

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

Wednesday, September 15, 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:

James LaBroski
Jon Pastuha on behalf of Kevin Esch
Terry & Wendy Gutermuth
Bryanna Green
Matthew Peabody

1. CALL TO ORDER

Mr. Coppler called the meeting to order at 2:03 pm.

2. CASES TO BE HEARD

Case #12-2021 22808 Harmon – Robert & Cynthia Dennison (Tabled from July & August)
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.*)

Mr. Coppler explained that per the Community Services Director, this case will remain tabled until Kroger and the residents have reached a resolution about the screen wall.

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Case #15-2021 27700 Jefferson – James LaBroski

Request to 1) install 6' tall wood privacy fence around trash can containment area (good side facing out) & 2) install 4' tall wood privacy fence at front edge of house for garden be area - 16' area. (*Reason for denial: privacy fence on water adjacent property.*)

Petitioner explained why he wants the fences. Accica said it is not blocking anyone's view. Petitioner said I talked to the neighbors, they are ok with it. City attorney said get signed letters from neighbors.

Motion by Mr. Accica, seconded by Mr. Coppler to approve the request with letters of approval from both neighbors.

**Ayes: 2
Motion carried**

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Case #16-2021 34170 Jefferson – Jon Pastuha on behalf of Kevin Esch

Request to 1) install a 10' chain-link fence on both ends (west and east) of basketball court; & 2) install 95 arborvitaes in a row acting as a fence along north property line from Jefferson to the water. (*Reason for denial: fence in excess of 6-ft, and privacy fence on water adjacent property.*)

John Pastuha said Kevin put a basketball court in, the first issue is that we need to put basketball nets on it, and the nets need a foundation, one is in the city's egress. *Mr. Pastuha spoke more about the basketball nets, before the board realized he was mistaking this fence arbitration meeting for a different meeting about the basketball nets.*

He said the fences are to keep basketball from going into the street. Fence is not up already. We need approval for the 10-ft fence on either end, and arborvitae on the north property line.

Neighbors to the north, Terry & Wendy Gutermuth, said they are adamantly opposed to the arborvitae on north property line. John said they want the privacy for the basketball court. Neighbors showed board some pictures of their house and the view they have. City attorney asked where their house sits in relation to the proposed arborvitae. Terry said we're relatively close to the lake and the arborvitae would block about a 1/3 of the view. John said their view was blocked before they took the house down. Gutermuths said no it wasn't. John clarified that they aren't going all the way down to the water, they're stopping about 35 feet from the water.

Coppler asked if they're completely opposed to all the arborvitae, what if it were a privacy fence. Terry said if it was 4 feet tall, it'd be ok. There's already a chainlink fence there. Terry expressed some concern about the possibility of a basketball going into Jefferson, but they said they're ok with the basketball fences.

Coppler asked what's the rationale for the arborvitae. John said privacy. Gutermuths said this is the first time we've heard about them wanting arborvitae. John suggested smaller arborvitae or bushes. Terry said I don't want any arborvitae or bushes of any kind. John said what can we put there. Accica said a chainlink fence. Terry said there is already one there. John said what if we stop at their house. City attorney said that still violates the statute.

Motion by Mr. Accica, seconded by Mr. Coppler to approve the request to install a 10' chainlink fence (black ok) on both ends (west and east) of basketball court; & deny the request to install 95 arborvitae in a row acting as a fence along north property line from Jefferson to the water.

**Ayes: 2
Motion carried**

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Case #17-2021 29026 Jefferson – Bryanna & Shane Green

Request to install 6-ft tall privacy fence (horizontal cedar) from front of house along 88 feet of both side property lines, and then the remaining 30 feet of both property lines to the water will be 4-ft tall horizontal cedar fence on both property lines, posts facing in. (*Reason for denial: privacy fence on water adjacent property.*)

Petitioner said there is a fence there today on both sides that is falling down, I have small children and a dog. We got the fence company to replace the existing fence with something that doesn't let my dogs escape. The first 88 feet will be the tall fence. And as it gets closer to the water, it'll drop down and the fence will be 50% half open. City attorney asked if you have neighbors on both sides. She said yes, they gave me verbal ok and were happy that I'm paying for it. She showed board some pictures and explained how she's taking down the fence that is currently in her front yard and that the new fence won't go past the front of her house.

Motion by Mr. Accica, seconded by Mr. Coppler to approve the request with letters from neighbors on both sides.

**Ayes: 2
Motion carried**

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Case #18-2021 29910 Jefferson – Matthew Peabody

Request to install 37 arborvitaes in front of house along Jefferson and south property line as a sound barrier. (*Reason for denial: fence in front of house and privacy fence on water adjacent property.*)

Petitioner said work is already done, when we purchased the home last year, neighbor had a large pine tree growing over my garage, we agreed to cut it down. Then on the south side, I had 3 large pine trees mostly dead, we had those cut down too. Then the noise level from Jefferson was noticeably a lot louder. My wife and I did research to abate the noise, and this seemed like a logical solution. We went ahead and did it, I didn't realize I needed permit. My neighbor to the south, he is quite pleased. You can still see between the houses all the way up to the lake. The neighbor to the south, their house is closer to the lake. We're a little ranch between these two large homes. City attorney said they're really not blocking anyone's view. Petitioner showed board what it looks like on his phone. Accica said can you get a letter from the neighbor. Petitioner said yes. City attorney said what impact does this have. Coppler said one of the differences here is the proximity to the road, this is well off the road. Petitioner said right now they're about 6-ft tall. Accica said they can't be over 6 feet tall.

Motion by Mr. Accica, seconded by Mr. Coppler to approve the request as long as they keep them under 6 feet.

**Ayes: 2
Motion carried**

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

Coppler suggested we add to the fence arbitration application a note to say get letters from neighbors.

4. APPROVAL OF MINUTES

Motion by Mr. Accica, seconded by Mr. Coppler to approve the minutes of August 18, 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 2:45 pm.

**Ayes: 2
Motion carried**

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