

Wetlands Board Staff Report

June 22, 2022



Wetlands Board Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Wednesday, June 22, 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 **PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.**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After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.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 Report
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- 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

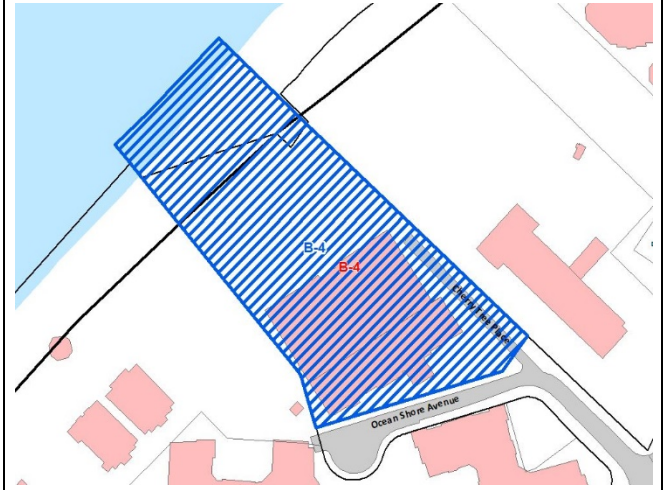
OLD BUSINESS – COASTAL PRIMARY SAND DUNE/BEACH

1. 2022-WTRA-00014
Harbor Gate Owners Associates,
Inc. [Applicant & Owner]

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



OLD BUSINESS – WETLANDS

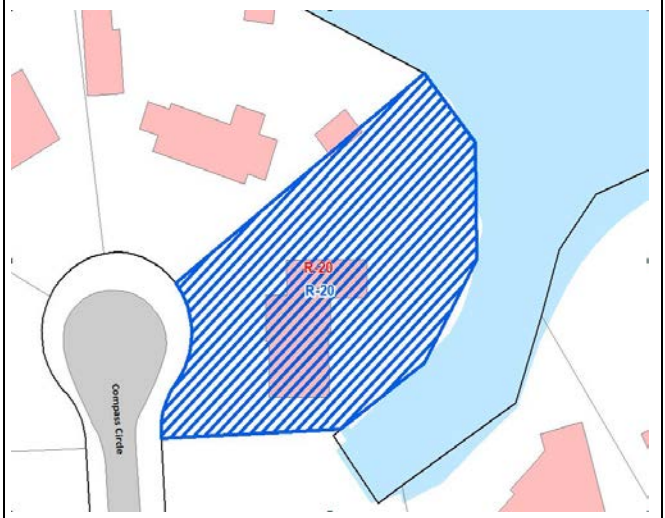
2. 2021-WTRA-00128
Don Myers [Applicant & Owner]

REQUEST FOR 1 YEAR EXTENSION

To construct a bulkhead and rip rap involving wetlands

2004 Compass Circle
(GPIN 2409-09-6220)

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



* Deferral
** Withdrawal

NEW BUSINESS – WETLANDS

3. 2022-WTRA-00045
 Jason and Wendy Lewis
 [Applicants & Owners]

To construct a rip rap revetment involving wetlands

333 Princess Anne Rd
 (GPIN 2317-36-0391)

Waterway – North Landing River
 Subdivision – Pungo
 Council District: District 2

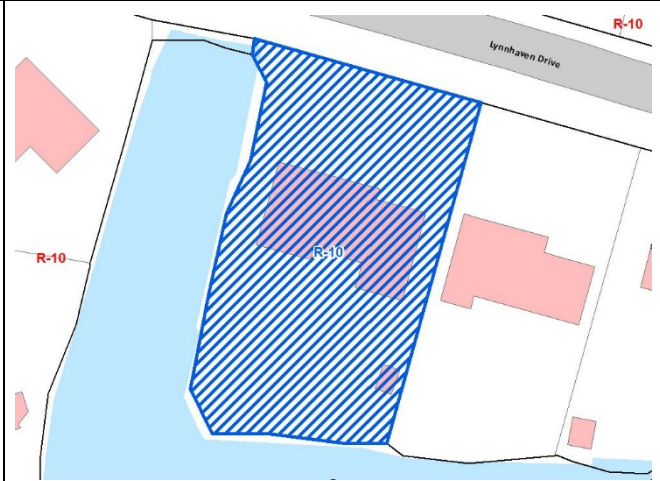


4. 2022-WTRA-00079
 Kenneth G. & Valerie H. Register
 [Applicants & Owners]

To construct a bulkhead involving wetlands

3157 Lynnhaven Drive
 (GPIN 1489-98-7424)

Waterway – Man-made canal to Long Creek
 Subdivision – Lynnhaven Colony
 Council District: District 8

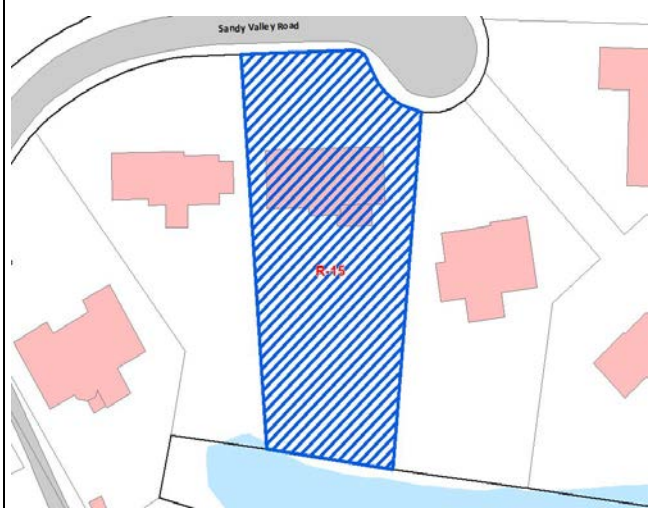


5. 2022-WTRA-00071
 Heather M. Ham
 [Applicant & Owner]

To construct a rip rap revetment involving wetlands

2613 Sandy Valley Rd
 (GPIN 1497-67-1561)

Waterway – Eastern Branch of Lynnhaven River
 Subdivision – Chesopeian Colony
 Council District: District 8



* Deferral
 ** Withdrawal

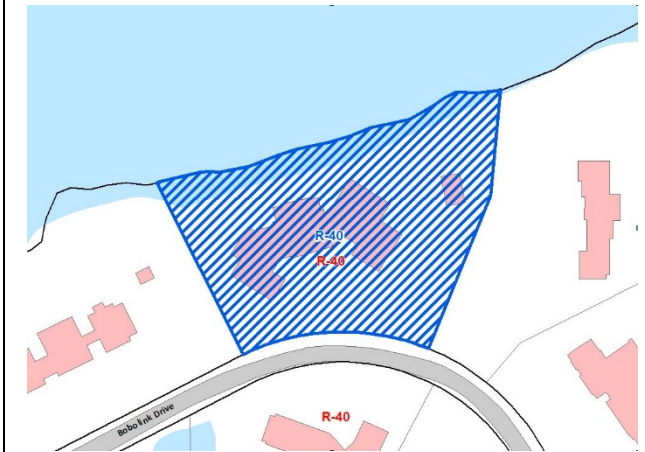
NEW BUSINESS – WETLANDS (CONTINUED)

6. 2022-WTRA-00088
 Vincent A. Napolitano Revocable
 Trust [Applicant & Owner]

**To construct a rip rap revetment
 involving wetlands**

1056 Bobolink Dr
 (GPIN 2418-15-5578)

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

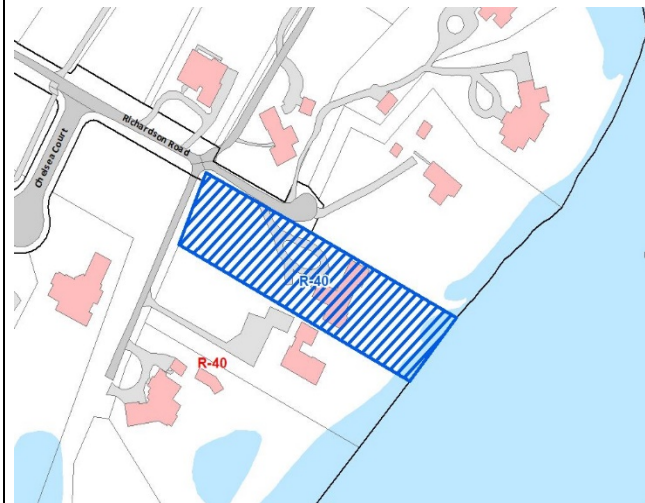


7. 2022-WTRA-00122
 Holloman Brown Funeral Home
 Bayside Chapel, Inc
 [Applicant & Owner]

**To construct a rip rap revetment
 involving wetlands**

3901 Richardson Road
 (GPIN 1488-15-9870)

Waterway – Western Branch Lynnhaven
 River
 Subdivision – Witchduck
 Council District: District 8

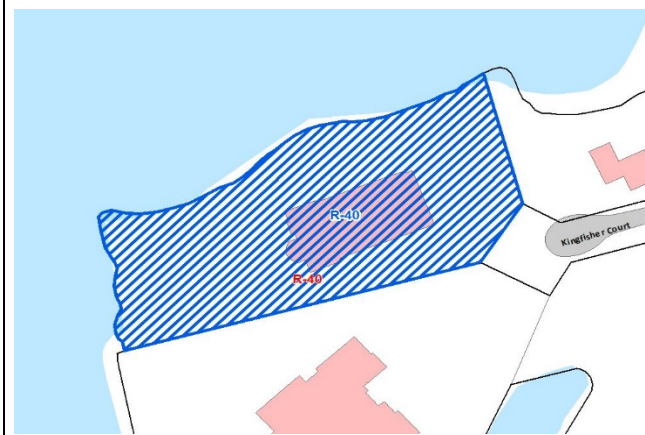


8. 2022-WTRA-00123
 Thomas & Barbara Joynt
 [Applicants & Owners]

To install a bulkhead involving wetlands

1332 Kingfisher Court
 (GPIN 2418-12-4863)

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



* Deferral
 ** Withdrawal

Agent

Calvert Marine
 Richard Calvert

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

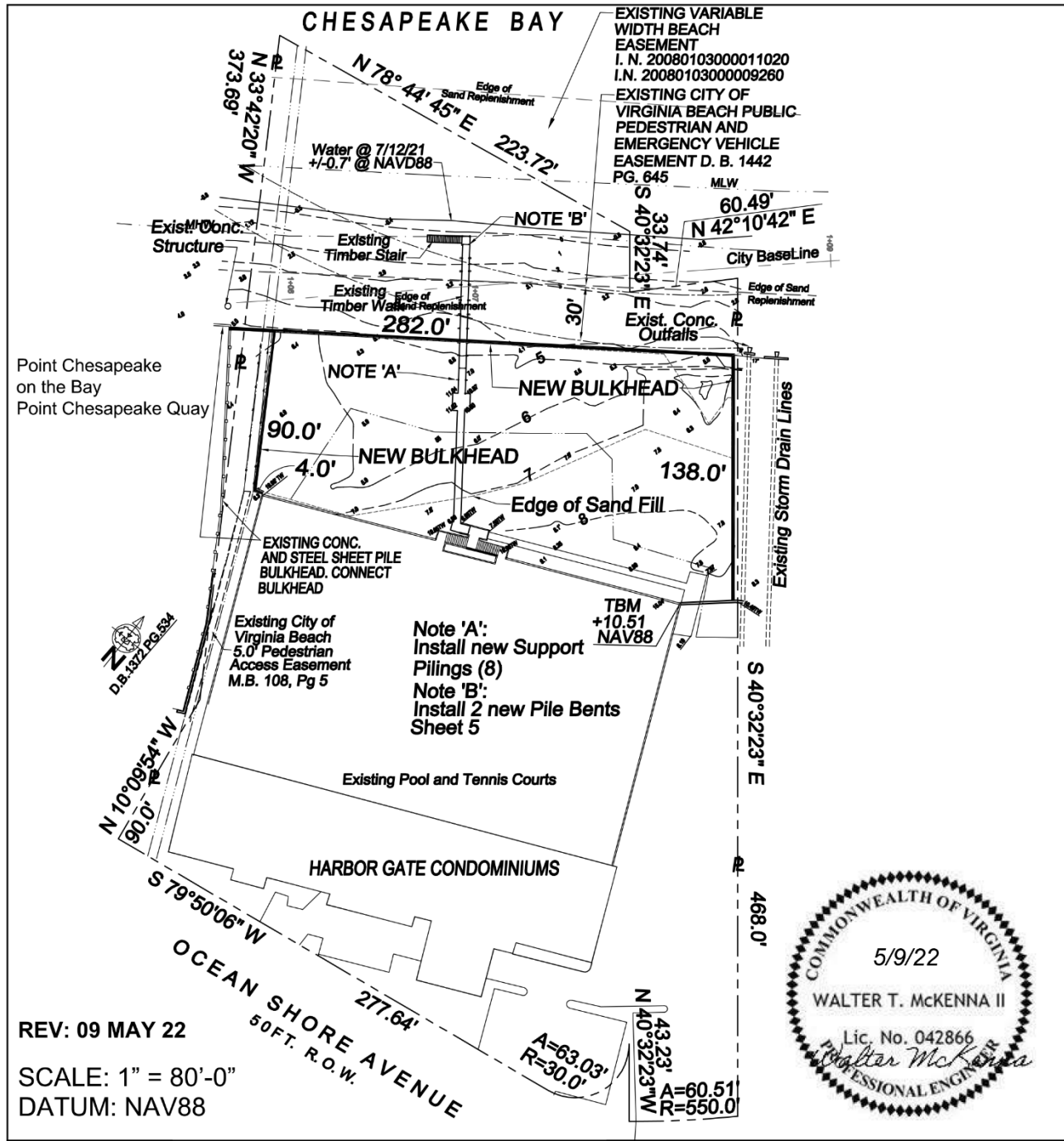
N/A



Site Aerial Map



Proposed Improvements



CALVERT MARINE

Marine and Environmental Permits

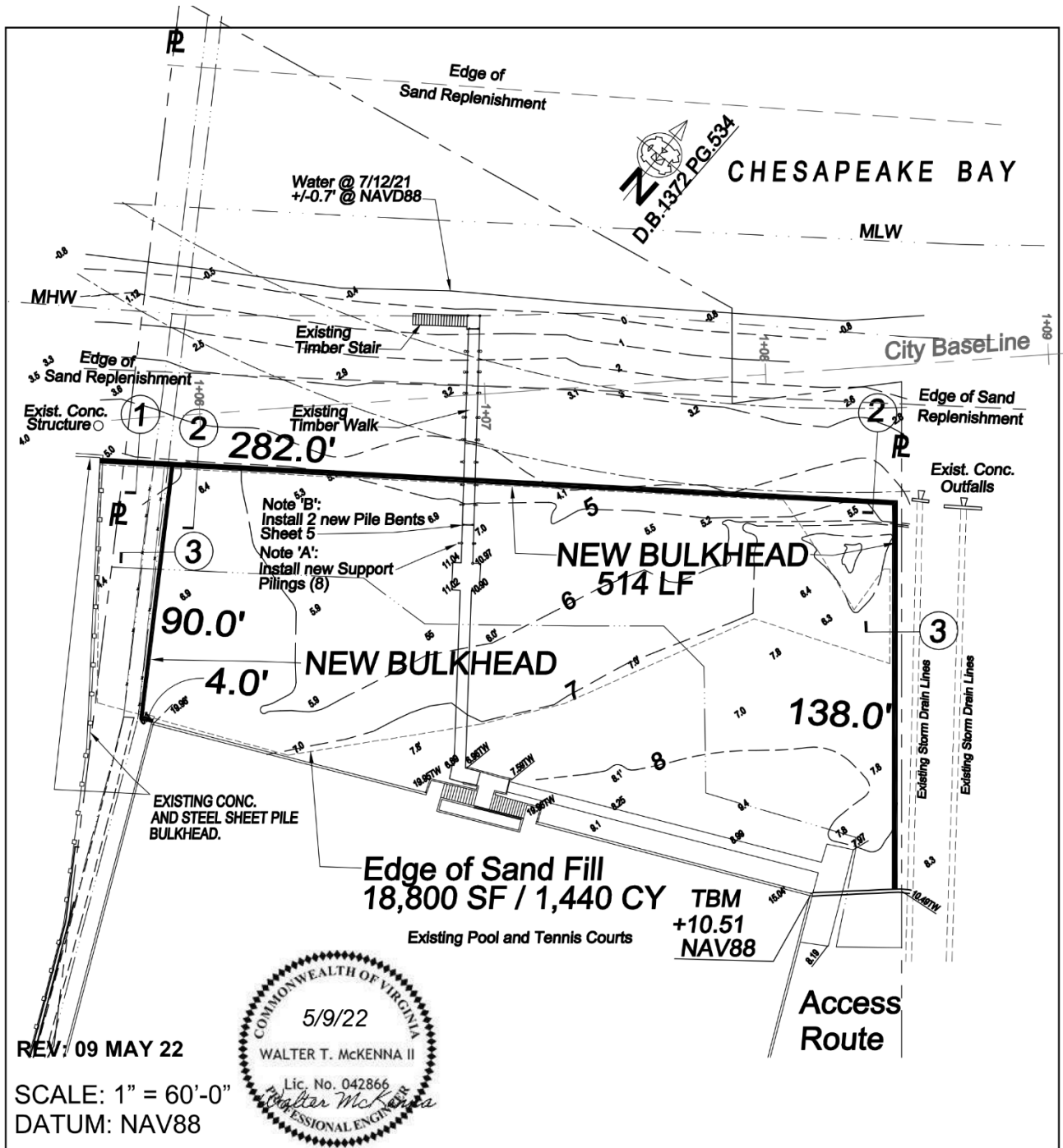
WTM
MARINE LLC
Engineering
1 GORDON DRIVE
POQUOSON, VA

PLAN - EXISTING

Adjacent Property Owners:
1. Point Chesapeake / The Terry Companies Five LLC
2. Cape Henry Towers Condominiums

Proposed: **NEW BULKHEAD & ASSOC. FILL**
in: **CHESAPEAKE BAY**
at: **3300 OCEAN SHORE AVE.**
County of: **Virginia Beach**
Applicant: **Harbour Gate Owners Assoc. Inc.**
Sheet: **2 of 8** Date: **08 AUG 2021**

Proposed Improvements – Enlarged Plan

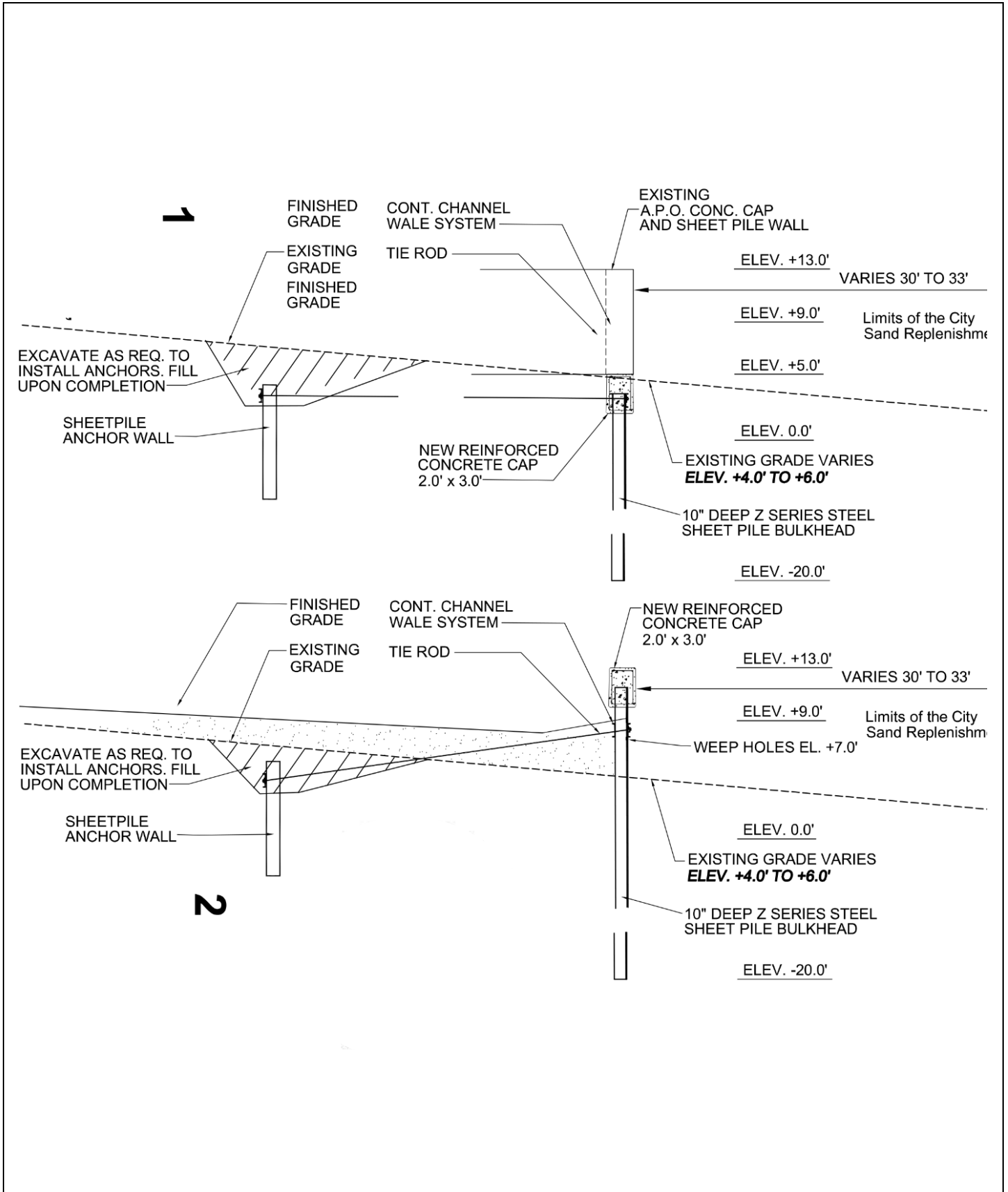


PLAN – NEW WORK

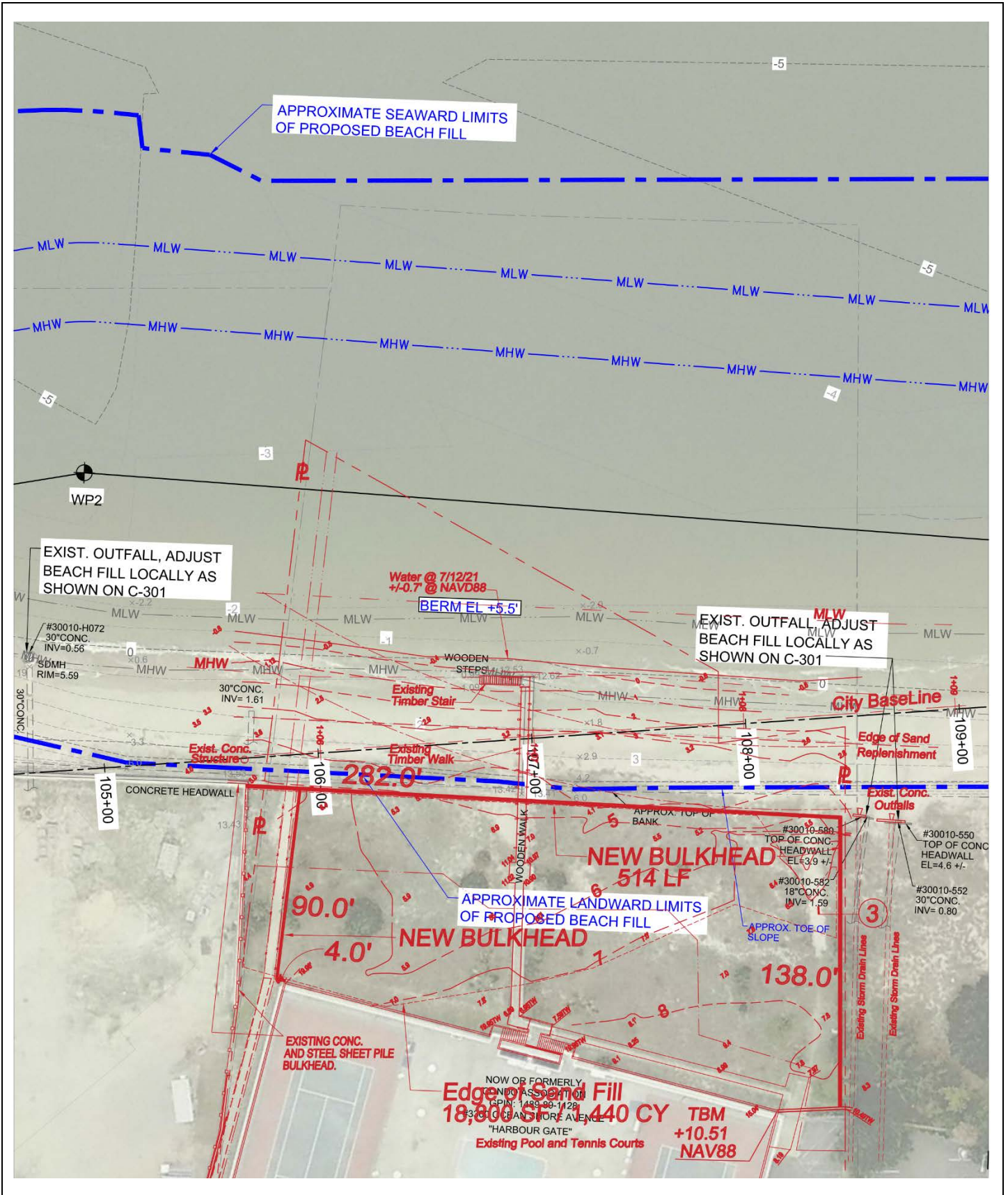
Adjacent Property Owners:
 1. Point Chesapeake / The Terry Companies Five LLC
 2. Cape Henry Towers Condominiums

Proposed: **NEW BULKHEAD & ASSOC. FILL**
 in: **CHESAPEAKE BAY**
 at: **3300 OCEAN SHORE AVE.**
 County of: **Virginia Beach**
 Applicant: **Harbour Gate Owners Assoc. Inc.**
 Sheet: **3** of **8** Date: **08 AUG 2021**

Proposed Improvements – Seawall Details



Proposed Improvements with Proposed Limits of Beach Nourishment



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed; however, no recent Chesapeake Bay Preservation Area (CBPA) Board Variances were found for this property.

A Wetlands Permit was approved in February 2017 to construct a walkway involving Coastal Primary Sand Dune/Beach.

Summary of Proposal

The applicant is proposing to construct a 420 linear foot seawall to protect the Harbor Gate Condominiums from ongoing severe erosion. The proposed seawall will tie into the Point Chesapeake seawall to the south and extend 282 linear feet along the shoreline, before turning south for 138 linear feet to connect with an existing concrete wall on the adjacent property to the north. The proposed seawall is located landward of City of Virginia Public Beach Easement to allow continued City sand replenishment. The proposed seawall is of similar design as the one approved by the Wetlands Board in 2013 for Point Chesapeake. Due to the severe erosion, approximately 1,800 cubic yards of sand backfill is proposed behind the seawall. The proposed project will impact 840 square feet of dune/beach.

Evaluation & Staff Recommendations

The shoreline is experiencing extensive erosion to the existing dune feature. Based on historical data, the shoreline has migrated approximately 148 linear feet landward since 2016, which is exceeding the sand placed by the City's beach nourishment program. The applicant has provided that a seawall is needed to adequately protect the condominium building from further erosion of dune feature and storm events. While a dune creation was evaluated, the applicant determined that due to the heavy wave action and rate of erosion a dune would not provide adequate protection; a dune was created during the City's beach nourishment that has since been washed out. In addition, rip rap was evaluated and determined to be inappropriate. The amount of rock required would impact a larger area than the proposed seawall and would pose a hazard to the public that regularly use the beach.

Staff understands the position of the applicant and the desire to protect the existing structures on the lot against potential further erosion of the dune feature and storm events by constructing a seawall (new bulkhead) at the seaward limit of the ongoing erosion point. However, Staff offers that the Coastal Primary Sand Dune Protection Act provides that whenever reasonably necessary coastal primary sand dunes shall be protected against despoliation and destruction, and whenever practical accommodate necessary economic development in a manner consistent with the protection of the dune feature. Although the availability of sediment is compromised given the current environmental conditions, beach nourishment is planned for this reach of Cape Henry Beach. An exhibit is provided above; page 6 of this report that overlays the proposed improvements associated with this application (highlighted in red) to the approximate limits of proposed beach fill (highlighted in blue) associated with the planned nourishment. Staff provides that *"beach nourishment is the most widely used response to shoreline erosion in the USA and is generally considered more benign than use of hard structures (Nordstrom, Jackson, and Rafferty, 2010)."* Due to the existing conditions, grade elevations of this developed lot, and planned beach nourishment, Staff recommends relocating the seawall landward and reconfiguring the existing wood pier walkway to preserve a natural environment to the greatest extent practicable that allows for sand dunes to form uninterrupted as part of a hierarchical self-organized system once the availability of sediment is restored to the beach.

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

1. The new bulkhead (seawall) alignment, as shown on the submitted Joint Permit Application (JPA) shall be realigned approximately 47 feet landward of the proposed layout. The realignment shall be at the landward edge of the existing 12 foot by 12 foot timber platform.
2. The existing timber walk and stairs seaward of the 12 foot by 12 foot timber platform shall be relocated and terminate with the realignment of the new bulkhead (seawall) alignment.
3. Revised plans shall be submitted to the Virginia Marine Resources Commission and ultimately approved by the Department of Planning and Community Development with the information required in conditions 1, and 2 above 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.

Reference: Nordstrom, Karl F., Nancy L. Jackson, and Patricia Rafferty. "Mitigating the effects of bulkheads on the bay shore of Fire Island National Seashore." Puget Sound Shorelines and the Impacts of Armoring: Proceedings of a State of the Science Workshop, May 2009. 2010.

Location

2004 Compass Circle

GPIN

2409-09-6220

Staff Planner

Whitney McNamara

Proposal

To construct a bulkhead and rip rap involving wetlands

Waterway

Canal to Broad Bay

Subdivision

Bay Island

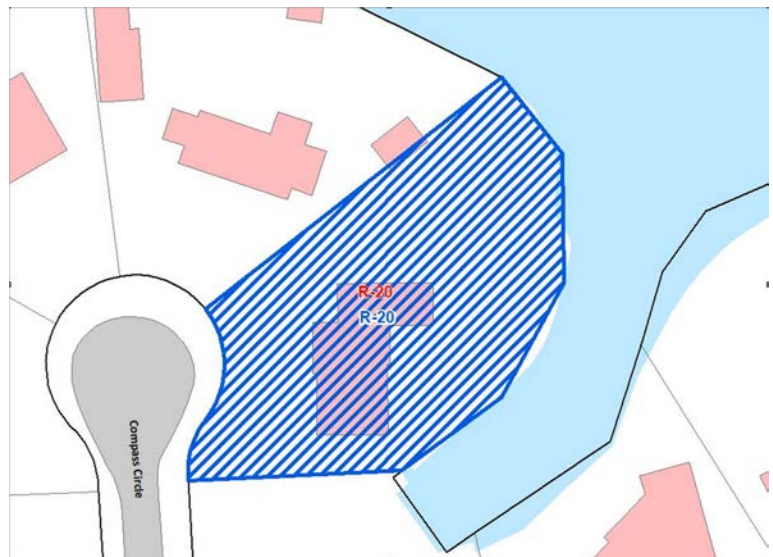
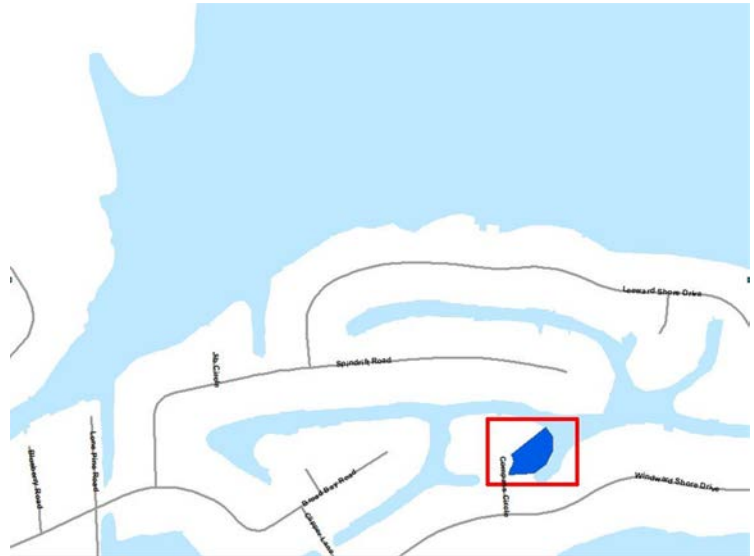
Impacts

Non-Vegetated: 242 square feet

Subaqueous: 445 square feet

Overall length of proposed structure: 80 linear feet of bulkhead, 113 linear feet of rip rap

Volume of Backfill: 68 cubic yards



Site Aerial Map



Agent

Waterfront Consulting, Inc.
 Robert E. Simon

Location

333 Princess Anne Road

GPIN

2317-36-0391

Staff Planner

Whitney McNamara

Proposal

To construct a rip rap revetment involving wetlands

Staff Recommendation

Approval as Modified

Waterway

North Landing River

Subdivision

Pungo

Impacts

Vegetated: 183 square feet

Non-Vegetated: 632 square feet

Overall length of proposed structure: 122 linear feet of rip rap

Proposed Mitigation and/or Compensation

On-site and payment of in-lieu fee

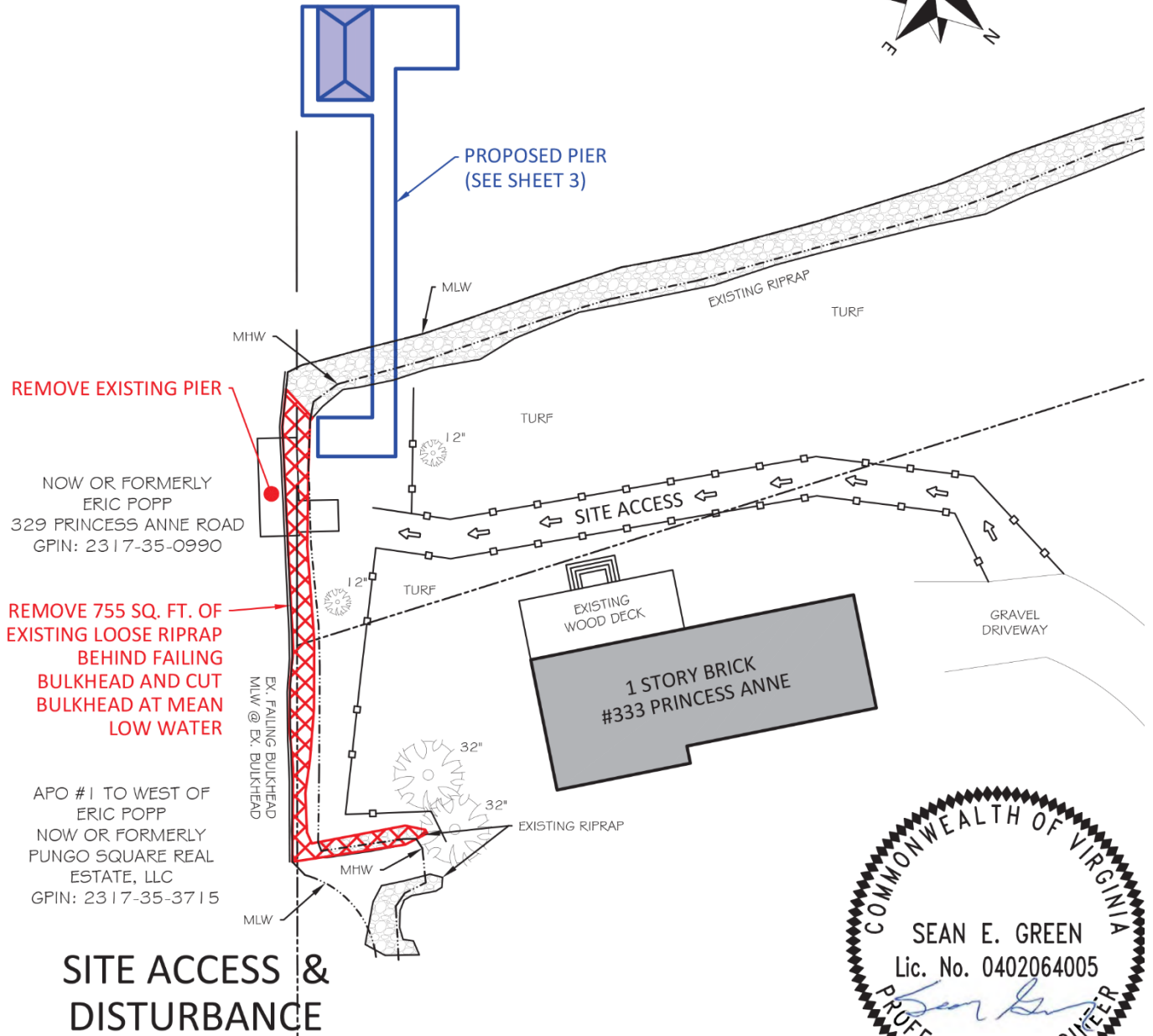
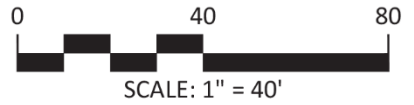


Site Aerial Map



Existing Conditions

ACCESSWAY	= 3,500 SF
RIP RAP	= 755 SF
TOTAL AREA OF DISTURBANCE	= 4,255 SF
AREA IS APPROXIMATE	



SITE ACCESS & DISTURBANCE

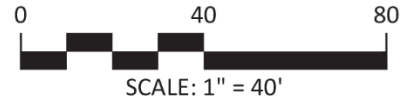
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Proposed Improvements



M.B. 102 PG. 38

NORTH LANDING RIVER



WETLANDS IMPACTS	
VEGETATED TO NON-VEGETATED	= 183 SF
NON-VEGETATED TO NON-VEGETATED	= 632 SF
TOTAL	= 815 SF

PROPOSED 14' x 24'
BOAT HOUSE
WITH BOAT LIFT

PROPOSED PIER

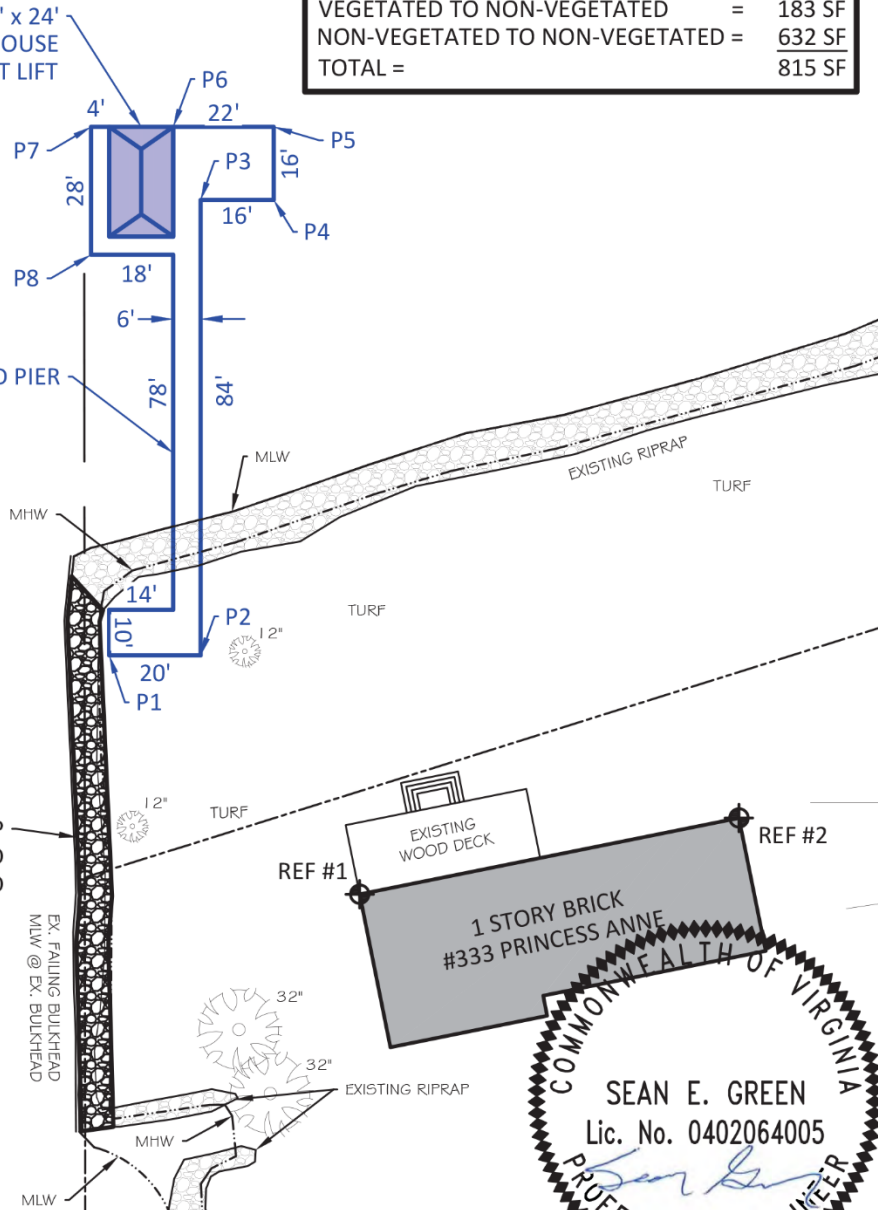
PROPOSED 122' RIPRAP
REVETMENT LANDWARD
OF EXISTING BULKHEAD

NOW OR FORMERLY
ERIC POPP
329 PRINCESS ANNE ROAD
GPIN: 2317-35-0990

APO #1 TO WEST OF
ERIC POPP
NOW OR FORMERLY
PUNGO SQUARE REAL
ESTATE, LLC
GPIN: 2317-35-3715

PROPOSED IMPROVEMENTS

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Site Photos



Site Photos



Wetlands Board Permit History

The property is located in the Southern Rivers Watershed. No recent Wetlands Permits were found for this property.

Summary of Proposal

The applicant is proposing to remove the existing, failed bulkhead and place 122 linear feet of rip rap landward of the existing bulkhead to prevent the shoreline from eroding. The rip rap is proposed landward of the bulkhead as the existing bulkhead runs along the property line. There is currently rock landward of the failed bulkhead and *Phragmites australis* (Common Reed) is growing up through those rocks. The applicant is proposing to impact 183 square feet of vegetated wetlands to remove the *Phragmites*, and 632 square feet of non-vegetated wetlands. The vegetated wetlands will be compensated for by payment of the in-lieu fee, and the non-vegetated wetlands impacts will be compensated on-site as a conversion of non-vegetated wetlands and rock habitat to non-vegetated rock habitat.

Evaluation & Staff Recommendations

The existing bulkhead has failed and is in poor condition. The shoreline can experience strong fetch from southern winds, and at one time rock was added in the past behind the bulkhead to prevent erosion. Staff discussed several options to eliminate or reduce vegetated wetlands impacts, including moving the rip rap channelward of the bulkhead to avoid the *Phragmites* or trying to create a living shoreline component in front of the proposed rip rap. Any work performed in front of the existing bulkhead would not be located on the owner's property, as the bulkhead runs along the property line. In addition, the strong fetch and normal water depth in front of the bulkhead would not support long term establishment of wetlands vegetation. Ultimately, the property owner would like to eradicate the *Phragmites* and solely place rip rap to minimize the presence of snakes.

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

1. A *Phragmites* eradication plan shall be submitted to the Virginia Marine Resources Commission and approved by the Department of Planning and Community Development prior to the issuance of a building permit.
2. Any trees removed in association with the construction of the rip rap revetment shall be replaced at a 1:1 ratio.
3. All rock and debris removed from the site shall be disposed of in a lawful manner.

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.

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

Waterfront Consulting, Inc.
 Robert E. Simon

Location

3157 Lynnhaven Drive

GPIN

1489-98-7424

Staff Planner

Whitney McNamara

Proposal

To construct a bulkhead involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Man-made canal to Long Creek

Subdivision

Lynnhaven Colony

Impacts

Non-Vegetated: 86 square feet

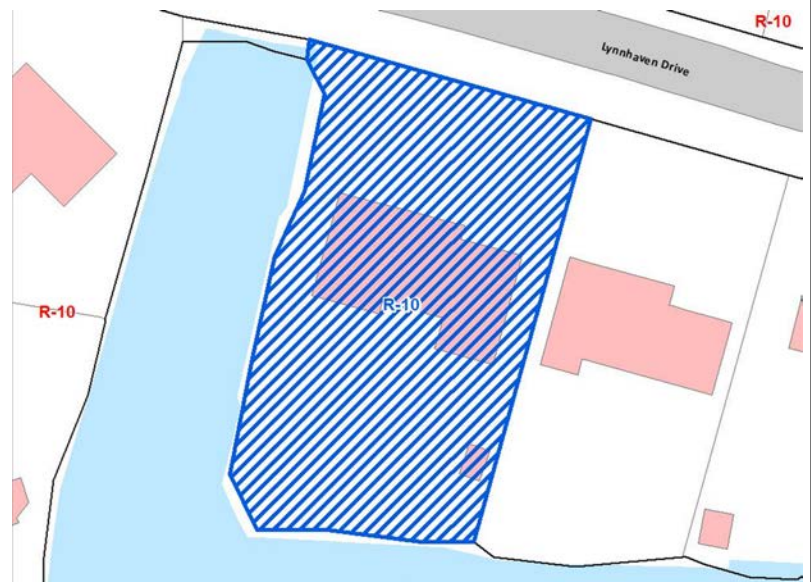
Subaqueous: 420 square feet

Overall length of proposed structure: 284
 linear feet of bulkhead

Volume of Backfill: 85 cubic yards

Proposed Mitigation and/or Compensation

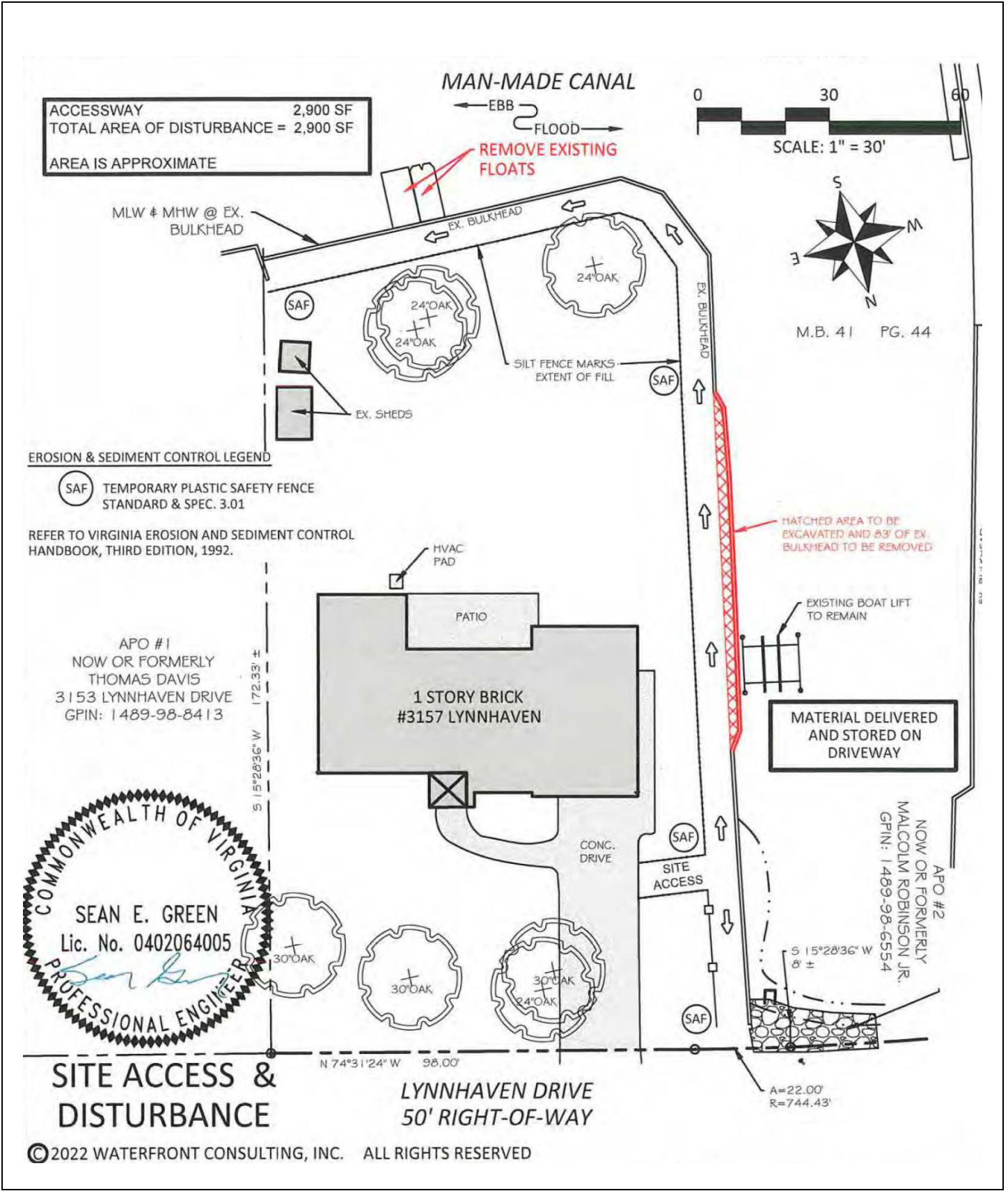
Payment of an in-lieu fee



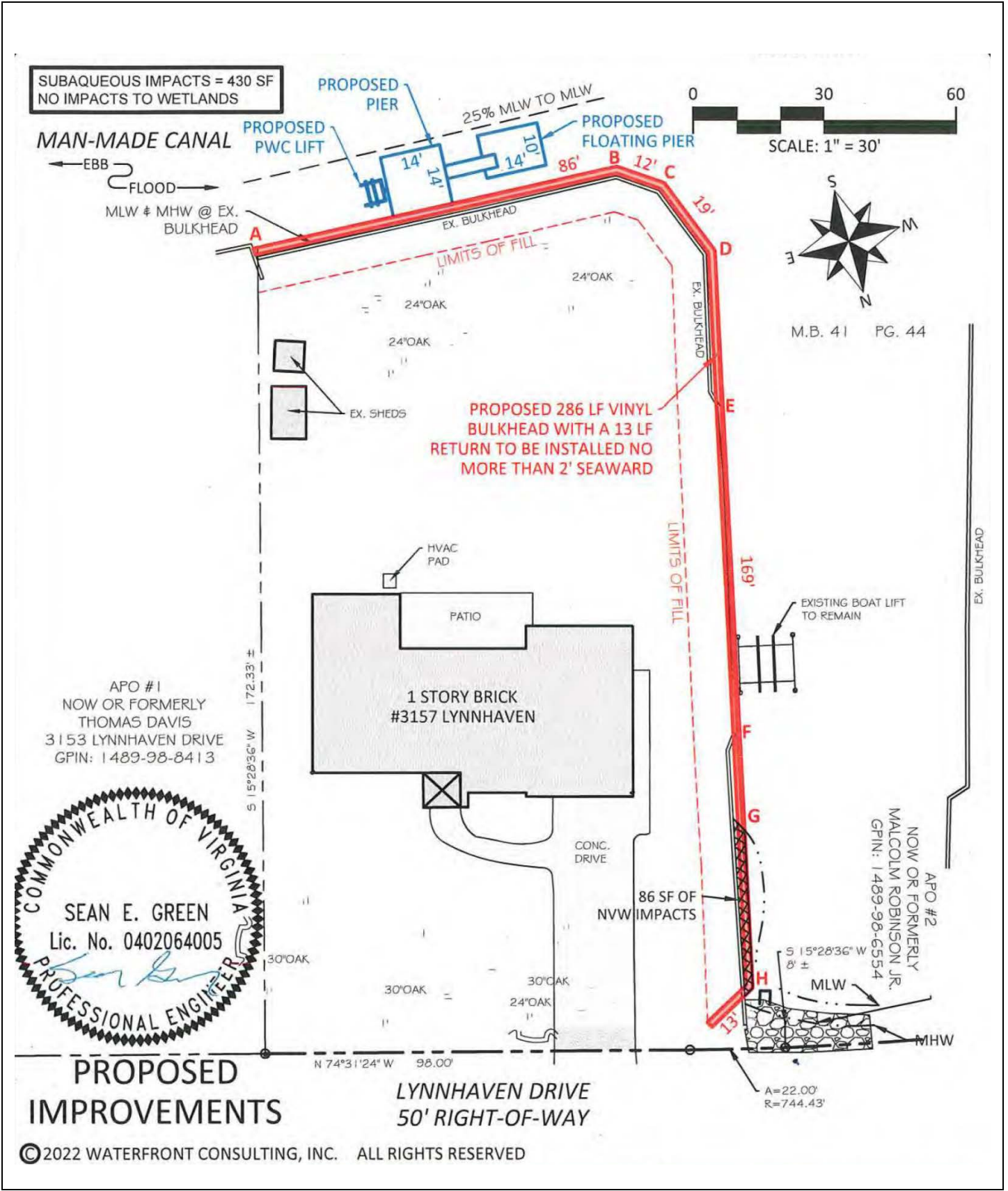
Site Aerial Map



Existing Conditions



Proposed Improvements



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. The Chesapeake Bay Preservation Area (CBPA) Board granted a variance on May 2, 2022 to construct a swimming pool, fire pit, and outdoor kitchen on the subject lot. Said improvements are adjacent to the existing single-family residence.

There are no recent Wetlands permits on file.

Summary of Proposal

The applicant is proposing to replace the existing bulkhead with a 286 linear foot vinyl bulkhead with a 12-foot return wall. The proposed bulkhead will be no more than two feet in front of the existing bulkhead and will be constructed in-line with the existing bulkhead along an 83 linear foot section, as shown on the existing conditions exhibit where the existing bulkhead is located channelward of the rest of the existing bulkhead. The proposed project will impact 86 square feet of non-vegetated wetlands where sediment has accumulated around a stormwater outfall pipe. The applicant is recommending payment of an in-lieu fee to mitigate these impacts.

Evaluation & Staff Recommendations

The existing bulkhead is reaching the end of its construction lifespan and there are signs of failure showing due to small pockets of erosion that have formed behind the existing bulkhead. The property is located in the Lynnhaven Colony neighborhood, where the majority of the properties are protected by bulkheads and water access is through dredged man-made canals running adjacent to the properties. The current bulkhead is seven to nine feet tall, and there are two, large Live Oak trees located at the rear of the property, adjacent to the existing bulkhead. Given the bulkhead heights and water depths, should the applicant install a living shoreline or rip rap, the applicant would have to excavate approximately 12 to 18 feet of the back yard to achieve the appropriate slope, resulting in loss of the Live Oak trees. In addition, excavating the uplands to construct a living shoreline would require long return walls to prevent erosion on the neighboring properties. As for placing rip rap in front of the existing bulkhead, the revetment would encroach approximately 12 to 18 feet into the existing channel. Staff supports the applicant's decision to install a replacement bulkhead on this property.

Accordingly, the Department of Planning and Community Development recommends that the project be **approved as submitted** as shown on the plans for Kenneth & Valerie Register at 3157 Lynnhaven Drive sealed on April 10, 2022 and received by the Virginia Marine Resource Commission on April 20, 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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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

Self-represented

Location

2613 Sandy Valley Road

GPIN

1497-67-1561

Staff Planner

Whitney McNamara

Proposal

To construct a rip rap revetment involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Eastern Branch of Lynnhaven River

Subdivision

Chesopeian Colony

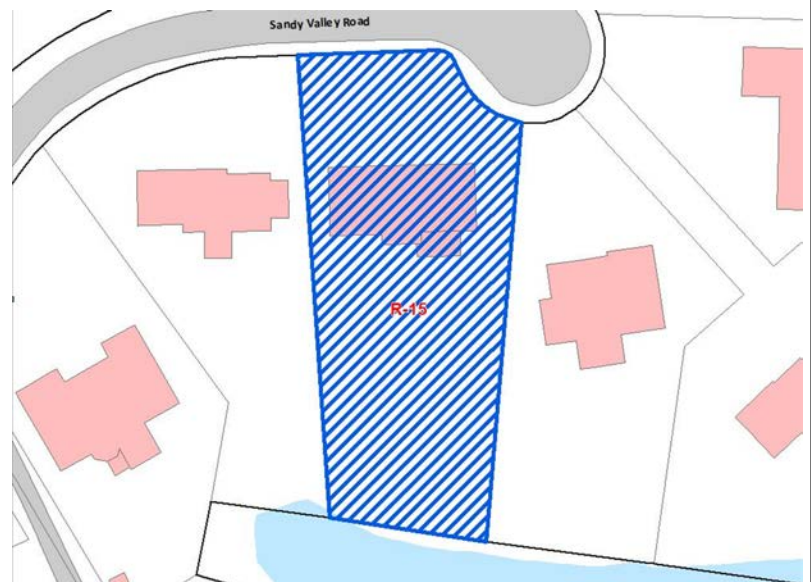
Impacts

Non-Vegetated: 462 square feet

Overall length of proposed structure: 80 linear feet of rip rap

Proposed Mitigation and/or Compensation

On-site

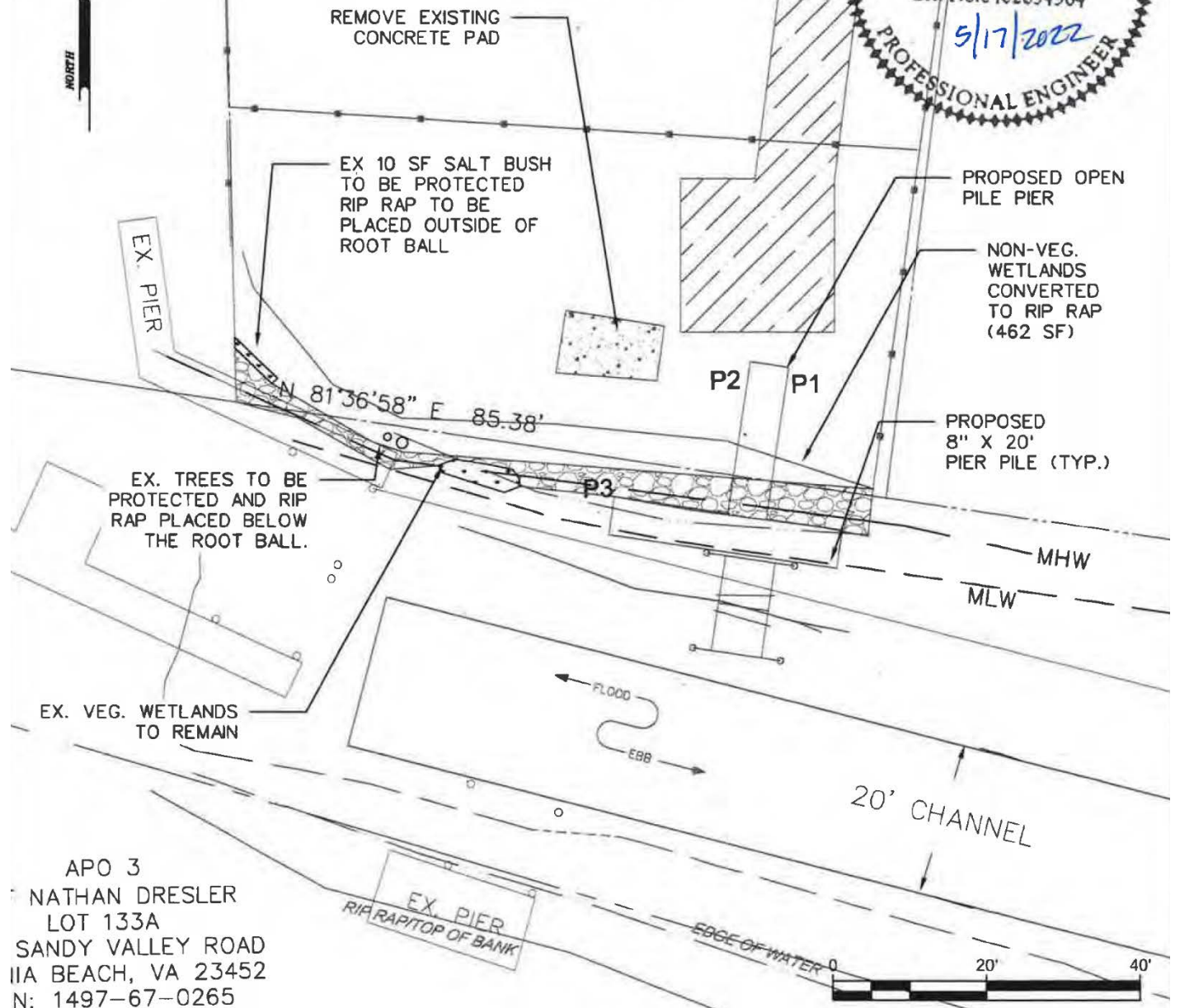


Site Aerial Map



Proposed Improvements

**PROPOSED 5' x 55' PRIVATE OPEN PILE
PIER, FOUR PILE BOAT LIFT AND RIP RAP
STABILIZATION. BOAT LIFT TO BE
INSTALLED PER MANUFACTURER'S
SPECIFICATIONS**



APO 3
NATHAN DRESLER
LOT 133A
SANDY VALLEY ROAD
IIA BEACH, VA 23452
N: 1497-67-0265

Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. There are no recent Chesapeake Bay Preservation Area (CBPA) Board Variances or Wetlands Permits on file for this property.

Summary of Proposal

The applicant is proposing to stabilize the shoreline with 80 linear feet of rip rap. The rip rap has been located around vegetated wetlands to avoid impacts but will impact 462 square feet of non-vegetated wetlands, which will be compensated for as an on-site conversion of non-vegetated wetlands to non-vegetated rock habitat.

Evaluation & Staff Recommendations

The shoreline is experiencing erosion and impacts from upland runoff. Staff met with the applicant on site to discuss various opportunities for shoreline restoration and stabilization. A living shoreline was not considered for the site due to the proximity of the neighbor's dock, the height of portions of the existing bank with the desire to protect existing trees, and the desire to protect boating access. Staff did discuss the possibility of using flexamat for shoreline stabilization, but the applicant ultimately decided to use rip rap due to the desire to construct the project this summer and the inability to purchase flexamat in the desired time frame due to manufacturing delays. The applicant reduced wetlands impacts by relocating the proposed rip rap landward of all wetlands vegetation and is proposing to hand place rip rap around existing trees to prevent impacts.

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

1. Rip rap shall be toed 1 foot below bottom into firm soil and filter cloth installed continuous under the proposed rip rap.
2. Rip rap shall be installed landward of all wetland vegetation at a slope no greater than 1.5 to 1.
3. Revised plans shall be submitted to the Virginia Marine Resources Commission and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

Next Steps

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

Government Permitting Consultants
 Billy Garrington

Location

1056 Bobolink Drive

GPIN

2418-15-5578

Staff Planner

Cole Fisher

Proposal

To construct a rip rap revetment

Staff Recommendation

Approval as Submitted

Waterway

Linkhorn Bay

Subdivision

Birdneck Point

Impacts

Non-Vegetated: 1,084 square feet

Subaqueous: 3,556 square feet

Overall length of proposed structure: 325
 linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

On-site



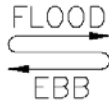
Site Aerial Map



Proposed Site Plan

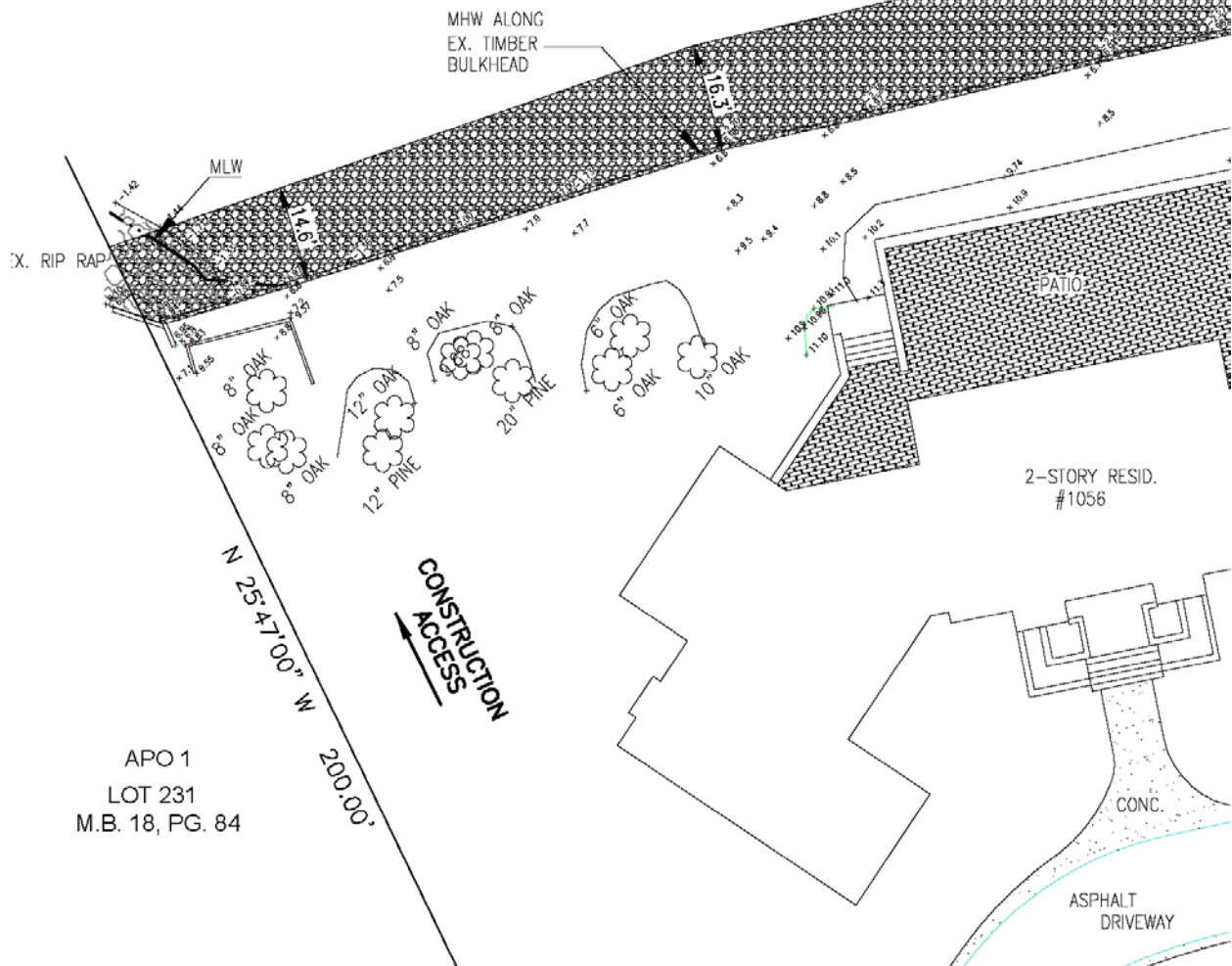


LINKHORN BAY



MATCH
LINE

PROPOSED
RIP RAP
LENGTH = 325 L.F.



ADJACENT PROPERTY OWNERS

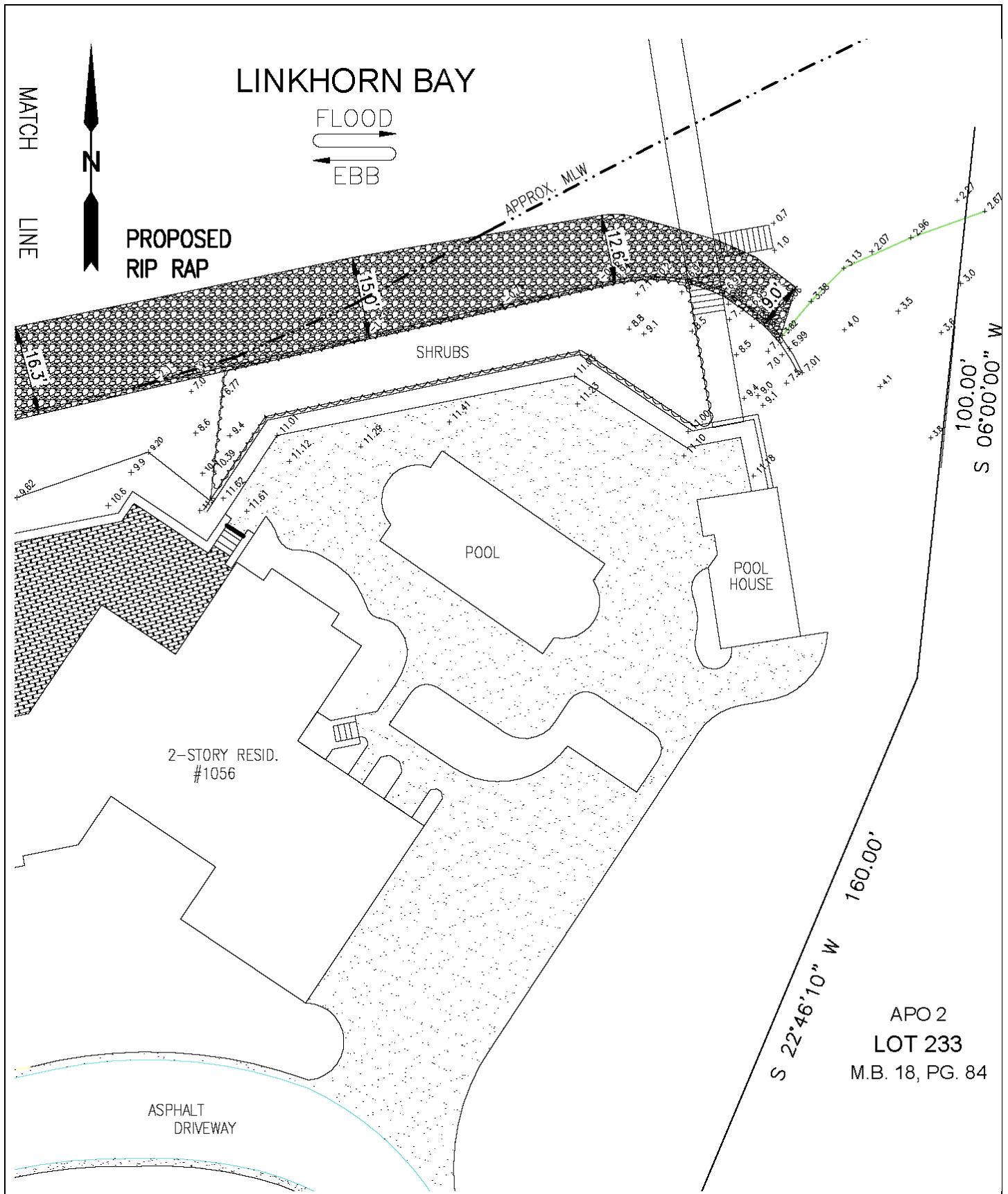
1. ROBERT L MARCHETTI
JUDITH F. MARCHETTI
2. MORGAN T. WEIS

ENLARGEMENT PLAN

1" = 25'

PROJECT: RIP RAP
BY: VINCE & JUDITH NAPOLITANO
IN: LINKHORN BAY
DATE: MARCH 25, 2022
SHEET: 3 OF 6

Proposed Site Plan



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

This property is located within the Chesapeake Bay Watershed. There are no CBPA variances or Wetlands Board permits on file.

Summary of Proposal

The applicant is proposing to construct approximately 325 linear feet of rip rap revetment in front of the existing timber bulkhead. The proposed project will impact 1,084 square feet of non-vegetated wetlands and the applicant proposes on-site compensation for all impacts. The applicant's agent does not believe that a living shoreline is feasible in this location due to the 1.32 miles of fetch that this shoreline experiences, which would hinder the success of a living shoreline on this property.

Evaluation & Staff Recommendations

The applicant wishes to reinforce the existing timber bulkhead that is currently protecting the property's shoreline by constructing 325 linear feet of rip rap revetment channel ward of the existing bulkhead. Upon Staff's site visit, Staff noticed that the bulkhead is showing signs of failure due to pockets of erosion attempting to form behind the wall. This shoreline is vulnerable to storms and high tides and the applicant's agent has indicated that the property experiences heavy wave action. Staff agrees with the applicant's agent that living shoreline is not feasible for this property. The proposed rip rap revetment will impact approximately 1,084 square feet of non-vegetated sandy beach located within the intertidal zone, which shall result in an on-site conversion of non-vegetated sandy beach habitat to non-vegetated rock habitat.

The applicant's agent has indicated that no vegetation has grown within the intertidal area due to the wave action this shoreline receives. Staff is of the opinion that the rock habitat proposed with this rip rap revetment will further reinforce the shoreline and may provide habitat for oyster growth to further benefit the water quality of the Eastern Branch of the Lynnhaven River. Accordingly, the Department of Planning and Development Staff recommends that the application be **approved as submitted** as shown on the plans for Vincent Napolitano at 1056 Bobolink Drive sealed on March 25, 2022 and received by the VMRC on April 7, 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

Waterfront Consulting, Inc.
Robert E. Simon

Location

3901 Richardson Road

GPIN

1488-15-9870

Staff Planner

Whitney McNamara

Proposal

To construct rip rap involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Western Branch of Lynnhaven River

Subdivision

Witchduck

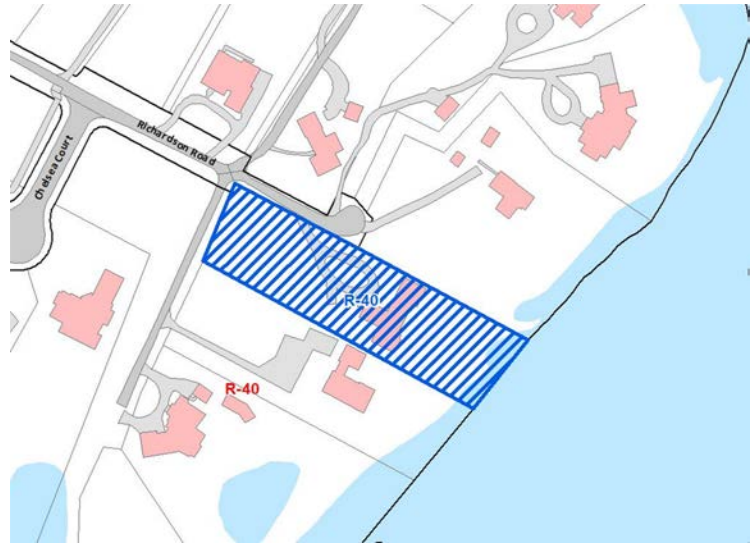
Impacts

Non-Vegetated: 171 square feet

Overall length of proposed structure: 150
linear feet of rip rap

Proposed Mitigation and/or Compensation

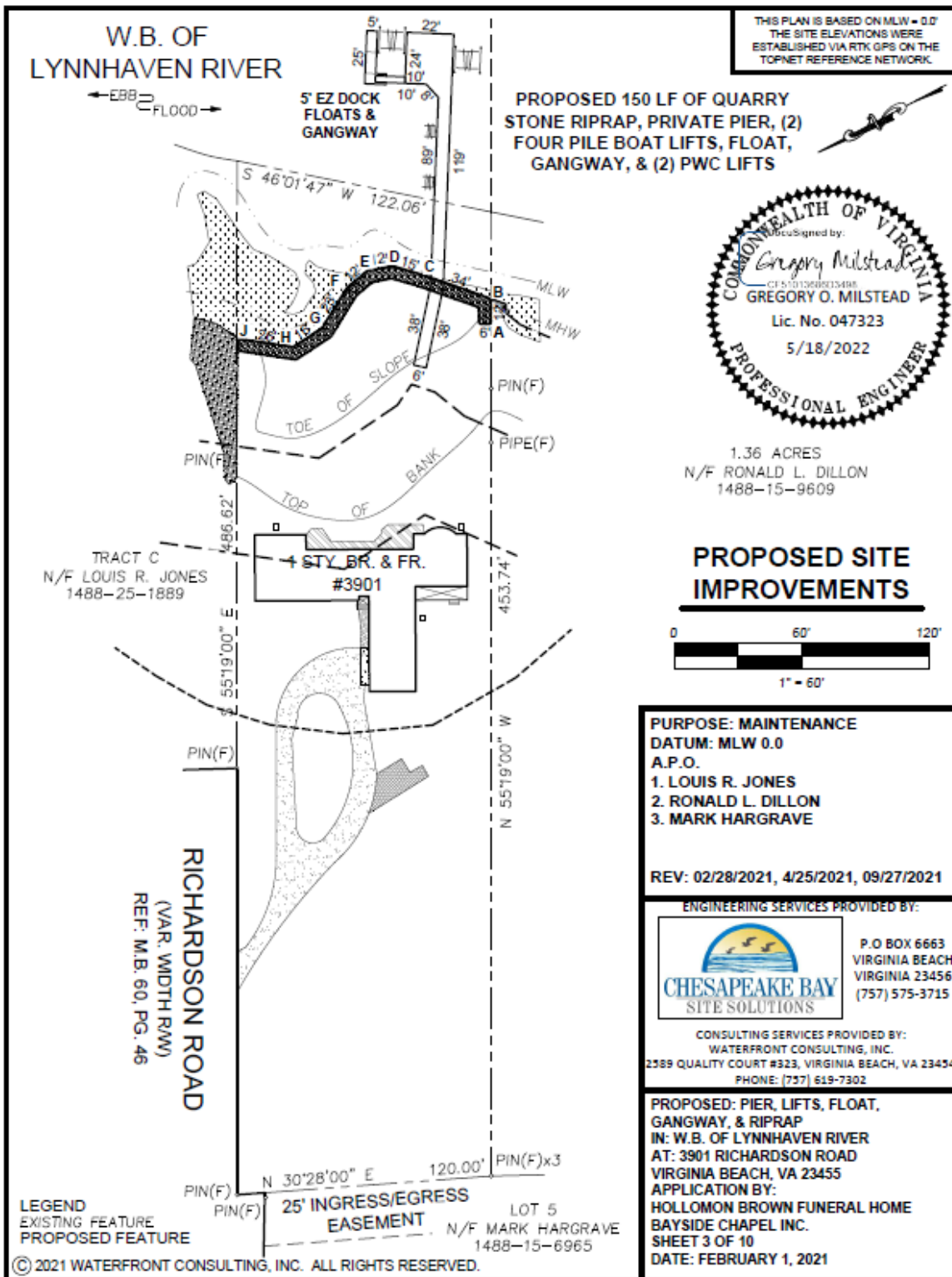
On-site



Site Aerial Map



Proposed Site Plan



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

This property is located in the Chesapeake Bay Watershed; however, no recent Chesapeake Bay Preservation Area (CBPA) Board Variances or Wetlands Permits were found for this property. The project was approved by the Wetlands Board in March 2021; however, a permit was never issued, and the approval expired.

Summary of Proposal

The applicant is proposing to remove the existing concrete bulkhead and rip rap rubble to construct a 150 linear foot rip rap revetment. The proposed rip rap will be located landward of Mean High Water, with the exception of temporary impacts for excavation and placement of the rip rap toe. There are 171 square feet of non-vegetated wetlands impacts from the removal of the rip rap rubble, which will be converted to non-vegetated mud flat and non-vegetated rock habitat. The applicant is proposing on-site compensation for the non-vegetated wetlands impacts. No fill is proposed as part of this project. The primary purpose is to maintain the shoreline to prevent erosion.

Evaluation & Staff Recommendations

The existing rip rap rubble and concrete wall are not designed to current shoreline stabilization standards, and there are signs of erosion along the shoreline. The applicant has located the majority of the project above Mean High Water, and only the placement of the toe of the rip rap will impact non-vegetated wetlands. These impacts will be restored after placement of the rock.

The Wetlands Board approved the project at the March 2021 Public Hearing; however, the approval expired prior to the issuance of a Wetlands Permit. When Staff visited the site prior to the March 2021 Public hearing, it appeared that there may be some impacts to vegetated wetlands in the 1.5x Upper Jurisdictional Limits for vegetated wetlands. The applicant's agent indicated that the toe of the rip rap will be located landward of all wetland vegetation growing on the site. Staff also found wetlands vegetation and oysters growing in and on the rip rap rubble proposed for removal. Due to the condition of the rip rap rubble and desire to clean up and restore the shoreline, Staff recommended relocating the rubble with oysters to the base of the new rip rap and re-grading and sprigging the area with wetlands vegetation. The applicant's agent agreed to those conditions and the application was approved as modified with the four following conditions:

1. The toe of the rip rap shall be located landward of all wetland vegetation growing on the site. The extent of wetlands vegetation shall be determined and marked during a required pre-construction meeting with Planning and Community Development Staff. A note shall be added to the plans to advise the contractor of this requirement.
2. Wetland vegetation shall be planted seaward of the rip rap revetment in the area of existing rip rap rubble to incorporate a living shoreline component into the project.
3. Rip rap rubble and rocks with oysters growing on them shall be preserved during construction and placed along the toe of the rip rap revetment after construction is complete.
4. Revised plans shall be submitted to the Virginia Marine Resources Commission and ultimately approved by the Department of Planning and Community Development with the information required in conditions 1, 2, and 3 above prior to the issuance of a building permit.

The requested revisions were included in the plans submitted for the reapplication. Accordingly, the Department of Planning and Community Development recommends the application be **approved as submitted** as shown on the plans titled “Proposed pier, lifts, float, gangway, & rip rap” at 3901 Richardson Road for Hollomon Brown Funeral Home Bayside Chapel Inc. Sealed on May 18, 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

Waterfront Consulting, Inc.
 Robert E. Simon,

Location

1332 Kingfisher Court

GPIN

2418-12-4863

Staff Planner

Cole Fisher

Proposal

To install a bulkhead involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Linkhorn Bay

Subdivision

Birdneck Point

Impacts

Non-vegetated Wetlands: 25 square feet

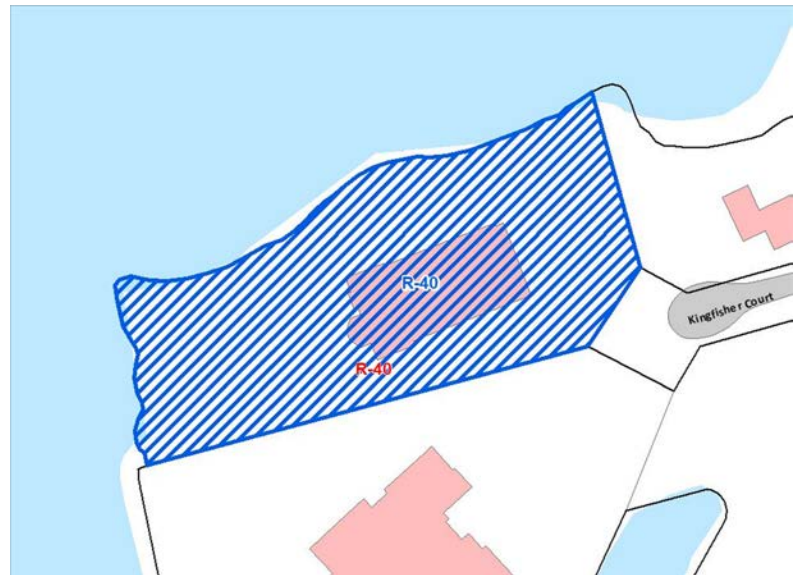
Subaqueous bottom: 805 square feet

Overall length of proposed structure: 415 feet

Volume of backfill: 90 cubic yards

Proposed Mitigation and/or Compensation

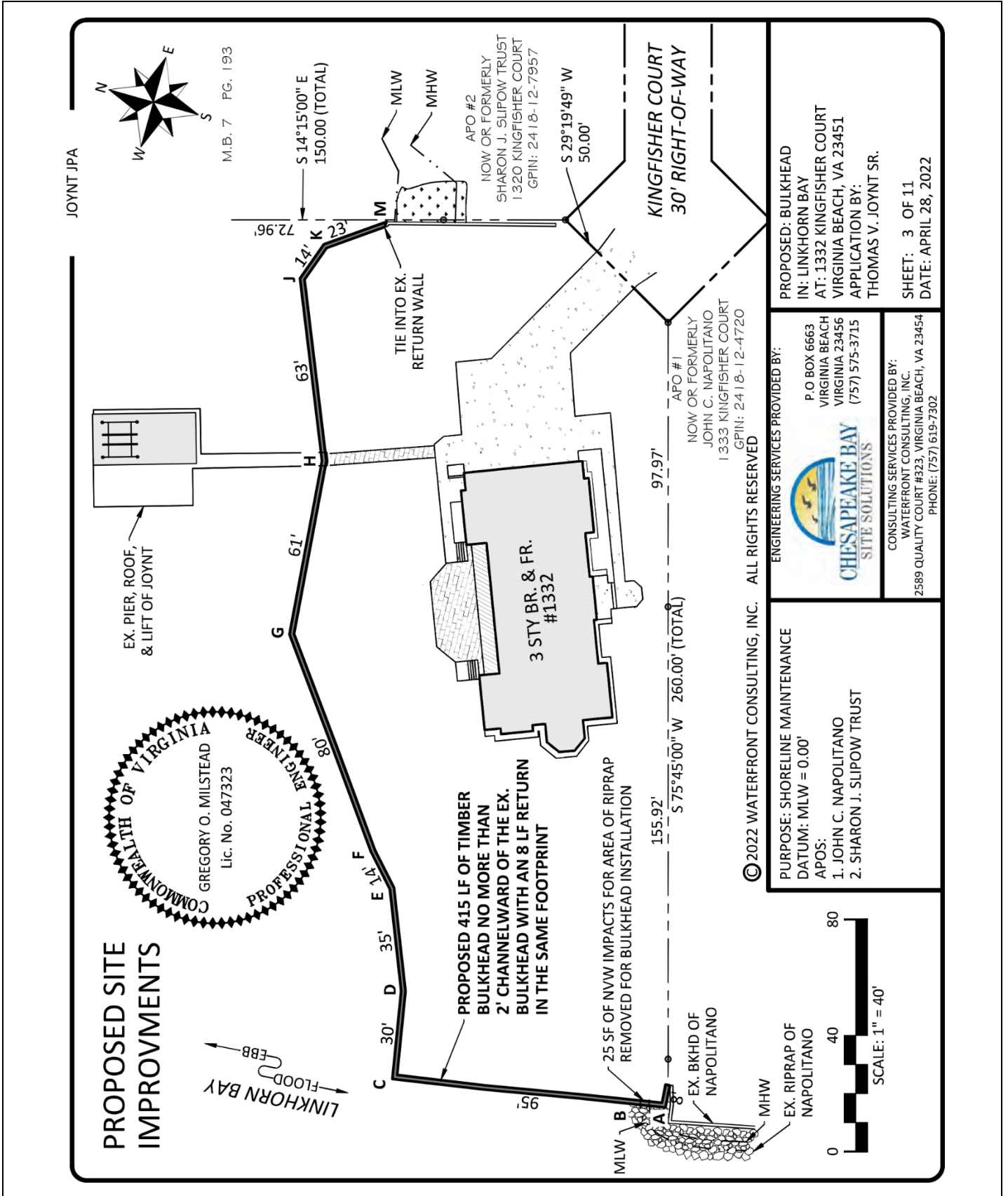
Payment of an in-lieu fee



Site Aerial



Proposed Improvements



Site Photos



Site Photos



CBPA Variances and Wetlands Board Permit History

This property is located in the Chesapeake Bay Watershed. A Wetlands Board approval was granted at the September 17, 2018 Public Hearing to install a bulkhead two feet channel ward of the existing bulkhead, which has since expired.

A Chesapeake Bay Preservation Area (CBPA) Board variance was granted on August 28, 2017, to remove a condition that required the use of rip rap instead of replacing the existing bulkhead. At that Board hearing, it was discovered that buffer restoration associated with a February 2011 CBPA Board Variance had not been installed. A Civil permit must be obtained to install the required buffer restoration (4,225 square feet) which can be done concurrent with the approved Wetlands permit to replace the existing bulkhead, should the current request to replace the bulkhead be approved by the Wetlands Board.

Summary of Proposal

The applicant is proposing to install a 415 linear foot bulkhead with an eight-foot return wall to replace their existing, failing bulkhead in the same footprint. The proposed bulkhead will impact 25 square feet of non-vegetated rock habitat due to the removal of rip rap along the western portion of the proposed bulkhead to create space to install the new bulkhead.

The applicant's agent indicated that a living shoreline was not considered for this project due to the height of the existing bulkhead and the slope required for the living shoreline to work properly on this piece of property. The applicant is proposing to pay an in-lieu fee to compensate for the non-vegetated wetlands impacts.

Evaluation and Staff Recommendations

Staff revisited the property, and the bulkhead has continued to show signs of failure since the first site visit for the September 2018 Board Hearing. The western side of the bulkhead is oriented north along Linkhorn Bay and experiences a considerable amount of fetch during storm events. The applicant's agent has indicated that a rip rap revetment would require the existing yard to be excavated landward 13 to 18 feet and would impact several mature trees. In addition to the 25 square feet of impacts from the removal of the existing rip rap, Staff did notice water present in one of the pockets of erosion behind the bulkhead and has added a condition to address the non-vegetated wetlands impacts and in-lieu fee payment amount for the project. Staff is of the opinion that replacing the bulkhead is the best method to stabilize and protect the shoreline.

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

1. A buffer restoration plan shall be submitted to the Development Services Center (DSC) for review and approval. Once the buffer restoration plan is approved, a Civil Permit for CBPA Buffer Restoration shall be obtained concurrent with the building permit to construct the proposed bulkhead. All required restoration must be installed within 90 days after issuance of the building permit.
2. Wetlands impacts shall be recalculated to reflect the additional impacts from the new pocket of erosion behind the existing bulkhead.

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.