



## Legislation Text

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**File #:** RES PH 22-263, **Version:** 1

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Approving the application of Church of St. Mark for a sound level variance in order to present live amplified sound on October 1, 2022 at 1976 - 1983 Dayton Ave - parking lot and street.

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, Church of St. Mark, represented by Audrey Koval, Office Manager, who has been designated as the responsible person on the application, has applied for a variance, at no requested sound level limit or specified distance, to present amplified sound at 1976 - 1983 Dayton Ave - parking lot and street; and

WHEREAS, applicant has requested a variance for the hours of 11:00 a.m. to 5:00 p.m. on October 1, 2022 for St. Mark's Oktoberfest; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 1976 - 1983 Dayton Ave - parking lot and street; 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 Church of St. Mark, subject to the following conditions:

- 1) The Variance shall be for the hours from 11:00 a.m. to 5:00 p.m. on Saturday, October 1, 2022.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 90 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 5:00 p.m. October 1, 2022, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 1, 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.

Church of St. Mark, represented by Audrey Koval, Office Manager, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 11:00 a.m. to 5:00 pm on October 1, 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