

City of Bandon
C/O Hearings Officer
Planning Department
PO Box 67
Bandon, OR 97411

May 5, 2022

Re: Appeal of Planning Application 22-001; 4000 Beach Loop Drive SW (#3)

Bandon Hearings Officer,

We are the property owners at the above referenced address and have previously submitted two separate documents related to our appeal. It has additionally come to our attention that there is a question as to whether our existing deck represents a conforming or non-conforming structure, as it relates to the code in question [code 17.20.040(B)(2)] that states in the third sentence:

“Where topography permits, new structures should be built in line with other existing structures and not extend farther out into those viewscapes.”

As we have shown conclusively through our various uploaded documents, the new, proposed decks will be built in line with our current existing structure (deck) and will NOT extend farther out into the viewscapes. Our house, built in 1976, was clearly built originally with an attached deck, as evidence of the below picture of our pantry that contains a door original to the house (Figure 1), which exits at an elevation above the ground (Figure 2).



Figure 1: View from pantry door to elevated deck.

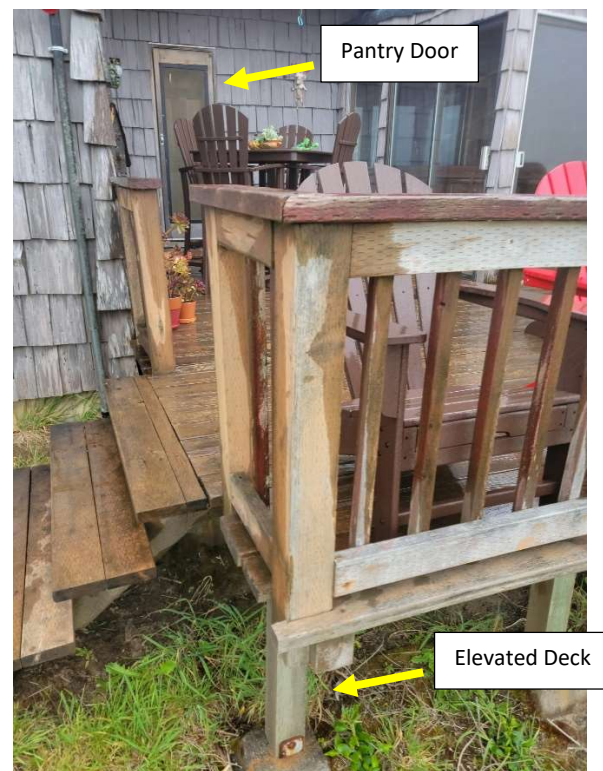



Figure 2: View from outside elevated deck to pantry exit.

Based on this original design for the house and original structure, it is supportive of the deck being an original design for the house. Further evidence can be seen from the below brochure (Figure 3) which we have in our possession from when the original owner of the home (Robert “Bob” Griffin) sold the home in 1981, only 6 years after it had been built.

Eugene..... 145 miles
San Francisco..... 500 miles
Portland..... 250 miles



WASHINGTON
PORTLAND
EUGENE
ROSEBURG
MEDFORD
PACIFIC OCEAN
101
COQUILLE RIVER
BANDON
PROPERTY
ROGUE RIVER
CALIFORNIA

DISCOVER FOR YOURSELF . . .
UNIQUE OCEAN FRONTAGE . . .
A Quiet, Elegant
Home in Harmony
With the Pacific Ocean

Near south border of Bandon city limits, affords privacy yet still has all the conveniences — city water, presently connected to septic system (city sewer available). Has underground electricity, telephone, T.V. Cable. Additional acreage (3 acres) for sale adjoining this parcel available.

World famous beach — great Japanese glass float hunting, outstanding agates, semi-precious stones, unusual driftwood. Newly developed marina. Sport and commercial fishing, crabbing from city dock. Art museum, Historic museum, antique shop, banks, S & L, General Hospital, 17 restaurants.

TERMS:
Price: \$350,000
\$100,000 down; balance carried by owner at 11% interest.

Contact: **BOB GRIFFIN**

Bandon Realty, Inc.
Post Office Box 444 / Bandon, Oregon 97411
Office: (503) 347-9402
Residence: (503) 332-7005

Figure 3: Bandon Realty pamphlet from 1981 when the house was listed on the real estate market, showing the name of the original owner (highlighted in yellow) as the contact for the listing.

To confirm this time period for the listing and brochure, I would like to present, as evidence, a document from the Coos County Assessor's office showing that the property transferred from the Griffin's possession to the Brandt's possession on September 16, 1981 (Figure 4), confirming that this document and the pictures/descriptions contained within it date from that period.

OFFICIAL RECORDS OF DESCRIPTIONS OF REAL PROPERTIES		54.00 29 15 1 BC 1801						TYPE	NO
CODE AREA NUMBER	TWP	RGE	SEC	1/4	1/16	PARCEL NUMBER	SPEC	INT	
	MAP NUMBER			TAX LOT NUMBER					
OLD ACCT. NO. <u>1233412</u>	FORMERLY PART OF <u>1800</u>								
OLD TAX LOT NO.									
Name and Tax Lot Information	DATE OF ENTRY ON THIS CARD	DEED RECORD		ACRES REMAINING					
		VOL	PAGE						
GRIFFIN, ROBERT S.	6-27-80	80-2	5676	0.92					
GRIFFIN, ROBERT S. & GRIFFIN, VIRGINIA	6-30-80	80-2	7976						
BRANDT, BERKELEY JR. + RACHEL P.	9-16-81	81-4	679						
COMFORT, ROBERT J. + BONNIE B.	11-15-87	87-5	5546						
Brandt, Berkeley, Jr + Rachel P.	5-1-86	86-2	7879						
Ludwick, J. Donald + Josephine M	9-8-86	86-4	5923						
Environmental Engineering & Testing Inc.	9-8-86	86-4	5925						
Ref. only: ^{QC Roberts, Wm. H. To Environmental Engineering & Testing Int.}	02-05-90	90-01	1805						
Ludwick, J. Donald + Josephine M. B+S	12-26-96	96-12	0734						
LUDWICK, J. DONALD	DC	4-18-17	2017	3001	DEATH CERT. OF JOSEPHINE M. LUDWICK				
DEATH CERTIFICATE FOR J DONALD LUDWICK	DC	10-21-19	2019	9176					
REF ONLY: SOLE OWNER	DC	09-17-20	2020	8874	ESTATE OF J DONALD LUDWICK, CC#19PB07727				
MICHAELS, PAUL J. & VOUK, BENJAMIN J.	PRD								

Figure 4: Official record of the property at 4000 Beach Loop Drive showing the house was sold from Mr. Griffin to Mr. and Mrs. Brandt, with a date of entry on September 16, 1981 (highlighted).

Within this real estate pamphlet, there are a few key features which support our position as to the original position of this deck, thereby consistent with its designation as a CONFORMING structure, as qualified under the code in question regarding viewsapes. Our current hot tub, which was here at the time we purchased the home, was in the same position 40 years ago. The pamphlet clearly references the "Outdoor Cedar Hot Tub with spectacular view of Ocean" (Figure 5).

These key features are but a portion of the distinctive aspects of this home:

Entry is stone and cedar walls, pebble aggregate concrete floors, with 10 feet of glass windows, over which a hand-crafted copper light fixture extends the entire distance depicting ocean scenes.

All floors are hardwood ash with natural sealed finish for easy upkeep.

Living Room has rock fireplace as well as airtight wood stove.

18' ceiling of hemlock and fir beams, notched and pegged.

12' window seat overlooking the Pacific Ocean view.

Redwood hand-crafted cabinets, three copper light fixtures, Jenn Aire Range, Built-in Microwave Oven, Built-in sub-zero refrigerator and pantry with three glass doors make the kitchen of this home a joy to work in.

Outdoor Cedar Hot Tub with spectacular view of Ocean.

Three-car garage with shop area plus upstairs that could be a quaint apartment.

Separate motor home or boat garage, 40 x 12.

Figure 5: Bandon Realty pamphlet from 1981 when the house was listed on the real estate market, showing that the Outdoor cedar hot tub (highlighted in yellow) was listed as a feature of this home.

Alone, that would not be evidence that the outdoor hot tub was on a deck. However, further inspection of pictures included in the 1981 pamphlet for 4000 Beach Loop Drive, shows the outdoor deck through the dining room window, with a table and chairs (and umbrella), also seen on the elevated outdoor deck (Figures 6 and 7).

"LAND'S END"



Turn your dreams into reality, leave the smog, crime and traffic and escape to cool, green Oregon . . . on the southern coast, noted for its mild climate.



Unique, spectacular one-of-a-kind home located on 9/10 acre with a totally unobstructed view of spectacular off-shore rocks, wide sandy beaches. Surf fishing, razor clam digging, beautiful sunsets, grey whale watching, close to fresh water creek entering into ocean, close to this private cozy ocean front residence.



Figure 6: Bandon Realty pamphlet from 1981 when the house was listed on the real estate market, showing a picture of our dining room in which, our current deck can be seen through the windows (arrow).



Figure 7: Close up view of picture from the Bandon Realty pamphlet from 1981 when the house was listed on the real estate market, showing the elevated cedar hot tub (arrow) and table/chairs/yellow umbrella (arrows) on the elevated deck outside of the dining room window.

As an additional reference, we are including a picture taken today (May 5, 2022) from the same viewpoint (Figure 8), showing the same structures, kitchen peninsula with glass cabinets, and windows looking out to the current deck in question. As you can see, the hot tub is in the same place as it was over 40 years ago, interestingly, as are our pub table and chairs (it is an elevated pub table, as can be additionally seen in Figures 1 and 2, which is why it appears higher than the table set from 1981). Figure 9 also shows our current hot tub position as a reference, to fully appreciate the position on the deck and to confirm the appearance of it from a distance in Figure 8.



Figure 8: Current view of our home (picture taken May 5, 2022) showing our pub table and chairs (arrow), as well as our hot tub (arrow) on the elevated deck outside of the dining room window.

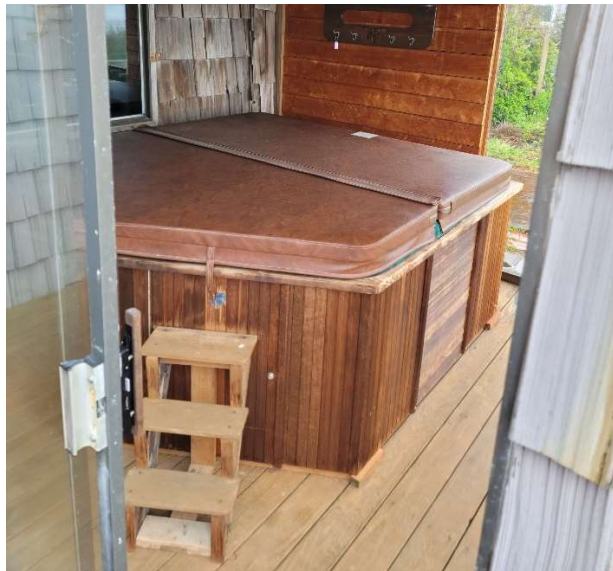


Figure 9: Current view of our hot tub (picture taken May 5, 2022) on our elevated deck.

It is our opinion that these pictures and documents provide additional proof that our current deck has been in place since the time our house was built in 1976, and based on the condition of our current deck, it is not surprising as it is in desperate need of repair/replacement and is becoming a hazard. Therefore, this deck should be considered a conforming structure and further substantiates our use of this deck as an "existing structure," as designated in code 17.20.040(B)(2), from which our proposed new decks will be built in line with and not extend farther out into those viewscapes.

Respectfully,

The image shows two handwritten signatures in black ink. The first signature on the left is 'Paul J. Michaels' and the second signature on the right is 'Benjamin J Vouk'. Both are written in a cursive, flowing style.

Paul J. Michaels and Benjamin J Vouk
4000 Beach Loop Drive SW
Bandon, OR 97411