

Wetlands Board Agenda

January 17, 2023



VIRGINIA BEACH WETLANDS BOARD

PUBLIC HEARING PROCEDURES & AGENDA

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Tuesday, January 17, 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 Wetlands 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/wetlands or visit the Department of Planning and Community Development, 2875 Sabre Street, Suite 500, Virginia Beach, Virginia by appointment. Citizens may also submit comments to the Wetlands Board prior to the public hearing via email to waterfront@vbgov.com or via United States Mail to Waterfront Operations, 2875 Sabre Street, Suite 500, Virginia Beach, VA 23452.

The Staff reviews some or all of the items on the agenda and suggests that certain conditions be attached for deliberation by the Wetlands Board. 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 during administration of applicable City Ordinances. The administrative comments contained in the attached Staff reports constitutes Staff recommendations for each application and are advisory only. Final determination of the application is made by the Virginia Beach Wetlands Board at the public hearing.

THE FOLLOWING DESCRIBES THE ORDER OF BUSINESS FOR THE PUBLIC HEARING

(If you have any questions, please contact Staff via email at waterfront@vbgov.com or call The Department of Planning & Community Development at 757-385-4621)

- 1. WITHDRAWALS AND DEFERRALS:** The first order of business is the consideration of withdrawals or requests to defer an item. The Board will ask those in attendance at the hearing if there are any requests to withdraw or defer an item that is on the agenda. PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.
 - a.** An applicant may WITHDRAW an application without the Boards' approval at any time prior to the commencement of the public hearing for that item. After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.
 - b.** In the case of DEFERRALS, the Board's policy is to defer the item FOR AT LEAST 60 DAYS. Although the Board allows an item to be deferred upon request of the applicant, the Board will ask those in attendance if there are any objections to the request for deferral. If you wish to oppose a deferral request, let the Board know when they ask if there is anyone in attendance who is opposed to the deferral. PLEASE confine your remarks to the deferral request and do not address the issues of the application – in other words, please let the Board know why deferring the application is unacceptable rather than discussing what your specific issue is with the application.

- 2. 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 the 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 speakers if a member of the Board sponsors them. 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 Planning Department 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 a spokesperson, and the spokesperson is encouraged to have his or her supporters stand to indicate their support.

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.

2023 WETLANDS BOARD PUBLIC HEARING DATES

Tuesday	January 17	Monday	July 17
Monday	February 20	Monday	August 21
Monday	March 20	Monday	September 18
Monday	April 17	Monday	October 16
Monday	May 15	Monday	November 20
Wednesday	June 21	Monday	December 18



WETLANDS BOARD AGENDA

Public Hearing Date **January 17, 2023**

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/wetlands. For information call (757) 385-4621.

OLD BUSINESS - COASTAL PRIMARY SAND DUNE/BEACH

1. 2020-WTRA-00269

Department of the Navy
[Applicant & Owner]

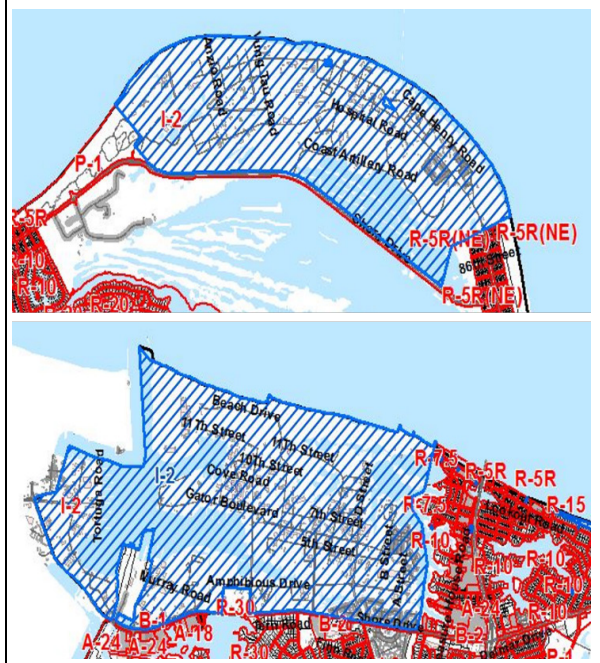
EXTENSION OF TIME

Joint Expeditionary Base Little Creek-Fort Story

GPINs 2500-87-6520 & 1469-79-2860
City Council District: District 6, formerly Lynnhaven

Waterway – Chesapeake Bay
Subdivision – Shore Drive

Request: Temporary Excavation of the Beach for Fixed and or Floating Piers at the Anzio, Omaha & Utah Beach Training Areas involving Coastal Primary Sand Dune/Beach.



OLD BUSINESS - WETLANDS

2. 2019-WTRA-00237

Krambias Properties, LLC

[Applicant & Owner]

EXTENSION OF TIME

921 Bobolink Drive

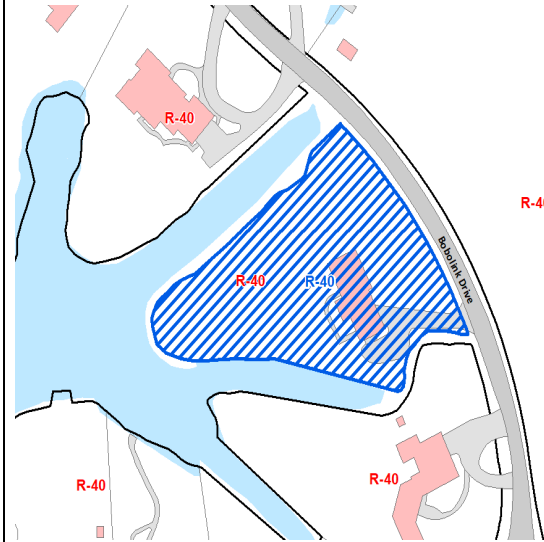
GPIN 2418-22-7567

City Council District: District 6, formerly Lynnhaven

Waterway – Linkhorn Bay

Subdivision – Birdneck Point

Request: To construct a marsh sill and rip rap involving wetlands.



NEW BUSINESS - COASTAL PRIMARY SAND DUNE/BEACH

3. 2022-WTRA-00221

Cape Henry Towers Council of Co-Owners Inc.

[Applicant & Owner]

3288 Page Ave

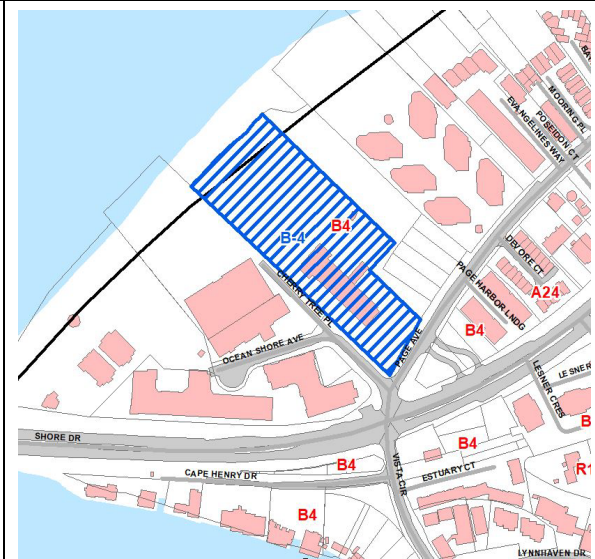
GPIN 1489-89-3544

City Council District: District 8, formerly Lynnhaven

Waterway – Chesapeake Bay

Subdivision – Cape Henry Towers

Request: To construct a replacement walkway, landing, and steps involving Coastal Primary Sand Dune/Beach.



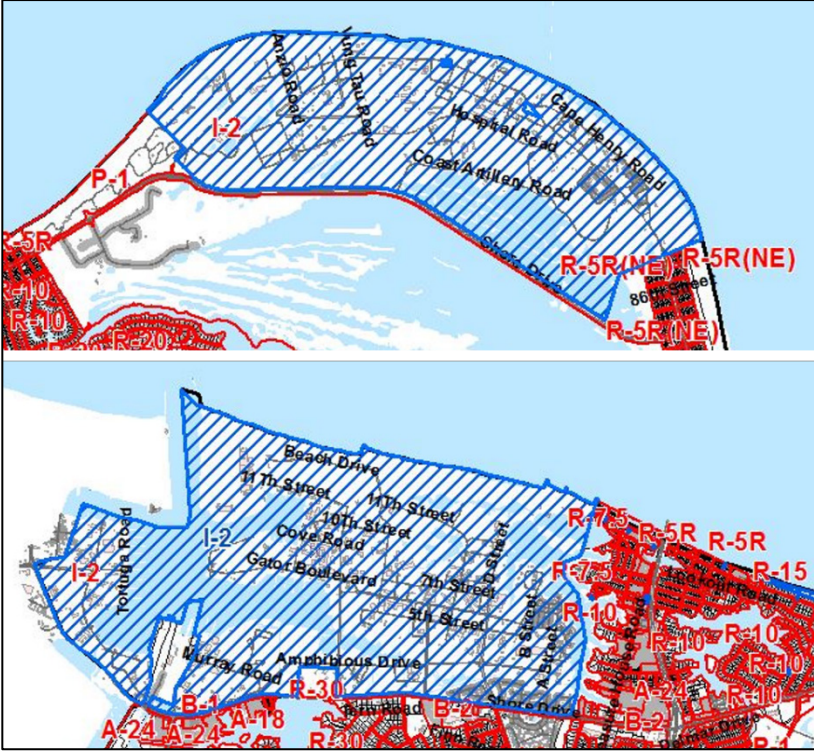
1. 2020-WTRA-00269
Department of the Navy
[Applicant & Owner]

EXTENSION OF TIME

Joint Expeditionary Base Little Creek-Fort Story
GPINs 2500876520 & 1469792860
City Council District: District 6, formerly Lynnhaven

Waterway – Chesapeake Bay
Subdivision – Shore Drive

Request: Temporary Excavation of the Beach for Fixed and or Floating Piers at the Anzio, Omaha & Utah Beach Training Areas involving Coastal Primary Sand Dune/Beach.



Heaven L. Manning

From: Whitney K. McNamara
Sent: Tuesday, November 1, 2022 2:39 PM
To: Heaven L. Manning
Cc: Paul J. Scully
Subject: FW: JEBCFS JLOTS - VBWB Permit 2022-WTRA-00269 Renewal Request

Heaven,
Please add this as an extension of time for the January Wetlands Board Hearing.

From: Edmonson, Maryjo G CIV USN NAVFAC MIDLANT NOR (USA) <maryjo.g.edmonson.civ@us.navy.mil>
Sent: Friday, October 28, 2022 7:46 AM
To: Whitney K. McNamara <WMcNamar@vbgov.com>
Cc: Crum, E E (Pete) CIV USN NAVFAC MIDLANT NOR (USA) <edward.e.crum.civ@us.navy.mil>; Bittner, Jessica C CIV USN NAVFAC MIDLANT NOR (USA) <jessica.c.bittner.civ@us.navy.mil>
Subject: JEBCFS JLOTS - VBWB Permit 2022-WTRA-00269 Renewal Request

Good morning Whitney,

The Waterfront Construction Permit #2020-WTRA-00269 to temporarily excavate the beach for floating piers at the Anzio Omaha and Utah beach training area at Joint Expeditionary Base Little Creek – Fort Story will expire on January 20, 2023. In an effort to provide continuity to the annual training exercise, please accept this as an official request to extend the VBWB Permit 2022-WTRA-00269. It is my understanding that this permit can be extended/renewed one more year to January, 19, 2024 by requesting it be included in the January hearing.

Changes: The ELCAS training exercise will no longer be conducted at JEBCFS. Moving forward, the remaining components of the exercise remain the same (Amphibious Bulk Liquid Transfer System, temporary Floating Trident Pier and temporary Floating Causeway). The only other change due to revised training requirements: the Temporary Floating Trident Pier duck pond excavation dimension specifications have been updated from 80'x40'x10' to a maximum of 120'x50'x10'. All impacts remain temporary for the duration of the exercise and all excavated materials will be replaced in their original locations.

Are we able to and make a note of the dimension change and extend the permit? Please let me know if this is sufficient or if an update to the permit will be required.

Please let me know if you require any additional information.

V/R,

Mary Edmonson
Natural Resources Manager
NAVFAC MIDLANT Environmental JEB Little Creek - Fort Story
1450 Gator Blvd
Bldg 3165 Suite 100
Virginia Beach, VA 23459-8616
Phone: 757-462-5351

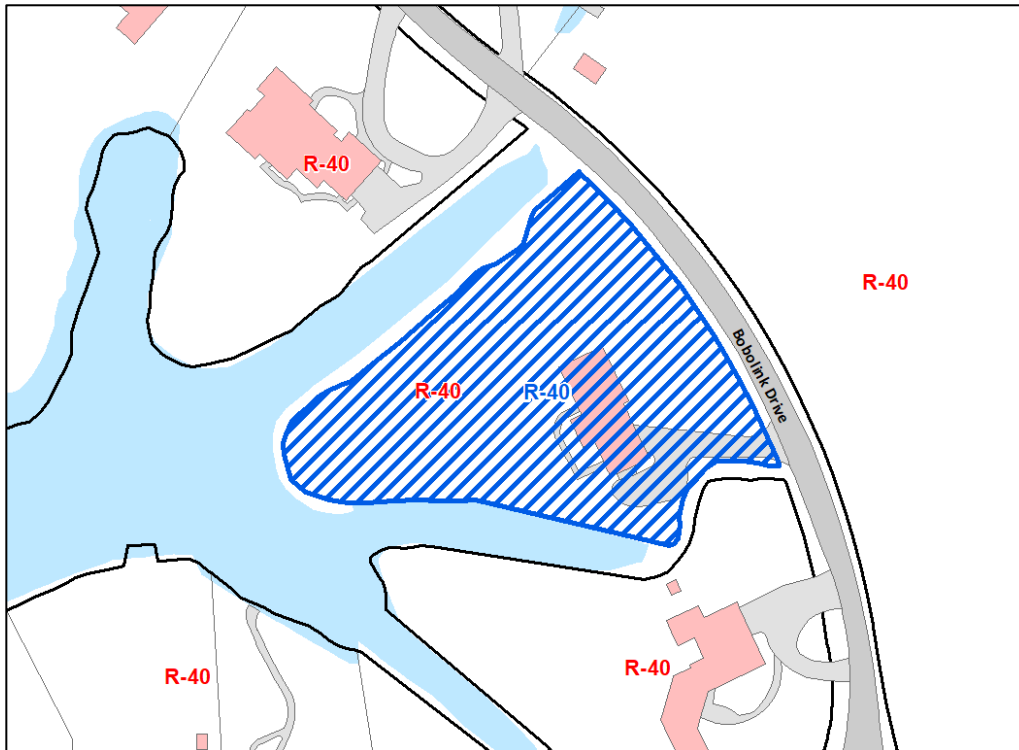
2. 2019-WTRA-00237
Krambias Properties, LLC
[Applicant & Owner]

EXTENSION OF TIME

921 Bobolink Drive
GPIN 2418-22-7567
City Council District: District 6, formerly Lynnhaven

Waterway – Linkhorn Bay
Subdivision – Birdneck Point

Request: To construct a marsh sill and rip rap involving wetlands.



From: [Christopher J. Berggren](#)
To: [Heaven L. Manning](#)
Subject: Fwd: 2019-WTRA-00237 Rev3
Date: Friday, December 9, 2022 10:19:57 AM

Extension request.

Sent from my iPhone

Begin forwarded message:

From: David Kledzik <david@marineengineeringllc.com>
Date: December 9, 2022 at 10:14:12 AM EST
To: "Christopher J. Berggren" <CBerggren@vbgov.com>
Cc: gcloizou@selectautomotive.com
Subject: 2019-WTRA-00237 Rev3
Reply-To: david@marineengineeringllc.com

CAUTION: This email originated from outside of the City of Virginia Beach. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Berggren,

I am requesting an extension of approval to construct the pier structure on behalf of Mr. Loizou and Krambias Properties at 921 Bobolink Dr.

They are currently constructing the riprap and living shore features but until recently they have had difficulty obtaining a suitable contractor to build the pier.

Thank you,

David Kledzik, PE
Manager
Marine Engineering LLC
757 477-4787

3. 2022-WTRA-00221

Cape Henry Towers Council of Co-Owners Inc.

[Applicant & Owner]

3288 Page Ave

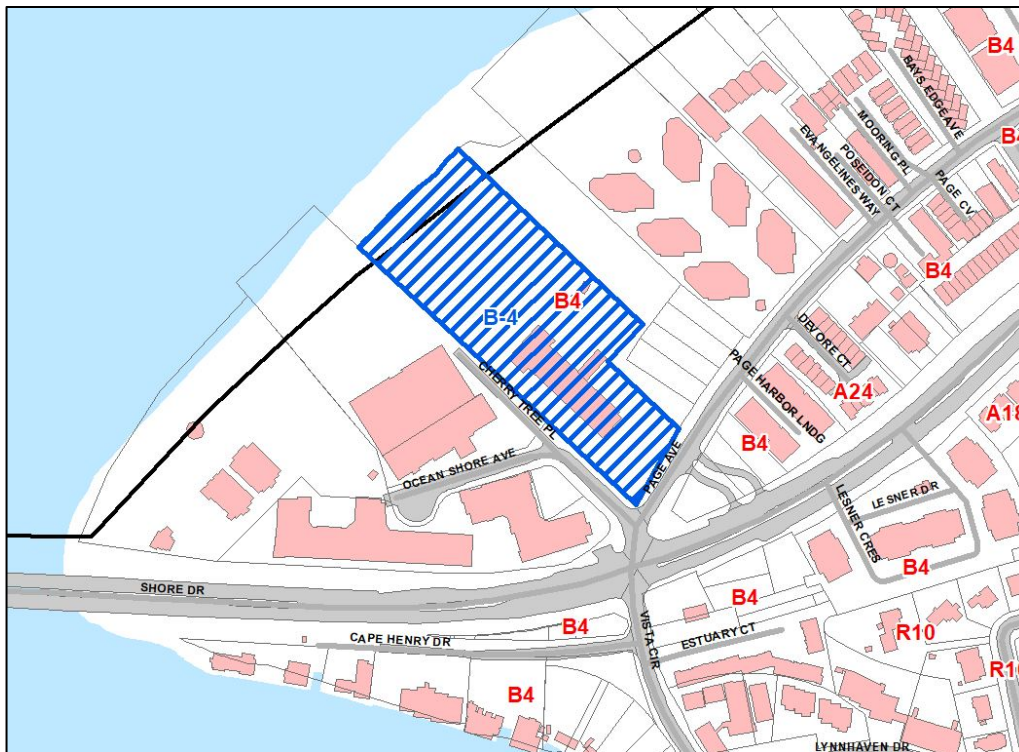
GPIN 1489-89-3544

City Council District: District 8, formerly Lynnhaven

Waterway – Chesapeake Bay

Subdivision – Cape Henry Towers

Request: To construct a replacement walkway, landing, and steps involving Coastal Primary Sand Dune/Beach.



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 Cape Henry Towers Council of Co-Owners

Does the applicant have a representative? Yes No

- If yes, list the name of the representative.

DAVID KLEDZIK

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

"HOMEOWNERS ASSOCIATION"

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

President: Brad Barker

Vice President: Jackie Wisman

Secretary: Brian Hook

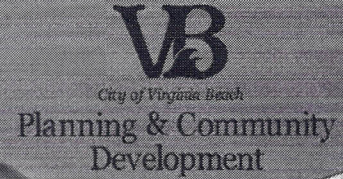
Treasurer: Robert Jones

- 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.
-

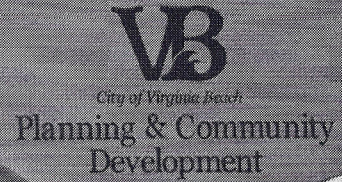
4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? **Yes** **No**

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

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

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

Disclosure Statement



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

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

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.**

Robert D. Jones

Applicant Signature

Robert D. Jones / Treasurer

Print Name and Title

December 15, 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	

- ❖ DEQ: Permit application fees required for Virginia Water Protection permits – while detailed in 9VAC25-20 – are conveyed to the applicant by the applicable DEQ office (<http://www.deq.virginia.gov/Locations.aspx>). Complete the Permit Application Fee Form and submit it per the instructions to the address listed on the form. Instructions for submitting any other fees will be provided to the applicant by DEQ staff.
- ❖ VMRC: An application fee of \$300 may be required for projects impacting tidal wetlands, beaches and/or dunes when VMRC acts as the LWB. VMRC will notify the applicant in writing if the fee is required. Permit fees involving subaqueous lands are \$25.00 for projects costing \$10,000 or less and \$100 for projects costing more than \$10,000. Royalties may also be required for some projects. The proper permit fee and any required royalty is paid at the time of permit issuance by VMRC. VMRC staff will send the permittee a letter notifying him/her of the proper permit fees and submittal requirements.
- ❖ LWB: Permit fees vary by locality. Contact the LWB for your project area or their website for fee information and submittal requirements. Contact information for LWBs may be found at http://ccrm.vims.edu/permits_web/guidance/local_wetlands_boards.html.

FOR AGENCY USE ONLY	
	Notes:
	JPA # 22-2314

APPLICANTS

Part 1 – General Information

PLEASE PRINT OR TYPE ALL ANSWERS: If a question does not apply to your project, please print N/A (not applicable) in the space provided. If additional space is needed, attach 8-1/2 x 11 inch sheets of paper.

<u>Check all that apply</u>				
Pre-Construction Notification (PCN) <input type="checkbox"/> NWP # _____ <i>(For Nationwide Permits ONLY - No DEQ-VWP permit writer will be assigned)</i>	Regional Permit 17 (RP-17) <input type="checkbox"/>			
County or City in which the project is located: _____				
Waterway at project site: _____				
PREVIOUS ACTIONS RELATED TO THE PROPOSED WORK (Include all federal, state, and local pre application coordination, site visits, previous permits, or applications whether issued, withdrawn, or denied)				
Historical information for past permit submittals can be found online with VMRC - https://webapps.mrc.virginia.gov/public/habitat/ - or VIMS - http://ccrm.vims.edu/perms/newpermits.html				
Agency	Action / Activity	Permit/Project number, including any non-reporting Nationwide permits previously used (e.g., NWP 13)	Date of Action	If denied, give reason for denial

Part 1 - General Information (continued)

1. Applicant's legal name* and complete mailing address: Contact Information:

Home (____)_____

Work (____)_____

Fax (____)_____

Cell (____)_____

e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

2. Property owner(s) legal name* and complete address, if different from applicant: Contact Information:

Home (____)_____

Work (____)_____

Fax (____)_____

Cell (____)_____

e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

3. Authorized agent name* and complete mailing address (if applicable):

Contact Information:

Home (____)_____

Work (____)_____

Fax (____)_____

Cell (____)_____

e-mail _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple applicants, property owners, and/or agents, each must be listed and each must sign the applicant signature page.**

4. Provide a detailed description of the project in the space below, including the type of project, its dimensions, materials, and method of construction. Be sure to include how the construction site will be accessed and whether tree clearing and/or grading will be required, including the total acreage. If the project requires pilings, please be sure to include the total number, type (e.g. wood, steel, etc), diameter, and method of installation (e.g. hammer, vibratory, jetted, etc). If additional space is needed, provide a separate sheet of paper with the project description.

Part 1 - General Information (continued)

5. Have you obtained a contractor for the project? ___ Yes* ___ No. *If your answer is “Yes” complete the remainder of this question and submit the Applicant’s and Contractor’s Acknowledgment Form (enclosed)

Contractor’s name* and complete mailing address:

Contact Information:

Home (____) _____

Work (____) _____

Fax (____) _____

Cell (____) _____

email _____

State Corporation Commission Name and ID Number (if applicable) _____

*** If multiple contractors, each must be listed and each must sign the applicant signature page.**

6. List the name, address and telephone number of the newspaper having general circulation in the area of the project. Failure to complete this question may delay local and State processing.

Name and complete mailing address:

Telephone number

(____) _____

** Please Instruct Newspaper to Contact
Permit Applicant for Proof and Payment.

7. Give the following project location information:

Street Address (911 address if available) _____

Lot/Block/Parcel# _____

Subdivision _____

City / County _____ ZIP Code _____

Latitude and Longitude at Center Point of Project Site (Decimal Degrees):

_____ / - _____ (Example: 36.41600/-76.30733)

If the project is located in a rural area, please provide driving directions giving distances from the best and nearest visible landmarks or major intersections. *Note: if the project is in an undeveloped subdivision or property, clearly stake and identify property lines and location of the proposed project. A supplemental map showing how the property is to be subdivided should also be provided.*

8. What are the *primary and secondary purposes of and the need for* the project? For example, the primary purpose may be “to protect property from erosion due to boat wakes” and the secondary purpose may be “to provide safer access to a pier.”

Part 1 - General Information (continued)

9. Proposed use (check one):
___ Single user (private, non-commercial, residential)
___ Multi-user (community, commercial, industrial, government)
10. Describe alternatives considered and the measures that will be taken to avoid and minimize impacts, to the maximum extent practicable, to wetlands, surface waters, submerged lands, and buffer areas associated with any disturbance (clearing, grading, excavating) during and after project construction. *Please be advised that unavoidable losses of tidal wetlands and/or aquatic resources may require compensatory mitigation.*
11. Is this application being submitted for after-the-fact authorization for work which has already begun or been completed? ___Yes ___No. If yes, be sure to clearly depict the portions of the project which are already complete in the project drawings.
12. Approximate cost of the entire project (materials, labor, etc.): \$_____
- Approximate cost of that portion of the project that is channelward of mean low water:
\$_____
13. Completion date of the proposed work: _____ - _____
14. Adjacent Property Owner Information: List the name and complete **mailing address**, including zip code, of each adjacent property owner to the project. (NOTE: If you own the adjacent lot, provide the requested information for the first adjacent parcel beyond your property line.) Failure to provide this information may result in a delay in the processing of your application by VMRC.

Part 2 – Signatures (continued)

2. Applicants having agents (if applicable)

CERTIFICATION OF AUTHORIZATION

I (we), Cape Henry Towers Council of Co-Owners, hereby certify that I (we) have authorized MARINE ENGINEERING LLC
(Applicant's legal name(s)) (Agent's name(s))

to act on my behalf and take all actions necessary to the processing, issuance and acceptance of this permit and any and all standard and special conditions attached.

We hereby certify that the information submitted in this application is true and accurate to the best of our knowledge.

[Signature]
(Agent's Signature)

9/21/2022
(Date)

Robert D. Jones / Robert D. Jones
(Applicant's Signature) Cape Henry Towers
Treasurer

9/09/2022
(Date)

AGENT PROVIDES LIMITED SUPPORT EXCLUSIVELY TO THE PERMIT APPLICANT (PRINCIPAL) AND DOES NOT CONSENT OR ENTER INTO AGREEMENTS WITH OTHERS TO ACCEPT THE PRINCIPAL'S LIABILITY FOR ANY COST OR PERFORMANCE REQUIREMENT RELATED TO THE ACTIVITIES OF THIS PERMIT APPLICATION.

N/A 3. Applicant's having contractors (if applicable)

CONTRACTOR ACKNOWLEDGEMENT

I (we), _____, have contracted _____
(Applicant's legal name(s)) (Contractor's name(s))
to perform the work described in this Joint Permit Application, signed and dated _____.

We will read and abide by all conditions set forth in all Federal, State and Local permits as required for this project. We understand that failure to follow the conditions of the permits may constitute a violation of applicable Federal, state and local statutes and that we will be liable for any civil and/or criminal penalties imposed by these statutes. In addition, we agree to make available a copy of any permit to any regulatory representative visiting the project to ensure permit compliance. If we fail to provide the applicable permit upon request, we understand that the representative will have the option of stopping our operation until it has been determined that we have a properly signed and executed permit and are in full compliance with all terms and conditions.

N/A _____
Contractor's name or name of firm

Contractor's or firms address

Contractor's signature and title

Contractor's License Number

Applicant's signature

(use if more than one applicant)

Date

Part 2 - Signatures

1. Applicants and property owners (if different from applicant).

NOTE: REQUIRED FOR ALL PROJECTS


PRIVACY ACT STATEMENT: The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act of 1899, Section 404 of the Clean Water Act, and Section 103 of the Marine Protection Research and Sanctuaries Act of 1972. These laws require that individuals obtain permits that authorize structures and work in or affecting navigable waters of the United States, the discharge of dredged or fill material into waters of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters prior to undertaking the activity. Information provided in the Joint Permit Application will be used in the permit review process and is a matter of public record once the application is filed. Disclosure of the requested information is voluntary, but it may not be possible to evaluate the permit application or to issue a permit if the information requested is not provided.

CERTIFICATION: I am hereby applying for all permits typically issued by the DEQ, VMRC, USACE, and/or Local Wetlands Boards for the activities I have described herein. I agree to allow the duly authorized representatives of any regulatory or advisory agency to enter upon the premises of the project site at reasonable times to inspect and photograph site conditions, both in reviewing a proposal to issue a permit and after permit issuance to determine compliance with the permit. In addition, I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Cape Henry Towers Council of Co-Owners

Applicant's Legal Name (printed/typed)

(Use if more than one applicant)



Robert D. Jones

Applicant's Signature

Cape Henry Towers
Treasurer

(Use if more than one applicant)

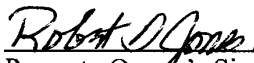
9/09/2022

Date

N/A

Property Owner's Legal Name (printed/typed)
(If different from Applicant)

(Use if more than one owner)



Robert D. Jones

Property Owner's Signature

Cape Henry Towers
Treasurer

(Use if more than one owner)

9/09/2022

Date

Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write “N/A” in the space provided.

Appendix A: (TWO PAGES) Projects for Access to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

1. Briefly describe your proposed project.

N/A 2. **For private, noncommercial piers:**

Do you have an existing pier on your property? ____ Yes ____ No

If yes, will it be removed? ____ Yes ____ No

Is your lot platted to the mean low water shoreline? ____ Yes ____ No

What is the overall length of the proposed structure? _____ feet.

Channelward of Mean High Water? _____ feet.

Channelward of Mean Low Water? _____ feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands _____ square feet.

Tidal vegetated wetlands _____ square feet.

Submerged lands _____ square feet.

What is the total size of any and all L- or T-head platforms? _____ sq. ft.

For boathouses, what is the overall size of the roof structure? _____ sq. ft.

Will your boathouse have sides? ____ Yes ____ No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § [28.2-1203](#) A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § [28.2-1205](#) for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § [28.2-1204](#).

**ENGINEER/SURVEYOR'S INSPECTION STATEMENT
FOR
WATERFRONT CONSTRUCTION/COASTAL PRIMARY SAND DUNE PROJECTS**

REVISED 10-09-03

PROJECT LOCATION: 3288 Page Ave

APPLICANT'S NAME: Cape Henry Towers Council of Co-Owners

APPLICANT'S ADDRESS: 3288 Page Ave

Virginia Beach, VA 23451

ENGINEER OF RECORD: David Kledzik

PROFESSIONAL ENGINEER/SURVEYOR
CERTIFYING PROJECT
CONSTRUCTION:

David Kledzik

AT THE COMPLETION OF A WATERFRONT CONSTRUCTION/COASTAL PRIMARY SAND DUNE PROJECT IT IS REQUIRED THAT A CERTIFICATION BY THE APPROVING ENGINEER/SURVEYOR BE SUBMITTED, STATING THAT THEY HAVE INSPECTED THE REFERENCED PROJECT SITE AND TO THE BEST OF THEIR KNOWLEDGE, THE WATERFRONT/COASTAL PRIMARY SAND DUNE PROJECT HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS. SUCH CERTIFICATION SHALL BE SEALED BY THE ENGINEER OR SURVEYOR CERTIFYING THE CONSTRUCTION.

N/A

N/A

THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT OF PLANNING, WATERFRONT OPERATIONS OFFICE WITH ALL APPLICATIONS FOR WATERFRONT CONSTRUCTION/COASTAL PRIMARY SAND DUNE PROJECTS AT THE TIME OF SUBMITTAL.



SIGNATURE OF ENGINEER/SURVEYOR CERTIFYING CONSTRUCTION

9/21/2022

DATE

David Kledzik

TYPE OR PRINT NAME OF ENGINEER/SURVEYOR CERTIFYING CONSTRUCTION



SIGNATURE OF APPLICANT

Robert D. Jones
Cape Henry Towers
Treasurer

9/09/2022

DATE

SIGNATURE OF COASTAL ZONE ADMINISTRATOR

DATE

ANY ALTERATION OF THIS FORM OR ITS ENDORSEMENTS WITHOUT THE EXPRESS CONSENT FROM THE ORIGINATOR SHALL INVALIDATE THIS INSTRUMENT.

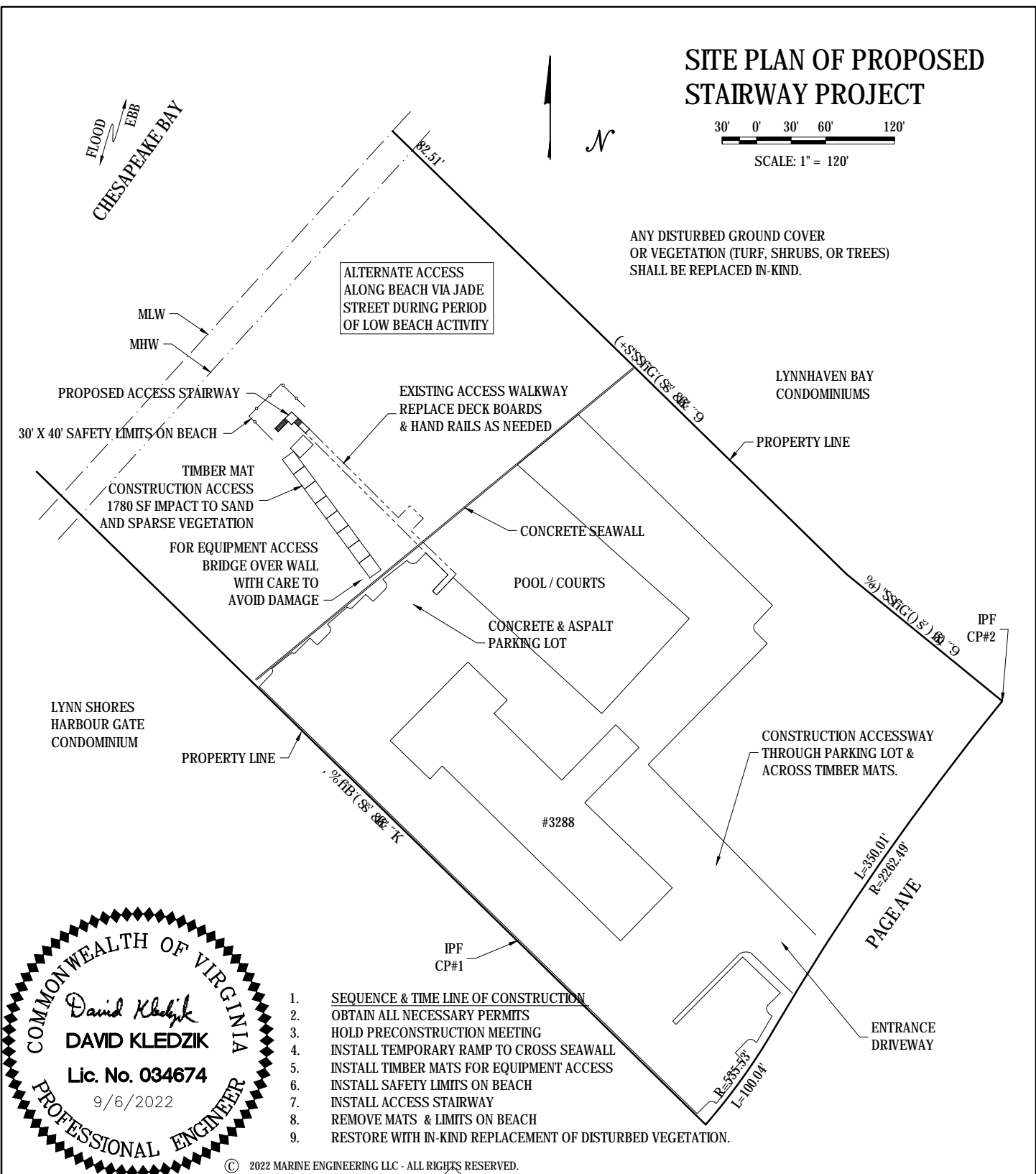
APPLICATION NO. _____

SITE PLAN OF PROPOSED STAIRWAY PROJECT

30' 0' 30' 60' 120'

SCALE: 1" = 120'

ANY DISTURBED GROUND COVER OR VEGETATION (TURF, SHRUBS, OR TREES) SHALL BE REPLACED IN-KIND.



1. SEQUENCE & TIME LINE OF CONSTRUCTION
2. OBTAIN ALL NECESSARY PERMITS
3. HOLD PRECONSTRUCTION MEETING
4. INSTALL TEMPORARY RAMP TO CROSS SEAWALL
5. INSTALL TIMBER MATS FOR EQUIPMENT ACCESS
6. INSTALL SAFETY LIMITS ON BEACH
7. INSTALL ACCESS STAIRWAY
8. REMOVE MATS & LIMITS ON BEACH
9. RESTORE WITH IN-KIND REPLACEMENT OF DISTURBED VEGETATION.

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APPLICANT:
 CAPE HENRY TOWERS COUNCIL
 OF CO-OWNERS
 3288 PAGE AVE
 VIRGINIA BEACH, VA 23451
 ADJACENT PROPERTY OWNERS
 SHOWN ON SHEET ONE

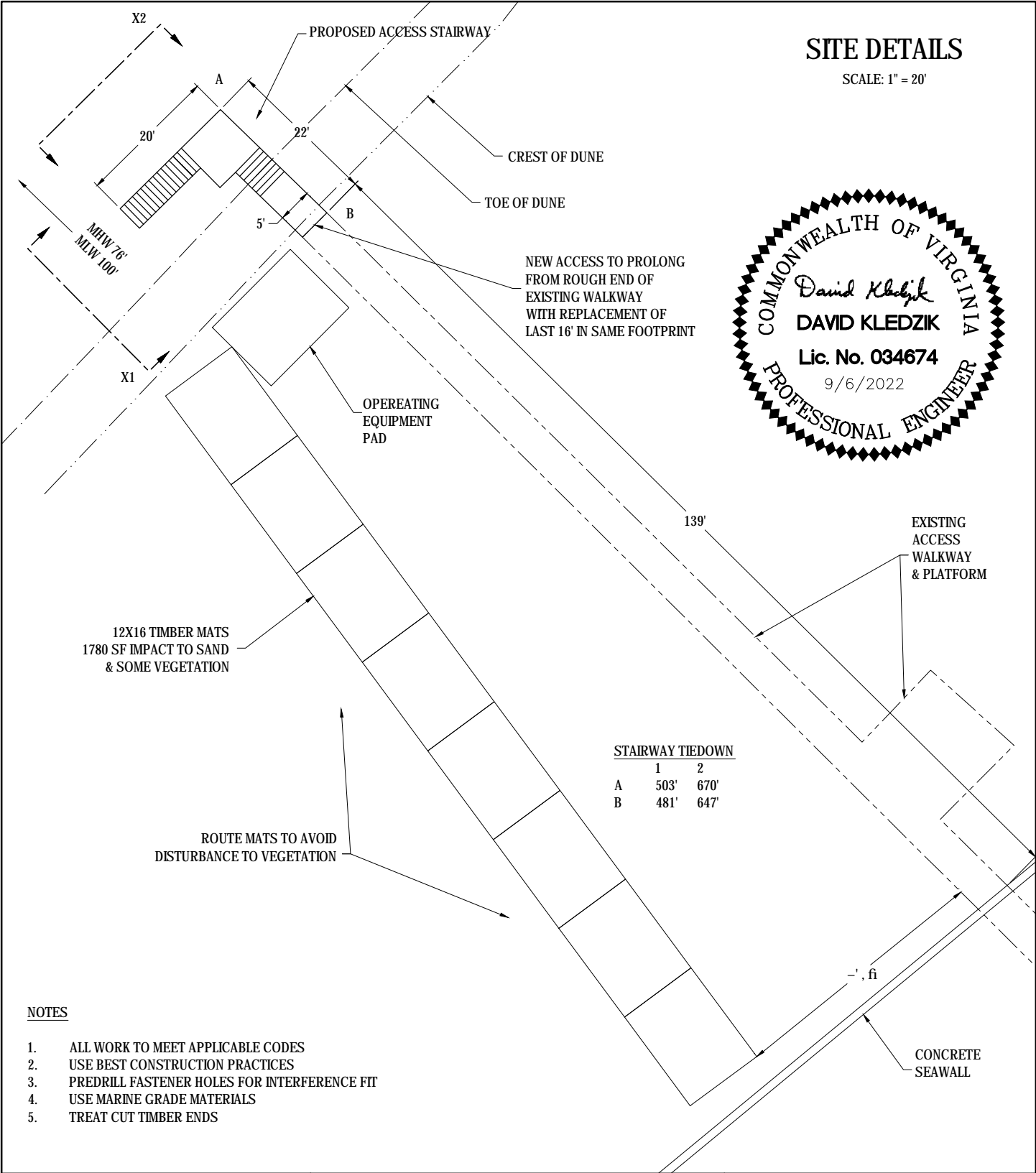
MARINE ENGINEERING LLC
 CHARLA LEE LANE
 VIRGINIA BEACH, VA 23455
 PH: (757) 477-4787

PROPOSED PROJECT FOR ACCESS
 DATUM: MLW = 0.00'
 SHEET 1 OF 5
 DATE: AUGUST 9, 2022
 REV-

JOB NUMBER 22119

SITE DETAILS

SCALE: 1" = 20'



NOTES

1. ALL WORK TO MEET APPLICABLE CODES
2. USE BEST CONSTRUCTION PRACTICES
3. PREDRILL FASTENER HOLES FOR INTERFERENCE FIT
4. USE MARINE GRADE MATERIALS
5. TREAT CUT TIMBER ENDS

APPLICANT:
CAPE HENRY TOWERS COUNCIL
OF CO-OWNERS
3288 PAGE AVE
VIRGINIA BEACH, VA 23451

MARINE ENGINEERING LLC
CHARLA LEE LANE
VIRGINIA BEACH, VA 23455
PH: (757) 477-4787

PROPOSED PROJECT FOR ACCESS
DATUM: MLW = 0.00'
SHEET 2 OF 5
DATE: AUGUST 9, 2022

SECTION X1 - X1 STAIRWAY DETAILS

SCALE: 1" = 5'

9LH88 DCG- (& 56CJ9
DECK FOR HANDRAIL OR
CONSTRUCT SIMILAR TO
EXISTING (SEE DETAIL)

17.6' — WALKWAY

13.4' — LANDING

LOWER
STAIRWAY

BEACH

3.12' — MHW

1.90' — NAVD88

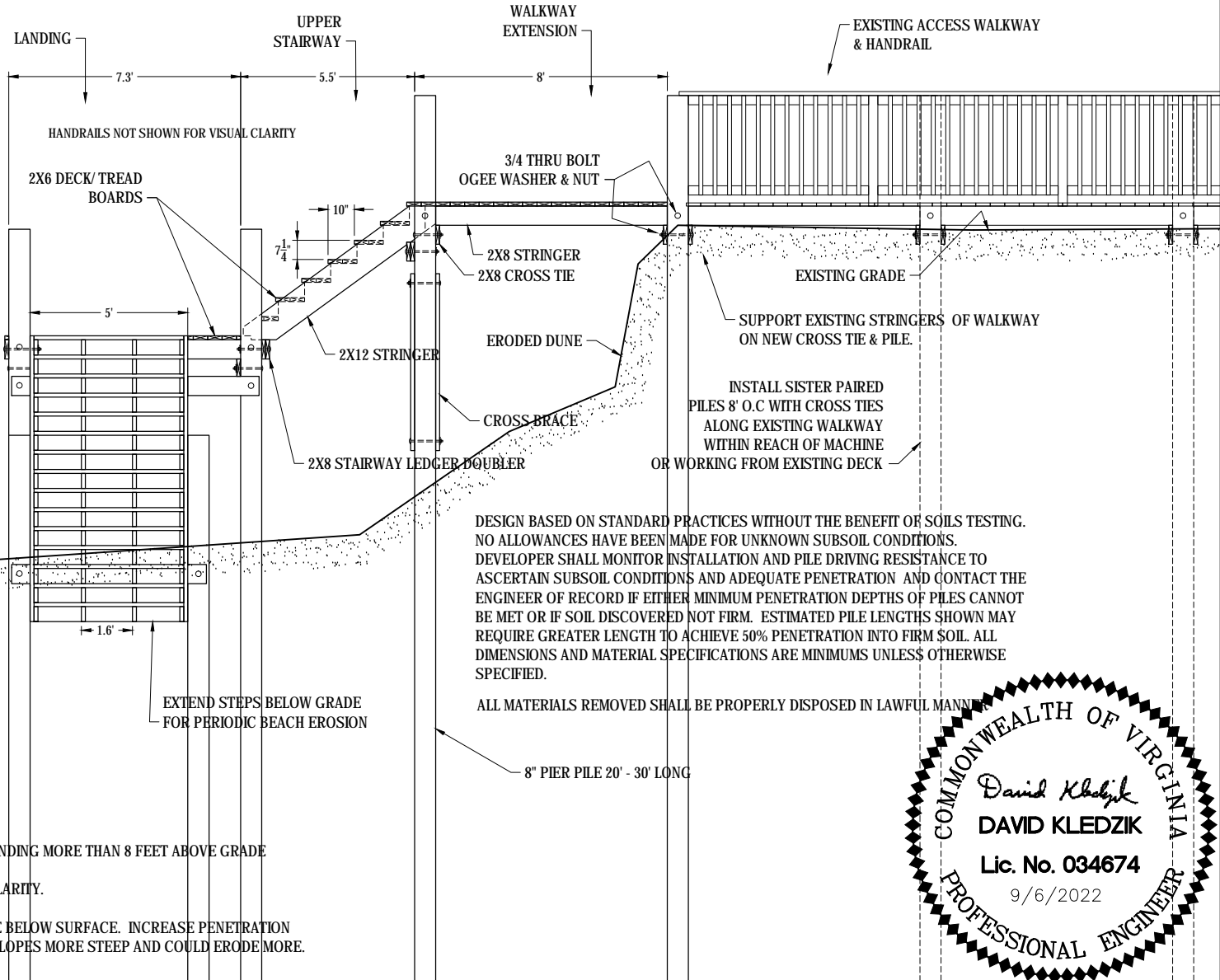
0.00' — MLW

NOTE:

APPLY CROSS BRACING TO PILES EXTENDING MORE THAN 8 FEET ABOVE GRADE

HANDRAILS NOT SHOWN FOR VISUAL CLARITY.

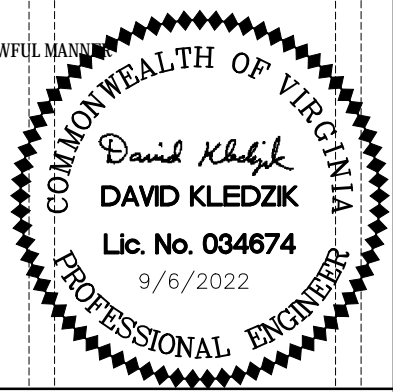
8" PIER PILES EMBEDDED 50% OR MORE BELOW SURFACE. INCREASE PENETRATION WHERE ELEVATIONS ARE GREATER & SLOPES MORE STEEP AND COULD ERODE MORE.



DESIGN BASED ON STANDARD PRACTICES WITHOUT THE BENEFIT OF SOILS TESTING. NO ALLOWANCES HAVE BEEN MADE FOR UNKNOWN SUBSOIL CONDITIONS. DEVELOPER SHALL MONITOR INSTALLATION AND PILE DRIVING RESISTANCE TO ASCERTAIN SUBSOIL CONDITIONS AND ADEQUATE PENETRATION AND CONTACT THE ENGINEER OF RECORD IF EITHER MINIMUM PENETRATION DEPTHS OF PILES CANNOT BE MET OR IF SOIL DISCOVERED NOT FIRM. ESTIMATED PILE LENGTHS SHOWN MAY REQUIRE GREATER LENGTH TO ACHIEVE 50% PENETRATION INTO FIRM SOIL. ALL DIMENSIONS AND MATERIAL SPECIFICATIONS ARE MINIMUMS UNLESS OTHERWISE SPECIFIED.

ALL MATERIALS REMOVED SHALL BE PROPERLY DISPOSED IN LAWFUL MANNER

8" PIER PILE 20' - 30' LONG



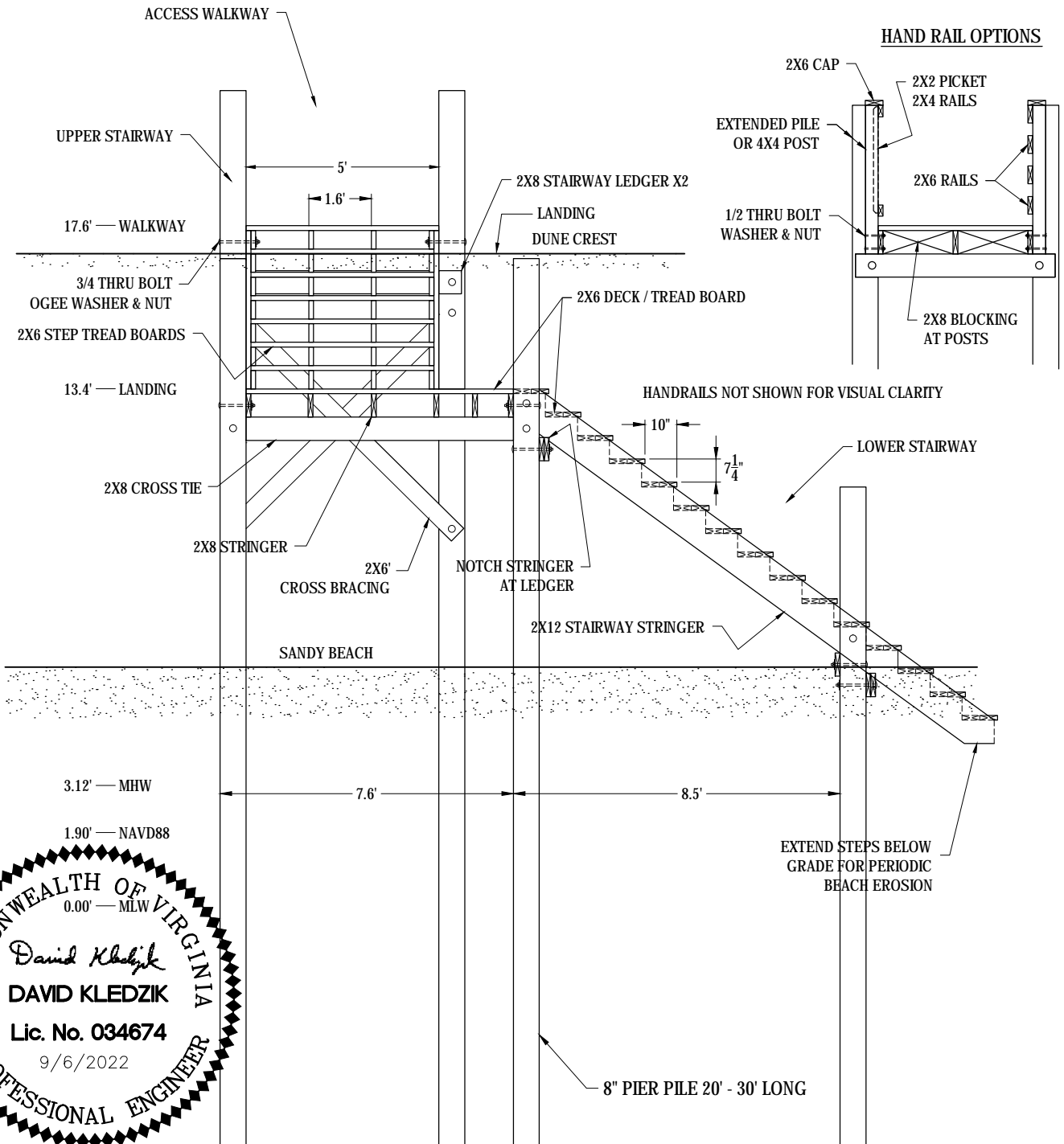
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PROPOSED PROJECT FOR ACCESS
DATUM: MLW = 0.00'
SHEET 3 OF 5
DATE: AUGUST 9, 2022

SECTION X2 - X2 PROPOSED STAIRWAY DETAILS

SCALE: 1" = 4'



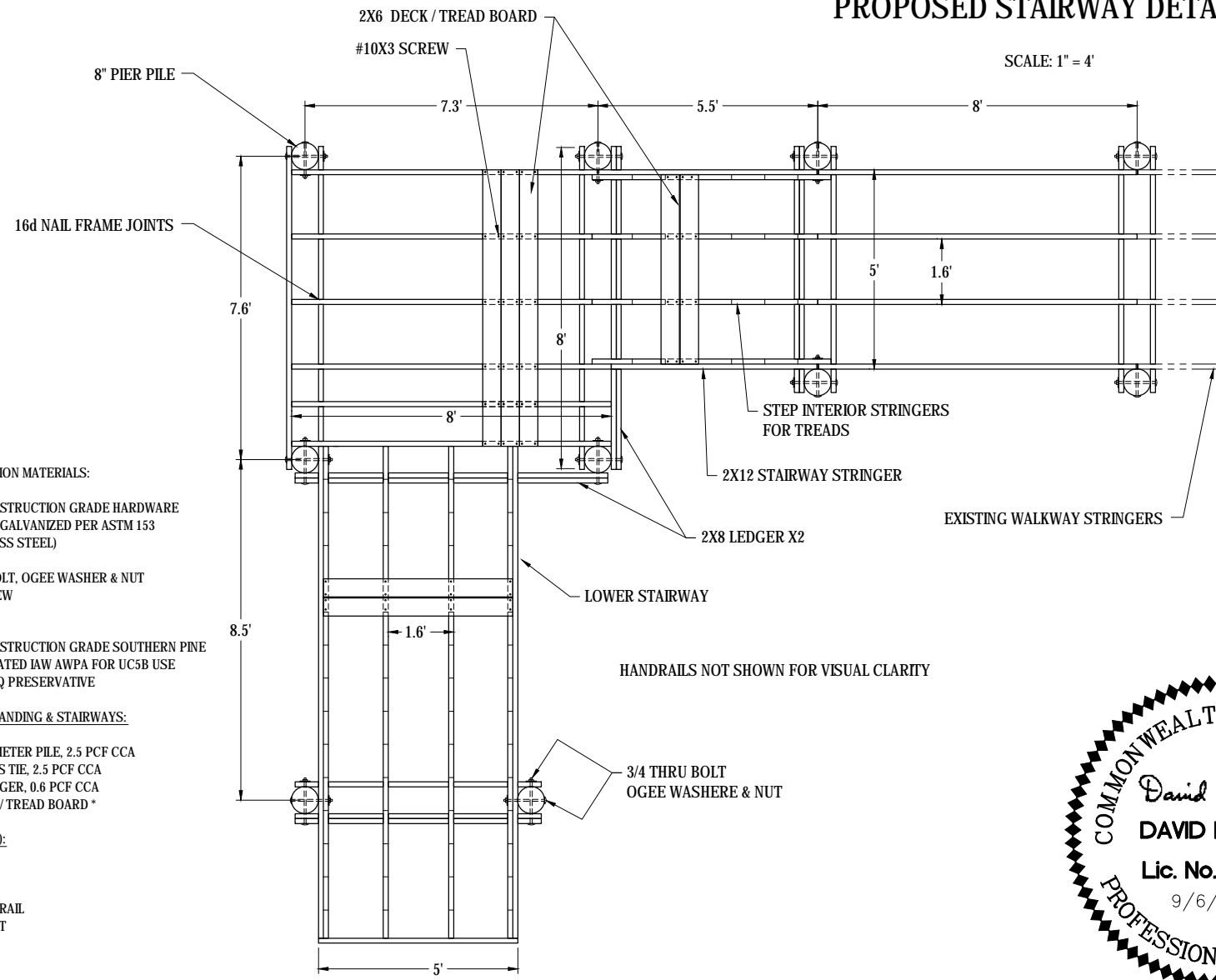
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VIRGINIA BEACH, VA 23451

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VIRGINIA BEACH, VA 23455
PH: (757) 477-4787

PROPOSED PROJECT FOR ACCESS
DATUM: MLW = 0.00'
SHEET 4 OF 5
DATE: AUGUST 9, 2022

PROPOSED STAIRWAY DETAILS

SCALE: 1" = 4'



- CONSTRUCTION MATERIALS:**
- MARINE CONSTRUCTION GRADE HARDWARE
HOT DIPPED GALVANIZED PER ASTM 153
(OR STAINLESS STEEL)
 - 3/4" THRU BOLT, OGEE WASHER & NUT
#10 X 3 SCREW
16d NAIL
 - MARINE CONSTRUCTION GRADE SOUTHERN PINE
TIMBER TREATED IAW AWPA FOR UC5B USE
* 0.6 PCF ACQ PRESERVATIVE
- WALKWAY, LANDING & STAIRWAYS:**
- 8" BUTT DIAMETER PILE, 2.5 PCF CCA
 - 2" X 8" CROSS TIE, 2.5 PCF CCA
 - 2" X 8" STRINGER, 0.6 PCF CCA
 - 2" X 6" DECK / TREAD BOARD *
- HAND RAIL (*):**
- 4" X 4" POST
 - 2" X 6" CAP
 - 2" X 4" OR 6" RAIL
 - 2" X 2" PICKET



APPLICANT:
 CAPE HENRY TOWERS COUNCIL
 OF CO-OWNERS
 3288 PAGE AVE
 VIRGINIA BEACH, VA 23451

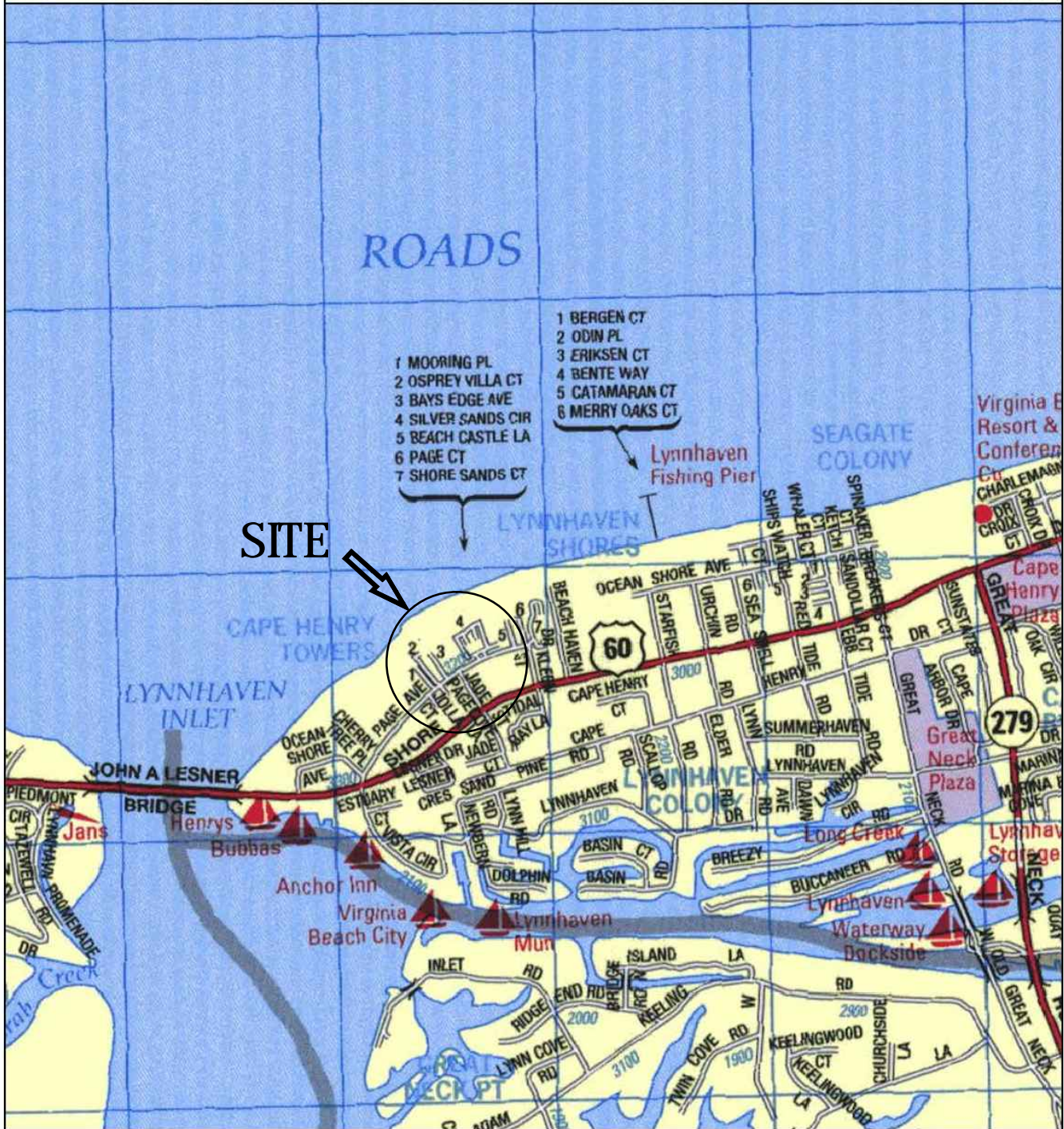
MARINE ENGINEERING LLC
 CHARLA LEE LANE
 VIRGINIA BEACH, VA 23455
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PROPOSED PROJECT FOR ACCESS
 DATUM: MLW = 0.00'
 SHEET 5 OF 5
 DATE: AUGUST 9, 2022

AREA MAP OF 3288 PAGE AVE VIRGINIA BEACH, VA 23451



SCALE 1" : 1200'



Marine Engineering LLC

1932 Charla Lee Ln
Virginia Beach, VA 23455

757 477-4787

David@MarineEngineeringLLC.com

October 4, 2022

LYNN SHORES HARBOUR GATE CONDOMINIUM
3300 OCEAN SHORE
VIRGINIA BEACH, VA 23451

Reference: Notification of permit request at 3288 Page Ave.

Dear Property Owner:

This letter is to inform you that your waterfront neighbor Cape Henry Towers Council of Co-Owners Inc at 3288 Page Ave is applying for a permit for the project as shown on the attached site plan. The project will involve reconstructing a stairway leading to beach.

Part of the permit application process is this notification to you. If you have objections to the project that you wish to be considered, you may contact the US Corps of Engineers, Fort Norfolk Regulatory Branch, the Virginia Marine Resources Commission, Habitat Management Division, or the City of Virginia Beach for further instructions.

If you do not have objections to this project then no action is necessary.

I hope this letter finds you well,

Sincerely,

David R Kledzik, PE

Marine Engineering LLC

1932 Charla Lee Ln
Virginia Beach, VA 23455

757 477-4787

David@MarineEngineeringLLC.com

October 4, 2022

LYNNHAVEN BAY CONDOMINIUMS
3248 PAGE AVE
VIRGINIA BEACH, VA 23451

Reference: Notification of permit request at 3288 Page Ave.

Dear Property Owner:

This letter is to inform you that your waterfront neighbor Cape Henry Towers Council of Co-Owners Inc at 3288 Page Ave is applying for a permit for the project as shown on the attached site plan. The project will involve reconstructing a stairway leading to beach.

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