



**CHESAPEAKE BAY PRESERVATION AREA BOARD
VIRGINIA BEACH, VIRGINIA**

July 8, 2021

Chair of the Chesapeake Bay Preservation Area (CBPA) Board, Mr. Jester called to order the CBPA Board Public Hearing at City Council Chambers, City Hall Building, Virginia Beach Municipal Center, on Thursday, July 8, 2021, 2021 at 10:00 a.m.

The first order of business was to approve the finding and variance conditions of the June 7, 2021 CBPA Board Public Hearing. A motion was made by Mr. Jones and seconded by Mr. Wallace to approve the findings and variance conditions. All present voted for the motion accordingly. This vote also serves as the official roll call for this meeting.

BOARD ACTION: THE CBPA BOARD VOTED TO APPROVE THE JUNE 7, 2021 FINDINGS AND VARIANCE CONDITIONS ON JULY 8, 2021 AS FOLLOWS.

YES	5	NO	0	ABSTAIN	2	ABSENT	1
BARRETT-MCDANIELS				ABSTAIN			
BURNETTE				ABSTAIN			
FRANCE				YES			
JESTER				YES			
JONES				YES			
STEIER				YES			
WALLACE				YES			
YOUNG				ABSENT			

All CBPA Board Members present voted as above with Ms. Young, who was present during the informal session being absent from the July 8, 2021 CBPA Board public hearing.



Property Owner & Applicant **Charis Properties, LLC**
 Address **465 Goodspeed Road**
 Public Hearing **July 8, 2021**
 City Council District **Lynnhaven**

Agenda
Item
1

Parcel GPIN: 2419-41-8184
Accela Record: 2021-CBPA-00003
Applicant’s Agent: Billy Garrington - Governmental Permitting Consultants
CBPA Board Action: APPLICATION WITHDRAWN ON JULY 8, 2021

Billy Garrington appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Jones, seconded by Mr. France to withdraw this application. All voted for the motion.

AYE 7 NO 0 ABSTAIN 0 ABSENT 1

BARRETT-MCDANIELS	YES
BURNETTE	YES
FRANCE	YES
JESTER	YES
JONES	YES
STEIER	YES
WALLACE	YES
YOUNG	ABSENT



Property Owner & Applicant **Melanie Haga & Ryan Dunlap**
Address **1028 Michaelwood Drive**
Public Hearing **July 8, 2021**
City Council District **Lynnhaven**

Agenda
Item

2

Parcel GPIN: 1488-55-3453
Accela Record: 2021-CBPA-00023
Applicant's Agent: Beth Anne Campbell - MidAtlantic Surveying and Land Design
CBPA Board Action: APPROVED WITH 18 CBPA VARIANCE CONDITIONS ON JULY 8, 2021

The Chesapeake Bay Preservation Area Board variance request was granted with the following reasonable and appropriate conditions offered towards preventing the variance from causing or contributing to a degradation of water quality as provided in the Staff report, based on the following findings, as required in Section 110(H) of the CBPA Ordinance:

Board's Findings:

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated because most of the residential development along Michaelwood Drive occurred in the early 1960's with many of the homes containing pools, patios, walking paths to the waters, etc.
- 2) This variance request is not based upon conditions or circumstances that are or have been created or imposed by the applicant or predecessor in title because the site as platted was inherently inside what is now known as the Chesapeake Bay Buffer area.
- 3) The variance is the minimum necessary to afford relief as deliberated by the Board and conditioned with this variance to the CBPA Ordinance.
- 4) The variance is in harmony with the purpose and intent of this Ordinance and not injurious to the neighborhood, not of substantial detriment to water quality, or otherwise detrimental to the public welfare because the retention of the natural shoreline coupled with the creation of a riparian buffer ecosystem within the 50-foot seaward buffer will provide water quality benefits by slowing runoff velocities and allowing sediment and attached pollutants to infiltrate prior to discharge into the adjacent waterways.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load the implementation of erosion and sediment control measure, stormwater management practices being introduced on the lot and situating the proposed improvements in an area currently devoted to turf offers merit towards the proposed improvements being a no net increase in nonpoint source pollution load.

Board Conditions:

- 1) The maximum impervious cover of the lot above water and wetlands shall not exceed 12,500 square feet or 30 percent.
- 2) All proposed improvements, exclusive of the stepped wood walkway to dock shall be landward of the 50-foot seaward buffer.
- 3) A Single-Family RPA Site Plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
- 4) Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
- 5) Buffer restoration shall be installed equal to 4,892 square feet. Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **9 canopy trees, 9 understory trees, 18 large shrubs, and 27 small shrubs.**

The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of approximately 50 percent deciduous and 50 percent evergreen species and shall be evenly distributed within the RPA buffer. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five-foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

- 6) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
- 7) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 8) Land disturbance shall be limited to the area necessary to provide for the proposed use or development. Said areas of land disturbance shall be quantified on revised site plan submittals.

- 9) The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. **Said areas shall be quantified as land disturbance if not occurring on a paved or graveled surface.**
- 10) Wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Along the seaward portion of the project the required silt fence shall be installed 10 feet from improvements.
- 11) Construction limits along the seaward portion of the project shall lie a maximum of 10 feet seaward of improvements.
- 12) Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline (**to the greatest extent practicable**) of any tree or stand of trees to be preserved. These protective barriers shall remain erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- 13) For all trees to be preserved outboard of the limits of construction that are encroached upon, replacement of existing vegetation shall be provided at a 3 to 1 ratio for all unauthorized (damaged or removed) vegetation impacts.
- 14) Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
- 15) Under deck treatment of sand and gravel shall be installed under all wood walkways and landings.
- 16) ** As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$785.81 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall be utilized solely for activities that support the restoration or enhancement of oyster habitats in the City's watersheds, including oyster reefs, oyster beds, or similar activities that are directly related to restoration or enhancement of oyster habitat in the City.
- 17) It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.
- 18) The conditions and approval associated with this variance are based on the exhibit plan dated March 18, 2021, prepared by MidAtlantic Surveying and Land Design, signed March 21, 2021 by Beth Anne G. Campbell. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board. Deviation from said conditions during site plan review may require re-submittal for Board consideration.

Beth Anne Campbell of MidAtlantic Surveying and Land Design appeared before the Board representing the applicant.

As an item on the consent agenda, a motion was made by Mr. Wallace, seconded by Mr. Jones, to approve the variance with a modification made to condition 5 for buffer restoration to be installed at 4,892 square feet in-lieu of the 3,429 square feet as recommended in the Staff report. All present voted for the motion.

AYE	7	NO	0	ABSTAIN	0	ABSENT	1
BARRETT-MCDANIELS				YES			
BURNETTE				YES			
FRANCE				YES			
JESTER				YES			
JONES				YES			
STEIER				YES			
WALLACE				YES			
YOUNG				ABSENT			



Property Owner & Applicant **Scott & Kelly Polinkas**
Address **3428 Misty Place**
Public Hearing **July 8, 2021**
City Council District **Lynnhaven**

Agenda
Item

3

Parcel GPIN: 1488-67-8184
Accela Record: 2021-CBPA-00040
Applicant's Agent: Self-represented
CBPA Board Action: APPROVED WITH 5 CBPA VARIANCE CONDITIONS ON JULY 8, 2021

The Chesapeake Bay Preservation Area Board variance request was granted with the following reasonable and appropriate conditions offered towards preventing the variance from causing or contributing to a degradation of water quality as provided in the Staff report, based on the following findings, as required in Section 110(H) of the CBPA Ordinance:

Board's Findings:

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated because the new construction is consistent with existing property improvements of other owners of property in the CBPA.
- 2) This variance request is not based upon conditions or circumstances that are or have been created or imposed by the applicant or predecessor in title because the house was built 24 years prior to the enactment of the Chesapeake Bay Preservation Act and the area to be improved has been unmodified since.
- 3) The variance is the minimum necessary to afford relief because the project is utilizing as much existing impervious cover as possible for a net 313 square foot increase.
- 4) The variance is in harmony with the purpose and intent of this Ordinance and not injurious to the neighborhood, not of substantial detriment to water quality, or otherwise detrimental to the public welfare because nearly 50% of the area to be covered is already impervious. The remaining area is hard-packed, moss-covered ground that provides little run-off adsorption. The additional vegetation to be planted will provide a substantially better benefit to water quality than what currently exists.
- 5) Planting of trees and other vegetation will offset the increase in impervious cover as a means to manage towards a no net increase in nonpoint source pollution load.

Board Conditions:

- 1) The conditions and approval associated with this variance are based on the exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the

Board. Said exhibit and conditions shall be submitted to the Department of Planning, Zoning Division for review and approval prior to the issuance of a building permit. The Zoning Division and/or Permits and Inspections may require additional information that may affect the release of a building permit.

- 2) Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **313 square feet x 200 percent = 626 square feet.**

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **2 canopy trees, 4 understory trees and 6 small shrubs.**

The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of approximately 50 percent deciduous and 50 percent evergreen species and shall be evenly distributed within the RPA buffer. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five-foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

- 3) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 4) Construction limits along the seaward portion of the project shall lie a maximum of 10 feet seaward of improvements.
- 5) For all trees to be preserved outboard of the limits of construction that are encroached upon, replacement of existing vegetation shall be provided at a 3 to 1 ratio for all unauthorized (damaged or removed) vegetation impacts.

As an item on the consent agenda, a motion was made by Mr. Wallace, seconded by Mr. Jones to approve the variance with the variance conditions as provided in the Staff report. All present voted for the motion.

AYE	7	NO	0	ABSTAIN	0	ABSENT	1
BARRETT-MCDANIELS				YES			
BURNETTE				YES			
FRANCE				YES			
JESTER				YES			
JONES				YES			
STEIER				YES			
WALLACE				YES			
YOUNG				ABSENT			



Property Owner & Applicant **Lionel N. Jacob**
Address **446 Discovery Road**
Public Hearing **July 8, 2021**
City Council District **Lynnhaven**

Agenda
Item

4

Parcel GPIN: 2419-51-8757
Accela Record: 2021-CBPA-00039
Applicant's Agent: Billy Garrington - Governmental Permitting Consultants
CBPA Board Action: APPROVED WITH 13 CBPA VARIANCE CONDITIONS ON JULY 8, 2021

The Chesapeake Bay Preservation Area Board variance request was granted with the following reasonable and appropriate conditions offered towards preventing the variance from causing or contributing to a degradation of water quality as provided in the Staff report, based on the following findings, as required in Section 110(H) of the CBPA Ordinance:

Board's Findings:

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated because the applicant's desire to redevelop this lot with the integration of retaining walls to help slow the velocity and infiltrate stormwater run-off from adjacent impervious covers through a series of terraced planted areas does not provide a convenience to the applicant given the existing topographic relief along this portion of Discovery Road.
- 2) The variance request is not based upon conditions or circumstances that are or have been created or imposed by the applicant or predecessor in title because the lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore portions of this property are within the RPA.
- 3) The variance is the minimum necessary to afford relief because the proposed improvements show an overall retreat of impervious surface in the RPA while also reducing the amount of impervious surface. In this regard, the proposed improvements are in the most logical locations and are a minimum amount to gain usable space within their lot.
- 4) The applicants request requires no tree removal and this request will require the establishment of additional vegetation within the buffer to help address runoff from the proposed improvements. Therefore the Board is of the opinion that this request will not be injurious to the neighborhood and with the addition of vegetation, will not be a detriment to water quality as the applicant is mitigating impacts within the buffer to help with the increase in runoff generated by the proposed improvements. The proposed request is not expected to be injurious to the public welfare and is not of substantial detriment of water quality.

- 5) Landscaping will be installed to mitigate the impact of impervious surfaces within the RPA Buffer, the proposed patio and retaining walls will aid in slowing the velocity of stormwater leaving the site while the proposed landscaping will help absorb runoff, and the applicant has submitted a conceptual landscape plan that is consistent with the Riparian Buffers Modification and Mitigation Manual and identifies an appropriate quantity of canopy trees, understory trees, and shrubs within the RPA Buffer as a means to manage towards a no net increase in nonpoint source pollution load.

Board Conditions:

- 1) A Single-Family RPA Site Plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
- 2) Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
- 3) Buffer restoration shall be installed equal to 1,200 square feet. Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance to the greatest extent practicable.

The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five-foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

- 4) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
- 5) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 6) The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. **Said areas shall be quantified as land disturbance if not occurring on a paved or graveled surface.**
- 7) Wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Along the seaward portion of the project the required silt fence shall be installed 10 feet from improvements.

- 8) Construction limits along the seaward portion of the project shall lie a maximum of 10 feet seaward of improvements.
- 9) Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline (**to the greatest extent practicable**) of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- 10) For all trees to be preserved outboard of the limits of construction that are encroached upon, replacement of existing vegetation shall be provided at a 3 to 1 ratio for all unauthorized (damaged or removed) vegetation impacts.
- 11) Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
- 12) The conditions and approval associated with this variance are based on the exhibit plan dated June 1, 2021, prepared by Painted Fern Landscape Architecture, signed June 1, 2021 by Jessica Nelson. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board.
- 13) The portion of the proposed patio and steps located in the 50-foot seaward buffer shall be removed or relocated to the 50-foot landward buffer of the Resource Protection Area (RPA).

Billy Garrington appeared before the Board representing the applicant.

As an item on the consent agenda, a motion was made by Mr. Wallace, seconded by Mr. Jones, to approve the variance as modified with the addition of condition 13 to the recommended conditions in the Staff report. All present voted for the motion.

AYE	7	NO	0	ABSTAIN	0	ABSENT	1
BARRETT-MCDANIELS				YES			
BURNETTE				YES			
FRANCE				YES			
JESTER				YES			
JONES				YES			
STEIER				YES			
WALLACE				YES			
YOUNG				ABSENT			



Property Owner & Applicant **Douglas & Mary Elizabeth Law**
Address **3300 Regent Park Walk**
Public Hearing **July 8, 2021**
City Council District **Lynnhaven**

Agenda
Item

5

Parcel GPIN: 1498-06-0225
Accela Record: 2021-CBPA-00038
Applicant's Agent: Billy Garrington - Governmental Permitting Consultants
CBPA Board Action: APPROVED WITH 12 CBPA VARIANCE CONDITIONS ON JULY 8, 2021

The Chesapeake Bay Preservation Area Board variance request was granted with the following reasonable and appropriate conditions offered towards preventing the variance from causing or contributing to a degradation of water quality as provided in the Staff report, based on the following findings, as required in Section 110(H) of the CBPA Ordinance:

Board's Findings:

- 1) Granting this variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated because granting a variance request in this circumstance would not confer privileges to the applicant which have been denied to other property owners within the CBPA Overlay District in this area.
- 2) This variance request is not based upon conditions or circumstances that are or have been created or imposed by the applicant or predecessor in title because the applicant's agent that this lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore portions of this lot fall within the RPA.
- 3) The variance is the minimum necessary to afford relief because the 100-foot RPA and Variable Width Buffer encumbers a majority of the lot and the proposed placement is due to the limiting factor of the Top of Bank behind their home, which all improvements remain landward of. Moving the wall would limit the amount of usable space behind the home and the 100 square foot shed is located in an area where no trees will need to be removed. In that regard, the proposed improvements are in the most logical locations.
- 4) The variance is in harmony with the purpose and intent of this Ordinance and not injurious to the neighborhood, not of substantial detriment to water quality, or otherwise detrimental to the public welfare because the Board is of the opinion that the proposed changes with this variance request have taken means to minimize impacts in the RPA, including keeping all improvements above the top of bank, no proposed tree removals, and enhanced buffer plantings to aid in the capture of runoff. The applicant is also proposing 838 square feet of buffer restoration instead of the required 828 square feet. This project provides additional benefits to the water quality of the Chesapeake Bay given there are no proposed tree removals and the applicant is proposing to plant more than required.

- 5) As a means to manage towards a no net increase in nonpoint source pollution load landscaping will be installed to mitigate the impact of the additional impervious surface within the RPA Buffer, the proposed retaining wall should aid in slowing the velocity of stormwater leaving the site while the proposed landscaping will help absorb runoff, and the applicant has submitted a conceptual landscape plan that is consistent with the Riparian Buffers Modification and Mitigation Manual that identifies an appropriate quantity of canopy trees, understory trees, and shrubs within the RPA Buffer.

Board Conditions:

- 1) A Single-Family RPA Site Plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
- 2) Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
- 3) Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **414 square feet x 200 percent = 828 square feet.**

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **2 canopy trees, 4 understory trees, 0 large shrubs, and 6 small shrubs.**

The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of approximately 50 percent deciduous and 50 percent evergreen species and shall be evenly distributed within the RPA buffer. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five-foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

- 4) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
- 5) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.

- 6) Land disturbance shall be limited to the area necessary to provide for the proposed use or development. Said areas of land disturbance shall be quantified on revised site plan submittals.
- 7) The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. **Said areas shall be quantified as land disturbance if not occurring on a paved or graveled surface.**
- 8) Wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be installed prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fence shall be installed as delineated per the CBPA Variance Exhibit.
- 9) Construction limits shall be contained within the limits of the delineated silt fence per the CBPA Variance Exhibit. **All areas outside limits of construction shall be left in a natural state to include the forest floor (leaf litter) left intact. Said condition shall be so noted on the site plan. – or - Within the RPA, exclusive of limits of construction, areas of existing landscaped beds, trees, areas of existing leaf litter or forest floor, and other naturalized areas, such as shoreline vegetation, may not be removed.**
- 10) Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
- 11) Gravel downspout intercepts and/or gravel dripline intercepts shall be provided as a means of erosion and sediment control for stormwater run-off from the proposed improvements.
- 12) The conditions and approval associated with this variance are based on the exhibit plan dated 06/01/2020, prepared by Painted Fern Landscape Architecture, signed 06/01/2020 by Jessica Nelson. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board. Deviation from said conditions during site plan review may require re-submittal for Board consideration.

Billy Garrington appeared before the Board representing the applicant.

As an item of the consent agenda, a motion was made by Mr. Wallace, seconded by Mr. Jones, to approve the variance with the variance conditions as provided in the Staff report. All present voted for the motion.

AYE	7	NO	0	ABSTAIN	0	ABSENT	1
BARRETT-MCDANIELS				YES		JONES	YES
BURNETTE				YES		STEIER	YES
FRANCE				YES		WALLACE	YES
JESTER				YES		YOUNG	ABSENT