

Wetlands Board Staff Report

June 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 **Wednesday, June 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 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 **June 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 www.vbgov.com/wetlands. For information call (757) 385-4621.

NEW BUSINESS - WETLANDS

1. 2023-WTRA-00089

Blair C. and Michelle R. Fackler

[Applicants & Owners]

2017 Bay Road

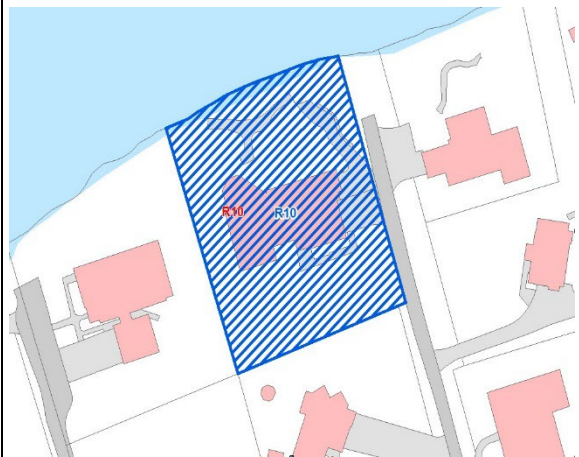
GPIN 1499-68-1460

City Council District: District 8, formerly Lynnhaven

Waterway – Long Creek

Subdivision – Broad Bay Colony

Request: To construct a rip rap revetment involving wetlands.



2. 2023-WTRA-00108

Frederick Napolitano

[Applicant & Owner]

1065 Bobolink Drive

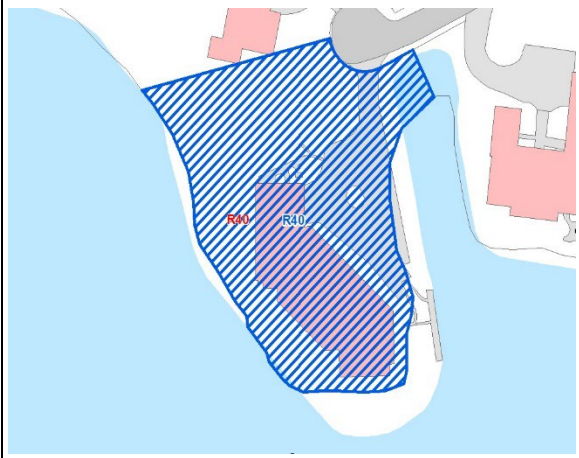
GPIN 2418-15-0186

City Council District: District 6, formerly Lynnhaven

Waterway – Linkhorn Bay

Subdivision – Birdneck Point

Request: To construct a rip rap revetment involving wetlands.



NEW BUSINESS – WETLANDS (CONTINUED)

3. 2022-WTRA-00051

Peter E. and Catherine B. Jeydel

[Applicants & Owners]

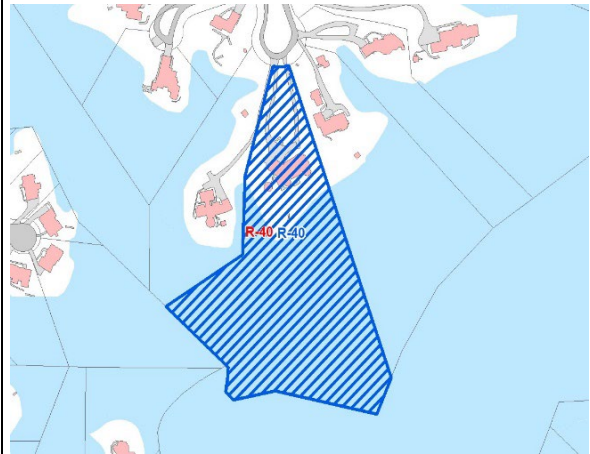
3000 Lynndale Road

GPIN 1498-27-6301

City Council District: District 8, formerly Lynnhaven

Waterway – Eastern Branch Lynnhaven River
Subdivision – Lynndale Estates

Request: To install oyster castles involving wetlands.





Agent

Robert Simon
 Waterfront Consulting, Inc.

Location

2017 Bay Road

GPIN

1499-68-1460

Staff Planner

Heaven Manning

Proposal

To construct a rip rap revetment involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Long Creek

Subdivision

Broad Bay Colony

Impacts

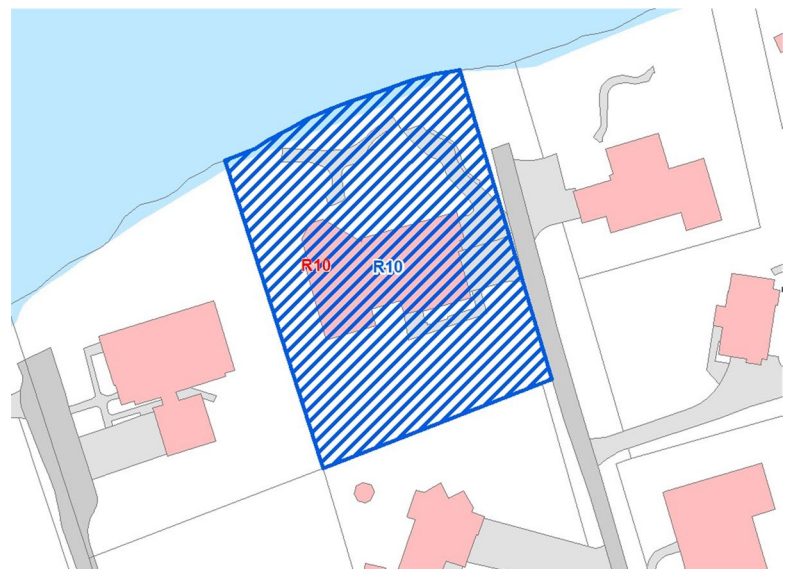
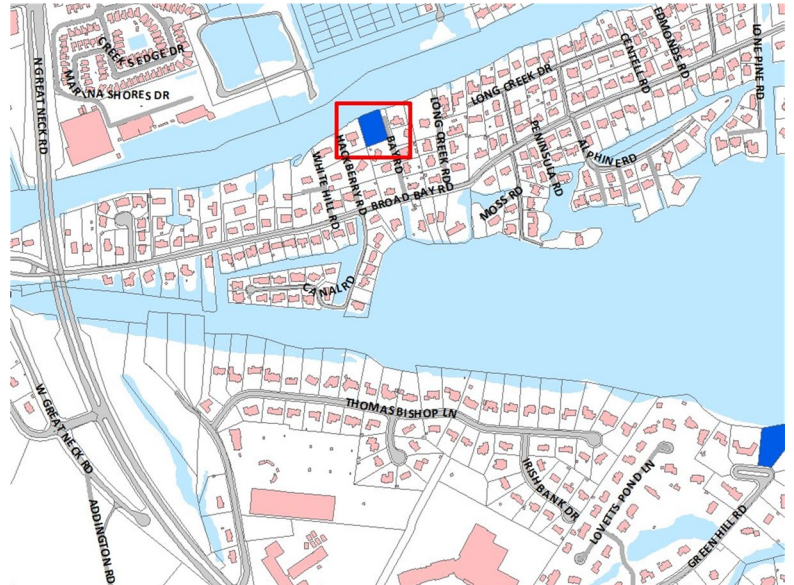
Non-Vegetated: 100 square feet

Subaqueous: 1,230 square feet

Overall length of proposed structure: 130 linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

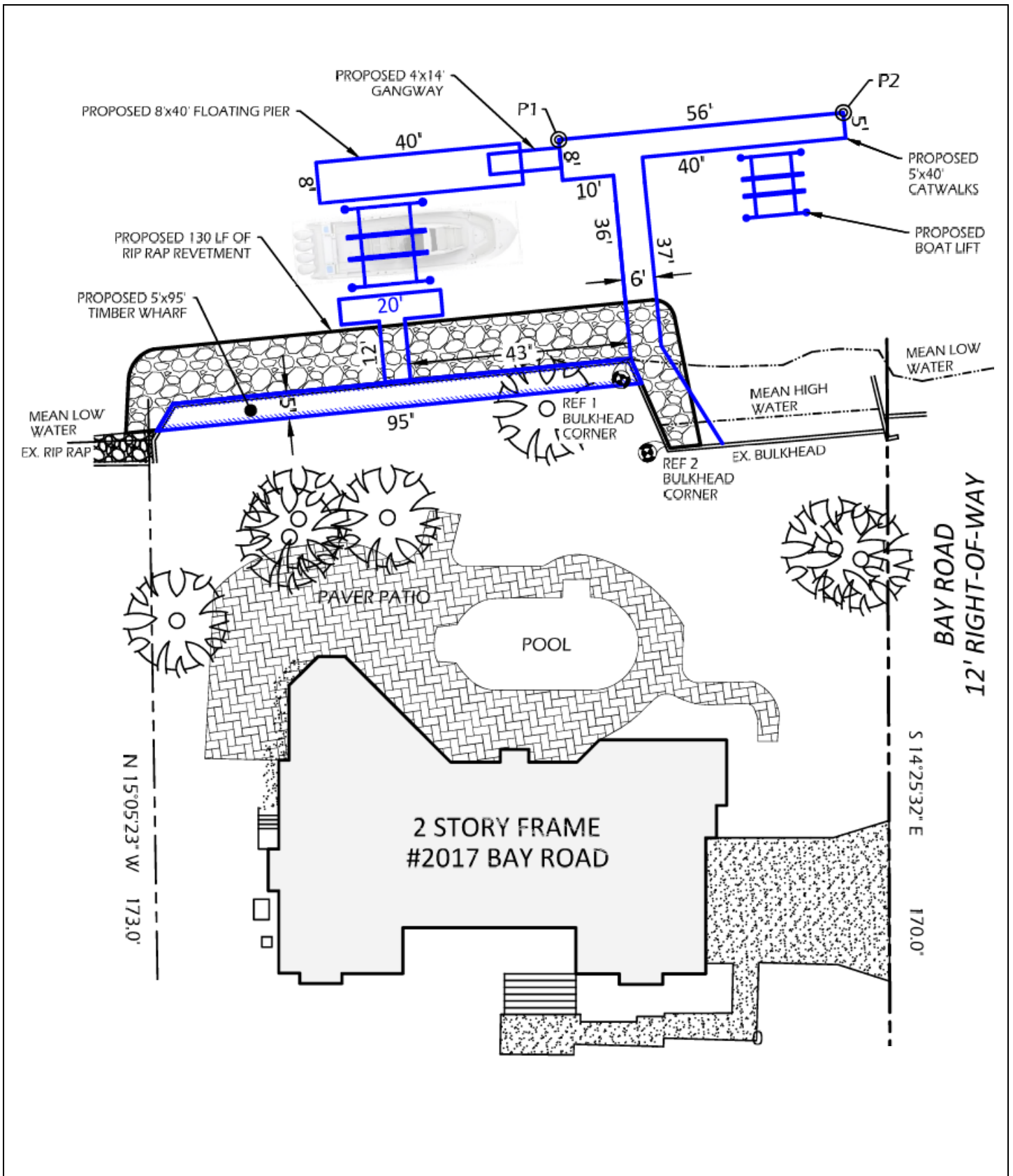
On-site



Site Aerial Map

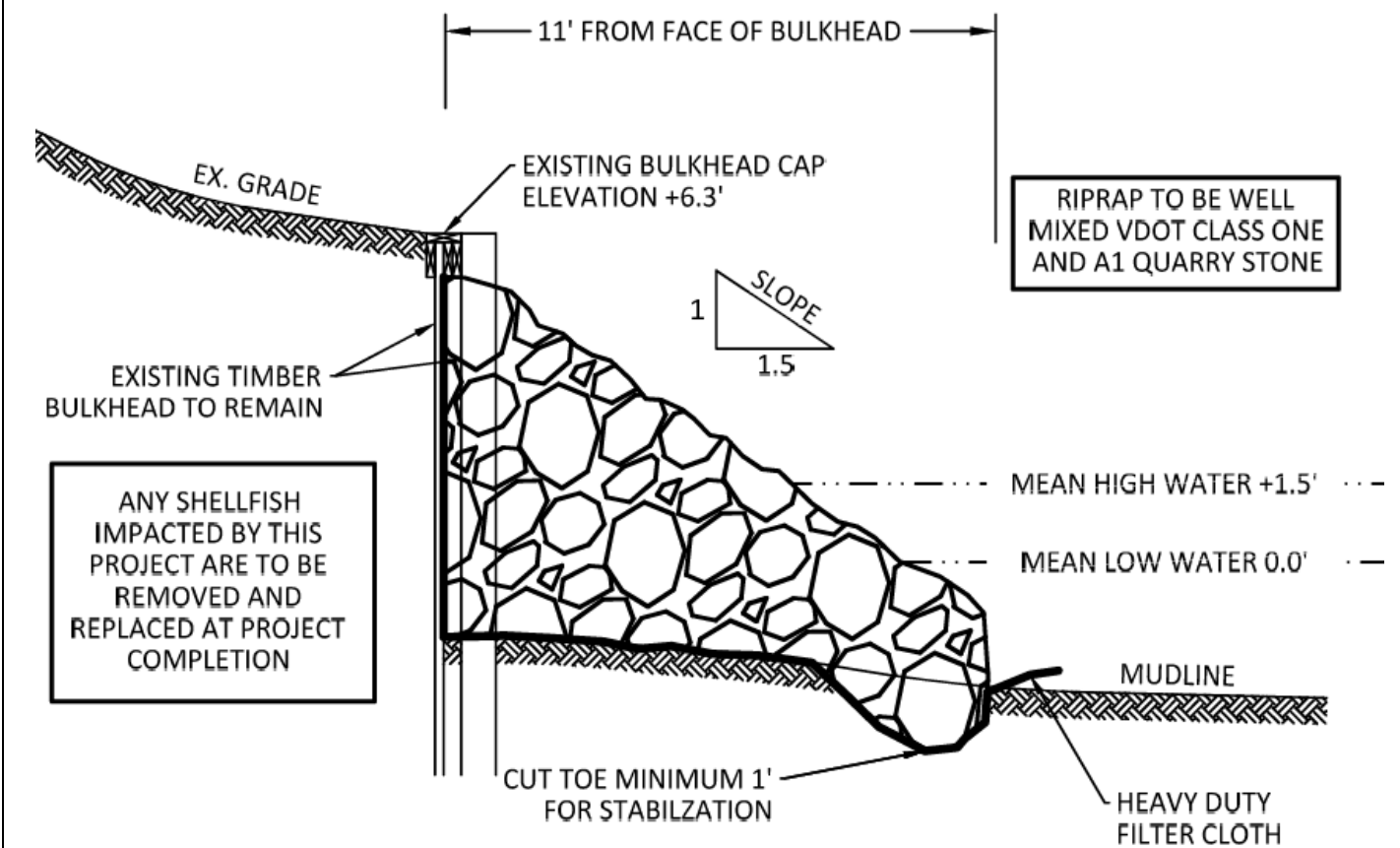


Proposed Improvements

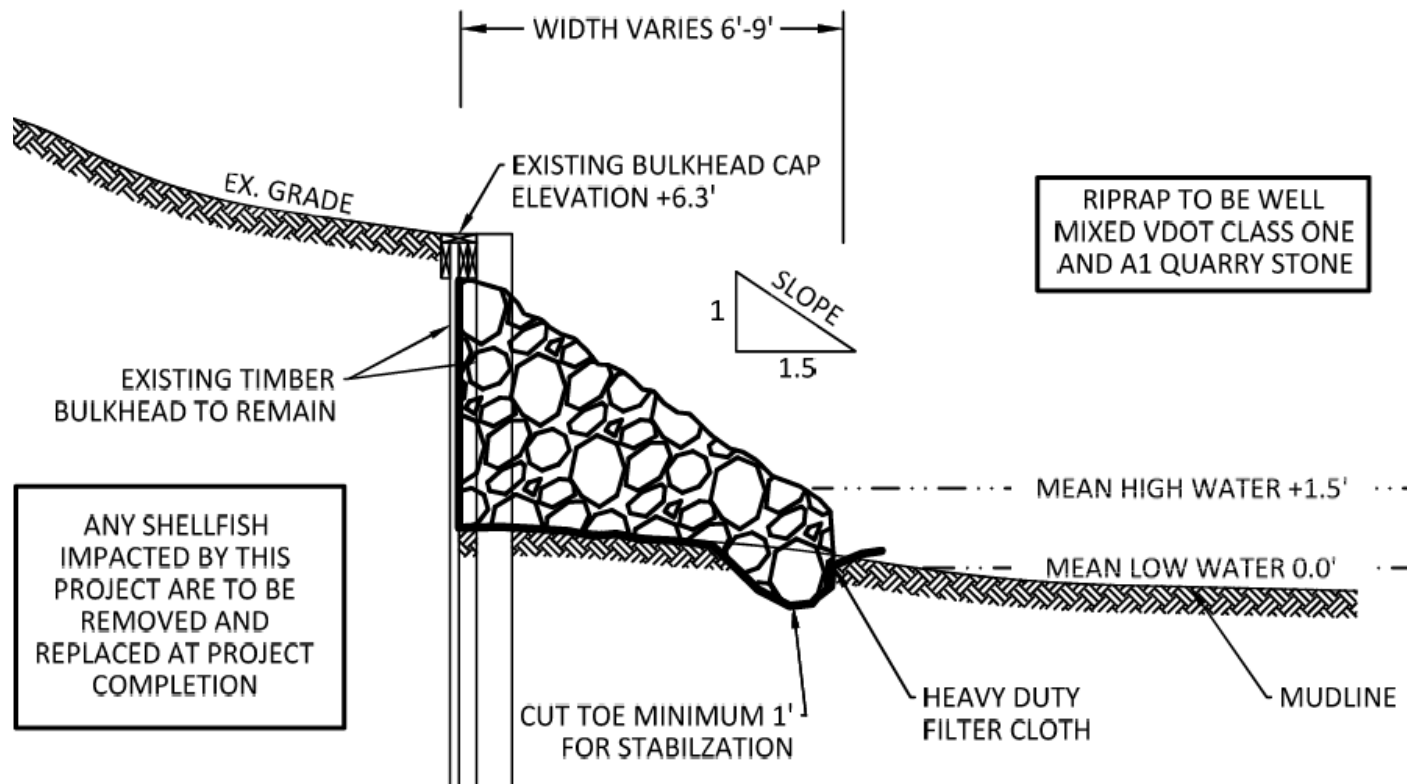


Rip Rap Cross Section

PROPOSED RIPRAP CROSS SECTION



PROPOSED RIPRAP CROSS SECTION - WETLANDS IMPACTS



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 demolish the existing structure and to construct a single-family residence, concrete driveway, and pool with decking was granted on July 25, 1994. A subsequent CBPA variance request to construct a driveway addition, parking area, pool deck replacement, and other upland improvements 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 existing bulkhead is starting to show signs of deterioration along the seaward face of the structure. As such, the applicant proposes to install 130 linear feet of rip rap revetment in front of the existing timber bulkhead. The rip rap will consist of Class I and A1 quarry stone. The primary purpose of the rip rap revetment is to reduce erosion along the shoreline while allowing for boating access to the waterway. As designed, the proposed project will impact 100 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on-site with 100 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat.

Evaluation & Staff Recommendations

The applicant desires to reinforce the existing timber bulkhead that is currently protecting the property's shoreline by installing 130 linear feet of rip rap channelward of the existing bulkhead. The proposed rip rap will serve to reinforce and prolong the life of the existing bulkhead. Staff agrees with the applicant's agent that transitioning the bulkheaded shoreline to a living shoreline is not suitable for this property given the existing improvements on the lot, proximity of the swimming pool, height of the existing bulkhead, and shoreline conditions of adjacent properties. Staff is of the opinion that the rip rap will achieve the desired shoreline stabilization with the least impact on the upland property. Staff agrees with the on-site compensation method for the 100 square feet of non-vegetated wetlands impacts.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted**, as shown on the plans titled "Pier, Lift, Floating Pier, Rip Rap Revetment" sealed April 18, 2023 and received by the VMRC on April 18, 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.

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Agent

Robert Simon
 Waterfront Consulting, Inc.

Location

1065 Bobolink Drive

GPIN

2418-15-0186

Staff Planner

Heaven Manning

Proposal

To construct a rip rap revetment involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Linkhorn Bay

Subdivision

Birdneck Point

Impacts

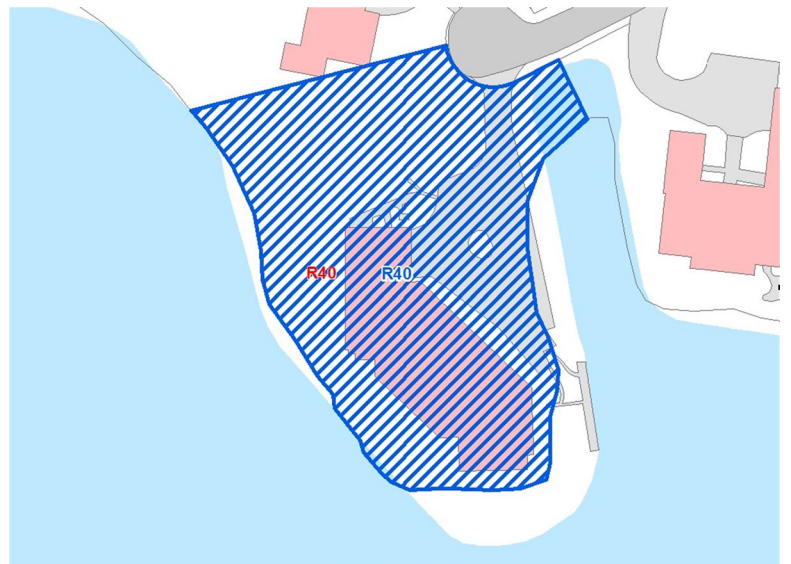
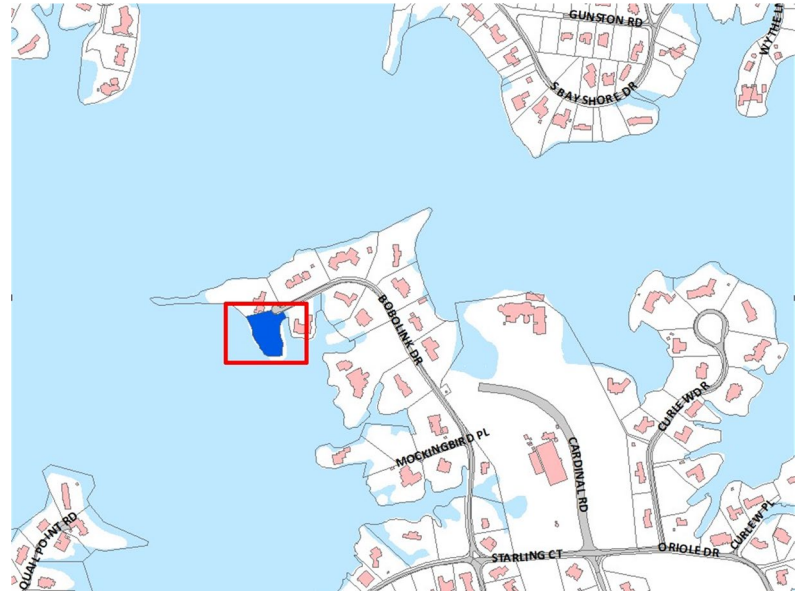
Non-Vegetated: 80 square feet

Overall length of proposed structure: 10 linear feet of rip rap revetment

Volume of Backfill: 5 cubic yards

Proposed Mitigation and/or Compensation

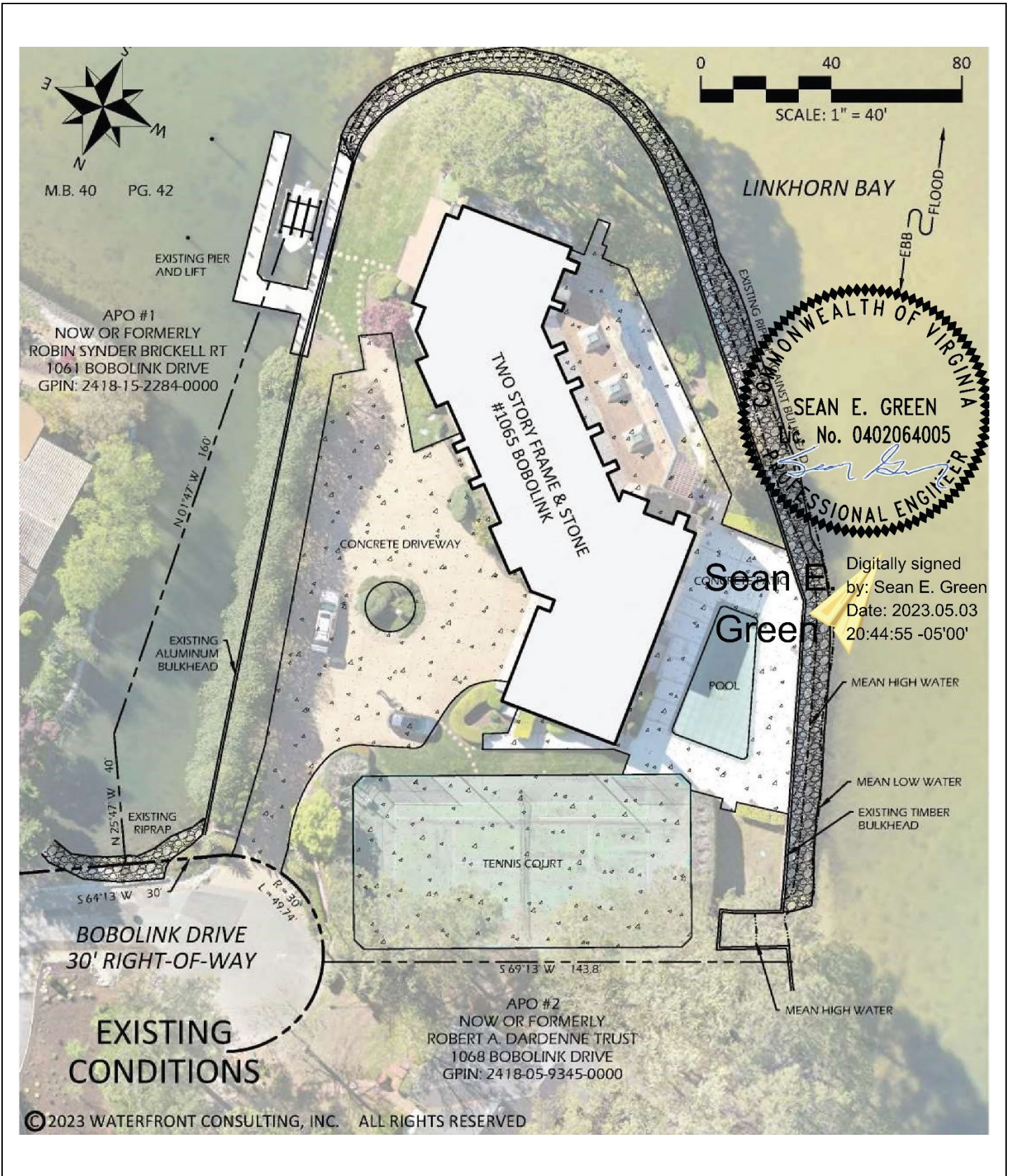
Payment of an in-lieu fee



Site Aerial Map



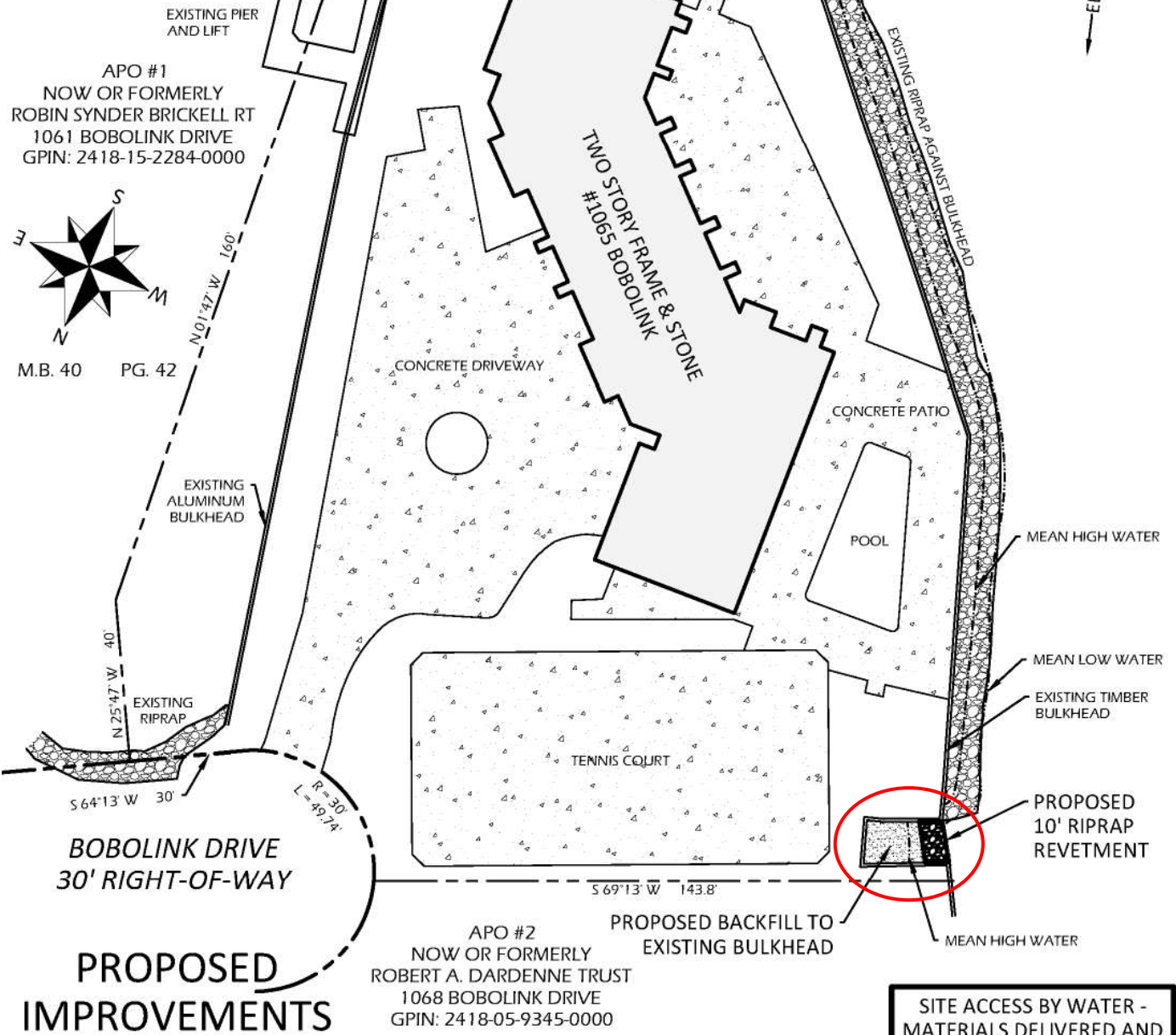
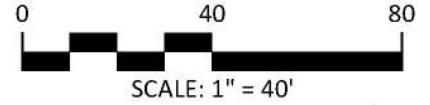
Existing Conditions



Proposed Improvements

NON-VEGETATED WETLANDS IMPACTS

RIPRAP =	60 SF
BACKFILL =	20 SF
TOTAL =	80 SF



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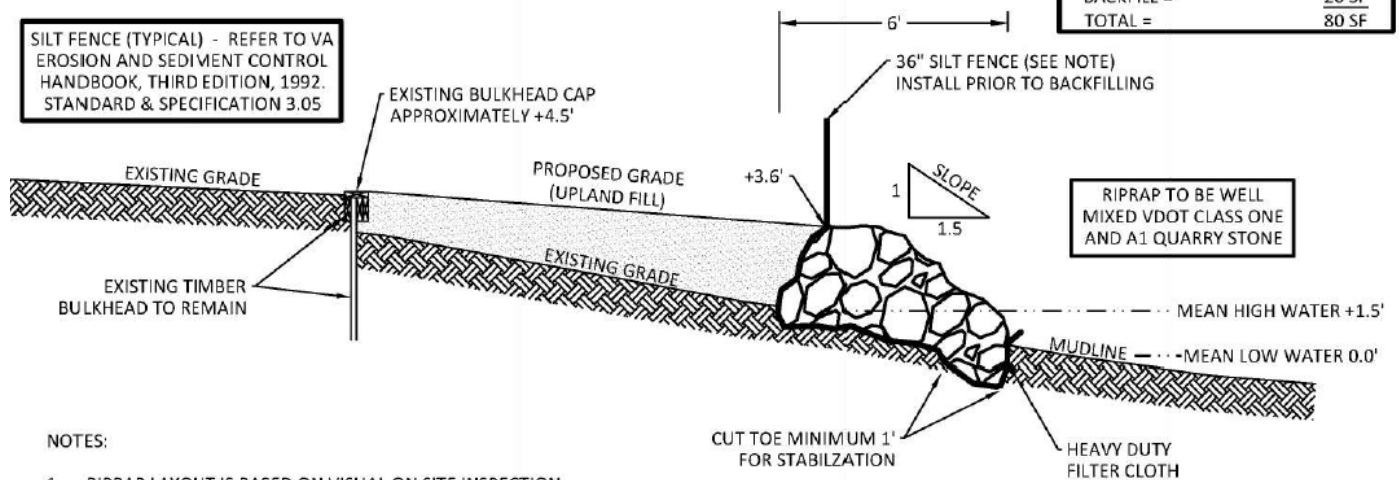
Rip Rap Cross Section

PROPOSED RIPRAP CROSS SECTION

NON-VEGETATED WETLANDS IMPACTS	
RIPRAP =	60 SF
BACKFILL =	20 SF
TOTAL =	80 SF

SILT FENCE (TYPICAL) - REFER TO VA EROSION AND SEDIMENT CONTROL HANDBOOK, THIRD EDITION, 1992. STANDARD & SPECIFICATION 3.05

RIPRAP TO BE WELL MIXED VDOT CLASS ONE AND A1 QUARRY STONE



NOTES:

1. RIPRAP LAYOUT IS BASED ON VISUAL ON SITE INSPECTION.
2. ADDITIONAL STONE MAY BE REQUIRED THAN SHOWN DUE TO SETTLEMENT DURING CONSTRUCTION.
3. DIMENSIONS SHOWN ARE DIMENSIONS UPON COMPLETION OF THE PROJECT AFTER INITIAL CONSTRUCTION SETTLEMENT.

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 applicant proposes to construct 10 linear feet of rip rap revetment in the mouth of an old boat ramp. 5 cubic yards of backfill will be placed behind the rip rap to match the grades on both sides of the boat ramp. The rip rap will consist of class I and A1 quarry stone. The primary purpose of the proposed project is to reduce shoreline erosion. The proposed project will impact 80 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on-site with 60 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat. The applicant proposes payment of an in-lieu fee for the remaining 20 square feet of impacts to non-vegetated wetlands.

The applicant's agent indicated that a living shoreline was not feasible for this site due to the boat wake from heavy boat traffic and the existing surrounding shoreline improvements. In addition, large trees on the northwestern side of the property would shade wetlands plantings.

Evaluation & Staff Recommendations

Staff concurs with the applicant that the proposed rip rap revetment is warranted for this property given the existing boat ramp has deteriorated and is no longer used. Staff acknowledges the position of the applicant's agent that a living shoreline is not appropriate for this property due to the existing improvements on the lot and the heavy boat traffic and associated wake. In addition, upland tree canopy on the northwestern side of the property would prevent wetlands plantings from successfully establishing. Staff is of the opinion that the rip rap will achieve the desired shoreline stabilization with the least impact on the upland property. Staff agrees with the on-site compensation method for the 60 square feet of non-vegetated wetlands impacts conversion to non-vegetated rock habitat. Staff supports payment of an in-lieu fee for the 20 square feet of impacts to non-vegetated wetlands associated with the backfill.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted**, as shown on the plans titled "Rip Rap" sealed May 3, 2023 and received by the VMRC on May 5, 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.

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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

Brent James
 Lynnhaven River Now

Location

3000 Lynndale Road

GPIN

1498-27-6301

Staff Planner

Heaven Manning

Proposal

To install oyster castles involving wetlands

Staff Recommendation

Approval as Submitted

Waterway

Eastern Branch Lynnhaven River

Subdivision

Lynndale Estates

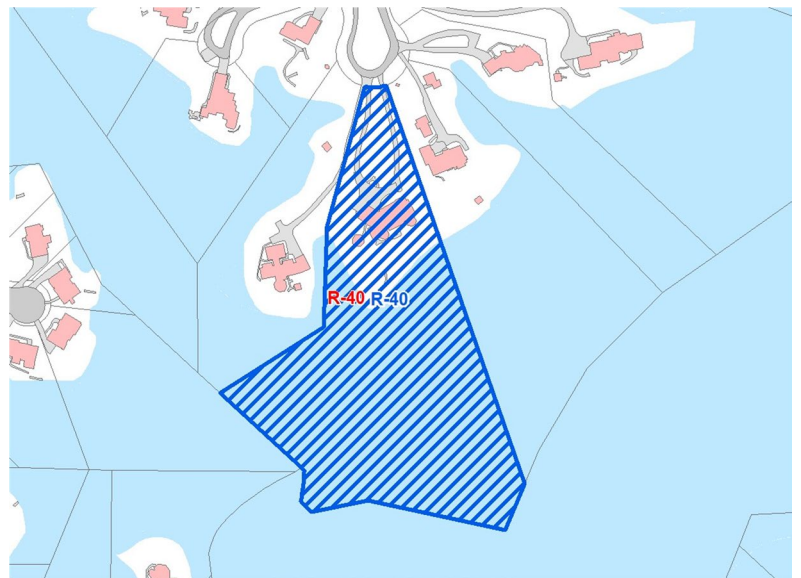
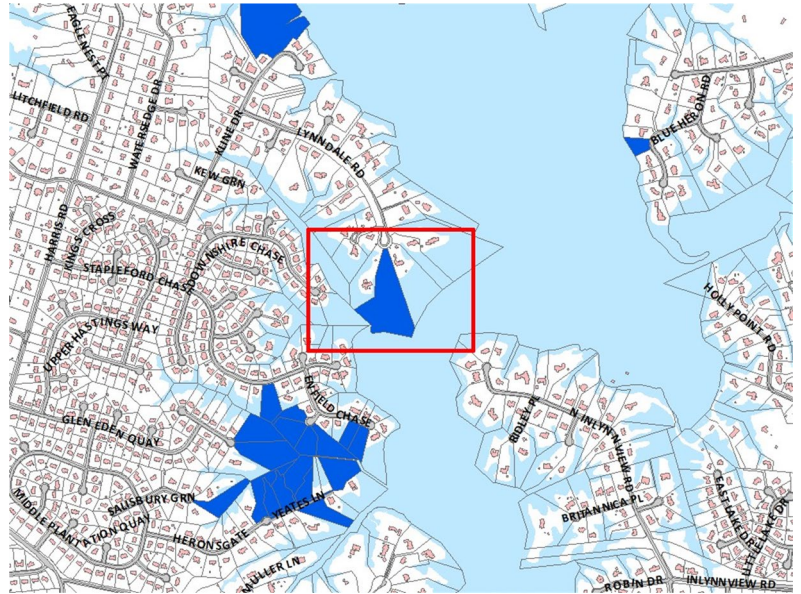
Impacts

Non-Vegetated: 250 square feet

Overall length of proposed structure: 400 linear feet of oyster castles

Proposed Mitigation and/or Compensation

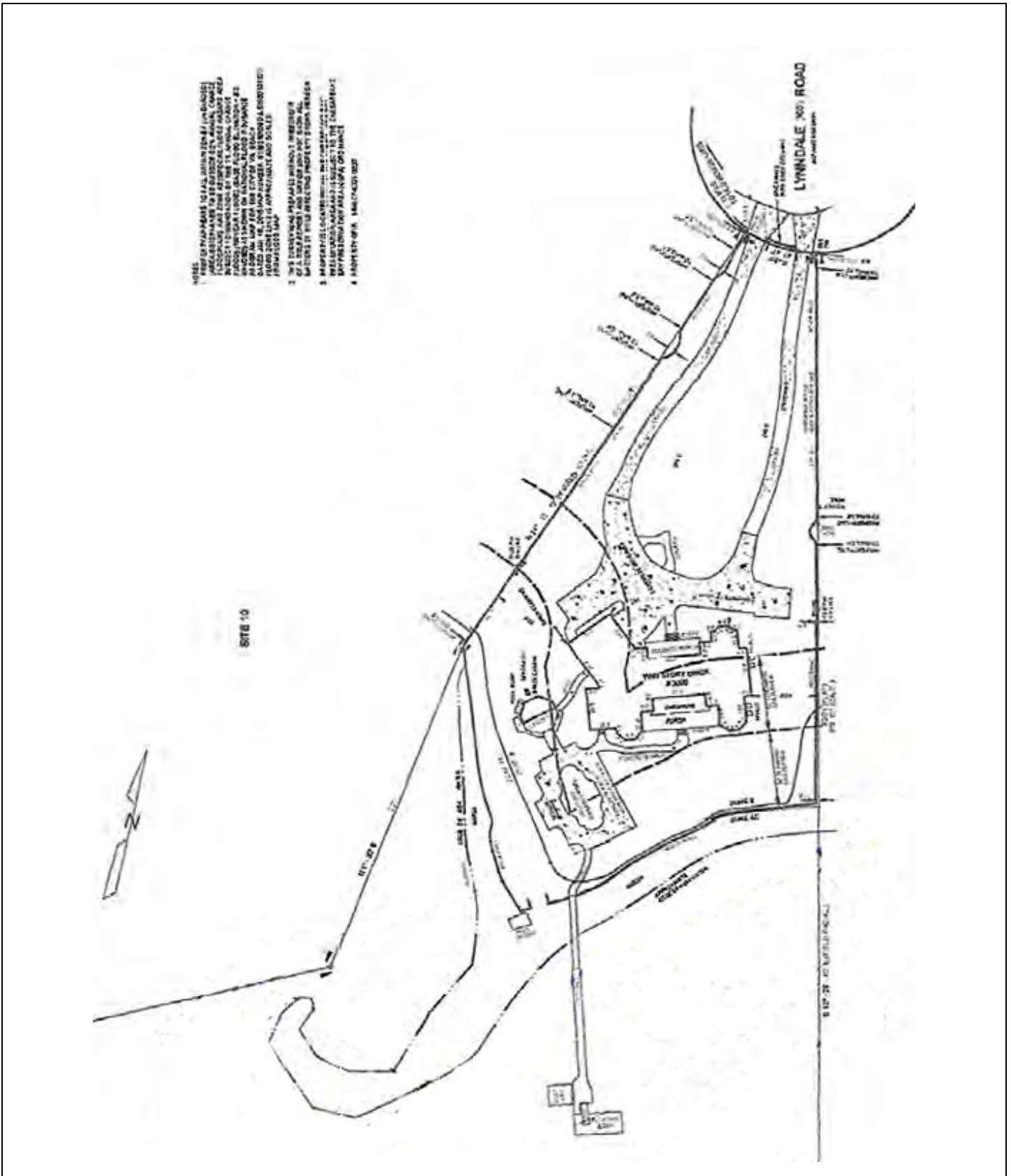
On-site



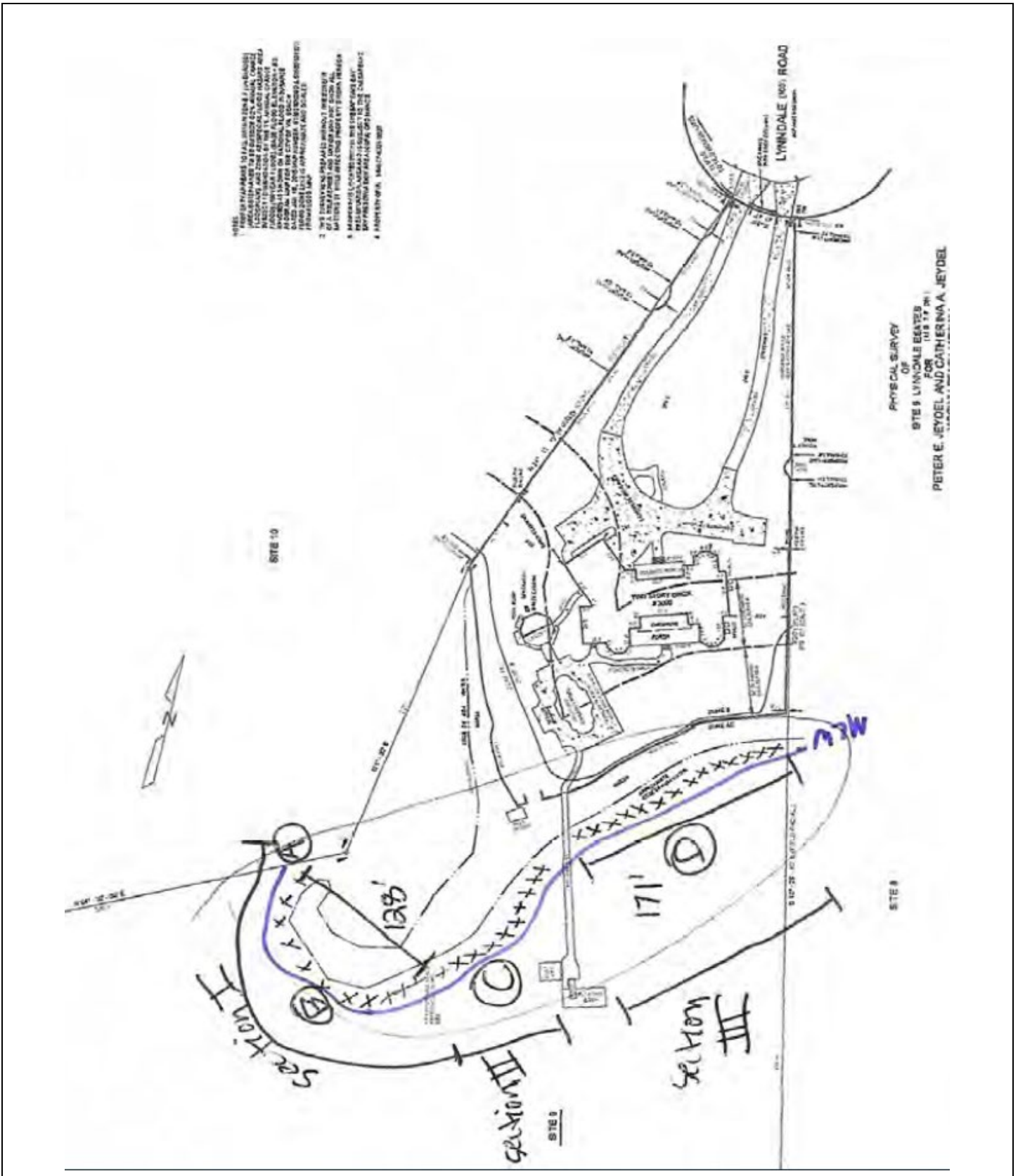
Site Aerial Map



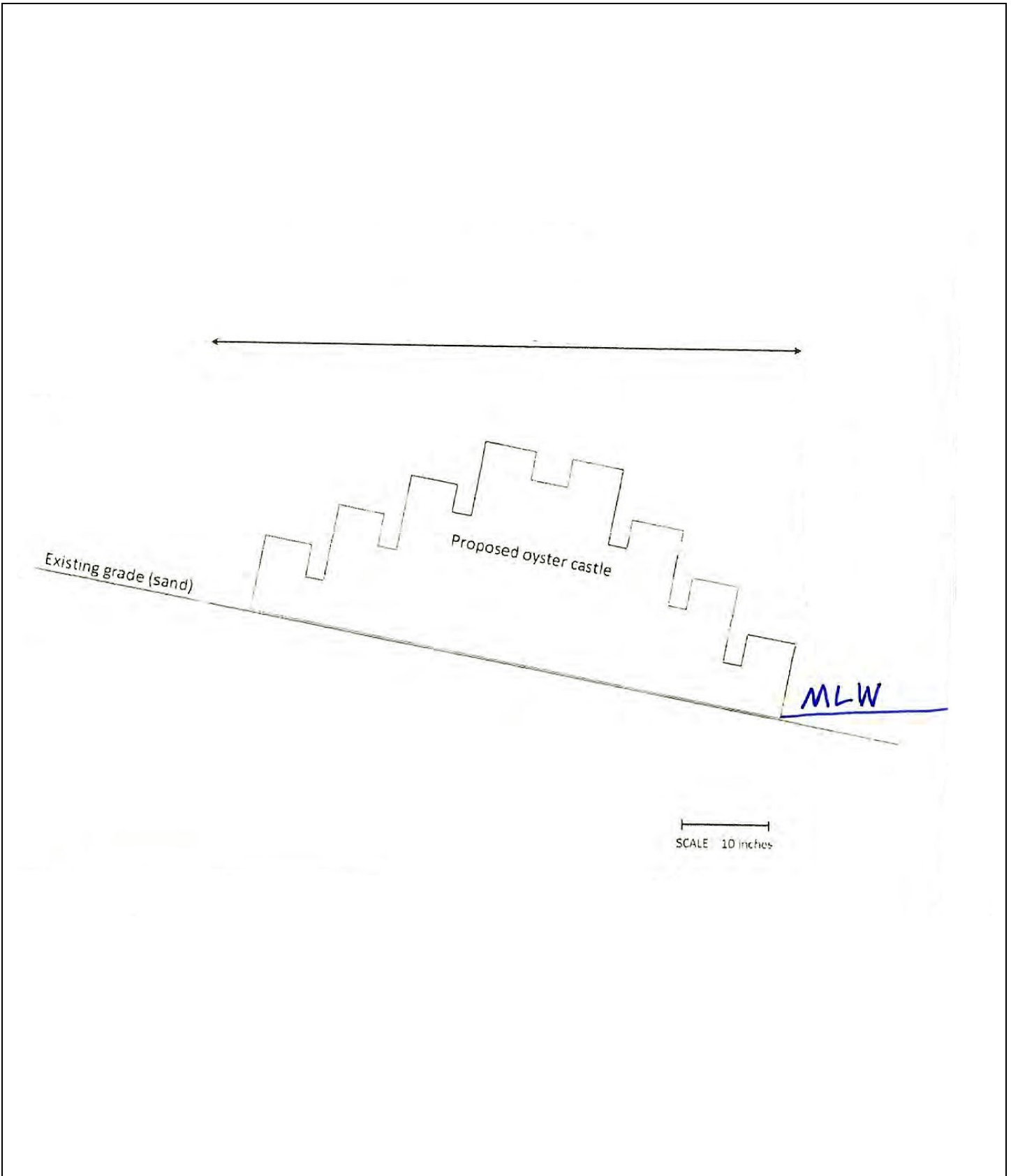
Existing Conditions



Proposed Site Plan



Cross Section



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.

The proposed project qualifies for a Living Shoreline Group II General Permit. However, the Marine Resource Commission received comments of opposition from the adjacent property owners. Therefore, the proposed project must be presented to the local Wetlands Board for approval.

Summary of Proposal

The shoreline is in a natural state along the southern portion of this lot. The applicant proposes to install 400 linear feet of oyster castles along the shoreline of the property. The proposed project will be divided into three sections. Section 1 will be 190 linear feet, section 2 will be 39 linear feet, and section 3 will be 171 linear feet. Gaps of approximately 7 linear feet will be placed between the oyster castles to allow for tidal flushing and fluctuations along the length of the project. The proposed project will impact 250 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on-site with 250 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat.

Evaluation & Staff Recommendations

Staff concurs with the applicant that the proposed oyster castles are warranted for this property, as the shoreline is currently unprotected and exhibiting signs of erosion. Staff concurs with the use of oyster castles to construct a living shoreline. The oyster castles will enhance the shoreline by providing habitat for oysters and shellfish. In addition, the oyster castles will reduce the potential for future erosion along the shoreline. Staff agrees with the on-site compensation method for the 250 square feet of non-vegetated wetlands impacts.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted**, as shown on the plans titled "Oyster Castles" received by the VMRC on February 28, 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.

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