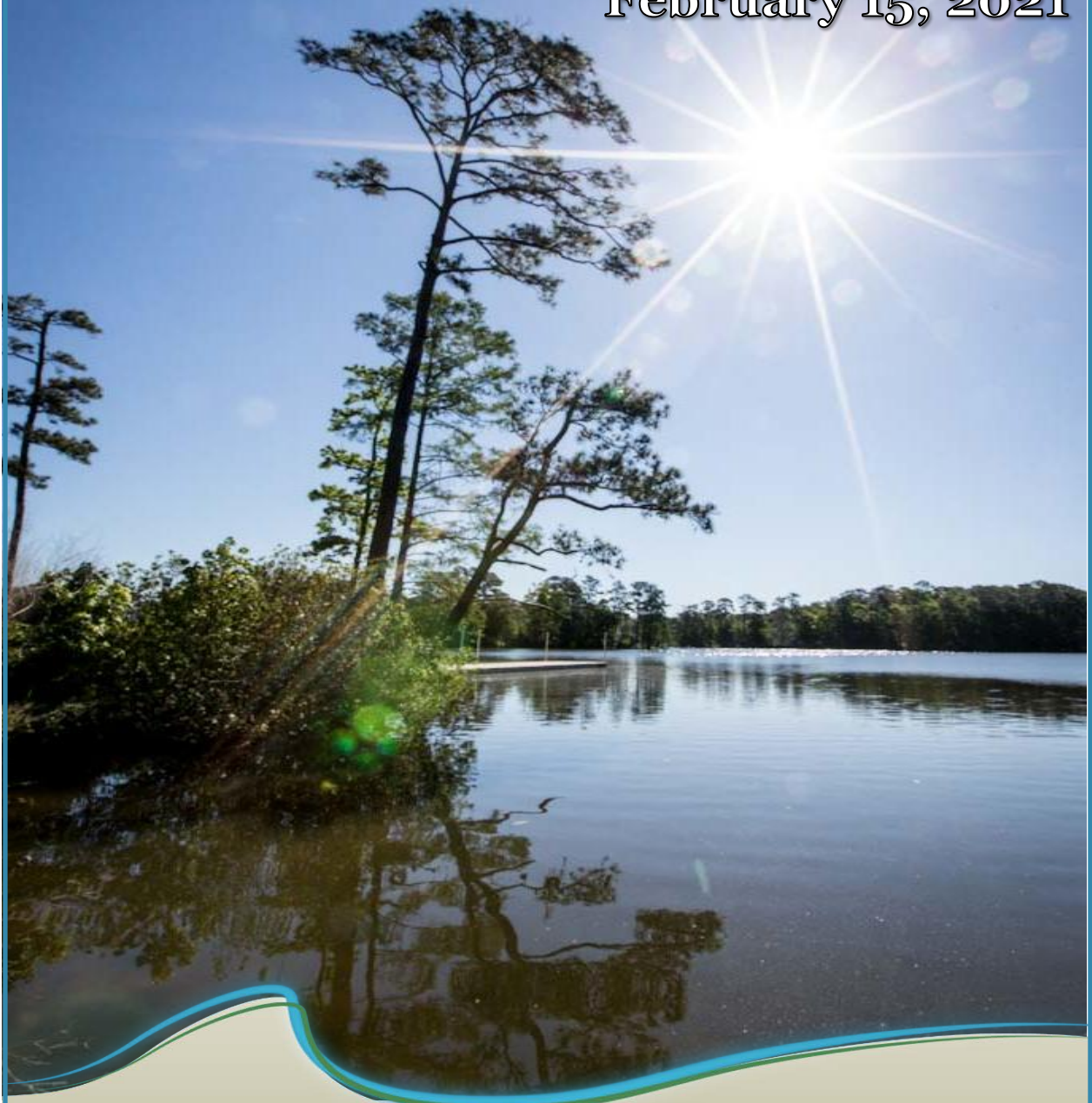


# Wetlands Board Staff Report

February 15, 2021



**VB** City of  
Virginia Beach

# Wetlands Board Hearing Procedures

Due to the ongoing COVID-19 pandemic, the Virginia Beach Wetlands Board meeting will be held virtually on February 15, 2021 at 10:00 a.m. with Wetlands Board Members, Staff and citizens participating via video/audio conference. Prior to the public hearing, a virtual Staff briefing will be held at 9:00 a.m.

**For those citizens who desire to attend this meeting virtually, registration is required.** Please visit [www.vbgov.com/wetlands](http://www.vbgov.com/wetlands) or enter the following URL into your web browser to register:  
<https://vbgov.webex.com/vbgov/onstage/g.php?MTID=e9c9f12c3925a199cdcfacdde35ba5aa>

**If you desire to speak at the virtual public hearing you must notify Staff prior to 5:00 pm, February 12, 2021 at (757) 385-4621.** Citizens are encouraged to submit comments to the Wetlands Board prior to the public hearing via email to [waterfront@vbgov.com](mailto:waterfront@vbgov.com) or via United States Mail to Waterfront Operations, 2875 Sabre Street, Suite 500, Virginia Beach, VA 23452.

Staff will attempt to facilitate real-time citizen participation/comments in the public hearing for those citizens who registered, which includes speaker's name, physical address, email address, and phone number. For more information on this process, please review the Wetlands Board website at [www.vbgov.com/wetlands](http://www.vbgov.com/wetlands) or contact Staff at (757) 385-4621. 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](http://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 WHILE IN THE COUNCIL CHAMBER.**

**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

\* Deferral

\*\* Withdrawal

**Wetlands Board Staff Report  
February 15, 2021**

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:
  - 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

OLD BUSINESS – WETLANDS

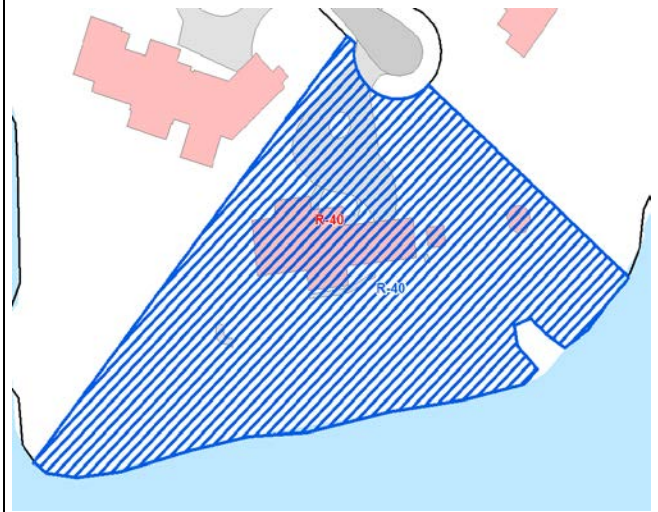
1. 2019-WTRA-00250  
William A. Yearick, et al.  
[Applicant/Owner]

**REQUEST FOR 1 YEAR EXTENSION**

**To construct rip rap involving wetlands**

901 Holladay Point  
(GPIN 2418-53-7270)

Waterway – Little Neck Creek  
Subdivision – Bay Colony Waterfront  
Council District – Beach



NEW BUSINESS – WETLANDS

2. 2020-WTRA-00200  
William Walpert,  
Gregory Strangways,  
Michael Anderson  
[Applicants/Owners]

**To dredge involving wetlands**

1020 Witch Point Trail, 1016 Witch Point  
Trail and 4058 Schilling Point  
(GPINs 1488-04-1543, 1488-04-2675,  
1488-05-1062)

Waterway – Western Branch Lynnhaven  
River  
Subdivision – Saw Pen Point  
Council District – Bayside



\* Deferral  
\*\* Withdrawal

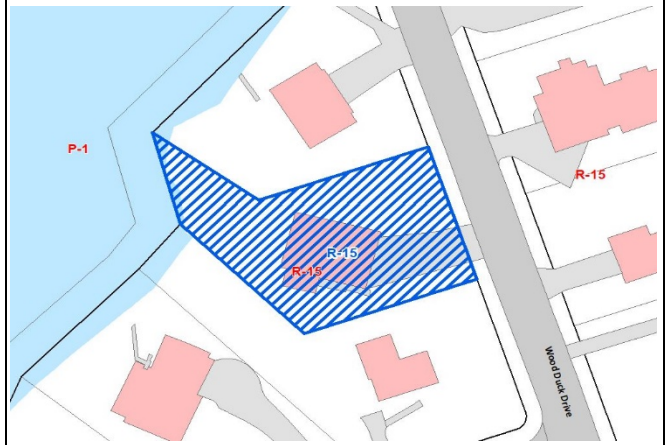
NEW BUSINESS - WETLANDS

3. 2020-WTRA-00274  
Neil and Christina Hutchinson  
[Applicant/Owner]

**To construct a bulkhead involving wetlands**

2833 Wood Duck Drive  
(GPIN 2433-25-3267)

Waterway – Mill Creek  
Subdivision – Sandbridge Shores  
Council District – Princess Anne

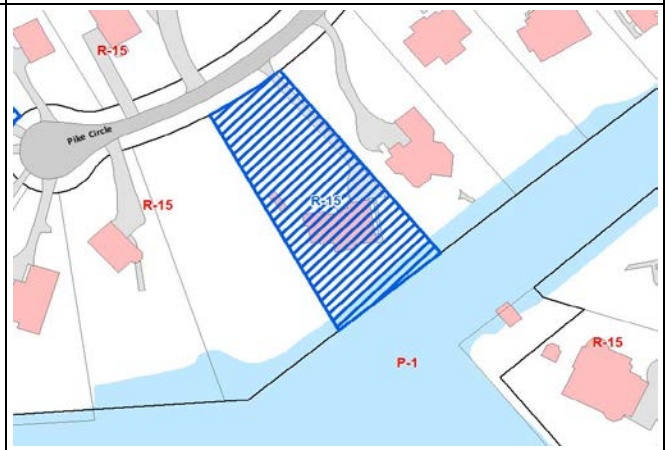


4. 2020-WTRA-00291  
William J. Price Trust  
[Applicant/Owner]

**To construct a bulkhead involving wetlands**

333 Pike Circle  
(GPIN 2433-40-1206)

Waterway – North Bay  
Subdivision – Back Bay Meadows  
Council District – Princess Anne



5. 2020-WTRA-00224  
Jean Hayek [Applicant/Owner]

**To construct rip rap involving wetlands**

4321 Alfriends Trail  
(GPIN 1478-73-8986)

Waterway – Western Branch Lynnhaven  
River  
Subdivision – Donation Shores  
Council District – Bayside



\* Deferral  
\*\* Withdrawal

NEW BUSINESS - WETLANDS

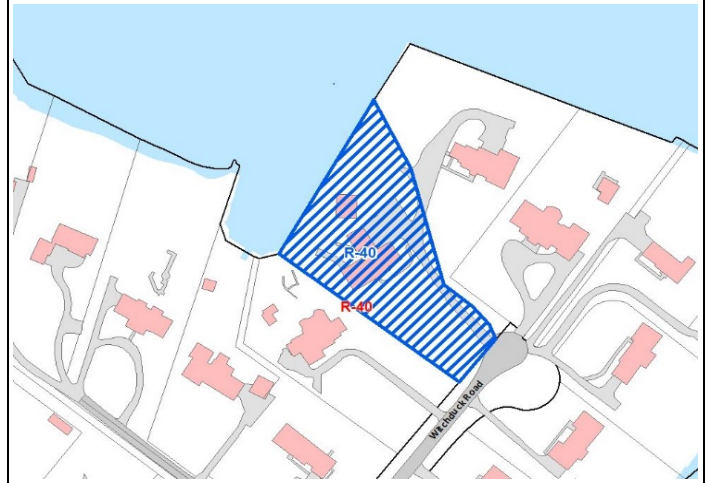
6. 2021-WTRA-00002

David Bowden [Applicant/Owner]

**To construct a bulkhead, rip rap, and boat ramp and plant vegetation involving wetlands**

4018 N Witchduck Road  
(GPIN 1488-08-9788)

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



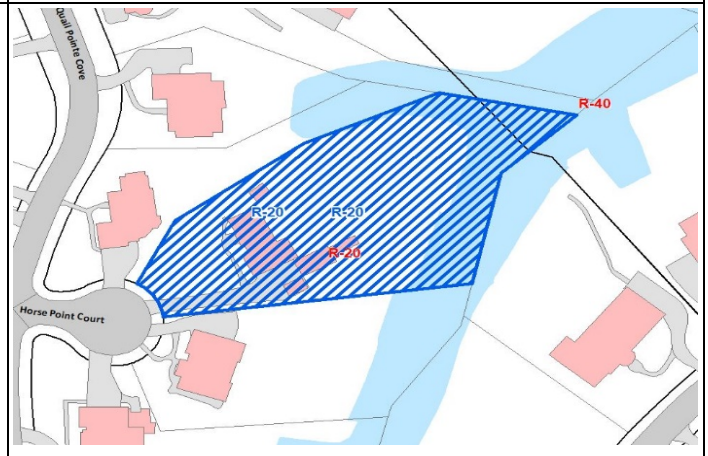
7. 2021-WTRA-00003

George Lauterbach  
[Applicant/Owner]

**To repair bulkhead involving wetlands**

1500 Horse Point Court  
(GPIN 2408-92-1820)

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



\* Deferral

\*\* Withdrawal

**Agent**

Robert Simon, Waterfront Consulting, Inc.

**Location**

901 Holladay Point

**GPIN**

2418-53-7270

**Proposal**

To construct rip rap involving wetlands

**Staff Recommendation**

Approval as Modified

**Waterway**

Little Neck Creek

**Subdivision**

Bay Colony Waterfront

**Impacts**

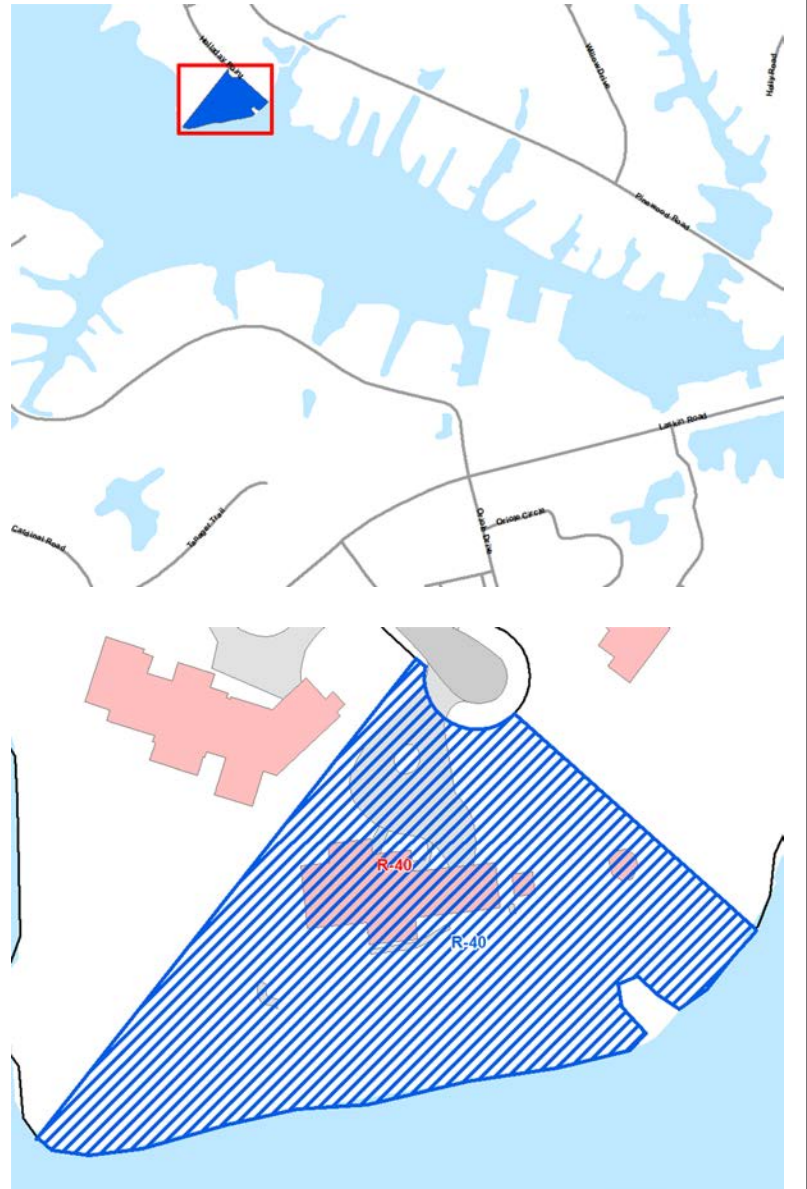
**Non-vegetated Wetlands:** 1,308 square feet

**Subaqueous Bottom:** 785 square feet

**Overall length of proposed structure:** 523 feet

**Proposed Mitigation and/or Compensation**

Onsite compensation



Site Aerial





**Agent**

Tom Langley, PE, LS

**Locations**

1016 Witch Point Trail, 1020 Witch Point Trail, and 4058 Schilling Point

**GPINs**

1488-04-1543, 1488-04-2675, and 1488-05-1062

**Staff Planner**

Whitney McNamara

**Proposal**

To dredge involving wetlands

**Staff Recommendation**

Approval as Submitted

**Waterway**

Western Branch Lynnhaven River

**Subdivision**

Saw Pen Point

**Impacts**

**Non-Vegetated:** 401 square feet

**Subaqueous:** 20,563 square feet

**Proposed Mitigation and/or Compensation**

On-site



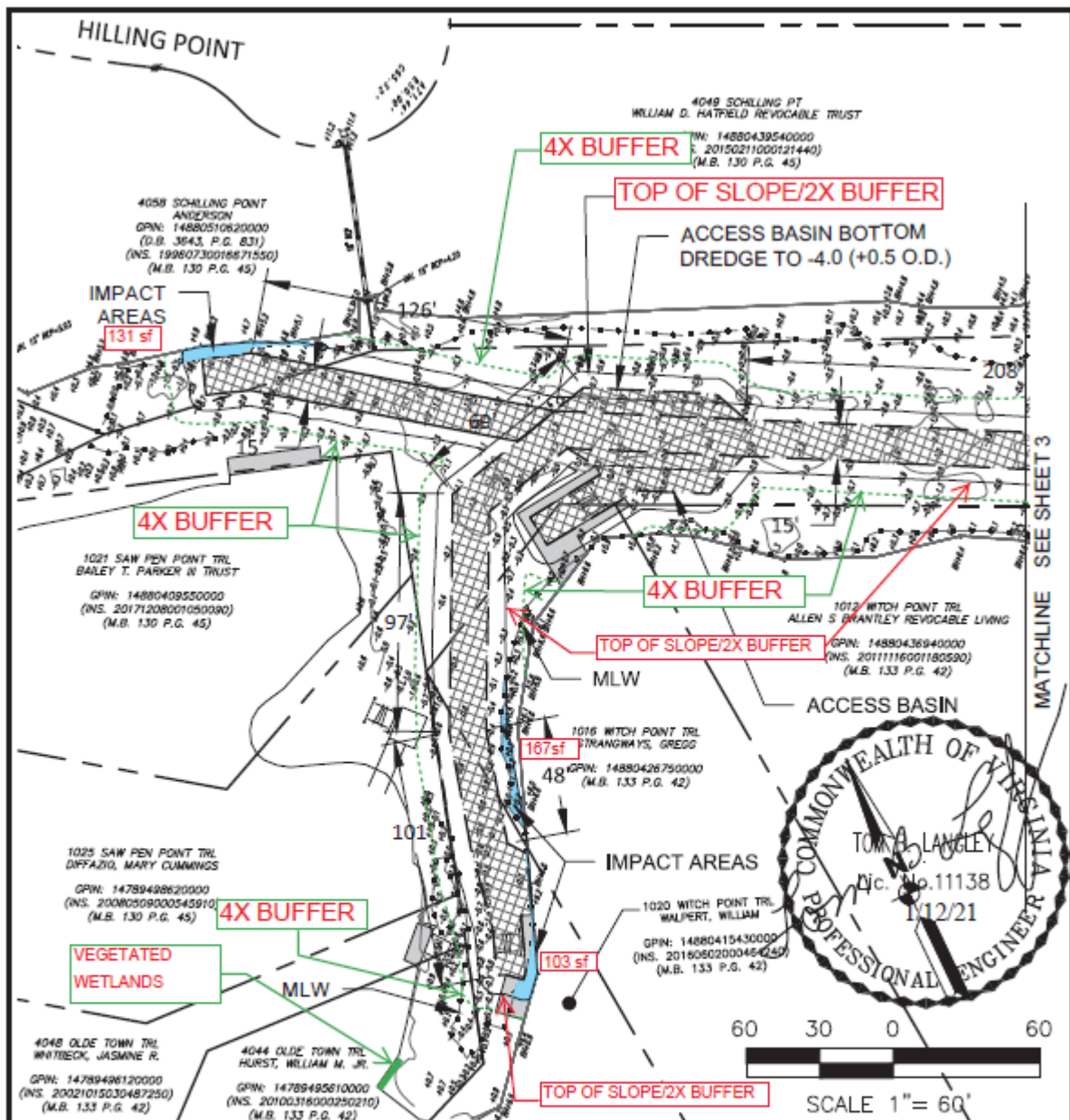
## Site Aerial Map



## CBPA Variances & Wetlands Board Permit History

These properties are located in the Chesapeake Bay Watershed. A CBAP Board Variance was found for 1016 Witch Point Trail in October 1995 to construct a single-family residence, pool, pool house, and concrete deck. A CBPA Board Variance was found for 1020 Witch Point Trail in September 2001 to construct a single-family residence, driveway, pool, and retaining wall. No recent Wetlands Board permits were found for this property.

# Proposed Site Plan



PURPOSE : DREDGING  
DATUM: MLW=0.00

ADJ. PROPERTY OWNERS  
NOTED ON PLAN

## PERMIT APPLICATION DREDGING PLAN

Langley and McDonald, Inc  
Engineers Planners Surveyors  
309 LYNNHAVEN PARKWAY  
VIRGINIA BEACH, VIRGINIA 23452  
757-463-4306 (FAX) 757-463-3563

WATERWAY: WESTERN BRANCH  
LYNNHAVEN RIVER  
ADDRESS: 1020 & 1016  
WITCH PT TRL  
CITY/COUNTY: VIRGINIA BEACH  
APPLICATION BY :  
WALPERT, STRANGWAYS,  
& ANDERSON  
SCALE : 1" = 60' DATE:  
SHT. 2 OF 4 5/22/20

REV: 10/08/20, 12/21/20, 1/12/21

Site Photos



Site Photos



## Summary of Proposal

The applicants are proposing new dredging to form a channel for access to the Saw Pen Point neighborhood SSD project. The applicants were not included on the neighborhood SSD project, but the SSD is fully aware of and supports the proposed channel to connect to the SSD. The proposed dredge channel will be fifteen feet wide by four feet deep and will provide boat access from existing piers/docks. The proposed project will impact 401 square feet of non-vegetated wetlands, inclusive of impacts from the two-by buffer. The four-by buffer is shown on the plans, but there are no additional vegetated wetlands impacts in the four-by buffer for this project. The applicants are requesting to pay the reduced dredging rate of \$5.50 per square foot of non-vegetated wetlands impacts to compensate for the non-vegetated wetlands impacts.

## Evaluation & Staff Recommendations

The applicant's agent has designed a project with a similar dredge channel width and depth as the neighborhood SSD projects. In addition, efforts were made to minimize wetlands impacts to the extent possible. The applicant's agent will need to provide a Dredge Materials Management plan and obtain a hauling permit prior to issuance of the Wetlands Board permit and start of work. Staff supports the applicant's request to pay the reduced non-vegetated wetlands in-lieu fee because this is a dredge project.

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

1. A Dredge Materials Management plan 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 Wetlands Permit.
2. A hauling permit shall be applied and approved by the Development Services Center prior to the issuance of a Wetlands Board 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.

**Agent**

R. Harold Jones, Sigma Environmental Services, Inc.

**Location**

2833 Wood Duck Drive

**GPIN**

2433-25-3267

**Staff Planner**

Whitney McNamara

**Proposal**

To construct a bulkhead involving wetlands

**Staff Recommendation**

Approval as Submitted

**Waterway**

Mill Creek

**Subdivision**

Sandbridge Shores

**Impacts**

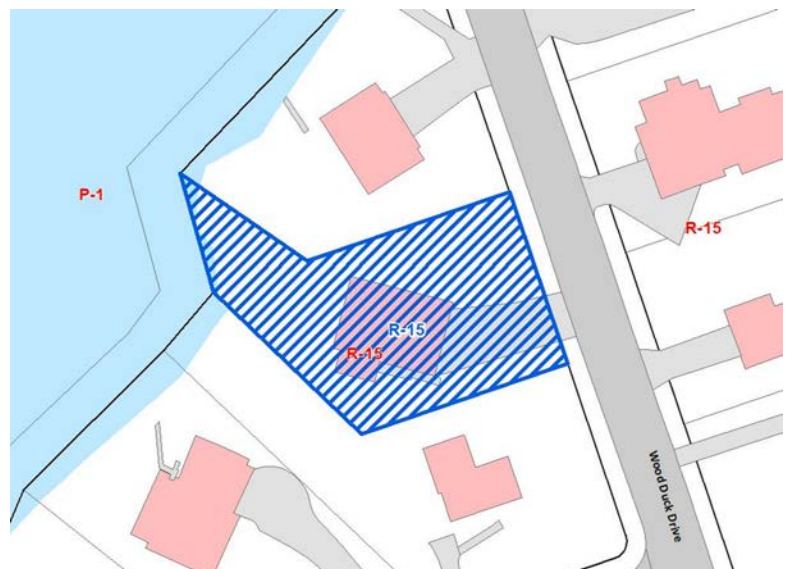
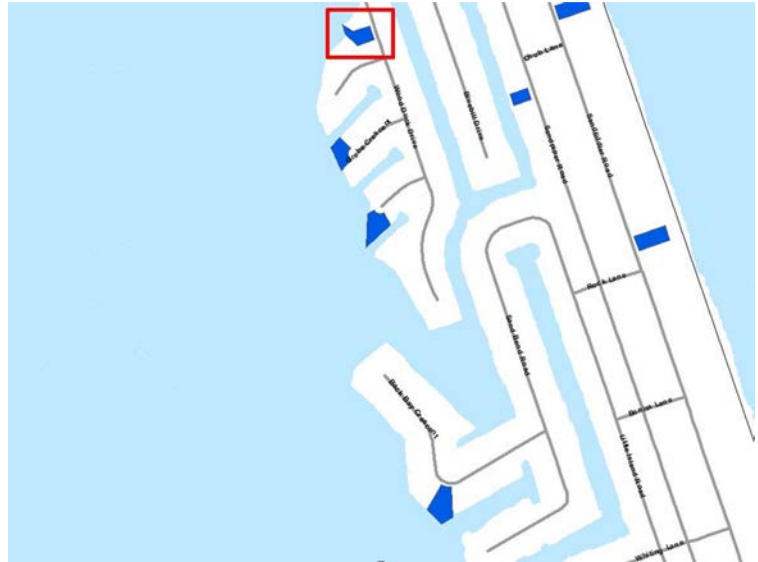
**Non-vegetated Wetlands:** 5 square feet

**Overall length of proposed structure:** 70.4 linear feet

**Volume of backfill:** less than 15 cubic yards

**Proposed Mitigation and/or Compensation**

Payment of an in-lieu fee



## Site Aerial Map



## CBPA Variances & Wetlands Board Permit History

This property is in the Southern Rivers Watershed. No recent Wetlands Board permits were found for this property.





Site Photos



Site Photos



## Summary of Proposal

The applicant is proposing to remove the existing bulkhead and install a replacement bulkhead. A portion of the existing bulkhead will be relocated landward so the new bulkhead will have a straight alignment. Approximately 5 square feet of non-vegetated rock habitat will be impacted due to the alignment of the southern return wall to tie in to the neighbor's bulkhead. The primary purpose of this project is to prevent failure of the existing bulkhead.

## Evaluation & Staff Recommendations

The existing bulkhead is beginning to lose backfill from behind the bulkhead, indicating that the bulkhead needs to be replaced. Staff supports a replacement bulkhead on this property. The adjacent properties along the waterway are also protected by bulkheads in a similar alignment and the existing pool is located less than 25 feet from the bulkhead, leaving little room to grade the property to achieve the proper slope for a living shoreline. There is existing rock along the proposed southern return wall that will tie in to the neighbors bulkhead. Due to the location of the return wall along the property line, it is not possible to relocate the rock without impacting the neighboring property. Staff recommends the Board accept payment of an in-lieu fee for the 5 square feet of non-vegetated wetlands that will be lost.

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. Fill must be the minimum necessary to support the stabilization project.

The top of the proposed bulkhead is set at elevation 3.0 feet NAVD 88, which is 0.2 of a foot higher than the existing bulkhead, and within the 0.5 foot increase in bulkhead height typically supported in Sandbridge. In addition, minimal fill is proposed as needed to support and backfill the proposed bulkhead.

Accordingly, the Department of Planning and Community Development Staff recommend the application be **approved as submitted** as shown on the plans received by the Virginia Marine Resources Commission on December 3, 2020.

## 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**

333 Pike Circle

**GPIN**

2433-40-1206

**Staff Planner**

Whitney McNamara

**Proposal**

To construct a bulkhead involving wetlands

**Staff Recommendation**

Approval as Modified

**Waterway**

North Bay

**Subdivision**

Back Bay Meadows

**Impacts**

**Non-vegetated Wetlands:** 35 square feet

**Overall length of proposed structure:** 150 linear feet

**Volume of backfill:** 52.5 cubic yards

**Proposed Mitigation and/or Compensation**

Payment of an in-lieu fee



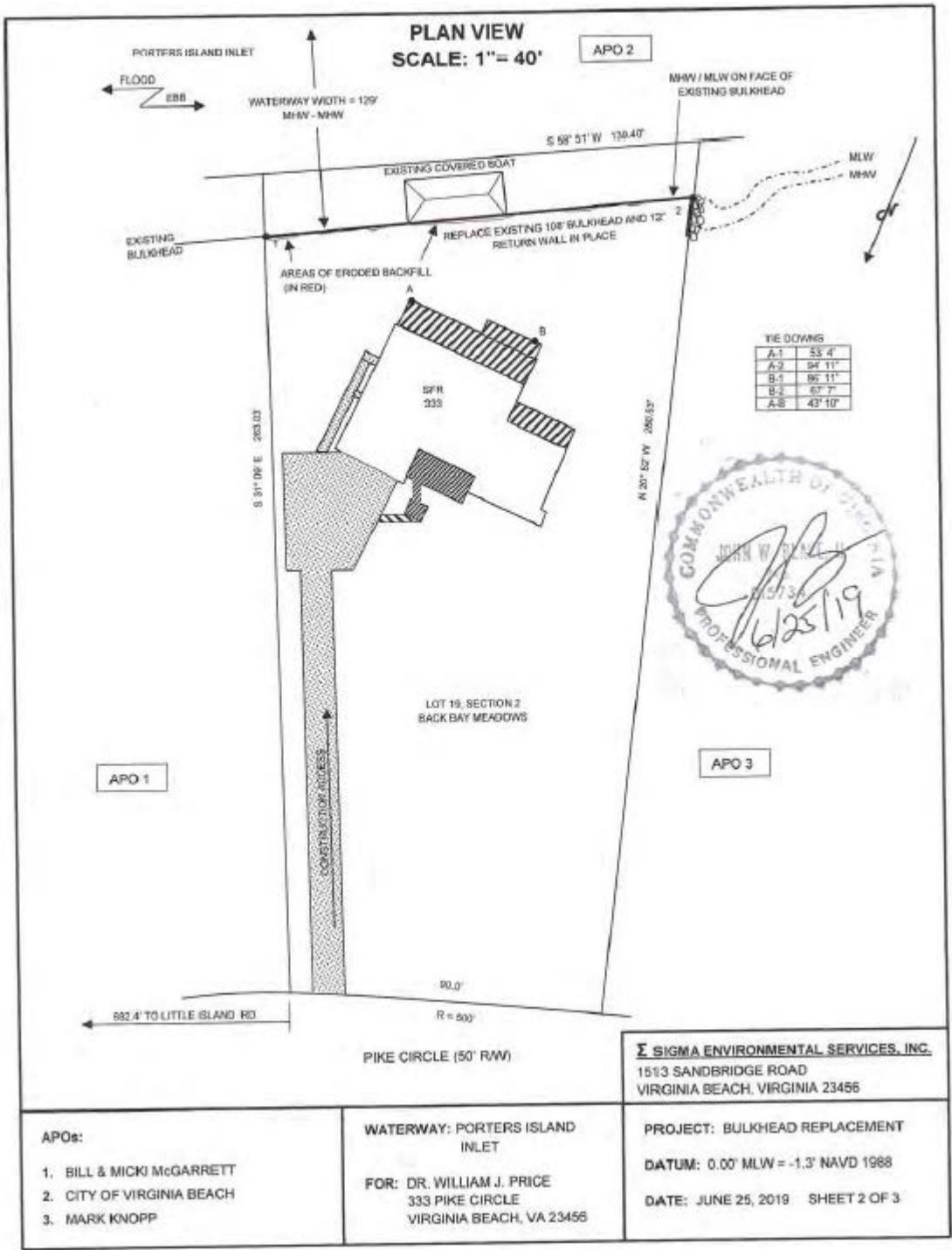
## Site Aerial Map



## CBPA Variances & Wetlands Board Permit History

This property located in the Southern Rivers Watershed. This application was approved by the Wetlands Board on August 19, 2019 and a Wetlands Permit was issued; however, the Wetlands Permit expired prior to the applicant being able to begin work.

# Proposed Site Plan





Site Photos



Site Photos



## Summary of Proposal

The applicant proposes to remove 138 linear feet of deteriorated wooden bulkhead and replace it with a new bulkhead along the original alignment. The proposed elevation of the new bulkhead and associated backfill is 2.3 feet with a timber cap at 2.5 feet. Approximately 52.5 cubic yards of backfill will be placed landward of the new bulkhead to fill in holes where erosions has occurred. The proposed project will impact 35 square feet of non-vegetated wetlands located in areas of erosion behind the existing bulkhead; payment of an in-lieu fee is proposed for mitigation. The primary purpose of the proposed project is to prevent continued upland erosion.

## Evaluation & Staff Recommendations

The current bulkhead is experiencing failure resulting in a loss of backfill and moderate erosion. Mean high water has infiltrated behind the bulkhead, creating 35 square feet of jurisdictional non-vegetated wetlands. The new bulkhead alignment is proposed in the same alignment as the existing bulkhead to minimize additional impacts to wetlands.

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. Fill must be the minimum necessary to support the stabilization project.

The top of the proposed bulkhead is set at elevation 2.5 feet NAVD 88, which is 0.7 of a foot higher than the existing bulkhead and fill will extend landward 20 feet. Staff is of the opinion that while the proposed increase in bulkhead height is higher than what is typically allowed in the Floodplain Subject to Special Restrictions, the proposed bulkhead height is acceptable because it is the same height as the adjacent bulkhead and similar in height to most bulkheads in Sandbridge. Staff does have concerns over the extent of the proposed backfill since the existing house is located approximately 30 feet from the existing bulkhead, therefore 20 feet of backfill would fill the majority of the back yard. In conversations with the applicant's agent, the agent agreed that limiting backfill to 15 feet from the proposed bulkhead is acceptable.

Staff supports the use of a bulkhead for this property, as it is consistent with other properties throughout Sandbridge. In addition, the existing residential structure is located approximately 30 feet from the shoreline, providing little room to grade the property landward to achieve the required slope for a living shoreline.

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

1. Sheet 3 of the proposed plans shall be modified to revise the note so that backfill shall be limited to 15 feet from the proposed bulkhead. 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.

**Agent**

Robert Simon, Waterfront Consulting, Inc.

**Location**

4321 Alfriends Trail

**GPIN**

1478-73-8986

**Staff Planner**

Whitney McNamara

**Proposal**

To construct rip rap involving wetlands

**Staff Recommendation**

Approval as Modified

**Waterway**

Western Branch Lynnhaven River

**Subdivision**

Donation Shores

**Impacts**

**Vegetated Wetlands:** 2 square feet

**Non-vegetated Wetlands:** 486 square feet

**Overall length of proposed structure:** 129 linear feet of rip rap

**Volume of backfill:** 20 cubic yards

**Proposed Mitigation and/or Compensation**

On-Site and payment of an in-lieu fee



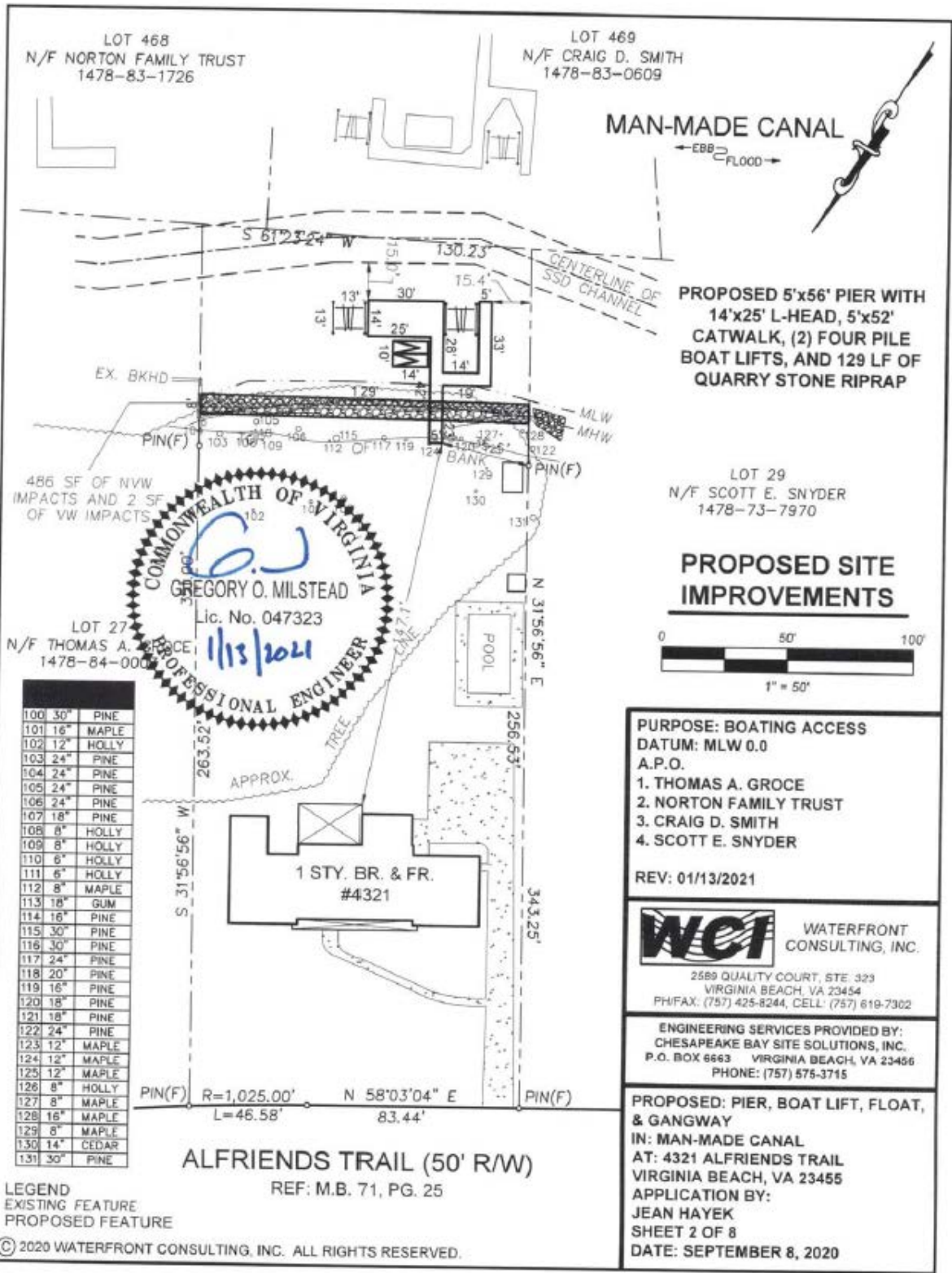
## Site Aerial Map



## CBPA Variances & Wetlands Board Permit History

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

# Proposed Site Plans



Site Photos





# Site Photos



## Summary of Proposal

The applicant is proposing to construct a 129 linear foot rip rap revetment and remove eight trees that will be impacted by the installation of the rip rap. While the yard is deep enough to allow for grading to install a living shoreline, the property is heavily wooded, and would require many trees to be removed to install the living shoreline. In addition, the property is located along the Old Donation SSD dredge channel and experiences heavy boat traffic.

The proposed rip rap will convert 486 square feet of non-vegetated mudflat to non-vegetated rock habitat and will impact 2 square feet of vegetated wetlands (salt bush). The applicant is proposing payment of an in-lieu fee for the vegetated wetlands loss. The primary purpose of the project is to prevent further erosion of the shoreline.

## Evaluation & Staff Recommendations

Staff has been working with the applicant's agent since fall 2020 to redesign this project to reduce upland tree canopy impacts. As a result, the proposed rip rap has been moved channelward and the number of trees that must be removed has been reduced from 20 down to 8. Staff agrees with the applicant's agent that the upland tree canopy needs to be preserved to the extent possible, and agrees that the presence of a robust tree canopy does not make this property a good candidate for a living shoreline. However, the shoreline is experiencing erosion that is beginning to undermine the root system of several trees, necessitating some form of shoreline protection. Due to the existing tree canopy and SSD channel, rip rap is the best option for this shoreline.

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

1. Trees removed shall be mitigated at a 1:1 ratio. Mitigated trees shall either be canopy or understory trees.
2. Sheet 2 of the proposed plans shall be modified to show the limits of construction, located seaward of the trees to be preserved and to show the limits of fill on the property.
3. Construction matting shall be used for the site access through the existing canopy to limit soil compaction.
4. 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.

**Agent**

Robert Simon, Waterfront Consulting, Inc.

**Location**

4018 N Witchduck Road

**GPIN**

1488-08-9788

**Staff Planner**

Whitney McNamara

**Proposal**

To construct a bulkhead, rip rap, and boat ramp and plant vegetation involving wetlands

**Staff Recommendation**

Approval as Submitted

**Waterway**

Western Branch Lynnhaven River

**Subdivision**

Witchduck

**Impacts**

**Non-Vegetated:** 72 square feet

**Subaqueous:** 41 square feet

**Overall length of proposed structure:** 159 linear feet of bulkhead, 13 linear feet of rip rap

**Volume of Backfill:** 20 cubic yards

**Proposed Mitigation and/or Compensation**

On-site



## Site Aerial Map



## CBPA Variances & Wetlands Board Permit History

This property is in the Chesapeake Bay Watershed; however, no recent CBPA Board Permits or Wetlands Permits were found for this property.



# Site Photos



Site Photos



## Summary of Proposal

The applicant proposes to install 130 linear feet of new vinyl bulkhead in the same footprint or landward of the existing bulkhead, replace the existing concrete boat ramp, and construct approximately 13 linear feet of rip rap sill and grade down uplands behind the sill to plant wetlands vegetation. A 16 linear foot upland bulkhead with a 13 linear foot return is proposed landward of the proposed wetlands vegetation to prevent upland erosion.

The proposed project will impact 36 square feet of non-vegetated wetlands in an area of washout behind the existing bulkhead, convert 36 square feet of non-vegetated wetlands to vegetated wetlands, and create 180 square feet of vegetated wetlands. A monitoring plan is included on the proposed plans. The applicant is requesting that the Board consider on-site mitigation because the creation of 180 square feet of vegetated wetlands more than offsets the loss of 36 square feet of non-vegetated wetlands. The primary purpose of the proposed project is to prevent further erosion of the shoreline.

## Evaluation & Staff Recommendations

The existing bulkhead has failed and needs to be replaced. A living shoreline is not feasible along this portion of the shoreline due to the proximity of existing structures on the property being less than 30 feet from the shoreline and the channel in this area is over 1,000 feet wide. The applicant's agent has worked to incorporate a living shoreline feature along a portion of the shoreline that is located in a small cove and is farther away from upland structures. Staff supports the applicant's request to consider the new vegetated wetlands as on-site compensation for the 36 square feet of non-vegetated wetlands loss in an area of washout behind the existing bulkhead.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans received by the Virginia Marine Resources Commission on January 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**

Robert Simon, Waterfront Consulting, Inc.

**Location**

1500 Horse Point Court

**GPIN**

2408-92-1820

**Staff Planner**

Whitney McNamara

**Proposal**

To repair a bulkhead involving wetlands

**Staff Recommendation**

Approval as Submitted

**Waterway**

Linkhorn Bay

**Subdivision**

Quail Point Cove

**Impacts**

**Non-Vegetated:** 10 square feet

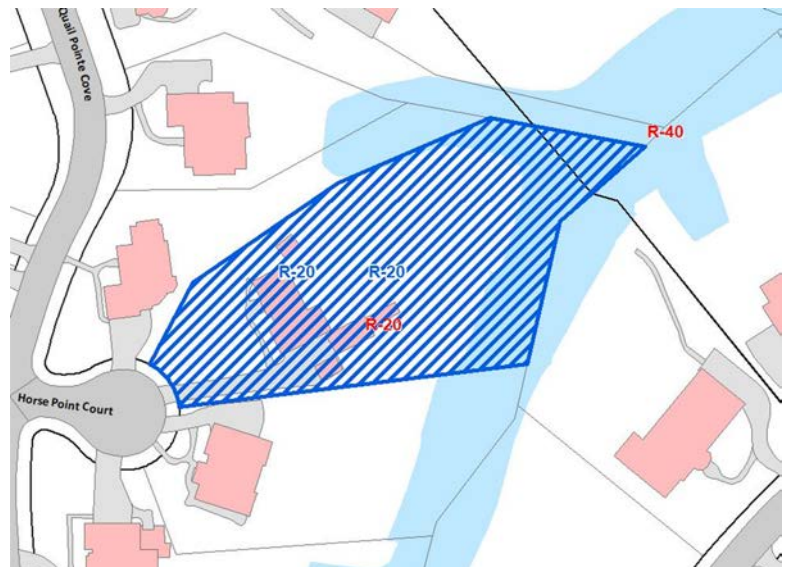
**Subaqueous:** 370 square feet

**Overall length of proposed structure:** 185 linear feet

**Volume of Backfill:** 55 cubic yards

**Proposed Mitigation and/or Compensation**

Payment of an in-lieu fee



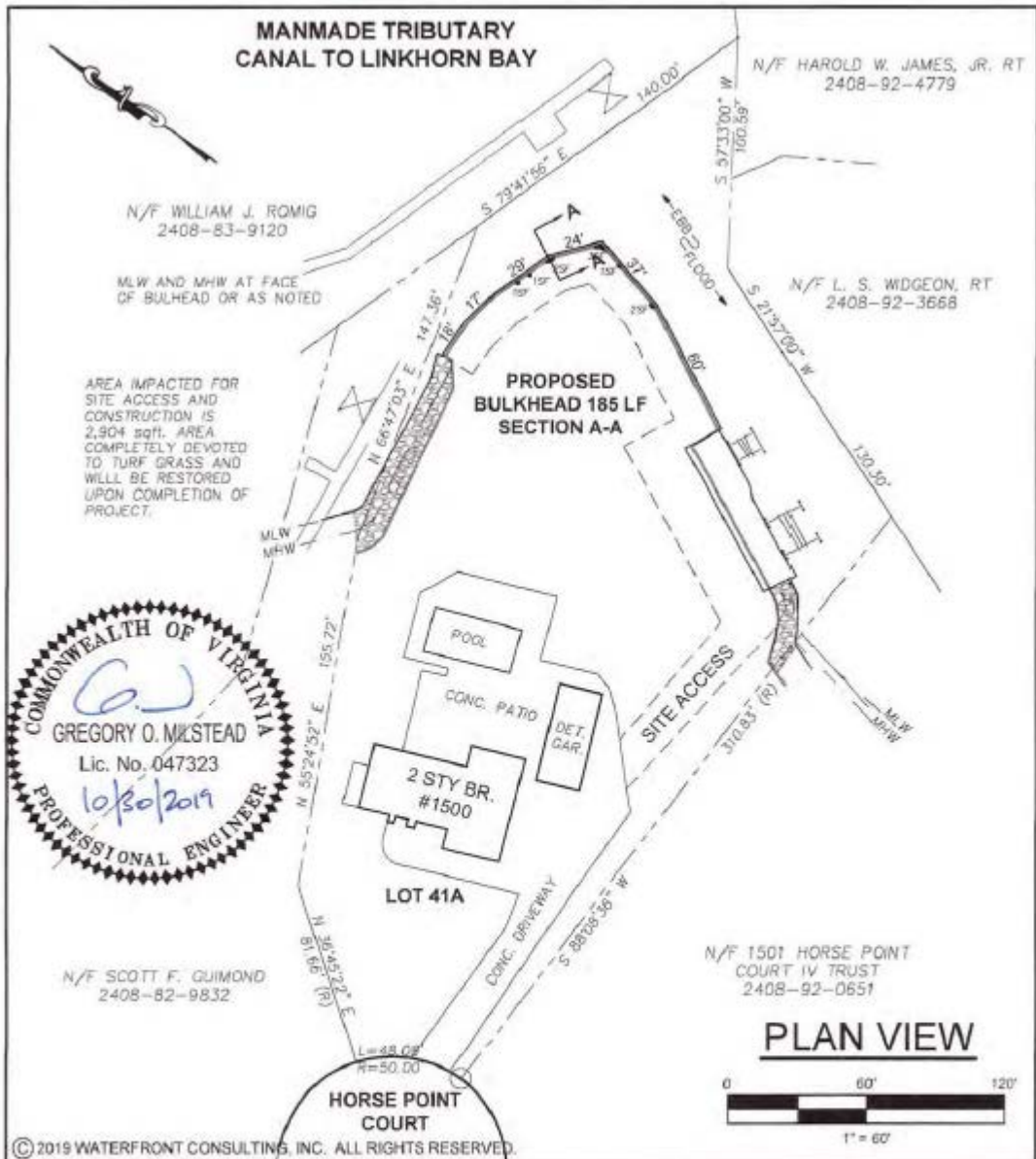
## Site Aerial Map



## CBPA Variances & Wetlands Board Permit History

This property is in the Chesapeake Bay Watershed; however, no recent CBPA Board Permits were found for this property. A Wetlands Board application was heard on December 16, 2019 and a Wetlands Permit was issued; however, the permit expired prior to being able to begin work.

# Proposed Site Plan



<p><b>PURPOSE:</b> MAINTENANCE <b>DATUM:</b> MLW 0.0 <b>A.P.O.</b></p> <ol style="list-style-type: none"> <li>SCOTT F. GUIMOND</li> <li>WILLIAM J. ROMIG</li> <li>HAROLD W. JAMES, JR. RT.</li> <li>LINDA SPENCE WIDGEON RT.</li> <li>1501 HORSE POINT COURT IV TRT</li> </ol> <p><b>REV:</b></p>	<p><b>WCI</b> WATERFRONT CONSULTING, INC. 2589 QUALITY COURT, STE. 323 VIRGINIA BEACH, VA 23454 PHONE: (757) 425-8244, CELL: (757) 619-7302</p> <p><b>ENGINEERING SERVICES PROVIDED BY:</b> CHESAPEAKE BAY SITE SOLUTIONS, INC. P.O. BOX 6663 VIRGINIA BEACH, VA 23466 PHONE: (757) 575-3715</p>	<p><b>PROPOSED:</b> BULKHEAD, PIER, AND LIFT <b>IN:</b> MANMADE CANAL TRIBUTARY TO LINKHORN BAY <b>AT:</b> 1500 HORSE POINT COURT VIRGINIA BEACH, VA 23454 <b>APPLICATION BY:</b> GEORGE W. LAUTERBACH, JR. <b>SHEET 2 OF 6</b> <b>DATE:</b> JULY 1, 2019</p>
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Site Photos



Site Photos



## Summary of Proposal

The applicant proposes to install a new 185 linear foot bulkhead with approximately 55 cubic yards of backfill along a man-made canal leading to Linkhorn Bay. The applicant has indicated that rip rap channelward of the existing bulkhead was considered as a potential measure for shoreline hardening for this property but was not chosen due to the existing piers and the navigation issues it would cause in the narrow waterway. Additionally, rip rap landward of the existing bulkhead was not an option due to having to remove the existing bulkhead and extensive excavation that would be required adding significant cost to the project. The proposed bulkhead will impact 10 square feet of non-vegetated wetlands and the applicant is proposing to pay an in-lieu fee to mitigate for these wetland losses.

## Evaluation & Staff Recommendations

Staff agrees with the applicant's agent that a new bulkhead is the most appropriate shoreline stabilization method for this property. The existing bulkhead is showing signs of failure where several areas of non-vegetated wetlands have established due to the loss of backfill. Replacement of the bulkhead will result in 10 square feet of non-vegetated wetlands impacts, where these pockets of non-vegetated wetlands have established.

Staff is of the opinion that a new bulkhead is appropriate for this property due to the height of the existing bulkhead, the width of the canal, and the amount of boat traffic through this busy canal leading to Linkhorn Bay.

Accordingly, the Department of Planning & Community Development Staff recommends that this application be **approved as submitted** as shown on the plans for **1500 Horse Point Court sealed on October 30, 2019**.

## 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.

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