



Legislation Details (With Text)

File #: RES PH 14- 289 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 10/15/2014

Title: Approving the application of Sandy Schwarz, Manager of Wild Tymes, for a sound level variance in order to present live music on stage from 1:00 p.m. until 5:00 p.m. on October 19, 2014 on the patio at 33 Seventh Place West.

Sponsors: Dave Thune

Indexes: Ward - 2

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to District Council, 5. Notice to Property Owner, 6. List of Property Owners, 7. Wild Tymes Yellow Ribbon.Ltr to Applicant

Date	Ver.	Action By	Action	Result
10/20/2014	1	Mayor's Office	Signed	
10/15/2014	1	City Council	Adopted	Pass

Approving the application of Sandy Schwarz, Manager of Wild Tymes, for a sound level variance in order to present live music on stage from 1:00 p.m. until 5:00 p.m. on October 19, 2014 on the patio at 33 Seventh Place West.

WHEREAS, Chapter 293 of the Saint Paul Legislative Code was enacted to regulate the subject of noise in the City of Saint Paul; and

WHEREAS, §293.09 provides for the granting of variances from the sound level limitations contained in §293.07, upon a finding by the City Council that full compliance with Chapter 293 would constitute an unreasonable hardship on the applicant, other persons or on the community; and

WHEREAS, Wild Tymes, represented by Sandy Schwarz, Manager, who has been designated as the responsible person on the application, has applied for a variance to present live music on stage at 33 Seventh Place West; and

WHEREAS, applicant is seeking a variance for the hours of 1:00 p.m. until 5:00 p.m. on October 19, 2014; and

WHEREAS, if applicant is not granted a variance it will not be able to present live music on stage at 33 Seventh Place West; and

WHEREAS, the Department of Safety and Inspections has reviewed the application and has made recommendations regarding conditions for the variance; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to Wild Tymes, subject to the following conditions:

1) The variance shall be for the hours of 1:00 p.m. until 5:00 p.m. on October 19, 2014 on their stage on the patio during their "Beyond the Yellow Ribbon" Charity Event.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at 50 feet from sound source.
- 3) The applicant shall provide personnel and equipment whom shall provide continuous sound level monitoring at each sound mix during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 5:00 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 19, 2014 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Wild Tymes, represented by Sandy Schwarz, Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present live music, with limitations, outdoors at 33 Seventh Place West, from 1:00 p.m. until 5:00 p.m. on October 19, 2014 during their "Beyond the Yellow Ribbon" Charity Event. Chapter 293.09 provides for the granting of variances from the sound level limitations contained in Chapter 293.07.

Was proper notice given? YES - See Attachments