



Department of Planning & Community & Economic Development
Building Inspection Division

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January 10, 2024

Isadore Knox, Jr.
1735 Baird St.
Madison, WI 53713
Via mail and via email to district14@cityofmadison.com

Marsha Rummel
1029 Spaight St., #6C
Madison, WI 53703
Via mail and via email to district6@cityofmadison.com

RE: Zoning Board of Appeals Appeal Application for 1609 S. Park St.

Dear Isadore Knox, Jr. and Marsha Rummel:

I have reviewed your Zoning Board of Appeals appeal application for 1609 S. Park Street that you submitted via e-mail on November 20, 2023. The filing fee was paid on December 20, 2023. I have determined that your appeal is not timely under the Madison General Ordinances, and thereby it has been removed from the Zoning Board of Appeals January 18, 2024 agenda.

Madison General Ordinance 28.205 (5)(a) states:

An appeal shall be taken within a reasonable time, as provided by the rules of the Zoning Board of Appeals.

The Zoning Board of Appeals Rules of Procedure state:

Time of Appeal. Every appeal shall be taken within fifteen (15) days from the date of notice of refusal of a permit or from the date of the making of any order, ruling, decision or determination from which an appeal is taken. Where official notice is mailed, the time

to appeal shall begin running from the postmark date. A written appeal, specifying the grounds therefore, must be filed within fifteen (15) days with the Zoning Administrator. The date of the decision of the Zoning Administrator or other such officer shall not be counted, but the date of filing the appeal and Sundays and holidays shall be counted, except that if the last day falls on a Sunday or legal holiday, the time for filing shall be extended to the next secular day.

The materials you submitted did not specify the date of the Zoning Administrator determination. The determination was made prior to several public meetings and staff reports, including one written by Urban Design Commission staff (July 26, 2023) and Planning staff (August 28, 2023). The Plan Commission made their final action approving the conditional use at their meeting on October 30, 2023.

The most favorable reading of the determination date, as applied to your application, is October 30, 2023, the date the Plan Commission approved the conditional use for the project at 1609 S. Park St. The appeal application was received via email on November 20, 2023, 21 days from the date of the Zoning Administrator's determination. In reality, the determination date was likely much earlier, when the Zoning Administrator's determination was incorporated into the staff reports issued in July and August. Therefore, your appeal application has been rejected due to lack of timeliness.

As a courtesy, this letter will also be sent via USPS to the addresses provided on the appeal form. It will not be sent via certified mail. The date of the determination to deny based on timeliness is the effective date on this letter, the date it was sent via email.

Sincerely,

A handwritten signature in black ink, appearing to read "Katie Bannon". The signature is fluid and cursive.

Katie Bannon
Zoning Administrator
kbannon@cityofmadison.com
608-266-4569

Cc: Assistant City Attorney Kate Smith
City Attorney Michael Haas