

Item 23-0104: Approved Noise Variances

Board of Health

Wed, Feb 08, 2023 7:00AM

Cathy Spears (Board Chair) 12:28

Okay, so then we'll move on to 23-0104. We have the approved noise variances attached. Any comments or questions? I think there are some people from the audience that wish to address the Board of Health, and you can. What I would like to do is I'd like to ask you to please limit your statements to about one to two minutes. And, yes, Alderperson Fenton.

Alderperson Denise Fenton (District 6) 13:05

Chair. I don't know if this violates our protocol. But if—could I just ask Dr. Sepers to explain the process of...

Cathy Spears (Board Chair) 13:16

Sure

Alderperson Denise Fenton (District 6) 13:16

...granting these variances?

Cathy Spears (Board Chair) 13:17

Sure.

Alderperson Denise Fenton (District 6) 13:18

I know there was a lot of community interest in some particular venues.

Cathy Spears (Board Chair) 13:23

Right. And this was—we as a Board of Health are the ones that give to Doctor Sepers the ability—between the ramifications that we give to him and the things that we set up for him, we allow him to approve them so that they can go ahead and do that in a more timely manner. Because if it's brought before the Board of Health we don't always meet. So that's the history of this. This has been for probably about 10 years. So, I'll allow Dr. Sepers to state this as well. But we have given him the authority to approve or disapprove, and only if the person who had the noise variance had a problem with it would we be taking it up as an action item. Dr. Sepers.

Health Officer Charles Sepers 14:15

Thank you Chair. Just to expand upon that, the way the code is written currently, if a noise variance is denied by the health officer that's at the point at which it would move to full board. So, we look at the points in the in the code, you know, and review each noise variance request and sort of understand what is being done to meet what is there. So part of that is taking steps to limit the amount of noise beyond what is reasonable for the event. And so, in some cases that is limiting the hours in which that takes place. We're not, you know, approving something that goes very late.

Health Officer Charles Sepers 15:07

In the, in the case of live music, what happens at times is taking sound checks based on a on a sound level that they sort of work through to ensure that noise doesn't get too loud. In that case, sometimes there's physical barriers, such as fencing and other and other things. So, provided that the city receives some understanding about what is done to limit the amount of noise. And some of it is a—it's an ongoing process, right. So, if, in the

event, where there's capital that is being raised to apply to create maybe a maybe a taller fence or, you know, change the shape of the stage or something like that, in the event where there's a physical structure, we take that into account as well.

Health Officer Charles Sepers 16:03

So those are those are some of the things that we review, as we consider these noise variance requests, usually asking a lot of questions, sometimes we'll get something that is in a in a residential area, and we typically ask them to work with neighbors to understand, you know, what, you know, what impact that that might have? So, but that's usually what that process looks like.

Cathy Spears (Board Chair) 16:32

Okay, any other questions? I do know that there are people here that wish to tell us something about the noise variances that were approved. And we will not stifle any comments from citizens. However, we are asking because we have a huge agenda today, we are asking them to limit their comments to about one minute to two minutes at the maximum. And I will be timing them. And I will be asking at the end of two minutes that they please stop talking to us, because it is not an action item. But I believe that everyone needs to be heard. So if that's—we'll allow anyone that wishes to address the approved noise variances to come forward to the podium one at a time. And for the record, I'd like to ask that you give us your name and your address. And did we have a sign in sheet for speaking or attendance today? Make sure you get that? Yep. Because we do need to include that. So, the microphone is on. And thank you very much.

Elizabeth S. (Resident) 17:35

Okay, good morning. My name is Elizabeth S[redacted] I live at [address]. I'm sure some of you probably remember me, I'm going to keep it short, I didn't realize it wasn't an actionable item. Our alderperson told us about it. So that's why we came. So, I will write a letter to the board outlining all these concerns for you to take up later. But what I'm here to tell you is the process is not working. The variances are being granted are granted under a special event. So last summer, we met with Dr. Sepers. I reached out to the mayor and didn't hear anything. I reached out to my alderperson who finally was very helpful. But um, we met with the bar owners; they're not respecting us. They have no cause to lower the sound because there's no incentive. It's a blanket approval, and it was actually through October. And we had reached out in the summer expressing concerns because they were violating them. And they still got an extension through October. And I'm just gonna quick play some music from my front porch, and then my house so you get a sense. This is on my front porch. **[She played a recording of sound she could hear on her front porch.]**

Elizabeth S. (Resident) 18:38

Then I'm going to—this is this is inside my house, in my front room. And then this is in my family room. **[She played two other recordings of sounds she could hear in those two rooms.]** You can hear it. And I'm thinking "Is that reasonable that every Friday and Saturday night the whole summer, I have to wait till they're done?" I think there should be some conditions on how big of a band they can have. Having a full band in that small courtyard at the Fox River House is not practical. If they're instrumental. I have no problem.

Elizabeth S. (Resident) 19:10

Again, we're not trying to ban music. We just need as neighbors as taxpayer a course of redress. Can you imagine if you were a [indecipherable] for the whole summer and you had no recourse and you reach out to your representatives, and they say "Sorry, you just have to call the police when they violate it." Thank you.

Cathy Spears (Board Chair) 19:27

Thank you very much for your time and your comments. And that was really fast. That was less than a minute. Thank you.

Elizabeth L. (Resident) 19:43

Hi, my name is Elizabeth L[redacted]. I live at [redacted] right across the street from Fox River House. We know the music at the taverns is not going away and they will have outdoor music spring, summer, and fall, pretty much to nine months of the year; however, the Fox River House has promised sound barriers for their patio. And they have done nothing. This promise was made by three different owners. Is it costs? I'm not sure. One of the current owners even offered to buy our house. But there are still no barriers. The loud bands and very loud drums continue, all amplified. The noise rattles and windows which must remain closed.

Elizabeth L. (Resident) 20:33

This is a mixed-use neighborhood and there should be a compromise. Every weekend, we are forced to monitor the music because there is no way to avoid it. This has been going on for 14 years. And we're not moving. We know they're not going away, but we would like compromise. We would like to work with us instead of having or being allowed to do as loud as they'd like, every weekend. So, we don't we don't have any recourse. Thank you.

Cathy Spears (Board Chair) 21:12

Thank you very much. And thank you again for being brief. We appreciate it. Anyone else? Okay, thank you very much for your comments. And we look forward to having your letters sent.