

**Notice of Public Hearing**  
**Huron County Zoning Board of Appeals**  
**Wednesday, October 12, 2022 at 7:00 p.m.**  
**Huron County Building, Room 305**  
**250 E. Huron Avenue, Bad Axe, Michigan 48413**

Notice is given that a public hearing is scheduled before the Huron County Zoning Board of Appeals on Wednesday, October 12, 2022, at 7:00 p.m., in the 3<sup>rd</sup> Floor Meeting Room (Room 305) of the County Building, 250 E. Huron Avenue, Bad Axe, Michigan, 48413. The purpose of this meeting is to receive public comment and consider the following zoning variance request:

**ZBA 2022-02 James & Elizabeth Dietz**, 2768 Bay Drive, Hume Township, Port Austin, Michigan, 48467, requests zoning approval to construct a 24ft. x 24ft. x 10ft. high sidewall detached garage between their existing lakefront home and Bay Drive, on Lot 40 of the Huron Dunes Subdivision, parcel number 3211-008-074-00. Lot 40 is zoned R-1 Residential and measures 60ft. x 140ft. (total of 8400 sq. ft.), which is considered non-conforming to current zoning ordinance standards. The existing parcel currently contains a 1546 sq. ft. home, a 45 sq. ft. shed (to be removed) and a 178 sq. ft. shed. Building the new 576 sq. ft. detached garage will increase total building lot coverage to 2,300 square feet (total lot coverage 27.4%). The Huron County Zoning Ordinance, Section 9.01, Schedule of Regulations restricts total building lot coverage to 25%, which calculates to an allowable lot coverage of 2,100 square feet. The proposed detached garage requires a dimensional variance for an exceedance of total building lot coverage by 200 sq. ft. Pursuant to the Huron County Zoning Ordinance, Section 19.05(c), the Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements.

Persons interested in commenting on this request may appear in person at the public hearing or, if unable to attend the meeting, may submit written comments to the Huron County Building & Zoning Office, Room 102 of the County Building, 250 E. Huron Ave., Bad Axe, Michigan 48413, or fax same to (989) 269-3362. For further information concerning this request for zoning approval, contact Jeff Smith from the Huron County Building & Zoning Office during regular office hours at (989) 269-9269 or by email, smithj@co.huron.mi.us. Office hours are Monday-Friday 8:30 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m.

This notice is disseminated and posted pursuant to the Michigan Zoning Enabling Act, PA 110 of 2006, as amended.

**Larry Schnettler, Chairman**  
**Huron County Zoning Board of Appeals**



ZBA 2022-02  
JAMES &  
ELIZABETH DIETZ

DETACHED GARAGE  
DIMENSIONAL  
VARIANCE REQUEST  
(330 FT. BUFFER MAP)  
26 PARCELS



Map Publication:  
09/27/2022 9:12 AM



**Disclaimer:** This map does not represent a survey or legal document and is provided on an "as is" basis. Huron County expresses no warranty for the information displayed on this map document.



**Parcel Buffer**

- Buffer
- Buffer Affected Parcel

HURON COUNTY ZONING BOARD OF APPEALS  
APPLICATION FOR ZONING VARIANCE/APPEAL OF ZONING PROVISIONS

Application Fee: \$600.00 at regular quarterly meeting  
\$800.00 for Special Meeting (Rev. 01/2022)

DATE: 8/27/22

CASE NO.: ZBA # 2022-02

APPLICANT'S NAME: Elizabeth and James Dietz

ADDRESS: 47793 Ten Point Drive, Canton, MI 48187 (313) 506-0258  
(mailing) street address city state zip telephone

ADDRESS OF PROPERTY WHERE APPEAL IS SOUGHT: 2768 Bay Drive, Port Austin, MI

PROPERTY IDENTIFICATION NO.: 11-008-074-00

PROPERTY OWNER (if not applicant): SAME

ADDRESS: \_\_\_\_\_  
(mailing) street address city state zip telephone

APPLICANT'S STATEMENT AS TO WHY THE REQUEST FOR VARIANCE/APPEAL IS MADE:

SEE ATTACHED ADDENDUM (Dimensional Variance per 19.05c)

PROVISION(S) OF ZONING ORDINANCE BEING APPEALED: Article IX Section 9.01

Exceed lot coverage by 200 sq. FT.

BASIS OF REQUEST:

SEE ATTACHED ADDENDUM

SITE PLAN: A site plan must be attached which illustrates existing & proposed structures on the property (location -distance from property lines, size, other information pertinent to case). Indicated distance of proposed structure to structures on adjacent properties.

APPLICANT'S SIGNATURE: J. Dietz Elizabeth Dietz 8/27/22  
DATE

By signing this application, owner/agent is granting County officials the right to on-site inspection of property involved in this request. Paid V#3131 Receipt #72692 ZBA Application

(ADDENDUM RE: 2768 BAY DRIVE, PORT AUSTIN, MI 48467)

HURON COUNTY ZONING BOARD OF APPEALS  
APPLICATION FOR ZONING VARIANCE/APPEAL OF ZONING PROVISIONS

CASE NO.: ZBA # \_\_\_\_\_

**APPLICANT'S STATEMENT AS TO WHY THE REQUEST FOR VARIANCE/APPEAL IS MADE:**

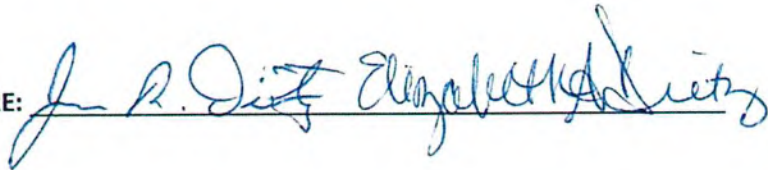
Applicants desire to build a garage and seek a dimensional variance to exceed their allowable lot coverage. Their undersized lot is 60' x 140' for a total of 8,400 square feet. The allowable lot coverage is 25%, or 2,100 square feet.

**BASIS OF REQUEST:**

After the removal of a small shed and the construction of the garage, the lot coverage would be 1546 sq. ft. (existing house), plus 178 sq. ft. (other shed), plus 576 sq. ft. (new garage), for total of 2,300 sq. ft. This equates to 27.4% of total lot coverage.

Applicants understand that any approval would be contingent upon the removal of the small shed.

APPLICANT'S SIGNATURE: \_\_\_\_\_

A handwritten signature in blue ink, appearing to read "J. R. Dietz", is written over a horizontal line. The signature is cursive and somewhat stylized.

**CERTIFICATE OF SURVEY**  
 PART OF FRACTIONAL SECTION 8, T18N-R12E,  
 HUME TOWNSHIP, HURON COUNTY, MICHIGAN.

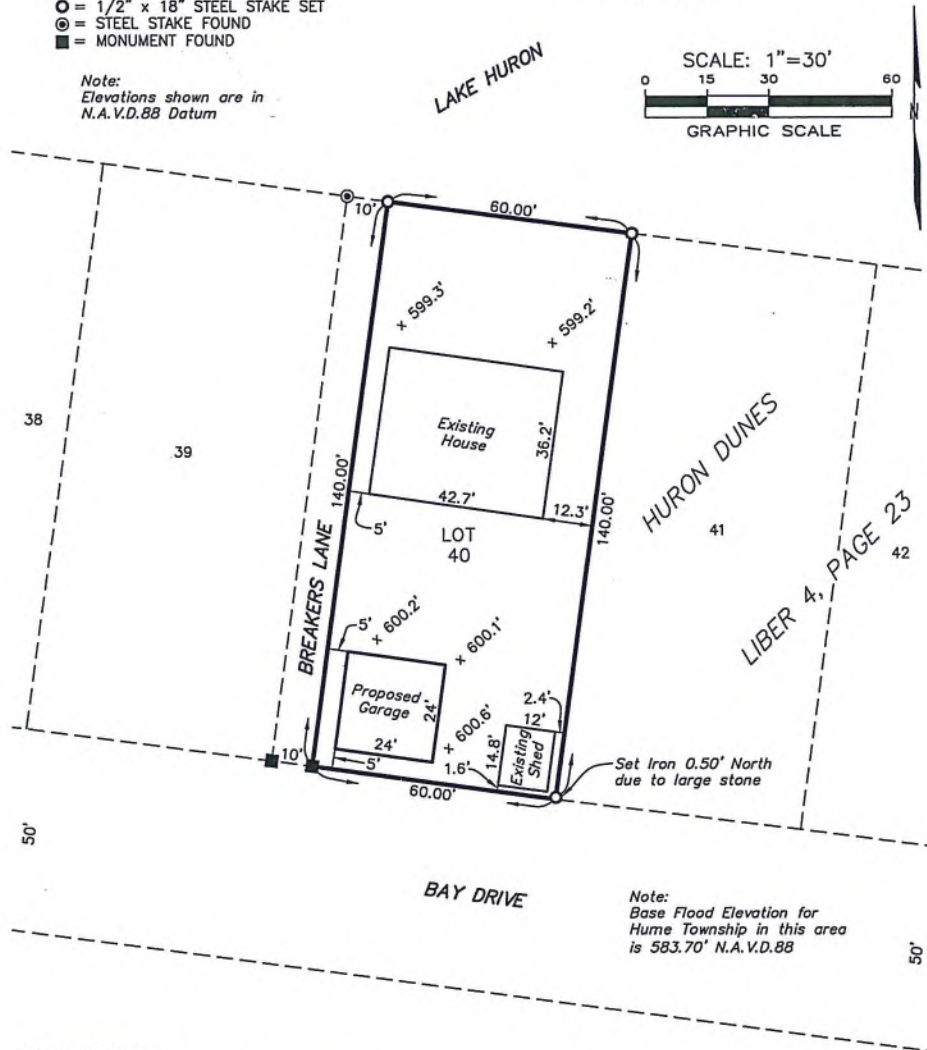
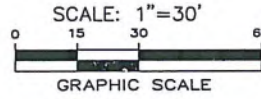
CLIENT:  
 JAMES & ELIZABETH DIETZ  
 47793 TEN POINT DRIVE  
 CANTON, MI 48187

PROJECT No.  
 2022-138

BY:  
 TANK SURVEYING, LLC  
 255 EAST HURON AVE.  
 BAD AXE, MI 48413  
 989-269-2201

NOTE:  
 ○ = 1/2" x 18" STEEL STAKE SET  
 ⊙ = STEEL STAKE FOUND  
 ■ = MONUMENT FOUND

Note:  
 Elevations shown are in  
 N.A.V.D.88 Datum



Note:  
 Base Flood Elevation for  
 Hume Township in this area  
 is 583.70' N.A.V.D.88

DESCRIPTION:  
 Lot 40, "HURON DUNES", being a subdivision in part of Fractional Section 8, T18N-R12E,  
 Hume Township, Huron County, Michigan according to the Plat thereof as recorded in  
 Liber 4 of Plats, Page 23 of Huron County Records. Subject to easements and rights  
 of way of record.

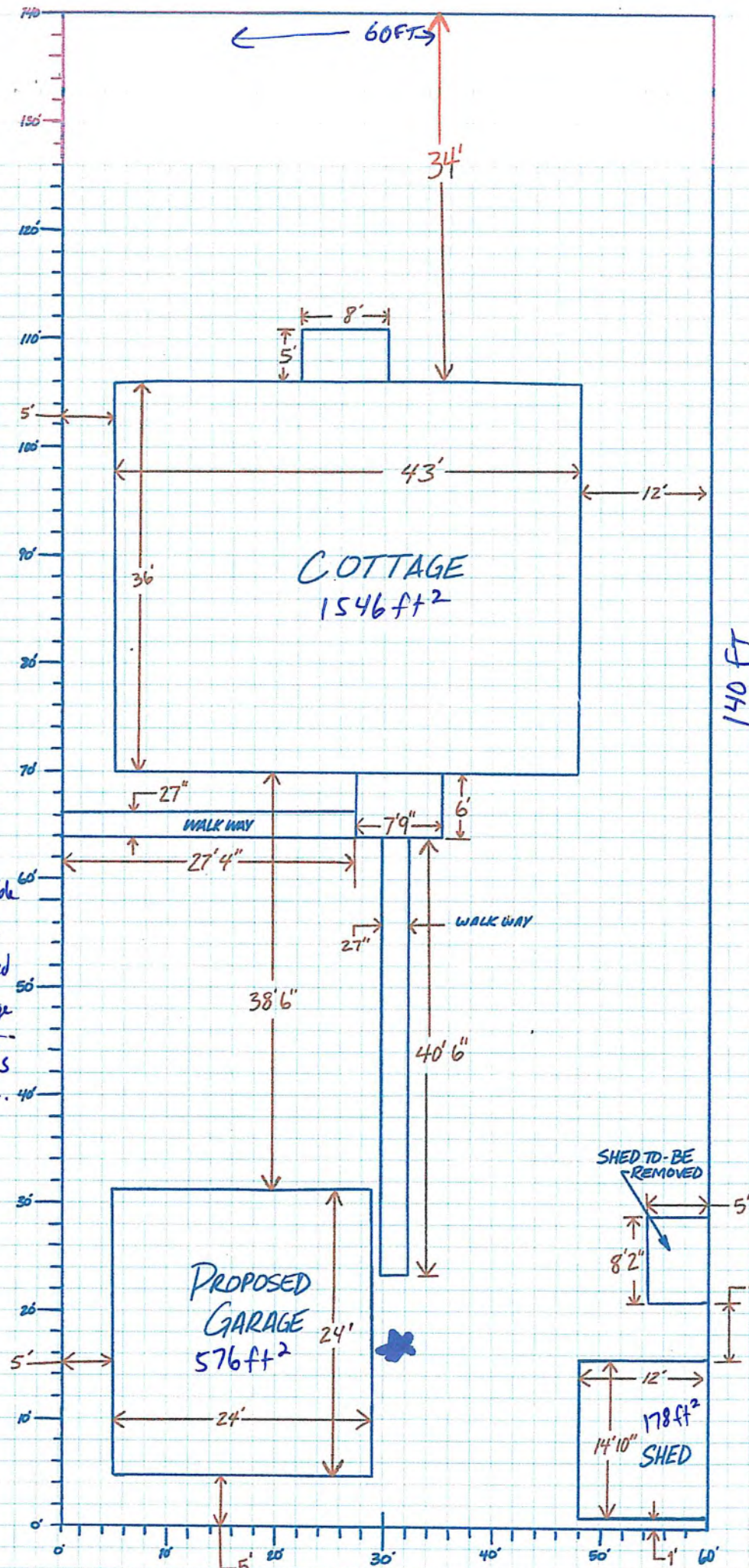
\* \* \*

I hereby certify that I have surveyed and mapped the above described  
 parcel(s) of land; that the error of closure is within the limits accepted  
 by the practice of professional surveying; and that said survey is in full  
 compliance with Act 132, P.A. of 1970 as amended.

BENJAMIN D. TANK P.S. #57884  
 AUGUST 1, 2022  
 SHEET 1 OF 1 SHEET(S)



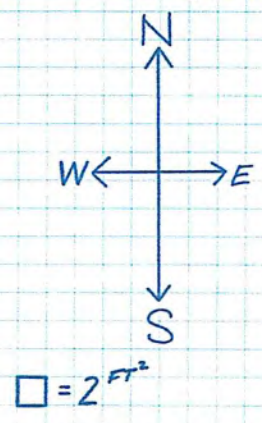
**★ Please see Addendum**



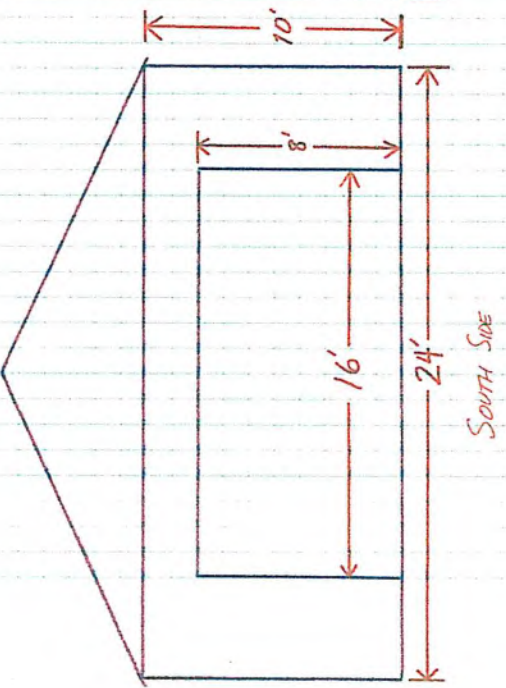
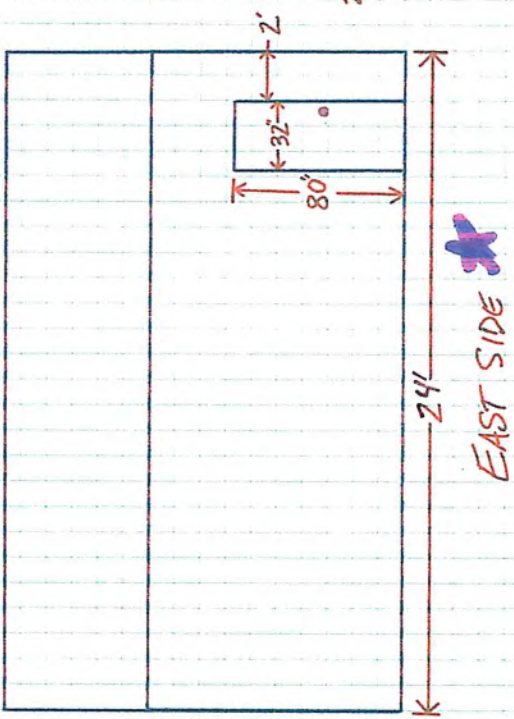
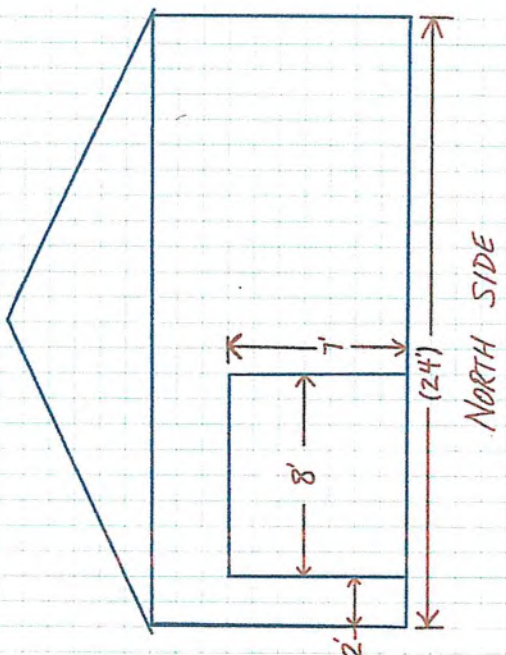
Lot size:  
 $60 \times 140 = 8400 \text{ ft}^2$   
 $\times 25\% \text{ lot cov.}$   
 $= 2100 \text{ ft}^2 \text{ Allowable}$   
 - 1546 House  
 - 178 Exist Shed  
 - 576 New Garage  


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 $- 200 \text{ ft}^2 \text{ exceeds lot coverage.}$



★  
Please see  
addendum



**ADDENDUM AND PROPOSED CHANGES TO DRAWINGS  
FOR PROPOSED GARAGE  
2768 BAY DRIVE**

~Proposed Garage size will be 24 x 24.

~There will be no windows in the garage.

~The proposed garage will be vinyl sided with trim. The siding and/or trim color will compliment the cottage and will be consistent with structures in the neighborhood.

~The west foundation wall will be 6 feet deep. This will address the Association's concern of the garage's proximity to the waterline and curb stop. After speaking with a professional mason/builder, he assured us the 6 foot depth of the foundation wall would resolve any safety or structural issue related to accessing the water line in the unlikely event that is required.



# HURON DUNES ASSOCIATION

lot #40

## Building Permit Request Process

Per Article II (General Rules) Section C of the Bylaws:

C) Approval by the Board is required for the construction of any building within the boundaries of the subdivision. No building other than a single family dwelling house and other appurtenant buildings including garages for private, non-commercial use, shall be constructed and maintained on the premises. Approval by the Board is also required for the exterior alteration of any building. The construction or alteration of any fence, hedge or wall must be approved by the Board.

When submitting a permit request the following basic information is required:

### Name of the Requestor:

Lisa and Jim Dietz

### Huron Dunes Address:

2768 Bay Drive

### Email Address/ Phone Number:

thedietzs1@gmail.com Lisa- 734-751-5820

### Brief written description of Project:

Construction of a 24 ft x 24 ft garage on our property.

### Diagram of Lot:

(On a separate piece of paper; hand drawn is permissible). Show the dimensions of your lot, all current & proposed additions, with distances of each from all four lot lines.


**Submit to:** Larry Lenard (Chair of the Building Committee) [larrylenard@comcast.net](mailto:larrylenard@comcast.net)

### Expected Timeframe for Review & Approval\*\*:

It can take up to two (2) weeks.

**Questions:** Contact Larry Lenard

**\*\*NOTE:** The Committee will normally handle all requests by emails between Committee Members (with follow-up questions, if needed) & the Requestor. Only in rare cases (if the project is unclear and unable to resolve via email/phone) are face to face meetings needed.

**From:** Larry Lenard larrylenard@comcast.net   
**Subject:** Re: Application to build a Garage  
**Date:** August 13, 2022 at 3:55 PM  
**To:** Lisa thedietzs1@gmail.com

The Huron Dunes Building Committee is proud to let you know that your garage project is approved. Just to let you know, no alterations are allowed unless you contact the Board.

Sent from my iPad

On May 25, 2022, at 5:05 PM, Lisa <thedietzs1@gmail.com> wrote:

Larry,

Below you will find attached the necessary documentation for us to build a garage on our property. I believe I have included everything needed. Should you have any questions, please do not hesitate to contact me.

Thank you,

Lisa Dietz

734-751-5820



Dietz Garage  
Application.pdf

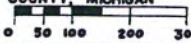
Grantor	Grantee	Sale Price	Sale Date	Inst. Type	Terms of Sale	Liber & Page	Verified By	Prcnt. Trans.					
FREDERICKS ELIZABETH J TR	DIETZ JAMES R & ELIZABETH	355,000	06/07/2013	WD	03-ARM'S LENGTH	1454:195	DEED	0.0					
Property Address		Class: RESIDENTIAL-IMPRO		Zoning:		Building Permit(s)		Date	Number	Status			
2768 BAY DRIVE		School: NORTH HURON SCHOOL DISTRICT											
Owner's Name/Address		P.R.E. 0%											
DIETZ JAMES R & ELIZABETH A 47793 TEN POINT DRIVE CANTON MI 48187		MAP #: 06 08 405 001											
Tax Description		2023 Est TCV 330,800(Value Overridden)											
Sec 8, Town 18N, Range 12E. LOT 40 HURON DUNES SUB.		Improved <input checked="" type="checkbox"/> Vacant <input type="checkbox"/>		Land Value Estimates for Land Table .									
Comments/Influences		Public Improvements		* Factors *									
LIBER/PAGE(S): 561:0797, 243:271,		Dirt Road		Description		Frontage		Depth	Front	Depth	Rate %Adj.	Reason	Value
		Gravel Road							0.180	Acres	0	100	0
		Paved Road							0.18 Total Acres		Total Est. Land Value =		0
		Storm Sewer											0
		Sidewalk											0
		Water											
		Sewer											
		Electric											
		Gas											
		Curb											
		Street Lights											
		Standard Utilities											
		Underground Utils.											
		Topography of Site											
		Level											
		Rolling											
		Low											
		High											
		Landscaped											
		Swamp											
		Wooded											
		Pond											
		Waterfront											
		Ravine											
		Wetland											
		Flood Plain											
		Who		When	What	Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/Other	Taxable Value	
						2023	165,400	0	165,400			149,367C	
						2022	165,400	0	165,400			149,367C	
						2021	154,800	0	154,800			144,596C	
						2020	142,600	0	142,600			142,600S	
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: County of Huron, Michigan													

\*\*\* Information herein deemed reliable but not guaranteed\*\*\*

# "HURON DUNES"

BEING PART OF SECTION 8, T18N, R12E, HUME TOWNSHIP  
HURON COUNTY, MICHIGAN

SCALE 1" = 150'



ALL DIMENSIONS ARE GIVEN IN FEET AND DECIMALS THEREOF

COPY

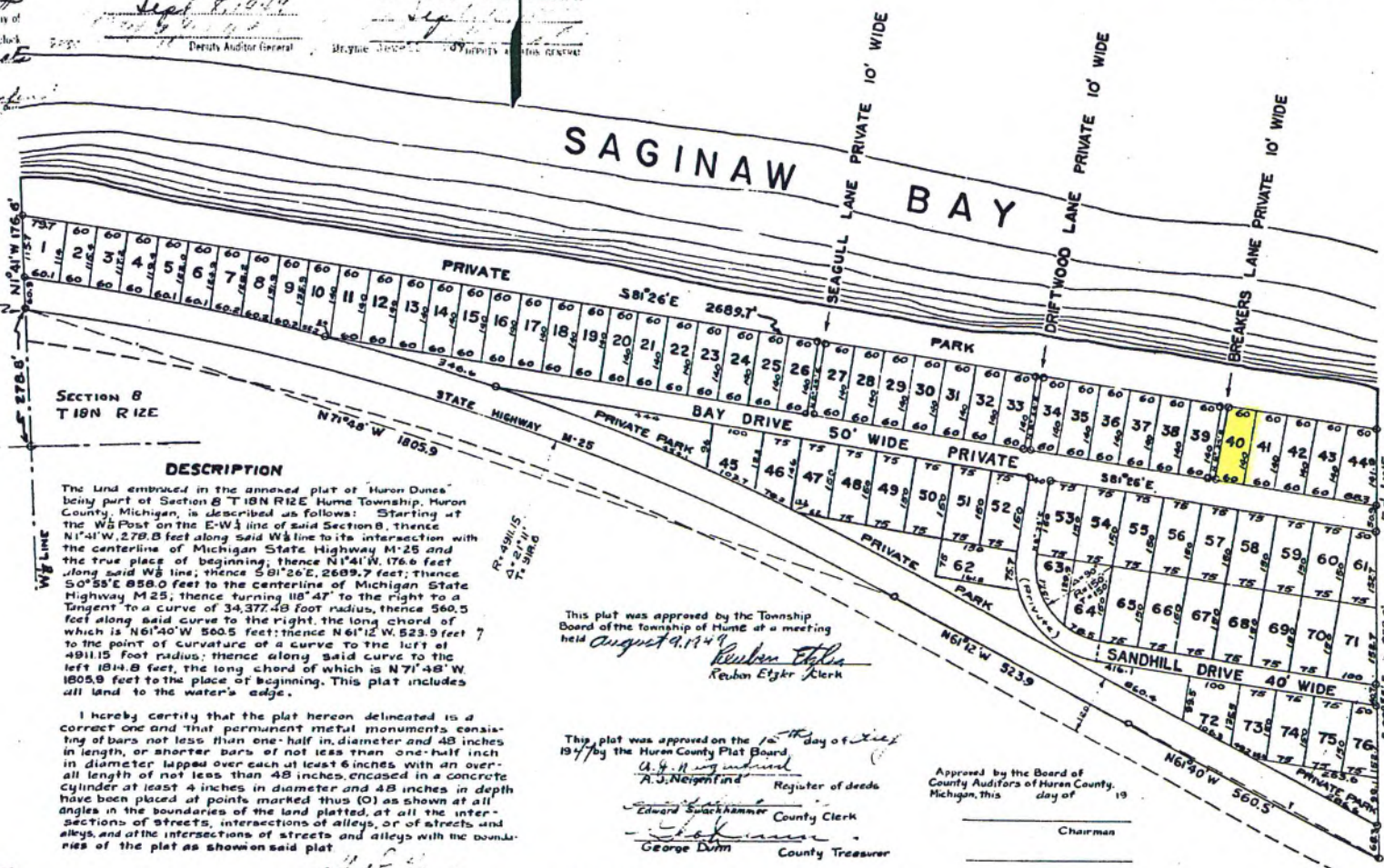
Register's Office  
Huron County, Michigan  
Plat of "Huron Dunes"  
Hume Township  
was recorded this 12th day of  
Sept. 1949 at 9:53 o'clock  
A.M. in Liber 4 of Plate

COMPARED Sept. 8, 1949  
Notary Public

Examined and Approved  
Sept. 8, 1949  
Deputy Auditor General

NOTARY PUBLIC, HURON COUNTY, MICHIGAN

on Page 33  
Alfred J. Higgins



**DESCRIPTION**  
The land embraced in the annexed plat of "Huron Dunes," being part of Section 8 T18N R12E Hume Township, Huron County, Michigan, is described as follows: Starting at the W 1/2 Post on the E-W 1/2 line of said Section 8, thence N1°41'W, 270.8 feet along said W 1/2 line to its intersection with the centerline of Michigan State Highway M-25 and the true place of beginning; thence N1°41'W, 176.0 feet along said W 1/2 line; thence S81°26'E, 2689.7 feet; thence S0°55'E, 858.0 feet to the centerline of Michigan State Highway M-25; thence turning 18°47' to the right to a tangent to a curve of 34,377.48 foot radius, thence 560.5 feet along said curve to the right, the long chord of which is N61°40'W, 500.5 feet; thence N61°12'W, 523.9 feet to the point of curvature of a curve to the left of 4911.15 foot radius; thence along said curve to the left 1844.8 feet, the long chord of which is N71°48'W, 1808.0 feet to the place of beginning. This plat includes all land to the water's edge.

I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments consisting of bars not less than one-half in diameter and 48 inches in length, or shorter bars of not less than one-half inch in diameter lapped over each at least 6 inches, with an overall length of not less than 48 inches, encased in a concrete cylinder at least 4 inches in diameter and 48 inches in depth have been placed at points marked thus (O) as shown at all angles in the boundaries of the land platted, at all the intersections of streets, intersections of alleys, or of streets and alleys, and at the intersections of streets and alleys with the boundaries of the plat as shown said plat.

This plat was approved by the Township Board of the township of Hume at a meeting held August 9, 1949  
Robert E. Ellis  
Reuben Elyzer, Clerk

This plat was approved on the 12th day of Sept. 1949 by the Huron County Plat Board  
A. J. Neisprand  
Edward Sackhammer  
George Duhn  
Register of deeds  
County Clerk  
County Treasurer

Approved by the Board of County Auditors of Huron County, Michigan, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_  
Chairman

We hereby certify that said plat appears to include land located on a state trunk line or federal aid road.  
A. J. Neisprand  
Edward Sackhammer  
George Duhn  
County Plat Board

This plat has been examined and approved on the \_\_\_\_\_ day of \_\_\_\_\_, 1949 by the Huron County Board of Road Commissioners.  
Edward Sackhammer  
Charles W. Niswonger  
Fred W. Nelson  
Chairman  
Member  
Member

Office of County Treasurer, Huron County  
I hereby certify that there are 70 tax liens or titles held by the state on the lands described herein, and that there are 70 tax liens or titles held by individuals on said lands, for five years preceding the 1st day of Jan. 1949 and that the taxes for said period of five years are paid, as shown by the records of this office. This certificate does not apply to taxes, if any now in the process of collection by township, city or village collection officers.  
George Duhn, County Treasurer

An easement is hereby dedicated for public utility purposes along the southerly boundaries of Lots 1 to 61 and 72 to 76, along the easterly boundaries of Lots 44, 61, 71 and 76, along the northerly boundaries of Lots 62 to 71, and along the westerly boundaries of Lots 53 and 63, in a width reasonably necessary for the construction, operation and maintenance of all necessary equipment, including poles, lines, conduits, and all appurtenances, and also including the right to trim or cut down trees which would interfere in any way with the purposes for which this easement is dedicated.

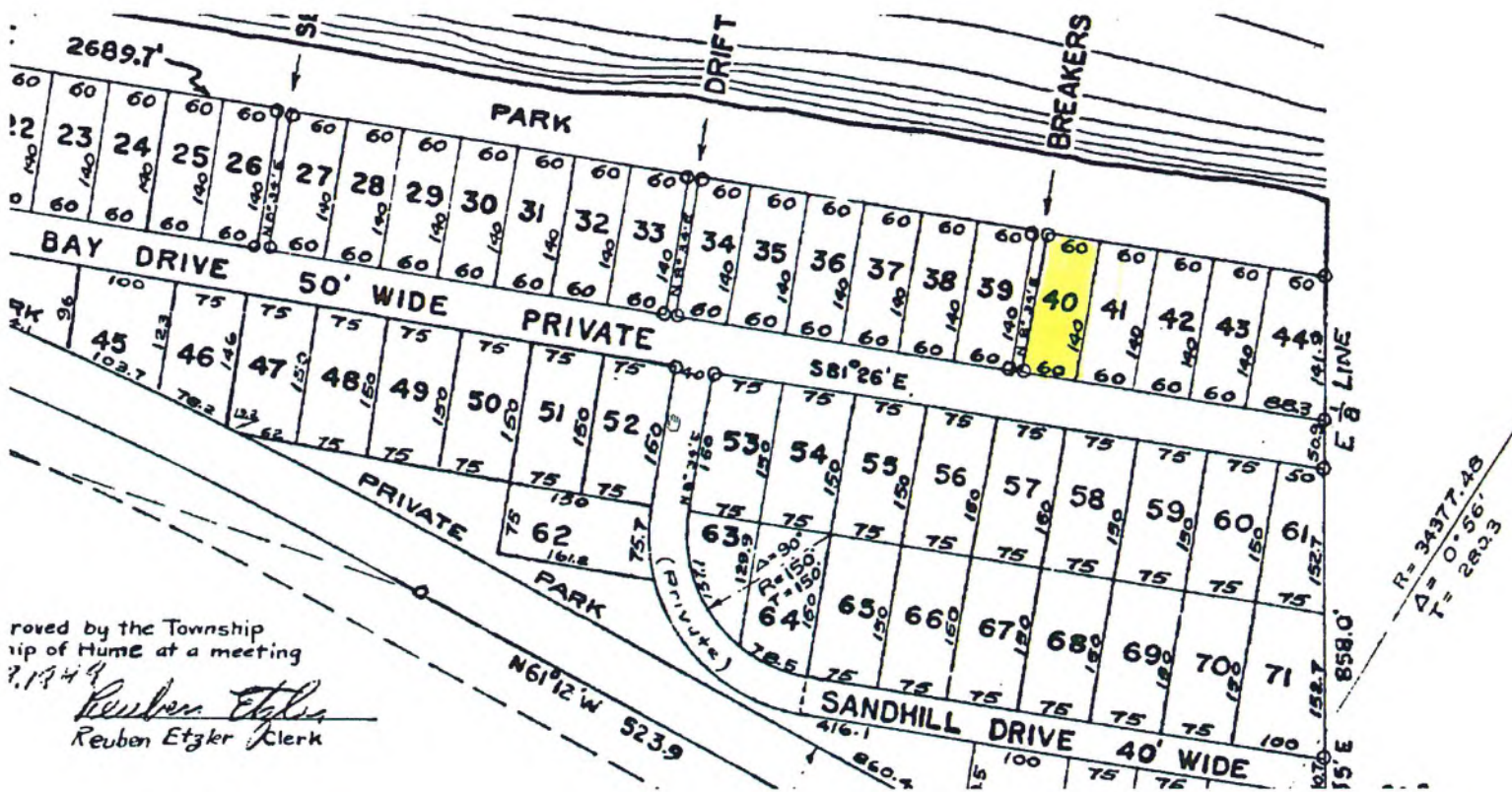
APPROVED  
Charles W. Niswonger  
CHARLES W. NISWONGER  
Notary Public, Huron County, Michigan

REC-11

**DEDICATION**  
KNOW ALL MEN BY THESE PRESENTS, That we the Port Crescent Land Co, a Michigan corporation by Robert G. Hennes, President and Miles F. McKeie, Secretary, do proffer and have caused the land embraced in the annexed plat to be surveyed, laid out and platted to be known as "Huron Dunes" being part of Section 8, T18N, R12E, Hume Township, Huron County, Michigan, and that the streets, lanes and paths as shown on said plat are hereby dedicated to the use of the property owners, with the exception of that land which is part of Michigan State Highway M-25, which is dedicated to the use of the public.  
Signed and Sealed in the Presence of  
Port Crescent Land Co  
Robert G. Hennes, President  
Miles F. McKeie, Secretary  
Harold H. Nelson  
Francis C. Billingsley

STATE OF MICHIGAN, ss.  
County of Wayne, ss.  
On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, a Notary Public in and for said county, appeared Robert G. Hennes and Miles F. McKeie, to me personally known, who being each by me duly sworn did say that they are the President and Secretary respectively of the Port Crescent Land Co, a Michigan corporation, and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its Board of Directors and the said Robert G. Hennes and Miles F. McKeie acknowledged said instrument to be the free act and deed of said corporation.

Notary Public, Wayne Co.  
My Commission expires \_\_\_\_\_



approved by the Township  
 of Hume at a meeting  
 8, 1849  
*Reuben Etzker*  
 Reuben Etzker Clerk

Zoning Ordinance of Huron County, Michigan December 1, 2010  
ARTICLE VIII. IND. GENERAL INDUSTRIAL DISTRICT Continued.

SECTION 8.09 GENERAL PERFORMANCE STANDARDS continued.

- B. Gases- No gas shall be emitted which is detrimental to the public health, safety and general welfare.
- C. Glare and Heat- Glare and heat from arc welding, acetylene torch cutting, or similar processes shall be performed so as not to have an adverse effect outside of the property.
- D. Fire and Safety Hazards- The storage and handling of flammable liquids, liquefied petroleum gases, and explosives shall comply with state rules and regulations as established by Public Act 207 of 1941, as amended.

ARTICLE IX. HURON COUNTY - SCHEDULE OF REGULATIONS.  
LIMITATIONS FOR HEIGHT, AREA, BULK AND PLACEMENT BY  
ZONING DISTRICT

SECTION 9.01 SCHEDULE OF REGULATIONS; LIMITATIONS FOR HEIGHT, AREA, BULK AND PLACEMENT.

REFER TO SECTION 14.17 LAND DIVISIONS AND ACCESS REQUIREMENTS

Zoning District	Lot Width (minimum) Feet	Lot Area (minimum) Sq. Ft.	Lot Coverage (Maximum) Percent	Height of Buildings (maximum) Stories/Ft.	Yard Requirements, Unobstructed Sides (minimum)- Feet.				Floor Area per Dwelling (Grd. fl)
					Least Front	Total One	Two	Rear	
AGR Agriculture	100	1 Acre	15 %	2 ½ 35	45 (b)	20 (b,c)	40 (b)	60 (b)	900 - 14 ft. minimum width.
R-1 & R-2 Single Family Residential	70 (a)	12,250 (a)	25 %	2 ½ 35	25 (b,p)	10 (b,c)	20 (b)	35 (b)	900 R-1: 20 ft. minimum width R-2: 14 ft. minimum width.
RM-1 Multiple Family Residential	(f)(d)		(d)	3 40	50 (e,k)	30 (e,k)	60 (e)	30 (e)	600
BUS General Business	100	½ acre	25 %	3 40 (l)	30 (g)	20 (h,j,k)	40 (i,j)	25 (i,j)	
IND General Industrial	100	1 acre	25 %	40 (l)	50 (m,n)	20 (k,n)	40 (n,o)	40 (n,o)	

ALL NEW DWELLING UNITS SHALL COMPLY WITH PROVISIONS OF SECTION 2.02 A. (42) FOR THE DISTRICT WHERE THE PROPERTY IS LOCATED.

ARTICLE XIX. BOARD OF ZONING APPEALS Continued:

SECTION 19.05 DUTIES AND POWERS Continued:

b. Interpretation. The Board of Appeals shall have the power to: Interpret, upon request, the provision of this Ordinance in such a way as to carry out the intent and purpose of the Ordinance; Determine the precise location of the boundary lines between zoning districts; Classify a use which is not specifically mentioned as part of the use regulations of any zoning district so that it conforms to a comparable permitted or prohibited use, in accordance with the purpose and intent of each district; Determine the off-street parking and loading space requirements of any use not specifically mentioned in Section 14.05.

c. Variances. The Board of Appeals shall have the power to authorize, upon an appeal, specific variances from such requirements as lot area and width regulations, building height and bulk regulations, yard and depth regulations, and off-street parking and loading space requirements, PROVIDED the request for variance complies with the following STANDARDS FOR GRANTING A VARIANCE:

1. Whether strict compliance with the strict letter of the restrictions governing area, setbacks, frontage, height, bulk or density would unreasonable prevent the owner from using the property for a permitted purpose, or would render conformity with such restrictions unnecessarily burdensome.

2. Whether a grant of a variance would do substantial justice to the applicant as well as to other property owners in the district, or whether a lesser relaxation than that applied for would give substantial relief to the owner of the property and be more consistent with justice to other property owners.

3. Whether the plight of the owner is due to unique circumstances of the property and not to general conditions in the area.

4. Whether the problem is self-created. (If the owner created the problem from which relief is sought, then no variance is warranted).

These standards require the petitioner to demonstrate a practical difficulty unique to the property (not the petitioner) in order to qualify. In making a decision, the Board of Appeals must insure the "spirit of the ordinance is observed, public safety secured and substantial justice done."

d. Rules. The following rules shall be applied in the granting of variances:

1. The Board of Appeals may specify, in writing, such conditions regarding the character, location, and other features that will in its judgement, secure the objectives and purposes of this Ordinance. The breach of any such condition shall automatically invalidate the variance granted.

ARTICLE XIX. BOARD OF ZONING APPEALS Continued:

SECTION 19.05 DUTIES AND POWERS Continued:

d. Rules continued.

2. Any conditions or modifications desired by the Board of Appeals shall be recorded in the minutes of the appropriate Board of Appeals meeting. The Board of Appeals may, as it deems necessary to promote the purpose of the Ordinance, require landscaping, wall, fences, drives, lighting, sidewalk, drainage, and other improvements. As used in this section, "improvements" means those features and actions which are considered necessary by the Board associated with granting approval, to protect natural resources, or the health, safety, and welfare of the residents living in the general vicinity of the appeal.

To insure compliance with the provisions of this section and any conditions imposed hereunder, the Board may require a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the Board covering the estimated cost of improvements associated with an appeal which shall be deposited with the Clerk of the County to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of issuance of the permit authorizing the activity or project. Deposit of the performance guarantee is not required prior to the issuance of said permit. The County may return any unused portion of the cash deposit to the applicant in reasonable proportion to the ratio of work completed on the required improvements as work progresses.

3. Each variance granted under the provisions of this ordinance shall become null and void unless:

The construction authorized by such variance or permit has been commenced within twelve (12) months after the granting of the variance.

The occupancy of land, premises, or buildings authorized by the variance has taken place within two (2) years after the granting of the variance.

4. No application for a variance which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one (1) year from the date of the last denial, except on the grounds of newly discovered evidence or proof of changed conditions found upon inspection by the Board to be valid.

5. Variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Michigan Historic Markers listing of historic sites, or any other state register of historic places without regard to any special requirements of this section governing variances when said structures are located wholly or in part within the flood hazard areas.



ARTICLE XIX. BOARD OF ZONING APPEALS Continued:

SECTION 19.05 DUTIES AND POWERS Continued:

e. Temporary Permits: Permit, upon proper application, temporary uses, not otherwise permitted in any district, not to exceed twelve (12) months with the granting of twelve (12) month extensions being permissible, which do not require the erection of any capital improvement of a structural nature.

The Board of Appeals, in granting permits for temporary uses, shall do so under the following conditions:

1. The granting of the temporary use shall in no way constitute a change in the basic uses permitted in the district nor on the property wherein the temporary use is permitted.
2. The granting of the temporary use shall be granted in writing, stipulating all conditions as to time, nature of development permitted and arrangements for removing the use at the termination of said temporary permit.
3. All setbacks, land coverage, off-street parking, lighting and other requirements to be considered in protecting the public health, safety, peace, morals, comfort, convenience and general welfare of the inhabitants of the County of Huron, shall be made at the discretion of the Board of Appeals.
4. In classifying uses as not requiring capital improvement, the Board of Appeals shall determine that they are either demountable structures related to the permitted use of the land, recreation developments such as but not limited: golf driving ranges and outdoor archery courts, or structures which do not require foundations, heating systems or sanitary connections.
5. The use shall be in harmony with the general character of the district.
6. No temporary use permit shall be granted without first giving notice to owners of adjacent property of the time and place of a public hearing to be held as further provided for in this Ordinance.

SECTION 19.06 DECISIONS: In consideration of all proposed variances to this Ordinance, the Board shall, before granting any variance from the Ordinance in a specific case, first determine that the proposed variance will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public safety, or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, or morals or welfare of the inhabitants of the County of Huron. The concurring vote of the majority of the members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Administrator, or to decide in favor of the applicant any matter upon which it is authorized by this Ordinance to render a decision. Nothing herein contained shall be construed to give or grant to the Board the power or authority to alter or change this Ordinance or the Zoning map, such power and authority being reserved to the County Board of Commissioners of the County of Huron.