

# Wetlands Board Staff Report

February 21, 2022



# Wetlands Board Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, February 21, 2022 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](mailto: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](http://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](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 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 **PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.**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After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.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  
February 21, 2022**

- 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-00274

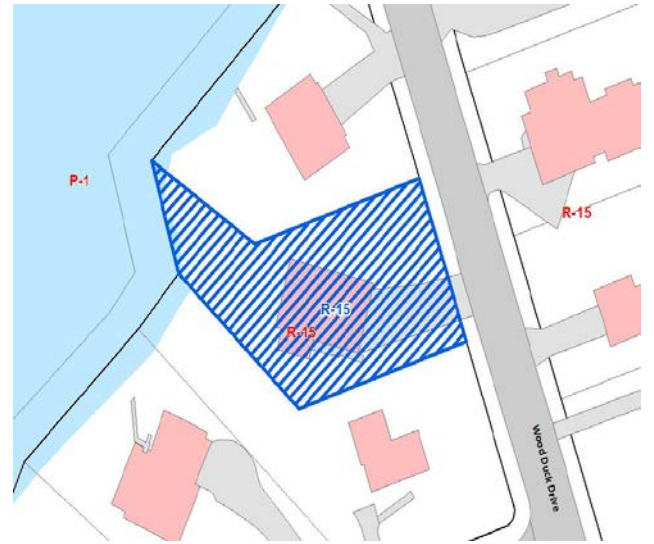
Neil and Christina Hutchinson  
[Applicant & Owner]

**REQUEST FOR 1 YEAR EXTENSION**

**To construct a bulkhead involving wetlands**

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

Waterway – Mill Creek  
Subdivision – Sandbridge Shores  
City Council District **District 7**, formerly  
Princess Anne



2. 2021-WTRA-00083

Kevin Heinsman [Applicant & Owner]

**REQUEST FOR 1 YEAR EXTENSION**

**To remove and relocate rip rap involving wetlands**

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

Waterway – Canal to North Bay  
Subdivision – Sandbridge  
City Council District **District 7**, formerly  
Princess Anne



\* Deferral  
\*\* Withdrawal



OLD BUSINESS - WETLANDS (CONTINUED)

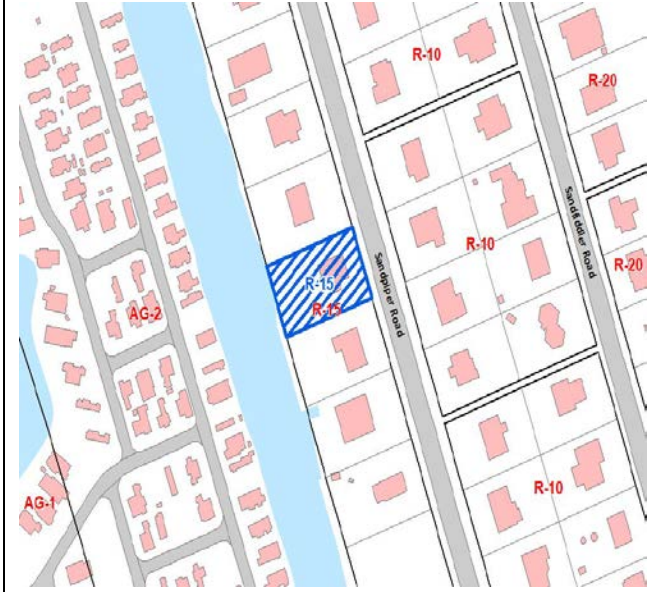
3. 2021-WTRA-00084  
 Thao & Anh Nguyen  
 [Applicant & Owner]

**REQUEST FOR 1 YEAR EXTENSION**

**To construct a bulkhead and boat ramp involving wetlands**

3649 Sandpiper Road  
 (GPIN 2432-64-9263)

Waterway – Ships Bay  
 Subdivision – Sandbridge  
 City Council District **District 7**, formerly Princess Anne



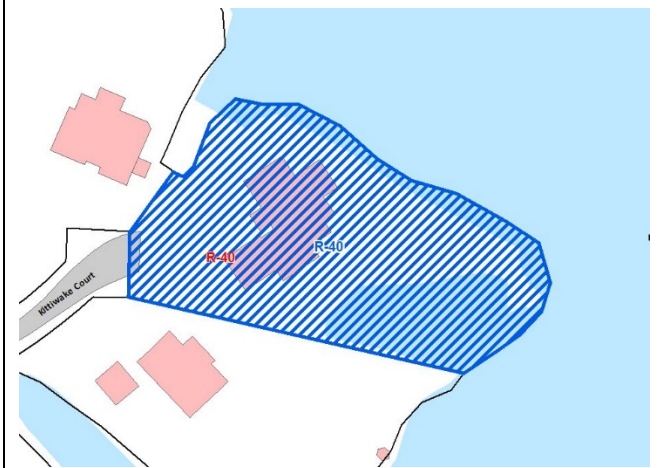
NEW BUSINESS - WETLANDS

4. 2021-WTRA-00372  
 Elizabeth Lascara Revocable  
 Living Trust [Applicant & Owner]

**To install rip rap involving wetlands**

1201 Kittiwake Court  
 (GPIN 2418-43-4077)

Waterway – Little Neck Creek  
 Subdivision – Birdneck Point  
 City Council District **District 5**, formerly Lynnhaven

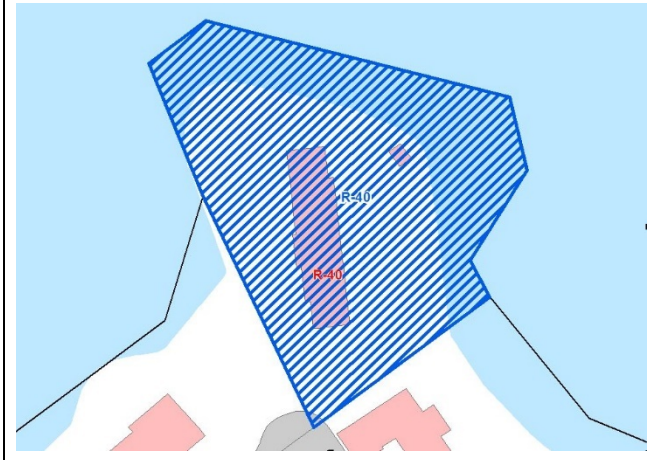


5. 2022-WTRA-00001  
 Grant & Lisa Sibley  
 [Applicant & Owner]

**To install rip rap involving wetlands**

1500 Quail Point Road  
 (GPIN 2408-94-9255)

Waterway – Linkhorn Bay  
 Subdivision – Linkhorn Estates  
 City Council District **District 5**, formerly Lynnhaven



\* Deferral  
 \*\* Withdrawal

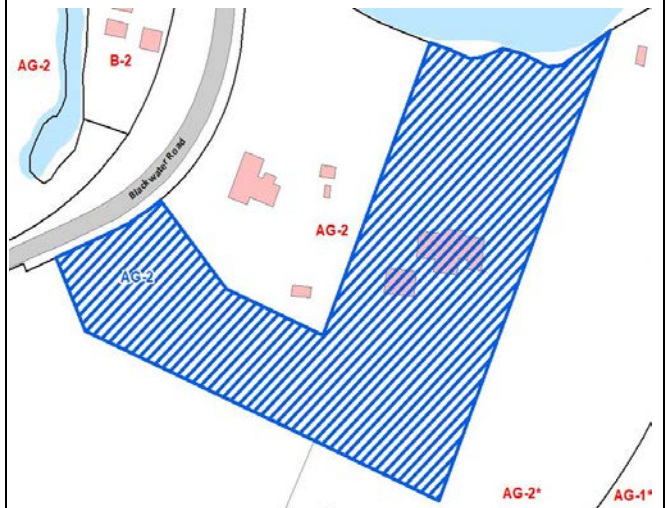
NEW BUSINESS – WETLANDS (CONTINUED)

6. 2021-WTRA-00378  
Mark Keske & Millette  
Mallillin [Applicant & Owner]

**To install a boat ramp with return walls  
involving wetlands**

5620 Blackwater Road  
(GPIN 1398-29-1333)

Waterway – Blackwater Creek  
Subdivision – Blackwater  
City Council District **District 7**, formerly  
Princess Anne

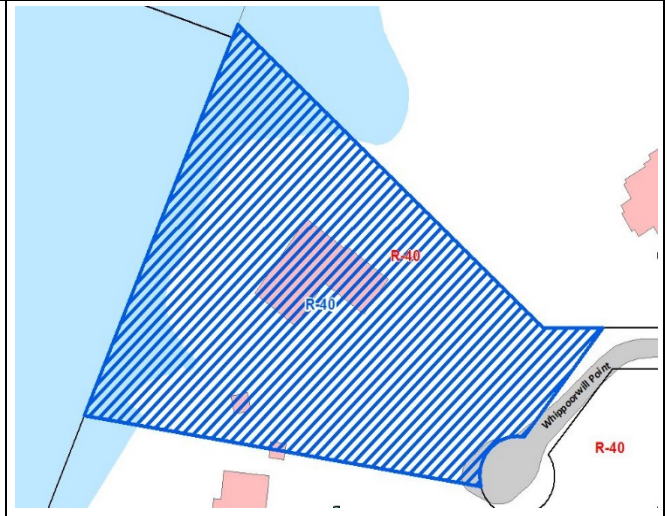


7. 2022-WTRA-00002  
Daniel Blevins & Barbara Hall  
[Applicant & Owner]

**To install rip rap and plant vegetation  
involving wetlands**

3348 Whippoorwill Point  
(GPIN 1488-77-5801)

Waterway – Dix Inlet  
Subdivision – Little Neck Waterfront  
City Council District **District 5**, formerly  
Lynnhaven



\* Deferral  
\*\* Withdrawal

**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

**Waterway**

Mill Creek

**Subdivision**

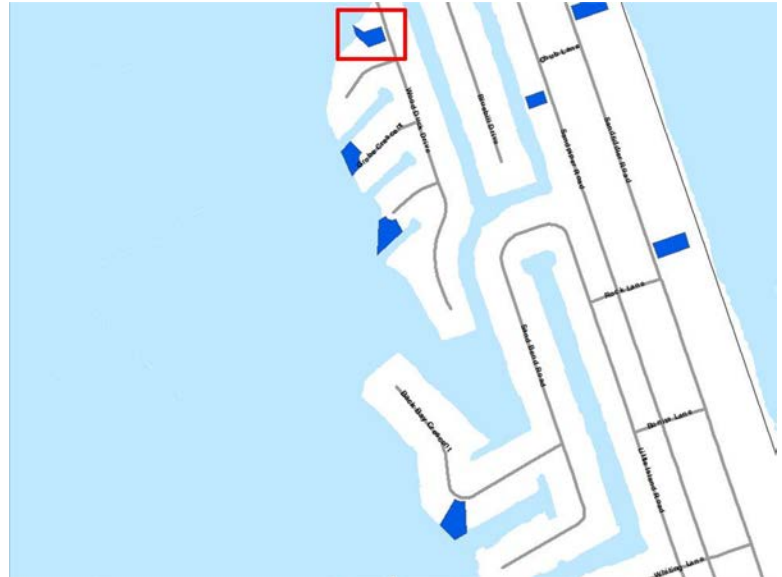
Sandbridge Shores

**Impacts**

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

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

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





Site Aerial Map



**Agent**

R. 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

**Waterway**

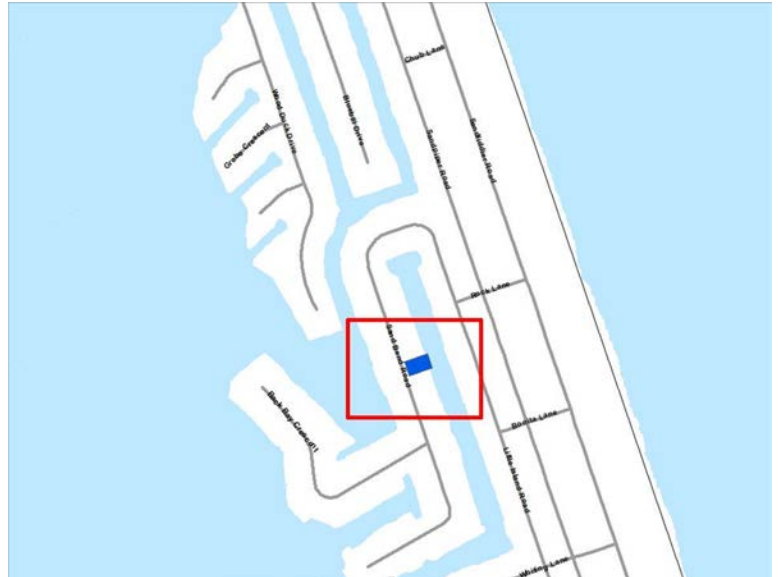
Canal to North Bay

**Subdivision**

Sandbridge

**Impacts**

**Non-vegetated:** 70 square feet





Site Aerial Map





**Agent**

R. Harold Jones  
 Sigma Environmental Services, Inc.

**Location**

3649 Sandpiper Road

**GPIN**

2432-64-9263

**Staff Planner**

Whitney McNamara

**Proposal**

To construct a bulkhead and boat ramp involving wetlands

**Waterway**

Canal to Shippo Bay

**Subdivision**

Sandbridge

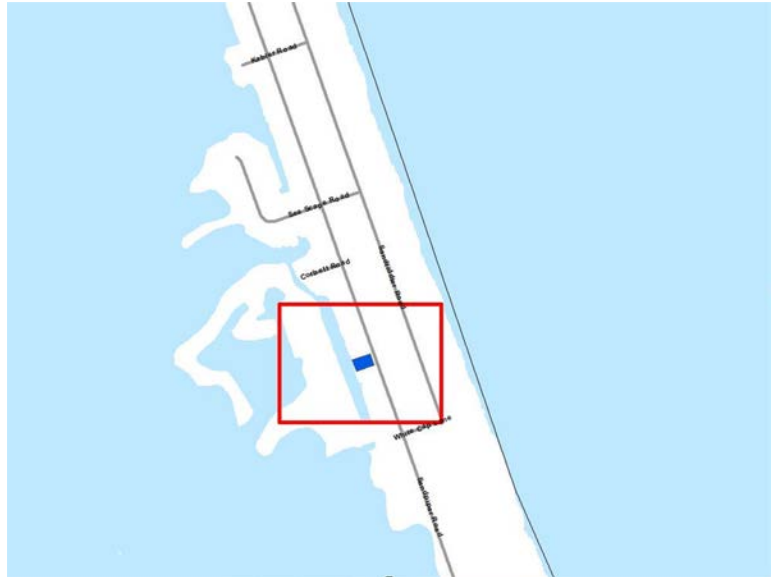
**Impacts**

**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



Site Aerial Map





**Agent**

Rich Calvert  
 Calvert Marine

**Location**

1201 Kittiwake Court

**GPIN**

1497-57-4811

**Staff Planner**

Whitney McNamara

**Proposal**

To install rip rap involving wetlands

**Staff Recommendation**

Approval as Submitted

**Waterway**

Little Neck Creek

**Subdivision**

Birdneck Point

**Impacts**

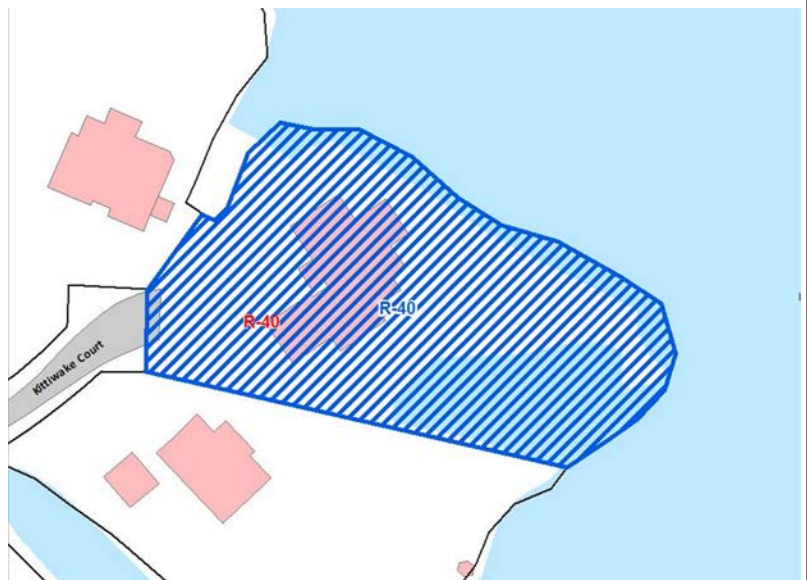
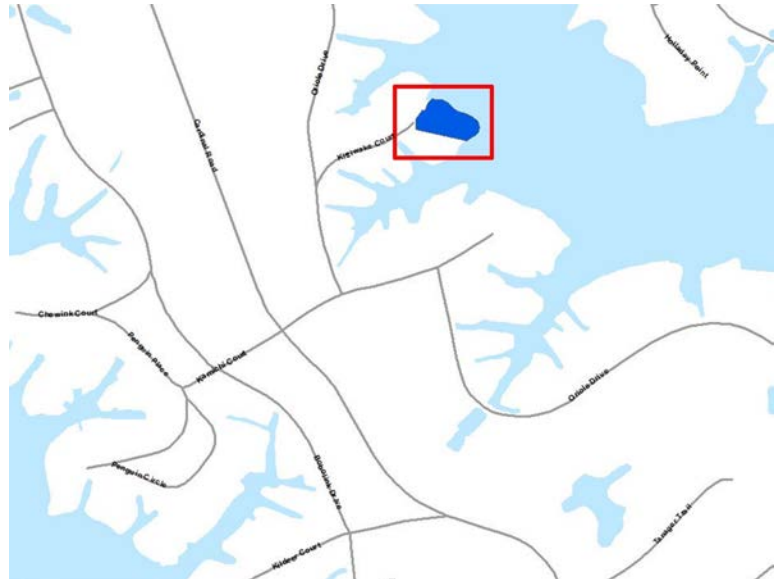
**Non-Vegetated:** 117 square feet

**Subaqueous Bottom:** 1990 square feet

**Overall length of proposed structure:** 321  
 linear feet of rip rap

**Proposed Mitigation and/or Compensation**

On-site





# Site Aerial Map



# Proposed Site Plan

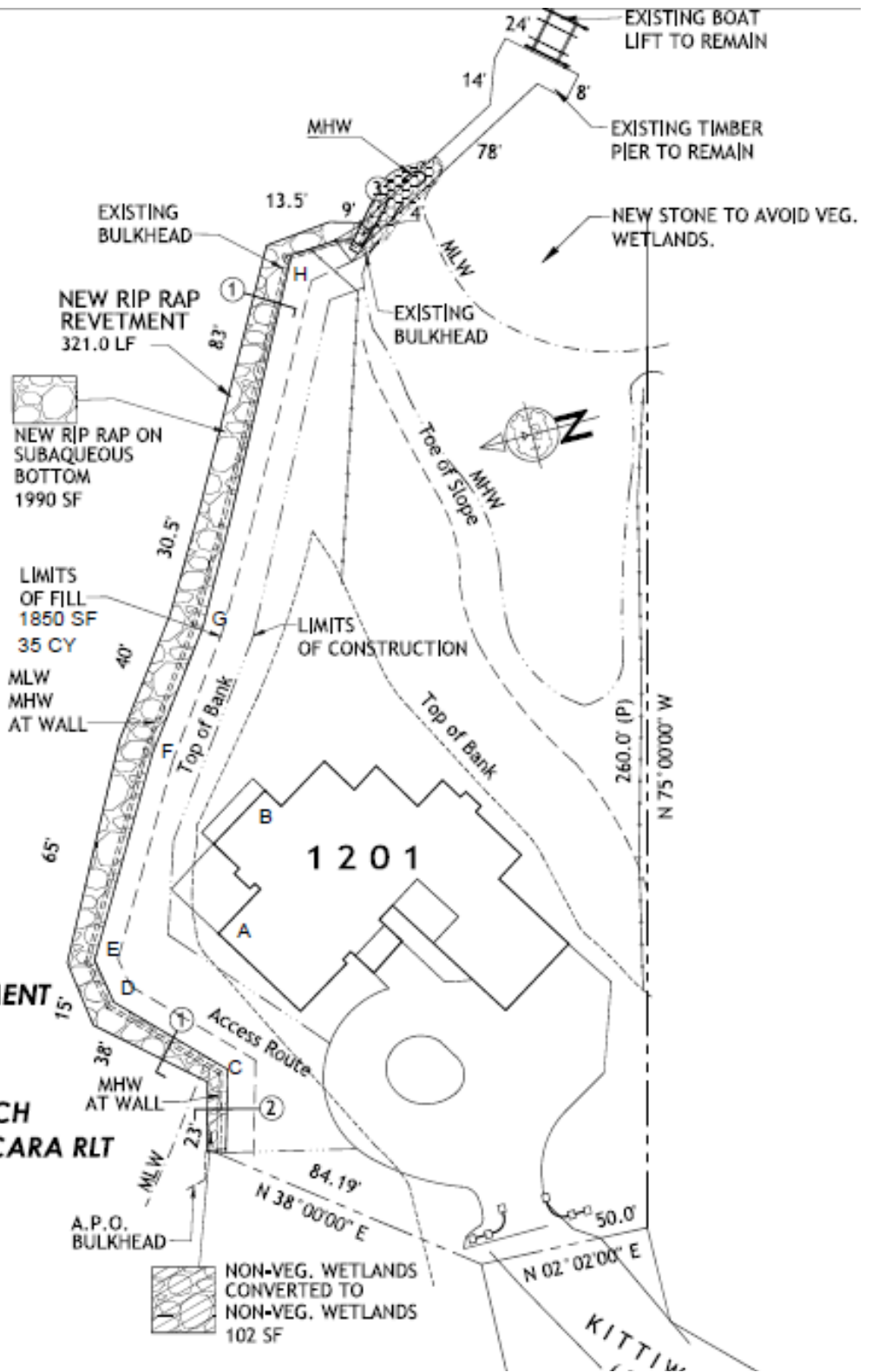
**DIMENSIONAL DATA:**

- A - C = 40.2'
- A - D = 39.0'
- A - E = 33.2'
- B - F = 33.3'
- B - G = 53.0'
- B - H = 158.0'



Proposed: **RIP RAP REVETMENT**  
 in: **LITTLE NECK CREEK**  
 at: **1201 KITTIWAKE CT**  
 County of: **VIRGINIA BEACH**  
 Applicant: **ELIZABETH LASCARA RL**  
 Sheet: **2 of 5**  
 Date: **11 OCT 2021**  
 SCALE: 1" = 60'-0"

- DATUM: MLW = 0.00'
- MHW = +1.90'



# Revised Site Plan with Wetlands Behind Bulkhead Quantified

**DIMENSIONAL DATA:**

- A - C = 40.2'
- A - D = 39.0'
- A - E = 33.2'
- B - F = 33.3'
- B - G = 53.0'
- B - H = 158.0'



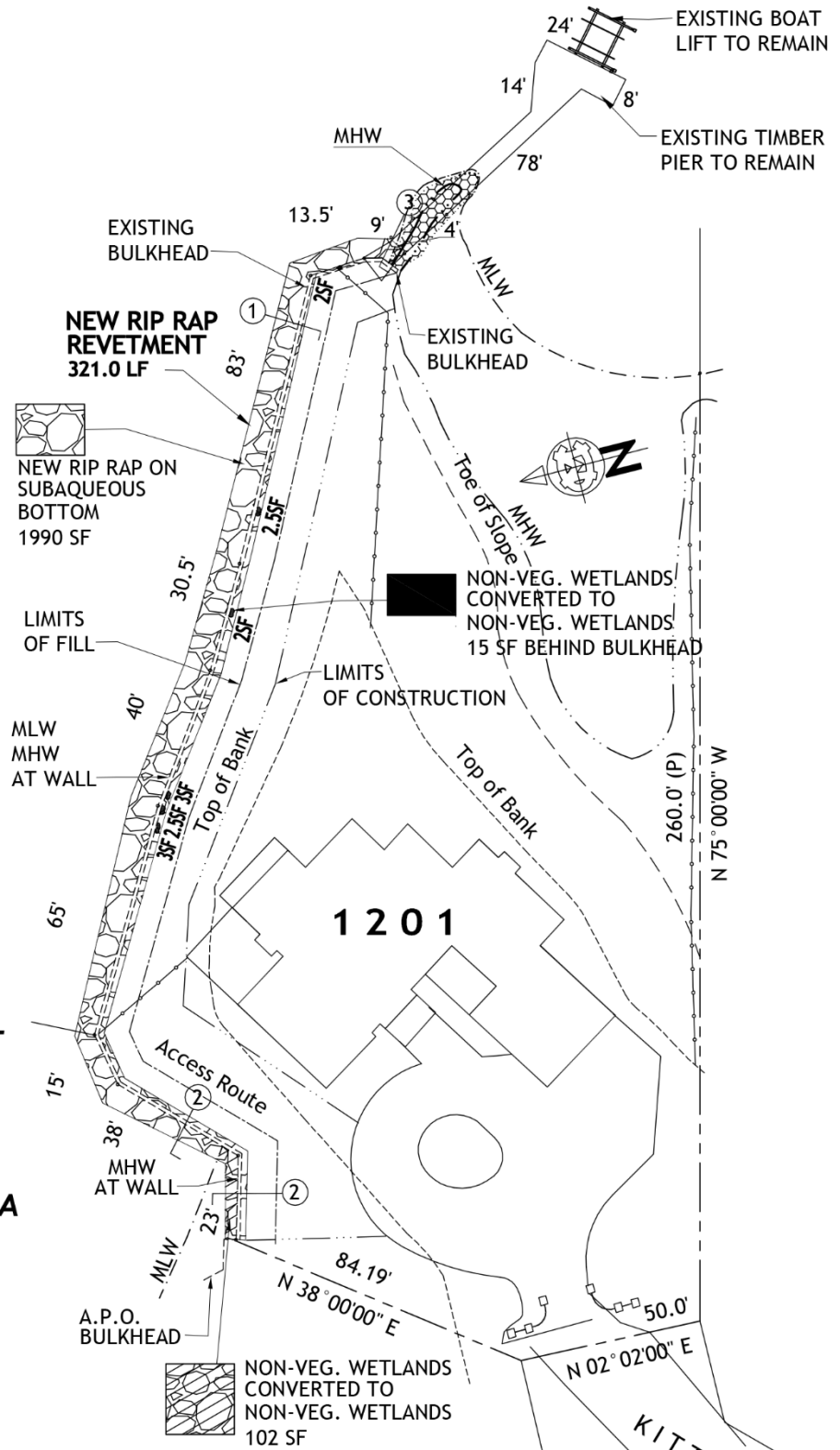
02/11/2022

Proposed: **RIP RAP REVETMENT**  
in: **LITTLE NECK CREEK**

at: **1201 KITTIWAKE CT**  
County of: **VIRGINIA BEACH**  
Applicant: **ELIZABETH LASCARA**

Sheet: **2 of 5**  
Date: **11 OCT 2021**  
SCALE: 1" = 60'-0"

- DATUM: MLW = 0.00'
- MHW = +1.90'





Site Photos





Site Photos





## CBPA Variances & Wetlands Board Permit History

This property is located in the Chesapeake Bay Watershed; however, there are no known Chesapeake Bay Preservation Area (CBPA) Board variances found for this property.

## Summary of Proposal

The applicant is proposing to construct a 321 linear foot rip rap revetment with most of the granite stone being placed in front of the existing bulkhead. Portions of the revetment will extend into the yard and the existing grade elevation along the landward edge of the revetment will be backfilled to meet existing grade elevations on the property. Approximately 26 linear feet of the proposed rip rap revetment will impact non-vegetated wetlands, which will be converted to non-vegetated rock habitat. In addition, 15 square feet of non-vegetated wetlands will be impacted in pockets of washout behind the existing bulkhead. The proposed project will impact 117 square feet of non-vegetated wetlands, which will be compensated on-site as a conversion to non-vegetated rock habitat.

## Evaluation & Staff Recommendations

The existing bulkhead is failing and there are several pockets of washout along the shoreline. A living shoreline is not suitable on this property due to the height of the existing bulkhead, topography of the uplands behind the existing bulkhead, extensive fetch (over half a mile) and heavy boat traffic experienced along this shoreline. In addition, proper grading for a living shoreline would impact the existing residential structure, which is 16 feet from the existing bulkhead at one point.

Accordingly, Department of Planning and Community Development Staff recommend that the application be **approved as submitted** as shown on the revised plans for 1201 Kittiwake Court sealed on February 11, 2022 and received by the Virginia Marine Resources Commission on February 14, 2022.

## New 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**

Billy Garrington  
 Governmental Permitting Services

**Location**

1500 Quail Point Road

**GPIN**

2408-94-9255

**Staff Planner**

Whitney McNamara

**Proposal**

To install rip rap involving wetlands

**Staff Recommendation**

Approval as Modified

**Waterway**

Linkhorn Bay

**Subdivision**

Linkhorn Estates

**Impacts**

**Non-Vegetated Wetlands:** 996 square feet

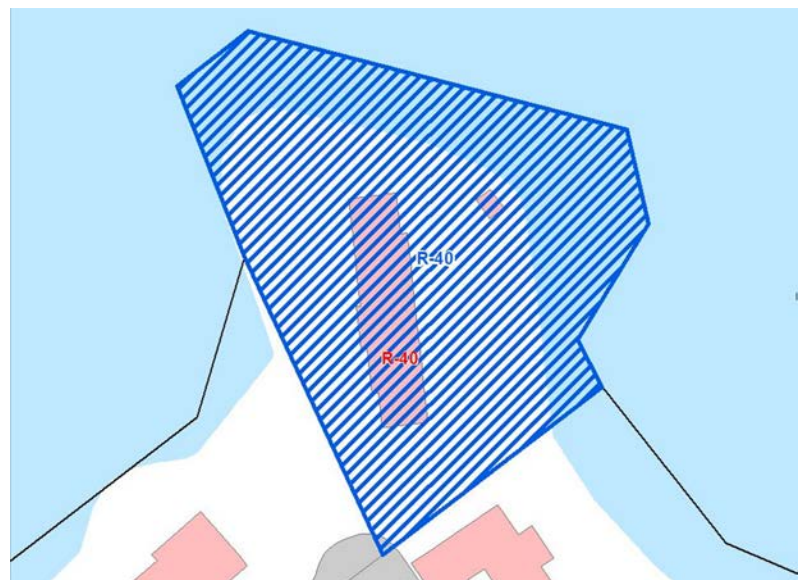
**Subaqueous Bottom:** 1,817 square feet

**Overall length of proposed structure:** 499.9  
 linear feet of rip rap

**Volume of Backfill:** 25 cubic yards

**Proposed Mitigation and/or Compensation**

On-site

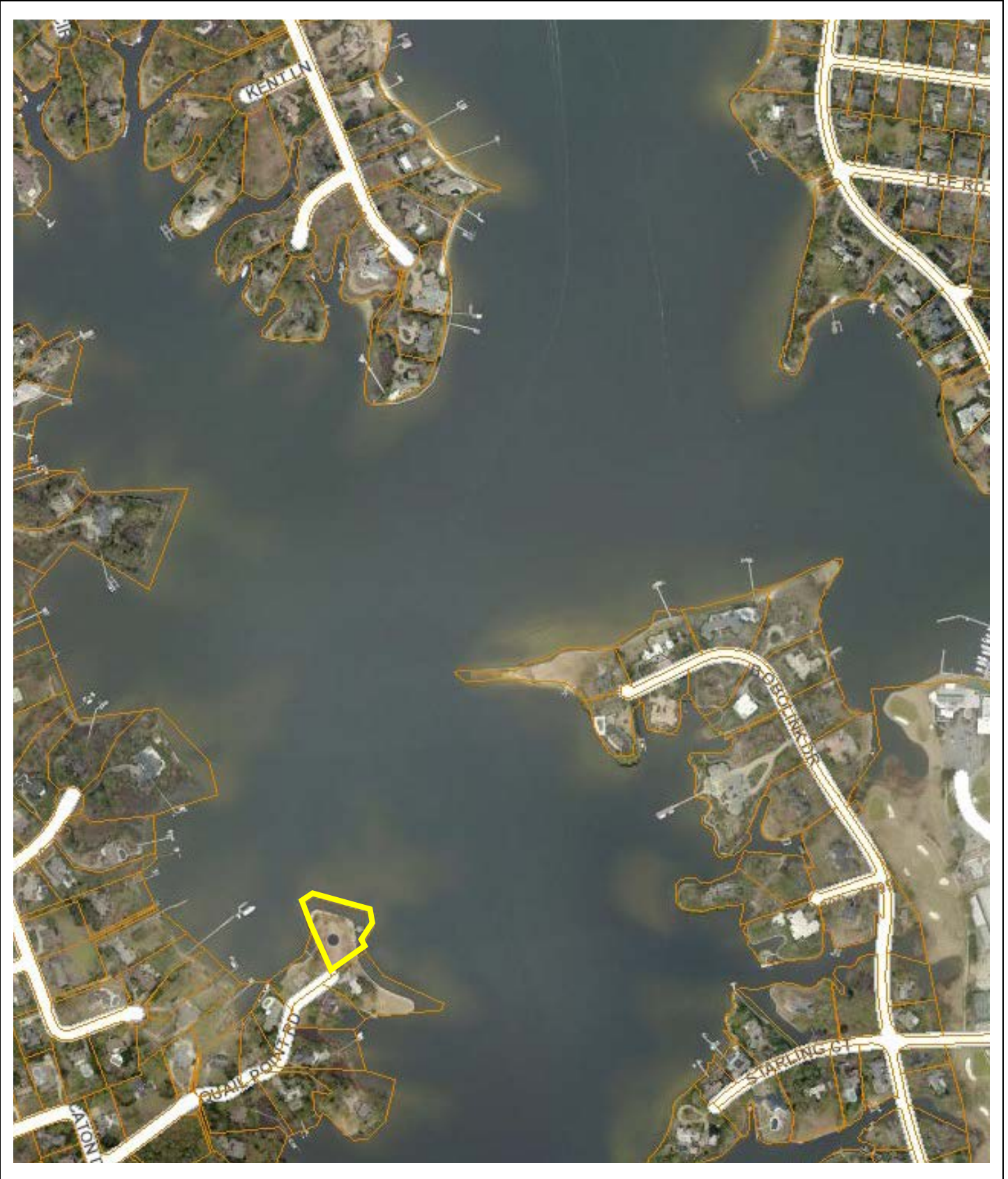


Site Aerial Map

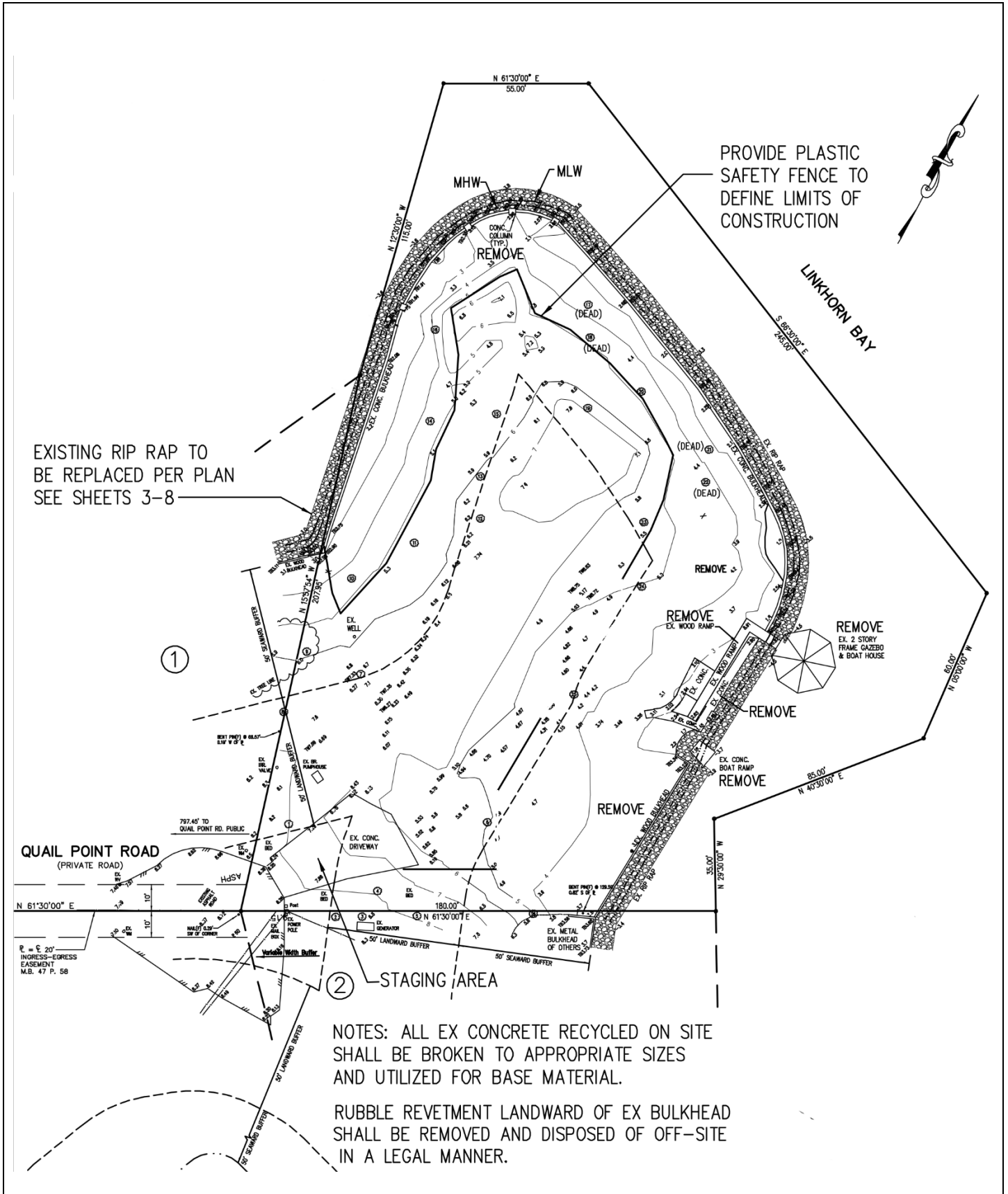




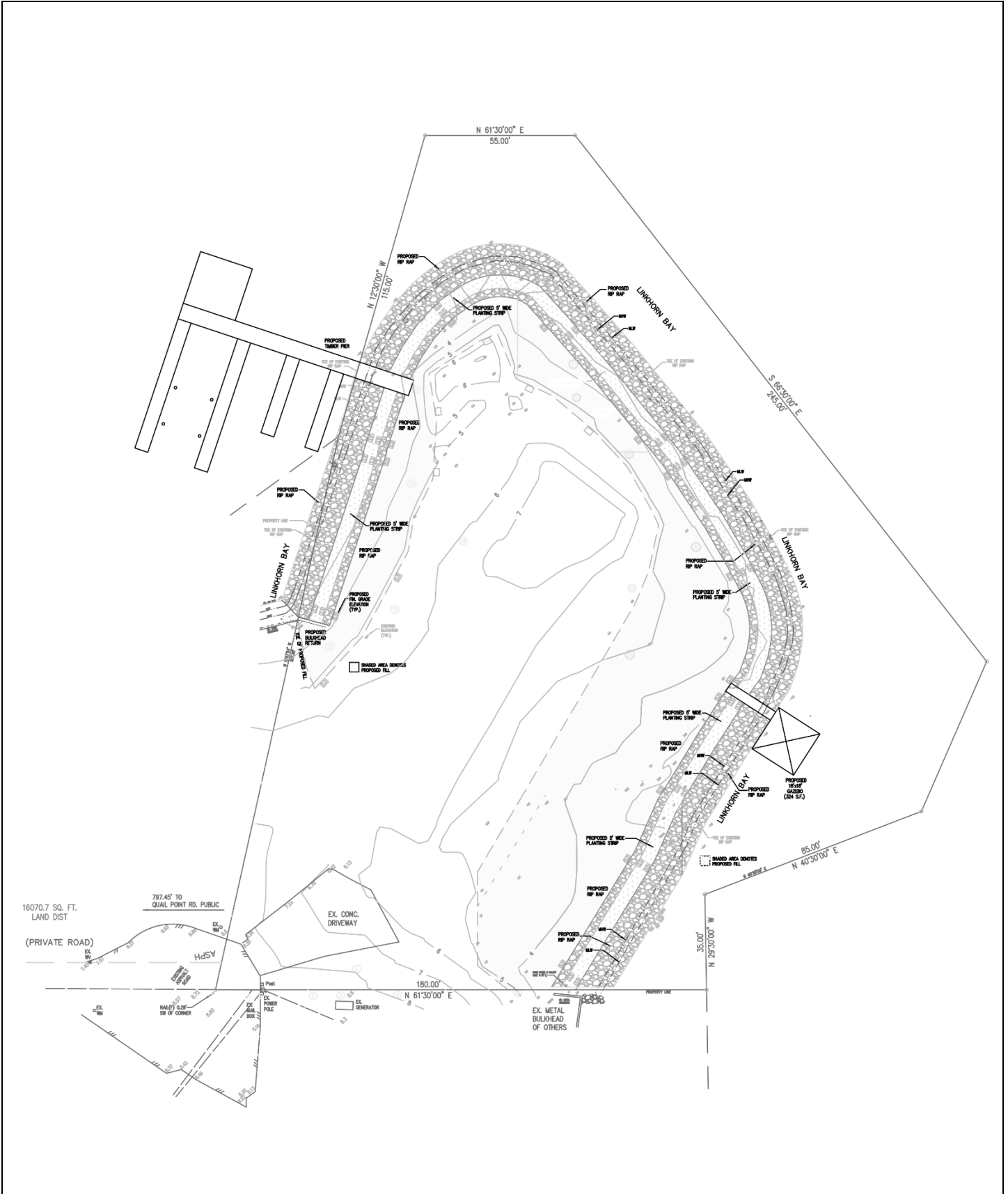
Site Aerial Map, Extended View of River Basin



# Existing Site Conditions



# Proposed Shoreline Improvements





Site Photos





Site Photos





## CBPA Variances & Wetlands Board Permit History

This property is located in the Chesapeake Bay Watershed. A Chesapeake Bay Preservation Area (CBPA) Board Variance was granted on February 22, 2016 to demolish the existing single-family residence and associated accessory structures and construct a new single-family residence with associated swimming pool, patio area and driveway.

There are no known Wetlands Permits on file for this property.

## Summary of Proposal

The applicant is proposing to construct an approximately 500 linear foot rip rap revetment over the existing hardened shoreline. A five-foot wide shelf of Pacific Juniper is proposed above the upper limits of the Wetland Board's jurisdiction. Said area to be planted will be backfill with approximately 25 cubic yards of sand. Additional fill material is proposed landward of the rip rap revetment and will be stabilized with vegetative cover until the property is developed with a residential structure. The proposed rip rap will impact 996 square feet of non-vegetated wetlands, which will be compensated on site as a conversion of non-vegetated rock habitat to non-vegetated rock habitat.

## Evaluation & Staff Recommendations

The orientation of the property exposes the shoreline to extensive fetch and wave action. The existing rip rap revetment is overtopped during most storm events, and upland erosion is evident on the site. The owner is in the process of developing the property with a single-family residence and wants to improve the shoreline to stabilize the site and prevent further erosion prior to beginning construction. The proposed project will impact one healthy canopy tree and three dead canopy trees. The applicant has not proposed mitigation for the impacted trees. Staff offers that the development of the property through the CBPA Board variance process will require upland mitigation and is of the opinion that the mitigation for the 1 healthy tree requested for removal may be addressed at that time. Additionally, there is extensive oyster growth on the existing rip rap rubble. Staff recommends that the oyster rubble be preserved to the greatest extent possible. Staff supports the use of onsite compensation to convert non-vegetated rock habitat to non-vegetated rock habitat.

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

1. The existing oysters (live and shells) within the area to be impacted by the rip rap revetment are to be carefully removed for temporary subaqueous storage and later replaced at the same elevation or lower along the seaward toe of the improvements.
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 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.



The applicant is requesting a deferral of this application to the  
**Monday, March 21, 2022 Wetlands Board Public Hearing. Staff supports the request to defer.**

**Agent**

Bob Simon  
 Waterfront Consulting, Inc.

**Location**

5620 Blackwater Road

**GPIN**

1398-29-1333

**Staff Planner**

Whitney McNamara

**Proposal**

To install a boat ramp with return walls involving wetlands

**Waterway**

Blackwater Creek

**Subdivision**

Blackwater

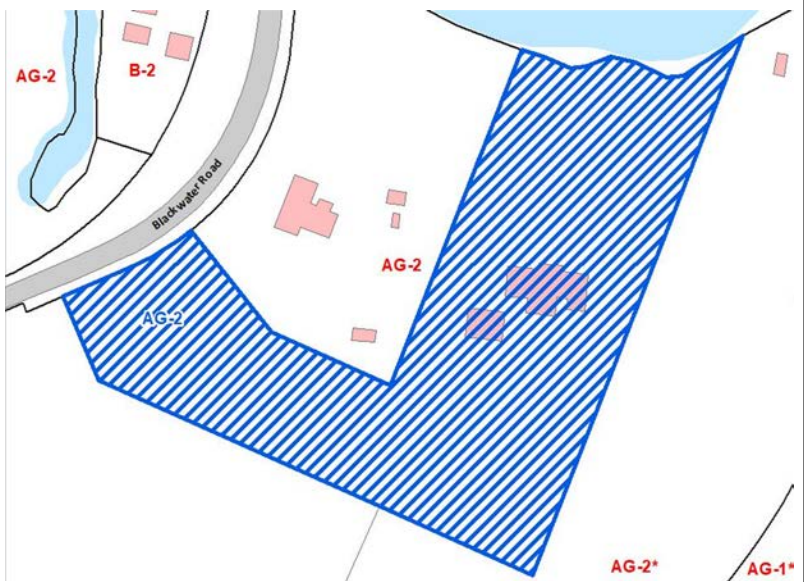
**Impacts**

**Non-Vegetated:** 48 square feet

**Overall length of proposed structure:** Two  
 26 linear foot return walls

**Proposed Mitigation and/or Compensation**

On Site and Payment of in-lieu fee



Site Aerial Map





**Agent**

Bob Simon  
 Waterfront Consulting, Inc.

**Location**

3348 Whippoorwill Point

**GPIN**

1488-77-5801

**Staff Planner**

Whitney McNamara

**Proposal**

To install rip rap and plant vegetation involving wetlands

**Staff Recommendation**

Approval as Modified

**Waterway**

Dix Inlet

**Subdivision**

Little Neck Waterfront

**Impacts**

**Non-Vegetated:** 108 square feet

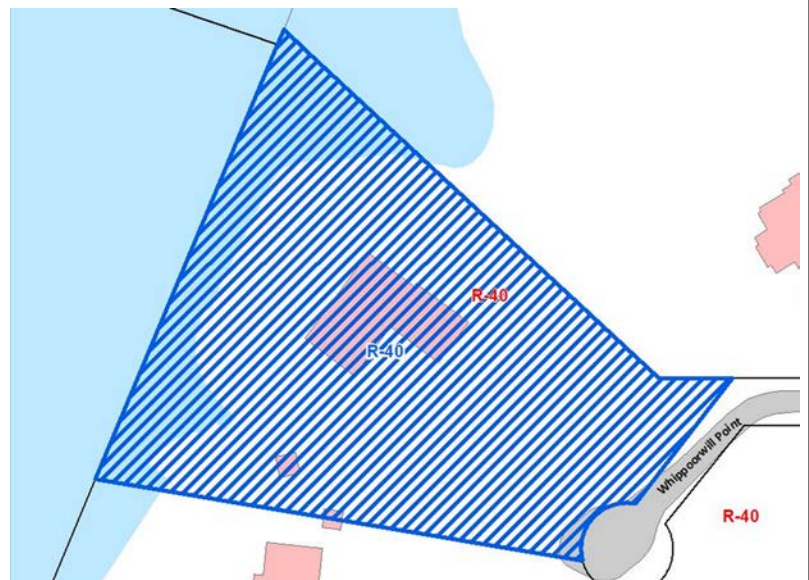
**Subaqueous bottom:** 2,186 square feet

**Overall length of proposed structure:** 316 linear feet of rip rap

**Volume of backfill:** 32 cubic yards

**Proposed Mitigation and/or Compensation**

On-site

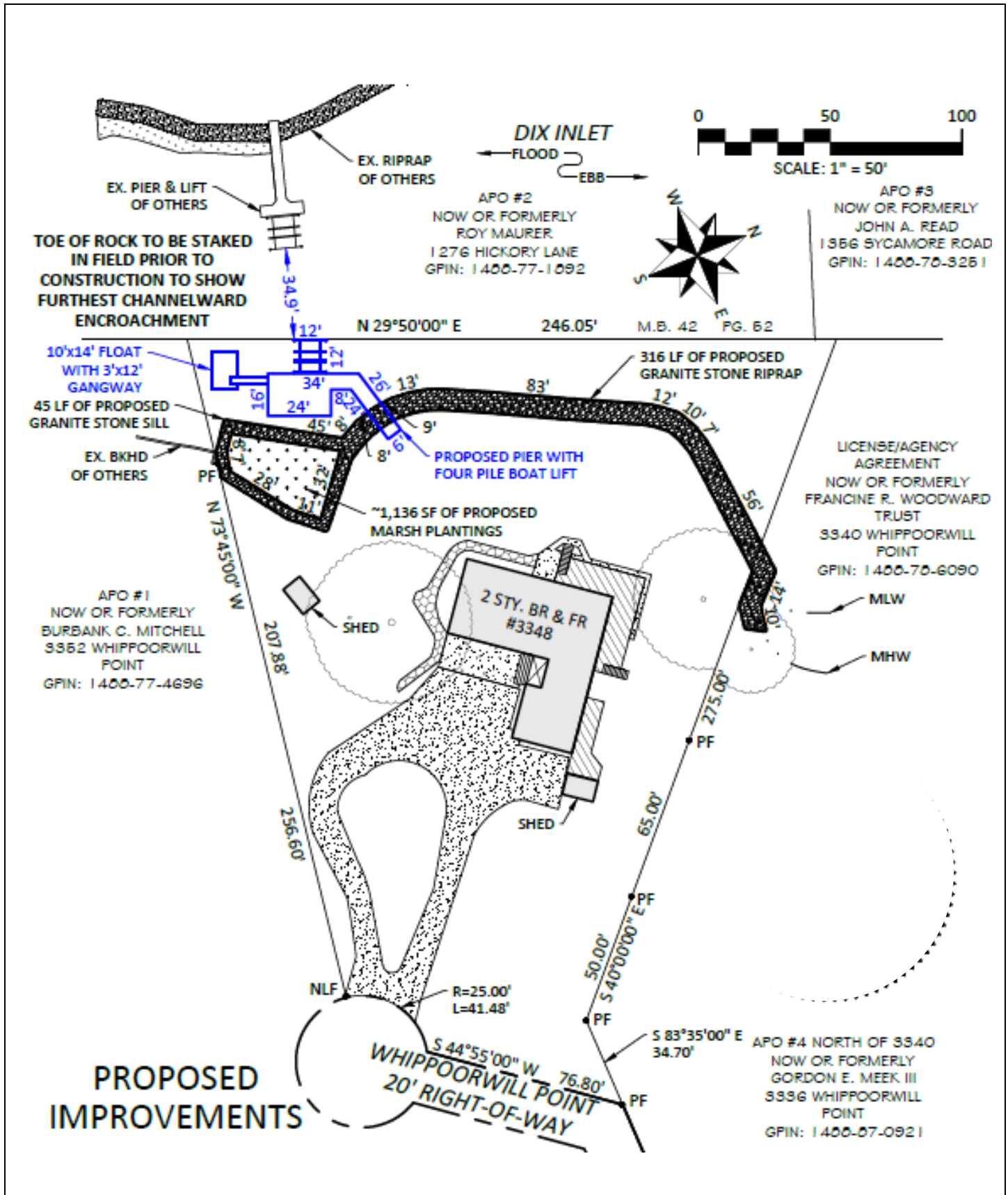


Site Aerial Map





# Proposed Site Plan





Site Photos





Site Photos



## CBPA Variances & Wetlands Board Permit History

This property is located in the Chesapeake Bay Watershed; however, there are no known Chesapeake Bay Preservation Area (CBPA) Board variances found for this property. No recent Wetlands Permits were found for this property.

## Summary of Proposal

The applicant is proposing to remove a portion of the existing bulkhead and wharf, construct 316 linear feet of rip rap, a 45 linear foot rip rap sill, and grade 1,136 square feet of the shoreline that includes 511 square feet of upland to plant with wetlands vegetation. The proposed project will require the removal of three trees, which will be mitigated at a 1:1 ratio and will impact 108 square feet of non-vegetated wetlands. The applicant will compensate for the wetland impacts on site by the conversion of non-vegetated wetlands to non-vegetated rock habitat and vegetated wetlands. There will be a net gain of 511 square feet of vegetated wetlands created from uplands.

## Evaluation & Staff Recommendations

The existing wharf has failed and during the last storm event a portion was broken off from the existing bulkhead. The existing bulkhead that was constructed in 1978, is deteriorating significantly along the waterline line, and exhibiting signs of erosion behind the structure. Staff agrees with the applicant's agent that a living shoreline is not appropriate for the entire shoreline due to the proximity of the residential structure, existing topography of the lot and height of the existing bulkhead. Because the top of the proposed sill is located above Mean High Water and the proposed sill ties into the proposed rip rap on both sides, Staff is recommending that the applicant incorporate a gap or low spot into the final design to allow for daily tidal fluctuations.

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

1. A gap or low spot below Mean High Water, measuring at least 12" wide shall be incorporated into the design of the sill to allow for daily tidal fluctuations.
2. Following installation of the wetland vegetation, an annual vegetation monitoring report shall be submitted in mid-August for three (3) years. The annual report shall include photographs and a re-vegetation plan for any areas of where the vegetation has failed to establish.
3. Revised plans shall be submitted to the Virginia Marine Resources Commission and approved by the Department of Planning and Community Development prior to the issuance of a building permit.

## Next Steps

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