

## NONENFORCEMENT AGREEMENT

WHEREAS, Timothy E. Hollerbush and Amanda L. Arsenault, as joint tenants, purchased a single family residence at 21 Caleb Street in Portland ( Tax Map #187-A-005) on June 29, 2007; and

WHEREAS, the original single family residence was erected in 1941 prior to establishment of the current Land Use Ordinance; and

WHEREAS, the property was purchased as a 6225 square foot lot that measures approximately 50 foot by 124.7 foot; and

WHEREAS, the residence is currently located within an R-3 Residential Zone that requires 6,500 square foot of land area per dwelling unit under section 14-90(b); and

WHEREAS, section 14-388 states, "A building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located"; and

WHEREAS, Timothy Hollerbush and Amanda Arsenault have applied for a permit to erect a deck on the rear of the existing residence that meets current dimensional requirements including all setbacks and lot coverage requirements; and

WHEREAS, Timothy Hollerbush and Amanda Arsenault have the option of petitioning the Portland Zoning Board of Appeals for a variance for said breezeway but have not done so at this time, nor is the same guaranteed to be approved.

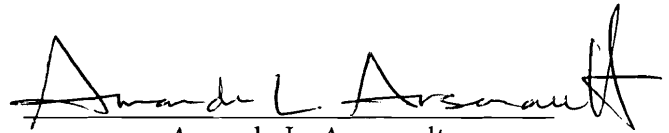
NOW THEN, it is hereby agreed as follows:


1. The City of Portland will not take enforcement action against the property or its current owners for the new deck approximately 12' x 18' to be built on the rear of the residence.
2. This agreement shall be filed in the Cumberland County Registry of Deeds by the owners upon its execution.


Dated this 23 day of May, 2008


SEEN AND AGREED


  
Witness

  
Amanda L. Arsenault

  
Witness

  
Timothy E. Hollerbusch

  
Sonia Bean, Witness

  
City of Portland  
Joseph E. Gray  
City Manager