

Wetlands Board Staff Report

November 20, 2023



VIRGINIA BEACH WETLANDS BOARD

PUBLIC HEARING PROCEDURES & AGENDA

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, November 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 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 PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.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 **November 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 virginiabeach.gov/wetlands. For information call (757) 385-4621.

NEW BUSINESS - COASTAL PRIMARY SAND DUNE/BEACH

1. 2023-WTRA-00218

Joseph & Carla Stoner [Applicant]

Carla R Stoner Trust [Owner]

500 58th Street

GPIN 2419-60-3496

City Council District: District 6

Waterway – Crystal Lake

Subdivision – North End

Request: To construct a rip rap revetment involving wetlands.



TENTATIVE 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**



Agent

Richard Calvert
Calvert Marine

Location

500 58th Street

GPIN

2419-60-3496

Staff Planner

Heaven Manning

Proposal

To construct a rip rap revetment involving wetlands.

Staff Recommendation

Approval as Modified

Waterway

Crystal Lake

Subdivision

North End

Impacts

Non-Vegetated: 234 square feet

Subaqueous: 151 square feet

Overall length of proposed structure: 62 linear feet of rip rap

Proposed Mitigation and/or Compensation

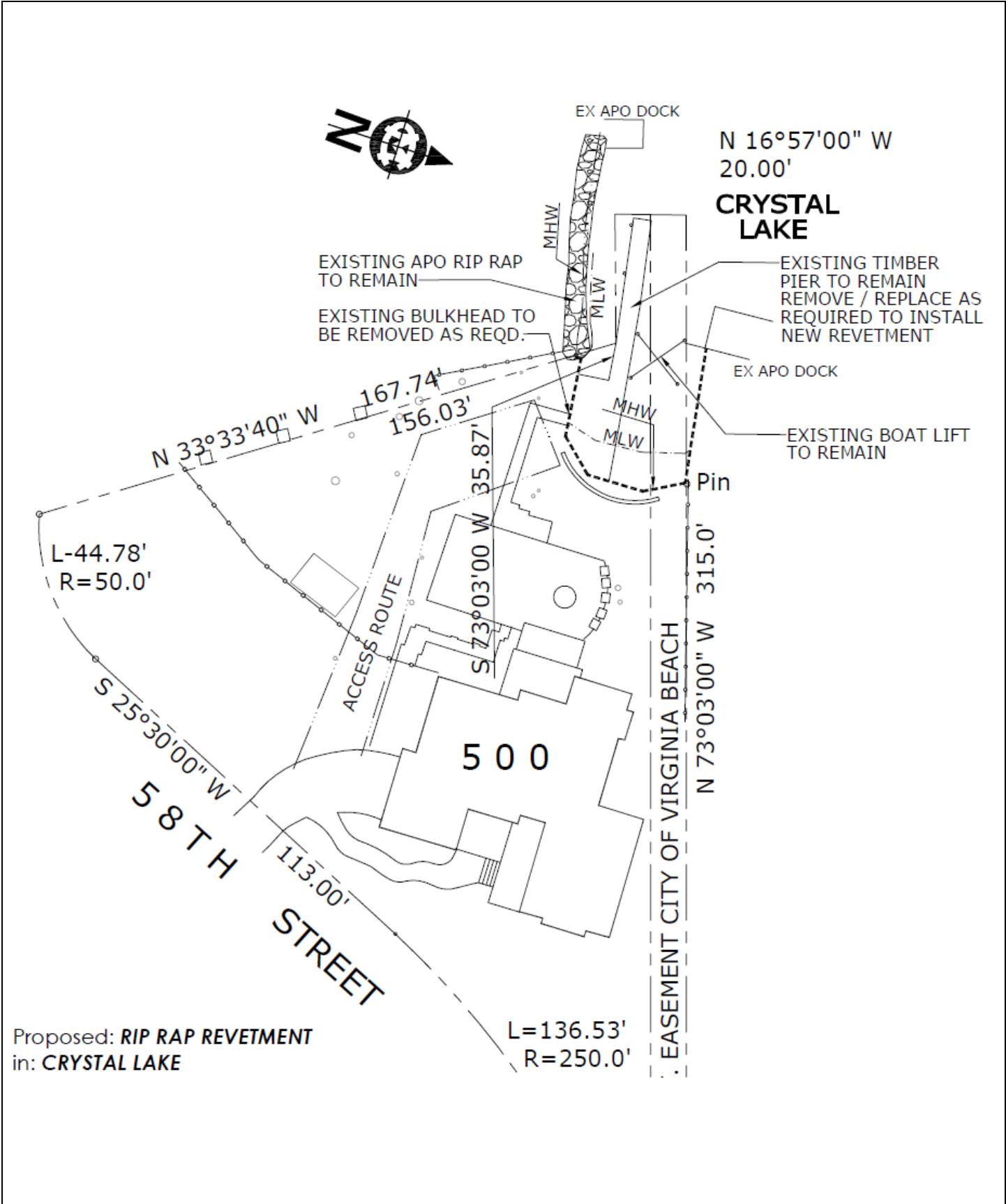
On-site



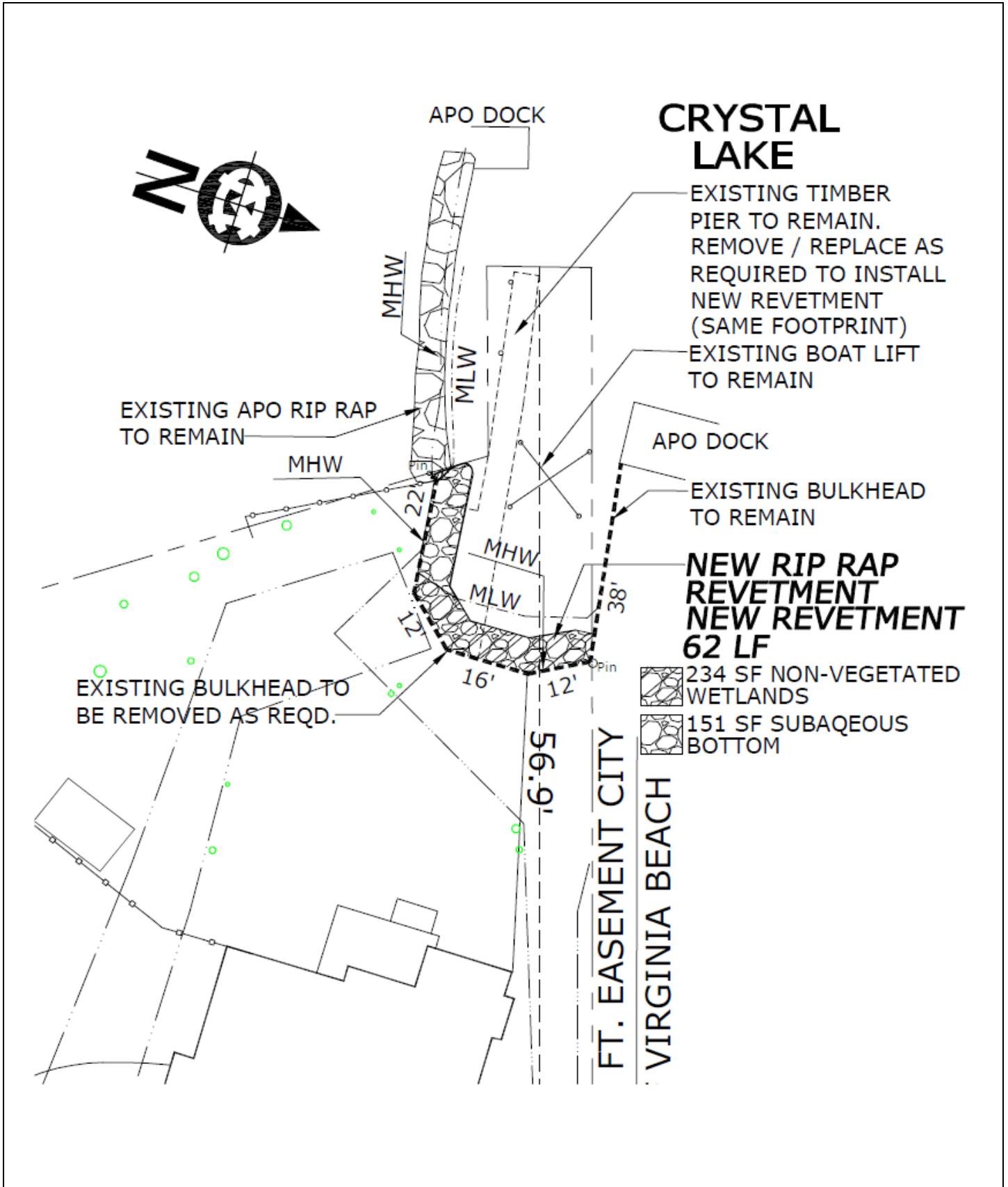
Site Aerial Map



Existing Conditions



Proposed Improvements



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 two room additions, a swimming pool with associated decking was granted on October 25, 2004.
- A variance to construct a gazebo, patio, and fire pit was granted on August 25, 2014.
- A variance to develop and expand the driveway was granted on March 26, 2018.

There are no known 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 62 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 shoreline erosion while maintain boating access to the waterway. The proposed project will impact 234 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on-site with 234 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat.

The applicant's agent indicated that a living shoreline was not feasible for this site due to the proximity of the residential structure and deck to the bulkhead, shoreline conditions of the adjacent properties, and the existing trees on the property would shade wetlands plantings.

Evaluation & Staff Recommendations

The applicant desires to reinforce the existing timber bulkhead that is currently protecting the property's shoreline by installing 62 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 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 shoreline conditions of the adjacent properties. In addition, the upland tree canopy on the property would prevent wetlands plantings from successfully establishing. Staff agrees with the on-site compensation method for the 234 square feet of non-vegetated wetlands impacts conversion to non-vegetated rock habitat.

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

1. Prior to the start of construction, acceptable tree root matting shall be installed to limit compaction to the existing soil profile and protect the critical roots of canopy trees to be preserved. Said area for matting shall be delineated on the revised plan. Matting used shall be in conformance with American Nation Standard ANSI A300 Construction Management Standard – Part 5; Trees, Shrubs and Other Woody Plant Management Standards Practices (Management of Trees and Shrubs During Site Planning, Site Development and Construction).
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.