

# BUILDING STANDARDS APPEALS BOARD

Appeal Requested By:

Mariechele Porter

Code Enforcement Case Number: E25-16660

Property Address : 1347 E Shields Ave

APN: 435-333-32

Hearing Details:

May 19, 2026, at 1:00 p.m.

Fresno City Hall

2600 Fresno St., Council Chambers

City Presentation By:

Christina Piña, Deputy City Attorney

Oscar Maya, 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 January 2, 2026; and **ORDER** Appellant to repair/correct the confirmed violations within thirty days; OR
2. **CONFIRM** certain violations but **DISMISS** other violations in the Notice and Order issued January 2, 2026; and **ORDER** Appellant to repair/correct the confirmed violations within thirty days; OR
3. **DISMISS** the Notice and Order issued January 2, 2026.

Code Enforcement recommends that the BSAB select **Option 1** above, **CONFIRM** the Notice and Order and **ORDER** the violations be repaired.

# Code Enforcement Case Summary

- ▶ 12/2/25: Case as opened due to a complaint that the single family home has been turned into a duplex. (Appeal Packet, pg. 5)
- ▶ 12/9/25: Inspector Maya researched the Property by searching for permits and maps. (Appeal Packet, pg. 6)
  - ▶ Building Permit issued in 1949 for a 15' x 30' addition for bedroom. (Appeal Packet, pg. 39)
  - ▶ 1960 Sanborn Map shows the 15' x 30' bedroom addition with open patio. (Appeal Packet, pg. 40)
  - ▶ 2025 aerial Google Map shows the additional patios. (Appeal Packet, pg. 41)
- ▶ 12/17/25: Inspector Maya inspected the Property with the Owner and observed an unpermitted enclosed structure and patio were present which required permits. (Appeal Packet, pg. 6)
- ▶ 12/30/25: Appellant was notified new plans are required for the permit application. (Appeal Packet, pg. 46)

# Code Enforcement Case Summary

- ▶ 01/02/26: Notice and Order issued to correct the following violations by January 20, 2026:
  - (1) The **covered patio** was added without the required plans, permits, and inspections,
  - (2) The **enclosed patio** was added without the required plans, permits, and inspections.  
(Appeal Packet, pg. 13)
- ▶ 01/28/26: Appellant Mariechele Porter filed an Appeal to the Notice and Order issued January 2, 2026. (Appeal Packet, pg. 63)
- ▶ 04/07/26: At the Building Standards Appeal Board hearing, the Board determined to accept the late Appeal filing.

# 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)*

*AP, pg. 63 (01/28/26)*

Brief description of the specific order, citation, decision, or determination being appealed (What are you appealing?):

*Requirement of Permit. Building in question has been recorded and on record with Fresno City since built in 1950 Permits were not required at time of when it was built and should be considered legal*

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):** *non-conforming or grand-fathered*

*That the recorded portion of the code violation is considered legal non-conforming.*

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

*Upon my research the City of Fresno has had this property on file since 1950 when it was built, it is recorded in the building record and a part of the history, moreover permits weren't required at the time it was built so it should be legal non-conforming*

Will you need an interpreter at the hearing? For what language? *or grand-fathered in.*

# 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; 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 the 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

## **Violation #1 – Covered patio was added without the required plans, permits, and inspections**

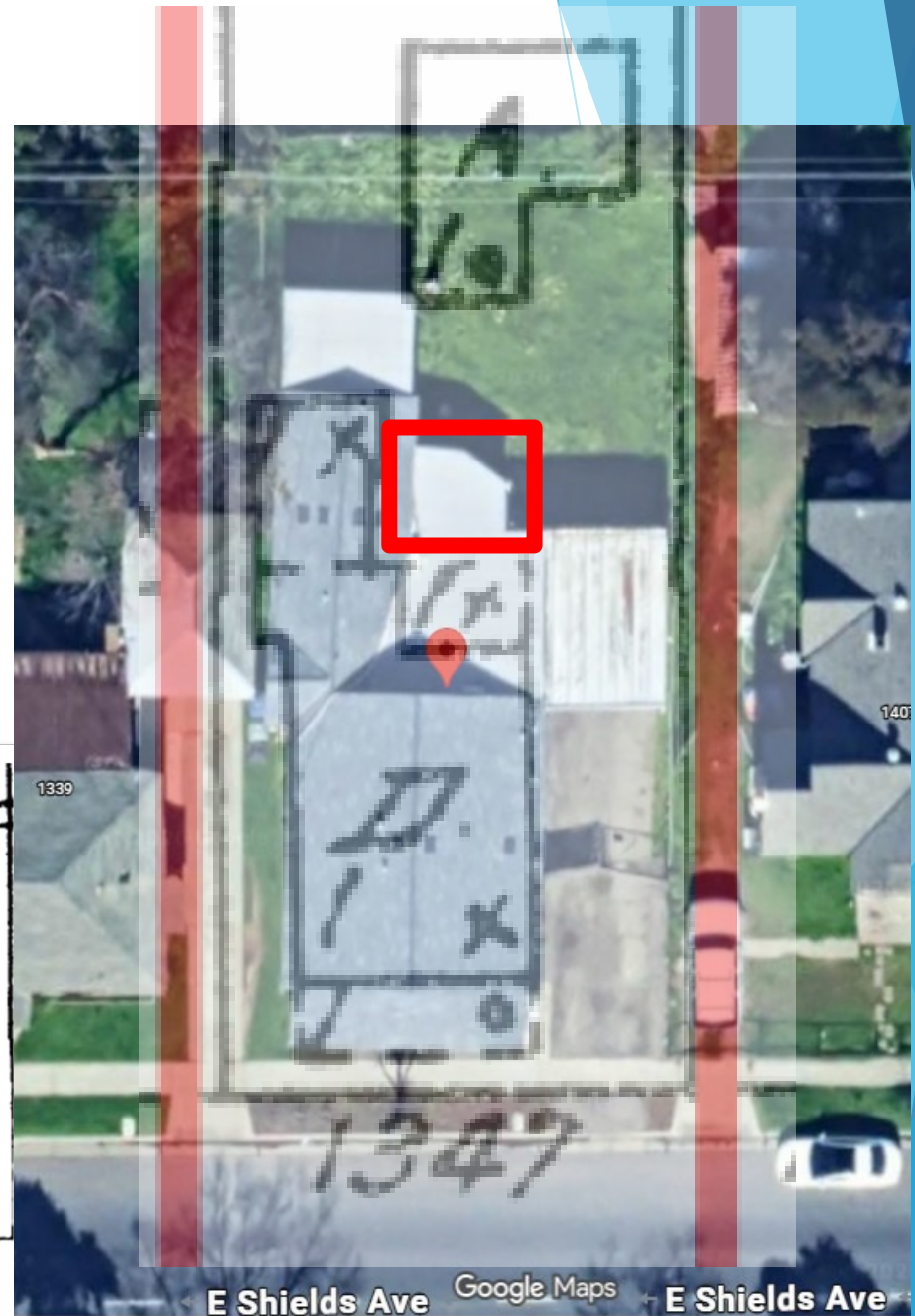
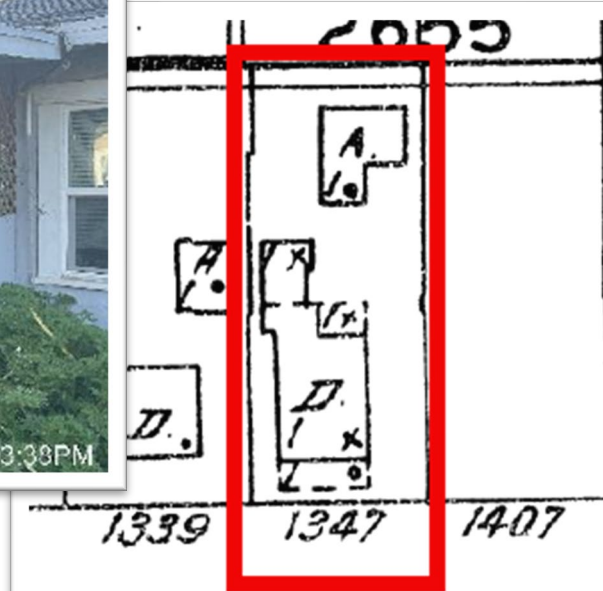
- ▶ FMC section 11-103 states that the FMC adopts the California Residential Code (CRC). CRC section 105.1 requires permits for any construction or alteration of structures
- ▶ Inspector Maya's observations and photographic evidence show a covered patio was added that does not have permits or plans on file (AP, pgs. 6, 19, 32, 35, 40, 41)
- ▶ ***No permits or plans on file when the Notice and Order was issued 01/02/26***



# Violation 1

**Covered patio was added without required plans, permits, and inspections**

- ▶ 1960 Sanborn Map of Property (AP, pgs. 40)
- ▶ 2025 Google Map of Property (AP, pg. 41)



# Notice and Order – Violation 1

- ▶ 12/17/25: Covered patio observed during inspection
  - ▶ No permits on file
- ▶ 01/02/26: Notice and Order issued



## Violation #1 of the FMC existed on the Property

### CORRECTION NOTICE AND ORDER

Address: 1347 E SHIELDS AVE  
APN: 435-333-32

Date: January 02, 2026  
Case No: E25-16660

#### CORRECT THE FOLLOWING VIOLATIONS:

1. The covered patio was added without the required plans, permits, and inspections. (FMC §§ 11-103, 11-307, 11-308, 11-310; Cal. Residential Code §§ R105.1, R106.1, R109.1.) Remove this structure.  
**\*B Option:** Submit plans to the Planning and Development Department and obtain all required permits and inspections.

# Staff Analysis – Violation 2

- ▶ A Violation of the FMC Existed on the Property

## **Violation #2 – Enclosed patio was added without the required plans, permits, and inspections**

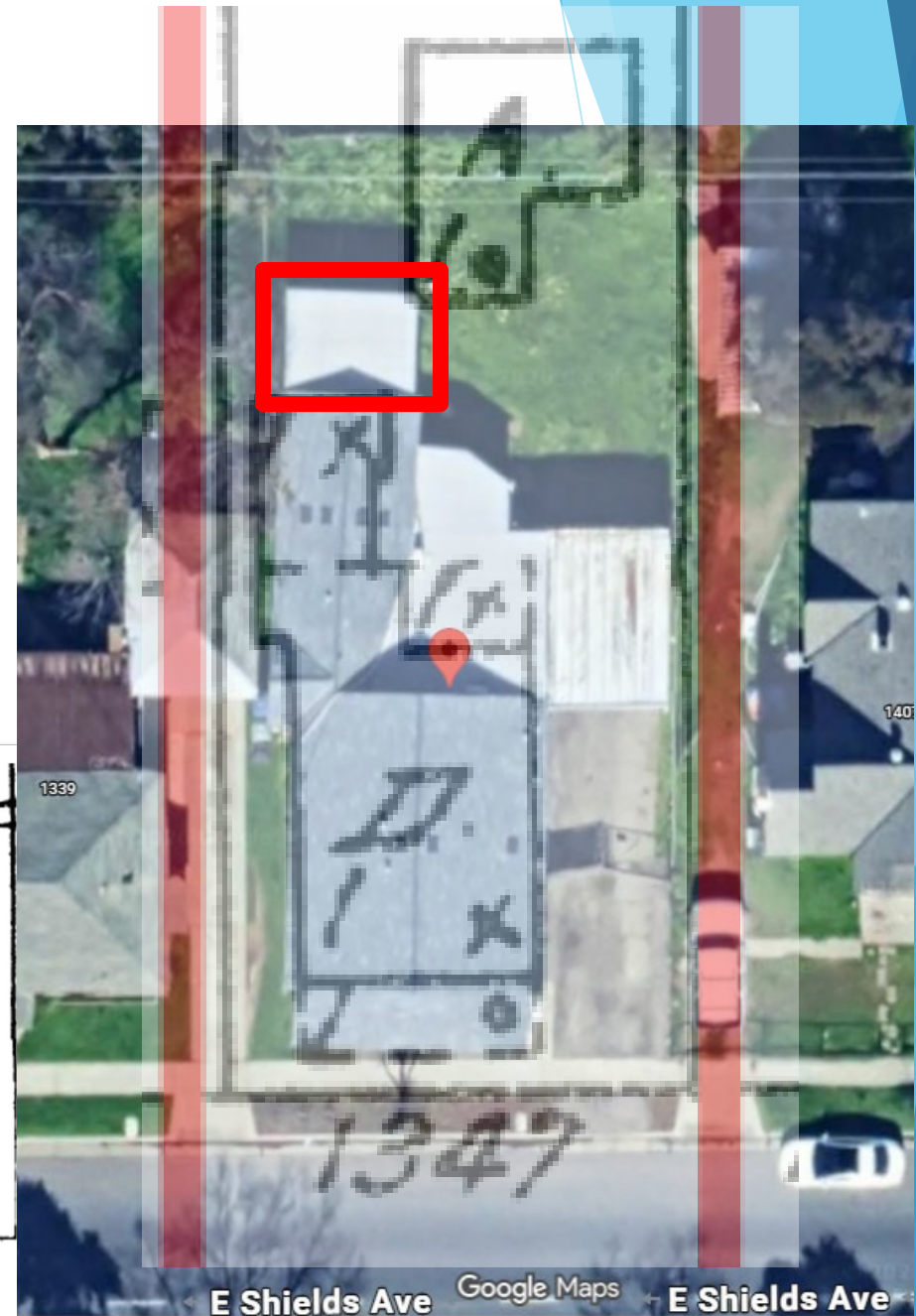
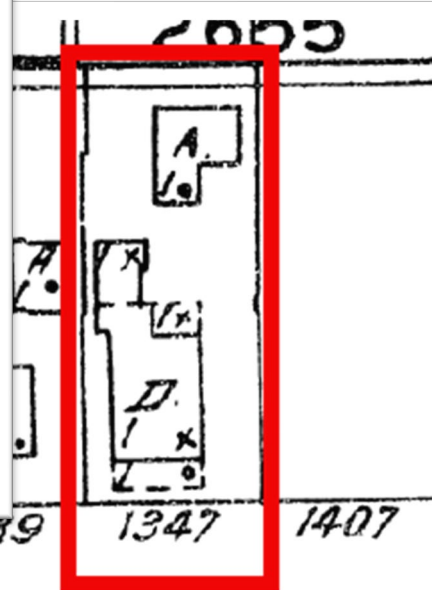
- ▶ FMC section 11-103 states that the FMC adopts the California Residential Code (CRC). CRC section 105.1 requires permits for any construction or alteration of structures, electrical or plumbing systems or change of occupancy
- ▶ Inspector Maya's observations and photographic evidence show an enclosed covered patio that does not have permits or plans on file (AP, pgs. 6, 19, 33, 34, 40, 41, 44)
- ▶ ***No permits or plans on file when the Notice and Order was issued 01/02/26***



# Violation 2

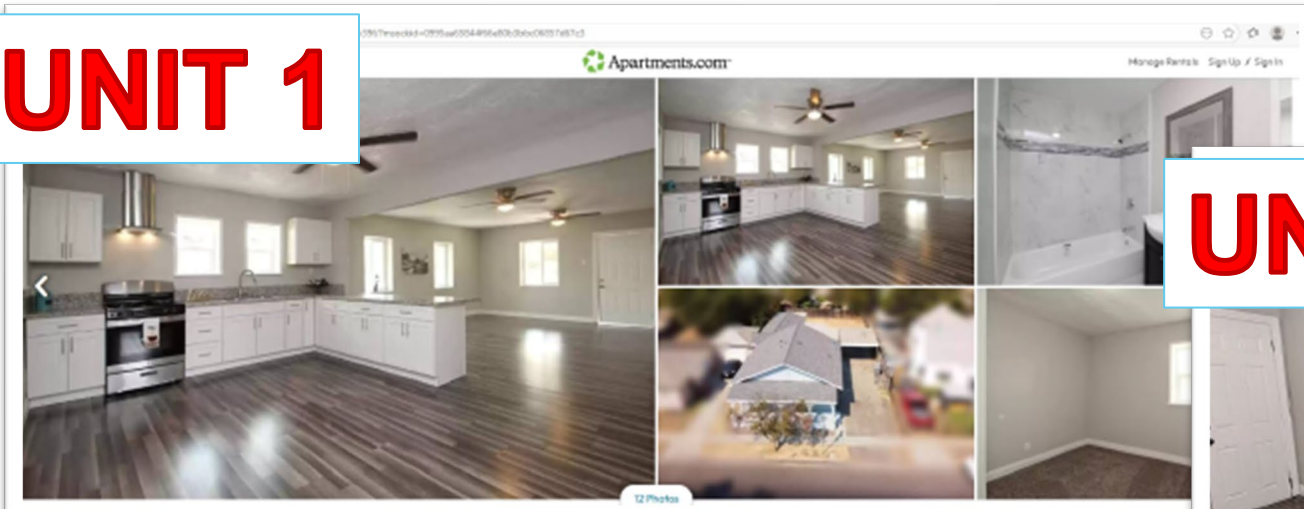
**Enclosed patio was added without required plans, permits, and inspections**

- ▶ 1960 Sanborn Map of Property (AP, pgs. 40)
- ▶ 2025 Google Map of Property (AP, pg. 41)



# Advertised as 2 Separate Units

**UNIT 1**



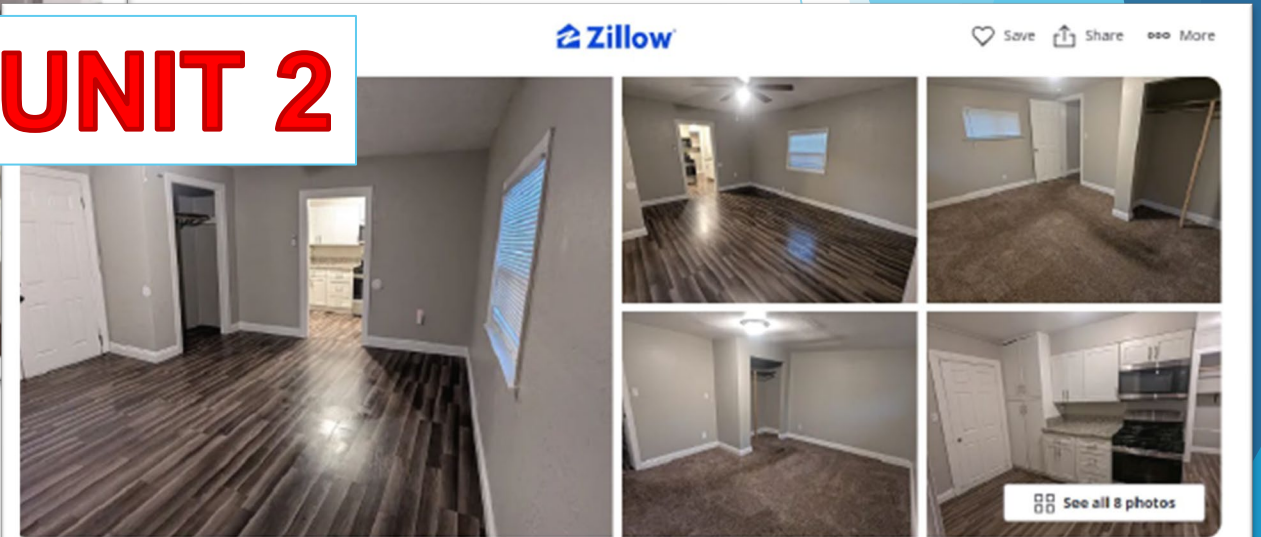
**\$1,450** Total Monthly Price

1347 E Shields Ave, Fresno, CA 93704

Check Back Soon for Upcoming Availability

Beds	Baths	Average SF
3 Bedrooms	2 Baths	1,200 SF

**UNIT 2**



Zestimate®  
**\$283,700**

1347 E Shields Ave, Fresno, CA 93704

**1** beds  
**1** baths  
**--** sqft

***“This is a single family home with attached mother in law unit that is rented out separately...”***  
***“Beautiful newly remodeled home...”***

# Historical Information

**BUILDING RECORD**

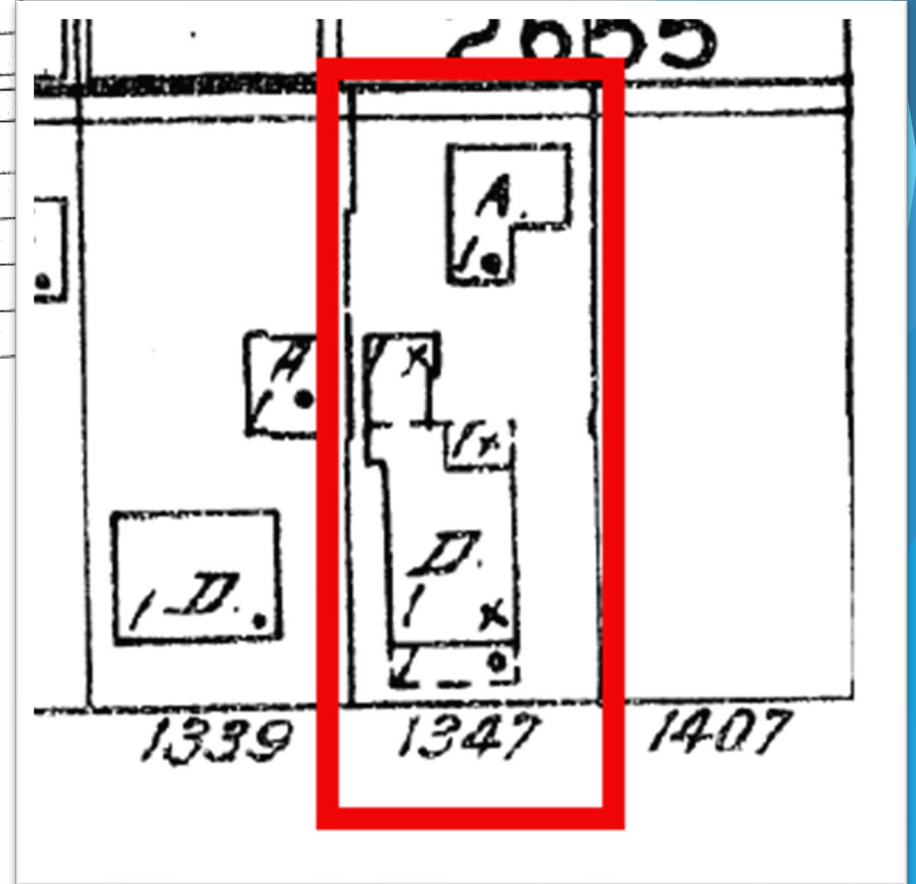
Location Shields, 1347 St. Owner Mike Selice  
 Lot 35-36 Block Annexed 5-29-48 Subdivision Ave. College Park

Occupancy Dwelling Group I No. Stories 1 Height \_\_\_\_\_ feet  
 Floor Area \_\_\_\_\_ Sprinklers \_\_\_\_\_ Fire Zone No. \_\_\_\_\_  
 Type Construction V Exterior \_\_\_\_\_ Floor \_\_\_\_\_ Roof \_\_\_\_\_

**BUILDING PERMIT**

NO.	KIND OF ALTERATION	COST OF WORK	DATE	CONTRACTOR
91035	15' x 30' addition for bedroom	\$1,000	9-12-49	day labor
1703	New garage	\$150.00	10-23-50	Owner

1960 Sanborn Map



# Notice and Order – Violation 2

- ▶ 12/17/25: Enclosed patio observed during inspection
  - ▶ No permits on file
- ▶ 01/02/26: Notice and Order issued

## Violation #2 of the FMC existed on the Property

### CORRECTION NOTICE AND ORDER

Address: 1347 E SHIELDS AVE  
APN: 435-333-32

Date: January 02, 2026  
Case No: E25-16660

### CORRECT THE FOLLOWING VIOLATIONS:

2. The enclosed patio was added without the required plans, permits, and inspections. (FMC §§ 11-103, 11-307, 11-308, 11-310; Cal. Residential Code §§ R105.1, R106.1, R109.1.) Remove this alteration and restore it to its original approved construction and configuration.  
**\*B,P,M,E Option:** Submit plans to the Planning and Development Department and obtain the required permits and inspections for this alteration.



# Staff Analysis - Notice

- ▶ Proper Notice was Served on the Property Owner
  - ▶ On January 2, 2026, the Notice and Order was posted on the exterior of the Property and mailed by both First Class and certified mail. (AP, pgs. 20-30.)
  - ▶ This Notice and Order contained all necessary information required by FMC sections 10-608 and 11-327, including clear descriptions of the violations, photographs of the violations, the code sections violated, a description of the correction for the violations, and information concerning appellants right to appeal.

# Recommendation

Staff recommends the BSAB:

**CONFIRM** the Notice and Order issued 01/02/26 and  
**ORDER** the remaining violations be corrected

## Progress Hearing FMC § 1-406(f)

- ▶ 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 the status of the remaining violations