

GIVE PERMISSION FOR THIS LETTER TO BE A PART OF THE PUBLIC AGENDA OR RECORD.

Longwoods Community Association
c/o Jacqueline Caranci
7620 Longwoods Road
July 18, 2017
To: Mayor and Members of Council.
Re: Application Z-8735 by Mike Abualhayja

We are opposed to this re-zoning application for the property at 8076 Longwoods Road (just west of Lambeth) for the reasons listed below. The members of Planning Committee were not given sufficient or sometimes even correct information on July 17 regarding the application, especially pertaining to the following. It also seemed that the legitimate concerns that are expressed in correspondence from people in the community regarding this file were not addressed. We are therefore reaching out to members of Council in a last hope to have our objections heard.

1. The application is contrary to Official Plan policies whose intent is to prevent conflicts with neighbouring land uses. The conflicts and troubles caused by the subject are worrisome for us. They include:

- odour from the manure pile and dead sheep and goat carcasses;
- the nuisance and health hazard from flies that live off the manure and carcasses;
- animals, including predator coyotes, straying onto neighbouring properties;
- the traffic hazard caused by dangerous sight lines for highway traffic along the inside of the curve along Longwoods Road for trucks entering and leaving the site; and
- the loss of property value associated with those nuisances.

2. It is contrary to the zoning regulations that are the purpose for the creation of the AG4 Zone in the Agricultural area.

- The subject property is not an “undersized agricultural lot” as per the Staff Report.
- The City’s rationale for granting the severance and re-zoning in 2001 was stated as... “to facilitate a surplus farm dwelling severance, and recognize the reduced property size of the dwelling unit.” The subject property was re-zoned from an Agriculture (AG1) to an Agriculture (AG4) Zone through Z-7394, “to recognize the single detached dwelling that was severed from the main farm...”
- The 2 hectare property was never intended to accommodate a “livestock operation.” (For one thing, it is far too small; and, the layout and landscaping is that of a single family residence.)
- A severance application for a livestock operation would NOT have been granted.
- Granting the re-zoning application now would undermine the intent and purpose of the AG4 Zone, as it would defeat the initial, and ONLY, purpose of the severance.

3. We are aware that the City is currently prosecuting the owner of the subject, Mr. Abualhayja, for violations of the Zoning By-law, and that court matter will be proceeding to the scheduled August 14th court date.

- Prosecution is onerous and expensive, meaning the ongoing violation has serious negative consequences for the City. The use of fines and penalties is a last resort, recognizing that the owner’s violations have been ongoing for years.
- Hopefully this will finally get rid of the illegal and offensive practices taking place on this site. If so, after spending so much effort, time and public monies on this prosecution, what sense does it make to grant this application?
- Succumbing to the self-interests of this property owner by granting this re-zoning and permitting the abattoir would mean rewarding illegal actions.
- The neighbouring property owners made substantial capital investments on the understanding that the subject was a residential lot, and reasonably assumed that the City’s Zoning By-law regulations would be enforced.
- There would be no purpose to having by-laws if they can just be ignored.

4. We understand that on May 30 Council had instructed staff to report back with a revised by-law that would provide for a potential opportunity to ensure that the livestock operation is maintained appropriately.

- It would seem that is an impossible task, as the owner has flagrantly violated existing by-laws for years and there is no reason to assume he will not do likewise with ANY other by-law in future.
 - Given the existing conditions of the buildings and other constraints, it would be impossible to operate an abattoir legally on the property, in accordance with provincial legislation governing such businesses. Apparently, that has not deterred the owner in the past, so approving this re-zoning application would only serve to embolden the owner to continue to flaunt the law in future.
 - The Staff report describes provincial legislation that should offer some recourse for ensuring appropriate farm practices. We note that relying on the enforcement of legislation such as the Province's Nutrient Management Act, Farming and Food Production and Protection Act, the Pounds Act, or any other from OMAFRA or MOECC, has proven to be completely ineffective in the past, and there is no reason to assume that will change in future.
 - The Staff Report admits that "the requirements of the Nutrient Management Act only come into effect when a farm operation is required to get a building permit..." The Staff Report's assertion that, "...the conversion of the existing barn to a livestock facility would require a Change of Use Permit..." and "...the need for a Nutrient Management Strategy..." That is not relevant in this case, as the re-zoning would permit an "abattoir" in the barn.
 - As Councilor Turner rightly noted, and the Staff Report admits, the Provincial Ministries usually leave enforcement of their regulations governing such relevant practices to the City.
 - The Staff Report also states, "...the daily management and maintenance of an agricultural operation in Ontario is primarily at the discretion of the farm operator." The owner's track record indicates that his discretion has created abuses of health and safety issues for years.
- The recommendations in the Staff Report for requiring Site Plan Approval provisions for this re-zoning are likely to be just as ineffective at curbing the ongoing illegal operations on the property.

5. Contrary to the applicant's allegations, there is NO NEED for another abattoir in the City.

- There are five other abattoirs within twenty minutes of London (including one in Mt. Brydges), less than ten minutes from Lambeth, which can process halal meats.
- Abetting this abattoir would NOT "contribute to the overall viability of the agricultural area" as stated in the Staff Report; it would actually disadvantage other long established businesses in the area.
- (Millar Berry Farms and the nearby Aranka Csarda restaurant on Longwoods Road are two businesses that would be, and are already, adversely affected by the subject business.)
- In addition, practically every grocery store in London offers halal meats for sale.

Regardless of whether or not this application meets technical requirements for such things as the PPS and minimum distance separation, or is considered "appropriate land uses" by statements in the Staff Report, it represents very poor planning.

It is opposed by every resident in the area; defeats the intent and purpose of Official Plan policies; creates local disharmony and dis-amenuities for neighbouring property owners; disregards the purpose for the creation of the subject lot; rewards a property owner who has steadfastly violated the City's zoning regulations; provides no benefit to the City or its residents; and sanctions a use for which there is no need.

We have amassed a petition with over 1200 signatures (250 plus of those are specifically Londoners) people opposed to this abattoir operation in the neighbourhood, all of whom cannot see any justification for approving this application

In the event some members of Council continue to have diverging opinions regarding this application, we request that any decision be held off until at least after resolution of the City's prosecution of the subject owner that is currently before the courts.

We are looking to the members of Council to assist us in this matter.

Sincerely,

Jacqueline Caranci,
Spokesperson
Longwoods Community Association