



Legislation Text

File #: RES PH 17-58, **Version:** 1

Approving the application of Patrick McGovern's for a sound level variance in order to present amplified music in an enclosed tent on Friday, March 17, 2017 at 225 7th 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, Patrick McGovern's, represented by Dianne Boemer, owner, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 80-95 dBA at no specified distance, to present amplified music in an enclosed tent at 225 7th Street West; and

WHEREAS, applicant has requested a variance for the hours from 3:00 p.m. to (12:00 a.m.) midnight, with a pre-event sound check at 2:00 p.m. on Friday, March 17, 2017; and

WHEREAS, if applicant is not granted a variance it will not be able to present amplified music at 225 7th 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 Patrick McGovern's, subject to the following conditions:

- 1) The variance shall be for the hours from 3:00 p.m. to 11:59 p.m., with a pre-event sound check at 2:00 p.m. on Friday, March 17, 2017.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 95 dBA as measured at 50 feet from all sound sources inside of the fully enclosed tents from 3:00 p.m. until 11:59 p.m., with a pre-event sound check at 2:00 p.m.
- 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 11:59 p.m. on Friday, March 17, 2017, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on Friday, March 17, 2017 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Patrick McGovern's, represented by Dianne Boemer, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music, with limitations, from 3:00 p.m. until midnight

on Friday, March 17, 2017. 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