

Wetlands Board Staff Report

February 20, 2023



CITY OF VIRGINIA BEACH

**Planning & Community
Development**

VIRGINIA BEACH WETLANDS BOARD

PUBLIC HEARING PROCEDURES & AGENDA

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, February 20, 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 www.vbgov.com/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 **February 20, 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 www.vbgov.com/wetlands. For information call (757) 385-4621.

OLD BUSINESS - WETLANDS

1. 2020-WTRA-00224

Jean Hayek

[Applicant & Owner]

REQUEST FOR 1 YEAR EXTENSION

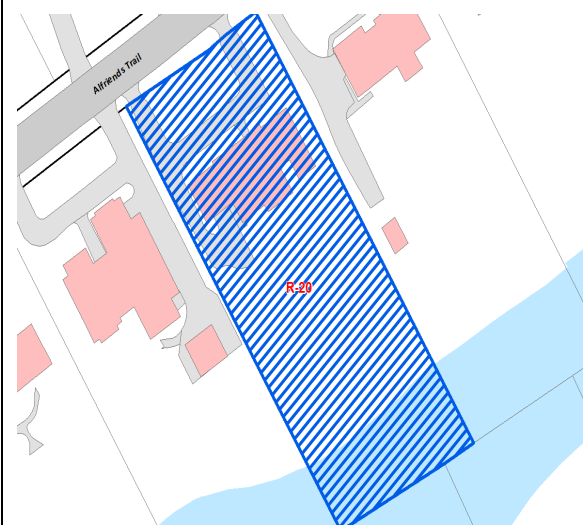
4321 Alfriends Trail

GPIN 1478-73-8986

City Council District: District 8, formerly Bayside

Waterway – Western Branch Lynnhaven River
Subdivision – Donation Shores

Request: To construct rip rap involving wetlands.



NEW BUSINESS - WETLANDS

2. 2022-WTRA-00269

Michael T. and Shannon A. Darden

[Applicants & Owners]

500 Lighthouse Point

GPINs 2427-10-4518 & 2427-10-4628

City Council District: District 5, formerly Beach

Waterway – Lake Rudee
Subdivision – Harbour Point

Request: To dredge and construct a bulkhead involving wetlands.



NEW BUSINESS – WETLANDS (CONTINUED)

3. 2022-WTRA-00276

Jeffrey D. and Caroline W. Watkins

[Applicants & Owners]

946 Oriole Drive

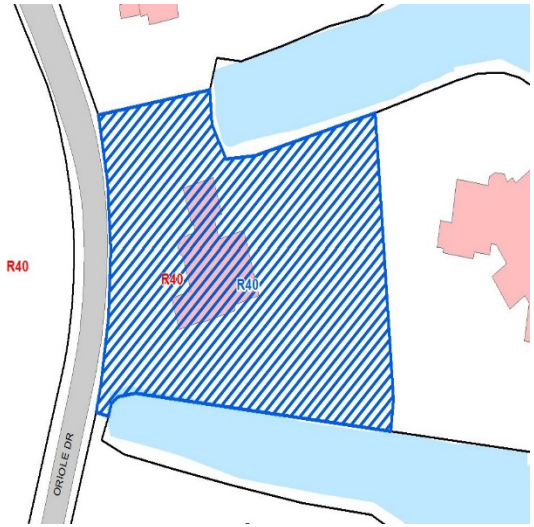
GPIN 2418-43-0651

City Council District: District 6, formerly Lynnhaven

Waterway – Little Neck Creek

Subdivision – Birdneck Point

Request: To dredge, construct rip rap revetment, retaining wall, and plant vegetation involving wetlands and a covered boat lift.



AS NEEDED, PAGE LEFT BLANK



Application Number **2020-WTRA-00224**
 Applicant **Jean Hayek**
 Public Hearing **February 20, 2023**
 City Council District **District 8, Formerly Bayside**
REQUEST FOR A ONE YEAR EXTENSION OF TIME

Agenda Item

1

Agent

Robert Simon
 Waterfront Consulting, Inc.

Location

4321 Alfriends Trail

GPIN

1478-73-8986

Staff Planner

Heaven Manning

Proposal

To construct rip rap involving wetlands

Waterway

Western Branch Lynnhaven River

Subdivision

Donation Shores

Impacts

Vegetated Wetlands: 2 square feet

Non-vegetated Wetlands: 486 square feet

Overall length of proposed structure: 129 linear feet of rip rap

Volume of Backfill: 20 cubic yards



Site Aerial Map





Agent

Robert Simon
 Waterfront Consulting, Inc.

Location

500 Lighthouse Point

GPIN

2427-10-4518 & 2427-10-4628

Staff Planner

Heaven Manning

Proposal

To dredge and construct a bulkhead involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Lake Rudee

Subdivision

Harbour Point

Impacts

Non-Vegetated: 32 square feet

Subaqueous: 332 square feet

Overall length of proposed structure: 86 linear feet of bulkhead

Volume of Backfill: 5 cubic yards

Proposed Mitigation and/or Compensation

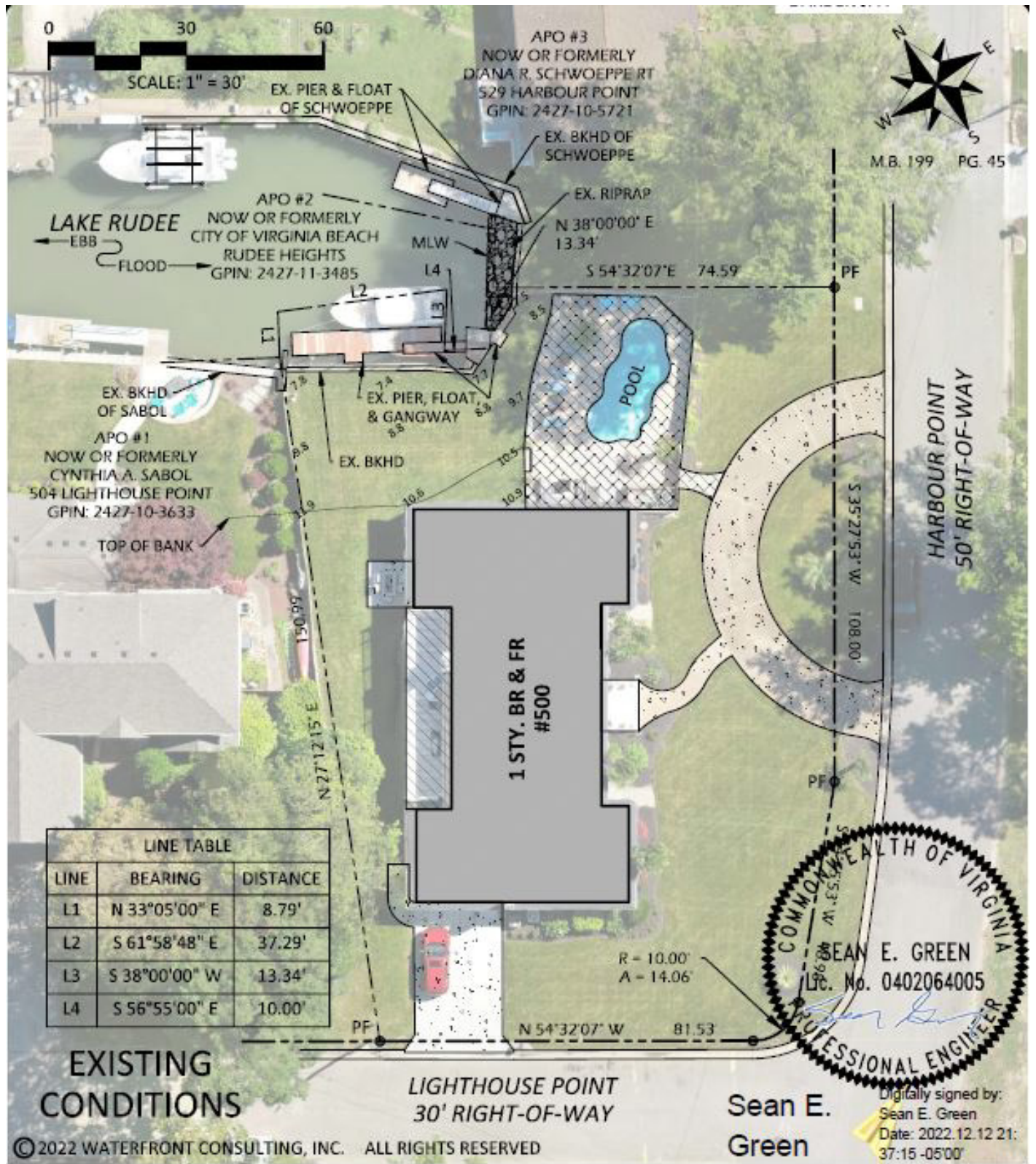
Payment of an in-lieu fee



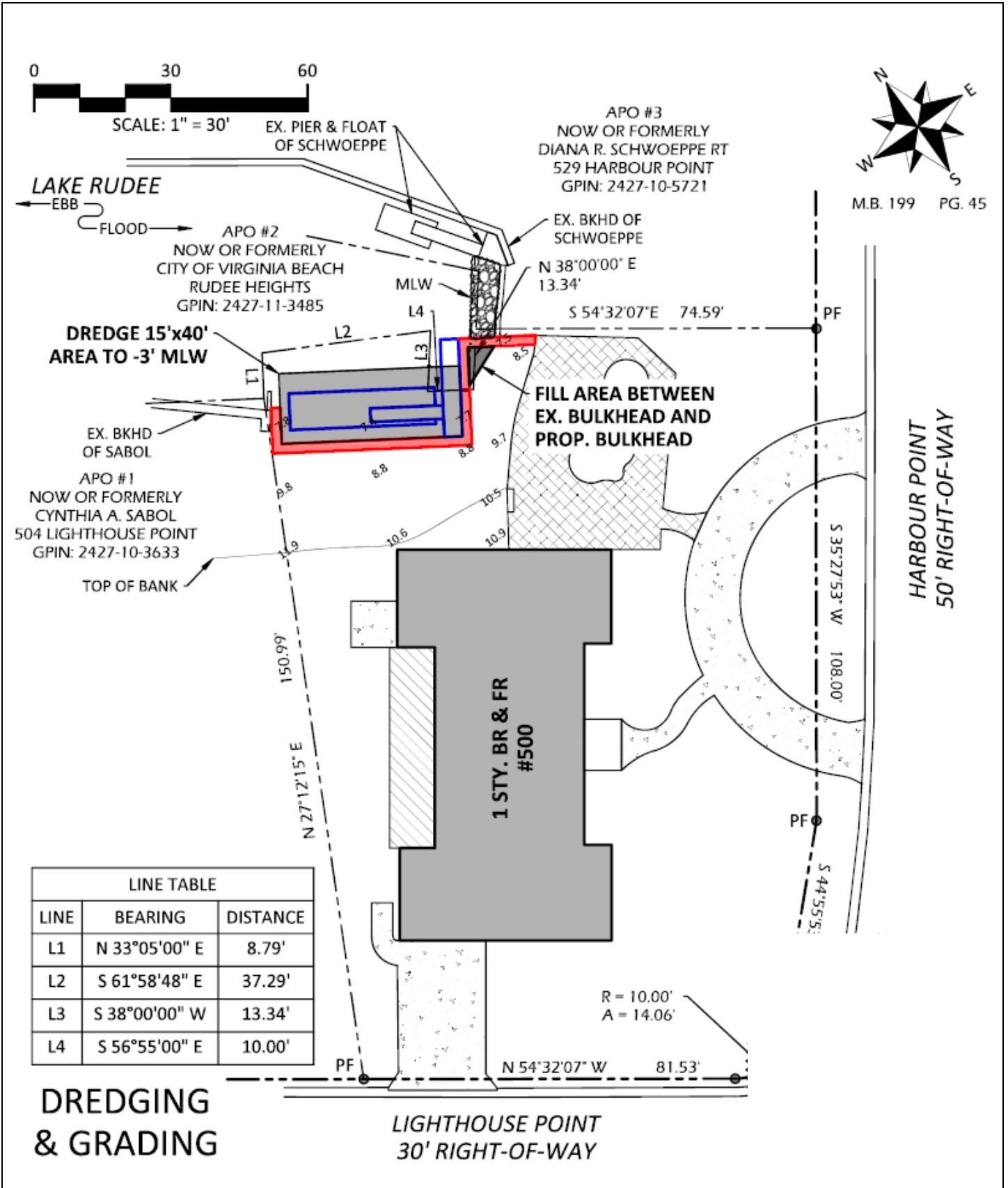
Site Aerial Map



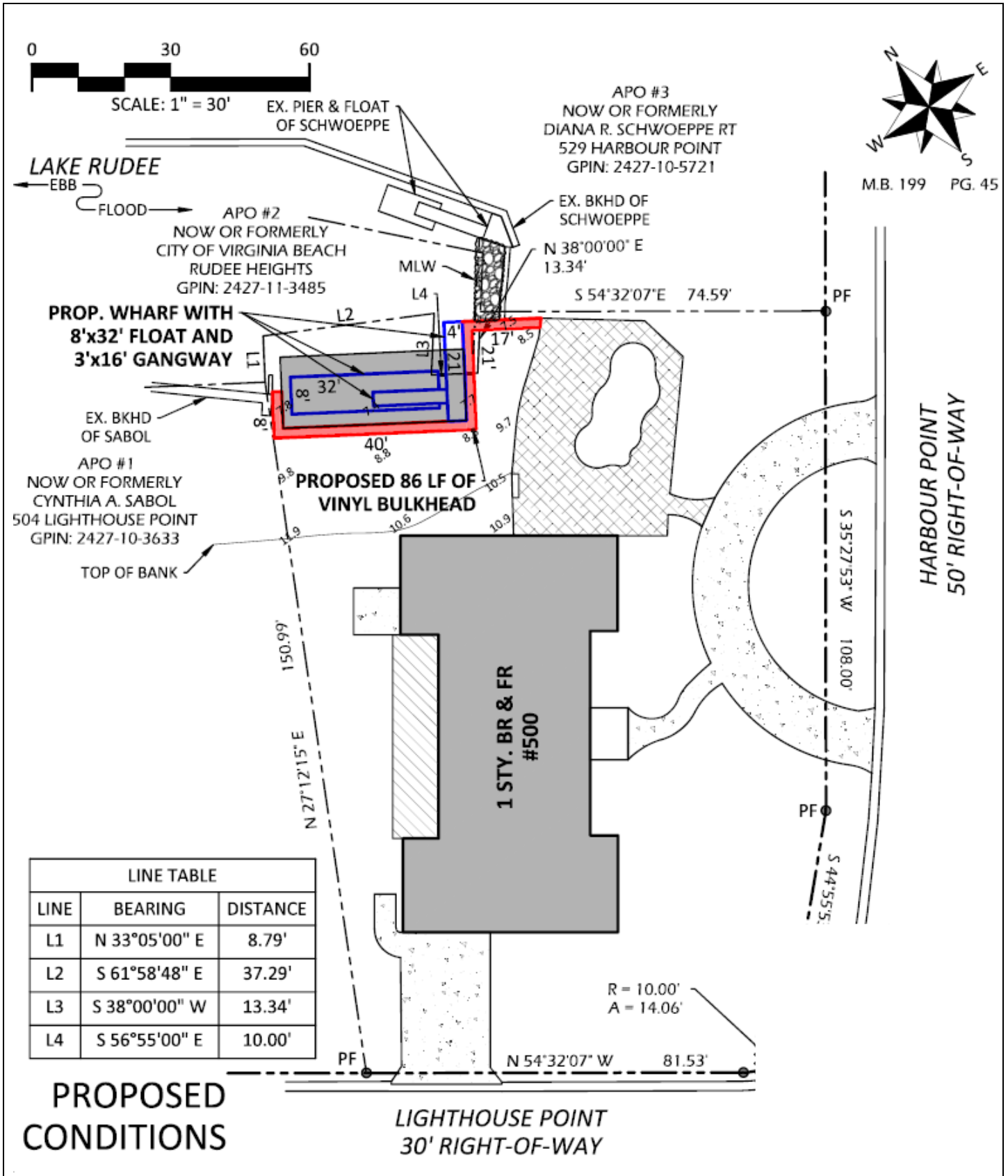
Existing Conditions



Proposed Site Plan – Dredging & Grading

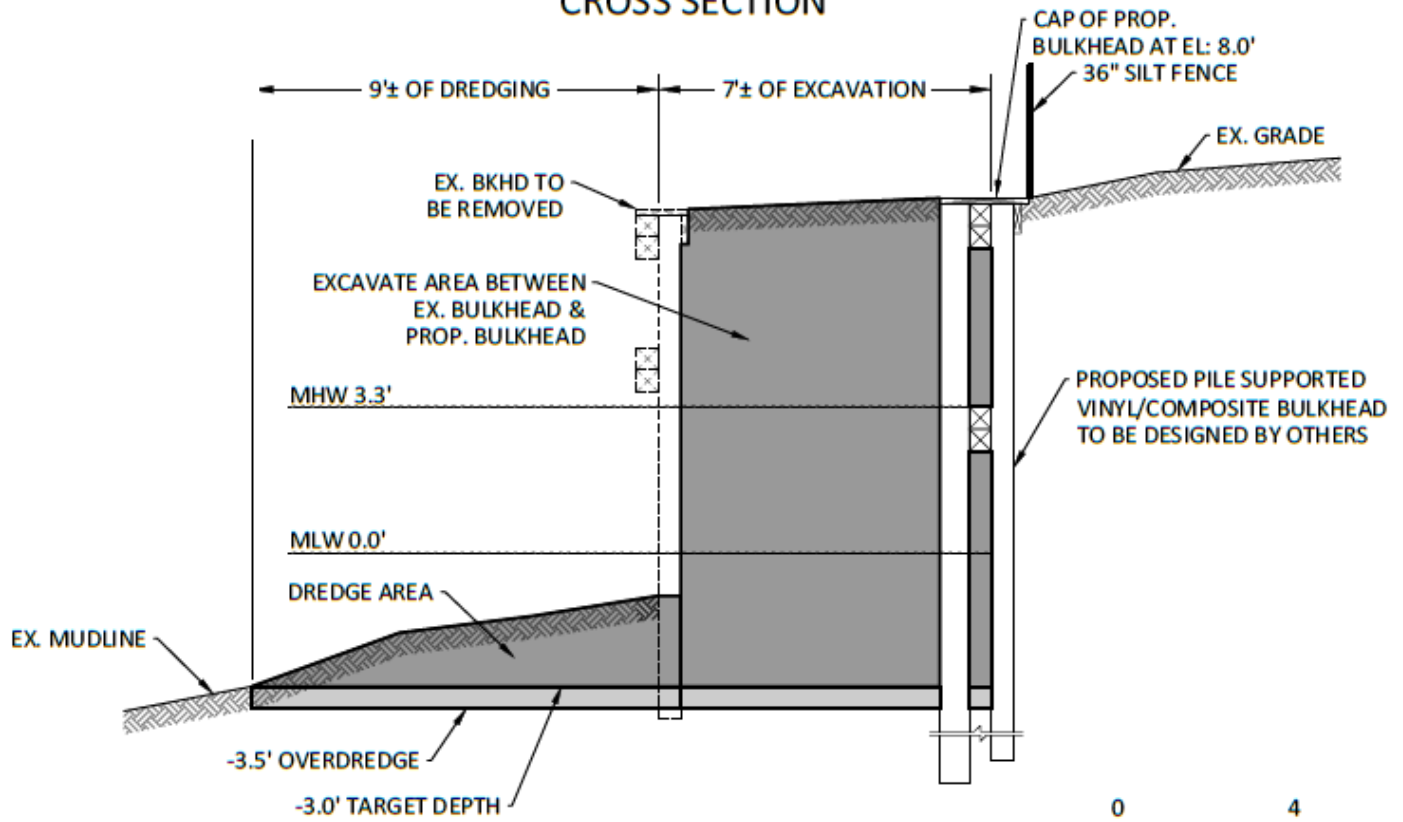


Proposed Improvements

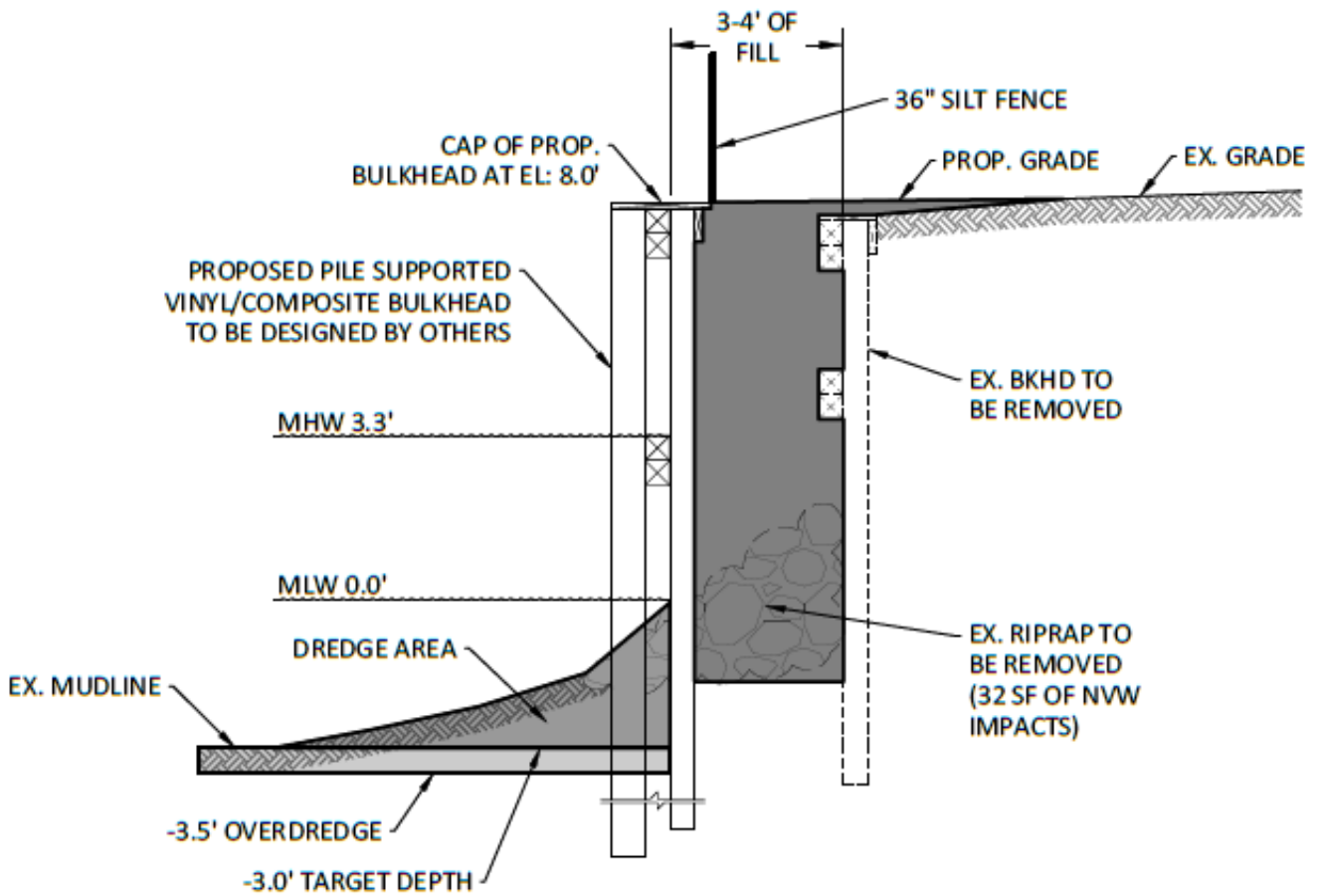


Dredging and Excavation – Section 1

PROPOSED DREDGING & EXCAVATION CROSS SECTION



PROPOSED BULKHEAD WITH FILL CROSS SECTION



Site Photos



Site Photos



Site Photos



Wetlands Board Permit History

This property located in the Atlantic Ocean Watershed.

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

Summary of Proposal

The applicant is proposing to construct 86 linear feet of vinyl bulkhead to replace an active failure occurring to the existing bulkhead. Along the southwest portion of the shoreline portions of the uplands will be excavated, and the proposed bulkhead constructed seven feet landward of the existing bulkhead. Along the southeast portion of the shoreline the proposed bulkhead will be constructed four feet channelward of the existing bulkhead. The request to encroach seaward with the proposed bulkhead for this section is due to the shape of the shoreline and proximity of the existing improvements on the lot. The proposed project impacts 32 square feet of non-vegetated wetlands with the removal of rip rap and requires approximately 5 cubic yards of backfill between the existing and proposed bulkheads. The applicant is proposing to pay an in-lieu fee to compensate for the non-vegetated wetlands impacts.

The proposed project includes dredging 10 cubic yards of subaqueous land. However, all dredging impacts are limited to subaqueous land and are not subject to Wetlands Board approval.

Evaluation & Staff Recommendations

The existing bulkhead for this lot is actively failing. As a result, portions of the bulkhead's toe have twisted due to hydrostatic pressure, some sheet piles have separated along the seams, and most of the uplands directly adjacent to the structure have settled with minor pockets of erosion present. Along the southeast portion of the shoreline the proposed bulkhead will be constructed channelward of the existing bulkhead impacting approximately 32 square feet of non-vegetated rock habit. As proposed, the new bulkhead for this section of replacement will not create additional non-vegetated wetlands. Therefore, to address compensation Staff supports payment of an in-lieu fee for the vegetated and non-vegetated wetlands impacts.

A living shoreline is not appropriate on this property due to the height of the bulkhead, proximity of the pool to the existing bulkhead, and the width of the man-made channel providing boat access to adjacent property owners. Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as modified** with the following condition:

1. The proposed project requires an encroachment agreement with the City of Virginia Beach. Such an agreement shall be obtained prior to 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

Billy Garrington
 Governmental Permitting Consultants

Location

946 Oriole Drive

GPIN

2418-43-0651

Staff Planner

Heaven Manning

Proposal

To dredge, construct rip rap revetment, retaining wall, and plant vegetation involving wetlands and a covered boat lift

Staff Recommendation

Approval as Modified

Waterway

Little Neck Creek

Subdivision

Birdneck Point

Impacts

Vegetated: 718 square feet

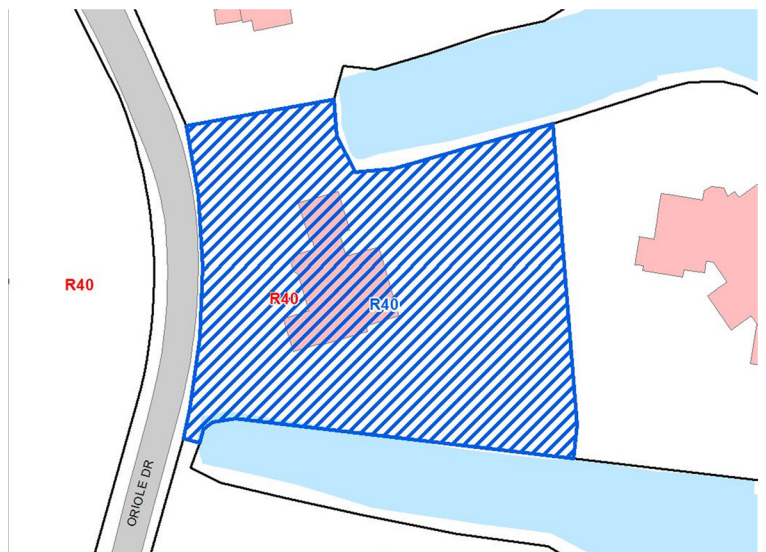
Subaqueous: 981 square feet

Overall length of proposed structure:

159.13 linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

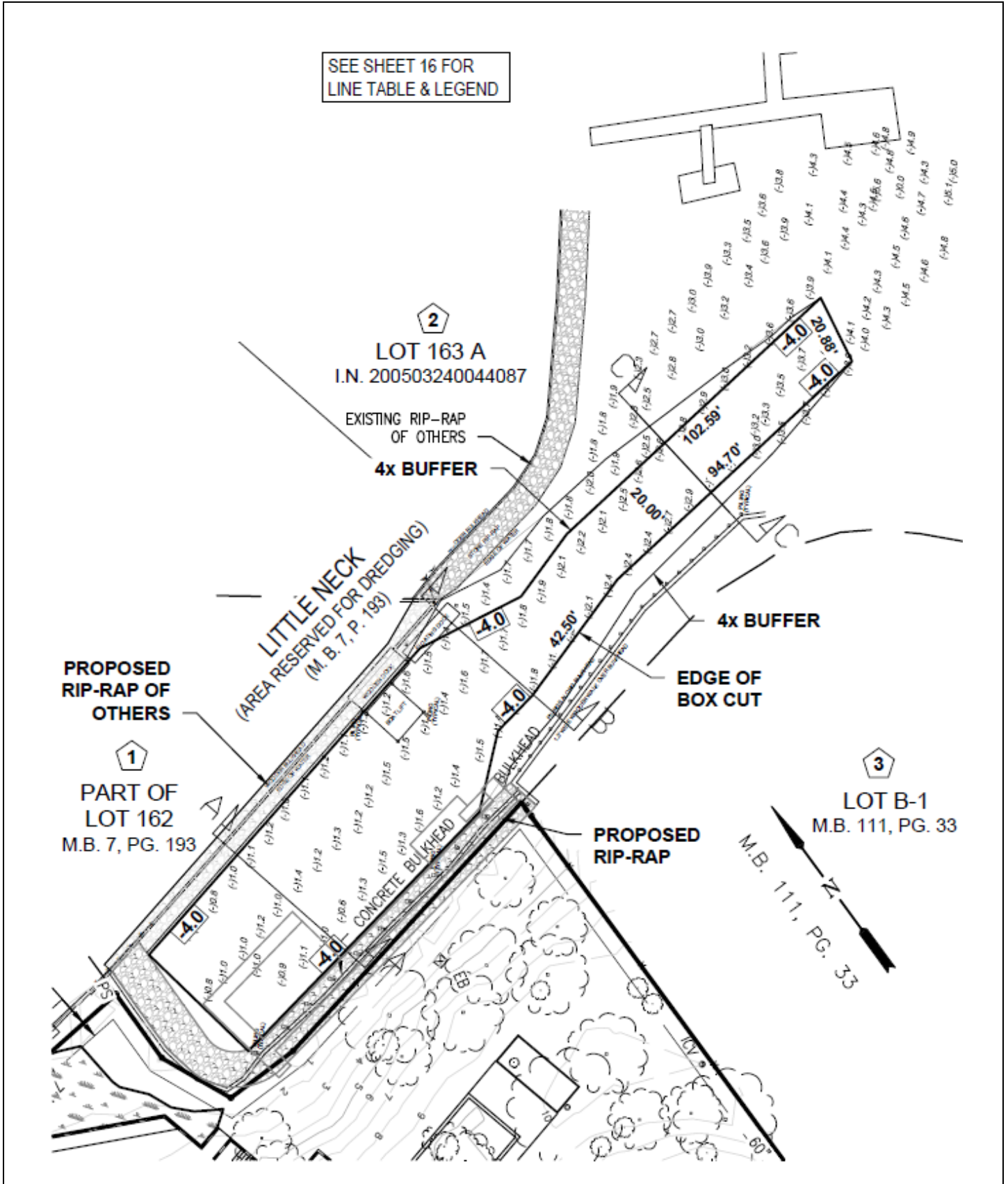
On-site



Site Aerial Map

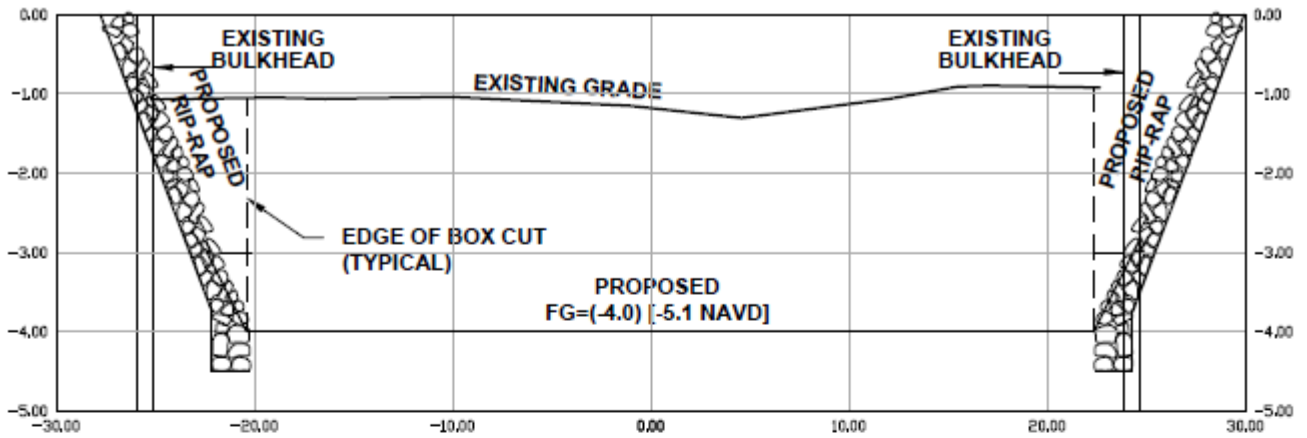


Proposed Site Plan – Dredge Plan

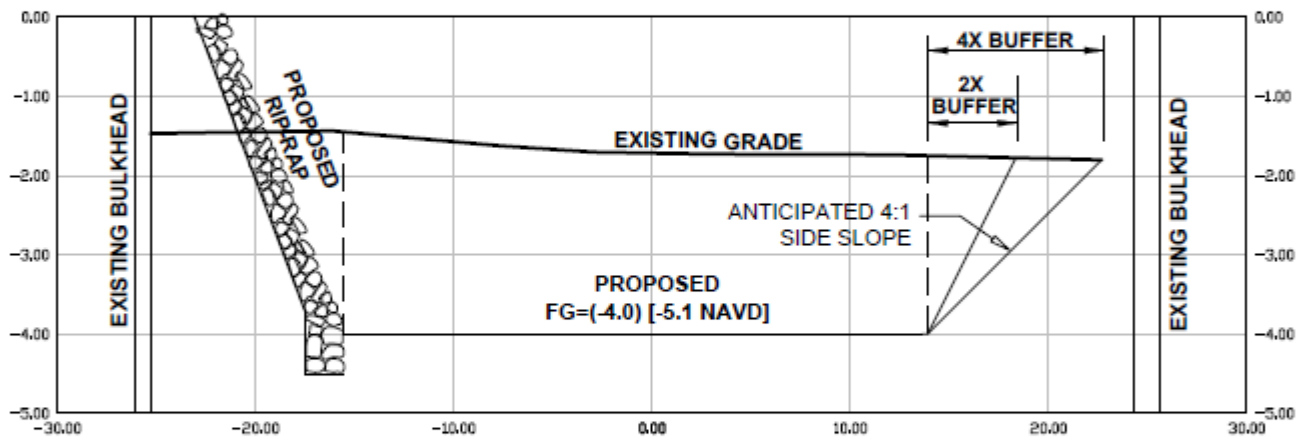


Proposed Site Plan – Dredge Section

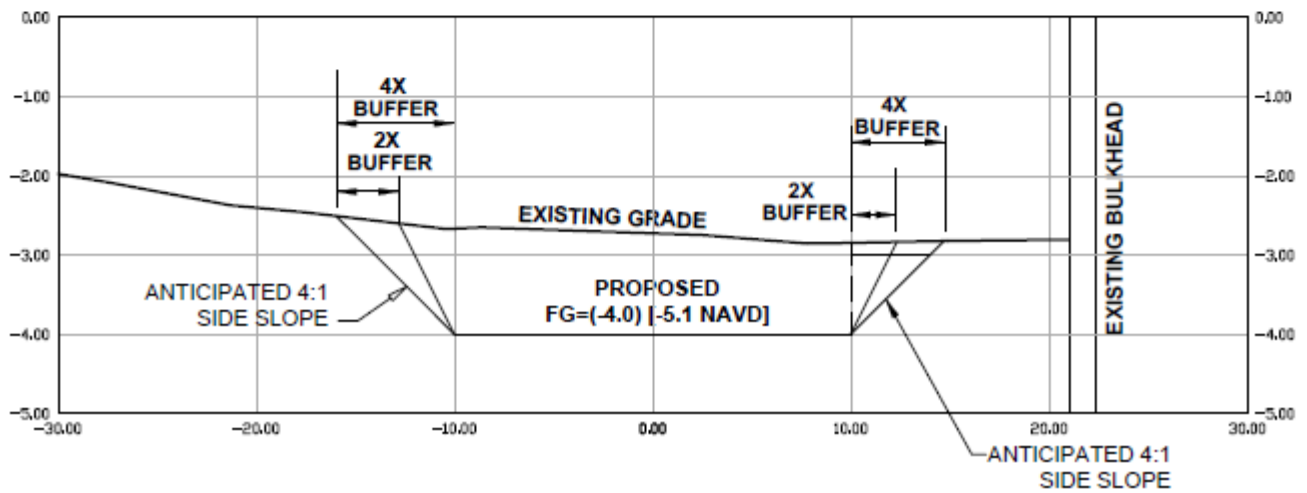
Section A-A



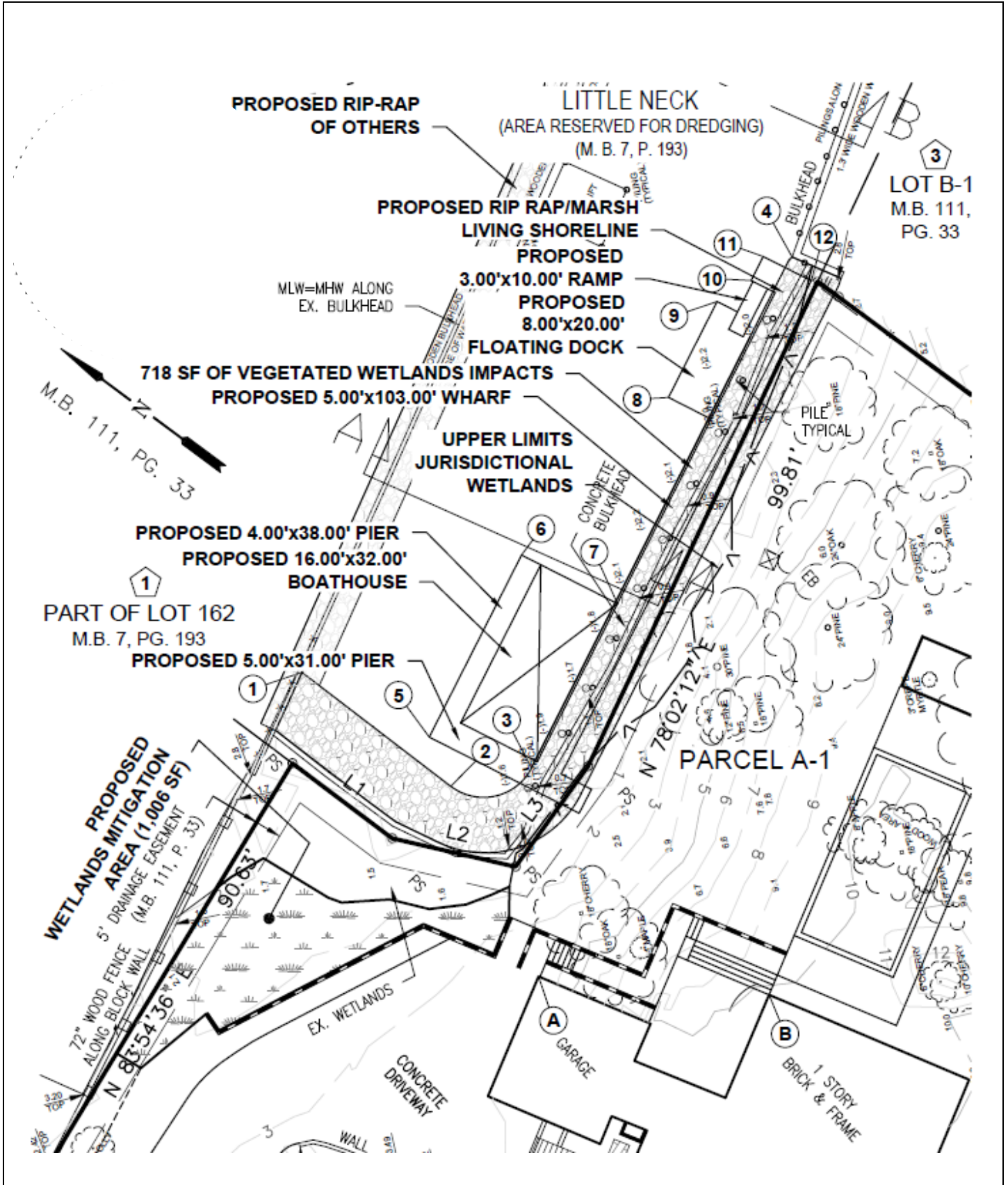
Section B-B



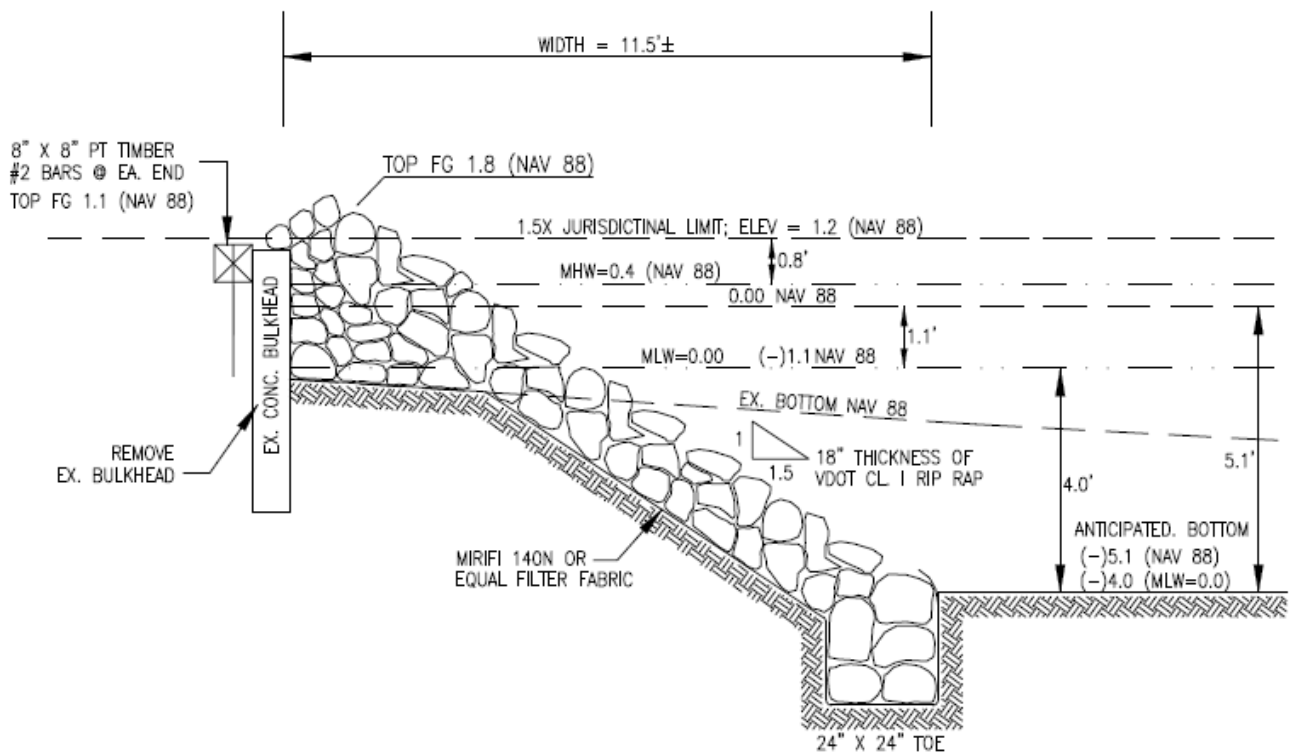
Section C-C



Proposed Site Plan

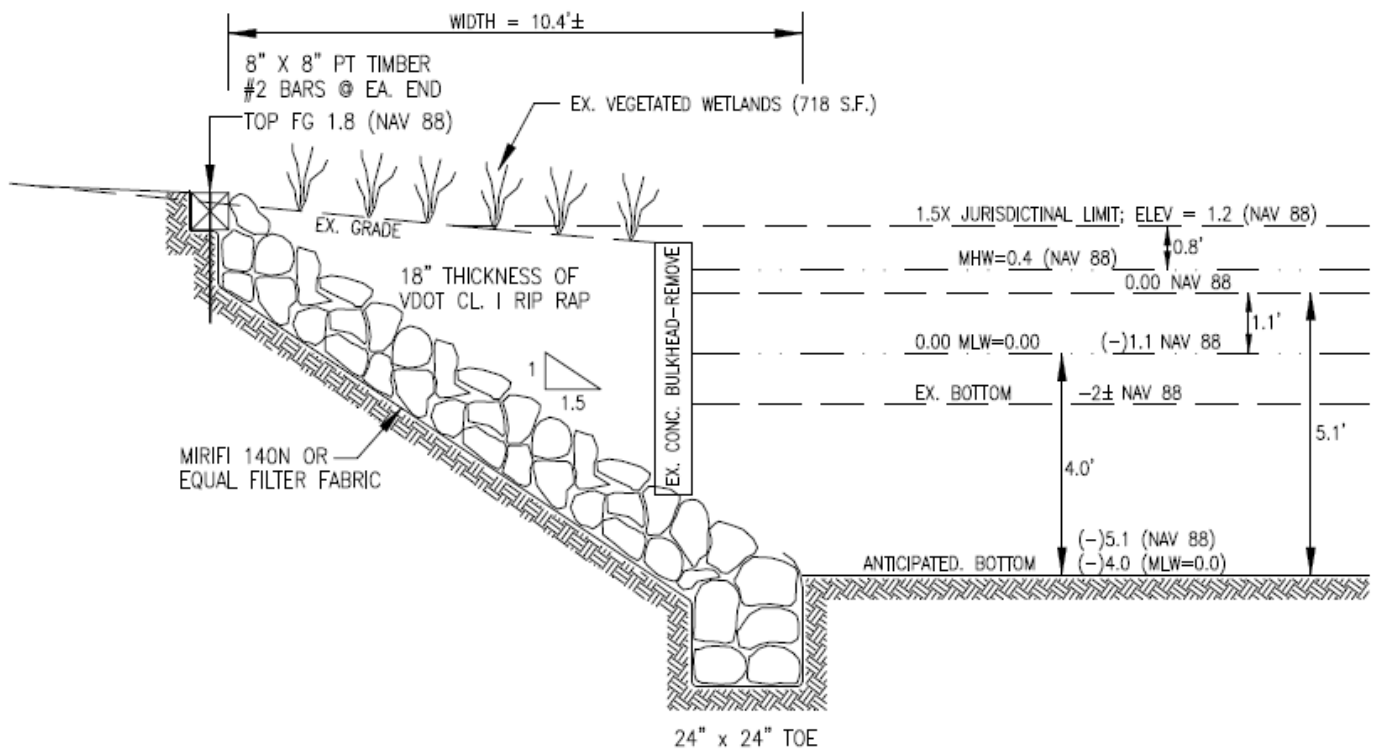


Rip Rap Section 1



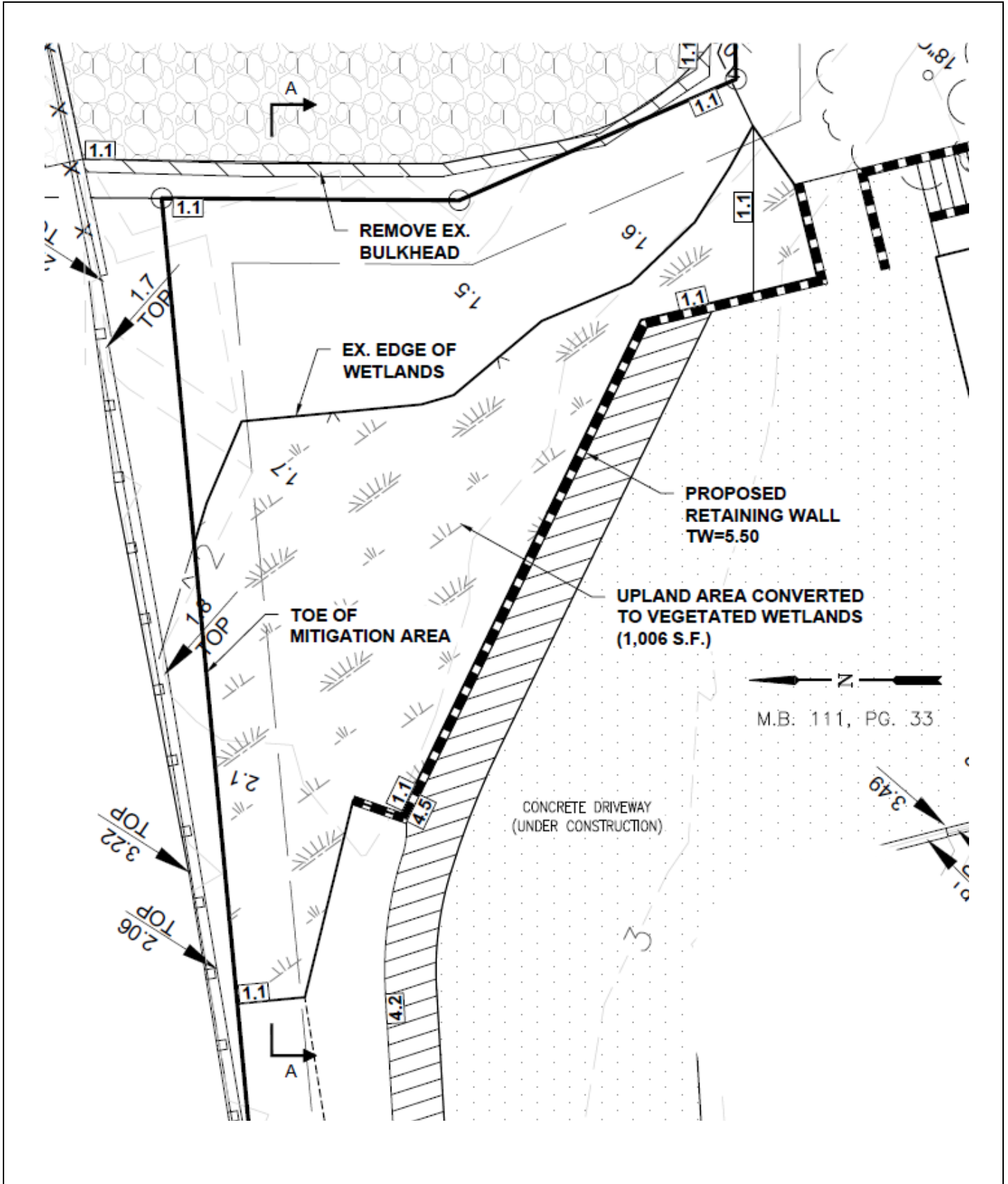
*ALSO APPLIES TO POINTS 2 THROUGH 3
TRANSITION WIDTH FROM 10.4' TO 11.5' AT POINTS 2 THROUGH 3

Rip Rap Section 2



*ALSO APPLIES TO POINTS 2 THROUGH 3
TRANSITION WIDTH FROM 10.4' TO 11.5' AT POINTS 2 THROUGH 3

Mitigation Plan



Site Photos



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) variance request to construct a porch addition, swimming pool with pool house, circular driveway, and redevelopment of existing driveway with fill material was granted for this property on February 7, 2022.

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

Summary of Proposal

The applicant proposes to remove the existing failing concrete bulkhead and construct approximately 159 linear feet of rip rap revetment. The primary purpose of the rip rap revetment is to reduce shoreline erosion while maintaining access to the waterway. The proposed project will impact 718 square feet of vegetated wetlands located behind the failed concrete bulkhead. The applicant proposes on-site compensation for the impacts to vegetated wetlands. Along the northwestern edge of the property there are existing vegetated wetlands that will be expanded by converting approximately 1,006 square feet of uplands to mitigated vegetated wetlands. The uplands area will be graded to an elevation of 1.1 feet above sea level (NAVD88) to match the elevation of the existing vegetated wetlands. The area will be sprigged with *Spartina patens*, saltmeadow cordgrass. In addition, the proposed project includes dredging approximately 904 cubic yards of subaqueous land. However, all dredging impacts are limited to subaqueous land and are not subject to Wetlands Board approval. The dredge spoils will be transferred on the property from a barge to watertight dump trucks and hauled to an approved disposal site.

Evaluation & Staff Recommendations

Staff concurs with the applicant that the proposed rip rap revetment is warranted for this property, as the existing concrete 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 wetlands have formed where uplands have been eroded. Staff is of the opinion that the rip rap will achieve the desired shoreline stabilization with the least impact on the upland property. Staff concurs with the applicant's agent that a living shoreline is not appropriate for this property due to the existing improvements on the lot and the slope of the yard. Staff is of the opinion that the creation of 1,006 square feet of vegetated wetlands will add value to the environs by improving the continuity of the vegetated wetlands along the shoreline.

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 of 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. A revised 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.

Next Steps

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