

# BUILDING STANDARDS APPEALS BOARD

Appeal Requested By:

Mr. Bryce Hovannisian, on behalf of BDHOV  
Limited Partnership, *et al.*

Code Enforcement Case Number: E26-04602

Property Address : 2220 N. Weber Ave. / 1827 W.  
Clinton Ave.

APN:442-102-28

Hearing Details:

June 2, 2026, at 1:00 p.m.

Fresno City Hall

2600 Fresno St., Council Chambers

City Presentation By:

Sarah Papazian, Senior Deputy City Attorney

Julian Amparo, 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 Notice and Order issued April 9, 2026, and **ORDER** Appellants to repair the confirmed violations within thirty days; OR
2. **CONFIRM** certain violations but **DISMISS** other violations in the Notice and Order issued April 9, 2026, and **ORDER** Appellants to repair the confirmed violations within thirty days; OR
3. **DISMISS** the Notice and Order issued April 9, 2026.

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

# Code Enforcement Case Summary

- ▶ 04/02/26: Case opened after inspectors observed violations while at Property the day before for separate reactive complaint-based case (Appeal Packet (AP), pgs. 5, 8-10)
- ▶ 04/02/26: Inspection conducted, violations observed (AP, pgs. 5, 8-10.)
- ▶ 04/07/26: Permit inquiry conducted, no permits for siding found (AP, pgs. 5, 8-10.)
- ▶ 04/09/26: Notice and Order issued for 7 violations (AP, pgs. 28-39)
  - #1: Exterior siding on all buildings replaced without permits
  - #2-#5: Unapproved, overheight fence of incorrect material installed contrary to site plan
  - #6: hazardous tree at Unit #207
  - #7: no weather protection on exterior wood surfaces of siding on north side of complex

# Code Enforcement Case Summary

- ▶ 04/20-4/24/26: Time extension offered; Appellants seemed to prevaricate and ultimately stated they wanted to proceed with BSAB appeal instead (AP, pgs. 5-6, 16-18, 20)
- ▶ 04/28/26: Reinspection, violations 2-5 & 7 cleared, 1 & 6 remained (AP, pgs. 6, 22)
- ▶ 04/30/26: Permit check conducted, 2 pre-stucco applications found (AP, pgs. 6, 22, 50-53)
- ▶ 05/11-5/13/26: Email exchange – Inspector explained extensions couldn't be given with upcoming BSAB hearing, but issue could be revisited after (AP, pgs. 7, 26)

# 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)*

Statement of the relief sought (What are you requesting?) **PLEASE NOTE- THE HEARING OFFICER IS PROHIBITED FROM REDUCING OR REVOKING A FINE PER FMC §1-409(g):**

*needing more time*

*AP, pg 88*

# Staff Analysis

- ▶ In order to confirm the Notice and Order, the BSAB must be satisfied by a preponderance of the evidence that:
  1. Violations of the FMC existed on the Property **at the time the Notice was issued**; and
  2. 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
  - ▶ *“The exterior siding on the walls of all buildings were replaced/added without the required plans, permits, and inspections.”*
  - ▶ FMC section 11-101 adopts the California Building Code (CBC); FMC sections 11-307, 11-308, and 11-310 state that it is unlawful to construct or repair buildings or structures without first obtaining any necessary permits and permit inspections.
  - ▶ CBC section 105.1 states that permits are required prior to any construction, alteration, repair, etc. of buildings or structures; CBC section 110.1 states that any work for which a permit is required shall be inspected and approved by the local authority before being put into use; CBC section 111.1 states that any building or structure cannot be used, in whole or in part, until a certificate of occupancy has been issued.
  - ▶ Inspector Amparo’s observations and searches of City permit records show that the exterior siding on the buildings were replaced without any permits or inspections. (AP, pgs. 10-11, 22, 34-38, 48-53, 115.)

# Notice and Order – Violation 1



Date: 04/02/2026 02:32:24 PM

**Building:** 2220 N. Weber Ave **Room:** Exterior

Exterior siding replaced without the required permits and inspections at the southwest building.

AP, pg. 35



Date: 04/02/2026 02:32:33 PM

**Building:** 2220 N. Weber Ave **Room:** Exterior

Exterior siding replaced without the required permits and inspections at the building north of south parking lot.

# Staff Analysis – Violation 2

- ▶ A Violation of the FMC Existed on the Property
  - ▶ *“The Unit #125 (2220 N. Weber Ave) bedrooms lack emergency egress (exterior siding is blocking emergency egress exit).”*
  - ▶ FMC section 10-50100 adopts the California Fire Code (CFC), FMC section 11-101 adopts the CBC, FMC section 11-321 requires that all sleeping rooms have at least one operable window that can be used as an emergency escape, and FMC 11-324 adopts the Health and Safety Code (HSC) section 17920.3 definition of a "substandard building".
  - ▶ CBC section 1003.6 specifies that a path of egress shall not be interrupted by any building element, and CBC section 1031.2.1 specifies that emergency escapes shall be maintained free of any obstructions.
  - ▶ CFC section 1032 outlines the standards of maintenance for means of egress of buildings.
  - ▶ HSC section 17920.3(l) defines any building or portion thereof without adequate exit facilities as substandard
  - ▶ Inspector Amparo’s observations and searches of City permit records show that at the time the Notice was issued, Unit #125’s sleeping rooms lacked emergency egress as the unapproved and oversized siding used as a fence blocked both windows. (Appeal Packet, pgs. 8, 10-11, 34.)

# Notice and Order – Violation 2

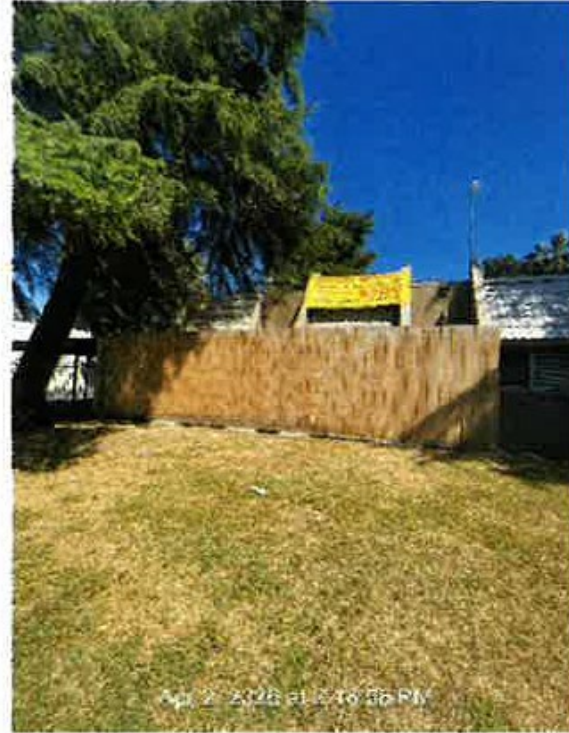


Date: 04/02/2026 02:18:56 PM

**Building:** 2220 N. Weber Ave **Room:** Exterior **Unit:** Unit 125 and 126

Over height fence made of unapproved material. Fence is not on site plan.

AP, pg. 34



Date: 04/02/2026 02:18:58 PM

**Building:** 2220 N. Weber Ave **Room:** Exterior **Unit:** 125

Emergency egress is blocked by unapproved fence.

# Staff Analysis – Violation 3

- ▶ A Violation of the FMC Existed on the Property
  - ▶ *“The fence at Unit #125 and Unit #126 (2220 N. Weber Ave) of the property is over the legal height.”*
  - ▶ FMC section 10-605 defines public nuisances; FMC section 15-104(A)(2) specifies that no land or structure should be altered or used outside of what is provided in the municipal code; FMC section 15-2006 regulates fencing; and FMC section 15-6304 provides that any structure maintained contrary to the municipal code is unlawful and a public nuisance.
  - ▶ Inspector Amparo’s observations and searches of City permit records show that at the time the Notice was issued, the unapproved and oversized siding used as a fence at Units #125 and #126 was over the legal height. (Appeal Packet, pgs. 10-11, 34.)

# Notice and Order – Violation 3



Date: 04/02/2026 02:18:56 PM

**Building:** 2220 N. Weber Ave **Room:** Exterior **Unit:** Unit 125 and 126

Over height fence made of unapproved material. Fence is not on site plan.

AP, pg. 34



Date: 04/02/2026 02:18:58 PM

**Building:** 2220 N. Weber Ave **Room:** Exterior **Unit:** 125

Emergency egress is blocked by unapproved fence.

# Staff Analysis – Violation 4

- ▶ A Violation of the FMC Existed on the Property
  - ▶ *“The fence at Unit #125 and Unit #126 (2220 N. Weber Ave) is constructed of unapproved fencing material: (exterior siding).”*
  - ▶ FMC section 10-605 defines public nuisances; FMC section 15-104(A)(2) specifies that no land or structure should be altered or used outside of what is provided in the municipal code; FMC section 15-2006 regulates what materials may and may not be used as fencing; and FMC section 15-6304 provides that any structure maintained contrary to the municipal code is unlawful and a public nuisance.
  - ▶ Inspector Amparo’s observations and searches of City permit records show that at the time the Notice was issued, the unapproved and oversized siding used as a fence at Units #125 and #126 was not made of a permitted material. (Appeal Packet, pgs. 10-11, 34.)

# Notice and Order – Violation 4

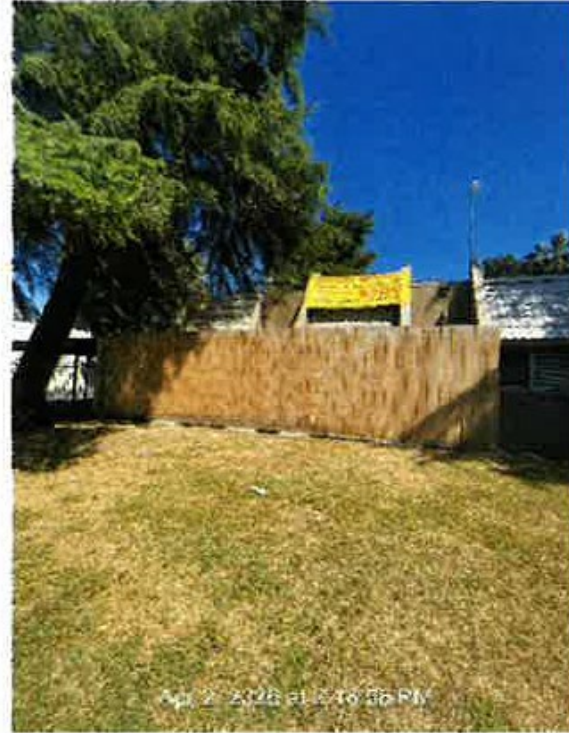


Date: 04/02/2026 02:18:56 PM

**Building:** 2220 N. Weber Ave **Room:** Exterior **Unit:** Unit 125 and 126

Over height fence made of unapproved material. Fence is not on site plan.

AP, pg. 34



Date: 04/02/2026 02:18:58 PM

**Building:** 2220 N. Weber Ave **Room:** Exterior **Unit:** 125

Emergency egress is blocked by unapproved fence.

# Staff Analysis – Violation 5

- ▶ A Violation of the FMC Existed on the Property
  - ▶ *“The fence at Unit #125 and Unit #126 (2220 N. Weber Ave) has been installed contrary to the approved development permit (formerly site plan) for this property.”*
  - ▶ FMC section 10-605 defines public nuisances; FMC section 15-104(A)(2) specifies that no land or structure should be altered or used outside of what is provided in the municipal code; and FMC section 15-5015 states that structures cannot be changed from what is on the approved site plan without City approval.
  - ▶ Inspector Amparo’s observations and searches of City permit records show that at the time the Notice was issued, the unapproved and oversized siding used as a fence at Units #125 and #126 was an addition altering the structure of the units from what was approved on the site plan. (Appeal Packet, pgs. 10-11, 34.)

# Notice and Order – Violation 5

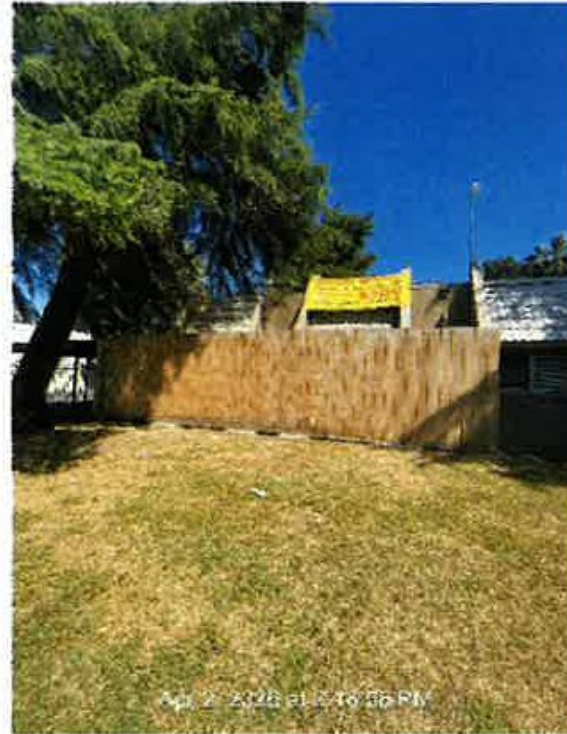


Date: 04/02/2026 02:18:56 PM

**Building:** 2220 N. Weber Ave **Room:** Exterior **Unit:** Unit 125 and 126

Over height fence made of unapproved material. Fence is not on site plan.

AP, pg. 34



Date: 04/02/2026 02:18:58 PM

**Building:** 2220 N. Weber Ave **Room:** Exterior **Unit:** 125

Emergency egress is blocked by unapproved fence.

# Staff Analysis – Violation 6

- ▶ A Violation of the FMC Existed on the Property
  - ▶ *“This property has a hazardous tree located near Unit #207 (2220 N. Weber Ave).”*
  - ▶ FMC section 10-605 defines public nuisances, and subsection (e) specifies “[d]ead, decayed or hazardous trees” to be included in that definition.
  - ▶ Inspector Amparo’s observations show that there is a hazardous tree on the Property, specifically growing into the structure. (Appeal Packet, pgs. 10, 22, 38, 115.)

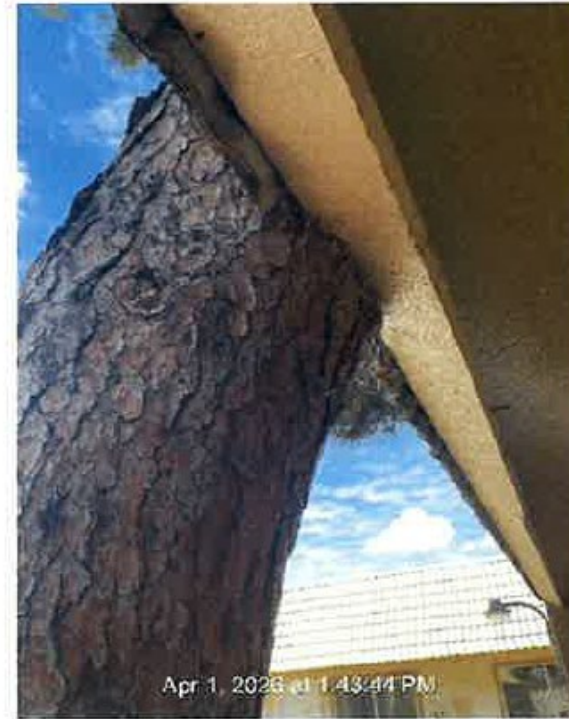
# Notice and Order – Violation 6



Date: 04/01/2026 01:43:28 PM

**Building:** 2220 N, Weber Ave **Room:** Exterior

Hazardous tree near unit 207.



Date: 04/01/2026 01:43:44 PM

**Building:** 2220 N, Weber Ave **Room:** Exterior

Hazardous tree near unit 207.

# Staff Analysis – Violation 7

- ▶ A Violation of the FMC Existed on the Property
  - ▶ *“The weather protection (paint) on the exterior wood surfaces of the siding at the northside of complex is missing.”*
  - ▶ FMC section 11-317 specified that buildings must be weather protected and wood components must be protected against termites and decay; and FMC 11-324 adopts the Health and Safety Code (HSC) section 17920.3 definition of a "substandard building".
  - ▶ HSC section 17920.3 defines any building or portion thereof with improper maintenance, or lack of weather protection on exterior wall coverings (including lack of paint), as substandard.
  - ▶ Inspector Amparo’s observations and searches of City permit records show that at the time the Notice was issued, the exterior siding on the north building was missing weather protection (paint). (Appeal Packet, pgs. 10, 38.)

# Notice and Order – Violation 7



Date: 04/01/2026 01:43:28 PM

**Building:** 2220 N, Weber Ave **Room:** Exterior

Hazardous tree near unit 207.



Date: 04/01/2026 01:43:44 PM

**Building:** 2220 N, Weber Ave **Room:** Exterior

Hazardous tree near unit 207.

# Staff Analysis - Notice

- ▶ Proper Notice of Notice & Order was Served on the Property Owner
    - ▶ On April 9, 2026, the Notice was posted at the Property and mailed by both first class and certified mail (AP, pg. 42-43)
    - ▶ 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. 28-39)

# Appellant's Grounds for Relief

- ▶ Appellant cited that they needed more time as their relief sought. (AP, pg. 88).

Statement of the relief sought (What are you requesting?) **PLEASE NOTE- THE HEARING OFFICER IS PROHIBITED FROM REDUCING OR REVOKING A FINE PER FMC §1-409(g):**

*needing more time*

- ▶ Granting more time (beyond 30 days) is not a remedy available through the BSAB
  - ▶ BSAB sits as a “trier of fact” as to whether or more the conditions asserted by the City in the appealed Notices were present when the Notice was issued (FMC § 1-409(f).)
  - ▶ If the BSAB finds that any of the violations in the Notice remain at the time of the hearing, the BSAB must order the Appellants to correct them within thirty days. (FMC § 1-409(f).)
  - ▶ BSAB cannot avoid ordering Appellants to correct the violations within thirty days, as they do not have the authority to waive requirements of the FMC. (FMC § 1-409(g).)

# Recommendation

Staff recommends the BSAB CONFIRM the Notice and Order issued April 9, 2026, and ORDER Appellants to repair the remaining violations within thirty days

# 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, and can stand as the “written decision” required under FMC section 1-410(a).

BUILDING STANDARDS APPEALS BOARD CITY OF FRESNO, CALIFORNIA	
In the Matter of Public Hearing on Notice & Order E26-4802; 2220 N. Weber Ave. / 1827 W. Clinton Ave. BDHOV LP, LEHOV LP, WRHOV LP, and JDHOV LP, APPELLANTS	<b>DECISION OF BUILDING STANDARDS APPEALS BOARD</b> June 2, 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).	
BSAB Findings and Orders <i>Checked boxes indicate BSAB's final ruling</i>	
<input type="checkbox"/> CONFIRM the Notice & Order issued April 9, 2026	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 all <u>violation(s)</u> included <u>on</u> the appealed Notice & Order issued April 9, 2026, was/were present at the time of the Notice & Order's issuance. The Notice & Order is CONFIRMED Select one option below: <input type="checkbox"/> The BSAB ORDERS Appellant to repair/ correct the remaining violations within 30 days of the date of this Decision. A progress hearing will be set within 30 to 60 days of the date of this Decision. (FMC 1-409(f)) <input type="checkbox"/> No progress hearing needed; confirmed violations have since been repaired/corrected.
<input type="checkbox"/> CONFIRM certain violations but DISMISS other violations in the Notice & Order issued April 9, 2026	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 some, but not all, of the violation(s) included on the appealed Notice & Order issued April 9, 2026, was/were present at the time of the Notice & Order's issuance. Violation(s) CONFIRMED: _____ Violation(s) DISMISSED: _____ The Notice & Order is CONFIRMED as to the violations specified above. Select one option below: <input type="checkbox"/> The BSAB ORDERS Appellant to repair/ correct the remaining violations within 30 days of the date of this Decision. A progress hearing will be set within 30 to 60 days of the date of this Decision. (FMC 1-409(f)) <input type="checkbox"/> No progress hearing needed; confirmed violations have since been repaired/corrected.
<input type="checkbox"/> DISMISS the Notice & Order issued April 9, 2026	After <u>review of</u> 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 all violation(s) included on the appealed Notice & Order issued April 9, 2026, was/were not present at the time of the Notice & Order's issuance. The Notice & Order is DISMISSED