
ZONING & PLANNING - MICHIGAN

Saugatuck Dunes Coastal Alliance v. Saugatuck Township

Supreme Court of Michigan - July 22, 2022 - N.W.2d - 2022 WL 2903871

Environmental organization with local residents as members brought action in which it sought review of township zoning board of appeals' separate decisions that organization lacked standing to appeal the grant of conditional, preliminary approval and the later grant of final approval to proposed residential site condominium project that included a marina and boat basin with boat slips.

The Circuit Court affirmed the board's determination that organization lacked standing to appeal the conditional, preliminary approval, the Circuit Court, affirmed the board's determination that organization lacked standing to appeal the final approval. Organization appealed both circuit court decisions. After consolidating the actions, the Court of Appeals affirmed in part and remanded. Organization applied for leave to appeal.

On the application for leave to appeal, the Supreme Court held that to be a "party aggrieved" by a zoning board of appeals decision, an appellant must have participated in the challenged proceedings by taking a position on the contested proposal or decision, must claim some protected interest or protected personal, pecuniary, or property right that will be or is likely to be affected by the challenged decision, and must provide some evidence of special damages arising from the challenged decision; overruling to a limited extent *Joseph v Grand Blanc Twp*, 5 Mich App 566, 147 N.W.2d 458; *Olsen v Chikaming Twp*, 325 Mich App 170, 924 N.W.2d 889; and other cases.

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