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# HALDIMAND COUNTY

## Report LSS-06-2025 Unsolicited Offer to Purchase Part of Tamarac Street, Dunnville



For Consideration by Council in Committee on April 8, 2025

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### Objective:

To update Council on a request to convey part of Tamarac Street in Dunnville.

### Recommendations:

1. THAT Report LSS-06-2025 Unsolicited offer to purchase part of Tamarac Street, Dunnville be received;
2. AND THAT the application received from Lynn & William Schuur requesting to purchase part of Tamarac Street, legally described as part of PIN 38124-0083 (LT) Tamarac Street Plan 69 also known as Tamarack Street lying South of Main Street East except HC241929 (Secondly); Haldimand County, not be approved for the reasons outlined in Report LSS-06-2025;
3. AND THAT the application received from Laurie & Garry Hines requesting to purchase part of Tamarac Street, legally described as part of PIN 38124-0083 (LT) Tamarac Street Plan 69 also known as Tamarack Street lying South of Main Street East except HC241929 (Secondly); Haldimand County, not be approved for the reasons outlined in Report LSS-06-2025.

**Prepared by:** Melissa Lloyd, Property Coordinator

**Reviewed by:** Lori Friesen, Manager of Legal & Support Services

**Respectfully submitted:** Megan Jamieson, CHRL, General Manager, Corporate & Social Services

**Approved:** Mike Evers, MCIP, RPP, BES, Acting Chief Administrative Officer

### Executive Summary:

Haldimand County received a request from Lynn and William Schuur (Applicant 1) to close and convey approximately 0.38 acres of Tamarac Street in Dunnville. During the public feedback process, letters were sent to adjacent landowners seeking their input. Subsequently, Garry and Laurie Hines (Applicant 2) joined the request. All applicants have agreed to divide the small section of Tamarac Street, identified on the attached map as Parcel A and Parcel B (Attachment 1) equally.

Each Applicant has offered \$6,000 plus HST for Parcel A and B, respectively, with each Parcel being approximately 0.19 acres in size. It is the responsibility of the Applicants to pay for all costs related to closure and conveyance, including Haldimand County's legal fees.

Staff do not recommend selling this portion of Tamarac Street due to the Official Plan's policy on Vistas (open spaces with scenic views), the presence of environmental features (regulated lands), and the road allowance's role in providing access to the Grand River. The County has also been increasingly retaining such lands to preserve them as naturalized areas for future purposes.

## Background:

In 2024, staff received a request from Lynn & William Schuur (hereafter referred to as Applicant 1) to purchase both Parcel A and Parcel B, which are outlined in yellow and purple hash marks on Attachment 1. Applicant 1 is interested in acquiring this property as they have maintained it since purchasing their property at 330 Front Street East, Dunnville in 1998. Per the information provided by Applicant 1, they have been experiencing ongoing issues with the public who utilize this portion of Tamarac Street stating that this activity has negatively impacted the enjoyment of their property, citing public trespassing onto their property, loud music, use of alcohol and threats – to the point where the police have been involved and legal orders in place. The Applicant wishes to acquire Parcel A to merge with their property to increase their side yard as their house is very close to the shared property line.

After seeking feedback from adjacent landowners, Laurie & Garry Hines (hereafter referred to as Applicant 2), have also expressed interest in purchasing a portion of Tamarac, as indicated by the purple hash marks on the attached map. Applicant 2 would like to acquire Parcel B for the purposes of gaining proper access to their property highlighted in orange on the attached map. Applicant 2 has agreed that, if they are successful in purchasing Parcel B, they will merge it with their existing property.

Both Applicant 1 and Applicant 2 are in complete agreement on the proposed division of the Tamarac portion, should Council approve the sale.

## Analysis:

In order to determine the feasibility of the sale of these parcels, including whether there is a municipal need for the lands in whole or in part, or if there are certain restrictions or provisions that should be placed on a proposed sale, staff seek feedback from County divisions, including Public Works Operations; Facilities, Parks, Cemeteries, & Forestry Operations; Building & Municipal Enforcement Services; Economic Development & Tourism; Emergency Services; Engineering Services; Environmental Operations; Planning & Development; utility companies; the Grand River Conservation Authority and abutting landowners.

Building & Municipal Enforcement Services (BME) Division: Since the lands in question are currently deemed road allowance, they are not zoned. It is totally dependent on how the lands would be zoned if bought and merged, to determine if they are buildable lots on their own or not.

Hypothetically, if the lot were to take on the surrounding Marine Commercial (CM) and Wetland (W) zoning, it may be a buildable lot on its own if hadn't been split into two parcels. With that being said, the CM and W zones are pretty restrictive in terms of the permitted uses. Also, the lands are completely regulated by the GRCA, so their approval would be required for any proposed construction.

Economic Development & Tourism Division: Although the surrounding properties are residential and future development of this property may be unlikely, Economic Development & Tourism would like to retain waterfront properties in Haldimand County where it makes sense.

Planning & Development Division: The area is designated Downtown Core in the Haldimand County Official Plan (OP) and subject to regulation by the Grand River Conservation Authority. Additionally, the lands are zoned Marine Commercial (CM) in Haldimand County Zoning By-law HC 1-2020. The Tamarac road allowance would capture the zoning and designation of the adjacent uses. It is noted that new single detached dwellings are not permitted under the CM Zone. The OP includes the following policy with respect to Vistas (open spaces that provide scenic views). Vistas along the Lake Erie shoreline and the Grand River provide visual access to the water. Where feasible, the County will protect public vistas by evaluating new development for impact on significant vistas and requiring building setbacks or construction techniques to retain the important views as much as possible. Also, where feasible, the County may consider preserving and/or reserving existing public land along

strategic locations on the shoreline for scenic views. The County will, where feasible, develop look-out points and provide passive sitting and/or picnic facilities and other amenities.

Based on this policy, together with the environmental features (regulated lands), and the fact that the road allowance provides access to the Grand River, Planning does not recommend support of the sale of Tamarac Street.

Grand River Conservation Authority (GRCA): Information currently available in our office indicates that the property located at 330 Front Street East and the adjacent parcel to the east both contain wetland, floodplain associated with the Grand River, and the regulated allowances to these features. Both properties fall within the Dunnville Special Policy Area (SPA) and the Lake Erie Flood Hazard. Due to the presence of these features both properties are regulated by the GRCA under Ontario Regulation 41/24. Any development activity will require the prior issuance of a permit from the GRCA.

Abutting Landowners: No abutting landowners have concerns with the sale of this portion of Tamarac Street in Dunnville. The property owner to the South of Applicant 2 has no concerns with respect to the possible sale of a portion of Tamarac Street that abuts their property. Applicant 1 and Applicant 2 are the only other abutting landowners to this portion of Tamarac Street.

Each of the Applicants have offered a purchase price of \$6,000 for each Parcel A and Parcel B, respectively, which is above the Vacant Land Value Chart for the proposed portions of approximately 0.19 acres each. Both Applicants have signed an Environmental Acknowledgement whereby confirming that if Council chooses to sell this road allowance, the property is sold on an “as is – where is” basis, protecting against future claims related to environmental issues, and ensuring that the buyers are aware of their responsibility to conduct their own due diligence.

Staff are presenting three options for Council's consideration in regards to the request to purchase part of Tamarac Street in Dunnville (Parcel A and Parcel B). Staff are recommending Option 1.

#### Option 1: Not Accept the Offer to Sell Parcel A or Parcel B - (RECOMMENDED)

As noted by Economic Development & Tourism, the County's practice, including previous Council decisions, is to retain waterfront properties in Haldimand County. For instance, a recent request to purchase part of Niagara Street in the same area of Dunnville, which had waterfront access, was not supported by Council at the January 14, 2025, CIC meeting as that particular parcel provided a conduit of access to the waterfront. (LSS-01-2025 Road Closure and Conveyance of Niagara Street).

Planning & Development comments also supports retaining the property to retain open spaces that provide scenic views (Vistas) in alignment with the Official Plan.

By retaining this property, the parcel of land would still be available for pedestrian use. The risk of this option is that the County would remain responsible for the maintenance and liability of the property, without the benefit of the tax revenue. It was noted by Applicant 1 that at least some maintenance is currently being handled by them personally; in the case this option is supported by Council staff confirm standards and responsibilities going forward.

#### Option 2: Sell the Entire Road Allowance as a Potential Buildable Lot

Alternatively, Council could opt to publicly market this portion of the road allowance as a potential buildable lot. However, its viability as a buildable lot may be limited due to the surrounding Marine Commercial (CM) and Wetland (W) zoning, which impose strict restrictions on the range of permitted uses and are fully regulated by the GRCA. These factors could significantly impact to the land's sale value.

This option is not supported by the Planning & Development Division, or the Economic Development & Tourism Division, based on the OP's policy regarding Vistas, together with the environmental features

(regulated lands), and that it is the County's practice to retain property that has waterfront access including for the purposes of preserving as a naturalized area or use for future purposes.

### Option 3: Convey Parcel A to Applicant 1 and Convey Parcel B to Applicant 2

Sell Parcel A to Applicant 1, and Parcel B to Applicant 2, for the offered price of \$6,000 plus HST, per parcel. Each Applicant would be responsible for covering their applicable costs of closure and conveyance, including the County's legal fees. Notably, the offers exceed the County's Vacant Land Value Chart. If approved by Council, the Applicants would be responsible for providing a survey of Tamarac Street as delineated in Parcel A and Parcel B on Attachment 2, prepared as a reference plan, at their cost. This is required to enable staff to prepare and register a by-law closing the identified Tamarac Parcels with the applicable legal descriptions at the Land Registry Office.

This option is not supported by the Planning & Development Division, or the Economic Development & Tourism Division, based on the OP's policy regarding Vistas, together with the environmental features (regulated lands), and that it is the County's practice to retain property that has waterfront access including for the purposes of preserving as a naturalized area or use for future purposes.

### Other Considerations

Staff explored the options of selling one parcel only (A or B) to meet the needs of one of the applicants, while retaining the other for a portion of waterfront access. However, staff did not deem these to be viable options. The total width of Parcel A and B at the connection point with Front Street is approximately 7.14 metres wide (23.42 feet), which is already significantly less than the standard 20 metre (66 feet) of road allowance width. Retaining only one parcel would substantially limit the County's ability to accommodate future needs, such as those identified by Planning & Development.

Prior to this report being presented for Council's consideration, staff advised the Applicants of the feedback received and the subsequent staff recommendation not to support the request to purchase. This was done to provide the Applicants an opportunity to withdraw their request, if desired. The Applicants have confirmed the desire to proceed with their request to purchase to be presented to Council for consideration.

### **Financial/Legal Implications:**

If sold, all costs associated with the property transactions will be borne by the purchaser(s) and the identified property would no longer be the legal responsibility or liability of the County. Subsequently, any proceeds from sale, if applicable, would be contributed to the Land Sales Reserve in accordance with County Policy.

If the property is not sold at this time, the property will remain the legal responsibility of the County. All costs incurred by the County to date are off-set through the non-refundable application fee.

### **Stakeholder Impacts:**

Not applicable.

### **Report Impacts:**

Agreement: No

By-law: No

Budget Amendment: No

Policy: No

**References:**

1. [LSS-01-2025 Road Closure and Conveyance of Niagara Street](#)

**Attachments:**

1. Location Map