

REQUEST

(VAR2503) Travis Vandenberg, 51 Port Sheldon St., is requesting approval of the following variances from the Georgetown Charter Township Zoning Ordinance and/or reasonable accommodations under the Federal Fair Housing Act, to allow the following:

- 1) 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).
- 2) 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).
- 3) 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).
- 4) 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.

HISTORY

- In **June 2025**, the Zoning Administrator (ZA) was contacted by Travis Vandenberg (the Applicant) asking how he could receive approval to keep his 4 emotional support ducks. He rents a unit at Edgewater Country Village with an address of 51 Port Sheldon St. Grandville, MI 49418. He submitted a letter from his Clinical Social Worker & Psychotherapist with the U.S Department of Veterans Affairs.
- In **June 2025**, the ZA sought the opinion of the Township's attorney to decide whether Mr. Vandenberg should apply for a variance/reasonable accommodation or wait to see if the Township begins to receive complaints. The ZA advised the Applicant to apply for the variance/reasonable accommodation to avoid potential enforcement action and provide a signed letter from the property owner approving them to apply for this variance.
- Over **the following months**, the ZA had numerous back-and-forths with both the property owner and the Applicant regarding the matter. The property owner did their own research into their options regarding granting reasonable accommodations under the Federal Fair Housing Act. The property owner coordinated conversations between the Applicant and a fair housing authority and preferred that the Applicant move their enclosure near the carport, away from the dwellings. Ultimately, the property owner did grant the Applicant permission to seek a variance/reasonable accommodation from the Zoning Board of Appeals (ZBA) in a phone conversation with the ZA. The Applicant decided that they would seek a variance/reasonable accommodation from ZBA.
- In **August 2025**, the Applicant officially submitted their application to the Township. A public hearing was scheduled for the next available ZBA meeting, October 22, 2025. Upon completion of the Application, it was found that the Applicant was seeking 4 separate variances/reasonable accommodations from the Zoning Ordinance and the number of ducks requested changed from 4 to 7. The Applicant still had not provided a signed letter

from their landlord but based on phone conversations the ZA had with the property owner, it was clear that the landlord wanted Travis to apply with the ZBA rather than handle the situation with their own attorney. It was reiterated to the Applicant that they should still obtain a signed letter from their property owner granting permission to apply for the variance.

- In **October 2025**, as the hearing continued to grow near, the ZA still had not received a signed letter from the landlord granting the Applicant permission to apply for the variance request. The ZA called the landlord, and he was able to get ahold of her after she received the property notice that was mailed out 10/2/2025, the ZA requested that something was sent to him in writing with the following information:
 - o Granting permission to the Applicant to apply for the variance request.
 - o The property owner's preference as to coop location and number of ducks.
 - o The nature of any complaints received from other tenants regarding the ducks.

She informed the ZA that she would email him the information above; the ZA never received the requested correspondence. The ZA left multiple voicemails with the landlord continuing to request the information above.

Meanwhile, the Applicant received correspondence from the landlord's attorney dated September 30, 2025 which states that, "We are writing regarding the reasonable accommodation previously granted for your emotional support animals." The letter instructs the Applicant to reduce the number of ducks to the 4 animals authorized as stated in the letter from his medical provider and reduce the size of the enclosure to not extend past the patio by October 8, 2025. The Applicant called the ZA to inform him of the letter and asked for advice on how to proceed. The ZA told the Applicant that the Township will not enforce on his situation while the hearing is scheduled, but he could not speak to his separate legal situation with the landlord. While the ZA received no direct correspondence from the property owner, this letter indicates that they are willing to work with the Applicant and prefer that the size of the enclosure is reduced and the number of ducks are limited to 4. The requested location for the enclosure in the letter differs from the phone conversations the ZA had with the landlord, in which she indicated she preferred the coop to be placed away from the dwellings near the carport.

RELEVANT ZONING ORDINANCE SECTIONS

The keeping of ducks is only allowed in the AG district by right and the RR district with a special use permit because ducks are defined as poultry and are considered farm animals. The keeping of chickens, also defined as poultry, is allowed in the AG district by right and the RR district with a special use permit, plus in LDR, LMR and PUD zoning districts when the conditions listed in Sec. 3.4(Q) are met. The location of the unit of the multi-family building where the applicant resides is located in the MHR district. Even though the MHR district is not specifically listed where chickens are allowed, this ordinance section was used to evaluate the request as a starting point for discussion because the surrounding area is mostly used for single family residences. Note that the use of keeping ducks and having an enclosure for them are not allowed in the MHR district.

Sec. 3.4 ACCESSORY BUILDING AND USES

Accessory buildings and uses shall be subject to the following regulations:

(Q) The keeping of chickens is permitted as an accessory use if all of the following are met. (revised 6/22/2015)

- (1) The parcel of land is **located within one of the following districts and the principal use of the parcel is a single family residential dwelling:**
 - a. (AG) Agriculture District (unless lesser restrictions apply elsewhere within the ordinance)
 - b. (RR) Rural Residential (unless lesser restrictions apply elsewhere within the ordinance);
 - c. (LDR) Low Density Residential;
 - d. (LMR) Low/Medium Density Residential; and
 - e. (PUD) Planned Unit Development.
- (2) **No more than (6) six chickens may be kept on any parcel of land and chickens that crow and roosters shall not be permitted.** (revised 3/28/16)
- (3) The outdoor slaughtering of any chicken is prohibited.
- (4) **Chickens shall be provided with and kept within a completely enclosed covered coop (which is defined as an enclosure and/or cage) at all times. The coop shall not exceed (80) eighty square feet in area or (8) eight feet in height. Chickens shall not be allowed to roam the parcel or any other property.**
- (5) The enclosed area where the chickens are kept shall be located within the rear yard (as defined in the Zoning Ordinance), not within the main building or any attached accessory buildings, and **shall be at least (20) twenty feet from any dwelling and at least 10 feet from any property line.**
- (6) **Materials used to construct the enclosed areas shall exclude tarps, plastic, fabric, rubber, paper, cardboard, or other non-traditional building materials.**
- (7) **The enclosed area where the chickens are kept shall be kept clean and neat at all times. Chicken feed shall be kept in rodent-proof, sealed containers.**
- (8) **The enclosed area where the chickens are kept shall be screened from view from the street and neighboring properties with a sight-obscuring fence, wall or landscaping in such quantities to sufficiently prevent the sight of the area from the street or neighboring properties during all seasons.**
- (9) The keeping of chickens shall be in compliance with all other local, State and Federal regulations.

Sec 48-36 Prohibited Discharges

- A. Prohibition of Illicit Discharges. **No person shall discharge or cause to be discharged to a water body, directly or indirectly, any materials, including, but not limited to**

pollutants or waters containing any pollutants, other than stormwater or an exempted discharge pursuant to Section 48-37, or discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

- B. Any person discharging stormwater shall effectively prevent pollutants from being discharged with the stormwater, except in accordance with best management practices.
- C. The OCWRC is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the County's stormwater drainage system.
- D. Prohibition of illicit connections.
 - 1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
 - 2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
 - 3. A person is considered to be in violation of this article if the person connects a line conveying wastewater to the MS4 or allows such a connection to continue.

(Ord. No. 2022-05, Ord. No. 2002-01, § 4.01, 2-11-02)

Section 6.2 of the Ordinance discusses permitted uses in the **Agriculture District**:

Sec. 6.2 PERMITTED USES

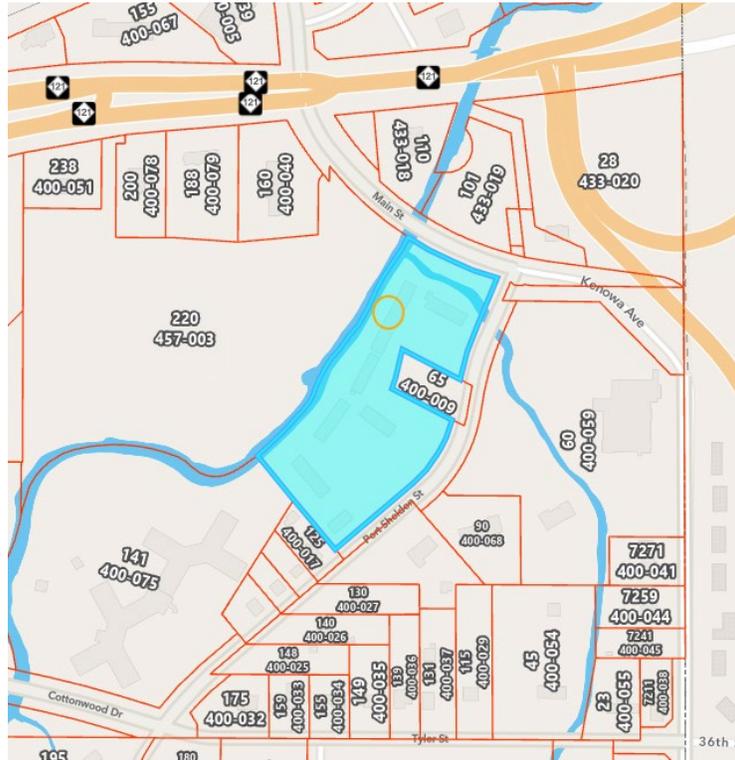
Land and/or buildings in this district may be used for the following purposes by right:

- 1. Agriculture, including farms for both general and specialized farming, together with farm dwellings and other installations used and operated as part of the farm; provided that on all parcels five (5) acres or less in size, the keeping of farm animals shall be regulated by the provisions as set forth in the RR district.(revised November 1995)

The Applicant was advised that the raising and keeping of ducks is considered an Agricultural use and is thus only permitted in the Agricultural District or the Rural Residential District with an approved Special Land Use.

MAPS SHOWING LOCATION OF SITE

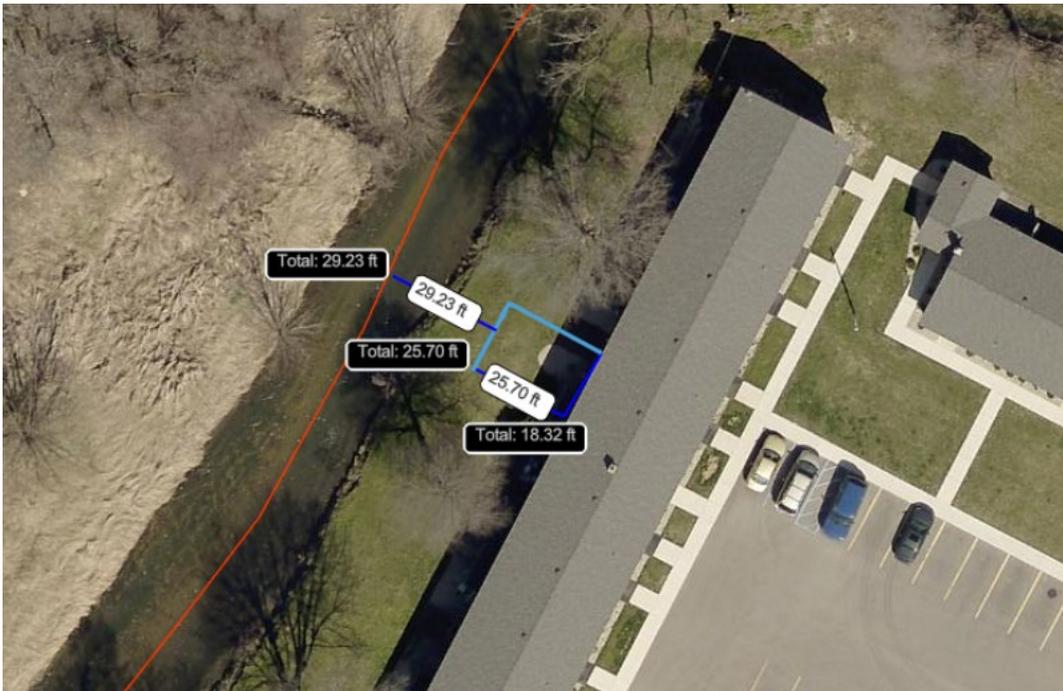
Street View



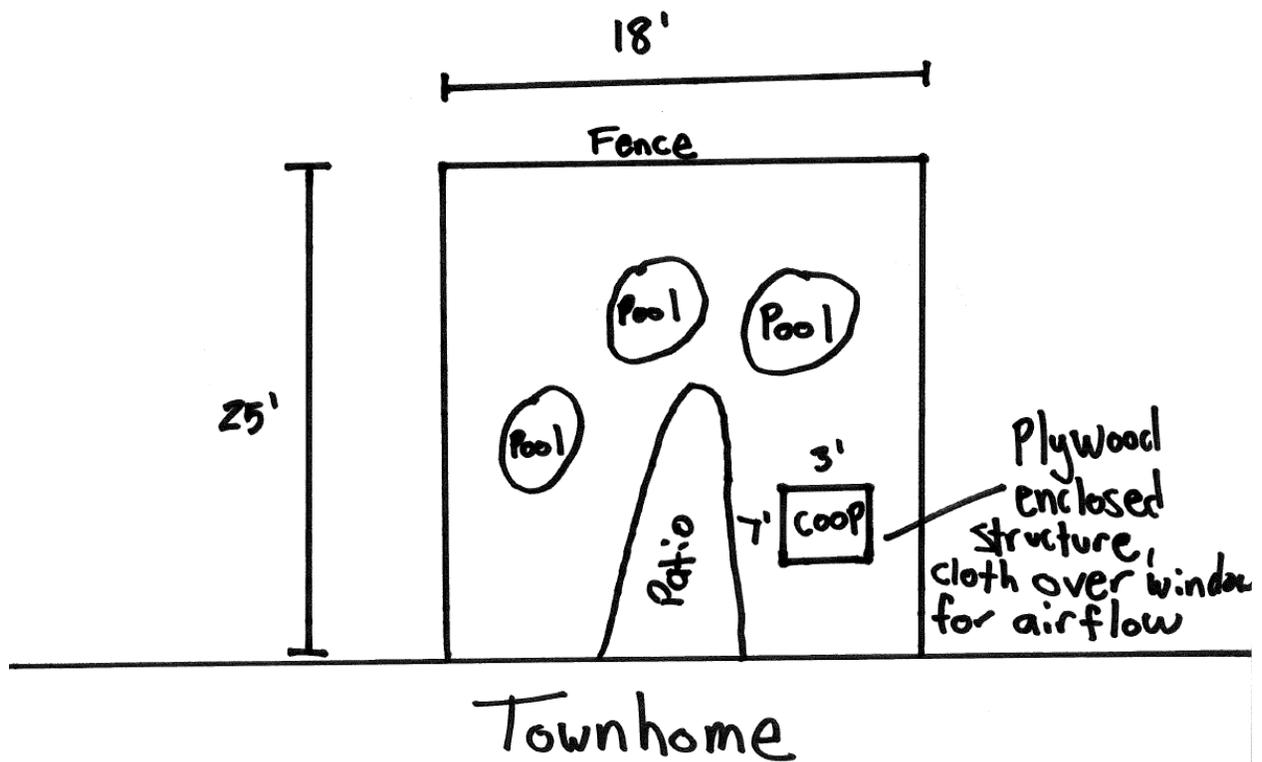
Aerial View



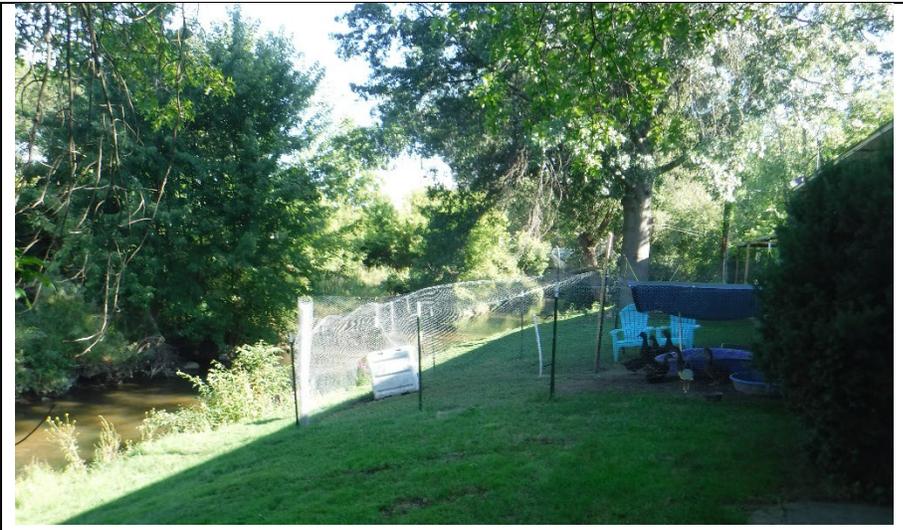
Site Plan



Sketch of Enclosure/Coop



PHOTOS PROVIDED FROM INSPECTION



- View of the enclosure and where it sits in relation to the yard.



- Closer view of the enclosure that shows the tarp being used as cover and its relation to the dwelling.



- Picture illustrating the enclosure in relation to Rush Creek.



- Documentation of all 7 ducks.

SUMMARY OF REQUEST

The applicant has requested a reasonable accommodation under the Federal Fair Housing Act (FHA) in the form of a variance from the Township Zoning Ordinance. The applicant is seeking the main variance to allow the use of keeping ducks, along with multiple variances for the enclosure and housing, **using the provisions in Section 3.4(Q), which provides regulations for the keeping of chickens, though not in this district.**

Basically all of the requests are in essence requests for use variances since the applicant is asking to have the use of the keeping of ducks in a district where it is not allowed and the use of the enclosure and housing, again not allowed in this district. Even though the ordinance specifically prohibits use variances in Sec. 28.11(C)(2), the ZBA, after considering variance requests from the regulations in the Zoning Ordinance, could evaluate the request as a reasonable accommodation under the Federal Housing Act and apply the specifications in Sec. 3.4(Q) of the ordinance to evaluate the requests for an enclosure and housing for the ducks.

Note that Sec. 3.4(Q) allows the use of keeping of chickens specifically ONLY in the AG, RR, LDR, LMR and PUD zoning districts. The location of the unit of the multi-family building where the applicant resides is located in the MHR district.

The applicant has confirmed that he is requesting to keep 7 ducks. The enclosure exceeds the square footage allowance and is located too close to the dwelling **based on the specifications listed in Sec. 3.4(Q) of the ordinance for chickens.** It is also constructed with a tarp which is specifically restricted in the current ordinance Section 3.4(Q)(6), again for chickens.

The Applicant states the ducks are emotional support animals and has provided correspondence from a medical provider who states the following:



U.S. Department
of Veterans Affairs

5500 Armstrong Road
Battle Creek, MI 49037
www.battlecreek.va.gov

In Reply Refer To: 515/116MHC

June 2, 2025

Dear Edgewater Country Village,

Veteran Travis J. Vandenberg is my patient, and has been under my professional care since 04/04/2024 involving the provision of mental health treatment. As such I am familiar with his psychiatric history and disability-related functional limitations. He has a mental impairment that substantially limits at least one major life activity as defined by the Fair Housing Act. To enhance his ability to live independently and to have full use and enjoyment of his dwelling, Travis needs support ducks that will assist him with the functional limitations associated with his disability.

Travis already cares for four (4) support ducks. In my clinical opinion, his ducks are: 1) necessary to prevent or interrupt impulsive or destructive behaviors; 2) able to alleviate symptoms consistent with post-traumatic stress; and, 3) provide emotional support that significantly reduces identified symptoms and distress secondary to at least one diagnosable mental disorder (utilizing DSM-5-TR diagnostic criteria). Support ducks, in particular, are necessary as Travis has a history of adverse encounters with traditional domesticated animals, including cats and dogs. Moreover, he has a long, passionate history with waterfowl, resulting in ducks being his animal of choice.

In compliance with HIPAA privacy regulations, I am available to answer questions you may have concerning my verification of Travis' request.

Sincerely,

**ALEXANDER
BUTTERFIELD**

Digitally signed by ALEXANDER
BUTTERFIELD
Date: 2025.06.02 16:33:03 -04'00

Alexander Butterfield, LMSW
Clinical Social Worker & Psychotherapist
Psychiatry Service 116MHC
Battle Creek VA Medical Center
(269) 966-5600

The FHA requires municipalities to make reasonable accommodations in rules, policies, practices, or services, when necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. It is the current recommendation of township legal counsel that the ZBA utilize the same review process for VAR2503 as was used for VAR1804¹ and VAR2406². Under this review process, the ZBA:

1. Conducts an evaluation of whether all seven review standards in Section 28.11(C) are met to permit the granting of the requested variance(s).
2. If the standards are not met, determines whether the requested variance(s) should be granted as a reasonable accommodation under the FHA.
3. Determine the terms and conditions of the reasonable accommodation taking into consideration the facts and circumstances in the record, the public comments, the locale, and the governmental interest in protecting the public health, safety and welfare.

The FHA authorizes the ZBA—in fashioning a “reasonable accommodation” **if one exists**—to exercise a larger degree of discretion than it might otherwise exercise when reviewing and deciding a more “typical” variance request, such as a setback variance. For example, **legal counsel for the Township has confirmed for staff that the law authorizes the ZBA to exercise reasonable discretion in its decisions and that it is within the scope of the ZBA’s power and discretion under the FHA to allow a use variance for the keeping of emotional support ducks and to use Section 3.4(Q) (for the ducks in place of chickens) to evaluate reasonable accommodation for the enclosure and housing for the ducks.**

Because the FHA speaks in terms of reasonable accommodations in governmental rules, policies, practices, or services, the variance criteria in Section 28.11(C) of the Zoning Ordinance provide a good framework for reviewing the request; however, the FHA authorizes more flexibility in the variance process. So, the ZBA should review the variance factors in Section 28.11(C) and determine if the factors are met; however, if the ZBA determines that strict application of the variance factors would improperly deny a “reasonable accommodation” under the FHA, **the ZBA may grant the request even if each factor is not strictly met.**

REVIEW

Variance ID	VAR2503
Applicant	Travis VandenBerg
Address	51 Port Sheldon St.
Request	Keeping of 7 ducks in an MHR district, Non-conforming enclosure/coop construction
Date	For the October 22, 2025 ZBA meeting

¹ In 2018, the Township granted a variance in VAR1804 to allow the keeping of 2 ducks on a waterfront parcel in the LDR District (subject to several conditions) as a reasonable accommodation.

² In 2025, the Township granted a variance in VAR2406 to allow the keeping of 2 ducks in the LDR district (subject to several conditions) as a reasonable accommodation.

Factor	Staff Comments	Factor Met?
<p><i>Standard #1 - Granting the variance will be in the public interest and will ensure that the spirit of the Ordinance shall be observed.</i></p>	<p>Section 1.2 of the Zoning Ordinance describes the purpose of the Zoning Ordinance, which includes (among other things) promoting and safeguarding the public health, safety, and welfare; encouraging proper use of land; reducing hazards to life and property; meeting residents’ needs for places of residence and other land uses.</p> <p>The Township Staff’s code enforcement experience substantiates that ducks are often loud and create undesirable smells. Staff has found that the request of the large structure and number of animals above what is permitted in the ordinance would not be in the public interest. The number of animals, size of the enclosure/coop and location of the enclosure/coop make it difficult to apply conditions that would safeguard public health, safety, and welfare.</p>	<p>NO</p>
<p><i>Standard #2 - Granting the variance shall not permit the establishment within a district of any use, which is prohibited, nor shall any use variances be granted.</i></p>	<p>The keeping of farm animals (including poultry) is allowed in the Rural Residential and Agricultural zoning districts. Sec. 6.2; Sec. 7.3(C)(3)(a). “Poultry” is defined to include chicken and ducks, which means that chicken and ducks are considered farm animals. However, Sec. 3.4(Q) allows the keeping of certain poultry (up to six chickens) in some residential districts (not including MHR), subject to certain regulations. In staff’s opinion, the ZBA could grant a reasonable accommodation to allow the keeping of ducks under Sec. 3.4(Q), even though the ZBA could not grant a use variance, however, the granting of the variance request as proposed could be interpreted as characteristics of an AG use.</p>	<p>NO</p>
<p><i>Standard #3 - That there are practical difficulties in complying with the standards of the Zoning Ordinance resulting from exceptional, extraordinary, or unique circumstances or conditions applying to the property in question, that do not generally apply to other property or uses in the vicinity in the same zoning district; and have not resulted from the adoption of this Ordinance.</i></p>	<p>The parcel/land itself does not present any difficulties complying with the standards due to unique or exceptional circumstances pertaining to the property.</p> <p>This factor cannot be strictly met; however, legal counsel has advised that the ZBA may grant a request for a reasonable accommodation under the FHA even if all of the variance factors are not strictly met.</p>	<p>NO</p>

<p>Standard #4 - <i>That the granting of such variances will not be of substantial detriment to adjacent properties or improvements in the vicinity; or, that the application of conditions of an approved variance will eliminate or sufficiently mitigate potential detrimental impacts.</i></p>	<p>Based on code enforcement’s history dealing with ducks, if the request is granted to allow the keeping of ducks (and/or a number of animals exceeding that permitted under the ordinance), it will be crucial to clearly identify in writing the conditions of approval that are intended to mitigate the negative effects of the keeping of the animals.</p>	<p>TBD</p>
<p>Standard #5 - <i>That granting such variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity in the same zoning district.</i></p>	<p>Other properties do not have the right to keep ducks on their property.</p> <p>However, under the FHA, an accommodation is necessary to afford equal opportunity when an applicant has shown that but for the accommodation they will be denied an equal opportunity to enjoy the dwelling.</p>	<p>NO</p>
<p>Standard #6 - <i>That granting such variance will not cause any existing non-conforming use, structure, or condition to be increased or perpetuated, contrary to the provisions of Chapter 27 of this Ordinance, except in accordance in Section 27.12.</i></p>	<p>It has been provided that the property currently has a non-conforming structure for the purpose of keeping the ducks, which exceed the maximum square footage permitted and is constructed with non-conforming materials (tarp).</p> <p>Specific conditions can be applied if a reasonable accommodation is granted under the FHA, which would restrict and/or limit the nonconformities, and make clear that any accommodations are temporary (i.e., are attached to this applicant/owner) and do not run with the land, thus not perpetuating the nonconformities.</p>	<p>NO</p>
<p>Standard #7 - <i>That the variance is not necessitated as a result of any action or inaction of the applicant.</i></p>	<p>The Applicant contends that the variance is necessitated by their medical condition and need for emotional support animals.</p> <p>Because the applicant had the option of residing within a zoning district that permits farm animals, staff does not believe that this factor is met.</p> <p>However, in consultation with Township legal counsel, staff understands that the ZBA could grant a request for a reasonable accommodation under the FHA even if all of the variance factors are not strictly met.</p>	<p>NO</p>

ZBA CONSIDERATIONS

The ZBA is charged with two considerations: 1) does the request meet the standards in Sec. 28.11 for variances to be granted; and, if not, 2) should variances be granted for a reasonable accommodation based on the FHA.

1. Consideration of the variance requests based on the standards in Sec. 28.11.

A. Findings. Staff has found that Standards 1, 2, 3, 5, 6 and 7 have not been met and Standard 4 is To Be Determined (TBD) by the ZBA. The ZBA should determine if it agrees with the review presented or if it disagrees and concludes that the standards have been met.

B. Options for motions based on the standards in Sec. 28.11.

If the ZBA determines that all of the seven standards of the ordinance in Sec. 28.11 have been met, the motion would be to move to approve the requested variance(s).

If the ZBA determines that even one standard of the ordinance in Sec. 28.11(C) is not met, the ZBA does not have the authority to grant the variance(s) and the motion would be to deny the requested variance (s).

Motion: To adopt the staff report as finding of fact _____ (as presented or with modifications) and to _____ (**approve or deny**) (**VAR2503**) **Travis Vandenberg**, 51 Port Sheldon St., to allow the following:

- 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.

2. Consideration of the request(s) as a reasonable accommodation under the FHA.

A. If the ZBA determines that the standards of the ordinance in Sec. 28.11 for approving a variance are not met and the variances were denied based on ordinance standards, then the ZBA should determine whether to grant the request(s) as a reasonable accommodation under the FHA, given that the Act authorizes more flexibility in the variance process.

B. Analysis of Reasonable Accommodations under the Fair Housing Act for assistance animals other than service animals.

- a. In January 2020, the U.S. Department of Housing and Urban Development (“HUD”) issued guidance for assessing a person’s request to keep an animal as a reasonable accommodation under the Fair Housing Act.
- b. A reasonable accommodation is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for a person with a disability to have equal opportunity to use and enjoy a dwelling, including public and common use spaces.
- c. **Excerpt from the HUD criteria for assessing whether to grant the requested accommodation:**
 - Has the person requesting the accommodation provided information which reasonably supports that the animal does work, performs tasks, provides assistance, and/or provides therapeutic emotional support with respect to the individual’s disability?

YES. The Applicant has provided a letter from his healthcare provider stating that the four (4) ducks are:

- 1) **Necessary to prevent or interrupt impulsive or destructive behaviors.**
 - 2) **Able to alleviate symptoms consistent with post-traumatic stress.**
 - 3) **Provide emotional support that significantly reduces identified symptoms and distress secondary to at least one diagnosable mental disorder.**
- Is the animal commonly kept in households or is it a unique animal?
 - a. **Animals commonly kept in households.** If the animal is a dog, cat, small bird, rabbit, hamster, gerbil, other rodent, fish, turtle, or other small, domesticated animal that is traditionally kept in the home for pleasure rather than for commercial purposes, then the reasonable accommodation should be granted because the requestor has provided information confirming that there is a disability-related need for the animal. For purposes of this assessment, reptiles (other than turtles), **barnyard animals**, monkeys, kangaroos, and other non-domesticated animals are **not** considered common household animals.
 - b. **Unique animals.** If the individual is requesting to keep a unique type of animal that is not commonly kept in households as described above, **then the requestor has the substantial burden of demonstrating a disability-related therapeutic need for the specific animal or the specific type of animal.** The individual is encouraged to submit documentation from a health care professional confirming the need for this animal, which includes information of the type set out in the Guidance on Documenting an Individual’s Need for Assistance Animals in Housing. While this guidance does not establish any type of new documentary threshold, the lack of such documentation in many cases may be reasonable grounds for denying a requested accommodation.

The determination is that the ducks would be considered unique animals because they are not commonly kept in households, but rather are commonly kept on a farm or live in the wild. The applicant's healthcare provider has stated that the applicant has had adverse encounters with traditional domesticated animals, including cats and dogs, and has a long passionate history with waterfowl.

C. Analysis of other circumstances related to reasonable accommodations.

- a. Primarily, the ZBA needs to determine whether the applicant has demonstrated that the requested reasonable accommodations are necessary to afford the applicant or a person with disabilities full use or enjoyment of the premises.
- b. In the two instances the ZBA has granted reasonable accommodations for the keeping of emotional support ducks (VAR1804 and VAR2406), the Applicants were each limited to **TWO (2)** ducks total. It is important to note that both requests were for residences in the LDR zoning district on single family lots.
- c. This request is different from the previous two applications because the applicant resides in one unit of a multi-tenant building in an MHR district, which does not even allow chickens at all. Plus, the applicant is requesting to locate his enclosure directly behind the attached dwellings where other tenants reside. Consequently, the applicant does not own the property and does not have the opportunity to fence in an entire backyard (like the previous applicants did) in order to screen the use from others. In fact, being a multi-tenant building, other tenants will be living in close proximity to the ducks and the enclosure and will be prevented from using the backyard area of the complex where the ducks are located.
- d. The applicant has received approval from the property owner to request the variances. Although the Township has not received complaints about the ducks that already exist on the site, the landlord has received complaints from other tenants.
- e. Another issue arises with the fact that the applicant has stated that he dumps the duck wastewater from the pools into the grass in the enclosure near Rush Creek. The Township has a general ordinance (the ZBA has no authority to grant variances related to general ordinances) which prohibits any discharges into a water body of any materials or water containing pollutants. See the ordinance language below. After a discussion with the Ottawa County Water Resources Commission office, Township staff found that any water containing waste is prohibited from being dumped directly into the creek. However, it is allowable for the water containing waste to be dumped into the grass (away from the creek) which would provide natural filtration for the water before it seeps into the creek. The ZBA should consider if this is a safe, sanitary or acceptable circumstance for the others (who could be children or service dogs) who occupy the multi-tenant building. The reason this should be considered is because duck feces can harbor bacteria such as Salmonella and E. coli which can be harmful to humans and dogs due to the risk of bacterial infections and parasitic diseases. It can carry diseases such as Psittacosis and Histoplasmosis.

Sec. 48-36 of the Georgetown Township Code of Ordinances

Sec 48-36 Prohibited Discharges

A. Prohibition of Illicit Discharges. **No person shall discharge or cause to be discharged to a water body, directly or indirectly, any materials, including, but not limited to pollutants or waters containing any pollutants**, other than stormwater or an exempted discharge pursuant to Section 48-37, or discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.

B. Any person discharging stormwater shall effectively prevent pollutants from being discharged with the stormwater, except in accordance with best management practices.

C. The OCWRC is authorized to require dischargers to implement pollution prevention measures, utilizing BMPs, necessary to prevent or reduce the discharge of pollutants into the County's stormwater drainage system.

D. Prohibition of illicit connections.

(Ord. No. 2022-05, Ord. No. 2002-01, § 4.01, 2-11-02)

- f. The Applicant is now requesting to have 7 emotional support ducks, 3 more than the healthcare provider stated in the letter and 5 more than granted for the previous two similar requests.
- g. Finally, code enforcement staff's experience with ducks regarding odor and noise are strong indicators that the behavior, noise, odor, and waste generated by the requested number of animals would exceed reasonable standards and unreasonably interfere with the neighbors' use and enjoyment of their properties. The location of the enclosure could also unreasonably interfere with the tenants' and neighbors' use and enjoyment of their properties.

3. Consideration of conditions of approval if the ZBA determines to grant reasonable accommodations.

If the ZBA determines to allow reasonable accommodations for the keeping of ducks at the Property and to allow an enclosure, the ZBA should consider conditions of approval in regard to the following.

- A. **Number of ducks.** How many ducks should be allowed? The applicant is asking for seven, his healthcare provider listed four, and the previous two similar requests were allowed to have two ducks each. Consideration should be given to the fact that this is not a single-family residence, but rather is a multi-family dwelling building, and there is no opportunity for the applicant to fence in a backyard that he owns to screen the use from the neighbors.
- B. **Enclosure.** Where should the enclosure be located? What area would provide for the least amount of negative impacts for the other residents of the building? Where is a location that the owner of the property would accept? How big should it be and what materials should it be made of?

C. **Dumping of the wastewater.** Since both the Township ordinances and the Ottawa County Water Resources Commission prohibit the discharge of water containing pollutants into the creek adjacent to this property, where is an area on this site that the applicant can dump the wastewater in order to prevent the least negative impacts to the other residents, their children and their pets (if allowed or if service animals)?