

STAFF REPORT:**BUILDING & BY-LAW DEPARTMENT**

REPORT TO: Finance & Administration Committee
MEETING DATE: October 23rd, 2007
REPORT NO.: SRB.07.29
SUBJECT: Noise By-law Relief – The Landmark Group
PREPARED BY: D. Finbow, Director, Building & By-law

A. Recommendations:

THAT COUNCIL grant relief from the Noise By-law to The Landmark Group (“Landmark”) (496895 Grey Road #2) so as to permit noise from on-site operations to occur commencing at 06:30 Monday to Friday; 07:30 on Saturdays; and, from 13:00 to 15:00 on Saturdays.

B. Background:

1. In 2002 Council enacted By-law No. 2002-9, the Town’s Noise By-law (copy attached).
2. In 2002, Council enacted an amendment to the Noise By-law to specifically permit noises related to permitted uses within commercial and industrial zones from 07:00 – 19:00.
3. Landmark has requested relief from the Noise By-law for the time period of 06:00 – 07:00 Monday to Friday; 06:00 to 07:00 on Saturday and holidays; and, 13:00 to 15:00 on Saturdays.
4. Landmark have advised that given the seasonal nature of their business, they must be at job sites at 7:00 a.m. to commence work (which is consistent with the provisions of the Noise By-law). This in turn means departing from 496895 Grey Road #2 prior to 07:00.
5. Landmark have advised that if the requested relief is granted it would enable staff to undertake Health & Safety circle checks, fuel-up and the loading of equipment prior to 07:00 and allow them to arrive at their work locations closer to 07:00.
6. Landmark are located within an industrially zoned area which is quite distant from neighbouring residents.
7. Notwithstanding the above, the Town has received a noise related complaint from a property owner who resides to the north of Highway #26.
8. In discussions with Landmark, the construction/installation of a sound barrier or wall along the highway was discussed as a potential mitigating measure however, it was agreed that this was not the most desirable solution to the issue at hand.
9. Also discussed was the need for a full hour of relief. In this regard, Landmark have advised that same is desirable.
10. To enable staff to evaluate the impact of the requested relief (including by way of Noise Level Measures), it is recommended that Council authorize temporary relief to Landmark for their operations at 496895 Grey Road #2 from the provisions of the Noise By-law from 06:30 to 07:00 from November 1, 2007 to June 30, 2008 for all days, save and except for Saturdays, Sundays and Statutory Holidays; from 07:30 to 08:00 Saturdays; and, from 13:00 to 15:00 on Saturdays.

C. The Blue Mountains' Strategic Plan:

N/A

D. Budget Impact:

N/A

E. Attachments:

1. The Landmark Group letter dated October 9th, 2007
2. Noise By-law No. 2000-9 (Office Consolidation)
3. CityView Print – Key Plan

Respectfully submitted: