

# Wetlands Board Staff Report

July 18, 2022



# Wetlands Board Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, July 18, 2022 at 10:00 a.m. in the Council Chamber - 2403 Courthouse Drive, Building 3 (former City Hall), 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 **PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.**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After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.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  
July 18, 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. 2021-WTRA-00181

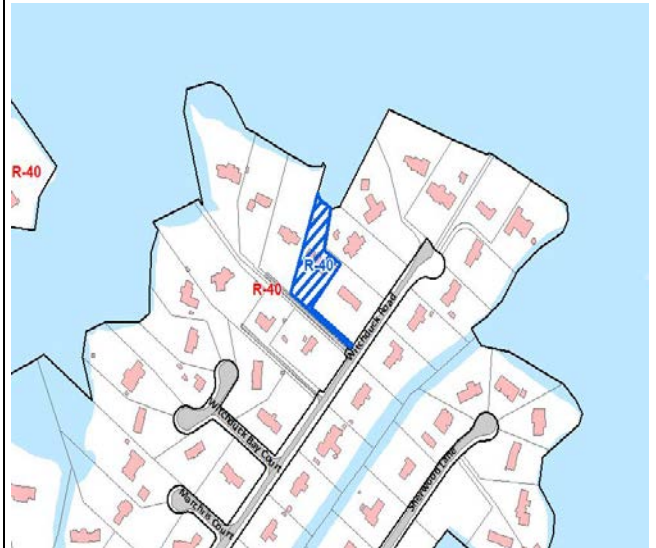
Shaileshkumar Patel  
[Applicant & Owner]

**REQUEST FOR 1 YEAR EXTENSION**

**To construct rip rap involving wetlands**

4044 N Witchduck Road  
(GPIN 1488-08-6681)

Waterway – Western Branch Lynnhaven River  
River  
Subdivision – Witchduck Point  
City Council District - District 9



2. 2022-WTRA-00122

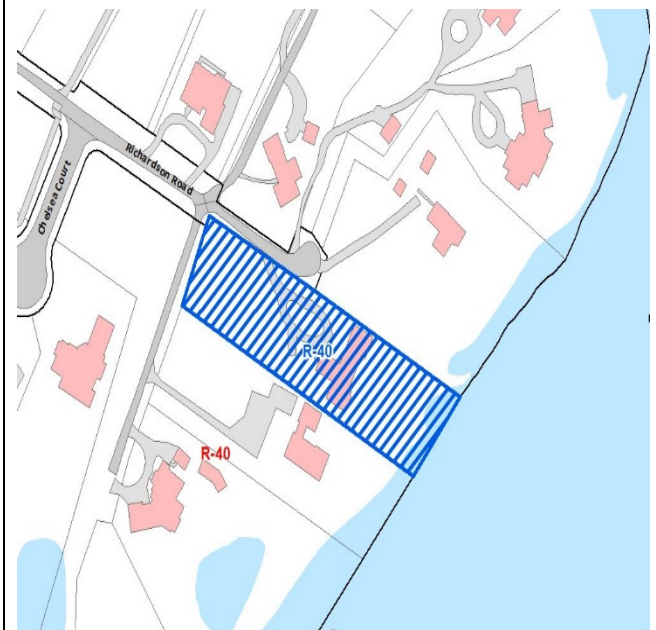
Hollomon-Brown Funeral Home  
Bayside Chapel  
[Applicant & Owner]

**DEFERRED FROM JUNE 22, 2022**

**To construct a rip rap revetment involving wetlands**

3901 Richardson Road  
(GPIN 1488-15-9870)

Waterway – Western Branch Lynnhaven River  
River  
Subdivision – Witchduck  
Council District: District 8



\* Deferral  
\*\* Withdrawal



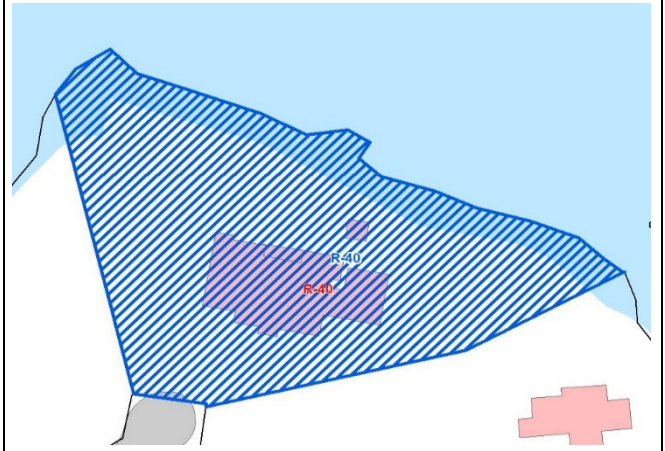
NEW BUSINESS – WETLANDS

3. 2022-WTRA-00140  
Douglas Dickerson [Applicant & Owner]

**To construct a bulkhead involving wetlands**

1204 Kamichi Court  
(GPIN 2418-42-7691)

Waterway – Little Neck Creek  
Subdivision – Bird Neck Point  
City Council District - District 6



4. 2022-WTRA-00143  
Michael J. & Maryanne E. Miller  
[Applicants & Owners]

**To construct a rip rap revetment, sill, and oyster castles, and plant vegetation involving wetlands**

2708 Hood Cir  
(GPIN 1498-53-1417)

Waterway – Eastern Branch Lynnhaven River  
Subdivision – Trant Berkshire Area  
Council District: District 8

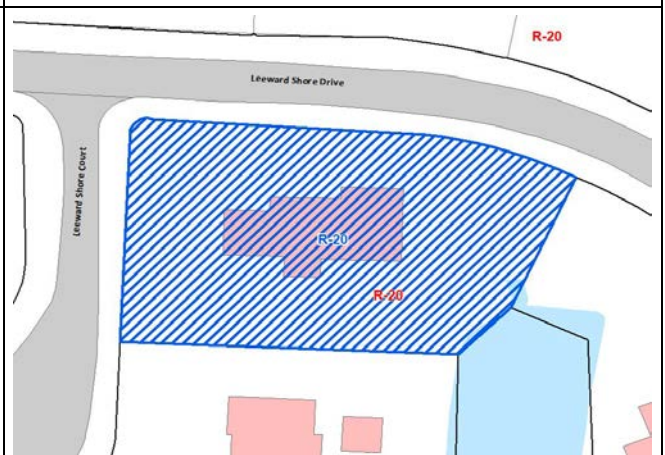


5. 2022-WTRA-00144  
John B. Nowell Jr. [Applicant & Owner]

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

2241 Leeward Shore Ct  
(GPIN 2409-19-3878)

Waterway – Man Made Canal to Broad Bay  
Subdivision – Bay Island  
Council District: District 8



\* Deferral  
\*\* Withdrawal

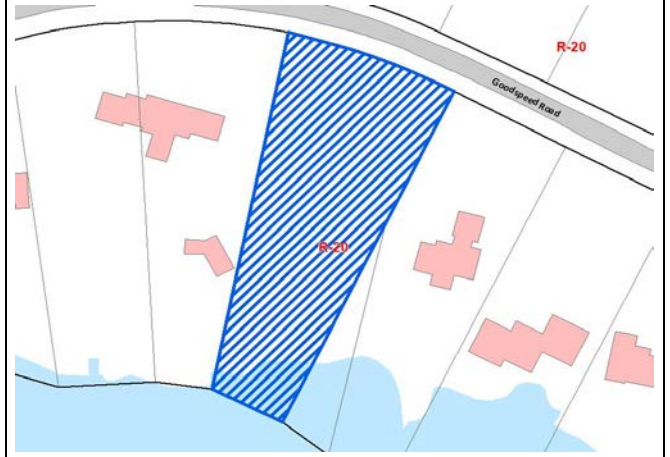
NEW BUSINESS – WETLANDS (CONTINUED)

6. 2022-WTRA-00085  
Charis Properties, LLC  
[Applicant & Owner]

**To construct a rip rap revetment and  
sand fill involving wetlands**

465 Goodspeed Road  
(GPIN 2419-41-8184)

Waterway – Crystal Lake  
Subdivision – Princess Anne Hills  
Council District: District 6



\* Deferral  
\*\* Withdrawal

**Location**

4044 N Witchduck Road

**GPIN**

1488-08-6681

**Staff Planner**

Whitney McNamara

**Proposal**

To construct rip rap involving wetlands

**Waterway**

Western Branch Lynnhaven River

**Subdivision**

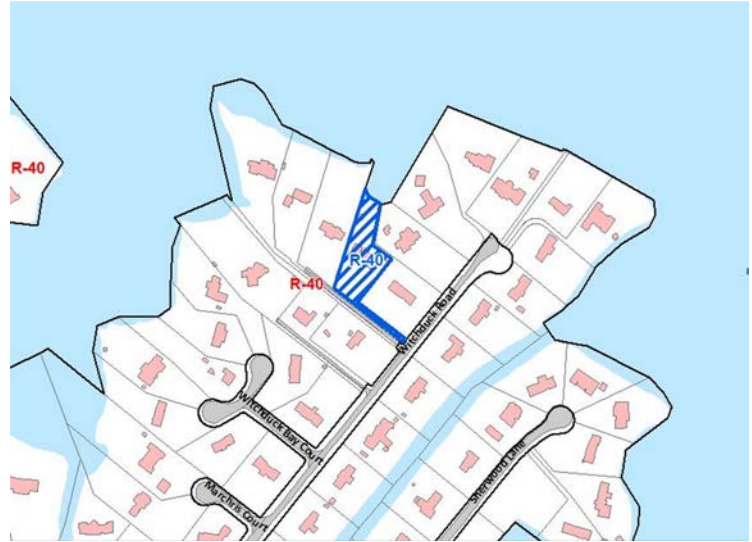
Witchduck Point

**Impacts**

**Vegetated:** 12 square feet

**Subaqueous:** 680 square feet

**Overall length of proposed structure:** 192 linear feet of rip rap





Site Aerial Map





**Agent**

Waterfront Consulting, Inc.  
Robert E. Simon

**Location**

3901 Richardson Road

**GPIN**

1488-15-9870

**Staff Planner**

Whitney McNamara

**Proposal**

To construct rip rap involving wetlands

**Staff Recommendation**

Approval as Submitted

**Waterway**

Western Branch of Lynnhaven River

**Subdivision**

Witchduck

**Impacts**

**Non-Vegetated:** 171 square feet

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

**Proposed Mitigation and/or Compensation**

On-site

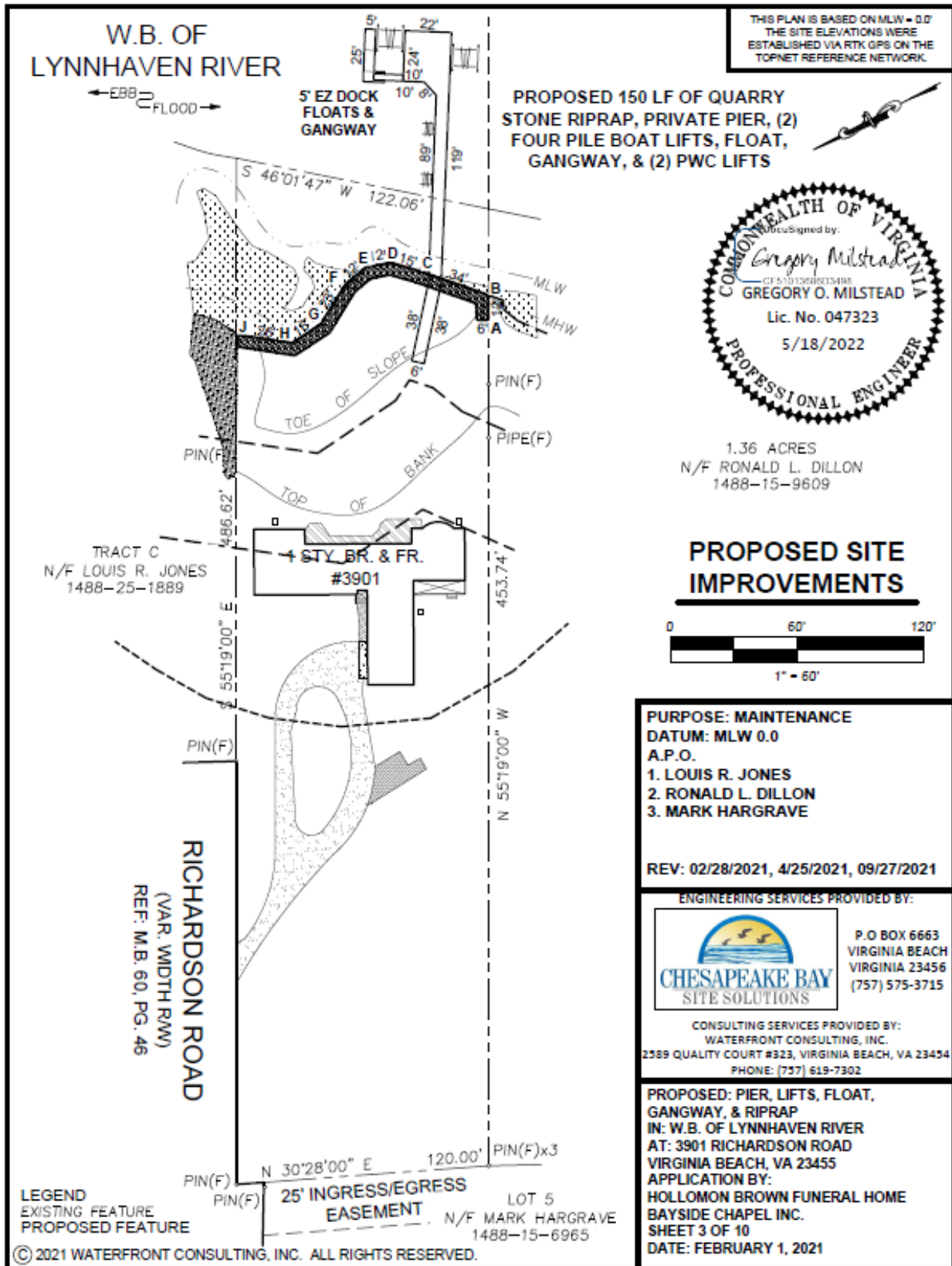


Site Aerial Map





# Proposed Site Plan





Site Photos





Site Photos





## CBPA Variances & Wetlands Board Permit History

The permit request for this property was deferred from the June 22, 2022 Wetlands Board Public Hearing due to an error related to adjacent property owner notifications. The project was previously approved by the Wetlands Board in March 2021; however, a permit was never issued, and the approval expired.

This property is located in the Chesapeake Bay Watershed. A Chesapeake Bay Preservation Area (CBPA) Board Variance was granted for this property on June 7, 2021 for upland improvements associated with the existing single-family residence.

## Summary of Proposal

The applicant is proposing to remove the existing concrete bulkhead and rip rap rubble to construct a 150 linear foot rip rap revetment. The proposed rip rap will be located landward of Mean High Water, with the exception of temporary impacts for excavation and placement of the rip rap toe. There are 171 square feet of non-vegetated wetlands impacts from the removal of the rip rap rubble, which will be converted to non-vegetated mud flat and non-vegetated rock habitat. The applicant is proposing on-site compensation for the non-vegetated wetlands impacts. The primary purpose of this project is to maintain the shoreline to prevent erosion.

## Evaluation & Staff Recommendations

The application was deferred from the June 22, 2022 Public Hearing due to an error related to adjacent property owner notifications. The application was readvertised in the newspaper and new adjacent property owner notifications were sent in the mail.

The existing rip rap rubble and concrete wall are not designed to current shoreline stabilization standards, and there are signs of erosion along the shoreline. The applicant has located the majority of the project above Mean High Water, and only the placement of the toe of the rip rap will impact non-vegetated wetlands. These impacts will be restored after placement of the rock.

The Wetlands Board approved the project at the March 2021 Public Hearing; however, the approval expired prior to the issuance of a Wetlands Permit. When Staff visited the site prior to the March 2021 Public hearing, it appeared that there may be some impacts to vegetated wetlands in the 1.5x Upper Jurisdictional Limits for vegetated wetlands. The applicant's agent indicated that the toe of the rip rap will be located landward of all wetland vegetation growing on the site. Staff also found wetlands vegetation and oysters growing in and on the rip rap rubble proposed for removal. Due to the condition of the rip rap rubble and desire to clean up and restore the shoreline, Staff recommended relocating the rubble with oysters to the base of the new rip rap and re-grading and sprigging the area with wetlands vegetation. The applicant's agent agreed to those conditions and the application was approved as modified with the four following conditions:

1. The toe of the rip rap shall be located landward of all wetland vegetation growing on the site. The extent of wetlands vegetation shall be determined and marked during a required pre-construction meeting with Planning and Community Development Staff. A note shall be added to the plans to advise the contractor of this requirement.
2. Wetland vegetation shall be planted seaward of the rip rap revetment in the area of existing rip rap rubble to incorporate a living shoreline component into the project.

3. Rip rap rubble and rocks with oysters growing on them shall be preserved during construction and placed along the toe of the rip rap revetment after construction is complete.
4. Revised plans shall be submitted to the Virginia Marine Resources Commission and ultimately approved by the Department of Planning and Community Development with the information required in conditions 1, 2, and 3 above prior to the issuance of a building permit.

The requested revisions were included in the plans submitted for the reapplication. Accordingly, the Department of Planning and Community Development recommends the application be **approved as submitted** as shown on the plans titled “Proposed pier, lifts, float, gangway, & rip rap” at 3901 Richardson Road for Hollomon Brown Funeral Home Bayside Chapel Inc. Sealed on May 18, 2022.

## 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**

Waterfront Consulting, Inc.  
Robert E. Simon

**Location**

1204 Kamichi Court

**GPIN**

2418-42-7691

**Staff Planner**

Whitney McNamara

**Proposal**

To construct a bulkhead involving wetlands

**Staff Recommendation**

Approval as Modified

**Waterway**

Little Neck Creek

**Subdivision**

Birdneck Point

**Impacts**

**Vegetated:** 119 square feet

**Non-Vegetated:** 141 square feet

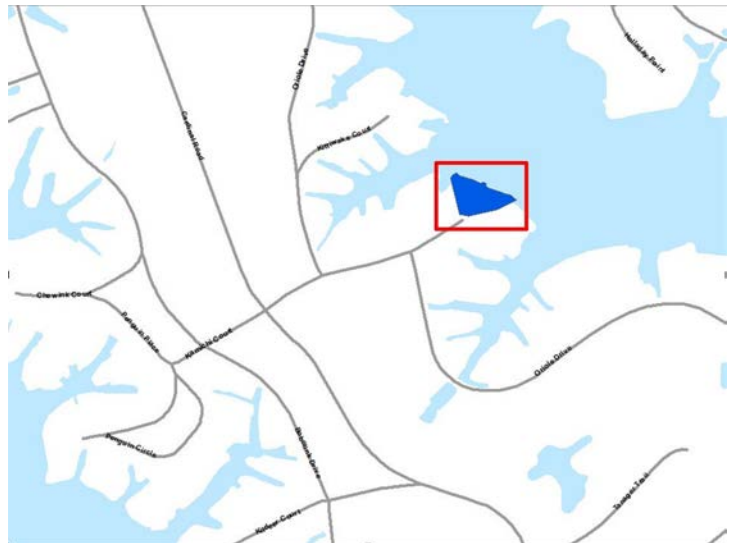
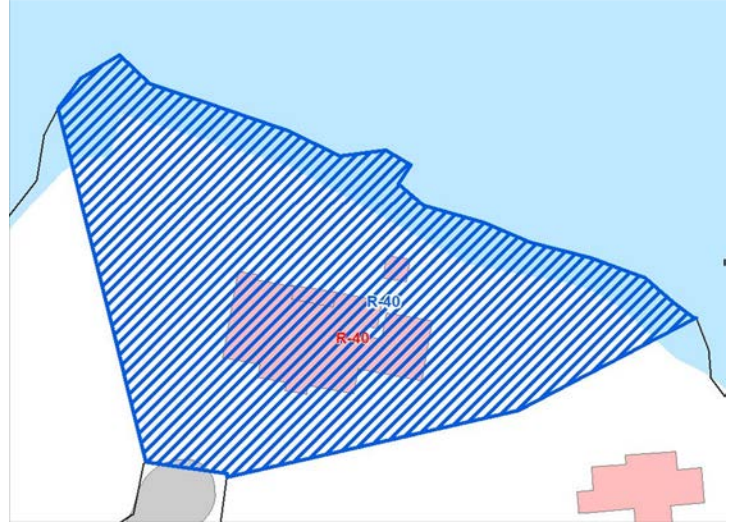
**Subaqueous Bottom:** 410 square feet

**Overall length of proposed structure:** 314 linear feet of bulkhead with a 15 linear foot and 67 linear foot return

**Volume of Backfill:** 45 Cubic Yards

**Proposed Mitigation and/or Compensation**

Payment of an in-lieu fee

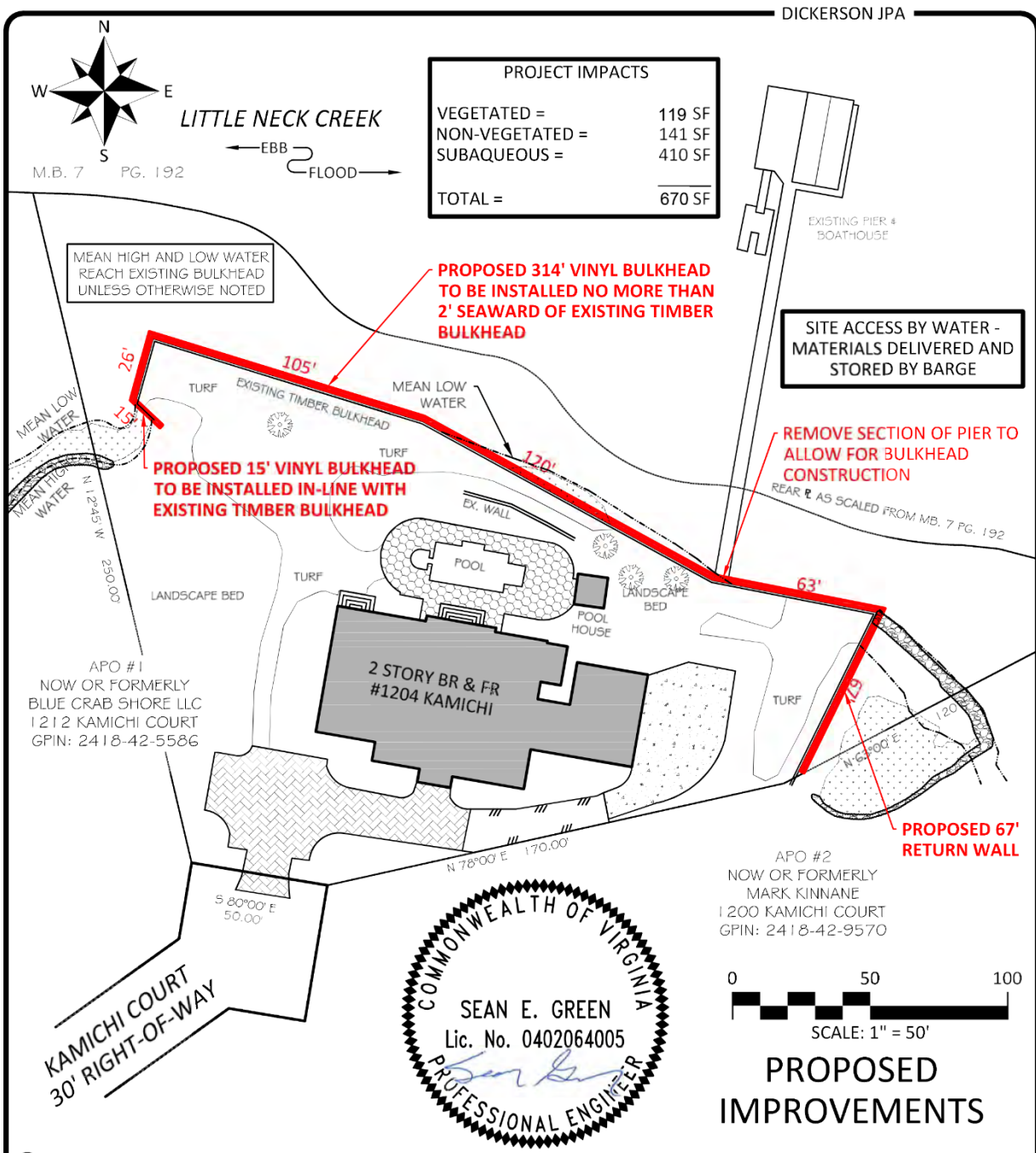




Site Aerial Map



# Proposed Site Plan



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PURPOSE: EROSION PREVENTION  
 DATUM: MLW = 0.00'  
 APOS:  
 1. BLUE CRAB SHORES LLC  
 2. MARK KINNANE

**WCI** WATERFRONT CONSULTING, INC.  
 2589 QUALITY COURT, SUITE 323  
 VIRGINIA BEACH, VA 23454  
 PHONE: (757) 425-8244, MOBILE: (757) 619-7302

PROPOSED: BULKHEAD  
 IN: LITTLE NECK CREEK  
 AT: 1204 KAMICHI COURT  
 VIRGINIA BEACH, VA 23451  
 APPLICATION BY:  
 DOUGLAS DICKERSON

ENGINEERING SERVICES PROVIDED BY:  
 STONE GREEN CONSULTING, LLC  
 (330) 883-2117

SHEET: 2 OF 7  
 DATE: MAY 17, 2022



Site Photos





Site Photos





## CBPA Variances & Wetlands Board Permit History

This property is located in the Chesapeake Bay Watershed. A CBPA Board Variance was granted in April 1995 to construct a single-family home, deck, pool, and driveway. There are no recent Wetlands permits on file for the property.

## Summary of Proposal

The applicant is proposing to construct a new 314 linear foot vinyl bulkhead with a 15-foot-long return wall and a 67-foot-long return wall. The proposed bulkhead will be constructed 2 feet seaward of the existing bulkhead. A living shoreline is not appropriate on this property due to the height of the shoreline (seven to eight feet tall) and proximity of the pool (about fifteen feet landward of the existing bulkhead), leaving little room to grade the shoreline to achieve an appropriate slope. The proposed project will impact 119 square feet of vegetated wetlands and 141 square feet of non-vegetated wetlands, which will be compensated on site by payment of an in-lieu fee.

## Evaluation & Staff Recommendations

The existing bulkhead is showing signs of wear with minor pockets of settling due to erosion behind the bulkhead. Staff agrees with the applicant's agent that the height of the bulkhead and proximity of the pool make a living shoreline not feasible along this portion of the property. In addition, the property experiences significant north fetch and wave action. The request to construct the new bulkhead will not create additional vegetated wetlands, so Staff supports payment of an in-lieu fee for the vegetated and non-vegetated wetlands impacts.

Both the east and west sides of the property have areas of vegetated wetlands associated with living shoreline components. The portion of the property on the east side comprised of a rip rap sill and marsh was approved in conjunction with the adjacent property owner by the Wetlands Board in June 2021. Currently the vegetated marsh area adjacent to the rip rap sill has failed to establish, and restoration and replanting of the wetland vegetation are needed with installation during the next growing season as a condition of 2021 Wetlands permit.

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

1. Two-hundred and twenty-five (225) square feet of wetland vegetation shall be planted along the east portion of the shoreline subject to the rip rap sill construction associated with the June 2021 Wetland Permit. Plant spacing depends on the area to be covered and may be arranged in rows or random clusters at 18-inches on center for average cover conditions.
2. Clean coarse-grained sand fill shall be placed within the area of wetland vegetation associated with condition 1 above at an acceptable depth to establish the planted wetland vegetation. No planting in the sand fill area shall occur within two weeks of placement of sand to allow for settlement. Prior to planting this area, actual tide levels within planting area shall be verified and adjustments to the slope or height as necessary shall occur before planting.
3. The revised plans shall include grade elevations along the existing rip rap sill and area to be planted with wetland vegetation. Grade elevations shall be suitable to support tidal wetland establishment and protection.
4. Following the installation of the wetland vegetation, an annual vegetation monitoring report shall be submitted to the Department of Planning & Community Development 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.
5. 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 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

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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.

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**Agent**

Calvert Marine  
 Richard Calvert

**Location**

2708 Hood Circle

**GPIN**

1498-53-1417

**Staff Planner**

Whitney McNamara

**Proposal**

To construct a rip rap revetment, sill, oyster castles, and plant vegetation involving wetlands

**Staff Recommendation**

Approval as Modified

**Waterway**

Eastern Branch Lynnhaven River

**Subdivision**

Trant Berkshire Area

**Impacts**

**Non-Vegetated:** 1875 square feet

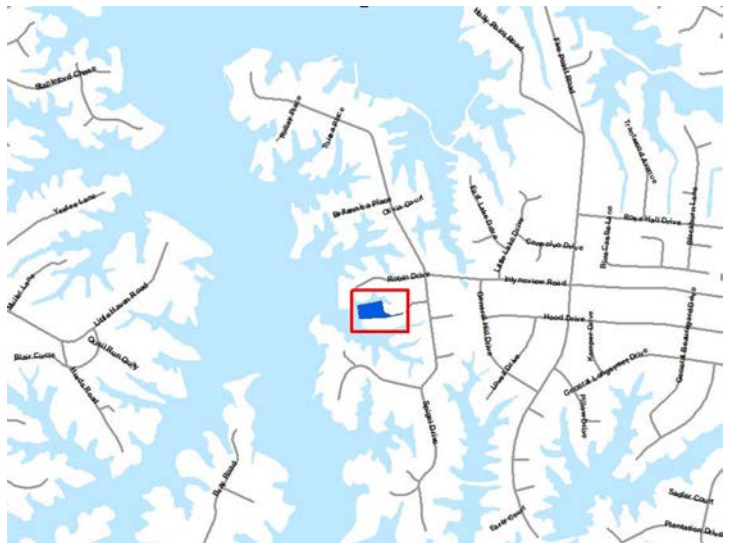
**Subaqueous Bottom:** 493 square feet

**Overall length of proposed structure:** 214.5 linear feet of rip rap; 104 linear foot sill

**Volume of Backfill:** 20 Cubic Yards

**Proposed Mitigation and/or Compensation**

On-site

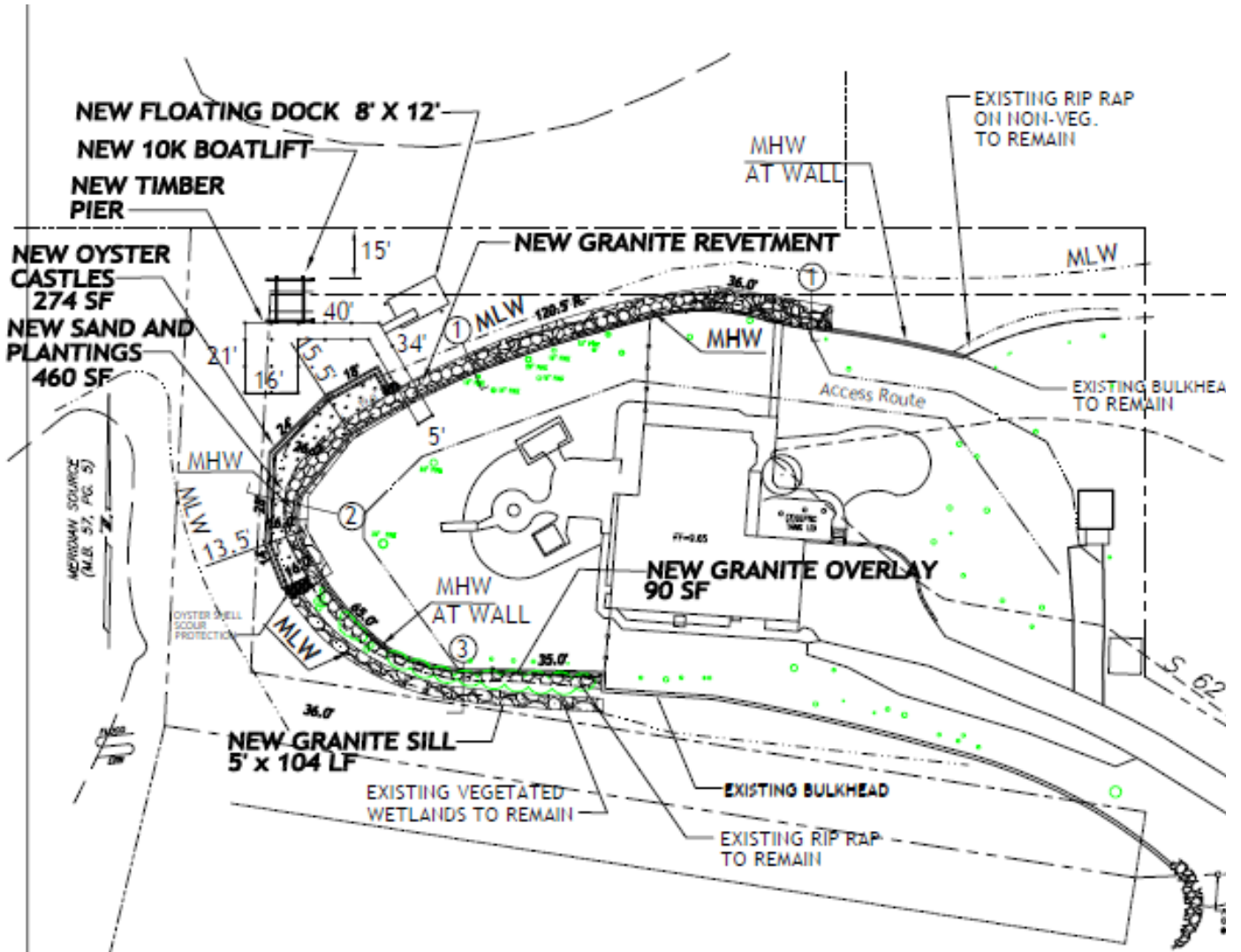


Site Aerial Map





# Proposed Site Plan



SCALE: 1" = 60'-0" \* DATUM: MLW = 0.00' MHW = +1.70'





Site Photos





Site Photos





## CBPA Variances & Wetlands Board Permit History

This property is located in the Chesapeake Bay Watershed. A CBPA Board Variance was granted at the June 2022 Board hearing to construct wood decks, inground pool, building addition, and driveway with parking.

There are no recent Wetlands permits on file for the property.

## Summary of Proposal

The applicant is proposing to remove the existing bulkhead in the areas where wetlands vegetation is not growing and construct a new Class 1 and A1 rip rap revetment. Around the point, oyster castles will be placed, and sand fill and wetlands vegetation will be placed between the proposed rip rap and oyster castles. Along the southern shoreline where wetlands vegetation is growing, the existing rip rap will be topped off with a new layer of rip rap that will be hand placed to avoid impacting wetlands vegetation, and a sill will be constructed channelward of the existing vegetated wetlands. The proposed project will impact 1,875 square feet of non-vegetated wetlands. All impacts will be compensated on site by converting non-vegetated wetlands and non-vegetated rock habitat to non-vegetated rock habitat and vegetated wetlands.

## Evaluation & Staff Recommendations

The existing shoreline is in poor condition. The bulkhead is deteriorating, and the existing rip rap is sparse and consists mostly of broken concrete. The proposed project will enhance the shoreline and vegetated wetlands and reduce the potential for future erosion along the shoreline. Staff agrees with the applicant's agent that grading the yard to create a living shoreline is not feasible due to the loss of many trees. The existing trees shade a portion of the shoreline, and Staff is of the opinion that if vegetated wetlands were planted in these shaded areas it will not successfully establish. The applicant included the standard wetland monitoring condition on the plans; therefore, a recommended condition to address monitoring is not necessary. There are some oysters growing on the site. Due to this, a condition is recommended that will require preservation and replacement of the shellfish.

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

1. Any shellfish impacted by construction of the proposed improvements shall be removed from the structure(s), preserved in the water column, and returned/placed on the completed or existing rip rap on site as applicable at a similar place in the water column.
2. A revised plan 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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**Agent**

Calvert Marine  
Richard Calvert

**Location**

2241 Leeward Shore Ct

**GPIN**

2409-19-3878

**Staff Planner**

Whitney McNamara

**Proposal**

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

**Staff Recommendation**

Approval as Submitted

**Waterway**

Man Made Canal to Broad Bay

**Subdivision**

Bay Island

**Impacts**

**Vegetated:** 12 square feet

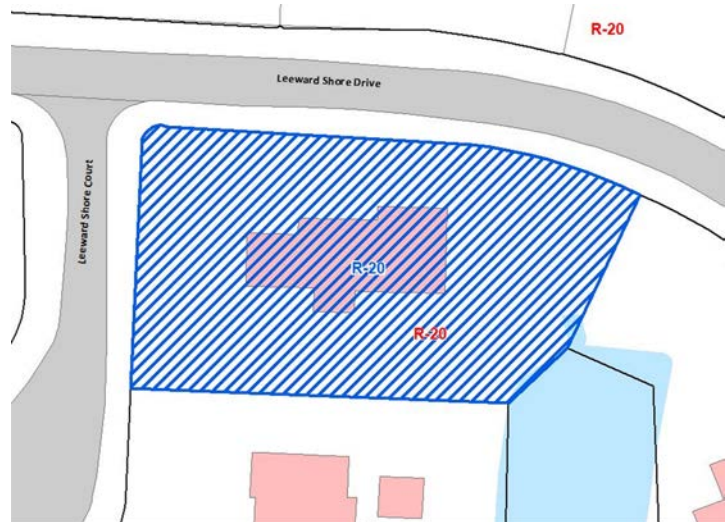
**Non-Vegetated:** 256 square feet

**Subaqueous Bottom:** 104 square feet

**Overall length of proposed structure:** 60  
linear feet of rip rap

**Proposed Mitigation and/or Compensation**

On-site



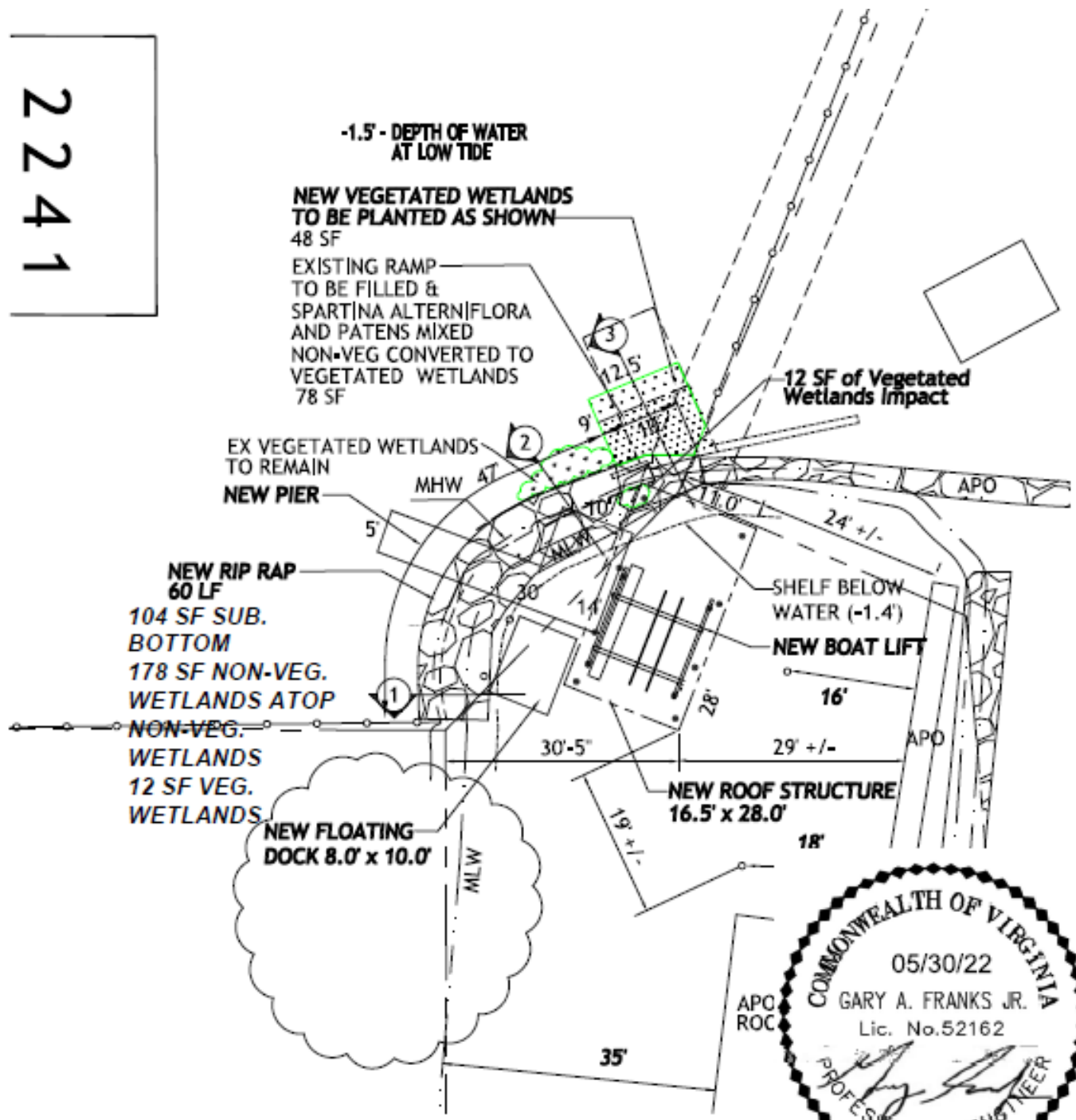


Site Aerial Map



Proposed Site Plan

2241



SCALE: 1" = 20'-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. A CBPA Board Variance was granted at the May 2022 Board hearing to construct a building addition, wood deck, and patio.

There are no recent Wetlands permits on file for the property.

## Summary of Proposal

The applicant is proposing to remove the existing bulkhead and concrete seawall and construct a 60 linear foot rip rap revetment and sill. There is an existing boat ramp on site that the applicant is proposing to convert to vegetated wetlands. The proposed project will impact 12 square feet of vegetated wetlands, 256 square feet of non-vegetated wetlands, and 104 square feet of subaqueous bottom. The applicant is proposing to mitigate on site with 178 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat and 78 square feet of non-vegetated wetlands that will be converted to vegetated wetlands. In addition, 48 square feet of new vegetated wetlands will be planted.

## Evaluation & Staff Recommendations

The adjacent canal is designed for boat traffic and has approximately two to three feet of water at low tide, making the property not suitable for a traditional living shoreline. The shoreline of the property within the canal is narrow and there is a tree shading the shoreline that is located on an adjacent property. The current condition of the bulkhead and seawall is poor condition and exhibiting significant signs of failure.

Staff is of the opinion that the redevelopment of the shoreline introduces vegetated wetlands to the greatest extent practicable as the applicant has proposed converting the boat ramp to a vegetated wetlands area with a rip rap sill located at Mean High Water in front. Staff supports the conversion of the boat ramp area, as this area is currently supporting limited vegetated wetlands and the receives the most sunlight along the shoreline. The applicant included the required wetlands monitoring plan note on the plans; therefore, the typical condition related to monitoring is not necessary.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans titled "Proposed timber pier, floating dock, roof structure, and lift at 2241 Leeward Shore Ct" sealed on May 30, 2022 and received by the VMRC on May 31, 2022.

## Next Steps

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**Agent**

Gaddy Engineering Services, LLC  
Michael S. Gaddy

**Location**

465 Goodspeed Road

**GPIN**

2419-41-8184

**Staff Planner**

Whitney McNamara

**Proposal**

To construct a rip rap revetment and sand fill involving wetlands

**Staff Recommendation**

Approval as Modified

**Waterway**

Crystal Lake

**Subdivision**

Princess Anne Hills

**Impacts**

**Vegetated:** 330 square feet

**Non-Vegetated:** 760 square feet

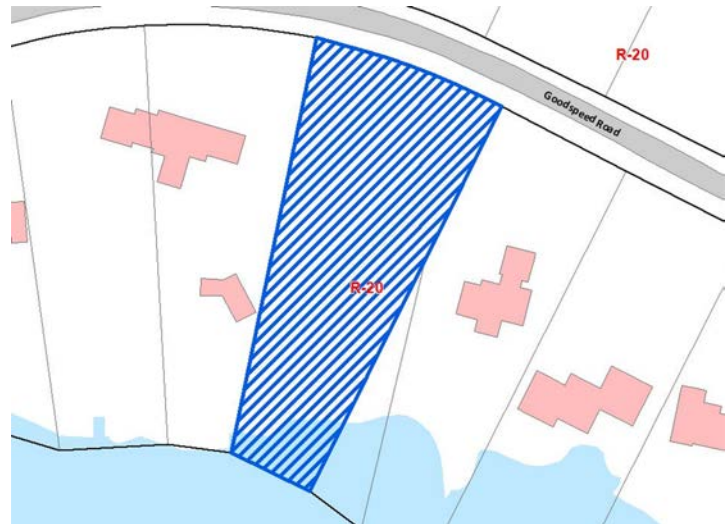
**Subaqueous Bottom:** 290 square feet

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

**Volume of Backfill:** 20 Cubic Yards

**Proposed Mitigation and/or Compensation**

Payment of an in-lieu fee

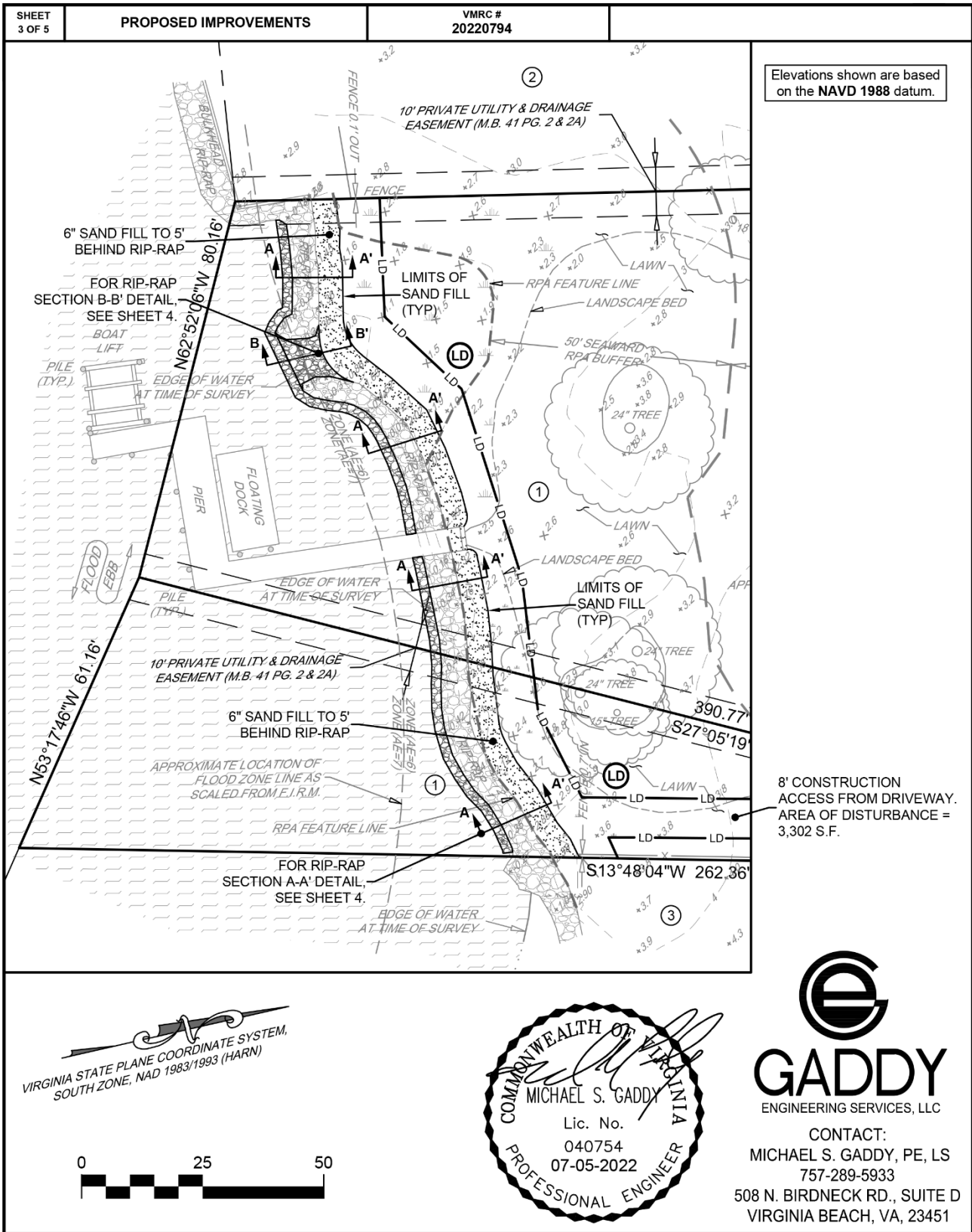


# Site Aerial Map





# Proposed Site Plan





Site Photos





Site Photos



## CBPA Variances & Wetlands Board Permit History

This property is located in the Chesapeake Bay Watershed. A Chesapeake Bay Preservation Area (CBPA) Administrative variance was granted in 2013 for the redevelopment and construction of a new single-family residence with associated accessory structures within the 100-foot CBPA Variable Width Buffer and Resource Management Area (RMA) of the Chesapeake Bay watershed. A subsequent CBPA Board Variance application was submitted in January 2021 for the placement of fill material within the 50-foot seaward buffer landward of the *Spartina patens*, Saltmeadow Cordgrass. That application was ultimately withdrawn.

There are no recent Wetlands permits on file for the property.

## Summary of Proposal

The applicant is proposing to redevelop the existing rip rap revetment by placing Class I quarry stone on top of the existing rip rap and infilling an approximate 8-foot separation in the existing revetment to reduce the flooding inundation currently occurring on the property. The existing rip rap currently ranges in elevation from 1.5 feet to 3.0 feet above sea level, and the proposed rip rap will be at a consistent 3.0 foot elevation, which matches the rip rap and bulkhead on the adjacent properties. A 24-inch by 24-inch new toe is proposed to stabilize the redevelopment of the rip rap revetment. In addition, approximately 6 inches of sand fill is proposed behind the revetment. The sand fill will extend 5 feet into the property in an area currently vegetated by *Spartina patens*, Saltmeadow Cordgrass.

The proposed project will mitigate on site with 760 square feet of non-vegetated rock habitat to non-vegetated rock habitat with the topping of the existing rip rap revetment and will impact 32 square feet of vegetated wetlands and 52 square feet of non-vegetated wetlands by infilling the 8-foot separation in the existing revetment, which will be compensated on site by payment of an in-lieu fee for the vegetated impacts. The remaining vegetated impacts, approximately 298 square feet of the 330 square feet of vegetated impacts will, be with the placement of sand behind the rip rap.

## Evaluation & Staff Recommendations

Staff is of the opinion that the redevelopment of the shoreline preserves vegetated wetlands to the greatest extent practicable given the applicants desire to preserve the property from routine coastal storm event flooding. Staff supports the application of sand behind the rip rap subject to the retention of the existing *Spartina patens* and monitoring the shoreline post placement of the sand subject to the conditions below.

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

1. Any shellfish impacted by construction of the proposed improvements shall be removed from the structure(s), preserved in the water column, and returned/placed on the completed or existing rip rap on site as applicable at a similar place in the water column.
2. The sand fill shall be shook into placed by hand equipment so to not cover existing vegetation. Sand depth shall not exceed the six-inch depth maximum as specified on the Joint Permit Application (JPA).
3. Following the installation of the sand fill, an annual vegetation monitoring report shall be submitted to the Department of Planning & Community Development 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. Should areas need to be re-vegetated, plant spacing may be arranged in rows or random clusters at 18-inches on center for average cover conditions.



4. Provide a top of rip rap elevation of 3.0' for Schematic Section A-A' Detail.
5. A revised plan 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

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.