

**From:** [Daniel Bucey](#)  
**To:** [Labarba, Sam](#)  
**Subject:** RE: Kinzey Public Notice  
**Date:** Wednesday, June 3, 2020 4:17:55 PM  
**Attachments:** [image001.png](#)  
[163 Kinzey DNR Permit 6-3-20.pdf](#)

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Sam;  
Just got a chance to look this over.

First, I sent you a revised drawing on 5/11/20 that revises the amount of proposed backfill below the HTL. The original amount that was estimated by the architect that produced the drawings was obviously not correct, as the differential between the marsh floor and the upland bank at the HTL is 8" at most, not 1.5'. Nevertheless, the amount originally proposed, at 0.245 cy/ft was well below the allowable amount of 1 cy/ft. The further revised amount as depicted on the most recent drawing I sent show backfill below HTL at 17.9 cy, not 40 cy. and is consistent with and well below amounts approved for other projects. As we discussed, there was a minor typographic error on that version, which has been revised and attached.

Second, the project purpose is for shoreline protection, not to create a residential lawn. Nowhere in the application or other materials has the purpose been stated that it is for anything but shoreline stabilization. Per our phone conversation today, you stated that the drawing shows the project purpose to be for "proposed lawn". This label is nothing more than an architectural designation for the entire area shown in white that surrounds the house and in no way implies that the overall project purpose for the project is to create a lawn. The project purpose is for shoreline protection, and is only slightly out of the ordinary bulkhead project approved by your office with great frequency in that there are two (2) small inclusions of high marsh right in the middle of the lot, at least one of which was caused by a felled tree. The vast majority of approved bulkheads result in lawn or landscaping being placed in the backfilled area.

Sincerely,

**Daniel Bucey, PRINCIPAL**

41 Park of Commerce Way, Suite 101

Savannah GA, 31405

P 912 443 5896 F 912 443 5898 C 912 659 0988

<http://www.rlandc.com>

**Please note new address:** 41 Park of Commerce Way, Suite 101 / Savannah, GA 31405



**From:** Labarba, Sam <[sam.labarba@dnr.ga.gov](mailto:sam.labarba@dnr.ga.gov)>  
**Sent:** Wednesday, June 3, 2020 1:04 PM

**To:** Daniel Bucey <[dbucey@rlandc.com](mailto:dbucey@rlandc.com)>

**Subject:** Kinzey Public Notice

Dan,

Attached is the Public Notice for Kinzey, let me know if you have any questions.

Sincerely,

**Sam LaBarba**

Coastal Permit Coordinator

**[Coastal Resources Division](#)**

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GEORGIA DEPARTMENT OF NATURAL RESOURCES

## Labarba, Sam

**From:** Daniel Bucey <dbucey@rlandc.com>  
**Sent:** Friday, March 27, 2020 2:15 PM  
**To:** Labarba, Sam  
**Subject:** RE: CMPA Response Letter  
**Attachments:** Kinzey\_shoreline\_4.jpg; Kinzey Shoreline\_1.jpg; Kinzey\_Shoreline\_2.jpg; Kinzey\_shoreline\_3.jpg; 319 W 47th Sea Island 02-10-20 w signed plans.pdf; RE\_ Zoning Letter for Kinzey Residence 319 W 47th St Sea Island.pdf

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Sam;  
In response to your letter dated 3/25/2020, additional items:

1. Detailed professional scaled project drawings of the proposed project, the drawing should be submitted on a registered survey (signed, stamped, and dated) or on the recorded plat of the property; **The drawing submitted with the application was prepared by a registered architect, Thomas Thaddeus Truett, with an AutoCAD base layer of the approved, signed, wetland/boundary survey prepared by Shupe Surveying Co., P.C. dated August 10, 2017 titled *Topographic Survey of: Lot 33, Block 96, Sea Island Subdivision No. 1, Extension No. 1, G.M.D. 25, Sea Island, Glynn County, Georgia.* We will have a scale bar added to the drawing.**
2. A zoning letter from the appropriate department stating that the proposed project does not violate any zoning laws; **Ms. Stephanie Leif, Planning Manager with the Glynn County Planning and Zoning Division of the Community Development Department sent zoning approval to CRD via email of 2/10/2020 (copy attached)**
3. A copy of the drawings signed by the appropriate local government zoning authority; **See attached.**
4. The proposed application is for the fill of marsh and is classified as a complex project in relationship to the application fee schedule. Please provide \$500.00, such check or money order made payable to the Georgia Department of Natural Resources. **A check in the amount of \$100 was sent with the application and was cleared by bank on 3/13/2020. The fee schedule listed in the CRD application instructions state “minor fill” would qualify as a moderately complex project, with an associated \$250 application fee. Bulkheads for single family lots are routinely approved without the need to go to the Committee when less than 500’ in length and with less than 1 cy / running foot below the high tide line (which this proposed bulkhead does not exceed). A typical bulkhead is constructed 1’ to 2’ seaward of the existing shoreline and backfilled, which for a project that qualified up to the maximum of 500 linear feet, could result in a fill area of between 500 and 1000 sq. ft. This proposed project is only 204’ in length and 723 sq. ft. in total fill. This project would normally be approved by simple issuance of a Revocable License by CRD staff, except for the request to extend the bulkhead more than 1’ to 2’ along one small portion of the irregular shoreline. While maybe not routine, this project certainly is not complex. Unless directed otherwise, we can forward a check in the amount of \$150 to bring the total application fee to \$250 in line with a moderately complex project.**
5. Provide a copy of the water quality certification issued by the Department, if required for the proposed project. **The US Army Corps of Engineers issued verification to use NWP 18 to construct the bulkhead and backfill via letter of 1/31/2020. As stated in the Savannah District 2017 Nationwide Permit Regional conditions, the “Georgia Department of Natural Resources (Georgia DNR) issued a conditional Water**



Quality Certification and conditional concurrence with the federal consistency determination under the Coastal Zone Management Act for reauthorization of the use of Nationwide Permits (NWPs) to authorize impacts to waters of the U.S. in Georgia.” As required under the conditional certification, RLC provided a copy of the PCN to both the CRD and EPD. 401 has therefore been approved through the NWP program.

Clarification of items 1 and 2:

1. OCGA 12-5-286(b)(8) requires: *“A description from the applicant of alternative sites and why they are not feasible and a discussion of why the permit should be granted”* In the alternative analyses you state there is no alternative site available due to this property being owned by the applicant. Please provide further alternative analyses of why the bulkhead cannot be constructed on the CMPA jurisdiction line without the filling of coastal marshlands, as is typical of other bank stabilization projects. The statute as well as CRD instructions pertaining to the preparation of CMPC applications (<https://coastalgadnr.org>) require a description of alternative “sites” considered by the applicant and why they are not feasible, not alternate locations or designs within or on the project site. Had the applicant chosen a non-marsh site for his home, then shoreline stabilization would not be necessary. However, the applicant purchased the subject lot, and it requires shoreline protection to protect his substantial investment. If the applicant could build the bulkhead without filling marshlands then he would not require a RL and CMPC permit from the State. Most bulkheads are constructed in close proximity to (1’ to 2’) but seaward of the upland/marsh jurisdiction line to protect the eroding shoreline, hence the need for a RL. The applicant’s proposal is typical of other bulkheads which are routinely authorized by CRD except for the irregular shoreline configuration in the center portion of the lot. Closely following the irregular shoreline at this location would result in an unsightly shoreline and a potential future threat to dwellings and infrastructure, while only reducing impacts to the predominantly mud shoreline by +/-400 sq. ft. ( $2.42929536 \times 10^{-8}$  percent of the estimated 378,000 acres of marsh in coastal Georgia)

2. OCGA 12-5-286(g)(3) states: *“Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, wildlife, or other resources, including but not limited to water and oxygen supply.”* The proposed bulkhead will involve the filling of tidally influenced coastal marshlands. This habitat is considered Essential Fish Habitat for penaeid shrimp and red drum by the South Atlantic Fisheries Management Council. GADNR’s 2008 fisheries management plan furthermore states that upper marsh estuarine areas are considered to be critical blue crab habitat in Georgia. Loss of vegetated coastal marshlands and any resulting change in tidal regime within the project area may have an adverse effect on marine life. Please provide further explanation of your submitted response that the proposed project will not interfere with the conservation of the items stated in OCGA 12-5-286(g)(3). The proposed project impacts of 723 sq. ft. would be almost immeasurable from a cumulative standpoint ( $4.39095136 \times 10^{-8}$  percent of the +/-378,000 acres of marsh in Georgia). As depicted in the attached photographs, the majority of the fill area is non-vegetated, and only inundated for a very short period of time during a tidal event and likely only on higher than average tides. The proposed project will merely shift the shoreline slightly seaward to protect the shoreline and root systems of the adjacent upland trees, and would not alter the tidal regime in a measurable manner in the immediate vicinity of the project or at other shoreline locations. The proposed impacts are extremely small in comparison to the size of both the adjacent Village Creek basin and the Georgia coast. As with any project that would result in an alteration of the marsh, there could be an effect on marine life. However, each project must be evaluated on a case-by-case basis, and the extremely small alteration that would result from this project would have very little effect either directly or cumulatively, and certainly not to a level that would be considered “unreasonable” as defined by statute.

Sincerely,

Daniel Bucey, PRINCIPAL

41 Park of Commerce Way, Suite 101  
Savannah GA, 31405



Please note new address: 41 Park of Commerce Way, Suite 101 / Savannah, GA 31405



---

**From:** Labarba, Sam <[sam.labarba@dnr.ga.gov](mailto:sam.labarba@dnr.ga.gov)>

**Sent:** Wednesday, March 25, 2020 2:56 PM

**To:** Daniel Bucey <[dbucey@rlandc.com](mailto:dbucey@rlandc.com)>

**Subject:** CMPA Response Letter

Dan,

Please see the attached Response Letter. Let me know if you have any questions.

Sincerely,

**Sam LaBarba**

Coastal Permit Coordinator

**Coastal Resources Division**

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GEORGIA DEPARTMENT OF NATURAL RESOURCES

MARK WILLIAMS  
COMMISSIONER

DOUG HAYMANS  
DIRECTOR

March 25, 2020

Daniel Bucey  
41 Park of Commerce Way, Suite 101  
Savannah, Georgia 31405

**Re: Application for a Coastal Marshlands Protection Act Permit for the Fill of Coastal Marshlands and Construction of a Bulkhead, 319 West 47<sup>th</sup> Street, Village Creek, Sea Island, Glynn County. (GPS: 31.21571°N/-81.32451°W)**

Dear Mr. Bucey:

The Department has reviewed the application for the proposed fill of marsh and construction of a bulkhead for 319 W. 47<sup>th</sup> Street, LLC. The proposed project provides for the fill of marsh and the construction of a bulkhead that will impact approximately 723 square feet (0.016 acres) of coastal marshlands. Staff has identified additional information that is needed before the application can be placed on Public Notice. Keep in mind that an application needs to be “substantially complete” before it can be presented to the Coastal Marshlands Protection Committee (CMPC). The following items are required before the application can be placed on Public Notice:

1. Detailed professional scaled project drawings of the proposed project, the drawing should be submitted on a registered survey (signed, stamped, and dated) or on the recorded plat of the property;
2. A zoning letter from the appropriate department stating that the proposed project does not violate any zoning laws;
3. A copy of the drawings signed by the appropriate local government zoning authority;
4. The proposed application is for the fill of marsh and is classified as a complex project in relationship to the application fee schedule. Please provide \$500.00, such check or money order made payable to the Georgia Department of Natural Resources.
5. Provide a copy of the water quality certification issued by the Department, if required for the proposed project.

Staff also requests that clarification be provided on the following comments prior to the permit application being placed on Public Notice:

1. OCGA 12-5-286(b)(8) requires: *“A description from the applicant of alternative sites and why they are not feasible and a discussion of why the permit should be granted”* In the alternative analyses you state there is no alternative site available due to this property being owned by the applicant. Please provide further alternative analyses of why the bulkhead cannot be



constructed on the CMPA jurisdiction line without the filling of coastal marshlands, as is typical of other bank stabilization projects.

2. OCGA 12-5-286(g)(3) states: "*Whether or not the granting of a permit and the completion of the applicant's proposal will unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, wildlife, or other resources, including but not limited to water and oxygen supply.*" The proposed bulkhead will involve the filling of tidally influenced coastal marshlands. This habitat is considered Essential Fish Habitat for peneaid shrimp and red drum by the South Atlantic Fisheries Management Council. GADNR's 2008 fisheries management plan furthermore states that upper marsh estuarine areas are considered to be critical blue crab habitat in Georgia. Loss of vegetated coastal marshlands and any resulting change in tidal regime within the project area may have an adverse effect on marine life. Please provide further explanation of your submitted response that the proposed project will not interfere with the conservation of the items stated in OCGA 12-5-286(g)(3).

Our permitting and legal staff will be reviewing your application simultaneously. Our legal staff may contact you to clarify ownership interests or to request additional information. Once these materials have been received, and the application is substantially complete, we will begin the Public Notice process. During the public comment period, the committee will be reviewing the project. I will notify you of any additional information requested by them as provided in the Official Code of Georgia Annotated (O.C.G.A.) 12-5-286. Public comments and questions about your project will be forwarded to you for a written response. Staff will assist you throughout the process.

I appreciate your assistance in working with staff to provide a substantially complete permit application to the CMPC for their consideration. Please feel free to contact me at 912-264-7218 with any questions or comments.

Sincerely,

*Sam LaBarba*

Sam LaBarba  
Coastal Permit Coordinator

Cc: USACOE

File #: CMP20200009



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

MARK WILLIAMS  
COMMISSIONER

DOUG HAYMANS  
DIRECTOR

3/4/2020

Daniel Bucey  
Resource & Land Consultants  
41 Park of Commerce Way, Ste 101  
Savannah, Georgia 31405

**Re: Coastal Marshlands Protection Act (CMPA) Permit Application for the Fill of Marsh and Construction of a Bulkhead, 319 West 47<sup>th</sup> Street, Sea Island, Glynn County. (GPS 31.21571°N/ -81.32451°W)**

Dear Mr. Bucey:

I am in receipt of your application materials for the above referenced project. Our permitting and legal staff will be reviewing your application simultaneously. Our legal staff may contact you to clarify ownership interests. Within the next 30 days, our permitting staff will contact you to advise the status of your application. You may be requested to provide additional information needed for project evaluation. Once these materials have been received, and the application is substantially complete, we will begin the public notice process. Public comments and questions about your project will be forwarded to you for a written response. At the end of the public notice period, your project will either be sent to the Coastal Marshlands Protection Committee (CMPC) for review or scheduled for a CMPC meeting date. Staff will assist you throughout the process.

Please feel free to contact me at (912) 264-7218 if you have additional questions.

Sincerely,

Sam LaBarba  
Coastal Permit Coordinator  
Marsh and Shore Management Program

Cc: Bradley Kinzey  
3593 Paces Valley Road  
Atlanta, Georgia 30327



319 W 47<sup>TH</sup> STREET, LLC SHORELINE STABILIZATION PROJECT

COASTAL MARSHLANDS PROTECTION ACT  
PERMIT APPLICATION

FEBRUARY 7, 2020

APPLICANT:

319 W 47<sup>TH</sup> STREET, LLC C/O BRADFORD KINZEY



<b>RLC</b>	<b>RESOURCE+LAND</b>
	<b>CONSULTANTS</b>
	41 Park of Commerce Way, Ste 101 Savannah, GA 31405 tel 912.443.5896 fax 912.443.5898

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### Attachments:

- A: State of Georgia Revocable License Request & CESAS Form 19
- B: Warranty Deeds and Ownership Information
- C: Permit Drawings
- D: Zoning Letter
- E: Adjacent Landowners
- F: CMPA Jurisdiction Determination & Site Survey
- G: USACE NWP 18 Authorization

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## 1.0 Introduction

319 W 47<sup>th</sup> Street, LLC (Applicant) is seeking authorization from the Coastal Marshlands Protection Committee (CMPC) to construct a wooden bulkhead in tidal waters adjacent to Village Creek on Sea Island, Glynn County, Georgia (31.217068° latitude, -81.323248° longitude)

The project would result in the alteration of +/- 723 ft<sup>2</sup> (0.01-acre) of tidal waters and would be regulated under the Coastal Marshlands Protection Act of 1970 (CMPA). As the alteration would be less than one-tenth acre, it would be considered a minor alteration as defined at O.C.G.A. § 12-5-282(9). We respectfully request that authorization of the project be granted by the Commissioner of the Georgia Department of Natural Resources in accordance with O.C.G.A. § 12-5-283(d).

## 2.0 Existing Conditions

The project area is located on the west side of Sea Island, east of Village Creek. The subject lot is currently undeveloped. A dock has been constructed as authorized by the U.S. Army Corps of Engineers Savannah District and a State of Georgia Revocable License. The current shoreline is in varying states of erosion, with numerous trees exhibiting exposed roots due to undercutting by tidal action. The limits of CMPA jurisdiction were verified by CRD staff via letter of May 28, 2019 (Attachment F).

Application for the proposed bulkhead was made to the USACE and CRD on August 15, 2019. The USACE verified that the applicant was authorized to use Nationwide Permit #18 to construct the bulkhead via letter of January 31, 2020 (Attachment G).

## 3.0 Marshlands Component

As depicted on the exhibit titled *Kinzey Residence, Sea Island, Georgia*, dated December 19, 2019 (Attachment C), the marshland component of the project consists of a +/-204 l.f. wooden bulkhead with proposed backfill of 723 ft<sup>2</sup>, or 40 cy (0.245 cy / running foot below the high tide line). The wall would be constructed from the uplands, and then backfilled to stabilize the existing shoreline. BMPs would be implemented during construction to minimize secondary impacts to tidal waters.

## 4.0 Upland Component

There is no upland service area, amenity, or recreational area on the subject property that serves or augments the functioning of the bulkhead / shoreline stabilization project.

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## 5.0 Alternatives Sites Considered

The applicant owns the subject lot and is seeking a building permit from Sea Island to construct a residential dwelling on the upland portions of the property. The proposed shoreline stabilization cannot be located at alternative sites, because no protection would be provided to the subject lot. Other marsh front lots at alternate locations would also likely require some form of shoreline protection. The proposed bulkhead is consistent with impacts associated with other residential lot bulkheads authorized by CRD staff through the Revocable License process and the project has already been authorized by the USACE.

## 6.0 Supplemental Information

This additional information is provided for compliance with Coastal Marshlands Protection Act of 1970 information requirements:

OCGA 12-5-286. Permits to fill, drain, etc., marshlands.

(b) Each application for such permit shall be, properly executed, filed with the department on forms as prescribed by the department, and shall include:

**(1) The name and address of the Applicant-**

319 W 47<sup>th</sup> Street , LLC  
Attn: Mr. Bradford Kinzey  
3593 Paces Valley Road  
Atlanta, Georgia 30327

**(2) A plan or drawing showing the Applicant's proposal and the manner or method by which such proposal shall be accomplished. Such plan shall identify the coastal marshlands affected-** Please refer to attached drawing produced by Thomas Thaddeus Truett titled *Kinzey Residence, Sea Island Georgia*, dated December 19, 2019 (Attachment C). The work will be accomplished by heavy equipment from upland locations.

**(3) A plat of the area in which the proposed work will take place-** Attachment F contains a survey produced by Shupe Surveying Company, P.C. titled *Survey For: Brad Kinzey, Lot 33, Block '96', Sea Island Subdivision No. 1, Extension No. 1*, dated August 10, 2017.

**(4) A copy of the deed or other instrument under which the Applicant claims title to the property or, if the Applicant is not the owner, then a copy of the deed or other instrument under which the owner claims title together with written permission from the owner to carry out the project on his land. In lieu of a deed or other instrument referred to in this paragraph, the**

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**committee may accept some other reasonable evidence of ownership of the property in question or other lawful authority to make use of the property; The committee will not adjudicate title disputes concerning the property which is the subject of the application; provided, however, the committee may decline to process an application when submitted documents show conflicting deeds-** A Limited Warranty Deed conveying the subject property from Sea Island Cottage, LLC to 319 W. 47<sup>th</sup> Street, LLC recorded and filed with the Clerk of Superior Court in Glynn County Georgia on July 27, 2017 is included at Attachment B.

- (5) **A list of all adjoining landowners together with such owners' addresses, provided that if the names or addresses of adjoining landowners cannot be determined, the Applicant shall file in lieu thereof a sworn affidavit that a diligent search, including, without limitation, a search of the records for the county tax assessor's office, has been made but that the Applicant was not able to ascertain the names or addresses, as the case may be, of adjoining landowners-** Adjacent landowner information is provided in Attachment E.
- (6) **A letter from the local governing authority of the political subdivision in which the property is located, stating that the Applicant's proposal is not in violation of any zoning law;** A request has been made to the Glynn County Planning & Zoning department. A response will be forwarded upon receipt. The request is contained in Attachment D.
- (7) **A non-refundable application fee to be set by the board in an amount necessary to defray the administrative cost of issuing such permit. Renewal fees shall be equal to application fees, which shall not exceed \$1,000.00 for any one proposal and shall be paid to the department.** An application fee in the amount of \$100.00 has been included with this application.
- (8) **A description from the Applicant of alternative sites and why they are not feasible and a discussion of why the permit should be granted-** Please refer to Section 5.0, page 2.
- (9) **A statement from the Applicant that he has made inquiry to the appropriate authorities that the proposed project is not over a landfill or hazardous waste site and that the site is otherwise suitable for the proposed project-** A review of the Hazardous Site Index for Glynn County, Georgia indicates that the subject property does not contain hazardous waste sites or landfills.
- (10) **A copy of the water quality certification issued by the department if required for the proposed project-** Water Quality Certification in accordance with Section 401 of the Clean Water Act was reviewed during the processing

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of the federal permits necessary for construction under the purview of the U.S. Army Corps of Engineers.

**(11) Certification by the Applicant of adherence to soil and erosion control responsibilities if required for the proposed project-** The project will conform to all required building, land disturbing, and stormwater management permits as required by Glynn County.

**(12) Such additional information as is required by the committee to properly evaluate the application-** This application has been prepared with consideration for the interests of the general public of the State of Georgia as defined in OCGA 12-5-286(g):

OCGA 12-5-286. Permits to fill, drain, etc. marshlands.

**(g) In passing upon the application for 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 obstruction to or alteration of the natural flow of navigational water within the affected area will arise as a result of the proposal-** The proposed bulkhead is located immediately adjacent to the shoreline over 700' from the navigable waters of Village Creek. No fill or other alterations are proposed that would unreasonably obstruct or alter navigable waters.

**(2) Whether or not unreasonably harmful or increased erosion, shoaling of channels, or stagnant areas of water will be created-** The construction of the bulkhead will decrease erosion at the project location and would tie into existing bulkheads on the adjacent properties; thus it would not increase erosion at other locations. The backfill to the upland interface would eliminate stagnant water landward of the wall and would not create areas of stagnant water seaward of the wall. The configuration of the proposed bulkhead generally follows the contours of the shoreline and would eliminate small inlets that could become stagnant and trap debris and marsh wrack. Given the projects close proximity to the shoreline, distance from the navigable channel, and the fact that the project would eliminate erosion of sediments from the shoreline, the proposed project will not cause shoaling of the channel.

**(3) Whether or not the granting of a permit and the completion of the Applicant's proposal will unreasonably interfere with the conservation of fish, shrimp, oysters, crabs, clams, or other marine life, or wildlife, or other resources, including but not limited to water and oxygen supply-** The proposed structures will not interfere with the conservation of fish, shrimp, oysters, crabs, clams, or

other marine life, or wildlife, or other resources, nor affect water and oxygen supply. The proposed project is located immediately adjacent to a high-marsh shoreline that is only inundated for a short time at high tide and does not provide habitat for fish, oysters, clams, or other significant marine life. The project will merely result in a very minor seaward shift of the shoreline habitat and will ultimately reduce the negative effects of erosion.

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Attachment A:

CESAS Form 19 & State of  
Georgia Revocable License  
Request

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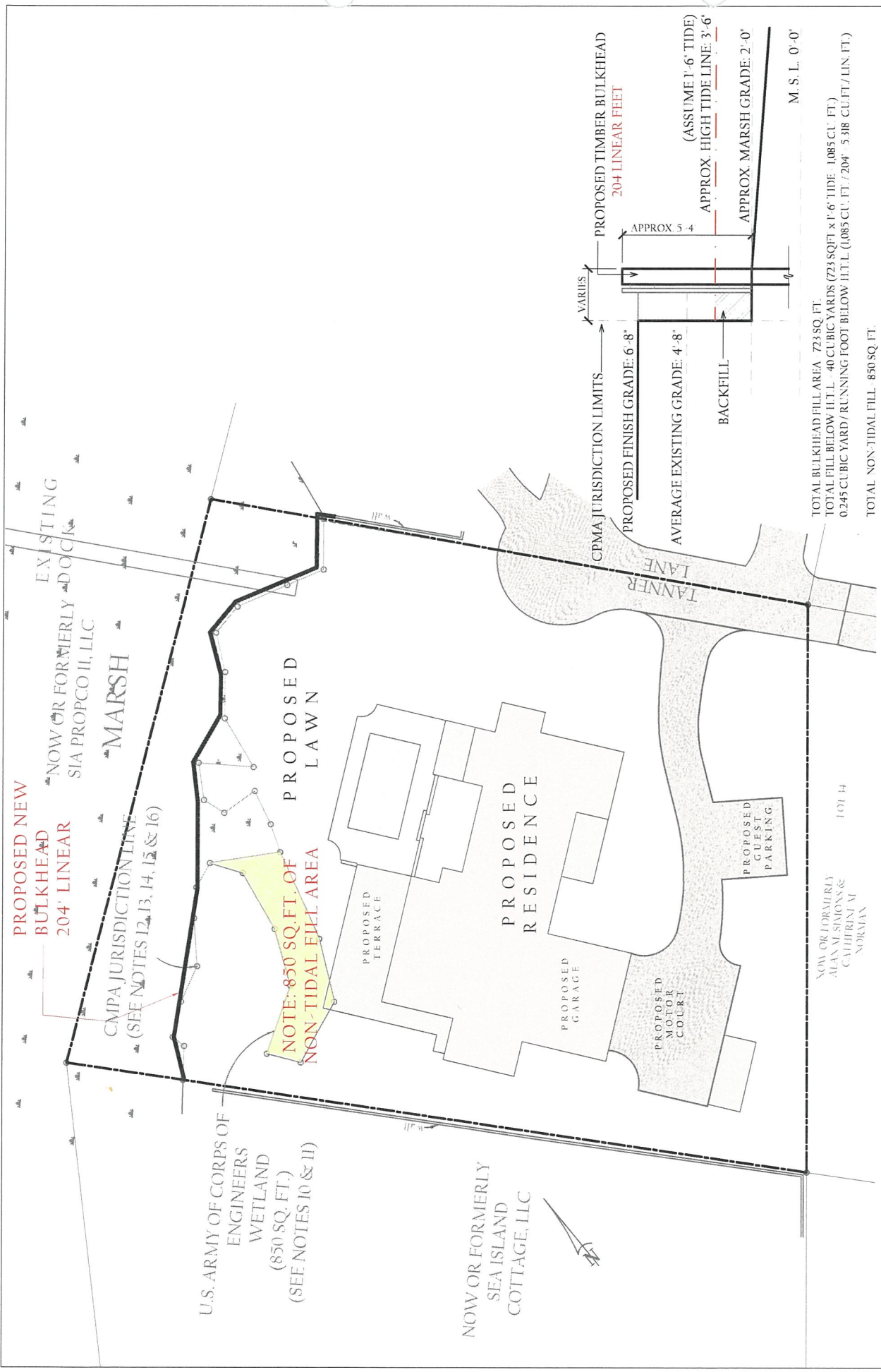
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Attachment C:  
Permit Drawing

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**PROPOSED NEW BULKHEAD 204' LINEAR**

EXISTING DOCK  
NOW OR FORMERLY SIA PROPCO II, LLC

MARSH

CPMA JURISDICTION LINE  
(SEE NOTES 12, 13, 14, 15 & 16)

**NOTE: 850 SQ. FT. OF NON-TIDAL FILL AREA**

PROPOSED LAWN

U.S. ARMY OF CORPS OF ENGINEERS WETLAND (850 SQ. FT.)  
(SEE NOTES 10 & 11)

NOW OR FORMERLY SEA ISLAND COTTAGE, LLC

PROPOSED TERRACE

PROPOSED RESIDENCE

PROPOSED GARAGE

PROPOSED MOTOR COURT

PROPOSED GUEST PARKING

TANNER LANE

CPMA JURISDICTION LIMITS

PROPOSED FINISH GRADE: 6'-8"

AVERAGE EXISTING GRADE: 4'-8"

BACKFILL

VARIES

PROPOSED TIMBER BULKHEAD  
204' LINEAR FEET

APPROX. 5'-4"

(ASSUME 1'-6" TIDE)  
APPROX. HIGH TIDE LINE: 3'-6"

APPROX. MARSH GRADE: 2'-0"

M.S.L. 0'-0"

TOTAL BULKHEAD FILL AREA: 723 SQ. FT.  
TOTAL FILL BELOW H.T.L.: 40 CUBIC YARDS (723 SQ. FT. x 1'-6" TIDE: 1,085 CU. FT.)  
0.245 CUBIC YARD/RUNNING FOOT BELOW H.T.L. (1,085 CU. FT. / 204' = 5.318 CU. FT./LIN. FT.)  
TOTAL NON-TIDAL FILL: 850 SQ. FT.

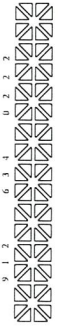
ARCHITECTURAL SITE PLAN  
Scale 1" = 40'-0"

BULKHEAD SECTION  
Scale N.T.S.

Kinzey Residence  
SEA ISLAND, GEORGIA

DECEMBER 19 - 2019

THOMAS THADDEUS TRUETT  
ARCHITECTS  
P.O. BOX 20309  
SAINT SIMONS ISLAND, GEORGIA  
912 634 0222



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Attachment D: Z  
Zoning Request Letter

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February 7, 2020

Glynn County Community Development  
Planning and Zoning Division  
Attn: Ms. Denise Keller  
1725 Reynolds St., Suite 200  
Brunswick, Georgia 31520

**RE: 319 W. 47<sup>th</sup> Street, LLC  
Parcel 05-00054, Sea Island, Glynn County, Georgia**

Dear Ms. Keller:

Resource & Land Consultants, on behalf of 319 W. 47<sup>th</sup> Street, LLC, is submitting an application to the Georgia Department of Natural Resources, Coastal Resources Division (CRD) requesting authorization under the Coastal Marshlands Protection Act (CMPA) (O.C.G.A. §12-5-280) to conduct activities within CMPA jurisdiction at the above referenced lot located on Sea Island, Glynn County, Georgia.

The applicant proposes to construct a wood bulkhead as depicted on the attached drawing prepared by Thomas Thaddeus Truett titled *Kinzey Residence*, dated December 19, 2019

In accordance with O.C.G.A. § 12-5-286(b)(6), the applicant must submit a letter from the local zoning authority in which the project is located stating that the proposed activities do not conflict with current zoning laws. In addition, it is the CRD's policy to request that the attached plans be initialed and/or stamped as part of your review.

The applicant understands that your preliminary approval of the proposed concept plan does not constitute approval of the project itself or any associated facilities. The applicant further understands that all necessary permits and approvals for activities associated with the construction will be secured prior to construction.

At your earliest convenience, please provide a letter stating whether or not the applicant's proposal is consistent with applicable Glynn County zoning regulations governing the project location. Please send your letter, along with the initialed or stamped copies of the permit drawing, to CRD at the following address:

Josh Noble  
Marsh & Shore Management Program Manager  
GADNR Coastal Resources Division  
One Conservation Way  
Brunswick, Georgia 31520

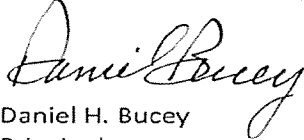
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In advance, we thank you for your timely response to this request. If you should have any questions or require additional information, please contact me at your earliest convenience.

Sincerely,  
RESOURCE & LAND CONSULTANTS



Daniel H. Bucey  
Principal

Enclosures

cc: Mr. Bradford Kinzey; 319 W 47<sup>th</sup> Street, LLC

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**Glynn County Community Development Department**  
1725 Reynolds St., Suite 200  
Brunswick, GA 31520  
912 554-7428  
[www.glynncounty.org](http://www.glynncounty.org)

ZCL

## Zoning Certification Request

**Letter to be addressed to:**

Josh Noble GA DNR, CRD

1 Conservation Way

Brunswick, GA. 31520

**Location of property:**

(Needs to be accompanied by a plat, survey, or tax map identifying the property.)

Address 319 West 47th Street Sea Island 31522

Parcel ID (s) 05-00054

**Purpose of letter (provide a brief explanation of the request):**

Coastal Marshlands Protection Act certification, O. C. G. A. § 12-5-286(b)(6)

Please refer to attached letter dated February 7, 2020

**Contact information for person making the request:**

Name Daniel Bucey, RLC

Daytime Phone (912) 443-5896

This request has a \$50.00 fee.

[Community Development Home Page](#)



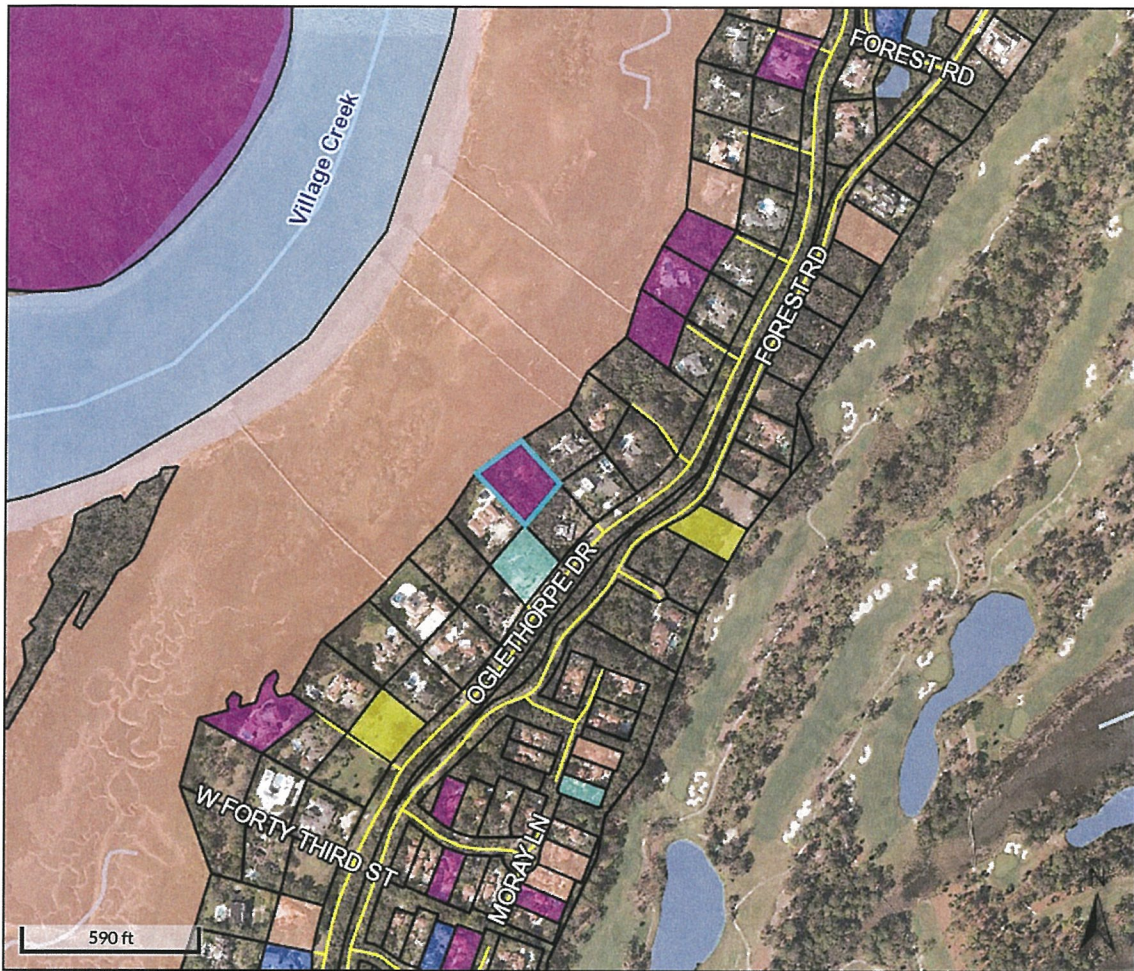
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Form ZCL revised 3/13

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Overview



Legend

-  Parcels
- Yearly Sales
  -  2015
  -  2016
  -  2017
  -  2018
  -  2019
-  Roads

<b>Parcel ID</b>	05-00054	<b>Owner</b>	319 W 47TH STREET LLC	<b>Last 2 Sales</b>			
<b>Class Code</b>	Residential		3593 PACES VALLEY RD	<b>Date</b>	<b>Price</b>	<b>Reason</b>	<b>Qual</b>
<b>Taxing District</b>	05-Sea Island		ATLANTA, GA 30327	7/27/2017	0	n/a	U
	SEA ISLAND	<b>Physical Address</b>	319 W FORTY SEVENTH ST	1/29/2014	0	n/a	U
<b>Acres</b>	0.84	<b>Market Value</b>	\$1229200				

Date created: 7/11/2019  
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Developed by  **Schneider**  
 GEOSPATIAL

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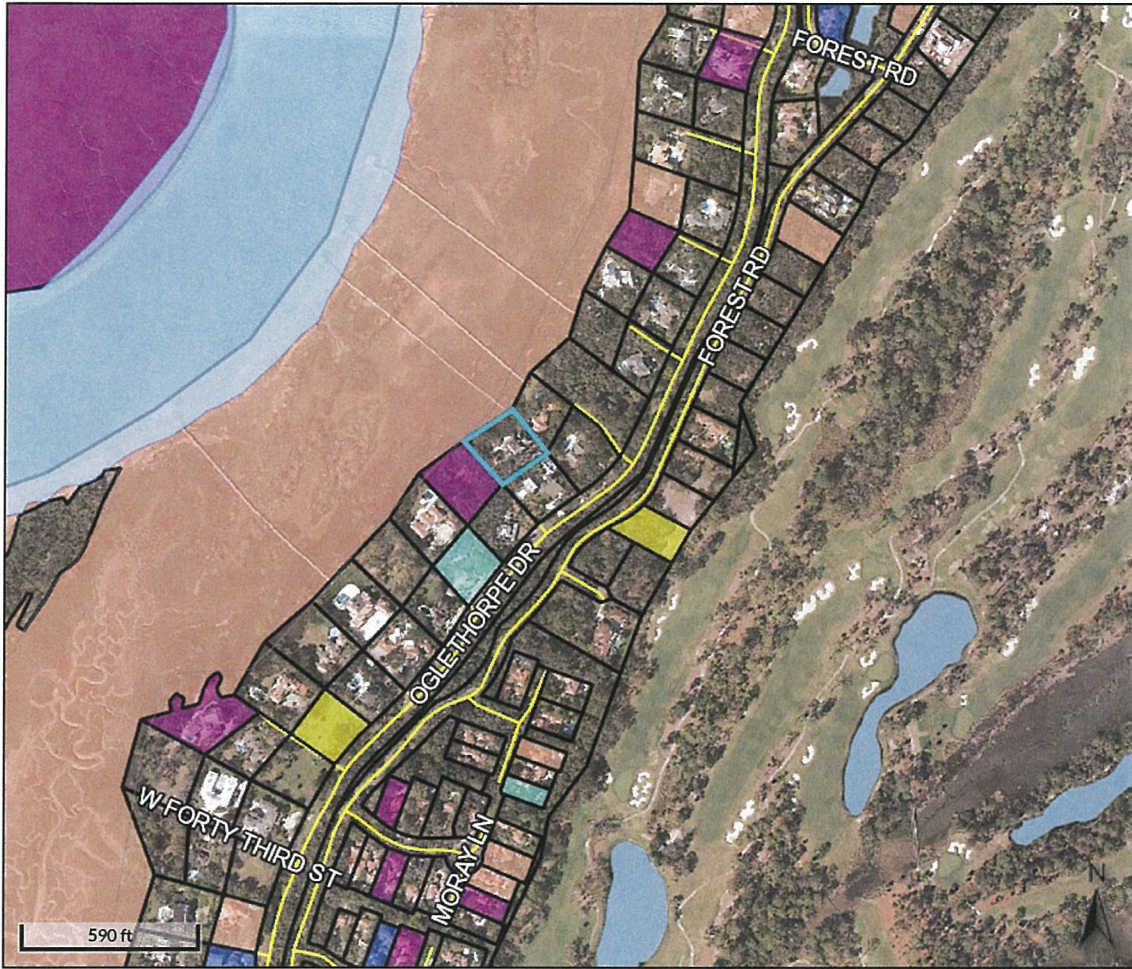
Attachment E:  
Adjacent Landowners

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Overview



Legend

-  Parcels
- Yearly Sales**
-  2015
-  2016
-  2017
-  2018
-  2019
-  Roads
- Lakes and Rivers**
-  <all other values>
-  WATER

<b>Parcel ID</b>	05-00055	<b>Owner</b>	KAUFMAN GARY	<b>Last 2 Sales</b>			
<b>Class Code</b>	Residential		318 FORTY SEVENTH ST 499	<b>Date</b>	<b>Price</b>	<b>Reason</b>	<b>Qual</b>
<b>Taxing District</b>	05-Sea Island		SEA ISLAND, GA 31561	6/11/2004	\$3600000	n/a	U
	SEA ISLAND	<b>Physical Address</b>	318 FORTY SEVENTH ST	8/27/2003	0	n/a	U
<b>Acres</b>	0.76	<b>Market Value</b>	\$2673300				

Date created: 2/7/2020  
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Overview



Legend

-  Parcels
- Yearly Sales
  -  2015
  -  2016
  -  2017
  -  2018
  -  2019
-  Roads
- Lakes and Rivers
  -  <all other values>
  -  WATER

<b>Parcel ID</b>	05-00051	<b>Owner</b>	SEA ISLAND COTTAGE LLC	<b>Last 2 Sales</b>			
<b>Class Code</b>	Residential		7204 GLEN FOREST DR 100	<b>Date</b>	<b>Price</b>	<b>Reason</b>	<b>Qual</b>
<b>Taxing District</b>	05-Sea Island		RICHMOND, VA 23226	1/29/2014	0	n/a	U
	SEA ISLAND	<b>Physical Address</b>	318 W FORTY SIXTH ST	6/1/1991	\$345000	n/a	U
<b>Acres</b>	0.85	<b>Market Value</b>	\$3684500				

Date created: 2/7/2020  
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Developed by  Schneider  
 GEOSPATIAL

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Attachment F:  
CMPA Jurisdiction Determination  
& Site Survey

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

MARK WILLIAMS  
COMMISSIONER

DOUG HAYMANS  
DIRECTOR

May 28, 2019

Brad Kinzey  
4200 Northside Parkway  
Atlanta, GA 30327

**Re: Coastal Marshland Protection Act (CMPA), Jurisdictional Determination, 319 W. Forty-Seventh Street, Lot 33, Block '96', Sea Island Subdivision No. 1, Extension No. 1, Village Creek, Sea Island, Glynn County, Georgia.**

Dear Mr. Kinzey,

Our office has received the survey plat, dated August 10, 2017, prepared by Shupe Surveying Company, P.C. No. 2224 entitled "*Topographic Survey of: Lot 33, Block '96', Sea Island Subdivision No. 1, Extension No. 1 (G.M.D 25, Sea Island, Glynn County, Georgia)*" for Brad Kinzey. Based on my site inspection, on May 22, 2019, this plat and survey generally depict the delineation of the marsh/upland boundary as required by the State of Georgia for jurisdiction under the authority of the Coastal Marshlands Protection Act O.C.G.A. § 12-5-280 et seq.

The Coastal Marshlands Protection Act O.C.G.A. § 12-5-280 et seq. delineation of this parcel is subject to change due to environmental conditions and legislative enactments. This jurisdiction line is valid for one year from date of the delineation. It will normally expire on May 22, 2020, but may be voided should legal and/or environmental conditions change.

This letter does not relieve you of the responsibility of obtaining other state, local, or federal permission relative to the site. Authorization by the Coastal Marshlands Protection Committee or this Department is required prior to any construction or alteration in the marsh jurisdictional area. We appreciate you providing us with this information for our records. If you have any questions, please contact me at (912) 262-3134.

Sincerely,

Paul D. Tobler  
Coastal Permit Coordinator  
Marsh and Shore Management Program

Enclosure: "*Topographic Survey of: Lot 33, Block '96', Sea Island Subdivision No. 1, Extension No. 1 (G.M.D 25, Sea Island, Glynn County, Georgia)*"

File: JDS20190131

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Attachment G:  
USACE Nationwide Permit  
18 Verification

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DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, SAVANNAH DISTRICT  
100 W. OGLETHORPE AVENUE  
SAVANNAH, GEORGIA 31401-3604

January 31, 2020

Regulatory Division  
SAS-2019-00570

Mr. Brad Kinzey  
3593 Paces Valley Road  
Atlanta, Georgia 30327

Dear Mr. Kinzey:

I refer to the Pre-Construction Notification submitted on your behalf by Mr. Dan Bucey of Resource & Land Consultants, requesting verification for use of Nationwide Permit (NWP) No. 18 for impacts to 0.02 acre of tidal wetland for the construction of a bulkhead and to fill 0.02 acre of non-tidal wetland for construction of a single-family dwelling. The project site is located at 319 West 47th Street, Sea Island, Glynn County, Georgia (Latitude 31.21564, Longitude -81.32443). This project has been assigned number SAS-2019-00570 and it is important that you refer to this number in all communication concerning this matter.

The enclosed exhibit entitled, "LOT 33, BLOCK '96', SEA ISLAND SUBDIVISION NO. 1, EXTENSION NO. 1 (G.M.D. 25, SEA ISLAND, GLYNN COUNTY, GEORGIA)", dated August 10, 2018, identifies the delineation limits of all aquatic resources within the review area. The wetlands were delineated in accordance with criteria contained in the 1987 "Corps of Engineers Wetland Delineation Manual," as amended by the most recent regional supplements to the manual. This delineation will remain valid for a period of 5-years unless new information warrants revision prior to that date.

If you intend to sell property that is part of a project that requires Department of the Army Authorization, it may be subject to the Interstate Land Sales Full Disclosure Act. The Property Report required by Housing and Urban Development Regulation must state whether, or not a permit for the development has been applied for, issued or denied by the U.S. Army Corps of Engineers (Part 320.3(h) of Title 33 of the Code of Federal Regulations).

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This communication does not convey any property rights, either in real estate or material, or any exclusive privileges. It does not authorize any injury to property, invasion of rights, or any infringement of federal, state or local laws, or regulations. It does not obviate your requirement to obtain state or local assent required by law for the development of this property. If the information you have submitted, and on which the Corps has based its determination is later found to be in error, this decision may be revoked.

We have completed coordination with other federal and state agencies as described in Part C (32)(d) of our NWP Program, published in the January 6, 2017, Federal Register, Vol. 82, No. 4, Pages 1860-2008 (82 FR). The NWPs and Savannah District's Regional Conditions for NWPs can be found on our website at <http://www.sas.usace.army.mil/Missions/Regulatory/Permitting/GeneralPermits/NationwidePermits.aspx>. During our coordination procedure, no adverse comments regarding the proposed work were received.

As a result of our evaluation of your project, we have determined that the proposed activity is authorized as described in Part B of the NWP Program. Your use of this NWP is valid only if:

a. The permittee shall ensure that all personnel associated with construction of the authorized dock facility are informed of the civil and criminal penalties for harming, harassing or killing manatees, which are protected under the Endangered Species Act of 1973 (ESA) and the Marine Mammal Protection Act of 1972. The permittee and the permittee's contractor(s) (contractor) will be held responsible for any manatee harmed, harassed or killed as a result of construction activities.

b. The use of siltation barriers in waters of the United States, below the high tide line, is not allowed in association with the construction of the authorized dock facility.

c. All vessels associated with project construction shall operate at "no wake/idle" speeds at all times while in the project area. All vessels will follow routes of deep water when entering or exiting the project area, and while operating in the project area, whenever possible. For the purposes of compliance with manatee conditions, the project area is defined as all areas of shoreline, marsh and open waters within 100 feet of the outermost perimeter of the authorized dock facility.

d. All contractors and other on-site personnel are responsible for observing for the presence of manatees in or near the project area. All in-water construction activities shall cease upon sighting of a manatee within 50 feet of any ongoing work in the marsh or open waters. Activities will not resume until the manatee(s) has moved beyond the

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50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.

e. Extreme care shall be taken when lowering equipment and materials below the water surface and/or to the water bottom. Equipment and materials include, but are not limited to: piles; sheet piles; casings for drilled shaft construction; spuds; pile templates; and anchors. All such equipment/material shall be lowered as slow as possible, to avoid injury to any manatee that may have entered the project area undetected.

f. In the event of injury to or mortality of a manatee in the project area, the permittee or contractor shall immediately notify the Georgia Department of Natural Resources (Georgia DNR) at 912-264-7218 or 1-800-272-8363 on weekdays between 8:00 a.m. to 4:30 p.m., or 1-800-241-4113 on nights and weekends. Within one hour of a manatee injury or mortality the permittee or contractor shall notify the Corps at 1-800-448-2402 and the US Fish and Wildlife Service, Georgia Ecological Services Field Office at 912-832-8739. Any dead manatee found in the project area shall be secured to a stable object to prevent the carcass from moving with the current. In the event of a manatee injury or mortality, all open water construction activity shall cease pending completion of consultation between the Corps and the FWS, pursuant to Section 7 of the ESA.

g. The permittee shall ensure that the contractor keeps a log of sightings, collisions or injury to manatees that occur during construction of the dock facility.

h. Within 30 days of project completion, the permittee shall submit a report summarizing manatee sightings or incidents that occurred during project construction, to the FWS, Ecological Services Field Office, Coastal Georgia Sub-Office, 4980 Wildlife Drive NE, Townsend, Georgia 31331. Submission of a negative report is not required.

i. All temporary or unused construction materials shall be removed from the project area upon completion of the work, and any impacted area of salt marsh shall be restored. No construction debris or trash is to be discarded in project area.

j. The permittee shall regularly inspect and maintain all hoses, faucets, and other potential sources of freshwater, to ensure that any freshwater leak is stopped and immediately repaired. Manatees are attracted to freshwater leaking from dock facilities, where boats are concentrated and there is an increased risk for manatee collisions.

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k. Prior to initiating authorized construction activities, the permittee shall contact Georgia DNR at 912-264-7218 for assistance with development of temporary manatee awareness sign plan for the project area. The plan will include the types and number of signs; and locations where signs will be installed to be prominently visible to contractors entering the project area from uplands and from the water. The permittee shall install temporary manatee awareness signs in accordance with the Georgia DNR approved plan. See attached Appendix A for information about the size and appearance of temporary manatee awareness signs. Within 30 days of project completion, the permittee shall remove all temporary manatee signs

m. The activity is conducted in accordance with the information submitted and meets the conditions applicable to the NWP, as described at Part C of the NWP Program and the Savannah District's Regional Conditions for NWPs.

n. You shall obtain and comply with all appropriate federal, state, and local authorizations required for this type of activity. A stream buffer variance may be required from the Georgia Department of Natural Resources, Environmental Protection Division (Georgia EPD), as defined in the Georgia Erosion and Sedimentation Control Act of 1975, as amended. Information concerning variances can be obtained at the Georgia EPD's website at [www.epd.georgia.gov](http://www.epd.georgia.gov), or by calling (404) 463-1511.

o. All work conducted under this permit shall be located, outlined, designed, constructed and operated in accordance with the minimal requirements of the Georgia Erosion and Sedimentation Control Act of 1975, as amended. Utilization of plans and specifications contained in the "Manual for Erosion and Sediment Control," (Latest Edition), published by the Georgia Soil and Water Conservation Commission, will aid in achieving compliance with the aforementioned minimal requirements.

p. You shall install and maintain erosion and sediment control measures in upland areas of the project site, in accordance with the Georgia Erosion and Sedimentation Control Act of 1975, as amended, to minimize the introduction of sediment into and the erosion of streams, wetlands and other waters of the United States. This permit does not authorize installation of check-dams, weirs, riprap, bulkheads or other erosion control measures in streams, wetlands or other waters of the United States. Authorization would be required from the U.S. Army Corps of Engineers prior to installing any erosion control measures in waters of the United States.

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q. You shall install and maintain erosion and sediment control measures for all fill material that is authorized to be discharged in streams, wetlands and other waters of the United States, in accordance with the Georgia Erosion and Sedimentation Control Act of 1975, as amended, and permanently stabilize fill areas at the earliest practicable date.

r. You shall notify the Corps, in writing, at least 10 days in advance of commencement of work authorized by this permit.

s. You fill out and sign the enclosed certification and return it to our office within 30 days of completion of the activity authorized by this permit.

t. The Permittee shall avoid the remaining 0.09 acre of wetland, (as detailed on the Attached wetland exhibit). This natural wetland area was avoided as part of the permit application review process and therefore will not be disturbed by any dredging, filling, mechanized land clearing, agricultural activities, or other construction work whatsoever. The Corps reserves the right to deny review of any requests for future impacts to these natural wetland and/or stream areas.

This proposal was reviewed in accordance with Section 7 of the Endangered Species Act. Based on the information we have available, we have determined that the project may affect, but is not likely to adversely affect, the West Indian Manatee (*Trichechus manatus*), wood stork (*Mycteria americana*) and Eastern Indigo snake (*Dymarchon corais couperi*) and would have no effect on any other threatened and endangered species or listed critical habitat. Authorization of an activity by a NWP does not authorize the "take" of threatened or endangered species. In the absence of separate authorization, both lethal and non-lethal "takes" of protected species are in violation of the Endangered Species Act. See Part (C) of 82 FR for more information.

This verification is valid until the NWP is modified, reissued or revoked. All of the existing NWPs are scheduled to expire on March 18, 2022. It is incumbent upon you to remain informed of changes to the NWPs. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant NWP is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this NWP.

This authorization should not be construed to mean that any future projects requiring Department of the Army authorization would necessarily be authorized. Any new proposal, whether associated with this project or not, would be evaluated on a case-by-case basis. Any prior approvals would not be a determining factor in making a decision on any future request.

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Revisions to your proposal may invalidate this authorization. In the event changes to this project are contemplated, I recommend that you coordinate with us prior to proceeding with the work.

This communication does not relieve you of any obligation or responsibility for complying with the provisions of any other laws or regulations of other federal, state or local authorities. It does not affect your liability for any damages or claims that may arise as a result of the work. It does not convey any property rights, either in real estate or material, or any exclusive privileges. It also does not affect your liability for any interference with existing or proposed federal projects. If the information you have submitted and on which the Corps bases its determination/decision of authorization under the NWP is later found to be in error, this determination may be subject to modification, suspension, or revocation.

A copy of this letter is being provided to the following party: Mr. Dan Bucey, Resource & Land Consultants.

Thank you in advance for completing our on-line Customer Survey Form located at [http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey). We value your comments and appreciate your taking the time to complete a survey each time you have interaction with our office.

If you have any questions, please call me at (912) 652-6210.

Sincerely,

WISE.SARAH.ELI  
ZABETH.128164  
0590

Digitally signed by  
WISE.SARAH.ELIZABETH.128  
1640590  
Date: 2020.01.31 09:49:46  
-05'00'

For Stephen Fox  
Regulatory Specialist, Coastal Branch

Enclosures

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Regulatory Division

CERTIFICATION OF COMPLIANCE  
WITH  
DEPARTMENT OF THE ARMY  
NWP 18

PERMIT FILE NUMBER: SAS-2019-00570

PERMITTEE ADDRESS: Mr. Brad Kinzey, 3593 Paces Valley Road, Atlanta, Georgia 30327.

LOCATION OF WORK: The project site is located at 319 West 47th Street, Sea Island, Glynn County, Georgia (Latitude 31.21564, Longitude -81.32443).

PROJECT DESCRIPTION: To impact to 0.02 acre of tidal wetland for the construction of a bulkhead and to fill of 0.02 acre of non-tidal wetland for construction of a single-family dwelling.

ACRES AND/OR LINEAR FEET OF WATERS OF THE UNITED STATES IMPACTED: 0.04 acre of wetland.

DATE WORK IN WATERS OF UNITED STATES COMPLETED: \_\_\_\_\_

COMPENSATORY MITIGATION REQUIRED: No.

DATE MITIGATION COMPLETED OR PURCHASED (include name of bank):  
\_\_\_\_\_

I understand that the permitted activity is subject to a U.S. Army Corps of Engineers' Compliance Inspection. If I fail to comply with the permit conditions at Part C of the Nationwide Permit Program, published in the January 6, 2017, Federal Register, Vol. 82, No.4, Pages 1860-2008, it may be subject to suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced permit as well as any required mitigation (if applicable) has been completed in accordance with the terms and conditions of the said permit.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

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Prepared by and Return to:

Joseph F. Strength, Esq.  
HunterMaclean  
777 Gloucester Street  
Suite 400  
Brunswick, GA 31520

Filed and Recorded 07/27/2017 at 03:17:13 PM  
CFN #632017008579 Transaction#154855  
Clerk of Superior Court Glynn County County, GA  
Deed BK 3773 PG 391 - 393, Ronald M. Adams #1

STATE OF GEORGIA

COUNTY OF GLYNN

**LIMITED WARRANTY DEED**

THIS INDENTURE, made this 27<sup>th</sup> day of July, 2017, by and between **SEA ISLAND COTTAGE, LLC**, a Virginia limited liability company ("GRANTOR"), and **319 W 47th STREET, LLC**, a Georgia limited liability company ("GRANTEE") (the words "GRANTOR" and "GRANTEE" to include their respective successors, successors-in-title, heirs, executors, administrators, legal representatives, and assigns where the context requires or permits);

**WITNESSETH:**

FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, in hand paid by GRANTEE to GRANTOR at and before the sealing and delivery hereof, the receipt and sufficiency of which are hereby acknowledged, GRANTOR has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto the said GRANTEE all that tract or parcel of land lying and being in Glynn County, Georgia, being more particularly described on **Exhibit "A"** attached hereto and made a part hereof, TOGETHER WITH all improvements situated thereon or attached thereto and all tenements, hereditaments, improvements, appurtenances, rights, privileges, easements, licenses, benefits and rights of way appurtenant thereto, and any right, title and interest of GRANTOR in and to any adjoining land lying in the bed of any street, road or highway, together with any strips or gores relating thereto (the "Property").

TO HAVE AND TO HOLD the Property, together with all and singular the rights, easements, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of GRANTEE forever in FEE SIMPLE; subject only to (i) ad valorem property taxes for 2017 and subsequent years which are not yet due and payable, and (ii) easements, conditions, covenants, restrictions and other encumbrances of record insofar as each such lawfully affects the Property (the "Permitted Exceptions").

AND GRANTOR covenants and warrants unto GRANTEE that GRANTOR is lawfully seized and possessed of the fee simple estate in and to the Property; and that GRANTOR will warrant and forever defend the right and title to the Property unto GRANTEE against the claims of all persons and entities whomsoever, owning, holding or claiming by, through or under GRANTOR, subject only to claims arising under or by virtue of the Permitted Exceptions.

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IN WITNESS WHEREOF, GRANTOR has caused this deed to be signed, sealed and delivered by its duly authorized representative the day and year first above written.

**GRANTOR:**

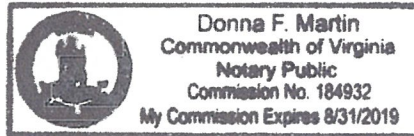
**SEA ISLAND COTTAGE, LLC**, a Virginia limited liability company

By: *Thomas N. Allen* (SEAL)  
Thomas N. Allen  
Manager and Sole Member

Signed, sealed and delivered in the presence of:

*Bernadette Cepalov*  
Unofficial Witness

*State of Virginia  
City of Richmond  
Donna F. Martin*  
Notary Public



[Affix notary seal)

My Commission Expires: *Aug. 31, 2019*

Grantee's Address is:

7204 Glen Forest Drive  
Suite 100  
Richmond, VA 23226

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**EXHIBIT A**

**LEGAL DESCRIPTION**

That certain lot, tract of parcel of land situate, lying and being on Sea Island, in Glynn County, Georgia, described and identified according to the plat entitled "SEA ISLAND SUBDIVISION NO. 1, SEA ISLAND, GLYNN COUNTY, GEORGIA" made by Conine, Incorporated, Land Surveyors (James L. Conine, Land Surveyor No. 1545) dated April 15, 1974, and revised January 21, 1975, recorded in the public records of said County in Plat Drawer No. 13, designated Map No. 501 (said Conine Plat being an amendment to the map and plan of Sea Island Subdivision No. 1, made by F. J. Torras, Civil Engineer, on July 25, 1928, and on this date recorded in the said public records in Plat Drawer No. 2, designated Map Nos. 46-52, inclusive, as said Torras map and plan was amended by a plat entitled "REVISION Lots 5, 6, 7- Block 77, and Blocks 80, 81, 82, 83, 85, 86, 87, 88, 91, 92 SEA ISLAND SUBDIVISION NO. 1, SEA ISLAND, GA," made by John H. Ringeling, Registered Engineer No. 751, on March 7, 1972, and recorded in said public records in Plat Drawer 11, designated Map No. 425) as LOT NUMBER THIRTY-THREE (33), OF BLOCK NUMBER NINETY-SIX (96).

Reference is hereby made to said map, said plan, said plats and to the respective record of each, for further description and identification of said real property, and all other purposes.

BEING the same property conveyed to Sea Island Cottage, LLC by Thomas N. Allen by Limited Warranty Deed dated January 29, 2014, and recorded February 10, 2014, in the office of the Clerk of Superior Court of Glynn County, Georgia in Deed Book 3272, Page 334.

8931619-2 015435.00234

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**AMENDED AND RESTATED OPERATING AGREEMENT  
OF  
319 W 47<sup>TH</sup> STREET, LLC**

**THIS AMENDED AND RESTATED OPERATING AGREEMENT** (this “Operating Agreement” or this “Agreement”) of **319 W 47<sup>TH</sup> STREET, LLC**, a Georgia limited liability company (the “Company”), is made and entered into as of the 25<sup>th</sup> day of February, 2019 by **BRADFORD A. KINZEY** (the “Sole Member”), and amends and restates that certain Operating Agreement of 319 W 47<sup>TH</sup> Street, LLC dated and effective as of July 11, 2017, in its entirety.

**ARTICLE I - FORMATION AND BUSINESS OF THE COMPANY**

1.1 Formation. The Company was formed as a Georgia limited liability company by the filing of Articles of Organization with the Secretary of State of Georgia on July 13, 2017.

1.2 Principal Place of Business. The principal place of business of the Company is 3593 Paces Valley Road, Atlanta, Georgia 30327. The Company may locate its places of business at any other place or places as the Manager may from time to time deem advisable.

1.3 Registered Office and Registered Agent. The Company’s registered office shall be 2964 Peachtree Road, Suite 300, Atlanta, Georgia 30305. The registered agent is R. Hunt Dunlap Jr. The registered office and registered agent may be changed from time to time pursuant to the Georgia Act and the applicable rules promulgated thereunder.

1.4 Term. The Company shall continue until dissolved.

1.5 Business of the Company. The business of the Company shall be to engage in any lawful activity. In furtherance thereof, the Company may exercise all powers necessary to or reasonably connected with the Company’s business which may be legally exercised by limited liability companies under the Georgia Act, and may engage in all activities necessary, customary, convenient, or incident to any of the foregoing.

**ARTICLE II - MEMBERSHIP; CAPITAL CONTRIBUTIONS; DISTRIBUTIONS**

2.1 Membership. The Company shall have a single member (the “Sole Member”) entitled to all distributions, net profits and net losses, and other items of income, gain, loss, deduction or credit of the Company. The Sole Member of the Company is Bradford A. Kinzey owning a one hundred percent (100%) Membership Interest in the Company.

2.2 Additional Capital Contributions. The Sole Member may, from time to time and in its sole discretion, make additional capital contributions to the Company; provided, however, that the Sole Member shall not be obligated under any circumstances to make any additional capital contributions to the Company for the purpose of restoring a negative capital account balance or to satisfy any obligations of the Company.

2.3 Tax Classification of the Company. Pursuant to Treasury Regulation § 301.7701, the Company shall be disregarded as a separate taxable entity from its Sole Member for federal income tax purposes until such time, if any, as the Company has more than one (1) member, at

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which time Company shall be taxed as a partnership for federal income tax purposes in accordance with Subchapter K of the Internal Revenue Code, or in such other manner as the Company may duly elect under the Internal Revenue Code.

2.4 Distribution of Company Funds. The net cash flow from operations of the Company, as from time to time determined by the Sole Member to be available for distribution after taking into account the reasonable business needs of the Company and any reserves, shall be distributed in annual or more frequent installments to the Sole Member. The net cash from sales of Company property, if any, and as from time to time determined by the Sole Member to be available for distribution, shall be distributed to the Sole Member at such times and in such amounts as the Sole Member shall determine.

2.5 Distribution Upon Dissolution. Proceeds on sale or disposition of all or substantially all of the assets of the Company and amounts available upon dissolution, after payment of, or adequate provision for, the debts and obligations (including any reserves for contingent obligations) of the Company and liquidation of any remaining assets of the Company, shall be distributed to the Sole Member.

2.6 Distribution of Assets in Kind. Consistent with the purposes of the Company, the Sole Member shall have the right to require the distribution of any Company assets in kind. If any assets of the Company are distributed in kind, such assets shall be distributed on the basis of their fair market value as determined by the Sole Member.

2.7 Distributions to Cover the Member's Tax Liability. Prior to any distribution of Company funds and if funds are otherwise available for distribution, the Sole Member may receive from the Company amounts to cover the federal, state or local income tax obligations of the Sole Member (a) on account of the annual cumulative allocation of taxable net income to the Sole Member pursuant to this Agreement, and (b) on account of any ad valorem, excise or other taxes imposed, assessed or levied against Company property. For purposes of the foregoing, such federal, state and local income tax obligations of the Sole Member shall be assumed to equal the highest effective combined federal and state income tax rate applicable to the Sole Member reduced by the cumulative amount of distributions previously distributed pursuant to this Section 2.7.

### ARTICLE III - RIGHTS AND DUTIES OF THE MEMBER

3.1 Management. The Company shall be managed by its manager (the "Manager"). The Manager shall have full and complete authority, power and discretion to manage and control all business, affairs and property of the Company, to make all decisions regarding those matters and to perform any and all other acts or activities customary or incident to the management of the Company's business. Only the Manager shall have the authority to bind the Company.

3.2 Number, Tenure and Qualifications. The Company shall have one Manager. The Manager shall be appointed by the Sole Member. As of the date hereof, the Manager shall be Bradford A. Kinzey.

3.3 Exculpation and Indemnification. Neither the Sole Member nor the Manager shall be liable for the liabilities of the Company. The failure of the Company to observe any formalities

or requirements relating to the exercise of its powers or management of its business or affairs under this Agreement or the Georgia Act shall not be grounds for imposing personal liability on the Sole Member or the Manager for liabilities of the Company. In discharging their responsibilities and in acting on behalf of the Company, the Sole Member and the Manager shall be exculpated from any acts or omissions other than those involving intentional misconduct, a knowing violation of law or the receipt of a personal benefit in violation of this Agreement or the Georgia Act. The Sole Member shall have the power to cause the Company to indemnify and hold harmless any Member, Manager, employee or agent of the Company from and against any and all claims and demands whatsoever arising in connection with the operation or administration of the Company; provided, however, that the Sole Member shall not have the power to cause the Company to indemnify any Member, Manager, employee or agent for any liability for intentional misconduct, a knowing violation of law or receiving a personal benefit in violation of this Agreement.

3.4 Conflicts of Interest. The Sole Member and the Manager shall be entitled to enter into conflicting interest transactions outside of and with the Company in which they have beneficial financial interests. This Section 3.4 supersedes and entirely replaces § 14-11-307 of the Georgia Act as it applies to the Company.

#### **ARTICLE IV - ASSIGNMENT OF INTERESTS; WITHDRAWAL; ADMISSION OF NEW MEMBERS**

4.1 Generally. The Sole Member shall have the right to assign, transfer, give, sell or pledge as security for borrowed funds the Sole Member's Membership Interest in the Company, or make any other disposition of all or any portion of such Membership Interest.

4.2 Admission of New Members. One or more new Members may be admitted from time to time and in accordance with such terms as the Sole Member, in its sole discretion, shall agree in writing with such new Member(s); provided, however, if there will be more than one Member, then, prior to admission of a new Member, each new Member must agree in writing to be bound by the provisions of an Operating Agreement to be prepared by the Sole Member reflecting that the Company will be classified as a partnership for federal and state income tax purposes in accordance with Subchapter K of the Internal Revenue Code and the corresponding taxing provisions of state law, or in such other manner as the Company may duly elect under the Internal Revenue Code.

#### **ARTICLE V - CESSATION AND DISSOLUTION**

5.1 Cessation. Notwithstanding the provisions of § 14-11-601 of the Georgia Act, the sole event of cessation of a Member shall be the transfer of the Member's entire Membership Interest in accordance with Article IV of this Agreement.

5.2 Dissolution. Notwithstanding the provisions of § 14-11-602 of the Georgia Act, the Company shall be dissolved upon the first to occur of: (a) the determination by the Sole Member to dissolve the Company evidenced in writing; or (b) a decree of judicial dissolution.

## ARTICLE VI - LEGEND

THE SECURITIES EVIDENCED BY THIS AGREEMENT HAVE BEEN ISSUED OR SOLD IN RELIANCE UPON, INTER ALIA, SECTIONS 3(a)(11), 3(b) AND 4(2) OF THE SECURITIES ACT OF 1933, AS AMENDED, AND IN RELIANCE UPON EXEMPTIONS PROVIDED UNDER APPLICABLE STATE SECURITIES LAWS, AND MAY NOT BE SOLD OR TRANSFERRED EXCEPT IN A TRANSACTION WHICH IS EXEMPT UNDER OR PURSUANT TO AN EFFECTIVE REGISTRATION UNDER APPLICABLE FEDERAL AND STATE SECURITIES LAWS.

## ARTICLE VII - DEFINITIONS

The following terms used in this Operating Agreement shall have the following meanings:

“*Code*” means the Internal Revenue Code of 1986, as amended, or any corresponding provision of any succeeding law.

“*Georgia Act*” means the Georgia Limited Liability Company Act, O.C.G.A. § 14-11-100 *et seq.*, as amended from time to time.

“*Membership Interest*” means the ownership interest in the Company, including the economic interest and the rights and obligations with respect to the Company as set forth in this Agreement.

“*Regulation*” means the Federal Income Tax Regulations, including any temporary regulations, from time to time promulgated under the Code.

## ARTICLE VIII - MISCELLANEOUS

8.1 Successors and Assigns. This Agreement, and each and every provision hereof, shall be binding upon and shall inure to the benefit of the Sole Member, the Sole Member’s respective successors, legal representatives, executors and permitted assigns. Notwithstanding any other provision herein, each and every successor-in-interest to the Sole Member, whether such successor acquires a Membership Interest by way of gift, purchase, foreclosure or by any other method permitted herein, shall hold such Membership Interest subject to all of the terms and provisions of this Agreement.

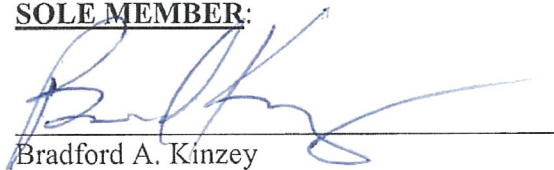
8.2 Other Instruments. The Sole Member covenants and agrees that it will execute such other and further instruments and documents as are or may become necessary or convenient from time to time to effectuate and carry out the letter and intent of this Agreement.

8.3 Severability. In the event any provision hereof is held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of any other provision.

8.4 Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Georgia.

IN WITNESS WHEREOF, the undersigned, being the Sole Member of 319 W 47<sup>TH</sup> Street, LLC, has executed this Amended and Restated Operating Agreement as of the date first written above.

**SOLE MEMBER:**



Bradford A. Kinzey