

**City of Port Colborne
Council Meeting Addendum**

Date: Tuesday, June 14, 2022
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

Pages

8. Staff Reports

- *8.8. Noise Variance Request 175 King Street, The Belmont Bar and Grill,
2022-137

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Subject: Noise Variance Request 175 King Street, The Belmont Bar and Grill

To: Council

From: Community Safety & Enforcement Department

Report Number: 2022-137

Meeting Date: June 14, 2022

Recommendation:

That Community Safety & Enforcement Department Report 2022-137 be received; and

That Community Safety and Enforcement Services recommend the Council grant a temporary permit to exempt the Belmont Bar and Grill from Section 4(3) of By-law 4588/119/04 with the following terms and conditions:

That the temporary noise variance be approved for the period starting Friday, June 17th to Friday, September 2nd, from 8:00 p.m. to 11:59 p.m. and from Saturday, June 18th to Saturday, September 3rd, from 8:00 p.m. to 11:59 pm. for a DJ with equipment and live bands being able to amplify music. In the event, that the City of Port Colborne receives significant noise complaints from the area residents, then option 1 as outlined in the report would be implemented. (Every other weekend).

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 with regard to a requested variance from the Noise By-law. The Belmont Bar and Grill (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:

- Friday, May 27th to Friday, September 2nd, from 8:00 p.m. to 2:00 a.m.; and

- Saturday, May 28th to Saturday, September 3rd, from 8:00 p.m. to 2:00 a.m. for a DJ with equipment and live bands 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 electro mechanical 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 May 26, 2022, regarding the Belmont's noise variance request. At time of the report, Staff received two responses from the public, one was against the noise variance request, and one suggested a modified variance.

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.

It was noted that the Belmont advertised and have music playing via amplification, however, By-law Services did not receive any complaints, and the Niagara Regional Police Services received one complaint regarding noise over the past two weekends.

Therefore, Staff suggest a compromise to balance both.

Option 1

Council approve a temporary noise variance for a period starting Friday, June 17, 2022, from 8:00 p.m. to 11:59 p.m. and Saturday, June 18 from 8:00 p.m. to 11:59 p.m. and further that the events may only be held for two weekends per month (every other weekend) and that the schedule for the exemption must be provided to the City of Port Colborne by June 17, 2022.

Option 2

Council approve a temporary noise variance for a period starting Friday, June 17th to Friday, September 2nd, from 8:00 p.m. to 11:59 p.m. and from Saturday, June 18th to Saturday, September 3rd, from 8:00 p.m. to 11:59 pm.

In the event that complaints are received with regard to either option, Staff will work with the Belmont to ensure the concerns are mitigated. In the event the complaints cannot be reasonably mitigated, 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:

The summary of the public notifications is attached as Appendix 'B' to this report.

With little to no responses from the Public Notice, the responses received can be summarized as follows

1. Not in favour of the noise variance application, especially since they went ahead without a permit.
 2. Not in favour of outdoor music until 2:00 a.m. but suggest have it until midnight.
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Strategic Plan Alignment:

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

- Service and Simplicity - Quality and Innovative Delivery of Customer Services
 - Attracting Business Investment and Tourists to Port Colborne
 - Governance: Communications, Engagement, and Decision-Making
-

Conclusion:

That the Council of the Corporation of the City of Port Colborne hereby grant a temporary permit to exempt the Belmont from Section 4(3) of By-law 4588/119/04 with the following terms and conditions:

1. That the temporary noise variance be approved for the period starting Friday, June 17th to Friday, September 2nd, from 8:00 p.m. to 11:59 p.m. and from Saturday June 18th to Saturday September 3rd, from 8:00 p.m. to 11:59 pm. for a DJ with equipment and live bands being able to amplify music. In the event, that the City of Port Colborne receives significant noise complaints from the area residents, then option 1 would be implemented. (Every other weekend).
 2. The permit is applicable only to the production, reproduction, and amplification of sound in connection with these events.
-

Appendices:

- a. Noise Variance Application for 175 King Street
- b. Public Notice
- c. Public Comments

Respectfully submitted,

Sherry Hanson
Manager of By-law Services
905-835-2900 ext. 210
Sherry.Hanson@portcolborne.ca

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.



Application Form

Request for Relief from Noise By-law

Applicant

1) Name: Aleksandar Bobic

2) Address: 175 King St, Port Colborne ON

3) Phone #: [REDACTED]

4) Email: info@thebelmontportcolborne.com

Area in question Belmont back patio (behind building)

Address: 175 King St, Port Colborne, ON L3K 4G5

Site Plan Attached ☐

Area Neighbour(s) consent attached ☐

Date(s) of Exemption Request Every Friday from May 27th to Sept 2nd
Every Saturday from May 28th to Sept 3rd

Hours of Exemption 8pm - 2am

Type of Noise Exemption DJ music, live music
(music, fireworks, etc)

Specify Equipment Used DJ equipment, band equipment, musical instruments

Registered Charitable Organization ☐

Not for Profit Organization ☐

❖ Proof of Organization must be attached

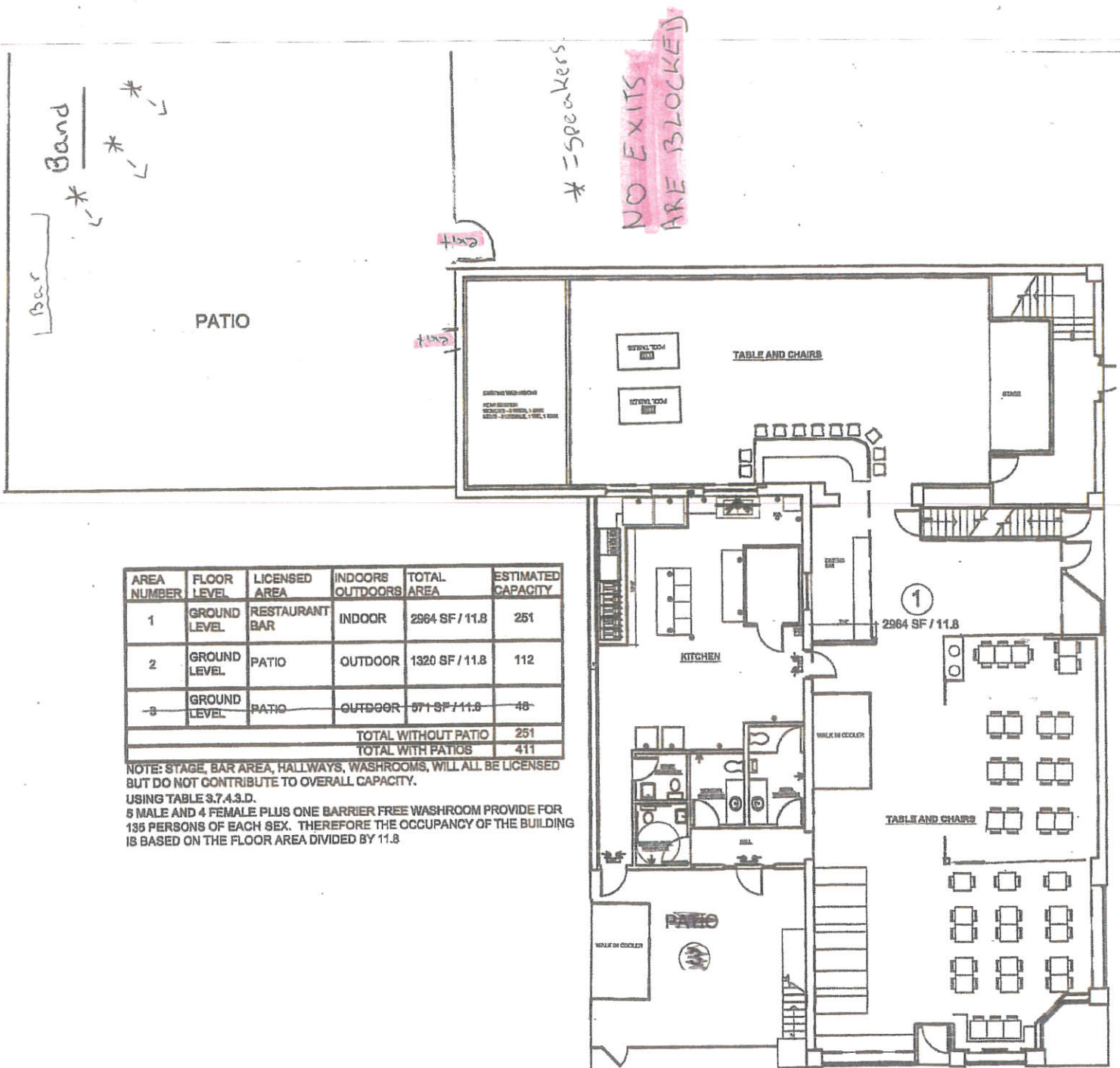
Comments _____

Note: Application must be completed and submitted with payment, if applicable, 60 days prior to the event. Registered Charitable Organizations and Not for Profit Organizations are exempt from the Variance Fee.

Applicant Signature A Bobic **Date:** 04/28/2022

Office Use Only:

Variance Fee Private Property	\$156.00	Clerk Approval	
Variance Fee City Property	\$104.00	By-law Approval	
Paid by:		Date	



BELMONT
175 KING STREET
PORT COLBORNE, ONTARIO

**LIQUOR SALES
LICENSE**

DATE: _____
BY: _____
TITLE: _____
SIGNATURE: _____

The Belmont Bar & Grill

Date:

Dear Neighbour,

The purpose of this letter is to inform you about music happening after 11pm at The Belmont located at 175 King St, Port Colborne in the downtown commercial zone.

The Belmont will be hosting live music every Friday as well as DJ entertainment every Saturday starting May 27th until September 3rd between the hours of 8pm to 2am on the back patio.

Sincerely,

Alex & Rada Bobic







City of Port Colborne
66 Charlotte Street
Port Colborne Ontario L3K 3C8

RECEIPT OF PAYMENT

Page 1

175 King St Belmont
Aleksandar Bobic
noise bylaw

Receipt Number: 96780
HST Number: 10698 4107 RT0001
Date: May 10, 2022
Initials: MO

Type	Account / Ref. #	Quantity	Amount Paid	Balance Remaining
General	GL	N/A	\$156.00	N/A

Description:

Bylaws - Licences & Permits

Subtotal:	\$156.00
Taxes:	\$0.00
Total Receipt:	\$156.00
Cash:	\$170.00

Total Amount Received:	\$170.00
Rounding:	\$0.00
Amount Returned:	\$14.00

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Public Notice – Noise Variance

TAKE NOTICE that the Council of the Corporation of the City of Port Colborne will be holding its regular council meeting and will hear a Noise Variance Request from The Belmont Bar and Grill.

Council Meeting

Date: Tuesday, June 14, 2022

Time: 6:30 p.m.

Where: In-person in Council Chambers, 3rd floor City Hall, 66 Charlotte Street

PURPOSE AND EFFECT The City of Port Colborne has received a noise variance application, as per the Noise By-law 4588/119/04 Section 8, Schedule 2, Section 2, regarding the amplification of sound with live bands and DJ music with equipment for 175 King Street, Port Colborne, ON. (The Belmont Bar and Grill)

DATE/TIME: Every Friday from May 27, 2022 to September 2, 2022, from 8 p.m. to 2 a.m. and every Saturday from May 28, 2022 to September 3, 2022, from 8 p.m. to 2 a.m.

PLACE: The Belmont Bar and Grill, 175 King Street, Port Colborne, back outdoor patio behind the building.

TYPE OF VARIANCE: Music - DJ with equipment and live bands.

The Council meeting agenda package will be posted on our [website](#) on Thursday, June 9, 2022. Alternatively, you can [subscribe](#) to have meeting agenda and report sent directly to your email inbox on the Thursday prior to the regularly scheduled council meeting.

Any person wishing to submit written comments or objections, please email them to bylawenforcement@portcolborne.ca by 12:00 p.m. Friday, June 10, 2022.

If anyone wishes to participate in the meeting, they must pre-register with the Deputy Clerk. Delegation requests to speak to the Noise Variance, must be received by 12 p.m. on Friday, June 10, 2022, by emailing deputyclerk@portcolborne.ca or calling 905-835-2900 x115. Delegates may appear virtually or in person. Written submissions can also be submitted to the mail slot, located at the front-left of City Hall, 66 Charlotte Street.

ADDITIONAL INFORMATION related to the proposed noise variance is available by calling By-law Services at 905-835-2900 x200 or emailing bylawenforcement@portcolborne.ca.

Dated at the City of Port Colborne on May 26, 2022.

Sherry Hanson

From: serverresponse@portcolborne.ca
Sent: May 27, 2022 12:00 AM
To: Madison Cassar; Carter McColl; Sherry Hanson; Travis Morden; Bylaw Student; Matt Roy
Subject: Bylaw Enforcement Request has arrived.
Attachments: NotesActiveMail.nsf

Description: This email contains content that can be viewed only in Lotus Notes.

Action: To view this content, double-click on this email within Outlook so it opens in a separate window. Then double-click on the attached file NotesActiveMail.nsf to open it in Lotus Notes.

A text rendering of the Active Mail content is shown below:

Link to a new email.



Noise Variance Request from The Belmont Bar and Grill

Garry Tate to: bylawenforcement

05/27/2022 12:00 AM

Cc: "Donna Kalailieff", "Mark Bagu"

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello

I am completely against the Belmont Bar and Grill being given any variance.

Strolling through Port Colborne's downtown, especially near and along the Canal, in the summer is one of the attractive features of living here.

Having live bands and DJs blaring music every Friday from May 27, 2022 to September 2, 2022, from 8 p.m. to 2 a.m. and every Saturday from May 28, 2022 to September 3, 2022, from 8 p.m. to 2 a.m. would be totally disruptive. It would also be unfair to surrounding residents and businesses, especially restaurants, and their customers.

Let's not forget that the reason we have a Noise By-law in the first place is to ensure that everyone

gets to enjoy their surroundings.

Regards - Garry Tate



Virus-free. www.avg.com

Sherry Hanson

From: serverresponse@portcolborne.ca
Sent: June 4, 2022 10:35 PM
To: Madison Cassar; Carter McColl; Sherry Hanson; Travis Morden; Bylaw Student; Matt Roy
Subject: Bylaw Enforcement Request has arrived.
Attachments: NotesActiveMail.nsf

Description: This email contains content that can be viewed only in Lotus Notes.

Action: To view this content, double-click on this email within Outlook so it opens in a separate window. Then double-click on the attached file NotesActiveMail.nsf to open it in Lotus Notes.

A text rendering of the Active Mail content is shown below:

Link to a new email.



Fwd: Noise Variance Request from The Belmont Bar and Grill

Garry Tate to: bylawenforcement

06/04/2022 10:34 PM

Cc: "Donna Kalailieff", "Mark Bagu"

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Hello

Further to my initial comments regarding being completely against the Belmont Bar and Grill being given any variance to the noise by-law, I offer the following occurrence.

I happened to pick up a food order at Tie-Pink just before 6:30 pm today (Saturday). The amplified music blaring from the Belmont was overwhelming. Even inside the restaurant, the music was disruptive. The staff member I dealt with clearly was not happy with the intrusion of outside noise into their business' space.

Assuming that the Belmont doesn't already have a variance to the noise by-law prior to 8:00 pm, it is clearly already non-compliant with the noise by-law.

Rewarding their already unneighbourly and illegal behaviour with a noise exemption hardly seems reasonable. I reiterate the disruption to surrounding residents and businesses, especially restaurants,

and their customers.

Regards - Garry Tate

----- Forwarded message -----

From: **Garry Tate** <[REDACTED]>

Date: Fri, 27 May 2022 at 00:00

Subject: Noise Variance Request from The Belmont Bar and Grill

To: <bylawenforcement@portcolborne.ca>

Cc: Donna Kalailieff <donna.kalailieff@portcolborne.ca>, Mark Bagu <mark.bagu@portcolborne.ca>

Hello

I am completely against the Belmont Bar and Grill being given any variance.

Strolling through Port Colborne's downtown, especially near and along the Canal, in the summer is one of the attractive features of living here.

Having live bands and DJs blaring music every Friday from May 27, 2022 to September 2, 2022, from 8 p.m. to 2 a.m. and every Saturday from May 28, 2022 to September 3, 2022, from 8 p.m. to 2 a.m. would be totally disruptive. It would also be unfair to surrounding residents and businesses, especially restaurants, and their customers.

Let's not forget that the reason we have a Noise By-law in the first place is to ensure that everyone gets to enjoy their surroundings.

Regards - Garry Tate



Virus-free. www.avg.com

Sherry Hanson

From: serverresponse@portcolborne.ca
Sent: June 5, 2022 10:22 AM
To: Madison Cassar; Carter McColl; Sherry Hanson; Travis Morden; Bylaw Student; Matt Roy
Subject: Bylaw Enforcement Request has arrived.
Attachments: NotesActiveMail.nsf

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A text rendering of the Active Mail content is shown below:

Link to a new email.



Belmont Hotel

**Christine Walker-
Petriw**

to: bylawenforcement

06/05/2022 10:21 AM

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CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Just wanted to express my thoughts on the Belmont Hotel's request.

Is it necessary to have the loud music outdoors until 2am - why not have it end at midnight?

Or why not move the music inside after midnight for the second set?

I live within a few blocks of the place and every weekend all summer seems like a lot to endure (ie. No sleep until after 2am).

I don't mind a few special event nights during the summer but not every weekend and not until 2am.

Thanks.

C. Walker

124 Adelaide Street