Planning & Zoning Office
Sherman, Connecticut

Zoning Enforcement Officers Report
March 2022

The Following Permit Applications Have Been Approved: **Qty: 15**

8358	Neier	23 Tabor Rd.	Installation of an emergency standby generator within 50' of the existing dwelling and no closer than 100' to the nearest property line.	A
8366	Smith	6 Highview Lane	Construct a 12' x 24' shed on a gravel pad	A
8370	Anderson-Butler	35 Edmonds Road	Finish space above the existing garage. Heat and A/C with no running water	A
8371	Addonizio-Butts	70 Route 55 West	Construct an addition and renovate the existing dwelling. Received a variance from ZBA to increase the footprint of the existing dwelling.	A
8375	Murray	3 Babbling Brook Dr.	Convert an accessory building from an office into an accessory dwelling with deck and garage. Special Permit Granted by P&Z.	A
8384	Beatty	30 Route 39 North	Replace decking on existing 5' x 8' deck.	A
8386	Moss	1 Glen Brook Farm Rd.	Install a 20' x 50' in ground pool and associated equipment.	A
8387	Bruno	2 Lake Shore Woods Rd.	Installation of an emergency standby generator next to the existing dwelling.	B
8383	Dickson	3 Alfredson Lane	Installation of an emergency standby generator next to the existing dwelling.	A
8390	Smith	27 Leach Hollow Rd.	Installation of a pre-fab shed on a gravel pad. Replacing the original shed in a slightly different location.	A
8391	Newman	55 Orchard Rest	Installation of a replacement emergency standby generator to be installed next to the existing dwelling.	B
8392	Hafer	24 Smoke Ridge Dr.	Installation of a new mini split air conditioning unit mounted next to the existing dwelling.	A

8394	Kanner	12 Mill Pond Road	Install a replacement emergency standby generator in the same location as the decommissioned unit.	A
8396	Baird	62 Route 39 South	Finish basement into habitable playroom space in the existing dwelling. No plumbing.	A
8397	Acosta	9 Atchinson Cove Rd.	Expansion of the existing attached garage (attached to existing dwelling).	B

Temporary Liquor Permit – Sherman Library Association
Event – Women's Soiree Zoning Authority Approval – do not prohibit sale of alcoholic beverages under the type of permit/establishment and during the dates identified in this application.

Driveway Permit **Qty: 1**

DP 08-2021	13 Evans Hill Road	Construction of a new driveway on a lot that has no dwelling. (Under Review)	A

Driveway Bond Released **Qty: 0**

Work Approved in Town Road ROW **Qty: 0**

Lot Line Change Map **Qty: 0**

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

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

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

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

8388	Arnold	5 Briggs Hill Road	Install an emergency standby generator nest to an accessory dwelling	A
8389	Cushnie	44 Mill Pond Road	Install an emergency standby generator nest to an accessory dwelling "Post Facto"	B

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

8359	Doyle/Shih Hua	8 Woods Rd.	Installation of an emergency standby Next 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: 11**

8276	Marshall	15 Candleview Dr.	Replace a 15' x 28' deck attached to the existing dwelling.	B
8364	Carpanzano	9 Locust Lane	Temporary storage container and play shed.	B
8365	Kadley Farm CT	44 Briggs Hill Rd.	Construct a new Accessory Dwelling (Needs Special Permit)	A
8368	DeLaurentis	12 Pinewood Shores	Installation of an emergency standby generator.	B
8376	9 SHD LLC	9 Sail Harbor Dr.	Construct an addition on the existing dwelling, expand the existing wood deck, install a new swimming pool/pool equipment, pool patio, pavilion and retaining walls.	B
8382	Rosabella/DeCaro	30 Brinsmade Lane	Installation of an emergency standby generator next to the existing dwelling.	A
8385	Vetrosky	65 Spring Lake Rd.	Construct a new detached 3 car garage, 44' x 28' with 10' x 36' shed roof covering open area at rear of structure, and to relocate the emergency standby generator.	A
8393	Arnold	5 Briggs Hill Rd.	Installation of an emergency standby generator installed within 50' of the principal structure (dwelling) and no closer than 100' to the nearest property line.	A
8395	Pitcher	40 Route 39 South	Installation of a concrete pad for placement of an exercise spa. Approx. 9' x 16' next to the existing dwelling..	A
8398	Zamorano	11 Sail Harbour	Construction of an addition at the rear of the Existing dwelling to expand the kitchen, add a mud room and to expand the bedroom above.	B
8399	Klimaviclus	60 Timber Lake Road	Installation of two ductless air handling units next to the existing dwelling.	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 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 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. Another letter will be sent on March 8, 2022. ***The letter was not sent on 3/8/2022, but will be sent next week.***

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. A drive by inspection was conducted and continued progress is being made. The owner will be contacted to schedule an onsite inspection. The ZEO will contact the property owner on March 8, 2022 to schedule an onsite inspection.* ***The ZEO was unable to contact the property owner, but will try again next week.***

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 03-05-20020. 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. A follow-up call will be made to the owner. The shed is still in place and ZBA has not received an application. A letter to the property owner will be sent on March 8, 2022. ***The letter was not sent on 3/8/2022, but will be sent next week.***

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. Since there has been a lack of response, a follow-up letter will be sent on March 8, 2022.* ***The letter was not sent on 3/8/2022, but will be sent next week.***

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.* ***This case is being handled under advisement by the Land Use Attorney Firm.***

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. This case is being handled under advisement by the Land Use Attorney Firm.***

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. The ZEO will contact the property owner on March 8, 2022. ***The ZEO was unable to contact the property owner, but will try again next week.***

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. A second NOV will be sent on March 8, 2022.* ***The 2nd NOV was not sent on 3/8/2022, but will be sent next week.***

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. A second NOV will be sent on March 8, 2022.* ***The 2nd NOV was not sent on 3/8/2022, but will be sent next week.***

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. The owner of the property has not responded. A 2nd Notice of Violation will be sent. A second NOV will be sent on March 8, 2022.* ***The 2nd NOV was not sent on 3/8/2022, but will be sent next week.***

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. The owner of the property has not responded. A 2nd Notice of Violation will be sent. A second NOV will be sent on March 8, 2022.* ***The 2nd NOV was not sent on 3/8/2022, but will be sent next week.***

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. The owner of the property has not responded. A 2nd Notice of Violation will be sent. A second NOV will be sent on March 8, 2022.* ***The 2nd NOV was not sent on 3/8/2022, but will be sent next week.***

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. To the best of my knowledge, the renter has not returned from Florida. The ZEO will follow-up with the landlord and an NOV will be sent to his address to help bring the property into compliance.* ***An NOV will be sent next week.***

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. The owner of the property has not responded. A 2nd Notice of Violation will be sent. A second NOV will be sent on March 8, 2022.* ***The NOV was not sent on 3/8/2022, but will be sent next week.***

Case 33-21 *22 -24 Anderson Road East - A driveway was constructed without the required permit. A Notice of Violation will be sent. An NOV will be sent on March 8, 2022.* ***The NOV was not sent on 3/8/2022, but will be sent next week.***

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. A Notice of Violation was sent on 10/19/2021. The owner responded and the ZEO gave the owner until spring to relocate the structure to a conforming location after he obtains the required permits.* ***A letter will be sent letting the owner know that an application is expected in the next 30 days.***

Case 40-21 57 Route 55 West – Temporary housing – campers are being used by persons displaced by the fire in violation of Section 324.1D(4) of the Town of Sherman Zoning Regulations. Fiduciary was assigned on December 1, 2021, but the appointment does not become effective for several weeks. *A meeting was held with the Town Sanitarian, ZEO and the attorneys representing the estate on December 17, 2021. A site inspection was scheduled for December 23rd, but was cancelled pending approval by the Probate Court. The ZEO was heard at a Probate Hearing on February 15, 2022 as a witness on the petition by the fiduciary to obtain permission to inspect and ejectment by the Town of Sherman.* ***On February 16, 2022 the Probate Judge ordered "The fiduciary and their agents are granted full, unfettered access to the property", "No one should be living on the property." and "The fiduciary can begin the eviction process." The ZEO is waiting for an inspection date to be scheduled by the Fiduciary.***

ZV 01-22 70 Chapel Hill Road – Junk and construction debris is, waste and second hand materials have accumulated on the property in violation of Section 323.2 "Prohibited Uses, Specific and Section 323.2a. "No person shall use, or permit the use of, real property for the purpose

of accumulating junk, including motor vehicles and motor vehicle parts, debris, waste and second-hand material, in such a manner as to cause unsightly, offensive and repugnant appearances and/or odors which would tend to depreciate the value of neighboring property or to be inimical to the public health, safety, or general welfare." Zone A. *A Notice of Violation was mailed on February 10, 2022. No response to the NOV at this time.* ***The ZEO drove by for an inspection on April 1, 2022. The debris in the front yard has been removed and progress is being made to clean up the back yard.***

ZV 02-22 Corner of Spring Lake Road and Taber Road, A.k.a. Map 026, Lot 002 - Junk, construction debris waste and second hand materials have accumulated on the property in violation of Section 323.2 "Prohibited Uses, Specific and Section 323.2a. "No person shall use, or permit the use of, real property for the purpose of accumulating junk, including motor vehicles and motor vehicle parts, debris, waste and second-hand material, in such a manner as to cause unsightly, offensive and repugnant appearances and/or odors which would tend to depreciate the value of neighboring property or to be inimical to the public health, safety, or general welfare." Zone A. *A Notice of Violation was mailed on February 10, 2022. No response to the NOV at this time.* ***The ZEO spoke to Cliff and Travis Palmer on 3/17 near the front of the property on Spring Lake Road. The meeting was not scheduled and was conducted when all parties involved passed on the road. Travis is the son of the owner and Cliff is the ex-husband. I discussed the situation and how the property has to be cleaned up. Travis will let the contractor that has been storing their equipment on the property overnight and the cars during the day that they can long do that. Travis will be working to clean up the non-agricultural related items. He has already removed three vehicles and has another for sale. The ZEO will continue to work with Travis to bring the property into compliance.***

Zoning Board of Appeals

April Meeting - The meeting was cancelled-since the case that was scheduled to be heard was warned improperly in the paper.

On-Going Litigation

Planning and Zoning – 44 Spring Lake Road – A request for an amendment to the Special Permit that was granted by the Planning and Zoning Commission was denied. – **DECISION APPEALED IN DANBURY SUPERIOR COURT**

Ron Cooper
Zoning Enforcement Officer
Town of Sherman