



Attached, you will find the following packet contents:

- Staff Review
- Staff Presentation
- Application
- Applicant's Letter of Intent (including responses to Approval Criteria)
- Site Plan
- Correspondence

Staff Review:

The applicant, Michael Kalista, is requesting a Special Exception to allow Animal Aquaculture on property located at 6351 Simmons Bluff Rd, Meggett (TMS 159-00-00-106).

The subject property is zoned Agricultural Rural (AR) and is currently serving as a vacant lot. The site contains a detached garage/barn structure and a shed. Surrounding properties vary in jurisdiction: some are in the Town of Meggett, zoned AR and AG, and are either undeveloped or contain residential homes; the remaining properties are part of unincorporated Charleston County, and are zoned AGR.

Article 4.10, Table of Permitted Uses, indicates that the requested use (Animal Aquaculture) in the AR Zoning District is a use type allowed only if it complies with all other applicable regulations and is approved by the BZA as a Special Exception.

Staff conducted a site visit on October 8, 2020.

Background:

The property was purchased by the John F. Abess in 1986. The detached garage/barn structure was built in 2007 but there are no permits on file for the shed, leaving its construction date unknown. The property has remained unoccupied.

Planning Director Review and Report regarding Approval Criteria of §10.10.5 A:

§10.10.5 A (1): Is consistent with the recommendations contained in the Town of Meggett Comprehensive Plan and the character of the underlying zoning district, as indicated in the zoning district “Description”;

Response: The Future Land Use map of the Comprehensive Plan designates this property and those around it as residential. Under **§3.1.3**, Future Land Use Categories, it states that *“The Residential Future Land Use Category is intended to maintain the Town’s low-density single-family residential character. This area should be developed with low residential densities. Incentives to retain the rural character of the area such as flexible site planning guidelines and conservation design should be provided in the zoning ordinance to preserve open space and protect natural and historic resources.”* While the Yonges Island area historically was home to an oyster canning facility, the area has been settled as a residential zone for the past 40+ years. The proposed use would therefore be inconsistent with the character of the surrounding parcels and would be inconsistent with the Future Land Use designation.

With regard to the Zoning and Land Development Regulations Ordinance (ZLDR), the AR Zoning District is designed to provide for quiet, livable, low-density residential neighborhoods, and to encourage the formation and continuance of a stable rural residential environment. In this regard, the proposed use would again be uncharacteristic of the area and would be inconsistent with what other neighboring parcels currently experience.

Therefore, the request is not consistent with the recommendations of the Comprehensive Plan and ZLDR, and thus, does not meet this criterion.

§10.10.5 A (2): Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;

Response: This parcel and all of the parcels on Simmons Bluff Rd are currently residential or undeveloped. Though a section of Simmons Bluff Rd runs parallel to industrial businesses Metal Trades, Inc and Stevens Towing Company, Inc, that section is separated from the businesses by an earthen berm (10+ feet high) and a buffer of dense vegetation (40+ feet wide). It is also worth noting that those businesses existed prior to the majority of residential homes around them and predate the Town's Zoning and Land Development Regulations. Aside from those two businesses, no other commercial ventures exist within miles of the parcel. Consequently, the proposed use is not characteristic of the area and is not consistent with what neighboring parcels currently experience.

Therefore, the request does not meet this criterion.

§10.10.5 A (3): Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors;

Response: The parcel is sufficiently buffered on all sides to protect from any visual signs of business taking place. Aside from the oyster cleaning process, most of the work will be relatively noiseless. The applicant's Letter of Intent states *"Decibel levels were tested while running the Tumbler which averaged 87 dB which is comparable to that of a running lawnmower"*. Staff has confirmed this to be an accurate assessment of the noise level from said machinery. If the use is approved, further review will be needed to confirm that odor will not be an issue.

Therefore, the request does meet this criterion.

§10.10.5 A (4): Where applicable, will be developed in a way that will preserve and incorporate any important natural features;

Response: Aside from building a dock to allow access to the Wadmalaw Sound, no further development is planned for the site. Therefore, the request meets this criterion.

Further to the above, the applicant's letter of intent states, *"We do not intend to alter any natural features, in fact our activities will actively promote the development of natural oyster reefs which host a score of benefits for the ecosystem in the area."*

§10.10.5 A (5): Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and

Response: The listed service that the applicant is seeking approval on is currently allowed with a granted Special Exception from the BZA. By filing this request, the applicant is hereby following the appropriate procedures to comply with the Town of Meggett ZLDR.

Therefore, the request meets this criterion.

§10.10.5 A (6): Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.

Response: Vehicular traffic and pedestrian movement on Highway 165 is not anticipated to be affected by the proposed services of the applicant's request, as that road is already well traveled by residents and the employees of Metal Trades, Inc and Stevens Towing Company, Inc.

Vehicular traffic and pedestrian movement on Simmons Bluff Rd, however, would be notably impacted by the increase of 3-6 vehicles daily. As a paved residential street, it is a popular area for residents to walk, run, bike, etc.

Therefore, the request does not meet this criterion.

Board of Zoning Appeals' Action:

According to Article 10.10 Special Exceptions, Section §10.10.4 Board of Zoning Appeals Hearing and Decision, of the Town of Meggett ZLDR, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Special Exception. Furthermore, Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all of the Approval Criteria of Section 10.10.5 above.

In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare (§10.10.5.B).

The Board of Zoning Appeals may approve, approve with conditions or deny Case # BZA-10-20-001 [*Special Exception to allow Animal Aquaculture*] based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision. A majority of members present and voting are required to approve a Special Exception pursuant to §10.10.4.C.

Since the application does not satisfy all of the criteria for a Special Exception in this case, Staff cannot recommend approval. Should the Board approve granting the Special Exception, Staff recommends it does so with conditions to ameliorate concerns with commercial use in a residential area and additional traffic by limiting the number of cars and the types of uses allowed on site.

Town of Meggett Board of Zoning Appeals

October 27, 2020

7:00 PM

BZA-10-20-001

Applicant: Michael Kalista

Owner: John F. Abess

Property Location: 6351 Simmons Bluff Rd, Meggett, SC 29449 (TMS# 159-00-00-106)

Zoning District: Agricultural Rural (AR)

Request: Special Exception request to allow Animal Aquaculture.

Requirement: Town of Meggett Zoning and Land Development Regulations Ordinance (ZLDR) Article 4.10, Table of Permitted Uses, indicates Animal Aquaculture in the AR Zoning District is a use type allowed only if it complies with all other applicable regulations and is approved by the BZA as a Special Exception.

Site Background

- John F. Abbess purchases TMS# 159-00-00-106 in March of 1986.
- Detached Garage/Barn Structure built in 2007, according to construction permits issued by Charleston County.
- Shed construction date remains unknown.

TMS # 159-00-00-106



Aerial of Subject Property

TMS # 159-00-00-106



Chapter 17 of the ZLDR, Definitions

Animal Aquaculture: Land devoted to the hatching, raising, and breeding of fish, shrimp or other aquatic animals for commercial purposes. Animal aquaculture shall include those accessory uses and activities customarily associated with this type of operation, as determined by the Planning Director.

Article 4.10, Table of Permitted Uses

Agricultural Uses

PERMITTED USE	RC	AG	AR	OCM	LIN	CONDITION
AGRICULTURAL PROCESSING	S	A	A			
AGRICULTURAL SALES & SERVICE	S	S		A	S	
LARGE ANIMAL PRODUCTION	C	C	C			§ 4.11.1
CROP PRODUCTION	A	A	A			
FORESTRY	A	A	A	A	A	
ROADSIDE STANDS	A	A	C	A	A	§ 4.11.2
STABLES	C	C	C	S	S	§ 4.11.3
ANIMAL AQUACULTURE INCLUDING, BUT NOT LIMITED TO FINFISH FARMING, FISH/SHELLFISH HATCHERIES (IN PONDS OR ADJACENT WATERWAYS)	A	A	S	S	S	
APICULTURE (BEE KEEPING)	A	A				
CONCENTRATED ANIMAL FEEDING OPERATIONS		A				
GREENHOUSE PRODUCTION & COMMERCIAL NURSERY OPERATIONS	A	A		A	A	
HYDROPONICS	A	A			A	
LUMBER, PLANING, & SCALED SAWMILL OPERATIONS		A			A	
SLAUGHTER HOUSE & SEAFOOD PROCESSING AND PACKING OPERATIONS		A		A	A	
COLD STORAGE OPERATIONS		A		A	A	

Case #: BZA-10-20-001

BZA Meeting of October 27, 2020

Subject Property: 6351 Simmons Bluff Rd, Meggett (TMS# 159-00-00-106)

Request: Special Exception to allow Animal Aquaculture



Case #: BZA-10-20-001

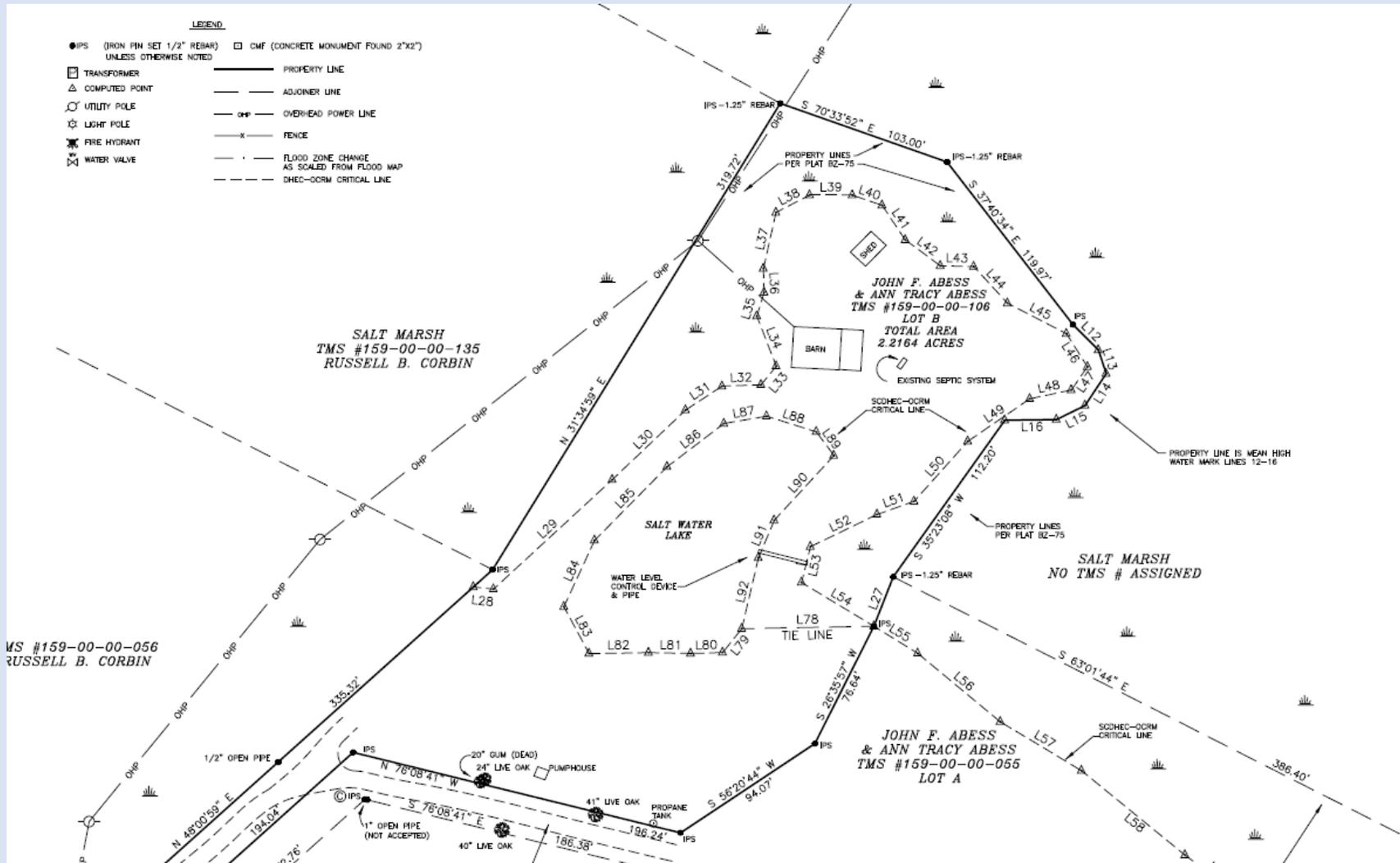
BZA Meeting of October 27, 2020

Subject Property: 6351 Simmons Bluff Rd, Meggett (TMS# 159-00-00-106)

Request: Special Exception to allow Animal Aquaculture



Site Plan showing location of Detached Garage/Barn Structure & Shed



SPECIAL EXCEPTION APPROVAL CRITERIA

According to Article 10.10 Special Exceptions, Section §10.10.4 Board of Zoning Appeals Hearing and Decision, of the Town of Meggett ZLDR, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Special Exception. Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all of the Approval Criteria of §10.10.5.

- 1) Is consistent with the recommendations contained in the Town of Meggett Comprehensive Plan and the character of the underlying zoning district, as indicated in the zoning district “Description”;

Response:

The Future Land Use map of the Comprehensive Plan designates this property and those around it as residential. Under **§3.1.3, Future Land Use Categories**, it states that *“The Residential Future Land Use Category is intended to maintain the Town’s low-density single-family residential character. This area should be developed with low residential densities. Incentives to retain the rural character of the area such as flexible site planning guidelines and conservation design should be provided in the zoning ordinance to preserve open space and protect natural and historic resources.”* While the Yorges Island area historically was home to an oyster canning facility, the area has been settled as a residential zone for the past 40+ years. The proposed use would therefore be inconsistent with the character of the surrounding parcels and would be inconsistent with the Future Land Use designation.

With regard to the Zoning and Land Development Regulations Ordinance (ZLDR), the AR Zoning District is designed to provide for quiet, livable, low-density residential neighborhoods, and to encourage the formation and continuance of a stable rural residential environment. In this regard, the proposed use would again be uncharacteristic of the area and would be inconsistent with what other neighboring parcels currently experience.

Therefore, the request is not consistent with the recommendations of the Comprehensive Plan and ZLDR, and thus, does not meet this criterion.

SPECIAL EXCEPTION APPROVAL CRITERIA

According to Article 10.10 Special Exceptions, Section §10.10.4 Board of Zoning Appeals Hearing and Decision, of the Town of Meggett ZLDR, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Special Exception. Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all of the Approval Criteria of §10.10.5.

- 2) Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;

Response:

This parcel and all of the parcels on Simmons Bluff Rd are currently residential or undeveloped. Though a section of Simmons Bluff Rd runs parallel to industrial businesses Metal Trades, Inc and Stevens Towing Company, Inc, that section is separated from the businesses by an earthen berm (10+ feet high) and a buffer of dense vegetation (40+ feet wide). It is also worth noting that those businesses existed prior to the majority of residential homes around them and predate the Town's Zoning and Land Development Regulations. Aside from those two businesses, no other commercial ventures exist within miles of the parcel. Consequently, the proposed use is not characteristic of the area and is not consistent with what neighboring parcels currently experience.

Therefore, the request does not meet this criterion.

SPECIAL EXCEPTION APPROVAL CRITERIA

According to Article 10.10 Special Exceptions, Section §10.10.4 Board of Zoning Appeals Hearing and Decision, of the Town of Meggett ZLDR, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Special Exception. Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all of the Approval Criteria of §10.10.5.

- 3) Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion, and similar factors;

Response:

The parcel is sufficiently buffered on all sides to protect from any visual signs of business taking place. Aside from the oyster cleaning process, most of the work will be relatively noiseless. The applicant's Letter of Intent states *"Decibel levels were tested while running the Tumbler which averaged 87 dB which is comparable to that of a running lawnmower"*. Staff has confirmed this to be an accurate assessment of the noise level from said machinery. If the use is approved, further review will be needed to confirm that odor will not be an issue.

Therefore, the request does meet this criterion.

SPECIAL EXCEPTION APPROVAL CRITERIA

According to Article 10.10 Special Exceptions, Section §10.10.4 Board of Zoning Appeals Hearing and Decision, of the Town of Meggett ZLDR, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Special Exception. Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all of the Approval Criteria of §10.10.5.

- 4) Where applicable, will be developed in a way that will preserve and incorporate any important natural features;

Response:

Aside from building a dock to allow access to the Wadmalaw Sound, no further development is planned for the site. Therefore, the request meets this criterion.

Further to the above, the applicant's letter of intent states, *"We do not intend to alter any natural features, in fact our activities will actively promote the development of natural oyster reefs which host a score of benefits for the ecosystem in the area."*

SPECIAL EXCEPTION APPROVAL CRITERIA

According to Article 10.10 Special Exceptions, Section §10.10.4 Board of Zoning Appeals Hearing and Decision, of the Town of Meggett ZLDR, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Special Exception. Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all of the Approval Criteria of §10.10.5.

- 5) Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and

Response:

The listed service that the applicant is seeking approval on is currently allowed with a granted Special Exception from the BZA. By filing this request, the applicant is hereby following the appropriate procedures to comply with the Town of Meggett ZLDR. Therefore, the request meets this criterion.

SPECIAL EXCEPTION APPROVAL CRITERIA

According to Article 10.10 Special Exceptions, Section §10.10.4 Board of Zoning Appeals Hearing and Decision, of the Town of Meggett ZLDR, the Board of Zoning Appeals shall approve, approve with conditions or deny the proposed Special Exception. Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use meets all of the Approval Criteria of §10.10.5.

6) Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.

Response:

Vehicular traffic and pedestrian movement on Highway 165 is not anticipated to be affected by the proposed services of the applicant's request, as that road is already well traveled by residents and the employees of Metal Trades, Inc and Stevens Towing Company, Inc.

Vehicular traffic and pedestrian movement on Simmons Bluff Rd, however, would be notably impacted by the increase of 3-6 vehicles daily. As a paved residential street, it is a popular area for residents to walk, run, bike, etc.

Therefore, the request does not meet this criterion.

BOARD OF ZONING APPEALS' ACTION

- In granting a Special Exception, the Board of Zoning Appeals may attach to it such conditions regarding the location, character, or other features of the proposed building or structure as the Board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare (§10.10.5.B).
- The Board of Zoning Appeals may approve, approve with conditions or deny Case # BZA-10-20-001 [*Special Exception to allow Animal Aquaculture*] based on the BZA's "Findings of Fact", unless additional information is deemed necessary to make an informed decision.
- A majority of members present and voting are required to approve a Special Exception pursuant to §10.10.4.C.
- Since the application does not satisfy all of the criteria for a Special Exception in this case, Staff cannot recommend approval. Should the Board approve granting the Special Exception, Staff recommends it does so with conditions to ameliorate concerns with commercial use in a residential area and additional traffic by limiting the number of cars and the types of uses allowed on site.

Public Input

October 27, 2020

7:00 PM

Correspondence

Application for Special Exception

Town of Meggett Board of Zoning Appeals

4776 Highway 165
Meggett, SC 29449
Phone: 843-889-3622
Fax: 843-889-6873
www.townofmeggettsc.org



This application must be completed and submitted in person to the Zoning & Planning Department in order to apply for a Special Exception. Please read the entire form prior to completing the application. The applicant shall receive a copy of this completed form at the time the application is filed. **This application will be returned to the applicant within fifteen (15) working days if these items are not submitted with the application or if any are found to be inaccurate:**

- 1) Completed Special Exception application signed by the current property owner(s). If the applicant is not the owner of the property, the **Current Property Owner(s)** must sign and print the **Designation of Agent** found below.
- 2) **Restrictive Covenants & Posted Notice Affidavits** signed by the applicant or current property owner(s).
- 3) Applicant's **Letter of Intent** explaining the proposed use and how it meets the Approval Criteria of §10.10.5.
- 4) An accurate, legible **Site Plan drawn to Engineers Scale** must be attached. The site plan must show property dimensions, dimensions and locations of all existing and proposed structures and improvements, parking areas, Grand trees (24" DBH or greater), wetlands (properties containing DHEC-OCRM Critical Line areas must contain an up to date DHEC-OCRM signature on the site plan or plat), holding basins and buffers when applicable. **One (1) 24 x 36 copy & twenty (20) 11 x 17 copy.**
- 5) Copy of a legible **Approved and Recorded Plat** showing present boundaries of property.
- 6) Check made out to "Town of Meggett" or cash. \$250 fee.

Applicant Name: Michael Kalista
Mailing Address: 46 Poplar Street
City, State, Zip: Charleston, SC, 29403 Daytime Phone: 843-425-3828
Subject Property Address: Portion of Lot B - 6357 Simmons Bluff Road
Present Use of Property: Vacant, Residential Lot
Special Exception Description: Aquaculture business
Applicant Signature:  Date: 9/18/2020
Applicant Email Address: michael.kalista@gmail.com

Designation of Agent

(Complete only if owner is not applicant): I hereby appoint the person named as Applicant above as my (our) agent to represent me (us) in this application.

Owner Name: JOHN F. ABESS
Owner Mailing Address: 166 Broad Street, Charleston, SC 29401
Owner Signature:  Date: 18 Sep 2020
Owner Email Address: JFA@ABESS.COM

FOR OFFICE USE ONLY

Application #: _____ Flood Zone: _____
Zoning District: _____ TMS #: _____
Zoning Officer: _____ Date Filed: _____
Method of Payment: Square Cash Check # _____

Special Exception Approval Criteria - §10.10.5

Town of Meggett Board of Zoning Appeals

4776 Highway 165
Meggett, SC 29449
Phone: 843-889-3622
Fax: 843-889-6873
www.townofmeggettsc.org



Please answer the questions below; include the responses with your final application submission.

A. Special Exceptions may be approved only if the Board of Zoning Appeals finds that the proposed use:

1. Is consistent with the recommendations contained in the Town of Meggett Comprehensive Plan and the character of the underlying zoning district, as indicated in the zoning district "Description";

We believe our proposed use, specifically a small base of operations for a remote sustainable oyster farm, is consistent with the recommendations in the Town of Meggett Comprehensive Plan and the character of the underlying zoning district. We view the activity as being an agriculturally associated business having a very small group of employees. We believe the activity is in line with the historic use of land in the surrounding area and is in keeping with the small town, rural aspect of the area. Oyster farming, cultivation and consumption has been a major part of the culture and identity for all of South Carolina's coastal inhabitants. Meggett and Yonges Island have traditionally been places where both the lands and waterways are worked. Both agriculture and seafood have been hand in hand for the area's entire human history. We value the idea that our activity will play a role in continuing this tradition. We will be a small business consisting of only 3 total employees in the beginning years. If successful we can envision possibly having 5 or 6 employees in later years. Our activities are quiet and isolated from neighboring residences. Our impact will be comparable to that of a typical household. The majority of our activity will be on the water in Steamboat Creek where we are permitted for an off-bottom floating oyster farm. On land, our small group of employees will be keeping records, maintaining our equipment, unloading oysters, grading them for size, and either placing them in cold storage or returning them to the farm in Steamboat Creek.

2. Is compatible with existing uses in the vicinity and will not adversely affect the general welfare or character of the immediate community;

Our proposed use is compatible with existing uses in the vicinity. We do not see how it would adversely affect the general welfare or character of the immediate community. The zoning map for The Town of Meggett reveals the immediate vicinity is one with the most diverse range of uses. There are a number of waterfront properties zoned AG, where our activity is allowed by right. Properties also exist that are zoned LIN (a commercial ship builder, Metal Trades, Inc; a commercial shipyard, Stevens Towing Company, Inc) and also a private airport (6364 Simmons Bluff Rd). Thus, the immediate community is proven to be that of mixed uses that still exist in harmony with the small town, rural aspect of the area.

As regards impacting the general welfare or character of the immediate community, oyster farms in general are recognized as positive. They provide a service to the ecosystem and environment as well as to the economy. At the root of this whole venture is the fact that we are conservationists, passionate about the health of our communities, the health of our water-bodies and the health of the environment. Our goal is to provide a positive impact. We want to spend our lives doing something we can be proud of, to make an honest living while we help improve ecosystems, and to produce a beautiful oyster that everyone can be proud of and that honors the traditions of this community.

3. Adequate provision is made for such items as: setbacks, buffering (including fences and/or landscaping) to protect adjacent properties from the possible adverse influence of the proposed use, such as noise, vibration, dust, glare, odor, traffic congestion and similar factors;

Adequate provision will be made to ensure that no adjacent properties will be adversely affected by the proposed use. The area of activity for our operation is adequately setback from adjacent residences see attached Figure 8). Visually, there is a tree line along the driveway to the barn providing privacy. Additionally, there exists natural buffering of attractive trees and plants to provide a green barrier around our activities. Nearly all land based activities will be conducted indoors at an existing barn on site. The attractive barn itself will provide protection from possible noise. The existing structure also allows us to operate without having to construct additional buildings. We expect no offensive odors in association with this activity. A visit of operations for a Colleton County oyster farm confirmed no odors were present as a result of their land based activities. Decibel levels were tested while running the Tumbler (see attached Figure 9) which averaged 87 dB which is comparable to that of a running lawnmower. This piece of machinery is infrequently used and for only 30 minutes at a time in most cases. Aside from the infrequent operation of the tumbler, there should be no other noise heard by neighbors. As regards road traffic, the impact will not exceed that of a typical household. We anticipate three personal vehicles arriving and departing on 5 days a week. If successful, we may eventually acquire a compact cargo van to make deliveries. We have no need for larger vehicles.

4. Where applicable, will be developed in a way that will preserve and incorporate any important natural features;

Our proposed use will be developed in a way that preserves and incorporates natural features. We do not intend to alter any natural features, in fact our activities will actively promote the development of natural oyster reefs which host a score of benefits for the ecosystem in the area. Oysters are ecosystem builders and probably among the most important marine creatures in that they clean the water, provide habitat, control algae and nitrogen levels and protect our coastlines from erosion. There is just one huge problem: oyster populations have lost more than 90% of their historical abundance in North America (according to a 2001 study published in Science by Jeremy Jackson). This resource in South Carolina, which at one time was considered inexhaustible by the oyster industry pioneers of this state, is similarly at risk due to decades of overharvesting, habitat loss, pollution and other factors. We are motivated by this fact that our coastlines are in danger and that oysters can help solve the problem. We can help rebuild wild oyster populations by the sustainable growing of single oysters for food. We only take out what we put in, and leave the wild oysters alone. Additionally, the culled shell that we produce will be returned to the water and our coastlines to act as a substrate for wild oyster spat, which will grow to become new oyster reefs. Those live oysters will strengthen our coastlines, clean our waterways, provide habitat for juvenile fish, shrimp and crabs, and provide a positive ecosystem impact in the area. These are all objectives we hope to promote through our activities at the proposed site.

5. Complies with all applicable rules, regulations, laws and standards of this Ordinance, including but not limited to any use conditions, zoning district standards, or Site Plan Review requirements of this Ordinance; and

Our proposed use will comply with all applicable rules, regulations, laws and standards of this Ordinance.

6. Vehicular traffic and pedestrian movement on adjacent roads shall not be hindered or endangered.

Our proposed use and our activities will not hinder or endanger any vehicular traffic and/or pedestrian movement on adjacent roads. For the first few years, there will only be three of us traveling to and from the proposed location. Afterwards, at full strength, we could increase to 5 or 6 total employees that would come and go five days a week year round. The business will not be open to the public and therefore does not expect to have any public visitors. This makes us confident that vehicular traffic and pedestrian movement will not be hindered.

FOR OFFICE USE ONLY

Received By: _____

Date: _____

Application #: _____

Posted Notice Affidavit

**Town of Meggett
Board of Zoning Appeals**

4776 Highway 165
Meggett, SC 29449
Phone: 843-889-3622
Fax: 843-889-6873
www.townofmeggettsc.org



This Affidavit must be filled out and signed by all owner(s) of the subject parcel(s).

I, JOHN F. ABESS, have reviewed §10.26(2)(B), Posted Notice, on the bottom of this affidavit and understand that a sign(s) will be posted on Parcel Identification Number(s):

159-00-00-106

located at (address): 6357 SIMMONS BLUFF RD

at least fifteen (15) calendar days prior to the public hearing date for which my request is scheduled.

I also understand that once the notice has been posted, the owner(s) of the subject property are responsible for notifying the Zoning/Planning Department in writing if the Posted Notice is removed or damaged prior to the public hearing, meeting or date or action that is subject of the notice. Failure to notify the Zoning/Planning Department in writing of removed or damaged Posted Notice may result in rescheduling of the public hearing and a delay in decision from the decision-making body.

18 Sep 2020

Owner(s) Signature

Date

Owner(s) Signature

Date

Owner(s) Signature

Date

Town of Meggett Zoning & Land Development Regulations Ordinance (ZLDR)

§10.26(2)(B): Posted Notices

When the provisions of this Ordinance state that "Posted Notice" should be provided, the official responsible for accepting the application shall post the notice on the subject property in a manner that makes the notice clearly visible to neighboring residents and passers-by from each public street bordering the subject property. Unless otherwise expressly provided in state statutes or this Ordinance, Posted Notice shall be in place at least 15 calendar days before the public hearing, meeting, or date of action that is the subject of the notice. Once the notice has been posted, the owner(s) of the subject property are responsible for notifying the Planning Department if the Posted Notice is removed or damaged prior to the public hearing, meeting or date of action that is the subject of the notice.

FOR OFFICE USE ONLY

Received By: _____

Date: _____

Application #: _____

Restrictive Covenants Affidavit

Town of Meggett Board of Zoning Appeals

4776 Highway 165
Meggett, SC 29449
Phone: 843-889-3622
Fax: 843-889-6873
www.townofmeggettsc.org



This Affidavit must be filled out and signed by the applicant/owner.

I, Michael Kalista, have researched the restrictive covenants applicable to Parcel Identification Number/s (PID #) 1590000106 located at (address) Lot B - 6357 Simmons Bluff Road, and have found that either there are no restrictive covenants applicable to the subject property/properties or that the proposed application is not contrary to, does not conflict with, and is not prohibited by any of the restrictive covenants, as specified in *South Carolina Code of Laws, §6.29.1145*.

Signature

Date

9/18/2020

Explanation:

Effective July 1, 2007, South Carolina Code of Laws §6.29.1145 requires local governments to inquire in the permit application, or in written instructions provided to the applicant, if a tract or parcel of land is restricted by a recorded covenant that is contrary to, conflicts with or prohibits an activity for which a permit is being sought.

South Carolina Code of Laws §6.29.1145

- (A) In an application for a permit, the local planning agency must inquire in the application or by written instructions to an applicant whether the tract or parcel of land is restricted by any recorded covenant that is contrary to, conflicts with, or prohibits the permitted activity.
- (B) If a local planning agency has actual notice of a restrictive covenant on a tract or parcel of land that is contrary to, conflicts with, or prohibits the permitted activity:
- (1) in the application for the permit;
 - (2) from materials or information submitted by the person or persons requesting the permit; or
 - (3) from any other source including, but not limited to, other property holders, the local planning agency must not issue the permit unless the local planning agency receives confirmation from the applicant that the restrictive covenant has been released for the tract or parcel of land by action of the appropriate authority or property holders or by court order.
- (C) As used in this section:
- (1) 'actual notice' is not constructive notice of documents filed in local offices concerning the property, and does not require the local planning agency to conduct searches in any records offices for filed restrictive covenants;
 - (2) 'permit' does not mean an authorization to build or place a structure on a tract or parcel of land; and
 - (3) 'restrictive covenant' does not mean a restriction concerning a type of structure that may be built or placed on a tract or parcel of land."

FOR OFFICE USE ONLY

Received By: _____

Date: _____

Application #: _____



Town of Meggett
 Zoning and Planning Department
 4776 Highway 165
 Meggett, SC 29449
 843.889.3622

Letter of Intent

Applicant Information

First Name: <u>Michael</u>	Last Name: <u>Kalista</u>
Mailing Address:	<u>46 Poplar Street, Charleston SC 29403</u>
Home/Cell Phone #:	<u>843-425-3828</u>
Email Address:	<u>michael.kalista@gmail.com</u>

Property Information

Address: <u>6357 Simmons Bluff Road, Lot B</u>
Zoning District: <u>AR</u>
Tax Map # / Property Identification #: <u>159 0000 106</u>

Please provide a detailed explanation of your proposed use:

Activities on this property consist of the processing of farm raised oysters. This entails sorting oysters by size and preparing them for wholesale to local restaurants or returning them to the farm. Farm is located in Steamboat Creek, which is near Edisto Island and 8 miles from the property by boat. See attached for detailed explanation of proposed use.

Signature: <u>[Signature]</u>	Date: <u>9/18/2020</u>
-------------------------------	------------------------

OFFICIAL USE ONLY

Zoning District:				Taken in by:
TMS#:				
Home Occupation:	Yes	No	Vacant for more than 2 years:	Yes No
Overlay District:	Yes	No	Name of Overlay District	
Approved:	Yes	No	By:	Date:

Please provide a detailed explanation of your proposed use:

We propose to utilize a remote portion of Lot B at 6357 Simmons Bluff Road (see attached figures 1-5) to conduct a small agricultural business. Special attention will be undertaken to preserve the tranquility of the existing residential-agricultural setting. The agricultural activity is quiet and consists of the Agricultural Processing of oysters. These oysters will arrive from a sustainable floating cage oyster farm located in Steamboat Creek, near Edisto Island, SC (see attached figures 6-7). The oyster farm is located eight miles from the Simmons Bluff Road property by boat. The proposed activities on land are specifically identified below and consist of processing the farm-raised crop of oysters to produce a product for wholesaling. We will have (3) total employees initially. It is possible we may have more employees when fully operational. We do not envision more than (5) total employees even when fully operational. In addition to the existing natural visual beauty serving as a buffer around the proposed site, our activities will be geographically isolated and will not represent a disturbance to neighboring residences (see attached figure 8).

A detailed breakdown of those activities are:

Clerical- The site to serve as a location to keep a basic office with phone, computer, internet and document filing of required records keeping.

Storage- The site to serve as a location to store equipment, necessary tools, and refrigerated storage of harvested oysters for wholesaling.

Dock- Sanders and Kalista will look to secure permit for a dock. Dock intended to function as landing point for commercially harvested oysters, and launching point for farm-bound work boats.

Day-to-Day Operations (outdoor operations are conducted only during daylight thus preserving tranquility of the residential-agricultural area)-

- Record Keeping: all required record keeping will be filed in cabinets within the office of the proposed Yonges Island site.
- Grading and Sorting Oysters: oysters that are brought to land will be sorted by hand or by machine depending on size. Machine sorting is a brief endeavor and occurs only occasionally. Market ready oysters to be separated and bagged in 100 count bags, tagged appropriately per DHEC regulations, and put into refrigerated storage. Oysters to be returned to the farm will be loaded into mesh bags, and loaded onto boat to be returned to the farm to continue growing procedure.
- Equipment Maintenance and Repair: The site will serve as a location where equipment can be properly maintained by hand.
- Shipping: Market ready oysters to be loaded into coolers and sent out for delivery to Charleston and surrounding areas.
- Pollution Control/waste removal: Any waste created by employees during daily operations to be deposited in well maintained trash receptacle with a tight-fitting lid and kept indoors, on site and removed weekly or as often as necessary.
- Wash Down: No chemicals or cleaning detergents to be used during any wash down procedure.
- Shell Recycling: any culled shell produced while grading or sorting oysters to be returned to the water upon completion of task. This shell recycling will provide a substrate for wild oyster larvae to set and begin to grow as juvenile oyster spat and ultimately form new oyster reefs. The promotion of wild oysters will provide a benefit to the local ecosystem in that they clean the water, provide shelter for juvenile fish, shrimp and crabs, and strengthen the shoreline from erosion and storm surge.

Equipment- The following types of equipment to be utilized:

- Tube Sorter- Sanders and Kalista will look to obtain this marine grade aluminum tumbler, sorter and washer designed to eliminate manpower while grading oysters by size. Low power consumption, can run on 1800 watt / 120 volts / single phase power. (See attached, figure 3).

- Electric Pressure Washer- Sanders and Kalista will look to obtain an electric pressure washer to clean off equipment noiselessly relative to a gas-powered unit.

Facilities- The following facilities will be utilized:

- Barn (see attached figures 1 and 2)
- Shed (see attached figure 2)

Figure 1. Barn Rendering

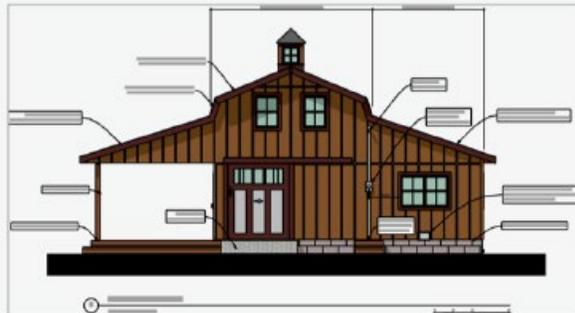
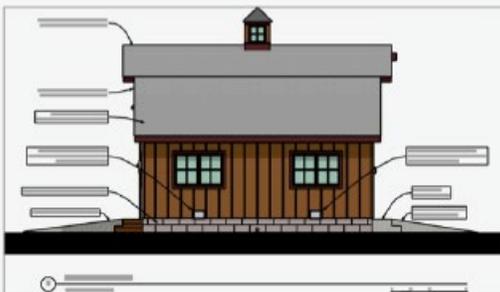
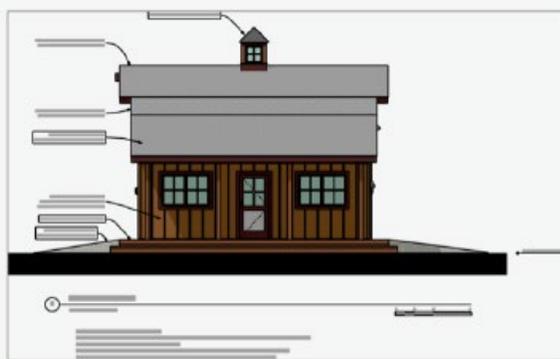
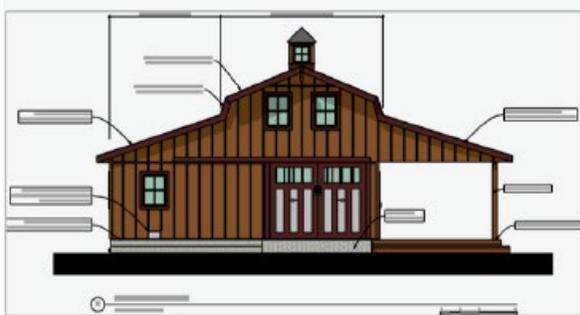


Figure 2. Yonges Island Photos



Barn: South Elevation



View facing ICW



Barn: North Elevation



View of Shed

Figure 3. Yonges Island 6357 Simmons Bluff Road Proposed Site Overhead view

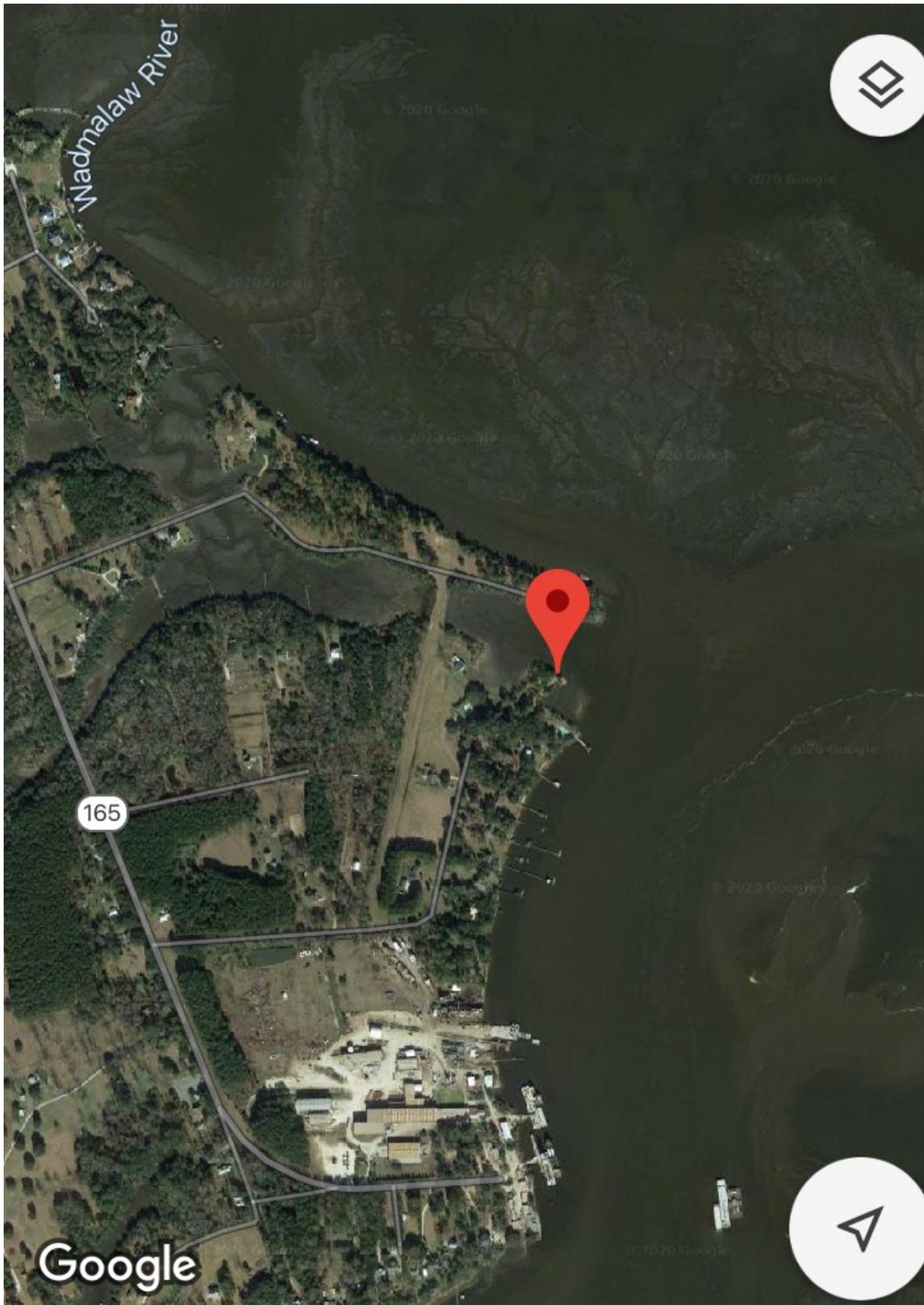


Figure 5. Yonges Island Lot B Plat Close-up of Area to be Utilized for Business

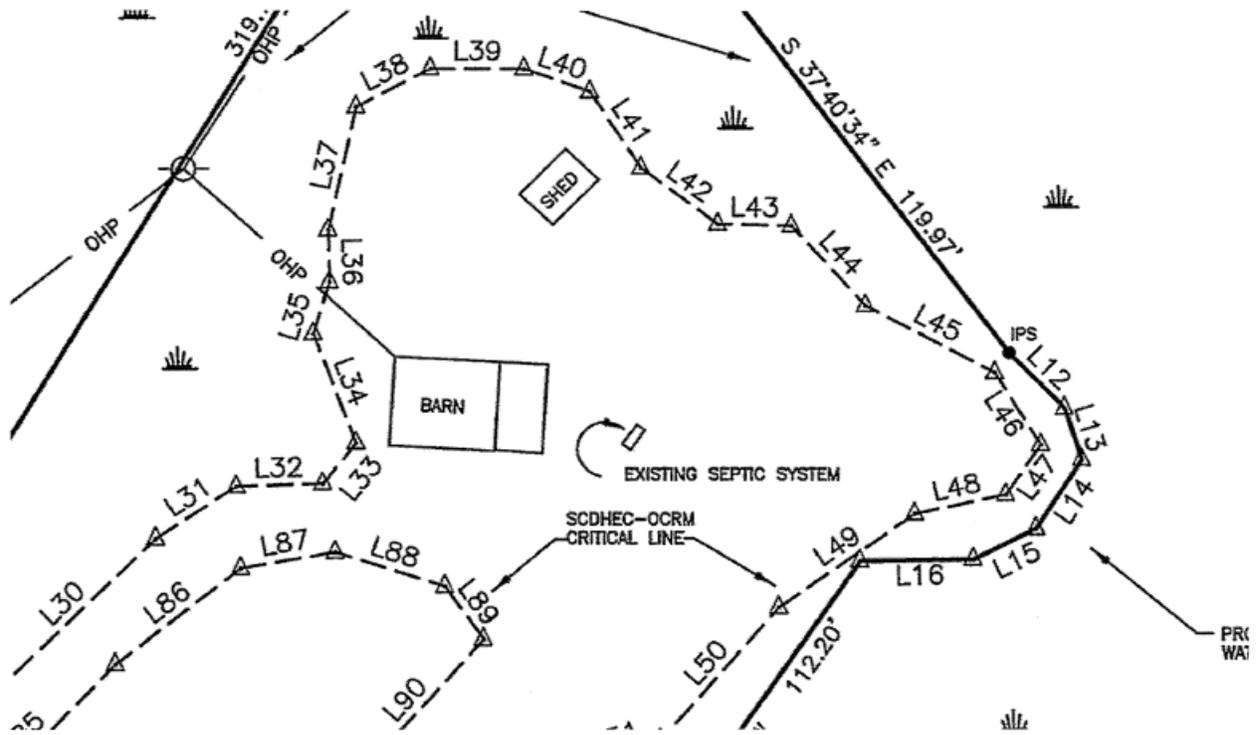


Figure 6. Distance from Proposed Site to Permitted Oyster Farm

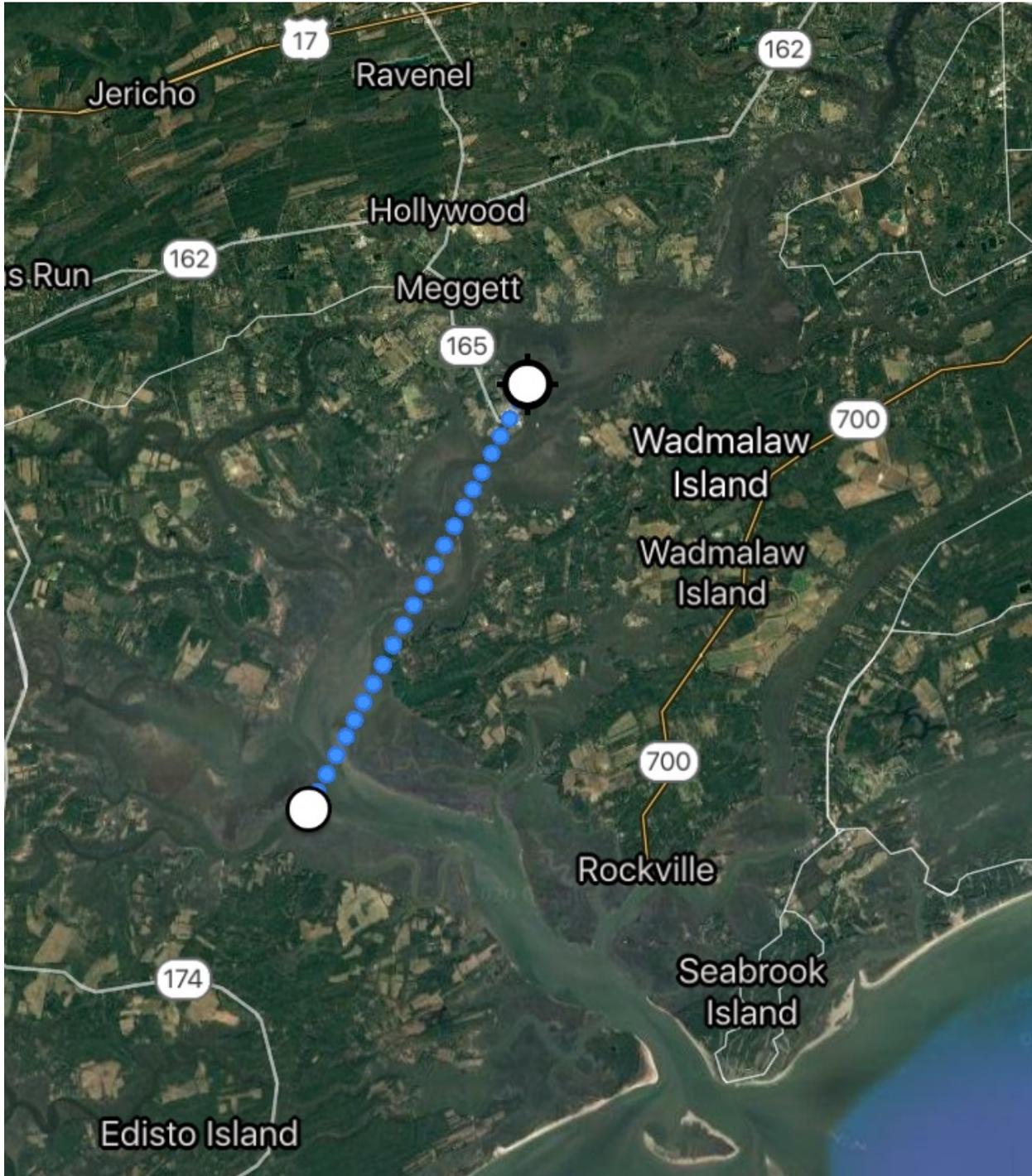


Figure 7. SCDNR Mariculture Permit 703F Map



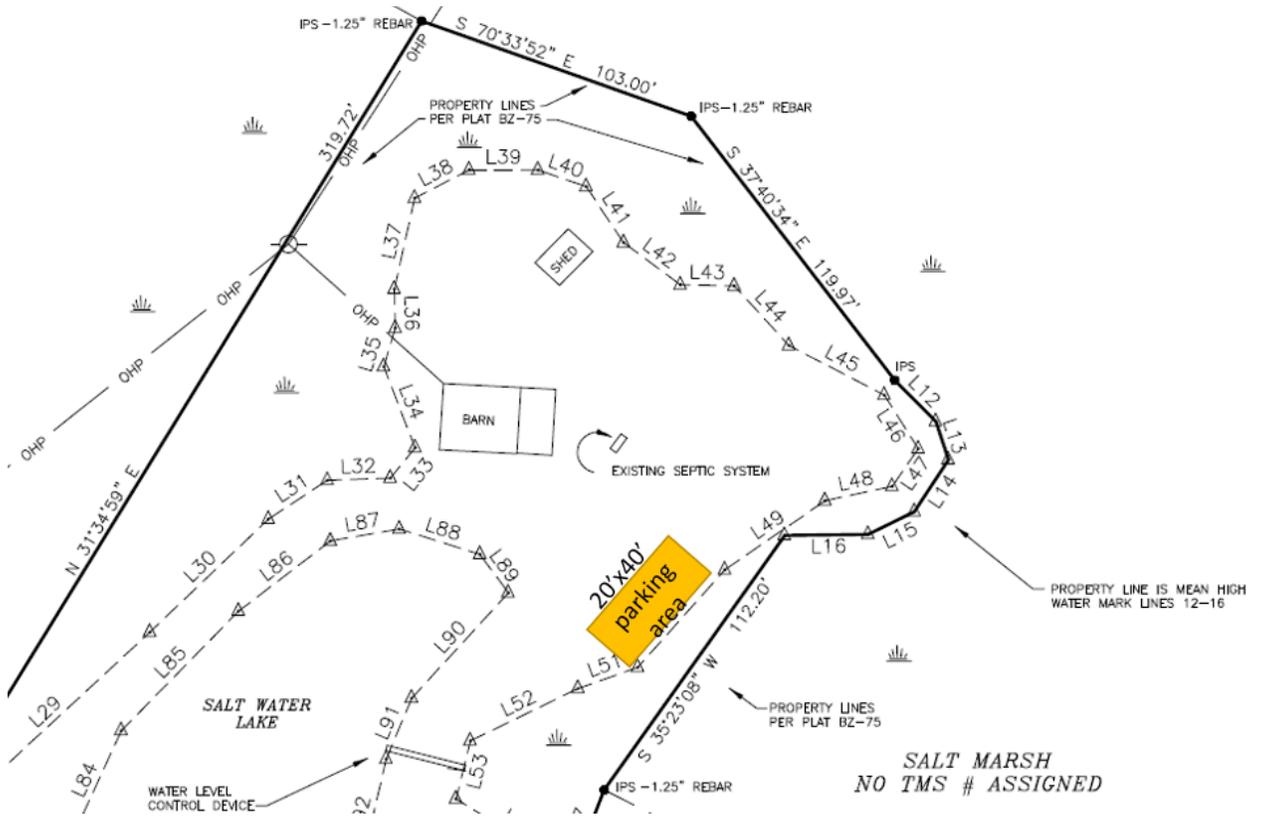
Figure 8. Minimum 500' Distance from Barn to Closest Neighboring Residences



Figure 9. Tumbler, Sorter & Washer



Figure 10. Parking

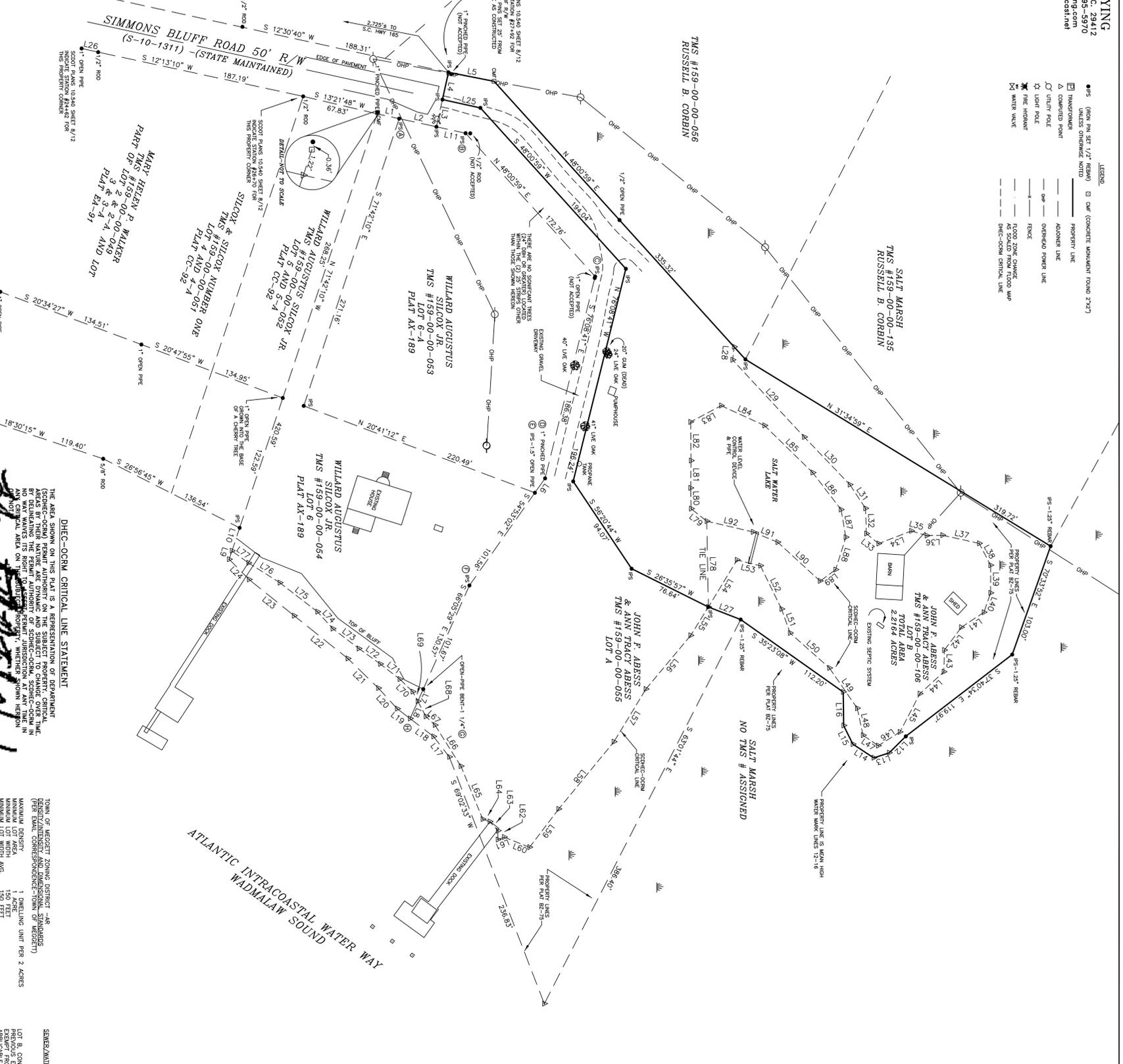


ROBERT FRANK SURVEYING
 1523 MARSH HWY., #208 CHARLESTON, S.C. 29412
 TEL: 803.733.4444 FAX: 803.733.4443
 WEB ADDRESS: www.robertfrank.com
 E-mail: robertfranksurveying@comcast.net



- LEGEND**
- (NON FIN SET 1/2" REAR) ○ (CONCRETE MONUMENT FOUND 2"X2")
 - (UNLESS OTHERWISE NOTED)
 - ▣ (WATERWAY)
 - △ (COMPUTED POINT)
 - (UTILITY POLE)
 - ⊙ (LIGHT POLE)
 - ⊛ (FIRE HYDRANT)
 - ⊞ (WATER VALVE)
 - (PROPERTY LINE)
 - (ADJACENT LINE)
 - (OVERHEAD POWER LINE)
 - (FENCE)
 - (FLOOD ZONE CHANGE AS SHOWN FROM FLOOD MAP)
 - (PNEUMATIC CONTROL LINE)

SEPTEMBER 22, 2014
 REVISED: AUGUST 19, 2020
GRAPHIC SCALE
 (IN FEET)
 1 inch = 50 ft



DHEC-CORM CRITICAL LINE STATEMENT

THE AREA SHOWN ON THIS PLAT IS A REPRESENTATION OF DEPARTMENT OF HIGHWAYS (DHEC) CRITICAL LINE SURVEYING. THE CRITICAL LINE SURVEYING IS THE PROPERTY OWNER'S RESPONSIBILITY. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR OBTAINING THE PRINT AUTHORITY OF SCHEMATIC-CORM IN ANY CRITICAL AREA ON THE PROPERTY. WHETHER SHOWN HEREON OR NOT, THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTION LANGUAGE ABOVE.

Michael Kalista
 MICHAEL KALISTA
 DATE: 08/22/20

TOWN OF WEGGOTT ZONING DISTRICT -AR
 RESIDENTIAL AND DIMENSIONAL STANDARDS
 (PER DEED CORNER EVIDENCE-TOWN OF WEGGOTT)

MINIMUM DISTRICT	1 DWELLING UNIT PER 2 ACRES
MINIMUM LOT WIDTH	150 FEET
MINIMUM SETBACKS	150 FEET
FRONT/STREET SIDE	50 FEET
REAR/SIDE	20 FEET
OPEN SPACE	50% OF LOT
MAXIMUM BUILDING COVER	35% OF LOT

SEWER/WATER NOTES:

LOT B CONTAINS AN EXISTING DWELLING AND/OR HUD UNIT. THE EXISTING DWELLING AND/OR HUD UNIT SHALL BE REMOVED AND THE LOT SHALL BE REDEVELOPED IN ACCORDANCE WITH THE REQUIREMENTS OF THE APPLICABLE STANDARDS.

WATER SUPPLY FOR THIS LOT SHALL BE BY INDIVIDUAL WELL.

LINE TABLE

LINE	BEARING	DISTANCE	LINE	BEARING	DISTANCE
L1	N12°23'53"E	20.11	L47	S34°41'10"W	16.47
L2	N12°23'53"E	34.07	L48	S78°01'02"W	24.70
L3	N72°50'07"W	25.00	L49	S59°51'15"W	43.26
L4	N11°09'27"E	41.47	L50	S70°28'05"W	22.82
L5	S44°53'02"E	15.80	L51	S64°05'03"W	43.12
L6	S66°05'29"E	11.89	L52	S13°53'28"W	21.54
L7	S66°05'29"E	17.01	L53	S68°46'03"E	49.24
L8	S66°05'29"E	7.99	L54	S58°08'22"E	30.10
L9	N71°42'10"W	21.72	L55	S60°15'23"E	62.49
L10	N71°42'10"W	20.94	L56	S50°21'27"E	77.92
L11	S44°53'02"E	20.94	L57	S50°21'27"E	42.56
L12	S18°08'59"E	14.47	L58	S52°31'48"E	24.40
L13	S18°08'59"E	22.38	L59	S21°53'54"W	6.01
L14	S53°19'09"W	18.53	L60	S21°53'54"W	6.01
L15	S53°19'09"W	30.06	L61	N88°16'43"W	7.85
L16	S53°19'09"W	28.37	L62	N88°16'43"W	6.66
L17	S53°19'09"W	14.52	L63	S67°21'57"W	51.33
L18	S47°42'44"W	24.97	L64	S67°21'57"W	43.57
L19	S47°42'44"W	38.05	L65	S43°38'10"W	11.18
L20	S44°11'25"W	61.33	L66	S62°13'51"W	15.42
L21	S38°41'04"W	51.76	L67	S62°13'51"W	9.61
L22	S38°41'04"W	51.76	L68	S41°13'54"W	22.06
L23	S38°41'04"W	54.68	L69	S41°13'54"W	23.63
L24	S38°41'04"W	15.14	L70	S37°50'29"W	17.79
L25	S12°23'48"W	30.93	L71	S37°50'29"W	29.36
L26	S12°23'48"W	11.75	L72	S37°50'29"W	20.32
L27	S83°28'07"E	94.14	L73	S37°50'29"W	42.50
L28	S83°28'07"E	94.14	L74	S37°50'29"W	39.09
L29	N47°14'25"E	58.92	L75	S37°50'29"W	76.92
L30	N47°14'25"E	33.56	L76	S37°50'29"W	17.89
L31	N47°14'25"E	22.72	L77	S37°50'29"W	18.58
L32	N89°11'09"E	14.08	L78	S37°50'29"W	24.52
L33	N89°11'09"E	31.26	L79	S89°13'45"W	34.73
L34	N21°10'50"W	14.50	L80	N89°13'45"W	30.98
L35	N6°48'17"E	13.97	L81	N28°15'22"W	60.26
L36	N01°26'04"W	33.56	L82	N44°29'19"E	41.61
L37	N01°26'04"W	18.29	L83	N60°10'20"E	25.19
L38	S89°50'37"E	24.31	L84	S72°35'05"E	30.41
L39	S71°06'28"E	24.31	L85	S72°35'05"E	17.21
L40	S33°46'26"E	28.40	L86	S72°35'05"E	51.26
L41	S33°46'26"E	28.40	L87	S72°35'05"E	42.51
L42	S53°25'46"E	19.44	L88	S72°35'05"E	22.84
L43	S53°25'46"E	29.08	L89	S72°35'05"E	42.51
L44	S53°25'46"E	29.08	L90	S13°16'55"W	42.51
L45	S53°25'46"E	22.84	L91	S13°16'55"W	42.51
L46	S32°14'47"E	22.84	L92	S13°16'55"W	42.51

A CRITICAL LINE CERTIFICATION SURVEY OF LOT B, TMS #159-00-00-106, LOCATED IN THE TOWN OF MEGGETT, CHARLESTON COUNTY, S.C.

- NOTES**
- TMS #159-00-00-106 JOHN F. ABESS & ANN TRACY ABESS
 - IRON PIPES FOUND AT ALL CORNERS UNLESS OTHERWISE SHOWN.
 - LOCATED IN FLOOD HAZARD ZONE AB MINIMUM ELEVATION 12 FEET FROM LOWEST ADJACENT TIDE SURFACE (FEMA INDEX DATED FEB 7 2006).
 - DEED REFERENCE: BOOK N152 PAGE #149019(060830-0).
 - PLAT REFERENCE: BOOK L15 PAGE 0206.
 - EVERYTHING SHOWN OUTSIDE OF THE SOLID BOLD BOUNDARY OF THIS SURVEY IS FOR DESCRIPTIVE PURPOSES ONLY.
 - SURVEY REQUESTED BY MICHAEL KALISTA.

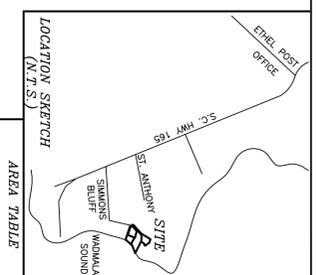
GENERAL PROPERTY SURVEY

NOTE: THIS PLAT DOES NOT CONSTITUTE AN OFFICIAL SURVEY OF THE PROPERTY. THE SURVEYOR'S RESPONSIBILITY IS TO PROVIDE AN ACCURATE REPRESENTATION OF THE PROPERTY AS SHOWN ON THIS PLAT. THE PROPERTY OWNER IS RESPONSIBLE FOR OBTAINING THE PRINT AUTHORITY OF SCHEMATIC-CORM IN ANY CRITICAL AREA ON THE PROPERTY. WHETHER SHOWN HEREON OR NOT, THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE DATE OF THIS SIGNATURE, SUBJECT TO THE CAUTION LANGUAGE ABOVE.

APPROVAL AND RECORDING STAMPS:

- SOUTH CAROLINA PROFESSIONAL LAND SURVEYOR NO. 20463 ROBERT FRANK
- ROBERT FRANK SURVEYING INC. NO. C02250

APPROVED BY: MICHAEL KALISTA



AREA TABLE

LOT B AREA
 2.2164 ACRES
 HIGH-1.3915 ACRES
 MARSH-0.8389 ACRES
 LAKE-0.2861 ACRES