



**TOWN OF WEST HARTFORD
ZONING BOARD OF APPEALS
WEDNESDAY, APRIL 17, 2024
REGULAR MEETING
MINUTES**

ROLL CALL: 7:00 p.m.

ATTENDANCE: Chair: D’Amato; Vice Chair Harris; Commissioners: DiMatteo, Kalvaitis and Levesque; Staff: Robert Gosselin, Zoning Enforcement Officer; Robert Isner, Assistant Zoning Enforcement Officer, Deputy Corporation Counsel Gina Varano.

At this meeting Alternate Commissioner Levesque was seated for Commissioner Thompson.

The Zoning Board of Appeals met in Room 314, 50 South Main Street, West Hartford on Wednesday, April 17, 2024, at 7:00 p.m., to act on the following items:

NEW BUSINESS/PUBLIC HEARING:

#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**

#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**

#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**

The Chairman suggested the hearing be consolidated into one concurrent hearing and then each appeal would be deliberated and decided separately.

The appeals were represented by David J. Markowitz, Hassett & George P.C., and the Zoning Enforcement Officer was represented by Kenneth R. Slater Jr. of Halloran Sage. The attorneys for both parties agreed on the consolidation of the public hearings.

Presentations by both parties were made, questions by the ZBA were asked and answered, and there was one member of the public who expressed opposition to the appeals and one member of the public who was in favor of the appeals. There were no written communications received on the appeals prior to or during the public hearing other than the exhibits entered by the attorneys for the parties (Exhibits 1 thru 10).

The public hearing concluded at approximately 9:16 p.m. by a motion to close the hearing from Vice Chair Harris and seconded by Commissioner DiMatteo. **Public Hearing Closed; Vote: 5-0**

Chairman D'Amato made a motion to go into Executive Session for the purpose of discussing a legal memorandum regarding the three pending appeals. Vice Chair Harris seconded. **To Enter Executive Session; Vote: 5-0** at 9:28 p.m. Those present during executive session were Chair D'Amato, Vice Chair Harris; Commissioners DiMatteo, Kalvaitis and Levesque; Staff: Robert Isner, Assistant Zoning Enforcement Officer and Deputy Corporation Counsel Gina Varano.

Chairman D'Amato resumed the meeting after the Executive Session at approximately 9:58 p.m. The ZBA entered deliberation on the three appeals and the following actions were taken:

#03-24 136 Raymond Road

Commissioner Harris made a motion to deny the appeal; seconded by Commissioner Kalvaitis. During its discussions and deliberations on this matter, the board considered the evidence in the record and made the following findings:

1. The Zoning Enforcement Officer correctly interpreted the zoning ordinances as not permitting short term rentals.
2. The Zoning Enforcement Officer was justified in the issuance of the subject cease and desist order.

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

Opposed: none

VOTE: 5-0; Motion Passed, Appeal Denied

#04-24 146 Raymond Road

Commissioner Harris made a motion to deny the appeal; seconded by Commissioner Kalvaitis. During its discussions and deliberations on this matter, the board considered the evidence in the record and made the following findings:

1. The Zoning Enforcement Officer correctly interpreted the zoning ordinances as not permitting short term rentals.

2. The Zoning Enforcement Officer was justified in the issuance of the subject cease and desist order.

Voting in favor: Commissioners D’Amato, DiMatteo, Harris, Kalvaitis, and Levesque.

Opposed: none

VOTE: 5-0; Motion Passed, Appeal Denied

#05-24 150 Raymond Road

Commissioner DiMatteo made a motion to deny the appeal; seconded by Commissioner Harris. During its discussions and deliberations on this matter, the board considered the evidence in the record and made the following findings:

1. The Zoning Enforcement Officer correctly interpreted the zoning ordinances as not permitting short term rentals.
2. The Zoning Enforcement Officer was justified in the issuance of the subject cease and desist order.

Voting in favor: Commissioners D’Amato, DiMatteo, Harris, Kalvaitis, and Levesque.

Opposed: none

VOTE: 5-0; Motion Passed, Appeal Denied

1. Approval of minutes from the meeting held on March 20, 2024
 - Motion: DiMatteo; Second: Harris; (Commissioner Levesque abstained) Approved: 4-0-1
2. Adjournment at 10:12 p.m.

/RCI