

Objection to the Minor Variance Application (File No. A3-26)

Owners: Stephen and Veronica Martin

Legal Description: Con. 12, Lot 14, Township of Southgate

Civic Address: 185526 Grey Road 9

To the Committee of Adjustment:

I write to object to the above-noted minor variance application.

The application seeks relief from Minimum Distance Separation requirements to permit a new dairy barn, chicken barn, and liquid manure storage facility in closer proximity to existing residential uses and the Hopeville settlement area. Based on the application materials provided, the request does not satisfy the four-part test under section 45(1) of the *Planning Act* and should be refused.

1. The requested variance is not minor.

The requested relief is not merely technical or incidental. It would facilitate a new, intensified livestock operation, including a liquid manure storage facility, in closer proximity to residential uses and a settlement area. Minimum Distance Separation requirements exist to reduce land use conflicts, particularly impacts such as odour and related nuisance effects. Where a variance would materially reduce the separation intended to protect nearby sensitive uses, it is not minor in practical planning terms, regardless of whether the numerical change may appear limited on paper.

2. The variance is not desirable for the appropriate development or use of the land.

The application materials indicate that the requested setback reduction is sought primarily for operational convenience, specifically to place new buildings close to the existing home and farm buildings for feeding and maintenance. This explanation is an operational convenience argument, not a planning justification. The application does not explain why a compliant layout cannot be achieved, nor does it provide technical evidence showing that the reduced setbacks will not adversely affect surrounding uses.

The proposal introduces new, more intensive livestock structures closer to neighbouring residences and the Hopeville settlement area, yet no supporting technical studies have been provided to assess compatibility, including impacts on odour, noise, groundwater, or well water. In the absence of that evidence, it has not been shown that the proposed variance is desirable from a land use planning perspective.

3. The variance does not maintain the general intent and purpose of the zoning by-law.

The subject lands are identified in the application as being zoned A2 and Environmental Protection under Southgate Zoning By-law 19-2002. MDS setbacks are part of the by-law's land use compatibility framework. Reducing those setbacks to permit new livestock and manure storage

facilities undermines the purpose of the zoning regime, which is to separate more intensive agricultural uses from sensitive receptors. In a rural area where adjacent lands include a single residence and nearby settlement limits, the by-law's setback protections should be maintained unless strong planning evidence supports an exception.

4. The variance does not maintain the general intent and purpose of the Official Plan.

The applicable Official Plan policies, as described in the application, emphasize compatibility with rural land use and environmental protection. That policy direction is particularly important where a proposal involves a liquid manure storage facility and new livestock buildings in proximity to residences and a settlement area.

The Province's guidance on agricultural uses confirms that prime agricultural areas are intended to be protected for agricultural use and that permitted agricultural-related and on-farm diversified uses must remain compatible with, and not hinder, surrounding agricultural operations. Ontario's land use compatibility guidance further recognizes that compatibility turns on whether neighbouring uses can coexist without off-site adverse effects.

Here, there is no hydrogeological report, no groundwater or private well assessment, and no odour or noise study. In those circumstances, the Committee cannot reasonably conclude that the proposal maintains the intent of the Official Plan's compatibility and environmental protection policies.

Additional concerns

Groundwater and private wells:

The application states that water is supplied by a privately owned and operated individual or communal well. The introduction of a new liquid manure pit in close proximity to neighbouring properties raises legitimate concerns about nutrient migration, leaching, and potential contamination. No supporting technical studies have been provided to address these concerns.

Odour impacts:

MDS requirements are designed, in part, to address odour-related incompatibility between livestock operations and nearby sensitive uses. Reducing separation distances in the manner proposed will likely increase the risk of odour impacts on neighbouring lands and the nearby settlement area.

Noise impacts:

A new dairy barn and chicken barn may generate noise from ventilation equipment, animal activity, vehicle movement, and regular farm operations. Those impacts may interfere with the reasonable enjoyment of nearby residential properties. No noise mitigation measures have been identified.

Self-created hardship:

The application states that the proposed buildings need to be close to the existing home and building for ease of feeding and maintenance. That is an operational preference, not a planning justification demonstrating that compliance is impractical. Based on the information provided, the need for the variance appears to stem from the chosen layout of the proposed expansion rather than any site-specific constraint.

Conclusion

For these reasons, the application does not satisfy the statutory test under section 45(1) of the *Planning Act*. I respectfully request that the Committee refuse the requested variance.

Respectfully submitted,

[Redacted signature block]

Dated: May 14, 2026