



Legislation Details (With Text)

File #: RES PH 23- 287 **Version:** 1

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In control: City Council
Final action: 9/27/2023

Title: Approving the application of Derrick Diedrich for a sound level variance in order to present amplified sound on October 1, 2023 at 1509 Ashland Avenue.

Sponsors: Russel Balenger

Indexes: Ward - 1

Code sections:

Attachments: 1. Application, 2. ENS1, 3. Map, 4. Owners List, 5. Notice to Owners, 6. Letter to Applicant, 7. Rick & Sarah Juliusson public comment

Date	Ver.	Action By	Action	Result
9/28/2023	1	Mayor's Office	Signed	
9/27/2023	1	City Council	Adopted	Pass

Approving the application of Derrick Diedrich for a sound level variance in order to present amplified sound on October 1, 2023 at 1509 Ashland Avenue.

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, Derrick Diedrich, Tenant, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level limit of 90 dBA at no specified distance from the sound source at 1509 Ashland Ave, to present amplified sound; and

WHEREAS, applicant has requested a variance for the hours of 5:00 p.m. to 8:30 p.m. with a pre-event sound check at 3:00 p.m. on Sunday, October 1, 2023 for the Bosco Fest event; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 1509 Ashland Ave; 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 Derrick Diedrich for the Bosco Fest event at Ashland Ave, subject to the following conditions:

- 1) The Variance shall be for the hours of 5:00 p.m. to 8:30 p.m. with a pre-event sound check at 3:00 p.m. on Sunday, October 1, 2023.
- 2) All electronically powered equipment used in conjunction with the event shall not exceed 80 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 8:30 p.m. October 1, 2023, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the October 1, 2023 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Derrick Diedrich, Tenant, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 5:00 p.m. to 8:30 p.m. with a pre-event sound check at 3:00 p.m. on October 1, 2023 at 1509 Ashland Ave. 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