



## Legislation Details (With Text)

**File #:** RES PH 22-3 **Version:** 2  
**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 1/19/2022

**Title:** Approving the request for a sound level variance for Nor-son Construction to allow for construction at 170 Western Avenue South; beginning January 15, 2022 through March 4, 2022;

**Sponsors:** Rebecca Noecker

**Indexes:** Ward - 2

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Owners list, 5. Notice to Owners, 6. Letter to Applicant, 7. RES PH 22-3 - Jane Lang, 8. RES PH 22-3 - Novare Counseling Center, 9. RES PH 22-3 - Novare Counseling Center video, 10. RES PH 22-3 Briah Anson, MA Photo 1, 11. RES PH 22-3 - Briah Anson Photo 3, 12. RES PH 22-3 - Briah Anson, MA Photo 2, 13. RES PH 22-3 - Briah Anson Photo 4, 14. RES PH 22-3 - Briah Anson, MA Expenses, 15. RES PH 22-3 - Briah Anson, MA, 16. RES PH 22-3 - Banfil Office Court, 17. Edmund Email, 18. 170 Western Ave S Sound and Vibration Mitigation Plan 12-16-21, 19. 555 Monitoring Records, 20. 557 Monitoring Records, 21. MacDonald Mont. Monitoring Records, 22. Vibration and Sound Mitigation Site Plan, 23. Winslow Introduction Letter, 24. RES PH 22-3 - Bigos Management, 25. Ord 22-3 - Brennan Malanaphy, 26. RES PH 22-3 Brennan Malanaphy

Date	Ver.	Action By	Action	Result
1/21/2022	2	Mayor's Office	Signed	
1/19/2022	1	City Council	Adopted As Amended	Pass
1/12/2022	1	City Council	Laid Over	Pass

Approving the request for a sound level variance for Nor-son Construction to allow for construction at 170 Western Avenue South; beginning January 15, 2022 through March 4, 2022;

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, Nor-Son Construction represented by Chris Emond, Sr. Project Manager, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 95 decibels (dBA) at 50 feet from sound source, for construction work, with use of dump trucks and drilling equipment during the construction project beginning January 15, 2022 through March 4, 2022; and

WHEREAS, applicant is seeking a variance for the hours of 7:00 a.m. to 5:00 p.m., beginning January 15, 2022 through March 4, 2022 during construction; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 170 Western Avenue S.; and

RESOLVED, that the Council of the City of Saint Paul hereby grants a variance to Nor-son Construction for

construction work, subject to the following conditions:

- 1) The Variance shall be for the hours of 7:00 a.m. to 5:00 p.m., beginning January 15, 2022 through March 4, 2022.
- 2) All powered equipment used in conjunction with the construction shall not exceed 95 dBA as measured at 50 feet from the sound source.
- 3) The applicant shall use best practicable methods for controlling noise, such as, but not limited to noise blankets, shields or portable sound barriers. Construction activities should be scheduled to minimize noise as much as possible.
- 4) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring during the hours of the variance.
- 5) All equipment, or similar devices shall be turned off no later than 5:00 p.m. beginning January 15, 2022 through March 4, 2022.
- 6) All construction activity that creates excessive noise (including but not limited to jackhammering, pile driving and drilling) shall be completed by 12 pm each day.
- 6) 7) If the sound level variance is approved, the applicant will notify, in writing, all property owners/residents within 400 feet of the proposed work location. Notice shall be a minimum of forty-eight (48) hours prior to the start of the work.

FURTHER RESOLVED, that any violations of the conditions set forth above on the January 15, 2022 through March 4, 2022 dates may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Nor-son Construction represented by Chris Emond, Sr. Project Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 7:00 a.m. until 5:00 p.m., January 15, 2022 through March 4, 2022 during construction. 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