

**PENTWATER TOWNSHIP
500 N. HANCOCK ST.
P.O. BOX 512
PENTWATER, MICHIGAN 49449**

**Zoning Board of Appeals Meeting
November 18, 2025, In-Person at 7:00 P.M.**

CALL TO ORDER

Chairperson Jean Russell called the meeting to order at 7:02 PM

ROLL CALL

Jean Russell	Present
Mike Flynn	Present
Terry Cluchey	Present
Mark Trierweiler	Present
Jeff Wrisley	Present

Keith Edwards the Zoning Administrator was present during the meeting.

APPROVAL OF THE AGENDA

Jeff Wrisley moved to approve the agenda of November 18, 2025, and Terry Cluchey seconded. All ayes and the agenda was approved.

APPROVAL OF MINUTES

Jeff Wrisley made a motion to approve the minutes of June 17, 2025, not 2024, as corrected, and Mike Flynn seconded. All ayes and the minutes of June 17, 2025 were approved.

OLD BUSINESS – None

NEW BUSINESS

A. Property ID No. 64-001-036-400-13, Vacant property in the southeast corner of the Township, southwest of the curve of Wayne Road just south of 5029 Wayne Road.

Section 4.04 D requires a minimum lot size of 10 acres where a minimum of 3.66 acres is proposed. The applicant seeks to restore (divide) the property configuration from one lot of approximately 7.42 acres to the originally approved 2 lots of 3.66 and 3.76 acres respectively which is currently consistent with the rest of the properties along the private drive.

Chairperson Jean Russell opened the public hearing at 7:08 pm and asked for comments from the public.

Brian Akey, property owner and applicant was present. Mr. Akey is asking for a non-use variance returning the property to its original lot lines.

The board had no questions to Mr. Akey.

Per Keith Edwards, Zoning Administrator, he has received no written responses from the public notice of the variance request.

No other members of the public were present in the room.

Chairperson Jean Russell, hearing no further public comment closed the public hearing at 7:15 pm.

Chairperson Jean Russell asked for a roll call vote from the ZBA members on each of the following Review Standards for variances in Section 4.04 D of the Zoning Ordinance.

- 1. First Standard – Practical Difficulty.** A practical difficulty exists when there are exceptional or extraordinary circumstances or conditions applying to the property (such as exceptional narrowness, shallowness or shape of the property, topographic conditions, conditions caused by the use or development of the property immediately adjoining the property in question), where such practical difficulty would unreasonably prevent the owner from using the property for a permitted use or would render conformity unnecessarily burdensome.

The applicant stated that He should not have requested for the properties to be combined in 2024 and did not understand that the property as combined could not be divided by right. The practical difficulty is that the entirety of the existing development is nonconforming with respect to the minimum area requirements of the RR, Rural Residential Zoning District which requires a

minimum of 10 acres per lot, and the applicant cannot acquire additional property to meet the requirement.

**VOTE: Yes = Russell, Cluchey, Wrisley, Flynn, Trierweiler.
No = Zero.**

- 2. Second Standard – Special or Unusual Circumstances.** The circumstances creating the need for the variance must be peculiar to the land, structures or buildings involved and shall not be recurrent or applicable as to a sufficient number of other lands, structures or buildings in the same zoning district, to a degree that the ZBA concludes that a general zoning ordinance amendment would be more appropriate.

The Zoning Board of Appeals finds that circumstances creating the need for the variance are peculiar to the land, and the proposal would return the property to its original two-lot configuration and dimensions.

**VOTE: Yes = Flynn, Russell, Wrisley, Trierweiler, Cluchey.
No = Zero**

- 3. Third Standard – Substantial Justice.** The Zoning Board of Appeals should find that strict application of the ordinance provisions would deprive the applicant of property rights that are commonly enjoyed by other properties in the same zoning district.

The Zoning Board of appeals finds that would result in deprive the applicant of the rights of other owners in the development to own two properties of approximately 3.5 acres as is commonly enjoyed by all of the other properties within the same development.

**VOTE: Yes = Trierweiler, Cluchey, Wrisley, Flynn, Russell.
No = Zero.**

- 4. Fourth Standard – Protecting Neighborhood Properties.** The Zoning Board of Appeals shall not grant the variance if it would cause a substantial detriment or harm to other lands and uses, or if in the judgment of the Zoning Board of Appeals, the variance would be contrary to the spirit and purpose of the Zoning Ordinance Regulations.

The Zoning Board of Appeals found no harm to neighborhood properties associated with the variance request.

**VOTE: Yes = Cluchey, Wrisley, Flynn, Russell, Trierweiler.
No = Zero.**

- 5. Fifth Standard – Not Self-Created.** If the Zoning Board of Appeals determines that the applicant or the applicant's representatives were involved in any action or inaction with respect to the property, prior to the variance request, where such action or inaction created the circumstances which prompts the variance request, no variance shall be granted.

The property owner is asking to return the property to its original lot lines, and the property owner was not involved in changing the Zoning District classification or requirements after the development was created.

**VOTE: Yes = Wrisley, Flynn, Russell, Trierweiler, Cluchey.
No = Zero.**

- 6. Sixth Standard – Minimum Variance Necessary.** The Zoning Board of Appeals shall grant only the minimum necessary variance from current Zoning Ordinance provisions to afford the applicant the relief created by the requested variance.

The Zoning Board of Appeals finds that the applicant is requesting the minimum variance necessary to return the two properties to their original dimensions.

**VOTE: Yes = Flynn, Russell, Trierweiler, Cluchey, Wrisley.
No = Zero.**

- 7. Seventh Standard – Voting.** Trierweiler moved to grant a non-variance from Section 4.04 D of the Zoning Ordinance for a minimum lot size of 10 acres where a minimum of 3.66 acres is proposed to restore the property configuration from one lot of approximately 7.42 acres to the originally approved 2 lots of 3.66 and 3.76 acres respectively. Supported by Cluchey.

**VOTE: Yes = Trierweiler, Cluchey, Wrisley, Flynn, Russell.
No = Zero. Motion Passes.**

PUBLIC COMMENT

None.

Keith shared copies of five Zoning Ordinance Amendment approved by the Township Board of Trustees to be added to each member's Zoning Ordinance book. He also gave an update regarding short-term rentals, and sustainable energy uses.

ADJOURNMENT

Jeff Wrisley moved to adjourn the meeting at 8:10 PM. Mike Flynn seconded. All Ayes and the motion to adjourn was approved.

Respectfully submitted by,

Keith Edwards, Zoning Administrator November 18, 2025

Approved by the Zoning Board of Appeals on September 18, 2025