



Strengthening a Remarkable City, Building a Community for Life

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Corporation Counsel
Gary C. Wood

Associate Counsel
Mary E. Costigan
Danielle P. West-Chuhta
Ann M. Freeman

November 24, 2010

RECEIVED

DEC 13 2010

Reinhold and Andrea Wappler
P.O. Box 757
South Freeport, ME 04078

Dept. of Building Inspections
City of Portland Maine

Re: Portion of Deck Located at 21 Ivy Street; (2) 177-I013-R5 Rear Deck

Dear Mr. and Mrs. Wappler:

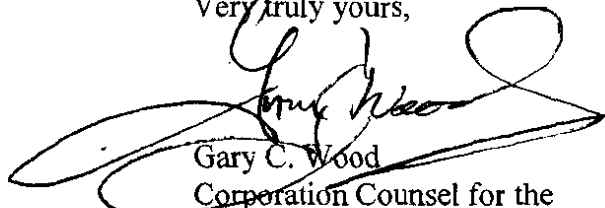
This serves to confirm that based upon an investigation by the City of Portland Building Inspections and Code Enforcement Office and your ownership of the above-referenced property, which has an attached deck, a portion of which is unpermitted and non-conforming, the City of Portland is satisfied that (a) you did not construct the deck, (b) you had no actual or constructive knowledge of the non-conformity of the deck to applicable setback and zoning requirements set forth in the City of Portland Code of Ordinances – including without limitation – those set forth in Sections 14-120 of the Code governing setback requirements in the R5 Zone – and (c) you have cooperated with the City of Portland's investigation of the construction of the deck on the property.

Accordingly, under the unique circumstances of your case and without prejudice to its right to enforce and enjoin similar non-conforming decks and zoning violations in this community, the City of Portland hereby exercises its administrative discretion not to take any action against you, or your successors and assigns, to require you or them to abate the deck in its present condition. This "no action" letter applies both to enforcement of the pertinent sections of the City of Portland Code of Ordinances as they govern the deck and applicable setbacks under both Rule 80K of the Maine Rules of Civil Procedure and under 30-A M.R.S.A. § 4452 and any successor ordinances or statutes.

This letter, bearing my acknowledgement, may be recorded by you in the Cumberland County Registry of Deeds to confirm for you and your successors and assigns that fact and commitment of the City of Portland to take no action as set forth herein for the setback violation associated with the wooden deck in its present condition on your property. Despite this "no action" letter, you may not expand the deck or take any other action that will expand or

exacerbate the existing non-conforming portion of the deck on the property. Thank you for your cooperation with the investigation of the deck.

Very truly yours,



Gary C. Wood
Corporation Counsel for the
City of Portland

cc: Penny St. Louis Littell
Ann Machado

ATTEST:

STATE OF MAINE
CUMBERLAND, ss.

November 24, 2010

Personally appeared the above-named Gary C. Wood in his capacity as the Corporation Counsel of the City of Portland, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the City of Portland.

Before me,



Notary Public

TERESA L. BOURGOIGNIE
MY COMMISSION EXPIRES
OCTOBER 26, 2014

Printed Name