



Wetlands Board Staff Report

November 15, 2021

Wetlands Board Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, November 15, 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 **PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.**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' 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After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.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
November 15, 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

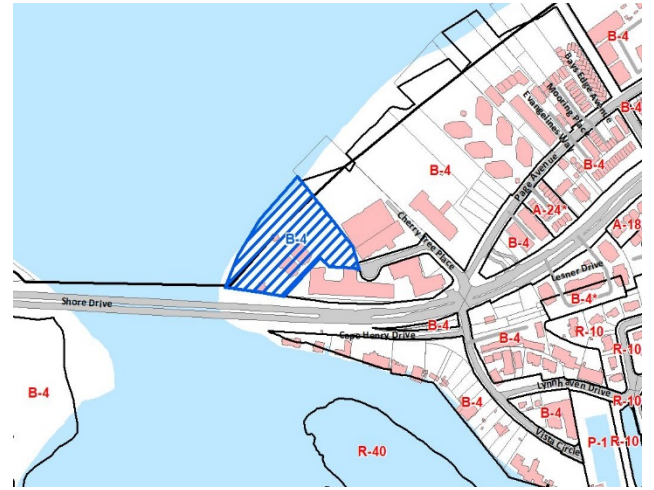
NEW BUSINESS – COASTAL PRIMARY SAND DUNE/BEACH

1. 2021-WTRA-00298
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



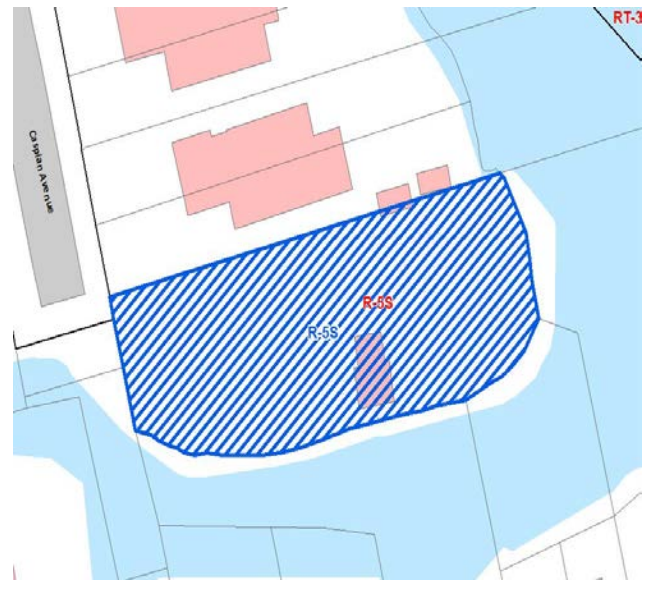
NEW BUSINESS – WETLANDS

2. 2021-WTRA-00130
Joseph J. Lamontagne [Applicant & Owner], City of Virginia Beach [Owner], Lee Percy [Owner]

To construct rip rap revetment involving wetlands

Lot 1 of Shadow Lawn Heights, Caspian Ave
(GPINs 2427-01-6963, 2427-01-8283 & 2427-01-7858)

Waterway – Canal from Lake Rudee
Subdivision – Shadow Lawn Heights
Council District – Beach



* Deferral
** Withdrawal

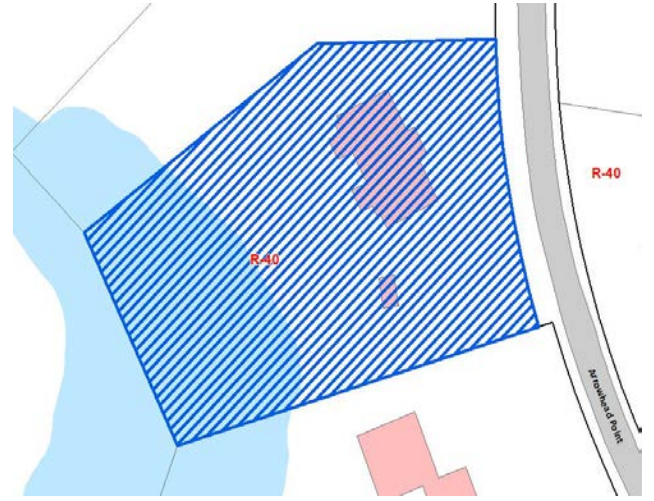
NEW BUSINESS – WETLANDS (CONTINUED)

3. 2021-WTRA-00270
 Bertrand Ross & Susanne
 Hughes [Applicant & Owner]

**To install rip rap with living shoreline
 involving wetlands**

1630 Arrowhead Pt
 (GPIN 1489-02-8555)

Waterway – Western Branch of Lynnhaven
 River
 Subdivision – Thoroughgood
 Council District – Bayside

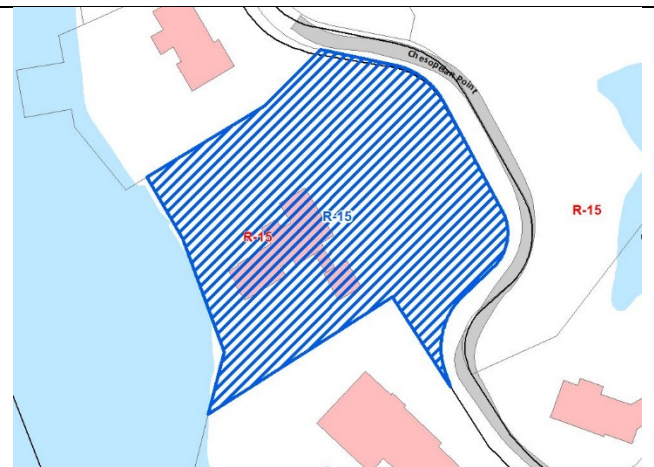


4. 2021-WTRA-00299
 Lauren Graham [Applicant & Owner]

**To construct rip rap revetment and plant
 vegetation involving wetlands**

665 Chesopean Pt
 (GPIN 1497-59-3425)

Waterway – Eastern Branch Lynnhaven
 River
 Subdivision – Chesopean Colony
 Council District – Beach

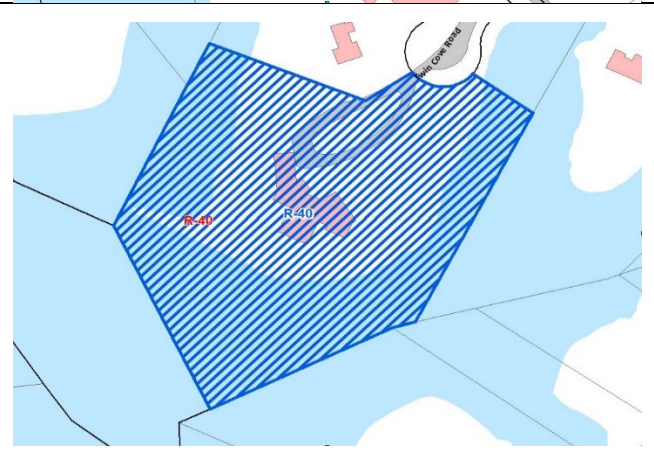


5. 2021-WTRA-00300
 Brian & Mary Geary
 [Applicant & Owner]

**To construct rip rap revetment and sill
 and plant vegetation involving wetlands**

1900 W Twin Cove Rd
 (GPIN 1499-15-0874)

Waterway – Lynnhaven River
 Subdivision – Great Neck Point
 Council District – Lynnhaven



* Deferral
 ** Withdrawal

NEW BUSINESS – WETLANDS (CONTINUED)

6. 2021-WTRA-00301
James Bennett and Mary Mantey [Applicant & Owner]

To construct rip rap and oyster castles and plant vegetation involving wetlands

1618 Duke of Windsor Rd
(GPIN 2408-88-5861)

Waterway – Linkhorn Bay
Subdivision – Linkhorn Shores
Council District – Lynnhaven

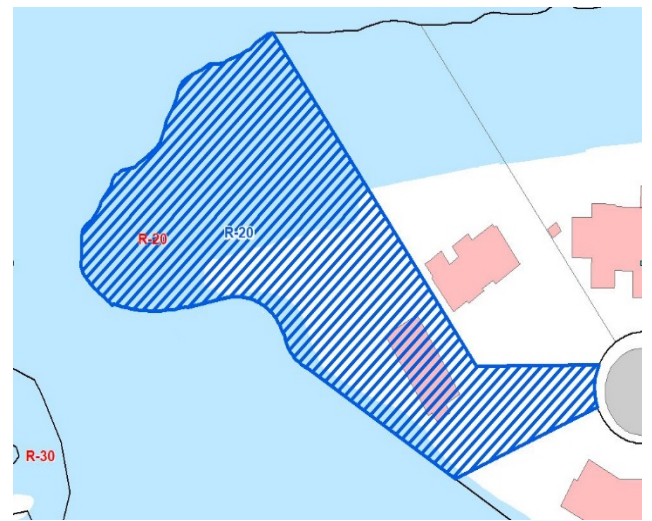


7. 2021-WTRA-00280
John S. Alspaugh Living Trust & Patricia H. Alspaugh Living Trust [Applicant & Owner]

To construct rip rap revetment involving wetlands

1661 Bay Point
(GPIN 2409-24-4243)

Waterway – Broad Bay
Subdivision – Baycliff
Council District – Lynnhaven

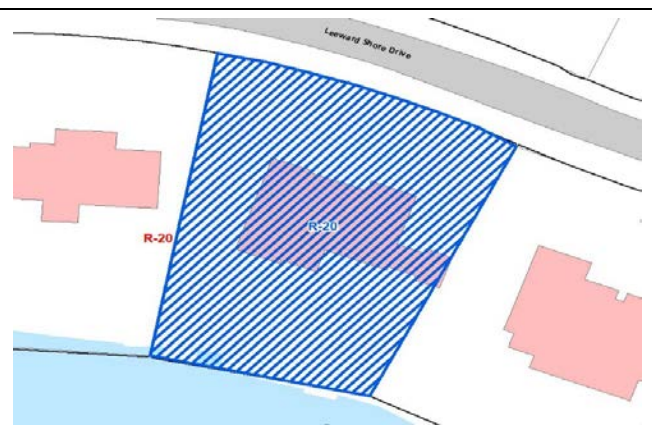


8. 2021-WTRA-00296
Christian & Jennifer Cool [Applicant & Owner]

To install a bulkhead involving wetlands

2317 Leeward Shore Dr
(GPIN 2409-09-7975)

Waterway – Bay Island
Subdivision – Bay Island
Council District – Lynnhaven



* Deferral
** Withdrawal

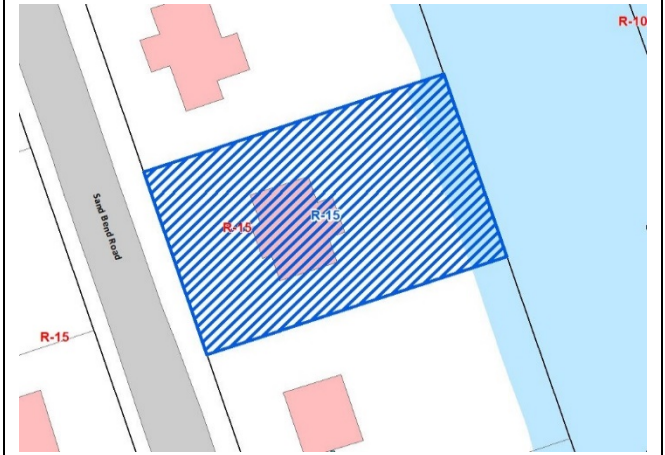
NEW BUSINESS – WETLANDS (CONTINUED)

9. 2021-WTRA-00305
 Lucy Ann Maeyer Trust
 [Applicant & Owner]

**To install a bulkhead, marginal wharf
 and deck involving wetlands**

2964 Sand Bend Rd
 (GPIN 2433-33-5044)

Waterway – North Bay Inlet
 Subdivision – Sandbridge
 Council District – Princess Anne



TENTATIVE 2022 WETLANDS BOARD PUBLIC HEARING DATES

Thursday	January 20th	Monday	July 18th
Monday	February 21st	Monday	August 15th
Monday	March 21st	Monday	September 19th
Monday	April 18th	Monday	October 17th
Monday	May 16th	Monday	November 21st
Wednesday	June 22nd	Monday	December 19th

* Deferral
 ** Withdrawal



Application Number **2021-WTRA-00298**
 Applicant & Owner **The Terry Companies Five, LLC**
 Public Hearing **November 15, 2021**
 City Council Election District **Lynnhaven**

Agenda Item

1

Agent

Brian Owen
 MSA, P.C.

Location

2301 Point Chesapeake Quay

GPIN

1489-79-7159

Staff Planner

Cole Fisher

Proposal

To construct access stairs involving Coastal
 Primary Sand Dune/Beach

Staff Recommendation

Approval as Submitted

Waterway

Chesapeake Bay

Subdivision

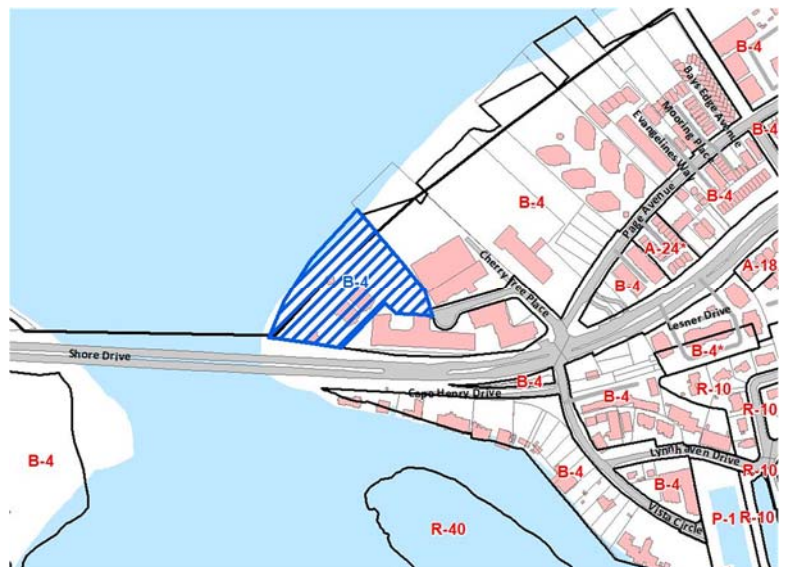
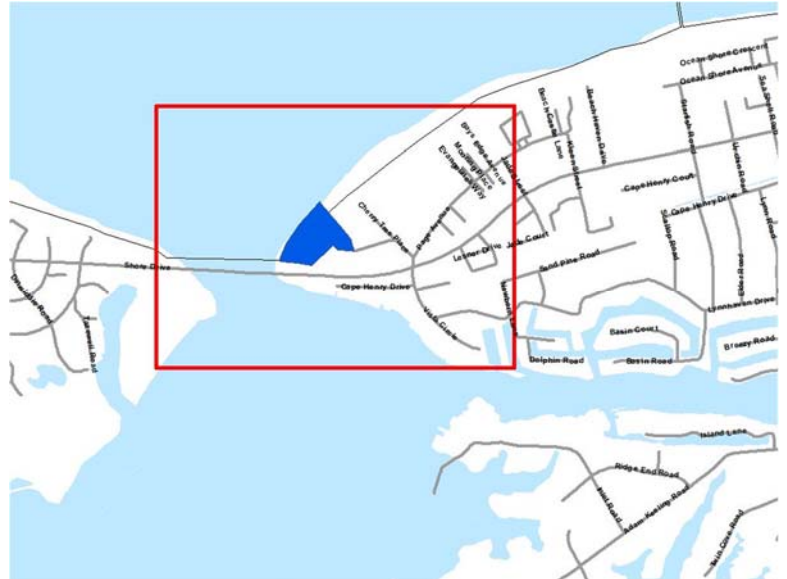
Point Chesapeake

Impacts

Dune/Beach: 90 square feet – temporary
 22 square feet – permanent

Proposed Mitigation and/or Compensation

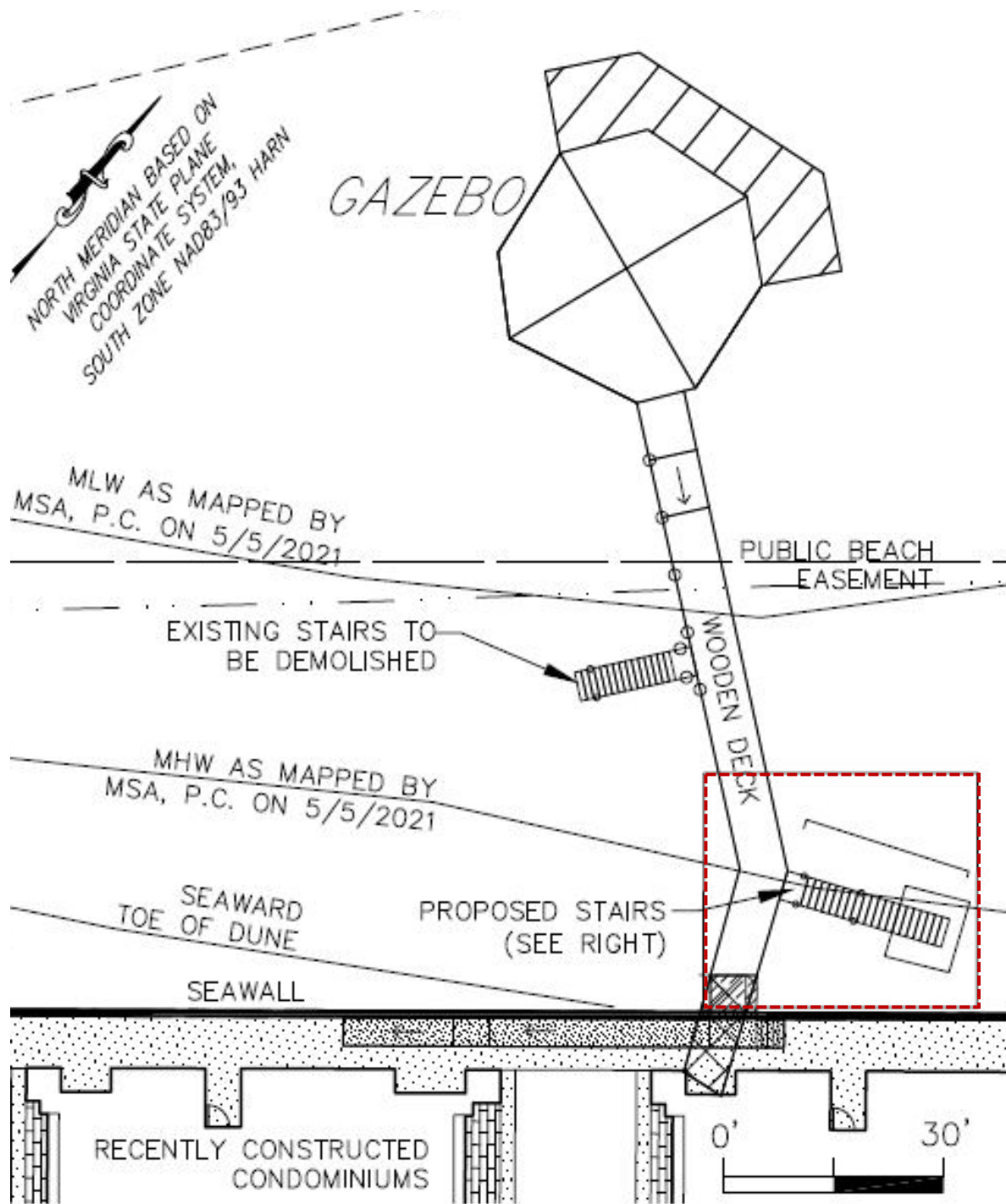
N/A



Site Aerial Map



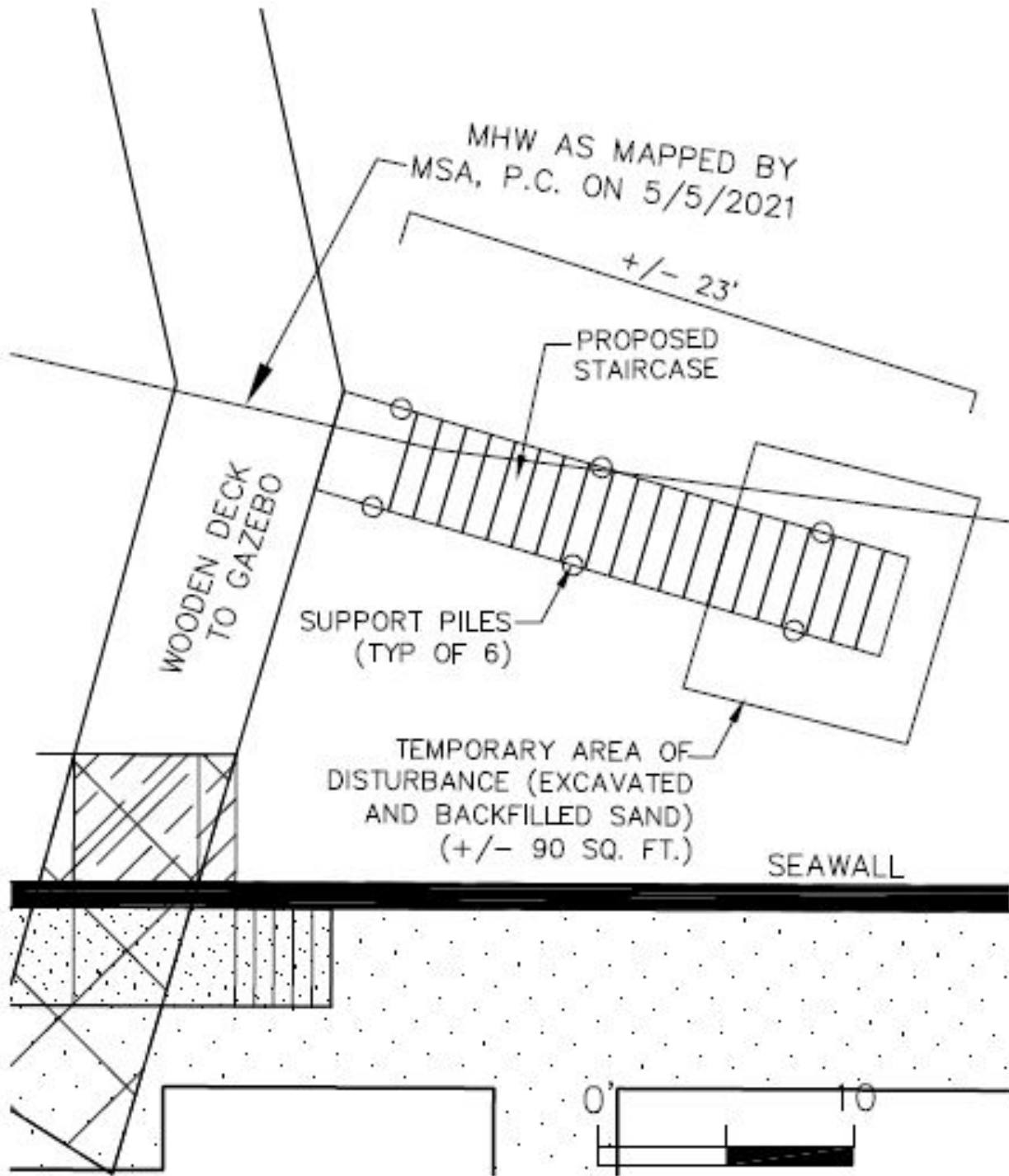
Proposed Site Plan



PROPOSED STAIRCASE

Proposed Site Plan, Enlarged Detail

NOTE: AREA OF PROJECT IS NON-VEGETATED



Site Photos



Site Photos



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.
- July 19, 2021: Wetlands Board approved a request to construct four additional steps to previously authorized staircase from the gazebo.

Summary of Proposal

The applicant is proposing to demolish the existing wood staircase on the west side of the walkway that leads to a gazebo and construct a new wood staircase on the east side of the walkway. The proposed wood staircase will be designed similar to the existing staircase regarding the width and materials; however, the location will be closer to the bulkhead. The proposed wood staircase will be perpendicular to the walkway, which extends from the existing bulkhead, and will be secured to the beach by six, 8-inch diameter piles. The treads on the lower portion of the staircase will require temporary excavation of sand to facilitate construction; the sand shall be backfilled upon completion, which the applicant's agent indicates will likely bury the last two steps.

This project will temporarily impact 90 square feet of the beach and will permanently impact six (6) square feet due to the installation of the new piles and 16 square feet due to anchoring of the steps into the sand where the staircase meets the beach.

Evaluation & Staff Recommendations

After receiving Wetlands Board approval for the improvements to the existing staircase in July 2021, the contractor discovered that they were unable to access the area with the necessary equipment in order to drive the permitted piles. Staff's original recommendation to the applicant and the applicant's agent was to move the staircase landward to provide for contiguous beach access from the Point Chesapeake Condominiums and to minimize any future repairs or replacement of stairs. This request moves the staircase landward and to the eastern side of the gazebo, removing the stairs from the impact of daily tidal fluctuations and gives the contractor construction access from the east.

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 September 20, 2021, prepared by MSA, P.C., signed September 24, 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

David Butler
 Gallup Surveyors & Engineers

Billy Garrington
 Governmental Permitting Consultants

Location

Lot 1 of Shadow Lawn Heights, Caspian Ave

GPINs

2427-01-6963, 2427-01-8283 & 2427-01-7858

Staff Planner

Cole Fisher

Proposal

To construct rip rap revetment involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Canal from Lake Rudee

Subdivision

Shadow Lawn Heights

Impacts

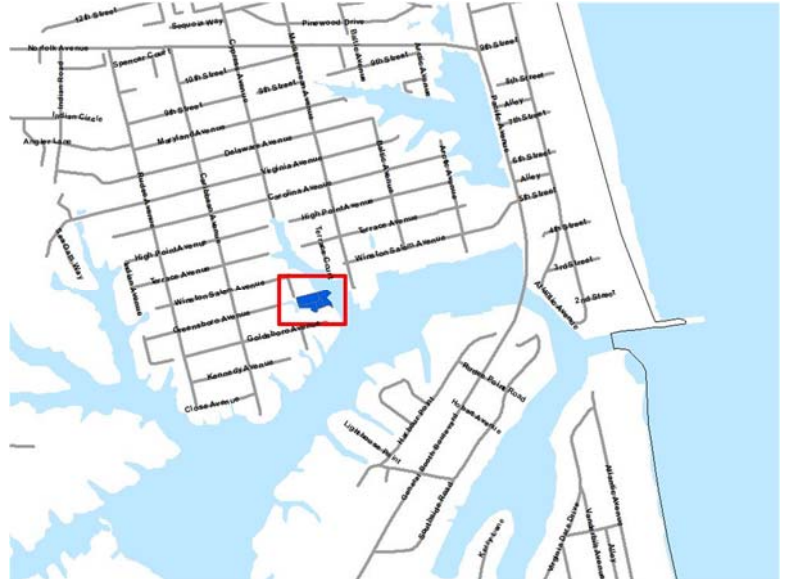
Vegetated: 265 square feet

Non-Vegetated: 823 square feet

Overall length of proposed structure: 293.5 linear feet

Proposed Mitigation and/or Compensation

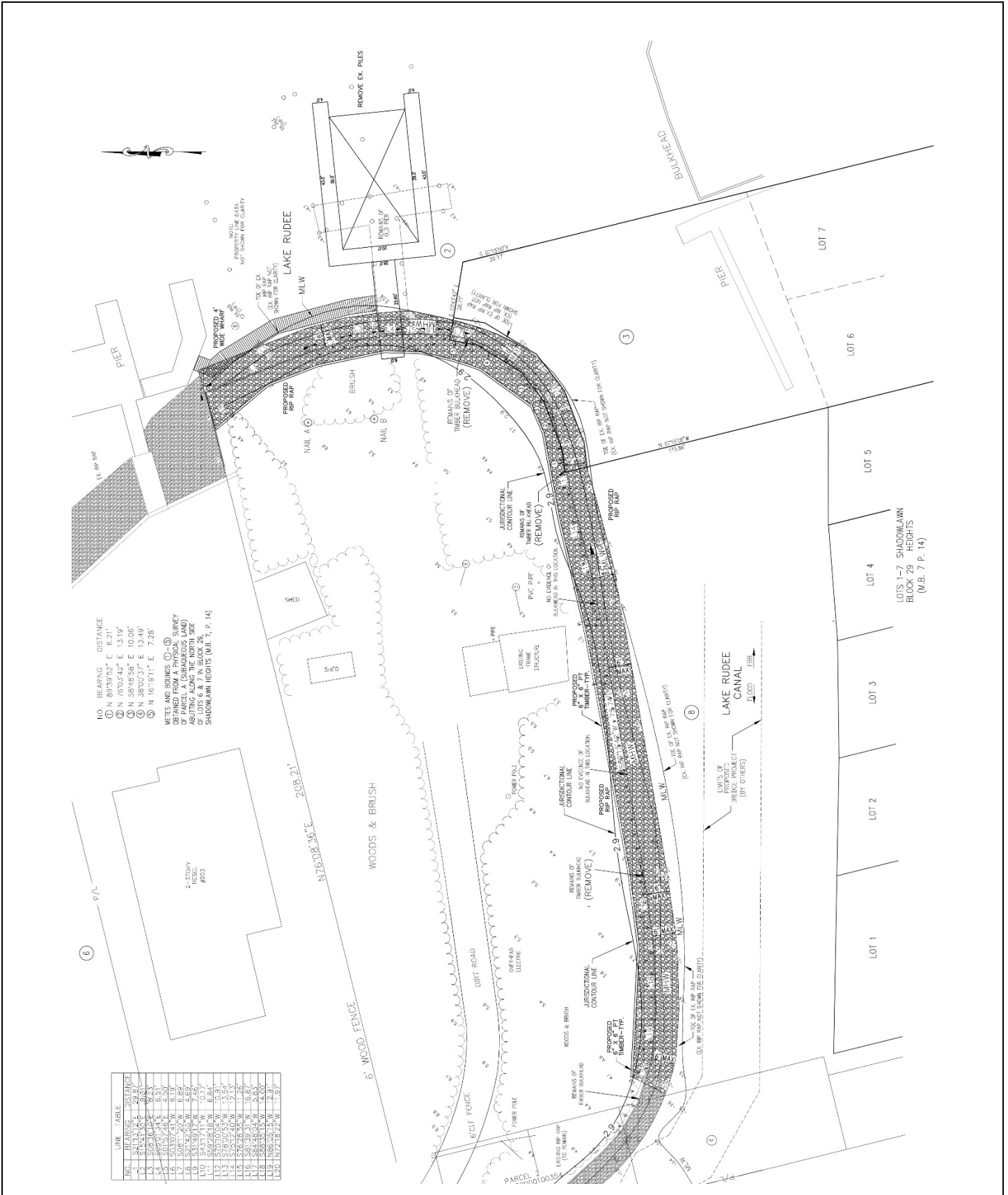
On-site



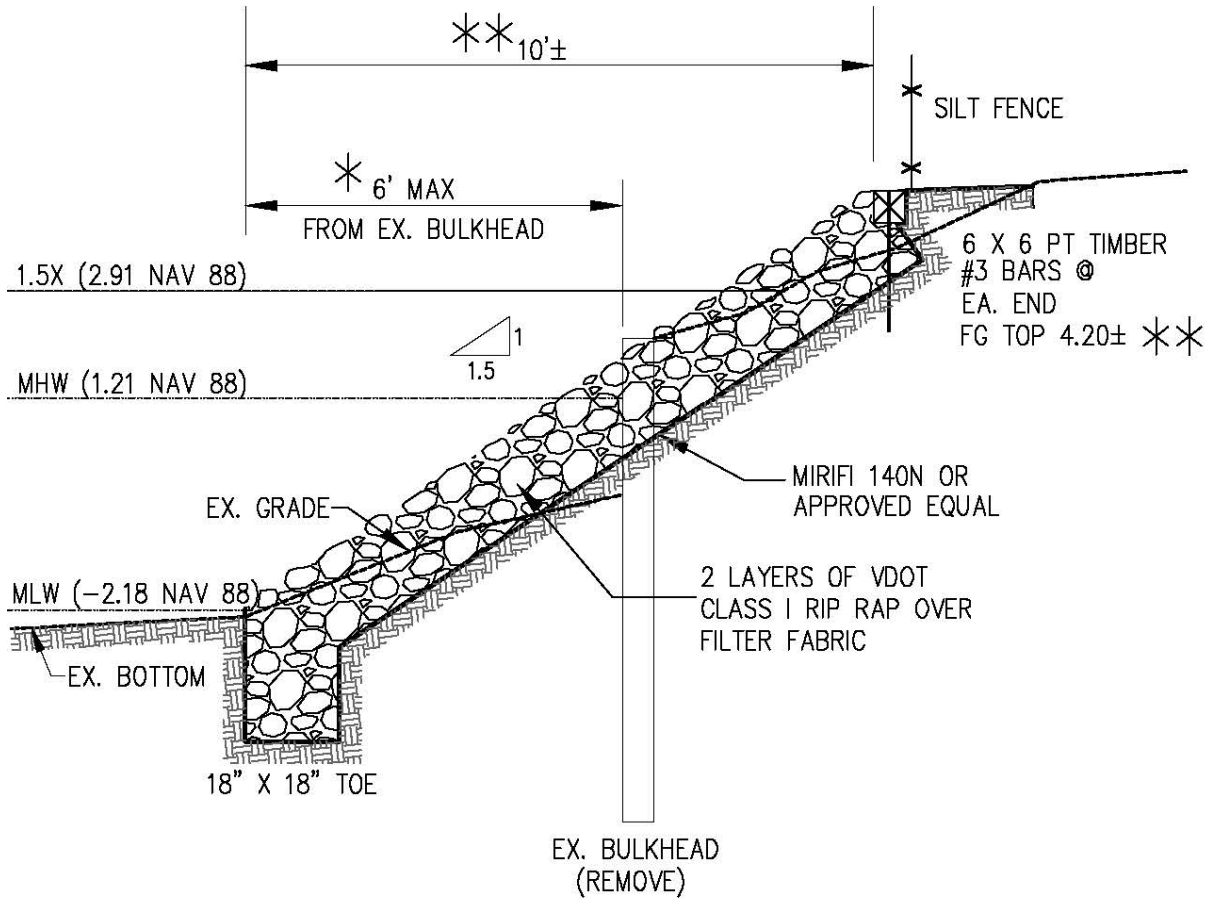
Site Aerial Map



Proposed Site Plan



Proposed Rip Rap – Typical Section



* THE TOE OF THE NEW RIP RAP SHALL NOT EXCEED 6' FROM PROPERTY LINES ①-⑤ SEE PLAN SHEETS 7 AND 9

** TOP OF RIP RAP BANK MAY EXTEND BEYOND 10' (LANDWARD) IN THE EVENT THE LOT IS FILLED HIGHER THAN FIN. GRADE 4.2

NOTES:
 RIP RAP SHOWN NOT DRAWN TO SCALE
 EX. CONCRETE RUBBLE NOT SHOWN FOR CLARITY

Site Photos



Site Photos



Wetlands Board Permit History

There are no previous Wetlands Board permits found for this property. The property is located in the Atlantic Ocean Watershed.

- May 2020: Wetlands Board approved as modified a request for the dredging this small canal to restore navigable depths at low tides. Although the request was within the canal adjacent to this lot, the subject lot was not included in the permit request. The permit has not yet been issued.

Summary of Proposal

The shoreline is currently stabilized by an old rubble revetment with the applicant proposing to reconstruct this revetment along their shoreline adjacent to Lake Rudee. The initial JPA submittal proposed a living shoreline along the southern portion of the lot within the narrow canal. Due to opposition over navigational concerns, given the small width of the existing canal and use of the canal by adjacent property owners, the expansion of the shoreline with a living shoreline component was revised to remove the living shoreline component of this request. The proposal now includes the overlay of the existing rip rap with new rock to a maximum width of seven feet channel ward. As submitted, this project will impact approximately 823 square feet of non-vegetated wetlands from non-vegetated rock habitat and 265 square feet of vegetated wetlands, specific to upland impacts to salt bush.

Evaluation & Staff Recommendations

Although the water depth in this canal that leads to Lake Rudee is very shallow, the proposed redevelopment of the existing rubble revetment is deemed acceptable given the proposed maximum widths of the rip rap revetment for the redevelopment of the shoreline. During the Staff's site visit, it was evident that the existing rubble had been laid on the bank with minimal to no filter fabric applied to the exposed soil. Staff is of the opinion; the existing revetment was not installed in accordance with current construction practices and is therefore providing only minimal protection of the property.

The proposed rip rap would impact 823 square feet of existing non-vegetated rock habitat and extends one foot channel ward of mean low water. Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted** as shown on the plans sealed September 8, 2021 and received by the Virginia Marine Resources Commission on October 5, 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.



Application Number **2021-WTRA-00270**
Applicant & Owner **Bertrand Ross & Susanne Hughes**
Public Hearing **November 15, 2021**
City Council Election District **Bayside**

Agenda Item

3

Agent

Robert Simon
Waterfront Consulting, Inc.

Location

1630 Arrowhead Point

GPIN

1489-02-8555

Staff Planner

Cole Fisher

Proposal

To construct a rip rap revetment with living shoreline involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Western Branch of Lynnhaven River

Subdivision

Thoroughgood

Impacts

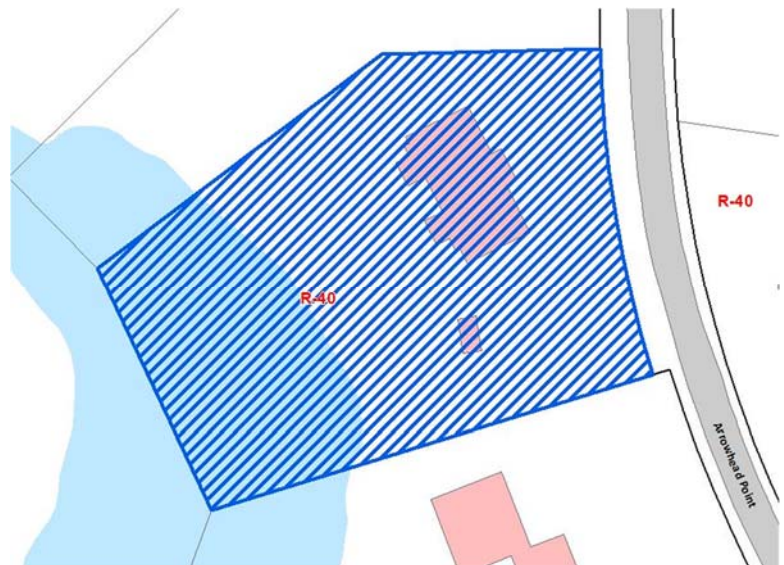
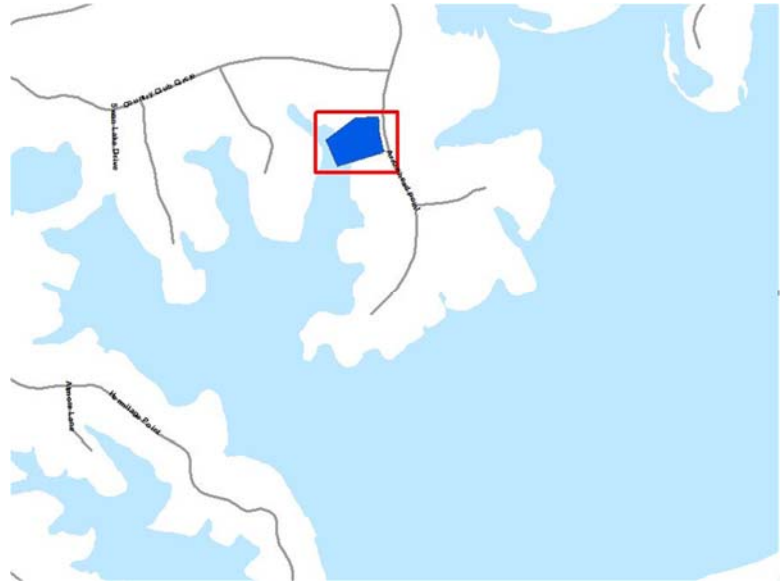
Non-Vegetated: 708 square feet

Overall length of proposed structure: 277 linear feet

Volume of Backfill: 10 cubic yards

Proposed Mitigation and/or Compensation

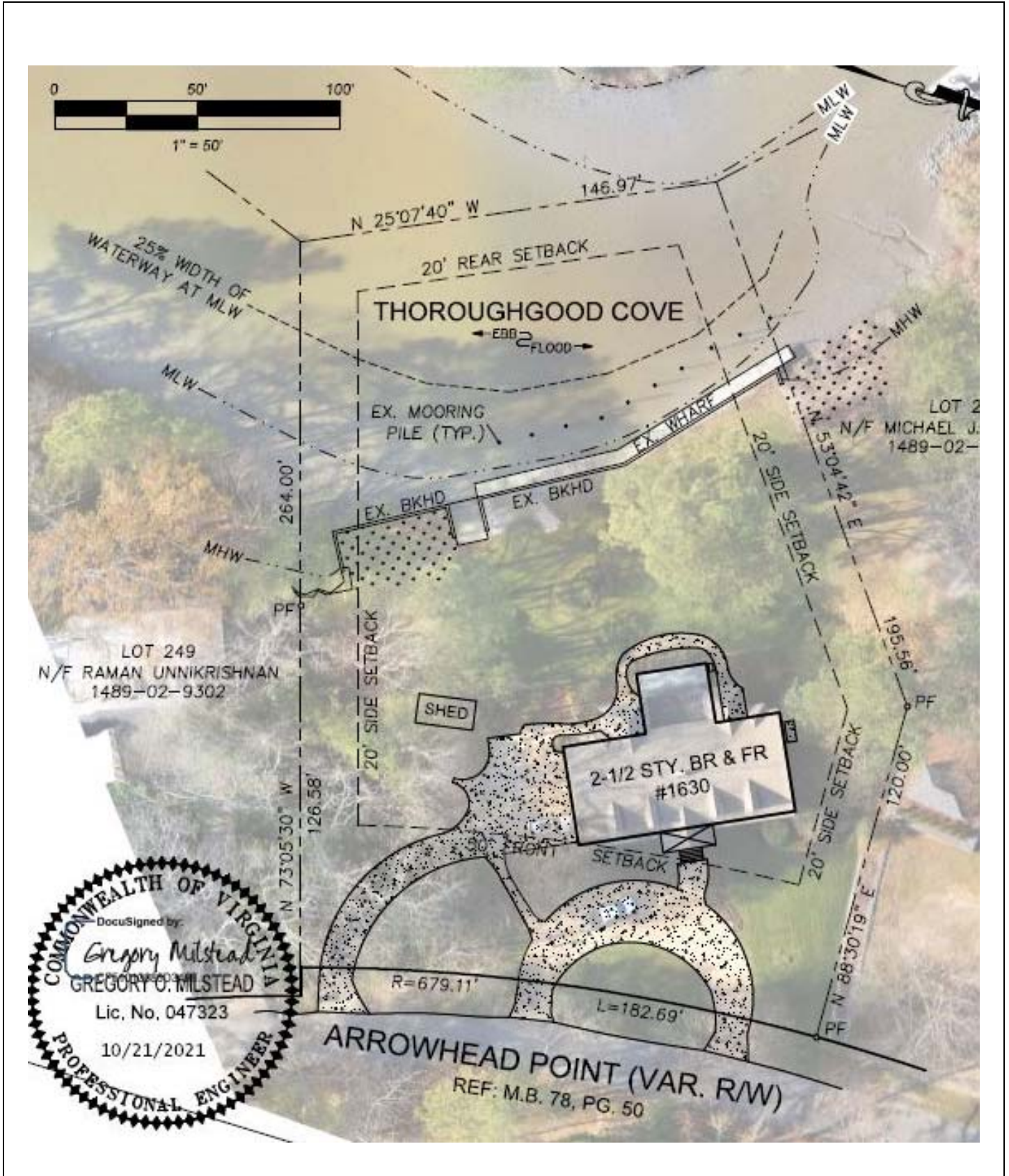
On-site



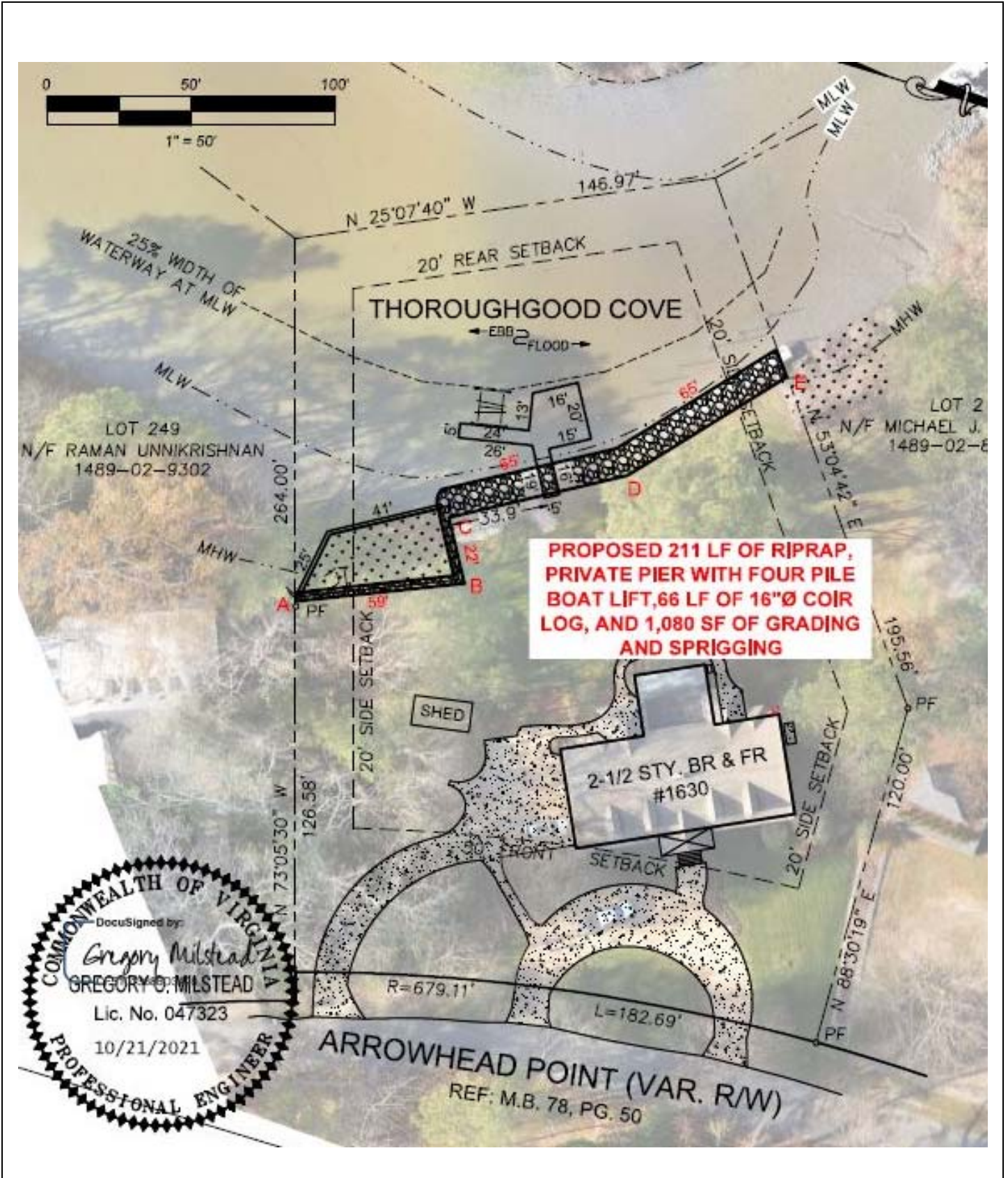
Site Aerial Map



Existing Conditions



Proposed Site Plan



Site Photos



Site Photos



Wetlands Board Permit History

There are no previous Wetlands Board permits found for this property. The property is located in the Chesapeake Bay Watershed and a CBPA Variance was approved on April 5, 2021 for the encroachment into the Resource Protection Area to construct a swimming pool with associated pool surround and accessory structures.

Summary of Proposal

The applicant proposes to remove the existing shoreline structures and redevelop the shoreline with approximately 211 linear feet of rip rap revetment and 66 linear feet of coir log. The improvements associated with the installation of the proposed coir log will consist of approximately 24 cubic yards of backfill along the shoreline in the area currently developed with a wharf, bulkhead, and boat ramp. Collectively, the rip rap and coir log will impact approximately 708 square feet of non-vegetated wetlands. The applicant is proposing to compensate for these impacts on-site by grading uplands to create 58 square feet of non-vegetated wetlands and 1,022 square feet of vegetated wetlands, which will be planted with *Spartina alterniflora* and *Spartina patens*. This will create a net gain of approximately 1,080 square feet of new wetlands on-site.

Evaluation & Staff Recommendations

The proposed shoreline hardening is warranted for this property due to the existing wharf and bulkhead currently not offering adequate shoreline protection as these existing structures are showing signs of failure. Upon receiving the first Joint Permit Application (JPA) submittal, Staff worked with the applicant's agent to change the shoreline hardening methodology from a proposed bulkhead 2 feet outboard of the existing wood bulkhead to a rip rap revetment. This revision to the JPA results in no net loss of wetlands on-site with the conversion of non-vegetated wetlands to non-vegetated rock habitat. In addition, this project will create over 1,080 square feet of new wetlands, with 1,022 square feet of new vegetated wetlands created on the property in an area which currently has no vegetated wetlands. Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as modified** as shown on the plans sealed October 21, 2021 and received by the Virginia Marine Resources Commission on September 7, 2021, with the following condition:

1. Following the installation of the wetlands vegetation, an annual vegetation monitoring report shall be submitted to the Department of Planning & Community Development in mid-August for three (3) years. The annual report shall include photographs and a re-vegetation plan for any areas of where the vegetation has failed to establish.

Next Steps

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Application Number **2021-WTRA-00299**

Applicant & Owner **Lauren Graham**

Public Hearing **November 15, 2021**

City Council Election District **Beach**

Agenda Item

4

Agent

Richard Calvert
Calvert Marine

Location

665 Chesopeian Pt

GPIN

1497-59-3425

Staff Planner

Cole Fisher

Proposal

To construct rip rap revetment and plant vegetation involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Eastern Branch Lynnhaven River

Subdivision

Chesopeian Colony

Impacts

Vegetated: 33 square feet

Non-Vegetated: 478 square feet

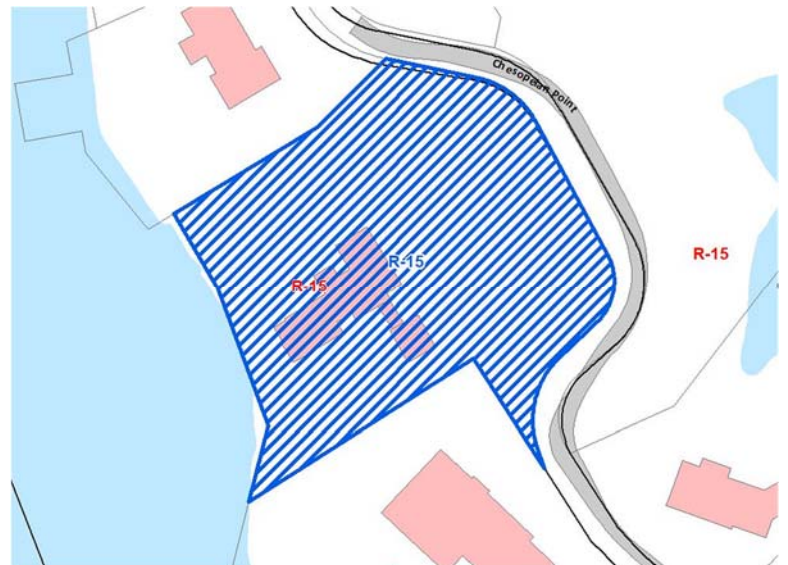
Subaqueous Bottom: 418 square feet

Overall length of proposed structure: 205.8 linear feet

Volume of Backfill: 15 cubic yards

Proposed Mitigation and/or Compensation

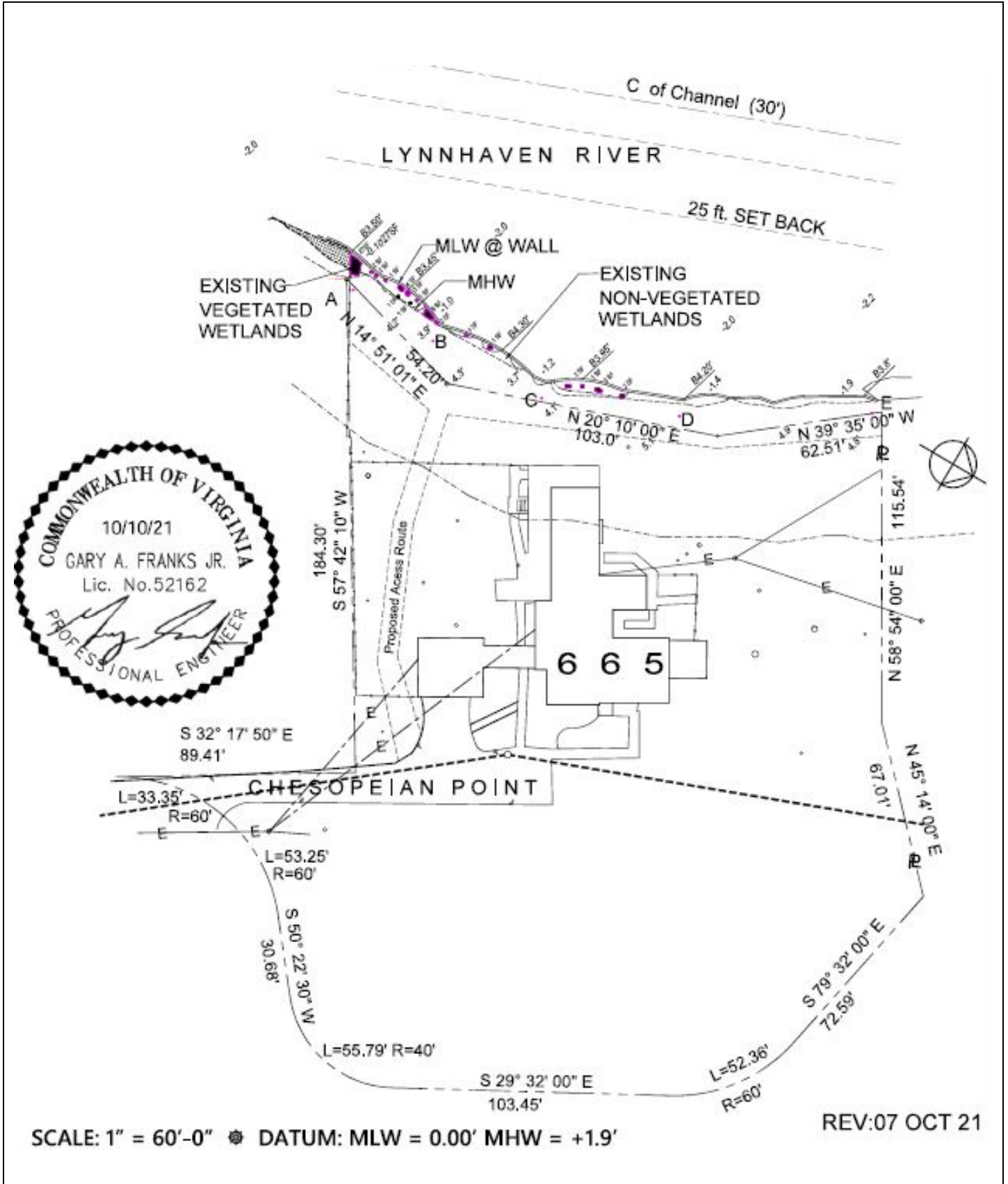
On-site



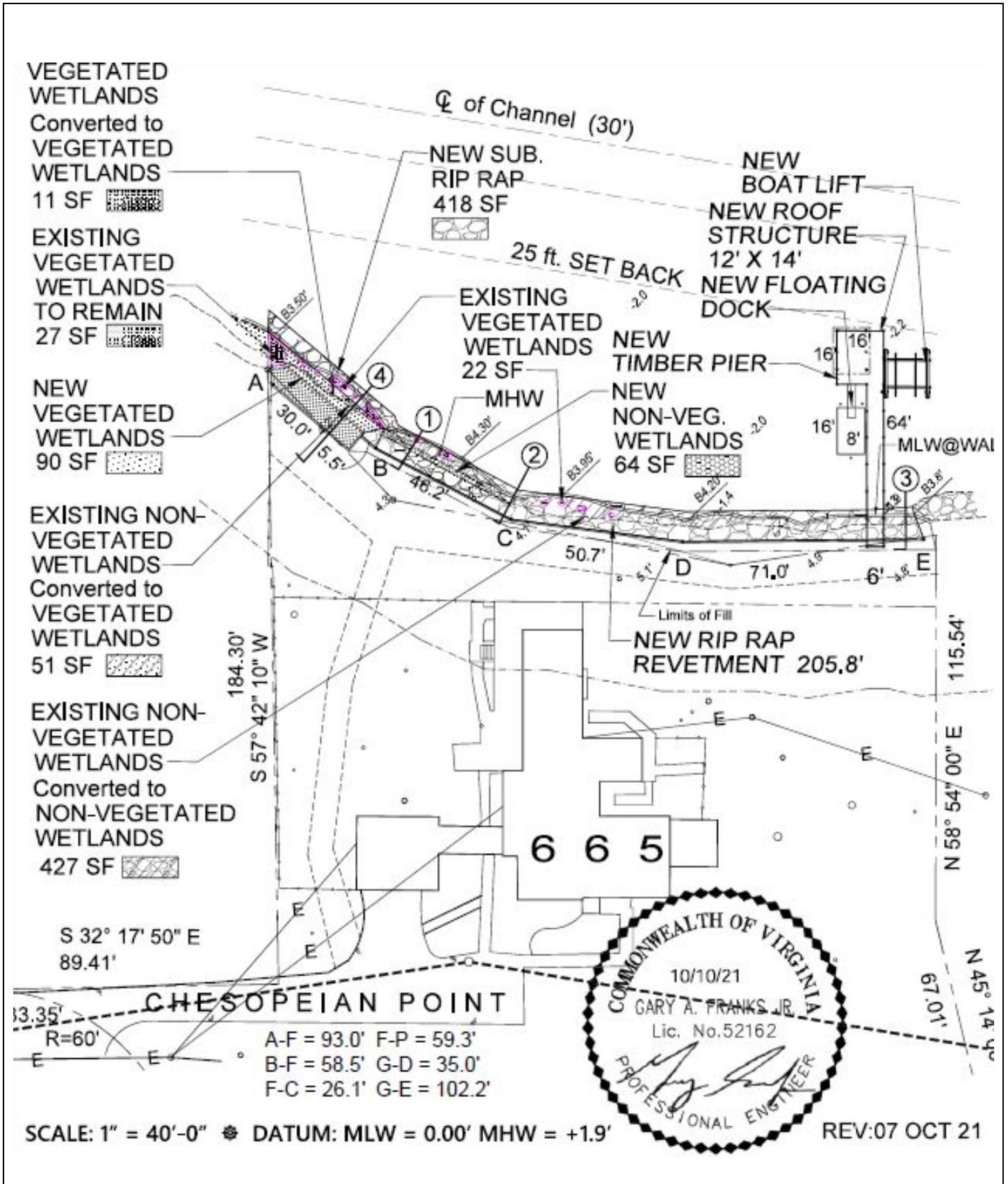
Site Aerial Map



Existing Conditions



Proposed Site Plan



Site Photos



Site Photos



Wetlands Board Permit History

This property is located in the Chesapeake Bay Watershed and is within the limits of the Chesapeake Colony Special Service District dredging project that was approved by the Wetlands Board in 2017. There are no other Wetlands Board or Chesapeake Bay Preservation Area (CBPA) variances on file.

Summary of Proposal

The applicant is proposing to install approximately 206 linear feet of rip rap revetment to replace an existing failing bulkhead along the shoreline contiguous to the Eastern Branch of the Lynnhaven River. The location of this shoreline is adjacent to a 30-foot wide boating channel.

The existing wood bulkhead is failing in several locations creating approximately 478 square feet of non-vegetated wetland impacts behind the structure due to washout areas and ongoing upland erosion. Additionally, there are two small areas of vegetated wetlands behind the existing bulkhead totaling 33 square feet that will be impacted by this project. The applicant's agent proposes to enhance a portion of an area near the southern property line to create approximately 90 square feet of new vegetated wetlands on-site. All non-vegetated wetlands impacts are compensated via the conversion to new non-vegetated rock habitat or via the creation of new vegetated wetlands on-site.

Evaluation & Staff Recommendations

The existing bulkhead has failed, and the shoreline needs to be protected to abate further upland erosion. In addition, this shoreline is exposed to frequent boat wake given its location along the Lynnhaven River adjacent to a busy boating channel. Staff is of the opinion that the proposed rip rap revetment will protect the shoreline from further erosion, as submitted.

Regarding wetland impacts, all non-vegetated wetland impacts will be compensated for by either a conversion of non-vegetated wetland habitat to non-vegetated rock habitat or to vegetated wetlands. Staff is of the opinion that the 33 square feet of vegetated wetland impacts will be substantially compensated for by the sprigging of approximately 90 square feet of new vegetated wetlands at the southern portion of the property. Therefore, there is a no net loss of wetlands associated with this project and Staff recommends the Board accept on-site compensation to mitigate for any impacts associated with this request.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted** as shown on the plans sealed September 8, 2021 and received by the Virginia Marine Resources Commission on October 5, 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.

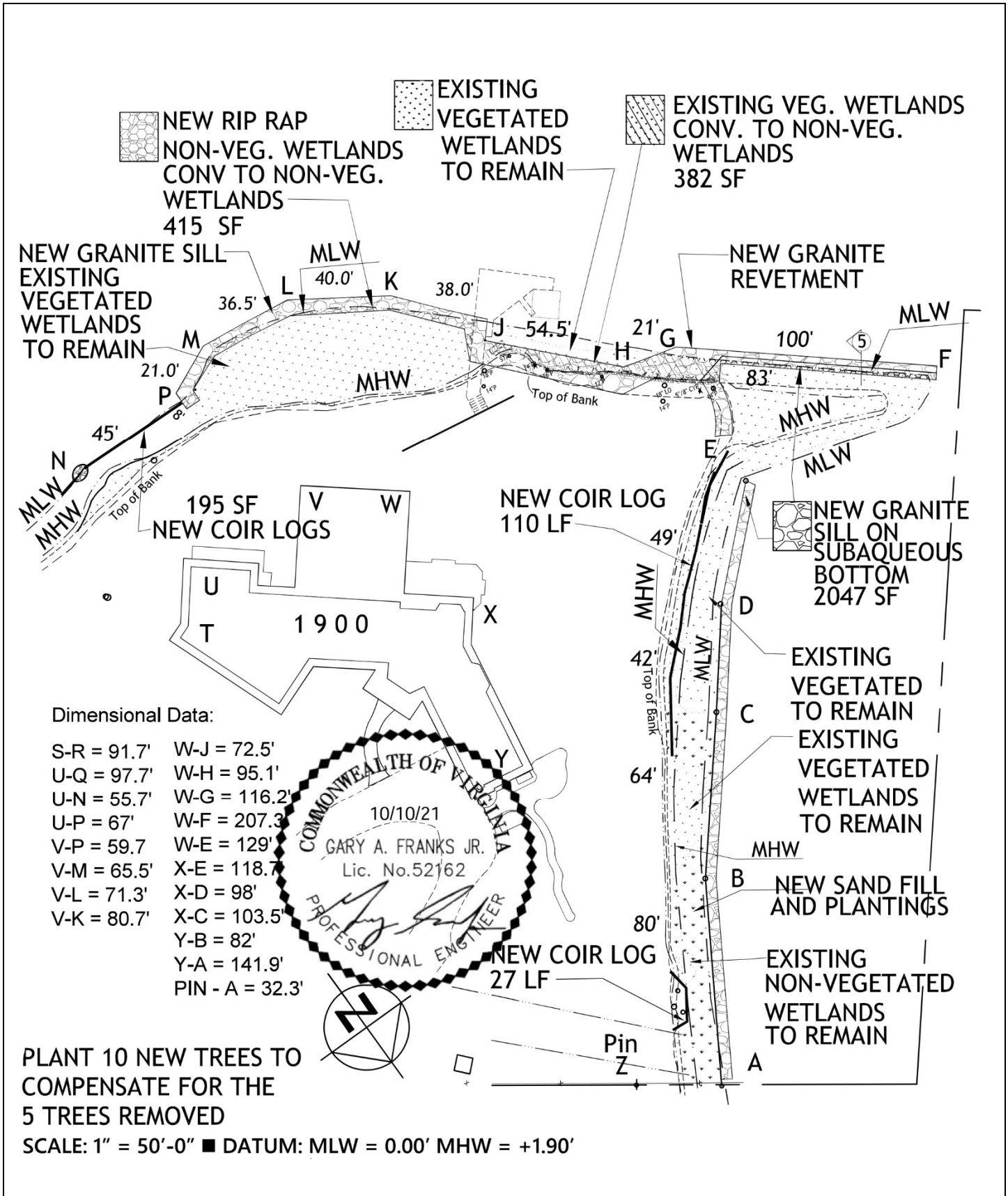
Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

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.

Site Aerial Map



Proposed Site Plan, Enlarged View – Board Package



Site Photos



Site Photos



Site Photos



Wetlands Board & Chesapeake Bay Permit History

There are no previous Wetlands Board permits found for this property. The property is located in the Chesapeake Bay Watershed and there are no CBPA variances on file.

Summary of Proposal

The applicant is proposing to protect their shoreline along the Lynnhaven River from erosion with a new rip rap revetment, granite sills, and coir logs. The majority of the shoreline is currently not hardened, but there is a small portion developed with an existing rip rap revetment that is in poor condition. The applicant is proposing to develop the western portion of the shoreline with a new rip rap sill located on subaqueous bottom with sections of sand fill and plantings landward of the sill. Approximately 170 total linear feet of coir log in three separate sections will be placed just below the top of bank. The remaining shoreline area will be hardened with a combination of a granite sills and a rip rap revetment. The applicant is requesting to remove five trees that fall within the limits of construction. Approximately 212 square feet of vegetated wetlands and 3,677 square feet of non-vegetated wetlands will be impacted with this project. The non-vegetated wetlands impacts will convert 539 square feet to non-vegetated wetlands and non-vegetated rock habitat, and the remaining 3,138 square feet will be converted to vegetated wetlands. The applicant is proposing on-site compensation for any wetland impacts associated with this project.

Evaluation & Staff Recommendations

As stated in the summary of the proposal below, this shoreline is partially developed with a failing revetment; however, the majority of the shoreline is in a natural state and experiencing erosion due to wave action from storms and boating activity. The applicant's agent worked with Staff to substantially revise the original proposal to incorporate a more robust living shoreline component. The original proposal would have converted 1,200 square feet of non-vegetated wetlands to vegetated wetlands and impacted 382 square feet of vegetated wetlands. The revised proposal almost tripled the vegetated wetlands created on site to 3,138 square feet, and reduced the vegetated wetlands impacts by 170 square feet. With the revised proposal, the applicant has tried to avoid vegetated wetlands impacts to the greatest extent possible by using granite sills to protect the majority of this shoreline exhibiting the most detrimental erosion and experiencing the most wave action. Five trees will be impacted by the construction of the rip rap revetment and the applicant proposes to mitigate these trees at a 2:1 ratio. Staff is of the opinion that the 212 square feet of vegetated wetlands impacts will be substantially compensated as the vegetated wetlands impacts will be converted to non-vegetated rock habitat and over 3,000 square feet of non-vegetated wetlands will be planted with wetlands vegetation.

Summary of Impacts Analysis

	Board Package Exhibit	Revised Exhibit, 10/31/2021
Vegetated	382 square feet	212 square feet
Non-Vegetated	1,635 square feet	3,677 square feet
Subaqueous	2,047 square feet	1,251 square feet
Non-Veg to Non-Veg	415 square feet	539 square feet
Non-Veg to Veg	1,220 square feet	3,138 square feet

(Non-Veg = non-vegetated wetlands, Veg = vegetated wetlands)

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as modified** as shown on the dated revised October 31, 2021 and received by the Virginia Marine Resources Commission on November 1, 2021, with the following condition:

1. Following the installation of the wetland vegetation, an annual vegetation monitoring report shall be submitted to the Department of Planning & Community Development in mid-August for three (3) years. The annual report shall include photographs and a re-vegetation plan for any areas of where the vegetation has failed to establish.

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

Richard Calvert
 Calvert Marine

Location

1618 Duke of Windsor Road

GPIN

2408-88-5861

Staff Planner

Whitney McNamara

Proposal

To construct rip rap and oyster castles and plant vegetation involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Linkhorn Bay

Subdivision

Linkhorn Shores

Impacts

Vegetated: 18 square feet

Non-Vegetated: 3,957 square feet

Overall length of proposed structure:

sill/revetment – 472.8 linear feet; bulkhead – 23.5 linear feet; oyster castles – 60 linear feet

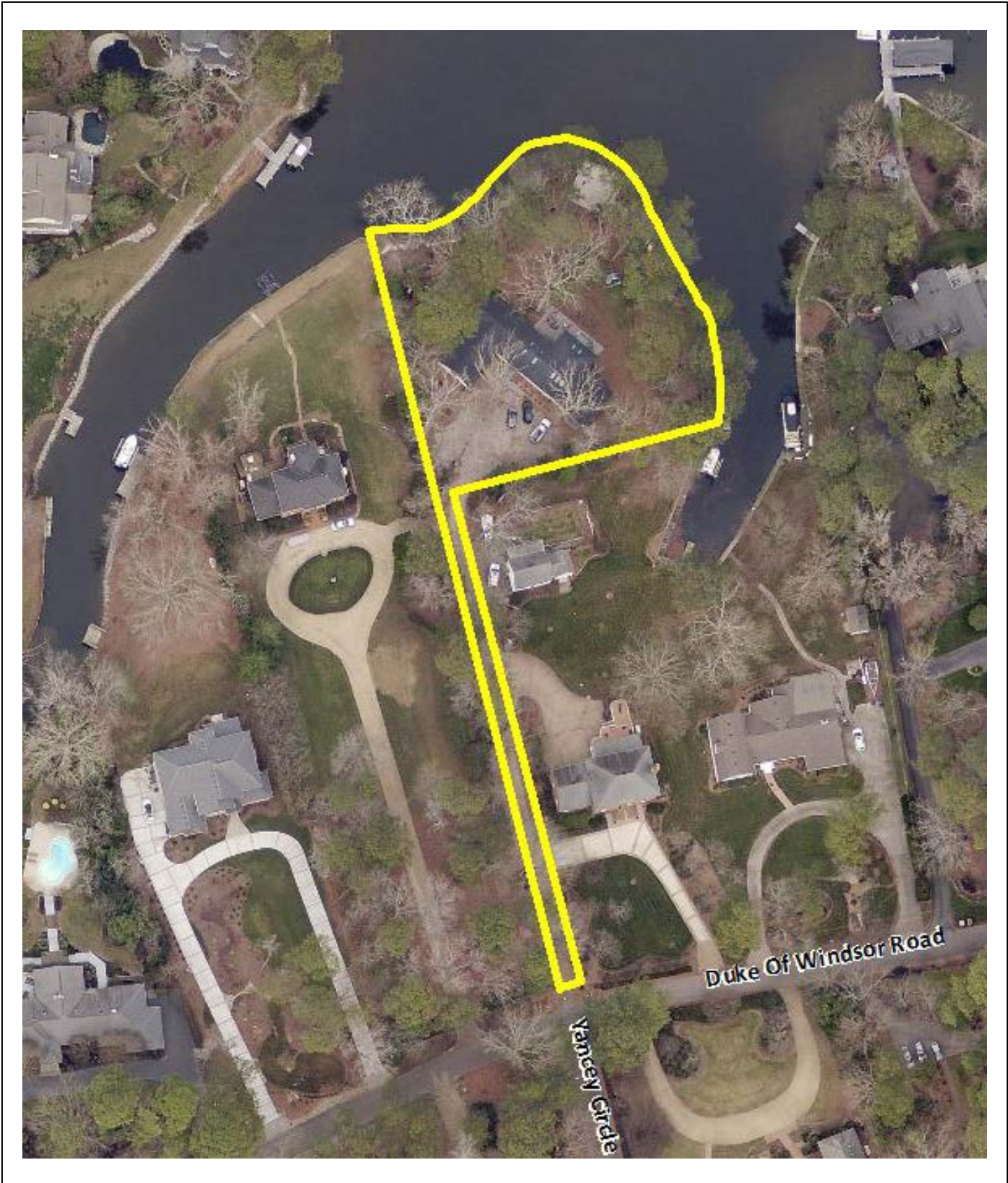
Volume of Backfill: 15 cubic yards

Proposed Mitigation and/or Compensation

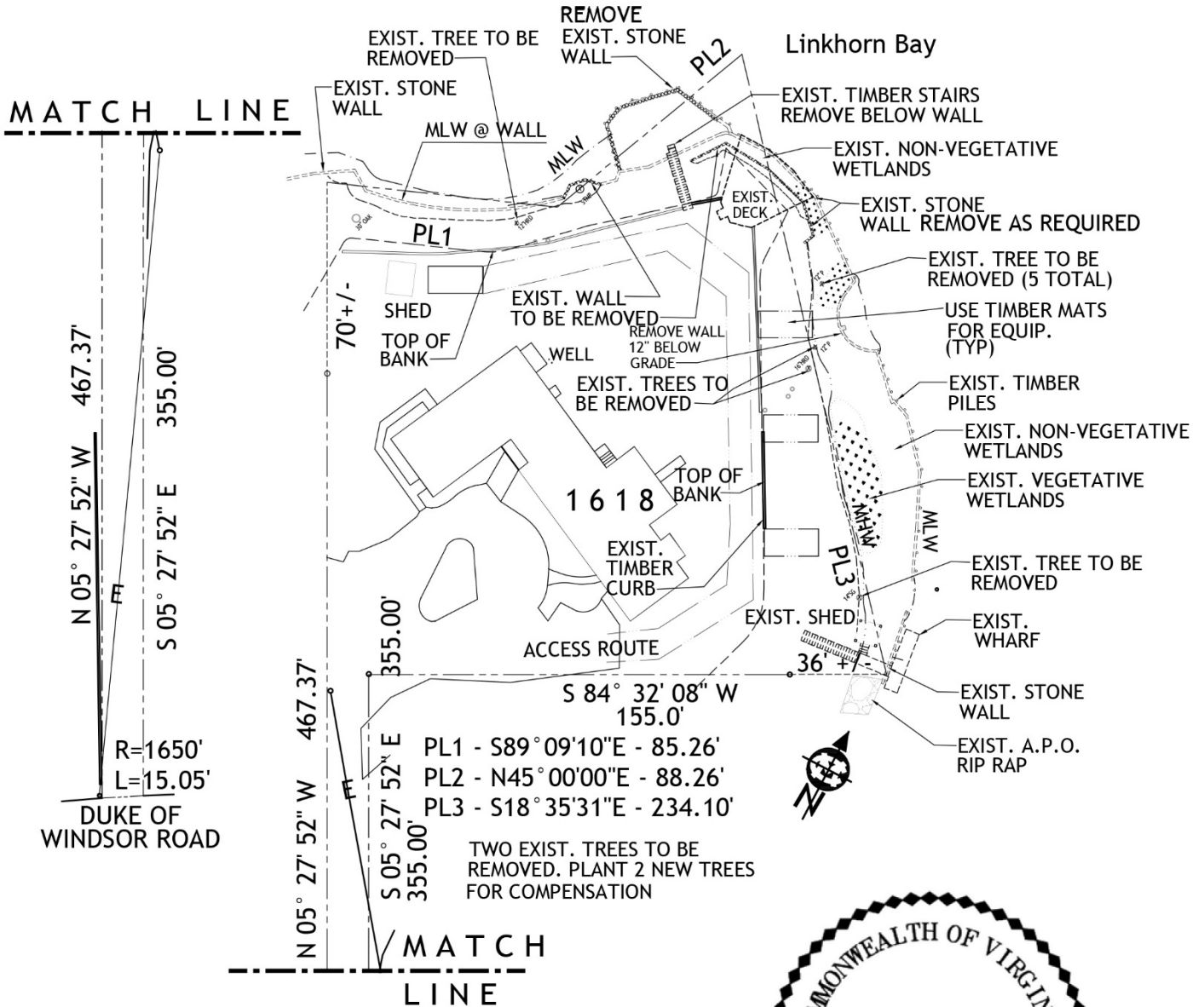
On-site



Site Aerial Map



Existing Conditions

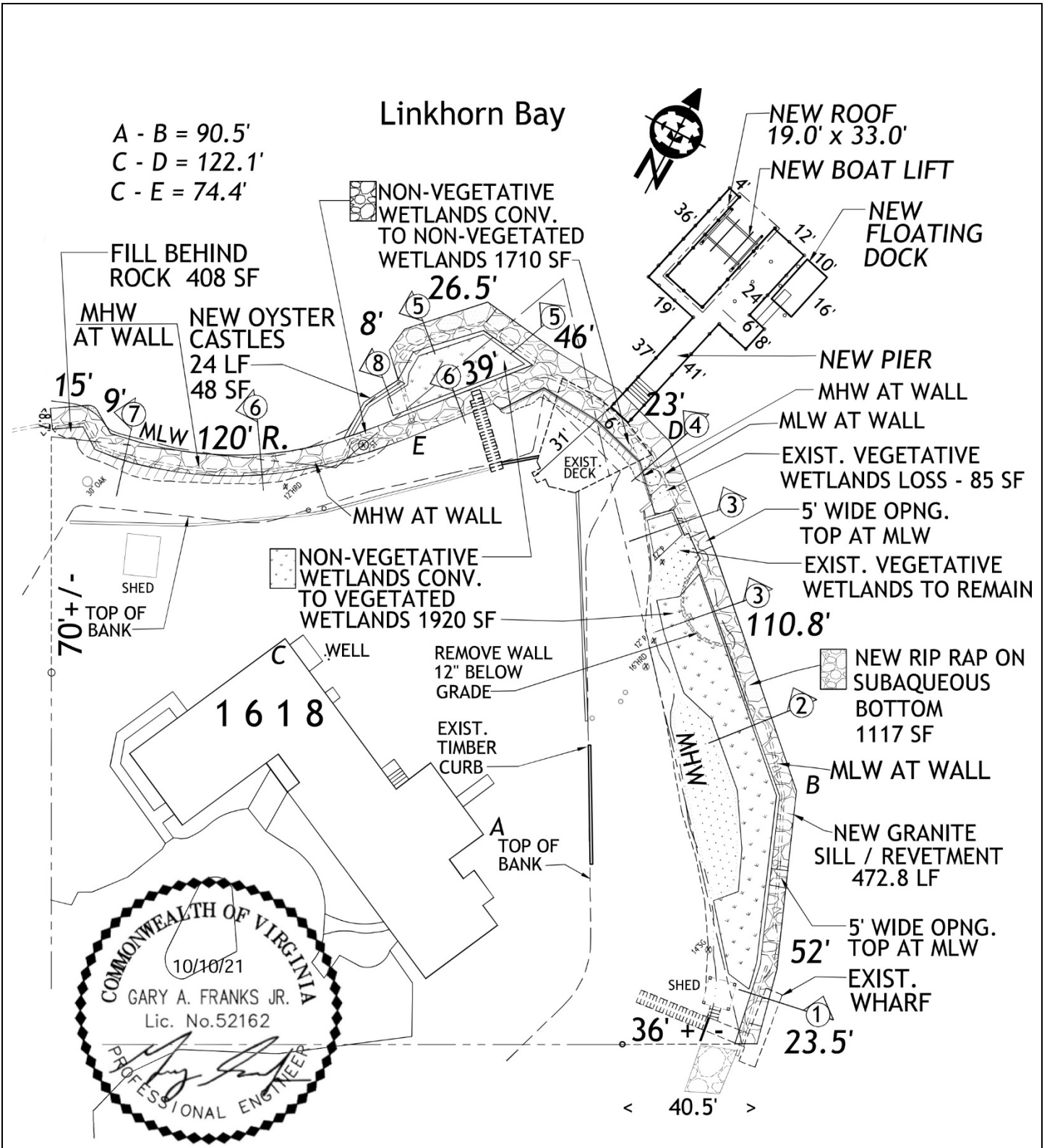


IF LIVE OYSTERS / SHELLFISH LAYING WITHIN AREA IMPACTED BY CONSTRUCTION ACTIVITIES ARE FOUND, THEY SHALL BE CAREFULLY REMOVED AND TEMPORARILY SUBAQUEOUSLY STORED. REPLACE AT SAME ELEVATION OR LOWER IN WATER COLUMN AFTER THE WORK HAS BEEN COMPLETED

SCALE: 1"=60'-0" * DATUM: MLW = 0.00' MHW = +1.70'

REV: 31 OCT 21

Proposed Site Plan – Board Package



SCALE: 1"=40'-0" * DATUM: MLW = 0.00' MHW = +1.70'

REV: 07 OCT 21

Site Photos



Site Photos



Wetlands Board and Chesapeake Bay Permit History

There are no previous Wetlands Board permits found for this property. The property is located in the Chesapeake Bay Watershed; however, there are no CBPA Board variances found for this property.

Summary of Proposal

The applicant is proposing to install approximately 491.5 linear feet of granite sill/rip rap revetment and 60 linear feet of oyster castles along the shoreline, with sand fill and wetlands planting landward of the proposed sill to create a living shoreline. Two, 5-foot wide openings are proposed along the sill/revetment structure to allow for tidal fluctuations. A 23.5 linear foot long bulkhead is proposed near the deck and pier to prevent upland erosion. It has been located landward of existing vegetated wetlands to prevent impacts. The proposed project will impact approximately 18 square feet of vegetated wetlands, 68 square feet of non-vegetated wetlands from dirt fill for a portion of the proposed rip rap revetment, and 894 square feet of subaqueous bottom. The non-vegetated wetlands impacts will be compensated for by converting 2,089 square feet of non-vegetated wetlands to non-vegetated wetlands and non-vegetated rock habitat and converting 1,800 square feet to vegetated wetlands. The 18 square feet of vegetated wetlands impacts will be a conversion to non-vegetated rock habitat. In addition, 5 trees will be removed; however, the applicant is proposing to compensate for these trees at a 1:1 ratio.

Evaluation & Staff Recommendations

The property is experiencing erosion behind an existing, failing retaining wall. Staff supports the applicant's proposal to incorporate living shoreline features into the proposed shoreline stabilization project and efforts to protect existing vegetated wetlands to the extent possible. The majority of the shoreline is located along a shallow inlet with limited boating access and wave action, making this an ideal candidate to incorporate a living shoreline. There is no room on-site to grade uplands to an elevation low enough to support additional vegetated wetlands due to the steep shoreline topography.

Based on field visits between Staff and the applicant's agent, the applicant's agent revised the original plan to reduce the impacts to vegetated wetlands currently on site. Staff supports the applicant's request for the wetlands conversions from non-vegetated wetlands to non-vegetated rock habitat, non-vegetated wetlands to vegetated wetlands, and vegetated wetlands to non-vegetated rock habitat to be considered as on-site compensation. The 68 square feet of non-vegetated wetlands lost to dirt fill will be compensated for by converting subaqueous bottom to non-vegetated rock habitat. There will be no net loss of wetlands overall and an increase in wetlands vegetation on-site. The 5 trees proposed for removal are in the footprint of the project, and Staff supports the on-site mitigation at a 1:1 ratio. The applicant included a note about wetlands monitoring on the proposed plans.

Summary of Impacts Analysis

	Board Package Exhibit	Revised Exhibit, 10/31/2021
Vegetated	85 square feet	18 square feet
Non-Vegetated	3,630 square feet	3,957 square feet
Subaqueous	1,117 square feet	894 square feet
Non-Veg to Non-Veg	1,710 square feet	2,089 square feet
Non-Veg to Veg	1,920 square feet	1,800 square feet

(Non-Veg = non-vegetated wetlands, Veg = vegetated wetlands)

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted** as shown on the plans revised October 31, 2021 and received by the Virginia Marine Resources Commission on November 2, 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 Simon
Waterfront Consulting, Inc.

Location

1661 Bay Point Drive

GPIN

2409-24-4243

Staff Planner

Whitney McNamara

Proposal

To construct rip rap revetment involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Broad Bay

Subdivision

Baycliff

Impacts

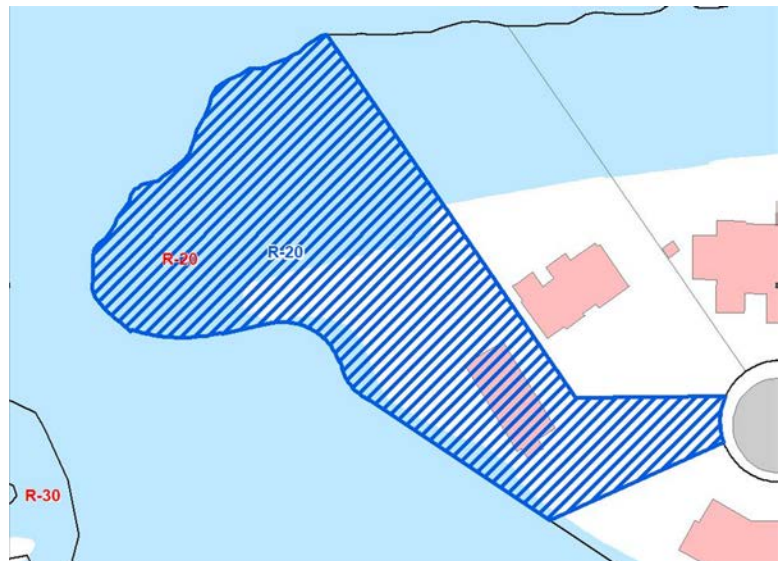
Non-Vegetated: 453 square feet

Overall length of proposed structure: 181 linear feet

Volume of Backfill: 20 cubic yards of rip rap

Proposed Mitigation and/or Compensation

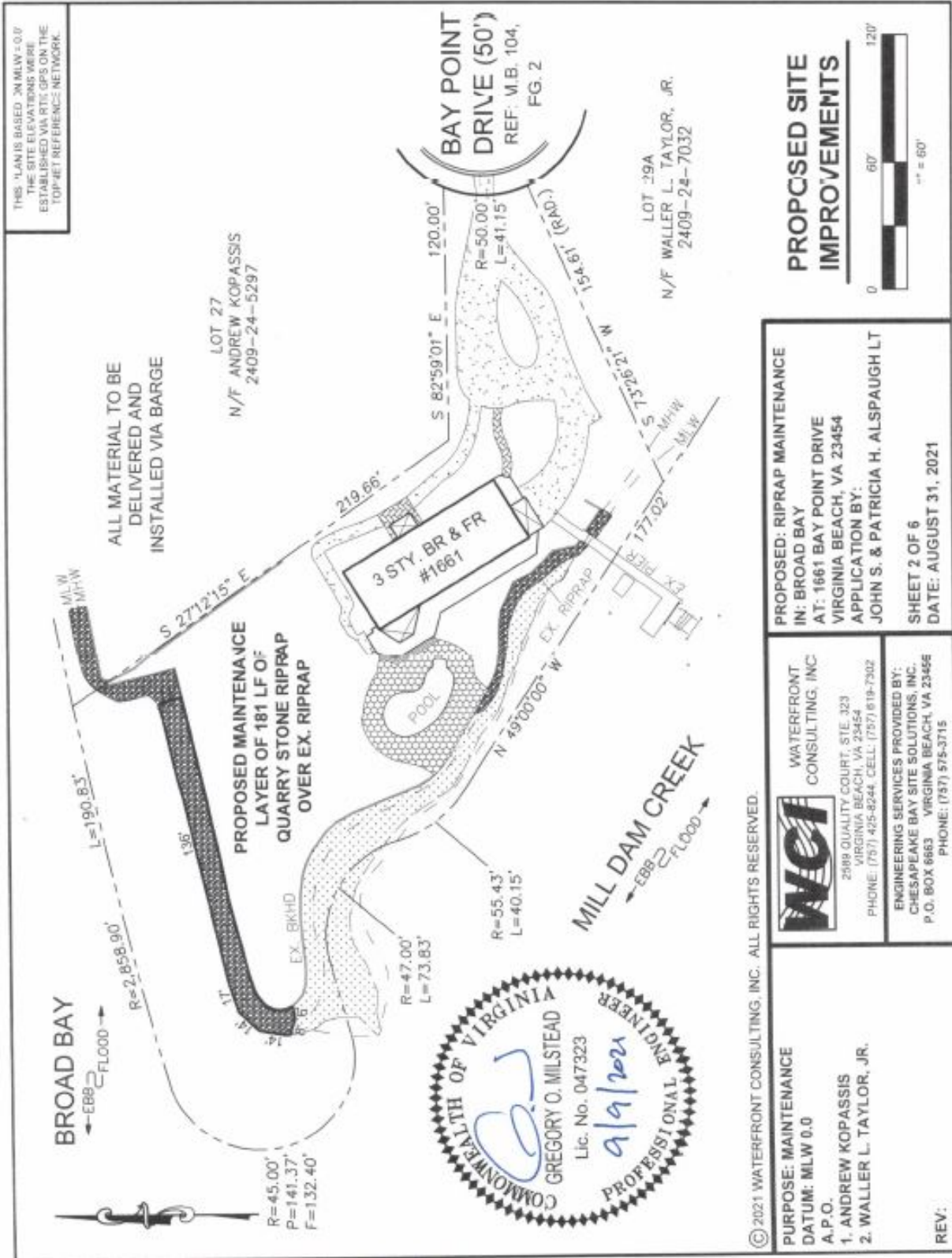
On-site



Site Aerial Map



Proposed Site Plan



Site Photos



Site Photos



Wetlands Board Permit History

A Wetlands permit was approved in August 2007 for rip rap. The property is located in the Chesapeake Bay Watershed; however, no CBPA variances were found for this property.

Summary of Proposal

The applicant is proposing to regrade and add a top layer to the existing 181 linear foot rip rap revetment and to gather and replace rip rap that has become dislodged from the existing rip rap revetment. The proposed rip rap will impact 453 square feet of non-vegetated wetlands. The applicant is proposing to compensate for these impacts on-site as a conversion of non-vegetated rock habitat to non-vegetated rock habitat.

Evaluation & Staff Recommendations

The applicant is not proposing any additional shoreline stabilization, but rather regrading an existing rip rap revetment that has settled. The proposed revetment will not extend channelward from toe of the existing revetment and will not be higher than the bulkhead located behind the existing revetment. Staff supports maintenance of the existing revetment and agrees with the applicant's agent that a living shoreline is not feasible in this location due to the shoreline's exposure to northeast winds and extensive fetch across Broad Bay.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted** as shown on the plans sealed September 9, 2021 and received by the Virginia Marine Resources Commission on September 14, 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

Billy Garrington
 Governmental Permitting Consultants

Location

2317 Leeward Shore Drive 2317

GPIN

2409-09-7975

Staff Planner

Whitney McNamara

Proposal

To install a bulkhead involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Bay Island

Subdivision

Bay Island

Impacts

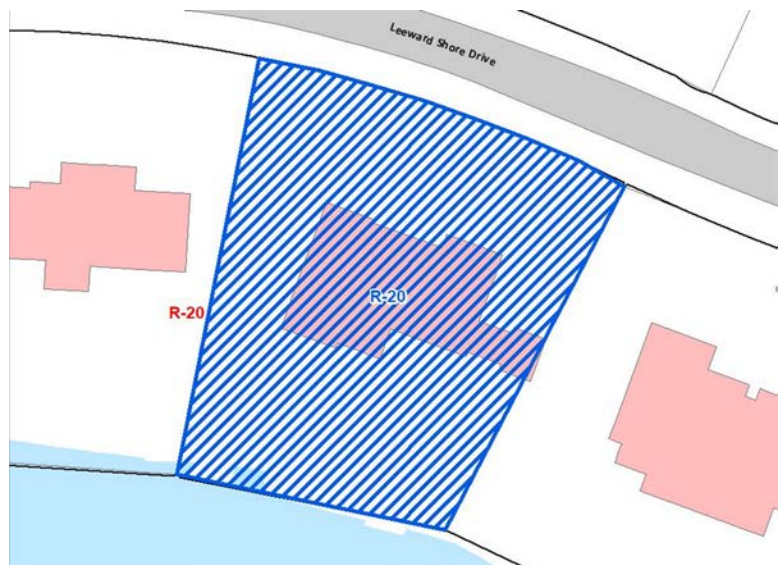
Non-Vegetated: 84 square feet

Overall length of proposed structure: 13 linear feet of bulkhead

Volume of Backfill: 30 cubic yards

Proposed Mitigation and/or Compensation

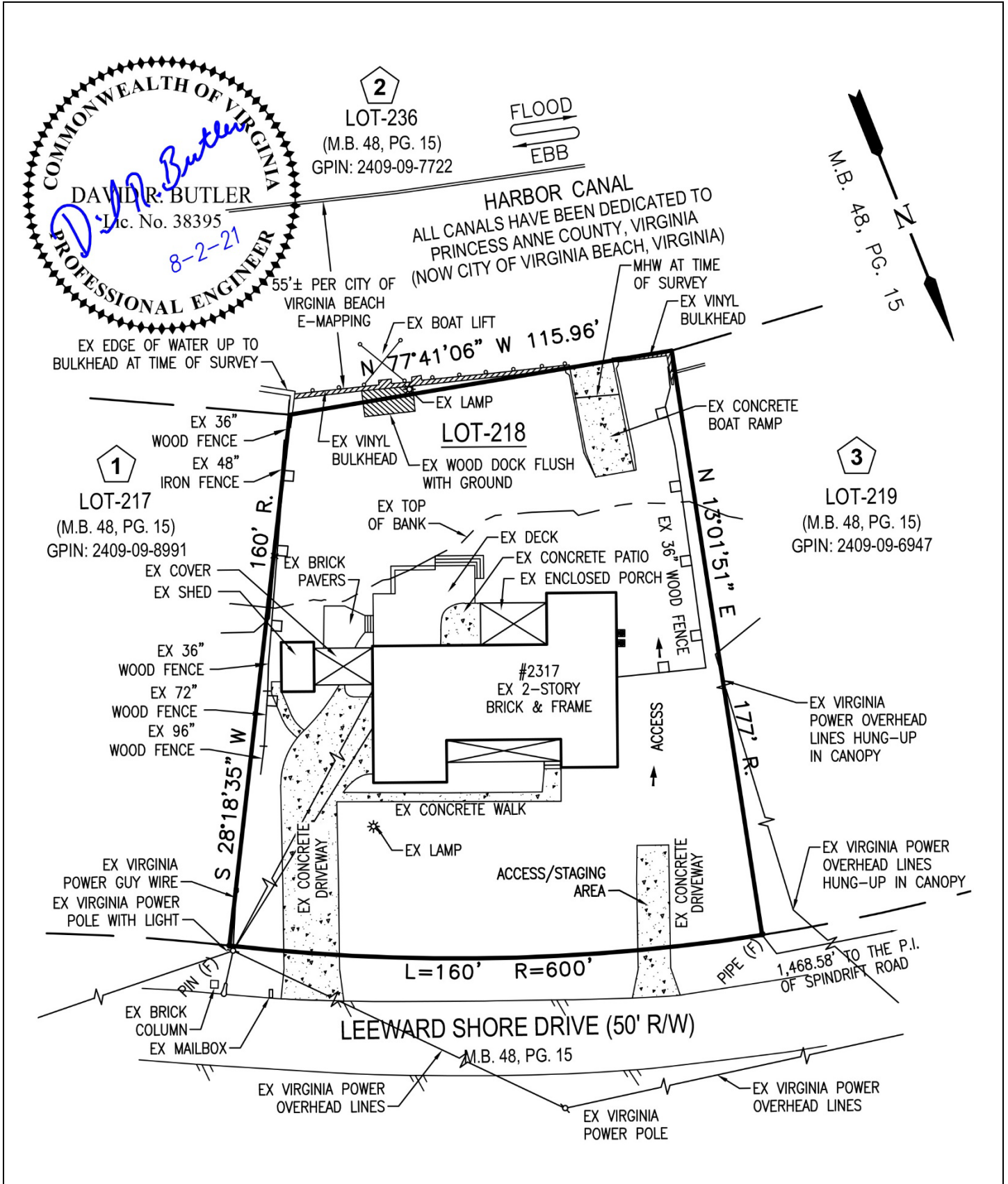
Payment of an in-lieu fee



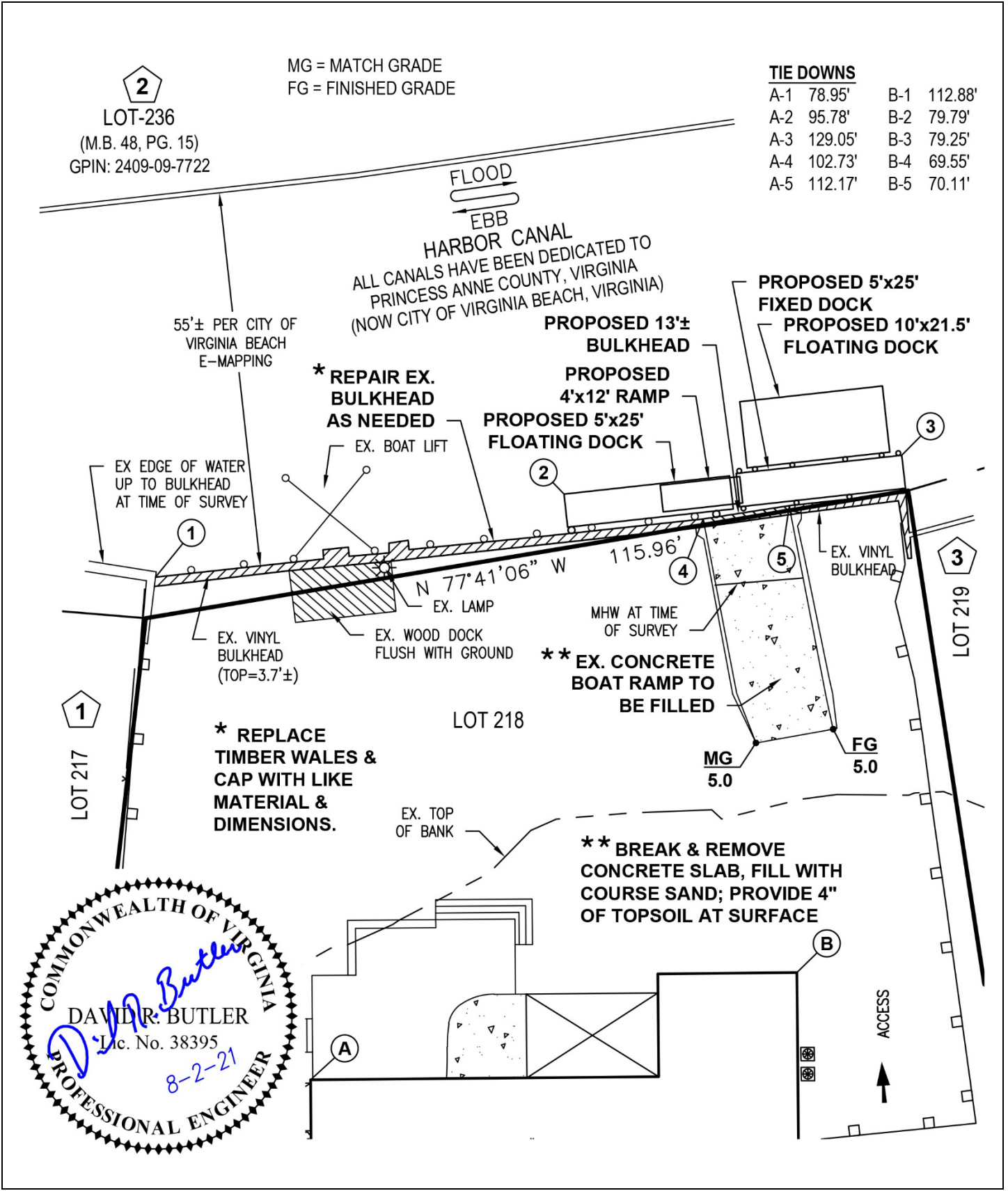
Site Aerial Map



Existing Conditions



Site Plan – Proposed Improvements



Site Photos



Site Photos



Chesapeake Bay and Wetlands Board Permit History

There are no previous Wetlands Board permits found for this property. The property is located in the Chesapeake Bay Watershed. A CBPA Board Variance was approved in February 2011 to demolish the existing boat ramp and portion of the driveway; replace the existing shed; construct building additions, pool, retaining wall, and patio; and realignment of the bulkhead.

Summary of Proposal

The applicant is proposing to install approximately 13 linear feet of bulkhead to close off the existing boat ramp. Approximately 30 cubic yards of backfill will be placed behind the proposed bulkhead to fill in the boat ramp so it matches existing grade. The proposed bulkhead will impact approximately 84 square feet of non-vegetated wetlands. The applicant is proposing to compensate for these impacts by payment of an in-lieu fee.

Evaluation & Staff Recommendations

The proposed bulkhead is a small project to allow the applicant to fill in their existing boat ramp and add backfill material at an elevation to match the existing bulkhead on the property. There are no proposed changes to the existing bulkhead. Because the proposal is to remove the existing boat ramp and the property is located along a man-made canal on Bay Island, creating a living shoreline in this area is not feasible.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted** as shown on the plans sealed August 2, 2021 and received by the Virginia Marine Resources Commission on September 23, 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

R. Harold Jones
 Sigma Environmental Services Inc.

Location

2964 Sand Bend Road

GPIN

2433-33-5044

Staff Planner

Whitney McNamara

Proposal

To install a bulkhead, marginal wharf, and deck involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

North Bay Inlet

Subdivision

Sandbridge

Impacts

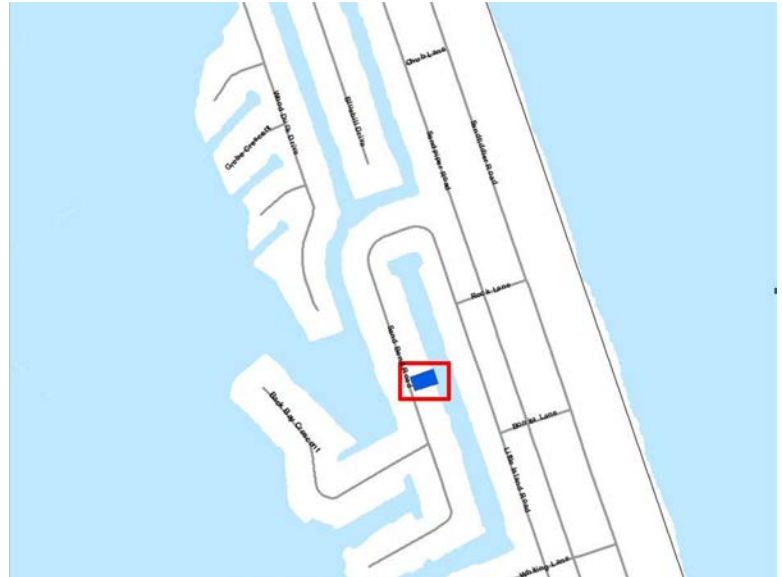
Non-Vegetated: Bulkhead - 12 square feet;
 wharf and deck – 324 square feet

Overall length of proposed structure: 101
 linear feet of bulkhead

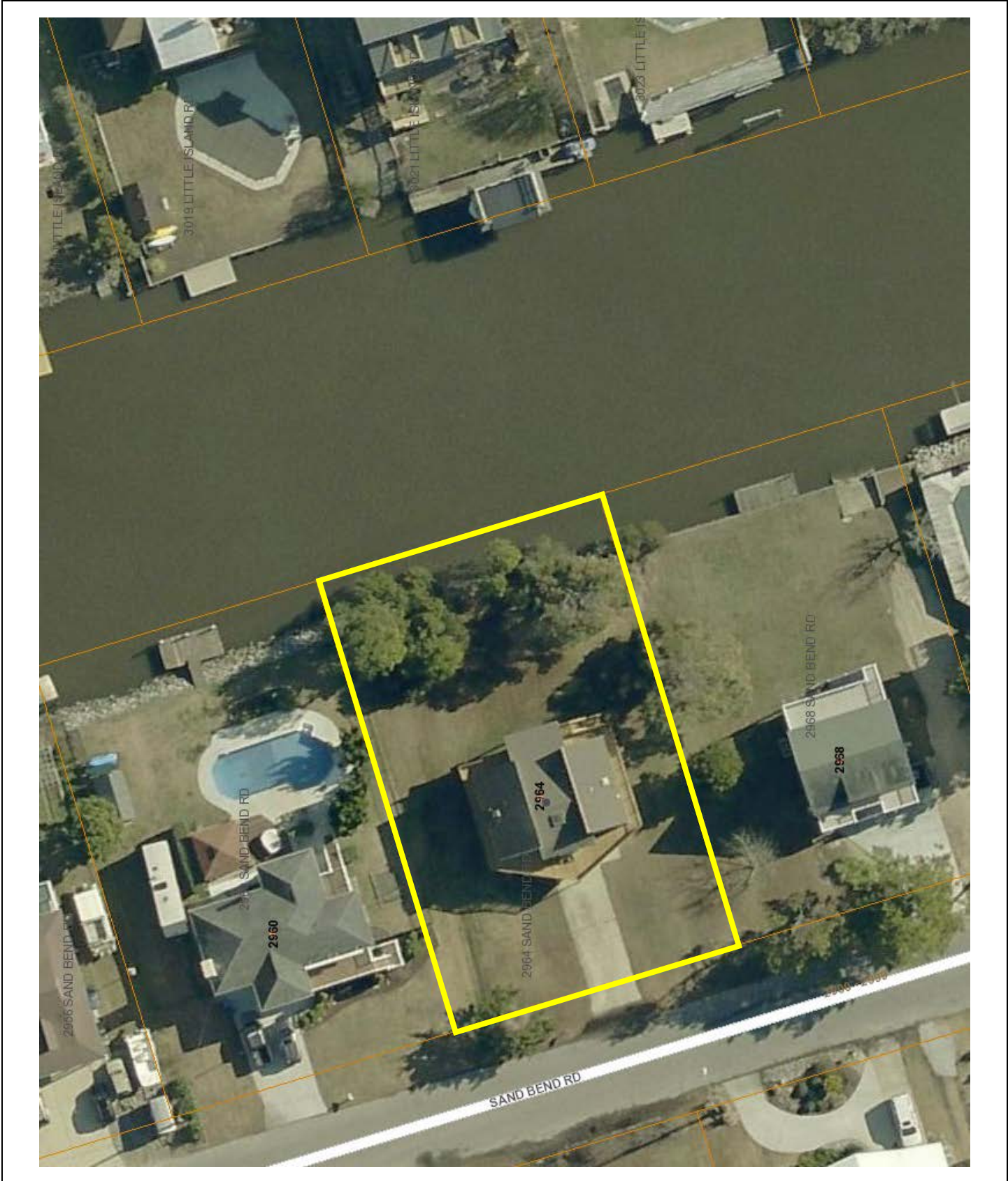
Volume of Backfill: 24 cubic yards

Proposed Mitigation and/or Compensation

On-site



Site Aerial Map



Site Photos



Site Photos



Wetlands Board Permit History

There are no previous Wetlands Board permits found for this property. The property is located in the Southern Rivers Watershed and is subject to Floodplains Subject to Special Restrictions.

Summary of Proposal

The applicant is proposing to install approximately 101 linear feet of bulkhead with approximately 24 cubic yards of backfill along an eroding shoreline of a man-made canal leading to North Bay. The proposed bulkhead will impact approximately 12 square feet of non-vegetated wetlands. The applicant is proposing to compensate for these impacts on-site by grading 23 square feet of upland to create non-vegetated wetlands.

Additionally, the applicant is proposing to construct an 8-foot by 16-foot marginal wharf and a 28-foot by 14-foot by 29-foot 6-inch triangular deck over non-vegetated wetlands.

Evaluation & Staff Recommendations

The shoreline hardening is warranted for this property as the shoreline is currently unprotected and exhibiting signs of erosion due to vertical and horizontal soil instability of a highly compressible organic layer found along the uplands of the shoreline. Staff concurs with the applicant's agent that regrading the existing shoreline to a slope of 6:1 would expose the underlying organic layer to additional erosional forces across the slope face. Staff supports grading uplands located seaward of the proposed bulkhead to create 23 square feet of non-vegetated wetlands as compensation for the 12 square feet of non-vegetated impacts associated with the construction of the bulkhead.

Staff supports construction of both the proposed marginal wharf and triangular deck. The Wetlands Board policy allows for administrative review and approval of open sided structures less than 100 square feet that are at least 4 feet above existing grade. Both of the proposed structures meet these criteria. The marginal wharf will be 128 square feet, and the deck will be 196 square feet. Staff is of the opinion that compensation for non-vegetated wetlands impacts is not required because the structures will still allow for tidal flow.

This property is located in the Floodplain Subject to Special Restrictions (City of Virginia Beach Floodplain Ordinance, Appendix K, Section 4.10). Filling in the Floodplain Subject to Special Restrictions may be allowed, provided that the fill is for a shoreline stabilization project and the following three criteria are met:

1. A Joint Permit Application is submitted.
2. The alignment of the stabilization structure is along the escarpment or in line with adjacent stabilization structures.
3. Back fill material associated with the stabilization structure must be the minimum necessary to support the stabilization project.

The height of the bulkhead is proposed at elevation 3.5 feet NAVD 88, which is similar to many of the bulkheads in Sandbridge, and does not significantly increase the elevation of the property. Staff is of the opinion that the proposed project meets the criteria of Appendix K, Section 4.10, as the project has been aligned along the escarpment and the proposed fill is limited to the area of erosion to allow for a straight alignment of the bulkhead, which is the minimum necessary to support stabilization of the project.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted** as shown on the plans sealed September 8, 2021 and received by the Virginia Marine Resources Commission on October 5, 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.