

# Planning & Zoning Office Sherman, Connecticut

## Zoning Enforcement Officers Report July 2021

**The Following Permit Applications Have Been Approved:** **Qty: 14**

8271	Zeisler	4 Rising Sun	Construct a kitchen addition on the rear of the existing dwelling.	B
8273	Rosenberg	22 Brinsmade Lane	Installation of (2) two A/C condensers next to the existing dwelling.	A
8274	Anderson-Butler	35 Edmonds Road	Installation of (1) one A/C condenser next to the existing dwelling.	A
8275	Bristol	9 Route 55 West	Installation of an emergency standby generator next to the existing dwelling.	A
8277	Parente	126 Rt. 39 North	Installation of a 15' diameter above ground pool and associated equipment	A
8278	O'Donnell	12 Hardscabble Rd.	Installation of an emergency standby generator next to the existing dwelling.	A
8279	Edman	78 Route 37 South	Finish attic space in the existing dwelling to create a bedroom and bathroom.	A
8280	Shultz	31 Big Trail	Construction of a 20' x 6' pergola next to the existing pool.	B
8281	Eadie	30 Route 37 E.	Construction of a storage building next to the existing horse barn.	A
8283	Sherman Congr. Church	6 Church Road	Installation of an emergency standby generator next to the existing dwelling.	A
8284	Worden	1 Sherwood Hill Rd.	Installation of an emergency standby generator next to the existing dwelling.	A
8290	Silver	10 Orchard Beach Rd.	Installation of an emergency standby generator next to the existing dwelling.	B
8291	Osgood/ Melarc	2 Church Road	Installation of an emergency standby generator next to the existing dwelling.	A
8292	Teman	22 Smoke Ridge	Installation of an A/C Condenser next to the existing dwelling.	A

**The Following Statements Of Intent Were Approved:** **Qty: 0**

**The Following Statement Of Intent Were Received And Filed For Record Only:** **Qty: 0**

**The Following Applications Were Withdrawn:** **Qty: 0**

**The Following Permit Applications Have Been Denied** **Qty: 1**

8285	Zelaya	21 Deer Run Trail	Installation of an emergency standby generator next to the existing dwelling.	B
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**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: 18**

8198	Gribble/Cooke	47 Church Road	Add a 120 sq. ft. addition to existing screened in porch attached to existing principal dwelling.	A
8217	Hart	41 Chapel Hill Road	Rebuild a single family dwelling near the footprint of the original dwelling that was removed.	A
8235	Kantor	72 Wakeman Hill Rd	Building a new Post and Beam garage with a future accessory dwelling above. The accessory dwelling will require a Special Permit.	A
8236	Hawley	19 Hillside Drive	Demolition of the existing house and construction of a new dwelling in approximately the same footprint.	B
8245	Bonner	48 Anderson Road	Construction of a 30' x 40' metal accessory storage building	A
8248	Zamorano/Dua	11 Sail Harbour Dr.	Construction of a 12' x 12' accessory storage shed.	B

8259	Ibeachum	12 Farm Road	Installation of two ground mount solar panels. One array 8.5' x 28' and the other 26'8" x 13'3" and the installation of one experimental wind turbine 21' tall with guy wires.	A
8267	TJ Property Investors LLC	70 Lavelle	New front entry canopy with steps up to landing Approx. 8' x 5" on existing dwelling.	B
8268	Wrong	53 Timber Lake Road	Construct an addition to the existing single family dwelling.	B
8269	Trovato	34 Candle Lake Drive	Replace the existing shed with a new shed approx. 10' x 16' mounted on foundation blocks.	B
8272	TJ Property Investors, LLC	70 Lavelle Ave.	Installation of (3) three A/C condenser next to the existing dwelling.	B
8276	Marshall	15 Candlevue Dr.	Replace a 15' x 28' deck attached to the Existing dwelling.	B
8282	Lippert	15 Brinsmade Lane	Installation of an emergency standby generator next to the existing dwelling.	A
8286	Rybos	4 Meadow Lane	Installation of an emergency standby generator next to the existing dwelling.	A
8287	Dawson	196 Rt. 37 South	Installation of an emergency standby generator next to the existing dwelling.	A
8288	Clarke	21 Spring Lake Road	Installation of an emergency standby generator next to the existing dwelling.	A
8289	Kotenbrink/ Murray	1 Tabor Road	Installation of an emergency standby generator next to the existing dwelling.	A
8293	Hirsch	5 Shelter Cove Road	Installation of an in-ground pool, 18' x 40' with associated equipment and fencing.	B

**Old Business:**

**ZV 05-18** 3 Deer Run Trail – Operating a Residential 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 from 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 will be mailed 12-08-2020. The letter has not been sent yet due to a shift in priorities. A letter was sent on 2-4-2021. The certified copy was returned on 2/26/2021 by the Post Office as unclaimed. Another letter will be 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 will be sent 12-08-2020. The letter has not been sent yet due to a shift in priorities. A letter was sent on 2-4-2021.*

**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 5<sup>th</sup>. 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 will be sent on 12-08-2020. The letter has not been sent yet due to a shift in priorities. A letter was sent on 2-4-2021. The ZEO spoke with the owner on 2-24-2021. She requested that I give her more time. She would like until July. I agreed, but, I let her know that enforcement action will be stepped up if the property is still not compliant with the regulations. Met with owner on 3/25/2021 at Town Hall when she stopped in to conduct business in another department. She stated she is on schedule for clean up by the end of July. As observed during a drive by on June 29<sup>th</sup>, considerable progress is being made with the cleanup effort.*

**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 2<sup>nd</sup> Notice of Violation was sent on 8-28-19. Another letter will be sent. A 3<sup>rd</sup> Notice of Violation was sent on 03-05-2020. A 4<sup>th</sup> 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 will be sent on 12-08-2020. The letter has not been sent yet due to a shift in priorities. A letter was sent on 2-4-2021. The first class mail was returned by the New York Post Office as unclaimed. I did not receive confirmation of the certified mail receipt. I had a meeting on April 7, 2021 with property owner. He and his family are part time residents in Sherman and they store their snow blower in the shed at the end of the driveway so when they comes up in the winter after it has snowed, he can plow the driveway before he attempts to drive up the driveway. He will be making a decision before June 1<sup>st</sup> as to whether they planning on becoming permanent residents after staying here the past year through COVID. I agreed to give him until June 1<sup>st</sup> to make his decision, at which time, he will have to remove the shed or apply for a front property line setback.*

**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 2<sup>nd</sup> 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 will be sent 12-08-2020. The letter has not been sent yet due to a shift in priorities. A letter was sent on 2-4-2021.*

**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 4<sup>th</sup>, 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. There are currently two eviction moratoriums in place for people who live in Connecticut: The federal eviction moratorium has been extended until at least June 30, 2021. What's new: The Connecticut eviction moratorium has been extended until the end of the public health emergency, which is currently May 20, 2021.*

**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.***

**Case 02-21** 5 Fox Run - Advertised on-line (Air BnB) is the dwelling for short term rental with a minimum stay of 2 nights in violation of Section 324.1.D "Keeping of Roomers or

Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone A. *A Notice of Violation was sent on 5-28-21. Also see Case 23-21 – Violation for an accessory apartment. The owner of the property called on 6/10/2021 and requested a call back to discuss his situation. The ZEO returned his call on 6/10/2021 at 12:48 p.m.. He was on another line and stated he would call back. The owner call back on 6/15/2021 and stated he stopped advertising as a short term rental and will cancel all books that he has through 8/1/2012. He also scheduled a walk through site first with the ZEO for July 2<sup>nd</sup> to review what may be an illegal apartment.*

- Case 03-21** 2A Terrace Drive - Advertised on-line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone B. *A Notice of Violation was sent on 5-28-21. The owner sent an e-mail on Monday June 21, 2021 and explained that they do not advertise with a two day minimum, but have rented in the past for periods less than 30 days. He requested a phone call to make adjustments if necessary. The ZEO will return his call.*
- Case 04-21** 186 Green Pond Road- Advertised on-line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone B. *A Notice of Violation was sent on 5-28-21*
- Case 06-21** 23 Wagon Wheel Road - Advertised on line (Air BnB) is the 2<sup>nd</sup> floor of the detached garage for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone B. *A Notice of Violation was sent on 5-28-21. The property owner representing the LLC called Monday June 14<sup>th</sup> when the Town Hall was closed. The ZEO returned his call on June 15<sup>th</sup>. Adjustments have been made and there will be no further rentals less than 30 days. The ZEO will investigate further since there may be an illegal apartment.*
- Case 07-21** 14 Edmonds Road- Advertised on line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone A. *A Notice of Violation was sent on 5-28-21. Kim, the owner of the property, called on 6/21/2021 at 10:30 a.m. and left a voice message that she changed the listing to a 30 day minimum stay to bring the rental into compliance.*
- Case 08-21** 32 Edmonds Road- Advertised on line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit

tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone A. *A Notice of Violation was sent on 5-28-21*

**Case 10-21** 201 Route 37 South - Advertised on line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone B. *A Notice of Violation was sent on 5-28-21*

**Case 12-21** 10 Hemlock Point Road - Advertised on line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone A. *A Notice of Violation will be sent.*

**Case 13-21** off Holiday Point Road - Advertised on line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone B. *The property has yet to be identified.*

**Case 14-21** 29 LedgeWood Drive - Advertised on line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone B. *A Notice of Violation was sent on 5-28-21*

**Case 16-21** 13 Wagon Wheel - Advertised on line (Air BnB) is the 2<sup>nd</sup> floor of the detached garage for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone B. *A Notice of Violation was sent on 5-28-21*

**Case 17-21** in Atchinson Cove - Advertised on line (Air BnB) is the dwelling for short term rental with a minimum stay 2 nights in violation of Section 324.1.D “Keeping of Roomers or Boarders” and Section 324.1D.4 “Nothing in this section shall be construed to permit tourist cabins, trailer camps, apartments, hotels, inns, taverns or roadhouses” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone B. *The property has yet to be identified.*

**Case 19-21** 12 Farm Road – Two Solar Panels Arrays, One approximately 8’6” by 28’ and the other 26’8” x 13’3” along with 1 21’ high experimental wind turbine has been erected without the required permits in violation of Section 410 “Zoning Permits” of the Town of Sherman Zoning Regulations. “No buildings, structure or temporary structure shall be erected

.....until a zoning permit has been issued by the Planning and Zoning Commission.” – Zone A. *The ZEO spoke with the owner of the property and he has since applied for permits that are under review. Reference Permit Application # 8259. A Notice of Violation was not sent.*

- Case 20-21** 10 Coburn Road East - A real estate sign is posted in front of the property that exceeds the permitted size in violation of Section 360 “Signs” and Section 361 “Sale, For Lease or Contractor Sign” of the Zoning Regulations Of The Town of Sherman, Connecticut – Zone A - One sign advertising the sale or lease of a property is permitted provided that it is located on such property and further provided that no such sign shall exceed (4) square feet in area. Zone B. *A Notice of Violation will be sent.*
- Case 22-21** 5 Hillside Dive – An A/C condenser has been installed in a non-conforming location and without the required permit. This is a violation of Section 324.3B “Generators, Air Conditioners, Pool Filters, and Other Noise Generating Equipment and Section 410 “Permits” of the Town of Sherman Zoning Regulations. Zone B. *A Notice of Violation was sent on 5-28-21. An application was received for installation at a conforming location. Zoning Permit #8261 was issued. No further action is required by the ZEO.*
- Case 23-21** 5 Fox Run –An illegal accessory apartment was constructed to accommodate short term rentals (see ZV 02-21) without the required permits in violation of “Section 410 Zoning Permits” – “No building, structure, or temporary structure shall be erected, constructed, reconstructed enlarged, altered or moved, ..... until a zoning permit therefore has been issued by the Planning and Zoning Commission and a Special Permit issued in accordance with Section 324.1.A.2. “Accessory Apartments” by the Planning and Zoning Commission in accordance with the Town of Sherman Zoning Regulations. Zone A *A Notice of Violation will be sent.*
- Case 24-21** 30 Route 37 East – A summer horse barn (A three to 4 stall) has been erected without the required permits in violation of Section 410 “Zoning Permits” of the Town of Sherman Zoning Regulations. “No buildings, structure or temporary structure shall be erected .....until a zoning permit has been issued by the Planning and Zoning Commission.” – Zone A. *The ZEO spoke with the owner of the property and made her aware of the requirement. A Notice of Violation will be sent. An application of the structure was received and Zoning Permit #8281 was issued. No further action is required by the ZEO at this time.*
- Case 25-21** Route 37 South - A real estate sign is posted in front of the property that exceeds the permitted size in violation of Section 360 “Signs” and Section 361 “Sale, For Lease or Contractor Sign” of the Zoning Regulations Of The Town of Sherman, Connecticut – Zone A - One sign advertising the sale or lease of a property is permitted provided that it is located on such property and further provided that no such sign shall exceed (4) square feet in area. Zone B. *A Notice of Violation will be sent.*
- Case 30-21** 44 Spring Lake Road – The garage was not renovated in accordance with the plans that were reviewed when the Special Permit was issued by the Planning and Zoning Commission. The building was inspected and photographs were taken on June 23, 2021. John Brown was present during the inspection and he was made aware of the non-compliance. *The ZEO will review the plans and make a final determination. The ZEO*



*determined that the renovations were not completed per the floor plan that was approved by the Planning and Zoning Commission. A Notice of Violation was mailed on July 29, 2021. The Commission also received an application for an amendment to the Special Permit to get approval for the non-conforming renovation.*

### Zoning Board of Appeals

#### July 6, 2021 Meeting (See Legal Notice of Decisions Made –attached.)


**Case # 728** – 5 Saw Mill Road – Requesting three variances for installation of an emergency standby generator. Variances are required for front (36.8”) and rear (4.6”) property line setbacks and the distance (within 36’) from the house. Zone B - **Moved to July 17, 2021 Special Meeting (Warned Incorrectly)**

**Case # 729** – 4 Locust Lane – Requesting two variance from the side (14’) and front (3.5’) property lines for construction of a 22’6” x 26” detached garage with loft space above. Zone B. - **Denied**

#### July 17, 2021 Meeting (See Legal Notice of Decisions Made –attached.)

**Case # 728** – 5 Saw Mill Road – Requesting three variances for installation of an emergency standby generator. Variances are required for front (36.8”) and rear (4.6”) property line setbacks and the distance (within 36’) from the house. Zone B - **Two variances were Approved and one was Denied.**

**On-Going Litigation (ZBA)** - 6 Echo Lane South – Accessory Dwelling Recognition of existing accessory Building Denied without Prejudice – Decision Appealed in Danbury Superior Court.



Ron Cooper  
Zoning Enforcement Officer  
Town of Sherman