

**STATE OF MAINE
COUNTY OF CUMBERLAND, SS:**

**DISTRICT COURT
LOCATION: PORTLAND
CIVIL ACTION
Docket No. RE-16-_____**

TOWN OF CAPE ELIZABETH,

Plaintiff,

v.

SCOTT and CHERYL JOYS,

Defendants

**LAND USE CITATION AND
COMPLAINT PURSUANT TO M.R.
CIV. P. 80K**

NOW COMES Plaintiff Town of Cape Elizabeth, by and through its undersigned counsel, and complains against Defendants Scott Joys and Cheryl Joys, pursuant to M.R.Civ. P. 80K, as follows:

PARTIES

1. Plaintiff Town of Cape Elizabeth ("Town") is a body corporate and politic which enforces its zoning ordinance through its Code Enforcement Department.
2. Defendants Defendants Scott Joys and Cheryl Joys ("Joyses") are individuals who own and reside at real property situated at 10 Star Road in Cape Elizabeth ("Premises").

CITATION PURSUANT TO M.R.CIV.P. 80K

3. In 2003, the Joyses constructed an addition to the Premises that violates the Town's ordinance requirement on front setback.
4. The Joyses obtained a building permit from the Code Enforcement Officer for their addition.
5. The violation was revealed by a survey that was conducted as part of a proposed real estate transaction.

6. Although the Joyses had intended to comply with the existing requirements for front setback, it appears that their measurements were taken from an incorrect demarcation of the property's front boundary line.

7. The Premises are located in the Residence C ("RC") District of Cape Elizabeth on a local street.

8. The front setback for a structure on a lot on a local street in the RC District is twenty feet (20'). See Town of Cape Elizabeth Ordinance § 19-6-3(E)(2).

9. The addition is 15 feet, five inches (15' 5") from the property's front line.

10. No preliminary injunction is sought in this Land Use Citation.

11. The Joyses have been advised of their violation, and warned that if they fail to respond to this Complaint and Land Use Citation, they risk being defaulted.

WHEREFORE, Plaintiff Town of Cape Elizabeth requests that Defendants Scott Joys and Cheryl Joys be found in violation of the Town of Cape Elizabeth's Ordinance, and any other relief this Court finds just.

Dated at Portland, Maine this ____ day of April, 2016.

Respectfully submitted,

MONAGHAN LEAHY, LLP

By _____
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