



## Legislation Details (With Text)

**File #:** RES PH 23- 228      **Version:** 1

**Type:** Resolution-Public Hearing      **Status:** Passed

**In control:** City Council

**Final action:** 8/23/2023

**Title:** Approving the application of Church of the Holy Spirit, Justin Carrick, Business Administrator for a sound level variance in order to present amplified sound on September 9, 2023 at 515 Albert Street South - Church of the Holy Spirit school playground.

**Sponsors:** Chris Tolbert

**Indexes:** Ward - 3

**Code sections:**

**Attachments:** 1. Application, 2. ENS1, 3. Map, 4. Owners List, 5. Notice to Owners, 6. Letter to Applicant

Date	Ver.	Action By	Action	Result
8/24/2023	1	Mayor's Office	Signed	
8/23/2023	1	City Council	Adopted	Pass

Approving the application of Church of the Holy Spirit, Justin Carrick, Business Administrator for a sound level variance in order to present amplified sound on September 9, 2023 at 515 Albert Street South - Church of the Holy Spirit school playground.

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 the Holy Spirit, Justin Carrick, Business Administrator, who has been designated as the responsible person on the application, has applied for a variance, for a requested sound level limit of 125 dBA measured at no specified distance from the sound source, to present amplified sound at 515 Albert St S - Church of the Holy Spirit school playground; and

WHEREAS, applicant has requested a variance for the hours of 5:30 p.m. to 10:00 p.m. on Saturday, September 9, 2023 with a pre-event sound check at 4:00 p.m. for Spirit Fest; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 515 Albert St S - Church of the Holy Spirit school playground; 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 the Holy Spirit, Justin Carrick, Business Administrator, subject to the following conditions:

- 1) The Variance shall be for the hours of 5:30 p.m. to 10:00 p.m. on Saturday, September 9, 2023 with a pre-event sound check at 4:00 p.m.

- 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 for the event hours of 5:30 p.m. until 10:00 p.m., and for the pre-event sound check at 4:00 p.m.
- 3) The applicant shall provide personnel and equipment who shall provide continuous sound level monitoring at each sound mix during the hours of the variance.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices shall be turned off no later than 10:00 p.m. September 9, 2023, the event date.

FURTHER RESOLVED, that any violation of the conditions set forth above on the September 9, 2023 date may result denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Church of the Holy Spirit, represented by Justin Carrick, Business Administrator, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 5:30 p.m. until 10:00 p.m. on September 9, 2023. 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