

Wetlands Board Staff Reports

October 18, 2021



Wetlands Board Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, October 18, 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.vb.gov/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.vb.gov/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 **PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.**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 Board'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After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.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
October 18, 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 – WETLANDS

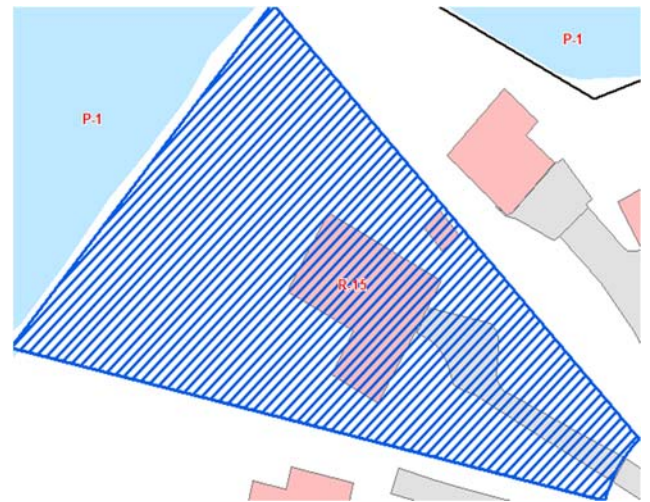
1. 2020-WTRA-00121
David Meyer [Applicant]
Kathy M. Meyer [Owner]

REQUEST FOR 1 YEAR EXTENSION

To remove rip rap involving wetlands

344 Pike Circle
(GPIN 2433-30-6408)

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



2. 2020-WTRA-00156

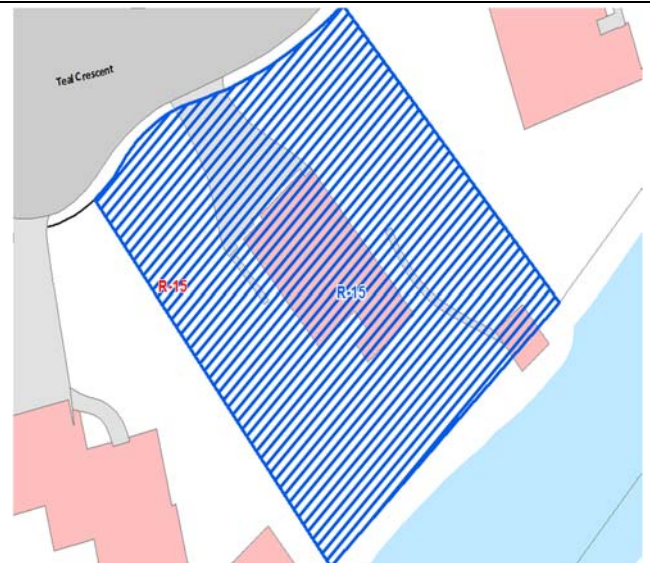
James R. Burnell
[Applicant & Owner]

REQUEST FOR 1 YEAR EXTENSION

To construct a bulkhead involving wetlands

329 Teal Crescent
(GPIN 2433-16-7215)

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



* Deferral
** Withdrawal

NEW BUSINESS – WETLANDS

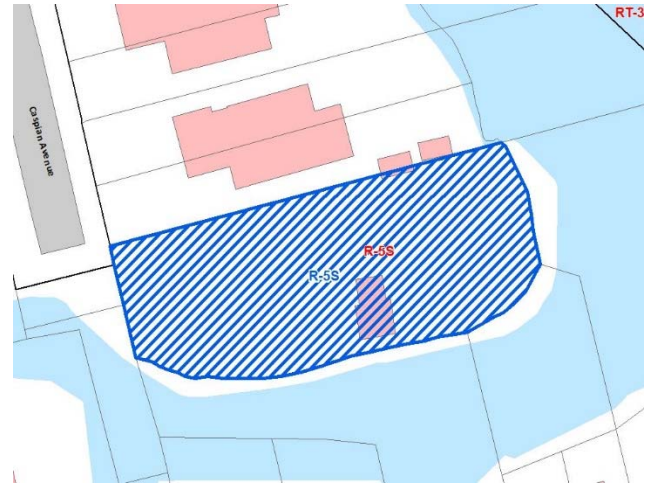
3. 2021-WTRA-00130
Joseph J. Lamontagne
[Applicant & Owner]

REQUEST FOR DEFERRAL

To construct rip rap revetment involving wetlands

203 Caspian Ave and Lot 1 of Shadow Lawn Heights
(GPIN 2427-01-6928 & 2427-01-6963)

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

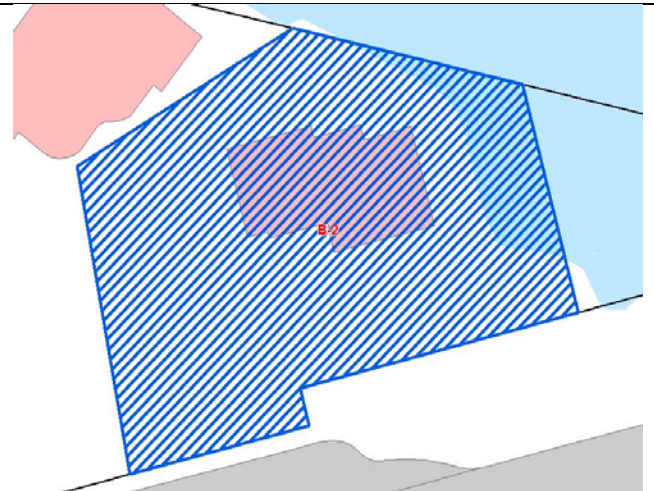


4. 2021-WTRA-00266
900 Laskin-B, LLC and 900 Laskin-T, LLC [Applicant & Owner]

To construct rip rap overlay involving wetlands

900 Laskin Road
(GPIN 2418-71-8663)

Waterway – Little Neck Creek
Subdivision – Laskin Rd
Council District – Lynnhaven



5. 2021-WTRA-00268
Jeffery L. Bruzzesi
[Applicant & Owner]

To install a bulkhead involving wetlands

312 Pike Circle
(GPIN 2433-40-3827)

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



* Deferral
** Withdrawal

NEW BUSINESS – WETLANDS

6. 2021-WTRA-00271

Ryan Woods [Applicant & Owner]

To construct rip rap revetment involving wetlands

620 Lake Point Circle
(GPIN 2417-28-4607)

Waterway – Linkhorn Bay
Subdivision – Fremac Shores
Council District – Beach



* Deferral
** Withdrawal



Application Number **2020-WTRA-00121**
Applicant & Owner **David & Kathy Meyer**
Public Hearing **October 18, 2021**
City Council Election District **Princess Anne**
REQUEST FOR ONE YEAR EXTENSION

Agenda Item

1

Agent

R. Harold Jones
Sigma Environmental Services, Inc.

Location

344 Pike Circle

GPIN

2433-30-6408

Proposal

To remove rip rap involving wetlands

Waterway

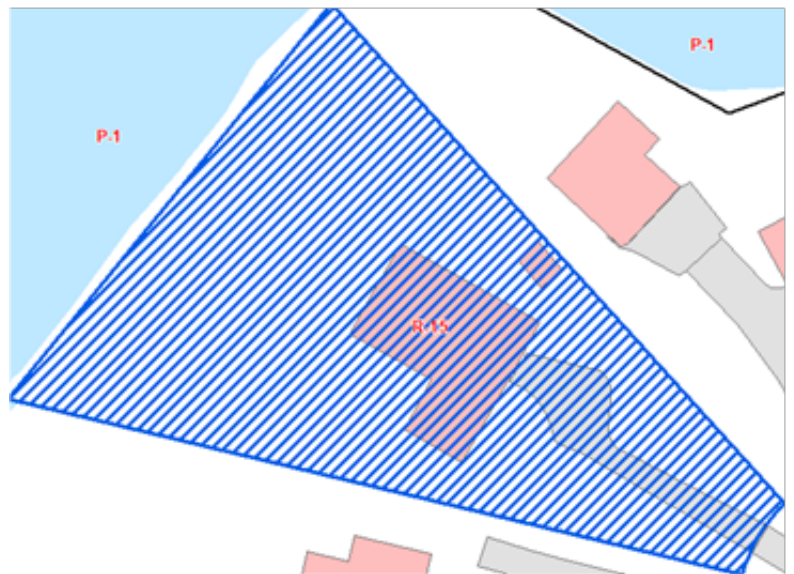
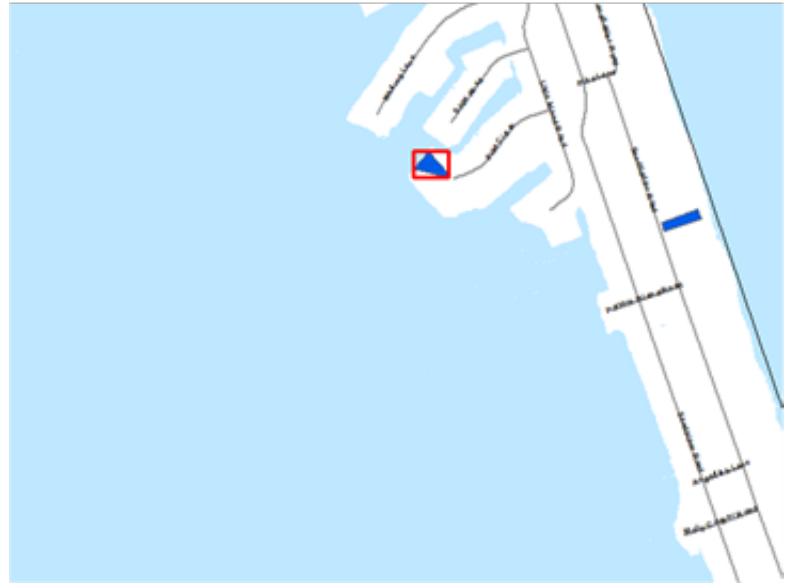
North Bay

Subdivision

Back Bay Meadows

Impacts

Vegetated wetlands: 53 square feet
Subaqueous Bottom: 149 square feet



Site Aerial Map





Application Number **2020-WTRA-00156**
Applicant & Owner **James R. Burnell**
Public Hearing **October 18, 2021**
City Council Election District **Princess Anne**
REQUEST FOR ONE YEAR EXTENSION

Agenda Item

2

Agent

R. Harold Jones
Sigma Environmental Services, Inc.

Location

329 Teal Crescent

GPIN

2433-16-7215

Proposal

To construct a bulkhead involving wetlands

Waterway

Man Made Canal to North Bay

Subdivision

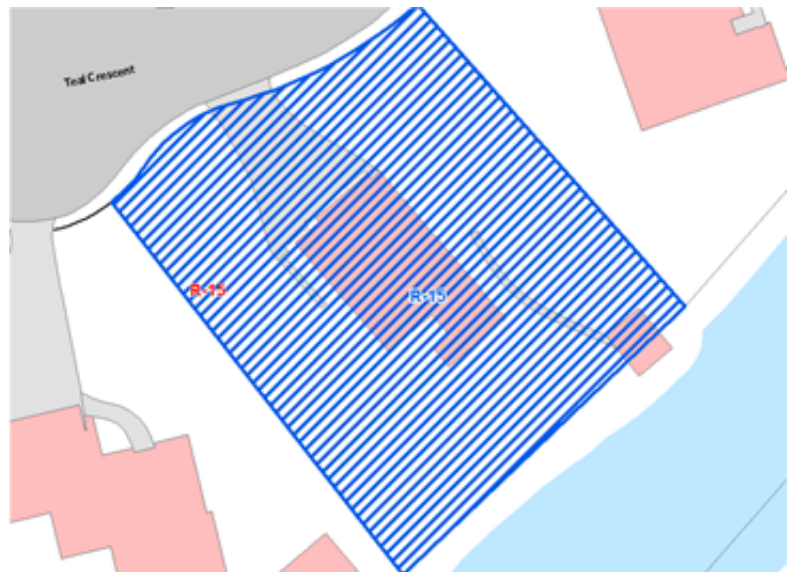
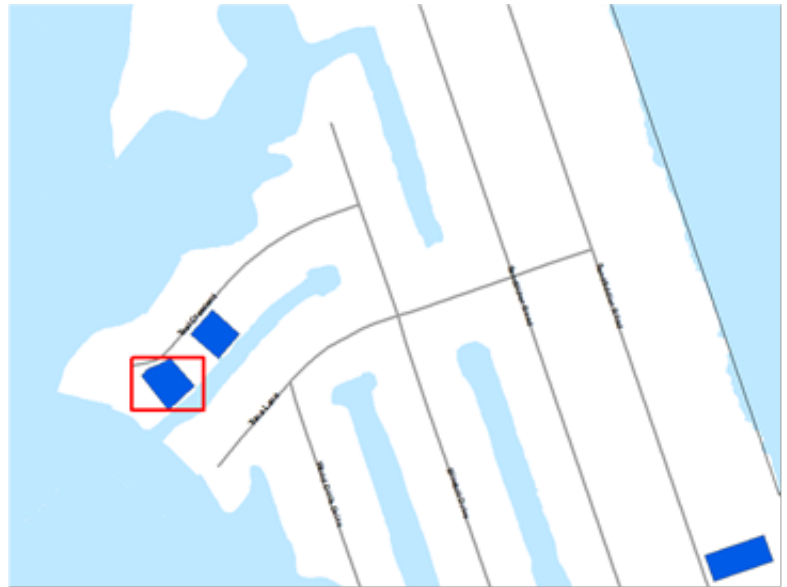
Sandbridge Shores

Impacts

Non-Vegetated Wetlands: 19 square feet

Overall length of proposed structure: 130 square feet

Volume of Backfill: 23 cubic yards



Site Aerial Map



Agent

Billy Garrington

Government Permitting Consultants

Location

Lot 1 of Shadow Lawn Heights, Caspian Avenue

GPIN

2427-01-6963, 2427-01-8283 and 2427-01-7858

Staff Planner

Chuck Payne

Proposal

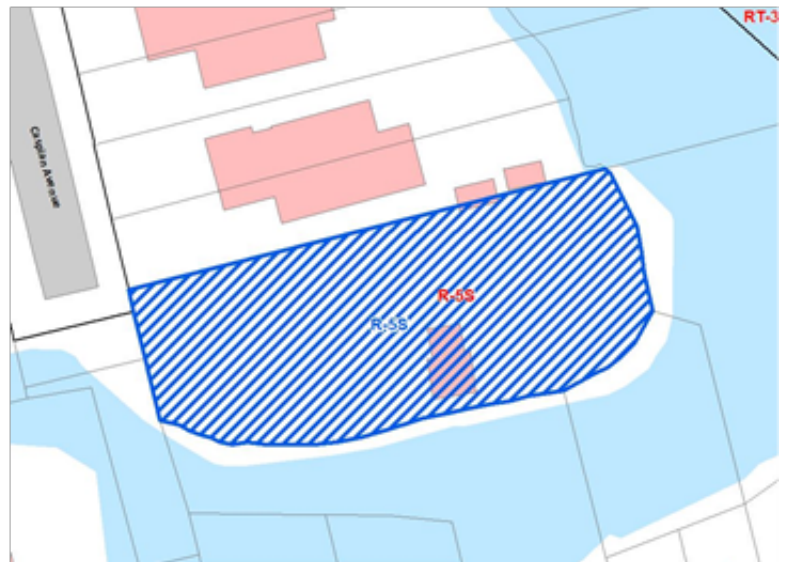
To construct rip rap revetment involving wetlands

Waterway

Lake Rudee

Subdivision

Shadow Lawn Heights





Application Number **2021-WTRA-00266**
Applicant **900 Laskin-B, LLC and 900 Laskin-T, LLC**
Public Hearing **October 18, 2021**
City Council Election District **Lynnhaven**

Agenda Item

4

Agent

Richard Calvert
Calvert Marine

Location

900 Laskin Rd

GPIN

2418-71-8663

Staff Planner

Chuck Payne

Proposal

To construct rip rap overlay involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Little Neck Creek

Subdivision

Laskin Road

Impacts

Vegetated Wetlands: 0 square feet

Non-vegetated Wetlands: 344 square feet

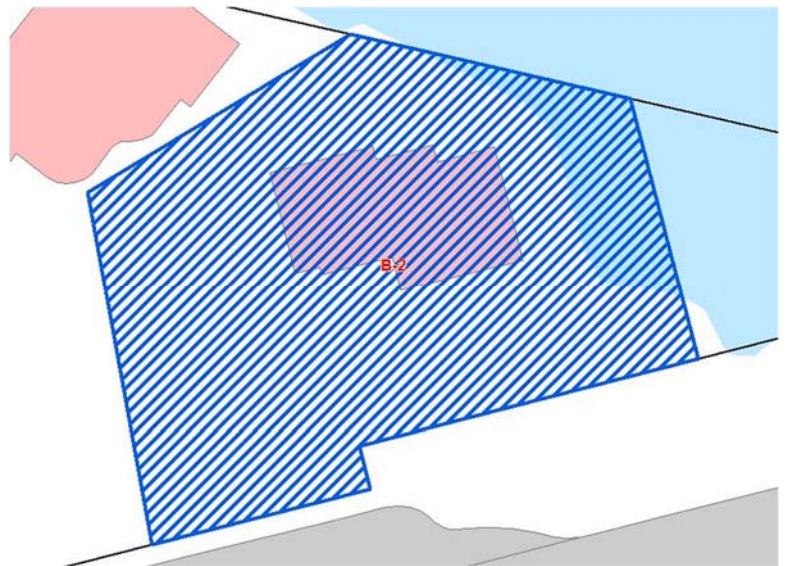
Subaqueous Bottom: 249 square feet

Overall length of proposed structure: 120.5 linear feet of rip rap

Volume of backfill: 60 cubic yards of granite quarry stone

Proposed Mitigation and/or Compensation

On-site



Site Aerial Map



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

This project is in the Chesapeake Bay Watershed. There are no known recent Chesapeake Bay Preservation Area (CBPA) Board Variances requests found for this property.

A Waterfront Construction Permit Approval letter was issued May 28, 2014, which approved the construction of the existing rip rap revetment landward of a previous vinyl bulkhead that failed and was removed after the rip rap was installed.

Summary of Proposal

The applicant is proposing to construct a 120.5 linear foot rip rap toe at the base of the existing rip rap revetment and overlay approximately 1,480 square feet of rip rap on top of the existing rip rap. The Class A1 granite stone for the rip rap toe will be hand placed on a 24-inch-wide filter cloth base that is 12 inches below grade. Class A1 granite stone will be hand placed atop the existing stone to rebuild the revetment. The proposed new rip rap will impact 344 square feet of non-vegetated mudflat and 249 square feet of subaqueous bottom.

The applicant's agent stated in the JPA that a new bulkhead could not be properly anchored given the existing structures on the lot and conditions at the site are unfavorable for a living shoreline.

Evaluation & Staff Recommendations

The existing slope of the rip rap revetment and height ranging from 6 to 8 feet coupled with a soft subaqueous bottom along the toe of the revetment has caused the revetment to settle and push the timber piles channel ward with the floating docks. The proposed improvements are intended to improve the safety of the facility by stabilizing the settled rip rap revetment and the proposed new rip rap toe will provide stability to the shoreline. Given the existing slope and height conditions of the rip rap revetment, depths of the adjacent waterway, and subjectivity of this area to boat traffic, Staff concurs with the applicant's agent that the redevelopment of the existing rip rap is the most appropriate shoreline stabilization method for this property. Additionally, this request ensures a no net loss of wetlands considering the new proposed new rip rap will convert non-vegetated mudflat to non-vegetated rock habitat, therefore the compensation for this request is self-mitigating.

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

1. Shellfish currently growing on the existing rip rap revetment shall be collected prior to reworking and installation of rip rap, preserved to the greatest extent possible during construction, and relocated along the rip rap revetment after construction is complete.
2. Revised plans shall be submitted to the Virginia Marine Resource 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.

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Application Number **2021-WTRA-00268**
Applicant **Jeffery L. Bruzzesi**
Public Hearing **October 18, 2021**
City Council Election District **Princess Anne**

Agenda Item

5

Agent

Harold Jones
Sigma Environmental Services, Inc.

Location

312 Pike Circle

GPIN

2433-40-3827

Staff Planner

Chuck Payne

Proposal

To install a bulkhead involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Canal to Shipps Bay

Subdivision

Sandbridge

Impacts

Vegetated: 0 square feet

Non-Vegetated: 5 square feet

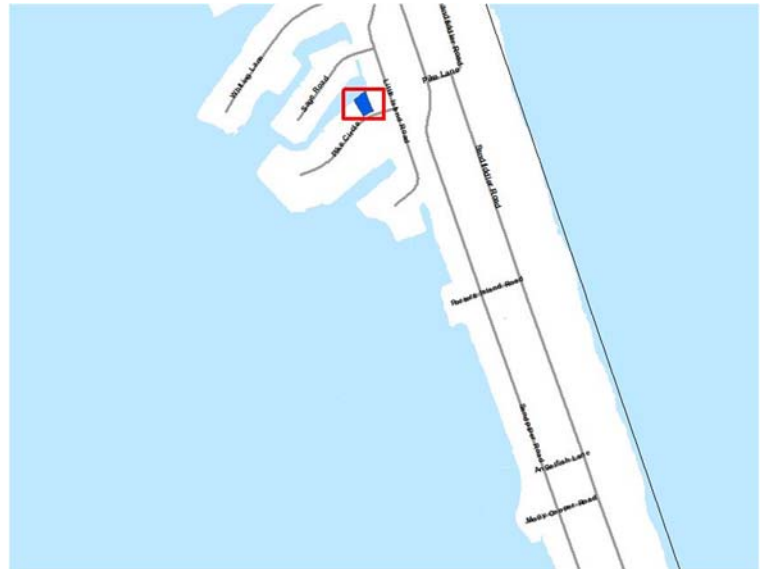
Subaqueous Bottom: 4 square feet

Overall length of proposed structure: 125.8
linear feet of bulkhead

Volume of Backfill: 65 cubic yards

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



Site Aerial Map



Site Photos



Site Photos



Wetlands Board Permit History

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

Summary of Proposal

The applicant is proposing to install 125.8 linear feet of bulkhead landward of mean high water (MHW) with approximately 65 cubic yards of backfill along an eroding shoreline of a man-made canal leading to Shipps Bay. The proposed bulkhead will impact approximately 5 square feet of non-vegetated wetlands and 4 square feet of subaqueous bottom. The five square feet of non-vegetated impacts shall be compensated for via payment of an in-lieu fee.

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 the payment of an in-lieu fee for the five square feet of non-vegetated impacts associated with the construction of the bulkhead.

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 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 August 28, 2021 and received by the Virginia Marine Resources Commission on August 30, 2021.

Next Steps

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

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AS NEEDED, PAGE LEFT BLANK

Agent

Bob Simon
Waterfront Consulting, Inc.

Location

620 Lake Point Circle

GPIN

2417-28-4607

Staff Planner

Chuck Payne

Proposal

To construct rip rap revetment involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Tributary to Linkhorn Bay

Subdivision

Fremac Shores

Impacts

Vegetated Wetlands: 0 square feet

Non-vegetated Wetlands: 107 square feet

Subaqueous Bottom: 0 square feet

Overall length of proposed structure: 37 linear feet of rip rap

Volume of backfill: 5 cubic yards of granite quarry stone

Proposed Mitigation and/or Compensation

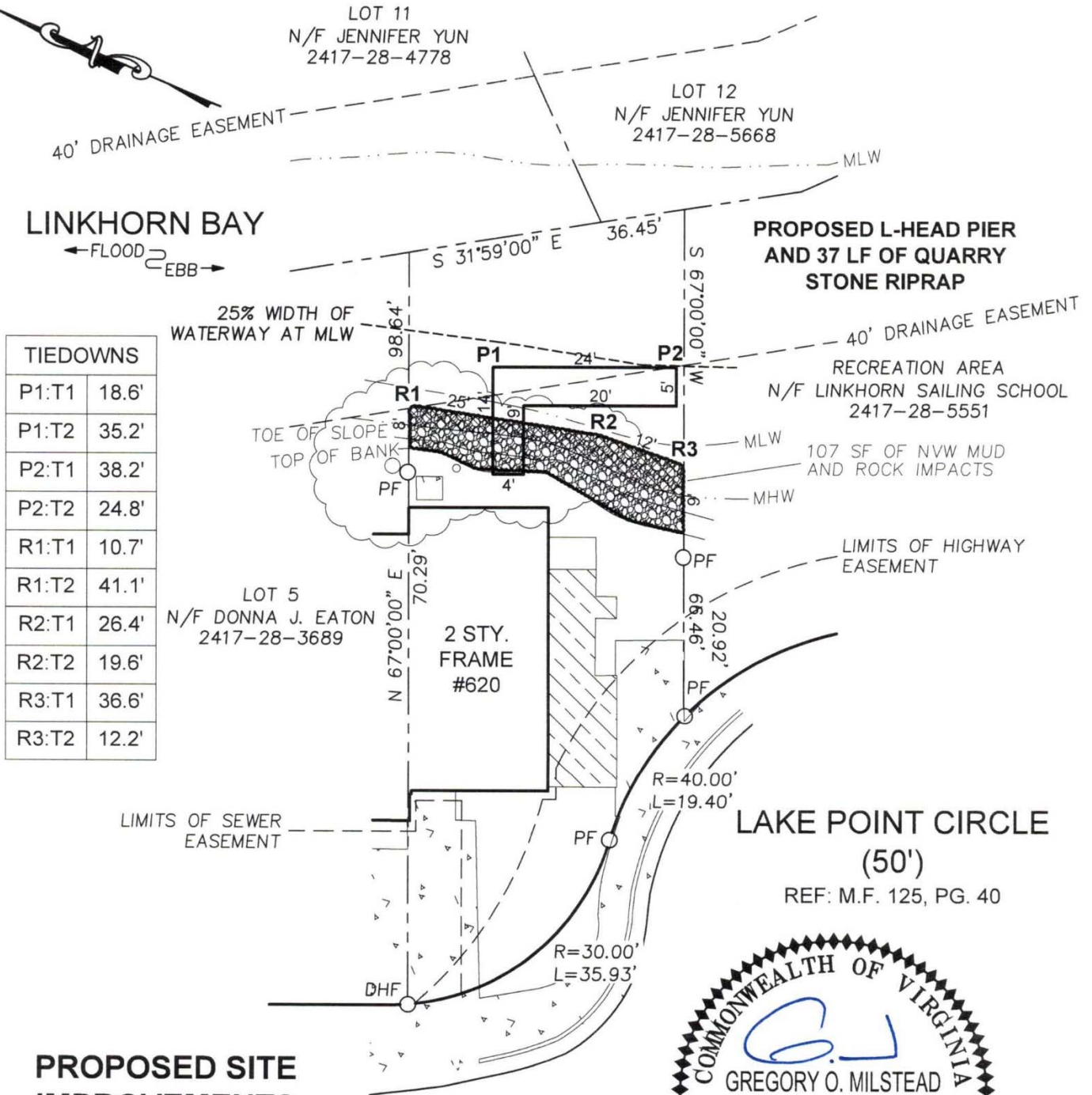
On-site



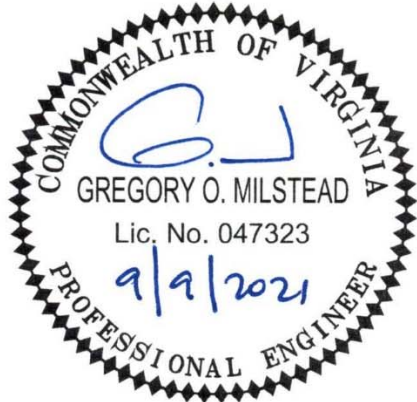
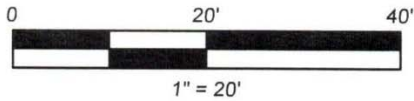
Site Aerial Map



Proposed Site Plan



TIEDOWNS	
P1:T1	18.6'
P1:T2	35.2'
P2:T1	38.2'
P2:T2	24.8'
R1:T1	10.7'
R1:T2	41.1'
R2:T1	26.4'
R2:T2	19.6'
R3:T1	36.6'
R3:T2	12.2'



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

This project is in the Chesapeake Bay Watershed. There are no Chesapeake Bay Preservation Area (CBPA) Board Variance or Wetlands Board Permits known for this property.

Summary of Proposal

The applicant is proposing to construct a 37 linear foot granite quarry stone rip rap revetment along the existing bank. According to the applicant's agent, the primary purpose of the revetment is shoreline stabilization of an eroding bank and for recreational boating access. The proposed rip rap will impact 107 square feet of non-vegetated wetlands.

The applicant's agent stated that a living shoreline was not considered at this site since the existing residence is 4-8 feet from the existing top of bank and any retreat landward is not possible due to all of the existing residential structure and City right of way abutting the waterway.

Evaluation & Staff Recommendations

The existing shoreline is eroding due to tidal ebb and flow and sea level rise. The proposed improvements will stabilize the eroding bank and provide recreational boating access. With the placement of the rip rap revetment as proposed, Staff concurs with the applicant's agent that the rip rap is the most appropriate shoreline stabilization method for this property given the location of the existing residence and proximity to Lake Point Circle. The proposed rip rap shall be placed on existing non-vegetated mudflat and rock rubble, therefore there will be a no net loss of wetlands with this project and the compensation shall be self-mitigating with non-vegetated rock habitat on non-vegetated mudflat/rock habitat.

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 6, 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.

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