



**TOWN OF SHERMAN  
ZONING BOARD OF APPEALS  
MALLORY TOWN HALL  
9 ROUTE 39 NORTH, SHERMAN, CT 06784**

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**REGULAR MEETING MINUTES**

**DRAFT**

Tuesday, April 7, 2026

**MEMBERS PRESENT:** K. Gubner, K. Fazzino, R. Devine, J. Bonner, S. Murray, and Alternates: C. Warner, and G. Deemer

**MEMBERS ABSENT:** None

**ALSO:** C. Branson, Board Administrative Clerk

**INVITED & AUDIENCE:** E. Diller, T. Vancil, T. Allen, and S. Guinta

**CALL TO ORDER:** **Chair, K. Gubner Called the Meeting to Order at 7:02 pm.**

**PUBLIC HEARING I:**

**ZBA CASE # 776—8 Spur Lane (M.- 74, L.-16 ) Tony Allen & Kelli Keough- PROPOSED:** Construction of a new 105 sq. ft. triangle shaped addition to an existing deck on the northern side of the existing dwelling. Requesting Variance of Section 332.5, Minimum Setback Requirements, Front Property Line from 50' to 30.5'; all in accordance with submitted plan and within the exact existing footprint shown on submitted A-2 Survey entitled; "Existing / Proposed Improvement Location Survey Prepared for Anthony Monier Allen and Kelli Allen Keough Depicting Property Situated at 8 Spur Lane, Sherman, CT Tax Assessor's Lot 74, 16" Last Revised: Nov. 20, 2024. Prepared by Zachary S. Rapp, PLS. Zone B.

Chair, K. Gubner Opened the Public Hearing for Case # 776. The following members were seated for this hearing: K. Gubner, K. Fazzino, R. Devine, S. Murray and J. Bonner. Administrative Clerk C. Branson stated the Legal Notice was published in the Town Tribune on March 19th and again on April 2, 2026. Five abutting neighbors were sent the Legal Notice by certified mail on March 19, 2026. The Clerk stated the contents of the application file; there was a fully executed application, Health approval was in the file, there was an abutting neighbor list with five addresses, there was a two page hardship letter, there was a description of the requested variance, a marked up survey was submitted with the portion of the deck area requested highlighted and the front property line also highlighted, a photo was provided showing where a support post would be located, a copy of the property field card was in the file, a copy of the previous variance was also included in the application file. Also in the application file was an A-2certified survey entitled; "Existing / Proposed Improvement Location Survey Prepared for Anthony Monier Allen and Kelli Allen Keough Depicting Property Situated at 8 Spur Lane, Sherman, CT Tax Assessor's Lot 74, 16" Last Revised: Nov. 20, 2024. Prepared by Zachary S. Rapp, PLS. The applicant, Tony Allen was present to speak on behalf of his application. Mr. Allen distributed a new document into record entitled "8 Spur Lane, Deck Variance Info, Hiltz, LLC Variance Request Supplemental Information". Mr. Allen stated that he was sorry that he is coming back to the Board with an additional request. He previously came before the Board for an addition on the house which needed a variance. The reason he is here tonight is to request a variance to allow one corner of his elevated deck to be squared. When Mr. Allen purchased the home several years ago, the deck was configured so that it has a cut off corner which would have made the portion non-conforming. Mr. Allen would like to add 105 sq. ft. to square up the corner. The Board asked if he has received approval from Wetlands for this alteration. Mr. Allen stated he has received approval from Wetlands. The Board discussed areas of the yard that would meet compliance. Mr. Allen stated the property drops significantly on the Southern side and also abuts water. The Board asked the dimensions of the existing deck. Mr. Allen stated the existing deck is 12' wide. Chair, K. Gubner asked the Clerk if there was any correspondence received. No correspondence was received. There were no additional questions or comments from the Board or the Applicant.

**J. Bonner Moved** to Close the Public Hearing for ZBA Case # 776- 8 Spur Lane (M.- 74, L.-16 ) Tony Allen & Kelli Keough.

**Seconded by: K. Fazzino**

**Vote: For: Unanimous**

## **DELIBERATIONS FOR PUBLIC HEARING I-**

### **ZBA CASE # 776—8 Spur Lane (M.- 74, L.-16 ) Tony Allen & Kelli Keough-**

Chair, K. Gubner opened the discussion for ZBA Case # 776. The Board discussed the presented hardship. Discussion followed regarding the topography of the property. Several members stated they were struggling to find the hardship. The Board stated they understand the minimal request, but could not justify a hardship to grant the request. There was no further discussion.

**K. Fazzino Moved** to Close the Deliberation portion of ZBA Case # 776- 8 Spur Lane (M.- 74, L.-16 ) Tony Allen & Kelli Keough.

**Seconded by: J. Bonner**

**VOTE: For: Unanimous**

**R. Devine Moved** to Approve ZBA CASE # 776—8 Spur Lane (M.- 74, L.-16 ) Tony Allen & Kelli Keough- PROPOSED: Construction of a new 105 sq. ft. triangle shaped addition to an existing deck on the northern side of the existing dwelling. Requesting Variance of Section 332.5, Minimum Setback Requirements, Front Property Line from 50' to 30.5'; all in accordance with submitted plan and within the exact existing footprint shown on submitted A-2 Survey entitled; "Existing / Proposed Improvement Location Survey Prepared for Anthony Monier Allen and Kelli Allen Keough Depicting Property Situated at 8 Spur Lane, Sherman, CT Tax Assessor's Lot 74, 16" Last Revised: Nov. 20, 2024. Prepared by Zachary S. Rapp, PLS. Zone B.

**Seconded by: K. Fazzino**

**VOTE: For: 0/ Against: 5**

## **PUBLIC HEARING II:**

**ZBA CASE # 777- 4 Old Hickory Lane (M.- 41 , L.-16 ) Scott Guinta-** PROPOSED: Construction of a new 26' x 24' garage with second floor storage space. Requesting Variance of Section 332.5, Minimum Setback Requirements, Front Property Line from 50' to 40.3'. Requesting Variance of Section 332.5 Minimum Setback Requirements, Side Property line from 25' to 13'; all in accordance with submitted building plans entitled; "Job: Guinta- 24 x 26 x 10" Dated: February 19, 2026. Prepared by: New Holland Supply, LLC and in the exact footprint location shown on submitted A-2 survey entitled, "Proposed Zoning Location Survey, for applicant: Scott Guinta, 4 Hickory Lane, Town of Sherman, & Town of New Fairfield, County of Fairfield, State of Connecticut. Dated February 14, 2026. Prepared by: Arthur H. Howland & Associates, P.C. Zone B.

Chair, K. Gubner Opened the Public Hearing for Case # 777. The following members were seated for this hearing: K. Gubner, K. Fazzino, R. Devine, S. Murray and J. Bonner. Administrative Clerk C. Branson stated the Legal Notice was published in the Town Tribune on March 19th and again on April 2, 2026. One abutting neighbor was sent the Legal Notice by certified mail on March 19th, 2026. No Correspondence was received. The Clerk stated the contents of the application file; there was a fully executed application, there was a two page hardship letter, building specs were provided in the file for the proposed 23', 9" x 25', 9" garage, a copy of the property field card was in the file, twelve photos were included showing existing conditions of a collapsed hoop house, and an A-2 survey entitled, "Proposed Zoning Location Survey, for applicant: Scott Guinta, 4 Hickory Lane, Town of Sherman, & Town of New Fairfield, County of Fairfield, State of Connecticut. Dated February 14, 2026. Prepared by: Arthur H. Howland & Associates, P.C. was also in the file. Mr. Guinta was present to speak on behalf of his application. Mr. Guinta stated he is seeking a variance of the front property setback and side yard property setback to build a two car garage with attic storage. Mr. Guinta built his home in 2011 and was very careful with the placement of the dwelling due to the fact that there are wetlands in close proximity to his property, there is a 100' buffer area which takes up a significant portion of the property. Mr. Guinta stated his home does have a one car garage built in but he has other vehicles he would like to be garaged. Discussion followed regarding the wetlands. The Board asked the applicant if

he went to wetlands for approval previous to this application. Mr. Gunia stated he has not. There were no additional questions or comments from the Board or the Applicant.

**R. Devine Moved** to Close the Public Hearing for ZBA Case # 777- 4 Old Hickory Lane (M.- 41 , L.-16 ) Scott Guinta.

**Seconded by: S. Murray**

**Vote: For: Unanimous**

## **DELIBERATIONS FOR PUBLIC HEARING II-**

### **ZBA CASE # 777- 4 Old Hickory Lane (M.- 41 , L.-16 ) Scott Guinta-**

Chair, K. Gubner opened the discussion for ZBA Case # 776. The Board discussed the presented hardship. The members stated they were having difficulty finding a hardship. There was additional concern regarding the wetlands buffer zone running throughout the property. A few members of the Board stated they felt there was an area on the property that could be utilized without needing a variance. There was no further discussion.

**J. Bonner Moved** to Close the Deliberation portion of ZBA Case # 777-4 Old Hickory Lane (M.- 41 , L.-16 ) Scott Guinta.

**Seconded by: R. Devine**

**VOTE: For: Unanimous**

**J. Bonner Moved** to Approve ZBA CASE # 777- 4 Old Hickory Lane (M.- 41 , L.-16 ) Scott Guinta- PROPOSED: Construction of a new 26' x 24' garage with second floor storage space. Requesting Variance of Section 332.5, Minimum Setback Requirements, Front Property Line from 50' to 40.3'. Requesting Variance of Section 332.5 Minimum Setback Requirements, Side Property line from 25' to 13'; all in accordance with submitted building plans entitled; "Job: Guinta- 24 x 26 x 10" Dated: February 19, 2026. Prepared by: New Holland Supply, LLC and in the exact footprint location shown on submitted A-2 survey entitled, "Proposed Zoning Location Survey, for applicant: Scott Guinta, 4 Hickory Lane, Town of Sherman, & Town of New Fairfield, County of Fairfield, State of Connecticut. Dated February 14, 2026. Prepared by: Arthur H. Howland & Associates, P.C. Zone B.

**Seconded by: R. Devine**

**VOTE: For: 0/ Against: 5**

## **PUBLIC HEARING III:**

**ZBA CASE # 778- 2 Short Lane (Map: 74 Lot: 71) Tyson Vancil- PROPOSED:** Construction of a new 36' x 24' addition connecting to existing dwelling consisting of a 20' x 24' Great Room, covered roof deck, garage, mudroom and laundry below and exterior stair. Requesting a variance from Section 332.5, Minimum Setback Requirements, Front Property Line from 50' to 25' (Western side); all in accordance with submitted floor plan entitled, " Vancil Addition, ZBA Submittal Plans" (5 pages) Dated: Jan. 6, 2026. Prepared by: Evolve Design Group, LLC and in the exact footprint location shown on submitted A-2 survey entitled "Exiting/ Proposed Improvement Location Survey, Prepared for William T. Vancil and Erica L. Vancil, Depicting Property Situated at 2 Short Lane, Sherman, Connecticut Tax Assessor Lot - 74/ 71". Dated: December 30, 2025. Prepared by: Sydney A. Rapp Land Surveying, P.C. Zone B.

Chair, K. Gubner Opened the Public Hearing for Case # 778. The following members were seated for this hearing: K. Gubner, K. Fazzino, R. Devine, S. Murray and J. Bonner. Administrative Clerk C. Branson stated the Legal Notice was published in the Town Tribune on March 19th and again on April 2, 2026. One abutting neighbor was sent Legal Notice by certified mail on March 19, 2026. The Clerk stated the contents of the application file; there was a fully executed application, a three page hardship letter, there was an Agent letter provided giving Erich Diller of Evolve Design Group the ability to speak on behalf of the applicant, there was a marked up survey in the file showing the location of the septic, well, and the "buildable area" highlighted, a floor plan was provided, elevations drawings were included, an abutter list showing one address and an A-2 survey was included showing the proposed addition and garage location footprint. Three letters of correspondence were received; 1.) James & Elizabeth Corkery of 31 Holiday Point Road, in support; 2.) David Reiss of 5 Short Lane, in support; Albert Burgasser &

Roseann DiMatteo of 1 Short Lane, in support. Applicant T. Vancil and Agent, Erich Diller presented the application to the Board. Mr. Diller explained they had an application submitted previously the month before, but due to the low number of ZBA members at the time, they decided to withdraw the application and resubmitted a new application for tonight. Mr. Diller explained the land as having three front yard setbacks due to the convergence of Short Lane, Holiday Point and Crest Road. Mr. Vancil stated that even the parking area for his property is not on his property. The existing dwelling sits 25.9' from the Front Property line along Holiday Point Road and 24.8' from the Front Property line along Short Lane. The existing 1 1/2 story, 875 square foot, 24' x 26' dwelling built in the 1970's is 122.5' from the Rear Property line. Using the marked up survey, Mr. Diller explained that the highlighted "Buildable Area" runs in a narrow strip beginning approximately 19' behind and parallel to the existing dwelling, but also is the location of the septic fields. Mr. Diller explained that if they built in the buildable area they would have to contend with ledge and difficult topography forcing the elevation much higher than desired and unattached to the dwelling. Mr. Diller stated that they tried to find a compliant location to tie the proposed 575 sq. ft. addition and garage into the existing home, but there were no realistic options due to the multiple road setbacks, well, and septic fields. The proposed addition is stepped down 4' into the terrain intentionally designed to be less intrusive. Mr. Diller went into detail regarding the proposed floor plan and attached garage. On the second level of the proposed garage, there is a proposed covered roof deck and exterior stair. On the second floor of the proposed addition there is a great room which will contain a living space, dining space and extending the existing kitchen by approximately 6 feet. The existing dwelling does not currently include a garage. Mr. Diller explained when the current owners purchased the property, they had no knowledge of any pre-existing non-compliance or setback restrictions. A lengthy discussion took place regarding the three road frontages causing a unique hardship by forcing everything back 50' and the buildable area being where the septic fields are located. The Board mentioned a ZBA continuing education workshop where case law was cited as a unique hardship if a lot contains several road frontages. Discussion followed regarding the interpretation of the Zoning Regulations and the unique abilities of the Zoning Board of Appeals in granting variances. There were no additional questions or comments from the Board or the applicants.

**J. Bonner Moved** to Close the Public Hearing for ZBA Case # 778- 2 Short Lane (Map: 74 Lot: 71) Tyson Vancil.

**Seconded by: R. Devine**

**VOTE: For: Unanimous**

### **DELIBERATIONS FOR PUBLIC HEARING III-**

#### **ZBA CASE # 778- 2 Short Lane (Map: 74 Lot: 71) Tyson Vancil-**

Chair, K. Gubner opened the discussion for ZBA Case # 778. The discussion focused mainly on the fact that the property had three road frontages and steep topography presents a unique hardship on this lot. The Board agreed proposed addition and garage was a modest increase of non-conformity on the half acre lot.

**J. Bonner Moved** to Close the Deliberations portion of ZBA CASE # 778- 2 Short Lane (Map: 74 Lot: 71) Tyson Vancil.

**Seconded by: R. Devine**

**VOTE: For: Unanimous**

**K. Fazzone Moved** to Approve ZBA CASE # 778- 2 Short Lane (Map: 74 Lot: 71) Tyson Vancil- PROPOSED: Construction of a new 36' x 24' addition connecting to existing dwelling consisting of a 20' x 24' Great Room, covered roof deck, garage, mudroom and laundry below and exterior stair. Requesting a variance from Section 332.5, Minimum Setback Requirements, Front Property Line from 50' to 25' (Western side); all in accordance with submitted floor plan entitled, " Vancil Addition, ZBA Submittal Plans" (5 pages) Dated: Jan. 6, 2026. Prepared by: Evolve Design Group, LLC and in the exact footprint location shown on submitted A-2 survey entitled "Exiting/ Proposed Improvement Location Survey, Prepared for William T. Vancil and Erica L. Vancil, Depicting Property Situated at 2 Short Lane, Sherman, Connecticut Tax Assessor Lot - 74/ 71". Dated: December 30, 2025. Prepared by: Sydney A. Rapp Land Surveying, P.C. Zone B.

**Seconded by: R. Devine**

**VOTE: For: Unanimous**

**APPROVAL OF MINUTES:**

**ZBA Regular Monthly Meeting of February 3, 2026**

**R. Devine Moved** to Approve the ZBA Regular Meeting Minutes of February 3, 2026 as written.

**Seconded by: J. Bonner**

**VOTE: For: Unanimous**

**ADJOURNMENT:**

**K. Gubner Adjourned the Meeting at 9:05 pm.**

Respectfully submitted:

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Christine Branson, ZBA Administrative Clerk  
April 14, 2026