



**Town of Sullivan's Island, South Carolina
Planning Commission
Regular Meeting Minutes**

Wednesday, April 12, 2023

A regular meeting was held at 4:00pm, on Wednesday, April 12, 2023, in Town Hall at 2056 Middle Street. All requirements of the Freedom of Information Act were verified to have been satisfied.

Present: Commissioners Carl Hubbard (Chair), Manda Poletti (Vice Chair), Mark Howard, Gallia Coles, David Peterseim, Laura Schroeder, and Charles Cole.

Staff Members: Joe Henderson, Deputy Administrator and Pamela Otto, Planning Commission staff member.

A. **Call to Order.** Chair Hubbard called the meeting to order at 4:01pm, and it was stated the press and public were duly notified pursuant to the Freedom of Information Act requirements.

Public: There were no members of the public present.

Media: There were no members of the media present.

B. **Approval of Minutes** – February 8, 2023

Motion: A motion was made by Mr. Cole to approve the February 8, 2023 meeting minutes as written, seconded by Mr. Howard; this motion passed unanimously, 7-0.

C. **Public Input and Correspondence.** There was no public input or correspondence.

D. **Zoning Ordinance Text Amendments**

1. **CONSIDERATION OF CHANGES TO SECTION 21-142 – RECREATION FACILITIES (FOCUSED ON SWIMMING POOLS), AND ASSOCIATED CHANGES TO SECTIONS 21-22 A. (1) & 21-23 C.**

Henderson said that the process of reviewing the recommendations of the Land Use and Natural Resources (LUNR) subcommittee, the Historic Preservation and Design Study Group (HPDSG), was almost complete. Lastly, the need was to complete the discussion

of swimming pools. Swimming pools are regulated by §21-142 and there are 3 requirements.

- a) They must be located a minimum of twenty feet (20ft) to the rear of the Principal Building's front façade.
- b) They are required to meet the same setbacks of the Principal Building.
- c) Pools that are elevated more than six inches (6in) above grade are not permitted unless it is developed as an integral part of a Principal Building.

It was pointed out during the HPDSG meetings, that currently accessory structures are regulated in a less intense way; for example, if you have a detached garage, it can be eighteen to twenty-one feet (18-21 ft) tall, with a ten-foot (10ft) side setback that the Design Review Board (DRB) can grant relief making it only 6 feet (6ft) from the property line. Whereas swimming pools are treated like the house, with a twenty-five foot (25ft) rear setback and a minimum side yard setback of fifteen feet (15ft). Henderson stated that Isle of Palms, Mount Pleasant, Pawley's Island and Folly Beach all only require a five-to-six-foot (5-6 ft) setback, as Director of Planning and Zoning Drayton had pointed out at the last meeting. Per the Planning Commission's request, the setbacks for Seabrook Island and Kiawah Island were determined. Seabrook Island requires a pool to meet the setbacks of the home, 25ft from corner lot side property line if you are on a corner lot. Kiawah Island requires a 10ft setback, if the pool is elevated over four feet (4ft), the setbacks of the home must be met.

Henderson stated that the staff recommendation was to change the Town's regulations to allow in-ground pools, those that do not go over 6in from finished grade, to encroach 10ft into the setback, allowing the pool to go to a 15ft setback. It would incentivize in ground pools over elevated pools. Ocean or marsh fronted homes can encroach up to 15ft into the thirty-foot (30ft) setback, but there must be a 5ft pervious strip of decking. Elevated pools would still be required to meet the setbacks for the home. It was asked if there was a minimum distance for pools to be from the home. Henderson said there were no regulations covering how close the pool can be to the home. Some example scenarios were shown. Henderson said that making the changes recommended by staff allows more flexibility and promotes in-ground pools over elevated. It was asked if pool decking is included in having to meet the setback; Henderson said that it was and could not encroach into the setback. It was asked if there was any relief for the 25ft setback, Henderson stated that any request for variance must go to the Board of Zoning Appeals (BZA) and meet the four (4) part hardship test. The BZA has typically held the stance that not having a pool is not a hardship. The DRB can change the orientation of a house, stating the front yard to be a back yard where a pool can fit but that is rarely done and judged on a case-by-case basis.

There was some discussion over the definition of a swimming pool, as the ordinance does not specify, also how the ordinance differentiates between a hot tub and a swimming

pool. Henderson said that hot tubs must meet the same regulations as swimming pools, both as recreational spaces.

Henderson stated that the way elevated pools are permitted, due to being in a flood zone, is as a standalone structure. There was some discussion about noise levels involved with elevated pools and that the HPDSG felt noise levels would be higher with an elevated pool and that homes with elevated pools look more massive.

The staff recommendations are summarized below:

- 1) Allow in-ground Swimming pools and associated decking (pools not elevated more than six (6) inches above grade) to encroach into the rear setback up to ten (10) feet (15 foot setback).
- 2) Allow in-ground swimming pools and associated decking to encroach up to fifteen (15) feet into the RC-1 or RC-2 setback if there is five (5) feet of pervious decking between the pool and the OCRM line and the pervious system does not convey water towards the OCRM line.
- 3) Maintain existing setback requirements for elevated pools.

Changes would be made to §21-22 A. (1) to add an E to address staff recommendation (1). Changes would be made to §21-23 C. to add a (5) to address staff recommendation (2). Changes would be made to §21-142 B. (2) to include language noting the exceptions now in §21-22 A. (1) (e) and 21-23 C. (5).

Motion: A motion was made by Ms. Schroeder to accept staff recommendations for changes to the ordinance regarding swimming pools, seconded by Ms. Poletti; this motion passed unanimously, 7-0.

2. FINAL APPROVAL OF RECOMMENDED ZONING ORDINANCE CHANGES TO SECTIONS 21-20 C. (2), 21-25 C. (1), 21-27 C. (1), 21-31 B. (4), 21-43 B. (1), 21-44 B. (1) & C., 21-138 A. (2)(B), AND 21-140 A. (10); PLUS THE PROPOSED CHANGES FOR SWIMMING POOLS: SECTIONS 21-22 A. (1), 21-23 C., AND 21-142 B. (2).

Henderson stated it was now time to consider all of the items referred by the HPDSG that were covered by the Planning Commission. He recommended a motion be made to initiate a public hearing for the proposed Ordinance changes.

Motion: A motion was made by Ms. Poletti to move forward with the Planning Commission recommendations as stated and to hold a public hearing in May, seconded by Chair Hubbard; this motion passed unanimously, 7-0.

Henderson said that Drayton would review all of the proposed changes at the public hearing during the May 10, 2023, meeting.

- E. **Discussion of the 2023 Comprehensive Plan Review.** Henderson stated it was time for the five-year review of the Comprehensive Plan, with 2 primary objectives. One was to update the new census data with 2020 Census information. The other was to go through

all of the Goals and Objectives, to see what the Town has already accomplished, remove the ones the Town no longer intends to do and identify new goals.

There was some discussion about when to start this process, whether right away or in the fall.

Motion: A motion was made by Ms. Schroeder to start the review in the summer 2023 as opposed to the fall of 2023, seconded by Mr. Peterseim; this motion passed unanimously, 7-0.

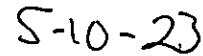
F. **Adjourn.** There being no new business, nor further discussion, the meeting adjourned at approximately 5:41pm.

Respectfully submitted,

Pamela Otto, Planning Commission Staff



Carl Hubbard, Chair



Date