



Town of South Kingstown, Rhode Island

BUILDING AND ZONING DEPARTMENT

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A meeting of the Building Code 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 May 17, 2022.

Members Present:

Michael Joyce
Edward Melchiori
Paul Schurman
Thomas Gilchrist

Members Absent:

Laura Krekorian

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

The following petition was heard:

Petition of Joann Smith, 94 Lighthouse Hill Road, Windsor CT 06095. The applicant is seeking relief from State Building Code (2021), **Section 322.1 General** – *Buildings and structures located in flood hazard areas, not designated as coastal A zones or coastal high hazard areas, shall have the lowest floors elevated to or above the base flood elevation, plus one foot(1’), or the design flood elevation, whichever is higher*, **Section 322.4 Variances and Appeals**. The subject property is located in the AE 12 flood hazard area with the first floor living space currently elevated above the base flood elevation. The applicant wishes to convert the basement of the single-family dwelling from unfinished storage into habitable space, effectively establishing habitable space below the base flood elevation. Owner is Joann P. Smith for premises located at 1788 Matunuck School House Road, South Kingstown, RI 02879. Assessor’s Map 83-3, Lot 56, Zoned R80.

Mr. Gorman called the meeting to order at 4:29 pm, the necessary quorum was present.

Joann Smith, applicant, was present.

Chrissy Smith, daughter in law, was present.

Ms. Smith stated that she would like to finish the basement for a space for her grandchildren to have a safe space to gather. Additionally she would like to have a small office to run a family business and would also like to add additional closets for storage.

Mr. Melchiori enquired about the base flood level. He also enquired about the finished basements in the area that she referenced.

Mr. Gorman indicated that some of the referenced homes may have been permitted and done prior to the enforcement of the ordinance. Additionally, many projects get done without the necessary permitting and Vision Appraisal bases their values on what is actually present during inspection.

Ms. Smith indicated that she has been in contact with FEMA and that they stated this was not part of their rules and regulations.

Mr. Gorman indicted that it is both FEMA and the Town. The Town is part of the NFIP program and Town’s ratings can be effected by any variances.

Mr. Gilchrist asked if there was a requirement for flood vents.

Mr. Gorman indicated that he was able to find the original building plans and that it does appear to comply with the first floor equipment being elevated to meet the base flood elevation. There is no elevation certificate.

Mr. Schurman asked about the current use and occupancy of the house and what the hardship is.

Ms. Smith indicated this is a summer home.

Ms. C. Smith indicated that having a bathroom on the ground floor would be a huge help.

Mr. Schurman asked if there was any precedent in granting this type of variance.

Mr. Gorman explained that it is within the Boards power to grant but that any modifications done within the coastal plain would be sent to FEMA during annual audits.

Mr. Melchiori enquired when our last FEMA audit was.

Mr. Gorman indicated that it was last year and that any exceptions are viewed as a strike against the community in regards to NFIP ratings.

Board discussion ensued in regards to the repercussions for the Town if this variance was granted of this variance and if the applicant has met the hardship burden.

Ms. C. Smith explained the topography of the land and that the location is very dry.

Ms. J. Smith indicated that this finished space would accommodate the entire family.

Board discussion ensued in regards to the precedent that would be set if this variance was granted town wide.

Ms. C. Smith asked if there was anything that they could do which would put them more into compliance, perhaps hiring a surveyor.

Discussion ensued in regards to the Vision Appraisal process.

Mr. Gorman explained what exactly constitutes “living space” and what exactly they could do.

Mr. Gorman explained that a majority vote would be needed for any decision and that any appeal of a decision would have to go before the State Board.

Discussion ensued in regards to options.

More discussion ensued in regards to base flood elevation.

Ms. C. Smith explained how she believed that their basement is an outlier and would not set precedent.

Discussion ensued in regards to continuing the petition to come back with a survey showing exact elevations.

Mr. Gorman passed around information relative to the Building Code.

Whereas the following motion was made to continue the petition until June 28th

Mr. Schurman made the motion to continue the petition until June 28, 2022 which was duly seconded by Mr. Joyce.

Whereas a voice vote was taken and all members were in favor

Motion passed unanimously: Vote 4-0

(Schurman-Aye, Joyce-Aye, Gilchrist-Aye, Melchiori-Aye)

There was no other business to discuss.

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

Motion passed unanimously: Vote 4-0

(Schurman-Aye, Joyce-Aye, Gilchrist-Aye, Melchiori-Aye)

Meeting adjourned at 5:16 pm