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MINUTES
ZONING BOARD OF APPEALS – REGULAR MEETING
Wednesday, February 28, 2024, at 7:00 P.M.
Simsbury Town Hall – Main Meeting Room
933 Hopmeadow Street, Simsbury, CT 06070

I. **CALL TO ORDER** – Acting Chair Hogan called the meeting to order at 7:03 P.M.

ROLL CALL

Present: Assistant Town Planner, Brittany MacGilpin; Code Compliance Officer, Joseph Hollis; Zoning Board of Appeals Acting Chair, JoAnn Hogan; Zoning Board of Appeals Members: Mark Freeman, Ram Kaza, Sheree Landerman, and Doug McKown; Zoning Board of Appeals Alternate Members: Johnathan Yeisley.

Absent: Zoning Board of Appeals Alternate Members: Ali Rice and Stacey Walczak.

II. **ELECTION OF OFFICERS**

Election of Chair

Commissioner McKown nominated JoAnn Hogan as Zoning Board of Appeals Chair.

ACTION: The vote was unanimous. (5-0-0).

Election of Secretary

Chair Hogan nominated Ram Kaza as Zoning Board of Appeals Secretary.

ACTION: The vote was unanimous. (5-0-0).

III. **NEW BUSINESS**

Public Hearing

Application ZBA #24-01 of Raising Cane’s Restaurant, LLC, Applicant, Simsbury Commons, LLC, Owner; for variances to Section 9.3 of the Simsbury Zoning Regulations for an additional ± 211 sq. ft. of signage and the use of internal illumination for such signage at Raising Cane’s Restaurant, 530 Bushy Hill Road (address assigned as 546 Bushy Hill Road) (Assessor’s Map B20 Block 508 Lot 001-B), Simsbury, CT 06070, zone B-3.

TJ Donohue, Applicant, stated:

- The hardship is the zoning sign area calculation is based upon the narrowest part of the building, which is visible on Route 44, even though the access is

47 from the internal road systems. If the front of the building was considered east-
48 or west-facing, the size area calculation would be larger.

- 49 • The unified site plan has not been revised since 1999, when this portion of the
50 mall site was just a parking lot. The Zoning Commission has allowed alternate
51 frontage calculations in multiple cases, where square footage calculations were
52 based on the sides of the buildings which were not facing the street.
- 53 • The Applicant also asks for exclusion of the two wall art pieces from the sign
54 limitation requirement. One is the picture of a dog, and one is a mural of
55 symbols of careers. This would reduce the amount of variance requested.
- 56 • The message boards are proposed to be internally lit, which is very common for
57 fast food restaurants.

58
59 Mr. Hollis stated that the definition of “signage” in the zoning regulations includes
60 symbols and figures.

61
62 Chair Hogan added that the art pieces will still fall under signage, and the variance needs
63 to be reduced.

64
65 Mr. Donohue responded that they are prepared to remove the wall art of the dog and the
66 mural.

67
68 Commissioner Yeisley inquired how necessary it was to have the “Raising Cane’s” sign
69 on all four sides of the building when it won’t even be visible from Bushy Hill Road.

70
71 Mr. Donohue responded the sign facing Men’s Wearhouse is the least important sign
72 and they are willing to remove that.

73
74 Chair Hogan summarized that the following signs would be removed: the “raising
75 cane’s” sign on the left of the building, the “one love heart”, the “red dog”, and the “one
76 love” canopy letter sign.

77
78 Mr. Hollis stated that with all the reductions there will be a total signage proposal of
79 143.26 sq. ft., putting the total variance request at 96.26 sq. ft.

80
81 **MOTION:** Chair Hogan made a motion, seconded by Commissioner Landerman, to
82 close the public hearing for **Application ZBA #24-01** of Raising Cane’s Restaurant,
83 LLC, Applicant, Simsbury Commons, LLC, Owner; for variances to Section 9.3 of the
84 Simsbury Zoning Regulations for an additional ± 96.26 sq. ft. of signage and the use of
85 internal illumination on menu boards for such signage at Raising Cane’s Restaurant,
86 530 Bushy Hill Road (address assigned as 546 Bushy Hill Road) (Assessor’s Map B20
87 Block 508 Lot 001-B), Simsbury, CT 06070, zone B-3. The motion carried
88 unanimously. (5-0-0)

89
90 **Possible Action**

91

92 **Application ZBA #24-01** of Raising Cane’s Restaurant, LLC, Applicant, Simsbury
93 Commons, LLC, Owner; for variances to Section 9.3 of the Simsbury Zoning
94 Regulations for an additional ± 96.26 sq. ft. of signage and the use of internal
95 illumination on menu boards for such signage at Raising Cane’s Restaurant, 530 Bushy
96 Hill Road (address assigned as 546 Bushy Hill Road) (Assessor’s Map B20 Block 508
97 Lot 001-B), Simsbury, CT 06070, zone B-3.

98
99 The Board acknowledged all the efforts in reducing variance and type of illumination.

100
101 **MOTION:** Chair Hogan made a motion, seconded by Commissioner Landerman to
102 approve **Application ZBA #24-01** of Raising Cane’s Restaurant, LLC, Applicant,
103 Simsbury Commons, LLC, Owner; for variances to Section 9.3 of the Simsbury Zoning
104 Regulations for an additional ± 96.26 sq. ft. of signage and the use of internal
105 illumination on the menu boards and the interior sign at Raising Cane’s Restaurant, 530
106 Bushy Hill Road (address assigned as 546 Bushy Hill Road) (Assessor’s Map B20
107 Block 508 Lot 001-B), Simsbury, CT 06070, zone B-3. Based on the following
108 findings: the hardships being the orientation of the building on the property which
109 greatly limits the allowed square footage of signage given it is perpendicular to Route
110 44, and the lit menu boards create a safer environment for the efficient movement of
111 patrons through the ordering process. The motion carried unanimously. (5-0-0).

112
113 **IV. APPROVAL OF MINUTES**

114
115 **December 13, 2023, Special Meeting**

116
117 **MOTION:** Chair Hogan made a motion, seconded by Secretary Kaza, to approve the
118 Minutes of the December 13, 2023, Special Meeting as written. The motion carried
119 unanimously. Commissioner McKown abstained. (4-0-1).

120
121 **V. ADJOURNMENT**

122
123 **MOTION:** Chair Hogan made a motion to adjourn the meeting. The motion carried
124 unanimously. (5-0-0).

125
126 Chair Hogan adjourned the meeting at 7:58 P.M.

127
128 Respectfully Submitted,

129
130 Amanda Blaze
131 Commission Clerk

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133
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135