

## Tom Willan

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**From:** Tom Willan  
**Sent:** Tuesday, January 18, 2022 9:16 AM  
**To:** Violante, Todd; Bollig, Jerome; Doolan, Michele; Smith, Sarah; Peters, Steven; Kiefer, Timothy  
**Cc:** Julia Willan; Parisi, Joseph; Gault, David; Lowndes, Daniel; Lane, Roger; imtmwillan@gmail.com  
**Subject:** RE: regarding the record of petition 11788 public hearing

Just to verify that Roger Lane said i have until close of business tomorrow to get him 6 memory sticks with the deposition video on it for the board to review. Pkease verify this deadline has been extended! Thanks Tom

**From:** Tom Willan  
**Sent:** Saturday, January 15, 2022 9:35 AM  
**To:** 'Violante, Todd' <Violante@countyofdane.com>; 'Bollig, Jerome' <Bollig.Jerry@countyofdane.com>; 'Doolan, Michele' <Doolan.Michele@countyofdane.com>; 'Smith, Sarah' <Smith.Sarah@countyofdane.com>; 'Peters, Steven' <Peters.Steven@countyofdane.com>; 'Kiefer, Timothy' <Kiefer.Timothy@countyofdane.com>  
**Cc:** Julia Willan <julia@ironmanbuildings.com>; 'Parisi, Joseph' <Parisi@countyofdane.com>; 'Gault, David' <Gault@countyofdane.com>; 'Lowndes, Daniel' <Lowndes@countyofdane.com>; 'Lane, Roger' <lane.roger@countyofdane.com>; 'imtmwillan@gmail.com' <imtmwillan@gmail.com>  
**Subject:** RE: regarding the record of petition 11788 public hearing

Everyone,

I want to let the board know that I have had a conversation with Mr. Violante yesterday, and we agree to disagree on numerous issues in the report. I can report that I have received the Dane County zoning staff report out of legistar and am diligently working on my reply brief to the report. I will have everything sent in by close of business on Monday, Martin Luther king Day, a holiday celebrating and honoring a great man for his prolific fight for truth, justice, and civil rights for all! I'm sure Dane county is closed but I want full cooperation to get everything we need filed in the legistar system by 10 AM Tuesday so I can verify. We would also ask for an extension from the January 18, 2022 deadline since Dane County is closed on Monday January 17, 2022 and the documents are to be filed by 12.00 PM January 19, 2022.

Our reply brief will provide foot notes where the board can find the corresponding supporting documentation in the filed record. Our words will be with actual supporting evidence to material facts in the reply brief. The record may seem excessive; however I will keep it as simple as possible for the board can find supporting evidence to material facts in the record. I have had a few years to hone my skills in legal story telling the last few years, and I know what the law requires to be presented in support of our rezoning. Nobody knows this 10-year nightmare of a story more than I do, I have volumes of evidence that supports the material facts of this rezone, because I have been involved every step of the way. It is our position the board has the power to get Dane County corporation counsel involved to define the legal questions we brought up, we would ask the chairperson of the board to respond to our request for a legal opinion over what exactly the power of Dane County, and what power that State of Wisconsin grants this board in making findings of fact in their decision. I recommend the board utilize this power to get written matters of law defined by corporation counsel because that is what they are paid to do. I know what the law is, lets clarify the law for the board.

We will utilize a footnote section on our reply brief where information can be found in the filed record and substantiate the material facts. As the board will see with our reply brief, The Dane County Staff report is full of numerous unsubstantiated incomplete verbiage, and unsupported innuendos regarding the 2013 rezoning, 2017 zoning permit and our reply brief in support by the substantial evidence of Roger Lane's Full deposition testimony on June 1, 2017. I deposed Mr. Lane over the 2017 zoning permit they refer to in the Staff report and Mr. Lane also testified to the 2013

rezoning that is mentioned in the staff report. Mr Lane has sworn firsthand knowledge and recollection of our zoning process in 2013. Mr. Gault represented Dane County and Mr. Lane at the deposition so he can vouch for the accuracy of the evidence. Mr. Lane's sworn direct testimony will be able to establish for the board in his testimony the contradictory fiction in the report and will establish the credibility of Mr. Lane's documented untruthfulness in his actions. What Mr. Lane testified to under oath is contrary to unsubstantiated incomplete verbiage in their report, which is not attested to as being completed under oath and affirmation as being truthful. We would implore Dane County staff to affirm everything in the report as being truthful, we would invite this. We will be filing sworn affidavits in support of certain material facts regarding this rezoning, and we would invite Dane County staff to do the same!

I have attached the full transcripts of Mr. Lane's deposition and I also have the actual video that I will figure out how to copy and download by January 18, 2022. By the board watching the video, they can get an actual feel for the truth by watching Mr. Lane's evasive, hostile contradictory testimony regarding our zoning. I will refer to this specific record in my brief as "full deposition testimony of Roger Lane P# L#". Please enter this official copy in the legistar system. This sworn testimony will establish certain significant 2017 material facts of the zoning permit documents submitted in the Staff report that show that the zoning district is agricultural, census code as nonresidential, proposed project is alteration to existing Barn, and the category is agricultural, all these documents actually have agricultural written on the documents. This establishes that Dane County staff had firsthand knowledge of the vested agricultural permitted by right use of the petitioners zoning district.

Thank you Zoning staff personnel for entering the documents that we have filed into the legistar system. I will have a few more entries with substantial evidence supporting our rezone and will contradict the opinions and preferences in the Staff report, by clarifying the truth from the fiction in the report. Keep an open mind, the truth will set us all free!

Thanks, Tom

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**From:** Tom Willan

**Sent:** Friday, January 14, 2022 10:42 AM

**To:** Violante, Todd <[Violante@countyofdane.com](mailto:Violante@countyofdane.com)>; Bollig, Jerome <[Bollig.Jerry@countyofdane.com](mailto:Bollig.Jerry@countyofdane.com)>; Doolan, Michele <[Doolan.Michele@countyofdane.com](mailto:Doolan.Michele@countyofdane.com)>; Smith, Sarah <[Smith.Sarah@countyofdane.com](mailto:Smith.Sarah@countyofdane.com)>; Peters, Steven <[Peters.Steven@countyofdane.com](mailto:Peters.Steven@countyofdane.com)>; Kiefer, Timothy <[Kiefer.Timothy@countyofdane.com](mailto:Kiefer.Timothy@countyofdane.com)>

**Cc:** Julia Willan <[julia@ironmanbuildings.com](mailto:julia@ironmanbuildings.com)>; Parisi, Joseph <[Parisi@countyofdane.com](mailto:Parisi@countyofdane.com)>; Gault, David <[Gault@countyofdane.com](mailto:Gault@countyofdane.com)>; Lowndes, Daniel <[Lowndes@countyofdane.com](mailto:Lowndes@countyofdane.com)>; Lane, Roger <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>; [imtmwillan@gmail.com](mailto:imtmwillan@gmail.com)

**Subject:** RE: regarding the record of petition 11788 public hearing

Please find attached my short appendix filed with the Town of Cottage Grove regarding petition 11788. We want this made part of the official record because it is some of our substantial evidence tending to support our version of events leading up to this reinstatement rezoning petition 11788. We would recommend everyone including the board and Planning and zoning staff read it so they can understand exactly why we are rezoning our property and the real reason planning and zoning is opposed. It is not because as Mr. Violante has said, they have concerns about things we may or may not do on our property and because of its location, it is because the substantial evidence supports our version of events and certain individuals may become liable to the Willans for separate damages in a secondary legal action, that is not a part of this petition. That is the real reason, they are opposed to our petition.

We encourage the Dane county planning staff to submit whatever substantial evidence they may have to contradict our substantial evidence, because as they say there can be two sets of substantial evidence, but ours tends to support the truth. We can not change what has already taken place prior to the comprehensive revisions, we can only move forward by giving the Willans back their legal lawful vested agricultural property rights by approving petition 11788 in the FP-B because that what the law says this board must do. Dane County Planning personnel are making up state law that doesn't exist and they are opposing our reinstatement rezoning, because somehow, they believe if they do, everything will go away if they can convince the board by presenting a report with Fake law, false statements and unsubstantiated innuendos as their substantial evidence that we can't have FP-B zoning. I have more substantial evidence I will be submitting next week, but we wanted to establish the exact same substantial evidence the Town Of Cottage Grove used to

support their decision of approval. I placed a call into Mr. Violante from his request from the original email at 3:58 January 12, 2021, I left a voicemail message and I have not received a call back. Please file this document in the legistar system.

Thanks, Tom Willan

**From:** Tom Willan <[tom@ironmanbuildings.com](mailto:tom@ironmanbuildings.com)>

**Sent:** Thursday, January 13, 2022 8:40 AM

**To:** Violante, Todd <[Violante@countyofdane.com](mailto:Violante@countyofdane.com)>; Bollig, Jerome <[Bollig.Jerry@countyofdane.com](mailto:Bollig.Jerry@countyofdane.com)>; Doolan, Michele <[Doolan.Michele@countyofdane.com](mailto:Doolan.Michele@countyofdane.com)>; Smith, Sarah <[Smith.Sarah@countyofdane.com](mailto:Smith.Sarah@countyofdane.com)>; Peters, Steven <[Peters.Steven@countyofdane.com](mailto:Peters.Steven@countyofdane.com)>; Kiefer, Timothy <[Kiefer.Timothy@countyofdane.com](mailto:Kiefer.Timothy@countyofdane.com)>

**Cc:** Julia Willan <[julia@ironmanbuildings.com](mailto:julia@ironmanbuildings.com)>; Parisi, Joseph <[Parisi@countyofdane.com](mailto:Parisi@countyofdane.com)>; Gault, David <[Gault@countyofdane.com](mailto:Gault@countyofdane.com)>; Lowndes, Daniel <[Lowndes@countyofdane.com](mailto:Lowndes@countyofdane.com)>; Lane, Roger <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>; Tom Willan <[tom@ironmanbuildings.com](mailto:tom@ironmanbuildings.com)>

**Subject:** RE: regarding the record of petition 11788 public hearing

Mr. Violante, Mr. Lowndes, Mr Parisi, Mr. Lane, Mr. Gault, and all distinguished board members,

It is time for Dane County legal team to either put up or shut up as far as, what the law is regarding zoning and vested rights, along with how it is applied to the reinstatement rezoning of our property to FP-B zoning as conveyed by petition 11788. Dane county planning and zoning department and certain named individuals to this email have taken a certain and deliberate position of denial that is violating our civil rights. It is time Dane County planning and zoning get on official written public record, as to their specific legal theory that advances their position to take vested property away without a prior hearing, or compensation, and then refuse by any means necessary to reinstate those vested agricultural zoning rights by putting the same biased people who took them away, in charge of the reinstatement of our vested zoning rights through this rezoning process. Dane County told the court that this rezoning portion of our claim was not ripe for adjudication because we were missing in our lawsuit for damages a chance for Dane County to legally determine what everything that has happened from a legal standpoint was addressed at the rezoning stage. Essentially Dane County told the court we had not formally applied for reinstatement of our vested agricultural zoning district therefore we had to proceed through rezoning. Petition 11788 is now the official step the courts and Dane County have said we missed. Make no mistake, these are relevant material facts for the reinstatement zoning petition 11788 of our vested rights.

We can all agree that it doesn't matter what preference anyone may want in the outcome of this zoning petition 11788, we are all bound by the laws of the United States Constitution, the Wisconsin Constitution, and as statutorily prescribed methods by the Wisconsin legislature when it pertains to vested property rights, zoning, and rezoning. We can all finally agree that as a matter of law, we are all bound by the laws of this state regarding rezoning petition 11788 and that the law must be equally applied to the Willans as it is applied to all Dane County citizens. Using this legal premise as the backdrop of our rezoning petition 11788, we must discuss the elephant in the room! The building permit rule is a bright-line rule vesting the right to use property consistent with current zoning at the time a building permit application that strictly conforms to all applicable zoning regulations is filed. The rule extends to all land specifically identified in a building permit application as part of the project. *Golden Sands Dairy LLC v. Town of Saratoga*, 2018 WI 61, 381 Wis. 2d 704, 913 N.W.2d 118, 15-1258.

The elephant in the room is Dane County planning and zoning refuses to acknowledge or address our claim to vested agricultural property rights as part of this petition! Our Rezone Application filed for Petition 11788 is the official public record, that, clearly describes the material facts, that we believe Dane County illegally took our vested property zoning during the comprehensive revisions and they have refused to reinstate them. Our petition 11788 is saying petitioners have acquired or incurred or which had accrued vested agricultural property zoning under the repealed or amended provisions of chapter 10 and our position is supported by Dane County ordinance 3.07 (2) Effect of Repeals. The repeal or amendment of any provision of this code or of any other ordinance or resolution of the county board shall not: (a) Affect any rights, privileges, obligations or liabilities which were acquired or incurred or which had accrued under the

repealed or amended provisions, unless the county has expressly reserved the right to revoke such right, privilege, obligation or liability

Dane County has not been clear on what their exact legal theory is over this specific material fact. Mr. Lane's latest nonbinding email claim is, "the previous inspections conducted on the property along with aerial photos show that there were no agricultural activities present on the property. The activities observed were a residential land use (single-family dwelling) and intermittent commercial activity. This is not a legal reason; it is a stated opinion of observation without any legal facts to support Mr. Lanes conclusion. Dane County must state their legal theory that explains from a legal standpoint exactly what Wisconsin Statute or Dane County ordinance purported the legal right and the statutory power under any Wisconsin law to take away vested agricultural property rights without a prior hearing or compensation that were acquired under the repealed or amended provisions of chapter 10? This should be a pretty simple factual explanation since Mr. Lanes authority either exists or it doesn't by statute or ordinance?"

We are proposing that since Mr. Violante told me that any legal questions and opinions must come from Dane County ZLR board request. We request Dane County ZLR board request a legal expert to write a legal opinion covering Dane County's official legal position and response regarding petition 11788 as it pertains to the Willans claims. Upon receiving it we would request 2 to 3 days to respond to the opinion and then the board can decide who is right and we have a perfected record for review should the need arise. We clearly can discuss with the County attorney areas of mutual agreement. We previously asked Mr. Violante to get a legal opinion regarding the material facts of this rezoning from Mr. Gault or Mr. Bitar, he says the board must request it. This is a legal matter that should be easily addressed by corporation counsel, where they can explain to this board and to us, what, exact State or federal law expressly allows, Mr. Lane, Mr. Parisi, Mr. Violante, Ms. Andros the lawful right to take vested zoning property rights away like has happened in this petition and then deny the reinstatement at the rezoning process? Dane County needs to officially get on record and explain their actions during the comprehensive revisions since that is the material fact of why we are rezoning? Dane County Planning and zoning needs to legally tell us and this board where the legislature grants the planning and zoning department under 59.69(4) extent of powers, the express or implied right to take vested property rights away during a comprehensive revision and then to condition reinstatement rezoning approval based upon conditional zoning, in a legal lawful unambiguous zoning district to something yet unidentified as being a legal concern to deny this petition for rezoning? We need to get down to what legal theory Dane County is pursuing in order to address everything and what concerns that warrant legal voluntary conditions on our part to get approval.

Our first legal position is if the Dane County staff can claim that statutorily approval or denial by the ZLR board can be based upon imposed arbitrary conditions, Dane County is factually and legally incorrect if that is their position. Mr. Gault feel free to go on official record if you believe as a matter of law, Dane County can arbitrarily condition approval under any current Wisconsin law to conditions in the FP-B zoning district? DCO10.101(8) – (8)(d)2 regarding conditional zoning has no legal authority for approval or denial by the board and if that is claimed then it is unconstitutional because the legislature has not granted this power under 59.69(4) either expressly or implied the right to base zoning approval or denial upon arbitrary conditions that limit permitted by right uses. Wisconsin Supreme Court case law supports our position, that "A contract made by a zoning authority to zone, rezone, or not to zone is illegal. An ordinance made pursuant to the contract is void as a municipality may not surrender its governmental powers and functions or thus inhibit the exercise of its police or legislative powers. State ex rel. Zupancic v. Schimenz, 46 Wis. 2d 22, 174 N.W.2d 533 (1970).

I have attached two documents one being the Dane County 2012 staff draft regarding upgrading Farm preservation zoning. The current staff and this board need to reread the significance of what the ordinance history is saying. I see nothing regarding regulations on FP-B zoning permitted by right use, I see clarification that we are entitled to as a matter of law FP-B zoning. This document is a blueprint to farm preservation zoning and is more substantial proof Dane County staff is wrong to deny that which is totally legal. The purpose statements for A-1EX, A-4, and A-B( FP-B currently) have been revised to establish parameters for the districts. The statements include policy goals and objectives for the districts, references to the types and nature of permitted and conditional uses, as well as their characteristics and potential impacts. The purpose statements provide a context for the districts that can be used to gauge proposed

agricultural, agricultural accessory, and agriculture-related uses. In each case, elements of the existing purpose statements have been retained for continuity. AG-B is the predecessor to FP-B. The attached draft

#### ANALYSIS

This section provides a brief staff analysis of the proposed ordinance changes.

- **Provides for a broader range of agricultural-related uses appropriate for rural areas**

The revisions to the A-1EX, A-4, and A-B districts will accommodate a wider range of appropriate uses than permissible under the current regulations. For many years, observers of county land use and zoning issues, including the Dane County Towns' Association, have recommended changes be made to the agricultural districts to reflect modern agricultural practices and changes in the agricultural economy. The proposed changes represent a long-awaited step in that direction. Dane County is a recognized leader in agricultural entrepreneurship and innovation. The proposed ordinance amendments will help facilitate continued growth and innovation in the agricultural economy.

- **Provides both flexibility and predictability**

The changes will provide additional flexibility for much-needed economic opportunities for rural areas and farm families, while also maintaining rural character and minimizing conflicts with agricultural and other rural land uses. Any proposed use would need to be consistent with applicable definitions and the detailed purpose statements, providing predictability for the districts.

- **Maintains existing uses and conditional uses**

The revisions retain existing permitted and conditional uses, while adding a handful of uses and accommodating agricultural accessory and related uses appropriate for farmland preservation areas

The second document is a step-by-step analysis of FP-Zoning as it compares to our specific property and petition 11788. This is an important document that establishes our rights to rezone and it will help the participants to understand that the staff analysis must be consistent with the law. We want both these documents as part of the record, and we want the Dane County staff to actually read, analyze and state their legal position. Please contact me, so we can discuss options to find compromise, we are looking for only that which we are legally entitled to! I can be reached at 608-438-3103. Thanks, Tom Willan

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**From:** Tom Willan <[tom@ironmanbuildings.com](mailto:tom@ironmanbuildings.com)>

**Sent:** Wednesday, January 12, 2022 6:26 PM

**To:** Violante, Todd <[Violante@countyofdane.com](mailto:Violante@countyofdane.com)>; Bollig, Jerome <[Bollig.Jerry@countyofdane.com](mailto:Bollig.Jerry@countyofdane.com)>; Doolan, Michele <[Doolan.Michele@countyofdane.com](mailto:Doolan.Michele@countyofdane.com)>; Smith, Sarah <[Smith.Sarah@countyofdane.com](mailto:Smith.Sarah@countyofdane.com)>; Peters, Steven <[Peters.Steven@countyofdane.com](mailto:Peters.Steven@countyofdane.com)>; Kiefer, Timothy <[Kiefer.Timothy@countyofdane.com](mailto:Kiefer.Timothy@countyofdane.com)>

**Cc:** Julia Willan <[julia@ironmanbuildings.com](mailto:julia@ironmanbuildings.com)>; Parisi, Joseph <[Parisi@countyofdane.com](mailto:Parisi@countyofdane.com)>; Gault, David <[Gault@countyofdane.com](mailto:Gault@countyofdane.com)>; Lowndes, Daniel <[Lowndes@countyofdane.com](mailto:Lowndes@countyofdane.com)>; Lane, Roger <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>; Tom Willan <[tom@ironmanbuildings.com](mailto:tom@ironmanbuildings.com)>

**Subject:** RE: regarding the record of petition 11788 public hearing

Please read the responses below to your comments.

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**From:** Violante, Todd <[Violante@countyofdane.com](mailto:Violante@countyofdane.com)>

**Sent:** Wednesday, January 12, 2022 3:55 PM

**To:** Tom Willan <[tom@ironmanbuildings.com](mailto:tom@ironmanbuildings.com)>; Bollig, Jerome <[Bollig.Jerry@countyofdane.com](mailto:Bollig.Jerry@countyofdane.com)>; Doolan, Michele <[Doolan.Michele@countyofdane.com](mailto:Doolan.Michele@countyofdane.com)>; Smith, Sarah <[Smith.Sarah@countyofdane.com](mailto:Smith.Sarah@countyofdane.com)>; Peters, Steven <[Peters.Steven@countyofdane.com](mailto:Peters.Steven@countyofdane.com)>; Kiefer, Timothy <[Kiefer.Timothy@countyofdane.com](mailto:Kiefer.Timothy@countyofdane.com)>

**Cc:** Julia Willan <[julia@ironmanbuildings.com](mailto:julia@ironmanbuildings.com)>; Parisi, Joseph <[Parisi@countyofdane.com](mailto:Parisi@countyofdane.com)>; Gault, David <[Gault@countyofdane.com](mailto:Gault@countyofdane.com)>; Lowndes, Daniel <[Lowndes@countyofdane.com](mailto:Lowndes@countyofdane.com)>; Lane, Roger <[lane.roger@countyofdane.com](mailto:lane.roger@countyofdane.com)>

**Subject:** RE: regarding the record of petition 11788 public hearing

Tom,

Thank you for your email, and I hope you and your family are doing well. My apologies for not responding to you sooner. Your emails have been received, and you deserve a prompt reply.

1. *Remote v. In-Person Meeting.* I certainly understand your desire to meet in-person. At the present time, and for the foreseeable future, Dane County standing committee meetings, including the Zoning and Land Regulation Committee (ZLR), are being held remotely via Zoom. Every ZLR meeting since spring of 2020 has been held remotely, and all other zoning applicants and their agents since that time have attended them remotely. Especially now with the rapid spread of COVID throughout the community, the prevailing guidance and preference is to continue holding meetings remotely. As such, the January 25 ZLR public hearing will be held remotely, and we will be following up soon in advance of the meeting to provide you and all other applicants on the agenda with the information needed to access and participate in the meeting.

I will reserve the right to contest this if the need arises based upon how the meeting is held. I think the legislature has designed the law with in-person meetings, two years is outrageous for Dane County continuing remote meetings, I believe it is unconstitutional under these conditions and the legislature hasn't given you the power to continue to have remote meetings. It's a material fact that local town boards like the Town of Cottage Grove are having highbred meetings to conduct business as the legislature has prescribed this board to do and there is clearly nothing very complicated about setting up a meeting just like the Town of Cottage Grove set up. We put a man on the moon in 1969 so it is my belief that in 2022 we can have inperson meetings. There clearly is nothing hard nor sophisticated about a simple meeting set up that has the board and participants in the same room. You would think after two years, with all the sophistication and money Dane County has, they would be able to accommodate a hybrid meeting. Just another example of Dane County zoning incompetence, continuing to make up legislative procedures that don't exist and to disregard the fairness for its citizens to get zoning with hybrid in-person meetings as the state statute and ordinance prescribe. We object but will participate as told by Dane County planning and zoning.

2. *Town Board Action Report.* We have indeed received the Town Board Action Report from the town of Cottage Grove. Once the draft agenda is nearing completion, likely toward the end of this week or early next week, the Town Board Action Report will be loaded into Legistar (the public access platform used by Dane County, the link to which I sent you previously), along with any other pertinent information, and it will be accessible by you, ZLR, and other members of the public.

I object to submitted documents not being loaded in real time so in my summation to the board I can refer the board to where it is in the record. I don't understand why the file cannot be filed in real time, seems another case of incompetence. Dane Country zoning has all the resources of government to prepare for a hearing, it is obvious they are opposed to our rezoning, and it is constitutionally unfair to not file documents submitted for the hearing to the zoning department in real time. This too is not a complicated process, and something needs to get updated.

3. *Town Meeting Links.* I received the town of Cottage Grove meeting links that you and the Town Clerk forwarded. Given that towns are separate units of government, we don't ordinarily have access to or include such links in the County's public record. However, at your request, I put the attached document together which provides the town meeting dates and recording links for anybody that would like to view them, including ZLR members at their discretion. I hope this method of including the links into the record meets with your satisfaction.

I implore the board to watch both videos because they already address the same concerns you mention below. They are separate units of government, but the petition is the same and the standards are the same. The videos are actual substantial evidence pertaining to the relevance of any concerns and they are addressed by the board. The decision of the Town board is based upon an hour of questions and answers that pertain to our zoning. Has your staff watched the videos?

4. *Staff Report and Discussion.* Like the Town Board Action Report, the staff report will be loaded into Legistar after the agenda is set and will be accessible to the public as we get closer to the meeting. As the applicant, you will also be sent a copy of it directly, along with the information noted above about accessing the public hearing. As you'll see in our staff report, and as you and I have discussed previously, the primary concern of staff is that there is no specific use within the FP-B Farmland Preservation Business District identified in your application. While some of the permitted and conditional uses in the district may very well be appropriate and compatible with your property, there are others that are not. I have attached an excerpt from Chapter 10, Zoning, Dane County Code of Ordinances, pertaining to the FP-B district.

I'm unsure what specific use concerns the staff is concerned with because they have never contacted me, nor put anything in writing of their concerns. It is a material fact as the Town realized we qualify in every aspect of the ordinance for FP-B zoning. You fail to address the most important reason we are applying for FP-B zoning. It is because as a matter of law, we have vested agricultural zoning rights, that Dane County, and specifically Roger Lane and Pam Andros took away without a hearing or compensation. Dane County ordinance 3.07 (2) Effect of Repeals. The repeal or amendment of any provision of this code or of any other ordinance or resolution of the county board shall not: (a) Affect any rights, privileges, obligations or liabilities which were acquired or incurred or which had accrued under the repealed or amended provisions, **unless the county has expressly reserved the right to revoke such right, privilege, obligation or liability**

I implore the Dane County zoning staff to tell this ZLR board what express right Dane County had to take our vested AG zoning during the comprehensive revisions? What state law or Dane county ordinance allows for no prior hearing before Dane county zoning is to just reclassify our property out of our vested ag classification we had? Especially since we specifically asked for FP-B zoning before Dane County took them away without a hearing or compensation. As we have discussed, Dane County clearly has the legal power to take property but only after the owners are given a prior hearing or they pay for it! What is your staff's position on these material facts? Please respond sooner than later.

As the ordinance excerpt outlines, FP-B allows for some intensive land uses. With a 2-acre primarily residential parcel at the intersection of a highly traveled county highway and local town road, the potential impacts from the more intensive uses allowed in the FP-B district would not be compatible with the size, location, and access configuration of your lot. So, this is our primary staff concern, and I'd be happy to discuss it further with you. There may be modifications that could be made to your application that could address these concerns.

I clearly know what the ordinance reads. As I have tried to explain our position, Dane County zoning has specifically certified the FP-B ordinance in exchange for financial considerations from the State of Wisconsin in exchange to promote Chapter 91. Both chapter 91 and FP-B zoning identify AG zoning with a minimum from 20,000 square feet on up. We have over 90,000 square feet! It would seem that if the Wisconsin legislature or the Dane County board wanted to include ag property restrictions based upon highly traveled county highway and Town roads, they clearly could have included these restrictions into the law. The Legislature also could have possessed Dane County Zoning with the power to approve and deny zoning decisions based upon made up concerns about traffic counts at busy intersections. The material facts are neither the State of Wisconsin nor the Dane County board even after the revisions, has given the Zoning staff the power to make up concerns that

don't exist in fact nor as a matter of law, they do not have authority to recommend denial based upon made up traffic concerns unless the concerns actually exist in fact. What traffic problems has Dane County zoning been made aware of around our property? The law is already specific that whatever we choose to do cannot hinder regular movement of traffic.

Be honest Todd, doesn't this boil down to Dane County wanting full legal control so Roger Lane can continue to harass us under a conditional use permit ordinance? As we understand this email, that in order for us to get the FP-B zoning we have requested, the Dane County zoning staff wants us to agree to arbitrary conditions in order for them to let the board agree to rezone our property? The staff has not said exactly what they would agree to as conditions of zoning in order to approve it. Zoning and conditional use are statutorily two separate entities that are legislatively filed as separate entities, because board approval or denial fall under two distinct laws under 59.69. I read 59.69 as not expressly giving Dane County planning and zoning nor this board as a matter of right the power to approve zoning based upon imaginary traffic conditions that don't exist. It is our position that any permitted by rights uses we choose, is governed under other specific laws dealing with county highways,. Any traffic issues that may be created by permitted by right uses are governed by Wisconsin county highway laws and not zoning laws. Dane county has no legislative power to add words to 59.69 for conditional zoning and they have no ordinance standards laying out any procedure for any request of conditional zoning. The method you suggest is arbitrarily unfair and is open to bias. The Wisconsin legislature under 59.69 does give Dane County Zoning the power to negotiate conditional zoning districts based upon hypothetical concerns. We don't need a conditional use permit for the permitted by rights in the FP-B zoning district we are legally authorized to use. You know, Roger Lane has been up my ass for 10 years now and nobody has once investigated his real motive of vindictive actions to get me not because I did anything illegal, it is because he does not like me. His actions towards me are wholly unrelated to anything to do with zoning but are done deliberately to hurt and harm my family. He has gone out of his way to harass and stalk our property for made up violations in the past and I'm not going to give him express power to make stuff up in an effort to continue to harass me. FP-B zoning is a zoning district that was legally designed so I have power to protect myself from these unwarranted attacks by Mr. Lane. I implore this board to ask corporation counsel for a legal opinion based upon our vested property rights, and the power of the Dane County zoning to condition zoning approval based upon a forced contract for approval of the board, and what rights we have.

I left you a message today, Todd, so please call me tomorrow, so we can discuss yours and your staff concerns. We have been dealing with this same issue for almost 3 years now and we filed our petition over a month ago with no contact with any staff regarding traffic. We are running out of time for us to get a fair hearing based upon the law and address the material facts of this zoning petition so the board can make their decision. Thanks  
Tom

I hope this answers your questions, and please don't hesitate to let me know if there is any additional information you would like to provide on behalf of your application. I look forward to talking with you soon.

Stay well and have a pleasant week.

Todd

**NOTE: The Dane County Planning & Development Department office is currently closed in response to the COVID-19 pandemic.** Staff are working remotely and can be reached via email during regular business hours. This is the best way to communicate with our staff. We're also checking voicemail throughout the day, so please don't hesitate to call, and we'll get back to you as soon as possible. Thank you for your patience and understanding.

More information and updates can be found on our website: <https://danecountyplanning.com/>



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**From:** Tom Willan <[tom@ironmanbuildings.com](mailto:tom@ironmanbuildings.com)>  
**Sent:** Wednesday, January 12, 2022 7:48 AM  
**To:** Violante, Todd <[Violante@countyofdane.com](mailto:Violante@countyofdane.com)>; Bollig, Jerome <[Bollig.Jerry@countyofdane.com](mailto:Bollig.Jerry@countyofdane.com)>; Doolan, Michele <[Doolan.Michele@countyofdane.com](mailto:Doolan.Michele@countyofdane.com)>; Smith, Sarah <[Smith.Sarah@countyofdane.com](mailto:Smith.Sarah@countyofdane.com)>; Peters, Steven <[Peters.Steven@countyofdane.com](mailto:Peters.Steven@countyofdane.com)>; Kiefer, Timothy <[Kiefer.Timothy@countyofdane.com](mailto:Kiefer.Timothy@countyofdane.com)>  
**Cc:** Tom Willan <[tom@ironmanbuildings.com](mailto:tom@ironmanbuildings.com)>; Julia Willan <[julia@ironmanbuildings.com](mailto:julia@ironmanbuildings.com)>; Parisi, Joseph <[Parisi@countyofdane.com](mailto:Parisi@countyofdane.com)>  
**Subject:** regarding the record of petition 11788 public hearing

CAUTION: External Email - Beware of unknown links and attachments. Contact Helpdesk at 266-4440 if unsure

Dear Board members and Mr. Violante,

I have never heard back from Mr. Violante on two emails I sent, and the board members listed above, regarding my December 13, 2021, email request to this board, regarding an in-person hearing. Did the board receive the request? It would seem to me that if the board received it, somebody from the board should have sent a simple explanation of the denial or some sort of response. I have found out that somebody at Dane County has authorized that the email address [rogerlanerredirect@countyofdane.com](mailto:rogerlanerredirect@countyofdane.com) was created by the Dane County Information Management. So, this email address is simply documenting that Dane County Information Management is intercepting emails that you send to Roger Lane and/or Joe Parisi and redirecting them to myself, Risk Management and Corporation Counsel. Not sure how something like this could happen? I think interception of these emails is a violation of 18 US Code §2511 and clearly would be a violation of State law and public policy that a person can intercept emails without a warrant, or no probable cause conducted during a law enforcement investigation. I don't know what the deal is, but this board has a legal obligation to find out if someone is intercepting my communication with this board or how it is possible that Dane County information management can redirect emails from board members and the executive. This is Watergate type corruption.

On secondary note I have numerous sent specific documents and also the Town video links to the public hearings on petition 11788 at the town. I haven't seen the Town action report approving the petition filed yet even though Dane County has this report. I want everything entered into the record and all the ones I have sent to Mr. Violante are still not located on the public rezoning website <https://dane.legistar.com/LegislationDetail.aspx?ID=5255582&GUID=D16612A0-817D-4CBD-8188-D5669F30FEE8&Options=Advanced&Search> Could someone please update me on this?

On a third issue, I still have not been contacted by any staff person regarding the rezoning report being prepared for by zoning staff. I have to have everything of mine filed by January 18, 2022 and I have no report nor have I even been contacted by anyone nor do I see anything added to the public domain.

Julia and I are asking for a fair hearing. Do not prejudge what this rezoning is about based upon conversations you may have had with someone in the planning and zoning department nor Mr. Parisi. Corporation counsel has no power over this board and how it must conduct a rezoning hearing, state law dictates. Federal law mandates we get a fair hearing when vested property rights are at stake, and we cannot get a fair hearing if emails are being intercepted and nobody is responding to our inquiries. Dane County cannot interfere with our rights to present substantial evidence of why our zoning should be approved. This has not been the case since Roger Lane deliberately withheld our application because he was too lazy to hand write the parcel number on the form. Please respond to our requests. Let the public know you are receiving emails and that you are a fair board. Please somebody respond?

Thanks, Tom and Julia Willan