



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

*Office of Community Planning and Development*

**To:** Simsbury Zoning Board of Appeals

**From:** Laura Barkowski  
Code Compliance Officer *LB*

**Date:** November 23, 2022

**RE:** Application #22-10 Thomas Evans, Owner, Christopher Ramm, Poyant Signs, Applicant, for a variance pursuant to the Simsbury Zoning Regulations Sections 9.3 for the installation of an  $\pm$  20 sq. ft. internally illuminated digital menu board located at 138 & 142 Hopmeadow Street (Assessor's Map F18, Block 154, Lot 007A+8A). Zone B-1.

## DESCRIPTION OF VARIANCE

The applicant is proposing replacement to the existing menu board. The proposed replacement would be a digital menu board. The current regulations do not allow for internally illuminated signage.

Section 9.3 h. - Signs may be externally lighted or back-lit, but shall be designed so as not to allow any light to project through the face of the sign nor shall the lights themselves make up the lettering.

## HARDSHIP

The Applicant states the following:

“The new menu board will be able to be changed electronically via computer from the safety and comfort of the indoors... nobody will need to be outside at night or in bad weather.”

## STAFF COMMENT

The public hearing notice was to be published in the Hartford Courant on both November 10, 2022 and November 17, 2022. The neighborhood abutters were mailed notification of the public hearing on November 8, 2022. Staff has received no written comment on this application to date.

Similar illuminated menu boards have been approved at other fast food locations on Albany Turnpike and another location of Dunkin on Hopmeadow Street. Staff suggests the Board discuss and determine if a hardship exists and state on record.

The Board should determine if a hardship exists and state the findings on the record with respect to the following criteria:

1. That special conditions and circumstances exist that are peculiar to the land, structure, or building involved and are not applicable to other lands, structures, or buildings in the area;

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2. That these special circumstances relate to the condition of the land or parcel;
3. That the special conditions and circumstances are not related to the circumstances of the applicant and have not resulted from the actions of the applicant or the predecessor in title;
4. That the special circumstances constitute an exceptional difficulty or unusual hardship not of the applicant's making and are not solely a financial detriment;
5. That literal interpretation of the provisions of these Regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district;
6. That granting the variance requested will not confer upon the applicant any special privilege or use that is denied by these Regulations to other lands, structures, or buildings in the same district.
7. That these circumstances justify the granting of the variance,
8. That the variance, if granted, is the minimum variance that will make possible the reasonable use of the land, building, or structure; and
9. That the granting of the variance will be in harmony with the general purpose and intent of these Regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Staff has provided a sample motion for discussion purposes only as Exhibit A below:

**Exhibit "A"**  
**Monday, November 23, 2022**  
**Simsbury Zoning Board of Appeals**

Motion to Approve Application #22-10 Thomas Evans, Owner, Christopher Ramm, Poyant Signs, Applicant, for a variance pursuant to the Simsbury Zoning Regulations Sections 9.3 for the replacement of existing menu board with a  $\pm$  20 sq. ft. internally illuminated digital menu board per plans provided at the property located at 138/142 Hopmeadow Street (Assessor's Map F18, Block 154, Lot 007A+8A). Zone B-1. This approval is subject to the following conditions:

1. Administrative zoning permit is to be obtained.