

TYRONE TOWNSHIP PLANNING COMMISSION MINUTES

APPROVED STENZ -VELLIKY SHARED DRIVEWAY EASEMENT PUBLIC HEARING Zoning Ordinance Section 36C - Article 24.05.A.3

November 22, 2005

8:25 p. m.

PRESENT: Sally Eastman, Joe Fumich, Dave Hanoute, Richard Hartigan, Steve Hasbrouck, S. Randy Laue, Laurie Radcliffe

CALL TO ORDER: 8:25 p.m. by Chairman Hasbrouck

READING OF THE PUBLIC NOTICE: The notice was read aloud by Secretary Radcliffe

PURPOSE OF THE HEARING:

To receive comments regarding the request of James M. Stenz and Cristen L. Velliky for construction of a shared driveway at 7090 Linden Road, Section 29, Tyrone Township

CORRESPONDENCE:

November 22, 2005: Telephone call from Robert Wagnitz, 7114 Linden Road (RE parcel 29-300-034), informing the Planning Commission that as an adjacent neighbor he supported the request.

COMMENTS FROM THE PLANNER:

Tyrone Township Planner Greg Milliken had no comments.

PLANNING COMMISSION DISCUSSION:

Attorney **Cal Gatesman**, representing Mr. Stenz and Ms. Velliky, informed the Planning Commission that a new drawing had been provided together with a summary of the changes provided by Mr. Stenz. The entrance detail was shown on Sheet 3 (11/14/05 rev.) as well as the turn around and cross section. The driveway easement has been moved (6) feet to the south of the property line to avoid the creation of a non-conforming corner lot setback for the adjoining parcel. The 50 foot turning radii have also been noted and the open space calculations have been shown on Sheet 3.

Mr. Hanoute said he couldn't find the open space for Parcel B that was supposed to be located on Parcel C. Mr. Gatesman explained that the open space was located in the 6 foot strip on the north side of the shared driveway easement.

PUBLIC COMMENT:

Jason Pagnani, 8156 Driftwood, said he was purchasing the Parent Parcel (C). He thought he was supposed to have a shared entrance from Linden Road, but the new drawing shows the driveway coming into his yard for 50 feet before it swerves over. He wondered why the driveway to the new parcels wasn't brought over sooner. He was worried about the

maintenance of the first 50 feet because of the concrete trucks or lumber trucks tearing up the drive for the building construction going on behind him. He wanted to see the shared portion of the driveway leave his yard as soon as possible.

Mr. Gatesman said the driveway agreement, like most maintenance agreements, stated that if the beneficial users clearly caused damage they would become responsible to fix it. That is something that could be clarified at time of closing.

Mr. Hartigan noted that there is a maintenance agreement in place that makes all parties on the shared driveway, to some degree or other depending on the situation, responsible for the maintenance of it. The reason the driveway separation line was moved back is because the shared portion has to be out of the Linden road right-of-way, so the driveway goes a little past the edge of the right-of-way before the other one splits off.

PLANNING COMMISSION COMMENTS:

Mr. Fumich commented that the language usually included in the open space legal description which stated that no permanent structures could be located in the open space was missing. This description doesn't clarify the open space as far as any building. In the past, the legal descriptions that we approved indicated where the open space was and that no permanent structure could be built within it. This doesn't say that. It just refers to the ordinance.

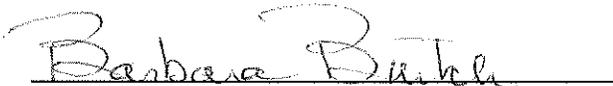
Mr Hanoute said he thought additional language was redundant, because it is referred to in the ordinance. Mr. Fumich said he still thought putting it in the legal description would make it clearer.

Ms. Radcliffe asked if there were any barns or sheds on the property and was informed by Mr. Gatesman that the tennis court was the only structure on the property beside the house.

CLOSURE: There being no further questions or comments, the hearing was closed at 8:13 p.m.



Laurie Radcliffe, Secretary
Tyrone Township Planning Commission



Barbara Burtch, Recording Secretary
Tyrone Township Planning Commission

CORRECTIONS TO THE MINUTES:

Page 1, Line 53: (Jason Pagnani, 8156 Driftwood, said ~~was~~ he was purchasing...)