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By:

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After receiving a letter from the City of East Lansing saying his business's back-lot shed was in violation of the City's Code, Habib Jarwan, the owner of Bell's Pizza, suspected political retaliation for his involvement in the campaign against the proposed income tax. In September 2017, Jarwan had hosted a press conference ^[2] for the "Vote No" campaign on the income tax at Bell's Pizza.

The letter ^[3] about the violation at Bell's Pizza was dated Election Day.

Jarwan tells ELi he has nothing against doing his part to support the City through taxes, and that he voted for Mayor Mark Meadows for Council. But he feels there should be limits to what is asked of property and business owners in terms of remedying the debt the City has accrued.

So he stood up against the income tax. Then, when the letter came just at the time of the election, Jarwan wondered to himself if he was being 'bullied' by the City.

The saga behind the letter to Bell's Pizza started a year and a half earlier, in May 2016, with a complaint about the downtown restaurant El Azteco having a new shed in the parking lot behind the restaurant. Such buildings are illegal in the B2 and B3 zones of the downtown business district, and have long been. But the illegality of them had not been enforced.

El Azteco's shed was erected because a health inspector had told the business that it should stop storing empty bottles in the restaurant's building. 'Empties' can attract fruit flies and other vermin. Restaurants have also been advised to store their propane tanks in sheds out back, rather than inside the main buildings, for health and safety reasons.

Below: The shed and dumpsters behind El Azteco; the shed is illegal and the dumpsters are not.



As ELi previously reported [4], concerns about the aesthetics of El Azteco's shed and about the possibility of 'shed proliferation' ultimately led to many City meetings—at the Zoning Board of Appeals, the Downtown Development Authority, and the Planning Commission—and to a proposed ordinance to allow business-related sheds in the downtown area.

The ordinance that was rather hotly debated, until City Council decided against the change in March 2017. Because of research conducted by City staff in the process of writing the proposed ordinance, City Planning staff were told they then were obligated to enforce the pre-existing code. So the City had to require businesses to take down their existing sheds, even if no one had raised a concern about them.

Below: The shed behind Bell's Pizza.



According to documents acquired by ELi through the Freedom of Information Act (FOIA), around October 23, 2017, City Planning Department staff began working on warning letters to businesses. It is not clear why there was a more-than-four-month delay between the City Council vote and City staff starting to work on the enforcement of the pre-existing law.

Warning letters about possible shed violations were sent out on Election day, November 7, 2017, to six downtown business locations: Crunchy's, 7-Eleven, El Azteco, Five Guys Burgers and Fries, Bell's Pizza and Los Tres Amigos. (It was later determined that what was thought to be a shed at Crunchy's is instead an attached structure, permissible under the law.)

Because of the timing of when the letters were sent out, and because he would not have been aware that other businesses were given warnings on the same day, Jarwan, the owner of Bell's Pizza, suspected that the notice was in retaliation for his business being openly against the income tax. Jarwan was unable to reach the City that week by phone, according to internal staff memos [5]. So he hired a lawyer to represent him in interacting with the City.

That lawyer is local political consultant Mark Grebner. Representing Jarwan, Grebner emailed City Staff on December 1, 2017, and asked whether the shed would qualify as a prior "non-conforming" structure. Grebner was broaching the question of whether the shed could be grandfathered in, because it predates the ordinance.

But at the Council meeting where the proposed shed-allowing ordinance was not passed, City Attorney Tom Yeadon stated that previously-existing sheds would not be grandfathered in as prior non-conforming, as the law was not changing.

Reached by email, Grebner tells ELi that he has been unable to get a response from the City to his inquires on behalf of Jarwan. He added, "If you are able to get an answer out of them, I would be very interested in hearing it."

Jarwan questions why the City wants to get rid of sheds like his. As is true with most of the businesses that received violation notices, the Bell's Pizza shed is on the private property of the business and is in a back parking lot that also contains dumpsters. Based on ELi fieldwork, the dumpsters generally would have been considered significantly more unsightly than the sheds.

But six businesses have now been told: "we are granting you a correction period of one (1) year of the date of this notice." If the sheds aren't gone by November 6, 2018, business owners "shall be guilty of a misdemeanor [and]" shall be punished by a fine of not more than \$100.00 for each offense, or shall be punished by imprisonment in jail for a period not to exceed 90 days, or both such fine and imprisonment at the discretion of the court."

Alice Dreger contributed reporting to this story.

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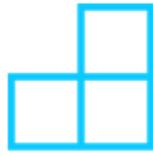
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