



# Building Board of Appeals Agenda

Thursday, March 12, 2026 at 2:00 PM

City Hall, 102 Sherman Street, Deadwood, SD 57732

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1. **Call to Order and Pledge of Allegiance**
  - a. Trent Mohr - Building Official
2. **Roll Call**
  - a. Welcome and Introductions
  - [b.](#) Oath of Office
  - [c.](#) Overview of Board of Appeals - duties and authority
  - d. Election of Chairperson and Vice-Chairperson
3. **Approve Minutes**
4. **Appeal Hearings**
  - [a.](#) Denial of Permit for Deadwood Alive proposed structure on Gold Street  
- Board Action to affirm, modify, or reverse decision of Building Official
5. **Old Business**
6. **New Business**
7. **Informational Items**
  - a. Discussion of annual meeting
  - b. Discussion on reappointing of expiring terms
8. **Adjournment**

## Oath of Office

**STATE OF SOUTH DAKOTA  
COUNTY OF LAWRENCE  
CITY OF DEADWOOD**

I, \_\_\_\_\_, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of South Dakota, and the Charter and Ordinances of the City of Deadwood; that I will faithfully, honestly, and impartially discharge my duties as a member of the Board of Appeals & Examiners.

\_\_\_\_\_  
**Board Member**

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
**Jessicca McKeown, Finance Officer**

\_\_\_\_\_  
**Charlie Struble-Mook, Mayor**

**15.01.040 Board Of Appeals And Examiners**

- A. Appointment. In order to hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation on the inclusive Building Code, to review all prospective changes to the respective codes and to submit recommendations to the responsible official and the city commission, to review requests for house moves, demolitions, repairs and maintenance, and to examine applicants for licensing and to investigate matters brought before the board, there shall be and is hereby created a board of appeals and examiners, which shall not include any individual employed by the city. Members shall be appointed by the mayor with consent of the city commission and shall hold office for three-year terms. The board shall adopt rules of procedure for conducting its business, and shall render all decisions in writing to the appellant, with a duplicate copy to the building official.
- B. Limitation of Authority. An application for appeal shall be based on a claim that the true intent of the Building Code, or the rules legally adopted thereunder, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good, or better form of construction, repair, et cetera is proposed. The board shall have no authority relative to the administrative provisions of the code, nor shall the board be empowered to waive requirements of the code.
- C. Appeals. Any decision by the board of appeals may be appealed directly to the city commission. The city commission shall have authority relative to the administrative provisions of the code, and shall be empowered to waive requirements of the code. Any application for appeal to the city commission may be based on a claim that the true intent of the Building Code, or the rules legally adopted thereunder, have been incorrectly interpreted, the provisions of the code do not fully apply, or an equally good, or better form of construction, repair, et cetera is proposed. Following the decision by city commission, an applicant who desires to appeal a decision of the city commission shall file an appeal with the county circuit court within thirty (30) days after the determination of the issue by the city commission in the matter provided by law.
- D. Prosecution of Violation. If the notice of violation is not complied with promptly, the building official is authorized to request the city commission to deem the violation as a strict liability offense and institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of the Building Code, or of the order or direction made pursuant thereto.
- E. Liability. The building official, members of the board of appeals, or employees charged with the enforcement of this code, while acting for the city in good faith and without malice in the discharge of the duties required by the Building Code, or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an office or employee because of the act performed by that officer or employee in the lawful discharge of duties and under the provisions of the Building Code shall be afforded all the protection provided by the city's insurance pool and any immunities and defenses provided by the other applicable state and federal law. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

The Building Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating, or controlling any building or structure for any damages to persons or property caused by defects, nor shall the code enforcement agency or the city be held as assuming any such liability by reason of inspection authorized by this code or any permits or certifications issued under this code.

(Ord. 1258, 2017; Ord. 1187, 2013)

Section 2 Item c.

**CITY OF DEADWOOD BOARD OF APPEALS  
AND EXAMINERS BY-LAWS**

**Article 1: Membership of the Board**

The Board of Appeals shall consist of five (5) persons appointed by the Mayor and approved by the City Commission. Preferably, at least one (1) member shall be a structural engineer and another be a building contractor. Under no circumstances shall an employee of the City of Deadwood be a voting member of the Board of Appeals. Appointments shall be staggered at three (3), two (2), and one (1) year terms. If a vacancy occurs during a term of appointment, the vacancy shall be filled for the length of the unexpired terms. Members of the Board may be reappointed at the conclusion of the term.

**Article 2: Chairperson of the Board**

In the month of June of each year, the Board shall select one of its members as Chairperson and one as vice Chairperson, who shall serve one year or until their successors have been selected. In the absence of the Chairperson, the Vice Chairperson shall act as Chairperson on the Board. Appointments shall initially be at staggered terms for three (3), two (2), and one (1) year terms.

**Article 3: Clerk of the Board/Records**

The Building Official or his or her representative shall act as a Clerk of the Board. The Clerk shall keep all the records of the Board as required by South Dakota Law. The Clerk shall keep a minute book which shall be maintained to date. The Clerk shall enter the number of the appeal, the name of the applicant, a description of the street number or legal description of the premises, the nature of the application, and the final disposition of the case.

The Clerk shall, under the direction of the Board and as Chairperson, conduct all correspondence of the Board; send out all notices required by these rules and at the order of the Board; attend all meetings of the Board and all hearings; review all appeals and applications for variations for compliance with the Board's rules; keep the minutes of the Board's proceedings; comply with all the required records; shall maintain the necessary files and indexes and generally supervises all of the clerical work of the Board; and retain in the records the original papers acted upon by the Board.

The Clerk shall see that all maps, plans, and specifications are properly prepared, make a personal inspection of any premises involved, research codes standards, seek legal or professional opinions, and be prepared to advise the Board.

The Clerk shall obtain from the application such additional information and data as may be required to fully advise the Board with reference to any appeal, product, or method. Failure or

refusal on the part of the applicant to furnish such additional information shall be grounds for denial by the Board.

#### **Article 4: Meetings of the Board**

Upon the Clerk receiving an application for appeal and filed with the Clerk within twenty (20) days of the notice of the violation, a meeting shall be scheduled to occur within twenty-one (21) days of receipt of the application for appeal. Three (3) members of the Board shall constitute a quorum for the transaction of business. All meetings will be conducted according to an informal interpretation of Robert's Rules of Order.

#### **Article 5: Notice of the Meeting**

The scheduled meetings shall be posted at least twenty-four (24) hours prior to the scheduled meeting.

#### **Article 6: Open Meetings**

All hearings before the Board shall be open to the public. The Appellant, the Appellant's representative, the Building Official, and any person whose interest are effected shall be given an opportunity to be heard.

#### **Article 7: Postponement of Hearing**

When the five (5) voting members are not present to hear an appeal, either the Appellant or Appellant's representative shall have the right to request a postponement of the hearing.

#### **Article 8: Action by Resolution**

The final disposition of any appeal shall be in the form of a resolution affirming, modifying, or reversing any decision by the Building Official by a concurring vote of two-thirds ( $\frac{2}{3}$ ) of the Board's members.

The final disposition of any appeal shall contain written findings of fact.

#### **Article 9: Compensation**

Members present at a scheduled meeting shall receive twenty-five (\$25.00) dollars as compensation for their time.

**Article 10: Amendment**

These rules may be amended by resolution at any meeting of the Board.

Adopted this 10 day of Sept, 2013.



Chairperson



**BUILDING PERMIT APPLICATION**  
 CITY OF DEADWOOD  
 108 Sherman St., Deadwood, SD 57732  
 (605) 578-3082 Fax (605) 578-2084  
[permitsandlicensing@cityofdeadwood.com](mailto:permitsandlicensing@cityofdeadwood.com)

Permit # \_\_\_\_\_

Permit Fee \$ \_\_\_\_\_

Online payments can be made [here](#).

Property Owner: <u>Deadwood Alive Inc</u>	Please check: <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Public <input checked="" type="checkbox"/> New Construction <input type="checkbox"/> Accessory Structure <input type="checkbox"/> Grading <input type="checkbox"/> Remodel Existing Structure <input type="checkbox"/> Excavation <input type="checkbox"/> Repair Existing Structure <input type="checkbox"/> Demolition <input type="checkbox"/> Sewer Tap <input type="checkbox"/> Addition to Existing Structure <input type="checkbox"/> Water Tap <input type="checkbox"/> Sidewalk Repair/Replacement <input type="checkbox"/> Change of Occupancy
Do you intend on hiring a contractor or performing the work yourself? <input checked="" type="checkbox"/> Contractor <input type="checkbox"/> Self If you checked Contractor, please complete the following: Contractor Name: <u>DA and City of Deadwood Staff</u>	What type of work will be done? (check all that apply) <input checked="" type="checkbox"/> Building/Construction/Repair <input type="checkbox"/> Plumbing/Gas <input checked="" type="checkbox"/> Electrical <input type="checkbox"/> Concrete/Foundation <input type="checkbox"/> Mechanical/HVAC <input type="checkbox"/> Other (describe below)
	Description of work: <u>Build and install a temporary tent structure for the Trial of Jack McCall. Structure to be in place from April 15th - October 15th each year. Front facade, boardwalk and framework to be built from roughcut lumber and covered in canvas. Canvas to have appropriate fire resistance and waterproofing.</u>
Is City License current: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Project Cost: <u>\$35,000 est</u> (materials and labor)	

Subcontractor Name(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

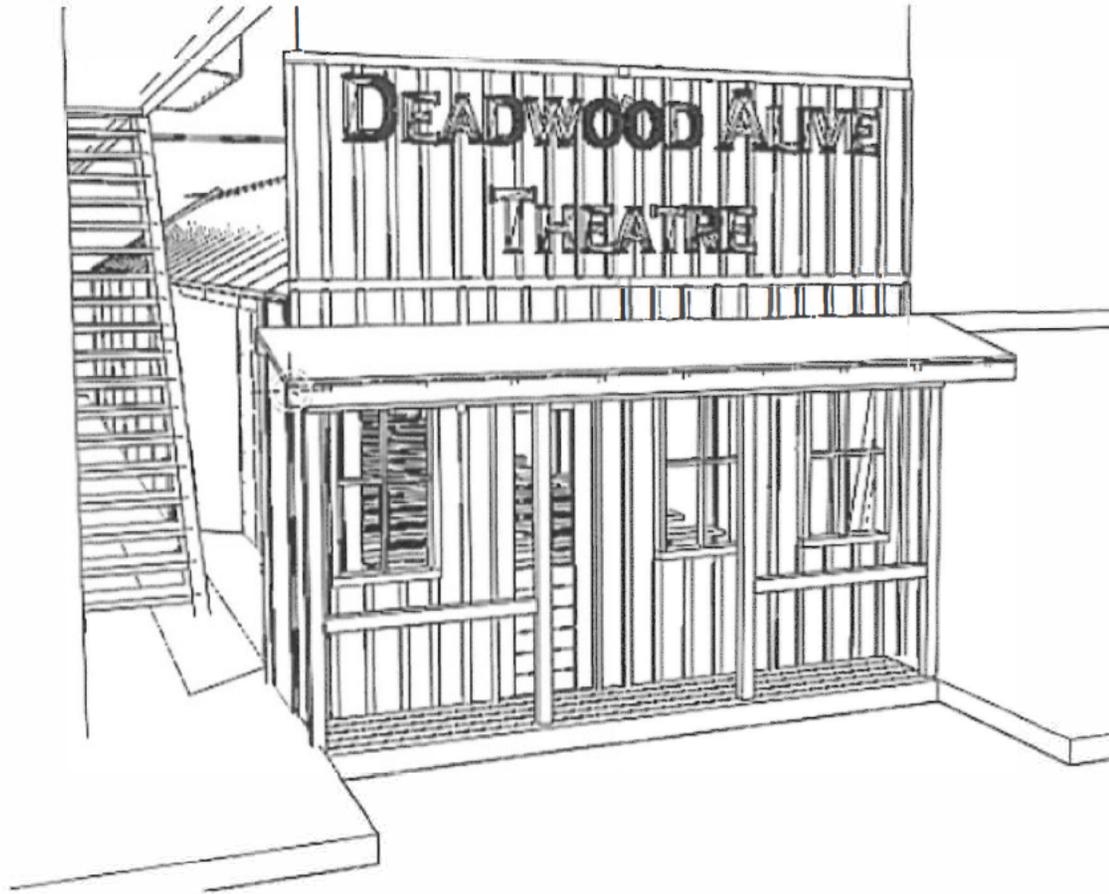
**NOTICE**

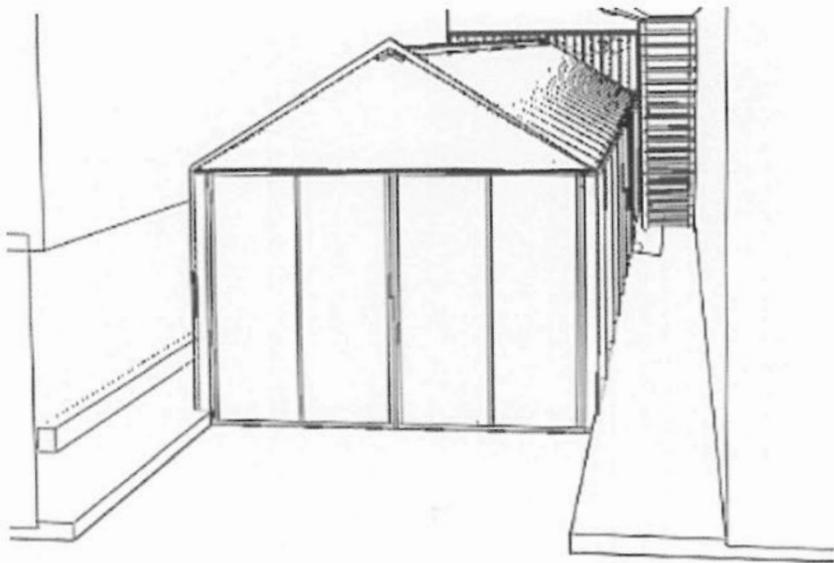
THIS PERMIT BECOMES NULL AND VOID IF WORK OR CONSTRUCTION AUTHORIZATION IS NOT COMMENCED WITHIN 180 DAYS, OR IF CONSTRUCTION OR WORK IS SUSPENDED OR ABANDONED FOR A PERIOD OF 180 DAYS AT ANY TIME AFTER WORK IS COMMENCED.  
 THIS PERMIT DOES NOT COVER ELECTRICAL OR PLUMBING PERMITTING; PLEASE CONTACT THE APPLICABLE STATE AGENCY FOR THOSE PERMITS.  
 I HEREBY CERTIFY THAT I HAVE READ AND EXAMINED THIS APPLICATION AND KNOW THE SAME TO BE TRUE AND CORRECT. ALL PROVISIONS OF LAWS AND ORDINANCES GOVERNING THIS TYPE OF WORK WILL BE COMPLIED WITH WHETHER SPECIFIED HEREIN OR NOT. THE GRANTING OF A PERMIT DOES NOT PRESUME TO GIVE AUTHORITY TO VIOLATE OR CANCEL THE PROVISIONS OF ANY OTHER STATE OR LOCAL LAW OR ORDINANCE REGULATION CONSTRUCTION OR THE PERFORMANCE OR CONSTRUCTION.

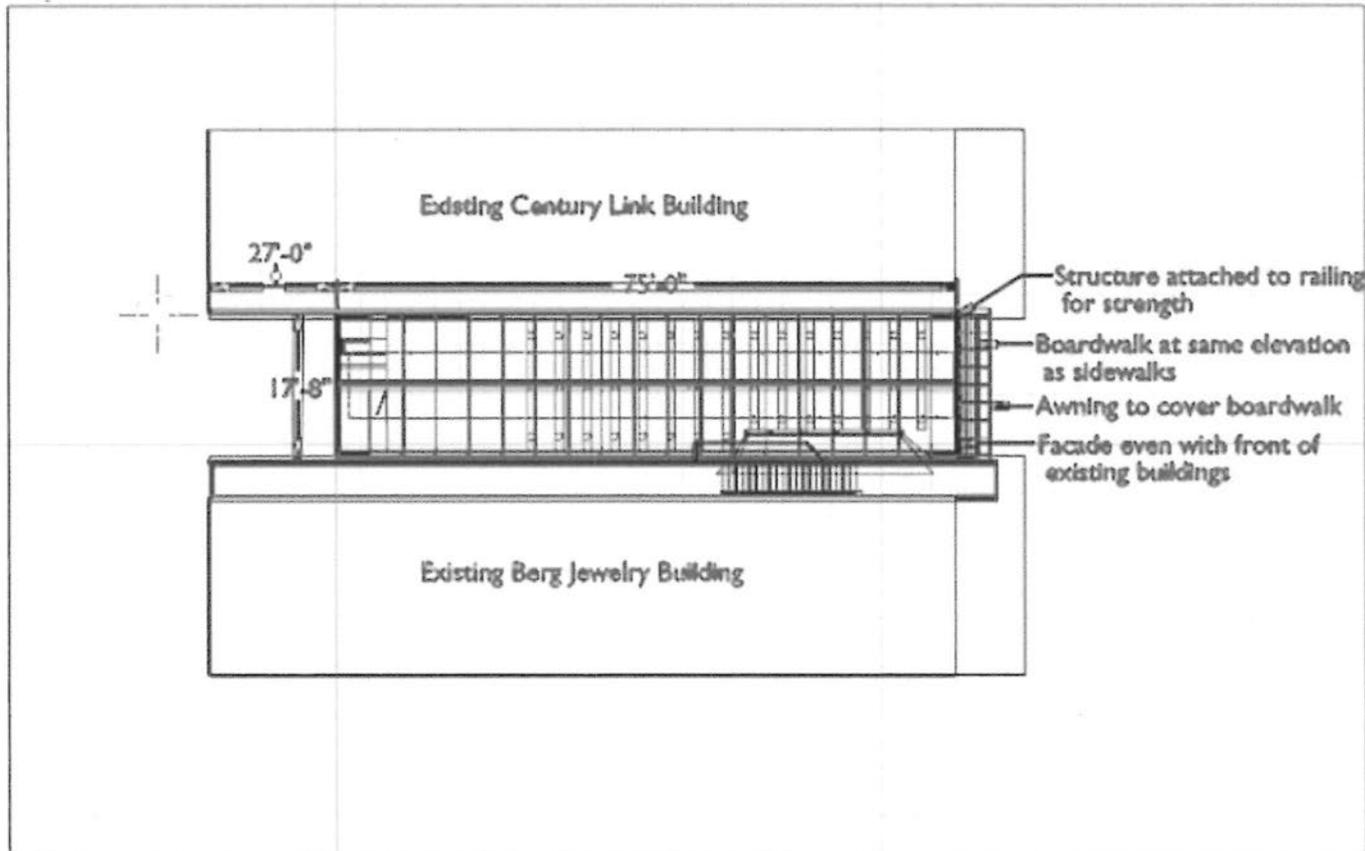
X _____ Signature of Contractor/Authorized Agent                      Date  <u>Andrew P. Mosher Exec. Dir., Deadwood Alive</u> PRINTED NAME of Applicant, Contractor, Owner or Authorized Agent	X _____ Signature of Contractor/Authorized Agent                      Date   X _____ Signature of Owner or Agent    Date <u>1-6-26</u>
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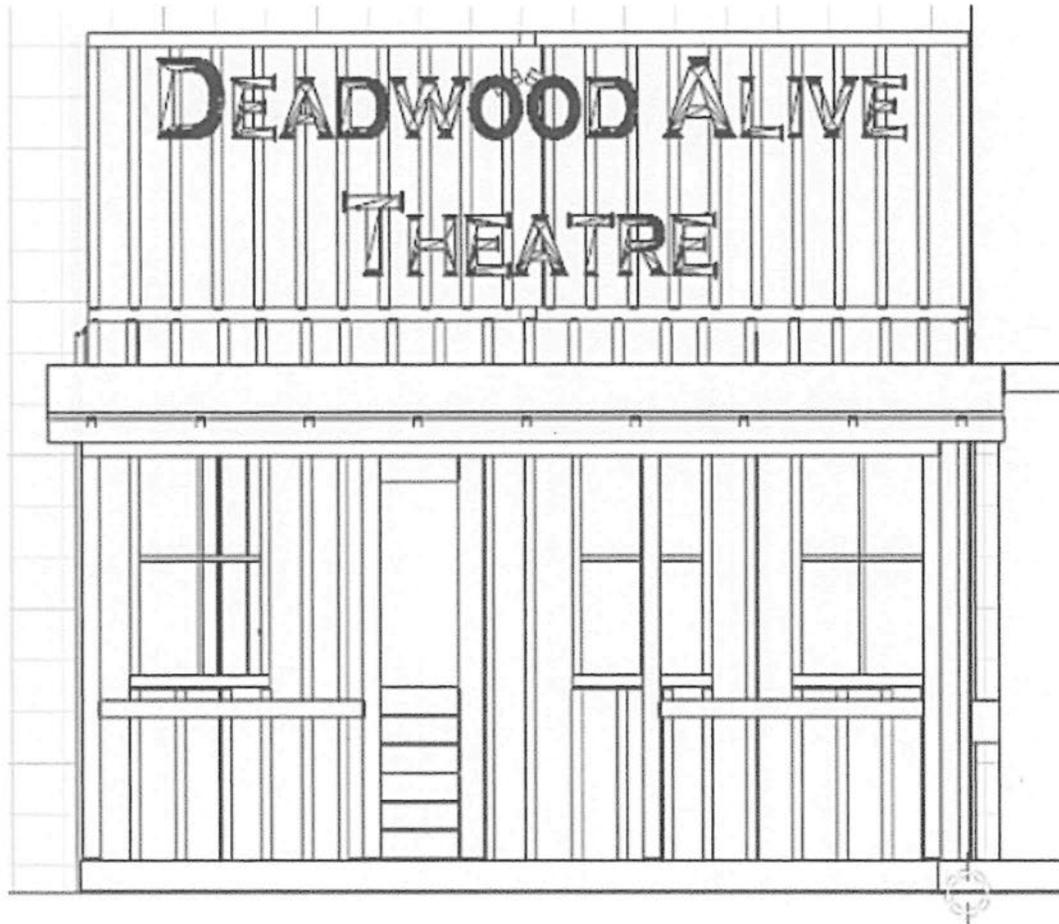
**FOR OFFICE USE ONLY BELOW THIS LINE**

_____ Building Official Approval                                      Date	_____ Historic Preservation Official                                      Date	_____ Case # _____
_____ Planning and Zoning Official                                      Date	<input type="checkbox"/> Contributing <input type="checkbox"/> Project Approval <input type="checkbox"/> Certificate of Appropriateness	<input type="checkbox"/> Acc Type _____
Are plans required? <input type="checkbox"/> SFHA <input type="checkbox"/> Site Plan <input type="checkbox"/> Yes <input type="checkbox"/> No	Parcel No. _____	













# H<sub>2</sub>home<sup>®</sup>

NFPA 13D PUMP & TANK SYSTEM

Section 4 Item a.



Designed & built specifically to meet NFPA 13D requirements, the H2hOme<sup>®</sup> is everything you need to provide required pressure & flow to a residential fire sprinkler system in a sleek, all-in-one package. As with all of our 13D pump & tank systems, the H2hOme<sup>®</sup> comes standard with a stainless steel pump and all non-ferrous components to protect against corrosion and ensure longevity. Additionally, this is the only stand-alone system on the market with an easily removable, slide-out pump assembly. Created with contractors in mind, our 29" slim tank can be carried through any typical doorway - with reduced weight when the pump assembly is removed. The H2hOme<sup>®</sup> also includes a riser manifold kit making installation even easier. The New General Air Products Digital Pressure Switch is now standard and eliminates the need for an additional control panel. The H2hOme<sup>®</sup> is quite simply the most efficient, reliable and easiest to install pump & tank system available - backed by the best customer service & technical support in the fire sprinkler industry.

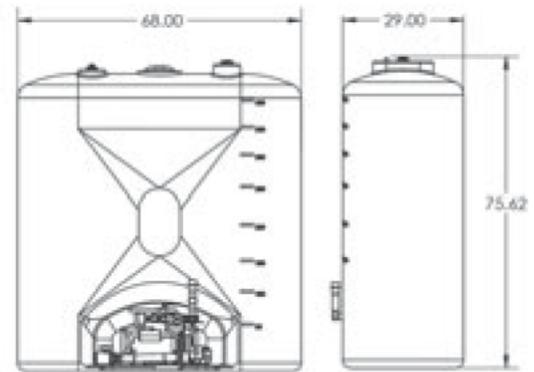
- All-In-One Unit With Small Footprint
- 425 Gallon Narrow Water Tank (29" Wide)
- Easily Removable Pump Assembly
- All Stainless Steel Pump
- Designed & Built For Fast Installation
- Riser Manifold Kit Included
- Digital Pressure Switch Now Standard
- Lifetime Customer Service & Tech Support

Model	Pump Motor					Tank Size (gal)	Dimensions (in)		
	HP	PH	HZ	Volts	Amp Draw		L	W	H
H2H425-E01	¾	Single	60	240	5.2	425	68	29	76
H2H425-E04	1½	Single	60	240	9.1	425	68	29	76
H2H425-A04	2	Single	60	240	11.2	425	68	29	76
H2H425-A06	3	Single	60	240	12.8	425	68	29	76



### Digital Pressure Switch

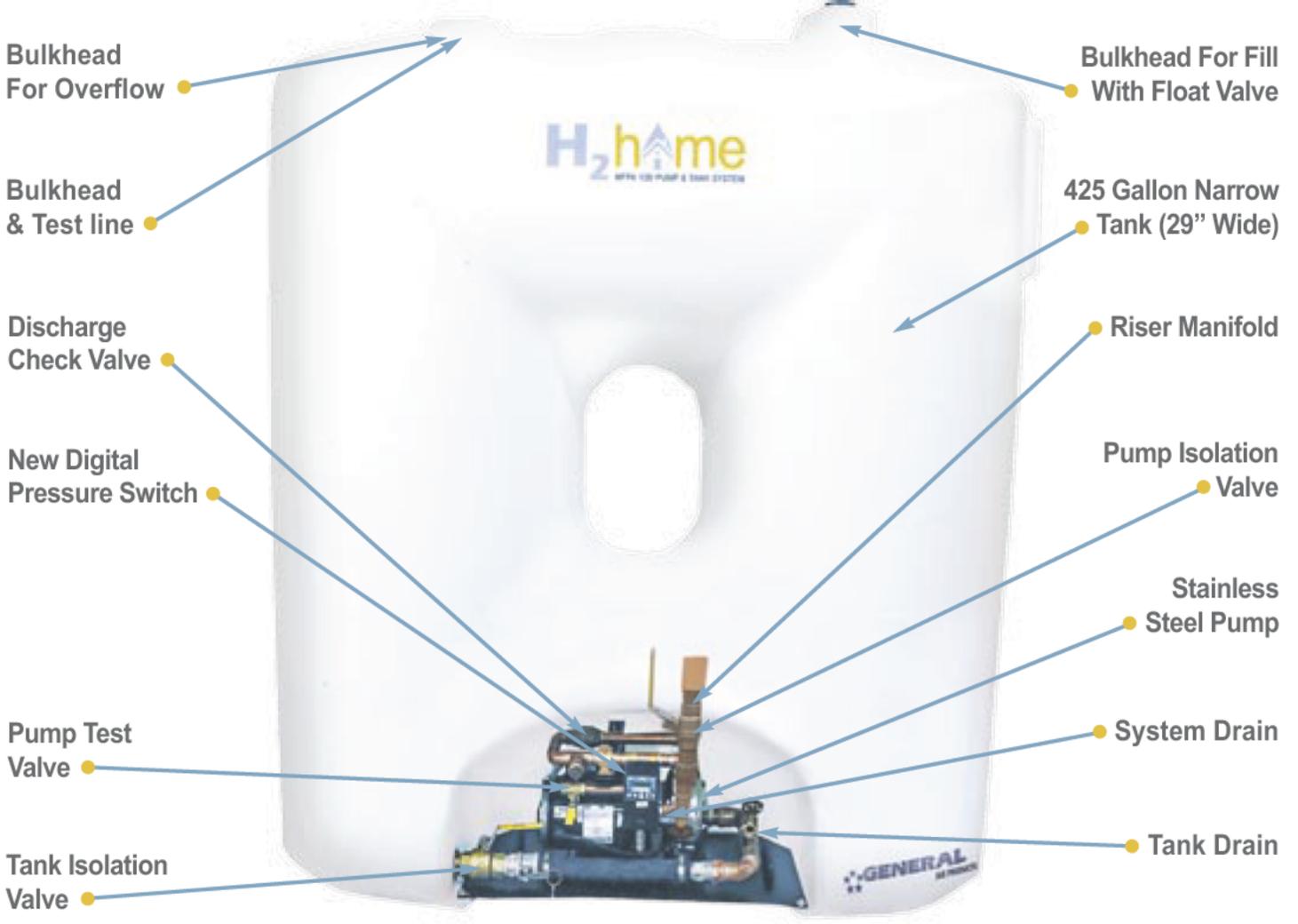
The new digital pressure switch eliminates the need for an additional control panel and puts the functionality of the H2hOme<sup>®</sup> at your fingertips. Visual displays for the unit's status are present as well as a simple push-button to cycle and test the functionality of the pump.



⚠ WARNING: Cancer and Reproductive Harm - [www.p65warnings.ca.gov](http://www.p65warnings.ca.gov)

# H<sub>2</sub>home<sup>®</sup>

NFPA 13D PUMP & TANK SYSTEM



H2H425-E01 Performance				
<b>GPM</b>	20	25	30	35
<b>PSI</b>	26	24	21	18

H2H425-E04 Performance				
<b>GPM</b>	20	25	30	35
<b>PSI</b>	39	38	36	35

H2H425-A04 Performance										
<b>GPM</b>	0	20	25	30	35	40	45	50	55	60
<b>PSI</b>	64	57	55	52	49	46	43	40	36	33

H2H425-A06 Performance										
<b>GPM</b>	0	20	25	30	35	40	45	50	55	60
<b>PSI</b>	75	68	65	63	60	58	55	51	48	44

## Deadwood Alive – Membrane Covered Frame Structure

- 1325 SF
- VB
- A-1
- Non-sprinklered (proposed sprinkler does not meet NFPA 13)
- OLF = 7 net
- Max Occ = 189? (based on gross SF - no floor plan)
- Proposed to be placed April 15 to October 15 annually – 184 Days – Temporary Structure

## 2021 IBC

### Section 3103

- Required to also comply with IFC
- **3103.1.1 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, *means of egress*, accessibility, light, *ventilation* and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

### Chapter 5

- Max height above grade = 40 feet
- Allowable stories = 1
- Allowable area = 5,500 SF

### Chapter 7

- VB construction (non-rated exterior walls) requires at least 10 feet of fire separation distance – table 705.5 (IFC section 3103.8.2 requires that temporary membrane structures be no closer than 20 feet from lot lines)
- Unprotected openings are limited between 5 feet and 30 feet of fire separation. Unprotected openings are not permitted at less than 5 feet of fire separation.

### Chapter 8

- Sprinkler not required based on classification and SF
- **904.2.1 Restriction on using automatic sprinkler system exceptions or reductions.** Automatic fire-extinguishing systems shall not be considered alternatives for the purposes of exceptions or reductions allowed for *automatic sprinkler systems* or by other requirements of this code.
- One 2A fire extinguisher required

## Chapter 9

- Fire Alarm not required – occupant load less than 300

## Chapter 10

- Two exits required – occupant load greater than 49
- Maximum common path of egress travel distance 75 feet
- Maximum exit access travel distance 100 feet – per section 3103.4
- Exit signs are required unless exits are obvious and approved by Building Official

## Chapter 11

- Required to be accessible to people with disabilities

## Chapter 12

- Artificial lighting required
- Bathrooms?

## Chapter 15

- Class C roof per VB construction (fire separation distance)

## Chapter 18

- Frost protected foundation requirement waived (structure proposed April to October annually)

## **2021 IFC**

### Section 3104.2

- Membrane structures are required to meet the flame propagation performance of test method 2 of NFPA 701

## **General Notes**

- Structural resistance to wind loading shall be documented
- Structure shall not be allowed to be attached to adjacent buildings without written permission from said building owner provided to City
- Structure cannot block access to exterior doors of adjacent buildings



**Tom Paisley-Owner**  
**ICC CERTIFIED PLANS EXAMINER**  
**ICC CERTIFIED BUILDING INSPECTOR**  
 +1.605.639.0190

www.lookoutcode.com

Project Name: Deadwood Alive  
 Address: Main Street Deadwood, SD  
 Prepared By: Tom Paisley, ICC Certified Plans Examiner #876040  
 Date: 2/27/2026

Note: This plan review does not cover all items listed in the Codes. It is the responsibility of the contractors to comply with all other code requirements.

### I. General Information

- A. 2021 International Building Code.
- B. 2021 International Fire Code.
- C. All construction to meet any other City of Deadwood requirements.
- D. 1 Story Tent Structure to be used as a temporary structure for the Trial of Jack McCall.

### II. Code Evaluation

- A. IBC Chapter 3 – Use and Occupancy Classification
  - 1. Occupancies
    - a. A1 Occupancy
- B. Chapter 5 – General Building Height and Area Limitations
  - 1. Section 503 – General Height and Area Limitations
 

	Allowable Area	Allowable Stories	Allowable Height
	Table 506.2	Table 504.4	Table 504.3
A1 Occupancy	5,500 SF	1 Stories	40'
Actual area	1325 Sq. Ft.		

### III. IBC Section 3102.1

- A. Tent and Membrane structures erected for a period of less than 180 days shall comply with the International Fire Code

### IV. IBC Section 3103.3 Location

- A. Temporary structures shall be located in accordance with Table 705.5 based on fire-resistance rating of the exterior walls for the proposed type of construction.
  - 1. Table 705.5 A occupancy of type VB construction requires a one-hour rated wall within five feet of a property line.

### V. IFC Chapter 31 Tents, Temporary Special Event Structures and Other Membrane Structures.

- A. Section 3103.8.2 Location
  - 1. Tents or membrane structures shall not be located within 20 feet of lot lines or buildings.
    - a. Exception #2.
      - a. Membrane structures need not be separated from buildings where all of the following conditions are met:
        - i. The aggregate floor area of the membrane structure shall not exceed 10,000 square feet.

- ii. The aggregate floor area of the building and membrane structure shall not exceed the allowable floor area including increases as indicated in the IBC.
- iii. Required means of egress are provided for both the building and the membrane structure including travel distances.
- iv. Fire apparatus access roads are provided in accordance with section 503.

## VI. IBC Chapter 10

### A. Chapter 10 – Means of Egress

#### 1. Assembly areas: Sq. Ft. divided by 7.

- a. 1325 sq. ft. / 7 = 190.
- b. Two exits required.
- c. Exit doors shall swing in the direction of exit travel.

#### 2. IFC Section 3103.12 Means of Egress

- a. Means of Egress for membrane structures and tents shall be in accordance with sections 3103.12.1 through 3103.12.8.

#### 3. IFC Table 3103.12.2 Minimum width of each means of egress.

- a. Occupant load 10 to 199
  - a. 2 means of egress
  - b. Minimum width for tents is 72 inches.

#### 4. IFC section 3103.12.3 Exit openings from tents.

- a. Exit openings from tents shall remain open unless otherwise covered by a flame-resistant curtain. The curtain shall comply with the following requirements.
  - a. Curtains shall be free sliding on a metal support. The support shall be not less than 80 inches above the floor level at the exit.
  - b. Curtains shall be of a color, or colors, that contrasts with the color of the tent.

#### 5. IFC section 3103.12.5 Aisle.

- a. In public areas, smooth-surfaced, unobstructed aisles having a minimum width of not less than 44 inches shall be provided from seating areas.

#### 6. IFC Section 3103.12.6 Exit signs

- a. Exits shall be clearly marked.
- b. Exit signs shall be installed at required exit doorways and where otherwise necessary to indicate clearly the direction of egress where the exit serves an occupant load of 50 or more.
- c. Exit signs shall be illuminated with light having an intensity of not less than 1 foot-candle at the floor level. Fixtures required for means of egress illumination shall be supplied from a separate circuit or source of power.

#### 7. IFC Section 3104.2 Flame propagation performance testing and certification.

- a. The owner shall file with the fire code official a certificate provided by the product manufacturer to verify the materials have been tested and certified by an approved testing laboratory. The tent needs to meet the requirements of NFPA 701.

OFFICE OF  
Planning & Zoning  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-5084



"The Historic City of the Black Hills"  
Deadwood, South Dakota 57732

TRENT MOHR  
Building Official  
Dept. of Planning & Zoning  
Telephone: (605) 578-2082  
Fax: (605) 578-2084

March 2, 2026

Mr. Andy Mosher  
Executive Director  
Deadwood Alive  
[REDACTED]

Re: permit application for temporary tent

Mr. Mosher,

This permit application is denied as the proposed structure does not comply with section 3103.3 of the 2021 International Building Code (IBC) as adopted by the City of Deadwood. The proposed structure is a group A occupancy of VB construction with exterior walls with no fire rating. The IBC requires at least 10 feet of fire separation distance for this structure as proposed. Text of the code follows:

**3103.3 Location.** Temporary structures shall be located in accordance with the requirements of Table 705.5 based on the *fire-resistance rating* of the *exterior walls* for the proposed type of construction.

TABLE 705.5  
FIRE-RESISTANCE RATING REQUIREMENTS FOR EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE<sup>a, d, g</sup>

FIRE SEPARATION DISTANCE = X (feet)	TYPE OF CONSTRUCTION	OCCUPANCY GROUP H <sup>a</sup>	OCCUPANCY GROUP F-1, M, S-1 <sup>f</sup>	OCCUPANCY GROUP A, B, E, F-2, I, R <sup>f</sup> , S-2, U <sup>b</sup>
X < 5 <sup>b</sup>	All	3	2	1
5 ≤ X < 10	IA, IVA	3	2	1
	Others	2	1	1
10 ≤ X < 30	IA, IB, IVA, IVB	2	1	1 <sup>c</sup>
	IIB, VB	1	0	0
	Others	1	1	1 <sup>c</sup>
X ≥ 30	All	0	0	0

Furthermore, the proposed structure does not comply with section 3103.8.2 of the 2021 International Fire Code (IFC) as adopted by the City of Deadwood and is not eligible for an exception as its proposed location obstructs an exterior exit of the adjacent building. The IFC requires that the proposed structure be placed no closer than 20 feet of a lot line. Text of the code follows:

**3103.8.2 Location.** *Tents or membrane structures* shall not be located within 20 feet (6096 mm) of *lot lines*, buildings, other *tents or membrane structures*, parked vehicles or internal combustion engines. For the purpose of determining required distances, support ropes and guy wires shall be considered as part of the temporary *membrane structure* or *tent*.

**Exceptions:**

1. Separation distance between *membrane structures* and *tents* not used for cooking is not required where the aggregate floor area does not exceed 15,000 square feet (1394 m<sup>2</sup>).
2. *Membrane structures* or *tents* need not be separated from buildings where all of the following conditions are met:
  - 2.1. The aggregate floor area of the *membrane structure* or *tent* shall not exceed 10,000 square feet (929 m<sup>2</sup>).
  - 2.2. The aggregate floor area of the building and *membrane structure* or *tent* shall not exceed the allowable floor area including increases as indicated in the *International Building Code*.

OFFICE OF  
**Planning & Zoning**  
108 Sherman Street  
Telephone (605) 578-2082  
Fax (605) 578-5084



*"The Historic City of the Black Hills"*  
Deadwood, South Dakota 57732

**TRENT MOHR**  
Building Official  
Dept. of Planning & Zoning  
Telephone: (605) 578-2082  
Fax: (605) 578-2084

- 2.3. Required *means of egress* are provided for both the building and the *membrane structure* or *tent* including travel distances.
- 2.4. Fire apparatus access roads are provided in accordance with Section 503.

It has been agreed previously in our discussions that all other code requirements can be met by the proposed structure.

Please let me know if there are any questions.

Respectfully,

A handwritten signature in black ink, appearing to read 'Trent Mohr', with a long horizontal flourish extending to the right.

Trent Mohr  
Building Official

**Trent Mohr**

---

**From:** [REDACTED]  
**Sent:** Tuesday, March 3, 2026 12:31 PM  
**To:** Trent Mohr  
**Cc:** [REDACTED]  
**Subject:** Re: permit application denial

To: Trent Mohr, Building Official  
City of Deadwood Planning & Zoning  
108 Sherman Street  
Deadwood, SD 57732

March 3, 2026

Re: Appeal of Permit Denial – Temporary Tent Structure (March 2, 2026)

Dear Mr. Mohr,

I respectfully submit this appeal of the March 2, 2026 denial of our permit application for the proposed temporary tent structure .

The denial referenced Section 3103.3 of the 2021 International Building Code (IBC) regarding fire separation distance and Section 3103.8.2 of the 2021 International Fire Code (IFC) regarding proximity to lot lines and obstruction of an exterior exit . In response, we have revised the proposal to directly address these concerns and to enhance overall life safety beyond minimum requirements.

**1. Voluntary Installation of a Residential Sprinkler System**

Although not required for this temporary structure, we are proposing the installation of a residential-style automatic sprinkler system within the tent. We acknowledge that this system does not meet the full commercial NFPA 13 standard; however, it will provide meaningful active fire suppression capability and significantly reduce fire growth potential and occupant risk.

This voluntary addition is intended as a substantial safety enhancement and demonstration of good faith in addressing fire exposure concerns.

**2. Fire-Resistant Treatment of Structural Components**

All wooden framework components will be treated with an approved fire-retardant coating to reduce flame spread and surface burning characteristics. Documentation of product specifications and application methods will be provided. This treatment materially improves the passive fire performance of the structure.

**3. Reduction in Overall Size and Revised Placement**

The footprint of the structure will be reduced to eliminate any obstruction of the adjacent building's exterior exit. The revised layout ensures:

- No interference with required means of egress.
- Maintained clear exit discharge paths.
- Continued compliance with required fire apparatus access.

The re-duction in size also lowers overall occupant load and fire exposure risk.

**4. Commitment to Additional Safeguards**

It was previously agreed that all other code requirements could be met . With the structural size reduction, removal of exit obstruction, addition of fire-retardant treatment, and voluntary installation of an active sprinkler system, we believe the revised proposal satisfies the intent of Sections 3103.3 and 3103.8.2 by materially improving life safety and reducing fire risk.

We respectfully request reconsideration of the permit application based on these substantial modifications. We are prepared to submit updated plans and meet at your convenience to review the revisions in detail.

Sincerely,

Andy Mosher



**Andrew P Mosher**

Executive Director  
Deadwood Alive



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Andy,

Attached please find attached the denial letter for your permit application.

Follows is a link to the ordinance regarding the appeals process. Paragraph B lists claims an appeal shall be based on.

[https://deadwood.municipalcodeonline.com/book?type=ordinances#name=15.01.040\\_Board\\_Of\\_Appeals\\_And\\_Examiners](https://deadwood.municipalcodeonline.com/book?type=ordinances#name=15.01.040_Board_Of_Appeals_And_Examiners)

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