



# **RICHLAND TOWNSHIP**

*Kalamazoo County*

**Richland Township Zoning Board of Appeals  
Minutes of a Meeting Conducted on March 22, 2023**

A regular meeting of the Richland Township Zoning Board of Appeals was conducted on March 22, 2023, commencing at 5:30 p.m. at the Township Hall.

**Present were:**

Robert Burr  
Cory Burton  
Ron Vorholt  
Bill Witters, Alternate

**Absent was:**

Trudy Luedeking  
Daniel Agauas

Also present were Township Clerk/Zoning Administrator Bear Priest; 6 members of the audience and Township Attorney Roxanne Seeber (arrived late due to detour).

**CALL TO ORDER AND ROLL CALL**

The meeting was called to order at 5:33 p.m. and the roll was called.

**APPOINTMENT OF CHAIRPERSON**

Burton moved, supported by Witters to appoint Burr as chairperson of the ZBA. The motion passed by a vote of 3-0 with Burr abstaining,

**MINUTES**

The minutes of the January 25, 2023 meeting had been provided to the members of the Zoning Board of Appeals in their packets.

Witters moved, supported by Vorholt, to approve the minutes as submitted. The motion passed unanimously.

**CORRESPONDENCE**

There was no non-agenda correspondence.

**PUBLIC COMMENT**

None.

Richland Township  
Zoning Board of Appeals Minutes  
March 22, 2023

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**NEW BUSINESS**

**PUBLIC HEARING**

- **AVB Construction Variance Request for Entrance Sign at The Ranch.**

The first business item on the agenda was the request of AVB Construction, 6900 Chaffey Trail, (Parcel No. 3903-29-201-018) for an 8’8” sign height variance from the 8’ neighborhood entrance sign height limitation in order to permit a neighborhood entrance sign 16’8” in height. Josh Applegren appeared on behalf of AVB Construction and explained that they wished to put the words “The Ranch” on the top bar of the entrance structure to the development. He provided supplemental documents to the members of the Zoning Board of Appeals. He explained that they wished to place “The Ranch” sign in wrought iron or metal on the top beam of the entryway. While they could place the letters on the side bars of the structure in order, they did not wish to detract from the existing structure design which included bricks and landscaping on the lower portion. Priest explained that the entrance structure was permitted as an accessory structure, which met the size and height standards for the same. The issue was just placing lettering on the top beam, which was higher than that permitted by the Zoning Ordinance.

Burr inquired as to whether there were other locational options for the sign. Jack Gesmundo responded for the applicant that the unique nature of the entryway would not be enhanced by the placement of the sign on the bricks. He indicated that the beams were already stained and ready to be placed. The sign, he said, would not be illuminated.

The Chairman opened a public hearing on the request. Mrs. Pelletier of 6725 E. “E” Avenue voiced concerns about whether there was enough height to allow for deliveries and other taller vehicles to get under the sign.

Burr stated that the question was an unusual one because the arch was permitted as an accessory structure. The issue was really putting the letters on the arch, as opposed to on the supporting structures on the side of it. Nelson Pelletier of 6725 E Avenue inquired as to what the hardship was. Burton explained that the Zoning Board of Appeals has 6 standards to review and that the applicant must meet all of the standards in order for a variance to be approved.

Burr indicated that there were two items of correspondence provided. Lee Brundage of 6926 E E. Avenue and Ray and Irma Torres of 6427 N Shore Cove both opposed the sign height variance, indicating that the very tall sign would detract from the homes in the community. Brundage commented that the sign was commercial in nature, and not residential. Both letter writers opposed the sign height as out of character with the neighborhood. Burr read both letters into the record. He surmised that those who wrote them likely did not observe the application and did not realize that the arch was permitted without the letters.

Gesmundo stated that Burr was not on the Zoning Board of Appeals when the development was approved. It is 190 acres, with a limitation of 78 homes. They could have done 160 homes as a regular development. Gesmundo spoke about the vision for the development, indicating that the parcels were much larger and allowed for a “BAB” or “Bonus Accessory Buildings” with living quarters, if an owner desired. He explained his father’s vision for the development and invited those who had not been out to it to visit and see it for themselves, remarking that it is exceptional. Gesmundo indicated that they had purchased the

Richland Township  
Zoning Board of Appeals Minutes  
March 22, 2023

1 land years ago from the Lights, Dr. Smith and the Taylor families. They were able to put the dreamed-of  
2 development in because they had owned the land for so long. There was no way that anyone could afford  
3 to start new with such a vision. There likely would not be any other development of this kind in Richland.  
4 He remarked that the developers had provided several excess acres of open space and that they had  
5 preserved 10 acres along 18<sup>th</sup> Street. The feel, Gesmundo said, is quite different from Hidden Lake, but  
6 that there is interconnection with the Hidden Lake developments.

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8 The group discussed the planned future development for the next phases of the property. Some  
9 members of the audience voiced concerns about new signs and/or entrances going up off of E Avenue.  
10 Priest explained that the Township would have to be notified if there were new entrances requested.  
11 Gesmundo indicated that the access they were concerned about was a construction entrance. It would  
12 be closed and there was no planned access from E Avenue into the development. Witters stated that the  
13 entire adjoining portion of E Avenue was already platted and could not be used as access after it was  
14 developed.

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16 Tim Ankney, 6761 East E Avenue, commented that there was a double standard applied. The height  
17 difference in the requested and permitted sign was too much. He conceded that the proposed sign was  
18 tasteful; however he was concerned about setting a precedent with such a tall sign. The variance, he said,  
19 was too much.

20  
21 Burr indicated that the arch was permitted anyway so the whole issue was really whether they could put  
22 the letters on the arch. Nelson Pelletier inquired about the justification for the variance. Gesmundo  
23 commented that the entry feature was attractive and that the letters would be keeping with the theme.  
24 Burr indicated that there is no precedent in zoning. There was no additional public comment and the  
25 public hearing was closed.

26  
27 Priest reminded the group that on the sign (i.e.; the letters) the arch was up for consideration by the  
28 Zoning Board of Appeals. He indicated that there had been no complaints received regarding the  
29 proposed structure itself and that it was permitted. The beam, he commented, did not count. In  
30 response to an inquiry from Burr, Priest indicated that the letters comprised the sign face. It was under  
31 the 18 square feet in size permitted on the entrance.

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33 Witters inquired about a lesser variance. He inquired as to whether it could be placed lower or on the  
34 supporting structures. Burton commented that not all of the standards could be met. Witters inquired  
35 about a separate sign, which could be allowed by the ordinance. The group went through all of the  
36 standards for consideration and concluded that many of them were not met. Burton voiced concern that  
37 they have to meet all of the standards. Witters inquired about this constraint. Burton indicated that one  
38 of the first meetings he was at involved the question of meeting all of the standards and a variance for a  
39 garage was denied. Burton was concerned that it might look like the Zoning Board of Appeals was playing  
40 favorites. Burr struggled with the arch, which was permitted anyway. The addition of letters on it did  
41 not seem to be a big deal.

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43 Witters inquired as to whether the applicant had any ability to seek recourse with the Planning  
44 Commission if the variance was denied. Seeber indicated that any application to the Planning Commission  
45 would have to be for a text amendment, such as one to allow a taller sign on an entryway. She questioned  
46 whether the applicant would make such a request when it was not likely to be approved by the Planning  
47 Commission and when it only affected one development. Otherwise, she stated, appeals from variance

Richland Township  
Zoning Board of Appeals Minutes  
March 22, 2023

1 denials go directly to circuit court. Priest indicated that the Planning Commission had the entryway on  
2 all of its approved documents, but not the size and/or the sign location.

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4 **Burton moved to closed the public hearing. Burr seconded the motion. The public hearing was closed**  
5 **by unanimous vote.**

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7 Burr indicated that the struggle was with the fact that the arch was approved, but the letters weren't. He  
8 did not think that the existence of the sign itself would detract from the entryway. Witters did not  
9 observe any sight line problems. The group discussed the proposed sign parameters, indicated that it  
10 was smaller than the 18 square feet allowed by the ordinance; that the letters would be wrought-iron or  
11 metal, and that they would be attached to the beam as individual letters. There was no lighting planned  
12 and in many respects it did not really look like a 'sign'.

13  
14 Vorholt remarked that those who objected likely did not know that the entryway was permitted at the  
15 height it was already.

16 Witters indicated that the problem was a unique one and not easily answered by the ordinance. He  
17 inquired of Priest as to how far off the road the structure would have to be in order not to be considered  
18 a "sign". Priest stated that if it was not visible from the public roadway or if it was an interior wayfinding  
19 sign, it would not count. Witters was wrestling with the concept, indicating that, in general he would not  
20 want a 15-foot or 18-foot tall "sign" on an entryway. Burton inquired as to the secondary access location  
21 for the development, and wondered whether a second "sign" would be there. Gesmundo indicated that  
22 the location in question was the main access to The Ranch.

23  
24 At this time, the other entrance was through Hidden Lake. Gesmundo indicated that there would be no  
25 entrance off of E Avenue. They were going to be working on the north side of the development next. He  
26 stated that Meadowshire is platted, so that all traffic for The Ranch would come through Hidden Lake or  
27 through this main entrance. Burr commented that putting the letters in another location would not  
28 require a variance. However, turning the letters vertically would not be attractive. Witters stated that  
29 the circumstances for this particular situation were a one-off. The head beam and structure were not  
30 view obstructions and were permitted. Burton indicated that philosophically, he didn't have a problem  
31 with it; however, legally he could not see how a variance could be granted if all of the standards were not  
32 met. Ankeny stated that the height of the sign would still be double that which would otherwise be  
33 allowed.

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35 Witters inquired of the issue on standards and the reason that they all had to be met. Priest stated that  
36 some ordinances require the Zoning Board of Appeals to CONSIDER each of the standards, but not meeting  
37 each of the standards. He and Seeber stated that they would work on the standards and propose some  
38 changes to the Planning Commission for a text amendment. Seeber indicated that it is not uncommon  
39 for a Zoning Board of Appeals, including the Richland Township Zoning Board of Appeals, to grant  
40 variances when all of the standards are not met. The issue, she said, was whether a person would appeal  
41 a decision to the circuit court and then whether a circuit court judge would uphold the decision of the  
42 Zoning Board of Appeals. Priest indicated that an appeal could be taken by a party that was "adversely  
43 affected". Seeber indicated that standards to challenge zoning decisions by "adversely affected"  
44 individuals were being vigorously debated in the Court of Appeals.

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46 **Witters moved to approve the variance, conditioned upon the metal script letters being individually**  
47 **attached to the overhead beam as shown on the application; the sign would not be lit; and the overall**

Richland Township  
Zoning Board of Appeals Minutes  
March 22, 2023

1 sign size be less than the allowed 18 square feet. The approval was based on the fact that the beam  
2 itself upon which the letters would be placed is permitted by the ordinance. The letters must be metal  
3 or wrought iron. Vorholt seconded the motion. The variance application passed by a vote of 3-1, with  
4 Burton voting in the negative. A copy of the notice of decision was provided to the applicant.

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7 **PUBLIC HEARING**

- 8 • **Alvarez accessory building setback, 9830 Sterling Road**

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10 The next item on the agenda was the application of Dan Alvarez regarding property at 9830 Sterling Road  
11 (Parcel No. 03-02-251-470) for a 23'9" variance from the right-of-way at M-43 in order to permit the  
12 construction of a 1200 square foot accessory building along M-43 approximately 26'3" from the road.  
13 The property is approximately 1.4 acres in size and is located in the "A" District Zoning Classification.

14  
15 In response to an inquiry from Witters, Alvarez indicated that the driveway extends to a location of where  
16 the building is going. Priest indicated that there were two front yards. He placed an aerial view of the  
17 parcel on the overhead screen. In response to an inquiry from Vorholt, Alvarez stated that he would  
18 have to backfill the slope. The building, Alvarez stated, was proposed at 30' x 40'. In response to an  
19 inquiry from Witters, Alvarez stated that no retaining wall was required. Burr confirmed that the size of  
20 the accessory building was not problematic. Priest stated that the request was for a variance from the  
21 front yard setback. If the application was approved, the Planning Commission would consider the size of  
22 the structure and the location in the front yard. Priest indicated that the parcel was considered to have  
23 two front yards, one on Sterling and one on M-43. Alvarez stated that the Sterling Road side was  
24 supposed to be a cul-de-sac. The group considered the request and the irregular parcel shape with Burr  
25 remarking that it almost had three front yards. He did not feel that there were any visual problems with  
26 the road way. In response to an inquiry from Witters, Alvarez stated that only one large tree would need  
27 to be removed and that the rest were basically scrub trees.

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29 The Chairman opened a public hearing on the request. He read one letter that was received from Ryan  
30 VanNest. VanNest expressed concern about the fire wood stand that had been placed on the M-43 side  
31 of the applicant's parcel. It was causing traffic problems and parking problems, particularly with its  
32 location on the dangerous corner. He was concerned that the addition of an accessory building would  
33 facilitate more fire wood sales. The group calculated the location of the proposed accessory building  
34 with respect to the actual travelled portion of M-43 at about 75 feet. Burton inquired about moving the  
35 building slightly to reduce the size of the variance. Alvarez stated that he had considered this, but the  
36 turn into the garage is already very tight and would be even more limited if the building were moved  
37 closer. Alvarez stated that the wood sales was a way to make a little extra money for his kids. He was  
38 willing to remove it from the property. Witters stated that it would be okay if they placed it up on the  
39 property itself, but having it at the road's bend was the biggest problem.

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41 Alvarez showed the group the locations of the well, septic and drain field on the aerial view. The  
42 Chairman closed the public hearing.

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44 **Witters moved, supported by Vorholt, to approve a 26'3" variance from the front yard setback on M-  
45 43 to permit the construction of an accessory building approximately 75 feet from the travelled portion  
46 of the road; conditioned upon the permanent removal of the wood sales stand from the property. The  
47 motion passed unanimously. A copy of the notice of decision was provided to the applicant.**

Richland Township  
Zoning Board of Appeals Minutes  
March 22, 2023

1 Burr restated his desire for a joint meeting with the Planning Commission.  
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3 **On motion of Vorholt, supported by Burr the meeting was adjourned at 7:05 p.m. by unanimous voice**  
4 **vote.**  
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6 **SYNOPSIS OF ACTIONS**  
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8 At its meeting of March 22, 2023, the Richland Township Zoning Board of Appeals took the following  
9 actions:  
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- 11 1. Granted a height variance in order to permit metal letters identifying “The Ranch” on a permitted  
12 structure located about 16.8 feet above the entrance to the development.
- 13 2. Requested a joint meeting with the Planning Commission.
- 14 3. Granted a 23’9” variance to permit the construction of an accessory building approximately 75  
15 feet off of the travelled portion of M-43 for property at 9820 Sterling Road.
- 16 4. Requested that the planning commission consider amending the parameters for consideration of  
17 zoning appeals to make them easier to read and to eliminate the mandatory nature of each.  
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29 Date minutes available: March 27, 2023

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31 Date minutes approved:  
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