

**BUILDING BOARD OF REVIEW MEETING  
TUESDAY, FEBRUARY 28, 2006 AT 7:15 P.M.  
COUNCIL CHAMBERS- TOWN HALL**

**Present: Tom Billups – Chairman, Duncan Maio, Fred Watson, Chet Orciuch, and Mark Hanchar**

**Also Present: Valerie Carroll, Secretary**

**The Chairman, Mr. Billups, called the meeting to order at 7:30.**

**Upon a motion by Mr. Hanchar and a second by Mr. Orciuch, the minutes from the February 21, 2006 were accepted with changes.**

**Continuance of the appeal of Kim Jacobs and Chris Wholever -  
Owners**

**5 Massachusetts Avenue, Barrington, RI**

**Present: Kim Jacobs and Chris Wholever**

**There was no one in the audience to speak for or against the application.**

**Ms. Jacobs opened by stating that according to Residential Code**

**305.1 there is a minimum height requirement of 7'6" for at least 50% of the area. Using this, she demonstrated how that could be applied in to her plans to avoid needed any variance. However, she noted that aesthetically this was not she wanted to build. Her proposed 87-inch ceiling, while not meeting the provisions of the code, she believes it upholds the intention of the code. The International Residential Code states the minimum bedroom ceiling height is 84 inches, however Rhode Island amended this to 90 inches.**

**She spoke with Dan DeDentro, who stated that the amendment was done to incorporate fixtures such as paddle fans. She has also discussed her plans with the Lt. Greg Hughes with the Barrington Fire Department and asked if 87 inches versus 90 inches would have any negative impact on a firefighting perspective and he stated that it would not. Additionally the improvements that she is proposing would be very beneficial from a fire safety standpoint. She contends that her proposal is a reasonable one.**

**Mr. Maio pointed out that 'reasonable' is not the standard the use in granting variances; they need to consider 'manifest injustice'. The Board then discussed the various other options available to the applicant, including raising the roof or changing its pitch. Mr. Hanchar expressed concern regarding granting a variance based solely on aesthetics, as aesthetics are a very subjective issue.**

**Mr. Orciuch moved to hold a vote on Mr. Hanchar's motion from the**

**prior week's meeting (noted below). Mr. Watson seconded the motion.**

**Mr. Hanchar moved to reject the application because there was not enough evidence to justify the request and the fact that there are other options available to the applicant. Mr. Orciuch seconded the motion, however no vote was held.**

**Mr. Hanchar amended his motion to include the following findings of fact:**

**The applicant had provided Residential Code section 304.2 so as to define the bedroom as an "other habitable room having not less than 70 square feet" and then made reference to section R 305.1 relative to a minimum height of 7'6" for at least 50% of the required area. It was the Board's finding that there was no manifest injustice that would cause them to think that they should accept something less than 90 inches in this case as this is a new dormer being added onto an existing home, therefore the applicant has the flexibility for establishing the pitch of the roof and the ceiling height in conformance with the 90-inch criteria.**

**The Board voted unanimously (5-0) to reject the application.**

**At 8:20 Mr. Orciuch moved to adjourn the meeting. Tom Billups seconded the motion and it passed unanimously.**

**Valerie Carroll**

**Secretary**