



## Legislation Details (With Text)

**File #:** RES PH 21-127 **Version:** 1

**Type:** Resolution-Public Hearing **Status:** Passed  
**In control:** City Council  
**Final action:** 6/2/2021

**Title:** Approving the application of Avalon School for a sound level variance in order to present live amplified sound on June 10, 2021 at 525 Pelham Blvd.

**Sponsors:** Mitra Jalali

**Indexes:** Ward - 4

**Code sections:**

**Attachments:** 1. Application, 2. ENS, 3. Map, 4. Owners List, 5. Notice to Owners, 6. Letter to Applicant, 7. RES PH 21-127 - Marc and Jo Litzenberg

Date	Ver.	Action By	Action	Result
6/4/2021	1	Mayor's Office	Signed	
6/2/2021	1	City Council	Adopted	Pass

Approving the application of Avalon School for a sound level variance in order to present live amplified sound on June 10, 2021 at 525 Pelham Blvd.

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, Avalon School, represented by Tyler Kutscheid, Advisor, who has been designated as the responsible person on the application, has applied for a variance, for a requested sound level limit of 70 dBA at no specified distance, to present amplified sound at 525 Pelham Blvd.; and

WHEREAS, applicant has requested a variance for the hours from 6:00 p.m. to 7:30 p.m. on Thursday, June 10, 2021, with a pre-event sound check at 5:00 p.m. for Graduation; and

WHEREAS, if applicant is not granted a variance applicant will not be able to present amplified sound at 525 Pelham Blvd.; 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 Avalon School, subject to the following conditions:

1) The Variance shall be for the hours from 6:00 p.m. to 7:30 p.m. on June 10, 2021 with a pre-event sound check at 5:00 p.m.

2) All electronically powered equipment used in conjunction with the event shall not exceed 70 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 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 7:30 p.m. June 10, 2021, the event date.

FURTHER RESOLVED, that any violations of the conditions set forth above on the June 10, 2021 date may result in denial of future requests for the grant of a noise variance, in addition to any criminal citation which might issue.

Avalon School, represented by Tyler Kutscheid, has requested an exemption from the sound level limitations in Chapter 293.07 in order to present amplified sound, with limitations, from 6:00 p.m. to 7:30 p.m. on June 10, 2021. 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