

**North Carolina Office of the State Fire Marshal
Engineering and Building Codes Division in the Department of Insurance**

RE:	Appeal of the February 4, 2024,)	
	Decision by Charlotte Fire)	
	Department to deny Dilworth)	
	United Methodist Weekday)	
	School of continued use of the)	
	second floor of the Dilworth)	OSFM DECISION
	United Methodist Church for)	
	care of children 0 to 5 years old)	
	due to violations of the 2018)	
	North Carolina Fire Code.)	
)	

In accordance with N.C.G.S. § 160D-1127, Alec S. Jalovec, Esq. of TLG Law, on behalf of Dillworth United Methodist Weekday School, has appealed the Charlotte Fire Department's 2/4/24 decision to deny Dilworth United Methodist Weekday School of continued use of the second floor of the Dilworth United Methodist Church for care of children 0 to 5 years old due to violations of the 2018 North Carolina Fire Code.

N.C.G.S. § 160D-1127 allows appeals from any order, decision, or determination by a member of a local inspection department pertaining to the State Building Code or other State building laws to the State Fire Marshal or his designee.

PARTIES

Appellant: Alec S. Jalovec, Esq of TLG Law on behalf of
Dillworth United Methodist Weekday School
605 East Blvd., 2nd Floor
Charlotte, NC 28203.

Appellee: Charlotte Fire Department
500 Dalton Ave.
Charlotte, NC 28206

BACKGROUND

On December 8, 2023, the appellee conducted a periodic fire inspection pursuant to 2018 North Carolina Fire Code (NCFC), Section 106 Inspections and N.C.G.S. 160D-1117 and issued a report to the

appellant. In the process of conducting the periodic inspection, the appellee “observed what appeared to be several small children” and was informed by the appellant “that the upstairs portion was a drop-in care facility” for “approximately 60 to 65 kids all of which are between ages 1-5 years old”. After ensuing code applicability discussions amongst the appellee’s staff and supervisors, the appellee informed the appellant that the 2nd floor operation was in violation of 2018 NCFC Section 203.5.3, Section 203.8.4.5 and Section 320.1. After this decision by the appellee, the appellant “expressed that this information presents a sudden hardship due to the fact that parents have prepaid for months ahead”. The appellee subsequently informed the appellant “that the safety of the children in their care is my primary concern and that I would provide the Fire Marshal with my findings and would move forward at his guidance”.

On December 12, 2023, the appellee informed the appellant that after additional code applicability discussions amongst the appellees staff and supervisors, the appellee “determined that the center currently on the 2nd floor of this building must take corrective action within 30 days of the date of this inspection” and cited violations of 2018 NCFC Section 203.5, Section 203.5.3, Section 203.8.4, 203.8.4.1 and Section 320.1. The report also noted that “it has been determined that all children between the ages of 0-5 years old must no longer receive care on the second floor” and that the appellant had “30 days from the date of this report” to make “the necessary provisions to accommodate this”. The report further stated, “If another site on campus is selected for use it must be approved by the Charlotte Fire Marshals Office personnel in addition to any other approving authority before occupancy”.

On January 4, 2024, a meeting took place between appellees and appellants staff to discuss the cited violations and a December 20, 2023, informal code interpretation of this matter provided by Charlie Johnson, OSFM Chief Fire Code Consultant. The context of the informal interpretation provided by Mr. Johnson was to determine the proper occupancy classification within the 2018 NCFC for the Dillworth United Methodist Weekday School, as requested by the appellee. The appellant asked, “would the addition of fire escapes at each classroom satisfy the code requirement”? The appellee responded, “that due to the age of the children and lack of coordination and dexterity needed to successfully self-evacuate at that age, it would not meet the intent of the code”. The appellee further elaborated “that the configuration needed for the day school would need to somewhat mirror what is currently in use on the first floor”. At the conclusion of the meeting the appellee noted they were “open to providing an extension to the previously given required date” and would follow up with the appellant in 20 days.

On January 8, 2024, the appellant contacted the appellee and requested “an extension of the required date to 5/31/24” for compliance with the violations cited in the December 8, 2023, report. The appellant noted in this extension request that this would align with the completion of the school year. The appellant also added that they were “actively working with Church staff to identify other location options for the Fall school year and would like to work with the Fire Department to review those options once we have identified them.”

On January 19, 2024, after ensuing code applicability discussions amongst the appellees staff and supervisors, the appellee notified the appellant that their request for an extension to 5/31/24 was denied as the appellee felt that they could not allow “this facility to operate in this manner until the end of May”. The appellee also noted that a “reinspection will be performed at this location in 45 days” to evaluate and enforce the appellants vacating of the space.

On January 24, 25 and 30, 2024, correspondence took place between appellees and appellants staff concerning the origins of the building’s construction and use. The appellant provided construction

documents dated 4/6/1959 and archived marketing pamphlets to the appellee supporting their claim that “this location was originally constructed as a school/education” building. The appellee reviewed the information provided by the appellant and determined “that the Architect labeled the room locations in order to keep first grade children and under on the 1st floor”. The appellee further elaborated that drawings “show that the first floor is for Nursery and Kindergarten students and the 2nd floor is for Primary and Junior”. Additionally, the appellee noted there “was one room on the 2nd floor that stated crib room, which we were unsure if it was storage for cribs or if it was a baby room that required 1 adult per infant”. The appellant disagreed with the appellees decision. The appellee subsequently “granted the school a stay on the 45-day inspection” until further discussion happened internally with the appellees staff and supervisors and with OSFM.

On February 1, 2024, after ensuing code applicability discussions amongst the appellees staff and supervisors, the appellee notified the appellant that “based on the information received from all parties involved, the fact remains that this location cannot continue to operate with having rooms used for first grade children located more than one story above the level of exit discharge” and that a “re-inspection in 45 days from 2/4/2024 will be performed for this location.”

On February 13, 2024, the appellant submitted an appeal to OSFM on behalf of the Dillworth United Methodist Weekday School, located in Charlotte, North Carolina, requesting OSFM to overturn the appellee’s 2/4/24 decision to deny Dilworth United Methodist Weekday School of continued use of the second floor of the Dilworth United Methodist Church for care of children 0 to 5 years old due to violations of the 2018 North Carolina Fire Code.

ISSUE RAISED IN APPEAL

The appellant is appealing the appellees decision to deny Dilworth United Methodist Weekday School of continued use of the second floor of the Dilworth United Methodist Church for care of children 0 to 5 years old due to violations of the 2018 North Carolina Fire Code.

The appellants’ appeal reads in most relevant part as follows:

‘Upon information and belief, the building in question was built in approximately 1959 as a school/education facility connected to a church. The building is located at the address above, 605 East Blvd. in Charlotte, NC. Upon information and belief, the building is approximately 15,500 sq. ft. and is two stories in height.

Inspector DaShaun Wilson of Charlotte Fire Department, completed an inspection report on 2/4/24, and informed Dilworth United Methodist Weekday School (“Appellant”) that it was in violation of NCFC 320, 203.8.4.1, 203.5.3, and/or NCBC (2018) 430.3. EXHIBIT A.

The Appellant is associated with Dilworth United Methodist Church and only operates on the 2nd floor of the aforementioned building. Due to its date of construction, the building is subject to the 1958 NC Building Code. Accordingly, the alleged violations and codes are inapplicable to the Appellant. Appellant is not in violation of the 1958 Building Code and no change of occupancy classification has occurred. Appeal pursuant to NCGS 160D-1127.’

FINDINGS

Based on information submitted by the appellant, the undersigned makes the following findings:

2018 North Carolina Building Code (NCBC), Section 102.6 allows the legal occupancy of any structure existing on the date of adoption of the code under which it was constructed to continue unless work is performed that requires adherence to a newer adoption of the code.

[A] 102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code, the *International Existing Building Code*, or the *International Fire Code*.

....

2018 North Carolina Fire Code (NCFC), Section 102.1 establishes the scope and application of the code provisions that regulate construction and design. Specifically, Item #4 generally requires the fire code official to determine that a “distinct hazard to life or property” exists prior to enforcing a construction and design code provision retroactively.

[A] 102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions where required in Chapter 11.
4. Existing structures, facilities and conditions that, in the opinion of the *fire code official*, constitute a distinct hazard to life or property.

....

CONCLUSIONS

Based on the forgoing findings of fact, the following conclusions are made (See Attachment A for supporting documentation):

1. The Dilworth United Methodist Church construction documents dated 4/6/1959 and archived marketing pamphlets provided with the appeal request indicate this building was originally constructed as an educational building. The applicable code at the time of construction was the 1958 Edition of the North Carolina Building Code.
2. The 1958 Edition of the North Carolina Building Code does not contain provisions limiting occupancy to children of any age to the first floor of buildings and structures constructed to that code.
3. A request by OSFM for all permit records for 605 East Blvd., 2nd Floor, Charlotte, NC 28203 from the Code Enforcement Division of the Mecklenburg County Land Use and Environmental Services Agency was made during the extensive investigation process. As of the date of this letter, no permit holds existed and very limited information about previously permitted and

unpermitted work was provided. The permit record information provided by the Code Enforcement Division of the Mecklenburg County Land Use and Environmental Services Agency does not support that the Dilworth United Methodist Weekday School, as located on the second floor of the Dilworth United Methodist Church requires adherence to a newer adoption of the code.

4. A public information request by the appellant for all fire inspection records for 605 East Blvd., 2nd Floor, Charlotte, NC 28203 from the appellee was made during the extensive investigation process and this information was provided to OSFM. After reviewing the appellees records including periodic fire inspections performed by the appellee pursuant to 2018 North Carolina Fire Code (NCFC), Section 106 Inspections, previous editions of the North Carolina Fire Code and N.C.G.S. 160D-1117, no violations were cited by the appellee prior to December 8, 2023 concerning the presence of children of any age within the Dilworth United Methodist Weekday School, as located on the second floor of the Dilworth United Methodist Church.
5. The applicable building code is the 1958 Edition of the North Carolina Building Code, as the Dilworth United Methodist Church has provided care of children in the school since the building was originally constructed, without a change of use or occupancy.
6. A distinct hazard to life under 2018 NCFC 102.1 #4 that would trigger retroactive application of 2018 NCFC Section 203.5.3, Section 203.8.4.5 and Section 320.1 is not supported solely by the cited occupancy of children 0 to 5 years old in the Dilworth United Methodist Weekday School, as located on the second floor of the Dilworth United Methodist Church.

APPEAL DECISION

Based on the above findings and conclusions considered in this appeal, the appellees decision to deny the appellant, Dilworth United Methodist Weekday School of continued use of the second floor of the Dilworth United Methodist Church for care of children 0 to 5 years old due to violations of the 2018 North Carolina Fire Code is DENIED.

This 30th day of December 2025.



David Rittlinger, PE, LEED AP
Division Chief – Codes & Interpretations
North Carolina Office of State Fire Marshal

FURTHER APPEAL RIGHTS

The appellant and appellee have the right to appeal this decision to the NC Building Code Council. Please refer to North Carolina Administrative Code and Policies, Section 202.9.2 for further appeal rights. In accordance with N.C.G.S. § 143-141, you have 30 days in which to appeal this decision to the NC Building Code Council.

Cc:

Shaun M. Wilson, Senior Fire Inspector, Charlotte Fire Department, DaShaun.Wilson@charlottenc.gov

Nathan Childs, NCDOJ, counsel for NC Building Code Council, nchilds@ncdoj.gov

Nicki Shaffer, NCDOJ, counsel for NC Residential Code Council, wshaffer@ncdoj.gov

Kyle Heuser, NCOSFM, Assistant General Counsel, kyle.heuser@ncdoi.gov

ATTACHMENT A

(See attached documents that follow this page)



February 13, 2024

Via First Class Mail and E-Mail

North Carolina Building Code Council
Attn: David Rittlinger
1429 Rock Quarry Road
Suite 105
Raleigh, NC 27610
david.rittlinger@ncdoi.gov

Re: Dilworth/CFD – Appeal of Local Decision

To whom it may concern:

Enclosed on behalf of Dilworth United Methodist Church please find an appeal on the Local Decision rendered by the Charlotte Fire Department.

Sincerely,

Elizabeth Veres
Paralegal
704-936-0657
everes@tlg-law.com



**APPENDIX E
APPEALS
NORTH CAROLINA
BUILDING CODE COUNCIL
1429 Rock Quarry Road, Suite 105
Raleigh, North Carolina 27610
(919) 647-0008
david.rittlinger@ncdoi.gov**

APPEAL TO NCDOI/NCBCC

Hearing Date _____ / _____ / _____

GS 153A-374, GS 160A-434

GS 143-140, GS 143-141

Formal Interpretation by NCDOI _____

Appeal of Local Decision to NCBCC _____

Appeal of Local Decision to NCDOI ☒ _____

Appeal of NCDOI Decision to NCBCC _____

APPELLANT Alec S. Jalovec, Esq. **PHONE** (704) 900 - 2215 x _____
REPRESENTING Dilworth United Methodist Weekday School
ADDRESS 605 East Blvd., 2nd Floor
CITY Charlotte **STATE** NC **ZIP** 28203
E-MAIL ajalovec@tlg-law.com **FAX** (704) 900 - 2215

North Carolina State Building Code, Volume _____ - Section _____

REQUEST ONE: ☐ Formal Interpretation by NCDOI ☐ Appeal of Local Decision to NCBCC
☒ Appeal of Local Decision to NCDOI ☐ Appeal of NCDOI Decision to NCBCC

Type or print. Include all background information as required by the referenced General Statutes and the attached policies. Attach additional supporting information.

Upon information and belief, the building in question was built in approximately 1959 as a school/educational facility connected to a church. The building is located at the address above, 605 East Blvd. in Charlotte, NC. Upon information and belief, the building is approximately 15,500 sq. ft. and is two stories in height.

REASON:

Inspector DaShaun Wilson of the Charlotte Fire Department, completed an inspection report on 2/4/24, and informed Dilworth United Methodist Weekday School ("Appellant") that it was in violation of NCFC 320, 203.8.4.1, 203.5.3, and/or NCBC (2018) 430.3. EXHIBIT A.

The Appellant is associated with Dilworth United Methodist Church and only operates on the 2nd floor of the aforementioned building. Due to its date of construction, the building is subject to the 1958 NC Building Code. Accordingly, the alleged violations and codes are inapplicable to the Appellant. Appellant is not in violation of the 1958 Building Code and no change of occupancy classification has occurred. Appeal pursuant to NCGS 160D-1127

APPEAL TO NCDOI/NCBCC

Signature Alec S. Jalovec
NC Bar No. 50793

DATE: 02/13/2024

FORM 3/14/17



Charlotte Fire Department Fire Inspection Report

EXHIBIT A

Prepare for your next inspection at: <http://FirePrevention.CharlotteFire.org>

Inspector: Wilson, DaShaun

Inspection Date: 2/4/2024

Insp Phone Num: 7046179119

BUSINESS INFORMATION				Contact Name: Dean Benjamin
Business Name:	DilworthWeekday School	Occ Use:	Educational	Inspection Type: Complaint Inspection
Address:	605 EAST BV, Charlotte NC, Unit:2nd Floor			
Property Use:	132, RELIGIOUS EDUC. FACILITY			
Permit Due Date:	Inspection District: Station 02	Frequency Days:	45	

(Office Use Only)

V-CODE	CDI	NOV	Status
724	___	___	Unsatisfactory

Notes / Location

12/8/2023

In the process of conducting an inspection at Dilworth Child Development Center (605 East Blvd 1st floor) I observed what appeared to be several small children, I was advised that the upstairs portion was a drop-in care facility. After reviewing the NCFC sections 203.5.3, 203.8.4.5, and 320.1 in addition to N.C.G.S. 110-86 (2) (d) and (d1) I determined that action would need to be taken. I immediately called the supervising inspector for the area Senior Fire Inspector Wilson who also invited the previous area Inspector Senior Fire Inspector Houser to help determine the applicability of the forementioned statute code references. After discussion we all agreed that the current use of the second floor was in violation of the Fire code. Upon speaking to Mr. Joel Moore about contact information for the drop-in, I was provided with information for Mrs. Lee Anna Clark, the operator of the drop-in center located on the 2nd floor of the United Methodist Church at 605 East Blvd. Mrs. Clark has advised that she has approx. 60 to 65 kids all of which are between the ages 1-5 years old. Mrs. Clark in addition to Mr. C. Snelson have expressed that this information presents a sudden hardship due to the fact that parents have prepaid for months ahead. I have made both aware that the safety of the children in their care is my primary concern and that I would provide the Fire Marshal with my findings and would move forward at his guidance.

12/12/23

After conferring with Senior Fire Inspector Wilson, Chief Fire Inspector Meyers, and Fire Marshal Miller it has been determined that the center currently on the 2nd floor of this building must take corrective action within 30 days from the date of this inspection.

The location onsite advises that it is functioning as a Short term/drop off facility as defined in N.C.G.S. 110-86 2(d)(d1)

§ 110-86. Definitions. Unless the context or subject matter otherwise requires, the terms or phrases used in this Article shall be defined as follows: (1) Commission. – The Child Care Commission created under this Article.

(2) Child care. – A program or arrangement where three or more children less than 13 years old, who do not reside where the care is



Charlotte Fire Department Fire Inspection Report

Prepare for your next inspection at: <http://FirePrevention.CharlotteFire.org>

provided, receive care on a regular basis of at least once per week for more than four hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

Child care does not include the following: a. Arrangements operated in the home of any child receiving care if all of the children in care are related to each other and no more than two additional children are in care; b. Recreational programs operated for less than four consecutive months in a year; c. Specialized activities or instruction such as athletics, dance, art, music lessons, horseback riding, gymnastics, or organized clubs for children, such as Boy Scouts, Girl Scouts, 4-H groups, or boys and girls clubs

d. Drop-in or short-term care provided while parents participate in activities that are not employment related and where the parents are on the premises or otherwise easily accessible, such as drop-in or short-term care provided in health spas, bowling alleys, shopping malls, resort hotels, or churches; d1. Drop-in or short-term care provided by an employer for its part-time employees where (i) the child is provided care not to exceed two and one-half hours during that day, (ii) the parents are on the premises, and (iii) there are no more than 25 children in any one group in any one room

NCFC:203.5 Educational Group E: Educational Group E occupancy includes, among others, the use of a building or structure, or a portion thereof, by six or more persons at any one time for educational purposes through the 12th grade.

NCFC:203.5.3 Drop-in/short-term child care. Drop-in/short term child care facility as defined in N.C.G.S. 110- 86(2)(d) & (d1) shall be classified as Group E.

NCFC: 320

GROUP E IN CHURCHES, PRIVATE SCHOOLS
AND PUBLIC SCHOOLS

320.1 Group E in churches, private schools and public schools. Rooms used for first grade children and younger shall be located on the level of exit discharge. Rooms used for second grade children shall not be located more than one story above the level of exit discharge.

NCFC:203.8.4 Institutional Group I-4, day care facilities. Institutional Group I-4 occupancy shall include buildings and structures occupied by more than five persons of any age who receive custodial care for fewer than 24 hours per day by persons other than parents or guardians, relatives by blood, marriage or adoption, and in a place other than the home of the person cared for. This group shall include, but not be limited to, the following:

Adult day care

Child day care

Respite Care Facility licensed as I-4 day care facilities

NCFC:203.8.4.1 Classification as Group E. A child day care facility that provides care for more than five but not more than 100 children 21/2 years or less of age, where the rooms in which the children are cared for are located on a level of exit discharge serving such rooms



Charlotte Fire Department Fire Inspection Report

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and each of these child care rooms has an exit door directly to the exterior, shall be classified as Group E.

After speaking with Mrs. Clark I have been advised that the location cares for approx 60 to 65 children on the second floor, this is a violation of the NCFC and immediate corrective action must take place to rectify the violation.

It has been determined that all children between the ages of 0-5years old must no longer receive care on the second floor. 30 days from the date of this report will be provided to make the necessary provisions to accommodate this. If another site on campus is selected for use it must be approved by the Charlotte Fire Marshals Office personnel in addition to any other approving authority before occupancy.

I can be reached via phone or email at:

Aquitest.Hood@Charlottenc.gov (primary)

980-939-4010 (secondary)

My email is my fastest point of contact.

1/4/23:

Meeting between Senior Inspector S. Wilson, Mr. Greg Snelson, and myself conducted to discuss code interpretations provided by Mr. Charles Johnson from the NC State Fire Marshals office relating to short term/drop-in care facilities.

The following guidance was provided:

Drop-in/short-term care (Mommy's day out) facilities operating in accordance with N.C.G.S. 110-86 (2) d. & d1 shall be categorized as group E (Educational) occupancies (NCFC section 203.5.3) Room

Mr. Johnson has confirmed that due to this type of child care being considered an Educational occupancy, all applicable requirements and provisions would be required.

Per NCFC section 320:

Group E in churches, private schools, and public schools. Rooms used for first grade children and younger shall be located on the level of exit discharge.

The question was presented by Mr. Snelson as to would the addition of fire escapes at each classroom satisfy the code requirement, to which, Senior Inspector Wilson answered that due to the age of the children and lack of coordination and dexterity needed to successfully self evacuate at that age, it would not meet the intent of the code. Senior Fire Inspector Wilson further elaborated that the configuration needed for the day school would need to somewhat mirror what is currently in use on the first floor.

At the conclusion of our meeting Mr. Snelson was advised that we (Charlotte Fire Department Fire Marshal's Office) are open to providing an extension to the previously given required date should a "reasonable time frame" be provided due to the time it took to receive guidance from the State Fire Marshal's Office and other factors. Mr. Snelson has advised that he will need to speak with the center director and other personnel. I will follow-up 20 days

S.I.Wilson 1/19/2024

I sent an email to Charlie Johnson with OSFM that stated:



Charlotte Fire Department Fire Inspection Report

Prepare for your next inspection at: <http://FirePrevention.CharlotteFire.org>

Hello Charlie,

We have a mother's morning out facility, that is not associated with a church, and they are currently housing 60 to 70 children between the ages of 2 and 6-years of age on the 2nd floor of this location for less than 4 hours (not in a church). My question to you is, if this type of facility categorized as an E an I-4 or neither? We come across quite a few of these throughout the city and we want to make sure that we are following the code correctly. Any guidance would be greatly appreciated.

Thank you!

Charlie's response 12/202/2023:

Shaun,

Based upon Sections 203.5.4 and 203.8.4.1 I would classify the facility as Group E assuming those less than 2 ½ years of age are located on the level of exit discharge and the rooms have an exit door leading directly to the exterior. If the children are above 2 ½ years of age, Section 203.5.4 would apply.

In a lot of these situations, these type arrangements are considered to be drop-in/short-term child care as defined in GS 110-86 (2) (d) & (d1) and if so, those would be Group E as well.

I hope this helps. Please let me know if additional assistance is needed.

S.I Wilson's response 1/4/2024:

Just to be clear if it is under 4 hours would this still apply.

Charlie's Final Response 1/9/2024

Shaun,

Yes, even if less than 4 hours.

Please let me know if additional assistance is needed.

Email from Gregg Snelson 1/8/2024:

Good afternoon, Inspector Wilson,

I spoke with Weekday School administration earlier today regarding the fire inspection report. The Weekday School year completes at the end of May this year so we would like to request an extension of the required date to 5/31/2024. We are actively working with Church staff to identify other location options for the Fall school year and would like to work with the Fire Department to review those options once we have them identified. Please let me know if you need more information or have questions. Thank you for your help.

Greg Snelson

1/19/2024 SI Wilson

After future discussion with Fire Marshal Miller and Chief Fire Inspector Meyers, this facility is not permitted to operate on the 2nd level of this location. This report and an email stated below will be sent to:

Gregg Snelson (gcsnelson@gmail.com), Lee Anne Clark (leeanna.clark@dillworthchurch.org), Menke Gray (menkegray@gmail.com) and Thomas Harris (thomasetharris@bellsouth.net)

SI Wilson's email 1/19/2024:

Gregg,



Charlotte Fire Department Fire Inspection Report

Prepare for your next inspection at: <http://FirePrevention.CharlotteFire.org>

After speaking with the Chief Inspector Meyers and Fire Marshal Miller, we cannot permit this facility to operate in this manner until the end of May. A reinspection will be performed at this location in 45 days to assess where you are with the vacating process. Please let me know if you have any questions.

01/25/2024 SI Wilson

I received an email from Benjamin Dean on 1/23/2024 stating that this location was originally constructed as a school/ education before the 1960's which. However, according to the Polaris 3g information that also provided by Benjamin, says that this location was constructed in 1965 as a church. Which would have required this location to go through a change of use in order to be utilized as an Education/School, and the code that was prevalent at the time of that change of use would apply to this violation.

I asked Mr. Dean to provide me with the documentation showing that this locations original construction was an educational facility.

1/24/2024 SI Wilson

I received a set of original construction documents from Mr. Dean stamped 4/6/1959.

My next step is to meet with Mr Dean to view this copy due to the blurred photo. Just so that I am able to verify that this is the correct location. And also send this information to Jeff Vernon with Mecklenburg county since the stamped drawing state 04-06-1959 which applies to the 1958 building code.

*01/30/2024 SI Wilson

After receiving the set of plans from Benjamin Dean, I sent the set of plans to our Senior Plans Examiner Jeff Wright. After reviewing the plans Inspector Wright and I both believe that the Architect labeled the room locations in order to keep first grade children and under on the 1st floor. According to the plans provided by Mr Dean, they show that the first floor is for Nursery and Kindergarten students and the 2nd floor is for Primary and Junior. However, there was one room on the 2nd floor that stated crib room, which we were unsure if it was storage for cribs or if it was a baby room that required 1 adult per infant. Mr. Dean disagreed with our stance and I informed him that I would take this to Chief Inspector Meyers and FM Miller for clarification and if need be, I would send it back to Charlie Johnson with OSFM. I have granted the school a stay on the 45 day inspection until I have further information from the Chief Inspector and Fire Marshal.

*2/01/2024 After the meeting with Mr. Benjamin and Senior Plans Examiner Wright, I spoke with Chief Inspector Meyers whom recommended that I contact Mecklenburg Counties Director of Inspections Andrew Herring, since this was their code at the time of construction for this location and dated plans. When speaking with Mr Herring, I provided him with a copy of the plans and explained this situation in its entirety and he too stated that the architect appeared to have intended for the children of a certain age to remain on the first floor. Director Herring also stated his concern of not having a sprinkler system for this location with children under a certain age located on the 2nd floor and that he would not permit children under the required age to be on the 2nd floor of this location. At this time, I informed Chief Meyers of the discussion. Therefore, based on the information received from all parties involved, the fact remains that this location can not continue to operate with having rooms used for first grade children located more than one story above the level of exit discharge.

A re-inspection in 45 days from 02/04/2024 will be performed for this location.



**Charlotte Fire Department
Fire Inspection Report**

Prepare for your next inspection at: <http://FirePrevention.CharlotteFire.org>

Updated report

ADDITIONAL NOTES

First Name	Last Name	Primary Phone
GREG	SNELSON	7046081534

Any violations listed shall be corrected immediately. A follow-up inspection will be conducted by 3/19/2024 to confirm compliance with violations listed as Unsatisfactory, with fines issued for non-compliance. Additional follow-up visits will also result in an assessment fee of \$155.00 per visit.

ADULT OR CHILD DAY CARE FOR LESS THAN 24 HOURS ^{1,2}

CODE SECTIONS and PAGE REFERENCES are from the 2018 North Carolina Building Code

OCCUPANCY GROUP	R-3 [§310.5; page 46]	R-4 [§310.6; page 46]	I-4 ⁴ [§308.6; §308.6.1; §308.6.2; §308.6.3; §308.6.4, §308.6.5 page 45]	E ^{3,8} [§308.6.1; page 45]	E ^{3,8} [§305.2; §305.2.1 - §305.2.3 page 38] CHILDREN ONLY (ALSO INCLUDE Facilities Licensed by DHSR Mental Health Section)	A-3 (This Occupancy Group is not Licensed by Div of Aging or DHSR Mental Health Section) ADULTS ONLY
Age (in years)	Any	Any	Adults and Children 2 ½ or less	2 ½ or less	Older than 2 ½	Any
Occupant Load (in persons)	1 to 8 ⁵	6 to 16 ⁶	> 5	6 to 100	> 5	> 50
Portable Fire Extinguishers	2-A:10-B:C	2-A:10-B:C				
Automatic Sprinklers	NR ⁷ §903.2.8 exc. 1	NR ⁷ §903.2.8 exc. 1	NR ⁴ §903.2.6 exc. 2	NR ⁷ §903.2.3	§906 NC Fire Code NR ⁷ §903.2.3	§906 NC Fire Code Required §903.2.1.3
Manual Fire Alarms	NR	Required	Required	Required	Required	Required when Occupant Load > 300
Floor Level:						No Limitation
Not Sprinkled	On LED [§429.1.1; page 74]	Not addressed	On LED [§429.1.1]	On LED with exit door direct to exterior On LED [§429.1.2; pg 94]	1 st grade + younger: on LED 2 nd grade: not more than 1 story above LED	
Sprinkled	On LED [§429.1.1]	On LED [§429.1.1]	On LED [§429.1.1]	NR	[§430.3; page 94]	
Number of Exits	[Table 1006.3.2.2(2), 1006.3.1 & Table 1006.2.1; §1006.2.1 Exception Number (1) table controls]	2 except where on LED + direct exit to exterior	2 required where occupant load exceeds 10 [Table 1004.1.2, Table 1006.2.1 & Table 1006.3.2]	2 except where on LED + direct exit to exterior [§429.1.2 + Exc.; Table 1004.1.2]	2 except where on LED + direct exit to exterior [§429.1.2 + Exc.; Table 1004.1.2]	2 required where occupant load exceeds 49 [Table 1004.1.2 & Table 1006.3.2(2)]

1 Care Services providing services to any child for less than four (4) hours per day and/or less than four (4) months a year are not licensed or regulated by the Division of Child Development; however, NC Building Code requirements shall apply [§305.2]. PROGRAM TYPE EXAMPLE: Summer camps, Pre-School Care or After School Care.

2 Existing facilities do not have to meet the 2018 NC Building Code unless doing major renovations, expanding or moving to a different facility or site. You can use the 2018 North Carolina Existing Building Code for all day care facilities going into existing building. *There is no difference on whether it is a new license or transfer license (change in ownership).* Please see governing licensing agencies for Building Inspection Forms.

3 Assembly spaces (i.e., auditorium, cafeteria, gymnasium, library, etc.) which are accessory to Group E buildings are not considered as separate occupancies. [Section 508.2]

4 I-4 Day Care Facilities on the LED occupant load great than 5 with no direct exterior exits for classrooms containing children Pre-School Age (PSA) or provide care for more than 100 children (PSA)

5 Allowed to have five (5) preschool children and three (3) school-aged (K-12) children [Div. Of Child Development Licensing Rules and Section 310.5 on page 46]

6 Allowed to have no more than twelve (12) children when any preschool child is in child care. This number may increase to fifteen (15) if all children are school-aged (K-12). [Div. Of Child Development Licensing Rules]

7 Table 1020.1 Footnote d: Facilities without sprinkler systems shall have 1-hour fire-resistant corridors regardless of occupant loads. Group E is Table 1020.1 Footnote g

8 Public buildings currently approved for Education Occupancy should be considered approved for the licensed operation of a child care center within its facilities when the participants in care are school age. Session Law 2009-123: General Statutes Chapter 115C Section 1 §115C-521.1 Building Standards for Preschool Students

ABBREVIATIONS: LED = Level of Exit Discharge NR = Not Required K - 12 = Kindergarten through 12th Grade Exc. = Exception Pre-School Age = 2½ years of age or less
All day care facilities, licensed or unlicensed, will be regulated by the provisions of the NC Building Code. NC Residential Code does not apply.

OFFICIAL BOARD

C. M. Albright	M. W. Helms
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E. E. Ashmore	Miss Eugenia Ivey
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C. M. Rogers	T. H. Watson, Jr.
B. R. Routh	H. M. Wayne
Thomas G. Smith	T. J. Wiggins, Jr.
S. O. Short	J. L. Wolfe
H. D. Snook	Graem Yates



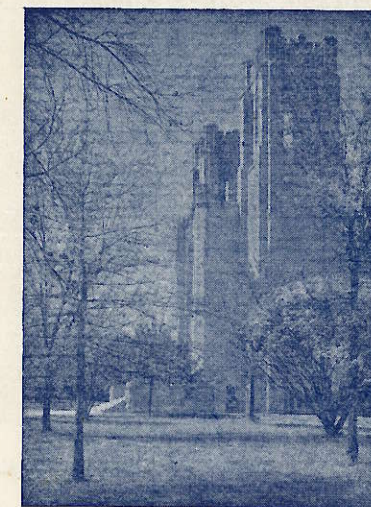
OFFICERS OF CHURCH AND SCHOOL

Ministers.....H. L. Creech, Jr. & O. L. Easter
Chairman of Board.....O. N. Hutchinson
Secretary to the Board.....H. D. Snook
Treasurer.....John H. Wolfe
General Superintendent of Church School—
V. S. Westmoreland
Treasurer of Church School....H. P. Belue, Jr.
Chairman, Commission on
Christian Education.....James H. Rhodes
Director of Christian Education..Ella E. Shore
Director of Youth Work.....Barbara Bradley
President, Men's Club.....J. H. Wolfe
President, Woman's Society of
Christian Service.....Mrs. C. W. Moseley

1895

1958

A New Children's Building



for Dilworth Methodist Church

**\$150,000
IN 5 DAYS
SEPTEMBER 7-11**

Dilworth Methodist Church
600 Block East Boulevard
Charlotte, North Carolina

WHO ARE WORKING

BUILDING CAMPAIGN ORGANIZATION

GENERAL CHAIRMAN

Herbert M. Wayne

CO-CHAIRMAN

R. P. Majors

Zeb C. Strawn

EXECUTIVE COMMITTEE

Herbert M. Wayne, Chairman

H. L. Creech, Minister

O. L. Easter, Minister

J. H. Wolfe, Treasurer

O. N. Hutchinson

Mrs. C. W. Moseley

V. S. Westmoreland

Mrs. Edwin W. Hobbs, Jr.

SPECIAL GIFTS COMMITTEE

K. O. Hobbs, Chairman

Mark P. Johnson

Mrs. Aulton B. Smith

A. W. Daniels

J. R. Harris

T. V. Altizer

C. W. Kirkland

DIVISION No. I

W. D. Michael, Major

W. W. Beattie

J. C. Hursey

J. A. Mills

C. M. Albright

H. D. Crotts

Roy Holmes

Captains

DIVISION II

F. E. Cloyd, Major

Norman Davis

J. G. Therrell

Carl Dowdey

W. D. Brisendine

W. A. Graham

O. P. Roberson

Captains

DIVISION III

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Gerry Barnes

V. B. Caldwell

J. N. Murray

Dr. L. Dale Arthur

W. M. Boyst, Jr.

L. A. Coone

Leroy Robinson

Captains

DIVISION IV

Wm. Harris, Major

H. E. Bullington

O. R. Krueck

J. L. Rhyne

F. A. Brantley

Herb Crum

Maynard L. Humphries

Captains

DIVISION V

K. W. Altizer, Major

J. E. Barrentine

J. V. Leak

S. O. Short

E. E. Ashmore

George Caldwell

B. R. Routh

Captains

DIVISION VI

C. M. Rogers, Major

Mrs. Floyd E. Ballard

Mrs. K. O. Hobbs

J. H. Wolfe

Mrs. Ben Davis

Lee Hardin

W. K. McCoy

Captains

DIVISION VII

D. W. Reed, Major

Emory Holroyd

C. M. Reeves, Jr.

Gordon Jewell

J. A. Dear

G. S. Patton

H. D. Snook

Captains

DIVISION VIII

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Thad Bass

Norman Haertig

Mrs. Mary Lou Short

Mrs. J. H. Allen

Jimmy Foster

T. J. Wiggins

Captains

HISTORICAL HIGHLIGHTS

1895 DILWORTH METHODIST CHURCH 1958

1895—Reverend John F. Butt held prayer meetings in various homes in community. Out of these came Dilworth Methodist Church.

1896—A lot was donated by B. D. Heath at corner of Worthington and Cleveland Avenues.

1896—A one-room frame church was built by Reverend John F. Butt with his own money. Captain W. T. Rowland was the first Sunday School Superintendent.

1896—The Conference of the Methodist Episcopal Church South reimbursed Mr. Butt and the Dilworth Methodist Episcopal Church South was organized.

1913—A new brick building, designed by Marvin W. Helms, architect, was erected on Cleveland Avenue at Worthington which was used until present church was built in 1926.

1916—The first Woman's Missionary Society for Dilworth was organized, Mrs. C. M. Creswell, president.

1917—The first Circle of the Woman's Missionary Society, organized by Mrs. Marvin W. Helms at her home.

1920—First steps were taken for the building of a new stone church on East Boulevard.

1922—Dilworth Church was strengthened when many members from Trinity and Tryon Street Churches moved their memberships here.

1922—Present church property purchased and gift of \$50,000 toward new church received from J. B. Duke.

1926—The beautiful new stone edifice completed; Marvin W. Helms, architect, and J. A. Jones, contractor.

1926—The new \$23,000 parsonage constructed.

1926—Building Committee for church: G. O. Doggett, Chairman, J. H. Bobbitt, Jr., W. E. Bacon, E. S. Bee, W. H. Bobbitt, M. H. Courtney, G. A. Elliott, W. L. Harris, S. A. Hunter, Sr., C. C. Keiger, H. O. Miller, Mrs. J. T. Paschal, G. B. Pendleton, J. L. Redwin, C. F. Robinson, C. F. Shuman, C. E. Wakefield, Mrs. C. E. Wakefield, Mrs. C. L. Watts, Mrs. John G. Weber, J. L. Wiggins, J. Lester Wolfe, and L. E. Wooten. Parsonage Building Committee: T. J. Wiggins, Chairman, G. O. Doggett, C. F. Shuman, M. H. Courtney, Edwin L. Jones, M. W. Helms, O. D. Wheeler, and L. E. Wooten.

1926—Ladies' Aid Society, Mrs. Marvin W. Helms, president, purchased pews for the new church which cost \$7,200.

1941—The J. A. Jones spacious Education Building completed and made possible by the generosity of J. A. Jones and his son, Edwin L. Jones.

1941—The Carillon Bells were given to the church at Christmas by a group of members and some friends.

1951—Purchase of the Spangler House known as the "Herman House" giving 60 additional feet of front footage on Springdale Avenue and running through half the block. Used for the Week-day Kindergarten, Church School Kindergarten, and Cub Pack.

1951—Complete remodeling of the third floor of the Education Building making it more suitable for Youth Division.

1952—Purchase of the Rowland House known as the "Pickens House," giving 60 feet frontage on Winthrop Avenue and running half way through the block to join the Spangler property. These purchases added 24,000 more square feet of property. The Pickens House is used for the Mouzon, and Mary and Martha Adult Ladies Classes; Sunday evening for Single Young Adult Fellowship, and Girl Scout Activity.

1953—Camp Stone property given by Mr. and Mrs. E. B. Stone, and a spacious lodge was constructed, consisting of large social room, screened porch, well equipped kitchen, showers and toilet facilities.

1954—Purchase of the Daughtry House on the corner of Springdale and Kingston Avenues, joining property purchased earlier and giving complete block frontage on Springdale Avenue. Thus giving more than three-fourths of the city block.

1954—Remodeling of the first and second floors of the Education Building and the ground floor beneath the Sanctuary, making it possible to inaugurate the "Grade System," which is the latest trend in the Christian Education of children.

1954—A challenging financial campaign was launched.

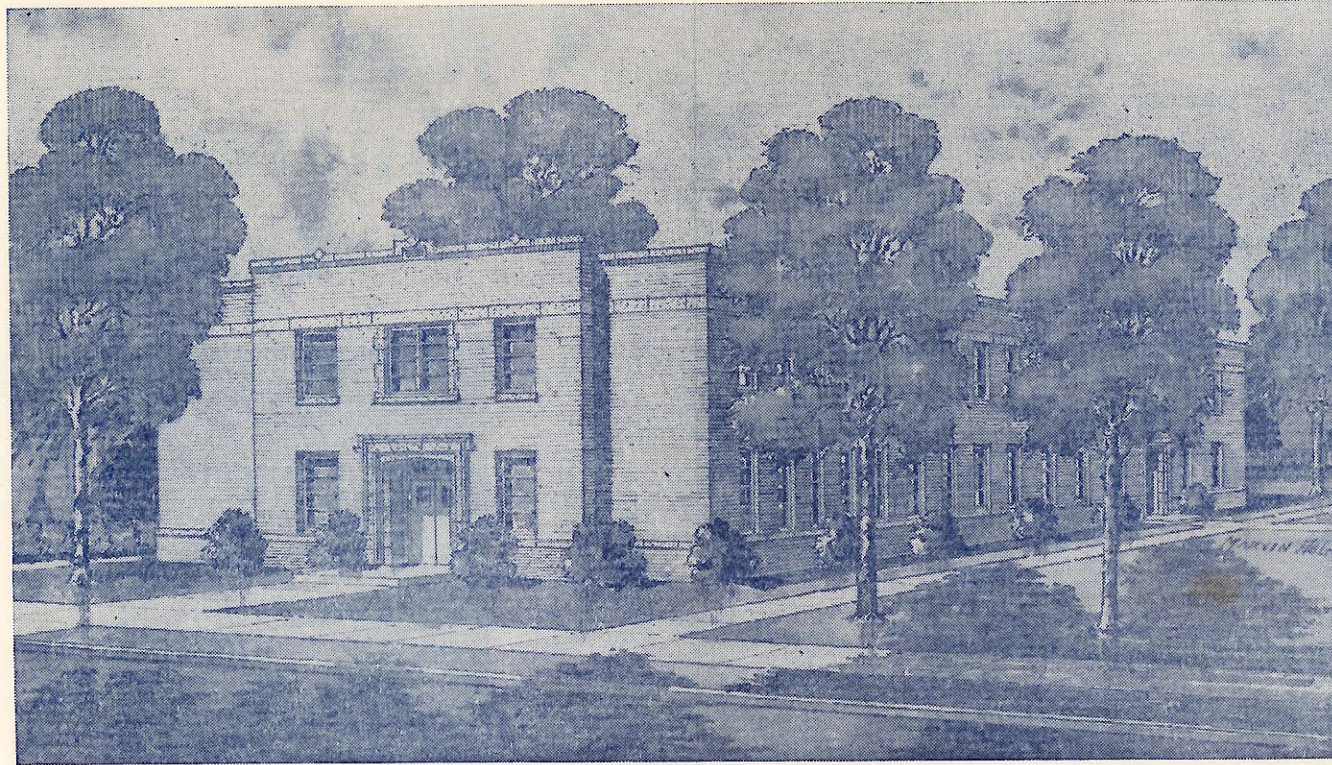
MINISTERS WHO HAVE SERVED DILWORTH

John F. Butt, J. A. Baldwin, Dr. S. B. Turrentine, Plato Durham, R. G. Tuttle, T. A. Sikes, C. M. Short, A. L. Coburn, W. C. Jones, J. O. Ervin, Dr. W. E. Abernethy, Dr. L. B. Abernethy, L. A. Falls, W. B. West, G. D. Herman, Dr. G. Ray Jordan, John W. Moore, C. M. Pickens, Grover T. Bond, Loy D. Thompson, Dr. Howard P. Powell, Dr. Fletcher Nelson, Dr. Chas. P. Bowles, Harlan L. Creech, Jr., Asso. Minister O. L. Easter.

Dilworth Methodist Church, now numbering 800 families has been served by 25 devoted pastors and associates and thousands of loyal members. It is in the inspiration of the memory of these faithful men and women, some living, many having passed on to their heavenly reward, who have made possible the remarkable progress of our church, that we again MOVE FORWARD.

"Take heed now; for the Lord hath chosen thee to build a house for the sanctuary: **be strong and do it.**"
—I Chronicles 28:10

\$150,000 In Five Days To Make This Dream Come True



An artist's sketch of our proposed new Children's Building

EXECUTIVE COMMITTEE STATEMENT

The Church for sometime has felt a need for a Children's Building and is of the opinion that further delay is to deny our children their rightful heritage. In such a spirit, the Official Board and Quarterly Conference have voted to conduct a Building Fund Campaign.

The Children's Division now occupies various inadequate locations scattered throughout our present facilities. The new Children's Building will be erected on the Pickens House site facing Winthrop Avenue. The new building will conform outwardly in color and architectural design to our sanctuary and present educational building. All three buildings will make one functional unit. The fact that both educational buildings will flank the sanctuary will give it symmetry and will enhance the beauty of our total property.

Other urgently needed facilities and improvements are: new and suitable quarters for boy scout activities; the renovation of our present educational building and the space underneath the sanctuary, making these areas into suitable quarters to house adults and young people in our educational program; a parking lot, finished and in use, which will accommodate 57 cars, and when not in use will serve for recreational activities; and a Chapel for weddings, funerals, mid-week prayer services and other group meetings.

HOW CAN I HELP?

To enable every member and friend to make a gift in keeping with this need and their devotion, our church has made arrangements for subscriptions to be payable over a one hundred-fifty week period. Payments may be made to suit the convenience of the contributor in weekly, monthly, or optional installments beginning Oct. 1, 1958. The subscriber may take advantage of four income tax periods.

BANQUET AND CALLS

On September 8, you will be privileged to attend a "Forward Step Banquet" in the interest of the campaign. The members and constituents who are unable to attend will be called upon by representatives of the 240 member campaign organization so that each may have an opportunity to share in erecting our Children's Building.

BUILDING TO COMMENCE

It is the plan to begin actual construction on March 1, 1959, provided satisfactory contracts can be secured and other requirements fulfilled.

IN THE CHILDREN'S CLASS ROOMS



Have you ever seen any brighter children?



Children and grandchildren of Dilworth and Community



These, and hundreds like them, will be housed in bright, adequate and attractive classrooms.

SPECIFICATIONS OF MATERIALS AND LABOR NECESSARY
FOR THE ERECTION OF

CHILDREN'S AND CHAPEL BUILDINGS FOR

DILWORTH METHODIST CHURCH

600 EAST BOULEVARD

CHARLOTTE, NORTH CAROLINA

THE CONSTRUCTION TO BE IN ACCORDANCE WITH
THESE SPECIFICATIONS AND DRAWINGS FURNISHED

BY

HELMS & SALINE
ARCHITECTS
CHARLOTTE, N. C.

4-6-59

This project will consist of the erection of two buildings and will be hereinafter called the Children's Building and the Chapel Building. Both buildings will be erected in the same city block but on different sections of the property.

The General Contractors shall visit the site and note the trees that are to be removed for each building and the existing excavated area on the Children's Building site which is to be filled with earth, puddled and tamped and all other earth fill as required.

The General Contractors are to compile estimates for the two buildings separately but the base bid will be a combination of the cost of the Children's Building and the Chapel Building. The low bidder shall present to the Architects in writing the cost of the Chapel Building after the bids are read at a public opening. The cost of the Chapel Building is to be given to facilitate the keeping of records by the Building Committee and the Architects. The Chapel Building is to be a memorial and will be donated, thus necessitating a separate cost of the Chapel Building.

The contract shall be considered and awarded on the basis of the base bid, Alternate #1 and the time of completion.

It shall be the duty of the General Contractors to instruct the sub-contractors to give him a break down cost between the Children's Building and the Chapel Building.

Note Alternate #1 where Face Brick will be figured in lieu of Limestone for the Chapel Veneer. All Limestone as dotted in the Chapel Building Elevations is to be furnished and installed whether Limestone or Brick Veneering is used. The Limestone on the Children's Building is to be furnished regardless of whether Limestone or Brick is used as veneering on the Chapel Building.

— Memo —

Allowance to be included in
Contractors Bids

Page

for

Amount

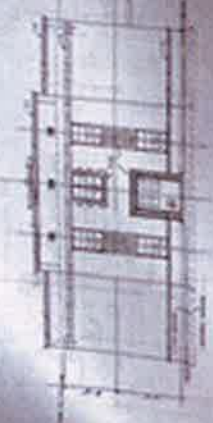
Owner's
Recd. cost of
Building a
separate
Children's
Chapel Bldg.

CHILDREN'S & CHAPEL BUILDINGS
FOR
DILWORTH METHODIST CHURCH
CHARLOTTE, N. C.

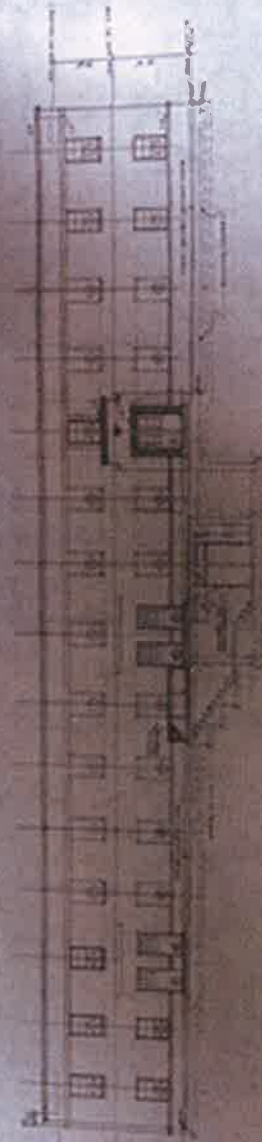
DATE
4-6-59

HELMS & SALINE
ARCHITECTS
CHARLOTTE, N. C.

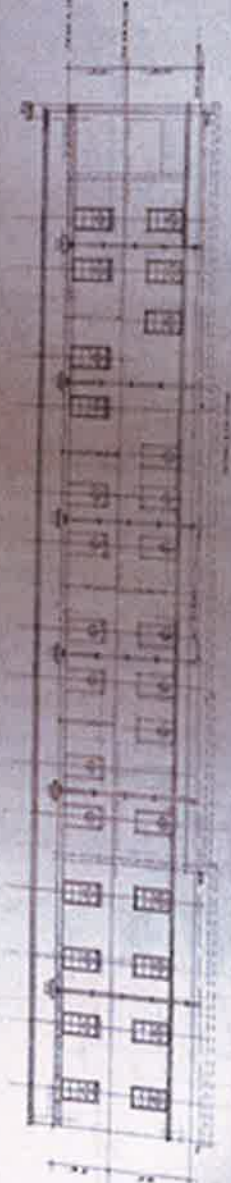
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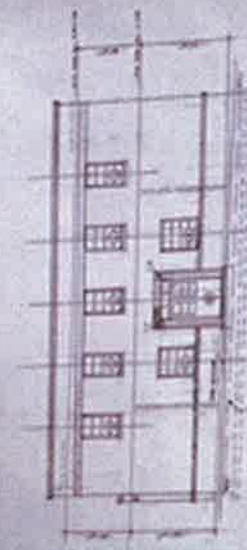
FRONT ELEVATION



RIGHT SIDE ELEVATION

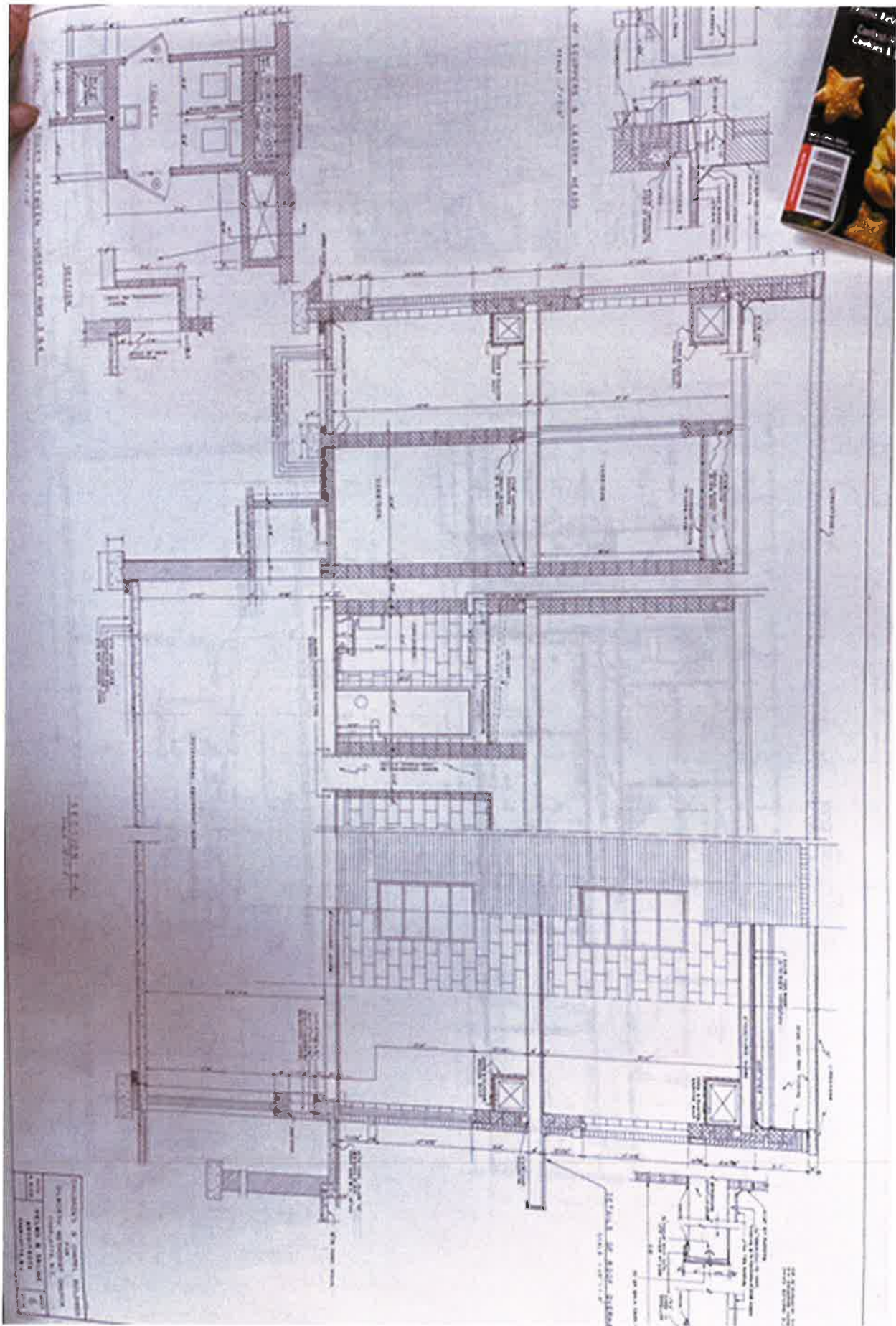


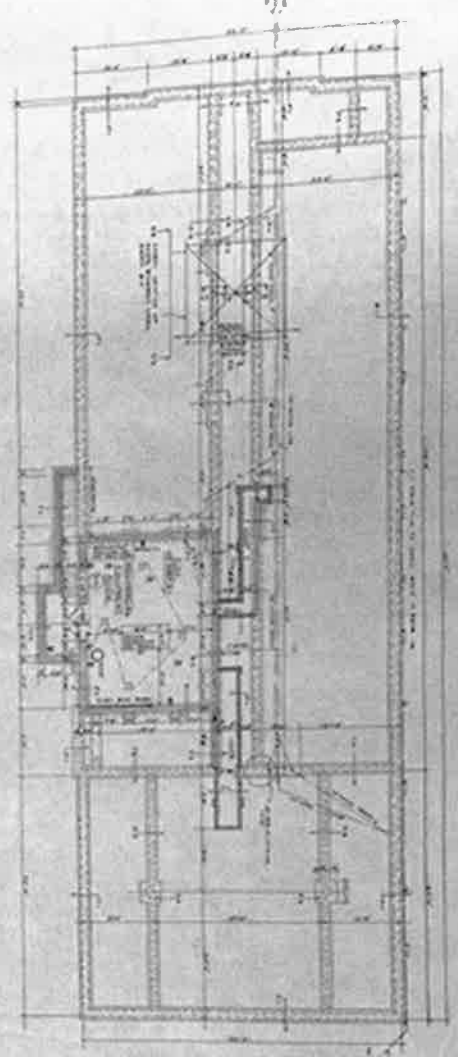
LEFT SIDE ELEVATION



REAR ELEVATION

CHILDRENS HOSPITAL, BOSTON
JULIUS M. MCHESNEY, ARCHT.
CHARLOTTE, N.C.
1914
REAR ELEVATION
ARCHITECTS

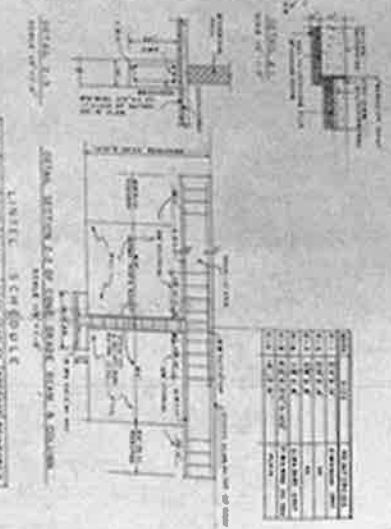




FOUNDATION & BASEMENT PLAN



FIRST FLOOR PLAN



UNIT 3RD FLOOR

NO.	DESCRIPTION	QTY	UNIT	AMOUNT
1	CONCRETE	100	CU YD	100
2	STEEL	50	TON	50
3	BRICK	200	1000	200
4	CEMENT	50	TON	50
5	SAND	100	CU YD	100
6	GRAVEL	100	CU YD	100
7	WATER	100	CU YD	100
8	REINFORCING	100	CU YD	100
9	FORMWORK	100	CU YD	100
10	PAINT	100	CU YD	100
11	GLASS	100	CU YD	100
12	DOOR	100	CU YD	100
13	WINDOW	100	CU YD	100
14	ROOF	100	CU YD	100
15	FLOOR	100	CU YD	100
16	CEILING	100	CU YD	100
17	WALL	100	CU YD	100
18	BASEMENT	100	CU YD	100
19	FOUNDATION	100	CU YD	100
20	STAIR	100	CU YD	100
21	ELEVATOR	100	CU YD	100
22	HALL	100	CU YD	100
23	RESTROOM	100	CU YD	100
24	KITCHEN	100	CU YD	100
25	DINING	100	CU YD	100
26	LIVING	100	CU YD	100
27	BEDROOM	100	CU YD	100
28	BATH	100	CU YD	100
29	CLOSET	100	CU YD	100
30	PORCH	100	CU YD	100
31	PATIO	100	CU YD	100
32	DRIVEWAY	100	CU YD	100
33	GARAGE	100	CU YD	100
34	POOL	100	CU YD	100
35	SPRING	100	CU YD	100
36	WELL	100	CU YD	100
37	SEWER	100	CU YD	100
38	WATER	100	CU YD	100
39	SEWER	100	CU YD	100
40	WATER	100	CU YD	100
41	SEWER	100	CU YD	100
42	WATER	100	CU YD	100
43	SEWER	100	CU YD	100
44	WATER	100	CU YD	100
45	SEWER	100	CU YD	100
46	WATER	100	CU YD	100
47	SEWER	100	CU YD	100
48	WATER	100	CU YD	100
49	SEWER	100	CU YD	100
50	WATER	100	CU YD	100

CONTRACTOR'S & OWNER'S SIGNATURE
 DATE
 ADDRESS
 CITY
 STATE
 ZIP

Episcopal Church, 1941

Methodist Church changes the church to Dilworth

- 1941 Construction of the Jones Educational Building and the Jones Prayer Chapel is completed.
- ✓ • 1940's Weekday program for preschool children established. The present day Dilworth Child Development Center, which has a five star rating, is the heir of the preschool program started by Luia Mae Langford.
- Late 1940's The Bowles Sunday school class is formed. Skinny Belue is elected the first President.
- 1951 Lullaby Nursery for infants opens.
- 1955 Grace Methodist is built (daughter church of Dilworth)
- ✓ • 1958 The Forward Step Campaign begins funding for a children's building, a chapel, and a second parsonage.