

**Notice of Public Hearing
Huron County Zoning Board of Appeals
Wednesday, October 15, 2025, at 7:00 p.m.
Huron County Building, Meeting Room 305
250 E. Huron Avenue
Bad Axe, Michigan 48413
Case: ZBA 2025-01**

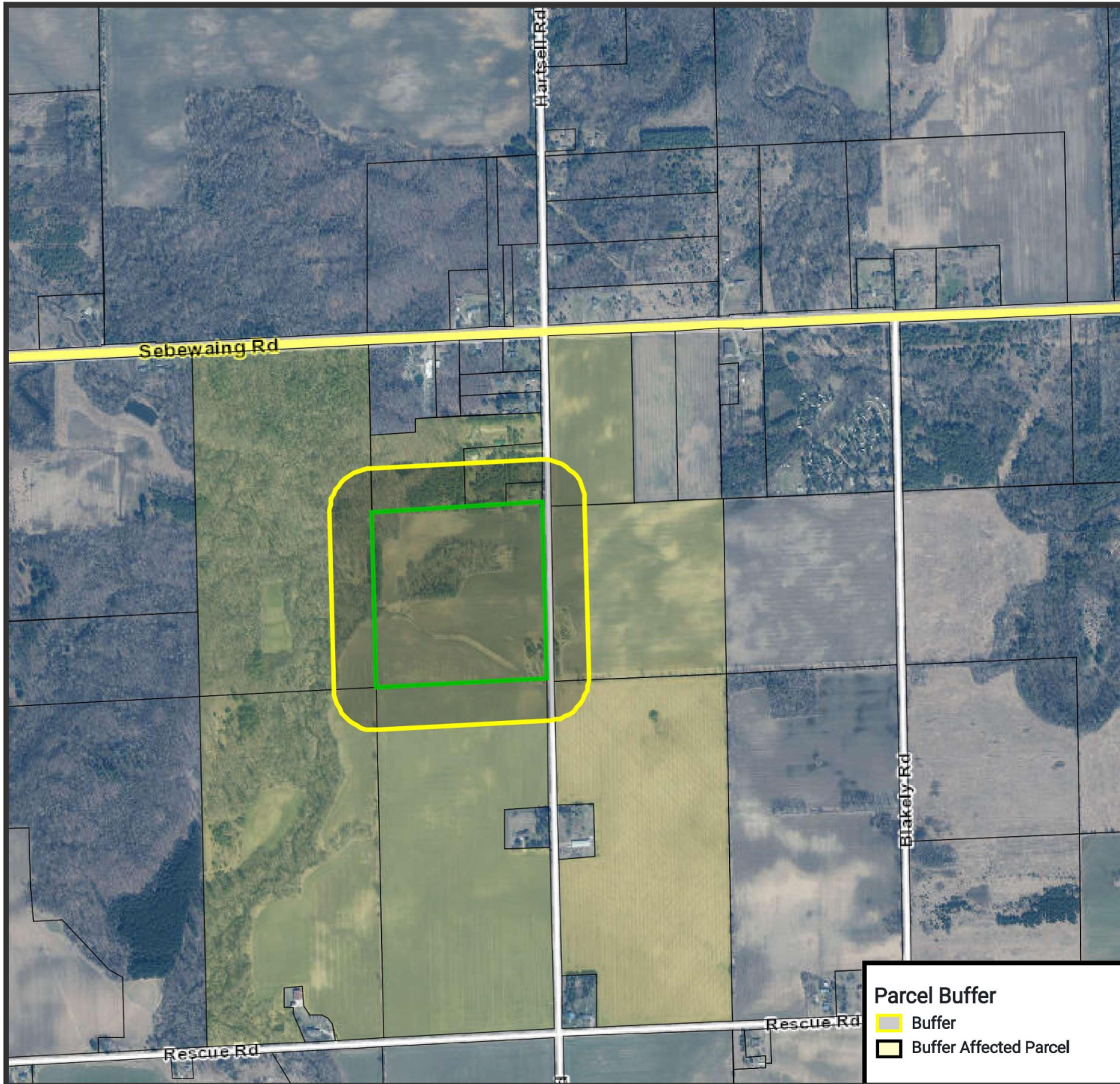
Notice is given that a public hearing is scheduled before the Huron County Zoning Board of Appeals on Wednesday, October 15, 2025, at 7:00 p.m., in Room 305 of the County Building, 250 E. Huron Avenue, Bad Axe, Michigan, 48413. The purpose of this meeting is to receive public comments and consider the following zoning variance request:

ZBA 2025-01 Daniel Kempf, 3736 Hartsell Road, Owendale, Michigan, 48754, requests a variance to build a new 6,960 square foot building utilized for a sawmill operation on a 40-acre parcel in Section 15 of Grant Township. Parcel I.D. 3210-015-001-00 is in the Agricultural (AGR) Zoning District. Per the Huron County Zoning Ordinance, Article IV, Agricultural (AGR) Zoning District, Section 4.03(C) Uses Authorized After Special Approval, permanent sawmill operations shall be permitted providing all mill activities (sawing, planning, storage, loading & unloading) are situated at least 150 feet from public road rights-of-way and 1000 feet from any adjacent residential structures. The Huron County Planning Commission approved the special approval use permit on September 3, 2025, pending ZBA approval for a reduction to the one thousand (1000) feet setback from adjacent residential structures. A nearby neighboring residential home at 3725 Hartsell Road, owned by Lee Sowden, is located approximately three hundred (300) feet from the proposed sawmill building site, which requires the applicant to seek a dimensional variance. 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.

**Clark Brock, Chairman
Huron County Zoning Board of Appeals**



ZBA 2025-01
DIMENSIONAL
VARIANCE

DANIEL KEMPF SAWMILL
SECTION 15 GRANT TWP.
320FT. BUFFER MAP



Map Publication:
09/25/2025 3:01 PM



powered by
FetchGIS 

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: \$800.00 at regular quarterly meeting
\$1,200.00 for Special Meeting (Rev. 01/2025)

CASE NO.: ZBA # 2025-01

DATE: 9-4-25

APPLICANT'S NAME: Daniel Kempf / Daniel Troyer

ADDRESS: 3883 McAlpin Rd Cass City MI 48726 989-872-8461
(mailing) street address city state zip telephone

ADDRESS OF PROPERTY WHERE APPEAL IS SOUGHT: 3736 Hartsell Rd

PROPERTY IDENTIFICATION NO.: 3210-015-001-00

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:

Appealing Section 4.03(c) Requirement for 1000' set back from saw mill building to residential structures.

PROVISION(S) OF ZONING ORDINANCE BEING APPEALED: Article 4 Section 4.03(c)

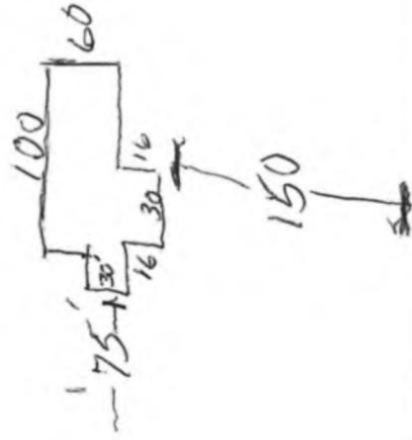
BASIS OF REQUEST: Seeking dimensional variance
Neighbor Lee Souden supports our request

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: Daniel Kempf 9-4-25
DATE

By signing this application, owner/agent is granting County officials the right to on-site inspection of property involved in this request. Receipt # 77651 Ck # 0471 Paid \$800.00 ZBA Application

Site Plan for building



HURONCURRENT



Rescue Rd

HURON CURRENT



RECEIVED

AUG 11 2025

HURON COUNTY
BUILDING & ZONING

N ↑

elevation is almost level

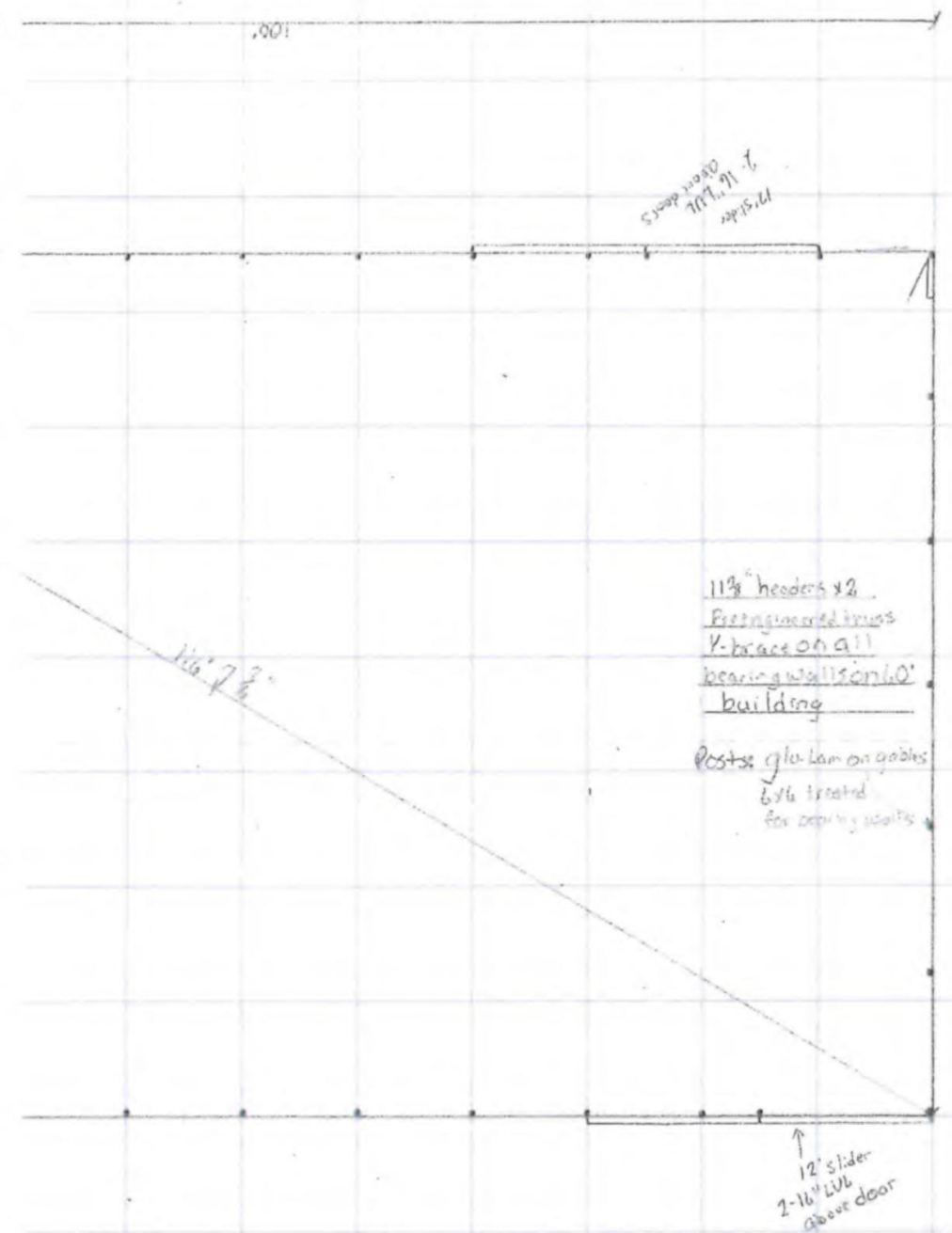
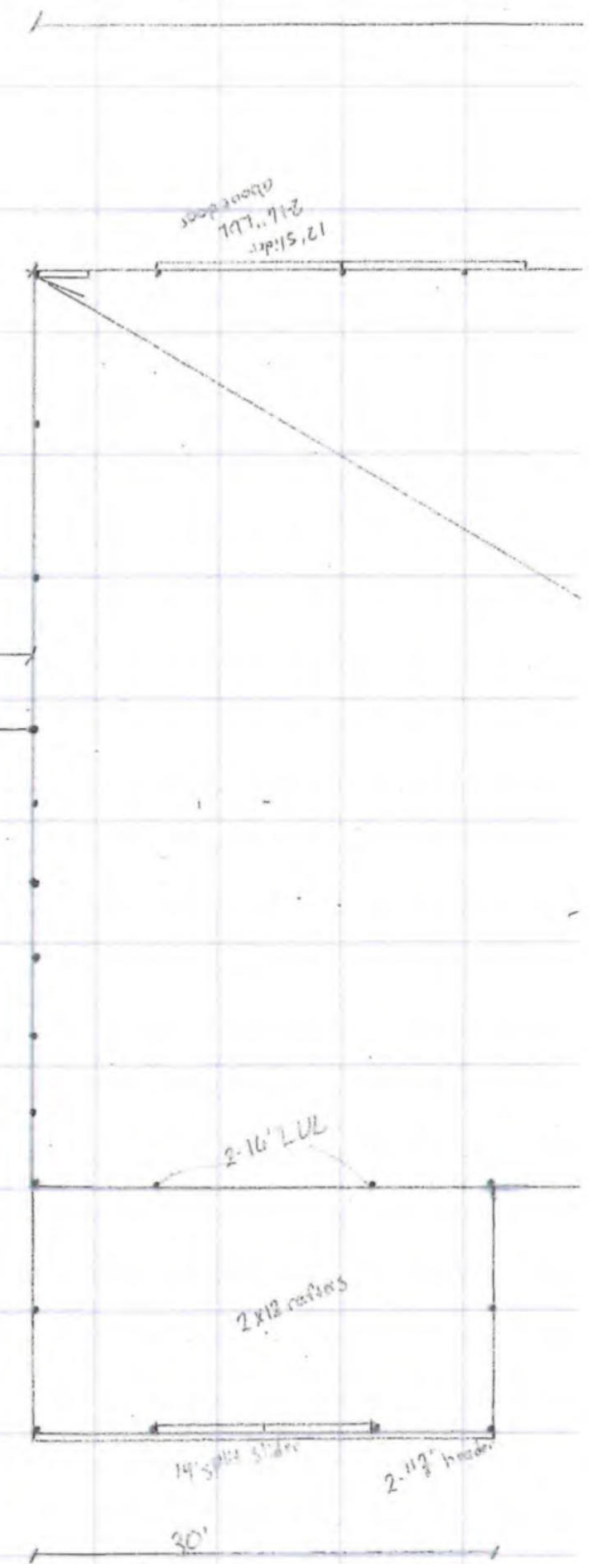
Aug. 8 2025

Daniel Troyer
39411 Marie Rd.
Cass City, MI 48726

Image metal roof
w/ Cougar Shield underlayment
2x12-7' OC
toe board
Roof truss
bottom chord
11/2" headers w/ Post 7' OC
w/ 6-3/8" x 6" (GRK)
1/2" sub-rod

6x6 treated
2x11 Posts
2x12-2' OC
2x10 treated
5" concrete slab
Lentil Plastic
10" x 24"
3500 PSI

9x12 rafters
Support 2x12



Name: Daniel Kempf
Address: 3736 Hartzel RD Owendale
Scale: 1/2" = 1'



Image taken July 31, 2025 by
Huron County Bldg. Dept.

I, Lee Souden, ~~am~~ ^{am} okay with Daniel Troyer putting
up a building for a sawmill operation which is
less than 1000' (300') ^(from my house) Lee P Souden

Grantor	Grantee	Sale Price		Sale Date	Inst. Type	Terms of Sale		Liber & Page	Verified By	Prcnt. Trans.		
METZGER HENRY	KEMPF DANIEL S & KEMPF DA	350,000		07/18/2024	QC	21-NOT USED/OTHER		1851:297	DEED	0.0		
METZGER LORRAINE M	METZGER HENRY	0		11/13/2021	QC	21-NOT USED/OTHER		1766:360	DEED	0.0		
METZGER LORRAINE M	METZGER LORRAINE M LE & E	0		05/01/2015	QC	21-NOT USED/OTHER		1528:144	DEED	0.0		
Property Address		Class: AGRICULTURAL-IMPR			Zoning:		Building Permit(s)		Date	Number	Status	
3736 HARTSELL RD		School: CASS CITY PUBLIC SCHOOLS										
		P.R.E. 100% / / Qual. Ag.										
Owner's Name/Address		MAP #: 27 15 200 008										
KEMPF DANIEL S & KEMPF DANIEL D 3883 MC APLINE ROAD CASS CITY MI 48726		2026 Est TCV 280,000 (Value Overridden)										
			Improved	X	Vacant	Land Value Estimates for Land Table .						
		Public Improvements			* Factors *							
					Description	Frontage	Depth	Front	Depth	Rate %Adj.	Reason	Value
								38.400	Acres	0	100	0
								38.40	Total Acres	Total Est. Land Value =		0
Tax Description		Dirt Road Gravel Road Paved Road Storm Sewer Sidewalk Water Sewer Electric Gas Curb Street Lights Standard Utilities Underground Utils.										
Sec 15, Town 15N, Range 11E. SE 1/4 OF NE 1/4. 40 A.												
Comments/Influences												
Liber/Page(s): 448:0331, 521:0320, 524:0021, 524:0024												
		Topography of Site										
		Level Rolling Low High Landscaped Swamp Wooded Pond Waterfront Ravine Wetland Flood Plain										
					Year	Land Value	Building Value	Assessed Value	Board of Review	Tribunal/ Other	Taxable Value	
		Who	When	What	2026	140,000	0	140,000			46,546C	
					2025	140,000	0	140,000			46,546C	
					2024	129,300	0	129,300			45,147C	
					2023	124,100	0	124,100			42,998C	
The Equalizer. Copyright (c) 1999 - 2009. Licensed To: County of Huron, Michigan												

ARTICLE IV. AGR AGRICULTURAL DISTRICT Continued.

SECTION 4.02 PRINCIPAL PERMITTED USES AND STRUCTURES continued.

I) Utility installations such as electric substation, gas regulator stations, water or sewage pumping stations (including storage yards) when operating requirements necessitate the locating of said installations within the district in order to serve the area.

J) Private aircraft landing strips.

K) Facilities offering the retail sale of any product produced on the farm or premises providing such sale shall be from the premises where the product is produced and that no permanent structures are erected in connection with such sales and all temporary structures are removed annually when such products are disposed of.

L) Animal feedlots or livestock feedlots (including chicken and egg hatcheries) in new, existing or expanded structures provided the location of the feedlot shall be a minimum of 3/4 mile from a residential or commercial zoning district. Refer to Section 4.04 of this Ordinance for additional requirements.

M) Veterinarian clinics, commercial kennels.

N) Anemometer towers used to conduct wind assessment studies for possible installation of wind energy conversion facilities. Anemometer towers & attached equipment are limited to a height of 263 feet (eff. 12/01/2008) ~~199 feet (Eff. 7/1/2007)~~ ~~164 feet (80 meters)~~ and shall be located to conform to a height vs. setback requirement of 1 1/2 times the height of the tower. Uses of temporary towers (those without permanent foundations) are limited to a two (2) year period. (Eff. 12/1/2006)

O) On-Site Wind Energy Systems and related wind site assessment devices, subject to the provisions of Section 14.29 of this ordinance.

SECTION 4.03 USES AUTHORIZED AFTER SPECIAL APPROVAL. In Agricultural Districts, the following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission pursuant to Article XV. of this Ordinance and (12/9/2010) the Michigan Zoning Enabling Act, as amended. Minimum yard setbacks of the AGR Agricultural District shall apply for all uses unless otherwise stated.

A) All uses authorized after special approval in the R-1 One Family Residential District subject to provision of that district, provided these uses are located on a parcel of not less one (1) acre.

B) Animal feedlots/livestock feedlots/chicken & egg hatcheries in new, existing, or expanded structures when located less than 3/4 mile from a residential or commercial zoning district. Refer to Section 4.04 of this Ordinance for additional requirements.

C) Permanent saw mill operations providing all mill activities (sawing, planing, storage, loading & unloading) are situated at least 150 feet from public road rights-of-way and 1000 feet from any adjacent residential structures.

ARTICLE XV. SPECIAL APPROVAL USE PERMITS

SECTION 15.01 SPECIAL APPROVAL USE PERMITS-APPROVAL PROCEDURES. In order to make this Ordinance a flexible zoning control and still afford protection of property values and orderly and compatible development of property within the County, the Planning Commission, in addition to its other functions, is authorized to review certain uses designated as "Uses Permitted on Special Approval" within the various zoning classifications as set forth in the Ordinance.

Such uses have been selected because of unique characteristics which, in the particular zone involved, under certain physical circumstances and without proper controls and limitations, might cause them to be incompatible with the other uses permitted in such zoning district and accordingly detrimental thereto.

The burden of proof of facts which might establish a right to a Special Use Approval under the foregoing conditions shall be upon the applicant.

All applications for Uses Permitted on Special Approval shall be accompanied by a site plan and shall be processed in accordance with, and subject to all the provisions of Site Plan Review. The Planning Commission shall have the responsibility to review and approve Special Approval Use Permits. It shall be the Planning Commission's responsibility to insure that specific conditions associated with each use are complied with.

Action of the County Planning Commission on any such matter shall be taken only after an application in writing shall be filed with the Zoning Administrator and shall be governed by the required procedure for an application pursuant to the Michigan Zoning Enabling Act, as amended, including holding a hearing. Developers of projects, which require a Special Approval Use Permit and zoning variances, shall apply for and be issued a Special Approval Use Permit before applying for zoning variances. Developers of projects which require a Special Approval Use Permit must begin work on the project within one (1) year of issuance of the permit unless otherwise agreed upon by the Planning commission.

The issuance of any permit shall not be approved unless the Planning Commission shall find, in each case, that:

1. All requirements set forth in this Ordinance will be complied with;
2. The use and any proposed structures to be utilized in connection therewith will not create any threat to the public health, safety and welfare and will not unduly aggravate any traffic problem in the area;
3. The proposed use will not be injurious to the surrounding neighborhood;
4. The proposed use will not be contrary to the spirit and purpose of this Ordinance. The Planning Commission may require such conditions as it may deem reasonably necessary to promote the spirit and intent of this Ordinance.
5. All proposed structures, equipment or material shall be readily accessible for fire and police protection;

HURON COUNTY PLANNING COMMISSION

MEETING DATE: Sept. 3, 2025

P. C. MEMBERS	YEA	NAY	ABSENT	ABSTAIN	COMMENTS
Bernie Creguer	✓				
Deborah Knarian			✓		
Julie Epperson	✓				
Richard Swartzendruber	✓				
Jeremy Polega	✓				
Bill Renn	✓				
J. Dean Smith	✓				
Kim Rosenthal	✓				

WRITTEN MOTION: Motion to approve SAP 2025-05
with the requirement that ZBA must grant setbacks from
road (150' from ROW) and Residential Structures (1000') less
than required in the ordinance.

MOTION MOVED BY: Smith

MOTION SECONDED BY: Epperson

VOTING RESULTS: YEA: 70 NAY: 0

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.



SOWDEN LEE LE & ETAL
3497 MOORE ROAD
OWENDALE, MI 48754

SCHAPER LEASLY F & TRACY S LE/TRUST
PO BOX 181
PIGEON, MI 48755

THE STEINMAN GROUP INC
5693 W FILION ROAD
PIGEON, MI 48755

KEMPF DANIEL S & KEMPF DANIEL D
3883 MC APLINE ROAD
CASS CITY, MI 48726

KEMPISTY DONALD & KERI
3570 HARTSELL ROAD
OWENDALE, MI 48754

SHAMKA HAROLD J & RUTH A
3600 HARTSELL ROAD
OWENDALE, MI 48754

POWELL CHRISTINE A
1771 ALGONQUIAN TRAIL
LAKE ORION, MI 48362-4010

POWELL FARM TRUST
4289 HARTSELL ROAD
CASS CITY, MI 48726

LANGENBURG JOSEPH S & COLLEEN TRUST
4670 RESCUE ROAD
OWENDALE, MI 48754

COE DALTON P TRUST
9450 WEST TUSCOLA
FRANKENMUTH, MI 48734