

Filing Date: April 30, 2024
Hearing Date: February 25, 2025

File: B-2024-0008

**Owner/
Applicant:** MANTELLA CORPORATION/ MANLINE PLANNING SERVICES INC

Address: 21 Van Kirk Drive

Ward: WARD 2

Contact: Rajvi Patel, Planner I

Proposal:

The purpose of this application is to request the consent of the Committee of Adjustment to the grant of a servicing easement. The effect of the application is to create a servicing easement for an existing storm sewer over Parts 8, 11, 15, 16, 17 on R-Plan 43R-8869 in favour of the adjacent property municipally addressed as 25 and 35 Van Kirk Drive.

Recommendations:

That application B-2024-0008 be deferred no later than the last hearing of May 2025.

Background:

The consent application is related to an ongoing Site Plan Approval application (SPA-2019-0033) and Draft Plan of Condominium (DPC-2023-0004) that is currently under review. The consent application was previously deferred at the December 10, 2024 and June 18, 2024 Committee of Adjustment hearings. The Site Plan application is submitted to facilitate the future development of a one-storey multi-tenant industrial building on the lands municipally addressed as 21 Van Kirk Drive. The Draft Plan of Condominium application proposes to convert an existing multi-tenanted employment building into a standard condominium on the lands municipally addressed as 25 and 35 Van Kirk Drive. No development is proposed through the DPC application.

- **Official Plan:** The subject property is designated 'Industrial' in the Official Plan;
- **Secondary Plan:** The subject property is designated 'General Employment 1' in the Snelgrove-Heart Lake Secondary Plan (Area 1); and
- **Zoning By-law:** The subject property is zoned 'Industrial Four A, Special Section 225 (M4A-225)' according to By-Law 270-2004, as amended.

Current Situation:

The applicant is requesting to establish a servicing easement for an existing storm sewer over Parts 8, 11, 15, 16, 17 on Reference Plan 43R-8869 in favour of the adjacent property municipally addressed as 25 and 35 Van Kirk Drive. The application was previously deferred at the December 10, 2024 and June 18, 2024 Committee of Adjustment hearings in order to provide sufficient time for the applicant to resolve legal matters.

The applicant has advised Staff that the proposed servicing easement can be created through the condominium declaration associated with City File DPC-2023-0004. However would like to defer the consent application in the case that a consent application is required.

Staff are recommending a deferral of the application to a date no later than the last hearing of May 2025 to allow sufficient time for the applicant to register the Plan of Condominium and declaration. Staff have discussed the above noted matters with the applicant and will be working closely with them to resolve any concerns prior to presenting a recommendation to the Committee of Adjustment.

Respectfully Submitted,

Rajvi Patel

Rajvi Patel, Planner I