



Legislation Details (With Text)

File #: RES PH 17- 28 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 2/1/2017

Title: Approving the application of O’Gara’s Bar and Grill, Inc. for a sound level variance in order to present amplified music in an enclosed tent on Friday, March 17, 2017 at 164 Snelling Avenue North.

Sponsors: Dai Thao

Indexes: Ward - 1

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. Notice to Property Owners, 5. List of Property Owners, 6. Letter to Applicant, 7. Letter from Union Park District Council, 8. Trojack letter

Date	Ver.	Action By	Action	Result
2/3/2017	1	Mayor's Office	Signed	
2/1/2017	1	City Council	Adopted	Pass

Approving the application of O’Gara’s Bar and Grill, Inc. for a sound level variance in order to present amplified music in an enclosed tent on Friday, March 17, 2017 at 164 Snelling Avenue North.

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, O’Gara’s, represented by Dan and Kris O’Gara, who have been designated as the responsible persons on the application, have applied for a variance at 95 decibels (dBA) at no specified distance to present amplified music in an enclosed tent at 164 Snelling Ave North; and

WHEREAS, applicant has requested a variance for the hours of 4:00 p.m. to 12:00 (Midnight) on St. Patrick’s Day, Friday, March 17, 2017; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music at 164 Snelling Ave North; 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 O’Gara’s Bar and Grill, Inc. subject to the following conditions:

- 1) The variance shall be for the hours of 4:00 p.m. to 11:59 p.m. on Friday, March 17, 2017.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 95 dBA as

measured at 50 feet from all sound sources outside of the fully enclosed tents from 4:00 p.m. until 11:59 p.m. on Friday, March 17, 2017.

3) The applicant shall provide personnel and equipment who 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 11:59 p.m. on March 17, 2017.

FURTHER RESOLVED, that any violations of the conditions set forth above on the March 17, 2017 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

O'Gara's Bar and Grill Inc., represented by Dan and Kris O'Gara, have requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 4:00 p.m. to 11:59 p.m. on St. Patrick's Day, March 17, 2017. 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