Legislation Text

File #: RES PH 15-55, **Version:** 1

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 from 8:00 p.m. until 10:30 p.m. on Saturday, March 14, 2015 and from 3:00 p.m. until 10:00 p.m. on Tuesday, March 17, 2015 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 to present amplified music in an enclosed tent at 164 Snelling Ave North; and

WHEREAS, applicant has requested a variance for the hours of 8:00 p.m. on March 14, 2015 to 1:00 a.m. on March 15, 2015 and from 3:00 p.m. on March 17, 2015 to 1:00 a.m. on March 18, 2015; and

WHEREAS, if applicant is not granted a variance it 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, subject to the following conditions:

1) The variance shall be for the hours of 3:00 p.m. to 10:30 p.m. on Saturday, March 14, 2015 and from 3:00 p.m. to 10:00 p.m. on Tuesday, March 17, 2015.

2) All electronically powered equipment used in conjunction with the event shall not exceed 90 dBA as measured inside the tent at the wall opposite of the sound source.

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 10:30 p.m. on March 14, 2015 and no later than 10:00 p.m. on March 17, 2015.

FURTHER RESOLVED, that any violations of the conditions set forth above on the March 14, 2015 and on March 17, 2015 dates 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 8:00 p.m. on March 14, 2015 to 1:00 a.m. on March 15, 2015 and from 3:00 p.m. on March 17, 2015 until 1:00 a.m. on March 18, 2015. 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