

# Wetlands Board Staff Report

July 17, 2023



# VIRGINIA BEACH WETLANDS BOARD

## PUBLIC HEARING PROCEDURES & AGENDA

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, July 17, 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](http://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](mailto: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 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@vb.gov](mailto: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 **July 17, 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](http://virginiabeach.gov/wetlands). For information call (757) 385-4621.

## OLD BUSINESS - WETLANDS

### 1. 2021-WTRA-00128

**Don Myers** [Applicant & Property Owner]

**EXTENSION OF TIME**

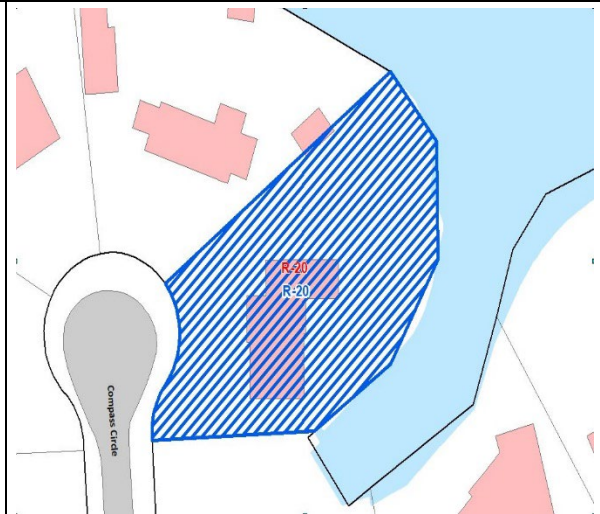
**2004 Compass Circle**

GPIN 2409-09-6220

City Council District: District 8, formerly Lynnhaven

Waterway – Canal to Broad Bay  
Subdivision – Bay Island

**Request** - To construct a bulkhead and rip rap involving wetlands.



## NEW BUSINESS - COASTAL PRIMARY SAND DUNE/BEACH

### 2. 2023-WTRA-00137

**3548 Sandfiddler LLC**

[Applicant & Property Owner]

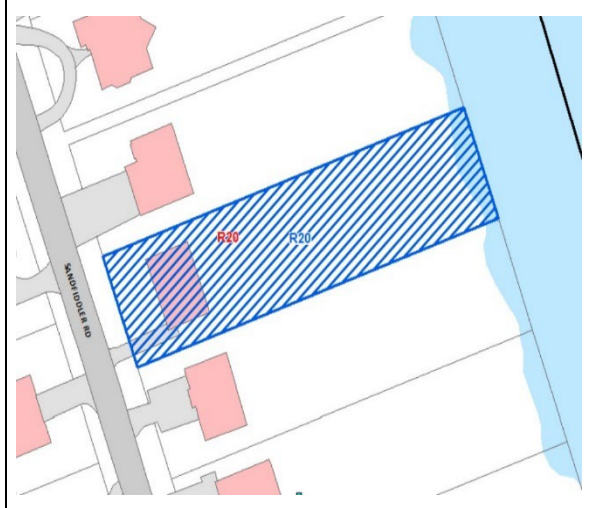
**3548 Sandfiddler Road**

GPIN 2432-75-0908

City Council District: District 2, formerly Princess Anne

Waterway – Atlantic Ocean  
Subdivision – South Sandbridge

**Request:** To construct a bulkhead, return walls, and excavate sand involving a Coastal Primary Sand Dune/Beach.



## NEW BUSINESS - WETLANDS

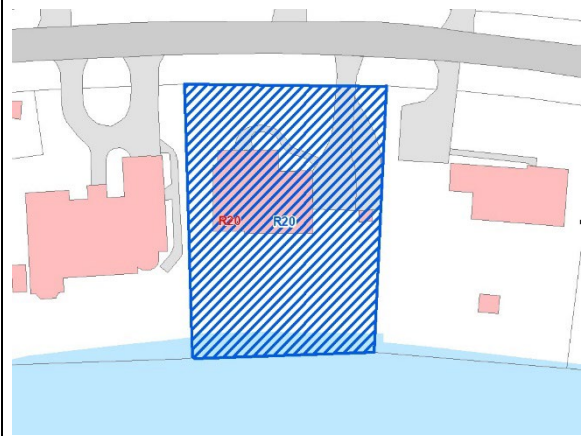
### 3. 2023-WTRA-00091

**David M. Lawhorn & Emily S. Schmid**  
[Applicants & Property Owners]

**2337 Leeward Shore Drive**  
GPIN 2500-00-1010  
City Council District: District 8, formerly Lynnhaven

Waterway – Canal to Long Creek  
Subdivision – Bay Island

**Request:** To dredge involving wetlands.



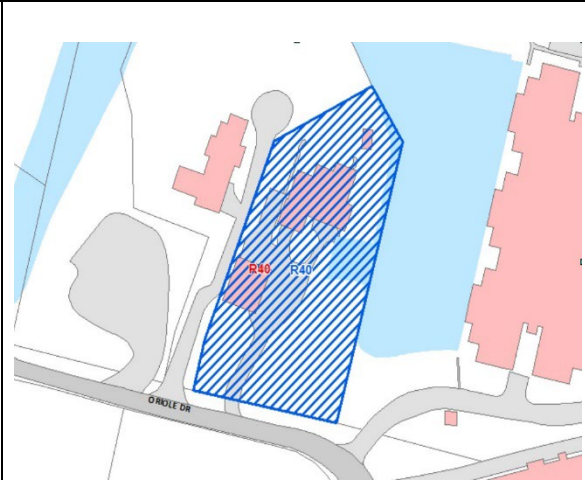
### 4. 2023-WTRA-00133

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

**724 Oriole Drive**  
GPIN 2418-61-8861  
City Council District: District 6, formerly Lynnhaven

Waterway – Little Neck Creek  
Subdivision – Birdneck Point

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



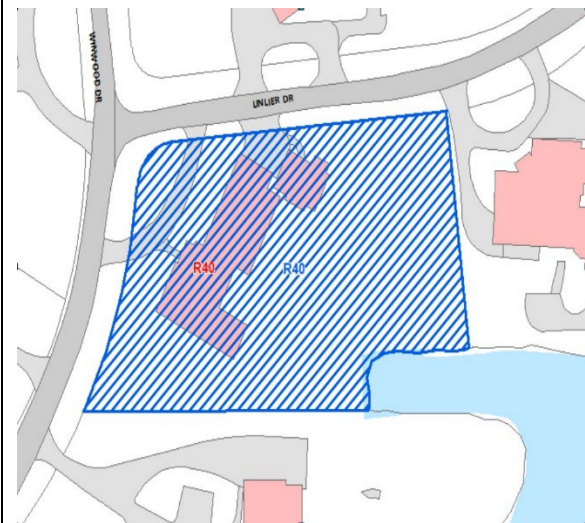
### 5. 2023-WTRA-00134

**Andrew B. Kellam Revocable Trust & Courtney K. Kellam Revocable Trust**  
[Applicants & Property Owners]

**904 Winwood Drive**  
GPIN 2418-00-8857  
City Council District: District 6, formerly Lynnhaven

Waterway – Linkhorn Bay  
Subdivision – Linlier

**Request:** To construct a bulkhead, rip rap revetment, groin wall, and dredge involving wetlands.



**NEW BUSINESS – WETLANDS (CONTINUED)**

**6. 2023-WTRA-00135**

**James M. & Marjorie L. Cromwell**

[Applicants & Property Owners]

**1528 E Bay Shore Drive**

GPIN 2419-21-1286

City Council District: District 6, formerly Lynnhaven

Waterway – Rainey’s Gut

Subdivision – Bay Colony

**Request:** To construct a rip rap revetment involving wetlands.



**7. 2023-WTRA-00136**

**Chelsea Waterway Associates, Inc.**

[Applicant]

**Marlyn B. Fabrizio Revocable Trust**

[Property Owner]

**1825 Green Hill Road**

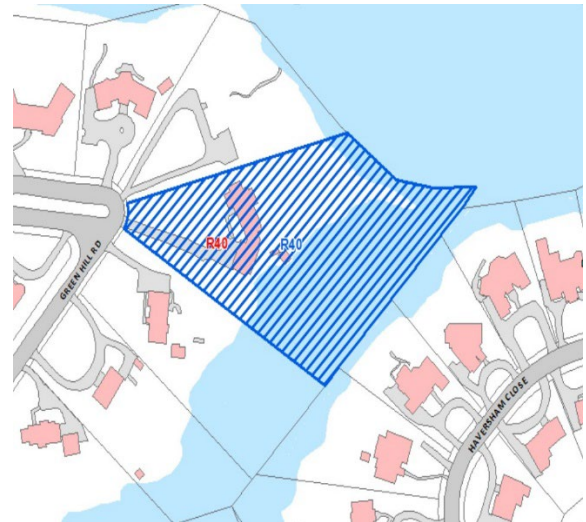
GPIN 1499-86-9178

City Council District: District 8, formerly Lynnhaven

Waterway – Broad Bay

Subdivision – Green Hill Farm

**Request:** To maintenance dredge involving wetlands.



**8. 2022-WTRA-00233**

**JHS GST Trust**

[Applicant & Owner]

**781 and 809 Princess Anne Road**

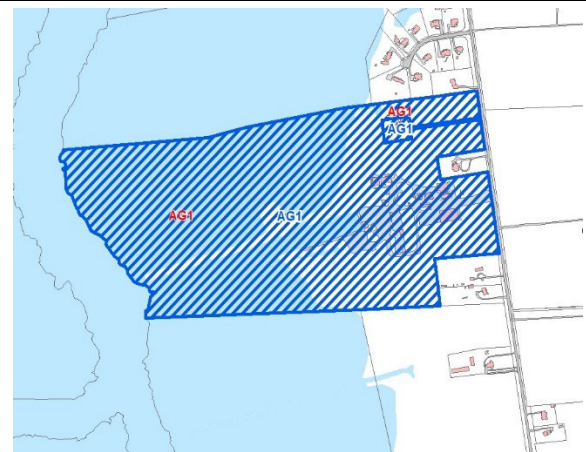
GPINs 2309-37-6009 & 2309-48-1216

City Council District: District 2, formerly Princess Anne

Waterway – Canal to North Landing River

Subdivision – Pungo

**Request:** To dredge involving wetlands.





**Agent**

Robert Simon  
 Waterfront Consulting, Inc.

**Location**

2004 Compass Circle

**GPIN**

2409-09-6220

**Staff Planner**

Heaven Manning

**Proposal**

To construct a bulkhead and rip rap involving wetlands

**Waterway**

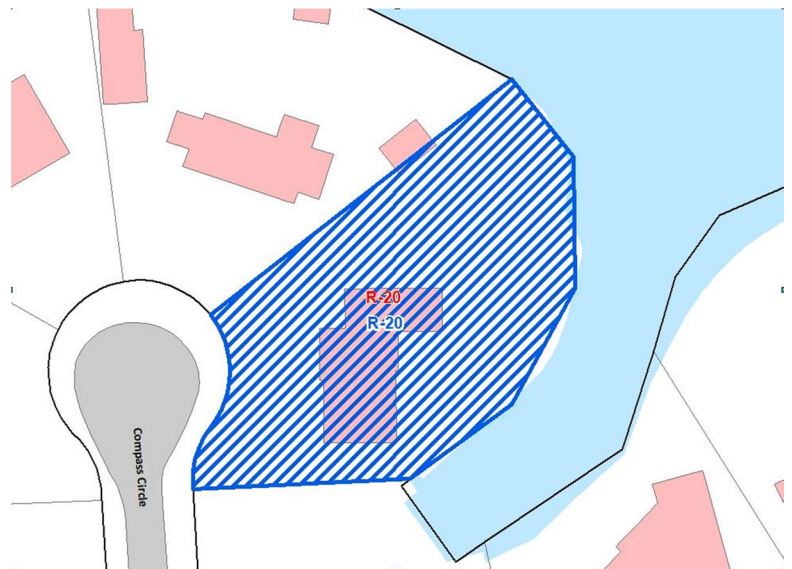
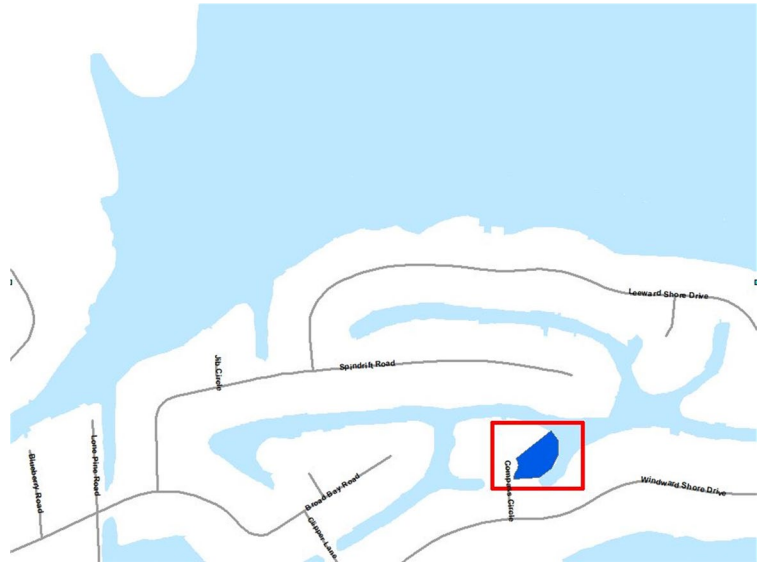
Canal to Broad Bay

**Subdivision**

Bay Island

**Impacts**

**Non-vegetated Wetlands:** 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







Application Number **2023-WTRA-00115**

Agenda Item

Applicant **3548 Sandfiddler LLC**

Public Hearing **July 17, 2023**

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

**REQUEST FOR A DEFERRAL**

**2**

**Agent**

Robert Simon  
Waterfront Consulting, Inc.

**Location**

3548 Sandfiddler Road

**GPIN**

2432-75-0908

**Staff Planner**

Heaven Manning

**Proposal**

To construct a bulkhead, return walls, and excavate sand involving Coastal Primary Sand Dune/Beach

**Waterway**

Atlantic Ocean

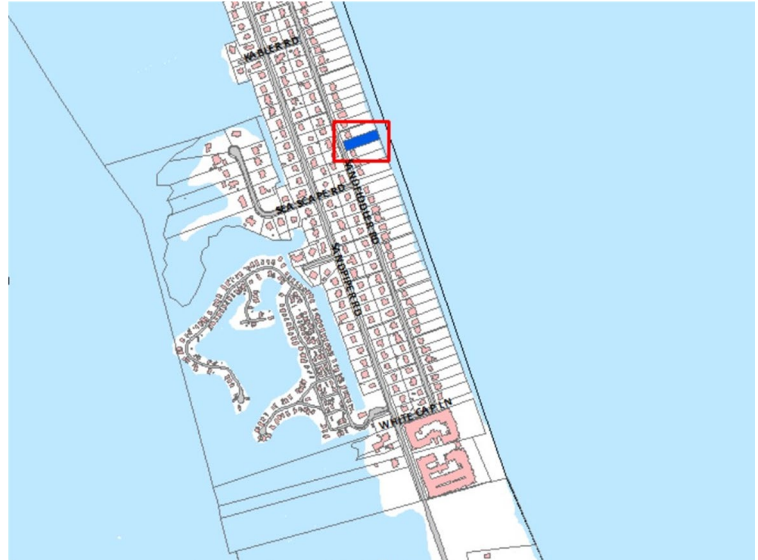
**Subdivision**

South Sandbridge

**Impacts**

**Dune/Beach:** 9,600 square feet

**Overall length of proposed structure:** 77 linear feet of bulkhead, two 60 linear foot return walls



# Site Aerial Map





Application Number **2023-WTRA-00091**

Agenda Item

Applicant **David M. Lawhorn and Emily S. Schmid**

Public Hearing **July 17, 2023**

City Council District **District 8, Formerly Lynnhaven**

**3**

**Agent**

Billy Garrington  
Governmental Permitting Consultants

**Location**

2337 Leeward Shore Drive

**GPIN**

2500-00-1010

**Staff Planner**

Heaven Manning

**Proposal**

To dredge involving wetlands

**Staff Recommendation**

Approval as Submitted

**Waterway**

Canal to Long Creek

**Subdivision**

Bay Island

**Impacts**

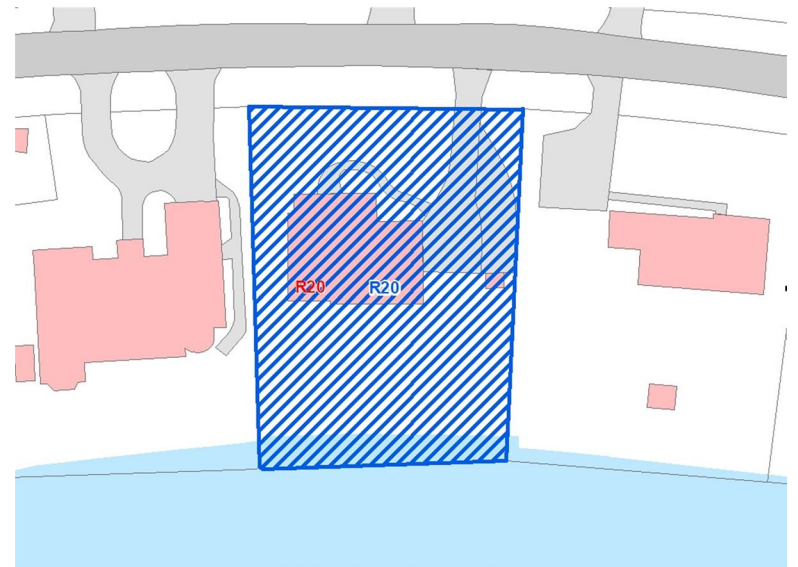
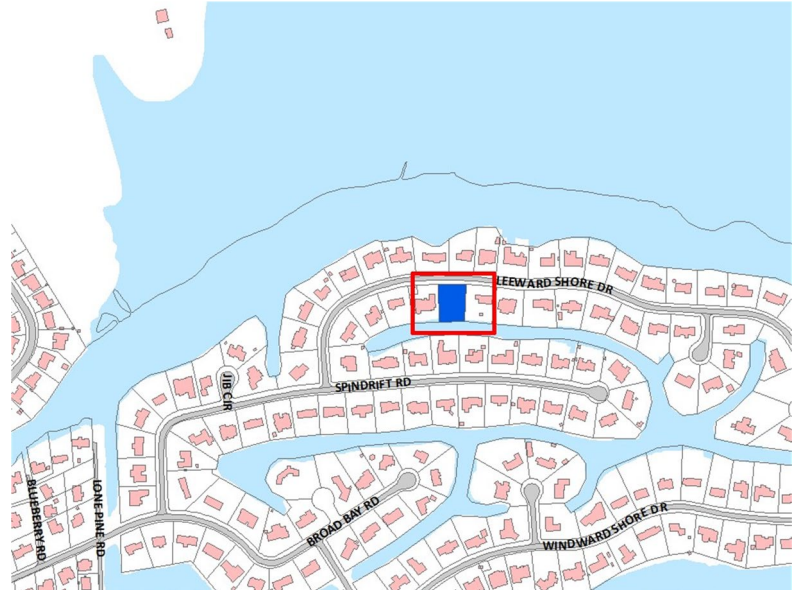
**Non-Vegetated:** 563 square feet

**Subaqueous:** 1,518 square feet

**Dredge Volume:** 115 cubic yards

**Proposed Mitigation and/or Compensation**

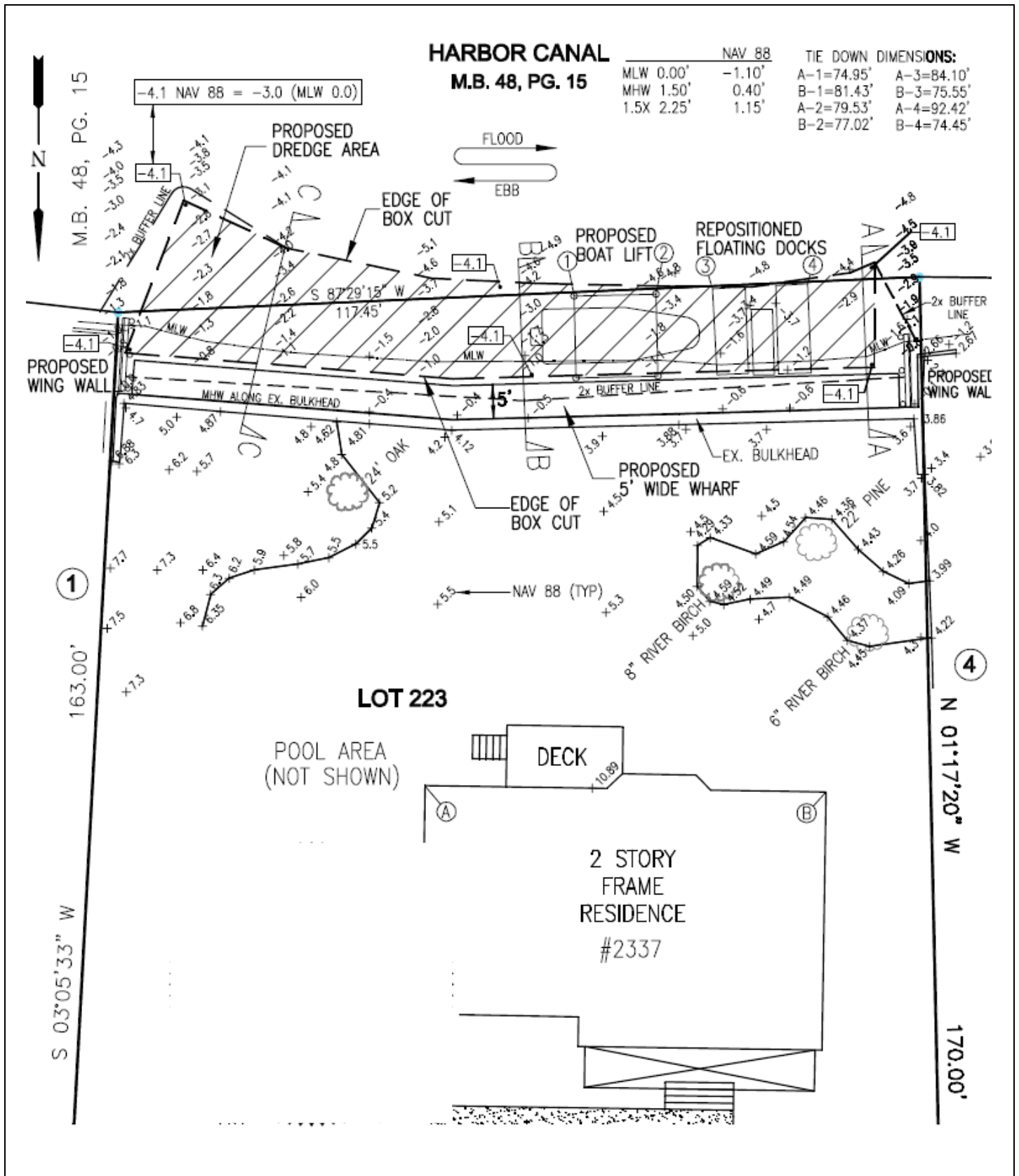
Payment of an in-lieu fee



Site Aerial Map



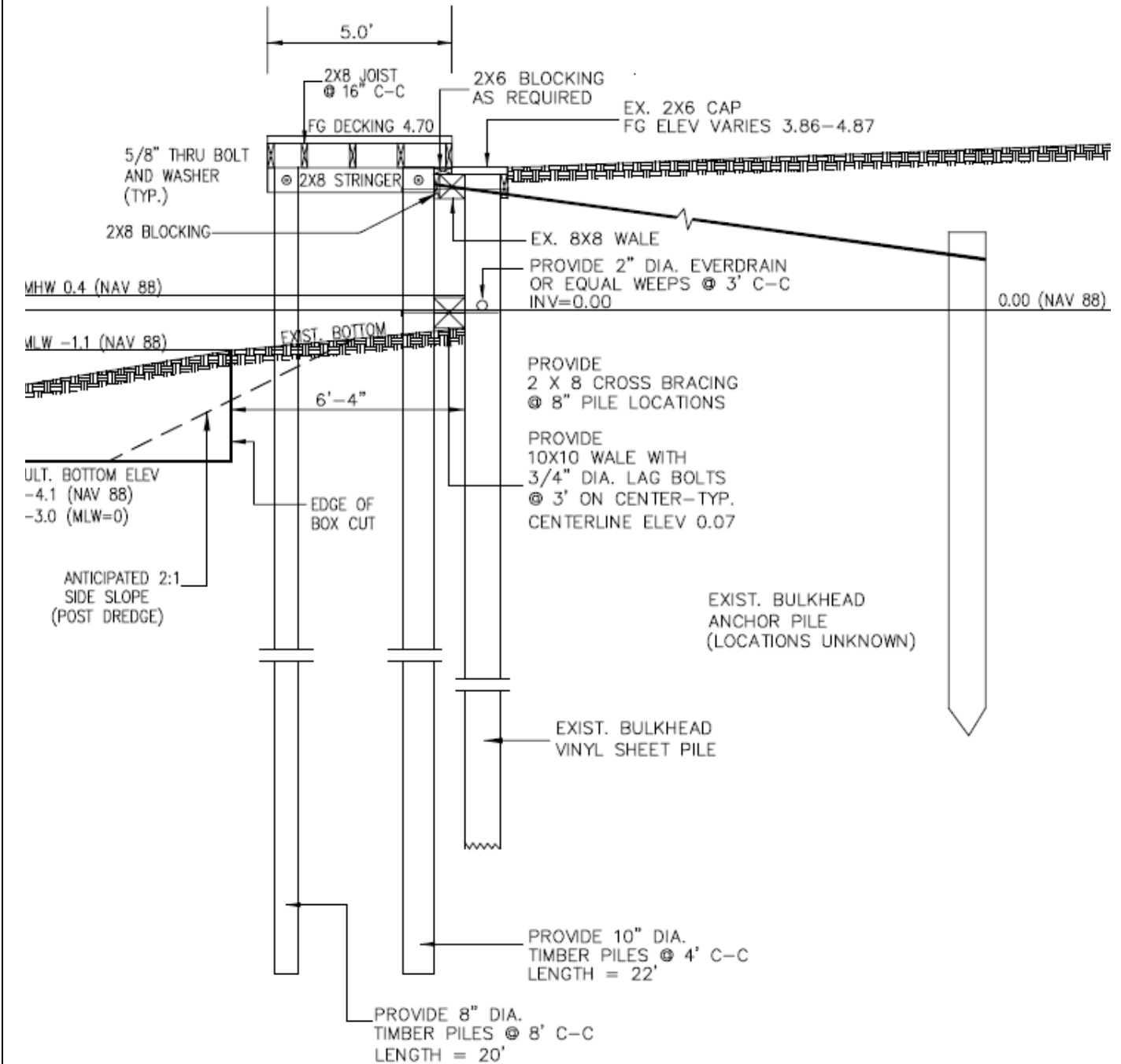
# Proposed Improvements



# Cross Section - Wharf

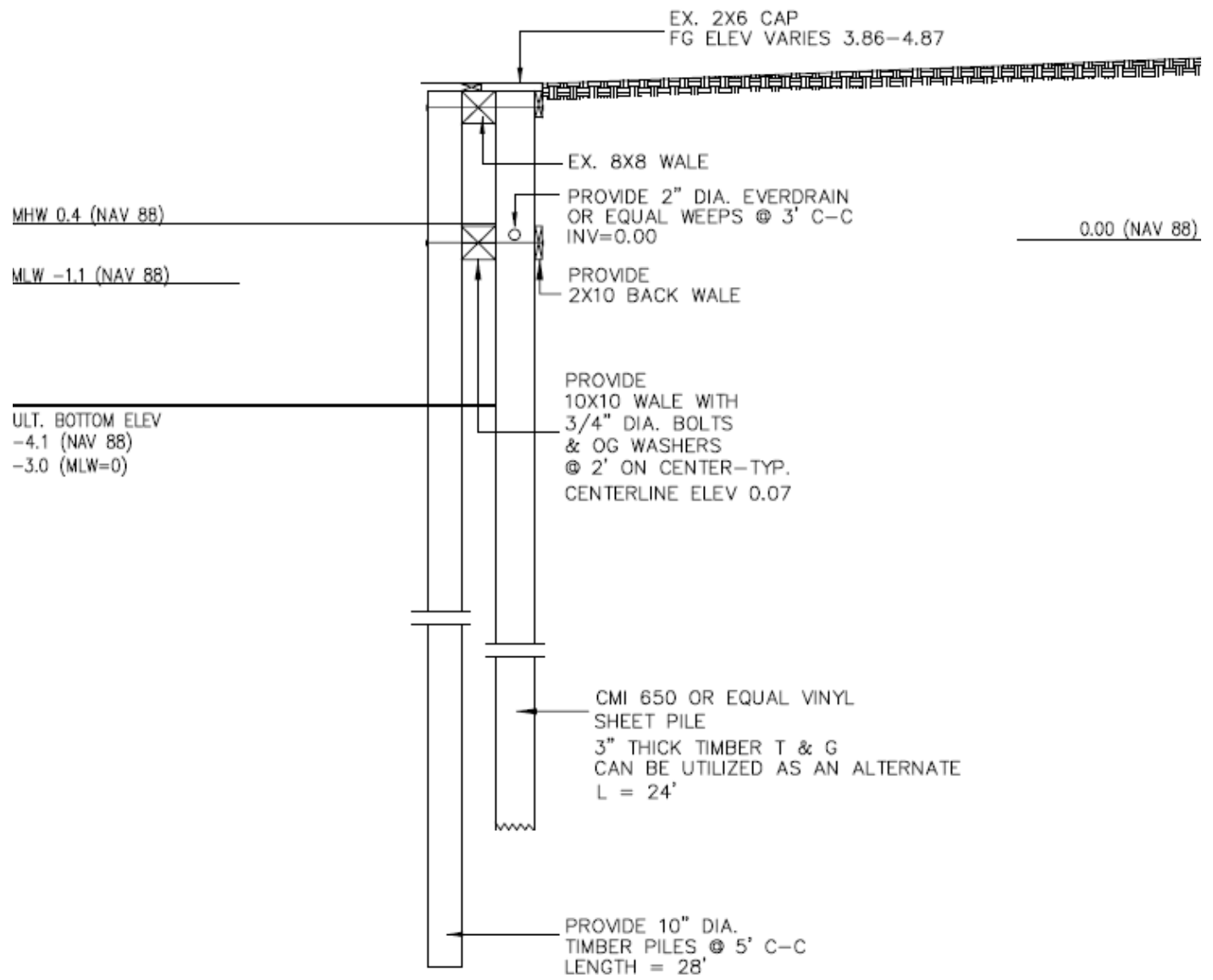
NOTE:  
 PROVIDE 2X8 X BRACING  
 AT EA. 10" DIA. FACE PILE

THESE PLANS ARE FOR PERMIT PUPOSES ONLY.  
 NO GEOTECHNICAL OR STRUCTURAL BORINGS HAVE  
 TAKEN PLACE AT THIS SITE. CONTRACTOR AND/OR  
 OWNERS SHALL VERIFY BOTTOM CONDITIONS. IT  
 SHALL BE THE OWNER'S AND/OR THE CONTRACTOR'S  
 RESPONSIBILITY TO LOCATE AND MARK UNDERGROUND  
 UTILITIES OR SPRINKLER SYSTEMS.



# Cross Section - Wingwalls

THESE PLANS ARE FOR PERMIT PUPOSES ONLY. NO GEOTECHNICAL OR STRUCTURAL BORINGS HAVE TAKEN PLACE AT THIS SITE. CONTRACTOR AND/OR OWNERS SHALL VERIFY BOTTOM CONDITIONS. IT SHALL BE THE OWNER'S AND/OR THE CONTRACTOR'S RESPONSIBILITY TO LOCATE AND MARK UNDERGROUND UTILITIES OR SPRINKLER SYSTEMS.



Site Photos





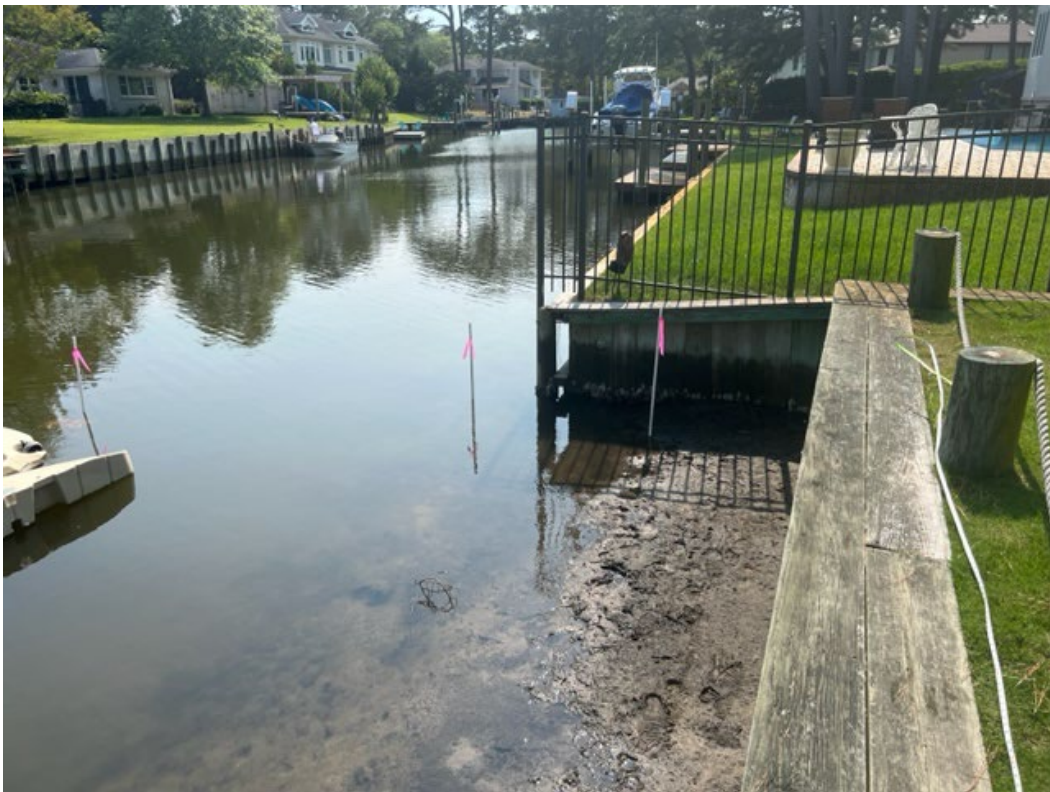
Site Photos



Site Photos



Site Photos



## CBPA Variances & Wetlands Board Permit History

The property is in the Chesapeake Bay Watershed. A Chesapeake Bay Preservation Area (CBPA) variance request to construct a single-family residence, concrete driveway, hot tub, and patio was granted on February 25, 2008.

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

## Summary of Proposal

The applicant proposes to dredge the canal along the rear of the property. The purpose of the proposed project is to provide navigable access to the waterway. The proposed dredge depth is -4.1 feet (NAVD 88). The proposed dredging includes approximately 9 cubic yards of non-vegetated wetlands and 106 cubic yards of subaqueous land. Dredged material will be transferred from a barge to the Lynnhaven Transfer Facility. The material will be transferred to watertight dump trucks and hauled to the Whitehurst Dredged Material Management Area (DMMA) for disposal. The proposed dredging impacts 563 square feet of non-vegetated wetlands. The applicant proposes to pay an in-lieu fee to compensate for the non-vegetated wetlands impacts.

## Evaluation & Staff Recommendations

The property is located in the Bay Island neighborhood, where the majority of the lots are protected by bulkheads and water access is through man-made canals. Shoaling and sedimentation have occurred in the canal along the rear of the property. Therefore, access for boating in the waterway is limited. Dredging is necessary to allow for boating and navigation at the property. The request to dredge will not create additional non-vegetated wetlands. Therefore, to address compensation, Staff supports payment of an in-lieu fee for the non-vegetated wetlands impacts. The applicant's agent provides that a living shoreline is not appropriate on this property due to the existing improvements on the lot, height of the bulkhead, and shoreline conditions of adjacent properties.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted**, as shown on the plans titled "Pier & Dredging" sealed January 16, 2023 and received by the VMRC on June 15, 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**

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

**Waterway**

Little Neck Creek

**Subdivision**

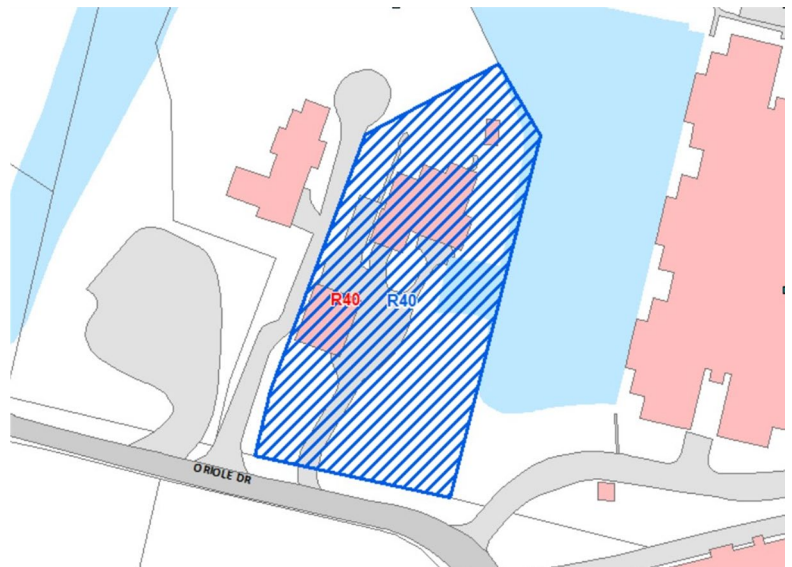
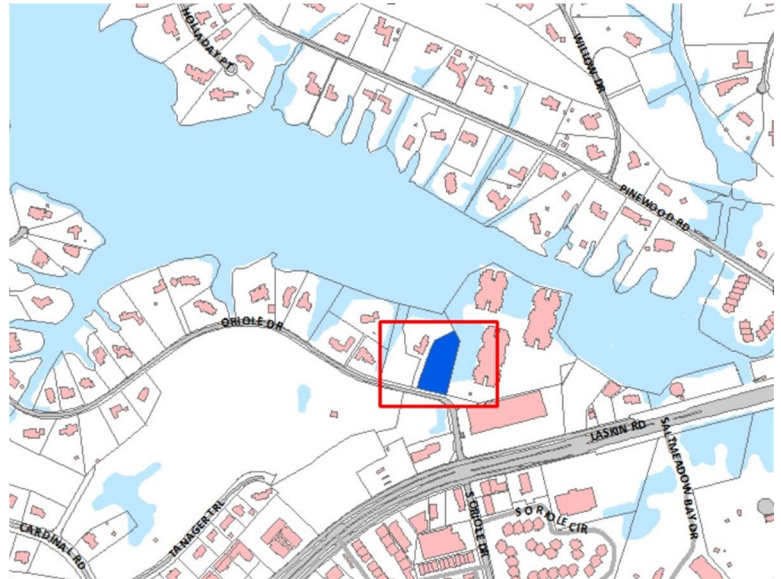
Birdneck Point

**Impacts**

**Vegetated:** 378 square feet

**Non-Vegetated:** 290 square feet

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



Site Aerial Map





**Agent**

Robert Simon  
Waterfront Consulting, Inc.

**Location**

904 Winwood Drive

**GPIN**

2418-00-8857

**Staff Planner**

Heaven Manning

**Proposal**

To construct a bulkhead, rip rap revetment, groin wall, and dredge involving wetlands

**Staff Recommendation**

Approval as Modified

**Waterway**

Linkhorn Bay

**Subdivision**

Linlier

**Impacts**

**Non-Vegetated:** 27 square feet

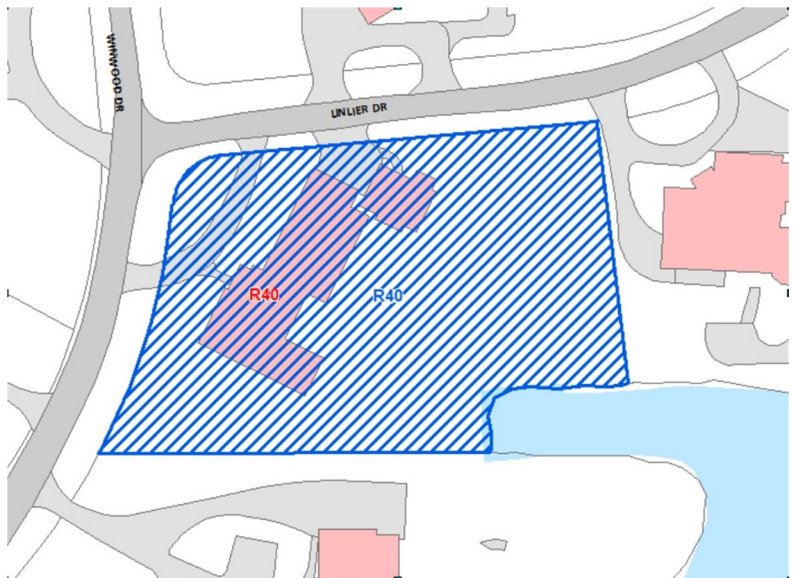
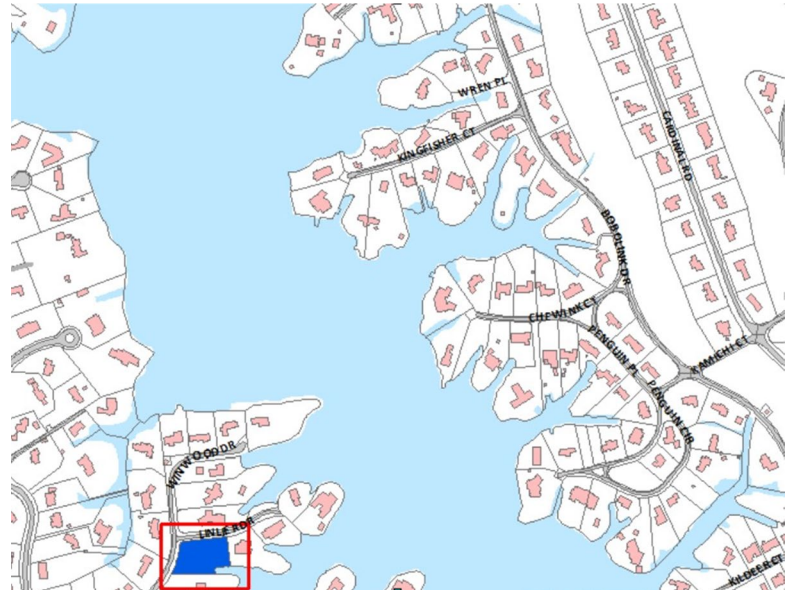
**Subaqueous:** 7,004 square feet

**Dredge Volume:** 382 cubic yards

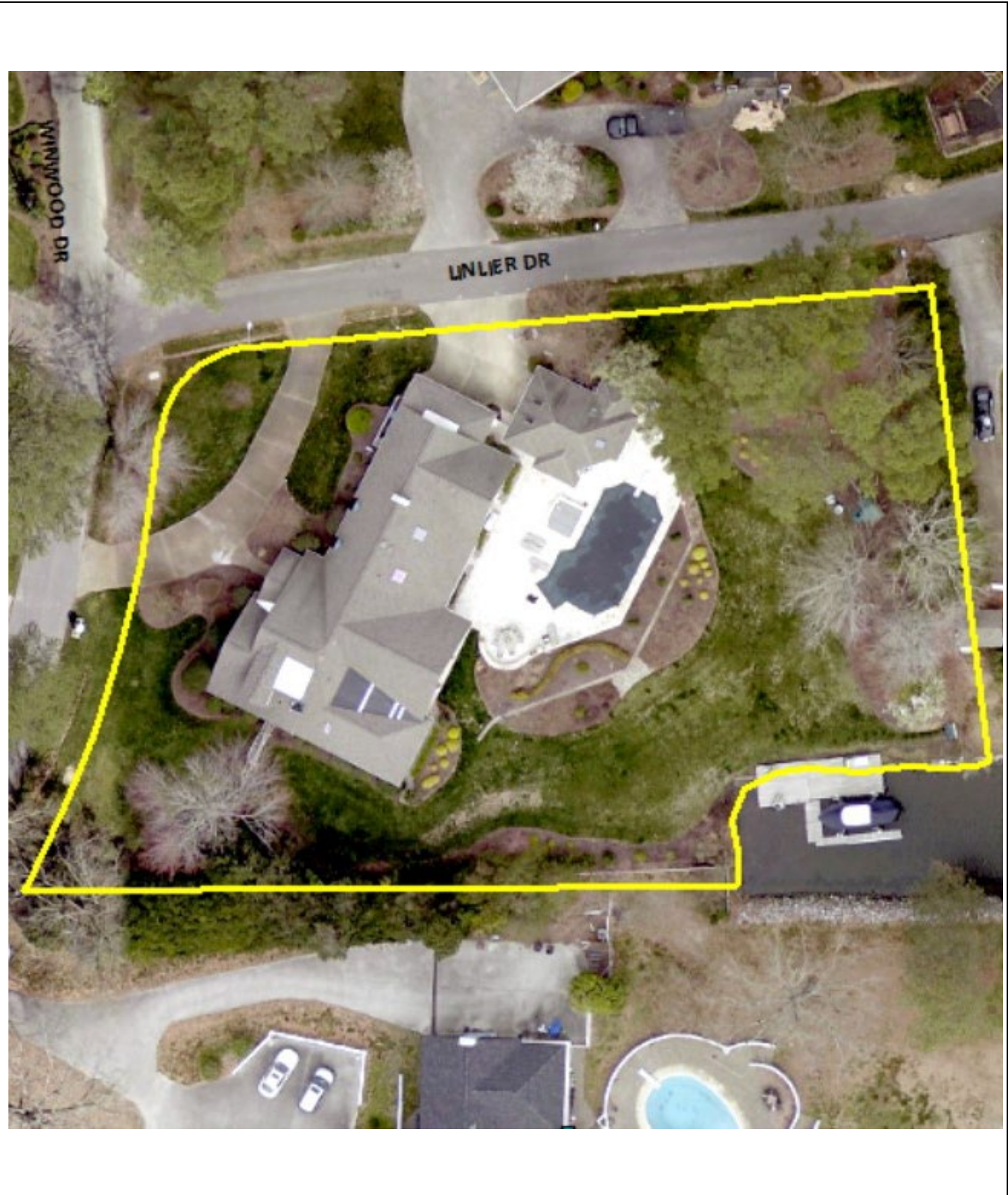
**Overall length of proposed structure:** 75 linear feet of bulkhead, 27 linear feet of rip rap revetment, 28 linear feet of groin wall

**Proposed Mitigation and/or Compensation**

Payment of an in-lieu fee

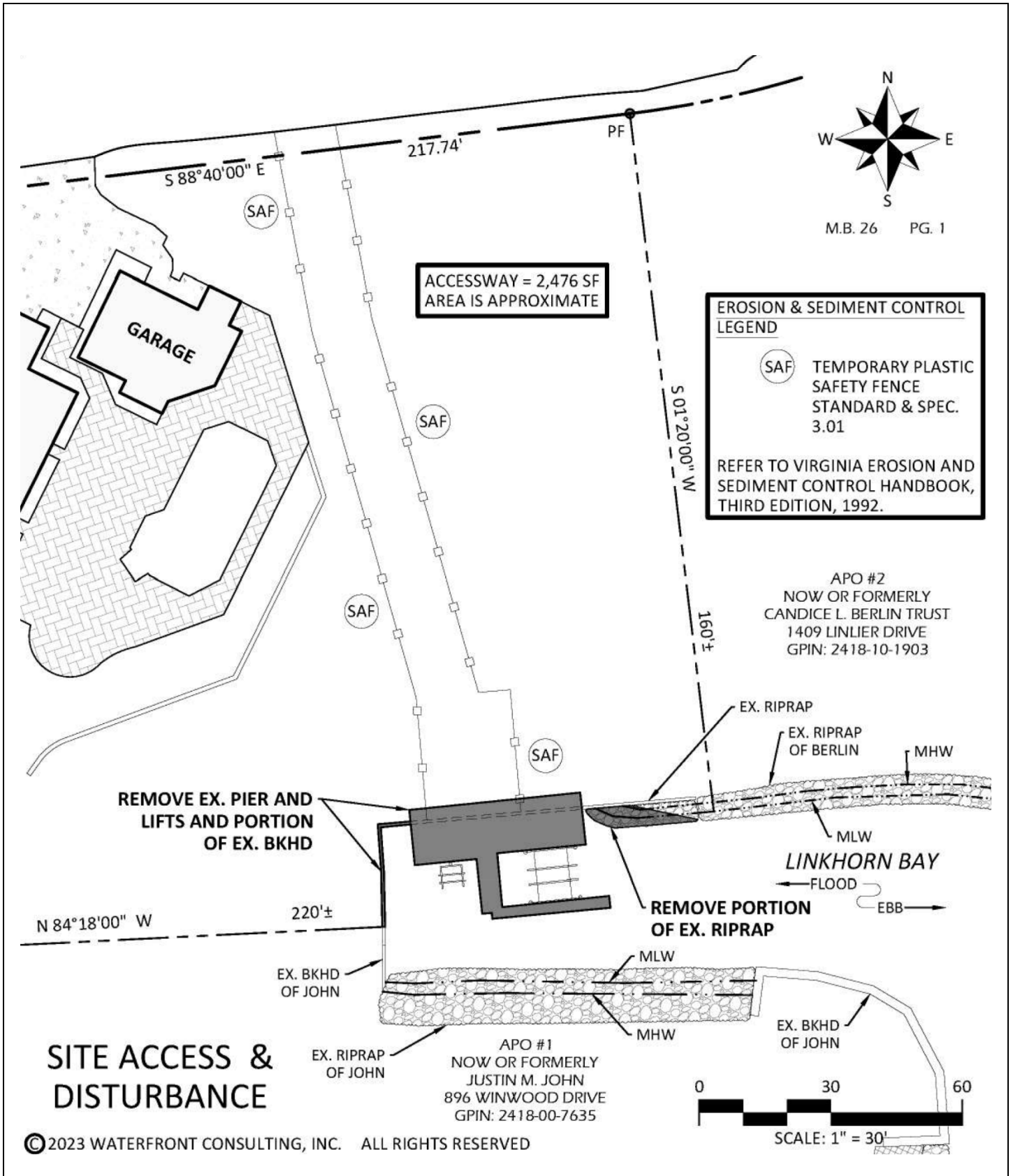


Site Aerial Map

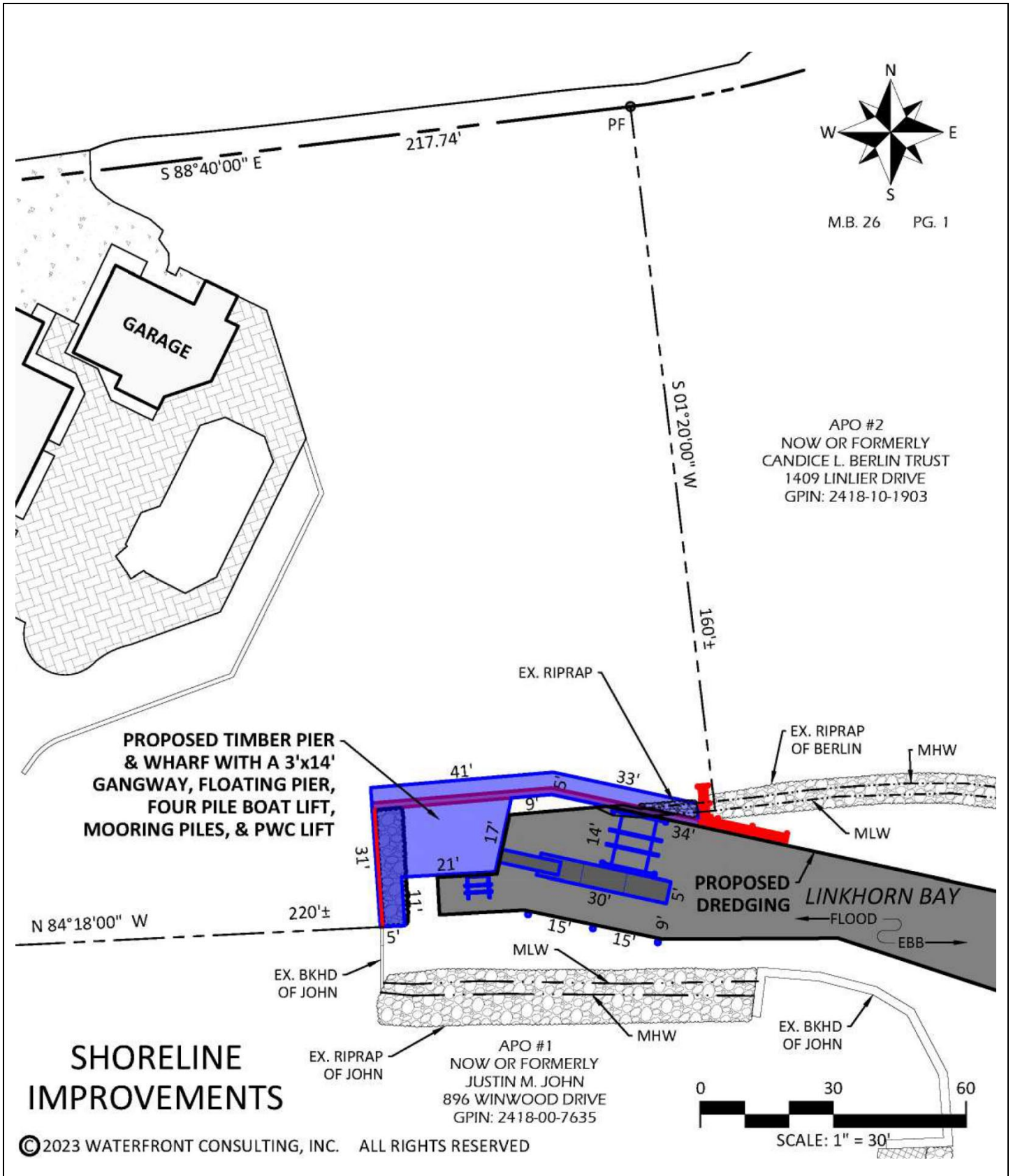




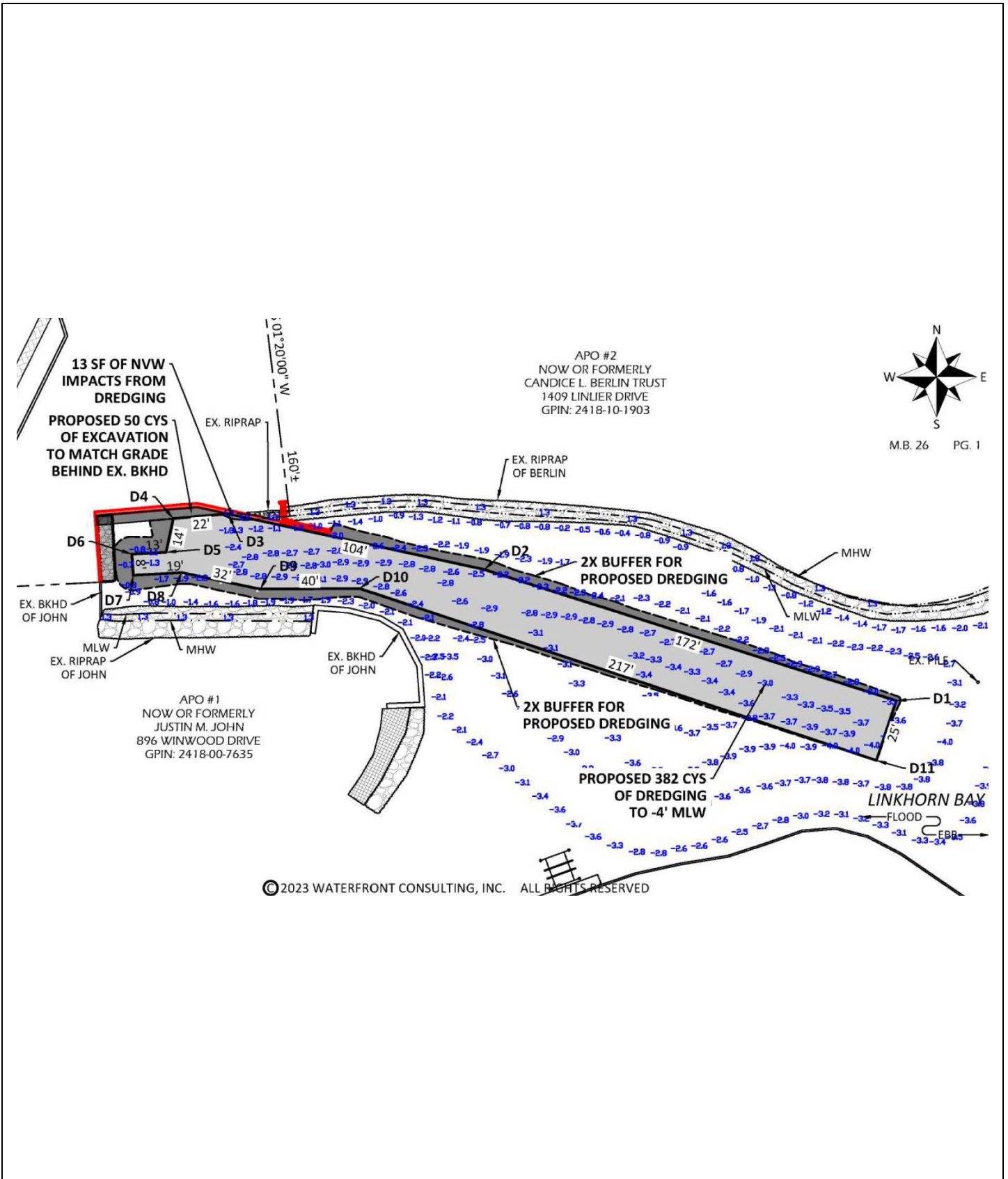
# Existing Conditions



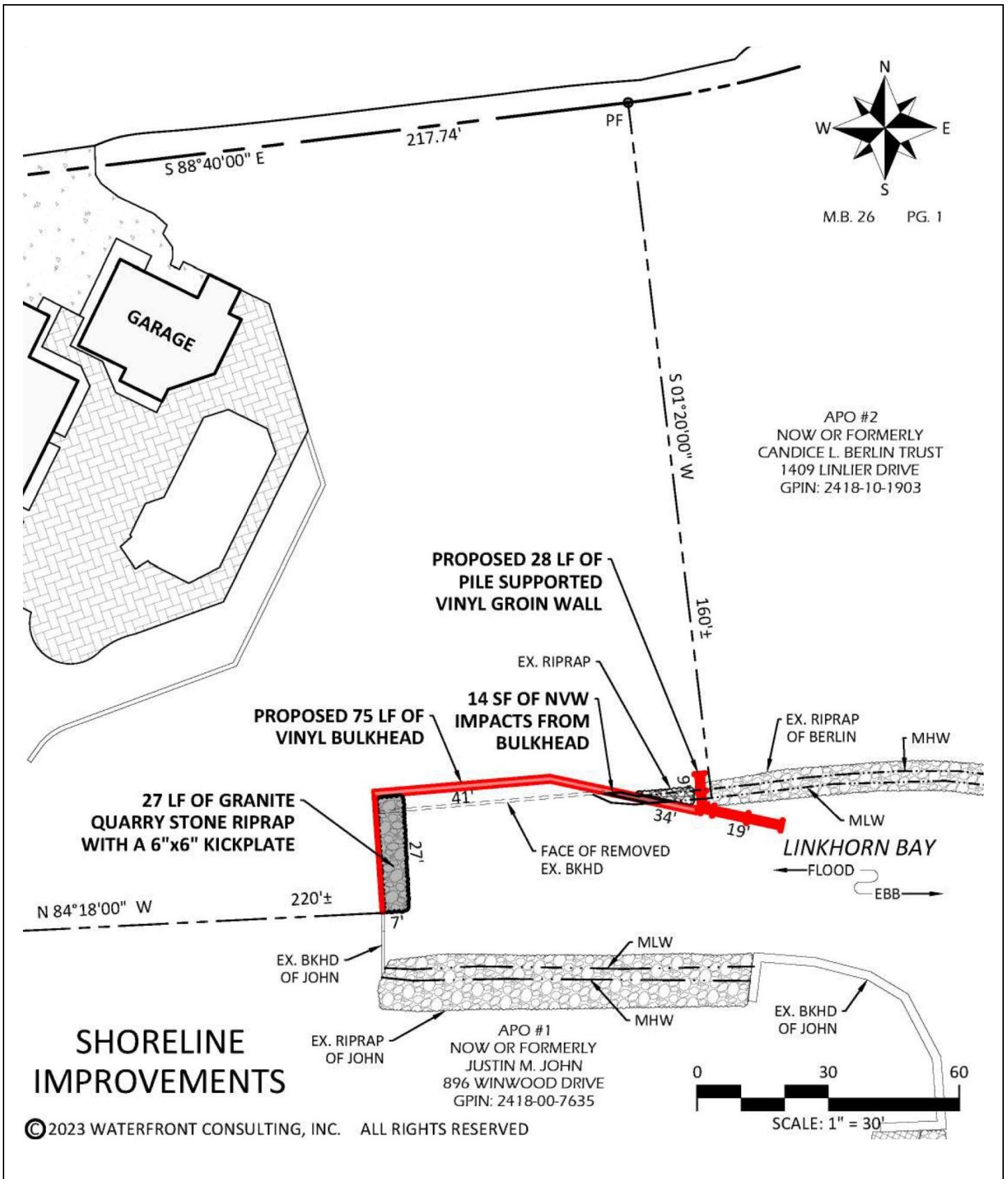
# Proposed Improvements



# Proposed Improvements – Dredge Channel

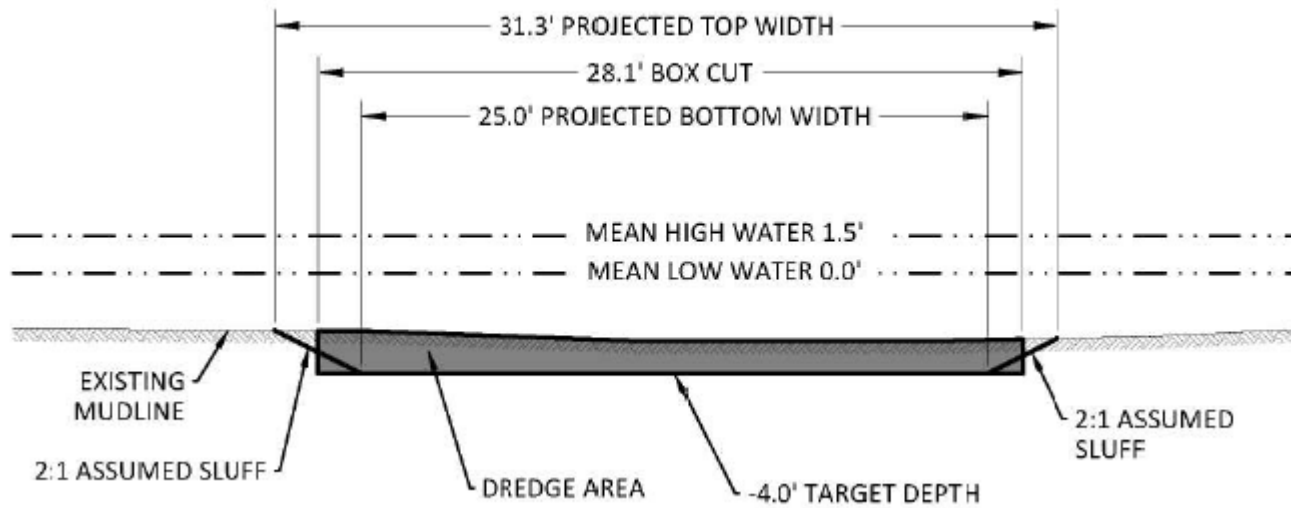


**Proposed Improvements – Bulkhead Alignment**

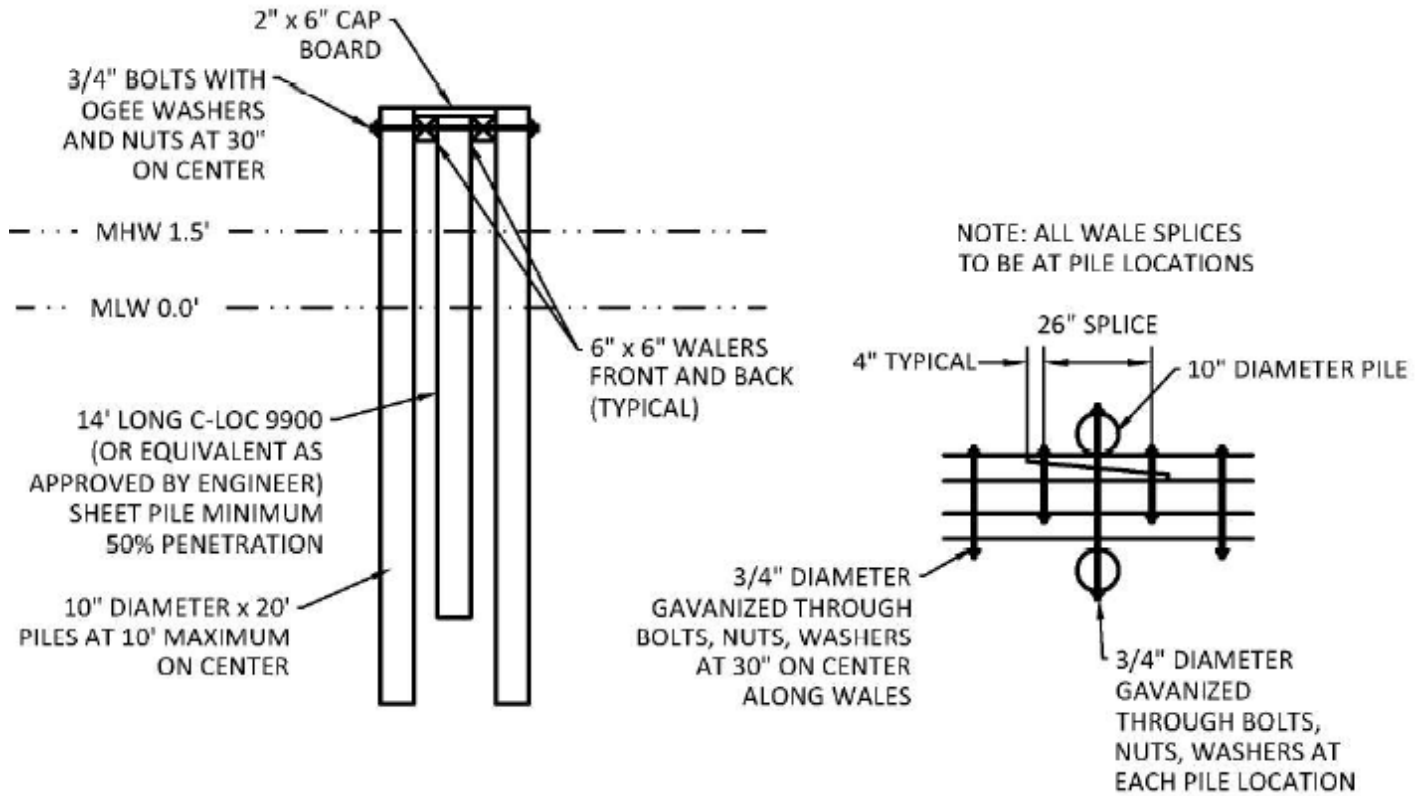


# Cross Section – Dredge, Groin Wall

## DREDGE CROSS SECTION

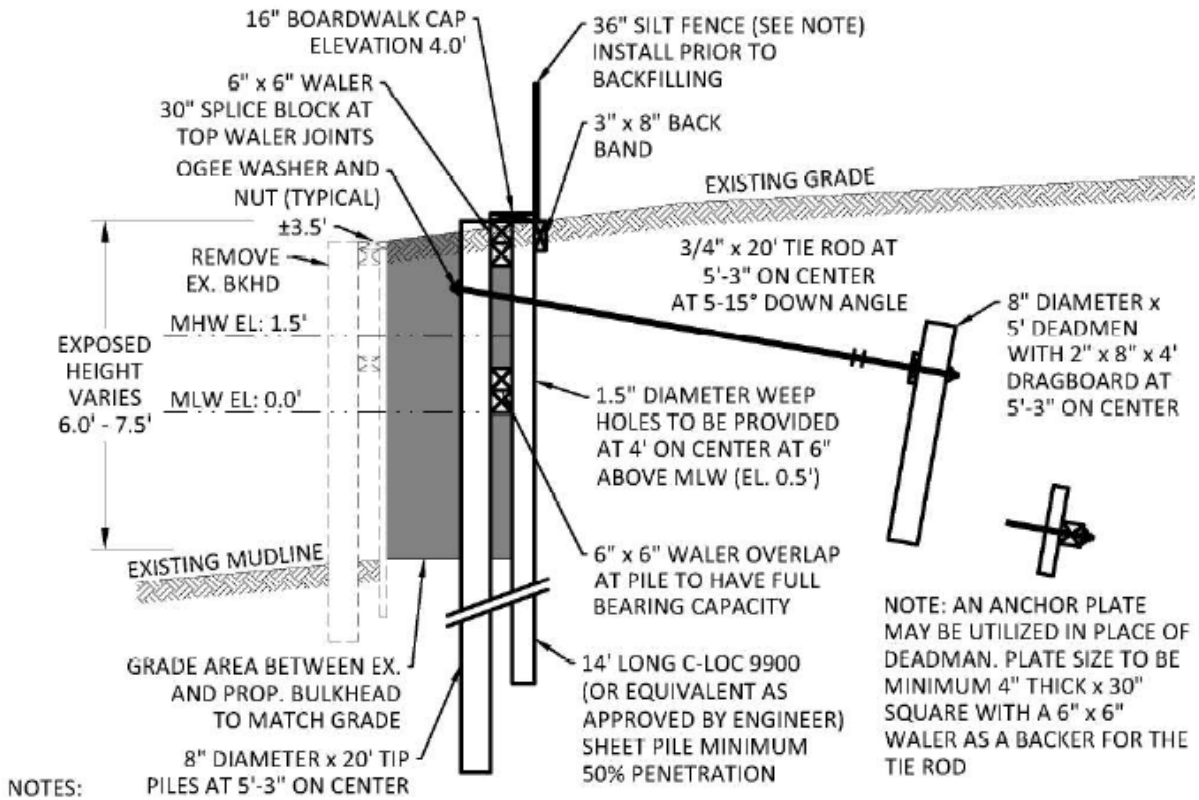


## GROIN WALL CROSS SECTION

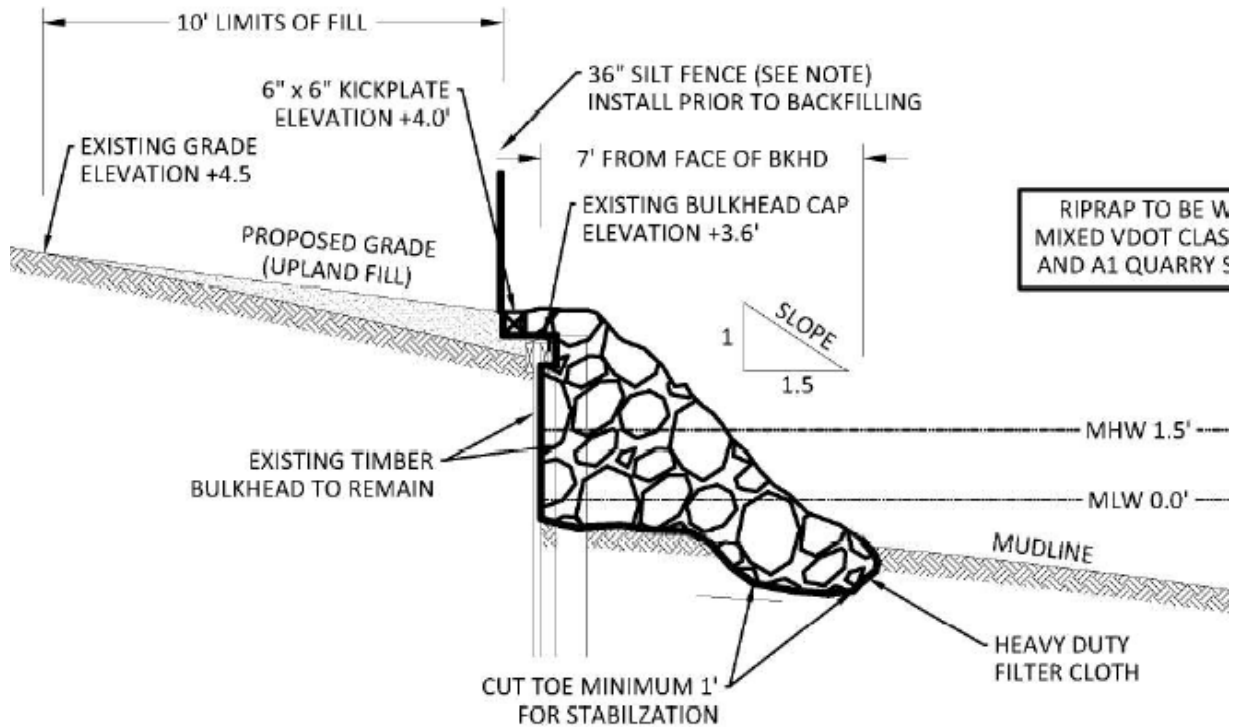


# Cross Section – Bulkhead, Rip Rap

## BULKHEAD CROSS SECTION



## RIP RAP CROSS SECTION



Site Photos



Site Photos





## Site Photos



## CBPA Variances & Wetlands Board Permit History

The property is in the Chesapeake Bay Watershed. The following Chesapeake Bay Preservation Area (CBPA) Ordinance variances were granted to this property.

- A variance to construct a swimming pool and patio was granted on December 22, 1997.
- A variance to construct a retaining wall, patio cover, and patio with fire pit was granted on January 23, 2017.

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

## Summary of Proposal

The shoreline of the property is currently protected by bulkhead along the south and rip rap to the southeast. The existing timber bulkhead is starting to show signs of deterioration along the seaward face. The applicant proposes to install 27 linear feet of rip rap revetment at the southwestern edge of the shoreline. The rip rap will be placed in front of the existing bulkhead. Along the southern part of the shoreline, the applicant is proposing to remove a portion of the existing timber bulkhead and excavate uplands to install 75 linear feet of vinyl bulkhead. A portion of the existing rip rap will be removed for placement of the proposed bulkhead. Along the southeastern portion of the shoreline, 28 linear feet of groin wall will be constructed. In addition, the proposed project includes dredging approximately 2 cubic yards of non-vegetated wetlands and 380 cubic yards of subaqueous land. The proposed dredge depth is -4 feet (MLW). The dredge spoils on the property will be transferred from a barge to watertight dump trucks and hauled to an approved disposal site.

The proposed project impacts 27 square feet of non-vegetated wetlands of which 14 square feet of impacts are associated with the removal of rip rap for the proposed bulkhead and 13 square feet of impacts to non-vegetated wetlands are associated with the proposed dredging. The applicant proposes payment of an in-lieu fee for mitigation of impacts to non-vegetated wetlands.

## Evaluation & Staff Recommendations

Staff concurs with the applicant that the proposed bulkhead, groin wall, and rip rap revetment are warranted for this property. The existing timber bulkhead is reaching the end of its construction lifespan and is showing signs of wear. Staff is of the opinion the bulkhead, groin wall, and rip rap will achieve the desired shoreline stabilization with the least impact on the upland property. The request to construct the new bulkhead and dredge will not create additional non-vegetated wetlands, therefore, to address compensation Staff supports payment of an in-lieu fee for the non-vegetated wetlands impacts. The applicant's agent provides that a living shoreline is not appropriate for this property due to the existing improvements on the lot, orientation of the shoreline, and conditions of the adjacent properties.

During the site visit Staff observed oysters growing in and on the rip rap proposed for removal. To address the retention of this resource Staff provides the recommended condition, condition 1, below.

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

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

Robert Simon  
 Waterfront Consulting, Inc.

**Location**

1528 E Bay Shore Drive

**GPIN**

2419-21-1286

**Staff Planner**

Heaven Manning

**Proposal**

To construct a rip rap revetment involving wetlands

**Staff Recommendation**

Approval as Modified

**Waterway**

Rainey's Gut

**Subdivision**

Bay Colony

**Impacts – Initial Submittal**

**Vegetated:** 115 square feet

**Non-Vegetated:** 397 square feet

**Overall length of proposed structure:** 115 linear feet of rip rap revetment

**Impacts – Revised Submittal**

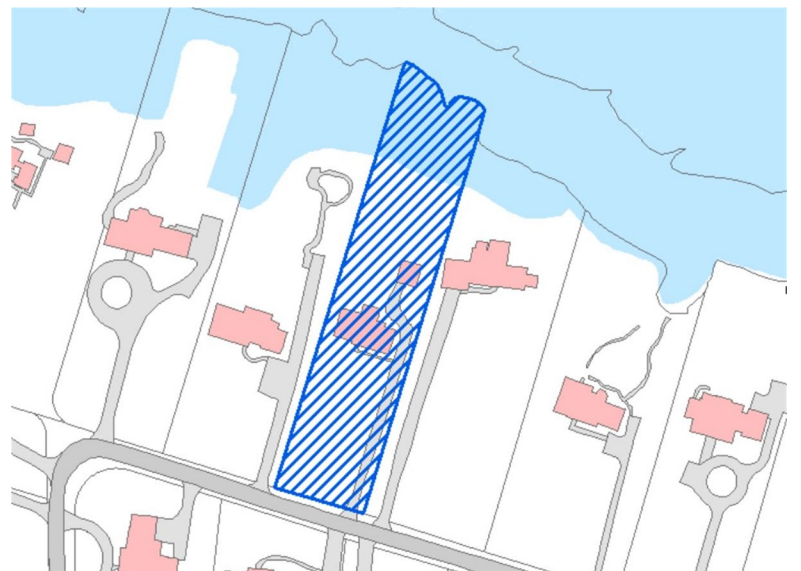
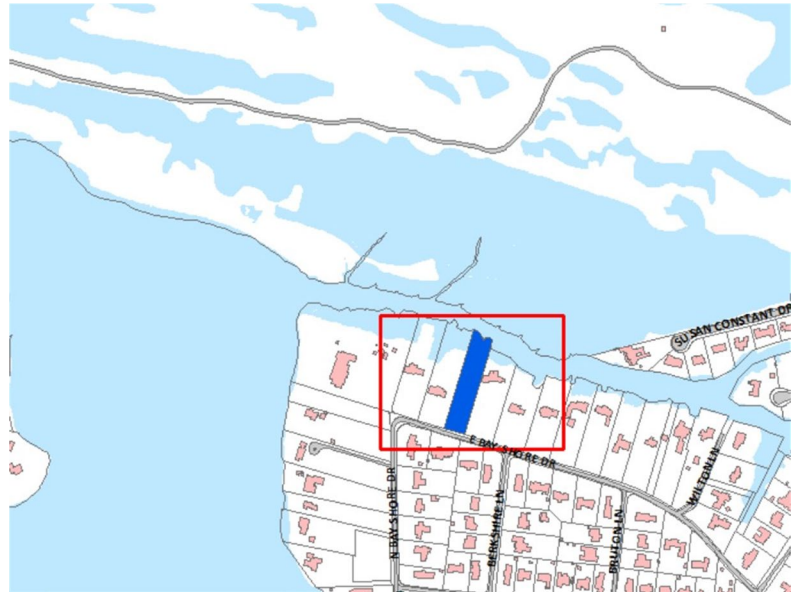
**Vegetated:** 0 square feet

**Non-Vegetated:** 0 square feet

**Overall length of proposed structure:** 115 linear feet of rip rap revetment

**Proposed Mitigation and/or Compensation**

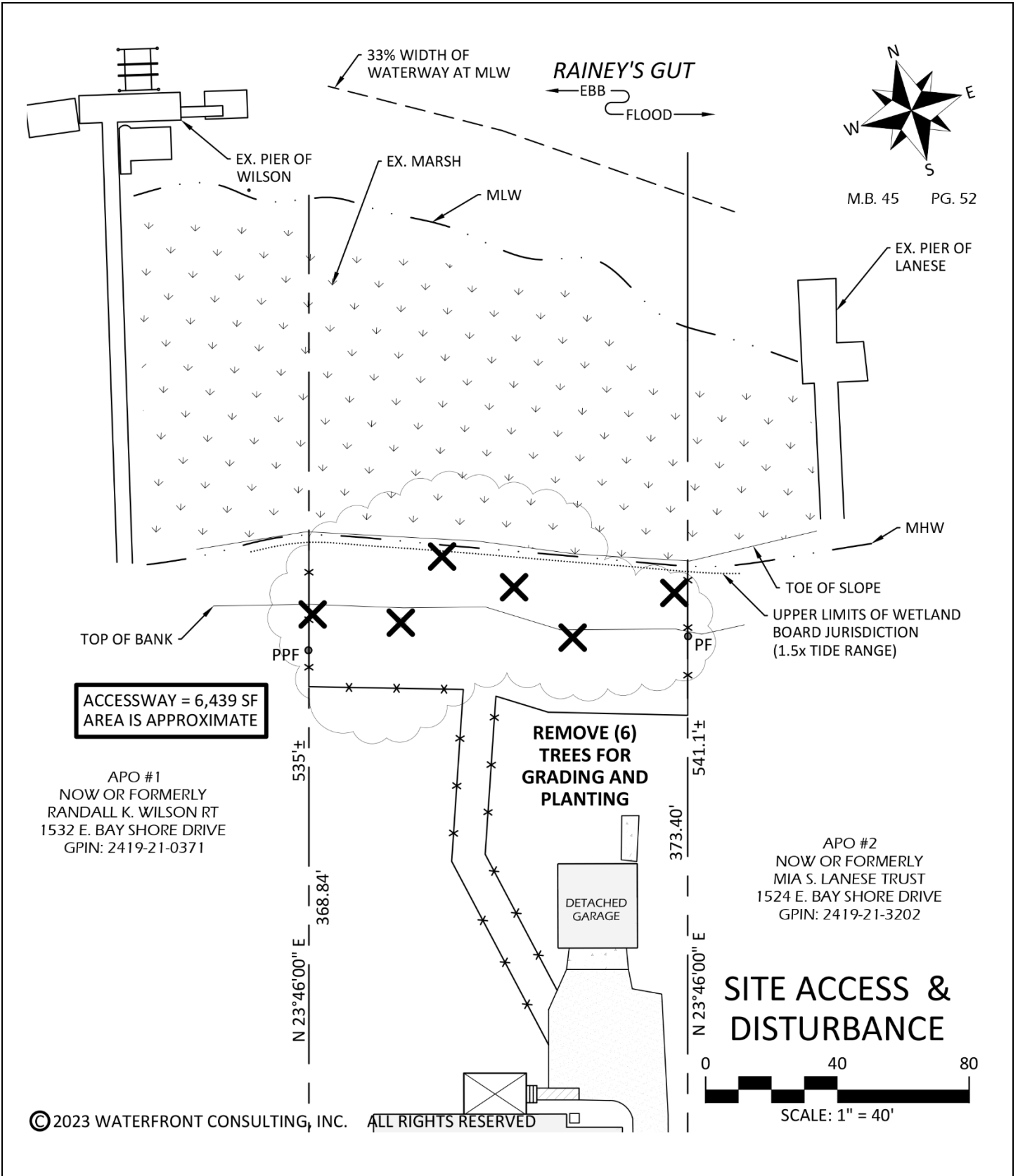
Eliminate or reduce



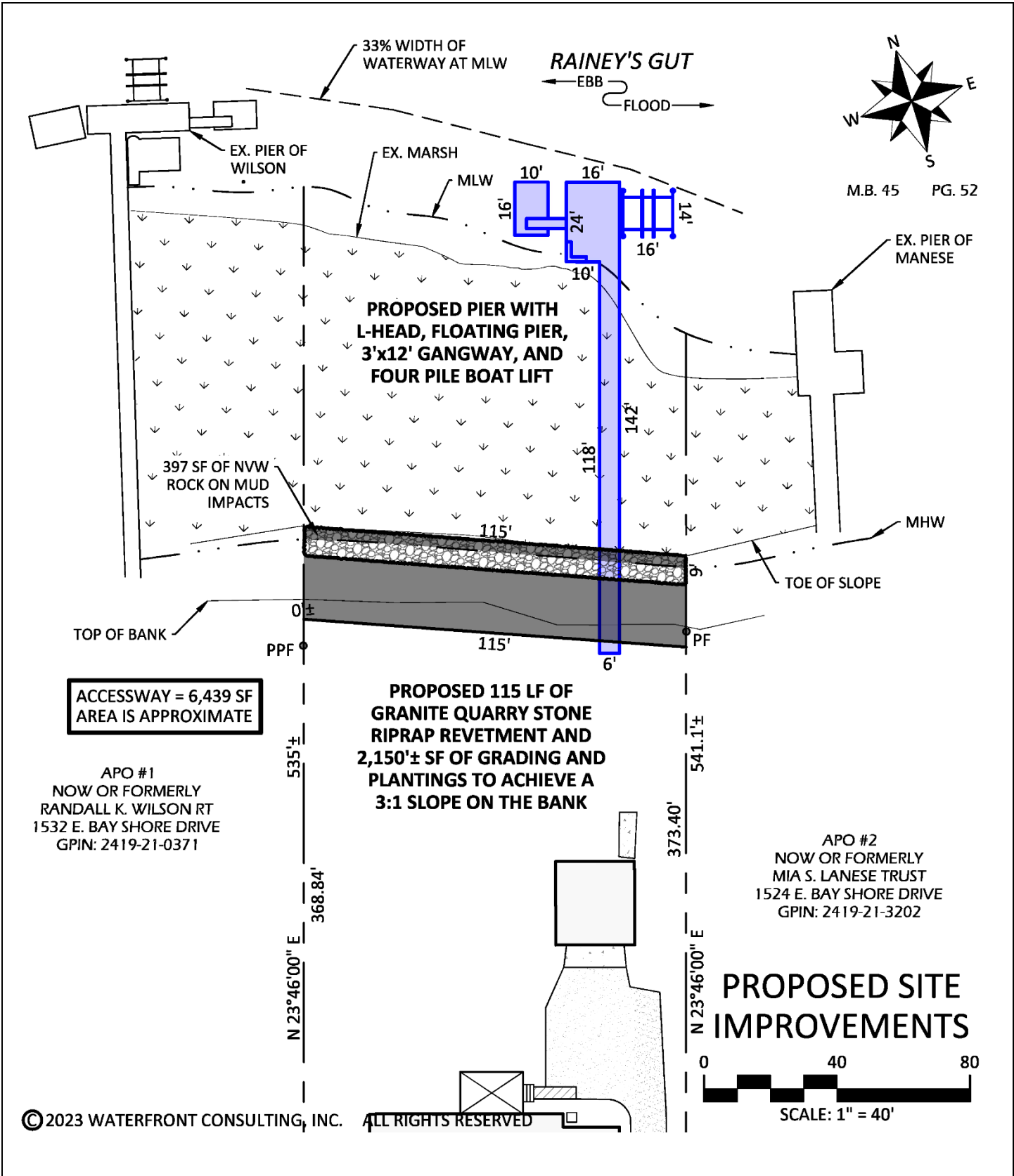
Site Aerial



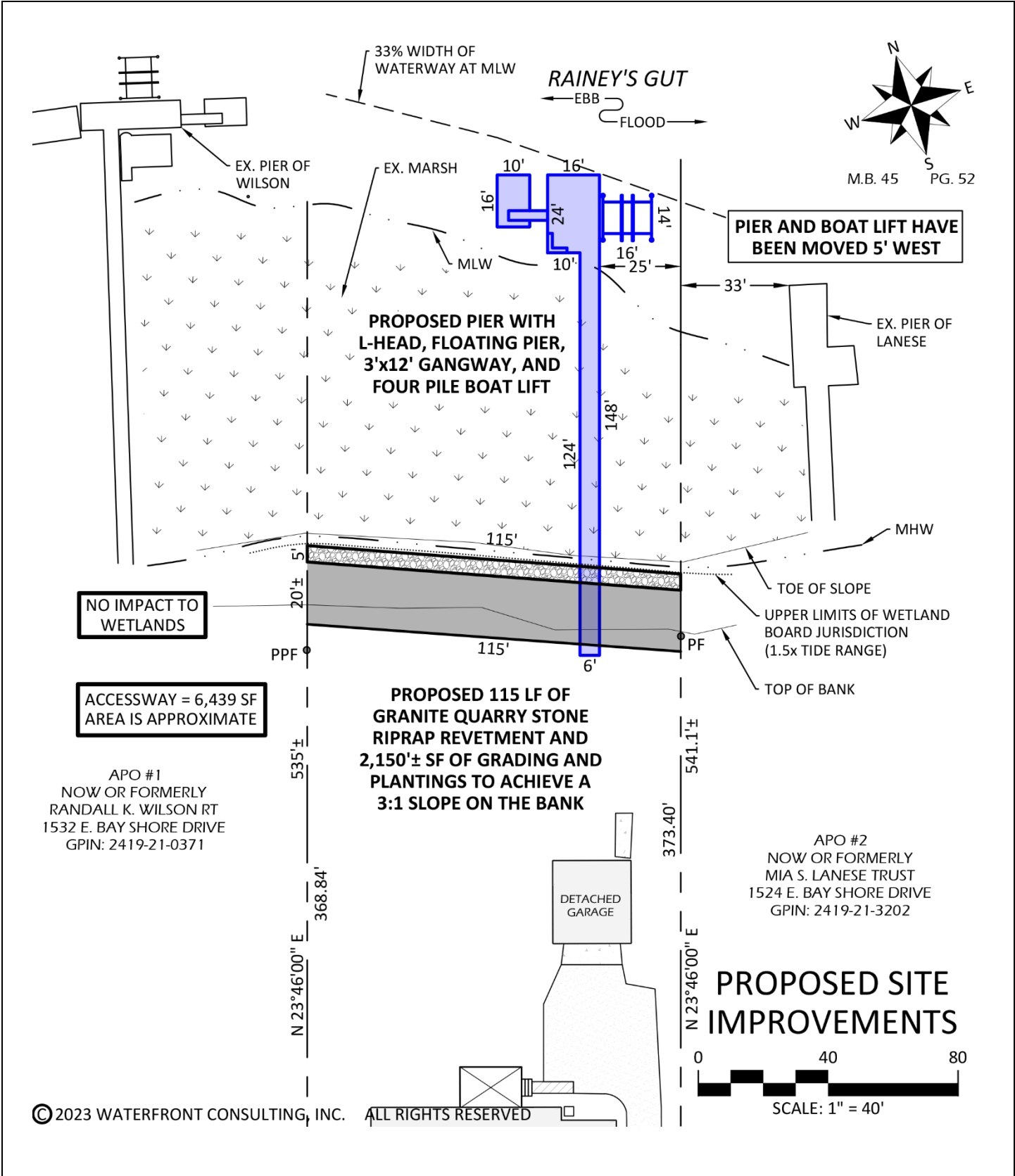
# Existing Conditions w/Associated Tree Removal for Bank Grading



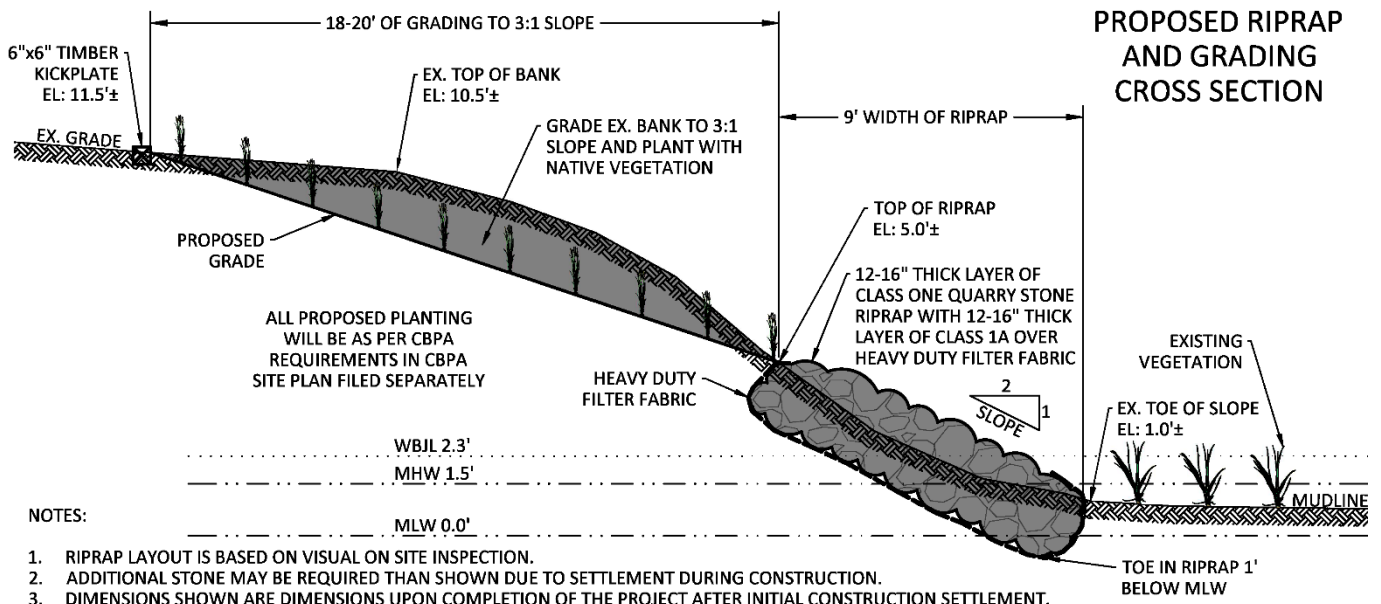
**Proposed Improvements – Initial Submittal w/Impacts to Existing Wetlands**



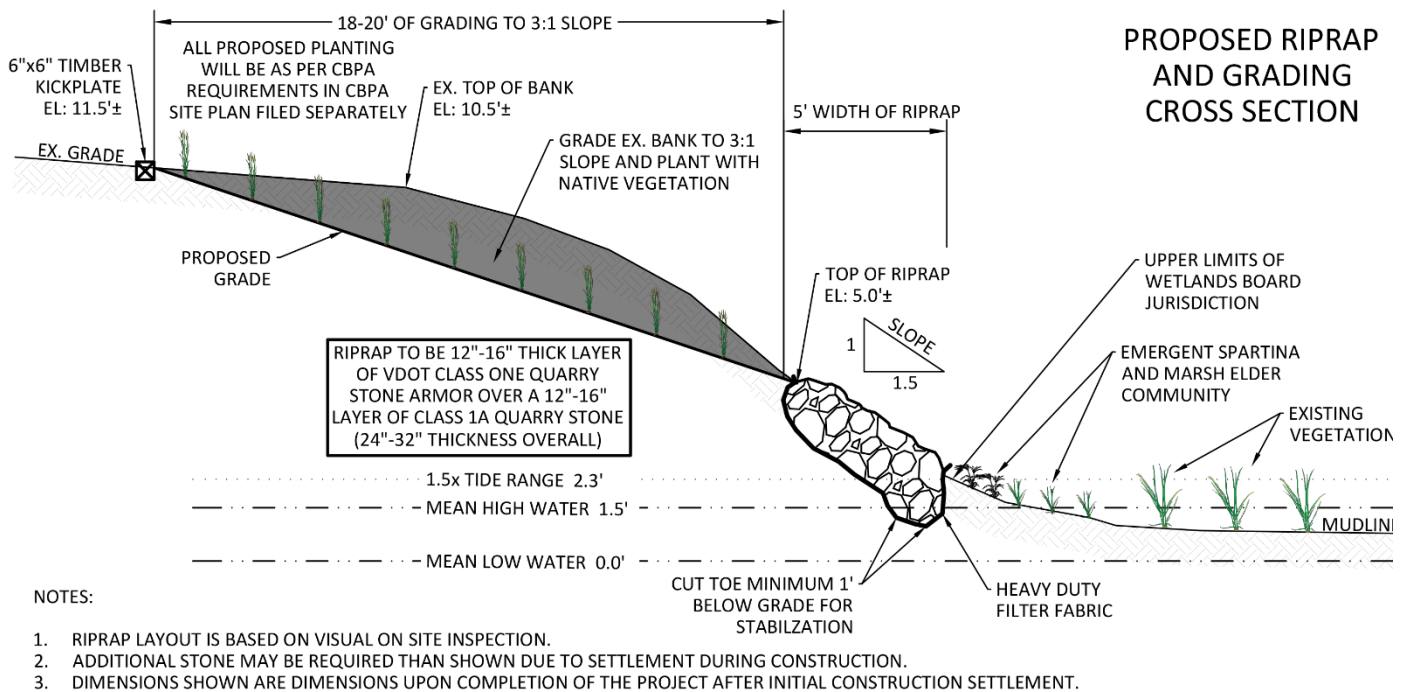
**Proposed Improvements – Revised Submittal w/No Impacts to Existing Wetlands**



# Proposed Improvements – Rip Rap Cross Sections



## INITIAL CROSS SECTION WITH IMPACTS TO EXISTING WETLANDS



## REVISED CROSS SECTION WITH NO IMPACTS TO EXISTING WETLANDS



Site Photos



Site Photos



Site Photos



## Site Photos



## CBPA Variances & Wetlands Board Permit History

The property is in the Chesapeake Bay Watershed. In June 2023, the applicant submitted a Chesapeake Bay Preservation Area (CBPA) Ordinance variance request to redevelop the site with construction of a single-family residence, concrete driveway, and swimming pool with patio surround.

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

## Summary of Proposal

The shoreline is in a natural state with a pronounced bank, ranging from 5 to 11 feet in elevation along the northern portion of this lot. The applicant proposes to remove six trees, grade back portions of the existing bank and install 115 linear feet of rip rap revetment along the shoreline. The graded bank will be planted with native vegetation. The primary purpose of this project is to reduce erosion along the shoreline while providing access to the waterway. The rip rap sill consists of Class 1 and 1A granite quarry stone. In addition to the shoreline stabilization improvements proposed, the project includes construction of a pier with a six-foot-wide walkway over vegetated wetlands. The pier will be constructed with a clearance of 5 feet from the bottom of vegetated and non-vegetated wetlands.

As initially submitted, the proposed project impacted approximately 397 square feet of non-vegetated wetlands and the applicant proposed to mitigate on-site with 397 square feet of non-vegetated rock habitat. During the site visit, city Staff and Virginia Marine Resource Commission (VMRC) Staff observed pockets of emergent vegetated wetlands growing at the toe of the existing bank. Due to the amount of anticipated impacts to vegetated wetlands, approximately 115 square

feet, the applicant's agent submitted a revised Joint Permit Application (JPA) relocating the rip rap revetment landward and above the Wetlands Board jurisdiction.

## Evaluation & Staff Recommendations

Staff concurs with the applicant that the proposed rip rap revetment is warranted for this property, as the shoreline is currently unprotected with signs of minimal erosion present at the toe of the existing bank and marsh dieback. The applicant's agent provides that a living shoreline is not appropriate for this lot due to topography of the uplands and proximity of the proposed improvements on the lot, leaving little room to grade the shoreline to achieve an appropriate slope. Staff approves of the proposed layout of the pier. The 5 feet of clearance above the vegetated wetlands is typical for construction of piers of this width over wetlands. Staff is of the opinion that the rip rap will achieve the desired shoreline stabilization with the least impact on the upland property.

As mentioned above in the Summary of Proposal section of this report, the applicant's agent submitted a revised Joint Permit Application to move the rip rap revetment landward, above the Wetlands Board jurisdiction. Therefore, the applicant requests to withdraw the application, as the revised project no longer impacts wetlands subject to the Wetlands Board jurisdiction. Staff supports withdrawal of the application and will coordinate tree removal and grading of the existing bank through the Chesapeake Bay Preservation Area (CBPA) Ordinance variance request and subsequent site plan review with the Development Service Center (DSC).

Accordingly, the Department of Planning & Community Development Staff recommends the application withdrawal be **approved**.

## Next Steps

Revise the CBPA Ordinance variance request and submit revised CBPA Exhibit to Staff for evaluation. Should the CBPA variance be granted a Single-family Site Plan in the Resource Protection Area (RPA) shall be submitted to the DSC for review and approval.

Once a Single-family Site Plan in the RPA is approved, a building permit shall be obtained from Permits & Inspections and prior to land disturbance activities, a pre-construction meeting must be conducted on site with Civil Inspections and Waterfront Operations Staff.

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**Agent**

David Kledzik  
 Marine Engineering, LLC

**Location**

1825 Green Hill Road

**GPIN**

1499-86-9178

**Staff Planner**

Heaven Manning

**Proposal**

To maintenance dredge involving wetlands

**Staff Recommendation**

Approval as Submitted

**Waterway**

Broad Bay

**Subdivision**

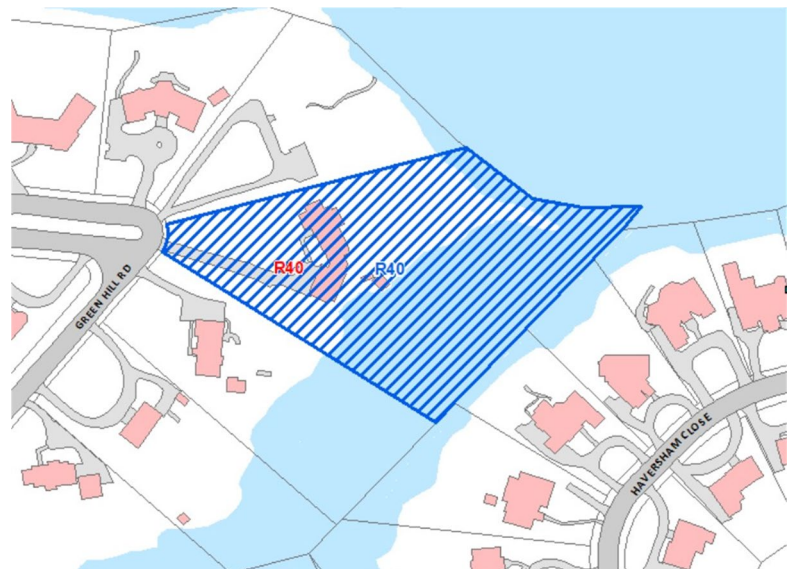
Green Hill Farm

**Impacts**

- Vegetated (2X Buffer):** 8 square feet
- Vegetated (4X Buffer):** 44 square feet
- Non-Vegetated (2X Buffer):** 142 square feet
- Non-Vegetated:** 393 square feet
- Subaqueous:** 2,984 square feet
- Dredge Volume:** 200 cubic yards

**Proposed Mitigation and/or Compensation**

Payment of an in-lieu fee

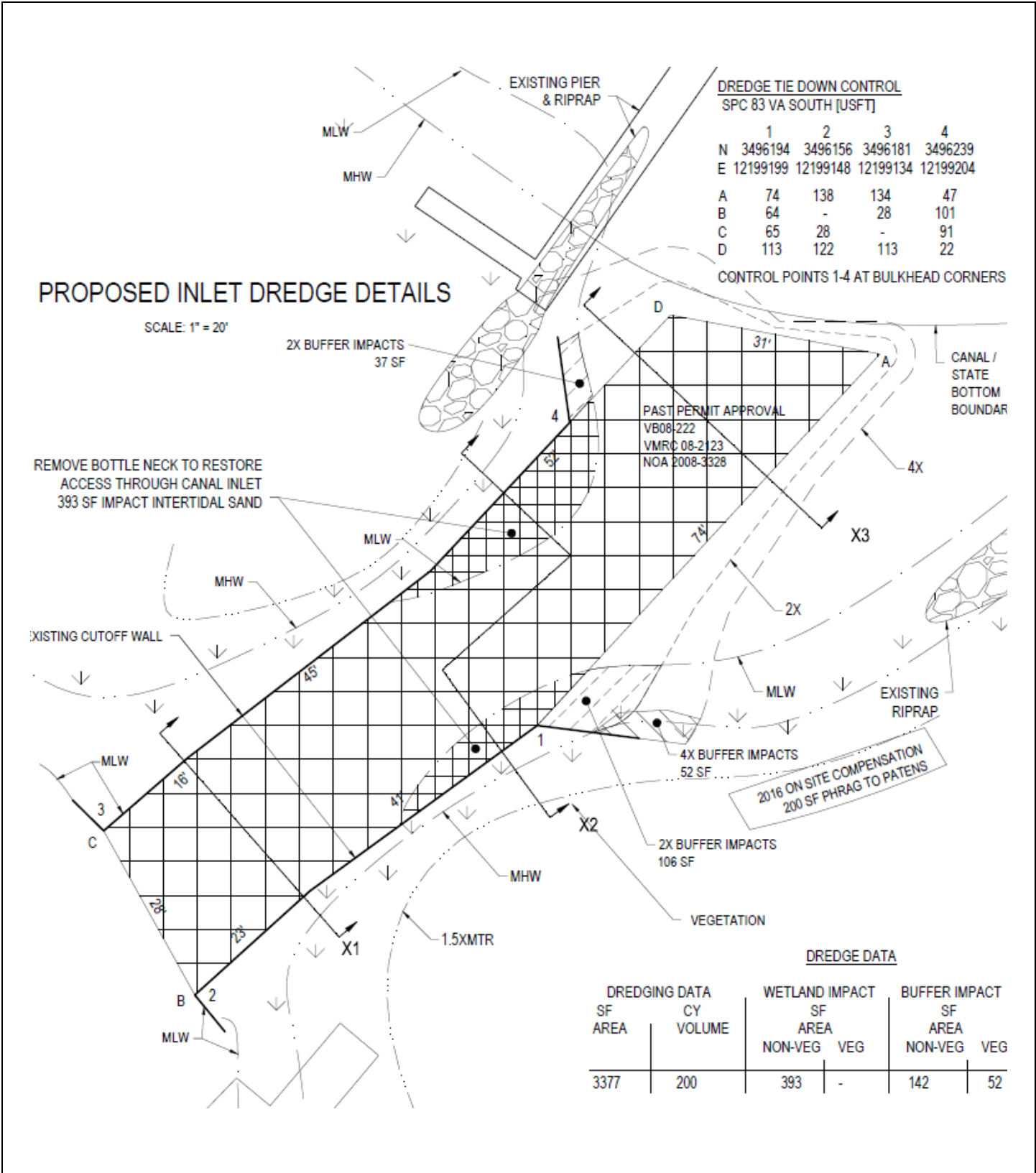


Site Aerial Map

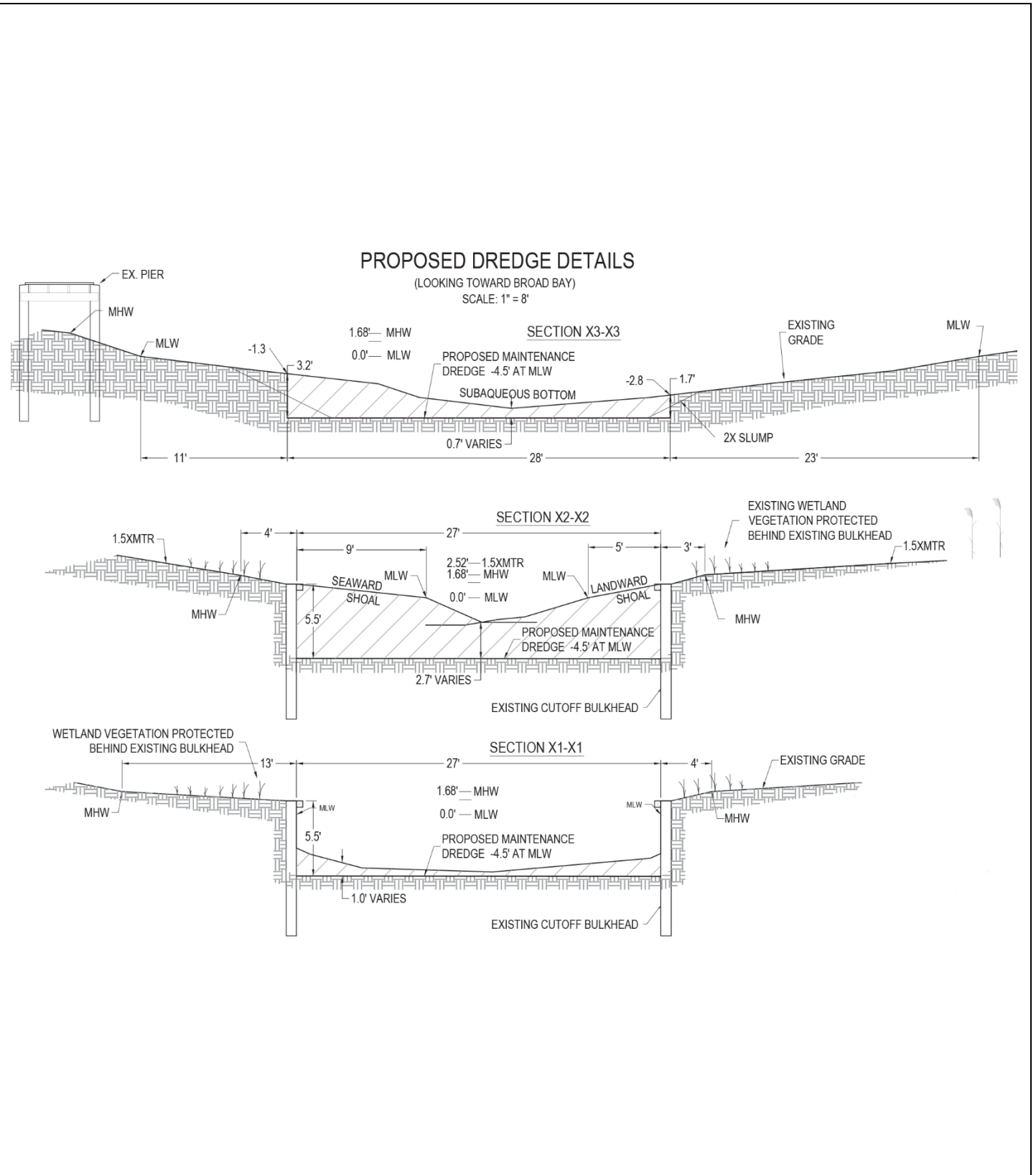




# Proposed Dredge Footprint



# Proposed Dredge Details – Box Cut Sections



Site Photos



Site Photos



## CBPA Variances & Wetlands Board Permit History

The canal is in the Chesapeake Bay Watershed. A Wetlands Permit was previously issued for dredging in 2008, 2016, 2018, and 2021. The canal was last dredged in June 2022.

### Summary of Proposal

This is a request to maintenance dredge approximately 66 cubic yards of intertidal material and approximately 134 cubic yards of subaqueous material to -4.5 feet (MLW). The applicant's agent has indicated that approximately 393 square feet of non-vegetated wetlands will be impacted. Approximately 142 square feet of impacts to non-vegetated wetlands are within the 2X buffer. Approximately 52 square feet of impacts to vegetated wetlands are within the 4X 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.

The applicant's agent has indicated that the subject maintenance operations are within the same footprint as previously approved. While the applicant is offering payment of an in-lieu fee for the wetlands' impacts, they are requesting the Board consider waiving the in-lieu fee. This fee has been paid twice in association with the two previous approvals to dredge the channel in 2008 and 2016, as non-vegetated wetlands re-emerge after dredging the intertidal area due to littoral drift. The Board agreed to waive the in-lieu fee for the 2018 and 2021 applications.

### Evaluation & Staff Recommendations

This navigation channel is susceptible to accumulation of sediment. While the most recent Wetlands Permit was issued in 2021, the applicant is trying to be proactive to maintain navigation for residents along the channel and to avoid the vegetated wetlands impacts that were incurred in the previous dredge application. The proposed dredge footprint is consistent with the three previously approved applications.

After conducting a site visit, Staff observed vegetated wetlands within the 2X buffer area. The agent recalculated the impacts to include 8 square feet of vegetated wetlands within the 2X buffer. After evaluating the request to waive the payment of the in-lieu fee for the non-vegetated wetlands impacts, Staff recommends the Board support the waiver of the in-lieu fee for impacts to non-vegetated wetlands, as this was previously compensated for with the prior dredge applications, the most recent of which occurred in 2016. Staff recommends payment of an in-lieu fee for the 8 square feet of impacts to vegetated wetlands.

As such, 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 watercraft access" sealed April 27, 2023 and received by the VMRC on June 1, 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**

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

**Staff Recommendation**

Approval as Modified

**Waterway**

Canal to North Landing River

**Subdivision**

Pungo

**Impacts**

**Vegetated:** 820 square feet

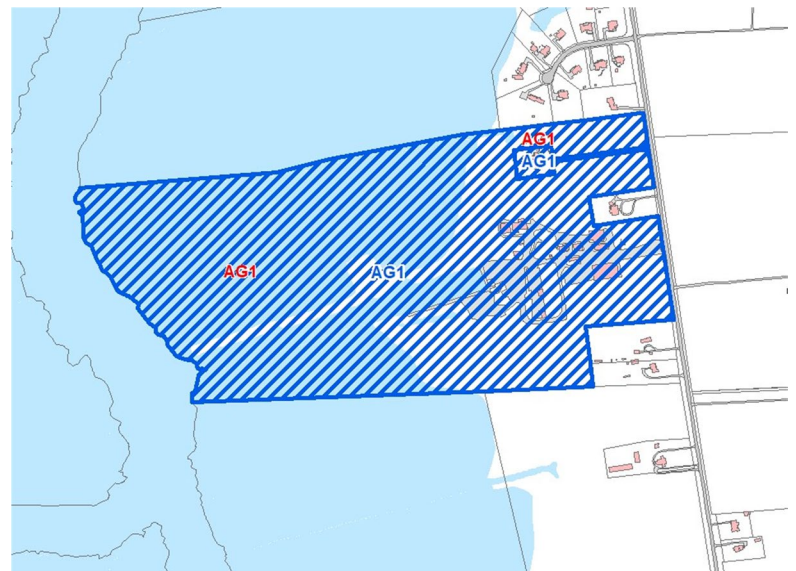
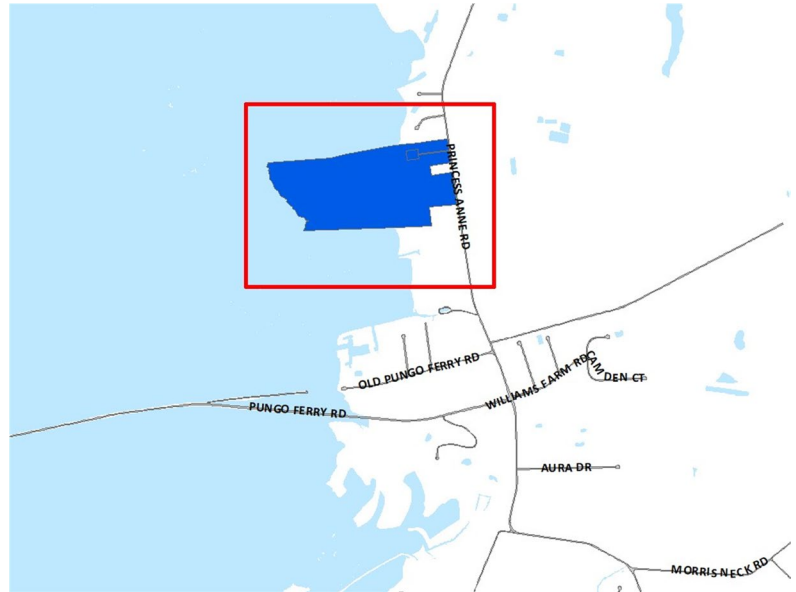
**Non-Vegetated:** 1,545 square feet

**Subaqueous:** 96,520 square feet

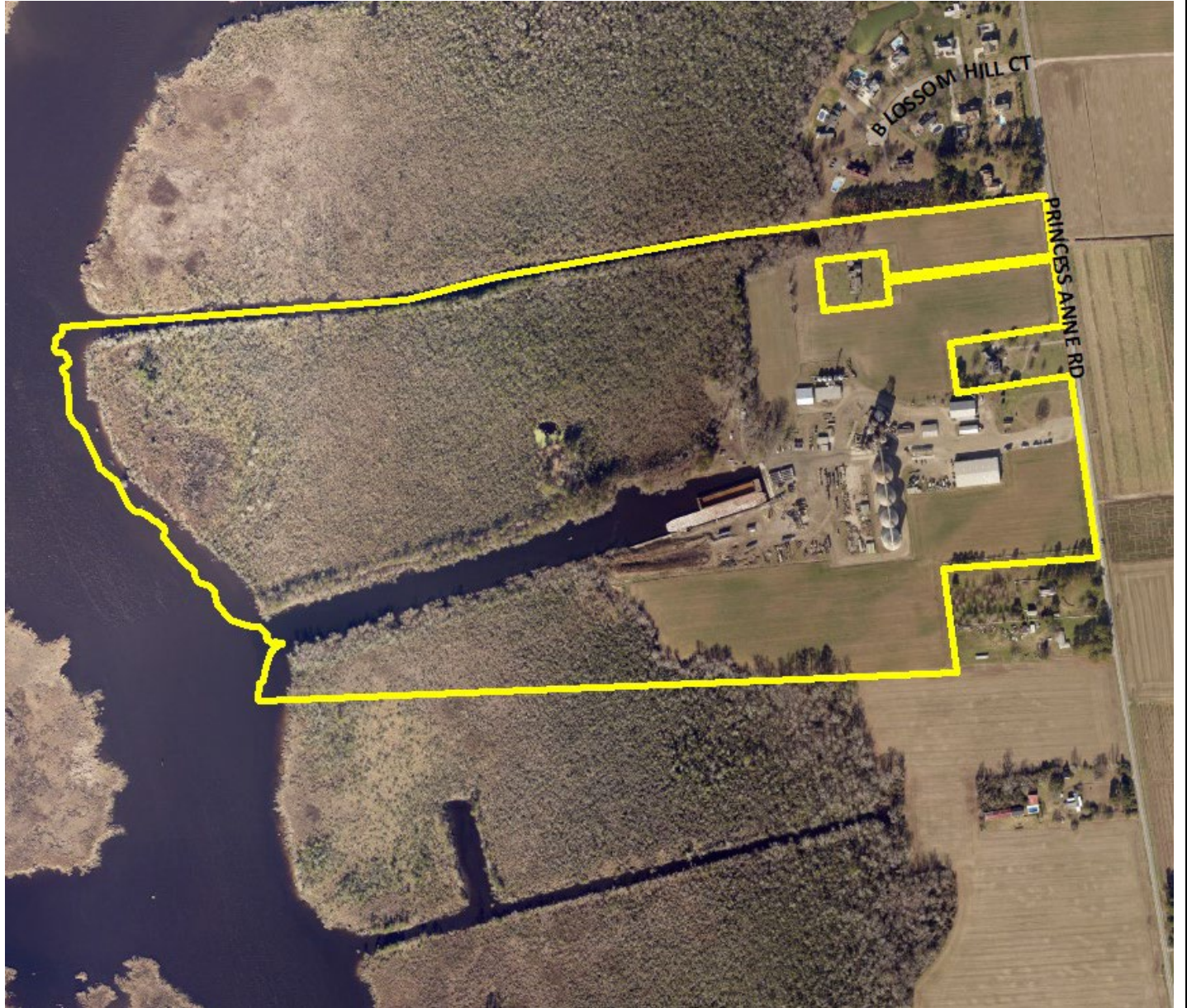
**Dredge Volume:** 10,000 cubic yards

**Proposed Mitigation and/or Compensation**

Payment of an in-lieu fee

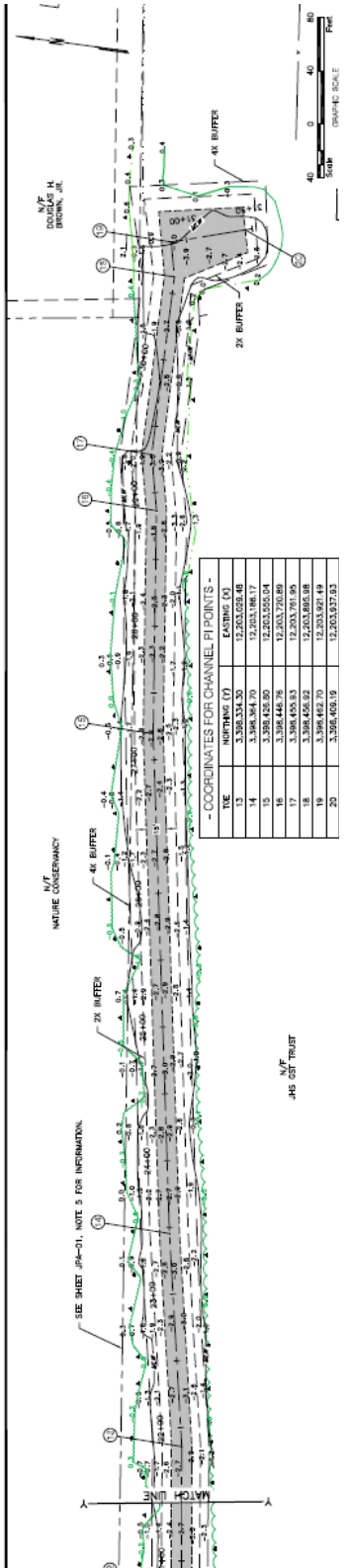
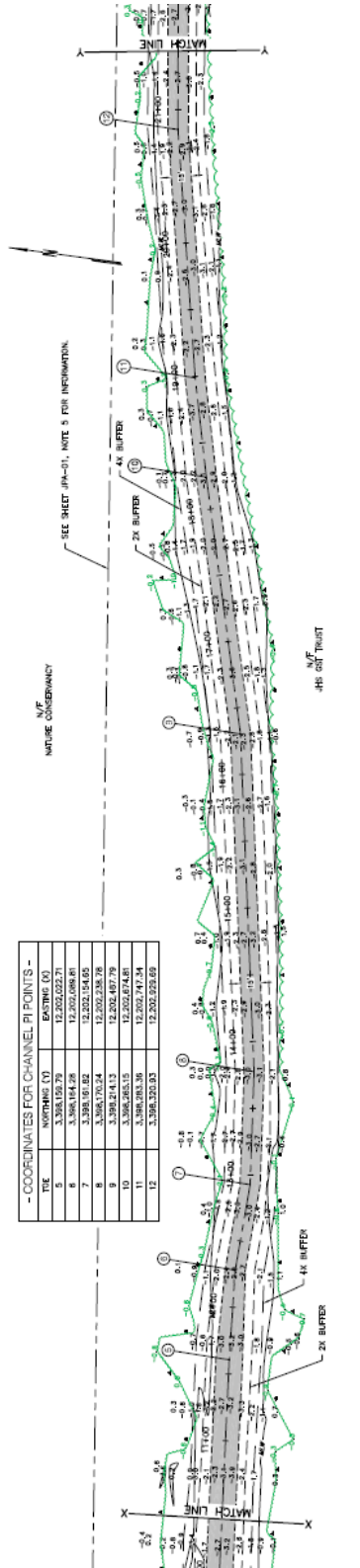
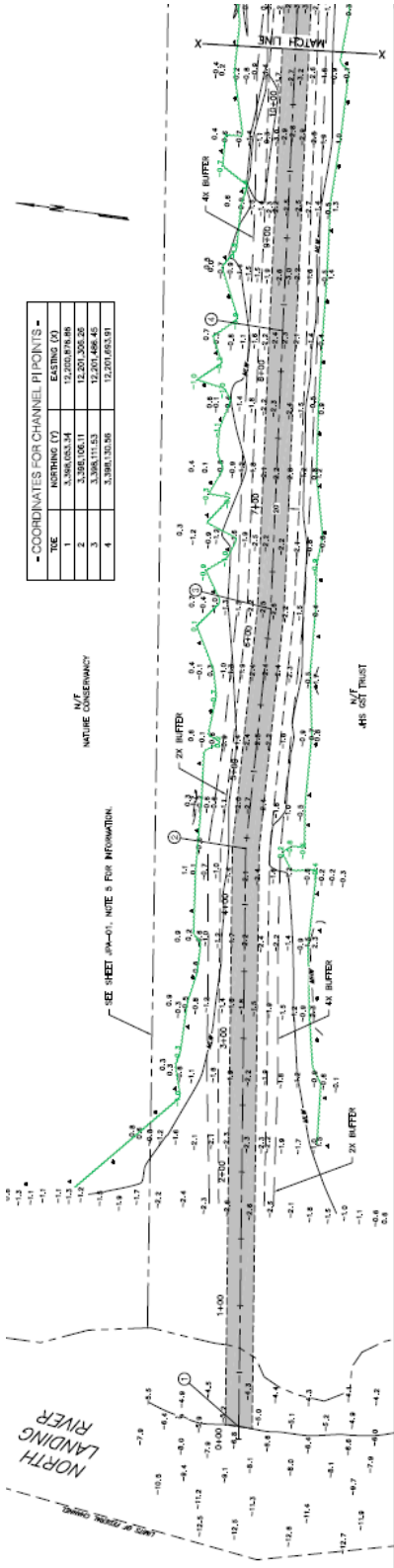


Site Aerial Map

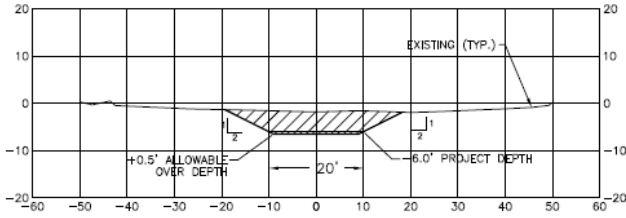




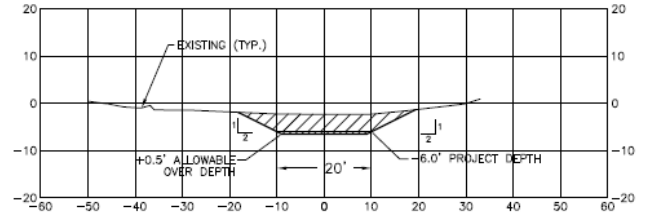
**Proposed Dredge**



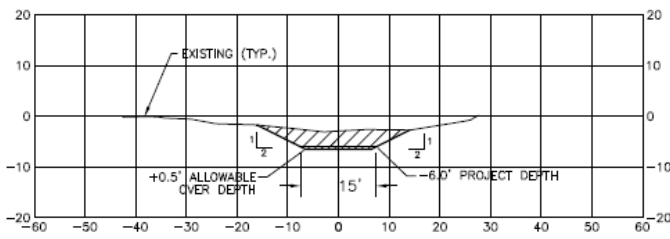
# Cross Sections - Dredge



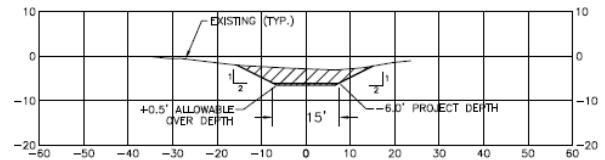
3+25



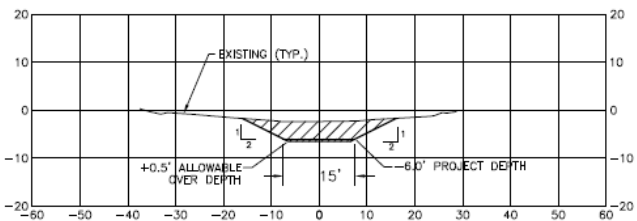
7+75



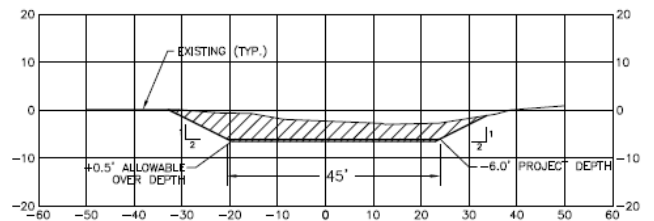
15+75



22+25



27+75



31+13

Site Photos



Site Photos



Site Photos



## CBPA Variances & Wetlands Board Permit History

The property is located in the Southern Rivers Watershed. There are no known recent Wetlands Board actions or waterfront permits found for this property.

## Summary of Proposal

The applicant proposes to perform, by mechanical methods, maintenance dredging of a private canal and basin. The canal has not been maintained in more than forty years and has started to silt, hindering recreational navigation. The channel is 3,150 linear feet long and ranges in width from 15 to 20 feet. The proposed dredge depth is -6.5 feet (NAVD 88), which matches ambient contours in the North Landing River. The estimated volume of dredge material is 10,000 cubic yards. Dredged material will be placed in scow barges for transport to a transfer area at the shoreline. The transfer area will be either in the private basin or at the Salmons yard south of the private basin. The material will then be hauled to selected farm fields for disposal.

The proposed project impacts approximately 1,545 square feet of non-vegetated wetlands within the 2X buffer and 820 square feet of vegetated wetlands within the 4X buffer. The agent indicated that impacts to vegetated wetlands in the 4X buffer were minimized by adding bends to the proposed dredge alignment in the canal. The applicant is proposing to pay an in-lieu fee to compensate for the non-vegetated wetlands impacts.

## Evaluation & Staff Recommendations

It has been over forty years since the canal was last dredged. Shoaling and sedimentation have occurred in the canal and are impeding recreational navigation. Dredging is necessary to allow for boating and navigation at the property. The canal and basin have been designed to minimize impacts to wetlands. The majority of the proposed dredging will impact subaqueous bottom. Impacts to non-vegetated wetlands are limited to the 2X buffer and impacts to vegetated wetlands are limited to the 4X buffer.

Staff have added condition 1 below to monitor the vegetated wetlands for three years for any changes associated with the proposed dredge project. Staff recommends the applicant pay an in-lieu fee using the reduced dredge rate of \$5.50/square foot for impacts to the non-vegetated wetlands.

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

1. Following the completion of the dredge, 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. 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. 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.

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