REPLY BRIEF TO DANE COUNTY STAFF REPORT OF ZONING PETITION 11788

DESCRIPTION:

The applicant's property as a matter of law qualifies for FP-B zoning because it is in, a dedicated farm preservation district[1]. The Applicants would like to change the zoning of the property to FP-B (Agriculture Business) to allow the owners of the property to use it for the permitted by right uses in FP-B zoning along with the continued operation of their agricultural accessory business. This proposal is not a significant change at all, from the previous AG-1EX zoning ordinance that the property was in and vested to the applicants on May 29, 2012[2].

The current residential zoning district (RR-2) was illegally forced upon the applicants by DCS during the comprehensive ordinance revisions in 2019[3]. The applicants sued DCS in Federal District Court Case number 19CV345 over the RR-2 rezoning but the court dismissed the case without prejudice because Dane County successfully argued that the applicants had not applied for the restoration of their vested zoning rights at the rezoning application zoning process. The State of Wisconsin law is unclear on what process there is available to get restored vested property rights, however DCS attorney Remzy Bitar in an email[4], "If you have desires or visions for what you want to do with your property, the answer is as follows: "file the proper and formal applications with the county land use department to kick-off the process. Petition 11788 is the rezoning process DCS attorney Remzy Bitar told us we had to follow, which is essentially the result of that affirmed federal court decision.

Since the applicants of petition 11788 have been in the agricultural accessory business and the FP-B District is intended to accommodate land uses that are commercial or industrial in nature which are associated with agriculture service in the production of agricultural products, granting approval of this rezoning petition as a matter of law is a statutory no-brainer. The applicants have owned and operated Ironman Buildings from the property since 2011 when they purchased the property and are professionally experienced in the legal and lawful operation of an agricultural accessory business under the permitted by right uses in the FP-B zoning district. Ironman Buildings is a professional provider of agricultural support service, that provides Agricultural building sales directly to farmers and other agricultural industry providers, we are in agricultural building material sales, we have an agricultural building repair service, agricultural site work, and we build agricultural buildings. These are just a few of the examples of what Ironman Buildings does to support the Agricultural industry in Wisconsin and surrounding states. The applicant's

[1] See revised appendix Chapter 91 stats P.30-39

[2] See revised appendix Affidavit of Thomas Willan P. 46-47 and 2012 building permit application P.48-51

[3] See revised appendix email P.1-5 and email declining RR-2 P.10-12

[4] See supplemental revised appendix October 21, 2021 email of Remzy Bitar

company, supply value-added services and material directly to farmers and agricultural industry providers.

When I was a little kid growing up, with my 7 sisters, parents and grandparents, on E. Dayton st, a block from Madison East High school, did I ever dream that when I would grew up, I would be stuck in a 10-year nightmare with Dane County zoning over zoning an agricultural property in an agricultural preservation district. Look at me now Mom and dad, you may be right when you told me, you cannot fight city hall!!

It is a material fact that I never knew what "zoning" was or meant until 2012, when I was already 50 years on this earth, learning to operate a new rapidly growing agricultural business, that sold, serviced, and built agricultural barns directly to farmers in the agricultural business. Our company started out as Economy buildings in April of 2010, we changed our name to Ironman Buildings in 2013 or so. In 2012 to 2017 we realized average revenues in the 2-million-dollar range. All done from a property in a Farm preservation district, located at 4407 Vilas hope rd, Cottage Grove, without any nuisance to the public.

Since our business is an agricultural related business, we thought we would be an easy fit in the FP-B district when we emailed Roger Lane and Pam Andros on June 28, 2018. This zoning petition we have before this board from a matter of law[5] standpoint requires this board to look at all the evidence for or against approval based upon the law and not opinions or biased recommendations of DCS who for ten years have been opposed to the willans zoning in AG-B or FP-B not because they have any evidence we are or we are going to be a public nuisance, it is because if this board grants this legal lawful petition, the vested permitted by right uses it carries also carries DATCP intervention on our behalf, and will make it harder for Roger Lane to continue to terrorize my family by making up false violations. FP-B zoning gives us an added protection from Mr. Lanes continued hostile actions towards us. Wisconsin DATCP rules, have a conflict resolution where you go to arbitration if there is a use conflict in farm preservation zoning that the current zoning does not have. Under the current DC zoning scheme, DC get to continue to deny an agricultural use, and will force an expensive lawsuit, to defend it in order to allow Mr. Lane to continue make stuff up and harass us as payback from the 2013 rezone. We offered DCS an opportunity for binding DATCP arbitration of FP-B zoning and they told us No and the State people who agreed to it, no! For the following reasons in this reply brief as a matter of law, the board must approve this zoning petition 11788.

[5] an issue or matter to be determined according to the relevant principles of law.

ANY ARBITRARY PERMITTED BY RIGHTS COMPARISON BETWEEN A-2, RR-2, AND FP-B ZONING MUST ALSO INCLUDE THE VESTED PERMITTED BY RIGHT AG-1EX ZONING DISTRICT[6]

Dane County Staff (DCS) want to imply to this board that an arbitrary comparison of the permitted by rights of RR-2, Ag-2, and FP-B zoning can ascertain a legal reason to deny this zoning petition.[7] As a matter of law, any arbitrary comparison factors suggested by DCS, must also include the vested AG-1EX zoning district that the Willans property had in 2012 to pass constitutional mustard. This board as a matter of law, by including AG1-EX, can ascertain that permitted by right AG1-EX zoning district that the property had and were vested by the filling of a building permit application on May 29, 2012, are the exact permitted by right uses as FP-B.

We point out that the Wisconsin legislature under 59.69 has neither expressly or implied that a comparison could be used, but if they had, the requirement would require the board to include AG-1EX in any comparison and to spell out what factors of a comparison are used to come to their decision. Statutory zoning power approval by this board cannot be based upon an undefined made-up inferred comparison as suggested by DCS, between zoning districts, as a lawful reason to approve or deny this petition. The relevancy of any comparison to AG-1EX, AG-2, and FP-B is the legal commonality of the comparison is "agricultural" "agricultural accessory use" are a permitted by right use in a farm preservation district, starting in 2011 up until 2019 when DCS illegally took away agricultural permitted by rights uses without a prior zoning hearing just like what is taking place in this rezone.

By a preponderance of the evidence submitted to this board by the petitioners, they have established that the Petitioners have been in a legal lawful agricultural business, providing a valuable agricultural service to farmers since 2010, that their property legally enjoyed the permitted by right under AG-1EX, and that DCS illegally change their property zoning district to RR-2 without notification of a specific zoning hearing where everyone gets to submit substantial evidence.

The law expressly say's if a citizen wants to use a property for any specific use and a citizens current zoning district doesn't allow for it, a citizen can file an application, pay a fee, file paperwork, get local approval, and then get a fair hearing at Dane County for new zoning that meets expressly defined specific ordinance requirements, where the rightful makers of law, the Wisconsin legislature under 59.69(4) has defined for all of us the extent of power we must follow. Once again,

[6] See revised rezoning appendix P.20 permitted by right in AG-1EX

[7] See comparison zoning district sheet

feel free to get a legal opinion in writing if the board doesn't believe my interpretation of Wisconsin zoning law as it pertains to this case.

Dane County Zoning does not possess absolute unlimited power that can be extended to suggest an arbitrary zoning comparison that doesn't include AG-1EX as a legal means for determining whether or not to grant or deny this zoning petition 11788. The Wisconsin legislature has absolute power to define Dane County extent of power and they have. This is both a material fact and a question of law Dane County corporation counsel can assist the board on.

What Wisconsin courts have said about zoning is, "The concept of public welfare is broad and inclusive and embraces in comprehensive zoning the orderliness of community growth, land value, and aesthetic objectives. [Citations omitted.] . . .

"**However, <u>unreasonable</u> classifications in zoning ordinances, whether comprehensive or not, and restrictions which are not reasonably germane to legitimate objectives or which prohibit a particular use of land <u>ignoring</u> its natural characteristics for such use or which are <u>arbitrary</u> have been held to be unconstitutional on the facts presented. [Citations omitted.] . . ."**[8]

It is our position that this board must include the vested permitted by right uses of AG-1EX as one factor but must disregard this implied assertion by DCS that because RR-2 has more restrictive permitted by right uses than FP-B, then therefore the board should deny this petition is absurd and illegal. This implied assertion by DCS that the Wisconsin legislature has defined the power by the board to compare apples, oranges, and bananas so they can determine whether to grant or deny this zoning petition, is arbitrary, unconstitutionally illegal use of power if the board does not include the vested AG-1EX permitted by right uses in its decision.

THE FULL VIDEO[9] DEPOSITION TESTIMONY OF ROGER LANE ESTABLISHES MANY MATERIAL FACTS INCLUDING THAT WILLANS PROPERTY WAS ZONED AG-1EX, THEY HAVE BEEN IN THE AGRICULTURAL BUSINESS SINCE 2010, DCS HAVE KNOWN THESE FACTS.

Mr. Violante and his Dane County Staff (DCS) in their staff report want to conflate that our proposed property use is for an unspecified activity therefore they are not entitled to FP-B zoning.

[8] Citing Kmiec v. Town of Spider Lake, 211 NW 2d 471 - Wis: Supreme Court 1973

[9] See full video supplied on a memory stick for all board members

The video deposition testimony of Roger Lane is substantial evidence[10] that for 10 years the petitioners have tried to get a legal lawful Dane County zoning district that will accommodate agricultural permitted by right uses that we need to legally and lawfully run our agricultural accessory business. For 10 years Roger Lane has used the 2013 rezoning of our property as a means to terrorize us. The video deposition testimony we have submitted for review to this board, establishes the following numerous material facts regarding zoning petition 11788, that DCS recommendation as a matter of law is wholly unrelated to any zoning, and Dane County's continued opposition to stop an agricultural accessory business from using their property as defined as clear Wisconsin permitted by right uses is arbitrary. Following the facts presented, this board must grant FP-B zoning district to petitioners.

1. The deposition of Roger Lane, and the complete Email chain starting on January 22, 2013 between Parisi and Willan, clearly establishes that in 2013, the same actors involved in this rezoning petition 11788, Mr. Lane, Mr. Violante, Mr. Parisi, through their attorneys Remzi Bitar, Ryan Braithwaite all agreed to legally fix our zoning issues created by Dane County Zoning.
2. The evidence shows that not only did they not keep their legal obligation to put the Willans property into the AG-B district because it was in the AG-1EX with exact same permitted by right uses as Ag-B, to fix the substandard issues with the Willans current zoning in 2013, but Dane County zoning have deliberately used that AG-2(2) zoning Mr. Lane testifies he chose as an inferior deliberate zoning district they chose, to deliberately single out Julia and myself for unfair treatment wholly unrelated to any zoning power or right as a result of that agreement, and now come before this board to oppose our zoning classification that makes all our property usages whole again as they were vested in 2012.
3. The deposition testimony establishes the credibility of Mr. Lane as being a liar. Mr. Willan asked Mr. Lane, In Dane county, how can a zoning district have commercial and residential zoning on it, and Mr. Lane states under DCO chapter 75, that on a certified survey lot Dane County zoning ordinance does not allow it, when the material fact is AG-B zoning is the legal lawful way. Add in the material facts where Mr. Lane testifies he knows the Farm preservation law, he admits there are 3 zoning districts under DCO that accommodate agricultural commercial and residential combined, and the fact

[10] Wisconsin Act 67 defines "substantial evidence" to mean" facts and information, other than merely personal preferences or speculation, directly pertaining to the requirements and conditions an applicant must meet to obtain a conditional use permit and that reasonable persons would accept in support of a conclusion." possible to draw two inconsistent conclusions from the evidence. Landes v. Royal, 833 F.2d 1365, 1371 (9th Cir. 1987)

that Mr. Lane also testifies through conversations with the petitioners that the petitioners are in the agricultural business, this all adds up to Mr. lane committing perjury by telling the petitioners under oath, that the only way to have commercial and residential zoning in Dane County is to separate the lots[11].

4. The material fact is Mr. Lane is a liar and cannot be believed, FP-B is the legal way to accomplish what Mr. lane says does not exist. For this reason alone, this board should grant this petion for FP-B zoning
5. The evidence shows DCS knowingly acted under color of law, to deny the Willans vested agricultural zoning so Dane County can wage a 10-year illegal war to terrorize our family by deliberately citing the Willans for made up zoning violations that were totally legal under AG-1 Exclusive vested property zoning in 2012,

It is a material fact that Julia and I have been in the agricultural accessory business since 2010 and Dane County has known this material fact since 2012.[12] The DCS description in their Staff Report (SR) of this rezoning petition from RR-2 to FP-B is ignoring the most important material facts, that the petitioners are professionally experienced in agricultural accessory business, they have always been in the agricultural accessory business since they moved to the property, and the petition for rezoning the property to agricultural permitted by right uses, so under clear unambiguous Wisconsin law[13], the simple act of filling out a building permit application that conforms to all the zoning laws, says vested agricultural zoning is protected under the zoning code in force when the building permit application was submitted.

The petitioners admit just like 99.8% of all citizens they knew nothing about zoning in 2011 when they purchased the property from a good friend, John Copenhaver. Just like those 99.8% citizens when they learn they have a zoning problem with the land they purchased. Citizens like the petitioners rely on an honestly run zoning department, run by ethical, truthful public servants who are sworn to uphold the law and are in the business to assist all citizens equally with zoning and zoning problems. It is our experience Mr. Lane is an unethical liar that has used his authority under color of law to deny the petitioners the equal protection of the law and due process with their zoning.

[11] see the video testimony in the record of roger lane

[12] See full deposition testimony of Roger Lane starting at P.31-35 where he tries to deny knowing what our agricultural business is, but finally after I tell him I sent him emails P-35 L 17 proving what we do, Mr. Lane finally has to admit on P-35 L " Yea you build agricultural buildings.

[13] Golden Sands Dairy LLC v. Town of Saratoga, 2018 WI 61, 381 Wis. 2d 704, 913 N.W.2d 118, 15-1258.

PROPERTY HISTORY SINCE 2011

In 2012 Dane County Highway department was going to do a federally funded road construction project on the corner of Vilas Hope and HWY BB. We were notified by Dane County Highway employee Pam Dunphy that out our water well that supplied our house, that had been in continuous use for 100 years, was located in the right of way. Vilas Hope rd was laid out in the 1800s as a 3-rod road (49.5 feet) when the well was drilled, the original house was by the well. Somewhere in history when the road was expanded to a 4-rod road (66 feet), the well ended up being located in the vilas Hope right away. Dane County claimed they couldn't get their federal money unless we moved the well or insured the well as part of the highway project. In 2012 a new well drilling was about a $10k expense, we tried to get and agreement to move the well, if Dane County would give us $3500.00 towards moving the well permanently out of the right-a-way. Dane County said screw you and forced the Town of Cottage Grove to spend $18k to sue us to move the well. The lunacy of spending $18k on a $10k well deal that could have been solved for $3500.00 is government corruption and waste. We moved the well at our expense. That well deal is how we became acquainted with Roger Lane and Dane County Zoning and the wrath of every Dane County department that questions their government.

(DCS) report includes an email chain between Parisi and Willan[14] dated February 27, 2013 but they leave out the most important email in the chain, the beginning email from January 22, 2013[15] documenting the material facts of well deal and the zoning issue from a January 10, 2013 email sent to Mr. Violante and a February 12, 2015 email response from Mr. Parisi. Mr. Parisi in his response, thanks us for our January 22, 2013 email and our patience, then goes on to say "I am currently looking into the best means to solve your situation for all parties involved."[16]

Ultimately Mr. Parisi's one-sided solution from that specific email, was to force the Town of Cottage Grove to sue us to move our well and say screw you on fixing the zoning issues that were created in 1998 when the property was split. After being noticed of the well suit by the Town of Cottage Grove, we filed a motion to add Dane County Zoning as a 3rd party defendant. Dane County hired Remzy Bitar with Crivello Carlson, S.C. 710 N. Plankinton Ave. Suite 500 Milwaukee, WI 53203 to represent Dane County in the lawsuit.

Mr. Bitar had a scheduling conflict the day of our scheduled court hearing, so he assigned another attorney Ryan G Braithwaite, to represent Dane County, we were not represented by counsel. There was a court hearing held where Mr. Braithwaite told us he had an agreement from Mr. Parisi that if we dropped our third-party

[14] See Staff report that should read partial "email chain between Parisi and Willan

[15] See full email chain between Parisi and Willan attached to this reply brief

[16] See February 12, 2013 email

complaint, they would agree to rezone our property into a zoning classification that allows for our agricultural accessory business. We agreed to put our trust in Dane County zoning to assist us with the rezoning.

As part of the rezoning process, Mr. Lane sent us a blank zoning application[17] for us to fill out our name and sign it. The significance of this document is that it has no parcel number or any information on it, however Mr. Lane accepted and filed it, but when we filled out the current zoning application, he refused to accept it for 3 weeks and mailed it back claiming we didn't have the parcel number on it. Another example of disparaging discriminatory behavior

We have no desire to develop our property into anything other than permitted by right agriculture land. John's family is in the real-estate speculation business, and they buy, sell and develop property on their time frame. If it makes sense to sell, they will, however when you sell property for money you have to be able to put the sale proceeds into another property or pay capital gains tax on the sale. My experience with property guys is, they try to pay the least amount of capital gains to the government as possible, so that is a major consideration on timing. Either way, the property is agricultural, has been for over 75 years, and if there is something we determine to do in the permitted by right use under FP-B zoning that requires more land, we will conform to all applicable zoning laws, or we won't do it. However, to be conditioned as has been suggested by zoning staff in order to get zoning approval is not a legal reason under Wisconsin law to deny our petition,

The Zoning staff report wants to present a side that somehow we were at fault for the zoning issues and full deposition of Roger Lane, is supporting evidence that establishes that despite Roger Lane testifying in 2017, to knowing since 2013 that we are in the agricultural accessory business he under color of law, deliberately, illegally without providing prior constitutional due process, reclassified the vested agricultural zoning district without any written consent, from **permitted by right** agricultural zoning to rural residential which does not accommodate permitted by right agricultural zoning. Here is what the law says about vested property rights.

VESTED PROPERTY RIGHTS REQUIRE CONSITUTIONAL DUE PROCESS

Wisconsin has long provided a vested right to build a structure upon the filing of a building permit application that strictly conforms to all applicable zoning regulations(the "Building Permit Rule")——a doctrine we reaffirmed last term in

[17] See Staff report "handwritten request for petition 10589

McKee Family I, LLC v. City of Fitchburg, 2017 WI 34, 374 Wis.2d487, 893 N.W.2d12.

At the time petitioners filed its initial building permit application[18] (May 29, 2012), The property owned by the petitioners was located in AG-1EX zoning district ordinances.[19] The only agricultural land use permitted by right restriction were the conditional zoning restrictions in Dane County's AG-1EX zoning ordinance, which zoned the land as "Agricultural," meaning the land at issue could be used for any lawful agricultural purpose. This May 29, 2012 building permit application establishes vested agricultural zoning rights to the permitted by right uses under AG-1EX.

For more than a century, the central meaning of procedural due process has been clear: "Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right, they must first be notified." Baldwin v. Hale, 1 Wall. 223, 68 U. S. 233. See Windsor v. McVeigh, 93 U. S. 274; Hovey v. Elliott, 167 U. S. 409; Grannis v. Ordean, 234 U. S. 385. It is equally fundamental that the right to notice and an opportunity to be heard "must be granted at a meaningful time and in a meaningful manner." Armstrong v. Manzo, 380 U. S. 545, 380 U. S. 552.

The primary question in the present matter is whether the state statute authorizing comprehensive revisions are constitutionally defective in failing to provide for hearings "at a meaningful time." The Wisconsin comprehensive authorization statute 59.69(5) (d) process is silent on notification however the process allows a post-seizure hearing if the aggrieved party shoulders the burden of initiating one. The Wisconsin statute provides for no notice or an opportunity to be heard after formal written notification was sent directly to the zoning administrator objecting to the proposed classification, before the comprehensive revisions were adopted by ordinance, thus seizing the vested agricultural property zoning. The issue is whether procedural due process in the context of this case requires an opportunity for a hearing before the State authorizes its agents to seize property in the possession of a person upon the application of another.

The constitutional right to be heard is a basic aspect of the duty of government to follow a fair process of decision making when it acts to deprive a person of his possessions. The purpose of this requirement is not only to ensure abstract fair play to the individual. Its purpose, more particularly, is to protect his use and possession of property from arbitrary encroachment -- to minimize substantively unfair or mistaken deprivations of property, a danger that is especially great when the State

[18] See legal building permit application in filed revised appendix P. 48-51

[19] See full deposition testimony of Roger Lane

seizes goods simply upon the application of and for the benefit of a private party. So viewed, the prohibition against the deprivation of property without due process of law reflects the high value, embedded in our constitutional and political history, that we place on a person's right to enjoy what is his, free of governmental interference. See Lynch v. Household Finance Corp., 405 U. S. 538, 405 U. S. 552.

The requirement of notice and an opportunity to be heard raises no impenetrable barrier to the taking of a person's possessions. But the fair process of decisionmaking that it guarantees works, by itself, to protect against arbitrary deprivation of property. For when a person has an opportunity to speak up in his own defense, and when the State must listen to what he has to say, substantively unfair and simply mistaken deprivations of property interests can be prevented. It has long been recognized that "fairness can rarely be obtained by secret, one-sided determination of facts decisive of rights. . . . [And n]o better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it."

The Wisconsin Comprehensive ordinance provisions used by the Zoning staff to reclassify the vested agricultural property zoning to residential during the 2019 comprehensive revisions are invalid under the Fourteenth Amendment since they work a deprivation of property without due process of law by denying the right to notification where a prior opportunity to be heard before vested property rights are extinguished forever. Pp. 80-93.

a) Procedural due process in the context of this cases requires an opportunity for a hearing before the State authorizes its county zoning departments the power to seize vested property rights being used in the operation of a person’s agricultural accessory business upon the application of a zoning administrator, and the minimal deterrent effect of having all the resources of the people’s money at their disposal, that being sued against unfounded applications for a zoning district change constitutes no substitute for a pre-seizure hearing. Pp. 80-84.

(b) From the standpoint of the application of the Due Process Clause it is immaterial that the deprivation may be temporary and nonfinal Pp. 84-86.

c) The possessory interest of appellants, who had made substantial investments, was sufficient for them to invoke procedural due process safeguards notwithstanding their lack of full title to the property. Pp. 86-87.

(d) The District Courts erred in rejecting appellants' constitutional claim on the ground that the vested agricultural property rights seized were not items of

"necessity" and therefore did not require due process protection, as the Fourteenth Amendment imposes no such limitation. Pp. 88-90.

(e) The broadly drawn provisions here involved serve no such important a state interest as might justify summary seizure. Pp. 90-93.[20]

The Dane County zoning ordinance provisions for repossession of vested zoning rights by the county did not amount to a waiver of the appellants' procedural due process rights, those provisions neither dispensing with a prior hearing nor indicating the procedure by which repossession was to be achieved. D. H. Overmyer Co. v. Frick Co., 405 U.S. 174, distinguished. Pp. 94-96. See Fuentes v. Shevin, 407 U.S. 67 (1972)

Dane County's staff report is full of mistruths, exaggerations, that is conflating the applicant's property as a residential property, which as a matter of law, was an agricultural property since at least the 1940s. and it clearly was vested agricultural prior to the comprehensive revisions that Dane County staff deliberately and illegally classified the vested agricultural zoning district to a residential district under color of law, not because they had the power under Wisconsin Stat 59.69(4) to do so, not because someone accidentally classified it during the comprehensive revisions as a residential without anyone's approval, nor is the property incapable of being an agricultural property as defined by chapter 91 Wisconsin Stat, and DCO FP-B.

The DCS report want to portray the applicants as zoning violators, who are bad citizens, with bad intentions, who wants to do something illegal with their property because they have not disclosed an exact usage. And if this board grants the FP-B zoning, the Boogie man will destroy the neighborhood and surrounding properties and the only ones that can stop it is Dane County zoning now.

This is a very inaccurate description of what this rezoning is about. Applicants are law abiding citizens who have no complaints from any citizen, they have operated Ironman Buildings, an Agricultural service business since 2010, building and servicing millions of dollars of agricultural barns and structures directly to farms and farm families throughout the Midwest. Dane County staff has had first hand knowledge of this material fact since 2012 and yet they still oppose FP-B zoning.

THE TRUE MATERIAL FACTS TO WHY DCS ZONING REPORT OBSERVATIONS RECOMMEND DENIAL OF PETITION 11788:

The 2-acre property contains an existing residence lawfully existing as of February 20, 2010, that meets the following DCO FP-B criteria. The residence located on the property was built by CJ Vale in the early 1970s and has been used for agricultural residential use ever since and our family will continue to live on the property use it for agricultural purposes. The use of the residence will remain residential for the

[20] Fuentes v. Shevin, 407 U.S. 67 (1972)

willan family. All the structures on the property complies with all building height, setback, side yard and rear yard standards of this ordinance; and the residence and the Barn complies with every requirement listed in the FP-B ordinance.

Previous inspections conducted on the property (September 24, 2013) had documented that the house on the property was a typical single-family dwelling and the entire property was used to operate an agricultural accessory business called Ironman buildings. Ironman Buildings was established as an agricultural accessory business in 2010 providing direct sales and services to farmers.[21] A portion of the business was conducted in a basement office, while other parts of the property was used for vehicle parking, material storage in the barn, and staging material for delivery to farms throughout the Midwest. This use was visually observed by Mr. Lane during his site visit as part of his agreement for rezoning petition DCPREZ-2013-10589. The business operation as was intimately discussed with Mr. Lane during the walk around and the only thing Mr. Lane did was give me one of those deceptive nods and a wink when he saw the stack of doors and windows and other material on pallets in the barn.

As Mr. Lane was made aware of. the old barn was and has always been used for the storage of agricultural business material. A zoning permit was issued in 2017 for barn improvement ($5,000) for fixing the concrete walls that deteriorated and allowed water in the lower part of the barn and to fix the silo roof. Most of the material facts of this zoning permit are discussed by Roger Lane during his deposition testimony[22]. The most material fact of zoning permit DCZP-2017-00414 that is attached to the Staff report is, the document clearly shows the zoning classification as agricultural, non-residential and doesn't say anything about, "No agricultural uses were observed on the property".

History:

The most important material facts regarding the entire history can be ascertained by watching the video deposition of Roger Lane. The deposition is a snapshot of the truth as explained by Mr. Lane, Mr. Gault and Mr. Willan. We agree with DCS that in 1998, a rezoning petition was submitted (Petition 7341) in order to create a 2-acre lot to separate the existing residence and barn from the original CJ Vale farm. As part of the approval, a certified survey map and a deed restriction was required to be recorded within a 90-day timeframe. The CSM was recorded, however the deed restriction was not recorded within the timeframe. As a result, the zoning was rendered null and void, the zoning went back to AG-1 EX but the 2-acre lot was established.

[21] See video deposition testimony that is part of this record
[22] See video deposition testimony that is part of this record

This created a legal lot of record with substandard zoning[23]. The newly created lot retained the original A-1Ex zoning. In January of 2013, Mr. Willan (new landowner) didn't know anything about zoning and was surprised to learn that Dane County zoning in 1998 screwed up the zoning and when they found out about it, they refused to fix the substandard portion of the zoning[24].

We agree this was discovered during a dispute occurring on a County Highway project at the intersection next to his property. As part of resolving the dispute, Dane County agreed to fix the substandard portion of the zoning, recommend a zoning district that fixes the substandard portion while keeping the vested permitted by right uses under AG-1EX, which turned out to be AG-B, waive the rezoning fees in order to rezone Mr. Willan's property and bring it into compliance (see complete email chain in documentation between Paris and Willan. Dane County Staff leaves out two important documents in the chain of documentation, a January 10, 2013 email between Mr. Lane and Mr. Willan and a January 22, 2013 email between Mr. Parisi and Mr. Willan.

(DCS) report includes an email chain between Parisi and Willan dated February 27, 2013 but they leave out the most important email in the chain, the beginning email from January 22, 2013 documenting the material facts of the well deal and the zoning issue from a January 10, 2013 in an email sent to Mr. Violante and a February 12, 2015 email response from Mr. Parisi. Mr. Parisi in his response, thanks us for our January 22, 2013 email and our patience, then goes on to say "I am currently looking into the best means to solve your situation for all parties involved."

Ultimately Mr. Parisi's one-sided solution from that specific email, was to force the Town of Cottage Grove to sue us to move our well and say screw you on fixing the zoning issues that were created in 1998 when the property was split. After being noticed of the well suit by the Town of Cottage Grove, we filed a motion to add Dane County Zoning as a 3rd party defendant. Dane County hired Remzy Bitar with Crivello Carlson, S.C. 710 N. Plankinton Ave. Suite 500 Milwaukee, WI 53203 to represent Dane County in the lawsuit.

Mr. Bitar had a scheduling conflict the day of our scheduled court hearing, so he assigned another attorney Ryan G Braithwaite, to represent Dane County, we were not represented by counsel. There was a court hearing held where Mr. Braithwaite told us he had an agreement from Mr. Parisi that if we dropped our third-party complaint, they would agree to fix the substandard portion of our zoning district by rezoning our property into a zoning classification that allows for our agricultural

[23] "(e) "Substandard lot" means a legally created lot or parcel that met any applicable lot size requirements when it was created but does not meet current lot size requirements." Wis. Stat. § 66.10015

[24] See January 10, 2013 email chain of Lane and Willan

accessory business. Sounded fair enough solution, so we agreed to put our trust in Dane County zoning to assist us with the rezoning of our property based upon the material facts we were in an agricultural accessory business, that they would not fill out forms without our knowledge, that Dane County zoning or their attorneys was not authorized to act as our agent, and we would get everything we had as permitted by rights of AG-1EX, in order to fix the only thing wrong with our zoning is the substandard part. .

As part of the rezoning process, Mr. Lane sent us a blank zoning application for us to fill out our name and sign it. The significance of this document is that it has no parcel number or any information on it, however Mr. Lane accepted and filed it, but when we filled out the current zoning application 11788, he refused to accept it for 3 weeks and mailed it back claiming we didn't have the parcel number on it. Another example of disparaging discriminatory behavior by Mr. Lane that has nothing to do with zoning but another example in a pattern of disparaging treatment wholly unrelated to this rezoning petition.

In 2013 Mr. Willan submitted the rezoning application provided by Mr. Lane that was filled out by Mr. Willan with name address and phone number along with a signature. Rezoning petition 10589 was never filled out by Mr. Willan, it has no signature from Mr. Willan, and Mr. Willan has never appointed Dane County law firm Crivello Carlson, Ryan Braithwaite or anyone else to act as our agent. Dane County zoning must have? In fact. Mr. Willan had never seen this document until it was provided by Town of Cottage Grove Clerk Kim Banigan on November 1, 2021 as we prepared for the rezone. This document is not signed by the Willans, and no other paperwork or notification has ever been given to the willans to review.

During the processing of Petition 10589, County staff suggested that the property be assigned the zoning district classification of A-2(2) Agriculture District based upon Mr. Willan's expressed conversations explaining to Mr. lane we are in the agricultural accessory business, during a site visit discussing their agricultural business. Prior to any of this happening we filed a building permit application to the Town of Cottage Grove on May 29, 2012 to start rehabbing the old barn so they could use the agricultural accessory barn in their agricultural accessory business for uses in the permitted by right uses under AG-1 EX

The suggested zoning district by Mr Lane was contrary to the agreed upon agreement with DCS attorneys, and AG-B would have allowed the permitted by right use to run an agricultural accessory business from the property without a conditional use permit because the Willan's uses were in the legally defined agricultural accessory business. AG-2 allows Mr. Lane and Dane County who wants to continue to cite the Willans for alleged agricultural zoning violations for using

their property for agricultural accessory purposes. There is plenty of circumstantial evidence to support this material fact.

The zoning was approved despite not providing the Willan's with any rezoning paperwork with Crivello-Carlson name on it and without any signature on the petition agreeing to it. A-2(2) zoning district was assigned to the property. No CUP application was ever submitted.

In 2016, Mr. and Mrs. Willan's son Michael needed a place to live, and being Julia and I love our son, and I'm a designing guy, I decided to design and build an easy addition over the existing footprint of our garage foundation. Michael is the biological son of Thomas M and Julia Willan born in 1984. Mr. willan went to the Town of Cottage Grove and received a building permit to begin constructing a second story addition to his residence over the existing concrete foundation footprint of the garage. The Town building inspector Tom Viken told the Willans they didn't need a zoning permit because the addition was directly over the existing foundation footprint so he issued a building permit. 5 days into construction and my residential garage exposed to extensive damages from the elements, Mr. lane came down and laid a stop work order in the right away.

After learning that Dane County was suing Mr. Willan because he first refused to obtain a zoning permit because the Town of Cottage grove told them they didn't need one and this was just another form of unwarranted illegal terrorizing harassment perpetrated by Mr. Lane wholly unrelated to zoning. A lawsuit was filed against Mr. Willan for failing to obtain a zoning permit for the construction of a second story addition to his residence. The judge required Mr. Willan to obtain a zoning permit for the construction and after Mr. willan filed all the legal paperwork Mr. Lane arbitrarily refused to issue one based upon his interpretation of a duplex, that is why we have the deposition testimony of Roger Lane. Because our property had an injunction issued against it that stopped me from finishing the addition, and because my wife Julia was upset, I decided to just cave in, settling the lawsuit where neither party admitted any wrongdoing, we signed an agreement instead of fighting it out in court. Mr. Lane finally issued the zoning permits, DCS Sarah Johnson inspected the property after it was substantially completed, we finished the addition, and our son has moved in and still lives here today.

Mr. Willan has no knowledge of whether Dane County still considers the zoning permit open, that is a question of law where you look at the standards of the process, address the facts to the circumstances. The arbitrary standards Mr. Lane wants to use to the facts of the zoning permit is, 15 months after both areas have been inspected by Mr. Lanes inspector, Mr. Lane directly sent out to inspect in 2017 without requesting it, Mr. Lane wants to invade our constitutionally protected home to see if our son has a kitchen in the addition or any other petty crap he can make

up and site us for under color of law wholly unrelated to any zoning purposes. As Mr. Lane has testified to in his deposition testimony, there are multiple single family properties in Dane County that have outside stair cases and kitchens, so I fail to see the connection of inspecting the property other than to harm us.

In our opinion and as the circumstantial evidence of Mr. lanes erratic behaviors toward the Willans, this is another example in a multitude of examples that shows a pattern of harassment under color of law. I ask what law says a citizen of Dane county cannot have 2 kitchens in a single-family home? None

As explained by the Willans in November of 2018 email to Mr Lane and Mr. Gault the property was substantially completed when it was inspected by Dane County zoning compliance officer Sarah Johnson. Ms. Johnson told us we passed inspection, she would be sending the certificate out, thanked us for taking her around our property and I never heard from her again until Mr. Lane forced her to contact us . However Roger Lane in his continued orchestrated campaign to harassment wants to come into my son's, daughter-in-law and grandchild's living area of our single family home not because he has proof we are doing anything illegal violating his made up ordinance, but because this is Mr. Lanes sick way at payback for embarrassing him over the 2013 rezone and embarrassing Mr Parisi and Mr. Violante with DANE county laws are unconstitutional signs I put in my yard over the 2017 lawsuit. Mr. Parisi and Mr. Violante are encouraging Mr. Lanes erratic irrational behavior to allow us to endure Mr. lanes form of payback by stalking and harassing us for something wholly unrelated to zoning.

As the email shows, we actually told them to get a search warrant if they want to inspect it. The zoning permit is not still open due to Mr. Willan refusing access to the property to conduct a final inspection of the project it is because 14 months after the property was inspected by Ms. Johnson, Roger Lane wants to invade our rights to enjoy our legal lawful property use without any proof we are doing anything illegal in regard to zoning or the addition or the barn repairs. We told him to get a search warrant, and Mr. Gault in his final response, said, "ok I tried"[25], meaning he is going to sue us! That was 3 years ago, and they still haven't sued us for legal access because they have inspected the property in September of 2017 when the project was substantially completed as the law says, therefore they have no legal right to access our property.

Also in 2017, Mr. Willan obtained a zoning permit to make $5,000 worth improvements to his agricultural accessory building (barn) because the barn silo roof was damaged and needed repair and because the foundation walls were deteriorated. Whatever the reason whether for Agricultural storage purposes (see

[25] See email chain Willan and gault

Zoning Permit DCPZP-2017-00414) or anything else, it clearly does not have any effect on this rezoning petition 11788. The residence of the property and the barn were inspected by Ms. Johnson in September of 2017 at Mr. Lanes direction, and approved by her. It is my belief that Ms. Johnsom was told by Mr. Lane not to issue the final approval in writing so he could continue to harras us. No other logical or rational reason has been presented. This issues is a question for the board to bring Mr. lane or Ms Johnson before the ZLR board if they are concerned with the inspection as a reason to grant or deny the rezoning petition 11788. Whether Dane County thinks the permit is still open due to Mr. Willan refusing access to the property to conduct a final inspection, this material fact has nothing to do with the board approving or denying FP-B zoning. I even offered Mr. Violante an option to inspect our property as part of this rezoning and I invite this ZLR board to come inspect the property. Our property is always welcome to all that don't want to harm us! It is obvious we let people on our property tom inspect and the material fact is we have let land and water on our property, the county sanitarian inspector who had a full tour of the residence to verify the property to Roger Lane. Because Roger Lane wants to harm us, he is not welcome on our property unless a judge of competent jurisdiction authorizes him. It's not personal, it is a constitutional right!

In 2018, Dane County went through a Comprehensive Revision to the Dane County Zoning Ordinance. As part of ordinance Amendment 2018-OA-20, new zoning maps were created in order to label properties with the new zoning district names. Prior to the comprehensive revisions, in June of 2018, Dane County zoning sent out a post card, with no date and time of any hearing where the classification could be contested notifications. This post card notification sent by Dane County, is the only notification ever sent regarding the comprehensive revisions ever and I never knew the board had voted on the comprehensive revisions. Because I disagreed with the classifications based upon our 2013 conversations with Mr. Lane, FP-B zoning is the perfect zoning district for the property because I have an agricultural accessory business, I sent an email on June 28, 2018 to Mr. Lane, Ms Andros, and Town of Cottage Grove board. The email as the board can see was addressed to Roger Lane, Pam Andros, and the Town of Cottage Grove declining the RR-2 zoning classification and requested FP-B. I still have not received any notification of where I contest the rezoning until November 1, 2021 when Mr Bitar[26] told me I had to fill out paperwork, and I have received a response ever from either Mr. Lane, or Ms. Andros regarding that email.

I became aware at one of our semiannual neighborhood picnics in 2019 that our neighbors Ed and Carol Knapton also sent a letter on July 13, 2017 [27]regarding getting FP-B zoning as part of the comprehensive revisions. We also learned that

[26] See November 1, 2021 email chain notification from Remzy Bitar

[27] See revised appendix P. 13-14

Mr. Lane, MS. Andros, and the Town of Cottage Grove not only responded to their email on the same day they received it, but they agreed to help Americas Best[28], the Knaptons rezone to FP-B zoning[29]. Julia and I love the Knaptons, we are saddened by Ed's unfortunate and untimely death because they are good salt of the earth people the world needs more of. We were never opposed to the Knaptons rezoning, what we were opposed to is the pattern of discrimination of DCS in the handling of a similarly situated neighbor that sent an email, and needed and requested the same zoning from the same zoning people that the Willans emailed, and the board can see that the willans were clearly treated differently. The Knaptons property was rezoned AG-B before the ordinance revision through the direct assistance of DCS, however the Willans never received any response to their June 28, 2018 email or any notification of any rezoning hearing by DCS before the comprehensive revisions changing the AG-2(2) zoning to RR-2. The willans read in the newspaper that The Town of cottage Grove adopted the ordinance after contact with Kris Hampton on February 14, 2019. Where I forwarded the June 28, 2018 email to the same people, but added corporation counsel. I have never been notified by any participants regarding that email ever.

The United States Supreme Court has spoken on notification, such notice by publication is not sufficient under the Fourteenth Amendment as a basis for adjudication depriving of substantial property rights known persons whose whereabouts are also known, since it is not impracticable to make serious efforts to notify them at least by ordinary mail to their addresses on record with the trust company. Pp. 339 U. S. 318-320.[30]

We hold that the newspaper publications and posted notices in the circumstances of this case did not measure up to the quality of notice which the Due Process Clause of the Fourteenth Amendment requires.

"An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. Milliken v. Meyer, 311 U. S. 457; Grannis v. Ordean, 234 U. S. 385; Priest v. Las Vegas, 232 U. S. 604; Roller v. Holly, 176 U. S. 398." Mullane v. Central Page 371 U. S. 212 Hanover Tr. Co., 339 U. S. 306, 339 U. S. 314.

In the Mullane case, which involved notice by publication to the beneficiaries of a common trust fund, the Court thoroughly canvassed the problem of sufficiency of notice under the Due Process Clause, pointing out the reasons behind the basic

[28] See full deposition testimony from Roger Lane

[29] See revised appendix P. 15-19

[30] Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950)

constitutional rule, as well as the practical considerations which make it impossible to draw a standard set of specifications as to what is constitutionally adequate notice, to be mechanically applied in every situation.

As was emphasized in Mullane, the requirement that parties be notified of proceedings affecting their legally protected interests is obviously a vital corollary to one of the most fundamental requisites of due process -- the right to be heard.

"This right . . . has little reality or worth unless one is informed that the matter is pending and can choose for himself whether to appear or default, acquiesce or contest." 339 U.S. at 339 U. S. 314. The Court recognized the practical impossibility of giving personal notice in some cases, such as those involving missing or unknown persons. But the inadequacies of "notice" by publication were described in words that bear repeating here:

"Chance alone brings to the attention of even a local resident an advertisement in small type inserted in the back pages of a newspaper, and, if he makes his home outside the area of the newspaper's normal circulation, the odds that the information will never reach him are large indeed. The chance of actual notice is further reduced when, as here, the notice required does not even name those whose attention it is supposed to attract, and does not inform acquaintances who might call it to attention." 339 U.S. at 339 U. S. 315. The general rule that emerges from the Mullane case is that notice by publication is not enough with respect to a person whose name and address are known or very Page 371 U. S. 213 easily ascertainable and whose legally protected interests are directly affected by the proceedings in question.

"Where the names and post office addresses of those affected by a proceeding are at hand, the reasons disappear for resort to means less likely than the mails to apprise them of its pendency." 339 U.S. at 339 U. S. 318.

This rule was applied in New York v. New York, N.H. & H. R. Co., 344 U. S. 293, 344 U. S. 296, where the Court pointed out that "notice by publication is a poor, and sometimes a hopeless, substitute for actual service of notice," and that "its justification is difficult, at best." The rule was applied again in Walker v. Hutchinson City, 352 U. S. 112, in a factual situation much akin to that in the present case. In Walker, part of the appellant's land had been taken in condemnation proceedings, and he had been given "notice" of a proceeding to fix his compensation only by publication in the official city newspaper. The Court held that such notice was constitutionally insufficient, noting that the appellant's name "was known to the city, and was on the official records," and that "even a letter would have apprised him that his property was about to be taken and that he must appear if he wanted to be heard as to its value." 352 U.S. at 352 U. S. 116. Quoting Schroeder v. City of New York, 371 U.S. 208 (1962)

In the petition before us, we think notification prior to the comprehensive ordinance revisions, is clearly controlled by the rule stated in the Mullane case, and by the specifically relevant application of that rule in the Walker case. It is true that, in addition to publishing in newspapers, the county in the present case may have put some notifications of the November 27, 2018 a public hearing at the Town halls, or on trees and poles in Dane County. But no such notification was ever placed anywhere on the appellant's property, or ever seen by us and the first we have ever heard of any public hearing date, is in this Staff report. The possible posting of these notifications of a public hearing on November 27, 2018, therefore, did not constitute the personal notice that the rule enunciated in the Mullane case requires.

Without any constitutional due process notification provided to the Willan's, A public hearing was held on November 27, 2018, before the Dane County Zoning and Land Regulation Committee regarding the 2018-OA-20. The zoning ordinance revision was approved by the ZLR Committee on December 18th, and the County Board adopted the new zoning ordinance on January 17, 2019. In addition, public hearings and informational meetings were held at the Town of Cottage Grove regarding the adoption of the new zoning ordinances and new zoning maps. The Town adopted the new zoning ordinance and maps on February 4, 2019. With the transition to the new zoning ordinance, comparable zoning districts were assigned to properties based on their previous zoning and the current land uses. The property at 4407 Vilas Hope Road went from the previous zoning of AG2(2) to RR-2. Both zoning districts allow for both single-family residences but RR-2 does not allow a permitted right use of agricultural.

AG-1 EX the vested zoning district of the willans list the "agricultural accessory uses" as stated by Mr. Willan.

TOWN PLAN: The property is located in the Agricultural Preservation Planning Area. If the Town generally does not support rezoning of lands for commercial use within the Agricultural Preservation Area, they have made an exception in our case because at the discretion of the Town Board, they have approved FP-B zoning of this petition 11788. It is a material fact that the Willans petition 11788. after two public hearings[31], the Willans property zoning requested was unanimously approved in the farm preservation district to FP-B zoning district by both boards at the Town[32] so the willans can use the permitted by right uses to expand their agricultural accessory business in the FP-B Farmland Preservation District.

RESOURCE PROTECTION: There are no sensitive environments features located on the property.

[31] See both town video hearings submitted as evidence in this rezoning petition

[32] See Town of Cottage Grove action report

TOWN: The Town Board approved the petition with no conditions.

STAFF:

The proposed FP-B zoning district is intended to accommodate land uses that are commercial or industrial in nature which are associated with agricultural production. Mr. Lane testifies under oath that he has firsthand knowledge the Willans are in the agricultural accessory business, he has firsthand knowledge that the Willans are in the Agricultural accessory business and have been since 2010, has firsthand knowledge of the farm preservation laws of chapter 91, has firsthand knowledge of the three zoning ordinances in farm preservation, but yet Mr. Lane testifies that there is no way under Dane County ordinance to have split zoning with residential for an agricultural business[33], he refused to answer the June 28, 2018 email[34], he refused to send due process notification of any public hearing. (See attached FP-B district ordinance.)

The DCS claim the applicant has not specified what specific land uses are proposed. The first thing is according to Wisconsin law and DCO, a zoning district with a specific use category has to be assigned to a property before it can be used, or anything else would-be illegal use. Just because we want to hook the horse to the wagon before we take our journey, and the law says we must or we will be taking an illegal journey.

Dane county has not presented one scintilla of evidence that requires a use be stated when it does not include a conditional use permit Dane County claims the lack of information, the staff is concerned that such factors as adequate access, sufficient parking, and compatibility with surrounding existing uses cannot be assured for the intended land use(s), particularly given the relatively small parcel size of two (2) acres. Without more information and knowing the specific intended use(s), staff cannot confidently make a recommendation supporting the proposed rezoning. The law doesn't require a use to be stated for just zoning to use the permitted by right uses of the FP-B zoning district.

All those compatibility concerns by DCS are all protected by the nuisance laws of Wisconsin that Dane County has under the police powers they have that protects those concerns. The State of Wisconsin has defined 20,000 square feet under Chapter 91, as being sufficient to have FP-B zoning in a farm preservation district, Dane County agreed to this stipulation by certifying their adopted ordinance to the State of Wisconsin. Dane County cannot agree to the provisions of FP-B zoning and just because they don't like Mr. Willan they can make up unsubstantiated concerns that are protected by other laws and ordinances. This is not a legal reason to deny

[33] See video deposition testimony of Roger Lane and complete transcripts of proceeding

[34] See revised appendix P. 10

our petition. Dane County spent 2 years putting the comprehensive revisions together, they clearly could have opted out of the Farm preservation zoning and added stricter zoning to address their concerns, but it is arbitrary the way they are applying it.

In the past, Mr. Willan had discussed using his barn for a wedding barn (indoor commercial entertainment) and Dane County has explained to Mr. Willan in a letter dated March 12, 2019, the property would need to be rezoned to GC General Commercial in order to allow event venues. The material fact of that letter is to get a response from Mr. lane who has refused to answer my June 28, 2018 email or my February 14, 2019 email and the only reason I brought up a wedding barn was to get a response from DCS. I assure this board that should the Willans decide to have indoor commercial entertainment, they will reapply for commercial rezoning. I assure this board we have no plans to use the barn for any illegal use not provided for in the FP-B zoning district, and we are not having anything not allowed by the permitted by right uses of FP-B zoning district.

Both the current zoning (RR-2) and FP-B allows for the single-family residence;

Dane County wants to arbitrarily classify the Willan's agricultural accessory business as a home occupation business (contractor) to be conducted in a portion of the residence when in fact it is an agricultural accessory business as defined by both chapter 91 and DCO conducted on the entire property;

Dane County also wants to arbitrarily reclassify the agricultural accessory building that was built in the 1940s as a residential accessory building (barn) for residential or agricultural storage purposes to fit their continued narrative of no agricultural zoning for the Willans. The word residential accseeory building wasn't even a word when that barn was made. The Dane County staff has no legal right to oppose the rezoning, so they state an opinion unsupported by any relevant facts that "Without knowing the future land uses, staff is recommending denial of the zoning change to FP-B Farmland" This is a preference and not supported by any substantial evidence.

Preservation Business.

Findings of Fact:

1. The current zoning district does not support the same permitted by right uses of FP-B zoning and the legal reason to get zoning is so a citizen can legally do the permitted by right uses on your property without Roger lane running over every time we move shoving an arbitrary orange stop work order in the yard right away like he has done 4 times, all in the continued assault to get back at the Willans for something wholly unrelated to zoning.

2. There is plenty of information presented to support the zoning change. Dane County staff has known since 2013 that the Willans are in the agricultural accessory business, DCS has known since 2013 the Willans property is in the farm preservation district, DCS knows Mr. Lane deliberately took our vested property rights by not providing constitutional notification due process, and DCS knows they must oppose this rezone because they may be financially liable for the actions taken during the comprehensive revisions during later proceedings. This is a material fact, just ask them!

3. The FP-B zoning district accommodates commercial and industrial activities that were discussed during Mr. Lanes deposition testimony that make the Willans business model compatible with agricultural areas and they in no way a conflict with surrounding properties. And the material fact the property has 4 times the minimum lot sizes for FP-B zoning and being that Dane County zoning possess police powers to stop any public nuisance created by the location of the property, potential traffic conflicts, parking issues, and noise which in 10 years has never been an issues. .

For all the reasons submitted in this document and all the substantial evidence we have filed in this rezoning petition 11788 we look forward to any and all questions the board poses and as a matter of law we respectfully and graciously ask the board to grant our rezoning petition based on the law and disregard the unsubstantiated opinion and preferences submitted by the DCS because they have submitted no evidence supporting their position. If the board has any questions I can be reached at 608-438-3103 tom@ironmanbuildings.com and Julia can be reached at 608-438-3102 or at julia@ironmanbuildings.com

Sincerely, Julia and Thomas Willan