

Chesapeake Bay Preservation Area Board Agenda

March 7, 2022



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CHESAPEAKE BAY PRESERVATION AREA BOARD

NOTICE OF PUBLIC HEARING

A Public Hearing of the Virginia Beach Chesapeake Bay Preservation Area (CBPA) Board will be held on **Monday, March 7, 2022** at 10:00 a.m. in the Council Chamber - City Hall, Building 1, Second Floor, Municipal Center, Virginia Beach, VA.

An informal session will be held the same day at 9:00 a.m. in the Council Chamber - City Hall, Bldg. 1 Municipal Center, Virginia Beach, VA. During the informal session, Staff briefs the Board on agenda items. All interested persons are invited to attend. There is no opportunity for citizenry to speak at the briefing session; however, the public is invited to speak at the formal CBPA Board Public Hearing that follows. For information or to examine copies of proposed plans, ordinances or amendments call (757) 385-4621 or go to www.vbgov.com/cbpa or visit the Department of Planning and Community Development, 2875 Sabre Street, Suite 500, Virginia Beach, Virginia by appointment.

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

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 the items that it believes should be on the Consent Agenda, it will vote at one time for all 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.

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.



CHESAPEAKE BAY PRESERVATION AREA BOARD AGENDA

Public Hearing Date **March 7, 2022**

- 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.

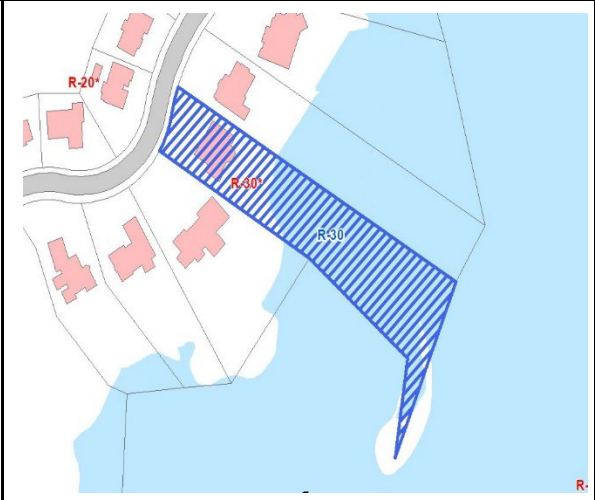
OLD BUSINESS AGENDA ITEMS

1. Haversham LLC
[Applicant & Property Owner]

2393 Haversham Close
GPIN 2409-14-6639
City Council District: District 5, formerly Lynnhaven
Accela Record 2022-CBPA-00004

Variance Request – Encroachment into the RPA to construct a swimming pool with associated patio and excavate uplands for a bulkhead realignment.

Staff Planner – PJ Scully
Staff Report – page 5



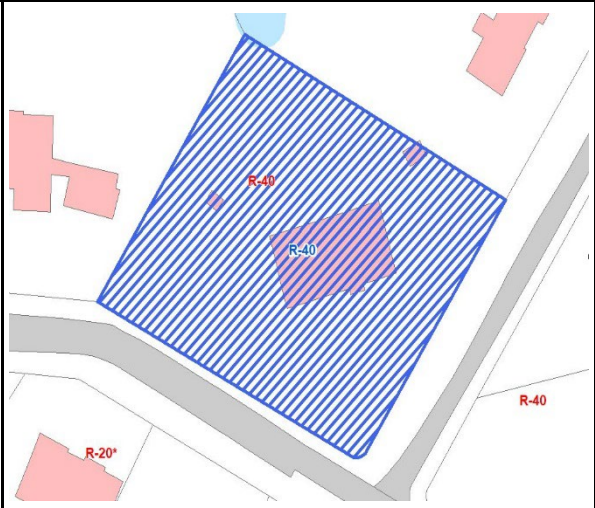
NEW BUSINESS AGENDA ITEMS

2. Daiva B. Gilman
[Applicant & Property Owner]

3136 Little Haven Road
GPIN 1498-03-8620
City Council District: District 8, formerly Lynnhaven
Accela Record 2022-CBPA-00005

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

Staff Planner – Cole Fisher
Staff Report – page 7



NEW BUSINESS AGENDA ITEMS (CONTINUED)

3. Jonathan & Ashley McAchran
[Applicant & Property Owner]

933 Queen Elizabeth Drive

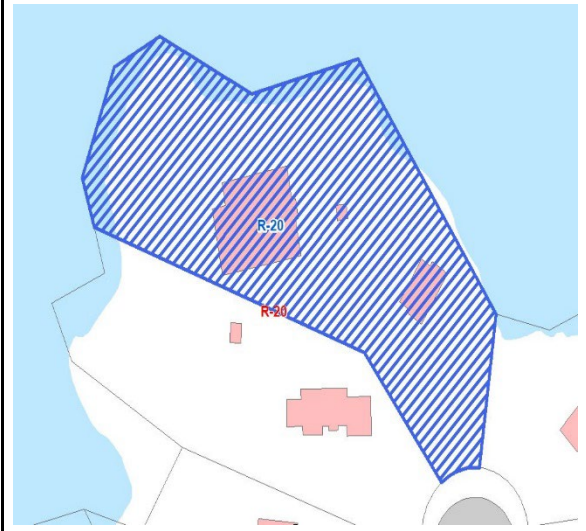
GPIN 1488-44-9313

City Council District: District 8, formerly Lynnhaven
Accela Record 2022-CBPA-00006

Variance Request – Encroachment into the RPA to construct an addition to the residence, swimming pool with associated walkways, paver area adjacent to residence and resurface existing driveway.

Staff Planner – Cole Fisher

Staff Report – page 17



4. Jay & Nancy Cohen
[Applicant & Property Owner]

2549 Torrey Place

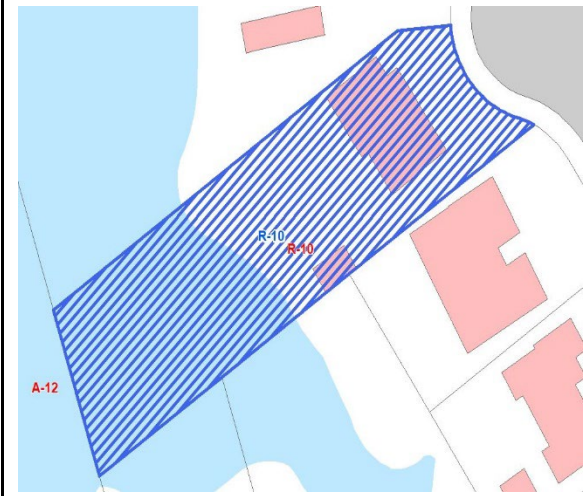
GPIN 1497-89-1374

City Council District: District 8, formerly Beach
Accela Record 2022-CBPA-00007

Variance Request – Encroachment into the RPA to construct an addition to the residence and wood deck.

Staff Planner – PJ Scully

Staff Report – page 31



5. Lee & Stephanie Clark
[Applicant & Property Owner]

2616 Britannica Place

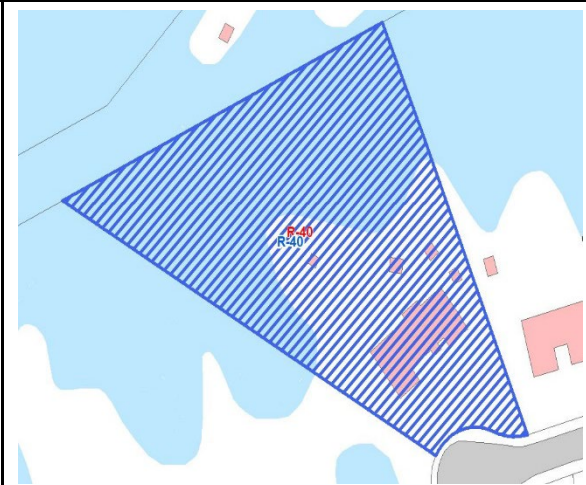
GPIN 1498-44-5737

City Council District: District 5, formerly Lynnhaven
Accela Record 2022-CBPA-00009

Variance Request Encroachment into the RPA to construct wood decks, pergola, and pool apron.

Staff Planner – Cole Fisher

Staff Report – page 43



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.

The applicant is requesting a deferral of this application to the Monday, April 4, 2022 CBPA Board Public Hearing to allow additional time to address the Board's concerns. Staff supports the request to defer.

Variance Request

Encroachment into the Resource Protection Area (RPA) buffer to construct a swimming pool with associated patio and excavate uplands for a bulkhead re-alignment.

Applicant's Agent

Billy Garrington
 Governmental Permitting Services

Robert Simon
 Waterfront Consulting, Inc.

Staff Planner

PJ Scully

Lot Recordation

Map Book 188, Page 8
 Recorded 10/11/1984

GPIN

2418-04-0096

SITE AREA

67,040 square feet or 1.54 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

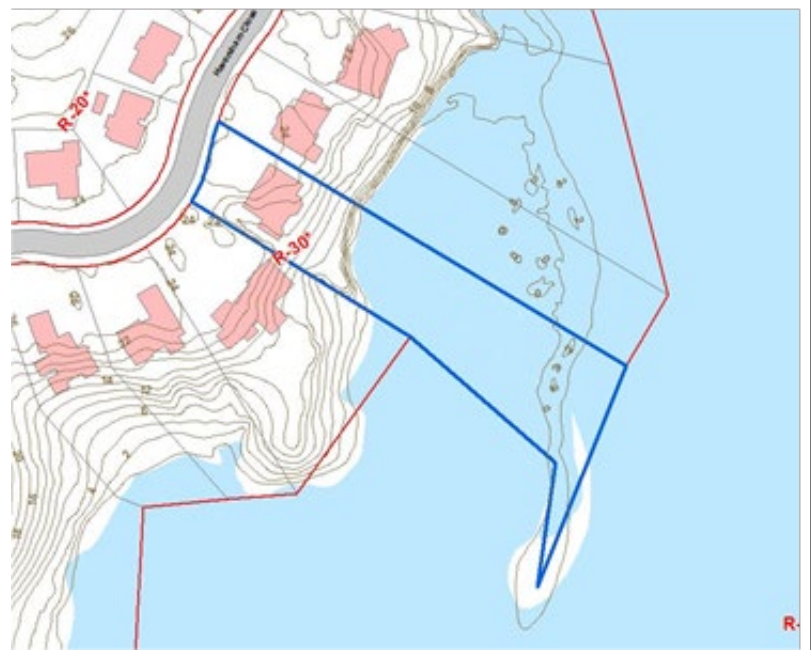
20,234 square feet or 0.47 acres

EXISTING IMPERVIOUS COVER OF SITE

10,172 square feet or 50.3 percent of site

Variance Request History

This variance request was deferred at the following CBPA Public Hearings
 - February 7, 2022 Public Hearing.



Site Aerial





Applicant & Property Owner **Daiva B. Gilman**
 Address **3136 Little Haven Road**
 Public Hearing **March 7, 2022**
 City Council District **District 5**, formerly Lynnhaven

Agenda Item

2

Variance Request

Encroachment into the Resource Protection Area (RPA) buffer to construct a deck

Applicant's Agent

Self-represented

Staff Planner

Cole S. Fisher

Lot Recordation

Map Book 65, Page 43
 Recorded 5/4/1965

GPIN

1498-03-8620

SMALL PROJECT IN THE RPA

PROPOSED IMPERVIOUS COVER

Area of Redevelopment in RPA

0 square feet

Area of New Development in RPA

960 square feet

Location of Proposed Impervious Cover

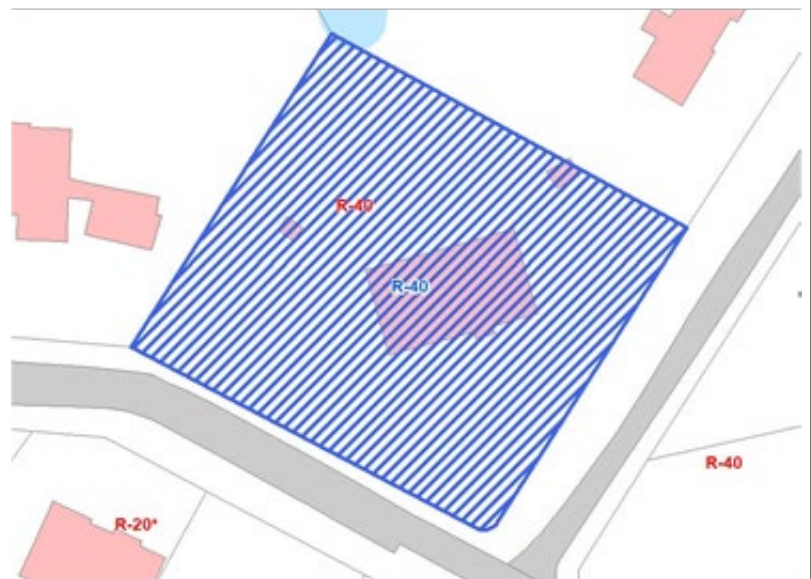
50-foot Landward Buffer
 100-foot Variable Width Buffer

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Construction Details

- Wood deck off rear of existing single-family residence

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): 8

Soil Type(s)

Tetotum Series (deep, moderately well-drained soils)

Shoreline

Shoreline is in a natural state and is the headwater of a tidal cove.

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

Evaluation and Recommendation

The applicant is proposing to construct a new wood deck off the rear of the existing residence. This request will add 960 square feet of new impervious cover in the 50-foot landward buffer and the City's Variable Width buffer of the Resource Protection Area (RPA). Of the 960 square feet of new impervious cover, approximately 500 square feet will be located within the upper reach of the 50-foot landward buffer in an area currently devoted to turf. The applicant also proposes to install a gravel underdeck treatment to abate erosion and the migration of sediment from the proposed improvements. Staff is of the opinion that the increased impervious cover will not cause a substantial increase in runoff or be detrimental to the water quality of the Chesapeake Bay. The applicant has proposed to create new bioretention planting beds in addition to the required buffer restoration plantings for this request. Given the minimal land disturbance associated with this request, Staff supports this variance request as conditioned below.

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 neighborhood was developed prior to the Bay Act and all waterfront property owners are equally impacted when utilizing the RPA.”* 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 house was existing when the buffer zones were implemented therefore could not have been foreseen when placed on the lot.”* Staff concurs and provides that the encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant, but rather is necessitated by the fact that this lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City’s CBPA Ordinance, therefore portions of this property are within the RPA.
- 3) The variance is the minimum necessary to afford relief because *“the proposed deck will only partially be within the landward buffer in unavoidable due to its proximity to the house.”* Staff concurs and offers that the applicant has provided a layout that is cognitive of the existing confined conditions of the lot, zoning setbacks, and delineated RPA feature within the neighborhood, which appears to be consistent with the findings of the CBPA Ordinance.
- 4) The variance is in harmony with the purpose and intent of this Ordinance and not injurious to the neighborhood, not of substantial detriment to water quality, or otherwise detrimental to the public welfare because *“a deck on the rear of the house has no negative impact to the public, neighborhood, or water quality. It will allow the homeowners and their guests a more comfortable space to enjoy and appreciate the surrounding nature.”* Staff concurs and offers that the conditioned buffer restoration associated with the proposed improvements, under deck treatment, and retention of existing vegetation of the lot provide merit towards water quality benefits.
- 5) *“All non-biodegradable debris will be collected and disposed of daily. Filter fabric, sand backfill, and proper grading will mitigate potential erosion”* 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 7 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.
2. For the purpose of reviewing the required buffer restoration, 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 of the buffer restoration plan prior to the issuance of a building permit. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **960 square feet x 200 percent = 1,920 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, 10 large shrubs, and 15 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.

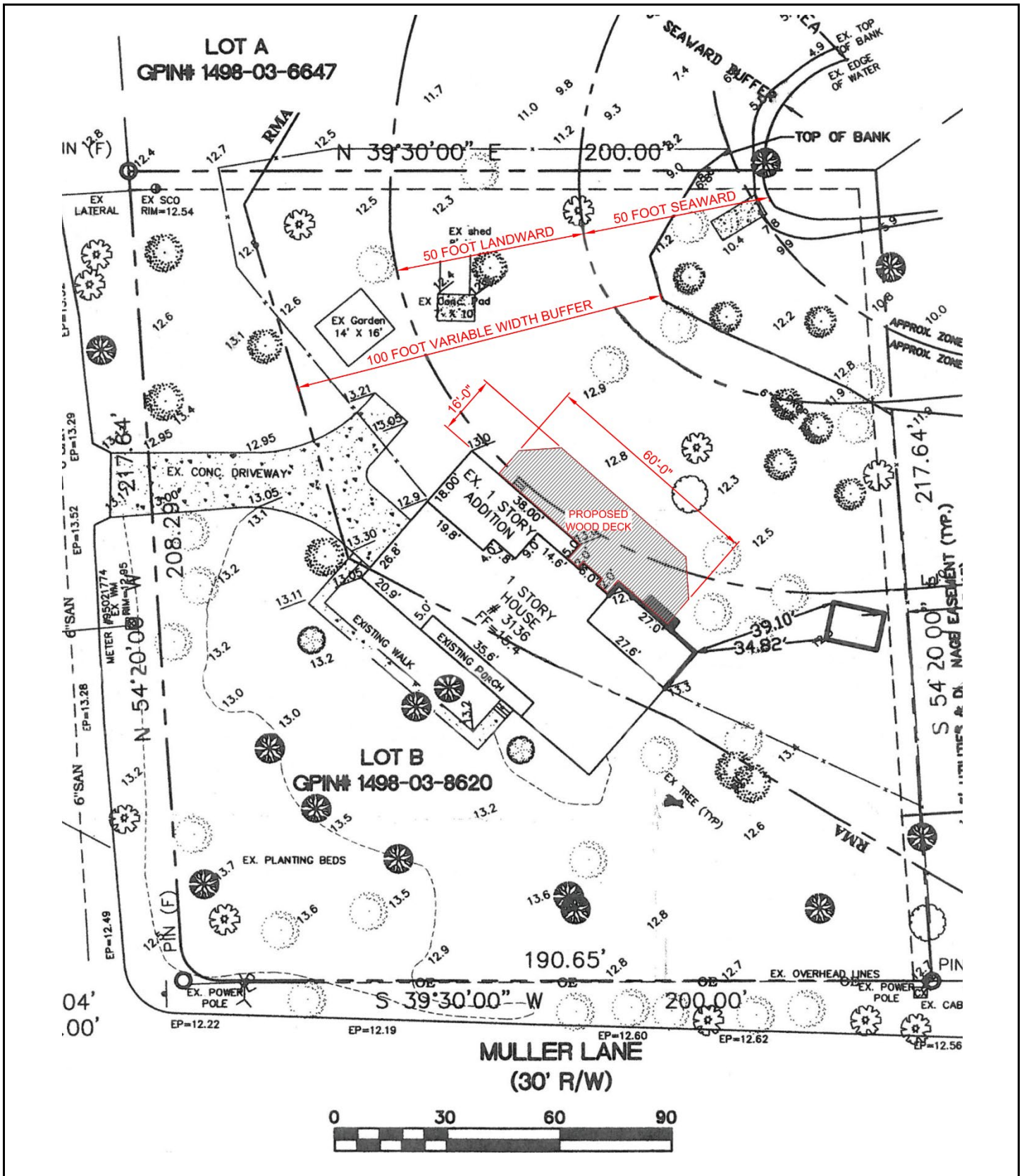
3. Land disturbance associated with the proposed improvements at any given time shall not exceed 2,500 square feet. If at any time land disturbance exceeds 2,500 square feet, Planning Department Staff may issue a stop work order. At that time, a full site development plan in compliance with local and State regulations shall be submitted for review and approval through the Development Services Center (DSC).
4. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
5. Construction limits along the seaward portion of the project shall lie a maximum of 15 feet seaward of improvements.
6. 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.
7. Under deck treatment of sand and gravel shall be installed.

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

Site Aerial



CBPA Exhibit – Proposed Improvements



Disclosure Statement



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

Applicant Disclosure

Applicant Name Mark + Daiva Gilman

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-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.

Lynx Design Group, LLC Scott Smith

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.

PELZEL Construction, Dan PELZEL

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

MARK GILMAN & DAIVA Gilman

Print Name and Title

1-25-22

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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Variance Request

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

Applicant's Agent

Billy Garrington
 Governmental Permitting Services

Staff Planner

Cole Fisher

Lot Recordation

Map Book 61, Page 17
 Recorded 05/07/1964

GPIN

1488-44-9313

SITE AREA

63,680 square feet or 1.46 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

53,403 square feet or 1.23 acres

EXISTING IMPERVIOUS COVER OF SITE

16,089 square feet or 29 percent of the site

PROPOSED IMPERVIOUS COVER OF SITE

16,234 square feet or 30.4 percent of site

Area of Redevelopment in RPA

6,698 square feet

Area of New Development in RPA

1,548 square feet

Location of Proposed Impervious Cover

50-foot Seaward Buffer

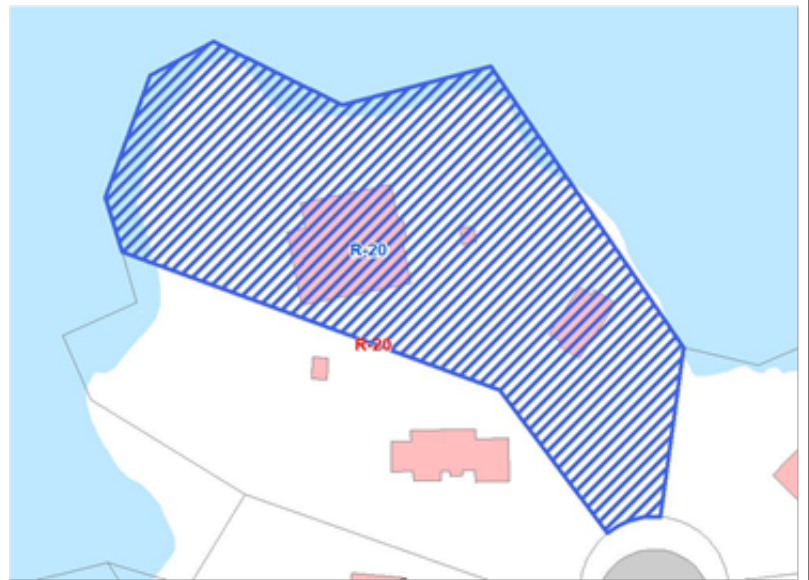
50-foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Framed shed
- Concrete pad
- Wood decking

Construction Details

- Swimming pool with associated paver patio area and retaining wall
- Paver parking area and building addition
- Front porch and associated walkway
- Resurface existing driveway

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): 8

Soil Type(s)

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

Shoreline

The western portion of the shoreline is hardened by a wooden bulkhead transitioning along the northern portion of the lot into a natural condition.

Riparian Buffer

Heavily Wooded Lot

- Number of existing canopy trees requested for removal within the RPA: 23
- Number of existing understory trees requested for removal within the RPA: 10
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 2
- Evaluation of existing canopy tree removal request: Staff is of the opinion that the overall request to remove 35 trees associated with the redevelopment of this lot is excessive. An analysis of the limits of construction, set at 10 feet outboard of the proposed improvements was performed by Staff to further understand the request to remove 35 trees from the lot versus potential preservation of trees along the perimeter of the lot. Staff is of the opinion that approximately 12 to 14 trees could be preserved if properly managed during the phases of construction for the redevelopment of this lot. In addition, it appears that 2 trees, located adjacent to Queen Elizabeth Drive are within the City right-of-way. Removal of trees within a City right-of-way requires review and approval from Landscape Management. Staff has provided recommended condition 2 below to address this concern and for the CBPA Board's consideration should the CBPA Variance request be granted.

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 proposes to construct a swimming pool with associated pool surround, a building addition off the side of the existing single-family residence, a front porch with associated walkway, and a parking area adjacent to the existing driveway. A portion of the building addition and walkway off the swimming pool surround slightly encroaches into the 50-foot seaward buffer of the Resource Protection Area.

Before a CBPA Board application was submitted, Staff met with applicant (new property owner) and their builder on site to discuss the overall desire of redeveloping the lot and providing maintenance to the existing vegetation within the RPA buffer. With the initial submittal for this variance request, the applicant brought forth a CBPA Exhibit proposing 2,947 square feet of new impervious cover in the RPA with an overall impervious cover on the lot of 17,984 square feet or 33.7 percent of the lot above water and wetlands. Staff discussed concern with the applicant's agent regarding the overall proposed impervious cover of the lot and the applicant and their agent provided a revised CBPA Exhibit to Staff. The revised Exhibit reduced the overall impervious cover of the lot from 17,984 square feet or 33.7 percent of the lot above water and wetlands to 16,234 square feet or 30.4 percent of the lot above water and wetlands. In addition to the reduction of proposed impervious cover on the lot, the applicant has revised the layout of the swimming pool to be primary located within the footprint of the existing wood deck. This revision removes any encroachment of the accessory structure from the 50-foot seaward buffer and increases the use of redeveloping existing impervious cover for this improvement by 527 square feet from 1,004 square feet to 1,531 square feet. A comparison of reduced impacts to the riparian buffer is represented in the table below.

	Initial CBPA Exhibit	Revised CBPA Exhibit	Difference
Proposed Swimming Pool	920 square feet	612 square feet	308 square feet (<i>reduction</i>)
Proposed Paver Area (Pool)	1,342 square feet	1,254 square feet	88 square feet (<i>reduction</i>)
Proposed Paver Area (Driveway)	936 square feet	708 square feet	228 square feet (<i>reduction</i>)
Proposed Building Addition	500 square feet	500 square feet	0 square feet
Proposed Porch & Walkway	417 square feet	417 square feet	0 square feet
Overall Impervious Cover	17,984 square feet	16,234 square feet	1,750 square feet (<i>reduction</i>)

Collectively with the redevelopment of impervious cover and removal of impervious cover within the RPA the revised Exhibit increases the overall impervious cover of the lot from 16,089 square feet (existing) to 16,234 square feet (proposed).

To further support the variance request as submitted, 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 intent of the CBPA Ordinance and believes that the construction of the proposed improvements will not confer upon the applicant any special privilege or convenience not accorded to other owners of property within the Lynnhaven River watershed.

- 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 house was built prior to the Bay Act now with limited areas to build that are not within the 100-foot RPA. The proposed plan is the minimal necessary as most of the proposed project is redevelopment of existing conditions."* Staff concurs.

- 2) Staff offers that the encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant, but rather is necessitated by the fact that this lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore portions of this lot are within the RPA.
- 3) The variance is the minimum necessary to afford relief because *"most of the work is redevelopment of existing conditions. New development is at a minimum and the homeowner has also converted over 600 square feet of pervious cover to impervious cover."* 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 *"the heavily wooded lot is an ideal natural filter. Additional stormwater mitigation of existing stormwater runoff will improve overall water quality."* Staff acknowledges the statement provided by the applicant's agent and is of the opinion that the redevelopment of the lot as proposed, and the recommended conditions provided by Staff provides merit towards the variance request being in harmony with the purpose and intent of the CBPA Ordinance.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load the applicant's agent is of the opinion that *"the heavily wooded lot is an ideal natural filter and together with BMPs and additional plantings."* Staff acknowledges the statement provided by the applicant's agent and provides the recommend conditions below for the CBPA Board's deliberation.

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) Specific to tree removal with the redevelopment of this lot, all trees to be preserved and the trees requested to be removed as shown on the CBPA Exhibit that are below the top of bank shall be preserved except for those trees located within the footprint of the existing driveway. Removal of trees within the City right-of-way requires authorization from Landscape Management during formal site plan review.
- 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.

All area within the 50-foot seaward buffer and seaward of the existing driveway shall be left in a natural state. Buffer restoration within the RPA shall consist of **2 canopy trees, 8 understory trees, 16 large shrubs, and 24 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) Construction limits associated with the proposed redevelopment of the lot shall lie a maximum of 10 feet outboard of the improvements.
- 9) Wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Along the seaward portion of the project the required silt fence shall be installed 10 feet from improvements.
- 10) Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- 11) For all trees to be preserved outboard of the limits of construction that are encroached upon, replacement of existing vegetation shall be provided at a 3 to 1 ratio for all unauthorized (damaged or removed) vegetation impacts.
- 12) Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
- 13) No perimeter fill, other than the minimum necessary to facilitate positive drainage away from the proposed improvements is authorized outboard or seaward of the proposed improvements.
- 14) ** As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$401.72 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) Mature trees exist adjacent to tidal waters, the select removal of lower tree limbs shall be performed thereby permitting sunlight to interface with tidal fringe marsh. Moderate maintenance shall be performed consistent with the horticultural practices described in the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation regarding woodlot management to remove

invasive vines species that are shading vegetative undergrowth and out competing native plant species within the RPA buffer

16) The conditions and approval associated with this variance are based on the exhibit plan dated February 14, 2022, prepared by Clark Design Group, Inc., signed by Walter T. McKenna. 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



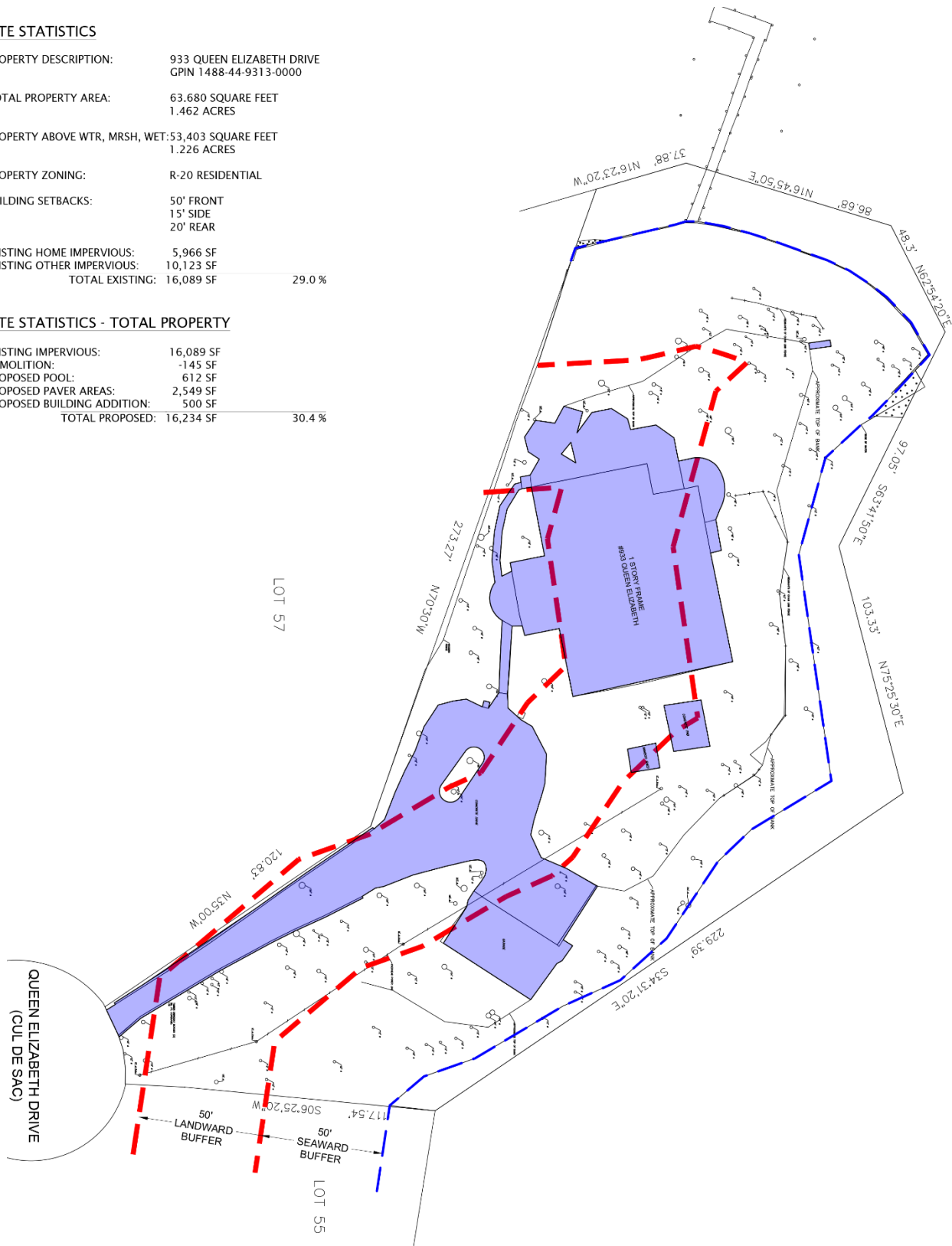
CBPA Exhibit – Existing Conditions

SITE STATISTICS

PROPERTY DESCRIPTION:	933 QUEEN ELIZABETH DRIVE GPIN 1488-44-9313-0000
TOTAL PROPERTY AREA:	63,680 SQUARE FEET 1.462 ACRES
PROPERTY ABOVE WTR, MRSH, WET:	53,403 SQUARE FEET 1.226 ACRES
PROPERTY ZONING:	R-20 RESIDENTIAL
BUILDING SETBACKS:	50' FRONT 15' SIDE 20' REAR
EXISTING HOME IMPERVIOUS:	5,966 SF
EXISTING OTHER IMPERVIOUS:	10,123 SF
TOTAL EXISTING:	16,089 SF 29.0 %

SITE STATISTICS - TOTAL PROPERTY

EXISTING IMPERVIOUS:	16,089 SF
DEMOLITION:	-145 SF
PROPOSED POOL:	612 SF
PROPOSED PAVER AREAS:	2,549 SF
PROPOSED BUILDING ADDITION:	500 SF
TOTAL PROPOSED:	16,234 SF 30.4 %



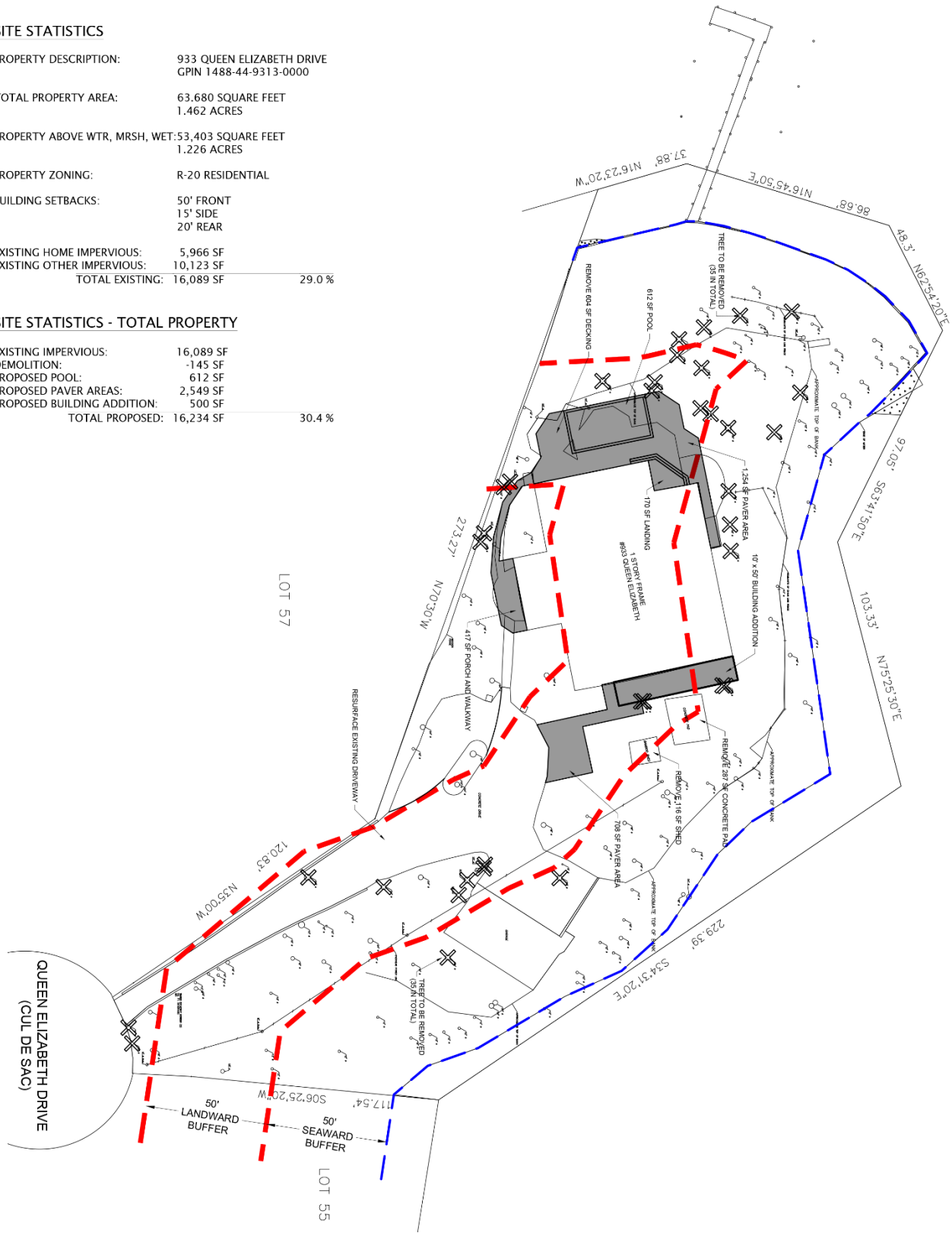
CBPA Exhibit – Proposed Improvements

SITE STATISTICS



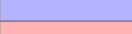

PROPERTY DESCRIPTION:	933 QUEEN ELIZABETH DRIVE GPIN 1488-44-9313-0000
TOTAL PROPERTY AREA:	63,680 SQUARE FEET 1.462 ACRES
PROPERTY ABOVE WTR, MRSH, WET:	53,403 SQUARE FEET 1.226 ACRES
PROPERTY ZONING:	R-20 RESIDENTIAL
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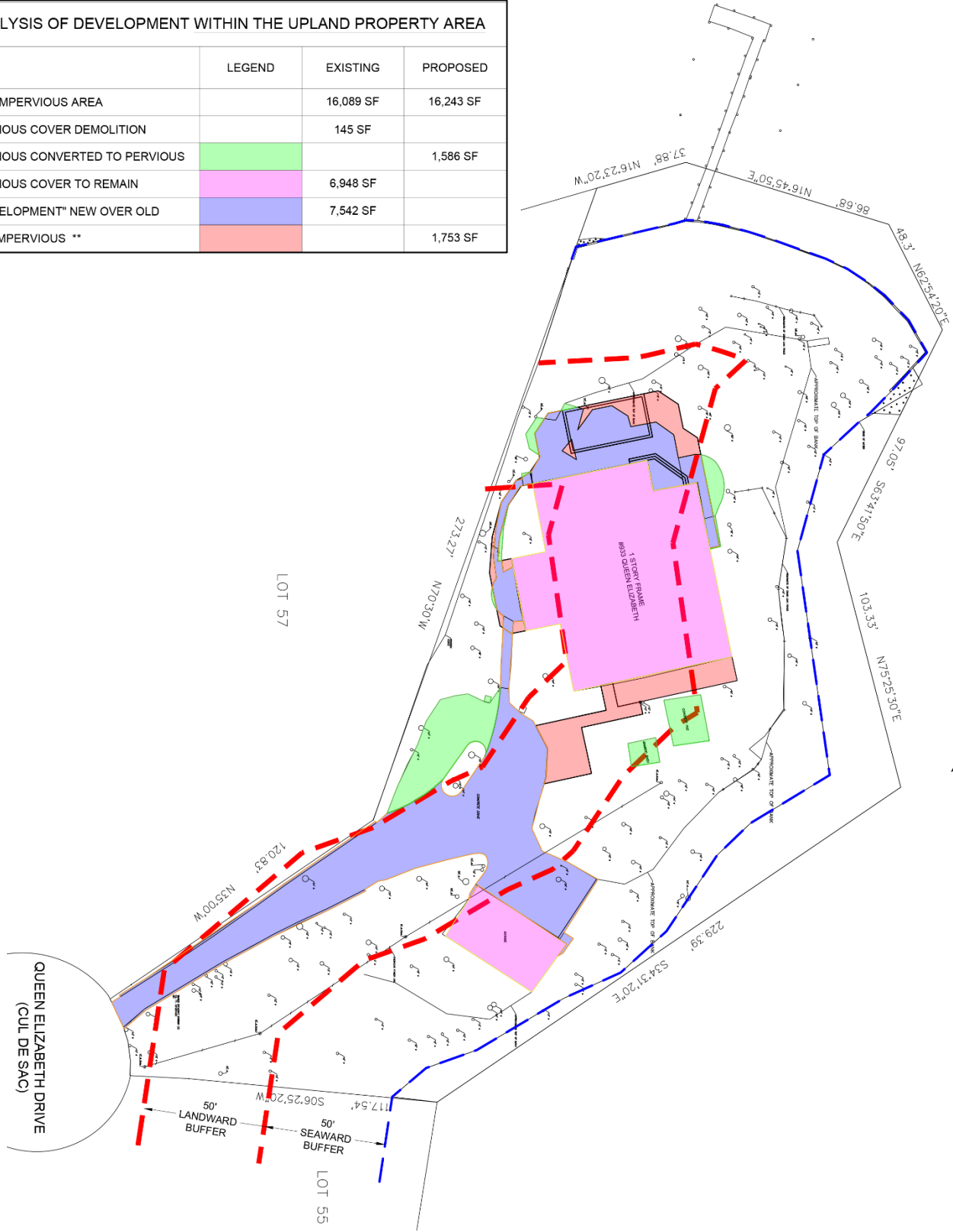
SITE STATISTICS - TOTAL PROPERTY

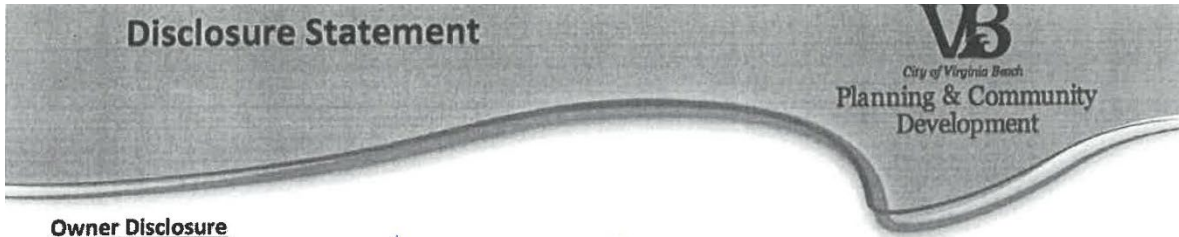
EXISTING IMPERVIOUS:	16,089 SF
DEMOLITION:	-145 SF
PROPOSED POOL:	612 SF
PROPOSED PAVER AREAS:	2,549 SF
PROPOSED BUILDING ADDITION:	500 SF
TOTAL PROPOSED:	16,234 SF 30.4%



CBPA Exhibit – Color Analysis

ANALYSIS OF DEVELOPMENT WITHIN THE UPLAND PROPERTY AREA			
	LEGEND	EXISTING	PROPOSED
TOTAL IMPERVIOUS AREA		16,089 SF	16,243 SF
IMPERVIOUS COVER DEMOLITION		145 SF	
IMPERVIOUS CONVERTED TO PERVIOUS			1,586 SF
IMPERVIOUS COVER TO REMAIN		6,948 SF	
"REDEVELOPMENT" NEW OVER OLD		7,542 SF	
"NEW" IMPERVIOUS **			1,753 SF





Owner Disclosure

Owner Name Jonathan & Ashley McAchran

Applicant Name

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

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

Three horizontal lines for listing officers, directors, members, trustees, etc.

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

Two horizontal lines for listing businesses with parent-subsiary or affiliated business entity relationships.

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 [X] No

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

One horizontal line for providing details if there is a known interest.

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

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

Disclosure Statement



Owner Services Disclosure

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

Yes No

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

Atlantic Bay Mortgage Group

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

Yes No

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

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

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

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

- If yes, identify the firm 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.

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

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

J.M. Froehle + Clark Building Group Inc, Clark S. Ober

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

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

Walter F. McKenna II

Disclosure Statement



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

Owner Signature

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

Owner Signature

Jon McAchran

Print Name and Title

01-28-2022

Date

AS NEEDED, PAGE LEFT BLANK

Variance Request

Encroachment into the Resource Protection Area (RPA) buffer to construct a two-story building addition.

Applicant's Agent

Greg Frech
GMF & Associates

Staff Planner

Cole Fisher

Lot Recordation

Map Book 116, Page 36
Recorded 09/22/1976

GPIN

1497-89-1374

SITE AREA

21,527 square feet or 0.494 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

11,697 square feet or 0.269 acres

EXISTING IMPERVIOUS COVER OF SITE

3,132 square feet or 26.8 percent of the site

PROPOSED IMPERVIOUS COVER OF SITE

3,620 square feet or 31 percent of the site

Area of Redevelopment in RPA

401.81 square feet

Area of New Development in RPA

548.4 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

- Wood decks and associated stairs – 2 in total

Construction Details

- Two-story building addition
- Wood deck located off rear of residence

CBPA Ordinance Variance History

April 22, 1991 a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for the expansion of a nonconforming use with the following conditions:

- 1. A buffer mitigation area of 160 square feet shall be provided. It is recommended that this mitigation area be planted in the cleared area of the lot downslope of the existing structures. Applicant must submit buffer mitigation plan for approval.*
- 2. A landscape bond will be required to be posted with the Development Services Center prior to the issuance of a building permit.*
- 3. Erosion and sediment control measures shall be provided on the downslope side of the disturbed area. Such controls shall consist of straw bales. A silt fence is not recommended as such measures would increase the land disturbance within the Resource Protection Area. The erosion and sediment control measures must be identified on the revised site plan prior to issuance of a building permit.*
- 4. The site plan and mitigation plan must be submitted to the Development Services Center for review and approval prior to the issuance of a building permit.*

The April 22, 1991 CBPA Board granted variance has been acted upon and the associated improvements constructed.

Environmental Conditions

Flood Zone

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

Soil Type(s)

Rappahannock Series (deep and poorly drained soils)

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

Tetotum-Urban Series (deep, nearly level, moderately well-drained soils)

Shoreline

Shoreline is in a natural state. Moderate maintenance should be performed to limb up low hanging branches shading existing tidal marsh permitting sunlight to interface with shorelines tidal fringe. Moderate maintenance shall be performed consistent with the horticultural practices described in the Riparian Buffers Modification & Mitigation

Guidance Manual, prepared by Virginia Department of Conservation & Recreation regarding woodlot management to remove invasive vines species that are shading vegetative undergrowth and out competing native plant species within the RPA buffer

Riparian Buffer

Sparsely wooded lot

- Number of existing canopy trees requested for removal within the RPA: 6
- Number of understory trees requested for removal within the RPA: 8
- Evaluation of existing canopy tree removal request: Trees being requested for removal are within the delineated limits of construction and fall within the landward buffer of the RPA.

Stormwater Management Methodology

As submitted, land disturbance associated with the proposed improvements will be less than 2,500 square feet. The applicant's agent has stated in the Water Quality Impact Assessment (WQIA) for this variance request that bioretention planting beds and sand/gravel underdeck treatment will be provided as a best management practice for stormwater run-off mitigation.

Evaluation and Recommendation

The applicant is proposing to construct an addition to the existing single-family residence built in the early 1970's to achieve a reasonable buildable area expansion to the principal structure and construct a wood deck adjacent to the addition. The proposed improvements will not extend into the 50-foot seaward buffer of the Resource Protection Area (RPA).

Although the proposed improvements will be an increase to the overall impervious cover of the lot by approximately 488 square feet, the applicant has situated the proposed improvements within the 50-foot landward buffer and over an area of existing impervious cover to the greatest extent participable. Outboard of the addition to the principal structure, the CBPA Exhibits provides a reduction of impervious cover within the RPA specific to the redevelopment of the accessory structure (wood deck). 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 use of bioretention planting beds and sand/gravel underdeck treatment as best management practices 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: *"This 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 and offers

that the primary purpose of this variance request is to construct and addition to the existing principal structure that is located within the upper reach of the 100-foot RPA feature.

- 2) The applicant provides that the encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant, but rather *“the buffer zones were made a part of the bay act and these houses were already in place when it was enacted and the hardship that is now on these properties will never go away.”* 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 to 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 reasonable encroachment into the 50-foot landward 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 bio retention 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 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. Staff offers that the 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 coupled with the retention of existing mature canopy trees within the 50-foot seaward buffer.
- 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 concurs and the applicant’s agent offers the installation of bioretention planting beds and sand/gravel underdeck treatment in association with the proposed wood deck as methods to ensure a no net increase in nonpoint source pollution load.

Given the above comments, Staff recommends the following 14 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) Stormwater management facilities, BMP mulch bed (2 in total) shall be installed as shown on the CBPA Exhibit.
- 3) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 4) 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.

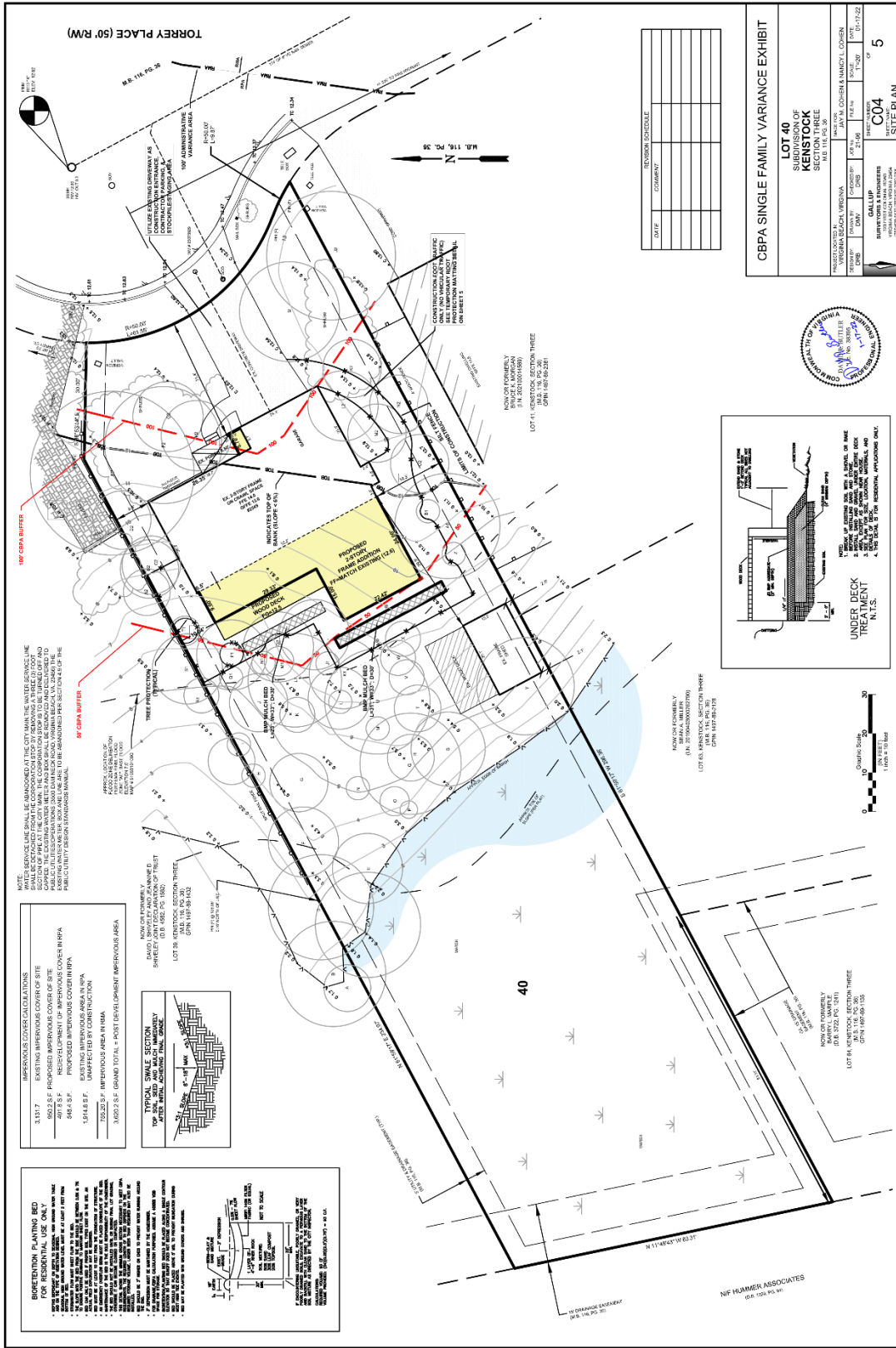
- 5) The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. **Said areas shall be quantified as land disturbance if not occurring on a paved or graveled surface.**
- 6) Wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be installed prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fence shall be installed as delineated per the CBPA Variance Exhibit and staked in the field for review by City Staff prior to land disturbance.
- 7) Construction limits shall be contained within the limits of the delineated silt fence per the CBPA Variance Exhibit. **All areas outside limits of construction shall be left in a natural state to include the forest floor (leaf litter) left intact. Said condition shall be so noted on the site plan.**
- 8) 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.
- 9) 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.
- 10) Where mature trees exist adjacent to tidal waters, the select removal of lower tree limbs shall be performed consistent with the horticultural practices described in the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation regarding woodlot management thereby permitting sunlight to interface with tidal fringe marsh.
- 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) Under deck treatment of sand and gravel shall be installed. Said treatment shall be installed under the wood deck and stairs.
- 13) This variance and associated conditions **will supersede** the conditions of the CBPA Board variance granted April 22, 1991.
- 14) The conditions and approval associated with this variance are based on the exhibit plan dated January 17, 2022, prepared by Gallup Surveyors & Engineers, signed David R. Butler by January 17, 2022. 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 applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section 113(E) of the Chesapeake Bay Preservation Area Ordinance.

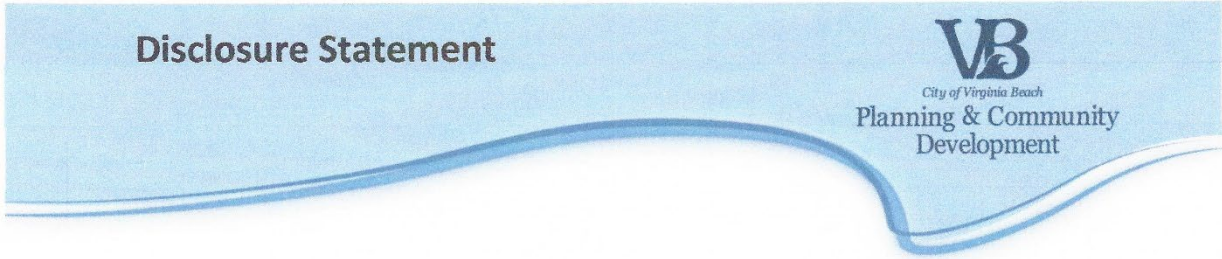
Site Aerial



CBPA Exhibit – Proposed Improvements



Disclosure Statement



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

Applicant Disclosure

Applicant Name JAY & NANCY COHEN

Does the applicant have a representative? Yes No

- If yes, list the name of the representative.

GREG FRECH

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.
-

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.
-

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.

GREG FRECH, GMF & ASSOC,

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.

CHARLES FRANKLIN

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.

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 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.

Jay Cohen *Nancy Cohen*
 Applicant Signature

JAY COHEN NANCY COHEN
 Print Name and Title

JAN 25, 2022 Jan 25, 2022
 Date

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

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

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

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

AS NEEDED, PAGE LEFT BLANK

Variance Request

Encroachment into the Resource Protection Area (RPA) buffer to construct decks, pergola, and a pool apron.

Applicant's Agent

Billy Garrington
 Governmental Permitting Services

Staff Planner

Cole S. Fisher

Lot Recordation

Map Book 126, Page 11
 Recorded 04/05/1978

GPIN

1498-44-5737

SITE AREA

96,766 square feet or 2.221 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

39,963 square feet or 0.917 acres

EXISTING IMPERVIOUS COVER OF SITE

12,657 square feet or 31.7 percent of the site

PROPOSED IMPERVIOUS COVER OF SITE

13,265 square feet or 33.2 percent of the site

Area of Redevelopment in RPA

2,851 square feet

Area of New Development in RPA

793 square feet

Location of Proposed Impervious Cover

50-foot Seaward Buffer

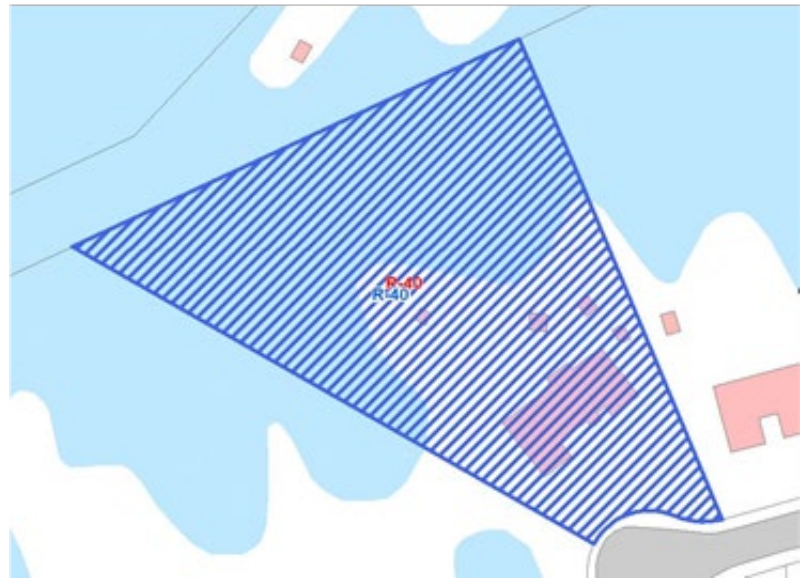
50-foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Existing pool surround and deck

Construction Details

- Swimming pool apron with associated walkway
- Covered deck with pergola above

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)

Tetotum Series (deep, moderately well-drained soils)

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

Rappahannock Series (deep and poorly drained soils)

Shoreline

Shoreline is in a natural state.

Riparian Buffer

Sparsely wooded lot

- Number of existing canopy trees requested for removal within the RPA: 1
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 0
- Evaluation of existing canopy tree removal request: The single tree being requested for removal are within the delineated limits of construction and in close proximity to the new deck and pergola off the rear of the residence.

Stormwater Management Methodology

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

Evaluation and Recommendation

The applicant proposes to redevelop and expand the existing swimming pool apron as well as replace the existing wood deck. With the replacement of the wood deck the applicant desires to construct a pergola structure and expand the

accessory structure to the east along the existing principal structure. In addition, the expansion of the wood deck will consist of a covered deck area.

This overall request consists of 2,851 square feet of redevelopment over existing impervious cover within the 50-foot seaward buffer of the Resource Protection Area (RPA), 793 square feet of new impervious cover located in the 50-foot landward buffer associated with the proposed covered deck improvements and a conversion of 185 square feet of impervious cover to pervious cover within the 50-foot seaward buffer of the RPA. In addition to the required buffer restoration, the applicant's agent provided in the Water Quality Impact Assessment (WQIA) that soil amendments and infiltration beds will be utilized as best management practices to address nonpoint source pollution load on the lot. Staff is of the opinion that the redevelopment measures by the applicant as stated above to ensure that the variance request does not further encroach into the more sensitive portion of the RPA feature specific to the 50-foot seaward buffer provided merit towards this variance request being in harmony with the findings of Section 110 (H) of the CBPA Ordinance. To support the variance request as submitted, 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 intent of the CBPA Ordinance and believes that the construction of the proposed improvements will not confer upon the applicant any special privilege or convenience not accorded to other owners of property within the Lynnhaven River watershed.

- 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 *"granting the variance will not result in any special privilege to the owner, the house was built prior to the bay act adoption so avoidance of the buffer is impossible and numerous homes in the vicinity have been upgraded in a similar fashion recently."* Staff concurs and is of the opinion that the applicants use of redevelopment of impervious cover associated with this variance request within the 50-foot seaward buffer provides merit toward the findings of the CBPA Ordinance.
- 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 bay act was adopted after this house was constructed and the impacts will never be removed now but we believe the request has merit for approval with the mitigating measures that will be in place post construction on the property especially with regards to water treatment. Currently there is no treatment of the runoff post construction the runoff will be treated and additional buffer will be installed."* Staff offers that the encroachment into the RPA on this lot is not based upon the conditions or circumstances that are or have been created or imposed by the applicant but rather is necessitated by the fact that this lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance.
- 3) The variance is the minimum necessary to afford relief because *"we have limited the new impervious cover as much as possible to meet the minimum relief part of the act."* Staff concurs that the bulk of this proposal is redevelopment over existing impervious cover and that the applicant has situated the proposed improvements in such a way to limit the amount of new impervious cover in the RPA.
- 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 *"infiltration beds will be installed, riparian buffer will be installed in the seaward buffer all to promote water quality and off-site mitigation will take place via the oyster heritage program."* Staff acknowledges the steps taken by the applicant to ensure that there will not be a substantial detriment to water quality with the proposals brought forth with this request.

- 5) *“E & S measures will be the first to be installed and last to be removed to halt any erosion during construction. hard surfaces will be utilized for material storage and single point accessway will be utilized. vegetated cover will be applied to any denuded areas as soon as feasible and post construction water quality will be improved as a result of the new improvements”* ...as a means to manage towards a no net increase in nonpoint source pollution load. Staff acknowledges the statement provided by the applicant’s agent and provides the recommend conditions below for the CBPA Board’s deliberation.

Given the above comments, Staff recommends the following 14 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

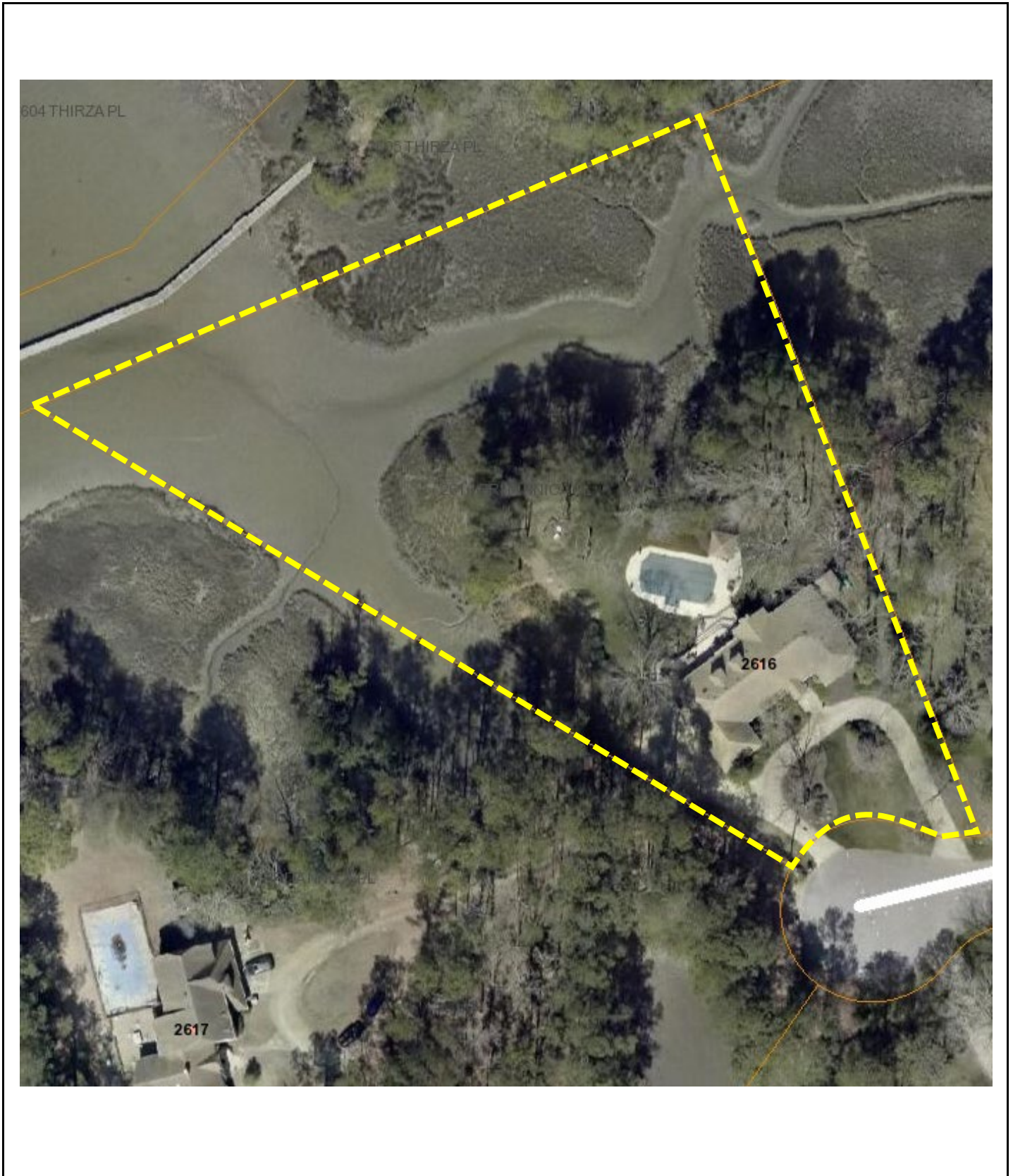
Recommended Conditions

- 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) 1,590 square feet of buffer restoration shall be installed per the Buffer Restoration Plan provided with the CBPA Exhibit. The required restoration shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five-foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.
- 4) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
- 5) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 6) Land disturbance shall be limited to the area necessary to provide for the proposed use or development. Said areas of land disturbance shall be quantified on revised site plan submittals.
- 7) The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. **Said areas shall be quantified as land disturbance if not occurring on a paved or graveled surface.**
- 8) Wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be installed 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 shall be contained within the limits of the delineated silt fence per the CBPA Variance Exhibit. Within the RPA, exclusive of limits of construction, areas of existing landscaped beds, trees, areas of existing leaf litter or forest floor, and other naturalized areas, such as shoreline vegetation, may not be removed.

- 10) Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline **(to the greatest extent practicable)** of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- 11) For all trees to be preserved outboard of the limits of construction that are encroached upon, replacement of existing vegetation shall be provided at a 3 to 1 ratio for all unauthorized (damaged or removed) vegetation impacts.
- 12) Under deck treatment of sand and gravel shall be installed.
- 13) No perimeter fill is authorized outboard or seaward of the proposed improvements.
- 14) The conditions and approval associated with this variance are based on the exhibit plan prepared by Gaddy Engineering Services, LLC, signed January 28, 2022 by Michael S. Gaddy. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board.

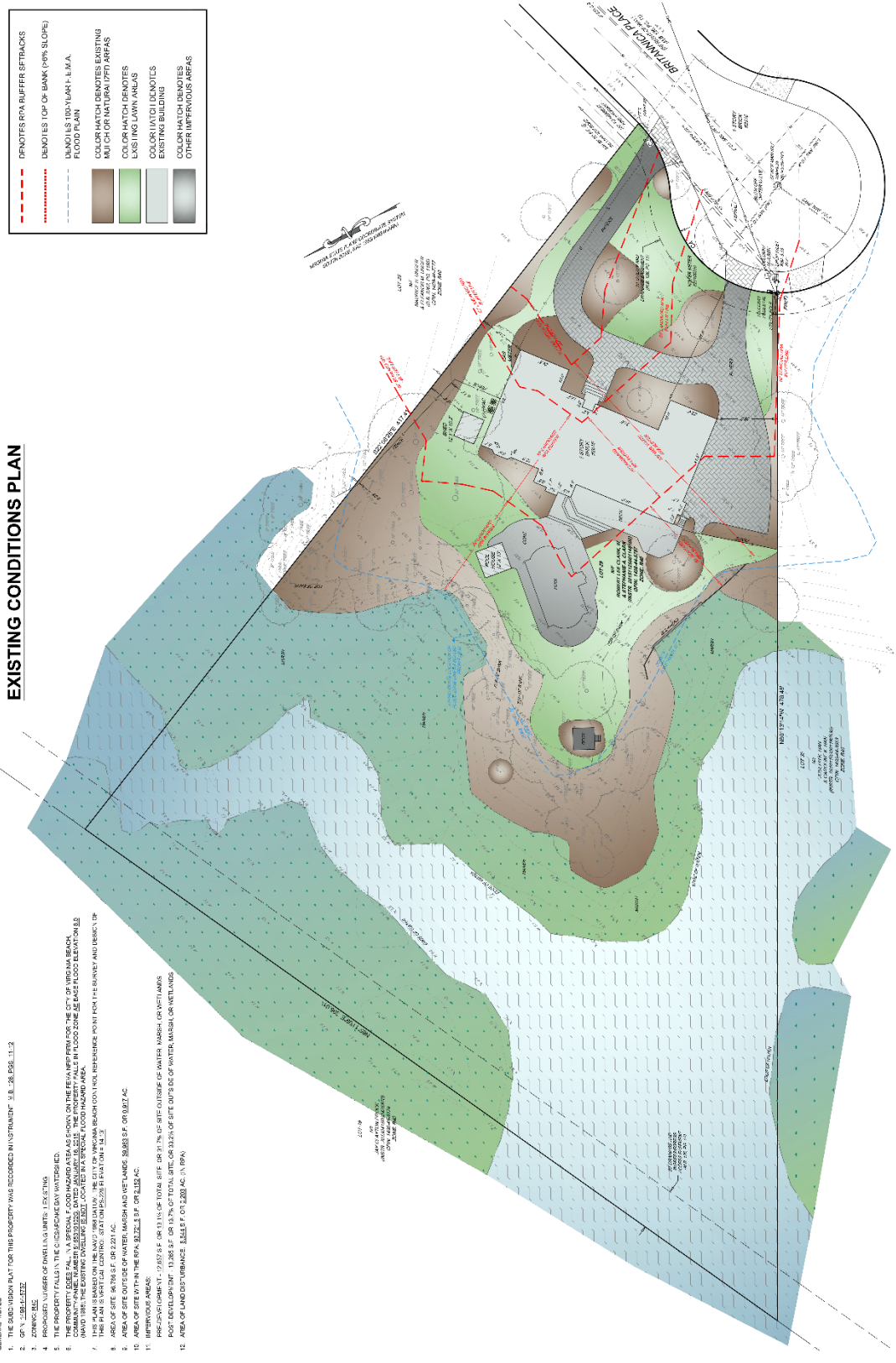
***NOTE: The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section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

Site Aerial



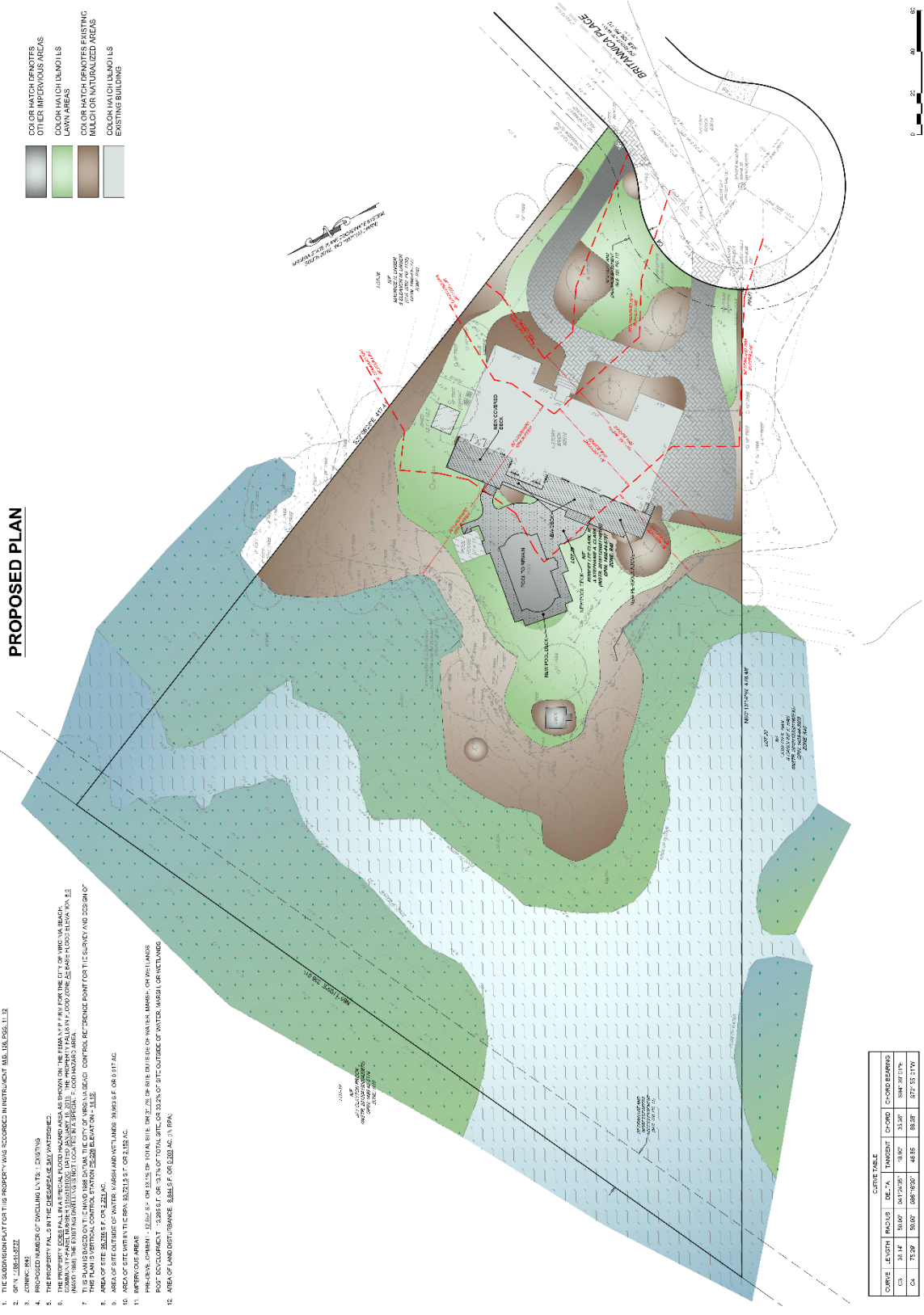
EXISTING CONDITIONS PLAN

- GENERAL NOTES**
1. THE SUBDIVISION PLAN FOR THIS PROPERTY WAS RECORDED IN INSTRUMENT "J.L.B. 26, 2558, 11.3"
 2. OF "J. STELLERZEE"
 3. ZONING: R1C
 4. PROPERTY NUMBER: 40110113 (PART 1) EXISTING
 5. THE PROPERTY DOES NOT HAVE A SPECIAL FLOOD HAZARD AS SHOWN ON THE FEMA MAP FROM THE CITY OF VIRGINIA BEACH COMMUNITY PLANNING COMMISSION, DATED JANUARY 18, 2012. THE PROPERTY FALLS IN FLOOD ZONE AS BASE FLOOD ELEVATION 11.2
 6. THIS PLAN IS BASED ON THE LATEST AVAILABLE DATA. THE CITY OF VIRGINIA BEACH DOES NOT GUARANTEE THE ACCURACY OF ANY INFORMATION PROVIDED BY ANY AGENCY OR INDIVIDUAL. THE CITY OF VIRGINIA BEACH DOES NOT GUARANTEE THE ACCURACY OF ANY INFORMATION PROVIDED BY ANY AGENCY OR INDIVIDUAL.
 7. THIS PLAN IS VERTICAL CURVED. STATION 100+00 TO STATION 100+100
 8. AREA OF SITE: 96,765 S.F. OR 2.2221 AC.
 9. AREA OF SITE OUTSIDE THE 5% SLOPE: 88,883 S.F. OR 2.027 AC.
 10. IMPERVIOUS AREAS: 17,857 S.F. OR 0.406 AC.
 11. PERVIOUS AREAS: 78,908 S.F. OR 1.816 AC.
 12. AREA OF LAND DISTURBANCE: TABLE F, 01/2002 AC. (IN RFR)



CURVE TABLE			
CURVE LENGTH	ARC RADIUS	CHORD LENGTH	DEGREE OF CURVE
10	100.00	19.94	11.33
20	200.00	39.88	22.66
30	300.00	59.82	34.00
40	400.00	79.76	45.33
50	500.00	99.70	56.67
60	600.00	119.64	68.00
70	700.00	139.58	79.33
80	800.00	159.52	90.67
90	900.00	179.46	102.00
100	1000.00	199.40	113.33
110	1100.00	219.34	124.67
120	1200.00	239.28	136.00
130	1300.00	259.22	147.33
140	1400.00	279.16	158.67
150	1500.00	299.10	170.00
160	1600.00	319.04	181.33
170	1700.00	338.98	192.67
180	1800.00	358.92	204.00
190	1900.00	378.86	215.33
200	2000.00	398.80	226.67
210	2100.00	418.74	238.00
220	2200.00	438.68	249.33
230	2300.00	458.62	260.67
240	2400.00	478.56	272.00
250	2500.00	498.50	283.33
260	2600.00	518.44	294.67
270	2700.00	538.38	306.00
280	2800.00	558.32	317.33
290	2900.00	578.26	328.67
300	3000.00	598.20	340.00

CBPA Exhibit – Proposed Improvements

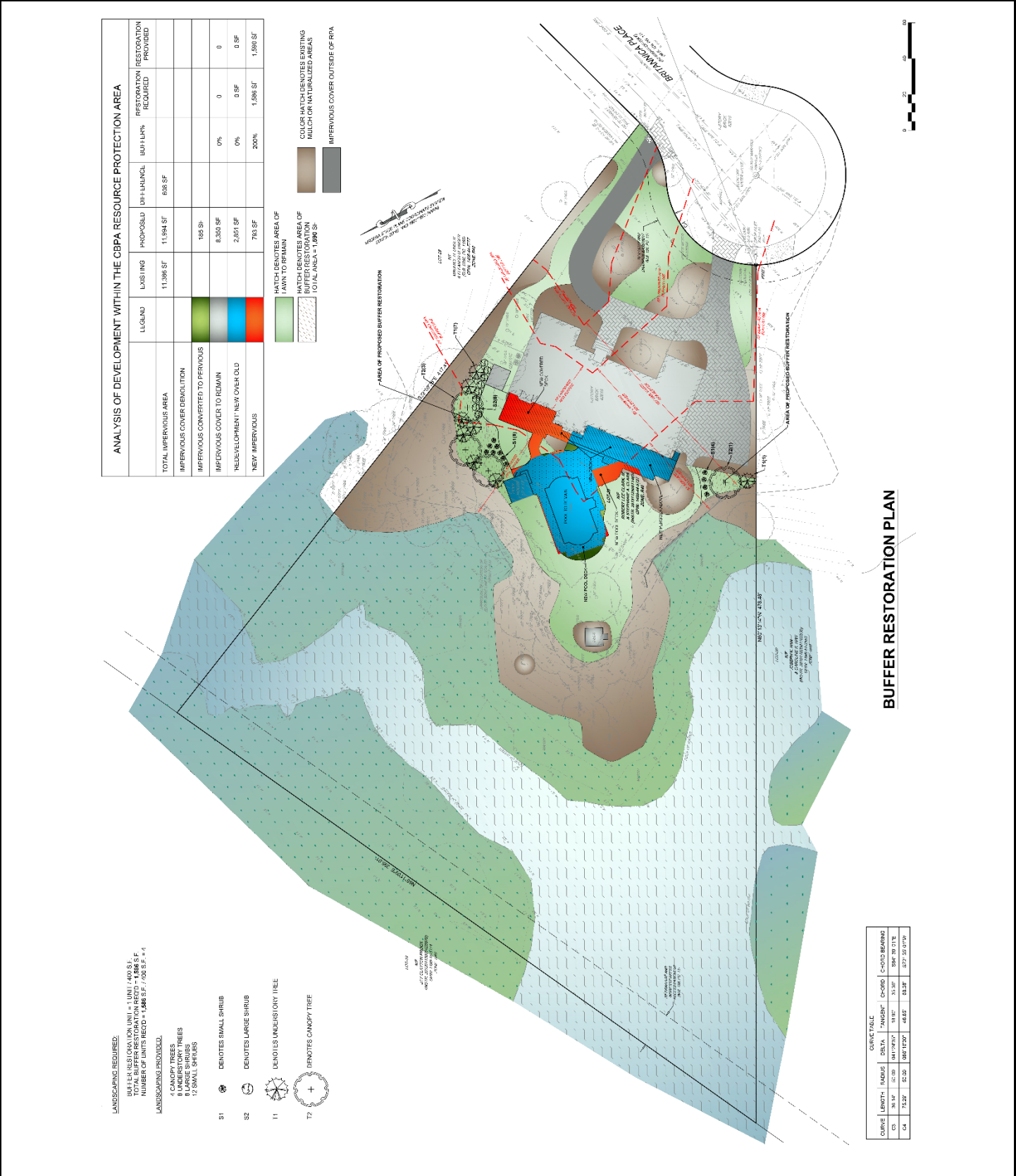


PROPOSED PLAN

- GENERAL NOTES**
1. THE CONSTRUCTION FOR THIS PROPERTY WAS RECORDED IN INSTRUMENT NO. 188,058, 11/18.
 2. SEE SHEET 188,058, 11/18 FOR THE CITY OF BRIDGEMAN.
 3. ZONING: RM.
 4. PROPOSED NUMBER OF DWELLING UNITS: 1, EXISTING.
 5. THE PROPERTY FALLS IN THE CUESER/SEASIDE ZONING DISTRICT.
 6. THE PROPERTY LIES IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON THE FEMA 1% FRY FOR THE CITY OF BRIDGEMAN. (NOTE: THE EARLIER FLOOD HAZARD MAPS FOR THIS AREA SHOWED THE PROPERTY AS BEING IN A FLOOD HAZARD AREA.)
 7. THIS PLAN IS BASED ON THE RECORD DRAWING OF THE CITY OF BRIDGEMAN, CONTROL POINT FOR THE CURVE AND CONTROL POINT FOR THE CURVE.
 8. AREA OF SITE: 3,238.57 SQ. FT.
 9. AREA OF SITE OUTSIDE OF WATER WASH AND VENTILATION: 2,983.57 SQ. FT.
 10. AREA OF SITE WITHIN THE RPA: 3,238.57 SQ. FT.
 11. IMPERVIOUS AREA: 1,238.57 SQ. FT.
 12. PERCENT OF TOTAL SITE AREA COVERED BY IMPERVIOUS AREAS: 38.3%.
 13. PERCENT OF TOTAL SITE AREA COVERED BY IMPERVIOUS AREAS: 38.3%.
 14. PERCENT OF TOTAL SITE AREA COVERED BY IMPERVIOUS AREAS: 38.3%.
 15. AREA OF LAND DISTURBANCE: 3,238.57 SQ. FT.

CURVE TABLE					
CURVE	LENGTH	INCHES	DEG. TA.	TANGENT	CHORD BEARING
C1	38.14'	50.00'	181° 19' 25"	19.80'	33.50'
C4	73.29'	50.00'	188° 19' 25"	48.85'	88.33'
					375° 53' 17"

CBPA Exhibit – Color Analysis



ANALYSIS OF DEVELOPMENT WITHIN THE CBPA RESOURCE PROTECTION AREA

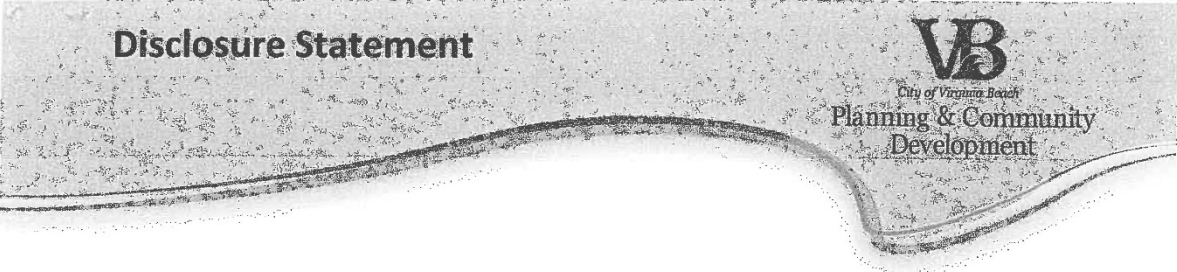
LEGEND	LANDING	PHOTOSHOP	IMP. FLANK	PERMANENT RESTORATION PROVIDED
TOTAL IMPERVIOUS AREA	11,398 SF	11,944 SF	808 SF	
IMPERVIOUS COVER RESOLUTION				
IMPERVIOUS COVER TO REMAIN		189 SF		0%
IMPERVIOUS COVER TO REMAIN		8,320 SF		0%
REDEVELOPMENT NEW OVER OLD		2,891 SF		0 SF
NEW IMPERVIOUS		763 SF		200%
				1,590 SF

HATCH DENOTES AREA OF LAWN TO REMAIN
 HATCH DENOTES AREA OF IMPERVIOUS COVER TO REMAIN
 TOTAL AREA = 1,000 SF
 COLOR HATCH DENOTES EXISTING HATCH OR NATURALIZED AREAS
 IMPERVIOUS COVER OUTSIDE OF RPA

- LANDSCAPING REQUIRED:**
 BUILT UP RESTORATION UNIT = 1,000 SF
 BUILT UP RESTORATION UNIT = 1,400 SF
 NUMBER OF UNITS REQUIRED = 1,400 SF / 700 SF = 2
- LANDSCAPING PROVIDED:**
 8 UNDERSTORY TREES
 8 LARGE SHRUBS
 12 SMALL SHRUBS
- S1 DENOTES SMALL SHRUB
 - S2 DENOTES LARGE SHRUB
 - T1 DENOTES UNDERSTORY TREE
 - T2 DENOTES CANOPY TREE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	
				START POINT	END POINT
C3	36.52'	10.00'	141.750°	33.32°	308.301°
C4	73.22'	18.26'	149.120°	48.83°	327.201°

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 LEE & STEPHANIE CLARK

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-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.

Fulton Bank

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.

Stewart & Assoc.

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.

Jeremy Mahoney, Atmospheric 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.
NOT BUILD

- 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.
Mike Gaddy & Billy Garrison

- 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.

Stephanie A Clark
Applicant Signature
Stephanie Clark, owner
Print Name and Title
2/1/22
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	