

Notice of Public Hearing
Huron County Zoning Board of Appeals
Wednesday, January 22, 2025, at 7:00 p.m.
Huron County Building, Meeting Room 305
250 E. Huron Avenue
Bad Axe, Michigan 48413
Case: ZBA 2024-05

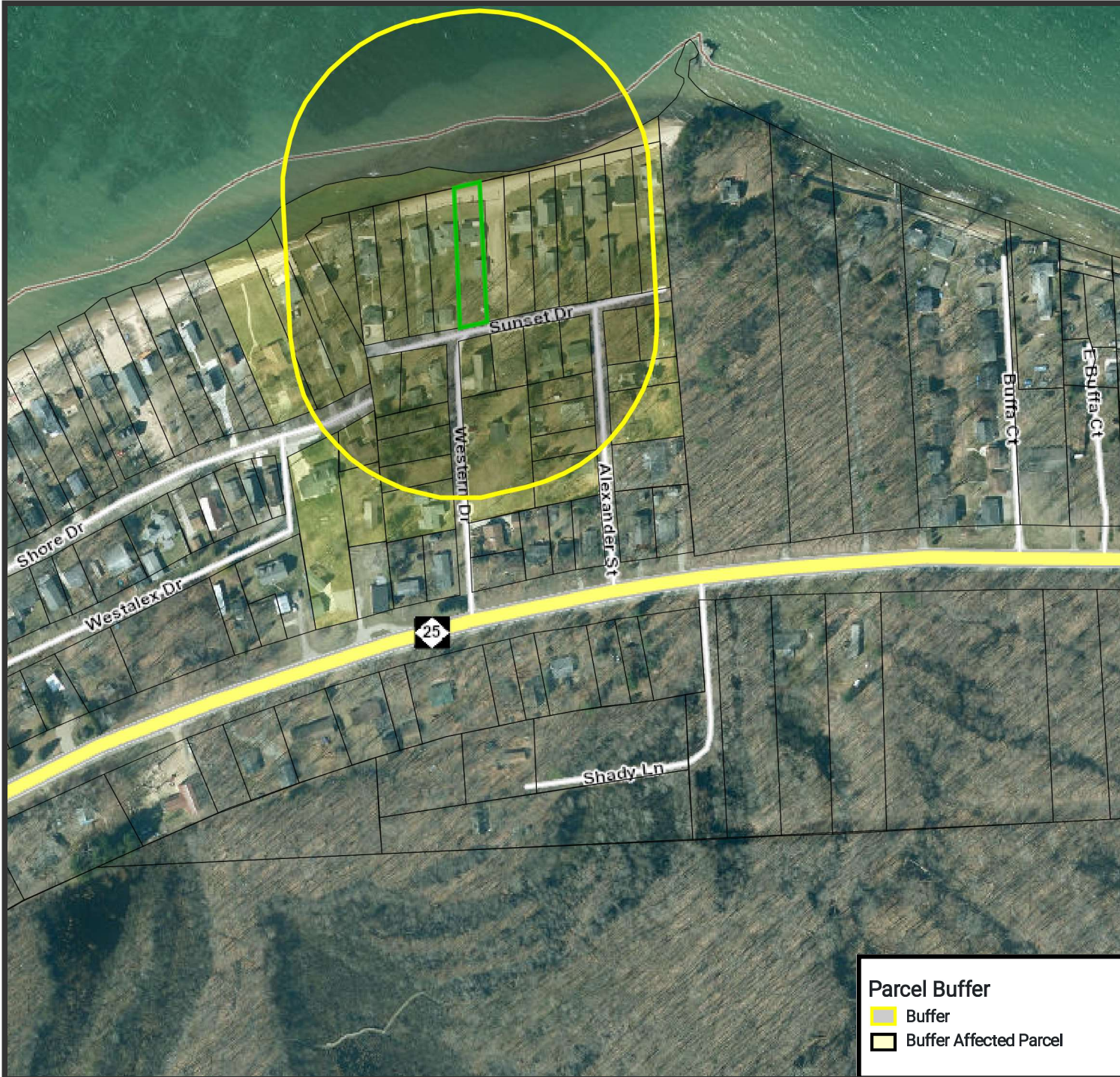
Notice is given that a public hearing is scheduled before the Huron County Zoning Board of Appeals on Wednesday, January 22, 2025, at 7:00 p.m., in Room 305 of the County Building, 250 E. Huron Avenue, Bad Axe, Michigan, 48413. The purpose of this meeting is to receive public comment and consider the following zoning variance request:

ZBA 2024-05 Andrew & Michelle Duncan, 3096 Sunset Drive, Hume Township, Port Austin, Michigan, 48467, requests dimensional variance to rebuild a new detached garage with a reduced side yard setback of three feet. An existing 20.2ft. x 30.2ft. detached garage is currently located three (3) feet from the east side yard property line, which is considered non-conforming to current ordinance standards. Parcel number 3211-007-026-00 is zoned R-1 Residential (RES) and contains approximately 0.29 acres (Platted lot parcel size 50ft x 250ft). The owners would like to build a new 20.2ft. wide x 33.0ft. long detached garage with the same reduced side yard setback of three (3) feet. The Huron County Zoning Ordinance, Section 14.04(8), states on waterfront parcels, an accessory building may be located in front of the principal building (Roadside) provided said structure is at least twenty-five (25) feet from the road right of way and at least five (5) feet from the side property line. The proposed detached garage requires a dimensional variance for a reduced side yard setback of three (3) feet. 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 4:30 p.m.

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

Lisa McCain, Vice-Chairman
Huron County Zoning Board of Appeals



Parcel Buffer

- Buffer
- Buffer Affected Parcel



ZBA 2024-05
 ANDREW &
 MICHELLE DUNCAN
 DIMENSIONAL
 VARIANCE
 DETACHED GARAGE
 REDUCED SIDE
 YARD SETBACK 3FT.

3096 SUNSET DRIVE,
 PORT AUSTIN, MI 48467
 320FT. BUFFER



Map Publication:
 01/06/2025 1:31 PM



**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)

CASE NO.: ZBA # 2024-05

DATE: September 5, 2024

APPLICANT'S NAME: Andrew and Michelle Duncan

ADDRESS: 2348 Red Maple Drive Troy MI 48098 248-877-4369
(mailing) street address city state zip telephone

ADDRESS OF PROPERTY WHERE APPEAL IS SOUGHT: 3096 Sunset Drive Port Austin 48467

PROPERTY IDENTIFICATION NO.: 3211-007-026-00

PROPERTY OWNER (if not applicant): _____

ADDRESS: _____
(mailing) street address city state zip telephone

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

The existing garage needs to be replaced due to age. The location of our septic field and the required sq. footage for the garage, we request the new construction to retain the existing footprint 3 feet from the public easement.

PROVISION(S) OF ZONING ORDINANCE BEING APPEALED: Article 9 Section 9.01
14 14.04 (8)

BASIS OF REQUEST:

To maintain the existing 3-foot setback from the public easement to retain the required square footage needed for the new garage to be functional.

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: Andy Duncan December 22/2024
DATE

By signing this application, owner/agent is granting County officials the right to on-site inspection of property involved in this request. *ZBA Application*

RDM #
76328
11/2/25

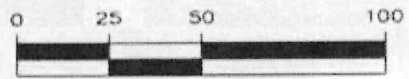
CLIENT:
ANDREW DUNCAN
2348 RED MAPLE DRIVE
TROY, MI 48098

PROJECT NO.
2024-188

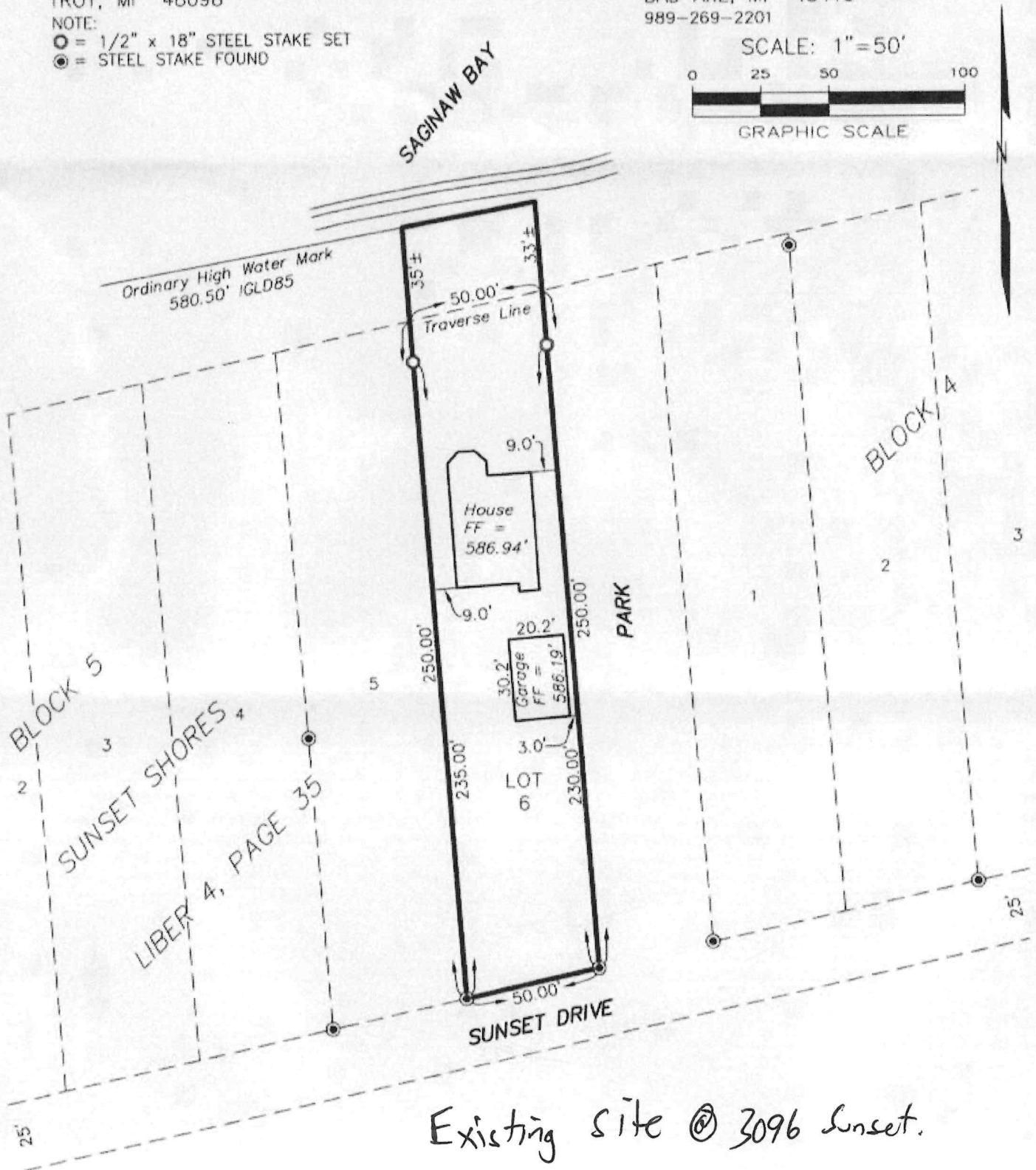
D.T.
TANK SURVEYING, LLC
255 EAST HURON AVE.
BAD AXE, MI 48413
989-269-2201

NOTE:
○ = 1/2" x 18" STEEL STAKE SET
● = STEEL STAKE FOUND

SCALE: 1" = 50'



GRAPHIC SCALE

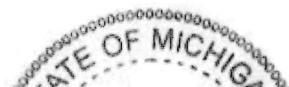


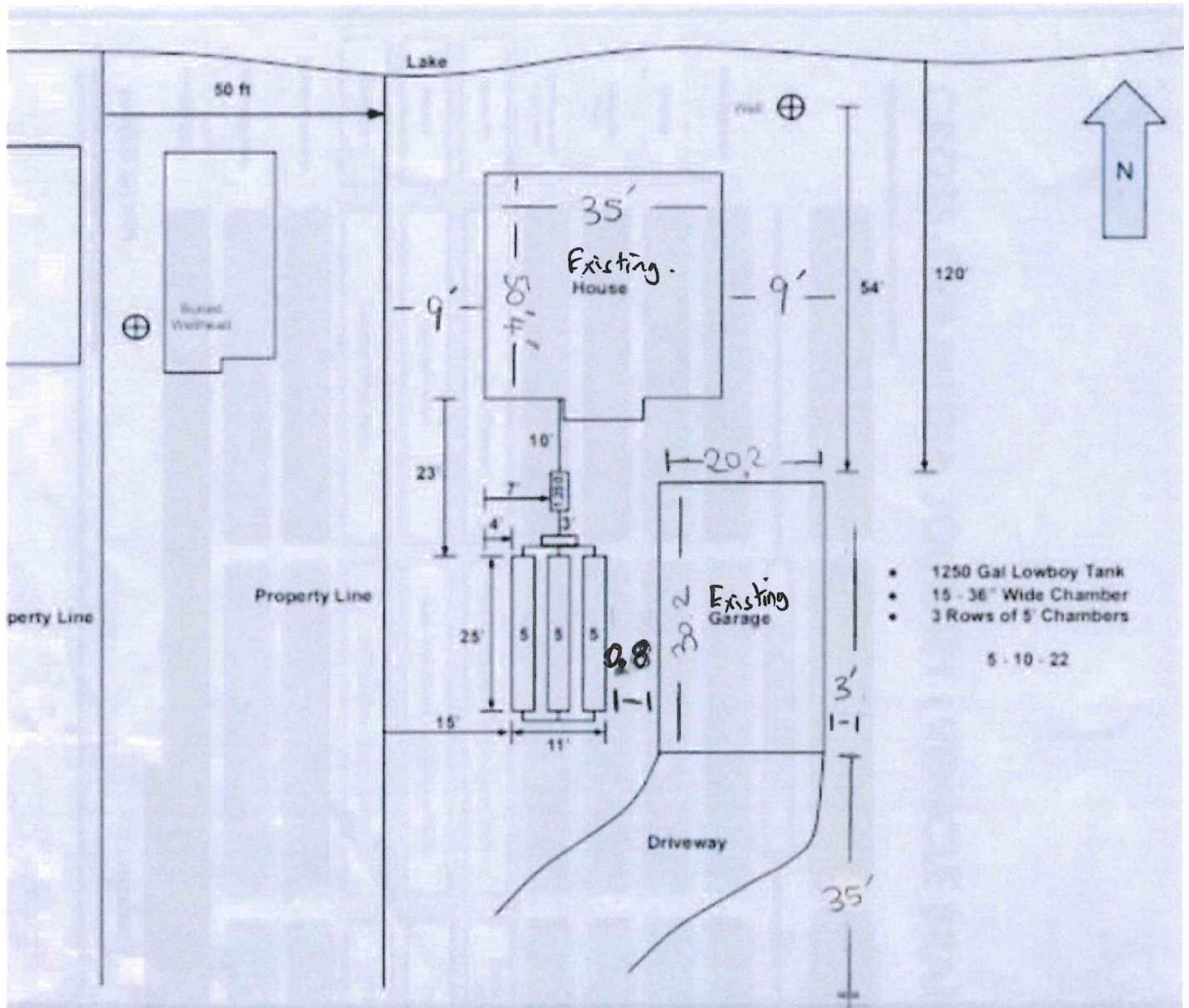
Existing site @ 3096 Sunset.

DESCRIPTION:

Lot 6, Block 5, "SUNSET SHORES", being a part of Fractional Section 7, T18N-R12E, Hume Township, Huron County, Michigan according to the Plat thereof as recorded in Liber 4 of Plats, Page 35, 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 in full compliance with Act 132, P.A. of 1970 as amended.





Proposed:

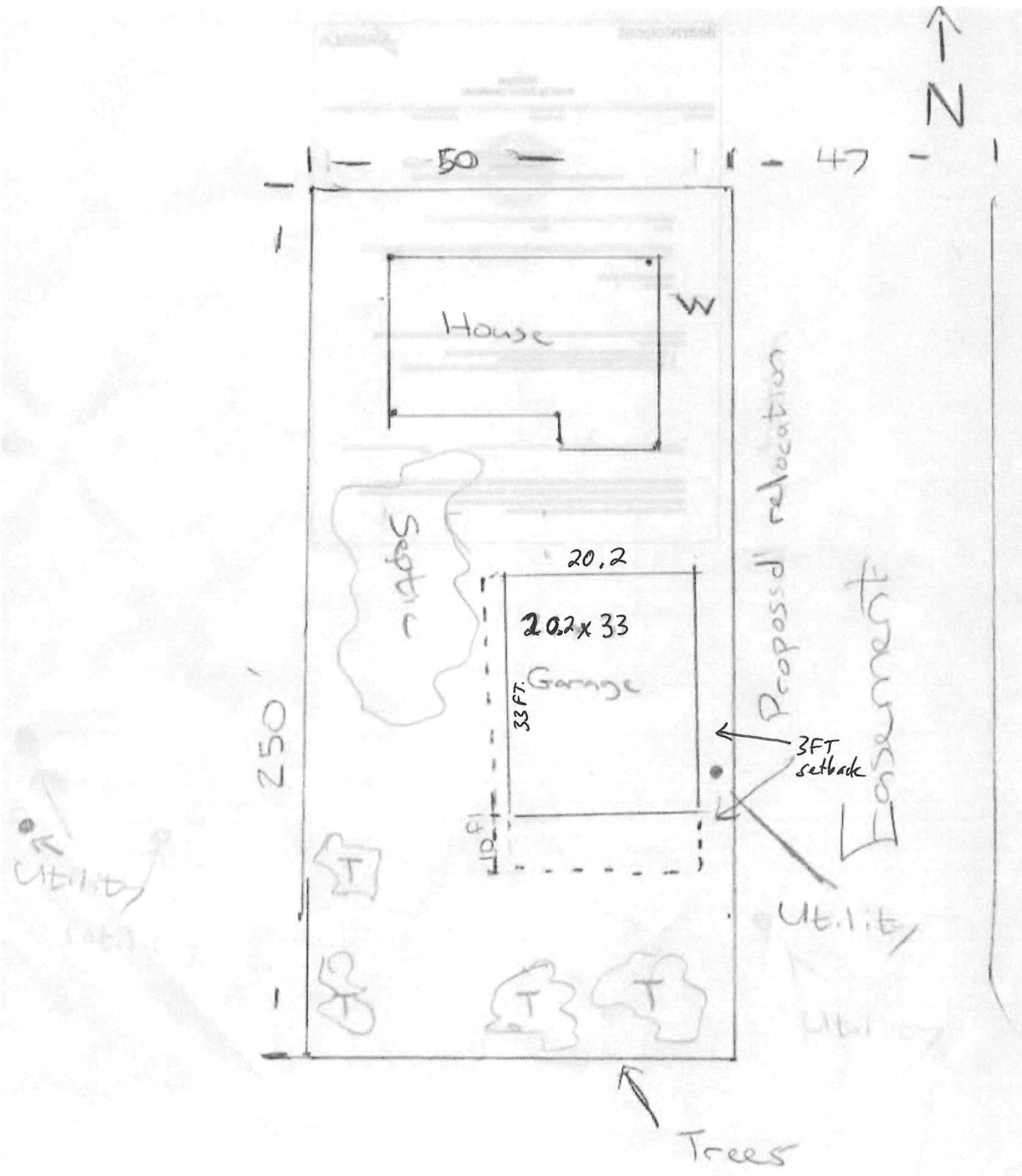
Garage Dimensions: 20.2 X 33

Ridge Height : 19F.

Wall Height: 9Ft.

Garage Footprint will be moved 8ft towards Sunset Drive

Stairway will be altered from provided drawing and not encroach on easement









HURON COUNTY HEALTH DEPARTMENT

1142 South Van Dyke, Bad Axe, Michigan 48413

Phone: 989-269-3308

Fax: 989-269-4181

www.hchd.us

July 05, 2022

ANDY DUNCAN
3096 SUNSET DR
PORT AUSTIN, MI 48467

Re: **Notice of Sewage Disposal System Approval for 3096 SUNSET Rd**
Permit #: 11448
Approval Date: July 05, 2022

Dear Andy,

The Huron County Health Department performed an on-site inspection on July 05, 2022 of your new sewage disposal system. The inspection found that the system meets the requirements of the "Huron County Environmental Health Code."

This letter serves as **approval** of your sewage disposal system.

Maintenance of the system is important for long-term use. It is important that you:

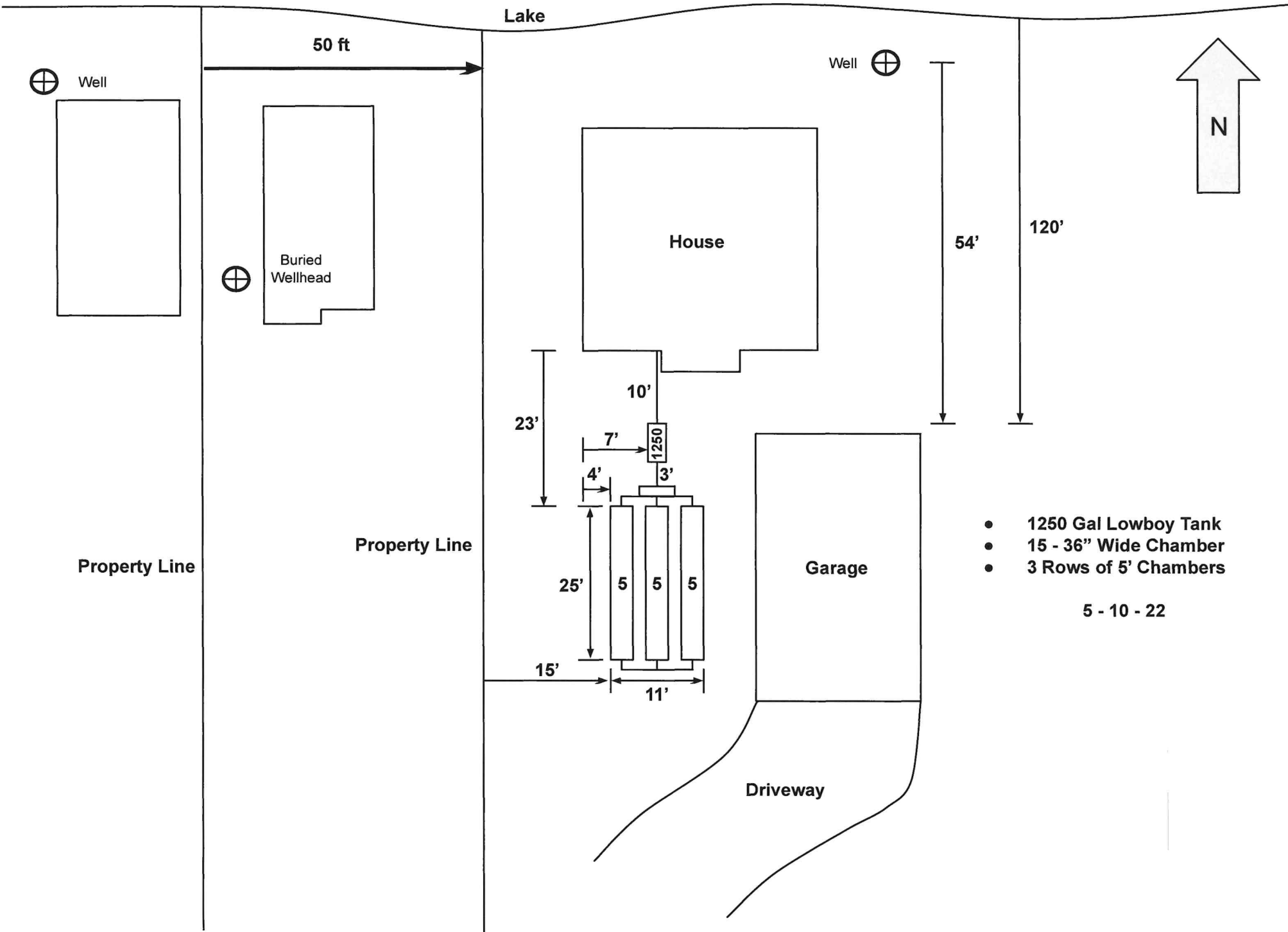
1. Have the tank serviced by a licensed septage hauler every 3-5 years
2. Practice water conservation to avoid overloading the system
3. Do not plant trees or shrubs near or over the drainfield.
4. Do not drive or park over any part of the system.
5. Do not build anything over the system.
6. Do not dump non-degradables or old medicine down drains.
7. Obtain a permit from this department before making any repairs.
8. Do not construct or place anything in the area designated for replacement area(s).

If you have any questions regarding this matter, please feel free to contact us Monday through Friday from 8:00 a.m. – 4:00 p.m. at **989-269-3308**.

Sincerely,

A handwritten signature in black ink that reads "Brianna Hunsange".

Brianna Hunsange, B.S.
Sanitarian



- 1250 Gal Lowboy Tank
- 15 - 36" Wide Chamber
- 3 Rows of 5' Chambers

5 - 10 - 22

Jeff Smith

From: Andrea Howard <howarda@hchd.us>
Sent: Thursday, August 29, 2024 2:27 PM
To: Jeff Smith
Subject: RE: External: Sewage Permot

Caution

You are seeing this notification because this email originated from outside of the organization. If you have any questions whatsoever please contact the CIS department before clicking on any links or downloading any attachments.

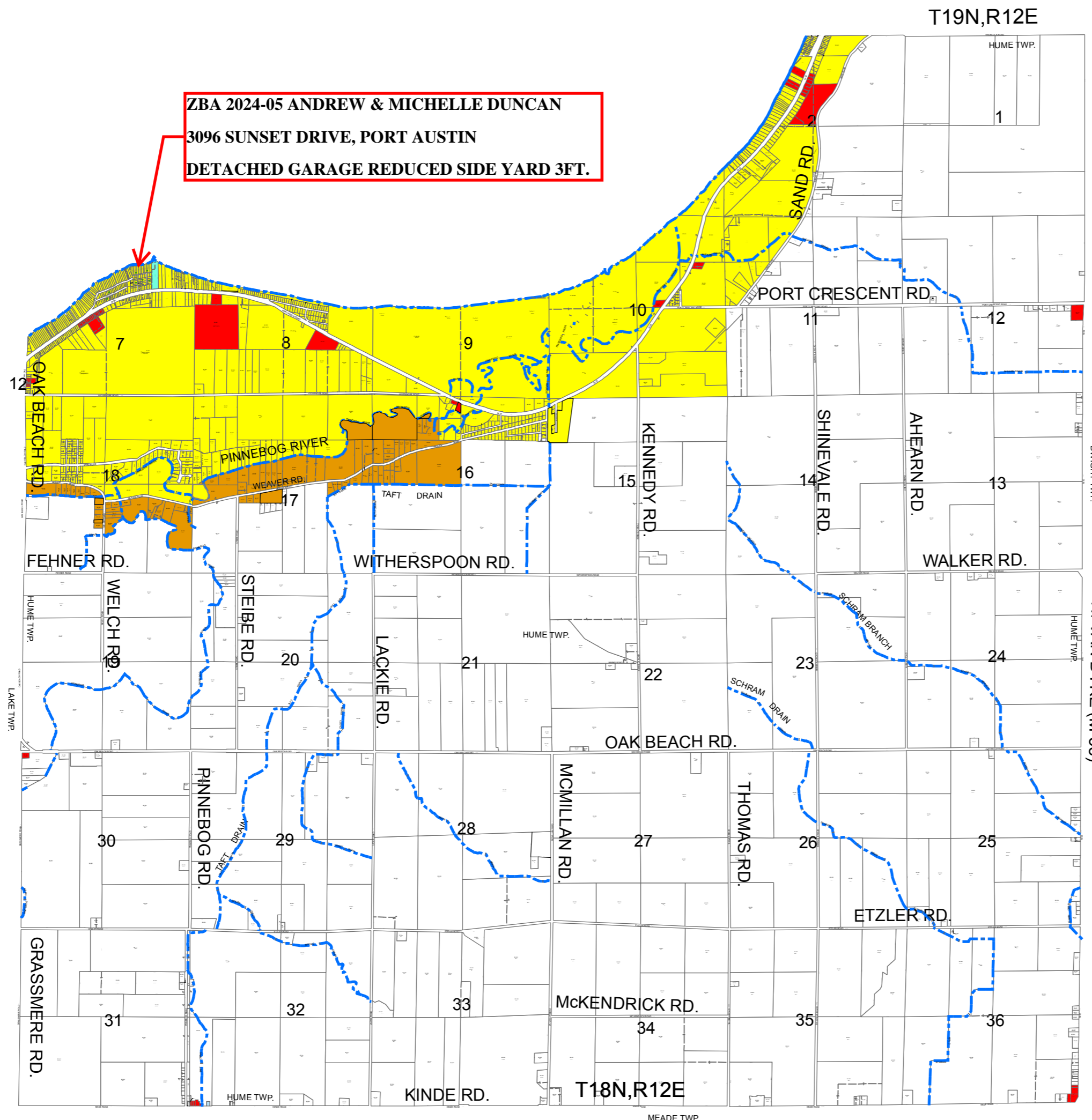
Minimum Isolation Distances for a Site Plan

<u>ISOLATION FROM</u>	<u>WELL</u>	<u>SEPTIC TANK</u>	<u>DISPOSAL FIELD</u>
Groundwater Table	N/A	N/A	18"
Undrained Foundation	3'+	5'	10'
Basement/Drained Foundation	3'+	5'	20'
Property Lines	N/A	10'	10'
Residential Well	N/A	50'	50'
Shared Type III Well	N/A	75'	75'
Bank/Drop-off	N/A	10'	50'
Ditch	10'	10'	25'
Surface Water and Stream	10'	50'	100'
Lake	10'	100'	100'
Water Supply Pressure Line	N/A	10'	10'

1. In the space provided on the application or on a separate sheet of paper, draw an accurate dimensional site plan.

2. Include features like: garages, sheds, neighboring wells within 100 ft. Sewage systems and replacement areas on the property; other neighboring sewage systems within 100 ft. Liquid fuel tanks, driveways, ditches, easements, lot lines, swimming pools, buried gas, water or electric lines, rivers, lakes, ponds, areas of flooding, subsurface drain tile, and any other significant details. If applying for a water supply permit, include all sources of contamination such as sewage systems, liquid fuel tanks, kennels, footing drains, sewer lines, barnyards etc.

3. Additional information which may be helpful to locate site and test holes (i.e. other structures on property; landmarks such as trees, signs, etc.



Hume Zoning Legend

	AGR
	BUS
	IND
	R1
	R2
	RM1

Effective Dec. 1, 1995.
Current thru 6-1-2016.

PREPARED BY:
Huron County Equalization/GIS Department
250 East Huron Avenue
Room 306
Bad Axe, MI 48413-1165
989.269.9421
989.269.2836 FAX
6-1-2016/dlk

All zoning is subject to change. Please check with county zoning official for any updates.

Article XIV Section 14.04 ACCESSORY BUILDINGS:

Accessory buildings, except as otherwise permitted in this Ordinance, shall be subject to the following regulations:

1. Where the accessory building is structurally attached to a main building, it shall be subject to, and must conform with, all regulations of this Ordinance applicable to main building (yard setbacks, lot coverage, height, etc.).
2. In Residential Districts (R-1, R-2, RM-1), accessory buildings shall not be erected in any required yard/setback area, except when said structure is located equal to or to the rear of the main building front line, when the proposed accessory building may be located a minimum of five (5) feet from the side and rear property line. In the case of a water front lot, no accessory building [except a boathouse or open (unenclosed) deck] shall be located within 35 feet of the front line, 25 ft. of the street/road r.o.w., or 5 ft. of a side line.
3. In the R-1 and R-2 Districts, no more than two (2) detached storage/accessory buildings may be located on any single parcel, subject to setback, lot coverage, and other standards (size/height) of this Ordinance. The following limitations apply to the size/height of accessory buildings:
 - a. **R-1 & R-2 Districts (plat of subdivision):** The size of any accessory building shall not exceed 960 s.f. of ground floor area or exceed the ground floor area of the dwelling, nor have a wall height exceeding 10 ft. above grade or an overall height exceeding 15 feet to the midline of the roof (from original grade). Total ground coverage of all buildings on the parcel shall not exceed 25% of the parcel.
 - b. **R-1 & R-2 Districts (unplatted parcel less than 1 acre in size):** The size of any accessory building shall be limited to 1200 s.f. of ground floor area, 12 feet high walls (from existing grade), and 17 feet to the midline of the roof. Total ground coverage of all buildings on the parcel shall not exceed 25% of the parcel.
 - c. **R-1 & R-2 Districts (unplatted parcel 1 acre or more in size):** The size of any accessory building shall be limited to 2000 s.f. of ground floor area, 14 feet high walls (from existing grade), and 20 feet to the midline of the roof. Total ground coverage of all buildings on the parcel shall not exceed 25% of the parcel.

Exception for (a), (b), or (c): Where a lot or parcel of land is larger than the minimum size required for that zoning district, the total accessory building square footage may be increased proportionally to the lot size in the following manner: twenty-five (25) square feet increase in allowable accessory building ground square footage for every one thousand (1,000) square feet that the lot exceeds minimum lot or parcel size, up to a maximum of four thousand (4,000) square feet of ground floor area and maximum 25% parcel coverage.

Article XIV Section 14.04 ACCESSORY BUILDINGS: (continued)

4. No accessory building shall be located closer than ten (10) feet to any main building unless it is built in accordance with applicable building code provisions for fire separation. No accessory building shall be located closer than five (5) feet to any structure on any adjacent lot or parcel. In no instance shall an accessory building be located within a dedicated easement or right-of-way.

5. An accessory building in the RM-1 (Multiple Family Residential) and BUS. (General Business) Districts shall not exceed one (1) story or twenty (20) feet in height (midline of roof) nor have an exterior wall which exceeds 12 ft. above grade, unless otherwise permitted in the district (i.e., principal building).

6. When an accessory building is proposed on a corner lot (where the side street line is a front line for residences along said side street), the side street setback (from r.o.w. line) shall not be less than the established setback of buildings on the adjacent lot or 15 feet from said r.o.w. line, whichever is more (25 ft. is the normal front yard setback). If a garage door faces the side street line of a corner lot, a minimum distance of 18 feet shall be provided between the garage and street property line. Where the vehicular entrance to the structure is provided elsewhere, an accessory building shall not be located nearer than 15 ft. to any street right-of-way line (corner lot scenario; side street line setback).

7. On double frontage parcels, accessory buildings shall be subject to front yard setbacks on both frontages.

8. On water front parcels, an accessory building may be located in front of the principal building (road side) provide said structure is at least twenty-five (25) feet from the right-of-way line and five (5) feet from the side line.

9. In the case of waterfront lots where property is also owned directly across the road from the waterfront parcel, accessory building(s) may be erected on a parcel across the street (where no principal structure is located), with the approval of the Zoning Board of Appeals, providing the new construction complies with yard/setback, size & height standards for accessory buildings and the garage/storage building use and appearance does not conflict with development located on adjoining property.

10. A private garage in the R-1, R-2, and RM-1 Districts shall only be used for storage of items and uses incidental to those residential dwellings. Accessory buildings shall not be used for dwelling unit purposes or commercial enterprises.

11. In all residential districts, no accessory building (garage, utility shed, storage building, etc.) shall be constructed until the principal building is occupied, except that construction of a detached garage or storage building may proceed at the same time as the construction of the principal dwelling. Accessory buildings shall not be utilized for dwelling unit purposes.

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. V a r i a n c e s . 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.