

All Planning Commission Meetings are recorded.

CITY OF CUSTER
PLANNING AND ZONING COMMISSION AGENDA
Tuesday April 23rd, at 5:00 P.M.
Custer City Hall, 622 Crook Street, Custer, SD 57730

1.Call to Order - Roll Call:

2.Approve Agenda: April 23rd, 2019

3.Approve Minutes: April 9th, 2019

4.Declaration of Conflict of Interest:

5.New Business:

Public Hearings - Conditional Use Permit Request

- a. 832 Lincoln Street – Short Term Rental
- b. 126 N 8th Street – Short Term Rental
- c. 503 N 3rd Street – Short Term Rental
- d. 239 Gordon Street – Short Term Rental
- e. 257 Desperado Lane – Short Term Rental
- f. 241 N 4th Street – Short Term Rental
- g. 951 Homestead Drive – Short Term Rental
- h. 35 Mountain Avenue – Short Term Rental
- i. 1193 Homestead Drive – Family Day Care
- j. 111 Crook Street – Short Term Rental
- k. 1027 Pine Street – Home Occupation
- l. 248 N 2nd Street – Short Term Rental

Public Hearing – Variance Request

- a. Custer County – Setback Variance Request, 1039 Montgomery, Tract Clinic

6.Old Business:

7.Discussion Items:

8.Planning Administrator Updates:

9.Communications from The Public:

10. Adjournment

ADA Compliance: The City of Custer City fully subscribes to the provisions of the Americans with Disabilities Act. If you desire to attend this public meeting and are in need of special accommodations, please notify the Finance Office 24 hours prior to the meeting so that appropriate services are available.

DRAFT
MINUTES OF THE April 9th, 2019 MEETING OF THE OF THE CITY OF CUSTER PLANNING
COMMISSION

Roll Call: 5:00 pm

Members Present: Jerad Tennyson-Chairman; Joe Uhrich-Vice Chairman; Kathy Johnson; Scott Olson; Rick Hudson; Marc Moore – Alternate (voting in place of Commissioner Maciejewski).

Members Absent: Larry Maciejewski; Fred Mills – Alternate.

Other Parties Present: Tim Hartmann-Planning Administrator; Dixie Whittaker – Council Representative, Custer County Planning; Public Attendees (sign in sheet on file with Planning Administrator)

Agenda: Commissioner Uhrich moved, with a second by Commissioner Hudson to approve the agenda. Motion unanimously carried.

Minutes: Commissioner Johnson moved, with a second by Commissioner Uhrich to approve the March 26th, 2019 minutes. Motion unanimously carried.

Declaration of Conflict of Interest: None stated.

New Business:

Minor Plat – Henderson Subdivision Planning Administrator and Planning Commissioners discussed the minor plat. Discussion included but was not limited to access points to the plat recently approved in the area, section lines, and access to the parcel. After the discussion, Commissioner Uhrich moved, with a second by Commissioner Moore to recommend approval of the minor plat by the Council. Motion unanimously carried.

Minor Plat – Block 82 Subdivision Planning Administrator and Planning Commissioners briefly discussed the minor plat. Commissioner Uhrich moved, with a second by Commissioner Moore to recommend approval of the minor plat by the Council. Motion unanimously carried.

Old Business:

Discussion Items:

Revisions to the Extraterritorial Area Policy - Discussion with the Custer County Planning Commission Custer City Planning Commission, staff and Council Representative had a discussion with the Custer County Planning Commission, staff and Commissioner Representatives concerning the extraterritorial jurisdiction(3-mile). Discussion was mainly centered around the history of the 3-mile and considerations in developing a more defined map of the area. City staff will work on such map with the County Planning Administrator and present to the bodies once a draft is put together.

Planning Administrator Updates

Planning Administrator and commission members gave various updates.

Communications from The Public

No communications from the public were heard.

Adjournment:

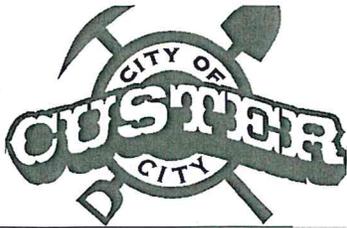
Being no further business before the Commission, Commissioner Hudson moved, with a second by Commissioner Moore to adjourn. Motion unanimously carried. The meeting adjourned at 6:17 pm.

Approved:

Attest:

Jerad Tennyson, Chairman

Tim Hartmann, Planning Administrator



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: 832 Lincoln Street - Conditional Use Permit, Short Term Rental
Applicant: Cabin Fever Properties, LLC
Fee Paid: \$100.00 cc 2/4/19
Location: Lincoln Street, West of the Int of N 9th St.
Date: April 1, 2019
Planning Commission meeting: April 23, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The City has received application for a Conditional Use Permit review of the above referenced property, in conjunction with the Residential Conditional Use Permit Group Review. The property has previously been used as a owner occupied residence, but is also utilized as short-term rental when the owner is no not more than 50 days per year. The property owner plans to continue such use. Per Custer Municipal Code 17.12.050 short term rentals are a permitted conditional use. A single-family dwelling is a principal use. Per Custer Municipal Code 17.12.050 short term rentals are a permitted conditional use.

SURROUNDING AREA

The immediate area surrounding 832 Lincoln Street is composed mainly of other residential uses.

The immediate properties to the North, East, South, and West are within the Residential Zone. To staff's knowledge, all adjacent properties currently exist as residential uses. A multi family housing unit and assisted living do exist to the East across 9th Street and Inman Park is across Lincoln to the North West.

VEHICULAR ACCESS AND PARKING

Staff has viewed the property from an access and parking standpoint in correlation with the proposed use, size, and parking provided. The owner has specified a detached 2 car carport as well as parking within the shared driveway for the home to the west. Staff feels these spaces are adequate for the approximately 770 square foot home.

OTHER ORDINANCE CONCERNS

Staff conducted an in-office review and a windshield survey of the property on March 27 and 28th. No ordinance violations were found. Please note this property and structure is affected by regulatory floodplain on the north side of the property. After a review of the existing structure and the property the structure is a pre-firm building, no construction is plan, therefore no action is needed or applicable from a flood plain standpoint. Any development with the property will be subject to Custer City's flood damage prevention ordinance.

LEGAL REVIEW

City legal has reviewed the application and has no concerns with the proposed insurance information provided.

RECOMMENDED ACTION BY PLANNING COMMISSION

All applicable public notification has been completed. Upon review of CUP review staff feels the criteria are satisfied. Staff supports approval of the Conditional Use Permit by the Planning Commission.

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

PAID

Conditional Use Permit Application

FEB 20 2019

CITY OF CUSTER

Applicant Information

Applicant Cabin Fever Properties LLC
 Address PO Box 95
Scottsbluff NE 69363
 City _____ State _____ Zip _____
 Phone 308-641-1929
 E-mail: jjjgoodman@outlook.com

(Owner of property if different than applicant)

Owner _____
 Address _____
 City _____ State _____ Zip _____
 Phone _____
 E-mail: _____

Proposed Conditional Use 24/7 Contact

Name Jeri Goodman
 Address 2431 Ave B
Scottsbluff NE 69361
 City _____ State _____ Zip _____
 Phone 308-641-1929
 E-mail: jerisgoodman@gmail.com

Please Note

- If applicant is not the owner, written authorization of such application from the owner will be required.
- The applicant shall be responsible for mail notification of such application.
- Planning Commission meets the 2nd Tuesday of each month. Application and supporting documents must be provided to the Planning Administrator 20 days prior to the meeting.

Property Address 832 Lincoln St, Custer SD 57730

Legal Description N100' of W2 of Lot 8 + N100' of Lot 9

Lot 8 & 9 Block 20 Subdivision Custer City

Size .17 acres (acres)(square feet) Property Zoning District Residential

Water Services city Sewer Services city

Describe Current Use currently used by our family as a vacation home and rented on VRBO when not occupied by us.

Describe Proposed Use (Include Site Plan) same as above.

I hereby confirm that I have completed and possess all applicable South Dakota State licensing requirements.

JG
Initial

I hereby confirm that the proposed use will maintain appropriate Commercial Liability Insurance.

JG
Initial

Please include the following information as required at least 20 days prior to the Planning Commission meeting.

- Site Plan and or Floor Plan as Needed – A Site Plan is mapped or drawn to scale information to show buildings, parking and new or existing features that implement the CUP.
- Certificate of appropriate commercial liability insurance.
- Written authorization from the property owner. (if applicant is not the property owner.)
- Conditional Use Permit Criteria narrative
- Conditional Use Permit Fee Payment

Owner/Applicant Signature: Jeri Goodman Date: 2/12/19

Conditional Use Permit Application

Conditional Use Permit Criteria Narrative

(Applicant shall complete)

The following are considerations, per CMC 17.52.040, that the Planning Commission shall use in determining the approval or denial of a Conditional Use Permit. Please provide comment on the below criteria.

- A. that adequate utilities, public safety, water supply, sewage disposal, surface drainage, flood control, soil conservation, access roads, drainage and other necessary facilities have been considered and/or are being provided; *all utilities are currently being handled by the City of Custer and Black Hills Energy with no current restrictions on the property.*
- B. that the Conditional Use is consistent with the surrounding area in terms of character and density; *we have a single family home; 2 bed/1 bath so it is limited in # of people who can occupy it at once; our family or # others.*
- C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan; *Single family use.*
- D. The proposed use shall be in compliance with all other ordinances. *in compliance with all ordinances that we are aware of.*
- E. The proposed use shall comply with all specific restrictions and requirements of the zone district. *Residential zoning - single family use. ok*
- F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District. *Residential zoning - single family use. ok*
- G. Lighting shall be designed so that it presents a minimal impact to adjacent property. All exterior light sources must be shielded and directed downward. *Front porch light and lighting on covered patio within limits.*
- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use. *off street parking & covered patio for occupants.*
- I. The proposed use shall comply with all applicable state licensing requirements and/or regulations. *Registered with State of SD -*
- J. The proposed use shall maintain appropriate commercial liability insurance. *see att'd - homeowner's policy as well as VRBO liability insure policy*

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

Conditional Use Permit Application

K. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials.

Official Use Only

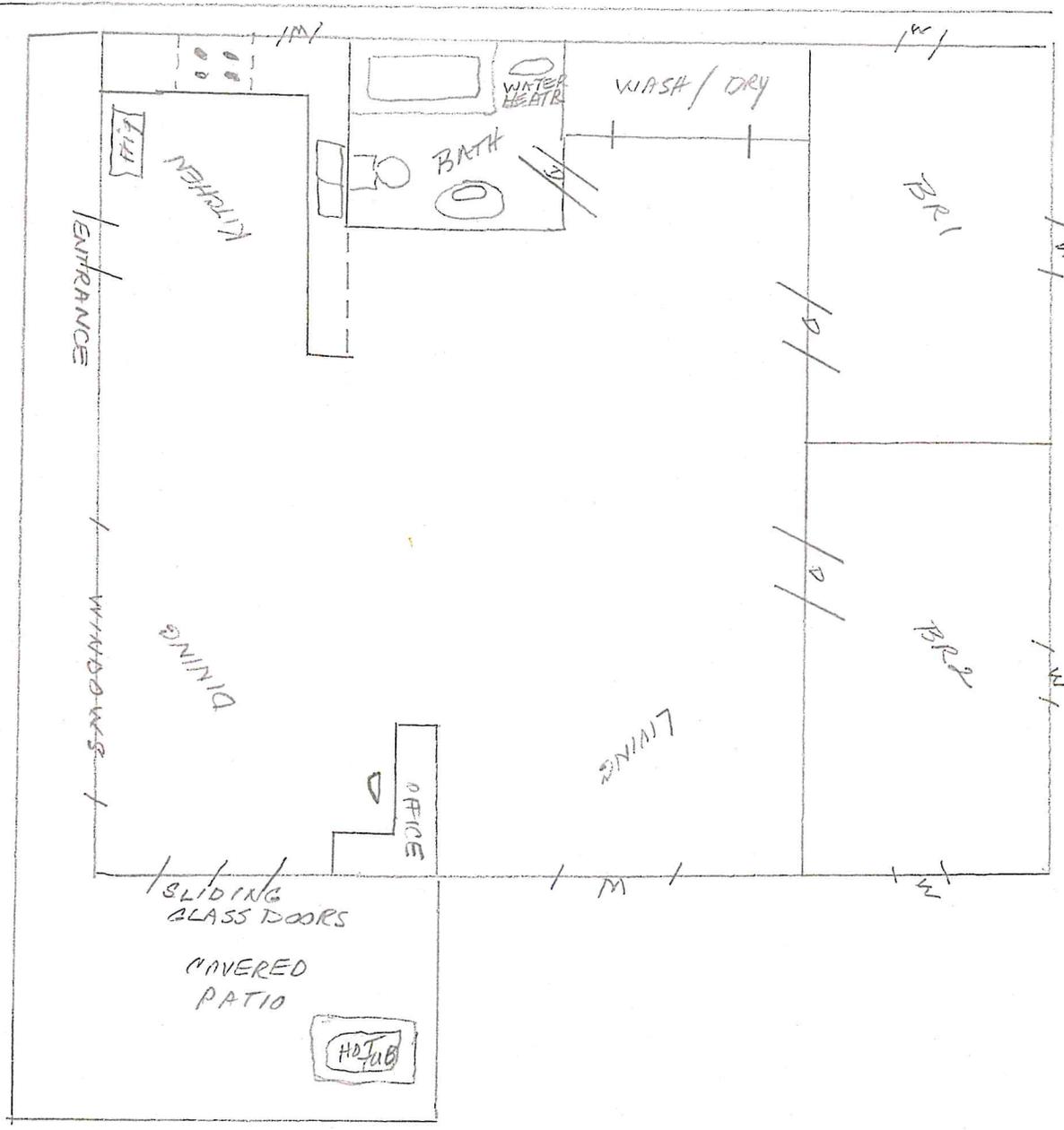
Date Filed _____ Permit Fee 100⁰⁰
Permit/Receipt Number 46021 Parcel ID # 3162
Planning Commission/Public Hearing Date _____
Received By _____

DRIVEWAY

CARPORT

FENCE

STORAGE SHED



FENCE

Tim Hartmann

From: Goodman, Jeri <jerigoodman@fnbnp.com>
Sent: Wednesday, April 17, 2019 2:05 PM
To: Tim Hartmann
Subject: 832 Lincoln Street

Good afternoon Tim. Per our phone conversation I just wanted to clarify the information regarding the parking for our property at 832 Lincoln St in Custer. There is a 2-car carport on the property, which is the main parking for the home. Also, there is a driveway that is shared between the home and the neighbor's home that is available for additional parking if needed and some overflow in the front of the property as well.

Please let me know if you need additional information or have any questions.

Best Regards,

Jeri S Goodman
Asst Branch Mgr, Scottsbluff Branch



1926 Broadway | SC: 9242 | Scottsbluff | NE | 69361
Direct 308.635.8609 NMLS ID 1457111
jerigoodman@fnbi.com | fnbo.com

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This communication, including attachments, is for the exclusive use of addressee and may contain proprietary, confidential and/or privileged information. If you are not the intended recipient, any use, copying, disclosure, dissemination or distribution is strictly prohibited. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this communication and destroy all copies.



Affidavit of Certification for Neighboring Property Owner Notification

I hereby state that to the best of my knowledge all property owners within 250 feet, exclusive of rights of way and any properties under the same ownership, of my property have been notified by Certified Mail or Hand Delivered at least 10 days prior to the upcoming public hearing.

Dated this the 9 day of April, 20 19.

William Henry Charabedain
Signed

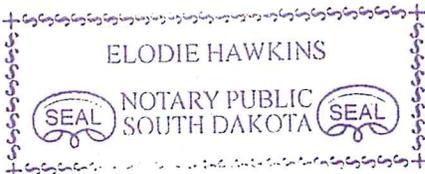
William Henry Charabedain
Name Printed

STATE OF SOUTH DAKOTA

COUNTY OF Fall River

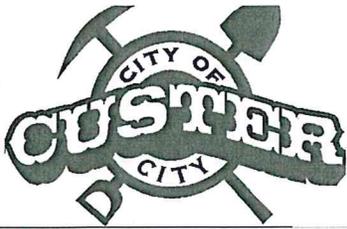
Subscribed and sworn before me this the 9 day of April, 2019.

Elodie Hawkins
Notary Signature



Elodie Hawkins
Notary Name Printed

02/2020
Commission Expires



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: 126 N 8th Street- Conditional Use Permit, Short Term Rental
Applicant: Teresa and Victor Pederson
Fee Paid: \$100.00 *cc 2/4/19*
Location: North 8th Street, at the Intersection of the East/West Alley of Block 18
Date: March 29, 2019
Planning Commission meeting: April 23, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The City has received application for a Conditional Use Permit review of the above referenced property, in conjunction with the Residential Conditional Use Permit Group Review. The property has previously been used as a short-term rental and the property owner desires to continue such use. Per Custer Municipal Code 17.12.050 short term rentals are a permitted conditional use.

SURROUNDING AREA

The immediate area surrounding 126 North 8th Street is composed mainly of other residential uses.

The adjacent properties to the North, East, South, and West are within the Residential Zone. To staff's knowledge, all adjacent properties currently exist as residential uses, with commercial use beginning to the south and west approximately 1.5 Blocks away.

VEHICULAR ACCESS AND PARKING

Staff has viewed the property from an access and parking standpoint in correlation with the proposed use, size, and parking provided. The applicant has specified available off-street parking in the front of the structure, a detached garage in the rear, and staff believes some parking is available from the North South alley to the back of the property. If the vehicles to the front of the property are moved to make such space available for off street parking staff feels the parking is adequate.

OTHER ORDINANCE CONCERNS

Staff conducted an in-office review and a windshield survey of the property. No ordinance violations were found.

LEGAL REVIEW

City legal has reviewed the application and has no concerns with the insurance information provided.

RECOMMENDED ACTION BY PLANNING COMMISSION

All applicable public notification has been completed. Upon review of CUP review staff feels the criteria are satisfied. Staff supports approval of the Conditional Use Permit by the Planning Commission but may want to advise the applicant that the parking area adjacent to 8th Street should be made available for the proposed use.

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

Conditional Use Permit Application

Applicant Information
 Applicant Teresa & Victor Pedersen
 Address 809 Crook Street
Custer SD 57730
 City State Zip
 Phone 605-673-3683 (605-272)
 E-mail: ~~teresa.v.pedersen@gtwc.net~~

(Owner of property if different than applicant)
 Owner _____
 Address _____
 City State Zip
 Phone _____
 E-mail: _____

Proposed Conditional Use 24/7 Contact
 Name Same
 Address _____
 City State Zip
 Phone _____
 E-mail: teresa.v.p@gtwc.net

Please Note
 - If applicant is not the owner, written authorization of such application from the owner will be required.
 - The applicant shall be responsible for mail notification of such application.
 - Planning Commission meets the 2nd Tuesday of each month. Application and supporting documents must be provided to the Planning Administrator 20 days prior to the meeting.

Property Address 126 W 8th St.

Legal Description N 42 1/2' of Lot 1 & N 42 1/2' of W 40' of Lot 2

Lot 1 & 2 Block 18 Subdivision _____

Size 3,825 (acres)(square feet) Property Zoning District Res.

Water Services City Sewer Services City

Describe Current Use Vacation Home Rental since 2015

Describe Proposed Use (Include Site Plan) Vacation Home Rental

I hereby confirm that I have completed and possess all applicable South Dakota State licensing requirements. T.P.
Initial

I hereby confirm that the proposed use will maintain appropriate Commercial Liability Insurance. T.P.
Initial

Please Include the Following Information as Required at least 20 days prior to the Planning Commission meeting.

- Site Plan and or Floor Plan as Needed – A Site Plan is mapped or drawn to scale information to show buildings, parking and new or existing features that implement the CUP.
- Certificate of appropriate commercial liability insurance.
- Written authorization from the property owner. (if applicant is not the property owner.)
- Conditional Use Permit Criteria narrative
- Conditional Use Permit Fee Payment

Owner/Applicant Signature: Teresa Pedersen

Date: 2-22-19

Conditional Use Permit Application

Conditional Use Permit Criteria Narrative

(Applicant shall complete)

The following are considerations, per CMC 17.52.040, that the Planning Commission shall use in determining the approval or denial of a Conditional Use Permit. Please provide comment on the below criteria.

- ✓ A. that adequate utilities, public safety, water supply, sewage disposal, surface drainage, flood control, soil conservation, access roads, drainage and other necessary facilities have been considered and/or are being provided;
- ✓ B. that the Conditional Use is consistent with the surrounding area in terms of character and density;
- ✓ C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan;
- ✓ D. The proposed use shall be in compliance with all other ordinances.
- ✓ E. The proposed use shall comply with all specific restrictions and requirements of the zone district.
- ✓ F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District.
- ✓ G. Lighting shall be designed so that it presents a minimal impact to adjacent property. All exterior light sources must be shielded and directed downward.
- ✓ H. The proposed use shall have adequate vehicular access and parking to serve the proposed use.
- ✓ I. The proposed use shall comply with all applicable state licensing requirements and/or regulations.
- ✓ J. The proposed use shall maintain appropriate commercial liability insurance.

622 Crook Street
Custer, SD 57730

Planning Department

Conditional Use Permit Application

Phone: (605) 673-4824
Fax: (605) 673-2411

- K. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials.

Official Use Only

Date Filed 2-22-19

Permit Fee 100⁻

Permit/Receipt Number 46033

Parcel ID # 8133

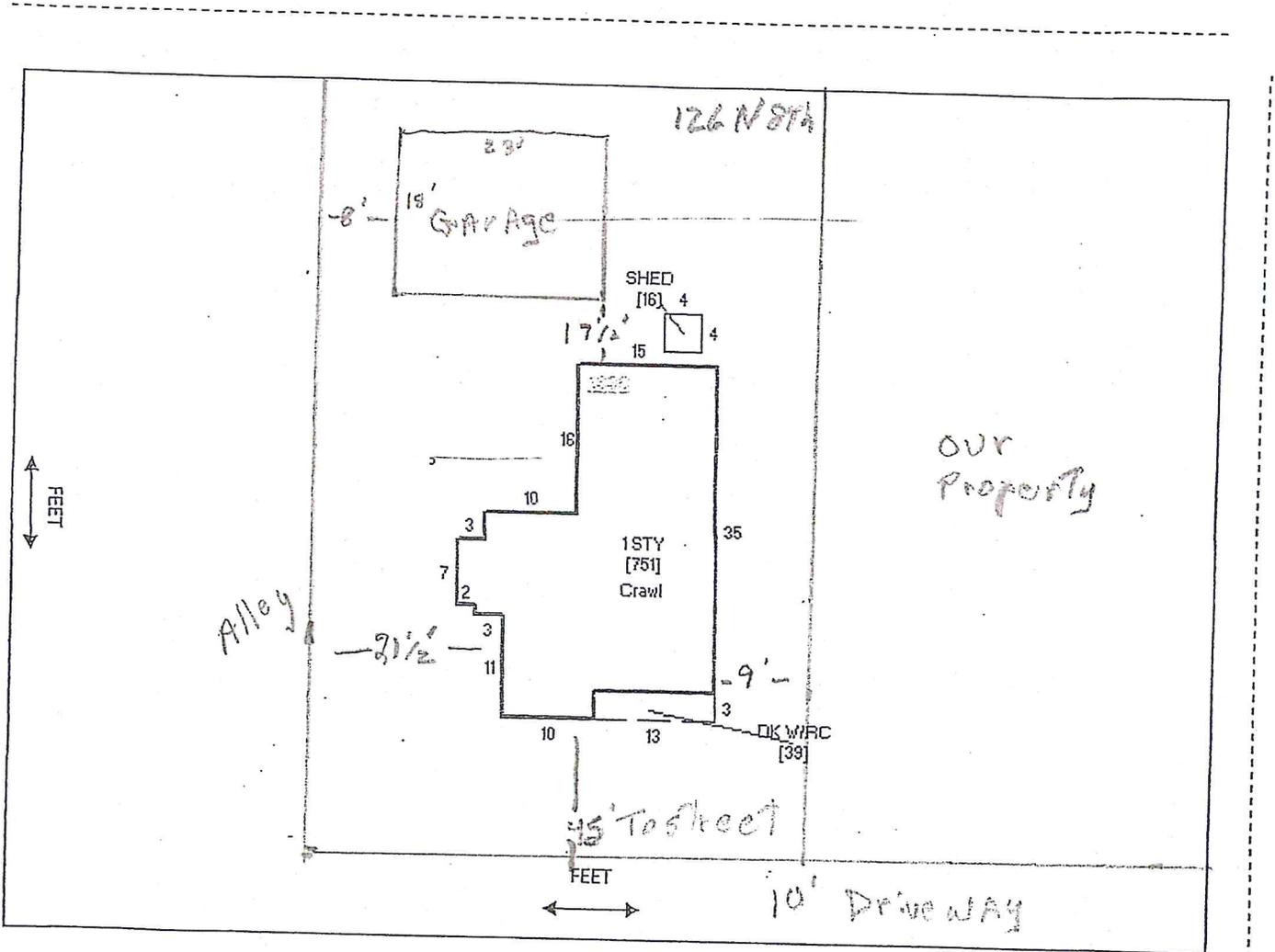
Planning Commission/Public Hearing Date _____

Received By _____

PERMIT NUMBER 46033

SITE AND FLOOR PLAN SKETCH

1. Indicate lot lines;
2. Show location of public roads and drive ways;
3. Show existing and proposed structures including the setbacks.



Describe Work: (attach plans)

Victor & Teresa Pedersen 673-3683

RECEIVED

APR 11 2019

Notice of Public Hearing

CITY OF CUSTER

Conditional Use Permit

NOTICE IS HEREBY GIVEN that the Planning Commission of Custer City, South Dakota shall hold a public hearing on April 23rd, 2019 at 5:00 pm at a regular meeting of the Planning Commission, hearing to be held in the Council Chambers at City Hall, 622 Crook Street on the following;

An application by owner, Teresa and Victor Pedersen, to consider a Conditional Use Permit for the property located at 126 North 8th Street. Such property to be used as a short-term rental as provided by Custer Municipal Code Chapter 17, Section 17.12.050.

The property is described as follows:

LEGAL DESCRIPTION: THE NORTH 42 1/2' OF LOT 1 & THE NORTH 42 1/2' OF THE WEST 40' OF LOT 2, ALL IN BLOCK 18

ADDRESS: 126 NORTH 8TH STREET, CUSTER, SD

If someone is unable to attend the Public Hearing, written comments will be taken. Please send your comments to Custer City, 622 Crook Street, Custer, SD 57730 or by email to timh@cityofcuster.com.

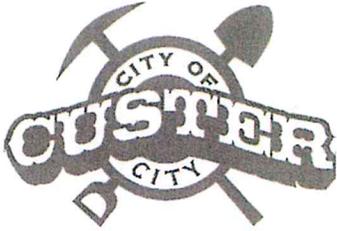
Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the City Finance Office no less than 24 hours prior to the meeting to make necessary arrangements.

Please contact Custer City Planning Administrator Tim Hartmann with any questions, comments or concerns at the contact information listed below.

Tim Hartmann
Planning Administrator
(605)673-4824
timh@cityofcuster.com

Dear Planning Commission, In regards to this Public Hearing in behalf of Teresa & Victor Pedersen Permit for rental property. I have no objections as Teresa and Victor have had rental properties for a long time and have always kept them neat & tidy. I wish them Luck.

David L. Cypert Property Owner
2 Blocks away from their rental
Unit, 807 Harney St. in
Custer S.D. 4/10/19



Affidavit of Certification for Neighboring Property Owner Notification

I hereby state that to the best of my knowledge all property owners within 250 feet, exclusive of rights of way and any properties under the same ownership, of my property have been notified by Certified Mail or Hand Delivered at least 10 days prior to the upcoming public hearing.

Dated this the 9th day of Apr, 20 19.

Victor H Pedersen
Signed

Victor H Pedersen
Name Printed

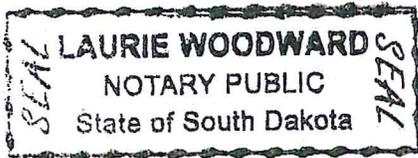
STATE OF SOUTH DAKOTA

COUNTY OF Custer

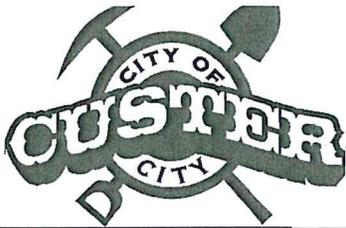
Subscribed and sworn before me this the 9th day of April, 20 19.

Laurie Woodward
Notary Signature

Laurie Woodward
Notary Name Printed



8-23-19
Commission Expires



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: 503 N 3rd Street- Conditional Use Permit, Short Term Rental
Applicant: Jason Waldo
Fee Paid: \$100.00 *cc 2/4/19*
Location: North West corner of the Intersection of 3rd and Clay Street
Date: April 1, 2019
Planning Commission meeting: April 23, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The City has received application for a Conditional Use Permit review of the above referenced property, in conjunction with the Residential Conditional Use Permit Group Review. The property has previously been used primarily as an owner occupied residence, but is also utilized as short-term rental not more than 50 days per year. The property owner plans to continue such use. Per Custer Municipal Code 17.12.050 short term rentals are a permitted conditional use. A single-family dwelling is a principal use.

SURROUNDING AREA

The immediate area surrounding 503 North 3rd Street is composed mainly of other residential uses.

The adjacent properties to the North, East, South, and West are within the Residential Zone. To staff's knowledge, all adjacent properties currently exist as residential uses.

VEHICULAR ACCESS AND PARKING

Staff has viewed the property from an access and parking standpoint in correlation with the proposed use, size, and parking provided. The owner has specified available for approximately 7 off street parking spaces on the property accessed by the loop driveway from Clay Street. Staff feels these spaces are adequate for the 2000 square foot, 4 bed home.

OTHER ORDINANCE CONCERNS

Staff conducted an in-office review and a windshield survey of the property on March 27 and 28th. No ordinance violations were found.

LEGAL REVIEW

City legal has reviewed the application and has no concerns with the insurance information provided.

RECOMMENDED ACTION BY PLANNING COMMISSION

All applicable public notification has been completed. Upon review of CUP review staff feels the criteria are satisfied. Staff supports approval of the Conditional Use Permit by the Planning Commission.

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

Conditional Use Permit Application

Applicant Information

Applicant William "Jason" WALDO
 Address 503 N 3RD ST
Custer SD 57730
 City State Zip
 Phone 470 213-3719
 E-mail: wjason.waldo@gmail.com

(Owner of property if different than applicant)

Owner _____
 Address SAME

 City State Zip
 Phone _____
 E-mail: _____

Proposed Conditional Use 24/7 Contact

Name _____
 Address SAME

 City State Zip
 Phone _____
 E-mail: _____

Please Note

- If applicant is not the owner, written authorization of such application from the owner will be required.
- The applicant shall be responsible for mail notification of such application.
- Planning Commission meets the 2nd Tuesday of each month. Application and supporting documents must be provided to the Planning Administrator 20 days prior to the meeting.

Property Address 503 N 3RD ST

Legal Description _____

Lot 456 Block 39 Subdivision _____

Size .6 AC (acres)(square feet) Property Zoning District R

Water Services Town Sewer Services Town

Describe Current Use PART time owner residence. VRBO less than 50 DAYS per CALENDAR YEAR.

Describe Proposed Use (Include Site Plan) Same

I hereby confirm that I have completed and possess all applicable South Dakota State licensing requirements.

WJW
Initial

I hereby confirm that the proposed use will maintain appropriate Commercial Liability Insurance.

WJW
Initial

Please include the following information as required at least 20 days prior to the Planning Commission meeting.

- Site Plan and or Floor Plan as Needed – A Site Plan is mapped or drawn to scale information to show buildings, parking and new or existing features that implement the CUP.
- Certificate of appropriate commercial liability insurance.
- Written authorization from the property owner. (if applicant is not the property owner.)
- Conditional Use Permit Criteria narrative
- Conditional Use Permit Fee Payment

Owner/Applicant Signature: [Signature]

Date: 2.28.19

Conditional Use Permit Application

Conditional Use Permit Criteria Narrative

(Applicant shall complete)

The following are considerations, per CMC 17.52.040, that the Planning Commission shall use in determining the approval or denial of a Conditional Use Permit. Please provide comment on the below criteria.

- A. that adequate utilities, public safety, water supply, sewage disposal, surface drainage, flood control, soil conservation, access roads, drainage and other necessary facilities have been considered and/or are being provided; *Attached to Town WATER/Sewer B.H.E. → Power*
- B. that the Conditional Use is consistent with the surrounding area in terms of character and density; *Home is Rented to Families Visiting 'The Black Hills' These Families are consistent in number & nature of the Families that live Full Time in Custer*
- C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan;
- D. The proposed use shall be in compliance with all other ordinances.
- E. The proposed use shall comply with all specific restrictions and requirements of the zone district.
- F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District.
- G. Lighting shall be designed so that it presents a minimal impact to adjacent property. All exterior light sources must be shielded and directed downward. *Lighting is STANDARD Residential*
- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use. *Site Accommodates 4 Covered + 3 Uncovered "OFF STREET" spots for a total of 7 PARKING spots "OFF STREET"*
- I. The proposed use shall comply with all applicable state licensing requirements and/or regulations.
- J. The proposed use shall maintain appropriate commercial liability insurance.

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

Conditional Use Permit Application

- K. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials.

<u>Official Use Only</u>	
Date Filed <u>Feb 28 2019.</u>	Permit Fee <u>100⁰⁰</u>
Permit/Receipt Number <u>46050</u>	Parcel ID # <u>008303</u>
Planning Commission/Public Hearing Date _____	
Received By _____	

2000ft² total

4 Bed

Lots 4, 5, 6 of Block 59

0.517 acres

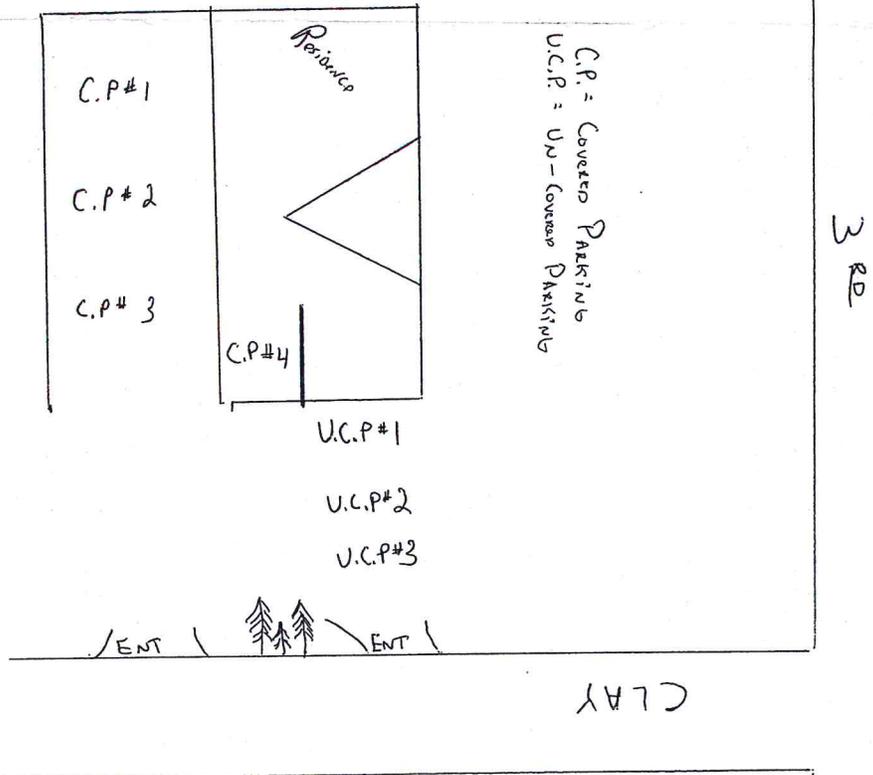
Home with attached garage and covered
Carport

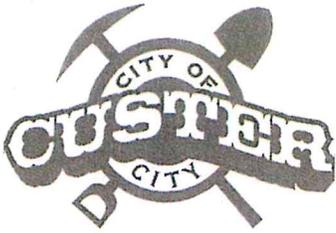
No signage to be set

Notes written by Tmt from follow up phone conversation
with Jayn 2/28/19 10:50am



503 N 3RD St Cluster Site Plan





Affidavit of Certification for Neighboring Property Owner Notification

I hereby state that to the best of my knowledge all property owners within 250 feet, exclusive of rights of way and any properties under the same ownership, of my property have been notified by Certified Mail or Hand Delivered at least 10 days prior to the upcoming public hearing.

Dated this the 9 day of April, 20 19.

[Signature]
Signed

William John Ward
Name Printed

STATE OF SOUTH DAKOTA

COUNTY OF Custer

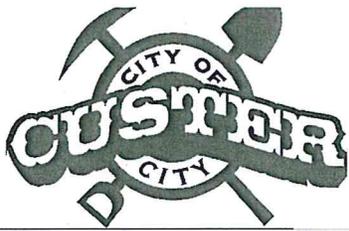
Subscribed and sworn before me this the 9 day of April, 20 19.

[Signature]
Notary Signature

Sydney M. Gramkow
Notary Name Printed

June 7th 2024
Commission Expires





Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: 239 Gordon Street - Conditional Use Permit, Short Term Rental
Applicant: David Andrews
Fee Paid: \$100.00 cc 2/4/19
Location: North Side of Gordon St., Just South of the BHE yard.
Date: April 1, 2019
Planning Commission meeting: April 23, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The City has received application for a Conditional Use Permit review of the above referenced property, in conjunction with the Residential Conditional Use Permit Group Review. The property has previously been used as a short-term rental and the property owner desires to continue such use. Per Custer Municipal Code 17.12.050 short term rentals are a permitted conditional use.

SURROUNDING AREA

The immediate area surrounding 239 Gordon Crook Street is composed of a mix of other residential uses, commercial uses, and across French Creek, some Industrial uses.

The adjacent property to the North (across French Creek) is currently home to Black Hills Energy's equipment/pole yard and electrical substation. To the East is French Creek Park, the West is other residential homes, and directly to the South is a commercial hotel/motel. According to the official zoning map the property to the North is zoned Industrial with all other sides being Residential.

VEHICULAR ACCESS AND PARKING

Staff has viewed the property from an access and parking standpoint in correlation with the proposed use, size, and parking provided. The owner has specified 4 available parking areas for the property. A 2-car carport and 2 additional parking spots. Staff feels these 4 spaces are adequate for the 730 square foot, 3 bed, 1 bath home.

OTHER ORDINANCE CONCERNS

Staff conducted an in-office review and a windshield survey of the property on March 27 and 28th. No ordinance violations were found. Please note this property is affected by regulatory floodplain on the north side of the property. After a review of the existing structure and the property the structure is a pre-firm building and does appear to be located just outside the special flood hazard area, therefore no action is needed or applicable from a flood plain standpoint.

LEGAL REVIEW

City legal has reviewed the application and has no concerns with the insurance information provided.

RECOMMENDED ACTION BY PLANNING COMMISSION

All applicable public notification has been completed. Upon review of CUP review staff feels the criteria are satisfied. Staff supports approval of the Conditional Use Permit by the Planning Commission.

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

Conditional Use Permit Application

Applicant Information

Applicant DAVID ANDREWS

Address 131 GORDON ST
CUSTER SD 57730

City _____ State _____ Zip _____

Phone 605-549-5641

E-mail: COZYSDRENTALS@GMAIL.COM

(Owner of property if different than applicant)

Owner _____

Address _____

City _____ State _____ Zip _____

Phone _____

E-mail: _____

Proposed Conditional Use 24/7 Contact

Name DAVID ANDREWS

Address 239 GORDON ST
CUSTER SD 57730

City _____ State _____ Zip _____

Phone 605-549-5641

E-mail: COZYSDRENTALS@GMAIL.COM

Please Note

- If applicant is not the owner, written authorization of such application from the owner will be required.
- The applicant shall be responsible for mail notification of such application.
- Planning Commission meets the 2nd Tuesday of each month. Application and supporting documents must be provided to the Planning Administrator 20 days prior to the meeting.

Property Address 239 GORDON ST CUSTER SD 57730

Legal Description _____

Lots 5+6 Block 127 Subdivision CUSTER CITY

Size 727^{sq ft} (acres)(square feet) Property Zoning District 127

Water Services City Sewer Services City

Describe Current Use House has been used since 2012 by various owners as a vacation rental

Describe Proposed Use (Include Site Plan) Vacation Rental and use for family visitors

I hereby confirm that I have completed and possess all applicable South Dakota State licensing requirements.

DA
Initial
DC
Initial

I hereby confirm that the proposed use will maintain appropriate Commercial Liability Insurance.

Please Include the Following Information as Required at least 20 days prior to the Planning Commission meeting.

- Site Plan and or Floor Plan as Needed – A Site Plan is mapped or drawn to scale information to show buildings, parking and new or existing features that implement the CUP.
- Certificate of appropriate commercial liability insurance.
- Written authorization from the property owner. (if applicant is not the property owner.)
- Conditional Use Permit Criteria narrative
- Conditional Use Permit Fee Payment

Owner/Applicant Signature: [Signature]

Date: 02/24/2019

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

Conditional Use Permit Application

Conditional Use Permit Criteria Narrative

(Applicant shall complete)

The following are considerations, per CMC 17.52.040, that the Planning Commission shall use in determining the approval or denial of a Conditional Use Permit. Please provide comment on the below criteria.

- A. that adequate utilities, public safety, water supply, sewage disposal, surface drainage, flood control, soil conservation, access roads, drainage and other necessary facilities have been considered and/or are being provided; *yes*

- B. that the Conditional Use is consistent with the surrounding area in terms of character and density; *yes*

- C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan; *yes*

- D. The proposed use shall be in compliance with all other ordinances. *yes*

- E. The proposed use shall comply with all specific restrictions and requirements of the zone district. *yes*

- F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District. *yes*

- G. Lighting shall be designed so that it presents a minimal impact to adjacent property. All exterior light sources must be shielded and directed downward.
Standard front porch light

- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use. *yes*

- I. The proposed use shall comply with all applicable state licensing requirements and/or regulations. *yes*

- J. The proposed use shall maintain appropriate commercial liability insurance. *yes*

622 Crook Street
Custer, SD 57730

Planning Department

Conditional Use Permit Application

Phone: (605) 673-4824
Fax: (605) 673-2411

K. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials.

Official Use Only

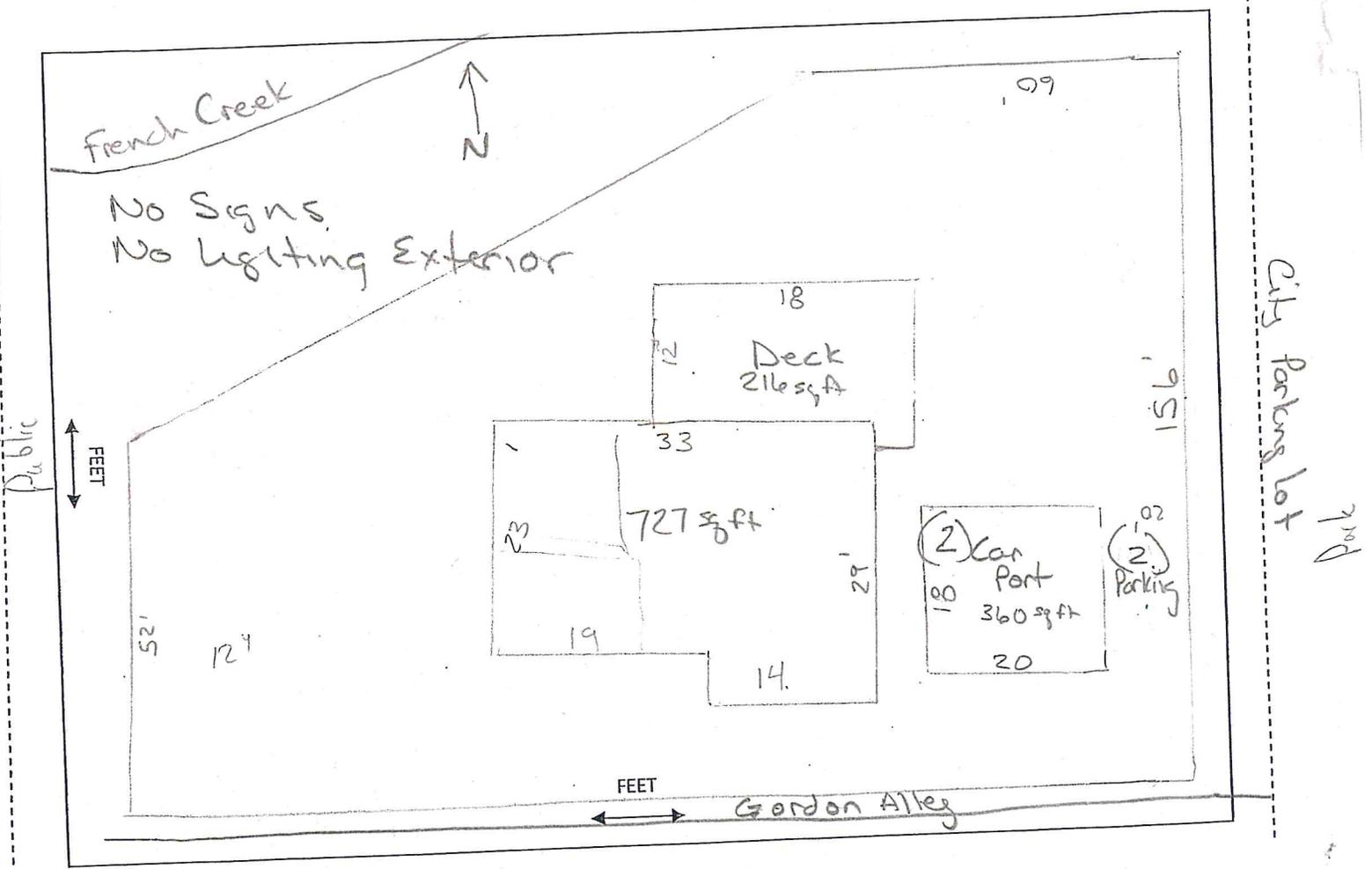
Date Filed 2-20-19 Permit Fee 100-
Permit/Receipt Number 46051 Parcel ID # 8106
Planning Commission/Public Hearing Date _____
Received By _____

PERMIT NUMBER _____

SITE AND FLOOR PLAN SKETCH

1. Indicate lot lines;
2. Show location of public roads and drive ways;
3. Show existing and proposed structures including the setbacks.

Risk lot / French Creek



Describe Work: (attach plans)

North Property Line Borders French Creek - Fenced
 East Property Line Borders City Park Parking Lot and Park
 South Property Line Borders Gordon St. Alley.
 West Property Line Borders County empty Lot.

1 Bath

3 Bedroom

1 family, Max 7 person



Affidavit of Certification for Neighboring Property Owner Notification

I hereby state that to the best of my knowledge all property owners within 250 feet, exclusive of rights of way and any properties under the same ownership, of my property have been notified by Certified Mail or Hand Delivered at least 10 days prior to the upcoming public hearing.

Dated this the 9th day of April, 20 19.

Karla M. Andrews
Signed

Karla M. Andrews
Name Printed

STATE OF SOUTH DAKOTA

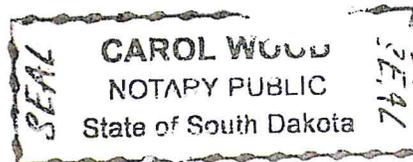
COUNTY OF Custer

Subscribed and sworn before me this the 09 day of April, 20 19.

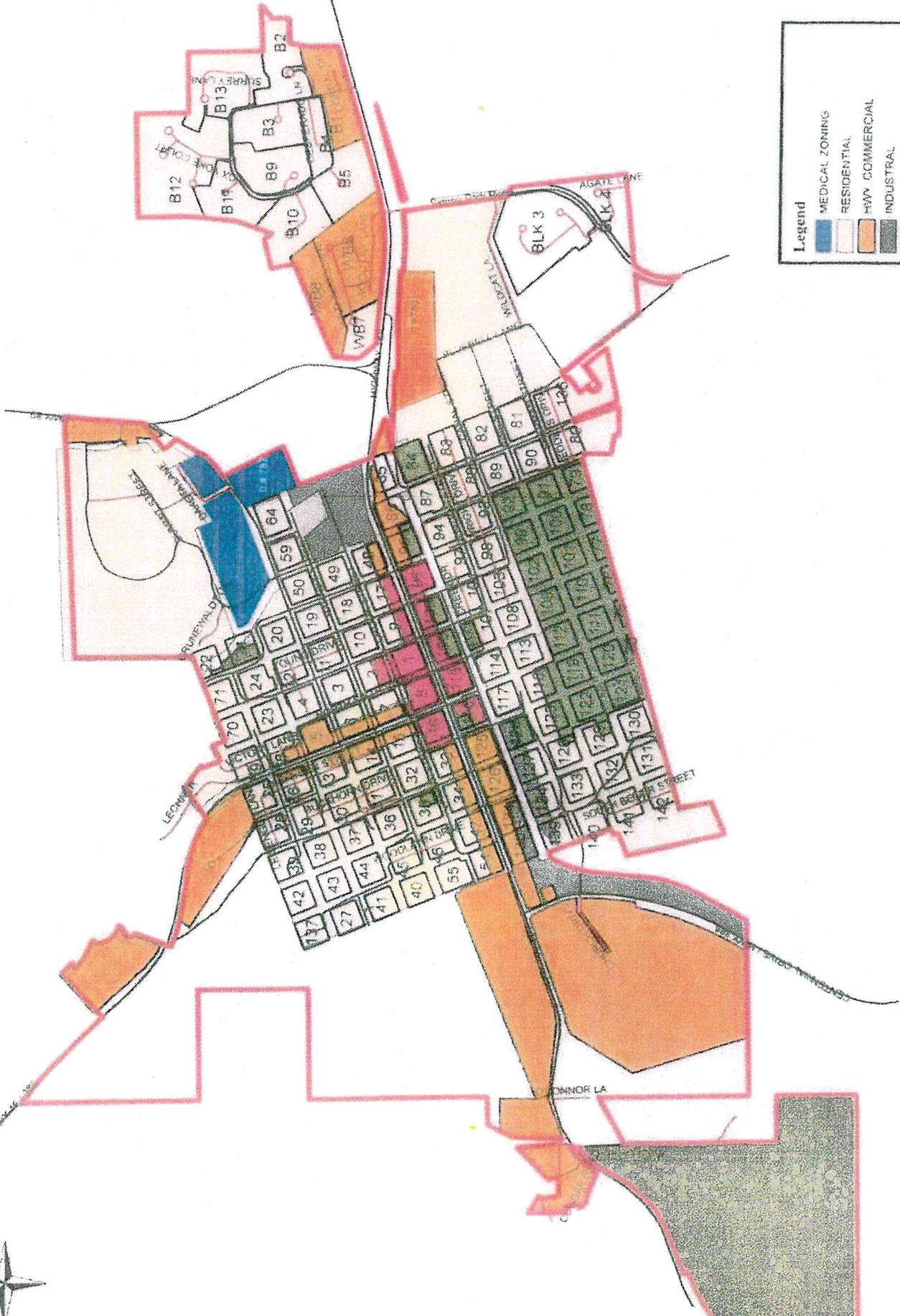
Carol Wood
Notary Signature

Carol Wood
Notary Name Printed

02-28-25
Commission Expires



CITY OF CUSTER CITY



Legend

- MEDICAL ZONING
- RESIDENTIAL
- HWY COMMERCIAL
- INDUSTRIAL
- CENTRAL BUSINESS DISTRICT

OFFICIAL ZONING MAP 4/20/2018



Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: 257 Desperado Lane - Conditional Use Permit, Short Term Rental
Applicant: Carol Jorgensen
Fee Paid: \$100.00 CC 2/4/19
Location: Desperado Lane, Boot Hill Ranch Sub, Phase 1
Date: March 29, 2019
Planning Commission meeting: April 23, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The City has received application for a Conditional Use Permit review of the above referenced property, in conjunction with the Residential Conditional Use Permit Group Review. The property has previously been used as a short-term rental and the property owner desires to continue such use. Per Custer Municipal Code 17.12.050 short term rentals are a permitted conditional use.

SURROUNDING AREA

The immediate area surrounding 257 Desperado Lane is composed mainly of other residential uses.

The adjacent properties to the North, East, South, and West are within the Residential Zone. To staff's knowledge, all adjacent properties currently exist as residential uses, with commercially zoned property beginning to the south across Desperado Lane and Boot Hill Road.

VEHICULAR ACCESS AND PARKING

Staff has viewed the property from an access and parking standpoint in correlation with the proposed use, size, and parking provided. The owner has specified 4 available parking areas for the property. A 2-car garage and 2 additional parking spots in the driveway. Staff feels these 4 spaces are adequate for the 1370 square foot, 2 bed, 2 bath home.

OTHER ORDINANCE CONCERNS

Staff conducted an in-office review and a windshield survey of the property. No ordinance violations were found.

LEGAL REVIEW

City legal has reviewed the application and has no concerns with the insurance information provided.

RECOMMENDED ACTION BY PLANNING COMMISSION

All applicable public notification has been completed. Upon review of CUP review staff feels the criteria are satisfied. Staff supports approval of the Conditional Use Permit by the Planning Commission.

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

Conditional Use Permit Application

Applicant Information		
Applicant	<u>Carol T. Jorgensen</u>	
Address	<u>204 Harney St.</u>	
	<u>Custer, SD</u>	<u>57730</u>
City	State	Zip
Phone	<u>605-673-1244</u>	
E-mail:	<u>jorgensen@gwtc.net</u>	

(Owner of property if different than applicant)		
Owner	<u>Desperado Retreat LLC</u>	
Address	<u>257 Desperado Lane</u>	
	<u>Custer, SD</u>	<u>57730</u>
City	State	Zip
Phone	_____	
E-mail:	_____	

Proposed Conditional Use 24/7 Contact		
Name	_____	
Address	_____	
	_____	_____
City	State	Zip
Phone	_____	
E-mail:	_____	

Please Note
- If applicant is not the owner, written authorization of such application from the owner will be required.
- The applicant shall be responsible for mail notification of such application.
- Planning Commission meets the 2 nd Tuesday of each month. Application and supporting documents must be provided to the Planning Administrator 20 days prior to the meeting.

Property Address 257 Desperado Lane

Legal Description Attached

Lot T Block 1 Subdivision Boot Hill Ranch Subl

Size 6383 (acres)(square feet) 59 ft. Property Zoning District Residential

Water Services City Sewer Services City

Describe Current Use Vacation^{Rental} by Owner - in operation

for past 4 years

Describe Proposed Use (Include Site Plan) Vacation^{Rental} by Owner

I hereby confirm that I have completed and possess all applicable South Dakota State licensing requirements.

ctj
Initial

I hereby confirm that the proposed use will maintain appropriate Commercial Liability Insurance.

ctj
Initial

Please include the Following Information as Required at least 20 days prior to the Planning Commission meeting.

- Site Plan and or Floor Plan as Needed – A Site Plan is mapped or drawn to scale information to show buildings, parking and new or existing features that implement the CUP.
- Certificate of appropriate commercial liability insurance.
- Written authorization from the property owner. (if applicant is not the property owner.)
- Conditional Use Permit Criteria narrative
- Conditional Use Permit Fee Payment

Owner/Applicant Signature: Carol Jorgensen Date: 2/28/19

member

E

Planning Department

Conditional Use Permit Application

Conditional Use Permit Criteria Narrative

(Applicant shall complete)

The following are considerations, per CMC 17.52.040, that the Planning Commission shall use in determining the approval or denial of a Conditional Use Permit. Please provide comment on the below criteria.

- A. that adequate utilities, public safety, water supply, sewage disposal, surface drainage, flood control, soil conservation, access roads, drainage and other necessary facilities have been considered and/or are being provided; *Subdivision is within the city limits. Utilities + infrastructure meet all standard requirements.*
- B. that the Conditional Use is consistent with the surrounding area in terms of character and density; *The property is half of a duplex. It is a bedroom/1 bath. VRBO use is limited to 6 people*
- C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan; *no pets*
- D. The proposed use shall be in compliance with all other ordinances.
- E. The proposed use shall comply with all specific restrictions and requirements of the zone district.
- F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District.
- G. Lighting shall be designed so that it presents a minimal impact to adjacent property. All exterior light sources must be shielded and directed downward. *Normal residential lighting. Porch lights front + back*
- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use. *Clean 2 car garage available for parking. Concrete driveway will also accommodate*
- I. The proposed use shall comply with all applicable state licensing requirements and/or *2 cars.* regulations. *SD Dept of Health Lodging License - attached Annual Health Inspection.*
- J. The proposed use shall maintain appropriate commercial liability insurance. *SD Dept of Revenue Sales Tax License - attached American National Policy*

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

Conditional Use Permit Application

- K. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials.

<u>Official Use Only</u>	
Date Filed <u>2-28-19</u>	Permit Fee <u>100⁰⁰.</u>
Permit/Receipt Number <u>416052</u>	Parcel ID # <u>13001</u>
Planning Commission/Public Hearing Date _____	
Received By _____	

**WRITINGS IN LIEU OF FIRST MEETING
OF MEMBERS OF
DESPERADO RETREAT, L.L.C.**

The undersigned, being the Organizer and all of the Members of DESPERADO RETREAT, L.L.C., a South Dakota Limited Liability Company, being entitled to notice of the First Meeting of Members, hereby waive all requirements of notice of such meeting of Members and consent to the adoption of this writing in lieu of the First Meeting of Members of said Limited Liability Company.

The actions set forth below are hereby adopted and shall be of the same affect as if adopted at the First Meeting of Members of said limited liability company duly called and held for the purpose of taking such actions. This writing is hereby ordered filed with the Minutes of Members.

RESOLVED, that the provisions herein regarding the LLC shall be considered effective April 1, 2018, and that a partnership tax return be filed for the year beginning from said date.

RESOLVED, that no managers shall be appointed at this time.

RESOLVED, that either CAROL A. JORGENSEN or CHARLOTTE E. STRUTTON is authorized for the signing of tax forms and signing contracts unless written notice is otherwise directed to the third party by the other member.

RESOLVED, that the proposed form of Membership Certificate be adopted as the Membership Certificate of the Limited Liability Company.

RESOLVED, that the Articles of Organization of the Limited Liability Company be accepted by all members as currently filed.

RESOLVED, that the Operating Agreement of the Limited Liability Company to be effective April 1, 2018, be adopted by each member signing said agreement.

Description:

LOT T OF LOT 1 OF BLOCK 4 OF BOOT HILL RANCH SUBDIVISION PHASE 1, LOCATED IN TRACT A OF THE NE 1/4SW1/4 OF SECTION 19, TOWNSHIP 3 SOUTH, RANGE 5 EAST OF THE BLACK HILLS MERIDIAN, CUSTER COUNTY, SOUTH DAKOTA, AS SHOWN ON PLAT FILED IN BOOK 12 OF PLATS, PAGE 319.

BOOT HILL RANCH SUBDIVISION PHASE 1
 PLAT OF LOTS A THROUGH H, LOTS O, P, S, T, W AND X
 OF LOT 1 BLOCK 4 OF BOOTHILL RANCH SUBDIVISION
 PHASE 1, LOCATED IN TRACT A OF THE NE 1/4 SW 1/4 OF
 SECTION 19, T35, R5E, B.H.M. CUSTER CITY, CUSTER COUNTY,
 SOUTH DAKOTA.

LEGEND
 ■ CORNER SET THIS SURVEY
 ■ MARKED WITH ALUMINUM CAP
 ■ MARKED BUCKHORN SURVEYING
 ■ R.L.S. 4896
 ○ CORNER FOUND THIS SURVEY
 ■ RECORDED WITH ALUMINUM CAP
 ■ RECORDED WITH BUCKHORN SURVEYING
 ■ R.L.S. 4896



NOTE
 THE B.H.M. RANCH SUBDIVISION IS RECORDED IN
 BOOK 11 OF PAGE 533
 PLAT OF LOTS I AND J OF LOT 1 OF BLOCK 4
 IS RECORDED IN PLAT BOOK 12 OF PAGE 181

NOTE
 DESPERADO LANE IS A 30' PUBLIC ACCESS
 AND UTILITY EASEMENT.

NOTE
 BOOT HILL ROAD IS A 30' PUBLIC ACCESS
 AND UTILITY EASEMENT.

BASIS OF BEARINGS

THE RECORDED BEARING OF THE 3/4" I.F.E.
 LINE PROVIDING 10% CORNER OF LOT 1 TO
 THE NE CORNER OF LOT 1
 SECTION 19, T35, R5E, B.H.M.

PREPARED BY
 JACK H. ROST
 BUCKHORN SURVEYING INC
 2808 LESSION LOOP
 CUSTER, SOUTH DAKOTA 57730
 (605) 673-5492

STATE OF SOUTH DAKOTA
 COUNTY OF CUSTER SS

I, Jack H. Rost, do hereby certify that I am a duly qualified and licensed Professional Land Surveyor in the State of South Dakota, and that I have personally surveyed and laid out the above described plat, and that the same conforms to all existing laws, ordinances, rules, regulations, and orders of the State of South Dakota, and that I have personally examined the same, and that the same is a true and correct copy of the original as recorded in the public records of the State of South Dakota.

STATEMENT OF SURVEYOR
 I, Jack H. Rost, do hereby certify that I am a duly qualified and licensed Professional Land Surveyor in the State of South Dakota, and that I have personally surveyed and laid out the above described plat, and that the same conforms to all existing laws, ordinances, rules, regulations, and orders of the State of South Dakota, and that I have personally examined the same, and that the same is a true and correct copy of the original as recorded in the public records of the State of South Dakota.



CERTIFICATE OF COUNTY TREASURER

I, Debra Winkler, County Treasurer, do hereby certify that the above described plat, and that the same conforms to all existing laws, ordinances, rules, regulations, and orders of the State of South Dakota, and that I have personally examined the same, and that the same is a true and correct copy of the original as recorded in the public records of the State of South Dakota.

CERTIFICATE OF HIGHWAY AUTHORITY

I, Debra Winkler, County Treasurer, do hereby certify that the above described plat, and that the same conforms to all existing laws, ordinances, rules, regulations, and orders of the State of South Dakota, and that I have personally examined the same, and that the same is a true and correct copy of the original as recorded in the public records of the State of South Dakota.

STATE OF SOUTH DAKOTA
 CITY OF CUSTER SS

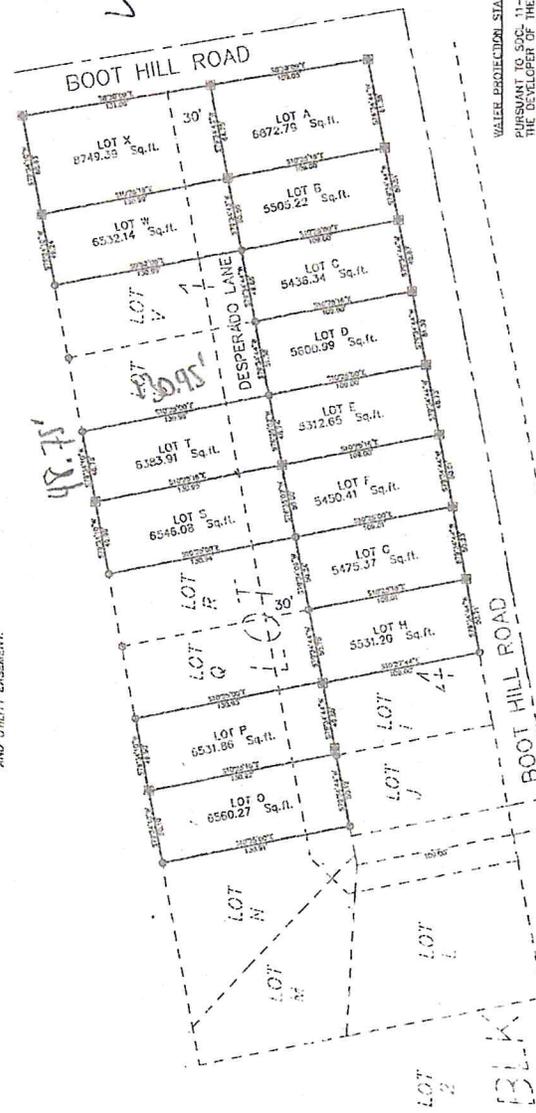
I, Debra Winkler, County Treasurer, do hereby certify that the above described plat, and that the same conforms to all existing laws, ordinances, rules, regulations, and orders of the State of South Dakota, and that I have personally examined the same, and that the same is a true and correct copy of the original as recorded in the public records of the State of South Dakota.

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, Debra Winkler, County Treasurer, do hereby certify that the above described plat, and that the same conforms to all existing laws, ordinances, rules, regulations, and orders of the State of South Dakota, and that I have personally examined the same, and that the same is a true and correct copy of the original as recorded in the public records of the State of South Dakota.

CERTIFICATE OF REGISTER OF DEEDS

I, Debra Winkler, County Treasurer, do hereby certify that the above described plat, and that the same conforms to all existing laws, ordinances, rules, regulations, and orders of the State of South Dakota, and that I have personally examined the same, and that the same is a true and correct copy of the original as recorded in the public records of the State of South Dakota.



NOTE
 10 FEET EACH SIDE OF REAR
 ALLEYS FOR UTILITY EASEMENT
 IF BOTH SIDES OF LOT LINES ARE
 NOT EQUIVALENT BY THIS PLAT
 TAKEN FROM THE LOT

NOTE
 ACCORDING TO FRONT PAPER
 24' WIDE ACCESS, UTILITY AND
 EASEMENT REQUIRED IN
 PLAIN INVOLVED ON THIS PLAT.
 BOOK 15 OF PAGE 181

WATER PROTECTION STATEMENT
 PURSUANT TO SDCC 11-3-61 AND 11-3-62
 WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR
 PROTECTING ANY WATERS OF THE STATE
 OR WITHIN SUCH PLATTED AREA FROM POLLUTION
 FROM SEWAGE FROM SUCH SUBDIVISION AND SHALL
 IN PROSECUTION OF SUCH PROTECTIONS CONFORM
 TO AND FOLLOW ALL REGULATIONS OF THE SOUTH
 DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL
 RESOURCES RELATING TO THE SAME.

10 10 10 10 10

10 10 10 10 10

CBA P4 65/71

6179

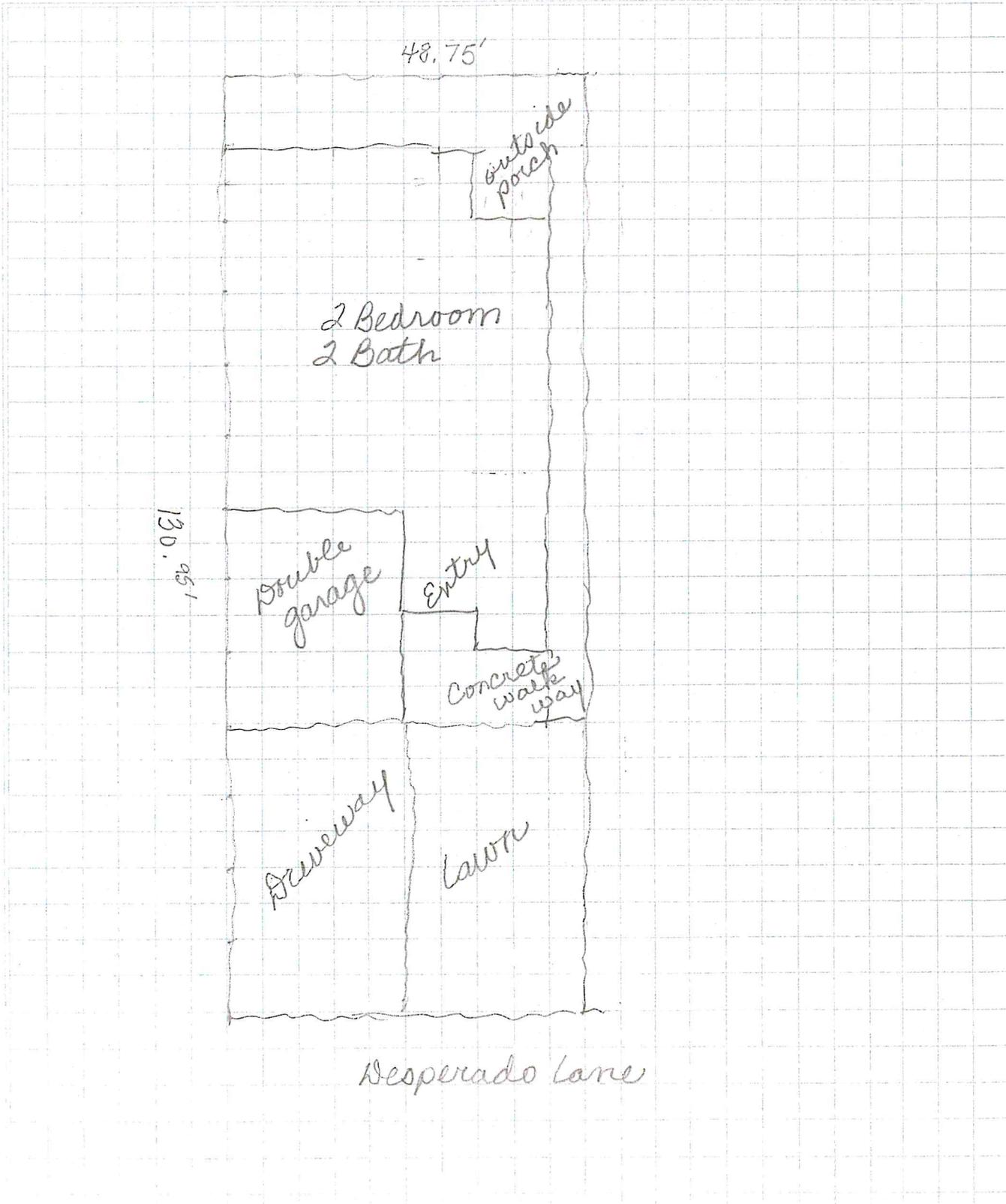
COMPUTATION SHEET

SHEET OF

MADE BY

Subject

CHECKED BY
(Initial and date)



Tim Hartmann

From: Richard Kotrous <richilkot@gpccom.net>
Sent: Tuesday, April 16, 2019 4:30 PM
To: Tim Hartmann
Subject: Short-term rental

Yes, its OK with me that they can have a Conditional Use Permit for the property located at 257 Desperado Lane. I'm sure the business places in Custer appreciate the extra income that they leave behind.
I do want to thank you for contacting me for my input.

Richard L Kotrous
PO Box 272
Verdigre, NE 68783-0272 263 Desperado LN

Kim Conwell

From: Tim Hartmann
Sent: Friday, April 12, 2019 2:58 PM
To: Kim Conwell
Subject: FW: Conditional Use Permit for Carol T. Jorgensen

Please print and file.

From: raymondjprince@aol.com <raymondjprince@aol.com>
Sent: Friday, April 12, 2019 10:27 AM
To: Tim Hartmann <timh@cityofcuster.com>
Subject: Conditional Use Permit for Carol T. Jorgensen

Greetings Mr. Hartmann:

Thank you for the Notice of Public Hearing regarding Conditional Use Permit for 257 Desperado Lane, Custer, SD.

I will be unable to attend the meeting since I have to be in Washington, DC that day for a deposition.

After living in Pennsylvania, New Jersey, as well as traveling to every state in the USA and 10 other countries what a pleasure it is to live in Custer. You already know all the good points about Custer so I will not list them. But I have to point out -- I do love Burger and Bun!

Boot Hill is a great area. I sold my large home three miles up on Upper French Creek about 1.5 years ago to move into Boot Hill. Upper French Creek although beautiful, the heavy traffic, dust, noise in the summer from vacation rentals did not make it a great place to retire. The noise of groups of 10 ATV's going buy and other vacation recreational vehicles did not make it pleasant. Boot Hill was the answer for me. We have great neighbors and a quiet street.

I am opposed to turning this area into a vacation rental area. If I wanted to live in one I would have purchased one in Florida.

I do not wish to move.

Raymond J. Prince
Printing Consultant
Boot Hill
249 Desperado Lane
Custer, SD 57730

605-941-1492 (cell)
605-673-5065 (home)

raymondjprince@aol.com

"My position is that there is no place for divisiveness when it comes to gender and diversity. We are all people worthy of respect and mutual support. There are some issues, perhaps most, where there is no such thing as gender ownership." - Dr. Harvey Levenson



Affidavit of Certification for Neighboring Property Owner Notification

I hereby state that to the best of my knowledge all property owners within 250 feet, exclusive of rights of way and any properties under the same ownership, of my property have been notified by Certified Mail or Hand Delivered at least 10 days prior to the upcoming public hearing.

Dated this the 17 day of April, 2019.

Carol Jorgensen
Signed

Carol T. Jorgensen
Name Printed

STATE OF SOUTH DAKOTA

COUNTY OF Custer

Subscribed and sworn before me this the 17 day of April, 2019.

Sydney M. Gramkow
Notary Signature

Sydney M. Gramkow
Notary Name Printed

June 7th 2024
Commission Expires





Planning Department
622 Crook Street
Custer, SD. 57730
Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: 241 N 4th Street - Conditional Use Permit, Short Term Rental
Applicant: Lenorr Snyder
Fee Paid: \$100.00 CC 2/4/19
Location: North end of the developed 4th Street. N/W of the Catholic Church parking lot.
Date: April 1, 2019
Planning Commission meeting: April 23, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

The City has received application for a Conditional Use Permit review of the above referenced property, in conjunction with the Residential Conditional Use Permit Group Review. The property has previously been used as a short-term rental and the property owner desires to continue such use. Per Custer Municipal Code 17.12.050 short term rentals are a permitted conditional use.

SURROUNDING AREA

The immediate area surrounding 241 North 4th Street is composed mainly of other residential uses, except for a parking lot serving the Catholic Church lying to the South East.

The adjacent properties to the North, East, South, and West are within the Residential Zone. To staff's knowledge, all adjacent properties currently exist as residential uses, with commercial use beginning to the east across Bryden Drive.

VEHICULAR ACCESS AND PARKING

Staff has viewed the property from an access and parking standpoint in correlation with the proposed use, size, and parking provided. The owner has specified 4 available parking areas for the property and has specified that the short-term rental is limited to a maximum of seven guests total. Staff feels these 4 spaces are adequate for the 2 bed, 1.5 bath home.

OTHER ORDINANCE CONCERNS

Staff conducted an in-office review and a windshield survey of the property on March 27 and 28th. No ordinance violations were found.

LEGAL REVIEW

City legal has reviewed the application and has no concerns with the insurance information provided.

RECOMMENDED ACTION BY PLANNING COMMISSION

All applicable public notification has been completed. Upon review of CUP review staff feels the criteria are satisfied. Staff supports approval of the Conditional Use Permit by the Planning Commission.

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824
Fax: (605) 673-2411

Conditional Use Permit Application

<p align="center">Applicant Information</p> <p>Applicant <u>Lennor Snyder</u> Address <u>13382 US HWY 16 A</u> <u>Custer SD 57730</u> City _____ State _____ Zip _____ Phone <u>605-255-4668</u> E-mail: <u>Snydersintheboonies@yahoo.com</u></p>	<p align="center">(Owner of property if different than applicant)</p> <p>Owner _____ Address _____ City _____ State _____ Zip _____ Phone _____ E-mail: _____</p>
<p align="center">Proposed Conditional Use 24/7 Contact</p> <p>Name <u>Same as above</u> Address _____ City _____ State _____ Zip _____ Phone _____ E-mail: _____</p>	<p align="center">Please Note</p> <ul style="list-style-type: none"> - If applicant is not the owner, written authorization of such application from the owner will be required. - The applicant shall be responsible for mail notification of such application. - Planning Commission meets the 2nd Tuesday of each month. Application and supporting documents must be provided to the Planning Administrator 20 days prior to the meeting.

Property Address 241 N. 4th Street
 Legal Description N 90' of lots 7, 8 + 9 in Block 31, + the South 25 feet of vacated Montgomery St.
 Lot _____ Block _____ Subdivision N/A
 Size 1175 (acres)⁴(square feet) Property Zoning District City of Custer
 Water Services City Sewer Services City
 Describe Current Use Single family Vacation Rental
May - Oct.
 Describe Proposed Use (Include Site Plan) Same as above.

I hereby confirm that I have completed and possess all applicable South Dakota State licensing requirements.

I hereby confirm that the proposed use will maintain appropriate Commercial Liability Insurance.

Please Include the Following Information as Required at least 20 days prior to the Planning Commission meeting.

- Site Plan and or Floor Plan as Needed – A Site Plan is mapped or drawn to scale information to show buildings, parking and new or existing features that implement the CUP.
- Certificate of appropriate commercial liability insurance.
- Written authorization from the property owner. (if applicant is not the property owner.)
- Conditional Use Permit Criteria narrative
- Conditional Use Permit Fee Payment

LS
Initial
LS
Initial

Owner/Applicant Signature: [Signature]

Date: 3/3/19

Conditional Use Permit Application

Conditional Use Permit Criteria Narrative

(Applicant shall complete)

The following are considerations, per CMC 17.52.040, that the Planning Commission shall use in determining the approval or denial of a Conditional Use Permit. Please provide comment on the below criteria.

- A. that adequate utilities, public safety, water supply, sewage disposal, surface drainage, flood control, soil conservation, access roads, drainage and other necessary facilities have been considered and/or are being provided;
All the above are currently provided.
- B. that the Conditional Use is consistent with the surrounding area in terms of character and density;
Single family use. Residential home.
- C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan;
Single family use. Residential home.
- D. The proposed use shall be in compliance with all other ordinances.
Yes. Off street parking provided. Possess all applicable state of SD licenses.
- E. The proposed use shall comply with all specific restrictions and requirements of the zone district.
Yes. Residential home.
- F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District.
We believe it does. Residential home.
- G. Lighting shall be designed so that it presents a minimal impact to adjacent property. All exterior light sources must be shielded and directed downward.
Exterior lighting consist of porch light. Currently is a city street light adjacent to property.
- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use.
Property offers more than adequate parking for the use. 4th st dead ends @ property.
- I. The proposed use shall comply with all applicable state licensing requirements and/or regulations. Possess current state licensing requirements.
Sales Tax licenses, Health Dept licenses (attached)
- J. The proposed use shall maintain appropriate commercial liability insurance.
Yes. (Attached)

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Custer, SD 57730

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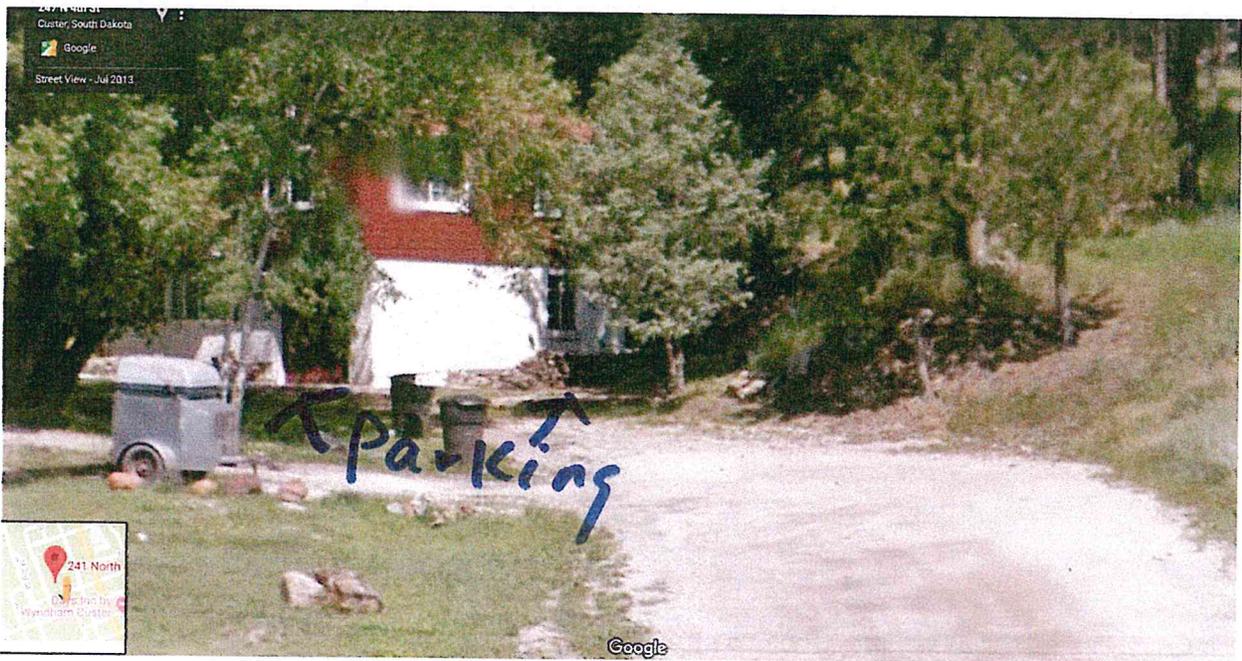
K. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials.

OK.

<u>Official Use Only</u>	
Date Filed <u>3-4-2019.</u>	Permit Fee <u>100⁰⁰</u>
Permit/Receipt Number <u>460606.</u>	Parcel ID # <u>8250.</u>
Planning Commission/Public Hearing Date _____	
Received By _____	



241 N. 4th St.
Custer, SD





Lenora Snyder Amended Copy 4/5/19

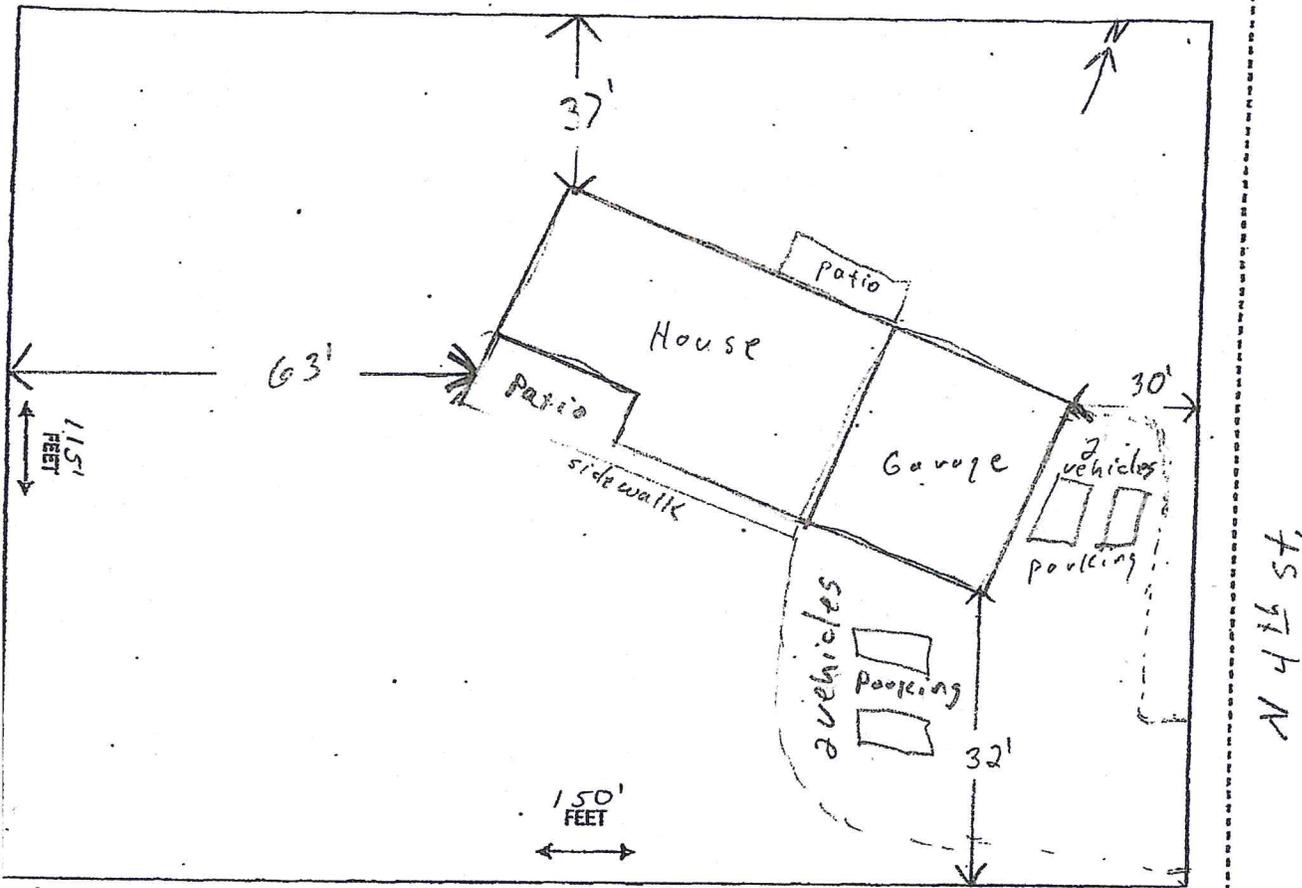
241 N. 4th St.

Custer, SD 57730

PERMIT NUMBER _____

SITE AND FLOOR PLAN SKETCH

1. Indicate lot lines;
2. Show location of public roads and drive ways;
3. Show existing and proposed structures including the setbacks.



Describe Work: (attach plans)

Everything is existing. No plans for any additions.

2 bed room

1 1/2 bath

7 person max occupancy. Average 4-5 people/night

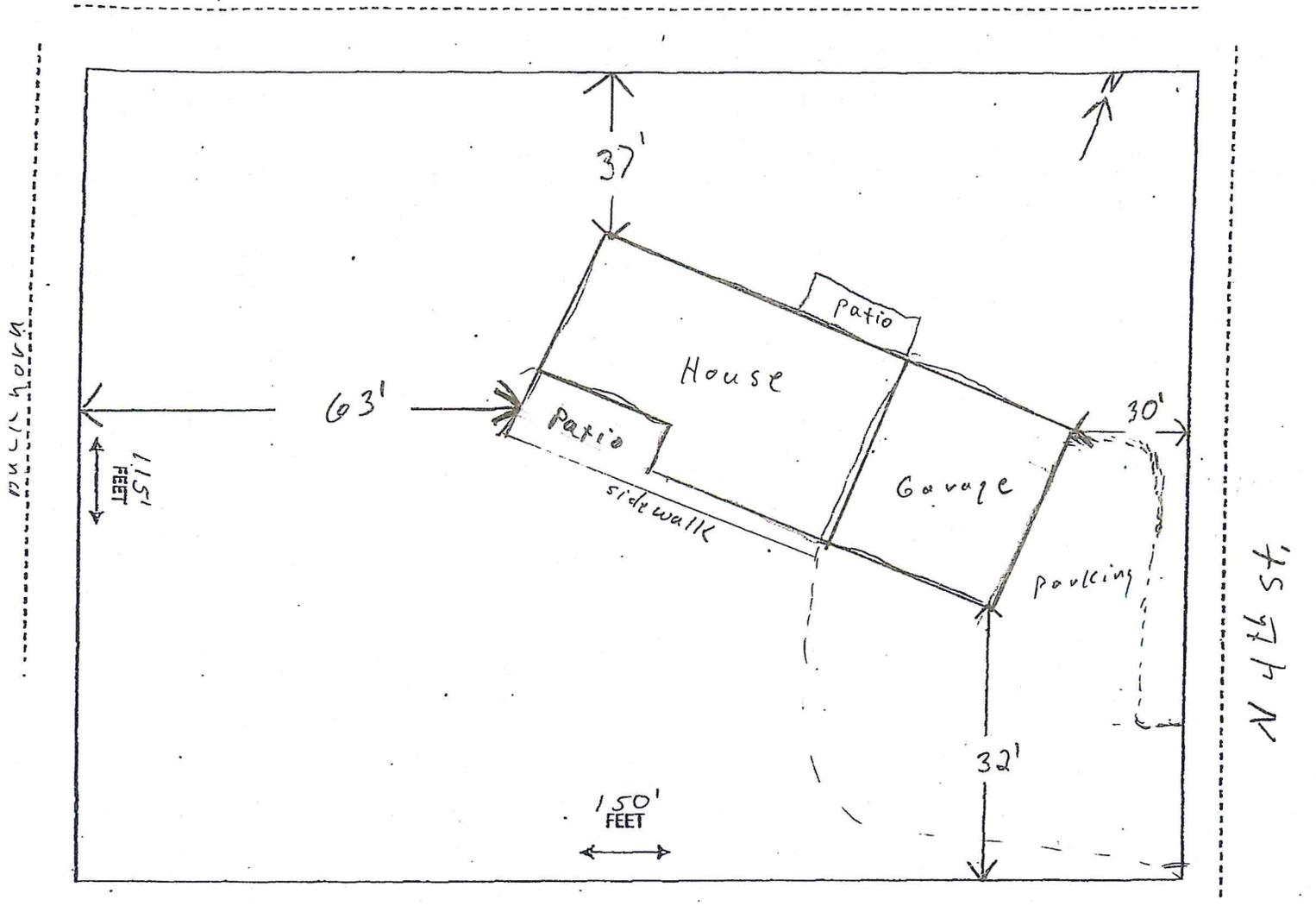
Parking available for 4 vehicles

Lenora Snyder
24 W. 4th St.
Custer, SD 57730

PERMIT NUMBER _____

SITE AND FLOOR PLAN SKETCH

1. Indicate lot lines;
2. Show location of public roads and drive ways;
3. Show existing and proposed structures including the setbacks.



Describe Work: (attach plans)

Everything is existing. No plans for any additions.

Kim Conwell

From: Tim Hartmann
Sent: Thursday, April 11, 2019 1:04 PM
To: Kim Conwell
Subject: FW: Public Hearing

Please print and file with the file on the table.

From: Gloria Emery <redmouse@gwtc.net>
Sent: Thursday, April 11, 2019 12:48 PM
To: Tim Hartmann <timh@cityofcuster.com>
Subject: Public Hearing

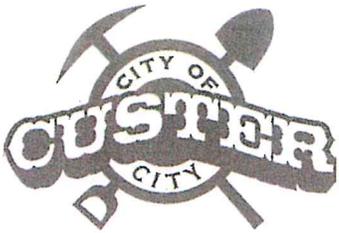
I am responding to your letter on Conditional Use permit...

I do NOT care if this home owner, Lenorr Snyder, is given a permit

for short time rental....for the property at 241 N.4th St. in Custer...

Gloria Emery

PO Box 126 - Custer,S.D.



Affidavit of Certification for Neighboring Property Owner Notification

I hereby state that to the best of my knowledge all property owners within 250 feet, exclusive of rights of way and any properties under the same ownership, of my property have been notified by Certified Mail or Hand Delivered at least 10 days prior to the upcoming public hearing.

Dated this the 10th day of April, 20 19.

[Handwritten Signature]
Signed

Lerorr Snyder
Name Printed

STATE OF SOUTH DAKOTA

COUNTY OF Custer

Subscribed and sworn before me this the 10 day of April, 20 19.

[Handwritten Signature]
Notary Signature

Sydney M. Gramkow
Notary Name Printed

June 7th 2024
Commission Expires

