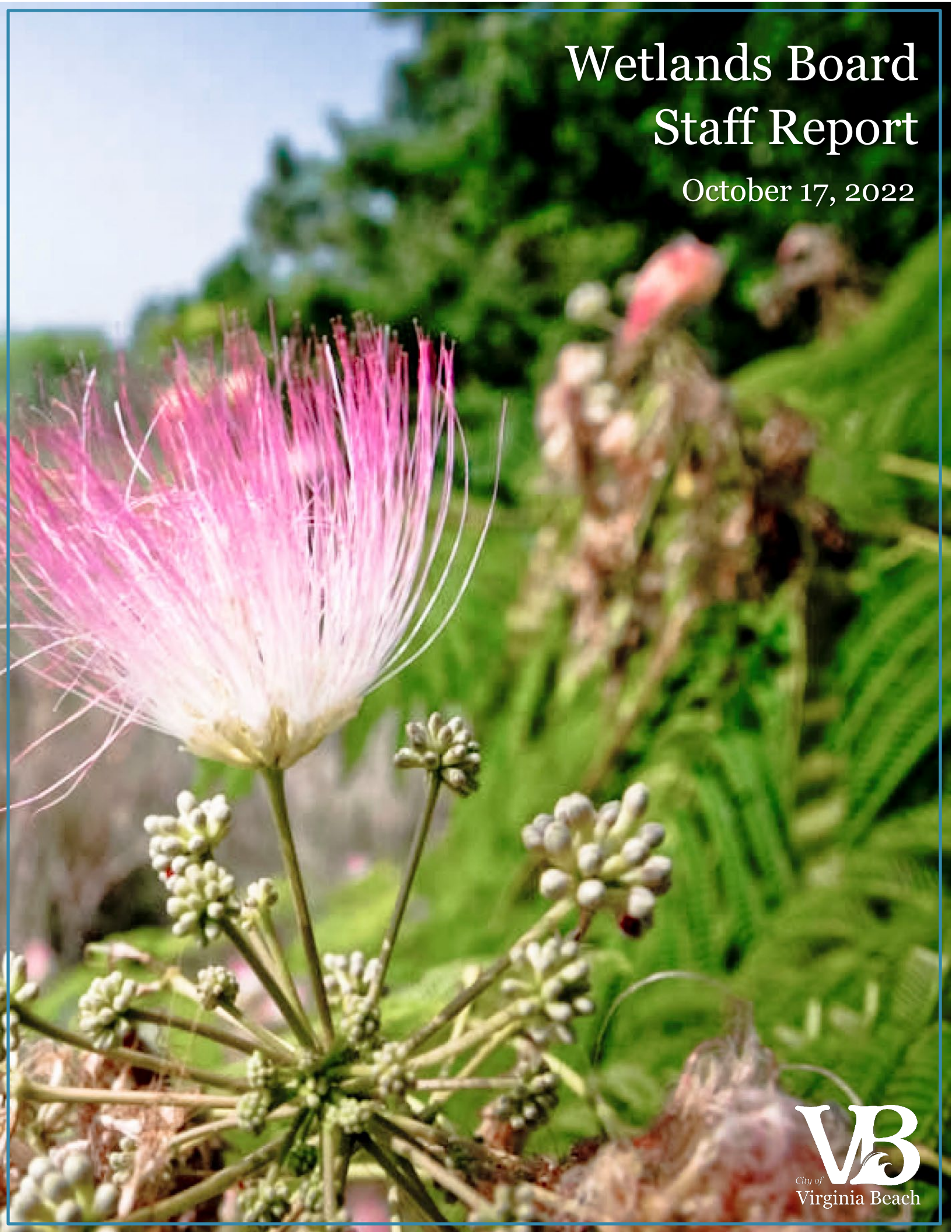


Wetlands Board Staff Report

October 17, 2022



VIRGINIA BEACH WETLANDS BOARD

PUBLIC HEARING PROCEDURES & AGENDA

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, October 17, 2022** at 10:00 a.m. in the New Council Chamber - 2401 Courthouse Drive, Building 1, Second Floor, Virginia Beach, VA.

An informal session will be held the same day at 9:00 a.m. in room 2034, City Manager's Conference Room - 2401 Courthouse Drive, Building 1, Second Floor, Virginia Beach, VA. During the informal session, Staff briefs the Board on agenda items. All interested persons are invited to attend. There is no opportunity for citizenry to speak at the briefing session; however, the public is invited to speak at the formal Wetlands Board Public Hearing that follows. For information or to examine copies of proposed plans, ordinances or amendments call (757) 385-4621 or go to www.vbgov.com/wetlands or visit the Department of Planning and Community Development, 2875 Sabre Street, Suite 500, Virginia Beach, Virginia by appointment. Citizens may also 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.

The Staff reviews some or all of the items on the agenda and suggests that certain conditions be attached for deliberation 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. The administrative comments contained in the attached Staff reports constitutes 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

(If you have any questions, please contact Staff via email at waterfront@vbgov.com or call The Department of Planning & Community Development at 757-385-4621)

- 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:
- 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.

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.

If you require reasonable accommodation for this meeting due to a disability, please call the Department of Planning and Community Development at (757) 385-4621. If hearing impaired, you may contact Virginia Relay at 711 for TDD services.



WETLANDS BOARD AGENDA

Public Hearing Date **October 17, 2022**

9:00 AM INFORMAL STAFF BRIEFING OF PUBLIC HEARING AGENDA ITEMS.

10:00 AM FORMAL REVIEW OF PUBLIC HEARING AGENDA ITEMS.

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/cbpa. For information call (757) 385-4621.

NEW BUSINESS AGENDA ITEMS

1. 2021-WTRA-00358

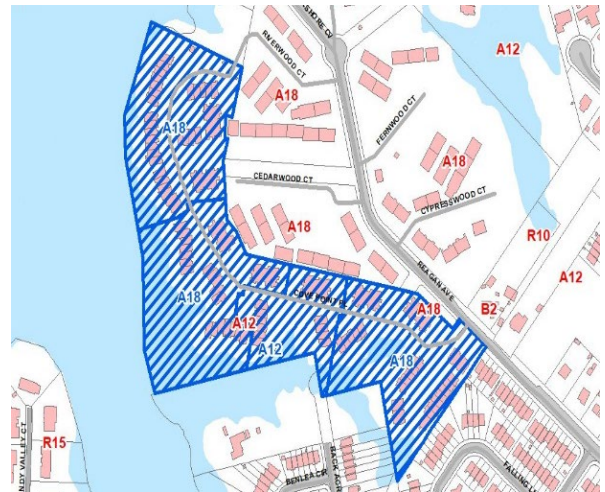
River Cove Owners Association

[Applicant & Owner]

2615, 2601, 2532 & 2504 Cove Point Place
GPINs 1497-68-6607, 1497-68-7331, 1497-78-1221 & 1497-78-5148
City Council District: District 8, formerly Beach

Waterway: Eastern Branch Lynnhaven River
Subdivision: Herons Cove

Request: To construct rip rap revetment involving wetlands



2. 2022-WTRA-00183

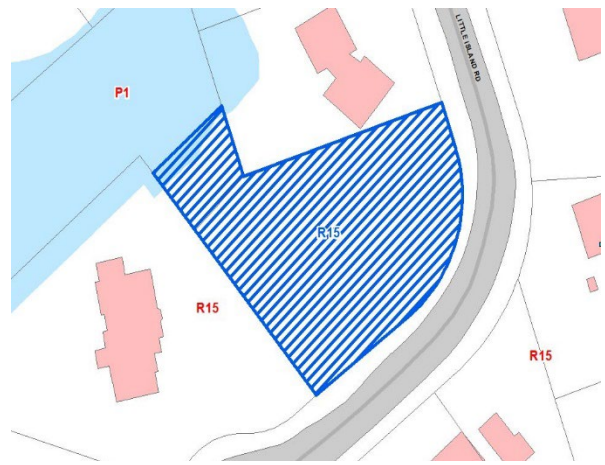
Gregory and Aimee C. Kram

[Applicants & Owners]

3221 Little Island Road
GPINs: 2433-40-6227 & 2433-40-5332
City Council District: District 2, formerly Princess Anne

Waterway: Back Bay
Subdivision: Back Bay Meadows

Request: To construct a boat ramp and return walls involving wetlands



NEW BUSINESS AGENDA ITEMS (CONTINUED)

3. 2022-WTRA-00193

Kyle C. Harrison

[Applicant & Owner]

2205 Admiral Circle

GPIN: 1590-70-6439

City Council District: District 8, formerly Lynnhaven

Waterway: Canal to Long Creek

Subdivision: Cape Henry Shores

Request: To construct a bulkhead involving wetlands



4. 2022-WTRA-00206

Matthew D. Rankin & Heather St. John

[Applicants & Owners]

818 Close Avenue

GPIN 2417-90-6729

City Council District: District 5, formerly Beach

Waterway – Lake Rudee

Subdivision – Shadow Lawn Heights

Request: To construct rip rap revetment and floating pier involving wetlands



5. 2022-WTRA-00207

Timothy D. Siviter

[Applicant & Owner]

2220 Leeward Shore Drive

GPIN 2409-19-8659

City Council District: District 8, formerly Lynnhaven

Waterway – Long Creek

Subdivision – Bay Island

Request: To construct rip rap revetment involving wetlands



NEW BUSINESS AGENDA ITEMS (CONTINUED)

6. 2022-WTRA-00208

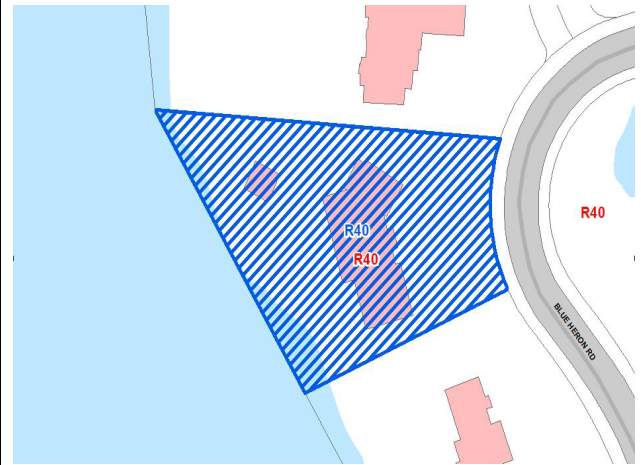
Gordon Family Trust

[Applicant & Owner]

1413 Blue Heron Road
GPIN 1498-58-3694
City Council District: District 8, formerly Lynnhaven

Waterway – Eastern Branch of Lynnhaven River
Subdivision – Shorehaven

Request: To construct a bulkhead and return wall involving wetlands



TENTATIVE 2023 WETLANDS BOARD PUBLIC HEARING DATES

Tuesday **January 17**
Monday **February 20**
Monday **March 20**
Monday **April 17**
Monday **May 15**
Wednesday **June 21**

Monday **July 17**
Monday **August 21**
Monday **September 18**
Monday **October 16**
Monday **November 20**
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.

Agent

Dan Hobby, Acelution Inc.

Location

2615, 2601, 2532, 2504 Cove Point Place

GPIN

1497-68-6607, 1497-68-7331, 1497-78-1221,
1497-78-5148

Staff Planner

Heaven Manning

Proposal

To construct rip rap revetment involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Eastern Branch Lynnhaven River

Subdivision

Herons Cove

Impacts

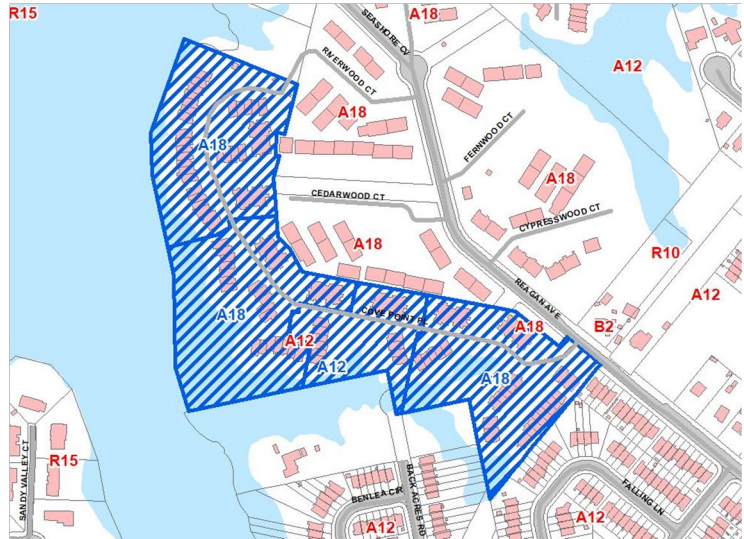
Vegetated: 16 square feet

Non-Vegetated: 480 square feet

Overall length of proposed structure: 70
linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

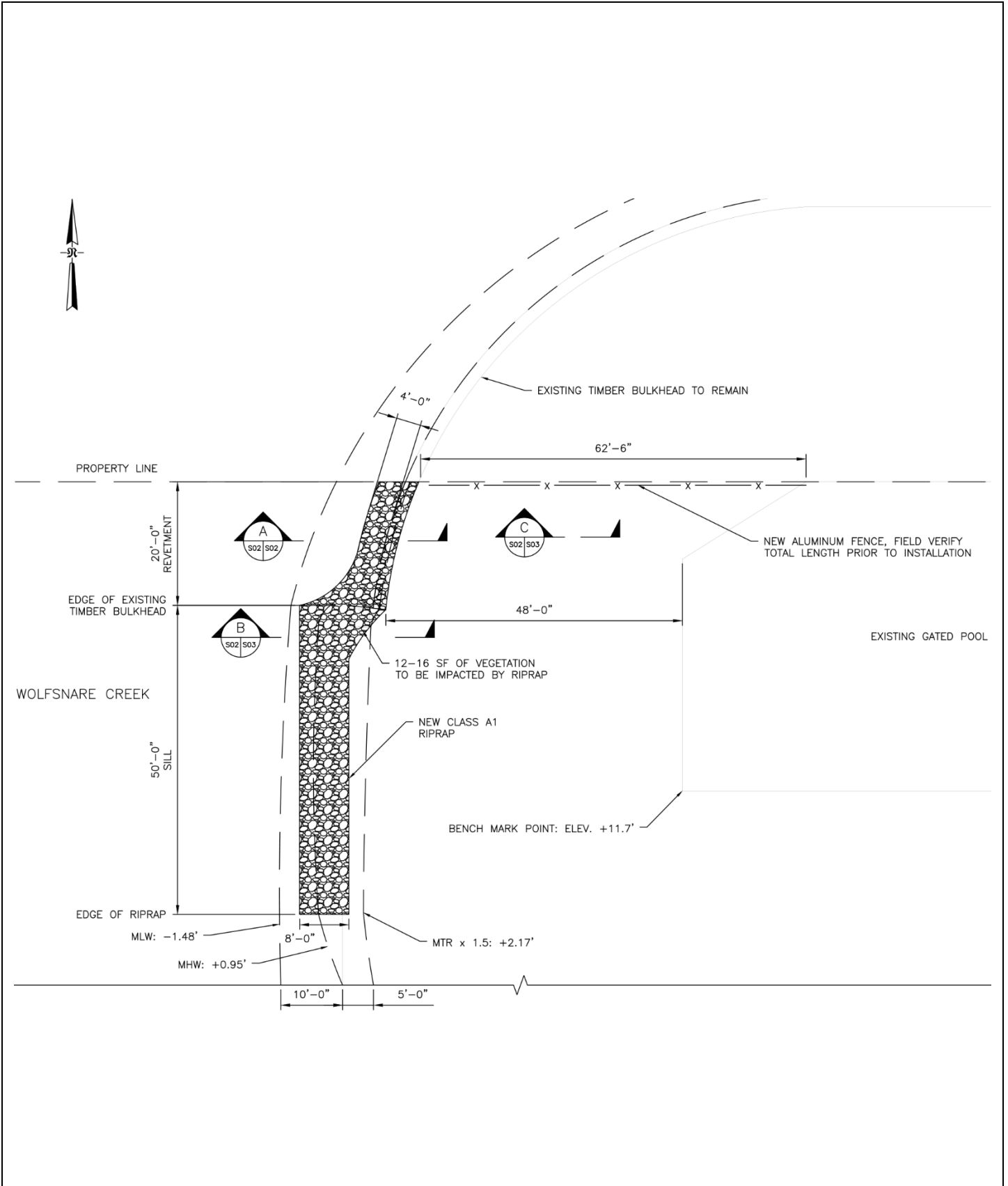
Payment of an in-lieu fee



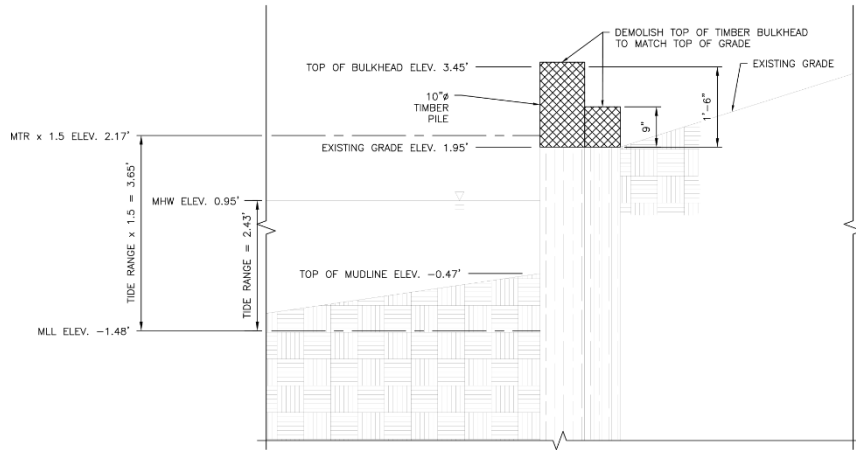
Site Aerial Map



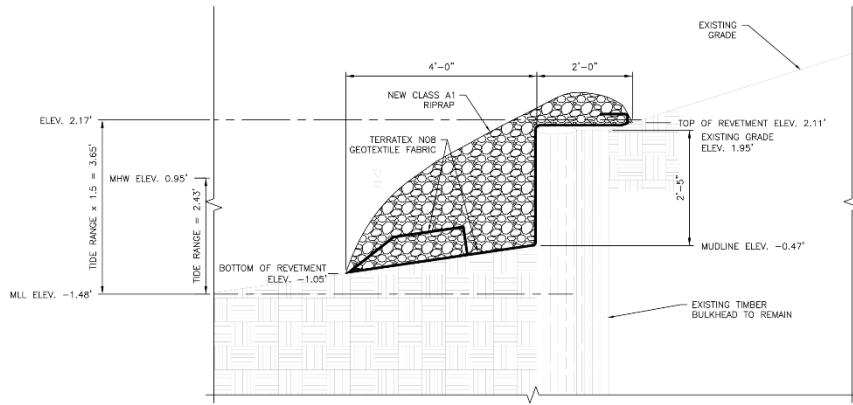
Proposed Improvements



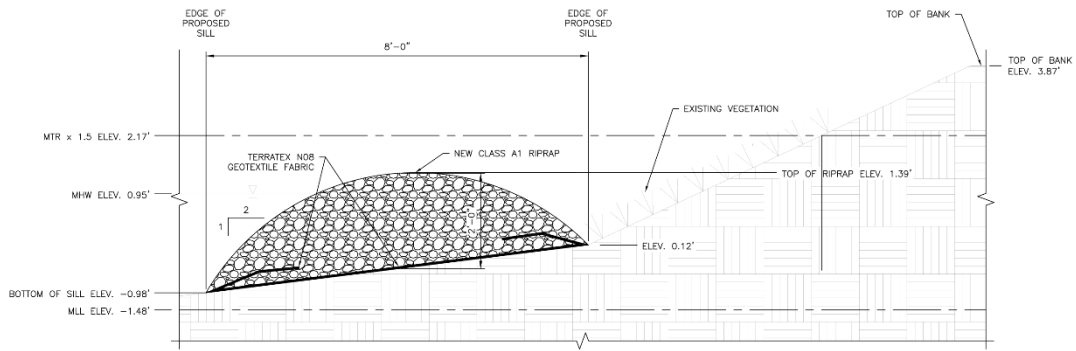
Section Elevations – Existing Conditions & Proposed Improvements



EXISTING BULKHEAD SECTION (A)
SCALE: 3/4"=1'-0"



TIMBER BULKHEAD REVEMENT ELEVATION (A)
SCALE: 3/4"=1'-0"



SILL ELEVATION (B)
SCALE: 3/4"=1'-0"

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 variances for this property.

There are no known recent Wetlands Board actions, or waterfront permits found for this property.

Summary of Proposal

The applicant is proposing to construct 70 linear feet of rip rap revetment. The rip rap will consist of Class A1 granite. The northern 20 linear feet of the rip rap revetment will be placed in front of the existing timber bulkhead. The remaining 50 linear feet will serve as a sill to protect the existing vegetated shoreline. The primary purpose of the rip rap revetment is to reduce shoreline erosion. The proposed project will impact 16 square feet of vegetated wetlands and 480 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on-site with 480 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat. The applicant is proposing to compensate the 16 square feet of vegetated wetlands by payment of an in-lieu fee.

Evaluation & Staff Recommendations

The applicant desires to reinforce the existing timber bulkhead that is currently protecting a portion of the property's shoreline. 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 south of the existing bulkhead. Due to the orientation of the shoreline, proximity of a pool, and number of trees on the property, grading the area to establish a living shoreline is not feasible. 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 480 square feet of non-vegetated wetlands impacts. Staff supports payment of an in-lieu fee as compensation for the 16 square feet of vegetated wetlands.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans titled "River Cove Point Riprap Revetment" at 2615, 2601, 2532, 2504 Cove Point Place, sealed on June 22, 2022, prepared by Collins Engineers, 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.



Application Number **2022-WTRA-00183**
Applicant **Gregory & Aimee C. Kram**
Public Hearing **October 17, 2022**
City Council District: **District 2**

Agenda Item

2

Agent

Robert E. Simon, Waterfront Consulting, Inc.

Location

3221 Little Island Road

GPIN

2433-40-6227, 2433-40-5332

Staff Planner

Heaven Manning

Proposal

To construct a boat ramp and return walls involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Back Bay

Subdivision

Back Bay Meadows

Impacts

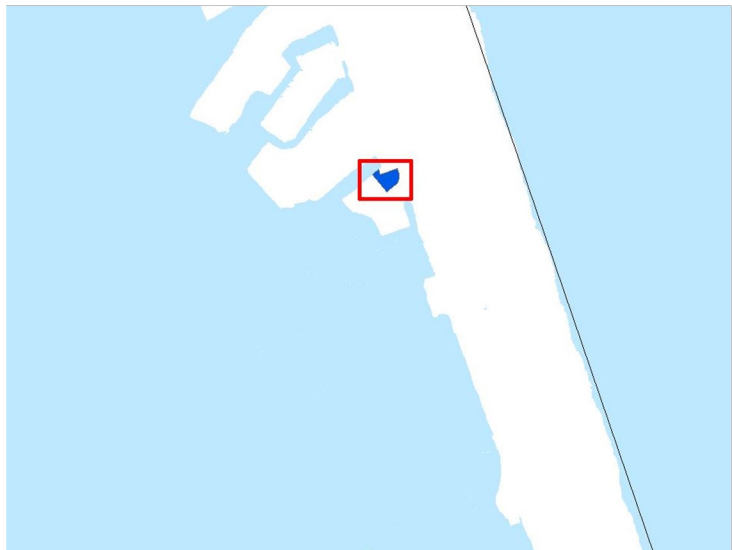
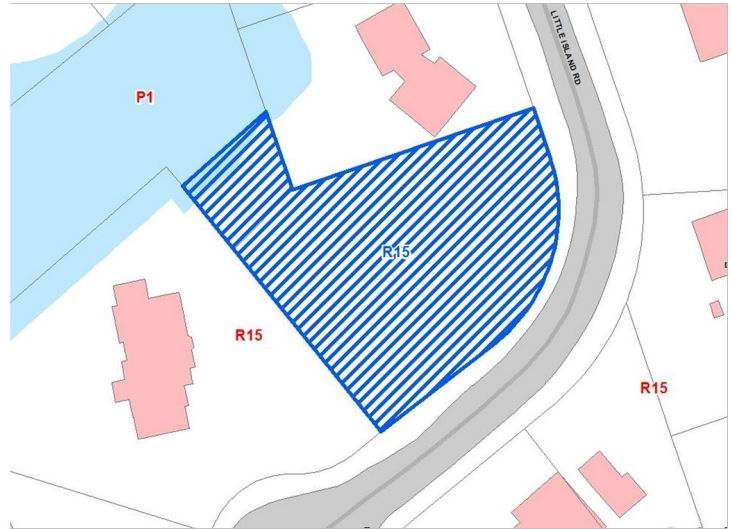
Non-Vegetated: 106 square feet

Subaqueous: 50 square feet

Overall length of proposed structure: 12 linear foot by 26 linear foot boat ramp, two 26 linear foot return walls

Proposed Mitigation and/or Compensation

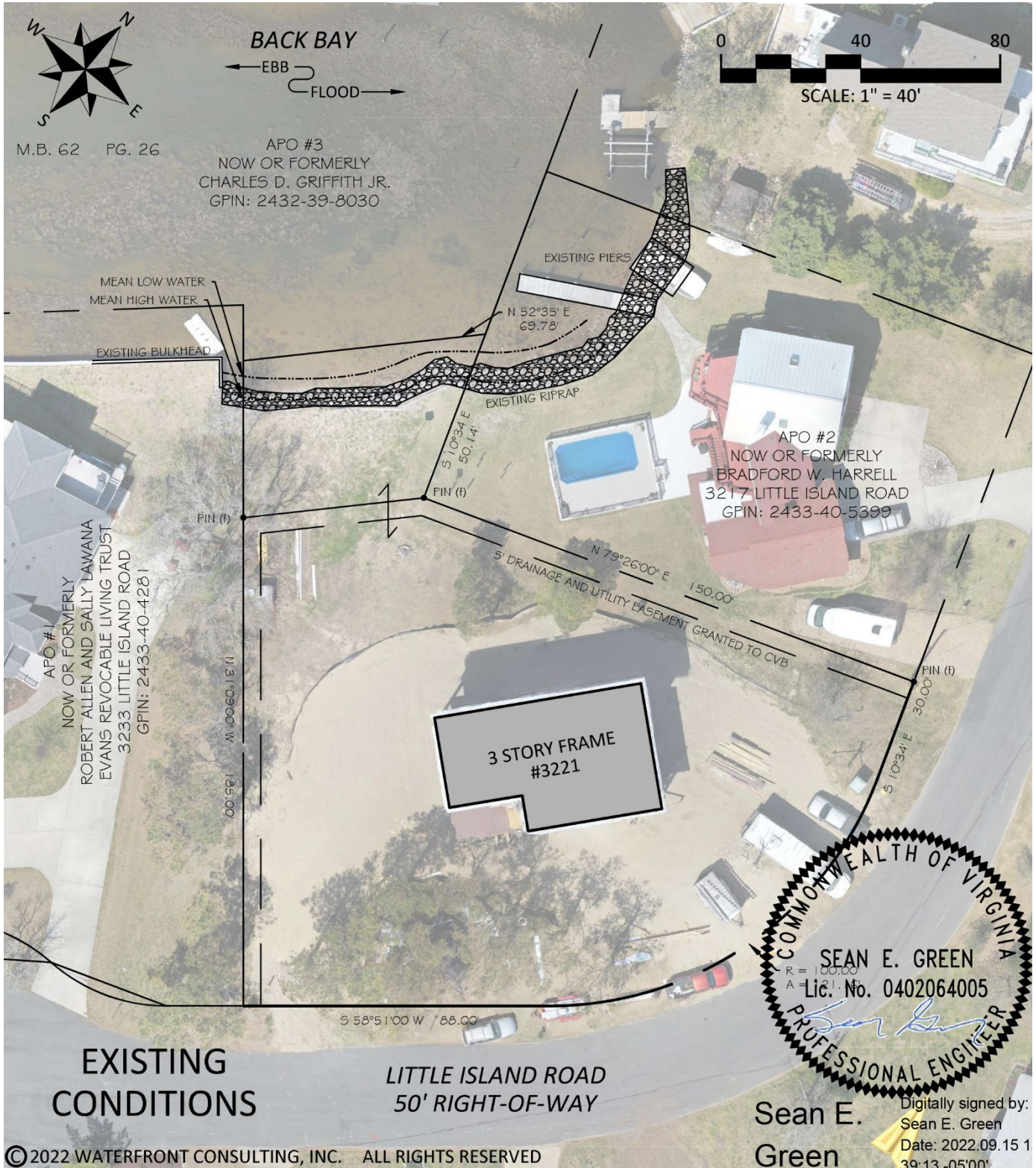
Payment of an in-lieu fee



Site Aerial Map



Existing Conditions



Proposed Improvements



.B. 62 PG. 26

BACK BAY
 ← EBB
 → FLOOD

APO #3
 NOW OR FORMERLY
 CHARLES D. GRIFFITH JR.
 GPIN: 2432-39-8030

WETLANDS IMPACTS	
VEGETATED =	0 SF
NON-VEGETATED =	106 SF
TOTAL =	106 SF

INSTALL "SWINGER" PWC
 LIFT (ROTATES 180°)

PROPOSED
 TIMBER PIER

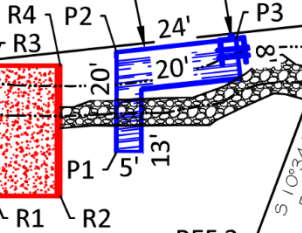
MEAN LOW WATER
 MEAN HIGH WATER

EXISTING BULKHEAD

EXISTING PIERS

SUBAQUEOUS IMPACTS	
BOAT RAMP =	50 SF
TOTAL =	50 SF

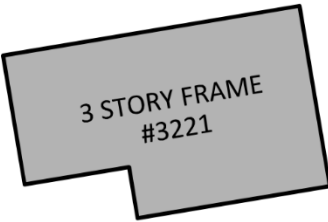
PROPOSED 12' x 26'
 BOAT RAMP WITH
 TIMBER RETURN
 WALLS EACH SIDE



APO #2
 NOW OR FORMERLY
 BRADFORD W. HARRELL
 3217 LITTLE ISLAND ROAD
 GPIN: 2433-40-5399

APO #1
 NOW OR FORMERLY
 ROBERT ALLEN AND SALLY LAWANA
 EVANS REVOCABLE LIVING TRUST
 3233 LITTLE ISLAND ROAD
 GPIN: 2433-40-4281

N 3°06'00" E 185.00'



S 58°51'00" W 88.00'

5' DRAINAGE AND UTILITY EASEMENT GRANTED TO CVB

Site Photos



Site Photos



SRWMA Ordinance & Wetlands Board Permit History

This property located in the Southern Rivers Watershed.

There are no known recent Wetlands Board actions or waterfront permits found for this property.

Summary of Proposal

The applicant is proposing to construct a 12 linear foot by 26 linear foot boat ramp and two 26 linear foot timber return walls. Construction includes the removal of 67 square feet of the existing rip rap revetment and the excavation of 175 square feet of upland area. The proposed project includes construction of a 5' x 20' open pile timber pier with an 8' x 20' L-head. The primary purpose of this project is for access to the waterway. The proposed project will impact 106 square feet of non-vegetated wetlands, which will be compensated by payment of an in-lieu fee.

Evaluation & Staff Recommendations

Staff supports the construction of the boat ramp and timber return walls. The nearest public boat ramp is at False Cape State Park, approximately 4 miles north of the property. Due to the nature of the proposed project, a living shoreline is not appropriate for this site. The request to construct the new boat ramp and return walls 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.

During the site visit, Staff observed vegetated wetlands present along the northeast portion of the existing rip rap revetment. The applicant's agent stated to staff that the existing vegetation was not present when the lot was flown by drone and surveyed. As submitted the proposed layout of the timber pier would encroach into the vegetation. Typically, four feet of clearance is required for piers constructed over vegetated wetlands. However, due to the slope of the shoreline and available area to build a pier, this is not possible. Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as modified** with the following conditions:

1. The proposed timber pier shall be reduced in width from the landward side of the structure so that the structure does not encroach into or over the existing wetland vegetation along the toe of the rip rap revetment. Said reduction shall be staked in the field prior to the pre-construction meeting with Waterfront Operations Inspections.
2. An on-site pre-construction meeting will be required. The contractor must contact Waterfront Operations to schedule the pre-construction meeting prior to mobilizing to the site. Please be advised that no land disturbance or construction activities may commence until after the pre-construction meeting.
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

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 Consultant, Inc.
David Butler, Gallup Surveyors & Engineers

Location

2205 Admiral Circle

GPIN

1590-70-6439

Staff Planner

Heaven Manning

Proposal

To construct a bulkhead involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Canal to Long Creek

Subdivision

Cape Henry Shores

Impacts

Non-Vegetated: 33 square feet

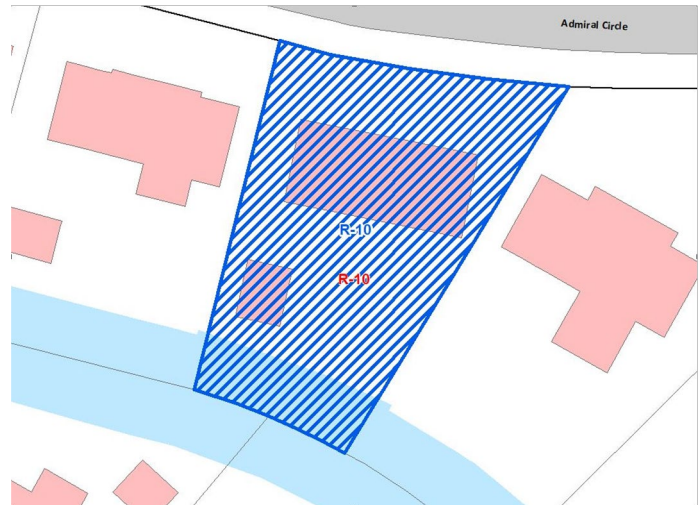
Subaqueous: 127 square feet

Overall length of proposed structure: 72.5 linear feet of bulkhead

Volume of Backfill: 27 cubic yards

Proposed Mitigation and/or Compensation

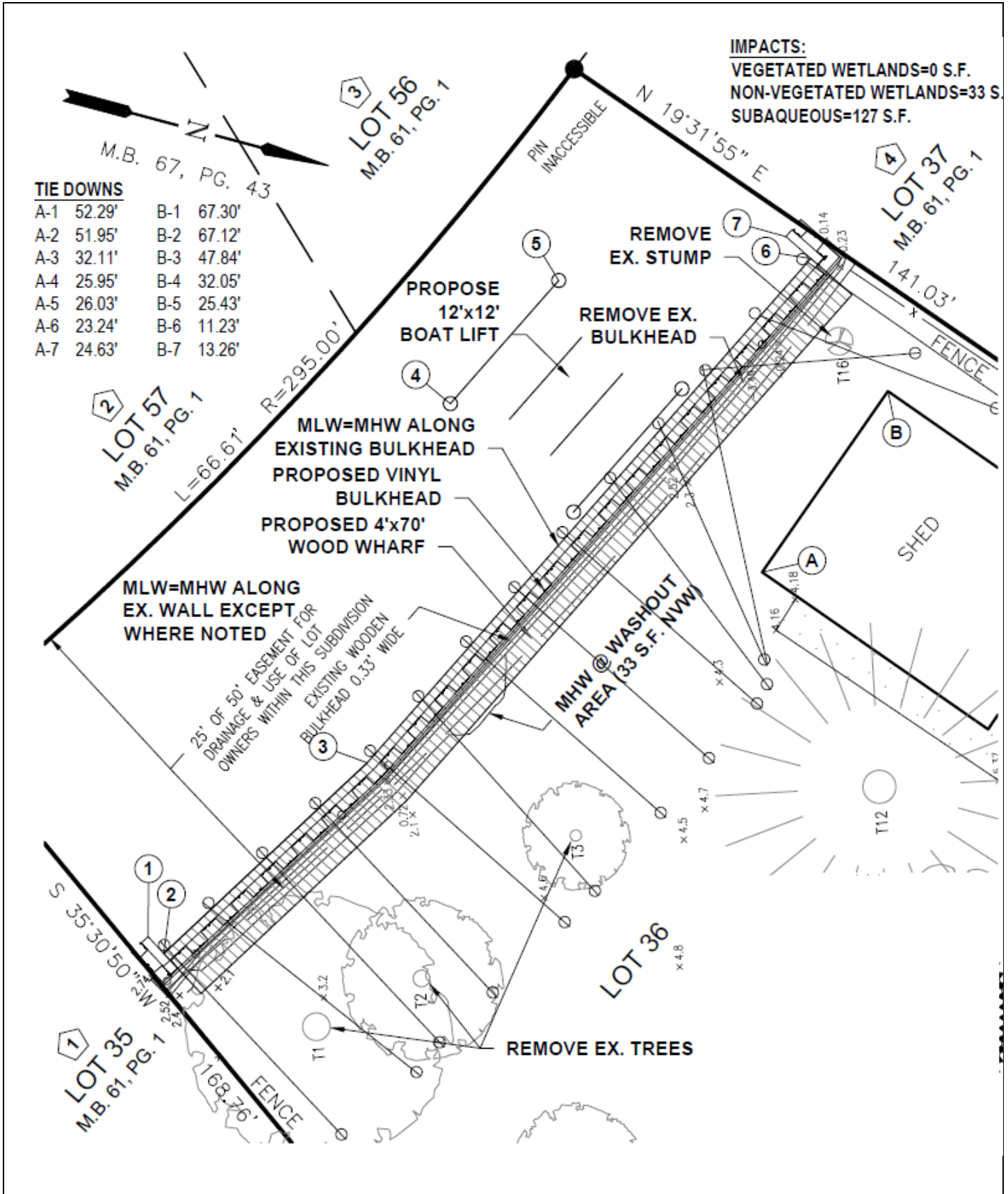
Payment of an in-lieu fee



Site Aerial Map



Proposed Improvements



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 for this property.

Wetlands Board actions, or waterfront permits found for this property.

Summary of Proposal

The applicant is proposing to construct a 72.5 linear foot vinyl bulkhead with approximately 27 cubic yards of backfill. The proposed bulkhead will be constructed no more than 1.75 feet channelward of the existing bulkhead. The applicant's agent indicated that a living shoreline was not considered for this project due to the narrowness of the canal and the close proximity of the garage. The proposed project will impact 33 square feet of non-vegetated wetlands formed behind the sections of the bulkhead that has failed, which will be compensated by payment of an in-lieu fee.

Evaluation & Staff Recommendations

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

The existing bulkhead has failed and needs to be replaced. There are several areas of erosion that are behind the bulkhead due to the failure of the structure and pockets of non-vegetated 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, water depths along portions of the bulkhead, and close proximity of the garage, leaving little room to grade the shoreline to achieve an appropriate slope. 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 proposed project requires 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

Robert Simon, Waterfront Consulting, Inc.

Location

818 Close Avenue

GPIN

2417-90-6729

Staff Planner

Heaven Manning

Proposal

To construct rip rap revetment and floating pier involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Lake Rudee

Subdivision

Shadow Lawn Heights

Impacts

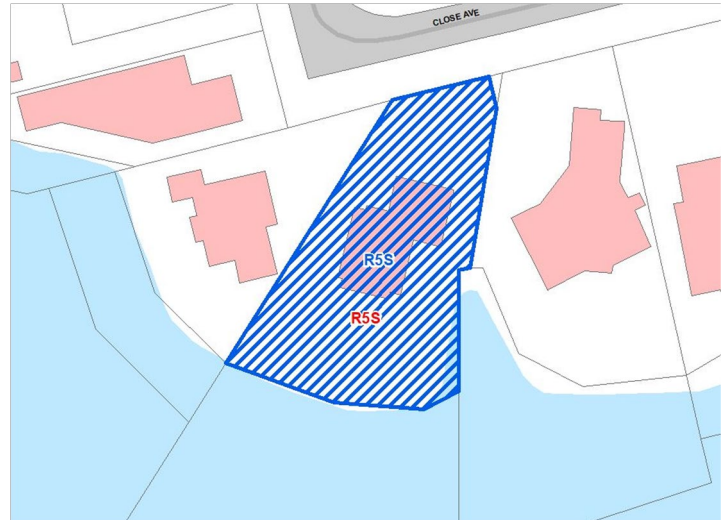
Vegetated: 11 square feet

Non-Vegetated: 972 square feet

Overall length of proposed structure: 148 linear feet of rip rap revetment, 8 linear foot by 64 linear foot floating pier

Proposed Mitigation and/or Compensation

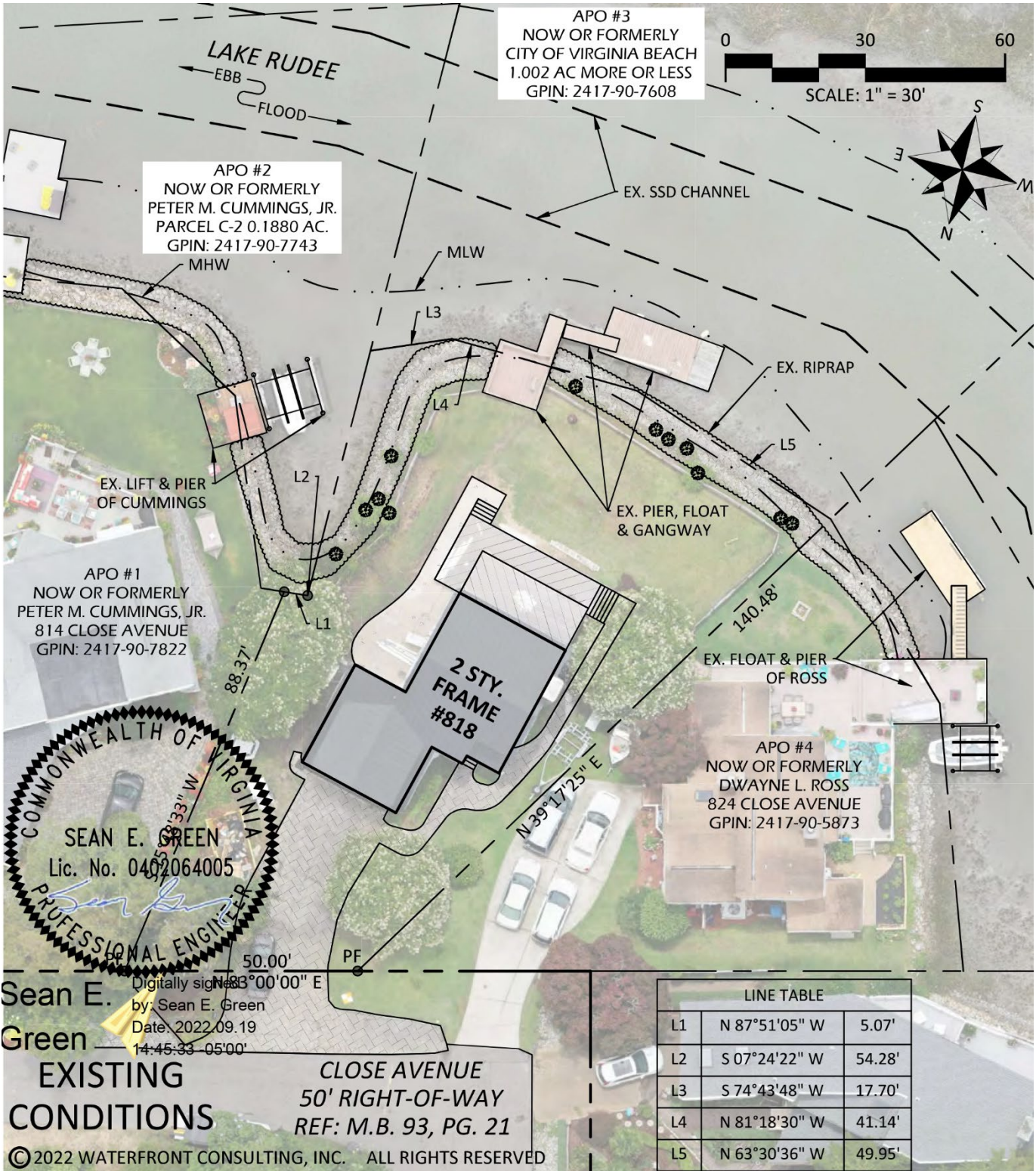
Payment of an in-lieu fee



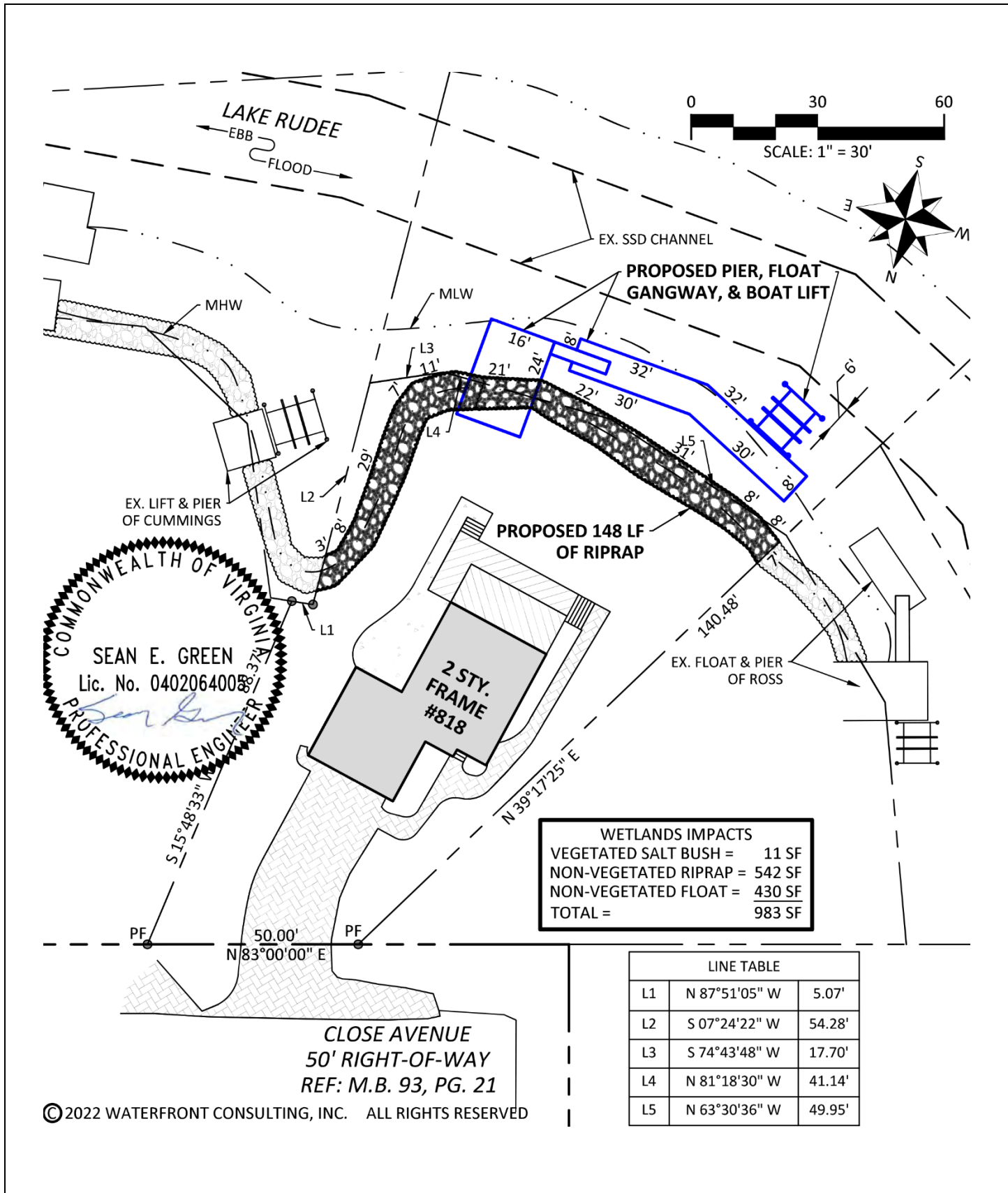
Site Aerial Map



Existing Conditions



Proposed Improvements



COMMONWEALTH OF VIRGINIA
SEAN E. GREEN
 Lic. No. 0402064008
 PROFESSIONAL ENGINEER

CLOSE AVENUE
50' RIGHT-OF-WAY
 REF: M.B. 93, PG. 21

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Site Photos



Site Photos



Wetlands Board Permit History

This property located in the Atlantic Ocean Watershed.

There are no known recent Wetlands Board actions or waterfront permits found for this property.

Summary of Proposal

The applicant proposes to remove the existing rip rap rubble to construct a 148 linear feet of rip rap revetment and an 8 linear foot by 64 linear foot floating pier. The rip rap will consist of Class 1 and Class A1 quarry stone. The primary purpose of the rip rap revetment is to reduce erosion along the shoreline while allowing for boating access to the waterway. The applicant's agent indicated that a living shoreline is not appropriate at the site due to proximity of the City Special Service District (SSD) dredge channel to the existing revetment and the close proximity of the house and deck to the shoreline given the existing elevation of the lot.

The proposed rip rap revetment will impact 11 square feet of vegetated wetlands (*Baccharis halimifolia*, Salt Bush) and 542 square feet of non-vegetated wetlands. Additionally, the proposed floating pier will impact 430 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on-site with 542 square feet of non-vegetated wetlands, that will be converted to non-vegetated rock habitat. The applicant is proposing payment of an in-lieu fee for the 11 square feet of vegetated wetlands and the remaining 430 square feet of non-vegetated wetlands impacts.

Evaluation & Staff Recommendations

The existing rip rap rubble is not designed to current shoreline stabilization standards, and there are signs of erosion along the shoreline. Staff agrees with the applicant's agent that transitioning the shoreline to a living shoreline is not suitable for this property given the existing improvements on the lot and shoreline conditions of adjacent properties. The residential structure and deck are approximately 10 to 20 feet from the existing revetment, leaving little room to grade the shoreline to achieve an appropriate slope. During the site visit, Staff observed oysters growing in and on the rip rap rubble proposed for removal. To address the retention of this resource, Staff provides the recommended condition, condition 2 below.

As submitted the proposed floating gangway sits on mud flat during low tide and several agencies have expressed concern regarding this practice. As such, the applicant's agent informed Staff that the gangway will be revised to show a floating pier that will be restricted by pile stops from sitting on the mud flat bottom during low tide. Staff provides the recommended condition, condition 3 below to address this revision to the proposed improvements.

Staff supports the combination of on-site compensation and payment of an in-lieu fee for the impacts to vegetated and non-vegetated wetlands associated with the proposed rip rap revetment.

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

1. The proposed project requires an encroachment agreement with the City of Virginia Beach. Such an agreement shall be obtained prior to issuance of a building permit.
2. 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.

3. The proposed pier, float gangway and boat lift shall be removed from this Joint Permit Application (JPA). Should the property owner desire to construct any additional improvements other than the proposed rip rap revetment a subsequent JPA shall be submitted to Virginia Marine Resource Commission (VMRC).
4. 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.

Evaluation & Staff Recommendations

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.

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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

2220 Leeward Shore Drive

GPIN

2409-19-8659

Staff Planner

Heaven Manning

Proposal

To construct rip rap revetment involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Long Creek

Subdivision

Bay Island

Impacts

Non-Vegetated Wetlands: 55 square feet

Overall length of proposed structure: 59 linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

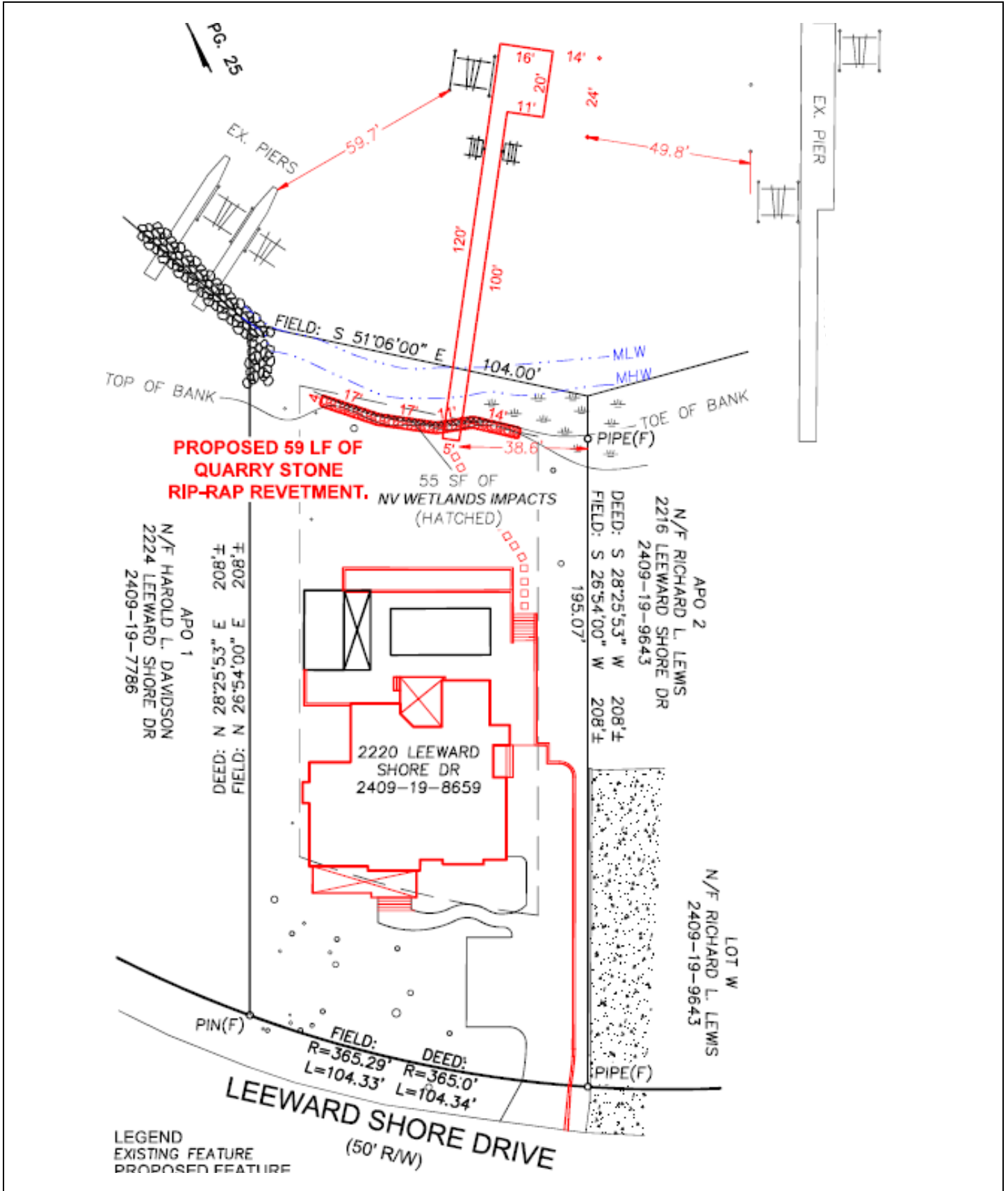
On-site



Site Aerial Map



Proposed Improvements



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. A Chesapeake Bay Preservation Area (CBPA) variance request to develop this property was indefinitely deferred at the July 6, 2020, public hearing. The property has since changed ownership. A CBPA Board Variance was granted for this property on November 1, 2021, for encroachment into the Resource Protection Area (RPA) buffer to construct a new single-family residence and swimming pool.

The Wetlands Board approved construction of a rip rap revetment in the same footprint on May 28, 2020; however, a permit was never issued.

Summary of Proposal

The applicant is proposing to install 59 linear feet of rip rap revetment. The rip rap will consist of Class I and A1 quarry stone. The proposed project will impact approximately 55 square feet of non-vegetated wetlands. The applicant is requesting that the impacts be considered a conversion of non-vegetated sandy wetlands to non-vegetated rock habitat. The primary purpose of this project is to stabilize the shoreline

Evaluation & Staff Recommendations

The property is currently undeveloped, and the shoreline is showing signs of erosion. The proposed rip rap is located along the portion of the shoreline experiencing erosion and has been aligned as close to the top of the bank as possible to minimize both impacts to wetlands and the heavily vegetated upland riparian buffer. Staff concurs with the applicant's agent that a living shoreline is not appropriate for this property due to the extensive upland tree canopy shading the shoreline, which would prevent wetlands plantings from successfully establishing. In addition, the property is exposed to northeast winds and wave action from heavy boat traffic.

This property is located in the Special Flood Hazard Area, and existing ground elevations are below the Base Flood Elevation, preventing the applicant from applying to remove the property from the Special Flood Hazard Area. The Chesapeake Bay Preservation Area (CBPA) Staff expressed concern regarding the potential for the placement of fill on the lot before construction of the new home begins. While fill would increase the elevation of the land, there are significant negative impacts to the CBPA Resource Protection Area that could occur, including the decline and removal of much of the existing planted upland riparian buffer. Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as modified** with the following conditions:

1. The elevation of the rip rap shall not exceed the existing grade elevation of the delineated top of bank feature.
2. No backfill material shall be allowed to be placed landward or channelward of the proposed rip rap revetment. Material excavated for placement of the rip rap shall be disposed of off-site in a lawful manner.
3. The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the revised Joint Permit Application (JPA) to be approved by City Staff prior to the preconstruction meeting with Waterfront Operations.
4. All areas outside the limits of construction shall be left in a natural state to include leaving the forest floor (leaf litter) intact. Said condition shall be so noted on the JPA and signs posted along the silt fence in the field noting the requirement that "All areas outside limits of construction shall be left in a natural state to include leaving the forest floor (leaf litter) intact."

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.

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

1413 Blue Heron Road

GPIN

1498-58-3694

Staff Planner

Heaven Manning

Proposal

To construct a bulkhead and return wall involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Eastern Branch of Lynnhaven River

Subdivision

Shorehaven

Impacts

Vegetated: 318 square feet

Non-Vegetated: 196 square feet

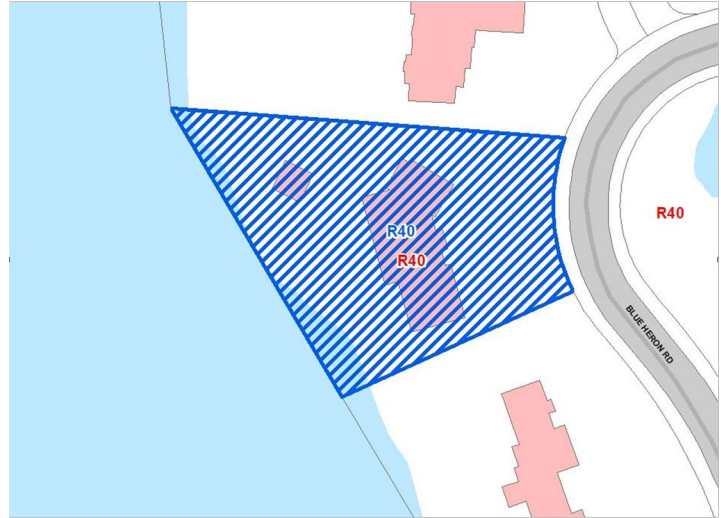
Subaqueous: 128 square feet

Overall length of proposed structure: 241 linear feet of bulkhead, 28 linear feet of return wall

Volume of Backfill: 35 cubic yards

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee

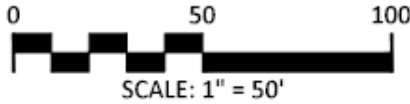


Site Aerial Map



Proposed Site Plan

PROPOSED SITE IMPROVEMENTS



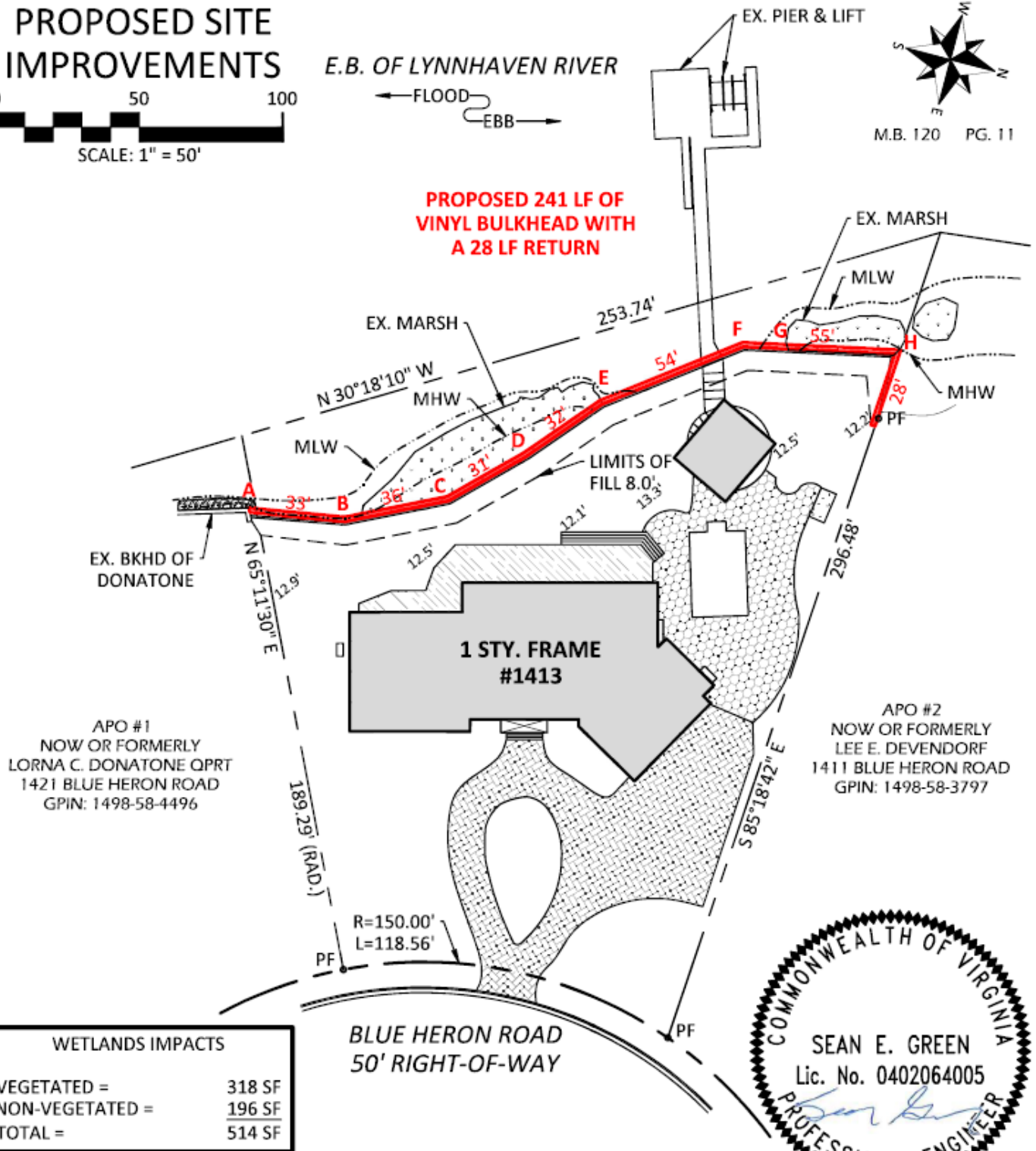
E.B. OF LYNNHAVEN RIVER

← FLOOD →
← EBB →



M.B. 120 PG. 11

PROPOSED 241 LF OF VINYL BULKHEAD WITH A 28 LF RETURN



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Site Photos



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. A Chesapeake Bay Preservation Area (CBPA) variance request to construct a pool and deck was granted for this property on March 23, 1998.

There were no recent Wetlands Board actions found for this property.

Summary of Proposal

The applicant is proposing to construct a 241 linear foot vinyl bulkhead and 28 linear foot return wall with approximately 35 cubic yards of backfill. The existing rip rap rubble and concrete at the southern end of the property will be removed. The proposed bulkhead will be constructed no more than two feet channelward of the existing bulkhead. The proposed project will impact 318 square feet of vegetated wetlands and 196 square feet of non-vegetated wetlands. The applicant is proposing to pay an in-lieu fee to compensate for the vegetated and non-vegetated wetlands impacts.

Evaluation & Staff Recommendations

The existing bulkhead is reaching the end of its construction lifespan and is showing signs of wear with minor pockets of settling due to erosion behind the bulkhead. A living shoreline is not appropriate on this property due to the height of the bulkhead and proximity of the residential structure and pool to the existing bulkhead. In addition, the property experiences significant 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 vegetated and 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" at 1413 Blue Heron Road, sealed on September 15, 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.

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