




**CITY OF STAMFORD**  
**Land Use Bureau**

**MEMORANDUM**

**FROM:** Ralph Blessing, Land Use Bureau Chief   
**TO:** City of Stamford Zoning Board  
**DATE:** December 28, 2021  
**RE:** Petition to Appeal Zoning Board Approval No. 221-20

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On Friday, December 17, the Land Use Bureau received a Petition pursuant to City of Stamford Charter Section C6-40-9<sup>1</sup> to refer Zoning Board Approval No. 221-20 to the Stamford Board of Representatives for appeal of the Zoning Board's approval.

Based on the review of the Petition, the Land Use Bureau and the City of Stamford Law Department determine **that the Petition DID NOT receive the number of signatures required for a referral to the Board of Representatives.**

This memorandum explains the methodology used for this determination.

City of Stamford Charter Section C6-40-9 prescribes the requirements for a valid petition to the Board of Representatives to appeal a Zoning Board decision amending the Zoning Regulations. These requirements include:

1. The petition must be filed with the Zoning Board within ten days of the publication of the Zoning Board's decision.

*The legal notice for application 221-20 was published in the Stamford Advocate and online on the City of Stamford Website on December 8, 2021. The Petition was filed with the Town Clerk's office on December 17, 2021. Therefore, the petition was received in time.*

2. The number of signatures required shall be either:
  - a. The lesser of 100 or 20%, of the owners of privately-owned land within five hundred feet of the area so zoned, , if the proposed amendment applies to only one zone, or
  - b. Signatures of owners of 300 properties within the City of Stamford, if the proposed amendment applies to more than one zone.

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<sup>1</sup> See Appendix A.

*Because the proposed Zoning Amendments apply only to one Zoning District, the C-D Designed Commercial District, only signatures of property owners within any C-D District or within 500 feet of any C-D District are eligible to sign the petition. Although there is more than one area zoned C-D, the change only affects the C-D Zone and no other zones.<sup>2</sup>*

*A list of eligible signers was established by overlaying the areas zoned C-D on to the City's tax map. With the help of Geographic Information Systems (GIS) software, a 500-foot buffer area around the land zoned C-D was defined. Based on this operation, a list of 932 eligible private properties was compiled. Therefore, based on the Charter requirement, valid signatures for the lesser of 100 properties within 500 feet or 186 properties within 500 feet (20% of the properties within 500 feet) are required. Therefore, 100 eligible properties within 500 feet is the minimum number required.*

*The petition signatures received were then compared to the list of 932 eligible properties. Valid signatures for 67 eligible properties were received.<sup>3</sup> Of the 67 properties, the signatures for nine properties had inconsistencies, such as only one of the property owners signed (where the property is in more than one name) or addresses did not match. Therefore, the threshold of signatures for 100 properties, even including the questionable signatures, was not reached.*

***Since the petitioners did not submit the minimum number of signatures required (the lesser of 100 or 20% of the eligible property), the Petition failed to meet the requirements of the Charter. Consequently, the Petition will not be referred to the Board of Representatives for consideration.***

Cc: Caroline Simmons, Mayor  
Bridget Fox, Chief of Staff  
Kathy Emmett, Esq., Corporation Counsel  
Cindy Anger, Esq., Assistant Corporation Counsel  
Jeff Curtis, President, Board of Representatives  
Michael Battinelli, representing the Petitioners  
Stephen Garst, representing the Petitioners  
Barry Michelson, representing the Petitioners

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<sup>2</sup> See attached memo from attorneys Kathy Emmett and Cynthia Anger from the City's Law Department dated December 23, 2021.

<sup>3</sup> The table as well as the received petition sheets are available for review at the City of Stamford Land Use Bureau. Valid signatures included a signature where a Petitioner stated that the owner is deceased and the Petitioner is the executor of the estate; Living Trusts if all named parties signed; if the Living Trust only contained a family name, one signature of a person with that name was accepted.

**APPENDIX A – Charter Section C6-40-9.**

**Sec. C6-40-9. Referral to Board of Representatives by Opponents or Proponents of Amendments to the Zoning Regulations, Other Than the Zoning Map, After the Effective Date of the Master Plan.**

After the effective date of the Master Plan, if following a public hearing at which a proposed amendment to the Zoning Regulations, other than the Zoning Map was considered, a petition is filed with the Zoning Board within ten days after the official publication of the Board's decision thereon opposing such decision, such decision with respect to such amendment shall have no force or effect, but the matter shall be referred by the Zoning Board to the Board of Representatives within twenty days after such official publication, together with written findings, recommendations, and reasons. The Board of Representatives shall approve or reject any such proposed amendment at or before its second regularly scheduled meeting following such referral. When acting upon such matters, the Board of Representatives shall be guided by the same standards as are prescribed for the Zoning Board in Section C6-40-1 of this Charter. The failure by the Board of Representatives either to approve or reject said amendment within the above time limit shall be deemed as approval of the Zoning Board's decision. The number of signatures required on any such written petition shall be one hundred, or twenty percent of the owners of privately-owned land within five hundred feet of the area so zoned, whichever is least, if the proposed amendment applies to only one zone. All signers must be landowners in any areas so zoned, or in areas located within five hundred feet of any areas so zoned. If any such amendment applies to two or more zones, or the entire City, the signatures of at least three hundred landowners shall be required, and such signers may be landowners anywhere in the City.

*(S.A. No. 619, 1953; Referendum 11-3-1995; Referendum 11-6-1962; Referendum 11-3-1987; Referendum 11-7-1995)*