

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

Staff Report

Request: 951 Homestead Dr #1 - Conditional Use Permit, Short Term Rental
Applicant: Karl and Katherine Propst
Fee Paid: \$100.00 *cc 2/4/19*
Location: Homestead Drive, Homestead Addition.
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 951 Homestead Drive is composed mainly of other residential uses.

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

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's location survey has specified a private driveway to the home, a covered carport, an attached garage, and additional parking space in front of the home. Staff feels this site is adequate to support the parking for the proposed use.

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.

RECEIVED

622 Crook Street
Custer, SD 57730

MAR 04 2019

Planning Department

Phone: (605) 673-4824

Fax: (605) 673-2411

Conditional Use Permit Application

CITY OF CUSTER

10/2/18

Applicant Information

Applicant KARL & KATHERINE PROBST
 Address 2424 TOSCAN HILLS LN
LAS CAVES, NM 88011
 City _____ State _____ Zip _____
 Phone 575-532-1210
 E-mail: KATPROBST@YAHOO.COM

(Owner of property if different than applicant)

Owner _____
 Address _____

 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 2nd Tuesday of each month. Application and supporting documents must be provided to the Planning Administrator 20 days prior to the meeting.

Property Address 951 HOMESTEAD DR #A, CUSTER, SD 57730

Legal Description SEE ATTACHED

Lot _____ Block _____ Subdivision HOMESTEAD ADDITION

Size 1.15 (~~acres~~) (square feet) Property Zoning District ? RES.

Water Services CITY Sewer Services CITY

Describe Current Use VAIATION RENTAL

Describe Proposed Use (Include Site Plan) VAIATION RENTAL

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

I hereby confirm that the proposed use will maintain appropriate Commercial Liability Insurance. CP
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: FEB 27, 2019

LS 2 P 6 62.

HOMESTEAD ADDITION TO CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA
A PLAT OF LOTS 1 AND 2 OF LOT 31 A OF LOT 31 OF HOMESTEAD ADDITION TO CUSTER CITY
AND TRACT 0008 OF SMALL TRACT ACT 0095 ALL LOCATED IN NW 1/4
OF SECTION 24, T35, R4E, B9M CUSTER COUNTY, SOUTH DAKOTA

NOTE

A 20' WIDE UTILITY EASEMENT SHALL EXIST CENTERED ON ALL SUBDIVISION LOT LINES NOT ADJACENT TO PUBLIC RIGHTS-OF-WAY OR UNPLATTED LAND AND ON THE INTERIOR SIDE OF LOT LINES BUT WHERE LAND THAT HAS NOT BEEN SUBDIVIDED, UNLESS OTHER SUITABLE UTILITY EASEMENTS HAVE BEEN SHOWN.

NOTE

ALL EASEMENTS ARE IN COMMON EASEMENTS TO BOTH LOTS 1 AND 2

NOTE

LOT 31A IS RECORDED IN PLAT 644 PAGE 128 LOT 31 B IS RECORDED IN PLAT 100 PAGE 100 LOT 31 C IS RECORDED IN PLAT 100 PAGE 100

NOTE

POWERLINE EASEMENT IS 20 FEET WIDE

NOTE

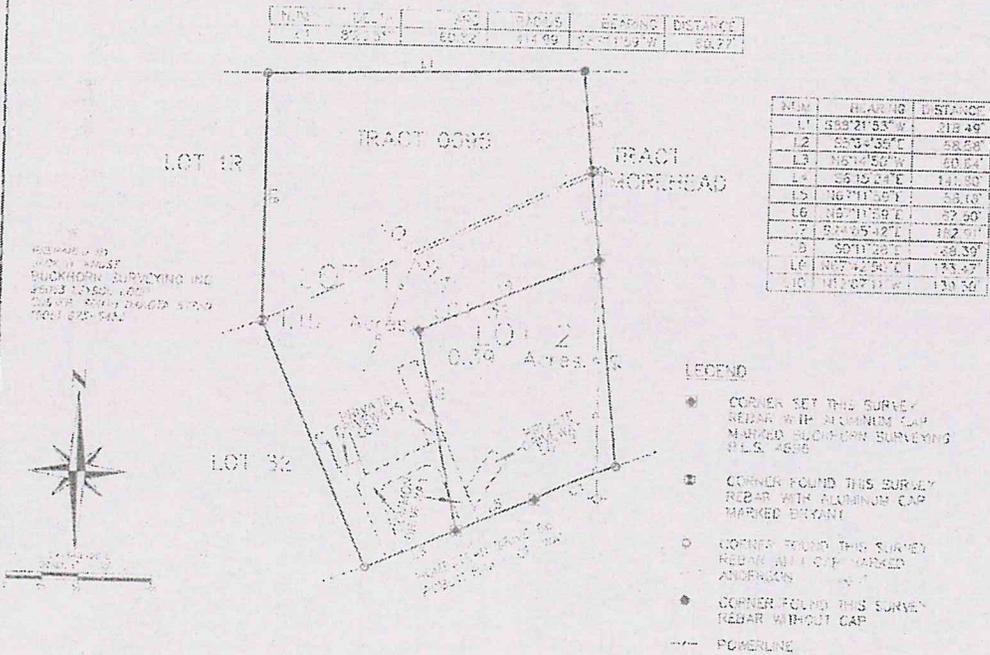
FIRM PANEL 40072 1/14 D DATED JANUARY 08, 2012 INDICATES NO PRESENCE OF A FLOOD HAZARD AREA WITHIN THE SUBDIVISION AREA REPRESENTED ON THIS PLAT



WATER PROTECTION STATEMENT

PURSUANT TO SDCL 11-3-81 AND 11-3-82 THE DEVELOPER OF THE PROPERTY DESCRIBED ABOVE SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE INCLUDING FLOODWATER, LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION OR DETRIMENT FROM SUCH SUBDIVISION AND SHALL IN ADDITION TO SUCH PROTECTIONS CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME.

LINE	BEARING	TRACT	BEARING	DISTANCE
1	S89°21'53"W	60.52	N89°15'17"W	60.27



BUCKHORN SURVEYING INC
3001 13th St SW
CUSTER, SD 57530



- LEGEND
- CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN SURVEYING P.L.S. 4008
 - CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN
 - CORNER FOUND THIS SURVEY REBAR WITH CAP MARKED BUCKHORN
 - CORNER FOUND THIS SURVEY REBAR WITHOUT CAP
 - POWERLINE

STATE OF SOUTH DAKOTA
COUNTY OF CUSTER
I, KARL ROBERT KATHARINE THROST, Surveyor, do hereby certify that I am a duly licensed and qualified Surveyor in the State of South Dakota and that I am the author of the foregoing plat and that the same is a true and correct copy of the original as the same appears in my office.

Karl Robert Katharine Throst
Surveyor



STATEMENT OF SURVEYOR
FOR BUCKHORN SURVEYING INC
I, Jack H. Throst, do hereby certify that I am a duly licensed and qualified Surveyor in the State of South Dakota and that I am the author of the foregoing plat and that the same is a true and correct copy of the original as the same appears in my office.

Jack H. Throst
Surveyor



CERTIFICATE OF HIGHWAY AUTHORITY
I, Samuel Woodard, Mayor of the City of Custer, do hereby certify that the above described plat is a true and correct copy of the original as the same appears in my office.

Samuel Woodard
Mayor

RESOLUTION OF GOVERNING BOARD
STATE OF SOUTH DAKOTA
CITY OF CUSTER
I, Samuel Woodard, Mayor of the City of Custer, do hereby certify that the above described plat is a true and correct copy of the original as the same appears in my office.

Samuel Woodard
Mayor



CERTIFICATE OF DEEDS OF EQUALIZATION
I, Samuel Woodard, Mayor of the City of Custer, do hereby certify that the above described plat is a true and correct copy of the original as the same appears in my office.

Samuel Woodard
Mayor

CERTIFICATE OF COUNTY TREASURER
I, Samuel Woodard, Treasurer of the County of Custer, do hereby certify that the above described plat is a true and correct copy of the original as the same appears in my office.

Samuel Woodard
Treasurer

CERTIFICATE OF REGISTER OF DEEDS
I, Samuel Woodard, Register of Deeds for the County of Custer, do hereby certify that the above described plat is a true and correct copy of the original as the same appears in my office.

Samuel Woodard
Register of Deeds

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;
EXISTING DWELLING
- B. that the Conditional Use is consistent with the surrounding area in terms of character and density;
TWO STORY DWELLING. BOTTOM FLOOR IS FULL TIME RENTAL. TOP FLOOR IS SUMMER VACATION RENTAL.
- 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.
OK
- E. The proposed use shall comply with all specific restrictions and requirements of the zone district.
OK
- F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District.
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.
OK
- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use.
GARAGE PROVIDED
- I. The proposed use shall comply with all applicable state licensing requirements and/or regulations.
ATTACHED
- J. The proposed use shall maintain appropriate commercial liability insurance.
ATTACHED

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>3-4-2019,</u>	Permit Fee <u>100⁰⁰</u>
Permit/Receipt Number <u>46068</u>	Parcel ID # <u>8977,</u>
Planning Commission/Public Hearing Date _____	
Received By _____	

DRAWING NUMBER

12 PLAT 644

SAFOD PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 0522

DRAWING NUMBER

12 PLAT 644

SAFOD PRODUCTS • NEW HOPE, MINNESOTA
REORDER BY PART NUMBER 0522

C.B. 2 P. 52

HOMESTEAD ADDITION TO CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA

A PLAT OF LOTS 1 AND 2 OF LOT 31 A OF LOT 31 OF HOMESTEAD ADDITION TO CUSTER CITY AND TRACT 0095 OF SMALL TRACT ACT 0095 ALL LOCATED IN NW 1/4 OF SECTION 24, T3S, R4E, BHM CUSTER COUNTY, SOUTH DAKOTA

NOTE

A 20' WIDE UTILITY EASEMENT SHALL EXIST CENTERED ON ALL SUBDIVISION LOT RIGHTS-OF-WAY OR UNPLATTED LAND AND ON THE INTERIOR SIDE OF LOT LINES THAT BORDER LAND THAT HAS NOT BEEN SUBDIVIDED, UNLESS OTHER SUITABLE UTILITY EASEMENTS HAVE BEEN SHOWN.

NOTE

ALL DRIVEWAYS ARE 15' COMMON EASEMENTS TO BOTH LOTS 1 AND 2

NOTE

LOT 31A IS RECORDED IN PLAT BOOK 12 PAGE 128 LOT 31 IS RECORDED IN PLAT BOOK 10 PAGE 275 TRACT 0095 IS RECORDED IN PLAT BOOK 12 PAGE 469

NOTE

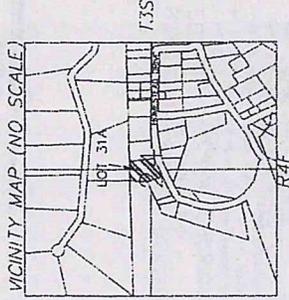
POWERLINE EASEMENT IS 20 FEET WIDE

NOTE

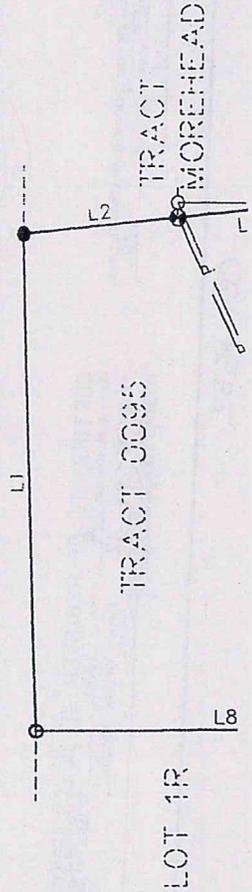
FIRM PANEL 46033C 0114 F DATED JANUARY 06; 2012 INDICATES NO PRESENCE OF A FLOOD HAZARD AREA WITHIN THE SUBDIVISION AREA REPRESENTED ON THIS PLAT

WATER PROTECTION STATEMENT

PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE INCLUDING GROUNDWATER, LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH SUBDIVISION AND SHALL IN PROSECUTION OF SUCH PROTECTIONS CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME.



NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	8'23'51"	60.82'	414.99'	S67°11'59"W	60.77'



NUM	BEARING	DISTANCE
L1	S88°21'53"W	218.49'
L2	S5°34'35"E	68.58'
L3	N6°14'50"W	60.64'
L4	S6°15'24"E	141.80'
L5	N67°11'59"E	58.18'
L6	N67°11'59"E	67.50'

RECEIVED

MAR 1 1 2019

CITY OF CUSTER

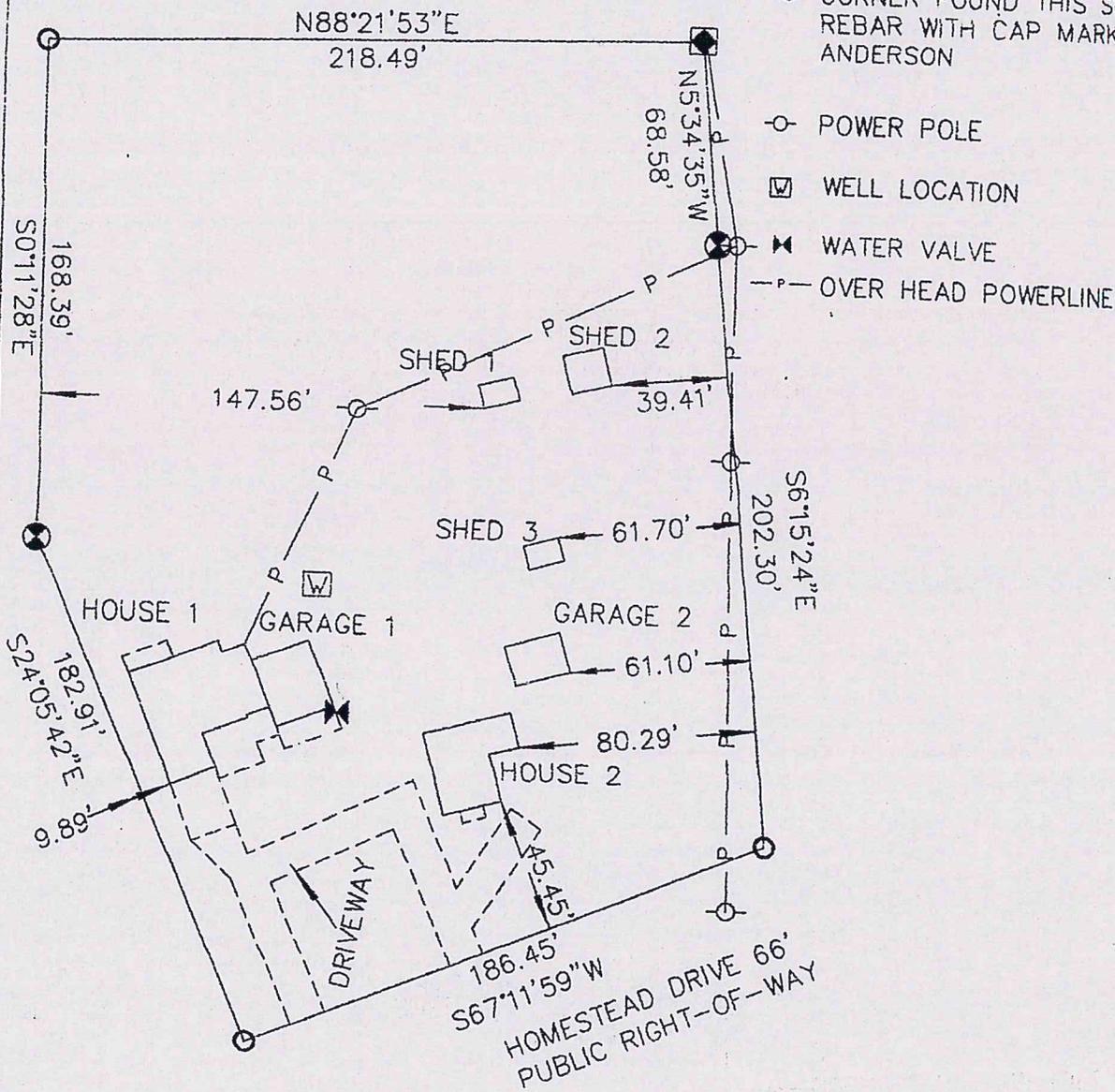
HOUSE LOCATION:
951 HOMESTEAD DRIVE
HOMESTEAD ADDITION - LOT 31A OF HES 95
CUSTER CITY, SOUTH DAKOTA

LEGEND

- CORNER FOUND THIS SURVEY REBAR WITHOUT CAP
- CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BRYANT
- CORNER FOUND THIS SURVEY REBAR WITH CAP MARKED ANDERSON
- POWER POLE
- ☑ WELL LOCATION
- ⊕ WATER VALVE
- P- OVER HEAD POWERLINE

NOTE

FROM THE CENTERLINE OF THE POWERLINE
THERE IS 20' EASEMENT 10' EACH SIDE



1349

Original Location Survey Before Subdivision

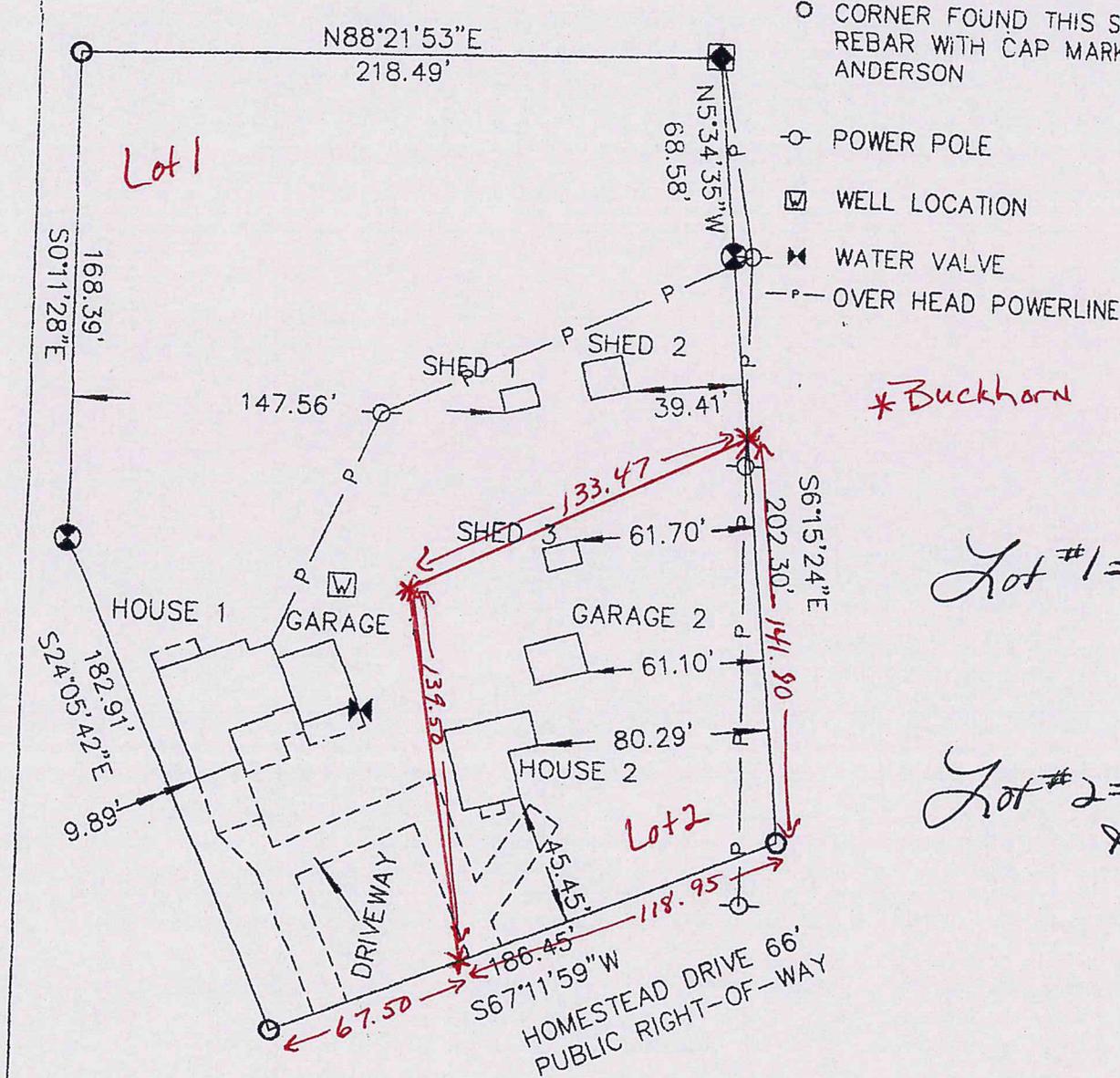
HOUSE LOCATION:
 951 HOMESTEAD DRIVE
 HOMESTEAD ADDITION - LOT 31A OF HES 95
 CUSTER CITY, SOUTH DAKOTA

NOTE

FROM THE CENTERLINE OF THE POWERLINE
 THERE IS 20' EASEMENT 10' EACH SIDE

LEGEND

- CORNER FOUND THIS SURVEY
REBAR WITHOUT CAP
- ⊗ CORNER FOUND THIS SURVEY
REBAR WITH ALUMINUM
CAP MARKED BRYANT
- CORNER FOUND THIS SURVEY
REBAR WITH CAP MARKED
ANDERSON
- ⊖ POWER POLE
- ⊠ WELL LOCATION
- ⊕ WATER VALVE
- P- OVER HEAD POWERLINE



*Buckhorn

Lot #1 = 951
Homestead

Lot #2 = 955
Homestead

1349

Location Survey with Subdivision Lines Showing Lot 1 and Lot 2

RIGHT-OF-WAY OR UNPLATTED LAND AND ON THE INTERIOR SIDE OF LOT LINES THAT BORDER LAND THAT HAS NOT BEEN SUBDIVIDED, UNLESS OTHER SUITABLE UTILITY EASEMENTS HAVE BEEN SHOWN.

NOTE

ALL DRIVEWAYS ARE 15' COMMON EASEMENTS TO BOTH LOTS 1 AND 2

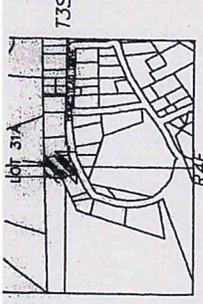
NOTE

LOT 31A IS RECORDED IN PLAT BOOK 12 PAGE 128 LOT 31 IS RECORDED IN PLAT BOOK TO PAGE 275 TRACT 0095 IS RECORDED IN PLAT BOOK 12 PAGE 469

NOTE

POWERLINE EASEMENT IS 20 FEET WIDE

PRESENCE OF A FLOOD HAZARD AREA WITHIN THE SUBDIVISION AREA REPRESENTED ON THIS PLAT

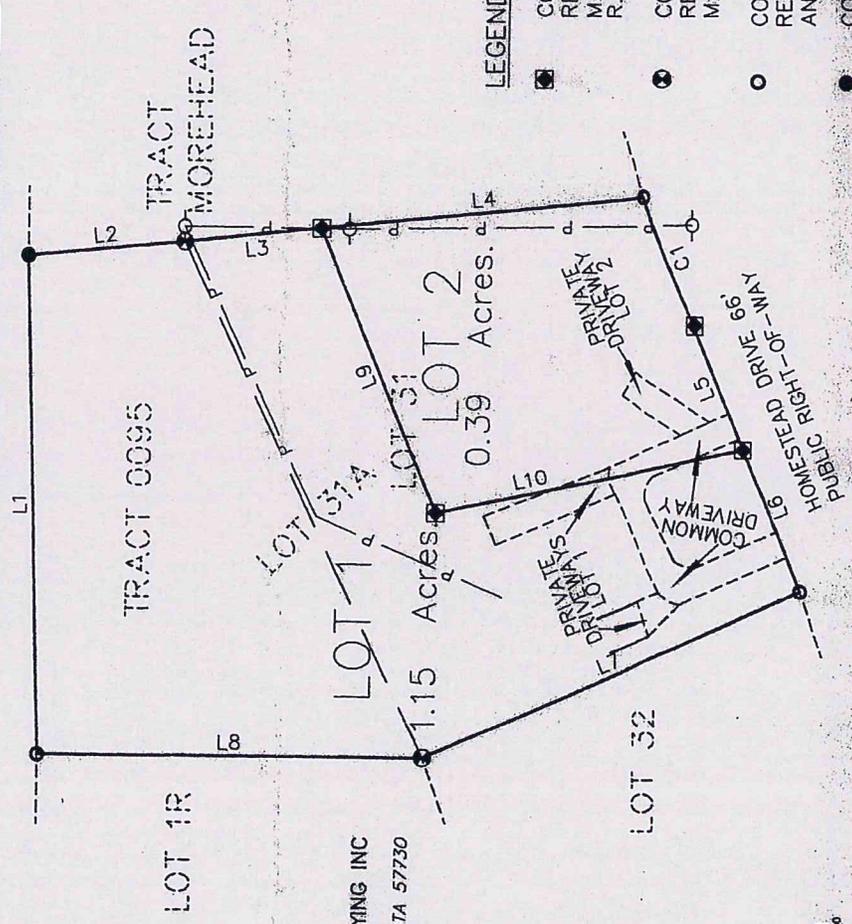


WATER PROTECTION STATEMENT

PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE INCLUDING GROUNDWATER, LOCATED ADJACENT TO OR WITHIN SUCH PLATTED AREA FROM POLLUTION FROM SEWAGE FROM SUCH SUBDIVISION AND SHALL IN PROSECUTION OF SUCH PROTECTIONS CONFORM TO AND FOLLOW ALL REGULATIONS OF THE SOUTH DAKOTA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES RELATING TO THE SAME.

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	8°23'51"	60.82'	414.99'	S67°11'59"W	60.77'

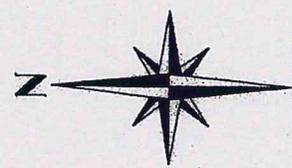
NUM	BEARING	DISTANCE
L1	S88°21'53"W	218.49'
L2	S5°34'35"E	68.58'
L3	N6°14'50"W	60.64'
L4	S6°15'24"E	141.80'
L5	N67°11'59"E	58.18'
L6	N67°11'59"E	67.50'
L7	S24°05'42"E	182.91'
L8	S0°11'28"E	168.39'
L9	N67°42'50"E	133.47'
L10	N12°07'11"W	139.50'



PREPARED BY
JACK H. KNUST
BUCKHORN SURVEYING INC
25053 LEYSON LOOP
CUSTER, SOUTH DAKOTA 57730
(605) 673-5452

LEGEND

- CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN SURVEYING R.L.S. 4896
- CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BRYANT
- CORNER FOUND THIS SURVEY REBAR WITH CAP MARKED ANDERSON
- CORNER FOUND THIS SURVEY REBAR WITHOUT CAP



07-140-2018
SCALE: 1" = 50'

Tim Hartmann

From: Karl and Katherine <katpropst@yahoo.com>
Sent: Wednesday, April 17, 2019 2:26 PM
To: Tim Hartmann
Subject: Affidavit of Notification

Tim,

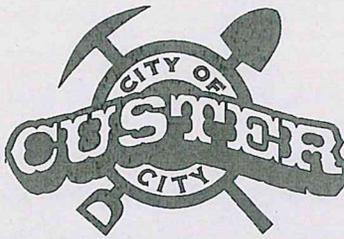
In lieu of the affidavit please accept this e-mail as verification that all concerned parties were notified by certified mail on or before the deadline as stipulated in the instructions.

We will get the notarized affidavit overnighted as soon as possible upon our return home from our camping trip on Thursday.

I apologize for the delay. Neither Katherine or I saw any timeframe in the instructions as to when this had to be returned.

Thanks for your assistance in this matter.

Karl Propst
951 Homestead Dr #1



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

Staff Report

Request: 35 Mountain Avenue- Conditional Use Permit, Short Term Rental
Applicant: Lori Svoboda
Fee Paid: \$100.00 *cc 2/4/19*
Location: Intersection of Mountain Avenue and Rosse Drive
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 35 Mountain Avenue is composed of other residential uses and commercial uses.

The adjacent properties to the south are within a Commercial Zone. Within the Block to the south is other nightly rentals, a food service establishment and a long-term rental. The property to the west is a commercial property with a hotel and cabins. To staff's knowledge, the adjacent properties to the east and north currently exist as single-family homes.

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. If a standard parking space is approximately 9' x 18' the 6 spaces plus overflow seems adequate for the 1800 square foot, 4-bedroom 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 Lori Svoboda

Address 25344 Old Sawmill Rd
Custer SD 57730

City _____ State _____ Zip _____

Phone 605-517-0785

E-mail: westernspicorealestate@gmail.com

(Owner of property if different than applicant)

Owner ~~Lori + Scott Svoboda~~

Address _____

City _____ State _____ Zip _____

Phone _____

E-mail: _____

Proposed Conditional Use 24/7 Contact

Name Lori Svoboda

Address 25344 Old Sawmill
Custer SD 57730

City _____ State _____ Zip _____

Phone 605-517-0785

E-mail: westernspicorealestate@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 35 Mountain Ave. Custer SD 57730

Legal Description Lot 12 Block 54 plus 20' of mountain ave, custer city

Lot 12 Block 54 Subdivision NA

Size .24 (acres)(square feet) Property Zoning District _____

Water Services city Sewer Services city

Describe Current Use VRBO, long term rental

Describe Proposed Use (Include Site Plan) _____

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

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

- 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: Lori Svoboda Date: 3-4-19

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; *city water, sewer*
- 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. *yes*
- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use. *yes, attached pictures*
- I. The proposed use shall comply with all applicable state licensing requirements and/or regulations. *In process, due to inclement weather, our contractor has postponed our construction of egress windows*
- J. The proposed use shall maintain appropriate commercial liability insurance. *attached*

Scott & Lori Svoboda
Custer Vacation Properties, LLC
25344 Old Sawmill Road
Custer, SD 57730
March 4 2019

PAID
MAR 04 2019
CITY OF CUSTER

City of Custer
City Council/Custer Planning Department
622 Crook Street
Custer, SD 57730

Dear City of Custer:

We are applying for a Conditional Use Permit per CMC 17.52.040 for an approval to allow us to continue to use 35 Mountain Avenue as a Vacation Rental.

To our knowledge, we have met all the criteria, except Letter I, stating "The proposed use shall comply with all applicable state licensing requirements and/or regulations. We are in the process of getting new egress windows and we have applied for the SD Department of Health Lodging License Application, which I have attached. Due to the cold weather our contractor has pushed our construction out 3 more weeks. As soon as this is completed, the Health Department will be coming for a site inspection on 35 Mountain Ave.

I have also enclosed a copy of our Annual Report from the State of South Dakota, Sales Tax License, Certificate of Liability Insurance, copy of our SD Department of Health Application, and the county parcel information showing that we have adequate parking.

Thank You for all your time and extreme effort on this matter in Custer.

Sincerely,



Scott & Lori Svoboda
Custer Vacation Properties
25344 Old Sawmill Road
Custer, SD 57730
605-517-0785
WesternSkiesRealEstate@gmail.com

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>3/4/19</u>	Permit Fee <u>100-</u>
Permit/Receipt Number <u>46074</u>	Parcel ID # <u>05390.</u>
Planning Commission/Public Hearing Date <u>April 23, 2019.</u>	
Received By _____	

Beacon™ Custer County, SD

Parcel Summary

Parcel ID 008390
Property Address 35 MOUNTAIN AVE CUSTER
Sec/Twp/Rng
Brief LOT 12 BLOCK 54 PLUS 20' OF MOUNTAIN AVE, CUSTER CITY
Tax Description 7300005005401200
 (Note: Not to be used on legal documents or any document to be recorded)
Tax ID # 61105001200540000000000
School District CUSTER IND
Class Residential



Owners

Deed Holder
 Svoboda Lorlann M & Scott F Jtwros
Contract Holder
 DBA
Mailing Address
 SVOBODA SCOTT F
 25344 OLD SAWMILL RD

 CUSTER, SD 57730-9208

Residential Dwelling

Residential Dwelling
Occupancy Single-Family / Owner Occupied
Style Split Foyer Frame
Architectural Style N/A
Year Built 1976
Condition Normal
Grade what's this? 4
Roof None
Flooring None
Foundation None
Exterior Material None
Interior Material None
Brick or Stone Veneer 1/2 Story Brick; 68 linear ft.
Total Gross Living Area 1,170 SF
Attic Type None;
Number of Rooms 4 above; 0 below
Number of Bedrooms 0 above; 0 below
Basement Area Type Full
Basement Area 1,170
Basement Finished Area 766 - Rec. Room (Single)
Plumbing 2 Full Bath;
Appliances 1 Dishwasher;
Central Air No
Heat Elec - Basebd
Fireplaces 1 Prefab; 1 Freestand;
Porches
Decks Wood Deck-Med (144 SF); Fbgls/Mtl Roof-Med (144 SF); Concrete Patio-High (160 SF);
Additions 1 Story Frame (264 SF) (264 Bsmt SF);
Garages 864 SF - Det Frame (Built 1976);

Yard Extras

#1 - (1) Shed 216 SF, Frame, Average Pricing, Built 1976

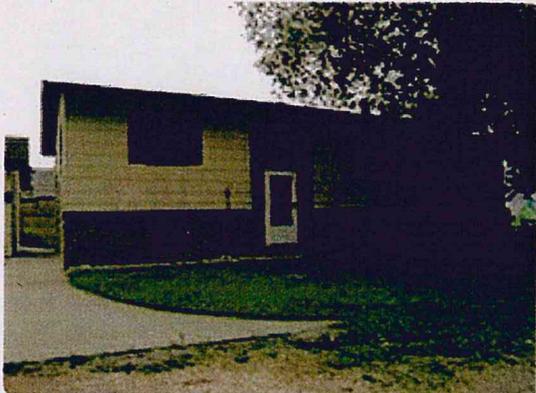
Sales

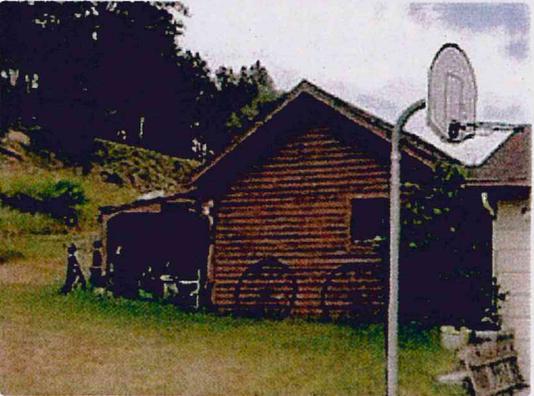
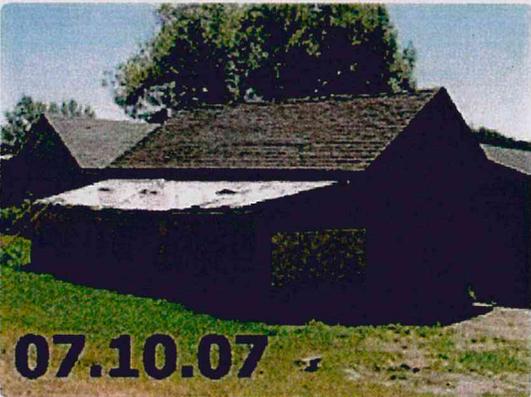
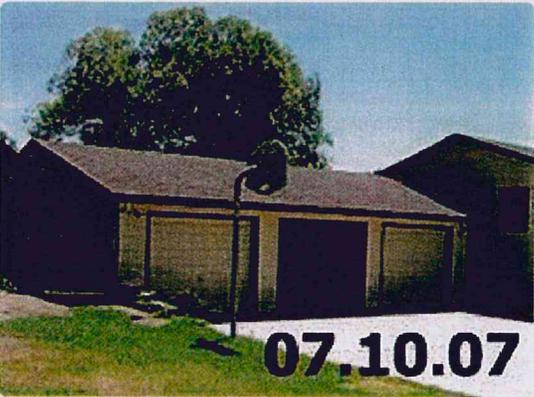
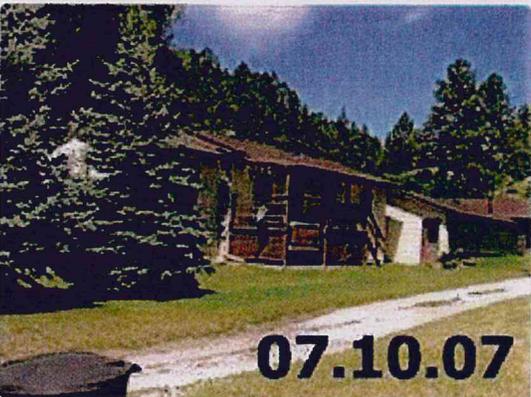
Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
11/13/2014	SECRETARY OF HOUSING & URBAN DEVELOPMENT	LORIANN M & SCOTT F SVOBODA, JT WROS	51D/746	NORMAL ARMS-LENGTH TRANSACTION	SW - SPECIAL WARRNTY		\$135,000.00
6/9/2014	CUSTER COUNTY SHERIFF, RICK WHEELER	WELLS FARGO BANK, NA	51D/501	ON SALE FOR DELINQUENT TAXES, ASSESSMENTS, SHERIFF'S DEEDS OR OTHER DEEDS	SD - SHERIFFS DEED		\$188,157.00
12/2/2013	WELLS FARGO BANK, NA	SECRETARY OF HOUSING & URBAN DEVELOPMENT	51D/549	ON SALE FOR DELINQUENT TAXES, ASSESSMENTS, SHERIFF'S DEEDS OR OTHER DEEDS	SW - SPECIAL WARRNTY		\$0.00

Valuation

	2018	2017	2016	2015	2014	2013
+ Building Value	\$0	\$0	\$0	\$0	\$0	\$0
+ Dwelling Value	\$113,579	\$113,579	\$113,579	\$118,304	\$158,327	\$158,327
+ Land Value	\$27,391	\$27,391	\$27,391	\$27,379	\$26,133	\$24,889
= Total Value	\$140,970	\$140,970	\$140,970	\$145,683	\$184,460	\$183,216

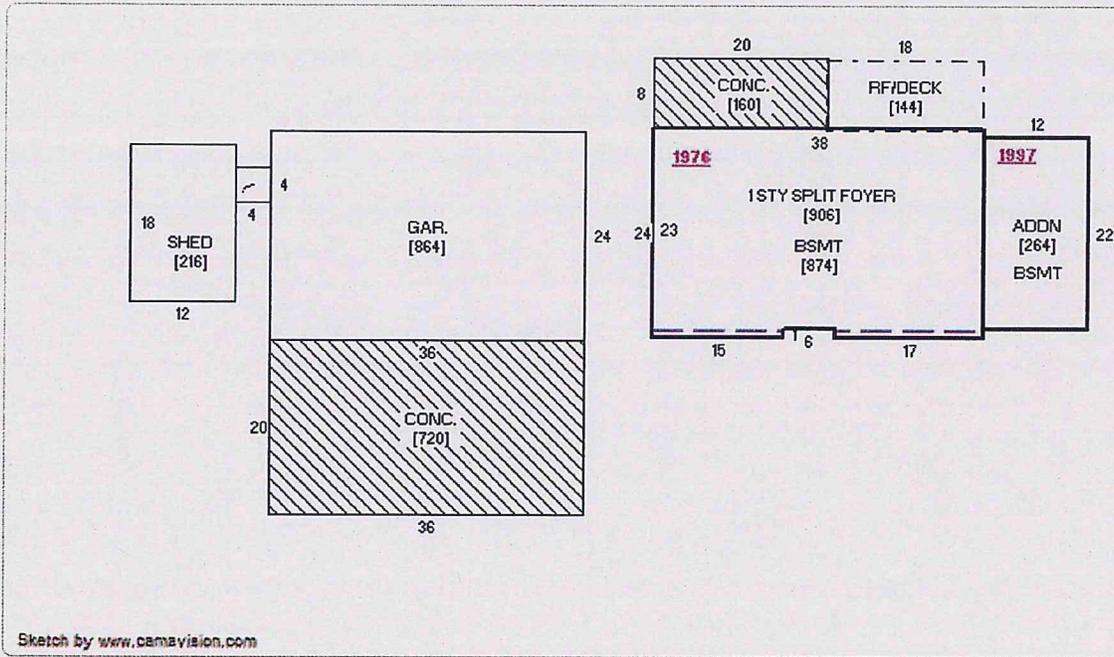
Photos







Sketches



No data available for the following modules: Commercial Buildings, Agricultural Buildings, Taxation, Plats.

Custer County provides the data contained within this website "as is" and without any warranty, express or implied, as to the use or application of the information by any user.

Last Data Upload: 2/22/2019, 7:22:40 PM

Version 2.2.2

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 Schneider
GEOSPATIAL

CASH ONLY IF ALL CheckLock™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

Custer Vacation Properties, LLC

Scott & Lori Svoboda
35 Mountain Avenue
Custer, SD 57730
605-517-0785

First Interstate Bank
848 MI Rushmore Road
Custer, SD 57730
93-168/929

1719

2/28/2019

PAY TO THE ORDER OF South Dakota Department of Health

\$ ****170.00**

One Hundred Seventy and 00/100***** DOLLARS

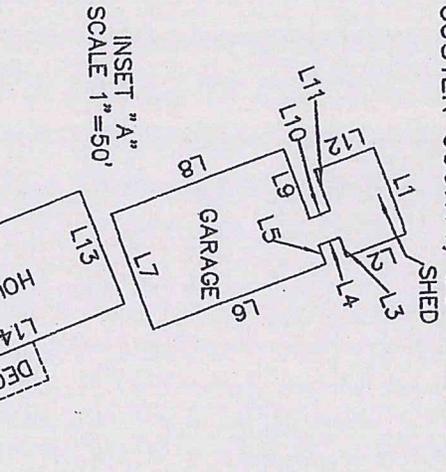
South Dakota Department of Health
Office of Health Protection
600 East Capitol Avenue
Pierre, SD 57501-1700

Lori Svoboda

MEMO
Vacation rental App

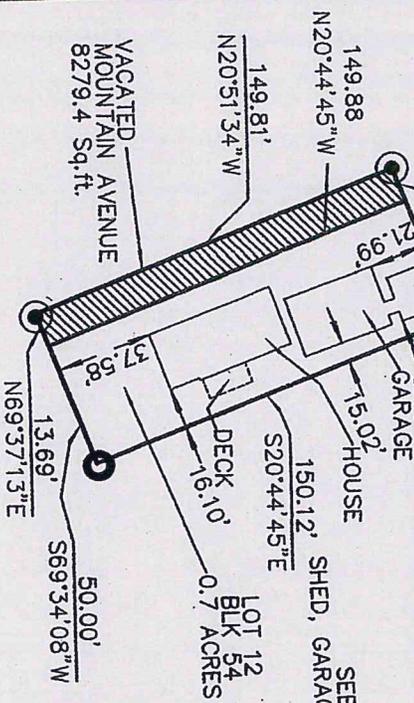
⑈001719⑈ ⑈092901683⑈0101112076⑈

HOUSE LOCATION: 35 MOUNTAIN AVE, CUSTER
 LOT 12 BLOCK 54 PLUS 20' OF MOUNTAIN AVE
 CUSTER CITY IN SECTION 26, T3, R4, BHM
 CUSTER COUNTY, SOUTH DAKOTA

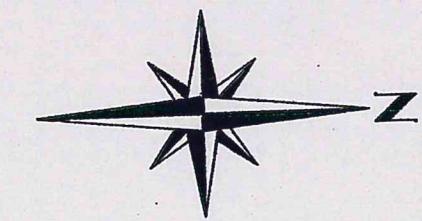


SHED AND GARAGE		
L1	N71°06'12"E	18.25'
L2	N18°53'48"W	10.22'
L3	S71°06'12"W	4.00'
L4	N18°53'48"W	4.30'
L5	S71°06'12"W	4.00'
L6	S18°53'48"E	36.13'
L7	N71°06'12"E	24.10'
L8	S18°53'48"E	36.13'
L9	S71°06'12"W	14.7'
L10	N18°53'48"W	4.30'
L11	N71°06'12"E	8.60'
L12	N18°53'48"W	10.22'

HOUSE		
L13	N69°37'47"E	24.10'
L14	S20°22'13"E	38.05'
L15	N69°37'47"E	1.00'
L16	S20°22'13"E	12.30'
L17	N69°37'47"E	24.10'
L18	S20°22'13"E	50.35'



SEE INSET "A" FOR
 DETAILS OF SHED, GARAGE, AND HOUSE



SCALE 1" = 100'

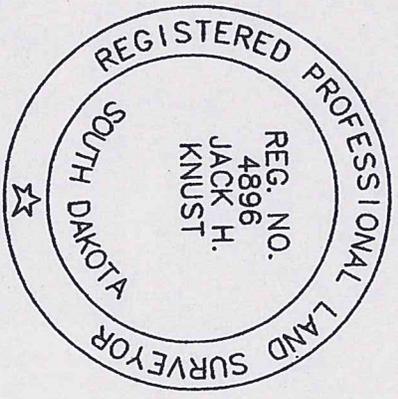
NOTE:
 THE ACCESS EASEMENT
 THROUGH TRACT KIDWELL
 NO. 2 GRANTING ACCESS
 TO LOT 12 OF BLOCK 54
 IS RECORDED IN MISC. BOOK
 43 PAGE 79

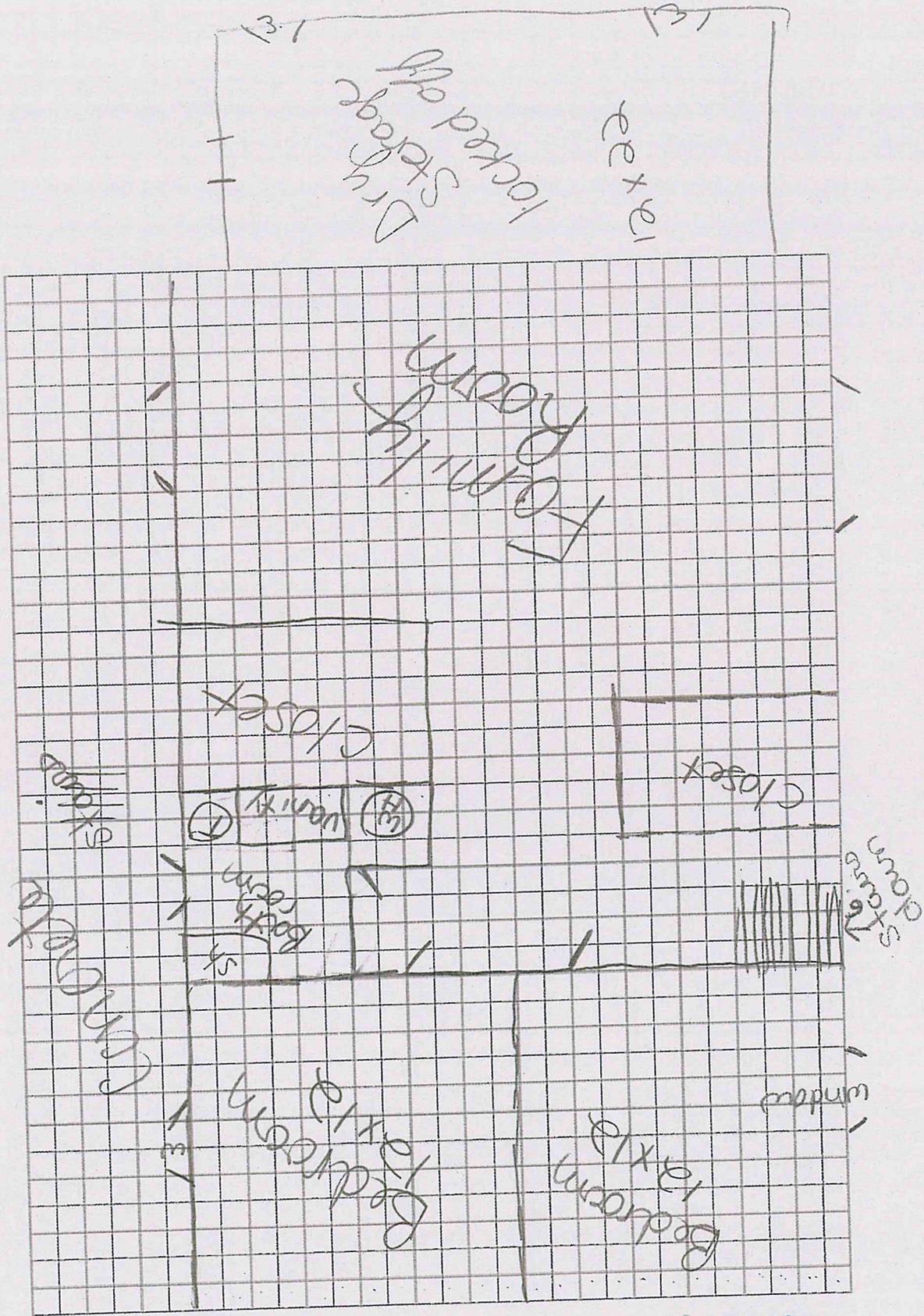
Statement of surveyor
 I, Jack H. Knust, Registered
 Land Surveyor No. 4896 of the
 State of South Dakota, do hereby
 state that being so authorized,
 I made the house location on
 the land shown and described
 hereon and that I personally
 supervised and state that in
 the best of my knowledge and
 beliefs, that in all things
 is true and correct

in witness whereof, I have
 hereunto set my hand and seal
 this 12th day of DECEMBER
2014.

Jack H. Knust
 BUCKHORN SURVEYING INC.
 By Jack H. Knust
 Registered Land Surveyor

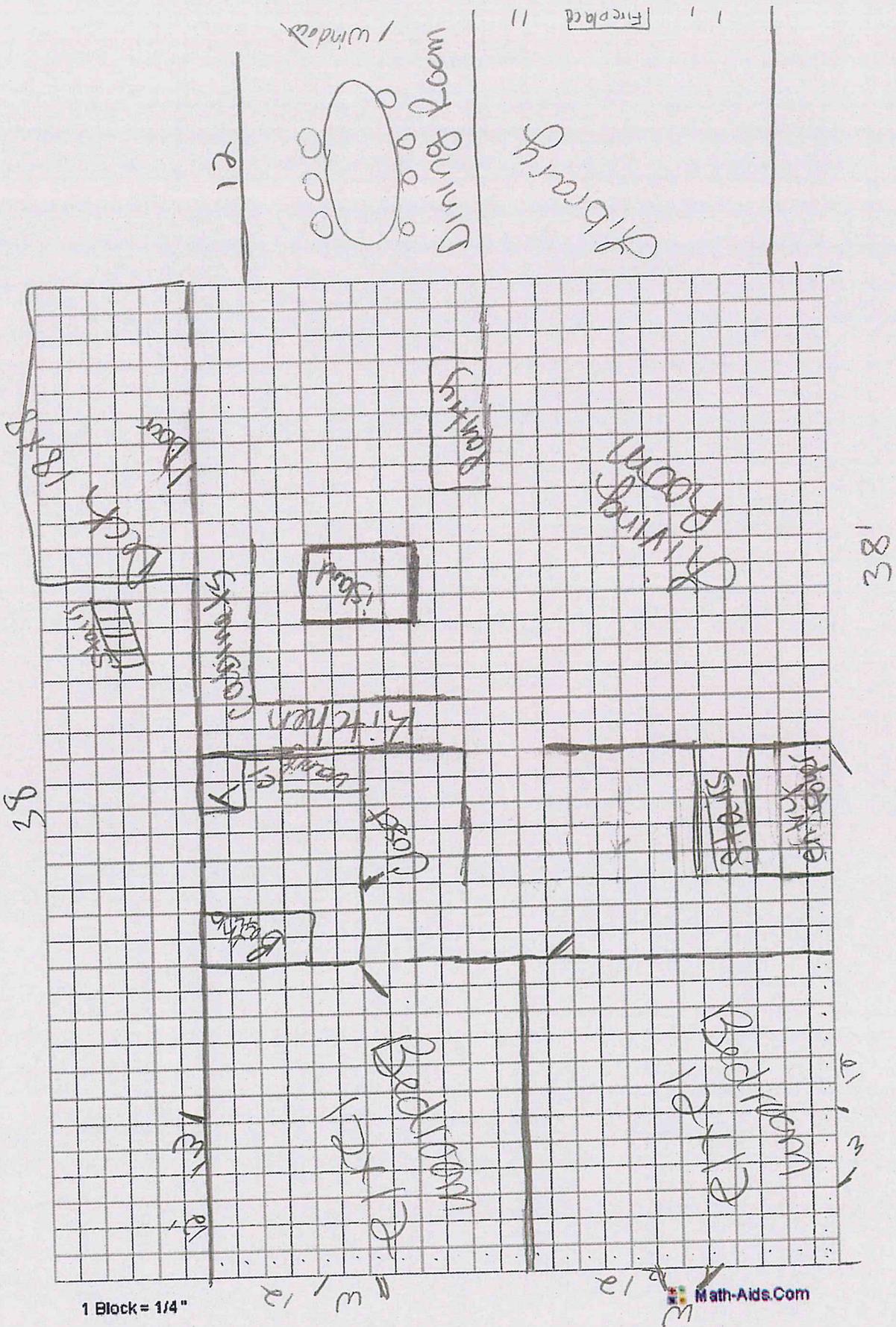
- LEGEND
- REBAR WITH ALUMINUM CAP MARKED BRYANT RLS 4896
 - REBAR WITH ALUMINUM CAP MARKED FRANCIS MEADOR 1019





1 Block = 1/4"

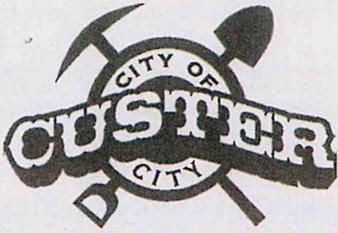
Stairs down



1 Block = 1/4"

Math-Aids.Com

upstairs



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 5th day of April, 20 19.

Lori Svoboda
Signed

Lori Svoboda
Name Printed

STATE OF SOUTH DAKOTA

COUNTY OF Custer

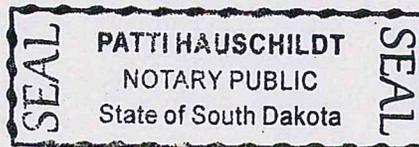
Subscribed and sworn before me this the 5th day of April, 20 19.

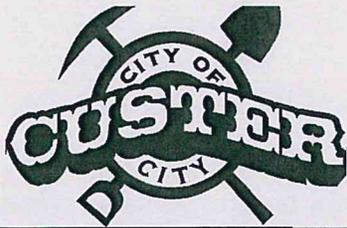
Patti Hauschildt
Notary Signature

Patti Hauschildt
Notary Name Printed

My Commission Expires
March 5, 2021

Commission Expires





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

Staff Report

Request: 1193 Homestead Drive - Conditional Use Permit, Family Day Care
Applicant: Etta Mae Kleiman
Fee Paid: \$100.00 *cc 2/4/19*
Location: Homestead Drive - Homestead Subdivision
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 family day care and an owner-occupied residence. The property owner desires to continue such use. Per Custer Municipal Code 17.12.050 family day cares are a permitted conditional use. A single-family dwelling is a principal use.

SURROUNDING AREA

The immediate area surrounding 1193 Homestead Drive is composed mainly of other residential and commercial uses.

The adjacent properties to the West and South are within the Residential Zone and to staff's knowledge currently exist as residential uses. The property to the North is in Custer County and the property to the East is a Highway Commercially zoned property and is used as a mixed commercial/residential use.

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's site plan survey has specified a private driveway to the home and parking spaces in front of the home to accommodate approximately 5 cars. Staff feels this site is adequate to support the parking for the proposed use.

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	Etta MAE KLEIMAN	
Address	1193 Homestead DR	
	Custer	SD 57730
City	State	Zip
Phone	605-673-4484	
E-mail:	morganbd@gwtc.net	

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

Proposed Conditional Use 24/7 Contact		
Name	Etta MAE Kleiman	
Address	1193 Homestead Drive	
	Custer	SD 57730
City	State	Zip
Phone	605-673-4484	
E-mail:	morganbd@gwtc.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 2 nd Tuesday of each month. Application and supporting documents must be provided to the Planning Administrator 20 days prior to the meeting.

A PT OF GOV LOT 18 SEC 34 T3 R4

Property Address 1193 Homestead DR

Legal Description TR 1 of Lot 2 + TR KLEIMAN of Lot 1 of Homestead addition (CHES #95)

Lot 2 Tract 1 Block 1 Subdivision Homestead subdivision

Size 0.590 (acres)(square feet) Property Zoning District Residential

Water Services City Sewer Services City

Describe Current Use 1/2 of house is living quarters other (basement) 1/2 is daycare area

Describe Proposed Use (Include Site Plan) Same as ABOVE - 1/2 Living 1/2 daycare

I hereby confirm that I have completed and possess all applicable South Dakota State licensing requirements. I Am a Private Day care Not a licensed Daycare NONE NEEDED
EK
Initial

I hereby confirm that the proposed use will maintain appropriate Commercial Liability Insurance. EK
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. Home owners covers Daycare
- 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: Etta mae Kleiman Date: 3-1-2019

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 When constructed Hespen Escavating + mayer plumbing completed the above Sewer Water Rd work*
- B. that the Conditional Use is consistent with the surrounding area in terms of character and density; *Private day care*
- C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan; *Should NO be AN ISSUE -*
- D. The proposed use shall be in compliance with all other ordinances. *We followed All Custer City Guidelines in construction etc*
- 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. *NO Extra exterior light - All lighting IS Appropriate -*
- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use. *Yes - was completed @ time of build -*
- 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. *Home owners covers day care*

622 Crook Street
Custer, SD 57730

Planning Department

Phone: (605) 673-4824

Fax: (605) 673-2411

Conditional Use Permit Application

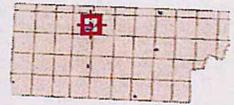
- K. that the Planning Commission may impose reasonable conditions in granting a Conditional Use on the condition that the individual accepting those conditions is bound by them; and that the Commission may consider any public comments and comments from public officials. ✓

Official Use Only

Date Filed 3-5-19 Permit Fee 100⁰⁰
Permit/Receipt Number 46076 Parcel ID # 013551
Planning Commission/Public Hearing Date 4-23-19
Received By _____



Overview



Legend

-  Corporate Limits
- Highways
-  SD Hwy
-  US Hwy
-  Roads
-  Parcels

Parcel ID	013551	Alternate ID	n/a	Owner Address	KLEIMAN ETTA MAE
Sec/Twp/Rng	n/a	Class	Residential		1193 HOMESTEAD DR
Property Address	1193 HOMESTEAD DR	Acreage	0.59		CUSTER SD 57730-9626
	CUSTER				
District	16.1-1-0-1-0-0				
Brief Tax Description	HOMESTEAD SUB - TR 1 OF LOT 2 & TR KLEIMAN OF LOT 1 OF HOMESTEAD ADDITION (HES #95) & A PT OF GOV LOT 18 SEC 24 T3 R4 0.59 AC 7300009000000100				
	(Note: Not to be used on legal documents)				

Parcels are not adjusted to match aerial background. GIS information is for reference purposes only and is not a legal document. Data may contain errors.

Date created: 2/28/2019

Last Data Uploaded: 2/27/2019 9:26:27 PM

Developed by  Schneider GEOSPATIAL

DRAWING NUMBER
12 PART 333
PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
RECEIVED BY NUMBER 01548

DRAWING NUMBER
12 PART 333
PLAN HOLD CORPORATION • IRVINE, CALIFORNIA
RECEIVED BY NUMBER 01548

City Rk 2, P. 50

HOMESTEAD SUBDIVISION

PLAT OF TRACTS 1 AND 2 OF LOT 2 AND TRACT KLEIMAN OF LOT 1 AND GVT. LOT 18 ALL LOCATED IN HOMESTEAD ADDITION TO CUSTER CITY AND GVT. LOT 18 IN SECTION 24, T3S, R4E, B.H.M. CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA

2 HOUR SUBDIVISION

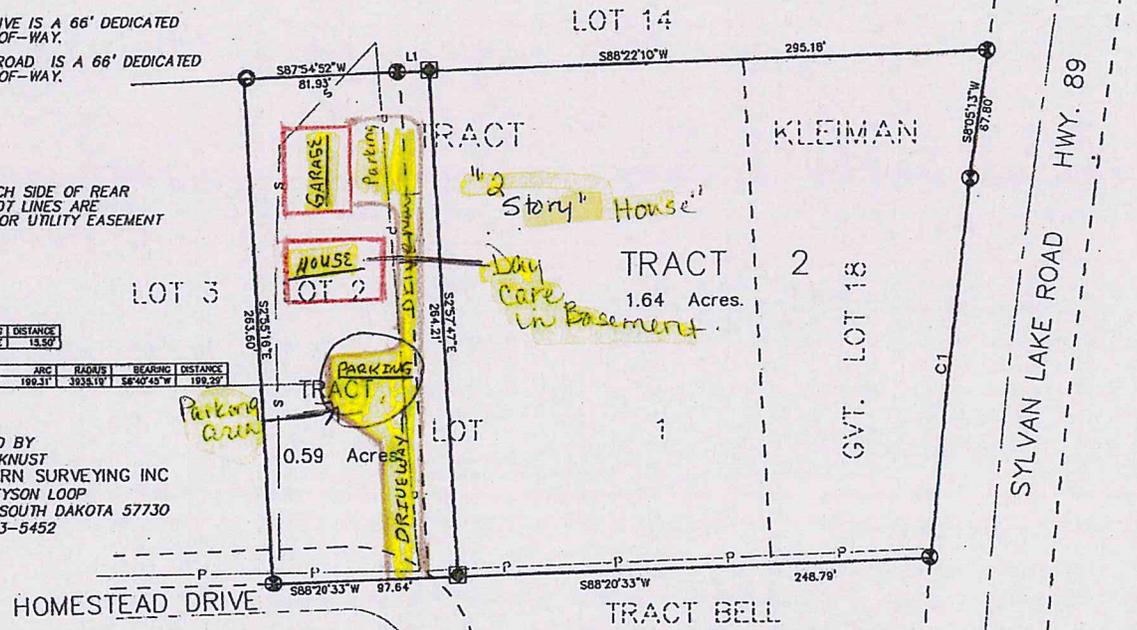
NOTE
HOMESTEAD DRIVE IS A 66' DEDICATED PUBLIC RIGHT-OF-WAY.
SYLVAN LAKE ROAD IS A 66' DEDICATED PUBLIC RIGHT-OF-WAY.

NOTE
10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENT

NUM	BEARING	DISTANCE
L1	N88°22'10"E	15.30'

NUM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	254°08'	199.31'	3935.19'	S84°40'45"W	199.29'

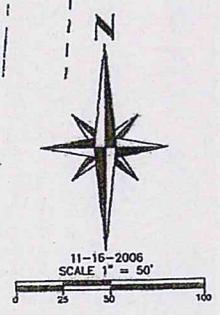
PREPARED BY
JACK H. KNUST
BUCKHORN SURVEYING INC
25053 LEYSON LOOP
CUSTER, SOUTH DAKOTA 57730
(605) 673-5452



BASIS OF BEARINGS
GPS DATA COLLECTION BASED ON THE NE CORNER OF TRACT KLEIMAN OF SECTION 24, T3S, R4E, B.H.M. AND THE FOUND CORNERS OF THE PROPERTY.

WATER PROTECTION STATEMENT
PURSUANT TO SDCL 11-3-8.1 AND 11-3-8.2 THE DEVELOPER OF THE PROPERTY DESCRIBED WITHIN THIS PLAT SHALL BE RESPONSIBLE FOR PROTECTING ANY WATERS OF THE STATE INCLUDING GROUNDWATER, LOCATED ADJACENT TO OR WITHIN SUCH PLATED 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.

- LEGEND**
- CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN SURVEYING R.L.S. 4896
 - ⊙ CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BRYANT RLS 2196
 - CORNER FOUND THIS SURVEY 3/4" IRON PIPE
 - P — CENTERLINE OF 20' POWERLINE EASEMENT
 - S — CENTERLINE OF 20' SEWER LINE EASEMENT



NOTE
ACCORDING TO FIRM PANEL 460019 0001 E, DATED MARCH 2, 1998 THERE IS NO FLOOD PLAIN INVOLVED ON THIS PLAT.

NOTE
LOTS 1 AND 2 ARE RECORDED IN PLAT BOOK 10 PAGE 275.
TRACT KLEIMAN IS RECORDED IN PLAT BOOK 11

STATE OF SOUTH DAKOTA
COUNTY OF CUSTER S.S.

DRAWING NUMBER
12 PAT 333

DRAWING NUMBER
12 PAT 333

City Rd 2, p. 50

HOMESTEAD SUBDIVISION

PLAT OF TRACTS 1 AND 2 OF LOT 2 AND TRACT KLEIMAN OF LOT 1 AND GVT. LOT 18 ALL LOCATED IN HOMESTEAD ADDITION TO CUSTER CITY AND GVT. LOT 18 IN SECTION 24, T3S, R4E, B.H.M. CUSTER CITY, CUSTER COUNTY, SOUTH DAKOTA

NOTE

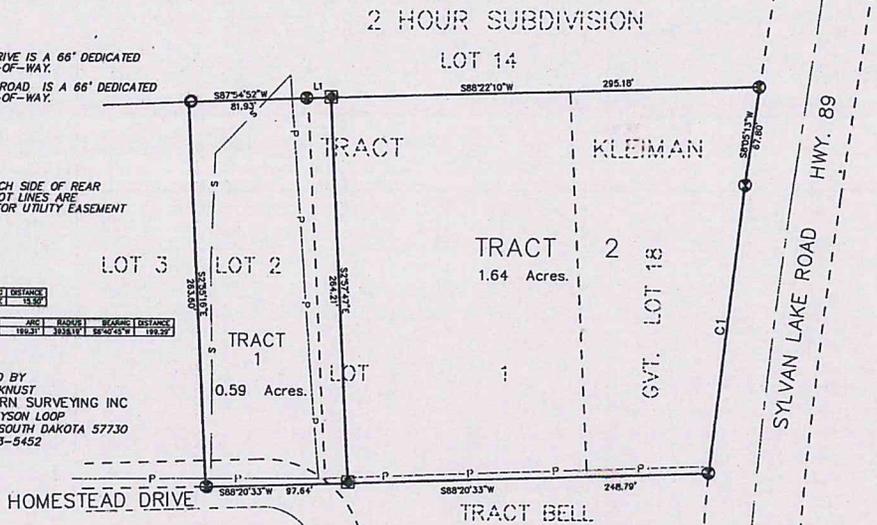
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SYLVAN LAKE ROAD IS A 66' DEDICATED PUBLIC RIGHT-OF-WAY.

NOTE

10 FEET EACH SIDE OF REAR AND SIDE LOT LINES ARE RESERVED FOR UTILITY EASEMENT

FROM	BEARING	DISTANCE			
L1	S88°22'10"W	13.92'			
FROM	DELTA	ARC	RADIUS	BEARING	DISTANCE
C1	230.24'	190.31'	333.81'	S88°20'33"W	192.22'

PREPARED BY
JACK H. KNUST
BUCKHORN SURVEYING INC
25053 LEYSON LOOP
CUSTER, SOUTH DAKOTA 57730
(605) 673-5452



BASIS OF BEARINGS

GPS DATA COLLECTION BASED ON THE NE CORNER OF TRACT KLEIMAN OF SECTION 24, T3S, R4E, B.H.M. AND THE FOUND CORNERS OF THE PROPERTY.

WATER PROTECTION STATEMENT

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LEGEND

- ☐ CORNER SET THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BUCKHORN SURVEYING R.L.S. 4896
- ⊙ CORNER FOUND THIS SURVEY REBAR WITH ALUMINUM CAP MARKED BRYANT RLS 2196
- CORNER FOUND THIS SURVEY 3/4" IRON PIPE
- F — CENTERLINE OF 20' POWERLINE EASEMENT
- S — CENTERLINE OF 20' SEWER LINE EASEMENT



**STATE OF SOUTH DAKOTA
COUNTY OF CUSTER S.S.**

I, Dwight Kleiman Sr. Fita Mae Kleiman
DO HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND SHOWN AND DESCRIBED HEREON AND THAT I DO AUTHORIZE AND DO HEREBY APPROVE THE SURVEY AND WEIGH PLAT OF SAID LAND. I HEREBY CERTIFY THAT DEVELOPMENT OF THIS LAND SHALL CONFORM TO ALL APPLICABLE ZONING, SUBDIVISION, AND SEWAGE CONTROL REGULATIONS.
OWNER: Dwight Kleiman Sr. Fita Mae Kleiman
ON THE 15th DAY OF December, 2006, BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED Dwight Kleiman Sr. Fita Mae Kleiman
KNOWN BY ME TO BE THE PERSONS DESCRIBED IN THE FOREGOING CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.
NOTARY PUBLIC: Christine E. Johnson
MY COMMISSION EXPIRES 11-4-08

**STATEMENT OF SURVEYOR
FOR BUCKHORN SURVEYING INC**

I, JACK H. KNUST, REGISTERED LAND SURVEYOR NO. 4896 OF THE STATE OF SOUTH DAKOTA, DO HEREBY STATE THAT I HAVE CONDUCTED THE SURVEY AND WEIGH PLAT OF THE LAND SHOWN AND DESCRIBED HEREON AND HAVE CAUSED TO BE PLATED THE SAME. I HEREBY CERTIFY THAT THE WEIGH PLAT IS A TRUE AND CORRECT REPRESENTATION OF THE LAND SHOWN AND DESCRIBED HEREON.
THIS 15th DAY OF December, 2006
REGISTERED SURVEYOR: Jack H. Knust
BY JACK H. KNUST, REGISTERED LAND SURVEYOR



CERTIFICATE OF COUNTY TREASURER

MEMBERS OF CUSTER COUNTY, DO HEREBY CERTIFY THAT ALL TAXES WHICH ARE DUE UPON THE WEIGH DESCRIBED LANDS ARE FULLY PAID ACCORDING TO THE RECORDS OF MY OFFICE. DATED THIS 15 DAY OF Dec, 2006.
TREASURER: Pat Winter, Deputy

CERTIFICATE OF HIGHWAY AUTHORITY

THE LOCATION OF THE PROPOSED HIGHWAY SHOWN ON THIS COUNTY OR STATE HIGHWAY OR THE CITY STREET, AS SHOWN HEREON IS HEREBY APPROVED IN FULL IN ACCORDANCE WITH THE LOCATION OF THE PROPOSED ACCESS SHALL REQUIRE ADDITIONAL APPROVAL.

NOTE
ACCORDING TO FIRM PANEL 480019 0001 E, DATED MARCH 2, 1998 THERE IS NO FLOOD PLAIN INVOLVED ON THIS PLAT.

NOTE
LOTS 1 AND 2 ARE RECORDED IN PLAT BOOK 10 PAGE 276
TRACT KLEIMAN IS RECORDED IN PLAT BOOK 11 PAGE 763.

RESOLUTION OF GOVERNING BOARD

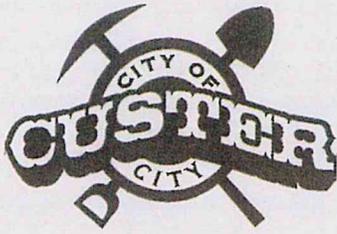
STATE OF SOUTH DAKOTA
CITY OF CUSTER S.S.
WHEREAS, THERE HAS BEEN PRESENTED TO THE CITY OF CUSTER, SOUTH DAKOTA, THE WEIGH PLAT OF THE ABOVE DESCRIBED DESCRIBED LANDS AND IT APPEARS TO THE COUNCIL THAT:
a. THE SYSTEM OF STREETS SET FORTH HEREON CONFORMS TO THE SYSTEM OF STREETS OF THE EXISTING PLATS OF THE MUNICIPALITY;
b. ALL PROVISIONS OF ANY THREE HALE CITY SUBDIVISION REGULATIONS HAVE BEEN COMPLIED WITH;
c. ALL TAXES AND SPECIAL ASSESSMENTS DUE FROM THE SUBDIVISION HAVE BEEN FULLY PAID; AND
d. THE WEIGH AND SURVEY RECORDS HAVE BEEN RECORDED ACCORDING TO LAW AND FULLY APPROVED IN ALL RESPECTS.
IT IS THEREFORE RESOLVED THAT THIS PLAT OF WEIGH APPROVED IN ALL RESPECTS.
THIS 15th DAY OF December, 2006
ATTEST: Christine E. Johnson
MAYOR OF THE CITY OF CUSTER:
I, FINANCE OFFICER OF THE CITY OF CUSTER, DO HEREBY CERTIFY THAT AT AN OFFICIAL MEETING HELD ON THE 15th DAY OF December, 2006 AT THE CUSTER CITY COUNCIL, BY RESOLUTION DID APPROVE THE PLAT AS SHOWN HEREON.
CUSTER CITY FINANCE OFFICER: Christine E. Johnson

CERTIFICATE OF DIRECTOR OF EQUALIZATION

I, DIRECTOR OF EQUALIZATION OF CUSTER COUNTY DO HEREBY CERTIFY THAT I HAVE ON RECORD A COPY OF THE WEIGH DESCRIBED PLAT, DATED THIS 15th DAY OF Dec, 2006.
DIRECTOR OF EQUALIZATION: Karen K. Whitman, Office Manager

CERTIFICATE OF REGISTER OF DEEDS 40110

FILED FOR RECORD THIS 8 DAY OF Jan, 2007 AT 12:30 O'CLOCK P.M.
AND RECORDED IN BOOK 12 OF PLAT, ON PAGE 333.



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.

Etta Mae Kleiman
Signed

Etta Mae Kleiman
Name Printed

STATE OF SOUTH DAKOTA

COUNTY OF Custer

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

Renae Schneider
Notary Signature

Renae Schneider
Notary Name Printed



9-10-21
Commission Expires



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

Staff Report

Request: 111 Crook Street - Conditional Use Permit, Short Term Rental
Applicant: Miranda Boggs
Fee Paid: \$100.00 CC 2/4/19
Location: Crook Street, Near the Intersection of North 1st Street
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 111 Crook 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 across the E/W Alley (Rosse Dr).

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. If a standard parking space is approximately 9' x 18' the area available for off street parking appears to be adequate for the 1800 square feet available to tenants.

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	<u>Miranda Boggs</u>		
Address	<u>12362 Pony Express Pl</u>		
	<u>Custer</u>	<u>SD</u>	<u>57730</u>
City	State	Zip	
Phone	<u>673-3259</u>		
E-mail:	<u>hilltopcottagesd@gmail.com</u>		

(Owner of property if different than applicant)			
Owner	_____		
Address	_____		
	_____	_____	_____
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 111 Crook St Custer, SD 57730

Legal Description 5.75' of lots 1-2-3 Block 46, Custer City

Lot _____ Block _____ Subdivision _____

Size 0.258 (acres)(square feet) Property Zoning District Residential

Water Services City Sewer Services City

Describe Current Use Vacation Rental

Describe Proposed Use (Include Site Plan) Vacation Rental

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

working on health lodging license

MB
Initial

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

MB
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: Miranda Boggs

Date: 3/1/19

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;
I believe so
- D. The proposed use shall be in compliance with all other ordinances.
I believe so
- E. The proposed use shall comply with all specific restrictions and requirements of the zone district.
I believe so
- F. The proposed use shall be eligible for a Conditional Use Permit based on the Zoning District.
I believe so
- 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.
yes
- 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

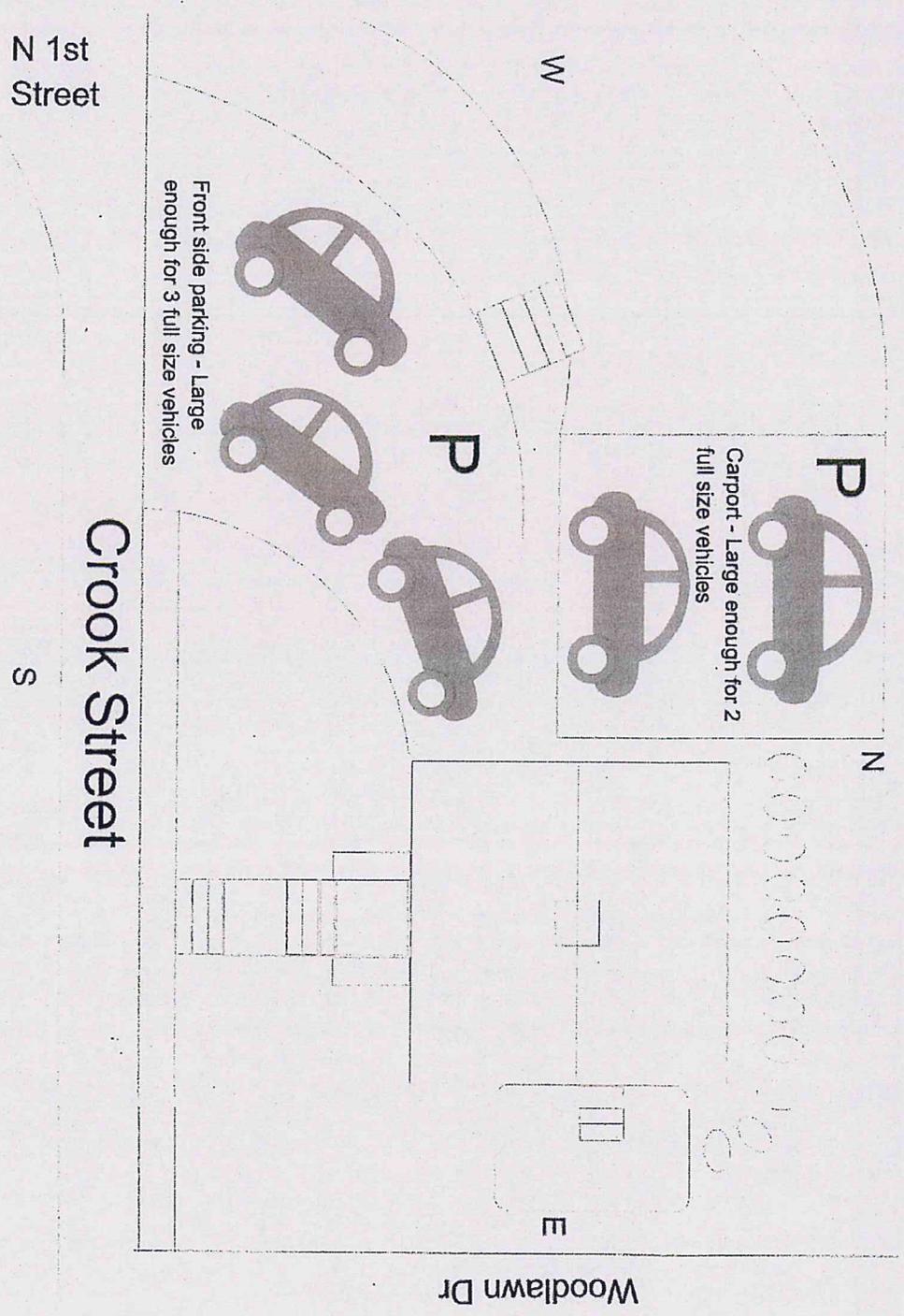
Phone: (605) 673-4824
Fax: (605) 673-2411

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>3/5/19</u>	Permit Fee <u>\$100⁰⁰</u>
Permit/Receipt Number <u>46086</u>	Parcel ID # <u>8332</u>
Planning Commission/Public Hearing Date <u>4-23-19</u>	
Received By <u>Tm4</u>	

111 Crook St



N 1st Street

Crook Street

Woodlawn Dr

2

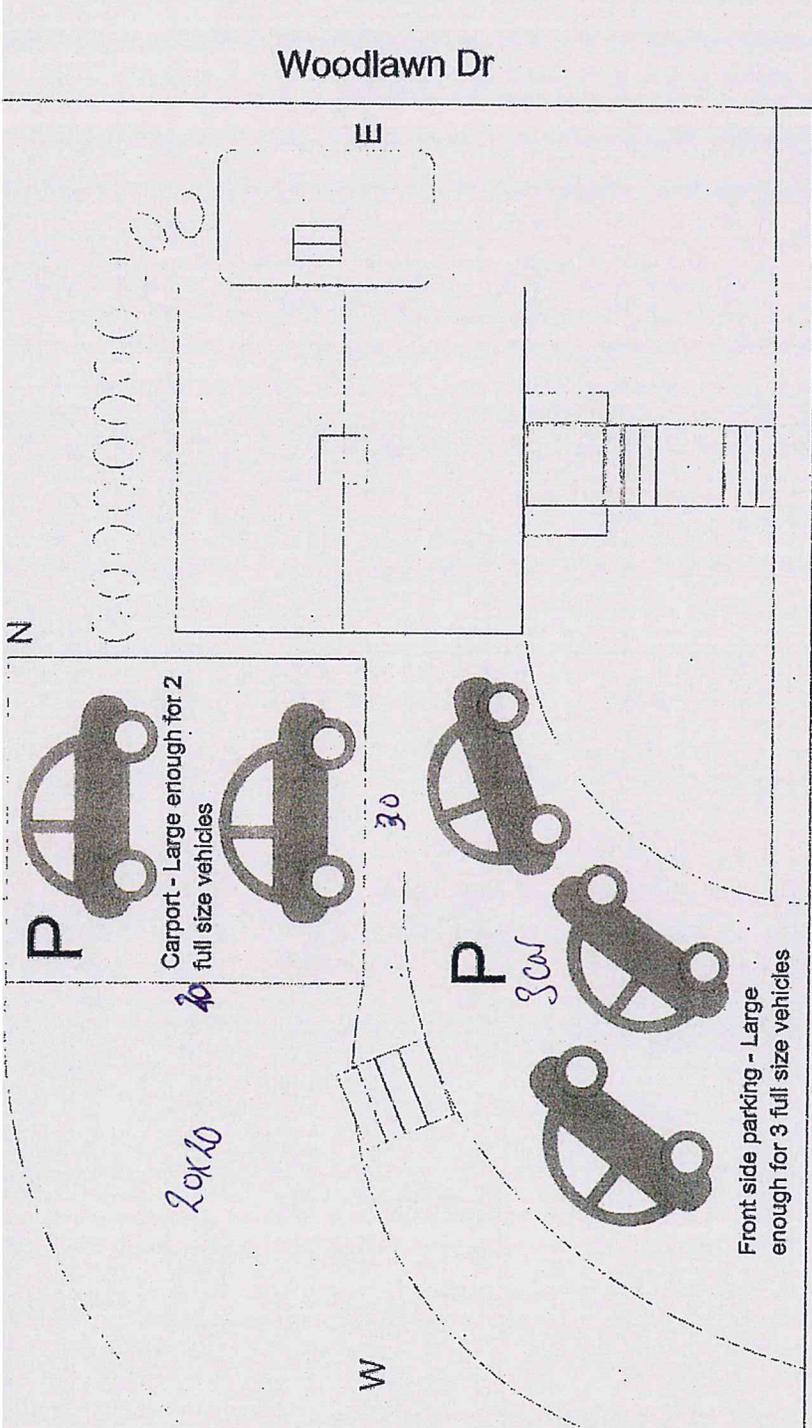
111 Crook St
site plan attachment

The home is 3 stories, but the bottom story is an unfinished basement which is blocked off to renters for my personal storage. Renters only have access to the top 2 stories which have 4 bedrooms and 1 bathroom and are approximately 1800 sq ft.

The carport is 30' x 20' with approx. 20' x 20' of additional parking in front of the carport and the front side parking is approx. 27' x 34', with another spot close to the basement door between the retaining walls that's approx. 8' x 18'.

I don't plan to change any lighting or add any signage; everything will stay the same as it was when I lived there for 12 years.

11 Crook St



Crook Street

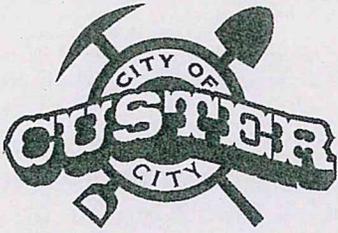
N 1st Street

S

NO Substantial lighting

NO Signage

1700 ft²
4 Bed 1 Bath



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, 20 19.

Miranda Bogg
Signed

Miranda Bogg
Name Printed

STATE OF SOUTH DAKOTA

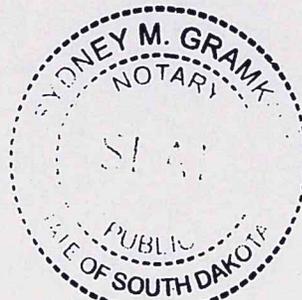
COUNTY OF Custer

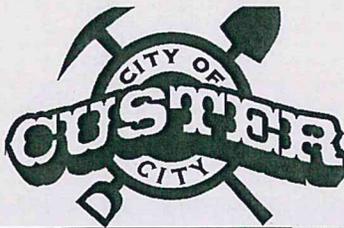
Subscribed and sworn before me this the 17 day of April, 2019.

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: 1027 Pine Street - Conditional Use Permit, Home Occupation
Applicant: Custer Real Estate LLC.
Fee Paid: \$100.00 *cc 2/4/19*
Location: Pine Street, Between S 10th St. and S 11th 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 primarily as an owner-occupied residence and is also utilized as an eligible conditional use home occupation. The property owner plans to continue such use. Sections 17.12.030, 17.12.050 and 17.12.070 of the Custer Municipal Code can be referenced for additional home occupation within a residential zone information. A single-family dwelling is a principal use.

SURROUNDING AREA

The immediate area surrounding 1027 Pine Street is composed mainly of other residential uses.

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

VEHICULAR ACCESS AND PARKING

The applicant has specified minimal traffic specific to such home occupation is encountered with such home occupation, but if clients are on the property the concrete driveway is available to accommodate traffic flow and parking needs.

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

Staff is recommending the Planning Commission table this application for a Conditional Use Permit until the May 14th, 2019 meeting. All public notification for such application was not finalized prior to the 10 days prior to this evenings meeting deadline, and, therefore affirmative action should not be taken at tonight's meeting. A table of this item will allow additional time for applicants to receive notification and further action can be addressed at the May meeting.

PAID

622 Crook Street
Custer, SD 57730

Planning Department

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

MAR 05 2019
March 11th

Conditional Use Permit Application

CITY OF CUSTER

Applicant Information		
Applicant	Custer Real Estate, LLC	
Address	PO Box 100	
Custer	SD	57730
City	State	Zip
Phone	605-673-5400	
E-mail:	custerealestate@icloud.com	

(Owner of property if different than applicant)		
Owner	Ramona Flaig	
Address	1027 Pine Street	
Custer	SD	57730
City	State	Zip
Phone	605-673-1260	
E-mail:	ramona@gwtc.net	

Proposed Conditional Use 24/7 Contact		
Name	Ramona Flaig	
Address	1027 Pine Street	
Custer	SD	57730
City	State	Zip
Phone	605-673-1260	
E-mail:	custerealestate@icloud.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 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 1027 Pine Street

Legal Description Lot 4, Block 89, +15ft vac N/S Alley +N25ft vacated Pine Street

Lot 4 Block 89 Subdivision N/A

Size .25 (acres)(square feet) Property Zoning District Residential

Water Services City Sewer Services City

Describe Current Use My full time home. My Real Estate office is in one bedroom. Home is 3 bedrooms, 2 baths. Signs and storage of 7 years file cabinets in garage.

Describe Proposed Use (Include Site Plan) N/A

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

I hereby confirm that the proposed use will maintain appropriate Commercial Liability Insurance. RZ
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. Attached.
- Written authorization from the property owner. (if applicant is not the property owner.) Home owner owns business.
- Conditional Use Permit Criteria narrative
- Conditional Use Permit Fee Payment Check # 3333.

Owner/Applicant Signature: Ramona Flaig

Date: 3-5-19

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; Yes all being provided.
- B. that the Conditional Use is consistent with the surrounding area in terms of character and density; Yes consistent. Plumbing business next door to the east. Rental home to the west.
- C. that the Conditional Use conforms with and is a compatible use within the Comprehensive Plan; My Real Estate business is compatible.
- D. The proposed use shall be in compliance with all other ordinances. Yes of course.
- 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. I am unsure. City Planning will have to determine.
- 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. Only residential lighting installed and used.
- H. The proposed use shall have adequate vehicular access and parking to serve the proposed use. I have 6 off street parking places in my driveway. Originally was teenagers parking!
- I. The proposed use shall comply with all applicable state licensing requirements and/or regulations. Yes of course.
- J. The proposed use shall maintain appropriate commercial liability insurance. Attached.

622 Crook Street
Custer, SD 57730

Planning Department

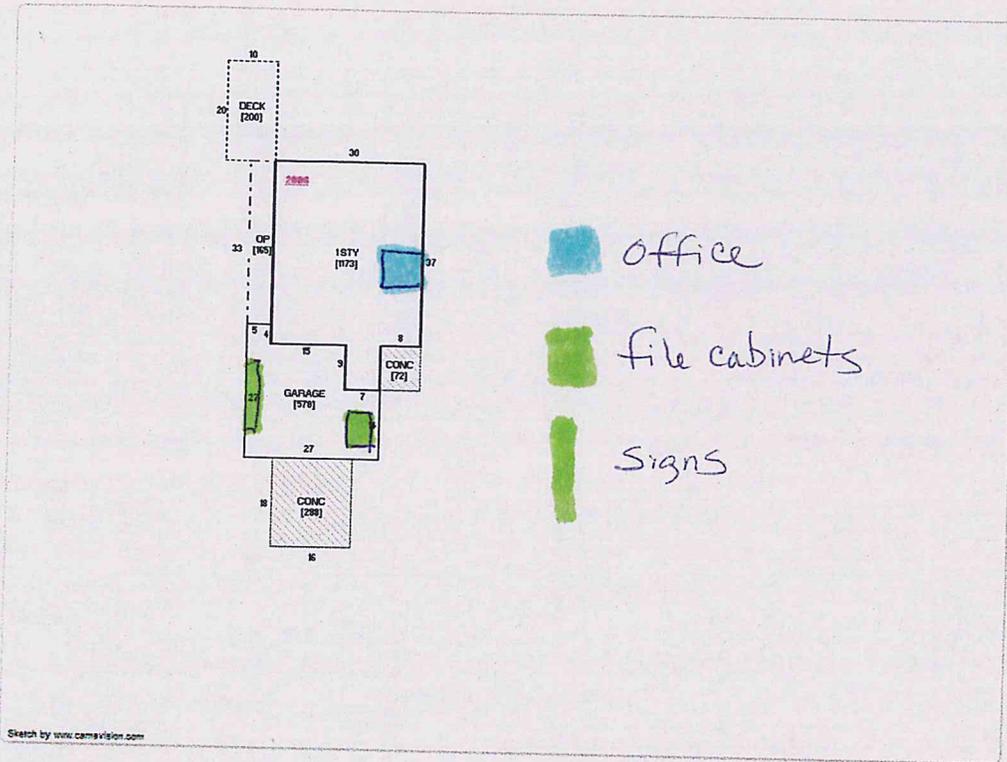
Phone: (605) 673-4824
Fax: (605) 673-2411

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 3/5/19 Permit Fee \$100⁰⁰
Permit/Receipt Number 41088 Parcel ID # 003527
Planning Commission/Public Hearing Date April 23, 2019
Received By _____



No data available for the following modules: Commercial Buildings, Agricultural Buildings, Yard Extras, Taxation, Plats.

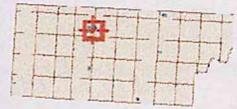
Last Data Upload: 3/4/2019 9:04:04 PM

Version 2.2.3





Overview



Legend

-  Corporate Limits
- Highways
 -  SD Hwy
 -  US Hwy
 -  Roads
-  Parcels

Parcel ID	008527	Alternate ID	n/a	Owner Address	FLAIG RAMONA DAWN
Sec/Twp/Rng	n/a	Class	Residential		1027 PINE ST
Property Address	1027 PINE ST	Acreage	0.253		CUSTER SD 57730-2408
	CUSTER				
District	16.1-1-0-1-0-0				
Brief Tax Description	ALL OF LOT 4 BLOCK 89 + 15' OF VAC N/S ALLEY + N 25' OF VAC PINE ST, CUSTER CITY 7300005008900401 <i>(Note: Not to be used on legal documents)</i>				

Parcels are not adjusted to match aerial background. GIS information is for reference purposes only and is not a legal document. Data may contain errors.

Date created: 3/5/2019
Last Data Uploaded: 3/4/2019 11:04:04 PM

Developed by  Schneider
GEO SPATIAL

Tim Hartmann

From: Ramona Flaig <ramona@gwtc.net>
Sent: Thursday, March 7, 2019 4:50 PM
To: Tim Hartmann
Subject: Conditional Use Permit
Attachments: DSCN0823.JPG; DSCN0824.JPG

Hello Tim,

Per our conversation and to confirm...

I do not use my home as my place of business. I have one bedroom designated for my office and my place of business. My office is the first room down the hall on the right. The rest of my home is my home.

I do not conference at dining room table or any where in my home other than the one bedroom.

I have no signs on my home or in my yard for my business. I have a sign on the drop box on my mail box for paper/documents drop off and rent checks drop off (I am also a property manager).

I am attaching two photos for you to confirm. Thank you much! Ramona

Ramona Flaig, Broker, GRI, ABR/M

CUSTER REAL ESTATE, LLC.

SALES & SERVICES

PO Box 100, Custer, SD 57730

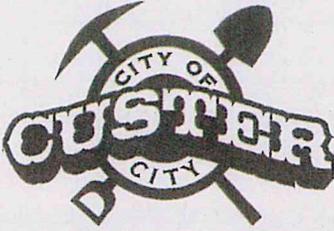
Office 605-673-5400

Cell 605-673-1260

www.custersdrealstate.com

www.homesandland.com

www.realtor.com



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.

With the exception of 15 mailed Certified on 4/16/19, I continued to attempt hand delivery. Ramona Flaig

Dated this the 16th day of April, 20 19.

Ramona Flaig
Signed

Ramona Flaig
Name Printed

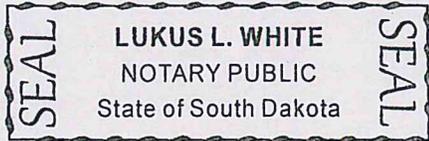
STATE OF SOUTH DAKOTA

COUNTY OF CUSTER

Subscribed and sworn before me this the 16 day of APRIL, 20 19

[Handwritten Signature]

Notary Signature

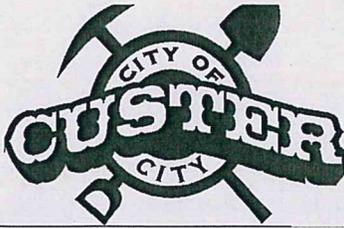


LUKUS L. WHITE

Notary Name Printed

4/1/23

Commission Expires



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

Staff Report

Request: 248 North 2nd Street - Conditional Use Permit, Short Term Rental
Applicant: Candace Atkinson
Fee Paid: \$200.00
Location: North 2nd Street, Accessed by the N/S alley of Block 36
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. The property was previously used as an owner-occupied single-family dwelling. Per Custer Municipal Code 17.12.050 short term rentals are a permitted conditional use. A single-family dwelling is a principal use within the residential zone.

SURROUNDING AREA

The immediate area surrounding 248 North 2nd 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 4 available parking areas for the property. Staff feels these 4 spaces are adequate for the approximately 1090 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.

LEGAL REVIEW

City legal has reviewed the application and has no concerns with the proposed insurance information provided. Because the insurance is not yet in effect, legal is recommending the Planning Commission approve the CUP contingent upon proof of insurance being provided to the Planning Administrator, should the PC move to approve such CUP.

RECOMMENDED ACTION BY PLANNING COMMISSION

All applicable public notification has been completed. Upon review of CUP review staff feels the criteria are satisfied except for official proof of insurance being provided. Staff supports approval of the Conditional Use Permit by the Planning Commission contingent upon proof of insurance being provided.

622 Crook Street
Custer, SD 57730

Planning Department

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

Conditional Use Permit Application

Applicant Information

Applicant Candace Atkinson
 Address 248 N. 2nd St.
Custer SD 57730
 City State Zip
 Phone 605.517.1199 Zip
 E-mail: candyatk@gmail.com

(Owner of property if different than applicant)

Owner _____
 Address _____

 City State Zip
 Phone _____ Zip
 E-mail: _____

Proposed Conditional Use 24/7 Contact

Name Candace Atkinson
 Address 248 N 2nd St
Custer SD 57730
 City State Zip
 Phone 605.517.1199 Zip
 E-mail: candyatk@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 248 N. 2nd St.
 Legal Description 575' of Lot 10, 11, 12. Block 36.
 Lot 10-11-12 Block 36 Subdivision _____
 Size 0.258 (acres)(square feet) Property Zoning District Res
 Water Services city Sewer Services city

Describe Current Use owner occupied
 Describe Proposed Use (Include Site Plan) vacation rental less than 6 months per year

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.

CA
Initial
CA
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: Candace Atkinson

Date: 2/25/19

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.

NO ADDITIONAL LIGHTING OR SIGNS
- 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

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

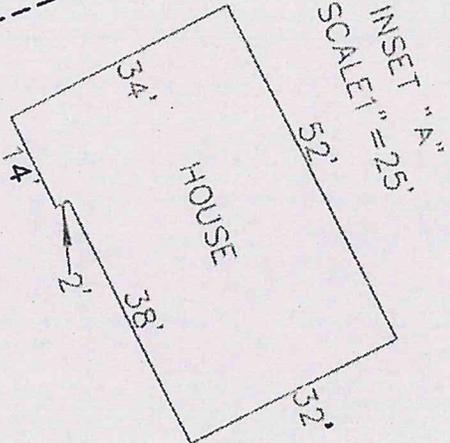
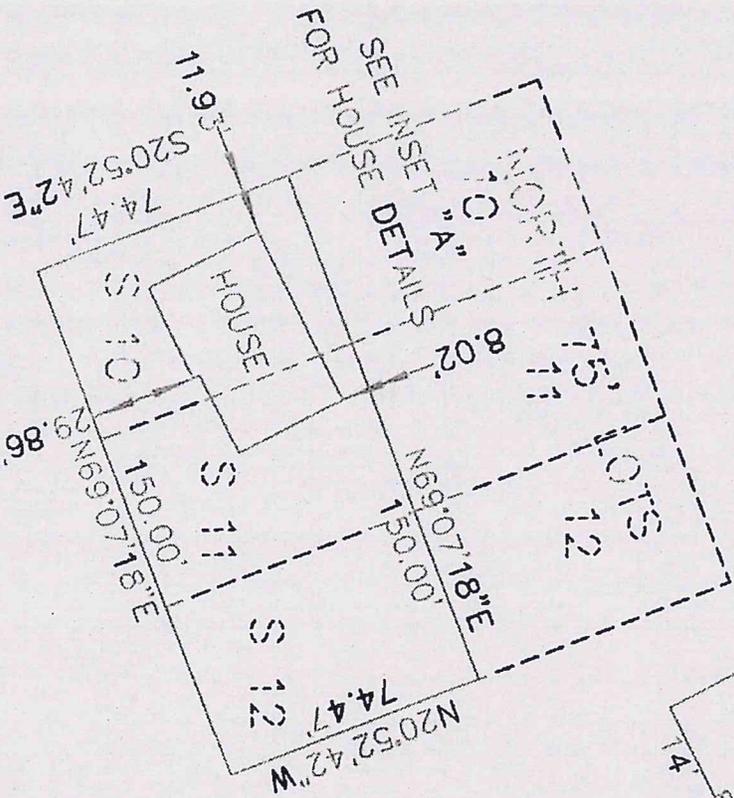
Conditional Use Permit Application

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.

DUE 100⁰⁰

Official Use Only		<i>410083 - 100⁰⁰</i>
Date Filed <u>3-5-19</u>	Permit Fee <u>200⁰⁰</u>	<i>paid 100⁰⁰ #46184</i>
Permit/Receipt Number <u>410083</u>	Parcel ID # _____	
Planning Commission/Public Hearing Date _____		
Received By _____		

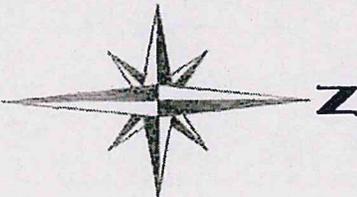
HOUSE LOCATION: 248 NORTH 2ND STREET
 SOUTH 75' OF LOTS 10, 11, AND 12 OF BLOCK 36
 OF THE CITY OF CUSTER, SOUTH DAKOTA



Statement of surveyor
 I, Jack H. Knust, Registered
 Land Surveyor No. 4896 of the
 State of South Dakota, do hereby
 state that being so authorized,
 I made the house location on
 the land shown and described
 hereon and that I personally
 supervised and state that in
 the best of my knowledge and
 beliefs, that in all things
 is true and correct

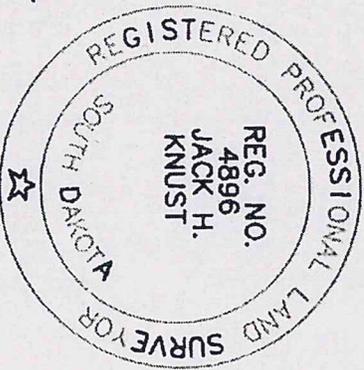
in witness whereof, I have
 hereunto set my hand and seal
 this 24TH day of SEPTEMBER
2017.

Jack H. Knust
 BUCKHORN SURVEYING INC.
 By Jack H. Knust
 Registered Land Surveyor



SCALE 1" = 50'

PREPARED BY:
 JACK H. KNUST, LS
 BUCKHORN SURVEYING INC.
 25033 LETSOM LOOP
 CUSTER, SOUTH DAKOTA 57730
 (605) 673-5452

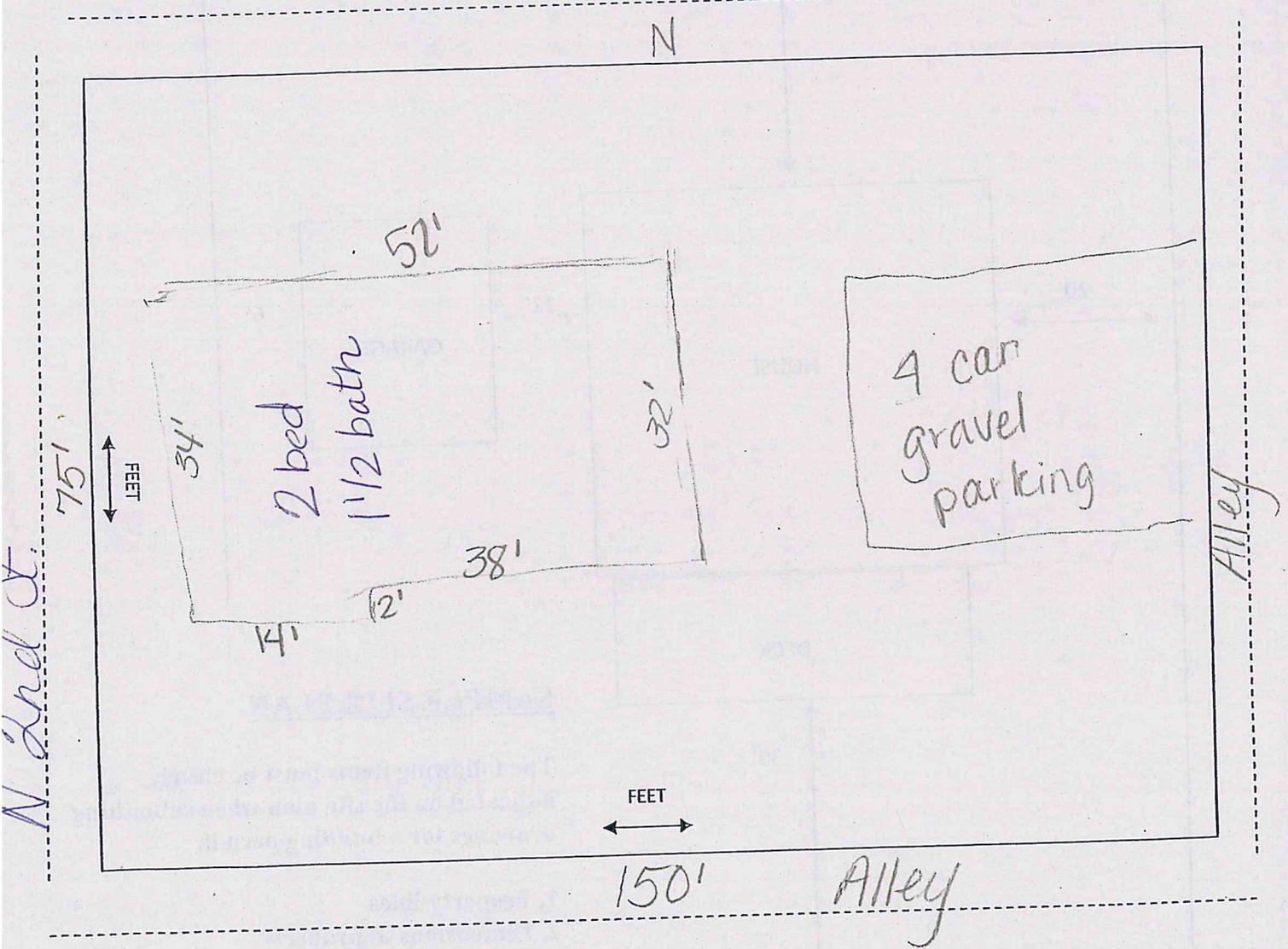


75 by 150ft

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)

See Attached

NO BUILDING PLANS

NO ADDITIONAL STRUCTURES

Tim Hartmann

From: Gloria Emery <redmouse@gwtc.net>
Sent: Monday, April 15, 2019 3:57 PM
To: Tim Hartmann
Subject: RE: Public Hearing

RE: 248 N. 2nd St. Custer,SD

I do not care if the above is approved for a Conditional Use Permit
for the above property.

Gloria R. Emery
327 Buckhorn
P.O. Box 126
Custer, S.D. 57730



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 12 day of April, 20 19.

[Handwritten Signature]

Signed

Candace Atkinson

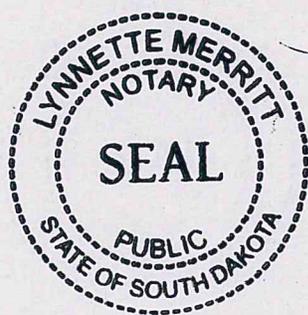
Name Printed

STATE OF SOUTH DAKOTA

COUNTY OF Custer

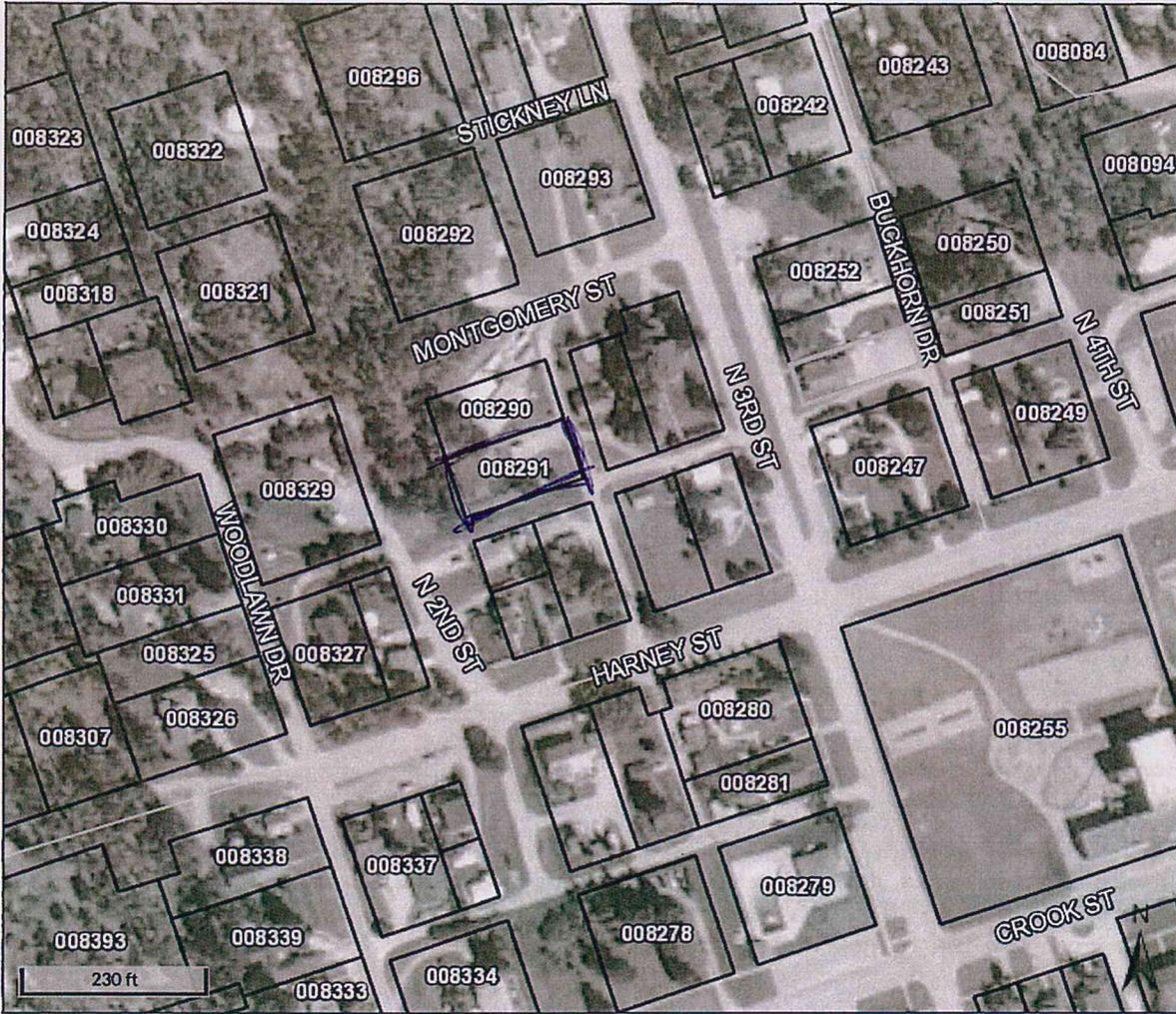
Subscribed and sworn before me this the 12 day of Apr. 1, 20 2019.

[Handwritten Signature]
Notary Signature

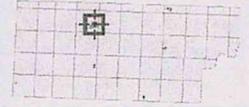


Lynnette Merritt H
Notary Name Printed

Jan 7, 2024
Commission Expires



Overview



Legend

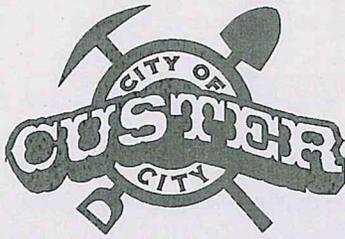
- Highways
 - SD Hwy
 - US Hwy
- Roads
- Parcels

Parcel ID	008254	Alternate ID	n/a	Owner Address	<u>EVANS JOHN L</u>
Sec/Twp/Rng	n/a	Class	Residential		<u>PO BOX 90</u>
Property Address	<u>232 N 3RD ST</u>	Acreage	0.17		CUSTER SD 57730-0090
	CUSTER				
District	16.1-1-0-1-0-0				
Brief Tax Description	S. 50' OF LOTS 10-11-12 BLOCK 31				
	7300005003101003				
	(Note: Not to be used on legal documents)				

248 N 2nd

Parcels are not adjusted to match aerial background. GIS information is for reference purposes only and is not a legal document. Data may contain errors.

Date created: 2/25/2019
 Last Data Uploaded: 2/22/2019 9:22:40 PM



Planning Department
622 Crook Street
Custer, SD. 57730

Phone: 673-4824 Fax: 673-2411
e-mail: timh@cityofcuster.com

Staff Report

Request: Setback Variance CMC 17.32.060
Applicant: Custer County – Custer County Search and Rescue
Fee Paid: \$200.00
Location: **Tract Clinic, Custer City – 1073 Montgomery Street** 1039 Montgomery Street
Date: April 12, 2019
Planning Commission Meeting: April 23, 2019
Prepared by Tim Hartmann, Planning Administrator

GENERAL

Custer County staff and officials have been in contact with City staff and Mayor Herman concerning a request to construct a shop addition on the County's recently acquired Search and Rescue (S&R) base. An approximately 3200 square foot structure currently exist on the property. Such structure being composed of two parts, the original structure plus an addition to the east. To accommodate Custer County Search and Rescues operations and equipment, they desire and plan to demo the east addition and, in its place and extending to the south, construct a garage/shop addition to house S&R response equipment.

Montgomery street fronting the property to the South is a 120' Public Right-of-Way.

Tract Clinic is within the City and is currently zoned Medical.

VARIANCE

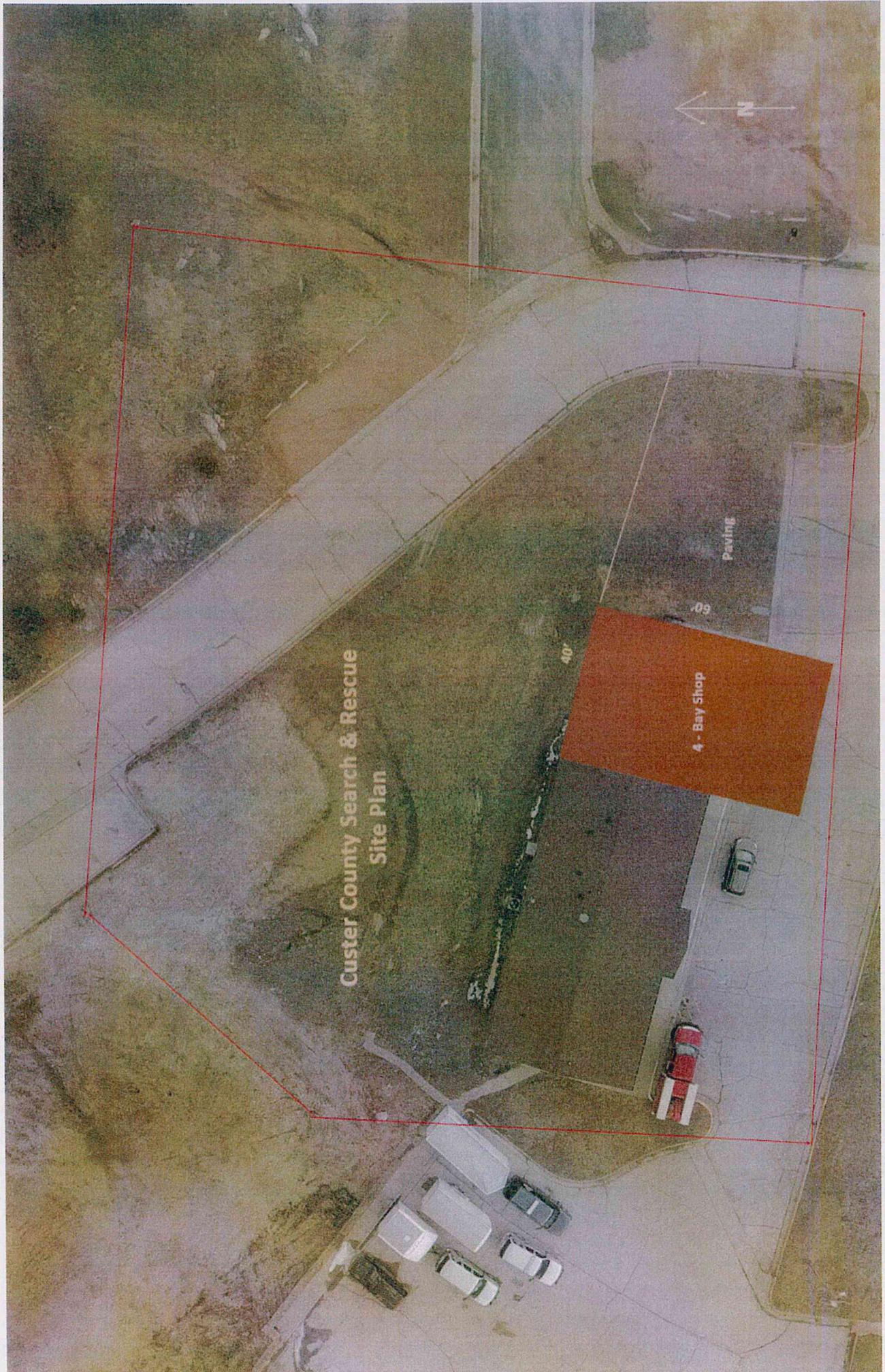
The variance request is to allow a variance from Custer Municipal Code 17.32.060. CMC requires a front setback of 30 from the front property line. The applicant has requested a 30' variance to allow for a 0 setback from the property line. The structure and all appendages would remain within the private property and would not be constructed to project into the Public Right of Way. S&R leaders and County officials have found that the design as presented would allow them the equipment storage needed and open there building envelope within the lot while avoiding a rocky back slope to the north of the building. It should also be noted that the City does retain a significant Right of Way in front of the proposed structure should any public improvements be needed within the Right of Way.

PUBLIC HEARING

A Public Hearing will also be held at the May 20th, 2019 Board of Adjustment Meeting.

SUMMARY AND RECOMMENDED ACTION BY PLANNING COMMISSION

After staff review and significant discussion with City and County officials staff feels granting of this variance is appropriate. Such recommendation is given in consideration of the topography, the significant right of way adjacent to the property, the fact that the structure will not encroach into the public right of way, and the significant value to the City that is provided by having our emergency responders close to one another and near major travel corridors. For these reasons staff supports a recommendation to the Board of Adjustment to approve the setback variance.



Custer County Search & Rescue
Site Plan

4 - Bay Shop

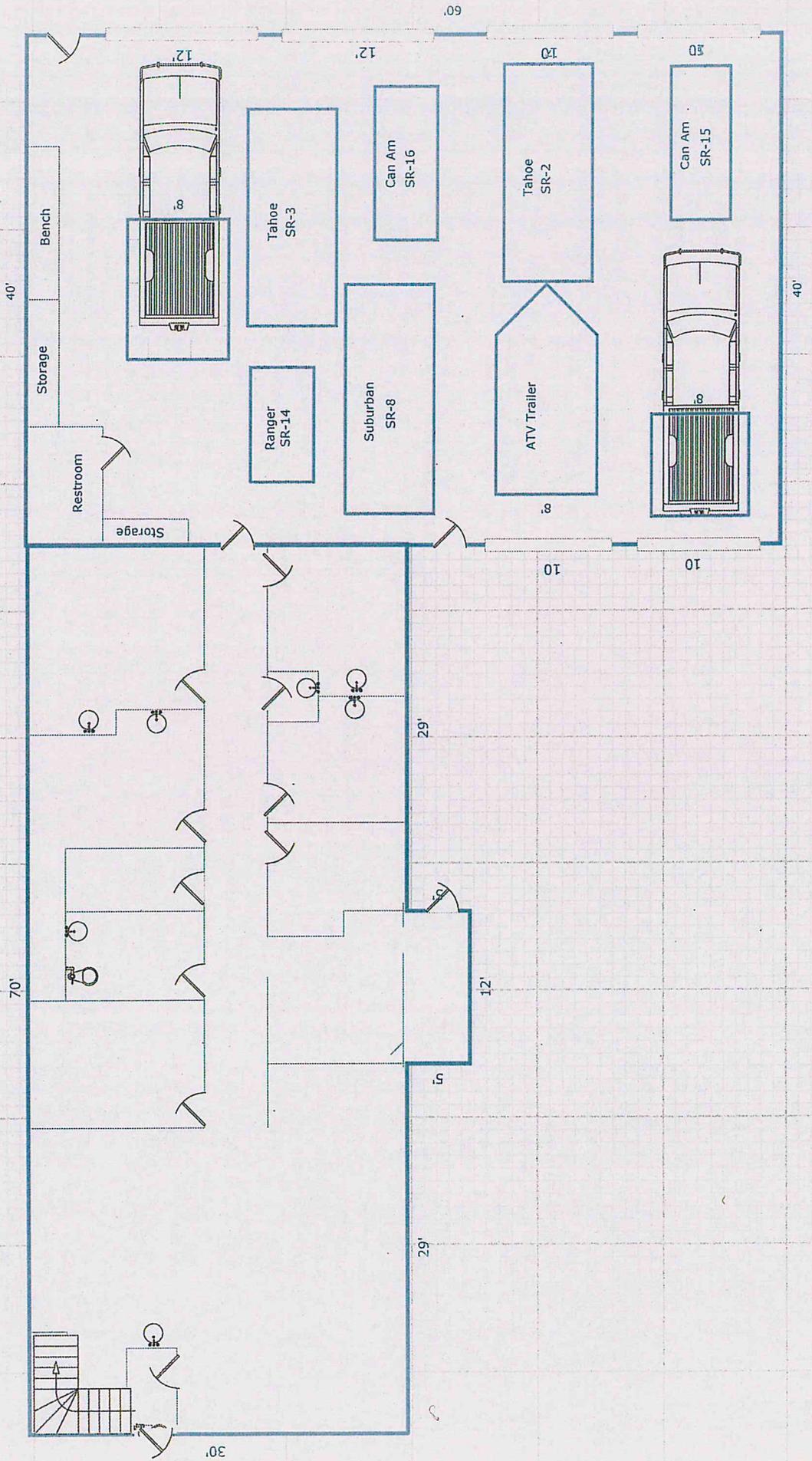
Paving

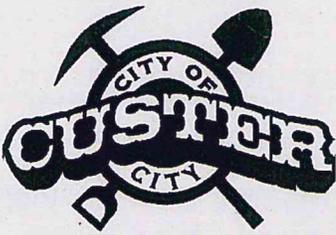


40'

60'



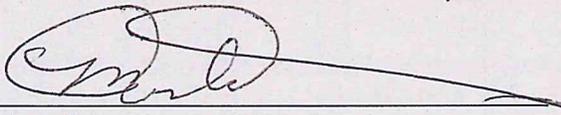




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Dated this the 10th day of April, 20 19.



Signed

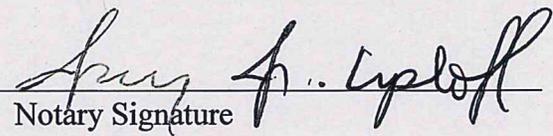
Mike Carten

Name Printed

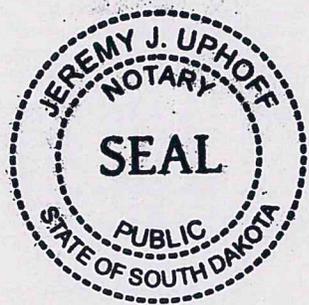
STATE OF SOUTH DAKOTA

COUNTY OF Custer

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


Notary Signature

Jeremy J Uphoff
Notary Name Printed



2-13-24
Commission Expires