



MCKENNA

July 15, 2025

City Council
City of Grosse Pointe Woods
20025 Mack Plaza Drive
Grosse Pointe Woods, MI, 48236

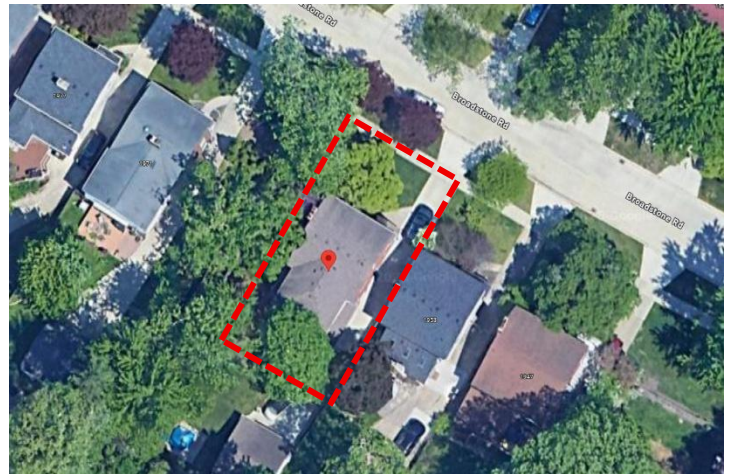
Subject: 1959 Broadstone Road – Fence Exception, Review #1
Parcel ID: 015-01-0335-002
Zoning: R-1E, One-Family Residential District

Dear Council Members:

We have reviewed an application for a Fence Exception at 1959 Broadstone Road, submitted by property owners Alan and Cathy Schuster on June 24, 2025. The applicants are seeking to reconstruct a 5-foot tall, wooden fence at the front building line of their home (to replace the existing fence). Fences located in this area violate Article IX. – Fences of Grosse Pointe Woods City Code.

As a fence exception request, Council must consider the application following a public hearing, which has been noticed for the July 21, 2025 meeting.

We have reviewed the proposal in conformance to the City's Ordinances and offer the following comments. Items that do not comply with these standards or require additional information, are noted in **bold** and **underlined**.



Street and aerial views of 1959 Broadstone Road (Google).

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Recommendation

Subject to any additional information presented and discussed by the applicant, Council, and/or the public during the public hearing, we recommend that the City **approve** the requested exception to Article IX. - Fences, to allow the existing fence to be reconstructed along the front building line, at 5 feet in height, at 1959 Broadstone Road, based on the following findings of fact:

1. A perimeter fence is an established common and permitted accessory use in the R-1E, One-Family Residential District; it is reasonable that the subject property owner installs and enjoys such a use.
2. Reconstruction of the fence does not impair the intent and purpose of the Ordinance. As designed, the fence complies with all the other required standards of *Section-279: General Requirements and Maintenance*.
3. Reconstruction of the fence will not negatively impact the public health, safety, and welfare of the community or neighboring property values.
4. Reconstruction of the fence will enable the existing landscaping beds and vegetation to remain, which contributes positively to the character of the street.
5. Reconstruction of the fence will not impair the rights-of-way or existing infrastructure.
6. Reconstruction of the fence will present a uniform fence design (as it connects to an existing side yard fence of the same material and at a height of 5-feet).

If you have further questions, please do not hesitate to contact us.

Respectfully submitted,

McKENNA

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Associate Planner

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Fence Exception Review

OVERVIEW OF APPLICANT REQUEST

The applicants seek to reconstruct a pre-existing fence, which is currently located at the front building line of their home. They wish to construct the fence to be 5-feet in height. In the years since owning the home, the pre-existing fence has become worn down, with rotted and broken paneling that is described as “beyond repair”. A series of well-maintained garden beds sit directly in front of the fence, as well as in the backyard.

Reconstruction of the fence violates Article IX. – Fences, and as such, the fence permit application was denied by the Building Department.

If the fence were removed and rebuilt (at five-foot in height) to the strict provisions of the Code, the fence would be located 10 feet behind the front building wall of the home. Alternatively, the fence could be reconstructed in its current location, but only at 30-inches in height (half the current height).

Given the existing layout of the garden beds and the cost and labor associated with deconstructing and rebuilding them, the applicants are requesting an exception to rebuild the fence in its current location.

APPLICABLE CITY CODES

The proposed reconstruction of the fence in the front yard of 1959 Broadstone Road violates Article IX. – Fences of Grosse Pointe Woods City Code based on the definitions of a fence and the front yard designation. The City Code of Ordinances defines “Fence” as the following:

Sec.8-274. – Definitions.

Fence means any structure erected or placed along or within four feet of the property line to act as a boundary marker or erected for the purpose of restricting access to or from a lot or parcel of land, whether enclosing all or a part of said lot or parcel in all zoning districts.

The City Code of Ordinances defines “Front Yard” as the following:

Sec. 8-274. – Definitions.

Front yard means that portion of the front yard established between the sidewalk and ten feet behind the front most main building line. If a sidewalk does not exist, the front yard shall mean that portion of the front yard established between the end of the city right-of-way and ten feet behind the front most main building line.

As such, the proposed fence is considered a “Front Yard Fence”, which is regulated as follows:

Sec. 8-280. – Front Yard Fences.

Front yard fences shall have a minimum height of 24 inches and a maximum height of 30 inches from the property grade line. Front yard fences shall be placed a minimum of 18 inches from the sidewalk. If a sidewalk does not exist, front yard fences shall be placed a minimum of 18 inches from the edge of the established public right-of-way.



ANALYSIS OF REQUEST

Below is an analysis of the applicant's Fence Exception request, as it pertains to the Ordinance's stated considerations:

Per Sec. 8-284 – Exceptions to this Article: All other exceptions from the provisions of this article require a public hearing and approval from the city council. The council may consider any or all of the following, along with other information:

- a. Balancing the relative hardships between the property owner and adjacent property owners;*
- b. Whether special circumstances or conditions exist;*
- c. Whether pedestrian or vehicular vision will be affected; and*
- d. The general health, safety and welfare of the neighborhood.*

Criteria “a”:

Balancing the relative hardships between the property owners and the adjacent property owners.

This application addresses the financial and physical hardship of the property owners. Adjacent property owners may have been adversely affected by the existing fence, given its deterioration, and would likely benefit from the improved aesthetic of a new fence. Approving the fence exception would strike a positive balance between the relative hardships of the property owners and the adjacent property owners.

Criteria “b”:

Whether special circumstances or conditions exist.

Given the location of the pre-existing fence in proximity to the well-maintained garden beds, and the threat posed to the gardens by moving the fence further into the front yard, we believe there exists a special circumstance for the property owner that justifies an exception.

Criteria “c”:

Whether pedestrian or vehicular vision will be affected.

As the residential building on 1959 Broadstone sits on an interior lot and the fence is proposed 22 feet from the right-of-way, pedestrian or vehicular vision will not be affected by the continuation of this non-conforming fence.

The applicant has suggested that an improved aesthetic of the fence, as is proposed, will reduce distraction to pedestrians and vehicular drivers.

Criteria “d”:

The general health, safety and welfare of the neighborhood.

The proposed fence does not pose any threats to the health, safety or welfare of the neighborhood.

Section 8-279 requires that “*All fences shall be maintained plumb and true with adequate support in a safe manner. The owner of a fence shall remove and/or repair a fence that is dangerous, dilapidated or otherwise in violation of this Code.*” The existing fence, without improvement, will continue to deteriorate and would be in violation of this Code. Reconstructing the fence and retaining the existing garden beds would further benefit the neighborhood's character.