647 Main = 23 Feet.

Total Available Signage: 645 Main = 48 Square Feet / 647 Main = 46 Square Feet.

Existing Signage: None.

Remaining Available Signage Area: 645 Main = 48 Square Feet / 647 Main = 46 Square Feet

Proposed Sign Project: Install new projecting sign at 645 Main and new hanging sign at 647 Main (4.5 Square Feet each).

Proposed Building Materials: Vinyl wrapped metal (see attached rendering).

Proposed Lighting of the Signs: None.

Location of Proposed Sign: See attached photographs.

Discussion

The sign permit applications in review are 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 the two proposed signs on the entrances into her business at this location that has been in operation since the summer of 2015. These would be the first signs associated with this business.

The proposed signs and their location are compliant with the sign ordinance.

Variances

The sign permit applications in review as proposed require 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 645 Main Street as proposed.

OR

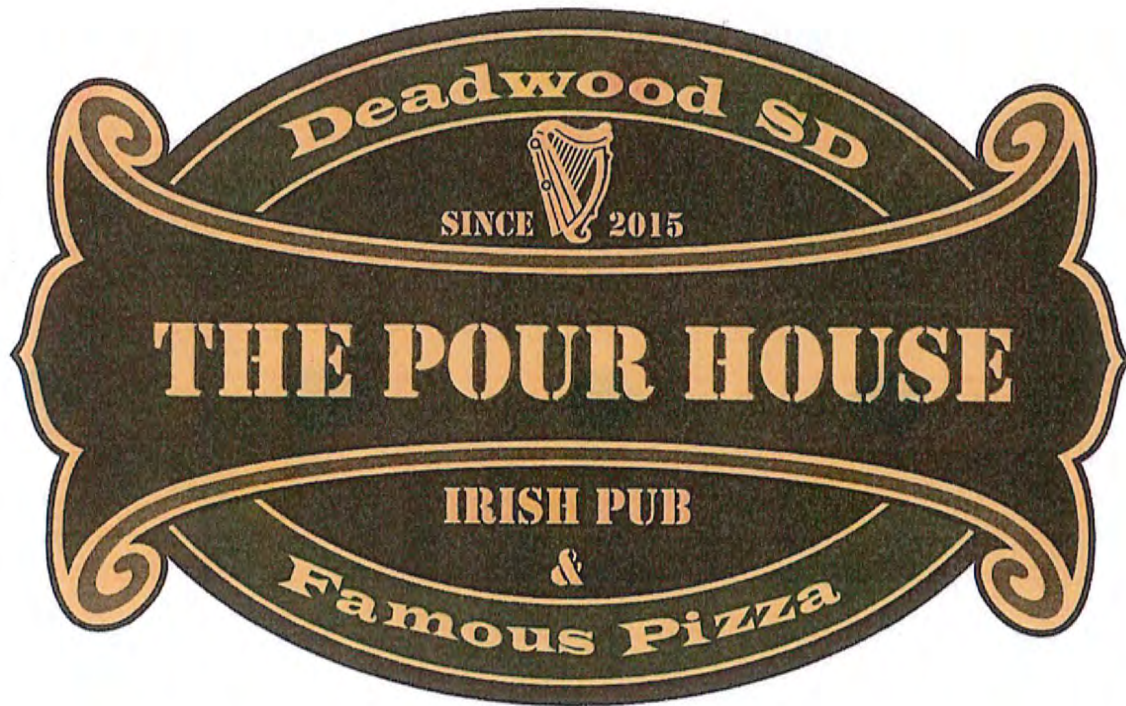
Motion to deny proposed sign permit application as submitted.

Motion to approve sign permit for new hanging sign at 647 Main Street as proposed.

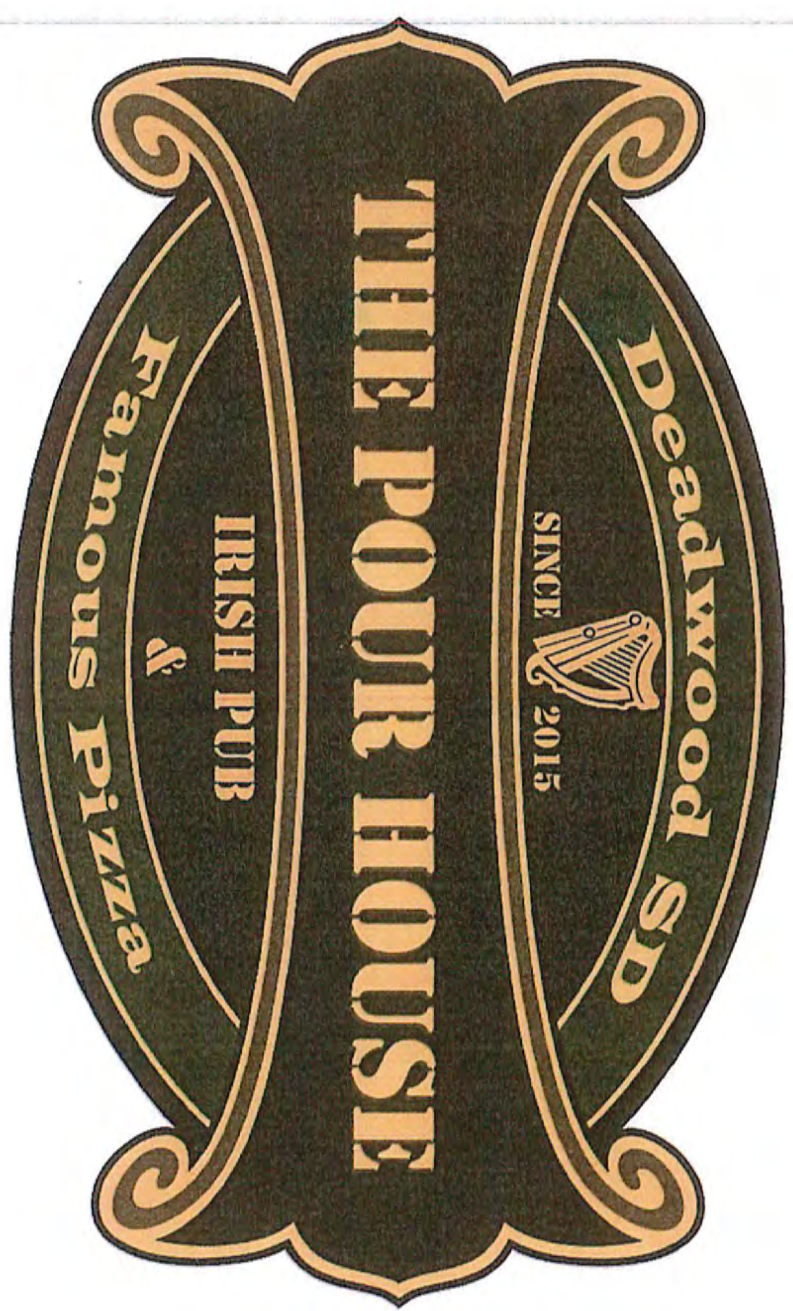
OR

Motion to deny proposed sign permit application as submitted.

The Pour House Sign Design and application.

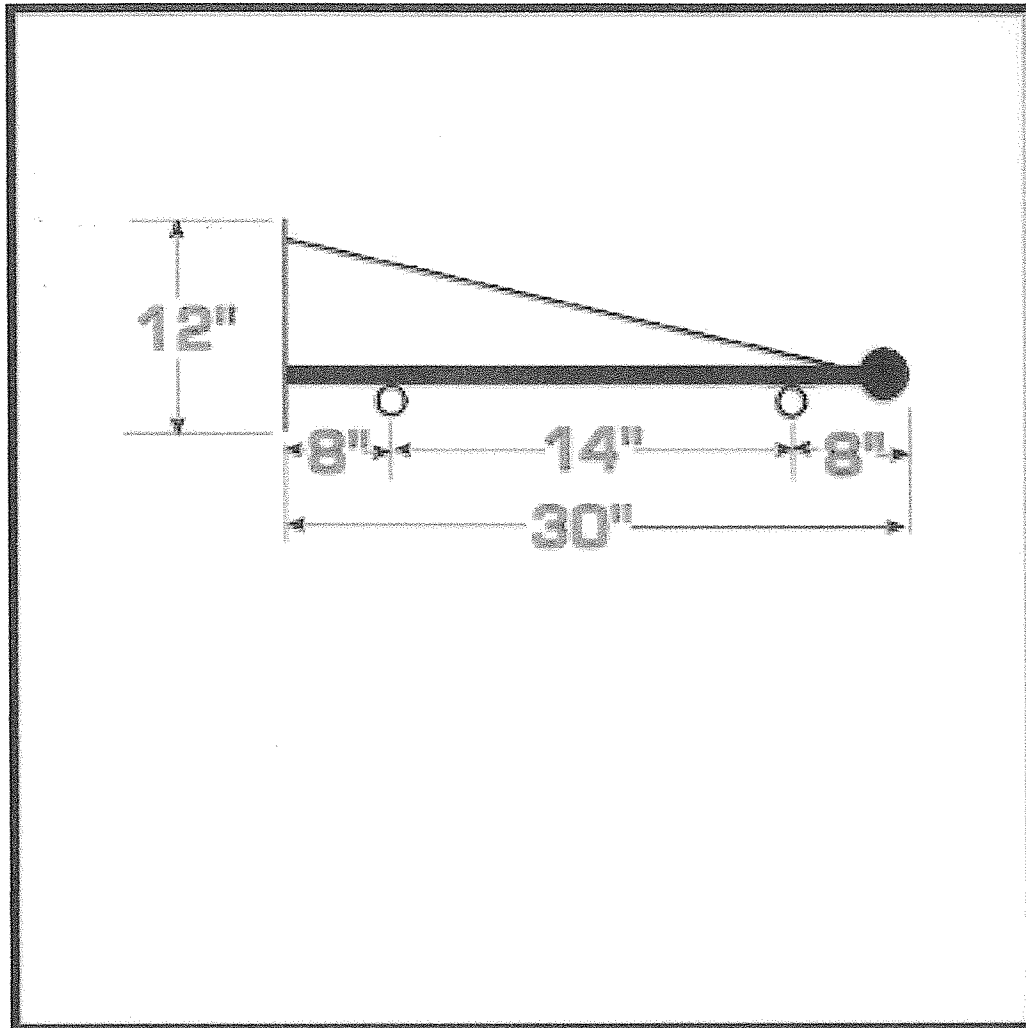


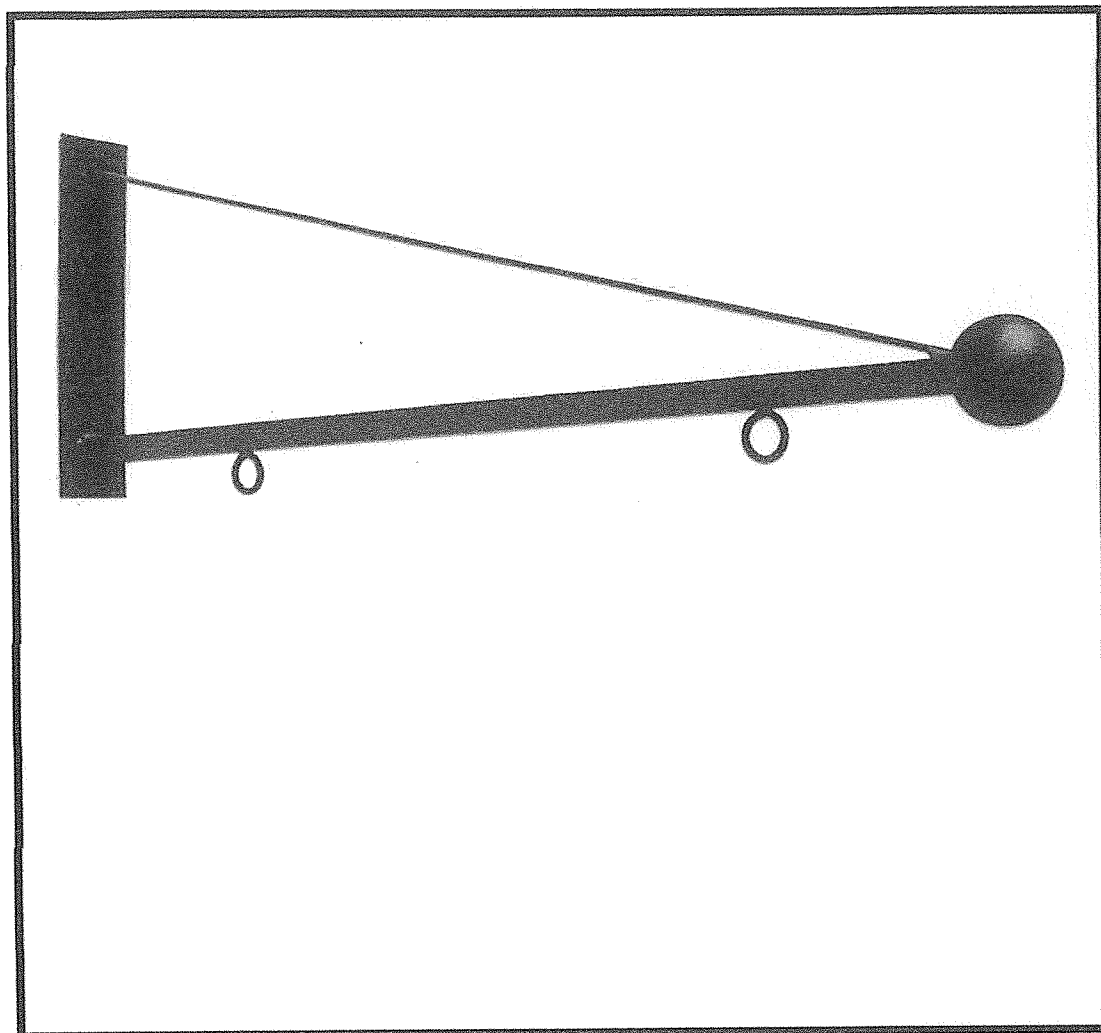
18 inches



36 inches

Sign #2 Bracket





Sign Location, and attachment details:

Sign #1 located at 647 Main St. will be attached with chain directed to the metal structure of the existing door way awning allowing 8 feet of clearance from the ground.

Sign #2 located at 645 Main St. will be attached to the building wall using a hanging blade sign bracket, pictured above. Dimensions of the bracket are provided above. Signs will be made from a weather resistance composite material, and manufactured by Quick Signs.

647 main st. sign to be centered under the
awning.

645 main st to be centered above the door-
way with clearance 8 feet from doorway.



SIGN PERMIT STAFF REPORT

Sign Review Commission
October 19th, 2016

Applicant: Dale Berg

Address: 650 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 650 Main Street (Berg Jewelry)

Computation of Sign Area

Building Frontage: 25 Feet

Total Available Signage: 50 Square Feet

Existing Signage: One projecting sign (30 Square Feet)

Remaining Available Signage Area: 20 Square Feet

Proposed Sign Project: Install new awning with valance sign (30 Square Feet *does not count against total allowed*).

Proposed Building Materials: Vinyl on fabric (see attached rendering).

Proposed Lighting of the Signs: None.

Location of Proposed Sign: 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 is restoring historic features to his building through the Historic Preservation façade program. He has removed the marquee sign and will replace it with an awning with a valance sign.

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

Variances

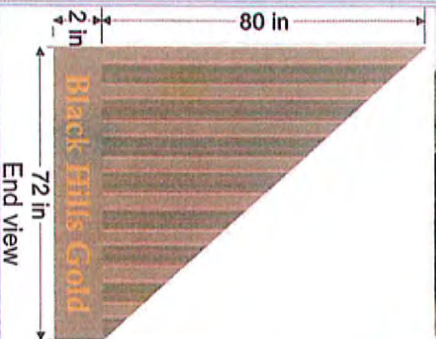
The sign permit application in review as proposed requires no variances from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance 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 valance sign at 650 Main Street as proposed.

OR

Motion to deny proposed sign permit application as submitted.



7' 8" x 24' 8" x 6' deep
 Sunbrella awning - East Ridge Cocoa 4994
 12" valance - Cocoa 4676
 Vinyl copy sublimated to valance - 3M Fawn 7725-99



1740 East North St.
 Rapid City, SD 57701

605-348-8744

Fax: 388-6199

Email: signs@hills.net

Date: 10/5/2016

SCALE: nts

Berg Jewelry

Vicky Fenhaus
 Sales Consultant

Jeri Kalvin
 Designer

File Name: BJ awning7c

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This drawing was created to assist you in visualizing our proposal. Actual sign may vary (color design & size). The original ideas herein are the property of Conrad's Big "C" Signs. Permission to copy or revise this drawing can only be obtained through a written agreement with Conrad's Big "C" Signs.

Approved by:

NAME DATE

Contact: Dale Berg

Location:

Phone: 605-381-1855

E-mail/Fax: dalebergjewelers.com

SIGN PERMIT STAFF REPORT

Sign Review Commission
October 19th, 2016

Applicant: Dale Berg

Address: 650 Main Street, Deadwood, SD 57732

Site Address of Proposed Signage: 650 Main Street (Berg Jewelry)

Computation of Sign Area

Building Frontage: 25 Feet

Total Available Signage: 50 Square Feet

Existing Signage: One projecting sign (30 Square Feet) and one proposed valance sign (30 Square Feet *does not count against total allowed*).

Remaining Available Signage Area: 20 Square Feet

Proposed Sign Project: Raise projecting sign to make room for new awning.

Proposed Building Materials: existing sign.

Proposed Lighting of the Signs: None.

Location of Proposed Sign: 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 is restoring historic features to his building through the Historic Preservation façade program. He has removed the marquee sign and will replace it with an awning with a valance sign. To make room for the new awning the existing projecting sign must be raised to a point above the bottom of the sills of the first level of windows above the first story. This requires a variance from the sign ordinance.

Variances

The sign permit application in review as proposed requires a variance from the sign ordinance. Signage variances may be obtained if the sign review commission is able to find *"special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures, distance or other matters on adjacent lots or within the adjacent public right-of-way that would substantially restrict the effectiveness of the sign in question and such special circumstances or conditions are peculiar to the business or enterprise to which the applicant desires to draw attention and do not apply generally to all businesses or enterprises in the area."* However, it is the responsibility of the applicant to provide adequate evidence of such special circumstances or conditions.

Sign Review Commission Action

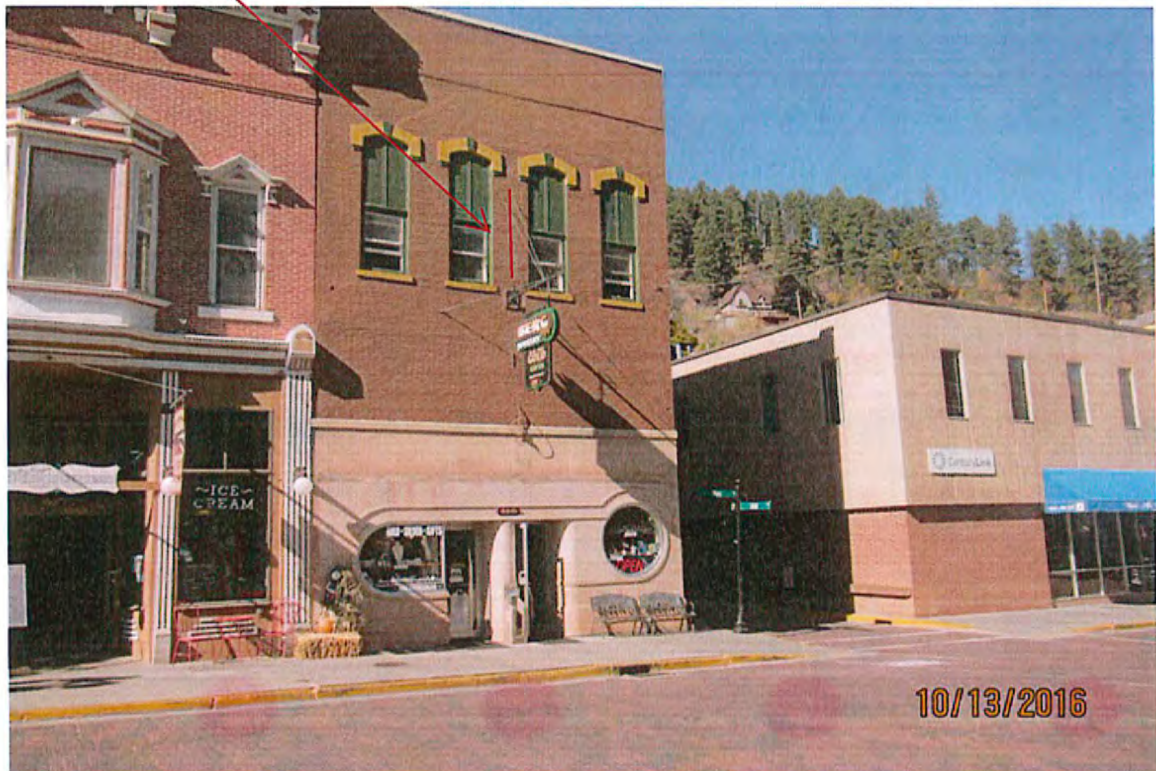
Motion to approve sign permit to raise the existing projecting sign at 650 Main Street granting a variance to the sign ordinance.

OR

Motion to deny proposed sign permit application as submitted.



sign to be raised to a location to be determined before the hearing



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
OCTOBER 19, 2016 JOINT MEETING

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 \pm
Bradsky Tract Number 2 is comprised of 2.02 Acres \pm
Williams Street ROW is comprised of 0.144 Acres \pm
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.

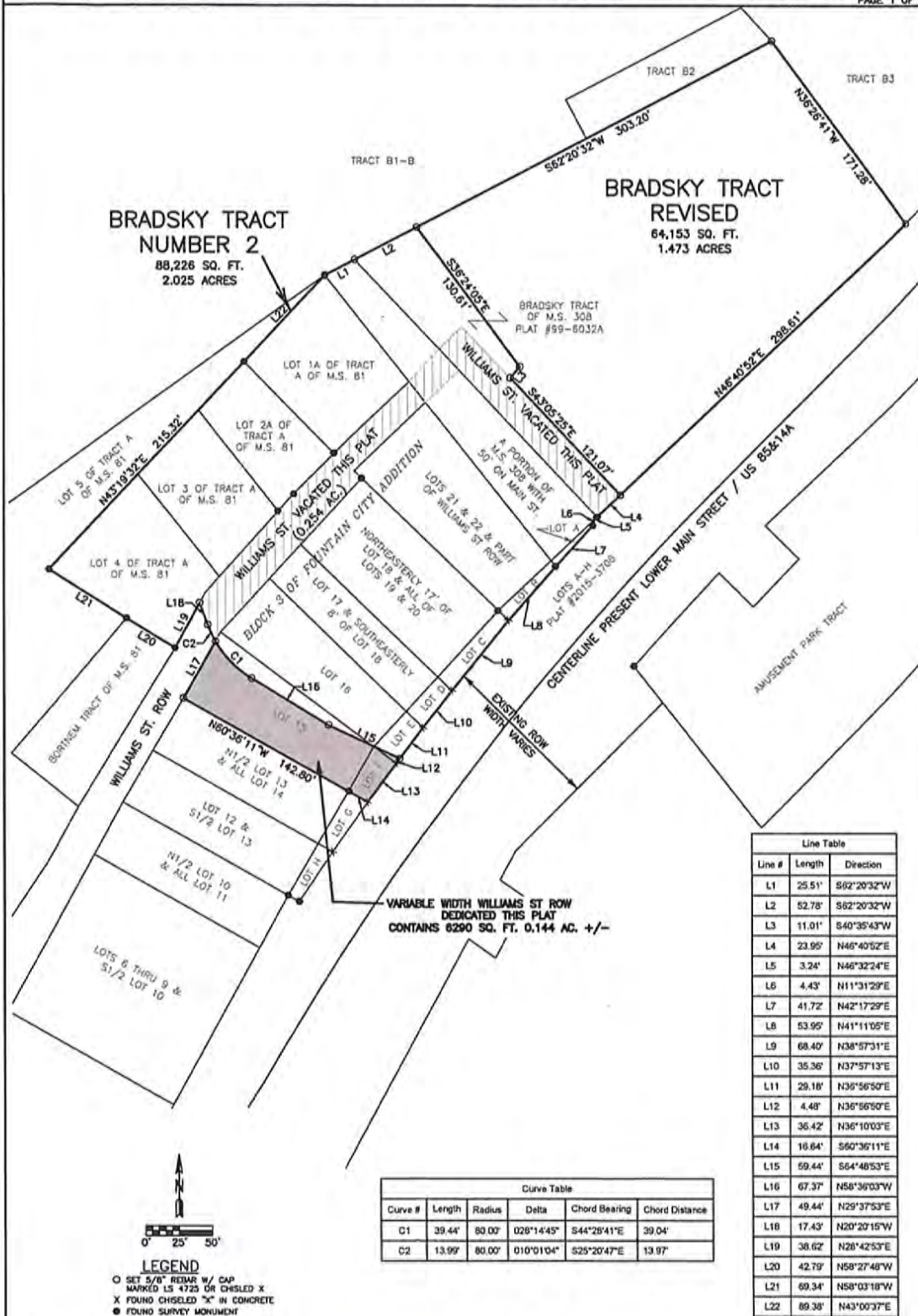
ACTION REQUIRED:

1. Approval/denial by Deadwood Planning and Zoning Commission.
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

PAGE 1 OF 2



NOTES:

- 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.
- Utility and Minor Drainage Easements - none.
- Total Right-of-Way dedicated by this plat: 0.144 acres.
- Total Right-of-Way vacated by this plat: 0.254 acres.
- Building Setbacks are per City Zoning Ordinance.
- Pursuant to SDCL 8-3-3-8.1 and 8-3-3-2, 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.



AES

Prepared By:

1560 Concourse Drive
Rapid City, SD 57703
Phone: (605) 341-7800
Fax: (605) 341-7894
www.aes2.com
DATE: 06/09/16

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

PAGE 2 OF 2

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
herby 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 plot.

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 plot 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 plot, 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.

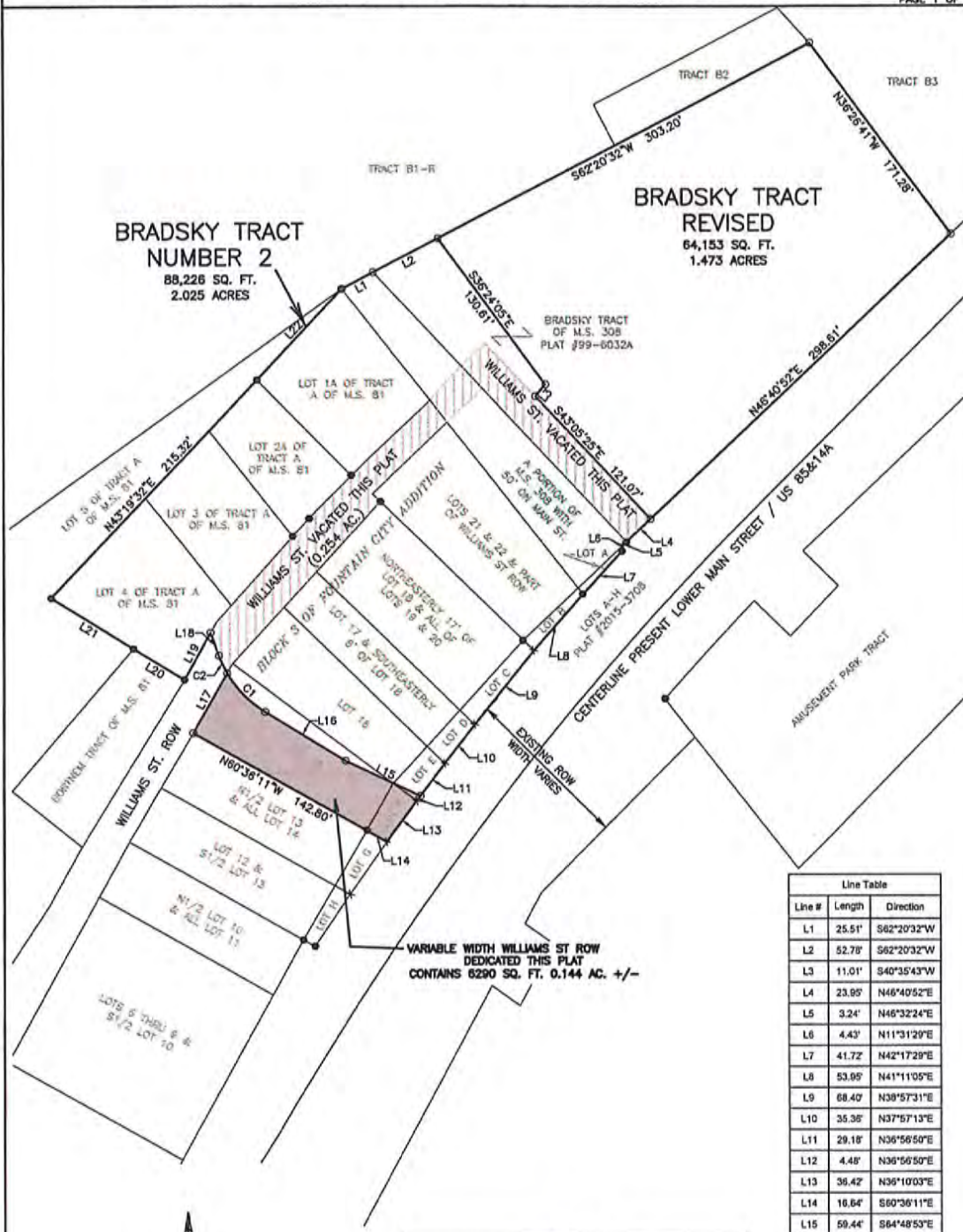
The location of the proposed property lines to the County or State
Highway or City Street as shown hereon is hereby approved. Any
approaches or access to the Highway or Street will require additional
approval.

Highway or Street Authority Date _____

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. B1, 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

PAGE 1 OF 2



LEGEND
 O SET 3/8" REBAR W/ CAP
 MARKED L5 4725 OR CHISELED X
 X FOUND CHISELED "X" IN CONCRETE
 ● FOUND SURVEY MONUMENT

Curve Table					
Curve #	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	39.44'	60.00'	028°14'45"	S44°28'41"E	39.04'
C2	13.99'	80.00'	010°01'04"	S25°20'47"E	13.97'

Line Table		
Line #	Length	Direction
L1	25.51'	S62°20'32"W
L2	52.78'	S62°20'32"W
L3	11.01'	S40°35'43"W
L4	23.95'	N46°40'52"E
L5	3.24'	N46°32'24"E
L6	4.43'	N11°31'29"E
L7	41.72'	N42°17'29"E
L8	53.95'	N41°11'05"E
L9	68.40'	N38°57'31"E
L10	35.38'	N37°57'13"E
L11	29.18'	N36°56'50"E
L12	4.48'	N36°56'50"E
L13	36.42'	N36°10'03"E
L14	16.64'	S60°36'11"E
L15	59.44'	S64°48'53"E
L16	67.37'	N58°38'03"W
L17	49.44'	N29°37'53"E
L18	17.43'	N20°20'15"W
L19	38.62'	N28°42'53"E
L20	42.79'	N58°27'48"W
L21	69.34'	N56°03'16"W
L22	89.38'	N43°00'37"E

NOTES:

- All major drainage easements shown hereon shall be kept free of all obstructions including but not limited to buildings, walls, fences, hedgers, 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.
- Utility and Minor Drainage Easements - none.
- Total Right-of-Way dedicated by this plat: 0.144 acres.
- Total Right-of-Way vacated by this plat: 0.254 acres.
- Building Setbacks are per City Zoning Ordinance.
- Pursuant to SDCL 10-3-0.1 and 10-3-2, 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 platted 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.



Prepared By:
 1500 Concourse Drive
 Rapid City, SD 57703
 Phone: (605) 341-7800
 Fax: (605) 341-7864
 www.aes2.com
 DATE: 10/01/16

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
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LOCATED IN THE NW1/4 OF SECTION 23, T5N, R3E, B.H.M., CITY OF DEADWOOD, LAWRENCE COUNTY, SOUTH DAKOTA

PAGE 2 OF 2

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
plat is a representation of said survey, and hereby approve the survey
and within plat 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 plat 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 plat of said land.

Any land shown on the within plat 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:



1580 Concourse Drive
Rapid City, SD 57703
Phone: (605) 341-7800
Fax: (605) 341-7864
www.aes2.com
DATE 10/27/16



**STAFF REPORT
PLANNING AND ZONING
OCTOBER 19, 2016 JOINT MEETING**

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, 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.

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±.
Tract C1 is comprised of 2.38 Acres±.
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. Approval / denial by Deadwood Planning and Zoning Commission.
2. Approval / denial by Deadwood Board of Adjustment.

DE

OWNER/DEVELOPER:
VAN ROKEL PROPERTIES LLC
4 WASHINGTON ST.
DEADWOOD, SD 57732
1-605-222-1351



APPROVED: JMA
DRAWN: FD
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 HERON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS.

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

ACKNOWLEDGMENT OF OWNER
STATE OF SOUTH DAKOTA

COUNTY OF LAWRENCE

ON THIS 20 DAY OF 20, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HERON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS. KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES: 20NOTARY PUBLIC: 20

OWNER'S CERTIFICATE

STATE OF SOUTH DAKOTA

COUNTY OF LAWRENCE

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

OWNER: 20ADDRESS: 320 CLIFF ST., DEADWOOD, SD 57732ACKNOWLEDGMENT OF OWNER
STATE OF SOUTH DAKOTA

COUNTY OF LAWRENCE

ON THIS 20 DAY OF 20, BEFORE ME THE UNDERSIGNED NOTARY PUBLIC, PERSONALLY APPEARED DO HEREBY CERTIFY THAT WE ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON, THAT WE DO APPROVE THIS PLAT AS HERON SHOWN AND THAT DEVELOPMENT OF THIS PROPERTY SHALL CONFORM TO ALL EXISTING APPLICABLE ZONING, SUBDIVISION, EROSION AND SEDIMENT CONTROL REGULATIONS. KNOWN TO ME TO BE THE PERSON DESCRIBED IN AND WHO EXECUTED THE FOREGOING CERTIFICATE.

MY COMMISSION EXPIRES: 20NOTARY PUBLIC: 20CERTIFICATE 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 20 DAY OF 20LAWRENCE COUNTY TREASURER: 20APPROVAL 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: 20

PLAT OF TRACT C1 AND LOT 4A OF DEADWOOD GULCH ADDITION II,

FORMERLY TRACT C OF DEADWOOD GULCH ADDITION II AND

LOT 4 OF ARND SUBDIVISION,

BRING 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, T5N, R3E, B1M, 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 20 DAY OF 20.

CITY PLANNER 20CHAIRMAN 20

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 20 DAY OF 20.


ATTEST: 20 MAYOR 20
FINANCE OFFICER 20

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 20 DAY OF 20.

LAWRENCE COUNTY DIRECTOR OF EQUALIZATION 20

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

LAWRENCE COUNTY REGISTER OF DEEDS 20 FEE: \$ 20

	PREPARED BY:	24 CLIFF ST.	DATE: OCTOBER 10, 2016	APPROVED: JMA
	ARLETH LAND SURVEYING, LLC	DEADWOOD, SD 57732	REV:	DRAWN: TD
		1-605-578-1637	SCALE: 1" = 100'	FILE: 9298.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 October 19, 2016 JOINT MEETING

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
October 19, 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

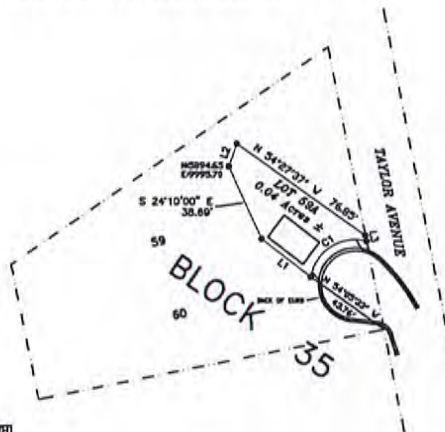
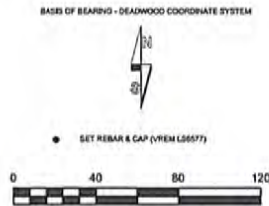
Lot 59A has been a property dispute for the last couple of years and recently was settled by the court system which requires the plat to be filed. Currently there is a garage located on the lot that is associated with the residence at 31 Taylor Avenue.

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. Approval / denial by Deadwood Planning and Zoning Commission.
2. Approval / denial by Deadwood Board of Adjustment.

PLAT OF LOT 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



CURVE ARC LENGTH	CHORD BEARING	CHORD LENGTH
01 36.13	122.01	124.02
02 36.13	122.01	124.02

LINE BEARING	DISTANCE
01 S 62°31'01" E	130.43
02 S 10°52'24" W	111.72
03 S 10°53'24" 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:	1/8/2016
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
OCTOBER 19, 2016 JOINT MEETING**

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

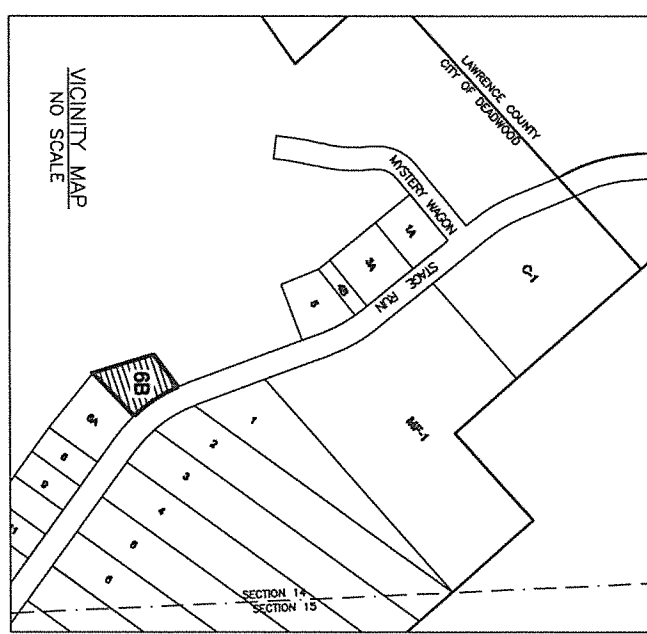
The subject property is currently vacant and will remain vacant in the future. The lot meets the area and bulk requirements for square footage. Currently the Deadwood Stage Run has several homes occupied, homes being constructed, and the possibility of a few more homes to be constructed this year.

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.

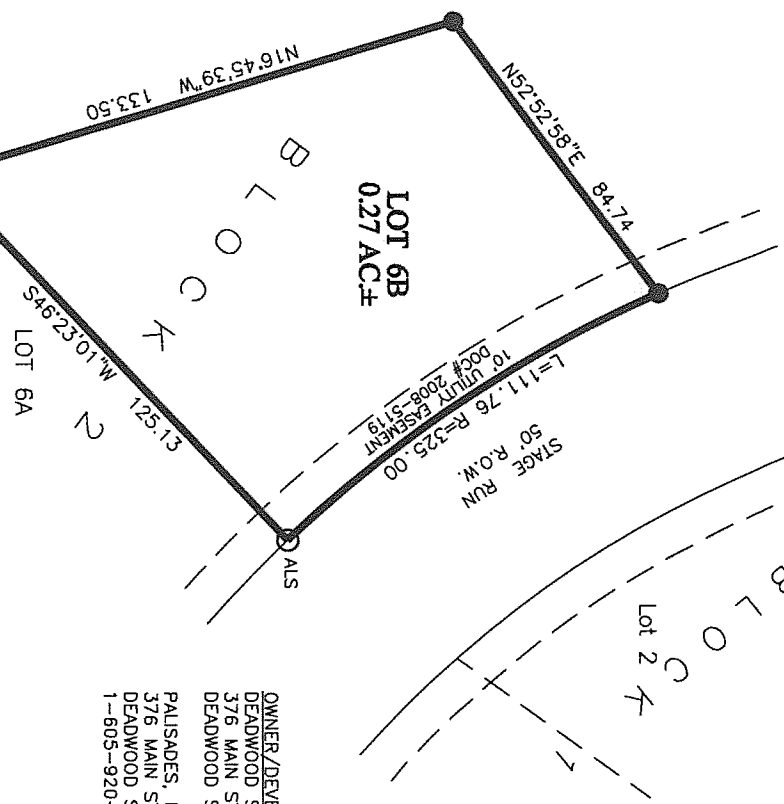
ACTION REQUIRED:

1. Approval / denial by Deadwood Planning and Zoning Commission.
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 SECTION 14, THE SE1/4 OF SECTION 15,
AND THE N1/2W1/4 OF SECTION 23 T5N, R3E, R4M,
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:	24 CLIFF ST.	DATE: OCTOBER 12, 2016	APPROVED: JMA
	ARLETH LAND SURVEYING, LLC	DEADWOOD, SD 57732	REV:	DRAWN: ED
		1-605-578-1637	SCALE: 1" = 30'	FILE: 9078.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: _____
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 NW 1/4 OF SECTION 23 T.5N, R.3E, B.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: JMA
	ARLETH LAND SURVEYING, LLC	DEADWOOD, SD 57732 1-605-578-1637	REV: SCALE: 1" = 30'	DRAWN: FD FILE: 9078.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
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.

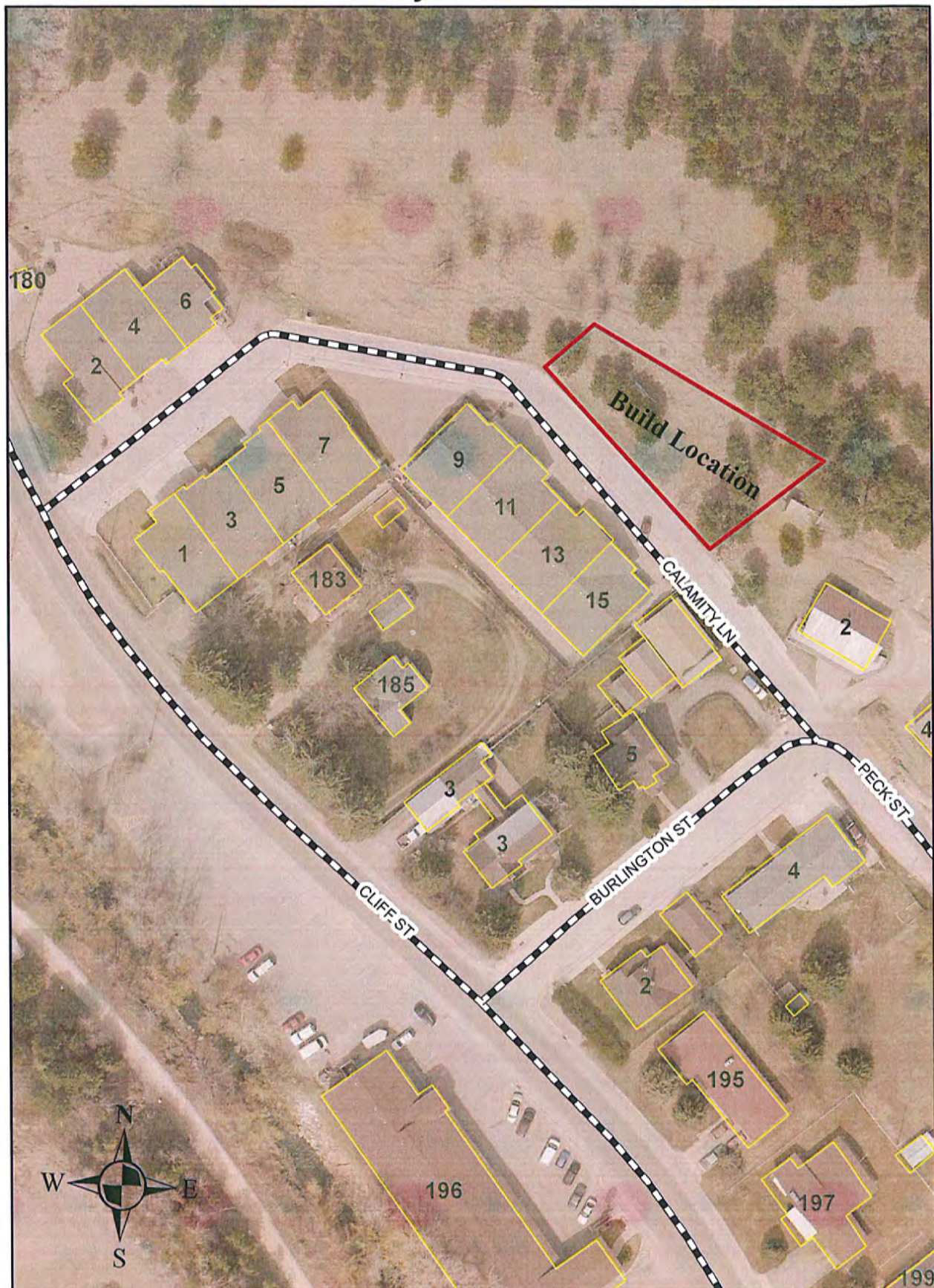
A variance shall be null and void two (2) years from the date it is granted unless completion or substantial construction has taken place. The Board of Adjustment may extend the variance for an additional period not to exceed one (1) year upon the receipt of a written request from the applicant demonstrating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

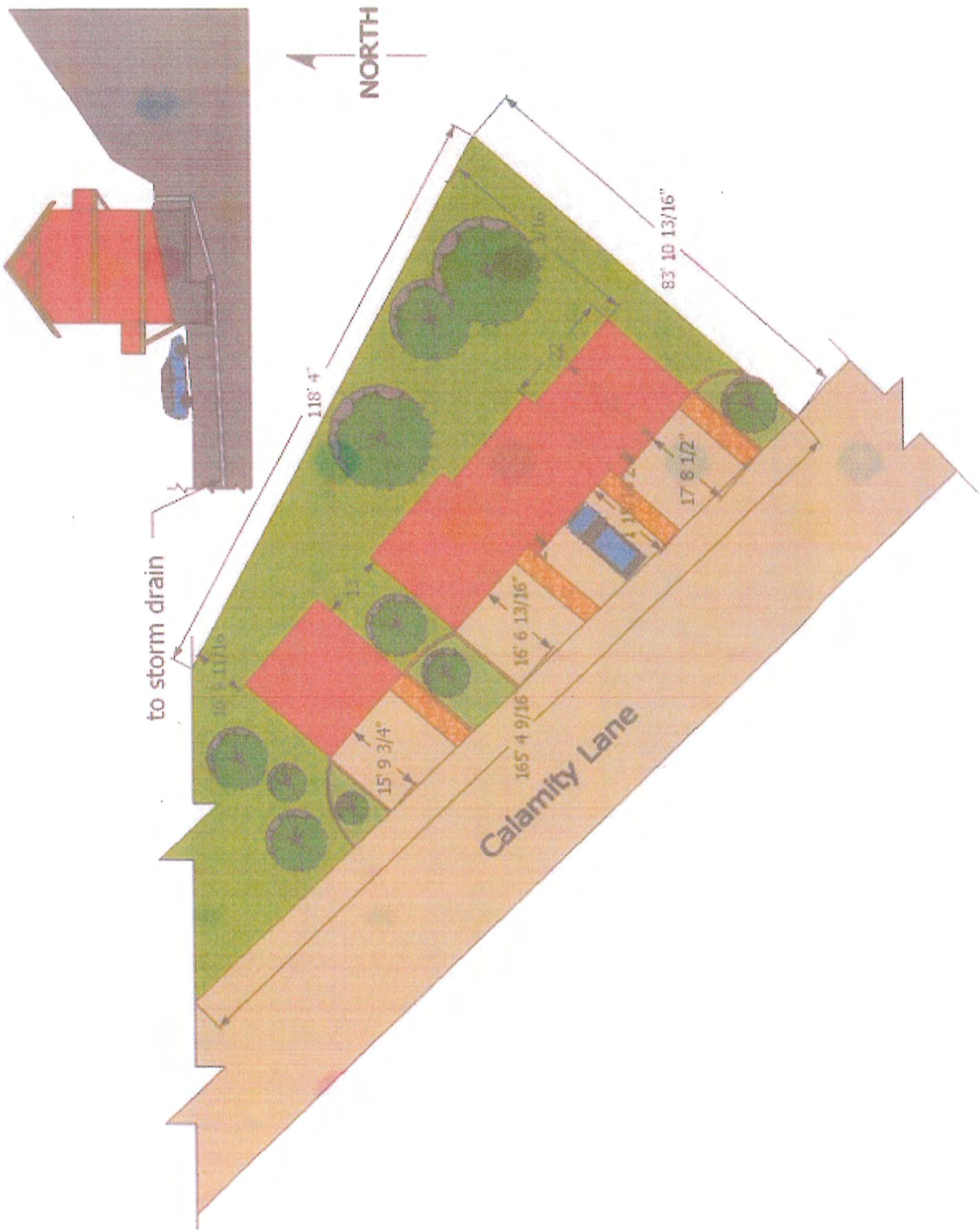
If upon review by the Zoning Administrator, a violation of any condition, imposed in approval of a variance is found, the Administrator shall inform the applicant by registered mail of the violation and shall require compliance within sixty (60) days, or the Administrator will take action to revoke the 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 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. Recommendation by Planning and Zoning to approve/deny/approve with conditions for a 5' variance from the front yard setback requirements in the R2 – Multi-family Residential District.
2. Approve/deny/or approve with conditions from Board of Adjustment.

10, 12, 14, 16 Calamity Lane Variance





NORTH

to storm drain

Calamity Lane

118' 4"

83' 10 13/16"

17' 8 1/2"

16' 6 13/16"

16' 5 4 9/16"

15' 9 3/4"

10' 8 11/16"

Darleen A. Hicks

15 Calamity Ln

605-722-7238 cell: 605-591-9186

Deadwood, SD 57732

hicks.dar923@gmail.com

.....

October 10, 2016

To: Robert E. Nelson Jr., Zoning Administrator, Deadwood, SD

NHS

Re: Request from ~~Bill Pearson~~ for 5' variance from front yard setback requirements.

This letter is to state that I am going on the record as opposing this variance. My reasons are as follows:

- This proposed lot is not suitable for residential housing due to the narrow lot size and narrow street in front, which would congest parking, and cause snow removal problems.
- More ground removal in the back of this proposed lot brings up questions of safety. How can removing more ground from a steep hillside be safe?
- Our homes here on Calamity Lane abide by the set-back requirements, and this variance would create lack of uniformity in the neighborhood, thus reducing our property values.

Sincerely,

Darleen A. Hicks

Darleen A Hicks

Ken and Karla
4 Peck Street
Deadwood, South Dakota

khawki@rushmore.com

To: Planning and Zoning Commission

From: Ken Hawki

Date: 14th Oct. 2016

Re: Front set back variance for CALAMITY LANE

Commissioners

I can't support this request, It will jeopardize the safety of residence by narrowing the street to the point that Fire, Ambulance, and Street Maintenances equipment is unable to drive through the street.

1. Upon construction of the first duplexes the Street was allowed to be built at 18' wide instead of the standard 24' wide, with the agreement that off street parking would be used and on street parking would not be utilized. Following many changes in ownership this agreement has been forgotten and often the street is barely passable by a small car much less a large Emergency vehicle of Maintenance Vehicle.
2. By allowing a 15' set back this will not allow a long enough drive way to park a vehicle (unless they all drive smart cars) without stick out in the street, or parking on the street, which will near the street to 8'-10' wide.
3. There are 25 homes built in Pecks Garden Subdivision that meet a 25' set-back.
4. All of the current residences in Pecks Garden Subdivision have and utilize off-street parking.

I apologize for not being able to attend the meeting but I have commitments out of town, but I do thank you for your time and consideration.

Thanks Again

Ken Hawki