

Wetlands Board Staff Report

July 19, 2021



Wetlands Board Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, July 19, 2021 at 10:00 a.m. in the Council Chamber - City Hall, Bldg. 1 Municipal Center, Virginia Beach, VA.** A Staff briefing session will be held at 9:00 a.m.. All interested parties are invited to attend.

Citizens are encouraged to submit comments to the Wetlands Board prior to the public hearing via email to waterfront@vb.gov or via United States Mail to Waterfront Operations, 2875 Sabre Street, Suite 500, Virginia Beach, VA 23452.

Due to the ongoing COVID-19 pandemic, please review the Wetlands Board website at www.vbgov.com/wetlands for the most up to date information. If you are **physically disabled** or **visually impaired** and need assistance at this meeting, please call **The Department of Planning and Community Development at (757) 385-4621**

Copies of plans, ordinances and amendments are on file and may be examined by appointment in the Department of Planning at 2875 Sabre St, Suite 500 or online at www.vbgov.com/wetlands. For additional information call the Planning Department at 757-385-4621. Staff reports will be available on the webpage 5 days prior to the meeting.

PLEASE TURN YOUR CELL PHONE OFF OR TO VIBRATE DURING THE HEARING.

THE ADMINISTRATIVE COMMENTS CONTAINED IN THE ATTACHED AGENDA CONSTITUTE 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

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 **PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.**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's 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After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.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:

* Deferral

** Withdrawal

**Wetlands Board Staff Report
July 19, 2021**

- 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.
- h. 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.

The Staff reviews of some or all of the items on this agenda suggest that certain conditions be attached to approval 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.

* Deferral
** Withdrawal

9:00 A.M. – STAFF BRIEFING AND DISCUSSION

- REVIEW OF PUBLIC HEARING AGENDA ITEMS

10:00 A.M. – PUBLIC HEARING

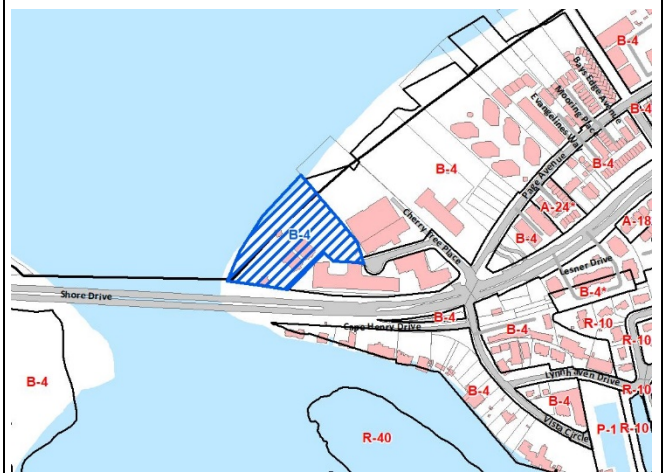
NEW BUSINESS – COASTAL PRIMARY SAND DUNE/BEACH

1. 2021-WTRA-00161
The Terry Companies Five,
LLC [Applicant & Owner]

To construct access stairs involving Coastal Primary Sand Dune/Beach

2301 Point Chesapeake Quay
(GPIN 1489-79-7159)

Waterway – Chesapeake Bay
Subdivision – Point Chesapeake
Council District – Lynnhaven



NEW BUSINESS – WETLANDS

2. 2021-WTRA-00128
Don Myers [Applicant & Owner]

To construct a bulkhead and rip rap involving wetlands

2004 Compass Circle
(GPIN 2409-09-6220)

Waterway – Canal to Broad Bay
Subdivision – Bay Island
Council District – Lynnhaven



3. 2021-WTRA-00174
Alex and Jacqueline Jones
[Applicant & Owner]

To construct rip rap involving wetlands

1833 Green Hill Road
(GPIN 1499-86-6463)

Waterway – Broad Bay
Subdivision – Green Hill Farm
Council District – Lynnhaven



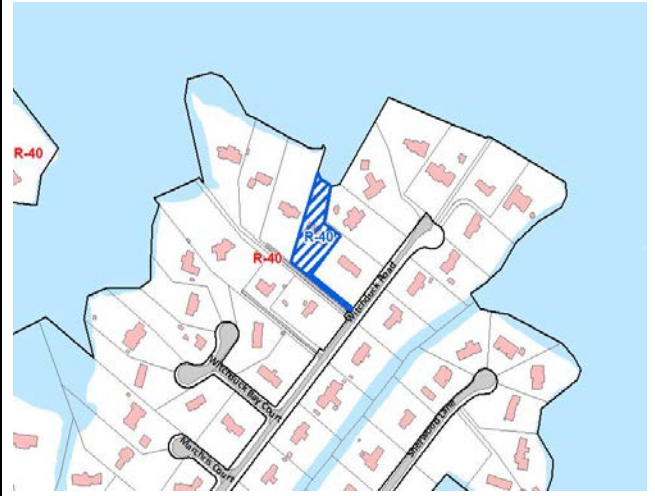
* Deferral
** Withdrawal

NEW BUSINESS - WETLANDS

4. 2021-WTRA-00181
Shaileshkumar Patel
[Applicant & Owner]

To construct rip rap involving wetlands
4044 N Witchduck Road
(GPIN 1488-08-6681)

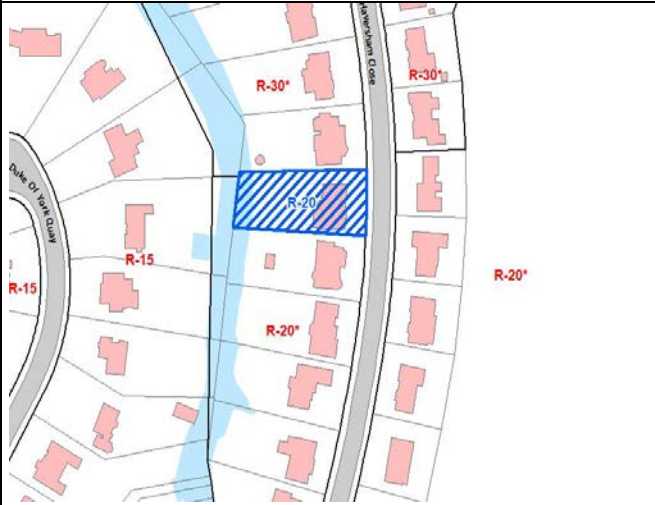
Waterway – Western Branch Lynnhaven
River
Subdivision – Witchduck Point
Council District – Bayside



5. 2021-WTRA-00182
Theresa L Batac Trust
[Applicant & Owner]

To construct a bulkhead involving wetlands
2233 Haversham Close
(GPIN 1499-95-1396)

Waterway – Canal to Broad Bay
Subdivision – Broad Bay Point Greens
Council District – Lynnhaven



* Deferral
** Withdrawal

Agent

Brian Owen, MSA, P.C.

Location

2301 Point Chesapeake Quay

GPIN

1489-79-7159

Staff Planner

Charles Payne

Proposal

To construct four additional steps to the previously authorized staircase from the gazebo to the beach

Staff Recommendation

Approval as Submitted

Waterway

Chesapeake Bay

Subdivision

Point Chesapeake

Impacts

Dune and/or beach: 90 square feet temporary and 20 square feet permanent

Proposed Mitigation and/or Compensation

N/A



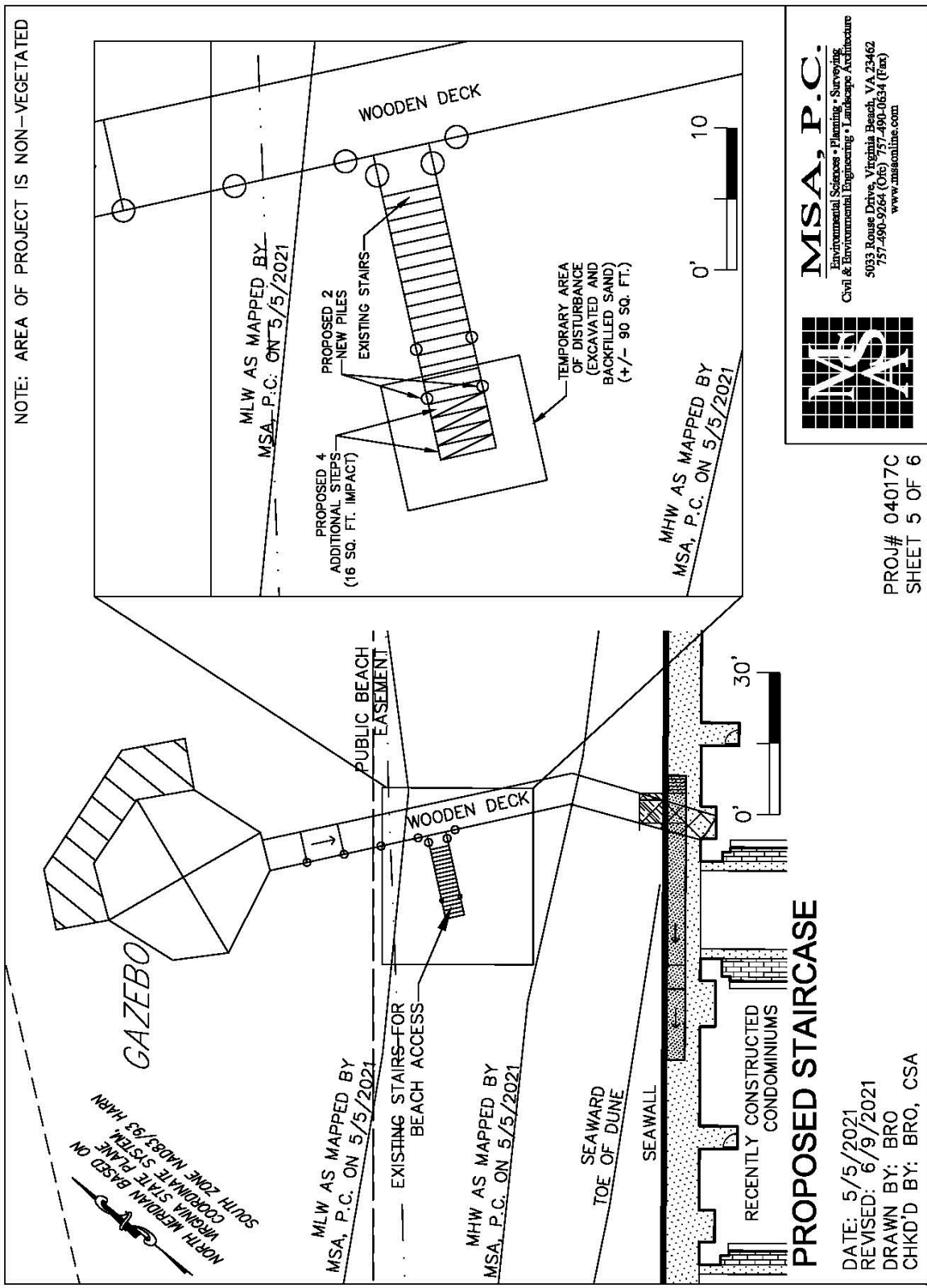
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

- February 18, 2013: Wetlands Board approved as submitted the construction of a bulkhead with backfill.
- May 18, 2015: Wetlands Board approved as modified a request to raise and rebuild the existing gazebo and walkway, construct a roof over the walkway, construct observation platform with ramp, and stormwater outfall with the following conditions:
 1. *The seaward limits of the observation platform shall be reduced by 5 feet. Lost square footage may be re-claimed by expanding the platform west (not constructed).*
 2. *Vegetation within limits of construction shall be restored in-kind immediately following completion.*
- March 21, 2016: Wetlands Board approved a one-year extension for the May 18, 2015 permit.
- March 21, 2016: Wetlands Board approved as modified a request to construct a pile supported deck in a different location than the May 18, 2015 application with the following condition: *Vegetation within limits of construction shall be restored in-kind immediately following completion.*
- November 21, 2016: Wetlands Board approved a request to construct a staircase for beach access.

Proposed Site Plan



MSA, P.C.
 Environmental Sciences • Planning • Surveying
 Civil & Environmental Engineering • Landscape Architecture
 5033 Rouse Drive, Virginia Beach, VA 23462
 757-490-9264 (Off) 757-490-0634 (Fax)
 www.msacolinthe.com

PROJ# 04017C
 SHEET 5 OF 6

Site Photos



Site Photos



Summary of Proposal

The applicant is requesting to construct four additional wood steps to the existing access stairs extending from the from the gazebo walkway to the beach. Due to erosion, the access stairs no longer reach the beach, preventing access for condo owners. The application indicates that 90 square feet of sand beach will be temporarily impacted during construction and 20 square feet of beach will be permanently impacted. There is no vegetation present.

The primary purpose is to provide access to the beach for residents and guests of the Point Chesapeake Condominium Association.

Evaluation & Staff Recommendations

Due to ongoing beach erosion around the inlet, the access stairs extending from the gazebo walkway to the beach no longer reach the sand. During high tide, the lowest portion of the staircase is in the water. Staff discussed the possibility of moving the access stairs landward to provide continued access for the Point Chesapeake Condominium to the beach to minimize the need for additional repairs or replacement of the stairs in the future; however, the applicant prefers to simply restore beach access at its current location. Construction of additional stairs will not impact any dune vegetation and have a minimal impact on the beach.

The Coastal Primary Sand Dune Protection Act declares that it is the "policy of the Commonwealth whenever reasonably necessary to preserve and protect coastal primary sand dunes and to prevent their despoliation and destruction and whenever practical to accommodate necessary economic development in a manner consistent with the protection of such features." The project impacts to the dune/beach and resource are minimal. Therefore, the Planning & Community Development Staff is of the opinion that the project is consistent with the Commonwealth's stated policy governing coastal primary dunes/beaches and recommends the project be **approved as submitted** as shown on the exhibit dated May 5, 2021, revised June 9, 2021, prepared by MSA, P.C., signed June 15, 2021 by C. Scott Acey.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 day of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

Agent

Robert E. Simon, Waterfront Consulting, Inc.

Location

2004 Compass Circle

GPIN

2409-09-6220

Staff Planner

Whitney McNamara

Proposal

To construct a bulkhead and rip rap involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Canal to Broad Bay

Subdivision

Bay Island

Impacts

Non-Vegetated: 242 square feet

Subaqueous: 445 square feet

Overall length of proposed structure: 80 linear feet of bulkhead, 113 linear feet of rip rap

Volume of Backfill: 68 cubic yards

Proposed Mitigation and/or Compensation

On-site



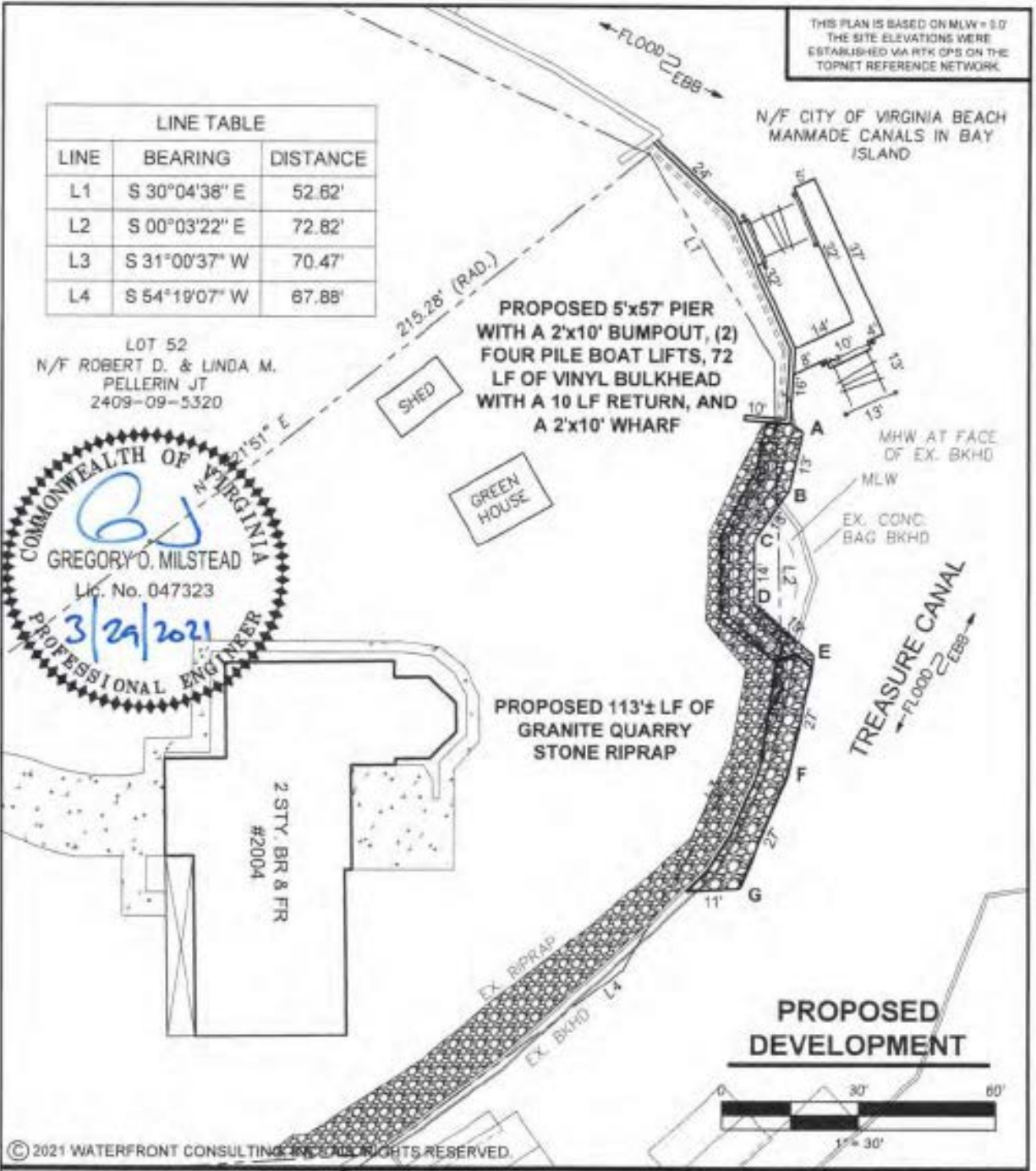
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed; however, no recent Chesapeake Bay Preservation Area variances or Wetlands permits were found for this property.

Proposed Site Plan



PURPOSE: MAINTENANCE
DATUM: MLW 0.0
A.P.O.
1. R. D. & L. M. PELLERIN JT
2. CITY OF VIRGINIA BEACH
3. MICHAEL GRIESE
4. DAVID H. DARROW
REV:

WCI WATERFRONT CONSULTING, INC.
2589 QUALITY COURT, STE. 323
VIRGINIA BEACH, VA 23454
OFFICE: (757) 425-8244, CELL: (757) 619-7302

ENGINEERING SERVICES PROVIDED BY:
CHESAPEAKE BAY SITE SOLUTIONS, INC.
P.O. BOX 8663 VIRGINIA BEACH, VA 23456
PHONE: (757) 575-3715

PROPOSED: BULKHEAD, RIPRAP,
PIER, & LIFTS
IN: TREASURE CANAL
AT: 2004 COMPASS CIRCLE
VIRGINIA BEACH, VA 23451
APPLICATION BY:
DON A. MYERS
SHEET 3 OF 12
DATE: FEBRUARY 27, 2021

Site Photos



Site Photos



Summary of Proposal

The applicant is proposing to construct 72 linear feet of vinyl bulkhead and 113 linear feet of rip rap to replace the existing, failing shoreline stabilization. The surrounding waterways are characterized by narrow, man-made canals to allow for boat navigation that are primarily stabilized with bulkheads. Approximately 68 cubic yards of fill will be placed below Mean High Water, and the proposed project will impact 242 square feet of non-vegetated wetlands associated with the proposed rip rap, which will be mitigated on site by the conversion of non-vegetated rock habitat to non-vegetated rock habitat, and will impacts 445 square feet of subaqueous bottom.

Evaluation & Staff Recommendations

The existing bulkhead is showing signs of failure, including loss of sediment behind the existing bulkhead. In Staff's view, grading behind the over six foot high bulkhead in order to create a living shoreline would impact the majority of the yard and require construction of a return wall on the adjacent property to the north to prevent impacting their bulkhead. Along the southern portion of the property, the residential structure is located approximately 20 feet from the old bulkhead which would not allow enough space to grade for installation of a living shoreline. In addition, the surrounding shoreline is characterized by narrow, bulkheaded canals for boat navigation.

The only potential location on site for a living shoreline is a sandy area in the middle of the shoreline. However, while the area currently receives adequate sunlight to support wetlands vegetated, aerial photographs dating back to the 1970's do not show any vegetation growing in this area. The applicant's agent is of the opinion that trying to alter the topography and sediment of this area to create vegetated wetlands would most likely result in erosion of fill material into the navigation channel. Staff agrees with this analysis as the area is not currently supporting vegetated wetlands, thereby supporting the position that this is not a feasible location to create a living shoreline component.

Accordingly, Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans for "Bulkhead, riprap, pier, and lifts for Don A. Myers" received by the Virginia Marine Resource Commission on April 12, 2021.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 day of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

Agent

David Butler, Gallup Surveyors & Engineers

Location

1833 Green Hill Road

GPIN

1499-86-6463

Staff Planner

Cole Fisher

Proposal

To construct a rip rap revetment involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Broad Bay

Subdivision

Green Hill Farm

Impacts

Vegetated: 257 square feet

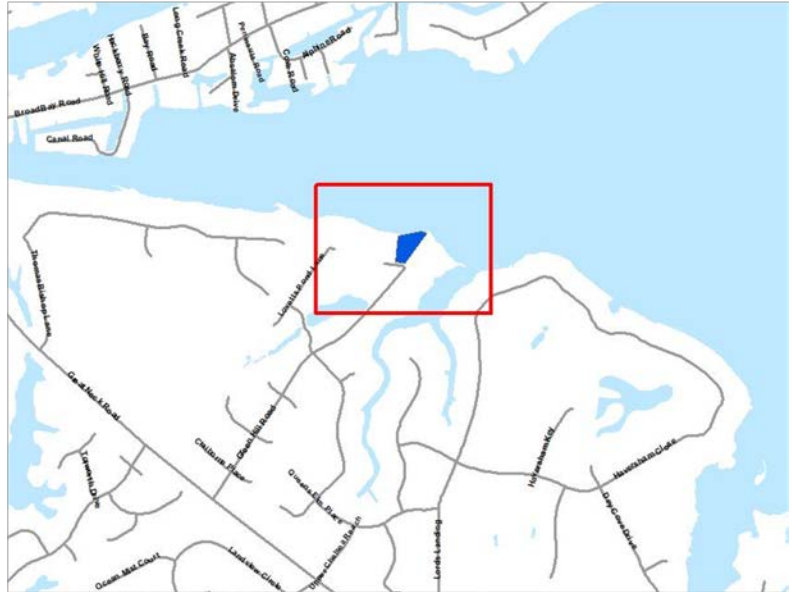
Non-Vegetated: 764 square feet

Subaqueous: 766 square feet

Overall length of proposed structure: 250.5 linear feet of bulkhead

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



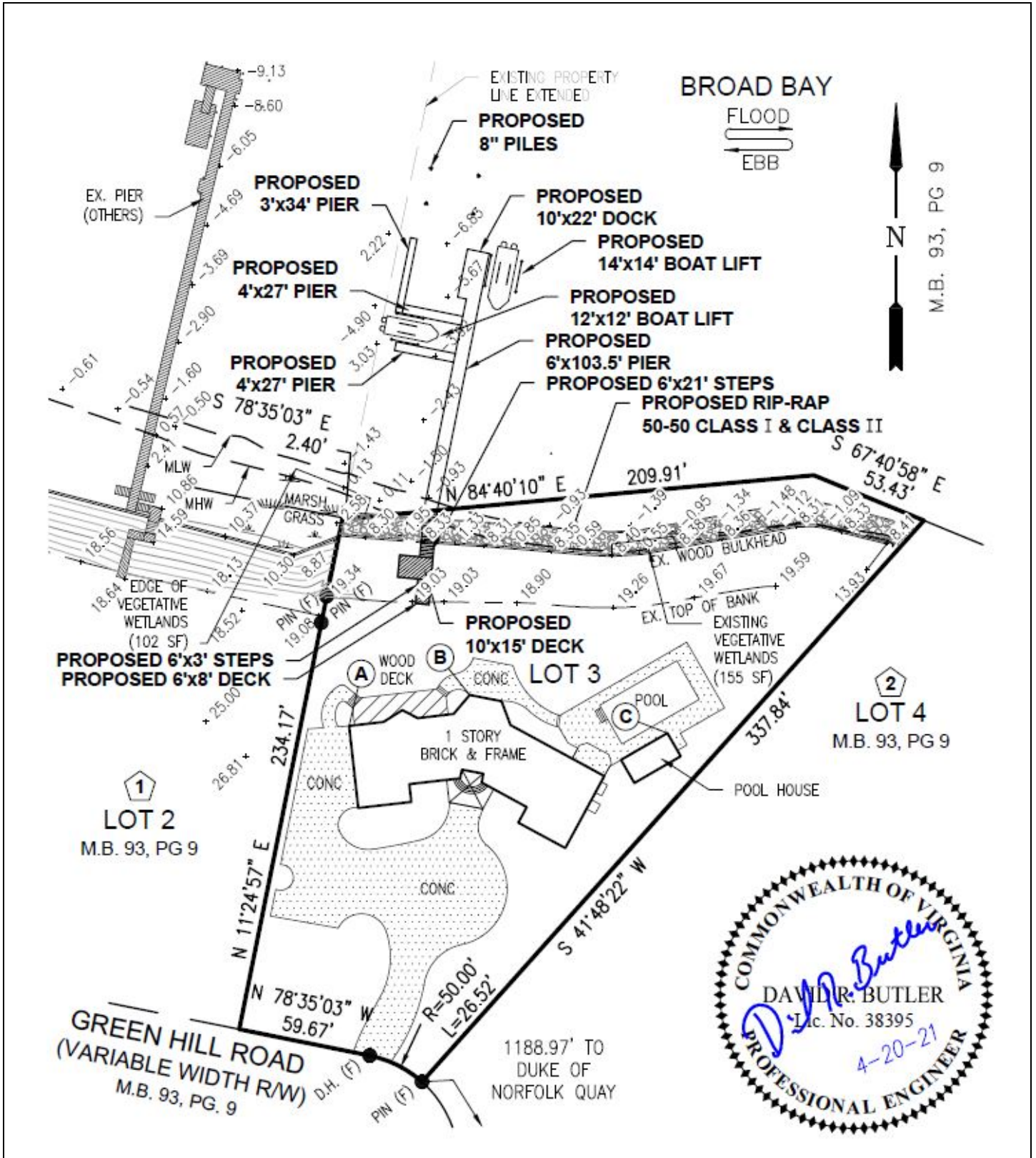
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

This property is located within the Chesapeake Bay Watershed. A CBPA Board variance was approved in July 1992 to place 1,019 cubic yards of backfill material within the RPA for a proposed 287 linear foot bulkhead. The Waterfront Operations Division of the City Engineer's Office approved the bulkhead request in June 1992, contingent upon the approval of the backfill by the CBPA Board.

Proposed Site Plan



Site Photos



Site Photos



Summary of Proposal

The applicant proposes to construct approximately 250.5 linear feet of rip rap revetment in front of the existing wood bulkhead. The proposed project will impact 257 square feet of vegetated wetlands and 764 square feet of non-vegetated wetlands. The applicant proposes payment of an in-lieu fee as compensation for the vegetated wetlands losses and on-site compensation for the conversion of non-vegetated wetlands to non-vegetated rock habitat.

The applicant does not believe that a living shoreline is feasible in this location due to boat traffic and associated wake, fetch, and wave action during higher tides that would compromise the vegetation of a living shoreline and fail to reinforce the existing bulkhead to prevent upland erosion. The primary purpose of this project is to halt potential erosion.

Evaluation & Staff Recommendations

The property is characterized by a high steep bank that is held in place by an existing bulkhead. The proposed rip rap will serve to reinforce and prolong the life of the existing bulkhead. Staff agrees with the applicant's agent that the existing bulkhead is showing signs of protrusion due to the excessive pressure it receives from the steep slope of the bank with associated hydrostatic pressure, and the proposed rip rap will reinforce the bulkhead.

Staff met on site with the Virginia Institute of Marine Science (VIMS) and the Virginia Marine Resources Commission to evaluate this proposal and they provided the following comments:

We reviewed the Jones project on Broad Bay in Virginia Beach (VMRC #21-1174) to construct a stone revetment against an existing wooden bulkhead. The upland bank is approximately 20 feet tall and slopes steeply to an existing wooden bulkhead that extends about nine feet above MLW. The shoreline is sandy and MHW extends to the base of the bulkhead for much of the shoreline, and there are two areas of vegetated tidal wetlands. The primary purpose of this project is to "halt potential erosion from the old bulkhead." While it is apparent from aerial imagery that the subaerial shoreline channel ward of the bulkhead has narrowed and the vegetated wetland on the eastern portion of the property has largely eroded over the past decade, the bulkhead does not appear to be undermined or losing sediment. The proposed revetment extends to approximately 4.5 feet MHW and 11 feet channel ward of the bulkhead. It is unclear why the revetment is proposed at such a size and we suggest that impacts could be minimized by reducing the size of the revetment to the greatest extent practicable. From the marine environmental perspective, installation of a sill could allow for the restoration of the former vegetated wetland and would provide protection to the base of the bulkhead while avoiding wetland impacts.

Based on these comments, Staff worked with the applicant's agent to reduce the size of the proposed revetment, resulting in a lower height of the rip rap revetment and the extension of the revetment channelward from points five through 11, as shown on sheet six of the proposed plans. While Staff agrees with VIMS that installation of a sill would provide an opportunity to re-establish vegetated wetlands and protect existing vegetated wetlands, the applicant indicated their desire to construct the project as submitted without these modifications.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted**, as shown on the plans sealed April 20, 2021 and received by the Virginia Marine Resources Commission on May 30, 2021.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 day of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

Agent

Robert E. Simon, Waterfront Consulting, Inc.

Location

4044 N Witchduck Road

GPIN

1488-08-6681

Staff Planner

Whitney McNamara

Proposal

To construct rip rap involving wetlands

Staff Recommendation

Select

Waterway

Western Branch Lynnhaven River

Subdivision

Witchduck Point

Impacts

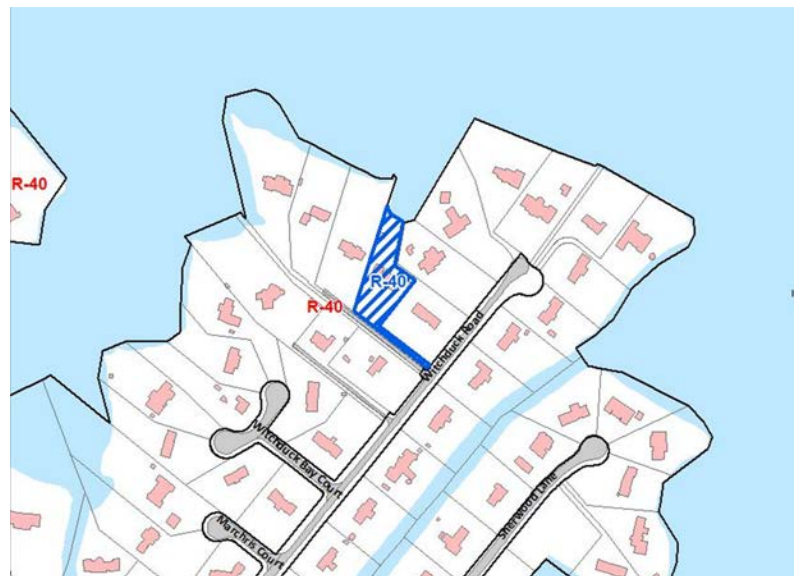
Vegetated: 12 square feet

Subaqueous: 680 square feet

Overall length of proposed structure: 192 linear feet of rip rap

Proposed Mitigation and/or Compensation

On-site



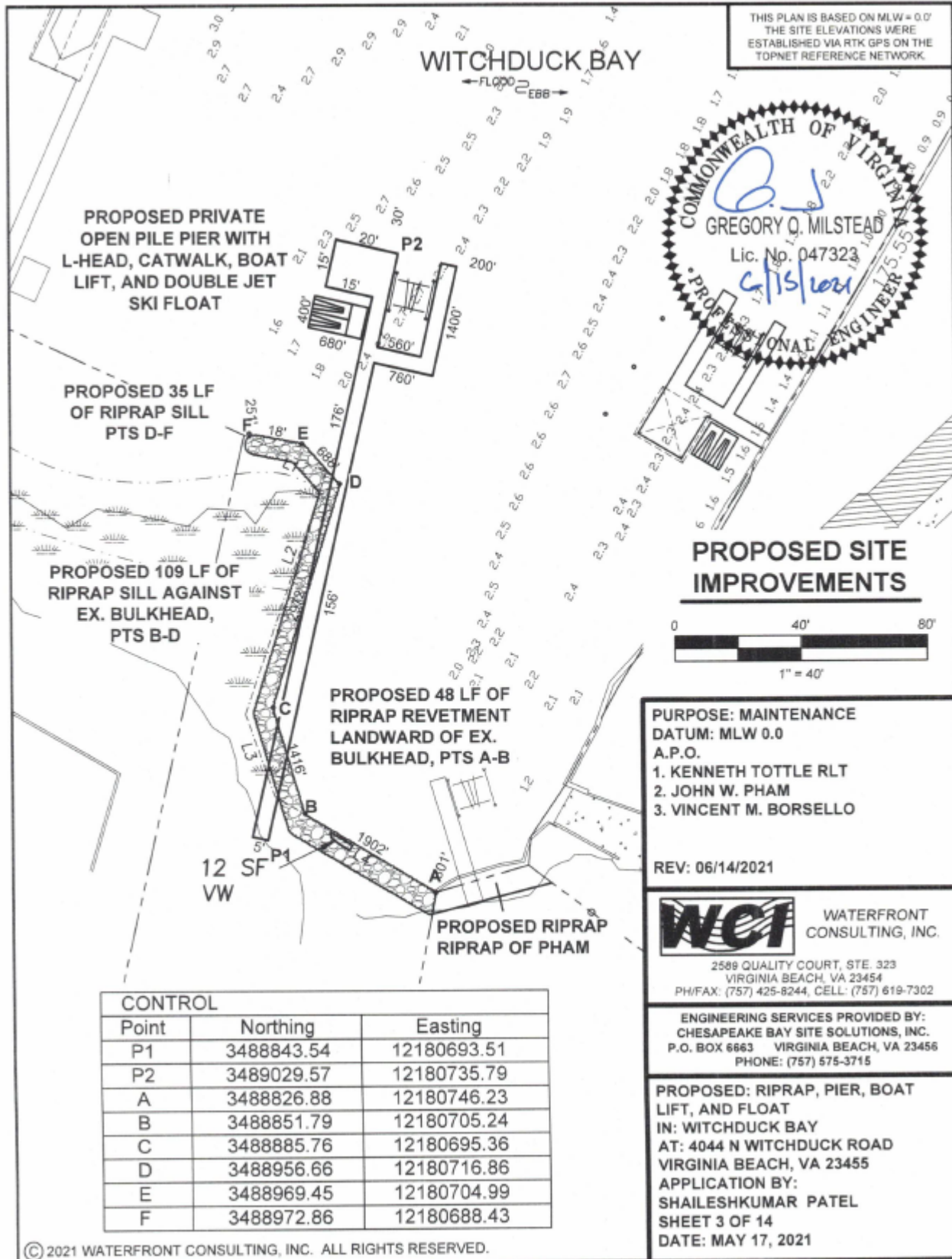
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

This property is located in the Chesapeake Bay Watershed; however, no recent CBPA Board Variances or Wetlands permits were found.

Proposed Site Plan



Site Photos



Site Photos



Summary of Proposal

The applicant is proposing to construct a 192 linear foot rip rap revetment to replace the failing, timber bulkhead. The remnants of the existing bulkhead will be removed, and the proposed revetment will be constructed landward of the existing bulkhead from points A to B on the proposed plans. The proposed revetment will transition to in front of the existing bulkhead from points B to C on the proposed plans. From points C to F the revetment will serve as a sill to protect the existing vegetated wetlands. The proposed project will impact 12 square feet of vegetated wetlands and 680 square feet of subaqueous bottom. Approximately 158 square feet of non-vegetated wetlands will be created by the grading of uplands to install the revetment between points A and B, and 617 square feet of non-vegetated wetlands will be created by the conversion of subaqueous bottom to non-vegetated rock habitat.

Evaluation & Staff Recommendations

The existing bulkhead has failed and there is obvious erosion behind the existing bulkhead. In addition, this property has direct exposure to northeast winds from the Chesapeake Bay through the Lynnhaven Inlet and is susceptible to the accumulation of marine debris. Due to the extensive amount of wetlands vegetation currently growing on the property, Staff met with the Virginia Institute of Marine Science (VIMS) and the Virginia Marine Resources Commission on site to evaluate the proposal. VIMS staff provided the following comments via email:

“We reviewed the Patel project on Witchduck Bay in Virginia Beach (VMRC #21-1206) to replace a failed bulkhead with a rock revetment and small section of sill. The project shoreline is along the west side of a small cove and that along the east side is bulkheaded. Much of the project shoreline consists of vegetated tidal wetlands landward of the failed bulkhead with small rubble between the two. The shoreline to the west of the project property consists of vegetated tidal wetlands without protective structures. We recommend that wetland impacts be reduced by modifying most of the proposed revetment to a marsh toe sill. The revetment could tie into the neighboring bulkhead as proposed at point A and transition to a sill at point B. This sill could then extend to point D, reducing size to match that proposed from point D to F. The end of the sill as proposed is open, so we suggest including one gap or saddle near point C to allow aquatic fauna to egress at low tide. We recommend that the existing rubble be carefully removed from the channelward edge of the existing wetland and anything appropriate could be reused as core material. Such a sill should serve to protect the existing wetland from wave energy funneling into the cove and that reflected off the nearby bulkhead.”

Staff agrees with the VIMS comments and recommends that the applicant use a sill instead of a rip rap revetment between points B and D on the proposed plans. By converting the proposed revetment to a sill, it may be possible to eliminate the vegetated wetlands impacts. Any vegetated impacts that are not eliminated should be compensated by payment of an in-lieu fee.

Accordingly, the Department of Planning and Community Development recommends that the application be **approved as modified** with the following conditions:

1. A rip rap sill shall be used instead of a rip rap revetment between points B and D, as depicted on the plan entitled “Proposed rip rap, pier, boatlift, and float at 4044 N Witchduck Road”, prepared by Waterfront Consulting, Inc., dated May 17, 2021.
2. To allow for tidal fluctuations, a portion of the sill at point C shall be lowered to below Mean High Water.
3. Rock rubble located channelward of the existing wetlands vegetation shall either be used as core material for the sill or lawfully disposed of off-site.

4. Any oysters currently growing on site shall be preserved to the greatest extent possible during construction and relocated along the sill after construction is complete.
5. Revised plans and wetlands impacts shall be submitted to address the conditions above to the Virginia Marine Resources Commission and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

Next Steps

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Agent

Rich Calvert, Calvert Marine

Location

2233 Haversham Close

GPIN

1499-95-1396

Staff Planner

Whitney McNamara

Proposal

To construct a bulkhead involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Canal to Broad Bay

Subdivision

Broad Bay Point Greens

Impacts

Non-Vegetated: 64 square feet

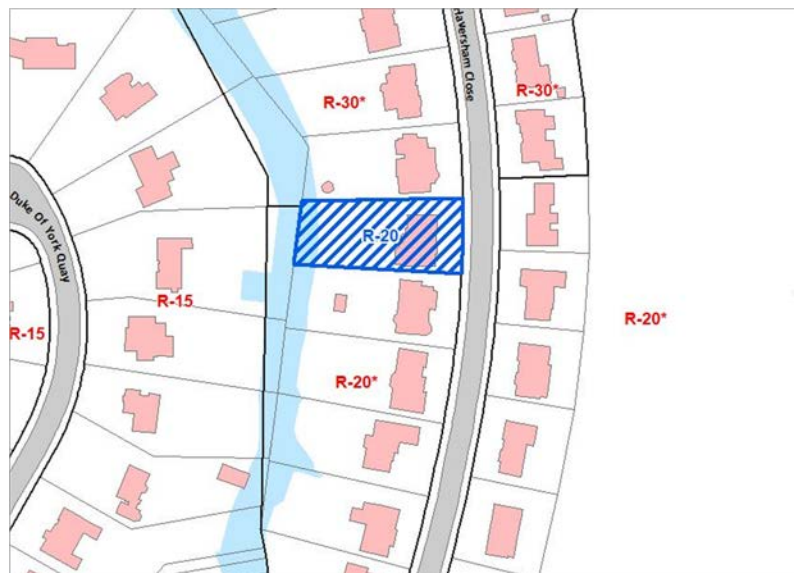
Subaqueous: 124 square feet

Overall length of proposed structure: 88 linear feet of bulkhead

Volume of Backfill: 40 cubic yards

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



Site Aerial Map

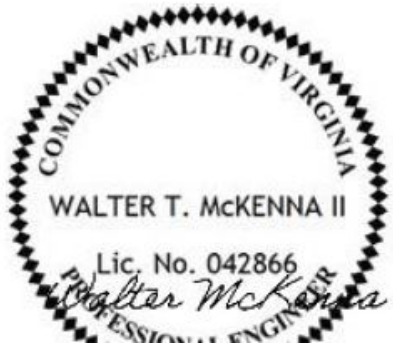
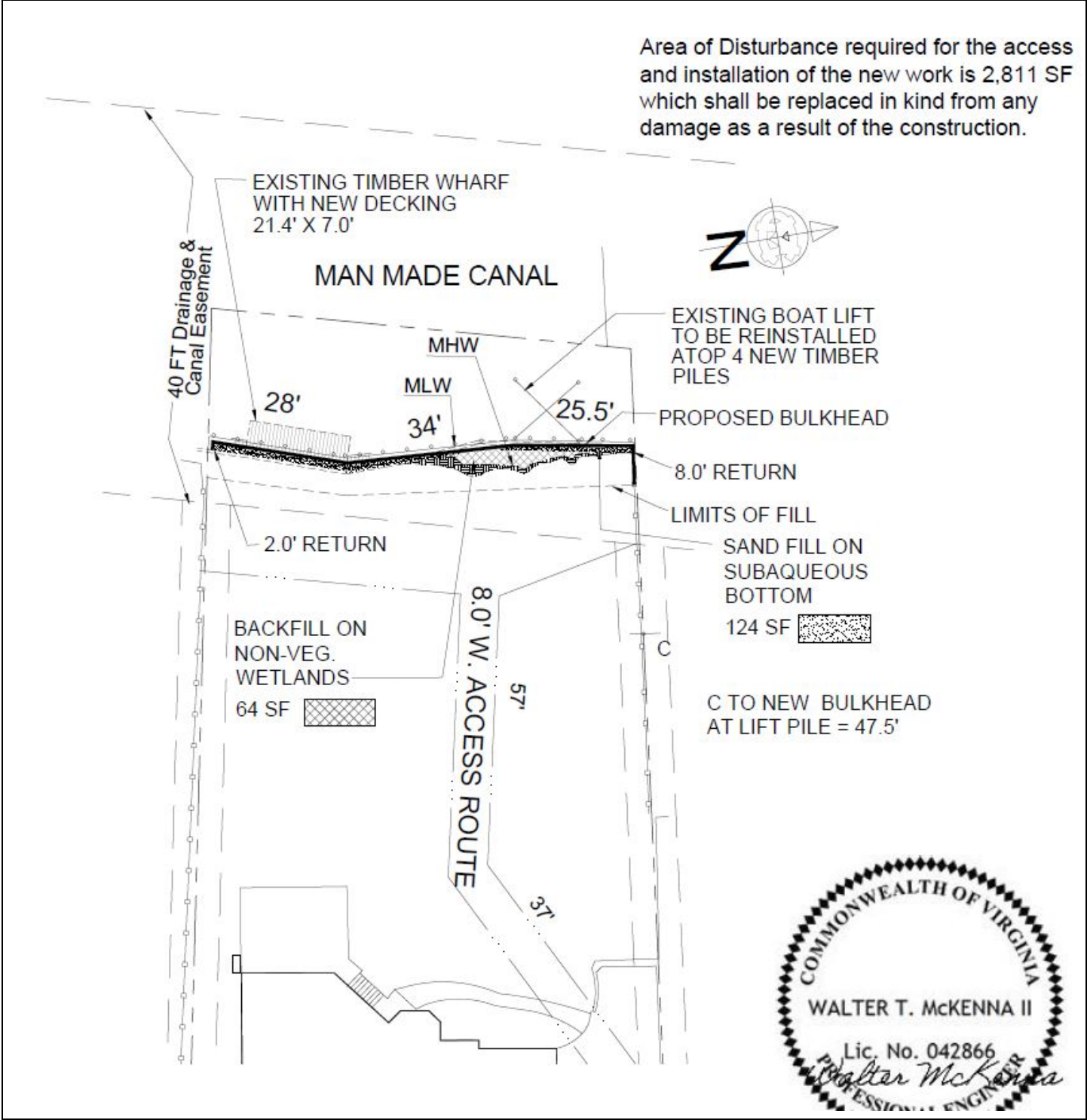


CBPA Variances & Wetlands Board Permit History

The Chesapeake Bay Preservation Area Board approved a variance on May 24, 1996 to construct a single-family residence with a basement, concrete driveway, walkway, and deck. There were no recent Wetlands permits found for this property.

Proposed Site Plan

Area of Disturbance required for the access and installation of the new work is 2,811 SF which shall be replaced in kind from any damage as a result of the construction.



Site Photos



Site Photos



Summary of Proposal

The applicant is proposing to construct a vinyl sheet pile and timber pile bulkhead 2 feet seaward of an existing, failed timber bulkhead along Broad Bay. The proposed bulkhead is 5.2 feet tall and 88 feet long, with an 8-foot return at the north end and a 2-foot return at the south end. The failed portion of the existing bulkhead will be removed. The work will be accessed by land using a single designated route; however, no upland grading or clearing is proposed.

The proposed project will impact 64 square feet of non-vegetated wetlands and 124 square feet of subaqueous bottom. The applicant is proposing to compensate for these impacts via payment of an in-lieu fee. The primary purpose of the project is to replace the failed bulkhead to prevent continued erosion of the shoreline.

Evaluation & Staff Recommendations

The existing bulkhead is showing signs of failure, and several areas of non-vegetated wetlands have established due to the loss of backfill. The property is located along a man-made canal with bulkheads used to stabilize the shoreline. In order to maintain access to the boat lift and timber wharf, and to prevent encroachment on the neighbor's property across the canal, the applicant's agent is of the opinion that there is not enough room to install rip rap channelward of the existing bulkhead.

The initial plan submitted by the applicant proposed to construct the new bulkhead further channelward, which resulted in impacts to 76 square feet of non-vegetated wetlands and 176 square feet of subaqueous bottom. At Staff's recommendation, replacement of the failed portion of the bulkhead has been shifted landward to reduce the non-vegetated wetlands impacts to 64 square feet of pockets of non-vegetated wetlands that have established behind the failed bulkhead, and 124 square feet of subaqueous bottom. Staff concurs with the applicant's agent that a new bulkhead is the most appropriate shoreline stabilization method for this property due to the narrow width of the canal, an existing boating easement, the use of bulkheads on the surrounding properties, and the steep slope on the upland portion of the property. Staff agrees with the applicant's agent that a living shoreline is not suitable for this property.

Staff supports the compensation for the wetlands impacts via payment of an in-lieu fee. Accordingly, the Department of Planning & Community Development Staff recommends that this application be **approved as submitted** as shown on the exhibit dated April 20, 2021, prepared by WTM Marine LLC, signed June 11, 2021 by Walter T. McKenna II.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 day of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.