



# **PLANNING RATIONALE BRIEF ZONING BY-LAW AMENDMENT**

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**May 2026**

## **2933 Breezy Heights Rd**

Part of Lot 2, Concession 3, Geographic Township of Fitzroy,  
City of Ottawa

Prepared for:  
Dariush and Magdalena Eslimi

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## 1 Executive Summary

Dariush and Magdalena Eslimi recently received approval for a severance at their property at 2933 Breezy Heights Road (D08-01-24/B-00244). As a condition of the approved severance the retained lands are required to be rezoned to prohibit residential development. A zoning bylaw amendment is proposed to rezone the retained lands from the current AG2 zone to AG6.

There is a single-family dwelling on the site. Through the approval of the zoning bylaw amendment this dwelling will be rendered legally non-conforming. Further residential development will be prohibited.

A review of the planning policy framework under the 2024 Provincial Planning Statement (PPS), matters of provincial interest under the Planning Act, and Ottawa Official Plan has been completed. This Planning Rationale concludes that the proposed rezoning is aligned with matters of provincial interest under the Planning Act, is consistent with the policies of the PPS, conforms with the policies of the Ottawa Official Plan, demonstrates compatibility with the surrounding area, is appropriate for the site, and overall, is good land use planning.

### 1.1 Supporting Studies

The reports itemized below support the proposed zoning bylaw amendment:

- ⊕ Callon Dietz Inc., Plan of Survey, Dated March 9, 2021.
- ⊕ Callon Dietz Inc., Draft Reference Plan

### 1.2 Consultation

A consultation meeting regarding the proposed zoning amendment was held with municipal staff on March 23, 2026

## 2 Introduction

### 2.1 Background

2933 Breezy Heights is an agricultural property with two single detached dwellings, active farmland, and several accessory structures present on the site. The older of the two dwellings has been on the site for many years and the newer dwelling was built in 2021 following issuance of a building permit to construct the dwelling (Permit 2106577 – Issued July 19, 2021).

In 2024 the owner of the property consulted with city staff regarding a consent to sever the older home from the property so that it could be individually conveyed. An application for severance indicating that both houses would be retained, was filed and reviewed by city staff as well as the Committee of Adjustment. Several conditions were requested by city staff in their comments to the Committee, including a standard condition to rezone the retained land to prohibit further residential development.

In advance of the hearing the proposed condition was further explained by Ottawa planning staff, (Lucas Teeft, Planner 1) on March 25, 2025, noting that the standard condition for surplus farm dwelling severances is for the retained land to be rezoned to prohibit residential development. Mr. Teeft also noted that, in this case, *“there is already a dwelling on those lands, but we will maintain [Condition 1] in our report as we would like to not see further residential development on the retained lands post-severance”*. **See email in Appendix A**

Severance of the property was granted approval on May 16<sup>th</sup>, 2025. **See notice of approval in appendix B**. The approval included several conditions including a standardized condition regarding rezoning the retained land to prohibit residential development:

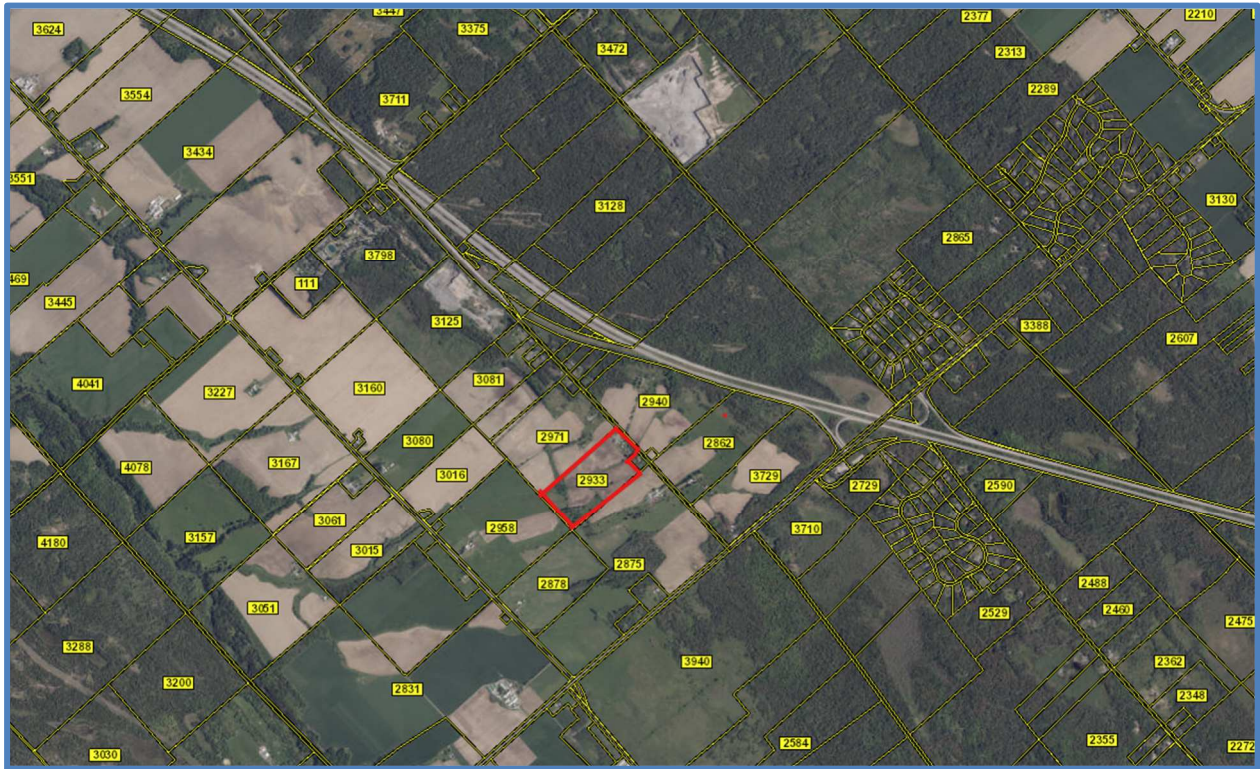
- 1. That the Owner(s) obtain a Zoning By-law Amendment that prohibits residential development on the retained lands, with all levels of appeal exhausted. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.* (Condition 1, Appendix A, Decision D08-01-24/B-00244, May 16, 2025)

This Planning Rationale has been prepared in support of the zoning bylaw amendment application to prohibit residential development on the retained land as indicated in the consent decision condition #1. As there is currently a single-family dwelling on the retained land, the effect of the zoning amendment to prohibit residential development would be that no further residential development shall be permitted on the retained land and the current dwelling will be considered legally non-conforming. There is no new development proposed on the site.

### 2.2 Location

2933 Breezy Heights is an irregular shaped property in West Carleton-March Ward 5, approximately 1.5 km west of the interchange of Highway 417 and Panmure Rd. The retained land subject to this application is approximately **18.32** hectares, and is legally described as Part of Lot 2, Concession 3, Geographic Township of Fitzroy, City of Ottawa. Refer to **Figure 1** below.

**Figure 1: Location of 2933 Breezy Heights Road**



### 2.3 Surrounding Area

The site is in the Rural Transect on land designated as Agricultural Resource Area surrounded by rural properties consisting of agricultural operations and rural dwellings. **Figure 2**

⊕ North

North of the site is Breezy Heights Road and an agricultural property consisting of farming operations and a single family dwelling. Beyond that property is Highway 417.

⊕ East

East of the site are several agricultural properties consisting of farming operations and a single family dwelling. Two smaller lots intended for rural residential development are located to the east. One of these is currently occupied by a single family dwelling and one is vacant. The closest access to Highway 417 is approximately 1.5 km to the east of the site at Panmure Road.

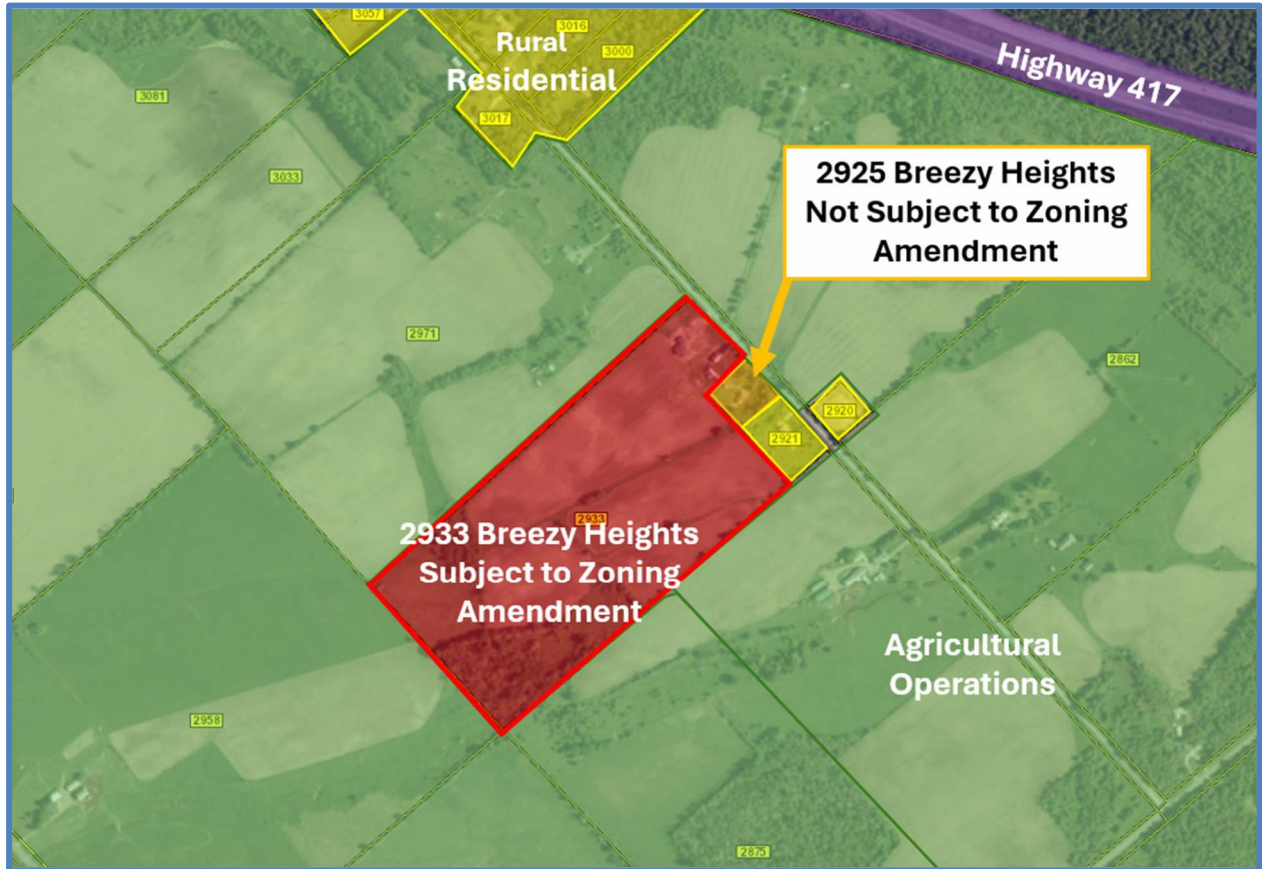
⊕ South

South of the site are a mixture of agricultural properties consisting of farming operations and single family dwellings.

⊕ West

West of the site are a mixture of agricultural properties consisting of farming operations and single family dwellings.

**Figure 2: Site Context**



**2.4 Site Conditions**

After the severance is completed the retained lands will be known as 2933 Breezy Heights Road and the severed lands 2925 Breezy Heights Road.

The existing site conditions on the 2933 Breezy Heights Road include an agricultural operation and an existing single family dwelling fronting on Breezy Heights Road. **Figure 3**

The existing site conditions on the 2925 Breezy Heights Rd include an existing single detached dwelling **Figure 4**. The land is zoned as AG2 which permits a single detached dwelling. 2925 Breezy Heights Road does not form part of this application.

**Figure 3: Dwelling on 2933 Breezy Heights Road – March 2026**



**Figure 4: Dwelling on 2925 Breezy Heights Road – March 2026**



## 2.5 Transportation Connections

The site has frontage on Breezy Heights Road, which is a rural collector road on Official Plan Schedule C9-Rural Road Network. Breezy Heights Road connects to Panmure Road approximately 800 m south of the site. The site has municipal road access to the wider region via the interchange of Highway 417 and Panmure Rd 1.5 km east of the site.

No transit nor active transportation options exist in the area.

## 2.6 Proposal

There is no development proposed in association with this application.

The proposed zoning bylaw amendment is intended to prohibit further residential development on the retained lands (2933 Breezy Heights Rd). This proposal will satisfy condition 1 in the notice of decision from the Committee of Adjustment and is consistent with the direction provided by city staff on March 25, 2025, regarding the intention of the condition to prohibit further residential development.

The lands are proposed to be rezoned to AG6 from their existing AG2 zone. The AG6 subzone is one of several agricultural subzones intended to prohibit residential development and is appropriately implemented when a severance condition to prohibit residential uses is required. The AG6 subzone was chosen based on the site's conformance with the minimum lot size and lot width requirements. Additional information regarding the applicable zoning requirements is discussed in **section 3.4** of this report.

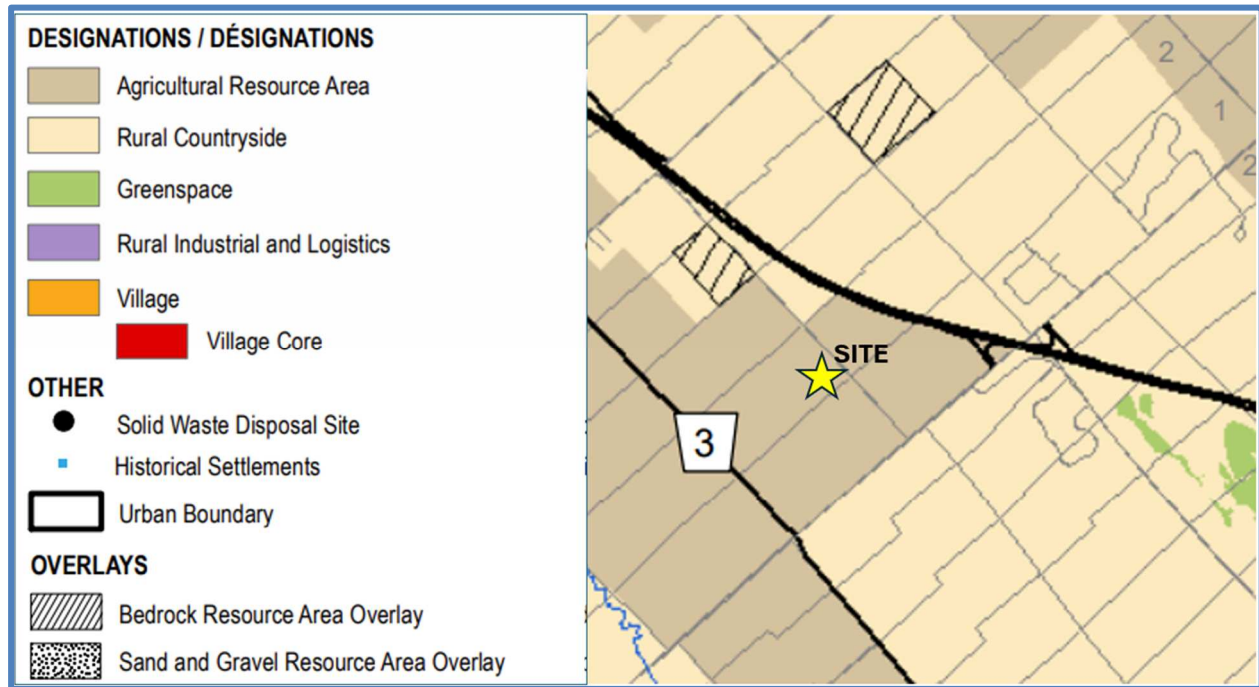
## 2.7 Official Plan Designation

The site is in the Rural Transect, on lands designated Agricultural Resource Area, as shown by Official Plan Schedule B9 (**Figure 5**). The Agricultural Resource Area is intended to preserve Ottawa's farmland which, *"accounts for approximately 40 per cent of Ottawa's Rural area and is required by the Provincial Policy Statement to be protected for long-term use for agricultural production by limiting development that would compromise productivity of these operations"*. (Official Plan Section 9.1).

The site predominantly consists of class 2 agricultural lands as defined by the Canada Lands Inventory. Under Ottawa's Land Evaluation and Area Review (LEAR) the property has been assigned a score of 151, which qualifies it for inclusion in the Agricultural Resource Area designation, as it is farmland that should be preserved.

The proposed zoning amendment conforms with the intent of the Official Plan to protect farmland by prohibiting any future residential development on the site.

**Figure 5: Site Shown on Schedule B9 (Rural Transect)**



## 2.8 Zoning By-law

The site is currently zoned as Agricultural - Subzone 2 (AG2). This zone is intended to permit agricultural uses and restrict the range of non-agricultural uses to protect the long-term use of the land for predominantly agricultural purposes.

On March 11, 2026, Ottawa enacted the new comprehensive zoning bylaw 2026-50. The new bylaw is not fully in force until appeals have been resolved. During this time, guidance from Ottawa staff is to comply with the most restrictive provisions of either bylaw. The Agricultural zone has only been modified very slightly in terms of statements of intent and applicable provisions. There is no functional difference in the Agricultural zone between the new and old zoning bylaw.

Zoning is proposed to be changed to Agricultural - Subzone 6 (AG6). The AG6 subzone prohibits residential uses. There is no functional difference between the new and old zoning bylaws in terms of compliance with the provisions of the AG6 zone. An analysis of the current site condition compliance under both bylaws is provided in **section 3.4** of this report

## 3 Policy Justification

### 3.1 Matters of Provincial Interest

Under section 2 of the Planning Act, the province defines matter of provincial interest that “*the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to*”. The section guides municipalities to balance growth with environmental stewardship, protect resources and agricultural lands, provide adequate housing and public facilities, and coordinate planning across municipal boundaries in the broader public interest of Ontario. The proposed zoning bylaw amendment is consistent with the following:

*(b) the protection of the agricultural resources of the Province;*

- ⊕ The proposal to prohibit residential development is intended to protect the agricultural resources on the site.
- ⊕ The effect of prohibiting residential uses on the site will be that the existing dwelling will become legally non-conforming. Maintaining the existing dwelling on the site does not further limit the use of the land for agricultural operations.

*(h) the orderly development of safe and healthy communities;*

- ⊕ Prohibiting residential on this property will guide residential development toward lands that are better suited for that purpose; thus guiding the orderly development of safe and healthy communities.

*(m) the co-ordination of planning activities of public bodies;*

- ⊕ The proposed zoning bylaw amendment is intended to fulfill a condition of consent issued by a public body – the Committee of Adjustment

### 3.2 Provincial Planning Statement

Under Section 3 of the Planning Act, the 2024 Provincial Planning Statement (PPS 2024) establishes policies to achieve provincial goals for land use planning and development. Specifically, it promotes growth in urban areas for the efficient and optimized use of land, resources, infrastructure and public service facilities. The policies also seek to protect public health, safety and property, conserve the natural resources that support the long-term health and social well-being of communities, and the sustainability of natural features and systems in the environment.

The PPS preamble discusses protecting the long-term viability of agriculture in rural areas to support food production and the agri-food network. The proposed zoning amendment supports the protection of agricultural land by prohibiting further residential development on the site, thus preserving their use for agricultural and agriculture-supportive rural land uses in accordance with the policies in PPS 2024.

Chapter 2 of PPS 2024 focuses on building homes and sustaining strong and healthy communities. The proposed zoning bylaw amendment is consistent with the following:

*2.6(4) Planning authorities should support a diversified rural economy by protecting agricultural and other resource-related uses and directing non-related development to areas where it will minimize constraints on these uses.*

- ⊕ The proposal will achieve the goal of protecting rural lands from future residential redevelopment.

Chapter 4 of PPS 2024 guides the Wise Use and Management of Resources. In particular Section 4.3 provides guidance for agriculture. The proposed zoning bylaw amendment is consistent with the following:

*4.3.1(2). As part of the agricultural land base, prime agricultural areas, including specialty crop areas, shall be designated and protected for long-term use for agriculture.*

*4.3.1(3). Specialty crop areas shall be given the highest priority for protection, followed by Canada Land Inventory Class 1, 2, and 3 lands, and any associated Class 4 through 7 lands within the prime agricultural area, in this order of priority.*

- ⊕ The site is predominantly Class 2 lands as per the Canada Lands Inventory. The proposed amendment will ensure the long-term protection of the agricultural lands on the site

*4.3.3(1) Lot creation in prime agricultural areas is discouraged and may only be permitted in accordance with provincial guidance for:*

*c) one new residential lot per farm consolidation for a residence surplus to an agricultural operation, provided that:*

*2. the planning authority ensures that new dwellings and additional residential units are prohibited on any remnant parcel of farmland created by the severance.*

*The approach used to ensure that no new dwellings or additional residential units are permitted on the remnant parcel may be recommended by the Province, or based on municipal approaches that achieve the same objective; and*

- ⊕ This zoning bylaw amendment application is intended to comply with a condition of severance requested by municipal staff to conform with section 4.3.3(1)(c)2 of PPS 2024. The application for rezoning will prohibit any new dwelling and/or additional residential units from behind established on the remnant (retained) lands at 2933 Breezy Heights.

The proposed amendment is consistent with the above direction provided in the PPS 2024. The rezoning to AG6 will prohibit future residential development in an agricultural area thus contributing to the long-term preservation of agricultural lands.

### 3.3 Ottawa Official Plan

Ottawa's Official Plan is the City's long-term policy document that guides growth and development over a 25-year horizon. It sets out a vision for how and where the city will grow, addressing land use, housing, transportation, infrastructure, environmental protection, and climate resilience. The Plan promotes compact, mixed-use communities, intensification around transit, and the protection of rural areas and natural features.

Critically, most policies in the Official Plan are intended to guide development within the city. As there is no development associated with this zoning bylaw amendment application there are very few policies from the Official Plan that directly apply to this amendment.

#### 3.3.1 Section 4 – City Wide Policies

Section 4 of the Official Plan provides general policies that apply city wide. There are no applicable policies that would prevent rezoning of an agricultural property to prohibit residential uses where no development is proposed.

### 3.3.2 Section 5 - Transects

Section 5 of the Official Plan provide guidance specifically on each transect. The site is in the rural transect. There are no applicable policies in the rural transect that would prevent rezoning of an agricultural property to prohibit residential uses where no development is proposed.

### 3.3.3 Section 9 – Rural Designations

Section 9.1 of the Official Plan provides policies regarding the Agricultural Resource Area designation. This proposal is consistent with the following:

#### 9.1.3) *Protect farmland from uses that would impede productive farming operations*

1) *Residential uses in Agricultural Resource Areas shall be permitted either in the form of:*

a) *A detached dwelling on a lot fronting an existing public road; and/or*

⊕ The current detached dwelling on these lands is a permitted use.

#### 9.1.3 (3) *Lot creation is prohibited unless all of the following are met:*

b) *As a condition of severance, the retained lands are zoned to prohibit residential uses;*

⊕ Lot creation was permitted through the approved severance. The proposed zoning bylaw amendment is intended to satisfy the condition of severance as guided by Official Plan policy 9.1.3 (3).

The zoning bylaw amendment will have the effect of rendering the existing dwelling legally non-conforming. Creation of legally non-conforming uses is appropriate when zoning amendments are enacted based on policies that have changed since the use was established on the site.

### 3.3.4 Secondary Plans and Area Specific Policies

The site is not located within the geographic boundaries of any secondary plan established under the Official Plan. Nor is it subject to any Area Specific policies as describes by volume 2C of the Official Plan.

## 3.4 Zoning bylaws 2008-250 & 2026-50

Due to the recent approval of the new zoning bylaw and subsequent city process until appeals are settled the site has been evaluated under both the old and new zoning bylaw. Fortunately, in this case the AG zone has only been modified very slightly in terms of statements intent and the applicable provisions. The new and old zoning bylaws are functionally identical when evaluating the proposal to prohibit future residential development.

The proposed amendment to rezone the site lands to prohibit further residential is consistent with the stated purpose of the AG zone under the current zoning bylaw (2008-250) and the new zoning bylaw (2026-50).

#### AG zone purpose – By-Law 2008-250 – Section 211

*(1) recognize and permit agricultural uses in areas designated Agricultural Resource Area in the Official Plan;*

*(2) restrict the range of permitted uses to agricultural, forestry and related accessory uses in order to preserve these prime agricultural lands from loss to other uses;*

*(3) regulate uses in a manner that respects the character of the area and minimizes land use conflicts; and,*

(4) identify, through the use of subzones, those existing farm lots having lot area and lot width minimums that are less than the minimums required in the principal Agricultural zone.

AG zone purpose – By-Law 2026-50 – Section 1301

- Recognize and permit agricultural uses in areas designated Agricultural Resource Area in the Official Plan.
- Restrict the range of permitted uses to ensure prime agricultural lands and systems are protected for future agricultural capability.
- Regulate uses in a manner that respects the rural character and minimizes land use conflicts.
- Recognize existing small lots that do not meet the AG – Agricultural Zone requirements using the AG1, AG2 and AG3 subzones.
- Recognize farm consolidations where a severance of a surplus farmhouse dwelling has occurred through the AG4, AG5, AG6, AG7 and AG8 subzones.

The AG2 subzone permits a residential dwelling under both the new and old zoning bylaws. The current single family dwelling on 2933 Breezy Heights Road will remain on the site and will become legally non-conforming once the AG6 zone is established. Any future residential development on the site will be prohibited.

**3.4.1 Proposed Zoning**

The proposed amendment is to change the zone on the site from AG2 to AG6. There are several existing AG subzones that are appropriately implemented when a severance condition to prohibit residential uses is required. These are subzones AG4 to AG8 and the only differences between them are differing lot area and lot width requirements.

The AG6 zone was chosen because the site is fully in conformance with the provisions of zone AG6 except for the current dwelling on the property. **See Table 1.**

**Table 1: Zoning Review**

By-law Provision	AG6 Requirement (Old Zoning by-law 2008-250)	AG6 Requirement (New Zoning by-law 2026-50)	Existing Site Conditions
Permitted Uses	<ul style="list-style-type: none"> <li>• agricultural use</li> <li>• agriculture-related use</li> <li>• Cannabis Production Facility, limited to outdoor cultivation and greenhouse cultivation that existed as of June 12, 2019</li> <li>• environmental preserve and educational area</li> <li>• equestrian establishment</li> <li>• forestry operation</li> <li>• kennel</li> <li>• on-farm diversified use</li> </ul>	<ul style="list-style-type: none"> <li>• agricultural use</li> <li>• agriculture-related use</li> <li>• cannabis production facility, outdoor</li> <li>• environmental preserve and educational area</li> <li>• equestrian establishment</li> <li>• forestry operation</li> <li>• kennel</li> </ul>	<ul style="list-style-type: none"> <li>• agricultural use</li> </ul>

Prohibited Uses	<ul style="list-style-type: none"> <li>• bed and breakfast,</li> <li>• detached dwelling</li> <li>• group home</li> <li>• home-based business</li> <li>• home-based daycare</li> <li>• additional dwelling unit</li> </ul>	<ul style="list-style-type: none"> <li>• Residential uses</li> </ul>	<ul style="list-style-type: none"> <li>• detached dwelling</li> </ul>
Minimum Lot Area (ha)	18	18	18.32*
Minimum Lot Width (m)	60	60	120.68*
Minimum Front Yard Setback (m)	10	10	43.89*
Minimum Rear Yard Setback (m)	10	10	>100*
Minimum Interior Side Yard Setback (m)	5	5	33.05*
Maximum Lot Coverage	20%	20%	3%*

\* Setbacks, lot area, and lot coverage have been measured based on the lot lines provided in the draft reference plan which is consistent with the intent of the approved severance.

**Figure 6** below shows the proposed boundaries of the AG6 zone on the site.

**Figure 6: Proposed Zoning Boundaries**



## 4 Conclusion

This Planning Rationale has been prepared in support of the zoning bylaw amendment application to prohibit further residential development at 2933 Breezy Heights Road. The requested amendment is required to comply with a condition of severance imposed by the Committee of Adjustment. The proposed rezoning will be from AG2 to AG6. The site is fully compliant with the AG6 zone under the former zoning bylaw 2008-250 and the new zoning bylaw 2026-50, except for the presence of an existing residential dwelling. The result of the zoning amendment to the AG6 zone is the existing dwelling will become a legally non-conforming use, and further residential development shall be prohibited on the site.

Based on our review of the applicable policies presented in this report, it is our opinion that the proposed zoning bylaw amendment represents good land planning and is in the public interest. It is aligned with matters of provincial interest under the Planning Act, consistent with the Provincial Planning Statement and is in conformity with Ottawa's Official Plan.

We recommend approval of the proposed zoning bylaw amendment to the city. Should you have any questions please contact the undersigned.

Respectfully,



Tim Eisner, M.PI., RPP, MCIP, LEED Green Associate  
Planner, JFSA Canada Inc.

## 5 JFSA Statement of Limitations

JFSA Canada Inc. (JFSA) has prepared this report, and performed the services described in this report, in a manner consistent with the level of care and skill normally exercised by members of the planning profession currently practicing under similar conditions in the jurisdiction in which the services are provided, subject to the time limits and financial and physical constraints applicable to the services. No other warranty, expressed or implied, is made. This report has been prepared for the exclusive use of the client representative, for the specific site, objective, and purpose described to JFSA by the client. The factual data, interpretations and recommendations pertain to a specific project as described in this report and are not applicable to any other project or site location. Any change of site conditions, purpose and/or development plans may alter the validity of the report. The report, which specifically includes all tables, figures and appendices, is based on data and information assembled by JFSA, and is based on the conditions at the site and study area at the time of the work and on the information provided by others. JFSA has relied in good faith on all information provided and does not accept responsibility for any deficiencies, misstatements, or inaccuracies contained in the report as a result of omissions, misinterpretation, or fraudulent acts of the persons contacted or errors or omissions in the reviewed documentation and data. Any use which a third party makes of this report, or any reliance on, or decisions to be made based on it, are the responsibilities of such third parties. JFSA accepts no responsibility for damages, if any, suffered by any third party as a result of decisions made or actions based on this report



# Appendix A

March 25, 2025, Email from Ottawa Planning Staff

## Tim Eisner

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**From:** Teeft, Luke <Luke.Teeft@ottawa.ca>  
**Sent:** March 25, 2025 3:22 PM  
**To:** Ryan Crowle  
**Cc:** Panel 3 Committee of Adjustment Planners / Urbanistes Groupe 3 du Comité de dérogation  
**Subject:** RE: 2933 Breezy Heights Severance

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Hi Ryan,

Thank you for sending in this updated information. There are no changes on my end, though I will just add that a standard condition for surplus farm dwelling severances is for the retained land to be rezoned to prohibit residential development. In this case there is already a dwelling on those lands, but we will maintain the condition in our report as we would like to not see further residential development on the retained lands post-severance.

If you have any questions please don't hesitate to contact me.

Kind regards,


**Lucas Teeft** (he/him)

Planner I | Urbaniste I

Development Review All Wards (DRAW) | Examen des projets d'aménagement Tous les quartiers (EPATQ)

Planning, Development and Building Services Department (PDBS)/ Direction générale des services de la planification, de l'aménagement et du bâtiment (DGSPAB)

City of Ottawa | Ville d'Ottawa

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**From:** Ryan Crowle <rcrowle@integrateddesign.ca>  
**Sent:** March 25, 2025 2:40 PM  
**To:** Teeft, Luke <Luke.Teeft@ottawa.ca>  
**Cc:** Panel 3 Committee of Adjustment Planners / Urbanistes Groupe 3 du Comité de dérogation <panel3\_planners@ottawa.ca>  
**Subject:** RE: 2933 Breezy Heights Severance

Hi Luke,

The COA asked what the purpose of the storage sheds were on the retained and surplus properties for Breezy (non-livestock) and also what the interior setbacks were, so we updated the reference plan attached. COA asked that we send this back around to you to ensure that you were still ok with supporting it at committee.

Can you have a look at the attached and confirm no changes on your end and we'll submit officially?

Thank you,

**Ryan Crowle, ME, ASHRAE**  
*Principal*

**IDEA**

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**From:** Teeft, Luke <[Luke.Teeft@ottawa.ca](mailto:Luke.Teeft@ottawa.ca)>  
**Sent:** Thursday, June 20, 2024 2:58 PM  
**To:** Ryan Crowle <[rcrowle@integrateddesign.ca](mailto:rcrowle@integrateddesign.ca)>  
**Cc:** Panel 3 Committee of Adjustment Planners / Urbanistes Groupe 3 du Comité de dérogation <[panel3\\_planners@ottawa.ca](mailto:panel3_planners@ottawa.ca)>  
**Subject:** RE: 2933 Breezy Heights Severance

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Hi Ryan,

Thank you for sending in a sketch of your proposal. Please note that Consent applications are handled by the Committee of Adjustment. The Planning Department provides comments on Committee of Adjustment applications; however, the Committee of Adjustment makes the decision. For more information on the Committee of Adjustment, including application forms and fees, please visit [Committee of Adjustment | City of Ottawa](https://www.ottawa.ca/committees/adjustment). For questions pertaining to forms and fees, please contact the Committee of Adjustment directly at [cofa@ottawa.ca](mailto:cofa@ottawa.ca) or at (613)-580-2436.

Just to clarify: at the moment are there two detached dwellings on the property at 2933 Breezy Heights? Either way staff would support the creation of a surplus farm dwelling lot here. We recommend making sure that the new lot line meets the Zoning By-law requirements of the AG zone regarding setbacks to lot lines. Also if you could clarify whether any of the outbuildings are currently or previously used for livestock that would be appreciated. Minimum Distance Separation (MDS) calculations will not be required for the surplus dwelling in relation to any livestock facilities currently in existence on separate lots.

Should your application be approved by the Committee of Adjustment, there will be additional conditions of approval imposed. These may include but are not limited to a right-of-way widening and notices on title. We will also require proof that the retained farmland is owned or being sold to a certified farmer.

Please note that these are preliminary comments subject to change following the review of a submitted application. If you have any questions please do not hesitate to contact me.

Kind regards,

**Lucas Teeft** (he/him)

Planner I | Urbaniste I

Development Review All Wards (DRAW) | Examen des projets d'aménagement Tous les quartiers (EPATQ)

Planning, Development and Building Services Department (PDBS)/ Direction générale des services de la planification, de l'aménagement et du bâtiment (DGSPAB)

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**From:** Ryan Crowle <[rcrowle@integrateddesign.ca](mailto:rcrowle@integrateddesign.ca)>

**Sent:** June 20, 2024 11:27 AM

**To:** Teeft, Luke <[Luke.Teeft@ottawa.ca](mailto:Luke.Teeft@ottawa.ca)>

**Cc:** Panel 3 Committee of Adjustment Planners / Urbanistes Groupe 3 du Comité de dérogation <[panel3\\_planners@ottawa.ca](mailto:panel3_planners@ottawa.ca)>

**Subject:** RE: 2933 Breezy Heights Severance

Hi Luke,

Thank you for replying. Here is the sketch you requested in order to provide your comments. A new single detached dwelling unit has been constructed on the Northernly portion of the property and the severance proposed is for the ~1.38ac site with the existing residence and a few outbuildings.

Best Regards,

**Ryan Crowle, ME, ASHRAE**

*Principal*

**IDEA**

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421 Bay St. Suite 507 | Sault Ste. Marie | Tel 705.949.5291

[www.integrateddesign.ca](http://www.integrateddesign.ca)



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**From:** Teeft, Luke <[Luke.Teeft@ottawa.ca](mailto:Luke.Teeft@ottawa.ca)>

**Sent:** Thursday, June 20, 2024 11:19 AM

**To:** Ryan Crowle <[rcrowle@integrateddesign.ca](mailto:rcrowle@integrateddesign.ca)>

**Cc:** Panel 3 Committee of Adjustment Planners / Urbanistes Groupe 3 du Comité de dérogation  
<[panel3\\_planners@ottawa.ca](mailto:panel3_planners@ottawa.ca)>

**Subject:** RE: 2933 Breezy Heights Severance

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Hi Ryan,

Apologies for the delay in getting back to you. We're dealing with a very high volume of inquiries and are trying to get to each one in sequence.

As my colleagues alluded to previously, this property is located within the Agricultural Resource Area and as such is limited in terms of severance opportunities. A surplus farm dwelling severance would likely be all that could be done here. If you can provide a sketch for me to review I will be able to give you more specific comments on whether the application would be supportable by Planning. Do note that we are not the individuals responsible for approving or denying the application – we just provide professional comments to the [Committee of Adjustment](#).

Kind regards,


**Lucas Teeft** (he/him)

Planner I | Urbaniste I

Development Review All Wards (DRAW) | Examen des projets d'aménagement Tous les quartiers (EPATQ)

Planning, Development and Building Services Department (PDBS)/ Direction générale des services de la planification, de l'aménagement et du bâtiment (DGSPAB)

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**From:** Ryan Crowle <[rcrowle@integrateddesign.ca](mailto:rcrowle@integrateddesign.ca)>

**Sent:** June 13, 2024 10:14 PM

**To:** Panel 3 Committee of Adjustment Planners / Urbanistes Groupe 3 du Comité de dérogation  
<[panel3\\_planners@ottawa.ca](mailto:panel3_planners@ottawa.ca)>

**Subject:** RE: 2933 Breezy Heights Severance

Hi Panel 3 COA,

Following up to see if you had initial comments on the May 29<sup>th</sup> email below regarding 2933 Breezy Heights.

Many Thanks,

**Ryan Crowle**, ME, ASHRAE  
*Principal*



---

**From:** DR Rural / EPA Rural <[DRRural/EPARural@ottawa.ca](mailto:DRRural/EPARural@ottawa.ca)>  
**Sent:** Wednesday, May 29, 2024 4:41 PM  
**To:** Panel 3 Committee of Adjustment Planners / Urbanistes Groupe 3 du Comité de dérogation <[panel3\\_planners@ottawa.ca](mailto:panel3_planners@ottawa.ca)>; Ryan Crowle <[rcrowle@integrateddesign.ca](mailto:rcrowle@integrateddesign.ca)>  
**Cc:** DR Rural / EPA Rural <[DRRural/EPARural@ottawa.ca](mailto:DRRural/EPARural@ottawa.ca)>  
**Subject:** FW: 2933 Breezy Heights Severance

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Consent to sever inquiries are reviewed for the Rural area by the Panel 3 Committee of Adjustment Planners.

We have forwarded on your inquiry for their review.

---

**From:** Ryan Crowle <[rcrowle@integrateddesign.ca](mailto:rcrowle@integrateddesign.ca)>  
**Sent:** May 28, 2024 8:52 PM  
**To:** DR Rural / EPA Rural <[DRRural/EPARural@ottawa.ca](mailto:DRRural/EPARural@ottawa.ca)>  
**Subject:** 2933 Breezy Heights Severance

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Good Afternoon,

Our client is the property owner at 2933 Breezy Heights. This is a 18.9ha parcel that they would like to sever off a parcel of approximately 0.6ha under Section 211(6.) I'd like to meet with a planner over this future application prior to preparing the application. Could you please propose a few dates/times for a teams meeting.

Attached is the concept plan for the severance.

Thank you,

Ryan Crowle, ME, ASHRAE

Principal

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**From:** DIO Inquiry / Demande DIO <[dioinquiry@ottawa.ca](mailto:dioinquiry@ottawa.ca)>

**Sent:** Monday, May 27, 2024 1:38 PM

**To:** Ryan Crowle <[rcrowle@integrateddesign.ca](mailto:rcrowle@integrateddesign.ca)>

**Subject:** RE: 2933 Breezy Heights Severance

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Hello,

**2933 Breezy Heights** is zoned **AG2 – Agricultural Zone**. Rural severances are more heavily guided by the Official Plan than the Zoning By-law. In this case, the property is designated *Agricultural Resource Area*, as seen on [Schedule B9](#) of the Official Plan. Policies for *Agricultural Resource Areas* can be found in Subsection 9.1 ([Section 9. Rural Designations](#)).

9.1.3.3) states:

3) Lot creation is prohibited unless all of the following are met:

- a) The new lot contains an existing habitable dwelling made surplus through farm consolidation;
- b) As a condition of severance, the retained lands are zoned to prohibit residential uses;
- c) The severed lot is of a size that minimizes the loss of agricultural land;
- d) The new lot can be adequately serviced;
- e) Where the new lot may only contain buildings or structures including a dwelling unit that are accessory or secondary to the principal residential use; and
- f) Where only one lot may be created.

If you are interested, you can speak to the planners for your area at [DRRural/EPARural@ottawa.ca](mailto:DRRural/EPARural@ottawa.ca) for more information regarding the severance for properties in the AG zone.

Best regards,

*Jackie Vida*

Officer, Development Information | Agent, Renseignements sur l'aménagement  
Building Code Services | Service du code du bâtiment  
Planning, Development and Building Services Department (PDBS) | Direction générale des services de la planification,  
de l'aménagement et du bâtiment (DGSPAB)  
City of Ottawa | Ville d'Ottawa

---

**From:** Ryan Crowle <[rcrowle@integrateddesign.ca](mailto:rcrowle@integrateddesign.ca)>  
**Sent:** May 26, 2024 10:31 PM  
**To:** DIO Inquiry / Demande DIO <[dioinquiry@ottawa.ca](mailto:dioinquiry@ottawa.ca)>  
**Subject:** 2933 Breezy Heights Severance

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Good Afternoon,

Our client is the property owner at 2933 Breezy Heights. This is a 18.9ha parcel that they would like to sever off a parcel of approximately 0.7ha under Section 211(6.) I'd like to meet with a DIO over this future application prior to preparing the application. Could you please propose a few dates/times for a teams meeting.

Thank you,

**Ryan Crowle, ME, ASHRAE**  
*Principal*

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# Appendix B

Notice of Decision – May 16, 2025

D08-01-24/B-00244

**DECISION  
CONSENT/SEVERANCE**

<b>Date of Decision:</b>	May 16, 2025
<b>Panel:</b>	3 - Rural
<b>File No.:</b>	D08-01-24/B-00244
<b>Application:</b>	Consent under section 53 of the <i>Planning Act</i>
<b>Applicant:</b>	Dariusz Eslimi-Esfahani
<b>Property Address:</b>	2933 Breezy Heights Road
<b>Ward:</b>	5 - West Carleton-March
<b>Legal Description:</b>	Part of Lot 2, Concession 3, Geographic Township of Fitzroy
<b>Zoning:</b>	AG2
<b>Zoning By-law:</b>	2008-250
<b>Heard:</b>	May 6, 2025, in person and by videoconference

**APPLICANT'S PROPOSAL AND PURPOSE OF THE APPLICATION**

[1] The Applicant wants to subdivide their property into two separate parcels of land.

**CONSENT REQUIRED**

[2] The Applicant seeks the Committee's consent to sever land.

[3] The severed land is shown on the sketch plan filed with the application, and will have a frontage of 82.80 metres, a depth of 74.67 metres, and an area of 0.56 hectares. This lot will contain a single detached dwelling and two accessory structures and will be known municipally as 2925 Breezy Heights.

[4] The retained land shown on said sketch will have a frontage of 116.76 metres, an irregular depth, and an area of 18.34 hectares. This lot is known municipally as 2933 Breezy Heights Road, and contains an existing detached dwelling, four accessory structures and the associated agricultural lands.

[5] The property is not the subject of any other current application under the *Planning Act*.

## **PUBLIC HEARING**

### **Oral Submissions Summary**

- [6] Responding to the Panel's questions, Dariush Eslimi-Esfahani, Applicant, confirmed that he was in agreement with all the City's requested conditions of provisional consent.
- [7] City Planner Luke Teeft indicated that the department originally had some concerns with the location of the well, but after discussion with the Applicant, Mr. Teeft confirmed that these concerns would be addressed through the requested conditions of provisional consent.
- [8] Ryan Crowle, agent for the Applicant, was also present.

## **DECISION AND REASONS OF THE COMMITTEE: APPLICATION GRANTED**

### **Application Must Satisfy Statutory Tests**

- [9] Under the *Planning Act*, the Committee has the power to grant a consent if it is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality. Also, the Committee must be satisfied that an application is consistent with the Provincial Policy Statement and has regard for matters of provincial interest under section 2 of the Act, as well as the following criteria set out in subsection 51(24):

#### **Criteria**

(24) In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- b) whether the proposed subdivision is premature or in the public interest;
- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- d) the suitability of the land for the purposes for which it is to be subdivided;
- d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;
- f) the dimensions and shapes of the proposed lots;
- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;
- h) conservation of natural resources and flood control;
- i) the adequacy of utilities and municipal services;
- j) the adequacy of school sites;
- k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;
- l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and
- m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the City of Toronto Act, 2006. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

### **Evidence**

[10] Evidence considered by the Committee included all oral submissions made at the hearing, as highlighted above, and the following written submissions held on file with the Secretary-Treasurer and available from the Committee Coordinator upon request:

- Application and supporting documents, including cover letter, plans, photo of the posted sign, and a sign posting declaration.
- City Planning Report received May 1, 2025, with concerns.
- Mississippi Valley Conservation Authority email received April 29, 2025, with no objections.
- Hydro Ottawa email received April 16, 2025, with no comments.

- Ontario Ministry of Transportation email received April 15, 2025, with no comments.

### **Effect of Submissions on Decision**

- [11] The Committee considered all written and oral submissions relating to the application in making its decision and granted the application.
- [12] The Committee notes that the City's Planning Report raises "no concerns" regarding the application, subject to the City's requested conditions agreed to by the Applicant.
- [13] Based on the evidence, the Committee is satisfied that the proposal is consistent with the Provincial Policy Statement that promotes efficient land use and development as well as intensification and redevelopment within built-up areas, based on local conditions.
- [14] The Committee is also satisfied that the proposal has adequate regard to matters of provincial interest, including the orderly development of safe and healthy communities; the appropriate location of growth and development; and the protection of public health and safety.
- [15] Additionally, the Committee is satisfied that a plan of subdivision of the land is not necessary for the proper and orderly development of the municipality.
- [16] Moreover, the Committee is satisfied that the proposal has adequate regard for the criteria specified under subsection 51(24) of the *Planning Act* and is in the public interest.
- [17] **THE COMMITTEE OF ADJUSTMENT ORDERS** that the application is granted and the provisional consent is to be given, subject to the conditions set out in Appendix A to this decision.

*"Terence Otto"*  
TERENCE OTTO  
VICE-CHAIR

*"Gary Duncan"*  
GARY DUNCAN  
MEMBER

*"Beth Henderson"*  
BETH HENDERSON  
MEMBER

*"Martin Vervoort"*  
MARTIN VERVOORT  
MEMBER

*"Jocelyn Chandler"*  
JOCELYN CHANDLER  
MEMBER

I certify this is a true copy of the Decision of the Committee of Adjustment of the City of Ottawa, dated **May 16, 2025**.

*“Michel Bellemare”*

MICHEL BELLEMARE  
SECRETARY-TREASURER

## **NOTICE OF RIGHT TO APPEAL**

To appeal this decision to the Ontario Land Tribunal (OLT), a completed appeal form and the filing fee must be submitted via one of the below options and must be received no later than **3:00 p.m. on June 5, 2025**.

- **OLT E-FILE SERVICE** – An appeal can be filed online through the [E-File Portal](#) . First-time users will need to register for a My Ontario Account. Select [Ottawa (City): Committee of Adjustment] as the Approval Authority. To complete the appeal, fill in all the required fields and provide the filing fee by credit card.
- **BY EMAIL** - Appeal packages can be submitted by email to [cofa@ottawa.ca](mailto:cofa@ottawa.ca). The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). Please indicate on the appeal form that payment will be made by credit card.
- **IN PERSON** – Appeal packages can be delivered to the Secretary-Treasurer, Committee of Adjustment, 101 CentrepoinTE Drive, 4<sup>th</sup> floor, Ottawa, Ontario, K2G 5K7. The appeal form is available on the OLT website at [Forms | Ontario Land Tribunal](#). In person payment can be made by certified cheque or money order made payable to the Ontario Minister of Finance, or by credit card. Please indicate on the appeal form if you wish to pay by credit card.

Please note only one of the above options needs to be completed. If your preferred method of appeal is not available at the time of filing, the appeal must be filed with one of the other two options.

The Ontario Land Tribunal has established a filing fee of \$400.00 per type of application with an additional filing fee of \$25.00 for each secondary application.

Only the applicant, the Minister or a specified person or public body that has an interest in the matter may appeal the decision to the Ontario Land Tribunal. A “specified person” does not include an individual or a community association.

There are no provisions for the Committee of Adjustment or the Ontario Land Tribunal to extend the statutory deadline to file an appeal. If the deadline is not met, the OLT does not have the authority to hold a hearing to consider your appeal.

If you have any questions about the appeal process, please visit [File an Appeal | Ontario Land Tribunal](#)

### **NOTICE TO APPLICANT(S)**

Should a Development Agreement be required, such request should be initiated 30 working days prior to lapsing date of the consent and should include all required documentation including that related to transfers, easements, and postponements, and all approved technical studies. If you do not fulfill the conditions of provisional consent within the two-year period, the *Planning Act* provides that your application “shall be deemed to be refused”.

*Ce document est également offert en français.*

**Committee of Adjustment**  
City of Ottawa  
[Ottawa.ca/CommitteeofAdjustment](http://Ottawa.ca/CommitteeofAdjustment)  
[cofa@ottawa.ca](mailto:cofa@ottawa.ca)  
613-580-2436



**Comité de dérogation**  
Ville d'Ottawa  
[Ottawa.ca/Comitedederogation](http://Ottawa.ca/Comitedederogation)  
[cded@ottawa.ca](mailto:cded@ottawa.ca)  
613-580-2436

**APPENDIX A**

1. That the Owner(s) obtain a Zoning By-law Amendment that prohibits residential development on the retained lands, with all levels of appeal exhausted. Notice shall be provided in writing to the Committee from the Department confirming this condition has been fulfilled.
2. That the Owner(s) provide proof, to the satisfaction of the **Manager of Development Review All Wards, or their designate**, that each existing parcel has its own well, independent private sewage system, and storm/foundation drainage and that they do not cross the proposed severance line. If the systems do cross, are not independent, or do not meet the minimum spacing requirements of the Ontario Building Code and City of Ottawa Hydrogeological and Terrain Analysis Guidelines, the Owner(s) will be required, at their own cost, to relocate the existing systems or construct new systems.
3. That the Owner(s) provide a report, to the satisfaction of the **Manager of Development Review All Wards, or their designate**, demonstrating the adequacy of the aquifer, with respect to quality and quantity, to support the proposed development.

Where adequacy cannot be demonstrated, the Owner(s) shall construct a new well on the severed lands and provide a report, to the satisfaction of the **Manager of Development Review All Wards, or their designate**, to demonstrate the adequacy of the aquifer, with respect to quality and quantity, to support the proposed development. The report must include a septic impact assessment to evaluate the water quality impact of the on-site septic system on the receiving aquifer.

The report must demonstrate the following:

- a. That the construction of any new well on the severed parcel is in accordance with the Ministry of the Environment, Conservation and Parks;
- b. That the quality of the water meets the Ministry of the Environment, Conservation and Parks Regulations, Standards, Guidelines and Objectives;
- c. That the quantity of water meets all the Ministry of the Environment, Conservation and Parks requirements; and
- d. That the septic impact assessment meets the Ministry of the Environment, Conservation and Parks requirements.

A qualified Professional Engineer or Professional Geoscientist must prepare the report. It is the Owner's responsibility to coordinate the person drilling a new well, if required, and the professional noted herein in order to properly satisfy this condition.

If the accepted report recommends specific mitigation measures or design requirements, the Owner(s) shall enter into a Development Agreement with the City, at the expense of the Owner(s), to include those recommendations and such agreement shall be registered on title. In instances where the subject site has sensitive soils, the drilling of a well and/or the conveyance of a 30-centimetre reserve may be required. Both the report and any required Development Agreement shall be prepared to the satisfaction of the **Manager of Development Review All Wards, or their designate**.

The Report shall be prepared as per Procedure D-5-4 "Technical Guideline for Individual On-Site Sewage Systems: Water Quality Impact Risk Assessment" and Procedure D-5-5 "Technical Guideline for Private Wells: Water Supply Assessment".

4. That the Owner(s) enter into an Agreement with the City, at the expense of the Owner(s), which is to be registered on title to deal with the following covenants/notices that shall run with the land and bind future owners on subsequent transfers:

"The property is located next to lands that have an existing source of environmental noise (collector road) and may therefore be subject to noise and other activities associated with that use."

"The City of Ottawa does not guarantee the quality or quantity of the groundwater. If, at some future date, the quality or the quantity of the groundwater becomes deficient, the City of Ottawa bears no responsibility, financial or otherwise, to provide solutions to the deficiency, such solutions being the sole responsibility of the homeowner."

The Committee shall be provided a copy of the Agreement and written confirmation from **City Legal Services** that it has been registered on title.

5. Pursuant to clause 51 (25) (c) of the *Planning Act* and Schedule C16 of the City's Official Plan, the Owner conveys to the City, at no cost to the City, an unencumbered road widening across the complete Breezy Heights frontage of the lands, measuring 13 meters from the existing centerline of pavement/the abutting right-of-way. The exact widening must be determined by legal survey. The Owner shall provide a reference plan for registration, indicating the widening, to the City Surveyor for review and approval prior to its deposit in the Land Registry Office. Such reference plan must be tied to the Horizontal Control Network in accordance with the municipal requirements and guidelines for referencing legal surveys. The Owner(s) must provide to the City Surveyor a copy of the Committee of Adjustment Decision and a draft Reference Plan that sets out the required widening. The Committee shall be provided written confirmation from City Legal Services that the

transfer of the widening to the City has been registered. All costs shall be borne by the Owner.

6. That the Owner(s) file with the Committee a copy of the registered Reference Plan prepared by an Ontario Land Surveyor registered in the Province of Ontario, and signed by the Registrar, **confirming the frontage and area of the severed land. If the Registered Plan does not indicate the lot area, a letter from the Surveyor confirming the area is required.** The Registered Reference Plan must conform substantially to the Draft Reference Plan filed with the Application for Consent.
7. That upon completion of the above conditions, and **within the two-year period outlined above**, the Owner(s) file with the Committee, the “electronic registration in preparation documents” for a conveyance for which the Consent is required.