

**Minutes  
Board of Appeals  
Council Chambers  
Tuesday, May 10, 2011, 8 a.m.**

**Members Present**

Dave Van Nieuwenhuyzen, Liz Squyer, Keith Thompson, and Tim Fonder

**Members Absent**

Daryl Christensen

**Guests Present**

Jim Dunham, Gary Dean, Troy Jansen, Brian Jans, Lee Lewis and Sam Bermuda

**New Business**

1. Liz Squyer of Architecture Incorporated and Dave Van Nieuwenhuyzen of Fiegen Construction were welcomed as new members of the Building Board of Appeals.
2. Discussions referenced the election of a new Chair and Vice Chair of the Board.

A motion was made by Mr. Van Nieuwenhuyzen and a second was made by Mr. Fonder to nominate Daryl Christensen as the Chair and Tim Fonder as the Vice Chair of the Board. The motion passed unanimously. Yeses, 4. Noes, 0.

**Approval of Minutes of Last Meeting**

A motion was made by Mr. Thompson and a second was made by Mr. Fonder to approve the minutes of the Tuesday, April 26, 2011 hearing. Yeses, 4. Noes, 0.

**Appeal No. 3-2011.** The file was opened for the finishing of a tenant suite for the Juice Stop. The suite proposes 600 square feet of customer area and 1000 square feet of prep or kitchen area. Jim Dunham of Dunham Construction represented Pal Inc., the owner of a building located 4611 E. Arrowhead Parkway who intends to finish a 1600 square foot tenant suite for a proposed Juice Stop. The intended use of the Juice Stop is for the sale of smoothies, related soft drinks, and water. It has been interpreted that separate bathroom facilities for each sex is required because the computed occupant load for the suite exceeds 15 occupants. Mr. Dunham requested that the Board review the proposal to provide a single unisex bathroom facility because of the retail nature of the use and the area of the suite. The secretary presented Section 2902. 2 of the IBC which requires separate bathroom facilities for each sex. Exceptions for separate facilities are for office and mercantile occupancies that are less than 2500 square feet as has been locally amended; except that the threshold for a unisex bathroom for those

suites other than offices and mercantile uses is 15 occupants. Technically, the proposed drinking establishment is considered as a Group A, Division 2, an assembly occupancy, but because the occupant load is less than 50 occupants, is actually use is allowed to be considered as a Group B occupancy. Mr. Jansen, the owner of the Juice Stop specified that the actual occupant load would rarely exceed 15 occupants and that most people buy their drinks and leaves the premises.

A motion was made by Mr. Thompson and a second was made Ms. Squyer to approve the single unisex bathroom based on the retail nature of the intended use and the proposed area of the suite. Motion passed unanimously. Yeses, 4. Noes, 0.

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Secretary

**Board of Appeals  
City of Sioux Falls  
South Dakota**

Appeal Number 3-2011

Considered on May 10, 2012

**Findings of Fact**

The applicant is Jim Dunham of Dunham Construction representing PAL Inc.

The owner is Pal Inc.

The building is located at Suite #1, 4611 E. Arrowhead Parkway.

The property involved is legally described as Lot 3, Block 1 of Spatz Addition.

The application is a request to modify Section [P] 2902.2 Separate Facilities.  
*International Building Code.*

**Order/Decision**

It has been deemed that a single unisex restroom facility is acceptable for the proposed Juice Stop suite.

Dated this 10th day of May, 2011.

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Vice Chairman, Board of Appeals

ATTEST:

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Clerk of the Board