

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

---

DAVID E. ALLEN, INC.,

Plaintiff-Appellant,

v

CHARTER TOWNSHIP OF LANSING,

Defendant-Appellee.

---

UNPUBLISHED  
December 15, 2005

No. 263076  
Ingham Circuit Court  
LC No. 04-001728-CZ

Before: Donofrio, P.J. and Zahra and Kelly, JJ.

ZAHRA, J. (*concurring*).

I write separately to concur with the result reached by the majority in Part A of its opinion that plaintiff's constitutional claims are barred by res judicata with respect to the topless bar application to defendant's zoning board. I would also concur with the majority's conclusion in Part B but would hold that plaintiff's constitutional claims with regard to other uses of its establishment lack merit.

/s/ Brian K. Zahra