



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

To: Simsbury Zoning Board of Appeals

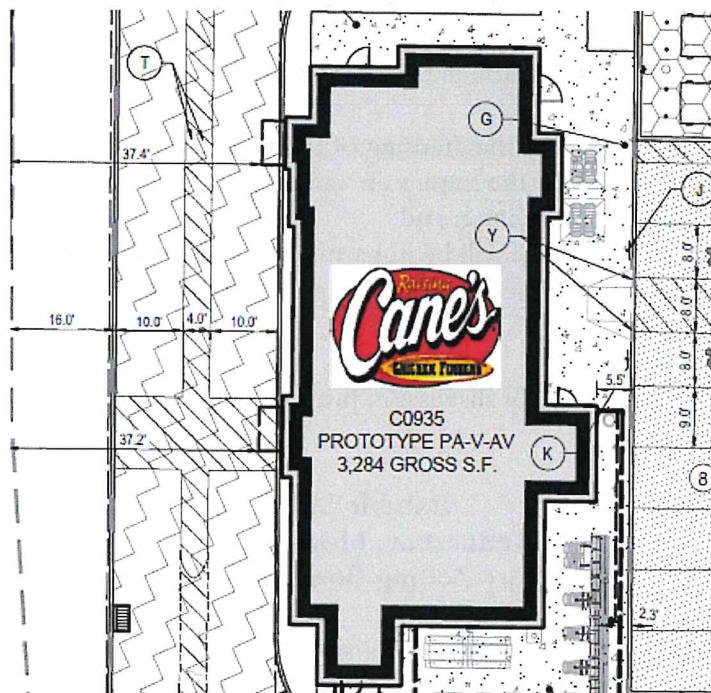
From: Laura Barkowski, CZEO
Code Compliance Officer *LB*

Date: May 24, 2023

RE: Application ZBA #23-02 of Raising Cane's Restaurant, LLC, Applicant, Simsbury Commons, LLC, Owner, for a variance to §4.3 of the Simsbury Zoning Regulations to reduce the side yard setback from 40' to $\pm 18'$ for the construction of a drive-thru canopy and from 40' to $\pm 36'$ to accommodate a window canopy at the property located at 530 Bushy Hill Road (Assessor's Map B20-508-001-B), in Zone B-3.

Description of Variance Request:

The applicant originally requested a variance to side yard setback for the purpose to constructing a window canopy to encroach $\pm 3'$ and drive thru canopy to encroach $\pm 21'$. After the prior meeting, the applicant has updated the plans decreasing the variance request to encroach $\pm 3'$ into the required side yard setback to accommodate both canopies. Please see updated plan below.



The applicant has also submitted new elevations reflecting the changes. The proposed landscaping buffer is to remain.



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;
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:

Exhibit "A"
Wednesday, May 24 2023
Simsbury Zoning Board of Appeals

Motion to approve Application ZBA #23-02 of Raising Cane's Restaurant, LLC, Applicant, Simsbury Commons, LLC, Owner, for a variance to §4.3 of the Simsbury Zoning Regulations to reduce the side yard setback from 40' to \pm 36' for the construction of a drive-thru canopy and window canopy at the property located at 530 Bushy Hill Road (Assessor's Map B20-508-001-B), in Zone B-3.