

Wetlands Board Staff Report

December 20, 2021



Wetlands Board Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, December 20, 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@vbgov.com 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 **PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.**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After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.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

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- 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

1. ANNUAL ELECTION OF OFFICERS

OLD BUSINESS – WETLANDS

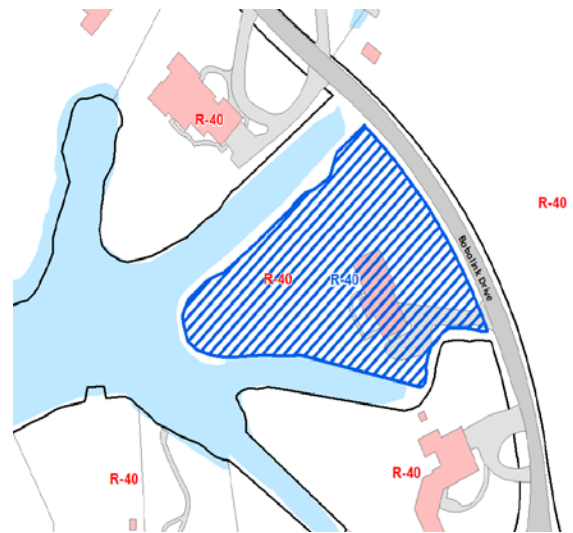
2. 2019-WTRA-00237
Krambias Properties, LLC
[Applicant/Owner]

REQUEST ONE YEAR EXTENSION

To construct a marsh sill and rip rap involving wetlands

921 Bobolink Drive
(GPIN 2418-22-7567)

Waterway – Linkhorn Bay
Subdivision – Birdneck Point
Council District – Lynnhaven



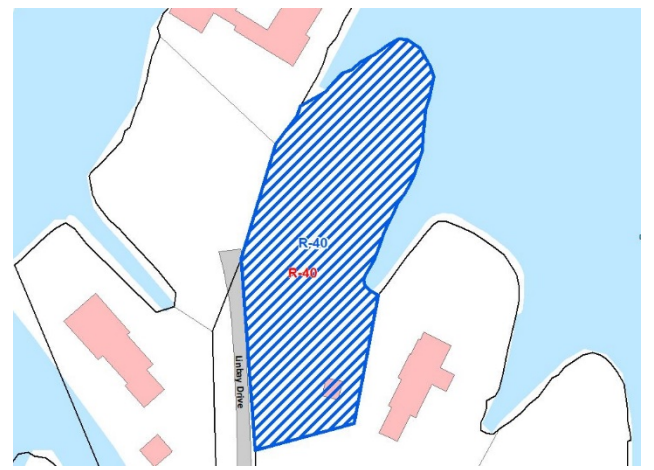
NEW BUSINESS – WETLANDS

3. 2021-WTRA-00333
Alex and Mary Beth Mitchum
[Applicant & Owner]

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

848 Linbay Drive
(GPIN 2418-10-9414)

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



* Deferral
** Withdrawal

Agent

David Keldzik, Marine Engineering, LLC

Location

921 Bobolink Drive

GPIN

2418-22-7567

Staff Planner

Whitney McNamara

Proposal

To construct a marsh sill and rip rap involving wetlands

Waterway

Linkhorn Bay

Subdivision

Birdneck Point

Impacts

Vegetated: 295 square feet

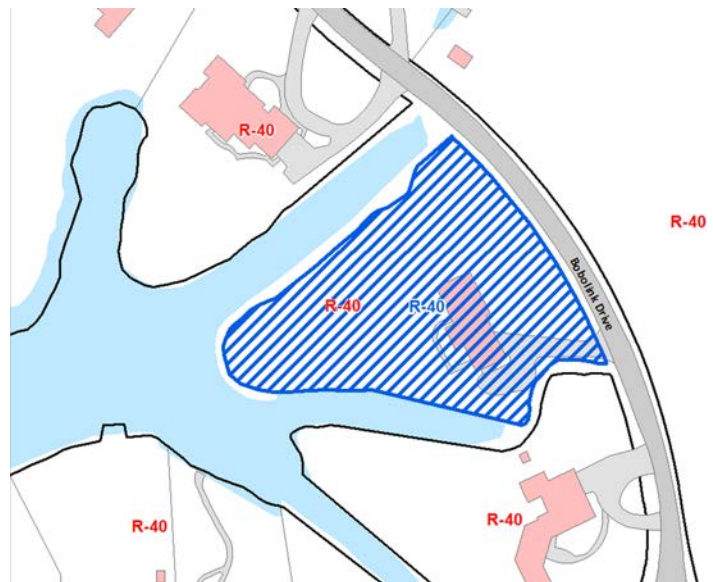
Non-Vegetated: 972 square feet

Subaqueous: 1,639 square feet

Overall length of proposed structure: 568 linear feet

Proposed Mitigation and/or Compensation

On-site



Site Aerial Map



Agent

Billy Garrington
 Governmental Permitting Consultants

Location

848 Linbay Drive

GPIN

1489-79-7159

Staff Planner

Whitney McNamara

Proposal

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

Staff Recommendation

Approval as Modified

Waterway

Linkhorn Bay

Subdivision

Linkhorn Estates

Impacts

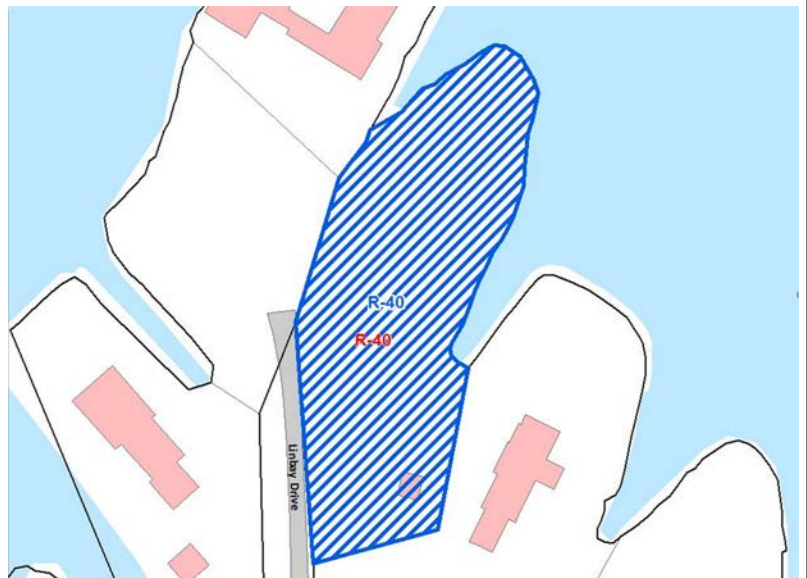
Non-Vegetated: 167 square feet

Overall length of proposed structure: 388
 linear feet of rip rap

Volume of Backfill: 14 cubic yards

Proposed Mitigation and/or Compensation

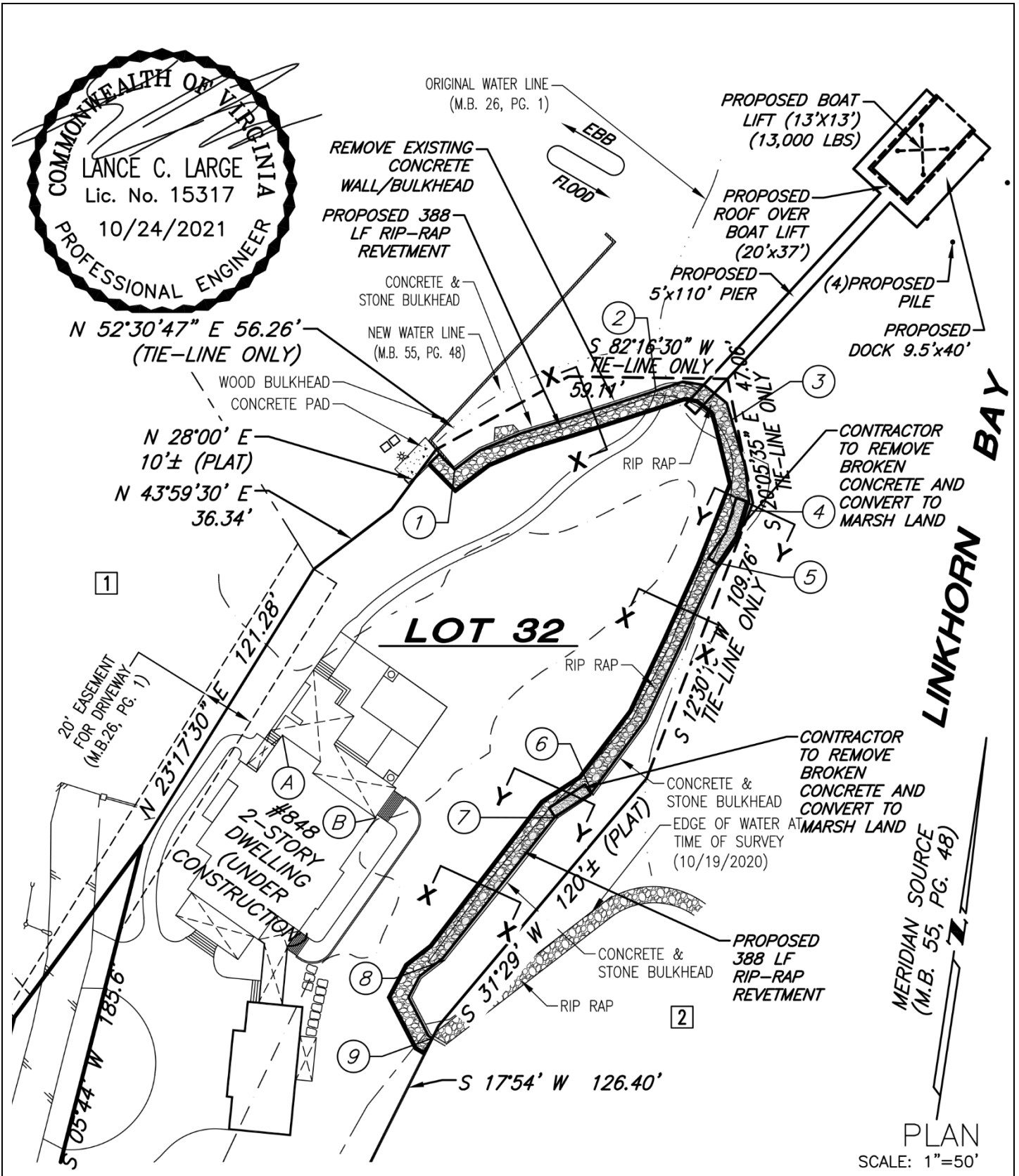
On-site



Site Aerial Map



Proposed Site Plan



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

A Chesapeake Bay Preservation Area Board Variance was approved in November 2004 to redevelop the property with a new single-family residence, two terraces, new driveway, and swim spa. This variance included a condition that if the shoreline was re-hardened, a rip rap revetment shall be used instead of a bulkhead. There are no Wetlands permits on file for this property.

Summary of Proposal

The applicant is proposing to remove the existing, failed concrete bulkhead and concrete and brick debris. The shoreline will be stabilized with a 388 linear foot rip rap revetment. In the area along the shoreline where concrete debris are present, the applicant is proposing to remove and dispose of the debris and grade down the uplands, fill with clean sand backfill, and plant 170 square feet of vegetated wetlands. The applicant is proposing on-site compensation for converting 167 square feet of non-vegetated wetlands to non-vegetated rock habitat.

Evaluation & Staff Recommendations

The point of the property is oriented in a northeast direction and experiences approximately 1,000 feet of fetch from the east and north east; however, the shorelines along the sides of the property are located in small, protected coves. The existing concrete bulkhead is in poor condition, and there is an extensive amount of rock debris along the shoreline. Due to the property orientation and susceptibility to wave action from storms, Staff supports the use of rip rap along the majority of the property. The applicant is proposing to construct a sill with vegetated wetlands planting along two sections of the shoreline that are protected from wave action. Due to limited wave action along this portion of the shoreline and adequate upland area for grading, Staff is of the opinion that the applicant should connect these two areas to create a larger sill with wetland planting.

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

1. The two proposed sills shall be connected and extended from points 4 to 7 on Sheet 2 of the plans for 848 Linbay Drive sealed on October 24, 2021.
2. The marsh planting area shall use *Spartina Alterniflora* below Mean High Water and *Spartina Patens* above Mean High Water.
3. Following installation of the wetlands vegetation, an annual vegetation monitoring report shall be submitted to the Department of Planning and Community Development in mid-August for three (3) years following approval. The annual report shall include photographs and a re-vegetation plan for any areas of where the vegetation has failed to establish.
4. The existing stone and concrete wall with associated rubble shall either be used as core material for the rip rap revetment or disposed of in a lawful manner off-site.
5. Concrete rubble and rocks with oyster growth on them shall be preserved during construction and placed along the rip rap revetment at or below mean low water after construction is complete.
6. Plans shall be revised to clearly delineate Mean High Water and Mean Low Water on all sheets.
7. Revised plans shall be submitted 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

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.