

Appeal Fee  
for Notice of Appeal

IRON MAN BUILDINGS LLC 4407 VILAS HOPE RD. COTTAGE GROVE, WI 53527		78-495 759	3477
		DATE	4-18-17
PAY TO THE ORDER OF	Dane County Zoning	\$	350.00
	three hundred fifty and 00/100		DOLLARS
STATE BANK OF CROSS PLAINS		Security Features Include Double or Back	
MEMO	In protest of Appeal	MP	
⑆075904953⑆ 2⑈170 515 1⑈03477			

RECEIVED

APR 18 2017

DANE COUNTY PLANNING & DEVELOPMENT

# Notice of Appeal

**From:** Tom Willan  
**Sent:** Tuesday, April 18, 2017 9:24 AM  
**To:** badams@madison.com; smesch@madison.com; kolar.mary@countyofdane.com; wegleitner.heidi@countyofdane.com; zweifel.nick@countyofdane.com; kilmer.richard@countyofdane.com; young.hayley@countyofdane.com; hendrick@countyofdane.com; veldran@countyofdane.com; bayrd@countyofdane.com; nelson.paul@countyofdane.com; levin.jeremy@countyofdane.com; matano@countyofdane.com; rusk@countyofdane.com; erickson.chuck@countyofdane.com; gillis.george@countyofdane.com; ferrell@countyofdane.com; pertl.jeff@countyofdane.com; ritt.michele@countyofdane.com; clausius@countyofdane.com; oloughlin@countyofdane.com; schauer.andrew@countyofdane.com; mccarville.maureen@countyofdane.com; stubbs@countyofdane.com; williams.danielle@countyofdane.com; carl@epic.com; salov@countyofdane.com; chenoweth.carl@countyofdane.com; miles@countyofdane.com; dye.jennifer@countyofdane.com; schmidt.robin@countyofdane.com; kiefer.timothy@countyofdane.com; corrigan@countyofdane.com; krause.dorothy@countyofdane.com; jones.nikole@countyofdane.com; ripp.david@countyofdane.com; downing@countyofdane.com; bollig.jerry@countyofdane.com; news@nbc15.com; willett.michael@countyofdane.com; Theresa Dvorak; townboard@towncg.net; Parisi, Joseph; lane.roger@countyofdane.com; Gault, David; dan@jardinelowoffice.com  
**Cc:** Julia Willan; Tom Willan  
**Subject:** RE: We hereby appeal to the board of adjustments DCZ denial of our Zoning Permit Application

## NOTICE OF APPEAL

Roger,

We also ask the Board to Stay all proceedings in this matter including the TRO issued Dane County because we have complied with the requirement of applying for and being denied a permit under 10.25(3)(c) (d) (e) So under DCO 10.26(3) (4) Stays can only be denied by the board of adjustments upon certification of.

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken shall certify to the board of adjustment after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order, which may be granted by the board of adjustment or by a court of record



on application on notice to the officer from whom the appeal is taken and on due cause shown.

**From:** Tom Willan

**Sent:** Tuesday, April 18, 2017 7:52 AM

**To:** badams@madison.com; smesch@madison.com; kolar.mary@countyofdane.com; wegleitner.heidi@countyofdane.com; zweifel.nick@countyofdane.com; kilmer.richard@countyofdane.com; young.hayley@countyofdane.com; hendrick@countyofdane.com; veldran@countyofdane.com; bayrd@countyofdane.com; nelson.paul@countyofdane.com; levin.jeremy@countyofdane.com; matano@countyofdane.com; rusk@countyofdane.com; erickson.chuck@countyofdane.com; gillis.george@countyofdane.com; ferrell@countyofdane.com; pertl.jeff@countyofdane.com; ritt.michele@countyofdane.com; clausius@countyofdane.com; oloughlin@countyofdane.com; schauer.andrew@countyofdane.com; mccarville.maureen@countyofdane.com; stubbs@countyofdane.com; williams.danielle@countyofdane.com; carl@epic.com; salov@countyofdane.com; chenoweth.carl@countyofdane.com; miles@countyofdane.com; dye.jennifer@countyofdane.com; schmidt.robin@countyofdane.com; kiefer.timothy@countyofdane.com; corrigan@countyofdane.com; krause.dorothy@countyofdane.com; jones.nikole@countyofdane.com; ripp.david@countyofdane.com; downing@countyofdane.com; bollig.jerry@countyofdane.com; news@nbc15.com; willett.michael@countyofdane.com; Theresa Dvorak <terry@thedvoraks.com>; townboard@towncg.net; Parisi, Joseph <Parisi@countyofdane.com>; lane.roger@countyofdane.com; Gault, David <Gault@countyofdane.com>; dan@jardinelawoffice.com  
**Cc:** Julia Willan <julia@ironmanbuildings.com>; Tom Willan <tom@ironmanbuildings.com>  
**Subject:** We hereby appeal to the board of adjustments DCZ denial of our Zoning Permit Application

Dear Board of adjustments, Julia and Thomas Willan, 4407 Vilas Hope Rd, Cottage Grove WI, 53527 bring this appeal pursuant to DCO 10.26(3) in regards to Roger Lane Zoning administrator and Assistant Zoning administrator Hans Hilberg failure to perform their duties under 10.25(1) (b) issuing the willans a zoning permit that was legally filed, that conforms to all existing Dane County ordinances filed at 6:37 AM on April 14, 2017, that was illegally denied only after 4 emails from us, to provide us with some formal information for us to proceed.(see exhibit A) That the real reason the Willan's Zoning permit was denied is because Roger Lane along with certain unnamed at this time, members in Dane County Government and DCZ have been on a year long crusade to impede, cause harm to, block, deny equal protection under the law, harass, intimidate, terrorize, the willans because they have exercised their constitutional property rights by improving their property even though the Willans have not harmed one neighbor, no complaints, have not breached the public safety, welfare or peace of any community. The DCO regarding appeals does not specify the exact format so we figured we would send this email to the entire board and the Board can sort out the rest! I will send some separate exhibits since they cannot all be emailed at the same time! Let us know if you need anything else in form? We can be reached at Tom 608-438-3103 or Julia 608-438-3102 If somebody does not want to be included please let us know? Thanks, Julia and Tom

#### BACKGROUND FACTS

Tom and Julia Willan(Willans) purchased their property in 2011 and live in a single-family residence located on a 2.1 acre property located in the Town of Cottage Grove, that DCZ classify as AG-2. DCO 10.126 A-2 AGRICULTURE DISTRICT. (1) Statement of purpose. The purpose of the A-2 Agriculture District is to provide for low density land uses compatible with agricultural and other rural uses and to accommodate agricultural uses on parcels of less than 35 acres. (2) Permitted uses. (a) Agricultural uses. (b) Single family detached residences.

The Willan's single family detached 2-bedroom residence was built in 1973. Also, located on the property, are numerous storage sheds and a large detached 75-year-old 2 story barn with separate external entrances getting to from the first floor to the second floor. The Willans house has a 3-car attached garage located on the north end of the house with 4 external entrances into the residence. The Willans decided in February 2017 since they have a large blood family who come to visit from out of town, we have a 30+ year old single son who from time to time stays over and that they wanted to move part of their in-home office out of the grunge of a basement office, to put a second story addition over the top of the existing 3-car attached garage which has a great view of our property. I believe we have a constitution



right to enjoy our property, just like anyone of you? So in late February Willans went on the town of Cottage Grove website and looked at what they would need to do to proceed.

This is what the towns website shows,

#### WHEN DO I NEED A BUILDING PERMIT

- New Construction on Homes, Duplexes, 4-Units
- Any alterations to an existing structure...   ▪ Additions
- Decks OR Screen Porch
- Garages
- Re-Siding
- Re-Roofing
- Changing/Adding Electrical
- Changing/Adding Heating
- Changing/Adding Plumbing
- Changing/Adding Major Appliances (furnace, air conditioning, water softeners)
- Remodeling or Finishing Basements
- Pools
- Garages or Sheds
- Demolishing any building
- Any Construction to Commercial Property

When in doubt, please call the building inspector's office at 608-837-3371. Willan had some doubt and so he contacted Tom Viken. Willan explained to Mr. Viken what the Willan's plans were and he said that since I'm not changing the existing single family residence footprint, we would not need a zoning permit from DCZ. Based upon this information, Willan designed the addition per the same plans submitted to DCZ and submitted them to Mr. Viken for approval. On March 6, 2017, the Willans were issued a building permit by the Town of Cottage Grove. On March 14, 2017, the Willans started construction on the Town of Cottage Grove approved addition. On March 24, 2017, DCZ administrator Roger Lane stopped by the residence and told the Willans they needed a zoning permit. Willan respectfully told Mr. Lane that this was nothing more than a witch hunt to continue to mess with the Willans, that Mr. Viken told us we did not need a zoning permit, that we had a building permit, and to get off of our property. Willan than immediately scanned a copy of the building permit, typed an email regarding the Willans position on the matter and sent it to Roger Lane.(see attached email attachments). March 24, 2017 was the last contact Willan ever had with DCZ until the Willans were notified by their attorney Dan Jardine at 9:06 AM on April 13, 2017 about the lawsuit DCZ had filed to stop the Willans from continuing the construction of the addition. On April 13, 2017, at 2:30 PM, a hearing was held on DCZ motion for a TRO and based upon that hearing the Court issued the TRO with an understanding the Willans would get a zoning permit in an express lane 30 minutes to get it done. The Willans emailed the plans and application to DCZ administrator Hans Hilbert and requested that they let the willans know when they can come pick up the permit so they could continue with their addition. DCZ has now denied the permit applications based upon an erroneous assumption that the willans are building a duplex based upon DCZ interpreting 10.01

(21) Dwelling. (a) Single family dwelling. A building designed for and occupied exclusively as a residence for one (1) family.

(b) Multiple family dwelling. A building designed or intended to be used by more than two (2) families living independently of each other.

(c) Duplex family dwelling. A building designed to be occupied by two families living independently of each other.

The use of the Willans single family dwelling is still designed for their personal use and will be exclusively occupied by the Willan family. Nothing has changed from before the addition or any plans to change after the addition was started,



because only the Willan family will be exclusively occupying the residence. How the Willans get in and out of their single-family dwelling cannot be expressly controlled by DCZ based upon these two principles, there is nothing in DCO currently that expressly regulates how a person gets in and out of their single-family dwelling, and secondly since what the Willans are doing poses no public health or safety issue, DCZ cannot now make up a new ordinance without board approval and enforce it only against the Willans. In this case DCZ is essentially doing just that, by jumping the gun on an unsubstantiated enforcement action that the Willans are using their property as a duplex in violation of DCZ ordinance by changing the use, even though they were told by the Willans it was still remaining a single-family dwelling exclusively occupied by the Willan Family. The Willans are not changing their use of the single-family dwelling, and to deny a permit based upon a definition that does not pertain to the willans planned usage is unconstitutional and a usurpation of power that DCZ does possess. The building permit issued by the Town of Cottage Grove clearly shows that the building permit has the following trades of, Construction, HVAC, Electrical and Plumbing checked on the permit. DCZ has had a copy of the permit since March 24, 2017 so to claim that the Willans misrepresented to the court what the Willans were doing is clearly a false claim. All DCZ had to do was contact Mr. Viken to get copies of the plans and to discuss why Mr. Viken told the Willans why they didn't need a zoning permit. We all heard both Mr. Gault, and DCZ administrator Hans Hilbert tell all of us, based upon their knowledge of their site visit and what the file showed, the Willans could get a permit in 30 minutes or less." Their words your honor, not mine!

Here is the bottom line the Willans have a single-family dwelling that is going to be exclusively occupied by the Willan family. We are legally entitled to a zoning permit to be issued by current DCO 10.01 (21) Dwelling. (a) Single family dwelling. A building designed for and occupied exclusively as a residence for one (1) family.

It is under this framework that we review whether the Willans are entitled to a zoning permit; 10.126 A-2 AGRICULTURE DISTRICT. (1) Statement of purpose. The purpose of the A-2 Agriculture District is to provide for low density land uses compatible with agricultural and other rural uses and to accommodate agricultural uses on parcels of less than 35 acres. (2) Permitted uses. (a) Agricultural uses. (b) Single family detached residences. DCO 10.01 (79) Use, permitted. A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of such district in which such use is located. Under Ag-2 the Willans property dwelling use conforms with all requirements of DCO, and they have a legal right to own, enjoy, and exclusively occupy their single-family dwelling on their Ag-2 zoned lot. DCO 10.01 (80) Use, principal. A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use. The Willans principal use of their single-family dwelling is to be occupied exclusively by the willan family. The Willans looked up DCO 10.04 regarding Restrictions upon lands, buildings and structures, and found that there are no express restriction prohibiting the Willans from use of an external door, as a means to enjoy life in their new addition to their single family legal detached residences. DCZ reason for denial is based upon an erroneous interpretation of their own ordinance and by making an unsubstantiated assumption that doesn't exist as a matter of law, or by any fact in this case.

In the courts findings for issuing the TRO and in layman's terms the ordinance requires, Willans to get a permit because under DCO 10.25(2) they were structurally altering and adding onto their primary residence. Under 10.25(3)(c) they filed a development plan pursuant to 10.01(19n), they also completed the requirements of DCO 10.25(3)(d)(e). The DCZ administrator is required under DCO 10.25(3)(c) to determine compliance with the provisions of county ordinances. The next step in the ordinance is clearly not specific with what happens if the DCZ administrator believes the application does not comply with a specific ordinance, it can reasonably assumed the intent of the ordinance would be for the DCZ administrator to specifically state what ordinance it was not in compliance with and why. In this case it took 4 emails demanding a formal explanantion before one showed up, just after I sent our first email to the Dane County Board members yesterday. A definition is not a compliance issue since we are talking specifically about property use not that what DCZ interpretation of the willans design is


Your denial is wrong because we have not designed it as a duplex, we have designed it for our personal use as a single family residence. It is under this framework that we review whether the Willans are entitled to a zoning permit; 10.126 A-2 AGRICULTURE DISTRICT. (1) Statement of purpose. The purpose of the A-2 Agriculture District is to provide for low density land uses compatible with agricultural and other rural uses and to accommodate agricultural uses on parcels of less than 35 acres. (2) Permitted uses. (a) Agricultural uses. (b) Single family detached residences. DCO 10.01 (79) Use, permitted. **A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and**



**regulations of such district in which such use is located.** Under Ag-2 the Willans property dwelling use conforms with all requirements of DCO, and they have a legal right to own, enjoy, and exclusively occupy their single-family dwelling on their Ag-2 zoned lot with as many bathrooms and doorways as they want. DCO 10.01 (80) Use, principal. **A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use.** The Willans principal use of their single-family dwelling is to be occupied exclusively by the willan family. The Willans looked up DCO 10.04 regarding Restrictions upon lands, buildings and structures, and found that there are no express restriction prohibiting the Willans from use of an external door, as a means to enjoy life in their new addition to their single family legal detached residences. DCZ reason for denial is based upon an erroneous interpretation of their own ordinance and by making an unsubstantiated assumption that doesn't exist as a matter of law, or by any fact in this case. In the courts findings for issuing the TRO and in layman's terms the ordinance requires, Willans to get a permit because under DCO 10.25(2) they were structurally altering and adding onto their primary residence. Under 10.25(3)(c) they filed a development plan pursuant to 10.01(19n), they also completed the requirements of DCO 10.25(3)(d)(e). The DCZ administrator is required under DCO 10.25(3)(c) to determine compliance with the provisions of county ordinances. A definition is not a compliance issue since we are talking specifically about property use, not what DCZ interpretation of the willans design is. DCO 10.04 does not place any restrictions on doors or bathrooms or any other interior design issues. You are being unrealistic and, once again, it is obvious this is personal and we will see what the writ of mandamus hearing reveals? Hopefully our house wont burn down due to not being able to fix the exposed wiring we have been refrained from fixing!

So for the reasons stated in the above appeal, we hereby ask the Board to review our case expeditiously so we can get the existing electrical wires hanging out of the back side of the house, we have rented equipment that cannot be used, we have 5k worth of windows that just arrived yesterday waiting on installation, and for us to be able to continue our enjoyment of our property. Respectfully submitted April 18<sup>th</sup> 2017

  
Thomas Willan

  
Julia Willan



# DANE COUNTY PLANNING DEVELOPMENT

Room 116, City-County Building, Madison, Wisconsin 53703  
Fax (608) 267-1540

April 17, 2017

Thomas Willan  
4407 Vilas Hope Road  
Cottage Grove, WI 53527

*Planning*  
(608)266-4251, Rm. 116

*Records & Support*  
(608)266-4251, Rm. 116

*Zoning*  
(608)266-4266, Rm. 116

RE: Review of zoning permit application for a second story addition above garage

SITE: 4407 Vilas Hope Road, Section 7, Town of Cottage Grove

Dear Mr. Willan,

The Dane County Zoning Division is in receipt of an application to construct a second story addition above your garage which is located at 4407 Vilas Hope Road in the Town of Cottage Grove. The plans submitted show a second story space that has a separate entrance which is not associated with the existing single-family residence. The space clearly identifies a bathroom, a kitchen, living space, and area which could be used as a bedroom. Dane County Zoning Division considers this design as an individual dwelling, which is separate from the existing dwelling, making the overall structure a duplex family dwelling.

Under Dane County Code of Ordinances Section 10.1(21)(c), a *duplex family dwelling* is defined as a building designed to be occupied by two families living independently of each other. The design of the second story addition creates a space of which a person or persons can live independently from the persons living in the existing residence.

The property located at 4407 Vilas Hope Road is located in the A-2 Agriculture Zoning District. Under Dane County Zoning Ordinance Section 10.126(2)(a), the A-2 Agriculture Zoning District, single family detached residences are the only type of dwelling listed as a permitted use. A duplex family dwelling is not listed as a permitted use or as a condition use in the A-2 Agriculture Zoning District. Under Dane County Code of Ordinances Section 10.16(1)(a), any use not listed as a permitted use in a district is prohibited in that district.

Given that the current zoning of the property is in the A-2 Agriculture Zoning District, which only permits single family dwellings, and the proposed construction is designed to be a separate dwelling unit, the application for the second story addition is hereby DENIED.

Please note that an addition of this scale will need to be reviewed and approved by the Madison/Dane County Health Department to ensure that the on-site septic system is adequately sized to accommodate the loading.

If you feel aggrieved by this decision, the ruling may be appealed through an administrative appeal process pursuant to Dane County Code of Ordinances Section 10.26.

If you have any questions or concerns regarding the rezoning of your property, please feel free to contact me directly at 266-9078.

Respectfully,

A handwritten signature in black ink, appearing to read "Roger W. Lane III". The signature is written in a cursive style with a large initial 'R'.

Roger Lane  
Dane County Zoning Administrator

Cc: Town of Cottage Grove Clerk  
Town Building Inspector Tom Viken



Dane County,  
PLAINTIFF,

CASE NO. 16CX14

FILED

vs,

APR 14 2017

THOMAS M. WILLAN AND  
JULIA A WILLAN  
4407 Vilas Hope Rd  
Cottage Grove WI 53527

DANE COUNTY CIRCUIT COURT

DEFENDANT.

## MOTION FOR MANDAMUS s. 783.01

COMES NOW, Defendant Pro se, Thomas M Willan, alleges and states as follows

1. Defendant Pro se, Thomas M Willan, is a resident of State of Wisconsin, are the owners of and have a clear legal right to enjoy and finish their addition at 4407 Vilas Hope Road, Cottage Grove Wisconsin.
2. Defendant Pro se, Thomas M Willan per the Courts instructions and order filed, for a Zoning permit that was denied by DCZ without cause and under the guise of an ambiguous reason not in the ordinance in direct violation by DCZ administrator for not performing its duties under 10.25(1) (b) to issue a zoning permit.
3. Defendant Pro se, Thomas M Willan are suffering undue and irreparable harm along with substantial expenses already at risk and the house has live electrical wires hanging outside the house and the willans are under court order to not work on the property until a zoning permit is obtained and the actions of DCZ administrator for not performing its duties under 10.25(1) (b) to issue a zoning permit is putting the Willans at substantial expenses.
4. That the Willans have no remedy of law to enjoy and continue to work on their property unless the court compels DCZ to perform its unambiguous duties under 10.25(1) (b) to issue a zoning permit based upon the legally sufficient application filed.

WHEREFORE, defendant Pro se, prays to the court for relief from judgment Under wis. Stat 783.01 as follows

1. Compel Dane County Zoning administrators to perform their unambiguous duties to issue the willans a zoning permit so the Willan can finish what they started.
2. For Attorney and costs allowed by law; and
3. For such further and additional relief as the Court shall find just and appropriate

Respectfully Submitted,



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Thomas M Willan, Pro Se

4407 Vilas Hope Rd  
1 Cottage Grove WI 53527  
[tom@ironmanbuildings.com](mailto:tom@ironmanbuildings.com)  
608-438-3103

# ZONING PERMIT APPLICATION [www.countyofdane.com](http://www.countyofdane.com)

(SUPPLEMENT TO MAP APP)

## PROPERTY OWNER INFORMATION

OWNER NAME: Thomas M W. Han  
 OWNER ADDRESS (Number, Street, City, State, Zip): 4407 Vilas Hope Rd  
 HOME PHONE: 608-438-3103 CELL PHONE: same E-MAIL ADDRESS: Tom@Remnant.com

## AGENT INFORMATION

AGENT NAME: Tom W. Han CONTRACTOR NAME: same AS Above  
 AGENT ADDRESS: same AS Above CONTRACTOR ADDRESS: \_\_\_\_\_  
 (City, State, Zip) (City, State, Zip)  
Cottage Grove  
 PHONE: 608-438-3103 PHONE: 608-438-3103  
 E-MAIL ADDRESS: \_\_\_\_\_ E-MAIL ADDRESS: \_\_\_\_\_

## PROPERTY LOCATION INFORMATION (http://access.dane.gov/show.html)

PARENT PARCEL NUMBER: \_\_\_\_\_ PARCEL NUMBER: \_\_\_\_\_ CURRENT ZONING: AG-2 ACREAGE: 2.1  
 TOWNSHIP: Cottage Grove SECTION: B 1/4: \_\_\_\_\_ 1/4: \_\_\_\_\_  
 ADDRESS: 4407 Vilas Hope Rd  
 CSM: 9338 LOT: 2 SUBDIVISION: \_\_\_\_\_ BLOCK/LOT: \_\_\_\_\_

## PROPOSED PROJECT INFORMATION

PROJECT DESCRIPTION:  
 This project is a new building or structure.  
 This project is an addition/alteration to an existing building or structure.  
 SANITARY SERVICE:  BEWER  SEPTIC PERMIT NUMBER: \_\_\_\_\_  
 HEIGHT IN FEET: 24' NUMBER OF STORIES: (Not including basement) 2  
 AREA TO NEAREST SQUARE FOOT: (Outside dimensions including unfinished area, attached garages and above grade decks or porches)  
 BASEMENT: \_\_\_\_\_ 1ST FLOOR: \_\_\_\_\_ TOTAL SQUARE FOOTAGE: 980 sq ft  
 2ND FLOOR: 980 sq ft 3RD FLOOR: \_\_\_\_\_  
 ESTIMATED CONSTRUCTION COST: (Please round to nearest dollar) → → → → → \$15,000.00

## CUSTOMER TO PROVIDE

- Zoning Status; CUP; Dead Restriction; CSM Variance (# \_\_\_\_\_)
- Site Plan drawn to scale and includes dimensions
- Site Plan including location of well/septic
- Setbacks
- Site Plan approval from applicable township.
- Floor plans to scale
- Elevation of property frontage drawn to scale.
- Driveway permits (state, county, town)
- Sanitary permits (public, private)

## STAFF REVIEW

- Zoning District
- Permitted Use?
- Rural Address (new/existing)
- Wetland/Floodplain/Shoreland (attachment)
- Erosion Control permit (slopes, disturbance, filling/access)
- Review Location Survey and available options

1. The property is within 300 feet of a stream or 1000 feet from a pond or lake? .....
2. Is there a wetland or floodplain on or near the property? .....
3. Have you talked with the township about your project and are they in agreement? ....
4. Has there been a zoning permit issued for this property in the past 5 years? .....
5. Is this project associated with a rezone/CUP/Variance (petition/appeal # \_\_\_\_\_)
6. Is a location survey required? (see reverse) .....
7. Is this to correct a violation? .....

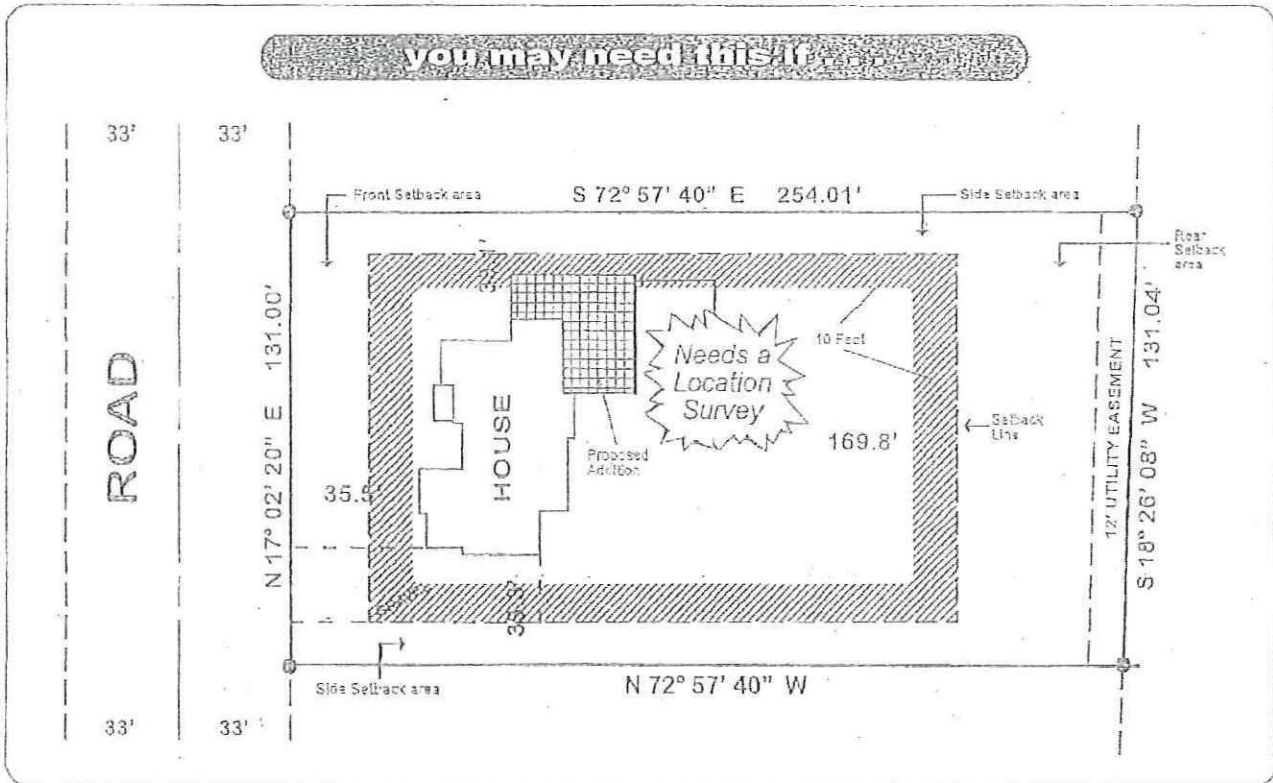
- Yes  No  Don't know
- Yes  No  Don't know
- Yes  No
- Yes  No
- (leave blank if none)
- Yes  No  Don't know
- Yes  No

APPLICATION MUST BE SIGNED (Continue on Back) → → →



**A location survey, by a licensed surveyor, is required if your construction is within 10 feet of a setback line.**

- You will need to hire a surveyor to prepare a location survey to verify the construction location.
- The survey shall be done at the time when foundations or basement walls are completed.
- A location survey shall be submitted to the zoning office before continuing work on the project.
- Note: A location survey may add significant cost to your project. Please contact a Wisconsin Licensed Land Surveyor.

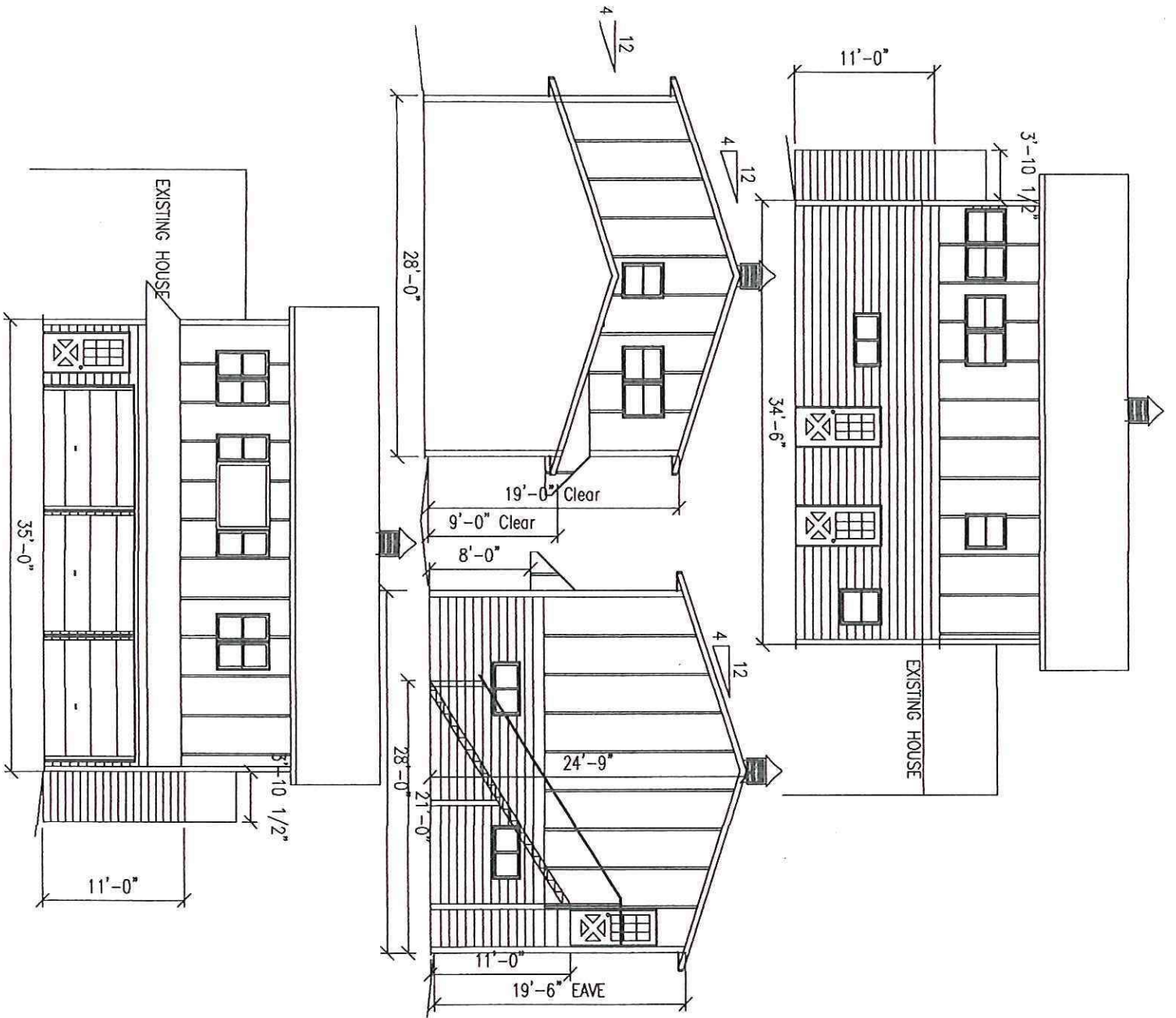


1. I, the undersigned, hereby make application for a zoning permit only for the location and the work described herein and certify to the accuracy of that information. I further certify I am the property owner, or a duly authorized representative, and may sign this permit application on behalf of the owner(s) of said property, and I have read and understand all of the conditions of this permit and will construct the project in compliance with those conditions. I understand that failure to provide accurate information or to comply with any provisions of the permit renders it null and void and may result in an enforcement action.

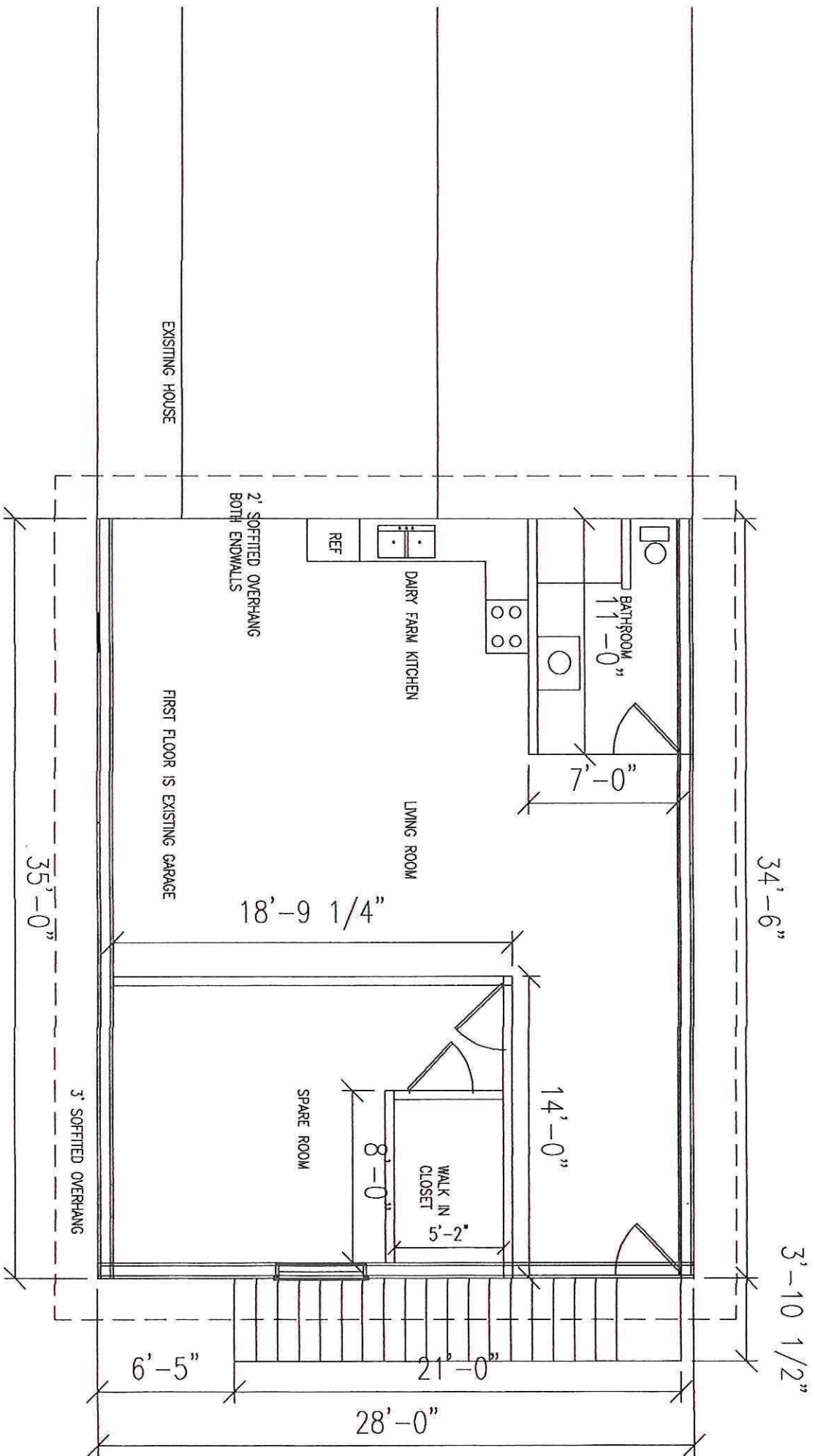
2. I, the undersigned, hereby consent to the entry on the permitted premises by zoning inspectors of the Dane County Department of Planning & Development to determine compliance with the county's zoning ordinances. This consent is valid for the period commencing with issuance of this zoning permit and terminating with issuance of a certificate of compliance or until earlier revoked in writing by the owner of the property.

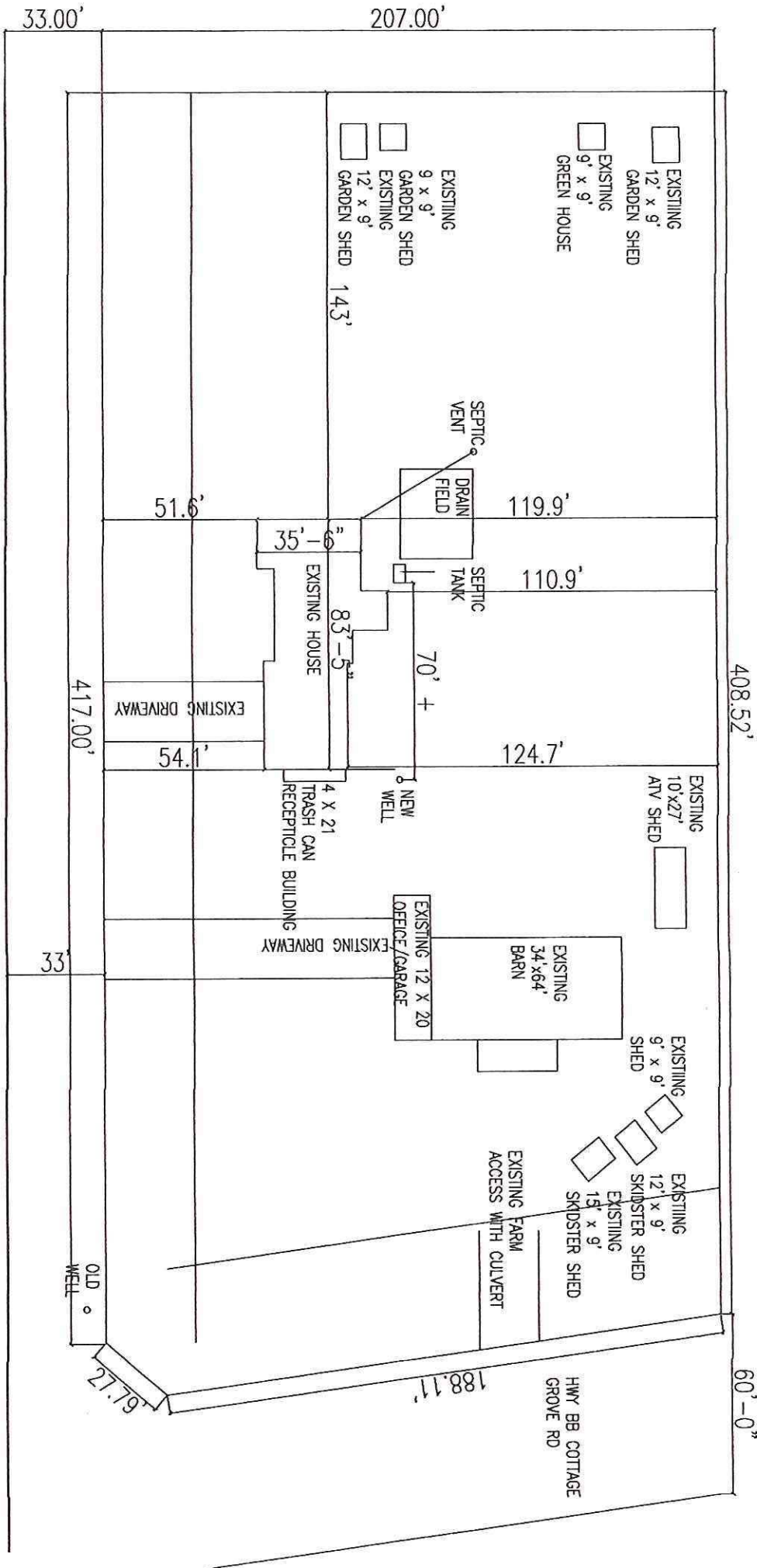
*Limited To Written Permission  
There is no Need To Inspect because nothing is changing AS FOR ASSETBACK*

PRINT: Owner/Agent <b>Thomas M. W. Han</b>	DATE: <b>4-13-17</b>
SIGNATURE: Owner/Agent <i>[Signature]</i>	











## Tom Willan

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**From:** Gault, David <Gault@countyofdane.com>  
**Sent:** Friday, April 14, 2017 9:06 AM  
**To:** dan@jardinelawoffice.com  
**Cc:** Tom Willan; Hilbert, Hans  
**Subject:** FW: PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

Dan:

See the e-mail chain below. The plans submitted are directly contrary to what was represented to the court, including that there was no bathroom or plumbing. The county is not going to issue a zoning permit based upon the submission. Mr. Hilbert has explained the rationale and I am advising him not to engage in back and forth e-mails with Mr. Willan. Mr. Willan can resubmit with something that conforms to that zoning district and he can appeal to the Board of Adjustment. Obviously he also has the option of going back before Judge Neiss if he wants.

Mr. Willan states in his e-mail that "we are moving forward." The injunction stands unless dissolved by Judge Neiss so if this is the course he chooses we will be filing a Motion for Contempt of Court.

**From:** Hilbert, Hans  
**Sent:** Friday, April 14, 2017 8:52 AM  
**To:** Gault, David  
**Subject:** FW: PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

How would you recommend proceeding?

**From:** Tom Willan [<mailto:tom@ironmanbuildings.com>]  
**Sent:** Friday, April 14, 2017 8:51 AM  
**To:** Hilbert, Hans  
**Subject:** RE: PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

Hans,

So you are denying the application as submitted? It doesn't matter what anything appears, what matter is the facts, and how I get to and from one part of my property is not a violation of any zoning ordinance or an issue of the county, and expanding my living space for my own personal use is not the county's concern either. I need you to state on what legal ordinance you are denying my permit? I'm telling you it is not a duplex and you have no proof it is a duplex. I am telling you it is a single family home that I own and plan on building it my way, not way. The town already approved the plans and we are moving forward. Please answer me back asap so I can file an emergency appeal with the court. Thanks, Tom

**From:** Hilbert, Hans [<mailto:hilbert.hans@countyofdane.com>]  
**Sent:** Friday, April 14, 2017 8:42 AM  
**To:** Tom Willan <[tom@ironmanbuildings.com](mailto:tom@ironmanbuildings.com)>  
**Subject:** RE: PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

Tom,

Since the sole access to the addition is external and not common to the existing portion of the single family resident, and because this space has a bathroom, kitchen, and what appears to be a bedroom this has the appearance of resulting in a

duplex use. A duplex is defined as a building designed to be occupied by two families living independently of each other. I'm not saying that you intend to use this as a duplex, but the fact that the design would allow for it is my concern.

This concern can be resolved by constructing a common space (hallway, stairway) that connects the addition to the internal portion of the existing house, or by submitting a revised plan that removes the bathroom and kitchen from the plan and not constructing them. If these options do not work for you, then you will need to rezone your property to a district that allows for duplex uses such as the R-3A Residential district.

Please let me know how I can assist you in moving forward.

Hans

**From:** Tom Willan [<mailto:tom@ironmanbuildings.com>]  
**Sent:** Friday, April 14, 2017 8:31 AM  
**To:** Hilbert, Hans  
**Subject:** RE: PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

It will be used for our personal use, and the door is the only access at this time. The egress is the windows for escaping if the need arise.

**From:** Hilbert, Hans [<mailto:hilbert.hans@countyofdane.com>]  
**Sent:** Friday, April 14, 2017 8:28 AM  
**To:** Tom Willan <[tom@ironmanbuildings.com](mailto:tom@ironmanbuildings.com)>  
**Subject:** RE: PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

Tom,

I've received you application and need some additional information so I can assist you in obtain a zoning permit.

Please provide a project description that describes how the addition will be used. Is the only entrance to this space the external door to the north, or is there a internal connection common to the residence?

Thanks,

Hans

**From:** Tom Willan [<mailto:tom@ironmanbuildings.com>]  
**Sent:** Friday, April 14, 2017 6:36 AM  
**To:** Hilbert, Hans; Gault, David; Lane, Roger; Violante, Todd  
**Cc:** [vikentl@aol.com](mailto:vikentl@aol.com); Julia Willan; Tom Willan; Dan Jardine  
**Subject:** PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

Dear Hans,

Please find attached my zoning permit application and drawings. The Town of Cottage Grove is not opposed to what we are doing since they issued us a building permit. The attached drawings are not to scale but I don't believe that is a legal reason to deny a permit and the town accepted them. All pertinent dimensions are on the plans and if you need to know a certain dimension that is not there, I will get it for you. I will give you until 8:30 AM to respond that everything is good to go and you will be issuing a permit when we bring the original application and payment in around 9:00 am. If you are



denying my permit you need to let me know so I can file a motion back to the court that you are denying my application and we will raise our legal issues with the court. You told the Judge yesterday this was a 30 minute process, and based upon your knowledge of the project there should not be a problem. I would suggest you keep your word. I see no need for any inspection since there is no new foundation to be checked. I want to know every time you are coming to my property going forward. Let me know if you need anything else to proceed with this. I have rented equipment and other pressing issues of getting our project moving again so if the County doesn't want to be liable for my expenses they need to issue my permit.

Thanks, Tom

## Tom Willan

---

**From:** Tom Willan  
**Sent:** Monday, April 17, 2017 7:57 AM  
**To:** Gault, David; dan@jardinelawoffice.com; lane.roger@countyofdane.com  
**Cc:** Hilbert, Hans; Julia Willan; Tom Willan  
**Subject:** RE: PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

Dear Mr. Lane, Mr. Hilbert, and Mr. Gault,

I have to tell you, DCZ is being unreasonable in their actions with Julia and I. You tell us to get a permit, we legally apply for one and you deny it based upon an ambiguous definition that has nothing to do with our personal usage. You guys have the power of your department all wrong. You have the power to decide usage of property and buildings, not absolute power to a person's personal design of their single family home. There is no violation here, since the Willan Family are the only ones living in the single family residence. Where in your ordinance does it expressly say I cannot have an outside door going into my addition and where does it say I have to have inside access to be considered a single family dwelling under current DCO? Where does it expressly tell me where in the house I can have a bathroom? Where does it point out these usurped powers you claim? How many houses in Dane County are there with only exterior access to basements? Plenty, as I have been in them? Are you enforcing duplex rules with them? Your arguments are unpersuasive and to us, the Willans, it is another terrorist attack by DCZ not because they are concerned about public safety, they are just being rotten to the core.

I know you were on vacation last week however, I have a clear legal right to be granted a zoning permit based upon my legal application submitted. The use of the Willans single family dwelling is still designed for their own personal use and will be exclusively occupied by the Willan family. Nothing has changed from before the addition or any plans to change after the addition was started, because only the Willan family will be exclusively occupying the residence. How the Willans get in and out of their single-family dwelling cannot be expressly controlled by DCZ based upon these two principles, there is nothing in DCO currently that expressly regulates how a person gets in and out of their single-family dwelling, and secondly since what the Willans are doing poses no public health or safety issue, DCZ cannot now make up a new ordinance without board approval and enforce it only against the Willans. In this case DCZ is essentially doing just that, by jumping the gun on an unsubstantiated enforcement action that the Willans are using their property as a duplex in violation of DCZ ordinance by changing the use, even though they were told by the Willans it was still remaining a single-family dwelling exclusively occupied by the Willan Family. The Willans are not changing their use of the single-family dwelling, and to deny a permit based upon a definition that does not pertain to the willans planned usage is unconstitutional and a usurpation of power that DCZ does possess. The building permit issued by the Town of Cottage Grove clearly shows that the building permit has the following trades of, Construction, HVAC, Electrical and Plumbing checked on the permit. DCZ has had a copy of the permit since March 17, 2017 so to claim that the Willans misrepresented to the court what the Willans were doing is clearly a false claim. All DCZ had to do was contact Mr. Viken to get copies of the plans and to discuss why Mr. Viken told the Willans why they didn't need a zoning permit. We all heard both Mr. Gault, and DCZ administrator Hans Hilbert tell all of us, based upon their knowledge of their site visit and what the file showed, the Willans could get a permit in 30 minutes or less." Their words your honor, not mine! Here is the bottom line the Willans have a single-family dwelling that is going to be exclusively occupied by the Willan family. We are legally entitled to a zoning permit to be issued by current DCO 10.01 (21) Dwelling. (a) Single family dwelling. A building designed for and occupied exclusively as a residence for one (1) family. The key words in your ordinance is, A building designed for and by the willans for the personal enjoyment, and Occupied exclusively as the willan family residence. Our position is your ordinance doesn't say a building designed to Dane County Zoning concerns and beliefs, it doesn't attach. 10.04 does not say that exterior doors are a restriction to getting a zoning permit. Read your own messed up ordinance. Let me know if you are reconsidering your position? Thanks, Tom



**From:** Gault, David [mailto:Gault@countyofdane.com]  
**Sent:** Friday, April 14, 2017 9:13 AM  
**To:** Tom Willan <tom@ironmanbuildings.com>; dan@jardinelawoffice.com  
**Cc:** Hilbert, Hans <hilbert.hans@countyofdane.com>  
**Subject:** RE: PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

Great!

**From:** Tom Willan [mailto:tom@ironmanbuildings.com]  
**Sent:** Friday, April 14, 2017 9:11 AM  
**To:** Gault, David; dan@jardinelawoffice.com  
**Cc:** Hilbert, Hans  
**Subject:** RE: PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

I never represented anything regarding the structure, I submitted the same plans to the Town that you have and they have no concerns. So let's get that straight. I will be filing a motion with the court by noon, along with a notice of appeal with a motion to stay the TRO until such time as we get to see what the courts say about your denial based upon conjecture and speculation!

Thanks, tom

**From:** Gault, David [mailto:Gault@countyofdane.com]  
**Sent:** Friday, April 14, 2017 9:06 AM  
**To:** dan@jardinelawoffice.com  
**Cc:** Tom Willan <tom@ironmanbuildings.com>; Hilbert, Hans <hilbert.hans@countyofdane.com>  
**Subject:** FW: PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

Dan:

See the e-mail chain below. The plans submitted are directly contrary to what was represented to the court, including that there was no bathroom or plumbing. The county is not going to issue a zoning permit based upon the submission. Mr. Hilbert has explained the rationale and I am advising him not to engage in back and forth e-mails with Mr. Willan. Mr. Willan can resubmit with something that conforms to that zoning district and he can appeal to the Board of Adjustment. Obviously he also has the option of going back before Judge Neiss if he wants.

Mr. Willan states in his e-mail that "we are moving forward." The injunction stands unless dissolved by Judge Neiss so if this is the course he chooses we will be filing a Motion for Contempt of Court.

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**To:** Gault, David  
**Subject:** FW: PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

How would you recommend proceeding?

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

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This concern can be resolved by constructing a common space (hallway, stairway) that connects the addition to the internal portion of the existing house, or by submitting a revised plan that removes the bathroom and kitchen from the plan and not constructing them. If these options do not work for you, then you will need to rezone your property to a district that allows for duplex uses such as the R-3A Residential district.

Please let me know how I can assist you in moving forward.

Hans

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**To:** Hilbert, Hans

**Subject:** RE: PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

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Tom,

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Please provide a project description that describes how the addition will be used. Is the only entrance to this space the external door to the north, or is there an internal connection common to the residence?

Thanks,



Hans

**From:** Tom Willan [mailto:tom@ironmanbuildings.com]

**Sent:** Friday, April 14, 2017 6:36 AM

**To:** Hilbert, Hans; Gault, David; Lane, Roger; Violante, Todd

**Cc:** vikentl@aol.com; Julia Willan; Tom Willan; Dan Jardine

**Subject:** PLEASE FIND ATTACHED MY APPLICATION FOR A ZONING PERMIT AND DRAWINGS OF MY ADDITION

Dear Hans,

Please find attached my zoning permit application and drawings. The Town of Cottage Grove is not opposed to what we are doing since they issued us a building permit. The attached drawings are not to scale but I don't believe that is a legal reason to deny a permit and the town accepted them. All pertinent dimensions are on the plans and if you need to know a certain dimension that is not there, I will get it for you. I will give you until 8:30 AM to respond that everything is good to go and you will be issuing a permit when we bring the original application and payment in around 9:00 am. If you are denying my permit you need to let me know so I can file a motion back to the court that you are denying my application and we will raise our legal issues with the court. You told the Judge yesterday this was a 30 minute process, and based upon your knowledge of the project there should not be a problem. I would suggest you keep your word. I see no need for any inspection since there is no new foundation to be checked. I want to know every time you are coming to my property going forward. Let me know if you need anything else to proceed with this. I have rented equipment and other pressing issues of getting our project moving again so if the County doesn't want to be liable for my expenses they need to issue my permit.

Thanks, Tom

## Tom Willan

---

**From:** Tom Willan  
**Sent:** Friday, March 24, 2017 3:12 PM  
**To:** lane.roger@countyofdane.com; 'vikentl@aol.com'  
**Cc:** Julia Willan; Tom Willan; 'Parisi, Joseph'; 'Dan Jardine'; Violante, Todd  
**Subject:** Scanned Building Permit for Garage  
**Attachments:** Garage Building Permit 1.pdf; Garage Building Permit 2.pdf; Garage Building Permit Receipt.pdf

**Importance:** High

Tracking:	Recipient	Delivery	Read
	lane.roger@countyofdane.com		
	'vikentl@aol.com'		
	Julia Willan	Delivered: 3/24/2017 3:13 PM	Read: 3/24/2017 3:31 PM
	Tom Willan	Delivered: 3/24/2017 3:13 PM	Read: 3/24/2017 3:30 PM
	'Parisi, Joseph'		
	'Dan Jardine'		
	Violante, Todd		

Dear Sir,

Please find attached our building permit for 4407 Vilas Hope Drive, Cottage Grove, WI 53527. We were specifically advised that we did **not** need a zoning permit to add the room above our garage, as we were not changing the original foot print of the property. All we did was put a new roof over the top of our garage with storage above. Take this as warning, I'm going to sue you in federal district court under 1983 if you do not rescind this action immediately, for your continued civil rights violations against us. You are weak spineless people that believe you are above the law. There is no doubt in my mind we can get a jury of our peers to find you are deliberate in your actions against us with no legal grounds and we will seek punitive relief as a means to get you to stop! If we were harming someone or one of our neighbors called, that might be an issue to stop by, however your gutless actions are part of a sinister conspiracy to deny us equal protection under the constitution!

Roger Lane just showed up and walked onto our property without permission approximately 2:15 p.m. on 3/24/2017, and dropped off a stop work order. Roger Lane was respectfully asked to leave our property, as we have a building permit issued by the town and we were advised by the town since the foot print was not changing, we did not need a zoning permit. It is obvious that Dane County wants to continue to harass, terrorize, intimidate, and deliberately without justification or cause, to continuing to monitor our property going to rain this afternoon so we have to continue to ensure water does not damage our home. The governmental power to interfere by zoning regulations with the general rights of the land owner by restricting the character of his use is not unlimited, and, other questions aside, such restriction cannot be imposed if it does not bear a substantial relation to the public health, safety, morals, or general welfare. *Euclid v. Ambler Co.*, supra, p. 272 U. S. 395. We never changed the foot print to our house and we will see you terrorist in court!

This is harassment, undue stress and a terrorist act against Tom and Julia Willan.

Thank you,



## Tom Willan

---

**From:** Tom Willan  
**Sent:** Monday, April 17, 2017 4:34 PM  
**To:** Julia Willan; Tom Willan  
**Subject:** Fwd: Zoning permit application denial

Sent from my U.S. Cellular® Smartphone

----- Original message -----

**From:** Tom Willan <tom@ironmanbuildings.com>  
**Date:** 4/17/17 4:33 PM (GMT-06:00)  
**To:** "Lane, Roger" <lane.roger@countyofdane.com>  
**Cc:** "Gault, David" <Gault@countyofdane.com>  
**Subject:** RE: Zoning permit application denial

I thought you were the guy in charge? It is your legal obligation to preform your duties, Mr Gault is not the administrator so any requests according to dco are to be communicated to zoning, not corporation council?

Sent from my U.S. Cellular® Smartphone

----- Original message -----

**From:** "Lane, Roger" <lane.roger@countyofdane.com>  
**Date:** 4/17/17 4:27 PM (GMT-06:00)  
**To:** Tom Willan <tom@ironmanbuildings.com>  
**Cc:** "Gault, David" <Gault@countyofdane.com>  
**Subject:** RE: Zoning permit application denial

Dear Mr. Willan,

Please refer all correspondence to Attorney David Gault.

Respectfully,

Roger Lane  
Dane County Zoning Administrator

**From:** Tom Willan [mailto:tom@ironmanbuildings.com]  
**Sent:** Monday, April 17, 2017 3:46 PM  
**To:** Lane, Roger  
**Cc:** 'vikentl@aol.com'; Gault, David; Kim Banigan (clerk@towncg.net); Hilbert, Hans; Williams, Danielle  
**Subject:** RE: Zoning permit application denial

Roger,

Your denial is wrong because we have not designed it as a duplex, we have designed it for our personal use as a single family residence. It is under this framework that we review whether the Willans are entitled to a zoning permit; 10.126 A-2 AGRICULTURE DISTRICT. (1) Statement of purpose. The purpose of the A-2 Agriculture District is to provide for low density land uses compatible with agricultural and other rural uses and to accommodate agricultural uses on parcels of less than 35 acres. (2) Permitted uses. (a) Agricultural uses. (b) Single family detached residences. DCO 10.01 (79) Use, permitted. **A permitted use is a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements and regulations of such district in which such use is located.** Under Ag-2 the Willans property dwelling use conforms with all requirements of DCO, and they have a legal right to own, enjoy, and exclusively occupy their single-family dwelling on their Ag-2 zoned lot with as many bathrooms and doorways as they want. DCO 10.01 (80) Use, principal. **A principal use is the main use of land or buildings as distinguished from a subordinate or accessory use.** The Willans principal use of their single-family dwelling is to be occupied exclusively by the willan family. The Willans looked up DCO 10.04 regarding Restrictions upon lands, buildings and structures, and found that there are no express restriction prohibiting the Willans from use of an external door, as a means to enjoy life in their new addition to their single family legal detached residences. DCZ reason for denial is based upon an erroneous interpretation of their own ordinance and by making an unsubstantiated assumption that doesn't exist as a matter of law, or by any fact in this case. In the courts findings for issuing the TRO and in layman's terms the ordinance requires, Willans to get a permit because under DCO 10.25(2) they were structurally altering and adding onto their primary residence. Under 10.25(3)(c) they filed a development plan pursuant to 10.01(19n), they also completed the requirements of DCO 10.25(3)(d)(e). The DCZ administrator is required under DCO 10.25(3)(c) to determine compliance with the provisions of county ordinances. A definition is not a compliance issue since we are talking specifically about property use, not what DCZ interpretation of the willans design is. DCO 10.04 does not place any restrictions on doors or bathrooms or any other interior design issues. You are being unrealistic and, once again, it is obvious this is personal and we will see what the writ of mandamus hearing reveals? Hopefully our house wont burn down due to not being able to fix the exposed wiring we have been refrained from fixing! Thanks, Tom

**From:** Lane, Roger [<mailto:lane.roger@countyofdane.com>]

**Sent:** Monday, April 17, 2017 3:12 PM

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

**Cc:** 'vikentl@aol.com' <[vikentl@aol.com](mailto:vikentl@aol.com)>; Gault, David <[Gault@countyofdane.com](mailto:Gault@countyofdane.com)>; Kim Banigan ([clerk@towncg.net](mailto:clerk@towncg.net)) <[clerk@towncg.net](mailto:clerk@towncg.net)>; Hilbert, Hans <[hilbert.hans@countyofdane.com](mailto:hilbert.hans@countyofdane.com)>

**Subject:** Zoning permit application denial

Dear Mr. Willan,

See attached correspondence.

Respectfully,

Roger Lane  
Dane County Zoning Administrator



018/0711-072-9911-5

TOWN OF COTTAGE GROVE  
BUILDING PERMIT APPLICATION  
4038 County Road N  
Cottage Grove, WI 53527  
Office: (608) 839-5021 Building Inspector: (608) 837-3371

CHECK #: 3420  
RECEIPT #: 2141  
AMT PAID: 225.00

Building	HVAC	Electric	Plumbing	Erosion	Other
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Owner's Name: Thomas M Willan	Date (mm/dd/yyyy): 3-2-2017	TOTAL COST: OFFICE USE ALL PERMITS - ADD \$10.00 ADMIN FEE
----------------------------------	--------------------------------	--

Mailing Address: 4407 Vilas Hope Rd	Phone #: (include area code) 608-438-3103
--	--

Contractor's Name: Tom Willan	License/Dwelling Cont. Qualifier/Contractor Registration # N/A
----------------------------------	--

Mailing Address:	Phone #: (include area code)
------------------	------------------------------

PROJECT LOCATION 4407 Vilas Hope Rd	Estimated Cost: \$20,000
--	-----------------------------

Address: Parcel No: 018/0711	Project Description: Add Bonus Room above Existing Garage
---------------------------------	--

ELECTRICAL	COST: Office Use
Contractor's Name: Tom Willan	License # / Contractor Registration #
Mailing Address:	Phone #: (include area code)

PLUMBING	COST: Office Use
Contractor's Name: Tom Willan	License # / Contractor Registration #
Mailing Address:	Phone #: (include area code)

HEATING, VENTILATING & AIR CONDITIONING	COST: Office Use
Contractor's Name: Tom Willan	License # / Contractor Registration #
Mailing Address:	Phone #: (include area code)

Make checks payable to TOWN OF COTTAGE GROVE, sign the 'Cautionary Statement to Owners' and mail to Vixen Inspection Agency, 5118 Pierceville Road, Cottage Grove, WI 53527.

PLEASE verify that you are submitting your application to the correct township!!

# SITE INFO

SUBDIVISION \_\_\_\_\_  
 LOT NO. \_\_\_\_\_ BLOCK NO. \_\_\_\_\_  
 ZONING DISTRICT \_\_\_\_\_  
 \_\_\_\_\_ 1/4, \_\_\_\_\_ 1/4, SEC \_\_\_\_\_, T \_\_\_\_\_, N, R \_\_\_\_\_ E or W  
 PARCEL NO. \_\_\_\_\_  
 SETBACKS:  
 FRONT \_\_\_\_\_ ft REAR \_\_\_\_\_ ft  
 LEFT \_\_\_\_\_ ft RIGHT \_\_\_\_\_ ft

Work shall not proceed until the inspector has approved the various stages of construction or two business days have elapsed since the day of inspection request. This permit will expire 24 months after the date of issuance if the building's exterior has not been completed. Keep this card posted until final inspection has been made. (WI Stats. 101.63)

# WISCONSIN UNIFORM BUILDING PERMIT # M2141

Affix uniform permit seal here (when applicable) Seal No.: \_\_\_\_\_

## INSPECTIONS

PHASE	ROUGH	FINAL	EROSION
FOOTING			
FOUNDATION			
BSMT DRAIN TILES			
CONSTRUCTION			
PLUMBING			
HEAT/VENT/AC			
ELECTRICAL			
INSULATION			
OCCUPANCY			

Constr  HVAC  Elect  Plumb  Erosion  
 Project:

Issued To	OWNER (AGENT)	PHONE
	<u>Tom Willan 608 938-3103</u>	
	BUILDING SITE ADDRESS	
	<u>4407 Kilas Hope Rd, Cottage Grove</u>	
	CITY, VILLAGE, TOWN	
	<u>Cottage Grove</u>	

## CONTRACTORS

NAME	CREDENTIAL #	PHONE
G.C.		
HVAC		
ELECT.		
PLBG		

Issued by	PERSON ISSUING	CERT. NO.
	<u>Tom Viken 7657</u>	
	DATE ISSUED	TELEPHONE
	<u>3-6-17</u>	<u>608 444-0996</u>

Comments: add room above garage  
018/071-072-9971-5

NOTICE OF NONCOMPLIANCE: This issuing jurisdiction shall notify the applicant in writing of any violations to be corrected. All cited violations, except erosion control ones, shall be corrected within 30 days of notification, unless extension time is granted.





# Dane County Planning & Development

## Division of Zoning

### DANE COUNTY BOARD OF ADJUSTMENT

#### GUIDELINES FOR ADMINISTRATIVE APPEALS OF THE ZONING ADMINISTRATOR'S DECISION OR INTERPRETATION

#### 1. WHAT IS AN ADMINISTRATIVE APPEAL?

- A. An administrative appeal is a legal process provided to resolve disputes regarding ordinance interpretations or decisions made by an administrative official related to zoning.
- B. The Dane County Zoning Ordinance, which was enacted by the Dane County Board of Supervisors, states that the Dane County Zoning Administrator is the administrative official charged with administering and enforcing the Dane County Zoning Ordinance by making decisions and interpretations in specific cases.
- C. The Dane County Board of Adjustment is the body to whom any aggrieved person may apply to challenge a decision or interpretation of the Dane County Zoning Administrator that adversely affects them.
- D. The appeal of an administrative decision or "Administrative Appeal" is considered to be a "contested case."
- E. All parties in a contested case – the person filing the appeal, the Zoning Administrator, and any other interested parties -- may be represented by an attorney or other agent(s).
- F. All parties in a contested case have the right to call and cross-examine witnesses, and to object to improper evidence
- G. A recording is made of all Board of Adjustment meetings for an administrative appeal.

#### 2. WHO MAY CHALLENGE OR "APPEAL" THE ZONING ADMINISTRATOR'S INTERPRETATION OR DECISION?

- A. An "aggrieved person" may challenge the Zoning Administrator's decision or interpretation by filing an Administrative Appeal.
- B. A "person" includes partnerships, corporations, associations, and governmental units.
- C. A person is "aggrieved" when the decision has a direct effect on the person's legally protected interests.
- D. The aggrieved person is not required to have attended a previous hearing on the matter in question.
- E. The aggrieved person is known as the "appellant."

#### 3. WHAT ARE THE REQUIREMENTS FOR FILING AN ADMINISTRATIVE APPEAL?

- A. Submit three (3) copies of a written "notice" of appeal specifying the grounds for the appeal – one to the Assistant Zoning Administrator (as staff to the Board of Adjustment), and one to the Zoning Administrator. The written statement or notice shall include:
  - 1) A copy of the Zoning Administrator's written decision, which ordinarily includes the specific sections of the Zoning Ordinance upon which his or her decision was based.
  - 2) If the Zoning Administrator's written decision does not include the specific references to the Zoning Ordinance, or if the appellant wishes to cite other sections, these should be listed.

- 3) The appellant's own description of the project or proposal upon which the Zoning Administrator's decision was based. Supporting documentation such as complete project plans, surveys,
  - 4) The reasons why the appellant is aggrieved by the decision.
- B. In addition to the written statement, required application materials include:
- 1) A filing fee of \$350.00, payable in cash or by check to Dane County Zoning.
- C. An aggrieved person must meet the filing deadline, as follows:
- 1) Appeals must be filed within 30 days of receipt of a decision, interpretation, or order of the Zoning Administrator, as verified by the U.S. Postal Service (date on receipt of Certified Mail returned to the Dane County Zoning Division office).
  - 2) In counting the 30 days, the date of receipt of the decision shall not be counted; Sundays and holidays shall be counted, except if the last day (day 30) falls on a Saturday, Sunday or legal holiday, the time for filing shall be extended to the next secular day.
  - 3) Failure to meet the 30-day deadline will result in dismissal of the administrative appeal.

#### 4. WHAT HAPPENS AFTER THE ADMINISTRATIVE APPEAL APPLICATION IS FILED AND BEFORE THE PUBLIC HEARING?

- A. An appeal number is assigned.
- B. A date is set for the Administrative Appeal Public Hearing. NOTE: Because Administrative Appeals are contested cases, hearings may be lengthy. Board of Adjustment *Rules* provide that a contested case shall be the only Public Hearing agenda item for a Board meeting. Therefore, an administrative appeal may be heard at the next regularly scheduled Board meeting, or a special meeting date may be set to accommodate all principal interested parties and Board members. Zoning staff will communicate with all parties to set a Public Hearing date for the Administrative Appeal.
- C. The Zoning Administrator forwards all official records associated with the original decision or interpretation to the Board of Adjustment. Such records may include, but are not limited to, permit applications, inspection reports, site plans, surveys, photos, and minutes or recordings of any previous hearings or meetings pertaining to the Administrative Appeal.
- D. In most cases, both the appellant and the Zoning Administrator (and any other party that wishes to present a case-in-chief (see 5.\_, below) at the Public hearing) file a "brief" – any additional information pertaining to the appeal, including any written arguments and evidence that Board members may review before the Public Hearing.
- If a brief is filed, a minimum of twelve (12) copies shall be provided (one each for Dane County Zoning Administrator, Assistant Zoning Administrator, Corporation Counsel, Board of Adjustment members and Alternates, Town Clerk and one extra copy); if an electronic copy of the brief is filed, only one (1) paper copy is required.
  - BOARD OF ADJUSTMENT RULES REQUIRE THAT "BRIEFS" OR OTHER INFORMATION MUST BE SUBMITTED THREE (3) WEEKS BEFORE THE DATE OF THE ADMINISTRATIVE APPEAL PUBLIC HEARING.
- E. In most cases, Zoning Division staff conducts a site visit with Board of Adjustment members to view the site (if any) affected by the Zoning Administrator's decision or interpretation. This usually occurs on a regularly scheduled Site Inspection meeting day (see BOA Schedule, attached).
- F. A Public Hearing Notice is published one week and two weeks before the Public Hearing (Class II Notice) to comply with Wisconsin Statutes.

#### 5. WHAT HAPPENS AT THE PUBLIC HEARING OF AN ADMINISTRATIVE APPEAL?



An Administrative Appeal is a contested case. The Board of Adjustment *Rules* for contested cases are as follows:

- A. All parties who wish to present a case-in chief (their arguments, evidence and witnesses) may do so if they have filed a brief (see 4.D. above).
- B. All parties presenting a case-in-chief have the right to call and cross-examine witnesses, and to object to improper evidence.
- C. No hearsay evidence will be allowed or relied upon as the sole evidence of any factual determination.
- D. The Board may take official notice of the ordinances of the county, the zoning and location of the subject property and geographical features or other facts that are common knowledge in the county or can be verified by reference to public record.
- E. No person shall be permitted to testify unless he or she submits to cross-examination.
- F. All witnesses shall be sworn as follows:
  - 1) "Do you swear (or affirm) that the testimony you give before this board will be the truth, the whole truth and nothing but the truth, and do you agree to submit to cross-examination?"
- G. The hearing of a contested case shall be conducted with the Order of Business as follows:
  - 1) Call to order by the Chair
  - 2) Appellant's opening statement. The person shall be afforded 5 minutes.
  - 3) Zoning Administrator's opening statement. The person shall be afforded 5 minutes.
  - 4) Opening statement of other interested parties. The right to make an opening statement is limited to persons who will present evidence. The person shall be afforded 3 minutes
  - 5) Applicant's case-in-chief.
  - 6) Questions by Board members.
  - 7) Cross-examination. No more than one person for each party shall cross-examine witnesses. The Chairman may limit the number of parties who may cross-examine.
  - 8) Zoning Administrator's case-in-chief.
  - 9) Question by Board members.
  - 10) Cross-examination as under 7.
  - 11) Case-in-chief of other parties.
  - 12) Questions by Board members.
  - 13) Cross-examination as under 7.
  - 14) Rebuttal by appellant. Rebuttal is limited to matters raised by the adverse parties by way of evidence or argument.
  - 15) Statements of opinion of neighbors or abutting land owners - -not subject to cross-examination.
  - 16) Closing statements of those who made or waived opening statements. Parties shall be afforded 3 minutes for statement.
  - 17) Board summary of findings and decision.

## 6. DECISIONS OF THE BOARD OF ADJUSTMENT

- A. The Board of Adjustment has the power to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Dane County Zoning Administrator. In exercising this authority, the Board may reverse or affirm wholly or partly, or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the Zoning Administrator.
- B. The Board members present may vote to take action at the Public Hearing for an Administrative Appeal, or they may abey action to another meeting.
- C. All orders or decisions of the Board reversing any action or order of the Zoning Administrator require an affirmative vote of the majority of the members.

REFERENCES:

Dane County Code of Ordinances, Section 10.25, 10.26

Wisconsin Statutes, Sections 59.694(4), 62.23(7)(e)4, 990.01(26), 227.08

Zoning Board Handbook, 2<sup>nd</sup> Edition 2006, Markham and Roberts, Center for Land Use Education,  
Chapter 13 Administrative Appeals

Dane County Board of Adjustment *Rules and Procedures*, adopted 01/17/2008.

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