

The Board of Building Appeals of the City of Modesto met in a regular meeting session on Thursday, February 23, 2023, in the Basement Conference Room B300, Tenth Street Place, 1010 Tenth Street, Modesto, California. The meeting was called to order at 4:00 p.m. by Board Chair, John Bergman.

Present: John Bergman, Sebastian Jones, Nand Kishore, Savannah Williams
Absent: None
Also Present: Oscar Diaz, Chris Kemper, Fatima Ordaz, Frank Alvarez, Kiran Kaur, Karina Anolin, and Jessica Hill, Community and Economic Development; and John Fukasawa, City Attorney's Office

APPROVAL OF MINUTES

It was moved by Savannah Williams and seconded by John Bergman, and carried unanimously that the minutes of the regular meeting of August 25, 2023 be approved.

CONFLICT OF INTEREST

None.

BUSINESS

ITEM A – APPEAL HEARING TO DETERMINE THE FUTURE OF THE PROPERTY LOCATED AT 1917 JOANN AVENUE; COD2022-01553.

It was moved by John Bergman and seconded by Savannah Williams, and carried unanimously that the Board accept the City Staff recommendation and hold the \$100 Administrative Citation in abeyance, with the changes as ordered in the Decision and Order No. 2023-01.

ACTION Decision and Order No. 2023-01, (Adopted Bergman/Williams, Unanimous)
THE BOARD APPROVES A MOTION TO DENY THE APPEAL OF THE ADMINISTRATIVE CITATION REQUESTED BY JEANA L. WOODS; THE BOARD AFFIRMS THE \$100 ADMINISTRATIVE CITATION BE HELD IN ABEYANCE AND DIRECTED OWNER APPEAL TO THE BOARD OF ZONING ADJUSTMENT WITHIN 30 CALENDAR DAYS OF THE DECISION AND ORDER DATE TO DETERMINE THE FUTURE OF THE CARPORT ERECTED IN THE FRONT BUILDING SETBACK WITHOUT THE APPROVAL OF THE MODESTO PLANNING DEPARTMENT. IF APPROVED BY THE BOARD OF ZONING ADJUSTMENT (BZA), A BUILDING PERMIT COMPLETE WITH STAMPED ENGINEERED PLANS BE APPLIED FOR WITHIN 30 CALENDAR DAYS OF THE BOARD OF ZONING ADJUSTMENT'S (BZA) APPROVAL. IF NOT APPROVED BY THE BOARD OF ZONING ADJUSTMENT, THE BOARD HEREBY ORDERS THE STRUCTURE TO BE REMOVED BY THE PROPERTY OWNER WITHIN 30 CALENDAR DAYS OF THE BOARD OF ZONING ADJUSTMENTS (BZA) DECISION.

A Board of Building Appeals hearing update be continued after the Board of Zoning Adjustment (BZA) decision on matter be on held.
Speaker on matter Jimmy Sharp (Neighbor).

ITEM B – CIVIL PENALTY HEARING TO DETERMINE THE FUTURE ON THE PROPERTY LOCATED AT 1434 OAKWOOD DRIVE; COD2022-00947.

It was moved by Savannah Williams, seconded by Sebastian Johns, and carried unanimously the Board uphold the Notice and Order with the changes as ordered in the Resolution No. 2023-01.

ACTION

Resolution No. 2023-01, (Adopted Williams/Jones, Unanimous)
THE BOARD MODIFIES THE NOTICE AND ORDER DATED OCTOBER 18, 2022 AND HOLDS THE CIVIL PENALTIES IN THE AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000.00) IN ABEYANCE. IF THE BUILDING PERMIT IS ISSUED WITHIN (30) CALENDAR DAYS AND A FINAL INSPECTION IS OBTAINED WITHIN (120) CALENDAR DAYS OF THE RESOLUTION, THE CIVIL PENALTIES WILL BE REDUCED TO TWO THOUSAND DOLLARS (\$2,000.00). IF THE PROPERTY OWNER FAILS TO OBTAIN AN ISSUED PERMIT WITHIN (30) CALENDAR DAYS AND A FINAL INSPECTION IS NOT OBTAINED WITHIN (120) CALENDAR DAYS OF THE RESOLUTION, THE FULL AMOUNT OF CIVIL PENALTIES BE CHARGED IN THE AMOUNT OF THIRTY THOUSAND DOLLARS (\$30,000.00) AS STATED IN THE COST REPORT UNDER EXHIBIT B OF THE CIVIL PENALTY HEARING PACKET AND MADE A PERSONAL OBLIGATION AND A LIEN AGAINST THE OWNER AND REAL PROPERTY.

THE BOARD FURTHER APPROVES ADMINISTRATIVE HEARING COSTS IN THE AMOUNT OF FOUR HUNDRED FOURTY-EIGHT DOLLARS AND TWO CENTS (\$448.02) AS STATED IN THE COST REPORT UNDER EXHIBIT B OF THE CIVIL PENALTY HEARING PACKET AND MADE A PERSONAL OBLIGATION AND A LIEN AGAINST THE OWNER AND REAL PROPERTY.

Two (2) new Exhibits where presented as evidence; Exhibit K (Declaration of Mathew Turner) and Exhibit L (Schedule of Repairs received date of Hearing) by Oscar Diaz.
Speaker on this matter Mathew Turner (Neighbor).

ITEM C - APPEAL HEARING TO DETERMINE THE FUTURE ON THE PROPERTY LOCATED AT 1737 RELIANCE STREET; COD2021-71399 (UPDATE).

It was moved by John Bergman and seconded by Nand Kishore; the Board accepts the City Staff recommendation.

ACTION

Resolution No. 2023-02, (Adopted Bergman/Kishore, Unanimous)
THE BOARD AFFIRMS PREVIOUS AGREEMENT IN RESOLUTION NO. 2022-03 TO REDUCE THE CIVIL PENALTY IN THE AMOUNT OF TEN THOUSAND DOLLARS (\$10,000).

Affirm resolution, no further action is necessary.
Speaker in this matter Ameet Birring (Attorney).

ORAL COMMUNICATIONS

None.

MATTERS TOO LATE FOR THE AGENDA

Brad Wungluck has termed out, City is looking to replace Board Member.

ADJOURNMENT

The meeting was adjourned at 5:09 p.m.



Oscar Diaz, Secretary