

Wetlands Board Staff Report

December 18, 2023



VIRGINIA BEACH WETLANDS BOARD

PUBLIC HEARING PROCEDURES & AGENDA

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, December 18, 2023** at 10:00 a.m. in the 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@vb.gov or via United States Mail to Waterfront Operations, 2875 Sabre Street, Suite 500, Virginia Beach, VA 23452.

The Staff reviews some or all 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@vb.gov 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 PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.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 **December 18, 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 BUSINESS AGENDA ITEMS

1. ELECTION OF 2024 WETLANDS BOARD OFFICERS

NEW BUSINESS - WETLANDS

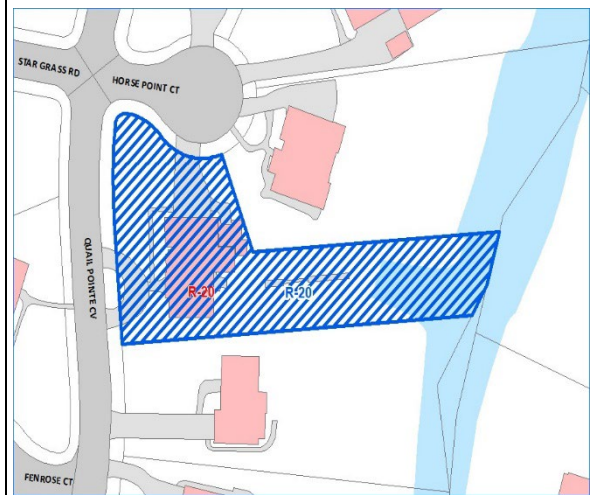
2. 2023-WTRA-00226

Steven & Camilla Breault
[Applicants & Owners]

832 Quail Pointe Cove
GPIN 2408-82-8573
City Council District: District 6

Waterway – Canal to Linkhorn Bay
Subdivision – Quail Pointe Cove

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



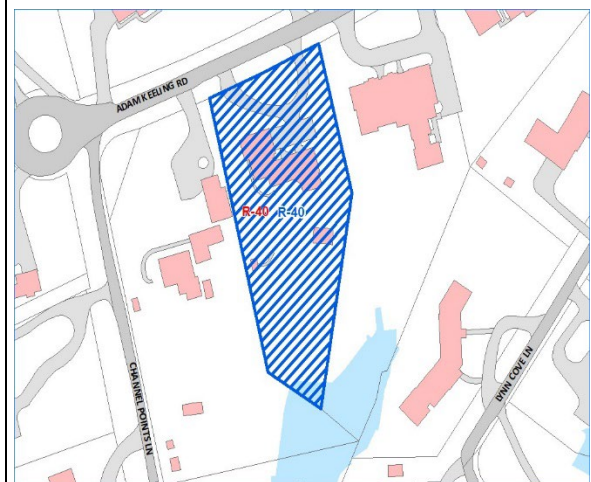
3. 2023-WTRA-00229

James E. & Maureen A. Cowan
[Applicants & Owners]

3181 Adam Keeling Road
GPIN 1489-95-6772
City Council District: District 8

Waterway – Canal to Lynnhaven Bay
Subdivision – Great Neck Point

Request: To construct a cutoff wall and dredge involving wetlands.



NEW BUSINESS – WETLANDS (CONTINUED)

4. 2023-WTRA-00234

Merri B. Tyrrel

[Applicant & Owner]

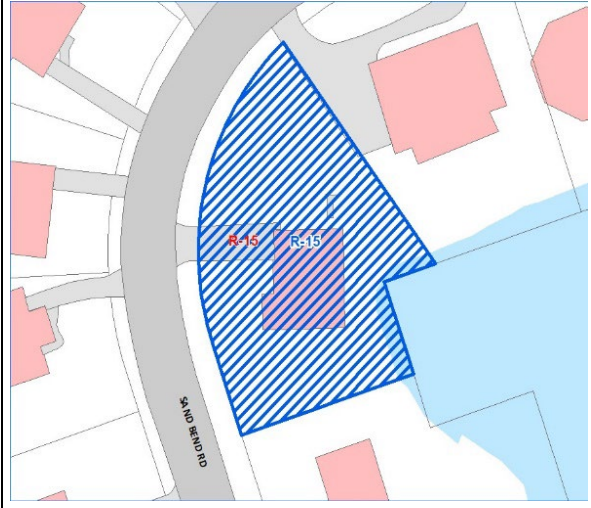
2912 Sand Bend Road

GPIN 2433-33-2881

City Council District: District 2

Waterway – Canal to North Bay
Subdivision – Back Bay Meadows

Request: To construct a bulkhead involving wetlands.



2024 WETLANDS BOARD PUBLIC HEARING DATES

Wednesday **January 17**
Thursday **February 22**
Monday **March 18**
Monday **April 15**
Monday **May 20**
Monday **June 17**

Monday **July 15**
Monday **August 19**
Monday **September 16**
Monday **October 21**
Monday **November 18**
Monday **December 16**

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2023 Wetlands Board Members

- Jason Barney, Chairman
- Cindy Hawks White, Vice Chairman
- David Bradley
- Jarrod Katzer
- Ben McFarlane
- Emily Steinhilber
- James Vail
- SunTemple Helgren (Alternate)

POLICIES AND RULES OF PROCEDURES OF THE WETLANDS BOARD

Article I, Section 13

The Board shall hold elections for Chair and Vice-Chair at the December public hearing. The terms of office for the Chair and Vice-Chair shall be 1 year to commence on January 1st, following their December election. The Chair and the Vice-Chair shall not serve more than 2 consecutive terms.

2024 Wetlands Board Election of Officers

- Chairman
- Vice Chairman

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Agent

Billy Garrington
 Governmental Permitting Consultants

Location

832 Quail Pointe Cove

GPIN

2408-82-8573

Staff Planner

Heaven Manning

Proposal

To construct a return wall, rip rap revetment, and plant vegetation involving wetlands.

Staff Recommendation

Approval as Submitted

Waterway

Canal to Linkhorn Bay

Subdivision

Quail Pointe Cove

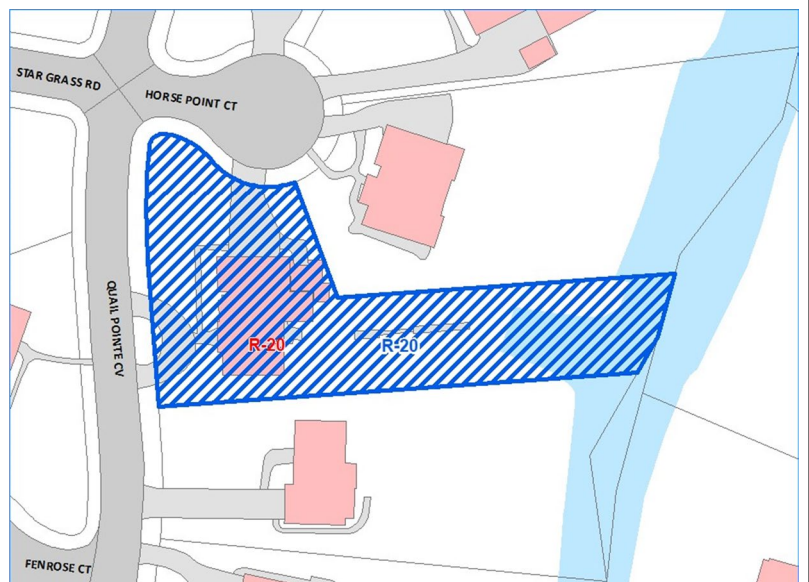
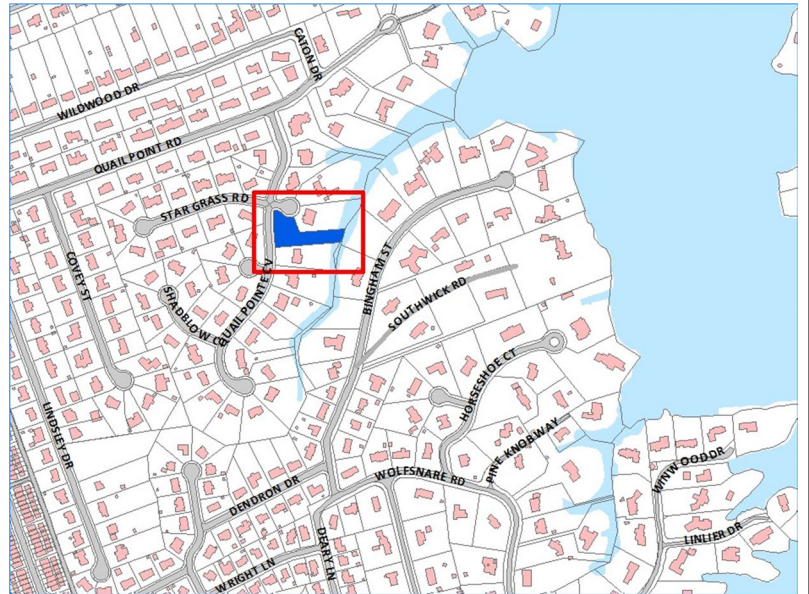
Impacts

Non-Vegetated: 175 square feet

Overall length of proposed structure: 13 linear feet of return wall, 156 linear feet of rip rap

Proposed Mitigation and/or Compensation

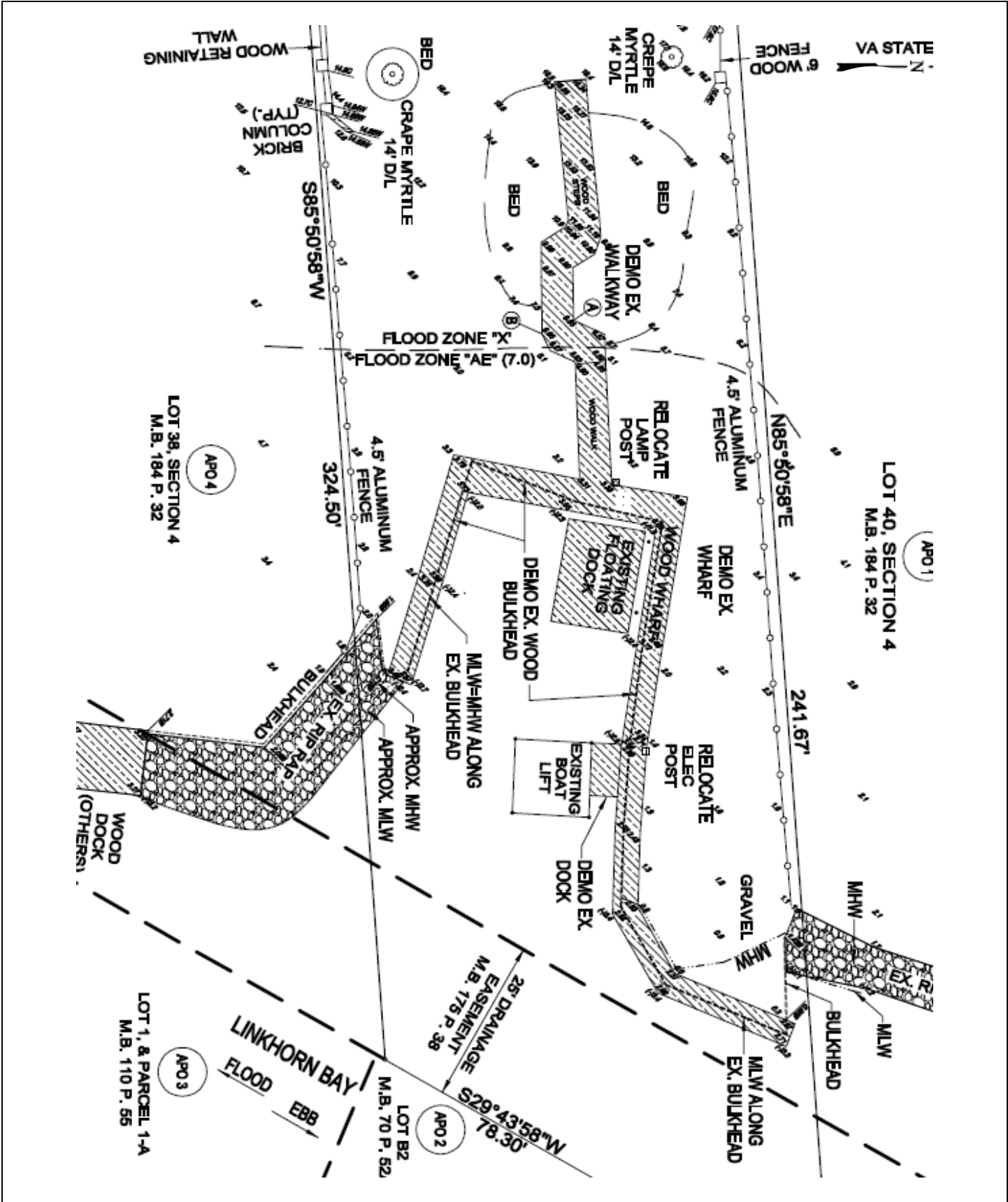
On-site



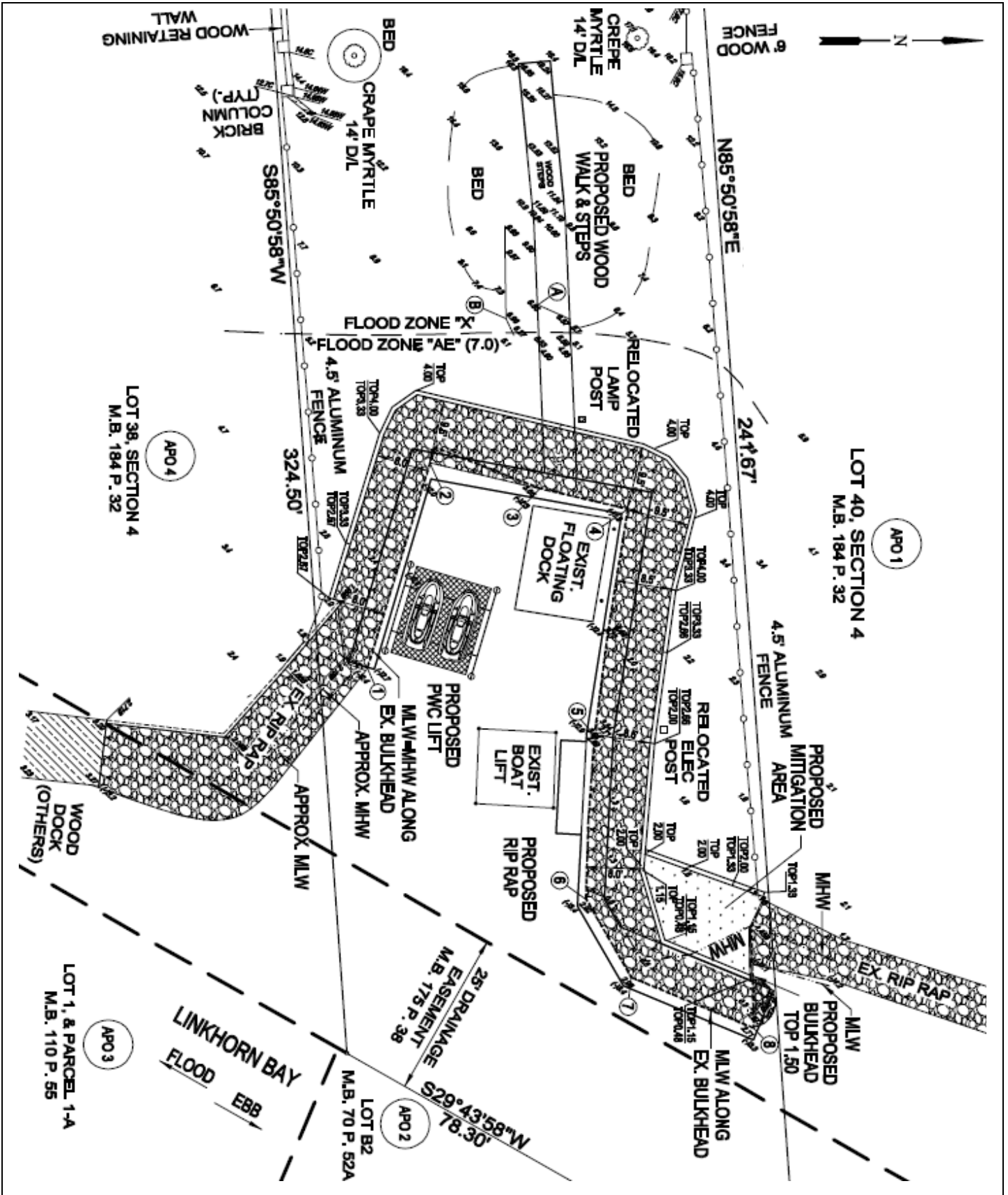
Site Aerial Map



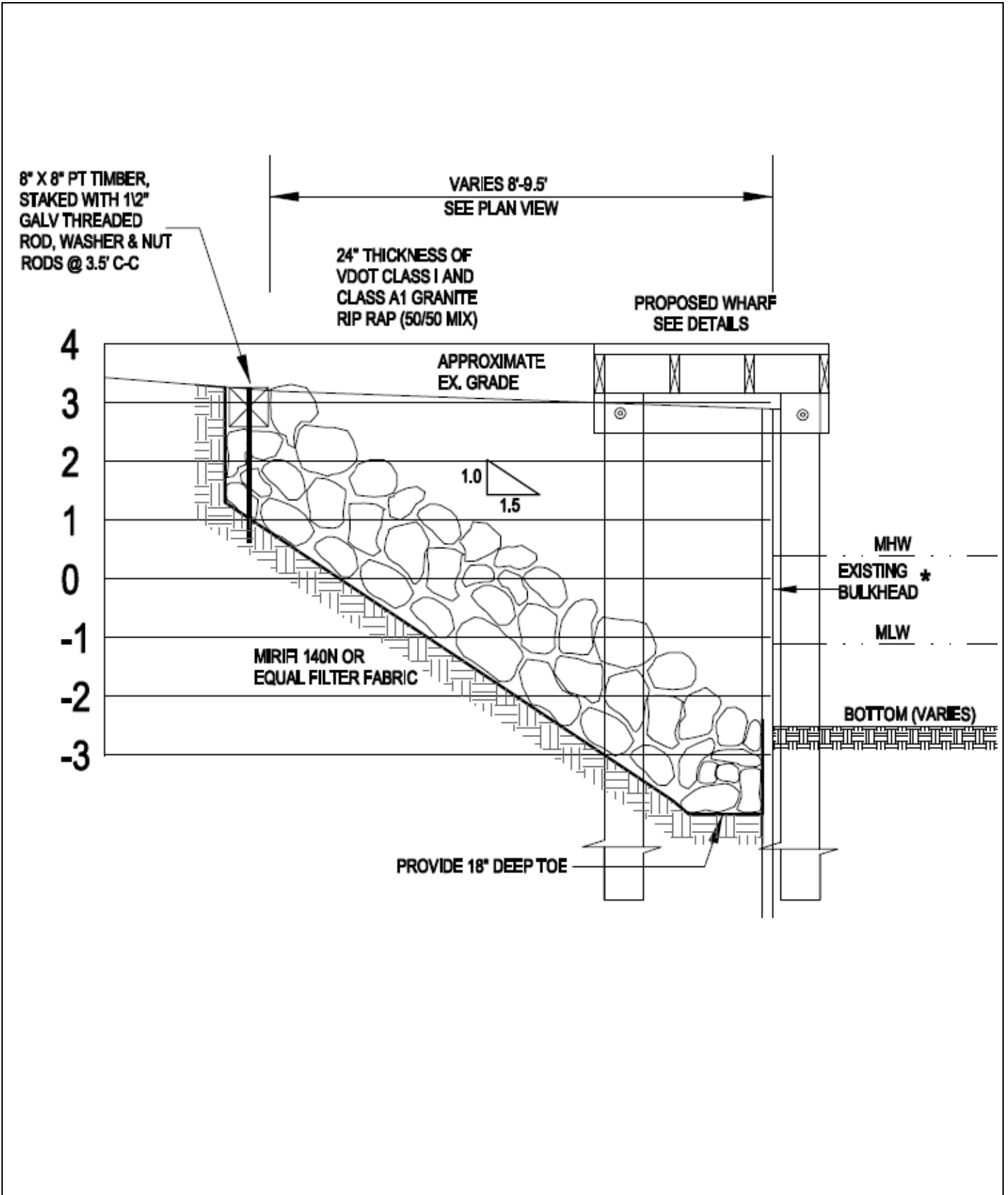
Demolition Plan



Proposed Improvements



Rip Rap Section



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

Summary of Proposal

The existing timber bulkhead showing signs of deterioration along the seaward face of the structure. The applicant is proposing to construct 156 linear feet of rip rap revetment landward of the existing bulkhead. The existing bulkhead will be removed for installation of the rip rap. The rip rap will consist of Class 1 and A1 granite. The primary purpose of the rip rap revetment is to reduce shoreline erosion while maintaining boating access to the waterway. The proposed project includes construction of a 13 linear foot return wall adjacent to the proposed mitigation area.

The proposed project will impact 175 square feet of non-vegetated wetlands. The applicant proposes to mitigate on-site with 138 square feet of non-vegetated wetlands converted to non-vegetated rock habitat. At the northeastern edge of the rip rap, 37 square feet of non-vegetated wetlands and 147 square feet of uplands will be graded and converted to vegetated wetlands. The mitigation area will be backfilled with sand and sprigged with *Spartina patens*.

Evaluation & Staff Recommendations

Staff concurs with the applicant that the proposed rip rap revetment is warranted for this property. The existing timber bulkhead is reaching the end of its construction lifespan and is showing signs of wear. A living shoreline is not appropriate for the entire shoreline due to the existing improvements on the lot and conditions of the adjacent properties. Staff concurs with the method of on-site mitigation for the impacts to 175 square feet of non-vegetated wetlands. Staff is of the opinion that the creation of 183 square feet of vegetated wetlands will enhance the shoreline, and the vegetated wetlands will reduce the potential for future erosion along the shoreline. The applicant included the required wetlands monitoring plan note on the plans; therefore, the typical condition related to monitoring is not necessary.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted**, as shown on the plans titled "Proposed rip rap, lift, wharf" sealed September 3, 2023 and received by the VMRC on November 6, 2023.

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 Road

GPIN

1489-95-6772

Staff Planner

Heaven Manning

Proposal

To construct a cutoff wall and dredge involving wetlands.

Staff Recommendation

Approval as Submitted

Waterway

Canal to Lynnhaven Bay

Subdivision

Great Neck Point

Impacts

Non-Vegetated: 47 square feet

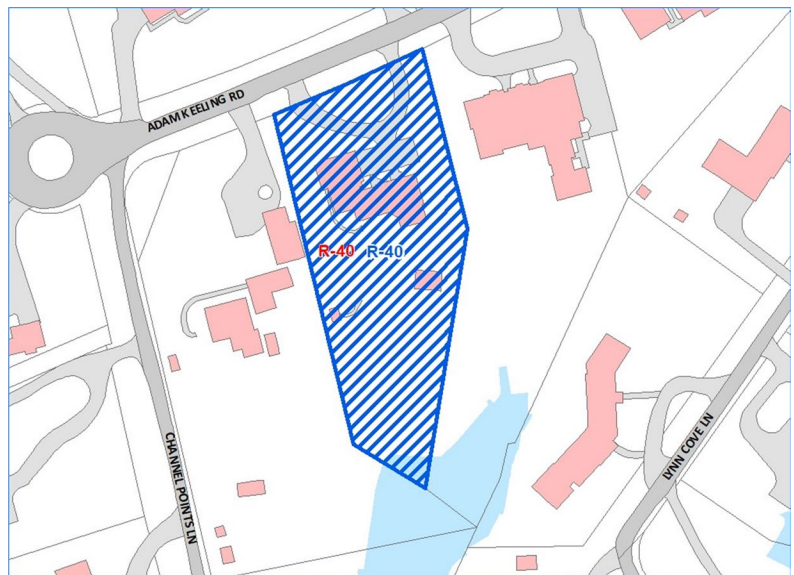
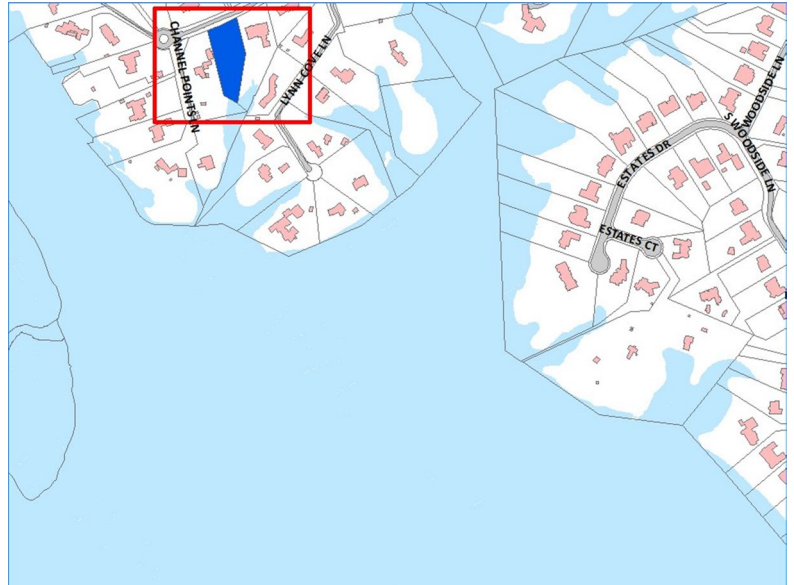
Non-Vegetated (2X Buffer): 65 square feet

Subaqueous: 412 square feet

Overall length of proposed structure: 32 linear feet of cutoff wall

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



Site Aerial Map



CONSTRUCTION MATERIALS:

MARINE CONSTRUCTION GRADE HARDWARE
HOT DIPPED GALVANIZED PER ASTM 153
(OR STAINLESS STEEL)

#10X3 SCREW

MARINE CONSTRUCTION GRADE SOUTHERN PINE
TIMBER TREATED IAW AWPA FOR UC5B USE
USE 0.40 - 0.60 PCF WOOD TREATMENT UNLESS SPECIFIED
GRADE #2

RIPRAP: X1

VINYL BULKHEAD
(FRONT WALE)

VDOT CLASS 1 & A1 GRANITE QUARRYSTONE RIPRAP
GEOTEXTILE FABRIC US670
6X6 TIMBER BORDER
CLEAN SAND FROM UPLAND SOURCE

RIPRAP REVETMENT
K - T

IPF CP#1

M

N

O

P

Q

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S

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A

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D

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Q

CONTROL PTS

	1	2
A	51'	65'
B	46'	57'
C	48'	56'
D	46'	48'
E	48'	37'
F	56'	30'
G	59'	40'
H	61'	49'
I	63'	48'
J	66'	58'
K	34'	70'
L	27'	71'
M	29'	63'
N	36'	57'
O	40'	48'
P	46'	37'
Q	61'	24'
R	63'	33'
S	73'	38'
T	73'	50'

PROPOSED
EXCAVATED SLIP (A-J)
& 10K BOATLIFT

MHW

MLW

2X BUFFER

2X BUFFER

8X16 FLOATING DOCK
& 3X12 GANGWAY

FUTURE DRIVEWAY DREDGING
FOR ACCESS TO DEEP WATER
BY OTHER JPA

ACCESS DECKING
STEPS & WALKWAY

IPF CP#2

IPF CP#1

X1

X2

**PROPOSED
DETAILS**

SCALE: 1" = 8'

IPF CP#2

X1

Proposed Improvements

PROPOSED DREDGED BASIN CUTOFF WALL PIER & BOATLIFT

SCALE: 1" = 20'

DREDGING DATA	
SF AREA	CY VOLUME
427	49

DREDGE IMPACT DATA SF AREA

WETLAND IMPACT		BUFFER IMPACT	
NON-VEG	VEG	NON-VEG	VEG
15	-	65	-

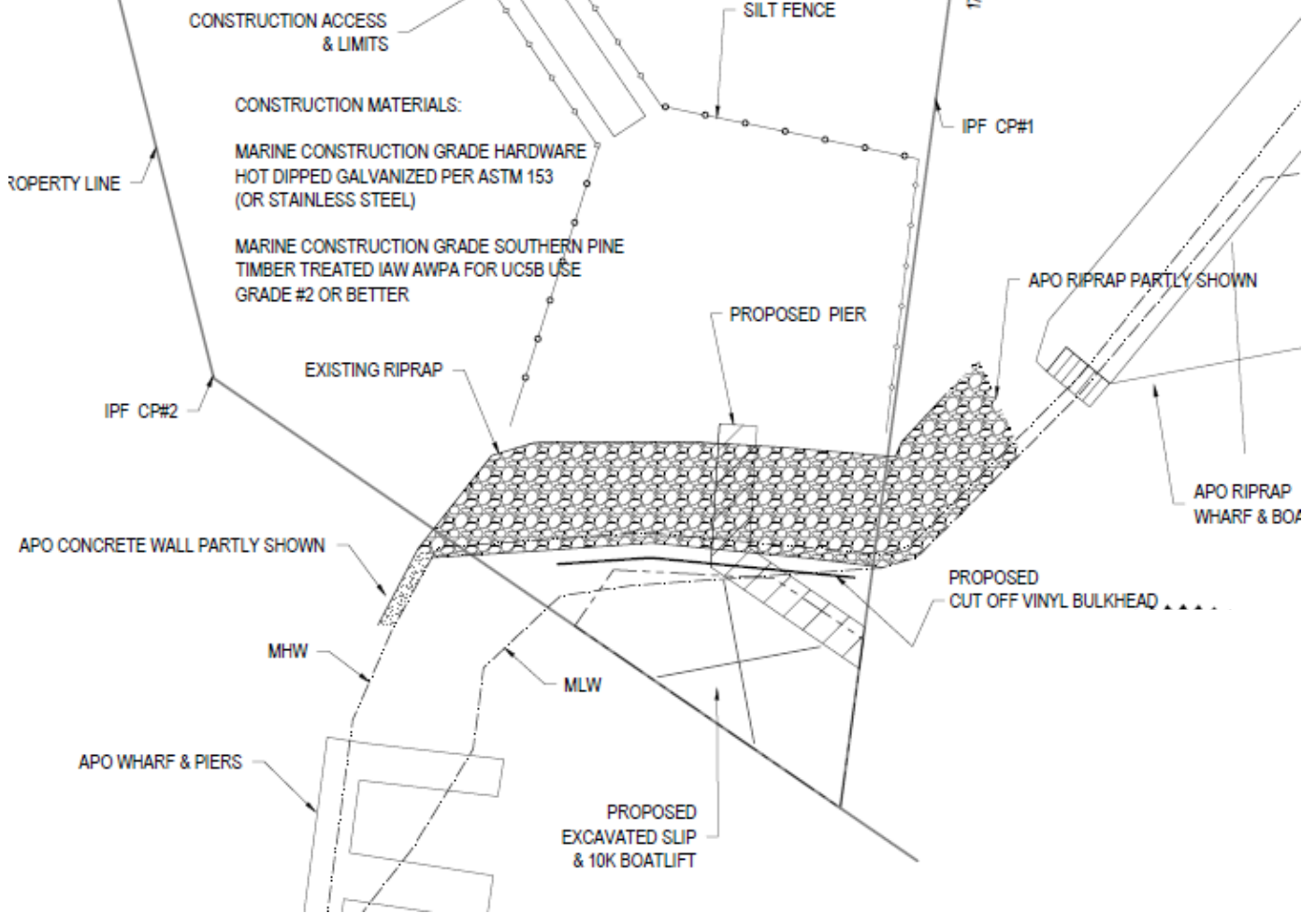
AN IN-LIEU FEE FOR WETLAND COMPENSATION IS CALCULATED
 $15 \times \$5.50 = \82.50 $65 \times \$5.50 = \357.50 TOTAL=\$440

\$753.50 PREVIOUSLY PAID IN-LIEU FEE 2022-WTRA-00075

412 SF SUBAQUEOUS DREDGE IMPACTS

SEQUENCE & TIME LINE OF CONSTRUCTION

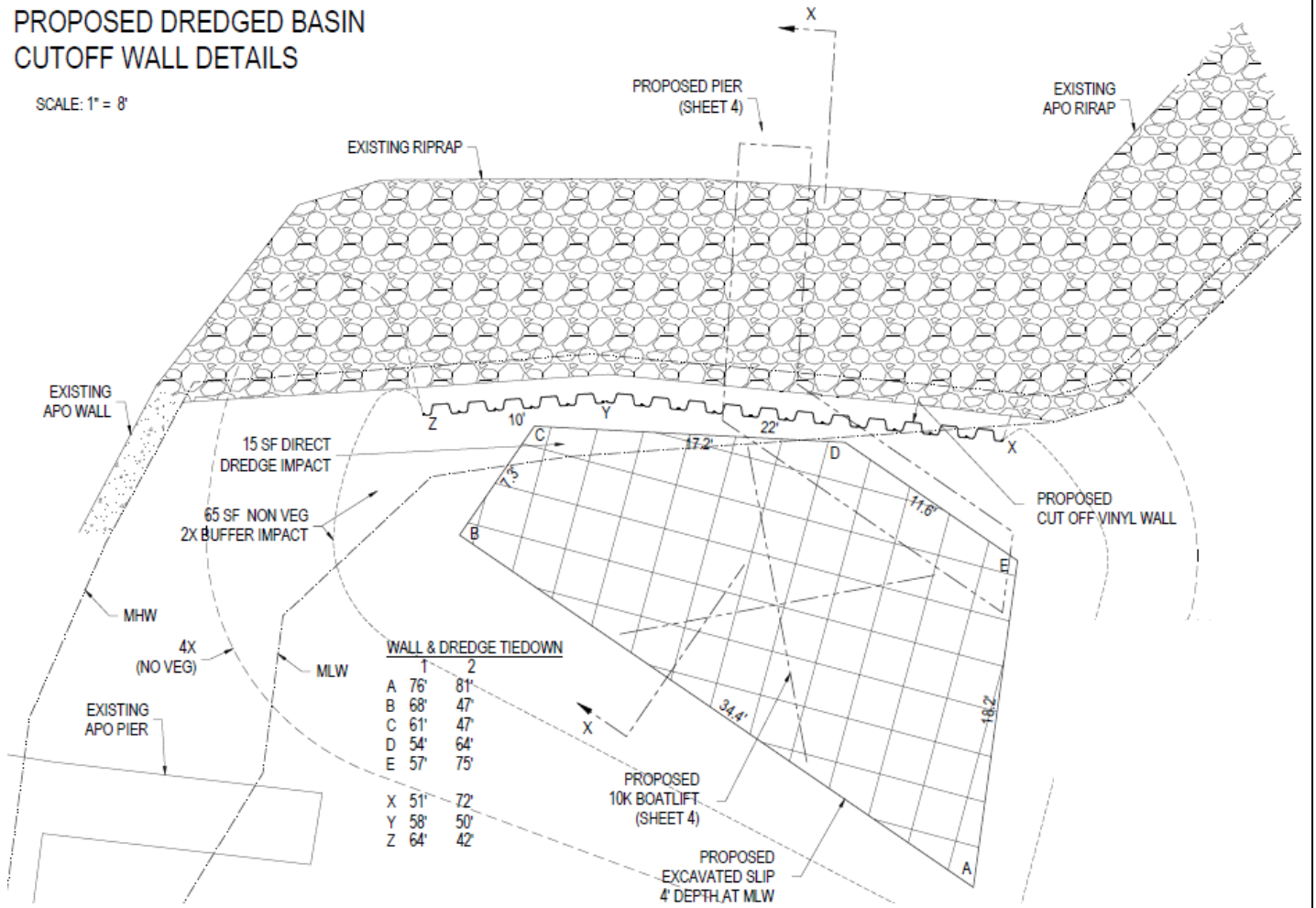
1. OBTAIN ALL NECESSARY PERMITS
2. HOLD PRECONSTRUCTION MEETING
3. INSTALL CONSTRUCTION & ACCESSWAY LIMITS
4. INSTALL SILT FENCE SEAWARD OF SOIL DISTURBANCE
5. REMOVE EXISTING PIER & BOATLIFT
6. INSTALL CUTOFF WALL & PIER
7. EXCAVATE MOORING SLIP & DISPOSE LAWFULLY
8. INSTALL BOATLIFT
9. RESTORE LIMITS WITH IN-KIND REPLACEMENT
10. REMOVE E&S CONTROLS AFTER LAND DISTURBANCE HAS BEEN STABILIZED.



Proposed Dredge and Section View

PROPOSED DREDGED BASIN CUTOFF WALL DETAILS

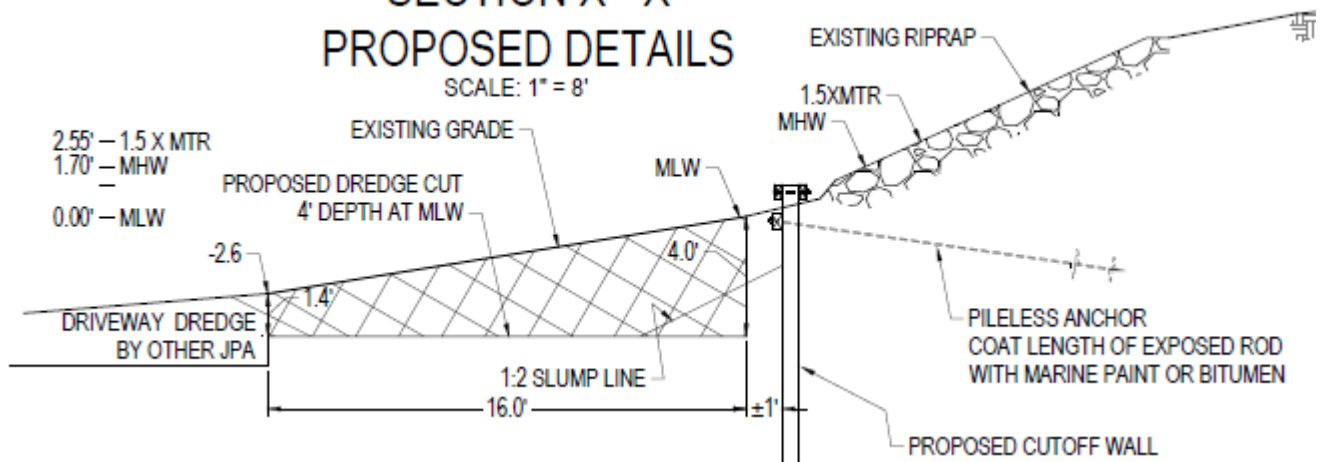
SCALE: 1" = 8'



SECTION VIEW

SECTION X - X PROPOSED DETAILS

SCALE: 1" = 8'



Site Photos



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.

The Wetlands Board approved construction of a bulkhead, rip rap, and dredge on May 16, 2022, and a permit was issued. See page 3 of this report for the 2022 Wetlands Board approval exhibit. However, the cost of the project as designed was prohibitive and was not constructed.

Summary of Proposal

The applicant proposes to dredge approximately 2 cubic yards of non-vegetated wetlands and 47 cubic yards of subaqueous material to -4 feet (MLW). The proposed project includes the construction of 32 linear feet of cutoff wall in front of the existing rip rap. The proposed project will impact 47 square feet of non-vegetated wetlands and 65 square feet of non-vegetated wetlands in the 2x buffer. Dredged material will be transferred from a barge to the Lynnhaven Transfer Facility at Crab Creek. The material will be transferred to watertight dump trucks and hauled to the Whitehurst Dredged Material Management Area (DMMA) for disposal.

While the applicant is offering payment of an in-lieu fee for the wetlands' impacts, they are requesting that the Board consider applying the in-lieu fee paid in 2022.

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 dredge to create a mooring basin located entirely on their property. Based on the Applicant's request to consider in-lieu fees paid in 2022, Staff recommends the Board support the reduction of the in-lieu fee for the current application to reflect the amount for impacts to non-vegetated wetlands in excess of the 2022 approval.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted**, as shown on the plans titled "Proposed project for access and watercraft mooring" sealed September 29, 2023 and received by the VMRC on October 16, 2023.

Next Step

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.

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Agent

Robert Simon
Waterfront Consulting, Inc.

Location

2912 Sand Bend Road

GPIN

2433-33-2881

Staff Planner

Heaven Manning

Proposal

To construct a bulkhead involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Canal to North Bay

Subdivision

Back Bay Meadows

Impacts

Non-Vegetated: 42 square feet

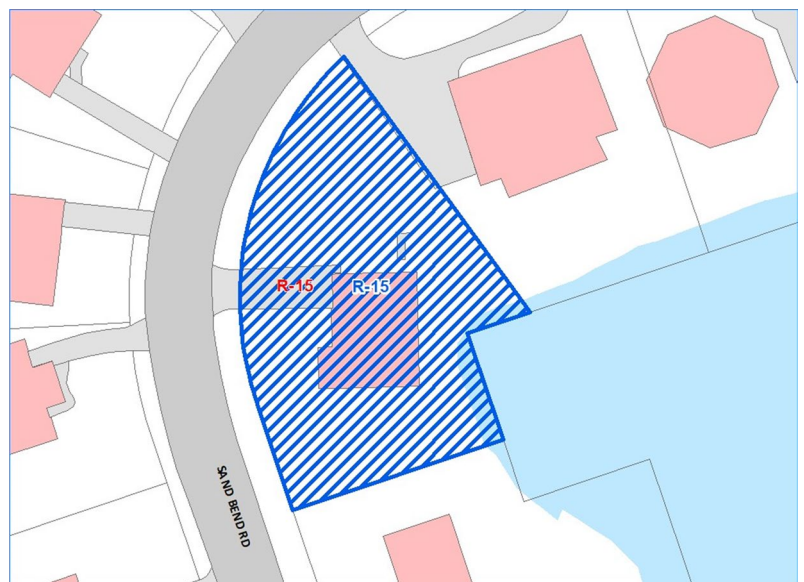
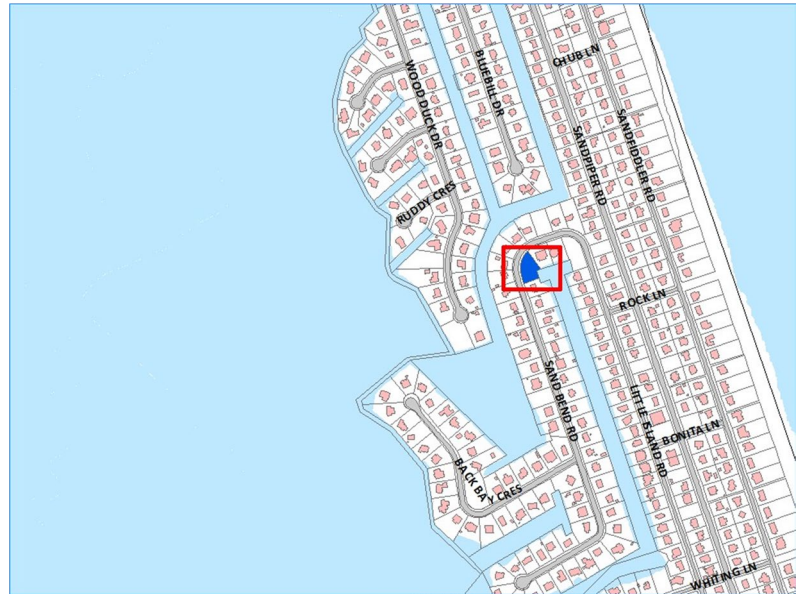
Subaqueous: 158 square feet

Overall length of proposed structure: 96 linear feet of bulkhead

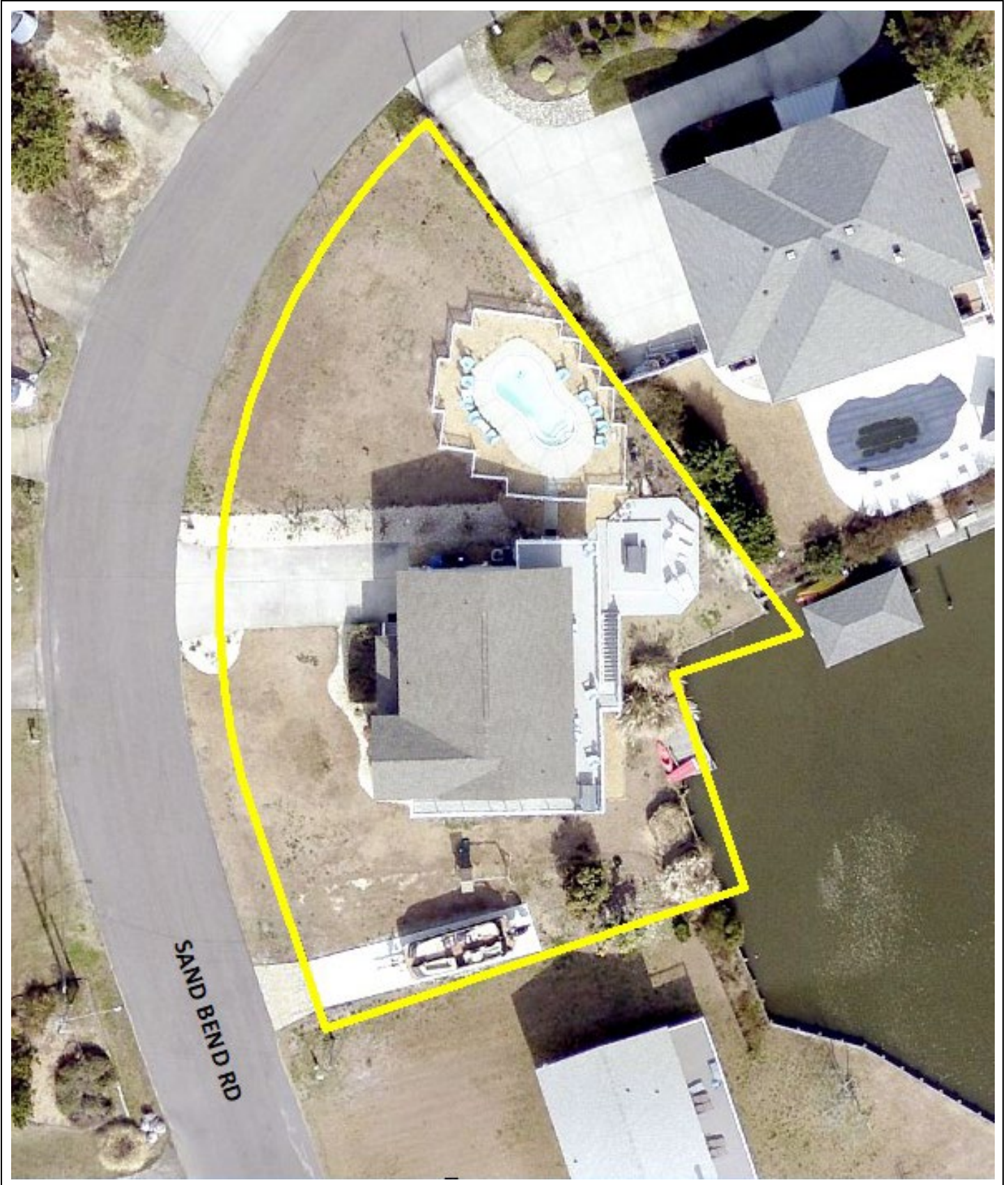
Volume of Backfill: 20-30 cubic yards below mean high water (MHW), 50-60 cubic yards above MHW

Proposed Mitigation and/or Compensation

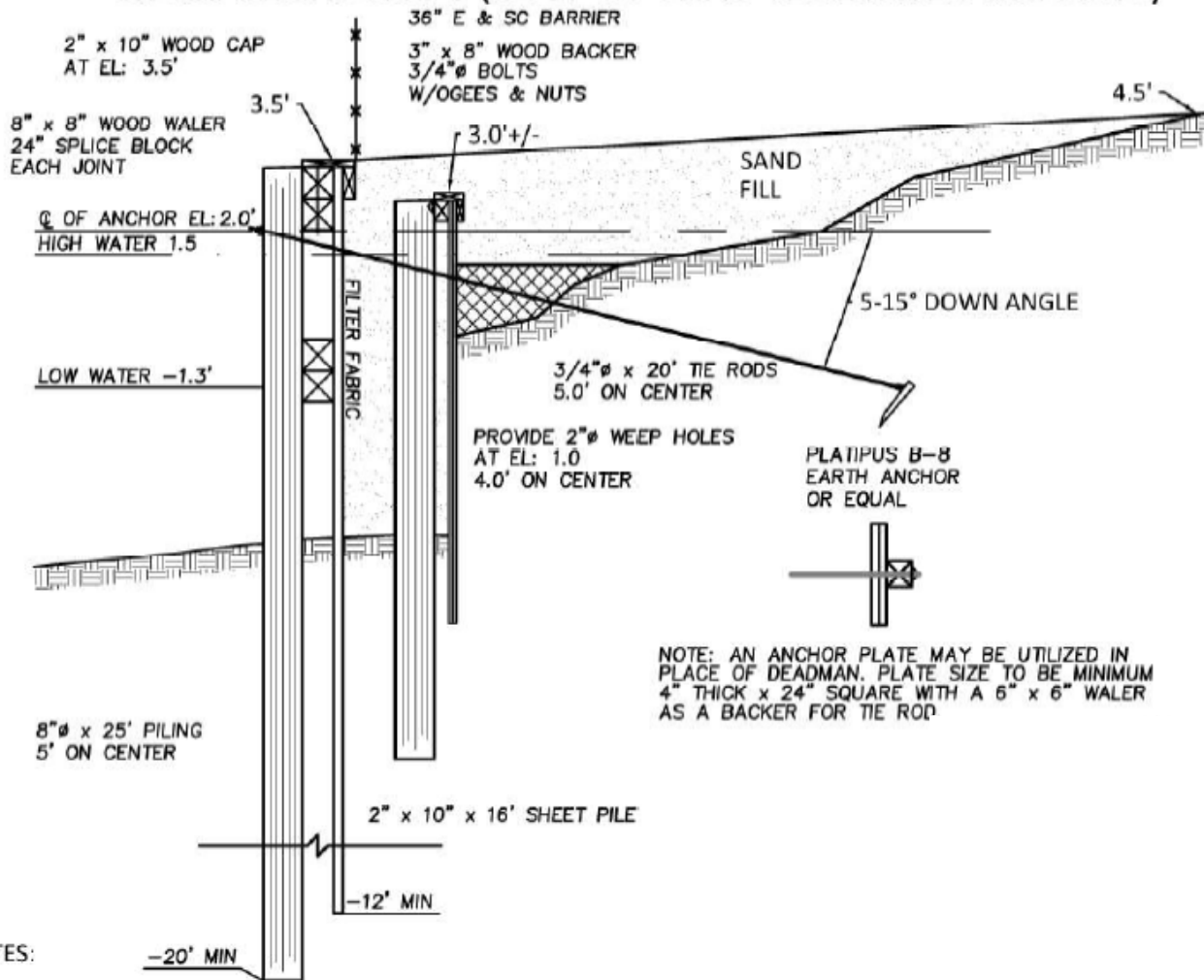
Payment of an in-lieu fee



Site Aerial Map



**PROPOSED BULKHEAD
CROSS SECTION A-B (42 SF OF NON-VEGETATED IMPACTS)**



NOTES:

1. ALL TIMBER MATERIAL FOR USE IN A MARINE ENVIRONMENT.
2. ALL HARDWARE TO BE IN ACCORDANCE WITH ASTM A-153.
3. NEW BULKHEAD SHALL BE PLACED AT ALIGNMENT SHOWN.

Site Photos



Site Photos



Site Photos



Site Photos



Wetlands Board Permit History

This property is located in the Southern Rivers Watershed. The Wetlands Board approved construction of a bulkhead in the same footprint on September 17, 2021; however, a permit was never issued. The current application reduces the height of the proposed bulkhead to 6 inches above the existing bulkhead to minimize backfill.

Summary of Proposal

The applicant proposes to construct a 96 linear foot timber bulkhead. The proposed bulkhead will be located no more than two feet seaward of the existing bulkhead. Approximately 20-30 cubic yards of fill material will be placed below mean high water, with an additional 50-60 cubic yards of fill material placed above mean high water to grade the yard to match the proposed bulkhead height. The proposed bulkhead will impact 42 square feet of non-vegetated wetlands, which have formed behind the existing bulkhead. The applicant is proposing to mitigate the wetlands impacts by payment of an in-lieu fee.

Evaluation & Staff Recommendations

The existing bulkhead is actively failing, showing signs of deterioration along the seaward face of the structure, and areas of upland erosion are present. The applicant's agent indicated that a living shoreline was not appropriate for this property due to the height of the existing bulkhead and proximity of the residence to the bulkhead.

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

1. A Joint Permit Application is submitted.
2. The alignment of the stabilization structure is along the escarpment or in line with adjacent stabilization structures.
3. Fill must be the minimum necessary to support the stabilization project.

The height of the proposed bulkhead is proposed at elevation 3.5 feet (mean low water), which is similar to many bulkheads in Sandbridge and does not significantly increase the elevation of the property. The applicant's agent worked with Staff to reduce the height of the proposed bulkhead to minimize the amount of backfill. Staff is of the opinion that the proposed project meets the criteria of Appendix K, Section 4.10 as the project has been aligned along the escarpment and the proposed fill is limited to the area to allow for a straight alignment of the bulkhead, which is the minimum necessary to support the project.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted**, as shown on the plans titled "Proposed bulkhead, wharf, boat lift, pwl" sealed November 14, 2023 and received by the VMRC on November 15, 2023.

Next Steps

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