A meeting of the Building Code Board of Appeals for the Town of South Kingstown, County of Washington, in the State of Rhode Island was held at the Town Hall, 180 High Street, Wakefield on Tuesday, September 19, 2023.

Members Present: Michael Joyce, Chairman, Edward Melchiori, Laura Krekorian and Thomas Gilchrist

Members Absent: Paul Schurmann

Also present: James Gorman, Building Official and Clerk, and Jessica Spence, Administrative Associate.

The following petition was heard:

- **Petition of Colleen Jordan**, 71 Asa Pond Road, Wakefield, RI 02879. The applicant is seeking relief of the State Building Code (2021), Section R305.1 – Ceiling Height, to establish habitable space with a ceiling height of 6’8”, where 7’ is the minimum required.

  The owner is Colleen Jordan for premises located at 71 Asa Pond Road, Wakefield, RI 02879. Assessor’s Map 40-4, Lot 43.

The following documents were entered into record:

- Application signed and received September 13, 2023
- Floor Plans, Elevations and Cross Sections (1 page/A1/ADU Plan) prepared by Ocean State Drafting dated September 12, 2023
- Building Permit issued October 21, 2003, Electrical Permit issued August 10, 2004
- Floor Plan (A1.0), Floor Sections (A2.0) and Wind Load Design (A3.0) prepared by Berry/Lykins Architects and dated September 29, 2003

Mr. Gorman called the meeting to order at 4:32 pm, the necessary quorum was present.

Mr. Gorman read the variance request into record.

Colleen Jordan, applicant, was present for the applicant.

Ms. Jordan stated that she purchased the house a few years ago and it was a pre-existing building that was being used as an artist’s studio. The upstairs was finished and the downstairs was not finished. Her intention is to convert the unit into a rental cottage, which more than likely will be used to house family. Nothing has been done upstairs, there are closets on both sides with a flat ceiling that is sloped with a dormer closet on one-side. The upstairs will just be used as a bedroom. The area downstairs will be used for the rest of the living area. She asked about what the minimum required floor area would be for a bedroom based on the Building Code.

Mr. Gorman indicated that there is a required floor area of 70 square feet for a bedroom, with at least 35 square feet at minimum of 7’ height and the remaining 35 square feet or more must be at a minimum of 5’ height in a room with sloped ceilings.

Ms. Jordan indicated that there is principal structure on the property and that this would be an accessory unit.

Board questions ensued regarding the dimensions of the building.

Discussion ensued regarding what the code requires and what the applicant is seeking for relief.

Ms. Krekorian asked about the possibility of raising the ceiling by lifting the collar ties 4”.

Ms. Jordan expressed her concern that this would cost her a lot of money to raise the ceiling when the Board could grant her a variance since she is only requesting 4” of relief.
Board discussion ensued regarding what the Board can and cannot do based on the Building Code and what type of precedence any decision could possibly set going forward.

Ms. Jordan stated that the Town previously signed off on the work that was done prior to her owning the property.

Earl Adams was present to advise the applicant.

Mr. Adams stated the original building plan from 2003 was uploaded with the new permit.

The original plan from 2003 referenced the work as a detached garage. The building does not have garage doors but was not labeled as living space.

Ms. Jordan argued that the previous permit does not meet the requirements of a garage. Additionally, there is electrical in the space and the Town would have reviewed it twice back in 2003.

Discussion ensued regarding the previous work done which was labeled as a garage but was not built to function as a garage. On the permit the question of habitable space was labeled n/a.

Mr. Gilchrist suggested that the conversation turn back to what relief the applicant is actually seeking now.

More discussion ensued about lifting the collar ties and how that would play out in regard to ceiling height and floor space.

Mr. Gorman indicated that if there is a hardship it would be that this is already an existing building that the applicant is simply trying to repurpose and reuse.

Ms. Jordan indicated that the State has recently passed laws that enable accessory dwelling units further and a lot of requirements of accessory dwelling units have been waived.

Mr. Gilchrist stated that it is the Boards job to enforce and interpret the code and that the hardship is the core of the appeal for a variance.

Discussion ensued about how to gain the required 4” to meet the 7’ ceiling height requirement.

Mr. Adams explained the original construction of the structure.

Discussion ensued regarding code requirements and what was permitted during the original construction and its original purpose.

Mr. Adams explained that if you go by the original plans the relief needed would be less than 4”.

Mr. Gorman indicated that the required floor to ceiling height for non-habitable space would be 6’8”.

Ms. Krekorian indicated that in regard to life and safety issues, egress would be what needs to be considered and that this project does have straight access out of the building.

Mr. Melchiori stated that he believes this is a hardship condition.

Ms. Krekorian still believes that the applicant can make adjustments to get closer to the required height.

More discussion ensued about raising the collar ties and what would be an acceptable amount of relief to grant the variance.

Mr. Melchiori suggested a motion be made.

Whereas the following motion was made.

**The Motion is as follows:**

Mr. Gilchrist made a motion to approve the applicant’s request for a 4” ceiling height variance which was duly seconded by Mr. Melchiori.

Whereas a vote was taken: (4-0 in favor)
(T. Gilchrist-Aye, E. Melchiori-Aye, M. Joyce-Aye, L. Krekorian-Aye)

The Motion was approved with no conditions.
There was no other business.

Mr. Krekorian made the motion to adjourn, which was duly seconded by Mr. Melchiori.

All members were in favor.

Meeting adjourned at 5:12 pm