

**PUTNAM TOWNSHIP
ZONING BOARD OF APPEALS
June 9, 2008
MINUTES**

CALL TO ORDER

Chairperson Press called the meeting to order at 7:00pm. There were 40 citizens in attendance.

ROLL CALL

MEMBERS PRESENT: Press, Kekes, Anderson-Field, Fordyce, Benedetti, Lester, Dolata.

OTHERS PRESENT: Ingrid Weisz, Recording Secretary.

APPROVAL OF MINUTES

Motion by Fordyce & supported by Anderson-Field to approve the 3/24/08 minutes. MOTION CARRIED (Benedetti & Lester abstained).

CALL TO THE PUBLIC

Opened call at 7:02 pm

Closed call at 7:03 pm

APPROVAL OF AGENDA

Old Business, Item 1) ZBA By Laws Approval was moved after New Business

Motion by Fordyce & supported by Kekes to approve the revised agenda. MOTION APPROVED UNANIMOUSLY

NEW BUSINESS

A. Request for a variance in R1AAA zoning concerning the addition of a front porch to the primary structure:

- 1) Relief from Chapter 19, Article 6, Section 53, west side yard setback of 8' from 40' (relief of 32')
- 2) Relief from Chapter 19, Article 6, Section 53, front yard setback of 27' from 50' (relief of 23')

Location: 5110 Patterson Lake Road

Owner: Jefferson & Charlene Daniels

Tax ID: 4714-31-200-004

Mr. Daniels explained his request to build a new covered porch that would encompass the current porch & extend it for a width of 7' along the entire front of his house.

Opened Call to the Public at 7:12 pm

Closed Call to the Public at 7:13pm

Discussion: This parcel is only 100 feet wide compared to the required R1AAA 300 feet. It is legally nonconforming regarding front & side set back requirements. The proposed porch construction will not be out of character for this residential area. It will also eliminate a water intrusion issue to the front foundation of the home. The applicant assured the members that, although he wanted to cover the porch, that he had no intention of enclosing it to become an addition.

Motion by Benedetti and supported by Fordyce to approve the variance for:

1) Relief from Chapter 19, Article 6, and Section 53, west side yard setback of 8' from 40' (relief of 32') MOTION APPROVED UNANIMOUSLY

Motion by Benedetti and supported by Fordyce to approve the variance for:

2) Relief from Chapter 19, Article 6, and Section 53, front yard setback of 26' from 50' (relief of 24') MOTION APPROVED (Kekes opposed)

The Final Decision form was completed by the Recording Secretary, signed by the members, copied, dated, and given to the applicant.

B. Request for a variance in C1 concerning the construction of a miniature golf course:

- 1) A variance to permit a front yard setback of zero (0) feet instead of the required fifty (50) feet along Riverbank Drive, per chapter 19, Article 9, Section 62
- 2) A variance to the landscape buffer requirements in Chapter 26, Section 17.E.1 along Riverbank Drive, to provide scattered trees but not a continuous, six (6) foot high buffer consisting of earth berms &/or living plant materials
- 3) A variance to permit expansion of a nonconforming parking lot without paving the lot, per Chapter 24, Section 14.A.
- 4) A variance to not provide landscaped curbed islands and trees within a parking lot as required by Chapter 26, Section 17.F.1.
- 5) A variance to not provide a wall or alternative landscape plantings along the perimeter of a parking area where it is visible from a public road, per Chapter 26, Section 17.F.2.b.
- 6) A variance to permit a parking lot setback of zero (0) feet instead of the required fifty (50) feet, per chapter 19, Article 9, Section 62

Location: 4063 Patterson Lake Road

Owner: Anne C. Colone Trust and John Colone

Tax ID: 4714-32-200-049, 4714-32-200-051, and 4714-32-200-057

Mr. Barnwell, engineer for Mr. Colone, and Mr. Cooper, attorney for Mr. Colone, presented their request. It was stated that this is a unique parcel surrounded by natural features. Mr. Colone wants to bring in another family oriented feature to his area. He says he was led to believe that a landscaping permit was all he needed to construct this miniature golf course which began in spring of 2007. In the summer of 2007 he was told to stop construction after spending a fair amount of money. Mr. Cooper stated that the zoning ordinance was not reasonable and that the ZBA should grant these variances because Mr. Colone has already done a lot of work.

Opened Call to the Public at 8:13 pm

Jim Roth, 11386 Pleasant Lake Rd, thought it'd be great for children & the neighborhood & would like to bring in a hockey team for a fundraiser.

Gary Rock, 123 Pond ridge, thinks it is a great opportunity

Tyler Bogan, 11235 Pleasant Lake Rd, is saving money for the opening of the miniature golf course and says it means a lot to him.

Linda Schulte, 5859 east M-36, is a Girl Scout leader & wants to take her troop here to play.

Don McColl, 10202 Pleasant Lake Rd., said it is well landscaped, the kids need it, & it will bring jobs to the area.

Scott McColl, 10260 Pleasant Lake Rd., said there is not a lot for kids to do & it would be good for family bonding.

Sam Davis, 10557 Cedar Lake Rd, is owner of Hell Creek Ranch and feels the community needs it.

Bill ?, 8212 Kimball Dr., said it is something for kids to do. (cannot find name or address, Kimball Dr. is in Hamburg Twp. but no such address).

Mike Carney, 4355 Oakley Rd , said there's not a lot for kids to do & with gas price so high, it's more difficult to go further for entertainment

Skip Schulte, 5859 East M-36, wants the golf course & says it will keep people in our community.

Cameron Hein, 11093 Home Shore, supports it & will 'keep him out of trouble'.

Ron Myers, 11417 Weiman, asked for clarification on the variances requested, asked if there would be parking on & access from River Bank Dr., was ok with porta-johns, & wants tall deciduous trees for good screening effect.

Rick Wines, 11019 Darwood Rd, wants a country setting & feels that Mr. Colone helps the kids by mentoring and giving them jobs.

Liz Christian, 11721 Weiman , was concerned about screening, that balls may end up in the road & cause an accident, asked the township about permits for a miniature golf course & got the appropriate information in about 5 minutes. She couldn't understand why Mr. Colone had not gotten that information before starting construction.

Al Machek, 11342 Riverbank, felt this was not in keeping with outdoor entertainment, permanent toilets needed to be addressed, the ordinance is there to protect our property & the setbacks are for safety, concerned about errant golf balls, that it is too close to the road, is a distraction to drivers, it needs a visual screen, felt Mr. Colone did not do the groundwork to meet code, & doubts it is handicap accessible with a gravel lot.

Chuck Grampo, 10261 Honeycomb Ct., said his son loves putt putt golf, supports it and all buildings have some kind of issues.

Pat Myers, 11417 Weiman, spoke for Steve & Jane Haleen and Jim & Judy Streuh & were concerned about the screening – wanted good sized evergreens for screening and the lights to point down.

Pam Briegel, 11391 Riverbank, likes miniature golf, is concerned about the hours of operation & the noise, asked if constant music would be played.

Pat McDonald, 11415 College, is part of the High-Land Lake association, works for Mr. Colone, says it will bring in revenue, & supports it.

Frank Jantz, 11235 Silver Hill, wants the members to look at the particulars & preserve the rural nature of the area, there needs to be screening for lighting & errant balls, asked how the screening would be maintained, and wants large evergreens.

Al Machek, 11342 Riverbank, was concerned that Riverbank might become common access way, felt it needed screening.

Jerri Gregory, 11721 Weiman, asked where the screening would be placed.

Pat Carney, 2450 Tiplady, felt this property has hardship, not a lot of community property, the township should work toward this, it's good for the kids, if he will make compromises, it should be considered.

Bill Donahey, Hamburg Township, suggested translucent netting to keep balls from going into the road.

John Rock, 11417 ? , asked if trees had to be outside the 50' mark. (cannot locate a John Rock, address is incorrect)

Ron Myers, 11417 Weiman, volunteered to help with screening using plants.

Mary Beauregard, ??, had brought the handicapped to Hell, it will bring in money to the area, is unique, it will be positive for the kids, probably will not be noisy, supports it. (cannot locate a Mary Beauregard in Putnam Township)

Sam Davis, 10557 Cedar Lake Rd, suggested there be paved areas for the handicapped rather than paving the whole lot & was concerned about children playing with balls; if a ball goes through the fence, they might follow it into the street.

Liz Christian, 11721 Weiman, stated there is a need for permanent toilets.

Press read 3 letters from citizens;

Keith Tianen, 11572 Riverbank, felt the miniature golf course did not meet the ordinance standards. Steve Delongchamp, 11341 Outer Drive, supports Colone in applying for permits from the township and supports it!

Frank Jantz, 11235 Silver Hill, stated that the ordinance was in place to protect the property values & quality of life for the citizens of the township & felt they should be upheld.

Closed Call to the Public at 9:05 pm

Discussion: Lester thanked the speakers for their input & explained that the issue was not whether or not to have a miniature golf course; the ZBA was not opposed to a miniature golf course here. The concern was that the need for these variances was self-created by Mr. Colone. This could have been designed and located so that there was no need for any variance requests.

Fordyce also thanked the people for their opinions and also stated no opposition to a miniature golf course. She commended Mr. Colone for his family friendly goals for the environment. The township supervisor requested an interpretation of the current ordinance in terms of miniature golf courses. The Planning Commission updated the ordinance to give miniature golf courses a legitimate place in the ordinance. And there are setbacks & requirements that need to be followed. Press noted that any use in the C-1 district had to abide by the ordinance requirements. Mr. Colone had not applied for or received any construction permits. The Planning Commission had approved nothing, his site plan was incomplete & tabled, and in August, 2007, the Commission sought an injunction to stop illegal construction by Mr. Colone.

Mr. Cooper and Mr. Barnwell, again, expressed their wish to keep the already constructed miniature golf course setback at zero instead of the required fifty feet. They would add an opaque screen to keep the golf balls from leaving the course instead of the landscape buffer. There was much discussion regarding the screening and the setbacks – safety being a primary issue and the screening concerns of the neighbors.

Benedetti stated how he thought this situation started. Lester, as a member of the Planning Commission as well as the Zoning Board of Appeals, also commented on the timeline of this issue.

The discussion continued with no progress. Mr. Colone responded to Press' question about the footage from the fence to the grass over the septic field that it is about thirty feet. Press asked Mr. Colone if he would be interested in a compromise. The discussion continued. Mr. Colone appeared resistant to any changes to the request of a zero setback. There was still no progress on the first variance request (front yard setback of zero instead of the required fifty feet along Riverbank Drive).

The Board moved on to the second variance. There was much discussion regarding the requested variance to the landscape buffer requirements. Mr. Colone would like to only add an opaque screen inside the six foot fence rather than the required landscape buffer. Jerry Lester reminded everyone of the LSL Planners Review.

Motion by Press and supported by Benedetti to approve

2) A variance to the landscape buffer requirements in Chapter 26, Section 17.E.1 along Riverbank Drive, to provide scattered trees but not a continuous, six (6) foot high buffer consisting of earth berms and/or living plant materials. But to use the landscaping print reference project number 71306, drawing name 306-LS, dated 3/25/08. In addition, the existing 6 foot fence will be backed with an opaque screening along the entire length of the southern fence line of the golf course.

MOTION DENIED (Press, Fordyce, Lester, Kekes, Anderson-Field opposed)

Press called for a five minute break. Upon returning, members discussed tabling the variances until the next meeting.

Motion by Benedetti and supported by Kekes to table the variances until the next meeting on June 23, 2008. MOTION CARRIED UNANIMOUSLY

OLD BUSINESS

1) Approval of ZBA Bylaws

This was postponed due to the lateness of the hour.

OTHER BUSINESS None.

ADJOURNMENT

Motion by Kekes and supported by Dolata to adjourn at 11:13 pm. MOTION CARRIED UNANIMOUSLY

Ingrid Weisz

Recording Secretary