

WARREN BUILDING CODE BOARD OF APPEAL
October 21, 2015
Minutes

The regular meeting of the Warren Building Code Board of Appeals was called to order at 7:05 pm by Chairman S. Calenda. Also present was Vice Chairman P. Attemann, A. Harrington, A. Ellis and 1st Alternate M. Emmencker. Excused from the meeting were M. Smiley and 2nd Alternate W. Barrett Holby.

Approval of Minutes – NONE

New Business

Application #15-42, James Carter, owner and applicant, 492 Water St, Plat Map 6, Lot 28, request for a *Variance* from section R1001.11 Fireplace Clearance of the State of Rhode Island one and Two Family Dwelling Code 2013 to allow construction of combustible materials closer to a chimney than allowed by code.

James Carter a Rhode Island licensed Master Plumber and Pipefitter being owner and applicant of Application #15-42, was found in violation during rough framing inspection. One of the outside walls left no clearance between combustible material and the masonry chimney as required by code. Mr. Carter explained that his chimney is completely cosmetic, there will only be a gas insert which will be inserted inside of the chimney, and it is basically a liner inside of a liner. He further explained that there is a clay and single wall stainless steel liner inside of the chimney. The specifications per the manufacturer only required a single wall of stainless steel. Further, there would be no heat inside of the chimney and there will be no solid fuel being burned, therefore he is seeking relief from section R1001.1 of the *State of Rhode Island One and Two Family Dwelling Code 2013*. Mr. Carter also stated that he passed the mechanical inspection. There is approximately 25 feet from the fireplace to the roof. There would be no heat transfer from the unit to the flue and then to the chimney.

Garth Eames, Building Official explained that the Code is silent whether the masonry fireplace is being used as a wood burning, coal burning or any other fuel. This is a prerequisite to another appliance being connected to the chimney which is something that the Code does not address.

Solicitor Skwirz explained to the Board that the standards that needed to be met to grant this Variance under Title 23-27.3-127.2.3 of the General Laws, the findings to not grant the variance under the code would manifest an injustice (the term used by Law) to require the applicant to comply with the code and if you grant the variance it will not conflict with the general adjectives of the purpose of the code. At this time you can require the applicant to comply by get clearance by replacing the studs would be a manifested injustice, you would also need to find to allow the combustible material 2" span would not be against the general objectives.

Public Comment

Jane McDougall, 500 Water St., abutter and mother to the applicant submitted a picture taken after the 1938 hurricane which exhibited the chimney existed at that time suggesting that the house may have been built in the 1920's. She also stated that at one time it was a single story house with its only heat source being the fireplace. When the second floor was added the chimney was extended. Upon her son adding an addition to the second floor it was required that he extend the chimney in height which was done by professional Alan Patterson. Ms. McDougall further explained at this point the house has been framed, insulation was blown, and the house has been shingled and roofed. It is possible to remove the studs and replace them however this would be a hardship.

James Carter, owner and applicant, Application #15-42 requested a continuance to the November 18, 2015, to allow for the gathering of further information.

It was moved by A. Harrington to grant a continuance of Application #15-42 as requested by the applicant James Carter **to the November 18, 2015 meeting**, conditional that the applicant is to return with any and all documentation from the manufacturer, the Fire Chief in coordination with the Building Official, for opinion and guidance if a single wall would be sufficient for combustible fuel or would double, triple wall, insulated pipe or fire chemical treatment would be acceptable to improve the current condition. Seconded by A. Ellis. Yea - Chairman S. Calenda, Vice Chairman P. Attemann, A. Harrington, A. Ellis and M. Emmencker. 5-0

Old Business - NONEAdministrative Matters: NONEAdjourn:

The Warren Building Code Board of Appeal was adjourned and the Board of Review reconvened at 7:46pm

Respectfully Submitted,

Rhonda Lee Fortin