



**COMMITTEE OF ADJUSTMENT NOTICE OF PUBLIC HEARING  
APPLICATION NO. A-003-2025**

**TAKE NOTICE** that an application has been received by the Town of Innisfil from **Gord Mahoney, Applicant**, on behalf of **Woodsvie Property Management Inc., Owner**, for a minor variance from Zoning By-law 080-13, pursuant to Section 45 of the *Planning Act*, R.S.O. 1990, c. P.13, as amended.

The subject properties are described legally as **CON 4 S PT LOT 15 RP 51R17374 PART 2 & PARTS 4 TO 6** known municipally as **6272 & 6276 Yonge St**, and is zoned “**Commercial Village (CV)**”.

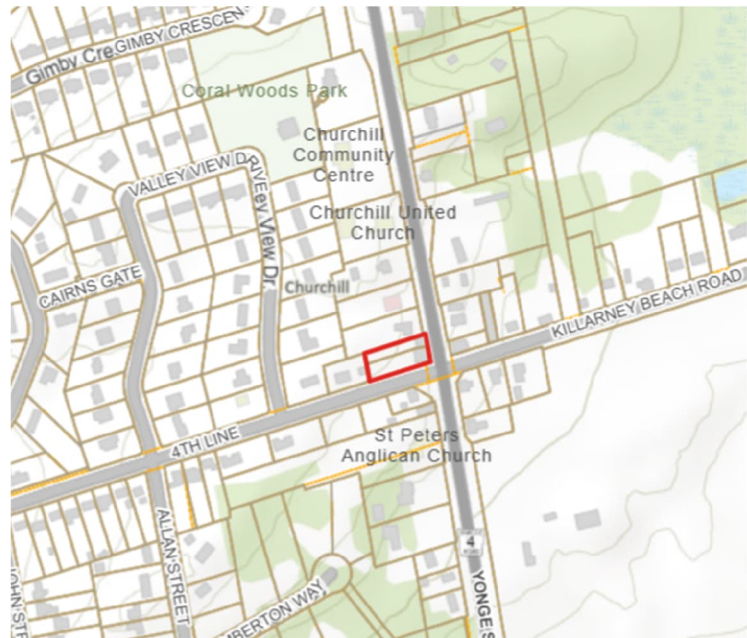
**The applicant is seeking relief from Section 3.27(a) of the Zoning By-Law which does not permit a change in the use of a legal non-conforming use. The current building contains 12 residential rental apartments and one (1) mixed-use (residential/commercial) unit. The applicant is proposing to change the use of the one (1) mixed-use (residential/commercial) unit to one (1) residential only unit.**

The Committee of Adjustment for the Town of Innisfil will consider this application in person at Town Hall and virtually through Zoom on **Thursday, April 17, 2025, at 6:30 PM.**

To participate in the hearing and/or provide comments, you must register by following the link below or scanning the above QR code:

<https://innisfil.ca/en/building-and-development/committee-of-adjustment-hearings.aspx>

Requests can also be submitted in writing to: Town of Innisfil Committee of Adjustment, 2101 Innisfil Beach Road, Innisfil, Ontario, L9S 1A1 or by email to [planning@innisfil.ca](mailto:planning@innisfil.ca).

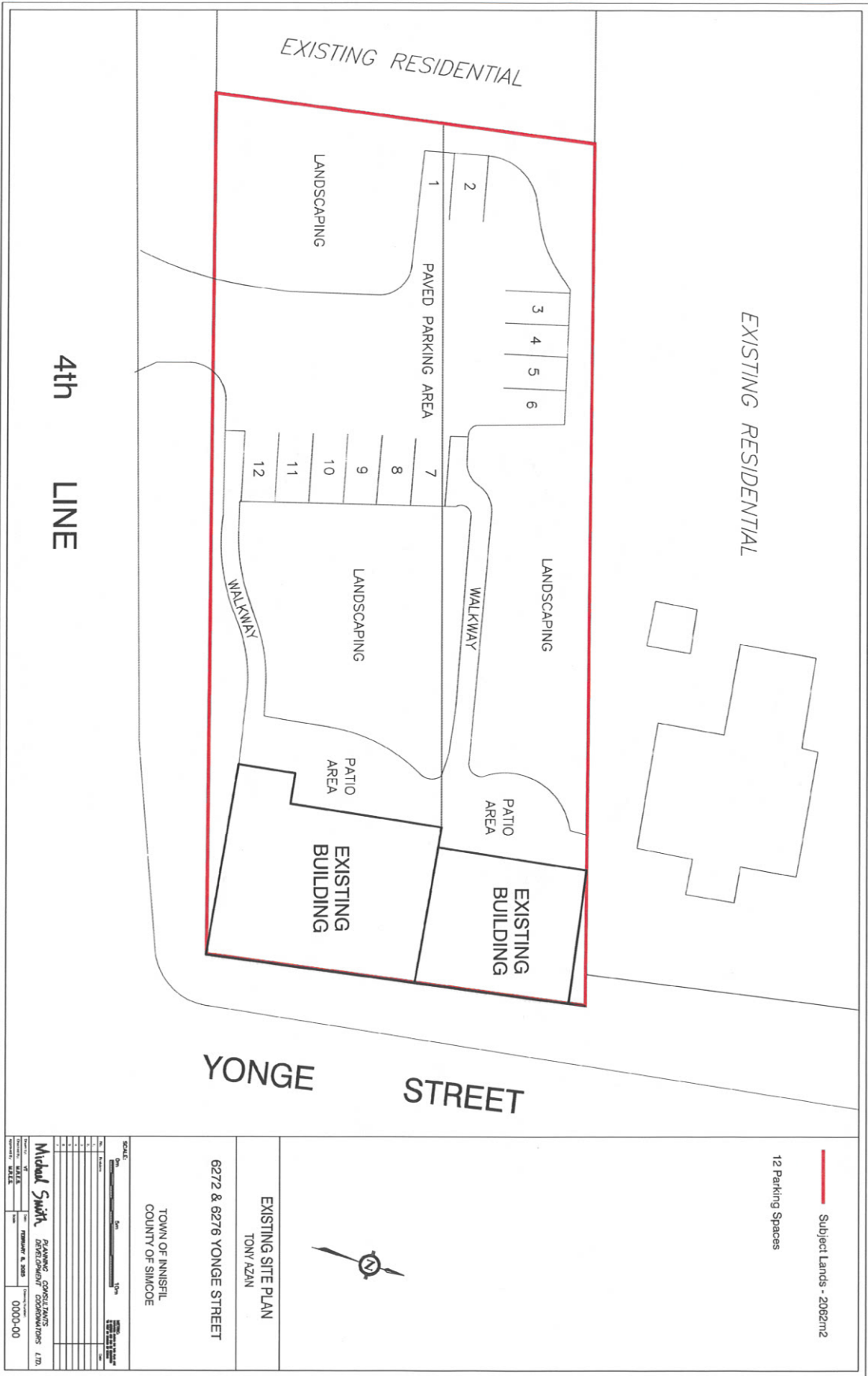


If you wish to receive a copy of the decision of the Committee of Adjustment in respect of the proposed consent, you must make a written request to the Secretary-Treasurer of the Committee of Adjustment by way of email or regular mail. The Notice of Decision will also explain the process for appealing a decision to the Ontario Land Tribunal (OLT).

Additional information relating to the proposed application is available on the Town of Innisfil website. Accessible formats are available on request, to support participation in all aspects of the feedback process. To request an alternate format please contact Planning Services at [planning@innisfil.ca](mailto:planning@innisfil.ca).

Dated: **March 26, 2025**

Sarah Burton Hopkins,  
Secretary Treasurer  
[sburtonhopkins@innisfil.ca](mailto:sburtonhopkins@innisfil.ca)  
705-436-3710 ext. 3504



EXISTING RESIDENTIAL

EXISTING RESIDENTIAL

4th LINE

YONGE STREET

— Subject Lands - 2062m<sup>2</sup>  
 12 Parking Spaces



EXISTING SITE PLAN  
 TONY AZAN  
 6272 & 6276 YONGE STREET

TOWN OF RAINSFIELD  
 COUNTY OF SIMCOE

SCALE: 1:1000  
 DATE: 2000-00  
 Michael Smith PLANNING CONSULTANTS  
 123 MAIN STREET, SIMCOE COUNTY, ONTARIO  
 TEL: (905) 520-1234 FAX: (905) 520-5678  
 WWW.MICHAELSMITHPLANNING.COM

**Planning Justification Report**  
**Expansion of a Legal Non-Conforming Use**  
**Town of Innisfil, County of Simcoe**  
**Woodsvie Property Management Inc.**

**February 2025**

**Prepared by**  
**Michael Smith Planning Consultants;**  
**Development Coordinators Ltd.**

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*Figure 1 – Location Map*

## 1. Introduction

The property (subject land) is owned by Woodsvew Property Management Inc. (Woodsvew) and is municipally known as 6272 and 6276 Yonge Street. The property is in the community of Churchill, which is a Hamlet in the Town of Innisfil (refer to figure 1).

Located on the northwest corner of Yonge Street and the 4<sup>th</sup> Line, the property is approximately 2,050 sq. m in size with 30.48m of frontage along Yonge Street and 68.30m along the 4<sup>th</sup> Line.

Currently, the property contains a two-storey building with associated parking. It is noted that the property is on the Town's Heritage Registry and is designated under Part IV of the Heritage Act.

The building has a ground floor area of approximately 400 sq. m. and a total floor area of 733sq. m. The building currently contains 12 residential rental apartments and one mixed-use (residential/commercial) unit. According to the affidavit provided with the application, the current use of the building was established prior to July 27, 1983 (being the effective date of the Town's first zoning by-law) and has remained as such until present.

The owner wants to convert the one mixed-use unit into a full time residential rental apartment. This will bring the total number of apartments to 13. The new apartment will be approximately 70 sq. m. in size. The building contains mix of bachelor, 1-bedroom and 2-bedroom apartments.

According to the Town's zoning by-law, the subject property is zoned Commercial Village (CV) which does not permit the existing use or the proposed use. However, given the Affidavit provided, the existing use would be considered Legal Non-Conforming (LNC), as the use was established legally prior to the passing of the Town's first zoning by-law and the use as remained in the same state since the effective date of the zoning by-law.

Therefore, prior to establishing the proposed 13<sup>th</sup> apartment unit, permission to expand a Legal Non-Conforming Uses (LNCU) must be granted by the Town.

This *Planning Justification Report* provides a review of the following test for the expansion of a LNCU:

1. Whether the application is desirable for the appropriate development of the subject property; and,
2. Whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.



Figure 1 – location map

2. **Retainer**

*Michael Smith Planning Consultants; Development Coordinators Ltd.* was retained in October of 2023 to assist the owner in the planning process to facilitate the additional rental apartment.

3. **Current Planning Policy**

Although not required for this development, our firm reviewed the 2024 *Provincial Planning Statement (PPS)*, the 2016 *Simcoe County Official Plan (SCOP)* and the 2018 *Town of Innisfil Official Plan (TIOP)*.

In our review it was determined that there were no matters of provincial interest with this application.

The *SCOP* identifies the Hamlet of Churchill as a Settlement (Schedule 5.1). The *SCOP* provides that population and employment growth are to be directed to settlements.

The *TIOP* identifies the subject land as being within the Hamlet of Churchill and designates the subject land as *Hamlet Commercial Area*. According to the *TIOP*, growth in Hamlets will be limited to infill developments within the existing boundaries of the Hamlet.

#### **4. Tests for the Expansion of a Legal Non-Conforming Use**

Section 45(2) a i) of the Planning Act provides:

*“where any land, building or structure, on the day the by-law was passed, was lawfully used for a purpose prohibited by the by-law, may permit,*

*(i) the enlargement or extension of the building or structure, if the use that was made of the building or structure on the day the by-law was passed, or a use permitted under subclause (ii) continued until the date of the application to the committee, but no permission may be given to enlarge or extend the building or structure beyond the limits of the land owned and used in connection therewith on the day the by-law was passed.”*

As the existing use of the building is considered a *LNCU*, approval from the Committee of Adjustment is required. Although the physical building is not being expanded, it is considered an expansion as the creation of one additional residential apartment unit would increase the intensity of the *LNCU*.

As outline in Ontario Land Tribunal (formerly LPAT) decision *Fraser v. Rideau lakes (Township)*, applications under 45(2) are not subject to the “four tests” under 45(1) of the Planning Act but are evaluated on the basis of the following tests:

1. Whether the application is desirable for the appropriate development of the subject property; and,
2. Whether the application will result in undue adverse impacts on the surrounding properties and neighbourhood.

#### **Is the application desirable for the appropriate development of the subject property?**

The building has been used for rental apartments for over 40 years with no significant issues. Rental apartments within all communities are a sought-after use, as they provide an affordable housing option. In my opinion, the addition of one rental apartment within a building that currently contains 12 apartments, is desirable for the appropriate development.

#### **Will the application result in undue adverse impacts on the surrounding properties and neighbourhood?**

The subject land is in the Hamlet of Churchill at the intersection of Yonge St. and the 4<sup>th</sup> Line. The Hamlet is comprised mostly of residential dwelling units. The surrounding land uses include residential uses (mainly detached dwellings).

The building has been used as a residential apartment building for over 40 years except for the one commercial unit. The inclusion of one more apartment unit or the conversion of the commercial

unit to a residential apartment will not have an adverse impact on the surrounding area, adjoining land uses or the hamlet as a whole.

In light of the above evaluation of the application, it is my professional opinion that the proposed expansion to the legal non-conforming use meets the two required tests, represents good planning and is in the public interest.

Prepared by:

*Gord Mahoney*  
Gord Mahoney, RPP, MCP.  
Senior Planner