

From: [Alexander Sherwood](#)
To: [Plan Commission Comments](#); [Martinez-Rutherford, Dina Nina](#); [Wells, Chris](#); sasyneighborhood@gmail.com
Cc: [Tucker, Matthew](#); [Doug Johnson](#); [Kristi Kaylo](#)
Subject: Minocqua Brewing Amplified Sound CUP: Legistar File #: 91510 Cond Use - 2927 E Washington Ave (2026)
Date: Wednesday, February 25, 2026 6:16:50 PM
Attachments: [SherwoodKaylo MBC AMPCUP 2026.pdf](#)

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Dear Members of the Plan Commission, Alder Dina Nina Martinez-Rutherford, and SASY Neighborhood:

Please find the attached letter outlining our opposition to Minocqua Brewing Company's application for an amplified sound conditional use permit.

Kind regards,
Alex Sherwood
242 Oak St.

Dear Members of the Plan Commission, Alder Dina Nina Martinez-Rutherford, and SASY Neighborhood:

We are writing in opposition to Minocqua Brewing Company's renewed request for amplified outdoor sound at 2927 E Washington Avenue. [Less than ten months ago](#), this Commission denied an identical request after the Planning Division recommended against approval, [finding that CUP Standard 3 was not met](#). Our home at 242 Oak Street remains roughly 40 feet from the outdoor eating area. The site has not changed. What has changed, and significantly, is the evidence now available regarding the applicant's willingness to comply with conditions.

The applicant now requests amplified audio limited to "football game broadcasts," May through October. We are not aware of any conditional use permit in the City of Madison that has been scoped to a specific television programming category. In practice, this is a request for amplified outdoor sound every Saturday afternoon for six months of the year. The "football" framing adds nothing enforceable. It simply makes the ask seem smaller than it is. Regardless of how the scope is characterized, it does not address the basis on which the prior application was denied. The [staff's 2025 analysis](#) was contingent upon **proximity**, not scheduling. The distance is the same, and the staff's finding that this proximity cannot support amplified outdoor sound applies equally.

Approving any form of this application would also set the precedent that amplified sound is appropriate at this site. The applicant's track record suggests that any such approval would quickly become the basis for expansion. We have already seen the pattern play out: a tasting room presented as operating in "near silence*" became a beer garden, which became unpermitted amplified music events, which became the permit request denied last April. In between, we have dealt with damaged utility lines, unauthorized use of our driveway, sidewalk blockages for deliveries**, late-night disturbances, MBC customers/staff urinating in the beer garden*** and repeated confrontations****, all documented in our prior submissions to this body.

Since the April 2025 denial, the evidence regarding the applicant's approach to regulatory compliance has grown considerably. We raise this not to relitigate past grievances but because it bears directly on whether conditions imposed by this Commission would be honored. In the months following Commission's decision, the applicant posted on the Minocqua Brewing Company Facebook page:



This is not the conduct of an applicant who intends to operate within boundaries set by this body.

The City of Madison issued an enforcement notice to MBC in October 2024 for operating past 9:00 PM and hosting amplified music, both violations of the supplemental regulations governing the outdoor eating area. The following several photographs show performers with PA systems and microphones in the outdoor eating area and capture only a subset of unpermitted amplified events at the site:



The applicant is now requesting a permit for the very activity they have been conducting without authorization, both before and after this Commission's denial. To be clear, as artists and musicians ourselves, we take no satisfaction in opposing anything that touches the creative community, but we also believe that the city permitting process exists to foster healthy communities, and it only works when everyone plays by the same rules.

Finally, it is not often that a local Plan Commission has a federal appellate court opinion to consult when evaluating an applicant's credibility. In this case, one exists.

On November 26, 2025, the United States Court of Appeals for the Seventh Circuit issued its decision in [*Minocqua Brewing Company LLC v. Daniel Hess, et al., No. 25-2092*](#). The facts will sound familiar: the same applicant, Kirk Bangstad, operating the same type of business, an outdoor beer garden, under the same type of permit, a conditional use permit, in Oneida County. The outcome was also familiar. MBC violated its permit conditions from the outset, had its permit suspended and then revoked, ignored both actions, and continued operating without a permit through 2025, with Bangstad publicly declaring he would operate regardless of any permitting outcome. MBC sued the county claiming political retaliation.

The Seventh Circuit disagreed, writing:

"Given the concession of past and present willful violations of the permitting requirements, and a promise for future violations ... [a]ny reasonable permit-issuing body would revoke or deny permits under those circumstances."

This Commission is now being asked to grant a conditional use permit to the very applicant described in that sentence. The question is straightforward: if conditions are imposed, is there any reason to believe they will be followed? The applicant's record in Madison and the federal court's findings in Oneida County suggest the same answer.

The site conditions that led this Commission and its staff to find that CUP Standard 3 was not met in April 2025 have not changed. What is new is a federal appellate court documenting a pattern of willful permit violations by this same applicant, photographic evidence of continued amplified music at this site without authorization, and a public social media post treating the Commission's prior denial as something to be worked around rather than respected.

We respectfully urge the Commission to deny this request.

Sincerely,

Alex Sherwood and Kristi Kaylo 242 Oak Street Madison, WI 53704

To Whom It May Concern in the City of Madison Zoning/Planning Department,

I am the next door neighbor to 2927 East Washington Ave, and I understand that the Minocqua Brewing Company is planning to open a new taproom next to my property.

Furthermore, I understand that part of this development will include the construction of a small brewhouse and a walk-in cooler, both of which are able to **operate in near-silence**, which will be connected to two separate walls on their building, but within sight of my property.

I hereby attest that I have no problems or issues with this construction.

Signed

Dated

* Owner(s) of 242 Oak Street



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**** <https://www.youtube.com/watch?v=DjqVvFdumng>