SHORE PROTECTION ACT
STAFF’S FINDINGS & RECOMMENDATIONS

July 16, 2021

TO: Shore Protection Committee:
Commissioner Mark Williams, Chairman
Mr. Zach Harris
Mr. Chad Barrow
Mr. Brad Brookshire
Mr. Davis Poole

FROM: Department Staff to the Committee

APPLICANT: 34 Shore, LLC
3060 Peachtree Road NW, Suite 970
Atlanta, Ga. 30305

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

LOCATION: 104 East 34th Street, Sea Island, Atlantic Ocean, Glynn County, Georgia.

PROPOSED PROJECT: The applicant proposes to construct a pool and pool deck, install irrigation, and plant native landscaping.


SUMMARY OF PUBLIC COMMENTS: The Public Notice of the Shore Protection Committee ran from June 11, 2021 through July 10, 2021. 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. The applicant’s lot totals approximately 15,000 sq. ft. (0.34 acres) of which 2,331.6 sq. ft. (0.05 acres) is located within the State’s Shore Protection Act (SPA) jurisdiction. The area within jurisdiction consists of grass and bare soil.
2. An existing rock revetment is located immediately east of the subject lot which has been covered with constructed sand dunes authorized by SPA Permit #461.
3. The applicant proposes to construct a pool and pool deck, install irrigation, and plant native landscaping.
4. The pool will be 600 sq. ft. (182.2 sq. ft. in jurisdiction).
5. The pool deck consisting of 24 in. x 24 in. cast stone pavers will be 757 sq. ft. (438.4 sq. ft. in jurisdiction).
6. Also proposed within SPA jurisdiction is the installation of approximately 751.6 sq. ft. of native lawn and 583.8 sq. ft. of native plantings landward of the toe of the constructed dune. Approximately 375.6 sq. ft. of native dune species will be planted to augment existing dune plantings authorized by SPA Permit #461. The proposed plant materials (grasses, shrubs, trees, and sod) include sea oats, dune sunflower, railroad vine, morning glory, gaillardia, muhly grass, beautyberry, yaupon holly, dwarf yaupon holly, shore juniper, wax myrtle, saw palmetto, summersweet, oleander, coontie, cabbage palm, fringe, and seashore paspalum.
7. Irrigation will be installed below grade for the lawn and landscaped areas.
8. Approximately 133 ft. of construction fence will be erected along the perimeter of the lot as required by Sea Island and removed upon project completion.
9. Equipment for construction of the project within jurisdiction will include excavators and skid steers.
10. Upon completion of the pool and pool deck construction totaling 620.6 sq. ft. (26.6%), approximately 1,711 sq. ft. (73.4%) of the state’s jurisdictional area would remain in a natural or improved topographic and vegetative condition.

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. Rachael Strickland, Landscape Architect (Georgia Registration No. LA001845), 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 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 June 11, 2021 through July 10, 2021. No comments were received.

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 pool and pool deck, irrigation, and native landscaping will be landward of the existing rock revetment which is covered with constructed sand dunes authorized by SPA Permit #461.
      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, 73.4% of the SPA jurisdictional area will be retained or restored to a natural vegetated and topographic state.
      C. The proposed project is designed according to applicable hurricane-resistant standards; Rachael Strickland, Landscape Architect (Georgia Registration No. LA001845), 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 pool and pool deck, irrigation, and native landscaping will be landward of the existing rock revetment which is covered with constructed sand dunes authorized by SPA Permit #461. The proposed landscaping includes the installation of grass and native vegetation and is consistent with properties in the vicinity of the project location.
      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 pool and pool deck, irrigation, and native
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 pool and pool deck, irrigation, and native landscaping will be landward of the existing rock revetment which is covered with constructed sand dunes authorized by SPA Permit #461.

B. The project will not unreasonably interfere with the conservation of marine life, wildlife, or other resources; The proposed pool and pool deck, irrigation, and native landscaping will be landward of the existing rock revetment which is covered with constructed sand dunes authorized by SPA Permit #461. The proposed project is within the vicinity of a designated sea turtle nesting area.

C. The project will not unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties. There is an existing beach access point to the south of the property which serves the neighborhood and their guests. The proposed project will not unreasonably interfere with the continued use of the crosswalk.

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 on the subject parcel must be consistent with the Department of Natural Resources’ Wildlife Resources Division sea turtle guidelines as well as the lighting ordinance of Glynn County.

2. Permittee may be required to provide a post-construction survey that locates the proposed activities as indicated in the application materials. Such survey shall comply with the Georgia Plat Act, O.C.G.A. § 15-6-67 et seq.