



CITY OF STAMFORD
Land Use Bureau
MEMORANDUM

FROM: Ralph Blessing, Land Use Bureau Chief
TO: City of Stamford Zoning Board
DATE: May 3, 2022
RE: Petition to Appeal Zoning Board's Approval of Application No. 222-08

On Friday, April 22 and Monday, April 25, 2022, the Land Use Bureau received a Petition pursuant to City of Stamford Charter Section C6-40-9 appealing the Zoning Board's approval of Application No. 222-08 to the Stamford Board of Representatives.

Based on our review of the Petition, the Land Use Bureau has determined that the Petition **DID NOT** receive the required number of signatures. Therefore, the Petition is not valid and cannot be referred 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 appeal a Zoning Board decision amending the Zoning Regulations to the Board of Representatives. 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 the approval of application 222-08 was published in the Stamford Advocate and online on the City of Stamford Website on April 13, 2022. The Petition was filed with Land Use Bureau on April 22 and April 25¹. Therefore, the petition was received in time.

2. The number of signatures required shall be either:
 - a. The lesser of 100 signatures of property owners 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 at least 300 landowners within the City of Stamford, if the proposed amendment applies to more than one zone.

¹ Since the last day for filing was on a weekend, petitions received on the first weekday after the weekend are considered timely filed.

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

A list of 792 eligible properties 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 792 eligible private properties was compiled. Therefore, based on the Charter requirement, valid signatures³ of the lesser of 100 properties within 500 feet or 158 properties within 500 feet (20% of the properties within 500 feet) are required. Therefore, 100 petition signatures of the owners of land located within 500 feet is the minimum number required.

The petition signatures received were then compared to the list of the 792 eligible properties. 86 valid signatures for 56 eligible properties were received.⁴ The signatures for ten properties were invalid because either not all property owners signed (seven properties) or the signer's name did not match the tax records (three properties). Two signatures were submitted for one property where the address did not match the tax records. These signatures were counted because the signers own property with a valid address. In addition, signatures were received from 21 condo-units of a single condo development with 43 units. These signatures were not counted because not all owners of all condo-units in the development signed.

Therefore, the threshold of 100 signatures for eligible properties 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 is not valid and will not be referred to the Board of Representatives for consideration.

Cc: Caroline Simmons, Mayor
Bridget Fox, Chief of Staff
Doug Dalena, Esq., Corporation Counsel
Cynthia 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
Richard Redniss, representing the Applicant for Application ZB-222-08

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

³ Based on a decision by the Connecticut Supreme Court (*High Ridge Real Estate Owner, LLC v. Board of Representatives of the City of Stamford*, 342 Conn. 423 (2022)) it is the number of signatures that counts, not the properties.

⁴ See attached spreadsheet and scan of received signatures sheets.