

## Hiram Marziano

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**From:** Thomas Vincenz <[tvincenz@gmail.com](mailto:tvincenz@gmail.com)>  
**Sent:** Thursday, April 13, 2017 6:49 AM  
**To:** [hmarziano@atmc.net](mailto:hmarziano@atmc.net)  
**Subject:** Fwd: 38th St. Swimming Pool Installation

Good morning Hiram.

At the time I sent this, I did not know your e-mail address and sent it to Susan. I just want to make sure you have since received it, and will have it on our upcoming meeting agenda.

Tom

----- Forwarded message -----

From: Thomas Vincenz <[tvincenz@gmail.com](mailto:tvincenz@gmail.com)>  
Date: Mon, Mar 20, 2017 at 8:07 AM  
Subject: 38th St. Swimming Pool Installation  
To: Susan Parker <[srparker@atmc.net](mailto:srparker@atmc.net)>, "C. Nelson TOSB" <[cnelson@atmc.net](mailto:cnelson@atmc.net)>, Wes MacLeod <[wmacleod@capefearcog.org](mailto:wmacleod@capefearcog.org)>  
Cc: Carol Scott <[ckscott13@sunsetbeachnc.gov](mailto:ckscott13@sunsetbeachnc.gov)>, Greg <[boomerjensen22@aol.com](mailto:boomerjensen22@aol.com)>

Good morning all.

I have a concern in regard to the swimming pool being installed at a new home under construction on 38th St.

This lot was initially sunken, heavily bulkheaded in the rear, and filled. A pool of significant size (10' by 20'?) has just been installed at the rear of the lot. I understand that pools are managed as an accessory structure. BR-2 does not have any specific setback requirements for accessory structures, and would fall under the general rule that such structures must be within the buildable area of the lot. Rear yards in BR-2 must be at least five feet, and this pool is just five feet off the bulkhead. In this regard, the pool appears to be compliant. I assume the pool is being recognized as impervious in measuring impervious surface coverage.

My concern is for the existing home on 39th St., just behind this new construction. This pool will not be more than 25-30 feet from their rear door. They will have to look at it, and deal with noise often generated by a pool. I would like to put some controls in place to ensure that this does not happen again on these small island lots.

Could you please ask Hiram to look into this, and offer a recommendation at our next Planning Board meeting as to how we might address the problem? I have been told that code years ago dealt with pools on these small island lots by saying that the pool had to be within the footprint of the structure, thus controlling both size and location. I have not been able to find such code, but it is worth consideration as a solution.

Tom Vincenz