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### **Michigan Court of Appeals Provides Clarification Related to a Municipality's Grant or Denial of Special Land Use Permit Applications**

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The Michigan Court of Appeals recently provided clarification related to a municipality's grant or denial of special land use permit applications. The case highlights the care municipal bodies must take to document their findings in support of an approval or denial and to closely follow the standards articulated in their ordinance when making such determinations.

*JS Beck Rd LLC v Charter Twp of Northville* (November 18, 2024) concerned an appeal of a planning commission's decision to deny a special land use permit application. The Michigan Court of Appeals affirmed the circuit court's determination that the Planning Commission failed to adequately articulate the basis for its denial, as required by Michigan's Zoning Enabling Act, and also determined that the circuit court erred in directing on remand that the Planning Commission consider new evidence that had not been provided to the Planning Commission before it denied the special land use.

In this case, the court clarified that in cases before a circuit court when a municipality's ordinance does not authorize special land use permit appeals to be determined by the zoning board of appeals, a circuit court must apply the constitutional standard of review outlined in Article 6, Section 28 of the Michigan Constitution. Under such standard of review, a circuit court's task is narrowly confined to evaluating if the municipal body's determination 1) was authorized by law and 2) whether its findings were supported by competent, material, and substantial evidence on the whole record before it.

*JS Beck* also reminds us that a municipal body's findings are paramount and must be well documented. The court noted the importance of individual concerns raised by members of the Planning Commission, and the failure of the Planning Commission to address those concerns in any statement of findings supporting the denial adopted by the Planning Commission. The case teaches that municipal bodies must carefully follow the standards articulated in their ordinances when making determinations. Crucially, the reasons for approval or denial, including attention to the concerns raised by individual members, must be articulated in a written statement of findings supporting the action of the municipal body.

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