

# **BUILDING BOARD OF REVIEW**

## **RECORD**

**JUNE 24, 2010**

**Notice is hereby given that the Building Board of Review will be in session in the Conference Room of the Board located at 190 Dyer Street, Providence, Rhode Island on Thursday, June 24, 2010, at 3:00 P.M. when all persons interested will be heard for or against the granting of the following applications seeking variances and modifications from certain sections of the Rhode Island State Building Code (International Building Code):**

**NICKERSON COMMUNITY CENTER: 42 & 44 Chaffee Street, also known as Lot 350 (42 Chaffee St.) and Lot 349 (44 Chaffee St.) on the Tax Assessor's Plat 62, filed an application proposing to increase the number of dwelling units within each existing building from four (4) units to six (6) units and seeking relief from Sections 1009.3 (stair treads & risers) and 1208.2 (minimum ceiling height).**

**Kenneth Boch, Sworn**

**Lisa D'Ambra, Sworn**

**Larry Trim, Jr., AIA, Sworn**

**NO OBJECTORS**

**When this matter was considered on motion by Mr. Bartel and seconded by Mr. DeRita, the following Resolution was adopted:**

**AFFIRMATIVE: 3**

**NEGATIVE: 0**

**ABSENT: 1-BLACKALL**

**NOW, THEREFORE, after consideration of the application, the testimony of the witnesses and of the entire record presented to the Board, and after carefully considering such information on a motion made by Mr. Bartel, seconded by Mr. DeRita, the Board voted unanimously (3-0) to approve the relief requested, with Mr. Nappa participating in such discussion and deliberation; and**

**The Board hereby makes the following findings of fact:**

**1. The Board agrees with the testimony provided by the Applicant and finds that the new stairways in both buildings were constructed just outside of the regulations because the existing walls to bedrooms numbered "1" have the most minimal width in order to obtain access to the doors into the units on the third floor levels; therefore, due to the structural space constraints it would be impossible to meet the provisions under Section 1009.3 for the new stairways; and**

**2. The Board further finds that due to the existing construction of the**

**rafters and collar ties, trying to make the structures comply with the requirements under Section 1208.2 for ceiling height is unworkable;**

**It is therefore,**

**RESOLVED: That the Building Board of Review does hereby grant the application of the Nickerson Community Center, approving relief from Sections 1009.3 and 1208.2 of the Rhode Island State Building Code in accordance with the specifications and plans presented by the Applicant and made a part of the record. A copy of said specifications and plans are hereby made a part of this Resolution and must be filed with the Department of Inspection and Standards by the owner or its representative.**

**STANLEY KIZLINSKI: 133 Pinehurst Avenue, also known as Lot 282 on the Tax Assessor's Plat 120, filed an application proposing to create two (2) bedrooms within the basement of the existing single-family dwelling and seeking relief from Sections R-305.1 (ceiling height), R-310 (emergency escape), R-311.5.2 (stairway headroom) and R-311.5.3 (stairway riser height) of the One & Two Family Dwelling Code.**

**Stanley Kizlinski, owner, sworn**

**NO OBJECTORS**

**When this matter was considered on motion by Mr. DeRita and seconded by Mr. Bartel, the following Resolution was adopted:**

**AFFIRMATIVE: 3**

**NEGATIVE: 0**

**ABSENT: 1-BLACKALL**

**NOW, THEREFORE, after consideration of the application, the testimony of the witness, and of the entire record presented to the Board, including the inspection made by the Board, and after carefully considering such information, on a motion made by Mr. DeRita, seconded by Mr. Bartel, the Board voted unanimously (3-0) to approve the relief requested, with Mr. Nappa participating in such discussion and deliberation; and**

**The Board hereby makes the following findings of fact:**

- 1. The Applicant indicated that smoke detectors will be installed within the basement bedrooms, and smoke and carbon monoxide detectors installed in the hallway, and smoke and carbon monoxide detectors installed within the laundry room; and**
- 2. The Applicant stated that no more than three unrelated people would be living in the building;**

**It is therefore,**

**RESOLVED:** That the Building Board of Review does hereby grant the application of Stanley Kizlinski, approving relief from Sections R-305.1 (ceiling height), R-310 (emergency escape), R-311.5.2 (stairway headroom) and R-311.5.3 (stairway riser height) of the One & Two Family Dwelling Code under the Rhode Island State Building Code, hereby permitting the proposed two bedrooms in the basement of the existing single-family dwelling in accordance with the specifications and plans presented by the Applicant and made a part of the record. A copy of said specifications and plans are hereby made a part of this Resolution and must be filed with the Department of Inspection and Standards by the owner or his representative.

**CLAY ROCKEFELLER:** 532 Kinsley Avenue (Unit 501) also known as Lot 1 on the Tax Assessor's Plat 27, filed an application proposing to construct a rooftop addition above Unit 501 and seeking relief from Sections 1008.1 (doors), 1009.1 (stairway width), 1009.2 (headroom), 1009.3 (stair tread), 1009.3.3 (stairway profile), 1009.4 (stairway landing) and 1009.10 (handrails).

**Steve Durkee, AIA, for owner, sworn**

**Clay Rockefeller, owner, sworn**

**NO OBJECTORS**

**When this matter was considered on motion by Mr. DeRita and seconded by Mr. Bartel, the following Resolution was adopted:**

**NOW, THEREFORE, after consideration of the application, the testimony of the witnesses, and of the entire record presented to the Board, including the inspection made by the Board, and after carefully considering such information on a motion made by Mr. DeRita, seconded by Mr. Bartel, the Board voted unanimously (3-0) to approve the relief requested, with Mr. Nappa participating in such discussion and deliberation; and**

**The Board hereby makes the following findings of fact:**

- 1. The Board finds that the proposed stairway will have handrails on both sides, which makes said stairway safe to traverse;**
- 2. As per the testimony submitted by the Applicant the proposed stairway will be used by the Owner of Unit 501 only, who will be familiar with the pitch of said stairway and that the Owner is fully liable for the safety of the residents of Unit 501 and any guests who the Owner allows to traverse the proposed stairway;**

**It is therefore,**

**RESOLVED: That the Building Board of Review does hereby grant the application of Clay Rockefeller, approving relief from Sections**

**1008.1 (doors), 1009.1 (stairway width), 1009.2 (headroom), 1009.3 (stair tread), 1009.3.3 (stairway profile), 1009.4 (stairway landing) and 1009.10 (handrails) of the Rhode Island State Building Code and hereby permitting the construction of a rooftop addition in accordance with the specifications and plans presented by the Owner and made a part of the record. A copy of said specifications and plans are hereby made a part of this Resolution and must be filed with the Department of Inspection and Standards by the owner or his representative.**

**PETER B. FEELEY: 53 Armington Avenue also known as Lot 466 on the Tax Assessor's Plat 64, filed an application seeking relief from Table 503 (height & area/fire ratings), Sections 711.3 (fire resistance rating), 903.2.7 (sprinkler system), 1008.1.1 (size of doors), 1009.1 (stairway width), 1009.3.1 (winders/stairs), 1009.4 (laundry), 1009.10 (handrails), 1020.1 (stairwell enclosure), 1020.1.1 (openings in exit enclosure), 1203.4.1 (ventilation) and Chapter 13 & IECC/2006 (Section 4-Energy Compliance).**

**Peter Feeley, owner, sworn**

**Ramzi J. Loqa, Code Consultant, sworn**

**NO OBJECTORS**

**When this matter was considered on motion by Mr. Bartel and seconded by DeRita, the following Resolution was adopted:**

**AFFIRMATIVE: 3**

**NEGATIVE: 0**

**ABSENT: 1-BLACKALL**

**NOW, THEREFORE, after consideration of the application, the testimony of the witnesses and of the entire record presented to the Board, and after carefully considering such information on a motion made by Mr. Bartel, seconded by Mr. DeRita, the Board voted unanimously (3-0) to approve the relief requested, with Mr. Nappa participating in such discussion and deliberation; and**

**The Board hereby makes the following findings of fact:**

**1. The Board finds that the majority of the variances are due to the building's existing conditions. Nothing is being added or altered to create additional relief. The building has two enclosed stairways and the Applicant proffered that the front stairway's width is 35 inches; however the stairs at this stairway between the second and third floors narrows to 29 inches, but would be widened at that point as much as possible in order to increase its width for egress;**

**2. The Applicant further proffered that smoke detectors will be provided within the bedrooms, in the stairways, and that all doors within the stairways will be changed to steel doors having a 45 minute fire rating;**

**3. The Applicant also offered that the third level will be provided with sheetrock where possible to increase the fire rating including the stairways, also to increase the fire rating;**

**4. The Applicant further proffered that a third floor bedroom window that meets provisions for emergency escape will be provided;**

**5. To increase energy conservation, the Applicant proffered that insulation would be installed within the attic space;**

**6. Lastly, the Applicant stated that the existing boiler room in the basement will be enclosed for fire safety;**

**It is therefore;**

**RESOLVED: That based upon the above findings of fact the Building Board of Review does hereby GRANT relief from Table 503, Sections 711.3, 903.2.7, 1008.1.1, 1009.11009.3.1, 1009.4, 1009.10, 1020.1, 1020.1.1, 1203.4.1 and Chapter 13 & IECC/2006 of the Rhode Island State Building Code hereby permitting the alteration of the third floor that would be used for a third dwelling unit. This approval must be realized in accordance with the specifications and plans submitted to the Board along with the application, WITH THE FOLLOWING SIX CONDITIONS:**

- 1. A skylight be added to the third floor sitting room;**
- 2. Add a sprinkler head at each stairway level of both stairways;**
- 3. At the front stairway, at the last flight of stairs to the third level, the width will be increased as much as possible;**
- 4. Provide 5/8 inch sheetrock applied to the inside surface of the stairway enclosure walls, entirely (both stairways);**
- 5. A local smoke detection system be installed consisting of 110 volt hard wired smoke detectors in the basement and at the top of the stairways interconnected so that they sound an alarm together:**
  - a. Individual hard-wired smoke detectors will be installed in each apartment;**
  - b. Electrical permits must be obtained for all smoke and heat detectors;**
- 6. If boilers are together, at least one sprinkler head must be installed above them. If boilers are apart, one sprinkler head must be installed above each boiler;**

**A copy of said specifications and plans are hereby made a part of this Resolution and must be file with the Department of Inspection and Standards by the owner or his representative.**

**ATTENDED INSPECTION: NAPPA, BARTEL AND DERITA**

**ATTENDED HEARING: NAPPA, BARTEL AND DERITA**