COURT OF APPEALS
DECISION
DATED AND RELEASED

FEBRUARY 18, 1997

No. 96-1539-FT

STATE OF WISCONSIN **IN COURT OF APPEALS**
DISTRICT III

NORBERT GRENCHIK and ANN GRENCHIK,

Plaintiffs-Appellants,

v.

DOOR COUNTY BOARD OF ADJUSTMENT,

Defendant-Respondent.

APPEAL from a judgment of the circuit court for Door County: PETER C. DILTZ, Judge. *Affirmed.*

Before Cane, P.J., LaRocque and Myse, JJ.

PER CURIAM. Norbert and Ann Grenchik appeal a judgment dismissing their appeal from the Door County Zoning Board of Adjustment to the circuit court because it was untimely.[1] They argue that their petition was timely because the statutory time limit commenced upon their notice of the

[1] This is an expedited appeal under RULE 809.17, STATS.

board's decision, rather than the date on which the board filed its decision. We disagree.

The facts are not disputed. The Grenchiks appealed a decision of the zoning administrator by filing a petition with the board. The board filed its decision on September 6, 1995. The Grenchiks filed their appeal of the board's decision on October 9, 1995. The court decided that the Grenchiks had until October 6, 1995, to file their appeal, but that they commenced it after the thirty-day time limit expired. The court granted the board's motion to dismiss because it lacked jurisdiction due to the untimely filing. The Grenchiks now appeal that decision.

The sole issue on appeal is whether the Grenchiks filed a timely appeal pursuant to § 59.99(1), STATS. The interpretation of a zoning ordinance presents a question of law and rules of statutory interpretation apply. ***Marris v. Cedarburg***, 176 Wis.2d 14, 32, 498 N.W.2d 842, 850 (1993). Absent an ambiguity, the plain language governs. *See* ***State v. Schoepp***, 204 Wis.2d 266, 272-73, 554 N.W.2d 236, 238-39 (Ct. App. 1996).

According to § 59.99(10), STATS., "Any person … aggrieved by any decision of the board of adjustment … may, within 30 days after the filing of the decision in the office of the board, commence an action seeking the remedy available by certiorari." We agree with the court that the Grenchiks were not in compliance with the statute because they did not commence their appeal within thirty days of the date the board filed its decision.

The Grenchiks argue that the thirty-day time period began to run on September 8, 1995, when the board's decision was received in the mail by their attorney, and they first had notice of the decision. We disagree. Unlike the zoning ordinance at issue in ***State ex rel. DNR v. Walworth County***, 170 Wis.2d 406, 489 N.W.2d 631 (Ct. App. 1992), § 59.99(10), STATS., contains no notice provision.

Because the appeal was untimely, we affirm the judgment.

By the Court.—Judgment affirmed.

This opinion will not be published. *See* RULE 809.23(1)(b), STATS.