

# Planning & Zoning Office Sherman, Connecticut

## Zoning Enforcement Officers Report October 2022

### The Following Permit Applications Have Been Approved:

Qty: 7

8467	Littwack	5 Sawmill Road	Installation of a ductless A/C unit installed next to the existing dwelling. Two variance granted by ZBA for relief from the front and rear property line setbacks.	B
8471	Stil	11 Pine Wood Shores	Construction of an accessory apartment in the basement of the existing dwelling. The apartment is not to exceed 750 sq. ft.. Reference the Special Permit issued by Planning and Zoning on September 1, 2022.	B
8477	Wrong	53 Timber Lake Rd.	Construction of a 14' x 17' deck attached to the existing dwelling.	B
8481	Roche	2 Anderson Road	Construction of a new single family dwelling, attached deck, installation of a well, septic system and driveway.	A
8482	McCluskey Construction	30 Long River Road	Installation of a 15' x 32 in ground fiberglass swimming pool and associated equipment.	A
8483	Derby	4 Worden Point Rd.	Add sheet rock and install a wood burning stove in the existing 20' x 16' shed. No running water or kitchen facility.	B
8484	Koraus	4 Dodge Drive	Installation of an emergency standby generator next to the existing dwelling.	A

### Driveway Permits Approved

Qty: 1

06-2022		2 Anderson Road	New driveway off Anderson Road to site chosen for the development of a new single family dwelling.	A
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### Driveway Permits Being Reviewed

Qty: 0

**Driveway Bonds Released** **Qty: 2**

04-2022	40 Hubble Mountain Rd.	New driveway off Fox Run	A
04-2021	40 Hubble Mountain Rd.	New driveway off Hubble Mt Rd. and abandonment of existing driveway to improve site lines.	A

**The Following Permit Applications Have Been Denied** **Qty: 0**

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

**Lot Line Change Map Application** **Qty: 1**

LLR 22-02	2-4 Memory Lane	Pepper and William Jones -Lot line change creating a "First Cut with access off Coburn Road East.
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**The Following Statements Of Intent Were Approved:** **Qty: 0**

**The Following Permit Applications Have Been Withdrawn by the Applicant:** **Qty: 0**

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

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

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

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

8276	Marshall	15 Candleview Dr.	Replace a 15' x 28' deck attached to the existing dwelling.	B
8364	Carpanzano	9 Locust Lane	Installation of temporary storage container and play shed.	B
8422	Ansorge	3 Oak Drive	Construction of accessory storage shed. "Post Facto"	B
8436	Ten Lake Shore Woods LLC	10 Shore Woods Rd.	Proposed construction of dormers to create another story of habitable space.	B
8462	Pallisco	164 Route 37 South	Installation of an emergency standby generator next to the existing dwelling.	A
8480	Higgins	41 Holiday Pt.	Construction of a 9' x 6' mudroom on the existing dwelling.	B

8485 PePe 27 Smoke Ridge Dr. Installation of an emergency standby generator A installed next to the existing dwelling.

**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. Another letter will be sent on March 8, 2022. A letter was sent on May 4, 2022. **The ZEO has not received a response. The ZEO will try to schedule a meeting with the property owners.***

**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. 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. A letter was sent on May 4, 2022. The ZEO has not received a response. The ZEO will try to schedule a meeting with the property owners.*

**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 03-05-20020. 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. 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. A letter was sent on May 4, 2022. The ZEO will try to schedule a meeting with the property owners.*

**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. 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. A letter was sent on May 4, 2022. The ZEO will try to schedule a meeting with the property owners.*

**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. **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. An Notice of Violation was mailed to the property owner on 8/25/2022. **The ZEO did not receive a response to the NOV that was mailed on 8/25/2022. The enforcement action will be stepped up during the week of 11/7/2022.***
- 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. A letter was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***
- 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 2<sup>nd</sup> NOV was not sent on 3/8/2022. A letter was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***
- 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 2<sup>nd</sup> NOV was not sent on 3/8/2022. A letter was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***
- 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 2<sup>nd</sup> Notice of Violation will be sent. A second NOV will be sent on March 8, 2022. The 2<sup>nd</sup> NOV was not sent on 3/8/2022. A letter was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***

**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 2<sup>nd</sup> Notice of Violation will be sent. A second NOV will be sent on March 8, 2022. The 2<sup>nd</sup> NOV was not sent on 3/8/2022, but was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***

**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. The owner of the property has not responded. A 2<sup>nd</sup> Notice of Violation will be sent. A second NOV will be sent on March 8, 2022. The 2<sup>nd</sup> NOV was not sent on 3/8/2022, but was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***

**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, **The ZEO will try to schedule a meeting with the property owners.***

**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 2<sup>nd</sup> 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 was sent on May 4, 2022. **The ZEO will try to schedule a meeting with the property owners.***

**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 was sent on May 4, 2022. ***The ZEO will try to schedule a meeting with the property owners.***

**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. The ZEO met with the property owner during the week of July 25<sup>th</sup>. The owner was handed a zoning application and was given until October 1<sup>st</sup> to remove the shed or move it to a conforming location. The shed has been moved and the new location has been verified for compliance with the property line setbacks. No further action required by the ZEO at this time.*

**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 23<sup>rd</sup>, 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. The ZEO conducted a site walk on June 23<sup>rd</sup> and a formal Notice of Violation will be prepared and sent to the administrator of the estate siting all of the Zoning Violations that exist on the property. The estate has spent two solid weeks working towards compliance, but there’s a lot that still has to be addressed. Two of the three people that lived on the property after the fire no longer live there. It is the responsibility of the fiduciary to evict the third. ***The fiduciary has informed me that no one is living on the property at this time. The ZEO will verify.****

**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.*

- ZV 03-22** 3 Oak Drive – A storage shed was erected on the property without the required zoning permit. Reference: Section 410 Zoning Permits - No buildings, structure, or temporary structure shall be erected, constructed, reconstructed, enlarged, altered or moved, or excavation made therefore, or work begun thereon, or use made of any land until a zoning permit therefore has been issued by the Planning and Zoning Commission. Zone B. *A Notice of Violation was sent on April 5, 2022. The homeowner applied for a permit, but needs to submit a survey to show compliance with the property line setbacks.*
- ZV 04-22** 8 Circle Drive – Air BnB Advertised on line is the dwelling for short term rental 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. *The Sherman Fire Department responded to a fire at the property 5-31-2022. The people on the property who called for emergency service stated to the fire department that they were staying/renting short term. A copy of the fire call will be added to the file. Another Notice of Violation will be sent.*
- ZV 06-22** Crooked Furrows - A Real Estate sign has been posted at the intersection of Church Road and Route 39 North, not on the property for sale located on Crooked Furrows Lane. This is in violation of Section 360 and 361 of the Town of Sherman Zoning Regulations that states “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 A. *A Notice of Violation was mailed on 07-27-2022.*
- ZV 08-22** 186 Green Pond Road - A deck is under construction on the property without the required zoning permit. Reference: Section 410 Zoning Permits - No buildings, structure, or temporary structure shall be erected, constructed, reconstructed, enlarged, altered or moved, or excavation made therefore, or work begun thereon, or use made of any land until a zoning permit therefore has been issued by the Planning and Zoning Commission. Zone B. *A Notice of Violation was sent on August 8, 2022. The homeowner applied for a permit and submitted an A-2 survey. The application will be denied and a variance will be required for the structure to remain in what is now a non-compliant location.*
- ZV 09-22** 6 Irene Lane – The property/dwelling is being advertised for short term rental. Reference: Section 324.1D “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” and Section 610 “Definitions” the definition of a dwelling is “A building designed or used exclusively as non-transient living quarters, with not less than 600 square feet of enclosed ground floor space. The term shall not be deemed to include automobile court motel, hotel, rooming house, boarding house, house trailer, tourist home or tent.” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone A *A Notice Violation was mailed on October 4, 2022. The owner has been in touch with First Selectman Don Lowe. The owners want to be good neighbors, but had an attorney review our*



*regulations and the attorney does not believe they apply to short term rentals. The ZEO will reach out again to the owners and re-enforce the town's position.*

**ZV 10-22** 12 Route 39 North – The property/dwelling is being advertised for short term rental. Reference: Section 324.1D “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” and Section 610 “Definitions” the definition of a dwelling is “A building designed or used exclusively as non-transient living quarters, with not less than 600 square feet of enclosed ground floor space. The term shall not be deemed to include automobile court motel, hotel, rooming house, boarding house, house trailer, tourist home or tent.” of the Zoning Regulations Of The Town Of Sherman, Connecticut – Zone A *A Notice Violation was mailed on October 4, 2022. The owner has been in touch with the First Selectman since their property was singled out during a Board of Selectman's Meeting after the Selectman's office received complaints about parties. The ZEO will reach out again to the owners and re-enforce the town's position.*


### **Zoning Board of Appeals**

#### **October 1, 2022 Meeting**

The Regular Monthly Meeting was cancelled due to the lack of applications.

#### **Coote Hill Cell Tower – (status)**

The tower has been installed. The antenna arrays are not scheduled to be installed until the Spring of 2023. Transformers on back order have delayed the installation.



Ron Cooper  
Zoning Enforcement Officer  
Town of Sherman.