

Planning & Zoning Office Sherman, Connecticut

Zoning Enforcement Officers Report October 2020

The Following Permit Applications Have Been Approved:

Qty: 30

| | | | | |
|------|-------------------------|-----------------------|--|---|
| 8065 | Palumbo | 3 Cedar Lane | Finish the storage space over garage into an Accessory Apartment. | B |
| 8071 | Elliman & Branch | 256 Old Forge Rd. | Construct a 24' x 24' detached garage. | A |
| 8106 | Hawley | 23 Orchard Rest Rd. | Construct a single family dwelling, A/C units, Emergency Standby Generator, Install septic and construct driveway. | B |
| 8107 | Jordon | 2 Crest Rd. | Renovate the interior and convert storage area into living space. | B |
| 8109 | Cundari | 31 Route 37 East | Installation of an Emergency Standby Generator. | A |
| 8110 | Wald | 2 Hemlock Point Drive | Installation of an Emergency Standby Generator. | B |
| 8111 | Violinsi | 68 Route 39 South | Installation of an Emergency Standby Generator. | A |
| 8112 | Chance | 37 Route 37 E. | Installation of a pre-fab 12' x 16' storage shed. | A |
| 8113 | Gomez | 11 Smoke Ridge Road | Installation of a 17' x 36' in-ground pool and associated equipment. | A |
| 8114 | Whitman | 18 Wakeman Hill Rd. | Install an 18' x 36' in-ground pool and associated equipment | A |
| 8116 | 890 Sherman Carlson LLC | 3 Pond View Lane | Construction of a new single family dwelling, attached garage, rear deck and installation of a driveway, well and septic system. | A |
| 8117 | 890 Sherman Carlson LLC | 73 Long River Road | Construction of a new single family dwelling, attached garage, rear deck and installation of a driveway, well and septic system. | A |
| 8118 | 890 Sherman Carlson LLC | 42 Long River Road | Construction of a new single family dwelling, attached garage, rear deck and installation of a driveway, well and septic system. | A |
| 8121 | Lee & Roulat | 8 Sherwood Hill | Installation of an Emergency Standby Generator. | B |

| | | | | |
|------|------------|------------------------|--|---|
| 8122 | Styron | 26 Briggs Hill Road | Installation of an Emergency Standby Generator. | A |
| 8123 | Arones | 16 Fox Run | Installation of an A/C Heat Pump for the garage. | A |
| 8125 | Zlotnikov | 5 Sail Harbor Drive | Construct a new pergola on an existing deck. | B |
| 8127 | Edelstein | 8 Wimisink Rd. | Installation of an Emergency Standby Generator | A |
| 8130 | Seltzer | 16 Crawford Lane | Installation of an Emergency Standby Generator. | B |
| 8131 | Kelse | 12 Chestnut Hill | Install a 5'7" x 7' concrete pad with new hot tub | B |
| 8132 | Clark | 21 Smoke Ridge | Installation of an Emergency Standby Generator. | A |
| 8133 | Burrano | 13 Farm Road | Installation of an Emergency Standby Generator | A |
| 8134 | Till | 9 Shelter Cove Rd. | Installation of an Emergency Standby Generator | B |
| 8135 | Bednarek | 2 Holiday Point Rd. | Installation of an Emergency Standby Generator | B |
| 8136 | Hausler | 27 Osborn Road | Installation of an Emergency Standby Generator | A |
| 8137 | Park | 4 Holiday Point Rd. | Construct a one-story 19' x 28.5' addition and a second story master bed room in the existing attic space of the dwelling. | B |
| 8138 | Meyer | 36 Holiday Point Rd. | Installation of an Emergency Standby Generator | B |
| 8139 | Surprenant | 4 Bittersweet Lane | Construct a 12' 16' shed | A |
| 8140 | Handelsman | 17 Candlewood Lake Dr. | Renovations and second floor addition on existing dwelling. | B |
| 8141 | Weider | 8 Oak Drive | Installation of an Emergency Standby Generator | B |

The Following Statements Of Intents Were Approved:

Qty: 0

The Following Statement Of Intents Were Received And Filed For Record Only:

Qty: 0

The Following Applications Were Withdrawn:

Qty: 1

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|------|----------|-------------|--|---|
| 8091 | Eidelson | 2 Jane Lane | Enclose existing patio to a three season room. | B |
|------|----------|-------------|--|---|

The Following Permit Applications Have Been Denied **Qty: 2**

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|------|------------|----------------------|--|---|
| 8124 | D'Agostino | 10 Deer Run Trail | Construct a 12' x 18' screened porched attached to the existing dwelling | B |
| 8128 | McQuaide | 19 Holiday Point Rd. | Installation of an Emergency Standby Generator. | B |

The Following Permit Applications Have Been Denied Without Prejudice **Qty: 0**

The Following Applications Were Returned For Lack Of Information: **Qty: 0**

The Following Applications Were Not Processed Since They Were Duplicates: **Qty: 0**

The Following Applications Require Additional Information Or Review: **Qty: 7**

| | | | | |
|------|------------|---------------------|---|---|
| 8083 | Arnold | 5 Briggs Hill Rd. | Construct a 16' x 24' screened-in porch Attached to the existing dwelling. | A |
| 8104 | Wilms | 6 Durgy Lane | Install a 10' x 16' horse run-in shed | A |
| 8115 | Butscher | 11 Old Forest Drive | Construction of a 12' x 16' shed. | B |
| 8119 | Toews | 18 Deer Run Trail | Renovation and expansion of lower deck, new deck stairs, installation of new hot tub and relocate HVAC units. | B |
| 8120 | Pascarella | 6 Durgy Lane | Installation of a pre-fab 10' x 16' horse run in shed. | B |
| 8126 | Rogers | 21 Jericho Road No. | Construct a 28' x 18' Storage Building with 10' x 24' Car port with shed roof | A |
| 8129 | Myasnikov | 22 Deer Run Trail | Installation of an Emergency Standby Generator. | B |

Old Business:

ZV 05-18 3 Deer Run Trail – Operating a Resident Contractor Business without the required determination of “No Impact Business” or issuance of a “Special Permit” by the Planning and Zoning Commission – Violation of Section 324.1C, “Resident Contractor” and Section 324.1C.2, “All Impact Businesses Resident Contractors” of the Town of Sherman Zoning Regulations. *A Notice of Violation was mailed on May10, 2018. There is still evidence (construction equipment and vehicles) that a business is being run from the property. A second Notice of Violation was sent on September 6, 2018. No response received form the property owner. A follow-up letter will be sent. A follow up letter will be sent on 3-5-2020.*

*A letter was sent on March 20, 2020 requesting a meeting on the property or at Town Hall. There has been no response from the home owner. Another the letter will be sent. **The letter has not been sent.***

ZV 22-18 8 Spur Lane - Complaint - Raising chickens in Zone B without the required Special Permit. Reference Section 332.1 Permitted Uses - Zone B - *A Notice of Violation will be sent. A Notice of Violation was sent on August 21, 2018. The property owner responded and plans on applying for a Special Permit – Zone B. The small hutch has been removed. Documentation has been received and is being reviewed regarding therapy animals. Still under review and discussion with the Town’s Land Use Attorney. A special needs situation exists. The tenant has agreed to fill out new forms updating those the town has on file. The forms will be sent by the ZEO next week. **The forms have not been sent.***

ZV 23-18 8 Spur Lane – Complaint - Quantity (2) two -chicken hutches and/or duck houses. Both structures erected without the required permits. In violation of Section 410 “Zoning Permits” of the Town of Sherman’s Zoning Regulations – Zone B. *A Notice of Violation will be sent. A Notice of Violation was sent on August 21, 2018. The property owner responded and plans to apply for a Zoning Permit and Variance. The small hutch has been removed and the large hut will require a variance if it’s decided the chickens and ducks can stay. Still under review. Still under review and discussion with the Town’s Land Use Attorney. The town attorney responded and provided recommendations on how the enforcement should proceed. **The ZEO had a meeting with the tenants to discuss the current issues and concerns. The number of chickens has been reduced to four and there is only one small hutch. It was agreed that more birds will not be brought to the property and when the existing ones pass they will not be replaced. The hutch will be removed when there are no more birds. See case ZV 22-18.***

ZV 29-18 28 Wanzer Hill Road – A 6’ high stockade fence and hot tub was installed without the required permits. In violation of Section 410 “Zoning Permits” of the Town of Sherman’s Zoning Regulations – Zone B. *The contractor and home owner have both been contacted and a Notice of Violation will be sent. A Notice of Violation was sent on August 22, 2018. An application has been received and will be denied. After discussing the setbacks the owner decided to remove the fence and move the hot tub to a conforming location. The violation has not been corrected yet. A letter was sent on February 28, 2019 as a reminder that violations still exist on the property and the application that they submitted cannot be processed without the application fee. We determined that the fees had been paid and a second check she provided was returned. She stated she would call to set up a meeting to review what needs to be done to resolve the outstanding issues. The ZEO had a meeting with the property owners the week of 6/3/19 on the property and requested the as-built survey. The property owner called on 6/6/19 and stated that the surveyor is scheduled to come back out to locate the fence, hot tub and shed. She will provide a copy when the work is done. A copy of the survey has been received. The survey shows the proposed location of the hot tub and the actual location of the installed 6’ high fence. The owner plans on applying for a variance to allow a 6’ high fence in front of the 50’ front set back line. As of January 1, 2020 ZBA has not received an application. A letter will be sent. A letter was sent on March 18, 2020. The property owner has not responded. Another letter will be sent. **The letter has not been sent.***

- ZV 32-18** 63 Church Road – A temporary structure (hoop house) was erected without the required permit. In violation of Section 410 “Zoning Permits” of the Town of Sherman’s Zoning Regulations – Zone B. *A Notice of Violation will be sent. A Notice of Violation was sent on August 22, 2018. I was told the temporary structure will be taken down in the early spring. The ZEO will follow up next month after the weather improves. A drive by inspection was conducted and the temporary structure is still in place. A letter will be written to request its removal or the homeowner can provide evidence that it is smaller than 200 sq. ft. in which case it can remain. A second Notice of Violation was sent on March 17, 2020 requesting an inspection by the ZEO. The property owner has not responded. Another letter will be sent. The letter has not been sent.*
- ZV 33-18** 121 Route 39 South – An accumulation of waste, junk and debris exists on the property in violation of Section 323 and Section 323.2 of the Zoning Regulations. Zone B. A Notice of Violation was sent on August 22, 2018. The property owner came to the office of the ZEO on September 5, 2018 and promised she would clean up the property. A letter was sent on February 28, 2019 and I received a response call on March 6, 2019. Since the proposed shed location is up on a steep bank and with the snow cover she has requested an extension until June to bring the property into compliance. *The ZEO will wait until June to follow up with the owner. The ZEO will make an appointment to walk the site the week of August 5th. The ZEO did a drive by and observed that the junk / debris has not been removed. A letter was mailed on 8-28-19 requesting compliance and schedule on when the work will be completed. The Zoning Office never received a response to the letter. Another letter will be sent. Another letter was sent on 3-5-2020. The ZEO met with the property owner on March 10, 2020. The owner requested 2 weeks to clean up the property. The ZEO agreed. A letter was sent on March 17, 2020 confirming the conversations the ZEO and property owner had the previous week. The property owner has not responded. Another letter will be sent since the property has not been cleaned up. The letter has not been sent.*
- Case 39-18** 10 Skyline Drive – An Accessory Structure (shed) is under construction without the required permit in violation of Section 410 Zoning Permits and Section 411 of the Town of Sherman Zoning Regulation – Zone A. *A Notice of Violation was mailed on November 7, 2018. The owner of the property lives in Florida during the winter and was not aware of the size or location of the structure when his contractor started work. When he comes back from Florida he will apply for the required permit or take whatever action is required to resolve the situation. A Letter was sent on March 1, 2019 reminding the owner that the violation still exists and when he travels north in the spring he should schedule a meeting for discussion on how he plans to proceed. The owner did not respond to my letter yet. The property owner responded and stated that the shed will be removed. The ZEO will conduct another site walk. The ZEO conducted another site walk and the walls and roof of the structure have been removed. The platform is still in place which requires another follow up inspection by the ZEO. Requires another inspection. A site inspection was conducted and progress was observed. A letter was mailed on 8-28-19 stating the platform/deck has to be removed. The owner responded via a letter dated September 18, 2019 addressed to the ZEO stating that he would like to meet with him when he is in town next. The ZEO has not heard from him since. Follow up letter required. A letter was sent on March 5, 2020 requesting a meeting on the property or at the Town Hall. The owner, Mark Dienstag called on May 21st from Florida. Just opened my letter from March. Apologized for not responding sooner. Having a hard time with the state of affairs (Corona Pandemic). Will*

*provide photos, maps and other documentation that the shed has been there for an extended period of time. He asked for my patients as he has been addressing other matters with his business. **Further follow up is required.***

- ZV 01-19** 21 Holiday Point Road – A shed was constructed without the required permits and not in compliance with the front yard property line setback requirements. Reference Section 410 Zoning Permits and Section 331.5 Minimum Setback Requirements – Zone A. *A Notice Of Violation was mailed on 3-1-19. Follow-up required. A 2nd Notice of Violation was sent on 8-28-19. Another letter will be sent. A 3rd Notice of Violation was sent on 03-05-2020. A 4th Notice of Violation was sent on March 18, 2020. This time it was also sent to their New York address. The property owner has not responded. Another letter will be sent. **The letter has not been sent.***
- ZV 02-19** 152 Route 39 South – A Hot Tub with electrical hookup has been installed on top of an existing deck in a non-conforming location and without first applying for the required permit. Reference Section 410 and 332.5 of the Town of Sherman Zoning Regulations. Zone B. *A Notice of Violation was sent. The ZEO met with the mother of the man that owns the property. She stated her son is overseas serving in the military and will contact me when he is on leave. The ZEO sent a 2nd Notice of Violation on March 18, 2020. He had not heard from anyone since the conversation he had with the mother last year. The property owner has not responded. Another letter will be sent. **The letter has not been sent.***
- ZV 06-19** 4 Taber Road – Two Temporary Structures Erected without the required permit. Reference Section 324.2.B of the Town of Sherman Zoning Regulations. - Zone A *A Notice of Violation was sent. The NOV was returned by the post office. A second NOV will be sent to the location in Sherman. A second Notice of Violation was sent on March 5, 2020. ZEO had a meeting with the property owner on 3-13-2020. He was given a driveway permit application and informed that the temporary structures will have to be removed. A meeting is scheduled with the property owner on Friday September 4. A schedule will be discussed to remove the structures and to bring the property into compliance. The meeting was held on September 23rd and a schedule was discussed to remove the cargo carrier. It will be moved from the property in the following two weeks. The other structure will be measured to determine if the footprint is over 200 square feet. **The structure has not been measured by the ZEO yet.***
- ZV 07-19** 4 Taber Road – Newly constructed driveway without the required permit. Reference Town of Sherman Ordinance and Section 373 of the Town of Sherman Zoning Regulations. - Zone A *A Notice of Violation was sent. A second NOV will be sent to the location in Sherman. A second Notice of Violation was sent on March 5, 2020. The ZEO had a meeting with the property owner on 3-13-2020. He was given a driveway permit application and informed that the temporary structures will have to be removed. A meeting is scheduled with the property owner on Friday September 4th. The driveway specification, location, width and apron size will be discussed. The property owner cancelled the September 4th meeting and it was rescheduled and held on September 23rd. The driveway ordinance was discussed and paving of the apron was scheduled for October. The original driveway entrance will be removed. **The driveway was paved and the old driveway will be blocked. No further action required by the ZEO at this time.***

**ZV 11-19
and 06-20** 23 Route 39 North – A camper parked on the property is being used as a full time residence in Violation of Section 331.1 (not a permitted use) and 324.1D4 (trailer parks not permitted) of the Town of Sherman Zoning Regulations. The ZEO has discussed this violation with the property owner, A *Notice of Violation* will be sent. *The ZEO spoke to the owner of the property and he stated the trailer and the occupants would be off the property by 11/22/19. Subsequent conversations with the owner's representative and message left for the ZEO revealed the occupants of the trailer refuse to leave. Follow-up with the State Trooper has been done. Danbury Superior Court has been contacted and messages have been left for the property owner to schedule a meeting to discuss the issue. A Notice Of Violation was sent on 2/25/2020. On March 4th, the owner took legal action to have the camper/trailer and its inhabitants removed from the property. No further up date as of April 2, 2020. No further up date as of July 8, 2020. The ZEO spoke with the property owner's attorney and there is no further action that can be taken until the courts issue an Eviction Notice. Further follow is required.*

Case 10-20 1 Spring Lake Road and 23 Route 39 North –A written complaint was received 5-12-2020 questioning possible non-conforming uses of property. *Under investigation.*

New Business:

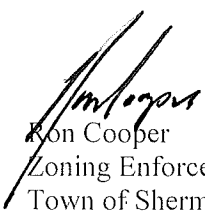
No new business to report

Zoning Board of Appeals Decisions

October Meeting – two cases were heard.

ZBA Case #709 was denied – A copy of the decision is attached.

ZBA Case # 710 was withdrawn - A copy of the decision is attached.


Ron Cooper
Zoning Enforcement Officer
Town of Sherman