



COASTAL RESOURCES DIVISION
ONE CONSERVATION WAY • BRUNSWICK, GA 31520 • 912.264.7218
COASTALGADNR.ORG

MARK WILLIAMS
COMMISSIONER

DOUG HAYMANS
DIRECTOR

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

July 17, 2020

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

FROM: Department Staff to the Committee

APPLICANT: Matt Piatt
11 Sunrise Way
St. Simons Island, GA 31522

AGENT: Blake Hightower
Land Design Associates, Inc.
228 Redfern Village #203
St. Simons Island, GA 31522

LOCATION: 11 Sunrise Way, St. Simons Island, Atlantic Ocean, Glynn County, Georgia

PROPOSED PROJECT: The applicant proposes to remove an existing crosswalk, wood decks, and stepping stones; construct a pool, pool deck, a fence, landscape, and install concrete stepping stones within the State's 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 June 4, 2020 through July 4, 2020. One comment was received. The commenter was concerned with the project drawings, the deed not being a part of the public notice, hurricane standard certification, and the completeness of the application. The agent has provided a 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. The applicant's property is approximately 6,050 sq. ft. (0.14 acres), of which 100% is located within SPA jurisdiction.
2. SPA permit #370 issued on March 2, 2007 authorized the construction of a pool, pool deck, porches, and landscaping, but was never constructed. Existing impacts within SPA jurisdiction includes an existing rock revetment (572 sq. ft.), a wooden crosswalk (250 sq. ft.), a single family residence (1557 sq. ft.), a covered terrace (370 sq. ft.), HVAC unit (45 sq. ft.), wooden decks (407 sq. ft.), concrete driveway (292 sq. ft.), stone and gravel walkways (230 sq. ft.), and stepping stones (24 sq. ft.). Total existing impacts within the subject parcel's SPA jurisdiction are 3,497 sq. ft. (57.8 %).
3. The applicant proposes to remove the existing wooden crosswalk (250 sq. ft.), remove the existing wooden decks (407 sq. ft.), and remove existing stepping stones (24 sq. ft.).
4. The applicant also proposes to construct a pool (400 sq. ft.), hot tub/spa (71 sq. ft.), and pool deck constructed of modular concrete pavers built over a 4 in. thick gravel base (546 sq. ft.).
5. Also proposed in the subject parcel is the construction of a wooden upper deck with staircase (162 sq. ft.), an aluminum picket fence (20 sq. ft.), and installation of 31 concrete stepping stones (124 sq. ft.).
6. In addition to impacts within the subject parcel, approximately 48 sq. ft. of the wooden crosswalk located in the Glynn County 20 ft. alley and 14th Street right-of-way will be removed, resulting in approximately 166 sq. ft. of temporary impacts. Also proposed is the removal of 56 sq. ft. of stepping stones within the 20 ft. alley, resulting in a total of approximately 200 sq. ft. of temporary impacts.
7. The applicant also proposes landscaping using cabbage palms, date palms, muhly grass, ornamental native grasses (approximately 267 sq. ft.). Prior to landscaping, a subsurface drip irrigation system will be installed throughout all landscaped beds underneath the mulch.
8. All construction access will occur from the east side of the applicant's property. A combination of rubber and plywood weight distribution mats will be used along the access route to limit impacts. Construction activity around the existing structure shall be completed in such a manner as to minimize disturbance to dune vegetation and root mass. Any native dune vegetation impacted by construction activities shall be replaced in kind. All grass and sandy areas that are disturbed will be rejuvenated with sand and replanted with like kind-native species. Construction fencing is not proposed for the project.
9. As proposed, new construction impacts total 1,192 sq. ft., and temporary construction impacts will be approximately 2,988 sq. ft. (49.4 %). Approximately 2,022 sq. ft. (33.42%) 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):

10. 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):

11. 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):

12. Jeff Homans, Registered Landscape Architect (GA 1284), has submitted a certification that the project meets all applicable hurricane standards.

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

13. 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):

14. 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):

15. 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 4, 2020 through July 4, 2020. One comment was received. The commenter was concerned with the project drawings, the deed not being a part of the public notice, hurricane standard certification, and the completeness of the application. The agent has provided a response.

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

16. 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, pool deck, a fence, landscape, and concrete stepping stones will be landward of the existing rock revetment.
- 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, new construction impacts total 1,192 sq. ft., and temporary construction impacts will be approximately 2,988 sq. ft. (49.4 %).

Approximately 2,022 sq. ft. (33.42%) of the State's jurisdictional area would remain in a natural or improved topographic and vegetative condition.

- C. The proposed project is designed according to applicable hurricane-resistant standards;** Jeff Homans, Registered Landscape Architect (GA 1284), 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;** All construction access will occur from the east side of the applicant's property. A combination of rubber and plywood weight distribution mats will be used along the access route to limit impacts. Construction activity around the existing structure shall be completed in such a manner as to minimize disturbance to dune vegetation and root mass. Any native dune vegetation impacted by construction activities shall be replaced in kind. All grass and sandy areas that are disturbed will be rejuvenated with sand and replanted with like kind-native species.
- 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, pool deck, a fence, landscape, and concrete stepping stones will be landward of the existing rock revetment.

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

17. 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, pool deck, a fence, landscape, and concrete stepping stones will be landward of the existing rock revetment.
- A. The project will not unreasonably interfere with the conservation of marine life, wildlife, or other resources;** The proposed pool, pool deck, a fence, landscape, and concrete stepping stones will be landward of the existing rock revetment. The proposed project is located within the vicinity of designated sensitive sea turtle nesting areas.
- B. The project will not unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties.** There is a public access trail at the end of 13th Street. The closest public access crosswalk is at Goulds Inlet north of the project location. The proposed project will not unreasonably interfere with reasonable access by and 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. In order to minimize the disruption of nesting activity from artificial lighting from the subject parcel, the Permittee must comply with the Glynn County Beach Lighting Ordinance as well as the Department of Natural Resources' Wildlife Resources Division's sea turtle nesting guidelines.
2. 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.