



Published on *East Lansing Info* (<https://eastlansinginfo.org>)

Home > City Now Offering Man Either Money or Arrest in Driveway Drama

---

## City Now Offering Man Either Money or Arrest in Driveway Drama <sup>[1]</sup>

Wednesday, September 5, 2018, 8:00 am

**By:**

Alice Dreger



*Above: An image of the driveway while the paving was torn out.*

Take our money and shrink your driveway, or else we'll have you arrested. That's now the message from City of East Lansing's Planning staff to a man whose contractor built a driveway that is bigger than the law allows.

Why would the City offer money to Michael Zydeck, an individual the City says is in such flagrant violation of the zoning law that he is deserving of arrest? Because the City now admits it made mistakes that led to the driveway being larger than is allowed for Zydeck's property.

Zydeck is a radiologist who lives in Plymouth, Michigan. His family bought the property at 444 Division Street to house his daughter while she attends MSU. She lives there now, with a

roommate. The driveway drama, first reported by ELi [2] six weeks ago, has been going on for over a year.

It all started in June 2017 when Zydeck's first contractor sought a permit to tear out the existing driveway and put in a larger one. The Zydecks wanted more room to park.

The contractor was told they'd need a survey. The survey was obtained, the permit approved by City staff, the old driveway torn out, the forms for the new driveway laid, the forms approved by City staff, the cement truck called ?

And then the City, called by an upset neighbor, said "Stop!" The permit had been erroneously approved.

Zydeck was now told that to build a driveway of the size he wanted, he'd need a variance from East Lansing's Zoning Board of Appeals (ZBA). With the driveway torn out, he went through that process, getting permission from the ZBA for some expansion, though not as much as he originally wanted.

His new contractor got a permit approved by City staff, had the forms laid, called the cement truck --

But now the City inspector didn't show up when he was supposed to show up, to approve the forms. That meant Zydeck had to pay for another batch of concrete that couldn't be used.

Eventually the inspector showed up, approved the forms, and the new driveway was laid. But, according to the City and a group of neighbors, it's bigger than it is supposed to be. And even if the City inspectors screwed up (twice), it's Zydeck's legal obligation to fix it.

In the latest letter on behalf of the City, dated August 22, Planning and Zoning Administrator David Haywood explains to Zydeck that paving restrictions were put into place in order to protect older neighborhoods like Bailey, where the house is located.

"People were buying single-family homes in the city and converting them into what amounted to miniature apartment buildings by renting the home to numbers of unrelated individuals and paving large portions of their yards to accommodate the increased parking demand," writes Haywood.

"This was having a deleterious effect on neighboring properties and as a result the City adopted a number of measures over the years to prevent this type of transition of its housing stock." The law, Haywood writes, "is for the protection of neighboring properties."

Neighbors do care. Results of a Freedom of Information Act request show a small group of neighbors writing into the City again and again to demand it hold Zydeck to the law.

But the stack of correspondence also evidences much confusion among all parties as to what exactly the law allows at this property. The fact that it's a corner lot makes the reading of the law complicated, to say the least.

Adding to the confusion, various parts of this project have been dealt with by different branches

of the City's government ? parts by Planning, parts by Building, and parts by the Department of Public Works. Coordination among these branches in this case was apparently spotty, at best.

The confusion just got worse, not better, after the Zoning Board of Appeals (ZBA) meeting in September 2017, where the matter was debated and supposedly decided.

Records show that no one from City staff to involved neighbors to ZBA members themselves could figure out what had actually been ?decided? at ZBA, even after listening to a recording of the meeting. (We listened and couldn't figure it out, either.)

Responding to Haywood's latest letter, Zydeck's attorney, Mark Grebner, writes, ?Even today, my client and I have no idea how to calculate the percentage coverage of pavement on a corner lot under East Lansing law. We have naturally been forced to rely on you and your inspectors, who don't seem to understand how to perform the calculation either.?

Grebner notes, ?the City doesn't normally offer to financially compensate property owners for mistakes those owners make, [and so] it becomes clear that you are, however grudgingly, acknowledg[ing] the City's fault.?

But the current offer from the City of \$1,500 is nowhere near enough to cover what his client has ended up spending on this scene, according to Grebner.

?By my calculations,? Grebner writes, ?the City's errors have induced my client to spent approximately \$18,650 for a driveway which would have cost \$8,000 if he had not had the misfortune to build it in East Lansing.?

That sum includes having to pay contractors to take back two loads of wet concrete as the City said ?go ahead? and ?stop? twice, plus hiring Grebner at a cost of \$2,000 for legal help.

Grebner says his client will accept \$7,000, but that his client isn't interested in making the supposedly-required changes himself, given what he's been through. The City is going to have to do it, because then it will have only itself to blame if it is done wrong:

?After my client's approval of the plan, which will not be unreasonably withheld, the City would be free to carry out the work however it wishes. That way, the City will have no target for its subsequent remorse and recrimination other than itself.?

Grebner says his client will see the City in court, if a deal can't be worked out any other way.

*Disclosure: Mark Grebner donated \$20 to ELi in January 2018.*

### **Related Categories:**

Development and Planning <sup>[3]</sup>

Government <sup>[4]</sup>

## ELi is a member of INN and LION Publishers



Institute for  
Nonprofit News



This news is brought to you by our financial supporters!

---

**Source URL:** <https://eastlansinginfo.org/content/city-now-offering-man-either-money-or-arrest-driveway-drama>

### Links

- [1] <https://eastlansinginfo.org/content/city-now-offering-man-either-money-or-arrest-driveway-drama>
- [2] <https://eastlansinginfo.org/content/city-threatens-arrest-over-approved-driveway>
- [3] <https://eastlansinginfo.org/devplan>
- [4] <https://eastlansinginfo.org/government>