



CITY OF
**VIRGINIA
BEACH**

**CITY OF VIRGINIA BEACH
WETLANDS BOARD MINUTES**

July 17, 2023

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

JULY 17, 2023
10:00 AM

JASON BARNEY, CHAIR, PRESIDING

Attendee Name	Title	Status
Stephen Ballard	Board Member	Present
Jason Barney	Chairman	Present
Cindy Hawks White	Vice Chairman	Present
James Vail	Board Member	Present
Emily Steinhilber	Board Member	Present
Ben McFarlane	Board Member (Alternate)	Excused
SunTemple Helgren	Board Member (Alternate)	Excused
Jarrold Katzer	Board Member	Present
David Bradley	Board Member	Present

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

The July 2023, Public Hearing Meeting for the Virginia Beach Wetlands Board was called to order by the Chair, Jason Barney, in the Council Chamber, 2401 Courthouse Drive, Virginia Beach, Virginia 23456 at 10:15 AM, July 17, 2023.

Chair Barney 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 Barney 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 June 21, 2023 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 Ms. White, seconded by Mr. Vail, the June 21, 2023, Minutes was **APPROVED, AS DISTRIBUTED.**

RESULT:	7-0 APPROVED, AS DISTRIBUTED [UNANIMOUS]
MOVER:	Cindy Hawks White, Vice Chairman
SECONDER:	James Vail, Board Member
AYES:	Ballard, Barney, Bradley, Katzer, Steinhilber, Vail and White

**JAMES M. & MARJORIE L. CROMWELL
2023-WTRA-00135**

- PROJECT:** To construct a rip rap revetment involving wetlands.
- LOCATION:** 1528 East Bay Shore Drive contiguous to Bay Colony
- REQUEST:** Withdrawal of Application
- SPEAKER:** **FOR** – Robert Simon Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Ms. White, seconded by Mr. Vail, the application of **James M.** and **Marjorie L. Cromwell** was **WITHDRAWN**.

RESULT:	6-0 WITHDRAWN
MOVER:	Cindy Hawks White, Vice Chairman
SECONDER:	James Vail, Board Member
AYES:	Ballard, Barney, Bradley, Steinhilber, Vail and White
ABSTAIN:	Katzer

(Mr. Katzer abstained due to his employer consulting on this project)

April 17, 2023

Kathy Warren
Planning and Community Development Department
2875 Sabre Street
Suite 500
Virginia Beach, VA 23452

Re: Abstention Pursuant to the Conflicts of Interests Act, Va. Code Section 2.2-3115(F)

Dear Ms. Warren:

Pursuant to the State and Local Government Conflict of Interests Act, I make the following declaration:

1. I am executing this written disclosure regarding the Wetlands Board's discussion and vote on July 17, 2023 – 2023-WTRA-00135 James M. & Marjorie L. Cromwell [Applicants & Owners] 1528 E. Bay Shore Drive GPIN 2419-21-1286 City Council District: District 6, formerly Lynnhaven – Bay Colony Subdivision – Rainey's Gut Request: To construct a rip rap revetment involving wetlands.
2. My employer, WPLarge, Inc., LOCATED AT 242 Mustang Trail, Suite 8, Virginia Beach Virginia, 23451 has consulted on this project.
3. For this reason, I will abstain from this vote.

Please record this declaration in the official records of the Wetlands Board. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jarrod Katzer', enclosed within a large, loopy oval shape.

Jarrod Katzer
Wetlands Board Member

**CHARLES E. FALK JR. & SUSAN M. FALK
2023-WTRA-00133**

- PROJECT:** To construct a bulkhead, rip rap revetment, and plant vegetation involving wetlands.
- LOCATION:** 724 Oriole Drive contiguous to Little Neck Creek
- REQUEST:** Deferral of Application
- SPEAKER:** **FOR** – Robert Simon Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Ms. White, seconded by Ms. Steinhilber, the application of **Charles E. Falk Jr.** and **Susan M. Falk** was **DEFERRED FOR 30 DAYS, TO THE AUGUST 2023 WETLANDS MEETING.**

<p>RESULT: 7-0 DEFERRED [UNANIMOUS]</p> <p>MOVER: Cindy Hawks White, Vice Chairman</p> <p>SECONDER: Emily Steinhilber, Board Member</p> <p>AYES: Ballard, Barney, Bradley, Katzer, Steinhilber, Vail and White</p>
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**3548 SANDFIDDLER LLC
2023-WTRA-00137**

- PROJECT:** To construct a bulkhead, return walls, and excavate sand involving a Coastal Primary Sand Dune/Beach
- LOCATION:** 3548 Sandfiddler Road contiguous to Atlantic Ocean
- REQUEST:** Deferral of Application
- SPEAKER:** **FOR** – Robert Simon Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Ms. White, seconded by Ms. Steinhilber, the application of **3548 Sandfiddler, LLC**, was **DEFERRED SIXTY (60) DAYS, TO THE SEPTEMBER 2023 WETLANDS MEETING.**

<p>RESULT: 7-0 DEFERRED [UNANIMOUS]</p> <p>MOVER: Cindy Hawks White, Vice Chairman</p> <p>SECONDER: Emily Steinhilber, Board Member</p> <p>AYES: Ballard, Barney, Bradley, Katzer, Steinhilber, Vail, White</p>

**JHS GST TRUST
2022-WTRA-00233**

- PROJECT:** To dredge involving wetlands
- LOCATION:** 781 and 809 Princess Anne Road contiguous to Canal to North Landing River
- REQUEST:** Deferral of Application
- SPEAKER:** **FOR** – Robert Simon Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Ms. White, seconded by Ms. Steinhilber, the application of **JHS GST Trust** was **DEFERRED THIRTY (30) DAYS, TO THE AUGUST 2023 PUBLIC HEARING.**

RESULT: 7-0 DEFERRED [UNANIMOUS]
MOVER: Cindy Hawks White, Vice Chairman
SECONDER: Emily Steinhilber, Board Member
AYES: Ballard, Barney, Bradley, Katzer, Steinhilber, Vail and White

**DON MYERS
2021-WTRA-00128**

- PROJECT:** To construct a bulkhead and rip rap involving wetlands.
- LOCATION:** 2004 Compass Circle contiguous to Canal to Broad Bay
- REQUEST:** Extension of Time
- SPEAKER:** **FOR** – Robert Simon Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Ms. White, seconded by Ms. Steinhilber, the request of **Don Myers** for a one (1) year extension of time was **GRANTED**.

<p>RESULT: 7-0 APPROVED [UNANIMOUS] MOVER: Cindy Hawks White, Vice Chairman SECONDER: Emily Steinhilber, Board Member AYES: Ballard, Barney, Bradley, Katzer, Steinhilber, Vail and White.</p>
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**DAVID M. LAWHORN & EMILY S. SCHMID
2023-WTRA-00091**

PROJECT: To dredge involving wetlands.

LOCATION: 2337 Leeward Shore Drive contiguous to Canal to Long Creek

SPEAKER: **FOR** –Billy Garrington, Governmental Permitting Consultants, Agent for Applicant

Upon motion by Ms. White, seconded by Ms. Steinhilber, the application of **David M. Lawhorn** and **Emily S. Schmid** was **APPROVED, AS SUBMITTED.**

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

<p>RESULT: 7-0 APPROVED [UNANIMOUS] MOVER: Cindy Hawks White, Vice Chairman SECONDER: Emily Steinhilber, Board Member AYES: Ballard, Barney, Bradley, Katzer, Steinhilber, Vail and White</p>

**ANDREW B. KELLAM REVOCABLE TRUST
& COURTNEY K. KELLAM REVOCABLE TRUST
2023-WTRA-00134**

PROJECT: To construct a bulkhead, rip rap revetment, groin wall, and dredge involving wetlands.

LOCATION: 904 Winwood Drive contiguous to Linkhorn Bay

SPEAKER: **FOR** – Robert E. Simon, Waterfront Consulting, Inc., Agent for Applicant

Upon motion by Ms. White, seconded by Ms. Steinhilber, the application of **Andrew B. Kellam Revocable Trust and Courtney K. Kellam Revocable Trust** was **APPROVED, AS MODIFIED, WITH THE FOLLOWING CONDITIONS:**

1. 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 rip rap on site as applicable at a similar place in the water column.
2. 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.

RESULT:	7-0 APPROVED [UNANIMOUS]
MOVER:	Cindy Hawks White, Vice Chairman
SECONDER:	Emily Steinhilber, Board Member
AYES:	Ballard, Barney, Bradley, Katzer, Steinhilber, Vail and White

**CHELSEA WATERWAY ASSOCIATES, INC. /
MARLYN B. FABRIZIO REVOCABLE TRUST
2023-WTRA-00136**

- PROJECT:** To maintenance dredge involving wetlands.
- LOCATION:** 1825 Green Hill Road contiguous to Broad Bay
- SPEAKER:** **FOR** –David Kledzik., Marine Engineering, LLC, Agent for Applicant
John Andrews, Vice President, Chelsea Waterway Association

Upon motion by Ms. White, seconded by Ms. Steinhilber, the application of **Chelsea Waterway Associates, Inc. / Marlyn B. Fabrizio Revocable Trust** was **APPROVED, AS SUBMITTED.**

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

RESULT:	7-0 APPROVED [UNANIMOUS]
MOVER:	Cindy Hawks White, Vice Chairman
SECONDER:	Emily Steinhilber, Board Member
AYES:	Ballard, Barney, Bradley, Katzer, Steinhilber, Vail and White

(For Disclosure, during the vote, the Deputy City Clerk called out the vote “as Modified”, when in fact the vote as read by Vice Chair White was “as Submitted.”)

**CHELSEA WATERWAY ASSOCIATES, INC. /
MARLYN B. FABRIZIO REVOCABLE TRUST
2023-WTRA-00136**

- PROJECT:** To maintenance dredge involving wetlands.
- LOCATION:** 1825 Green Hill Road contiguous to Broad Bay
- SPEAKER:** **FOR** –David Kledzik., Marine Engineering, LLC, Agent for Applicant
John Andrews, Vice President, Chelsea Waterway Association

Upon motion by Ms. White, seconded by Ms. Steinhilber, the application of **Chelsea Waterway Associates, Inc. / Marlyn B. Fabrizio Revocable Trust** was **APPROVED, AS SUBMITTED.**

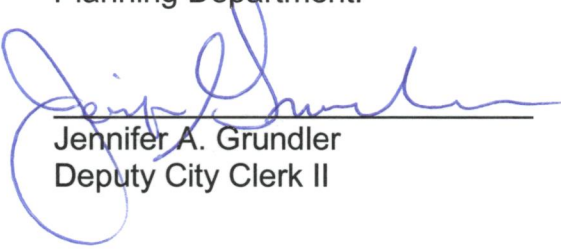
No Net Loss of wetlands on this project was achieved by the payment of an in-lieu fee for vegetated wetlands. The payment of in-lieu fee was waived for non-vegetated wetlands.

RESULT:	7-0 APPROVED [UNANIMOUS]
MOVER:	Cindy Hawks White, Vice Chairman
SECONDER:	Emily Steinhilber, Board Member
AYES:	Ballard, Barney, Bradley, Katzer, Steinhilber, Vail and White

(For Disclosure, during the vote, the Deputy City Clerk called out the vote “as Modified”, when in fact the vote as read by Vice Chair White was “as Submitted.”)

At 10:53 AM the July 17, 2023, Public Hearing of the Virginia Beach Wetlands Board was adjourned by the Chair, Jason Barney.

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



Jennifer A. Grundler
Deputy City Clerk II



Jason Barney, Chair
Wetlands Board