



DEPARTMENT OF NATURAL RESOURCES  
COASTAL RESOURCES DIVISION  
ONE CONSERVATION WAY · BRUNSWICK, GA 31520 · 912-264-7218

WALTER RABON  
COMMISSIONER

DOUG HAYMANS  
DIRECTOR

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

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April 5, 2024

**TO:** Shore Protection Committee:  
Commissioner Walter Rabon, Chairman  
Mr. Chad Barrow  
Mr. Brad Brookshire  
Mr. Davis Poole  
Dr. Valerie Hepburn

**FROM:** Department Staff to the Committee

**APPLICANT:** DM-4 SI Properties, LLC  
300 Paces Ferry Road, Suite 1000  
Atlanta, GA 30305

**AGENT:** Dan Bucey  
Resource and Land Consultants LLC  
41 Park of Commerce Way, Suite 101  
Savannah, GA 31405

**LOCATION:** 1312 Caroline Lane, Sea Island, Atlantic Ocean, Glynn County, Georgia.

**PROPOSED PROJECT:** The applicant proposes the removal and installation of native landscaping and installation of a portion of pool deck and spa within the State's Shore Protection Act (SPA) Jurisdiction. The proposed project is considered a minor activity under O.C.G.A. 12-5-230 et. seq.

**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 November 15, 2023 through November 30, 2023. One public comment was received on behalf of the adjacent property owner to the north in opposition to the project after expiration of the public notice period. The agent has provided written responses to the comments.

**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. The applicant's property is approximately 26,751 sq.ft. (0.61 acres), of which 4,078 sq.ft. (0.09 acres) is within SPA jurisdiction.
2. The area within jurisdiction consists of existing lawn and landscaping. An existing rock revetment is located immediately east of the subject lot which has been covered with constructed sand dunes authorized under Shore Protection Act Permit #461.
3. The applicant proposes to install a 213 sq.ft. portion of pool deck and spa within SPA jurisdiction.
4. The applicant also proposes to remove existing vegetation and install native landscaping within SPA jurisdiction. The landscaping plan includes 2,909 sq.ft. of seashore paspalum and 653 sq.ft. of native plantings.
5. A 303 sq.ft. portion of natural area within jurisdiction will remain unchanged.
6. A final landscape plan depicting native coastal vegetation will be submitted to the Department for approval prior to installation.
7. All work within jurisdiction will be accomplished with typical earth-moving equipment including excavators and skid-steer, as well as hand labor.
8. Existing and proposed impacts within jurisdiction will total 213 sq.ft. (5.22%), approximately 3,865 sq.ft. (94.78%) of the state's jurisdictional area will remain in a natural or improved topographic and vegetative condition.
9. The proposed project is considered a minor activity under O.C.G.A. 12-5-230 et. seq.
10. The proposed project was provided to the SPC for a ten business day review on December 18, 2023. An SPC member requested that the project receive broader consideration at a public meeting pursuant to O.C.G.A. 12-5-235(d).

**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):**

11. 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):**

12. 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):**

13. Johnathan Roberts, P.E. (Georgia Registration No. 034205), has submitted a certification that the project meets all applicable hurricane standards.

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

14. Applicant has provided a statement from the Glynn County Community Development Department that the project does not violate any zoning law.

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

15. Applicant has made an inquiry to the appropriate authorities that the proposed project is not over a landfill or hazardous waste site and that the site is otherwise suitable for the proposed project.

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

16. Adjacent property owners and interested parties who have requested to be placed on the mailing list were notified in writing of the proposed project. The Public Notice of the Shore Protection Committee ran from November 15, 2023 through November 30, 2023. One public comment was received on behalf of the adjacent property owner to the north in opposition to the project after expiration of the public comment period. The agent has provided written responses to the comments.

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

17. 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;** The proposed project will be located landward of the existing sand dunes.
- 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;** As proposed, 94.78% (3,865 sq.ft.) of the SPA jurisdictional area will remain in a natural or improved topographic and vegetative condition.
- C. The proposed project is designed according to applicable hurricane resistant standards;** Johnathan Roberts, P.E. (Georgia Registration No. 034205), 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;** Approximately 94.78% of the SPA jurisdictional area will be maintained in a natural vegetative and topographic condition. Impacts associated with and incidental to construction of the proposed project will be restored to at least their former 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;** The proposed activities are located within previously landscaped areas landward of an existing rock revetment which has been covered with constructed sand dunes authorized by Shore Protection Act Permit #461.

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

**18. 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;** The proposed project will be located landward of the existing sand dunes and landward of an existing rock revetment which has been covered with constructed sand dunes authorized by Shore Protection Act Permit #461.
- B. The project will not unreasonably interfere with the conservation of marine life, wildlife, or other resources;** The proposed project will be located landward of the existing sand dunes and landward of an existing rock revetment which has been covered with constructed sand dunes authorized by Shore Protection Act Permit #461. The proposed project is located within the vicinity of designated sensitive sea turtle nesting areas. All lighting will be installed and operated in accordance with DNR Wildlife Resources Division's Sea turtle nesting guidelines as well as Glynn County and Sea Island lighting regulations. Any work conducted within SPA jurisdiction during sea turtle nesting season will be performed in coordination with DNR staff to determine if the activities could potentially impact nesting sea turtles.
- C. The project will not unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties;** The proposed project will be conducted on private property and will not interfere with access to or use and enjoyment of public properties. There is an existing public access point to the south at the end of Thirteenth Street and to the north at the end of Fourteenth Street.

**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. In order to minimize the disruption of nesting activity from artificial lighting from the subject parcel, the Permittee must comply with the Department of Natural Resources' Wildlife Resources Division's Sea turtle nesting guidelines as well as the lighting ordinance of Glynn County and Sea Island.
2. A final landscape plan depicting native coastal vegetation must be provided to the Department for approval prior to installation.
3. Permittee may be required to provide a post-construction survey that locates the proposed structure as indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. § 15-6-67 et seq.