

**BOARD OF BUILDING APPEALS
DECISION AND ORDER NO. 2025-01**

**BOARD OF BUILDING APPEALS REGULAR MEETING
JANUARY 23, 2025**



IN THE MATTER OF:

**NAUGHTON MARGARET ET AL
2013 SHERWOOD AVE
MODESTO, CA 95350**

I.

STATEMENT OF THE CASE

This matter was heard by the Board of Building Appeals on January 23, 2025, at 1010 10th Street, Basement Level Room No. B300. The hearing was held in response to the Administrative Citation Appeal for the building code violations in reference to ***GARAGE CONVERTED TO ADU, LOCATED AT THE PROPERTY KNOWN AS 2013 SHERWOOD AVE, MODESTO, CA; CITY OF MODESTO CODE ENFORCEMENT CASE NO. COD2024-00916***, issued by the City of Modesto, Building Safety Division. This hearing was held due to an appeal by the record owner per Section 9-8.701 of the Modesto Municipal Code.

The following individuals testified:

1. Oscar Diaz, Chief Building Official, City of Modesto
2. Frank Alvarez, Building Inspector I
3. Antonio Porcayo, Property Owner

The following items were marked and introduced into evidence:

- Board of Building Appeals hearing packet containing the owner's appeal form

The following items were also presented to the Board prior to or at the hearing:

- Power Point Presentation, by Frank Alvarez

II.

FINDINGS OF FACT

According to the Stanislaus County Assessment Role, Naughton Margaret ET AL is the record owner(s) of the property located at 2013 Sherwood Ave, in the City of Modesto, County of Stanislaus.

1. The premises at 2013 Sherwood Ave. consists of a single-family dwelling and is hereinafter referred to as the "Premises."
2. **March 21, 2024**, verified unpermitted addition of garage.
3. **January 2, 2025**, request for appeal received.

Desired Relief Sought:

"I want the Board to remove the citation since I have complied with what the city ask for"

Reasons why the protested order or action should be reversed, modified, or otherwise set aside:

"Reasons are that I have complied and submitted my plans for review and paid partial of my plans"

III.

DETERMINATION OF ISSUES

Based on a preponderance of the evidence presented at the hearing, the Board hereby determines as follows:

The appeal is approved.

The Board moved a motion to approve the appeal made by homeowner Antonio Porcayo and modified the city recommendation to hold both the citation and hearing cost in abeyance.

BASED ON A PREPONDERANCE OF THE EVIDENCE PRESENTED AT THE HEARING ON THIS MATTER, AND THE FINDINGS AND DETERMINATIONS SET FORTH ABOVE, THE BOARD OF BUILDING APPEALS HEREBY ORDERS AS FOLLOWS:

IV.

ORDER

THE BOARD MOVED A MOTION TO APPROVE THE APPEAL OF THE ADMINISTRATIVE CITATION REQUESTED BY ANTONIO PORCAYO; THE BOARD AFFIRMS THE 1ST AND 2ND ADMINISTRATIVE CITATIONS IN THE AMOUNT OF THREE HUNDRED AND FIFTY DOLLARS (\$350.00) AND ADMINISTRATIVE HEARING FEES IN THE AMOUNT OF FOUR HUNDRED TWENTY-SEVEN DOLLARS AND SIXTY CENTS (\$427.60) AND HOLDS THEM IN ABEYANCE; THE BOARD ORDERS THE PROPERTY OWNER TO PAY THE REMAINING BUILDING PERMIT FEES, OBTAIN THE BUILDING PERMIT WITHIN THIRTY (30) CALENDAR DAYS OF THE HEARING DATE, AND RECEIVE A FINAL INSPECTION WITHIN ONE HUNDRED AND EIGHTY (180) CALENDAR DAYS OF THE HEARING; IF THE OWNER FAILS TO MEET THESE REQUIREMENTS WITHIN THE GRANTED TIMEFRAME, THE 1ST AND 2ND ADMINISTRATIVE CITATIONS IN THE AMOUNT OF THREE HUNDRED AND FIFTY DOLLARS (\$350.00) AND ADMINISTRATIVE HEARING FEES IN THE AMOUNT OF FOUR HUNDRED TWENTY-

SEVEN DOLLARS AND SIXTY CENTS (\$427.60) WILL BECOME DUE AND MADE A LIEN AND SPECIAL ASSESSMENT AGAINST THE REAL PROPERTY ADDRESSED AS 2013 SHERWOOD AVE. MODESTO, CA 95350, PARCEL NUMBER 059023003.

DATED: January 30, 2025

A handwritten signature in blue ink, appearing to read 'John Bergman', is written over a horizontal line.

John Bergman, Board Chair

NOTICE TO OWNER: Pursuant to Modesto Municipal Code Section 9-8.713(e), this Order of the Board of Building Appeals is a final decision. The time for and the manner of judicial review is governed by California Code of Civil of Procedure Section 1094.5.

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PROOF OF SERVICE - CCP §1013(a)(3)

I am employed in the County of Stanislaus, State of California. I am over the age of eighteen years and not a party to the within entitled cause; my business address is: 1010 10th Street, Modesto, California 95354.

On January 30, 2025, I served a copy of the DECISION AND ORDER for property addressed 2013 Sherwood Ave, Assessor's Parcel 029023003 in Modesto, California, on all parties in said action by serving a true copy thereof as follows:

TO: NAUGHTON MARGARET ET AL
2013 SHERWOOD AVE
MODESTO CA 95350

BY MAIL: I deposited the sealed envelope with the postage thereon fully prepaid to - the office's practice for collection and processing of correspondence for mailing, and pursuant to those practices the envelope would be deposited with the United States Postal Service the same day.

BY CERTIFIED MAIL: I deposited the sealed envelope with the postage thereon fully prepaid to be placed in the United States Mail at Modesto, California. I am readily familiar with the office's practice for collection and processing of correspondence for mailing, and pursuant to those practices the envelope would be deposited with the United States Postal Service the same day.

BY PERSONAL SERVICE: I caused the within document to be hand delivered to the parties herein at the addresses set forth above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. I executed this 30th day of January 2025, at Modesto, California.



Fatima Ordaz, Development Service Tech II

COD2024-00916