

# Planning & Zoning Office Sherman, Connecticut

## Zoning Enforcement Officers Report March and April 2021

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

**Qty: 28**

8178	Rosenberg	22 Brinsmade Lane	Construct a 13' x 13' shed.	A
8189	Town of Sherman	2 Taber Road	Modification to the existing AT&T cell tower equipment area for the addition of an emergency standby generator. Reference the Special Permit amendment that was approved by the Planning and Zoning Commission on March 4, 2021.	A
8190	Williams	2 Route 55 West	Installation of an emergency standby generator.	A
8191	Moser	9 Brookside Lane	Installation of an emergency standby generator.	B
8192	Hoag	17 Deer Run Trail	Installation of an emergency standby generator. A variance granted by ZBA for loc. in proximity to property line.	B
8194	Goldring 2010 Issue Trust	46 Mill Pond Road	Installation of an emergency standby generator.	B
8195	Monteforte	11 Sherwood Hill Rd.	Installation of an emergency standby generator.	B
8196	Rossborough	19 Taber Road	Installation of an emergency standby generator.	A
8199	Barta	2 Dodge Road	Installation of an emergency standby generator.	A
8203	Feinberg	29 Orchard Rest Rd.	Installation of an emergency standby generator.	B
8177 Amended	Hausler	27 Osborne Rd.	Amend the proposed barn location, (see original permit)	A
8193	Zamorano/Dua	11 Sail Harbor Dr.	Finish existing dwelling basement into habitable space.	B
8200	Viola	5 Stonewall Lane	Construct a two car garage on an existing foundation.	A
8202	Telsey	3 Shadowland Lane	Installation of an emergency standby generator.	A
8205	Vetrosky	65 Spring Lake Road	Construct a second story addition and add a new covered porch.	A

8206	Jacknick	9 Mary Bee Lane	Installation a 60" 80" hot tub	B
8207	Toews	18 Deer Run Trail	Extend lower deck, install a hot tub, construct a new deck with stairs and install A/C units	B
8208	Town of Sherman Happy Acres	2 Taber Road	Temporary Structure – "COW" - Cell Tower On Wheels for temporary use while repairs are completed on the permanent cell structure, "Silo".	A
8212	Gomez	11 Smoke Ridge Dr.	Construct an 8' x 10' pool shed (pre-fab) w/elec.	A
8213	DeWind	61 Briggs Hill Road	Installation of an emergency standby generator	A
8214	Pedersen	41 Route 37 East	Construct a 22' x 16' deck attached to an existing dwelling.	A
8215	Hilderbrand	2 Fox Run	Construct a 40' x 30' accessory recreational building with attached deck and roof. No running water.	A
8216	Butler/Rybsla	7 Leach Hollow Road	Install an A/C mini-split connected to an existing dwelling.	A
8218	Alexander	10 Orchard Rest Road	Construct a 2' x 14' deck attached to the existing dwelling.	B
8219	Accosta	12 Candleview Drive	Installation of an emergency standby generator	B
8220	Silver	10 Orchard Rest Road	Remove the existing flat roof from the existing garage and replace it with a gabled roof.	B
8221	Bonner	44 Anderson Road	Construct a 10' x 14' storage shed	A
Temp. Permit - American Pie, 29 Route 37 Center- Issued permit for expanded temporary outdoor dining under the Governors Executive Order – Issued on 3/25/2021.				C

**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

8201 Febbfour, LLC 4 Saw Mill Road Expand interior floor area within existing building footprint, raise the roof line, add roof over existing entry and add 5' tall cupola. B

**The Following Permit Applications Have Been Denied Without Prejudice** Qty: 1

8204 Ansorge 3 Oak Drive Enclose an existing deck and add two new decks attached to the existing dwelling. B

**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: 22

8115 Butscher 11 Old Forest Drive Construction of a 12' x 16' shed. B

8176 Choquette 5 Hill Side Drive Relocate front porch, add garage door over hang. B

8179 Zamorano/Dua 11 Sail Harbour Drive Install a 20' x 35 in-ground pool including a 5' x 20' basin with a 7' x 7' hot tub/spa & pool equipment. B

8181 Genn 31 Route 39 South Construct a 12' x 12' pavilion on top of an existing platform. B

8187 Owens 3 Stonewall Lane Finish basement in existing dwelling. Add a shower to the existing basement bathroom, add an office, recreation room and storage room. A

8197 White Silo Winery 32 Route 37 East Connect the existing accessory building to a septic system and add a bathroom and utility sink for processing wine and storage. A

8198 Gribble/Cooke 47 Church Road Add a 120 sq. ft. addition to existing screened in porch attached to existing principal dwelling. A

8209 28 Farm Road LLC 145 Route 39 North Construct a new single family dwelling with deck, installation of a septic, well and driveway. A

8210 Greenwald 21 Ledgewood Drive Construct a new single family dwelling, install utilities, A/C units, generator, patio, deck, retaining walls, septic, well and driveway. B

8211	Leonetti/Churner	9 Osborne Road	Install a bathroom and make a septic connection to an existing accessory building (garage).	A
8217	Hart	41 Chapel Hill Road	Rebuild a single family dwelling near the footprint of the original dwelling that was removed.	A
8222	Schimdt	26 Hubble Mountain Rd.	Construct a 24' long x 10' deep 2 stall horse run-in shed.	A
8223	Silver	10 Orchard Beach Rd	Repair/replace an existing deck that is attached to the existing dwelling.	B
8224	Cauli	10 Coburn Road E.	Construct a 160 sq. ft. accessory building (shed)	A
8225	Cohen/Harrison	28 Deer Run Trail	Amendment to existing permit – revised breezeway loc./plan that connects the existing garage to the dwelling.	B
8226	Schaab	27 Brinsmade Lane	Construct a garage addition, with kitchen expansion and sitting area above. Approx. 27' x 32'-5"	A
8227	Witt	180 Green Pond Road	Convert existing basement in dwelling into living space – bedroom. 23'-8" wide x 12' long	B
8228	Migliorisi	7 Skyline Drive	Construct an 8' x 16' front porch on the existing dwelling.	A
8229	Lebwohl	10 Glenview Drive	Construct two shed dormers within the footprint of the existing dwelling and install a A/C unit on the side of the house underneath the existing deck.	A
8230	DeLaurentis	12 Pinewood Shores	Install fencing in the backyard of an existing dwelling.	B
8231	Munoz	47 Big Trail	Install a wood fence across front of property from both sides of house. Fence is approx. 5' in height, set back 60' from the road.	B
8232	Joehinig	3 Candlewood Lake Dr.	Install two heat pump-A/C units on side of the existing dwelling.	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.*

**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 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 23<sup>rd</sup> 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. The phone number the ZEO had is no longer in service. Several attempts have been made to catch the property owner at home during the day, but there has been no success. A letter will be sent requesting permission to enter the property. **A letter was sent on 2-4-2021. Received a call from the owner. She said they're going through hard times. I told her the smaller unit has to go and she can apply for a permit for the larger structure that should get them through the renovation of the dwelling. Materials stored***

*in the structure are needed in the house. As of April 23<sup>rd</sup>, the smaller unit was removed and the owner still has not applied for permit for the larger one.*

**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.*

#### **No New Business:**

#### **Zoning Board of Appeals**

**April Meeting – Cancelled due to the lack of a Commission quorum**

#### **May Meeting**

Case # 720 – 45 Wanzer Hill Road – Variance of Section 324.1.A.1.d Accessory Dwelling (existing 456 sq. ft.) on lot that already has an Accessory Dwelling. Zone B **Post Facto.**  
**Public Hearing Continued**

Case # 721 – 45 Wanzer Hill Road – Variance of Section 324.3A Septic System for an Accessory Building – 2<sup>nd</sup> or possibly 3<sup>rd</sup> Accessory Building to be connected to a septic system. This is an existing building that exceeds the 400 sq. ft. requirement for consideration of a Special Permit. Zone B

**Continuation of Public Hearing requested by applicant's representative.**

Case # 722 – 6 Echo Lane South – Requesting required variances from the 440’ contour, within 15’ of the dwelling and relief from the side property line. Zone B

**Public Hearing closed and deliberations continued.**

Case # 723 – 28 Wanzer Hill Road – Requesting a variance to allow the installation of a 6’ high fence in the front yard and a variance to allow the installation of a hot tub within 50’ of the front property line. Zone B. **Post Facto.**

**Public Hearing closed and deliberations continued.**

Case # 724 – 10 Lake Shore Woods Road - Requesting variances to add a third storm to the existing dwelling and relief from the front and rear property lines to allow the construction of a third story, installation of an emergency standby generator, installation of two A/C condensers, the construction of a side porch roof, front porch and a rear balcony. Zone B.

**Public Hearing Continued.**

Case # 725 – 5 Hillside Drive – Requesting variances from the side and front property lines for construction of a garage shed roof overhang and the construction of a front porch. Zone B.

**Public Hearing closed and deliberations continued.**

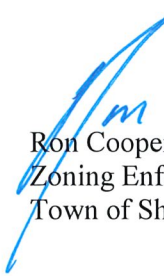
Case # 726 – 4 Saw Mill Road – Requesting variances from front and side yard property line setback to allow an increase in the roof height and to construct a front porch/roof. Sone C.

**Public Hearing Continued**

Case # 727 – 4 Locust Lane - Requesting variances from the front and side property line setbacks to allow construction of a detached two story garage and front foyer on the existing dwelling. Zone B.

**Public Hearing closed and deliberations continued.**

**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