

**ZONING BOARD OF APPEALS  
GEORGETOWN CHARTER TOWNSHIP  
OTTAWA COUNTY, MICHIGAN**

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RESOLUTION NO. 251022-02

**A RESOLUTION GRANTING VAR2503 TO ALLOW, AS A REASONABLE  
ACCOMMODATION UNDER THE FEDERAL FAIR HOUSING ACT, AS  
AMENDED, THE KEEPING OF CERTAIN EMOTIONAL SUPPORT ANIMALS,  
WITH CONDITIONS, AT THE PROPERTY COMMONLY KNOWN AS  
51 PORT SHELDON STREET**

WHEREAS, Travis VandenBerg (“Applicant”) applied

- a. To allow for the keeping and raising of 7 ducks, a variance of 7 ducks, from the zero allowed in a multi-family building in an MHR district under Section 3.4(Q).
- b. To allow for an enclosure/coop totaling 450 square feet, a variance 370 square feet from the one enclosure/coop of 80 square feet permitted under Section 3.4(Q)(4).
- c. To allow the enclosed area where the ducks are kept to be located closer than 20 feet from any dwelling as required under Section 3.4(Q)(5).
- d. To allow the use of tarps as a material to enclose the coops, which is a variance from Section 3.4(Q)(6) which excludes tarps as a material to construct the enclosed area.

on a parcel of land described as P.P. #70-14-13-400-008, located at 51 Port Sheldon St., in a Medium/High Density Residential district (MHR), Georgetown Township, Ottawa County, MI, described as:

PART SE 1/4 OF SE 1/4 COM CEN OF CO. ROAD S 10D22M W 143.72 FT FROM INTERS  
WITH S LINE JENISONVILLE PLAT, TH SW'LY ALG CEN LINE 195.28 FT, TH N 67D W  
203 FT, TH SW'LY PAR TO ROAD 95 FT, TH S 67D E 208 FT, TH SW'LY ALG ROAD  
434.82 FT, TH N 41D33M W TO RUSH CREEK, TH NE'LY ALG CREEK TO S LINE OF  
SOUTH FRONTAGE ROAD, TH SE'LY TO BEG. SEC 13 T6N R13W

(hereinafter, the “Property”); and

WHEREAS, the Property is located in a Medium/High Density Residential (“MHR”) zoning district in Georgetown Charter Township (“Township”); and

WHEREAS, the Township notified the Applicant, following an inquiry made by the Applicant, that the Zoning Ordinance prohibits the keeping of any ducks and in the MHR district; and

WHEREAS, the Township also notified the Applicant of the Zoning Ordinance requirements for enclosures/coops; and

WHEREAS, the Township informed the Applicant of the procedure available for seeking zoning variances and/or a reasonable accommodation under the Federal Fair Housing Act (“FHA”); and

WHEREAS, in response, the Applicant voluntarily sought multiple variances and/or reasonable accommodations from the Zoning Ordinance, which governs accessory structures and uses in residential districts, including the keeping and regulation of poultry, and which under Section 3.4(Q) permits the keeping of chickens in certain residential districts but does not include the keeping of ducks or the MHR district; and

WHEREAS, at the time of the application the Applicant had seven (7) ducks, which he contended were emotional support animals; and

WHEREAS, the Applicant sought permission to keep the seven (7) ducks and to keep the configuration of his enclosure/coop, which was not located in a compliant location and exceeded the size, scope, and type allowed under the Zoning Ordinance;

WHEREAS, the Georgetown Charter Township Zoning Board of Appeals (“ZBA”) held a properly noticed public hearing on the application on Wednesday, October 22, 2025, at the Township Hall; and

WHEREAS, in addition to the Applicant’s application, the ZBA has received reports and testimony from Township staff, and other documents; and

WHEREAS, the ZBA has carefully considered the application and testimony of the Applicant and the public comments, all documents constituting the record in this matter, the nature of the request, the purpose of the FHA, the nature of the property and character of the neighborhood, and the applicable zoning, and has given consideration to the health, safety and welfare of the residents in the area in question, and considered all of the pertinent factors; and

WHEREAS, the ZBA has determined that the Applicant’s request for a reasonable accommodation shall be granted, in part, subject to certain terms and conditions set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Georgetown Charter Township Zoning Board of Appeals hereby grants VAR2503, in part, subject to the findings, conclusions, terms and conditions set forth in this resolution:

1. Applicant’s Request and Applicable Zoning.

- a. The Property is located in the MHR zoning district and per Section 10.2 of the Zoning Ordinance may, by right, be used for attached single-family dwellings (town houses or row houses) and accessory buildings and uses.
- b. The Property has been zoned MHR since prior to 1980 and is a typical MHR district size lot of approximately 4.64 acres, with the rear yard abutting Rush Creek.
- c. Section 3.4(Q) of the Zoning Ordinance, which addresses accessory buildings and uses, allows the keeping of up to six (6) chickens in the certain residential zoning

districts (not including MHR), subject to certain restrictions, where the principal use of the parcel is a single family residential dwelling.

- d. The principal use of the Property is attached single family residential dwellings.
- e. Because the Applicant's request to allow the keeping of the seven (7) ducks and to keep the configuration of his enclosure/coop, which was not located in a compliant location and exceeded the size, scope, and type allowed under the Zoning Ordinance would require a significant departure from the strict language of the Zoning Ordinance, the Applicant voluntarily submitted the application as a request for multiple variances and/or a reasonable accommodation under the FHA.
- f. It is within the ZBA's power to grant a reasonable accommodation on a case-by-case basis in the form of a variance from the requirements of the Zoning Ordinance, and to determine the terms and conditions of any such reasonable accommodation, based on the authority granted the ZBA under the Michigan Zoning Enabling Act, the Zoning Ordinance, and taking into consideration the application of the FHA to the particular facts and circumstances.

2. The Record; Additional Findings.

- a. The written record in this matter shall consist of the application and attachments; correspondence to and from the Applicant; photographs; all written correspondence and other documents received and/or compiled by the Township and provided or made available to the ZBA for its review and consideration, including all written correspondence concerning the application that was received by the Township through October 22, 2025; written staff reports and legal memoranda regarding VAR2503; the relevant portions of the Zoning Ordinance; audio and/or video recordings (if any) of all meetings at which the application was discussed; the minutes of the October 22, 2025 ZBA meeting; and this Resolution.
- b. In reviewing the Applicant's request for a reasonable accommodation, the ZBA considered all public comments and also relied upon verbal representations made by the Applicant during the course of the public hearing and meeting at which the ZBA reviewed this matter, as well as staff testimony and reports.
- c. The ZBA finds that review of the variance factors in Section 28.11(C) of the Zoning Ordinance is warranted for the reasons stated in the Staff Report, further finds that none of the factors are objectively met for the reasons stated in the Staff Report and at the October 22, 2025, meeting, and thus the Applicant cannot meet all of the standards for granting a variance under the Zoning Ordinance, but further finds that strict application of the factors in Section 28.11(C) could result in the improper denial of a reasonable accommodation under the FHA under the specific facts and circumstances of this matter; thus, the ZBA considers whether to grant any or all of the requested variances, or a different, reasonable accommodation under the FHA.
- d. The ZBA finds the Applicant has established that he is a person with a disability who resides at the Property and that an accommodation in the form of a zoning variance

is necessary to afford him equal opportunity to use and enjoy the dwelling at the Property.

- e. The ZBA accepts the Applicant's representations regarding his diagnosis, which is supported by the note submitted by his medical provider, and accepts that he has been advised and believes that ducks are better suited to be emotional support animals than cats or dogs based on his specific diagnosis and needs.
- f. The ZBA finds, however, that the Applicant has not met his burden of proving the necessity or reasonableness of keeping seven (7) emotional support animals on the Property, nor does the FHA mandate the Township allow for the keeping of seven (7) emotional support animals on a residential parcel.
- g. The ZBA finds that keeping seven (7) ducks on the Property and the related activities is an agricultural operation that is not permitted under the Zoning Ordinance and that granting a request for seven (7) ducks under these circumstances would result in a fundamental alteration to the zoning scheme applicable to this Property and others in the well-established MHR zoning district.
- h. The ZBA also finds that granting a request for seven (7) ducks would likely impose a financial and administrative burden on the Township as it would likely result in complaint response and enforcement activities, including legal fees, and could subject the Township to litigation initiated by neighbors who may be aggrieved by the decision.
- i. The ZBA further finds that the keeping of seven (7) ducks at the Property has generated multiple complaints to the property owner from neighboring tenants concerning noise, odor, unsanitary conditions, negative impact on neighboring property values, and interference with the use and enjoyment of neighboring units.
- j. The ZBA finds that the Applicant has not met his burden of proving the necessity or reasonableness of keeping seven (7) emotional support ducks on the Property.
- k. The ZBA finds that the Applicant has met his burden of proving that the keeping of ducks may be necessary because of the benefits and emotional and mental support he described during the hearing, as further supported by the note submitted by his medical provider; however, the Applicant has not demonstrated the necessity or reasonableness of keeping seven (7) emotional support ducks on the Property.
- l. The ZBA determines, subject to the terms and conditions in this Resolution, that a reasonable accommodation shall be granted to allow the keeping of up to \_\_\_\_\_ emotional support ducks at the Property.
- m. The ZBA finds that allowing more than \_\_\_\_\_ ducks would be unreasonable because the MHR district does not allow for the keeping of any fowl, including chickens and ducks, and because immediate neighbors expressed concerns regarding noise and sanitation.

- n. The Applicant \_\_\_\_\_ (agreed or disagreed) at the October 22, 2025 ZBA meeting that he could reduce the size of his flock by rehoming some of the birds.
- o. The ZBA also determines that the reasonable accommodation shall include a relaxing of certain standards applicable to enclosures/coops in certain residential districts, as set forth in this Resolution, to accommodate the Applicant's request to allow for the reasonable care of the ducks.
- p. The ZBA adopts the final Staff Report regarding VAR2503 as its findings except to the extent any portion of the Staff Report conflicts with this Resolution, in which case the conflicting portion of the Staff Report shall be considered superseded by this Resolution.
- q. To the extent the minutes of any ZBA meeting are construed as conflicting with the terms, conditions, or findings in this resolution, this resolution shall be deemed to supersede any conflicting portion of the minutes.

3. Conditions of Approval. The ZBA finds that the reasonable accommodation shall be granted subject to specific conditions of approval that are necessary to address the complaints and concerns about odor, unsanitary conditions, noise, containment of the birds, and impacts on neighboring units and properties. The conditions of approval are also necessary to honor the intent of the Zoning Ordinance, which regulates the keeping of birds in residential districts to protect the health, safety, and welfare of the Township's residents, and to protect and preserve the characteristics of a residential neighborhood. The ZBA grants the request for a reasonable accommodation, subject to compliance with all of the following terms and conditions:

- a. The following terms and conditions are effective sixty (60) days after adoption of this Resolution:
  - 1. No more than \_\_\_\_\_ ducks may be kept at any time on the Property.
  - 2. To allow for the reasonable care of the ducks, the Applicant is permitted to fence a four hundred fifty (450) square foot (18' x 25') area, provided the ducks are kept entirely within a enclosure/coop not to exceed eighty (80) square feet in area or eight (8) feet in height when the Applicant is not present.
  - 3. The enclosure/coop shall be located within the rear yard (as defined in the Zoning Ordinance) and shall be at least ten (10) feet from any property line and at least twenty (20) feet from any dwelling (not including the carport), or in such other location as authorized in writing by the Zoning Administrator. If the coop contains a heat lamp, or other heat-generating device that presents a fire hazard, the coop shall be at least twenty (20) feet from all structures (including the car port and dwellings on the Property.)
  - 4. Materials used to construct the enclosure/coop shall exclude tarps, plastic, fabric, rubber, paper, cardboard, and other non-traditional building materials in compliance with the Zoning Ordinance.

5. The screening provision may need some modifications depending on the location of the enclosure and whether he as a tenant has authority to install screening. \_\_\_\_\_
  6. The Applicant shall notify the Township Zoning Administrator in writing when the number of ducks has been reduced to \_\_\_\_ total, and when the enclosure/coop has been brought into compliance with these conditions and shall allow an inspection of the exterior of the Property during normal business hours to confirm such compliance.
- b. The following terms and conditions are effective immediately:
1. The granting of this reasonable accommodation does not include authorization to engage in any commercial activities related to or stemming from the keeping of ducks on the Property, including but not limited to the breeding and/or sale of ducks or the sale of eggs or other duck by-products.
  2. The keeping of chickens and roosters is prohibited.
  3. The keeping of other farm animals is prohibited.
  4. The outdoor slaughtering of animals is prohibited.
  5. The Applicant shall vaccinate all the ducks kept at the Property and take precautions against the spread of disease.
  6. The ducks shall be provided with and kept within a completely enclosed covered coop, except as expressly provided below.
  7. The areas inside and outside the enclosure/coop shall be kept clean and neat at all times. Feces and waste shall be removed, contained, and disposed of on a regular basis to prevent odor and other nuisance conditions. The coop, bedding, water, and all other items related to the keeping or care of the ducks shall be cleaned, changed, replaced, and/or disposed of as necessary to maintain clean, neat, and sanitary conditions on the Property.
  8. The keeping of the ducks shall be in compliance with all other local, state, and federal regulations, including but not limited to the International Property Maintenance Code, which has been adopted by reference by the Township and requires, in part, that properties be maintained in a clean and sanitary condition.
  9. The ducks shall be allowed outside of the enclosure/coop for purposes of interacting with a member of the household, and the ducks shall be allowed outside the coop temporarily as needed for purposes of cleaning the coops; however, the ducks may only be allowed outside of the coop if a member of the household is present with the ducks. Ducks shall not be allowed outside of the coop for any reason if no member of the household is present.

10. The ducks shall not be allowed to roam the Property and shall not be allowed to enter or trespass upon any other property.
11. The ducks shall not create noise at such volume and/or repetition that it disturbs the use and enjoyment of neighboring parcels.
12. The duck feed shall be kept in rodent-proof, sealed containers. The ducks shall be fed and watered inside the coops, except that if the ducks are outside of the coop for purposes of interacting with a person with disabilities, the ducks may be fed outside of the coops during that time in an amount that they can immediately digest with no food items being left in the yard or outside of the coop.
13. Ducks are allowed at the Property, subject to these terms and conditions, as long as the Applicant resides at the Property. Should the Applicant permanently reside elsewhere, the ducks shall be removed from the Property and the barn style coop, fenced in area, and related structures shall be removed or otherwise brought into strict compliance with the Zoning Ordinance within seven (7) days.
14. The pools and water for the ducks shall not be dumped directly into Rush Creek under any circumstances, especially during the Applicant's daily cleanings. Section 48-36 (A) of the Georgetown Township General Ordinance prohibits illicit discharges into a water body, directly or indirectly, any materials including, but not limited to pollutants or waters containing any pollutants.
15. Nothing in this Resolution prohibits the Applicant from keeping the ducks indoors, nor does this Resolution prohibit the Applicant from feeding or engaging other activities with the ducks inside the residence, so long as sanitary conditions are maintained inside the residence, and so long as the property owner grants permission.

4. Enforcement.

- a. The terms and conditions of this approval shall not run with the land and shall be binding on the Applicant, the Property, and its occupants.
- b. The Township Zoning Administrator may extend the compliance deadline, in writing, by up to thirty (30) days, for good cause shown, without further approval of the ZBA.
- c. This Resolution shall not be construed as a determination, attempt or intent to amend the Zoning Ordinance or to generally allow ducks in the MHR district or any other zoning district where the keeping of ducks is otherwise prohibited.
- d. Per the FHA, the matters addressed in this Resolution are property-specific and applicant-specific and shall not be construed to apply to any other property or applicant.

- e. A violation of any of the terms and conditions of this approval shall be deemed a violation of the Zoning Ordinance.
- f. In the event of a violation, the Township may take any action permitted by law to enforce the terms of this resolution and the Zoning Ordinance, up to and including revocation of the variance(s) granted in this Resolution; however, no variance granted under this Resolution shall be revoked without prior notice to the Applicant and a public hearing.
- g. Nothing in this Resolution shall be construed as prohibiting the Township from enforcing other applicable ordinances or codes.

At a regular meeting of the Georgetown Charter Township Zoning Board of Appeals held October 22, 2025, at 7:00 p.m., this resolution was offered by Member \_\_\_\_\_, and supported by Member \_\_\_\_\_.

YEAS:

NAYS:

ABSENT/ABSTAIN:

RESOLUTION NO. 251022-02 DECLARED ADOPTED.

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Secretary, Georgetown Charter Township Zoning Board of Appeals

#### CERTIFICATION

I, \_\_\_\_\_, hereby certify that that the foregoing is a true and complete copy of a resolution adopted by the Georgetown Charter Township Zoning Board of Appeals at a regular meeting held on October 22, 2025, which was noticed and held in accordance with the Michigan Open Meetings Act, Public Act 267 of 1976.

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Secretary, Georgetown Charter Township Zoning Board of Appeals