

Wetlands Board Staff Report

September 19, 2022



Wetlands Board Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, September 19, 2022 at 10:00 a.m. in the New Council Chamber – Municipal Center, 2401 Courthouse Drive, Building 1, Second Floor, Virginia Beach, VA.** A Staff briefing session will be held at 9:00 a.m. in the City Manager's Conference Room 2034 - 2401 Courthouse Drive, Building 1, Second Floor, Virginia Beach, VA. All interested parties are invited to attend.

Citizens are encouraged to submit comments to the Wetlands Board prior to the public hearing via email to waterfront@vbgov.com or via United States Mail to Waterfront Operations, 2875 Sabre Street, Suite 500, Virginia Beach, VA 23452.

Due to the ongoing COVID-19 pandemic, please review the Wetlands Board website at www.vbgov.com/wetlands for the most up to date information. If you are **physically disabled or visually impaired** and need assistance at this meeting, please call **The Department of Planning and Community Development at (757) 385-4621**

Copies of plans, ordinances and amendments are on file and may be examined by appointment in the Department of Planning at 2875 Sabre St, Suite 500 or online at www.vbgov.com/wetlands. For additional information call the Planning Department at 757-385-4621. Staff reports will be available on the webpage 5 days prior to the meeting.

PLEASE TURN YOUR CELL PHONE OFF OR TO VIBRATE DURING THE HEARING.

THE ADMINISTRATIVE COMMENTS CONTAINED IN THE ATTACHED AGENDA CONSTITUTE STAFF RECOMMENDATIONS FOR EACH APPLICATION AND ARE ADVISORY ONLY. FINAL DETERMINATION OF THE APPLICATION IS MADE BY THE VIRGINIA BEACH WETLANDS BOARD AT THE PUBLIC HEARING.

THE FOLLOWING DESCRIBES THE ORDER OF BUSINESS FOR THE PUBLIC HEARING

1. **WITHDRAWALS AND DEFERRALS:** The first order of business is the consideration of withdrawals or requests to defer an item. The Board will ask those in attendance at the hearing if there are any requests to withdraw or defer an item that is on the agenda. **PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.**
 - a. An applicant may **WITHDRAW** an application without the 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After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.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
September 19, 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. 2022-WTRA-00062

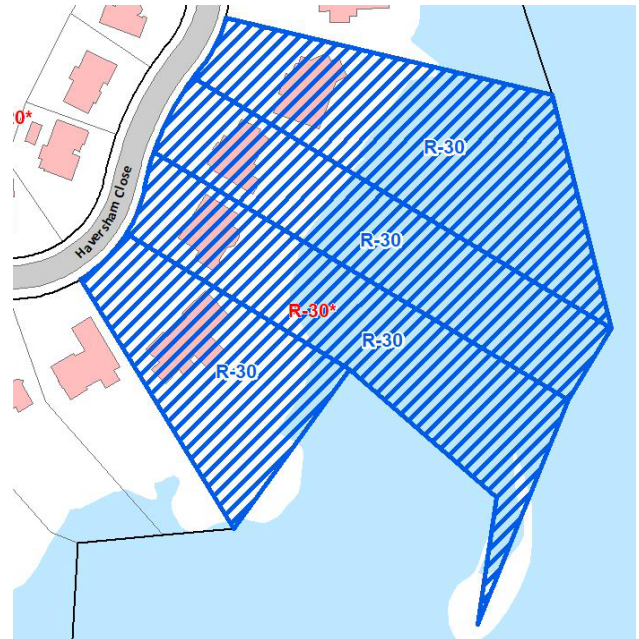
Haversham Close, LLC; Robert & Renee Broermann; Barbara J. & Allen M. Larar; Jeanne P. West Trust & Maynard D. West Trust
[Applicants & Owners]

Reconsideration of Wetlands Mitigation

To dredge involving wetlands

2385, 2389, 2393, and 2397 Haversham Close
(GPINs 2409-14-8863, 2409-14-7744, 2409-14-6639, 2409-14-5577)

Waterway – Dey Cove
Subdivision – Broad Bay Point Greens
City Council District: District 8



2. 2022-WTRA-00078

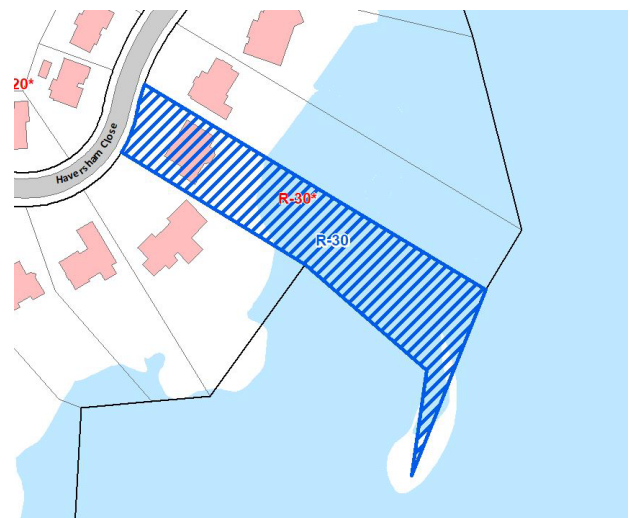
Haversham Close, LLC
[Applicant & Owner]

Reconsideration of Wetlands Mitigation

To construct a bulkhead and groin wall involving wetlands

2393 Haversham Close
(GPIN 2409-14-6639)

Waterway – Dey Cove
Subdivision – Broad Bay Point Greens
Council District - District 8



* Deferral
** Withdrawal

NEW BUSINESS – WETLANDS

3. 2022-WTRA-00176

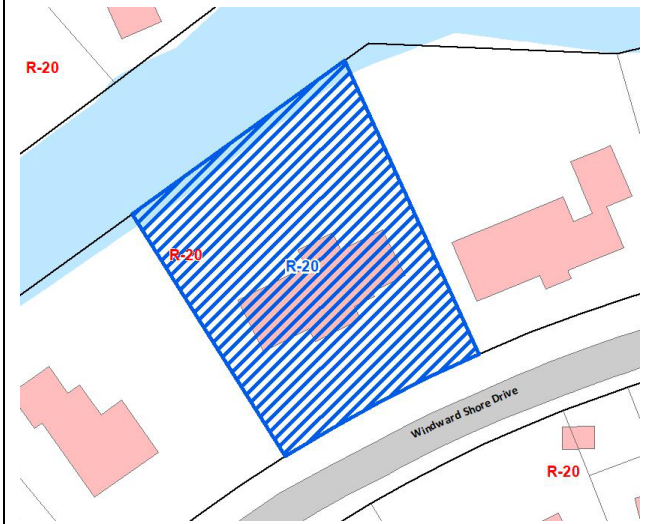
**Christopher R. Madden and
Raya L. Thomas**

[Applicants & Owners]

**To construct a bulkhead and return wall
involving wetlands**

2308 Windward Shore Drive
(GPIN 2409-08-0992)

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



4. 2022-WTRA-00179

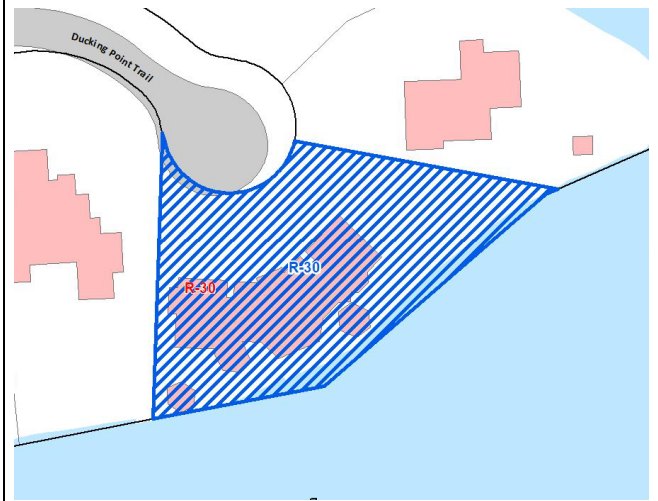
Tian Fei and Deqing Li

[Applicants & Owners]

**To construct rip rap revetment involving
wetlands**

1052 Ducking Point Trail
(GPIN 1488-03-5723)

Waterway – Western Branch of Lynnhaven
River
Subdivision – Saw Pen Point
Council District - District 8



5. 2022-WTRA-00186

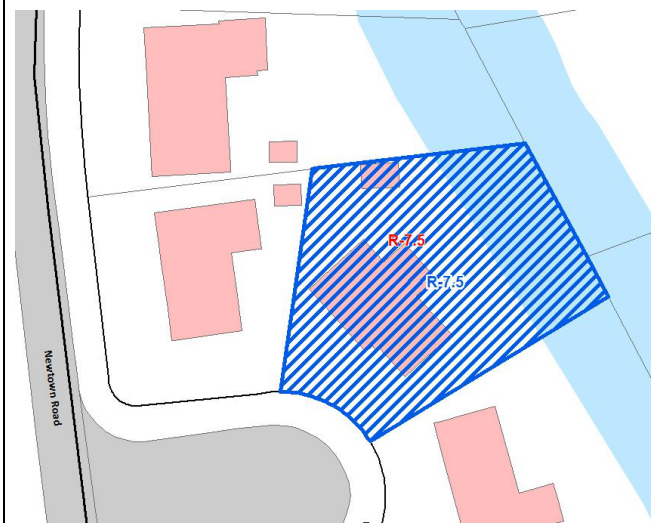
**Kyle and Heidi Salway Joint
Revocable Trust**

[Applicant & Owner]

**To construct rip rap revetment and
return walls involving wetlands**

356 S Newtown Road
(GPIN 1457-70-6854)

Waterway – Canal to Eastern Branch of
Elizabeth River
Subdivision – Arrowhead
Council District - District 1



* Deferral

** Withdrawal

NEW BUSINESS – WETLANDS (CONTINUED)

6. 2022-WTRA-00187

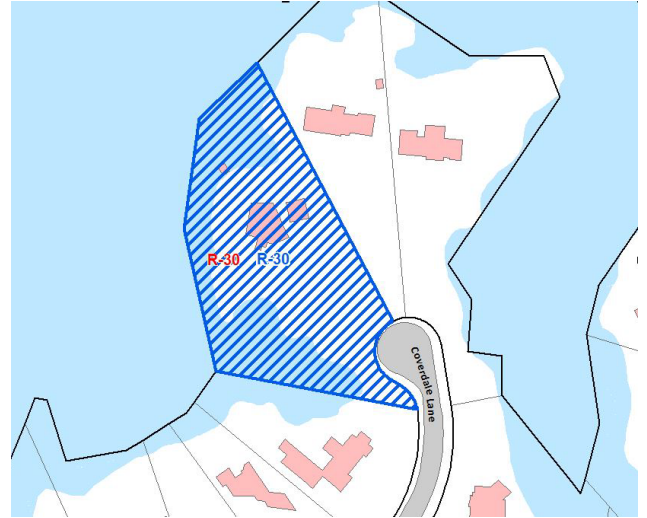
AAM, LLC [Applicant] **Pamela A.**

Morgan Trust [Owner]

To construct rip rap revetment, coir logs,
and plant vegetation involving wetlands

837 Coverdale Lane
(GPIN 1488-24-0122)

Waterway – Western Branch of Lynnhaven
River
Subdivision – Kings Grant
Council District - District 8



TENTATIVE 2023 WETLANDS BOARD PUBLIC HEARING DATES

Tuesday	January 17	Monday	July 17
Monday	February 20	Monday	August 21
Monday	March 20	Monday	September 18
Monday	April 17	Monday	October 16
Monday	May 15	Monday	November 20
Monday	June 19	Monday	December 18

Due to the ongoing Covid-19 Pandemic, please check the Wetlands Board website at www.vbgov.com/wetlands for the most updated meeting information.

Please be advised that copies of the proposed plans, ordinances, amendments and/or resolutions associated with this public hearing are also on file and may be examined by appointment at the Department of Planning & Community Development located at 2875 Sabre St, Suite 500, Virginia Beach, VA 23452 or online at www.vbgov.com/wetlands. For information call (757) 385-4621.

* Deferral
** Withdrawal

Agent

Robert Simon, Waterfront Consulting, Inc.

Location

2385, 2389, 2393, and 2397 Haversham Close

GPIN

2409-14-8863, 2409-14-7744, 2409-14-6639,
2409-14-5577

Staff Planner

Heaven Manning

Proposal

To dredge involving wetlands

Waterway

Dey Cove

Subdivision

Broad Bay Point Greens

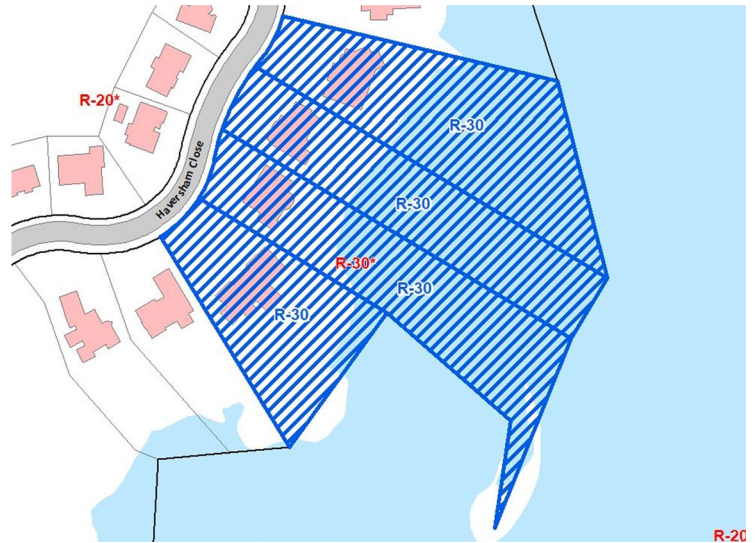
Impacts

Non-Vegetated: 5,765 square feet

Subaqueous: 50,823 square feet

Mitigation and/or Compensation

Payment of an in-lieu fee was approved April 18, 2022. Applicants request to purchase wetlands credits from wetlands bank.



Site Aerial Map





Application Number **2022-WTRA-00078**
 Applicant **Haversham Close LLC**
 Public Hearing **September 19, 2022**
 City Council District **District 8**
MODIFICATION OF CONDITIONS

Agenda Item

2

Agent

Robert Simon, Waterfront Consulting, Inc.

Location

2393 Haversham Close

GPIN

2409-14-6639

Staff Planner

Heaven Manning

Proposal

To construct a bulkhead and groin wall involving wetlands

Waterway

Dey Cove

Subdivision

Broad Bay Point Greens

Impacts

Vegetated: 80 square feet

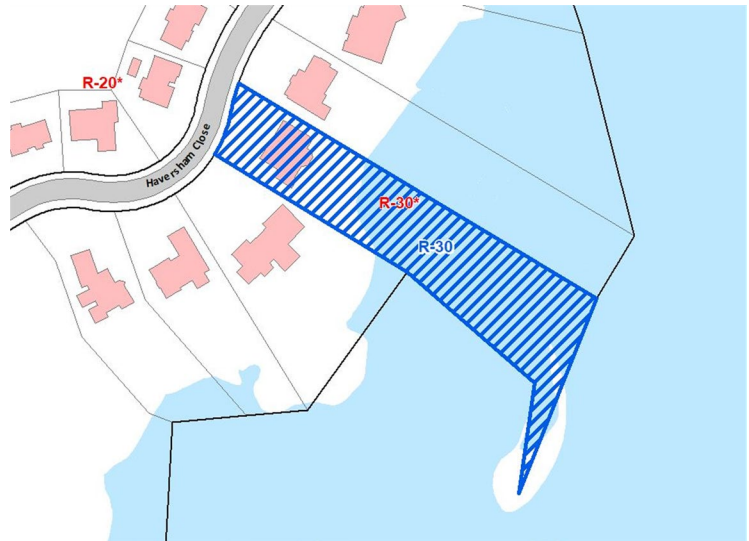
Non-Vegetated: 70 square feet

Overall length of proposed structure: 131 linear feet of bulkhead

Volume of Backfill: 50 cubic yards

Mitigation and/or Compensation

Payment of an in-lieu fee was approved May 16, 2022. Applicant requests to purchase wetlands credits from wetlands bank.



Site Aerial Map



Agent

Robert Simon
 Waterfront Consulting, Inc.

Location

2308 Windward Shore Drive

GPIN

2409-08-0992

Staff Planner

Heaven Manning

Proposal

To construct a bulkhead and return wall involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Canal to Broad Bay

Subdivision

Bay Island

Impacts

Non-Vegetated: 100 square feet

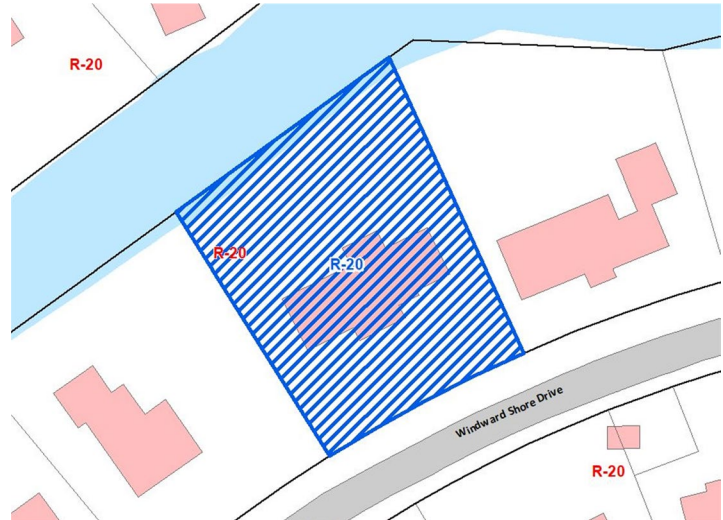
Subaqueous: 306 square feet

Overall length of proposed structure: 151 linear feet of bulkhead, 10 linear feet of return wall

Volume of Backfill: 64 cubic yards

Proposed Mitigation and/or Compensation

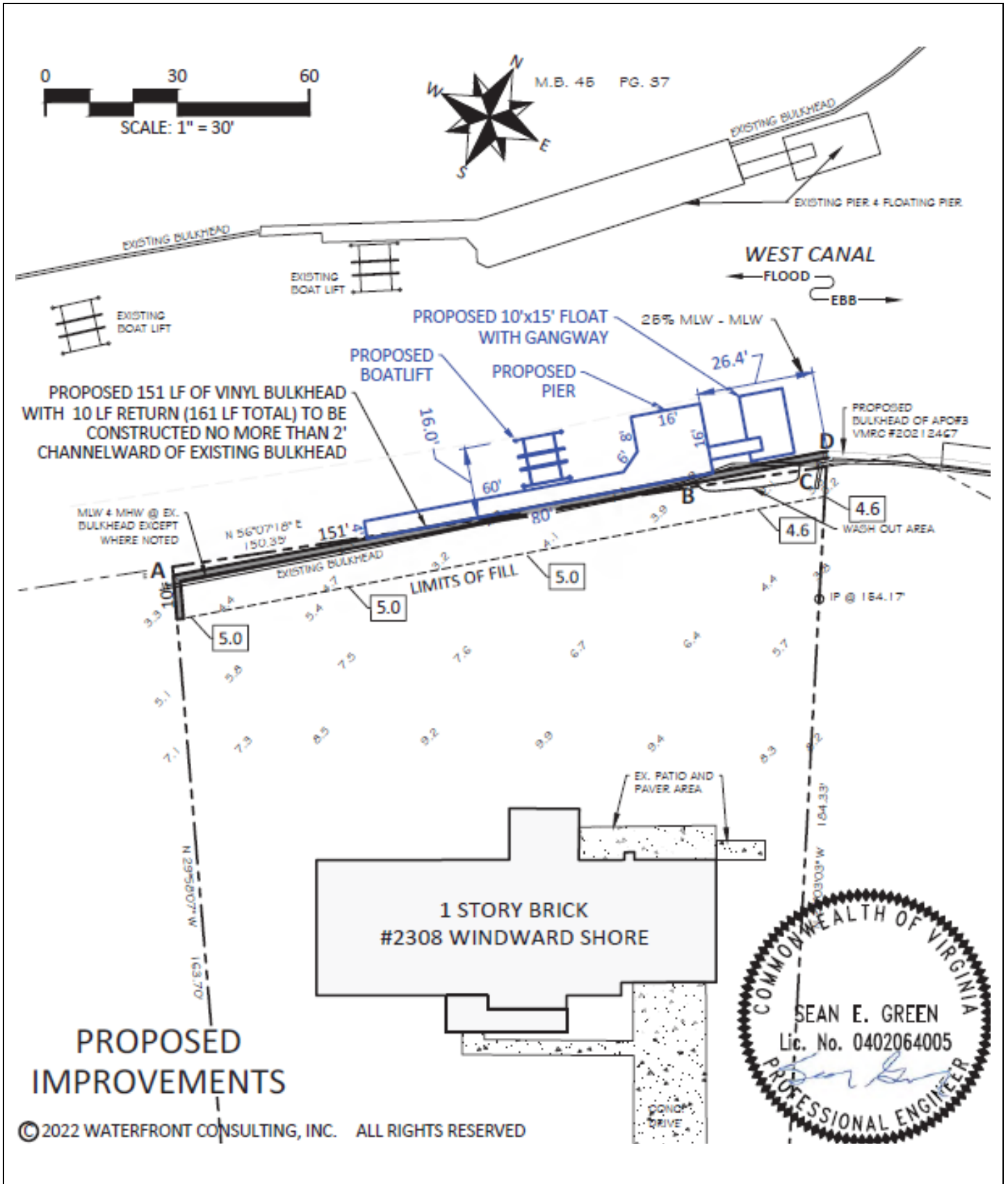
Payment of an in-lieu fee



Site Aerial Map



Proposed Improvements



Site Photos



Site Photos



CBPA Variance & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. There are no known recent Chesapeake Bay Preservation Area (CBPA) Board actions, Wetlands Board actions, or waterfront permits found for this property.

Summary of Proposal

The applicant is proposing to construct a 151 linear foot vinyl bulkhead and 10 linear foot return wall with approximately 64 cubic yards of backfill. The proposed bulkhead will be constructed no more than two feet channelward of the existing bulkhead. The applicant's agent indicated that a living shoreline was not considered for this project due to the height of the existing bulkhead (7 to 8 feet tall), the topography of the property, and the topography of the neighboring lots. In addition, excavating the uplands to construct a living shoreline would require 60 to 80 linear foot return walls to prevent erosion on the neighboring properties, and the existing structures on the property are 65 feet from the existing bulkhead. The proposed project will impact 100 square feet of non-vegetated wetlands, which will be compensated by payment of an in-lieu fee.

Evaluation & Staff Recommendations

The property is located in the Bay Island neighborhood, where the majority of the lots are protected by bulkheads and water access is through dredged man-made canals.

The existing bulkhead on this lot has failed and needs to be replaced as it has become a safety and potential navigation hazard. There are several areas of erosion that are behind the bulkhead due to the failure of the structure and pockets of nonvegetated wetlands have formed where uplands have been eroded. Staff agrees with the applicant's agent that a living shoreline is not appropriate for this site due to the height of the existing bulkhead and the topography of the uplands on this site. In addition, the surrounding shoreline is characterized by narrow, bulkheaded canals for boat navigation. 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 modified** with the following condition:

1. The pier, boat lift, and floating pier aspects of this project require an encroachment agreement with the City of Virginia Beach. Such an agreement shall be obtained prior to 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.

Agent

Billy Garrington
Governmental Permitting Services

Location

1052 Ducking Point Trail

GPIN

1488-03-5723

Staff Planner

Heaven Manning

Proposal

To construct rip rap revetment involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Western Branch of Lynnhaven River

Subdivision

Saw Pen Point

Impacts

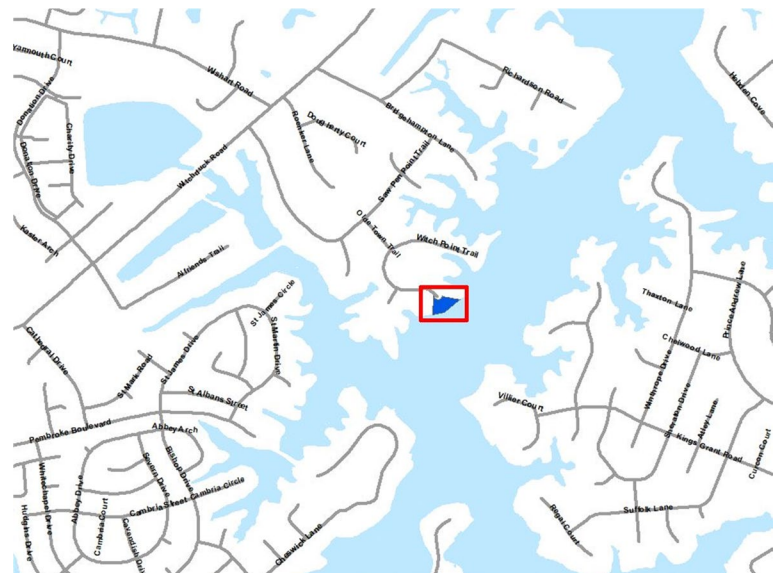
Non-Vegetated: 344 square feet

Subaqueous: 3,358 square feet

Overall length of proposed structure: 337 linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

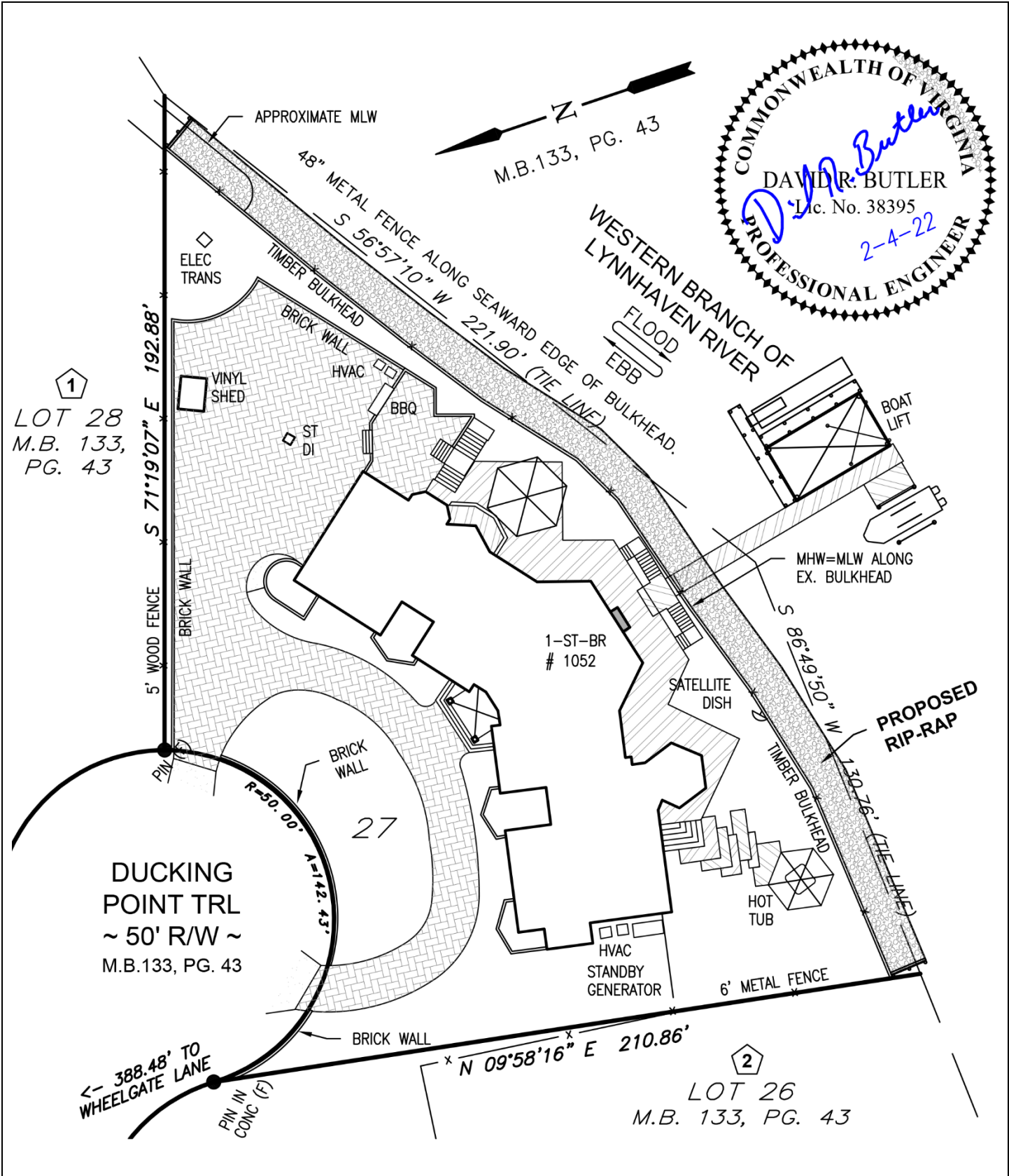
On-site



Site Aerial Map



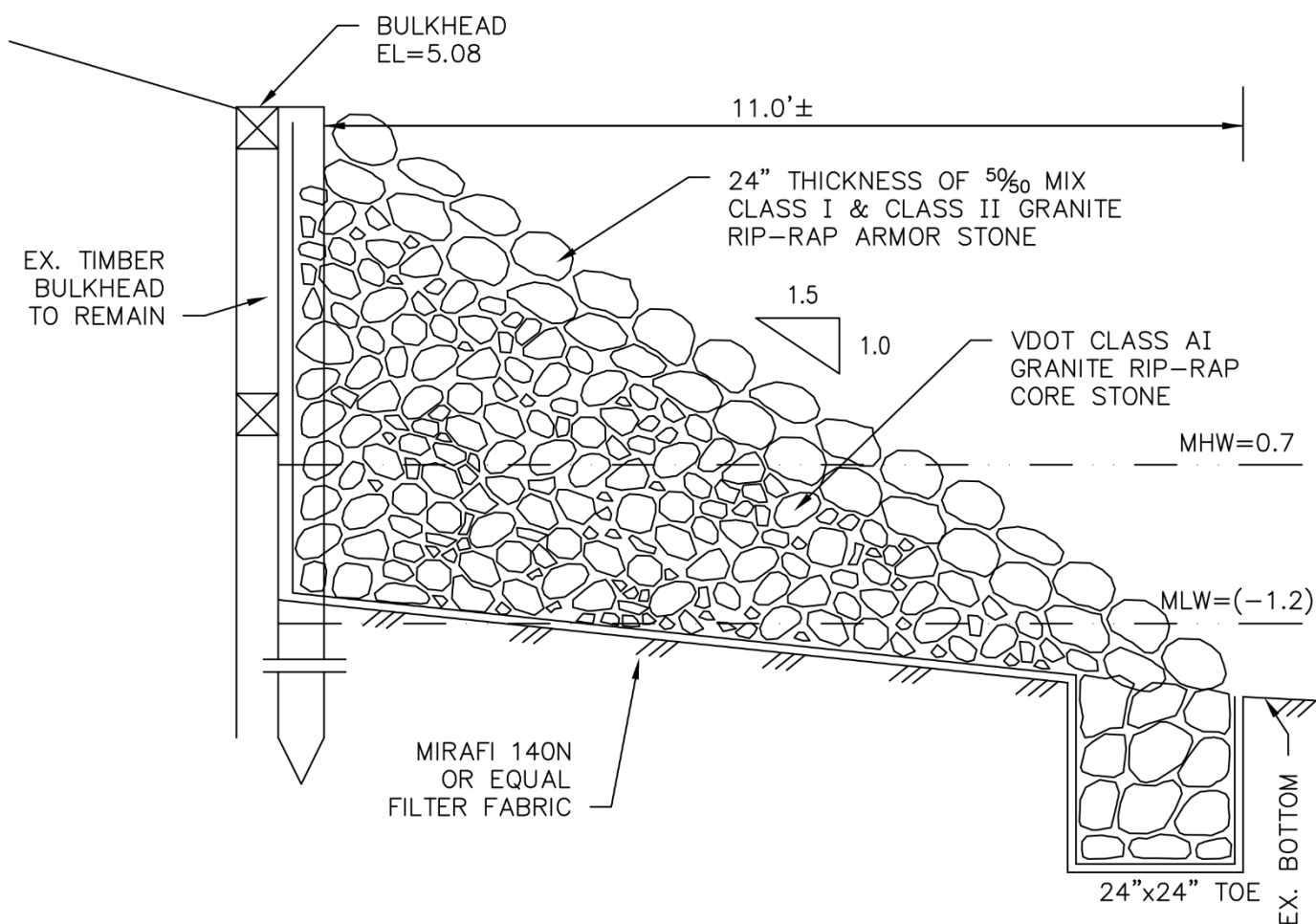
Proposed Improvements



Proposed Improvements – Rip Rap Section

IMPACTS TO WETLANDS
VEGETATED = NONE
NON-VEGETATED = 344 SF

IMPACTS TO SUBAQUEOUS
BOTTOM = 3,358 SF



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. There are no known recent Chesapeake Bay Preservation Area (CBPA) Board actions, Wetlands Board actions, or waterfront permits found for this property.

Summary of Proposal

The applicant proposes to install 337 linear feet of rip rap revetment and two 11 linear foot return walls. The rip rap will consist of Class A1 core stone and Class I and II armor stone. The rip rap will be placed in front of the existing timber bulkhead. The primary purpose of the rip rap revetment is to reduce erosion along the shoreline while allowing for boating access to the waterway. The agent indicated that a living shoreline was not appropriate at this site due to the proximity of the residential structure and driveway to the shoreline. The proposed project will impact 344 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on-site with 344 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat.

Evaluation & Staff Recommendations

The applicant desires to reinforce the existing timber bulkhead that is currently protecting the property's shoreline by installing 337 linear feet of rip rap channelward of the existing bulkhead. Staff agrees with the applicant's agent that transitioning the bulkheaded shoreline to a living shoreline is not suitable for this property given the existing improvements on the lot, water depths along portions of the bulkhead, and shoreline conditions of adjacent properties. The residential structure is located less than 20 feet from the existing bulkhead, the height of existing bulkhead is 7 to 8 feet tall, and the property experiences significant fetch and wave action. Staff is of the opinion that the rip rap will achieve the desired shoreline stabilization with the least impact on the upland property. Staff agrees with the on-site compensation method for the 344 square feet of non-vegetated wetlands impacts.

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

1. The wingwalls at both ends of the rip rap revetment shall be removed and rip rap tapered from the property line inward in a manner that is consistent with the rip rap section provided in the Joint Permit Application (JPA).
2. 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.

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

Robert Simon
 Waterfront Consulting, Inc.

Location

356 S Newtown Road

GPIN

1457-70-6854

Staff Planner

Heaven Manning

Proposal

To construct rip rap revetment and return walls involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Canal to Eastern Branch of Elizabeth River

Subdivision

Arrowhead

Impacts

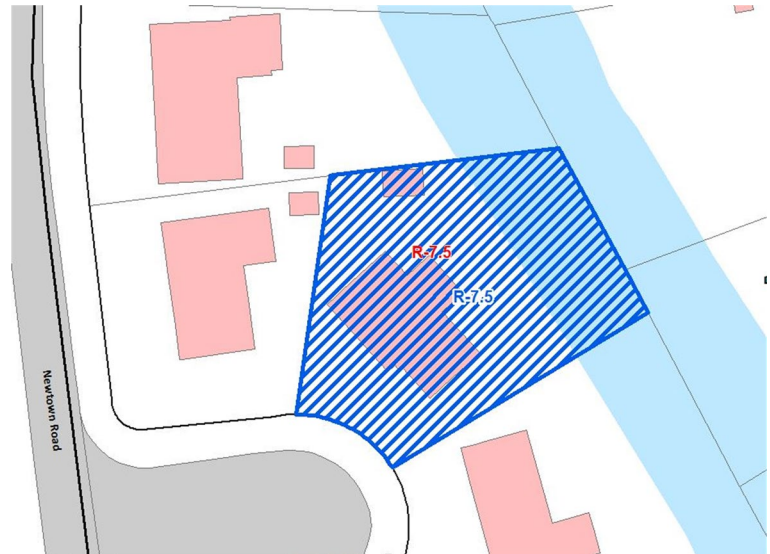
Non-Vegetated: 330 square feet

Subaqueous: 500 square feet

Overall length of proposed structure: 98 linear feet of rip rap revetment, two 9 linear foot return walls

Proposed Mitigation and/or Compensation

On-site



Site Aerial Map

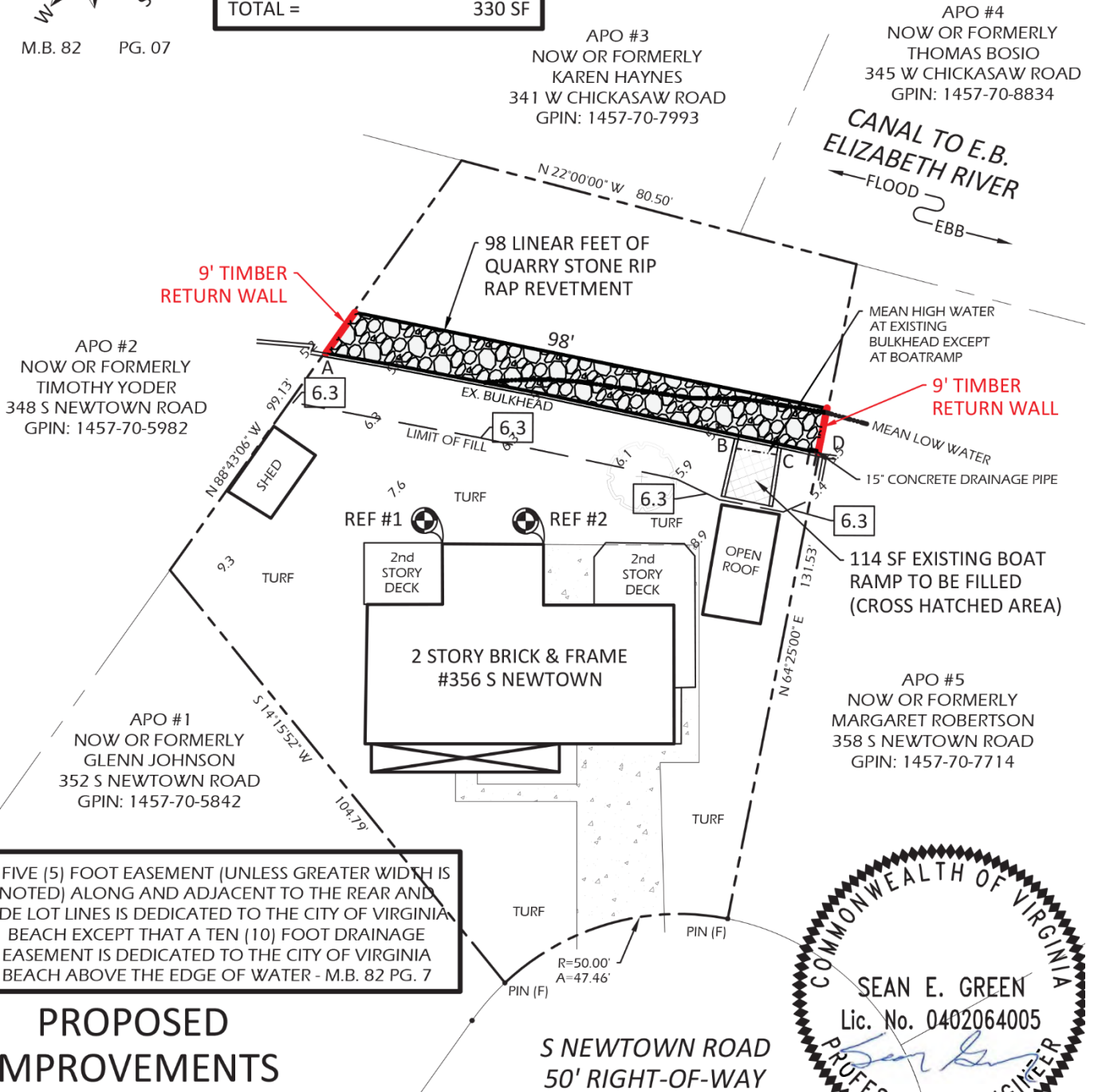
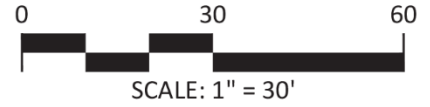


Proposed Improvements



M.B. 82 PG. 07

WETLANDS IMPACTS	
VEGETATED =	0 SF
NON-VEGETATED =	330 SF
TOTAL =	330 SF



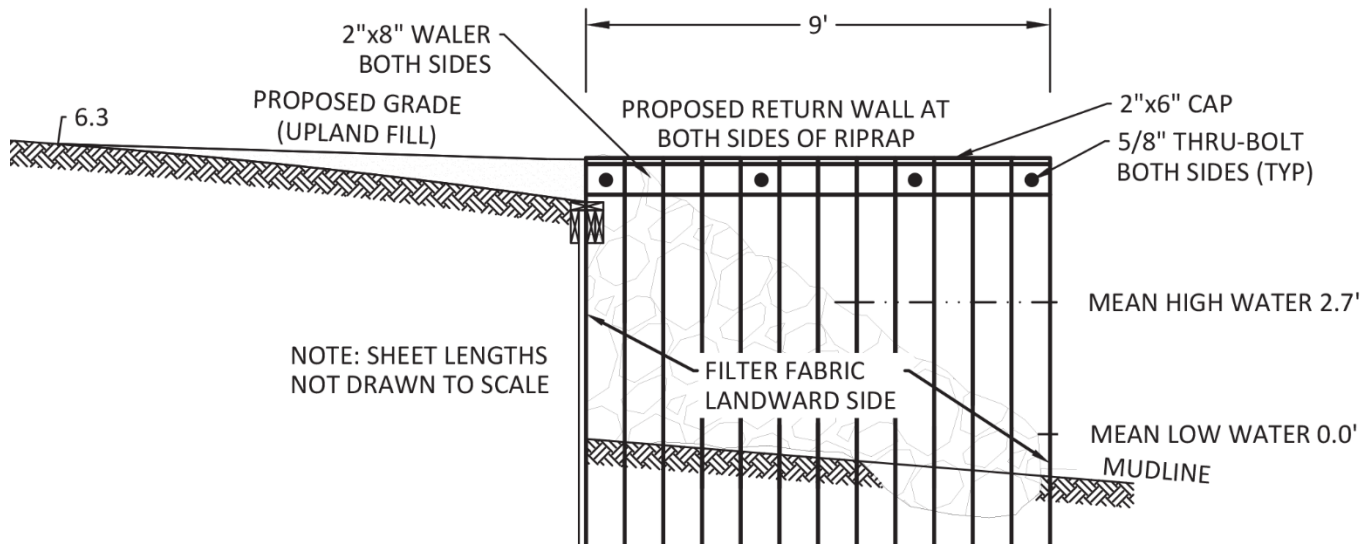
A FIVE (5) FOOT EASEMENT (UNLESS GREATER WIDTH IS NOTED) ALONG AND ADJACENT TO THE REAR AND SIDE LOT LINES IS DEDICATED TO THE CITY OF VIRGINIA BEACH EXCEPT THAT A TEN (10) FOOT DRAINAGE EASEMENT IS DEDICATED TO THE CITY OF VIRGINIA BEACH ABOVE THE EDGE OF WATER - M.B. 82 PG. 7



PROPOSED IMPROVEMENTS

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Proposed Improvements – Return Wall Cross Section



2"x10" T&G SHEETS DRIVEN MINIMUM 50% BELOW GRADE, BUT NOT LESS THAN 4' BELOW GRADE, TO ACT AS A RETURN WALL FOR NEIGHBORING BULKHEADS.

NOTES:

1. ALL TIMBER MATERIAL FOR USE IN A MARINE ENVIRONMENT.
2. ALL HARDWARE TO IN ACCORDANCE WITH ASTM A-153.
3. NEW BULKHEAD SHALL BE PLACED AT ALIGNMENT SHOWN.

DRAWINGS ARE FOR PERMIT PURPOSES ONLY, AND DO NOT CONSTITUTE FULL DESIGN DRAWINGS. NO SOIL BORINGS HAVE BEEN TAKEN TO CONFIRM SUBSURFACE SOIL CONDITIONS. LAYOUT IS BASED ON VISUAL ON-SITE INSPECTION. ABNORMAL SITE CONDITIONS NOT READILY APPARENT HAVE NOT BEEN TAKEN INTO ACCOUNT, AND MAY REQUIRE MODIFICATIONS TO THE ANCHOR SYSTEM AND SHEET PILE LENGTHS. CONTRACTOR SHALL FIELD VERIFY BOTTOM CONDITIONS TO ASSURE THAT FIRM MATERIAL IS IN PLACE. THE ENGINEER IS TO BE NOTIFIED OF ANY ABNORMAL SOIL CONDITIONS FOR EITHER SHEET PILE OR DEADMAN FIELD.

Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. There are no known recent Chesapeake Bay Preservation Area (CBPA) Board actions, Wetlands Board actions, or waterfront permits found for this property.

Summary of Proposal

The applicant is proposing to install 98 linear feet of rip rap revetment and two 9 linear foot timber return walls. The primary purpose of the project is to reduce shoreline erosion. The rip rap will consist of Class I and A1 quarry stone. The rip rap revetment will be placed in front of the existing timber bulkhead. Construction includes the removal of 24 linear feet of bulkhead. Also, the existing concrete boat ramp will be removed and that area filled. The agent indicated that a living shoreline was not appropriate for this property due to the proximity of the residential and storage structures to the shoreline. The proposed project will impact 330 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on-site with 330 square feet of non-vegetated mud flat that will be converted to non-vegetated rock habitat.

Evaluation & Staff Recommendations

The applicant desires to reinforce the existing timber bulkhead that is currently protecting the property's shoreline by installing 98 linear feet of rip rap channelward of the existing bulkhead. Portions of the bulkhead are starting to exhibit failure at the waterline and return walls with minimal signs of erosion occurring to the uplands. Staff agrees with the applicant's agent that transitioning the bulkheaded shoreline to a living shoreline is not suitable for this lot. The existing single-family residence and storage structure are located approximately 10 to 20 feet from the existing bulkhead. Grading the existing shoreline given the area available is not feasible to establish the necessary grade elevation to support vegetative growth without potentially impacting the structural integrity of the existing structures on the lot.

Staff supports the installation of a rip rap revetment to redevelop the shoreline of this lot with the on-site compensation method for the 330 square feet of non-vegetated wetlands impacts. However, Staff is of the opinion that the proposed return walls, extending approximately 9 feet channelward of the existing bulkhead is not the appropriate approach toward redeveloping this shoreline. At this location the channel is approximately 70 feet wide and approximately 80 linear feet from a curve in the channel. With all adjacent properties bulkheaded, extending the revetment 9 feet channelward could pose a navigation hazard within the canal.

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

1. The rip rap revetment shall be relocated 4.5 feet landward while maintaining the same design.
2. Canopy trees removed for the construction of the improvements shall be replaced at a 1 to 1 canopy tree replacement ratio.
3. 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

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Agent

Billy Garrington, Governmental Permitting Services
 Eric Garner, WPL

Location

837 Coverdale Lane

GPIN

1488-24-0122

Staff Planner

Heaven Manning

Proposal

To construct rip rap revetment, coir logs, and plant vegetation involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Western Branch of Lynnhaven River

Subdivision

Kings Grant

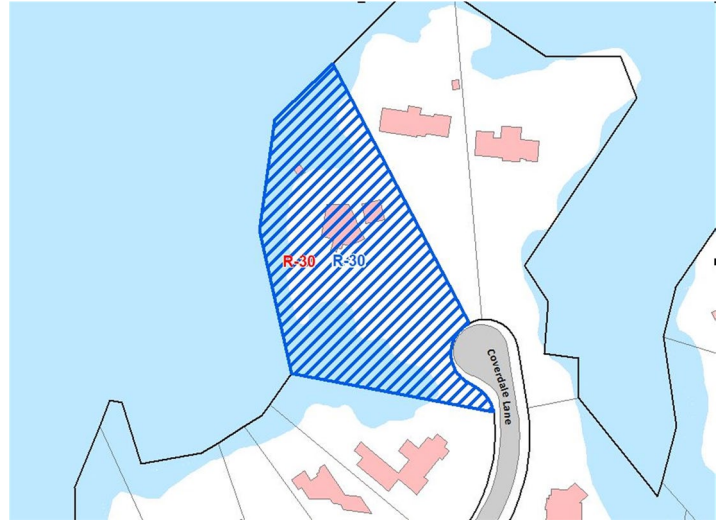
Impacts

Non-Vegetated: 784 square feet

Overall length of proposed structure: 108 linear feet of rip rap revetment, 120 linear feet of coir logs

Proposed Mitigation and/or Compensation

On-site

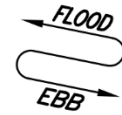


Site Aerial Map

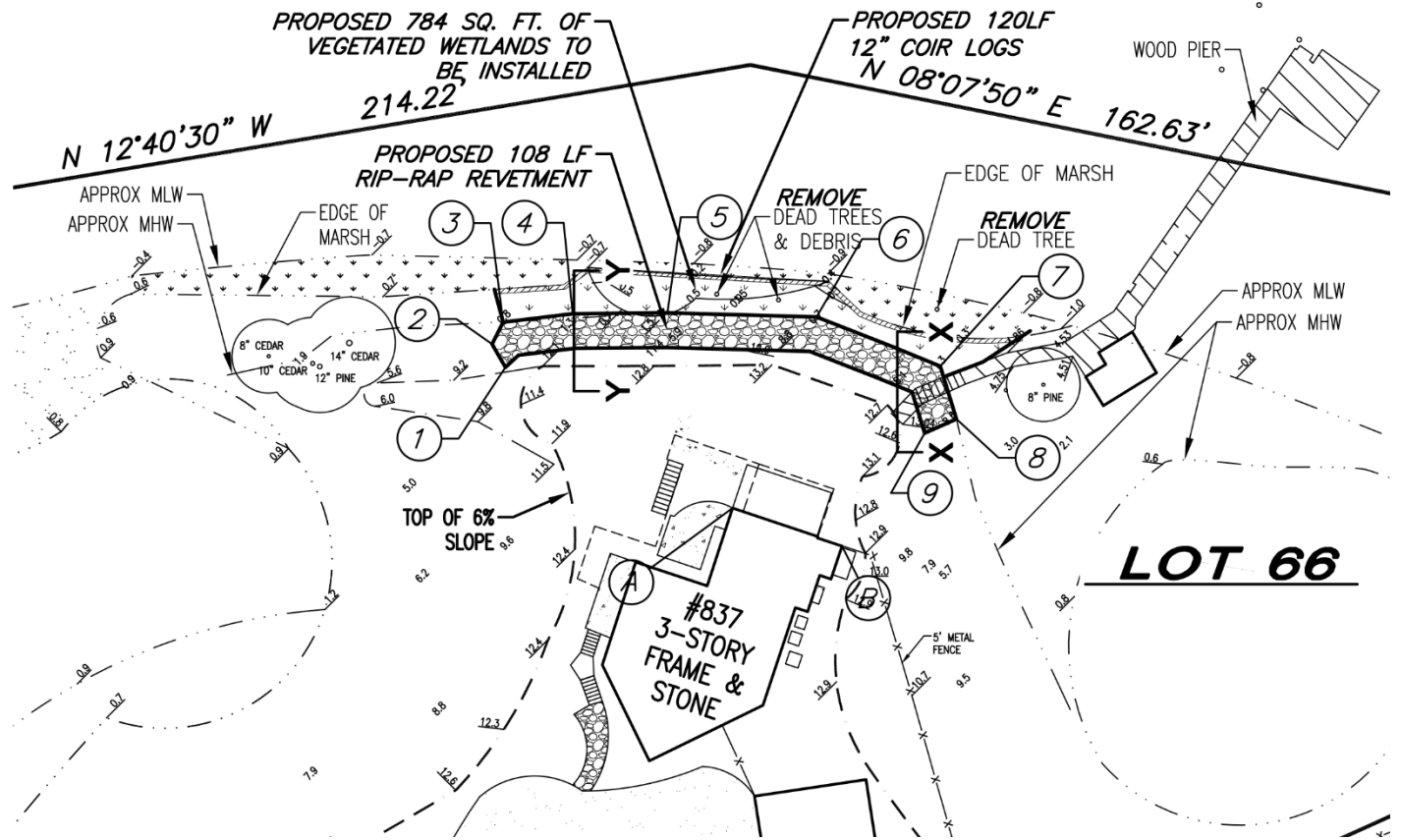


Proposed Improvements

MERIDIAN SOURCE
(M.B. 122, PG. 8)



WESTERN BRANCH OF THE LYNNHAVEN RIVER



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. There are no known recent Chesapeake Bay Preservation Area (CBPA) Board actions, Wetlands Board actions, or waterfront permits found for this property.

Summary of Proposal

The shoreline is in a natural state with a pronounced bank, ranging from 5 to 13 feet in elevation along the eastern portion of this lot. The applicant proposes to grade back portions of the existing bank and install 108 linear feet of rip rap along the shoreline. The primary purpose of this project is to reduce erosion along the shoreline while maintaining access to the waterway. The rip rap will consist of Class I and 1A granite quarry stone. The proposed rip rap revetment will be located landward of mean high water (MHW).

There are existing vegetated wetlands channelward of the proposed rip rap revetment. These wetlands are to remain and will not be impacted per the submitted Joint Permit Application (JPA). Between the toe of the rip rap revetment and the existing wetlands, the applicant proposes to convert approximately 784 square feet of non-vegetated wetlands to vegetated wetlands. The vegetated wetlands will be created by the placement of sand and installation of 120 linear feet of coir logs along the edge of the existing vegetated wetlands. The area will be sprigged with *Spartina patens*, saltmeadow cordgrass.

Evaluation & Staff Recommendations

Staff concurs with the applicant that the proposed rip rap revetment is warranted for this property, as the shoreline is currently unprotected and exhibiting signs of erosion. Staff is of the opinion that the creation of 784 square feet of vegetated wetlands will add value to the environs by improving the continuity of the vegetated wetlands along the shoreline. In addition, the new vegetated wetlands will reduce the amount of erosion reaching the shoreline due to wind and wave action.

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

1. 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.
2. The proposed coir log, as specified on the Joint Permit Application (JPA) shall be extended to the north under the existing wood pier at a suitable elevation terminating at the edge of the existing vegetated wetlands along the north side of the lot.
3. The proposed coir log shall be relocated seaward of the existing wetland vegetation at or above mean low water (MLW) elevation.
4. Specify the proposed rip rap revetment toe width and depth on the JPA.
5. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed and denuded areas along the graded bank and landward of the rip rap revetment once the specified grade elevation is achieved. All

disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.

6. Mature trees exist adjacent to tidal waters, the select removal of lower tree limbs shall be performed thereby permitting sunlight to interface with tidal fringe marsh.
7. 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.