



MARK WILLIAMS
COMMISSIONER

A.G. 'SPUD' WOODWARD
DIRECTOR

**SHORE PROTECTION ACT
STAFF'S FINDINGS & RECOMMENDATIONS**

April 28, 2017

TO: Shore Protection Committee:
Commissioner Mark Williams, Chairman
Mr. Richard Gardner
Mr. Stanley Humphries
Mr. Zach Harris
Mr. Bill Hodges

FROM: Department Staff to the Committee

APPLICANT: DKH Capital, LLC
Attn: Kimberly Hanna
Five Concourse Parkway, Suite 200
Atlanta, GA 30328

AGENT: Resource and Land Consultants, LLC
Attn: Daniel Bucey
Suite 303
41 Park of Commerce Way
Savannah, GA 31405

LOCATION: 3407 Menendez Lane, Sea Island, Atlantic Ocean, Glynn County, Georgia.

PROPOSED PROJECT: The applicant proposes to modify Shore Protection Act (SPA) Permit #431 by expanding the existing previously permitted pool terrace, construct a new wooden path on the lawn area, and resurface the existing concrete beach crossover stairs within the SPA jurisdiction.

APPLICABLE LAW: Official Code of Georgia Annotated (O.C.G.A.) § 12-5-230 *et seq.* Shore Protection Act

SUMMARY OF PUBLIC COMMENTS: The public notice of the Shore Protection Committee ran from March 3, 2017 through April 2, 2017. No comments were received.

FINDINGS: Department Staff to the Committee make the following findings regarding this application:

Project Scope and Justification: O.C.G.A. § 12-5-238:

1. On December 30, 2014, the Department issued a Letter of Permission (LOP) for demolition and removal of a house, pool, terrace, and steps.
2. On February 27, 2015, the Department approved SPA Permit #431 authorizing the construction of 423 square feet of a residential pool, the installation of 2,076 square feet of landscaping, and the existing rock revetment (140 square feet). The permit allowed for a total of 2,639 square feet of impacts within the State Jurisdiction.
3. The applicant's lot is approximately 19,687 square feet (0.45 acres), of which, approximately 2,639 square feet (0.06 acres) are located within the State's jurisdictional area.
4. The proposed modification to SPA Permit #431 consists of expanding the previously permitted pool terrace, an additional 76 square feet, the construction of a wooden path (575 square feet), and the resurfacing of the existing concrete beach crossover stairs (62 square feet).
5. Total jurisdictional impacts of the proposed and approved structures would be approximately 1276 square feet (48%). Approximately 1,363 square feet (52%) of the State's jurisdictional area will be retained or restored to a more natural vegetated and topographic.

Application Form, Applicant Name and Address, Project Site Plan, Plat, Deed or other instrument, Written permission to carry out project by owner of land, O.C.G.A. § 12-5-238 (1-5,8):

6. Applicant has submitted the application form, name and address, project site plan, plats, and deed.

Adjoining Landowners, Non-refundable application fee, O.C.G.A. § 12-5-238 (6,7):

7. Applicant has submitted the names and addresses of adjoining property owners as well as the non-refundable application fee required.

Hurricane Resistant Standards, O.C.G.A. § 12-5-238(9):

8. Thomas Thaddeus Truett, registered architect (GA #RA012459), has submitted a certification that the project meets all applicable hurricane standards.

Local Government Zoning, O.C.G.A. § 12-5-238(11):

9. Applicant has provided a statement and signed drawings from the Glynn County Office of Community Development that the project does not violate any zoning law.

Landfill, Hazardous Waste Inquiry, O.C.G.A. § 12-5-239(12):

10. Applicant has made an inquiry to the Hazardous Site Index for Georgia as to the existence of hazardous waste at the site; the project area was not found to be over a hazardous waste site or landfill.

Notification of Proposed Project, O.C.G.A. § 12-5-239(b):

11. Interested parties who have requested to be placed on the mailing list were notified in writing of the proposed project. This public notice of the Shore Protection Committee indicated the proposed use of the property and ran from March 3, 2017 through April 2, 2017. No comments were received.

Requirement and Restriction Regarding the Issuance of a Permit, O.C.G.A. § 12-5-239(c):

12. No permit shall be issued except in accordance with the following provisions:

(1) A permit for a structure or land alteration, including, but not limited to, private residences, motels, hotels, condominiums, and other commercial structures, in the dynamic dune field may be issued only when:

- A. The proposed project shall occupy the landward area of the subject parcel and, if feasible, the area landward of the sand dunes;** There are no sand dunes located on the applicant's parcel. The proposed additional terrace extending from the previously approved pool and the proposed wooden path will be located landward of the existing rock revetment and the current location of the Ordinary High Water (OHW) mark.
- B. At least a reasonable percentage, not less than one-third, of the subject parcel shall be retained in its naturally vegetated and topographical condition;** Jurisdictional impacts of the proposed and previously approved structures would be approximately 1276 square feet (48%). Approximately, 1363 square feet (52%) of the State's jurisdictional area will be retained or restored to a naturally vegetated and topographic state.
- C. The proposed project is designed according to applicable hurricane-resistant standards;** Thomas Thaddeus Truett, certified architect (GA #RA012459), has submitted a certification that the project meets all applicable hurricane standards.
- D. The activities associated with the construction of the proposed project are kept to a minimum, are temporary in nature, and, upon project completion, restore the natural topography and vegetation to at least its former condition, using the best available technology;** The proposed additional terrace extending from the previously approved pool and proposed wooden path will be located landward of the existing rock revetment and the current location of the OHW mark. The applicant proposes to retain and/or restore approximately 1363 square feet (52%) of jurisdictional area in a natural condition.
- E. The proposed project will maintain the normal functions of the sand-sharing mechanisms in minimizing storm-wave damage and erosion, both to the unaltered section of the subject parcel and at other shoreline**

locations; There are no sand dunes located on the applicant's parcel. The proposed additional terrace extending from the pool and proposed wooden path will be located landward of the existing rock revetment and current location of the OHW mark.

(2) No permits shall be issued for a structure on beaches, eroding sand dune areas, and submerged lands; provided, however, that a permit for a pier, boardwalk, or crosswalk in such area may be issued, provided that:

A. The activities associated with the construction of the proposed land alterations are kept to a minimum, are temporary in nature, and, upon project completion, the natural topography and vegetation shall be restored to at least their former condition, using the best available technology; The proposed resurfacing of the existing concrete beach crossover stairs will remain within the existing footprint of the concrete beach crossover over the current rock revetment. The project will result in temporary disturbances associated with the resurfacing of the existing concrete beach crossover stairs and will be located landward of the current location of the OHW mark.

B. The proposed project maintains the normal functions of the sand-sharing mechanisms in minimizing storm-wave damage and erosion, both to the unaltered section of the subject parcel and at other shoreline locations; The proposed resurfacing of the existing concrete beach crossover stairs will remain within the existing footprint of the concrete beach crossover over the current rock revetment and will be located landward of the current location of the OHW mark.

Public Interest Considerations, O.C.G.A. § 12-5-239(i):

13. In passing upon application for a permit, the Committee shall consider the public interest:

A. The project will not result in unreasonably harmful, increased alteration of the dynamic dune field or submerged lands, or function of the sand-sharing system; No activities are proposed on beaches, eroding sand dune areas, or submerged lands. The proposed additional terrace extending from the previously approved pool and the proposed wooden path will be located landward of the existing rock revetment and current location of the Ordinary High Water (OHW) mark. The proposed resurfacing of the existing concrete beach crossover stairs will be within the existing physical perimeter of the rock revetment.

B. The project will not unreasonably interfere with the conservation of marine life, wildlife, or other resources; The proposed terrace extending from the pool will be located landward of the existing rock revetment and current location of the Ordinary

High Water (OHW) mark. The proposed resurfacing of the existing concrete beach crossover stairs will be within the existing physical perimeter of the rock revetment. The proposed project is located within proximity of the designated sensitive sea turtle nesting area. Lighting from the subject parcel will be required to be consistent with the Department of Natural Resources' Wildlife Resources Division's sea turtle nesting guidelines and Glynn County lighting ordinance to protect hatchlings from disorientation caused by artificial lighting.

- C. The project will not unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties.** There is a neighborhood beach crossover approximately 25 feet to the north of the project parcel. The proposed project will not interfere with the access and the recreational use and enjoyment of public properties.

RECOMMENDATIONS: Should the Committee determine the proposed project to be in the public interest, Department Staff to the Committee recommends the following standard and special conditions:

SHORE PROTECTION ACT O.C.G.A. § 12-5-230
STANDARD PERMIT CONDITIONS

1. The project must comply, as applicable, for areas permitted herein, with all other Federal, State, and local statutes, ordinances, and regulations, and the applicant must obtain all licenses and permits prior to commencement of construction.
2. This permit does not resolve actual or potential disputes regarding ownership of or rights in or over the property upon which the subject project is proposed, and shall not be construed as recognizing or denying any such rights or interests.
3. All plans, documents, and materials contained in this permit application, required by the Shore Protection Act O.C.G.A. 12-5-230 *et. seq.* are a part of this permit and conformance to such plans, documents, and materials are a condition of this permit. No change or deviation from these plans, documents, and materials shall be permitted without prior notification and approval by the Department or Committee.
4. No further encroachment or construction shall take place within State jurisdiction, except as permitted by the Shore Protection Committee. Any modification of the plans or structure in the jurisdictional area must be reviewed and approved by the Department prior to construction.
5. A construction placard will be required to be obtained from the Department up to 30 days prior to the start of project construction and must be posted at the site. This placard will include certain steps in the construction of the permitted project that must be approved by the Department prior to construction.
6. The exact location and configuration of this project must be reviewed onsite and approved by Department staff immediately prior to beginning construction. Minor changes to the location may be allowed or required in areas that have eroded or accreted subsequent to the original jurisdictional determination.

7. No construction materials may be disposed of in the jurisdictional area of the Shore Protection Act.
8. Any incidental impacts associated with the construction of this project must be rectified by restoring areas to their pre-construction topographic and vegetative states.
9. The public shall maintain rights of ingress and egress on the foreshore beach area seaward of the ordinary high water mark.
10. If the permitted improvements are damaged, fall into disrepair, become dilapidated, are not meeting their expected usefulness, or are not maintained at a serviceable level, then it is the responsibility of the owner to remove the improvements. A new permit will be required to retain and repair the structure, improvement or asset if it loses its structural integrity and is no longer serviceable.
11. The Shore Protection Committee is not bound in the future to protect any asset or improvements authorized by the permit.
12. The permit must be posted onsite within twenty-four (24) hours of beginning construction.
13. A copy of the above conditions must be supplied to the person in charge of construction.

SPECIAL CONDITIONS

1. To protect marine turtle hatchlings, placement and use of exterior lighting must be consistent with the Department of Natural Resources' Wildlife Resources Divisions sea turtle nesting guidelines as well as lighting ordinance of Glynn County.
2. The landscape and restoration plan must be provided to the Department for approval prior to installation. Landscaping shall not change the jurisdiction of the Shore Protection Act in the future.
3. Permittee may be required to provide a post-construction survey that locates the structures as indicated in the application materials. Landscaped trees must be designated as such on the survey. Such survey shall comply with the Georgia Plat Act, O.C.G.A. § 15-6-67 *et seq.*