

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

**Wednesday, October 20, 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  
Eric Shepherd, City Attorney  
Julie Kandt, Recording Secretary

**Also Present:**

Brad & Christine Horton, 26918 Koerber  
Jim Pellerito, 26910 Koerber  
Donna Pellerito, Lexington, MI

**1. CALL TO ORDER**

Mr. Coppler called the meeting to order at 2:16 p.m.

**2. CASES TO BE HEARD**

**Case #19-2021 26918 Koerber – Brad Horton**

Request to plant 13 arborvitae along south side of deck (replacing existing hedge row planted in 2011) (*Reason for denial: arborvitae act as a privacy fence on water adjacent property. Work already done.*)

Brad Horton said we had box woods, about half died on our planting base on our patio. We contracted with Halls Nursery, they couldn't get to us till fall, we had the box woods replaced with 12 or 13 arborvitae in their place. The area is 20 feet 9 inches. I didn't know I needed a fence permit to plant those in our deck. In 2011 when that deck and home was built, everything was approved with what we were doing on the deck. So we removed the dead plants and put in new plants. Accica asked if the arborvitae were put in 2011. Petitioner said no, the box woods were put in 2011. We installed the arborvitae in late September.

Coppler asked if the planting is elevated 3 feet. Petitioner said 32 inches. Coppler asked how high the box woods were, petitioner said 28 inches. Coppler asked recording secretary what the issue is with this case. Secretary said the row acts as a fence, you can't see through them, and they would grow over 6 feet. Accica said it's the line of sight to the water. Petitioner said we have a letter from my father who lives next door, he doesn't have any issues with this. Obviously, Mr. Pellerito lives next door to me, apparently there's an issue. But there's issues everywhere, if you look at the overhead there are fences past everyone's house. He handed board members a packet showing pictures of aerial shots. Even Mr. Pellerito's yard, his privacy fence comes way past his home. Petitioner proceeded to explain the pictures in the packet he handed them.

Accica asked Mr. Pellerito if he can see the water, Mr. Pellerito said it's blocking my view, he showed pictures to the board as well. He explained this is what he sees sitting down, and what he sees standing up.

Coppler said Mr. Horton has the floor, let's let him finish.

Petitioner said if you look at the overhead image from Google Earth, none of these houses are straight across. We are just replacing our plant; our hot tub is right there 8 feet away. Fence lines run past houses there like crazy.

Mr. Accica said we don't have complaints about those other houses, we only address complaints.

Jim Pellerito showed the board pictures. When I'm sitting down, it's obstructing my view, and then when I'm standing up it will eventually block my view. Mr. Horton built the house after me, I've been in the city for 38 years, 22 years, since 1998. He built it knowing that he was going to put his porch here. There was nothing there before. I had a view before, this is my view. I haven't said anything about anything, there's a gigantic house there. I could go on and on all day about things.

Coppler asked Pellerito if he had any problem with the boxwoods. Pellerito said no.

Donna Pellerito said I was here for something else, issues going on with Nick.

Accica asked petitioner how do you feel about box woods going back in, would it bother you. Horton said yeah. We need privacy from Mr. Pellerito. We've been physically threatened via text. I had to go to the police department to make a statement, make a report. I have 4 children under the age of 10, and they don't want to be in our backyard. We want to leave this city and move, it's that bad. We need some privacy. My kids don't even want to go outside.

Donna Pellerito said neither did my son, this is why I'm here. I'm sorry I don't think I should be in this meeting. I used to be married to Jim. I apologize I thought this was something else. Coppler said this is only about a fence.

Mr. Pellerito said he just brought up threats and that's totally false. I want it struck from the record what he just said, there's a bunch of things after that, he's got to stop the non-truths.

Coppler said the question I have is, what makes a fence a fence. This is not a traditional fence, it's not on the property lines. I want to make sure we're doing the right thing, not to inflame the situation anymore here. City attorney said we can definitely look into that and clarify exactly what our definition of what a fence is. Coppler said this is a little bit unique, is this a privacy fence or landscaping.

Accica said my understanding is that arborvitae is considered a fence.

**Motion by Mr. Accica, seconded by Mr. Coppler to table the case.**

**Ayes: 2  
Motion carried**

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

Recording secretary mentioned that per Coppler's suggestion, a note has been added to the Fence Arbitration application saying that letters from neighbors are strongly encouraged. Also, there was a case in 2018 wherein the motion said they had to come back in 3 years. We are at the 3-year mark. We haven't heard from that petitioner or the complainants from that case, do they still need to come back. City attorney said yes, if it was part of the motion.

### **4. APPROVAL OF MINUTES**

**Motion by Mr. Accica, seconded by Mr. Coppler to approve the minutes of September 15, 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 2:30 pm.**

**Ayes: 2**  
**Motion carried**

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