

GENEVA TOWNSHIP SET-BACK ORDINANCE #15
AMENDMENT #2

April 11, 2006

An Amendment to Geneva Township Set-back Ordinance #15 so as to provide standards for the granting or denial of a variance and so as to make violation thereof a municipal civil infraction, punishable by a fine and orders requiring compliance therewith.

GENEVA TOWNSHIP, VAN BUREN COUNTY, MICHIGAN ORDAINS:

SECTION 1: SET BACK ORDINANCE

- A. The minimum setback from all public & private road right-of-way lines shall be fifty (50) feet to the nearest point of the foundation of all principal and accessory buildings and structures located upon a lot or parcel.
- B. The minimum side yard for all principal and accessory buildings and structures shall be a minimum of twenty (20) feet and a minimum total of forty (40) feet for both side yards between the side lot or parcel lines and the nearest point of the foundation of all principal accessory buildings and structures located upon a lot or parcel.
- C. The minimum rear yard for all principal buildings and structures shall be a minimum of fifty (50) feet between the rear lot or parcel line and the nearest point of the foundation of all principal buildings and structures located upon a lot or parcel, and the minimum setback in the rear yards from all property lines for accessory buildings and structures shall be at least ten (10) feet.

SECTION 2: Variance Authority and Procedure

- A. Variance Authority and Standards The Township Board may grant variances/waivers from the requirements of this Ordinance when the Township Board determines that the following standards are satisfied in the circumstances of each specified case:
 1. Strict compliance with the ordinance requirement would result in a practical difficulty or unnecessary hardship because of the particular physical surroundings, shape or topographical conditions of the parcel of property involved, as distinguished from a mere inconvenience or economic hardship.
 2. The variance/waiver may be granted without detriment to the public safety, health, or general welfare, or damage to other property.
 3. The ordinance requirement at issue is not applicable to the specific situation presented; or, the purpose is applicable but may be served even if a variance is granted.
 4. The conditions upon which the request for variance is based are unique to the subject property.
 5. Approval of a variance/waiver will not in any manner result in a violation of any other ordinance, or any other requirement of law.
 6. The conditions providing support for the variance/waiver were not created by the applicant or the applicant's predecessors in title.
- B. Procedure. A written request for a variance must be submitted to the Township (on a form approved by the Township Board) together with an application fee in the amount that shall be set by the Township Board via resolution and which amount may be changed from time to time by the Township Board via resolution. Once a variance request has been received, the Township shall set the request to be heard at a regular meeting of the Township Board and shall notify the applicant of the date and time of the same. Furthermore, the Township shall notify via regular U.S. Mail all adjoining property owners according to the tax rolls of the date and time of the hearing on the variance request no less than seven (7) calendar days prior to the date of hearing. Applicant need not be present at meeting to have variance request considered.

SECTION 3: Violations and Sanctions

Violation of any of the provisions of this Ordinance or failure to comply with any of its requirements shall be deemed a municipal civil infraction as defined by Michigan statute and shall be punishable by a civil fine of not

less than \$200.00, nor more than \$500.00 along with costs which may include all expenses, direct and indirect, to which the township has been put in connection with the municipal civil infraction. A violator of this Ordinance shall also be subject to such additional sanctions and judicial orders as are authorized under Michigan law. Each day that a violation of this Ordinance continues to exist shall constitute a separate violation of this Ordinance. Nothing herein shall prevent the Township board from taking such additional lawful action as it is necessary to restrain or prevent any violation of this ordinance.

SECTION 4: REPEAL

Conflict of Ordinances: All Ordinances or parts of Ordinances in conflict herewith are repealed.

SECTION 5: SEVERABILITY

This Ordinance and its various parts are hereby declared to be severable. If any portion of this Ordinance is declared to be invalid such declaration shall not affect the validity of the remainder of the Ordinance.

SECTION 6: EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication as required by law.

Yes:4_____

No:0_____

Absent:1_____

Ordinance #15, Amendment #2, declared adopted this 10th day of April, 2006.

Nancy Ann Whaley_____Supervisor

Bridgette Gumpert_____Clerk

M. Jeffery Primmer_____Treasurer

Norman Funk_____Trustee

_____Trustee

Original Adopted 9/13/88
Amendment #1 11/14/95