

# Court of Appeals, State of Michigan

## ORDER

Scott Tucker v Laketown Township

Docket No. 347726

LC No. 18-060603-AA

Jane E. Markey  
Presiding Judge

David H. Sawyer

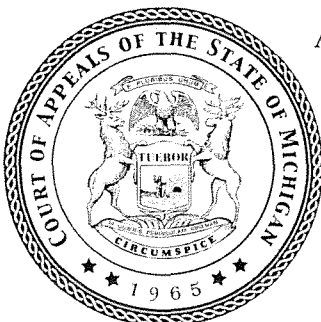
Mark T. Boonstra  
Judges

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The Court orders that the motion for immediate consideration is GRANTED. The Court also orders that the motion to waive the requirement in MCR 7.205(B)(3) is GRANTED.

Pursuant to MCR 7.205(E)(2), in lieu of granting the delayed application for leave to appeal, the Court REVERSES the January 3, 2019 order denying appellant's claim of appeal and REMANDS to the circuit court for further proceedings. A circuit court may dismiss an appeal if the appellant fails to pursue the appeal in conformity with the court rules. MCR 7.113(A)(1). However, because it was not appellant's obligation to file the record, MCR 7.122(E)(2), the circuit court erred in dismissing the claim of appeal for lack of a record. The circuit court also erred in dismissing the claim of appeal for appellant's failure to exhaust administrative remedies. A decision regarding a special land use permit can only be appealed to a zoning board of appeals if such appeals are provided for in the zoning ordinance. MCL 125.3603(1). The Laketown Township Zoning Ordinance does not provide for such appeals. See Laketown Township Zoning Ordinance, §§ 38-113 – 38-119. When a zoning ordinance does not provide for review of a special land use decision, the decision is final and subject to review by the circuit court. *Carleton Sportsman's Club v Exeter Twp*, 217 Mich App 195, 200; 550 NW2d 867 (1996).

We do not retain jurisdiction.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

MAR 26 2019

Date

  
Chief Clerk