



# Planning and Zoning Commission Meeting Minutes

Wednesday, June 16, 2021 at 5:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

---

## 1. Call to Order

The meeting of the Deadwood Planning and Zoning Commission was called to order by Chairman Martinisko on Wednesday, June 16, 2021 at 5:00 p.m. in the Deadwood City Hall Meeting Room, located at 102 Sherman Street, Deadwood, SD 57732.

## 2. Roll Call

PRESENT

Commissioner (Chair) John Martinisko

Commissioner (Vice Chair) Bill Rich

Commissioner (Secretary) Josh Keehn

Commissioner Dave Bruce

Commissioner Kevin Wagner

City Commissioner Charlie Struble Mook

Staff:

Jeremy Russell, Planning and Zoning Administrator

Trent Mohr, Building Inspector

Kevin Kuchenbecker, Historic Preservation Officer

Bonny Anfinson, Program Coordinator

## 3. Approval of Minutes

- a. Approval of 5/19/21 Meeting Minutes

***It was moved by Commissioner Bruce and seconded by Commissioner Keehn to approve the May 19, 2021 minutes. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Rich***

## 4. Sign Review Committee

- a. 73 Sherman Street - Pump House - Install New Free Standing Sign

Mr. Mohr stated the applicant wishes to add a freestanding sign. The sign is original and has been determined to be a historic land mark sign by the Historic Preservation Officer, Kevin Kuchenbecker. The proposed sign and its location are compliant with the sign ordinance. The sign permit application requires no variances from the sign ordinance. ***It was moved by Commissioner Rich and seconded by Commissioner Keehn to approve the sign permit for 73 Sherman Street. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Rich***

- b. 665 Main Street - Gold Dust 777/Holiday Inn Express - Install Two New Projecting Signs

Mr. Mohr stated the applicant wishes to add two projecting signs. Sign number one will advertise a sportsbook at this location and sign number two will advertise the gaming establishment. Sign number one requires a variance as it is not on the same facade as the public entrance it is associated with. Sign number two does not require a variance as the applicant plans to modify the associated door by adding a handle on the exterior to grant access. This would make it a public entrance as it now is an exit only door.

***It was moved by Commissioner Bruce and seconded by Commissioner Rich to approve the permit for sign number one and grant a variance at 655 Main. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Rich.***

***It was moved by Commissioner Rich and seconded by Commissioner Wagner to approve the permit for sign number two contingent upon the handle being installed on the door to grant public access. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Rich.***

## **5. Planning and Zoning Commission**

- a. Public Hearing - Request for Variance - Front Yard Setback - 19 Centennial Avenue  
Commissioner Martinisko opened up the meeting to take public comment regarding the variance request for front yard setback for 19 Centennial Avenue.

Bob Sjomeling, who lives on Williams Street just below the project area, stated he has a couple of questions. Why is the applicant going back to 10'? What is the difference from the 20' to the 10'? Owner Rob Nelson stated the vacant lot towards the back is a very steep hill. The architect and the contractors have expressed it would not be very economical or practical for him to dig out that much soil. Mr. Nelson stated he would prefer a 20' driveway but it would not be practical. Mr. Sjomeling asked why is it 20'. Mr. Russell stated it is required in the ordinance for residential R-1. Mr. Sjomeling stated Centennial is a very narrow street that is only 12 to 15' wide, and where they proposed to construct a driveway is right behind my house that is right along the wall. I am concerned about what could happen. How will that 20' affect Raymond Street. Mr. Russell stated it would not come close to that at all. My daughters bedroom would be exposed to the exhaust from the driveway. There is no setback in our back yard from Centennial. Our house is three to four feet from the wall. How will this construction affect mine and the neighbors retaining walls. I am more concerned with what could and will happen. Parking is also a problem on that street.

Mr. Kuchenbecker stated this is an empty lot next to 19 Centennial where the proposed garage will be constructed. Originally it was designed with a 20' setback from the property line. The concern was how much of the hill side would need to be removed. The owner came back to the Historic Preservation Commission with the 10' setback request. When it was the 20' setback it did not have to come before the Planning and Zoning Commission but now they are requesting 10' so it will require a variance by Planning and Zoning. The Historic Preservation Commission approved the 10' set back contingent upon the Planning and Zoning approval of a variance.

Commissioner Martinisko asked if the proposed house would be behind the garage or above the garage. Would this also require a variance. Mr. Russell stated initially that was the owners plan. The design has changed and it will just be the garage. The owner does not have an interest in building the house at this time. Originally it was going to be on top of the garage.

Terry Adler stated she lives at the top of Centennial. Ms. Adler stated she never received a letter informing her of the variance request. Mr. Russell stated it is possible you were not in the 300' requirement for notification. I will check into why you didn't receive information. Ms. Adler asked about the design of the structure and if there will be soil test done so there won't be slides. Mr. Russell stated soil tests will be completed. Mr. Mohr stated the city shares these concerns and are required this be designed by an engineer. Mr. Russell stated the garage will not come out right at the street. There is the 10' set back. Ms. Adler stated her main focus is to be able to get home when I want to. Do we know the time frame of the construction? If I want to go up and down to my house four times in two hours will I be able to do that? I feel like the owner and the contractor needs to be the patient ones or are the residents going to be inconvenienced. Mr. Nelson stated he completely agrees with your comments. We have been very slow in this process primarily because of the engineering and archeology to assure we are staying as safe as possible and not risking any sort of issues and respect to the construction and blocking traffic. We will work closely with the city to determine when and for what period and give notice to the neighbors. We will keep the interference to a minimum. This will be a partnership with the contractor and the city to assure access will always be available. We can not block the street. Mr. Nelson said this has been discussed with contractors at length. One proposal is to bring in a mini excavator with a dump truck that will move back and forth to allow traffic to go through whenever a car needs to go by. Ms. Adler asked if there is a construction time frame. Mr. Nelson stated there is no time frame as of yet. We hope to try to do it this year. It may have to be pushed of until next spring. We are still working through all that needs to be done prior to construction. There are soil samples, surveys and that type of thing to be done. Ms. Adler asked how long it will take to do the construction. Mr. Nelson stated he does not have that time frame. Ms. Adler asked about mail, FedEx delivery, etc. Mr. Russell stated we can not impeded them. They will have access.

Mr. Sjomeling expressed concern regarding the placement of the driveway and the current location of the retaining wall behind his house. The driveway will be right accross from the retaining wall. When you are backing out, what are the chances of running into the wall or into the metal railing on the wall next to ours? Would it be possible to have bollards installed? That is a big concern to us. Mr. Russell stated all of the departments in the city understand the impact this project could have in your neighborhood.

Christin Sjomeling asked if the city would fix their house if the wall were to fail. Mr. Russell stated the city would investigate and if it was found that was the cause, the City and Contractor would fix what was done. Mr. Kuchenbecker stated they could work with public works on getting bollards or something there to protect the

houses. Nobody wants to go off the wall. Ms. Sjomeling stated in the staff report created there are a couple of lines stating the variance will not alter the central character of the surrounding area in which the property is located substantially or permanently impairs the appropriate use of the adjacent property. When I read that, does adjacent property mean 416 Williams Street? Mr. Russell stated any adjacent property. Ms. Sjomeling stated she has trouble with that because my bedroom is right there if you were to back up. When I look at the pictures presented of the garages they all open up on a full width street and to other garages across the street, not to a bedroom window. The houses up on Centennial all have stairs going up to them. When the snow plow goes by it does shake our house. If you wanted to put a house up there with steps leading to it we wouldn't be here today. This garage is a little different. It would be appreciated if bollards were installed. Mr. Rich stated the whole issue is 20' or 10', will it make that much difference. Ms. Sjomeling stated either way you are backing out into a small street. Mr. Russell stated the photos were to show the different set backs. This had nothing to do with the design.

Mr. Nelson stated he would like to add, the design of the driveway, 10' or 20', is such that it would be wider at the opening to allow us to back out in a safer way. I am at a loss as to the house below us other than a cement type pillar. We certainly want to do everything we can to be good neighbors. Obviously for use we do not need to build another house. Our interest is to enjoy the neighborhood and our time here. We will do everything in our power to be safe and prudent in the design and construction of this property to minimize the effect on any of our neighbors. We are working with the city to assure we are following these requirements.

Ms. Adler stated I am not up to par on how this all works. Does the Commission have the right to deny a variance. Mr. Martinisko stated he has the right to build the garage. We are looking at the set back. The requirement is 20' and he is asking for 10'. When it comes to construction other departments will over see that.

Mr. Russell stated he received an e-mail from Randi Coddington and she stated my name is Randi Coddington and I live at 21 Guy St. with my husband, Jim. We are against any building, garage or any variance on Centennial. The main entrance to our home is on Centennial St. where the historic garages are located. It would be an extreme fire hazard to close off Centennial during construction, especially for an invasive project like building a garage on Centennial, where there isn't even enough room for two cars to pass each other (one has to back up or go down the hill, it isn't just a street, it is a very narrow "no outlet" street on a dangerous hill. It is difficult to even drive up or down the "no outlet" (Centennial) street. Also, There is no other entrance if there is a fire for the homes that are further up Centennial or Raymond St. Additionally, the street has a curve in it with a blind spot in the road where they want the garage to be built. This street is already one of the most dangerous in our city. Thank-you, Randi Coddington.

- b. Request for Variance - Robb & Wendy Nelson - 19 Centennial Avenue  
Lot 8A, Block K, Original Townsite, City of Deadwood, Lawrence County, South  
Dakota Formerly Portions of Lots 8 and 9, Block K

Commissioner Martinisko stated he would have liked to see the report from the engineer regarding the feasibility and costs. Personally I am not in favor of the 10' variance. Commissioner Wagner asked Mr. Mohr if going back 20' would be detrimental versus going back 10'. Is there any benefit. Mr. Mohr stated he is not in the position to make that determination. It would be the engineers interpretation of the site and construction of the structure. Commissioner Martinisko stated the cost is not the factor. Commissioner Wagner stated there needs to be proof of difficulty which would be based on economic factors. Commissioner Martinisko stated what is the cost of the 20' and the cost of the 10'. Commissioner Keehn asked the public if they are against the project as a whole or are they against the 10' variance. Mr. Sjomeling stated he has no problem with that. Ms. Adler has concerns with digging up the lot and being limited to going up and down the street. The owner and contractor need to be the patient ones and allow the residents access. There have been issues with the hillside and I have a concern about digging up the hillside. Commissioner Rich stated he would rather see it 10' rather than 20' which means you can park the car in the garage. Commissioner Keehn stated he thought 10' is better because you are removing less of the hillside. Mr. Nelson stated the primary concern of the architect was the steepness of the grade on the lot. There is a financial impact there. The main emphases of the variance is for the grade of the hill. Commissioner Martinisko expressed concern of needing more information. Commissioner Wagner stated it will need to be engineered when they move forward in the process. There needs to be soil compaction tests or geotech soil testing. It will be up to the other departments to make sure it follows the correct process. ***It was moved by Commissioner Rich and seconded by Commissioner Wagner to approve the 10' variance for Robb & Wendy Nelson, 19 Centennial Avenue, Lot 8A, Block K, Original Townsite, City of Deadwood, Lawrence County, South Dakota Formerly Portions of Lots 8 and 9, Block K. Voting Yea: Keehn, Bruce, Wagner, Rich. Voting Nay: Martinisko,***

- c. Temporary Vending Application - 21 Deadwood Street - Lacy Blair - Therapeutic Massage

Mr. Russell stated the applicant has applied for a temporary vending license for the purpose of operating a massage business during the Sturgis Motorcycle Rally. The memo states they will be selling merchandise which needs to be deleted. The applicant will be working inside of the Iron Horse located at 21 Deadwood Street. The applicant has obtained their South Dakota State Sales Tax ID and is also licensed with the South Dakota Department of Health. ***It was moved by Commissioner Keehn and seconded by Commissioner Wagner to approve the temporary vending application for Lacy Blair, 21 Deadwood Street for therapeutic message. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Rich***

- d. Findings of Fact and Conclusion - Rick and Chris Jordan - 768 Main Street Part of Lots 46 & 47, Block 23, Original Townsite, City of Deadwood, Lawrence County, South Dakota

Mr. Russell stated this is the Findings of Fact and Conclusions for the request for conditional use permit for Rick and Chris Jordan, 768 Main Street, legally described as Part of Lots 45 and 47, Block 23, Original Townsite, City of Deadwood, Lawrence County, South Dakota. This will finalize and close the file. ***It was moved by Commissioner Wagner and seconded by Commissioner Bruce to approve the Finding of Facts and Conclusions for the request for conditional use permit for Rick and Chris Jordan, 768 Main Street, legally described as Part of Lots 45 and 47, Block 23, Original Townsite, City of Deadwood, Lawrence County, South Dakota. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Rich***

**6. Items from Staff**

There were no items from staff.

**7. Adjournment**

***It was moved by Commissioner Keehn and seconded by Commissioner Wagner to adjourn the regular meeting of the Planning and Zoning Commission. Voting Yea: Martinisko, Keehn, Bruce, Wagner, Rich***

There being not further business, the Planning and Zoning Commission adjourned at 5:56 p.m.

ATTEST:

\_\_\_\_\_  
Chairman, Planning & Zoning Commission

Bonny Anfinson, Planning & Zoning Office/Recording Secretary

\_\_\_\_\_  
Secretary, Planning & Zoning Commission