

**From:** [Tom Willan](#)  
**To:** [Peters, Steven](#); [Bollig, Jerome](#); [Smith, Sarah](#); [Doolan, Michele](#); [Kiefer, Timothy](#); [Parisi, Joseph](#); [Lane, Roger](#); [Violante, Todd](#)  
**Cc:** [Gault, David](#); [Tom Willan](#); [Julia Willan](#); [Management, Risk](#); [Lowndes, Daniel](#)  
**Subject:** Reply to Corp counsel opinion  
**Date:** Monday, March 7, 2022 10:36:08 AM  
**Attachments:** [final letter regarding corp counsel opinion with website screen shots.pdf](#)

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Dear Distinguished Board members, and DCS,

Please find attached our response to the Corporation counsel opinion we received after 3 ½ weeks. Most of my writings in this submission is the actual Dane County ordinance and Dane County farm preservation ordinance that the board needs to read so they can actually understand this is a rezoning petition, it has nothing to do with conditional use, conditional zoning, or any imaginary active uses as suggested by Mr. Gault. We are rezoning to FP-B so we can use the permitted by right uses of the ordinance to use our 75-year-old agricultural building we have over 100k in financial considerations in that we are vested use by way of the building permit rule. We don't have to be actively doing anything in order to get approval to rezone and it is actually illegal to use a property for other than permitted by right uses. We have also included screen shots of our web pages as part of the document so you have actual tangible evidence you can read supporting our position. We ask that this document along with all email correspondence regarding petition 11788 , and the video and transcript hearing notes from the February 8, 2022 meeting be made a part of the official record. Please verify that this is being done. We also ask that the record in legistar be corrected so all documents are listed in the order they were filed for easy judicial review and reference. It is absolutely ridiculous that a zoning department would just file legal documents in any non-chronological order? We have not heard from anyone regarding our concerns. We will see everyone tomorrow and look forward to ending this long-term nightmare Julia and I have had to endure!

Thanks, Tom and Julia Willan

**THOMAS AND JULIA WILLAN**  
4407 VILAS HOPE RD  
COTTAGE GROVE WI 53527  
608-438-3103  
[tom@ironmanbuildings.com](mailto:tom@ironmanbuildings.com)

March 7, 2022

Dane County ZLR board  
210 Martin Luther King Blvd,  
Madison, WI 53703

RE: petitioners reply letter to the board over Corporation counsel opinion on Rezone  
Petition 11788

Dear ZLR board Members,

The question that the ZLR board has asked of corporation counsel is, “whether the proposed permitted by right uses of the petition meet the ordinance and statutory definitions of an agricultural related use in the barn under FP-B. Is that correct”? Ends at 53.13

The legally filed zoning petition says the proposed use is, **“CHANGE ZONING TO ALLOW PERMITTED USES IN THE FARMLAND PRESERVATION BUSINESS FP-B ZONING DISTRICT.”**

The corporation counsel opinion is flawed on numerous legal points and doesn't even answer the question posed by the board from the February 8, 2022 hearing. The opinion must be disregarded by the board because it does not answer the question proposed by ZLR board. Mr. Gault's opinion is a biased written document that is not supported by any documents or evidence. We object to this opinion because Mr. Gault hasn't provided any supporting documents in the record from the ZLR board or DCS that provides the proposed question. Mr. Gault cites Ironmanbuildings.com as his reason we are not an agricultural related business, but he hasn't provided screen shot copies of the entire website which show agricultural related use. The most important parts of the website show pictures of some of the agricultural buildings Ironman buildings have sold, serviced and built directly to farmers over the year. Mr. Gault claims we are proposing to build buildings on our property as part of our rezoning for our customers, but the website page clearly and unambiguously shows we build and service our clients on their property. FP-B zoning doesn't require by ordinance or state law that the use has to be exclusive use under agriculture, it has to be consistent with.

Mr. Gault wants to conflate the purpose of rezoning to a specific zoning district under DCO, by isolating the word, “incidental use” as being conducive and affirmative in action to get approval, when Wisconsin law 59.69, chapter 91 and FP-B zoning district doesn't mention the word, nor is it a requirement of rezoning to FP-B zoning district. Mr. Gault wants to mischaracterize the rezoning to the permitted by right uses of FP-B zoning district, as having to be in an active primary use exclusive to the property at the time of rezone? Absurdity is the legal theory proposed by Mr. Gault, because it clearly and

unambiguously creates an absurd result to Wisconsin rezoning law to require an active use that is not exclusive by ordinance or statute. Mr. Gault is saying that because the Willans want to move their property into the specifically defined legal lawful zoning district FP-B they must be already be using the property for agricultural related use in order to rezone into the FP-B zoning district. It is absurd on numerous levels because it is illegal by Wisconsin state law, Dane County ordinance, and Town of Cottage grove ordinance to use any property including the Willans property for anything other than the permitted by right use of a zoning district. Under Mr. Gault's theory of law, he is suggesting that the Willan's would have to illegally use their property for a permitted by right use of any zoning district and then this would be a reason to rezone. I remind this board, we are not, nor have we ever done anything to warrant a rezoning to correct a use with the property, we are rezoning because the law says we can, the Town of Cottage Grove has said we can, and the adopted Comprehensive plan allows it. There is nowhere in the record that suggests we are rezoning to correct a zoning violation. Our 75-year-old agricultural barn is a primary use under agricultural zoning so the law unambiguously says we can rezone. To suggest we would have to be violating the law by using the property as an agricultural related use first in order to qualify creates an absurd result to a rezoning petition. Read the law, its unambiguous and clearly is easily understood by the board members. I write the ordinance so you can read it and understand what it actually say's about rezoning and I assure you after reading it, DCS theory of law and interpretation of Wisconsin zoning law is full of Dog S\*\*T telling this board to deny this petition on the word "Incidental use".

#### 10.200. Zoning Districts

Purpose.

All lands located within the jurisdiction of this chapter are hereby divided into zoning districts in

order to:

- (a) achieve compatibility of land uses within each district
- (b) implement the adopted goals, objectives and policies of the Dane County Comprehensive Plan, town comprehensive plans, and the Dane County Farmland Preservation Plan, and
- (c) to achieve the other stated purposes of this chapter.

Zoning Districts

(a) Sections 10.210 through 10.292 describe the zoning districts within the jurisdiction of this

Chapter.

(b) In each zoning district, land uses are divided into permitted and conditional uses.

1. Unless specifically exempted, no development intended to accommodate a permitted use listed in the applicable zoning district may take place until the Zoning Administrator,

or designee, has issued a zoning permit under s. 10.101(1).

2. No land use listed as a conditional use in the applicable zoning district may take place until the town board and zoning committee approve a conditional use permit under s. 10.101(7), or the board of adjustment overturns a denial of a conditional use permit under s. 10.101(7)(c)4.

3. Land uses not listed as either permitted uses or conditional uses are considered to be prohibited in that zoning district

#### 4. Zoning Maps

(a) Base and overlay zoning districts established by this chapter are shown on the Official Zoning Map of Dane County, on file with the Zoning Administrator. Together with all explanatory materials thereon, the Official Zoning Map of Dane County is hereby made part of this chapter. Where the Official Zoning Map does not indicate a zoning district for a particular area, unless the Map is in error, that area is either within the corporate limits of a city or village, within an area subject to extraterritorial zoning, and/or not subject to any rules associated with a zoning district

#### 10.220. Farmland Preservation Districts

Provisions applicable to all Farmland Preservation Districts

(a) Conditional Use Standards in Farmland Preservation Districts. In addition to the requirements of s. 10.101(7)(d), the zoning committee must find that the following standards are met before approving any conditional use permit in any Farmland Preservation zoning district.

1. The use and its location in the Farmland Preservation Zoning District are consistent with the purposes of the district.
2. The use and its location in the Farmland Preservation Zoning district are reasonable and appropriate, considering alternative locations, or are specifically approved under state or federal law.
3. The use is reasonably designed to minimize the conversion of land, at and around the site of the use, from agricultural use or open space use.
4. The use does not substantially impair or limit the current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use.
5. Construction damage to land remaining in agricultural use is minimized and repaired, to the extent feasible.

(b) Rezones out of a Farmland Preservation Zoning District. The county board must find that the following standards are met before approving any petition to rezone any land

from a Farmland Preservation Zoning district to a non-Farmland Preservation zoning district:

1. The land is better suited for a use not allowed in the farmland preservation zoning district.
2. The rezoning is consistent with the current adopted version of the Dane County Comprehensive Plan.
3. The rezoning is substantially consistent with the current state- certified Dane County Farmland Preservation Plan.
4. The rezoning will not substantially impair or limit current or future agricultural use of surrounding parcels of land that are zoned for or legally restricted to agricultural use

10.223. FP-B (Farmland Preservation – Business) Zoning District Purpose.

The FP-B Farmland Preservation-Business District is designed to:

(a) Provide for a wide range of agriculture, agricultural accessory and agriculture-related uses, at various scales with the minimum lot area necessary to accommodate the use. The FP-B district accommodates uses which are commercial or industrial in nature; are associated with agricultural production; require a rural location due to extensive land area needs or proximity of agricultural resources; and do not require urban services.

1. In appearance and operation permitted uses in the FP-B district are often indistinguishable from a farm.
2. Conditional uses are more clearly commercial or industrial in nature, and may involve facilities or processes that require a remote location distant from incompatible uses, proximity to agricultural products or suppliers and/or access to utility services or major transportation infrastructure.
3. Examples of activities in the FP-B district may include, **but are not limited to, agricultural support services**, value-added, or related businesses such as implement dealers; veterinary clinics; farm machinery repair shops; agricultural supply sales, marketing, storage, and distribution centers; plant and tree nurseries; and facilities for the processing of natural agricultural products or by-products, including fruits, vegetables, silage, or animal proteins. Such activities are characterized by:
  - a. Wholesale or retail sales, and outdoor storage/display of agriculture-related equipment, inputs, and products;
  - b. Parking areas, outdoor lighting, and signage appropriate to the scale of use;
  - c. Small, medium, or large utilitarian structures/facilities/workshops, appropriate to the scale of use;
  - d. Low to moderate traffic volumes;
  - e. Noises, odors, dust, or other potential nuisances associated with agriculture-related production or processing.

f. Meet the requirements for certification as a Farmland Preservation Zoning District under s. 91.38, Wis. Stats.

Permitted uses.

(a) Agricultural uses.

(b) Agricultural Accessory Uses, except those uses listed as conditional uses and subject to the limitations and standards below.

1. Any residence lawfully existing as of February 20,2010, provided all of the following criteria are met:

a. the use remains residential,

b. the structure complies with all building height, setback, side yard and rear yard standards of this ordinance; and

c. for replacement residences, the structure must be located within 100 feet of the original residence, unless site-specific limitations or town residential siting standards in town plans adopted by the county board require a greater distance.

Proposals for a replacement residence that would exceed the 100 foot limitation must be approved by the relevant town board and county zoning committee.

2. Agricultural entertainment activities or special events under 10 days per calendar year in the aggregate, including incidental preparation and sale of beverages and food.

3. Farm related exhibitions, sales or events such as auctions, dairy breakfasts, exhibitions of farm machinery and technology, agricultural association meetings and similar activities occurring on no more than ten days in a calendar year.

4. The seasonal storage of recreational equipment and motor vehicles owned by private individuals other than those residing on the premises, such storage to be in accessory farm buildings existing as of January 1, 2010. The storage of a dealer's inventory or the construction of any new buildings for storage is prohibited

5. Residential accessory buildings, home occupations, foster care for less than 5 children community living arrangements for less than 9 people or incidental room rental associated with a farm residence approved by conditional use permit.

6. Sales of agricultural products produced on the farm.

7. Large animal boarding.

(c) Agriculture-related uses, except uses listed as conditional uses below, **consistent with the purpose statement for the FP-B district.**

(d) Undeveloped natural resources and open space areas

(e) Utility services associated with a farm or a permitted agricultural accessory use.

(f) A transportation, utility, communication, or other use that is:

1. required under state or federal law to be located in a specific place, or;
2. is authorized to be located in a specific place under a state or federal law that specifically preempts the requirement of a conditional use permit

There is nowhere in this written adopted zoning ordinance, does it say that agricultural related use must be actively being used prior to rezoning to FP-B zoning district, nor does it say agricultural related uses are exclusive to an incidental use, nor does it say in order to rezone in the FP-B zoning district you have to file a conditional use permit, nor does it say the ZLR board has a legal lawful right to deny petition 11788 because they have been told by corporation counsel that you have to be actively using the property to obtain FP-B zoning when, as a matter of law, the Willans property qualifies in every aspect of state, county and town law, therefore if the board votes to deny it, they are ignoring the law.

### **PROCEDURAL DUES PROCESS FOR A REZONING HEARING REQUIRES AN OPEN PROCESS!**

How do the Willans even know what process was used by DCS to discuss with Mr. Gault the proposed questions asked by the board. We sent this board and Mr. Gault a step-by-step transcript of the February 8, 2022 meeting that is not referred to in any of Mr. Gault's opinion. Quite frankly as a matter of law, the only question before the board is does the Willan's property as a matter of law qualify for FP-B zoning? If not, how come? The record of evidence presented clearly support rezoning. Our legal theory is the ZLR board based upon the evidence presented, based upon the real Wisconsin law, the ZLR cannot legally deny petition 11788 for any reasons presented by DCS or that Corporate counsel opinion and if they do, they will be made part of DCS conspiracy to deny us our constitutional rights.

The legal opinion by Mr. Gault is another direct form of a biased unfair system, based upon protecting Roger Lane and his de facto process to preserve the status qua of corruption that Roger Lane has perpetrated against the Willans, and not the system provided for by the Wisconsin legislature and the Constitution for due process. We demand to see all ex parte communication between ZLR board members, DCS, and corporation counsel regarding this ex parte supposed legal opinion.

Our point is since Mr. Gault clearly was never part of the February 8, 2022 hearing, how would he even know what the ZLR board decided or what question was being proposed? Mr. Gault references DCO § 10.004(15) in the first sentence of the opinion, but there is nowhere in the February 8, 2022 video transcripts any reference to this. As referenced above, the question was "whether the proposed use would meet the ordinance and statutory definitions of an agricultural related use. Is that correct"?

The application submitted by the Willans lists the proposed use as "permitted by right uses of FP-B zoning district", the video testimony at both public hearings at the Town where the petition was approved for that reason, this evidence confers that the "use" is going to be the permitted by right uses of FP-B zoning, and the redundant testimony of the Willans, as Mr. Bollig referenced, states the purported use is the permitted by right

uses of FP-B zoning. After waiting for 4 weeks, it is a material fact that the questions “whether the proposed use would meet the ordinance and statutory definitions of an agricultural related use,” was never answered by Mr. Gault. Our proposed uses are the Permitted by right uses of FP-B zoning.

### **THE DCS AND DANE COUNTY CORPORATION COUNSEL OPINION ARE BASED UPON THE WRONG THEORY OF LAW**

Supervisor Peters theory of law as stated during the public hearing on January 25, 2022, is this, “typically this board doesn’t just grant zoning petitions, without there being a real reason or explanation, we are typically told I want this because of this, not we grant this, and you tell us later and that makes me nervous. It would be much easier for this body to approve anything if you just told us what your planned use is<sup>1</sup>. It is obvious after two public hearings that the ZLR board member have adopted Mr. Peter’s theory of law and have decided to ignore the Wisconsin legislatures law, The Town of Cottage Groves adopted comprehensive plan, two Town of Cottage Grove approvals after legislatively prescribed public hearings, all because they are being told by DCS that they can ignore the law,

"Since the delegation by the legislature of local, legislative and administrative power is not prohibited by the constitution, the legislature may properly invest local units, including towns, with power to legislate in respect to matters of local character.

"It is a well-settled rule, supported with practical unanimity by the authorities, that the general doctrine prohibiting the delegation of legislative authority has no application to the vesting in political subdivisions of power of government matters which are local in scope."

The legislature has recognized the town has an interest in county zoning ordinances and has granted it veto power in sec. 59.97(5) (e)6, Stats., over applicable zoning amendments. In this case, the parties have conceded that the action of the town board does not affect land outside its boundaries.

The seven planning committee members and the five town board members in this case are elected on a town-wide basis pursuant to sec. 60.19, Stats. 1981-82. Each resident of the town has an equal vote in selecting the town board members. The inhabitants of the town are most directly affected by the county zoning ordinance and they are equally represented in the town board's decision to veto the county amendment to the zoning ordinance. Even though inhabitants throughout the county are affected by the town board's decision, the direct and immediate effect of the ordinance is on the town's residents, and it is reasonable that their votes through their town board representatives weigh more heavily than those of other county inhabitants. *Quinn v. Town of Dodgeville*, 364 NW 2d 149 - Wis: Supreme Court 1985

This statement on January 25, 2022 by Mr. Peters is evidentiary proof that the Dane County ZLR board is using the wrong theory of law in it’s deliberations to grant or deny

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<sup>1</sup> Mr. Peter’s statement during the January 25, 2022 public hearing

the willans rezoning petition 11788. Under Wisconsin law Chapter 59.69(5)(e) is the legal process proscribed by the Wisconsin legislature.

The board may amend an ordinance or change the district boundaries. The procedure for such amendments or changes is as follows:

59.69(5)(e)(1) A petition for amendment of a county zoning ordinance may be made by a **property owner** in the area to be affected by the amendment, by the town board of any town in which the ordinance is in effect; by any member of the board or by the agency designated by the board to consider county zoning matters as provided in sub. (2) (a). The petition shall be filed with the clerk who shall immediately refer it to the county zoning agency for its consideration, report and recommendations. Immediate notice of the petition shall be sent to the county supervisor of any affected district. A report of all petitions referred under this paragraph shall be made to the county board at its next succeeding meeting.

DCS recommendations toward petition 11788 is a biased opinion for denial that are not because the Willan's don't comply with Wisconsin law, Dane County ordinance FP-B, or Town of Cottage Grove ordinance, it is part of Roger Lanes, continued conspiracy to cover up Roger lane's illegal actions over the last 10 years including during the comprehensive revisions in 2019. There is no legal reason under Wisconsin law for denial, therefore the only logical reason that there can be opposition is, DCS in an effort to protect one of their own, Roger Lane, DCS feel the need to lie, conflate issues, make up law, manipulate a question to corporation counsel and make up stuff that has no relevance to rezoning petition 11788.

Therefore based upon the substantial evidence in the record, based upon the Town of Cottage Grove approval under the same set of circumstances as this board, based upon the City of Madison extraterritorial jurisdiction, based upon a possible intergovernmental agreement between Madison and the Town of Cottage Grove which would make it impossible to rezone to FP-B, based upon the material facts of this petition as applied to the property and FP-B zoning, based upon the legislative intent of Farm preservation zoning, based upon 59.69 Wis. Stat, based upon DCO, we respectfully ask this board to grant our petition 11788 for rezone to FP-B.

Sincerely,

Julia and Tom Willan

## Building Process

### CONSULTATION



Salesman will meet with the client to assist them in making their building vision become a reality.

Streamlined process allows customers to achieve their project goals in a timely manner.

Salesman will assist in creating a budget that will fit the customer's needs.

The building process is thoroughly explained during the initial consultation.

### DESIGN & CONTRACT



Building site meeting with Ironman Building's foreman, salesman, and client.

A review of building requirements during the site meeting.

A floor plan is developed after the site meeting.

Once the plans are agreed upon, a contract agreement is prepared and signed by both parties.

### CONSTRUCTION



We assist our clients in obtaining all building permits as needed.

The construction schedule is discussed.

Construction begins.

Final walkthrough with client and foreman.

Completion of project is finalized and signed off by customer.

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- Greenhouses

- Building process

- Brochures

- Mini storage sheds

#### Gallery

- Color choices

#### Mini storage & sheds

- Mini sheds & accessories gallery

#### Contact



#### CONTACT INFORMATION

4407 Vilas Hope Drive,  
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## Agricultural Buildings



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## About Us



Tom Willan  
Owner



Julia Willan  
Owner

*"Julia and I started Ironman buildings in 2010. We started out selling large agricultural buildings throughout Wisconsin, Iowa, and Illinois. Due to the economic downturn in agricultural business and then Covid-19, we decided to diversify our skills by marketing and making mini storage buildings for all our clients needs. We launched mini buildings in 2016 but never really marketed them until now! My experience is second to none in the Agricultural construction industry, and whatever your Agricultural or residential mini building needs are, we can supply it! I bring to you, the potential customer a personal guarantee to always do what I say, work hard for you and be honest with you. I challenge my experience and passion in the business against anyone. Given the grateful opportunity, I will provide a final product that beats expectations. IronMan Buildings are price competitively and built to last."*

*We are committed to utilizing our broad experience and diverse team of skilled employees to create a building that realizes the dreams of our customers. IronmanBuildings has been able to refine the art of crafting beautiful, durable, cost effective structures that meet the needs of our clients. Ready to have a preliminary call to talk about your needs? [Contact us today.](#)*

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