



**TOWN OF WEST HARTFORD
ZONING BOARD OF APPEALS
WEDNESDAY, MARCH 20, 2024
SPECIAL MEETING
MINUTES**

ROLL CALL: 7:30 PM

ATTENDANCE: Chair: DiMatteo; Vice Chair D’Amato; Commissioners: Harris, Thompson, and Kalvaitis; Staff: Robert Gosselin, Zoning Enforcement Officer; Robert Isner, Assistant Zoning Enforcement Officer.

The Zoning Board of Appeals met in Room 400, 50 South Main Street, West Hartford on Wednesday, March 20, 2024, at 7:30 p.m., to act on the following items:

NEW BUSINESS/PUBLIC HEARING:

#01-24 **28 North Main Street** – Petition of Matt Haskell, ARTfx, on behalf of North Main Holdings LLC, (RO), requesting a variance to Section 177-33H(2)(a)[3] which provides sign restrictions for free standing signs in Office Districts. Applicant proposes to remove the existing monument sign and is requesting a +/- 11.33 foot variance to install a smaller free standing sign forward of the 15’ setback, per plans on file. **RO Zone**

The application was represented by Lawrin Rosen and Matt Haskell. At the public hearing no public comment in support or opposition was made and no written letters of support or opposition were received.

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner D’Amato made a motion to conditionally approve the variance; Second by Commissioner Thompson. During its discussions and deliberations on this matter, the board made the following findings:

1. The applicant was not able to demonstrate sufficient hardship as rationale for why the variance should be granted.
2. The applicant did not clearly demonstrate that the variance requested was the minimum variance that would accomplish the same purpose. Particularly it was not clear that alternative sign types or locations were explored.
3. It was not clearly demonstrated that the proposed sign would not be detrimental to public health by way of a site line obstruction for vehicles leaving the site to be aware of pedestrian and cyclist traffic.

Voting in favor: Commissioners DiMatteo, D’Amato, and Thompson

Opposed: Commissioners Harris and Kalvaitis

VOTE: 3-2; Motion Failed, Petition Denied.

#02-24 **773 Farmington Avenue** – Petition of James Cassidy, P.E., Hallisey, Pearson & Cassidy Engineering Associates, Inc., on behalf of WHP 773 Farmington LLC, (RO), requesting a variance to Section 177-10, standards for required open space in Multifamily Residence Districts and more specifically required by Section 177-6E, standards for Multifamily Residence Districts. Applicant is requesting a 2,200 sf variance to forego the required 2,200 sf of useable open space to create a parking area in the rear of the property. In addition, the applicant is requesting a variance to Section 177-32E(8)(b) to reduce parking spaces by 2' for a depth of 18' instead of 20'; a variance to Section 177-32E(8)(c) to reduce drive aisle width by two feet to 22' instead of 24'; lastly requesting a variance to Section 177-32E(7), the required distance between parking spaces and windows of habitable dwelling units, to be reduced by 4.5' from 15' to 10.7', per plans on file. **RM-1 Zone**

The application was represented by James Cassidy. At the public hearing no public comment in support or opposition was made and no written letters of support or opposition were received.

At the regular meeting of the Zoning Board of Appeals, immediately following the public hearing, the following action was taken:

Commissioner Harris made a motion to approve the variance; Second by Commissioner D'Amato. During its discussions and deliberations on this matter, the board made the following findings:

1. Granting of the variance is in harmony with the purpose and intent of the West Hartford Code of Ordinances.
2. The variance request will not adversely impact neighboring properties. As demonstrate the proposed condition appears to be similar to that of neighboring properties and other recent developments.
3. While the proposed plan removes the required open space condition, this makes the non-conforming parking space count deficiency more compliant as the existing condition is 12 dwelling units with 0 legal spaces on site. As such the granting of the variance is appropriate as it supports the minimum variance possible to bring the property closer to compliance to the required parking space count.

The petition is approved subject to the following conditions:

1. The applicant is to install signage for the proposed northernly parking spaces that requires vehicles to be parked "head front-in."

Voting in favor: Commissioners DiMatteo, D'Amato, Harris, Thompson, and Kalvaitis

Opposed: None.

VOTE: 5-0; Petition granted

- #03-24 136 Raymond Road** – Appeal by David J. Markowitz, Hassett & George, P.C., on behalf of Mark Chu, Instant Property Solutions, LLC, (RO), of an order issued by Zoning Enforcement Officer, Robert Gosselin, on January 17, 2024 which required the removal of a listing on Airbnb and to cease the use of the property for short term rentals. The order was made on the basis that the accessory use table, §177-6(C) found under attachment 2 to §177, #1 states “the keeping of not more than 3 non-transient roomers or boarders in any dwelling unit” as an allowed accessory use but does not allow for transient roomers or boarders such as short-term rentals. **RM-3 Zone**

The ZBA formally received and scheduled this matter for public hearing at the regularly scheduled meeting on **Wednesday, April 17, 2024 at 7:00 pm in Legislative Chambers, Room 314 of Town Hall, located at 50 South Main Street.**

- #04-24 146 Raymond Road** – Appeal by David J. Markowitz, Hassett & George, P.C., on behalf of Mark Chu, Instant Property Solutions, LLC, (RO), of an order issued by Zoning Enforcement Officer, Robert Gosselin, on January 17, 2024 which required the removal of a listing on Airbnb and to cease the use of the property for short term rentals. The order was made on the basis that the accessory use table, §177-6(C) found under attachment 2 to §177, #1 states “the keeping of not more than 3 non-transient roomers or boarders in any dwelling unit” as an allowed accessory use but does not allow for transient roomers or boarders such as short-term rentals. **RM-3 Zone**

The ZBA formally received and scheduled this matter for public hearing at the regularly scheduled meeting on **Wednesday, April 17, 2024 at 7:00 pm in Legislative Chambers, Room 314 of Town Hall, located at 50 South Main Street.**

- #05-24 150 Raymond Road** – Appeal by David J. Markowitz, Hassett & George, P.C., on behalf of Mark Chu, Instant Property Solutions, LLC, (RO), of an order issued by Zoning Enforcement Officer, Robert Gosselin, on January 17, 2024 which required the removal of a listing on Airbnb and to cease the use of the property for short term rentals. The order was made on the basis that the accessory use table, §177-6(C) found under attachment 2 to §177, #1 states “the keeping of not more than 3 non-transient roomers or boarders in any dwelling unit” as an allowed accessory use but does not allow for transient roomers or boarders such as short-term rentals. **RM-3 Zone**

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1. Election of ZBA Officers for 2024
 - Commissioner DiMatteo made a motion for Commissioner D’Amato for Chairman; Second by Commissioner Harris; Approved 5-0.
 - Commissioner D’Amato made a motion for Commissioner Harris for Vice Chairman; Second by Commissioner DiMatteo; Approved 5-0
2. Approval of minutes from the regular meeting held on January 17, 2024
 - Motion: D’Amato; Second: Harris; (Commissioner Thompson abstained) Approved: 4-0
3. Adjournment at 9:05 p.m.