



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

October 4, 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 Monday, October 4, 2021 at 10:00 a.m.

The first order of business was to approve the findings and variance conditions of the September 9, 2021 CBPA Board Public Hearing. A motion was made by Mr. Jones and seconded by Mr. Burnette 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 SEPTEMBER 9, 2021 FINDINGS AND VARIANCE CONDITIONS ON OCTOBER 4, 2021 AS FOLLOWS.

YES	9	NO	0	ABSTAIN	0	ABSENT	0
BARRETT-MCDANIELS				YES			
BURNETTE				YES			
FRANCE				YES			
JESTER				YES			
JONES				YES			
MCCUNE				YES			
STEIER				YES			
WALLACE				YES			
YOUNG				YES			

All CBPA Board Members present voted as above.



Applicant & Property Owner **Timothy D. Siviter**
 Address **2220 Leeward Shore Drive**
 Public Hearing **October 4, 2021**
 City Council District **Lynnhaven**

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Parcel GPIN: 2409-19-8659
Accela Record: 2021-CBPA-00059
Applicant's Agent: Billy Garrington - Governmental Permitting Consultants
CBPA Board Action: DEFERRED AT THE OCTOBER 4, 2021 CBPA BOARD PUBLIC HEARING TO THE MONDAY, NOVEMBER 1, 2021 CBPA BOARD PUBLIC HEARING.

A motion was made by Mr. Jones, seconded by Mr. Burnette, to defer the variance request to the November 1, 2021 CBPA Board Public Hearing. All present voted for the motion

AYE	9	NO	0	ABSTAIN	0	ABSENT	0
BARRETT-MCDANIELS	YES					MCCUNE	YES
BURNETTE	YES					STEIER	YES
FRANCE	YES					WALLACE	YES
JESTER	YES					YOUNG	YES
JONES	YES						



Applicant & Property Owner **Joel R. & Emily C. Nied**
 Address **1308 Kildeer Court**
 Public Hearing **October 4, 2021**
 City Council District **Lynnhaven**

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Parcel GPIN: 2418-30-6917
Accela Record: 2021-CBPA-00054
Applicant’s Agent: Robert Simon - Waterfront Consulting, LLC.
CBPA Board Action: DEFERRED AT THE OCTOBER 4, 2021 CBPA BOARD PUBLIC HEARING TO THE MONDAY, DECEMBER 6, 2021 CBPA BOARD PUBLIC HEARING.

A motion was made by Mr. Jones, seconded by Mr. Burnette, to defer the variance request to the December 6, 2021 CBPA Board Public Hearing. All present voted for the motion.

AYE	9	NO	0	ABSTAIN	0	ABSENT	0
BARRETT-MCDANIELS	YES				MCCUNE	YES	
BURNETTE	YES				STEIER	YES	
FRANCE	YES				WALLACE	YES	
JESTER	YES				YOUNG	YES	
JONES	YES						



Applicant & Property Owner **William & Louise Donigan**
 Address **452 Discovery Road**
 Public Hearing **October 4, 2021**
 City Council District **Lynnhaven**

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Parcel GPIN: 2419-51-6852
Accela Record: 2021-CBPA-00057
Applicant's Agent: Billy Garrington - Governmental Permitting Consultants
CBPA Board Action: DEFERRED AT THE OCTOBER 4, 2021 CBPA BOARD PUBLIC HEARING TO THE MONDAY, NOVEMBER 1, 2021 CBPA BOARD PUBLIC HEARING.

Staff read into record one letter of opposition submitted via email. The letter of opposition was received from Tim and Susan Murphy, residents at 505 Susan Constant Drive.

A motion was made by Mr. Jones, seconded by Mr. Burnette, to defer the variance request to the November 1, 2021 CBPA Board Public Hearing. All present voted for the motion.

AYE	9	NO	0	ABSTAIN	0	ABSENT	0
BARRETT-MCDANIELS	YES					MCCUNE	YES
BURNETTE	YES					STEIER	YES
FRANCE	YES					WALLACE	YES
JESTER	YES					YOUNG	YES
JONES	YES						



Applicant & Property Owner **Kathleen M. Blough**
Address **1841 Windy Ridge Point**
Public Hearing **October 4, 2021**
City Council District **Lynnhaven**

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Parcel GPIN: 2409-62-0551
Accela Record: 2021-CBPA-00058
Applicant's Agent: Billy Garrington - Governmental Permitting Consultants
CBPA Board Action: APPROVED WITH 16 CBPA VARIANCE CONDITIONS ON OCTOBER 4, 2021 AS AMMENDED FROM THE STAFF REPORT.

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 property was platted in 1954 prior to the Chesapeake Bay Preservation Act and the proposed improvements are in keeping with the development of the neighborhood and adjacent parcels.
- 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 lot was originally platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance. As such, the CBPA buffers cover over 85 percent of this lot.
- 3) The variance is the minimum necessary to afford relief because the proposed improvements are situated in an area that does not require the removal of existing vegetation and in an area that is best situated given the existing topography of the lot.
- 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 proposed improvements are in keeping with the development of the neighborhood and adjacent parcels, and if approved, the proposed redevelopment will be required to increase the stormwater treatment between the improvements and the river.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load additional bioretention stormwater management and buffer restoration will be placed between the improvements and the waterway to recapture and treat runoff prior to discharging into the river. In addition, a living shoreline will be installed.

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) The conditions of the existing Chesapeake Bay Preservation Area (CBPA) variance, specifically the required buffer restoration and stormwater management facilities shall be documented on the revised site plan. Documentation shall describe the health and functionality of said requirements. Prior restoration requirements shall be installed if not present.
- 3) 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.
- 4) **1,126** square feet of buffer restoration shall be installed on the lot with 580 square feet of the 1,126 square feet installed as depicted by the CBPA Exhibit provided for the CBPA Variance request. 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 consisting of **3 canopy trees, 3 understory trees, 6 large shrubs, and 9 small shrubs.**

The required restoration 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. 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.

- 5) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
- 6) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 7) 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.
- 8) 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.**
- 9) 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 5 feet from improvements.

- 10) Construction limits along the seaward portion of the project shall lie a maximum of 5 feet seaward of improvements. **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.**
- 11) 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.
- 12) 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.
- 13) No perimeter fill, other than the minimum necessary to facilitate positive drainage away from the proposed improvements is authorized outboard or seaward of the proposed improvements.
- 14) This variance and associated conditions **are in addition to** the conditions of the Board variance granted February 28, 2005 with the exception of condition 9 from said 2005 variance.
- 15) The conditions and approval associated with this variance are based on the exhibit plan dated June 21, 2021, prepared by WPL, signed September 1, 2021 by Eric A. Garner. 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.
- 16) A living shoreline shall be installed in substantial compliance with the CBPA Exhibit, sheet C-3.0, Site Improvement Plan dated June 21, 2021.

Billy Garrington of Governmental Permitting Consultants, representing the applicant of the property located at 1841 Windy Ridge Point, appeared before the Board.

A motion was made by Mr. Jones, seconded by Mr. Wallace, to approve the variance with the variance conditions as provided in the Staff report. All present voted for the motion.

AYE	9	NO	0	ABSTAIN	0	ABSENT	0
BARRETT-MCDANIELS	YES					MCCUNE	YES
BURNETTE		YES				STEIER	YES
FRANCE		YES				WALLACE	YES
JESTER		YES				YOUNG	YES
JONES		YES					



Applicant & Property Owner Ron Tesnow Address 3004 Island Lane Public Hearing October 4, 2021 City Council District Lynnhaven	Agenda Item 5
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Parcel GPIN: 1499-17-4498
Accela Record: 2021-CBPA-00060
Applicant's Agent: Billy Garrington - Governmental Permitting Consultants
CBPA Board Action: DEFERRED AT THE OCTOBER 4, 2021 CBPA BOARD PUBLIC HEARING TO THE MONDAY, DECEMBER 6, 2021 CBPA BOARD PUBLIC HEARING.

A motion was made by Mr. Jones, seconded by Mr. Burnette, to defer the variance request to the December 6, 2021 CBPA Board Public Hearing. All present voted for the motion.

AYE	9	NO	0	ABSTAIN	0	ABSENT	0
BARRETT-MCDANIELS	YES					MCCUNE	YES
BURNETTE	YES					STEIER	YES
FRANCE	YES					WALLACE	YES
JESTER	YES					YOUNG	YES
JONES	YES						



Applicant & Property Owner **Jason & Jaclyn Barnes**
Address **1502 Duke of Windsor Road**
Public Hearing **October 4, 2021**
City Council District **Lynnhaven**

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Parcel GPIN: 2418-06-2743
Accela Record: 2021-CBPA-00061
Applicant's Agent: Billy Garrington - Governmental Permitting Consultants
CBPA Board Action: APPROVED WITH 16 CBPA VARIANCE CONDITIONS ON OCTOBER 4, 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 encroachment request is like existing improvements on adjacent lots. The Board is of the opinion that the recommended conditions in this Staff report provides merit towards the variance request not conferring special privileges to this applicant.
- 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 subdivision was recorded many years prior to the adoption of the bay act and as a result, every waterfront home is significantly impacted by the ordinance. Since the enactment in 1991, numerous homes have made similar variance requests and been granted so the approval of this request will no way confer any special privilege to the current owners.
- 3) The variance is the minimum necessary to afford relief because the specific conditions of the lot warrant an analysis of the proposed improvements to the access of the site, associated land disturbance to construct the proposed improvements, location within the RPA buffer of the proposed improvements and mitigation measures provided to enhance water quality. As such, the recommended conditions associated with this Staff report provide a means for the variance request to be in harmony with the intent of 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 purpose and intent of the ordinance is water quality, to prevent pollution of the bay as a result of non-point source pollution. Most of these homes currently have no storm water treatment on site. As a result of this variance request, the owner will

install bioretention beds and buffer restoration in areas currently devoted to turf and even off-site treatment via the Lynnhaven Oyster Heritage Program, all to benefit water quality.

- 5) Strict erosion and sedimentation control measures do more to halt non-point source pollution, stock piling materials on existing hard surfaces, single point access way and revegetating any denuded areas all help to limit pollution from entering the adjacent waters 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) The proposed swimming pool with associated permeable paver surround and steps shall be a maximum of 1,990 square feet. Said reduction in impervious cover shall provide a retreat landward of the proposed improvements as shown on the CBPA Exhibit.
- 3) The proposed pool house shall not encroach into the 50-foot seaward buffer.
- 4) No perimeter fill is authorized within the 50-foot seaward buffer.
- 5) Soil and root zone protection shall be installed within the critical root zones of all trees along the construction access. Said soil and root zone protection shall be installed as per the best management practices (Mulch, plywood, matting, etc.) of the Companion publication to the ANSI A300 Part 5: Tree, Shrub, and Other Woody Plant Maintenance – Standard Practices (Management of Trees and Shrubs During Site Planning, Site Development and Construction).
- 6) 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 and shall be staked in the field by the Engineer of Record and reviewed with the Civil Inspector at the pre-construction meeting.
- 7) 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.
- 8) Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **2,221 square feet x 200 percent = 4,442 square feet.**

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: **5 canopy trees, 5 understory trees, 22 large shrubs, and 33 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.

- 9) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
- 10) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 11) Construction limits shall be contained within the limits of the delineated silt fence per the CBPA Variance Exhibit. **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.**
- 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 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.
- 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) ** 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 \$508.97 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 related activities that are directly related to restoration or enhancement of oyster habitat in the City.

16) The conditions and approval associated with this variance are based on the exhibit plan dated September 1, 2021, as revised September 22, 2021 prepared by Gallup Surveyors & Engineers, signed September 1, 2021 by David R. Butler. 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.

Billy Garrington of Governmental Permitting Consultants, representing the applicant of the property located at 1502 Duke of Windsor Road, appeared before the Board.

A motion was made by Mr. Wallace, seconded by Mr. McCune, to approve the variance with the variance conditions as provided in the Staff report. All present voted for the motion.

AYE	8	NO	1	ABSTAIN	0	ABSENT	0
BARRETT-MCDANIELS		YES			MCCUNE		YES
BURNETTE		YES			STEIER		YES
FRANCE		YES			WALLACE		YES
JESTER		YES			YOUNG		NO
JONES		YES					



Applicant & Property Owner **Virginia Beach Racquet Club, Etc.**
 Address **1951 Thomas Bishop Lane**
 Public Hearing **October 4, 2021**
 City Council District **Lynnhaven**

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Parcel GPIN: 1499-46-9576
Accela Record: 2021-CBPA-00063
Applicant’s Agent: Eddie Bourdon, Esq. - Sykes, Bourdon, Ahern, Levy PC.
CBPA Board Action: DEFERRED AT THE OCTOBER 4, 2021 CBPA BOARD PUBLIC HEARING TO THE MONDAY, NOVEMBER 1, 2021 CBPA BOARD PUBLIC HEARING.

A motion was made by Mr. Jones, seconded by Mr. Burnette, to defer the variance request to the November 1, 2021 CBPA Board Public Hearing. All present voted for the motion

AYE	9	NO	0	ABSTAIN	0	ABSENT	0
BARRETT-MCDANIELS	YES				MCCUNE		YES
BURNETTE	YES				STEIER		YES
FRANCE	YES				WALLACE		YES
JESTER	YES				YOUNG		YES
JONES	YES						



Applicant & Property Owner **Thet Kyaw**
Address **621 W. Kingston Circle**
Public Hearing **October 4, 2021**
City Council District **Lynnhaven**

Agenda
Item

8

Parcel GPIN: 1488-50-7952
Accela Record: 2021-CBPA-00062
Applicant's Agent: Self-represented
CBPA Board Action: APPROVED WITH **3** CBPA VARIANCE CONDITIONS ON OCTOBER 4, 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 which are subject to the provisions of the CBPA Ordinance given the right for a property owner to reasonable develop their property.
- 2) The encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant because the lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance.
- 3) The variance is the minimum necessary to afford relief given the size of the request and location within the upper reach of the RPA buffer.
- 4) The variance is in harmony with the purpose and intent of the CBPA Ordinance and not of substantial detriment to water quality with the retention of all existing vegetation within the property, the introduction of buffer planting to an already present riparian buffer, the proposed improvements being outboard of the 50-foot seaward buffer, and the minimal site impact associated with the proposed improvements.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load the land disturbance associated with the proposed improvements will be less than 2,500 square feet.

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. Steps may not be added to the wood balcony.
3. 100 square feet of buffer restoration shall be installed in addition to the buffer restoration requirements of the 2019 CBPA Board variance conditions.

Yin May, owner of the property located at 621 W. Kingston Circle, appeared before the Board.

Thomas Pelts, of 617 W. Kingston Circle, appeared before the Board in opposition of the variance request.

A motion was made by Mr. Jones, seconded by Mr. Wallace, to approve the variance with the variance conditions as provided in the Staff report. All present voted for the motion.

AYE	9	NO	0	ABSTAIN	0	ABSENT	0
BARRETT-MCDANIELS	YES					MCCUNE	YES
BURNETTE		YES				STEIER	YES
FRANCE		YES				WALLACE	YES
JESTER		YES				YOUNG	YES
JONES		YES					



Applicant & Property Owner **Thet Kyaw**
 Address **621 W. Kingston Circle**
 Public Hearing **October 4, 2021**
 City Council District **Lynnhaven**

Agenda
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Parcel GPIN: 1488-50-7952
Accela Record: 2021-CBPA-00062
Applicant’s Agent: Self-represented
CBPA Board Action: APPROVED FOR RESTORATION HEARING ON OCTOBER 4, 2021.

A motion was made by Mr. Jones, seconded by Mr. Burnette, to move that the variance request, agenda item 8 submitted by Thet Kyaw & Yin May, satisfy as an After-The-Fact variance request in conjunction with the Show Cause hearing. All present voted for the motion.

AYE	9	NO	0	ABSTAIN	0	ABSENT	0
BARRETT-MCDANIELS	YES					MCCUNE	YES
BURNETTE		YES				STEIER	YES
FRANCE		YES				WALLACE	YES
JESTER		YES				YOUNG	YES
JONES		YES					