

TOWN OF TAYCHEEDAH
FOND DU LAC COUNTY

**Minutes of Board of Appeals Public Hearing
June 28, 2023**

The hearing was called to order at 6:00 p.m. at the Town Hall. Present were Board of Appeals members Jerome Bord, Jason Meyer, John Buechel, Tim Marcoe and Joe Sabel. Also present were Town Clerk Kris Marcoe and Building Inspector Doug Hoerth, as well as various members of the public. The Town Clerk confirmed the open meeting notice and Class 1 publication of legal notice.

William Sulicz, representing this project and CUP request was sworn in. His testimony was as follows:

William spoke on behalf of his project and explained that he is seeking to obtain a conditional use permit for outdoor platform/state for entertainment.

- Currently his business at W3675 County Rd WH
- Seeking to obtain a CUP for outdoor entertainment.
- Outdoor music/bands would be scheduled on Fridays, Saturdays, or Sundays only.
- Seeking approximately 10 outdoor events per year.
- Maximum hours per band is 2-3 hours (not including sound checks)

Board of Appeals discussion:

- Stage/Band shelter not enclosed having all four sides open.
- Permit for stage is being held by Doug Hoerth. Overlay zoning permits cannot be issued until a CUP is approved.
- July 29, 2023, will be a scheduled event per William as a band has been booked. Confirmation days of use will be Friday and Saturday evenings and Sunday afternoons to early evening.
- Friday and Saturday evenings to the end is typically 11:00 p.m.

Jay Oestreich, homeowner at W3673 Rosenthal Ct. was sworn in to support the CUP. Testimony as follows:

- Was at his residence outside working the weekend of the 1-year party.
- Music volume was in reason, and variety of music was great.
- Fireworks at 11:30 p.m. was a little late and didn't care for the late time.
- Feels the outdoor music will have a positive draw to the community.

James Rosenthal II, Town Board Supervisor, and homeowner at W3691 Rosenthal Ct. was sworn in to oppose the CUP. His testimony as follows:

- Issues regarding social media postings and then taken down. It was noted that this was not related to Whiskey Dix CUP.
- Concerned with the noise as there is an ordinance in place until 10p.m.
- Fireworks also have an ordinance, and a permit is required.
- The planning for this outdoor stage, permit and CUP was not thought through with their 1-year anniversary party.

Alex Bartelt, business owner located at W3651 County Rd WH (residence 110 Parkview Drive Eden WI) was sworn in to assist William with questions and concerns from the public.

Tom Groeschel, homeowner at W3643 Hillside Circle, was sworn in to oppose the CUP. His testimony as follows:

- Inquired from the building inspector Doug Hoerth what the penalty is for continuing construction without a permit. Doug informed everyone the permit fee is doubled. Doug also noted his presence was there and active on the rules and processes. Doug felt this was important so the structure was secure and would not potentially fall.
- Decibel ratings are 55 during the daytime and 50 during the evenings. William informed everyone that a professional sound operator that was with one of the bands had tested the noise from the property lines. Southwest side was 44 and Northside was 55. Readings were taken and given to the officer when approached with a complaint.
- Are the complaints from the residents included in this hearing. Clerk Marcoe indicated that all emails were distributed to the board members. Many voicemail messages received indicated they would come in to discuss, but never showed up.
- Town Board Supervisor James Rosenthal II indicated the 7 complaints he received were turned over to the Town Constable.
- Board of Appeals member, Jason Meyer inquired what this property is zoned. Doug Hoerth informed all the property is zoned Commercial Overlay, which the decibel rating is 75, not 55. Jason added that lawnmowers are rated between 80-104.

Susan Medina, homeowner at N8191 Cty Road QQ, was sworn in to oppose the CUP. Her testimony as follows:

- Having a venue at this location is not a bad thing.
- Lives ¼ of a mile down the road
- Is in favor of having a festival a couple times a year.
- Doesn't care for the evening music as once she was inside her house could still feel the beat of the music. Felt this was very disruptive. Likes to sit outside their house and doesn't like the volume.
- Past owners had indoor music and were accepting of this.
- Does not want this every weekend or every day.
- William and Alex confirmed this would be Fridays and Saturday evenings and Sunday afternoons. This also would not be every weekend.

Lynn Wehner, homeowner at W3547 Hillside Circle, was sworn in to oppose the CUP. Her testimony as follows:

- Agrees with the previous speaker as she was going to mention some of the same points.
- In general, the community is looking for a totality of circumstances.
- Not being a good planner resonated. Overall, we just want to know your plans. Once we hear and know your plan will be key.
- William and Alex confirmed this would be Fridays and Saturday evenings and Sunday afternoons. This also would not be every weekend. Maybe it would be one Friday a month, or two Saturdays. The overall plan is to run a successful business and to have not only the community to enjoy, but to bring people from area communities. This is new to them and something they are working on and learning. Was not aware of fireworks permit but will look into what is needed.

Kris Koenigs, homeowner at W8143 Cty Rd QQ, was sworn in to oppose the CUP. Her testimony as follows:

- Kris likes the business. The 1-year anniversary party having 3-days of music along with fireworks was too much.
- 8 hours per day every weekend and ending at midnight is not acceptable.
- Kris, like other residents like to be outside and enjoy their backyard, the music volume prevents this.
- Suggested Sunday afternoons for a few hours, but not every weekend.
- Please submit a plan on what weekends.
- The lights were also a concern when she was outside in the evening.
- Also suggest Friday and Saturday evenings when a band is playing to be done at 10p.m. (including the Oncor).

William and Alex addressed all the questions/comments and have no further at this time.

Additional Board questions and discussion:

- Jason Meyer inquired on the size of the stage. Confirmation 28 x 26, lien-to with roof. The back and sides are not enclosed. Open to closing the back if needed to help with the noise.
- Jason also asked about hours of operation and what they are looking for. Alex indicated Friday and Saturday evenings and Sundays. Sundays would be in the afternoon to early evening. The 1-year anniversary party was unique as the same bands played all three days. This is not what will happen on the weekends moving forward. Evenings 6:00 p.m. – 11:00 p.m. Sunday's noon until 8:00 p.m. They are looking at 10 events per year. Maximum hours per day is 2-3 hours per band playing (not including sound checks).
- If the stage is not allowed, can they still have a band play on the property. Is a permit needed on commercial property to have a band? Technically they can have a band outside their property if they stay within the decibels noted for commercial overlay (75).
- Tim Marcoe informed everyone that if volume is an issue the CUP is not part of this issue. The CUP is only for the use of the stage. Noise complaints are handled through the sheriffs dept.

John Wehner, homeowner at W3547 Hillside Circle, was sworn in to oppose the CUP. His testimony as follows:

- John stated he is not addressing the individuals but wanted to address the board.
- The Board of Appeals is our only line of defense in this community.
- The business has been there for many years, and you must consider the whole picture in your thought process. The business is an eye sore, and nobody knows what is going on. They stuck a finger in area residents' eyes and put our building inspector in a tough position. They somewhat cleaned up the area, which is good.
- These points are not good and wants a flat "no" for this CUP. Many unanswered questions and have them come back next year with a plan.
- Junked cars everywhere and social media posts picking fun of the board members.
- Appeals Chairman Jerome Bord inquired the junk cars and the location. It was confirmed the cars are not located on the property of Whiskey Dix, but on the Bartelt property next door.
- John Wehner was not getting into the details and games; he indicated to look at the overall picture.
- John stated it degrades the neighbors' properties, this cancer grows, and you cannot do that to our community.
- William responded to John's comments. As far as the mess of the property and stating he is a cancer in the community - This was an abandoned property for many years with old buildings. He has spent a lot of money in the bar and cleaned it up. The neighboring property had a home that was abandoned, in which there were many complaints prior to purchasing. Once

purchased the home and removed it along with many trailers on the property. The work continues to clean it up.

- Additional comments made and informed the residents the CUP is for the outside stage and not the neighboring property.
- John added to take a look at the overall picture and flat out deny the CUP as he can see these individuals being a problem and stated if you give them an inch they will take a mile.
- Board Chairman Jerome Bord stopped the conversation as it was getting out of hand and personal. Any additional questions by the Board?
- John Buechel inquired on the kind of music, if it would be a variety or a specific venue. John stressed about language in songs. Confirmation was it would a variety of music.
- Chairman Jerome Bord inquired about the band playing on July 29, 2023. Confirmation from Alex it is an AC/DC cover band from California, and their contract hours are from 7:00 p.m. – 11:00 p.m.
- John Buechel inquired about future fireworks. They are planning on additional fireworks and will get the permit information from Clerk Marcoe.

Public Comments Closed at 7:02 p.m. to deliberate.

7:32 p.m. in Session - Board Discussion/Action:

Appeals Member Tim Marcoe addressed the residents with some of their concerns.

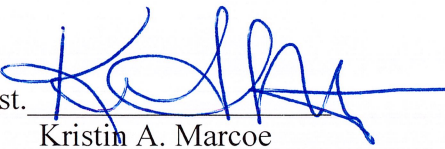
Prior to our decision on the CUP, we would like to inform you if there is no CUP, we have no power to delegate hours, use of stage, or their parking lot, number of events allowed, etc. The CUP will list out what is allowed, not allowed and if not followed we have the power to deny it.

A motion was made by Tim Marcoe and second by Joe Sabel to approve the CUP with the following conditions:

- A. CUP is for the entire outdoor site W3675 County Road WH. A band cannot move from the stage to another outdoor location on the property to continue playing. Following the staged event, another band cannot play outdoors on this property.
- B. An approved plan must be provided with the towns building inspector with sound deadening material that will be placed on the backside of the outdoor stage. This will also be approved by the building inspector when completed and must be done prior to any events.
- C. Bands must play on the stage.
- D. Allowed 12 outdoor stage events per year. Each day (Friday, Saturday, or Sunday) will be considered 1 event.
- E. Hours for outdoor stage music related events: Friday evenings 6:00 p.m. – 11:00 p.m., Saturday's: 5 floating hours allowed and must end by 11:00 p.m., and Sunday's 12:00 p.m. – 8:00 p.m.
- F. CUP terms expire 12/31/2024.
- G. Events will be posted on the town website.

Motion carried unanimously by voice vote.

No other business coming before the Board, a motion was made and seconded with unanimous approval to adjourn at 7:42 p.m.

Attest. 
Kristin A. Marcoe
Board of Appeals Secretary