

Wetlands Board Staff Report

August 21, 2023



CITY OF
VIRGINIA
BEACH

VIRGINIA BEACH WETLANDS BOARD

PUBLIC HEARING PROCEDURES & AGENDA

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, August 21, 2023** at 10:00 a.m. in the New Council Chamber - 2401 Courthouse Drive, Building 1, Second Floor, Virginia Beach, VA.

An informal session will be held the same day at 9:00 a.m. in room 2034, City Manager's Conference Room - 2401 Courthouse Drive, Building 1, Second Floor, Virginia Beach, VA. During the informal session, Staff briefs the Board on agenda items. All interested persons are invited to attend. There is no opportunity for citizenry to speak at the briefing session; however, the public is invited to speak at the formal Wetlands Board Public Hearing that follows. For information or to examine copies of proposed plans, ordinances or amendments call (757) 385-4621 or go to virginiabeach.gov/wetlands or visit the Department of Planning and Community Development, 2875 Sabre Street, Suite 500, Virginia Beach, Virginia by appointment. Citizens may also submit comments to the Wetlands Board prior to the public hearing via email to waterfront@vbgov.com or via United States Mail to Waterfront Operations, 2875 Sabre Street, Suite 500, Virginia Beach, VA 23452.

The Staff reviews some or all of the items on the agenda and suggests that certain conditions be attached for deliberation by the Wetlands Board. However, it should not be assumed that those conditions constitute all the conditions that will ultimately be attached to the project. Staff agencies may impose further conditions and requirements during administration of applicable City Ordinances. The administrative comments contained in the attached Staff reports constitutes Staff recommendations for each application and are advisory only. Final determination of the application is made by the Virginia Beach Wetlands Board at the public hearing.

THE FOLLOWING DESCRIBES THE ORDER OF BUSINESS FOR THE PUBLIC HEARING

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

- 1. WITHDRAWALS AND DEFERRALS:** The first order of business is the consideration of withdrawals or requests to defer an item. The Board will ask those in attendance at the hearing if there are any requests to withdraw or defer an item that is on the agenda. PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.
 - a.** An applicant may WITHDRAW an application without the Boards' approval at any time prior to the commencement of the public hearing for that item. After the commencement of the hearing, however, the applicant must request that the Wetlands Board allow the item to be withdrawn.
 - b.** In the case of DEFERRALS, the Board's policy is to defer the item FOR AT LEAST 60 DAYS. Although the Board allows an item to be deferred upon request of the applicant, the Board will ask those in attendance if there are any objections to the request for deferral. If you wish to oppose a deferral request, let the Board know when they ask if there is anyone in attendance who is opposed to the deferral. PLEASE confine your remarks to the deferral request and do not address the issues of the application – in other words, please let the Board know why deferring the application is unacceptable rather than discussing what your specific issue is with the application.

- 2. REGULAR AGENDA:** The Board will then proceed with the remaining items on the agenda, according to the following process:
- a.** The applicant or applicant's representative will have 10 minutes to present the case.
 - b.** Next, those who wish to speak in support to the application will have 3 minutes to present their case.
 - c.** If there is a spokesperson for the opposition, he or she will have 10 minutes to present their case.
 - d.** All other speakers not represented by the spokesperson in opposition will have 3 minutes.
 - e.** The applicant or applicant's representative will then have 3 minutes for rebuttal of any comments from the opposition.
 - f.** There is then discussion among the Board members. No further public comment will be heard at that point. The Board may, however, allow additional comments from speakers if a member of the Board sponsors them. Normally, you will be sponsored only if it appears that new information is available, and the time will be limited to 3 minutes.
 - g.** The Board does not allow slide or computer-generated projections other than those prepared by the Planning Department Staff.

The Board asks that speakers not be repetitive or redundant in their comments. Do not repeat something that someone else has already stated. Petitions may be presented and are encouraged. If you are part of a group, the Board requests, in the interest of time, that you use a spokesperson, and the spokesperson is encouraged to have his or her supporters stand to indicate their support.

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



WETLANDS BOARD AGENDA

Public Hearing Date **August 21, 2023**

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

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

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

ADMINISTRATIVE AGENDA ITEMS

1. WETLANDS BOARD ADMINISTRATIVE BUSINESS

- A. Approval of the Annual Report to City Council
- B. Amendments to Board’s Policies & Procedures

OLD BUSINESS - WETLANDS

2. 2023-WTRA-00133

Charles E. Falk Jr. & Susan M. Falk
[Applicants & Owners]

724 Oriole Drive
GPIN 2418-61-8861
City Council District: District 6

Waterway – Little Neck Creek
Subdivision – Birdneck Point

Request: To construct a bulkhead, rip rap revetment, and plant vegetation involving wetlands.



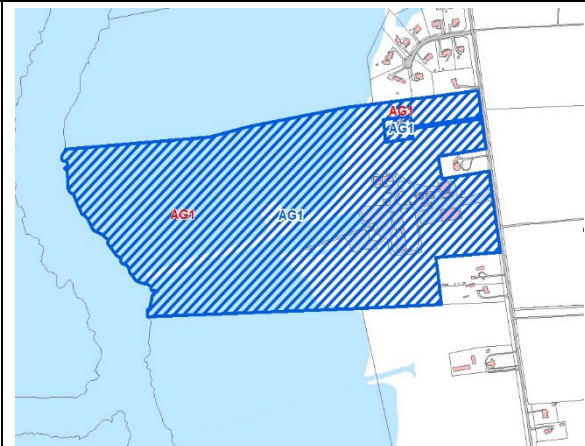
3. 2022-WTRA-00233

JHS GST Trust
[Applicant & Owner]

781 and 809 Princess Anne Road
GPINs 2309-37-6009 and 2309-48-1216
City Council District: District 2

Waterway – Canal to North Landing River
Subdivision – Pungo

Request: To dredge involving wetlands.



NEW BUSINESS – WETLANDS

4. 2023-WTRA-00157

Allen M. & Barbara J. Larar

[Applicants & Owners]

2389 Haversham Close

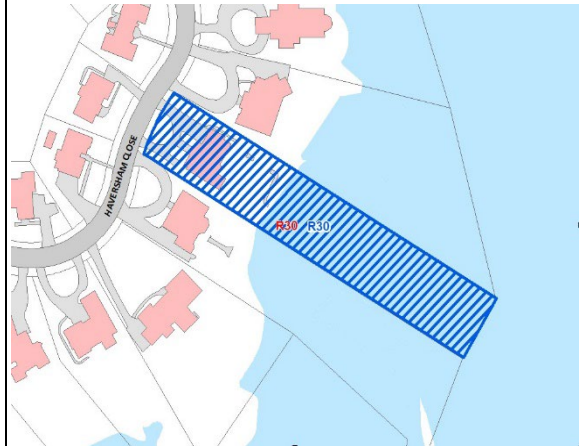
GPIN 2409-14-7744

City Council District: District 8

Waterway – Broad Bay

Subdivision – Broad Bay Point Greens

Request: To construct a rip rap revetment and groin wall involving wetlands.



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**Wetlands Board
Administrative Business**

Public Hearing **August 21, 2023**

Agenda Item

1

The policies and procedures adopted by the Wetlands Board of the City of Virginia Beach, Virginia, are to facilitate the performance of its duties and the exercise of its powers as set forth in the City's Wetlands Zoning Ordinance and Coastal Primary Sand Dune Zoning Ordinance pursuant to Title 28.2 of the Code of Virginia, 1950, as amended. Authority for the adoption and or modification of these policies and procedures is specifically set forth in Virginia Code section 28.2-1304. The following items are on the Boards Administrative Business agenda for consideration.

ADMINISTRATIVE BUSINESS AGENDA

Agenda Item A Approval of the Wetlands Board FY 2023 Annual Report to City Council

The annual report reports City Council and overview of the following items.

- Wetland Board Executive Summary
- Mission Statement
- Accomplishment of Goals and Objectives
- Membership and Attendance of Board Members
- City Council Liaisons and Department Staff Liaisons
- Volunteer Hours Report
- Goals and Objectives for the Coming Year
- Recommendations to City Council

Agenda Item B Amendments to the Policies and Rules of Procedures of the Wetland Board

The following items are presented for amendment.

- Location of the informal Staff briefing meeting to the Board
- Amend references to the Department of Public Works, Specifications and Standards to the Department of Public Works, Design Standards Manual
- Remove references to the City of Virginia Beach Specific Guidelines for Joint Permit Applications.
- Amend permit expiration date issued by the Wetland's Board to three (3) years.

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Agent

Robert Simon
 Waterfront Consulting, Inc.

Location

724 Oriole Drive

GPIN

2418-61-8861

Staff Planner

Heaven Manning

Proposal

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

Staff Recommendation

Approval as Modified

Waterway

Little Neck Creek

Subdivision

Birdneck Point

Impacts

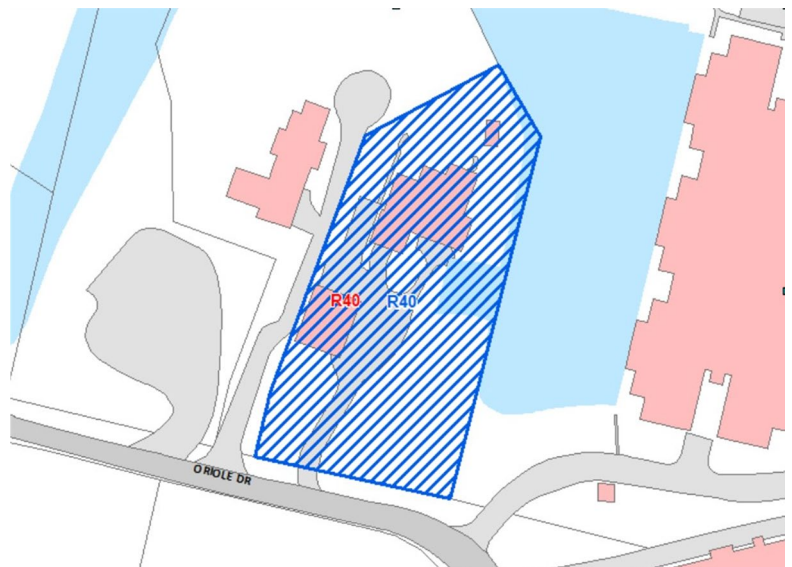
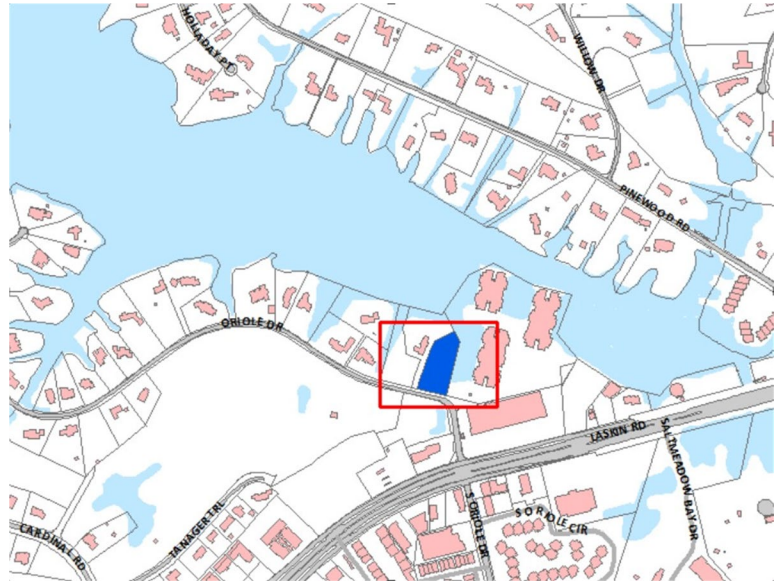
Vegetated: 146 square feet

Non-Vegetated: 184 square feet

Overall length of proposed structure: 126 linear feet of bulkhead, 196 linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

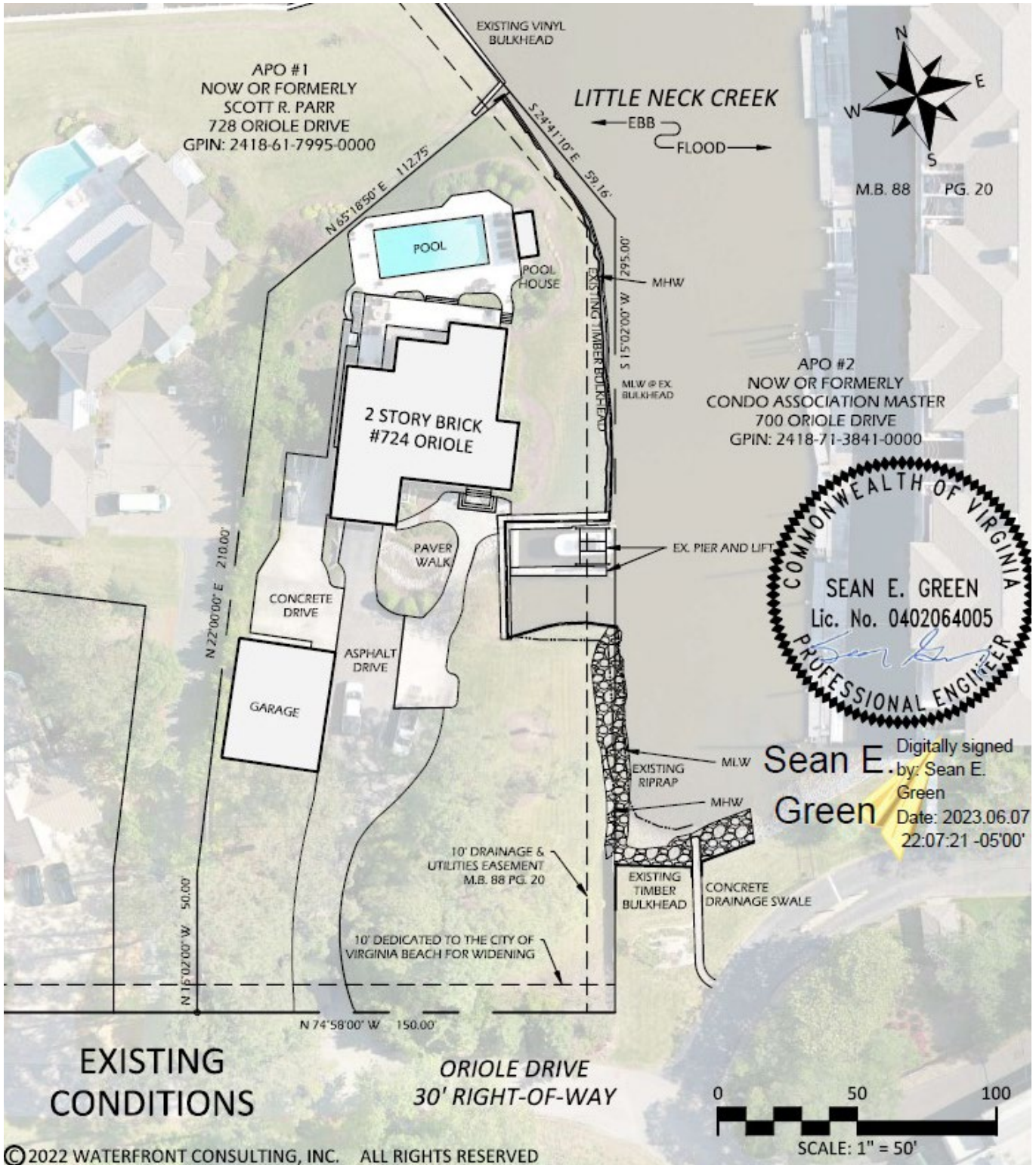
On-site



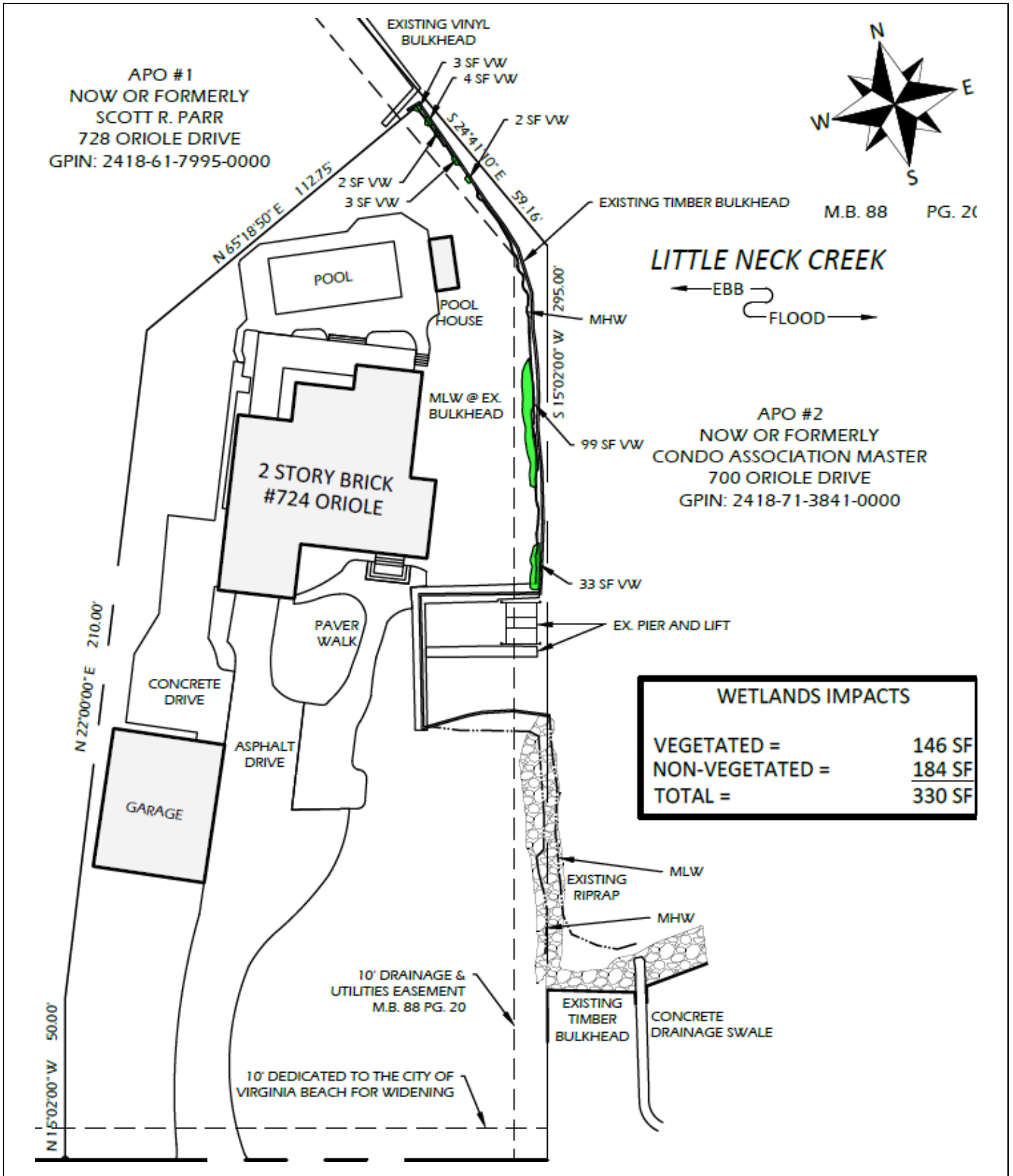
Site Aerial Map



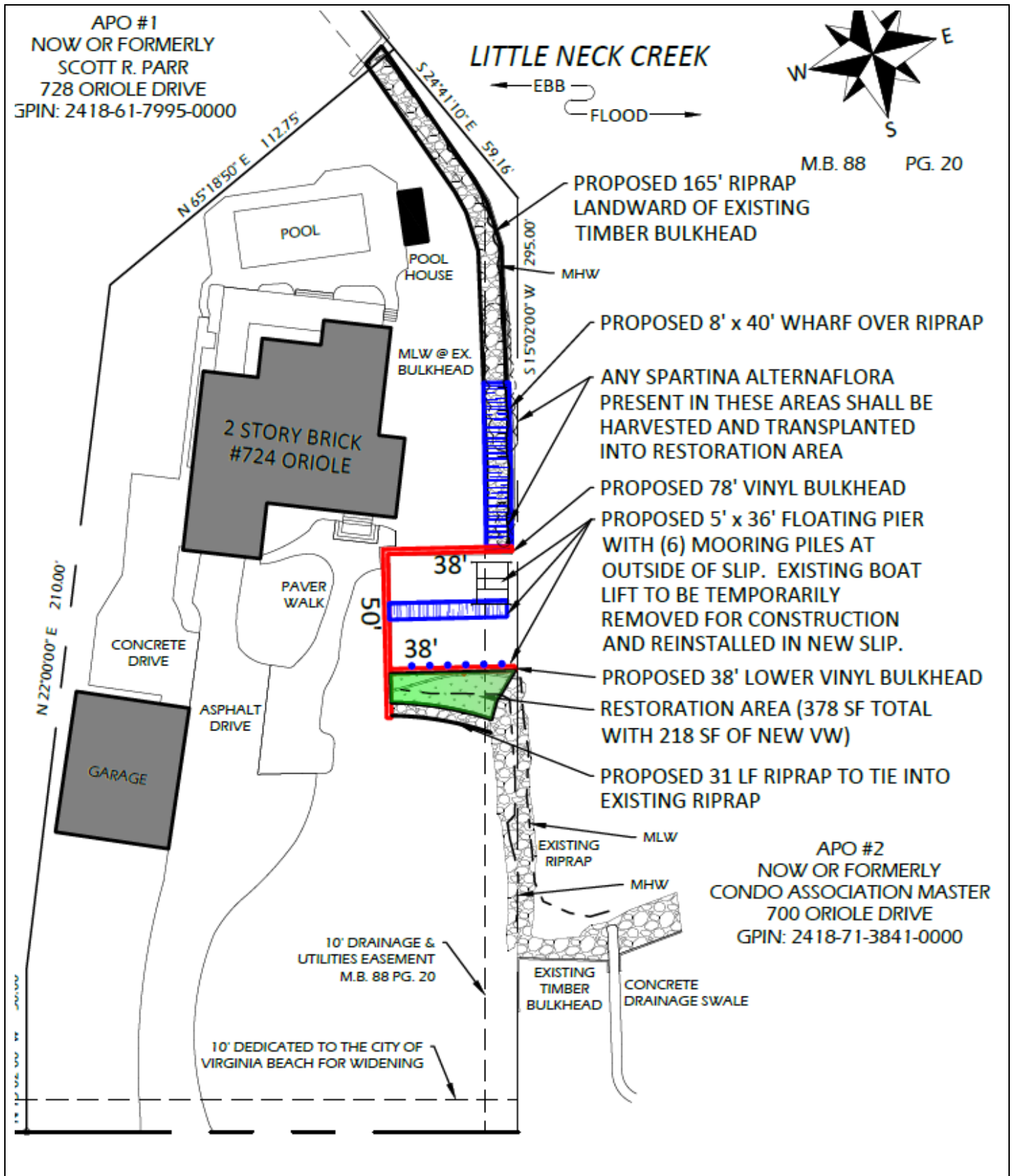
Existing Conditions



Wetlands Impacts

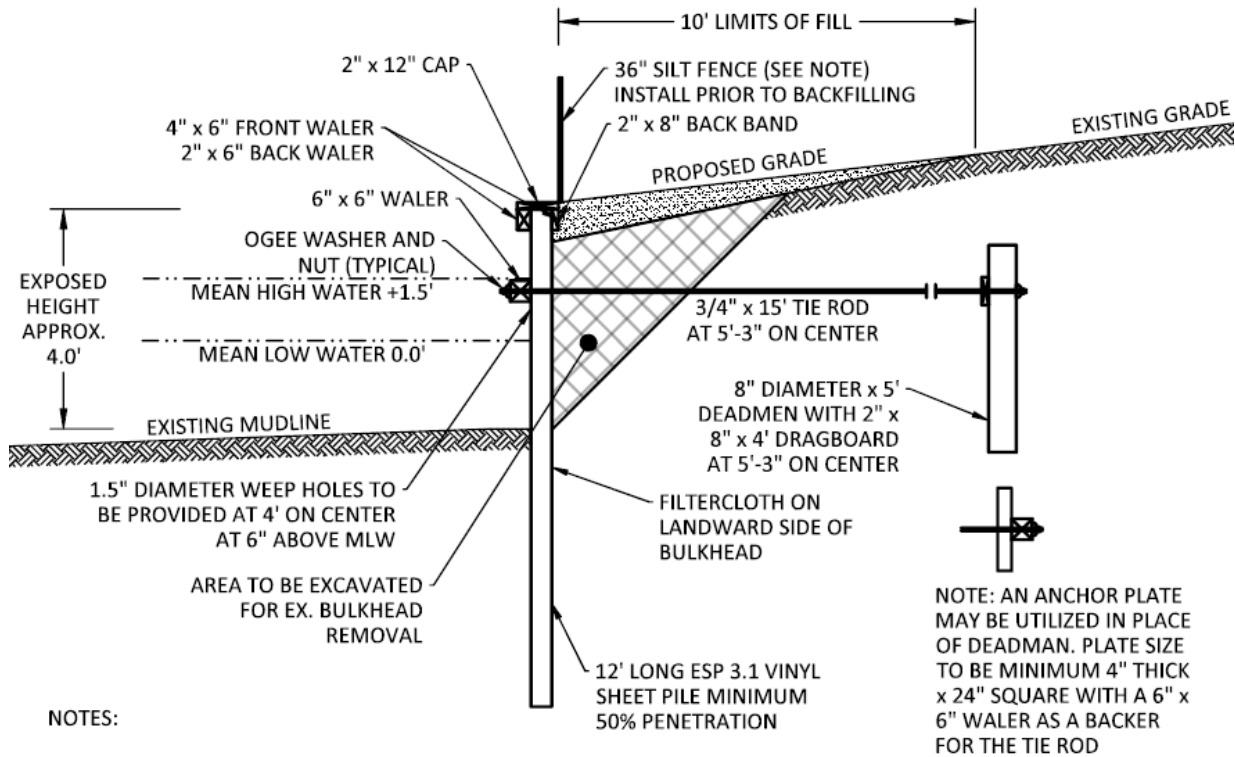


Proposed Improvements

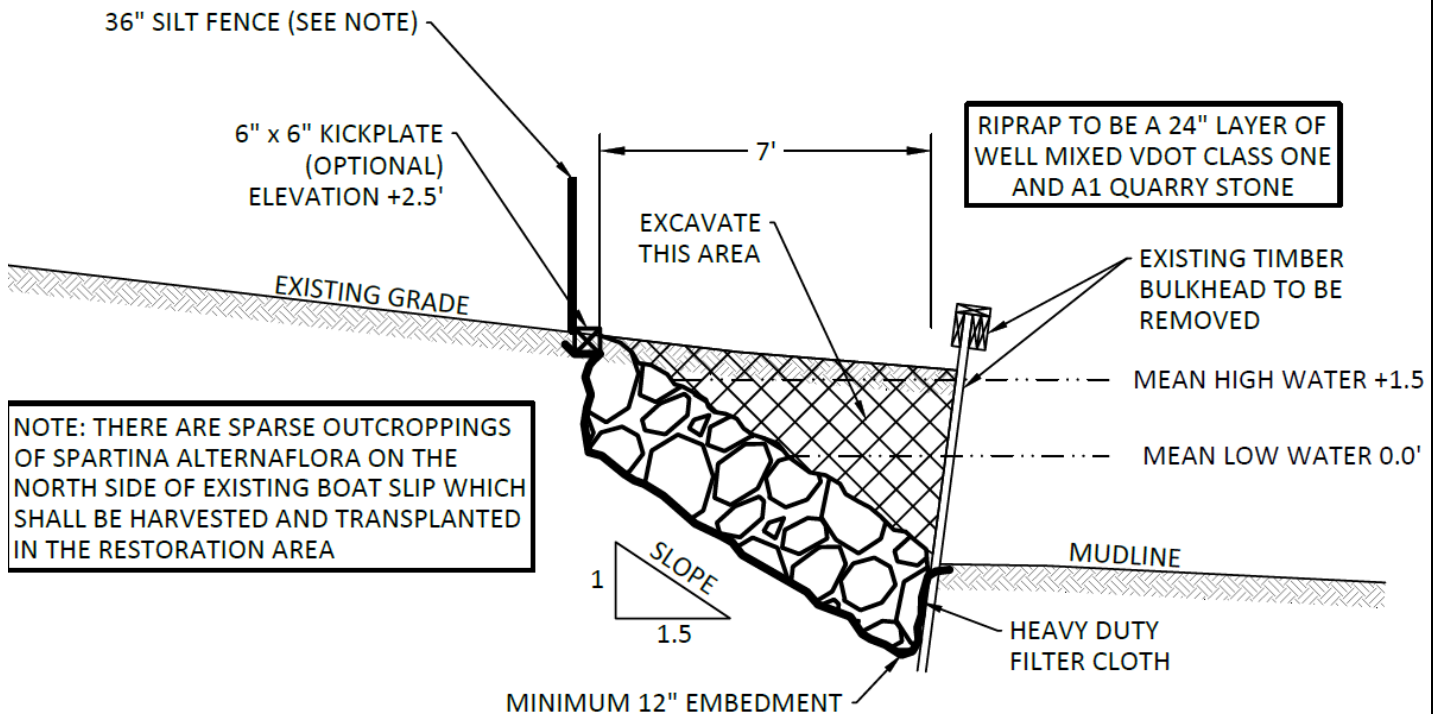


Cross Section – Bulkhead, Rip Rap

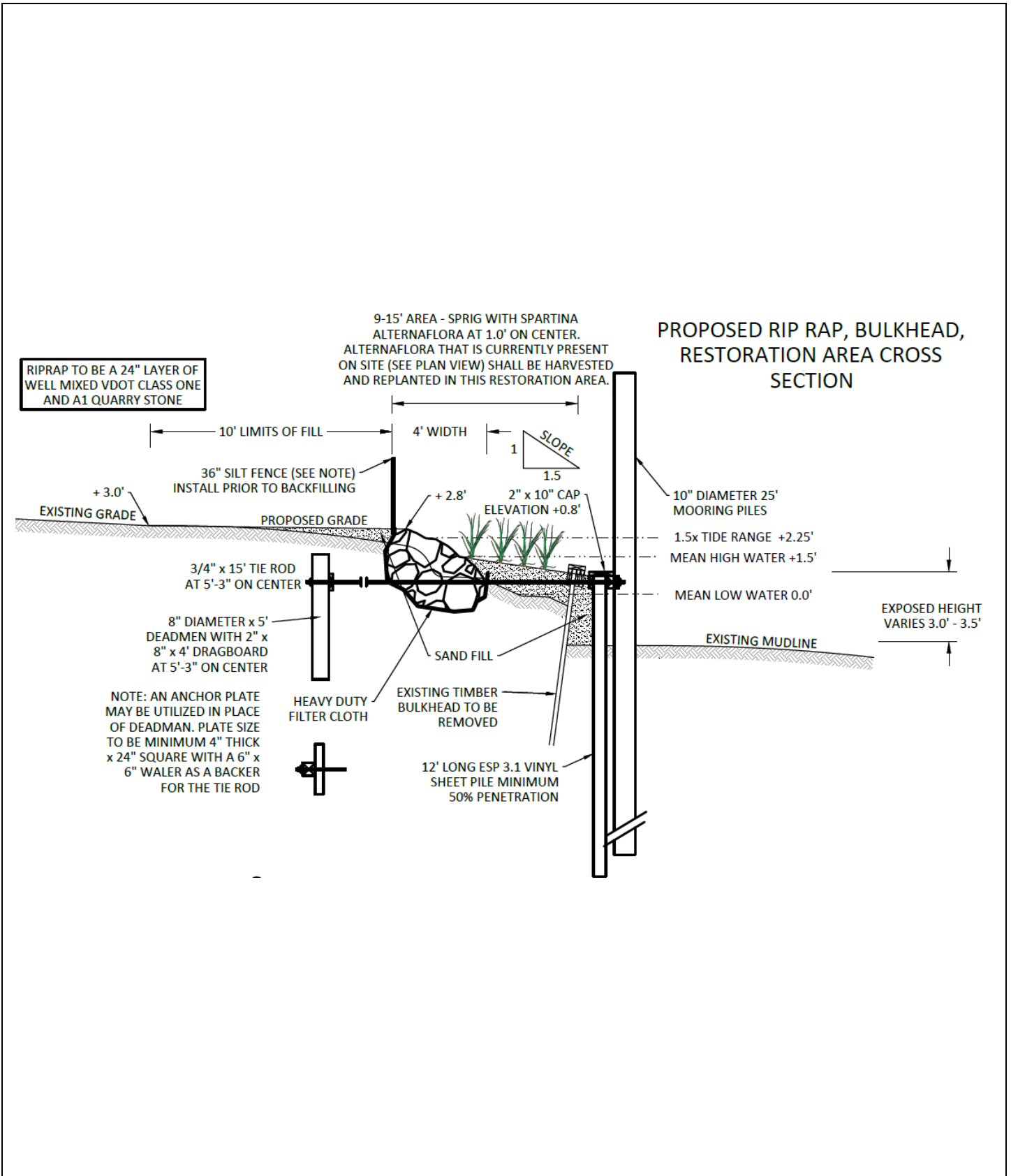
BULKHEAD CROSS SECTION



RIP RAP CROSS SECTION



Cross Section – Restoration Area



Site Photos



Site Photos



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. There are no known recent Chesapeake Bay Preservation Area (CBPA) Board variances for this property.

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

Summary of Proposal

The shoreline of the property is currently protected by bulkhead to the north and rip rap to the south. The existing timber bulkhead is failing and falling apart. The applicant proposes to construct 165 linear feet of rip rap revetment landward of the existing bulkhead, and the existing bulkhead will be removed. 126 linear feet of vinyl bulkhead will be constructed in the same footprint of the existing bulkhead in the boat slip area. 31 linear feet of rip rap revetment will be constructed at the southern end of the boat slip area to tie into the existing rip rap revetment at the southern end of the property.

The proposed project impacts a total of 184 square feet of non-vegetated wetlands and 146 square feet of vegetated wetlands. The 184 square feet of non-vegetated wetlands impacts will be compensated on-site by converting non-vegetated wetlands to non-vegetated rock habitat. The applicant proposes to mitigate impacts to vegetated wetlands on-site. 160 square feet of vegetated wetlands have formed behind the bulkhead at the southern end of the boat slip

area. This area will be expanded by creating 218 square feet of vegetated wetlands. The area will be sprigged with *Spartina alterniflora* harvested from the existing vegetated wetlands on the north side of the existing boat slip area.

The applicant's agent indicated that a living shoreline was not suitable for this property given the proximity of the house and pool to the shoreline.

Evaluation & Staff Recommendations

Staff concurs with the applicant that the proposed rip rap revetment is warranted for this property, as the existing timber bulkhead is failing and falling apart. There are several areas of erosion that are behind the bulkhead due to the failure of the structure and pockets of non-vegetated and vegetated wetlands have formed where uplands have been eroded. Staff agrees with the applicant's agent that grading the yard to create a living shoreline is not feasible due to the proximity of the house and pool to the shoreline. Staff concurs with the method of on-site mitigation for the impacts to 184 square feet of non-vegetated wetlands and 146 square feet of vegetated wetlands. Staff is of the opinion that the creation of 218 square feet of vegetated wetlands will enhance the shoreline and the vegetated wetlands reduce the potential for future erosion along the shoreline.

During the site visit, Staff observed oysters growing in and on the bulkhead proposed for removal. To address the retention of this resource, Staff provides the recommended condition, condition 2 below.

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

1. Following the installation, 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 where the vegetation has failed to establish. Should areas need to be re-vegetated, plant spacing may be arranged in rows or random clusters at 18-inches on center for average cover conditions.
2. 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 rip rap on site as applicable at a similar place in the water column.
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.



Application Number **2022-WTRA-00233**

Agenda Item

Applicant **JHS GST Trust**

Public Hearing **August 21, 2023**

City Council District **District 2**, Formerly **Princess Anne**

REQUEST FOR A DEFERRAL

3

Agent

Rebecca Francese
Waterway Surveys & Engineering, Ltd.

Location

781 and 809 Princess Anne Road

GPIN

2309-37-6009, 2309-48-1216

Staff Planner

Heaven Manning

Proposal

To dredge involving wetlands

Waterway

Canal to North Landing River

Subdivision

Pungo

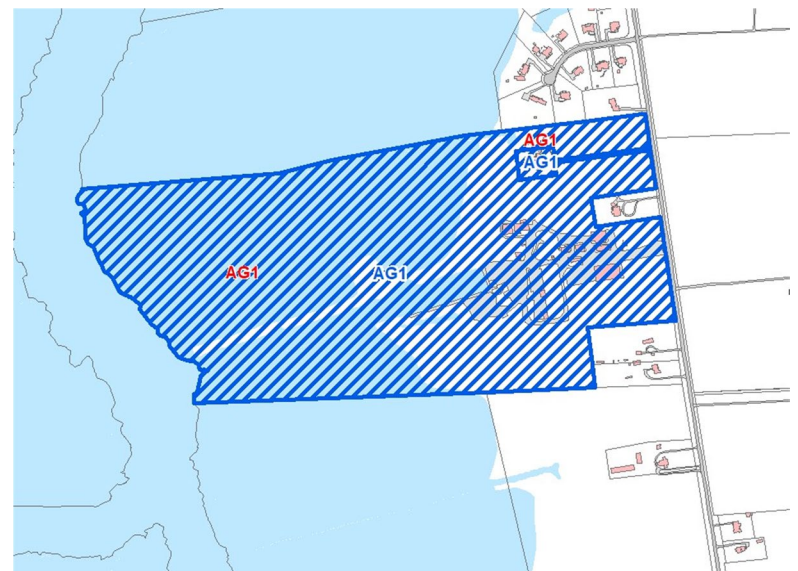
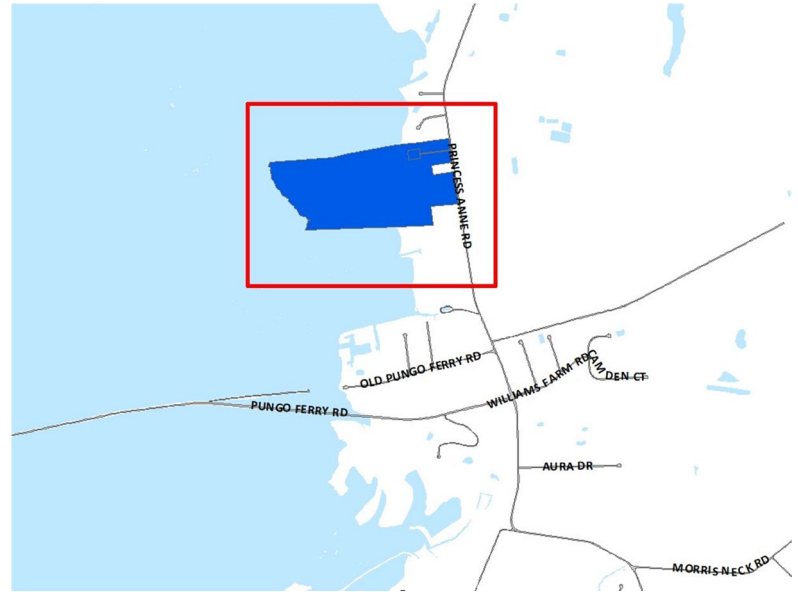
Impacts

Vegetated: 820 square feet

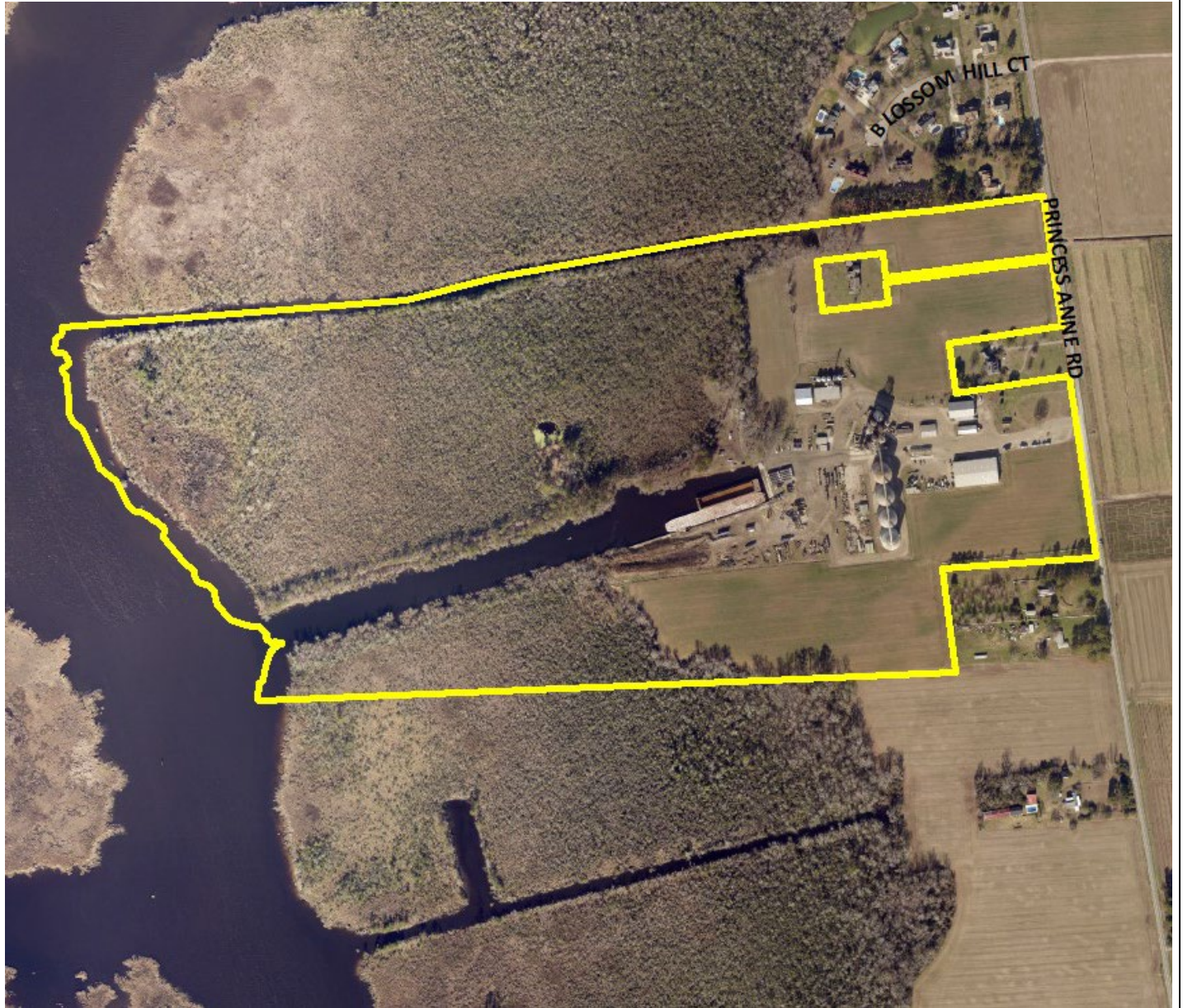
Non-Vegetated: 1,545 square feet

Subaqueous: 96,520 square feet

Dredge Volume: 10,000 cubic yards



Site Aerial Map





Agent

Robert Simon
 Waterfront Consulting, Inc.

Location

2389 Haversham Close

GPIN

2409-14-7744

Staff Planner

Heaven Manning

Proposal

To construct a rip rap revetment and groin wall involving wetlands

Waterway

Broad Bay

Subdivision

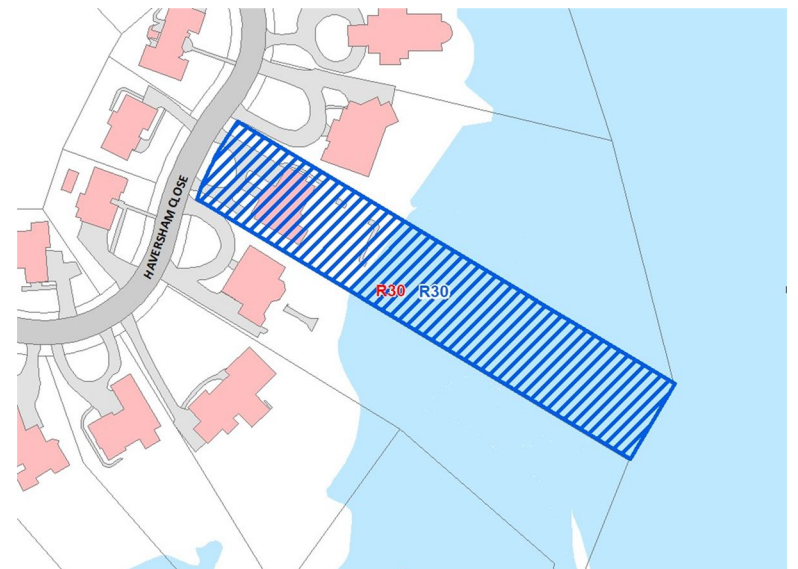
Broad Bay Point Greens

Impacts

Vegetated: 160 square feet

Non-Vegetated: 488 square feet

Overall length of proposed structure: 101 linear feet of rip rap revetment, 22 linear feet of groin wall



Site Aerial Map

