



Legislation Details (With Text)

**File #:** RES PH 17- 289 **Version:** 2

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 10/11/2017

**Title:** Approving the application of Bad Weather Brewing Company for a sound level variance in order to present amplified music, announcements, and movies, from October 27 through October 31, 2017, during the Bad Weather Halloween Party at 414 - 7th Street West.

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Notice to Owners, 5. List of Owners, 6. Letter to Applicant, 7. Wasson Poletes email

Date	Ver.	Action By	Action	Result
10/13/2017	2	Mayor's Office	Signed	
10/11/2017	1	City Council	Adopted As Amended	Pass
10/4/2017	1	City Council	Laid Over	Pass

Approving the application of Bad Weather Brewing Company for a sound level variance in order to present amplified music, announcements, and movies, from October 27 through October 31, 2017, during the Bad Weather Halloween Party at 414 - 7<sup>th</sup> Street 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, Bad Weather Brewing Company, represented by Kevin Stocks, Event Coordinator, who has been designated as the responsible person on the application, has applied for a variance, at 75 dBA at no specified distance, to present amplified music, announcements and a movie at Bad Weather Brewing Company, 414 7<sup>th</sup> Street West; and

WHEREAS, applicant is seeking variances for the following dates and times: Friday, October 27, 2017 from 3:00 p.m. to 10:00 p.m., with a pre-event sound check at 2:30 p.m.; Saturday, October 28, 2017 from 11:00 a.m. to 10:00 p.m., with a pre-event sound check at 10:30 a.m.; Sunday, October 29, 2017 from 11:00 a.m. to 10:00 p.m., with a pre-event sound check at 10:30 a.m.; Monday, October 30, 2017 from 3:00 p.m. to 10:00 p.m., with a pre-event sound check at 2:30 p.m.; and Tuesday, October 31, 2017 from 3:00 p.m. to 10:00 p.m., with a pre-event sound check at 2:30 p.m.; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified music, announcements and movies at Bad Weather Brewing Company, 414 7<sup>th</sup> Street 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 Bad Weather Brewing Company, subject to the following conditions:

- 1) The variance shall be for the following dates and times: Friday, October 27, 2017 from 3:00 p.m. to 10:00 p.m., with a pre-event sound check at 2:30 p.m.; Saturday, October 28, 2017 from 11:00 a.m. to 10:00 p.m., with a pre-event sound check at 10:30 a.m.; Sunday, October 29, 2017 from 11:00 a.m. to ~~10:00~~ 9:00 p.m., with a pre-event sound check at 10:30 a.m.; Monday, October 30, 2017 from 3:00 p.m. to ~~10:00 pm~~ 9:00 pm, with a pre-event sound check at 2:30 p.m.; and Tuesday, October 31, 2017 from 3:00 p.m. to ~~10:00 pm~~ 9:00 pm, with a pre-event sound check at 2:30 p.m.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 75 dBA as measured 50 feet from sound source.
- 3) The applicant shall provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. on Oct. 27 and 28 and 9:00 pm on Oct. 29-31. ~~on the dates of the event.~~

5) Garage doors shall remain closed after 7 pm.

FURTHER RESOLVED, that any violations of the conditions set forth above on the first date may result in revocation of the grant of a variance for the subsequent date, in addition to any criminal citation which might issue.

Bad Weather Brewing Company, represented by Kevin Stocks, Event Coordinator, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, on the following dates and times: Friday, October 27, 2017 from 3:00 p.m. to 10:00 p.m., with a pre-event sound check at 2:30 p.m.; Saturday, October 28, 2017 from 11:00 a.m. to 10:00 p.m., with a pre-event sound check at 10:30 a.m.; Sunday, October 29, 2017 from 11:00 a.m. to 10:00 p.m., with a pre-event sound check at 10:30 a.m.; Monday, October 30, 2017 from 3:00 p.m. to 10:00 p.m., with a pre-event sound check at 2:30 p.m.; and Tuesday, October 31, 2017 from 3:00 p.m. to 10:00 p.m., with a pre-event sound check at 2:30 p.m. during the Bad Weather Halloween Party at 414 7<sup>th</sup> Street West. 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