

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 2024-04

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 2024-04 John Sarrach Trust, 3952 Ferdinand Drive, Rubicon Township, Port Hope, Michigan, 48468, requests dimensional variance to construct a 10ft. x 30ft. covered porch and a 26ft. x 30ft. attached garage onto the 30ft. x 58ft. residential home currently under construction. Parcel number 3221-010-034-00 is zoned R-1 Residential (RES) and contains approximately 0.172 acres (Platted Lot size 50ft. x 150ft.). Owner request to add a 10ft. x 30ft. covered porch onto the lakeside of the new home and add a 26ft. wide x 30ft. long attached garage onto the roadside of the new home. The Huron County Zoning Ordinance, Section 9.01, Schedule of Regulations limits lot coverage of all structures on each parcel to a maximum of 25% lot coverage. The owner is requesting a total proposed lot coverage of 37.6%, which exceeds ordinance limit by 12.6%. 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



ZBA 2024-04 JOHN
SARRACH TRUST
DIMENSIONAL
VARIANCE
COVERED PORCH &
ATTACHED GARAGE

3952 FERDINAND DRIVE,
PORT HOPE, MI 48468
320FT. BUFFER



Map Publication:
01/06/2025 12:11 PM



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)

CASE NO.: ZBA # 2024-04

DATE: 11-1-24

APPLICANT'S NAME: JOHN SARRACH

ADDRESS: 8660 MORROW RD, ALGONAC MI 48001
(mailing) street address city state zip telephone 586-994-0234

ADDRESS OF PROPERTY WHERE APPEAL IS SOUGHT: 3952 FERDINAND RD

PROPERTY IDENTIFICATION NO.: 3221-010-31-00

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:

Please see Attached Statement

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

BASIS OF REQUEST:

Please see Attached Response

RECEIVED
NOV 04 2024
HURON COUNTY
BUILDING & ZONING

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: [Signature] DATE 11-1-24

By signing this application, owner/agent is granting County officials the right to on-site inspection of property involved in this request. Receipt # 76327 Clerk 1150 ZBA Application

Why the request for a variance is made

I am requesting a dimensional variance to include a 10ft x 30ft covered porch and a 26ft x 30ft garage which will exceed the lot coverage limit by 12.6%.

Explanation: The lot size is 50ft X150ft which equates to 7500 sq ft. The formula used to determine what square footage a home can be built by the building department is 25% of the total square footage of the lot size. In this request it is 1740 sq ft. By adding 300 sq ft for the covered porch and 780 sq ft for the garage it adds an additional 1080 sq ft to the allowable build.

1,080 sq ft + 1,740 for the house equals 2,820 sq ft which is 37.6% of lot coverage. Take this 37.6% minus the 25% allowable lot coverage means I am only 12.6% over the coverage limit.

Basis for Request

I am asking this board to approve a dimensional variance to add a covered porch and a garage as described above in my request for a variance. The current rules used to determine what is allowable for building size is based upon a 1923 plot map that has never been amended to accommodate requests to exceed the allowable square footage and build a home using the building codes of the day. However, this board has the power and authority to grant this request.

The formula used to determine an allowable build was not created by the applicant. However, it does create an unreasonable burden on the applicant by preventing the use of the property for its intended purpose.

By granting this request for a dimensional variance it not only provides substantial justice to the applicant but it also provides relief to other property owners by enhancing the surrounding area which causes absolutely no harm to them or their property. Thus, maximizing the intended use of the property.

The dimensional variance request does not impair the light, air of any adjacent properties. There is no increase of danger to police/fire or any public safety officers. This request only increases the property values of the entire area and does not impair the public health, safety, comfort, morals or welfare of any one in Huron County.

Municipal Sewer, Gas, Electric and Water are available at the road. All utility officials have complete unobstructed access. Because of these available utilities it affords additional space to build versus the traditional private well and septic fields which have to be calculated into the available space allotted.

Attached are letters of support from neighbors

Attached are photos in an attempt to show the conditions of the property prior to its cleanup in preparation to build. There was an old dilapidated, uninhabitable mobile home on this lot which was overgrown with tall grass, brush and dead ash trees.

Attached is a survey to show you where the home will sit on the lot which was prepared by Tank Survey.

It is applicants position that other homes on the street have exceeded the calculations and were granted a variance but unfortunately in an attempt to document this for you it was determined that the building department records only go back 10 years that are computerized and in the last 10 yrs there is only one on request on record asking for a variance that was granted and a copy that request is attached.

I am asking this board to grant the additional 12.6% lot coverage based upon the above mentioned conditions.

LETTER OF SUPPORT

I agree and support John's desire to improve the property at 3952 Ferdinand. I have no issues with his request for a dimensional variance which is to include a covered porch and an attached garage. I would hope the variance board would approve same.

Signed: John S. Youngling

Print Name: JOHN YOUNGLING

Date: 10/20/24

Address: 3940 Ferdinand, Rubicon Twp,
Mi 48468

LETTER OF SUPPORT

I agree and support John's desire to improve the property at 3952 Ferdinand. I have no issues with his request for a dimensional variance which is to include a covered porch and an attached garage. I would hope the variance board would approve same.

Signed: Michelle Maxwell, Jerry Maxwell

Print Name: Michelle L Maxwell, Jerry Maxwell

Date: 10/ 6 /24

Address: 3935 Ferdinand, Rubicon Twp,
Mi 48468

LETTER OF SUPPORT

I agree and support John's desire to improve the property at 3952 Ferdinand. I have no issues with his request for a dimensional variance which is to include a covered porch and an attached garage. I would hope the variance board would approve same.

Signed: Betty Johnson

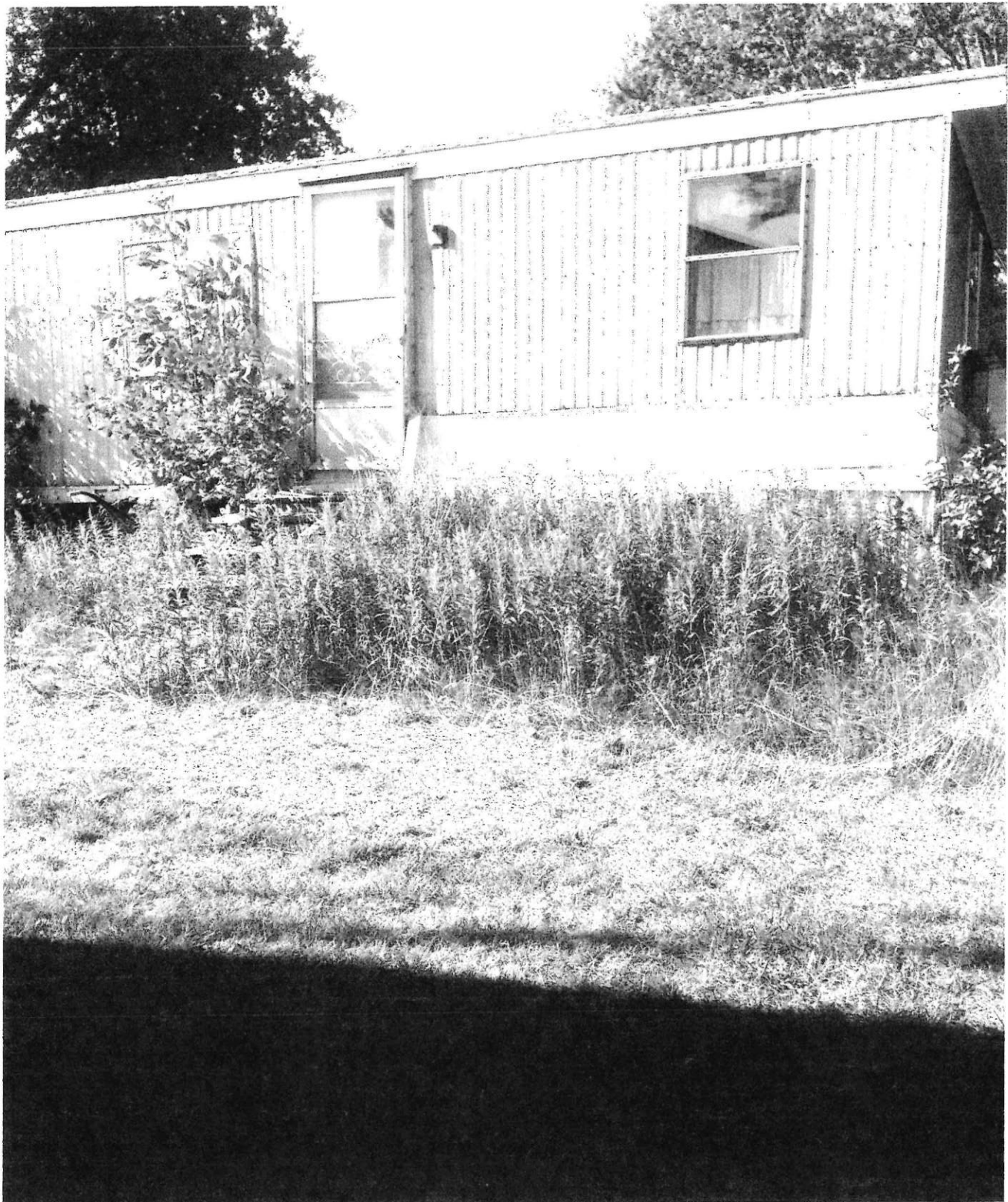
Print Name: Betty Johnson

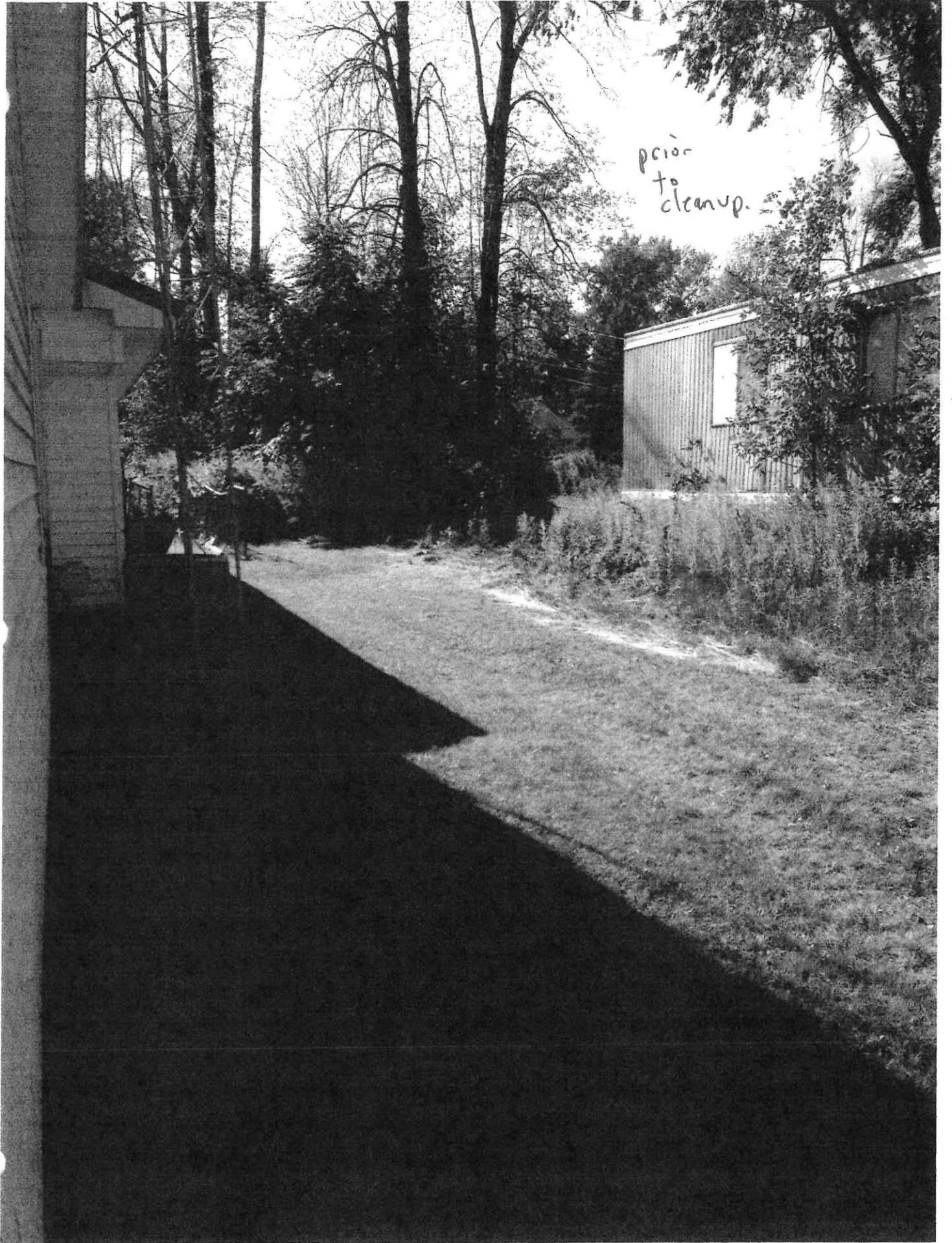
Date: 10/18/24

Address: 3927 Ferdinand, Rubicon Twp,
Mi 48468


[Redacted]
[Redacted]
[Redacted]

Site prior to cleanup

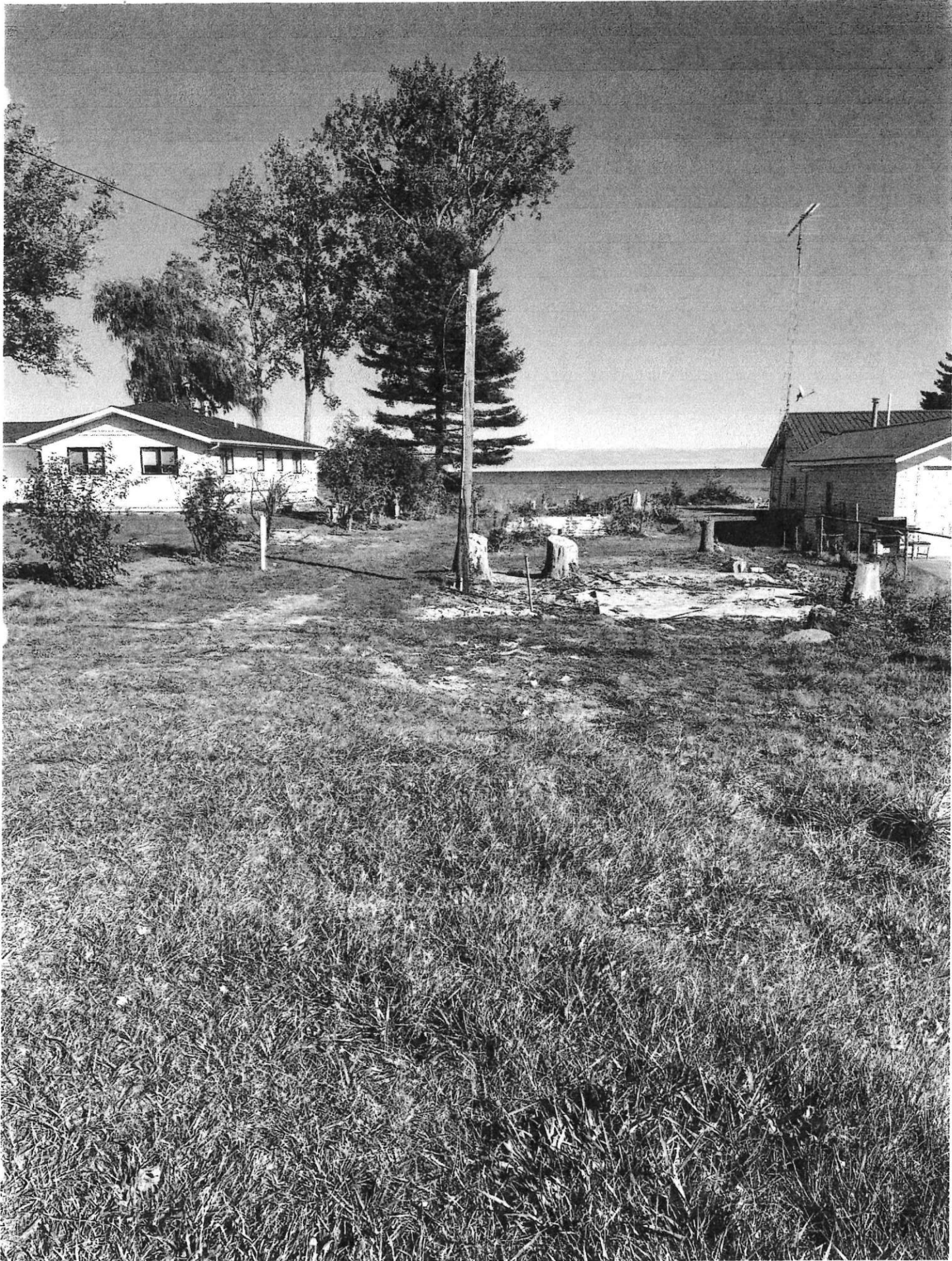




prior
to
cleanup.

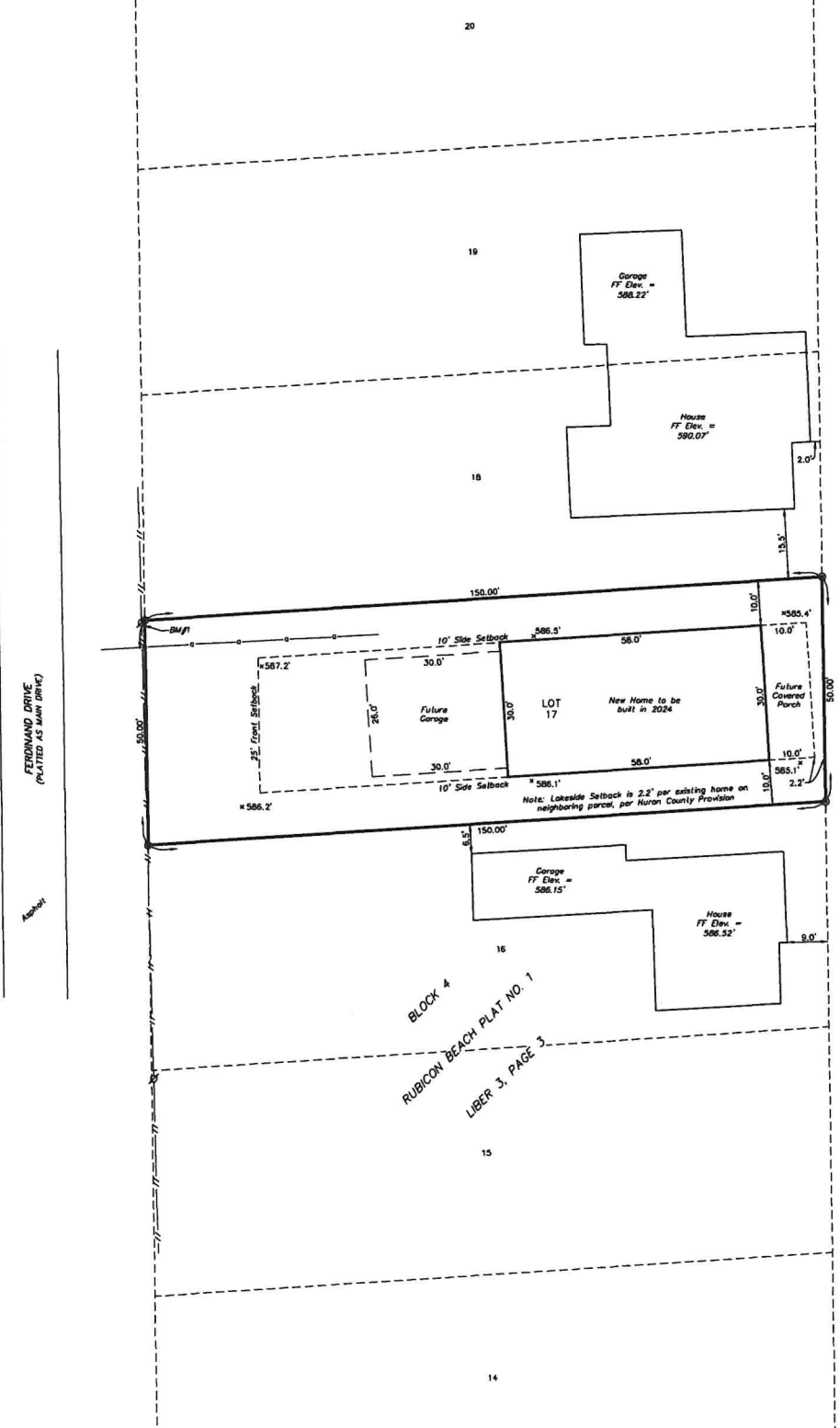
From: J SARRACH dadrone@aol.com 
Subject:
Date: October 26, 2024 at 6:18 PM
To: John Sarrach dadrone@aol.com





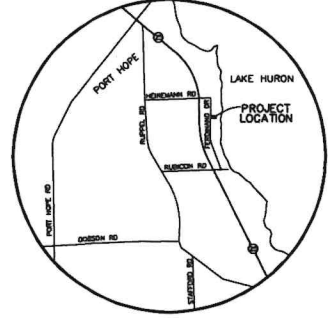
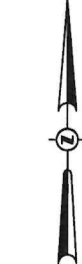
DATE: 10/30/24

CERTIFICATE OF SURVEY
"RUBICON BEACH PLAT NO. 1"
PART OF THE NORTHWEST 1/4 OF FRACTIONAL SECTION 10, T17N-R15E,
RUBICON TOWNSHIP, HURON COUNTY, MICHIGAN.



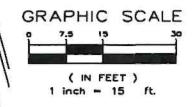
1/4" RESERVED FOR COMMON USE OF ALL LOT OWNERS

Water Elevation on October 22, 2024 is 578.35'



LOCATION MAP
NOT TO SCALE

LEGEND	
□	LINE STAKE SET
●	FOUND PROPERTY IRON
○	SET PROPERTY IRON
○	EXISTING CATCHBASIN
○	PROPOSED CATCHBASIN
○	EXISTING MANHOLE/CATCHBASIN
○	PROPOSED MANHOLE/CATCHBASIN
○	EXISTING MANHOLE
○	PROPOSED MANHOLE
○	EXISTING HYDRANT
○	PROPOSED HYDRANT
○	EXISTING VALVE
○	PROPOSED VALVE
○	EXISTING SANITARY SEWER
○	PROPOSED SANITARY SEWER
○	EXISTING STORM SEWER
○	PROPOSED STORM SEWER
○	EXISTING WATERMAIN
○	PROPOSED WATERMAIN
○	EXISTING FENCE LINE
○	UNDERGROUND ELECTRIC LINE
○	UNDERGROUND GAS LINE
○	UNDERGROUND TELEPHONE LINE
○	UNDERGROUND CABLE
○	OVERHEAD ELECTRICAL WIRES
○	EXISTING MAILBOX / NEWSPAPER BOX
○	EXISTING SIGN
○	EXISTING DECIDUOUS TREES
○	EXISTING CONIFEROUS TREES
○	EXISTING UTILITY POWER POLE
○	EXISTING UTILITY POWER POLE w/LIGHT
○	EXISTING LIGHTPOLE
○	EXISTING TELEPHONE RISER
○	EXISTING TRANSFORMER PAD
○	EXISTING GUY WIRE



UTILITY NOTE

THE UTILITY LOCATIONS AS HEREON SHOWN ARE BASED ON FIELD OBSERVATIONS AND A CAREFUL REVIEW OF MUNICIPAL AND UTILITY RECORDS. HOWEVER, IT IS NOT POSSIBLE TO DETERMINE THE PRECISE SIZE, LOCATION, DEPTH, PRESSURE, OR ANY OTHER CHARACTERISTICS OF UNDERGROUND UTILITIES, TANKS OR SEPTIC FIELDS WITHOUT EXCAVATION. THEREFORE, WE CANNOT GUARANTEE THE ACCURACY OF COMPLETENESS OF THE BURED UTILITY INFORMATION HEREON SHOWN. THE CONTRACTOR SHALL CALL MISS DIG (1-800-482-7171) A MINIMUM OF THREE WORKING DAYS PRIOR TO ANY EXCAVATION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THESE UTILITY LOCATIONS PRIOR TO CONSTRUCTION AND MAKE EVERY EFFORT TO PROTECT AND/OR RELOCATE THEM AS REQUIRED. THE CONTRACTOR SHALL NOTIFY THE ENGINEER/SURVEYOR AS SOON AS POSSIBLE IN THE EVENT A DISCREPANCY IS FOUND.

BENCHMARK

BM #1 - SET MAG NAIL IN SOUTHEAST SIDE OF POWER POLE @ NORTHEAST PROPERTY CORNER

ELEV: 588.92' NAVD88

NOTE:
All Elevations are based on NAVD88 datum.
Base Flood Elevation for this area of Rubicon Township is 583.40' per FEMA.

LEGAL DESCRIPTION

Lot 17, Block 4, "RUBICON BEACH PLAT NO. 1," being a subdivision in part of the Northwest 1/4 of Fractional Section 10, T17N-R15E, Rubicon Township, Huron County, Michigan; according to the Plat thereof as recorded in Liber 3 of Plats, Page 3, Huron County Records. Subject to easements and rights of way of record.

SURVEY CERTIFICATION

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.

DATED: 10/30/2024 SIGNED: Benjamin D. Tank
BENJAMIN D. TANK P.S. #57884

FILE: P24-238	PROJECT LOG
PROJECT NO: 238	DATE: 10/27/24
DESIGNED BY: CAD	DRAWN BY: CAD
SCALE: 1" = 15'	SHEET: 1 OF 1

TANK SURVEYING

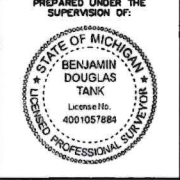
255 E. HURON AVE., BAD AXE, MI 48413
989-269-2201

JOHN SARRACH
8660 MORROW ROAD
ALCONAC, MI 48001
586-994-0234

SARRACH PROPERTY

PART OF THE N.W. 1/4 OF FR. SECTION 10, T17N-R15E,
RUBICON TOWNSHIP,
HURON COUNTY, MICHIGAN.

BOUNDARY SURVEY / SITE PLAN



1

2024-236

October 22, 2014, Minutes

Huron County Zoning Board of Appeals

Minutes of Meeting

Case No.: ZBA 2014-04

Case No.: ZBA 2014-05

Case No.: ZBA 2014-06

A regular meeting of the Huron County Zoning Board of Appeals was held on October 22, 2014, in the Huron County Board of Commissioners Chambers, Room 305, Bad Axe, MI 48413.

1. Call Meeting to Order

The meeting was called to order by Chairman Schnettler at 7:00 p.m. Recording Secretary, Brenda Stomack, called the roll of members: Roll call - Members present: Wanda H. Eichler, Ken Griessel, Larry Schnettler, Joel Weber, Lisa McCain, and Bill Goretski. Members absent/excused: LeRoy D. Boesch. Others present: There were approximately eight (8) other people in attendance, including Brenda Stomack, Recording Secretary, and Jeff Smith, Planning/Building & Zoning Office Director.

A Motion was made by Ken Griessel and seconded by Lisa McCain to approve the Agenda, as presented, of the October 22, 2014, Zoning Board of Appeals meeting. Motion carried.

2. Approval of Minutes

The reading of the September 10, 2014, Zoning Board of Appeals meeting minutes was waived. A motion was made by Wanda Eichler and seconded by Bill Goretski, to approve the minutes, as presented, of the June 11, 2014, Zoning Board of Appeals meeting. Motion carried.

3. Public Comment None.

4. Public Hearing

ZBA 2014-04: Bettie Beiter, 3990 Ferdinand Drive, Rubicon Township, Port Hope, Michigan 48468, is requesting a zoning approval to construct a new 14 ft., x 28 ft. bedroom addition to existing single family residential home. Parcel Number 3221-010-039-00.

- This case was introduced by Chairman Schnettler and reviewed by Building & Zoning Director, Jeff Smith. Applicant, Bettie Beiter, was in attendance to answer questions.
- Jeff Smith advised of details of application and discussion took place regarding the lot lines and drainage ditch. It was advised that it is unknown whether the drain is recorded or not. Mr. Smith advised the survey does not show a drainage easement. Contractor, Mike Guza, confirmed 14 to 15 feet from proposed addition to drainage ditch. Discussion took place regarding the placement of an electric pole, the chimney, roof lines and the fact that Heinemann Road has not been developed down to the lake. Jeff Smith stated that mailings were made to neighboring property owners and no calls or correspondence were received regarding this request for approval.

Finding of Fact:

- Heinemann Road has not been fully developed from original 1930 Plat.
- Consistent with other ZBA cases regarding undeveloped road right of ways.
- No complaints or objections filed by neighboring property owners.

October 22, 2014, Minutes

4. Public Hearing Continued ZBA 2014-04

- With no further questions, a motion was made by Wanda Eichler and seconded by Ken Griessel to grant the application/appeal of Bettie Beiter. On a roll call vote, the motion carried. Roll Call Voting results: ZBA 2014-04; Bettie Beiter: 6 yes, 0 no, 1 excused. Zoning Approval Granted.

ZBA 2014-05: Micheal Williams, 3072 Loosemore Road, Hume Township, Port Austin, Michigan 48467, is requesting a zoning approval to construct a 30 ft., x 40 ft. personal storage building on Parcel Number: 3211-008-056-00.

- This case was introduced by Chairman Schnettler and reviewed by Building & Zoning Director, Jeff Smith. Applicant, Micheal Williams and William and Linda Campbell, Jr., was in attendance to answer questions.
- Jeff Smith advised of details of application and discussion took place regarding precedent set and dwellings. The Ordinance and size of the property were discussed. Jeff Smith stated that mailings were made to neighboring property owners and Mr. Smith advised that Horace and Mary Batts did contact the Building and Zoning Office and indicated they had no issues regarding this project so long as it was not going to be a commercial building. Likewise, William and Linda Campbell, Jr., in attendance at tonight's meeting, expressed the same concern.

Finding of Fact:

- Previous ZBA approvals for similar accessory buildings on residential vacant parcels.
- Parcel size is large and rural in nature.
- No commercial activity allowed.
- With no further questions, a motion was made by Lisa McCain and seconded by Joel Weber to grant the application/appeal of Micheal Williams. On a roll call vote, the motion carried. Roll Call Voting results: ZBA 2014-05; Micheal Williams: 6 yes, 0 no, 1 excused. Zoning Approval Granted.

ZBA 2014-06: Michael Vukich, 3014 Port Austin Road, Hume Township, Port Austin, Michigan 48467, is requesting a zoning approval to construct a new 16 ft., x 26 ft. addition to existing dwelling. Parcel Number 3211-007-140-10.

- This case was introduced by Chairman Schnettler and reviewed by Building & Zoning Director, Jeff Smith. Applicant, Michael Vukich, was in attendance to answer questions.
- Jeff Smith advised of details of application and discussion took place regarding the finality of where the addition is placed. Due to existing lot constraints, no other placement options are available. Mr. Vukich indicated that it was going to be tight construction even if the approval is granted. It was advised that the addition would be adjacent to an open parcel. Jeff Smith stated that mailings were made to neighboring property owners and no calls or correspondence were received regarding this request for approval.

Finding of Fact:

- Non-conformity remains the same.

October 22, 2014, Minutes

4. Public Hearing Continued ZBA 2014-06

- Existing well and septic limit the area for additions.
- No complaints or objections filed by neighboring property owners.
- With no further questions, a motion was made by Ken Griessel and seconded by Wanda Eichler to grant the application/appeal of Michael Vukich. On a roll call vote, the motion carried. Roll Call Voting results: ZBA 2014-06; Michael Vukich: 6 yes, 0 no, 1 excused. Zoning Approval Granted.

5. Unfinished Business None.

6. New Business None.

7. Final Zoning Board of Appeals Comment

Jeff Smith advised that another application/appeal was filed and it is set to be heard on November 12, 2014.

8. Adjournment

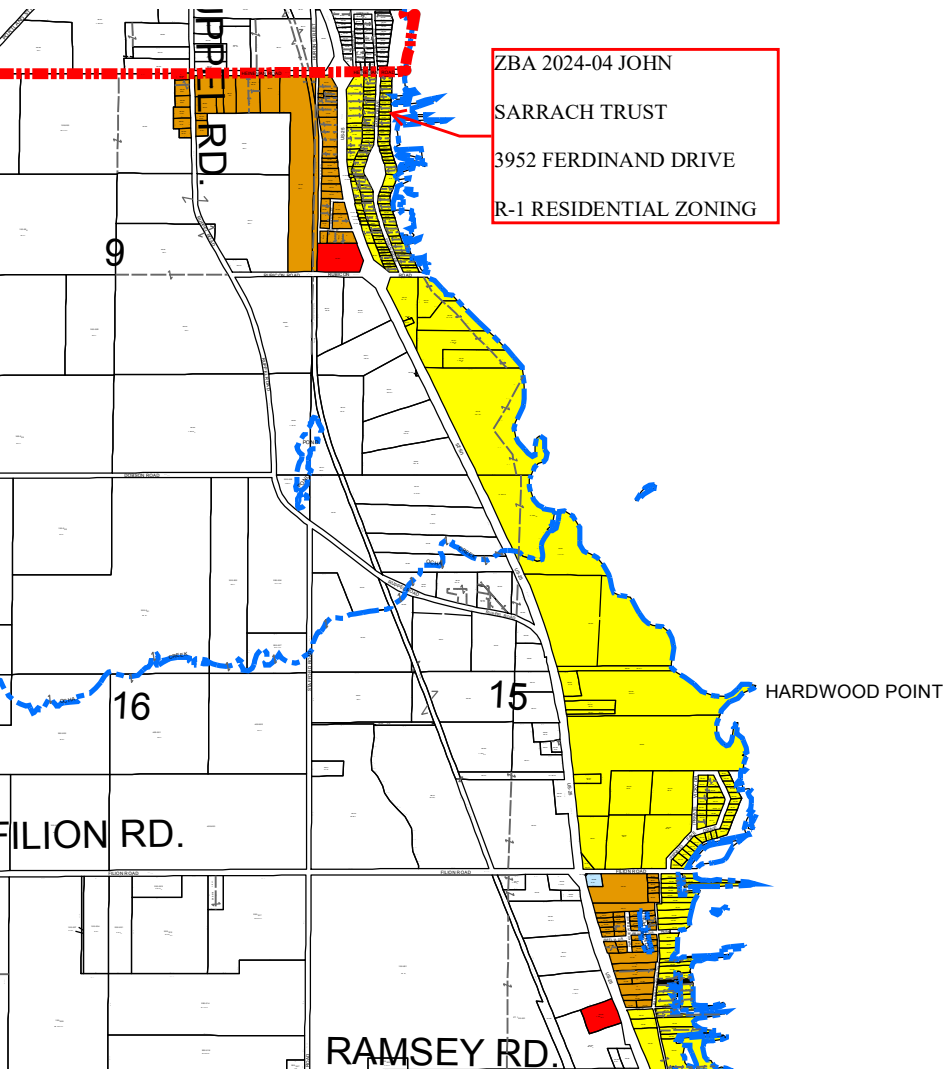
With no further business to come before the Board, it was moved on a motion by Ken Griessel, to adjourn the meeting and seconded by Bill Goretski. Motion carried. Adjournment was at 8:16 p.m.

Lawrence Schnettler, Chairman

Jeff Smith, Acting Secretary

Date: _____

P:\bldzone\Documents\ZBA Minutes October 22, 2014, Unapproved



Rubicon Zoning Legend

- AGR
- BUS
- IND
- R1
- R2
- WE

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

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 (minimum)- Feet.				Floor Area per Dwelling (Grd.fl)
					Least Front	Side One	Side Two	Rear Total	
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	600
BUS General Business	100	½ acre	25 %	3 40 (l)	30 (g)	20 (h,j,k)	40 (i,j)	25	
IND General Industrial	100	1 acre	25 %	40 (l)	50 (m,n)	20 (k,n)	40 (n,o)	40	

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. 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.