

Planning & Zoning Office Sherman, Connecticut

Zoning Enforcement Officers Report September 2021

The Following Permit Applications Have Been Approved:

Qty: 26

8198	Gribble/Cooke	47 Church Road	Add a 120 sq. ft. addition to existing screened in porch attached to existing dwelling.	A
8217	Hart	41 Chapel Hill Road	Rebuild a single family dwelling near the footprint of the original dwelling that was removed.	A
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. Partial approval – The solar panel arrays were approved. The experimental wind turbine was denied.	A
8268	Wrong	53 Timber Lake Road	Construct an addition to the existing single family dwelling.	B
8269	Trovato	34 Candlewood Lake Drive	Replace the existing shed with a new shed approx. 10' x 16' mounted on foundation blocks.	B
8288	Clarke	21 Spring Lake Road	Installation of an emergency standby generator next to the existing dwelling.	A
8300	Kissane	33 Deer Run Trail	Construction of a new single family dwelling, installation of a driveway, well, septic and patios.	B
8304	Zelaya	21 Deer Run Trail	Installation of an emergency standby generator next to the existing dwelling.	B
8308	Lakeview Development	22 Cedar Lane	Installation of an emergency standby generator for installation next to the existing dwelling.	B
8309	Smith	4 Partridge Trail	Installation of an emergency standby generator next to the existing dwelling.	B
8310	Poole	10 Locust Lane	Installation of a 90" x 90" Hot Tub on an existing deck.	B

8311	Bellino	7 Oak Drive	Convert 9' x 13' existing deck that is attached to the existing dwelling into a master bathroom	B
8312	Cowan	4 Smoke Ridge Drive	Installation of an emergency standby generator next to the existing dwelling.	B
8313	Booth/Dillett	5 Gelston Road	Installation of an emergency standby generator next to the existing dwelling.	B
8314	Erbst	22 Sawmill Road	Demolition of the existing dwelling and construction of a new single family dwelling with roof deck, entry terrace and an attached single car garage.	B
8315	Smith	6 Highview Lane	Installation of an emergency standby generator next to the existing dwelling.	A
8317	Berg	2 Chapel Hill Road	Installation of an emergency standby generator next to the existing dwelling.	A
8318	Taylor	82 Route 55 West	Installation of an emergency standby generator next to the existing dwelling.	A
8320	Korsant	16 Chimney Hill Rd.	Installation of an emergency standby generator next to the existing dwelling.	A
8322	Downey	14A Jericho Road No.	Construction of a new single family dwelling, driveway and the installation of a well and septic.	A
8323	Leonetti	9 Osborn Road	Installation of a A/C condenser (mini-split) next to the existing dwelling	A
8324	Berg	2 Chapel Hill Road	Installation of four (4) A/C condenser units next to the existing dwelling.	A
8327	Dagleish	4 Quaker Ridge Road	Convert the basement in the existing dwelling to habitable living space. "Post Facto"	A
8328	Korn	7 Quaker Ridge Road	Installation of an emergency standby generator next to the existing dwelling.	A
8329	Turro	26 Quaker Ridge Road	Installation of an A/C condenser unit next to the existing dwelling.	A
8334	Town of Sherman	43 Route 39 No.	Installation of an emergency standby generator installed in same footprint as the previous located next to the Town Garage.	A

Driveway Permit

Qty 1

<u>2021-06</u>	14A Jericho Road No.	New driveway proposed for construction leadingA to the proposed construction site of a new single family dwelling. See permit 8322.
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Driveway Bond Released

Qty 2

06-2018	58 Wakeman Hill Rd	Driveway construction in anticipation of a new A single family dwelling to be constructed. Bond was released on September 16, 2021.
03-2020	23 Orchard Rest Road	The owner/applicant requested that I return the B bond with the understanding the bond was a condition of the permit approval and returning the bond makes the permit null and void. The permit was voided and the bond was released on 10/7/2021.

Farm Event Permit - Approved

Event #1 Happy Acres Farm	2 Taber Road	Farm Day – 11:00 a.m. till 4:00 p.m. Event to A include: hay rides, pumpkin patch, animal milking demonstration, exhibit explaining stages of animal growth, farming technics, plant identification, live music and the sale of food (2 vendors).
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Lot Line Change Map

Qty 1

LLR -21-02 Duplicate	70 Lavelle Ave.	Lot Line Change Map merging Lots 68, 70, 72, 74, 84, 85 and 86 @ 70 Lavelle Ave.
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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: 0

8321	Bellino	7 Oak Drive	Erection of a 80 square foot shed located within B 2' of the nearest property line.
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The Following Permit Applications Have Been Denied Without Prejudice Qty: 0

8282	Lippert	15 Brinsmade Lane	Installation of an emergency standby generator next to the existing dwelling.	A
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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:

8267	TJ Property Investors LLC	70 Lavelle	New front entry canopy with steps up to landing B Approx. 8' x 5" on existing dwelling. Needs Lot Line Change Map	
8272	TJ Property Investors, LLC	70 Lavalley Ave.	Installation of (3) three A/C condenser next to the existing dwelling. Needs Lot Line Change Map	B
8276	Marshall	15 Candlevue Dr.	Replace a 15' x 28' deck attached to the existing dwelling.	B
8305	Waag	42 Hubbell Mountain	Construction of a 12' x 20' Storage Shed	A
8306	Vigliotti	10 Coburn Road E.	Construction of a 12' x 20' Storage Shed	A
8316	Hytner	40 Hubble Mountain Rd.	Installation of an emergency standby generator next to the existing dwelling.	B
8319	Bennett	66 Briggs Hill Rd.	Installation of an emergency standby generator next to the existing dwelling.	A
8325	Wold	82 Route 37 South	Convert attic space over garage to habitable space (no running water)	A
8326	Owens	3 Stonewall Lane	Installation of new exterior patio stairs to pool area and construct a new accessory storage shed (10' x 20')	A
8330	Parente	159 Route 37 South	Construction of a 30' x 15. deck attached to the existing dwelling.	A
8331	Diotte	30 Hubble Mt. Road	Construct aa 22' x 28' addition on the existing dwelling. Addition to include: a walk out basement gsrsg, family room and mud room on the first floor and a master bedroom and bath on the second floor.	A

8332	Cohen/Harrison	28 Deer Run Trail	Construction of an accessory storage shed. Approx. 6' 7'	B
8333	Duckworth	4 Locust Lane	Construct a vestibule – 6'4" x 10' – attached to the front of the existing dwelling at the front door.	B
8335	Town of Sherman	43 Route 39 No.	Installation of an emergency standby generator installed next to the Town Hall.	A

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 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 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 29th, 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 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 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 1st as to whether they planning on becoming permanent residents after staying here the past year through COVID. I agreed to give him until June 1st 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 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 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 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. 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 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 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** 8 Circle 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 will be sent.*
- Case 16-21** 13 Wagon Wheel - Advertised on line (Air BnB) is the 2nd 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 18-21** 9 Farm Road – An apartment was created without the required Special Permit from the Planning and Zoning Commission. The apartment is greater than 750 square feet in size. *A Notice of Violation will be sent.*
- 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 erecteduntil 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 21-21** 1 Route 37 East – Building 2 (“C”) Unit # 5 - Change in Occupancy from Holistic Dog Grooming Service and Studio Apartment (unit #5) to a full apartment occupancy. *The ZEO reached out to the Renter who is in Florida. Further discussions about applying for a permit will take place on his return.*
- 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. A Notice of Violation was mailed on August 10, 2021. The owner will remove the stove and open the area between the main house and the second kitchen. He will take photos and send them to the ZEO for record.

- Case 27-22** 14 Edmonds Road - 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. A Notice of Violation was mailed on August 10, 2021. The owners called and stated that a Special Permit (granted on May, 20, 1999) was issued for creation of an accessory apartment to be located in the home at 14 Edmonds Road. A copy of the Special Permit was not located in the Zoning file, but was later found in the Land Records in the Town Clerk Office. He ZEO called the current property owner and told them the NOV was sent in error and a note to that effect will be placed in the file.*
- Case 29-21** Corner of Chimney Hill and Route 39 - *Possible firewood processing business. Under investigation.*
- Case 32-21** 13 Wagon Road - An illegal accessory apartment was constructed to accommodate short term rentals (see ZV 16-21) 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. A Notice of Violation was mailed on August 10, 2021.*
- Case 33-21** Driveway - Anderson Road East - *A driveway was constructed without the required permit. A Notice of Violation will be sent.*
- Case 34-21** Intersection of Spring Lake Road and Tab er Road - 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. A Notice of Violation was mailed on August 13, 2021.*
- Case 35-21** 133 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. A Notice of Violation was mailed on August 13, 2021.*

Case 36-21 9 Farm Road – A chicken house/shed was constructed without the required permit in Violation of Section 410 “Zoning Permits” of the Town of Sherman Zoning Regulations. *A Notice of Violation will be sent.*

Case 38-21 1 Sherwood Hill 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 will be sent.*

Case 39-21 1 Sherwood Hill Road - An illegal accessory apartment was constructed to accommodate short term rentals (see ZV 38-21) 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.*


Zoning Board of Appeals

August 2021 – No Meeting due to the lack of applications.

September 2021 – Meeting was improperly warned and had to be cancelled. Five (5) cases will be presented at the next meeting from the carry over.

On-Going Litigation

ZBA - 6 Echo Lane South – Accessory Dwelling Recognition of existing accessory Building Denied without Prejudice – Decision Appealed in Danbury Superior Court. Oral arguments by both sides were presented to the Judge on October 5, 2021. The outcome can't be predicted.



Ron Cooper
Zoning Enforcement Officer
Town of Sherman