

Call to Order:

The meeting was called to order by Chairperson Peter Healey at 4:30pm on August 6, 2025.

No members of the public are in attendance.

The voting members tonight are Ron Fiore, Joseph Gentile, Peter Healey, and Tracey McCue.

Minutes:

Ms. McCue motioned to accept the minutes from April 3, 2024. Mr. Gentile seconded. Approved (5-0).

New Business:

**A.) Wickford on the Water, 83 Brown Street, North Kingstown, RI Plat 117 Lot 215.
2021 RI SBC-1 Rhode Island Building Code (Commercial) Section 1207 Interior
Space Dimensions Paragraph 1207.2 Minimum Ceiling Heights.**

Matt Souza, North Kingstown Building Official, welcomed all to the BCBOA meeting. He stated there is one item on the agenda. John Brito, owner of Wickford on the Water, is here because the bathroom on the second floor does not meet the headroom requirement. The room has a sloped ceiling. Code states a bathroom must have a minimum of a 7-foot ceiling height and if the room has a sloped ceiling, then half (50%) of the area is required to be at that 7-foot mark. Any portion of the room measuring less than 5 feet from the finished floor to the ceiling shall not be included in the calculation for minimum area or ceiling height.

Charlie Sonder, representing John Brito and Wickford on the Water, came forward. He stated we are requesting an appeal to the design shown. It is an equal or a better level of comfort and safety than the compliant design. The compliant design, where 50% of the room would be at a height of 7 feet, is a much smaller, less functional space. This is grounds for the appeal. If you were to make the room larger by moving the southern wall down, it would impede egress travel. We are trying to maintain adequate egress space. Typically, toilet and clearance around plumbing fixtures in these types of spaces are limited by ADA and plumbing code which uses a height of 6 feet 8 inches and not 7 feet.

Donald Peck, North Kingstown Assistant Building Official, stated the reason for the sloped ceiling is because that is where the roof rafters are. To enlarge that out, there would have to be some type of dormer built. The bathroom to the right is not in question, it has a full ceiling height.

Mr. Souza added the roof line is different on the right side.

Mr. Healey said visually, it looks to be 50% where the line cuts across.

Mr. Souza said the roof changes in that area. It doesn't slope as badly as the other one.

Mr. Healey asked with respect to the 50% you mentioned, does anything under 5 feet count in the 50%? Does it count the floor area?

Mr. Souza stated the code says you have a minimum room area, and it doesn't count any portion of the room that is less than 5 feet of the ceiling height as part of that required area. It is still usable space. Looking at the calculations, it is basically from the 5-foot mark out into the rest of the room. 50% of that space would need to have a 7-foot ceiling mark

Mr. John Brito, owner of Wickford on the Water, said we can make this meet the code if we relocate that toilet.

Mr. Sonder said you could move the toilet and add a wall where the line is drawn on the plan and it would meet 50% of the room over 7 feet – making the room smaller.

Mr. Peck replied it will put the toilet too close to the wall.

Mr. Sonder stated that a 2-foot 6 clearance is all you need for a toilet.

Mr. Brito said building a wall at the line on the plan and moving the toilet over complies.

Mr. Souza said if you were to take this room, shown on the plan, they could move the toilet over and put in a smaller sink. They could build a wall at the line and still meet the minimum fixture requirements. They would then have the 50%, but it would create a very small bathroom.

Mr. Gentile added this would be a viable alternative.

Mr. Souza said it wouldn't be any different than if they just moved it over now and not make it smaller.

Mr. Sonder said this option with the variance would have more usable space for the average person.

Mr. Brito said another option would be to move the wall more south. The dining room is all here as shown on the plans. We have a deck that we are building this summer. I would hate to build this wall further south, because we are clogging the area up a little bit. Only 49 people are allowed up there. This area will be used only when we have events. I felt it was important to come out and try. Making the room smaller is just a simple wall. We want to see what options we have with the help of the board. We appreciate your assistance.

Mr. Gentile stated he looked at the 2018 IBC code. It talks about occupiable spaces or rooms including habitable spaces, to have specific minimum ceiling height. Bathrooms and toilet rooms are permitted to have a lower minimum ceiling height.

Mr. Souza responded that the main ceiling height code section says that other habitable spaces are not supposed to be less than 7 foot 6 inches. It gives a 6-inch allowance for bathrooms and kitchens – areas people don't live in to allow a ceiling height of not less than 7 feet above the finished floor. The exception is for a sloped ceiling. A normal ceiling must be 7-foot 6-inch, but a bathroom or toilet room can be 7 feet, but then the sloped portion of the ceiling applies, so it is still that 7 regardless.

Ms. McCue indicated she sees this as a safety issue. There are only 15 inches of the ceiling that is close to 7 feet. If a 6-foot-tall person comes into the bathroom, they have a clearance of a foot. The toilet sits under the slope. Someone will hit their head. We have these codes for a reason. I would be concerned about a liability issue. They are asking for more than 50% relief.

Mr. Brito replied there is a bathroom next to it. They have an option. There are 2 more bathrooms downstairs that are fully compliant. Building a wall there would be the easiest thing to do. Respectfully, as a business owner, I am not worried about that.

Ms. Mc Cue stated this would be setting a precedence. If we give relief to one person, it comes back and haunts you. Building codes are for a reason. This is 50% relief.

Mr. Sonder said the 50% relief is the area that has to be over seven feet. We can make the room much smaller. We would end up with less space.

Mr. Fiore asked if there would be 6 feet 2 inches above the toilet.

Mr. Sonder said 6 feet 2 inches would be the height of the wall if you moved it in. That is the center where the toilet exists.

Mr. Fiore said someone would be ok unless they are over 6 feet 2 inches

Mr. Sonder stated he stood in front of the toilet. I am 6 feet tall, and you can stand or sit down comfortably.

Mr. Souza said the first red line is where it hits 5 feet. If you are worried about setting a precedent, the state law dictates that no matter what decision is made, it does not set a precedent. On a personal level, it is different.

Mr. Healey asked if the wall is in place today, is the wall already framed?

Mr. Souza said it was part of a previous permit that had not been closed yet.

Mr. Brito said it is fully done.

Mr. Souza said when we went out for the framing it was noticed. It was mentioned at that time they might not meet the ceiling height requirement. No final inspection has been done. They are trying to get the relief so they can have a final inspection.

Mr. Sonder said the toilet was placed there because there was an existing drain location in that space.

Ms. McCue expressed the work was completed and now they want relief. You are asking for forgiveness. Ignorance of codes is not an excuse.

Mr. Fiore said things aren't really changing if they don't receive the variance, other than moving the toilet over and creating a smaller room.

Mr. Healey asked when the permit application was submitted, did it show this configuration?

Mr. Souza replied it did not show ceiling height. This was before Mr. Sonder started drawing plan for John.

Mr. Healey asked what the percentage is at seven-foot ceiling height now?

Mr. Sonder said it is 34%.

Mr. Fiore motion to approve the variance request as submitted. Mr. Gentile seconded it. Mr. Healey voted aye. Ms. McCue voted nay. Motion carried (3-1).

Mr. Healey motioned to adjourn. Ms. McCue seconded. All voted aye. Approved (4-0).

The meeting adjourned at 4:59 pm.