



Legislation Details (With Text)

File #: RES PH 22- 286 **Version:** 1
Type: Resolution-Public Hearing **Status:** Passed
In control: City Council
Final action: 9/28/2022
Title: Approving the application of Sean Denniston for a sound level variance in order to present amplified sound on September 30, 2022 at Mears Park - 221 5th St E.
Sponsors: Rebecca Noecker
Indexes: Ward - 2
Code sections:
Attachments: 1. Application, 2. ENS#1, 3. Map - Worship Night, 4. Owner list, 5. Notice to Owners, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
9/29/2022	1	Mayor's Office	Signed	
9/28/2022	1	City Council	Adopted	Pass

Approving the application of Sean Denniston for a sound level variance in order to present amplified sound on September 30, 2022 at Mears Park - 221 5th St E.

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, Sean Denniston, who has been designated as the responsible person on the application, has applied for a variance, for a requested sound level limit of 100 dBA measured at no specific distance from the sound source, to present amplified sound at Mears Park - 221 5th St E; and

WHEREAS, applicant has requested a variance for the hours of 3:30 p.m. to 7:30 p.m. with a pre-event sound check from 3:30 p.m. to 5:00 p.m. on Friday, September 30, 2022 for a Worship Night; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at Mears Park - 221 5th St E: 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 Sean Denniston, subject to the following conditions:

- 1) The Variance shall be for the hours from 3:30 p.m. to 7:30 p.m. with a pre-event sound check from 3:30 p.m. to 5:00 p.m. on Friday, September 30, 2022.

- 2) All electronically powered equipment used in conjunction with the event shall not exceed 85 dBA as measured at 50 feet from all sound sources.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound source during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 7:30 p.m. on Friday, September 30, 2022, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on September 30, 2022 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Sean Denniston, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 3:30 p.m. to 7:30 p.m. with a pre-event sound check from 3:30 p.m. to 5:00 p.m. on Friday, September 30, 2022. 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