

8-3-2011 As Recommended by Planning Commission; approved by Board 8-15-2011

**ANN ARBOR CHARTER TOWNSHIP AMENDMENT TO ZONING
CODE SECTIONS 74-267 VOIDING OR EXTENSION OF VARIANCES
ORDINANCE NO. 5-2011**

The Ann Arbor Charter Township Board of Trustees ordains and adopts the following amendment to Chapter 74, Article II, Section 74-267:

CHAPTER 74, ARTICLE II, Zoning Board of Appeals, Section 74-267 Voiding of Variances is amended to read as follows: [ADDITIONS IN BOLD][DELETIONS IN STRIKE THROUGH]

Section 74-267. *Voiding of Variance; Extensions*

- (1) Each variance granted under the provisions of this chapter shall become null and void unless the construction authorized by such variance has been commenced within ~~180 days~~ **24 months** after the granting of such variance and is being pursued diligently to completion, or the occupancy of land or buildings authorized by such variance has taken place within ~~180 days~~ **24 months** after the granting of such variance.
- (2) **The time limits set forth in this Section 74-267(1) may be extended at the request of the applicant upon approval of the Board of Appeals in accordance with the following procedures:**
 - (A) **An extension may be granted for any period of time not to exceed twelve months. An extension, if granted, shall begin on the date the time limit would have expired, and shall continue for the period of time determined by the Board of Appeals not to exceed twelve months.**
 - (B) **No more than one (1) twelve (12) month extension may be granted.**
 - (C) **Under no circumstances shall an extension be granted if the request is received more than twelve (12) months after expiration of the initial time period provided in 74-267(1).**
 - (D) **The Board of Appeals is under no obligation to grant any extension, and the burden is on the applicant to show that good cause exists for granting the request for an extension as described in subsection (3) below.**
- (3) **The Board of Appeals shall consider the following factors in its determination of whether good cause exists for an extension:**

(A) The applicant has demonstrated that unforeseen economic developments or other events, conditions or circumstances justify the extension;

(B) The applicant has demonstrated that (i) the length of time since the initial variance, or (ii) changes in the site or surrounding area, or (iii) changes in ordinances, standards or regulations do not adversely affect or warrant revision to the terms and conditions of the variance approval .

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Township Board of Ann Arbor Charter Township, Washtenaw County, Michigan at a meeting of the Board duly called and held on August 15, 2011.

ANN ARBOR CHARTER TOWNSHIP

By: 
Michael C. Moran, Township Supervisor

By: 
Rena Basch, Clerk

Public Hearing: August 3, 2011
Planning Commission Recommendation: August 3, 2011
Approved: August 15, 2011
Effective: August 25, 2011 (7 days after publication)