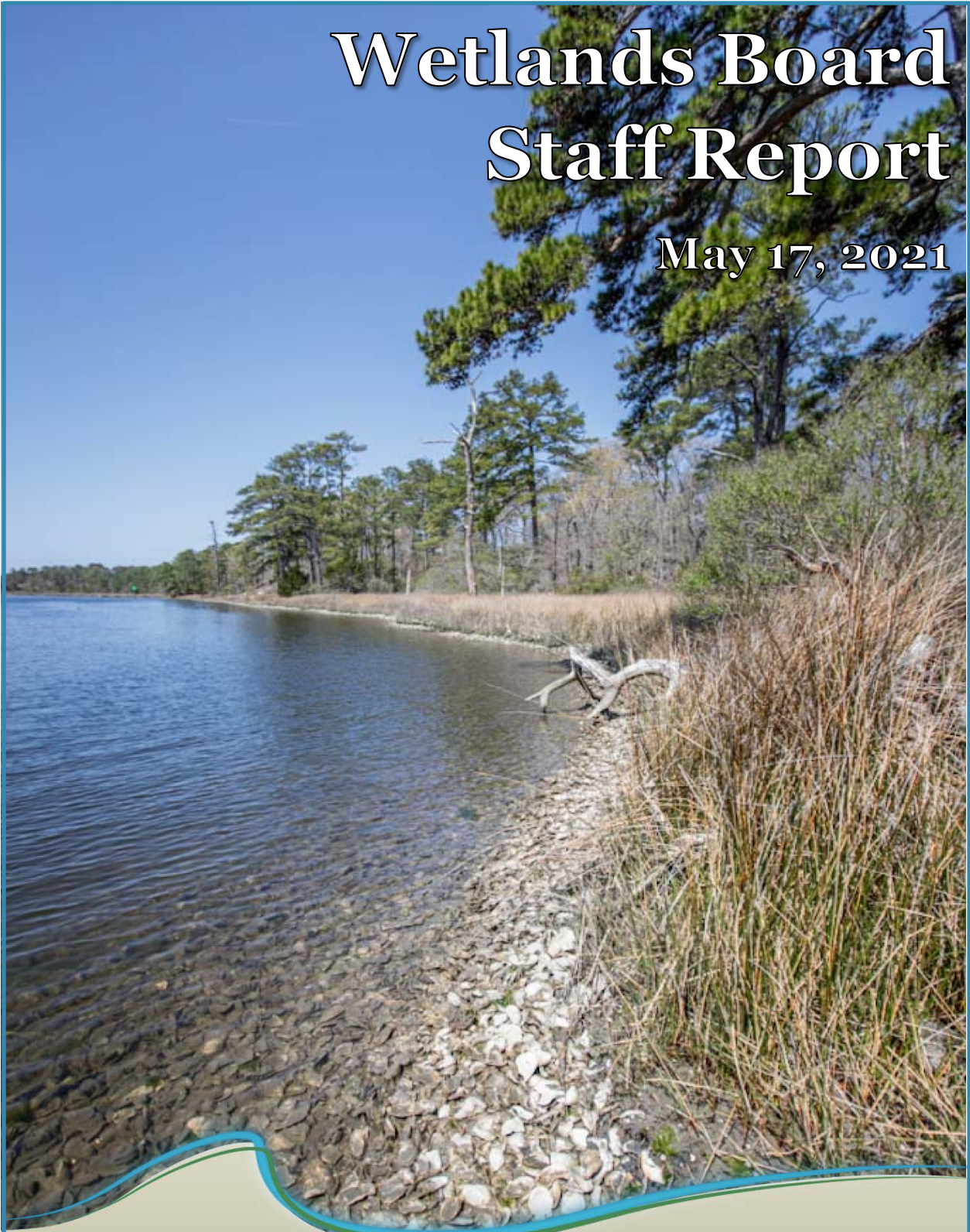


Wetlands Board Staff Report

May 17, 2021



Wetlands Board Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, May 17, 2021 at 10:00 a.m. in Suite 5 of the Virginia Beach Convention Center**. 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 **PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.**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

**Wetlands Board Staff Report
May 17, 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

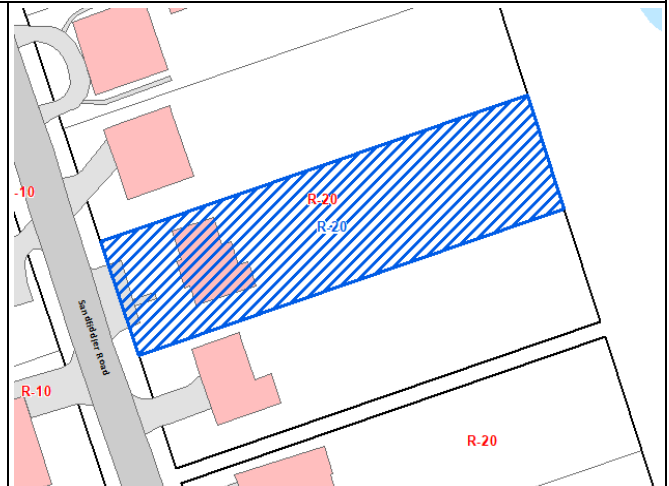
OLD BUSINESS – COASTAL PRIMARY SAND DUNE/BEACH

1. 2020-WTRA-00065
Jim Dinkins [Applicant/Owner]
REQUEST FOR 1 YEAR EXTENSION

To grade sand involving a Coastal Primary Sand Dune/Beach

3256 Sandfiddler Rd
(GPIN 2433-50-5019)

Waterway – Atlantic Ocean
Subdivision – Sandbridge
Council District – Princess Anne



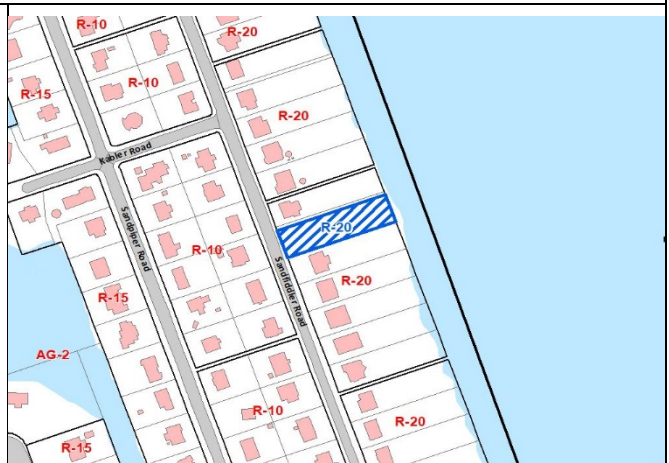
NEW BUSINESS – COASTAL PRIMARY SAND DUNE/BEACH

2. 2021-WTRA-00131
Tim Tyndall [Applicant/Owner]

To construct a bulkhead involving Coastal Primary Sand Dune/Beach

3520 Sandfiddler Road
(GPIN 2432-66-8512)

Waterway – Atlantic Ocean
Subdivision – Sandbridge
Council District – Princess Anne



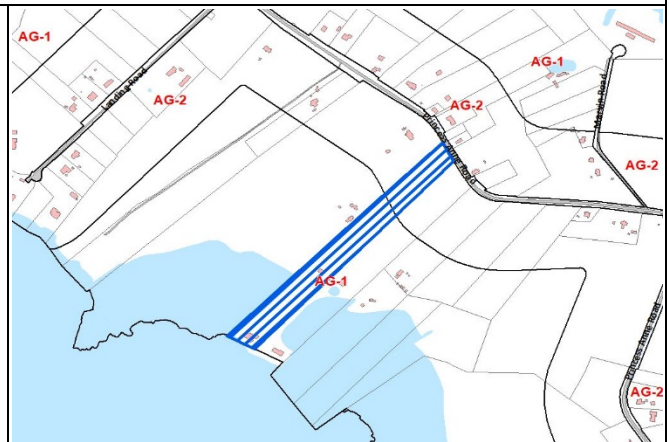
NEW BUSINESS – WETLANDS

3. 2021-WTRA-00102
Edward Amdahl [Applicant/Owner]

To construct rip rap involving wetlands

337 Princess Anne Road
(GPIN 2317-36-0693)

Waterway – North Landing River
Subdivision – Pungo
Council District – Princess Anne



* Deferral
** Withdrawal

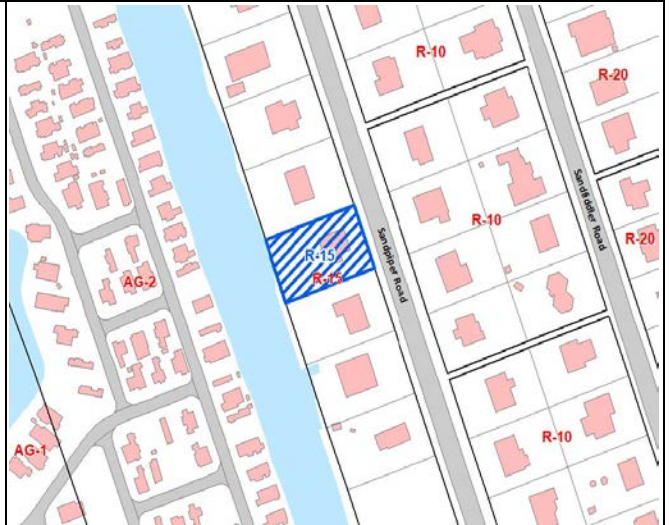
NEW BUSINESS – WETLANDS

4. 2021-WTRA-00084
Thao & Anh Nguyen
[Applicant/Owner]

To construct a bulkhead and boat ramp involving wetlands

3649 Sandpiper Road
(GPIN 2432-64-9263)

Waterway – Ships Bay
Subdivision – Sandbridge
Council District – Princess Anne

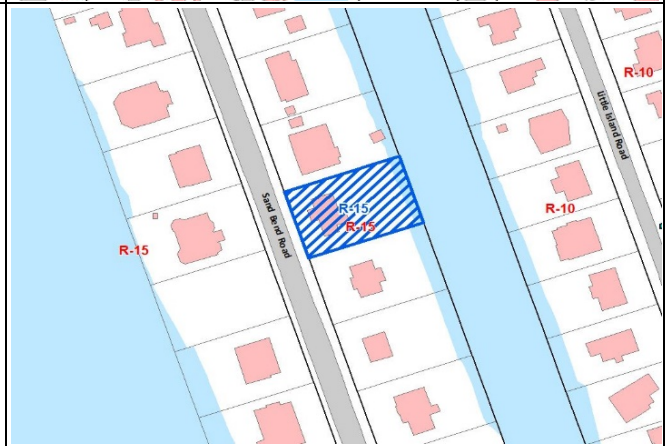


5. 2021-WTRA-00083
Kevin Heinsman [Applicant/Owner]

To remove and relocate rip rap involving wetlands

2960 Sand Bend Road
(GPIN 2433-33-5113)

Waterway – Canal to North Bay
Subdivision – Sandbridge
Council District – Princess Anne



* Deferral
** Withdrawal



Application Number **2020-WTRA-00065**
Applicant **Jim Dinkins**
Public Hearing **May 17, 2021**
City Council Election District **Princess Anne**
REQUEST FOR ONE YEAR EXTENSION

Agenda Item

1

Agent

Steven Heinrich, Seaside Restoration, LLC

Location

3256 Sandfiddler Rd

GPIN

2433-50-5019

Staff Planner

Whitney McNamara

Proposal

To grade sand involving a Coastal Primary Sand Dune/Beach

Waterway

Atlantic Ocean

Subdivision

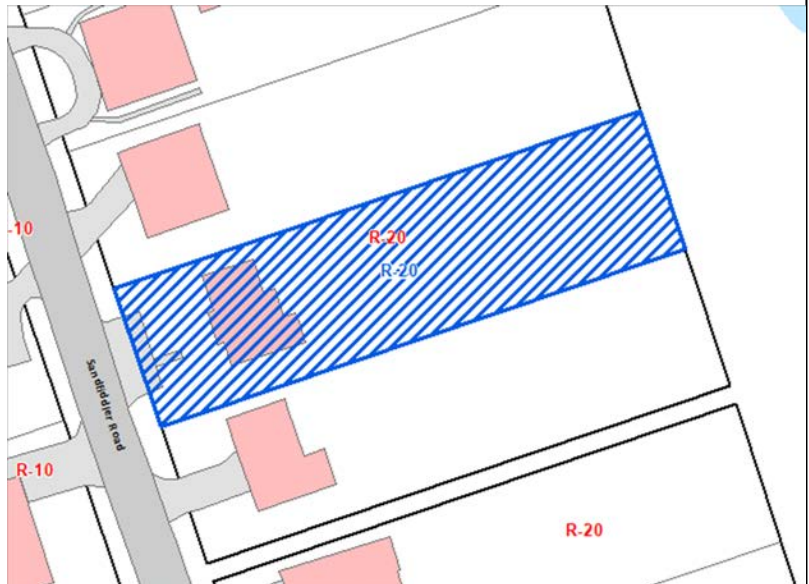
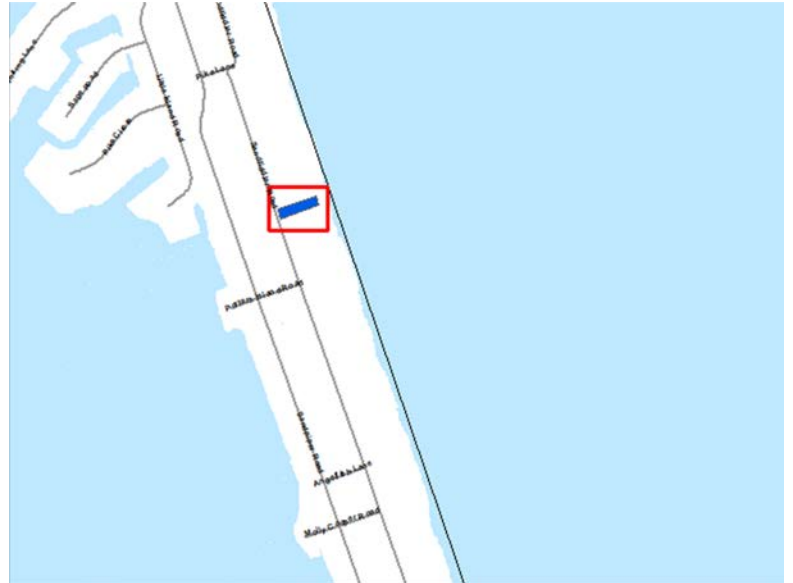
Sandbridge

Impacts

Dune and/or Beach: 4,000 square feet

Proposed Mitigation and/or Compensation

N/A



Site Aerial Map



Agent

Bob Simon, Waterfront Consulting, Inc.

Location

3520 Sandfiddler Road

GPIN

2432-66-8512

Staff Planner

Whitney McNamara

Proposal

To construct a bulkhead involving Coastal Primary Sand Dune/Beach

Staff Recommendation

Approval as Submitted

Waterway

Atlantic Ocean

Subdivision

Sandbridge

Impacts

Overall length of proposed structure: 78 linear feet of bulkhead

Dune/Beach Impacts: 12,062 square feet

Proposed Mitigation and/or Compensation

N/A



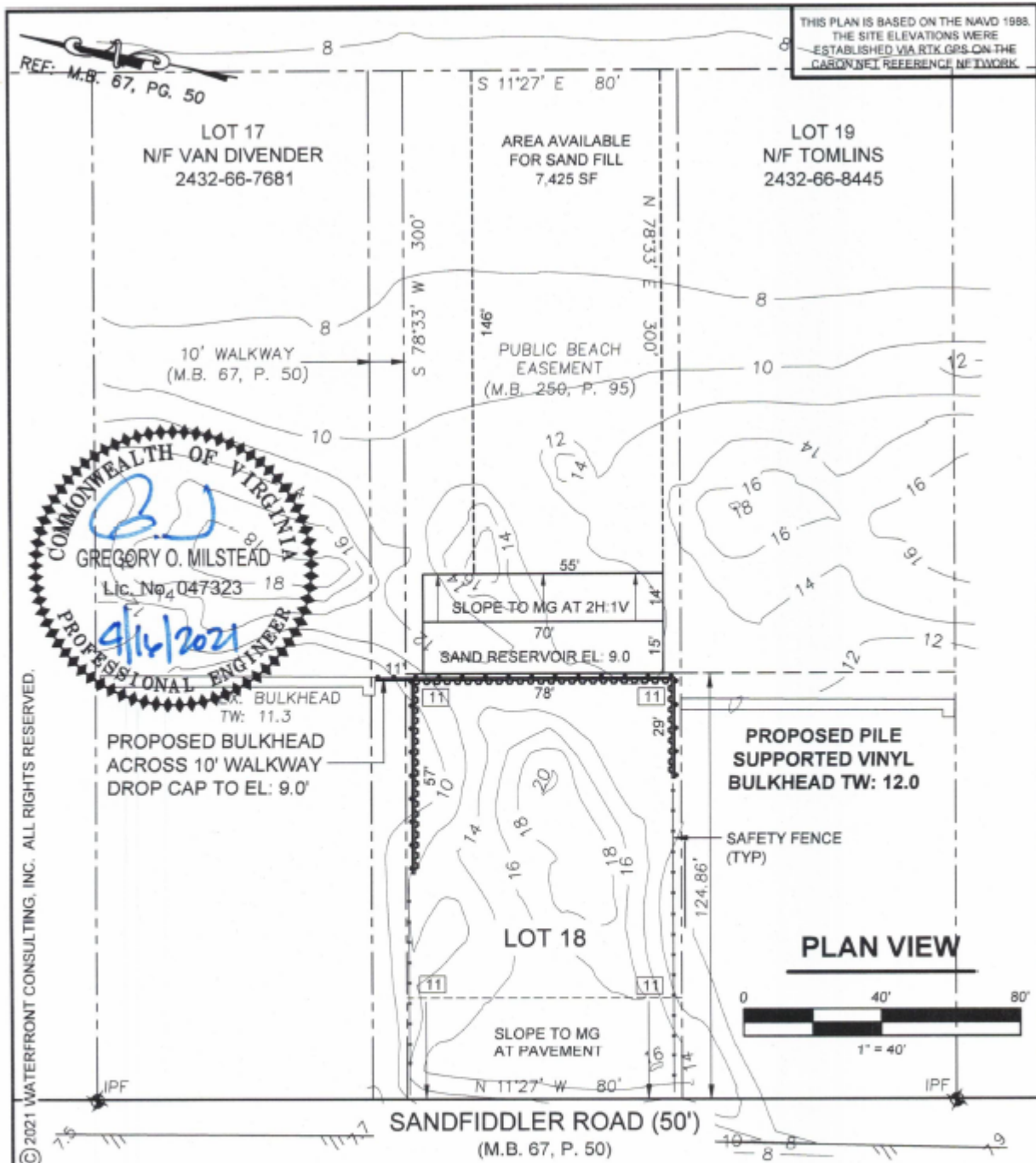
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

This property is located along the Atlantic Ocean at Sandbridge Beach. There were no recent Wetlands Board permits found for this property.

Proposed Site Plan



PURPOSE:
DATUM: NAVD = 0.0
A.P.O.
1. ROBERT VAN DIVENDER
2. DONALD K. TOMLINS
3.
4.
REV: APRIL 15, 2021



WATERFRONT
CONSULTING, INC.

2589 QUALITY COURT, STE. 323
VIRGINIA BEACH, VA 23454
PHONE: (757) 425-8244, CELL: (757) 619-7302

ENGINEERING SERVICES PROVIDED BY:
CHESAPEAKE BAY SITE SOLUTIONS, INC.
P.O. BOX 6663 VIRGINIA BEACH, VA 23466
PHONE: (757) 575-3715

PROPOSED: BULKHEAD
IN: ATLANTIC OCEAN
AT: 3520 SANDFIDDLER ROAD
VIRGINIA BEACH, VA 23456
APPLICATION BY:
TIMOTHY J TYNDALL

SHEET 2 OF 7
DATE: MARCH 30, 2021

Site Photos



Site Photos



Summary of Proposal

The applicant proposes to install approximately 88 linear feet of bulkhead parallel to the beach and at the landward edge of the Sandbridge Public Beach Easement line. A 57 linear foot return wall is proposed on the north side of the bulkhead and is bordered by a public beach easement. The applicant is proposing to construct 11 feet of bulkhead across the public beach easement and connect to the bulkhead located on the property to the north. The drawings depict the excavation of sand on the seaward side of the proposed bulkhead to an elevation of 9, which will be three feet below the bulkhead cap elevation of 12 feet. A 29 linear foot return wall is proposed on the south side of the bulkhead. The property to the south of the beach access does not have a bulkhead. Excess sand will be placed on the beach and evenly graded, consistent with current sand management practices. The proposed bulkhead and associated excavation and grading will impact approximately 12,062 square feet of dune and beach.

The primary purpose of the project is to protect the property from storm events.

Evaluation & Staff Recommendations

The proposed bulkhead alignment is adjacent and parallel to the beach easement line, which is the typical location of bulkheads along the Atlantic Ocean at Sandbridge Beach. The application follows the Board's approved guidelines for Sand Management of a bulkheaded property, with a 15-foot wide trench on the seaward side of the bulkhead, and grading to a 2:1 slope up to the existing grade. The applicant has included the standard sand management conditions as part of their proposed plan, including preserving and replanting any impacted dune vegetation to the extent possible, checking for sea turtle nests prior to beginning excavation, disposing of sand that contains debris or rubble, and placing clean sand flat upon the beach.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted**.

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 days 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 Harmeyer, Clark Design Group, LLC

Location

337 Princess Anne Road

GPIN

23173606930000

Staff Planner

Cole Fisher

Proposal

To construct a rip rap revetment involving wetlands

Staff Recommendation

Approval as Modified

Waterway

North Landing River

Subdivision

Pungo

Impacts

Non-Vegetated: 2,650 square feet

Overall length of proposed structure: 670 linear feet of rip rap

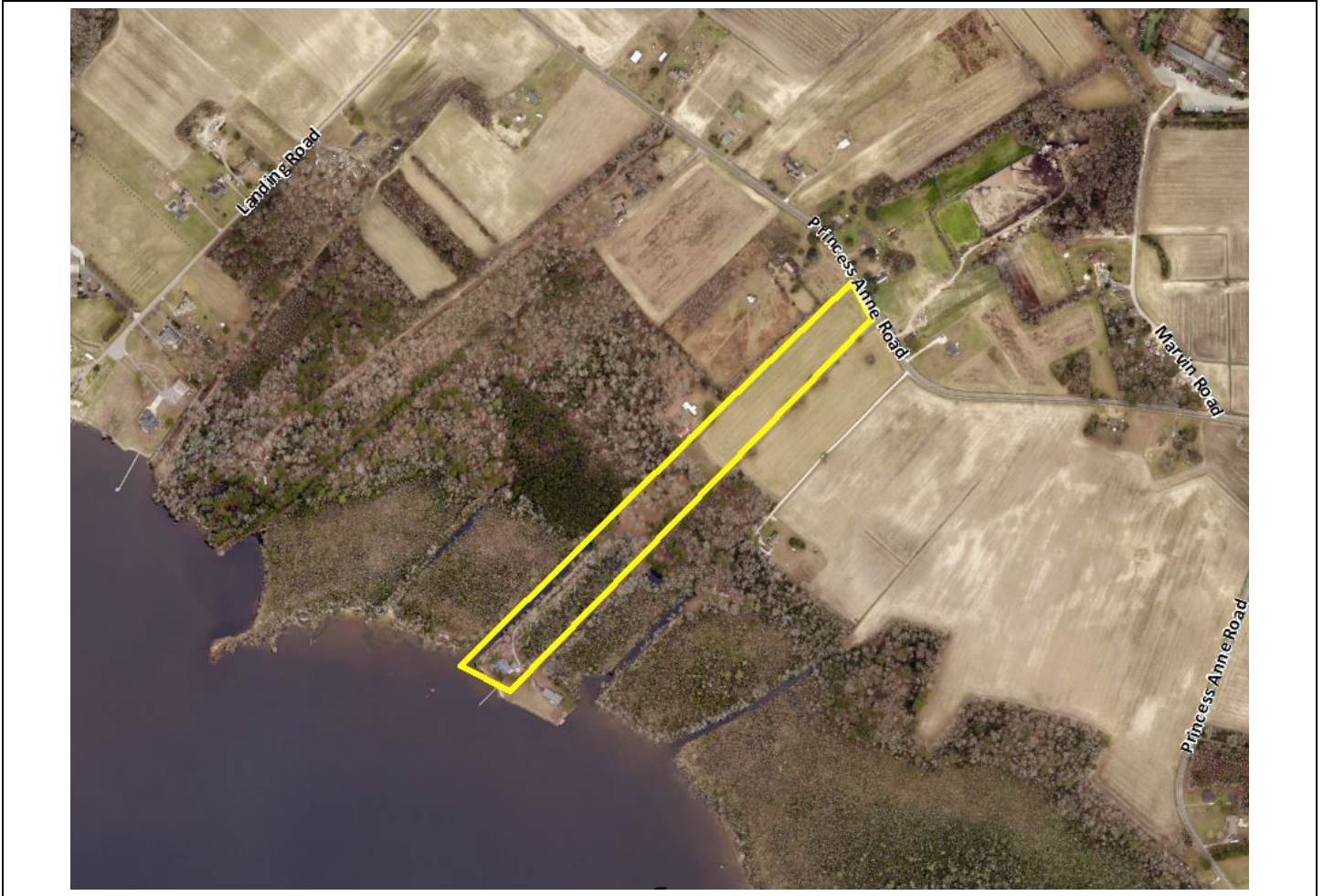
Volume of Backfill: 4-6 cubic yards

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



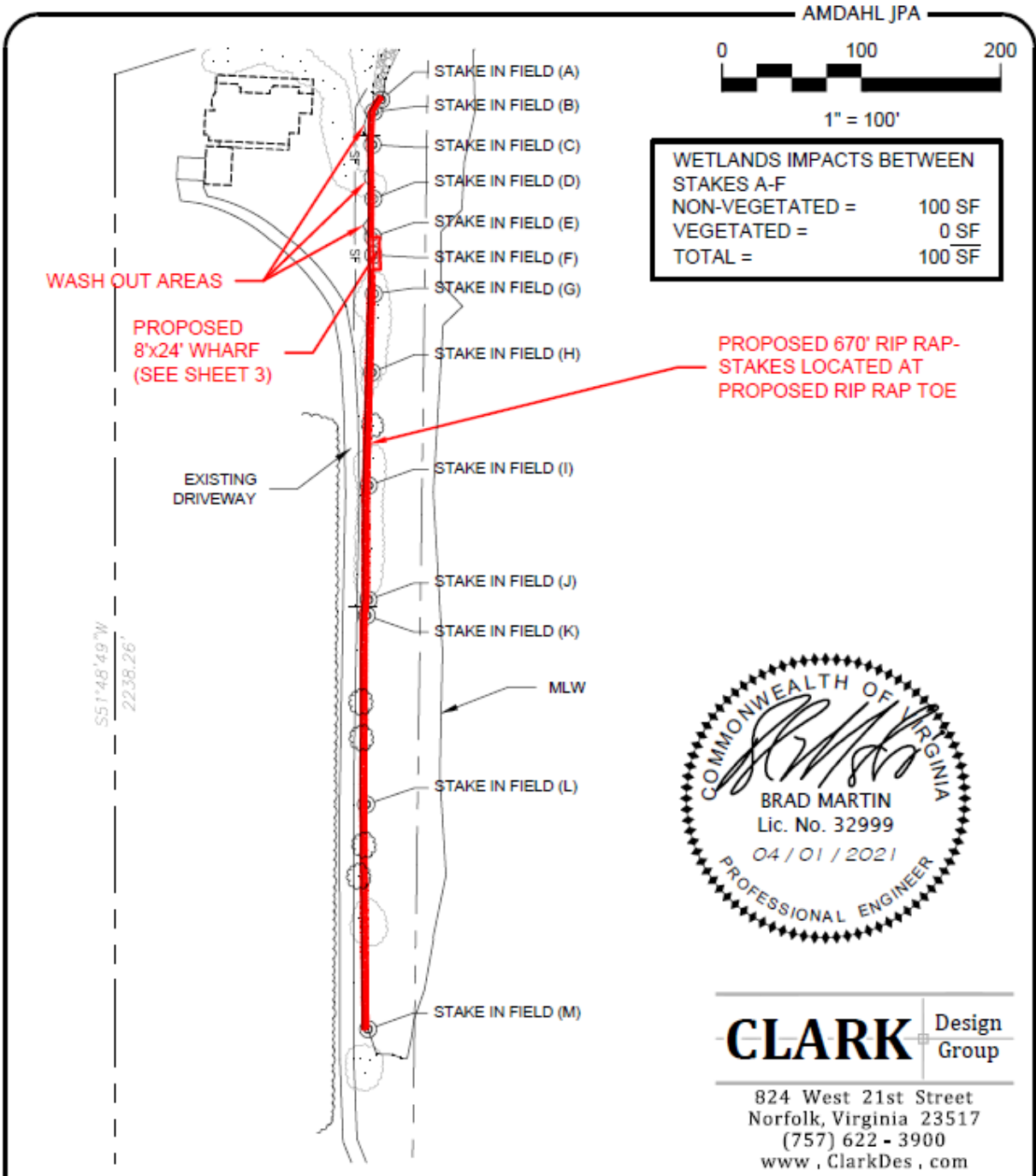
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

There are no previous Wetlands Board permits found for this property. This property is located in the Southern Rivers Watershed.

Proposed Site Plan



APO'S
1. LEWIS
2. LEONARDSON

PROJECT LOCATION: NORTH LANDING RIVER
EDWARD & CLAIRE AMDAHL
337 PRINCESS ANNE ROAD
VIRGINIA BEACH, VA 23457

PROPOSED RIP RAP & PIER
PURPOSE: EROSION CONTROL
DATUM: M.L.W. -1.3
DATE: 04 / 01 / 2021
SHEET # 04 OF 10

Site Photos



Site Photos



Summary of Proposal

The applicant is proposing to construct approximately 670 linear feet of rip rap revetment. The portion of the shoreline directly facing the North Landing River was previously stabilized with rip rap and the applicant now proposes to continue this rip rap along the small canal adjacent to the driveway to prevent shoreline erosion. Approximately 2,550 square feet of non-vegetated wetlands will be impacted and converted into non-vegetated rock habitat. An additional 100 square feet of non-vegetated wetlands will be converted to uplands from existing areas of erosion and the applicant has proposed to pay an in-lieu fee for these impacts. There will be approximately four to six cubic yards of fill used to repair the areas of erosion along the bank and the proposed rip rap is expected to impact approximately five to eight trees.

The applicant indicated that the small width of the canal offers limited room for the installation of a 6:1 slope required for a living shoreline and would result in significant loss of useable upland for much of the project. In addition, the property is extensively covered by woodlands and the applicant indicated that the existing tree canopy would hinder the growth and long term viability of a living shoreline.

Evaluation & Staff Recommendations

Upon Staff's field inspection, Staff concurs that the proposed improvements to the shoreline are warranted for this property. A small portion of shoreline separates the canal from the long driveway to access this property and is vulnerable to erosion from storms and higher tides. Staff is of the opinion that a living shoreline is not feasible at this location due to the proximity of the driveway to the shoreline, width of the canal, and the tree canopy that covers the shoreline. The non-vegetated wetlands impacts associated with the areas of erosion located along this shoreline make the home and surrounding property more vulnerable to coastal storms and flooding. There are likely up to eight trees that will be impacted with the redevelopment of this shoreline. Staff is of the opinion that the proposed tree impacts are minimal, given that the majority of the property is already heavily wooded.

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 rip rap is proposed at elevation 1.5 feet (at Mean High Water) or lower. 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 existing washout areas and behind the rip rap revetment to match grade, which is the minimum necessary to support shoreline stabilization.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as modified** with the following condition:

1. Plans shall be revised to quantify and identify the trees that will be impacted by the placement of the rip rap.
2. Revised plans shall be submitted to the Virginia Marine Resources Commission and ultimately approved by the Department of Planning & 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

Harold Jones, Sigma Environmental Services, Inc.

Location

3649 Sandpiper Road

GPIN

24326492630000

Staff Planner

Cole Fisher

Proposal

To install a bulkhead involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Canal to Shipp's Bay

Subdivision

Sandbridge

Impacts

Vegetated: 5 square feet

Non-Vegetated: 95 square feet

Overall length of proposed structure: 83.3 linear feet of bulkhead

Volume of Backfill: 19 cubic yards

Proposed Mitigation and/or Compensation

On-Site & Payment of an in-lieu fee



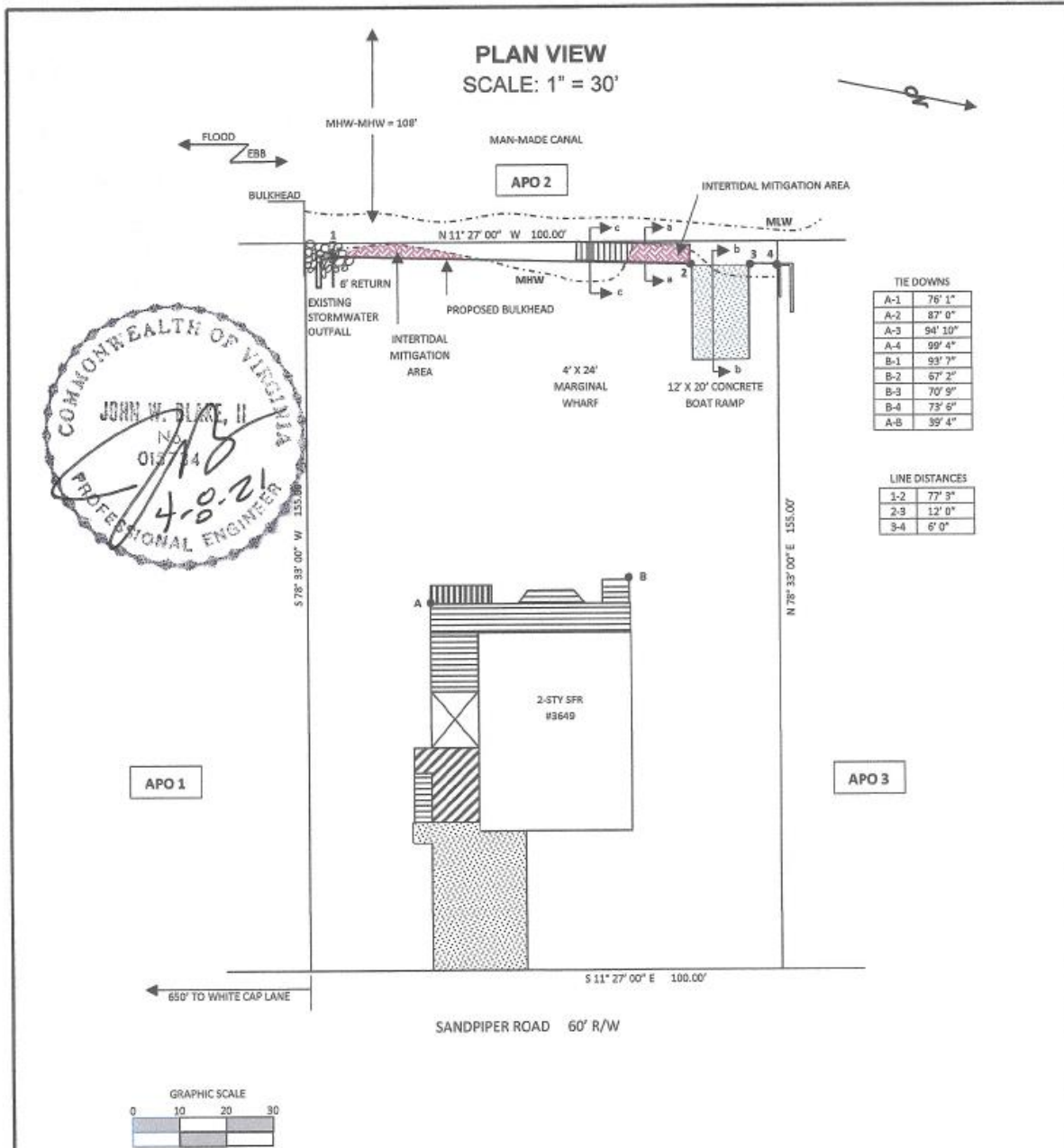
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

There are no previous Wetlands Board permits found for this property. This property is located in the Southern Rivers Watershed.

Proposed Site Plan



TIE DOWNS

A-1	78' 1"
A-2	87' 0"
A-3	94' 10"
A-4	99' 4"
B-1	93' 7"
B-2	67' 2"
B-3	70' 9"
B-4	73' 6"
A-B	39' 4"

LINE DISTANCES

1-2	77' 3"
2-3	12' 0"
3-4	6' 0"

REVISED: 3-25-2021 4-8-2021

SIGMA ENVIRONMENTAL SERVICES, INC.
1513 SANDBRIDGE ROAD
VIRGINIA BEACH, VIRGINIA 23456

APOs:

- HUGH & YOLANDA REAVIS TRUST
- OUTDOOR RESORTS OF VA BEACH
- DAVID H. vanDAALEN

WATERWAY: MAN-MADE CANAL TO NORTH BAY
FOR: THAO & ANH NGUYEN

AT: 3649 SANDPIPER RD.
VIRGINIA BEACH, VA 23456

PROJECT: BULKHEAD, BOAT RAMP, MARGINAL WHARF

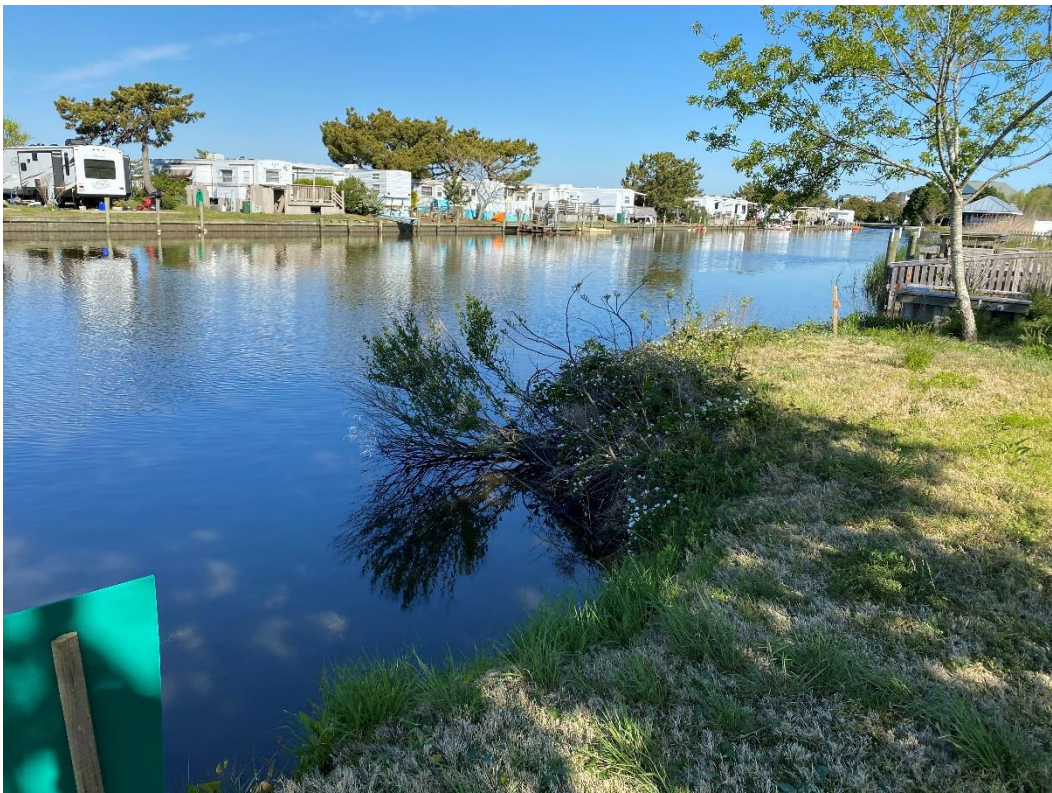
DATUM: 0.00' MLW = -1.3' NAVD 1988

DATE: MARCH 3, 2021 SHEET 2 OF 5

Site Photos



Site Photos



Summary of Proposal

The applicant is proposing to install 83.3 linear feet of bulkhead with one six-foot return wall with approximately 19 cubic yards of backfill along a man-made canal leading to Shipps Bay. The proposed bulkhead will impact approximately 77 square feet of non-vegetated wetlands. In addition to the bulkhead, the applicant is also proposing to install a new boat ramp that will impact five square feet of vegetated wetlands as well as 18 square feet of non-vegetated wetlands. The applicant proposes two on-site intertidal mitigation areas to compensate for all non-vegetated wetlands impacts associated with this project. The five square feet of vegetated impacts shall be compensated for via payment of an in-lieu fee. The applicant has indicated that the surrounding properties have been stabilized by bulkheads and the soil type, composition, and instability issues hinder this project from using a living shoreline instead of a bulkhead to address shoreline stabilization.

Evaluation & Staff Recommendations

Upon Staff's inspection of the site, Staff concurs that shoreline hardening is warranted for this property as the shoreline is currently unprotected and there are clear signs of erosion. In addition to the applicant's statement for preference of a bulkhead over a living shoreline, Staff is of the opinion that the width of the canal and the proximity of the house to the shoreline would not provide a suitable environment for a living shoreline to thrive on this property. Staff supports the creation of two intertidal mitigation areas on-site to compensate for the 95 square feet of non-vegetated wetlands impacts, and the payment of an in-lieu fee for the five square feet of vegetated impacts associated with the installation of the boat ramp.

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 height of the bulkhead is proposed at elevation 3.5 feet NAVD 88, which is similar to many of the bulkheads in Sandbridge. 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 at 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 April 8, 2021 and received by the Virginia Marine Resources Commission on April 13, 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

Harold Jones, Sigma Environmental Services, Inc.

Location

2960 Sand Bend Road

GPIN

2433-33-5113

Staff Planner

Whitney McNamara

Proposal

To remove and relocate rip rap involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Canal to North Bay

Subdivision

Sandbridge

Impacts

Non-Vegetated: 70 square feet

Proposed Mitigation and/or Compensation

On-site



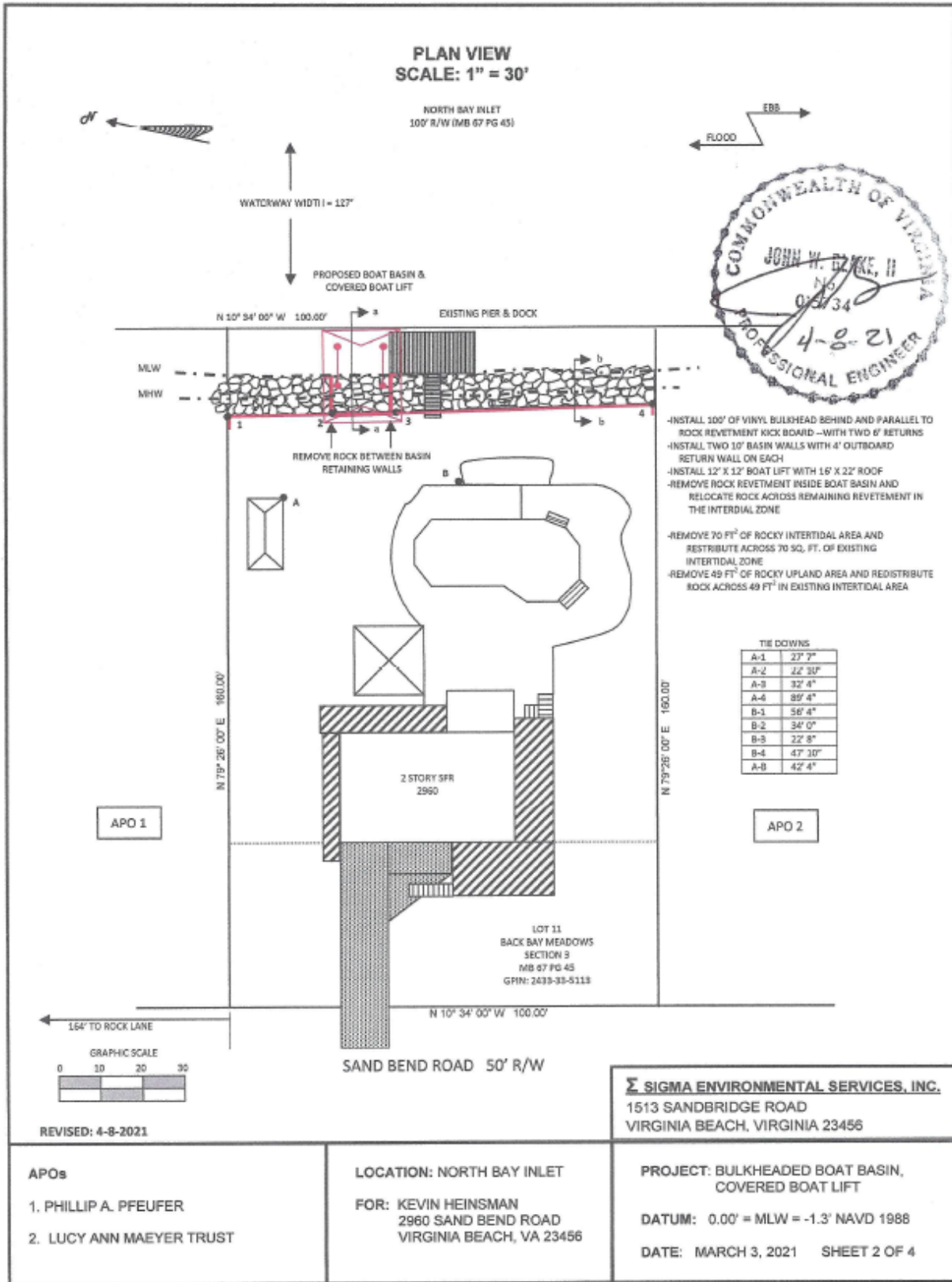
Site Aerial Map



CBPA Variances & Wetlands Board Permit History

This property is located in the Southern Rivers Watershed. There are no recent Wetlands permits found for this property.

Proposed Site Plan



Site Photos



Summary of Proposal

The applicant is proposing to install a boat basin for a covered boat lift. The proposed boat basin will be created landward of the existing rip rap, necessitating removal of rip rap in the footprint of the boat basin. The applicant is proposing to redistribute the rip rap from the boat basin along the shoreline where the existing rip rap revetment is located. The proposed project will impact a 12-foot wide section of rip rap, impacting 70 square feet of non-vegetated wetlands.

Evaluation & Staff Recommendations

The applicant's agent contends that because the rip rap removed to create the boat basin is being re-distributed along the remaining rip rap revetment, there is no net loss of non-vegetated wetlands. However, Staff is of the opinion that the square footage of rip rap lost by creation of the boat basin must be compensated. As submitted, no on-site compensation is proposed. The redistribution of the rip rap will convert non-vegetated rock habitat to non-vegetated rock habitat, but does not account for the 70 square feet of non-vegetated wetlands being lost by creation of the boat basin. Staff recommends that the Board accept payment of an in-lieu fee for the 70 square feet of non-vegetated wetlands impacts from the creation of the boat basin.

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

1. Non-vegetated wetlands impacts associated with the creation of the boat basin shall be compensated for by payment of an in-lieu fee.

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.

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