



DEADWOOD PLANNING AND ZONING COMMISSION

Wednesday, September 2, 2020 – 5:00 p.m.

City Hall, 102 Sherman Street, Deadwood, SD

AGENDA

1. Call Meeting to Order
2. Approval of August 19, 2020 Minutes
3. Planning and Zoning Commission
Conditional Use Permit – 21 Lincoln Avenue – Nyla and Tom Griffith
Lots 1, 2, and 3 and Southerly 10 feet of Lots 12, 13, and 14 and the Vacated Alley, Block Forty-two (42), Original Town, City of Deadwood, Lawrence County, South Dakota

Public Discussion

Action Required:
 - a. Approval/Denial by Planning and Zoning Commission
4. Items from Staff
5. Adjourn

Planning and Zoning Commission meetings are not available by ZOOM unless requested.

Please practice CDC's social distancing recommendations.

Please be considerate of others and if you no longer have business activities during the meeting do not feel obligated to remain.



PLANNING AND ZONING COMMISSION

Wednesday, August 19, 2020

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairperson John Martinisko on Wednesday, August 19, 2020 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: John Martinisko, Bill Rich, Brett Runge and Josh Keehn

Absent: Jeff Lawler

Board of Adjustments Present: Charlie Mook

Staff Present:

Jeremy Russell, Trent Mohr and Bonny Anfinson

Approval of August 5, 2020 Minutes:

It was moved by Mr. Keehn and seconded by Mr. Rich to approve the August 5, 2020 meeting minutes. Aye - All. Motion carried.

Sign Review Commission

Troy Gorans for Latchstring Getaways, LLC - 27 Deadwood Street - Install New Wall Sign - Three Cousins Pizza and Install New Projecting Sign - Stan & Ollie's - Continued from Last Meeting

Install New Wall Sign - Three Cousins Pizza

Mr. Mohr reported the applicant is requesting a permit for a projecting sign as indicated in the renderings. The original proposal would've required a variance. We spoke with the applicant and they decided to redesign sign to be in compliance with no variances. The sign and the location are in compliance and require no variances.

It was moved by Mr. Keehn and seconded by Mr. Rich to approve the installation of the new projecting sign for Three Cousins Pizza. Aye-All. Motion Carried.

Install Projecting Sign - Stan & Ollie's

Mr. Mohr reported the applicant is requesting to install a projecting sign over the door of 27 Deadwood Street which would require a variance to be attached at a 45 degree angle..

It was moved by Mrs. Runge and seconded by Mr. Keehn to approve the installation of a new projecting sign for Stan & Ollie's. Aye-All. Motion Carried.

Bradon Watts, AIA, Lead Deadwood School District - 716 Main Street - Install New Wall Sign

Mr. Mohr reported the applicant has finished a multi-year renovation project at the elementary school and is requesting permission to install a new wall sign adjacent to the new main entrance of the school. The proposed sign and its location are compliant with the sign ordinance.

It was moved by Mr. Keehn and seconded by Mr. Rich to approve the new wall sign to be installed adjacent to the new entrance of the elementary school. Aye-All. Motion Carried.

Planning and Zoning Commission

Consolidating Parcels - Deadwood Stage Run Addition - Lonnie and Christine Burger

Mr. Russell stated the applicant is requesting approval to consolidate parcels of common ownership. The property is located at Lot 18A, Block 2 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW ¼ of 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, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota.

It was moved by Mrs. Runge and seconded by Mr. Rich to consolidate the parcels located at Lot 18A, Block 2 of Palisades Tract of Deadwood Stage Run Addition, All located in the SW ¼ of 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, T5N, R3E, B.H.M., City of Deadwood, Lawrence County, South Dakota. Aye - All. Motion Carried.

Items from Staff (no action taken)

- Mr. Russell stated Department Heads and City Commission have been working on the 2021 budget. It looks like we will be able to go ahead with the vacation rental program for 20-21.
- Ms. Anfinson stated the Community Picnic has been canceled.

Adjournment:

It was moved by Mrs. Runge and seconded by Mr. Rich to adjourn the Regular Meeting of the Planning and Zoning Commission. Aye - All. Motion carried.

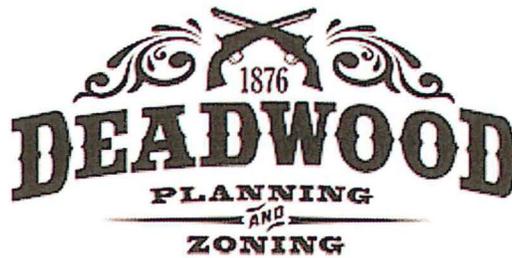
There being no further business, the Planning and Zoning Commission adjourned at 5:12p.m.

ATTEST:

Chairman, Planning & Zoning Commission

Secretary, Planning & Zoning Commission

Bonny Anfinson, Planning & Zoning Office/Recording Secretary



STAFF REPORT
PLANNING AND ZONING AND BOARD OF ADJUSTMENT
REQUEST FOR A CONDITIONAL USE PERMIT
SEPTEMBER 2, 2020

APPLICANT: Nyla and Tom Griffith

PURPOSE: Request for a Single Unit Bed and Breakfast with 7 rentable bedrooms

GENERAL LOCATION: 21 Lincoln Avenue

LEGAL DESCRIPTION: Lots 1, 2, and 3 and Southerly 10 Feet of Lots 12, 13, and 14 and the Vacated Alley, Block Forty-two (42), Original Town, 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 District
South: R1 – Residential District
East: R1 – Residential District
West: PU – Public Use

Surrounding Land Uses:

Residential Housing
Multi-family Housing
Residential Housing
Park and Housing

SUMMARY OF REQUEST

The applicant has submitted a request for a Conditional Use Permit to operate a Bed and Breakfast establishment on this property. The subject property is located in the first block of Lincoln Avenue on the Northwest side of the street.

FACTUAL INFORMATION

1. The property is currently zoned R1 – Residential District.
2. The property comprises approximately 5,566 square feet ±.

3. The site was originally developed in 1903 and used as an apartment building until the 1940's and as a Bed and Breakfast from the 1990's to the present.
4. The subject property has access from Lincoln Avenue.
5. The subject property is located within a very low density land use classification on the adopted Land Use Map.
6. The property is located outside of Flood Zone AE – Areas of 100 year flood and Flood Zone X – Areas of 500 year flood.
7. Adequate public facilities are available to serve the property.
8. The area is characterized by a mixture of single family dwellings and multi-family dwellings.

STAFF DISCUSSION

The applicant has submitted a request for a Conditional Use Permit for a Bed and Breakfast establishment and the city regulations permit Bed and Breakfast establishments in R1 – Residential District with a Conditional Use Permit. The subject property is currently being utilized as a Bed and Breakfast. The applicant indicates they intend to rent up to seven bedrooms at one time.

The Deadwood Zoning Code 17.08 defines a Bed and Breakfast as the following:

“Bed and breakfast establishment” means:

1. A single detached dwelling where temporary lodging or sleeping accommodations with no more than three guest rooms is provided with a breakfast meal to the traveling public, by the owner and his or her immediate family for payment and such shall be subordinate to the principle use of the dwelling as an owner occupied residence.

The South Dakota Department of Health allows for a “Specialty Resort” license which is a Bed and Breakfast permitted to have up to 10 rental units and 20 guests. This license has been obtained by the applicant if granted the CUP.

2. No bed and breakfast home shall be located on a lot closer than two hundred (200) feet or eight residences, whichever is greater, from any other lot containing a bed and breakfast home. However, the planning and zoning commission may waive the distance limitation if the structure is listed on the National Register of Historic Places or eligible for individual listing on the National Register of Historic Places. The Deadwood building inspector shall inspect the premises to insure compliance with the Building Code;

In this instance there is a bed and breakfast use within the two hundred feet required buffers. Steve and Kym Flaigg have a current Bed and Breakfast CUP at 28 Lincoln Avenue. However, the planning and zoning commission may waive the distance limitation if the structure is listed on the National Register of Historic Places or eligible for individual listing on the National Register of Historic Places. Both residences are currently on the National Register of Historic Places.

3. Applicants proposing tandem parking shall be required to provide a control board for the keys of the guests. The owner/manager shall be responsible for the control board. The subject residence proposed for a bed and breakfast shall be required to provide the following: (a) water meter, if one has not been installed on the subject premises; (b) proof of a state excise tax number shall be provided to the planning and zoning office for their files; and (c) proof that the business improvement district has been notified of the bed and breakfast establishment.

The Deadwood Zoning Code requires a bed and breakfast establishment to be occupied by the owner(s). The code also states a requirement of one off-street parking space per guestroom in section 17.64.060 of the ordinance book. The property does have two possibly three off-street parking spots for guest. The applicant shall provide a parking solution or plan in accordance with the Deadwood Zoning Code.

COMPLIANCE:

1. **The Zoning Officer provided notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with Section 10.10.B.**
2. **A sign was posted on the property for which the requests were filed.**
3. **Notice of the time and place was published in the designated newspaper of the City of Deadwood.**

GENERAL USE STANDARDS FOR CONDITIONAL USE PERMITS:

In reviewing any application under the authority of this chapter and as a further guide to its decision upon the facts of the case, the Commission(s) shall consider, among other things, the following facts:

- A. The proposed use shall be in harmony with the general purposes, goals, objectives, and standards to the City Policy Plan, the ordinance, the district in which it is located, or any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the City of Deadwood.

The City Comprehensive Plan encourages a variety of uses and a mixture of housing types. Preserve the existing stock of historic structures by working with the individuals and guiding

the uses is an acceptable means. Traffic and parking should not significantly affect the neighborhood. This area has a mixture of single family and multi-family dwellings.

- B. Whether or not a community need exists for the proposed use at the proposed location in light of existing and proposed uses of a similar nature in the area and of the need to provide or maintain a proper mix of uses both within the city and also within the immediate area of the proposed use: (a) the proposed use in the proposed location shall not result in either a detrimental over concentration of a particular use from previously permitted uses within the city or within the immediate area of the proposed use.

The subject area is zoned R1 – Residential District. The R1 – Residential District is intended to provide locations for low to medium density residential. Medium density residential is designed to provide apartment and multi-family dwellings as well as parks and recreation areas. There is one B&B within 200 feet of the proposed B&B.

- C. The proposed use at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvement, public sites, or rights-of-way.

The proposed use would not result in a substantial or undue adverse effect on adjacent property or the character of the neighborhood and the use would not alter the character of the neighborhood. There will be no change in the size of the dwelling. To support a denial of a conditional use permit on the grounds that it will cause increased traffic problems, there must be a high degree of probability that the increase would pose a substantial threat to the health and safety of the community.

- D. Whether or not the proposed use increases the proliferation of non-conforming uses as well as previously approved Conditional Use Permits which are still in use, when influenced by matters pertaining to the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of provisions and policies of the Policy Plan, this ordinance, or any other plan, program, map or ordinance adopted, or under consideration pursuant to official notice, by the city or other governmental agency having jurisdiction to guide growth and development.

For any conditional use, lot and performance standards shall be the same as similar type uses located in specific districts. The character and use of buildings and structures adjoining or near the property mentioned in the application shall be considered in their entirety.

The proposed use would not increase the proliferation of non-conforming uses. The subject residence is located in an area that has apartment buildings and an additional B&B. The appearance of the structure will not change; therefore, the character and use of the buildings and structures adjoining the subject property will not be adversely affected.

- E. Whether or not the proposed use in the proposed area will be adequately served by and will not impose an undue burden on any of the improvements, facilities, utilities, and services specified in this section.

The proposed use will not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services. Existing services are available onsite.

CONDITIONS GOVERNING APPLICATIONS AND PROVISIONS:

- A. Following the issuance of a conditional use permit pursuant to the provisions of this ordinance, such permit may be amended, varied, or altered only pursuant to the standards and procedures established by this section for its original approval.
- B. The Board of Adjustments can revoke conditional use permits, once granted, for cause after a hearing is held before them. Complaints seeking the revocation of such permit shall be filled with the Zoning Administrator and may be initiated by the Planning and Zoning Commission OR any three (3) residents within three hundred (300) feet of the property lines of which the application has been filed. All such revocation hearings shall be conducted in the same manner as for the Conditional Use Permit application hearings.
- C. The Planning and Zoning Commission shall have the authority to review Conditional Use Permits at any time and/or on an annual basis and place additional stipulations to mitigate a problem.
- D. If the use permitted under the terms of a Conditional Use Permit has not been started within six (6) months of the date of issuance thereof, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.
- E. If the use permitted under the terms of a Conditional Use Permit ceases, for whatever reason, for a period of twelve (12) months, said permit shall expire and be canceled by the City Planning Department. Written notice thereof, shall be given to the person(s) affected, together with notice that further use or work as described in the canceled permit shall not proceed, unless and until a new conditional use permit has been obtained.

Nyla and Tom Griffith
Request for CUP – Bed and Breakfast
September 2, 2020

If approved, staff recommendations for stipulation(s):

1. The Conditional Use Permit runs with the applicant and not the land; therefore, should the property be sold, the Conditional Use Permit is null and void.
2. The Bed and Breakfast must be owner occupied.
3. Proof of a state excise number shall be provided to the Planning and Zoning Office for their files.
4. Proof that the Building Inspector has inspected the building and it meets all of the building codes.
5. Proper paperwork is filed with the City of Deadwood Finance Office for BID taxes.
6. Proof of City of Deadwood Business License.

ACTION REQUIRED FOR CONDITIONAL USE PERMIT:

1. Recommendation by Planning and Zoning Commission for Approval / Approval with Conditions / Denial by Planning and Zoning Commission
2. Approval / Approval with Conditions / Denial by Board of Adjustments

21 Lincoln CUP



05/17/2020

OFFICE OF
PLANNING, ZONING AND
HISTORIC PRESERVATION
108 Sherman Street
Deadwood, SD 57732



Jeremy Russell
Planning and Zoning Administrator
Telephone (605) 578-2082
jeramyr@cityofdeadwood.com
Fax (605) 578-2084

TO: Whom it may concern
FROM: Jeremy Russell, Zoning Administrator
DATE: August 20, 2020

RE: Request for Conditional Use Permit for a Bed and Breakfast

Notice is hereby given that Nyla and Tom Griffith have submitted an application for a Conditional Use Permit for a Bed and Breakfast. The Bed & Breakfast would be a single unit Bed and Breakfast with seven bedrooms. The subject property has limited off-street and on-street parking. The property involved in the request is legally described as:

Lots 1, 2, and 3 and Southerly 10 Feet of Lots 12, 13, and 14 and the Vacated Alley, Block Forty-two (42), Original Town, City of Deadwood, Lawrence County, South Dakota.

ADDRESS: 21 Lincoln Avenue

ZONE: R1 - Residential District

The subject land is located in the R1 - Residential District which allows for a Bed and Breakfast under the Conditional Uses section 17.32.030 of the Zoning Ordinance. A map is attached which depicts the subject property.

Anyone interested in reviewing the application may do so during the Zoning Department's regular business hours. The Zoning Office is located at 108 Sherman Street at Deadwood City Hall. A Public Hearing is scheduled for Wednesday, September 2, 2020, at 5:05 p.m. in the Commission Chambers located at 102 Sherman Street.

The purpose of this mailed notice is to reasonably inform the surrounding property owners of the application for Conditional Use Permit and to inform neighboring property owners of the type of use requested. Interested persons, desiring to present their views upon the said request, either in writing or verbally, will be given the opportunity to be heard at the above mentioned time and place.

If you have any questions, please do not hesitate to contact me at (605) 578-2082.

We live at 4 Washington and have no problem or issue with this. We have concerns about 15 Washington which is rented out w/ no B'n'B on site breakfast or manager. There are times they have 20 plus people staying there, taking up parking and coming in late at night being loud and

disruptive to the neighborhood. Plus the disregard of open container laws and the litter they leave throughout the neighborhood. Is this being addressed as well?

Louie & Desirae Van Raetel
4 Washington St.

Deadwood, SD

605 - 222 - 1354

OR

605 - 222 - 1351

August 24, 2020

TO: Deadwood Planning & Zoning Commission

Re: 1899 Inn Conditional Use Permit Application at 21 Lincoln Ave., Deadwood, SD

We are in the process of purchasing the historic home and property located at 21 Lincoln Avenue in our town's Presidential District. Our son and daughter-in-law, Dustin and Laura Floyd, have owned the home and operated it as the 1899 Bed & Breakfast for the past 10 years, taking a property that had been vacant for two years due to a bank foreclosure and restoring it to its original grandeur. We would like to continue to operate the bed & breakfast as it has been during Dustin and Laura's ownership. We have spent considerable time and money turning the basement into owners' quarters and so are able to now add one suite to the Inn's inventory which will allow us to pay for the renovation project over time.

In addition, we have added an expanded concrete driveway which will allow space for an additional two cars plus motorcycle parking. We have an agreement to purchase the duplex which sits in the backyard of the Inn in January. We will be making repairs to the exterior of this historic property which has been being rented out by the current owners. There is room for expanded parking on that property and the side yard of the Inn.

There are six rooms/suites rented on a nightly basis. Historically, there has been plenty of room for guest parking on the streets surrounding the Inn as is shown in the attached photos taken just today. Even with the cars parked as a result of the nearby apartment buildings and bed & breakfast across the street. Guests are informed that there also is a large parking lot just two blocks from the property. Guests with a trailer are told they must park in the Sherman Street lot and there have not been any issues.

We have been active, productive members of the Deadwood Community, contributing on boards, commissions, volunteering and supporting historic preservation for more than 20 years. We owned a successful business which brought 18 jobs to the community, renovated a historic property on Sherman Street as well as built several homes and brought five family members and their households to Deadwood, all of whom have resided here for many years. We plan to continue to live here and operate a successful business, the only true licensed bed & breakfast in Deadwood.

Thank you for your kind consideration, and we look forward to answering any questions you may have.

Sincerely,

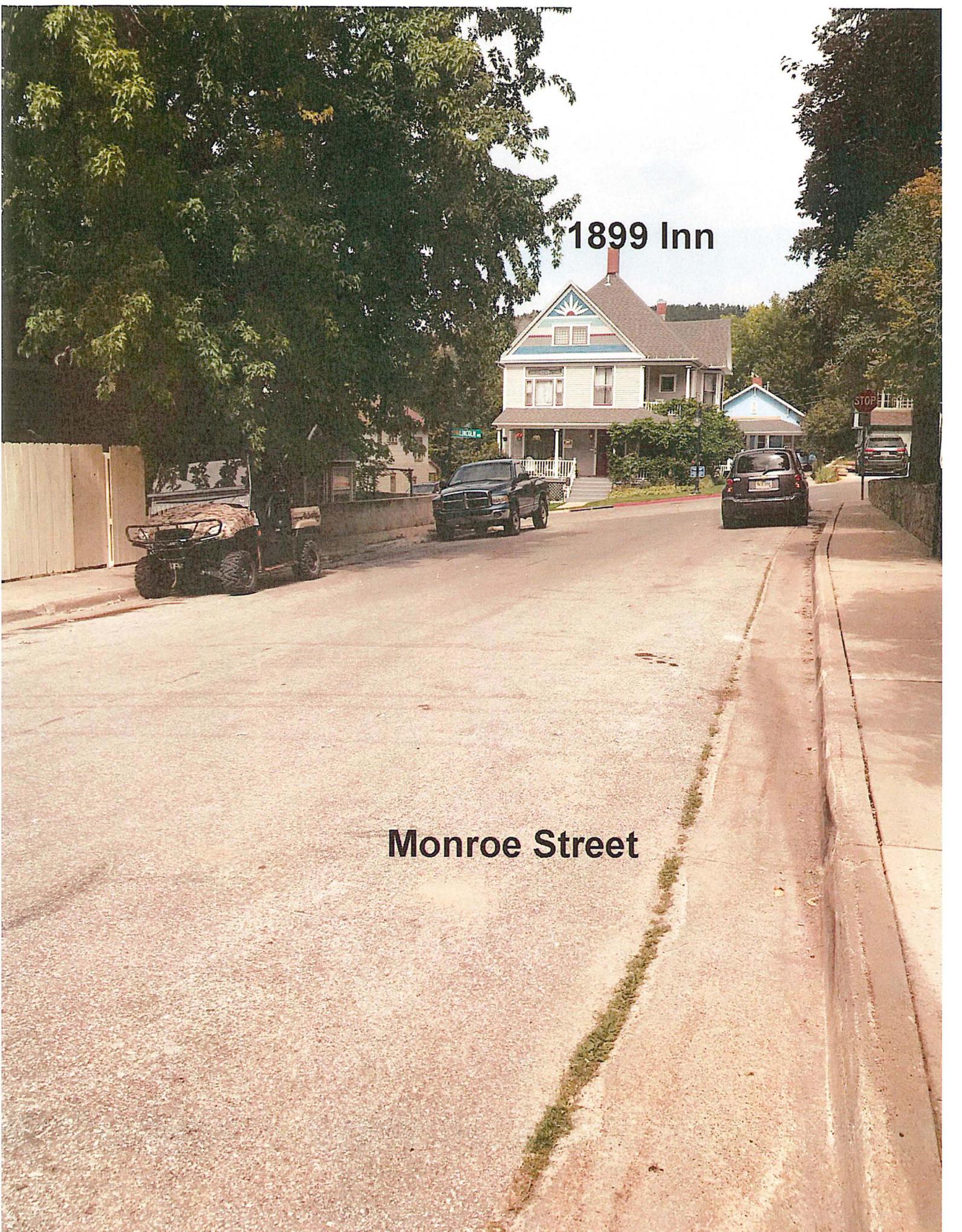
Nyla & Tom Griffith



Thursday, August 20, 2020

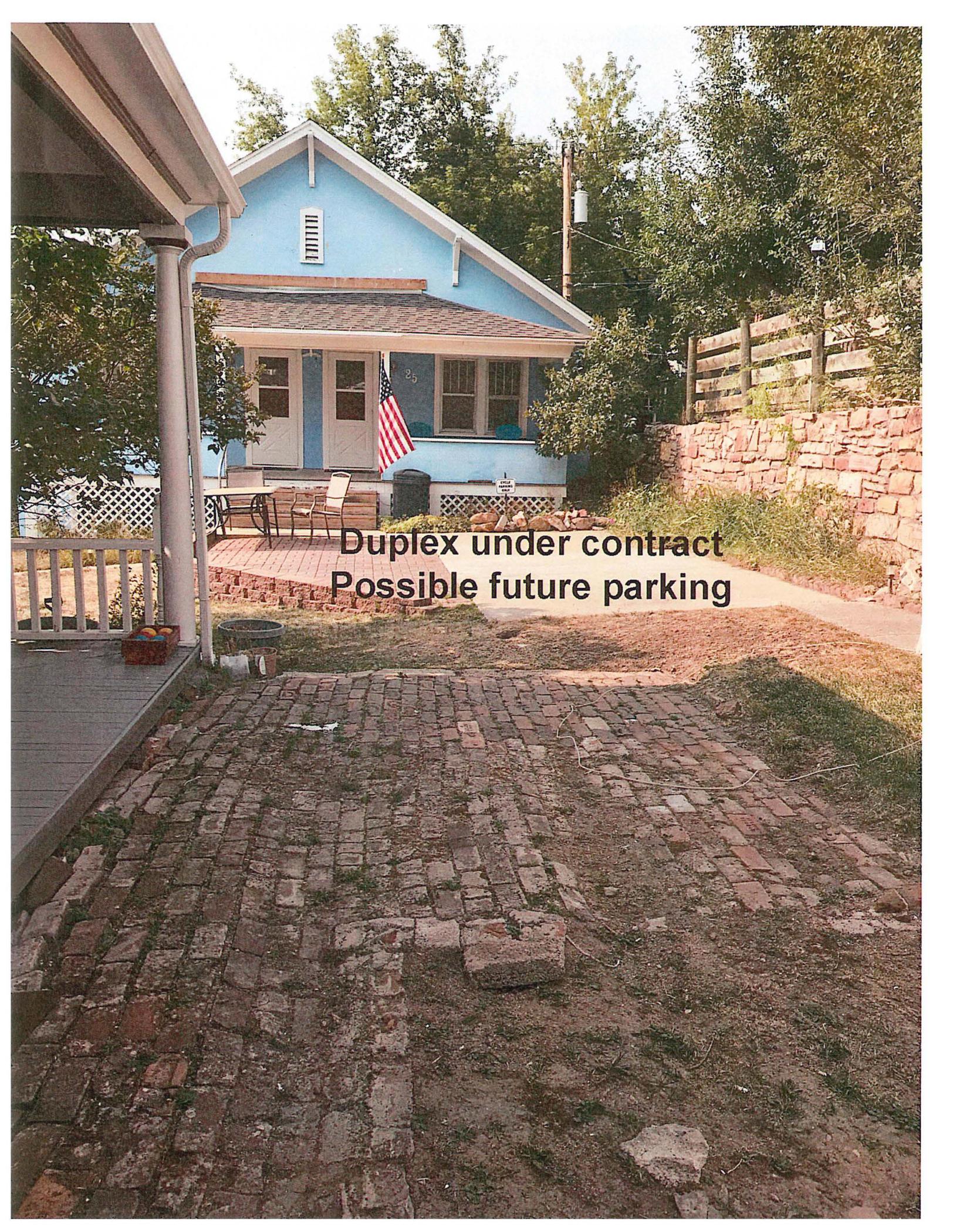
1899 Inn

Monroe Street

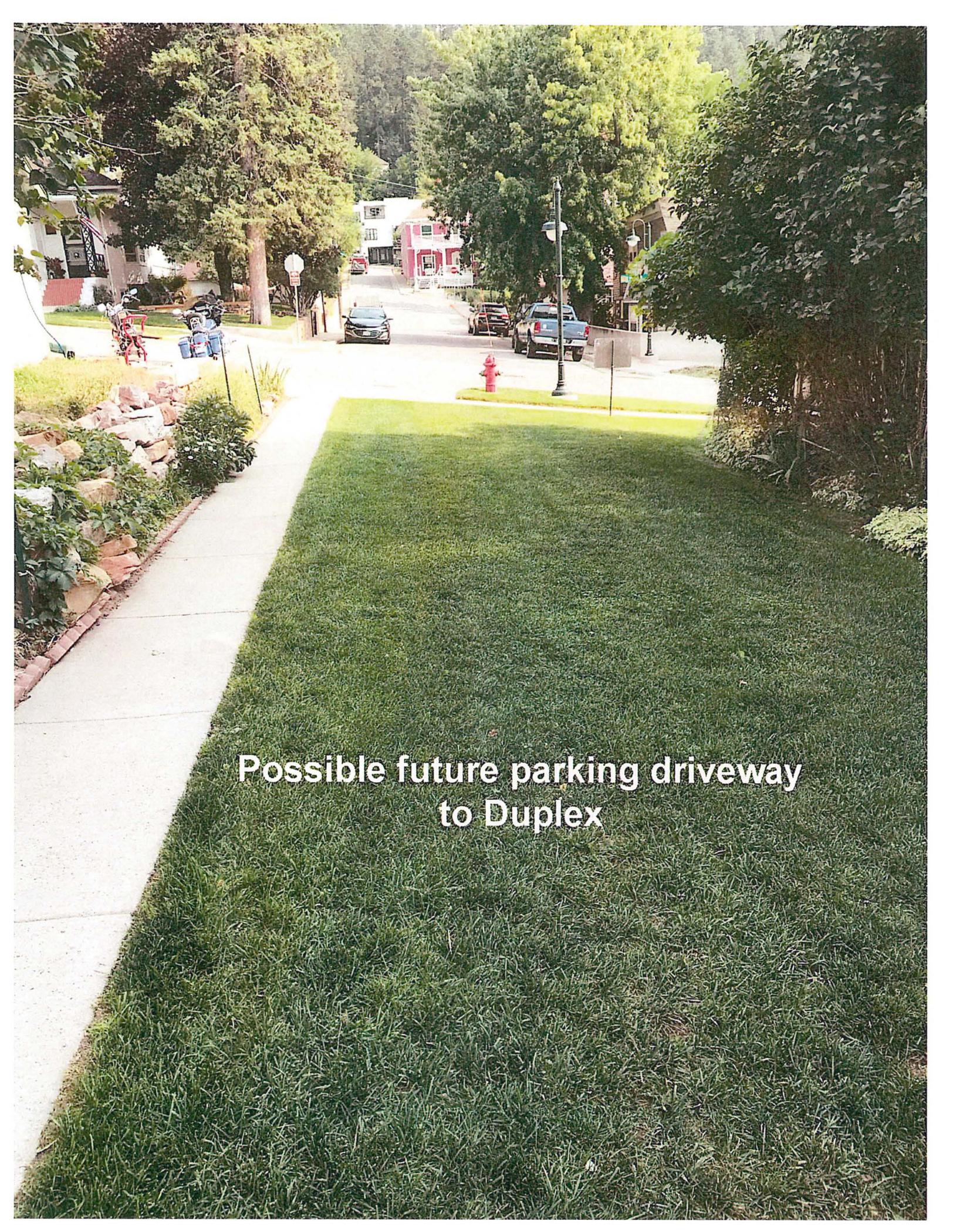




**New Driveway
More off-street Parking**



**Duplex under contract
Possible future parking**



**Possible future parking driveway
to Duplex**



**SOUTH DAKOTA
DEPARTMENT OF HEALTH
LODGING LICENSE**



Issued To: 1899 INN DEADWOOD LLC

Located At: 1899 INN
21 LINCOLN AVE
DEADWOOD, SD 57732

License Type
Specialty Resort License

License Number
22094
Number of Units
7
Swimming Pool
0
Spa or Hot Tub
0

DOH approved 2nd floor east bedroom
egress thru adjoining room

Expires
12/31/2020

Kim Malsam-Rydon

Secretary of Health

License is Not Transferable - Post in the Establishment