

## **CONSENT AGREEMENT**

THIS AGREEMENT is entered into this \_\_\_\_ day of February, 2016, by and between JONN AND KAREN WEBBER, individuals residing at 4 Diamond Lane, Standish, Maine 04084 (hereinafter "the Webbers"), and the TOWN OF STANDISH, a municipal corporation located in the County of Cumberland, State of Maine (hereinafter "the Town").

The Webbers and the Town stipulate to the following facts:

The Town is a municipal corporation organized under the laws of the State of Maine. Daniel Hill is the duly appointed Code Enforcement Officer ("CEO") of the Town of Standish authorized under law to administer and enforce the provisions of the Town's land use ordinances, including, without limitation, the Zoning Ordinance of the Town of Standish ("Zoning Ordinance").

The Webbers are the owners of certain property located at 4 Diamond Lane, Standish, Cumberland County, Maine and described in deeds recorded at the Cumberland County Registry of Deeds in Book 12144, Page 147; Book 31112, Page 303; Book 32315, Page 243 and Book 32315, Page 245 ("the Property"). The Property is further described as Assessor's Tax Map 71, Lot 26.

WHEREAS, the Town Code Enforcement Officer has determined that violations of the dimensional requirements of the Standish Zoning Ordinance exists on the Premises, as follows:

Less than required setback from the front property line:  
***18'3" foot violation from the front property line.***

WHEREAS, the Standish Council at its meeting held on February 9, 2016 has determined that no useful purpose would be served by requiring the removal or alteration of the structure which is in violation, and that the public health, safety and welfare would not be adversely affected by allowing the structure to continue in existence and has therefore authorized the execution of this Agreement; and

WHEREAS, both the property owner and the Town wish to avoid litigation over a zoning violation,

NOW THEREFORE; in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. The property owner acknowledges that the circumstances of the zoning violation do not warrant the granting of a variance under the variance criteria of the Zoning Ordinance and therefore waives the right to apply to the Zoning Board of Appeals for a variance.
2. The property owner agrees to pay to the town a penalty in lieu of legal action in the amount of \$0.00.
3. Both parties agree that this Agreement shall be recorded in the Cumberland County Registry of Deeds as evidence that the zoning violation set forth above is deemed cured, and that the resulting nonconformity shall hereafter be deemed a lawful conformity, which is allowed to continue under the Standish Zoning Ordinance.

**JOHN WEBBER**

Dated: February \_\_, 2016

\_\_\_\_\_  
Jonn Webber

**KAREN WEBBER**

Dated: February \_\_, 2016

\_\_\_\_\_  
Karen Webber

Then personally appeared the above named Jonn Webber and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Town of Standish.

Before me,

\_\_\_\_\_  
Attorney at Law/Notary Public

\_\_\_\_\_  
Print Name

Then personally appeared the above named Karen Webber and acknowledged the foregoing instrument to be her free act and deed and the free act and deed of the Town of Standish.

Before me,

\_\_\_\_\_  
Attorney at Law/Notary Public

\_\_\_\_\_  
Print Name

**TOWN OF STANDISH**

Dated: February \_\_, 2016

**DANIEL HILL**

\_\_\_\_\_  
Daniel Hill  
Its Code Enforcement Officer, duly authorized

STATE OF MAINE  
Cumberland, ss.

Then personally appeared the above named Daniel Hill and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of the Town of Standish.

Before me,

\_\_\_\_\_  
Attorney at Law/Notary Public

\_\_\_\_\_  
Print Name

DATE: February 2, 2016

TO: Town Council

FROM: Daniel Hill, CEO



REF: Webber Property

LOCATION: 4 Diamond Lane FKA Carole Lane

ASSESSORS' MAP 71 LOT 26

DATE OF CONSTRUCTION: *COULD NOT FIND ANY PERMITS FOR GARAGE*

SETBACK REQUIREMENTS: *Front 50 feet  
SIDE 50  
REAR 50*

VIOLATION: *GARAGE PLACED 44.39' FROM FRONT LINE*

*VARIANCE GIVEN ON 10/16/95 FOR 9 foot REDUCTION OF SETBACK  
NEW PROPERTY LINE WILL BE 31.75 feet FROM FRONT LINE 18'3" FROM*

HISTORY OF CONSTRUCTION PERMITS: *NONE*

*~~NEW FRONT LINE~~  
NEEDED TO MAKE  
LEGAL*

ZONING BOARD OF APPEALS ACTION FOUND IN RECORDS: *ON 10/16/95*

COMMUNICATION FROM CODE OFFICER:

*This property was purchased with the violation on set.*

EXHIBIT A

