

Wetlands Board Staff Reports

May 16, 2022



Wetlands Board Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, May 16, 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 **PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.**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After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.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 Board Staff Reports
May 16, 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 – COASTAL PRIMARY SAND DUNE/BEACH

1. 2020-WTRA-00065

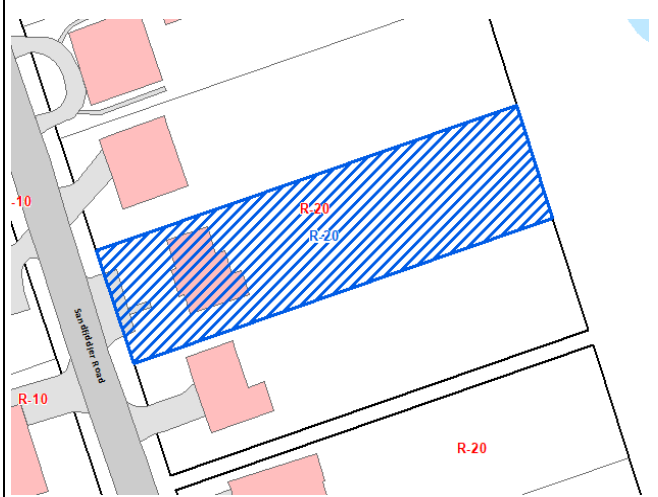
William R. Dinkins [Applicant & Owner]

REQUEST FOR 1 YEAR EXTENSION

To grade sand involving a Coastal Primary Sand Dune/Beach

3256 Sandfiddler Rd
(GPIN 2433-50-5019)

Waterway – Atlantic Ocean
Subdivision – Sandbridge
City Council District - District 2



2. 2022-WTRA-00014

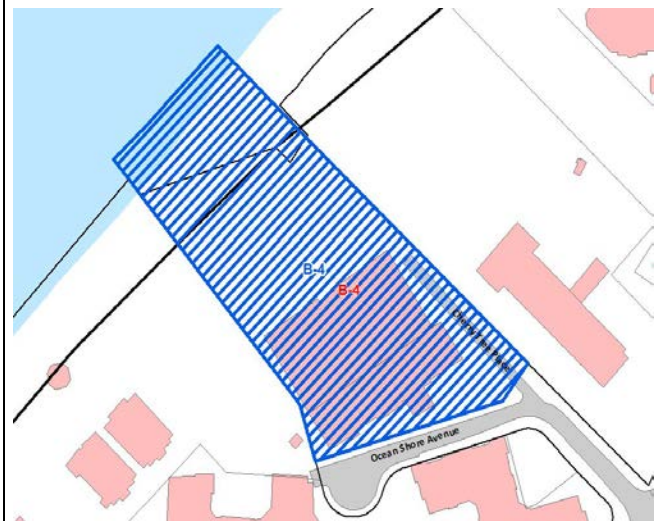
Harbor Gate Owners
Associates, Inc. [Applicant & Owner]

**DEFERRED FROM APRIL 18, 2022
PUBLIC HEARING**

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



* Deferral
** Withdrawal

OLD BUSINESS - WETLANDS

3. 2021-WTRA-00093

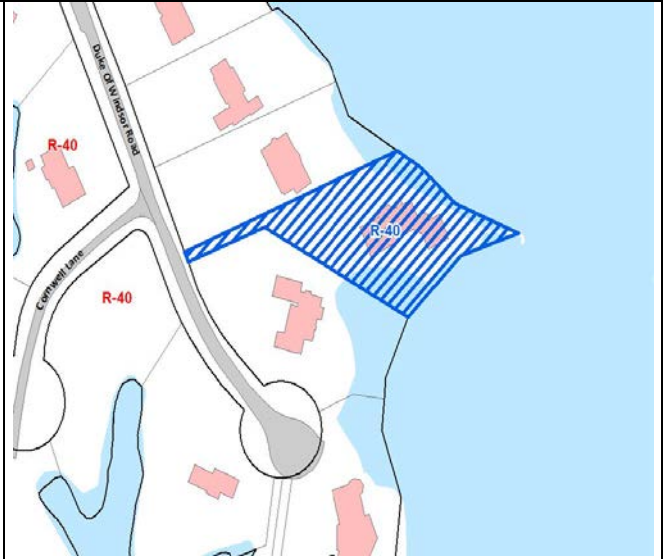
James J. Jamison
[Applicant & Owner]

REQUEST FOR 1 YEAR EXTENSION

To rework rip rap revetment, create oyster reef, and plant vegetation involving wetlands

1508 Duke of Windsor
(GPIN 2418-07-3353)

Waterway – Linkhorn Bay
Subdivision – Linkhorn Shores
Council District - District 5



4. 2021-WTRA-00073

John & Tama Profilet
[Applicants & Owners]

REQUEST FOR 1 YEAR EXTENSION

To construct a bulkhead and rip rap involving wetlands

1336 Holly Point Road
(GPIN 1498-67-3201)

Waterway – Eastern Branch Lynnhaven River
Subdivision – Trant Berkshire Area
Council District - District 5



* Deferral
** Withdrawal

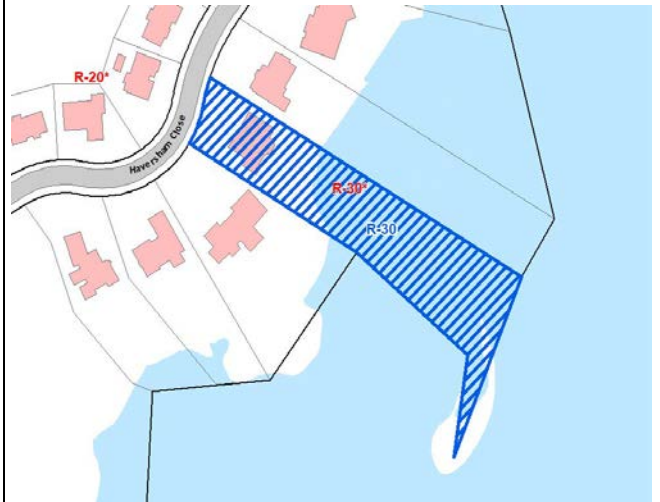
NEW BUSINESS – WETLANDS

5. 2022-WTRA-00078
Haversham Close LLC
[Applicant & Owner]

To construct a bulkhead and groin wall involving wetlands

2393 Haversham Close
(GPIN 2409-14-6639)

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

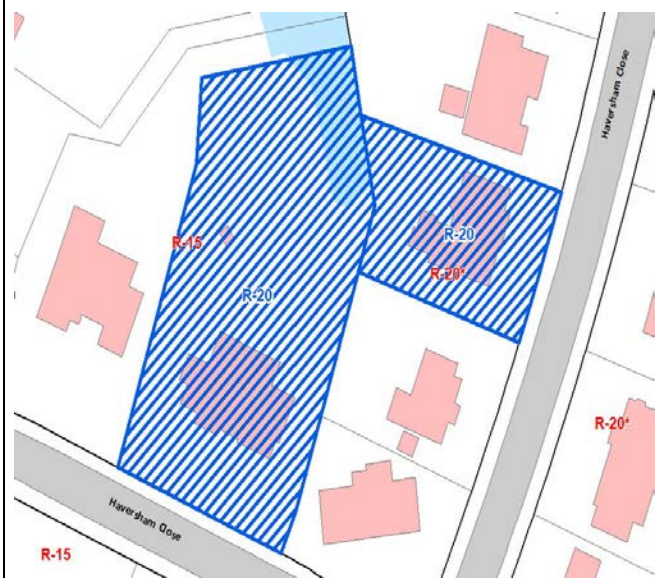


6. 2022-WTRA-00080
Patrick M. Cummings; Scott
M. Sachs & Jillian Reynolds
[Applicants & Owners]

To dredge and relocate bulkhead involving wetlands

2209 and 2484 Haversham Close
(GPINs 1499-94-1728 and 1499-84-9776)

Waterway – Man-made canal to Broad Bay
Subdivision – Broad Bay Point Greens
Waterfront
Council District - District 8



7. 2022-WTRA-00077
Rakhee Goel & Raman
Unnikrishnan
[Applicants & Owners]

To construct rip rap revetments involving wetlands

1624 Arrowhead Point
(GPIN 1489-02-9302)

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



* Deferral
** Withdrawal

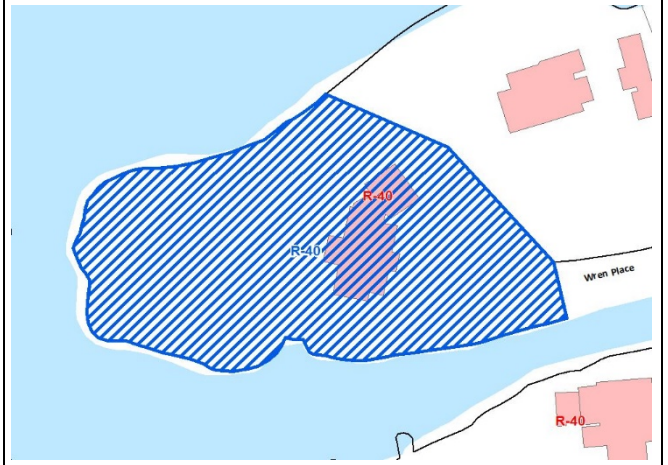
NEW BUSINESS – WETLANDS (CONTINUED)

8. 2022-WTRA-00076
Abbey & Brenda Horwitz
[Applicants & Owners]

To construct a rip rap revetment involving wetlands

1308 Wren Place
(GPIN 2418-13-9225)

Waterway – Linkhorn Bay
Subdivision – Birdneck Point
Council District - District 6



9. 2022-WTRA-00075
James E. & Maureen A. Cowan
[Applicants & Owners]

To dredge and construct a bulkhead and rip rap revetment involving wetlands

3181 Adam Keeling
(GPIN 1489-95-6772)

Waterway – Man-made canal to Lynnhaven Bay
Subdivision – Great Neck Point
Council District - District 8



* Deferral
** Withdrawal



Application Number **2020-WTRA-00065**

Applicant **William R. Dinkins**

Public Hearing **May 16, 2022**

City Council District **District 2**

REQUEST FOR ONE YEAR EXTENTION

Agenda Item

1

Location

3256 Sandfiddler Rd

GPIN

2433-50-5019

Staff Planner

Whitney McNamara

Proposal

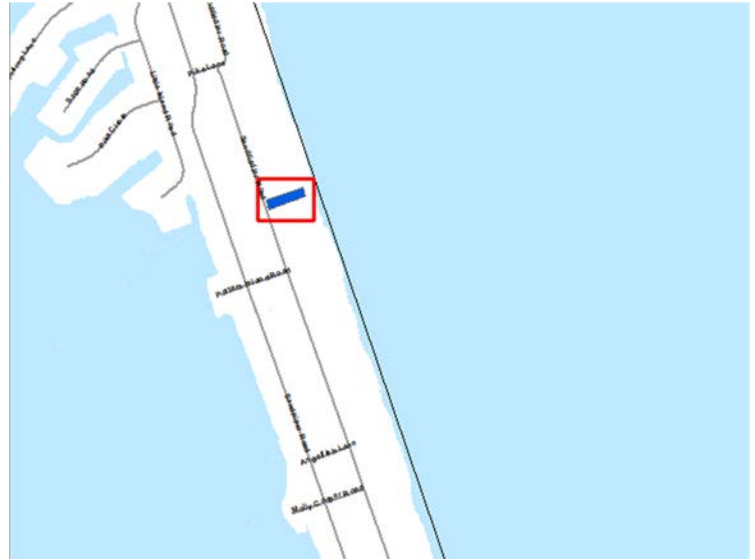
To grade sand involving Coastal Primary Sand Dune/Beach

Waterway

Atlantic Ocean

Subdivision

Sandbridge



Site Aerial Map



The application is being deferred indefinitely 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



Location

1508 Duke of Windsor

GPIN

2418-07-3353

Staff Planner

Whitney McNamara

Proposal

To rework rip rap revetment, create oyster reef, and plant vegetation involving wetlands

Waterway

Linkhorn Bay

Subdivision

Linkhorn Shores

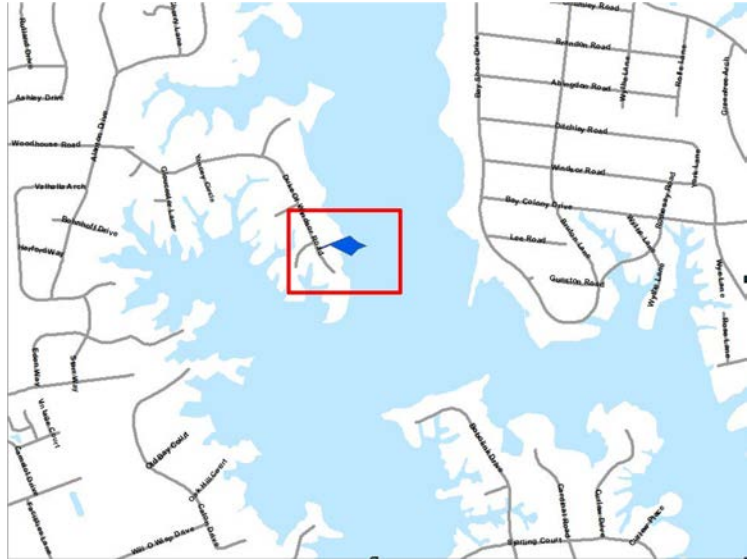
Impacts

Non-vegetated: 2,528 square feet

Subaqueous: 1,011 square feet

Overall length of proposed structure: 276 linear feet of rip rap, 170 linear feet of marsh sill

Volume of backfill: 20 cubic yards



Site Aerial Map



Location

1336 Holly Point Road

GPIN

1498-67-3201

Staff Planner

Whitney McNamara

Proposal

To construct a bulkhead and rip rap involving wetlands

Waterway

Eastern Branch Lynnhaven River

Subdivision

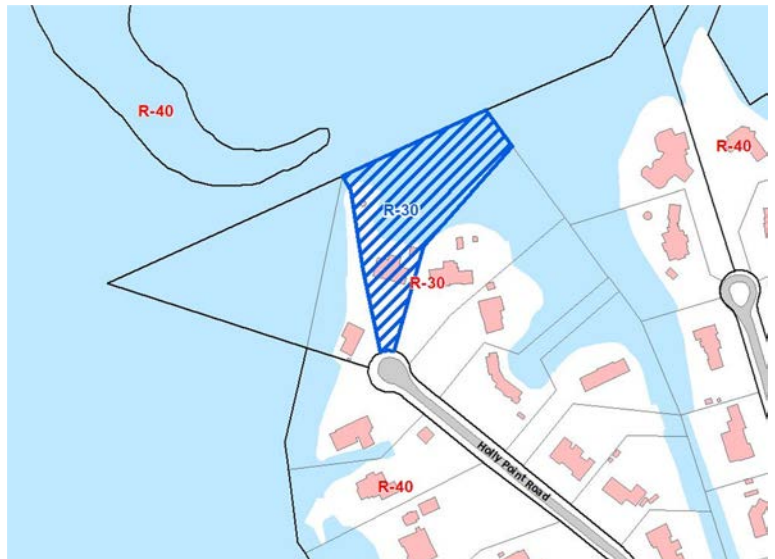
Trant Berkshire Area

Impacts

Non-vegetated: 590 square feet

Subaqueous: 588 square feet

Overall length of proposed structure: 139 linear feet of bulkhead, 198 linear feet of rip rap



Site Aerial Map



Agent

Robert Simon, Waterfront Consulting, Inc.

Location

2393 Haversham Close

GPIN

2409-14-6639

Staff Planner

Whitney McNamara

Proposal

To construct a bulkhead and groin wall involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Dey Cove

Subdivision

Broad Bay Point Greens

Impacts

Vegetated: 80 square feet

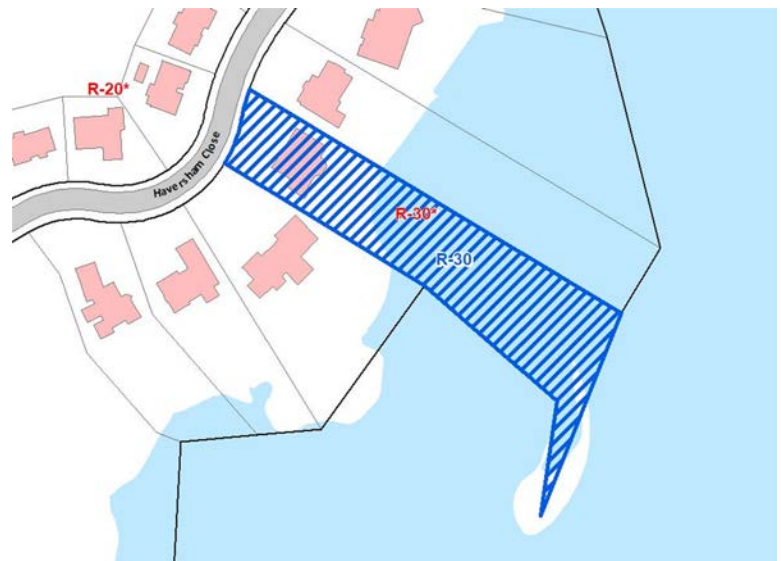
Non-Vegetated: 70 square feet

Overall length of proposed structure: 131 linear feet of bulkhead

Volume of Backfill: 50 cubic yards

Proposed Mitigation and/or Compensation

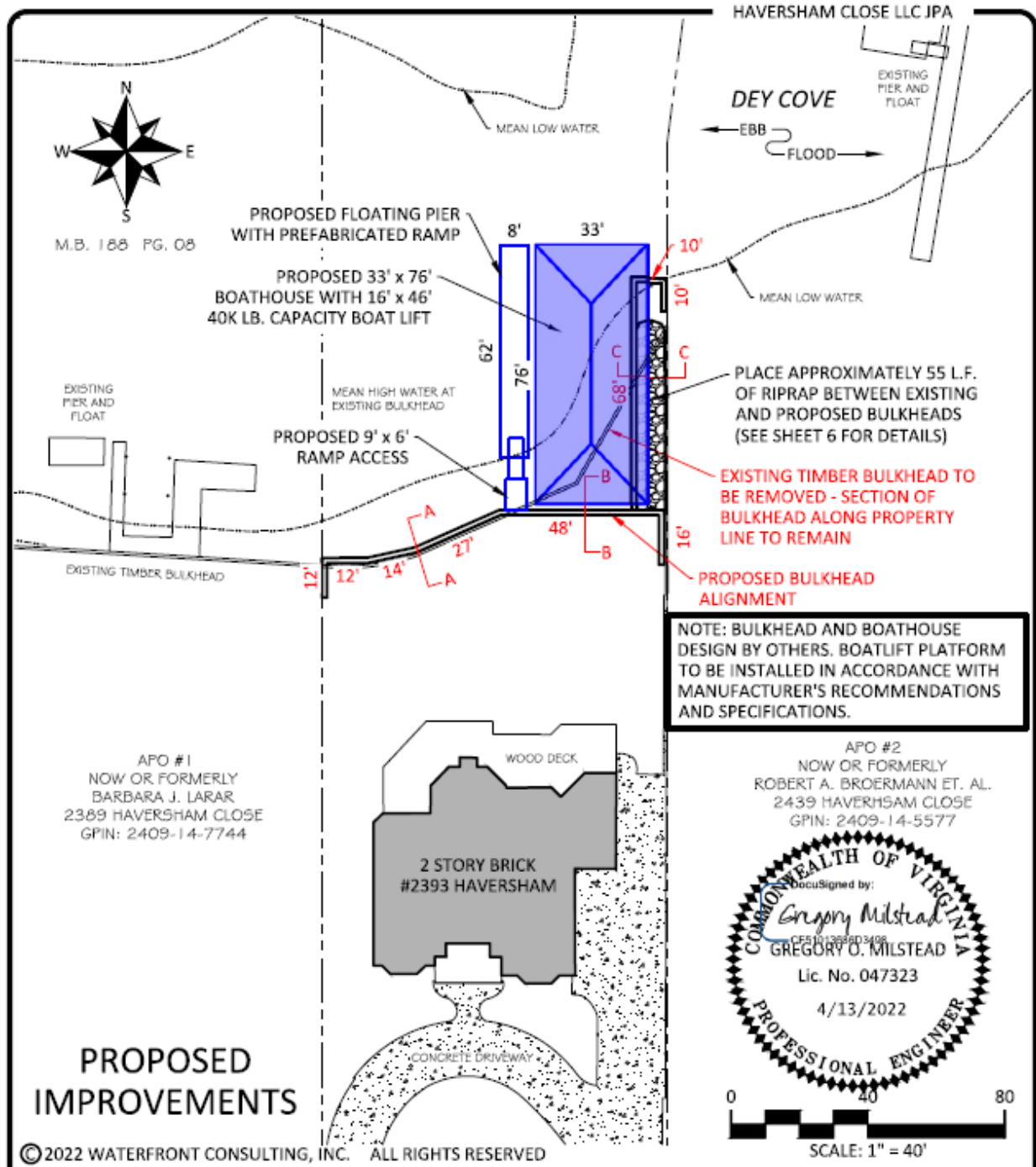
Payment of an in-lieu fee



Site Aerial Map



Proposed Site Plan



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PURPOSE: EROSION CONTROL,
BOATING ACCESS
DATUM: MLW = 0.00'
APOS:
1. BARBARA J. LARAR
2. ROBERT A. BROERMANN ET. AL.



**WATERFRONT
CONSULTING, INC.**

2589 QUALITY COURT, SUITE 323
VIRGINIA BEACH, VA 23454
PHONE: (757) 425-8244, MOBILE: (757) 619-7302

ENGINEERING SERVICES PROVIDED BY:
CHESAPEAKE BAY SITE SOLUTIONS, INC.
P.O. BOX 6663 VIRGINIA BEACH, VA 23456
PHONE: (757) 575-3715

PROPOSED: BULKHEAD, BOATHOUSE,
LIFT, FLOATING PIER
IN: DEY COVE
AT: 2393 HAVERSHAM CLOSE
VIRGINIA BEACH, VA 23454
APPLICATION BY:
HAVERSHAM CLOSE LLC.
SHEET: 3 OF 11
DATE: APRIL 6, 2022

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) Board Variance was granted in April 2022 to construct a swimming pool, patio and excavate uplands associated with the proposed bulkhead realignment.

A Wetlands permit was approved at the April 2022 Board hearing to maintenance dredge the basin and channel.

Summary of Proposal

The shoreline is hardened by a wood bulkhead constructed approximately 30 years ago. The applicant is proposing to remove a portion of the existing wood bulkhead and excavate upland to install a new 131 linear foot steel bulkhead and 68 linear foot steel groin wall. The proposed project will impact 80 square feet of vegetated wetlands, 70 square feet of non-vegetated wetlands and approximately 886 square feet of uplands. The area of uplands being excavated occurs along the east property line. This portion of the property was artificially made with the development of the lot and ranges from approximately 2 feet to 8 feet above the grade of the adjacent lot.

Evaluation & Staff Recommendations

The wood piles on the existing bulkhead are showing signs of failure and are compromised approximately 6 to 7 feet above the tidal shoreline, where these piles have begun to split and splinter. The applicant did not consider installing a living shoreline or rip rap due to the height of the shoreline and proximity of the house. The existing bulkhead is approximately 9 feet in height and is located approximately 60 feet from the existing single-family residence on the lot.

The applicant is proposing to remove and realign a portion of the bulkhead landward where the existing bulkhead comes to a point. Along the southern property line, where the existing bulkhead is located above Mean High Water, the applicant is proposing to cut the existing bulkhead in 10-foot steps down to an elevation of 5 feet and install a groin wall at an elevation of 4 feet. Rip rap will be placed between the existing bulkhead and groin wall. The existing bulkhead and groin wall are necessary to protect and maintain grades between the property and the adjacent property, and to prevent the upland from eroding into the dredge channel.

A minimal amount of wetlands vegetation growing in front of the existing bulkhead, however, it is not thriving in this location. Due to the dredge depth of the boat basin and location of the new bulkhead, there isn't an opportunity to grade down uplands to create new wetlands on this site, and staff does not feel that trying to plant wetlands vegetation in front of the new bulkhead would be successful. There are some oysters located along the shoreline, and Staff recommends preserving these oysters to the extent possible. Staff supports payment of an in-lieu fee for the vegetated and non-vegetated wetlands impacts.

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

1. The existing oysters shall be removed and preserved during construction and replaced on-site in a similar location in the water column, to the extent possible, once construction is complete.
2. 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

David Kledzik
 Marine Engineering, LLC

Location

2209 Haversham Close

GPIN

1499-94-1728

Staff Planner

Cole Fisher

Proposal

To dredge and relocated a bulkhead involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Man-made canal to Broad Bay

Subdivision

Broad Bay Point Greens

Impacts

Non-Vegetated: 74 square feet

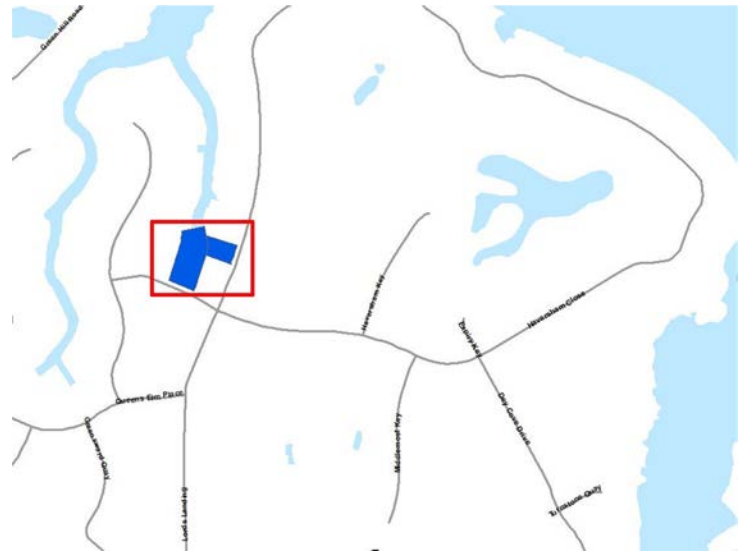
Subaqueous: 238 square feet

Overall length of proposed structure: 44 linear feet of bulkhead

Volume of Backfill: 27 cubic yards

Proposed Mitigation and/or Compensation

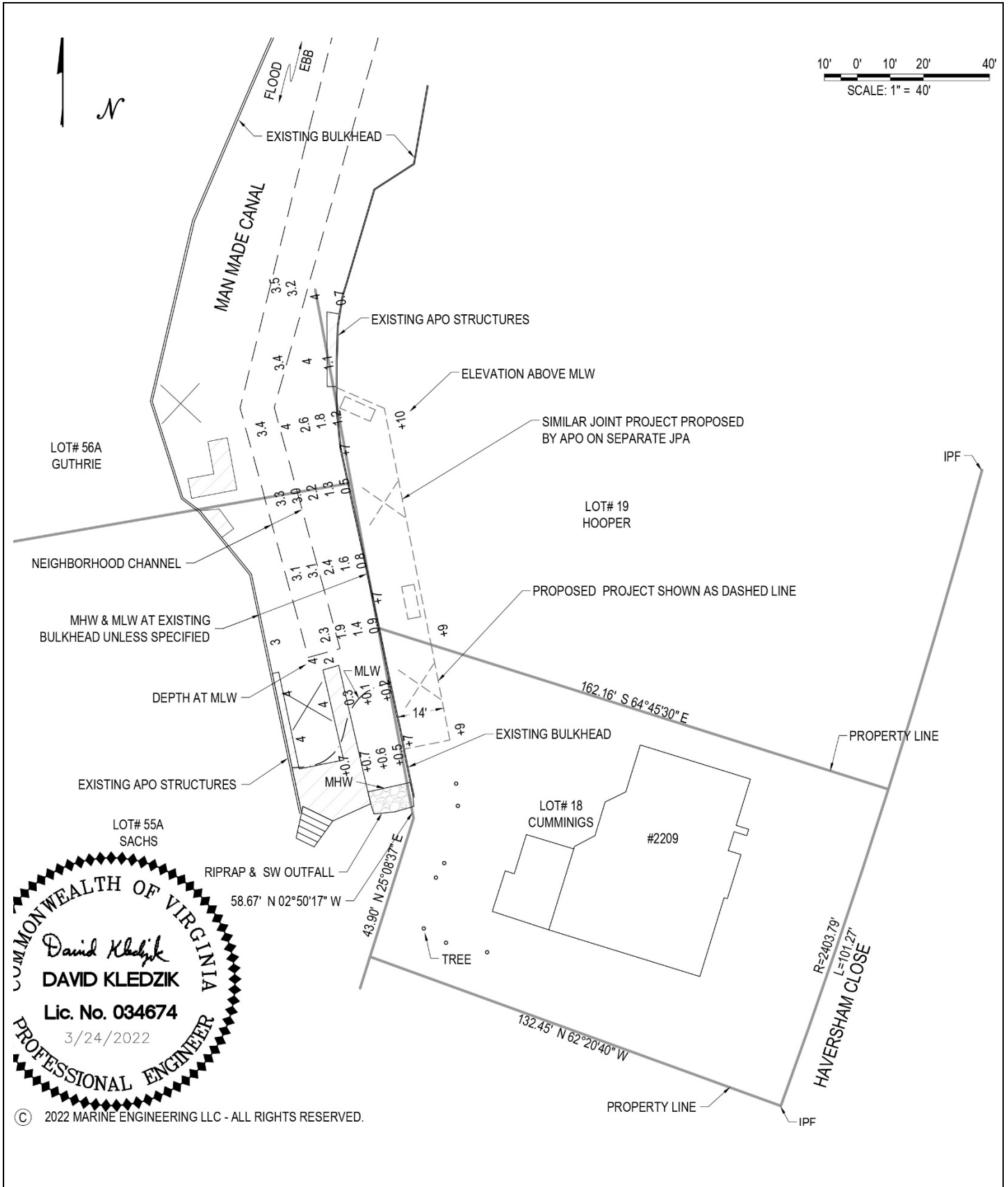
Payment of an in-lieu fee



Site Aerial Map



Existing Conditions



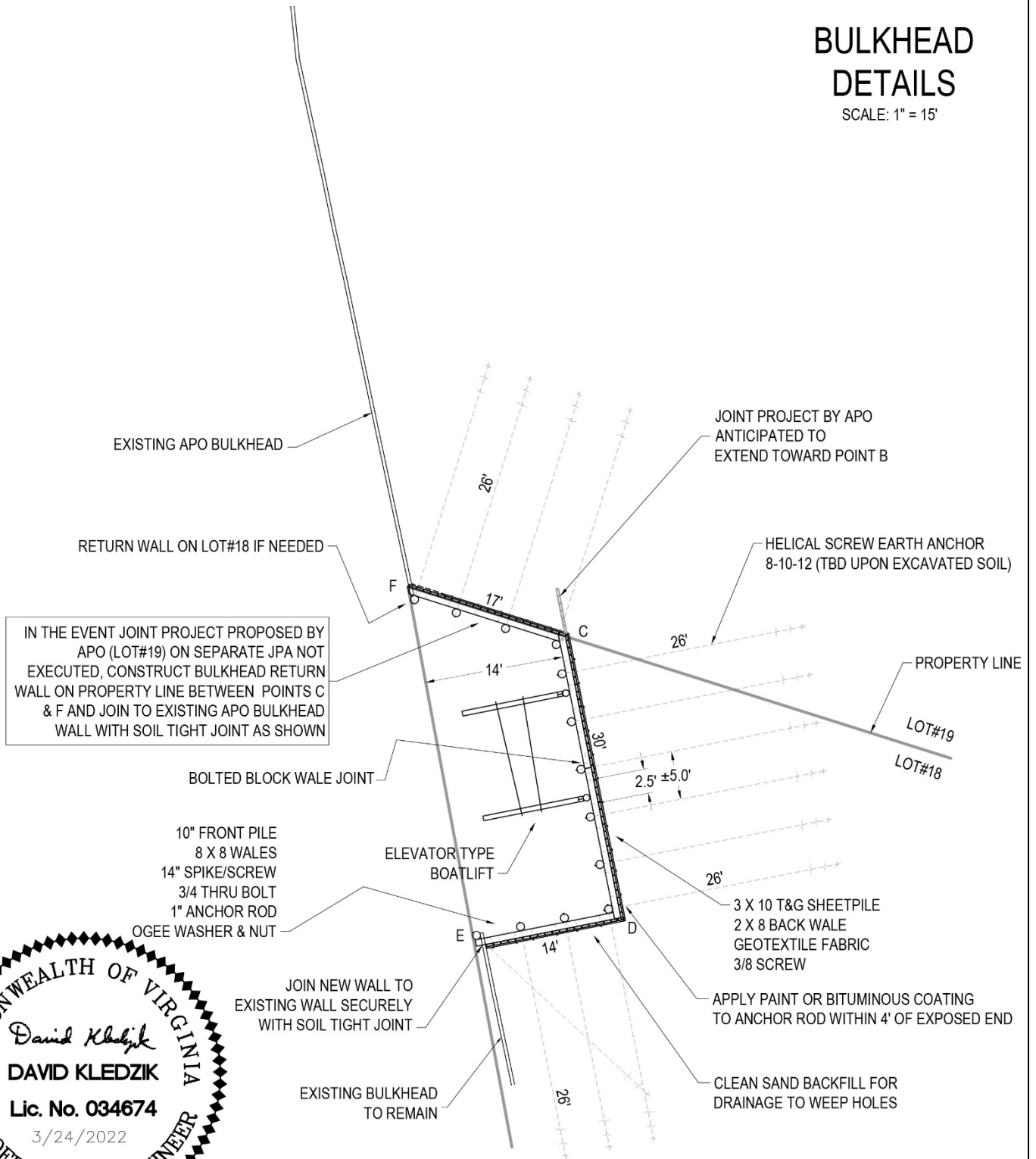
COMMONWEALTH OF VIRGINIA
David Kledzik
DAVID KLEDZIK
 Lic. No. 034674
 3/24/2022
 PROFESSIONAL ENGINEER

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Bulkhead Details

BULKHEAD DETAILS

SCALE: 1" = 15'



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

This property is located within the Chesapeake Bay Watershed. A Chesapeake Bay Preservation Area (CBPA) Variance was granted on July 26, 1993, for the construction of a multi-story single-family residence and deck.

Summary of Proposal

The applicant proposes to replace the existing bulkhead along a man-made canal leading to Broad Bay and dredge a portion of the adjacent uplands associated with the bulkhead realignment, excavating approximately 14 feet landward to create space for the installation of a boatlift. In addition, dredging of approximately 46 cubic yards (312 square feet) to a depth of four feet at MLW is proposed to create a private accessway between the community-maintained channel and the proposed bulkhead. The applicant's agent indicated that approximately 74 square feet of non-vegetated wetlands and 238 square feet of subaqueous bottom will be impacted with the proposed dredging. Dredge materials will be barged and off-loaded at the Paxton Disposal Facility or another approved location. The applicant is proposing payment of an in-lieu fee for the non-vegetated wetlands impacts associated with the proposed dredging.

Evaluation & Staff Recommendations

The applicant desires to utilize the minimal amount of shoreline on their property for recreational boating access. Currently, the width of the channel does not provide the adequate space necessary for a waterfront structure, therefore, the applicant has brought forth this request that excavated uplands for the construction of a bulkhead and boatlift. As shown on the submitted Joint Permit Application (JPA) the proposed dredging and dredge footprint is configured to ensure that the owner has the ability to navigate the man-made canal without impeding the navigation of others. The applicants are proposing to compensate for the non-vegetated wetlands impacts by paying the Board's approved reduced dredging rate of \$5.50 per square foot of impact.

Accordingly, the Department of Planning and Community Development recommends that the application be **approved as submitted** as shown on the plans for Patrick M. Cummings, at 2209 Haversham Close sealed on March 24, 2022 and received by the VMRC on March 31, 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 Keldzik
Marine Engineering LLC

Location

1624 Arrowhead Point

GPIN

1489-02-9302

Staff Planner

Whitney McNamara

Proposal

To construct rip rap revetments involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Western Branch Lynnhaven River

Subdivision

Thoroughgood

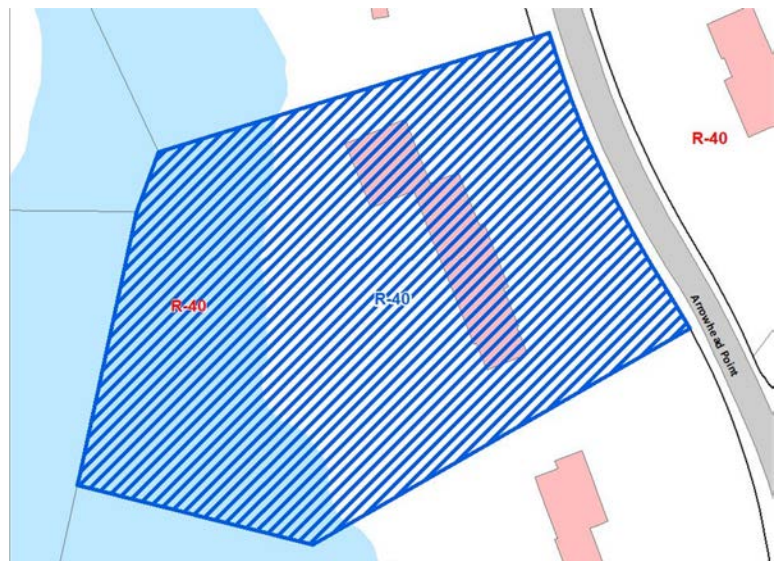
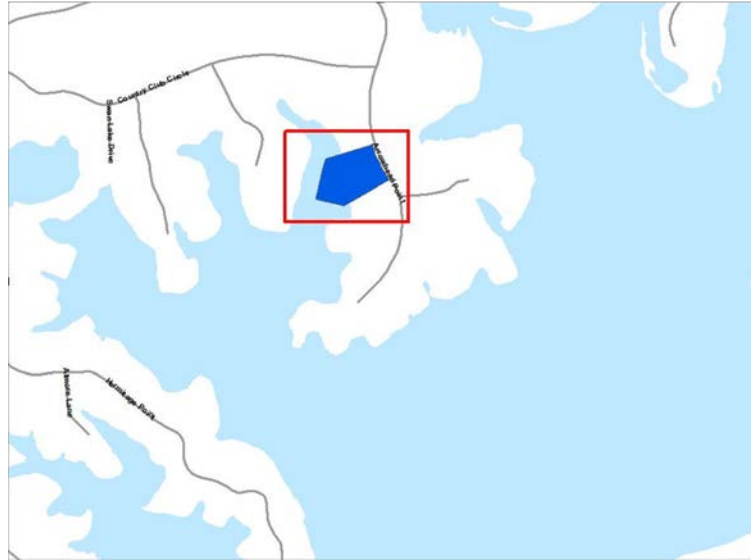
Impacts

Non-Vegetated: 344 square feet

Overall length of proposed structure: 106
and 30 linear feet of rip rap

Proposed Mitigation and/or Compensation

On-site



Site Aerial Map



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 were found for this property. A Group 2 Living Shoreline General Permit was approved in 2021 for a rip rap sill with sand and plantings.

Summary of Proposal

The applicant is proposing to construct two rip rap revetments. The proposed 106 linear foot revetment will replace the Group 2 Living Shoreline proposed in this location to protect the existing pool and deck. The second 30 linear foot revetment will extend from the living shoreline to the edge of the property to protect the shoreline from erosion from the adjacent stormwater outfall pipe. The proposed project will impact 344 square feet of non-vegetated wetlands, which will be mitigated on site as a conversion of non-vegetated wetlands to non-vegetated rock habitat.

Evaluation & Staff Recommendations

The existing pool and deck are located within 15 feet of the shoreline and the shoreline in this area is showing signs of erosion where the bank has been undercut. While there is vegetation growing along this portion of the bank, it is located above the 1.5x Wetlands Jurisdictional limit.

The applicant is still proposing to construct the majority of the originally proposed living shoreline, which will consist of a rock sill, grading and sand placement landward of the sill, and planting of vegetated wetlands. The proposed sill will be reduced to 195 linear feet and approximately 1,770 square feet of vegetated wetlands will be planted. Staff supports the applicant's request to construct a rip rap revetment along the shoreline near the existing deck, pool, and stormwater outfall to protect the existing structures on the lot and stabilize these portions of the shoreline from further erosion.

There are 3 pine trees in or near the footprint of the proposed rip rap, and one small tree that will need to be removed. The applicant is proposing to locate the riprap around the pine trees to prevent impacts rather than removing them. Staff is of the opinion that the placement of rip rap around the trees, done by hand without excavation or cutting the existing root system will stabilize the soil profile and add protection against further erosion within the critical root zone of the subject trees.

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

1. All trees removed shall be mitigated at a 1:1 ratio. 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.

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

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

1308 Wren Place

GPIN

2418-13-9225

Staff Planner

Cole Fisher

Proposal

To construct a rip rap revetment involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Linkhorn Bay

Subdivision

Birdneck Point

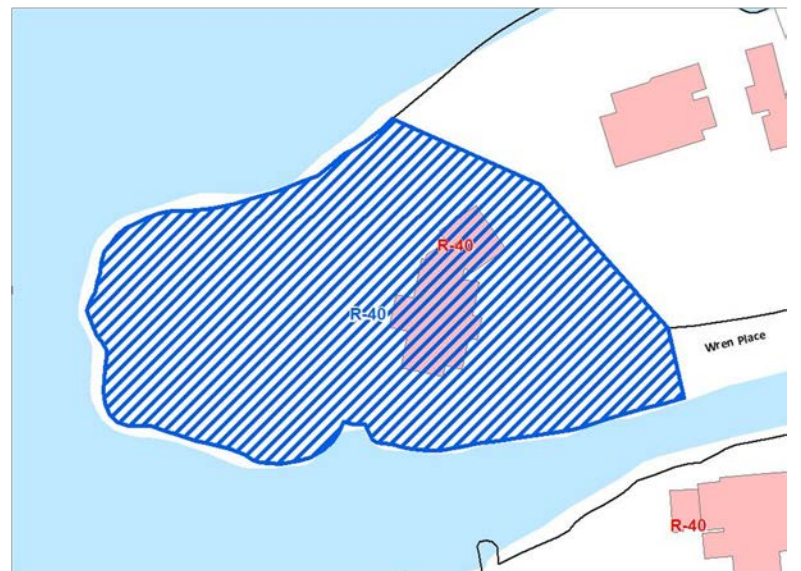
Impacts

Non-Vegetated: 23 square feet

Overall length of proposed structure: 233 linear feet

Proposed Mitigation and/or Compensation

On-site



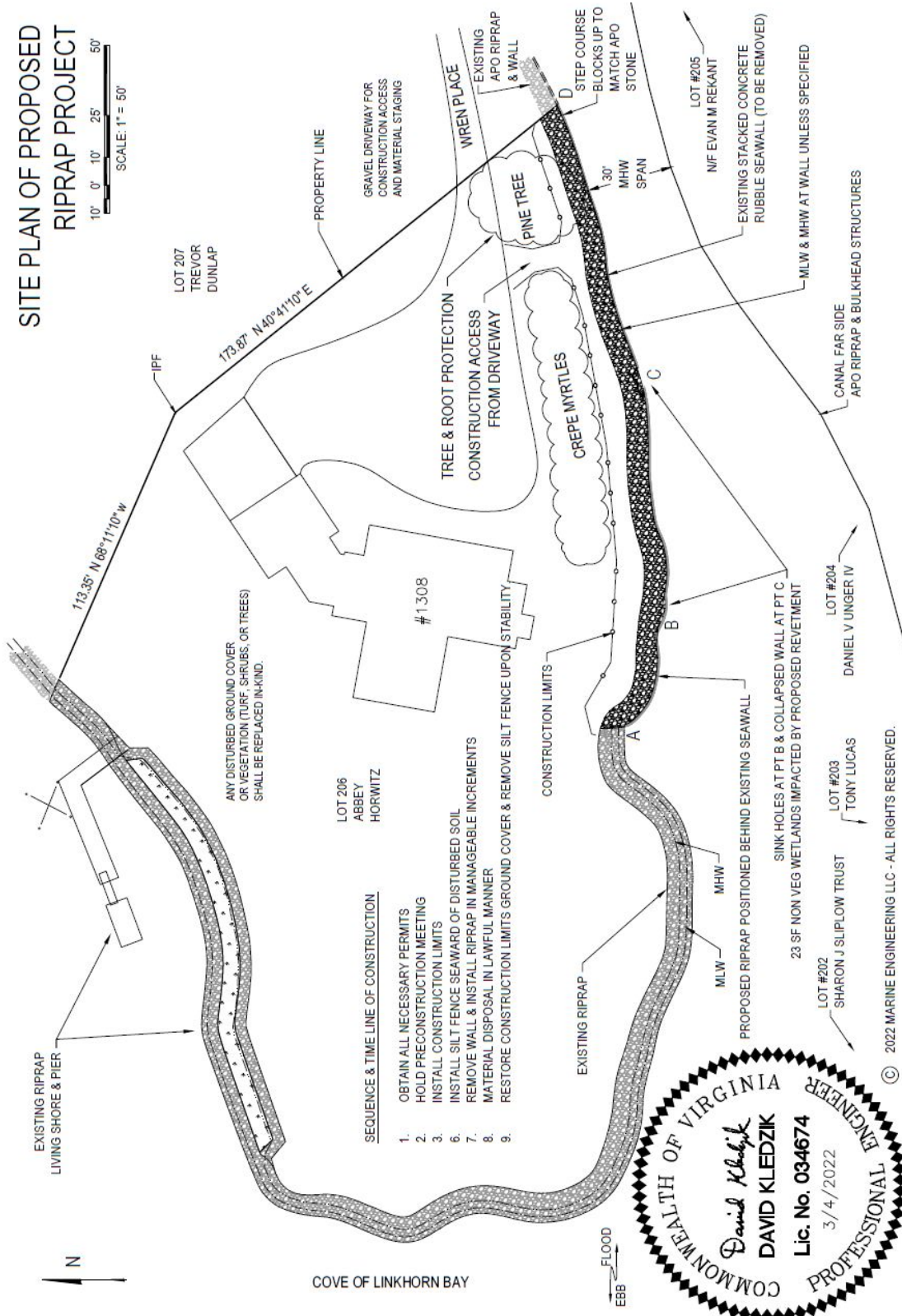
Site Aerial Map



Proposed Site Plan

SITE PLAN OF PROPOSED RIPRAP PROJECT

SCALE: 1" = 50'



SEQUENCE & TIME LINE OF CONSTRUCTION

1. OBTAIN ALL NECESSARY PERMITS
2. HOLD PRECONSTRUCTION MEETING
3. INSTALL CONSTRUCTION LIMITS
6. INSTALL SILT FENCE SEAWARD OF DISTURBED SOIL
7. REMOVE WALL & INSTALL RIPRAP IN MANAGEABLE INCREMENTS
8. MATERIAL DISPOSAL IN LAWFUL MANNER
9. RESTORE CONSTRUCTION LIMITS GROUND COVER & REMOVE SILT FENCE UPON STABILITY



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Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

This property falls within the Chesapeake Bay Watershed and was approved for the construction of a swimming pool with an associated pool deck and pool house on May 3, 2021, by the Chesapeake Bay Preservation Area Board.

Summary of Proposal

The applicant is proposing to construct approximately 233 linear feet of rip rap revetment to replace an existing, failing concrete wall. The proposed rip rap will impact approximately 23 square feet of non-vegetated wetlands due to several portions of the wall failure. The applicant is proposing to compensate for these impacts on-site by creating 536 square feet of non-vegetated rock intertidal habitat with the removal of the existing wall and placement of rock along the shoreline.

Evaluation & Staff Recommendations

The existing concrete wall is showing signs of failure and a new shoreline stabilization method is warranted for this property. Portions of the shoreline are developed with an existing revetment and the applicant is proposing to connect and extend this revetment to replace the concrete wall and prevent any additional erosion of their property into the Linkhorn Bay. Staff concurs with the applicant's agent that a rip rap revetment is the most appropriate shoreline stabilization method for this portion of the lot instead of a living shoreline given the environmental conditions of the shoreline and the restraints from the narrow channel it abuts. Staff is of the opinion that the proposed revetment is a suitable alternative to the failing concrete wall and agrees with the on-site compensation method for the 23 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 condition:

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

3181 Adam Keeling

GPIN

1489-95-6772

Staff Planner

Whitney McNamara

Proposal

To dredge and construct a bulkhead and rip rap revetment involving wetlands

Staff Recommendation

Select

Waterway

Man-made canal to Lynnhaven Bay

Subdivision

Great Neck Point

Impacts

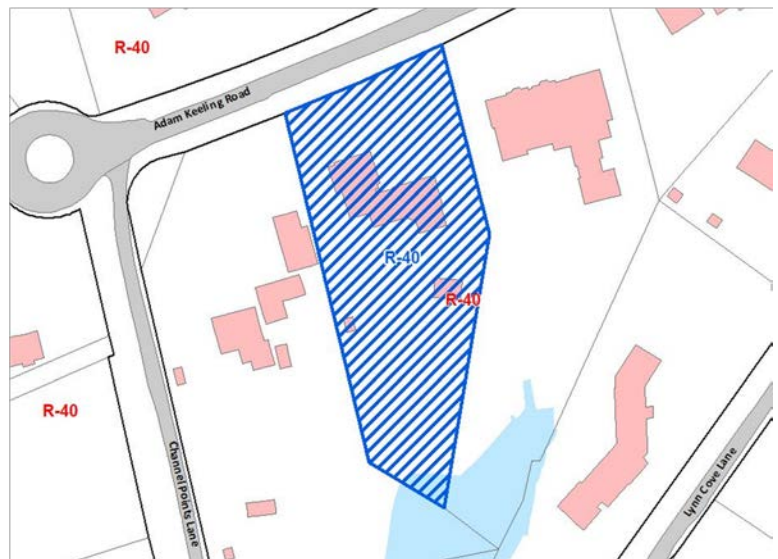
Non-Vegetated: 158 square feet

Subaqueous: 67 square feet

Overall length of proposed structure: 78 linear feet of bulkhead

Proposed Mitigation and/or Compensation

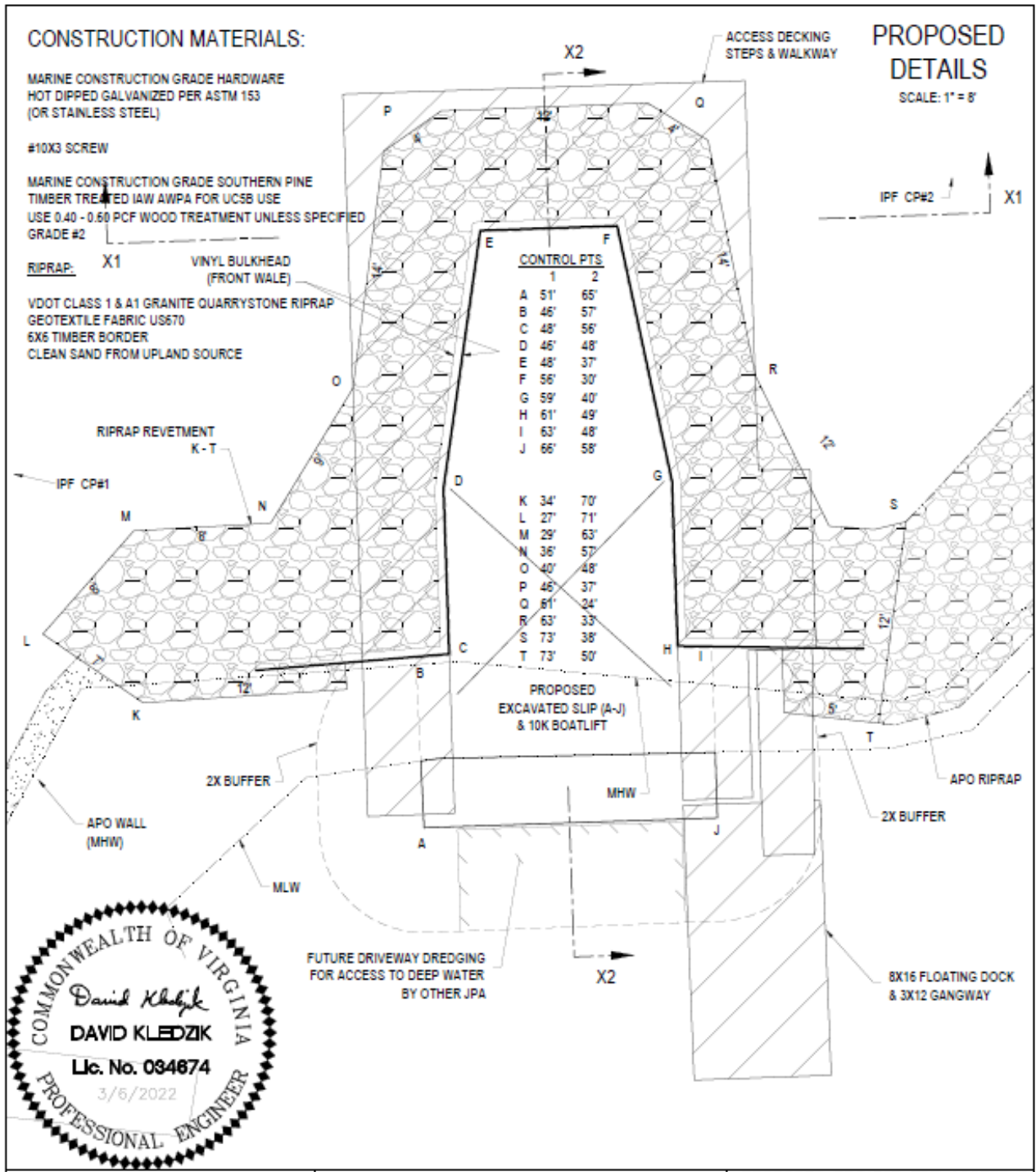
On Site and Payment of In Lieu Fee



Site Aerial Map



Proposed Site Plan



APPLICANT:
JAMES COWAND
3181 ADAM KEELING ROAD
VIRGINIA BEACH, VA 23454

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

PROPOSED PROJECT FOR ACCESS & WATERCRAFT MOORING
DATUM: MLW = 0.00'
SHEET 3 OF 8
DATE: MARCH 6, 2021
REV-

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 remove uplands to excavate for a mooring basin and construct a bulkhead and rip rap to stabilize the shoreline. The proposed dredging will impact 85 square feet of non-vegetated wetlands, with an additional 52 square feet impacted by the 2x buffer. The proposed rip rap will convert 21 square feet of non-vegetated wetlands to non-vegetated rock habitat.

Evaluation & Staff Recommendations

While the applicant's property has water access, it is located at the end of a tight channel and the adjacent property owner's lot lines extend over much of the waterway. Currently, the applicant's boat is moored on the adjacent owner's property due to the lack of room to keep the boat on their property. To address this situation, the applicant is proposing to excavate uplands to create a mooring basin located entirely on their property.

Due to the height of the existing bank, the owner is proposing to construct a hybrid bulkhead/rip rap structure to stabilize the sides of the newly created mooring basin to minimize cost. The proposed bulkhead will consist of 10 to 18 foot-long vinyl sheets with rip rap located on top to match existing grade. A deck will be constructed on top of the rip rap to provide a walkway for boat access. The applicant is requesting to pay the reduced dredge rate of \$5.50 per square foot for the 137 square feet of non-vegetated wetlands impacted by the proposed dredging. On-site compensation is appropriate for the conversion of the non-vegetated wetlands to non-vegetated rock habitat.

Accordingly, the Department of Planning and Community Development recommends that the application be **approved as submitted** as shown on the plans for James Cowand at 3181 Adam Keeling Rd sealed on March 6, 2022 and received by the VMRC on March 31, 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.

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