
10 MORGANS COURT



CITY OF PORTLAND

JOSEPH E. GRAY, JR.
DIRECTOR OF PLANNING
AND URBAN DEVELOPMENT

August 5, 1982

Mr. John DiSanto, Sr.
10 Morgan Court
Portland, Maine 04103

Re: Lot 143-A-67 Morgan Court

Dear Mr. DiSanto:

In response to a complaint and my subsequent investigation of your foundation at Lot 143-A-67, you are hereby ordered to fill the foundation to ground level by August 20, 1982. It is just too dangerous to leave the foundation open.

If you have any questions, please call our office.

Very truly yours,

Gayton C. Bartlett
Gayton Bartlett
Code Enforcement Officer

GB/jmr



CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
INSPECTION SERVICES DIVISION

10 Morgan Court

March 5, 1982

John DiSanto Sr.
10 Morgan Court
Portland, Maine 04103

777-8792

Dear Mr. DiSanto:

In response to your telephone conversation with Samuel Hoffses on March 5, 1982 regarding our letter of Feb. 23rd, we are extending the time allowed to recap the foundation at Lot 143-A 67 until May 1, 1982. This should allow plenty of time for the snow to have melted and the recapping to be completed.

Again, feel free to contact our office if there are any questions regarding this order.

Very truly,

Gayton C. Bartlett

Gayton Bartlett
Code Enforcement
Officer

GB/t



CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
INSPECTION SERVICES DIVISION

Feb. 23, 1982

John DiSanto Sr.
143-A-67 Morgan Court
Portland, Maine

Dear Sir:

As a result of a re-inspection of your foundation at Lot 143-A-67 on Morgan Court, you are hereby re-ordered to cap or fill the foundation within 10 days (original order 10-14-80), as this open area allows a dangerous situation to exist.

Please feel free to contact this office if there are any questions concerning this order.

Yours truly,

Gayton Bartlett

Gayton Bartlett
Code Enforcement Officer

GB/t



APPLICATION FOR PERMIT

B.O.C.A. USE GROUP
B.O.C.A. TYPE OF CONSTRUCTION
ZONING LOCATION PORTLAND, MAINE .Oct. 11, 1983

1106 PERMIT ISSUED
OCT 11 1983

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION 10 Oregon Court - 10A Fire District #1 , #2
1. Owner's name and address John DiSanto - same Telephone 797-3593
2. Lessee's name and address Telephone
3. Contractor's name and address David DiPietro - 221 Virginia St. Telephone 797-3531
Proposed use of building Dwelling No. of sheets
Last use No. families 2
Material No. stories Heat Style of roof Roofing
Other buildings on same lot
Estimated contractual cost \$ 500 Appeal Fees \$
Base Fee 15.00
Late Fee
TOTAL \$ 15.00
FIELD INSPECTOR—Mr. @ 775-5451

To construct 5' x 7' mud room on front of dwelling as per plans. 1 sheet of ~~work~~ plans.
send permit to # 1 04103

Stamp of Special Conditions

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

DETAILS OF NEW WORK

Is any plumbing involved in this work? no Is any electrical work involved in this work? no
Is connection to be made to public sewer? If not, what is proposed for sewage?
Has septic tank notice been sent? Form notice sent?
Height average grade to top of plate Height average grade to highest point of roof
Size, front depth No. stories solid or filled land? earth or rock?
Material of foundation Thickness, top bottom cellar
Kind of roof Rise per foot Roof covering
No. of chimneys Material of chimneys of lining Kind of heat fuel
Framing Lumber—Kind Dressed or full size? Corner posts Sills
Size Girder Columns under girders Size Max. on centers
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st floor 2nd 3rd roof
On centers: 1st floor 2nd 3rd roof
Maximum span: 1st floor 2nd 3rd roof
If one story building with masonry walls, thickness of walls? height?

IF A GARAGE

No. cars now accommodated on same lot, to be accommodated number commercial cars to be accommodated
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVALS BY: DATE MISCELLANEOUS no
BUILDING INSPECTION—PLAN EXAMINER Will work require disturbing of any tree on a public street?
ZONING: Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes
BUILDING CODE:
Fire Dept.:
Health Dept.:
Others:

Signature of Applicant John DiSanto Phone # same
Type Name of above John DiSanto 1 2 3 4
Other and Address

FIELD INSPECTOR'S COPY APPLICANT'S COPY OFFICE FILE COPY

APPLICATION FOR PERMIT

B.O.C.A. USE GROUP
B.O.C.A. TYPE OF CONSTRUCTION 0 1105
ZONING LOCATION B-5 PORTLAND, MAINE Oct. 11, 1983

PERMIT ISSUED

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE
The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION 10 Morgan Court - 10A
1. Owner's name and address John DiSanto - same
2. Lessee's name and address
3. Contractor's name and address David DiPietro - 221 Virginia St.

Proposed use of building dwelling
Last use
Material No. stories Heat Style of roof Roofing
Other buildings on same lot
Estimated contractual cost \$ 500

FIELD INSPECTOR - Mr. @ 775-5451
Appeal Fees \$
Base Fee 15.00
Late Fee
TOTAL \$ 15.00

To construct 5' x 7' mud room on front of dwelling as per plans. 1 sheet of plans.
send permit to # 1 04103
Stamp of Special Conditions

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

DETAILS OF NEW WORK

Is any plumbing involved in this work? no
Is any electrical work involved in this work? no
Is connection to be made to public sewer? If not, what is proposed for sewage?
Has septic tank notice been sent? Form notice sent?
Height average grade to top of plate Height average grade to highest point of roof
Size, front depth No. stories solid or filled land? earth or rock?
Material of foundation Thickness, top bottom cellar
Kind of roof Rise per foot Roof covering
No. of chimneys Material of chimneys of lining Kind of heat fuel
Framing Lumber - Kind Dressed or full size? Corner posts Sills
Size Girder Columns under girders Size Max. on centers
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st floor 2nd 3rd roof
On centers: 1st floor 2nd 3rd roof
Maximum span: 1st floor 2nd 3rd roof
If one story building with masonry walls, thickness of walls? height?

IF A GARAGE

No. cars now accommodated on same lot to be accommodated number commercial cars to be accommodated
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVALS BY: DATE MISCELLANEOUS
BUILDING INSPECTION PLAN EXAMINER Will work require disturbing of any tree on a public street? no
ZONING: Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes.
BUILDING CODE:
Fire Dept.
Health Dep.
Other

Signature of Applicant: John DiSanto Phone # same
Type Name of above: John DiSanto
Other and Address:

FIELD INSPECTOR'S COPY APPLICANT'S COPY OFFICE FILE COPY
[Signature]

NOTES

8-17 NO PLANS! GIVEN THIS
INSPECTOR WORK COMPLETE (R)

Permit No. 01106

Location 108 Morgan Court

Owner John D. Santos

Date of permit 10-21-83

Approved

Dwelling

Garage

Alteration Mud Room

~~Large ruled area for notes, crossed out with a large X.~~

Second, there are of course the relatively new requirements for street access. As noted earlier, Morgan's Court is only 16 1/2 feet wide (35 required). In addition, however, according to City records, Morgan's Court is neither dedicated nor accepted (must be one or the other) and is dirt (must be improved per City specifications). Unless and until these requirements are met or waived (by variance), site plan approval is precluded and a building permit cannot be issued.

Subdivision Approval

Although subdivision approval was required here at one time, I do not believe that it now is. This is because what triggered review was the proposed development of this lot back in 1980. Five years having elapsed since the previous two lots were created, however, this lot could now be developed without subdivision approval provided it meets all other applicable requirements including those noted above.

I hope this clarifies matters. Please contact me if you have any questions.

Richard P. Flewelling
Richard P. Flewelling
Associate Corporation Counsel

RPF/smb

cc: Bill Boothby
Bob Roy
Dave Klenk

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Warren J. Turner, Zoning Administrator DATE: 1/27/80
FROM: Richard P. Flewelling, Associate Corporation Counsel
SUBJECT: Proposed Duplex/10 Morgan's Court

This is to advise you of some of the legal issues surrounding Larry Lonstein's proposal to construct a duplex at 10 Morgan's Court.

Background

This property and a similar proposal were subject of extended litigation in the early 1980's. John J. DiSanto, Mr. Lonstein's predecessor in title, obtained a building permit for a duplex in April 1980. The permit was revoked later that year because it had not been diligently pursued. Mr. DiSanto appealed the revocation to the Board of Appeals which upheld the Building Inspector's decision. Mr. DiSanto then appealed the Board's decision to Superior Court.

In preparing an answer to Mr. DiSanto's complaint, the City's attorneys discovered that this lot was actually part of an unapproved subdivision, and that as a result, a building permit should never have been issued in the first place. Moreover, one of the other lots in the subdivision was undersized, making even retroactive subdivision approval impossible without first curing the zoning violation. There was also the problem with Morgan's Court, which is only 10 1/2 feet wide, for which Mr. DiSanto had originally gotten a variance but which lapsed automatically when the building permit was revoked.

The undersized lot was never enlarged and subdivision approval was never applied for or granted. Mr. DiSanto eventually dismissed his appeal and began actively marketing the property, which remained dormant for several years. I related all of this in great detail to Mr. Lonstein both before and after he recently purchased the lot.

New Requirements

Since 1980 several new requirements have been imposed which would affect this lot. There is, first of all, the requirement for minor site plan approval which calls for more elaborate plans and submissions. My review of the Titcomb plan (3-21-80) on file in your office leads me to conclude that that plan may be insufficient in certain respects.

