

# Wetlands Board Staff Report

January 17, 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 **Tuesday, January 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 [www.vbgov.com/wetlands](http://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](mailto: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](mailto: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.

**2023 WETLANDS BOARD PUBLIC HEARING DATES**

Tuesday	<b>January 17</b>	Monday	<b>July 17</b>
Monday	<b>February 20</b>	Monday	<b>August 21</b>
Monday	<b>March 20</b>	Monday	<b>September 18</b>
Monday	<b>April 17</b>	Monday	<b>October 16</b>
Monday	<b>May 15</b>	Monday	<b>November 20</b>
Wednesday	<b>June 21</b>	Monday	<b>December 18</b>



# WETLANDS BOARD AGENDA

Public Hearing Date **January 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 [www.vbgov.com/wetlands](http://www.vbgov.com/wetlands). For information call (757) 385-4621.

## OLD BUSINESS - COASTAL PRIMARY SAND DUNE/BEACH

### 1. 2020-WTRA-00269

**Department of the Navy**  
[Applicant & Owner]

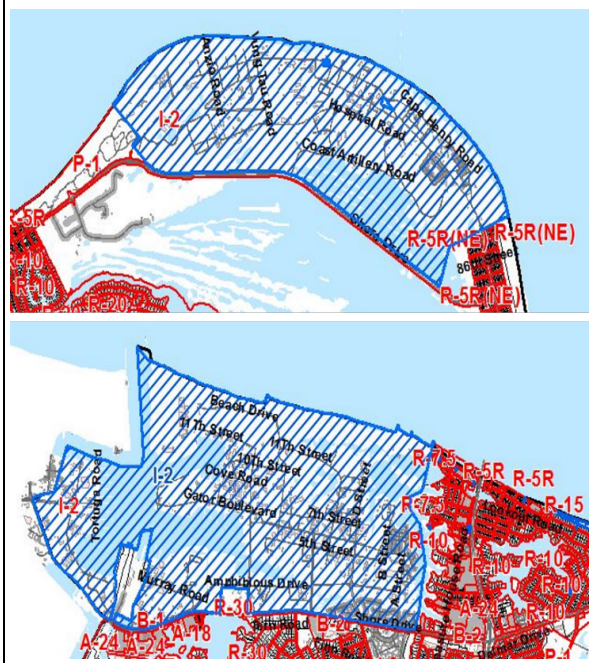
**EXTENSION OF TIME**

**Joint Expeditionary Base Little Creek-Fort Story**

GPINs 2500-87-6520 & 1469-79-2860  
City Council District: District 6, formerly Lynnhaven

Waterway – Chesapeake Bay  
Subdivision – Shore Drive

**Request:** Temporary Excavation of the Beach for Fixed and or Floating Piers at the Anzio, Omaha & Utah Beach Training Areas involving Coastal Primary Sand Dune/Beach.



## OLD BUSINESS - WETLANDS

### 2. 2019-WTRA-00237

#### **Krambias Properties, LLC**

[Applicant & Owner]

#### EXTENSION OF TIME

#### **921 Bobolink Drive**

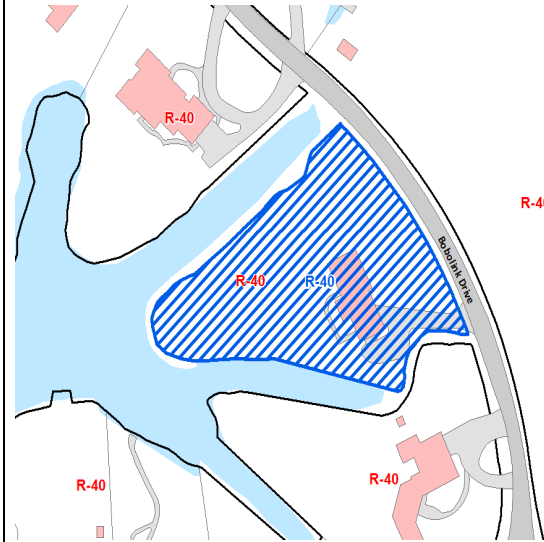
GPIN 2418-22-7567

City Council District: District 6, formerly Lynnhaven

Waterway – Linkhorn Bay

Subdivision – Birdneck Point

**Request:** To construct a marsh sill and rip rap involving wetlands.



## NEW BUSINESS - COASTAL PRIMARY SAND DUNE/BEACH

### 3. 2022-WTRA-00221

#### **Cape Henry Towers Council of Co-Owners Inc.**

[Applicant & Owner]

#### **3288 Page Avenue**

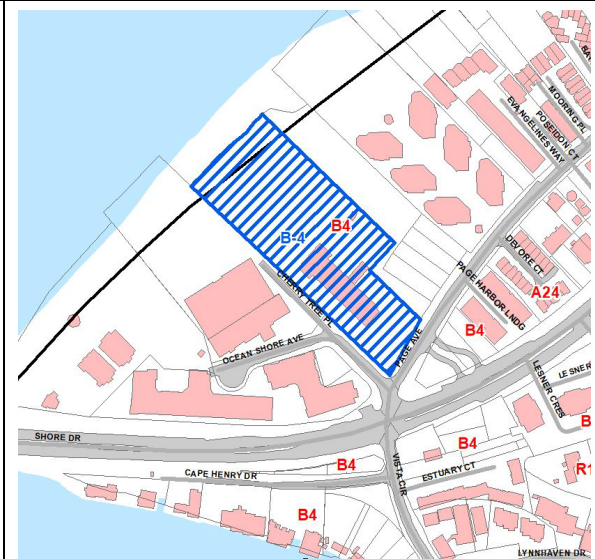
GPIN 1489-89-3544

City Council District: District 8, formerly Lynnhaven

Waterway – Chesapeake Bay

Subdivision – Cape Henry Towers

**Request:** To construct a replacement walkway, landing, and steps involving Coastal Primary Sand Dune/Beach.







Site Aerial Map – Little Creek



Site Aerial Map – Fort Story





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Application Number **2019-WTRA-00237**  
 Applicant **Krambias Properties, LLC**  
 Public Hearing **January 17, 2023**  
 City Council District: **District 6, formerly Lynnhaven**  
**REQUEST FOR ONE YEAR EXTENSION**

Agenda Item

**2**

**Agent**

David Kledzik  
 Marine Engineering, LLC

**Location**

921 Bobolink Drive

**GPIN**

2418-22-7567

**Staff Planner**

Heaven Manning

**Proposal**

To construct a marsh sill and rip rap involving wetlands

**Waterway**

Linkhorn Bay

**Subdivision**

Birdneck Point

**Impacts**

**Vegetated:** 295 square feet

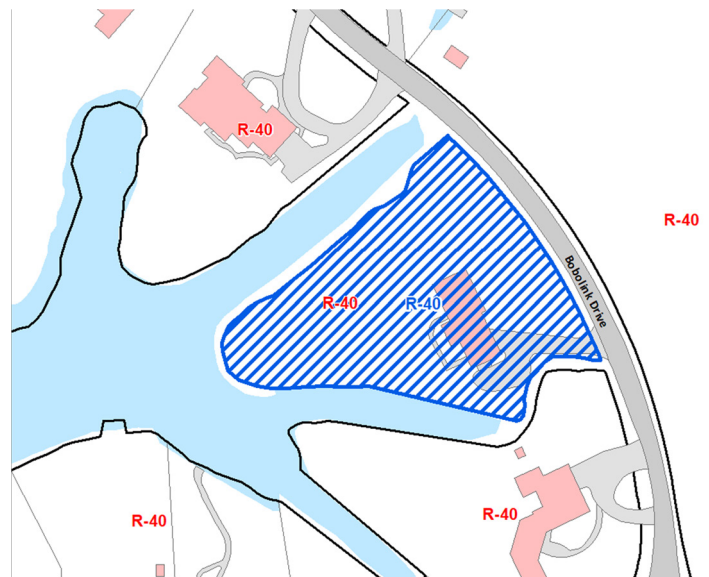
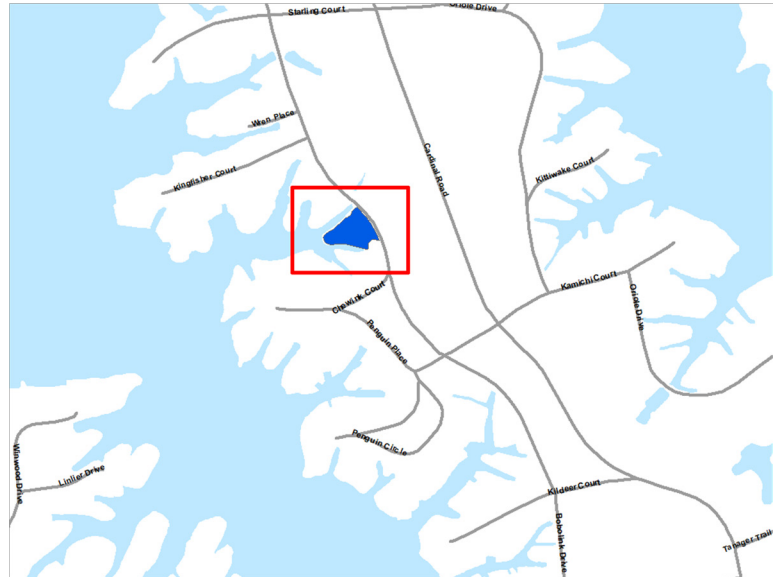
**Non-Vegetated:** 972 square feet

**Subaqueous:** 1,639 square feet

**Overall length of proposed structure:** 568 linear feet

**Proposed Mitigation and/or Compensation**

On-site



Site Aerial Map







**Agent**  
 David Kledzik  
 Marine Engineering LLC

**Location**  
 3288 Page Avenue

**GPIN**  
 1489-89-3544

**Staff Planner**  
 Heaven Manning

**Proposal**  
 To construct a replacement walkway, landing, and steps involving Coastal Primary Sand Dune/Beach

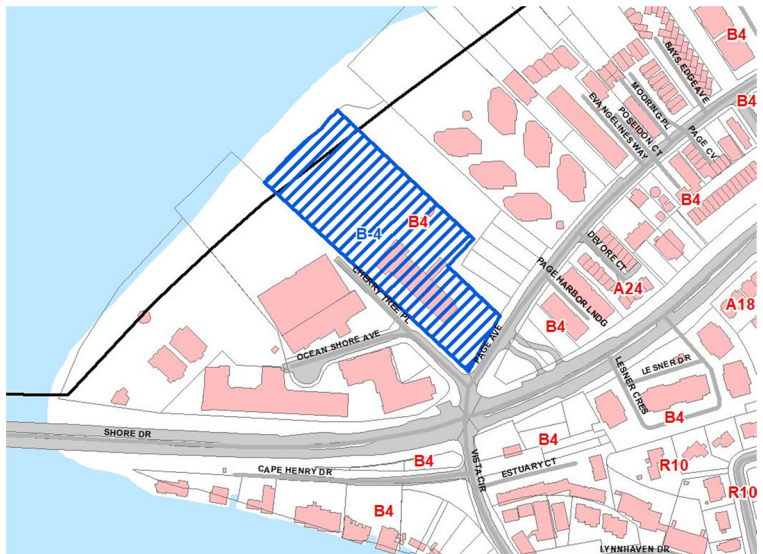
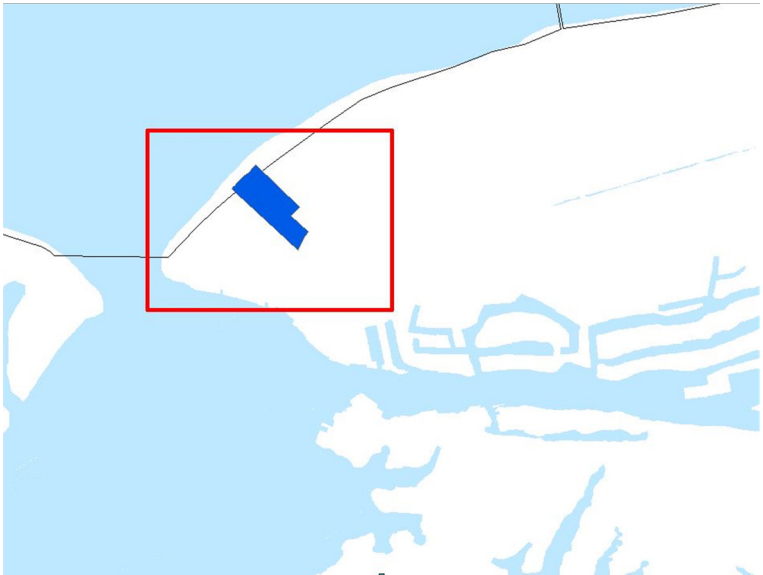
**Staff Recommendation**  
 Approval as Submitted

**Waterway**  
 Chesapeake Bay

**Subdivision**  
 Cape Henry Towers

**Impacts**  
**Dune/Beach:** 1,780 square feet – temporary  
 18 square feet - permanent

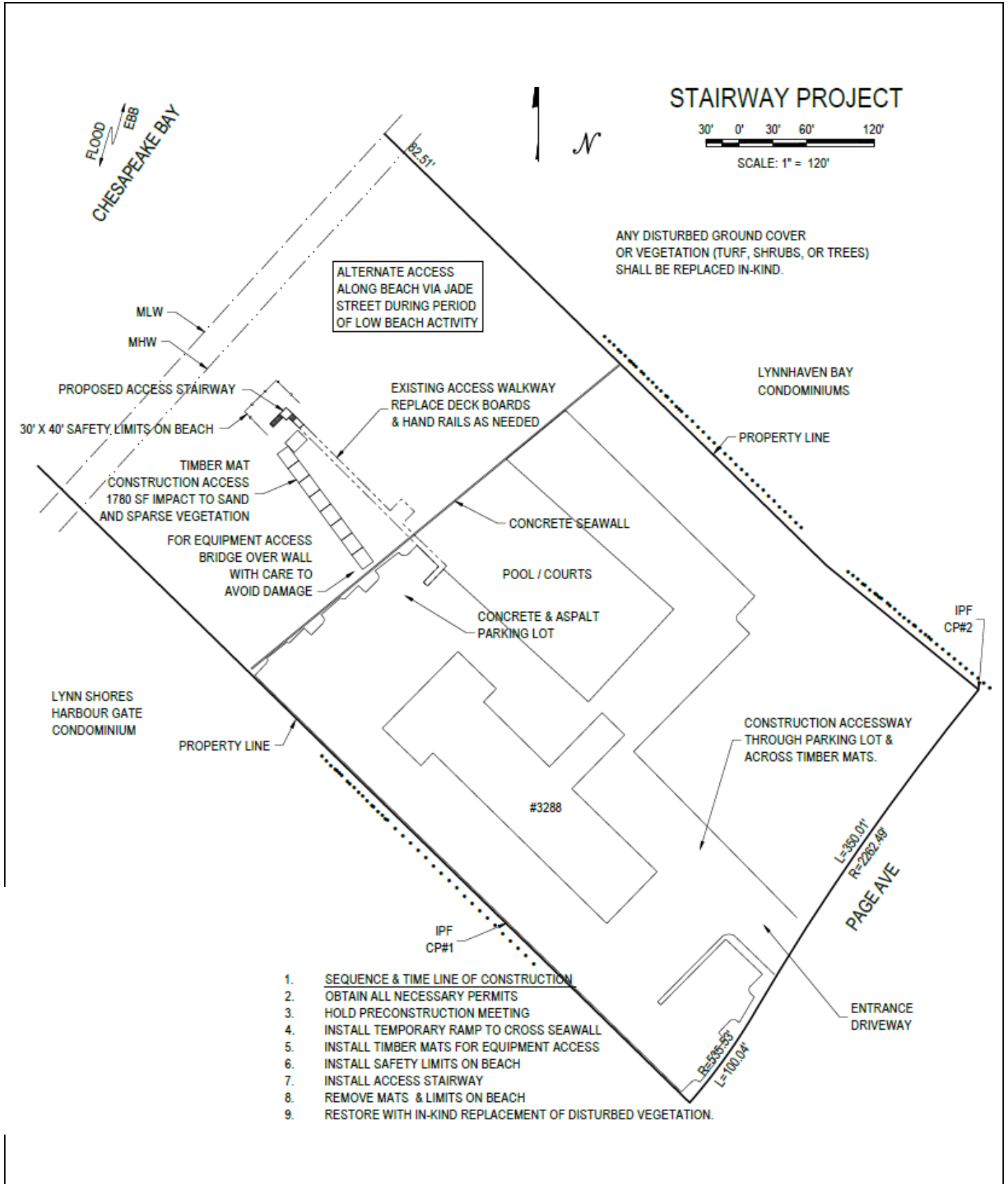
**Proposed Mitigation and/or Compensation**  
 N/A



# Site Aerial Map

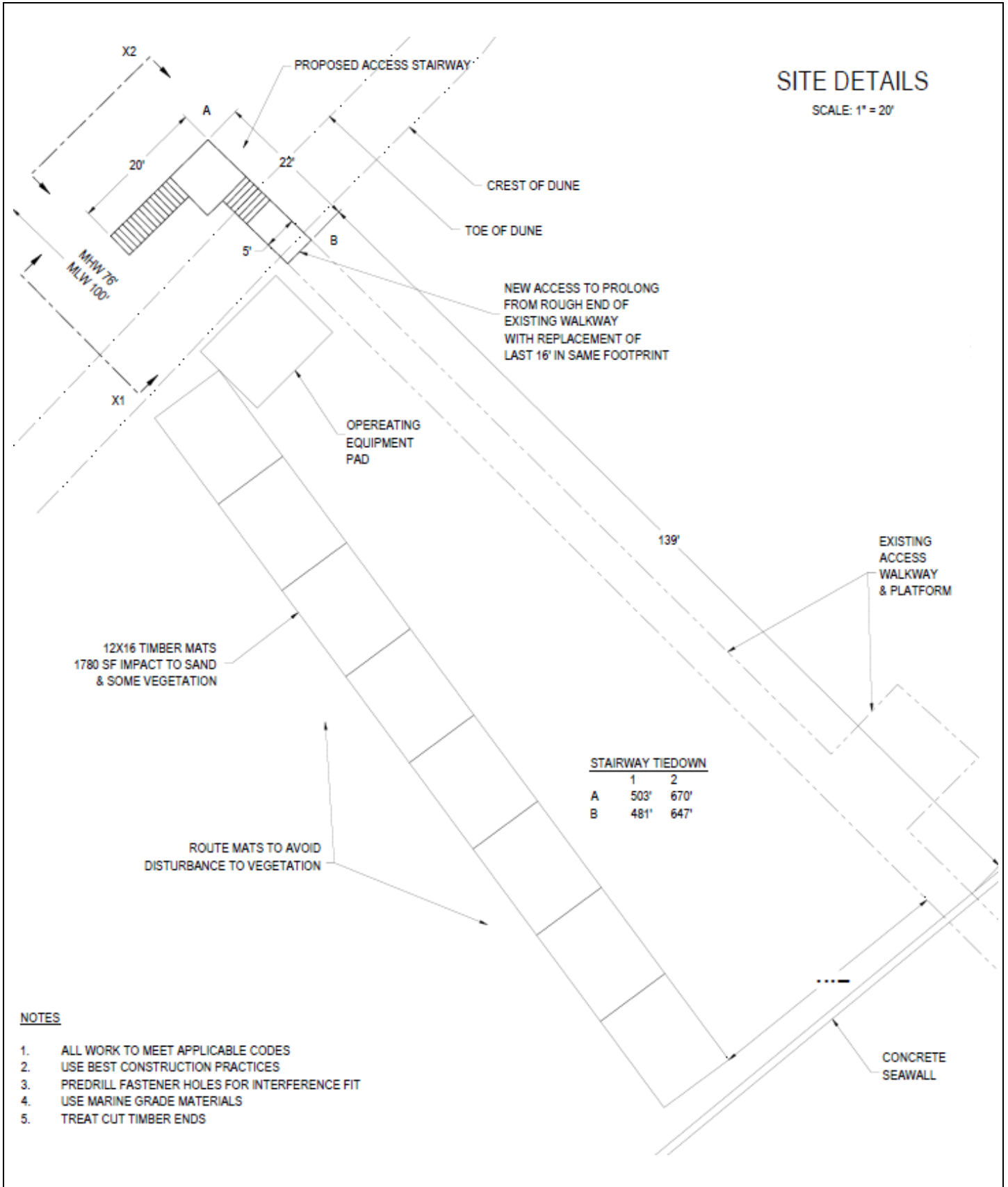


# Proposed Site Plan

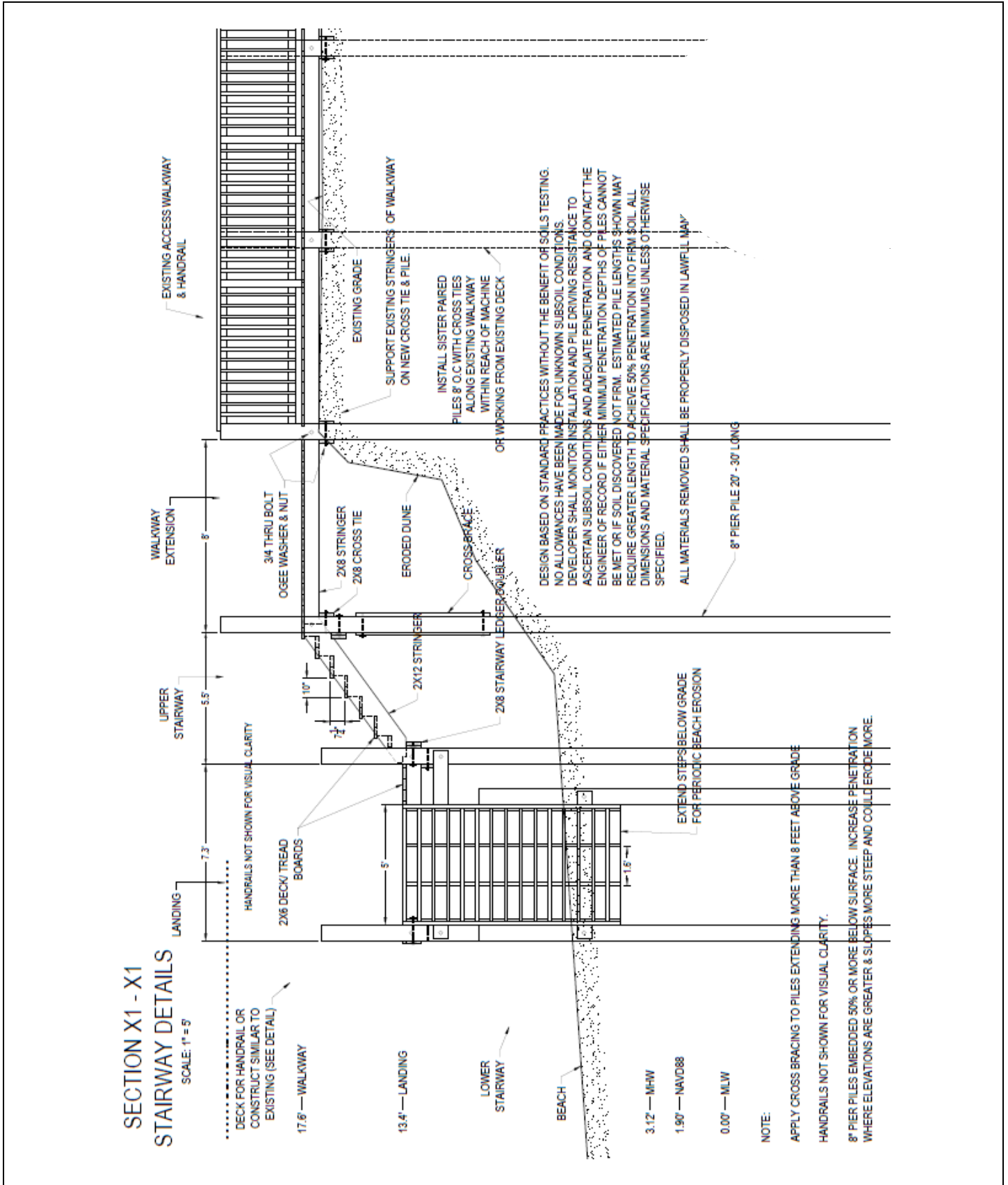




# Proposed Site Plan – Enlarged View

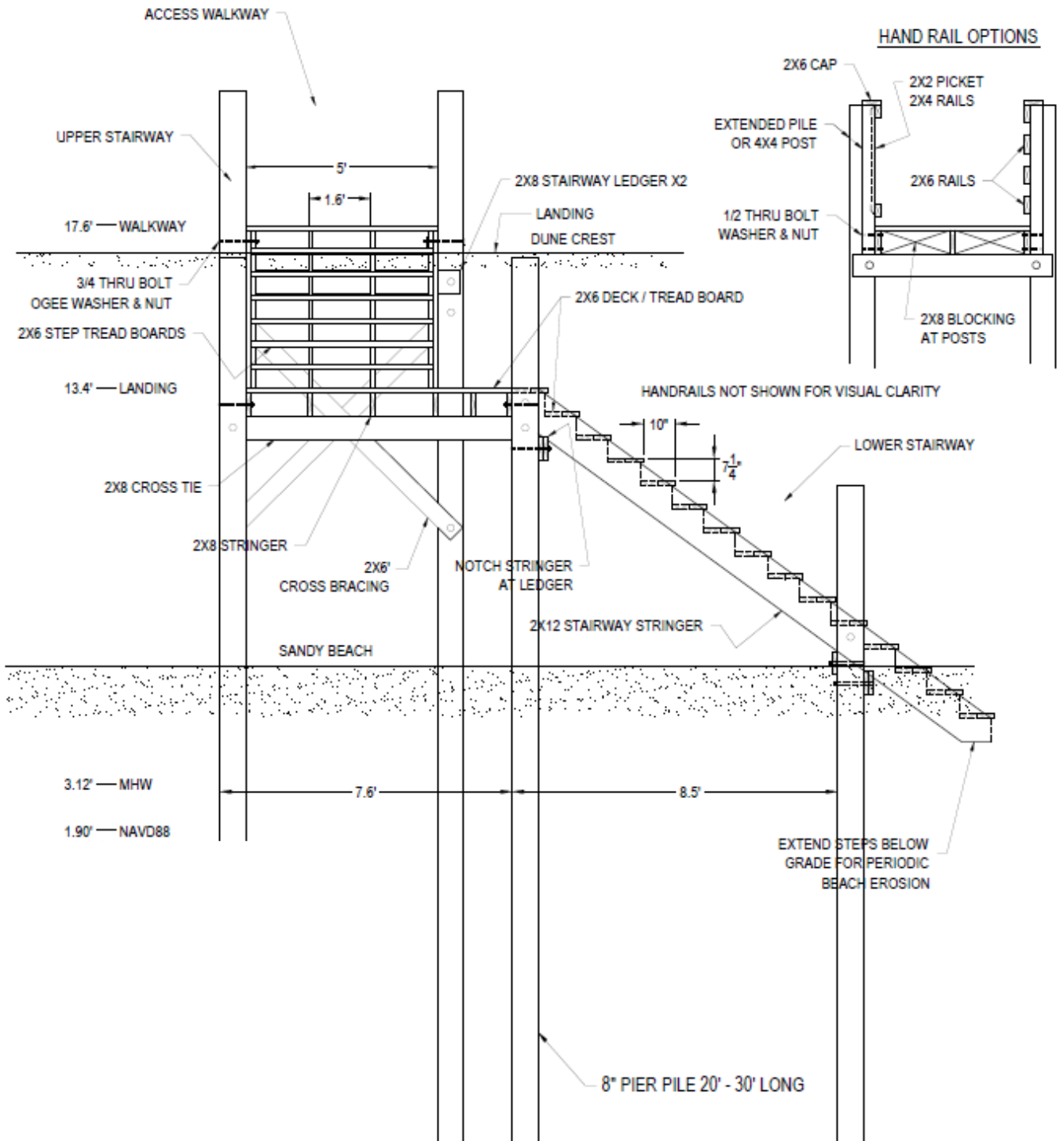


# Proposed Site Plan – Section Elevation 1



## SECTION X2 - X2 PROPOSED STAIRWAY DETAILS

SCALE: 1" = 4'





Site Photos





Site Photos





Site Photos





## CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. There are no known recent Chesapeake Bay Preservation Area (CBPA) Board variances for this property.

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

## Summary of Proposal

The applicant is proposing to construct a replacement walkway, landing, and steps to provide beach access. The proposed walkway replacement and stairway is 5' wide and will extend 24' beyond end of remaining walkway and face of eroded dune.

The project will temporarily impact 1,780 square feet of the beach with the placement of timber mats to be used during construction. The project will permanently impact 18 square feet of beach due to anchoring the steps into the sand where the staircase meets the beach.

## Evaluation & Staff Recommendations

The Coastal Primary Sand Dune Protection Act declares that it is the "policy of the Commonwealth whenever reasonably necessary to preserve and protect coastal primary sand dunes and to prevent their despoliation and destruction and whenever practical to accommodate necessary economic development in a manner consistent with the protection of such features." The project impacts to the dune/beach and resource are minimal. In addition, other properties in the area have similar walkways and steps down to the beach.

Accordingly, the Planning and Community Development Staff is of the opinion that the project is consistent with the Commonwealth's stated policy governing coastal primary dunes/beaches and recommends the project be **approved as submitted** as shown on the plans titled "Proposed project for access", sealed on September 6, 2022, prepared by Marine Engineering LLC.

## 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.