



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

February 7, 2022

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, February 7, 2022 at 10:00 a.m.

The first order of business was to approve the findings and variance conditions of the January 3, 2022 CBPA Board Public Hearing. A motion was made by Mr. Wallace and seconded by Ms. Barrett-McDaniels 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 JANUARY 3, 2022 FINDINGS AND VARIANCE CONDITIONS ON FEBRUARY 7, 2022 AS FOLLOWS.

YES	6	NO	0	ABSTAIN	1	ABSENT	2
BARRETT-MCDANIELS				YES			
BURNETTE				ABSENT			
FRANCE				YES			
JESTER				YES			
JONES				ABSENT			
MCCUNE				ABSTAIN			
STEIER				YES			
WALLACE				YES			
YOUNG				YES			

All CBPA Board Members present voted as above.



Applicant & Property Owner **Jeffrey & Carrie Watkins**
Address **946 Oriole Drive**
Public Hearing **February 7, 2022**
City Council District: **District 5**, formerly Lynnhaven

Agenda
Item
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Parcel GPIN: 2418-43-0651
Accela Record: 2022-CBPA-00003
Applicant's Agent: Billy Garrington - Governmental Permitting Consultants
CBPA Board Action: APPROVED WITH 14 CBPA VARIANCE CONDITIONS ON FEBRUARY 7, 2022.

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 reduction to the overall impervious cover of the lot as provided with the revised CBPA Exhibit coupled with the use of materials, stormwater methodology and redevelopment of the existing shoreline integrates multiple best management practices on the lot. These efforts to correct current areas of erosion and provide infiltration of stormwater runoff.
- 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 but rather the buffer zones were made a part of the Bay Act and these houses were already in place when it was enacted and the hardship that is now on these properties will never go away.
- 3) The variance is the minimum necessary to afford relief given the reductions to the proposed impervious cover made by the applicant and present today.
- 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 applicant has offered a water quality approach towards managing stormwater on a residential lot through the use of permeable pavers, bioretention planting beds, and an integration of a living shoreline.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load the applicant has taken measures to achieve a no net increase in nonpoint source pollution load into the Chesapeake Bay Watershed by permeable pavers, bioretention planting beds, and an integration of a living shoreline as well as the installation of the conditioned 7,812 square feet of buffer restoration that restores any tree removals associated with this request. The Board is

of the opinion that the proposed best management practices provide merit to minimize the erosion and sedimentation potential, reduce land application of nutrients and toxins, and maximize rainwater infiltration.

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: **3,476 square feet x 200 percent = 7,812 square feet.**

Of the 7,812 square feet of buffer restoration approximately 3,200 square feet shall be allocated to high marsh/shrub restoration located north of the redeveloped driveway. The remaining buffer restoration, approximately 4,612 square feet 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: **4 canopy trees, 4 understory trees, 16 large shrubs, and 24 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. **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) 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.
- 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) ** 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 \$895.12 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.
- 14) The conditions and approval associated with this variance are based on the exhibit plan dated December 12, 2021, prepared by Gallup Surveyors & Engineers, signed December 12, 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 946 Oriole Drive appeared before the Board.

As an item on the consent agenda, a motion was made by Ms. Barrett-McDaniels, 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	7	NO	0	ABSTAIN	0	ABSENT	2
BARRETT-MCDANIELS		YES				MCCUNE	YES
BURNETTE		ABSENT				STEIER	YES
FRANCE		YES				WALLACE	YES
JESTER		YES				YOUNG	YES
JONES		ABSENT					



Applicant & Property Owner **Ohad Sheffy**
Address **1404 Sycamore Road**
Public Hearing **February 7, 2022**
City Council District: **District 5**, formerly Lynnhaven

Agenda
Item

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Parcel GPIN: 1488-78-5611
Accela Record: 2022-CBPA-00002
Applicant's Agent: Billy Garrington - Governmental Permitting Consultants
CBPA Board Action: APPROVED WITH 16 CBPA VARIANCE CONDITIONS ON FEBRUARY 7, 2022.

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 a variance request in this circumstance would not confer privileges to the applicant which have been denied to other property owners within the CBPA because the location of the proposed improvements within the RPA are similar to other lots developed along this peninsula. The development of improvements on those lots are situated as such that both primary and accessory structures are within the 50-foot landward buffer of the RPA.
- 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 but rather the subject lot and home was created and constructed prior to October 1, 1989, prior to the adoption of the CBPA Ordinance.
- 3) The variance is the minimum necessary to afford relief because the proposed placement of improvements are due to the proximity of their home within the RPA and while the proposed improvements increase their overall impervious surface in the RPA, all take place in areas that are currently dedicated to lawn or overgrown shrubbery (which includes invasive species). 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 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 best management practices offered, and the provided buffer restoration associated with this request will benefit water quality and water quantity management that this lot does not currently provide.
- 5) 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 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) Buffer restoration shall be installed per the Conceptual Landscape Plan provided by Painted Fern Landscape Architects dated January 3, 2022. Said restoration plan shall be submitted concurrent with the site plan and shall detail the location, number, and species of vegetation to be installed. 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) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
- 4) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 5) 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.
- 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) 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.
- 13) 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.
- 14) Mature trees exist adjacent to tidal waters, the select removal of lower tree limbs shall be performed thereby permitting sunlight to interface with tidal fringe marsh.
- 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 \$796.58 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 December 30, 2021, prepared by Painted Fern Landscape Architecture, signed December 30, 2021 by Jessica L. 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.

Billy Garrington of Governmental Permitting Consultants, representing the applicant of the property located at 1404 Sycamore Road, appeared before the Board.

As an item of the consent agenda, a motion was made by Ms. Barrett-McDaniels, 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	7	NO	0	ABSTAIN	0	ABSENT	2
BARRETT-MCDANIELS	YES					MCCUNE	YES
BURNETTE		ABSENT				STEIER	YES
FRANCE		YES				WALLACE	YES
JESTER		YES				YOUNG	YES
JONES		ABSENT					



Applicant & Property Owner Haversham LLC Address 2393 Haversham Close Public Hearing February 7, 2022 City Council District: District 5 , formerly Lynnhaven	Agenda Item 3
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Parcel GPIN: 2409-14-6639
Accela Record: 2022-CBPA-00004
Applicant's Agent: Billy Garrington - Governmental Permitting Consultants
CBPA Board Action: DEFERRED AT THE FEBRUARY 7, 2022 CBPA BOARD PUBLIC HEARING TO THE MONDAY, MARCH 7, 2022 CBPA BOARD PUBLIC HEARING.

A motion was made by Mr. France, seconded by Mr. Wallace, to defer the variance request to the March 7, 2022 CBPA Board Public Hearing. All present voted for the motion.

AYE	7	NO	0	ABSTAIN	0	ABSENT	2
BARRETT-MCDANIELS	YES				MCCUNE	YES	
BURNETTE	ABSENT				STEIER	YES	
FRANCE	YES				WALLACE	YES	
JESTER	YES				YOUNG	YES	
JONES	ABSENT						



Applicant & Property Owner **Niklas Oskarsson & Annemijn Ven Der Bijl**
Address **2428 Windward Shore Drive**
Public Hearing **February 7, 2022**
City Council District: **District 5**, formerly Lynnhaven

Agenda
Item

4

Parcel GPIN: 1499-88-7535
Accela Record: 2022-CBPA-00001
Applicant's Agent: Billy Garrington - Governmental Permitting Consultants
CBPA Board Action: APPROVED WITH 15 CBPA VARIANCE CONDITIONS ON FEBRUARY 7, 2022.

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 existing dwelling was built many years prior to the adoption of the bay act as a result the house is situated significantly farther back from the front property line than the minimum front yard setback affiliated with this zoning category now. The house has no storm water treatment facilities currently in place.
- 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 but rather the RPA buffer encompasses the majority of this lot and offers that the existing residence was built prior to the adoption of the Chesapeake Bay Act and the City's CBPA Ordinance.
- 3) The variance is the minimum necessary to afford relief because the applicant has demonstrated an understanding of the CBPA Ordinance findings with the location and size of the proposed structures in the least sensitive portions 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 new additions have been placed with the minimum encroachment possible and with a significant amount of redevelopment.
- 5) The existing property has no treatment facilities currently. Post construction the lot will have significantly more buffer in the RPA, significantly more water treatment since we are required to treat 100 % of all impervious cover and off-site mitigation via the oyster program 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) 5,655 square feet of buffer restoration shall be installed per the Buffer Restoration Plan provided with the CBPA Exhibit. 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. 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. **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) Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline 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.

- 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) ** 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 \$283.70 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.
- 15) The conditions and approval associated with this variance are based on the exhibit plan prepared by Gaddy Engineering Services, LLC, signed December 30, 2021 by Michael S. Gaddy. 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 2428 Windward Shore Drive, appeared before the Board.

As an item of the consent agenda, a motion was made by Ms. Barrett-McDaniels, 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	7	NO	0	ABSTAIN	0	ABSENT	2
BARRETT-MCDANIELS		YES				MCCUNE	YES
BURNETTE		ABSENT				STEIER	YES
FRANCE		YES				WALLACE	YES
JESTER		YES				YOUNG	YES
JONES		ABSENT					



Applicant & Property Owner **Walker & Cindy Milici Family Trust**
Address **2617 Broad Bay Road**
Public Hearing **February 7, 2022**
City Council District: **District 5**, formerly Lynnhaven

Agenda
Item

5

Parcel GPIN: 1499-68-9190
Accela Record: 2021-CBPA-00080
Applicant's Agent: David Kledzik – Marine Engineering
CBPA Board Action: APPROVED WITH 10 CBPA VARIANCE CONDITIONS ON FEBRUARY 7, 2022.

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 our variance request for the proposed deck is so we can enjoy our back yard in similar concept to others.
- 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, but rather is necessitated by the fact 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 property are within the RPA.
- 3) The variance is the minimum necessary to afford relief because the applicant has provided a layout that is cognitive of the existing confined conditions of the lot, zoning setbacks, and delineated RPA feature within the neighborhood, which appears to be consistent with the findings 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 proposed deck is stacked over existing impervious surfaces and adjacent to the side/back of the dwelling in the landward buffer to allow space for infiltration into Fripp like sandy soils.
- 5) Our request leads to a reduction and a retreat of impervious area on the property and in the Resource Protection Area 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. 1,288 square feet of buffer restoration shall be installed within the 50-foot seaward buffer within the area of existing gravel specific to the area between the permitted pier and west property line of the lot. Said restoration shall achieve the full complement of vegetation consisting of groundcovers, grasses, shrubs and understory trees that are salt and flood tolerant. The restoration area 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. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.
3. The area of buffer restoration specific to soil amendment and vegetation density shall be installed consistent with the specifications provided in the Virginia Stormwater BMP Clearinghouse, Practice 2: Sheet Flow to Vegetated Filter Strip. Said area shall be prepared and maintenance per specifications regarding physical feasibility, design applications and design criteria to abate sediment erosion and concentrated runoff on the lot.
4. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
5. Wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be installed along the seaward portion of the project and required areas of buffer restoration 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.
6. Construction limits along the seaward portion of the project shall lie a maximum of 10 feet seaward of improvements.
7. 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.
8. Under deck treatment of sand and gravel shall be installed.
9. No perimeter fill is authorized outboard or seaward of the proposed improvements.
10. Ten (10) feet in width from the west property line moving eastward shall be left for the purpose of launching small watercraft only. The remaining area shall comply with condition 2 of this variance.

David Kledzik of Marine Engineering, representing the applicant of the property located at 2617 Broad Bay Road, appeared before the Board.

A motion was made by Ms. Barrett-McDaniels, seconded by Mr. Wallace, to approve the variance with the variance conditions as provided in the Staff report.

A substitute motion was made by Mr. France, seconded by Mr. Wallace, to approve the variance as amended, adding condition 10 with regard to providing access to the water with the use of existing gravel within the RPA buffer. All present voted for the motion.

AYE	7	NO	0	ABSTAIN	0	ABSENT	2
BARRETT-MCDANIELS		YES				MCCUNE	YES
BURNETTE		ABSENT				STEIER	YES
FRANCE		YES				WALLACE	YES
JESTER		YES				YOUNG	YES
JONES		ABSENT					