

## Casey, Julie A.

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**From:** Ana Niedermaier <ana.niedermaier@gmail.com>  
**Sent:** Thursday, April 14, 2016 12:14 PM  
**To:** Casey, Julie A.; Bryan Jones  
**Subject:** Notice of Public Hearing for The Country Bar

Dear Ms. Casey,

Recently I received a Notice of Public Hearing in the mail for The Country Bar. I am writing to you to express my strong concerns regarding their proposed plans, as well as my general dissatisfaction with recent developments surrounding our building. This letter is long, yes, but I ask that you read it in its entirety. My landlord, Bryan Jones, is copied to this email, and I have also sent a copy of this message to Ward 10 Council Member Lisa Bender.

I currently live at 3008 Lyndale Ave South. My apartment, like several others, faces the back alley – the back alley where Volstead's Emporium was permitted to install their main door, and now where Country Bar intends to install a smoking patio, complete with amplified music.

I am categorically opposed to allowing Country Bar to use this space in this manner. All you have to do is look at the way the alley is configured in this location to understand why it makes absolutely no sense to have such a space back there. The patio/deck Country Bar has constructed is literally just feet away from people's apartments; in some cases it is immediately adjacent to apartment walls and windows. Furthermore, the acoustics of this alley are such that any sound is already amplified. To think that this won't cause significant annoyance and discomfort to those of us living here is absurd.

I have already experienced a dramatic decline in my quality of life since Volstead's opened. I can no longer relax in my own apartment or do the activities I once enjoyed, such as reading and meditation, because of the constant noise from Volstead's staff and patrons. I cannot sleep at night without the aid of earplugs. I cannot have my windows open. Normally a relatively cheerful person, I've found my general mood is now agitated, anxious and angry because of the constant noise. I am forced to arrange my schedule and my lifestyle around when they are open so as to avoid being home during their peak hours of business.

Beyond the noise, I also no longer feel safe or comfortable in my own home. The increased traffic in our alley has had some undesirable side effects – multiple times I have witnessed people lurking around the parking lot, peaking into people's cars. I have seen countless people urinate on our dumpsters and vomit in our alley. As for Country Bar, I have already witnessed one patron stumble out of the front door and vomit on Lyndale – not exactly the type of people you want hanging out in your backyard. In short, what was once an awesome little pocket of Uptown to call home has, in the space of just a few months, become nearly unbearable.

Personally, I feel that little (if any) thought has been given to the residents of this immediate area. I realize that this area is technically zoned for mixed use (as opposed to residential), but I don't understand why no one considered the negative effect these decisions would have on residents. Why is a bar allowed to have their main entrance just feet away from where people sleep? Why is a bar allowed to have a patio literally inches away from someone's window?

Everything that has been allowed to happen in this alleyway seems to violate the spirit, if not the letter, of Minneapolis law. Right from the start, Minneapolis Noise Regulations state (emphasis mine):

## Chapter 389 NOISE

### 389.10

b. Excessive noise degrades the environment to a degree that:

1. is harmful to the health, welfare and safety of its inhabitants.

2. interferes with the comfortable enjoyment of life and property.

3. interferes with the well being, tranquility, and privacy of the home.

**c. Individuals are not required to welcome unwanted noise into their own homes and there simply is no right to force unwanted noise into the home of an unwilling listener...**

Even though this is a mixed use zone, it would seem that technically these bars fall under the classification of "Residentially used area":

Residentially used area: Any building or portion thereof designed or used exclusively for human habitation, including single-family, two-family, and multiple-family dwellings without regard to their size or location within the city limits plus any area within five hundred (500) feet of such building or portion thereof which is so used. Residentially used area shall include any mixed use building which contains a dwelling unit as defined in section 522.40 of this Code plus any area within five hundred (500) feet of such dwelling unit.

And that the activity associated with these bars consistently fits the definition of "Noisy or unruly assembly":

Noisy or unruly assembly: The term “noisy or unruly assembly” shall mean a gathering of more than one person in a residentially zoned or used area or building between the hours of 10:00 p.m. and 6:00 a.m. whose noisy or illegal conduct would be likely to cause significant discomfort or annoyance to a reasonable person of normal sensitivities present in the area considering the time of day and the residential character of the area.

I have looked up the Minneapolis Noise Standards and literally measured the decibel levels in the alley – even allowing for a Noise Area Classification #2 (instead of #1, which is for residentially used areas), at peak bar times the noise levels are consistently over the limits for both daytime and nighttime hours. (See Chapter 7030.0040)

Our landlord has worked hard to make this a good building with good tenants. However, it’s clear that the city has no interest in retaining quality residents here – only in adding yet more bars to an already saturated area. While this may be great for bar owners and city taxes, it’s a horrible development for residents and other business owners who literally have to pick up the trash and hose down the urine left behind by bar patrons. (I’m not joking here – ZRS Fossils on Lyndale has told me how on multiple occasions customers from the former Country Bar would use their entrance way as a urinal, a fun fact they would discover when watching security footage the next day.)

The noise from Volstead’s has forced me to move. While I am extremely sad to leave (this place used to be awesome!), I am also extremely glad to be getting out before Country Bar gets into full swing and whatever is planned for 3012 Lyndale gets any further along (seriously, a rooftop patio mere feet away from our windows?!?!). I know several of my neighbors are also planning on moving in the very near future due to noise issues.

I am truly saddened and disappointed that the city did not take our homes and general quality of life into account when approving the plans of these bars. It’s clear that the priority is not on the well being of existing residents, but on catering to the people that pack the streets on the weekends, disrupt the peace, make a mess, and then go back to their quiet homes in the suburbs. The upshot of all this is that I no longer feel that Uptown is a place that I want to live in or otherwise spend my time in, so I’m taking my money elsewhere, and am encouraging all of my friends and acquaintances to do the same.

Sincerely,

Ana Niedermaier

952-212-8730

## Casey, Julie A.

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**From:** Alexandra Paffrath <paffr007@d.umn.edu>  
**Sent:** Monday, April 11, 2016 2:29 PM  
**To:** Casey, Julie A.  
**Subject:** Re: Country Bar Liquor and Outdoor Area License

Ms. Casey,

My name is Alex Paffrath. I live at 3008 Lyndale Avenue South APT 203, Minneapolis. My husband and I have lived in this unit for 2 years and have been gracious with the noise associated with the opening of Volstead's in our alley and the re-opening of Cafferey's.

We received a letter in the mail regarding The Country Bar's request for an upgraded liquor license as well as a permit to have music in the back of their building and dining space on the side walk. I know very little about liquor laws and cannot comment regarding that change. I also have no problem with patio seating in the front of their restaurant.

However, I must express significant concerns with the request to have music and dining in the back of their building. There have already been complaints about noise created by The Country Bar by other tenants in my building. Our unit is in the back of the building; we have been fortunate to have been unaffected thus far. However, the request for music in the back of their building must not be granted. The space they are requesting to use is directly adjacent to my apartment - a relatively tall person standing on this deck could see directly into my windows, despite the tallish fence they have built. Music, even if only until 10 PM, would be like having an unwelcome band in my backyard Thursday-Saturday night. This alley is home to many apartments which will experience similar problems to my unit. Folks with units further up than mine and on the opposite side of the alley will possibly have worse privacy issues than we face.

Volstead's has been more than accommodating in helping to control the noise created by their smokers and the long lines that often form during the weekend. The Country Bar has not approached the tenants of the affected apartment complexes to discuss their plans. They have built their deck prior to obtaining a permit to use it. This implies they do not intend to be good neighbors. They have already demonstrated that a loud, late-night bar atmosphere is the service they intend to provide. I understand that it is their right to run a business. However, it is not their right to infringe on the privacy and quiet (as much as can be expected in the city) of those who live here.

I am available to you for clarification or additional questions.

Sincerely,

Alex Paffrath

## Casey, Julie A.

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**From:** Colin Rime <colinrime@gmail.com>  
**Sent:** Tuesday, April 12, 2016 7:15 PM  
**To:** Casey, Julie A.; bryanjones@comcast.net  
**Cc:** Alex Paffrath  
**Subject:** Re: Country Bar Liquor and Outdoor Area License

Julie - I am Alex's husband and live in this unit as well. I've also included our landlord on this email so he is aware of this if he is not already.

I have attached a picture which should better describe what The Country Bar has done. As you can see, they have literally used our studio's window as a patio border. This presents both visual and audial privacy concerns.

They have been using this area as storage and assumed that that was its purpose. This letter we received this last weekend is the first communication we have received regarding their intentions. With them starting in 3 days, we have had little time to express concern.

This back alley 'corner' is highly residential. Any attempt to use speakers back here will result in a significant echo chamber for numerous (50+) residents. Additionally, if The Country Bar is allowing patrons to use this patio between 10pm-2am after the speakers are shut down, this will still create a significant disturbance to all around here, and specifically us.

Put simply, we are deeply concerned. Feel free to reach out to me directly for details.

Colin Rime -

**Casey, Julie A.**

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**Subject:** FW: Country Bar Liquor and Outdoor Area License

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**From:** Bryan Jones [<mailto:bryanjones@comcast.net>]  
**Sent:** Wednesday, April 13, 2016 9:13 AM  
**To:** Colin Rime  
**Cc:** Casey, Julie A.; Alex Paffrath; Niedermaier, Ana  
**Subject:** Re: Country Bar Liquor and Outdoor Area License

Hello All, I have included another resident who has expressed concerns in this email as well.

Julie, My name is Bryan Jones. I own the property at 3008 Lyndale Ave S, which shares a wall with the new Country Bar.

I will be at the meeting on the 19th regarding the change in liquor license.

With regards to a smokers patio behind the Country Bar, I am very opposed to that. The owner of the Bar initially told me he planed to have that patio for his AirBNB guests to use. It has already been built and up until now it has been used as a place for the contractors to set up shop and do work. The patio is literally feet from Colin and Alex's living space. I'm not sure of any sort of ordinance about smoking close to entry doors and windows. But I think this would push that limit.

I have also contacted Council member Lisa Bender about the rooftop patio planned for the building at 3012 Lyndale and my very strong opposition to that. I have yet to hear back from her. It is imperative that I attend any meeting regarding that space and their plans.

We are good property owners, pay a very high amount of property taxes for that building and I have been a good neighbor to all in that area. I understand the need to have a thriving business district on a busy corner. However, I have already lost one great renter due to the noise from Volsteads. I imagine Colin and Alex, and others are not far behind. If you want me to have good residents in that building, we have to do something about the noise coming at them from all directions.

Please contact me about the smokers patio at 3006 Lyndale and rooftop deck at 3012 Lyndale.  
Thank you.

Bryan Jones  
NorthStar Properties of MN, Inc.  
2505 Silver Lane NE  
Minneapolis, MN 55421  
612-788-5600 Office  
612-990-5678 Cell

DBA/Trade Name: The Country Bar

Date of Public Hearing: April 19, 2016

Your Name: Bryce Sprosty Your Address: 3039 Bryant Ave S #  
Minneapolis 55408

Comments:

Go for it - We need great outdoor patio  
spaces!

Signature: Bryce Sprosty Date: 4/8/16

You may return this response to:

Division of Licenses and Consumer Services

Room 1 City Hall

350 5<sup>th</sup> Street South

Minneapolis MN 55415

[BusinessLicenses@minneapolismn.gov](mailto:BusinessLicenses@minneapolismn.gov)

FAX 612-673-3399

Inspector: Julie Casey