

MINUTES OF THE REGULAR MEETING OF THE GEORGETOWN CHARTER TOWNSHIP
ZONING BOARD OF APPEALS HELD DECEMBER 10, 2025

The meeting was called to order by Chairman Kendall Grable at 7:00 p.m.

Members Present: Kendall Grable (Chairman Grable), Tom Healy, Susan Ouellette, Kelly Kuiper,
Kyle Terpstra
Members Absent: None
Others Present: Ryan Schab, Zoning Administrator (ZA); Crystal Morgan (Township Attorney)

#251210-01 – Approval of the Minutes of the [October 22, 2025](#) Zoning Board of Appeals Meeting.

Tom Healy suggested amending page 8 paragraph 3 to change “common venues” to “condominiums.”

Moved by Kelly Kuiper, seconded by Tom Healy, to approve the [October 22, 2025](#) minutes as amended.

MOTION CARRIED UNANIMOUSLY.

#251210-02 – Public Hearing – (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. ([Zoning Compliance for Enclosure/Coop](#), [Landlord Inspection Photos & Patio Examples](#))

The public hearing was held on October 22, 2025. The Zoning Board of Appeals (ZBA) tabled the request for a reasonable accommodation until the December 10, 2025 meeting, after the ZA, Township Attorney, Landlord, and Applicant could all meet to come to an agreement on the specifics of the proposed resolution.

Moved by Kelly Kuiper, seconded by Susan Ouellette to remove the items from the table.

MOTION CARRIED UNANIMOUSLY.

Chairman Grable asked the ZA to present any recent information that has occurred since the prior meeting.

The ZA presented the [Proposed Resolution](#) to the ZBA.

The Township Attorney stated she spoke to the applicant prior to tonight's meeting. She stated it is still the applicant's intent to seek a reasonable accommodation. He conveyed to her he had begun construction on an enclosure in Allegan on his mother's property. His intent is to complete the enclosure, which he stated would take "one solid day of work" and would then move all ducks to that property. Once that is done, he would then work on completing the enclosure on the subject property and bring four ducks back, or whichever number the ZBA would allow. She stated one of the primary issues would be determining a timeline for implementing the reasonable accommodation. She recommended something to the effect of fourteen days to complete the enclosure in Allegan and move the ducks there. She stated that number is up for debate, but cited the relatively quick deadline as being caused by how much time has elapsed so far, lack of progress to date, concerns expressed by the township and the landlord, and the need for only one day to complete the Allegan enclosure.

Chairman Grable asked if the holidays will effect the number of days code enforcement will be in the office.

The ZA explained the township holiday closures to the ZBA.

Tom Healy wanted clarification on if fourteen days meant fourteen business days or two full weeks.

The Township Attorney stated it would typically mean two full weeks unless expressly stated to be business days, and it would be up to the township to determine which.

Chairman Grable wanted to know who all was present for the meeting on November 12 where the terms of the resolution were discussed.

The Township Attorney stated she, the applicant, the ZA, the property owner, and the property owner's attorney were present at the meeting. She stated the meeting was productive and there was a lot of good discussion and the result of the meeting was the proposed resolution being presented tonight. She stated the difficulty now is the timing of implementing it.

Chairman Grable asked the applicant if he was in agreement with the terms of the resolution and if he had the chance to thoroughly read it.

Travis Vandenberg stated he was in agreement with the terms and, yes, he'd had time to read it thoroughly.

Chairman Grable asked the representative of the owner if they were in agreement with the terms.

The property owner's representative stated they wanted clarification on the resolution that no ducks would be allowed inside the unit and wanted it spelled out more clearly.

Kyle Terpstra asked what the ZBA's authority is regarding the interior of a property.

The Township Attorney stated the township enforces the International Property Maintenance Code (IPMC), however it is very rare that a case about a property's interior is pursued. She stated the township typically does not have access to the interior of a property unless they go through a process to get a warrant. She stated that while it was rare for a case of interior maintenance to get enforced, the township still has the authority to do so.

Kyle Terpstra wanted further explanation about sanitation concerns in the interior versus exterior.

The Township Attorney stated with ducks specifically the concern is smell and noise which are lesser if they are outdoors, and when it comes to dumping out the pools, the dirty water would be filtered naturally versus dumping them out in a bathtub or a kitchen sink. Additionally, feathers and waste disposal would be more challenging indoors. Odors would sink into the carpet and other materials that aren't made for wild animals to be living on.

Kelly Kuiper asked at what point does it become a public health code issue rather than an IPMC issue.

The Township Attorney stated she did not believe the public health code specifically addresses a sanitation issue like this, stating it would instead be addressed under the IPMC. The IPMC lays out the framework for what authority municipalities have when it comes to investigating a complaint, placing liens on properties, etc... She stated when it is a landlord/tenant situation the landlord often has the ability to inspect and enforce their own safety and wellness terms and provisions as stated in their leases.

Kelly Kuiper asked at what point does the township leave the condition of the interior of the unit to be handled by the landlord per the lease.

The Township Attorney stated that part of the resolution addresses that. It states, "Nothing prohibits the Applicant from keeping the ducks indoors... so long as sanitary conditions are maintained inside the residence and so long as the Owner expressly grants permission." This indicates the property owner has the power to state whether or not they can be indoors.

Kyle Terpstra wanted to clarify then that the township is stating the applicant can keep the ducks indoors.

The Township Attorney stated that yes, if the owner approves, and if so, the owner may also impose additional conditions. The intent was to not have the township be responsible for monitoring the indoor conditions of the unit. She stated the applicant has also not indicated a desire to have the ducks indoors. She stated she believed at one point the applicant expressed keeping a duck indoors following a surgery, but otherwise understands the ducks cannot be indoors and doesn't plan to keep them indoors.

Kyle Terpstra asked if the township had the ability to say the only reasonable accommodation they could grant would be keeping the ducks indoors.

The Township Attorney stated, yes, the township could determine that, but she cautioned that if that was the decision, then they needed to have specific findings as to why it's more reasonable to have them indoors rather than outdoors.

Kyle Terpstra stated the reasons would be because it's a multi-family unit, which means close quarters, sanitation, noise, and there have been complaints from neighbors about them being kept outside already. He stated a reasonable accommodation might be keeping them indoors, not outside.

The Township Attorney stated she would caution the ZBA about do so. She stated there was an interactive process to come to the current proposed resolution that has involved the applicant and

the landlord. Knowing that the landlord has stated the ducks cannot be indoors, and then the ZBA stating the only way the applicant can keep them is by keeping them indoors, that it would open the door to a claim that the ZBA's determination was *not* a reasonable accommodation.

Chairman Grable stated the ZBA's task was to determine if a duck was a reasonable accommodation, and as the Township Attorney has stated, the location of the ducks was largely determined by the property owner.

Tom Healy stated that knowing the landlord will not allow the ducks indoors, if the ZBA determined the ducks can *only* be kept indoors would effectively be a denial of a reasonable accommodation. He further asked Chairman Grable for clarification on the type of duck the resolution is allowing the applicant to keep on the property; the resolution conflicts with what was stated on the minutes from the previous meeting. He stated he thought they were at a point of approving the four endangered Cayuga ducks, but the resolution is stating he can keep Rouen ducks.

Travis Vandenberg clarified that the four Cayuga ducks were to remain with him on the subject property and the seven Rouen ducks would be rehomed to the property in Allegan.

Tom Healy asked the applicant if he ever intended to rearrange which ducks were staying at the subject property.

Travis Vandenberg stated the only reason he might rearrange them is if one of the Rouen ducks became ill and he wanted to keep it closer to him to monitor.

Chairman Grable stated that the proposed resolution states the number of ducks allowed at the subject property starts at four and then reduces to two maximum as the ducks pass away.

Travis Vandenberg stated if the township was against him keeping ducks with him for medical purposes, then he would figure out another solution for that situation.

Chairman Grable stated the township is agreeing to allow the applicant to keep the four Cayuga ducks on the property, and agreeing that the other ducks would be rehomed, and agreeing that as the Cayuga ducks pass away, the number is reduced to no more than two.

Travis Vandenberg wanted clarification on the wording in the resolution. He wanted to confirm that he is allowed to keep the four Cayuga ducks, and once two of them pass of natural causes, the number is not to exceed two.

Tom Healy stated the cause of a duck's passing is not a factor, whether it be natural or otherwise. Once two ducks have become deceased, the number cannot exceed two. He stated the way he understands the agreement, it is allowing the four Cayuga ducks to remain and once two of them have become deceased, no other ducks can replace them. The maximum number is then two ducks only.

Kelly Kuiper stated she was wondering why they are specifying the species of ducks at all. She wondered why, if the number allowed will ultimately be no more than two, why they aren't starting with two ducks today. She stated she would rather they did not specify a species of duck and that they instead started with a cap of two ducks, rather than starting with four and capping at two as they pass away.

Tom Healy asked the Township Attorney what it was the ZBA is ultimately charged with as far as health, safety and welfare. He also stated in the past they had other duck approvals which were capped immediately at two whereas this situation was four, which became seven, which then became ten in a short timeframe.

The Township Attorney stated it's hard to put all applications for duck approvals in one box. In past cases ducks were being substituted for chickens [which in Low Density Residential (LDR) zoning, up to six chickens are allowed]. In this case, the medical provider's note specifically states four. The discussions in the past also pointed to four as the initial number due to the fact that the four Cayuga ducks were all from the same flock and that by removing two, there would be negative impacts both for the ducks and the applicant. In terms of public health, safety, and welfare, that is the basis of a zoning ordinance. She stated the Federal law [Fair Housing Act] states the township must make a reasonable accommodation, but does not give guidance about how to do that or the best way to do that. She stated the ZBA can start at allowing for four and reducing to two as the proposed resolution is currently written, or they could immediately start with two, but that it would be in conflict with the medical provider's note. She stated there was language written into the resolution about providing photographs so that the code enforcement staff could compare which ducks are on the property with which ones were approved. She argued that without the level of detail regarding species, it would almost be more difficult to enforce.

Tom Healy stated he was having trouble drawing the line between allowing two ducks on an LDR parcel versus four ducks on a higher density parcel.

Kelly Kuiper asked if there was a certain piece of evidence, like the medical provider's note, that carries more weight in these situations if it were to go before a judge.

The Township Attorney stated that the medical provider's note would be given some elevated level of reliance and there was also the landlord's statement that four was reasonable, though it's not a clear answer.

Kyle Terpstra stated that the ordinance states zero ducks are allowed, and so anything above zero would be reasonable in his opinion.

Tom Healy stated the emotional support animals letter from the VA psychotherapist states Travis cares for four ducks and did not exclude the possibility of getting more ducks for a healthy, balanced flock. So the psychotherapist implies that four is not a hard number.

Kelly Kuiper stated it means the number could increase, not necessarily decrease.

Chairman Grable suggested taking the species of duck out of the resolution.

Kelly Kuiper argued that she felt the Township Attorney was correct in stating which species is allowed. She stated that if the species look different, it would be easier to enforce a possible violation. She stated it was important to state which four are allowed.

Tom Healy agreed and stated the rationale for allowing the applicant to keep the four Cayuga ducks was that they are part of the same flock and separating them would cause distress like constant quacking.

Kelly Kuiper asked if there was a timeline on getting the population down to two ducks that is not dependent on their deaths.

The Township Attorney stated that could be a challenge for the township; determining if new ducks were substituting for ones that have passed in an effort to keep the number at four.

Tom Healy stated they needed to identify the four specific ducks that they are allowing.

The Township Attorney stated she updated the resolution to correct the species of duck they are allowing at the subject property. She stated they could rephrase the resolution to state that once the ducks have reduced to two, the species doesn't matter.

Tom Healy asked for the ZA's opinion on identifying which ducks were allowed at the property.

The ZA stated it was worth getting the photos and names of the ducks to help with enforcement if necessary.

There seemed to be a general consensus that starting at four was reasonable and once two of those four pass away, two becomes the limit in number and the species then does not matter.

Chairman Grable moved on to discussing the enclosure. The enclosure will be a fenced in area around the applicant's patio which will contain a 7' x 3' coop and one water feature not to exceed 36" and 6" deep.

The Township Attorney stated the fence would be solid white fencing as seen in the submitted zoning compliance application. She stated the landlord's desire was to utilize that material for aesthetic purposes and screening from neighbors. She stated there would also be netting or wire around the bottom gap of the fence to keep the ducks contained.

Tom Healy asked the applicant about a statement he had made in an email regarding heating the water in the ducks' pool.

Travis Vandenberg stated that unfortunately the outlets outside his unit do not work and the heating solutions he had were electric. So instead he monitors the water so they have enough to dump their heads in to clear their eyes and nostrils.

Tom Healy asked if they use the small wading pool for that purpose.

Travis Vandenberg stated that the wading pool would freeze over too quickly in winter so they use a rubber bucket and water bowls instead. If the outdoor outlets worked, he could use a heated water bucket or a de-icer. He stated these tools are typically used for larger animals like cattle.

Tom Healy stated his concern was that as part of the agreement, Item Four under Conditions of Approval states, "No heat lamps or other heat-generating devices shall be approved given the proximity of the Enclosure to the Dwelling unit(s)." Tom Healy wanted to confirm the applicant understood no heating devices would be allowed.

Travis Vandenberg confirmed he understood that.

Kelly Kuiper stated it seemed like the ZBA was generally in support of the resolution as proposed with the change that “Rouen” ducks be updated to “Cayuga.”

The Township Attorney stated the only unknown at this point was adding a date that the terms and conditions were effective on item 3.a. of the resolution.

Tom Healy suggested January 01, 2026.

Chairman Grable suggested December 31, 2025 since township staff are not working on January 01 and at least have a half day on December 31 to go check the property.

There was a general consensus that December 31, 2025 would be the date the resolution would be effective.

Tom Healy suggested opening the meeting to public comment.

Moved by Tom Healy, seconded by Susan Ouellette to open the meeting to public comment.

MOTION CARRIED UNANIMOUSLY.

Chairman Grable opened the meeting to public comment.

Travis Vandenberg, 51 Port Sheldon St., thanked the ZBA for their time. He stated he will get the enclosure finished in Allegan and get the other six ducks out there as quickly as possible.

Jean Howard, 25 Ionia Ave. SW, the owner’s legal representative, stated she also wanted to thank the ZBA for their time and efforts. She stated she wanted to be very clear that if the ducks are ever kept within the unit, that she will file a complaint.

There were no further public comments and Chairman Grable closed the meeting to public comment.

Chairman Grable asked the Township Attorney if it would be a civil issue between the landlord and tenant if the applicant were to keep the ducks inside the unit.

The Township Attorney’s recommendation was yes, if it’s about the interior of the unit then that enforcement should begin with the landlord, not the township.

Moved by Kelly Kuiper, seconded by Kendall Grable to adopt the following Resolution:

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

RESOLUTION NO. 251210-02

**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 chickens or ducks in 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, at the October 22, 2025, meeting, the ZBA voted unanimously to deny the application, in part, for the reason that the Applicant’s request did not meet the Township’s standards for a variance as set forth in Section 28.11(C) of the Zoning Ordinance; and

WHEREAS, at the October 22, 2025, meeting, the ZBA tabled the application for a reasonable accommodation and requested that the Applicant and Property owner/landlord/representatives (“Owner”) meet with Township staff to continue discussions regarding the Applicant’s request for a reasonable accommodation; and

WHEREAS, those parties met on November 12, 2025, to continue discussions regarding the Applicant’s request for a reasonable accommodation, were able to reach mutual agreement regarding a reasonable accommodation, and the results of that discussion were relayed to the ZBA by Township staff at the ZBA’s December 10, 2025, meeting; and

WHEREAS, in addition to the Applicant’s application, the ZBA has received reports and testimony from Township staff, correspondence from the Owner, 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 the Owner’s position regarding a reasonable accommodation, 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 as emotional support animals 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, photographs, and other documents concerning the application that were received by the Township through December 10, 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, and December 10, 2025, ZBA meetings; 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 and Property Owner during the course of the public hearing and meetings 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. The Owner does not permit the keeping of seven (7) ducks on the Property, as a reasonable accommodation or otherwise.
- 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 October 22, 2025, 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 four (4) emotional support ducks at the Property, subject to the conditions set forth in this Resolution, including the condition that the number of allowable ducks be reduced from four (4) to two (2) ducks, as set forth in this Resolution
- m. The ZBA finds that allowing a higher number of ducks would be unreasonable because the MHR district does not allow for the keeping of any fowl, including chickens and ducks, because immediate neighbors expressed concerns regarding noise and sanitation, and because the Applicant acknowledged that all of the ducks provide the same service.
- n. The Applicant agreed at the October 22, 2025, ZBA meeting that he could reduce the size of his flock by rehoming some of the ducks, but requested to keep the four ducks that were the members of the same flock, as separating the flock could negatively impact the ducks and the Applicant.
- o. After the October 22, 2025, ZBA meeting, the Applicant acquired three (3) additional ducks, bringing the total number of ducks at the Property to ten (10) ducks, without the approval of the Owner or the Township.
- p. The Applicant agreed in the November 12, 2025, meeting with Township staff and the Owner to reduce the number of ducks at the Property to the four (4) Cayuga ducks that are members of the same, existing flock, with the understanding that as those ducks die and the flock is

reduced to two (2) ducks, no more than two (2) ducks shall be kept at the Property at any time. In other words, when the existing flock of four (4) Cayuga ducks is reduced to two (2) ducks, the number of emotional support ducks at the Property shall be capped at two (2) ducks.

- q. At the November 12, 2025, meeting the parties did not reach a mutual agreement regarding the deadline for reducing the flock to the four (4) existing Cayuga ducks, with (i) the Owner requesting a 15-day compliance period; (ii) the Applicant indicating that he would defer to the ZBA's determination, but would like as much time as possible; and (iii) Township staff indicating that the ZBA had imposed 30 and 60-day compliance periods in previous applications but suggesting that the ZBA may consider a shorter compliance period in this matter given the amount of time that has elapsed since submission of the Application, the Applicant's need to complete certain improvements before winter, the Owner's request for immediate compliance, and the events that have transpired since the October 22, 2025, ZBA meeting, including the Applicant's decision to increase the number of ducks despite the ZBA's comments at the October 22, 2025, meeting.
- r. 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.
- s. At the November 12, 2025, meeting, the parties reached a mutual agreement regarding the location, size, configuration, materials, and maintenance of the proposed enclosure and coop, and the ZBA gives strong consideration to the Applicant and Owner's preferences regarding these matters, as the Owner is also acting on behalf of the other residents at the Property in determining an appropriate, reasonable accommodation based on the location of the Applicant's dwelling unit, its proximity to other residents, and other factors relevant to the maintenance and management of the Property.
- t. 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.
- u. 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 ducks, 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 twenty-one (21) days after adoption of this Resolution:

1. No more than four (4) ducks may be kept at any time on the Property, subject to all conditions in this Resolution. More specifically, the ZBA grants the Applicant's request to keep the four (4) Cayuga ducks that are members of the same, existing flock, on the condition that as those ducks die and that flock is reduced to two (2) ducks, no more than two (2) ducks shall be kept at the Property. In other words, the Applicant shall initially reduce the flock to the four (4) existing Cayuga ducks, and when the flock of four (4) Cayuga ducks is reduced to two (2) ducks, the number of emotional support ducks at the Property shall be capped at two (2) ducks going forward.
2. To allow for the reasonable care of the ducks, and as the parties mutually agreed at the November 12, 2025, meeting, the Applicant is permitted to fence an approximately 10-foot by 14-foot (140 SF) rectangular area ("Enclosure") directly behind the Applicant's unit, which Enclosure: (a) shall be no wider than the existing privacy fence/dividers between the Applicant's unit and adjoining units; (b) shall not extend beyond the depth of the Applicant's patio; (c) shall be enclosed with a solid, 6-foot, white, vinyl privacy fence constructed of materials to match the existing white privacy fence/dividers separating the Applicant's unit from adjoining units; (d) shall have a functional gate to allow for ingress and egress and for proper disposal of the pool water in the outside of the Enclosure; (e) may utilize chicken wire, hawk netting, or other materials as approved by the Owner (and not prohibited by this Resolution) to fully contain the ducks within the fenced Enclosure; and (f) may not exceed the height of the fence, except as may be strictly necessary to allow for human ingress and egress.
3. The Applicant may maintain the following inside of the Enclosure: (a) the existing 7-foot by 3-foot (21 SF) wooden coop with fabric window coverings ("Coop"); (b) one water feature (e.g., plastic pool) not to exceed 36 inches in diameter and six (6) inches deep; (c) two windbreaks, which are currently constructed of molded plastic, are no larger than seven (7) square feet each, and are intended for use to shelter ducks from the wind and to contain bedding materials such as straw.
4. The Applicant confirmed that no heat lamps or other heat-generating devices are being utilized or requested. No heat lamps or other heat-generating devices shall be approved given the proximity of the Enclosure to the dwelling unit(s).
5. Except as expressly provided in this Resolution, the Enclosure, Coop, and all components shall be constructed of approved materials, which shall exclude tarps, plastic, fabric, rubber, paper, cardboard, and other non-traditional building materials, in compliance with the Zoning Ordinance. The Applicant shall submit his plans to the Zoning Administrator for a compliance review prior to construction. The Applicant shall also submit his plans to the Owner for approval of the design, which approval shall not be unreasonably withheld.
6. The Applicant shall notify the Township Zoning Administrator in writing when the number of ducks has been reduced to four (4) and when the Enclosure 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.
7. The Applicant shall submit to the Zoning Administrator photographs and names of the four (4) Cayuga ducks that are initially permitted to remain on the Property, and shall notify the Zoning Administrator within three (3) days of the death of any duck.

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 take precautions against the spread of disease.
6. The ducks shall be kept within the Enclosure, and shall not be allowed to roam the Property and or to enter or trespass upon any other property or unit.
7. The areas inside and outside the Enclosure, including the Coop shall be kept clean and neat at all times. Feces and waste shall be removed, contained, and disposed of on a regular basis not to exceed every three (3) days or such shorter time period as may be necessary 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 not create noise at such volume and/or repetition that it disturbs the use and enjoyment of the Property or neighboring parcels.
10. The duck feed shall be kept in rodent-proof, sealed containers. The ducks shall be fed and watered inside the Enclosure in amounts that can be digested within a reasonable time frame so as to prevent the attraction of vermin or other nuisances.
11. 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 Enclosure, Coop, and related structures shall be removed and the Property brought into strict compliance with the Zoning Ordinance within seven (7) days, or such other time as the Township and Owner may agree in writing.
12. The pool shall not be dumped within the Enclosure or directly into Rush Creek under any circumstances, especially during the Applicant's regular 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.

13. Per the Owner and Applicant's agreement, the pool shall not be filled from any outdoor spigot at the Property, or any hose run over the roof, but may be filled using water brought from inside the Applicant's unit.
14. 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 Owner expressly grants such 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. 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.
- c. 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.
- d. A violation of any of the terms and conditions of this approval shall be deemed a violation of the Zoning Ordinance.
- e. 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 through the approval of reasonable accommodations; however, no variance granted under this Resolution shall be revoked without prior notice to the Applicant and a public hearing.
- f. 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 December 10, 2025, at 7:00 p.m., this resolution was offered by Member Kelly Kuiper, and supported by Member Kendall Grable.

YEAS: Kendall Grable, Kelly Kuiper, Tom Healy, Susan Ouellette

NAYS: Kyle Terpstra

ABSENT/ABSTAIN: None

RESOLUTION NO. 251210-02 DECLARED ADOPTED.

Susan Ouellette

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 December 10, 2025, which was noticed and held in accordance with the Michigan Open Meetings Act, Public Act 267 of 1976.

Susan Ouellette
Secretary, Georgetown Charter Township Zoning Board of Appeals

#251210-03 – Public Comments

Members of the public were present. No public comments were made.

#251210-04 – Other Business – Election of Officers

Moved by Kelly Kupier, seconded by Kyle Terpstra to appoint Kendall Grable as Chairperson.

MOTION CARRIED UNANIMOUSLY.

Moved by Kelly Kuiper, seconded by Kyle Terpstra to appoint Tom Healy as Vice-Chairperson.

MOTION CARRIED UNANIMOUSLY.

Moved by Susan Ouellette, seconded by Kelly Kuiper to appoint Susan Ouellette as Secretary.

MOTION CARRIED UNANIMOUSLY.

Officers for Zoning Board of Appeals 2026:

Kendall Grable – Chairperson

Tom Healy – Vice-Chairperson

Susan Ouellette – Secretary

#251210-05 – Discussion

#251210-06 – Adjournment

Moved by Kelly Kuiper, seconded by Tom Healy, to adjourn the meeting.

MOTION CARRIED UNANIMOUSLY.

The meeting was adjourned at 7:59 p.m.