

LAKE TOWNSHIP
HURON COUNTY, MICHIGAN

(Variance Expiration Period)

ZONING ORDINANCE AMENDMENT

Ordinance No. 2023-4

At a regular meeting of the Township Board for Lake Township held at the Township offices on November 20, 2023, beginning at 7:30 p.m., this Ordinance/ordinance amendment was offered for adoption by Township Board Member Dale Hartsell and was seconded by Township Board Member Nicole Collins:

**AN ORDINANCE/ORDINANCE AMENDMENT TO AMEND THE LAKE
TOWNSHIP ZONING ORDINANCE, AS AMENDED, REGARDING THE
VARIANCE EXPIRATION PERIOD**

THE TOWNSHIP OF LAKE (the “TOWNSHIP”) ORDAINS:

Article 1 – Intent and Legislative History.

The current Lake Township Zoning Ordinance (the “Zoning Ordinance”), sets the Variance Expiration Period at 180 days. The previous Zoning Ordinance allowed one year for the Variance Expiration Period.

Article 2 – Findings.

The Township Board hereby finds that there are potentially problems with only allowing applicants 180 days to substantially progress with a project for the following reasons.

- a. Once a project is denied by the Zoning Administrator, said project is not able to proceed prior to a variance being granted by the Zoning Board of Appeals.
- b. Once a variance is granted by the Board of Appeals, the applicant must secure the permits required and services necessary to proceed with the project.

- c. Historic difficulties securing the necessary contracted services occasionally created an unfavorable situation for the homeowner to substantially progress during the initial 180 day period following the granting of the variance.

Article 3 – Enforcement

Once the Zoning Administrator issues the necessary permits for a variance, the Zoning Administrator will monitor the project to ensure progress is being made. Should difficulties encountered by the applicant in meeting the variance period of one year to substantially progress with their project, an extension may be requested from the Zoning Board of Appeals.

Article 5 – Section 16.6.c.3.b shall be amended to read as follows;

A variance shall become null and void unless the construction or use authorized by such variance has been substantially commenced within one (1) year after the granting of the variance and an occupancy permit has been issued by the Building Inspector within two years of the granting of the variance. The ZBA may extend this time limit upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that undermine the basis for the original issuance of the variance.

Article 8 – Severability.

If any section, clause, or provision of this Ordinance/ordinance amendment is declared to be unconstitutional or otherwise invalid by a court of competent jurisdiction, that declaration shall not affect the remainder of the Ordinance/ordinance amendment. The Township Board hereby declares that it would have passed this Ordinance/ordinance amendment and each part,

section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

Article 9 – The Balance of the Lake Township Zoning Ordinance (as amended) Remains Unchanged and in Effect.

Except as expressly amended by this Ordinance/ordinance amendment, the balance of the Lake Township Zoning Ordinance, as amended, remains unchanged and in full force and effect.

Article 10 – Effective Date.

This Ordinance/ordinance amendment shall become effective upon the expiration of seven (7) days after this Ordinance/ordinance amendment (or a summary thereof) appears in the newspaper as provided by law. The date of publication will be November 30, 2023.

The vote to adopt this Ordinance/ordinance amendment was as follows:

YEAS: Jim Deming, Valerie McCallum, Nicole Collins, Dale Hartsell

NAYS: None

ABSTAIN/ABSENT: Clay Kelterborn

THIS ORDINANCE/ORDINANCE AMENDMENT IS HEREBY DECLARED
ADOPTED.

CERTIFICATION

I hereby certify that the above is a true copy of an Ordinance/Ordinance amendment adopted by the Township Board for Lake Township at the time, date, and place specified above pursuant to the required statutory procedures.

Respectfully submitted,

By: _____
James Deming
Lake Township Clerk