

October 18, 2023

Anne Marie Skinner
Planning & Community Development Director
City of Lincoln City
PO Box 50
Lincoln City, OR 97367

RE: 6381 NE Mast, Lincoln City, OR 97367

Dear Ms. Skinner:

In November of 2022 we replaced a fence that was existing on the property when we bought it in 2009. Over the years more and more of it fell apart and deteriorated. The gate into the back yard wouldn't open, my husband had to reinforce the main gate in the front because it fell apart. We did our due diligence and contacted the City Planning Office to make sure we were replacing our fence to your guidelines. Now we're being notified that what we were told, by an employee of the City Planning Office, was not in fact correct.

Enclosed please find the following documents:

1. The Nonconforming Determination/Restoration Application that Austin Hull emailed us.
2. A copy of the email I sent to Tiffany at Jimco-Fence, dated Monday, August 22, 2022, that mentions my husband had spoken with Weston, in your office, and was told the fence rules changed and it was now a 7' maximum. This clearly shows my husband took the time to contact the city planning office and find out the regulations before replacing our existing fence. There is also a previous email to her where I say my husband had called your office and left a message on Friday, August 19th. I'm assuming your office has records /documentation of these 2 calls?
3. A letter from Debi Whelchel, President, Jimco Fence discussing the fence that they replaced for us. She has also included a photo from Google Maps that shows the height of the previous fence. Bid of fence replacement.
4. I have gone through all my photos of the beach house and while I can't locate a photo that shows the fence immediately prior to replacement, I am enclosing the following photos:
 - a. Exhibit A – a photo from 2009, the year we purchased the beach house, that shows the fence and the height – notice our Expedition parked in front of the fence.

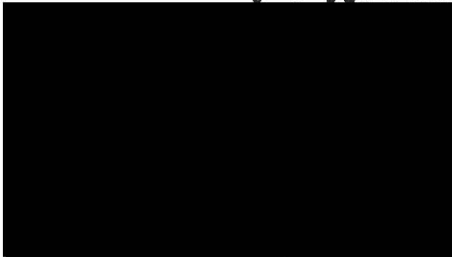
- b. Exhibit B – a photo of the fence in the backyard, to the North, that shows where the tops of numerous pieces were broken off on the top.
- c. Exhibit C - a photo of the fence in the backyard, to the West, where the old fence completely collapsed and my husband rustically placed some boards up until we could contract for a replacement fence to be installed.

Please review the enclosed documents. We look forward to your reply.

Sincerely,

A large black rectangular redaction box covering the signature area.

Connie and Ray Ozyjowski

A black rectangular redaction box covering the address area.

Nonconforming Determination/Restoration Application

PROPERTY OWNER/CONTRACT PURCHASER (as listed on deed OR purchase contract):

NAME: Raymond P Ozyjowski
ADDRESS: [REDACTED]
PHONE: [REDACTED]
E-MAIL: [REDACTED]

PROPERTY OWNER/CONTRACT PURCHASER (as listed on deed OR purchase contract):

NAME: Connie L Ozyjowski
ADDRESS: [REDACTED]
PHONE: [REDACTED]
E-MAIL: [REDACTED]

SITE INFORMATION:

TAX MAP AND LOT: MAP: 06-11-35-BC-05500-00, Block 3, Lot 72804
SITE ADDRESS: 6381 NE Mast, Lincoln City, OR 97367
SQUARE FOOTAGE OF STRUCTURE: Fence - 24' across front of lot
HEIGHT OF STRUCTURE: 5'

I/we are requesting the following, regarding the above-referenced site:

- Determination of whether a nonconforming structure or use on the site is lawful
- Restoration of a lawful, nonconforming single-unit dwelling or duplex on the site
- Restoration of a lawful, nonconforming multi-unit dwelling, mixed-use or commercial structure or use

If requesting a restoration, then a written narrative, as well plans, documents, and reports, must be included in the submittal that address all of the following criteria:

1. The damage was not intentionally caused by the property owner.
2. The restoration does not increase the degree of nonconformity or add new nonconformity, and except as specified in 17.64.010.E, restored structures conform to requirements of Title 17 of the code;
3. Restoration is according to plans approved by the fire marshal, building inspector, and floodplain manager, and, if required, in conformance with a geotechnical report.
4. The restored structure or use does not encroach unlawfully on adjacent properties.
5. The restoration complies with reasonable conditions imposed by the city on a building permit in order to mitigate any new or increased adverse impact on adjacent property; and
6. For a multi-unit dwelling, mixed-use or commercial structure, the reconstructed use or structure would not interfere with the intent and purpose of the zone in which it is located.



I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the foregoing information and attached documents true, complete, and accurate.

I (We) acknowledge that providing false information shall be a violation and grounds to deny the application, void the approval, and enjoin the use.

SIGNATURES:

[Redacted signature area]

Property Owner/Contract Purchaser (signature required)

Date

[Redacted signature area]

Property Owner/Contract Purchaser (signature required)

Date

- *All property owners listed on the deed must sign the application.*
- *All contract purchasers listed on the purchase contract must sign the application.*
- *If contract purchasers are individuals other than the property owners shown on the deed, all property owners listed on the deed as well as all contract purchasers listed on the purchase contract must sign the application.*

JIMCO FENCE COMPANY

9493 Porter Road, Suite B

Aumsville, OR 97325

Phone (503) 749-2535 Fax (503) 749-4421

WA CCB # JIMCOFC883CB

OR CCB #150420

October 16, 2023

RE: 6381 NE Mast Ave, Lincoln City (Roads End), OR

TO: City of Lincoln City

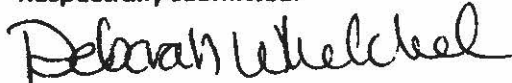
We were hired 9/19/22 to remove and replace a wood fence for Ray and Connie Ozyjowski under contract #44071 dated 8/26/22. Work was completed 11/11/22.

The existing fence was wood and was definitely taller than 3 ½' in the front yard based on google earth images dated July 12, 2012 (attached). The fence is taller than the car so it is clearly taller than 3 ½'. Since our customer instructed us to install a 6' tall fence in back & right side as well as a 5' tall fence in the front & left side, more than likely the existing fence would have been 5' tall in front and the left side to match what was there.

Although we do not have photos of the existing wood fence that was torn out in 2022, the original wood fence would have been a minimum of 10 years old at time of bid. Due to changes in the pressure treatment coating to protect the environment, it is known throughout the industry that wood posts only last about 7 – 10 years. When you factor in wind loading against the fence, especially at the coast and with nearly direct ocean front conditions, the posts would have been severely compromised and not viable to rebuild on at time of replacement. Typically posts rot, wind blows, posts snap and fence starts to lean and falls over. Even when/if the panels are still intact, the posts are the foundation (like a house) of the fence. It can look ok at first glance, but a deeper look into the post condition will reveal rot at ground level.

I have been in the fence business for almost 30 years and can comfortably state that the existing wood fence would not have been in viable condition to rebuild on making full replacement necessary.

Respectfully submitted.



Debi Wheelchel, President

Jimco Fence Co

9493 Porter Road, Suite B

Aumsville, OR 97325

CCB #150420

Untitled Map

Write a description for your map.

Legend

 6381 NE Mast Ave

 NW 64th St Beach Access



Google Earth

JULY 2012 5:17 AM

477

(503) 364-1919 Salem
 (541) 928-1344 Albany
 (541) 996-4474 Coast
 Fax: (503) 749-4421
 Email: info@jimco-fence.com

JIMCO
Fence
 9493 Porter Rd. SE, Ste. B
 Aumsville, OR 97325
 OR CCB# 150420

44071

Mailing Address

Date: 8/26/2022

Name: Connie Ozyiowski Home: (503) 753-3697
 Address: _____ Work: _____
 City: _____ State: OR Zip: _____ Cell: _____

Job Address connieozy@me.com

Address: 6381 NE Mast Ave X Street: _____
 City: Lincoln City State: OR Zip: _____

SPECIFICATIONS Cedar Fence

Fence Height: 5' / 6' Overall Length: 134' / 90'
 Slat: 5/8" x 5 1/2" DE Fabric: Cedar
 Term. Post: 4x4 PT Line Posts: 4x4 PT
 Top Rail: 2x4 Cedar 2 Rail Tension Wire: N/A
 Barb Wire: N/A Footings: Concrete
 Other: 1/2 due upon acceptance of bid. Customer to clear and mark fence line in white paint.

SPECIAL INSTRUCTIONS

Fabric: Inside - Outside
 Install Fence: Follow Contour - Airline
 Concrete Footings: Covered - Exposed
 Selvage: Knuckle up - Barb up
 Trash Removal: Customer - Contractor
 Dirt Disposal: On Site - Off Site
 Utility Location: Power, Phone, Gas, TV - Jimco
 Other Location: Septic, Sprinkler, Private Lines, Water/Drain Lines - Customer

GATES						
Quantity	Opening	Height	Frame	Type	Hardware	
<u>2</u>	<u>4'</u>	<u>5'</u>	<u>2x4 Cedar</u>	<u>Walk</u>	<u>Black</u>	
<u>1</u>	<u>4'</u>	<u>6'</u>	<u>2x4 Cedar</u>	<u>Walk</u>	<u>Black</u>	

CONTRACT CONDITIONS

1. Location of property lines and/or fence lines is the exclusive responsibility of the owner/customer. Customer is responsible for staking end/corners.
2. Final fence placement is subject to location of underground utilities. Additional charges may be incurred when there are utility conflicts.
3. Liability of damage caused to underground obstructions is the responsibility of the owner/customer.
4. All materials are guaranteed to be as specified and labor to be performed in a workmanlike manner.
5. Any alteration or change in specifications involving extra cost of material or labor will be executed only upon written authorization and will become an extra charge over and above the quoted price.
6. All time agreements are contingent upon weather, accidents, delays, special order status, etc.
7. In the event of default of payment, customer agrees to pay all collection costs and any other costs or expenses resulting from the account being placed for collection, regardless of whether litigation is commenced.

SKETCH (not to scale)

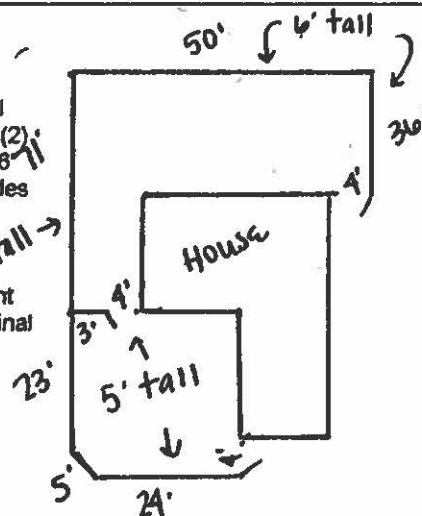
Customer to trim back landscaping and clear fence line of rocks.

Jimco to remove and dispose of existing wood fence by cutting posts off at ground level and pulling concrete sets as needed.

Customer should verify clear vision laws, set backs and front property lines.

Jimco to install 134' of 5' tall cedar fence which includes (2) 4' walk gates. Install 90' of 6' tall cedar fence which includes (1) 4' walk gate. Spacing between boards will be 5/8" tall →

Utilities may affect placement of fence which could affect final price.



Quoted price \$ 15,140.00 Effective for 10 Days from above date.
 All accounts are due on date of completion. A finance charge of 1.5% per month, which is an annual percentage rate of 18% will be charged on all past due accounts.

CUSTOMER HAS READ AND UNDERSTANDS THIS CONTRACT AND HAS READ REVERSE SIDE (ORS 87.093), AND HEREBY ACKNOWLEDGES RECEIPT OF AN EXECUTED COPY HEREOF.
 Notwithstanding that this account is established in the name of a company, I personally guarantee payment of this contract.

Bid by: Tiffany Bartosz
 For Jimco Fence Company

Customer Signature: _____
 Date: 9-8-22

EXHIBIT A



Photo from 2009, the year we purchased the beach house – you can see the height of the fence next to our Expedition parked out front.

EXHIBIT B



Photo of fence in backyard – notice where the top of the boards have broken off.

EXHIBIT C



Photo of fence in backyard – you can see the whole piece/section that we found on the ground, my husband rustically put up some boards until we could contract for a replacement fence.