



**Village of South Russell
5205 Chillicothe Road
South Russell, Ohio 44022
440-338-6700
BOARD OF ZONING APPEALS
MEETING MINUTES**

July 16, 2025 - 7:00 p.m.

Members Present: Andy Hitchcock, Chairman, Martin O'Toole, Cindy Matejcik, Lindsey Self

Member Absent: John Buda, Mike Mulloy

Other Officials: Chris Elko, Solicitor; Dave Hocevar, Building Official;
Mayor Bill Koons; Ruth Griswold, Board Secretary

Visitors: David and Debbie Bargar, 1152 Sheerbrook Drive

Mr. Hitchcock called the meeting to order at 7:06 pm. Ms. Griswold conducted roll call.

Mr. Hitchcock asked if the board had any questions or comments after reviewing the minutes of the meeting held on June 18, 2025. Hearing none, he made a motion to approve the minutes from June 18, 2025, as is. Ms. Matejcik seconded. On roll call vote, Andy Hitchcock-Yes; Lindsey Self-Abstain; Martin O'Toole, Yes; Cindy Matejcik-Yes. The motion passed.

Mr. Hitchcock asked Chris Elko to swear in anyone who would be giving testimony. Mr. Elko swore in the applicants and Mr. Hocevar.

Agenda Item 1: BZA Case #25-11: David and Debbie Bargar, applicants and owners of the property located at **1152 Sheerbrook Drive**, are seeking approval to allow two 6' tall rear yard privacy screens, 28' total length, with horizontal boards that do not have 25% vertical openings. Section 4.01(4) of the South Russell Zoning Code requires fencing to provide at least twenty-five percent of the vertical surface to be open to light and air.

Mr. Hitchcock asked the applicants to provide the board with a brief overview of what brings them here tonight. Mr. Bargar said they have been wanting to redo their patio for the last couple of years. The existing Home Depot privacy panels that were removed had been there since they moved in. Mr. Bargar said he asked the contractor if they needed to do anything with the Village before proceeding. The contractor told him since they are just replacing something that is already there, it is usually fine.

Mr. Bargar said the contractor removed the existing panels and replaced them with the new ones seen in the photos. After they were installed, the contractor said he would cut them down from a height of 7.5' to a code-compliant 6', but it would take him about ten days to get back out there. Mr. Bargar said during that time, they received the violation notice from the Village. He said he honestly had no idea that the code distinguished between vertical and horizontal openings, since he has seen both styles in the Village.

Mr. Hitchcock asked Dave Hocevar to explain to the board how a vertical is defined. Mr. Hocevar said a code compliant fence could achieve the 25% vertical opening by having a 2 x 4, a 1 x 6 and another 1 x 6 on the other side, like a shadowbox style. The intent of the code is to allow privacy while avoiding a solid stockade fence. He said it's been in the code for a long time. Mr. Hitchcock said the code doesn't address horizontal openings. Mr. Hocevar said that is correct.

Mr. Hitchcock asked the applicants to give them an idea about the spacing of the horizontal openings. Mr. Bargar said the boards are about an inch apart. Discussion followed and it was determined that the 25% opening requirement has been met, only horizontally instead of vertically.

Ms. Self asked if the code specifies that a fence is for enclosure purposes, because she doesn't view this as a fence. She said to her, the purpose of a split rail fence is for enclosure of a property. If the purpose here is screening, there is nothing you can do that would be compliant with the code to meet the screening purpose, if this is defined as a fence. Mr. Hitchcock said, to that point, when referring to fencing, the code talks about distances from lot lines. He said the applicant's screen is 35-45' away from either lot line. He said whether it's codified or not, it doesn't even resemble a fence. Ms. Self said this is a privacy screen that happens to be made from wood. There are lots of different ways to put up a privacy screen, but to her, that's what it is, and not a fence.

Mr. Hocevar said the privacy screening falls into the fence category in the code. He said he feels there isn't much difference between vertical and horizontal openings.

Mr. O'Toole recalled a recent applicant who came before the board, and they were requesting barrier type panels around the perimeter of their rear yard, not continuous but close to the property line. He said at that time, the board had a discussion as to if those panels should be defined as fencing, but at least in that case, they were proximate to where you would expect to find a fence.

Mr. Hocevar said the matter before the board tonight complies with zoning codes, other than the required vertical openings.

Mr. Hitchcock asked if any neighbors complained about their previous privacy screening. The applicants said no. He asked if any neighbors have complained about this new privacy screening. Ms. Bargar said apparently they did, and that's why they're here. Mr. Bargar said the violation notice also mentioned needing HOA approval. His wife had been on the HOA board for Chagrin Lakes for about six years, and back in that time, it was not considered an issue if they were to replace something that was already there. Mr. Bargar said they reached out to the HOA board and were told that if the neighbors on either side of them did not have a problem, it would be ok. They emailed both neighbors, and one neighbor was fine, but the other neighbor was not. Ironically, they have the same Home Depot grade privacy screening in their yard, which was put in after they moved in. He said he thinks they are a little disgruntled about other things.

Ms. Matejcik asked Mr. Hocevar if there were any codes against people installing the Home Depot plastic screening, which is solid. Mr. Hocevar said if the slats on this were vertical, they could put it around the whole yard. The solid fencing would not be permitted. He said they have been discussing procedures with the solicitor about changes and updates needed in the zoning code.

Mr. Hitchcock asked the applicants if they had received HOA approval. Mrs. Bargar said they have reached out to the HOA several times, since we told them there was a problem. She said they have not received a response back and she's not sure why. She said they may be waiting to see how this meeting goes, since they don't want to go between two neighbors.

Ms. Self asked if there was a separate HOA rule, or would they be relying on the zoning code. Ms. Bargar said basically zoning, since it is not against their HOA rules, since they replaced existing panels. Mr. Bargar said apparently the previous owners who installed the first panel did not get approval.

Ms. Matejcik said throughout the community there are many fences with horizontal openings, and she can point to three of them. She said the one Marty was talking about does not have vertical openings, but horizontal. There are three in her neighborhood, including the one being discussed. Some are used for privacy, and some are used for fencing. She doesn't understand why this one is different than those that have already been permitted throughout the community. Mr. Hocevar said the ones that are there now probably never got a permit. Ms. Matejcik said the one that Marty brought up definitely did, because they came before the board. She doesn't understand because there seems to be a lot of them, and she thinks they are very attractive with a nice natural look. She said if there is a need for there to be more space, something could easily be done without having to go vertically.

Mr. Hitchcock said Lindsey brought up a good point about this not really being a fence. The ambiguity of the code doesn't really get to the detail they want, but this board exists to interpret those gray areas. Ms. Self said even if it is a fence, which she doesn't think it is, the board is supposed to consider particular factors when deciding whether or not to grant a variance. In going through them, this will not impact the essential character of the neighborhood, since there was something similar up there prior; there's no adverse effect on receiving any services; and they purchased the property not knowing the restrictions. There is no other option, so if they want privacy screening, this is the way privacy screening goes up, and no matter what it wouldn't comply with our zoning regulations. Ms. Self said based on the conversation, the spirit and intent behind the actual zoning requirement is not privacy screening.

Mr. Hitchcock asked board members for any further comments or questions. There were none. He asked the applicants if they had anything they wanted to add. Mr. Bargar said he wants it known that they were not trying to circumvent anything, they just wanted to upgrade their property.

Mr. Hitchcock said he wanted to make it clear that this board very frequently, probably 100% of the time to the best of his recollection, defers to the Homeowners Association on what they will permit. His motion to approve will be subject to HOA approval. However the board votes on this motion, just recognize that you still have a Homeowners Association to appease.

Mr. Hitchcock said for BZA Case #25-11 for the property located at 1152 Sheerbrook, he makes a motion to approve a fencing variance to permit two privacy screens without the required 25% vertical openings, subject to HOA approval and payment of any permit fees that may be required. Ms. Self seconded. Mr. Hitchcock asked for any questions or discussions on the motion. Hearing none, he asked for roll call. On roll call vote, the motion passed unanimously.

Ms. Bargar verified that the HOA approval could be emailed, and once that is received, the permit fee could be paid.

Mr. Hitchcock asked if there was any **Old Business**. There was none. He asked for any **New Business**. Hearing none, he adjourned the meeting at 7:26 pm.



MIKE MULLOY, Chairman

10-15-2025
Date



Ruth Griswold, Board Secretary

10-15-2025
Date