



# Wetlands Board Staff Report

August 15, 2022

# Wetlands Board Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, August 15, 2022 at 10:00 a.m. in the New Council Chamber - 2401 Courthouse Drive, Building 1, 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 **PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.**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After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.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  
August 15, 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-00182**

**Theresa L Batac Trust**

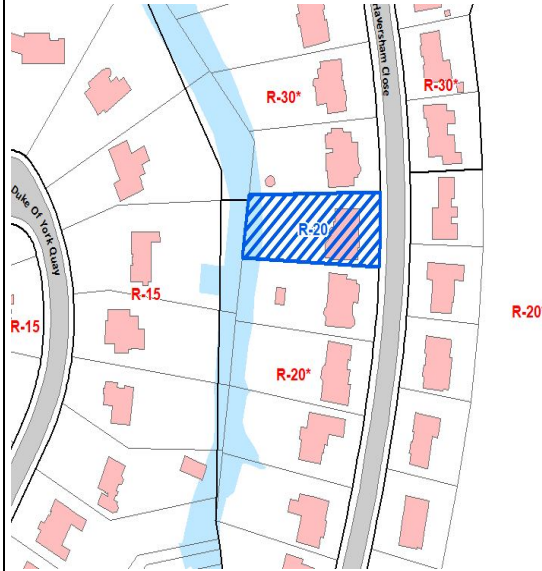
[Applicant & Owner]

**REQUEST FOR 1 YEAR EXTENSION**

**To construct a bulkhead involving wetlands**

2233 Haversham Close  
(GPIN 1499-95-1396)

Waterway – Canal to Broad Bay  
Subdivision – Broad Bay Point Greens  
City Council District - District 8



**NEW BUSINESS – WETLANDS**

**2. 2022-WTRA-00167**

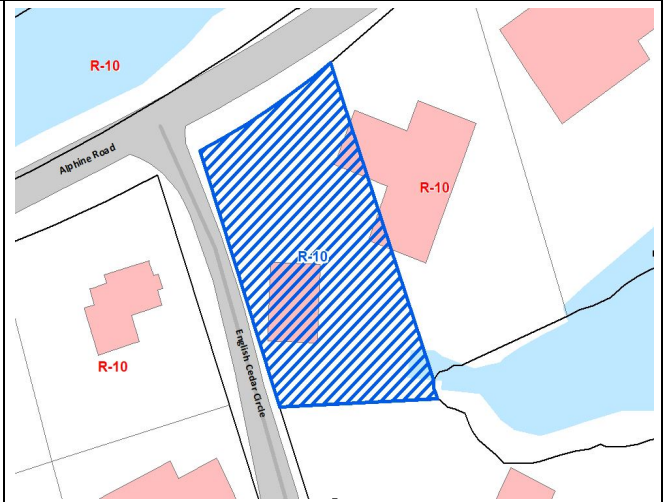
**George N. Karavolos RLT**

[Applicant & Owner]

**To construct a bulkhead, groin wall, and dredge involving wetlands**

2004 English Cedar Circle  
(GPIN 1499-78-9270)

Waterway – Broad Bay  
Subdivision – Broad Bay Colony  
City Council District - District 8



\* Deferral  
\*\* Withdrawal

**NEW BUSINESS – WETLANDS (CONTINUED)**

**3. 2022-WTRA-00169**

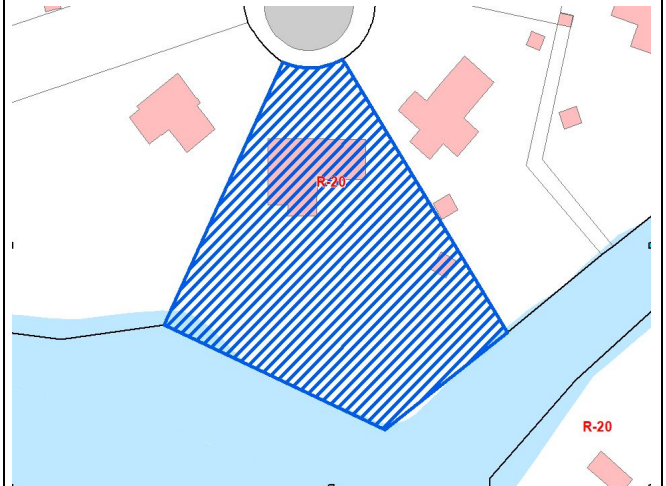
**John S. and Leanna C. Freid**

**Living Trust** [Applicant & Owner]

**To construct rip rap involving wetlands**

2349 S Wolfsnare Court  
(GPIN 1497-99-0840)

Waterway – Canal to Eastern Branch of  
Lynnhaven River  
Subdivision – Wolfsnare Plantation  
Council District - District 8



**4. 2022-WTRA-00172**

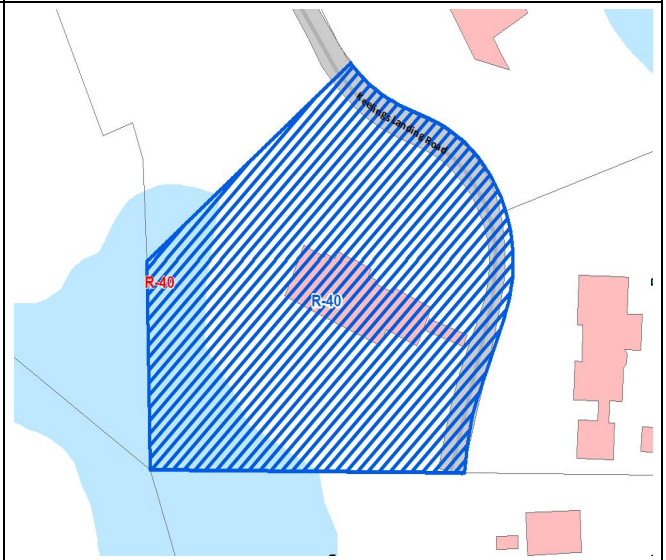
**Edward S. and Jennifer L.**

**Gettins** [Applicants & Owners]

**To construct a bulkhead and rip rap involving wetlands**

1609 Keelings Landing Road  
(GPIN 1489-02-3510)

Waterway – Western Branch of Lynnhaven  
River  
Subdivision – Thoroughgood  
Council District - District 9



\* Deferral

\*\* Withdrawal

**Location**

2233 Haversham Close

**GPIN**

1499-95-1396

**Staff Planner**

Heaven Manning

**Proposal**

To construct a bulkhead involving wetlands

**Waterway**

Canal to Broad Bay

**Subdivision**

Broad Bay Point Greens

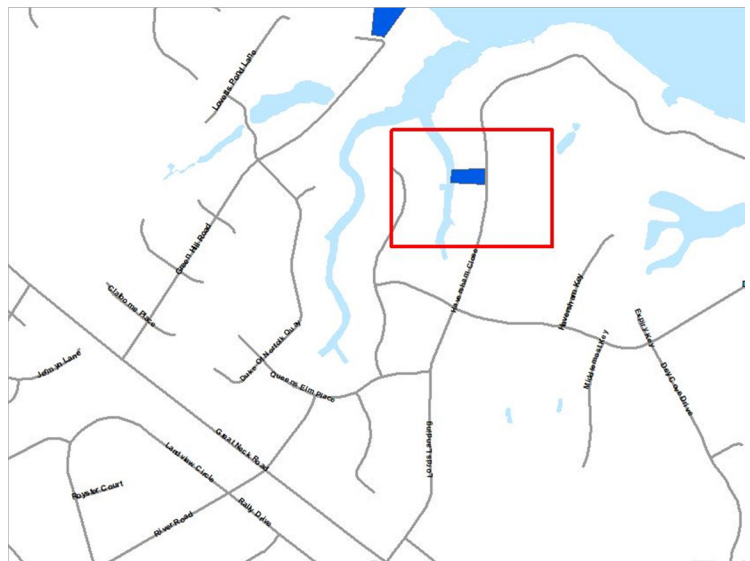
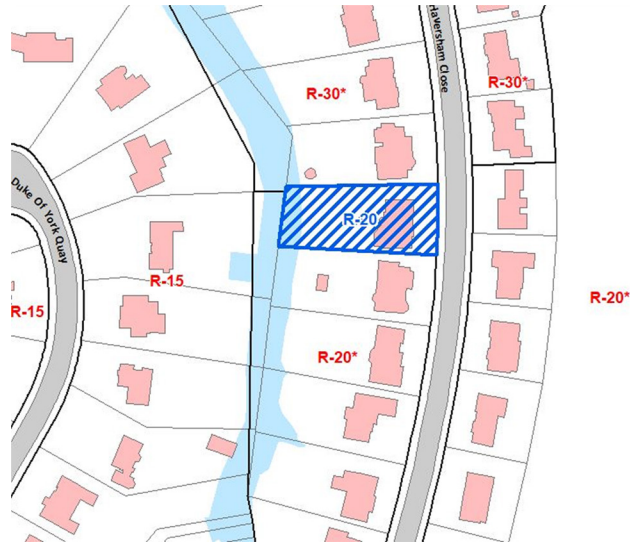
**Impacts**

**Non-Vegetated:** 64 square feet

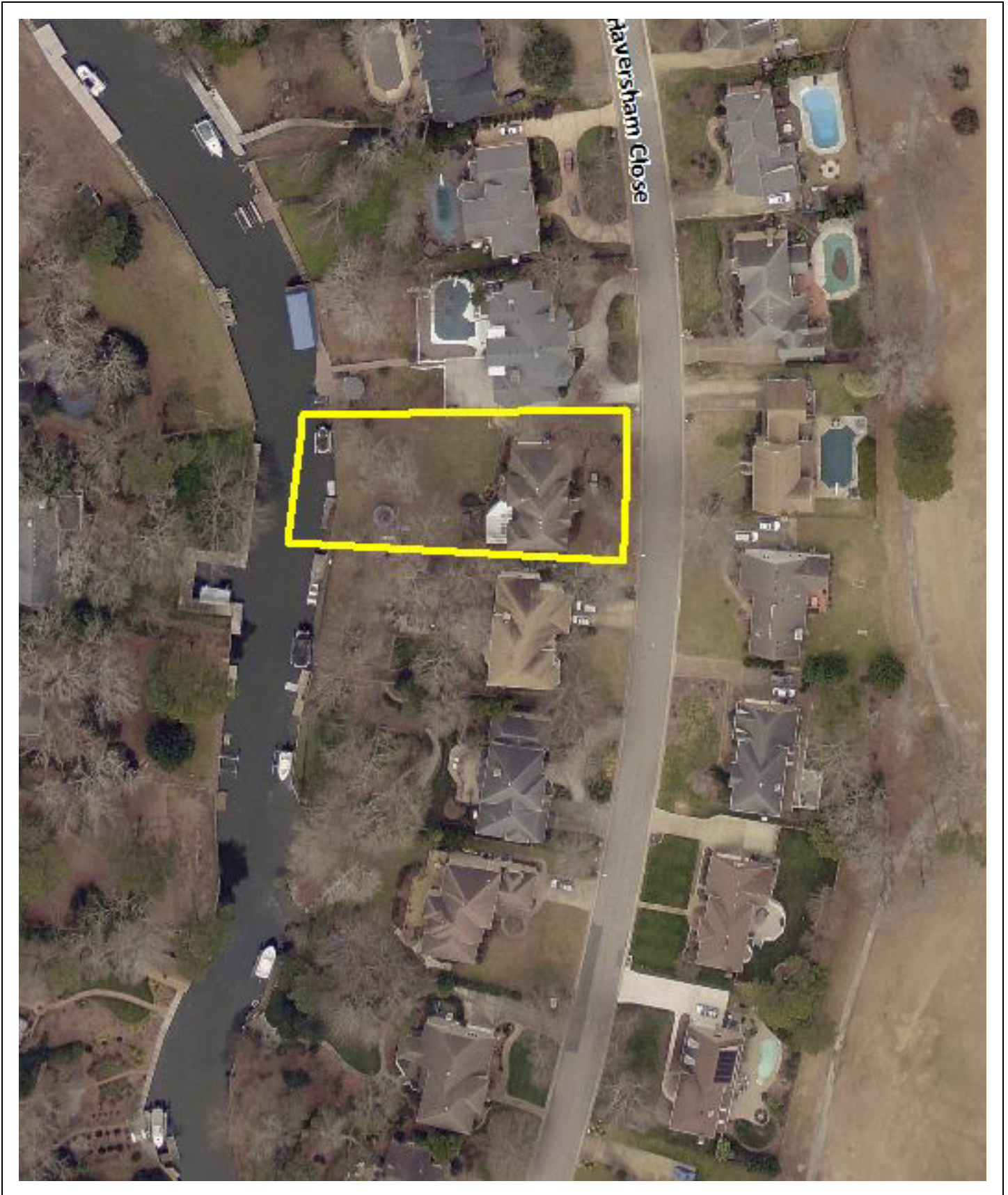
**Subaqueous:** 124 square feet

**Overall length of proposed structure:** 88 linear feet of bulkhead

**Volume of Backfill:** 40 cubic yards



Site Aerial Map



**Agent**

Waterfront Consulting, Inc.  
 Robert E. Simon

**Location**

2004 English Cedar Circle

**GPIN**

1499-78-9270

**Staff Planner**

Heaven Manning

**Proposal**

To construct a bulkhead, groin wall, and dredge involving wetlands

**Staff Recommendation**

Approval as Submitted

**Waterway**

Broad Bay

**Subdivision**

Broad Bay Colony

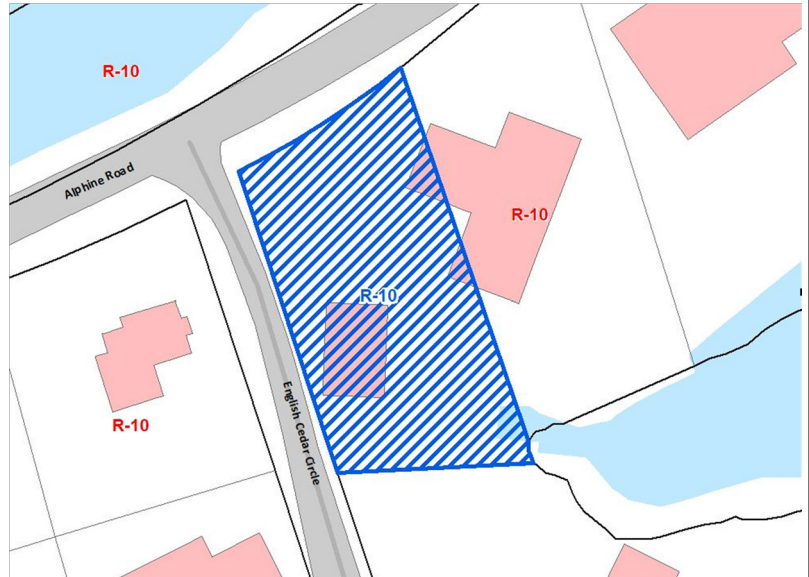
**Impacts**

**Non-Vegetated:** 516 square feet

**Overall length of proposed structure:** 151 linear feet of bulkhead, 6 linear feet of groin wall

**Proposed Mitigation and/or Compensation**

Payment of an in-lieu fee

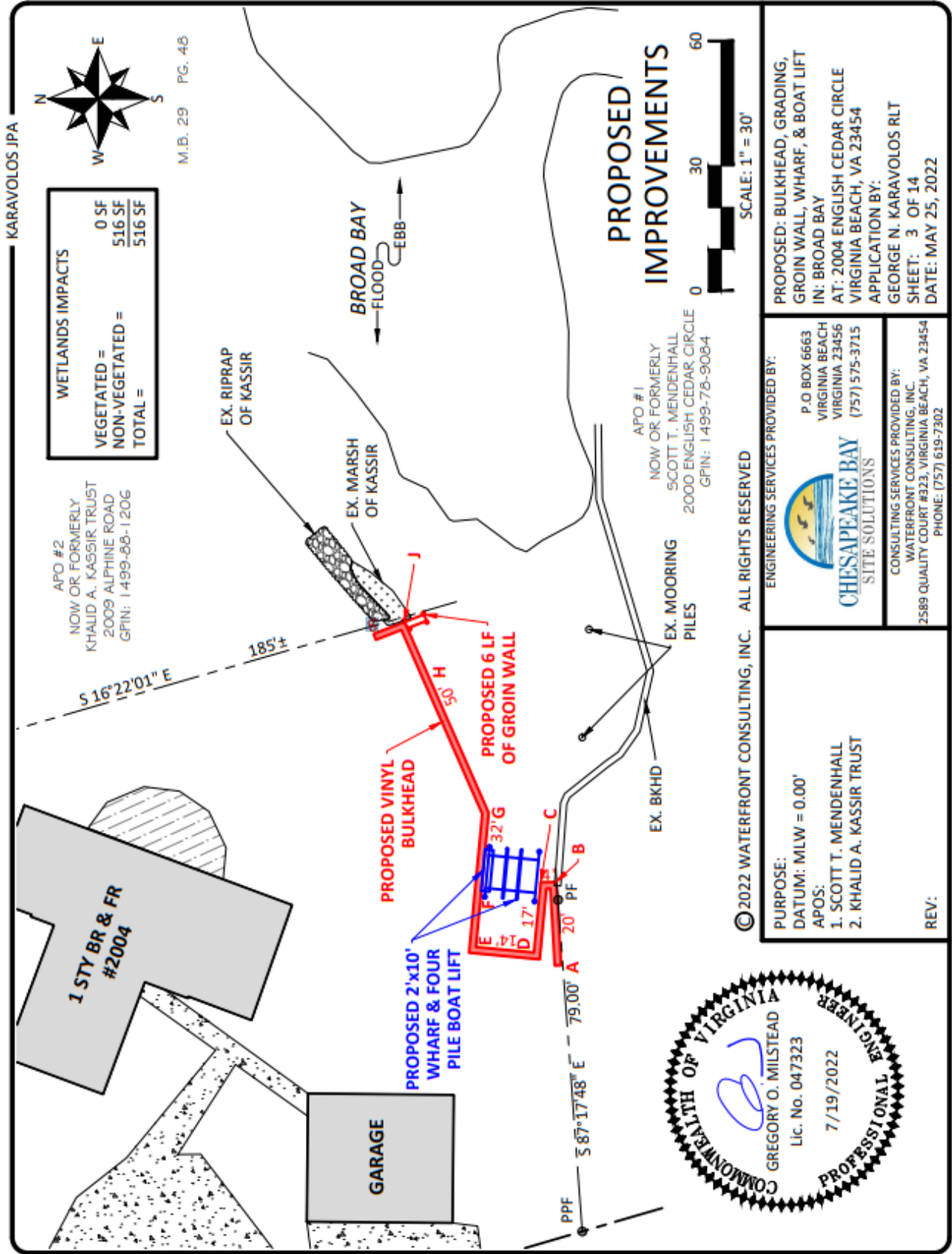




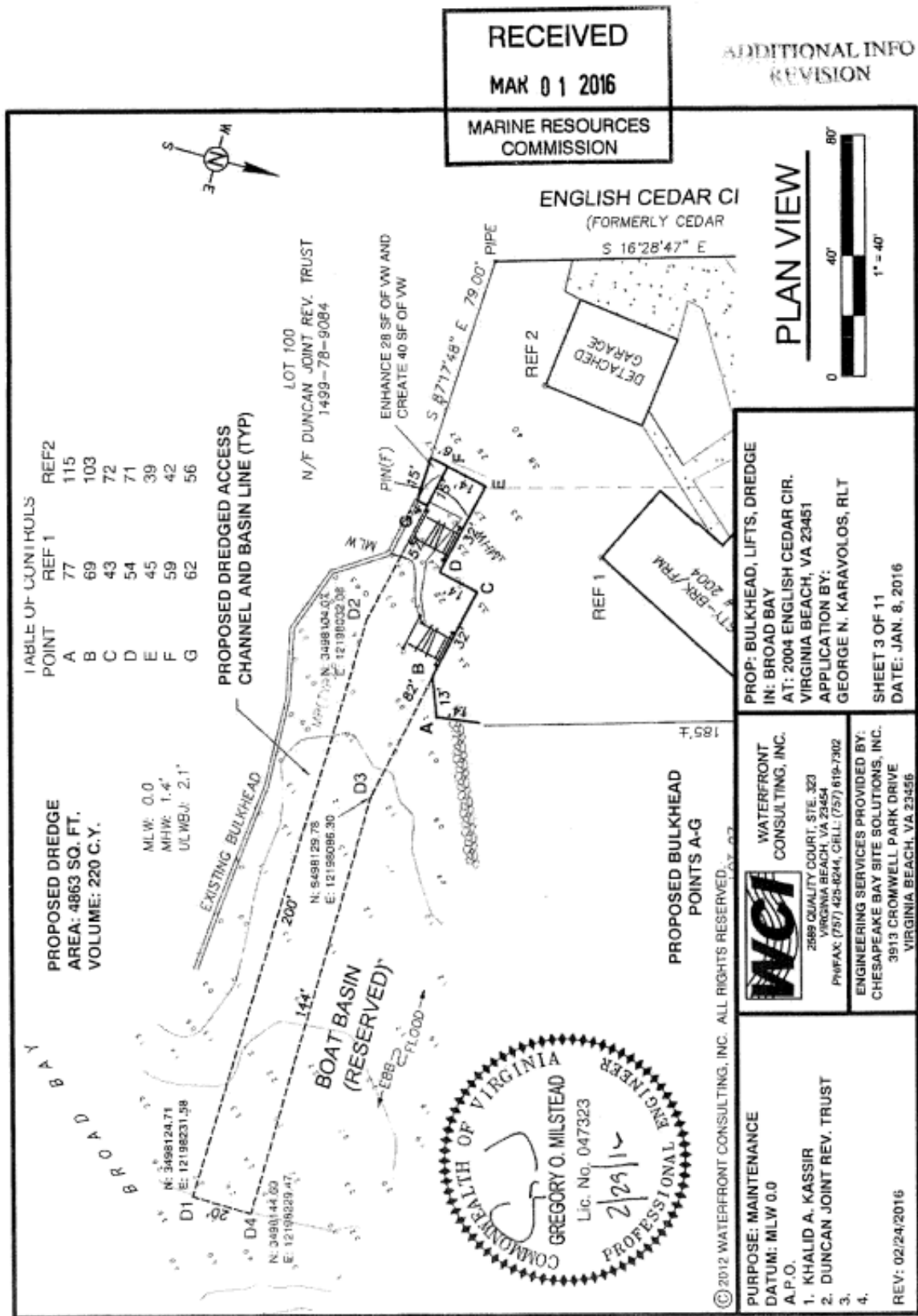
Site Aerial Map



# Proposed Site Plan - 2022



# Proposed Site Plan - 2016



Site Photos



Site Photos



Site Photos



## CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed; however, no recent CBPA Board actions or waterfront permits were found for this property.

The Wetlands Board approved construction of a bulkhead and dredging in March of 2016; however, a permit was never issued.

## Summary of Proposal

The applicant is proposing to remove the existing bulkhead and concrete boat ramp and construct a 151 linear foot vinyl bulkhead and 6 linear foot groin wall. The proposed bulkhead will be constructed no more than two feet channelward of the existing bulkhead. Construction includes mechanically dredging approximately 35 cubic yards of material. The proposed project will impact 516 square feet of non-vegetated wetlands, which will be compensated on site by payment of an in-lieu fee.

## Evaluation & Staff Recommendations

In 2016, the applicant requested to maintenance dredge by mechanical method approximately 220 cubic yards of material to an elevation of -3' MLW and install and backfill an approximate 141 linear foot treated timber sheet pile bulkhead. The 2016 request also included approximately 100 cubic yards of removal of uplands. The proposal included impacts of 125 square feet of tidal vegetated and 8 square feet of tidal non-vegetated wetlands. The 2022 proposal avoids impacts to vegetated wetlands. Care has been taken to limit overall impacts to 516 square feet of non-vegetated wetlands. In addition, dredging is limited to 35 cubic yards.

The existing bulkhead has failed and needs to be replaced. There are signs of failure with pockets with water due to erosion behind the bulkhead. A living shoreline is not appropriate on this property due to the height of the bulkhead (7 to 8 feet tall). In addition, the property experiences significant north fetch and wave action. The request to construct the new bulkhead will not create additional non-vegetated wetlands, therefore, to address compensation Staff supports payment of an in-lieu fee for the non-vegetated wetlands impacts.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans titled "Proposed bulkhead, grading, groin wall, wharf, & boat lift" at 2004 English Cedar Circle, sealed on July 19, 2022, prepared by Waterfront Consulting, Inc..

## 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**

Billy Garrington

**Location**

2349 S Wolfsnare Court

**GPIN**

1497-99-0840

**Staff Planner**

Heaven Manning

**Proposal**

To construct rip rap involving wetlands

**Staff Recommendation**

Approval as Modified

**Waterway**

Canal to Eastern Branch of Lynnhaven River

**Subdivision**

Wolfsnare Plantation

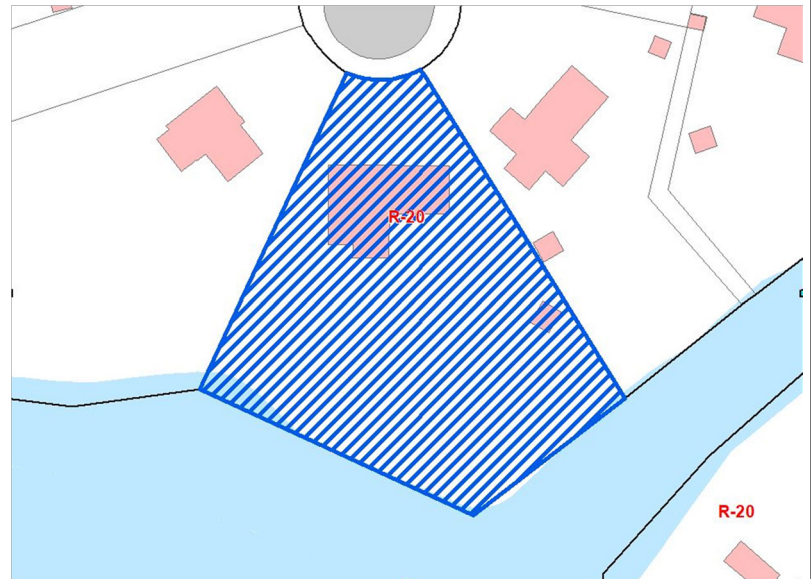
**Impacts**

**Non-Vegetated:** 108 square feet

**Overall length of proposed structure:** 36 linear feet of rip rap

**Proposed Mitigation and/or Compensation**

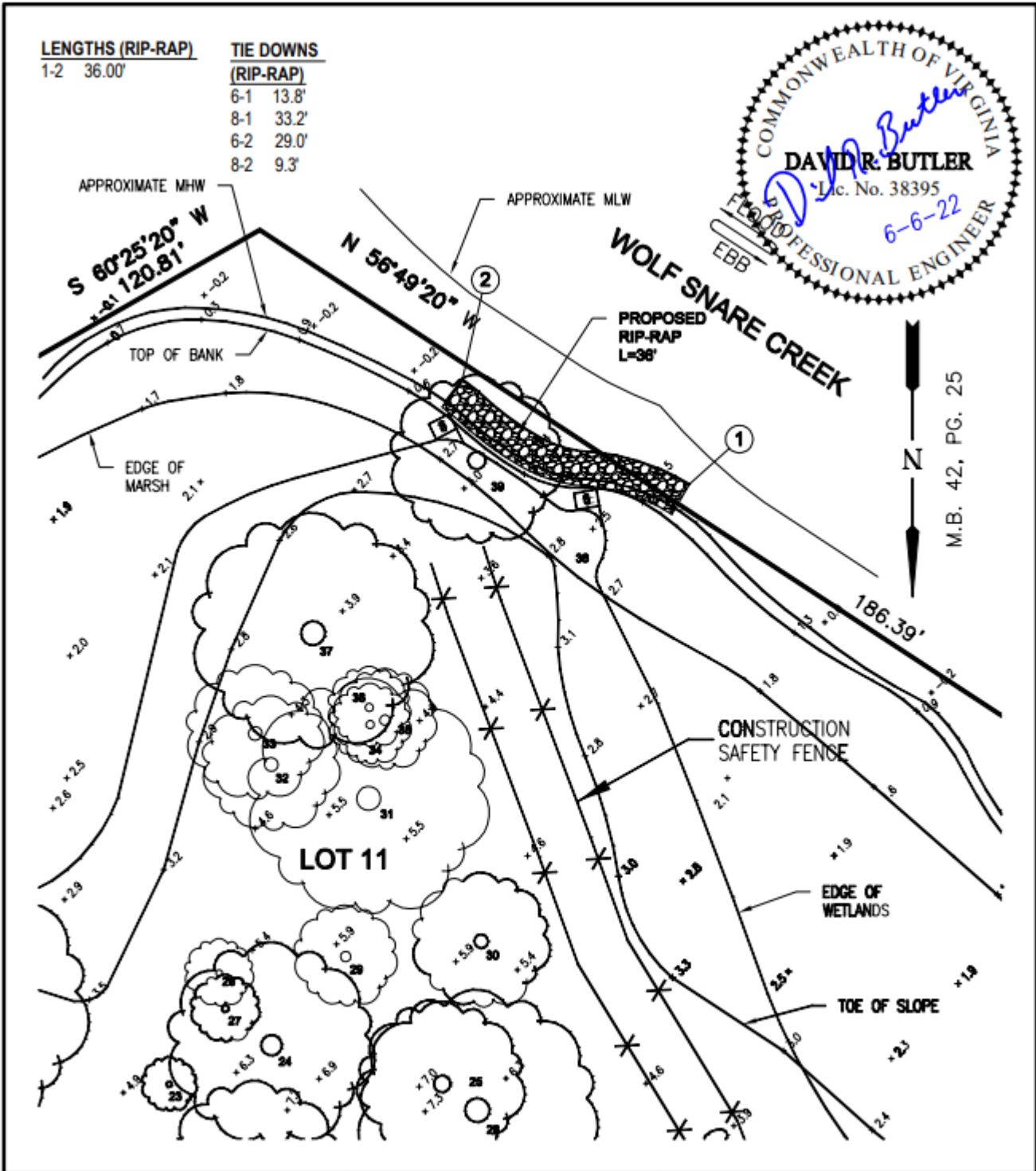
On-site



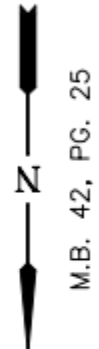
Site Aerial Map



# Proposed Site Plan



LENGTHS (RIP-RAP)		TIE DOWNS	
1-2	36.00'	(RIP-RAP)	
		6-1	13.8'
		8-1	33.2'
		6-2	29.0'
		8-2	9.3'



REVISION SCHEDULE	
DATE	COMMENT

**ENLARGEMENT PLAN**  
1" = 20'

**PROJECT:** RIP-RAP  
**BY:** JOHN S. FREID & LEANNA C. FREID, TRUSTEES  
**IN:** WOLF SNARE CREEK  
**DATE:** JUNE 6, 2022 **SHEET:** 4 OF 6

Site Photos



Site Photos



## CBPA Variances & Wetlands Board Permit History

The property is located within the Chesapeake Bay Watershed; however, no recent CBPA Board actions or Wetlands Board or waterfront permits were found for this property.

## Summary of Proposal

The applicant is proposing to install 36 linear feet of rip rap revetment. The rip rap is of Class I and A1 granite. The purpose of the rip rap revetment installation is to protect two pine trees along the shoreline from erosion. The proposed project will impact 108 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on site with 108 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat.

## Evaluation & Staff Recommendations

The applicant has limited the proposed rip rap to the area of the shoreline experiencing erosion. Due to the orientation of the shoreline, height of the existing bank, and number of trees on the property, grading the area to establish a living shoreline is not feasible. Rip rap will achieve the desired shoreline stabilization with the least impact on the upland property. Furthermore, Staff supports the applicant's choice of rip rap along the northern portion of the shoreline as the best alternative in large part due to the desire to maintain the established riparian buffer. While on site, Staff observed vegetated wetlands within the proposed rip rap area. Therefore, staff has added the condition to requantify the impacts to wetlands.

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

1. The rip rap material shall be placed by hand equipment without excavation or cutting the existing root system to stabilize the soil profile and add protection against further erosion within the critical root zone of the subject trees.
2. Prior to construction, a construction mat shall be placed at a location(s) specific to reduce impacts to vegetation and wetlands on the property.
3. Provide the 1.5x MHW elevation on the plans and recalculate impacts to wetlands.
4. 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**

Richard Calvert, Calvert Marine

**Location**

1609 Keelings Landing Road

**GPIN**

1489-02-3510

**Staff Planner**

Heaven Manning

**Proposal**

To construct a bulkhead and rip rap involving wetlands

**Staff Recommendation**

Approval as Submitted

**Waterway**

Western Branch of Lynnhaven River

**Subdivision**

Thoroughgood

**Impacts**

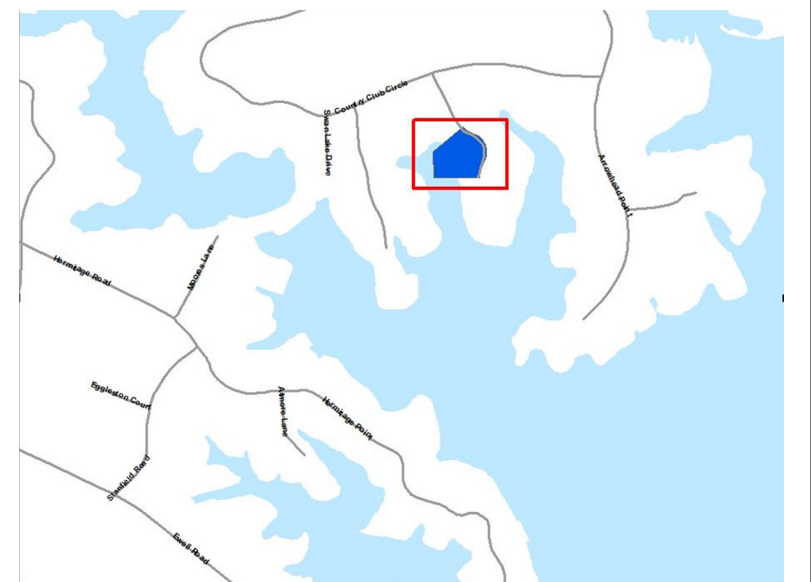
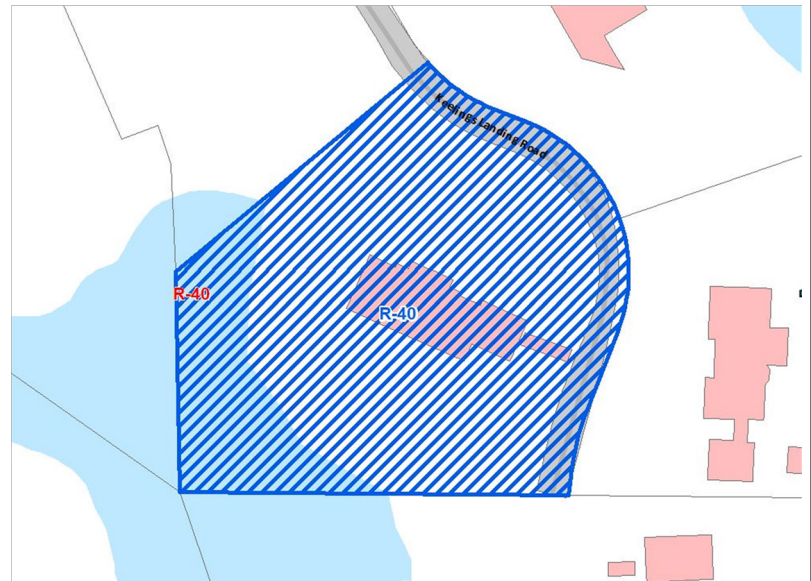
**Non-Vegetated:** 415 square feet

**Overall length of proposed structure:** 143.5 linear feet of bulkhead and 101 linear feet of rip rap revetment

**Volume of Backfill:** 35 cubic yards

**Proposed Mitigation and/or Compensation**

Payment of an in-lieu fee





Site Aerial Map



# Proposed Site Plan

184 SF of NVW nww rock on existing mud is a conversion  
 231 SF of NVW impacts of sandfill with bulkhead is a loss  
 101 SF of rock creation along existing bulkhead  
 231 (-) 101 = 130 SF nww impacts (@\$12.50/ sf) = \$1,625.00

A contribution shall be made to an in-lieu fund for the creation of wetlands for the 130 SF of non-vegetated wetlands loss.

## LYNNHAVEN RIVER

MLW to MLW ACROSS THE CANAL IS 98.0' +/-  
 EXISTING PIER PILES SHALL BE REMOVED

NEW 10K BOATLIFT

NEW FLOATING DOCK 8' X 10'

NEW PILE SUPPORTED TIMBER BULKHEAD AND SAND FILL  
 143.50 LF

NEW RIP RAP ON NON-VEG. WETLANDS  
 184 SF

NEW RIP RAP REVETMENT  
 101 LF

NEW TIMBER CURB

NEW NON-VEG. WETLANDS  
 101 SF created  
 Non-Vegetated Wetlands of the 441 SF Total

20' RETURN WALL ON PROPERTY

NEW SAND BACKFILL ON NON-VEG. WETLANDS  
 231 SF

EXISTING BULKHEAD

LIMITS OF FILL

NEW RIP RAP ON UPLAND TURF  
 441 SF Total

### DATA:

- A - X - 47.0' New Wall
- B - X - 46.3' New Wall
- C - X - 59' Exist.
- D - Y = 70.4' Exist.
- E - Y = 59.8' Exist.
- F - Y = 64.3' Exist.
- G - Y = 70.5' Exist.

20 FT R/W EASEMENT

Staging

R = 100'

F - A = 50.05'

P - A = 50.57'


R=100'

F-A=157.08'

P-A=157.00'

REV: 12 AUG 2020

SCALE: 1" = 50'-0" DATUM: MLW = 0.00' MHW = +1.70'

 <b>CALVERT MARINE</b> 757-777-6960	<b>PLAN</b>	Proposed: <b>RIP RAP REVETMENT, PIER, LIFTS, FLOATING DOCK &amp; BULKHEAD</b> in: <b>LYNNHAVEN RIVER</b> at: <b>1609 KEELINGS LANDING ROAD</b> County of: <b>VIRGINIA BEACH</b> Applicant: <b>Edward / Jennifer Gettins</b> Sheet: <b>2</b> of <b>7</b> Date: <b>20 MAR 20</b>
	Adjacent Property Owners: 1. David Foley      2. Felix Kirven 3. Richard Williams 4. Richard S. Wagner & Janet L. Wagner LT	

Site Photos



Site Photos



Site Photos



## CBPA Variances & Wetlands Board Permit History

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

The Wetlands Board approved construction of a bulkhead and rip rap in August of 2020 and a permit was issued; however, the project was not constructed, and the permit has expired.

## Summary of Proposal

The applicant is proposing to replace the existing, deteriorating bulkhead with a 143.5 linear foot bulkhead and 101 linear feet of rip rap revetment. A living shoreline was not proposed due to the extensive tree canopy on the property and the close proximity of the pool to the water thereby limiting the ability to grade the shoreline. The proposed project will impact 415 square feet of non-vegetated wetlands. The applicant is proposing to mitigate the non-vegetated wetland impacts on-site by creating non-vegetated rock habitat. The applicant submitted payment of an in-lieu fee for the mitigation of impacts to 130 square feet of non-vegetated wetlands in January of 2020. As the amount remains the same, that payment will serve as meeting the recommended condition below.

## Evaluation & Staff Recommendations

The existing bulkhead has failed and needs to be replaced. The property features an extensive tree canopy that shades the shoreline and prevents successful establishment of vegetated wetlands. Staff understands the applicant's desire to maintain boating access, and agrees with the applicant's agent that the south end of the shoreline is the best location to preserve water access since the water is deeper in that area.

Furthermore, Staff supports the applicant's choice of rip rap along the northern portion of the shoreline as the best alternative in large part due to the desire to maintain the established riparian buffer. Staff supports on-site mitigation for the conversion of non-vegetated mudflat to non-vegetated rock habitat. Staff is of the opinion that any remaining non-vegetated wetlands impacts should be compensated by payment of an in-lieu fee.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans titled "Proposed rip rap revetment, pier, lift, floating dock and bulkhead at 1609 Keelings Landing Road" sealed on September 19, 2020, received by the VMRC on July 11, 2022, prepared by Calvert Marine.

## Next Steps

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