



Legislation Text

File #: RES PH 12-330, **Version:** 1

Approving the application of Doug Hawkinson for a sound level variance for construction work from 7:00 a.m. until 5:30 p.m. from November 22, 2012 to August 1, 2013 at 1515 Brewster Street. (Public hearing continued from November 20)

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, Doug Hawkinson, who is designated as the responsible persons on the application, has applied for a variance for construction work at 1515 Brewster Street; and

WHEREAS, applicant is seeking a variance for the hours of 7:00 a.m. until 5:30 p.m. from November 22, 2012 to August 1, 2013; and

WHEREAS, if applicant is not granted a variance he will not be able to do construction work at 1515 Brewster Street; 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 Doug Hawkinson, subject to the following conditions:

- 1) The variance shall be for the hours of 7:00 a.m. until 5:30 p.m. from November 22, 2012 to August 1, 2013 at 1515 Brewster Street.
- 2) All construction equipment used in conjunction with the project shall not exceed 95 dBA, as measured on the public sidewalk on the North side of Wynn Ave from November 22, 2012 through December 6, 2012 and 75 dBA as measured above from December 7, 2012 through August 1, 2013.
- 3) The applicant shall provide personnel and equipment that shall provide random sound level monitoring.
- 4) All construction equipment, generators, dump trucks, concrete pump trucks, excavators, forklifts, or similar devices shall be turned off no later than 5:30 p.m. daily from November 22, 2012 to August 1, 2013.

FURTHER RESOLVED, that any violations of the conditions set forth above from November 22, 2012 to August 1, 2013 may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Doug Hawkinson has requested an exemption from the sound level limitations in Chapter 293.07 in order to do construction work, with limitations, at 1515 Brewster Street from 7:00 a.m. until 5:30 p.m. from November 22, 2012 to August 1, 2013. 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