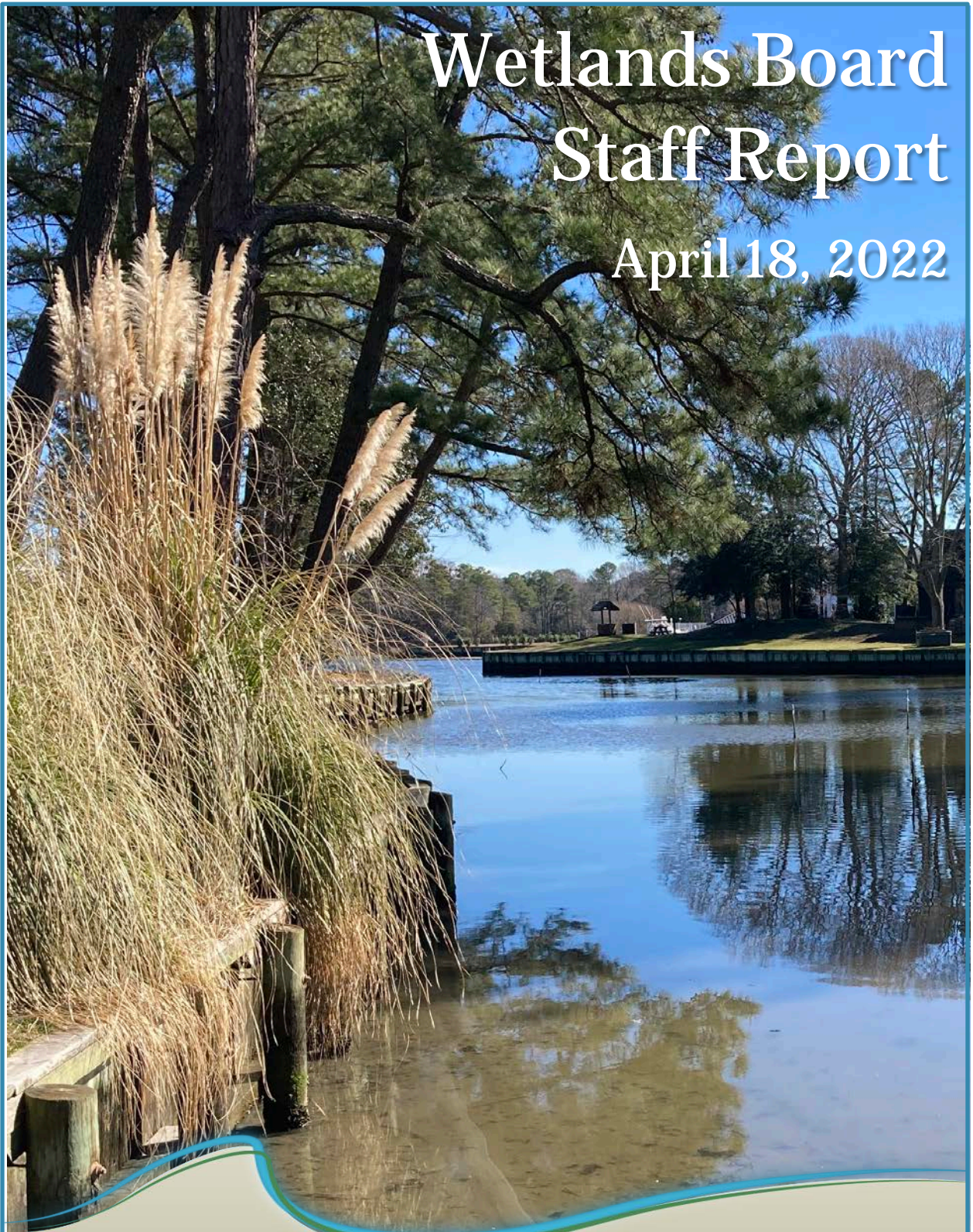


Wetlands Board Staff Report

April 18, 2022



Wetlands Board Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, April 18, 2022 at 10:00 a.m. in the Council Chamber - 2403 Courthouse Drive, Building 3 (former City Hall), Virginia Beach, VA.** A Staff briefing session will be held at 9:00 a.m.. All interested parties are invited to attend.

Citizens are encouraged to submit comments to the Wetlands Board prior to the public hearing via email to waterfront@vbgov.com 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 **PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.**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 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 Staff Report
April 18, 2022**

- a. The applicant or applicant's representative will have 10 minutes to present the case.
- b. Next, those who wish to speak in support to the application will have 3 minutes to present their case.
- c. If there is a spokesperson for the opposition, he or she will have 10 minutes to present their case.
- d. All other speakers not represented by the spokesperson in opposition will have 3 minutes.
- e. The applicant or applicant's representative will then have 3 minutes for rebuttal of any comments from the opposition.
- f. There is then discussion among the Board members. No further public comment will be heard at that point. The Board may, however, allow additional comments from speakers if a member of the Board sponsors them. Normally, you will be sponsored only if it appears that new information is available and the time will be limited to 3 minutes.
- g. The Board does not allow slide or computer-generated projections other than those prepared by the Planning Department Staff.
- h. The Board asks that speakers not be repetitive or redundant in their comments. Do not repeat something that someone else has already stated. Petitions may be presented and are encouraged. If you are part of a group, the Board requests, in the interest of time, that you use a spokesperson, and the spokesperson is encouraged to have his or her supporters stand to indicate their support.

The Staff reviews of some or all of the items on this agenda suggest that certain conditions be attached to approval by the Wetlands Board. However, it should not be assumed that those conditions constitute all the conditions that will ultimately be attached to the project. Staff agencies may impose further conditions and requirements during administration of applicable City ordinances.

* Deferral
** Withdrawal

9:00 A.M. – STAFF BRIEFING AND DISCUSSION

- STAFF BRIEFING – ANNUAL REPORT
- REVIEW OF PUBLIC HEARING AGENDA ITEMS

10:00 A.M. – PUBLIC HEARING

OLD BUSINESS – WETLANDS

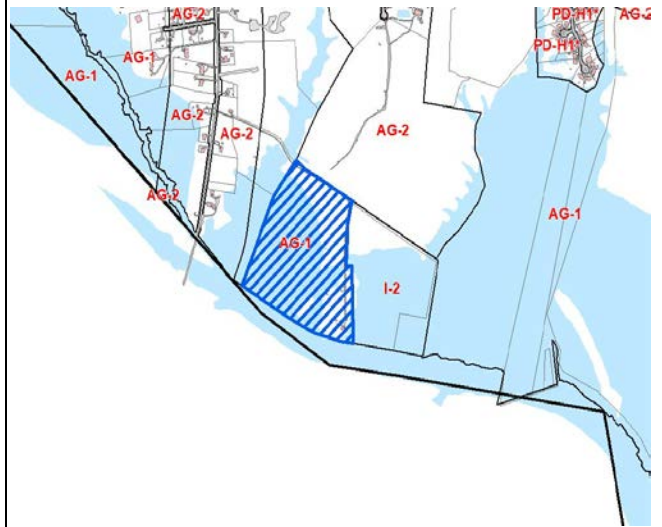
1. 2021-WTRA-00041
Sunoco LLC [Applicant & Owner]

REQUEST FOR 1 YEAR EXTENSION

To construct rip rap and a boat ramp involving wetlands

3924 North Landing Road
(GPIN 1482-79-7939)

Waterway – North Landing River
Subdivision – N/A
Council District: District 7, formerly Princess Anne



NEW BUSINESS – COASTAL PRIMARY SAND DUNE/BEACH

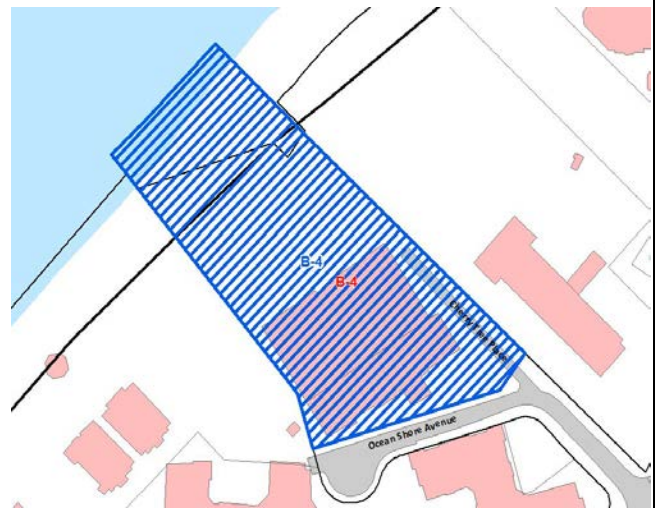
2. 2022-WTRA-00014
Harbor Gate Owners Associates,
Inc. [Applicant & Owner]

REQUEST FOR DEFERRAL

To construct a bulkhead involving Coastal Primary Sand Dune/Beach

3300 Ocean Shore Ave
(GPIN 1489-89-1128)

Waterway – Chesapeake Bay
Subdivision – Harbor Gate Condominium
City Council District: District 5, formerly Lynnhaven



* Deferral
** Withdrawal

NEW BUSINESS - WETLANDS

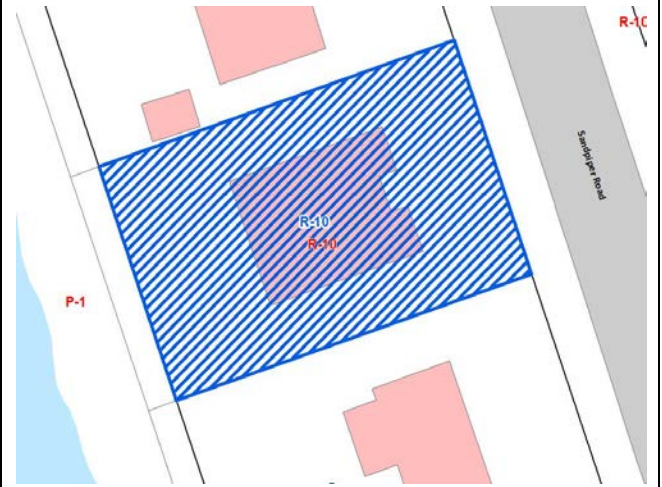
3. 2022-WTRA-00028

William F. & Mary E. Dingler
[Applicants & Owners]

To construct a bulkhead, dock, and floating dock involving wetlands

2789 Sandpiper Rd
(GPIN 2433-26-7911)

Waterway – Man-made canal to North Bay Subdivision – Sandbridge
City Council District: District 7, formerly Princess Anne



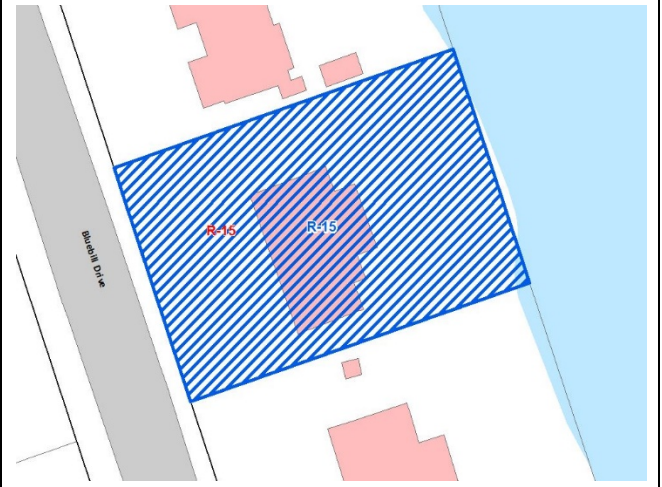
4. 2022-WTRA-00037

Charlotte Humenik Revocable Trust
[Applicant & Owner]

To construct a bulkhead and dock involving wetlands

2852 Bluebill Dr
(GPIN 2433-35-0169)

Waterway – Man-made canal to North Bay Subdivision – Sandbridge
City Council District: District 7, formerly Princess Anne



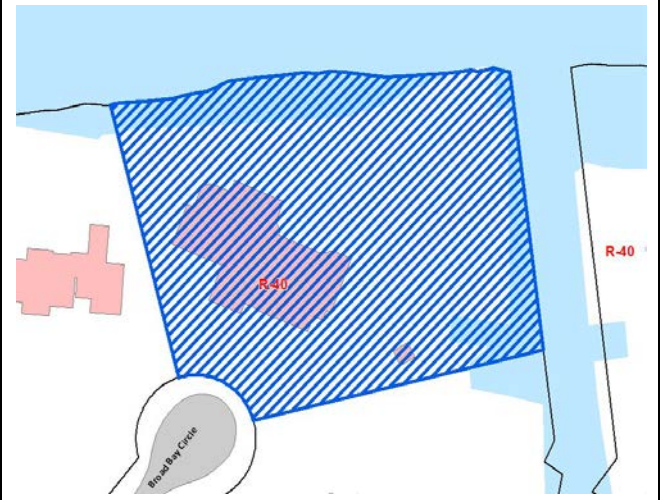
5. 2022-WTRA-00044

Broad Bay Canal Association;
Tassos & Dolores Paphites
[Applicants & Owners]

To construct a groin involving wetlands

1800 Broad Bay Circle
(GPIN 2409-53-2537)

Waterway – Broad Bay Subdivision – Baycliff Waterfront
City Council District: District 5, formerly Lynnhaven



* Deferral
** Withdrawal

NEW BUSINESS - WETLANDS (CONTINUED)

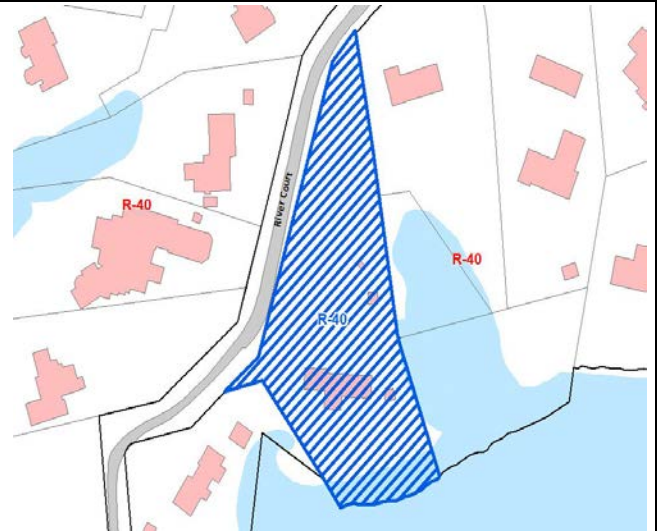
6. 2022-WTRA-00046

David and Joan Michaud
[Applicants & Owners]

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

1725 River Ct
(GPIN 1499-40-7609)

Waterway – Eastern Branch Lynnhaven River
Subdivision – Forest Hills
City Council District: District 5, formerly Lynnhaven



7. 2022-WTRA-00063

Five2Peers Real Estate Trust
[Applicant & Owner]

To dredge and construct groin wall and rip rap sill involving wetlands

3201 Lynnhaven Dr
(GPIN 1489-97-6836)

Waterway – Long Creek
Subdivision – Shore Dr
City Council District: District 5, formerly Lynnhaven



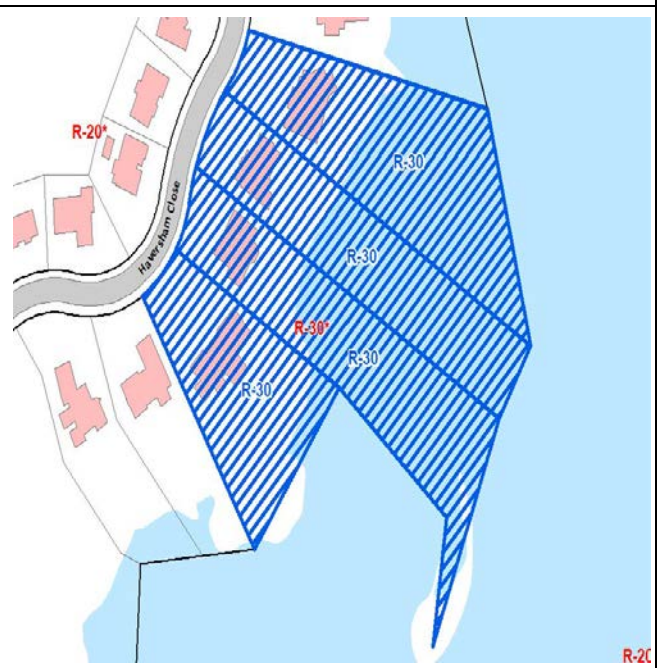
8. 2022-WTRA-00062

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

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 5, formerly Lynnhaven



* Deferral
** Withdrawal

Location

3924 North Landing Road

GPIN

1482-79-7939

Staff Planner

Whitney McNamara

Proposal

To construct rip rap and a boat ramp involving wetlands

Waterway

North Landing River

Subdivision

N/A

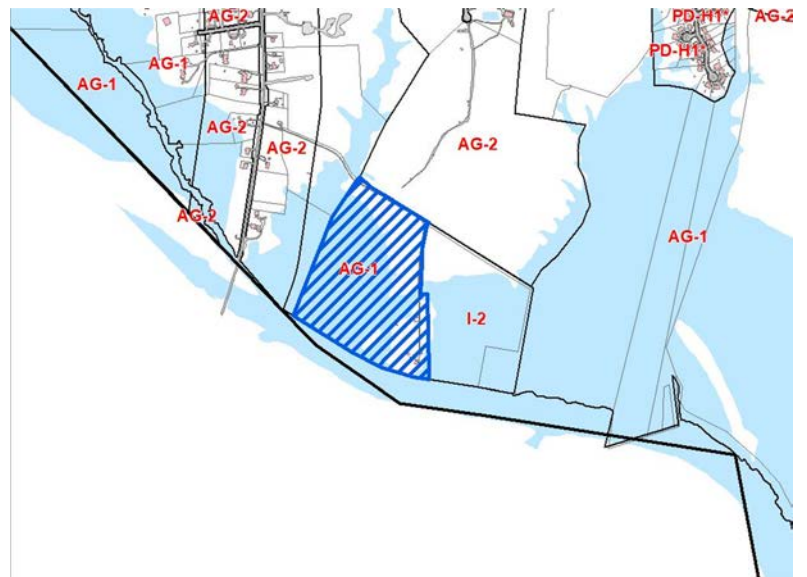
Impacts

Vegetated: 45 square feet

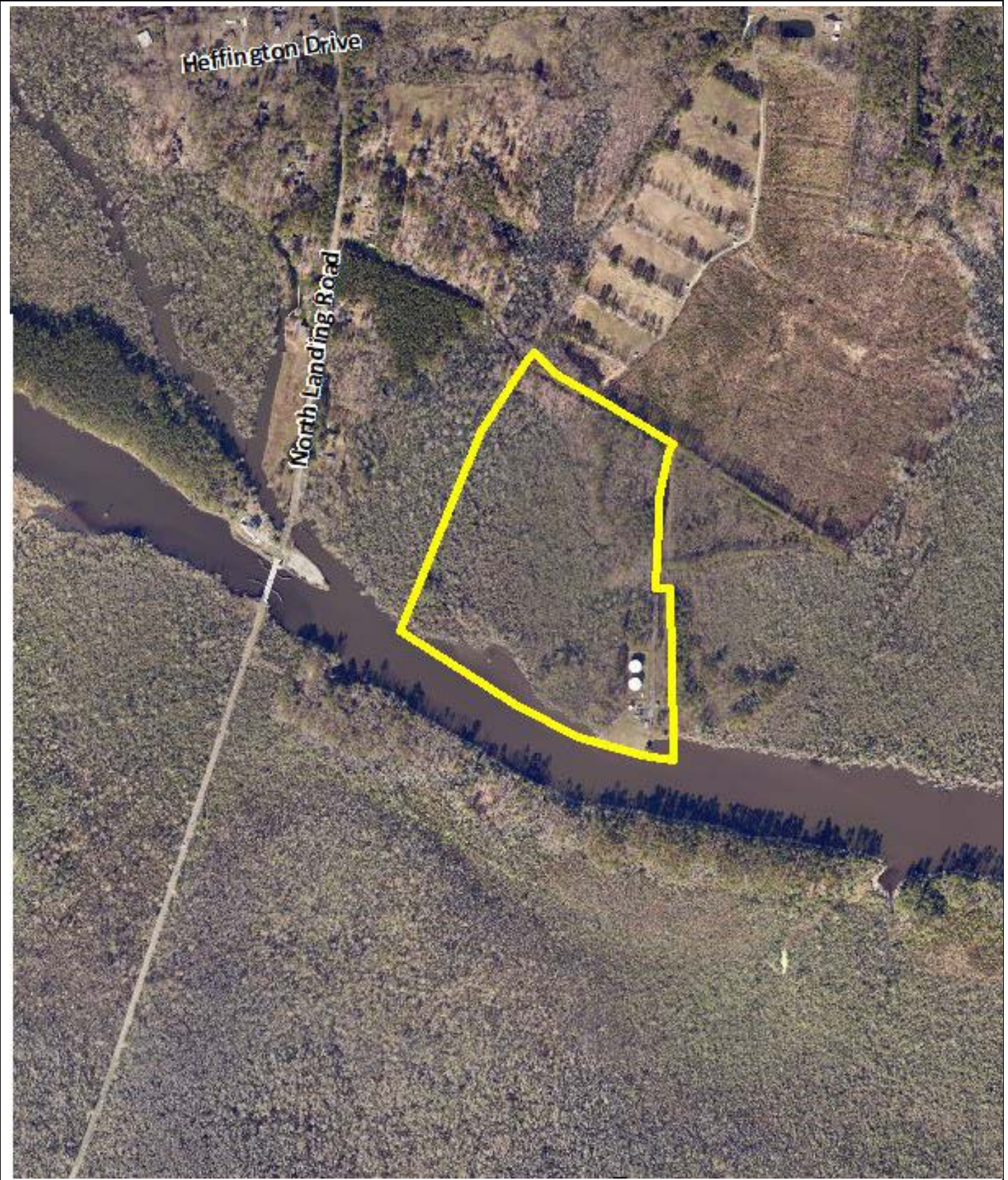
Non-vegetated: 983 square feet

Subaqueous: 3,884 square feet

Overall length of proposed structure: 300 linear feet of rip rap



Site Aerial Map



The application is being deferred to the Monday, May 16, 2022 Wetlands Board Public Hearing to allow additional time to address Staff's concerns. Staff supports the request to defer.

Agent

Richard Calvert, Calvert Marine

Location

3300 Ocean Shore Ave

GPIN

1489-89-1128

Staff Planner

Whitney McNamara

Proposal

To construct a bulkhead involving Coastal Primary Sand Dune/Beach

Staff Recommendation

Approval as Modified

Waterway

Chesapeake Bay

Subdivision

Harbor Gate Condominium

Impacts

Dune/Beach: 840 square feet

Overall length of proposed structure: 420 linear feet of bulkhead

Volume of Backfill: 1800 cubic yards

Proposed Mitigation and/or Compensation

N/A



Site Aerial Map



Site Photos



Site Photos



Agent

Harold Jones
 Sigma Environmental Services, Inc.

Location

2789 Sandpiper Road

GPIN

2433-26-7911

Staff Planner

Cole Fisher

Proposal

To construct a bulkhead involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Man-made canal to North Bay

Subdivision

Sandbridge

Impacts

Vegetated: 2 square feet

Non-Vegetated: 2 square feet

Subaqueous: 0 square feet

Overall length of proposed structure: 79
 linear feet of bulkhead

Volume of Backfill: 18 cubic yards

Proposed Mitigation and/or Compensation

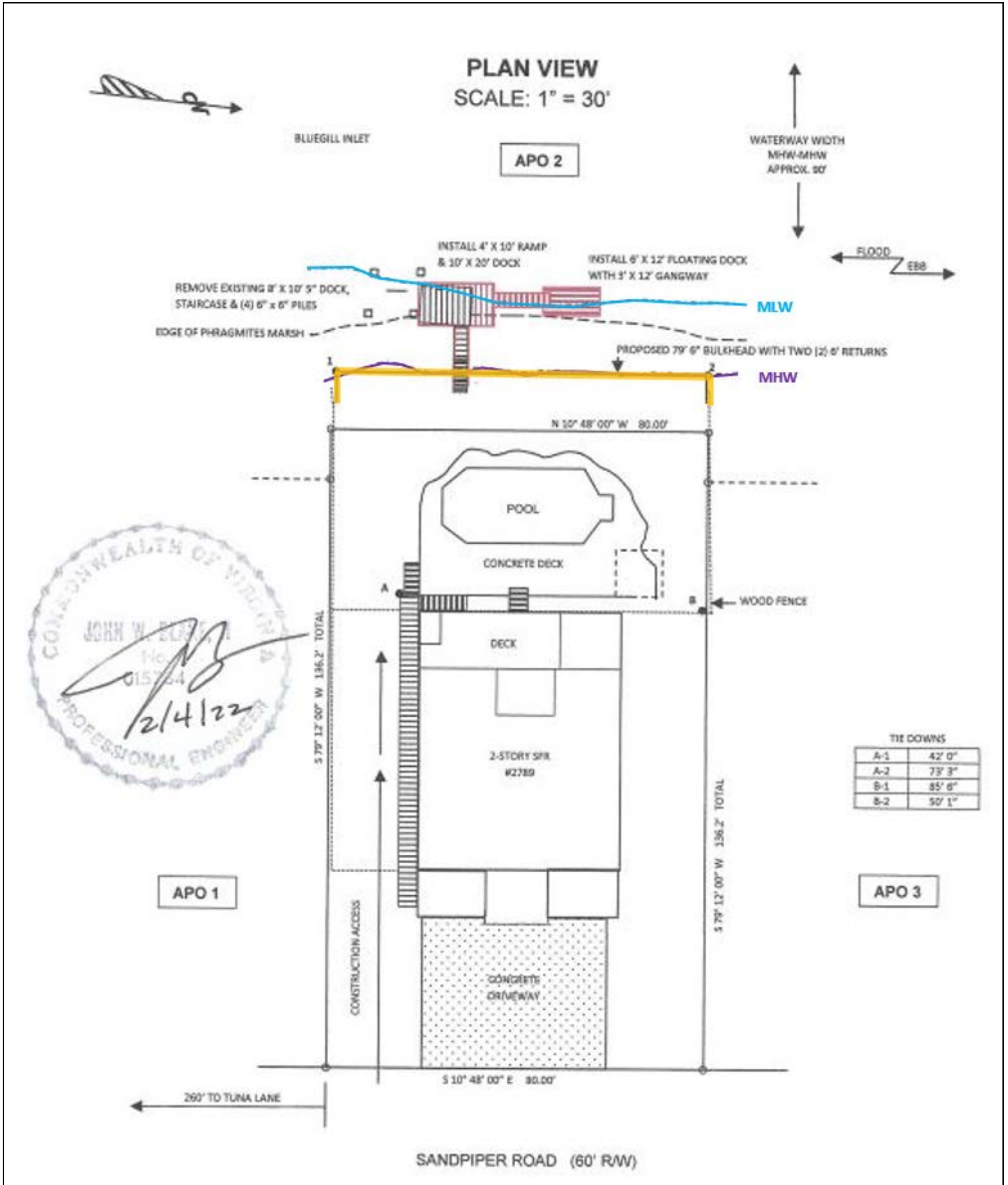
Payment of an in-lieu fee



Site Aerial Map



Proposed Site Plan



Site Photos



Site Photos



Wetlands Board Permit History

There are no previous Wetlands Board permits found for this property. This property is located in the Southern Rivers Watershed.

Summary of Proposal

The applicant is proposing to install 79 linear feet of bulkhead with two six-foot return walls with approximately 18 cubic yards of backfill along a man-made canal leading to North Bay. The proposed bulkhead will impact approximately two square feet of vegetated wetlands and two square feet of non-vegetated wetlands. The total four-square feet of wetlands impacts shall be compensated for via payment of an in-lieu fee. The applicant's agent has indicated that the proximity of the existing swimming pool and the grading necessary to achieve the proper slope hinders this project from using a living shoreline instead of a bulkhead to address the shoreline stabilization. Staff supports the payment of an in-lieu fee for the four-square feet of wetlands impacts.

Evaluation & Staff Recommendations

Upon Staff's inspection of the site, Staff concurs that the shoreline hardening is warranted for this property as the shoreline is currently unprotected and signs of erosion are evident. In addition to the statement provided by the applicant's agent, Staff is of the opinion that the width of the canal would not provide a suitable environment for a living shoreline to thrive on this property.

This property is located in the Floodplain Subject to Special Restrictions (City of Virginia Beach Floodplain Ordinance, Appendix K, Section 4.10). Filling in the Floodplain Subject to Special Restrictions may be allowed, provided that the fill is for a shoreline stabilization project and the following three criteria are met:

1. A Joint Permit Application is submitted and approved for the proposed improvements.
2. The alignment of the proposed stabilization structure is along the escarpment or in line with adjacent stabilization structures.
3. Backfill material must be the minimum necessary to support the stabilization project.

The height of the proposed bulkhead is proposed at elevation 6.8 feet above sea level (NAVD 88) because of the steep topography of the shoreline and existing topographic elevations on this lot. Staff is of the opinion that the proposed project meets the criteria of Appendix K, Section 4.10 as the project has been aligned along the escarpment and the proposed fill is limited to the area to allow for a straight alignment of the bulkhead, which is at the minimum necessary to support the project.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted** as shown on the plans sealed **February 4, 2022** and received by the Virginia Marine Resources Commission on February 4, 2022.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 day of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

Agent

Harold Jones
 Sigma Environmental Services, Inc.

Location

2852 Bluebill Drive

GPIN

2433-35-0169

Staff Planner

Cole Fisher

Proposal

To construct a bulkhead involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Man-made canal to North Bay

Subdivision

Sandbridge

Impacts

Non-Vegetated: 53 square feet

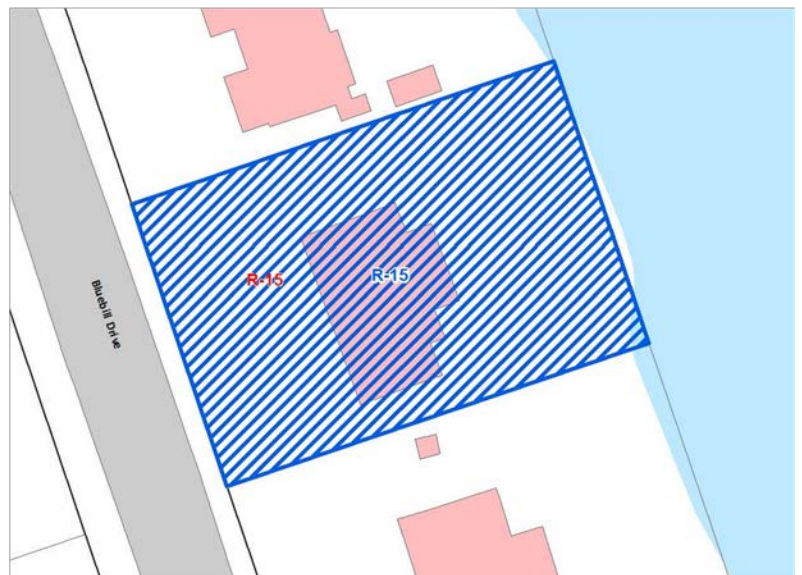
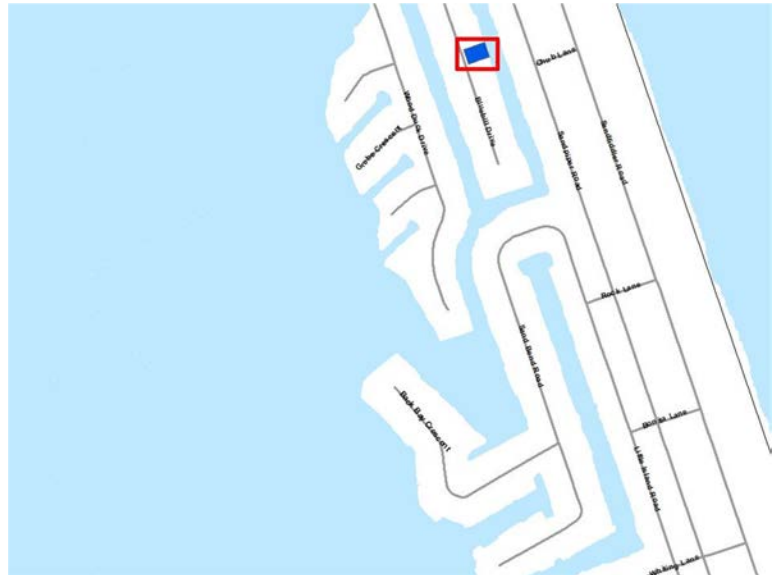
Subaqueous: 0 square feet

Overall length of proposed structure: 101
 linear feet of bulkhead

Volume of Backfill: 60 cubic yards

Proposed Mitigation and/or Compensation

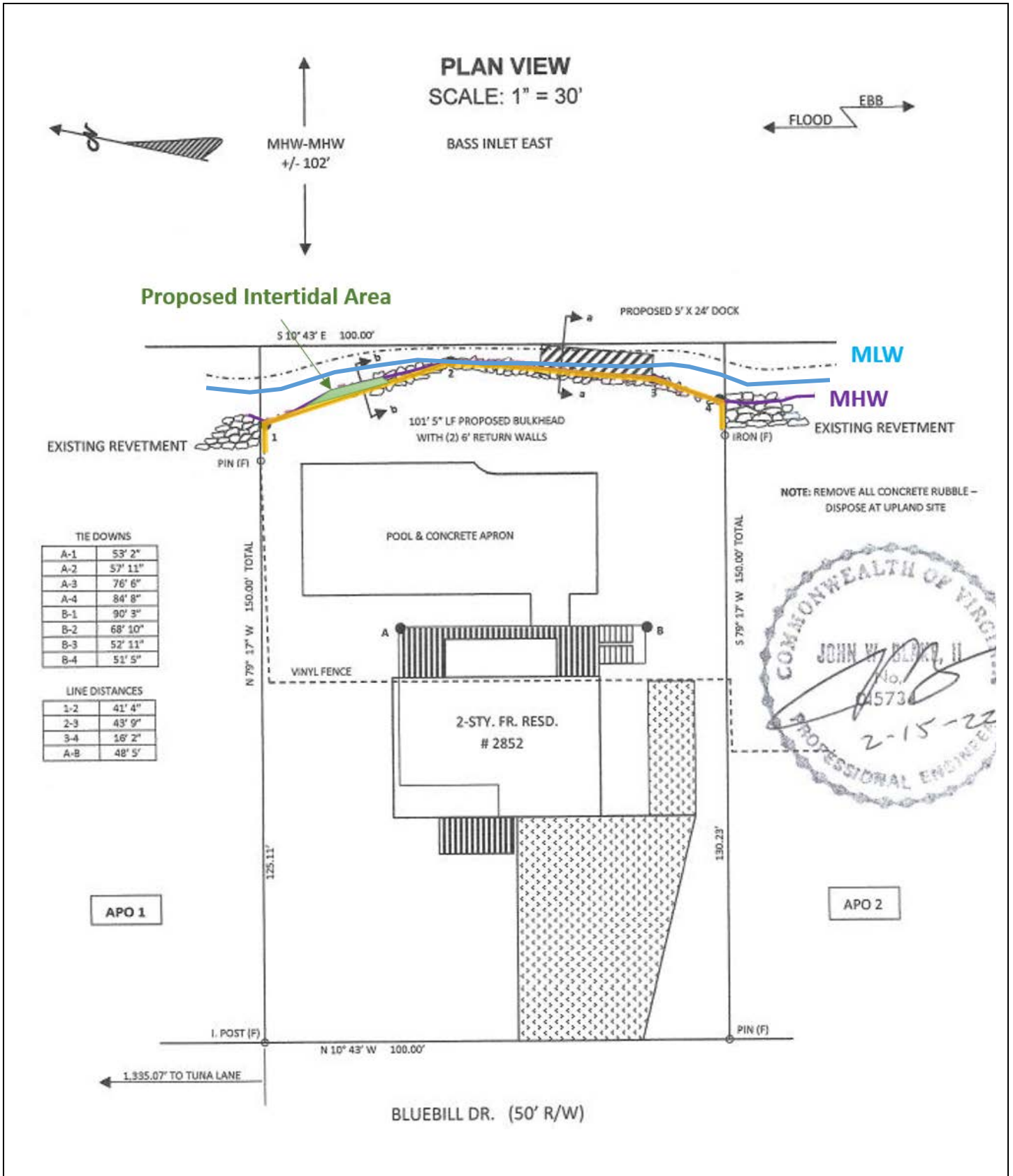
Payment of an in-lieu fee



Site Aerial Map



Proposed Site Plan – Rip Rap and Groin



Site Photos – Rip Rap Area



Site Photos – Bulkhead Area



CBPA Variances & Wetlands Board Permit History

There are no previous Wetlands Board permits found for this property.

This property is located in the Southern Rivers Watershed.

Summary of Proposal

The applicant is proposing to install 101 linear feet of bulkhead with two six-foot return walls with approximately 60 cubic yards of backfill along a man-made canal leading to North Bay. The proposed bulkhead will impact approximately 53 square feet of non-vegetated wetlands from existing rock rubble located along the shoreline. The applicant is proposing to compensate for these impacts on-site by excavating uplands to create an approximate 62 square foot non-vegetated intertidal area in-front of the proposed bulkhead.

The applicant's agent has indicated that the proximity of the existing swimming pool and the grading necessary to achieve the proper slope hinders this project from using a living shoreline instead of a bulkhead to address the shoreline stabilization. Staff supports the creation of the non-vegetated intertidal area as compensation for the 53 square feet of non-vegetated wetlands impacts.

Evaluation & Staff Recommendations

Staff concurs that the proposed bulkhead is warranted for this property as the shoreline is currently unprotected and exhibiting signs of erosion due to vertical and horizontal instability of a highly compressible organic layer found in the uplands of the shoreline. In addition to the statement provided by the applicant's agent, Staff is of the opinion that the necessary re-grading of the entirety of the shoreline to become a suitable habitat to support a thriving living shoreline is not feasible for this property given the width and depth of the canal.

Staff is of the opinion that the creation of an intertidal area would add value to this shoreline and canal as it would provide habitat for important fish, shellfish, and crustaceans that utilize intertidal zones as nurseries and feeding areas. Staff is in support of the grading of uplands to create the 62 square feet of non-vegetated wetlands seaward of the proposed bulkhead to compensate for the 53 square feet of non-vegetated rock impacts.

This property is located in the Floodplain Subject to Special Restrictions (City of Virginia Beach Floodplain Ordinance, Appendix K, Section 4.10). Filling in the Floodplain Subject to Special Restrictions may be allowed, provided that the fill is for a shoreline stabilization project and the following three criteria are met:

1. A Joint Permit Application is submitted and approved for the proposed improvements.
2. The alignment of the proposed stabilization structure is along the escarpment or in line with adjacent stabilization structures.
3. Backfill material must be the minimum necessary to support the stabilization project.

The height of the proposed bulkhead is proposed at elevation 4 feet above sea level (NAVD 88), which is similar to many bulkheads in Sandbridge and does not significantly increase the elevation of the property. Staff is of the opinion that the proposed project meets the criteria of Appendix K, Section 4.10 as the project has been aligned along the escarpment and the proposed fill is limited to the area to allow for a straight alignment of the bulkhead, which is at the minimum necessary to support the project.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted** as shown on the plans sealed **February 15, 2022** and received by the Virginia Marine Resources Commission on February 15, 2022.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.



Application Number **2022-WTRA-00044**
Applicant **Broad Bay Canal Association; Tassos & Dolores Paphites**
Public Hearing **April 18, 2022**
City Council District: **District 5**, formerly Lynnhaven

Agenda Item

5

Agent

David Kledzik, Marine Engineering LLC

Location

1800 Broad Bay Circle

GPIN

2409-53-2537

Staff Planner

Whitney McNamara

Proposal

To construct a groin involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Broad Bay

Subdivision

Baycliff Waterfront

Impacts

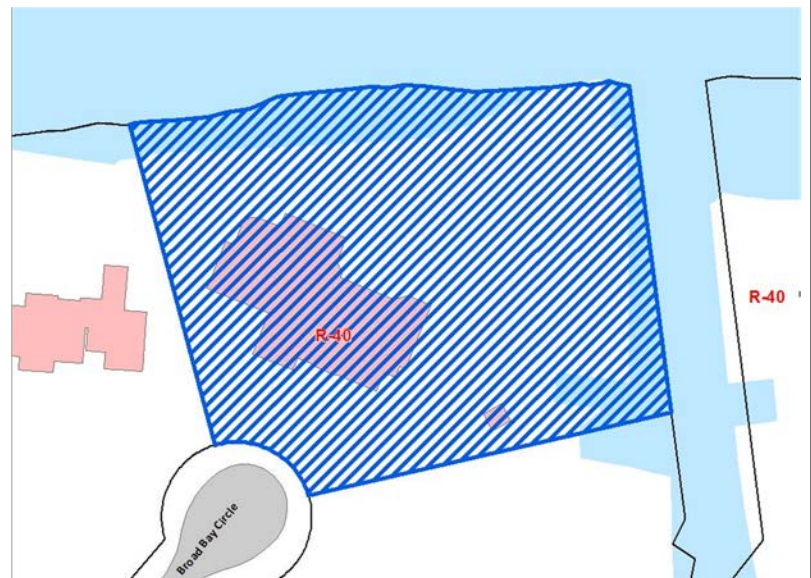
Non-Vegetated: 62 square feet

Subaqueous: 73 square feet

Overall length of proposed structure: 120 linear feet of groin

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



Site Aerial Map



Proposed Site Plan – Overall Project

SITE PLAN OF PROPOSED DREDGE & GROIN PROJECT

50' 25' 0' 50' 100' 150'
SCALE: 1" = 150'

SEQUENCE & TIME LINE OF CONSTRUCTION

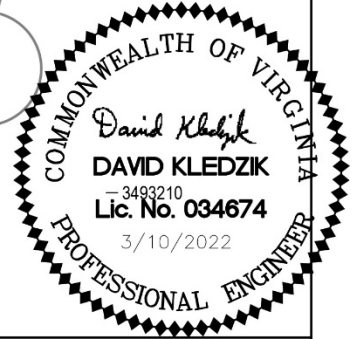
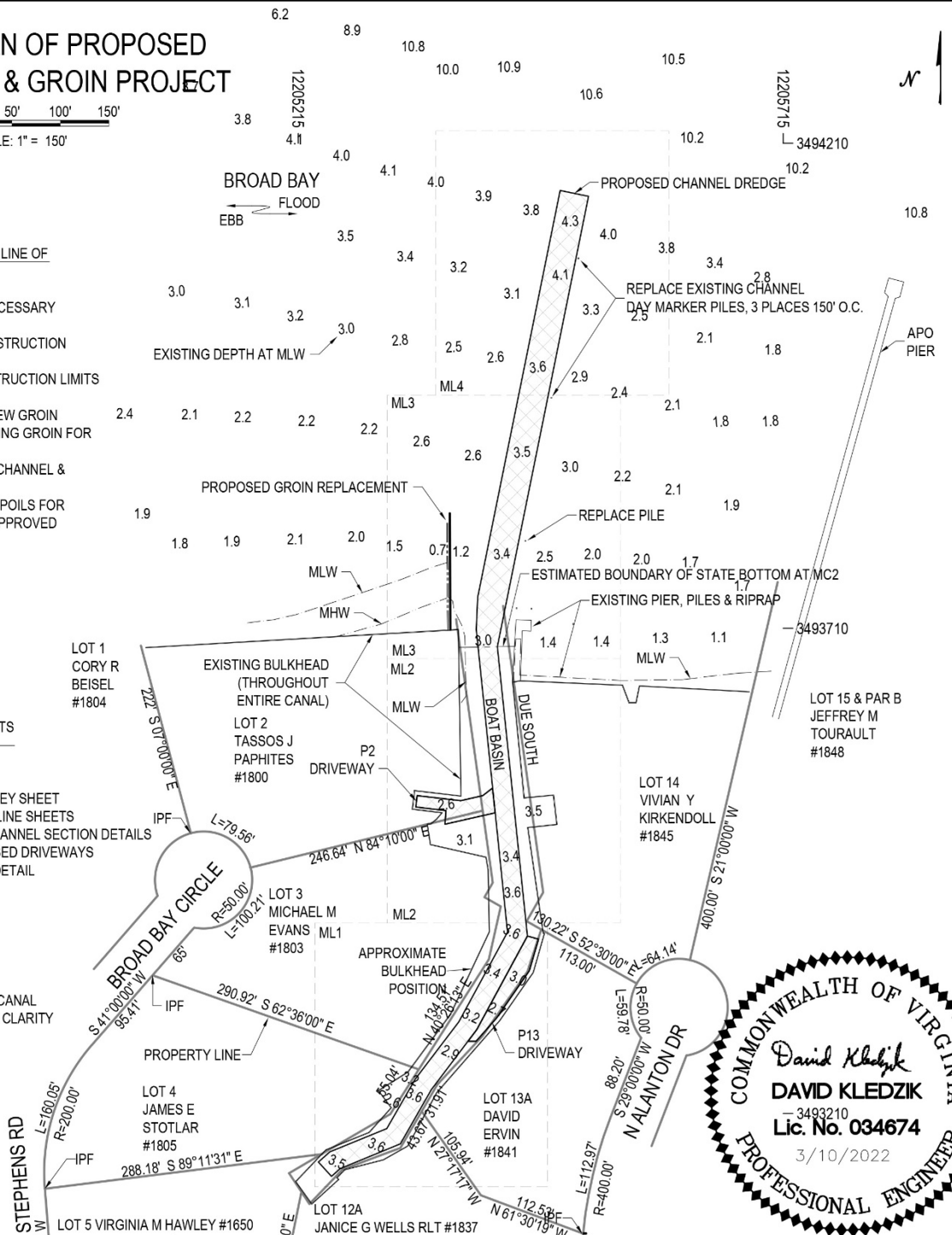
1. OBTAIN ALL NECESSARY PERMITS
2. HOLD PRECONSTRUCTION MEETINGS
3. INSTALL CONSTRUCTION LIMITS ON BEACH
4. CONSTRUCT NEW GROIN
5. REMOVE EXISTING GROIN FOR DISPOSAL
6. DREDGE MAIN CHANNEL & DRIVEWAYS
7. BARGE AWAY SPOILS FOR DISPOSAL AT APPROVED FACILITY

TABLE OF CONTENTS

SHT #	TITLE
1	PLAN - KEY SHEET
2 - 5	MATCH LINE SHEETS
6	MAIN CHANNEL SECTION DETAILS
7 & 8	PROPOSED DRIVEWAYS
9	GROIN DETAIL
10	NOTES

ENCROACHING STRUCTURES IN CANAL NOT SHOWN FOR CLARITY

© 2022 MARINE ENGINEERING LLC - ALL RIGHTS RESERVED.



APPLICANT:
BROAD BAY CANAL ASSOCIATION
1805 BROAD BAY CIRCLE
VIRGINIA BEACH, VA 23454

ADJACENT PROPERTY OWNERS
SHOWN ON SHEET ONE

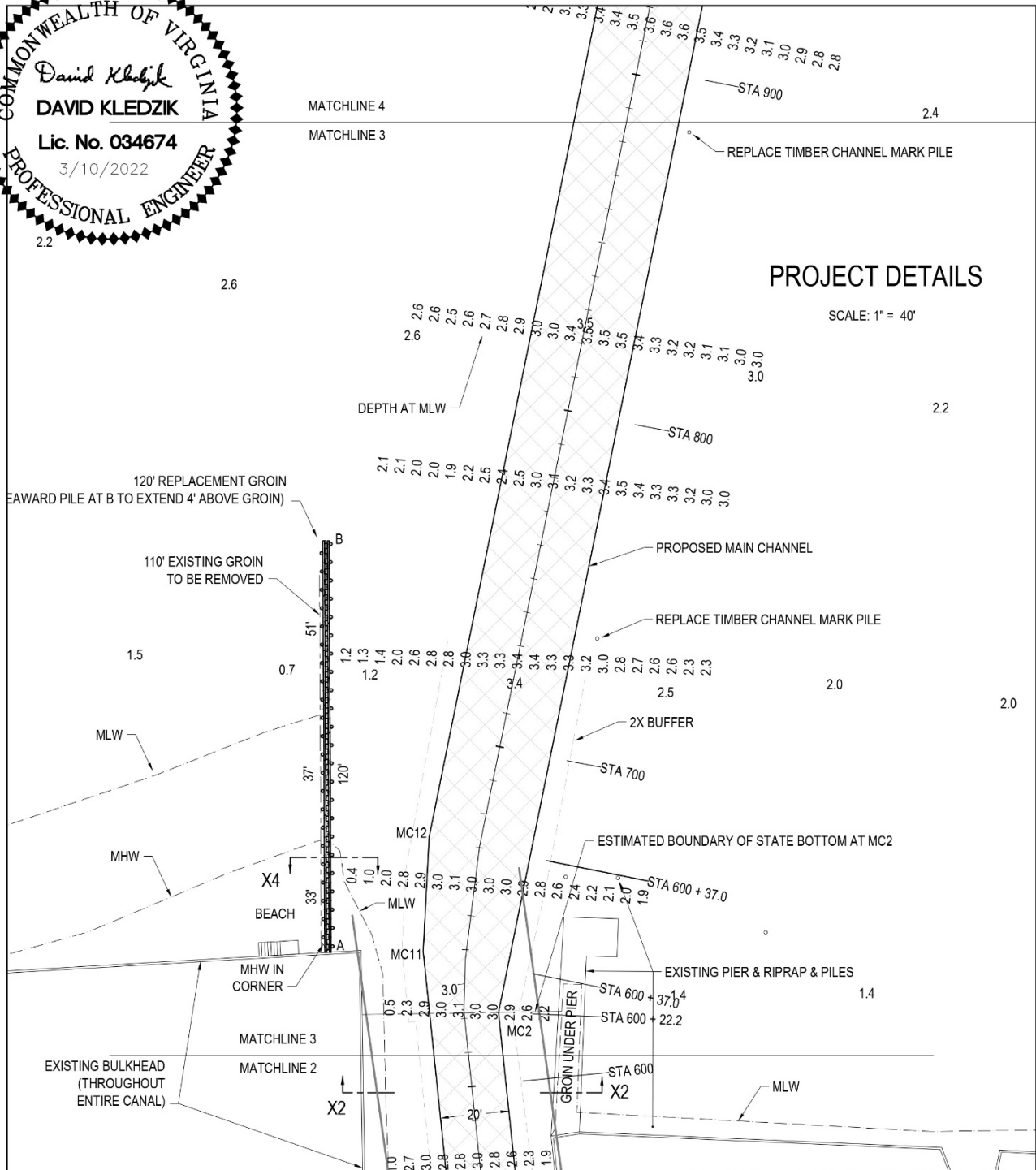
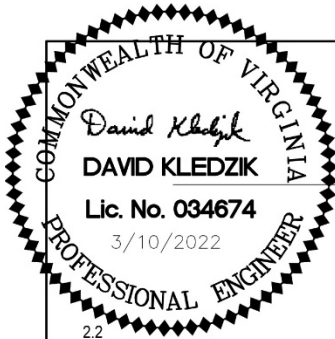
MARINE ENGINEERING LLC
PO BOX 5965
VIRGINIA BEACH, VA 23471
PH: (757) 477-4787

PROPOSED PROJECT FOR WATERCRAFT ACCESS & SAND CAPTURE

DATUM: MLW = 0.00'

SHEET 1 OF 10
DATE: JANUARY 29, 2022
REVISION #1 3/10/2022

Proposed Site Plan – Groin Wall



PROJECT DETAILS

SCALE: 1" = 40'

APPLICANT:
 BROAD BAY CANAL ASSOCIATION
 1805 BROAD BAY CIRCLE
 VIRGINIA BEACH, VA 23454

MARINE ENGINEERING LLC
 PO BOX 5965
 VIRGINIA BEACH, VA 23471
 PH: (757) 477-4787

PROPOSED PROJECT FOR WATERCRAFT
 ACCESS & SAND CAPTURE
 DATUM: MLW = 0.00'
 SHEET 4 OF 10
 DATE: JANUARY 29, 2022
 REVISION #1 3/10/2022

Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay watershed. CBPA Board Variances have been granted in 2003 for demolition of an existing residence and construction of a new residence, driveway, pool, and associated accessory uses and in 2007 for additional impervious lot cover.

A Waterfront permit was approved in 2012 for a boathouse. A groin at the entrance to Broad Bay Canal was originally permitted in 1990 and a replacement was permitted in 2003.

Summary of Proposal

The applicant is proposing to dredge Broad Bay Canal to restore navigation to homeowners along the canal. The proposed dredging will only have subaqueous impacts, so is outside the jurisdiction of the Wetlands Board. The applicant is proposing to remove and replace the existing timber groin that catches sand and prevents it from entering Broad Bay Canal. The replacement groin will be 120 linear feet, which is 10 feet longer than the existing jetty. The proposed project will impact 62 square feet of non-vegetated wetlands, which the applicant is proposing to compensate for by payment of an in-lieu fee.

Evaluation & Staff Recommendations

The existing groin is deteriorating and there are areas with holes allowing sand to pass through. While Broad Bay Canal needs to be dredged, the groin is important to this neighborhood as it limits the movement of sand blocking the canal from boat access, reducing the frequency of dredging. The existing groin will be removed, and the new one will be constructed next to it. The proposed groin will impact a two-foot-wide strip of sand needed for installation and the footprint of the groin. Due to the nature of the project, there is no way to minimize the impacts further or mitigate on-site. Accordingly, the Department of Planning and Community Development Staff recommends that the project be **approved as submitted** as shown on the plans for Broad Bay Canal Association dated Revision #1 March 10, 2022.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

Agent

David Kledzik, Marine Engineering LLC

Location

1725 River Ct

GPIN

1499-40-7609

Staff Planner

Whitney McNamara

Proposal

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

Staff Recommendation

Approval as Modified

Waterway

Eastern Branch Lynnhaven River

Subdivision

Forest Hills

Impacts

Vegetated: 50 square feet

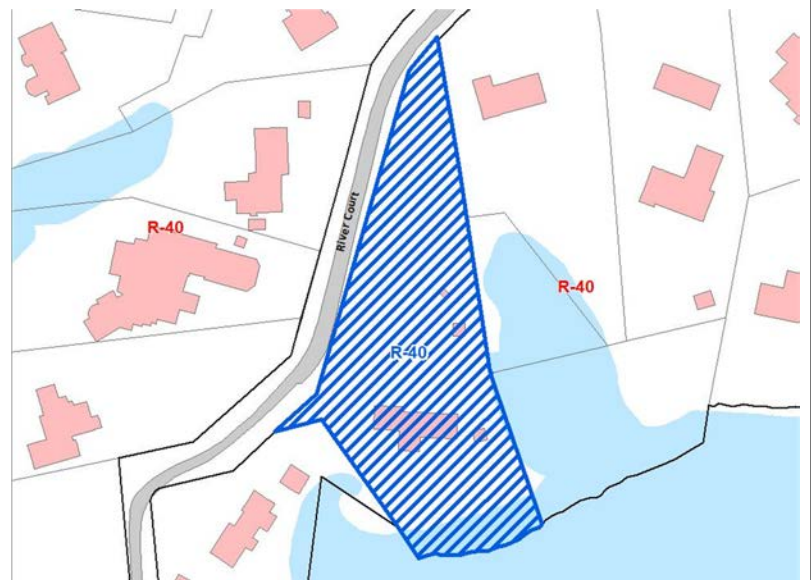
Non-Vegetated: 146 square feet

Subaqueous: 185 square feet

Overall length of proposed structure: 67 linear feet of rip rap redevelopment, 34 linear feet of new rip rap, and 58 linear foot sill

Proposed Mitigation and/or Compensation

On-site



Site Aerial Map



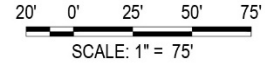
Proposed Site Plan – Overall Site

SITE PLAN OF PROPOSED RIPRAP AND MARSH SILL PROJECT

SEQUENCE & TIME LINE OF CONSTRUCTION

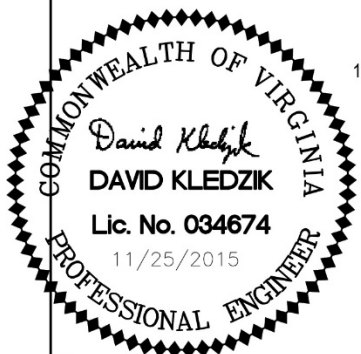
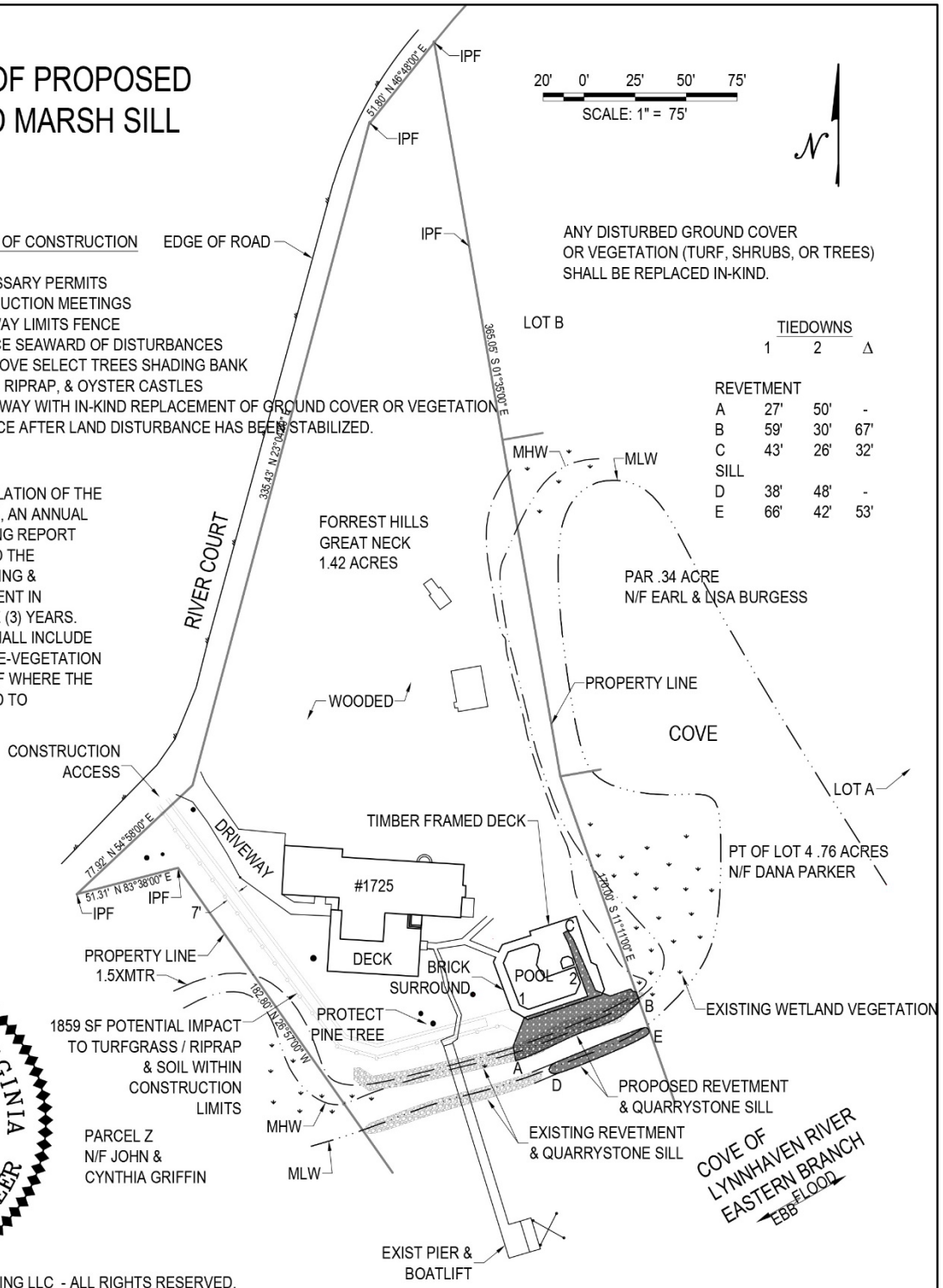
1. OBTAIN ALL NECESSARY PERMITS
2. HOLD PRECONSTRUCTION MEETINGS
3. INSTALL ACCESSWAY LIMITS FENCE
4. INSTALL SILT FENCE SEAWARD OF DISTURBANCES
5. LIMB UP &/OR REMOVE SELECT TREES SHADING BANK
6. INSTALL COIL LOG, RIPRAP, & OYSTER CASTLES
7. RESTORE ACCESSWAY WITH IN-KIND REPLACEMENT OF GROUND COVER OR VEGETATION
8. REMOVE SILT FENCE AFTER LAND DISTURBANCE HAS BEEN STABILIZED.

FOLLOWING THE INSTALLATION OF THE WETLANDS VEGETATION, AN ANNUAL VEGETATION MONITORING REPORT SHALL BE SUBMITTED TO THE DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT IN MID-AUGUST FOR THREE (3) YEARS. THE ANNUAL REPORT SHALL INCLUDE PHOTOGRAPHS AND A RE-VEGETATION PLAN FOR ANY AREAS OF WHERE THE VEGETATION HAS FAILED TO ESTABLISH.



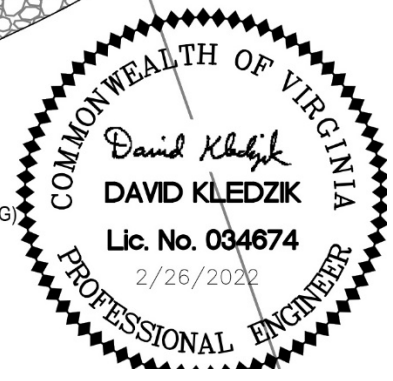
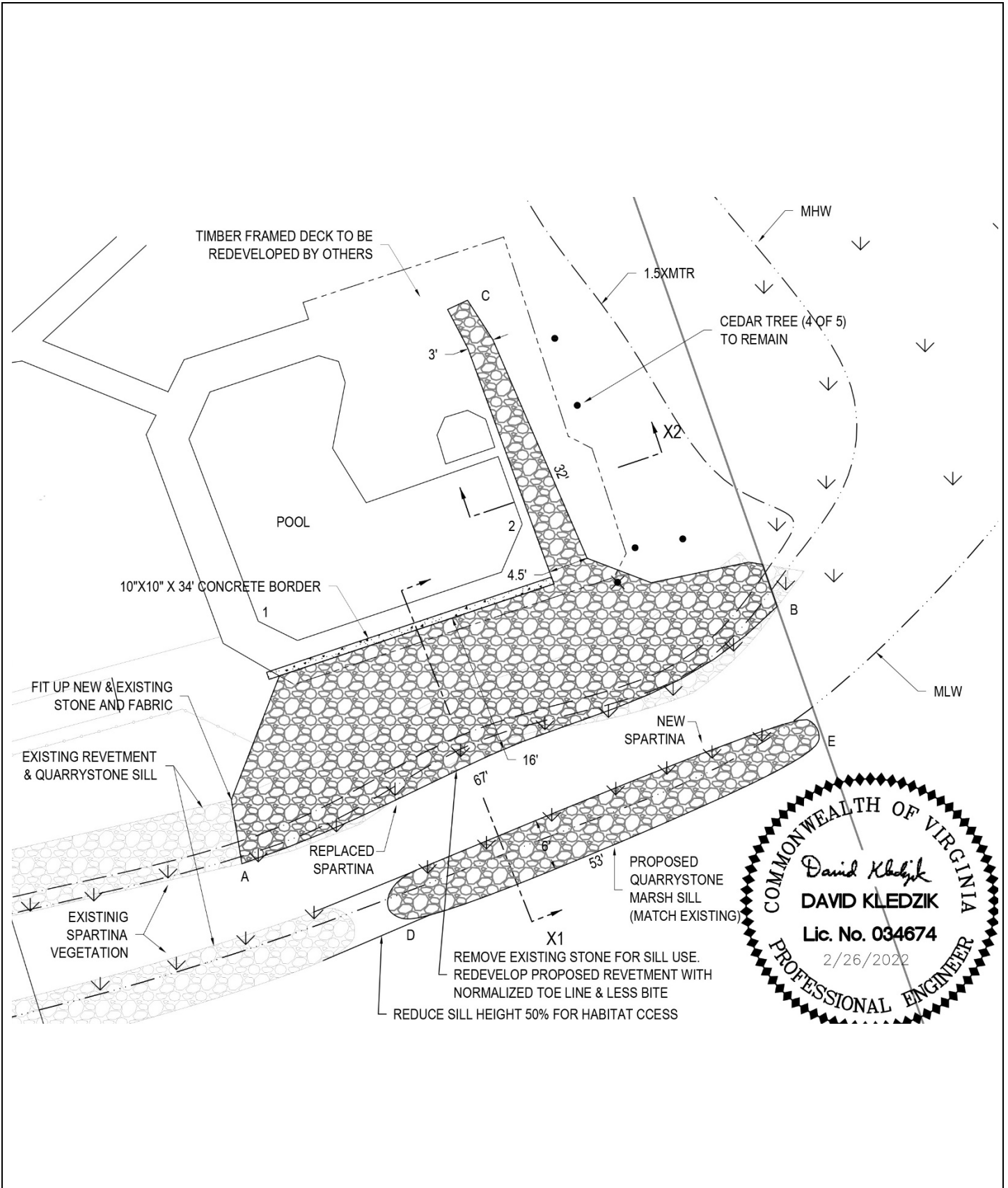
ANY DISTURBED GROUND COVER OR VEGETATION (TURF, SHRUBS, OR TREES) SHALL BE REPLACED IN-KIND.

	TIEDOWNS		
	1	2	Δ
REVETMENT			
A	27'	50'	-
B	59'	30'	67'
C	43'	26'	32'
SILL			
D	38'	48'	-
E	66'	42'	53'



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Proposed Site Plan – Area Specific



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay watershed. A CBPA Board Variance was granted in July 2016 to construct an addition to the primary structure, retaining wall, patio, covered porch, hot tub deck, outdoor shower, and walkways and gravel pathways.

A Wetlands Permit was approved by the Board in November 2016 for a rip rap revetment, marsh sill, and living shoreline.

Summary of Proposal

The applicant is proposing to redevelop 67 linear feet of rip rap revetment, install 34 linear feet of new rip rap above Wetlands Board jurisdiction, and expand the existing marsh sill by 58 linear feet to address severe erosion on the property and protect the existing pool. The proposed project will impact 50 square feet of vegetated wetlands, 146 square feet of non-vegetated wetlands, and 185 square feet of subaqueous bottom. All impacts will be mitigated on-site by converting non-vegetated rock habitat and non-vegetated wetlands to non-vegetated rock habitat and planting new vegetated wetlands.

Evaluation & Staff Recommendations

The shoreline is characterized by a steep bank and highly erodible soils. Extensive fetch creates heavy wave action along the shoreline; the property experience over one mile of fetch from southern winds and over 1,000 linear feet of fetch from eastern winds. The existing rip rap revetment was not robust enough to prevent erosion and adequately hold the upland development, resulting in continued erosion of the existing bank. The majority of the proposed rip rap is redevelopment of the existing rip rap to provide a larger toe and extend the rip rap up the bank, above the Wetlands Board jurisdiction.

The proposed sill continues the sill that was constructed in 2016. The applicant's agent included a 5 linear foot section between the old and new sill that is below Mean High Water to allow for continued tidal fluctuation. Because wetlands vegetation will be impacted by redeveloping the existing rip rap revetment, it does not qualify for a Group II Living Shoreline General Permit; however, the applicant is proposing to replant wetlands vegetation at the toe of the redeveloped revetment and landward side of the sill. Staff is of the opinion that the area between the revetment should be filled with clean sand or aggregate and planted with wetlands vegetation. The proposed project will impact one tree near the pool. The applicant has provided a note on the plans that all disturbed vegetated will be replaced in kind and included the required wetlands monitoring plan note.

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

1. The area between the rip rap revetment and sill shall be backfilled with clean sand or suitable sand substrate as specified on the Joint Permit Application (JPA), Proposed Rip Rap Detail sheet and planted with *Spartina alterniflora*, Smooth Cordgrass at 24-inches on center. Said sand backfill shall be placed at a specified elevation to support the growth of the *Spartina alterniflora*.
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.
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 Wetlands 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 day of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.



Application Number **2022-WTRA-00063**
 Applicant **Five2Peers Real Estate Trust**
 Public Hearing **April 18, 2022**
 City Council District: **District 5**, formerly Lynnhaven

Agenda Item

7

Agent

Robert Simon, Waterfront Consulting, Inc.

Location

3201 Lynnhaven Dr.

GPIN

1489-97-6836

Staff Planner

Whitney McNamara

Proposal

To dredge and construct a groin wall and rip rap sill involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Long Creek

Subdivision

Shore Drive

Impacts

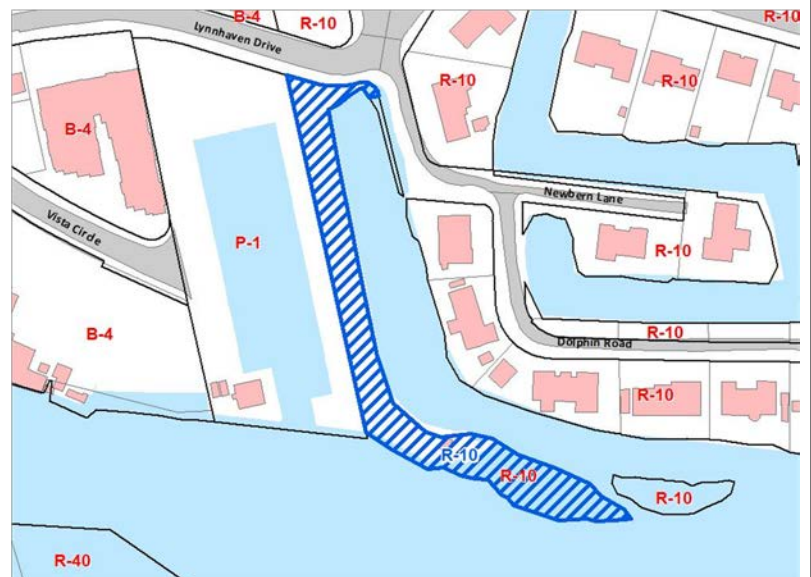
Non-Vegetated: 177 square feet

Subaqueous: 6,067 square feet

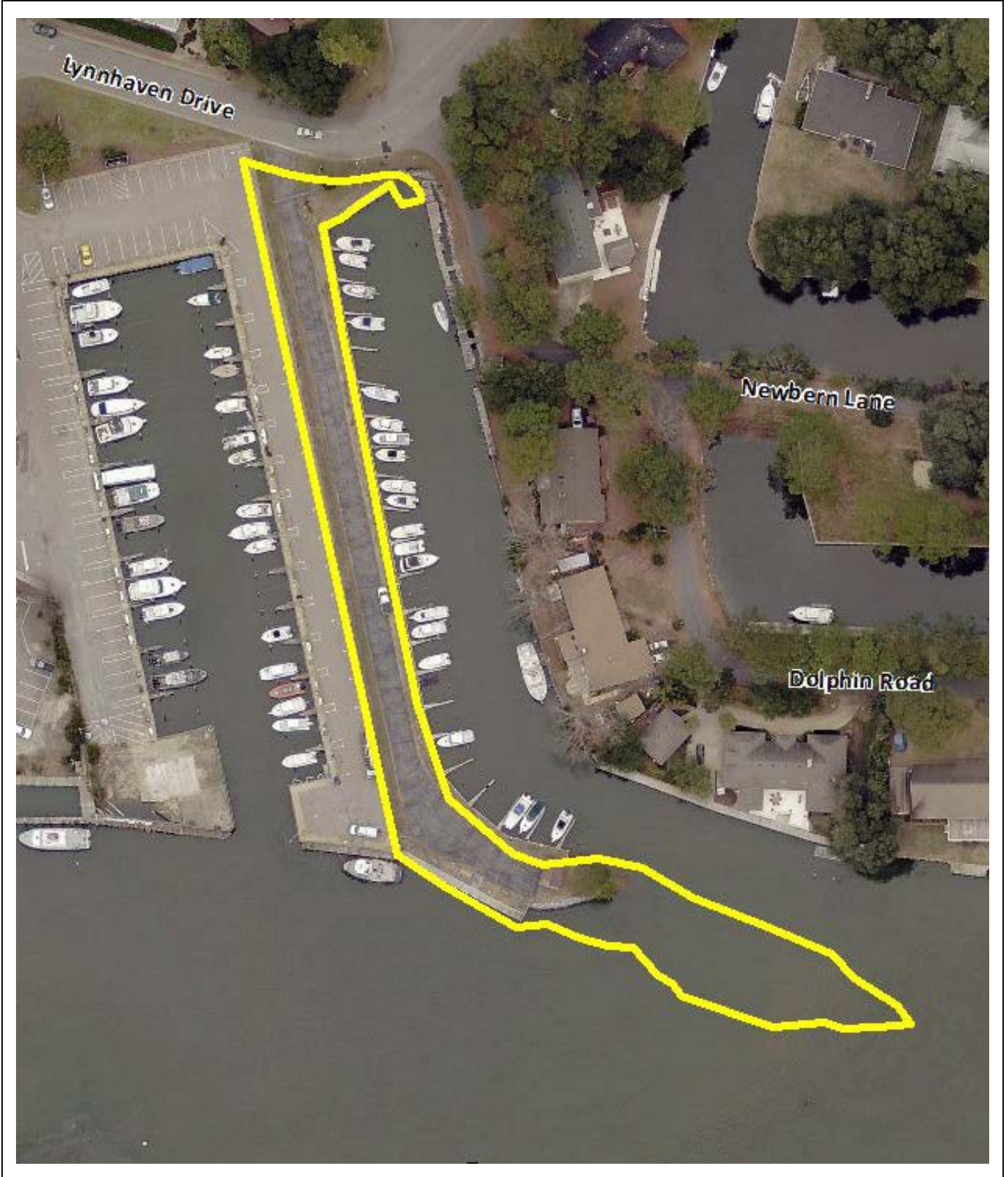
Overall length of proposed structure: 26 linear foot groin wall and 25 linear foot sill

Proposed Mitigation and/or Compensation

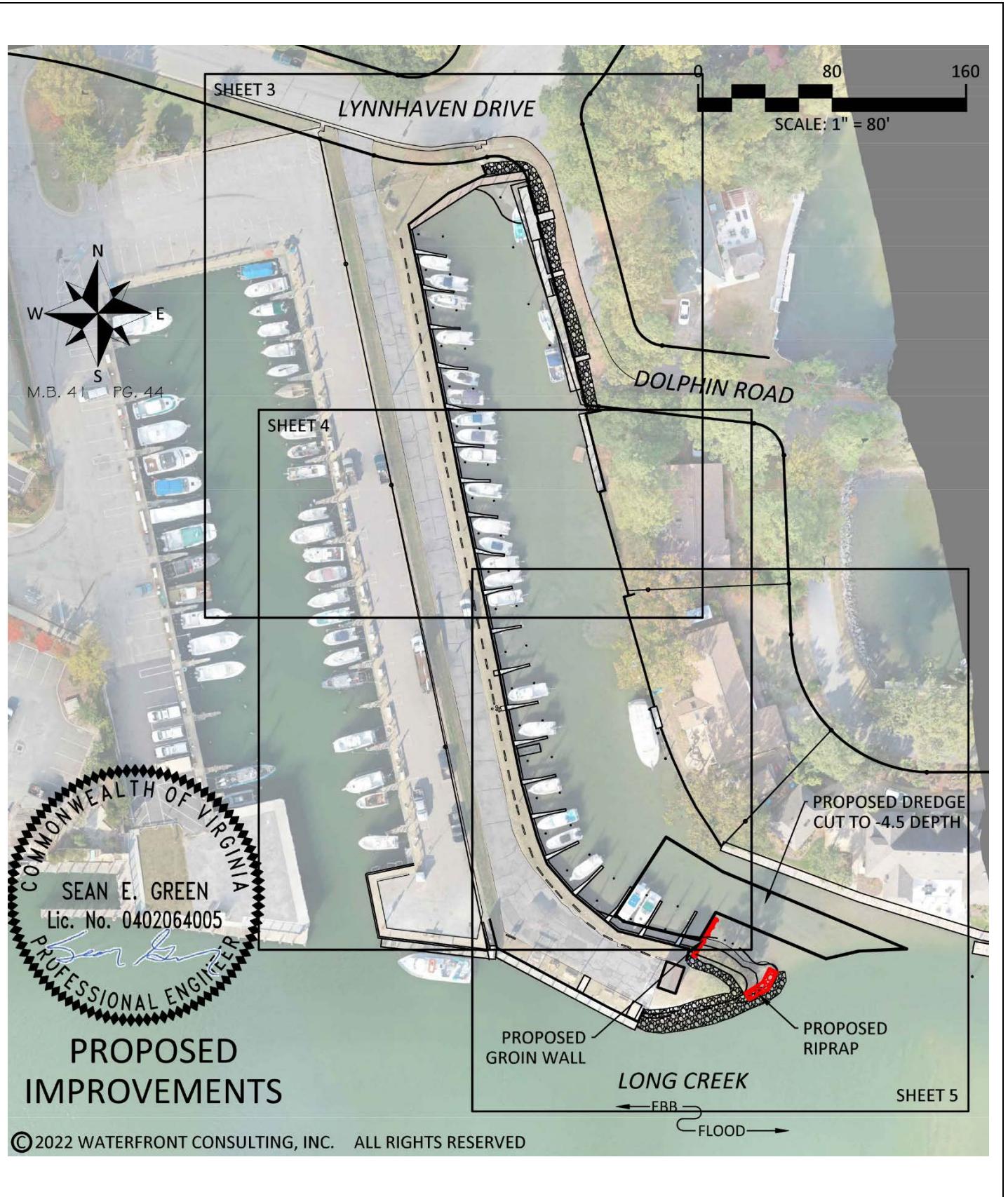
On Site and Payment of in-lieu fee



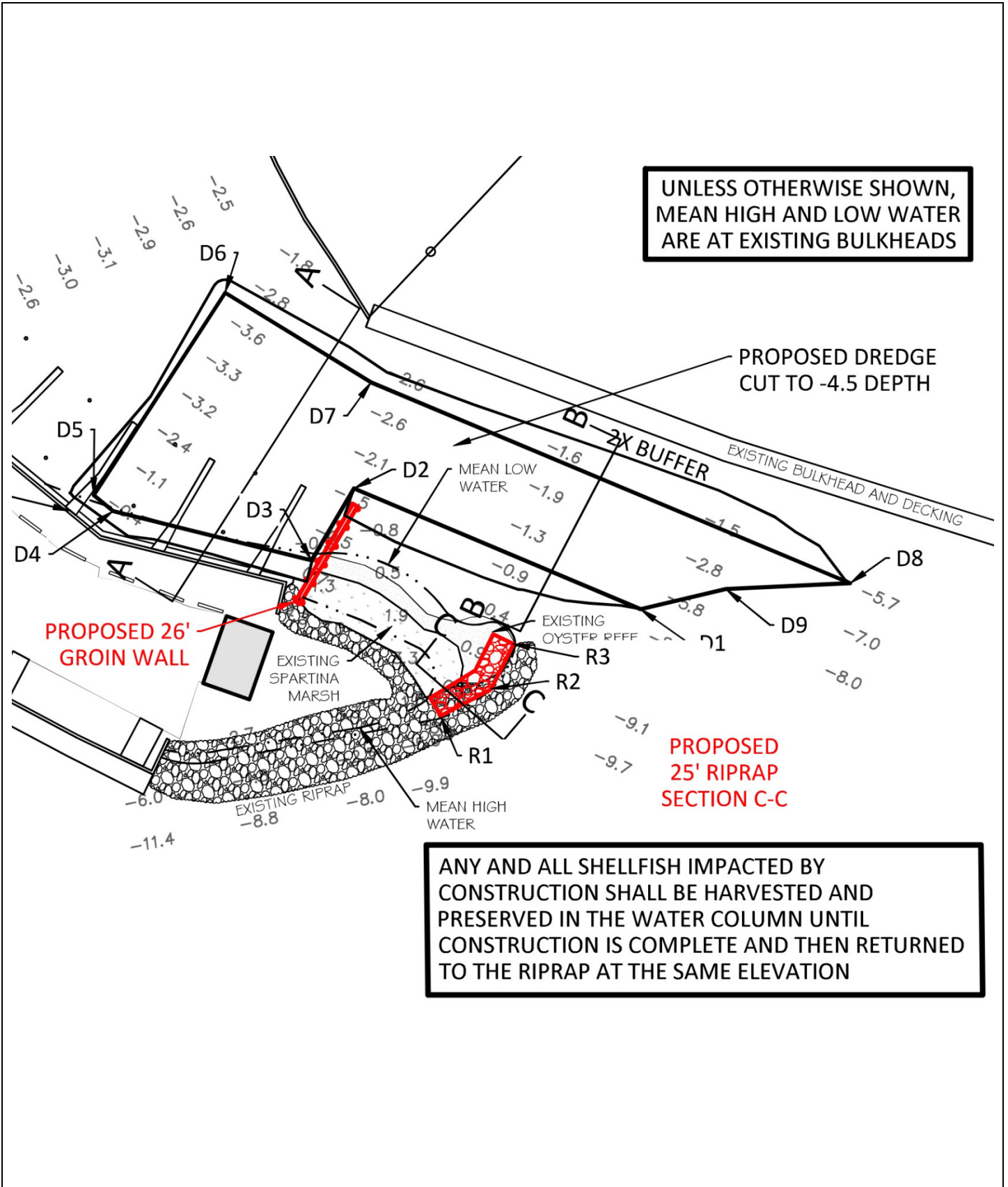
Site Aerial Map



Proposed Site Plan



Proposed Site Plan – Area Specific



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay watershed; however, no recent CBPA Board Variances or Wetlands permits were found for this property.

Summary of Proposal

The applicant is proposing to maintenance dredge the entrance to the boat basin and the first five boat slips to a depth of 4.5 feet. Spoils from the proposed dredging will be transferred on site to sealed dump trucks for disposal at the Whitehurst Dredge Spoils Management Area. A 26 linear foot groin wall is proposed along the edge of a portion of the dredge cut located between the boat basin and the vegetated wetlands, and a 25 linear foot rip rap sill is proposed on top of the existing rip rap to provide further protection to the existing *Spartina* marsh. The proposed project will impact 177 square feet of non-vegetated wetlands from the dredging activity, which the applicant is proposing to compensate for by payment of an in-lieu fee and 150 square feet of non-vegetated wetlands (rock habitat) with the placement of rip rap over existing rip rap for the construction of the 25 linear foot sill, which will be compensated for on-site.

Evaluation & Staff Recommendations

The majority of the proposed dredging will impact subaqueous bottom; however, a small portion of the 2x buffer will impact non-vegetated wetlands. Due to the depth of the boat basin, the proposed groin wall will prevent the existing *Spartina* marsh from eroding into the boat basin. Similarly, the proposed rip rap sill will protect the *Spartina* marsh from waves cause by boat wake along the channel. Staff recommends that the applicant pay an in-lieu fee using the reduced dredge rate of \$5.50/square foot for the non-vegetated wetlands impacted by the dredging. The proposed sill will be a conversion of non-vegetated rock habitat to non-vegetated rock habitat. The applicant has proposed to preserve any oysters currently growing on the rip rap and replace once the construction of the sill is complete. The proposed groin wall will be a timber bulkhead in-line with the existing mooring piers. There is no backfill or placement of rip rap associated with the groin wall.

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

1. A Dredge Materials Management Plan 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 Wetlands Permit.
2. A hauling permit shall be applied for and approved by the Development Services Center prior to the issuance of a Wetlands 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.

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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

2385, 2389, 2393, and 2397 Haversham Close

GPINs

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

Staff Planner

Whitney McNamara

Proposal

To dredge involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Dey Cove

Subdivision

Broad Bay Point Greens

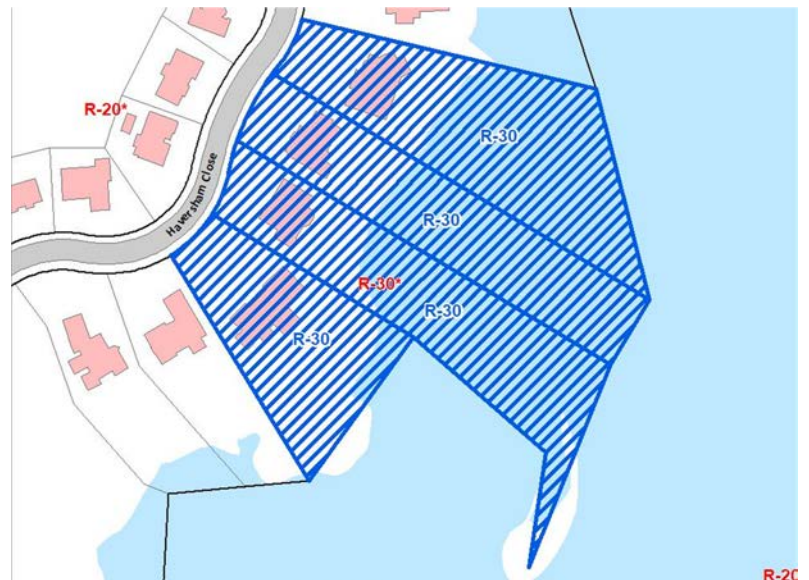
Impacts

Non-Vegetated: 5,765 square feet

Subaqueous: 50,823 square feet

Proposed Mitigation and/or Compensation

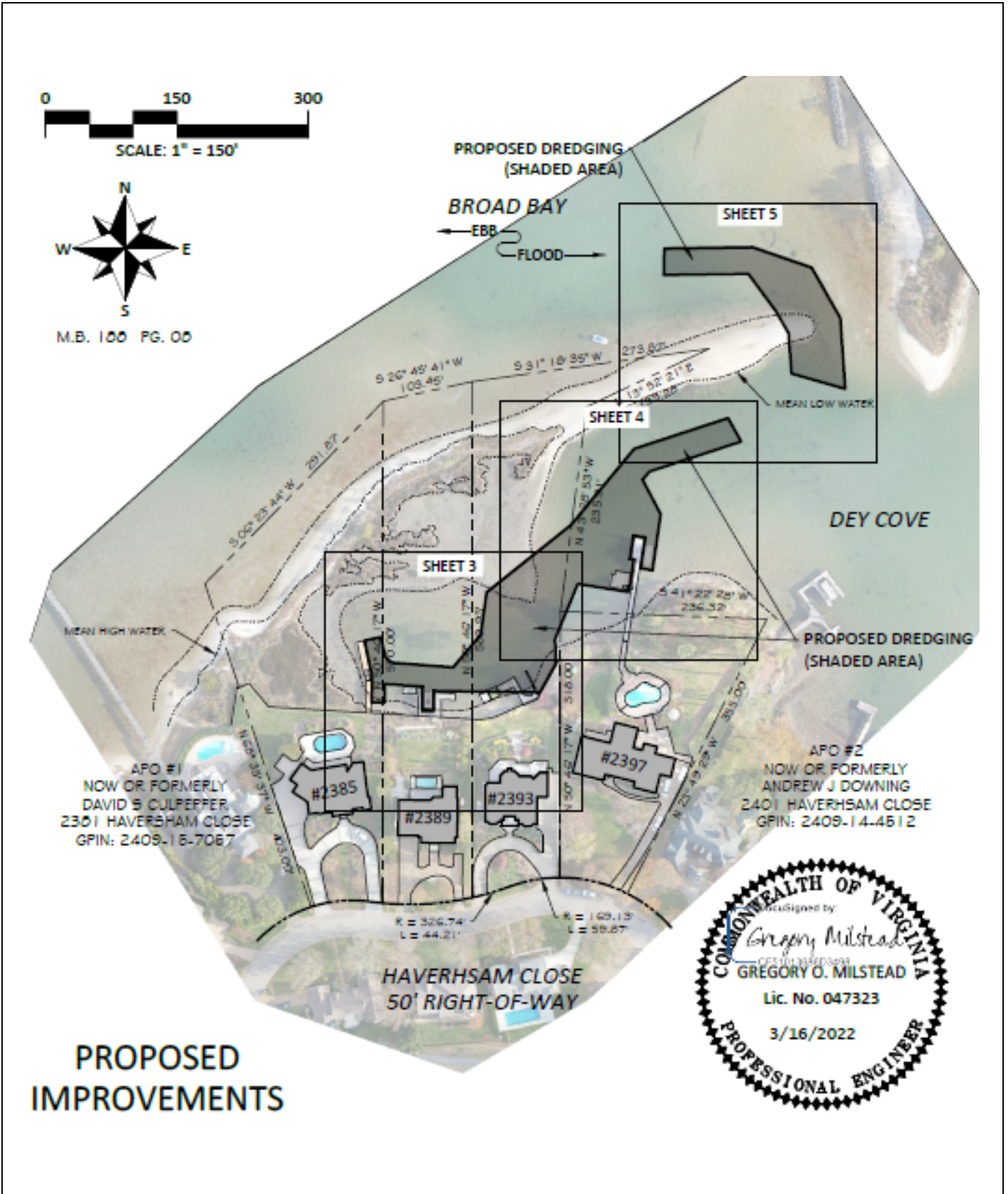
Payment of an in-lieu fee



Site Aerial Map



Proposed Site Plan



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay watershed. The following CBPA Board Variances were found:

- 2389 Haversham Close, June 2010
 - o To demolish a wood walkway, deck adjacent to bulkhead, 1st and 2nd floor deck, and 20 feet of PVC pipe
 - o To construct a pool, pool house, patio, rebuild deck and balcony, install retaining walls and fill, steps, and pathways
 - o Conditioned to require a vertical retaining structure along the shoreline with a design life of at least 30 years with the toe at or landward of mean high water or tidal vegetated wetlands, unless the Wetlands Board determines a more seaward alignment is justified.

- 2393 Haversham Close
 - o April 2009 to remove rock swales and construct two retaining walls with backfill and paver walkways. Conditioned to require a composite vertical bulkhead or segmental block wall with the toe located at or landward of mean high water or tidal vegetated wetlands, unless the Wetlands Board determines a more seaward alignment is justified.
 - o April 2022 to construct a swimming pool, patio and excavate uplands for bulkhead realignment.

No recent Wetlands permits were found for these properties.

Summary of Proposal

The applicants are proposing to maintenance dredge the basin and a channel through the sand bar to restore navigation access to twenty-five properties along Dey Cove Drive, Godfrey Lane, and Haversham Close. Based on historical photographs from Google Earth, the sand bar has migrated approximately 110 feet from 2006 to March 2022. All proposed dredging will be mechanical with spoils taken to Crab Creek boat ramp in hopper barges and transferred to gate sealed dump trucks for disposal at the Whitehurst Dredge Spoils Management Area. Dredging was previously performed between 1988 and 1989.

Evaluation & Staff Recommendations

It has been over 30 years since the channel was last dredged, and the sand bar has migrated extensively, blocking the navigation channel. The applicants have designed the dredge channel to restore navigation access without impacting wetlands vegetation. Due to the nature of the request, there is no room on site to create additional non-vegetated wetlands. Staff supports the payment of the reduced dredge rate of \$5.50/square foot of non-vegetated wetlands impacts.

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

1. A Dredge Materials Management Plan 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 Wetlands Permit.
2. A hauling permit shall be applied for and approved by the Development Services Center prior to the issuance of a Wetlands Permit.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

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