

From: [Sam LaBarba](#)
To: mcates206391@comcast.net; [Tobler, Paul](#); [Harley Krinsky](#)
Subject: Comment Response (Sorry Charlie's Oyster Company)
Date: Monday, February 17, 2025 7:57:58 AM

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Mr. Cates,

Thank you for your additional comments regarding our proposed project. I have carefully reviewed the preliminary drawing you provided, along with the map and deed submitted during the previous public notice period. Our position remains unchanged from our last discussion at the prior CMPC meeting.

As we have previously stated, the construction of a private dock requires that the upland property possess riparian rights. Based on the information provided, we have not received sufficient evidence—such as a plat—demonstrating that your property qualifies as riparian. Even if it were determined to be riparian, it is our assessment that a private dock could still not be constructed. According to the deed submitted, the property appears to contain, at most, 20 feet of riparian frontage. Given the Department of Natural Resources' (DNR) strict guidelines requiring 10-foot setbacks from property lines for private docks, this would leave no available space for dock construction. While we maintain that a private dock cannot be built from your lot, the ultimate decision rests solely with the DNR.

We also acknowledge that riparian rights extend beyond dock construction. However, the proposed dock at Sorry Charlie's does not encroach upon your extended property lines or infringe upon any potential riparian rights you may have. Our submitted plans indicate a distance of 54.6 feet between the proposed dock and the existing dock to the left. Since your property lies between these two structures, you would still retain more than 20 feet of frontage along the river, as reflected in the deed you provided, should your property be deemed riparian.

In addition to reviewing your drawing, we have also examined the video footage you submitted. After careful observation, the majority of the vehicles captured appear to be standard pickup trucks and SUVs, with the exception of three larger vehicles seen on two separate occasions. Standard-sized vehicles traveling along a public road do not appear to present any issues. Additionally, it is worth noting that the applicant's mother-in-law resides next door to the proposed dock location, making it reasonable to assume that some of the trips recorded in your video were routine family visits, child drop-offs or pickups, or other typical neighborhood interactions.

Regarding the instances where larger vehicles were seen using the road, these were directly related to the removal of bulk storage items from the adjacent property, a request made by you and other neighbors in previous comments submitted to Chatham County and DNR. In response to concerns raised by both the neighborhood and Chatham County, all additional items were removed using the vehicles observed in your footage. Given the size and nature of these items, the use of larger vehicles was necessary to complete the removal.

Please let us know if you have any further questions or concerns.

Sincerely,

Sam LaBarba

Owner

P: (912) 215-1255

E: sam@labarbaenvironmentalservices.com

A: Brunswick, Georgia



Dear Concerned Residents,

First and foremost, we sincerely appreciate your passion for your community and your willingness to engage in this process. We fully understand that changes in the neighborhood can bring concerns, and we want to address them with transparency and respect.

Our role in this project is not to interpret or enforce zoning laws. We must rely on the expertise and decisions of Chatham County's zoning authorities, who have reviewed our proposal and provided guidance on what is allowed. The county has confirmed that the proposed project does not violate existing zoning ordinances. We are operating within the parameters they have established, and we trust their expertise in these matters.

Additionally, we would like to clarify an important point regarding the claim that our application improperly excludes an upland component. While some objections reference the definition of "Upland Component of the Project" from Ga. R. and Reg. 391-2-3(2)(q), they omit the critical definition of "Project" itself, as stated in Ga. R. and Reg. 391-2-3(2)(l):

"Project" means the proposed construction or maintenance activity identified in an application for a marshlands permit within the contemplation of the Coastal Marshlands Protection Act. A project may consist of two components: a marshlands component and an upland component, as defined herein.

The key distinction here is that a project **may** include an upland component **only if** construction or maintenance activity is proposed on the upland property. In this case, our application does **not** propose any construction or maintenance activity on the upland property at 230 East Point Drive. Therefore, under the Coastal Marshlands Protection Act, there is no requirement to designate an upland component for this project. This is our understanding of DNR's interpretation and implementation of the upland component rule as demonstrated in previous permits issued by the department.

We also want to address concerns about the large truck observed on-site on January 13th, 2025. This truck was being used solely to remove additional oyster cages from the property, as requested by members of the community during the previous Public Notice period. We sincerely apologize for any temporary inconvenience this may have caused. Please rest assured that this was a one-time occurrence in response to community feedback, and such truck traffic will not be a regular part of our operations.

We also want to assure you that we are committed to being good neighbors. One of the significant benefits of this dock is that it will **reduce** traffic through the neighborhood. Without a dock, boats must be regularly trailered in and out via East Point Drive, increasing

congestion and wear on the roads. With the dock in place, water access will be direct, eliminating the need for frequent trailering and ultimately reducing the number of large vehicles passing through the neighborhood. We believe this will help preserve the quiet, residential character of the area.

We understand concerns about noise, environmental impact, and changes to the community, and we are open to constructive discussions on how to minimize any inconvenience to residents. Responsible development can coexist with the beauty and tranquility of Talahi Island, and we are more than willing to engage with the community to ensure that our project aligns with shared values.

Again, thank you for taking the time to voice your thoughts. We hope that, moving forward, we can find common ground and work together to ensure that Talahi Island remains a special place for all who call it home.

Warm regards,

Harley Krinsky
(706) 338-9611

Objections

1. I'm a resident on East Point Drive it IS a RESIDENTIAL neighborhood!! Zoned as such,so please deny the huge dock & business potential of Sorry Charlie's intent to distribute from this location. – Lisa Mell
2. Not in favor of comercial dock in my neighborhood. – Christopher Boyette
3. “Talahi Island Public Comment Letter” (Attached) – Amber Carter
4. Wow what a disappointment I understand that DNR doesn't take East Point Drive residents seriously. Construction continues on a business in a residential area. We live in a dead end street do to widening of HWY 80. This is a dangerous situation with the children on this street no only East Point Drive but will also impact Lake drive. We have lived on this street since 1998. There is a covenant I believe I still have a copy that we follow over the years neighbors couldn't even have a business on their residence. Please just because Sorry Charlie's land is owned by a family member which convenient only for the business. – Mary Owen
5. My name is Keith Gladin and I live at 111East Point Dr. , I don't think any kind of Dock Commercial or Private should be allowed in a neighborhood where kids play all up and down the street !!! There is too much traffic in our neighborhood already with a single two lane road being the only way in and out, I haven't spoken with any neighbors that want this to happen and I SURELY DON'T, weather commercial or not, the word will get out and everyone will be pushing rules to the limit!!! I Sure Hope DNR and whoever is responsible for the final decision here will take this into consideration!!!! – Keith Gladdin
6. I am writing to support our community of islanders, our waterways, and our community. I have been a resident of Tybee Island for 35 years, and have witnessed immense growth and commercialization of our wetlands in that time. I am concerned about the proposed construction of a commercial marine dock at the end of East Point Drive on Talahi Island. This is a residential neighborhood, with children, pets, and wildlife. The intrusion of trucks, refrigeration units, noise pollution, and lighting would certainly impinge upon a way of life that is becoming exceedingly threatened by massive growth and commercialization. In addition to the environmental and residential concerns, I would also alert you to the difficult traffic patterns that are an integral part of island life in eastern Chatham county. Highway 80 becomes easily compromised with beach traffic on weekends and for holiday celebrations. The light at Quarterman Road and Highway 80 is often backed up with traffic on any given day during spring, summer and fall. A commercial oyster farm will add impact to what is already a problematic situation for those living on Talahi, Wilmington, Whitemarsh and Tybee Island. It comes with experience, that once the floodgates are opened to commercial enterprise in delicate habitats, more development follows. Please help us keep our waterways and neighborhoods free from commercial development. Thank you, - Pamela Wiley
7. Please know my husband and I are both very much opposed to DNR allowing a commercial dock to be erected at the end of our quiet residential street. Our street is one where small children play, neighbors walk their dogs, older couples walk and many enjoy quiet bike

rides. Despite Sorry Charlie's dubious assurances to the contrary (which are at best, we believe, grossly unrealistic in the forecasted traffic expected or future adherence to posted speed limits) a commercial dock would disrupt all that homeowners on East Point Drive enjoy and value. Sorry Charlie is one enterprise that benefits only one individual while negatively impacting home values, the safety and lives of many more. - Penelope Parker

8. I wanted to verbalize my objection and concern to you regarding the development of Sorry Charlie's Oyster Company in my quiet dead end neighborhood. I am aware your office could make a pivotal decision in this matter at a committee meeting soon. Please I am only asking that the County follow the regulations already in place to prohibit the further development of this business. The proposed dock system and land use will be harmful for the protection of the environment both on the marsh and the neighboring properties. I'm sure you'd agree this business would wholeheartedly disrupt everything I find precious in my life on East Point Drive and Talahi Island in general. I am attaching first hand proof to the committee of the neighborhood disruption that is ongoing due to Sorry Charlie's continued work in the area. This business does nothing for the people who live here or the waterway it will impact. Stop Sorry Charlie's! - Patricia Lucey
9. I am writing regarding the proposed Commercial Dock Facility at 230 E Point Drive by Sorry Charlie's Oyster Company.

The additional zoning letter is insufficient for both 230 E Point Drive (C-M Marshland Conservation zone) and 228 E Point Drive (R-1-A Residential zone).

The CRD has two requirements regarding zoning to be included in this application:

1. Letter from the local zoning authority stating that this proposal is in compliance with any zoning laws. This letter must be specific to the project and cannot be conditional in any way. (O.C.G.A. § 12-6-286(b)(6))
2. Copy of the most current version of plans, signed and dated by the local zoning authority. If the project is redesigned, the zoning authority must sign the latest plans to ensure there is no confusion about which "version" of the project is approved.

The new zoning letter dated January 27, 2025 states "The construction or renovation of a marine dock in the CM-EO zoning district does not violate the Chatham County ordinance."

This statement is not specific to this proposal. It does not specify what types of "marine docks" are allowed. It doesn't address the fact that the proposed dock is a commercial dock. It does not approve the usage of the land for a commercial business. There has been a marine dock on this property for many years, so we already knew that a certain type of marine dock was allowed. That was not in question.

Attached is Sec. 4-5.1 C and R use table and Sec. 4-4 Uses Prohibited from the Zoning Ordinance of Chatham County.

A commercial dock is not listed as a permitted use in the C-M (Marshland Conservation) zone in the Zoning Ordinance of Chatham County. Sec. 4-4 states “If either a use or class of use is not specifically indicated as being permitted in a district, either as a matter of right, or on the approval of the Board of Appeals, then such use or class of use shall be prohibited in such district.” Therefore, a commercial dock is prohibited in the C-M zone.

Attached is a letter dated February 4th, 2025 from Mr. Marcus Lotson, Assistant Director in the Office of Zoning Administration, the same author of all the other zoning letters, that confirms that a commercial dock is not a permitted use in the C-M zone and all uses that are not specifically indicated are prohibited.

Mr. Marcus Lotson has informed me that the January 27th zoning letter was written because Mr. Krinsky asked if a dock at 230 East Point Drive violated the zoning order. A dock is allowed at a property located in the C-M zone, but the only permitted use that includes anything that could be considered a “Marine Dock” is use “40. Fishing pier, boat hoist, fishing camp sites, and recreational activities of a similar nature. There are no other permitted uses that could be considered a marine dock.

Mr. Krinsky is not asking about his entire proposal. Mr. Krinsky is not asking about a commercial dock facility. Mr. Krinsky is not asking about the commercial business operating on the land.

Furthermore, this application does not include a copy of the most current version of plans, signed and dated by the local zoning authority.

In addition, there is no indication that the business is allowed to operate on this property. In the zoning letter dated November 7, 2024, Mr. Lotson states “we have not granted approval of any business uses on the upland property in question.” The application does not include anything to indicate otherwise.

One permitted use in the C-M zone is 31a. Marshland Agriculture which the code defines as “Agriculture, including grazing and the production and harvesting of rice, marsh grass, and agricultural products.” In the initial zoning letter dated January 31, 2024, the subject is RE: Marshland Agriculture.

While Marshland Agriculture is indeed allowed in the C-M zone, use 31b. is not an allowed use. Use 31b. is Waterfront facilities for the launching and care of marshland agriculture equipment. A waterfront commercial dock facility for the launching of boats and other

equipment used in marshland agriculture is NOT ALLOWED in the C-M zone. There are three other zones where both uses are permitted, but C-M is not one of them. This is specifically addressed in the zoning ordinance, and it is not allowed on this land

O.C.G.A. § 391-2-3-.02(2)(q) states “‘Upland component of the project’ is all those service areas, amenities, and recreational areas associated with marinas, community docks, commercial docks, fishing piers, boat ramps and bridges located inland of the Coastal Marshlands Protection Act jurisdiction line, that serve or augment the functioning of the marshlands component of the project...”

228 E Point Drive should be included in this application as upland component and a zoning verification letter should be required. It contains equipment that would serve the functioning of the marshlands component of the project. Among this equipment is a commercial refrigerator that would be needed for the functioning of this business at this site as described twice in the Project Description. “The fixed deck offers a middle point where the oysters can quickly be brought to a safe working area, and then either transported to the high ground for refrigeration if they are ready for harvest or transported back to the lease for additional growing time.” The close proximity of refrigeration is required for this business to operate successfully.

228 E Point Drive is zoned R-1-A Residential. Once again, Sec. 4-5.1 C and R use table is attached for your review. There are no permitted uses that allow for this business to operate on this property. 31a. Marshland Agriculture is not a permitted use in R-1-A. Mr. Lotson required that Mr. Krinsky relocate equipment that was on 228 E Point Drive because it is zoned residential. This is a clear indication that this business is not allowed to operate on this land.

The following uses are also not listed as permitted uses in either the C-M or R-1-A zone:

- Commercial fishing operation
- Commercial seafood processing and packaging

I still have many other concerns about this commercial dock facility and commercial seafood facility operating in this small neighborhood and the commercial dock passing over the extended property lines of both my property and Mr. Mikell Cates’ property, but the zoning ordinance of Chatham County makes the construction of this commercial dock facility unlawful. The attached letter from zoning dated February 4th, 2025 is the most applicable and clearest zoning letter to date, and proves the fact that a commercial dock is prohibited on this land.

I urge the committee to not grant the permit for this commercial dock facility until all aspects of this proposal are clearly indicated to be in compliance with zoning laws as required. I urge the committee to require signed and dated plans from the local zoning authority as required. There is a reason why these requirements are not included.

I sincerely thank you for your time and consideration. Please confirm your receipt of this e-mail and three attachments. - Diana Grahame

10. What new local zoning information exists about the proposed Sorry Charlies Oyster Company LLC Construction of a Commercial Dock Facility Bull River, Chatham County after the November 15, 2024 meeting at Department of Natural Resources in Brunswick, Georgia? The neighborhood does not understand what a renovation or construction of a commercial marine dock means in the CM-EO zoning district when Chatham County zoning laws do not support a dock for commercial purposes (Sec. 4-5.1C and R Use table and Sec. 4-4 Use Prohibited).

Four letters from Chatham County Department of Building Safety and Regulatory Services signed by Marcus Lotson are on record dated January 31, 2024, November 1, 2024, November 7, 2024, and January 27, 2025. As noted at the November 15, 2024 meeting the January 31st letter referenced the waterway usage is not in the counties purview but falls under the authority of the DNR. The November 1 letter states the same. The November 7th letter again states construction, demolition, or modifaciton of docks in State waters does not fall under the purview of the Chatham County Department of Building and regulatory Services (BSRS) and therefore is not governed by our zoning case. The January 27 letter mentions a marine dock in the CM-EO zoning district does not violate the Chatham County ordinance.

A marine dock is on property, but a commercial dock in CM-EM zone is not allowed in zoning. What plans are presented to the local zoning authority about the commercial use of the dock? - Dr. Lesa Mason

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February 15, 2025

BY EMAIL

Mr. Paul Tobler
Georgia Department of Natural Resources
One Conservation Way
Brunswick, Georgia 31520
paul.tobler@dnr.ga.gov

Re: Sorry Charlie's Oyster Company, LLC CMPC Permit Application
Chatham County, Parcel No. 10047 01034A ("Property")

Dear Paul:

This firm represents Mikel Cates and his Limited Liability Company, Salty Dawgs LLC. Mr. Cates and his company each own one lot in the Talahi Island neighborhood including Parcel No. 10047 01030, whose Bull River frontage abuts the property referenced in the Sorry Charlie's Oyster Company, LLC ("Applicant") CMPC Permit Application at issue ("Application"), for commercial operation of a oyster harvesting business ("Project"), please accept this correspondence submitted within the public notice period prescribed by Georgia R. and Reg. 391-2-3(5)(d)(1), in opposition to the Application.

The Application is not eligible for consideration by the Coastal Marshland Protection Committee ("CMPC") because zoning has not been verified. The County has only confirmed that the dock itself is allowed under its current zoning designation.¹ The County has not confirmed

¹ While not an issue before this Committee, Mr. Cates intends to challenge the County's verification of zoning for the dock also. The Applicant's operation would be located within a residential neighborhood on leased property zoned as Marsh Conservation/Environmental Overlay. Just 500 feet down the riverfront from the Property, an operational oyster farm, Tybee Oyster Company LLC, is located at the Savannah Boathouse Marina, which is zoned Waterfront Industry ("WI"). The County's zoning verification in this matter creates an inconsistency in

zoning for the upland commercial activity. The Applicant's statement that the project has no upland component is inaccurate as there will be increased transport activity or storage of his commercial product on the upland lot – a lot zoned R-1-A/EO) Family Residential with an Environmental Overlay).

The Committee cannot move forward with the Application because, contrary to the Applicant's statement, the Project will involve an upland component, which is not allowable as presently zoned. The Application belies its own statement. Included therewith is the Applicant's Lease of the Property. Application, pp. 20-32. Paragraph 24 of the Lease is entitled "Use of Premises" and reads in part, "The Premises shall be used for a landing facility, *storage* and embarkation port for oyster farm and services and no other purposes." Application, pp. 26-27. The Property was leased with commercial activity anticipated on the upland portion of the Property. Exhibit B to the Lease states that the Applicant "shall, at its own expense, be responsible for all improvements made to the *garage*...", again anticipating that the Applicant intends to utilize the upland portion of the Property for work associated with his commercial oyster farm.

Zoning Letter dated January 27, 2025 exclusively confirms zoning for the "construction or renovation a marine dock". Zoning Letters, p. 1. Presumably the County only confirmed zoning for the dock because of the Applicant's assertion that his commercial activity would not include any upland component. The Coastal Resources Division's regulations define "Upland component of the project" as,

"all those service areas, amenities, and recreational areas associated with marinas, community docks, commercial docks, fishing piers, boat ramps and bridges located inland of the Coastal Marshlands Protection Act jurisdiction line, *that serve or augment the functioning of the marshlands component of the project*, such as, but not limited to, dry stack boat storage; dockmaster shop; fuel storage and delivery facilities to serve the marshlands component of the project; and restrooms intended for users of the marshlands component of the project. This term may extend to and cover such facilities adjacent to or in proximity to the marshlands component of the project that are intended to serve exclusively or primarily the users of the marshlands component of the project if the Committee finds in its sole discretion that such facility is likely to alter the marshlands."

Savannah's oyster harvesting industry. Waterfront Industry is the correct zoning designation for an oyster harvesting operation and the verification letters dated January 27, 2025 and January 30, 2025 are incorrect.

Ga. R. and Reg. 391-2-3(2)(q) (*emphasis added*). Storing the harvested oysters or serving as a distribution point for the harvested oysters *serves or augments the functioning of the marshlands component of the project*.

Until the upland component is resolved, the Application cannot move forward without zoning confirmation as to the upland component, and it is clear that zoning has not been verified for the upland component. *See* O.C.G.A. § 12-5-286(b)(6).

Thank you for your time. Please contact me directly with any questions at acarter@ghsmlaw.com.

Sincerely yours,

/s/ Amber M. Carter

Amber M. Carter

cc: Judson H. Turner (co-counsel)
Mikel Cates (client)