

**PROPOSED MINUTES OF THE
CITY OF ST. CLAIR SHORES
FENCE ARBITRATION**

Wednesday, May 18, 2022

Regular Meeting of the Fence Arbitration Board, held in the Jefferson Conference Room, located at 27600 Jefferson Circle Dr., St. Clair Shores, Michigan.

Present:

Michael Greene, Interim City Manager
Peter Accica, Council Member
Julie Kandt, Recording Secretary

Also Present:

Virginia Carstarphen & Candice Mayer, 22600 E 10 Mile
Duane Michno, 20913 Ardmore Park Dr.
Darlene White, 27920 Ursuline
Cari and Pete Kinsler, 22596 E 10 Mile
Jeri & Fred VanAssche, 22592 E 10 Mile
Paula Ashley, 22580 E 10 Mile

1. CALL TO ORDER

Mr. Greene called the meeting to order at 2 p.m.

2. CASES TO BE HEARD

Case #01-2022 22600 Ten Mile – Candice Mayer, attorney c/o Todd Hyatt

Request to install a 6-ft tall wrought iron gate where the property line crosses 10 Mile to prevent people from driving onto the property. (*Reason for denial: privacy fence on water adjacent property and fence goes beyond the front of the house*).

Virginia Carstarphen's attorney Candice Mayer said they are requesting an exception to the city ordinances. I believe the issues are that the fence is at the front of the property, it's a waterfront property, as well as the spikes on the top and it being 6 foot. It's really just a gate. One of the issues is that people keep trespassing onto their property, they're the very last property on that road. The most serious issue is that there is a public safety problem, in the last year there were 3 incidents where people don't realize that 10 Mile stops, and continue along on their property and drive almost into the canal. It's an ongoing issue even before they bought the property. It's not just a liability issue for the property owner but the city. They just want a gate across that area, it's in the best interest of everybody not just the property owners. There was a recent incident where the city contacted Virginia about the Bird scooters. Kids were doing a Tik Tok challenge and the scooters were thrown into the lake. Accica asked if the gate is at the front of 10 Mile or back. Petitioner said all the way at the end of 10 Mile. Mayer said we do not want to block off the road for other residents.

Cari Kinsler said we are the second house, we get most of the traffic. They have blocked our driveway with a truck, to the point where people that are coming for them and the Amazon people are stopping in the middle of the road in front of our home, then backing up and coming in our driveway. Then they put their mailbox at the end when it's supposed to be on the house, that's his turnaround also. The easements of gas lines and water lines are at the end of 10 mile. We have so much damage to our property, they're supposed to have a turnaround. Every dead-end street has to have a turn-around and theirs is considered the turn around. They knew this when they bought the house. We have grandchildren there all the time, it's been dangerous with the people going in and out without being considerate. Why should we have to have all the traffic at our home.

Fred VanAssche said there is no limiting principle. If the foundation of your argument is that you don't want people to turn around on what is an easement, then if they put up a gate, then I can put a gate up, and the next guy can put a gate up.

Mayer said that is not an easement. Where they want to put it, that is not an easement. Kinsler said city maps show that as a turn around for 10 mile. Mayer said a fence across a roadway doesn't block a utility easement.

Kinsler said then there is a fire hydrant right there at the fence, if fire trucks need to get in there, there's no way. All of us say, if they want a gate, put it up at the front where all of us are safe. VanAssche said that would be a much better option. Paula Ashley said I've lived on 10 Mile for 36 years, I've seen it all on this street. What you are experiencing isn't anything new. You can't protect one property when everyone on the street is at the same risk. I've had people we had skinny dippers, people with guns, etc.

Mike Greene said is there any way to modify the gate. Petitioner said she would consider it, however, it's much more advantageous if people can see it coming down Ten Mile.

(Several people talking at once). Accica said I was down there today, I didn't see a need for a gate down there, I thought it should come up front.

Motion by Mr. Accica, seconded by Mr. Greene, to deny the request.

**Ayes: 2
Motion carried**

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Case #02-2022 22680 Wildwood – David Tomlin

Request to remove 24 feet of chain link fence and replace with a 6-ft tall vinyl privacy fence behind house, along east property line. *(Reason for denial: privacy fence on water adjacent property)*. **CASE CANCELLED BY PETITIONER**

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Case #15-2018 27920 Ursuline – Darlene S. Wyber (Mroz)

Request to keep a row of hedges at 4 feet from the front of the house (on the right side) up to the front property line. (THIS WAS A 2018 CASE WHERE THE MOTION SAID SHE HAD TO COME BACK IN THREE YEARS TO REEVALUATE HER REQUEST. MINUTES FROM THAT MEETING ARE ATTACHED).

Petitioner said my name is Darlene White, now. I just want to close the case, my new neighbor doesn't object. I did cut them down. Accica said do you have a letter from the new neighbor, petitioner said she hasn't moved in yet. Both sides are short. Accica said I think they need to be trimmed a little bit, they're hanging over your neighbor's yard. I would say clean them up. You should get a letter from her saying hedges are ok and keep them trimmed down to 30 inches and 4~5 feet back from sidewalk.

Motion by Mr. Accica, seconded by Mr. Greene to approve the request with letter from neighbor.

**Ayes: 2
Motion carried**

3. **ANY OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE BOARD**

4. **APPROVAL OF MINUTES**

Motion by Mr. Accica, seconded by Mr. Greene to approve the minutes of December 15, 2021, as submitted.

Ayes: 2

Motion carried

5. **AUDIENCE PARTICIPATION**

Dwayne Michno, board member of the Board of Fence Appeals, voiced his concern about this board only having two voting members and that he thinks it's not being done the right way. Greene and Accica reminded him that no one has applied for the 3 seat.

6. **ADJOURNMENT**

Motion by Mr. Greene, seconded by Mr. Greene, to adjourn the meeting at 2:25 pm.

Ayes: 2

Motion carried

(THE PRECEDING MINUTES ARE A SYNOPSIS OF THE FENCE ARBITRATION MEETING AND DO NOT REPRESENT A VERBATIM RECORD.)