

# Planning & Zoning Office Sherman, Connecticut

## Zoning Enforcement Officers Report November, December 2021 and January 2022

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

**Qty: 25**

8043	Lee Modification	37 Big Trail	Construction of shed to be used as an art studio. B Size was revised from 12' x 16' to 15' x 20'.	
8330	Parente	159 Route 37 South	Construction of a 30' x 15' deck attached to the A existing dwelling.	
8331	Diotte	30 Hubble Mt. Road	Construction of a 22' x 28' addition on the A existing dwelling. Addition to include: a walk out basement garage, family room and mud room on the first floor and a master bedroom and bath on the second floor.	
8338	Murray/ Kotenbrink	1 Taber Road	Construct a 10' x 20' deck to extend the A existing deck behind the existing dwelling.	
8339	D'Amato	15 Holiday Point Rd.	Installation of an emergency standby generator A and an A/C condenser installed next to the Existing dwelling.	
8343	Adams	181 Green Pond Rd.	Construct a 10' x 20' deck addition on to an B existing deck attached to the rear of the existing dwelling.	
8345	Yeager	3 Brookside Dr.	Construct a 460 sq. ft. addition consisting of B 2 bedrooms with a roof deck on top and a second addition on the existing bedroom for a bathroom.	
8346	Byrnes	5 Woods Road	Construct a 8' x 8' shed and a 12' x 16' shed A "Post Facto"	
8347	Quinn	33 Osborn Road	Installation of an 8' x 8' Hot Tub A	
8348	Schmitt	5 Holiday Point Rd.	Construct a new 6' x 40' heated hallway to A attach the garage/apartment to the existing dwelling to bring the apartment into compliance with the Special Permit that was issued by the Planning and Zoning Commission.	

8349	Anderson-Butler	35 Edmonds Road	Install a new ductless A/C unit on the side of the existing garage.	A
8350	Turk	13 Island View Drive	Install an emergency standby generator next to the existing dwelling.	B
8351	Fazzone	10 Mary Bee Lane	Construct a new shed roof over the garage doors on the existing dwelling.	B
8353	Wellner	12 Cozier Hill Road	Installation of an emergency standby generator Within 50' of the dwelling and no closer than 100' to the nearest property line.	A
8354	Witt	64 Route 39 South	Finish basement in existing dwelling into playroom, office and full bath.	A
8355	Tarby	6 Smoke Ridge Drive	Installation of an emergency standby generator next to the existing dwelling.	A
8356	Peburn	3 Smoke Ridge Drive	Installation of an emergency standby generator next to the existing dwelling.	A
8357	Weiller	3 Shelter Cove	Installation of an emergency standby generator next to the existing dwelling.	B
8360	Weiner	1 Sail Harbour	Change the use of the existing three car to 3 bedrooms, two bathrooms and a mud room	B
8361	Town of Sherman	9 Route 39 North	Installation of an emergency standby generator next to the existing Town Hall	C
8362	Mcaleer	186 Green Pond Road	Installation of a new A/C condenser installed at the rear of the existing dwelling.	B
8363	Okarmus	9 Chimney Hill Road	Construction of a 12' x 20' 3 season porch mounted on top of an existing deck attached to SE side of the existing dwelling.	A
8367	Uniake	12 Sherwood Hill Rd.	Installation of an emergency standby generator.	A
8369	Longinotti Legacy Land Trust LLC	29 Route 55 West	Construct an Accessory Dwelling within an existing structure.	A
8370	Anderson-Butler	35 Edmonds Road	Finish space above the existing garage. Heat and A/C with no running water	A

**Driveway Permit**

**Qty: 2**

DP 07-2021	11 Skyline Drive	Construction of a new second driveway on a lot that has an existing dwelling. (Approved)	A
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: 1**

RB 01-2021	15 Quaker Ridge Road – Under Ground Construction - trenching to be parallel to the travel way of the road and disturb an existing paved driveway. A Bond is being held to ensure the driveway is repaved in the area of disturbance and the shoulder of the road is graded and seeded on the completion of the work.
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**Lot Line Change Map**

**Qty: 2**

LLR 01-2021	1 Glenview Farm Road – Lot Line Revision to reduce the existing Lot X size from 73.72 to 35.013 acres and to combine the remaining acreage of 38.707 acres (Parcel Y) to other land owned by Glen Brook Farm LLC.	A
LLR 02-2021	2-4 Memory Lane & Coburn Road East Lot Line Revision – to reduce the size of Lot B-1 to 8.4583 acres and to convey it to Lot B-2 to increase the area to 7.3462 Ac..	A

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

**Qty: 0**

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

**Qty: 0**

**The Following Applications Were Withdrawn:**

**Qty: 0**

**The Following Permit Applications Have Been Denied**

**Qty: 1**

8344	Fleischer	2 Edmonds Road	Install an A/C condenser next to the existing dwelling.	A
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**The Following Permit Applications Have Been Denied Without Prejudice**

**Qty: 1**

8352	Parente/Davis	159 Route 37 South	Install 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: 11

8276	Marshall	15 Candleview Dr.	Replace a 15' x 28' deck attached to the existing dwelling.	B
8358	Neier	23 Tabor Road	Installation of an emergency standby generator within 50' of the existing dwelling and no closer than 100' to the nearest property line.	A
8359	Doyle/Shih Hua	8 Woods Road	Installation of an emergency standby generator next to the existing dwelling.	B
8364	Carpanzano	9 Locust Lane	Temporary storage container and play shed.	B
8365	Kadly Farm CT	44 Briggs Hill Road	Construct a new Accessory Dwelling	A
8366	Smith	6 Highview Lane	Construct a 12' x 24' shed on a gravel pad	A
8368	DeLaurentis	12 Pinewood Shores	Installation of an emergency standby generator.	B
8369	Longinotti Legacy Land Trust LLC	29 Route 55 West	Construct an Accessory Dwelling within an existing structure.	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 form ZBA in increase the footprint.	A
8372	Conner	38 Holiday Point Rd.	Install a new A/C unit. Heat Pump	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. The resident has moved from the property along with the Chickens. No further follow up required by the ZEO at this time.*

**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.*

**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. **A follow-up call will be made to the owner. The shed is still in place and ZBA has not received an application.**

**ZV 02-19** 152 Route 39 South – A Hot Tub with electrical hookup has been installed on top of an existing deck in a non-conforming location and without first applying for the required permit. Reference Section 410 and 332.5 of the Town of Sherman Zoning Regulations. Zone B. A Notice of Violation was sent. The ZEO met with the mother of the man that owns the property. She stated her son is overseas serving in the military and will contact me when he is on leave. The ZEO sent a 2<sup>nd</sup> Notice of Violation on March 18, 2020. He had not heard from anyone since the conversation he had with the mother last year. The property owner has not responded. Another letter will be sent. The letter will be sent 12-08-2020. The letter has not been sent yet due to a shift in priorities. **A letter was sent on 2-4-2021.**

**ZV 11-19 and 06-20** 23 Route 39 North – A camper parked on the property is being used as a full time residence in Violation of Section 331.1 (not a permitted use) and 324.1D4 (trailer parks not permitted) of the Town of Sherman Zoning Regulations. The ZEO has discussed this violation with the property owner, A Notice of Violation will be sent. The ZEO spoke to the owner of the property and he stated the trailer and the occupants would be off the property by 11/22/19. Subsequent conversations with the owner's representative and message left for the ZEO revealed the occupants of the trailer refuse to leave. Follow-up with the State Trooper has been done. Danbury Superior Court has been contacted and messages have been left for the property owner to schedule a meeting to discuss the issue. A Notice Of Violation was sent on 2/25/2020. On March 4<sup>th</sup>, the owner took legal action to have the camper/trailer and its inhabitants removed from the property. No further up date as of April 2, 2020. No further up date as of July 8, 2020. The ZEO spoke with the property owner's attorney and there is no further action that can be taken until the courts issue an Eviction Notice. There are currently two eviction moratoriums in place for people who live in Connecticut: The federal eviction moratorium has been extended until at least June 30, 2021. What's new: The Connecticut eviction moratorium has been extended until the end of the public health emergency, which is currently May 20, 2021. **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.*
- 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. The owner of the property has not responded. A 2<sup>nd</sup> Notice of Violation will be sent.*
- 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.*
- 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. The owner of the property called on 10/24/2, he stated he revised his posting on Air BNB and is now in compliance.*

- 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.*
- 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. Spoke with the home owner on 10-12-2021. The electrical wiring run for the cook top/oven will be removed/cut short at both ends from the outlet and breaker panel. The basement was inspected by the ZEO and the power was cut and the stove has been removed from the area. No further action is required by the ZEO at this time.*
- 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.*
- 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. The owner of the property has not responded. A 2<sup>nd</sup> Notice of Violation will be sent.*
- Case 33-21** 22 -24 Anderson Road East - *A driveway was constructed without the required permit. A Notice of Violation will be sent.*
- 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.*

- 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. A Notice of Violation was sent on 10/19/2021. The owner has responded and she stated that the Air BNB advertising has been removed from on-line. The ZEO will verify. The ZEO verified the listing was removed and an inspection was conducted in the basement area. No further action is required by the ZEO at this time.*
- 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. A Notice of Violation was sent on 10/19/2021. A site inspection is scheduled to verify compliance. An inspection was conducted on 12/1/2021 and there was no stove in the area.*
- 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.*

### **On-Going Litigation**

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

**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

