

**PLANNING AND ZONING COMMISSION**  
**ADOPTED RESOLUTION**  
**February 11, 2020**

Application Number: Proposed Amendments to Darien Zoning Regulations (COZR #1-2020)  
put forth by Affordable Self Storage, Inc.  
Amendment to Business Site Plan Application #293/Special Permit

Street Address: 131 Hollow Tree Ridge Road  
Assessors Map #48 Lot #3

Name and Address of Applicant & Property Owner: Affordable Self Storage  
John D. Hertz  
131 Hollow Tree Ridge Road  
Darien, CT 06820

Name and Address of Applicant's Representative: Michael P. Murray, Esq.  
Ivey, Barnum & O'Mara  
161 Cherry Street  
New Canaan, CT 06840

Activities Being Applied For:

- Proposal to amend Section 544, Note 'a', of the Darien Zoning Regulations to permit up to 50 percent of a basement area to be utilized for self-storage, restrooms, workshop, or rentable space accessible to customers in the 3.7 AH Zone. All finished basement areas would be counted as "floor space". Basements with finished "floor space" would not be counted as an additional story per Section 544(A). The full text of the proposed zoning regulation amendment is on file and available in the Town Clerk's office and the Planning and Zoning Office for inspection, and online at [www.darienct.gov/pzc](http://www.darienct.gov/pzc).
- Proposal to finish 4,896+/- square feet of the existing basement of the building to be utilized for climate controlled wine storage areas, an approximately 300+/- square foot wine tasting room, and a bathroom.

Property Location: The 3.6+/- acre subject property is located on the west side of Hollow Tree Ridge Road approximately 150 feet south of Heights Road.

Zone: 3.7AH

Date of Public Hearing: January 21, 2020  
Deliberations Held: January 28, 2020

Time and Place: 8:00 P.M. Room 119 Darien Town Hall

Publication of Hearing Notices  
Dates: January 9 & 16, 2020 Newspaper: Darien Times

Date of Action: February 11, 2020  
ZONING REGULATION AMENDMENTS:  
ADOPTED WITH MODIFICATIONS

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WITH AN EFFECTIVE DATE OF SUNDAY, MARCH 1, 2020 AT 12:01 P.M.

SITE PLAN/SPECIAL PERMIT APPLICATION:

APPROVED WITH CONDITIONS

WITH AN EFFECTIVE DATE OF SUNDAY, MARCH 1, 2020 AT 12:05 P.M.

Scheduled Date of Publication of Actions:            Newspaper: Darien Times  
February 20, 2020

The Commission has conducted its review and findings on the bases that:

- the proposed zoning regulation amendment must be consistent with the 2016 Town Plan of Conservation & Development for the Commission to adopt it.
- the proposed use and activities must comply with all provisions of Sections 540, 1000, and 1020 of the Darien Zoning Regulations for the Commission to approve this project.
- the size, nature, and intensity of the proposed use and activities are described in detail in the application, the submitted plans and application narrative, and the statements of the applicant's representative, whose testimony is contained in the record of the public hearing, all of which material is incorporated by reference.
- each member of the Commission voting on this matter is personally acquainted with the site and its immediate environs.

Following review of the submitted application materials and related analyses, the Commission finds:

1. The submitted application consists of a proposal to:
  - amend Section 544, Note 'a', of the Darien Zoning Regulations to permit up to 50 percent of a basement area to be utilized for self-storage, restrooms, workshop, or rentable space accessible to customers in the 3.7 AH Zone. All finished basement areas would be counted as "floor space". Basements with finished "floor space" would not be counted as an additional story per Section 544(A).
  - Proposal to finish 4,896+/- square feet of the existing basement of the building to be utilized for climate controlled wine storage areas, an approximately 300+/- square foot wine tasting room, and a bathroom.

APPLICANT'S ZONING REGULATION AMENDMENT PROPOSAL

2. The Commission finds that only one property would be subject to the zone change, since there is only one lot currently within the 3.7AH zone. That property is tied into the public water system, but is NOT tied into the sanitary sewer system, but rather, is served by an on-site septic system.
3. The subject property to be affected by the zone change is 131 Hollow Tree Ridge Road, and is shown on the submitted survey entitled, "Zoning Location Survey Depicting As-built conditions

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131 Hollow Tree Ridge Road, by William W. Seymour & Associates, PC, date revised December 11, 2019.

**FINDING OF CONSISTENCY WITH 2016 TOWN PLAN OF CONSERVATION & DEVELOPMENT**

4. The Commission finds that the proposal is consistent with the 2016 Town Plan of Conservation & Development. Examples include:
  - a. Policies to Guide Business and Economic Development:
    1. "Darien should continue to promote and encourage appropriate business and economic development."
    2. "The quality of residential life in such a community is enhanced by well-planned commercial uses within the Town."
    3. "Continue to encourage business and economic development to provide jobs, provide goods and services, and enhance the tax base."
    4. "Continue to encourage vibrant commercial areas."

**SITE PLAN AND SPECIAL PERMIT FINDINGS**

5. The Commission finds that the number of existing parking spaces, as shown on the applicant's submitted site plan, are sufficient to accommodate the additional square footage to be utilized by customers. The Local Traffic Authority (LTA) had no comments on this application.
6. The Darien Health Department reviewed the site development plans and submitted written comments which state that the "engineer must review septic system design and provide a report regarding the adequacy of the site to support proposed wine tasting room".
7. Professional engineer Doug DiVesta, submitted a January 15, 2020 e-mail for record stating that the on-site septic system is appropriately sized and sufficient to handle the anticipated additional flow from the proposed wine tasting room and bathroom.
8. At the public hearing it was noted that customer access to the building, including the new wine storage areas, would be from 9 a.m. to 9 p.m., seven days per week. The applicant indicated that the wine tasting room would be used primarily for the cataloging and trading of wine among customers and that the room would not be utilized for social gatherings.
9. The location and size of the use and the nature and intensity of the proposed operation conforms to the requirements and standards for approval as specified in Section 1005 (a) through (g) of the Regulations and will not adversely affect public health, safety and welfare.
10. The Commission has considered all evidence offered at the Public Hearing regarding the character and extent of the proposed activities, the land involved, the possible effects of the activities on the subject property and on the surrounding areas, and the suitability of such actions to the area for which it is proposed.

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11. The nature of the proposed changes and uses are such that the project will not hinder or discourage the appropriate development and use of adjacent land and buildings, or impair the value thereof.
12. The plan has been reviewed by the Commission and is in general compliance with the intent, purposes and objectives of Section 1020.
13. The design, location, and specific details of the proposed use and site development will not adversely affect safety in the streets nor increase traffic congestion in the area, nor will they interfere with the patterns of highway circulation in such a manner as to create or augment unsafe traffic conditions between adjoining developments and the district as a whole.

**NOW THEREFORE BE IT RESOLVED** that the Amendment to the Darien Zoning Regulations (COZR #1-2020) is hereby adopted subject to the foregoing and following modifications and understandings:

NEW WORDING UNDERLINED; DELETIONS IN STRIKEOUT:  
(Table of Contents and Appendix C of the Zoning Regulations to be amended accordingly.)

544. Area and Bulk Requirements for Special Permit Use

The following requirements shall be deemed to be the minimum or maximum requirements in every instance of their application. Dimensions are in feet unless otherwise indicated.

1. Minimum Lot Area	2.0 acres
2. Maximum Lot Area	5.0 acres
3. Minimum Lot Frontage	50' accessway required to a public street and a second accessway for emergency purposes.
4. Minimum Lot Width (Average)	100'
5. Minimum Lot Depth (Average)	100'
6. Maximum Average Gross Floor Area of all Dwelling Units	1875 sq. ft.
7. Minimum Floor Area of a Dwelling Unit	600 sq. ft.
8. Minimum Front Yard	25'
9. Minimum Distance Between Any Structure containing dwelling units and Interior Access Drive	15'
10. Minimum Side Yard	12.5'
11. Minimum Rear Yard	25'
12. Minimum Distance between any proposed structure and the nearest location of an existing or potential Single-family detached residential parcel	50'

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which is in a different zone	
13. Maximum Height (See Note A)	3-1/2 stories or 35 feet
14. Maximum Building Coverage	25%
15. a. Maximum Floor Area Ratio (FAR) for affordable housing use.	0.20
b. for Self-storage use (See Note A)	0.70
16. a. Maximum Average Building Size for affordable housing use.	10,000 sq. ft.
b. for Self-storage use (See Note A)	120,000 sq. ft.
17. a. Maximum Density for Affordable Housing	9 units per net acre (as defined in Section 545c)
18. Open Space	At least 500 sq. ft. per dwelling unit minus any private terrace areas and balcony areas for the units
19. Building Separation:	
Wall with windows to another wall with windows	25'
Wall with windows to wall without windows	10'

Notes:

- a. Unfinished ~~b~~Basement space that is utilized only for mechanical equipment of the building shall not count as floor area. A basement may be utilized for self-storage, restrooms, workshop, or rentable space accessible to customers provided that the square footage utilized does not exceed 50% of the first floor area. All finished basement areas shall be counted as floor space. ~~If any portion of the basement area is used for self-storage, or restrooms, or workshop, or rentable space, or is accessible to the public, then the entire basement shall be counted as a story and as floor space.~~

*[Amended 4/17/2016, 3/1/2020]*

**NOW THEREFORE BE IT RESOLVED** that Business Site Plan #293 /Special Permit is hereby approved subject to the following conditions:

- A. Work shall be in accordance with the interior floor plan for the basement as submitted by the applicant to the Planning & Zoning Commission, and as may be modified by the Fire Marshal and/or Building Official:
- Basement Plan: Proposed Wine Storage, Self-Storage Facility, 131 Hollow Tree Ridge Road, Darien, by LaVigna Associates, dated December 19, 2019, Drawing No. Wine Cellar.
- B. The hours of operation for the proposed wine storage areas and tasting room shall be no different than that for the remainder of the self-storage building – 9 a.m. to 9 p.m. seven days per week. Any proposed changes to the hours shall require review and action by the Planning & Zoning Commission.

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- C. Since there is no new impervious surface proposed as part of this application, the Commission hereby waives the requirement for stormwater management.
- D. In evaluating this application, the Planning and Zoning Commission has relied on information provided by the applicant. If such information subsequently proves to be false, deceptive, incomplete and/or inaccurate, the Commission reserves the right, after notice and hearing, to modify, suspend, or revoke the permit as it deems appropriate.
- E. The approval of this Business Site Plan and Special Permit does not relieve the applicant of responsibility of complying with all other applicable rules, regulations and codes of the Town, State, or other regulating agency. A Zoning and Building Permit will be needed prior to proceeding with this interior work in the basement.
- F. This permit shall be subject to the provisions of Sections 1009 and 1028 of the Darien Zoning Regulations, including but not limited to, implementation of the approved plan within one (1) year of this action (February 11, 2021). This may be extended as per Sections 1009 and 1028

All provisions and details of the plan and use shall be binding conditions of this action and such approval shall become final upon compliance with these stipulations and the signing of the final approved plans by the Chairman, or this approval shall become null and void. A Special Permit form shall be filed in the Darien Land Records within 60 days of this approval and prior to the issuance of a Zoning & Building Permit for the construction.