



**Subject: Noise Variance Request 490 Empire Road, Sun Retreats
Sherkston Shores**

To: Council

From: Community Safety & Enforcement Department

Report Number: 2025-69

Meeting Date: April 8, 2025

Recommendation:

That Community Safety & Enforcement Department Report 2025-69 be received; and

That Council approve a permit to exempt Sun Retreats Sherkston Shores from Section 4(3) of By-law 4588/119/04 with the following terms and conditions:

- That a noise variance with modifications be approved for the period starting from May 1, 2025, to Oct 25, 2025, from noon to 11:00 p.m. Fridays and Saturdays and ending at 10:00 p.m. on Thursdays and Sundays for a variety of amplified noise, including noise from a DJ with equipment and live bands being able to amplify music.
 - The permit is applicable only to the production, reproduction, and amplification of sound in connection with these events listed in the application with the modifications by the City of Port Colborne.
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Purpose:

The purpose of this report is to allow the applicant to send their Noise Variance request to Council. The applicant, Sun Retreats Sherkston Shores is requesting numerous variances from the Noise By-law to allow for a variety of activities with amplification of noise including music at their facility.

Background:

The City's 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.”

Section 8.

“(1) The Clerk may, upon written application by any person, issue a “permit” of a temporary nature to exempt the applicant from any such provisions and requirements of this by-law as the Clerk deems appropriate.”

“(2) The Council may, upon written application by any person, issue a “permit” of a permanent nature to exempt the applicant from any such provisions and requirements of this by-law, as the Council deems appropriate.”

“(3) Any “permit” issued in accordance with the provisions of Section 8. (1) or Section 8. (2) of this by-law, by the Clerk or Council, shall specify the terms and conditions under which the permit is issued.”

Staff are aware that some residents who are near the resort have brought noise complaints forward to individual Councillors in the past, therefore By-law Services staff are providing this report for Council consideration. Of the two types of variances permitted under the by-law – temporary and permanent – staff consider this request to be of a permanent nature, therefore Council consideration is required.

Discussion:

Staff posted the variance application on the City of Port Colborne website on February 8, 2025. Application closed for comments on February 19, 2025. Staff received eight comments/responses from the public.

When considering the variance request, the City of Port Colborne has an obligation to balance the commerce of the business and the peace and enjoyment of the residents in this area.

Noting that the request times on the application, the schedule and the company website do not match.

Application Summary of request - Amplified music cease by 12:00 a.m.(midnight), outdoor 11:00 p.m. – no mention of Sundays.

Attached spreadsheet to application list a variety of times for ending up to and including 12:00 a.m.(midnight).

Company Website noting All bands at Alcove 8:00 p.m. to 11:00 p.m. All Sunday’s soccer field 7:00 p.m. to 10:00 p.m.

Sun Retreats Sherkston Shores posted notice on the community mailbox and delivered notice to area residents. Management has changed the layout and orientation of the concert series and has also obtained noise monitoring devices to ensure the amplification of noise does not affect the surrounding neighbours. However, during the 2024 season, By-law Services did receive noise complaints regarding the volume, and or music and other patron noise including hollering and singing of campers on-site.

The variance comments received requested that:

- the noise be concluded by 11:00 p.m., Thursday to Saturday and 10:00 p.m. on Sundays.
- other activities be reduced like fireworks being set off every weekend.
- guests be better controlled from other illegal activities, such as dumping of garbage, trespassing, theft, and drug abuse.
- unlicensed golf carts and excessive traffic on the roads be better controlled.

Staff suggest two options for Council's consideration.

Option One

Council grant approval of the noise variance for 2025 as requested by Sun Retreats Sherkston Shores.

Option Two

Council grant approval of the noise variance for 2025, with modifications to the received application.

1. Reduce times limiting the noise to 11.p.m. or earlier
2. Reduce the number of days that the events can occur.
3. Establish times, dates, and restrictions that events can occur.

Staff recommend option two which is outlined the recommendation of this report, thus allowing the City of Port Colborne to enforce the variance through penalty notices or rescind the noise variance should adjustments not be complied with to the satisfaction of the City.

Council may choose to implement one, two or all the options to control the noise at the applicant's property of 490 Empire Road, Port Colborne, ON.

1. Noise within buildings with the doors always remaining closed during the creation of noise may occur until 11:59 p.m.
 2. Noise created in the open air must conclude by 10 p.m.
 3. Outdoor open-air noise may only occur three of the four weekends per month.
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Internal Consultations:

No internal consultation was obtained.

Financial Implications:

There are no financial implications for the municipality or the public, as By-law Services uses a user fee system.

Public Engagement:

Staff placed the variance application on the City's website on February 8, 2025. Communications staff placed a Public Notice on the City of Port Colborne's Facebook page on February 12, 2025.

[Variance Page Link](#)

[Public Notice Noise Variance 490 Empire Road](#)

By-law Services did receive some comments from the public, against the proposed variance application and some requesting modifications to the request, while other comments did not address the noise variance but displeasure with other activities at and around 490 Empire Road.

Strategic Plan Alignment:

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

- Welcoming, Livable, Healthy Community
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Conclusion:

With minimal public comments, staff have some minor objections to the proposed noise variances and would like the ability to revoke the variance permit, should Sun Retreat Sherkston Shores fail to mitigate any noise that has disturbed the neighbouring area.

Appendices:

- a. 2025-69 App. A -Noise Variance Application

Respectfully submitted,

Sherry Hanson
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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.