

FINAL
CHARTER TOWNSHIP OF COMMERCE
ZONING BOARD OF APPEALS MEETING
Thursday, May 15, 2025
2009 Township Drive
Commerce Township, Michigan 48390

A. CALL TO ORDER: Vice Chairperson Mills called the meeting to order at 7:00pm.

ROLL CALL: Present: Rusty Rosman, Chairperson
Robert Mistele, Secretary
Rick Sovel
Bill McKeever
Sarah Grever, ZBA Alternate Member
Absent: Clarence Mills, Vice Chairperson (excused)
Also Present: Paula Lankford, Senior Planner
Jay James, Engineer/Building Official
Debbie Watson, Recording Secretary

Chairperson Rosman introduced the Members of the Board to those present, as well as Jay James and Paula Lankford. She explained that Grever would be sitting in for Mills.

B. APPROVAL OF MEETING AGENDA

MOTION by Sovel, supported by McKeever, to approve the Zoning Board of Appeals Regular Meeting Agenda for May 15, 2025, as presented.

ROLL CALL VOTE:

AYES: Sovel, McKeever, Rosman, Grever, Mistele

NAYS: None

ABSENT: Mills

MOTION CARRIED UNANIMOUSLY

C. APPROVAL OF MEETING MINUTES:

MOTION by Grever, supported by Mistele, to approve the Zoning Board of Appeals Regular Meeting minutes of March 20, 2025, as written.

ROLL CALL VOTE:

AYES: Grever, Mistele, Rosman, Sovel, McKeever

NAYS: None

ABSENT: Mills

MOTION CARRIED UNANIMOUSLY

D. PUBLIC DISCUSSION (on matters for which there is no public hearing scheduled)

None.

E. UPDATE OF ACTIVITIES IN COMMERCE TOWNSHIP:

Rick Sovel – Township Board

- We have 3 Kroger stores in Commerce Township. They have requested to build a new store to replace the one at 14 Mile & Haggerty, just north of where the current store is. The proposal was turned down last month. It was brought up for reconsideration last Tuesday and it was approved.
- And don't shoot the messenger, but we're going to be getting two more roundabouts in the Township. Hopefully it will help to improve some of the traffic. One will be at Richardson and Martin Road, and the other at Union Lake and Richardson. It will probably cause roads to be shut down for close to a year. They're thinking tentatively 2027 and 2029.

Paula Lankford – Actually Rick, they are now looking at doing both of them in 2028, together.

Sovel – Okay, thank you.

Chairperson Rosman – To add to what Rick said, the new Kroger will be immediately to the south of where the Home Depot is located.

Bill McKeever – Planning Commission

- At our April meeting, we approved a site plan for Dort Financial Credit Union. It is going to be upon Unit #1 of Phase I at Five & Main.
- There was discussion on the Kroger matter, and we recommended approval of that.
- At our last meeting, we approved a site plan for LaFontaine Automotive Group to make additional renovations to the former Dick Morris car dealership that they are in the process of updating, upgrading and beautifying.

F. OLD BUSINESS:

None.

G. NEW BUSINESS:

ITEM G1. PA25-01 – GREGORY DOCKING – PUBLIC HEARING

Gregory Docking of Commerce MI is requesting a variance from Article 6 of the Zoning Ordinance to remove an existing carport and to construct an attached garage that would encroach into the minimum required front yard setback located at 3142 Adele Terrace. PIN# 17-11-428-006

Chairperson Rosman reviewed the requirements for receiving either a dimensional and/or sign variance from the Zoning Board of Appeals, including the fact that all standards are to be met by the applicant. She assured the applicants present that the site of the proposed variance has been visited by the members of the Zoning Board. She also explained that if a petitioner's variance request is granted, they will receive their letter of approval by mail. It is imperative that the letter be presented when applying for a building permit. A variance is valid for 365 days from the date of the approval letter. If the variance is used, it runs with the land; however, if it is not used, it expires.

Chairperson Rosman opened the public hearing.

The petitioners, Gregory & Ashlee Docking, 3142 Adele Terrace, were present to address the request.

Gregory Docking – We're requesting the variance because the carport is an eyesore right now. The request is for a 9-foot variance. I requested a 25-foot garage because I have a full size pickup. I need that to be able to fit in there, along with another car I would like to put in there, and to be able to store my kids bikes. We are a growing family so I have a lot of kids toys that I would like to get out of the carport too. And just to be able to update the curb appeal of the house. I think it will raise other property values as well.

Ashlee Docking – Currently, our house, we have no storage; we have no basement and no upstairs or anything like that. I know one of the proposed ones, it went further, almost into our house to build a garage in order to not have the variance, but we are so limited with space as it is with a family of four, and no basement, no garage and no upstairs, that that's not really possible. We looked at all of the other options as far as different layouts, but with our septic field and whatnot, that's not going to work either. Also, just even with safety concerns, I feel like right now, you know when we're home and when we're not home, when you have a carport. And everyone else in our area has a garage except us. In order to conceal when we are home, or not home, for safety reasons, I would also like it.

Gregory Docking – And you can see, as you know, the lot is on a curved road, so it's not of our doing, which is one of the points there.

Chairperson Rosman – Thank you. Is there anything else you'd like to share with us?

Ashlee Docking – No, but if you have questions for us, we're happy to answer them.

Chairperson Rosman – Is there anyone here from the public who would like to address this issue this evening?

Lawrence Greene, 9090 Marilyn Terrace, Commerce Township – We are just around the curve from where Greg lives. I've been a resident since 1985 and lived in the neighborhood. My wife has been here since 1972. We don't see any problem with this at all, from a safety standpoint or screwing up the looks of the neighborhood, or what have you. We're here in support of the project.

Chairperson Rosman – Thank you very much. Anybody else?

Carl Klein, 9030 Marilyn Terrace, Commerce Township – We live directly across the street from Greg and Ashlee. We have a direct line of sight to their carport right now, and if they did an upgrade to a garage, it would be a tremendous upgrade to their house, and for our view. So, we hope they can get this done. Also, I agree with them that not seeing their cars would be a big benefit to them. I understand not being able to do anything because of their septic field. That makes a lot of sense, and I understand why they need the variance now. They're kind of caught between a rock and a hard place. I hope you approve of this. Thank you.

Chairperson Rosman – Thank you very much. Anybody else? Hearing none, I will turn to the folder. We had a letter submitted today.

There were -0- returns and -6- letters, as follows.

- Chairperson Rosman read a letter into the record, dated May 15, 2025, and submitted by Marilyn, Lon and Traci Shook, 9075 and 9110 Marilyn Terrace, Commerce Township. It was a 5-page document, including a 2-page letter and 3 pages of attachments. The parties were opposed to the variance request and provided detailed reasoning.

- A form letter, in support of the variance request, was submitted by the following 5 neighbors:
 1. Lawrence Liotino, 3165 Adele Terrace, Commerce Township, dated 04/27/25
 2. William Nodacker, 3152 Adele Terrace, Commerce Township, dated 04/28/25
 3. Carl Klein, 9030 Marilyn Terrace, Commerce Township, dated 04/25/25
 4. Jeffrey S. Hopkins, 9020 Marilyn Terrace, Commerce Township, dated 04/27/25
 5. William Stockdale, 3147 Adele Terrace, Commerce Township, dated 04/27/25

Chairperson Rosman closed the public hearing as there were no additional questions or comments.

Board Comments:

Mistele –

- It is pretty obvious to me that the lot is unique. I don't know if I have ever seen one curved like that on three sides, so it's definitely unique.
- I walked up and down the property a decent amount, looking to see if I felt there would be any visual impairment with the road. Based on curve and how it was, I didn't think this would impact anything or cause any safety issues. So, I don't have any concerns with visibility here.
- I also noticed that all of the other houses in the area have garages, so I think this would do substantial justice by putting them on equal footing.

Grever –

- I want to start with, I want to see you with a garage. I understand the need.
- And yes, your neighbors all have it, but the need would be great.
- I do have a question. In your carport right now, you do have larger storage like the snowmobiles and the boat. Do you have plans to properly store those within the ordinance so they're not in the garage?

Ashlee Docking – Yes, so typically, the snowmobiles are up north at our property, but with all of the ice storms that happened, we haven't been able to get up there with them.

Gregory Docking – And then where the new driveway is proposed, we'd be able to store the boat on the side of the house behind it.

Ashlee Docking – Yes, so again, it would look nicer if we had the garage and the extended driveway to park it.

Gregory Docking – And during the winter, I do indoor storage.

Grever – Okay, that's good. I know you have a lot of things, which I can completely relate to. When I visited, there were three vehicles at your lot. There was a truck on the road, parked on the curve, and then there were two vehicles in your driveway. So, I thought, well, that would be nice if you did have a garage for that and a larger driveway, but it did impair my sight of vision right now. This curve is unique because it is so obtuse. I feel like this is kind of a dangerous area.

Ashlee Docking – We just had seven trees cut down to make it wide open so that the trees aren't impairing any vision, just so people coming around the corner would be able to see. We also don't plan on putting in any large bushes or trees. It added about 20 to 30 feet of visibility coming around the corner, now that the trees are gone.

Grever – That's great. I like the effort you put in, because you have children too.

Ashlee Docking – Yes, it was a big deal.

Grever – So, you had mentioned that there was an idea for a proposed garage that cut into your house. I have a hand sketch here in red where the proposed building could envelop or encroach onto the one corner of your house.

Ashlee Docking – That's our bathroom.

Gregory Docking – So, there's actually a door wall where that proposed sketch is.

Ashlee Docking approached the overhead to indicate details.

Ashlee Docking – This is where the current carport is, and at the end is our master bathroom. We only have a 2-bathroom house. And then, there is our door wall to our bedroom. We're already crammed in this little house, so we don't want to lose any square footage inside the house.

Gregory Docking – That's a sliding glass door.

Grever – To the outside?

Ashlee Docking – To the outside, and the proposed sketch would encroach.

Grever – And that's your only exit to get to your yard?

Ashlee Docking – On the south side of the house.

Grever – Ideally, I would love to see the red for your garage.

Ashelee Docking – That's what I'm saying, it would cut our bedroom down and it would take out our bathroom.

Gregory Docking – Also, I'm not sure about access to the well. If I needed to work on the well, it's in the back there. To be able to get a truck back there to pull the pump out...

Ashlee Docking – Right, you can see the "W" for the well.

Grever – You'll need at least 9 feet in between the fence and your corner of the proposed garage.

Gregory Docking – Yes, and I don't know what the exact measurements are.

Ashlee Docking reiterated the location of the master bedroom.

Grever – I didn't see the red line going through the house, that's why I didn't think it would affect your layout of your house at all. It would stay on the outside.

Gregory Docking – It's like an L-shaped garage.

Grever – Yes. So, you would have a 30-foot deep garage to the southeast, and then you would have a shorter garage section between the master bathroom and the setback line.

Gregor Docking – Yeah, that line would go right in the middle of our door.

Grever – That's why I asked, is that your only exit right now?

Ashlee Docking – From that side, yes.

Grever – Okay. Still ideally, I would love for the red to be there. That is a really cramped corner. I don't have any further questions or conversation about it. Thank you for answering.

Sovel – Jay, in my view, this is not a unique property; it's an extremely unique property with the curve. When I look at it, it almost looks to me like they have three front yards the way it curves. On a corner lot, we consider it a front yard. I support what you want to do. The only reason I'm saying it is because you mentioned putting snowmobiles or boats on the side, to me, I don't think they have a side.

Jay James – They do. Per our Zoning Ordinance, it actually specifically addresses pie-shaped lots. They have road frontage on the large curve which is the front yard, and then the backyard is determined by drawing a line that's 10-feet from the corner out, with a line that runs parallel to the house, and that becomes their rear setback line that you measure their rear setback from. So, the sides of the house are still ...

Sovel – Where does it say Lot #79, where is the side yard on that side?

Jay James indicated the side yard on the overhead and how it is determined.

Sovel – But their front yard curves ...

Jay James – This is all their front yard.

Gregory Docking – So, are you allowed to park a trailer in the side yard?

Jay James – Yes.

Gregory Docking – So, I actually got a letter from the Township because somebody called the Township about my trailer parked on that side. They said that was considered my front yard.

Jay James – If it was sticking out past the front face of the house, that would be considered ...

Ashlee Docking – It wasn't.

Jay James – By our ordinance definition, this is your side yard right here.

Sovel – The only thing I'll bring up is I don't want any surprises. I don't want you to spend all of this time, energy and money building it to get stuff in the garage, which we appreciate, and then all of a sudden you find out that you can't do what you want to do.

Gregory Docking – I appreciate that.

Sovel – So, just meet with them so you can have it laid out exactly. I've been doing this forever, and I'm still not clear where it is.

Gregory and Ashlee Docking agreed.

Gregory Docking – So, a boat would be okay on the side?

Jay James – Correct.

Paula Lankford – Along here?

Ashlee Docking – Yes.

Jay James – Along there, or all the way back. And actually, you can store your boat all the way in your backyard.

Gregory and Ashlee Docking agreed.

Ashlee Docking – When we were putting in the proposed new driveway, it was going to go back further, so that would be in the side yard.

Sovel – What year did you buy the house?

Gregory Docking – 2018.

Sovel – Have you made any improvements to the exterior?

Gregory Docking – I put a new roof on last year.

Sovel – Footprint wise, you have not changed anything?

Gregory Docking – No.

Sovel – So the carport, what we see is what it was when you bought it?

Ashlee Docking – Oh, yeah.

Gregory Docking – How long has that carport been there?

Lawrence Greene – A long time.

[Neighbors crosstalk – 1960.]

Sovel – All I care about is from when you bought it. I know you don't have everything finalized at this point, but will the garage roof peak match the house roof peak?

Gregory Docking – That's what I'm picturing. I do want to get an architect. I did not get an architect yet. I have one lined up, but I didn't have him drawing the plans up yet because I wasn't sure if this was going to be approved or not. Ideally, yes, I want it to come straight out, obviously, and have the roof lines match up.

Ashlee Docking – Because that was another issue with what you said about the red proposal – that was really going to impact the roof significantly, and we just got a new roof. So, then we would have to ...

Grever – Yes, roof jointing is almost an impossible job. All right, that's a good point. Thank you.

Sovel – I just want to make sure you're not going to extend the garage with a peak that's taller than the peak of the house.

Ashlee Docking – No. It would align with the peak of the house. That's the plan.

Sovel – I appreciate you putting in the effort to try to clean up the neighborhood and your yard. As Rusty says, the more toys you can get in your garage, the happier the Township is, so thank you for doing that.

Ashlee Docking – Yes, we have a 2 and a 4-year-old so that's a lot of toys.

Chairperson Rosman – Lots of toys. Thank you. Bill?

McKeever – I have no problems or questions at all. Everything that the petitioner presented I agree with.

Chairperson Rosman – I don't have a problem with anything you're asking for, but I'll tell you what my concerns are. Because you don't have a basement, or an attic, or extra storage, the garage becomes the basement, and all the cars are still outside. I don't want that.

Ashlee Docking – Well, I can answer that for you. Currently, we have a sunroom in the back of the house.

Gregory Docking – It's right where it says HSE.

Ashlee Docking – Yes, that's where the sunroom is. That is ...

Gregory Docking – Kind of our storage area.

Ashlee Docking – That has been our storage.

Gregory Docking – And we do have an attic.

Chairperson Rosman – Okay, but that's your "basement".

Ashlee Docking – Yes.

Chairperson Rosman – I get that. Here is what my concern is. Because of the curve and the sightline, if the garage gets filled up, like with a boat and other things, you're going to be parking outside of the garage. So, the purpose of the garage isn't being fulfilled for why you came here. I am very concerned about where the vehicles will go because of the sightline. I very much want to impress upon you, Commerce Township has an ordinance that begins on May 1st and ends on October 31st, during which you can store your boat outside. However, from November 1st to April 30th, it needs to be in storage. So many people leave it on their driveway, or they try to put it in their yard, and it doesn't fit. Part of the fun of owning a boat is that you store it.

Ashlee Docking – Which we do.

Gregory Docking – I do it every year. My uncle works at a marine shop. It goes into indoor storage every year.

Chairperson Rosman – Okay, I want to make sure that the big bulky things that are a problem are not allowed or are not there to prevent you from parking inside. We also raised children. I get all the stuff, and it seems to multiply the older they get. What I do know is that we want your vehicles inside.

Ashlee Docking – So, with that design, that's perfect with what you're saying. So, typically the snowmobiles would be up north. And, with that design, our boat will no longer be in the front of our house. We would be able to park it behind on the side of the house.

Chairperson Rosman – Double check with Jay of how far back it has to be from the front of the building. My concern is that the joy of having a garage is that it fills up with stuff, and then the intent of parking in there is now back on the driveway. I don't want that.

Gregory Docking – Understood.

Chairperson Rosman – It's a sight issue for some people. I'm perfectly happy to give you a garage, but I really want to know that you're working with Commerce Township to make it appealing to everybody with safety first. That's important.

Ashlee Docking – Yes.

Chairperson Rosman – The other thing I want to tell you is, you can't do better than Commerce Township. Make an appointment with Jay, sit down with your plans, bring in your architect and figure it all out ahead of time. Commerce is fabulous about that. We want you to be successful. Jay is perfectly willing to give the time and the effort into helping you figure it out, so you don't pay for the plans and then realize it won't work.

Chairperson Rosman asked if Paula or Jay had anything to add. They did not.

MOTION by Sovel, supported by McKeever, to approve Item PA25-01, the request by Gregory Docking of Commerce MI for a 9.0 foot variance, relative to the minimum front yard setback required by the dimensional standards of Sec. 6.01, from Article 6 of the Zoning Ordinance to remove an existing carport and to construct a proposed addition, an attached garage, that would encroach into the minimum required front yard setback located at 3142 Adele Terrace. PIN# 17-11-428-006.

Move to approve the variance for Item PA25-01, requesting a variance from Article 6, Section 41.09 of the Commerce Township Zoning Ordinance, for a 9-foot variance, for the following reasons:

1. The property is an extremely unique property as to the footprint;
2. The need for the variance is not self-created;
3. Giving the applicant a garage will put them on equal footing with other properties in the neighborhood; most of the properties in the neighborhood have a garage;
4. It is unique because of the curvature of the property;
5. There will be no adverse impact on any other residents;
6. This also solves construction equity;
7. The garage roof will match the house, and the roof peak will match the house roof peak, and it won't be higher than the existing pitch.

ROLL CALL VOTE:

AYES: Sovel, McKeever, Mistele, Grever, Rosman

NAYS: None

ABSENT: Mills

MOTION CARRIED UNANIMOUSLY

Gregory Docking – Thank you.

Chairperson Rosman – Congratulations. We look forward to a beautiful garage. And do know that the assessor will notice that you have a garage. You might see an increase on your taxes when you receive your assessment.

Ashlee Docking – Okay, thank you.

H. OTHER MATTERS:

None.

I. CORRESPONDENCE:

None.

J. PLANNING DIRECTOR'S REPORT:

Paula Lankford discussed the following with the Board:

- Andy Milia, the developer of The Reserve at Crystal Lake, is coming before the Planning Commission in June for a concept for the middle portion of the gravel pit. It's a new subdivision with single-family lots.
- At Five & Main, we have the new Dort Credit Union, as Bill said. There will also be a shoppette coming soon, which is a retail plaza. In addition, Channel 7 News will air a story on the Commerce downtown development tomorrow.

- We have a new employee in the Planning Department. We just hired an Associate Planner. His name is Nicholas. We don't have a start date yet for him. He is finishing up his studies abroad in Germany. He will be here toward the middle or end of June.

Chairperson Rosman asked if a date is set for the roundabout at Wixom Road, Duck Lake Road and Commerce. Jay James replied no; it's on the RCOC's list, but there is no funding or timeline.

Chairperson Rosman inquired about repaving of Welch Road where it meets Oakley Park and wondered if that is on a list. Paula replied that she just checked on Welch Road status and there was nothing. Sovel discussed Tri-Party funds where the Township, RCOC and the Board of Commissioners each pay a third. Those are supposed to be small projects that the Township selects; however, the County suggested that the Township pay to repave Welch Road. The Township said no and told the County that they get tax dollars to do that work. Now the project is not on a list.

Chairperson Rosman noted that Paula had a question about paper agendas versus electronic copies. Paula stated that Rusty still wants a full packet. The remainder of the Board members would like only the site plans printed, and Paula would make them available in the lock box.

K. ADJOURNMENT:

- **NEXT REGULAR MEETING DATE: THURSDAY, JULY 24, 2025, AT 7:00PM.**

MOTION by Mistele, seconded by Grever, to adjourn the meeting at 7:43pm.

ROLL CALL VOTE:

AYES: Mistele, Grever, Rosman, Sovel, McKeever

NAYS: None

ABSTAIN: Mills

MOTION CARRIED UNANIMOUSLY

Robert Mistele, Secretary