

**ZONING BOARD OF APPEALS APPLICATION  
TOWN OF SIMSBURY, 933 HOPMEADOW STREET, SIMSBURY, CT 06070**

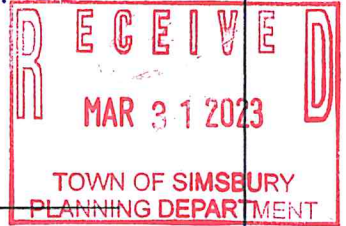
Application Number: 23-02

Fee \$ 240.00

Requested Action (please check appropriate box):

Variance

Appeal Decision of  
Zoning Official



Location of Property: 530 BUSHY HILL ROAD (SIMSBURY COMMONS)  
(number and street name)

Simsbury Assessor's Map Number B20 Block Number 508 Lot Number 001

Deed Volume Number 950 Page Number 685 (property owner must supply copy of the deed)

**Applicant - Please Print the Following:**

Name: Raising Cane's Restaurant, LLC  
Address: 6800 Bishop Road  
Plano, TX 75024  
Email: acaracci@raisingcanes.com Telephone: 972-769-3100

Signature of Applicant:  Date: 3/29/23

Applicant's Interest in Property: Leasehold/Contract

Record Owner of Property: Simsbury Commons, LLC  
(print name & address of owner)  
 Date: 3/30/2023  
(signature of owner) BARUCH A ROSSO

Property is in Zone B-3 of (applicable section(s) Zoning Regulations 4.3

**Describe the nature of your application, including the amount of variance requested:**

Reduce easterly side yard setback from 40' to 37.1' for window canopy; and  
Reduce easterly side yard setback requirement from 40' to 19.3' for construction of a drive-thru canopy

**Describe the specific hardship:**

Shape, configuration, historic existing uses of property and adjacent property, and prior approvals contribute to hardship. See attached for detailed description.

*This application must be accompanied by required fee, site plan and any other information required by the Zoning Regulations, Building Code, or Rules of the Board. EACH APPLICATION SHALL INCLUDE A LIST OF NAMES AND ADDRESSES OF ALL ABUTTING PROPERTY OWNERS AND ALL PROPERTY OWNERS WITHIN 100 FEET OF THE SUBJECT SITE. Six complete sets of folded plans and eleven copies of the completed and signed application, and any correspondence, must be submitted with the application. Pictures of the property and letters from the neighbors are very helpful. Applicant and/or Authorized Agent must attend meeting.*

**NOTE: PICKUP YOUR PUBLIC HEARING SIGN WHEN APPLICATION IS SUBMITTED.**

**INCOMPLETE APPLICATIONS WILL NOT BE CONSIDERED**

**DESCRIPTION: SPECIFIC HARDSHIP:**

Features Unique to this Property:

1. The plan is wholly compliant, including all drives and parking, except the setback distances of the canopy structures.
2. Applicant parcel includes land in Simsbury and Avon. Avon (20 ft) and Simsbury (40 ft) have different sideline requirements for the property. (If the property were in Avon, no variance would be required.)
3. The Simsbury Commons Center has functional obsolescence issues, including that dated design and function of branch lending institutions have created significant underutilization of the bank facilities.
4. The proposed alignment in massing of the proposed facility compliments the existing buildings on the east and west.
5. The adjacent neighbor supports this application because it feels both the applicant and the neighbor benefit from the proposed landscaping easement.
6. Canopies, while not new, are a “driver” of design for new restaurants in the post-Covid world.
7. Communities like Simsbury and fast-food restaurants have greater enthusiasm than ever or drive-thru opportunities in appropriate locations.
8. The massing and location of the proposed and existing structure directly align and compliment the existing structure to the west.

Hardship

- a. The historic use of the property and historic use of the buildings at the north end of Simsbury Commons do not contain enough land to accommodate the proposed restaurant without the granting of variance.
- b. The application of different town setbacks is unique in the hardship to the proposed application.
- c. Rigid enforcement of the regulation where the entire plan including all driveways and parking are in compliance, would defeat the plan.
- d. The 40’ setback was enacted to enhance the appearance of building massing and location. In this instance, it would defeat an aesthetic plan to enhance the appearance of both the applicant property and the neighboring commercial store.



Restaurant Support Office  
1650 S. W. 10th Ave.  
Tel: 972-799-1100 Fax: 972-796-3101

**RAISING CANES RESTAURANT**  
530 BUSHY HILL ROAD  
SHEPHERD, CT  
RESTAURANT #002935

OWNER'S REPRESENTATIVE:

**BOHLER //**  
45 LAMAR ROAD, SUITE 601  
WILSON, NC 27157  
Phone: (404) 334-3400  
www.BohlerEngineering.com

PROJECT MANAGER:  
DATE:  
DATE:

**FOR CONCEPT PURPOSES ONLY**



**J.G. BORD**  
PROFESSIONAL ENGINEER  
LICENSE NO. 10025-0001

DATE:  
DATE:

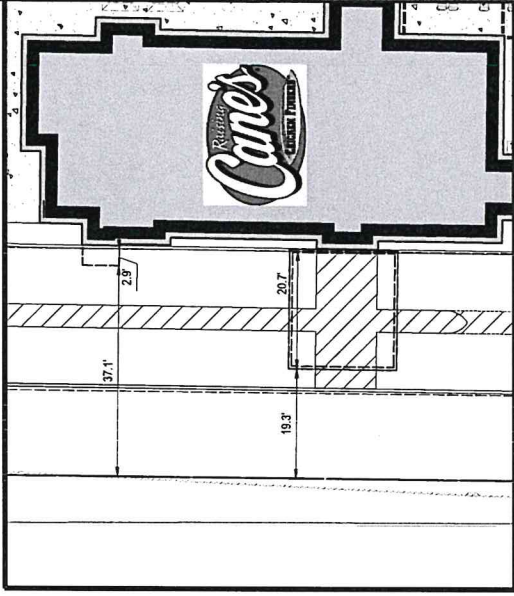
**SITE LAYOUT PLAN**

PROJECT NUMBER:  
DATE:

**EX-01**

**ZONING ANALYSIS TABLE**

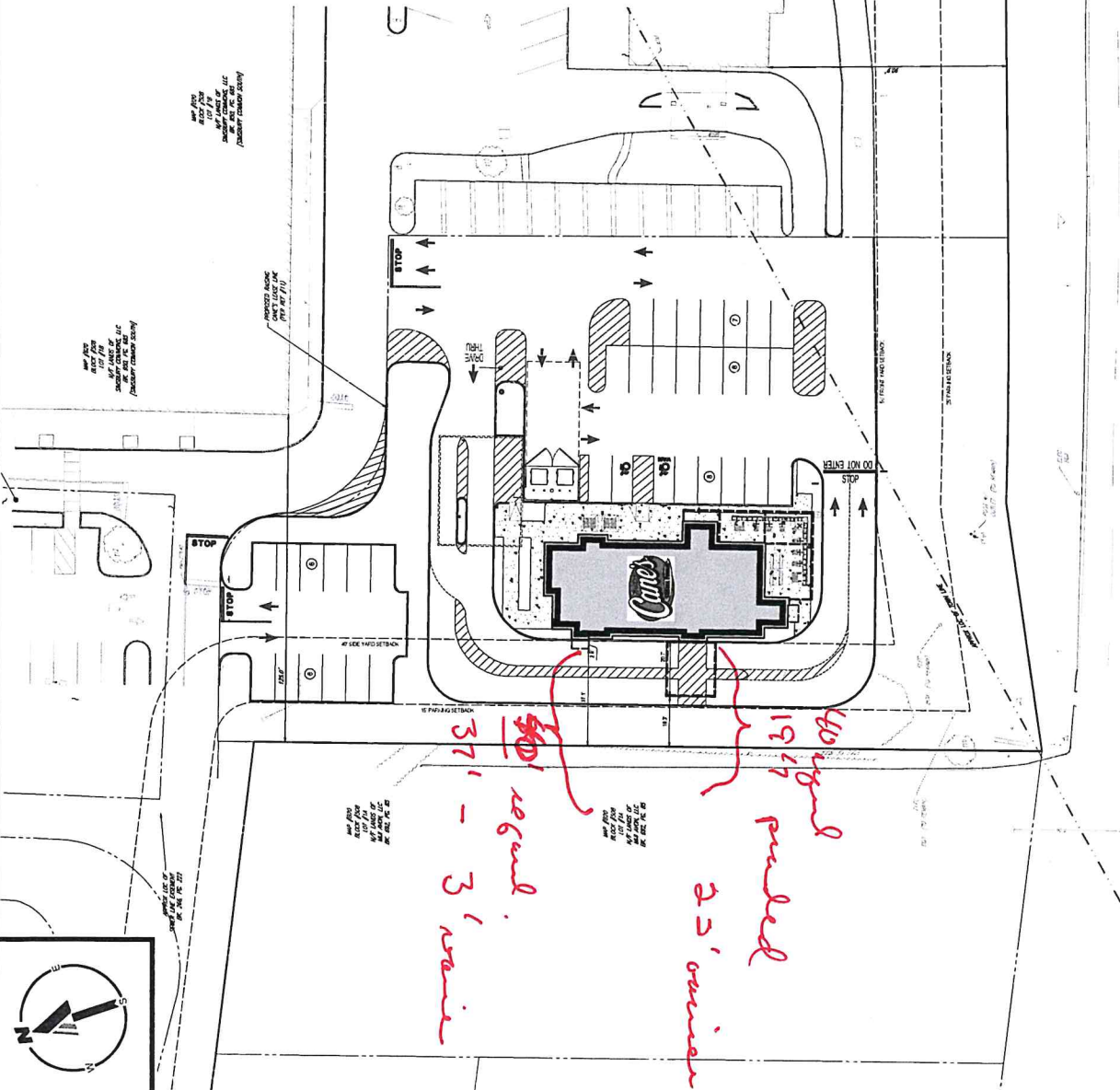
REQUIRED PERMIT	APPLICABLE ZONING DISTRICT	APPLICABLE ZONING DISTRICT	APPLICABLE ZONING DISTRICT	APPLICABLE ZONING DISTRICT	APPLICABLE ZONING DISTRICT	APPLICABLE ZONING DISTRICT	APPLICABLE ZONING DISTRICT	APPLICABLE ZONING DISTRICT	APPLICABLE ZONING DISTRICT
MIN. LOT AREA	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.
MIN. FRONT SETBACK	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.
MIN. SIDE SETBACK	5 FT.	5 FT.	5 FT.	5 FT.	5 FT.	5 FT.	5 FT.	5 FT.	5 FT.
MIN. REAR SETBACK	5 FT.	5 FT.	5 FT.	5 FT.	5 FT.	5 FT.	5 FT.	5 FT.	5 FT.
MAX. BUILDING COVERAGE	40%	40%	40%	40%	40%	40%	40%	40%	40%
MAX. FLOOR AREA	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.	10,000 SQ. FT.
MAX. HEIGHT	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.	35 FT.
MIN. PARKING SPACES	10	10	10	10	10	10	10	10	10
MAX. PARKING SPACES	10	10	10	10	10	10	10	10	10
MAX. DRIVEWAY WIDTH	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.
MAX. DRIVEWAY LENGTH	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.
MAX. DRIVEWAY AREA	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.
MAX. DRIVEWAY WIDTH	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.
MAX. DRIVEWAY LENGTH	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.	10 FT.
MAX. DRIVEWAY AREA	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.
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MAX. DRIVEWAY AREA	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.	100 SQ. FT.



**GENERAL CONTRACTOR TO PROVIDE A SITE SPECIFIC WALL DESIGN AND CALCULATIONS THROUGH THE GENERAL CONTRACTOR'S SELECTED WALL MANUFACTURER'S LICENSED PROFESSIONAL STRUCTURAL ENGINEER.**

**MAINTENANCE OF A CLEAR SIGHT LINE IS THE RESPONSIBILITY OF THE PROPERTY OWNER**

**THIS PLAN TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY. REFER TO GENERAL NOTES SHEET FOR ADDITIONAL NOTES**



W MAIN STREET

13 - Parcels within 100 feet of "Simsbury Commons" BUSHY HILL ROAD

A20 513 002  
539 BUSHY HILL ROAD  
CICCHETTI CARL  
422 WEST MOUNTAIN ROAD WEST SIMSBURY CT 06092

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B20 508 001-B  
530 BUSHY HILL ROAD  
NA  
7 HANA LANE MONSEY NY 10952

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B20 508 001-B  
498 BUSHY HILL ROAD  
SIMSBURY COMMONS LLC  
7 HANA LANE MONSEY NY 10952

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B20 503 002-7  
537 BUSHY HILL ROAD  
GOLDMAN HOWARD E  
537 BUSHY HILL ROAD SIMSBURY CT 06070

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B20 503 002-4  
531 BUSHY HILL ROAD  
ALBRESKI DOUGLAS A  
531 BUSHY HILL ROAD SIMSBURY CT 06070

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A20 503 002-B  
22 ALBANY TURNPIKE  
R H C ASSOCIATES #6/36  
PO BOX 182571 COLUMBUS OH 43218

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B20 508 001-A  
BUSHY HILL ROAD  
BUSHY HILL PARTNERS LLC  
1225 FRANKLIN AVE, SUITE 325 GARDEN CITY NY 11530

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B20 508 001  
12 ALBANY TURNPIKE  
SAMS QUICK STOP LLC  
1144 CORBIN AVENUE NEW BRITAIN CT 06053

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B20 508 008  
16 WEST MARY DRIVE  
VARGAS ARMANDO AND ERIN A  
16 WEST MARY DRIVE SIMSBURY CT 06070

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B20 503 002-6  
535 BUSHY HILL ROAD  
GOSSELIN JOHN D  
535 BUSHY HILL ROAD SIMSBURY CT 06070

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B20 503 002-5  
533 BUSHY HILL ROAD  
BRAHO ANTONELA  
533 BUSHY HILL ROAD SIMSBURY CT 06070

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B20 508 001-A  
6 ALBANY TURNPIKE  
MIJI AVON LLC  
433 SO MAIN ST #112 WEST HARTFORD CT 06110

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B20 508 002A  
530R BUSHY HILL ROAD  
AVON MARKETPLACE INVESTORS LLC  
PO BOX 5040 WESTPORT CT 06881



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