GEORGIA
DEPARTMENT OF NATURAL RESOURCES
COASTAL RESOURCES DIVISION
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WALTER RABON
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SHORE PROTECTION ACT
STAFF FINDINGS & RECOMMENDATIONS

November 20, 2026

TO: Shore Protection Committee:
Commissioner Walter Rabon
Mr. Brad Brookshire
Mr. Davis Poole
Dr. Valerie Hepburn
Mr. Bart Gobeil

FROM: Department Staff to the Committee

APPLICANT: Daniel Hari Iyer & Ann Cheri Iyer
3 Oceanview Court
Tybee Island, GA 31328

LOCATION: 3 Oceanview Court, Tybee Island, Atlantic Ocean, Chatham County, Georgia.

PROPOSED PROJECT: The applicant proposes the construction and maintenance of a private dune crosswalk and landscaping in Shore Protection Act jurisdiction. The proposed project is considered a minor activity under O.C.G.A. 12-5-230 et. seq. Per O.C.G.A. 12-5-235(d), a committee member requested the proposed project be presented to the full Committee for broader consideration.

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 June 10, 2026, through June 24, 2026. One comment was received during the Public Notice period that raised concerns about additional dune crosswalks in the vicinity of a public crossover and landscaping impacts to the dynamic dune field. The applicant has provided a written response.

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. SPA Permit #19 issued November 13, 1979, authorized a single-family residence and a dune crosswalk. A Letter of Permission was issued May 10, 2023, for demolition and reconstruction of the residence and deck in the same footprint as the previously permitted residential structure.

2. The parcel is approximately 18,772sq.ft. (0.489 acres), of which approximately 6,431sq.ft. (0.165 acres) is located within SPA jurisdiction.
3. Existing impacts within SPA jurisdiction include a portion of the single-family residential structure (87sq.ft), driveway pavers (61sq.ft.), and deck (759sq.ft.) that total approximately 907sq.ft. (0.021 acre).
4. The proposed project consists of the construction and maintenance of a 6ft. x 236ft. dune crosswalk (1,416sq.ft.) commencing at the landward toe of dune and terminating seaward of the seaward-most dune on the dry sand beach.
5. The applicants are also proposing the installation of approximately 1,780sq.ft. of landscaping seaward of the residence and landward of the landward toe of the most landward dune.
6. Proposed impacts within SPA jurisdiction from existing structures (907sq.ft.) and landscaping (1,780sq.ft.) total approximately 2,687sq.ft. Approximately 3,744 square feet (42%) of the SPA jurisdictional area will be retained or restored to a more natural vegetated and topographic state.
7. At this time, the dune crosswalk will not encroach seaward of Mean High Water (MHW) on the active intertidal beach at this location.
8. The dune crosswalk will be no greater than 6ft. in width (including handrails and supports) and be at least 36in. above the grade of the sand dunes. The structure will be constructed in compliance with the Shore Protection Act Standard Permit Conditions for Dune Crosswalks.
9. The structure length and height will be determined based on site conditions at the time of construction.
10. A Public access dune crosswalk maintained by the City of Tybee Island at East Gate on Van Horn Street is ADA compliant and located approximately 450 feet/0.09 mile from the residence and is accessible to the public.
11. The proposed project is considered a minor activity under O.C.G.A. 12-5-230 et. seq.
12. Per O.C.G.A. 12-5-235(d), a committee member requested the proposed project be presented to the full Committee for broader consideration.

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):

13. Applicants have 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):

14. Applicants have submitted 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):

15. Alec B. Metzger, GA P.E. 30429, has submitted a certification that the project is designed to meet or exceed applicable hurricane standards.

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

16. Applicants have provided a statement and signed drawings from the City of Tybee Island that the project is not violative of any zoning law.

Landfill, Hazardous Waste Inquiry, O.C.G.A. § 12-5-238(12):

17. Applicants have made an inquiry to the States Hazardous Waste Response and Remediation Program 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):

18. 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 June 10, 2026, through June 24, 2026. One comment was received during the Public Notice period that raised concerns about additional dune crosswalks in the vicinity of a public crossover and landscaping impacts to the dune field in SPA jurisdiction. The applicant has provided a written response.

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

19. 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 landscaping will be installed landward of the toe of the most landward dune at this location. The dynamic dune field in this area consists of mature dunes that extend seaward approximately 300ft. from the project location. The proposed project will occupy the landward area of the dynamic dune field.
    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, impacts within SPA jurisdiction from existing structures (907sq.ft.) and landscaping (1,780sq.ft.) total approximately 2,687sq.ft. Approximately 3,744sq.ft. (42%) of the SPA jurisdictional area will be retained or restored to a more natural vegetated and topographic state.
    C. **The proposed project is designed according to applicable hurricane- resistant standards;** Alec B. Metzger, GA P.E. 30429, has submitted a certification that the project is designed to meet or exceed 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;** Heavy equipment used in association with the project will access the area from the applicants' property. The applicant has stated that all activities associated with the proposed project will be kept to a minimum and are temporary in nature.
    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;** Historical monitoring of coastal dunes have shown that the frontal or most seaward dune, which is closest to the beach, is an ephemeral and unstable feature. Sand dunes typically accrete or expand under the force of onshore winds and an ample supply of sand, but they can erode quickly under severe wave energy at times of high tide or elevated sea level. Dunes, whether modern, manmade, or Pleistocene, can be

expected to retreat quickly under rising sea levels and larger waves. Beach erosion is monitored quarterly on Tybee Island. The monitoring includes erosion rates and volumes. The proposed project consists of the construction and maintenance of a dune crosswalk and landscaping in an area of the beach that has been identified as accretional. As proposed, the project should not impact the normal function of the sand sharing system on the public beach.

(2) No permits shall be issued for a structure on beaches, eroding sand dunes areas, and submerged lands; provided, however, that a permit for a pier, boardwalk, or crosswalk in such an 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 dynamic dune field in the area consists of accreting dunes that extend seaward approximately +/-300ft. from the landward toe of the most landward dune to the seaward toe of the most seaward dune. The proposed structure will span the dynamic dune field. As proposed, the dune crosswalk will be constructed of wood using hand tools only. Approximately 1,780sq.ft. of landscaping, primarily in the form of turf, will be installed seaward of the residence and landward of the toe of the landward most dune.

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; As proposed the dune crosswalk will be elevated over the dunes per SPA standard conditions for crosswalks, and constructed in a manner that will reduce storm surge penetration through the dunes that causes flooding of private property. The proposed landscaping will occur landward of the toe of the landward dune.

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

20. 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 dune crosswalk will be constructed in a manner consistent with the Standard Conditions for Dune Crosswalks. The project will not result in unreasonably harmful, increased alteration of the dynamic dune field or function of the sand-sharing system.

B. The project will not unreasonably interfere with the conservation of marine life, wildlife, or other resources; The beaches of Tybee Island serve as nesting site for sea turtles (May 1 through October 31st) and roosting locations for several migratory shorebirds. The applicant contends that the proposed activities will not unreasonably interfere with the conservation of marine life, wildlife, or other resources. The crosswalk will be constructed in such a manner to not interfere with the conservation of marine life, wildlife, or other resources.

C. The project will not unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties. Beach access is available through the public access dune crosswalks maintained by the City of Tybee Island at East Gate (approximately 450 feet / 0.17 mile from single family residence). The proposed dune crosswalk will provide the residents and their guests with private ingress and egress to the beach.

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.

SHORE PROTECTION ACT O.C.G.A. 12-5-230
STANDARD PERMIT CONDITIONS FOR DUNE CROSSWALKS

Only one crosswalk structure shall be allowed on a parcel. In considering the design and routing of a crosswalk, the shortest route over the lowest area of the dunes shall be plotted to minimize impacts to the sand sharing system. For new construction, no decks or viewing platforms will be approved in the jurisdictional area. Previously permitted and grandfathered structures may be maintained provided they are serviceable. Additionally, the applicant requesting the structure must own 100% of the private lands through which the structure crosses or have the express written permission of the owner.

The following standard conditions shall apply to dune crosswalks:

1. The height of the structure shall be at least 36" above the grade of the sand dune and the width shall be no greater than 6' as measured from the outside posts, to allow for sand movement or accretion in the dynamic dune field.
2. The terminal point of the crosswalk shall be seaward of the seaward most dune but shall not encroach seaward of the ordinary high water line in the active intertidal beach.
3. If the shoreline erodes and the crosswalk extends seaward of the ordinary high water line, it will be the responsibility of the applicant to move the permitted improvements back to the dry sand beach, landward of the ordinary high water line.
4. The structure shall begin at the toe of the landward most dune.
5. Heavy equipment is prohibited in the Shore Protection Act jurisdiction. This project must be constructed using hand tools.
6. Clearing and grading of dunes is not authorized in conjunction with the construction of this project; stockpiling of materials in the dunes is prohibited.
7. Vegetation may be cleared only for the width of the permitted structure. The maintenance trimming of jurisdictional vegetation will only be allowed within 6" of the sides of the structure and 7' high over the structure.
8. No motorized vehicles are permitted on the crosswalk structure, except for motorized wheelchairs for handicapped persons.
9. Any sand needed to restore the site to pre-project vegetated and topographic conditions, or for backfilling, must be beach quality and obtained from an upland source and not from the beach.

SPECIAL CONDITIONS:

1. A final landscape plan depicting native coastal vegetation must be submitted to the Department for approval prior to installation. The plan shall depict the use of native species to be used landward of the sand dunes.
2. This permit does not authorize trimming or removal of natural dune vegetation seaward of the landward toe of the most landward dune.
3. To minimize impacts to public use of the beach, City of Tybee Island beach maintenance activities, and nesting sea turtles, the structure's seaward terminus shall be no less than 90ft. landward of the current ordinary high water (OHW), no less than 10ft. seaward of the seaward toe of the most seaward dune.
4. No Mobi-Mat applications seaward of the seaward of the terminal end of the dune crosswalk are approved under this permit.

5. No utilities are authorized to be attached to the dune crosswalk.
6. No lighting is authorized on the dune crosswalk.
7. To protect marine turtle hatchlings, placement and use of exterior lighting on the subject parcel must be consistent with the Department of Natural Resources' Wildlife Resources Divisions sea turtle nesting guidelines as well as the lighting ordinance of the City of Tybee Island.
8. Permittee may be required to provide a post-construction survey that locates the 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.