



Subject: Noise Variance Request 175 King Street, The Belmont

To: Council

From: Community Safety & Enforcement Department

Report Number: 2024-132

Meeting Date: June 25, 2024

Recommendation:

That Community Safety & Enforcement Department Report 2024-132 be received; and

That the Belmont Bar and Grill be granted a permit to exempt them from Section 4(3) of By-law 4588/119/04 with the following terms and conditions:

That a conditional noise variance be approved for the period starting Fridays in June to Friday, September 2, 2024, from 8:00 p.m. to 11:59 p.m. for a DJ with equipment and live bands being able to amplify music, with the condition that if staff receives complaints from the public about excessive noise, staff will work with the Belmont management to ensure that the Belmont addresses and alleviates the noise concerns. In the event the complaints cannot diminish, Staff would rescind the noise variance permit. The permit is applicable only to the production, reproduction, and amplification of sound in connection with these events.

Purpose:

The purpose of this report is to allow the applicant to be heard by Council regarding a requested variance from the Noise By-law. The Belmont is requesting a variance from the Noise By-law to allow for music on the patio in the rear of their property.

The noise variance request is for the following dates and times:

- Starting the first Friday in May to the last Friday in September, inclusive from 8:00 p.m. to 11:59 p.m. and for a DJ with equipment and live bands to be able to amplify music.
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Background:

Noise By-law 4588/119/04 Section 4(3) Schedule 2 (2) states:

No person shall emit or cause to permit the emission of sound resulting: From any act listed in Schedule 2 – Prohibitions Time and Place if clearly audible at a point of reception; the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers or other electromechanical transducers, and intended for the production, reproduction or amplification of sound in a residential area at any time.

Discussion:

Staff provided a Public Notice on June 5, 2024, regarding the Belmont's noise variance request. At time of the report, Staff received zero responses from the public.

The City of Port Colborne, when considering the request, has an obligation to balance the commerce of the business and the peace and enjoyment of the residents in this mixed residential/commercial area.

Staff recommend granting the variance with minor changes, regarding the end time Friday night, specifically that the time to be changed from 12:00 a.m. to 11:59 p.m. Friday night, and with the condition that the if staff receives complaints from the public about excessive noise, staff will work with the Belmont management to ensure that the Belmont addresses and alleviates the noise concerns. In the event the complaints cannot diminish, staff would rescind the noise variance permit.

Internal Consultations:

Fire Services has no objection to the application for relief from the noise by-law.

Financial Implications:

There are no financial implications.

Public Engagement:

Staff did not receive any comments from the public regarding this variance request.

Strategic Plan Alignment:

The initiative contained within this report supports the following pillar(s) of the strategic plan:

- Welcoming, Livable, Healthy Community
 - Economic Prosperity
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Conclusion:

With no public comments, staff have no objection to the proposed noise variances request; however, staff would like the ability to revoke the variance permit, should the Belmont fail to mitigate any noise that has disturbed the neighbouring area.

Appendices:

- a. Noise Variance Application for The Belmont 175 King Street.

Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final review and approval by the Chief Administrative Officer.