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**To:** [CouncilHearing \(CI-StPaul\)](#)  
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Once again St. Thomas University asks for a noise variance. Again for a football game to be played at its stadium. Again by non-UST participants. Among the few reasons offered for prior such grants is that even earlier requests from the university have been approved. The brief reply to that is “Two wrongs do not make a right.” Just kicking the can down the road, so to speak, brings to mind a critique of American decision making as to the war in Vietnam. To wit: Major disasters are never the result of small mistakes and overlooked details, but of men in positions of relative safety choosing by gradual stages to postpone first the inconvenience and then the pain of failure by doubling and then redoubling the number of chips pushed to the center of the table.

In the absence of a showing, much less a claim, that a sound level variance denial will result in unreasonable hardship to anyone and in the headwind of an admission by a UST official that such harm did not occur during a game played with sound levels below those requested in the variance, council approval is perplexing and disappointing. If you choose not to govern by the rule of law, here the legislative code, what guides you? You are presently advocating for a better system of code enforcement, e.g., with respect to renter and worker wage claims. Are not neighborhoods entitled to the protection granted them by the code against excessive noise?

As alluded to above, all of the public council comments have talked around the unreasonable hardship standard. None has so much as mentioned it. That is not meant as criticism. Each of you may well have a valid reason why such a hardship exists. Faced with this knowledge gap, I have a request for each council member. Take what you believe to be the unreasonable hardship to whomever is the council's attorney. Ask that person to advise you as to whether your formulation is defensible as such. If not, vote to reject the pending UST sound level variance.

Richard Varco, Jr.

