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Shaw Estates Homeowners Look to Prevent Renters with Overlay Petition ^[1]

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By:

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Bradley Holt wanted to rent this home at 1158 Bryant Drive. A group of his neighbors went into action to stop him.

The short and bumpy road that led to the upcoming sale of 1158 Bryant Drive will likely reach its conclusion on June 18, when East Lansing's City Council decides whether to approve a Residential Rental Restriction Overlay District that covers approximately half of the homes in the Shaw Estates neighborhood.

If passed, Ordinance 1456 ^[2] will prevent almost all rentals of houses in that zone, marking

another swath of East Lansing where it can be difficult to rent a house.

Overlay districts already exist ^[3] in parts of Brookfield, Lantern Hill, Old Whitehills, Whitehills, Harrison Meadows, Bailey, Chesterfield Hills, Red Cedar, Southeast Marble, Walnut Heights, Glencairn, Pinecrest, Hawk Nest, Hawthorn, and Oakwood.

Bradley Holt, owner of 1158 Bryant Drive, the property that set off the latest overlay petition drive, filed a rental license application with the City in November. He hired Mike Shulsky, a real estate agent with Berkshire Hathaway Tomie Raines, to oversee the process.

Holt, 58, who lives in St. Petersburg, Fla., is a licensed investigator for a Florida law firm. He took ownership of the home upon the passing of his mother, Judith Christine Holt, in October 2016.

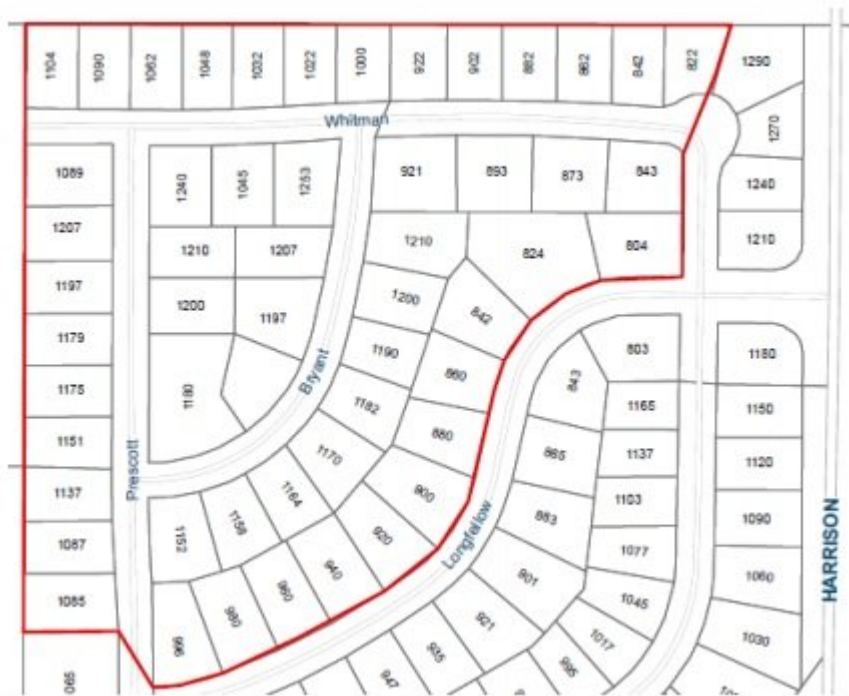
Holt has paid the property taxes and has been responsible for the maintenance of the home's interior and exterior ? without any occupants ? for the past 30 months. He had hoped to one day spend part of his retirement in the house his parents owned since 1972.

He explains that renting the property would have enabled him to keep the home and at the same time set some money aside for when he no longer works full-time. He had no intention of letting the home fall into disrepair.

As required, Holt paid a \$1,550 application fee for a Class III rental license that would allow up to two unrelated persons or a family to occupy the four-bedroom, two-and-a-half story dwelling with driveway parking and an attached two-car garage. He paid for mechanical and plumbing inspections and installed a new high-efficiency furnace.

Then his neighbors found out that he had filed for the license.

Jill Young, who lives at 804 Longfellow, sprang into action and led a petition drive to rezone a portion of Shaw Estates (below) to an R-0-1 Residential Rental Restriction Overlay District, to prevent any of the 54 properties in the affected area (outlined in red below) from being rented.



The Shaw Estates neighborhood is situated north of Saginaw Street and west of Harrison Road.

Young gathered 37 signatures (68 percent) of homeowners whose properties are within 300 feet of 1158 Bryant Drive indicating opposition to Holt's intent to rent his property.

The rental overlay law in East Lansing requires a minimum of two-thirds (about 66 percent) support in order to have an overlay district petition considered by Council. Petition-organizers benefitted in this case from a staff error that delayed review of Holt's rental application.

The law that governs rental restriction overlays in East Lansing states that such overlay districts may be imposed in order to ?preserve the attractiveness, desirability, and privacy of residential neighborhoods by precluding all or certain types of rental properties and thereby preclude the deleterious effects rental properties can have on a neighborhood with regard to property deterioration, increased density, congestion, noise and traffic levels and reduction of property values.?

For the Shaw Estates overlay, a public hearing was held at the Housing Commission meeting March 21, at which time the following written comments were entered into the record:

- ?We moved to this neighborhood because it is full of families and retired individuals who clearly take care of their homes and have invested in their properties beyond the minimal amount of maintenance. ? I will be watching this property closely as I live right next door.? (Bradley Scott, 1164 Bryant Drive)
- ?Pride of ownership is what makes this neighborhood so wonderful. Long-term residency is another factor. A PROPERTY MANAGEMENT COMPANY IS NOT AN EQUIVALENT SUBSTITUTE FOR A COMMITTED, INTEGRATED HOMEOWNER.?(Elizabeth Ramos, Longfellow Drive)
- ?[I am] asking that we be assured by the owner and property manager ? that they intend to

maintain it in a manner that is consistent with the other properties in our neighborhood. If they have a plan they would be willing to share with us, that would be greatly appreciated.?
(Joan Ilardo, 920 Longfellow Drive)

After having attended the March 21 Housing Commission meeting, Don Davis of 1197 Bryant Drive communicated with David Haywood, the City's Planning and Zoning Administrator. Davis is a former member of East Lansing's Planning Commission.

In his email, Davis questioned whether granting Mr. Holt's application was in the best interests of our Shaw Estates neighborhood. We explained our belief that approving Mr. Holt's would, potentially, open Shaw Estates to undesirable changes, particularly ones that the Residential Rental Restriction Overlay Districts Ordinance in Chapter 50 of the City Code is meant to prevent.

Annette Irwin, East Lansing's Housing and University Relations administrator and staff for the Housing Commission, also received communication from Eugene Capriotti, who lives at 960 Longfellow Drive. In his letter, Capriotti expressed an interest in being able to one day rent his home and escape Michigan's winter months, but at the same time retain ownership so that he could eventually turn over the property to his daughter and son-in-law.

In a phone interview with ELi last Thursday, Holt said he had not received or heard of a complaint about the condition of his property until official notice of his intent to rent the home was mailed to neighboring homeowners in March.

"I've been up there several times since my mother died to check on things, and friends and associates have helped maintain the exterior," Holt said. "I did not hear one complaint until the notice went out."

"My intent all along," he explained, "has been to keep the home in the family, where it's been since 1972. I have a nephew who lives nearby, with his mother, and he has a half-brother who has been a part of the family since 1989. I also have family in the Chicago area and Cass City. I wanted to make sure if something happened to me that the house would stay with family."



But Holt's plans did not accord with the neighbors'.

At the May 8 Planning Commission public hearing, leading opposition to allowing rentals in her neighborhood, Young (above) stated: "Throughout this process ... I learned that I have a lot of wonderful neighbors. many of whom I met for the first time - and I've lived in this neighborhood for twenty years. It's a wonderful family neighborhood that we want to maintain."

Jorge Ramos of 824 Longfellow Drive concurred, saying that the rezoning petition "galvanized our neighborhood. We don't want to change the character of the community."

Kim Eddie, who has lived at 1137 Prescott Drive since 1987, added: "Shaw Estates represents a unique neighborhood. If you came there at Halloween, you'd see a Halloween parade. If you came there at Easter, you'd see our Easter Egg hunt. ... we're a community of homeowners who care ... and I think Jill Young should be sainted for her efforts."

The Planning Commission voted 5-2 to recommend approval by the City Council of the overlay district.

Commission member Chris Wolf voted in favor of the motion to rezone the neighborhood because the petition met the letter of East Lansing's law on rental restriction overlays. But Wolf also voiced concern over that law.

"This is the worst ordinance we have on the books in this city, for two reasons," Wolf said. "One, it takes away property rights from your neighbor, that they can no longer rent their property. Secondly, it artificially affects the housing market. It creates a serious reduction in the number of houses available for rental."

Wolf went on to explain that earlier in life, he and his wife had rented a home in East Lansing for three years while trying to save for a down payment on a house they could purchase. The rental home for them was much preferred over living in an apartment building or complex.

Planning Commissioner Dana Watson also commented at the meeting on the difficulty faced by families that want to rent in East Lansing.

Shulsky, the real estate agent, was disappointed by the turn of events for his client.

"Listen, Brad is an investigator for a law firm. That is what he does," Shulsky said. "Do you really think he would have rented his home to people who would have treated it poorly?"

Shulsky listed the home for sale one week ago. An offer came in the same day.

"It's a nice home in a nice neighborhood," Shulsky said.

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- [Council Supports Hawthorn Neighborhood Rental Prohibition in 3-2 Vote](#) ^[5]
- [City Staff Urges Citizens to Contact Legislators on Short-Term Rental Bill](#) ^[6]

- Council Votes 4-1 to Shrink Historic District in Preparation for Redevelopment [7]

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