Village of South Russell

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

Board of Zoning Appeals Meeting
September 16, 2026 @ 7:00 pm

Members Present: Andy Hitchcock-Chair, Kevin Takacs; Mike Mulloy; John Buda

Other Officials: Present: Solicitor, Colleen Lair, Board Secretary

Visitors: Frank Spoto, Resident

Call to Order and Roll Call

The meeting was called to order by Andy Hitchock at 7:05 PM on September 16, 2026. A roll call was conducted, with the following members present: Andy Hitchcock, Kevin Takacs; Mike Mulloy; John Buda

Approval of Minutes

- Andy Hitchcock opened the floor for review of minutes from the July 15 meeting, asking for questions or comments.
- Motion made to approve the meeting minutes from July 15 as written.
- Colleen Lair conducted the vote, with Andy Hitchcock, Kevin Takacs, Mike Malloy, John Buda abstained. responding.

Attendees planning to give testimony were sworn in per hearing procedure.

- Andy Hitchcock requested that anyone planning to testify be sworn in.
- The Solicitor administered the oath, confirming that any testimony given would be true, noting the meeting is considered a hearing requiring sworn testimony.

Action Items

BZA Case 26-08 Frank Spoto (Applicant) applicant and property owner of 99 Leaview Lane (corner of Bell Road and Leaview Lane), is seeking an area variance to permit an existing fence that was put up in the front yard and is not allowed. The applicant is requesting a four-foot variance in the front yard. Section 4.01 (4). He explained that his property is a corner lot, subject to a 75-foot setback.

Discussion and Feedback:
During the installation of a new pool, a structural mound had to be built up due to the property's slope. To avoid building a fence that would go up a hill to a height of nine feet and then back down, he chose to move the fence line out. This resulted in the fence being 71 feet from the road, encroaching four feet into the required setback along a 70-foot length.

Andy Hitchcock questioned Mr. Spoto, confirming he had received a building permit but only learned the fence was out of compliance after construction had started. Mr. Hitchcock then raised additional concerns based on his review of the code (Section 4.01, subsection 4). He noted that while the fence was a uniform six feet high, the code requires a four-foot height in the front yard. He also questioned if the fence met the 25% open surface requirement. Mr. Spoto stated the fence was approximately 30% openness.

The Solicitor confirmed that two separate variances would be needed: one for the setbacks and one for the height. To avoid a second hearing, the board agreed to allow Mr. Spoto to amend his application on the spot to include both requests.

Board member John Buda pressed the applicant on the timeline, establishing that Mr. Spoto knew the new fence location would violate code but proceeded with the contractor's work anyway. Mr. Spoto apologized, explaining he made a quick decision while the contractor was on-site to make the fence look better and avoid cutting into the new pool concrete.

The discussion then revealed the underlying cause: the pool's location had to be changed from its original plan. After starting excavation, Mr. Spoto discovered the exact locations of his sanitary and storm sewer lines, which interfered with the planned pool placement. This forced a reorientation of the pool, which in turn pushed the structural embankment for the pool closer to Leaview Lane, creating conflict with the fence setback. Mr. Buda summarized that the variance was needed not because of a design choice, but because it was "forced by infrastructure."

While board members John Buda and Kevin Takacs both expressed "distress" that the applicant built the fence before getting approval for the change, they acknowledged the mitigating factors. Mr. Buda noted that the fence had a uniform height and that the applicant was willing to add landscaping to soften its appearance. This led to a negotiation over a new condition for the variance. Mr. Spoto agreed to plant western arborvitae trees to create a natural screen.

Resolution:
After several revisions to the motion to ensure clarity, the board settled on requiring a "minimum of ten" western arborvitae trees to be planted within ten feet of the fence and maintained by the property owner.

Motion 1
In BZA case number 26-08 for the property located at 99 Leaview Lane, A motion was made to approve a four-foot area variance to permit a fence no closer to the easternmost property line than seventy-one feet. To include the planting of approximately ten western arborvitae trees to act as natural screening, to be maintained along the Leaview Lane side of the fence and planted within ten feet of the fence.

The motion was approved unanimously via roll call vote (Colleen: Andy Hitchcock-yes; Kevin Takacs: yes; Mike Malloy: yes; John Buda: yes).

Immediately after, Andy Hitchcock made a second motion to approve the height variance, permitting the existing fence to remain at six feet tall in the front yard.

Motion 2
In BZA case number 26-08 for the property located at 99 Leaview Lane, A motion was made to approve a fence variance to permit the existing fence to remain at a height no taller than six feet in the front yard.

The motion was approved unanimously via roll call vote (Colleen: Andy Hitchcock-yes; Kevin Takacs: yes; Mike Malloy: yes; John Buda: yes).

Mr. Spoto was instructed to stay after the meeting to sign the revised application reflecting both approved variances.

Action Items
BZA Case 26-08 Frank Spoto (Applicant) - Sign the revised application reflecting both approved variances - Same meeting (2026-09-16).

Adjournment
With no further business, the meeting was adjourned at 7:39 PM.

Andy Hitchcock, Chair — Date 10/21/2026

Colleen Lair, Board Secretary — Date 10-26-26