

**ZONING BOARD OF APPEALS**  
**Wednesday, April 26, 2023, 7:00 P.M.**  
**Public hearing was web-based on Zoom**

- I. **CALL TO ORDER** – Chair Antonio called the meeting to order at 7:00 P.M.
- II. **ROLL CALL**

**Present:** Laura Barkowski, Code Compliance Officer; Chair, Steven Antonio; Lawrence Boardman, JoAnn Hogan, Ram Kaza, and Joshua Michelson

**Absent:** Mark Freeman, Ali Rice, Sharon Thomas, and Stacey Walczak.

III. **APPLICATIONS**

1. **Public Hearings**

**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 ± 18’ for the construction of a drive-thru canopy and from 40’ to ± 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.

- Mr. T.J. Donahue stated that, Men’s Warehouse, the neighboring business west of the proposed project is fully aware of the plans and is accepting of them.
- He stated that the variance requested would stay almost within the confines of the existing travel path.
- Because part of the property is on Avon’s jurisdiction, he noted that Avon’s side yard requirement is 20 ft. compared to Simsbury’s 40 ft. so the proposal is consistent with the properties nearby.
- Jeff Board, professional engineer with Bohler Engineering, stated that the canopies required are the only aspects needing a variance.
- Dusty Johnson of AD Architects stated that the steel column and steel channel drive-thru canopy that covers the two lanes is courtesy for the customers and employees to have coverage from the elements during the transaction, and for times of high activity when the employees will walk car-to-car to take customers’ orders.
- When Commissioner Michelson asked if any other options were developed that wouldn’t require a variance, such as rotating the building or shifting parking spots, Mr. Johnson responded that from a lease standpoint the applicant is not allowed to touch grading, parking, or curbing, outside of the baseline. To try to minimize the variance as much as possible they created a narrower building and condensed the sidewalks as much as they could.
- Commissioner Hogan stated that the hardship is that this property is shared with Avon, and they are closer in compliance with Avon’s setback requirements.
- It was suggested by the Board to see if there was any way to remove one of the drive-thru lanes or reduce the size of the canopy and they revisit the application at the next meeting.

**MOTION:** Commissioner Kaza made a motion, seconded by Commissioner Hogan, to continue the public hearing for **Application ZBA #23-02** at the next Zoning Board of Appeals meeting, May 24<sup>th</sup>. The motion carried unanimously. (5-0-0).

IV. **GENERAL COMMISSION BUSINESS**

None.

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V. **APPROVAL OF MINUTES** – March 22, 2023

**MOTION:** Commissioner Hogan made a motion, seconded by Commissioner Boardman, to accept the Minutes of the March 22, 2023, regular meeting, as written. The motion carried unanimously. (5-0-0).

VI. **AJOURNMENT**

**MOTION:** Commissioner Kaza made a motion, seconded by Commissioner Michelson, to adjourn the meeting. The motion carried unanimously. (5-0-0).

Chair Antonio adjourned the meeting at 7:39 P.M

Respectfully Submitted,

Amanda Blaze  
Commission Clerk

DRAFT