



Legislation Text

File #: RES PH 17-189, **Version:** 1

Approving the application of Jennifer Coleman for a sound level variance in order to present amplified music on Sunday, August 6, 2017 for the Coleman Family Get Together at 969 Benhill Road.

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, Jennifer Coleman, who has been designated as the responsible person on the application, has applied for a variance, at a requested sound level of 90 to 95 dBA to present amplified music with speakers at 969 Benhill Road; and

WHEREAS, applicant is seeking a variance for the hours of 7:00 p.m. to 10:00 p.m., with a pre-event sound check from 5:00 p.m. to 6:00 p.m., on Sunday, August 6, 2017 to present amplified music with speakers; and

WHEREAS, if applicant is not granted a variance applicant, will not be able to have amplified music during a family get together at 969 Benhill Road; 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 Jennifer Coleman subject to the following conditions:

- 1) The variance will be for amplified music with speakers during the hours of 7:00 p.m. to 10:00 p.m., with a pre-event sound check from 5:00 p.m. until 6:00 p.m. on Sunday, August 6, 2017.
- 2) All electronically powered equipment, PA systems, loudspeakers or similar devices used in conjunction with the music must not exceed 85 dBA as measured 50 feet from sound source.
- 3) The applicant will provide personnel and equipment to ensure compliance with the sound level variance conditions.
- 4) All electronically powered equipment, PA systems, loudspeakers or similar devices must be turned off no later than 10:00 p.m. on Sunday, August 6, 2017.

FURTHER RESOLVED, that any violations of the conditions set forth above, may result in denial of any future variances, in addition to any criminal citation which may be issued.

Jennifer Coleman has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified music with speakers, from 7:00 p.m. to 10:00 p.m., with a pre-event sound check from 5:00 p.m. to 6:00 p.m., on Sunday, August 6, 2017 for live music at 969 Benhill Road. 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