

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

**Wednesday, June 21, 2023**

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

**Present:**

Dustin Lent, City Manager  
Peter Accica, Council Member  
Harold Perkakis, City Attorney  
Mike Green, Asst City Manager  
Julie Kandt, Recording Secretary

**Also Present:**

Kathleen Shontz, 22618 Rio Vista  
Tony Pellerito, 22631 Pointe Dr.  
Dean Jankauskas, 22612 Rio Vista  
Tom McKenney, Tom's Fence  
Robert Perugi/David Lopez, 20313 Lawndale

**1. CALL TO ORDER**

Dustin Lent called the meeting to order at 2:01 p.m.

**2. CASES TO BE HEARD**

**Case #04-2023 22618 Rio Vista – Kathleen Shontz**

Request to remove and replace privacy fence on 3 sides using existing steel posts.

*(Reason for denial: fence sits above 6 feet from grade on neighbor's side of rear property line and good side facing in.)*

Petitioner said my late husband and I bought the house 37 years ago, it had an existing 6-ft privacy fence. Several years later, we put in a new one with same measurements. Now, I want to replace it, with the same measurements so I can keep my privacy.

Dean Jankauskas, I have no problem with it. It's been up for 30 years, it's just a replacement. I'm just here to support Kathy.

Tony Pellerito, I would like to see a fence put in front of that concrete on my side, on the ground. I think they have another 6-8 inches beyond that concrete. I haven't surveyed it. Accica asked if you're low back there. Petitioner said he's low. Pellerito said I'm on grade. I feel that a 6-ft fence on my side gives her privacy and would cover the concrete. Petitioner said, but it would lower it on my side. It's no longer a privacy fence. It doesn't make sense, it wouldn't have uniformity with the other sides.

Pellerito said my neighbor put a fence, why can't you line up with his fence.

City Manager said what are you looking for, are you more concerned about the height of the fence, or do you want to hide the concrete. Pellerito said hide the concrete, it's also starting to deteriorate.

City Attorney said is any of the rest of your fence over 6 feet. Petitioner said no. City attorney said how do we get this fence to be the same height as your fence.

Jankauskas said my fence sits down a little lower. Mine goes right to her cement.

Attorney said I don't think you can keep that cement the way it is. Petitioner said we were going to use the existing poles.

McKenney said the fence is not 6-ft high, it's 5'4" tall from her cement to the top of the fence.

City attorney said we better know where the property line is. Lent said we don't require surveys for any fences.

Lent said the issue is, we have a fence that on her side is 5'5", on her side, and the panels are 6-ft high on his side.

McKenney said the posts will be on Kathy's side, the good side will be facing the neighbor. It'll be a shadow box, a better look and let's air flow through.

McKenney clarified that the cement around the pool, and retaining wall are separate things. The retaining wall was built when they put the pool in.

McKenney clarified that despite what the application says, they're not asking for good side facing out. It's going to be shadowbox.

Pellerito said you're presenting me no options. Dustin said there is already an existing fence we're not changing the fence, so even if we say no, you're still looking at the retaining wall. Pellerito said why not put a fence in on my side. Petitioner said because of cost.

City Attorney said it will look better, but if you say no, it stays the same.

Jankauskas said what about 8-ft panels on Pellerito's side. Lent said 8-ft panels opens up pandora's box. We don't want to approve 8-ft panels.

**Motion by Lent, seconded by Accica, to approve the request with the new fence being no higher than what is there now.**

**Ayes: 2  
Motion carried**

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**Case #05-2023 20313 Lawndale – Robert Perugi/David Lopez**

Request to remove existing chain link fence along right side of property, install 6-ft vinyl privacy fence along that property line up to the attached garage, with a 2-ft wrought iron decorative fencing on top of that with spikes for a total of 8 ft. (*Reason for denial: fence is higher than 6 feet and spikes on top.*)

Robert Perugi said neighbors are all for it, and the reason why is the neighbor's windows are higher than the 6-ft boards. We have a man cave with memorabilia we want to block that. We also have a deck and pool too, the deck is elevated.

Lent said dealing with 8-ft fence, once you open up pandora's box, everyone will want one. We have to have a true rationale, for example, the previous case, it's a 6-ft fence on a 2-ft retaining wall. That was controversial, but we approved it.

Petitioner said but ours is only a 6-ft privacy fence with lattice on top. We have neighbors that have 8-ft fences. Accica said we don't go looking for it. Lent said if someone puts up an 8-ft fence without a permit, we will tell them to take it down. If it's been there forever, when the ordinance might have been different, we don't.

Lent said you have zero privacy right now, a 6-ft fence will give you a decent amount of privacy. David Lopez said we have neighbor's consent to have it built. Attorney said they can't consent to something that is against our ordinance. Lent said we do take consideration of neighbor's opinions.

What is the reason you won't allow a 7 – 8-ft fence. Accica said we got to stop it somewhere. Ordinances are hard to change, council would have to want to change it. Accica said I'm on council I wouldn't approve it.

Petitioners asked if they could put lights on the fence, Lent said yes. Petitioners mentioned Stahl's behind them, and the possibility of putting something on top of that wall for more privacy. Board explained that the wall isn't their property, it's owned by the commercial property. You can't put anything up there.

**Motion Accica, seconded by Lent, to deny the request.**

**Ayes: 2  
Motion carried**

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

**4. APPROVAL OF MINUTES**

**Motion by Mr. Accica, seconded by Mr. Lent to approve the minutes of March 15, 2023 as submitted.**

**Ayes: 2  
Motion carried**

**5. AUDIENCE PARTICIPATION**

None.

**6. ADJOURNMENT**

**Motion by Mr. Lent seconded by Mr. Accica, to adjourn the meeting at 2:49 pm.**

**Ayes: 2  
Motion carried**

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