

Chesapeake Bay Preservation Area Board Agenda

February 1, 2021



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CHESAPEAKE BAY PRESERVATION AREA BOARD

NOTICE OF PUBLIC HEARING

In accordance with Virginia Code § 2.2-3708.2, Virginia Code § 15.2-1413 and the City's Continuity of Government Ordinance adopted on September 15, 2020, and Chapter 1289 of the 2020 Acts of Assembly as amended, a Virtual Public Hearing of the Virginia Beach Chesapeake Bay Preservation Area Board will be held on Monday, February 1, 2021 at 10:00 a.m.. A Staff briefing session will be held at 9:00 a.m.. This public hearing will be held by electronic communication means. All interested parties are invited to participate by following the two-step process provided below. Due to the ongoing Covid-19 Pandemic, please check the Chesapeake Bay Preservation Area Board website at www.vbgov.com/cbpa for the most updated meeting information.

The Staff reviews all the items on this agenda and offers recommendations for consideration by the Board, in the event the Board should approve an application. However, it should not be assumed that those conditions constitute all the conditions that will ultimately be attached to the project. City agencies may impose further conditions and requirements applicable to city ordinances.

For those citizens who desire to attend this meeting virtually, registration is required. Please visit www.vbgov.com/cbpa or enter the following URL into your web browser to register:
<https://vbgov.webex.com/vbgov/onstage/g.php?MTID=ea501039637ef8029684fb54adf76f7c2>

Citizens are encouraged to submit comments to the CBPA Board prior to the public hearing via email to pscully@vbgov.com or via United States Mail to PJ Scully, 2875 Sabre Street, Suite 500, Virginia Beach, VA 23452. **If you desire to speak at the virtual public hearing you must notify Staff prior to 5:00 pm, January 29, 2021 at (757) 385-4621 or via email at sheederi@vbgov.com.**

Those members of the public interested in attending the public hearing should be advised that, for reasons the Board deems appropriate, certain items on the agenda may be heard out of order and that it should not be assumed that the order listed below will be exactly followed during the public hearing.

THE FOLLOWING DESCRIBES THE ORDER OF BUSINESS FOR THE PUBLIC HEARING

(IF YOU HAVE ANY QUESTIONS, PLEASE CONTACT A STAFF MEMBER VIA EMAIL (pscully@vbgov.com) OR CALL THE DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT AT 757-385-4621).

- 1. DEFERRALS:** The first order of business is the consideration of requests to defer an item. The Board will ask those in attendance at the hearing if there are any requests to defer an item that is on the agenda. PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.

If an item is deferred, a deferral date will be determined at the public hearing. Typically, deferrals range from thirty (30) to sixty (60) days or may be deferred indefinitely. The Board will vote on all the items deferred individually. It is important, therefore, if you have an objection to an item being deferred to note your objection as the Board goes through the items being considered for deferral.

- 2. CONSENT AGENDA:** The second order of business is consideration of the "consent agenda." The consent agenda contains those items:
 - a. that the Board believes are unopposed and
 - b. which have a favorable Staff recommendation.

If an item is placed on the Consent Agenda, that item will be heard with other items on the agenda that appear to be unopposed and have a favorable staff recommendation. The Board will vote on all the items at

one time. Once the Board has approved the item as part of the Consent Agenda, the variance request is granted and will not be discussed any further. It is important, therefore, if you have an objection to an item being placed on the Consent Agenda to note your objection as the Board goes through the items being considered for the Consent Agenda.

Process for the Consent Agenda:

- The Board will announce the item number and item title being considered for inclusion on the Consent Agenda.
- The Board will ask if there is anyone in the audience representing the item, and if so, ask them to go up to the podium and state their name for the record.
- The Board will ask the representative of the item if they are aware of the conditions and if they agree to the conditions.
- The Board will then ask if there is anyone in the audience in opposition to the item. If you are opposed to the item, stand or raise your hand to let the Board know.
- If the item is opposed, it will be removed from the consent agenda and heard in its normal place on the agenda.
- After the Board has gone through all of the items that it believes should be on the Consent Agenda, it will vote at one time for all of the items, announcing the number of each item being voted on. Pay attention to the list of items being voted on.

3. REGULAR AGENDA: The Board will then proceed with the remaining items on the agenda, according to the following process:

- a. The applicant or applicant's representative will have 10 minutes to present its case.
- b. Next, those who wish to speak in support to the application will have 3 minutes to present their case.
- c. If there is a spokesperson for the opposition, he or she will have 10 minutes to present their case.
- d. All other speakers not represented by the spokesperson in opposition will have 3 minutes.
- e. The applicant or applicant's representative will then have 3 minutes for rebuttal of any comments from the opposition.
- f. There is then discussion among the Board members. No further public comment will be heard at that point. The Board may, however, allow additional comments from the opposition if a member of the Board sponsors the opposition. Normally, you will be sponsored only if it appears that new information is available, and the time will be limited to 3 minutes.
- g. The Board does not allow slide or computer-generated projections other than those prepared by the Department of Planning and Community Development Staff.

The Board asks that speakers not be repetitive or redundant in their comments. Do not repeat something that someone else has already stated. Petitions may be presented and are encouraged. If you are part of a group, the Board requests, in the interest of time, that you use as a spokesperson, and the spokesperson is encouraged to have his or her supporters stand to indicate their support.

Those members of the public interested in speaking in support or in opposition to an agenda item shall be limited to 3 minutes in which to address the Board. At the discretion of the Board Chair, this time may be increased to 5 minutes. Speakers will be electronically timed.

If you require reasonable accommodation for this meeting due to a disability, please call the Department of Planning and Community Development at (757) 385-4621. If hearing impaired, you may contact Virginia Relay at 711 for TDD services.



CHESAPEAKE BAY PRESERVATION AREA BOARD AGENDA

Public Hearing Date **February 1, 2021**

- 9:00 AM** INFORMAL STAFF BRIEFING OF PUBLIC HEARING AGENDA ITEMS.
- 10:00 AM** FORMAL REVIEW OF PUBLIC HEARING AGENDA ITEMS.

Please be advised that copies of the proposed plans, ordinances, amendments and/or resolutions associated with this public hearing are also on file and may be examined by appointment at the Department of Planning & Community Development located at 2875 Sabre St, Suite 500, Virginia Beach, VA 23452 or online at www.vbgov.com/cbpa. For information call (757) 385-4621.

OLD BUSINESS AGENDA ITEM

- 1. Adam & Kristyn Beck**
[Applicant & Property Owner]

1624 Bay Breeze Drive
GPIN 2409-23-9903
Council District – Lynnhaven
Accela Record 2020-CBPA-00049

Variance Request – Encroachment into the Resource Protection Area (RPA) buffer to construct a covered porch, swimming pool with associated retaining walls and backfill material.

Staff Planner – PJ Scully
Staff Report – page 5



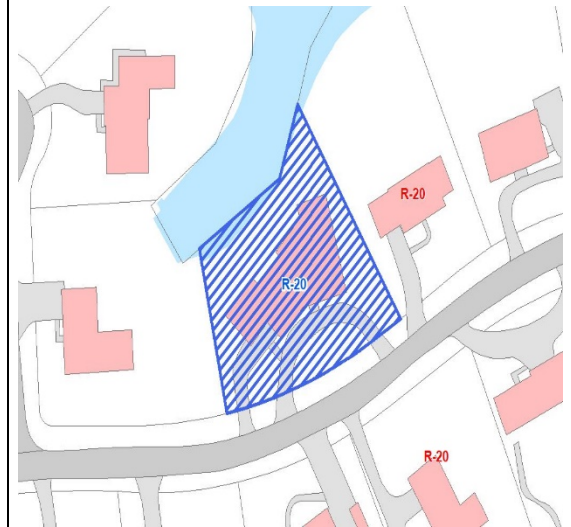
NEW BUSINESS AGENDA ITEMS

- 2. David & Beth Darrow**
[Applicant & Property Owner]

2244 Windward Shore Drive
GPIN 2409-09-7055
Council District – Lynnhaven
Accela Record 2020-CBPA-00069

Variance Request – Encroachment into the RPA to construct a new paver patio area and redevelop the existing timber retaining wall with steps and existing patio area at rear of residence.

Staff Planner – PJ Scully
Staff Report – page 19



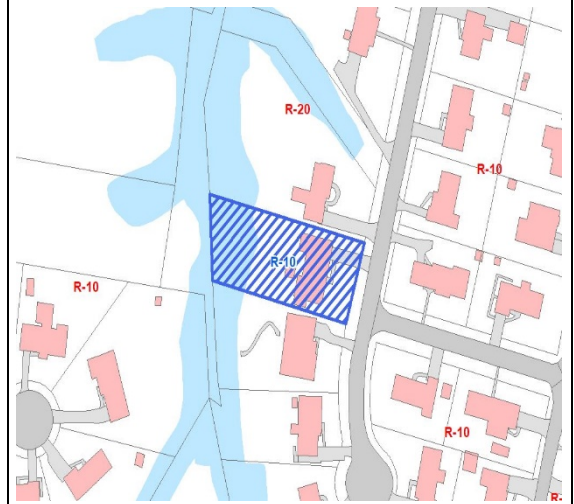
NEW BUSINESS AGENDA ITEMS

3. Todd B Perry Trust
[Applicant & Property Owner]

3517 Byrn Brae Drive
GPIN 1446-99-1992
Council District – Kempsville
Accela Record 2020-CBPA-00072

Variance Request – Encroachment into the RPA to construct a swimming pool with associated pool surround.

Staff Planner – PJ Scully
Staff Report – page 29



Due to the ongoing Covid-19 Pandemic, please check the Chesapeake Bay Preservation Area (CBPA) Board website at www.vbgov.com/cbpa for the most updated meeting information.



Applicant & Property Owner **Adam & Krystin Beck**
 Address **1624 Bay Breeze Drive**
 Public Hearing **February 1, 2021**
 City Council District **Lynnhaven**

Agenda Item

1

Variance Request

Encroachment into the Resource Protection Area (RPA) buffer to construct a covered porch, swimming pool with associated retaining wall and backfill material.

Applicant's Agent

Sean Marsden, P.E.

Staff Planner

PJ Scully

Lot Recordation

Map Book 98 Page 38

Recorded 8/07/1973

Instr. No 20111121001196280

11/21/2011

GPIN

2409-23-9903

SITE AREA

26,141.7 square feet or 0.6 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

25,306.7 square feet or 0.581 acres

EXISTING IMPERVIOUS COVER OF SITE

7,786.6 square feet or 30.76 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

8,532.9 square feet or 33.7 percent of site

Area of Redevelopment in RPA

1,009 square feet

Area of New Development in RPA

746.3 square feet

Location of Proposed Impervious Cover

50-foot Landward Buffer

100-foot Variable Width Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approve as conditioned



Summary of Proposal

Demolition Details

- Gravel walks with timber risers
- Portion of wood deck

Construction Details

- Swimming pool with associated pool deck and retaining wall
- Wooden stairs
- Covered wood deck – *redevelopment of existing wood deck* (Board of Zoning Appeals variance required)
- Covered porch

CBPA Ordinance Variance History

No known Chesapeake Bay Preservation Area (CBPA) Board variance history to report.

This his agenda item was deferred at the following Chesapeake Bay Preservation Area (CBPA) Board Public Hearings.

- November 2, 2020 CBPA Board Public Hearing to the December 7, 2020 CBPA Board Public Hearing
- December 7, 2020 CBPA Board Public Hearing to the January 4, 2021 CBPA Board Public Hearing
- January 4, 2021 CBPA Board Public Hearing to the February 1, 2021 CBPA Board Public Hearing

Environmental Conditions

Flood Zone

Multiple Zones – Zone X and AE, Base Flood Elevation (BFE): 7

Soil Type(s)

State Series (deep, well-drained soils) located above the top of bank

Rumford Series (highly erodible soils) located below the top of bank

Shoreline

Low profile wood bulkhead with vegetated wetlands seaward of the structure.

Riparian Buffer

Heavily Wooded Lot

- Number of existing canopy trees requested for removal within the RPA: 4
- Evaluation of existing canopy tree removal request: Trees being requested for removal are within the limits of construction as conditioned below to be 5-feet outboard the proposed improvements. Staff offers that the long-term health and survivability of the existing canopy trees and understory vegetation to be preserved within the area of the proposed improvements is unknown at this time. The proposed improvements will require excavation in order to be constructed, specifically the retaining wall along the seaward edge of the pool surround. Staff is of the opinion that excavation, placement of fill material and altering rainwater run-off and infiltration rates by manipulation existing grade elevation typically contribute to a slow decline of approximately 3 to 5 years to canopy trees and understory vegetation adjacent to construction activities with substantial land disturbance. As such, the applicant has reduced the encroachment of the proposed improvements within the RPA by approximately 10 feet.

Stormwater Management Methodology

The applicant's agent has stated in the Water Quality Impact Assessment (WQIA) for this variance request that rainwater harvesting, and preservation of existing riparian buffer will be provided as a best management practice for stormwater run-off mitigation. Staff offer that the proposed reduction to the amount of impervious cover provides merit towards treating stormwater runoff due to the preservation of existing vegetation seaward of the proposed improvements. The proposed improvements are approximately 70 75 feet away from the edge of water.

Evaluation and Recommendation

Staff's write-up from the November 2, 2020 CBPA Board public hearing.

"The applicant is proposing to construct a 288 square foot (approximately 12 feet wide by 24 feet long) swimming pool with a 373 square foot pool deck (approximately 3 feet by 3 feet by 4 feet by 9 feet). The proposed improvements include a two-tier retaining wall system located along the seaward edge of the improvements. The upper retaining wall of the two-tier system is directly adjacent to the proposed swimming pool along the seaward edge of the pool deck and is approximately 84 linear feet in length. The lower retaining wall of the two-tier retaining wall system is located approximately 4 feet seaward of the upper retaining wall and is approximately 69 linear feet in length. The applicant's agent provided in the WQIA that the retaining wall height varies from 5 feet to 7 feet respectively.

Staff is not opposed to the applicant's request to construct a swimming pool on the lot; however, Staff has concern with the variance request's manipulation of topography needed within the RPA buffer. It is likely that impacts to the existing trees are underestimated in order to accommodate the proposed improvements given that there is approximately 8 feet of elevation change within the 100-foot RPA buffer. The elevation change and the amount of fill proposed combined with the existing layout of the residence within the geometry of the lot will likely result in the slow decline of many existing trees, which in turn will reduce the myriad of benefits provided by the riparian buffer ecosystem. As such, Staff is of the opinion that the submitted location of the proposed improvements challenges the findings of the Chesapeake Bay Preservation Area (CBPA) Ordinance as submitted. However, Staff has provided comments to the applicant's statements below relative to the findings of the CBPA Ordinance."

"Staff believes that the redevelopment of existing impervious cover (area of existing wood deck) should be considered to a greater extent than what is proposed. If the redevelopment of the existing wood deck incorporated portions of the proposed improvements, the encroachment request and associated land disturbance into the RPA buffer would be reduced resulting in a proposal that would be more in harmony with the findings of the CBPA Ordinance."

Since the December CBPA Board public hearing, the following revisions have been made to the submitted CBPA Exhibit:

- An overall reduction in the amount of encroachment within the RPA feature for new impervious cover from approximately 947 square feet to 784 square feet. The reduction to the encroachment occurs along the seaward edge of the proposed improvements.
- The redevelopment of the existing wood deck has been reconfigured and reduced in size approximately 286 square feet. This reduction is based off the existing structural layout of the underlying support beam.
- A single retaining wall is proposed along the seaward edge of the proposed retaining.
- The access to the existing trail has been relocated to maximize the amount of undisturbed area. The revised CBPA Exhibit utilizes the existing walkway to the pier and removes previously requested encroachments into the 50-foot seaward buffer.

- The proposed elevation of the pool deck has been lowered to reduce the amount of fill material. The new elevation of the pool deck meets existing grade in the area adjacent to the southern property line and minimizes land disturbance around the existing 24-inch tree along the southern property line.

With the applicant's modifications to the proposed improvements within the RPA as stated above, the overall post-construction impervious cover of the lot has been reduced, a retreat of approximately 10-feet to the encroachment into the RPA associated with the proposed swimming pool and retraining wall provided and land disturbance within the 50-foot seaward buffer eliminated.

For the Board's deliberation, the applicant's Engineer of Record has provided the following comments relative to the findings of the CBPA Ordinance specific to this variance request."

- 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 request to install a pool is consistent with other waterfront residences within the immediate vicinity in the neighborhood."* While Staff acknowledges the statement provided by the applicant's agent, Staff reiterates that variance requests presented to the CBPA Board are reviewed individually for the merits provided by each application and Staff has provided the recommended conditions below from a site-specific perspective. Staff is of the opinion that the recommend conditions below provide merit towards the variance request not conferring upon the applicant any special privilege or convenience not accorded to other owners of property in the neighborhood based off the topography and location of the existing residential structure on the lot.
- 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 or predecessor in title because *"the topography of the site has been consistent since the recordation of the lot."* Staff offers that the lot was first platted in 1973, the existing improvements constructed in 1983 and the lot layout modified with a subsequent plat recorded in 2011 subdividing the stem portion of the lot from the adjacent lot to the south to provide access to the water.
- 3) The variance is the minimum necessary to afford relief because *"the applicant has proposed to install the three-foot concrete apron around the pool with the exception of where the stairs lead from the wood deck. In addition, the pool is being installed immediately adjacent to the existing deck and at an elevation such that the pool's mechanical equipment and storage will be installed underneath the existing deck."* Staff agrees with the statement provided that the proposed improvements – 12 foot by 24 foot swimming pool with pool surround coupled with approximately 1,009 square feet of redevelopment as being the minimum necessary to afford relief.
- 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 will allow for the new owners to spend more time outdoors in an active recreational capacity enjoying Mill Dam Creek vistas. The improvements will direct sheetflow into infiltration facilities and rain barrels, greatly eliminating discharge into Mill Dam Creek."* Staff acknowledges that the use of BMPs to treat stormwater is a viable means towards providing water quality. Staff is of the opinion that the redevelopment of this lot as proposed reduces the amount of land disturbance to the existing riparian buffers ecological and biological function specific to the manipulation of exiting topography, removal of existing vegetation and the unknowns of potential stormwater run-off concentrations and any erosion potentials that may be produced from the construction needed for the proposed improvements.

- 5) As a means to manage towards a no net increase in nonpoint source pollution load *“the improvements will utilize rain barrels to store run-off for irrigation use during periods of no rain. Infiltration facilities will be used to capture sheetflow and infiltrate into the ground.”* Staff is of the opinion that the modifications to the land necessary to construct associated with the proposed improvements are cognitive to the components of the riparian buffer specific to bank soil composition, forest hydrology and capacity of soil infiltration, and sediment capture dynamics which could potential contribute to the degradation of waterways. To address potential riparian buffer degradation, opportunity for restoration, and long-term management of the riparian buffer, Staff provides the recommended conditions below. Staff’s goal, should the variance request be granted, is to address two important relationships – the future stability of the bank and sediment management. Through a comprehensive restoration of the remaining pervious area within the RPA, and collaboration between Staff and the applicant’s design team, will help ensure responsible construction practices and desirable outcomes for water quality protection.

Given the above comments, Staff recommends the following 16 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

Recommended Conditions

- 1) A submittal review meeting shall be held with CBPA Staff, the Development Services Center (DSC) Single Family Project Manager, CBPA Civil Inspections, the applicant, the applicant’s Engineer of Record and the Contractor(s) hired for the construction of the proposed improvements after the first review of the site plan to review comments and construction sequencing.
- 2) 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.
- 3) Submitted concurrent with the site plan shall be a detailed Sequence of Construction providing the site plan submittal that addresses, but is not limited to marking of layout in the field, tree and bank protection during construction, management of stormwater run-off during construction, excavation associated with the construction of the proposed improvements inclusive of ground compaction, stabilization of grade and phases to which stabilization will occur and long-term evaluation and management of any future erosion that occurs due to construction.
- 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) All remaining pervious area of the Resource Protection Area (RPA) buffer – 50-seaward, 50-landward and variable width buffer shall be areas of buffer restoration. Buffer restoration areas 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 have a mulch layer of organic material 4 inches to 6 inches in depth. 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) A double row of wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be provided and installed as follows:
 - The required silt fence shall be staked in the field by the applicant's agent prior to scheduling the preconstruction meeting with Civil Inspections.
 - Said silt fence shall be installed no more than 5 feet outboard of the proposed improvements and direct adjacent to and contiguous along the wooden stairs with gravel path.
- 7) All construction activity inclusive of land disturbance shall be contained within the limits of the required silt fence with all areas outboard of the silt fence left in a natural state.
- 8) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 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) 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) No perimeter fill 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 \$171.02 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) It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.
- 16) The conditions and approval associated with this variance are based on the exhibit plan dated September 18, 2020 prepared by Sean C. Marsden of Cardinal Civil Solutions. 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.

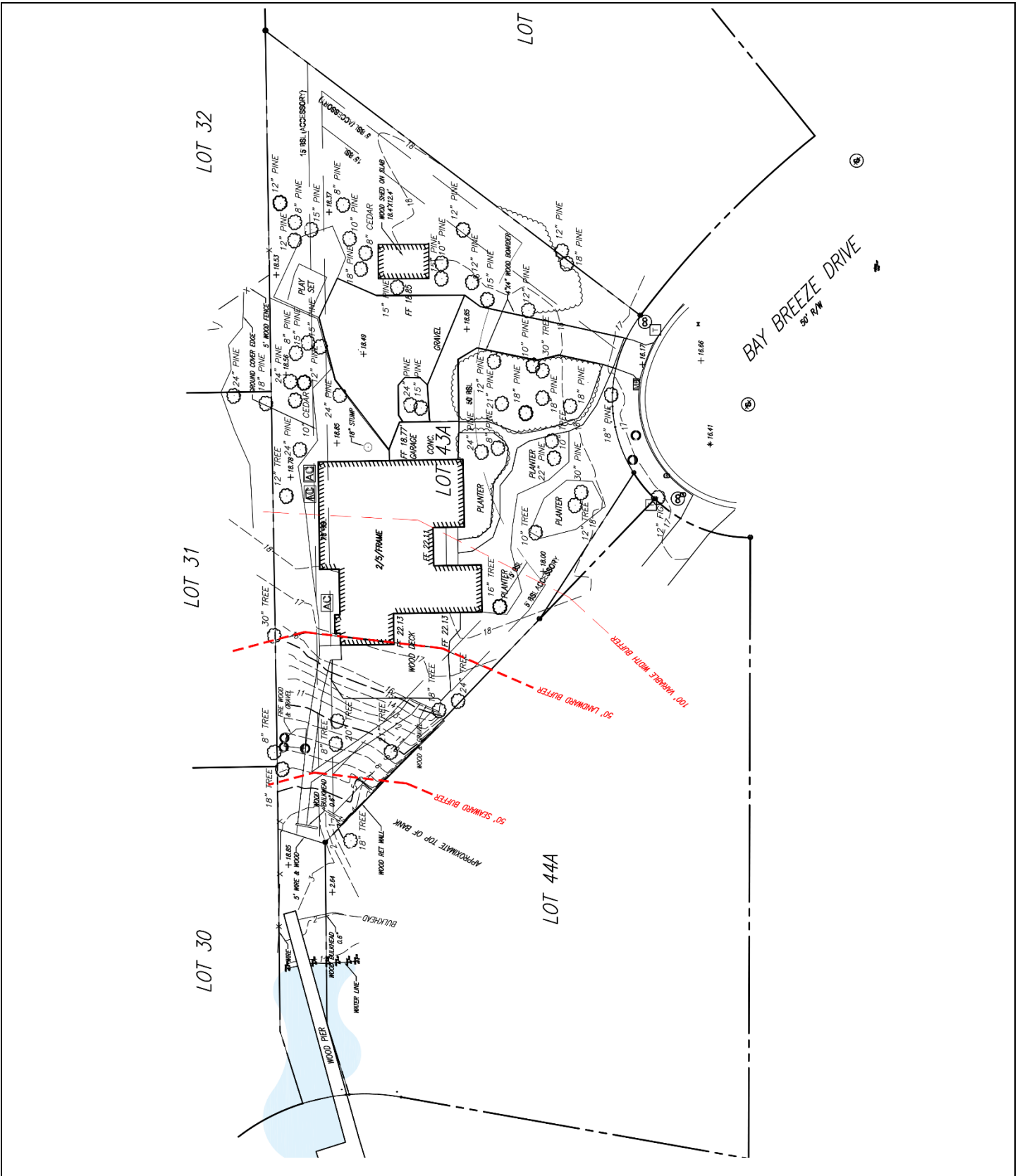
**** NOTE:** The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

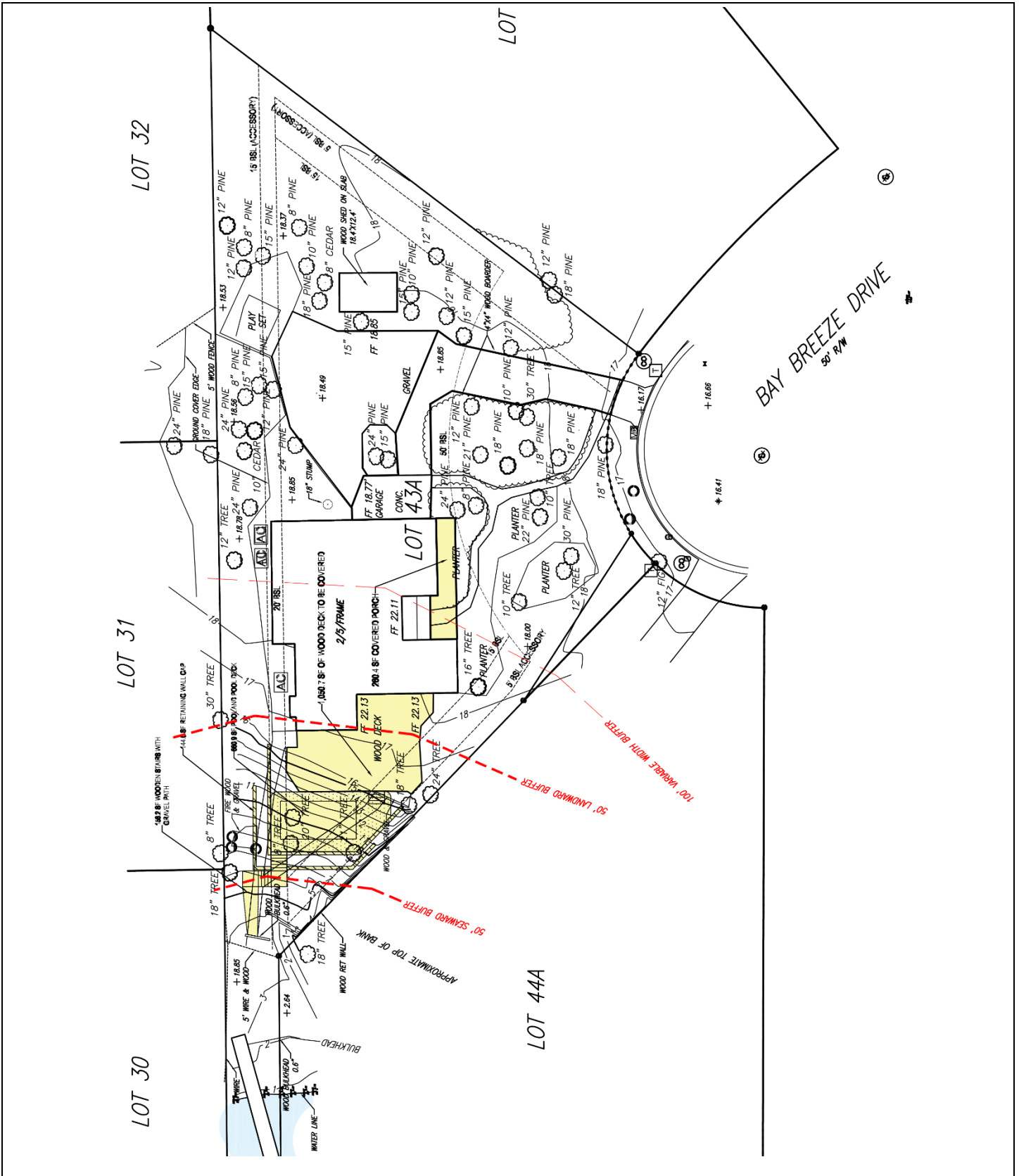
*****NOTE:** The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section 113(E) of the Chesapeake Bay Preservation Area Ordinance.

Site Aerial

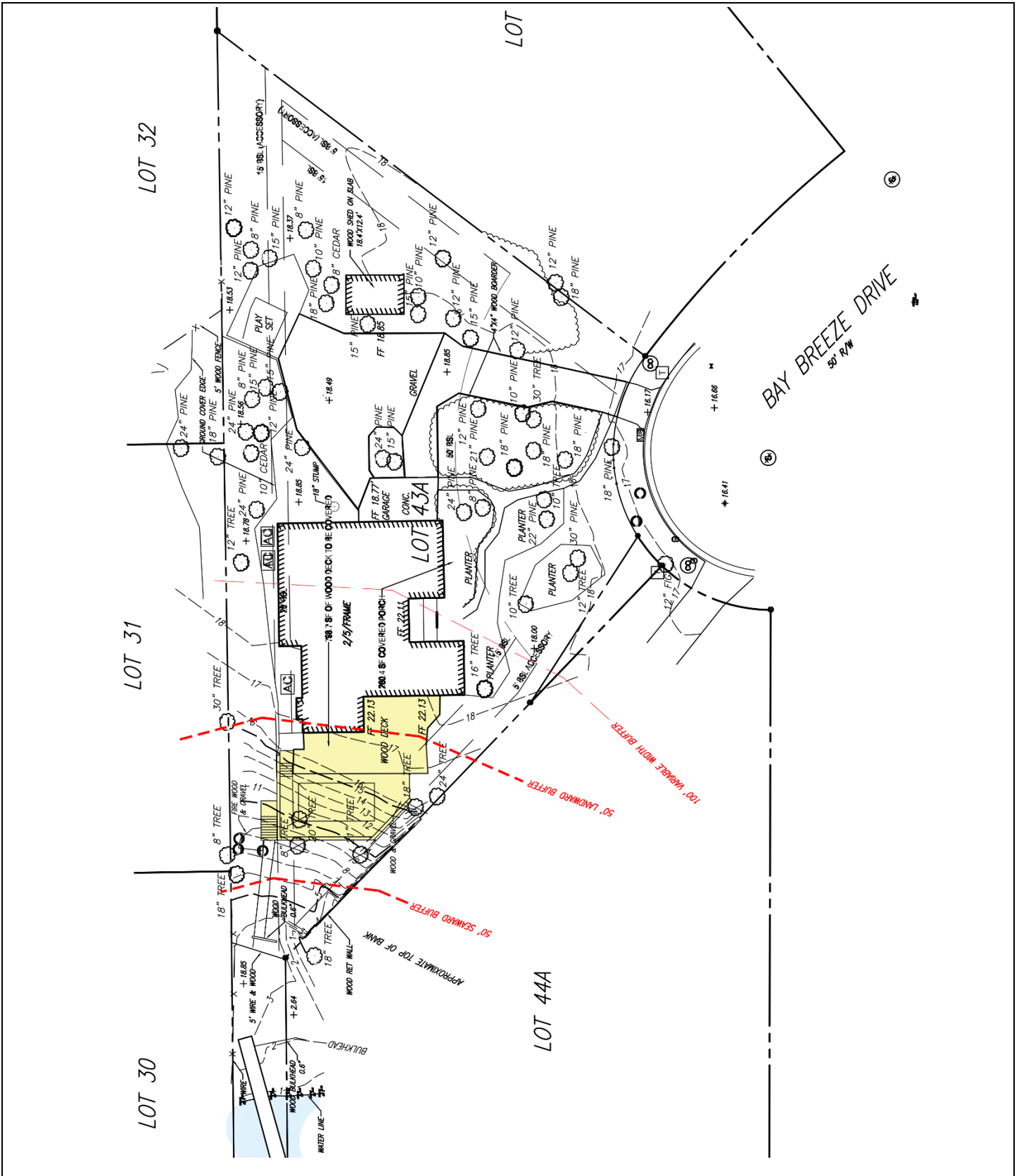


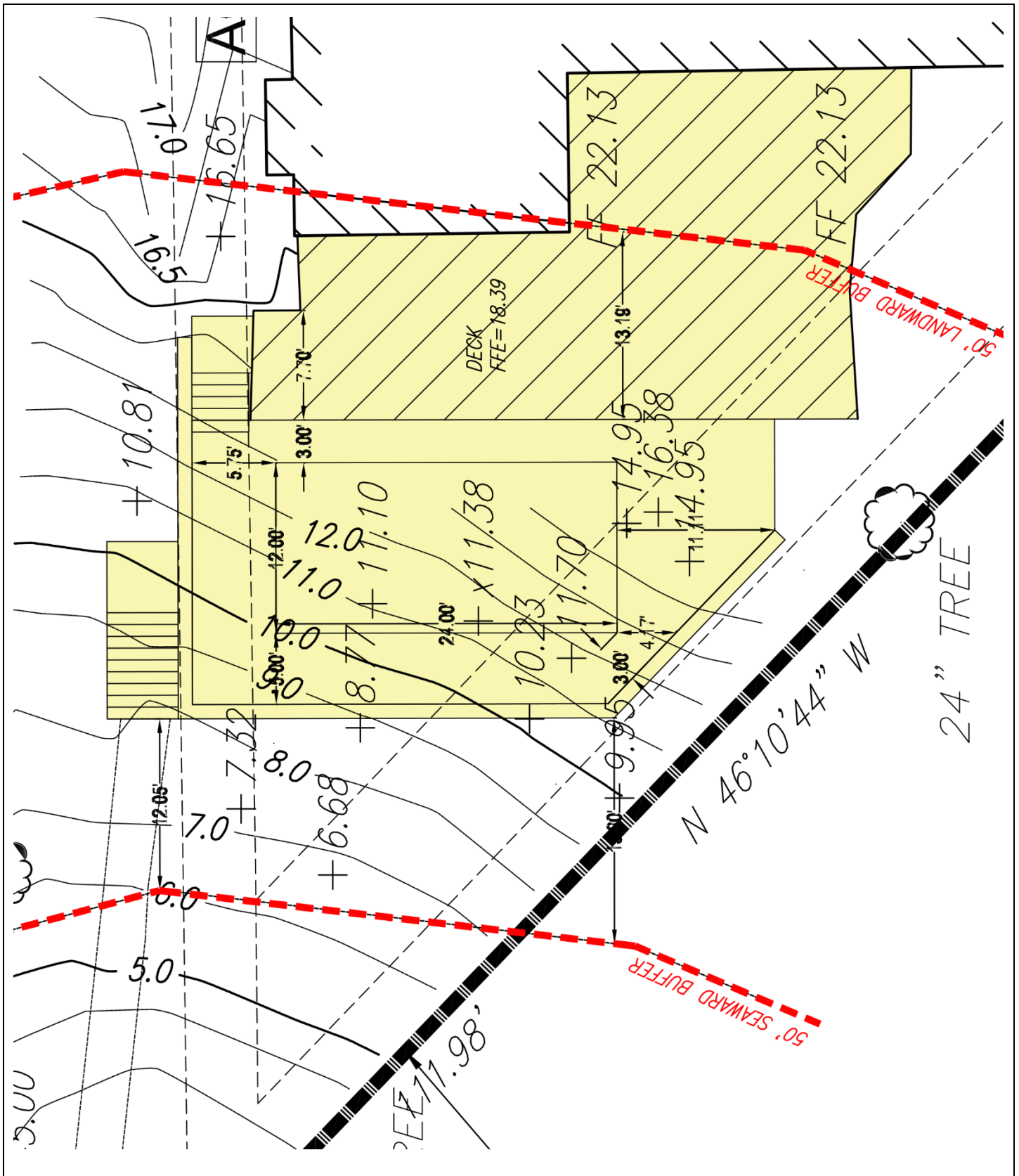
CBPA Exhibit – Existing Conditions





CBPA Exhibit – Revised Improvements





Disclosure Statement

Disclosure Statement



Owner Disclosure

Owner Name Adam and Kristyn Beck

Applicant Name Adam and Kristyn Beck

Is the Owner a corporation, partnership, firm, business, trust or an unincorporated business? Yes No

- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If yes, list the businesses that have a parent-subsiary³ or affiliated business entity⁴ relationship with the Owner. (Attach a list if necessary)

Known Interest by Public Official or Employee

Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action? Yes No

- If yes, what is the name of the official or employee and what is the nature of the interest?

³ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

⁴ "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement



Owner Services Disclosure

1. Does the Owner have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing** in connection with the subject of the application or any business operating or to be operated on the property?

Yes **No**

- If **yes**, identify the financial institutions.

Southern Bank - POC: Mike Becraft - Mike.Becraft@southernbank.com - (757) 567-4230

2. Does the Owner have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?

Yes **No**

- If **yes**, identify the real estate broker/realtor.

The Real estate Group - POC: Robert Beck - Rbeck@realestategrp.com - (757) 262-7692

3. Does the Owner have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? **Yes** **No**

- If **yes**, identify the firm or individual providing the service.

Eckard CPA, PC - POC: Jamie Eckard - jamie.eckard@gmail.com - (828) 291-6075

4. Does the Owner have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? **Yes** **No**

- If **yes**, identify the firm or individual providing the service.
-

5. Is there any other **pending or proposed purchaser** of the subject property? **Yes** **No**

- If **yes**, identify the purchaser and purchaser's service providers.

Adam and Krystyn Beck - scheduled closing is 16 October 2020- Service Providers included with applicant information

6. Does the Owner have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? **Yes** **No**

- If **yes**, identify the construction contractor.
-

7. Does the Owner have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? **Yes** **No**

- If **yes**, identify the engineer/surveyor/agent.

Cardinal Civil Resources POC: Sean C. Marsden - sean@cardinalsurvey.com - (252) 455-0179

Disclosure Statement



8. Is the Owner receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? **Yes** **No**

- If **yes**, identify the name of the attorney or firm providing legal services.

Sykes, Bourdon, Ahern & Levy P.C. - POC: Mike Levy - mjlevy@sykesbourdon.com - (757) 965-5064

Owner Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am **responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.**

A handwritten signature in cursive script, appearing to read 'Adam Beck', written over a horizontal line.

Owner Signature

Adam and Kristyn Beck

Print Name and Title

30 September 2020

Date



Applicant & Property Owner **David & Beth Darrow**
Address **2244 Windward Shore Drive**
Public Hearing **February 1, 2021**
City Council District **Lynnhaven**

Agenda Item

2

Variance Request

Encroachment into the RPA to construct a new paver patio area and redevelop the existing timber retaining wall with steps and existing patio area at the rear of residence.

Applicant's Agent

Aaron Morris, Second Nature Landscaping

Staff Planner

PJ Scully

Lot Recordation

Map Book 45, Page 37A
Recorded 9/3/1952

GPIN

2409-09-7055

SMALL PROJECT IN THE RPA

PROPOSED IMPERVIOUS COVER

Area of Redevelopment in RPA

358 square feet

Area of New Development in RPA

375 square feet

Location of Proposed Impervious Cover

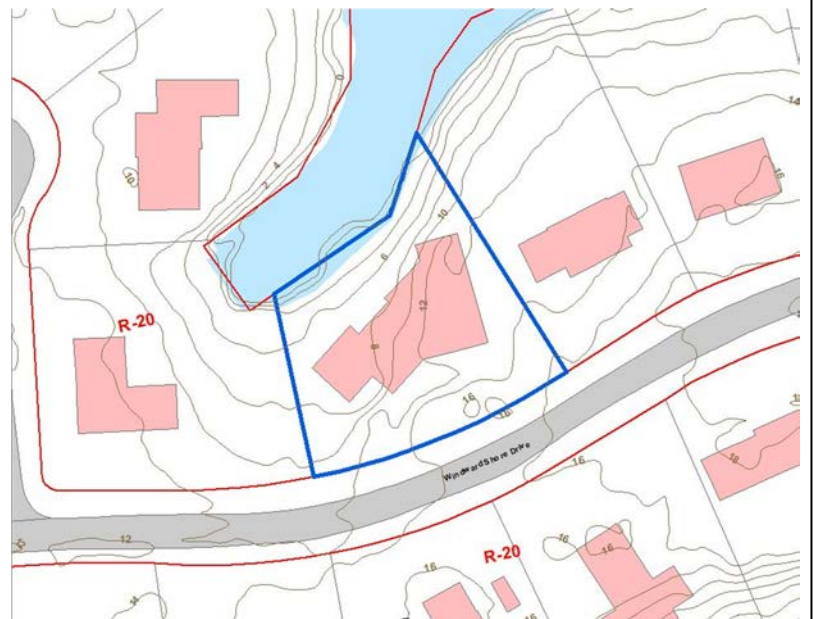
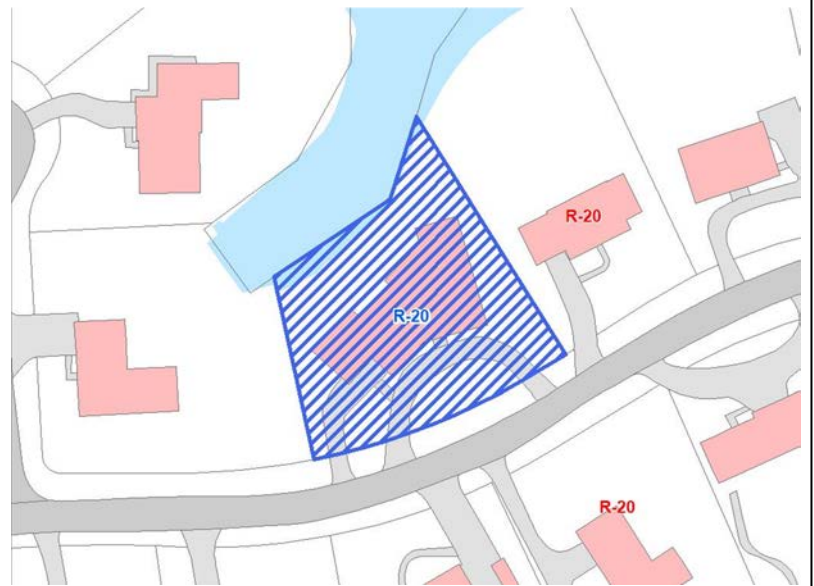
50-foot Seaward Buffer
50-foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Timber retaining wall with associated wood steps
- Brick patio off rear of residence – redeveloped in same footprint

Construction Details

- Segmented concrete block retaining wall with associated steps
- Paver patio area – located off the northeast corner of the residence
- Paver patio area – located off rear of residence, redeveloped in same footprint

CBPA Ordinance Variance History

No Chesapeake Bay Preservation Area (CBPA) Board variance history to report.

Environmental Conditions

Flood Zone

Multiple Zones – Zone X and AE, Base Flood Elevation (BFE): 7

Soil Type(s)

Fripp Series (deep, excessively drained sandy marine and eolian sediment soils)

Shoreline

Shoreline is hardened a sheet pile bulkhead.

Riparian Buffer

Moderately to sparsely wooded lot

- Number of existing canopy trees requested for removal within the RPA: 0
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 0

Stormwater Management Methodology

The land disturbance associated with the proposed improvements will be less than 2,500 square feet; therefore, no stormwater management facility is required.

Evaluation and Recommendation

The applicant is proposing to remove two deteriorating timber retaining walls with associated steps located at the northeast rear corner of the residence. The replacement of the retaining walls and steps will occur in the same footprint and grade elevations with a segmented concrete block retaining wall and steps. The redevelopment of the retaining wall and associated steps is approximately 60 square feet and is located within the 50-foot seaward buffer. Landward of the retaining walls, the applicant desires to construct a paver patio area and walkway adjacent to the existing residence. This area adjacent to the existing residence is partially denuded of a vegetative cover. The intent of the proposed paver

walkway is to provide a hard surface outboard of the 5 existing sliding glass doors from the covered swimming pool and to abate further erosion. The area where the proposed improvements will be constructed has a gradual slope of approximately 2.5 to 3 percent with the area seaward of the retaining walls currently devoted to turf and other woody vegetation. With the installation of erosion and sediment control measures seaward of the proposed improvements and direct construction accessway from the existing driveway to the proposed improvements, Staff is of the opinion that the request to encroach into the 100-foot RPA buffer will not be detrimental to water quality or injurious to the neighborhood as proposed if managed properly through the construction phase.

Should the Board desire to consider granting this variance request, the following comments relative to the findings of the CBPA Ordinance specific to this variance request are offered by the applicant's agent for the Board's deliberation.

- 1) The applicant's agent provides the *"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 owner is not looking for any special conditions or lack thereof that haven't been imposed on other developments within the neighborhood."* Staff is of the opinion, given the condition of the existing retaining walls and location of the proposed patio area and walkways on this lot that granting the variance would not exceed that which has been granted to other lots that have been redeveloped within this neighborhood.
- 2) Staff provides that 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 replacement of the wall is within the same footprint of the existing wall and without repair, the wall will fail within a short time, causing serious erosion problems."* Staff supports the statement provided by the applicant's agent and is of the opinion that the replacement of the existing wood retaining walls and the size and location of the proposed patio area offers merit towards the variance being the minimum necessary to afford relief.
- 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 small amount of additional patio/walkway space is being placed in an area that is currently not infiltrating water with minimal vegetation present to reduce runoff."* Staff offers that the preservation of existing vegetation, retention of all existing planting beds and vegetative growth present seaward of the proposed improvements contributes to water quality benefits.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load, the applicant's agent provides that *"by making the necessary repairs to the existing improvements this request will prevent future erosion or loss of backfill material from water flow into the adjacent canal."* Staff is of the opinion that maintenance and replacement of deteriorating improvements offers merit towards nonpoint source pollution prevention.

Given the above comments, Staff recommends the following 8 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

Recommended 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: **375 square feet x 200 percent = 750 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, 2 understory trees, 4 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.

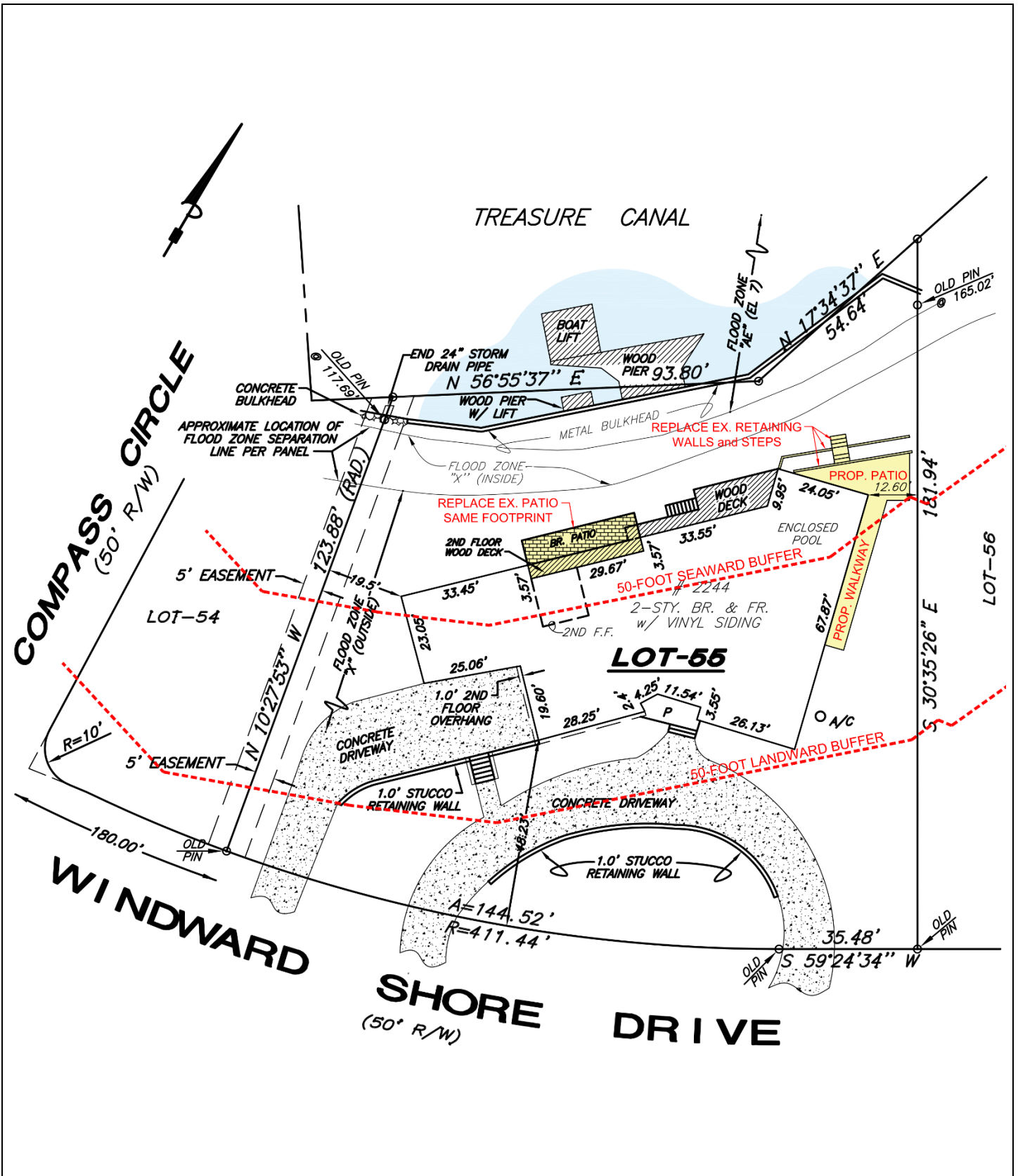
3. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
4. Wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be installed along the seaward portion of the project prior to any land disturbance and 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.
5. 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.**
6. 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.
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. No perimeter fill is authorized outboard or seaward of the proposed improvements.

***NOTE: The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section 113(E) of the Chesapeake Bay Preservation Area Ordinance.

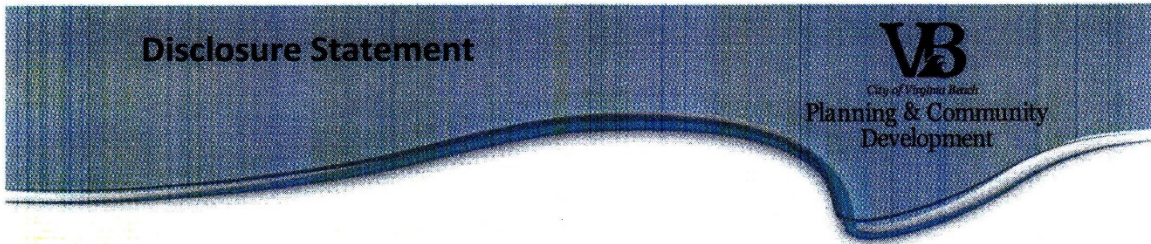
Site Aerial



CBPA Exhibit – Proposed Improvements



Disclosure Statement



The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a City board, commission or other body.

Applicant Disclosure

Applicant Name Beth and David Darrow

Does the applicant have a representative? **Yes** **No**

- If **yes**, list the name of the representative.

Aaron Morris

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? **Yes** **No**

- If **yes**, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If **yes**, list the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement



Known Interest by Public Official or Employee

Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? **Yes** **No**

- If **yes**, what is the name of the official or employee and what is the nature of the interest?
-

Applicant Services Disclosure

1. Does the applicant have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing** in connection with the subject of the application or any business operating or to be operated on the property?

Yes **No**

- If **yes**, identify the financial institutions providing the service.
-

BB&T

2. Does the applicant have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?

Yes **No**

- If **yes**, identify the company and individual providing the service.
-

3. Does the applicant have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? **Yes** **No**

- If **yes**, identify the firm and individual providing the service.
-

4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? **Yes** **No**

- If **yes**, identify the firm and individual providing the service.
-

Second Nature Landscaping

5. Is there any other **pending or proposed purchaser** of the subject property? **Yes** **No**

- If **yes**, identify the purchaser and purchaser's service providers.
-

Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? **Yes** **No**
 - If **yes**, identify the company and individual providing the service.

7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? **Yes** **No**
 - If **yes**, identify the firm and individual providing the service.

8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? **Yes** **No**
 - If **yes**, identify the firm and individual providing the service.

Applicant Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

Applicant Signature
David H. Darrow

Print Name and Title
1/14/2021

Date

Is the applicant also the owner of the subject property? **Yes** **No**

- If **yes**, you do not need to fill out the owner disclosure statement.

FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications

<input type="checkbox"/>	No changes as of	Date	Signature	
			Print Name	



Applicant & Property Owner **Todd B. Perry Trust**
 Address **3517 Byrn Brae Drive**
 Public Hearing **February 1, 2021**
 City Council District **Kempsville**

Agenda Item
3

Variance Request

Encroachment into the RPA to construct a swimming pool with associated pool surround.

Applicant’s Agent

Keith Oliver, PLA

Staff Planner

PJ Scully

Lot Recordation

Map Book 50, Page 39
 Recorded 8/31/1960

GPIN

1446-99-1992

SITE AREA

23,368 square feet or 0.54 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

15,704 square feet or 0.36 acres

EXISTING IMPERVIOUS COVER OF SITE

5,926 square feet or 37.7 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

6,527 square feet or 41.6 percent of site

PROPOSED IMPERVIOUS COVER

Area of Redevelopment in RPA

451 square feet

Area of New Development in RPA

590 square feet

Location of Proposed Impervious Cover

50-foot Seaward Buffer

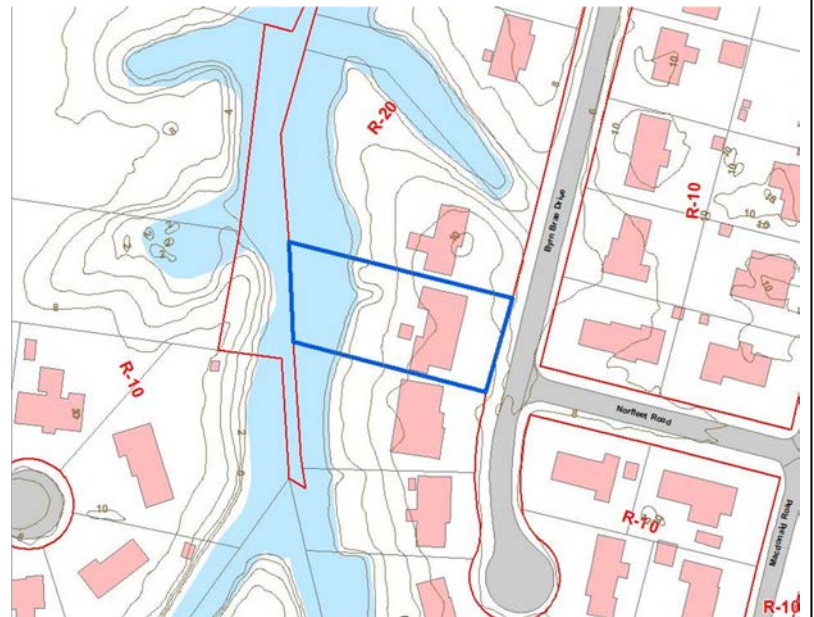
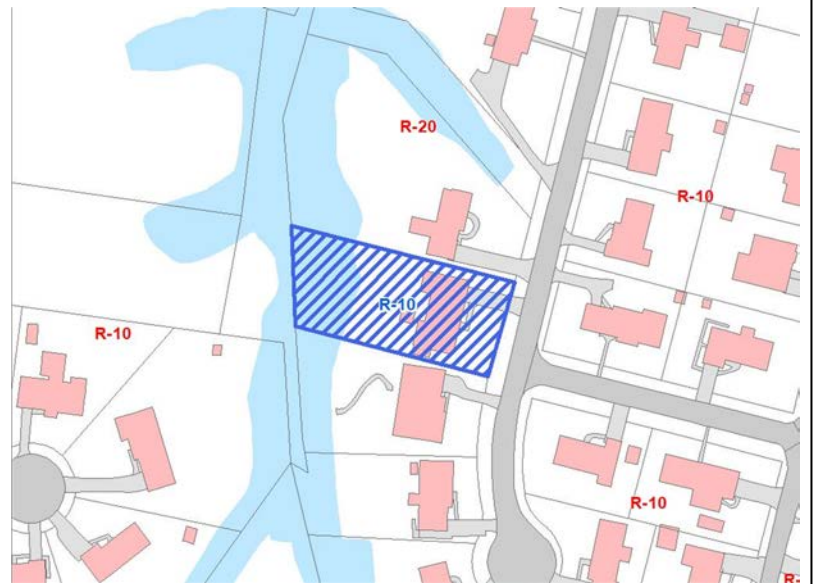
50-foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Stone fire pit area
- At-grade wooden deck

Construction Details

- Swimming pool with associated pool surround
- Retaining wall, located along the seaward edge of the pool surround

CBPA Ordinance Variance History

February 26, 2007 a Chesapeake Bay Preservation Area (CBPA) Board variance was denied for the construction of three putt-putt golf holes.

Environmental Conditions

Flood Zone

Zone AE, Base Flood Elevation (BFE): 8

Soil Type(s)

Tetotum Series (deep, moderately well-drained soils)
Bojac (fine, sandy loam) located below the top of bank

Shoreline

Shoreline is hardened with a riprap revetment and wood bulkhead.

Riparian Buffer

Sparsely Wooded Lot

- Number of existing canopy trees requested for removal within the RPA: 0
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 0

Stormwater Management Methodology

The applicant's agent has stated in the Water Quality Impact Assessment (WQIA) for this variance request that infiltration beds will be provided as a best management practice for stormwater run-off mitigation.

Evaluation and Recommendation

The applicant is proposing to construct a 310 square foot swimming pool with a 733 square foot pool deck. The pool deck includes a 52-foot linear retaining wall located along the seaward edge of the pool deck. Inclusive of the proposed swimming pool and pool deck, approximately 451 square feet is allocated to redevelopment with the removal of the existing stone fire pit area and at-grade wood deck.

The applicant's agent stated in the WQIA that the *"the proposed encroachment is in a flat area of lawn and patio, behind the top of the 6% slope areas. Most of the construction access, and all of the staging and stockpiling utilizes an existing driveway. Silt fence will be installed. Locating it next to the house limits encroachment."* Also stated in the WQIA, the retaining wall will have an approximate height of 1 to 2 feet to limit the use of fill material within the 50-foot seaward buffer. As a means to manage the proposed request during the construction phase, the applicant's agent has delineated the construction accessway and limits of construction on the CBPA Exhibit specific to the dimension of the proposed improvements and existing environmental conditions of the lot. The delineated limits of construction minimize land disturbance as a means to prevent potential adverse impacts to water quality and stage for the construction of the proposed improvements on the existing driveway.

The applicant's agent provides the following comments relative to the findings of the CBPA Ordinance as merit towards the variance request being in harmony with the purpose and intent of the CBPA Ordinance.

- 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 owner is limiting and mitigating impacts with thoughtful siting and a moderately sized improvement."* While Staff acknowledges the statement provided by the applicant's agent, Staff reiterates that variance requests presented to the CBPA Board are reviewed individually for the merits provided by each request. Given the impervious development of the residential lots along this reach of the Elizabeth River with most residential structures being built during the early 1960's and the density of the area equal to or greater than 4 dwelling units per acre, Staff is of the opinion that the proposed improvements would not convey any special privileges to the applicant should they agree to the recommended conditions provided by Staff for this variance request. The recommended conditions require the applicant to meet additional standards for stormwater management and riparian buffer mitigation that would not be required if the residential lot was not located within the RPA Buffer of the Chesapeake Bay watershed.
- 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 or predecessor in title *"because the home was constructed in 1986. The rear yard depth was established by others."* Staff offers that 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 pool is located in part over existing patio and behind the top of slope. The retaining wall is vertical, not segmental and an angled face, to reduce the footprint. The largest area of deck is on the landward side and has been reduced to 3' minimum on the seaward side."* Staff concurs with the location of the proposed improvements and use of a retaining wall as stated by the applicant's agent and offers that the proposed dimensions for both the swimming pool and surround are smaller than the average residential pool size and surround.
- 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 variance takes a careful approach to minimize the footprint, replace lawn with buffer planting, utilize previously disturbed areas, avoid slopes. It is similar [to] the adjacent neighbors pool which was approved and construct[ed] a few years ago. Some of the impervious area is actually the water surface of the pool, so not typically contributing to runoff."* Staff concurs.
- 5) *"The primary means is replacement of lawn with new buffer plantings and E&S controls during construction"* as a means to manage towards a no net increase in nonpoint source pollution load. Staff concurs and is of the opinion that the analysis and layout of the proposed improvements coupled with the

layout of the conditioned buffer restoration and selected plant species offers nutrient reduction annually on a lot and associated project that would not require stormwater management as proposed.

Given the above comments, Staff recommends the following 11 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

Recommended Conditions

1. The conditions and approval associated with this variance are based on the exhibit plan prepared by Via Design, signed December 29, 2020 by Keith M. Oliver. 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. A Single-Family RPA Small Projects 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. Land disturbance associated with the proposed improvements at any given time shall not exceed 2,500 square feet. If at any time land disturbance exceeds 2,500 square feet, Planning Department Staff may issue a stop work order. At that time, a full site development plan in compliance with local and State regulations shall be submitted for review and approval through the Development Services Center (DSC).
2. Buffer restoration shall be installed as shown and specified on the submitted CBPA Exhibit. Said buffer restoration areas shall be maintained and not removed or allowed to revert to turf in the future and shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.
3. An infiltration trench shall be installed along the landward portion of the buffer restoration south of the existing concrete boat ramp to capture rainwater run-off from the proposed upland improvements and shall be sized by to accommodate and treat for pollutant removal.
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 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.
6. 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.**
7. 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.
8. 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.
9. No perimeter fill is authorized outboard or seaward of the proposed improvements.

10. ** 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 \$135.20 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.

11. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.

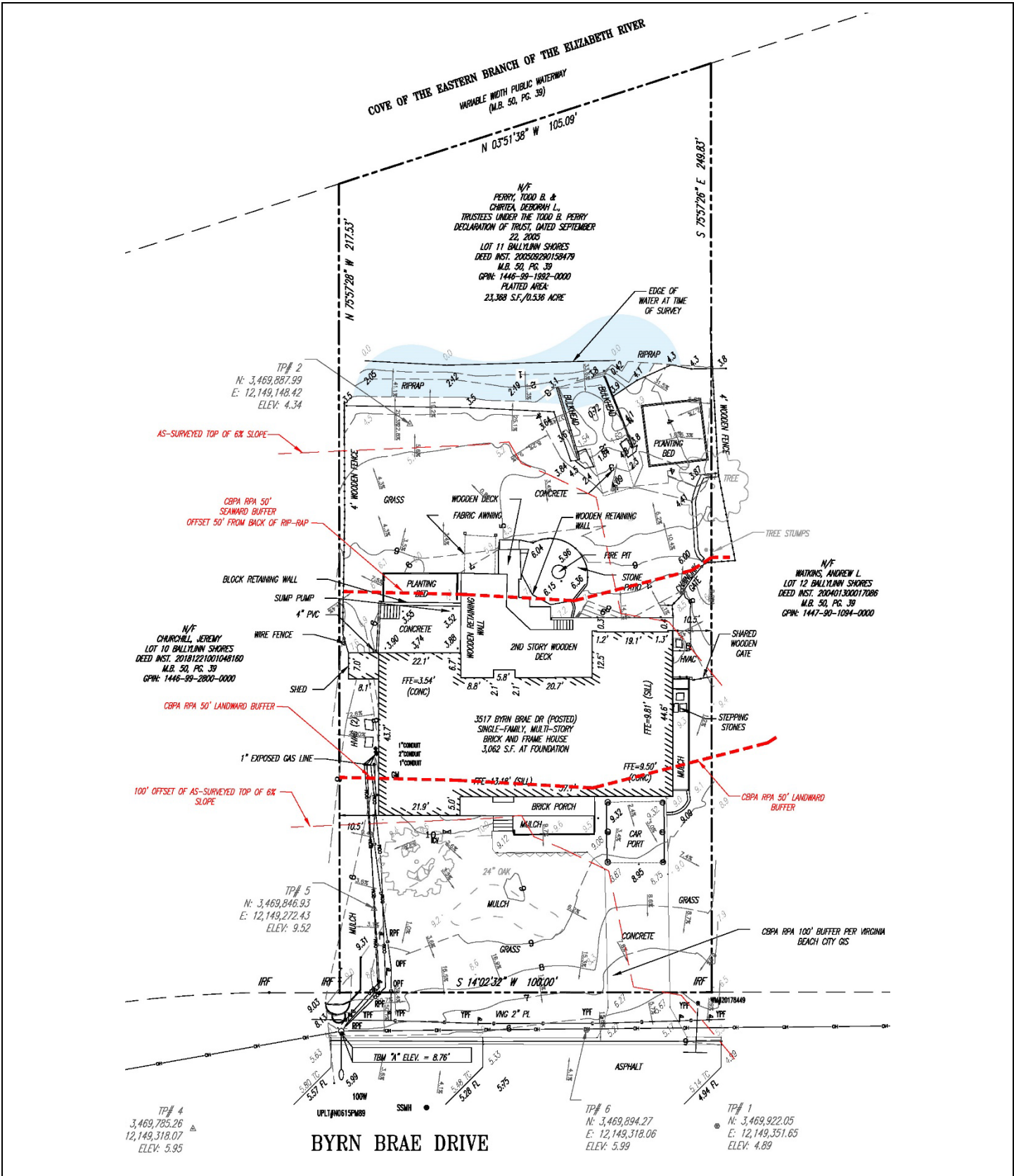
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

***NOTE: The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section 113(E) of the Chesapeake Bay Preservation Area Ordinance.

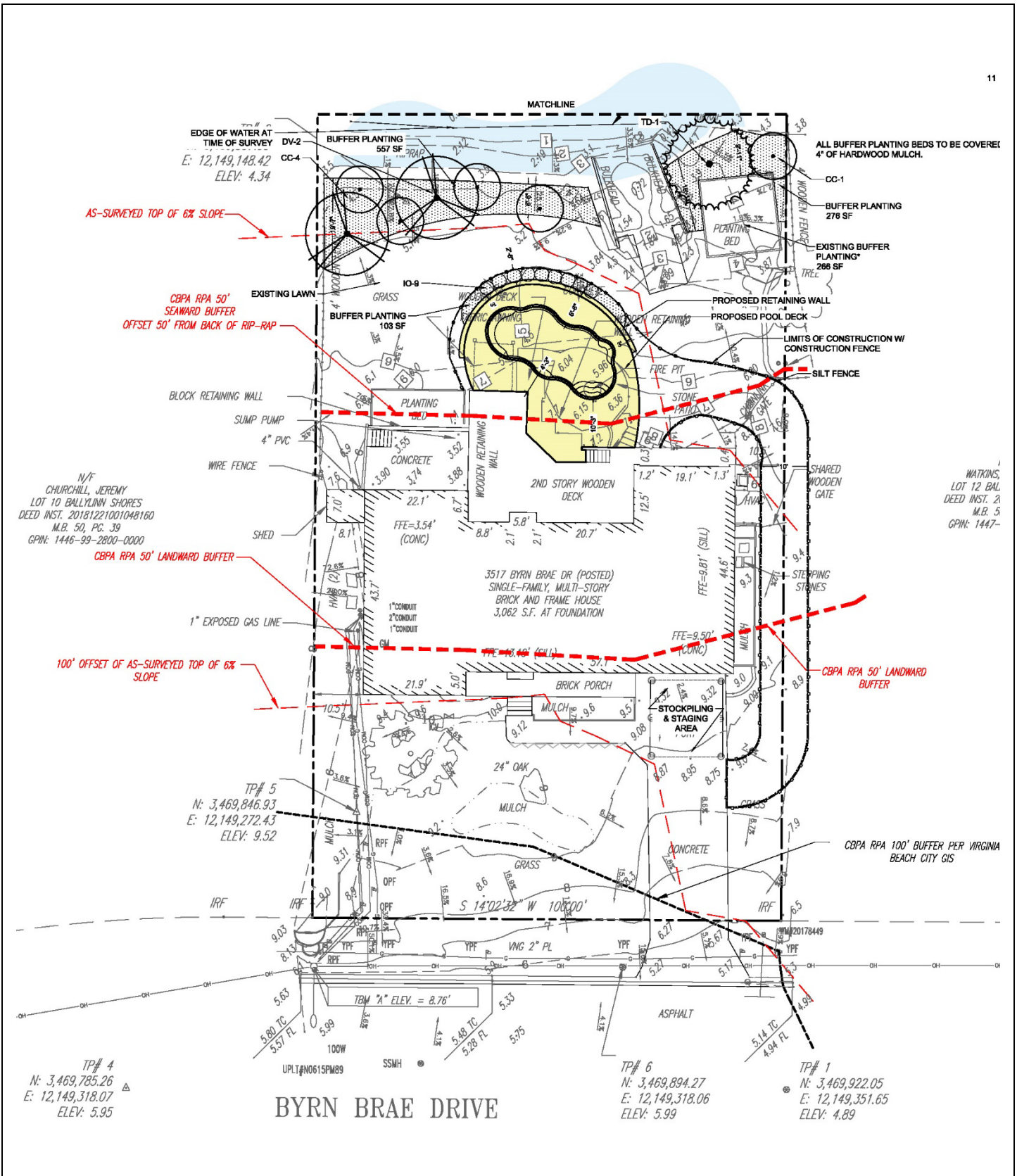
Site Aerial

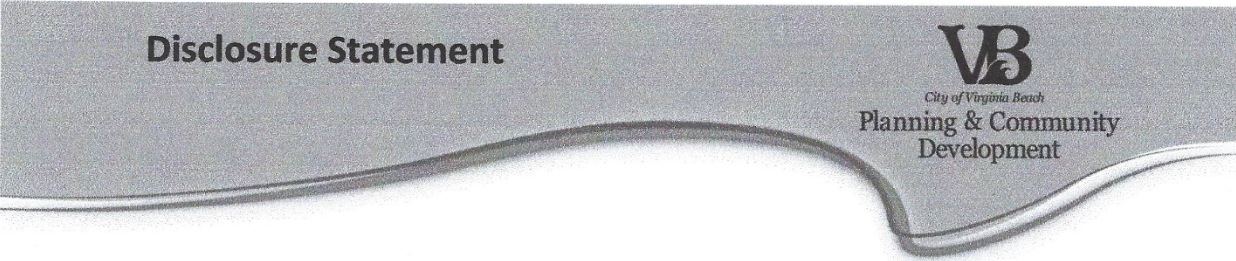


CBPA Exhibit – Existing Conditions



CBPA Exhibit – Proposed Improvements





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Applicant Disclosure

Applicant Name Todd Perry

Does the applicant have a representative? Yes No

- If yes, list the name of the representative.

Keith Oliver, VIA Design Architect

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? Yes No

- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

- If yes, list the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

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Disclosure Statement



Known Interest by Public Official or Employee

Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? Yes No

- If **yes**, what is the name of the official or employee and what is the nature of the interest?
-

Applicant Services Disclosure

1. Does the applicant have **any existing financing (mortgage, deeds of trust, cross-collateralization, etc) or are they considering any financing** in connection with the subject of the application or any business operating or to be operated on the property?

Yes No

- If **yes**, identify the financial institutions providing the service.
-

2. Does the applicant have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?

Yes No

- If **yes**, identify the company and individual providing the service.
-

3. Does the applicant have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the firm and individual providing the service.
-

4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the firm and individual providing the service.

VIA Design Architects

5. Is there any other **pending or proposed purchaser** of the subject property? Yes No

- If **yes**, identify the purchaser and purchaser's service providers.
-

Disclosure Statement



- 6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? Yes No
 - If **yes**, identify the company and individual providing the service.

- 7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? Yes No
 - If **yes**, identify the firm and individual providing the service.

- 8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? Yes No
 - If **yes**, identify the firm and individual providing the service.

Applicant Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

Todd Perry
Applicant Signature

Todd Perry
Print Name and Title

12-29-20
Date

- Is the applicant also the owner of the subject property? Yes No
- If **yes**, you do not need to fill out the owner disclosure statement.

FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications

<input type="checkbox"/>	No changes as of	Date	Signature	
			Print Name	

AS NEEDED, PAGE LEFT