

# TYRONE TOWNSHIP PLANNING COMMISSION

## APPROVED PUBLIC HEARING MINUTES

Article 24.05.A.3 - Shared Driveway Design Standards  
Richard Bryan Shared Driveway Land Division

February 13, 2007

8:00 p. m.

**PRESENT:** Robert Byerly, Sally Eastman, Dave Hanoute, Steve Hasbrouck, Mark Meisel, Laurie Radcliffe

**ABSENT:** Joe Fumich

**CALL TO ORDER:** 8:00 p.m. by Chairman Hasbrouck

### READING OF THE PUBLIC NOTICE:

The notice was read aloud by Secretary Radcliffe

### CORRESPONDENCE:

### PURPOSE OF THE HEARING:

To receive comments regarding the request of Richard Bryan, for shared driveway land division at 102 Jayne Road, R-1 parcel 01-100-030, Section 1, Tyrone Township, to access the parent parcel and three new parcels with a shared driveway from Jayne Road.

The City of Fenton maintains Jayne Road and oversees drainage and sight distance management.

### COMMENTS FROM THE APPLICANT

Mr. Bryan presented a revised site drawing.

**Al Mitten**, 13045 Woodstock, told the Planning Commission that Mr. Bryan's open space was really his property. He owns an acre behind his lot in Jayne Hill. The open space looks like it is on his property and it looked the same to a couple of his neighbors. The open space isn't open space. It is our private property.

Mr. Bryan said the dimensions of his parcel were correct. The drawing was made based on the information from his recorded deed. Mr. Hanoute, Subcommittee chairman, said that Mr. Bryan's legal description corresponded with his drawing. He couldn't tell if the drawing of the adjacent parcels were accurate or not, but they weren't relevant to the division of Mr. Bryan's parcel.

Mr. Bryan explained that the previous owner of his parcel sold off some of the original property to residents of Jayne Hill. The confusion is because his drawing shows part of the property that was added, but it doesn't show the relationship to the lots in Jayne Hill.

### COMMENTS FROM THE PLANNING COMMISSION:

### COMMENTS FROM THE PUBLIC:

**Robert Burgess**, 112 Jayne Road, said he lived on the east side of Mr. Bryan's proposed driveway. His problem was that everyone who would pull into the driveway would flash their lights into his bedroom. He wasn't happy about it. He thought Mr. Bryan should locate the

driveway on the other side of the property where there is an existing driveway and use that one since there is nobody on the west side of his property. Why is he running a driveway right along my house?

Mr. Bryan said there was a driveway on both sides of his property. Lengthening the driveway on the east side would require less land balancing than a driveway on the west side of his property and the natural grade on the east side fits better with the intersection of Jayne Road.

**Mr. Burgess** said he has three acres that he is happy with. Now, the proposal is to bring a shared driveway west of me. **Kathy Burgess** said they are living in their dream house and now there will be a driveway beside it. Mr. Bryan commented that there is a driveway there now and he hasn't received any complaints so far.

**Mr. Burgess** said his wife was told their house was built too close to the property line, and that isn't their problem. That is the Township's problem for letting the house be built there. The Recording Secretary told Mr. Burgess the preliminary setback estimate was based on an aerial photo without dimensions. The new site drawing shows that there is a 30 foot setback from his house to Mr. Bryan's property line. The setback width meets the Township requirements.

**Robert McKeon**, 116 Jayne Road, told the Planning Commission he lived in the City of Fenton across the street from Mr. Bryan. Headlights would be an issue for him. As the driveway is proposed, the lights would shine right into his living room, but his major concern is the drainage issue. When Jayne Road was paved, the surface of the road was raised and all the water from the road dumps into his yard. The City of Fenton did put in a small drain in the middle of his driveway that runs off to the east. First, they tried a swale and that didn't work so they came up with the drain, but his yard still floods in the Spring. He doesn't want it to get worse from a driveway that will be even longer than it is now. Everything on Mr. Bryan's plan seems to be graded toward his house. His driveway used to be level with Jayne Road and now he has to drive up hill to get to it. Mr. Bryan's driveway will connect to the crown of the road at the high point of the slope.

Mr. Hanoute asked him if the road was crowned so that water from the north side was directed to his property. Mr. Mekon said he has seen water get pushed to his property from water coming down Mr. Bryan's driveway. The drain in his driveway takes care of what is there now, but he is worried about a larger driveway running up hill farther into Mr. Bryan's property.

Mr. Hanoute said the issue had come up in Subcommittee and would be explored further. Mr. Hasbrouck explained that we had received a letter from the City of Fenton approving the driveway approach onto Jayne Road. Mr. Hanoute commented that the letter was in regard to clear vision, but didn't address drainage at all.

**Mr. Mitten** noted that he had moved to his home in May because of the wildlife. They have a pond in their back yard and a pond in their front yard. There are wild turkeys and deer in his back yard. If Mr. Bryan builds this little subdivision, all of that is going to go away. This is their dream home. They purposely retired from Sterling Heights to the country where they weren't too far from nice things. Now they are going to throw a subdivision in behind me.

**Jim Zayack**, 90 Jayne Road, believed that shared driveways are a property value deterrent. There are areas in Holly with shared driveways that have big problems. Maybe if it was a wider road it would be a better thing. Shared driveways junk up the neighborhood. Everybody is worried about their property values.

Mr. Hanoute told Mr. Zayack that the shared driveway would be built to the same specifications as a private road, but narrower. It can be 16 feet wide as opposed to 20 or 22 feet. Shared driveways are used to maintain rural character. Putting in a wider road would destroy more of the natural habitat. The Township expects the drives to be maintained properly and they will have to provide a maintenance agreement. The property owners will be responsible for

the maintenance of the driveway and all the property owners will be required to sign the agreement committing to that fact.

#### **CLOSING PLANNING COMMISSION REMARKS:**

Mr. Meisel noted that the open space language shown on the drawings wasn't correct. The language that prohibited future development was missing. Mr. Hanoute said that was discussed in Subcommittee, but it probably hasn't been taken care of yet. This will be checked when the final drawings come in. Mr. Hasbrouck noted that the Public Hearing was being held so suggestions and corrections could be included in the final drawing.

Mr. Hasbrouck asked Mr. Bryan to explain his plans for the existing buildings on the property. Mr. Bryan said he wanted to address his first comment to Mr. Burgess in regard to headlights. There is a potential for 4 homes on his property while the elevation of Mr. Burgess' house is high in regard to the driveway. He didn't feel the head lights from the driveway would be as much problem as cars turning the corner from Leroy Street. He can see the Leroy Street headlights from some of the rooms in his house.

Mr. Bryan said he likes wildlife too. Originally, he had considered a ten unit site condo development for the property. This new plan will help maintain a rural setting. The open space location was related to the best building sites which are located in the middle of the property.

Ms. Radcliffe asked about the vegetation existing in the open space area on the south side of the property. Mr. Bryan replied that there was a mixture of trees and brush with some mature oaks and walnuts. Ms. Radcliffe commented that the way the open space had been located would protect Mr. Mitten's property. The building sites will have to be set back from the edge of the open space so they will be even farther from Mr. Mitten's property. There is still a lot of protection there and the animals will still be around.

Mr. Bryan said he had worked with an arborist before he prepared his plans for the property and plans to do as much replanting as he can. Ms. Radcliffe noted that there are trees along the east property line that would help refract light and Mr. Bryan planned to remove the existing house and outbuildings on the property. Mr. Bryan commented that he would probably take the house down by hand, because he wanted to salvage some of the materials.

**Roger Terril**, 11205 Denton Hill, thought we were supposed to be talking about driveways. Now we are talking about drainage which will affect him. He thought the notice was confusing because it didn't mention houses. He wasn't prepared to discuss houses.

Mr. Hasbrouck explained that the purpose of the hearing was to take comments about the driveway. A hearing isn't required for splits, but because they will be accessed by a shared driveway, we have to have a public hearing. The driveway and the land divisions are included in the site plan and reviewed all together.

Mr. Hanoute commented that the Planning Commission was concerned about drainage from any development that takes place on Bryan's private easement. We will address concerns about drainage that comes off the drive and building sites adjacent to the drive at another Planning Commission meeting.

Mr. Terril recalled that there had been a plan to put a curbed and guttered road up there. He thought a dirt curb and gutter road would last about ten minutes. Mr. Hanoute explained that all the water wouldn't come from the road. Some will come from the building site driveways and rooftops. There will be a ditch on each side of the road which will carry the water to Jayne Hill.

Mr. Bryan said the highest point of his property was in the middle. Mr. Hanoute observed that

the land around the cul-de-sac could be tailored to direct the drainage. The building sites might not be an issue, but the road surface could. The Planning Commission will study that in further detail before we make a recommendation.

Ms. Eastman wanted to make sure the information people received was helpful, and asked what they could receive to help them know what the hearing was about. Mr. Terrill said he would have liked to understand that they were going to discuss four parcels. He only came because he got the notice. Had he known that they were going to discuss building sites and other things, he might have been more prepared for discussion.

Mr. Byerly asked if information about the direction of drainage from the cul-de-sac and the location of the drainage swales had been shown on the drawing. Mr. Hanoute said that was indicated by the arrows along the side of the road in the new drawing. It isn't sufficient for our needs yet, but we will review it as we go along. The issue is what happens when it gets to Jayne Road.

Mr. Hasbrouck said based on the public input, the Planning Commission will determine if more information needs to be added or if it meets the requirement now. We can request more information and more work with the design related to problems that may arise from construction activities.

Ms. Burgess wanted the Planning Commission to know that their home had lower level sliding glass doors on the side of the building facing Mr. Bryan's driveway location.

There were no further comments and the hearing was closed by Chairman Hasbrouck at 8:35 p.m.

  
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Laurie Radcliffe, Secretary  
Tyrone Township Planning Commission

  
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Barbara Burtch, Recording Secretary  
Tyrone Township Planning Commission