



CITY OF MADISON  
ZONING BOARD OF APPEALS  
APPEAL APPLICATION

\$200 Filing Fee

Ensure all information is **typed** or legibly **printed** using blue or black ink.

Notices are sent to the District Alderperson and to owners of record as listed in the Office of the City Assessor. Maximum size for all drawings is 11" x 17".

Name of Applicant: Koua Vang  
Address: 2919 Vang Road  
Sun Prairie, WI 53590  
Daytime Phone: (608) 445-8657 Evening Phone: \_\_\_\_\_  
Email: KouaVang@TDS.net

1. The undersigned hereby appeals the decision of the Zoning Administrator in regard to Madison General Ordinance Section No. 28.091(C)

2. When relevant to a specific property, fill out below:  
Street Address: 3600 Portage Road, Madison, WI

3.  List of grounds for the appeal, statements, evidence of fact, and any additional information associated with the appeal are provided on a separate attachment.  
see attached

Applicant Signature: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Amount Paid: \$ 200- Zoning District: A.  
Receipt: 140944 Hearing Date: 3/28/13  
Filing Date: 3/15/13 Published Date: 3/21/13  
Received By: JEA Appeal Number: 032113-1  
Parcel Number: 0810-214-0096-6 GQ: fuel/park  
Alder District: #17 Clausius wetland.

**DECISION**

The Board, in accordance with the findings of fact, hereby determines that the requested appeal for \_\_\_\_\_ is

Approved

Denied

Conditionally Approved

Zoning Board of Appeals Chair:

Date:

## 28.205 BOARD OF ZONING APPEALS.

### 5. Appeals to Decisions of the Zoning Administrator.

Appeals to the Zoning Board of Appeals may be taken by any person aggrieved, or by any officer, department, board or bureau of the City affected, by any decision of the Zoning Administrator.

- (a) An appeal shall be taken within a reasonable time, as provided by the rules of the Zoning Board of Appeals.
- (b) The applicant shall file a notice of appeal with the Zoning Board of Appeals. The notice of appeal must specify the grounds for the appeal, including a specific reference to the terms of this chapter, state or federal law, or the state or federal constitution that the applicant believes were incorrectly applied.
- (c) The Zoning Administrator shall transmit all the papers constituting the record upon which the action appealed from was taken to the Zoning Board of Appeals.
- (d) Stay of Proceedings. An appeal shall stay all legal proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals that by reason of facts stated in the certificate, a stay would in her/his opinion cause imminent peril to life or property. In that case, proceedings shall not be stayed unless the Zoning Board of Appeals or a court of record grants a restraining order on application. A restraining order requires the applicant to show due cause and to notify the Zoning Administrator.
- (e) Notice. An appeal requires the following types of notice (See Sec. 28.181(5)):
  1. Mail – sent at least 10 days before the required public hearing.
  2. Publication - at least 7 days before the required public hearing.
- (f) Scheduling. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal.
- (g) Rendering the Decision. The Zoning Board of Appeals, upon its findings, shall render a decision on the appeal within a reasonable time. The Board, upon the concurring vote of a majority of quorum, may reverse or affirm, wholly or partly, or may modify the order, requirements, decision or determination appealed from.
- (h) Approval Criteria. The Zoning Board of Appeals may reverse or modify the decision appealed from if it determines that it is error based on the terms of this chapter, a lawful condition of approval established under this chapter, or a provision of a federal or statute or constitution.
  1. For appeals concerning increases in regional flood elevation the Board shall:
    - a. Uphold the denial where the Board agrees with the data showing an increase in flood elevation. Increases equal to or greater than 0.01 foot may only be allowed after amending the flood profile and map and any appropriate legal arrangements are made with all adversely affected property owners.
    - b. Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase equal to or greater than 0.01 foot provided no other reasons for denial exist.
  2. For disputes concerning floodplain district boundaries:
    - a. If a floodplain district boundary is established by approximate or detailed floodplain studies, the map scale, and the flood elevations or profiles shall prevail in locating the boundary. If none exist, other evidence may be examined.
    - b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Zoning Board of Appeals.
    - c. If the boundary is incorrectly mapped, the Zoning Board of Appeals should inform the person contesting the boundary location to petition the Common Council for a map amendment.

### 6. Finality of Decisions of the Zoning Board of Appeals.

All decisions and findings of the Zoning Board of Appeals are considered final administrative determinations, and are subject to judicial review as provided by law.



# Koua and Dia Vang

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2919 Vang Road, Sun Prairie, WI 53590

Phone: (608) 445-8657 Koua's Cell,

445-8657 Dia's Cell

(608) 834-8064 Home

Fax: (608) 834-0654

Email: kouavang77@gmail.com

and

diamvang@gmail.com

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March 15, 2013

City of Madison  
Zoning Board Appeals

Re: Notice of Appeal

Appealing the Zoning Administrator's decision and interpretation of City of Madison's Zoning ordinance Chapter 28.091(1).

Attached is the email decision dated March 7, 2013 of the Zoning Administrator, Matthew Tucker. I also had a personal meeting with Mr. Tucker and he intends to enforce the zoning ordinance as he stated and interpreted in his email.

Chapter 28.091(1) is unconstitutional the following and other reason.

1. First Amendment of US Constitution, Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.
2. Tenth Amendment of US Constitution, The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.
3. Fourteenth Amendment of the US Constitution, Section 1. (1) All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. (2) No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; (3) nor shall any State deprive any person of life, liberty, or property, without due process of law;(4) nor deny to any person within its jurisdiction the equal protection of the
4. Chapter 28.091(1) and other zoning ordinance of the City of Madison is generally overbroad and ambiguous.
5. Other grounds that are fair and equitable.

Sincerely yours,



Koua Vang



kouavang tds.net< kouavang@tds.net>

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## Homeless Persons Camping at 3600 Portage Road

10 messages

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**Tucker, Matthew**< MTucker@cityofmadison.com>  
To: "kouavang@tds.net" <kouavang@tds.net>  
Cc: "McLay, Cam" <CMcLay@cityofmadison.com>

Thu, Mar 7, 2013 at 10:29 AM

Mr. Vang- I have been advised that you have chosen to allow the "Occupy" campers, currently at Token Creek Park, to locate onto your property at 3600 Portage Road on or about March 17<sup>th</sup>. Please note, Per sec. 28.091(1) of the Madison Zoning Ordinance, camping is not an allowed use of this property.

If you allow the campers to locate on your property, the City will be issuing you municipal citations for each day the camping activity is occurring on the site. The daily citation amounts are \$177 1<sup>st</sup>, \$303 2<sup>nd</sup>, \$366 3<sup>rd</sup> and each day thereafter.

Please also note, there may be additional zoning violations, including but not limited to zoning code regulations relative to the floodplain and wetland environmental condition that encumber the property.

Let me now if you have any questions.

**Matt Tucker**

**Zoning Administrator**

**Department of Planning and Community and Economic Development**

**Building Inspection Division**

215 Martin Luther King, Jr. Blvd., Suite LL-100

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<http://www.cityofmadison.com>