

# BUILDING STANDARDS APPEALS BOARD

Appeal Requested By:

Mr. Bryce Hovannisian, on behalf of JCH Family Limited Partnership, et al.

Code Enforcement Case Number: E23-01585

Property Address : 4816 E. Fillmore Ave.

APN: 463-120-28

Hearing Details:

April 7, 2026, at 1:00 p.m.

Fresno City Hall

2600 Fresno St., Council Chambers

City Presentation By:

Sarah Papazian, Senior Deputy City Attorney

Brad Morgan, Community Revitalization Specialist



# Action of the BSAB

After today's hearing, the Building Standards Appeals Board (BSAB) may take one of the following actions:

1. **CONFIRM** the First Administrative Citation issued December 17, 2025, and **ORDER** Appellants to repair the confirmed violations within thirty days; OR
2. **CONFIRM** certain violations but **DISMISS** other violations in the First Administrative Citation issued December 17, 2025, and **ORDER** Appellants to repair the confirmed violations within thirty days; OR
3. **DISMISS** the First Administrative Citation issued December 17, 2025.

Code Enforcement recommends that the BSAB take Option 1 above: **DENY** the appeal, **CONFIRM** the First Administrative Citation, and **ORDER** Appellants to repair the confirmed violations within thirty days.

# Code Enforcement Case Summary

- ▶ 02/27/23: Case opened based on tenant complaint (Appeal Packet (AP), pgs. 5, 7):

Roof caved in on unit. Covered with tarp and said they would fix it in a day. There is concern that issue is not being fixed correctly and there was no permitting obtained.

- ▶ 01/28/25: Case reassigned to Inspector Brad Morgan (AP, pg. 7, 31)
- ▶ 08/13/25: Inspection conducted, violations observed (AP, pg. 31-32)
- ▶ 08/19/25: Permit inquiry conducted, only 2 expired permits found (AP, pg. 33-34)
- ▶ 08/29/25: Notice and Order issued for 5 violations (AP, pg. 35, 44-53), including:

#1-#3: Multiple HVAC systems installed without permits & inspections

#4-#5: Permits B23-13816 and B23-14018 for carport building/electrical work and HVAC replacement at Unit 102, both acquired in September 2023 and then abandoned without being inspected and finalized.

# Code Enforcement Case Summary

- ▶ 09/18/25: First extension granted (AP, pg. 36-37)
- ▶ 10/01/25: Permit check conducted, no changes found (AP, pg. 37)
- ▶ 10/02/25: Reinspection, all violations remained (AP, pg. 38)
  - ▶ Second extension granted
- ▶ 12/05/25: Permit check conducted (AP, pg. 39)
  - ▶ New permit (B25-13001) submitted 10/13/25, but not issued as balance was due (AP, pg. 100-115)
- ▶ 12/05/25: Permit check and reinspection conducted, no changes found (AP, pg. 39-40)
- ▶ 12/17/25: First Administrative Citation issued (AP, pg. 40, 61-67) for 5 violations:
  - #1-#3: Multiple HVAC systems installed without permits & inspections
  - #4-#5: Permits B23-13816 and B23-14018 for carport building/electrical work and HVAC replacement at Unit 102, both acquired in September 2023 and then abandoned without being inspected and finalized.

# Scope of Hearing

- ▶ Two pertinent limitations on the scope of a hearing:
  1. The order, citation, decision, or determination that was appealed; and
  2. The grounds for relief raised by the Appellant.

*FMC § 1-408(e)*

Reasons why such relief should be granted (Why should your request be granted?):

The City are requesting CFRI we are working on these terms.

*AP, pg 134*

# Staff Analysis

- ▶ In order to confirm the Citation, the BSAB must be satisfied by a preponderance of the evidence that:
  1. Violations of the FMC existed on the Property;
  2. After the Notice deadline passed, the violations remained; and
  3. Proper notice was served on the property owner.

# Standard of Proof

- ▶ The Supreme Court of the United States has established that preponderance of the evidence is met when the trier of fact believes “the existence of a fact is more probable than its nonexistence.”
  - ▶ *Concrete Pipe and Products of California, Inc. v. Construction Laborers Pension Trust for Southern California* (1993) 508 U.S. 602, 622; citing *In re Winship*, (1970) 397 U.S. 358, 371–372, (Harlan, J., concurring) (brackets in original).
- ▶ In quantifiable terms, if the BSAB is 51% sure that a fact is true, the City has met that burden and the BSAB should find in favor of the City for that fact

# Staff Analysis – Violation 1

- ▶ A Violation of the FMC Existed on the Property, and remained after the Notice deadline to correct had passed.
  - ▶ *“Building #1 (APT 101-105 & 201-205) has multiple heating, ventilation, and air conditioning systems (HVAC) that were installed without the required permits and inspections.”*
  - ▶ FMC section 11-105 adopts the California Mechanical Code (CMC), and FMC sections 11-307 and 11-308 state that it is unlawful to construct or repair buildings or structures without first obtaining any necessary permits
  - ▶ CMC section 104.1 states that it is unlawful to construct or repair any mechanical systems without first obtaining any necessary permits, and CMC section 105.1 states that any mechanical system for which a permit is required shall be inspected and approved by the local authority before being put into use
  - ▶ Inspector Morgan’s observations and searches of City permit records show that the HVAC units on Building #1 were replaced without permits (Appeal Packet, pgs. 31-33, 37-40, 50-53, 64-67)
  - ▶ Inspector Morgan observed that this violation currently remains uncorrected

# Notice and Order – Violation 1



# Citation – Violation 1



Dec 5, 2025 at 12:17:01 PM

# Staff Analysis – Violation 2

- ▶ A Violation of the FMC Existed on the Property, and remained after the Notice deadline to correct had passed.
  - ▶ *“Building #2 (APT 110-114 & 210-214) has multiple heating, ventilation, and air conditioning systems (HVAC) that were installed without the required permits and inspections.”*
  - ▶ FMC section 11-105 adopts the CMC, and FMC sections 11-307 and 11-308 state that it is unlawful to construct or repair buildings or structures without first obtaining any necessary permits
  - ▶ CMC section 104.1 states that it is unlawful to construct or repair any mechanical systems without first obtaining any necessary permits, and CMC section 105.1 states that any mechanical system for which a permit is required shall be inspected and approved by the local authority before being put into use
  - ▶ Inspector Morgan’s observations and searches of City permit records show that the HVAC units on Building #2 were replaced without permits (Appeal Packet, pgs. 31-33, 37-40, 50-53, 64-67)
  - ▶ Inspector Morgan observed that this violation currently remains uncorrected

# Notice and Order – Violation 2



Aug 13, 2025 at 1:33:59 PM

# Citation – Violation 2



# Staff Analysis – Violation 3

- ▶ A Violation of the FMC Existed on the Property, and remained after the Notice deadline to correct had passed.
  - ▶ *“Building #3 (APT 106-109 & 206-209) has multiple heating, ventilation, and air conditioning systems (HVAC) that were installed without the required permits and inspections.”*
  - ▶ FMC section 11-105 adopts the CMC, and FMC sections 11-307 and 11-308 state that it is unlawful to construct or repair buildings or structures without first obtaining any necessary permits
  - ▶ CMC section 104.1 states that it is unlawful to construct or repair any mechanical systems without first obtaining any necessary permits, and CMC section 105.1 states that any mechanical system for which a permit is required shall be inspected and approved by the local authority before being put into use
  - ▶ Inspector Morgan’s observations and searches of City permit records show that the HVAC units on Building #3 were replaced without permits (Appeal Packet, pgs. 31-33, 37-40, 50-53, 64-67)
  - ▶ Inspector Morgan observed that this violation currently remains uncorrected

# Notice and Order – Violation 3



Aug 13, 2025 at 1:37:29 PM

# Citation – Violation 3



Dec 5, 2025 at 12:21:29 PM

# Staff Analysis – Violation 4

- ▶ A Violation of the FMC Existed on the Property, and remained after the Notice deadline to correct had passed.
  - ▶ ***“Permit #B23-13816, acquired for (replace fascia board, replace damage carport metal post like to like, replace damage carport metal roof sheets as needed like to like, and replace exterior carport light fixtures) building and electrical work performed at the subject property, has not received final inspection approval and has expired and/or has been cancelled. Per the California Building Code, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permits is suspended or abandoned for a period of 180 days after the time the work is commenced. A final inspection and approval is required before the use or occupancy of the improvements covered by this permit is allowed.”***
  - ▶ FMC section 11-101 adopts the California Building Code (CBC), FMC sections 11-307 and 11-308 state that it is unlawful to construct or repair buildings or structures without first obtaining any necessary permits, and FMC section 11-310 states any building or structure subject to a permit must be inspected by the Building Official
  - ▶ CBC sections 105.1, 105.4, 105.5, and 105.6 provide that permits are required prior to construction or repair of buildings or structures, and that permits expire if abandoned for 180 days
  - ▶ Inspector Morgan’s observations and searches of City permit records show the carport work that permit B23-13816 was expired due to abandonment, and no action was taken to reactivate or replace that permit. (Appeal Packet, pgs. 31-33, 37-40, 50-53, 64-67)
  - ▶ Inspector Morgan observed that this violation currently remains uncorrected

# Notice and Order – Violation 4



Also see  
printout of  
expired permit  
B23-13816 on  
Appeal Packet  
pages 71-85

Aug 13, 2025 at 1:40:23 PM

# Citation – Violation 4



# Staff Analysis – Violation 5

- ▶ A Violation of the FMC Existed on the Property, and remained after the Notice deadline to correct had passed.
  - ▶ ***“Permit #B23-14018, acquired for (replace HVAC unit at APT #102) mechanical work performed at the subject property, has not received final inspection approval and has expired and/or has been cancelled. Per the California Building Code, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permits is suspended or abandoned for a period of 180 days after the time the work is commenced. A final inspection and approval is required before the use or occupancy of the improvements covered by this permit is allowed.”***
  - ▶ FMC section 11-101 adopts the CBC, FMC sections 11-307 and 11-308 state that it is unlawful to construct or repair buildings or structures without first obtaining any necessary permits, and FMC section 11-310 states any building or structure subject to a permit must be inspected by the Building Official
  - ▶ CBC sections 105.1, 105.4, 105.5, and 105.6 provide that permits are required prior to construction or repair of buildings or structures, and that permits expire if abandoned for 180 days
  - ▶ Inspector Morgan’s observations and searches of City permit records show the HVAC work that permit B23-14018 was expired due to abandonment. (Appeal Packet, pgs. 31-33, 37-40, 50-53, 64-67) Appellants made a negligible effort to replace the permit by submitting the initial information, but did not respond to City’s multiple emails requesting clarification and payment of fees. (Appeal Packet, pgs. 108-114)
  - ▶ Inspector Morgan observed that this violation currently remains uncorrected

# Citation – Violation 5

2/27/26, 9:21 AM Record Details

## B23-14018 - Replace


This record was LOCKED on 2024-03-13.  
 Condition: Severity: Lock  
 Total conditions: 3 (Lock: 1, Notice: 2)  
[Learn more about this lock and how to resolve it](#)

Menu Help

File Date: [09/13/2023](#)

Application Status: [Issued](#)

Assigned To:

Description of Work: [Mechanical: Replace HVAC unit 102](#) 

Application Detail: [Detail](#)

Application Type: [Mechanical Permit](#)

| Documents: | File Name                                 | Document Group | Category  |
|------------|---|----------------|-----------|
|            | <a href="#">Apt 102.jpg</a>               | BLD_GENERAL    | Affidavit |
|            | <a href="#">BUILDING Permit 202309...</a> | BLD_GENERAL    | Permit    |
|            | <a href="#">Show all</a>                  |                |           |

Address: [4816 E FILLMORE AVE, Apt# 102 FRESNO, CA 93727](#)

Owner Name: [JCH FAMILY LIMITED PARTNERSHIP DBH FAMILY LIMITED PARTNERSHIP ETAL J HO](#)

Owner Address: [2696 S MAPLE, FRESNO, CA 93725](#)

Application Name: [Replace](#)

Parcel No: [46312028](#)

| Contact Info: | Name                                      | Organization Name                  | Contact Type |
|---------------|---|------------------------------------|--------------|
|               | <a href="#">Miguel Torres</a>             | <a href="#">J.D. Home Rentals</a>  | Applicant    |
|               | <a href="#">J.D. Home Rentals Cons...</a> | <a href="#">J.D. Home Renta...</a> | Organization |

| Licensed Professionals Info: | Primary | License Number | License Type | Name |
|------------------------------|---------|----------------|--------------|------|
|                              |         |                |              |      |

Total Fee Assessed: [\\$324.25](#)

Total Fee Invoiced: [\\$324.25](#)


Balance: [\\$0.00](#)

Custom Fields: [Mechanical Permit](#)  
[General Information](#)

No. of Other Complex Mechanical  
-

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Permit Dates

|  |  |  |
|--|--|--|
| Application Expiration Date<br><a href="#">3/11/2024</a> | Permit Issued Date<br><a href="#">09/14/2023</a> | Permit Expiration Date<br><a href="#">03/12/2024</a>  |
|--|--|--|

RPS

|                        |                   |
|------------------------|-------------------|
| Interface Update Date  | Batch Update Date |
| -                      | -                 |
| Owner Name             | Change of Owner   |
| -                      | -                 |
| Owner Manually Changed | Owner Comments    |
| -                      | -                 |

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AFFIDAVIT

|   |  |
|---|--|
| Applying As<br><a href="#">Owner</a>                    | Who is performing the work?<br><a href="#">Owner - Contractor</a>          |
| Owner Licensed Pro Acknowledgement<br><a href="#">√</a> | Hazardous Waste and Substances Sites Acknowledgement<br><a href="#">No</a> |

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REVIEWERS

| Review Type | Exempt | Review Status |
|-------------|--------|---------------|
|             |        |               |

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RPS UPDATES

| Interface Update Date | Update Comments |
|-----------------------|-----------------|
|                       |                 |

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| Workflow Status: | Task                                  | Assigned To | Status | Status Date | Action By     |
|------------------|---------------------------------------|-------------|--------|-------------|---------------|
|                  | <a href="#">Application Submittal</a> |             | Accept | 09/14/2023  | Lynn Ehresman |
|                  | <a href="#">Permit Issuance</a>       |             | Issued | 09/14/2023  | Lynn Ehresman |
|                  | <a href="#">Inspection</a>            |             |        |             |               |

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| Condition Status: | Name   | Short Comments            | Status  | Apply Date | Severity |
|-------------------|--|---------------------------|---------|------------|----------|
|                   | <a href="#">Permit Expired</a>  | The permit has expired... | Applied | 03/13/2024 | Lock     |
|                   | <a href="#">Records B23-13816, B23-...</a>   | The following records ... | Applied | 09/13/2023 | Notice   |
|                   | <a href="#">Records E23-01585, E23-...</a>   | The following records ... | Applied | 09/13/2023 | Notice   |

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Application Comments: [View ID](#) [Comment](#) [Date](#)

# Staff Analysis

- ▶ After the Notice Deadline Passed, the Violations Remained
  - ▶ The Notice's deadline was September 16, 2025. As a courtesy, Inspector Morgan granted two separate extensions of that deadline, which had also expired by November 4, 2025 (AP, pg. 35-38, 44-48)
  - ▶ Inspector Morgan confirmed the five violations remained through reinspections and searches of City permit records in early October, and again in early December immediately prior to issuing the Citation (AP, pg. 37-40)
  - ▶ After almost four months passed since the Notice was issued with no substantive efforts taken by Appellants, Inspector Morgan issued the Citation (AP, pg. 40)
  - ▶ Of note, Appellant still has not corrected the violations at this time, over seven months after receiving the Notice

# Staff Analysis - Notice

- ▶ Proper Notice of Notice & Order was Served on the Property Owner
    - ▶ On August 29, 2025, the Notice was posted at the Property and mailed by both first class and certified mail (AP, pg. 57-58)
    - ▶ The Notice contained all information required by FMC section 11-327, including:
      - ▶ identification of the Property
      - ▶ clear descriptions of the violations and reference to all code sections violated
      - ▶ photographs
      - ▶ a statement of the required actions to correct the violations
      - ▶ information concerning appellants' right to appeal
- (AP, pg. 44-53)

# Staff Analysis - Notice

- ▶ Proper Notice of Citation was Served on the Property Owner
    - ▶ On December 17, 2025, the Citation was mailed by both first class and certified mail (AP, pg. 69)
    - ▶ The Citation contained all information required by FMC section 1-308(b), including
      - ▶ the date and location of the violations
      - ▶ clear descriptions of the violations and reference to all code sections violated
      - ▶ a statement of the required actions to correct the violations
      - ▶ a statement explaining the consequences of continued failure to correct the violations
      - ▶ the amount of the penalty owed
      - ▶ information concerning appellants' right to appeal
- (AP, pg. 61-62)

# Appellant's Grounds for Relief

- ▶ Appellant cited that they were working on “CFRI” forms as their grounds for relief. (AP, pg. 134).

Reasons why such relief should be granted (Why should your request be granted?):  
*The City are requesting CFRI we are working on those forms.*

- ▶ The City cannot determine that Appellants meant by this –no mention of “CFRI” was found in City permit records
- ▶ This appears to be an “affirmative defense” – An assertion by Appellants that, if true, “will defeat the plaintiff's or prosecution's claim, even if all the allegations in the complaint are true.”
  - ▶ Definition from Black's Law Dictionary (12th ed. 2024)

# Appellant's Grounds for Relief

- ▶ City has burden to prove that each condition set forth in the citation or notice (1) was indeed a legal violation; (2) was still present after the Notice's deadline lapsed; and (3) that proper notice was served on the property owners
- ▶ Once the City meets that burden by preponderance of the evidence, the burden shifts to Appellants to prove their affirmative defense

# Recommendation

Staff recommends the BSAB CONFIRM the First Administrative Citation issued December 17, 2025

# Progress Hearing

- ▶ If the BSAB determines that any of the appealed violations are currently still uncorrected:
  - ▶ The Appellant must be ordered to correct the remaining violations within 30 days of the date of the order; and
  - ▶ A progress hearing must be set within 30 to 60 days of the date of the order.
- ▶ At the progress hearing, the BSAB will determine whether Appellants have:
  - ▶ Fully corrected all remaining violations;
  - ▶ Made “substantial progress” towards fully corrected all remaining violations but haven’t been able to complete corrections for reasons beyond their control; or
  - ▶ Failed to do either of those two things.
- ▶ FMC § 1-406(f)

# Findings Matrix

- ▶ Staff has provided a findings matrix to assist BSAB in making their determinations
  - ▶ No requirement to do so
- ▶ It outlines the core determinations the BSAB must make – whether, by a preponderance of the evidence, each of the five violations included in the December 17, 2025 Citation were present at the time of the Citation’s issuance

## BUILDING STANDARDS APPEALS BOARD CITY OF FRESNO, CALIFORNIA

In the Matter of  
Public Hearing on Administrative Citation  
E23-01585.1:  
4816 E. Fillmore Ave.  
JCH FAMILY LP, *et al.*, APPELLANTS

DECISION OF BUILDING STANDARDS  
APPEALS BOARD  
April 7, 2026

Section 11-504 of the Fresno Municipal Code (FMC) provides that the Building Standards Appeals Board (BSAB) shall hear and decide appeals of orders, decisions or determinations made by the Building Official and/or Code Enforcement relative to the application and interpretations of the Housing Regulations (Chapter 11, Article 3) or the Dangerous Building Ordinance (Chapter 11, Article 4).

### CITED VIOLATIONS FINDINGS

After review of the City’s Appeal Packet and all other relevant evidence and testimony submitted to the BSAB, the BSAB has determined by preponderance of the evidence that the below violation(s) included on the appealed First Administrative Citation dated December 17, 2025 (Citation), was/were present at the time of the Citation’s issuance:

- Violation #1: "Building #1 (APT 101-105 & 201-205) has multiple heating, ventilation, and air conditioning systems (HVAC) that were installed without the required permits and inspections."  
*(Fresno Municipal Code §§ 11-105, 11-307, 11-308; California Mechanical Code §§ 104.1, 105.1.)*
- Violation #2: "Building #2 (APT 110-114 & 210-214) has multiple heating, ventilation, and air conditioning systems (HVAC) that were installed without the required permits and inspections."  
*(Fresno Municipal Code §§ 11-105, 11-307, 11-308; California Mechanical Code §§ 104.1, 105.1.)*
- Violation #3: "Building #3 (APT 106-109 & 206-209) has multiple heating, ventilation, and air conditioning systems (HVAC) that were installed without the required permits and inspections."  
*(Fresno Municipal Code §§ 11-105, 11-307, 11-308; California Mechanical Code §§ 104.1, 105.1.)*
- Violation #4: "Permit #B23-13816, acquired for (replace fascia board, replace damage carport metal post like to like, replace damage carport metal roof sheets as needed like to like, and replace exterior carport light fixtures) building and electrical work performed at the subject property, has not received final inspection approval and has expired and/or has been cancelled. Per the California Building Code, every permit issued shall become invalid

# Findings Matrix

- ▶ The BSAB must also make a determination as to whether, by a preponderance of the evidence, any of the three violations included in the December 17, 2025 Citation still exist at the Property today
  - ▶ If so, a Progress Hearing will be set

## **REMAINING VIOLATIONS FINDINGS**



After review of the City's Appeal Packet and all other relevant evidence and testimony submitted to the BSAB, the BSAB has determined by preponderance of the evidence that the above confirmed violation(s) is currently still uncorrected.

Therefore, pursuant to FMC section 1-409(f), the BSAB **ORDERS** Appellant to repair or otherwise correct the remaining violations within 30 days of the date of this Decision. Further, a progress hearing will be set within 30 to 60 days of the date of this Decision.

If the BSAB determines at the progress hearing that all outstanding violation(s) have been corrected, the fine assessed for Citation E25-01990.1 will remain as originally confirmed.

If the BSAB determines at the progress hearing that the Appellant has made "substantial progress" in correcting the outstanding violation(s), a final progress hearing shall be scheduled for a time to be determined at the first progress hearing for a determination at the final progress hearing as to whether those outstanding violations have been corrected.

If the BSAB determines at the progress hearing that the violations have not been corrected, or less than "substantial progress" has been made in correcting all outstanding violations on the Property, then the fine for Citation E25-01990.1 issued by the City and confirmed by the BSAB will be doubled pursuant to FMC section 1-409(f).

Additionally, if it is found that Appellants' failure to repair and/or correct all remaining violations was willful, pursuant to FMC section 1-409(f), such failure will be deemed a criminal violation and may subject Appellants to criminal misdemeanor prosecution in Fresno County Superior Court.

Pursuant to FMC §§ 1-409(f) and 1-410(e), the BSAB expressly reserves jurisdiction on all issues necessary in making any decisions or determinations at any and all Progress Hearings.