

Building in Critical Dune Areas Frequently Asked Questions about Driveways Water Resources Division

How are driveways reviewed for a permit?

The applicant applies for a permit with the driveway(s) drawn on scaled and dimensioned drawings and shown in the cross-sections. The drawings will include all existing and proposed driveways. Sample application drawings are available at Michigan.gov/CriticalDunes.

The Department of Environment, Great Lakes, and Energy (EGLE) reviews the drawings and determines if a driveway meets the criteria of section MCL 324.35311a in Part 353, Sand Dunes Protection and Management, Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. MCL 324.35311a describes the conditions and criteria for a driveway; its construction, improvement and maintenance. Specific criteria are written for slopes between a one-foot vertical rise on a four-foot horizontal plane and a one-foot vertical rise on a three-foot horizontal plane, and for slopes exceeding a one-foot vertical rise on a three-foot horizontal plane. The section also describes temporary construction access and defines a driveway. There can be only one driveway determined as fulfilling MCL 324.35311a. Additional driveways are reviewed under criteria found in the rest of the statute.

There is a driveway on my lot that currently meets the criteria in MCL 324.35311a. Can I have another driveway?

Maybe. The additional driveway must be reviewed according to specific sections found in the rest of the Critical Dune Areas statute. It will not be reviewed under MCL 324.35311a . If the driveway cannot be permitted using the applicable section of the statute, the applicant may submit a request for a [special exception](#) to EGLE. A special exception is like a variance from the local zoning administrator. Please see the Frequently Asked Questions about a Critical Dune Area Special Exception and the Special Exception Application, at Michigan.gov/CriticalDunes. Applying for a special exception does not guarantee that EGLE can issue a permit for the driveway.

I want to design the driveway to meet the criteria in MCL 324.35311a. How wide can my driveway be?

The driveway may only impact a width of 16 feet or narrower through the critical dune area, regardless of the width of the drivable surface of the driveway, MCL 324.35311a (3). The driveway impact includes the use of retaining walls, bridges, or similar measures.

I want a driveway as allowed by MCL 324.35311a, and with a width greater than 16 feet. Can I add an accessibility measure as defined in MCL 324.35311b?

No. An accessibility measure cannot be added to increase the width of a driveway. Accessibility measures must meet American National Safety Institute standards. MCL 324.35311b (2) states accessibility measures do not include driveways.

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