

Order

Michigan Supreme Court
Lansing, Michigan

June 9, 2017

Stephen J. Markman,
Chief Justice

155024-5

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Joan L. Larsen
Kurtis T. Wilder,
Justices

CHARTER TOWNSHIP OF LYON,
Plaintiff-Appellee,

v

SC: 155024
COA: 327685
Oakland CC: 2014-141058-CE

JAMES E. PETTY, JUDITH PETTY, JAMES
PETTY, JR., and PETTY TRUCKING,
Defendants-Appellants.

CHARTER TOWNSHIP OF LYON,
Plaintiff-Appellee,

v

SC: 155025
COA: 327686
Oakland CC: 2014-141059-CE

MARLENE HOSKINS and PAUL HOSKINS
LANDSCAPING, INC.,
Defendants-Appellants.

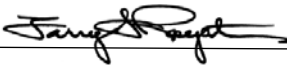
On order of the Court, the application for leave to appeal the October 13, 2016 judgment of the Court of Appeals is considered. Pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE that part of the Court of Appeals judgment stating “[m]oreover, as a matter of law, \$7,000 worth of additions to a storage barn falls short of the ‘substantial change in position’ or ‘extensive obligations and expenses’ necessary for equity to overcome a township’s zoning authority[,] 83 Am Jur 2d § 937, p 984,” and stating that “Courts have also held that the property owner must establish ‘a financial loss . . . so great as practically to destroy or greatly to decrease the value of the . . . premises for any permitted use[.]’ *Carini v Zoning Bd of Appeals*, 164 Conn 169, 173; 319 A2d 390 (1972),” because neither statement is necessary to the disposition of this case or well-grounded in Michigan jurisprudence. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.



d0606

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 9, 2017


Clerk