



**CITY OF VIRGINIA BEACH  
WETLANDS BOARD MINUTES**

October 17, 2022

**CITY COUNCIL CHAMBER  
BUILDING 1  
2401 COURTHOUSE DRIVE  
VIRGINIA BEACH, VIRGINIA 23456**

**OCTOBER 17, 2022  
10:00 AM**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Stephen Ballard	Board Member	Present	9:10 AM
Jason Barney	Vice Chairman	Absent	
Cindy Hawks-White	Board Member	Absent	
Joashua Schulman	Chairman	Present	9:09 AM
James Vail	Board Member	Present	9:09 AM
Katie Crum	Board Member	Present	9:08 AM
Emily Steinhilber	Board Member	Present	9:11 AM
Ben McFarlane	Board Member (Alternate)	Present	9:25 AM
SunTemple Helgren	Board Member (Alternate)	Excused	

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**WETLANDS BOARD  
VIRGINIA BEACH, VIRGINIA  
PUBLIC HEARING MEETING MINUTES**

The October 2022, Public Hearing Meeting for the Virginia Beach Wetlands Board was called to order by the Chair, Joashua Schulman, in the Council Chamber, 2401 Courthouse Drive, Virginia Beach, Virginia 23456 at 10:01AM, October 17, 2022.

Chair Schulman welcomed all, stated the responsible charge of the Wetlands Board, as delineated in the Virginia State Code and announced appeals are available through the Virginia Marine Resources Commission (VMRC) within ten (10) days of this Board's decision.

Approval expires two (2) years from the date it is granted. A permit is normally extended, but not an approval. Applicants are advised to obtain their permit within no more than thirty (30) days of their Hearing. Extensions must be requested before the expiration date.

Chair Schulman acknowledged each applicant and/or agent for the applicant and administered the oath truth and honor.

The Chair stated that as required by law four (4) affirmative votes are required for an approval of a permit application. The Clerk announced that quorum was present and that the Wetlands Minutes of September 19, 2022, was approved, as distributed.

The slide presentation for each application site was rendered by Ms. Heaven L. Manning

**APPROVAL OF THE MINUTES**

Upon Motion by Mr. Vail seconded by Mr. Ballard, the September 19, 2022, Minutes was **APPROVED, AS DISTRIBUTED.**

<b>RESULT:</b>	<b>APPROVED [5 TO 0]</b>
<b>MOVER:</b>	James Vail, Board Member
<b>SECONDER:</b>	Stephen Ballard, Board Member
<b>AYES:</b>	Ballard, Crum, Schulman, Steinhilber and Vail
<b>ABSTAIN:</b>	McFarlane
<b>ABSENT:</b>	Barney, Helgren

**(For disclosure, during the vote, the Deputy City Clerk inadvertently called out the vote as 4-0, when in fact the vote was 5-0, with Mr. McFarlane abstaining due to not being present at the last meeting)**

**RIVER COVE OWNERS ASSOCIATION  
2022-WTRA-00358**

**PROJECT:** To construct rip rap revetment involving wetlands

**LOCATION:** 2615, 2601, 2532, 2504 Cove Point Place contiguous to Eastern Branch Lynnhaven River

**SPEAKER:** **FOR** – Daniel Hobby, Acelution Inc., Agent for Applicant

Upon motion by Mr. Vail, seconded by Mr. Ballard, the application of **River Cove Owners Association** was **APPROVED, AS SUBMITTED.**

**No Net Loss of wetlands on this project was achieved by the payment of an in-lieu fee.**

<b>RESULT:</b>	<b>APPROVED 6-0 [UNANIMOUS]</b>
<b>MOVER:</b>	James Vail, Board Member
<b>SECONDER:</b>	Stephen Ballard, Board Member
<b>AYES:</b>	Ballard, Crum, McFarlane, Schulman, Steinhilber and Vail
<b>ABSENT:</b>	Barney, Helgren

**GREGORY AND AIMEE C. KRAM  
2022-WTRA-00183**

**PROJECT:** To construct a boat ramp and return walls involving wetlands  
**LOCATION:** 3221 Little Island Road contiguous to Back Bay  
**SPEAKERS:** **FOR** –David Harmeyer, Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Mr. Vail, seconded by Ms. Crum, the application of **Gregory and Aimee C. Kram** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. The proposed timber pier shall be reduced in width from the landward side of the structure so that the structure does not encroach into or over the existing wetland vegetation along the toe of the rip rap revetment. Said reduction shall be staked in the field prior to the pre-construction meeting with Waterfront Operations Inspections.
2. An on-site pre-construction meeting will be required. The contractor must contact Waterfront Operations to schedule the pre-construction meeting prior to mobilizing to the site. Please be advised that no land disturbance or construction activities may commence until after the pre-construction meeting.
3. Revised plans shall be submitted to the Virginia Marine Resources Commission (VMRC) and approved by the Department of Planning and Community Development prior to the issuance of a building permit.

**No Net Loss of wetlands on this project was achieved by the payment of an in-lieu fee.**

<b>RESULT:</b>	<b>APPROVED 6-0 [UNANIMOUS]</b>
<b>MOVER:</b>	James Vail, Board Member
<b>SECONDER:</b>	Katie Crum, Board Member
<b>AYES:</b>	Ballard, Crum, McFarlane, Schulman, Steinhilber and Vail
<b>ABSENT:</b>	Barney, Helgren

**KYLE C. HARRISON  
2022-WTRA-00193**

**PROJECT:** To construct a bulkhead involving wetlands  
**LOCATION:** 2205 Admiral Circle contiguous to Canal to Long Creek  
**SPEAKERS:** **FOR** – Billy Garrington, Governmental Permitting Consultant, Inc.  
David Butler, Gallup Surveyors & Engineers

Upon motion by Mr. Vail, seconded by Ms. Crum, the application of **Kyle C. Harrison** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITION:**

1. The proposed project requires an encroachment agreement with the City of Virginia Beach. Such an agreement shall be obtained prior to issuance of a building permit.

**No Net Loss of wetlands on this project was achieved by the payment of an in-lieu fee.**

<b>RESULT:</b>	<b>APPROVED 6-0 [UNANIMOUS]</b>
<b>MOVER:</b>	James Vail, Board Member
<b>SECONDER:</b>	Katie Crum, Board Member
<b>AYES:</b>	Ballard, Crum, McFarlane, Schulman, Steinhilber and Vail
<b>ABSENT:</b>	Barney, Helgren

**MATTHEW D. RANKIN AND HEATHER M. ST. JOHN  
2022-WTRA-00206**

**PROJECT:** To construct rip rap revetment and floating pier involving wetlands  
**LOCATION:** 818 Close Avenue, contiguous to Lake Rudee  
**SPEAKER:** **FOR** –David Harmeyer, Waterfront Consulting, Inc., Agent for Applicant

Chair Schulman requested that Mr. Harmeyer state on the record why a living shoreline is not appropriate in this location. Mr. Harmeyer stated that the house is quite elevated where the existing rip rap is currently and to go further out the channel is very narrow. So even though a floating pier, as shown, does not reach mean low water, there is boat traffic which creates a wake that will prevent growth of a living shoreline.

Upon motion by Mr. Vail, seconded by Ms. Crum, the application of **Matthew D. Rankin and Heather M. St. John** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. The proposed project requires an encroachment agreement with the City of Virginia Beach. Such an agreement shall be obtained prior to issuance of a building permit.
2. Any shellfish impacted by construction of the proposed improvements shall be removed from the structure(s), preserved in the water column, and returned/placed on the completed or existing rip rap on site as applicable at a similar place in the water column. Wetlands Board Permit History Summary of Proposal Evaluation & Staff Recommendations Matthew D. Rankin & Heather M. St. John Agenda Item 4 Page 8.
3. The proposed pier, float gangway and boat lift shall be removed from this Joint Permit Application (JPA). Should the property owner desire to construct any additional improvements other than the proposed rip rap revetment a subsequent JPA shall be submitted to Virginia Marine Resource Commission (VMRC).
4. Revised plans shall be submitted to the Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

**No Net Loss of wetlands on this project was achieved by the payment of an in-lieu fee.**

<b>RESULT:</b>	<b>APPROVED 6-0 [UNANIMOUS]</b>
<b>MOVER:</b>	James Vail, Board Member
<b>SECONDER:</b>	Katie Crum, Board Member
<b>AYES:</b>	Ballard, Crum, McFarlane, Schulman, Steinhilber and Vail
<b>ABSENT:</b>	Barney, Helgren



**TIMOTHY D. SIVITER  
2022-WTRA-00207**

**PROJECT:** To construct rip rap revetment involving wetlands  
**LOCATION:** 2220 Leeward Shore Drive contiguous to Long Creek  
**SPEAKER:** **FOR** – David Harmeyer, Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Mr. Vail, seconded by Ms. Crum, the application of **Timothy D. Siviter** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. The elevation of the rip rap shall not exceed the existing grade elevation of the delineated top of bank feature.
2. No backfill material shall be allowed to be placed landward or channelward of the proposed rip rap revetment. Material excavated for placement of the rip rap shall be disposed of off-site in a lawful manner.
3. The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the revised Joint Permit Application (JPA) to be approved by City Staff prior to the preconstruction meeting with Waterfront Operations.
4. All areas outside the limits of construction shall be left in a natural state to include leaving the forest floor (leaf litter) intact. Said condition shall be so noted on the JPA and signs posted along the silt fence in the field noting the requirement that "All areas outside limits of construction shall be left in a natural state to include leaving the forest floor (leaf litter) intact." CBPA Variances & Wetlands Board Permit History Summary of Proposal Evaluation & Staff Recommendations Timothy D. Siviter Agenda Item 5 Page 7
5. Revised plans shall be submitted to the Virginia Marine Resources Commission (VMRC) and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

**No Net Loss of wetlands on this project was achieved by the use of on-site compensation.**

<b>RESULT:</b>	<b>APPROVED 6-0 [UNANIMOUS]</b>
<b>MOVER:</b>	James Vail, Board Member
<b>SECONDER:</b>	Katie Crum, Board Member
<b>AYES:</b>	Ballard, Crum, McFarlane, Schulman, Steinhilber and Vail
<b>ABSENT:</b>	Barney, Helgren

**GORDON FAMILY TRUST  
2022-WTRA-00208**

- PROJECT:** To construct a bulkhead and return wall involving wetlands
- LOCATION:** 1413 Blue Heron Road contiguous to Eastern Branch Lynnhaven River
- SPEAKER:** **FOR** –David Harmeyer, Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Mr. Vail, seconded by Ms. Crum, the application of **Gordon Family Trust** was **APPROVED, AS SUBMITTED.**

**No Net Loss of wetlands on this project was achieved by the payment of an in-lieu fee.**


<b>RESULT:</b>	<b>APPROVED 6-0 [UNANIMOUS]</b>
<b>MOVER:</b>	James Vail, Board Member
<b>SECONDER:</b>	Katie Crum, Board Member
<b>AYES:</b>	Ballard, Crum, McFarlane, Schulman, Steinhilber and Vail
<b>ABSENT:</b>	Barney, Helgren

At 10:39 AM the October 17, 2022, Public Hearing of the Virginia Beach Wetlands Board was adjourned by the Chair, Joashua Schulman.

The comments of the Planning Department are on file with the City of Virginia Beach Planning Department.



Jennifer A. Grundler  
Deputy City Clerk II



Joashua Schulman, Chair  
Wetlands Board