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Subject: Requested Noise Level Variances
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This is a response to the request from the University of St. Thomas (" UST") for a variance of the permitted noise level for this season's four Fall Saturday afternoon football games. In addition UST has leased the use of its football stadium to Cretin-Derham Hall ("CDH"). On behalf of that school, UST seeks the same variance for the football games CDH has scheduled there during evenings- 6:00 to 10:00 pm- on September 8 and 22 and October 6 and 18. Eight variance requests in total.

The Code of Ordinances (" Code") sets out the standard that governs the City Council's discretion and judgement as it considers those requests. That standard also serves as UST's burden of proof. The Code states that a noise " variance may be granted or modified only if the council finds that full compliance with the requirements of this **chapter** would constitute an unreasonable hardship on the applicant, on other persons, or on the community." Code Sec. 293.09(e)(3).

UST has made no such showing. A review of its requests reveals no evidence that either the school or the game patrons will be unreasonably burdened if the stadium's sound system is not allowed to broadcast up to the requested level of 92 dBA. For that reason alone, the requests should be denied.

In addition history shows why the variance should not be granted. We have lived one street away from the UST stadium for over fifty years. Until quite recently the music and the announcements from its football games were delivered at a tolerable level, an unobtrusive reminder that Fall had arrived. This has degraded in the past few years to an unpleasant blaring of music and play by play commentary. Apparently UST began to request variances in 2021. For decades UST football was able to be enjoyed within the permitted noise levels. Certainly nothing about the game nor anything about its audience's make up has so changed that the higher sound volume sought is necessary.

Finally, my opinion of the noise level that comes from recent UST football games is not solely mine. In conversations with the immediate past Director of Neighborhood and Community Relations, I learned that other neighbors had complained about the increased volume of music and speech that had recently begun to accompany football games at UST.

It is reasonable for UST to limit its noise impact on its neighbors to the peaceful level that it has met for many years. The current variance requests should be denied.

Richard L. Varco, Jr.