

**NC Department of Insurance  
Office of State Fire Marshal, Engineering Division**

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RE:    Appeal of the September 23,                    )  
       2019 Stop Work Order issued                 )  
       by the Stanly County Inspection             )  
       Department.                                     )                                     NCDOI DECISION

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This matter was brought to the attention of the Department of Insurance on January 14, 2021; however, the handwritten letter from the appellant is dated September 25, 2019. Because the requested appeal is dated 2019 the appeal will be addressed referencing the NC Statutes that applied in 2019.

In accordance with GS 153A-361, Sandra Whitley, owner and resident of 14143 Travis Road, Stanfield, NC, has appealed the Stanly County Inspection Department decision regarding the Order to Stop Work at the single-family dwelling located at 14143 Travis Road, Stanfield, NC 28163.

GS 153A-361 allowed appeals from a Stop Work Order issued by a member of a local inspection department pertaining to the State Building Code or other State laws to the NC Commissioner of Insurance or his designee (Office of State Fire Marshal, Engineering Division) within 5 days of the issuance of such Order. Although the appeal was not received by NC DOI within 5 days of the issuance of the Stop Work Order NC DOI will address the appeal because the appellant appears to have attempted to contact NC DOI within required the 5 days.

**PARTIES**

Appellant:     Sandra Whitley  
                  14143 Travis Road  
                  Stanfield, NC 28163

Appellee:     Stanly County Inspection Department  
                  1000 North First Street, Suite 13C  
                  Albemarle, NC 28001

**BACKGROUND**

On September 23, 2019 the appellee issued a Stop Work Order to the appellant for construction without a permit. An existing exterior deck on the rear of an existing dwelling located at 14143, Travis Road, Stanfield, NC was enclosed and converted to a storage room without acquiring building permits.

### **ISSUE RAISED IN APPEAL**

In an October 12, 2020 letter to the Stanly County Attorney the appellant contends that the Zoning office in Albemarle instructed her that a permit was not required prior to the construction taking place. The appellant indicates in her letter that the Zoning office made this determination based on the cost of the construction being less than \$5,000 and the size of the construction being less than ½ the footprint of the dwelling.

The following issue is raised in Appellants' appeal:

"I am asking permission for the APPEAL to the Stop Work Order be approved so I can get all of their (grandchildren staying with appellant) belongings in one secure area and continue with the deck as materials are donated."

### **FINDINGS**

Based on information submitted by the appellant, the following findings are made:

1. A copy of the Stop Work Order was included in the appeal. The Order indicates that the it is issued because of an addition to the dwelling without permits.
2. The Department of Insurance received photographs of the enclosed space in question with the letter to the Stanly County Attorney. Those photographs indicate an enclosed space with finished and painted gypsum on the interior walls with miscellaneous items stored in the space.
3. 2018 NC Residential Code, Section R101.2 indicates that the scope of the code includes construction or enlargement of a dwelling. Enclosure of a deck is considered "construction" as well as enlarging the dwelling.
4. GS 153A-357 requires a building permit for any work involving load bearing construction. Addition of walls or a roof is the addition of load bearing construction.

### **CONCLUSIONS**

Based on the forgoing findings of fact, the following conclusions are made:

Pursuant to GS 153A-361, the appellee is correct to issue a Stop Work Order because at the time the Stop Work Order was issued the construction performed was required by GS 153A-357 to have permits.

**APPEAL DECISION**

Based on the above findings and conclusions:

The decision to issue a Stop Work Order by the Stanly County Inspection Department is upheld because construction was performed without a permit in violation of GS 153A-357.

This 21<sup>st</sup> day of January 2021.



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Carl Martin, RA  
Deputy Commissioner  
Division Chief of Engineering  
North Carolina Department of Insurance

**FURTHER APPEAL RIGHTS**

You have the right to appeal this decision to the NC Building Code Council. Please refer to GS 160D-1114 and the NC Administrative Code and Policies, Section 202.9.2 for further appeal rights. In accordance with GS 143-141 you have 30 days in which to appeal this decision to the NC Building Code Council.

Cc:

Chris Moon, Stanly County Inspection Department