



# Town of South Kingstown

## Building Code Board of Appeal

Building Code Board of Appeals Meeting Minutes  
Tuesday, April 14, 2026 at 4:30 PM  
South Kingstown Town Hall, Building Official's Office  
180 High Street, Wakefield, RI 02879  
[www.southkingstownri.gov](http://www.southkingstownri.gov)

Michael Joyce, Chairman  
Edward A. Melchiori  
Thomas Gilchrist  
Laura Krekorian  
Stephen DeMetrick

### A. Call to Order

A meeting of the Building Code Board 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 Tuesday, April 14, 2026.

**Members Present:** Edward A. Melchiori, Laura Krekorian, and Thomas Gilchrist.

**Members Absent:** Michael Joyce, Chairman and Stephen DeMetrick.

**Also Present:** James Gorman, Building Official, and Benjamin Barbera, Administrative Associate.

Mr. Gorman called the meeting to order at 4:37:26 pm. The necessary quorum was present.

### B. Agenda Items \*Order can be subject to change\*

- I. Petition of **Jacquelyn Barber**, property owner. The applicant is seeking relief of **State Building Code (IRC 2021), Section 310 - Emergency Escape and Rescue Openings, Section 310.2.1 - Minimum Size**. Emergency escape and rescue openings shall have a net clear opening of not less than 5.7 square feet (0.530 m<sup>2</sup>). The applicant requests relief from the above-noted provision as it relates to a second-story bedroom window. Owner is Jacquelyn Barber, for premises located at 316 Tuckertown Road, Wakefield, RI 02879.

Mr. Gorman, Building Official, entered all the materials into the record.

Jacquelyn Barber, the applicant, was present.

Ms. Barber has been a resident of South Kingstown for over forty years. She explains that, several years prior, she and her husband constructed a studio apartment above their two-car garage. Ms. Barber noted that electricity was installed in the studio and that they have made gradual, ongoing improvements to the space throughout the years. She further stated that the studio apartment is less than 500 square feet in area and currently contains a double mulled window, along with several smaller windows.

Ms. Barber then passed around a picture she took of the second floor double mulled window.

Mr. Gilchrist inquires about when the window was originally put in. He also mentions that on the Floor Layout Plan the year "2003" appears.

Ms. Barber believes the window was put in sometime around 2022 and says that the year 2003 is incorrect.

Mr. Gilchrist asks Mr. Gorman what the allowed sq. ft. net clearing of an emergency escape window was in 2003.

Mr. Gorman believes that the code allowed for a minimum of 4.4 feet sq. ft. of a net clear opening for an emergency escape egress in 2003.

Ms. Barber further stated that, upon inspection, the window was found to be slightly below the minimum required clear net opening of 5.7 sq. ft. for an emergency escape and rescue opening. She explained that the double mulled window is

operable, opening outward, and that the lower sash can be fully removed. Ms. Barber noted that no tools are required to operate the window for use as an emergency means of egress.

Ms. Krekorian states that if the sash is removed, then the window will meet the code for an emergency escape opening. She explains that there is nothing in the Building Code anymore about removable sashes. The code only requires that the clear net opening has to be 5.7 sq. ft. or larger just by opening the window normally. She also points out that on the plans it specifies that the emergency exit window must have a net clear opening of at least 5.7 sq. ft.

Ms. Barber says that the window only opens to a net clear of 5.13 sq. ft. Ten percent under the building code.

Mr. Gilchrist asks why this window was not caught during building inspection back in 2022.

Mr. Gorman answers that this window was recently permitted. Previously, it was constructed for a studio space which was not meant to be a bedroom.

Ms. Krekorian asks Mr. Gorman how long the 5.7 sq. ft. code has been around for.

Mr. Gorman replies that the code has been 5.7 sq. ft. net opening through normal operation since 2021.

There was no further board discussion.

Whereas a motion was made.

**The motion is as follows:**

A motion to deny the petition was made by Mr. Gilchrist and duly seconded by Ms. Krekorian.

Motion to deny passes unanimously: (3-0 Vote in favor)

(Mr. Gilchrist -Aye, Ms. Krekorian -Aye, Mr. Melichiori -Aye).

At a meeting held on April 14, 2026, a motion was made to deny the petition of **Jacquelyn Barber**, property owner. The applicant is seeking relief of **State Building Code (IRC 2021), Section 310 - Emergency Escape and Rescue Openings, Section 310.2.1 - Minimum Size**. Emergency escape and rescue openings shall have a net clear opening of not less than 5.7 square feet (0.530 m<sup>2</sup>). The applicant requests relief from the above-noted provision as it relates to a second-story bedroom window. Owner is Jacquelyn Barber, for premises located at 316 Tuckertown Road, Wakefield, RI 02879.

**Grounds for Decision:**

Mr. Gilchrist's motion is as follows:

Regarding BCA-26-2, I am making a motion to deny the application for a variance. The applicant requests a variance to Section 310.2.1 for an undersized window that is required for an egress. The code does not create an undo hardship for the applicant and providing a variance for a safety requirement is outside the charter of our Board.

**The following individuals spoke as representatives of the applicant:**

- Jacquelyn Barber, homeowner and applicant.

**There was no one present who spoke either in favor of or in opposition to the petition.**

**The following materials were entered into the record:**

- Photos of the Window uploaded by Jacquelyn Barber uploaded digitally on March 23, 2026; First and Second Floor Layout, Framing Layout, and Section Detail stamped by Ernest D George Jr. RPE, dated September 26, 2003.

**C. Other Items**

I. Adjournment

There was no other business to discuss.

Ms. Krekorian made the motion to adjourn.

All members were in favor.

Meeting adjourned at 5:03:58 pm.