

**From:** [Peter Schmidt](#)  
**To:** [Byrnes, Elizabeth](#)  
**Cc:** [Noble, Josh](#); [Pam Mallard](#)  
**Subject:** DM-SI Properties, LLC 1312 Caroline Lane, Sea Island (Property)  
**Date:** Monday, December 4, 2023 4:10:37 PM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image005.png](#)  
[image006.png](#)  
[2023.12.4 PHS Ltr to DNR.pdf](#)  
[Attachment 1 - 2023.3.15 Angell Letter stamp.pdf](#)  
[Attachment 2 - 2009 Survey stamp.pdf](#)  
[Attachment 3 - 2023 Survey stamp.pdf](#)  
**Importance:** High

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In accordance with my December 1, 2023 telephone conversation with Josh, please see attached.  
Please let me know if any questions.

Respectfully,

Peter Schmidt

[Peter H. Schmidt, II](#)

**[TAYLOR ODACHOWSKI SCHMIDT CROSSLAND, LLC](#)**  
300 Oak Street, Suite 100  
St. Simons Island, Georgia 31522  
(912) 634-0955 x 134 o | (912) 638-9739 f  
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**REPLY TO:**  
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December 4, 2023

**Via U.S. Mail and Email ([elizabeth.byrnese@dnr.ga.gov](mailto:elizabeth.byrnese@dnr.ga.gov))**

Mr. Walter Rabon  
Mr. Doug Haymans  
c/o Ms. Beth Byrnes  
Georgia Department of Natural Resources  
One Conservation Way  
Brunswick, Georgia 31520

Re: DM-SI Properties, LLC  
1312 Caroline Lane, Sea Island (Property)

Dear Commissioner and Director:

I am writing on behalf of Laura Richards, the owner of 105 E Fourteenth St, Sea Island, GA 31561, which is adjacent to the referenced property. Ms. Richards is opposed to the issuance of a Shore Protection Act (SPA) permit to DM-SI Properties, LLC.

Ms. Richards' family has owned the property for many years. Ms. Richards's opposition to the Applicant's request is based on concern for the fragile dunes, the potential adverse impact on adjacent properties, and the belief that the structure and its appurtenances were designed to encroach into the land protected explicitly by the SPA. (Attachment 1 – March 15, 2023 Letter of Thomas Angell, ASLA to Glynn County Board of Commissioners).

The residential structure and its appurtenances will consume most of the Property, which comprises two (2) Sea Island lots. Based on the information available, it appears that the Applicant, its agents, and assigns knew there would be an encroachment before the purchase of the Property on June 9, 2022. My client is unaware of any steps the Applicant took towards avoiding the encroachment and presumably chose to proceed with construction, anticipating DNR approval of the encroachment and permit issuance as a matter of routine. If accurate, the Applicant chose to act contrary to the law and now seeks to offer a "mea culpa" to excuse the violation.

Specifically, a May 15, 2009 survey attached to the Applicant's submission shows the 25' jurisdictional line. (Attachment 2). A May 3, 2022 survey prepared for the Applicant shows the 25' jurisdictional line. (Attachment 3). If accurate, the Applicant knew of the jurisdictional line yet designed and allowed the home's footprint, hardscapes, and appurtenances to encroach, nevertheless.

Mr. Walter Rabon  
Mr. Doug Haymans  
Georgia Department of Natural Resources  
Re: DM-SI Properties, LLC (1312 Caroline Lane, Sea Island)  
Shore Protection Act (SPA) Permit  
December 4, 2023  
Page 2 of 2

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The jurisdictional lines, as set by the DNR and the terms of the Shore Protection Act, are there for a reason, which includes protecting the fragile ecosystem. To find out that the Applicant may have known the location of the jurisdictional line yet moved forward with the design and now construction is worrisome, to say the least.

If such is true, but DNR grants the Applicant's permit anyhow, the DNR would be saying that jurisdictional lines can be ignored even when a modest redesign of a structure and/or its appurtenances can eliminate the need for an encroachment in the first place. Such seems to put the interests of a property owner above the societal responsibilities of protecting the shoreline for which laws exist. Obviously, one might say that the permit Applicant seeks minimally impinges the protected land; however, such ignores the more significant implications as property owners, developers, and builders continue to push beyond existing limits with little concern or fear.

Conditional Use Permits are for the purpose of dealing with the unexpected, not simply as accommodation. Here, the Applicant has not explained why the encroachment could not have been avoided by way of a design within the recognized setback and jurisdictional lines. If the Applicant, its agents, and assigns were aware of the situation yet chose to proceed, a permit should not be issued. Notably, the Applicant was advised of the issue in March 2023, yet apparently proceeded with construction to date as designed.

In closing, my client's opposition to permit issuance is not an effort to be "unneighborly" but instead to protect our shorelines and the surrounding properties, particularly if encroachment into these fragile areas could have been avoided in the first place.

On behalf of Ms. Richards, thank you for your thoughtful consideration.

Respectfully,  
  
Peter H. Schmidt, II

#### Attachments

cc: Mr. Josh Nobile ([josh.noble@dnr.ga.gov](mailto:josh.noble@dnr.ga.gov))  
Ms. Laura Richards (via email)



Honorable Allen Booker, Bo Clark, Cap Fendig,  
Wayne Neal, Walter Rafolski, David Sweat, and Sammy Tostensen  
Glynn County Board of Commissioners  
Harold Pate Building  
1725 Reynolds Street  
Brunswick, GA 31520

15 March 2023

Re: Conditional Use Permit Application -1312 Caroline Lane, Sea Island

To Whom it may concern:

I was asked to review the plans and documents for the Conditional Use Permit sought by the owners of the new construction on Lot 1312 with particular attention to the potential negative impact to the adjacent landowner. I reviewed the architecture plans including the proposed site plan and the staff report for the CUP.

I am a registered landscape architect, with over thirty years' experience, specializing in sustainable design. We worked locally on the Living Shoreline at Little Saint Simons Island and the Master Plan for the south end of Cannon's Point. I regularly work on sensitive coastal sites in South Carolina and Georgia and am a student of the native vegetation in this dynamic zone.

The details for the proposed retaining wall and the pool deck which are requested to be built within the Georgia DNR jurisdictional dune area are not furnished. The Shupe site plan of Lots 6 & 7, Block 37 provided as an exhibit is pixilated and small so it is not clear how much the proposed pool deck and wall will impact the 25 setback into the dune system, what the suggested materials are, or what the proposed elevations will be. Although these conditional uses are provided as an exception in the Glynn County Zoning Ordinance, it is generally accepted that the intent of the Shore Protection Act is to protect the ecological integrity of the designated dune system and thereby the adjacent land owners from any incursions. Exceptions should be as a result of some hardship anticipated during the original planning process and not a design afterthought for a more generous recreation area.

I understand that the adjacent property owners are legitimately concerned about this proposed incursion into the dunes. Not only would their peripheral view be negatively impacted but perhaps more significantly, the creation of an armored shoreline with impervious surfaces, could well exacerbate the erosional impact to the adjacent dune system during exceptionally high tides and violent weather events. It is generally understood that water will find its level wherever not excluded so building a retaining wall on the adjacent site can cause a potential increase in high water impact through erosion and scouring at both ends of the structure. The bulkhead not only affects the erosion on the dunes in front of it, but also on the neighboring dunes by causing changes in the movement of water and sediment. These changes in water flow and sediment dynamics can affect not only the adjacent properties but also the entire estuary. On the landward side, any increase in the amount of impervious surface in this zone will also affect the ability of the system to infiltrate stormwater and when breached by wave over-topping, can create exaggerated erosion on the adjacent properties.

There are a range of options in hard surface shorelines including rip-rap and the use of native plants which are proven to be less biologically impactful than vertical bulkheads so it would be necessary to evaluate the site specific plans and details to determine if a more nature friendly and neighbor friendly solution could be achieved. On behalf of the adjacent land owners, I would urge you to not grant the conditional use permit unless the property owner has shown hardship and fully vetted the alternatives with their design consultants in communication with the adjacent landowners.

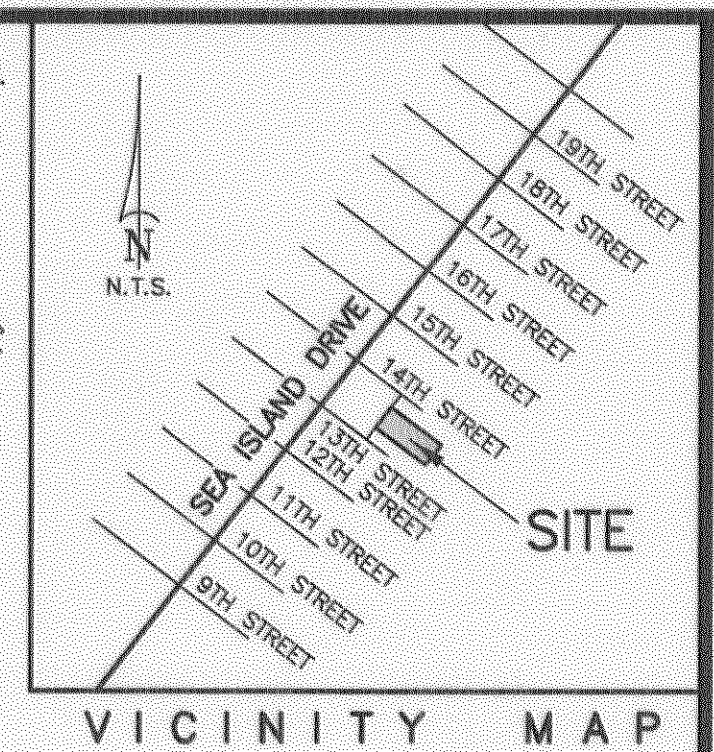
Sincerely,

Thomas Angell, ASLA

FILED  
 2009 JUN 11 A 10:40  
 Lola B. Jamsky  
 CLERK SUPERIOR COURT

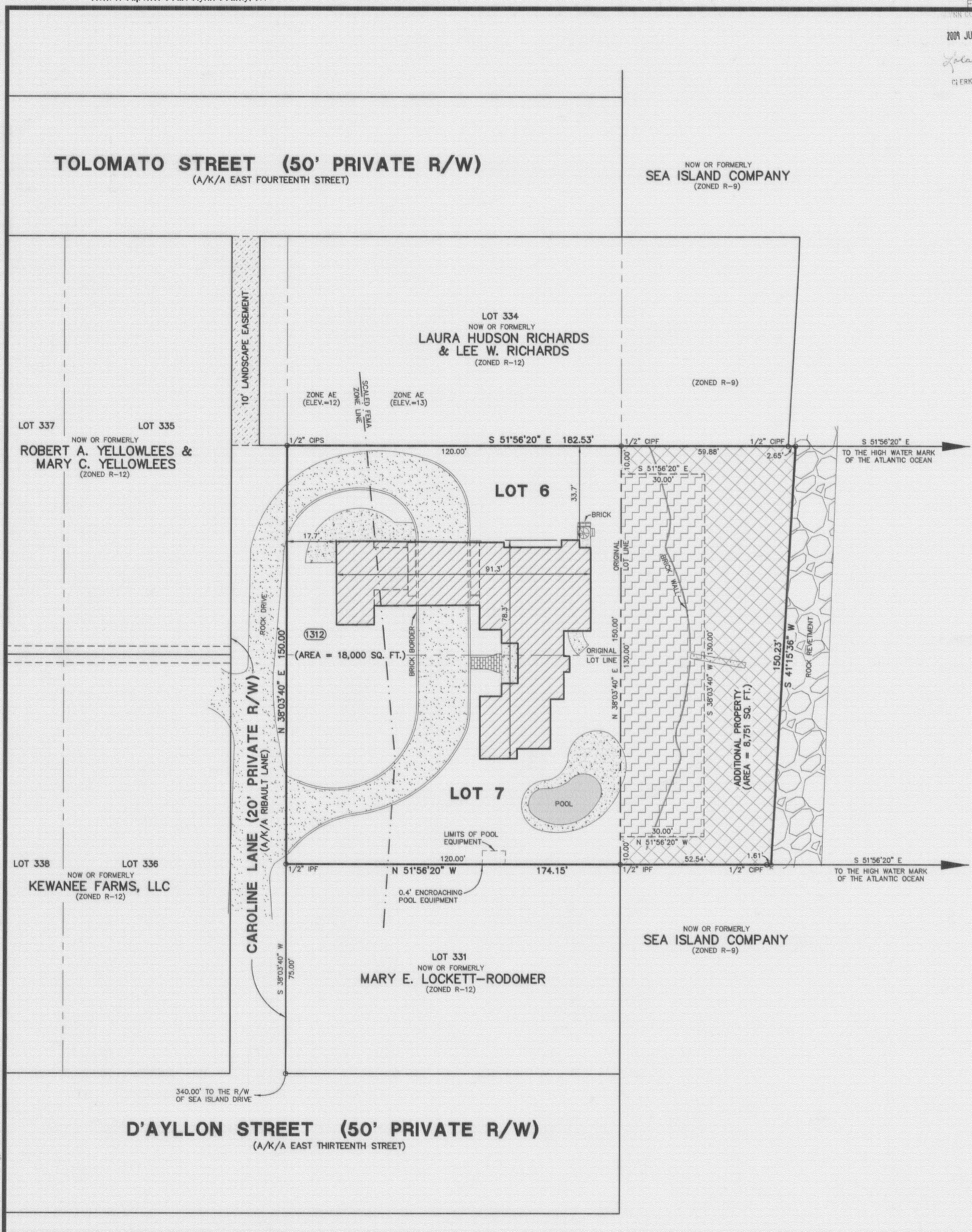
Attachment  
 2

BEARINGS SHOWN HEREON ARE BASED UPON THE RECORDED SUBDIVISION PLAT.



# LOTS 6 & 7, BLOCK '37', AND ADDITIONAL PROPERTY, SEA ISLAND SUBDIVISION NO. 1

TOTAL AREA = 26,751 SQ. FT.



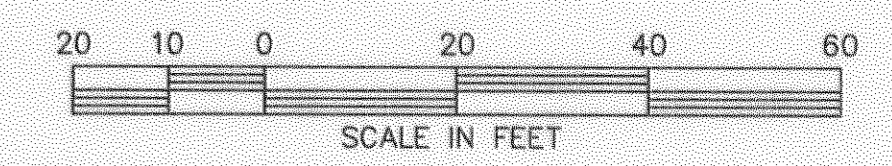
ATLANTIC OCEAN

**NOTES:**

1. SURVEY REFERENCE:  
 SURVEY BY ROBERT N. SHUPE, GA. R.L.S. # 2224, TITLED "LOT 334, BLOCK 37, PORTION OF RIBAULT LANE AND ADDITIONAL PROPERTY, SEA ISLAND SUBDIVISION NO. 1", DATED 5/09/09 AND RECORDED IN P.B. 31, PG. 92.
2. THIS PROPERTY WILL BE SERVED BY A PUBLIC WATER SYSTEM THAT IS PRIVATELY OWNED AND OPERATED BY SEA ISLAND COMPANY AND WILL UTILIZE AN ON-SITE SEWAGE MANAGEMENT SYSTEM.
3. IN ADDITION TO EASEMENTS SHOWN, A 6' EASEMENT IS RESERVED ALONG THE REAR OF ALL LOTS AS PER THE RECORDED SUBDIVISION PLAT.
4. THIS PROPERTY IS ZONED R-9 & R-12.
5. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION FOR THIS PROPERTY.
6. THE ADJOINING LAND OWNERS AND ZONING SHOWN ON THIS PLAT WAS TAKEN FROM THE GLYNN COUNTY GIS WEBSITE (WWW.GLYNNCOUNTY.ORG).
7. REVIEW OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP NUMBER 13127C0254F, DATED 9/06/06, INDICATES THAT THIS PROPERTY LIES WITHIN ZONE "AE" (EL=12 & 13), WHICH IS IN A SPECIAL FLOOD HAZARD AREA.
8. THE ADDITIONAL PROPERTY SHOWN ON THIS SURVEY IS SUBJECT TO RESTRICTIVE COVENANTS AS DESCRIBED IN THE DEED CONVEYING SAID PROPERTY.

**LEGEND:**

- IPF IRON PIN FOUND
- CIFF CAPPED IRON PIN FOUND (SSC FC, LSF 317)
- CIPS CAPPED IRON PIN SET (SSC FC, LSF 317)
- (1312) STREET ADDRESS
- ASPHALT
- BUILDING
- CONCRETE
- BRICK
- LANDSCAPE IMPROVEMENTS ENVELOPE
- HARDSCAPE BUILDING ENVELOPE



THIS IS TO CERTIFY TO THE CLERK OF SUPERIOR COURT OF GLYNN COUNTY, GEORGIA, THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF THE RECORDING OF THIS PLAT REQUIRES NO APPROVAL BY THE LOCAL GOVERNING AUTHORITY AS SET FORTH IN GEORGIA ANNOTATED CODE 15-6-67, APPROVED APRIL 11, 1990. HOWEVER, RECORDING OF THIS PLAT DOES NOT EXEMPT OR VOID ANY REQUIREMENTS FOR APPROVAL BY GLYNN COUNTY FOR THE DEVELOPMENT OR FURTHER SUBDIVIDING OF THIS PROPERTY.

*Robert N. Shupe*  
 ROBERT N. SHUPE, GA. RLS# 2224

SURVEY FOR: <b>L. NEIL CONRAD, JR.</b>				SEE NOTE 7 FOR FEMA INFORMATION
LOTS 6 & 7, BLOCK '37', AND ADDITIONAL PROPERTY, SEA ISLAND SUBDIVISION NO. 1				
G.M.D. 25, SEA ISLAND, GLYNN COUNTY, GEORGIA				
DATE: 5/15/09	DRAWN BY: JCH	SCALE: 1" = 20'	JOB #	
EQUIPMENT USED: NIKON DTM-522	FIELD CLOSURE: MINIMUM 1" IN 10,000'	PLAT CLOSURE: 1" IN 127,328'	90266A	
<b>SHUPE SURVEYING COMPANY, P.C.</b> 3837 DARIEN HWY. BRUNSWICK, GEORGIA 31525 912-265-0562				GEORGIA REGISTERED LAND SURVEYOR ROBERT N. SHUPE

bk31-pg138

Filed and Recorded 06/11/2009 at 10:34:37 AM CFN # 632009000089  
 Clerk of Superior Court Glynn County, GA Plat BK 31 PG 138 - 138; TRANS # 39721  
 Lola Jamsky #4

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**NOTE:**  
 ALL PLANS PROVIDED BY THE VINE ARE LANDSCAPE DESIGN SUGGESTIONS AND NOT INTENDED FOR ANY ARCHITECTURAL OR ENGINEERING USE. THE DESIGNER IS AN INDEPENDENT CONTRACTOR AND ALL SERVICES PROVIDED BY THIRD PARTIES MUST BE NEGOTIATED BY THE HOMEOWNER/CONTRACTOR. ALL DRAWINGS ARE PROPERTY OF THE VINE AND SHOULD NOT BE REPRODUCED IN ANY MANNER THAT WOULD ALLOW IT TO BE VIEWED BY ANY INDIVIDUAL NOT ORIGINALLY LISTED AS THE RECIPIENT.

**THE MILLICAN RESIDENCE**  
 1312 CAROLINE LANE  
 SEA ISLAND, GA 31561

**DRAWING TITLE:**  
 SPA PERMIT

**ISSUE DATE:**  
 1.13.23

**REVISIONS:**

**DESIGN:**  
 BRYCE BROCK  
 HALEY GARDNER

**SCALE:**  
 1"=20'-0"

