



**Village of South Russell  
5205 Chillicothe Road  
South Russell, Ohio 44022  
440-338-6700**

**BOARD OF ZONING APPEALS  
MEETING MINUTES**

**April 16, 2025, 7:00 p.m.**

**Members Present:** Andy Hitchcock, Chairman; Lindsey Self, Martin O'Toole, Kevin Takacs, Cindy Matejcik

**Other Officials:** Bridey Matheney, Solicitor; Dave Hocesvar, Building Official; Mayor Bill Koons; Leslie Galicki, Administrative Assistant

**Visitors:** Brian and Angela Berger, 129 Lakeview Lane; Allen Fisher, Complete Fence & Construction LLC, 17681 Kinsman Rd., Middlefield

Mr. Hitchcock called the meeting to order at 7:00 p.m. Present were Andy Hitchcock, Chairman; Lindsey Self, Martin O'Toole, Kevin Takacs, and Cindy Matejcik.

Mr. Hitchcock indicated there were minutes from the March 19, 2025, BZA meeting which had been reviewed by the BZA members. Mr. Hitchcock made a motion to approve the meeting minutes of March 19, 2025, seconded by Ms. Matejcik. Roll call – ayes, Mr. Hitchcock, Ms. Self, Mr. O'Toole, and Mr. Takacs, and Ms. Matejcik. Motion carried.

Ms. Matheney swore in presenters Mr. and Ms. Berger and Mr. Hocesvar.

**Agenda Item 1: BZA Case # 25-07:** Brian and Angela Berger, owners of the property located at 129 Lakeview Lane, are seeking two variances. One is for the type of fence and the other is for the height of a fence.

Ms. Berger explained that the home is located on the corner of Lakeview and Leaview Drives on an oddly shaped lot. The bulk of the lot is up front and wooded with a dry creek that carries water when it rains. They have an invisible fence and a new puppy. They would like to fence the lawn portion of their yard to be a safer contained space for the dog. Because of the shape of the lot, it is technically the front yard being fenced, and she understood there would be a rule against having the front yard fenced. However, in the case of their house, it is a unique situation

in that the house is set back from the road with woods in front, and she thought the fence would look quite nice. The variance being requested for the height is because the fence is supposed to be 3-foot, and the proposed fence is a 4-foot, white picket scalloped fence.

Mr. Berger distributed to board members photos of the property as well as pictures of the fence type. Mr. Hitchcock clarified that the picture on the front page showing the section of the house with the blue door was the front of the house. Ms. Berger said yes, and explained she wanted to show how the bulk of the lot is wooded with a small area of actual grass lawn. They wish to have a picket fenced area to enclose the lawn space. Ms. Matejcik asked if the reason the Bergers wanted so many gates was so that the children could get out. She observed that there was climbing on the tree, and they appeared to be utilizing the wooded area. Ms. Berger confirmed that the wooded area is used. There is one gate coming down the walk, a gate at the back of the house, and another gate out to the trampoline area and to the woods. Mr. Berger explained they have two very active 13- and 15-year-old boys who play soccer and golf in the yard.

Ms. Self asked how the front yard is determined. When she viewed this property, she would have assumed that the front yard was with the driveway in large part because that is also the street that their address is on. Ms. Matheney said it was a corner lot. Mr. Hocevar explained that according to the Village's Zoning Code, with a corner lot, the description is that the front yard is the longest width of the lot. Ms. Self said that if the front yard had been determined to be the portion of the yard with the driveway, the proposed fence would be considered to be in the backyard and would not need a variance. Mr. Hocevar added that if it had been the side yard it also would not have been needed.

Mr. Hitchcock asked where the fence would sit relative to the property line, specifically how far back in the front. Ms. Berger said in the front, it would be quite a distance and closely tucked to the house. In the back, the property line cuts up tightly to their home. The neighbor in the house behind them, Cindy Hummer, has lived there for 40 or more years, and they walked the property line together to verify it. The plan is to come across and up the lawn and cut closely down the back so that they are assured not to be too close to Ms. Hummer's space. Mr. Hitchcock verified that it would be at least 3 feet off the property line, and Ms. Berger said yes. Although they are good friends with Ms. Hummer, they realize at some point she might move, or they might move.

Ms. Matejcik asked if the proposed fence line is where the blue flags were located in the yard, and Ms. Berger said no, that this is the invisible fence line. Utilizing the Geauga REALink 2021 GIS Aerials of the property on the media screens, Mr. Berger pointed out the location of the proposed fence line. He described where on the front lawn it would run and said it would not be very far into the yard. It would go back and tie into the garage. He said it is not a very large area and its purpose would be to have a secure area for the dog.

Mr. O'Toole advised that he viewed the property and noted that the only neighbor potentially impacted by the fence would be Ms. Hummer. He asked if she had expressed any concerns about the fence, and Ms. Berger said that they discussed it with her, and she did not have concerns. Ms. Berger further explained that initially, they considered just doing the front area, but they are going for the whole thing because Ms. Hummer's dog will come over for playdates as well into their space. Ms. Berger verified Ms. Hummer is in agreement.

Ms. Self said that based on how the house is sitting and how the code defines the front yard, they do not have a backyard. Mr. and Ms. Berger agreed. Ms. Self concluded that there is no backyard to have a fence anyway. Ms. Berger concurred. Ms. Self verified that there is no alternative for the Bergers to put a fence up other than seeking a variance. Ms. Berger said yes. Mr. Hitchcock offered that this would be the case unless they did not have a front yard fence and only encircled the side and back. Ms. Berger advised that this was their alternate plan, but it would not benefit the house aesthetically and would instead lengthen the house even more instead of creating definition in the front.

Mr. Hitchcock asked why the fence would need to be 4-feet high in the front as opposed to just on the side and back. Ms. Berger deferred to Mr. Fisher, who raised the question of how big the puppy would grow to be. Mr. Hitchcock concluded that it was not a construction issue, and it would be possible to make a shorter fence if the residents wanted it. It was a practical issue. Mr. Berger added that it would also be sunk into the ground and would not actually be 4-feet high. Ms. Self clarified that 4-feet would be the maximum, and Mr. Fisher concurred. Ms. Self verified that the posts are 4-feet. Mr. O'Toole asked for clarification of the discussion that the posts are 4-feet, meaning that the part of the physical post that is exposed above ground, not what is below ground, is a 4-foot post. Mr. Fisher and Ms. Berger concurred. Mr. Hitchcock continued that because of the scallop, the center of the section would be shorter.

Mr. O'Toole verified that it is not the business of the BZA to consider the design of the fence. It is not architectural review. The meeting is just about obtaining a variance for the height of the fence. The Solicitor agreed. Mr. Hitchcock explained that the board had two matters in front of them. Mr. O'Toole indicated he understood. Mr. Berger offered that they could also go with a consistent 4-foot-standard picket fence if that would make a difference. Ms. Self noted that per the code, it is supposed to be a split rail fence, and Mr. Hitchcock added that this is for the front yard. They can have any style on the side or back. For clarity, Mr. Hitchcock stated that the board has a variance request for the style of fence because it is not a split rail and then they have a variance because it is greater than 3 feet tall. Mr. O'Toole asked the Bergers if the split rail fence they currently have on the Lakeview side of the yard would stay. Ms. Berger replied yes that this was in place just to have a gate when their children were little to keep the basketball off the road. Ms. Matejcik asked if they would be removing it, and Mr. O'Toole acknowledged that was actually a different topic. He continued to say that they have split rail now, which is what is called for, but the purpose of this is totally different. Ms. Berger said she did not envision a split

rail fence looking very good as their lawn fence because it would need to have wire. It seems like this would be the much more aesthetically pleasing fence up near their house rather than a split rail. Ideally, they would love it to be a backyard fence, but they do not have one due to the strange property line. She asked Mr. Fisher if a 3-foot fence was a possibility with the given materials. Mr. Fisher said it is, but he still thought the proposed fence would be better for containing the dog.

Having driven by the property, Ms. Matejcik noted that the Berger's property will be more pronounced because there are not many fences in the neighborhood. She asked if the neighborhood had a homeowners' association (HOA), and the Bergers said they had a club association for the lake, but no HOA.

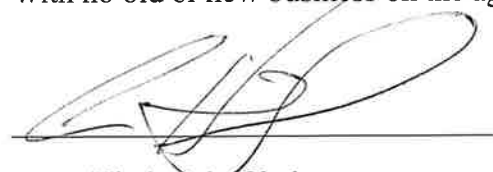
Mr. Hitchcock advised that there are a handful of criteria the board considers when reviewing the applications. Although he would not specifically go through each, as far as he was concerned, most were probably not applicable. The one point that Ms. Matejcik touched on that there are not a lot of fences in this neighborhood would be the one Mr. Hitchcock would think most about. Regarding the distance, they have the woods and the distance from the street to the front of the house and the front of the yard is fairly significant and hides a lot.

**Hearing no other comments, for BZA Case 25-07 for the property at 129 Lakeview Lane, Mr. Hitchcock made a motion to approve a height variance of 1-foot to permit a front yard fence no greater than 4-feet in height, seconded by Ms. Self. Roll call – ayes, Mr. Hitchcock, Ms. Self, Mr. O'Toole, and Mr. Takacs, and Ms. Matejcik. Motion carried.**

**For BZA Case 25-07 for the property at 129 Lakeview Lane, Mr. Hitchcock made a motion to approve a style variance to allow for a non-permitted style of picket rather than split rail, seconded by Ms. Self. Roll call – ayes, Mr. Hitchcock, Ms. Self, Mr. O'Toole, and Mr. Takacs, and Ms. Matejcik. Motion carried.**

The Bergers thanked the board.

With no old or new business on the agenda, Mr. Hitchcock closed the meeting at 7:17 p.m.

  
Andy Hitchcock, Chairman

May 21, 2025  
Date

  
Leslie Galicki, Administrative Assistant

May 21, 2025  
Date