

Chesapeake Bay Preservation Area Board Agenda

August 28, 2023



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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, August 28, 2023** at 10:00 a.m. in the New Council Chamber - 2401 Courthouse Drive, Building 1, Second Floor, Virginia Beach, VA.

An informal session will be held the same day at 9:00 a.m. in room 2034, City Manager's Conference Room - 2401 Courthouse Drive, Building 1, Second Floor, 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 virginiabeach.gov/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.



CHESAPEAKE BAY PRESERVATION AREA BOARD AGENDA

Public Hearing Date **August 28, 2023**

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

ADMINISTRATIVE AGENDA ITEMS

1. Chesapeake Bay Preservation Area Board Administrative Business

Approval of the FY23 Annual Report to City Council

Staff Report – page 5

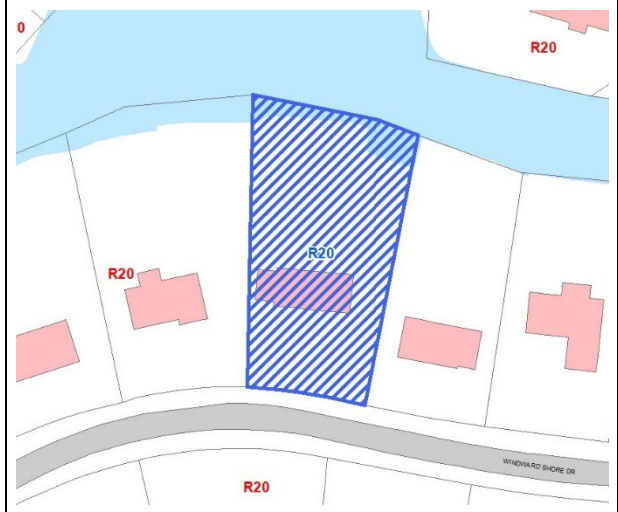
NEW BUSINESS AGENDA ITEMS

2. Justin & Marcia Wheeler [Applicants & Property Owners]

2228 Windward Shore Drive
GPIN 2409-19-2203
City Council District: District 8
Accela Record: 2023-CBPA-00038

Variance Request – Encroachment into the RPA to construct a patio expansion and pool house and replace pool surround.

Staff Planner – Cole Fisher
Staff Report – page 7

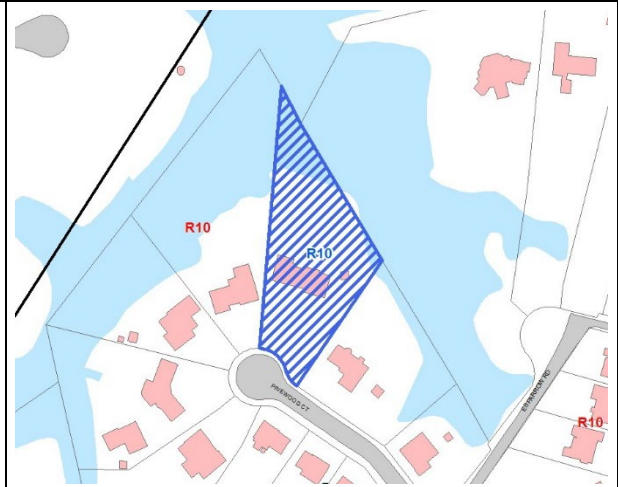


3. Shaozhou Ma [Applicant & Property Owner]

6612 Pinewood Ct
GPIN 1447-81-4494
City Council District: District 1
Accela Record: 2023-CBPA-00041

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

Staff Planner – Cole Fisher
Staff Report – page 19



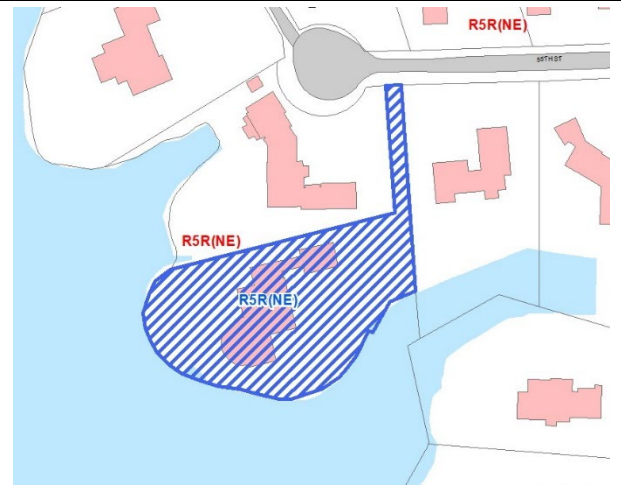
NEW BUSINESS AGENDA ITEMS (CONTINUED)

4. Gregory N. Stillman Trust [Applicant & Property Owner]

600 55th Street
GPIN 2418-69-3503
City Council District: District 6
Accela Record: 2023-CBPA-00042

Variance Request – Encroachment into the RPA to construct a greenhouse.

Staff Planner – Cole Fisher
Staff Report – page 29



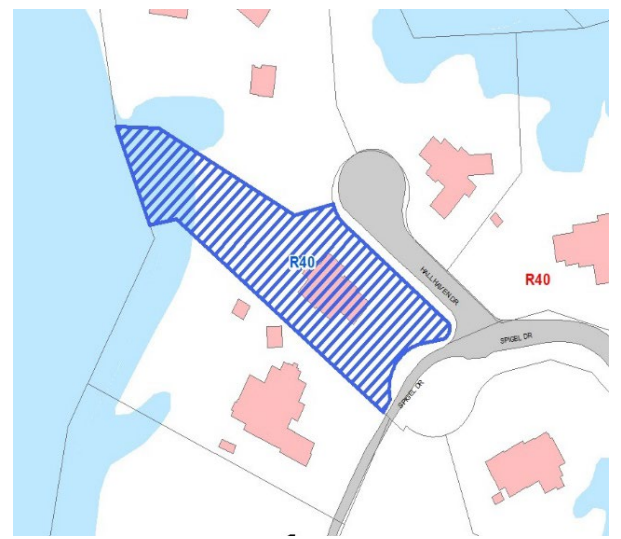
SHOW CAUSE AGENDA ITEMS

5. Nilkanth and Kalpana Patel [Applicants & Property Owners]

909 Hall Haven Drive
GPIN 1498-42-6983
City Council District: District 8
Accela Record: 2022-CBPV-00004

Statement of Noncompliance – Unauthorized construction of a Tiki Bar, wood deck expansion, concrete walkway and pad within the Resource Protection Area (RPA).

Staff Planner – Cole Fisher
Staff Report – page 39



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 virginiabeach.gov/cbpa. For information call (757) 385-4621.



ADMINISTRATIVE BUSINESS AGENDA

Approval of the Chesapeake Bay Preservation Area Board FY 2023 Annual Report to City Council

The annual report reports City Council and overview of the following items.

- Chesapeake Bay Preservation Area Board Executive Summary
- Mission Statement
- Accomplishment of Goals and Objectives
- Membership and Attendance of Board Members
- City Council Liaisons and Department Staff Liaisons
- Volunteer Hours Report
- Goals and Objectives for the Coming Year
- Recommendations to City Council

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Applicant & Property Owner **Justin & Marcia Wheeler**
 Address **2228 Windward Shore Drive**
 Public Hearing **August 28, 2023**
 City Council District: **District 8**

Agenda Item

2

Variance Request

Encroachment into the Resource Protection Area (RPA) buffer to construct a patio expansion and pool house and replace pool surround.

Applicant's Agent

Self-represented

Staff Planner

Cole S. Fisher

Lot Recordation

Map Book 29, Page 48
 Recorded 3/27/1952

GPIN

1499-78-2845

SMALL PROJECT IN THE RPA

PROPOSED IMPERVIOUS COVER

Area of Redevelopment in RPA

1,162 square feet

Area of New Development in RPA

715 square feet

Location of Proposed Impervious Cover

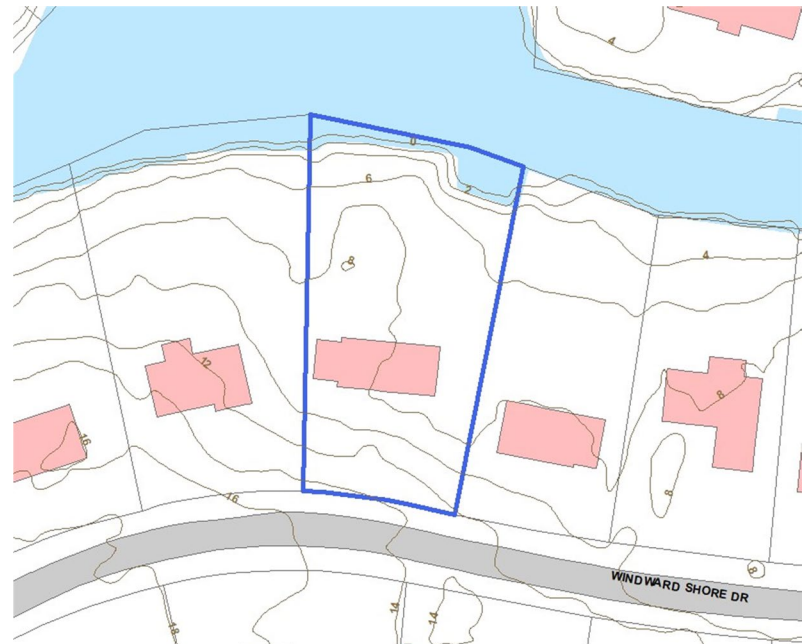
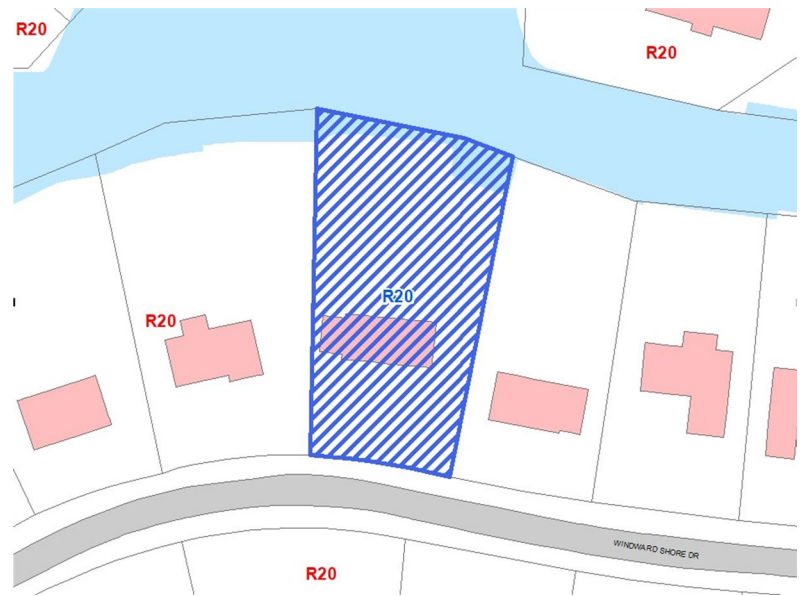
50-foot Landward Buffer
 Resource Management Area (RMA)

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Construction Details

- Redevelop existing pool surround in the same footprint
- Paver patio expansion off rear of residence
- Pool equipment room and storage areas (partially constructed)

CBPA Ordinance Variance History

The Chesapeake Bay Preservation Area (CBPA) Board granted a variance for the proposed improvements associated with this application on July 24, 2023. At that time, Staff was unaware of documented opposition to the variance request and at some point, during the week prior to the July 2023 CBPA Board public hearing, anonymous letters of opposition were delivered to the Department of Planning and Community Development. Department policy regarding receipt of opposition letters is to read the opposition into record. As such, Staff brings the July 2023 CBPA Variance for 2228 Windward Shore Drive back to the CBPA Board so that the received letters of opposition may be read into record. Staff's recommendation for the variance request has not changed since the receipt of the letters of opposition.

Environmental Conditions

Flood Zone

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

Soil Type(s)

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

Shoreline

Shoreline is hardened by a rip rap revetment.

Riparian Buffer

Sparsely wooded lot

- Number of 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 associated with the July 2023 CBPA Variance

Staff provides the write-up from the 2023 July Staff report for the CBPA Board's reference.

"The applicant desires to construct a shed/storage structure and expand portions of the swimming pool surround adjacent to the existing swimming pool as depicted on the Chesapeake Bay Preservation Area (CBPA) Exhibit below. Staff provides that the applicant did seek over-the-counter approval for the proposed improvements and due to an error regarding the RPA buffer delineation, approval was given. As such, portions of the proposed structure have been constructed. The applicant did stop construction when the error was determined and has been working with Staff

Justin & Marcia Wheeler

Agenda Item 2

Page 8

through the variance process for the Board's consideration to grant the encroachment into the Resource Protection Area (RPA) buffer.

As submitted, all proposed new development is located within the upper reaches of the 50-foot landward buffer of the Resource Protection Area (RPA) and the Resource Management Area (RMA) with the overall size of the proposed structure being approximately 140 square feet. In addition, the applicant proposes a sunshade that is connected to the storage shed structure.

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 this 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 "similarly situated homeowners with existing swimming pools are permitted to maintain those pools, and locate equipment and accessories in a logical location considering pool operation, enjoyment, and the impact to adjacent waterways." 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 request includes work that will permit the continued enjoyment of a backyard pool area, including necessary updates to aging walking surfaces and the relocation of filtration equipment to a more logical location (as building footing replacement was required in the equipment's previous location)." Staff concurs with the applicant and adds 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 fall within the RPA.*
- 3) *The variance is the minimum necessary to afford relief because "the location proposed for the relocation and protection of the pool filtration equipment was selected to be as far from the waterway as possible, and still provide logical enjoyment of the area. The addition of impermeable surfaces is proposed for the areas with the most anticipated foot traffic, while maintaining all of the permeable established vegetation between the pool area and the waterway." The proposed improvements are situated in the upper reaches of the 50-foot landward buffer and include no encroachment seaward of the existing accessory structures.*
- 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 use of the space is intended to be as it has been since its establishment in 1966: a backyard with a balance of turf, trees, a swimming pool and associated walkways, access to the waterway, and erosion control features. This appears to be the general intent for all properties in this all-residential neighborhood. This project seeks only to maintain and improve on the elements of this site." Staff is of the opinion that the proposed changes with this variance request is not of substantial detriment to water quality. As stated in the WQIA, the applicant has taken means to minimize impacts in the RPA, including keeping all improvements above the top of bank, no proposed tree removals, and enhanced buffer plantings to aid in the capture of runoff.*
- 5) *"Most of the proposed impervious walking surfaces (those between the pool and the house) are to be sloped towards dedicated trench drains, where runoff will be collected and routed to dedicated dry wells. Impervious walking surfaces that cannot be sloped are limited in size and have at least 50 ft of established turf between them and the waterway" as a means to manage towards a no net increase in nonpoint*

source pollution load. Staff shall work with the applicant regarding the required buffer restoration accompanied with this request.

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.

Approved Conditions associated with the July 2023 CBPA Variance

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. If required, revised plans and calculations shall be submitted to the Planning Administration Chesapeake Bay Board team for review and approval prior to the issuance of a building permit. Land disturbance associated with the proposed improvements at any given time shall not exceed 2,500 square feet. If at any time land disturbance exceeds 2,500 square feet, Planning Department Staff may issue a stop work order. At that time, a full site development plan in compliance with local and State regulations shall be submitted for review and approval through the Development Services Center (DSC).
2. A planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements shall be submitted to the City CBPA staff prior to the issuance of a building permit. 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: **715 square feet x 200 percent = 1,430 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, 8 large shrubs, and 16 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 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. 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 **10** 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.

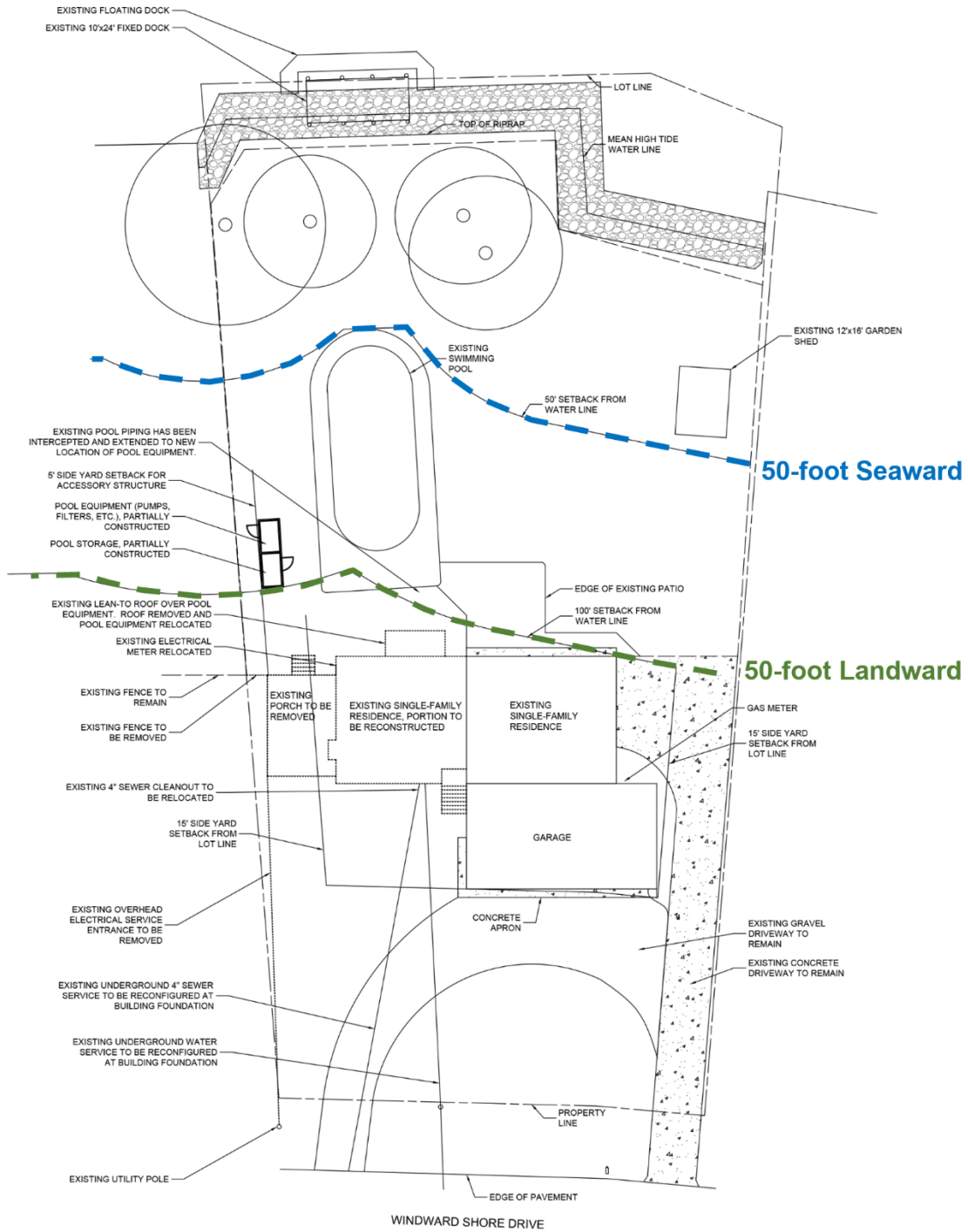
7. No perimeter fill is authorized outboard or seaward of the proposed improvements.

***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 110(E) of the Chesapeake Bay Preservation Area Ordinance.

Site Aerial

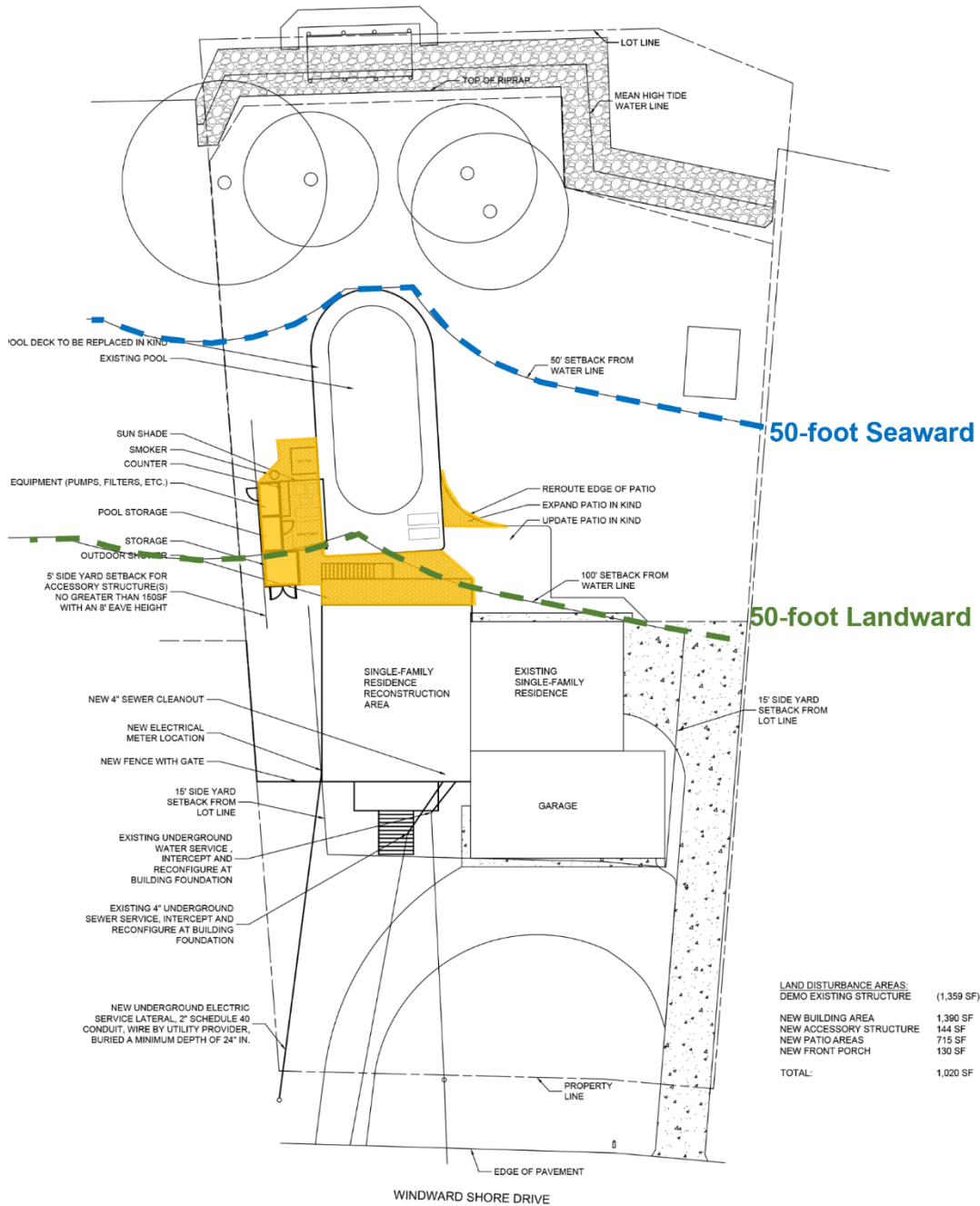


CBPA Exhibit – Existing Conditions



SITE PLAN - EXISTING CONDITIONS

CBPA Exhibit – Proposed Improvements



SITE PLAN - PROPOSED NEW WORK



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 Justin C. Wheeler

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.

Mortgage with RoundPoint Mortgage Servicing LLC

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.

Justin C. Wheeler

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.**

Justin C. Wheeler

Applicant Signature

Justin C. Wheeler, homeowner

Print Name and Title

06/01/2023

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 **Shaozhou Ma**
 Address **6612 Pinewood Court**
 Public Hearing **August 28, 2023**
 City Council District: **District 1**

Agenda Item

3

Variance Request

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

Applicant's Agent

Jim Barletto
 Academy Enterprises Construction

Staff Planner

Cole S. Fisher

Lot Recordation

Map Book 116, Page 55
 Recorded 10/14/1976

GPIN

1447-81-4494

SMALL PROJECT IN THE RPA

PROPOSED IMPERVIOUS COVER

Area of Redevelopment in RPA

0 square feet

Area of New Development in RPA

315 square feet

Location of Proposed Impervious Cover

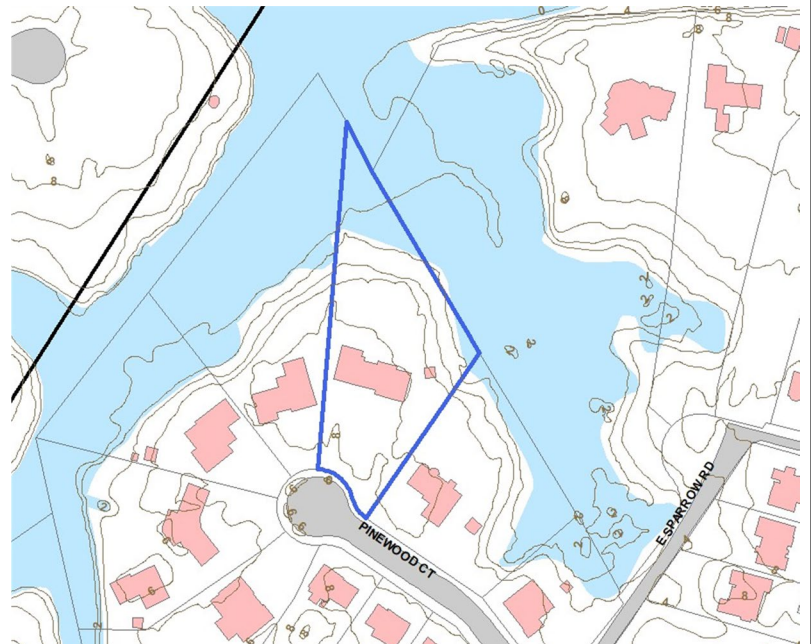
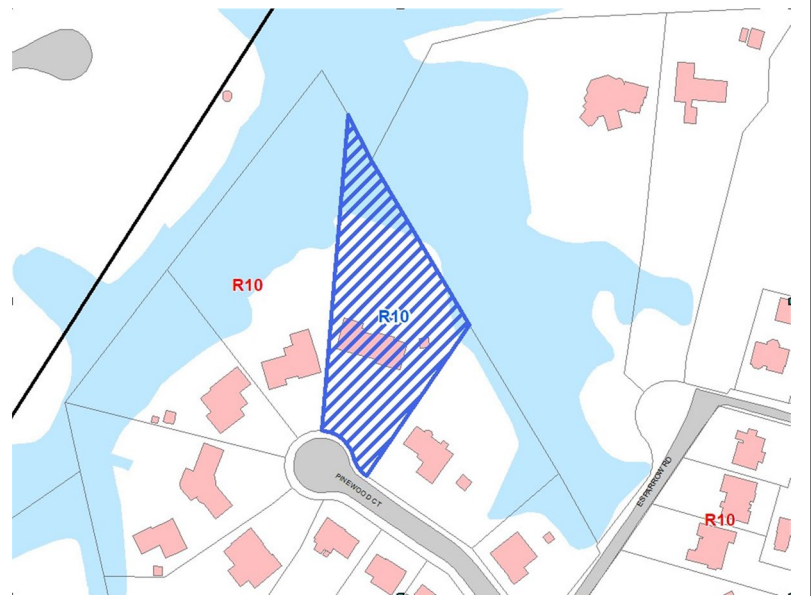
50-foot Seaward Buffer
 50-foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Construction Details

- Building addition to the existing single-family residence

CBPA Ordinance Variance History

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

Environmental Conditions

Flood Zone

Zone AE, Base Flood Elevation (BFE): 8

Please be advised, in all floodplain districts, that residential construct shall comply with the elevation and construction requirements of the City's Floodplain Ordinance [City Code, Appendix K, Floodplain Ordinance].

Soil Type(s)

Rappahannock Series (deep and poorly drained soils)

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

Shoreline

Shoreline is in a natural state. Moderate maintenance should be performed to limb up low hanging branches shading existing tidal marsh and to remove invasive plant species.

Riparian Buffer

Moderately to sparsely wooded lot

- Number of 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 315 square foot master bedroom addition off the northeastern portion of the residence. Most of the proposed improvements are within the 50-foot landward portion of the Resource Protection Area, with a small portion encroaching into the 50-foot seaward. Due to the encroachment into the 50-foot seaward buffer, a variance to the Chesapeake Bay Preservation Area (CBPA) Ordinance is required subject to the performance standards set forth in the Ordinance, specifically Section 106 (B)(2)(4)(a)(3) – Permitted encroachments into the buffer area. Staff is of the opinion the variance request is not of substantial detriment to water quality given the request is for an addition to the primary structure with a minimal footprint that avoids substantial impacts to existing mature vegetation within the riparian buffer. Staff supports the encroachment 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 variance request is similar to improvements throughout the neighborhood and adjacent properties."* 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 *"the owners have situated the proposed addition to minimize impacts to the buffer by not impacting any existing vegetation on site and keeping the footprint of the addition minimal."* Staff is of the opinion that the owners have kept the addition at a minimal size to minimize impacts to the RPA on the lot.
- 4) The variance is in harmony with the purpose and intent of this Ordinance and not injurious to the neighborhood, not of substantial detriment to water quality, or otherwise detrimental to the public welfare because *"the project has no impact to water quality given the buffer restoration we will plant seaward on the site."* The new development would introduce new buffer restoration measures on the lot to ensure no detrimental impacts to water quality with this request.
- 5) *"Buffer restoration will be planted seaward of the proposed addition"* as a means to manage towards a no net increase in nonpoint source pollution load. Staff is of the opinion the shoreline management practices associated with this request to reduce marsh shading and promote further wetlands growth and the buffer restoration associated with this request ensures a no net increase in nonpoint source pollution load in the Chesapeake Bay.

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

Recommended Conditions

1. The conditions and approval associated with this variance are based on the exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board. Said exhibit and conditions shall be submitted to the Department of Planning, Zoning Division for review and approval prior to the issuance of a building permit. The Zoning Division and/or Permits and Inspections may require additional information that may affect the release of a building permit. Land disturbance associated with the proposed improvements at any given time shall not exceed 2,500 square feet. If at any time land disturbance exceeds 2,500 square feet, Planning Department Staff may issue a stop work order. At that time, a full site development plan in compliance with local and State regulations shall be submitted for review and approval through the Development Services Center (DSC)
2. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA:
315 square feet x 200 percent = 630 square feet.

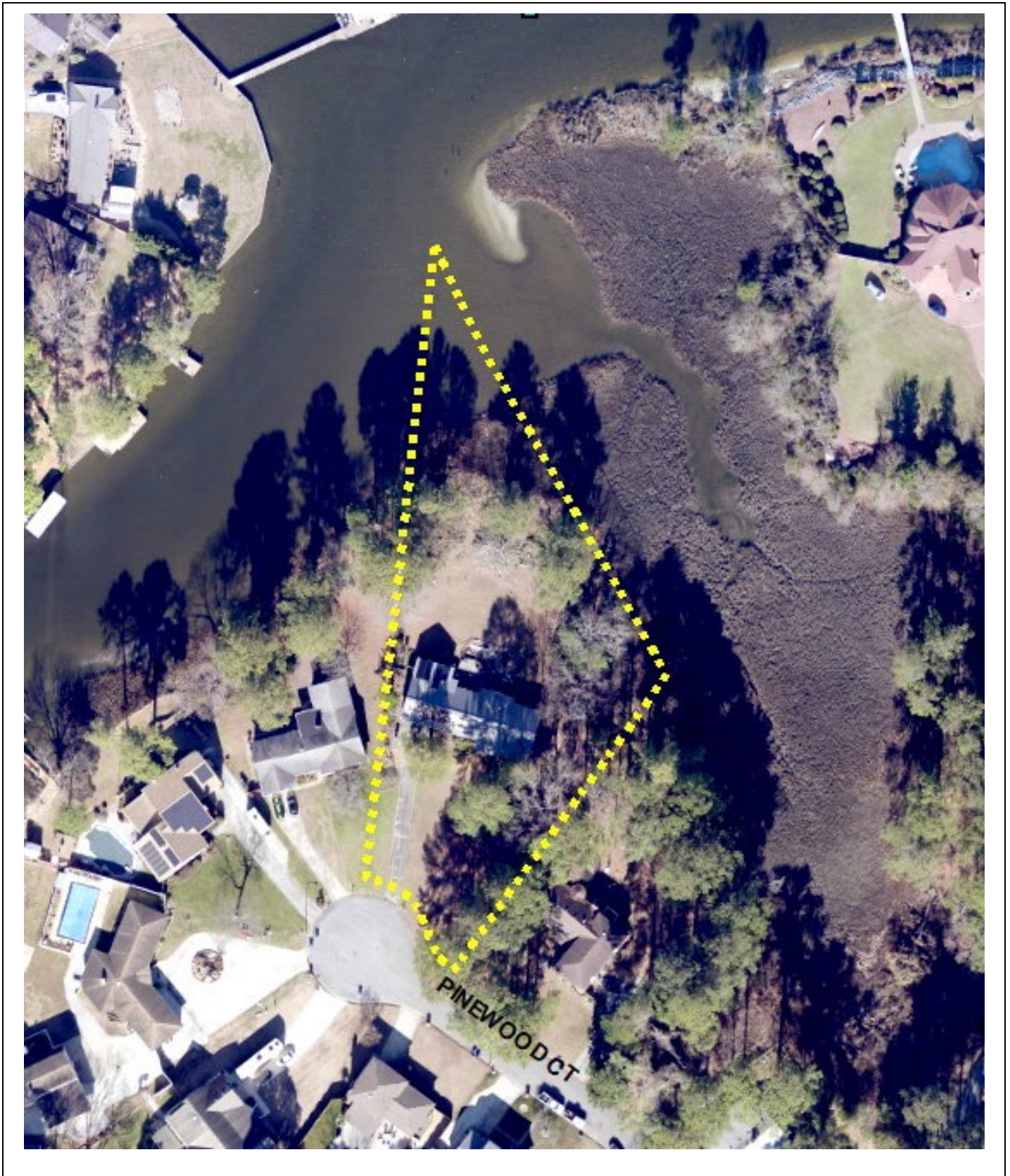
Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs, and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **2 canopy trees, 2 understory trees, 4 large shrubs, and 6 small shrubs.**

The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of approximately 50 percent deciduous and 50 percent evergreen species and shall be evenly distributed within the RPA buffer. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five-foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

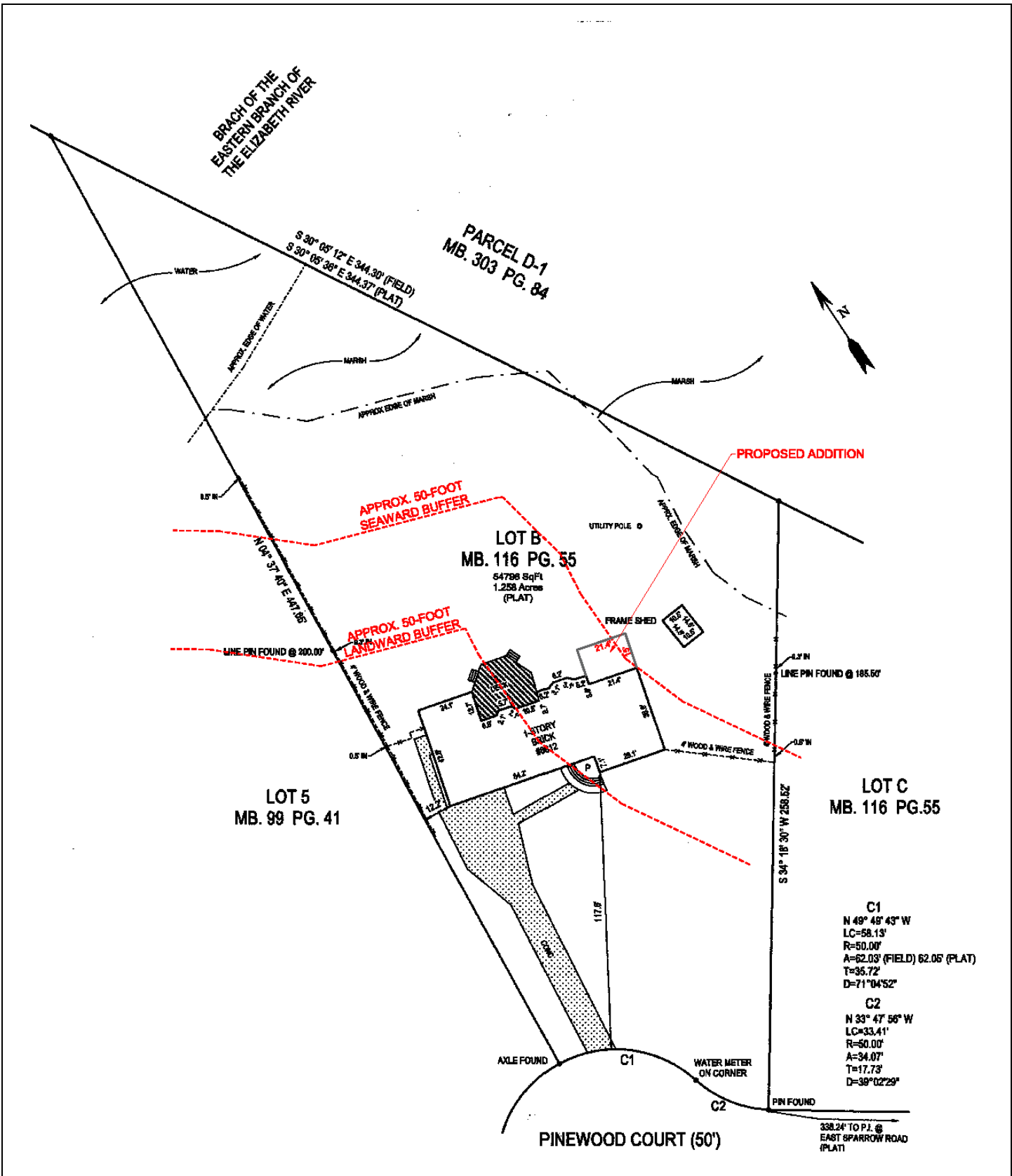
3. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
4. Wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Along the seaward portion of the project the required silt fence shall be installed 15 feet from improvements.
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. No perimeter fill is authorized outboard or seaward of the proposed improvements.
8. 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.

***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 110(E) of the Chesapeake Bay Preservation Area Ordinance.

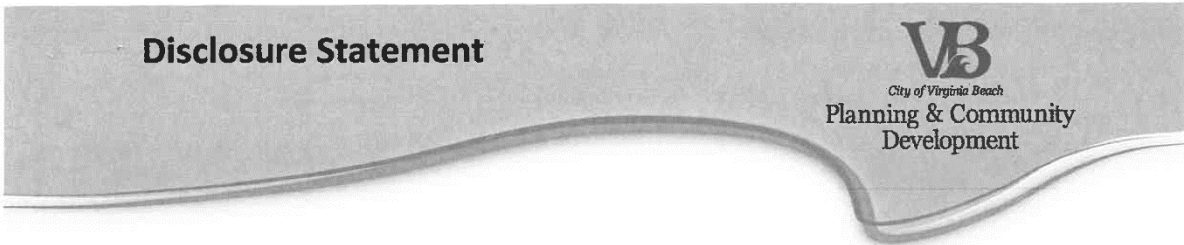
Site Aerial



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 SHAOZHOU MA

Does the applicant have a representative? Yes No

- If yes, list the name of the representative.

ACADEMY ENTERPRISES CONSTRUCTION

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)

N/A

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.
-

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.

Academy Enterprises Construction / Jim Barletto

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.

[Handwritten Signature]

Applicant Signature

SHAOZHOU MA

Print Name and Title

7/7/23

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 **Gregory N. Stillman Trust**
 Address **600 55th Street**
 Public Hearing **August 28, 2023**
 City Council District: **District 6**

Agenda Item

4

Variance Request

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

Applicant’s Agent

Billy Garrington
 Governmental Permitting Consultant, Inc.

Staff Planner

Cole S. Fisher

Lot Recordation

Map Book 45, Page 48
 Recorded 10/11/1958

GPIN

2418-69-3503

SMALL PROJECT IN THE RPA

PROPOSED IMPERVIOUS COVER

Area of Redevelopment in RPA

0 square feet

Area of New Development in RPA

100 square feet

Location of Proposed Impervious Cover

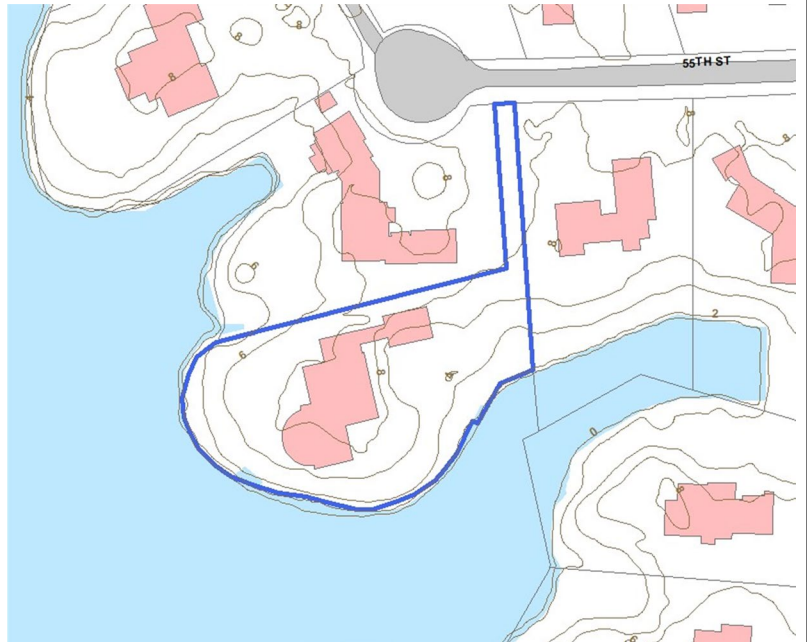
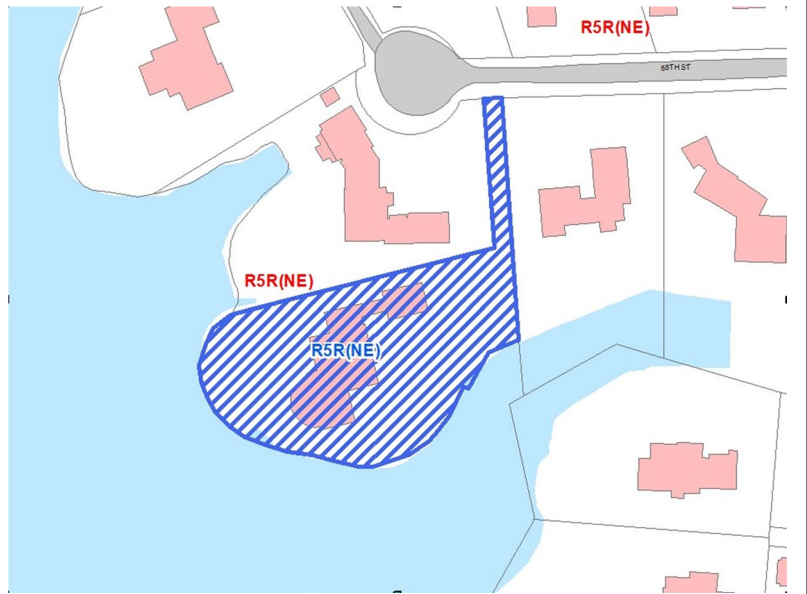
50-foot Seaward Buffer

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Construction Details

- Greenhouse

CBPA Ordinance Variance History

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

Environmental Conditions

Flood Zone

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

Please be advised in all floodplain districts, residential construct shall comply with the elevation and construction requirements of the City's Floodplain Ordinance [City Code, Appendix K, Floodplain Ordinance] regarding automatically equalizing hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters.

Soil Type(s)

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

Shoreline

Shoreline is stabilized by a timber bulkhead.

Riparian Buffer

Heavily Wooded Lot

- Number of 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 variance request is to construct a 100 square foot greenhouse within the 50-foot seaward buffer of the Resource Protection Area (RPA) on the subject lot. As a means towards providing a no net increase in non-point source pollution loading given the location of the proposed improvements, the applicant provides that a rainwater harvesting system will be integrated into the greenhouse to capture rainwater for water usage within the structure.

Staff is of the opinion that the lot has a well-established mature riparian buffer with a variety of mature canopy trees, understory trees, and shrubs providing water quality enhancement, stormwater management, and wildlife habitat protection. Staff is of the opinion that this minimal request would not be of substantial detriment to water quality and supports the 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 property was platted in 1956 prior to the Chesapeake Bay Preservation Act. The proposed improvements are in keeping with the development of the neighborhood and adjacent parcels."* 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 *"the improvements are minimal in size to accommodate the needs of the applicant."* Staff is of the opinion that the size of the proposed improvements offer merit towards the variance request being the minimum necessary to afford relief.
- 4) The variance is in harmony with the purpose and intent of this Ordinance and not injurious to the neighborhood, not of substantial detriment to water quality, or otherwise detrimental to the public welfare because *"the proposed improvements are in keeping with the development of the neighborhood and adjacent parcels, the proposed runoff from the roof of the greenhouse will be collected into a rain barrel and will capture the stormwater from the structure."* Staff adds that the greenhouse is the minimum size necessary for the needs of the applicant.
- 5) *"The proposed buffer mitigation will further enhance the site. A rain barrel will be installed to capture the roof runoff for the stormwater runoff prior to discharging into the river"* as a means to manage towards a no net increase in nonpoint source pollution load. Staff concurs and adds, with the buffer restoration and using a rain barrel as a method of capturing stormwater runoff, this greenhouse will not contribute to pollution in the Chesapeake Bay.

Given the above comments, Staff recommends the following **4** reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

Recommended Conditions

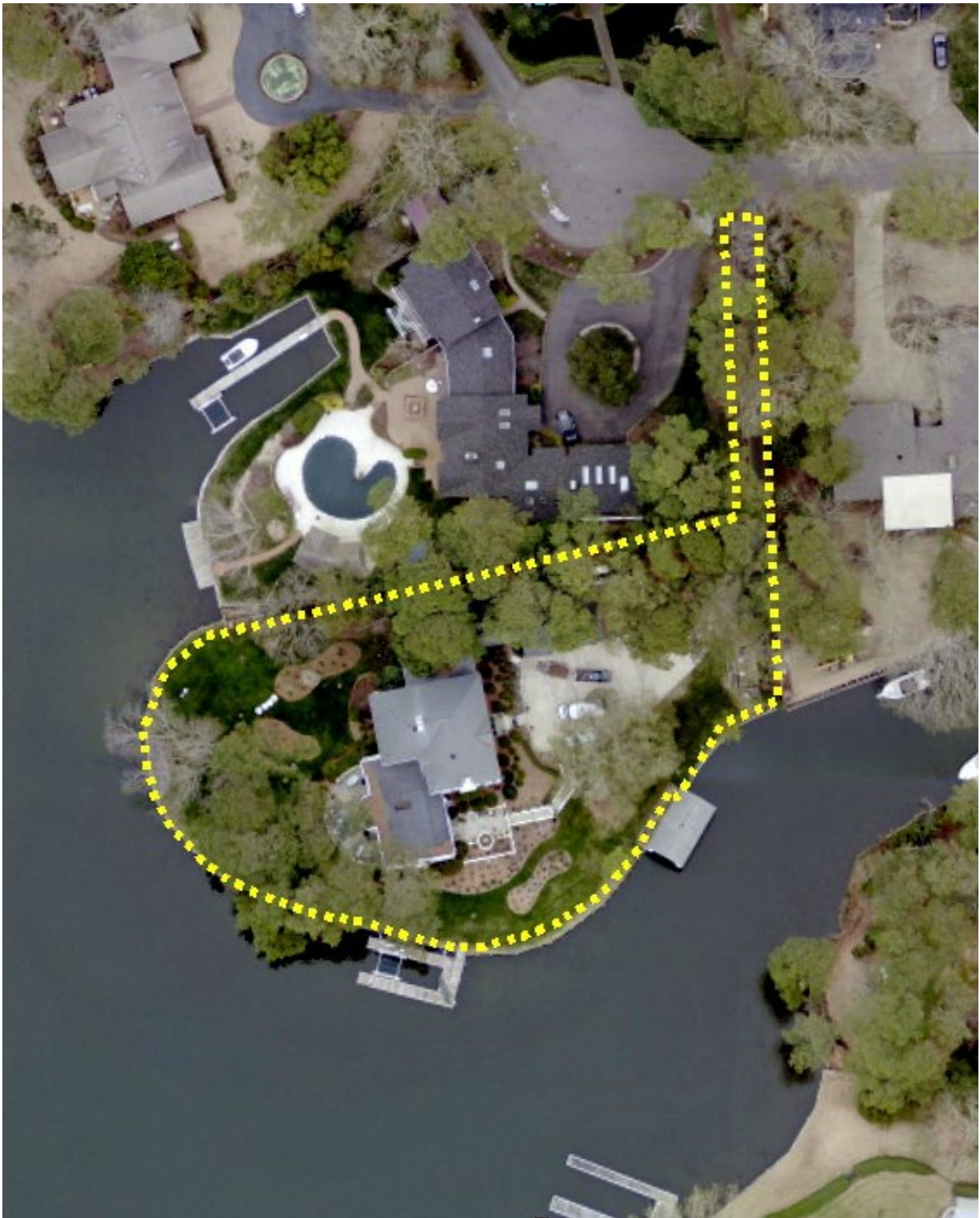
1. The conditions and approval associated with this variance are based on the exhibit plan dated July 27, 2023, prepared by WPL, signed July 27, 2023 by Eric Garner. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board. 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. 300 square feet of buffer restoration shall be installed per the CBPA Exhibit. Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs, and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance to the greatest extent practicable.

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. Salt and flood tolerant plant species shall be planted below the five foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

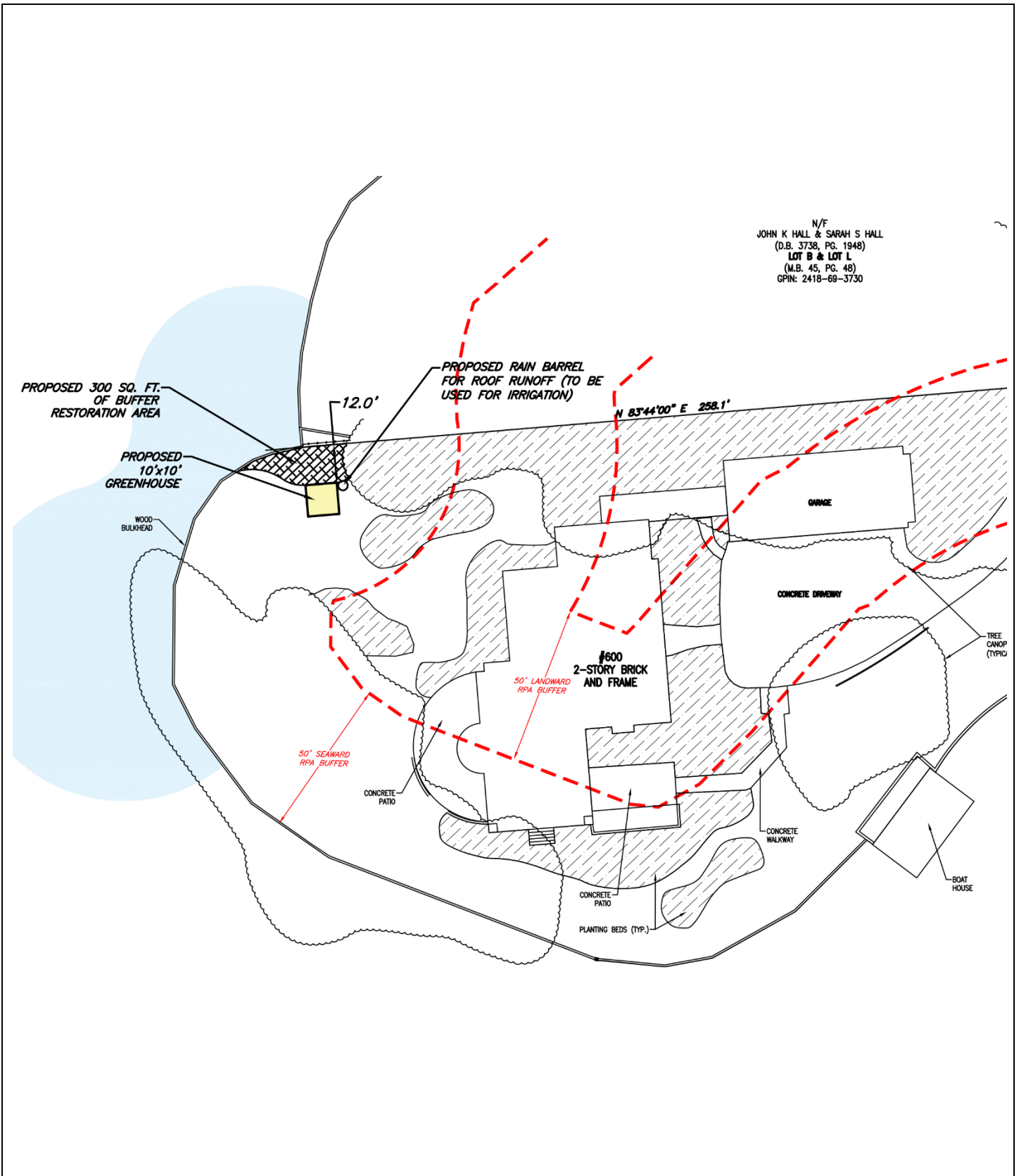
3. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
4. Construction limits along the seaward portion of the project shall lie a maximum of 5 feet seaward of improvements.

***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 110(E) of the Chesapeake Bay Preservation Area Ordinance.

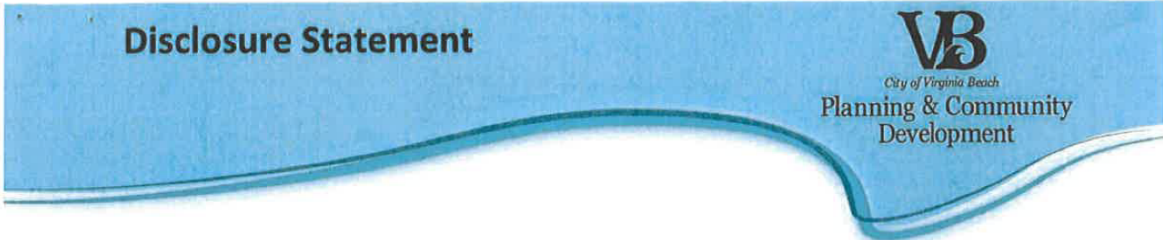
Site Aerial



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 Gregory N Stillman Declaration of Trust

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

- If yes, list the name of the representative.

Billy Garrington, GPC, 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)

Gregory N Stillman, Trustee of the Gregory N Stillman Declaration of Trust

- 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.

Suntrust 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.

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.

WPL

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.
Jackson Andrews Building and Design
-
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
-
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

Gregory N Stillman, Trustee of the Gregory N Stillman Declaration of Trust

Print Name and Title

Gregory N Stillman

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 **Nilkanth and Kalpana Patel**
 Address **909 Hall Haven Drive**
 Public Hearing **August 28, 2023**
 City Council District: **District 8**

Agenda Item

5

Property Owner’s Agent

Self-represented

Staff Planner

Cole Fisher

Lot Recordation

Deed Book 2526, Page 780 & 781
 Recorded 07/30/1986

Lot Description

Trant Berkshire Area, Lot 4, Robinhood Forest,
 909 Hall Haven Drive

GPIN

1498-42-6983

Current Property Owner

Nilkanth N. & Kalpana N. Patel

DESCRIPTION OF NONCOMPLIANCE

Unauthorized Improvements

- Unauthorized development within the Resource Protection Area (RPA) with the expansion of existing accessory structures.

Location of Unauthorized Improvements

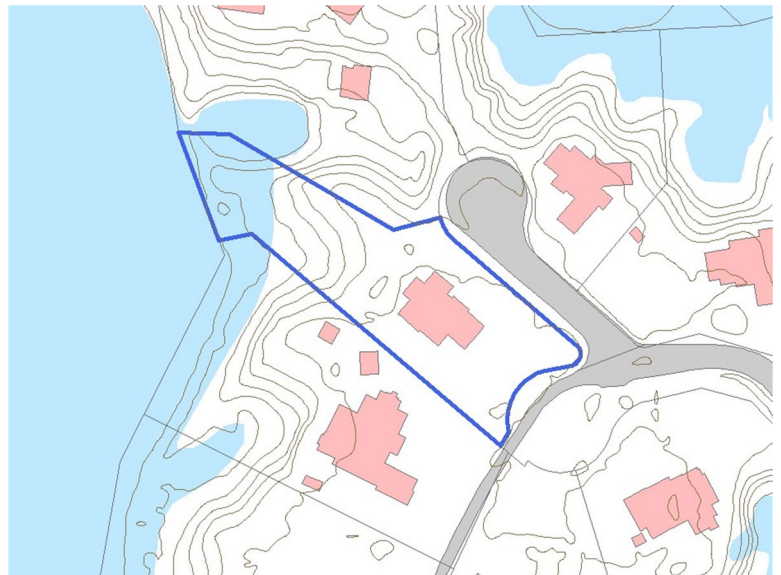
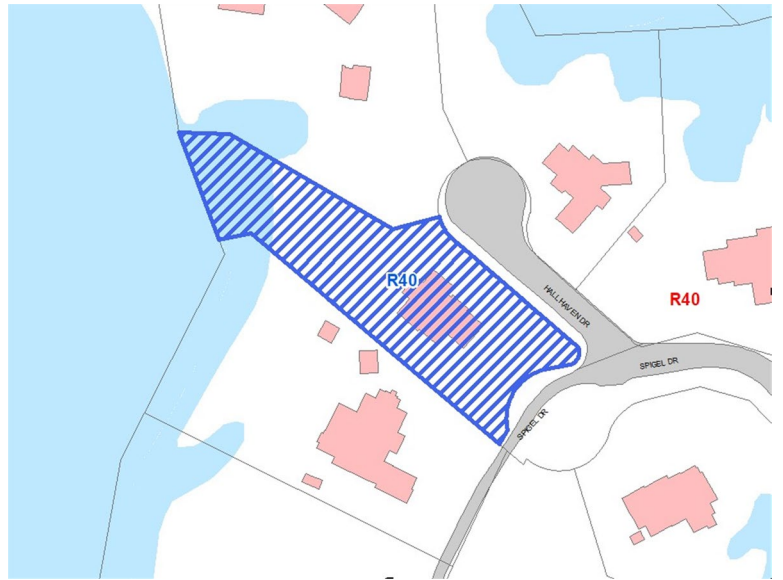
50-foot Landward Buffer

CBPA Ordinance

- The unauthorized improvements constitute a noncompliance to Section 106 specific to permitted encroachments into the RPA buffer area and 107 specific to the plan of development process of the Chesapeake Bay Preservation Area Ordinance.

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet



CBPA Ordinance Variance History

There is no known prior Chesapeake Bay Preservation Area (CBPA) Board variance history for this lot.

A CBPA Administrative Variance was authorized on September 10, 2021 for an addition to the primary structure, expansion of the existing driveway, and paver sidewalk.

History of Noncompliance

To Staff's knowledge, Nilkanth & Kalpana Patel have no known history of noncompliance with the Chesapeake Bay Preservation Area Board beyond the description of noncompliance.

Chronology of Noncompliant Event

| | |
|-------------------|--|
| September 2, 2021 | <p>A preliminary Project Request (PPR) was submitted to the Department of Planning and Community Development for the following improvements.</p> <ul style="list-style-type: none">• Removal of one declining Pine tree in accordance with the Virginia Beach Department of Housing and Neighborhood Preservation Hazardous Tree(s) Violation Notice dated June 25, 2021• Additions to the primary structure• Paver sidewalks and driveway |
| August 10, 2021 | <p>Staff sent a Chesapeake Bay Preservation Area (CBPA) Administrative Variance authorization letter to the property owner for the proposed improvements associated with the PPR request.</p> |
| November 5, 2021 | <p>A Single-Family Site Plan in the RPA was accepted for review by the Development Services Center.</p> |
| November 8, 2021 | <p>Chesapeake Bay Preservation Area (CBPA) Administrative Variance signs were provided to the property owner and the property posted advertising the CBPA Administrative Variance request in compliance with City Code, Appendix F, Sec. 110(B) <i>Administrative Variances</i>.</p> |
| December 8, 2021 | <p>A review letter was sent to the property owner regarding the completion of the first review of the Single-Family Site Plan in the RPA for the property. The site plan was not approved at that time.</p> |
| August 19, 2022 | <p>Staff sent a Notice to Comply letter to the property owner to remove the unauthorized improvements within the Resource Protection Area. Said removal of unauthorized improvements could be handled through the site plan review process and addressed on the resubmittal of the Single-Family Site Plan in the RPA to the DSC.</p> |
| August 10, 2023 | <p>Staff sent a Show Cause letter to the property owner to serve as written notice to appear before the CBPA Board at the public hearing scheduled Monday, August 28, 2023.</p> |

Evaluation and Recommendation

Relative Degree of Deviation

Staff is of the opinion that the subject activity of noncompliance, expanding existing accessory structures on the lot is without appropriate Staff review, approval or permitting. Said expansion of the existing wood deck and the construction of a Tiki Bar area, concrete walkway and pad located off the rear of the residence occurred within the upper reach of the 50-foot landward buffer of the Resource Protection Area (RPA). Expansions of accessory structures within the 100-foot RPA of the Chesapeake Bay watershed may not be handled administratively by Staff and require that the property owner comply with City Code, Appendix F, Sec. 110(A) and (C) of the CBPA Ordinance. In addition, the proposed improvements associated with the 2021 CBPA Administrative Variance require review and approval by the Development Services Center before permitting and construction.

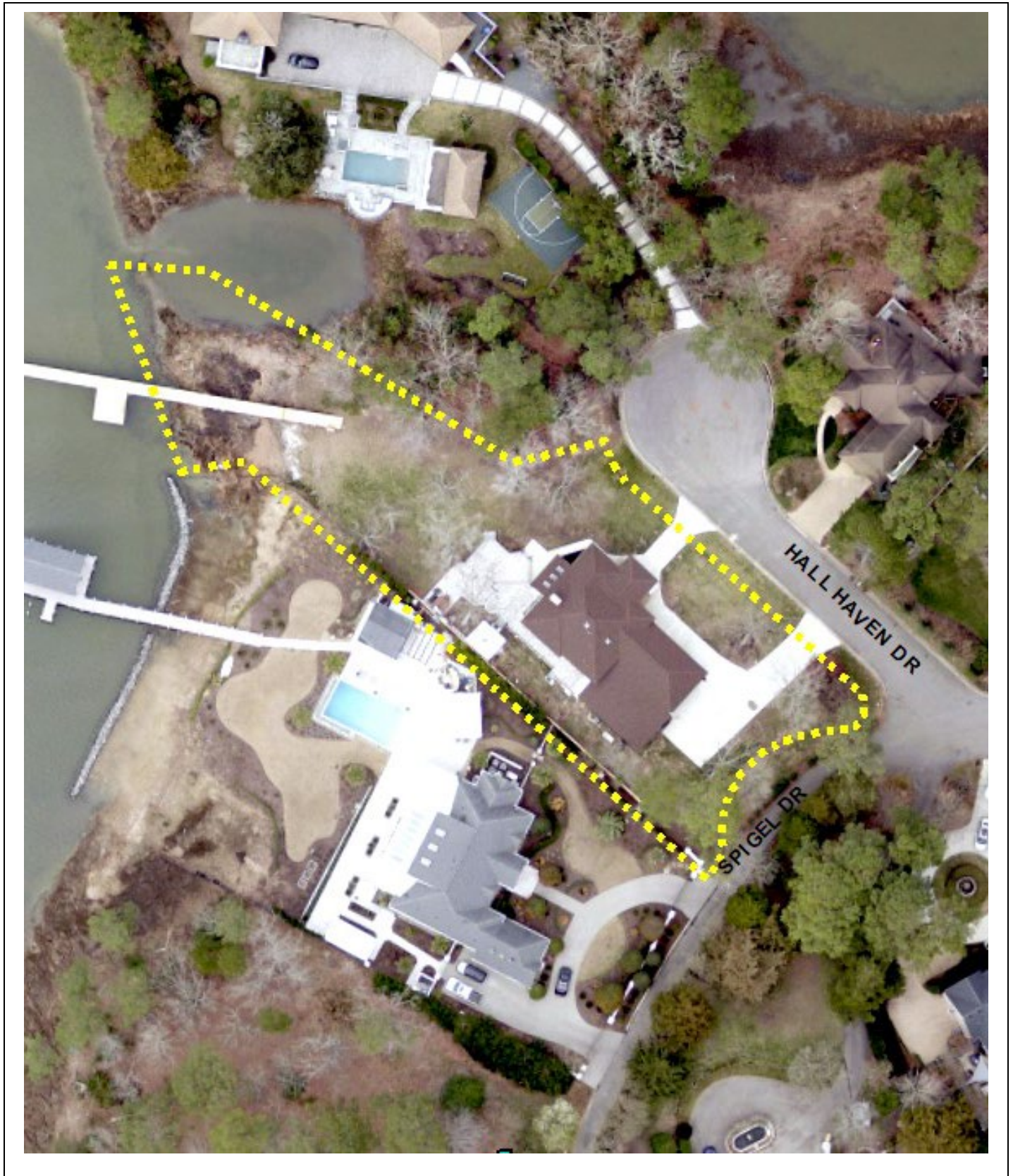
Environmental Impact

Staff is of the opinion that the subject area of noncompliance lies within the 50-foot landward buffers of the Chesapeake Bay Preservation Area (CBPA) RPA adjacent to the tidal shores of the Lynnhaven River. Although there are no signs of sediment migration associated with the land disturbance on the lot into the adjacent tidal waterbody, the unauthorized improvements were constructed with site plan approval and compliance with all applicable erosion and sediment control measures.

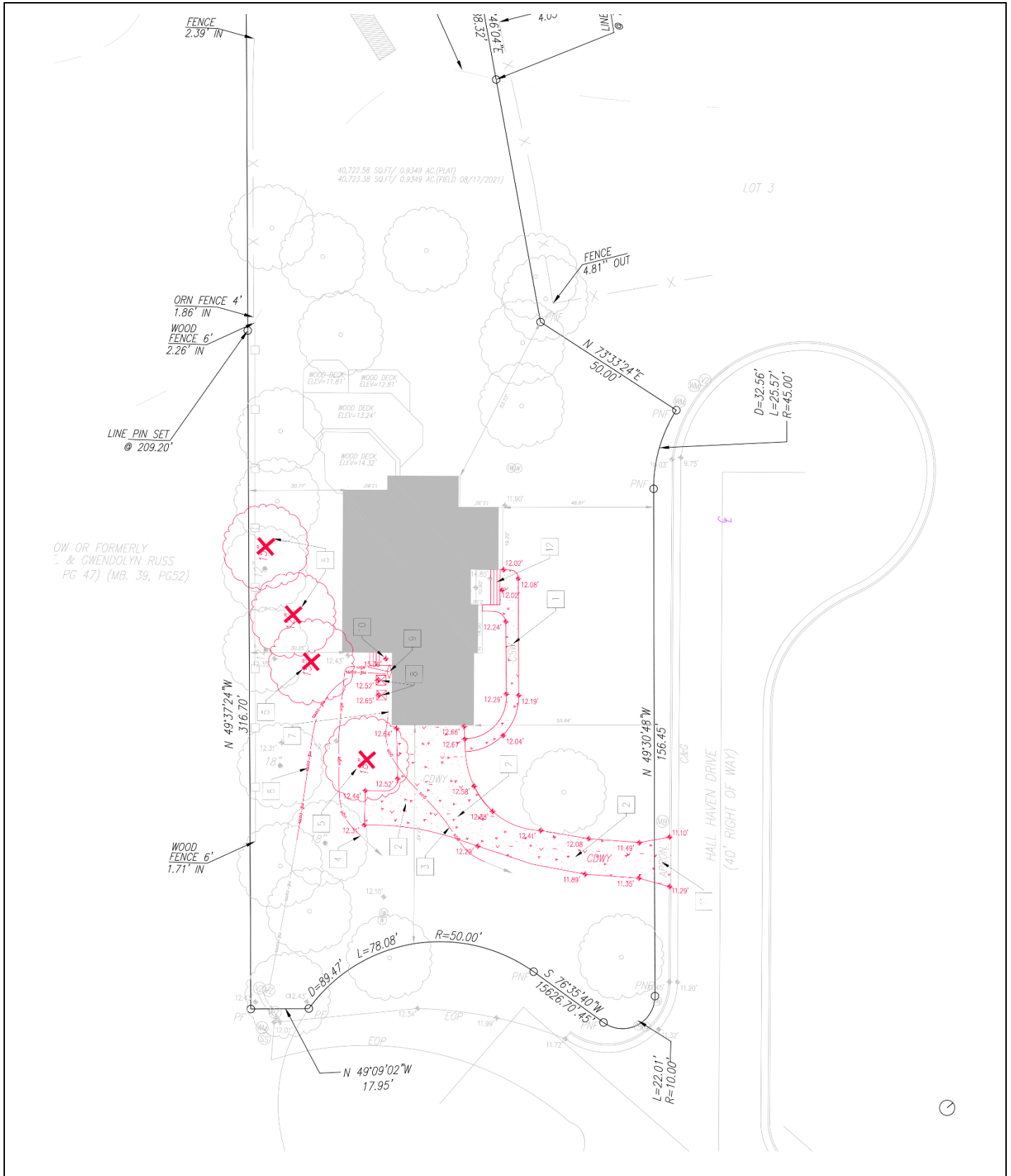
Recommendation

It is the opinion of the Department of Planning and Community Development that the degree of deviation or noncompliance has been high, and the environmental impact has been medium.

Site Aerial



2021 CBPA Administrative Variance – Existing Conditions



2021 CBPA Administrative Variance – Proposed Improvements

