
ZONING & PLANNING - MICHIGAN

Sakorafos v. Charter Township of Lyon

Court of Appeals of Michigan - November 21, 2023 - N.W.2d - 2023 WL 8101316

Neighbors brought action against city and veterinary clinic for nuisance, conspiracy, and deprivation of civil rights, alleging that operation of commercial dog kennel on clinic property violated city ordinances.

The Circuit Court granted city's and clinic's motions for summary disposition, and neighbors appealed.

The Court of Appeals held that:

- Neighbors were not required to show that their damages were singular or unique in order to have standing to bring nuisance per se claim, and
- Neighbors lacked ability to obtain writ of mandamus to compel township to enforce zoning ordinance.

Neighbors were not required to show that their damages from veterinary clinic's dog kennel were singular or unique in order to have standing to bring nuisance per se claim based on alleged violation of city ordinances, as the fact that other nearby residents also may have suffered ill effects from the dog kennel did not defeat their standing; instead, neighbors were only required to demonstrate special damages different from the injury suffered by others in the community generally, which was supported by their status as an adjoining property owner.

Neighbors lacked ability to obtain writ of mandamus to compel township to enforce zoning ordinance governing commercial kennels as applied to veterinary clinic and its variance, as township had discretion in the enforcement of its ordinances, and neighbors' ability to seek abatement of the nuisance per se created by the alleged zoning violation provided an equitable remedy to achieve enforcement of the ordinance.

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