



April 5, 2021

Chesapeake Bay Preservation Area
CBPA Board Agenda

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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 March 2, 2021, 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, April 5, 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=e91c9d153e5cfe14ce686d895e896f5ad>

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, Friday, April 2, 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 **April 5, 2021**

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.

- 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 ITEMS	
<p>1. Steven Quisenberry [Applicant & Property Owner]</p> <p>2069 Thomas Bishop Lane GPIN 1499-66-9714 Council District – Lynnhaven Accela Record 2021-CBPA-00004</p> <p>Variance Request – Encroachment into the RPA to construct a retaining wall with associated backfill material.</p> <p>Staff Planner – PJ Scully Staff Report – page 7</p>	
<p>2. Jacob Krawitz & Blake Goldmerstein [Applicant & Property Owner]</p> <p>2945 Lynnhaven Drive GPIN 1499-28-2985 Council District – Lynnhaven Accela Record 2021-CBPA-00005</p> <p>Variance Request – Encroachment into the RPA to construct a swimming pool with associated pool deck.</p> <p>Staff Planner – PJ Scully Staff Report – page 23</p>	

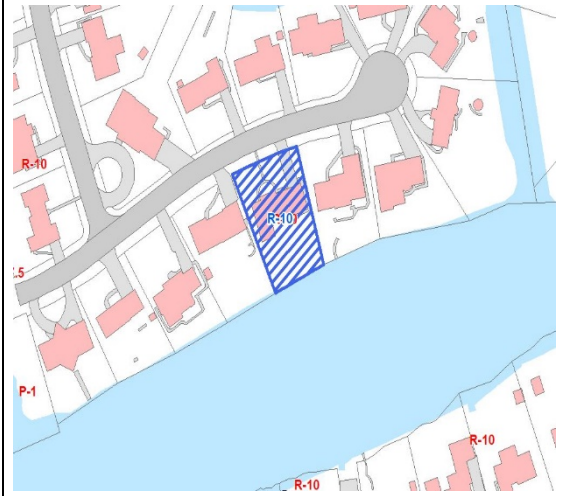
OLD BUSINESS AGENDA ITEMS

3. Janet & Stephen Morris
[Applicant & Property Owner]

2613 Heston Road
GPIN 1499-79-1287
Council District – Lynnhaven
Accela Record 2021-CBPA-00006

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

Staff Planner – PJ Scully
Staff Report – page 35



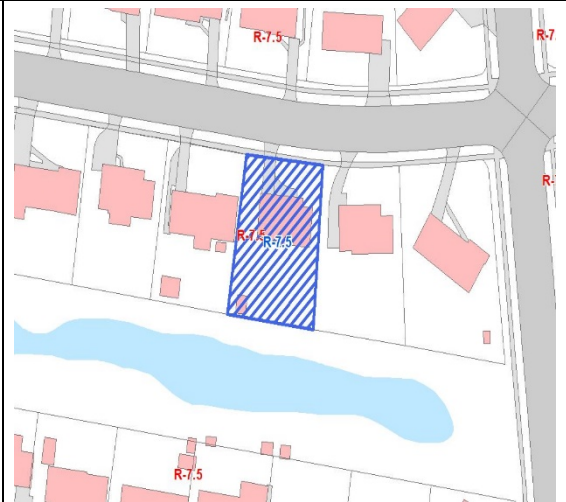
NEW BUSINESS AGENDA ITEMS

4. Melton & Cheryl Woods
[Applicant & Property Owner]

3737 Silina Dr
GPIN 1486-49-9519
Council District – Rose Hall
Accela Record 2021-CBPA-00011

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

Staff Planner – PJ Scully
Staff Report – page 47

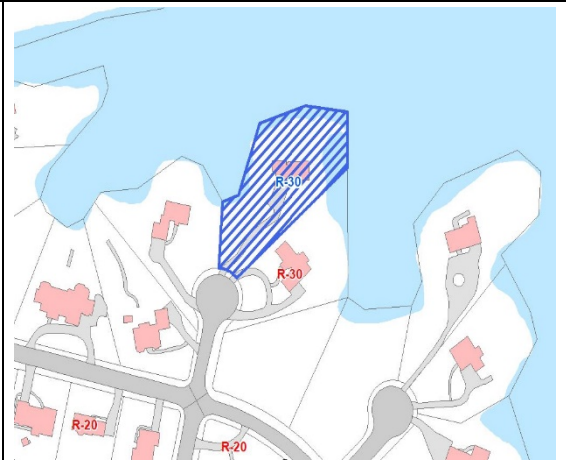


5. William & Helen Gradwell
[Applicant & Property Owner]

3848 Prince Andrew Ct
GPIN 1488-34-9313
Council District – Lynnhaven
Accela Record 2021-CBPA-00012

Variance Request – Encroachment into the RPA to construct a front porch.

Staff Planner – PJ Scully
Staff Report – page 59



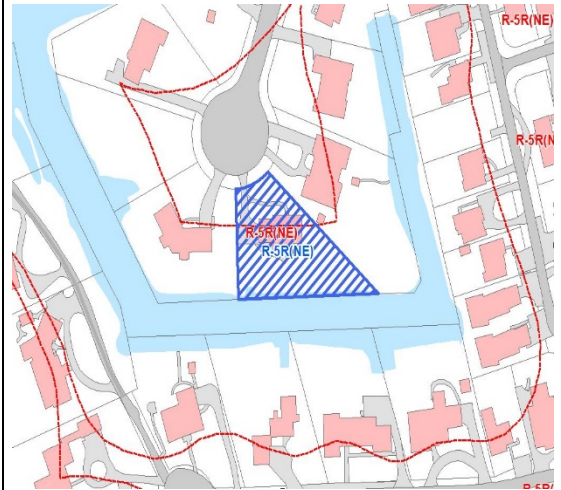
NEW BUSINESS AGENDA ITEMS

6. William & Donna Haycox
[Applicant & Property Owner]

513 58th St
GPIN 2419-60-5103
Council District – Lynnhaven
Accela Record 2021-CBPA-00015

Variance Request – Encroachment into the RPA to construct a terrace area with screened porch areas.

Staff Planner – PJ Scully
Staff Report – page 69

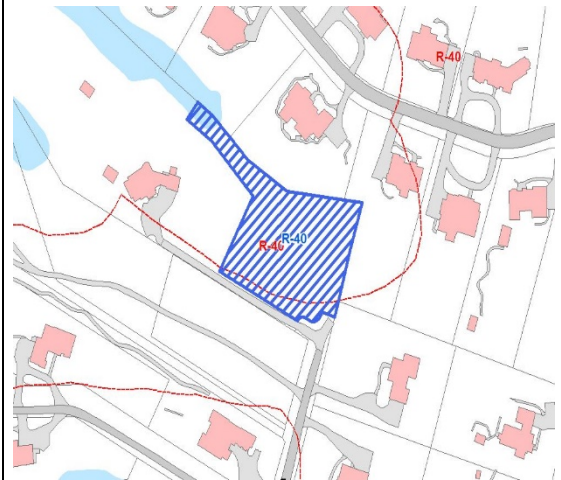


7. Dean Cauley
[Applicant & Property Owner]

Roper Tract, Lot A-1 Lynnwood Dr
GPIN 1488-88-4048
Council District – Lynnhaven
Accela Record 2021-CBPA-00016

Variance Request – Encroachment into the RPA to construct a single-family residence with accessory structure.

Staff Planner – PJ Scully
Staff Report – page 81

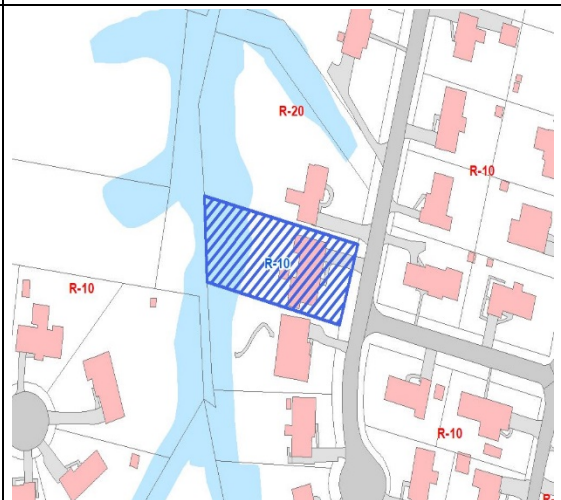


8. Todd B Perry Trust
[Applicant & Property Owner]

3517 Byrn Brae Drive
GPIN 1446-99-1992
Council District – Kempsville
Accela Record 2021-CBPA-00013

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

Staff Planner – PJ Scully
Staff Report – page 83



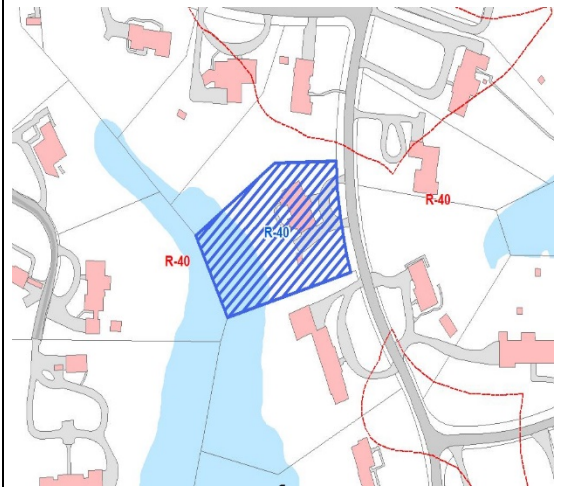
NEW BUSINESS AGENDA ITEMS

9. Bertrand Ross & Susanne Hughes
[Applicant & Property Owner]

1630 Arrowhead Pt
GPIN 1489-02-8555
Council District – Bayside
Accela Record 2021-CBPA-00017

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

Staff Planner – PJ Scully
Staff Report – page 95



10. Robert & Sharon Reich
[Applicant & Property Owner]

3013 Lynnhaven Dr
GPIN 1499-18-5457
Council District – Lynnhaven
Accela Record 2021-CBPA-00018

Variance Request – Encroachment into the RPA to construct a building addition and wood deck.

Staff Planner – PJ Scully
Staff Report – page 107



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 **Steven Quisenberry**
 Address **2069 Thomas Bishop Lane**
 Public Hearing **April 5, 2021**
 City Council District **Lynnhaven**

Agenda Item

1

Variance Request

Encroachment into the Resource Protection Area (RPA) to construct a retaining wall with associated backfill material.

Applicant’s Agent

Bob Simon
 Waterfront Consulting, Inc.

Staff Planner

PJ Scully

Lot Recordation

Map Book 127 Page 26
 Recorded 6/9/1978

GPIN

1499-66-9714

SITE AREA

38,838 square feet or 0.89 acre

SITE AREA OUTSIDE OF WATER/WETLANDS

32,498 square feet or 0.75 acre

EXISTING IMPERVIOUS COVER OF SITE

10,206 square feet or 31.4 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

10,426 square feet or 31.8 percent of site

Area of Redevelopment in RPA

0 square feet of fill material

Area of New Development in RPA

220 square feet

Location of Proposed Impervious Cover

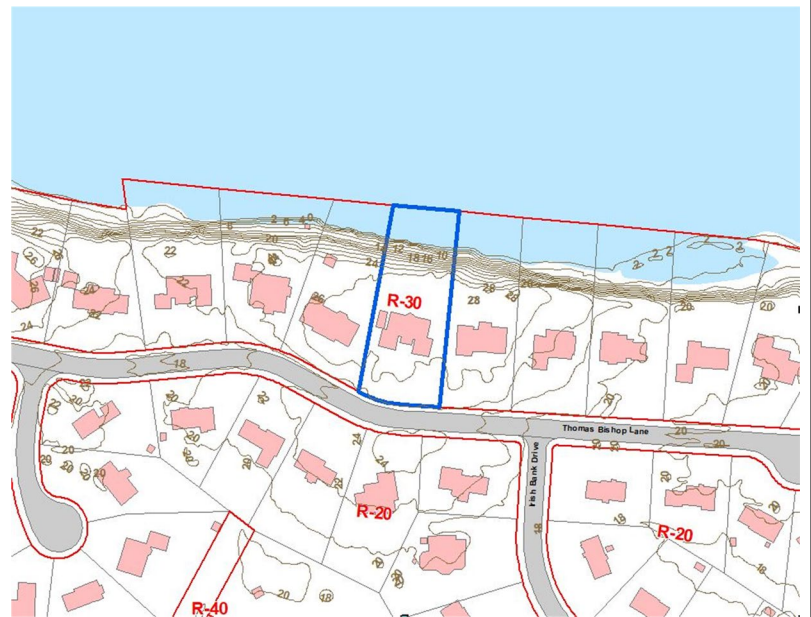
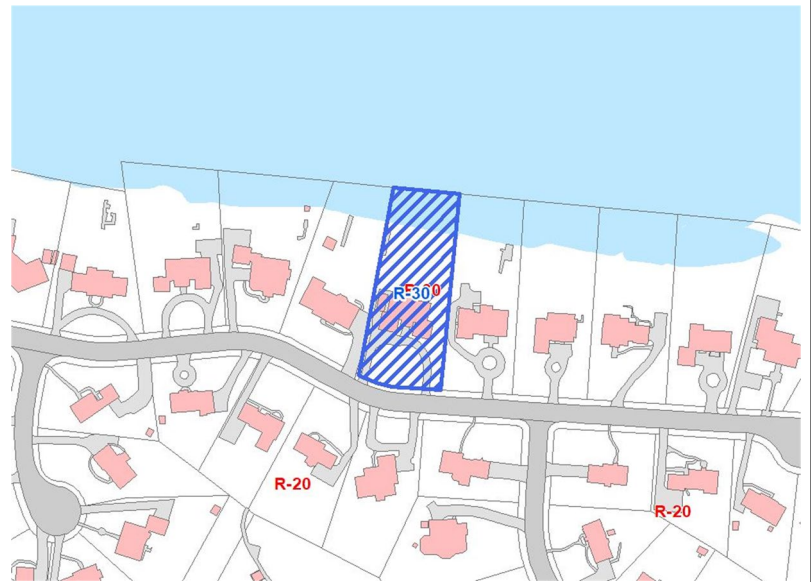
50-foot Seaward Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approve as conditioned



Summary of Proposal

Construction Details

- Gravity block retaining walls – two in total

CBPA Ordinance Variance History

This variance request was deferred at the following CBPA Public Hearing.

- March 1, 2021 CBPA Board Public Hearing

April 28, 2014 a Chesapeake Bay Preservation Area (CBPA) Board variance was granted to construct a swimming pool, square off the existing deck, add a second-floor deck and half bath with the following conditions:

1. *A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.*
2. *Land disturbance shall be limited to the area necessary to provide for the proposed use or development.*
3. *Wire re-enforced 36" erosion and sedimentation control measures (silt fences), 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. Said silt fence shall be installed 10 ft. from proposed improvements. Best management practices for erosion and sediment control shall be employed during restoration activities to protect adjacent wetlands and shorelines of water bodies.*
4. *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.*
5. *Prior to the issuance of any certificate of occupancy, or the final release of any permit authorizing a land disturbing activity, all disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations by such methods as, but not limited to, temporary seeding, permanent seeding, sodding or soil stabilization blankets and matting. The Building Code Official may authorize a temporary certificate of occupancy without the required soil stabilization if the failure to stabilize is due to circumstances beyond the control of the permit holder.*
6. *Construction limits shall lie a maximum of 10' outboard of improvements.*
7. *The construction access way shall be noted on the site plan, as well as the stockpile / staging area.*
8. *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.*
9. *A separate landscape / buffer restoration plan shall be submitted concurrent with the site plan detailing location, number, and species of vegetation to be installed. The landscape plan shall clearly delineate existing naturalized (trees, landscaping and mulched organic surfaces) areas, planting beds, and turf zones.*
10. *A revised site plan shall be submitted to the Department of Planning, Development Services Center for review and approval prior to the issuance of a building permit.*

11. *The conditions and approval associated with this variance are based on the site plan prepared by Sea View Consulting; LLC dated February 18, 2014 and sealed February 25, 2014 by Gregory O. Milstead.*
12. *Stormwater runoff from areas of either existing or proposed impervious cover equal to the amount of proposed impervious cover shall be conveyed to stormwater management facilities. Low maintenance best management practices shall be employed to the maximum extent practicable. Stormwater facilities shall be installed prior to the certificate of occupancy or release of the building permit.*
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 \$43.99 and is based on 25% of the proposed impervious cover within the RPA, inclusive of the variable width portion of the buffer. Said payment shall provide for the equivalent of an approximate 48 sq. ft., 12-inch deep oyster shell plant within the Lynnhaven River Basin.*
14. *Buffer restoration shall be installed equal to 200% of the proposed new impervious cover within the RPA (192 sq. ft. x 200% = 384 sq. ft.) and 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 Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance. 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" – 6" 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 50% deciduous and 50% evergreen species and shall be evenly distributed within the RPA buffer. 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.*
15. *Buffer restoration shall be installed equal to 100% of the proposed area of redevelopment within the RPA (232 sq. ft. x 100% = 232 sq. ft.) and 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 Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance. The required restoration shall be located within 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" – 6" 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 50% deciduous and 50% evergreen species and shall be evenly distributed within the RPA buffer. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit. In lieu of 100% restoration for redevelopment areas, a 10% reduction in pollutant removal load is acceptable via a structural BMP.*
16. *It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.*
17. *This variance supersedes all prior variances.*

Portions of the April 28, 2014 CBPA Board granted variance have been acted upon and the associated improvements constructed.

Environmental Conditions

Flood Zone

Multiple Zones – Zone X and AE, Base Flood Elevation (BFE): 8

Soil Type(s)

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

Shoreline

Shoreline is hardened with a 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 bioretention planting beds will be provided as a best management practice for stormwater run-off mitigation.

Evaluation and Recommendation

Staff's evaluation from the March 1, 2021 CBPA Board Staff report as follows.

"The applicant is proposing to construct a retaining wall and place fill material within the 100-foot RPA buffer over an area of existing turf to reduce the slope of and stabilize the existing bank on the subject lot. The applicant's agent provided in the Water Quality Impact Assessment (WQIA) that the height of the proposed retaining wall will be approximately 4 feet and the associated area of proposed fill material approximately 1,805 square feet. Staff is of the opinion that the desired use to amend the slope of the existing bank and stabilize the area landward of the retaining wall with turf proposed by this variance request does not meet the findings of the Chesapeake Bay Preservation Area (CBPA) Ordinance, specifically Section 110 (H)(3) that the variance is the minimum necessary to afford relief. Aside from the variance request being an attempt to provide a safety measure along the top of bank feature given the severity of the existing slope, much of the 50-foot landward buffer is currently devoted to turf and provides ample area towards the use of this lot for single-family residential development."

Since the deferral of this variance request, the applicant's agent has provided a revised CBPA Exhibit for the Board's consideration. The revised CBPA Exhibit eliminates the upland fill material component and proposes two linear retaining walls along the existing bank. The first retaining wall is located along the toe of slope. This retaining wall is 106 linear feet and approximately 3 feet in height. The second retaining wall is located along the top of the existing bank. This retaining wall is 76 linear feet and varies in height bisecting the existing deck. The intent of the retaining walls is to alleviate the stress on the existing bank from erosion as a mitigating strategy due to the underlying soil conditions and recent weather-related rain events. Staff is of the opinion that the revised approach provides a means towards preserving the existing weight of the soil along the bank and better maintains a state of static equilibrium that relocates the initially submitted retaining wall from the centroid of the existing bank.

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 performance standards of the CBPA Ordinance and believes that the construction of the proposed improvements lend support to the proposed improvements not being substantially detrimental to water quality.

- 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 proposed retaining walls are similar slope stabilization as both adjoining properties and may other properties on Thomas Bishop lane."* Staff acknowledges the statement provided by the applicant's agent; however, even though the request is

Steven Quisenberry

Agenda Item 1

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similar to both adjoining properties, Staff is of the opinion that a request of this type should be evaluated based off specific soil characteristics and the requirements of structural mechanics. Staff acknowledges the applicant's agent's revision to the CBPA Exhibit to address those design parameters.

- 2) The variance request is not based upon conditions or circumstances that are or have been created or imposed by the applicant or predecessor in title because *"the topography of the site has not been altered since the lot was created."* Staff acknowledges the statement provided by the applicant's agent and their concern over the stability of the existing bank's ability to erode due to the underlying soil conditions and recent weather-related rain events.
- 3) The variance is the minimum necessary to afford relief because *"the proposed retaining walls footprints are only 220 sf."* Staff is of the opinion that the proposed impervious cover is minimal, and that the revised CBPA Exhibit provides merit towards being the minimum necessary to afford relief with the elimination of the upland fill component from the variance request.
- 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 slope stabilization will reduce/halt sediment run off into Broad Bay."* Staff does acknowledge that reducing the slope of the lot in the subject area may slow, minimally, the velocity of stormwater run-off; however, Staff is of the opinion that the severity of the existing slope and associated land disturbance during construction warrants a construction methodology and stabilization measures specific to site characteristics and has provided the recommended conditions below for the CBPA Board's consideration.
- 5) *"The slope stabilization will reduce/halt sediment run off into Broad Bay"* as a means to manage towards a no net increase in nonpoint source pollution load. Staff is of the opinion that if executed properly and managed, both pre- and post- construction of the revised request offer a means towards managing the lot towards a no net increase in nonpoint pollution load.

Given the above comments and Staff's recommendation for this variance request as submitted, Staff provides the following 14 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality for the Board's deliberation.

Recommended 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 detailed Sequence of Construction (SOC) providing and provided on the site plan. Said SOC shall address, but is not limited to marking of layout in the field, 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.
- 3) Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements.
- 4) 400 square feet of buffer restoration shall be installed. 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: **1 canopy trees, 2 understory trees, 2 large shrubs, and 3 small shrubs.**

The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf. The 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 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.

- 5) For all portions of the existing bank that are denuded daily by construction activity a temporary soil stabilization measures shall be applied at the end of each working day. All disturbed or denuded areas shall utilize temporary stabilization measures in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
- 6) For all portions of the existing bank that are regraded and the final grade established, an erosion and sediment control blanket, suitable for areas that require higher flow rates, steeper slopes, or longer-term use shall be installed over all areas of disturbed land both seaward and landward of the retaining wall. Said material shall be secured using a peg, staple or stake per manufacturer recommendations and a vegetative cover provided so that the areas of disturbance have a complete vegetative cover post-construction.
- 7) The area of land seaward of the retaining wall located along the top of bank shall remain in a “cover crop” vegetative cover such as grasses or perennial legumes that provides an active root system in the soil that holds the soil from water erosion while above ground growth shields soil movement from wind erosion and rainfall splatter to minimize soil movement.
- 8) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 9) 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.
- 10) 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.**
- 11) Double 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.
- 12) Construction limits shall be contained within the limits of the silt fence.
- 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 \$192.04 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.

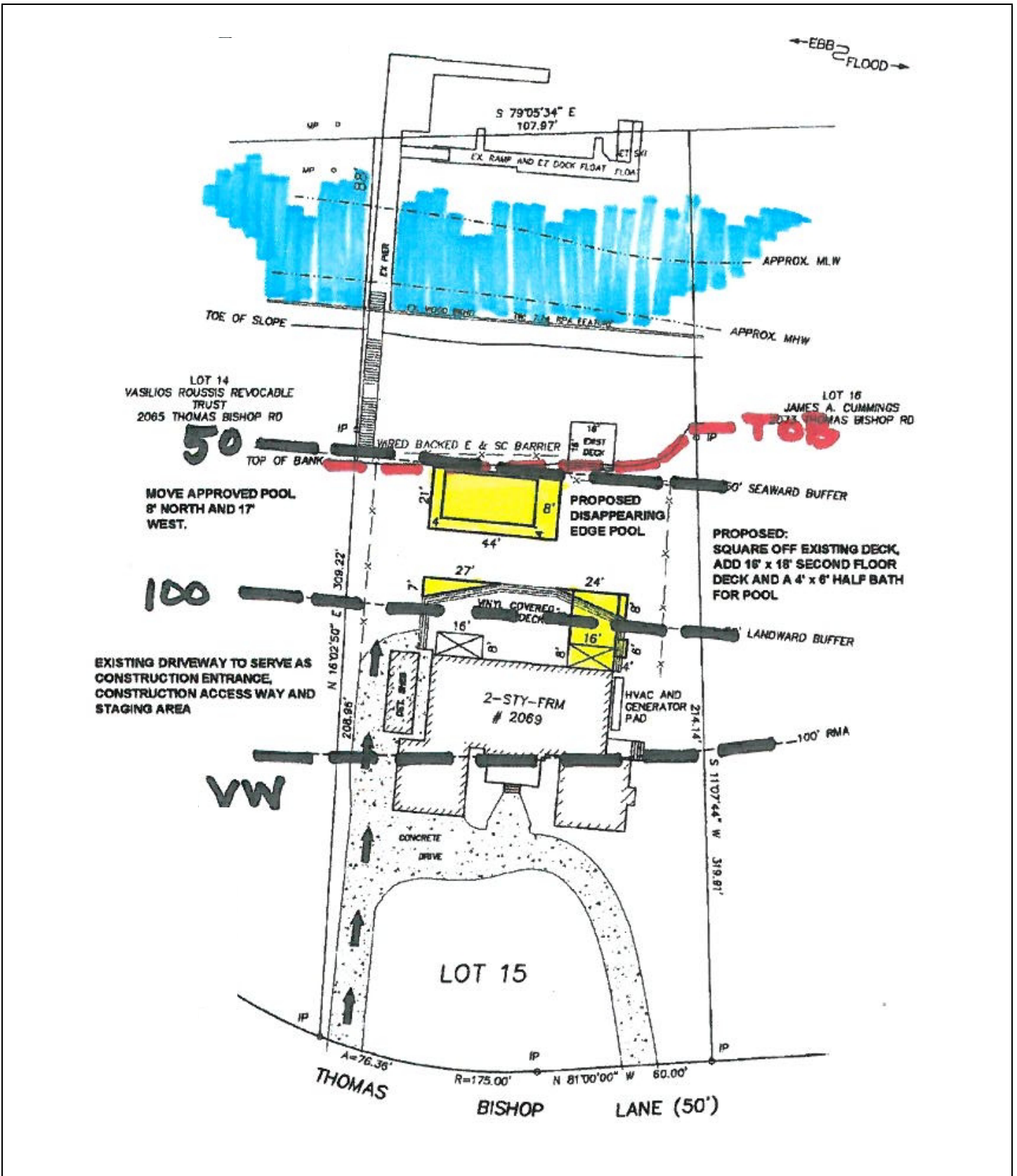
14) The conditions and approval associated with this variance are based on the exhibit plan dated January 7, 2021 and revised March 1, 2021 prepared by Waterfront Consulting, Inc. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board.

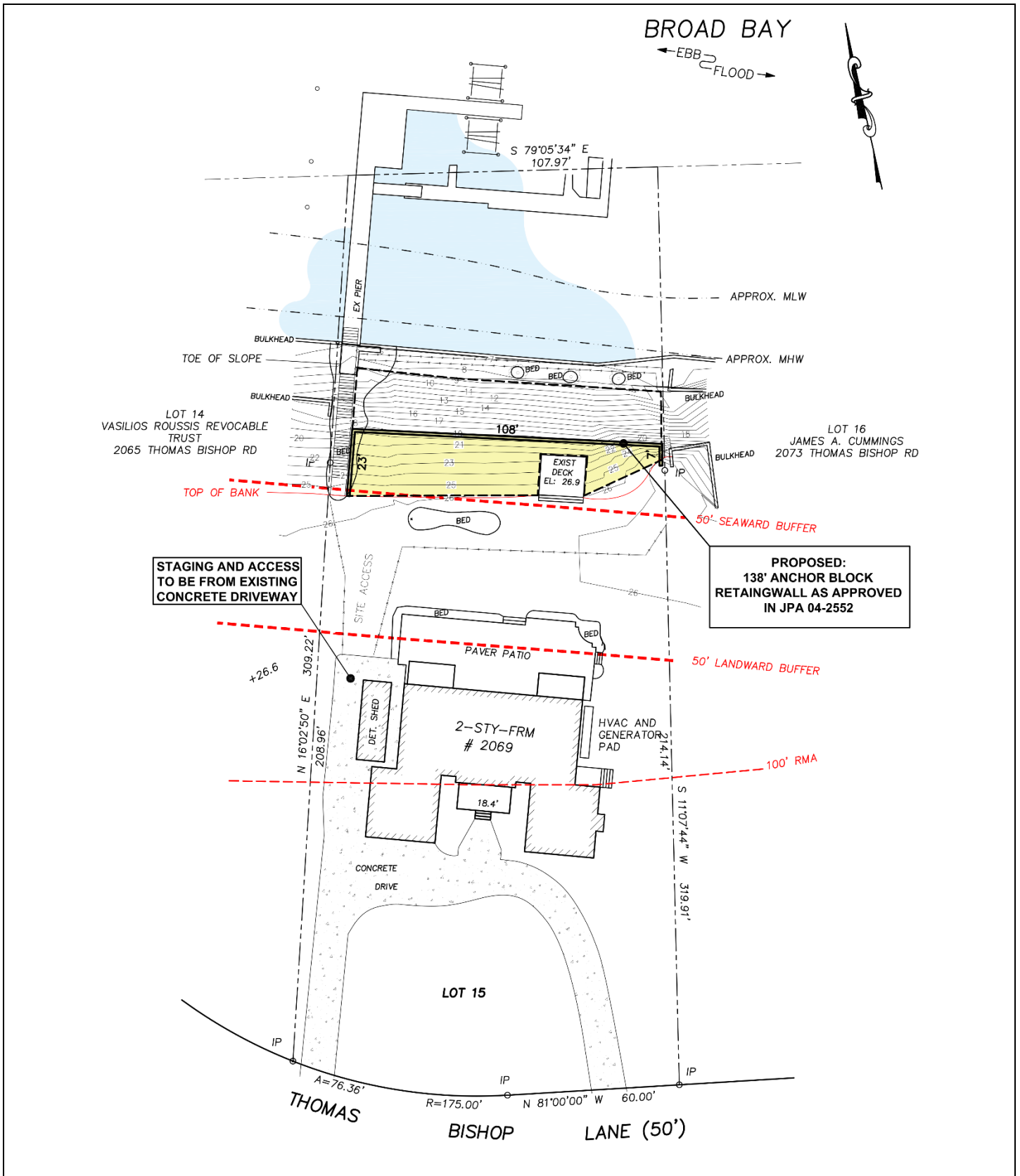
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

***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

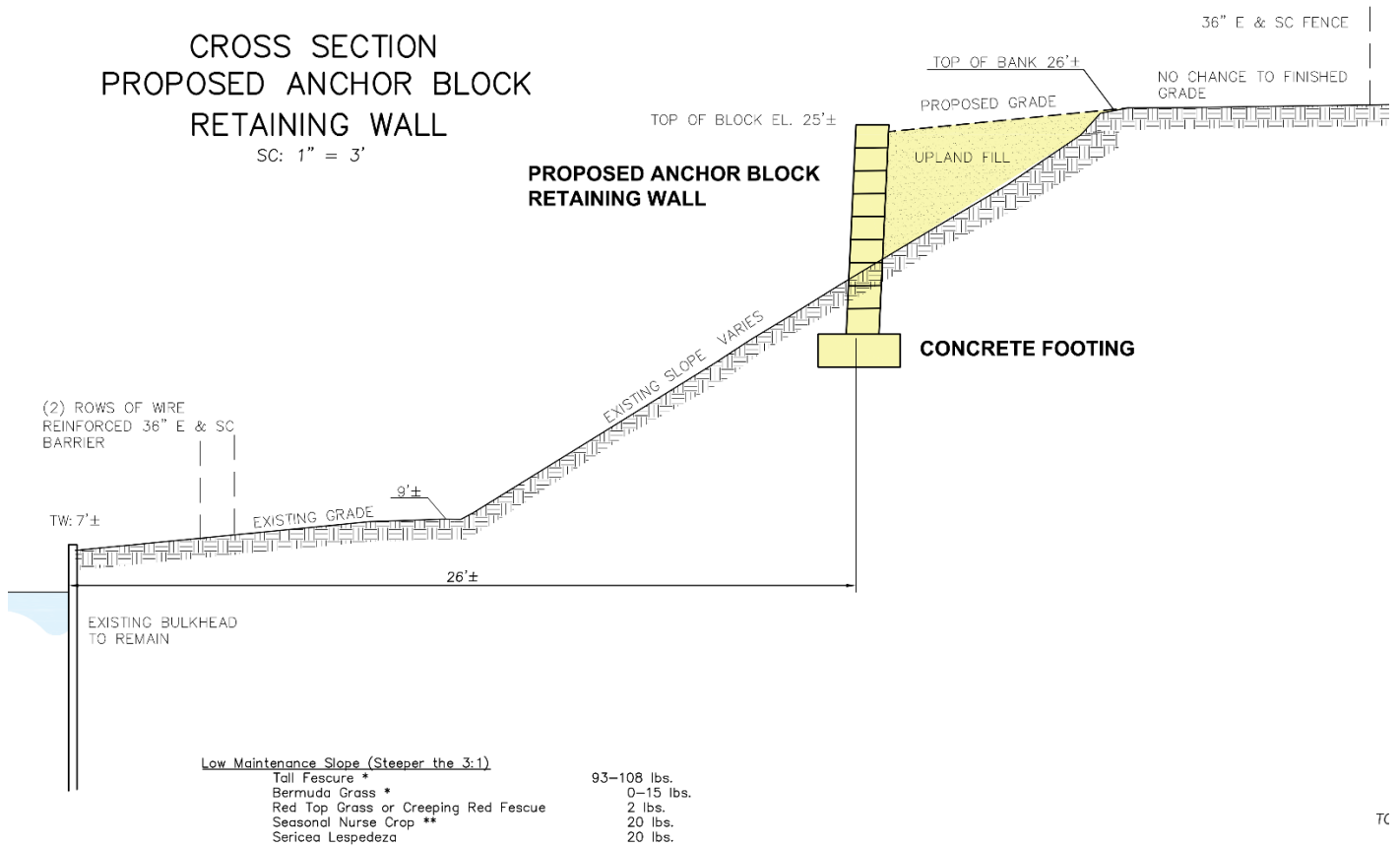






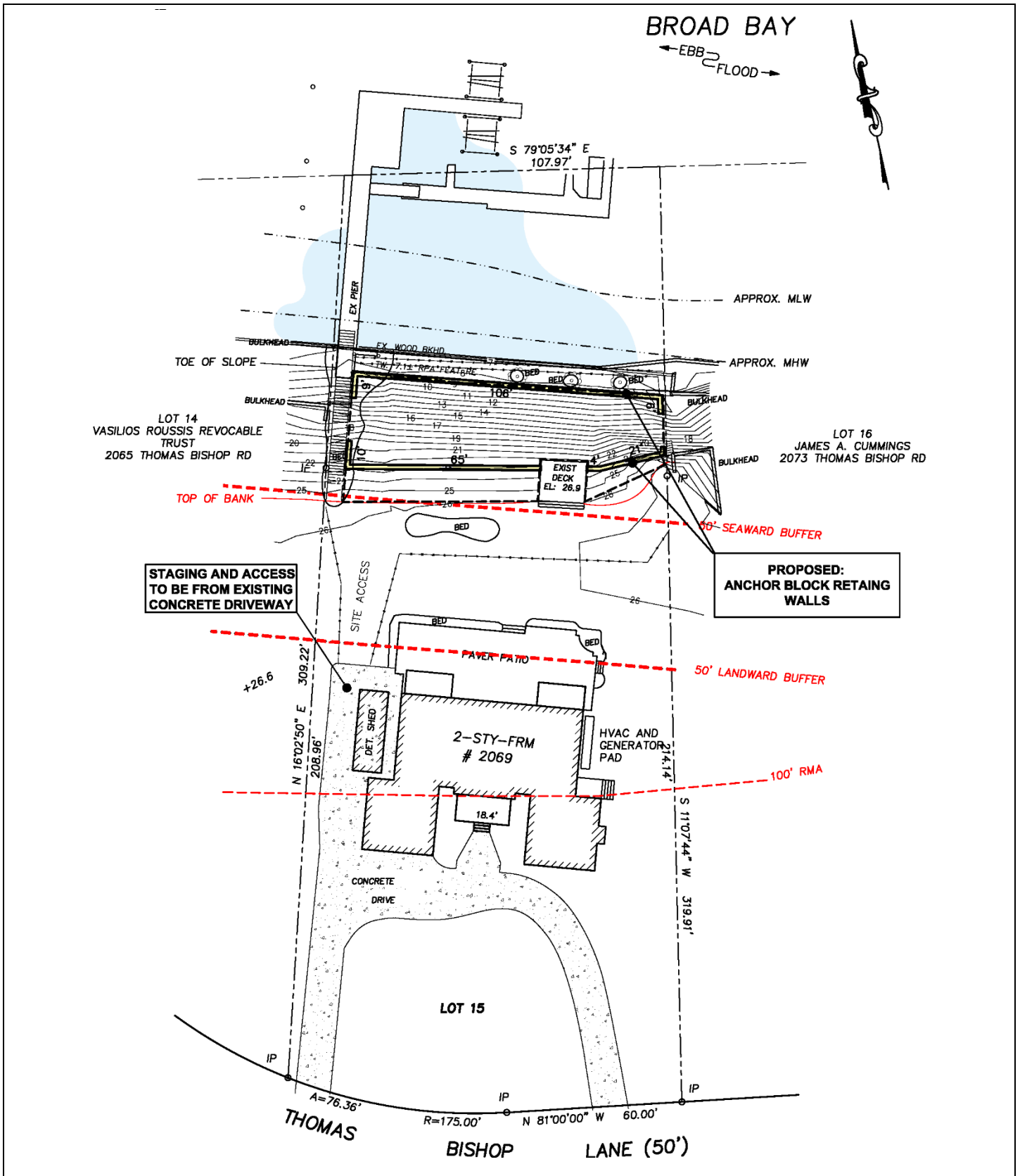
Retaining Wall Cross Section – Presented in the March 2021 CBPA Staff Report

CROSS SECTION PROPOSED ANCHOR BLOCK RETAINING WALL SC: 1" = 3'



TC

Revised CBPA Exhibit – Proposed Improvements

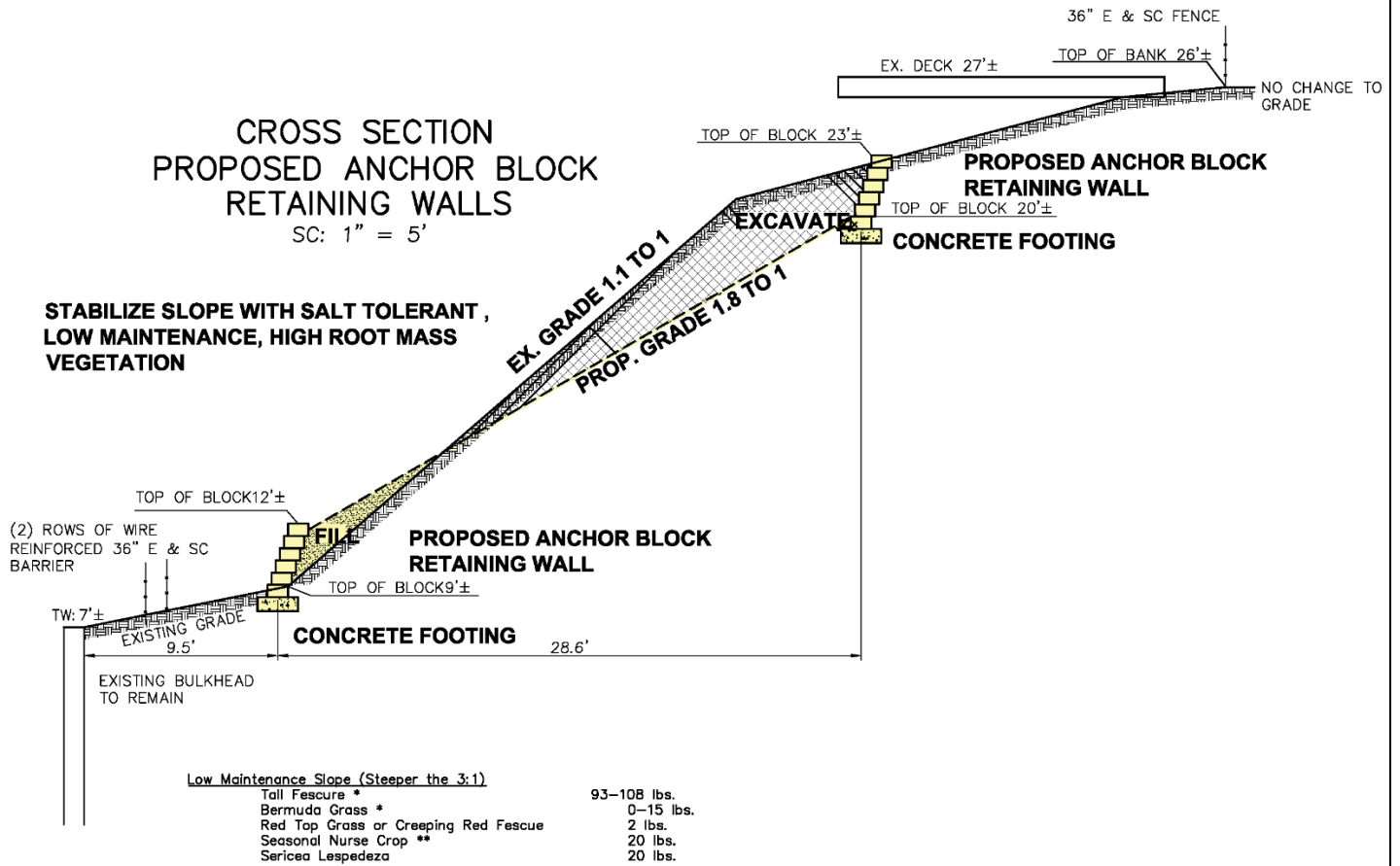


Revised CBPA Exhibit – Retaining Wall Cross Section/Elevation View

CROSS SECTION PROPOSED ANCHOR BLOCK RETAINING WALLS

SC: 1" = 5'

**STABILIZE SLOPE WITH SALT TOLERANT,
LOW MAINTENANCE, HIGH ROOT MASS
VEGETATION**



Low Maintenance Slope (Steeper than 3:1)

Tall Fescue *	93-108 lbs.
Bermuda Grass *	0-15 lbs.
Red Top Grass or Creeping Red Fescue	2 lbs.
Seasonal Nurse Crop **	20 lbs.
Sericea Lespedeza	20 lbs.

Disclosure Statement

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 Steven C Quisenberry

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

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

Waterfront Consulting, Inc

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.

United Mortgage, WV

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 real estate broker/realtor.

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 or individual providing the service.

Ed Jones, Jones, Madden & Council, P.C.

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 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.

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 construction contractor.

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 engineer/surveyor/agent.

Waterfront Consulting, Inc and Chesapeake Bay Site Solutions

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 name of the attorney or firm providing legal services.

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

Steven C Quisenberry

Print Name and Title

01/13/2021

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 **Jacob Krawitz & Blake Goldmerstein**
 Address **2945 Lynnhaven Drive**
 Public Hearing **April 5, 2021**
 City Council District **Lynnhaven**

Agenda Item

2

Variance Request

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

Applicant's Agent

Billy Garrington

Staff Planner

PJ Scully

Lot Recordation

Map Book: 37 Page: 7

Recorded 9/9/1954

GPIN

1499-28-2985

SITE AREA

13,628 square feet or 0.313 acre

SITE AREA OUTSIDE OF WATER/WETLANDS

13,501 square feet or 0.310 acre

EXISTING IMPERVIOUS COVER OF SITE

4,219 square feet or 31.2 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

5,554 square feet or 41.1 percent of site

Area of Redevelopment in RPA

40 square feet

Area of New Development in RPA

1,418 square feet

Location of Proposed Impervious Cover

50-foot Seaward Buffer

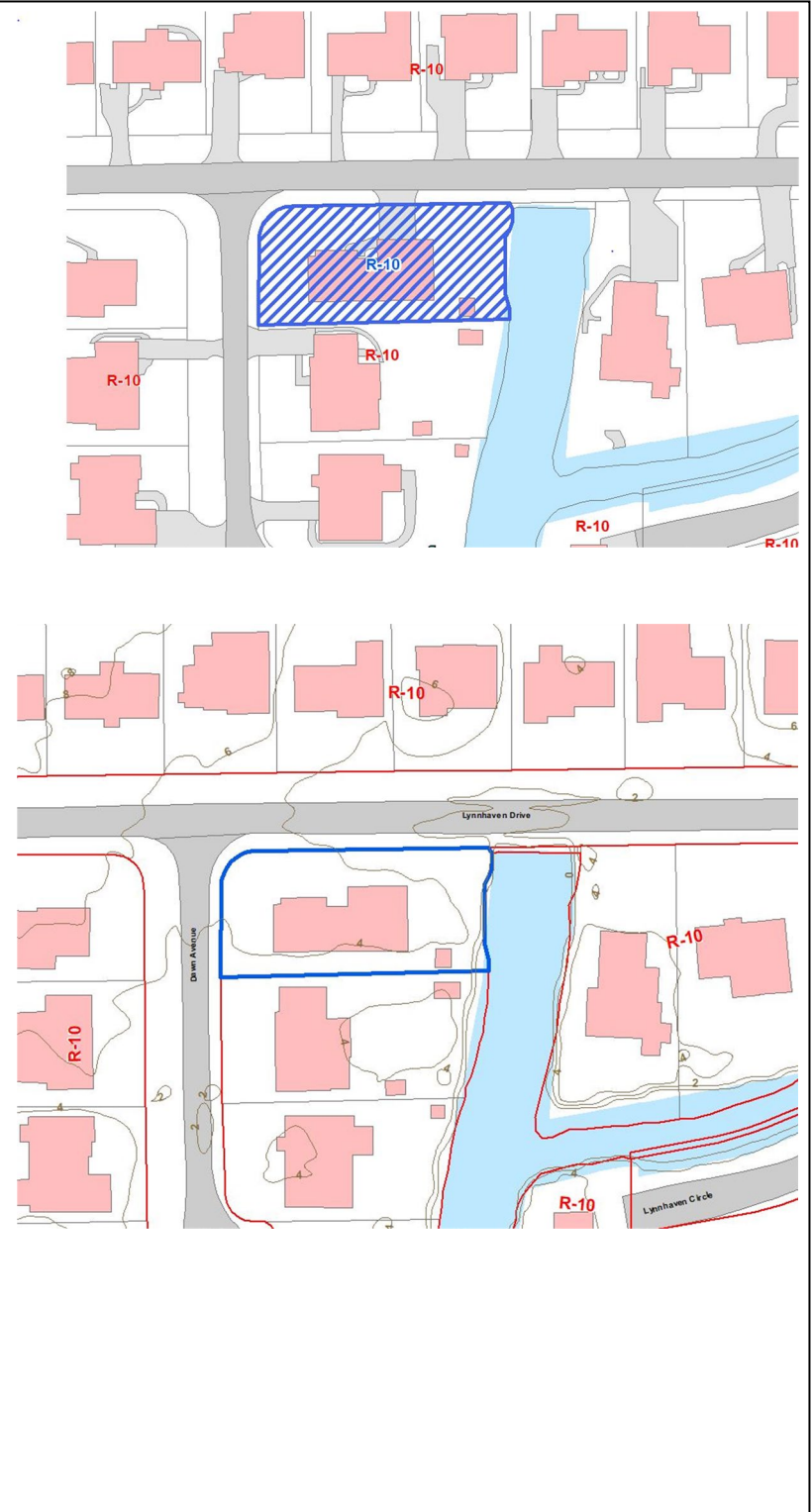
50-foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Frame shed

Construction Details

- Swimming pool with pool patio and fire pit

CBPA Ordinance Variance History

This variance request was deferred at the following CBPA Public Hearing.

- March 1, 2021 CBPA Board Public Hearing

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

Environmental Conditions

Flood Zone

Zone AE, Base Flood Elevation (BFE): 7

Soil Type(s)

Psammments-Urban Series (moderately well-drained soils, disturbed from excavation)
Corolla (highly erodible soils)

Shoreline

Shoreline is hardened with a wood bulkhead

Riparian Buffer

Moderately wooded lot

- Number of 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 bioretention planting beds and permeable pavers will be provided as a best management practice for stormwater runoff mitigation.

Evaluation and Recommendation

The applicant is proposing to construct a 462 square foot swimming pool with a 996 square foot pool deck and surround. Inclusive of the proposed pool deck, approximately 40 square feet is allocated to redevelopment with the removal of the existing shed. As a means to minimize encroachment towards the existing man-made canal and provide a safe distance from the foundation of the existing residence with the proposed location of the swimming pool, the applicant's agent

has situated programming elements consisting of a paver fire pit and dining area between the existing residence and proposed swimming pool.

The applicant's agent provided in the Water Quality Impact Assessment (WQIA) that *"the only one realistic location to put the pool on this previously developed corner lot"* is as shown. Staff agrees with the statement provided and offers that zoning setback requirements for corner lots further limits the location of a swimming pool on this lot. Aside from the layout of the proposed improvements associated with this variance request, the overall impervious cover increases from 4,219 square feet or 31.2 percent of the lot above water and wetlands to 5,554 square feet or 41.1 percent of the lot above water and wetlands. Collectively, the existing and proposed accessory structures account for approximately 1,817 square feet or 32.7 percent of the overall impervious cover of the lot of which 1,355 square feet is allocated to deck area (wood and concrete). Staff has evaluated this increase in impervious cover to the finding of the CBPA Ordinance, Section 110(H) and offers the recommended conditions below, specifically condition 2 that recommends a reduction to the overall square footage amount of the accessory structures on the lot and condition 4 as a means to provide water quality protection and mitigate the effects of the encroachment request into the Resource Protection Area (RPA).

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 and believes that the construction of the proposed improvements, coupled stormwater management practices as stated in the WQIA, will aid with the redevelopment of this lot from not being of substantial detriment to water quality.

- 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 *" this property is a corner lot and thus geometrically challenged. Neighbors to the south and east have built pools in a similar configuration to what is proposed here."* Staff acknowledges the statement provided and does agree that multiple City requirements challenge the redevelopment of this lot however the encroachment request is within the 50-foot seaward buffer and should be evaluated based off site specific conditions that do not collectively negate the other findings of the CBPA Ordinance as follow.
- 2) This variance request is not based upon conditions or circumstances that are or have been created or imposed by the applicant because *"the lot was platted and developed long before the CBPA Ordinance was codified."* Staff concurs.
- 3) The variance is the minimum necessary to afford relief because *"the proposed improvements include a modest pool and a reasonable pool deck for the enjoyment of the owner, and a proposed fire pit in the location of the existing shed."* Staff provides the recommended conditions below, specifically condition 2 that address the overall impervious cover of the lot as an effort to sensibly redevelop a portion of this lot within the means of 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 project will include mitigation measures like buffer restoration and bioretention planting bed BMP's, thus achieving an overall benefit to the Bay."* Staff is of the opinion that the recommended conditions provided below offer best management practices towards water quality and water quantity management that the lot does not currently provide.
- 5) *"The bioretention BMP's and buffer restoration will treat stormwater that runs off the property, untreated, today, and will provide environmental benefits to mitigate the project"* as a means to manage towards a no

net increase in nonpoint source pollution load. Staff concurs and offers that the granting of this variance would require those best management practices to remain functioning as intended in perpetuity.

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 Single-Family RPA Site Plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
- 2) The maximum impervious cover of the lot shall not exceed 5,400 square feet. With the reduction of overall impervious cover of the lot, no further encroachment shall occur than shown on the CBPA Exhibit.
- 3) Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
- 4) 2,800 square feet of buffer restoration shall be installed within the RPA buffer. At a minimum, 70 percent of the required buffer restoration square footage shall be located in the 50-foot seaward buffer with the remainder situated on the lot to intercept stormwater sheet flow to the greatest extent practicable in areas that do not impact the critical root zones of the existing canopy trees.

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, 7 understory trees 14 large shrubs and 21 small shrubs.**

The 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.

- 5) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
- 6) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 7) Land disturbance shall be limited to the area necessary to provide for the proposed use or development. Said areas of land disturbance shall be quantified on revised site plan submittals.
- 8) The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. **Said areas shall be quantified as land disturbance if not occurring on a paved or graveled surface.**

- 9) Wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be installed along the entire perimeter 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.
- 10) Construction limits along the entire perimeter of the project shall lie a maximum of 10 feet seaward of improvements.
- 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 \$324.95 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 February 26, 2021, prepared by Clark Design Group, signed February 26, 2021 by Brad Martin. 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.

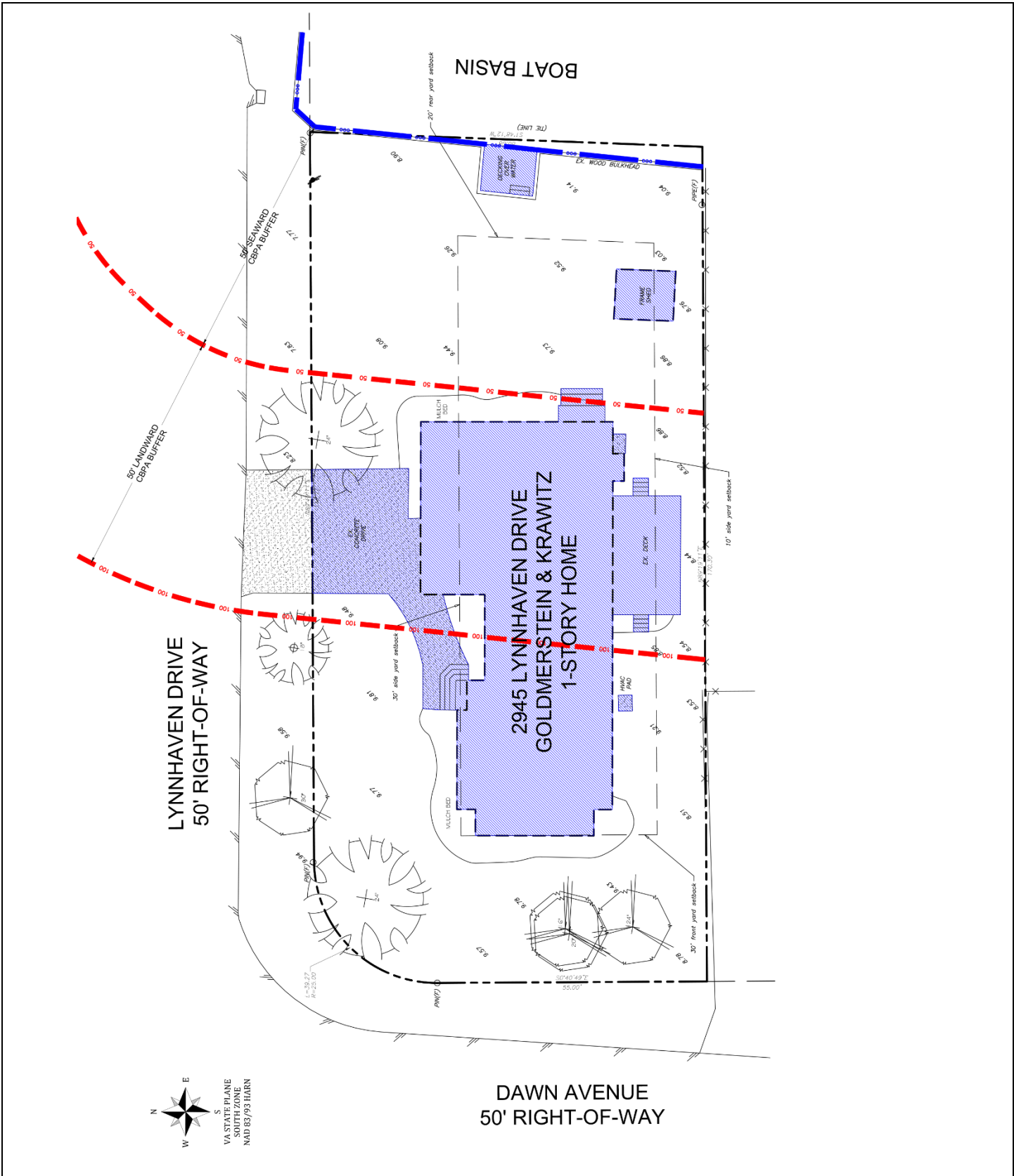
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

***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



Disclosure Statement

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 JACOB KRAWITZ & BLAKE GOLDMERSTEIN

Does the applicant have a representative? Yes No

- If yes, list the name of the representative.

BILLY GARRINGTON, GPC / BRAD MARTIN, P. E., CLARK DESIGN

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-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsidiary 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-subsidiary 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.

WELLS FARGO

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.
-

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.
-

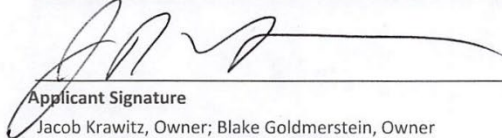
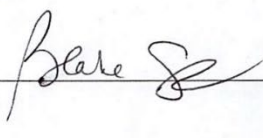
Disclosure Statement



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.
Atlantis Pools
-
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.
Brad Martin - Clark Design Group
-
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
Jacob Krawitz, Owner; Blake Goldmerstein, Owner

Print Name and Title

1/30/2021

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 **Janet & Stephen Morris**
Address **2613 Heston Road**
Public Hearing **April 5, 2021**
City Council District **Lynnhaven**

Agenda Item

3

Variance Request

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

Applicant's Agent

Billy Garrington

Staff Planner

PJ Scully

Lot Recordation

Map Book 86, Page 33

Recorded 4/29/1971

GPIN

1499-79-1287

SITE AREA

15,577 square feet or 0.358 acre

SITE AREA OUTSIDE OF WATER/WETLANDS

15,577 square feet or 0.358 acre

EXISTING IMPERVIOUS COVER OF SITE

5,365 square feet or 34.4 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

6,368 square feet or 40.9 percent of site

Area of Redevelopment in RPA

84 square feet

Area of New Development in RPA

1,321 square feet

Location of Proposed Impervious Cover

50-foot Seaward Buffer

50-foot Landward Buffer

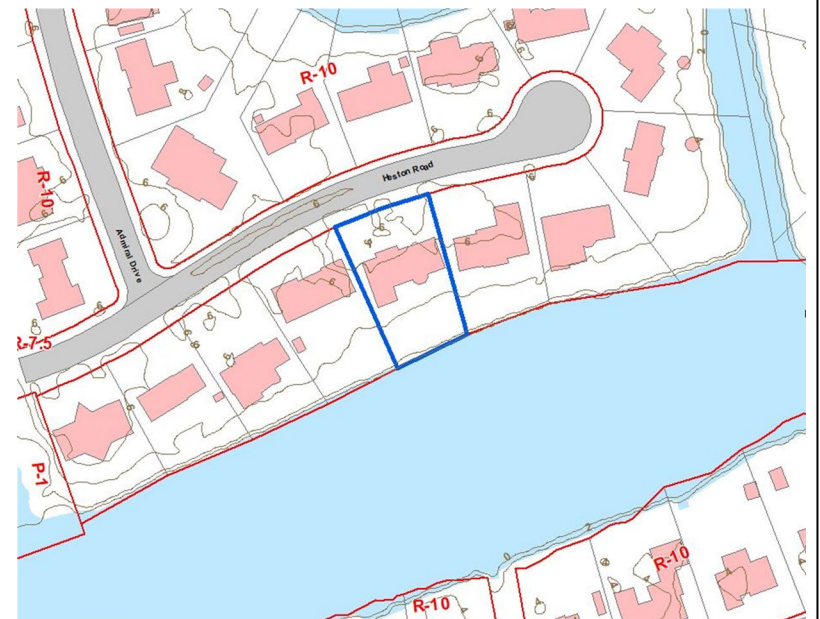
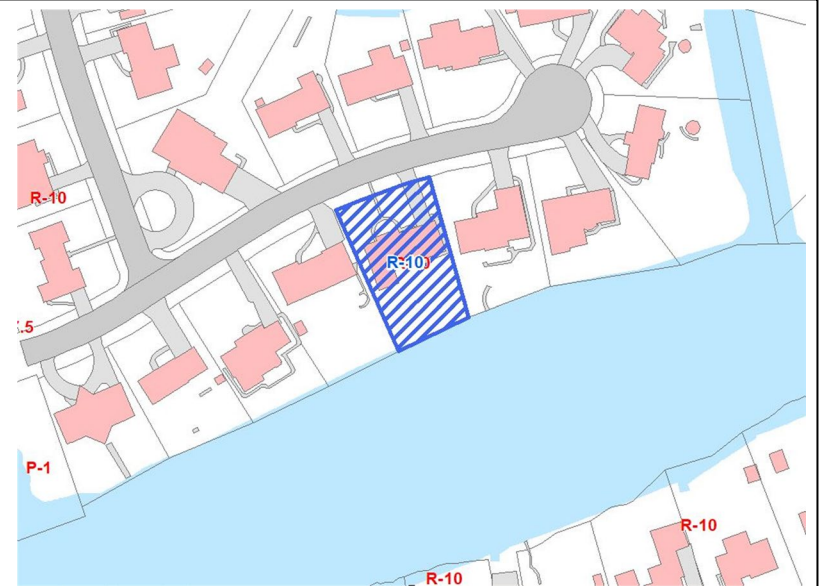
Resource Management Area (RMA)

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Portion of the existing walkway located at the front and rear of the residence
- Portion of existing wood deck.

Construction Details

- Swimming pool, pool patio and fire pit
- Mulch stepping-stone pathway to existing dock

CBPA Ordinance Variance History

This variance request was deferred at the following CBPA Public Hearing.

- March 1, 2021 CBPA Board Public Hearing

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

Environmental Conditions

Flood Zone

Zone AE, Base Flood Elevation (BFE): 7

Soil Type(s)

Psamments Series (moderately well-drained soils, disturbed from excavation)

Shoreline

Shoreline is hardened with a wood bulkhead.

Riparian Buffer

Sparsely wooded lot

- Number of existing canopy trees requested for removal within the RPA: 2
- Evaluation of existing canopy tree removal request: Trees being requested for removal are within the delineated limits of construction. *Sumptis remediis* "vomentes" or Mistletoe is present in the trees being removed. Staff provides that cutting mistletoe out of a tree is about the only effective control.

Stormwater Management Methodology

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

Evaluation and Recommendation

The applicant is proposing to construct a 420 square foot swimming pool with a 985 square foot pool deck and surround. Inclusive of the proposed pool deck, approximately 84 square feet is allocated to redevelopment with the removal of the existing concrete walkway along the rear of the residence.

Janet & Stephen Morris

Agenda Item 3

Page 36

The initial submittal for the variance request proposed an overall impervious cover of 6,761 square feet or 43.4 percent of the lot above water and wetlands. During the deferral time leading up to the April CBPA Board public hearing the applicant's agent revised the CBPA Exhibit reducing the overall impervious cover to 6,368 square feet or 40.9 percent of the lot above water and wetlands. The reduction in overall impervious cover primarily comes from the reduction of the wood deck and the removal of the front walkway from the residence to Heston Road. Regarding the overall impervious cover on the lot, the existing and proposed accessory structures account for approximately 1,933 square feet or 30.3 percent of the overall impervious cover of the lot. To address the overall impervious cover of the lot, the applicant's agent provided an analysis of 9 adjacent properties located along East Admiral Drive which yielded an average impervious coverage of 44 percent. Staff acknowledges the analysis performed by the applicant's agent and reiterates that the merits for encroachment requests into the RPA buffer are evaluated not just to one of the CBPA Ordinance findings but collectively to all with each evaluation integrating existing environmental conditions for a sustainable design.

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 and believes that the construction of the proposed improvements are appropriate based off the conveniences of others within the neighborhood.

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated because *"the property is a waterfront lot and the 100' CBPA buffer encumbers 65% of the back yard. Neighbors to the east have built pools in a similar configuration to what is proposed here."* Staff concurs.
- 2) This variance request is not based upon conditions or circumstances that are or have been created by the applicant or predecessor in title because *"the lot was platted and developed long before the CBPA Ordinance was codified."* Staff concurs.
- 3) The variance is the minimum necessary to afford relief because *"the proposed improvements include a modest pool and a reasonable pool deck for the enjoyment of the owner, and a proposed fire pit to enjoy the outdoor living area."* The applicant's agent has acknowledged that the proposed overall impervious cover of the lot albeit similar to the amount of impervious cover on other developed lots within the neighborhood has provided a reduction to the overall impervious cover on the lot by approximately 393 square feet through the removal of existing impervious cover.
- 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 project will include mitigation measures like buffer restoration and bioretention planting bed BMP's, thus achieving an overall benefit to the Bay."* Staff is of the opinion with the spot grade elevations provided on the CBPA Exhibit that the creation of a riparian buffer ecosystem within the 50-foot seaward buffer would provide substantial water quality benefits by slowing runoff velocities and allowing sediment and attached pollutants to infiltrate prior to discharge into the adjacent waterways.
- 5) *"The bioretention BMP's and buffer restoration will treat stormwater that runs off the property, untreated, today, and will provide environmental benefits to mitigate the project"* as a means to manage towards a no net increase in nonpoint source pollution load. Staff concurs and provides the recommended conditions below to support the statement provided by the applicant's agent.

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 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) 2,800 square feet of buffer restoration shall be installed within the RPA buffer. At a minimum 2,000 square feet of the required buffer restoration square footage shall be located in the 50-foot seaward buffer with the remain amount situated on the lot to intercept stormwater sheet flow to the greatest extent practicable in areas that do not impact the critical root zones of the existing canopy trees.

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: **7 canopy trees, 7 understory trees 14 large shrubs and 21 small shrubs.**

The 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 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 15 feet from improvements.
- 9) Construction limits along the seaward portion of the project shall lie a maximum of 15 feet seaward of improvements.

- 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, 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 \$302.72 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 February 26, 2021, prepared by Clark Design Group, signed February 26, 2021 by Brad Martin. 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.

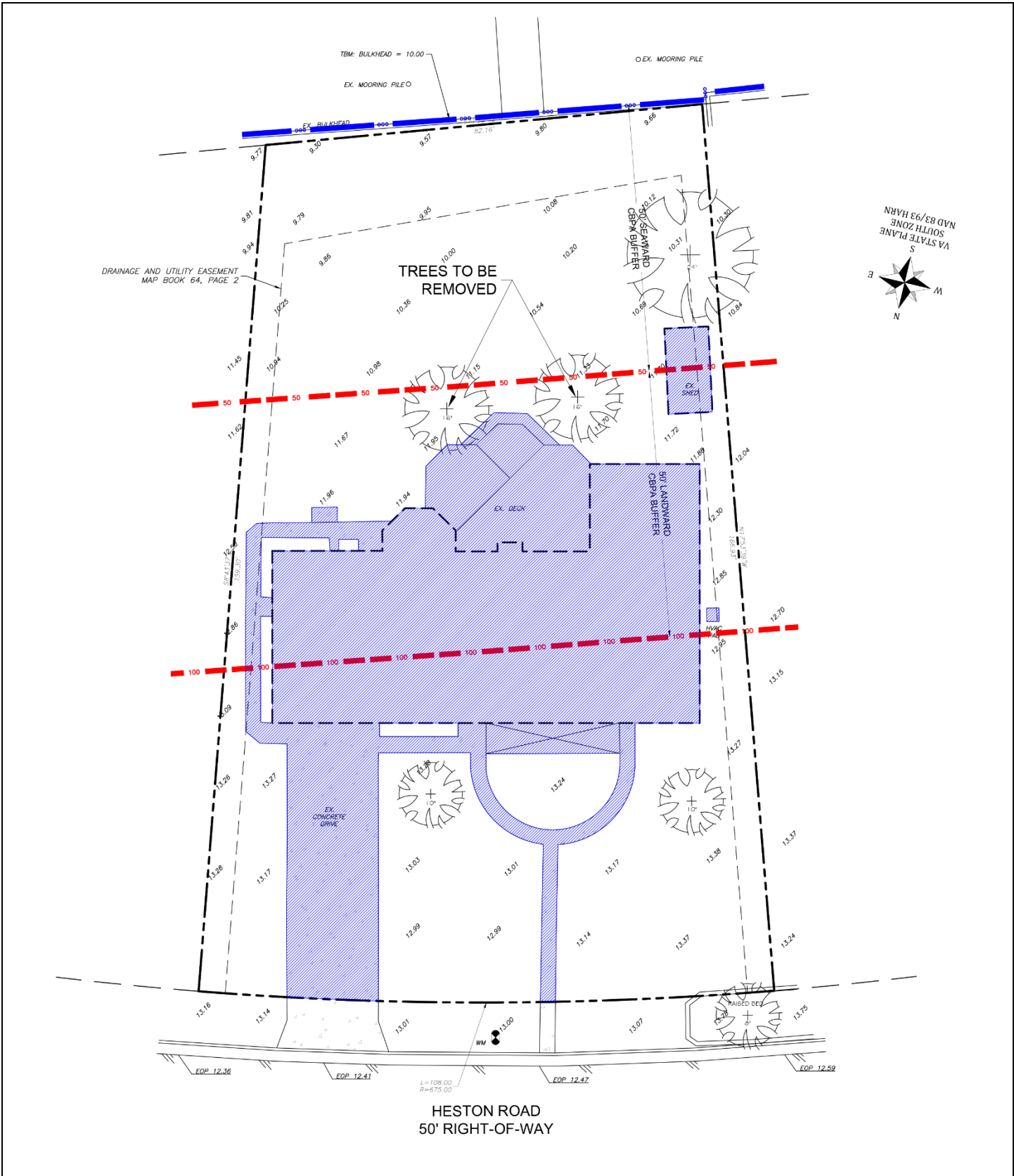
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

***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.

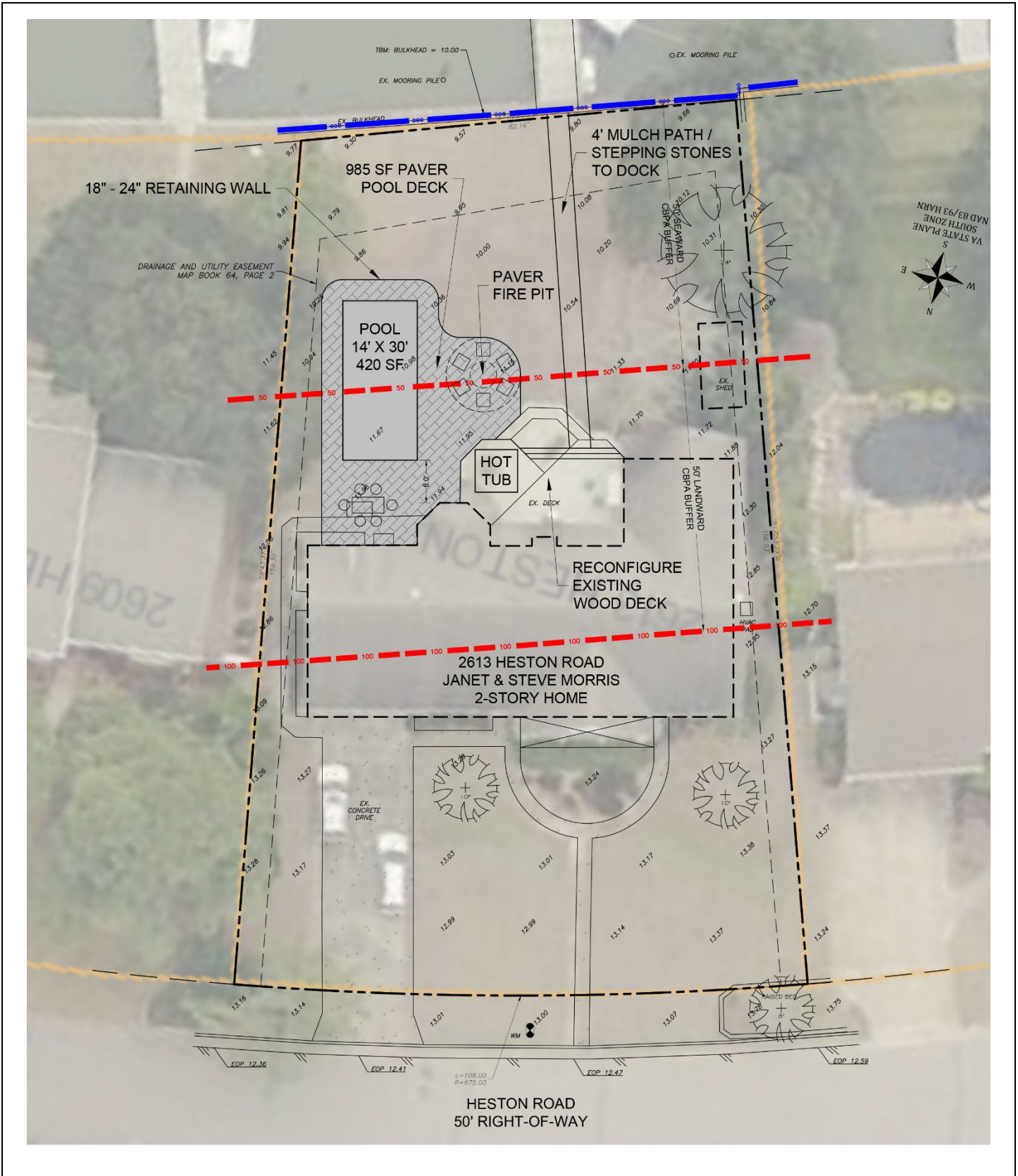
Site Aerial



CBPA Exhibit – Existing Conditions



CBPA Exhibit – Proposed Improvements

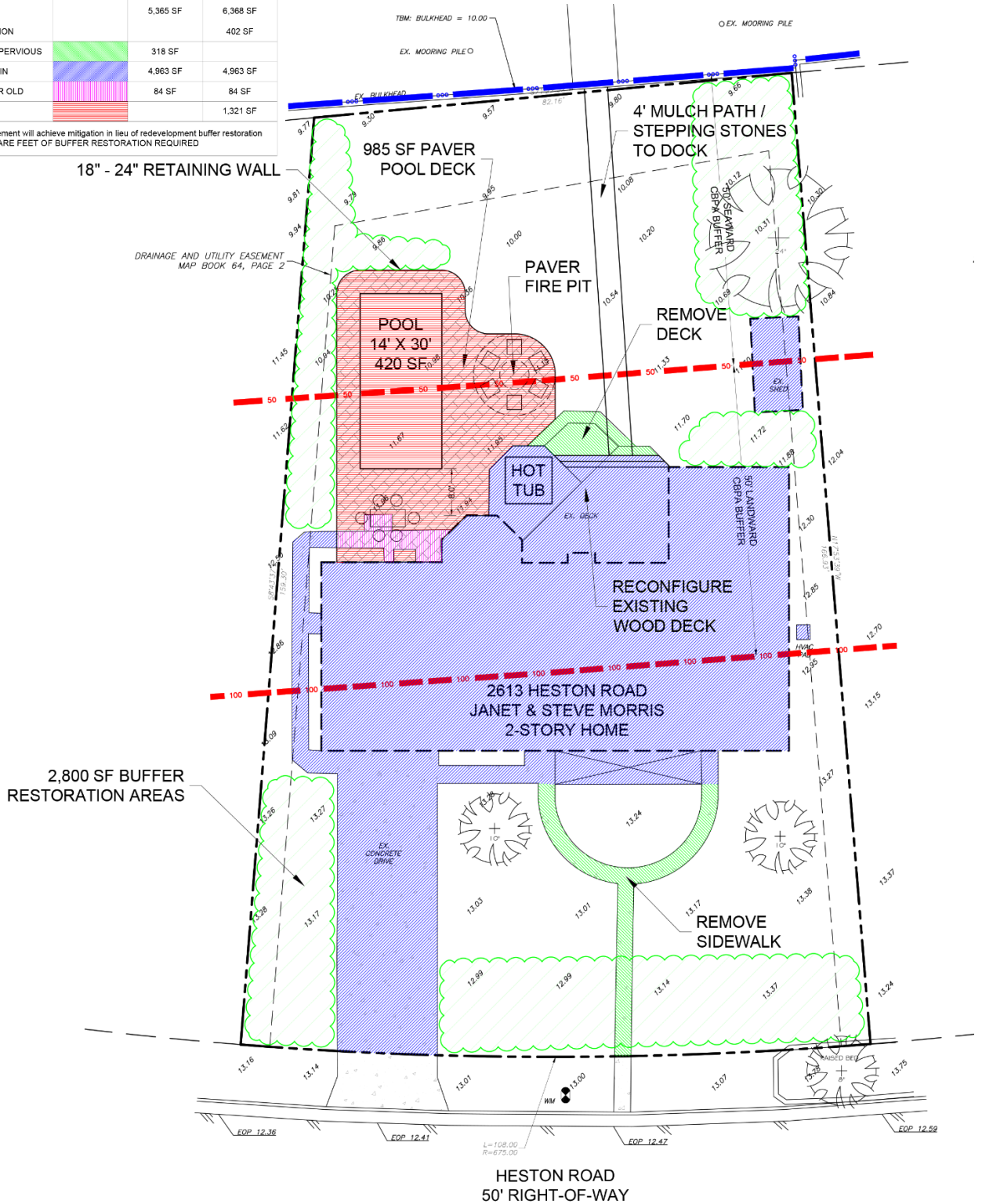


CBPA Exhibit – Color Analysis

ANALYSIS OF DEVELOPMENT WITHIN THE UPLAND PROPERTY AREA

	LEGEND	EXISTING	PROPOSED
TOTAL IMPERVIOUS AREA		5,365 SF	6,368 SF
IMPERVIOUS COVER DEMOLITION			402 SF
IMPERVIOUS CONVERTED TO PERVIOUS		318 SF	
IMPERVIOUS COVER TO REMAIN		4,963 SF	4,963 SF
"REDEVELOPMENT" NEW OVER OLD		84 SF	84 SF
"NEW" IMPERVIOUS **			1,321 SF

* proposed stormwater management will achieve mitigation in lieu of redevelopment buffer restoration
 ** 2,800 SQUARE FEET OF BUFFER RESTORATION REQUIRED



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 STEVE & JANET MORRIS

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

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

BILLY GARRINGTON, GPC / BRAD MARTIN, P. E., CLARK DESIGN

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.

LANGLEY FEDERAL CREDIT UNION

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.

MARY O'WILLIAMS, CPA, 19 OLD ROWLEY ROAD, NEWBURY, MA, 01951

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.
-

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.

Atlantis Pools

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.

CLARK DESIGN GROUP: BRAD MARTIN, P. E. / GPC: BILLY GARRINGTON

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

Print Name and Title

Janet Morris

FEBRUARY 1, 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
<input type="checkbox"/>				



Applicant & Property Owner **Melton & Cheryl Woods**
Address **3737 Silina Drive**
Public Hearing **April 5, 2021**
City Council District **Rose Hall**

Agenda Item

4

Variance Request

Encroachment into the Resource Protection Area (RPA) buffer to construct swimming pool and patio.

Applicant's Agent

Self-represented

Staff Planner

PJ Scully

Lot Recordation

Map Book 62 Page 28

Recorded 8/31/1964

GPIN

1486-49-9519

SITE AREA

9,476 square feet or 0.217 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

9,476 square feet or 0.217 acres

EXISTING IMPERVIOUS COVER OF SITE

2,238 square feet or 24 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

3,748 square feet or 39.5 percent of site

Area of Redevelopment in RPA

115 square feet

Area of New Development in RPA

1,510 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 as provided by the applicant in the Water Quality Impact Assessment (WQIA).

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Concrete patio and stoop area to be redeveloped

Construction Details

- Swimming pool with concrete pool patio and surround

CBPA Ordinance Variance History

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

Environmental Conditions

Flood Zone

Multiple Zones – Zone X and 0.2% Annual Chance of Flooding

Soil Type(s)

Acredale-urban

Shoreline

Shoreline is in a natural state.

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 preservation of existing riparian buffer will be provided as a best management practice for stormwater run-off mitigation.

Evaluation and Recommendation

The subject lot is located at the headwaters of a man-made canal which is the terminus of the Resource Protection Area (RPA) feature, approximately 4,200 linear feet upstream from Trashmore Lake. Three stormwater pipes (two 54-inch pipes and one 60-inch pipe) discharge into the canal at the headwaters and collectively manage approximately 11,000 linear feet of stormwater pipe for the neighborhood.

The applicant is proposing to construct a 684 square foot swimming pool with a 4-foot pool surround with a 941 square foot patio area. Inclusive of the proposed pool deck, approximately 115 square feet accounts for the redevelopment of the existing concrete patio and stoop area. The applicant provided in the WQIA that the amount of land disturbance

Milton & Cheryl Woods

Agenda Item 4

Page 48

associated with the proposed improvements will be less than 2,500 square feet. A single construction entrance, defined limits of construction and construction activities occurring within the flat area of the lot have been described by the applicant as proposed methods to minimize land disturbance and prevent potential adverse impacts of the proposed improvements causing or contributing to a degradation of water quality. Although the applicant has provided a methodology that would effectively manage the land disturbance during the construction of the proposed improvements, Staff is concerned with the 15.5 percent increase to the overall impervious cover of the lot, a change from 24 percent to 39.5 percent. Staff is of the opinion if not properly managed, the increase in impervious cover may increase the amount of runoff from the lot and if not treated could contribute to water quality impacts. To address this concern, Staff has provided the recommended conditions below that provide a descriptive limit of construction, reduces the overall amount of impervious cover on the lot and prescribes buffer restoration as a means to promote rainfall intercept and infiltration of stormwater runoff.

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 for the Board's deliberation.

- 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 this is a *"private residence installing a new pool. The pool will not affect the creek in back yard."* Staff offers that the applicant's request is similar to other lots that have been developed within the neighborhood that are both adjacent to the man-made canal and those located in the Resource Management Area (RMA) that drain through the existing stormwater management pipe system and discharge into the man-made canal.
- 2) This variance request is not based upon conditions or circumstances that are or have been created or imposed by the applicant or predecessor in title because this is a *"new pool request."* Staff offers that this lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore portions of this lot are within the RPA.
- 3) The variance is the minimum necessary to afford relief because this is a *"new pool with standard amount of surrounding concrete."* Staff acknowledges the statement provided by the applicant however has reservation regarding the 15.5 percent increase to the overall impervious cover of the lot associated with the proposed improvements. To address this concern, Staff has provided recommended conditions below, specifically condition 1 and 2 that address the overall impervious cover of the lot for the Board's deliberation. In addition, 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).
- 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 *"other homes on street backing to Thalia Creek have similar pools (3805 & 3809 Silina Drive)."* While Staff acknowledges the statement provided by the applicant and concurs that the proposed improvements should not be injurious to the neighborhood, addressing water quality is imperative to the discussion of encroachments into the RPA and should be evaluated to the characteristic of the subject lot. Staff offers that the underlying soil characteristics and flat topography of the lot provide merit towards the lot being able to infiltrate additional stormwater run-off from the proposed improvements.
- 5) The applicant provides that *"the water will drain in the yard just like it is now. Pool concrete will have draintile. Area will be regraded & seeded"* as a means to manage towards a no net increase in nonpoint source pollution load. Staff offers the recommended conditions below that address the limits of land

disturbance, evaluates the overall impervious cover of the lot and conditions buffer restoration towards promoting stormwater run-off infiltration as merit towards the variance request's management of nonpoint source pollution load.

Given the above comments, Staff recommends the following 12 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

Recommended Conditions

- 1) The existing concrete pad located in the southwest corner of the lot shall be removed and the disturbed areas revegetated.
- 2) The overall impervious cover of the lot shall not exceed 3,320 square feet or 35 percent of the lot above water and wetlands.
- 3) 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. 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 exceeds 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).
- 4) Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
- 5) Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **1,510 square feet x 200 percent = 3,020 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: **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.

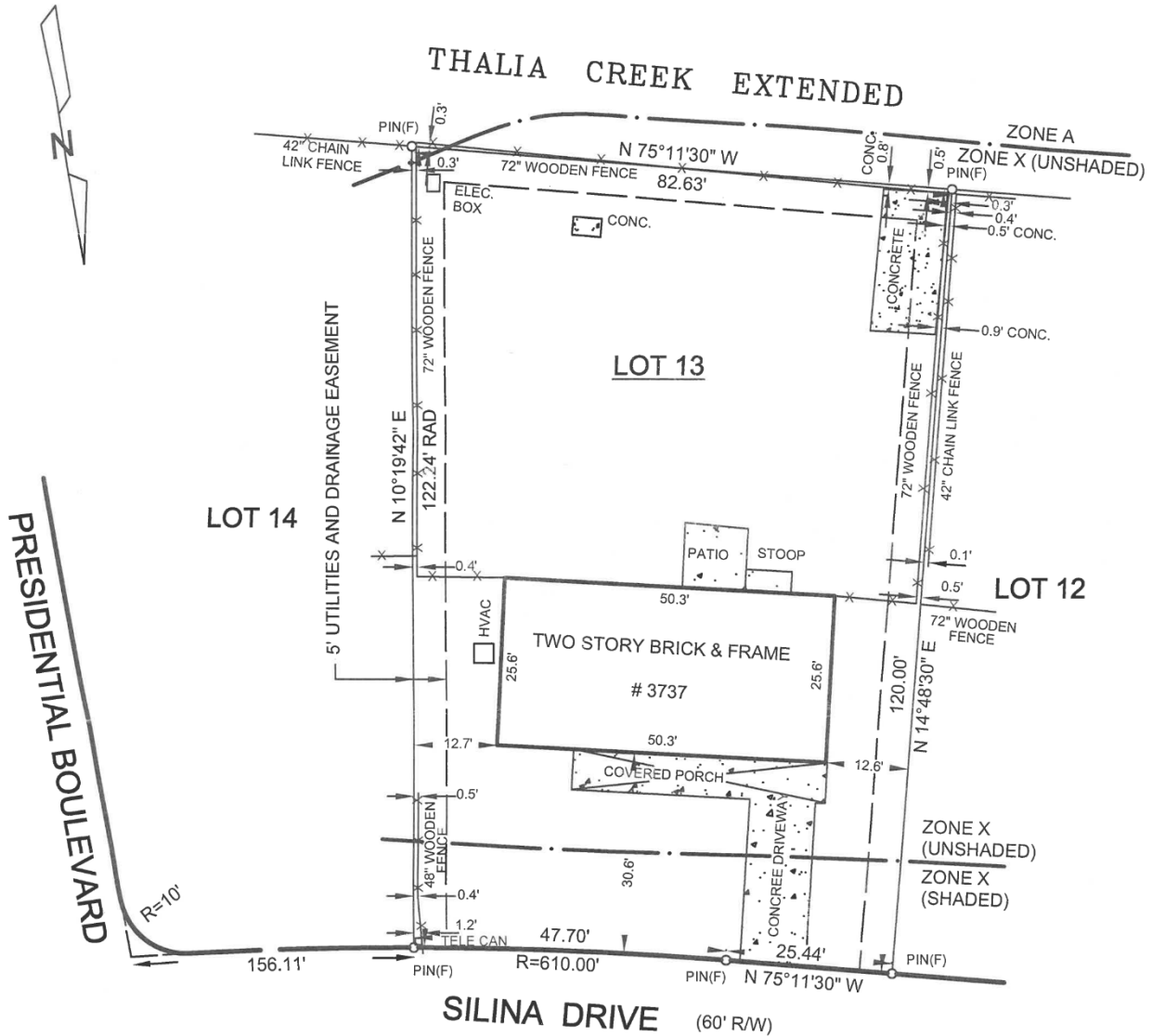
- 6) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
- 7) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 8) Land disturbance shall be limited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

** 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

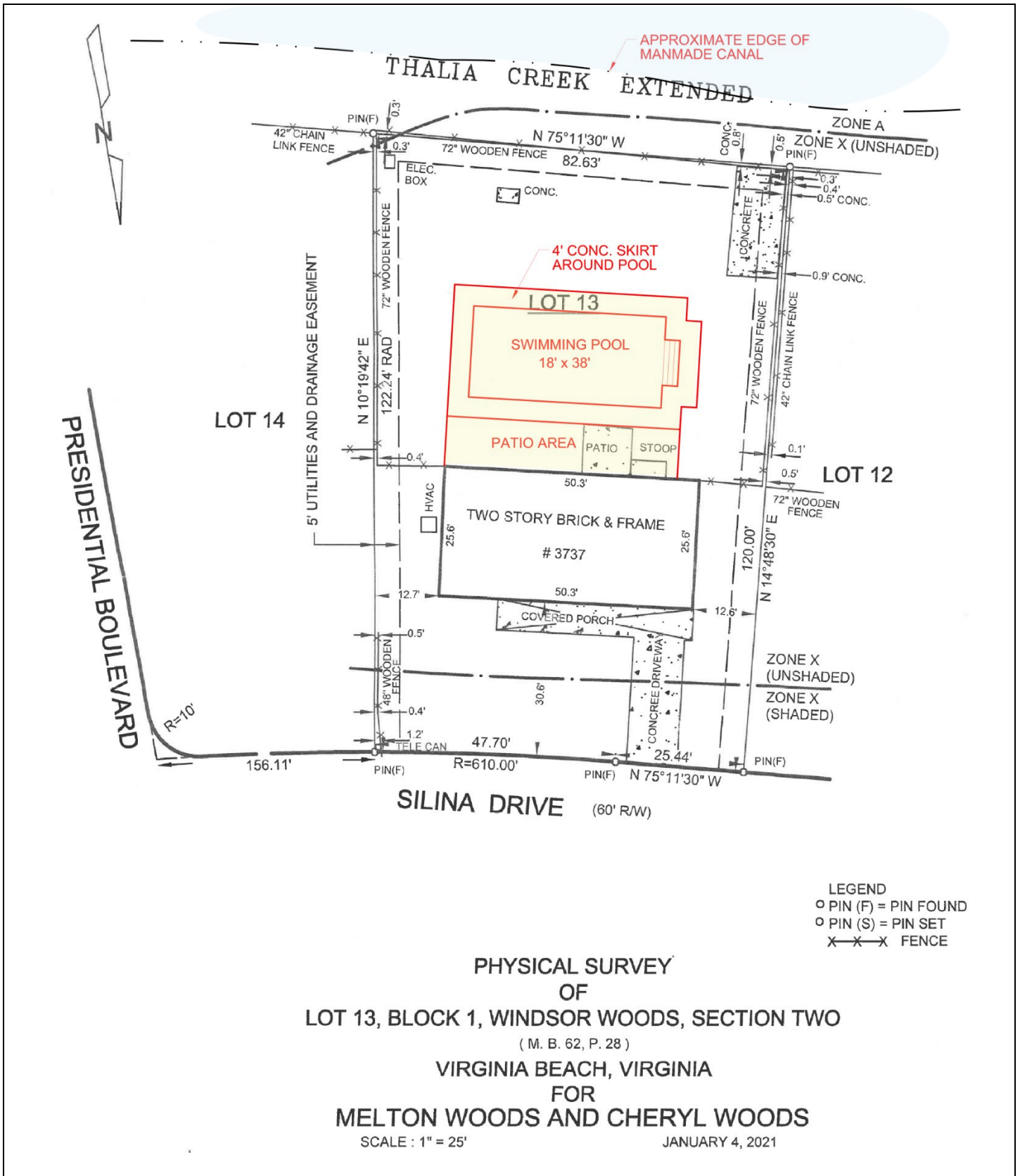




LEGEND
 ○ PIN (F) = PIN FOUND
 ○ PIN (S) = PIN SET
 X-X-X FENCE

PHYSICAL SURVEY
OF
LOT 13, BLOCK 1, WINDSOR WOODS, SECTION TWO
 (M. B. 62, P. 28)
VIRGINIA BEACH, VIRGINIA
FOR
MELTON WOODS AND CHERYL WOODS
 SCALE : 1" = 25' JANUARY 4, 2021

CBPA Exhibit – Proposed Improvements





Disclosure Statement



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Applicant Disclosure

Applicant Name Melton and Cheryl Woods

Does the applicant have a representative? Yes No

- If yes, list the name of the representative.

Alameda pools

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.

Penny Mac

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

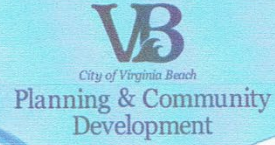
- If **yes**, identify the firm and individual providing the service.

Alameda Pools

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.

Alameda Pools

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.

Melton & Cheryl Woods

Applicant Signature

Melton and Cheryl Woods

Print Name and Title

11 FEB 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 **William J. Gradwell**
Address **3848 Prince Andrew Court**
Public Hearing **April 5, 2021**
City Council District **Lynnhaven**

Agenda Item

5

Variance Request

Encroachment into the Resource Protection Area (RPA) buffer to expand the front porch.

Applicant's Agent

Self-represented

Staff Planner

PJ Scully

Lot Recordation

Map Book 110, Page 59
Recorded 8/8/1975

GPIN

1488-34-9313

SMALL PROJECT IN THE RPA

PROPOSED IMPERVIOUS COVER

Area of Redevelopment in RPA

129 square feet

Area of New Development in RPA

169 square feet

Location of Proposed Impervious Cover

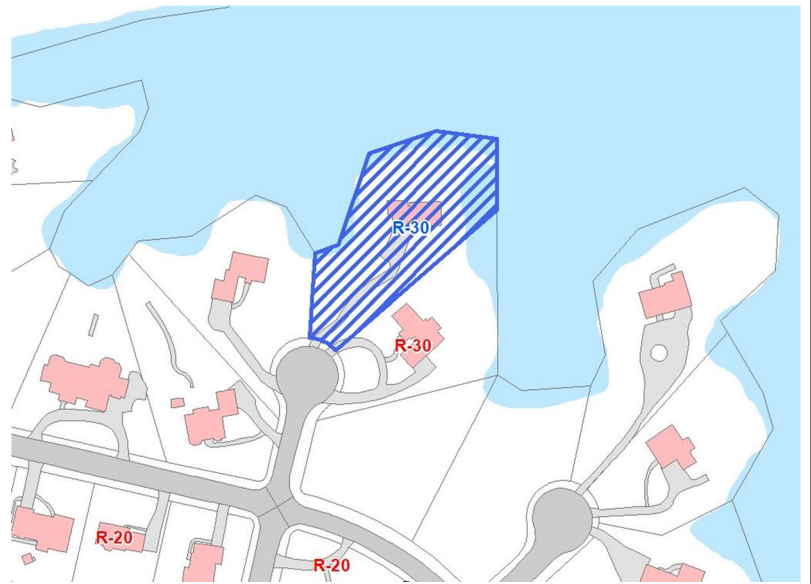
50-foot Seaward Buffer
50-foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet

Staff Recommendation

Approval as submitted



Summary of Proposal

Demolition Details

- Brick steps and landing

Construction Details

- Front porch with associated steps

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): 8

Soil Type(s)

State Series (deep, well-drained soils)

Rumford Series (highly erodible soils)

Shoreline

Shoreline is in a natural state.

Riparian Buffer

Heavily to moderately 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 has stated in the Water Quality Impact Assessment (WQIA) for this variance request that preservation of the existing riparian buffer will be provided as a best management practice for stormwater run-off mitigation.

Evaluation and Recommendation

The variance request to expand the existing front porch of the residence encroaches into the 50-foot seaward and 50-foot landward buffers of the RPA feature. All area outboard of the existing and proposed improvements for this area of the lot are in a natural state. Given the existing conditions of the riparian buffer being in a natural state and the minimal land disturbance associated with this variance request, Staff supports the encroachment as submitted.

The applicant provides the following comments relative to the findings of the CBPA Ordinance specific to this variance request for the Board's deliberation.

- 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 *“this is a small project that will extend an existing porch. This will be far less intrusive to the RPA than other larger building requests.”* Staff concurs.
- 2) This variance request is not based upon conditions or circumstances that are or have been created or imposed by the applicant or predecessor in title because *“this variance request is only required based upon the location of my property. But for location, a permit for such a project would be easily obtained via the city with no additional steps necessary.”* Staff concurs and offers that this lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City’s CBPA Ordinance, therefore portions of this lot are within the RPA.
- 3) The variance is the minimum necessary to afford relief because *“this request to extend our porch is no the landward side of the home and is not affecting the current condition of the RPA other than digging the necessary footing and refilling with block and native soil.”* Staff concurs.
- 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 *“no changes are being made to the buffer between the home and the water. Our nearest neighbors are 50 yards on the landward side and this project will have no affect on the property whatsoever.”* Staff concurs.
- 5) *“There is no nonpoint source pollution associated with this project. Any construction materials will be stored away from the RPA during construction”* as a means to manage towards a no net increase in nonpoint source pollution load. Staff offer that the existing condition of the riparian buffer ecosystem and retention of the vegetated forested floor outboard of the proposed improvements provides substantial merit towards infiltrating and filtering runoff from the existing and proposed improvements.

Given the above comments, Staff recommends the following 3 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

Recommended Conditions

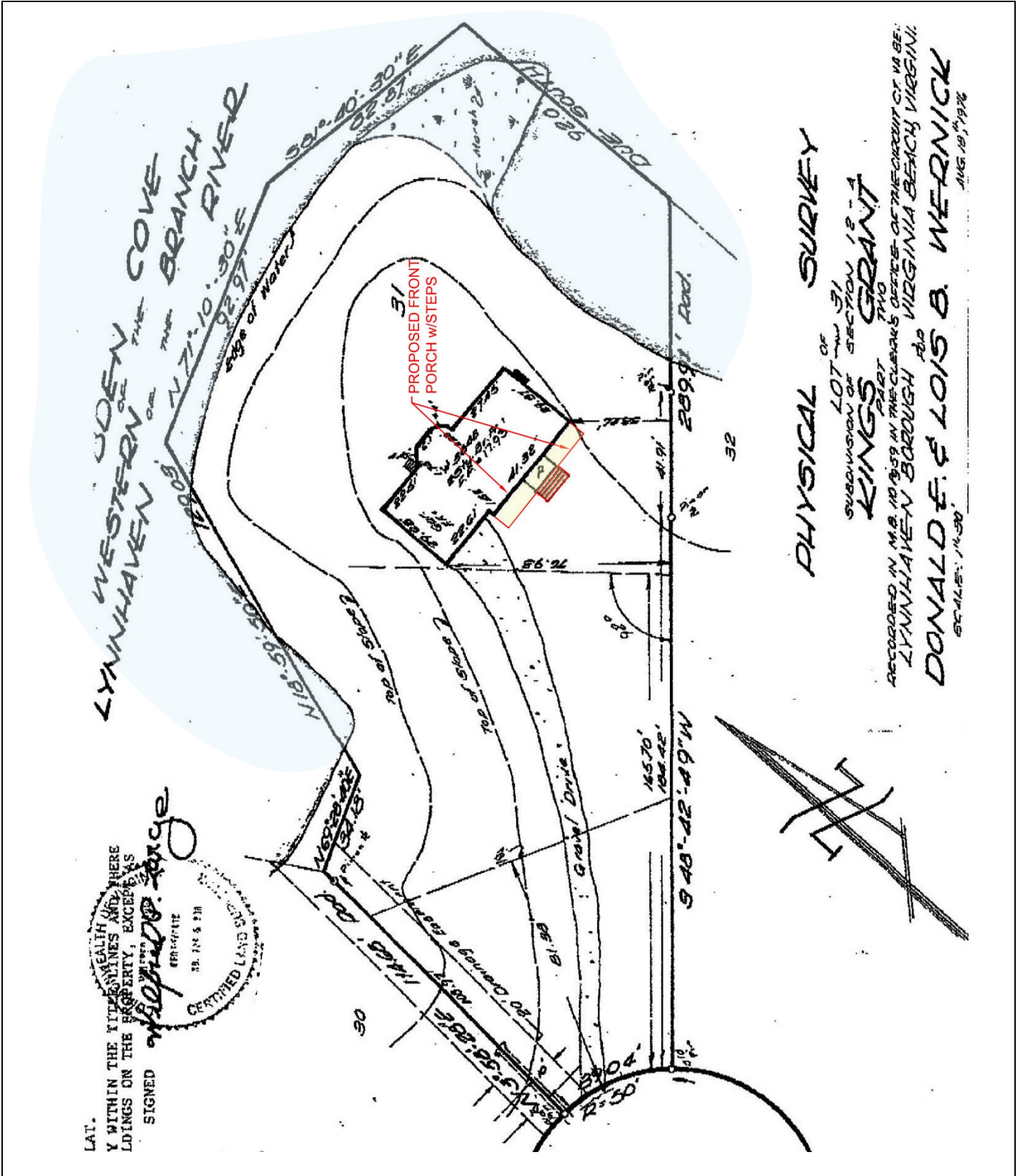
1. The conditions and approval associated with this variance are based on the exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board. Said exhibit and conditions shall be submitted to the Department of Planning, Zoning Division 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. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
3. 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

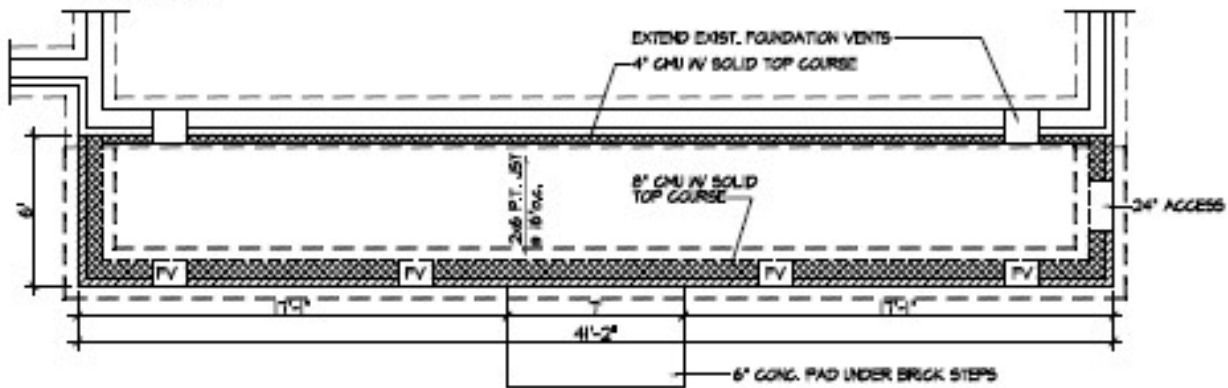


LAT.
 Y WITHIN THE FIT LINES AND THERE
 LDINGS ON THE PROPERTY, EXCEPT AS
 SIGNED
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 DONALD E. & LOIS B.
 SURVEYORS
 28. 118 & 218
 1110 WEST END BOULEVARD
 CRECHER LAND SURVEYS
 WERNICK

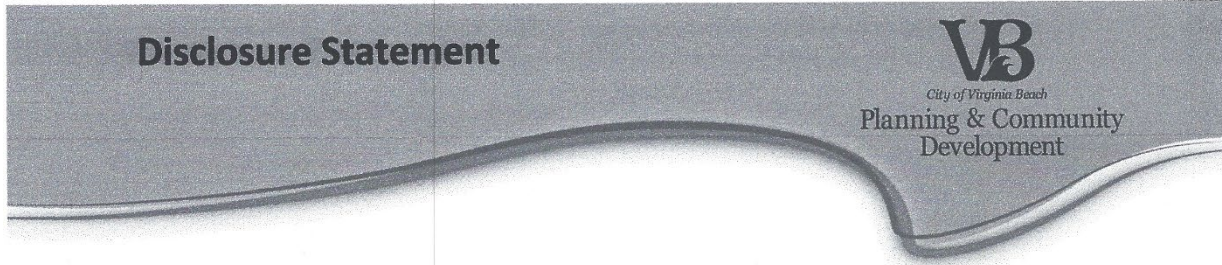


FOUNDATION SECTION

SCALE 1/4" = 1'-0"



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 William J Gradwell

Does the applicant have a representative? Yes No

- If yes, list the name of the representative.

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-subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsidiary 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-subsidiary 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.
-

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.
-

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.

Potentially Jason Gioffre with Restoration Exteriors, however a contract has not yet been signed.

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

William J Gradwell, homeowner

Print Name and Title

02/12/2021

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	

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Applicant & Property Owner **William & Donna Haycox**
 Address **513 58th Street**
 Public Hearing **April 5, 2021**
 City Council District **Lynnhaven**

Agenda Item

6

Variance Request

Encroachment into the RPA to construct a terrace area with screened porch areas.

Applicant's Agent

Ann Stokes

Staff Planner

PJ Scully

Lot Recordation

Map Book 77 Page 29
 Recorded 10/15/1968

GPIN

2419-60-5103

SITE AREA

21,137 square feet or 0.485 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

19,590 square feet or 0.450 acres

EXISTING IMPERVIOUS COVER OF SITE

6,155 square feet or 31.40 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

6,755 square feet or 34.48 percent of site

Area of Redevelopment in RPA

1,038 square feet

Area of New Development in RPA

600 square feet

Location of Proposed Impervious Cover

50-foot Seaward Buffer

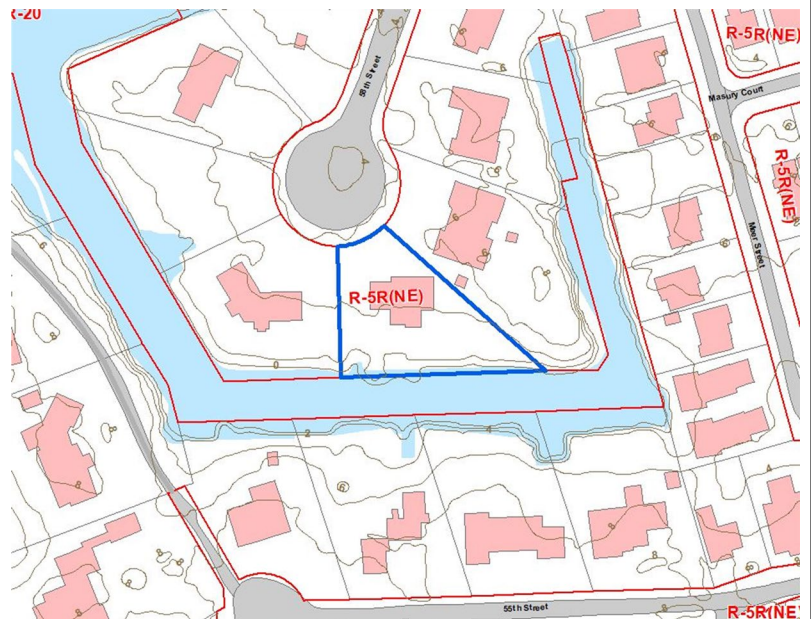
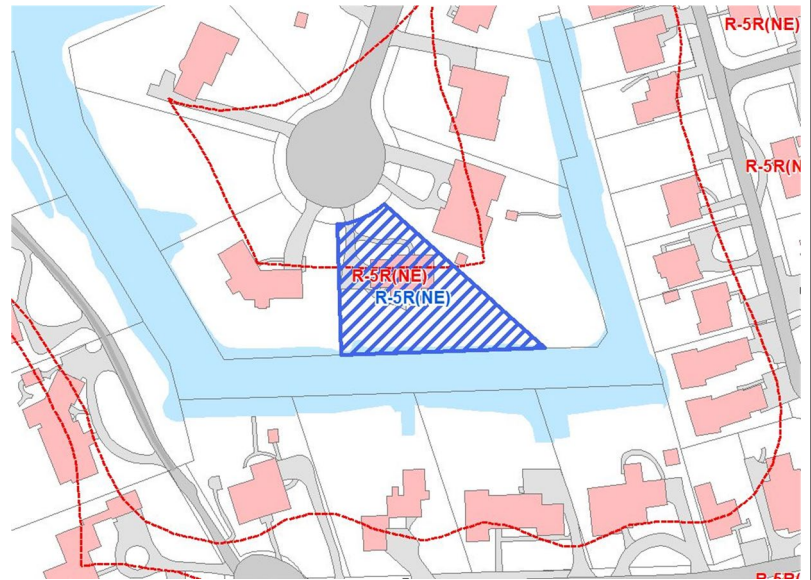
50-foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet as provided by the applicant in the Water Quality Impact Assessment (WQIA).

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Concrete pavement located at the rear of the residence – walk and patio area

Construction Details

- Screened porch – redevelop and expand existing structure
- Terrace areas – two in total with associated seat walls and steps to existing grade

CBPA Ordinance Variance History

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

Environmental Conditions

Flood Zone

Zone AE, Base Flood Elevation (BFE): 7

Soil Type(s)

Psammments Series (well-drained and moderately well-drained soils, sandy material)

Shoreline

Shoreline is hardened with a riprap revetment.

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: 1

Stormwater Management Methodology

The applicant's agent has stated in the Water Quality Impact Assessment (WQIA) for this variance request that grass channels, permeable pavers, sand and gravel underdeck treatment and a living shoreline will be provided as a best management practice for stormwater run-off mitigation.

Evaluation and Recommendation

The proposed improvements associated with this variance request are intended to be an adaptive measure by the property owner to current environmental conditions that periodically expose this lot to tidal inundation. The proposed improvements will redevelop and expand the existing accessory structures located at the rear of the residence while elevating those improvements above existing topographic grade elevations. The applicant is not proposing any fill material on the lot and only desires to have a higher finished floor elevation for the proposed terraces so that the property may be protected and utilized during lunar high tide events and tidal surges. The layout of the terrace areas will replace the existing concrete paving with wood decking supported by raised pier system, leaving ground surface

permeable. In addition to the structural improvements, the applicant's agent intends to provide mitigation measures consisting of plant material susceptible to tidal flooding to restore and replenish the existing riparian buffer ecosystem.

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) 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 *"adjacent neighbors have raised their bulkheads and properties extensively with approval by the City. We are not asking to do more, but rather less, than our neighbors. The existing rip rap is in need of maintenance and repair work to prevent it from failing altogether. Note that rip rap is being used instead of vertical sheet piling to maximize 'living shoreline,' to provide micro-habitats for riparian inhabitants (baby crabs and oysters, for example)."* Staff is of the opinion that addressing the existing riprap revetment is a need maintenance to prevent erosion to the existing uplands.
- 2) This variance request is not based upon conditions or circumstances that are or have been created or imposed by the applicant or predecessor in title because *"the loss of usable space and decline of riparian buffer plantings are the result of regular flooding which has grown progressively worse with sea level rise."* Staff concurs and offers that this lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore portions of this lot are within the RPA.
- 3) The variance is the minimum necessary to afford relief because *"without maintenance, the shoreline hardening currently in place may fail, potentially endangering the primary structure. These improvements are necessary to avoid depriving the owners of a build-able, livable lot. To that end, the improvements involve, largely, replacing ground level patios with raised ones with pervious under-deck treatment."* Staff concurs.
- 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 *"these improvements are necessary to maintain the property, prevent erosion and degradation of the vegetative buffer and to allow the owners the reasonable use and enjoyment of an incredibly challenged lot developed decades prior to the adoption of the CBPA."* Staff concurs.
- 5) *"We are increasing the planting density within the RPA, providing a stronger and more sustainable buffer to help filter any stormwater flowing towards the canal. This project does not require emplacement of any fill material"* as a means to manage towards a no net increase in nonpoint source pollution load. Staff concurs.

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 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 exceeds 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) 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: **600 square feet x 200 percent = 1,200 square feet.**

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **3 canopy trees, 6 understory trees and 9 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 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.
- 9) Construction limits along the seaward portion of the project shall lie a maximum of 5 feet seaward of improvements.
- 10) Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.

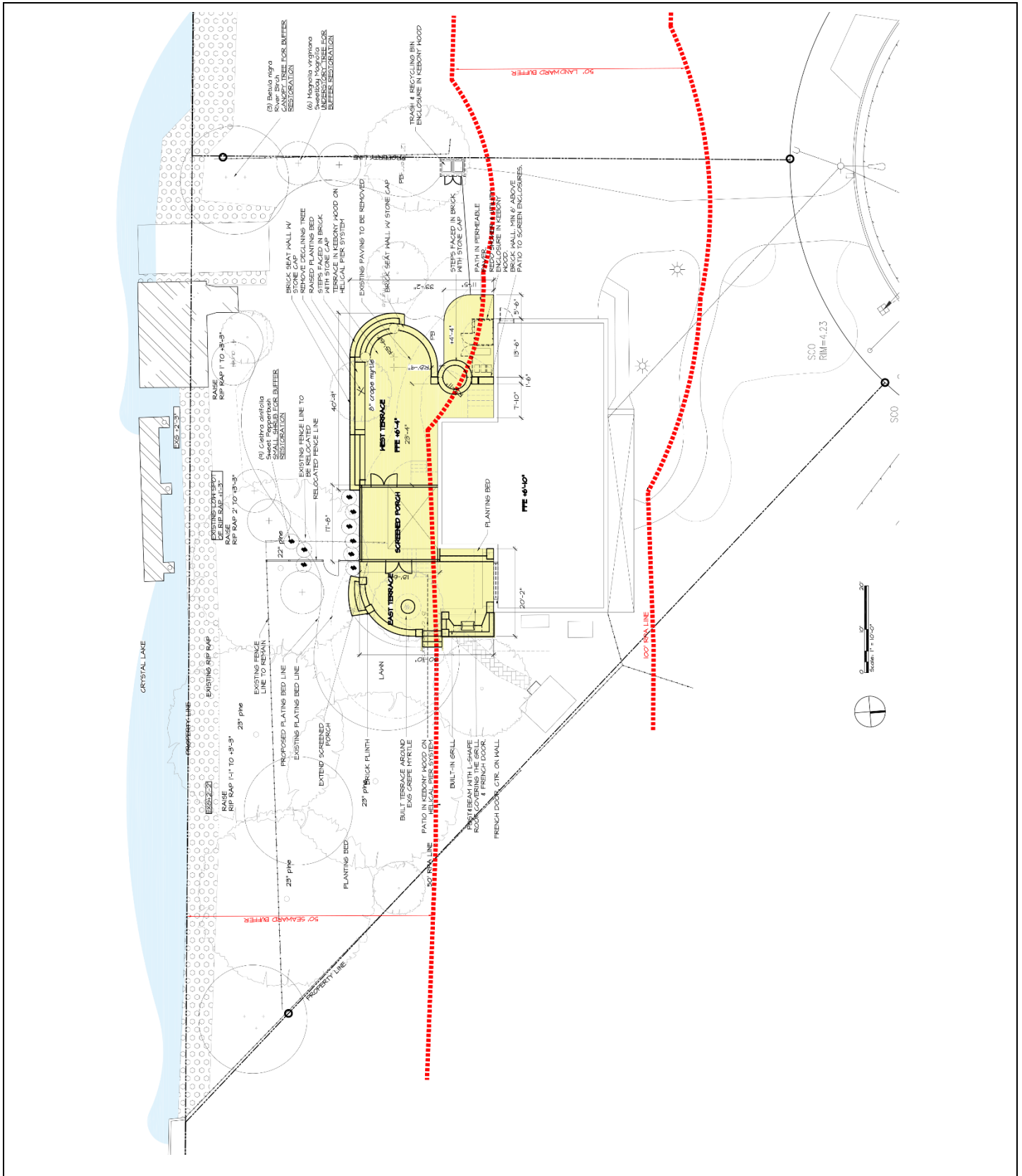
11) Under deck treatment of sand and gravel shall be installed. Said treatment shall be installed under the wood deck and stairs.

***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

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 Donna & William Haycox

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

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

Bryan Plumlee, Ann Stokes

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.

JP Morgan Chase

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.

Ann P. Stokes Landscape Architects, LLC

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.

pending

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.

WPL - William Almond

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.

Pool Brooke Plumlee, PC Attorneys - Brian Plumlee

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.**


Donna Haycox (Mar 1, 2021 11:28 PST)


Donna Haycox (Mar 1, 2021 11:28 PST)

Applicant Signature

Donna and William Haycox

Print Name and Title

2.26.2021

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	

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Applicant & Property Owner **Dean Cauley**
 Address **Roper Tract, Lot A-1 Lynnwood Drive**
 Public Hearing **April 5, 2021**
 City Council District **Beach**

Agenda Item

7

**The applicant is requesting a deferral of this application to the May 3, 2021 CBPA Board Public Hearing.
 Staff supports the request to defer.**

Variance Request

Encroachment into the RPA to construct a single-family residence with accessory structure.

Applicant's Agent

Billy Garrington

Staff Planner

PJ Scully

Lot Recordation

Instrument No. 20180308000191680

Recorded 3/8/2018

GPIN

1488-88-4048

SITE AREA

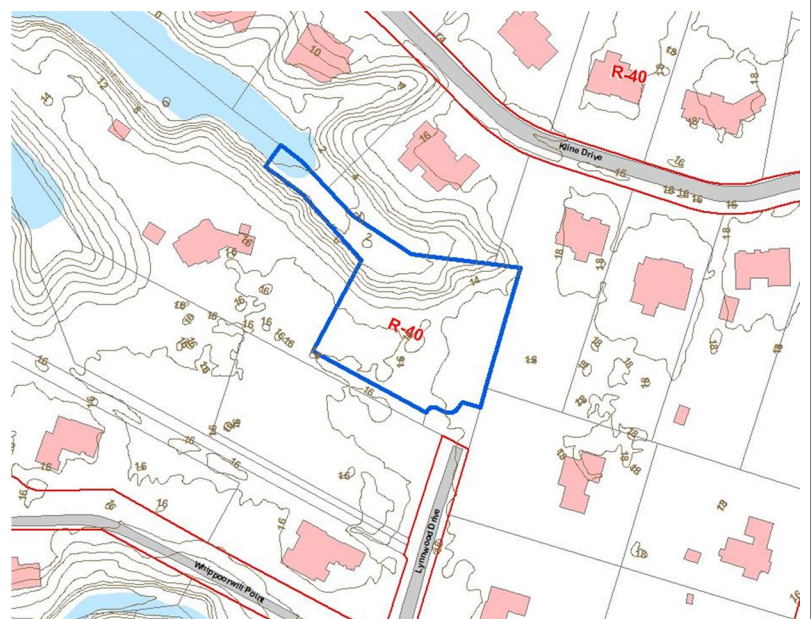
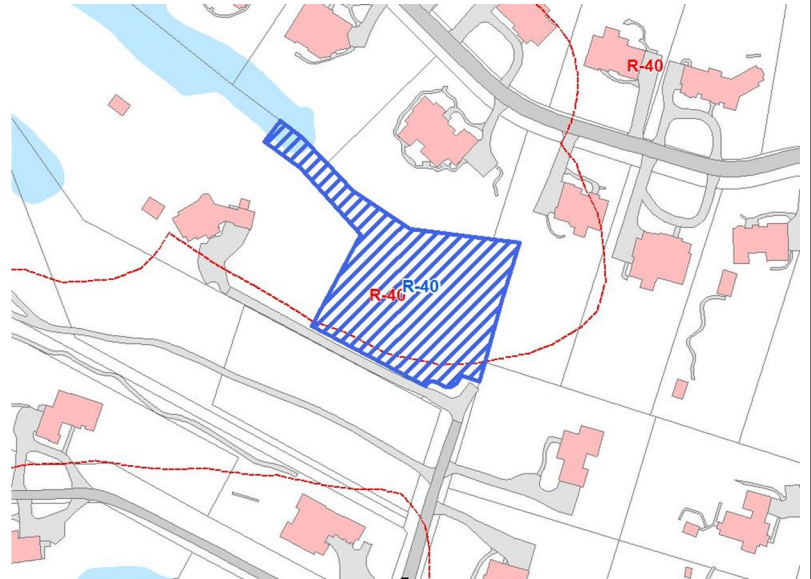
48,018 square feet or 1.102 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

40,804 square feet or 0.937 acre

EXISTING IMPERVIOUS COVER OF SITE

0 square feet or 0 percent of site



Site Aerial





Applicant & Property Owner **Todd B. Perry Trust**
 Address **3517 Byrn Brae Drive**
 Public Hearing **April 5, 2021**
 City Council District **Kempsville**

Agenda Item

8

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

6,227 square feet or 39.7 percent of site

**calculates permeable pavement*

6,527 square feet or 41.6 percent of site

**overall impervious cover*

PROPOSED IMPERVIOUS COVER

Area of Redevelopment in RPA

451 square feet

Area of New Development in RPA

301 square feet

Location of Proposed Impervious Cover

50-foot Seaward Buffer

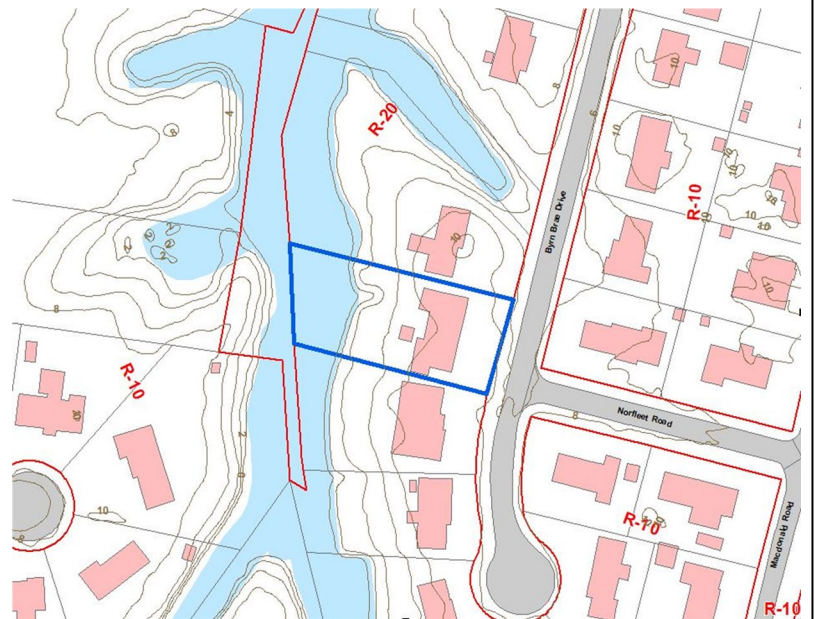
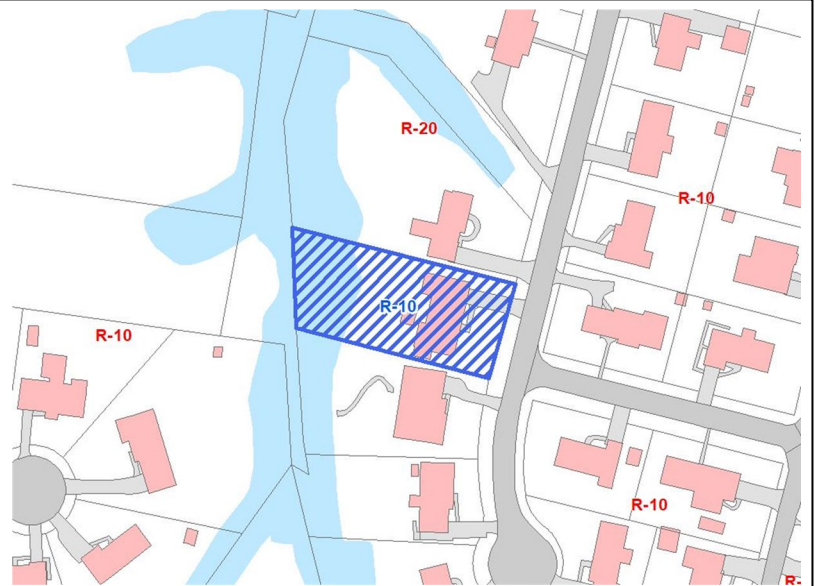
50-foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Stone fire pit area and associated 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 1, 2021 a Chesapeake Bay Preservation Area (CBPA) Board variance was denied for the construction of a swimming pool with associated pool surround.

February 26, 2007 a Chesapeake Bay Preservation Area (CBPA) Board variance was denied for the construction of three putt-putt golf holes within the 50-foot seaward buffer.

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

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. In addition, the applicant's agent has shown on the CBPA Exhibit an area of permeable pavers for a portion on the proposed swimming pool surround.

Evaluation and Recommendation

The applicant is proposing to construct a 367 square foot swimming pool with a 624 square foot pool deck of which 292 square feet are specified to be a permeable paver system. The pool deck includes a 52-foot concrete masonry unit (CMU) 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. The majority of the proposed deck to be constructed outside of the redevelopment area will be permeable. 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 to under 2,500 square feet 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 smaller than average swimming pool and deck surround, using primarily permeable paving outside of the existing impervious redevelopment area."* 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 for projects under 2,500 square feet 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 and the owners purchased it in 1992. 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 *"pool is located in part over existing patio and behind the top of slope. The retaining wall is vertical, not segmental with an angled face, to reduce the footprint. The largest area of deck is on the landward side in area that is already paved and has been reduced to 3' minimum on the seaward side. Only 60 sf of the deck outside of the Redevelopment Area will be impervious, and the remaining 292 sf of the deck will be permeable. 20 sf of existing impermeable paving will be removed and replaced with permeable."* Staff concurs with the location of the improvements and offers that the proposed dimensions for both the swimming pool and surround are smaller than the average residential swimming 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 *"this variance takes a careful approach to minimize the footprint, incorporate permeable paving,*

replace lawn with buffer planting, utilize previously disturbed areas, avoid slopes. It is similar the adjacent neighbors pool which was approved and construction 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 February 26, 2021 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 exceeds 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. 1,180 square feet of buffer restoration shall be installed within the RPA buffer 50-foot seaward buffer.

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: 3 canopy trees, 5 understory trees 6 large shrubs and 9 small shrubs.

The 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.

3. An infiltration trench shall be installed seaward of the proposed improvement 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.

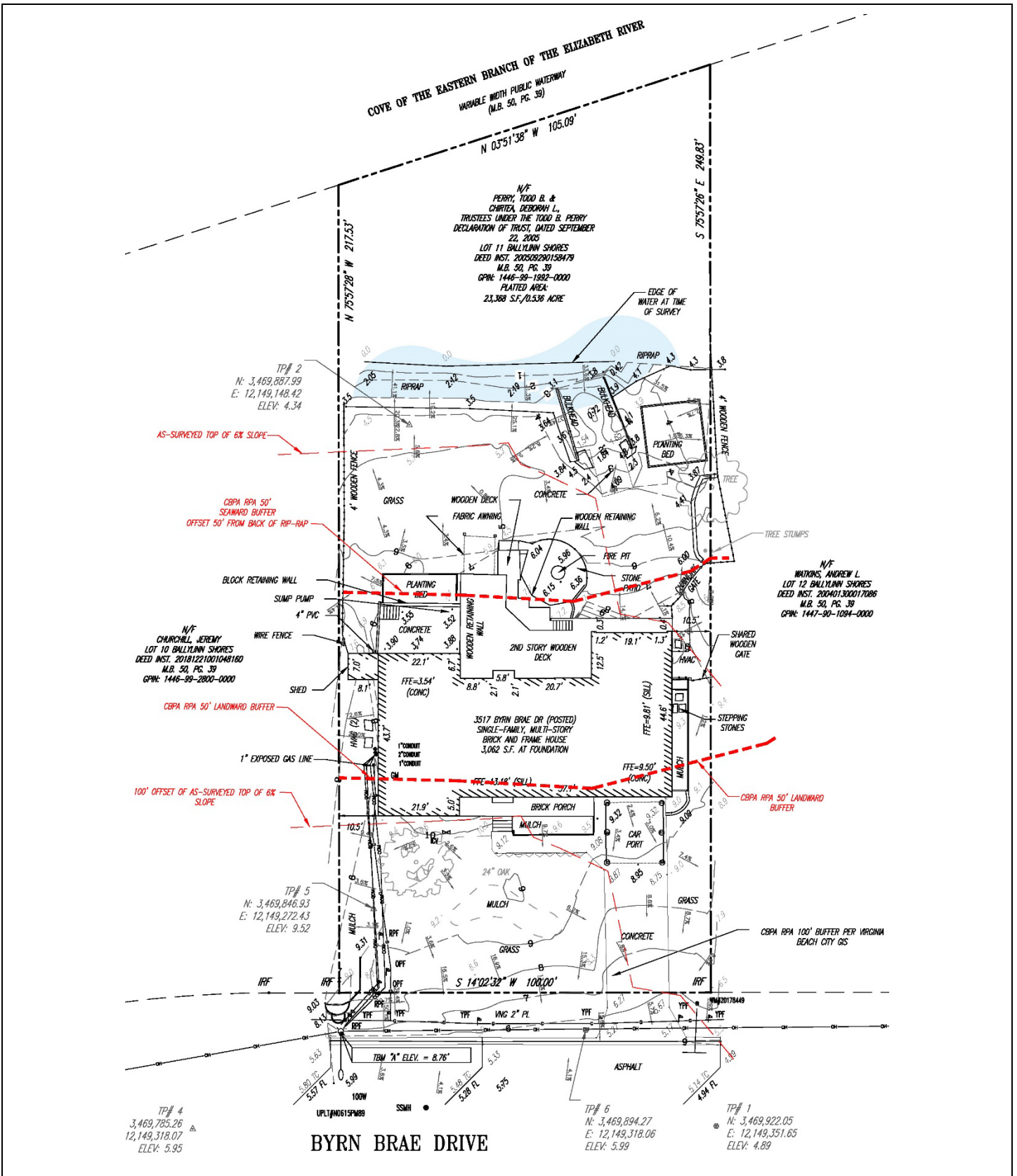
****** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

*******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.

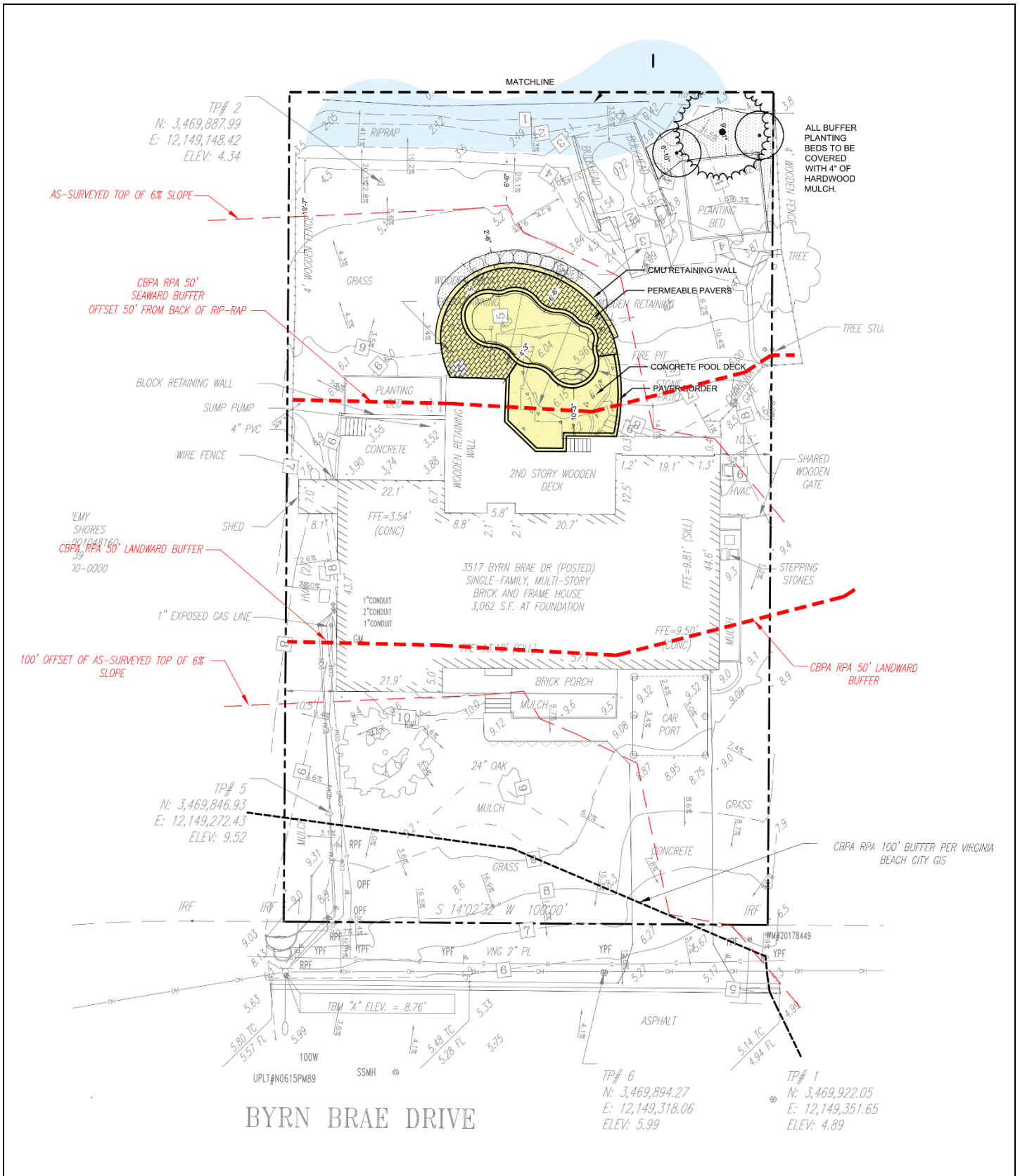
Site Aerial



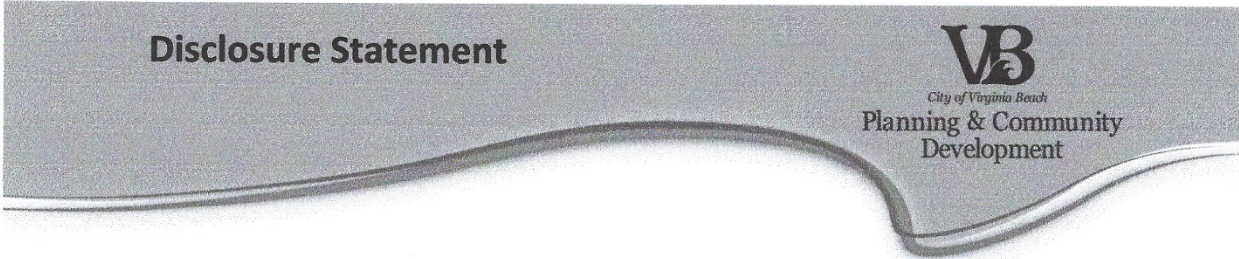
CBPA Exhibit – Existing Conditions



CBPA Exhibit – Proposed Improvements



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 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.

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.
-

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.

 Applicant Signature *Todd Perry*

 Print Name and Title *Todd Perry*

 Date *12-29-20*

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	

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Applicant & Property Owner **Bertram Ross & Suzanne Hughes**
 Address **1630 Arrowhead Point**
 Public Hearing **April 5, 2021**
 City Council District **Bayside**

Agenda Item

9

Variance Request

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

Applicant’s Agent

Robert Simon

Staff Planner

PJ Scully

Lot Recordation

Map Book 78 Page 50

Recorded 1/17/1969

GPIN

1489-02-8555

SITE AREA

51,124 square feet or 1.17 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

34,983 square feet or 0.80 acre

EXISTING IMPERVIOUS COVER OF SITE

8,568 square feet or 23.8 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

10,369 square feet or 28.8 percent of site

Area of Redevelopment in RPA

572 square feet

Area of New Development in RPA

2,023 square feet

Location of Proposed Impervious Cover

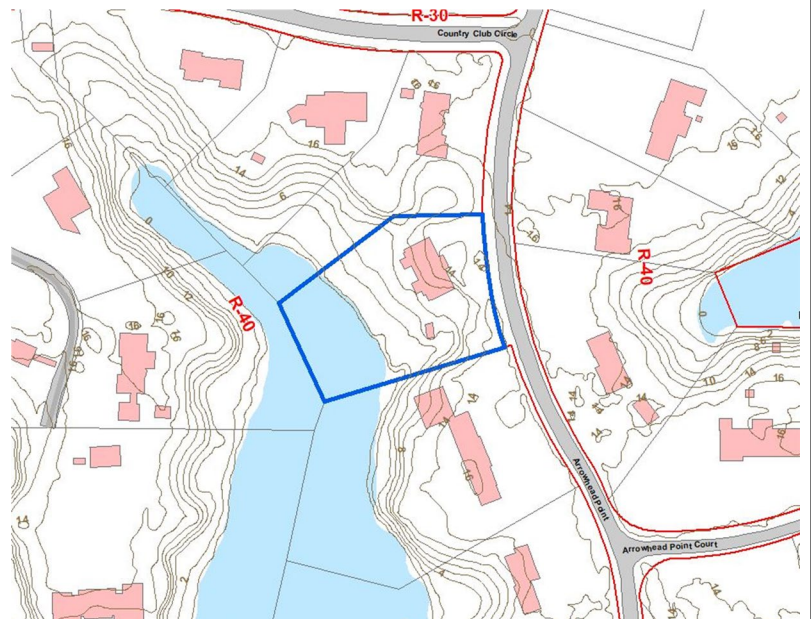
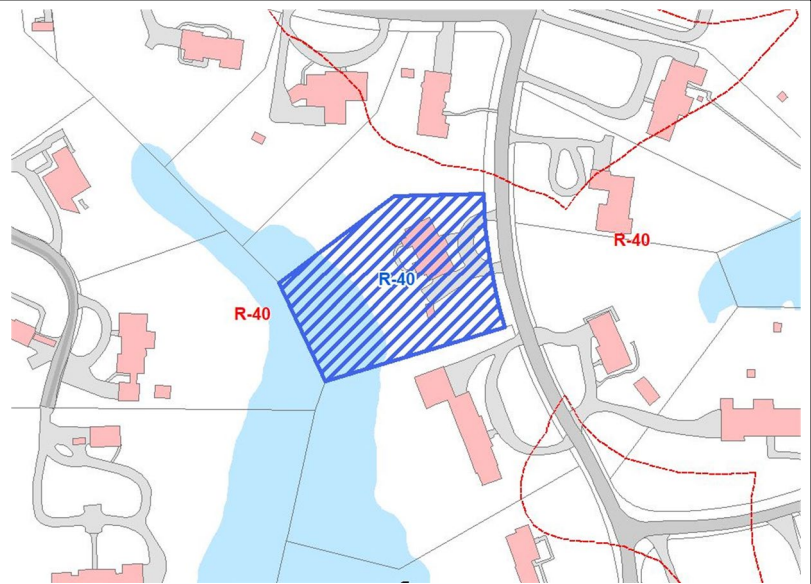
50-foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Remove walkways and shed

Construction Details

- Swimming pool with associated pool surround
- Paver patio
- Cabana

CBPA Ordinance Variance History

No known 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)

Rumford Series (highly erodible soils)

Shoreline

Shoreline is hardened with a wood bulkhead

Riparian Buffer

Heavily to moderately 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 bioretention planting beds will be provided as a best management practice for stormwater run-off mitigation.

Evaluation and Recommendation

Staff is of the opinion that the variance request as submitted provides merit towards the general performance standards of Section 106 of the Chesapeake Bay Preservation Area (CBPA) Ordinance for the following reasons. First, the applicant has situated the proposed improvements such that the existing driveway will be utilized for construction access and stockpiling of materials, thereby limiting the amount of land disturbance specific to the proposed improvements. Second, the existing vegetation, specifically the mature canopy tree cover within the lot, will be preserved with the proposed improvements completely located within an area of existing turf grass. Third, the proposed improvements are located within the 50-foot landward buffer and adjacent to the existing residence and driveway to the greatest extent

Bertram Ross and Suzanne Hughes

Agenda Item 9

Page 96

practicable. Lastly, the existing concrete flume located at the base of the driveway collects a substantial area of runoff from the lot and discharges into an established riparian buffer. This area of the lot provides approximately 90 linear feet of filtration before the runoff reaches the edge of the existing tidal feature. This area of the lot is outboard of the limits of construction and will be preserved.

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) 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 proposed improvements are in keeping with the development of the neighborhood and adjacent parcels."* Staff concurs and is of the opinion that the location of the proposed improvements within the 50-foot landward buffer and adjacent to the existing residence and driveway to the greatest extent practicable provide merit towards the variance application not conferring upon the applicant any special privilege or convenience not accorded to other owners of property in the neighborhood.
- 2) This variance request is not based upon conditions or circumstances that are or have been created or imposed by the applicant or predecessor in title because *"the lot has topographic relief and the adjacent wetlands that have an impact on the CBPA buffer on the subject lot are all natural conditions."* Staff offers that this lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore portions of this lot are within the RPA.
- 3) The variance is the minimum necessary to afford relief because *"the house was constructed in 1984 in its current location. The only area for expansion/redevelopment is as shown. The proposed development has been limited to the landward buffer."* Staff is of the opinion that the proposed improvements, as situated and proximity to the existing driveway for construction access and stockpiling of materials provides merit towards the variance request being the minimal 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 are in keeping with the development of the neighborhood and adjacent parcels. The buffer restoration and BMPs will be placed to catch runoff to improve water quality."* Staff concurs.
- 5) *"Buffer restoration and bio-retention stormwater management will be placed between the proposed structures and the top of bank to capture and treat runoff prior to entering the bay"* as a means to manage towards a no net increase in nonpoint source pollution load. Staff concurs.

Given the above comments, Staff recommends the following 15 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

Recommended 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: **2,023 square feet x 200 percent = 4,046 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: **5 canopy trees, 5 understory trees, 20 large shrubs, and 30 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 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.
- 9) Construction limits along the seaward portion of the project shall lie a maximum of 10 feet seaward of improvements.
- 10) Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
- 11) The proposed patio shall be constructed of a permeable pavement system. A detail of the specific permeable paver system and subbase construction shall be provided site plan submitted to the Development Services Center for review and approval.

- 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) ** 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 \$463.60 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 dated January 21, 2021, prepared by Chesapeake Bay Site Solutions, Inc. 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.

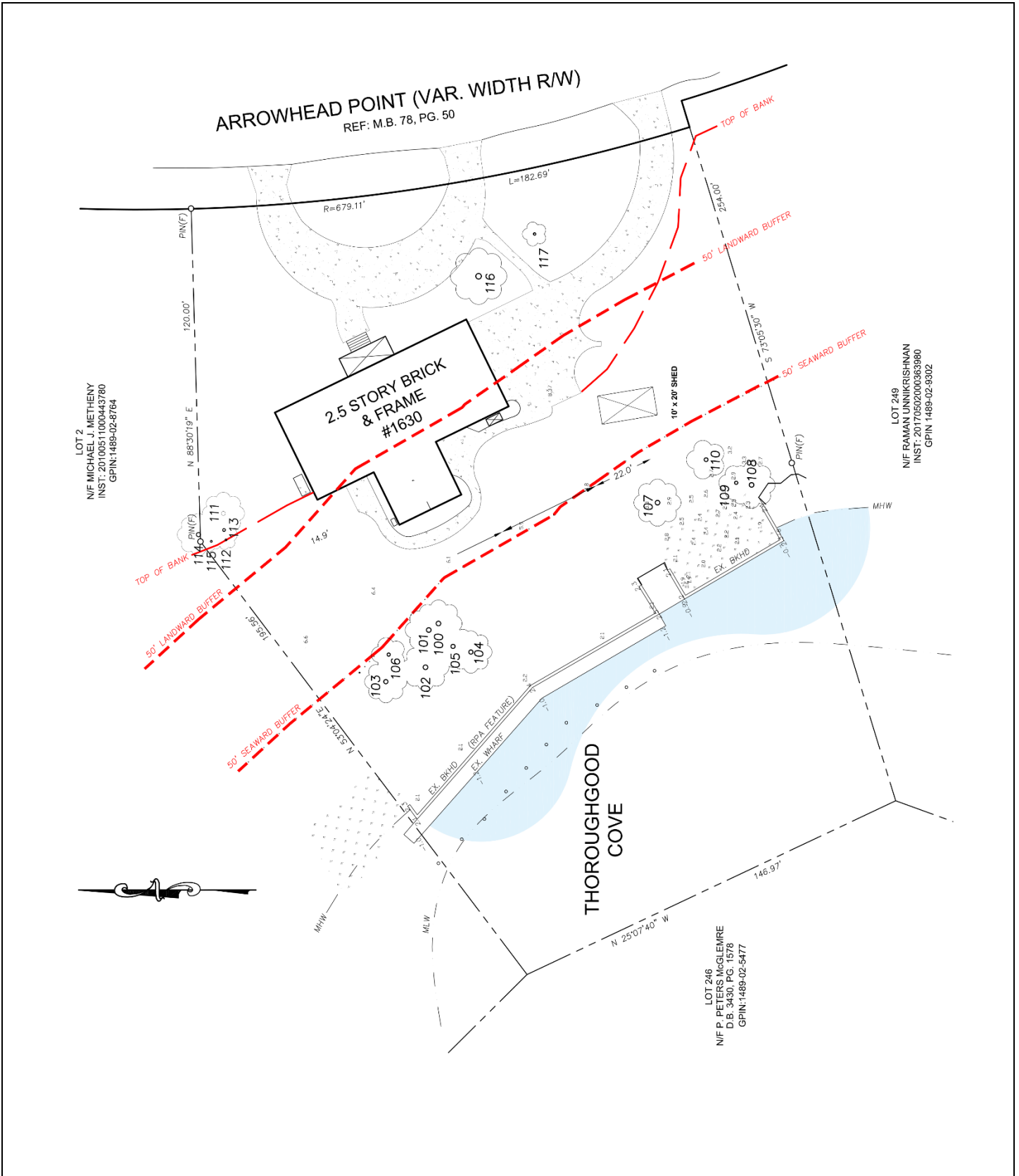
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

***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.

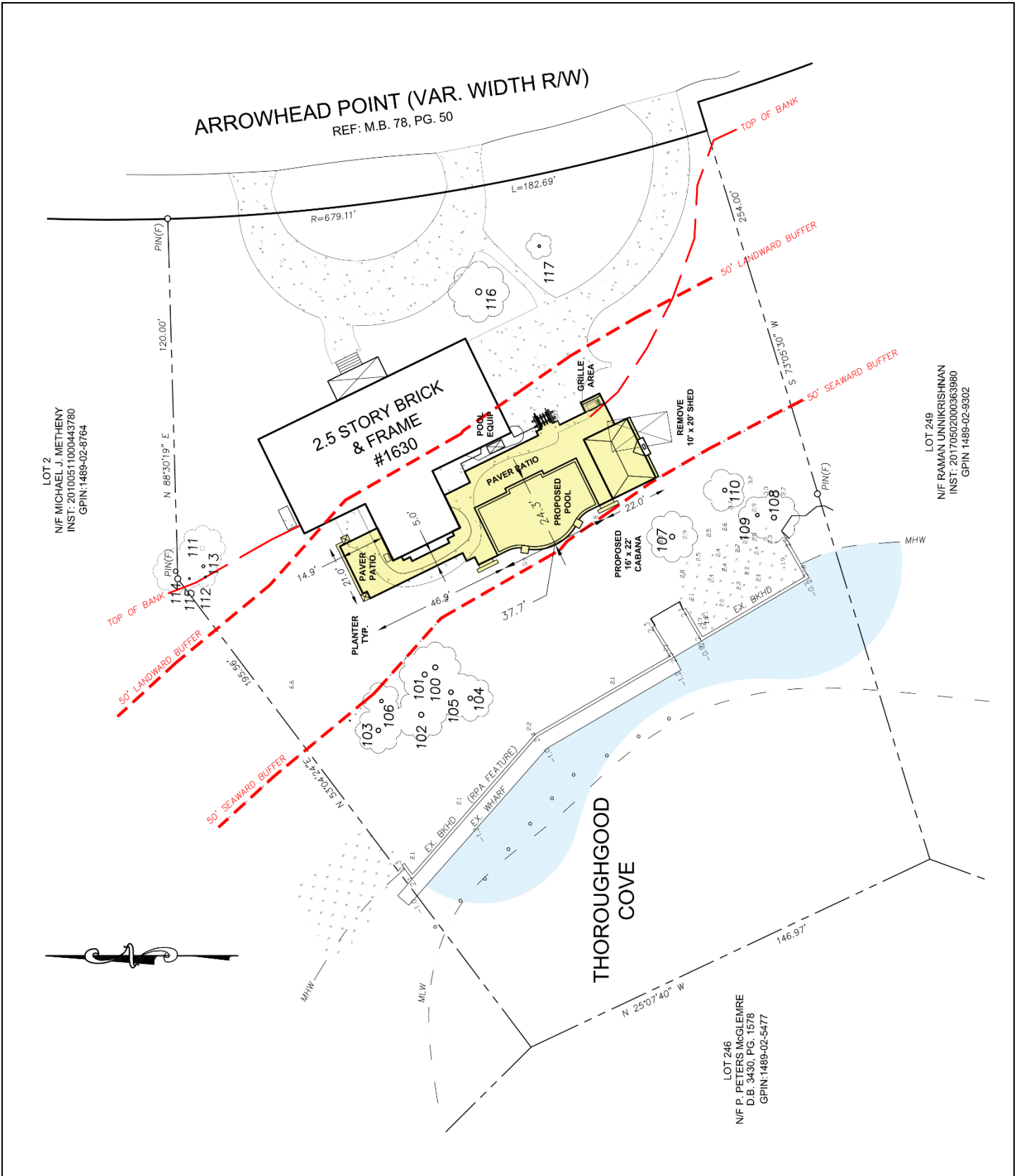
Site Aerial



CBPA Exhibit –Existing Conditions



CBPA Exhibit – Proposed Improvements



Disclosure Statement

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 Bertrand A. Ross & Suzanne Hughes

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

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

Waterfront Consulting, Inc.

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.

QRL Financial Services

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 real estate broker/realtor.

Zuckerman & Associates, LTD

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 or 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 or individual providing the service.

John Watson, Siska Aurand Landscape 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 construction contractor.

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 engineer/surveyor/agent.

WCI, Chesapeake Bay Site Solutions

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 name of the attorney or firm providing legal services.

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

Bertrand A. Ross & Suzanne Hughes

Print Name and Title

2/25/2021

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	

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Applicant & Property Owner **Robert & Sharon Reich**
 Address **3013 Lynnhaven Drive**
 Public Hearing **April 5, 2021**
 City Council District **Lynnhaven**

Agenda Item

10

Variance Request

Encroachment into the Resource Protection Area (RPA) buffer to construct an addition to the primary structure and a deck.

Applicant's Agent

Billy Garrington

Staff Planner

PJ Scully

Lot Recordation

Map Book 37 Page 8
 Recorded 4/27/1954

GPIN

1499-18-5457

SITE AREA

11,891.5 square feet or 0.273 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

11,275.5 square feet or 0.259 acres

EXISTING IMPERVIOUS COVER OF SITE

3,566 square feet or 31.6 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

3,967 square feet or 35.1 percent of site

Area of Redevelopment in RPA

217 square feet

Area of New Development in RPA

401 square feet

Location of Proposed Impervious Cover

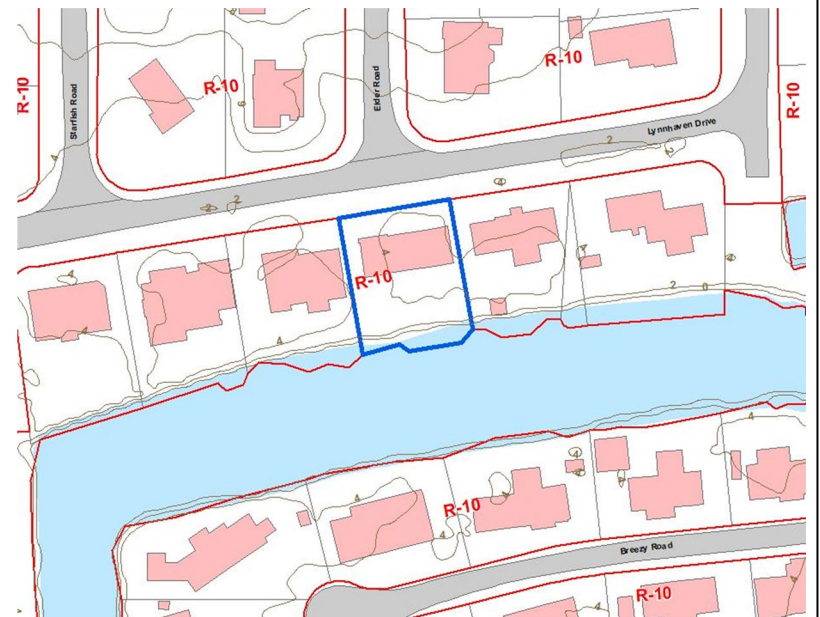
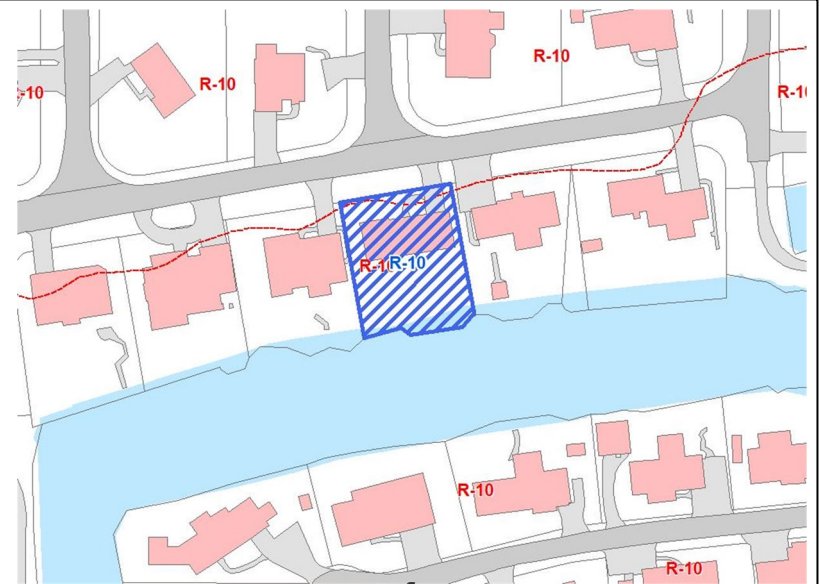
50-foot Seaward Buffer

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Construction Details

- Building addition to the primary structure
- Wood deck

CBPA Ordinance Variance History

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

Environmental Conditions

Flood Zone

Zone AE, Base Flood Elevation (BFE): 7. Additions to the primary structure may be reviewed by the CBPA Board for encroachments requests into the Resource Protection Area (RPA) buffer of the Chesapeake Bay watershed however, the construction requirements, specifically construction methods, materials and finish floor elevations will be required to comply with the City's Floodplain Ordinance.

Soil Type(s)

Corolla (fine sand)

Psamments Series (well-drained and moderately well-drained soils, sandy material)

Shoreline

Shoreline is hardened with a 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 bioretention planting beds will be provided as a best management practice for stormwater run-off mitigation. Not associated with this variance application, the existing driveway is a permeable paver system.

Evaluation and Recommendation

The applicant is proposing an addition to the existing primary structure with associated wood deck. As means to evaluate this redevelopment request, Staff used the following deductive analysis to evaluate the proposed encroachment within the RPA against existing site conditions and environmental events such as tidal flooding and storm surge.

- *Evaluation of shoreline topography and wetland species, if present, ability to adapt to sea-level rise.* The existing waterway is a manmade canal with hardened revetments along the shoreline. The width and depth of the canal limits the redevelopment use of a living shoreline.
- *Evaluation of riparian buffer, plant species biodiversity and existing habitat restraints.* A riparian buffer ecosystem is nonexistent within the RPA feature of this lot. Staff is of the opinion that species diversity and habitat would be enhanced with the installation of buffer restoration as conditioned with this variance request.
- *Identify existing nonpoint and point source pollution points, if present, against application request and methodology to prevent the variance from causing or contributing to a degradation of water quality.* No point source pollution discharges are present on the lot. Staff is of the opinion that the lot is a suitable candidate for the use of best management practices given the underlying soil conditions and commends the applicant for the use of a permeable paver system with the existing driveway.
- *Soil conditions – very poorly drained, poorly drained, somewhat poorly drained, somewhat well drained, well drained, very well drained.* As mentioned above, Staff is of the opinion that the lot is a suitable candidate for the use of best management practices given the underlying soil conditions and the applicant’s agent has provided a bioretention planting bed with the 50-foot seaward buffer to infiltrate stormwater runoff from the existing and proposed improvements.

With the intent to prevent a net increase in nonpoint source pollution by both new development and redevelopment of previously developed land, Section 106 (A)(3) of the CBPA Ordinance states that land development shall minimize impervious cover to promote infiltration of stormwater into the ground consistent with the use or development proposed through the incorporation of structural or nonstructural urban best management practices. Given the permeability of the underlying soils and the site’s flat topography that offer low runoff velocities of stormwater, Staff is of the opinion that the existing use of structural (permeable paver system) best management practices coupled with the proposed nonstructural (bioretention planting bed) best management practices for stormwater treatment provides merit towards this variance request being in harmony with the findings of Section 110 (H) of the CBPA Ordinance.

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) 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 subdivision was recorded many years prior to the adoption of the Bay Act and as a result every waterfront home is significantly impacted by the ordinance. Since the enactment in 1991, numerous homes have made similar variance requests and been granted so the approval of this request will in no way confer any special privilege to the current owners.”* Staff concurs.
- 2) This variance request is not based upon conditions or circumstances that are or have been created or imposed by the applicant or predecessor in title because *“the buffer zones were made a part of the Bay Act and these house were already in place when it was enacted and the hardship that is now on these properties will never go away.”* Staff concurs.
- 3) The variance is the minimum necessary to afford relief because *“the minimum necessary is a very arbitrary concept but the Board has routinely granted variances with the understanding that the total impervious cover not exceed 30% of the land area which leaves a significant amount of land to be used for buffer restoration and bioretention beds.”* Staff acknowledges the statement provided by the applicant’s agent and is of the opinion that the size and location of the proposed improvements with minimal encroachment into the 50-foot seaward buffer, given that the lot predates the adoption of the Chesapeake Bay Act provides merit towards the variance is the minimum necessary to afford relief.

- 4) The applicant's agent offers that *"the purpose and intent of the ordinance is simply water quality, to prevent pollution of the Bay as a result of non-point source pollution. Most of these homes currently have no storm water treatment on site. As a result of this variance request the owner will install bioretention beds, buffer restoration in areas currently devoted to turf and even off-site treatment via the Lynnhaven Oyster Heritage Program all to benefit water quality"* in an effort to ensure that this variance request will be in harmony with the purpose and intent of the CBPA Ordinance, not injurious to the neighborhood, nor be of substantial detriment to water quality, or otherwise detrimental to the public welfare. Staff offers that the existing and proposed best management practices on the lot provide merit towards promoting infiltration of stormwater, thereby furthering the intent of the CBPA Ordinance with the proposed redevelopment.
- 5) *"Strict erosion and sedimentation control measures do more to halt non-point source pollution, stock piling materials on existing hard surfaces, single point access way and revegetating any denuded areas all help to limit pollution from entering the adjacent waters"* as a means to manage towards a no net increase in nonpoint source pollution load." Staff offers, in addition to the above statement, that there is mutual agreement that the site's flat topography and high infiltration rates of the existing soil profile help reduce the potential for nonpoint source pollution from reaching adjacent waterways. Staff is of the opinion that this lot and several in this area may be impacted more by abnormal tidal events that breach the existing bulkhead and infiltrate the existing stormwater drainage system than any impacts from the resulting percentage of impervious cover.

Given the above comments, Staff recommends the following 12 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

Recommended 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: **618 square feet x 200 percent = 1,236 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: **3 canopy trees, 6 understory trees and 9 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) 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.
- 8) 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
- 9) 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.
- 10) Under deck treatment of sand and gravel shall be installed. Said treatment shall be installed under the wood deck and stairs.
- 11) 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.
- 12) The conditions and approval associated with this variance are based on the exhibit plan dated February 16, 2021, prepared by Gallup Surveyors & Engineers, signed February 16, 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. Deviation from said conditions during site plan review may require re-submittal for Board consideration.

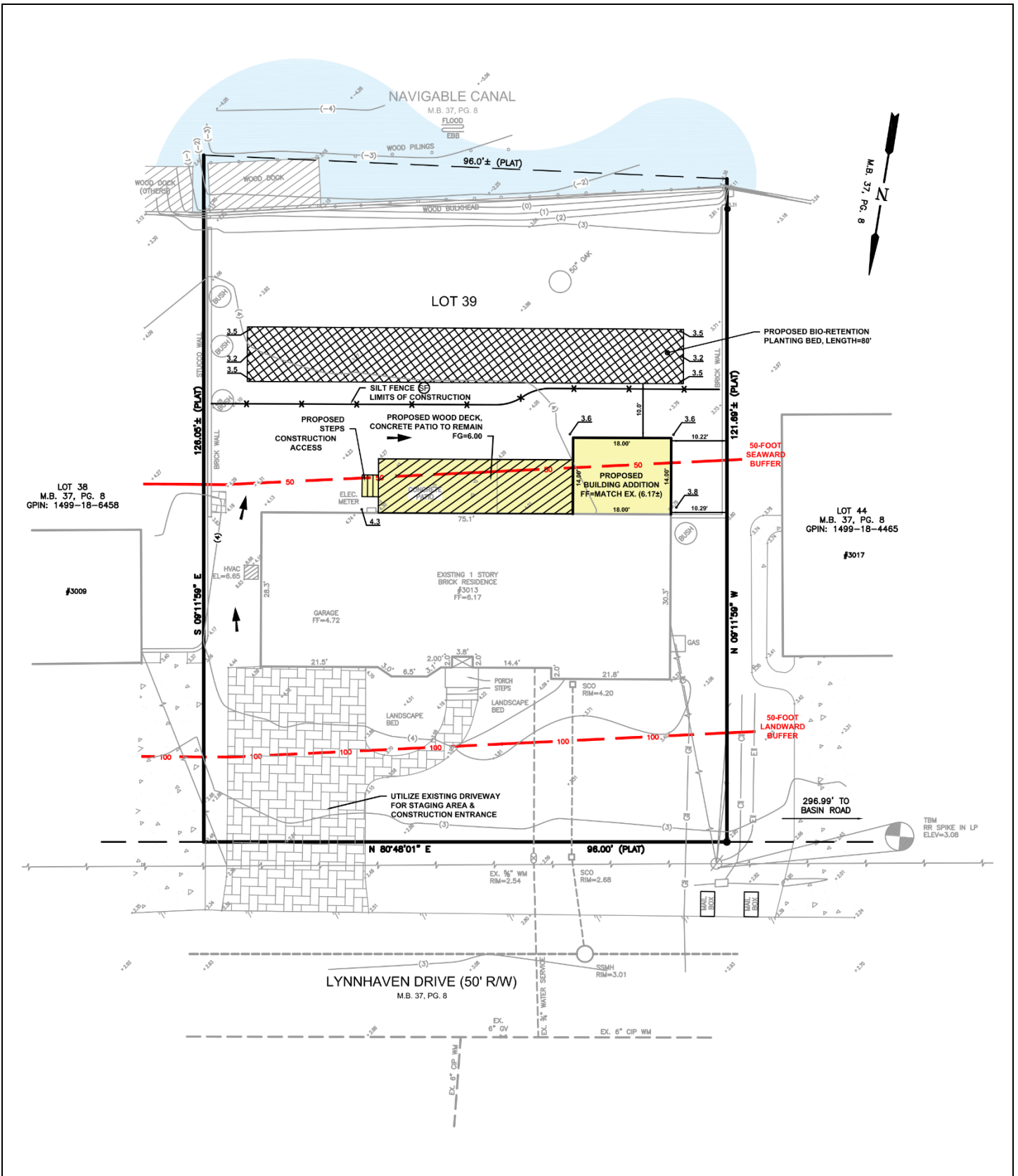
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

***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 – Proposed Improvements



Disclosure Statement

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 Robert and Sharon Reich

Does the applicant have a representative? Yes No

- If yes, list the name of the representative.

Billy GARRINGTON

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.

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.

FENTRESS HOME DESIGN,

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.
DSG CONSTRUCTION, INC
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.
Gallup Surveyors & Engineers
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.

<u>Robert Reich</u>	<u>Sharon Reich</u>
Applicant Signature	
<u>Robert Reich</u>	<u>Sharon Reich</u>
Print Name and Title	
<u>2/23/2021</u>	<u>2/23/21</u>
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	