

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

**Wednesday, July 21, 2021**

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

**Present:**

Matthew Coppler, City Manager  
Peter Accica, Council Member  
Herald Perkakis, City Attorney  
Julie Kandt, Recording Secretary

**Also Present:**

Matthew Netter  
Robert Dennison

**1. CALL TO ORDER**

Mr. Coppler called the meeting to order at 2:01 p.m. and

**2. CASES TO BE HEARD**

**Case #11-2021 21628 Blackburn – Matthew Netter**

Request to install 18ft of 6ft cedar privacy fence on portion of south (rear) property line.  
*(Reason for denial: good side facing in.)*

Petitioner said I am having Tom's Fence install the fence. My south border has two neighbors on it. The party with the 2/3 has a nice cedar fence, the other 1/3 has a chainlink fence. It also has a garage directly in front. I want the identical cedar fence and my objective is to have good side facing me, so the while line will look the same. The neighbor is ok, and also the garage covers most of the bad side of the fence. The poles will have a box around it. Accica said we have a letter from the neighbor.

**Motion by Mr. Accica , seconded by Mr. Coppler to approve the request.**

**Ayes: 2**

**Motion carried**

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**Case #12-2021 22808 Harmon – Robert & Cynthia Dennison**

Request to attach vinyl trellis panels to existing Kroger wall (total of 8 feet high on petitioner's side). Work already done. *(Reason for denial: over 6-feet high and attached to existing wall – not self-supported.)*

Robert Dennison said we apologize for not getting permission before we installed. Prior to Kroger moving the wall, it was two feet in and two feet higher. So we had a 6-ft wall between our property and Kmart. In addition, we had 20 cedar trees that were 14-16 ft high. When the company moved the wall two feet, it dropped two feet and damaged the roots of all my cedar trees. Which required me to remove all of them at my expense of \$1,500. So now the wall is only 4-ft down from my property line, so any truck driver that goes by, their window is now 1-ft above the wall and they can look right inside my kitchen, my patio and hot tub. My preteen granddaughters come over to use the hot tubs, on several occasions we've heard the brakes stop and truck drivers looking over. So now my grandkids are uncomfortable using it. We have been forced to put up blinds, curtains. We also understand that wall is supposed to move again. What we put up is two feet higher than it was before, but gives a visual block to truck drivers. Not a total, because it's a woven fence. We got the idea from other people who did similar things, like behind Buffalo Wild

Wings. Can we keep it up at least till Kroger has to move the wall? The original wall was 6-ft, but they moved it 2-ft over and the grade down 2 feet. Accica said the wall looks like trucks have hit it already. Petitioner said for the most part, Kroger has been great neighbors. We're also negotiating with Kroger to replace our trees. City attorney asked how many feet, petitioner said we're only asking for 80 feet of property line. My wife was on me to do something. Attorney asked what would it cost to buy 8-ft cedars. Petitioner said possibly around \$2000. City attorney said let's say Kroger says they'll put up 8 ½ cedars in a row. I can't see any other solution because this fence can't stay. Petitioner said what we're really asking for is a temporary solution. Coppler asked about the safety perspective, will it fall down in a strong wind. Petitioner said it's not a safety issue, it's solid. It's screwed in with anchors on pressure treated lumber. Coppler said maybe we should table this until next month to see if we can negotiate something with Kroger, but the other piece is if we can get a waiver of liability. Petitioner said we got a verbal from the store manager to put it up, but nothing is writing.

**Motion by Mr. Accica , seconded by Mr. Coppler to table the request until August 2021, and the fence can remain until then.**

**Ayes: 2  
Motion carried**

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

Recording secretary asked if a 3<sup>rd</sup> board member has been found. Coppler said he didn't think so.

**4. APPROVAL OF MINUTES**

**Motion by Mr. Accica, seconded by Mr. Coppler to approve the minutes of June 16, 2021 as submitted.**

**Ayes: 2  
Motion carried**

**5. AUDIENCE PARTICIPATION**

None

**6. ADJOURNMENT**

**Motion by Mr. Accica, seconded by Mr. Coppler to adjourn the meeting at 2:13 pm.**

**Ayes: 2  
Motion carried**

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