



Legislation Details (With Text)

File #: RES PH 16- 167 **Version:** 1

Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 6/15/2016

Title: Approving the application of Kelly O'Shaughnessy for a sound level variance in order to present amplified DJ music with speakers on Saturday, June 25, 2016 for a birthday party at 702 Fairmount Avenue.

Sponsors: Rebecca Noecker

Indexes: Ward - 2

Code sections:

Attachments: 1. Application, 2. ENS, 3. Map, 4. List of Property Owners, 5. Notice to District Council, 6. Notice to Property Owners, 7. Letter to Applicant, 8. SHA letter, 9. O'Shaughnessy email

Date	Ver.	Action By	Action	Result
6/20/2016	1	Mayor's Office	Signed	
6/15/2016	1	City Council	Adopted	Pass

Approving the application of Kelly O'Shaughnessy for a sound level variance in order to present amplified DJ music with speakers on Saturday, June 25, 2016 for a birthday party at 702 Fairmount Avenue.

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, Kelly O'Shaughnessy, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level of 85 dBA at 50 feet to present amplified music with speakers at 702 Fairmount Avenue; and

WHEREAS, applicant is seeking a variance for the hours of 6:00 p.m. to 11:00 p.m. on Saturday, June 25, 2016 for DJ music; and

WHEREAS, if applicant is not granted a variance applicant will not be able to have amplified music and announcements during the birthday party at 702 Fairmount Avenue; 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 Kelly O'Shaughnessy, subject to the following conditions:

- 1) The variance will be for DJ music during the hours of 6:00 p.m. to 10:00 p.m. on Saturday, June 25, 2016.

2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the DJ music must not exceed 85 dBA as measured 50 feet from sound source.

3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.

4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 10:00 p.m. on Saturday, June 25, 2016.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

Kelly O'Shaughnessy, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified DJ music with speakers, from 6:00 p.m. to 11:00 p.m. on Saturday, June 25, 2016 for DJ music at 702 Fairmount Avenue. 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