

## PERKINS TOWNSHIP BOARD OF ZONING APPEALS MEETING

Held By: Perkins Township Board of Zoning Appeals  
Place: Perkins Township Service Facility, Meeting Room, 2610 Columbus Avenue  
Date: March 16, 2020  
Time: 4:00 p.m.

Board Members Present: Mr. Larry Pitts, Chairperson  
Mr. Michael Bixler  
Mr. Will Spence  
Mr. David Bertsch, Alternate

Board Members & Staff Absent & Excused: Mr. Ted Kastor, Vice Chairperson  
Mr. Will Spence  
Mr. Gary Gast

Staff in attendance: Mr. Gary Boyle, Administrator  
Ms. Melanie Murray, Planner/ Zoning Inspector  
Ms. Kathy Niehm, Administrative Clerk

### **I. Call To Order**

Mr. Pitts called the meeting to order at 4:00 p.m. and welcomed everyone. Mr. Pitts led the Board and the audience with the Pledge of Allegiance. Mr. Pitts explained to the audience how the meeting will take place. Ms. Niehm took roll call.

### **II. Minutes**

Mr. Pitts asked for a motion on the February 18, 2020 minutes. Mr. Bertsch made a motion to approve the February 18, 2020 minutes as submitted. Mr. Spence seconded the motion. Roll Call: Mr. Bertsch, yes; Mr. Spence, yes; The minutes were approved as submitted.

**III. Application for Variance Approval  
Reduction in Minimum Side Yard Setback  
Proposed Residential Addition  
Corey Opfer  
2717 Sweetbriar Drive**

Ms. Murray reviewed the Staff Report with the Board and stated the property owner proposes to build an addition on this property that will be two (2) feet from the side property line and the Zoning Resolution in Section 13.3 requires a minimum side yard setback distance of five (5) feet on one side and twenty (20) feet total. Ms. Murray stated there was no correspondence received on the variance from the public. Ms. Murray also stated all of the Township Departments have been notified and there were no objections.

Ms. Niehm swore in Ms. Claire Opfer, 2717 Sweetbriar Drive, Sandusky, Ohio. Ms. Opfer stated she contacted her neighbors and there were no complaints or objections to her proposal. Ms. Opfer also presented the Board with an aerial view of the property.

Mr. Pitts asked the Board for a motion to close the public hearing and open the public meeting. Mr. Spence made a motion to close the Public Hearing and open the Public Meeting. Mr. Bixler seconded the motion. Roll Call: Mr. Spence, yes; Mr. Bixler, yes; Mr. Bertsch, yes; Mr. Pitts, yes. The Public Hearing was closed and the Public Meeting was opened.

Mr. Spence made a motion to approve Application #BA2020-03, a variance application filed by Corey Opfer for a property located on the west side of Sweetbriar Drive (PPN#32-02070.000). The variance is in regard to a 500 square foot addition to the side of the home. This application seeks the approval of a reduction in the required side yard setback to two (2) feet whereas Section 13.3 of the Zoning Resolution requires five (5) feet. A variance of three (3) feet is approved. Mr. Bertsch seconded the motion. Roll Call: Mr. Spence, yes; Mr. Bertsch, yes; Mr. Bixler, yes; Mr. Pitts, yes. The application was approved.

**IV. Application for a Variance  
Substitution of Electric Pool Cover for a Fence Surrounding Pool or Yard  
Jeremy Lowe  
5510 Sandy Acres**

Ms. Niehm swore in the following: Mr. Jeremy Lowe, 5510 Sandy Acres Drive, Sandusky, Ohio 44870 and Mr. Jeff Kinney, 197 Akron Road, Norwalk, Ohio 44857.

Ms. Murray reviewed the Staff Report with the Board. Mr. Murray stated a variance has been submitted to allow an automatic cover for an in-ground pool without a fence whereas Section 24.6 (4) of the Zoning Resolution requires a six (6) foot fence to surround a pool and/or the entire yard. Ms. Murray stated the property is zoned "R-1"/ Single Family Residential. Ms.

Murray stated all of the Township Departments have been notified, and the Police Chief had noted an objection as well as the Public Works Director in regard to safety.

Mr. Jeremy Lowe spoke with Mr. Ricci, and he said Mr. Ricci never came to look at his property. Mr. Lowe stated the national standards are more lenient regarding pool regulations and he thought that a cover will be safer than a fence. Mr. Lowe stated Prestige Pools uses the national code when a pool is installed. Mr. Lowe stated that he has spoken with the staff from the State of Ohio, and the State of Ohio regulations are not as strict as the Zoning Resolution of Perkins Township. Mr. Lowe stated in his opinion the automatic pool covers are very sturdy and safer. Mr. Lowe also stated that he was told that a request would be hard to get, and wondered why Mr. Ricci never came out to his property.

Mr. Jeff Kinney stated he works for Prestige Pools and invited the Board to view a pool that has an automatic pool cover if they wished. Mr. Kinney stated the automatic pool covers are very safe and, in his opinion, fences are not that great as far as safety is concerned.

Mr. Bixler made a motion to Close the Public Hearing and Open the Public Meeting. Mr. Spence seconded the motion. Roll Call: Mr. Bixler, yes; Mr. Spence, yes; Mr. Bertsch, yes; Mr. Pitts, yes. The Public Hearing was closed and the Public Meeting was opened.

Mr. Bixler asked Ms. Murray if the Zoning Commission has reviewed the issue of pool covers vs fences. Ms. Murray stated no, and advised that a 4 (four) foot fence had been approved with an automatic pool cover in the past by the Board. Mr. Bixler stated the Township needs to be consistent. An automatic pool cover without a fence has not been approved before.

Mr. Lowe stated the State of Ohio is ok with an automatic pool cover and he would still like to know why Mr. Ricci is not here at the meeting today.

Mr. Pitts expressed his concern with a lack of a fence around a pool.

Mr. Kinney stated the other Townships that he has worked with have approved only an automatic pool cover without a fence.

Mr. Boyle asked what if the automatic pool cover was left open without having a fence surrounding the pool? That could create a safety issue.

Mr. Pitts suggested that the Board table the variance until an on-site inspection of an automatic pool cover could be viewed by Staff.

Mr. Spence made a motion table the variance so that the Township officials could arrange a time to meet and review a pool with an automatic pool cover and report back to the Board of Zoning Appeals. Mr. Pitts seconded the motion. Roll Call: Mr. Spence, yes; Mr. Pitts, yes; Mr. Bertsch, yes; Mr. Bixler, abstain. The variance was tabled.

**V. Old Business**

There was no old business to discuss.

**VI. New Business**

Mr. Boyle stated the next meeting in April may need have to be cancelled due to the Covid-19 Virus, and state directives.

**VII. Adjournment**

Mr. Spence made a motion to adjourn. Mr. Bertsch seconded the motion. All Board members were in agreement and the meeting was adjourned at 4:45 p.m.