



MARK WILLIAMS
COMMISSIONER

A.G. 'SPUD' WOODWARD
DIRECTOR

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

August 22, 2017

TO: Shore Protection Committee:
Commissioner Mark Williams, Chairman
Mr. Richard Gardner
Mr. Henry Morgan
Mr. Zach Harris
Mr. Bill Hodges

FROM: Department Staff to the Committee

APPLICANT: 1016-1020 Beachview, LLC
8 Ocean East
Marathon, FL 33050

AGENT: Robert C. Ussery
Ussery-Rule Architects, P.C.
1804-A Frederica Road
St. Simons Island, GA 31522

LOCATION: 1016 & 1020 Beachview Drive, Lots 36 & 37, St. Simons Island, Atlantic Ocean, Glynn County, Georgia.

PROPOSED PROJECT: The applicant proposes construction of a single family private residence, driveway, walkway, pool, pool deck, and fence; maintenance of an existing rock revetment; and landscaping.

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 May 16, 2017 through June 14, 2017. 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 is approximately 15,073 square feet (0.346 acres) of which the entire lot is located within the state's Shore Protection Act (SPA) jurisdiction.
2. The lot currently consists of a maintained lawn, a parking easement, and a rock revetment.
3. The parking easement allows for overflow parking of Sea Gate Inn immediately across Beachview Drive. The applicant is proposing to preserve the rights of this easement, but currently is not proposing any structural improvements to this area.
4. On July 28, 2016, the Department issued a Letter of Permission (LOP) authorizing the temporary storage of rip rap material within SPA jurisdiction at 1016 Beachview Drive, St. Simons Island.
5. On August 19, 2016 the Department approved SPA permit #446 authorizing the construction of a house, driveway, walkway, pool, pool deck, private shared crosswalk; maintenance to the existing rock revetment; and landscaping at 1016 Beachview Drive on Lot 38, immediately adjacent to the applicant's property. The private shared crosswalk is to serve lots 36, 37, and 38.
6. The applicant proposes construction of a single family private residence, driveway, walkway, pool, pool deck, and fence; maintenance of an existing rock revetment; and landscaping within the jurisdictional area.
7. The proposed residence will be 4,554 sq. ft. with 1,627 sq. ft. of a permeable driveway and walkway, and 1,213 sq. ft. of landscaping beds located on the landward side of the residence.
8. On the seaward side of the proposed residence will be a second and third story open deck that will cantilever over a portion of the proposed pool and pool deck area. The square footage of the open decks is included in the square footage of the proposed residence.
9. The proposed pool and pool deck will impact 408 sq. ft.
10. Along the perimeter of the lot, the applicant proposes to install a property fence with concrete piers totaling approximately 100 sq. ft.
11. In addition, the applicant is proposing landscaping on the seaward side of the residence that will consist of approximately 4,082 sq. ft. of lawn and native landscaping.
12. Seaward of the proposed lawn and native landscaping, parallel to the existing rock revetment, the applicant is proposing to install approximately 967 sq. ft. of dunescaping. This would include the addition of beach quality sand and the planting of native dune vegetation to create an artificial dunescape.
13. On the seaward most side of the lot is an existing rock revetment of 1,054 sq. ft., which the applicant proposes to maintain.
14. As proposed, the total jurisdictional impacts of the proposed hardscape and structures would be approximately 10,024 sq. ft. (66.5%). Approximately, 5,049 sq. ft. (33.5%) of the state's jurisdictional area will be retained or restored to a more natural vegetated and topographic state.

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):

15. 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):

16. 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):

17. Robert C. Ussery, State of Georgia Registered Architect (GA: RA003277), has submitted a certification that the project meets all applicable hurricane standards.

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

18. Applicant has provided a statement and signed drawings from the Glynn County Office of Community Development that the project does not violate any zoning law.

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

19. Applicant has made an inquiry to the Hazardous Site Index for Georgia 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):

20. Interested parties who have requested to be placed on the mailing list were notified in writing of the proposed project. This Public Notice of the Shore Protection Committee indicated the proposed use of the property and ran from May 16, 2017 through June 14, 2017. No comments were received.

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

21. **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 single family private residence, driveway, walkway, pool, pool deck, and

fence; maintenance of an existing rock revetment; and landscaping will take place immediately landward of the existing rock revetment. The current location of the Ordinary High-Water Mark (OHWM) mark is the crest of the 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, the total jurisdictional impacts of the proposed hardscape and structures would be approximately 10,024 sq. ft. (66.5%). Approximately, 5,049 sq. ft. (33.5%) of the state's 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;** Robert C. Ussery, State of Georgia Registered Architect (GA: RA003277), 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 single family private residence, driveway, walkway, pool, pool deck, and fence; maintenance of an existing rock revetment; and landscaping will take place immediately landward of the existing rock revetment and the current location of the OHWM. The proposed landscaping will include the planting of native vegetation and the addition of beach quality sand to create an artificial dunescape. The proposed landscaping 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 single family private residence, driveway, walkway, pool, pool deck, and fence; maintenance of an existing rock revetment; and landscaping will take place immediately landward of the existing rock revetment and the current location of the OHWM.

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

- 22. 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;** All proposed construction of the single family private residence, driveway, walkway, pool, pool deck, and fence; maintenance of an existing rock

revetment; and landscaping will take place immediately landward of the existing rock revetment and the current location of the OHWM.

- B. The project will not unreasonably interfere with the conservation of marine life, wildlife, or other resources;** All proposed construction of the single family private residence, driveway, walkway, pool, pool deck, and fence; maintenance of an existing rock revetment; and landscaping will take place immediately landward of the existing rock revetment and the current location of the OHWM. 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 was a crosswalk, authorized in SPC Permit #446, planned to originate from lot 38 at 1016 Beachview Drive. This crosswalk is to serve lots 36, 37, and 38. There are two public crosswalks located directly west and east, of the project location, at St. Simons Beach Accesses 17 and 18.

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. Any sand used to create dunescape must be beach quality and obtained from an upland source.
2. To protect marine turtle hatchlings, placement and use of exterior lighting must be consistent with the Department of Natural Resources' Wildlife Resources Divisions sea turtle nesting guidelines as well as lighting ordinance of Glynn County.
3. The landscape plan must be provided to the Department for approval prior to installation. Landscaping shall not change the jurisdiction of the Shore Protection Act in the future.
4. Permittee may be required to provide a post-construction survey that locates the proposed activities as indicated in the application materials. Landscaped trees must be designated as such on the survey. Such survey shall comply with the Georgia Plat Act, O.C.G.A.