

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

Wednesday, September 20, 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
Dave Rubello, Council Member
Harold Perkakis, City Attorney
Mike Green, Asst City Manager
Julie Kandt, Recording Secretary

Also Present:

Robert Spinelli on behalf of Omar Hishmeh
Jessica Pedrys
Sam Corrado
Tony Lanno
Steve Scavone
Linda Mahlmeister
Matt Hodge
Kayla Sickmiller

1. CALL TO ORDER

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

2. CASES TO BE HEARD

Case #06-2023 34046 Jefferson – Omar Hishmeh

Request to install a 6-ft aluminum privacy fence on left side of yard starting at the middle of driveway to back yard deck. (*Reason for denial: privacy fence on water adjacent property, and fence goes beyond the front of the house.*)

Robert Spinelli, here on behalf of his cousin Omar Hishmeh, said the house to the left is the reason we want to put up the fence. The house is rental, quality wise, big difference, kind of off putting. Dustin Lent explained the reason for the initial denial. Rentals sometimes have issues, but we have to look at who might live there in the future. Could impact future value. Petitioner said they don't have a view now, so this fence would not create a new block of the view. Lent said that we see that your house is well maintained, it's hard because Omar isn't here. How far up is Omar wanting the fence to go. Spinelli said ideal would be all the way up to the front. Lent asked if you have permission from the neighbor. Spinelli said they're fine with it, but he didn't have anything in writing. Lent said will you trim those bushes. Spinelli said Omar would trim what grows onto his side. Lent asked if the next-door neighbor owner be interested in removing their trees as part of this request. Petitioner said there's quite an elevation difference between the two properties, almost like a retaining wall where the fence goes.

Harold Perkakis said if you could convince the owner to cut the trees down, we'd have to make an exception, a variance. Lent said we have to think about what if the neighbor sells and it's no longer a rental. What is there right now is already overgrown bushes, 8-10 feet high, blocking any view. You're fixing a problem with only a 6-ft privacy fence. What's better - your change. I would make a motion to approve pending you getting permission from the owner, removing the trees.

The fence in the front, it's hard. Lent said how tall are the pillars, petitioner said 4 feet, or maybe 5 feet and some change. Omar put a lot of money into this house, and you see the neighbor's house, that is why he wanted it, there's added value for the property owner. Lent said the most I'll make a motion for is up to the pillars, no further up to Jefferson.

Motion by Lent, seconded by Rubello, to approve the request with permission of adjacent property owner, remove the trees, install the 6-ft privacy fence as presented in today's meeting, up to the northwest pillar of the property.

Ayes: 2

Motion carried

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Case #07-2023 22821 Violet – Anthony Centofanti

Request to remove existing chain-link fence and install 6-ft wood privacy fence (good side facing out) on 3 sides, going 10' beyond the front of the house. *(Reason for denial: fence goes beyond the front of the house.)*

Petitioner emailed before the meeting to postpone.

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Case #08-2023* 21741 Edmunton – Jessica Pedrys

Request to remove existing chain link on side yards only and install 6-ft wood privacy fence along sides and rear property lines. *(Reason for denial: The permit was approved, the inspection was denied because the fence measures 6' 4" in some spots due to unlevel ground.)*

Petitioner said in a couple spots my grade drops and at inspection it was 4 inches too tall, so the inspector said to try to level the ground as best I could. Lent said no one here is to object. Lent said I see no issue whatsoever.

Motion by Lent, seconded by Rubello to approve the request.

Ayes: 2

Motion carried

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Case #09-2023 26725 Ursuline – Sam Corrado/Nina Corrado

Request to install 6-ft tall wood privacy fence along the rear lot line only with good side facing in. *(Reason for denial: posts facing neighbor.)*

Sam Corrado we were talking with the neighbor about putting a fence up, she said great, but the only thing I ask is that all her sides match. She said can you turn it around, that's why we're here. Lent said, you want just the new fence good side facing in. Petitioner said yes. Lent said I see no issue.

Motion by Lent seconded by Rubello, to approve the request.

Ayes: 2

Motion carried

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Case #10-2023 31024 Jefferson – Tony Lanno

Request to install a 24" brick knee wall with pillars on existing footings, along front property line, and along north side property line to the front of the house (10 pillars, 164 lineal feet of knee wall). *(Reason for denial: privacy fence on water, fence in front of house.)*

Petitioner brought pictures, showed the board, I preplanned this during the construction of my home, the pillars were in my drawing, the footings are all there. He showed example of another home that has it. Another big reason, safety for my kids. People pull in and go out the neighbor's driveway – driveways are connected. Petitioner said it's a landscape fence, not a privacy fence. The garage is 150 ft in front of the

house. Lent said its only 24 inches, doesn't block view, doesn't impede traffic, and there are other properties with similar landscape walls. Perkakis said did you get permission from the neighbor. Petitioner said no, we are nowhere near being friends, he gave me a problem during all the construction. Rubello said if he puts that up, can the neighbor make him take it down. Lent said no. Petitioner said it's on my property, not on the property line, it's 6 inches inside my property, neighbor has no right to argue it. His driveway is 6 inches on my property.

Perkakis said this permanent structure could become a problem for him in the future. How far are the pillars on your property line. Petitioner said the pillars are 12 inches from property line. Perkakis said if you have a court order for property line, that's good. Could we get confirmation on property line. Petitioner said the survey nails are still in his driveway, the posts are still on his property, he's not allowed to touch a property line posts.

Rubello said what of his is on your property. Petitioner said his driveway 6 inches, and the iron fence jogs in 12 inches in the back. Perkakis said when you go to Community Development show them your survey so they understand what you're doing.

Motion by Lent, seconded by Rubello, to approve the knee wall at no more than 24 inches tall, and the pillars no more than 60 inches tall, with the wall to be constructed 8 inches off of the surveyed property line.

**Ayes: 2
Motion carried**

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Case #11-2023 22430 Alexander – Steve Scavone

Request to install a 6-ft tall privacy fence along 42 feet of property line from back corner of home to corner of detached garage to replace existing 4-ft fence. (*Reason for denial: privacy fence on water.*)

Petitioner said a couple years we got a rescue dog, turned out to be 90 pounds. He's friendly, but he barks, a lot of the houses have detached garages. The neighbor who wants the fence too. They have a lot of kids play at that house, the dog thinks they want to play. And every time the neighbor comes out, dog barks. It's help two problems, kids won't stick their hands through their fence, and it'll help my neighbor not get barked at. Petitioner said we have letter from neighbor. Lent explained the board rationale, the biggest point here is that no view is being affected.

Motion by Lent, seconded by Rubello, to approve the request as presented.

**Ayes: 2
Motion carried**

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Case #12-2023 23616 Glenbrook – Linda Mahlmeister

Request to remove 110' of existing chain-link fence from the house to the right side property line. Install 80 feet of 6-ft tall privacy fence in its place, from right side of driveway to side property line, and along portion of right side property line. Also, install 26 ft of 4-ft tall black aluminum fence with double gate, from right side of house across the driveway. Both new fences are beyond the face of the house, but behind the mailbox. (*Reason for denial: fence goes beyond front of house.*)

Petitioner said my neighbor just had a baby girl, they can't get a fence to their house, per se, so if I come up just behind their house, they can get a gate across for when their little girl starts walking. Second, I have a big tree, and the fence currently is growing into it. And three, privacy. And four, it'll add 8 feet to my backyard. I have a big front yard.

Lent said we know every location is unique. We have to consider what may happen in the future. However, this house sits very far back, their front yard is truly still other's back yard. The current fence and gate is being removed. Lines up with neighbor's back of house. This benefits them as well.

Motion by Lent, seconded by Rubello, to approve the request.

**Ayes: 2
Motion carried**

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Case #13-2023 32050 Harper – Viviano's Flower Shop

Request to remove existing fence on right side in front of building and replace with a 6-ft shadowbox wood fence that immediately reduces down to 4 feet. (*Reason for denial: fence goes beyond front of building.*)

Kayla Sickmiller said the fence is preexisting, it's backing for our landscaping island. Although it exceeds past the front of our building, it does not exceed past the front of the neighboring building, it's 8-10 feet from the front their building. She said this is the south side of our building. The fence did actually run directly to the wall. It started falling apart, so our maintenance team strip it out, that is why we have a 6-ft gap between the cinder block wall and where the fence is currently beginning.

Lent said are you looking to replace this fence or using the existing fence. Petitioner said we are replacing up to where the cinderblock begins. Petitioner said it'll taper down immediately, within the first 6-8 feet.

Lent said what is the reason for the fence. Petitioner said pure aesthetics, prevents us from having issues with landscaping company. Also prevents our landscaping from falling onto neighbor's property. Matt Hodge, from Waldorf Renovations, said they also want to contain their own trash, because debris blows. Petitioner said it also prevents foot traffic going in and out of properties. Lent pointed to Google Map on laptop and showed how the neighbor's lot is already protected and trash is contained already. Lent said you could accomplish what you want with landscaping, without violating the ordinance. What issue is allowing you to violate the ordinance, what good is coming out of it. Lent said it makes it hard for us to say yes to a fence in the front yard. Hodge reiterated that garbage blows on to our property. It's easier to clean up. Lent said these buildings are light commercial, not a lot of trash like a fast-food restaurant.

Perkakis reminded Lent that the minutes won't know where you are referring to when you're pointing on a Google Map saying "here to there."

Lent said the fence would be permitted - without coming to this board - from the edge of parking lot back to where the masonry block fence is. Anything above the front of the building, I haven't heard any arguments to support.

Lent said the existing fence is grandfathered in. Lent said it can be fixed, it just can't be torn down and rebuilt. Petitioner said so we can replace the pickets? Denise Pike, if it's removed beyond 60% of its value, then no. You can't take all the pickets down.

Motion by Lent, seconded by Rubello, to approve the fence from the cinder block portion, up to the front of the building, anything above the front is denied.

**Ayes: 2
Motion carried**

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

None

4. **APPROVAL OF MINUTES**

Motion by Lent, seconded by Rubello, to approve the minutes of June 21, 2023 as submitted.

**Ayes: 2
Motion carried**

5. **AUDIENCE PARTICIPATION**

None.

6. **ADJOURNMENT**

Motion by Lent, seconded by Rubello, to adjourn the meeting at 3:02 pm.

**Ayes: 2
Motion carried**

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