

**Application
for
No Dune Permit**

325 Dolphin Lane

BFDP2007-12

SEP 28 2007

JJ

by

Campbell and Jayne McGinnis

September 2007

Prepared by

**Campbell McGinnis
1202 Belmont Parkway
Austin, Texas 78703**

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I. Application for No Dune Permit

A. Introduction

This is the application of Campbell and Jayne McGinnis (“Owners”) to establish, that No Dune Permit is required for construction of improvements at 325 Dolphin Lane, Port Aransas, Texas¹ in accordance with the restrictions in the Application.

B. Applicant/Owner:

Campbell & Jayne McGinnis
1202 Belmont Parkway
Austin, TX 78703

C. Property Description:

1. **Street Address:** 325 Dolphin Lane, Port Aransas, Texas (the “Property”)
2. **Legal Description:** Lot 1, Sunrise Beach, City of Port Aransas, Nueces County, Texas. The plat of this property was recently recorded at Volume 67, Page 15 of the plat records of Nueces County, Texas.
3. **Location:** The Property is located in one of the older developed areas of the City of Port Aransas, Texas, on the seaward side of Dolphin Lane. Dolphin Lane parallels the beach north of Avenue G. Water, sewer, and trash collection services in this area are provided and maintained by the City of Port Aransas or Nueces County WCID No. 4. The location of proposed construction is shown on Exhibit 1, Location Map. The Property is approximately 300 feet from the line of vegetation at the beach. Reference map attached as Exhibit 2, the Port Aransas Coastal Management Plan, Attachment 2.
4. **Existing Elevations and Grade:** The Property generally slopes upward from Dolphin Lane going to the east toward the beach. See Exhibit 3, elevation certificate for detailed elevation information.
5. **Natural Sand Dunes:** None.
6. **Man Made Dunes:** Approximately 20 years ago the Property was developed as a single-family residence by Charles and Jayne Bull. At that time, fill sand was brought in to elevate the eastern (beach side) of the Property and retaining walls were constructed on all or parts of the northeast, east and southeast boundaries. The fill sand supports the concrete slab of the residence and driveway that slopes down to Dolphin Lane.

The Property has only one feature that looks like a traditional sand dune. It is located near the southwest corner of the property close to Dolphin Lane. This dune was created as a landscape berm out of excess sand left over from the original construction approximately 20 years ago. Close inspection shows that the top of the berm is ringed

¹ Reference Section G.1 of the Port Aransas Coastal Management Plan.

with plastic edging material and planted with Mediterranean fan palm and yucca. Owners propose not to disturb the existing sand dune near the southwest corner of the Property in any way. Rather, construction will include re-building retaining walls and landscaping other areas of the property.

7. Existing Structures: There is only one habitable structure on the Property. It is a two story single family residence with a footprint of approximately 2056 square feet. It appears that a lean-to storage area has been added on the ground level near the southeast corner of the Property underneath the deck. The lean-to is not in good condition and Owners propose to remove this structure.

Other existing structures on the property consist of retaining walls and fences along parts of the Property boundaries and ponds near the east side of the residence.

8. Site Photographs: Photographs of the project site / Property taken August 26, 2007 are attached as Exhibit 4.

D. Description of the Project.

Owners propose to (1) eliminate dips in the existing concrete block and packed earth driveway, (2) remove existing retaining walls and fences; (3) construct new retaining walls and fences; (4) demolish a lean-to storage room that is mounted on the existing concrete slab; and (5) construct a wall segment to fill in the hole left by demolition of the lean-to storage room.

Additionally, Owners may undertake other improvements including but not limited to re-nailing or replacing siding, painting, re-roofing, and replacing existing doors and windows. None of these improvements will affect the size or shape of the existing residence or the elevation of any structure on the Property.

1. Eliminate Dips in Driveway.

The driveway that extends from the existing garage to Dolphin Lane is part concrete slab and part concrete block with holes in the concrete block filled with sand/packed earth. Applicants do not propose to alter the concrete slab in any manner. However, the portion of the driveway that is concrete block and sand now has dips ranging from approximately 1 to 4 inches that Applicants propose to eliminate by resetting the concrete blocks and filling underneath with sand. This is expected to restore the driveway to its slope as originally constructed.

2. Remove Existing Retaining Walls and Fences

Owners propose to remove existing retaining walls and fences along the property boundaries. Existing retaining walls are not in good condition and generally are leaning. The retaining walls need to be replaced to prevent additional erosion as well as for aesthetics.

3. Construct New Retaining Walls and Fences

Owners propose to construct new retaining walls and fences along all or parts of the Property boundaries. Retaining walls will be a maximum of 4.5 feet high, if measured from the adjoining properties of the neighbors. Fill sand will be added behind the retaining walls near the existing residence to restore the grade of the land at the time the slab of the residence was poured. Retaining walls may taper to lower elevations to follow the slope of the land. Owners do not propose to change the elevation of the existing residence. Fill sand will be added on the outside of the house for landscaping and to replace sand that has washed away from the concrete slab foundation of the existing residence. Fill sand will not exceed the height of the concrete slab.

Fences may be constructed above some or all portions of the retaining walls. All fences will be constructed to allow water to flow through. Plants, low berms, walkways and landscaping may be added for visual appeal.

4. Demolish Lean-to Storage Room.

On the ground level at the southeast corner of the residence it appears that a lean-to structure has been added after original construction of the residence. The lean-to is located under the deck on the slab of the residence. It is not in good condition. Owners propose to remove it.

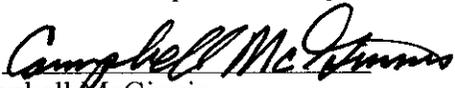
5. Construct a Wall Segment to Enclose the Garage.

The existing Lean-to extends and encloses the garage on the east side of the residence. When it is removed, the east side of the garage will be open. Owners' propose to close off the east side of the garage by constructing a wall segment approximately 8-10 feet long extending from the southeast corner of the garage to the north, and there joining the existing east wall of the residence. Owners believe this wall segment was removed to construct the lean-to. The wall segment is the size of a roll-up garage door and Owners may choose to install a garage door rather than construct a fixed wall. The wall/garage door will serve to enclose the garage once again and will not extend beyond the footprint of the existing residence.

E. Site Plan:

See Exhibit 5, Site Plan, for an overall site plan for the project.

Applicants: Campbell and Jayne McGinnis

By: 
Campbell McGinnis

By: 
Jayne McGinnis

NO DUNE PERMIT REQUIRED DETERMINATION

On September 28, 2007 Campbell McGinnis (applicant) submitted a request for "No" Dune Permit Required for Lot 1, Sunrise Beach, Port Aransas, Nueces County, Texas. The Port Aransas Building Official has investigated the site and determined that no critical dunes conflict with the proposed construction. The Planning and Zoning Commission, therefore, finds that no dune permit is required.

A NO Dune Permit Determination remains in effect for an indefinite period of time, if at anytime the City Building Official (or his delegate(s)) makes the determination that critical dunes have possibly re-established on said property, the City Building Official shall cause the property owner to submit a new Dune Permit application to the City.

Signed:

Chairman of Port Aransas Planning & Zoning Commission

Date: _____

Application # BFDP2007-12

Signed:

Mayor - City of Port Aransas

Date: _____

II. BEACHFRONT CONSTRUCTION CERTIFICATE APPLICATION
(SHORT FORM PASF-1)

A. General information:

Name: Campbell and Jayne McGinnis
Address: 1202 Belmont Parkway, Austin, Texas 78703
Phone Number 512-495-6046 Fax No. 512-505-6346
Lot and Block: Lot 1 Sunrise Beach, Nueces County, Texas

B. Proposed Construction:

- (1) eliminate dips in the existing concrete block and packed earth driveway,
- (2) remove existing retaining walls and fences;
- (3) construct new retaining walls and fences, including landscaping;
- (4) demolish a lean-to storage room that is mounted on the existing concrete slab; and
- (5) construct a wall segment to fill in the hole left by demolition of the lean-to storage room.
- (6) Other improvements including re-nailing or replacing siding, painting, re-roofing, and replacing existing doors and windows. None of these other improvements will affect the elevation of any structure on the Property.

C. Location of Proposed Construction:

- 1) Distance from the seaward edge of the proposed improvements to line of vegetation: 300 feet.
- 2) The location of proposed structures has been shown on a copy of Attachment #2 from the Port Aransas Coastal Management Plan and is herein attached.

D. FEMA Standards:

The lowest habitable floor of the ~~proposed-existing~~ structure is 12.44 feet, which is at or above the FEMA base flood elevation for the area.


Owners

Date Sept 25, 2007

**BEACHFRONT CONSTRUCTION CERTIFICATE
(FOR PASF-1)**

The following items must be accomplished. Check box to indicate completion of item or that the statement is true.

The project has been located on a copy of Attachment #2 of the Coastal Management Plan and the location of the construction is not on an existing or future access easement. A drawing is herein attached.

The construction does not functionally support or depend on, or otherwise relate to, proposed or existing structures that encroach on the public beach.

The construction, if within 200 feet landward of the line of vegetation, does not include a retaining wall or improved surfaces.

The construction, is landward of the 60 year erosion line, as depicted in Attachment #2 of the Port Aransas Coastal Management Plan.

The applicant has been informed of the need to contact the City of Port Aransas for a dune permit if the construction is within 1000 feet from mean high tide.

I, Joe L. Lamb as the City of Port Aransas building inspection representative herein certify that I have reviewed the information presented above and any other information necessary to establish that the proposed construction is consistent with the City of Port Coastal Management Plan and that the proposed construction will not adversely effect the public access to and from the beach.

Signed: _____
Port Aransas Building Official

Date: _____

Certificate # BFDP2007- 12 Campbell McGinnis

Permit Expires: _____

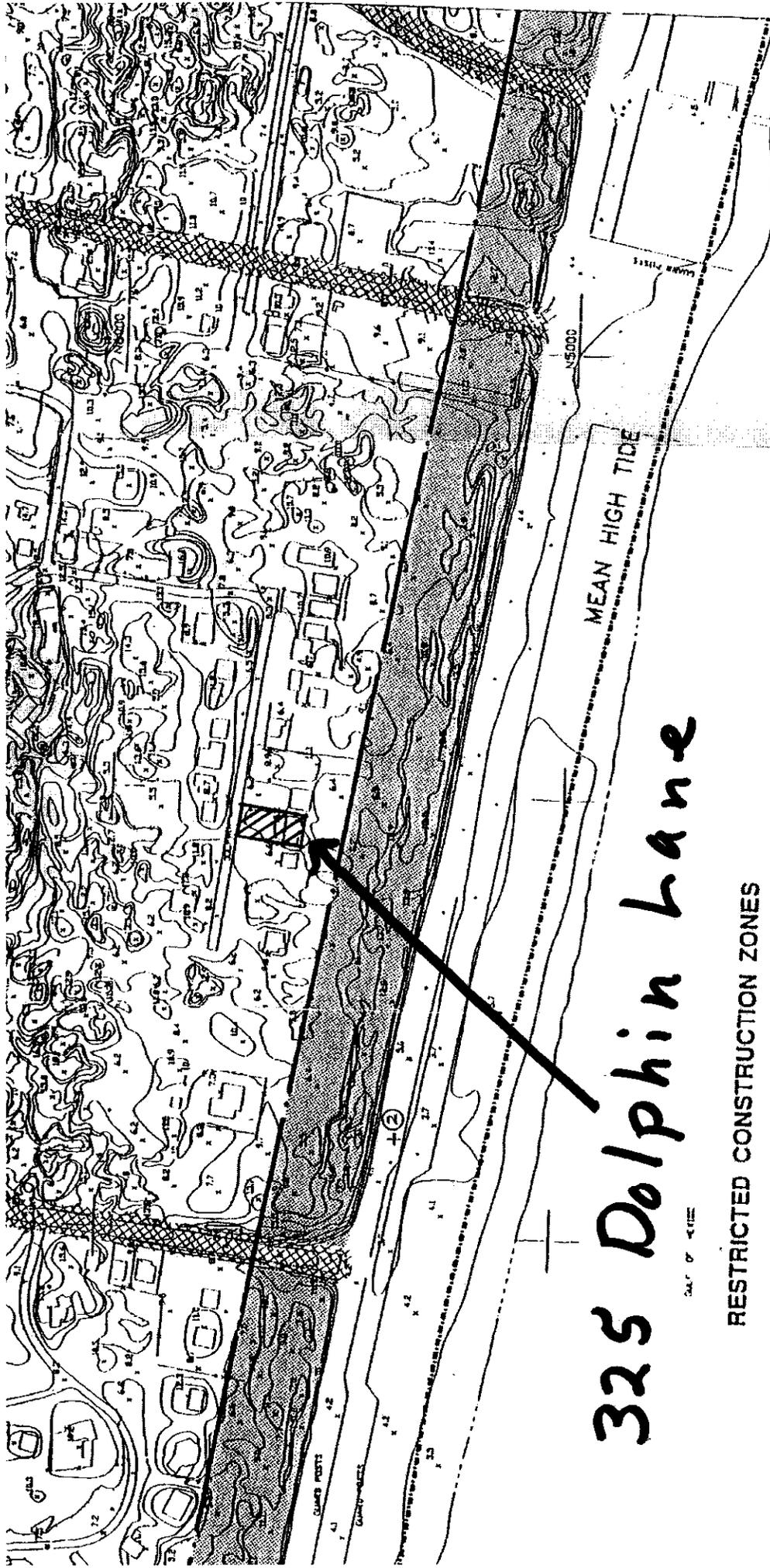
III. Exhibits

EXHIBIT 1

LOCATION MAP

EXHIBIT 2

**PORT ARANSAS COASTAL MANAGEMENT PLAN
ATTACHMENT 2
SHOWING DISTANCE TO LINE OF VEGITATION**



325 Dolphin Lane

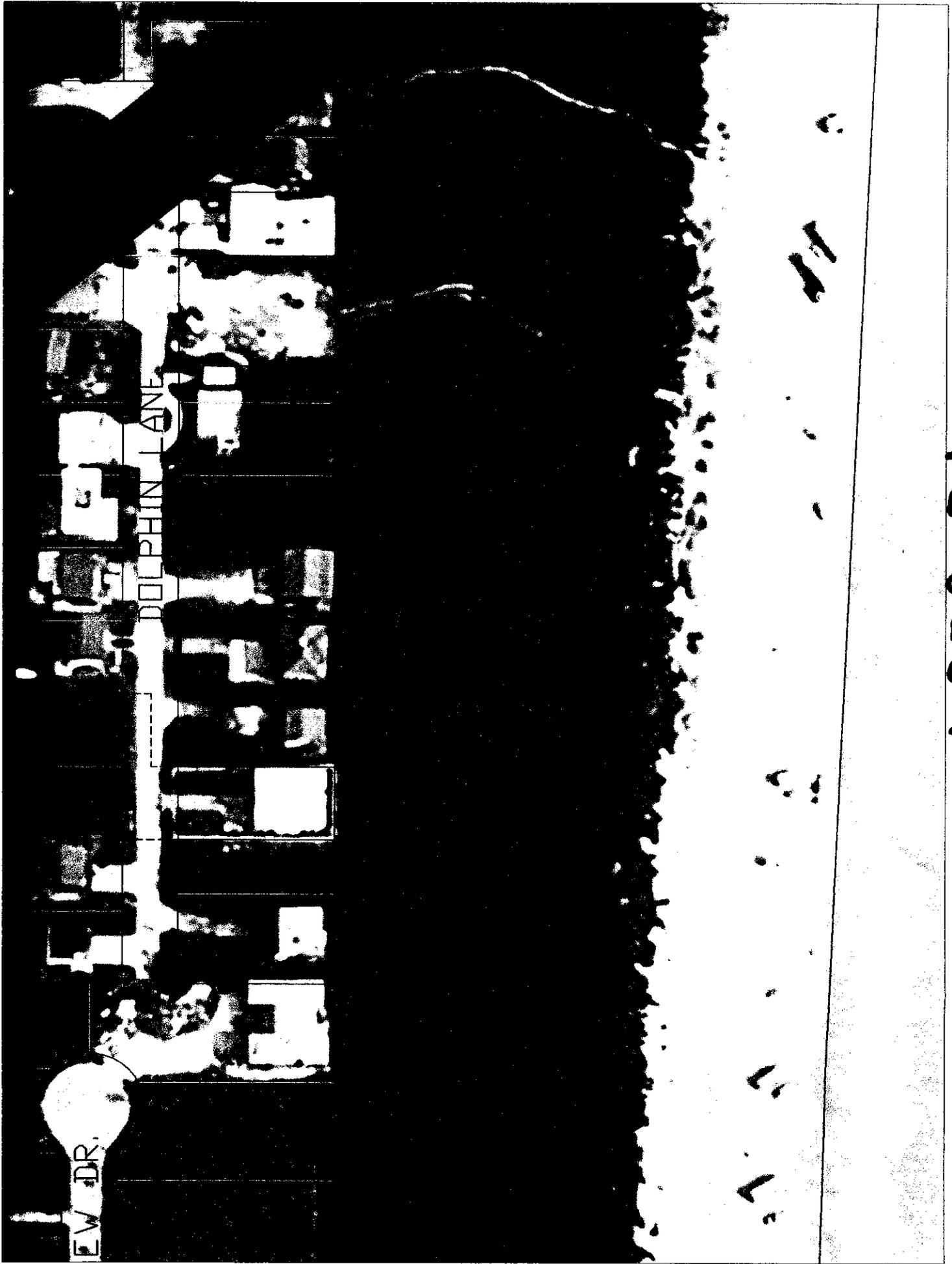
RESTRICTED CONSTRUCTION ZONES

-  BEACH ACCESS (VEHICULAR)
-  RETAINING WALL PROHIBITED ZONE
SEE (V, F, & G)
-  EROSION LINE



BEACHFRONT CONSTRUCTION
MAP
PORT ARKANSAS COASTAL
MANAGEMENT PLAN

ATTACHMENT #2 DATE _____ SHEET 8 OF 9



Current B.E.G. Data

EXHIBIT 3

ELEVATION CERTIFICATE

GRIFFITH & BRUNDRETT
SURVEYING & ENGINEERING
P.O. BOX 2322
ROCKPORT, TX 78381-2322
PH. 361-729-6479 FAX 361-729-7933

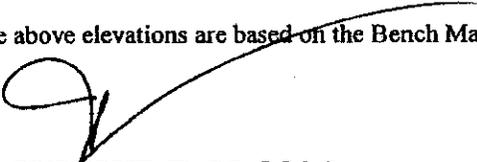
APRIL 30, 2007

STATE OF TEXAS
COUNTY OF ARANSAS

I, J. L. BRUNDRETT, JR., a Registered Professional Land Surveyor in the State of Texas, do hereby certify that I have established the elevations listed below on LOT NO. 3D, BLOCK NO. 2, STATE LAND SURVEYS ON MUSTANG ISLAND, NUECES COUNTY, TEXAS.

1. Centerline of DOLPHIN LANE	+8.71
2. Adjacent Ground Elevation	+9.00
3. Finish Floor-Residence 1 st Level	+12.44
4. Finish Floor-Residence 2 nd Level	+21.40
5. Finish Floor-Porch	+11.98
6. Finish Floor-Garage	+11.65
7. A/C on Concrete Pad	+10.76

The above elevations are based on the Bench Mark Tidal #20, Elevation +10.258, U.S.C. & G.S. Datum.


J. L. BRUNDRETT, JR., P.E., R.P.L.S.
REG. NO. 2133

This is to certify that I have consulted the Federal Flood Hazard map dated 9.30.92 and found that the property described herein is X (or), is not , located in a special flood hazard area. Zone VE Base Flood Elevation 11.0 Panel No. 0004F Community No. 485498.



ELEVATION CERTIFICATE

OMB No. 1660-0008
Expires February 28, 2009

Important: Read the instructions on pages 1-8.

SECTION A - PROPERTY INFORMATION

A1. Building Owner's Name CAMPBELL AND JAYNE MCGINNIS		For Insurance Company Use:
A2. Building Street Address (including Apt., Unit, Suite) 325 DOLPHIN LANE		Policy Number
City PORT ARANSAS State TEXAS ZIP Code 78373		Company NAIC Number
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) LOT NO. 3D, BLOCK NO. 2, STATE LAND SURVEYS ON MUSTANG ISLAND		

A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) **RESIDENTIAL**

A5. Latitude/Longitude: Lat. **N27°49'31.3"** Long **W97°03'29.3"** Horizontal Datum: NAD 1927 NAD 1983

A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.

A7. Building Diagram Number **1**

A8. For a building with a crawl space or enclosure(s), provide:

a) Square footage of crawl space or enclosure(s) **0** sq ft

b) No. of permanent flood openings in the crawl space or enclosure(s) walls within 1.0 foot above adjacent grade **0**

c) Total net area of flood openings in A8.b **0** sq in

A9. For a building with an attached garage, provide:

a) Square footage of attached garage **0** sq ft

b) No. of permanent flood openings in the attached garage walls within 1.0 foot above adjacent grade **0**

c) Total net area of flood openings in A9.b **0** sq in

SECTION B - FLOOD INSURANCE RATE MAP (FIRM) INFORMATION

B1. NFIP Community Name & Community Number PORT ARANSAS 485498		B2. County Name NUECES COUNTY		B3. State TEXAS	
B4. Map/Panel Number 0004 485498	B5. Suffix F	B6. FIRM Index Date 9.30.92	B7. FIRM Panel Effective/Revised. Date 9.30.92	B8. Flood Zone(s) VE	B9. Base Flood Elevation(s) (Zone AO, use base flood) 11.0

B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9.
 FIS Profile FIRM Community Determined Other (Describe) _____

B11. Indicate elevation datum used for BFE in Item B9: NGVD 1929 NAVD 1988 Other (Describe) _____

B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? Yes No
Designation Date _____ CBRS OPA

SECTION C - BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)

C1. Building elevations are based on: Construction Drawings* Building Under Construction* Finished Construction
*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations - Zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO. Complete Items C2.a-g below according to the building diagram specified in Item A7.

Benchmark Utilized _____ Vertical Datum _____

Conversion/Comments _____

Check the measurement used.

a) Top of bottom floor (including basement, crawl space, or enclosure floor) **11.7** feet meters (Puerto Rico only)

b) Top of the next higher floor **12.4** feet meters (Puerto Rico only)

c) Bottom of the lowest horizontal structural member (V Zones only) **10.7** feet meters (Puerto Rico only)

d) Attached garage (top of slab) **NA** feet meters (Puerto Rico only)

e) Lowest elevation of machinery or equipment servicing the building (Describe type of equipment in Comments) **10.8** feet meters (Puerto Rico only)

f) Lowest adjacent (finished) grade (LAG) **9.0** feet meters (Puerto Rico only)

g) Highest adjacent (finished) grade (HAG) **9.0** feet meters (Puerto Rico only)

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

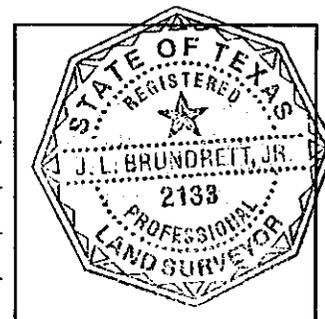
Check here if comments are provided on back of form.

Certifier's Name **J.L. BRUNDRETT, JR.** License Number **R.P.L.S. 2133**

Title **SURVEYOR** Company Name **GRIFFITH & BRUNDRETT SURVEYING**

Address **PO BOX 2322** City **ROCKPORT** State **TEXAS** ZIP Code **78382**

Signature _____ Date **4.30.07** Telephone **361.728.6479**



IMPORTANT: In these spaces, copy the corresponding information from Section A.		For Insurance Company Use:
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 325 DOLPHIN LANE		Policy Number
City PORT ARANSAS	State TEXAS	ZIP Code 78373
		Company NAIC Number

SECTION D - SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION (CONTINUED)

Copy both sides of this Elevation Certificate for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments **TWO STORY WOOD FRAME RESIDENCE ON CONCRETE SLAB**

Signature _____ Date _____ Check here if attachments

SECTION E - BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED) FOR ZONE AO AND ZONE A (WITHOUT BFE)

For Zones AO and A (without BFE), complete Items E1-E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1-E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
 a) Top of bottom floor (including basement, crawl space, or enclosure) is _____ feet _____ meters above or below the HAG.
 b) Top of bottom floor (including basement, crawl space, or enclosure) is _____ feet _____ meters above or below the LAG.
- E2. For Building Diagrams 6-8 with permanent flood openings provided in Section A Items 8 and/or 9 (see page 8 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ feet _____ meters above or below the HAG.
- E3. Attached garage (top of slab) is _____ feet _____ meters above or below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ feet _____ meters above or below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? Yes No Unknown. The local official must certify this information in Section G.

SECTION F - PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. *The statements in Sections A, B, and E are correct to the best of my knowledge.*

Property Owner's or Owner's Authorized Representative's Name _____

Address _____	City _____	State _____	ZIP Code _____
Signature _____	Date _____	Telephone _____	
Comments _____			

Check here if attachments

SECTION G - COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8. and G9.

- G1. The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. The following information (Items G4.-G9.) is provided for community floodplain management purposes.

G4. Permit Number _____	G5. Date Permit Issued _____	G6. Date Certificate Of Compliance/Occupancy Issued _____
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- G7. This permit has been issued for: New Construction Substantial Improvement
- G8. Elevation of as-built lowest floor (including basement) of the building: _____ feet _____ meters (PR) Datum _____
- G9. BFE or (in Zone AO) depth of flooding at the building site: _____ feet _____ meters (PR) Datum _____

Local Official's Name _____	Title _____
Community Name _____	Telephone _____
Signature _____	Date _____
Comments _____	

Check here if attachments

EXHIBIT 4

**SITE PHOTOGRAPHS
TAKEN AUGUST 26, 2007**

Photograph taken from Dolphin Lane near northwest corner of property.



Photograph taken from Dolphin Lane near southwest corner of the Property. Dune in foreground NOT to be disturbed.

Photograph shows west and south sides of Owner's Property. Photograph taken from Neighbor's driveway on the south side of Owner's Property.



Picture showing southeast corner of property and south boundary line. Photograph taken from state lands southeast of property.

Photograph shows north fence line and leaning retaining wall.
Photograph taken from the northwest corner of the residence looking east.



Photograph shows east side of Residence. Photograph taken from state-owned lands on seaward side of property. Dunes in foreground are NOT on Owner's property.

EXHIBIT 5

SITE PLAN / SURVEY

ON MUSTANG ISLAND,
CITY OF PORT ARANSAS,
GENERAL LAND OFFICE,
AUSTIN TEXAS.

SCALE 1" = 20'
APRIL 30, 2007

Site Plan

325 Dolphin Lane



DOLPHIN LANE

50' R.O.W.

FLOOD DATA

This is to certify that I have consulted the Federal Flood Hazard Map dated 9.30.92, and found that the property described herein is X (or) is not located in a "Special Flood Hazard Area."

Zone VE

Base Flood Elevation 11.0

Panel No. 0004F

Community No. 485498

This information is based on scaling the location of this survey on the above referenced map. This information is intended to be used to determine insurance rates only and not to identify specific flooding conditions.

CURRENT PARTY

Buyer: Campbell McGinnis
and Jayne McGinnis
Title Co: Stewart-Port A
GF: 701848

COPYRIGHT NOTICE

This survey is being provided solely for the use of the current parties and that no license has been created, expressed or implied, to copy the survey except as is necessary in conjunction with the original transaction which shall take place within six (6) months from the date of this survey.

Copyright April 30, 2007

NOTES

1. Plat bearing used for directional control unless otherwise shown.
2. This survey is in violation of copyright laws if not accompanied by original seal and signature.
3. Surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants or ownership of title evidence. Surveyor did not review exceptions in schedule "B" of the title commitment to determine whether they do or do not affect subject property.

SURVEYOR CERTIFICATION

I, J. L. Brundrett, Jr., a Registered Professional Land Surveyor in the State of Texas, do hereby certify that this plat correctly shows a survey on the ground of the foregoing property and that there are no visible easements, encroachments, intrusions or protrusions (except as shown hereon.)

