



Legislation Details (With Text)

File #: RES PH 13- 160 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 7/10/2013

Title: Approving the application of Joseph Alton for a sound level variance in order to present amplified music from 11:00 a.m. until 5:30 p.m. on July 20, 2013 for The Beer Dabbler at the Upper Landing Park, 220 Shepard Road.

Sponsors: Dave Thune

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Code sections:

Attachments: 1. Beer Dabbler Application.pdf, 2. Beer Dabbler ENS.pdf, 3. Beer Dabbler Applicant Notification.pdf, 4. Beer Dabbler DC 9 Notification.pdf, 5. Beer Dabbler Map.pdf, 6. Beer Dabbler Property Owner List.pdf, 7. Beer Dabbler Property Owner Letter Example.pdf

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------|---------|--------|
| 7/15/2013 | 1 | Mayor's Office | Signed | |
| 7/10/2013 | 1 | City Council | Adopted | Pass |

Approving the application of Joseph Alton for a sound level variance in order to present amplified music from 11:00 a.m. until 5:30 p.m. on July 20, 2013 for The Beer Dabbler at the Upper Landing Park, 220 Shepard Road.

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, The Beer Dabbler, represented by Joseph Alton, who has been designated as the responsible person on the application, has applied for a variance to present amplified music at the Upper Landing Park, 220 Shepard Road; and

WHEREAS, applicant is seeking a variance for the hours of 11:00 a.m. to 5:30 p.m. on July 20, 2013 during The Beer Dabbler; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at the Upper Landing Park, 220 Shepard Road; 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 The Beer Dabbler, subject to the following conditions:

- 1) The variance shall be for the hours of 11:00 a.m. to 5:30 p.m. on July 20, 2013.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at the sound mix or 50 feet from the stage, whichever is closer.
- 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 5:30 p.m. on the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the July 20, 2013 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

The Beer Dabbler, represented by Joseph Alton, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 11:00 a.m. until 5:30 p.m. on July 20, 2013 during The Beer Dabbler. 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