

# ROBERTS | TATE LLC

10319 WESTLAKE DRIVE,  
SUITE 200  
BETHESDA, MD 20817

2487 DEMERE ROAD, SUITE 400  
ST. SIMONS ISLAND, GA 31522  
TEL: (912) 638-5200  
FAX: (912) 638-5300

July 2, 2020

*Via Regular U.S. Mail and  
Electronic Mail to: [amy.flowers@dnr.ga.gov](mailto:amy.flowers@dnr.ga.gov)*

Amy Flowers  
Georgia Department of Natural Resources  
Coastal Resources Division  
One Conservation Way  
Brunswick, Georgia 31520

RE: Matt Piatt's Application for a Permit under the Shore Protection Act for Removal of Existing Crosswalk, Wood Decks and Stepping Stones; Construction of a Pool, Pool Deck, and Fence, Landscaping, and Installation of Stepping Stones at 11 Sunrise Way, St. Simons Island, Glynn County, Georgia

Dear Ms. Flowers,

I am writing on behalf of Polehenge, LLC, the owner of 4223 Fourteenth Street, St. Simons Island, Glynn County, Georgia, which is located adjacent to and adjoining the above-captioned property, in opposition to the application for a Shore Protection Act permit as submitted to the Georgia Department of Natural Resources ("DNR") and the Shore Protection Committee by Matt Piatt (the "Applicant"). In the application, the Applicant seeks a permit to remove an existing crosswalk, wood decks, and stepping stones for the purpose of constructing and installing a pool, pool deck, fence, landscaping, and concrete stepping stones within the jurisdiction of the State of Georgia's Shore Protection Act at 11 Sunrise Way, St. Simons Island, Glynn County, Georgia (the "Application"). Mr. Piatt's Application fails to meet the requirements of the Shore Protection Act, O.C.G.A. § 12-5-230 *et seq.*, as set forth herein, and therefore, we respectfully request that the Shore Protection Committee deny the Application.

First, the Application is incomplete in that it fails to include all required documentation describing the proposed work to be performed within the jurisdiction of the Shore Protection Act. O.C.G.A. § 12-5-238(3) requires, in part, that the applicant submit as part of his application "[c]onstruction documents showing the applicant's proposed project and the manner and method by which the project shall be accomplished." Although the Application includes drawings depicting the location of the proposed structures and accompanying landscaping, the Application fails to include construction drawings for the structures to be built within the jurisdictional area, including the pool, hot tub/spa, and pool decks. Without construction drawings showing the materials and methods to be used to construct these structures, it is difficult, if not impossible, to adequately consider or measure the impact such structures will have on the function of the sand-

sharing system and wildlife.<sup>1</sup> Further, O.C.G.A. § 12-5-238(4) requires that the Application include “[a] copy of the deed or other instrument under which the applicant claims title to the property....” A review of the Application posted on the DNR website, <https://coastalgadnr.org/matt-piatt-removal-existing-crosswalk-wood-decks-and-stepping-stones-construction-pool-pool-deck>, does not appear to include a copy of the deed demonstrating Mr. Piatt’s ownership of the property. Lastly, O.C.G.A. § 12-5-238(9) requires that the Application include “[a] certification by a registered architect or engineer licensed by this state certifying that all proposed structures, if any, for which the permit is applied are designed to meet suitable hurricane-resistant standards.” Mr. Piatt’s Application includes a certification attesting that all the proposed improvements in the Application meet applicable hurricane standards as executed by Jeff Homans, in his capacity as a licensed landscape architect. However, O.C.G.A § 12-5-238(9), as previously stated, requires that the certification of the proposed structures, such as the pool and pool decks, must be submitted by a “registered architect or engineer”, not a licensed landscape architect. Based upon the foregoing, Mr. Piatt’s Application should be denied by the Shore Protection Committee because it is incomplete. See O.C.G.A. § 12-5-239(a) (“[a]n application must be completed sufficiently in advance of the committee meeting at which the project will be considered to allow for public notice and evaluation by the committee”). Simply put, the public is unable to respond adequately and the Shore Protection Committee is unable to make an informed decision as to the impact the proposed project will have on the public interest in the absence of a complete Application.

Moreover, the Application is also lacking any substance as it relates to the criteria that are to be considered by the Shore Protection Committee in passing on the request for a permit. As you are aware, O.C.G.A. § 12-5-239(i) provides that:

In passing upon the application for a permit, the committee shall consider the public interest which for purposes of this part shall be deemed to be the following considerations:

- (1) Whether or not unreasonably harmful, increased alteration of the dynamic dune field or submerged lands, or function of the sand-sharing system will be created;
- (2) Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with the conservation of marine life, wildlife, or other resources; and

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<sup>1</sup> It is also important to note that O.C.G.A. § 12-5-239(c)(1)(B) requires that at least one-third of the subject parcel be retained in its naturally vegetated and topographical condition in order to obtain a permit for the proposed project. The Application indicates that following completion of the proposed project 66.58% of the site will be covered while 33.42% will be retained in its naturally vegetated state. Given that such calculations are based upon estimates, construction drawings are further needed to confirm that one-third of the property will remain in its naturally vegetated state.

(3) Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties impacted by the project.

*See* O.C.G.A. § 12-5-239(i). In this case, the public interest statement set forth in the Application is woefully inadequate in that it conclusively states the proposed project will not harm the sand sharing system, interfere with the conservation of wildlife, or interfere with the recreational use and enjoyment of public properties, but without any objective support for these self-serving conclusions. The Shoreline Protection Committee must consider whether the proposed project will impact each requirement of O.C.G.A. § 12-5-239(i). As the Applicant, Mr. Piatt is obligated to provide support for his position that the proposed work meets each requirement. Mr. Piatt's Application, however, fails to include any relevant information or reports from a qualified expert to allow the Committee to make any such a judgment. This is of vital importance given that the proposed project is located in an area of East Beach near Gould's Inlet that is critical habitat for shorebirds, including piping plovers and least terns, as well as, nesting beach for endangered sea turtles. Moreover, this area of East Beach is subject to dynamic changes leaving it vulnerable to storms and erosion as clearly evidenced by the existing revetment constructed within the Applicant's property. The Shore Protection Committee must adequately consider such concerns on behalf of the public interest. Therefore, the Application should be denied until it addresses the provisions of O.C.G.A. § 12-5-239(i) thereby allowing the Shore Protection Committee to make an informed decision.

The Shoreline Protection Act "allow[s] only activities and alterations of the sand dunes and beaches which are considered to be in the best interest of the state and which do not substantially impair the values and functions of the sand-sharing system . . . . *See* O.C.G.A. § 12-5-231. The Committee is vested with the authority to issue permits to "construct or erect any structure or construct, erect, conduct, or engage in any shoreline engineering activity or engage in any land alteration which alters the natural topography or vegetation of any area within the jurisdiction of this part." O.C.G.A. § 12-5- 237(a). However, a permit applicant must meet all applicable requirements of the Shoreline Protection Act before a permit may be issued. *See* O.C.G.A. § 12-5-239. Thus, on behalf of Polehenge, LLC, owner of the adjacent property, please accept this letter as an objection to Mr. Piatt's Application, which is due to be denied for failure to meet all applicable requirements under the Shore Protection Act.

Thank you for your consideration of this matter.

With best regards, I am

Very truly yours,

  
Jason M. Tate

cc: Polehenge, LLC

## LAND DESIGN ASSOCIATES, INC.

228 Redfern Village #203  
St. Simons Island, GA 31522  
912.571.1137  
LandDesignAssociates@gmail.com

7/9/2020

Dear Shore Protection Act Committee,

Regarding the public comment letter written on behalf of Polehenge, LLC, owner of 4223 Fourteenth Street, St. Simons Island, Glynn County, GA, by attorney Jason M. Tate, we respectfully submit the following responses.

1. Regarding the statement that the application does not include construction drawings and does not adequately consider or measure the impact such structures will have on the function of the sand sharing system and wildlife, we submit the following response:
  - a. Based on the requirements in O.C.G.A. 12-5-238(3), the attached plans, narrative, and corresponding documents ARE "Construction Documents" as they illustrate and specify the nature of the construction to take place, the methodology of construction, materials, and the associated impacts. These documents comply with O.C.G.A. in consideration of SPA Permits. All proposed construction activities, excluding the removal of an existing wooden boardwalk (which will be removed by hand and with hand tools), will occur landward of an existing rock revetment. The narrative clearly states that any dune vegetation and areas disturbed by construction activities will be rejuvenated and/or replaced in like kind. Additionally, it is worth noting that the committee has previously approved an SPA Permit for a pool and pool deck in approximately the same location as the currently proposed pool and pool deck.
2. Regarding the statement that the application "does not appear to include a copy of the deed demonstrating Mr. Piatt's ownership of the property," we submit the following response:
  - a. A copy of the deed demonstrating Mr. Piatt's ownership has, indeed, been included with the application.
3. Regarding the statement that a licensed landscape architect is not qualified to submit a hurricane letter, we submit the following response:
  - a. As recently as May 22, 2020, the committee approved **SPA Permit #479, Villas By The Sea Condominium Association, Inc., Construct Two Beach Crosswalks, a Roofed Gazebo, Two Access Walkways, and Research Radars, Jekyll Island, Glynn County, Georgia**, that included a Hurricane Letter that was written by Georgia Licensed Landscape Architect, Jeff Homans.
4. Regarding the statement that "Mr. Piatt's Application should be denied by the Shore Protection Committee because it is incomplete," we submit the following response:

- The application IS complete. Our staff has spent several months reviewing the application with GA DNR Coastal Resources Division staff members, Josh Noble and Amy Flowers. During this process, we've ensured that all associated forms pursuant to the GA DNR document titled, "**Instructions for Completing a Georgia Shore Protection Act Permit Application**," have been successfully completed and included in the application. The application includes all of the following items as suggested in the aforementioned document:

- Signed Shore Protection Act Permit Application
- Written Description of the Project
  - Basic Project Details
  - Description of Alternatives Considered
  - Landfill/Hazardous Waste Statement
  - Public Interest Statement
- Drawings of the proposed project
- Deed or Other Instrument of Title or Permission and Property Plat
- Vicinity Map and directions to the project site
- Adjoining property owners
- Zoning Letter and Signed Drawings
- Certification that Project Meets Hurricane Design Standards

5. Regarding the statement referencing O.C.G.A. 12-5-239(i)(1)(2), we submit the following response:
  - a. As previously stated, the proposed project shall occur landward of an existing rock revetment and immediately adjacent to an existing residence. We believe that the construction area within subject parcel is not part of the sand sharing system and will not negatively impact the dynamic dune field. Furthermore, projects similar to this one, have been approved and constructed without any harm to wildlife, marine life, or other resources. It is also worth mentioning that the committee has previously approved and issued an SPA Permit for a pool and pool deck for the subject property. Certainly, the committee considered all of the aforementioned factors before approving the prior SPA Permit.
6. Regarding the statement referencing O.C.G.A. 12-5-239(c)(1)(B) requiring that at least one third of the subject parcel be retained in its naturally vegetated and topographical condition, we submit the following response:
  - a. A survey of the property has been completed and submitted with the application. All associated plans and construction drawings have been drawn to scale on top of the current survey. All quantities and dimensions have been digitally measured in a CADD program. Based on these measurements, the minimum requirement of 1/3 of parcel to remain in its naturally vegetated state, has been achieved. Furthermore, as stated in the narrative, any disturbed areas will be rejuvenated and/or planted with native plant materials in like kind.

7. Regarding the statement referencing O.C.G.A. 12-5-239(i)(3), "Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with reasonable access by and recreational use and enjoyment of public properties," we submit the following response:
  - a. The owner currently owns and holds title to the subject property. The property is deemed private by the State of Georgia. The only activity that is proposed to occur on "public property" is the removal of the existing boardwalk. This activity has been approved by Glynn County Right of Way Coordinator, Chuck Flowers, in a letter dated March 24, 2020. The aforementioned letter is included in the permit application. All other construction activities are proposed to occur on the subject property and should, in no way, impact or otherwise unreasonably interfere with "reasonable access by and recreational use and enjoyment of public properties impacted by the project."
8. Regarding the final comment that the permit should be denied because it is incomplete, we submit the following response:
  - a. This has already been addressed. Please see #4 of this document.

While we respectfully disagree with the public comment letter that was sent in on behalf of Polehenge, LLC., we understand their concerns. Our staff has been working with the GA DNR Coastal Resources Division staff members for over 6 months on this project to ensure that all required documents are included in the very thorough application that was submitted on behalf of owner, Matt Piatt. We stand behind the fact that we've submitted a complete and compliant application for an SPA Permit on a property that has previously been approved and issued by the SPA Committee. Please accept this response to the public comment by Polehenge, LLC, owner of 4223 Fourteenth Street, St. Simons Island, Glynn County, GA, a property that is adjacent to and overlooks the property that is owned by our client, Matt Piatt.

Best regards,



Jeff Homans  
Landscape Architect  
Land Design Associates, Inc.