

VILLAGE OF LAWRENCE  
Van Buren County, State of Michigan

Ordinance No.: 2020-01

The VILLAGE OF LAWRENCE ordains the following Ordinance be preserved in Code at Chapter 6, Article 1 through 8 of the Village of Lawrence Code of Ordinances be adopted as follows:

AN ORDINANCE TO ESTABLISH THE CONSTRUCTION BOARD OF APPEALS.

Section 6.1 - Creation.

The Construction Board of Appeals (hereinafter "Board") for the Village is hereby created consisting of three (3) members and one (1) alternate member.

Section 6.2. - Appointments.

The Village President, subject to the approval of the Village Council, shall appoint the members of the construction board of appeals and designate the term of office for each member. In making the appointment the President shall consider integrity, impartiality and knowledge of building construction.

Section 6.3. - Terms.

Members of the Board shall serve for three-year terms, provided that the person first appointed shall serve for one year, the second shall serve two years, and the third appointed shall serve a three-year term so that at least one term will expire each year. Terms start on the effective date of this Ordinance.

Section 6.4. - Appeals to the Board

The enforcing agency or building inspector of the Village refuses to grant an application for a building permit or makes any other decision pursuant or related to the Act or Village Building Code and Property Maintenance Code, an interested person, or the person's authorized agent, may appeal in writing to the board of appeals. All such appeals shall be in writing, shall a detailed statement of the reasons why the appeal should be granted and shall be signed by the applicant or the applicant's authorized agent. The Village may provide a form for use in appeals if it chooses. All appeals, filed by an Applicant, shall be accompanied by a fee set by the Village by resolution. Appeals filed by the Village enforcing agency or building inspector do not require a fee. Applicants shall pay all expenses incurred by the Village in the appeal process, including, in part, inspection fees, engineering fees, attorney fees and all out of pocket expenses.

Section 6.5. - Hearings before the Board

The Board shall conduct a public hearing pursuant to MCL 15.261 *et seq.*, hear the appeal, and render and file its decision with a statement of reasons for the decision with the enforcing agency from whom the appeal was taken not more than thirty (30) days after submission of the appeal.

Section 6.6. - Variances.

After a public hearing, the Board may grant specific variance to a substantive requirement of the Building Code if the literal application of the substantive requirement would result in an exceptional, practical difficulty to the applicant, and if both of the following requirements are satisfied: (a) the performance of the particular item or part of the building or structure with respect to which the variance is granted shall be adequate for its intended use and shall not substantially deviate from performance required by the code of that particular item or part for the health, safety and welfare of the public, and (b) the specific condition justifying the variance shall be neither so general nor recurrent in nature as to make an amendment of the code with respect to the condition reasonably practical or desirable. No variance shall be granted which is greater than the minimum variance required to alleviate the exceptional, practical difficulty.

Section 6.7. - Severability.

The various sentences, paragraphs, sections and clauses of this ordinance are declared, to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected.

Section 6.8 Repeal

All regulatory provisions contained in other Village ordinances, which are inconsistent With the provisions of this ordinance, are hereby repealed.

**Effective Date**

This amendment shall become effective upon publication in a newspaper of general circulation within the Village of Lawrence.

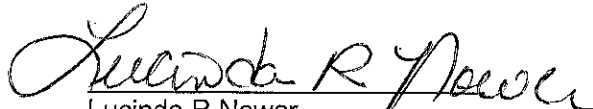
This ordinance is hereby declared to have been adopted by the Village Council of the Village of Lawrence of the County of Van Buren, State of Michigan, at a regular meeting, called and held on the 14th day of January 2020.

YEAS Lorenzo, Ouzts, Webster, Glennie

NAYS Keyser, Gritter

ABSENT Quick

Ordinance adopted this 24th day of January 2020

  
Lucinda R Nower  
Lawrence Village Clerk