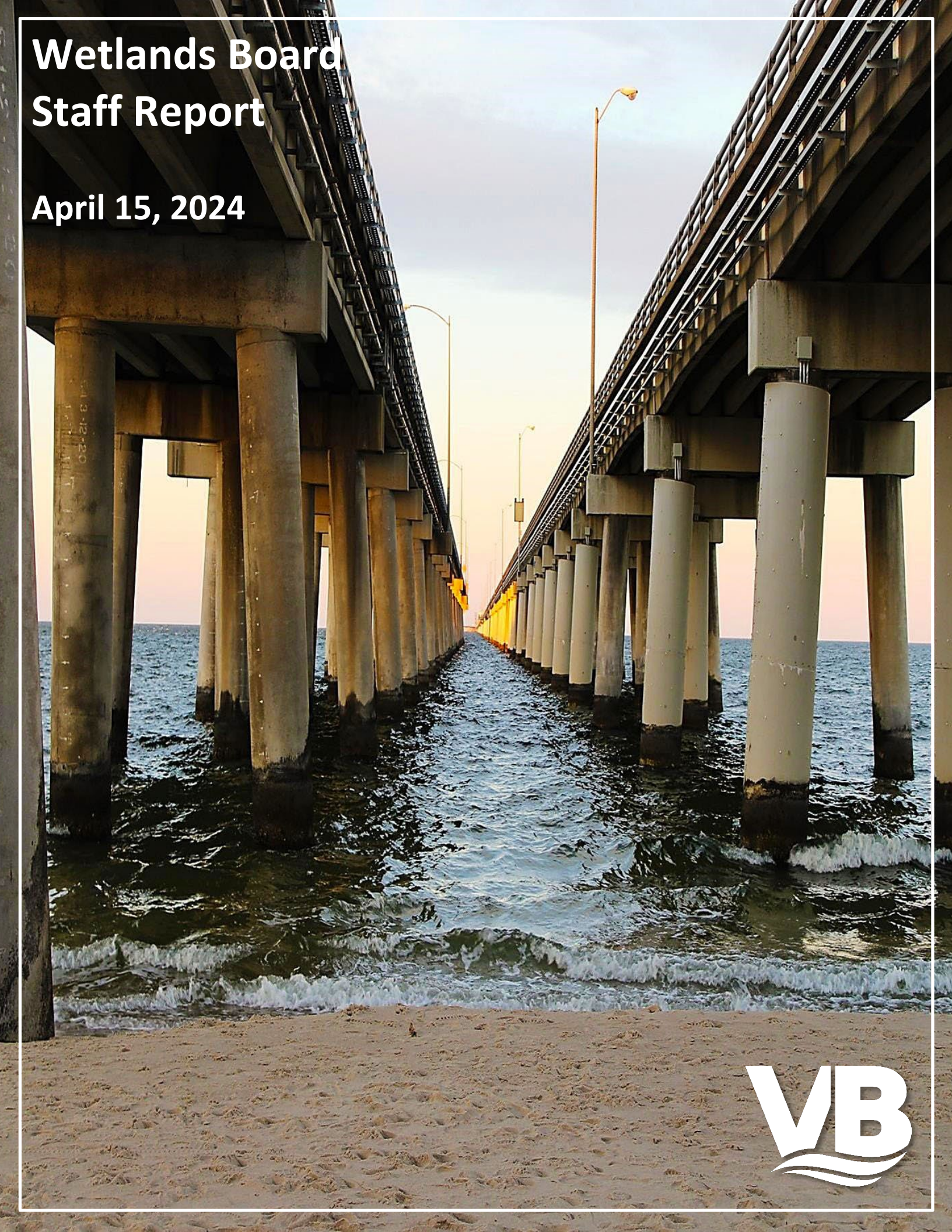


Wetlands Board Staff Report

April 15, 2024



Virginia Beach Wetlands Board

Public Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, April 15, 2024** at 10:00 a.m. in the 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: April 15, 2024

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 Agenda Items	
<p>1. 2024-WTRA-00038 Christopher C. & Angela S. Sinesi [Applicants] Christopher C. Sinesi Revocable Trust & Angela M. Sinesi Revocable Trust [Owners]</p> <p>1600 & 1601 Spring House Trail GPINs 1489-23-8073 & 1489-22-4890 City Council District: District 9</p> <p>Waterway – Western Branch Lynnhaven River Subdivision – Church Point Farm</p> <p>Request: To construct a rip rap revetment and rip rap sill involving wetlands.</p>	
<p>2. 2024-WTRA-00045 Frank M. Kelly, Jr. & Suzanne Kelly [Applicant] Kelly Family Trust [Owner]</p> <p>2913 Sandpiper Road GPIN 2433-34-4841 City Council District: District 2</p> <p>Waterway – Bass Inlet Subdivision – Sandbridge</p> <p>Request: To construct a bulkhead and return walls involving wetlands.</p>	

PAGE LEFT BLANK



Application Number: **2024-WTRA-00038**
 Applicant: **Christopher C. & Angela S. Sinesi**
 Public Hearing: **April 15, 2024**
 City Council District: **District 9**

Agenda Item

1

Applicant's Agent

Billy Garrington - Governmental Permitting Consultants

Location

1600 & 1601 Spring House Trail

GPINs

1489-23-8073 & 1489-22-4890

Staff Planner

Heaven Manning

Proposal

To construct a rip rap revetment and rip rap sill involving wetlands.

Staff Recommendation

Approval as Modified

Waterway

Western Branch Lynnhaven River

Subdivision

Church Point Farm

Impacts

Vegetated: 992 square feet

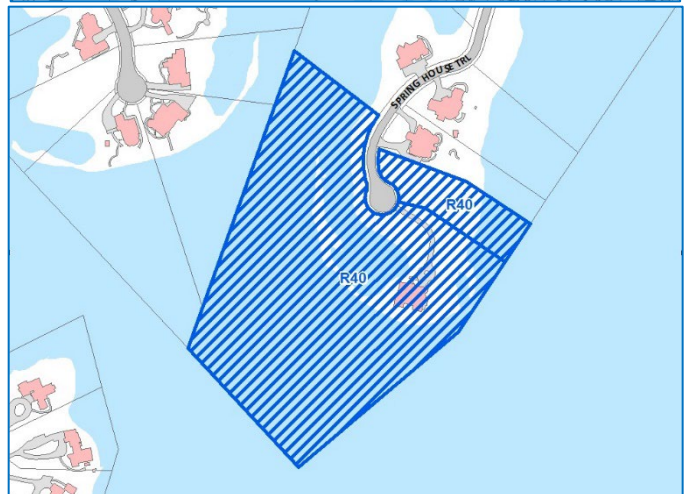
Non-Vegetated: 2,632 square feet

Subaqueous: 4,559 square feet

Overall length of proposed structures: 741 linear feet of rip rap revetment, 299 linear feet of rip rap sill.

Proposed Mitigation and/or Compensation

On-site



CBPA Variances & Wetlands Board Permit History

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

- A variance to construct a pool, and associated decking, pedestrian walkways, steps, and additional deck was granted on August 27, 2001.
- A variance to construct a timber retaining wall, backfill, and tree removal was granted on January 25, 1999.
- A variance to construct a single-family residence, concrete driveway, two-story garage, wood decks, pool with associated decking, and timber bulkhead was granted on May 22, 1998.

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

Summary of Proposal

The shoreline along the eastern and western sides of the property is protected by bulkheads. The shoreline along the southern end of the property is protected by a rip rap revetment. The existing bulkheads are showing signs of deterioration along the seaward face of the structures. As such, the applicant proposes to construct 741 linear feet rip rap revetment in front of the existing timber bulkheads. Along the southern end of the property, additional rip rap will be placed channelward of the existing revetment. At the southwestern end of the property, 299 linear feet of rip rap sill will be constructed along the seaward edge of the existing fringe marsh. The rip rap for the revetment will consist of Class I and II granite stone. The rip rap for the sill will consist of Class I granite stone.

As designed the proposed project will impact approximately 2,632 square feet of non-vegetated wetlands and 849 square feet of vegetated wetlands. The applicant is proposing to mitigate on-site with 2,632 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat. Along the northeastern edge of the rip rap, in front of the rip rap approximately 996 square feet of uplands will be converted to vegetated wetlands. The mitigation area will be graded to an elevation of 1.7 feet (NAVD 88) and sprigged with *Spartina patens*, salt meadow cordgrass.

Evaluation & Staff Recommendations

The applicant desires to reinforce the existing timber bulkheads that are currently protecting the property's shoreline by installing 741 linear feet of rip rap revetment channelward of the existing bulkhead and 299 linear feet of rip rap sill. Staff concurs with the applicant that the proposed rip rap sill and rip rap revetment are warranted for this property, as the existing structures are reaching the end of their construction lifespan. Staff is of the opinion the rip rap sill and rip rap revetments will achieve the desired shoreline stabilization with the least impact on the upland property. A living shoreline is not appropriate for this site due to the existing improvements on the lot, height of the existing bulkheads, and the property experiences significant fetch and wave action.

Staff agrees with the on-site compensation method for the creation of 996 square feet vegetated wetlands and 2,632 square feet of non-vegetated wetlands impacts conversion to non-vegetated rock habitat. Staff is of the opinion that the creation of 996 square feet of vegetated wetlands will enhance the shoreline, and the vegetated wetlands will reduce the potential for future erosion along the shoreline.

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

1. Following the installation, an annual vegetation monitoring report shall be submitted to the Department of Planning & Community Development in mid-August for three (3) years. The annual report shall include photographs and a re-vegetation plan for any areas of where the vegetation has failed to establish. Should areas need to be re-vegetated, plant spacing may be arranged in rows or random clusters at 18-inches on center for average cover conditions.
2. Revised plans shall be submitted to the VMRC and shall ultimately be 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

Site Aerial Map



Part 3 – Appendices (continued)

Appendix B: Projects for Shoreline Stabilization in tidal wetlands, tidal waters and dunes/beaches including riprap revetments and associated backfill, marsh toe stabilization, bulkheads and associated backfill, breakwaters, beach nourishment, groins, jetties, and living shoreline projects. Answer all questions that apply. Please provide any reports provided from the Shoreline Erosion Advisory Service or VIMS.

NOTE: It is the policy of the Commonwealth that living shorelines are the preferred alternative for stabilizing tidal shorelines (Va. Code § 28.2-104.1). **Information on non-structural, vegetative alternatives (i.e., Living Shoreline) for shoreline stabilization is available at http://ccrm.vims.edu/coastal_zone/living_shorelines/index.html.**

1. Describe each **revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project** separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:

Construct 270 L.F. of rock sill on the seaward side of an existing marsh. Install 768 L.F. of class I and II granite rip rap revetment on the seaward side of a wood retaining wall. No backfill is required. Stone will be toed in and placed over filter fabric.

2. What is the maximum encroachment channelward of mean high water?² _____ feet.
Channelward of mean low water?² _____ feet.
Channelward of the back edge of the dune or beach? _____ feet.
3. Please calculate the square footage of encroachment over:
- Vegetated wetlands 992 square feet
 - Non-vegetated wetlands 2,632 square feet
 - Subaqueous bottom 4,559 square feet
 - Dune and/or beach n/a square feet

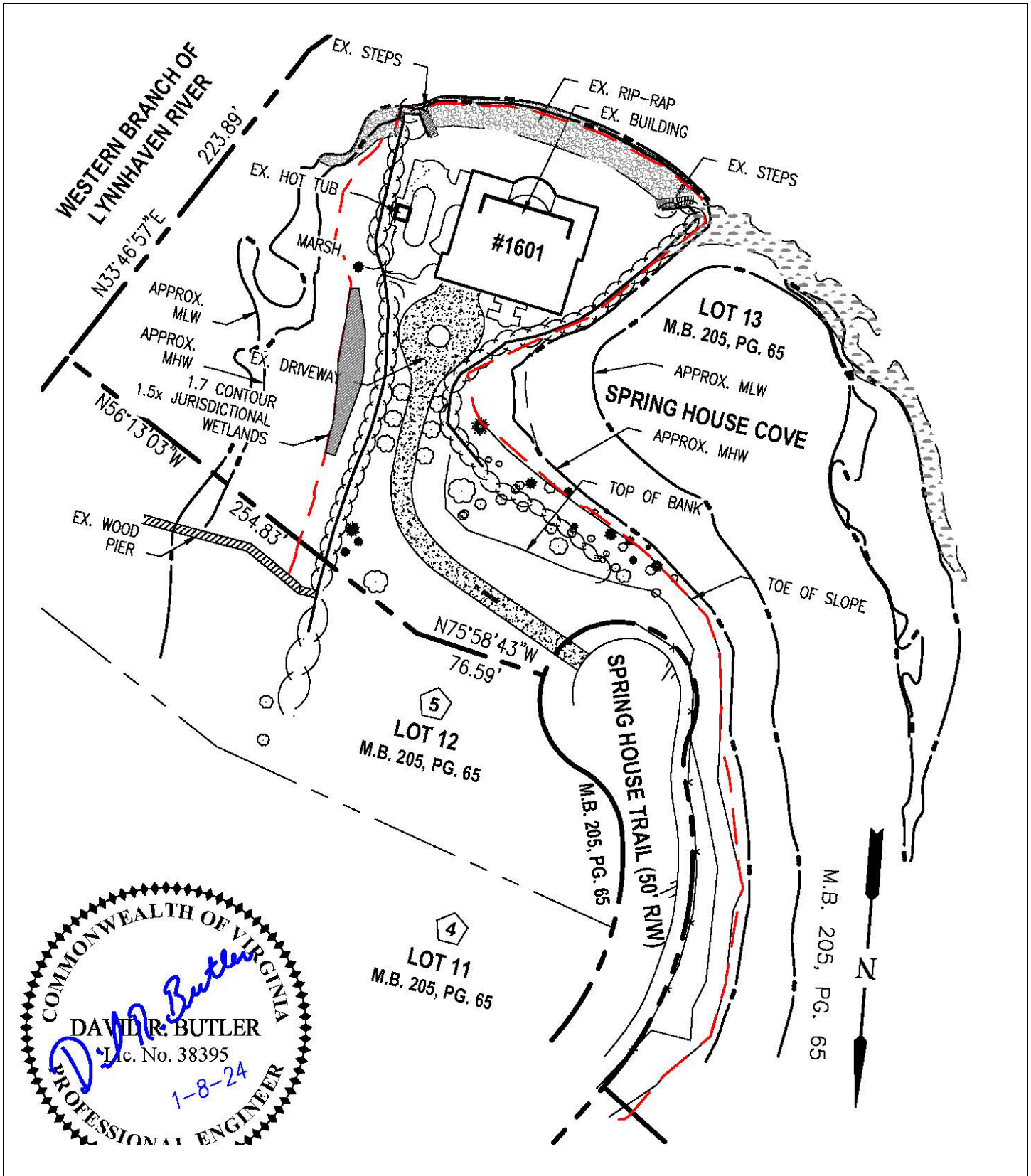
4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? ____ Yes ____ No.

If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? ____ Yes ____ No.

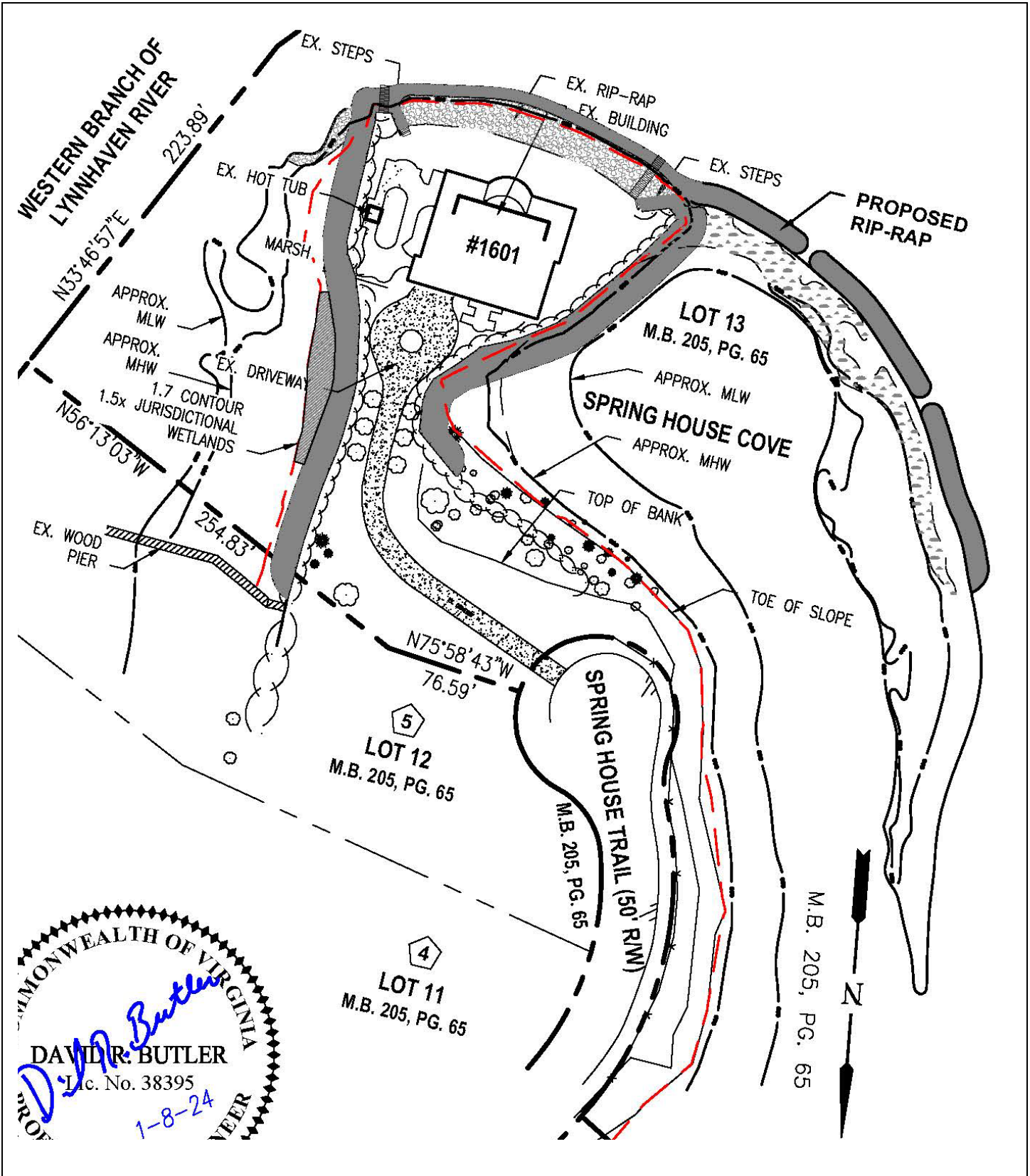
If no, please provide an explanation for the purpose and need for the additional encroachment.

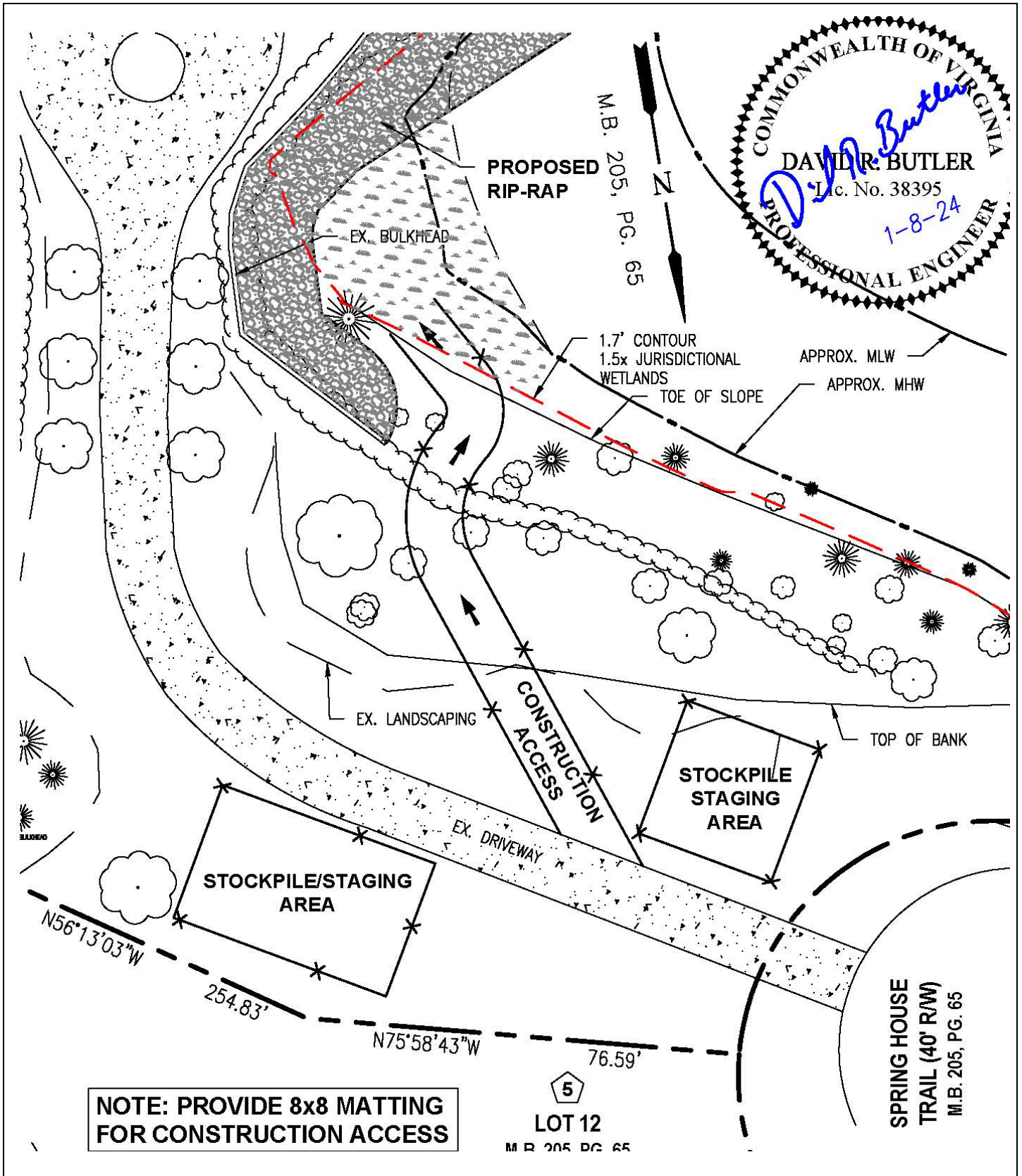
Received by VMRC February 21, 2024 /blh

Existing Conditions



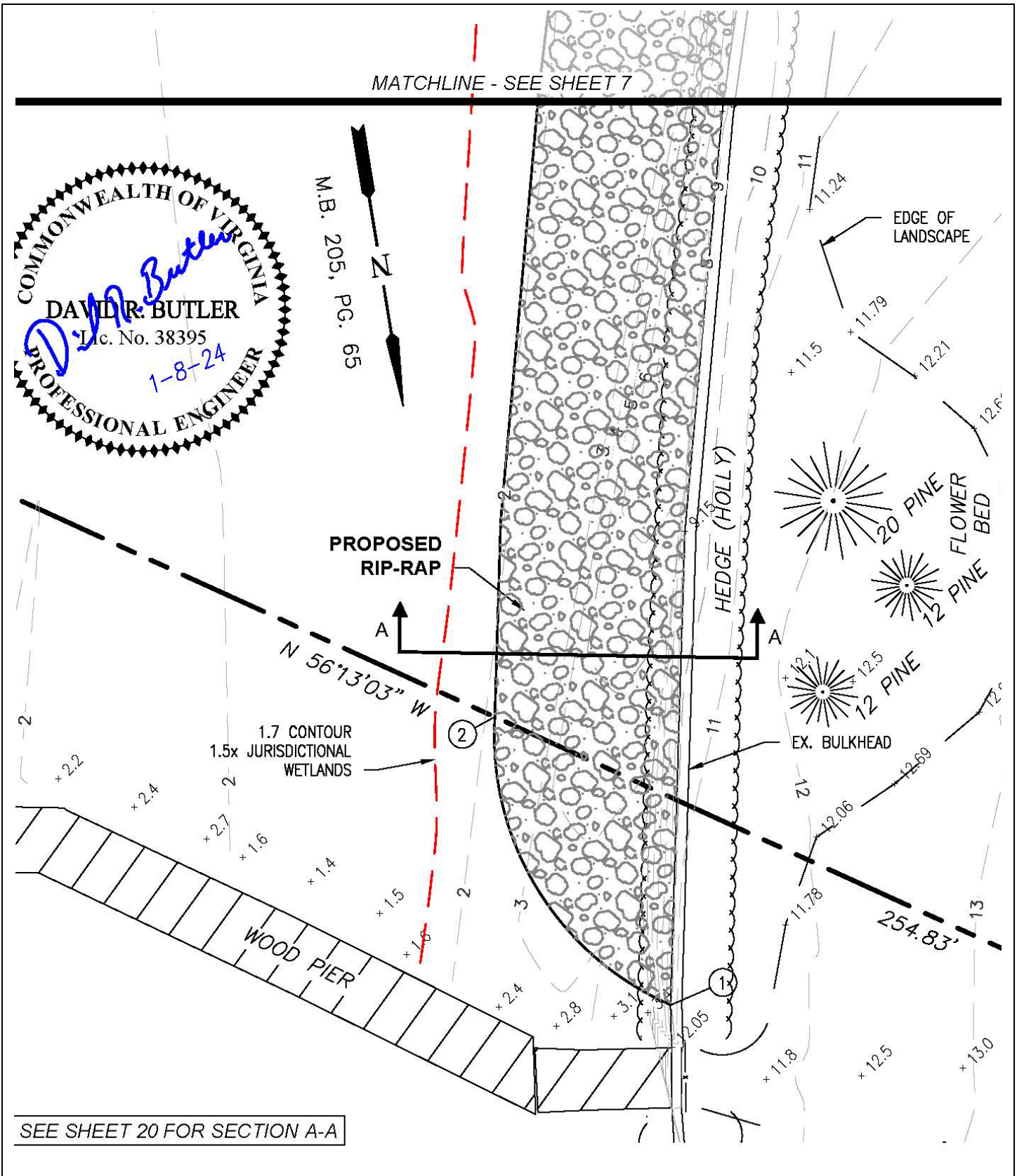
Proposed Improvements

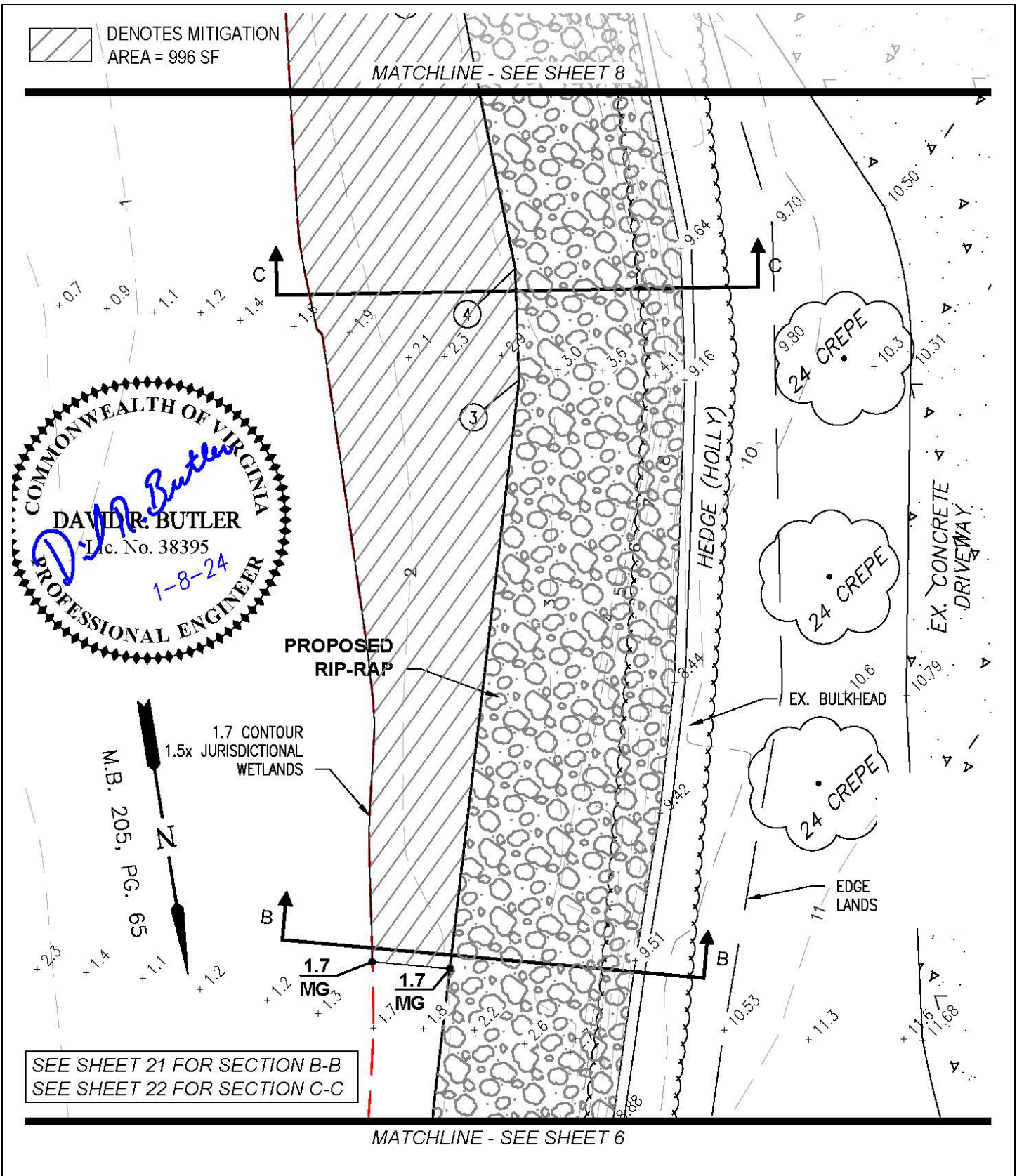


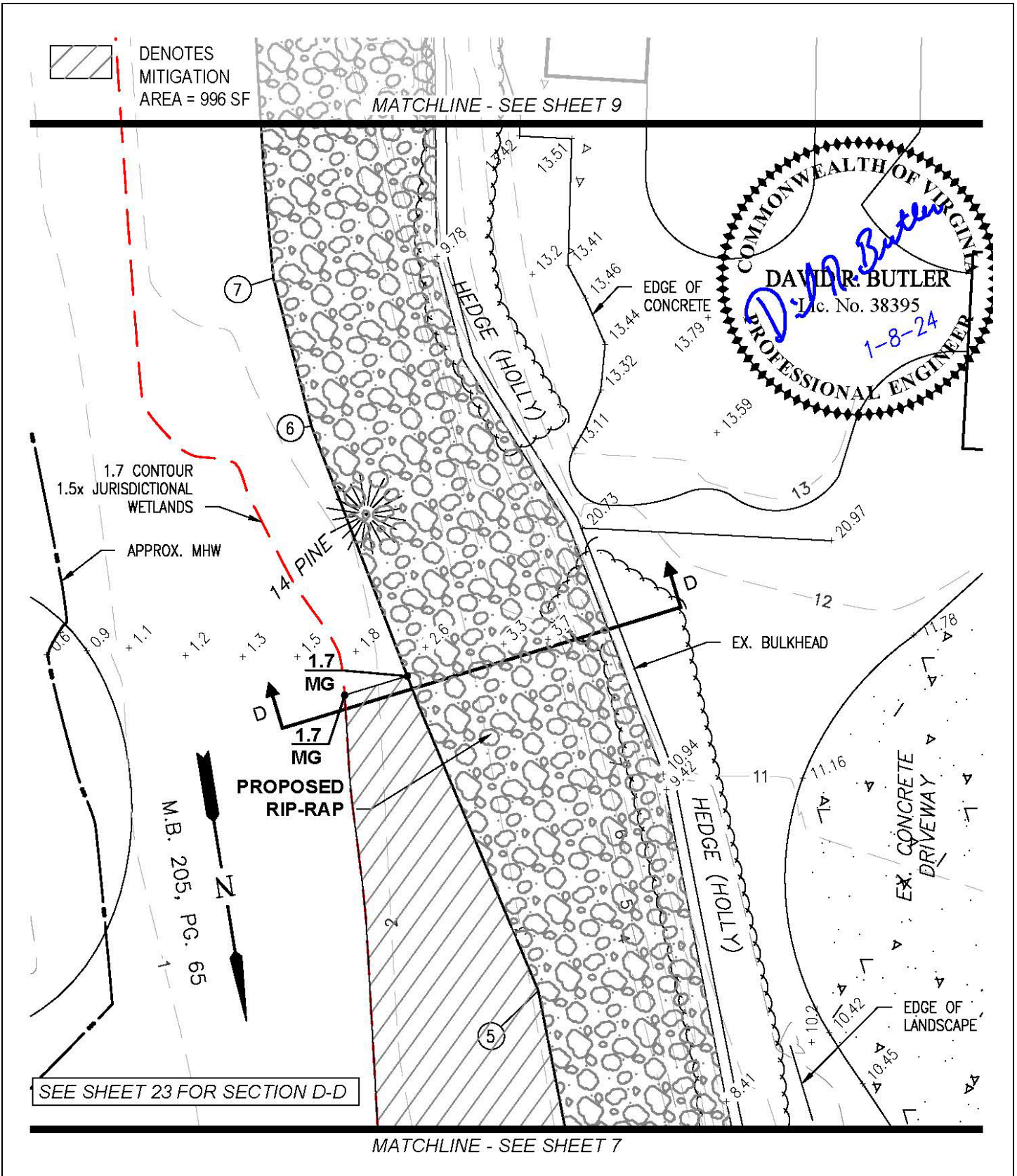


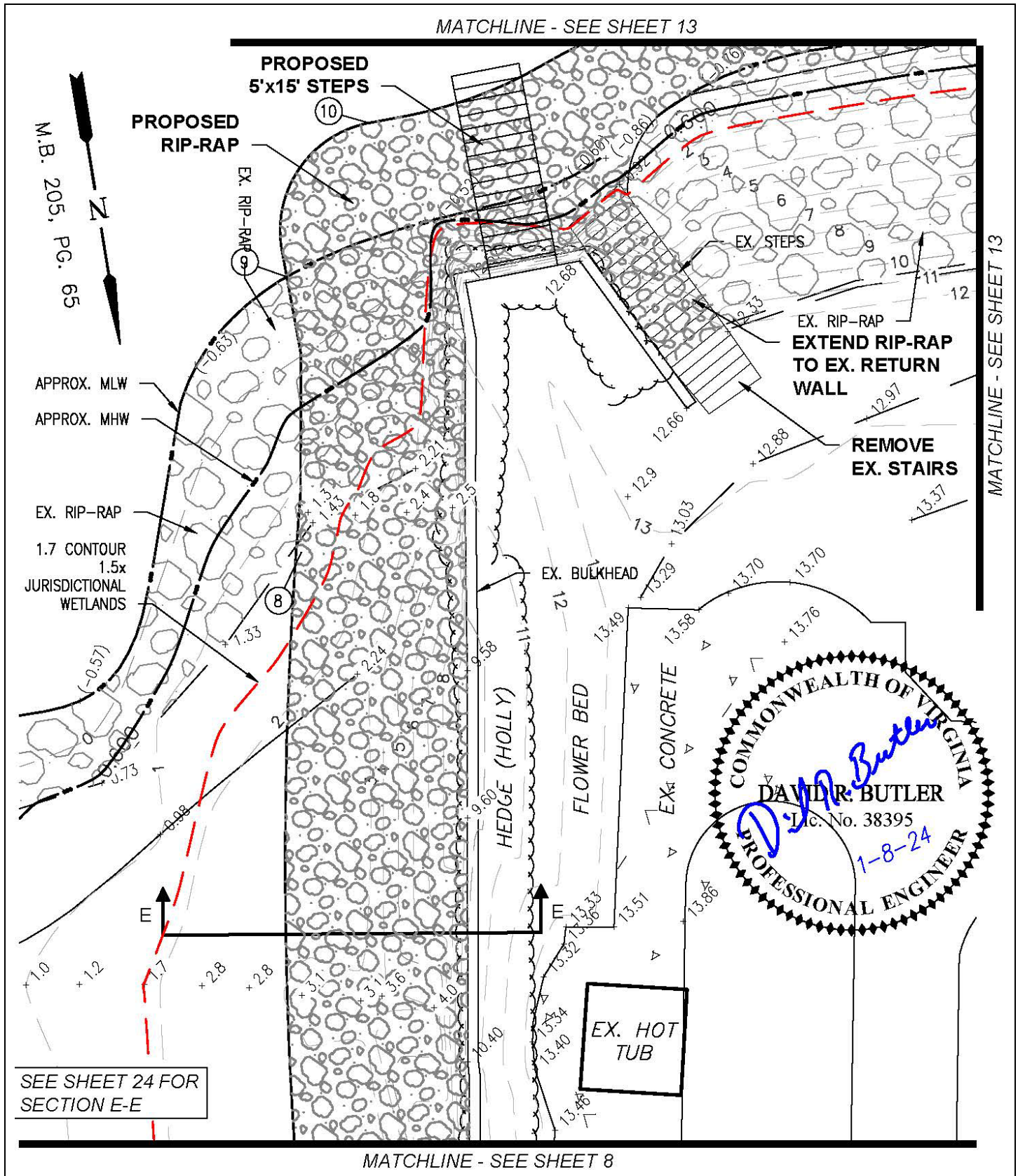
NOTE: PROVIDE 8x8 MATTING FOR CONSTRUCTION ACCESS

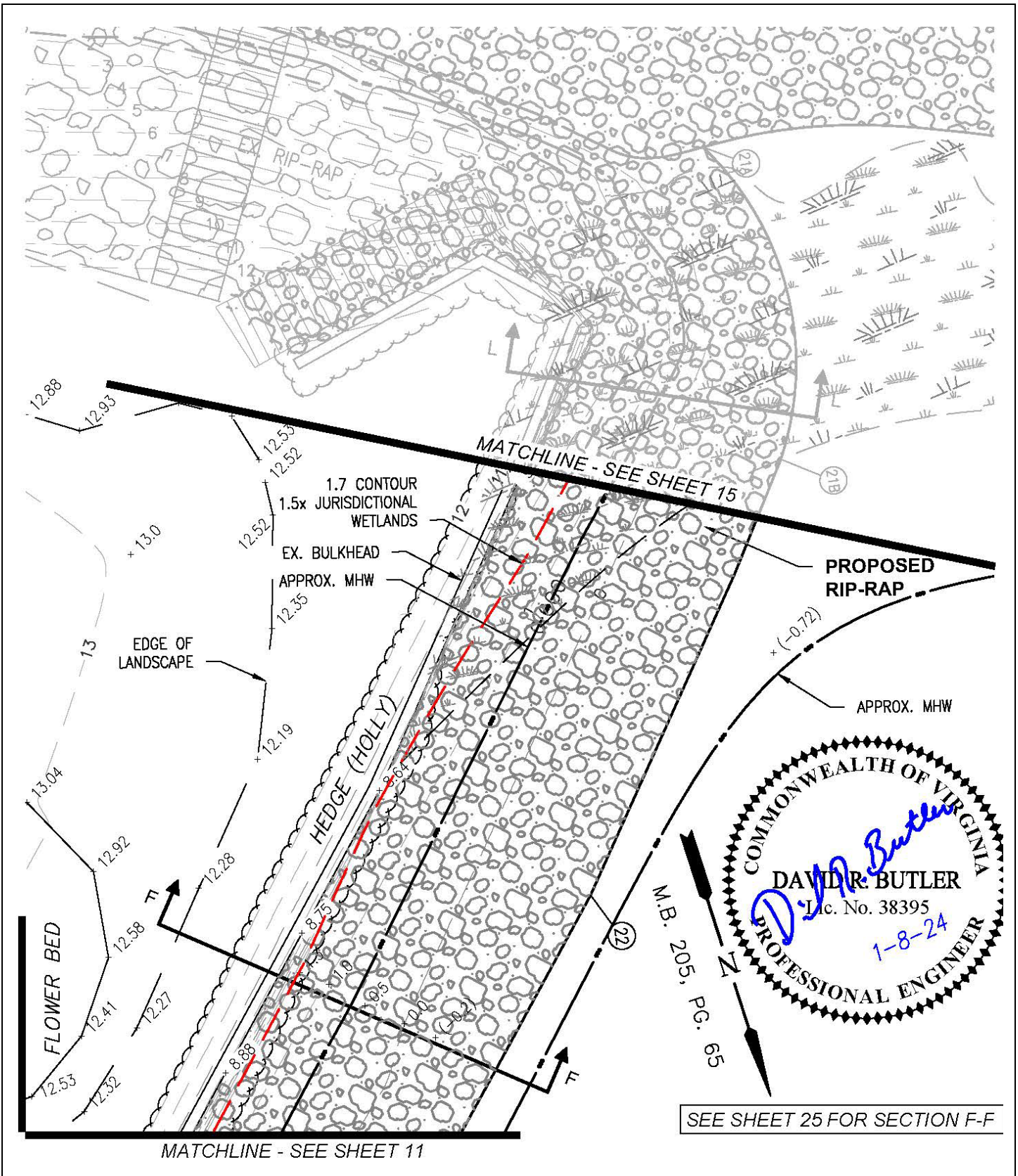
5
LOT 12
M.B. 205 PG. 65

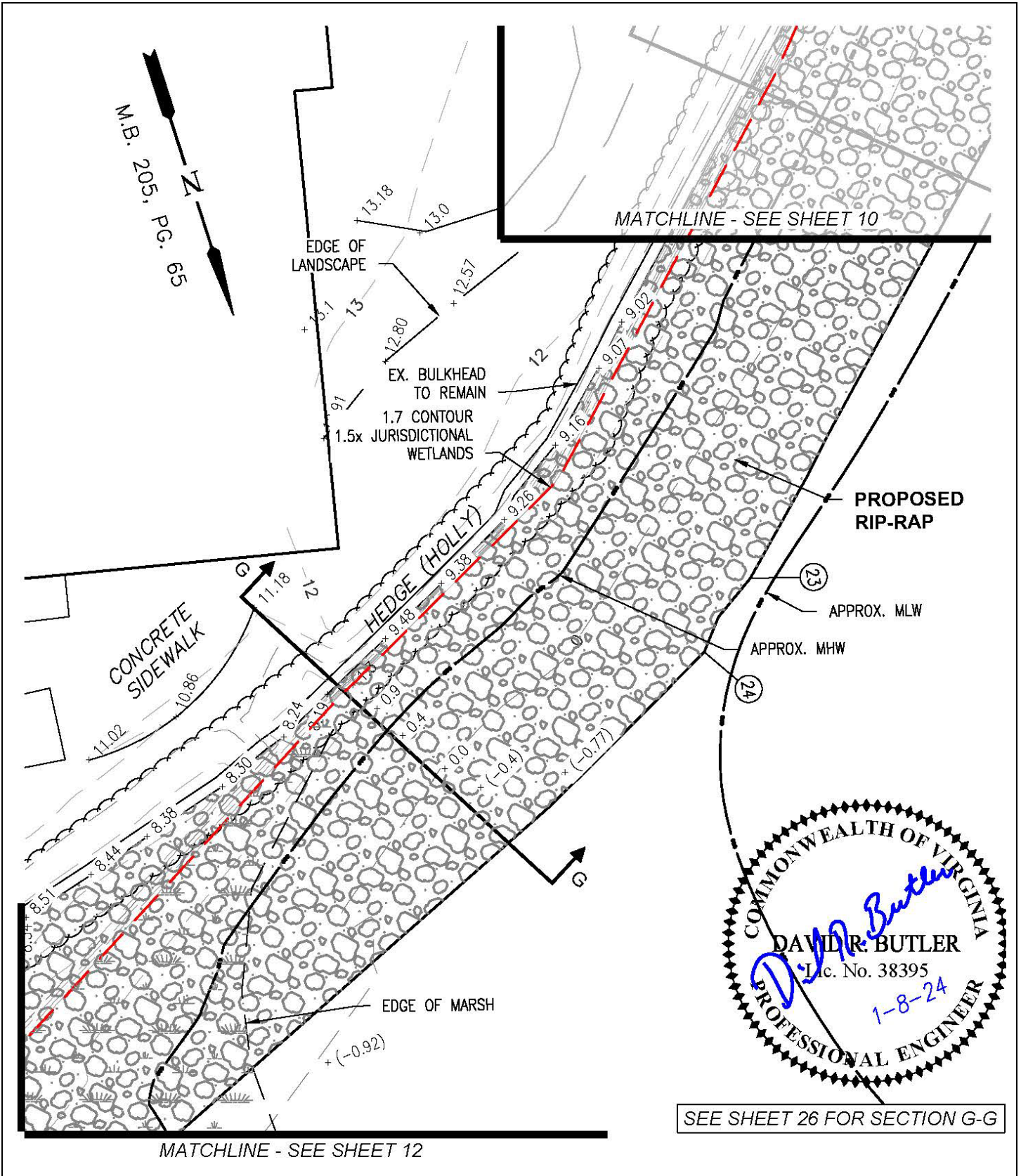


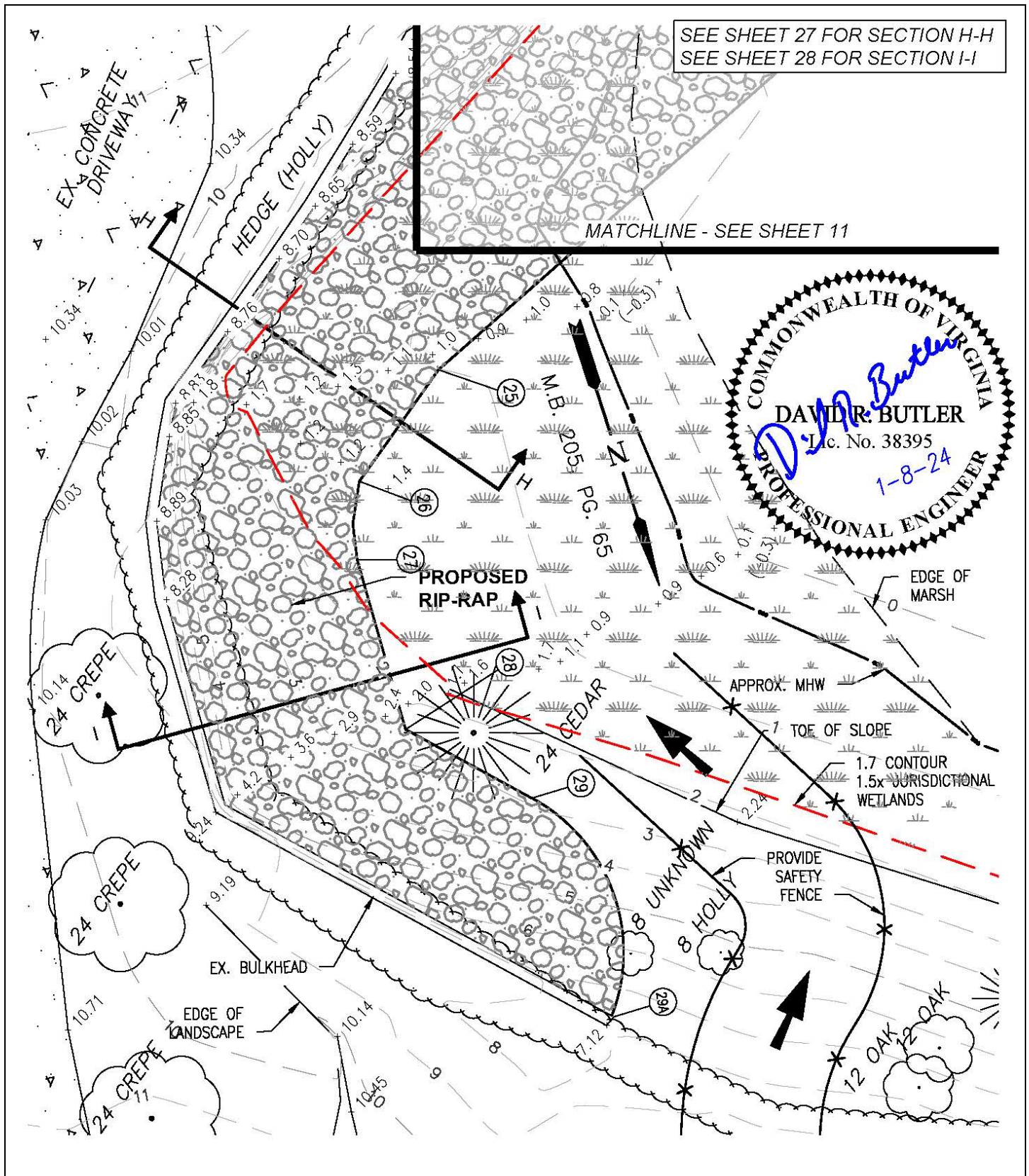


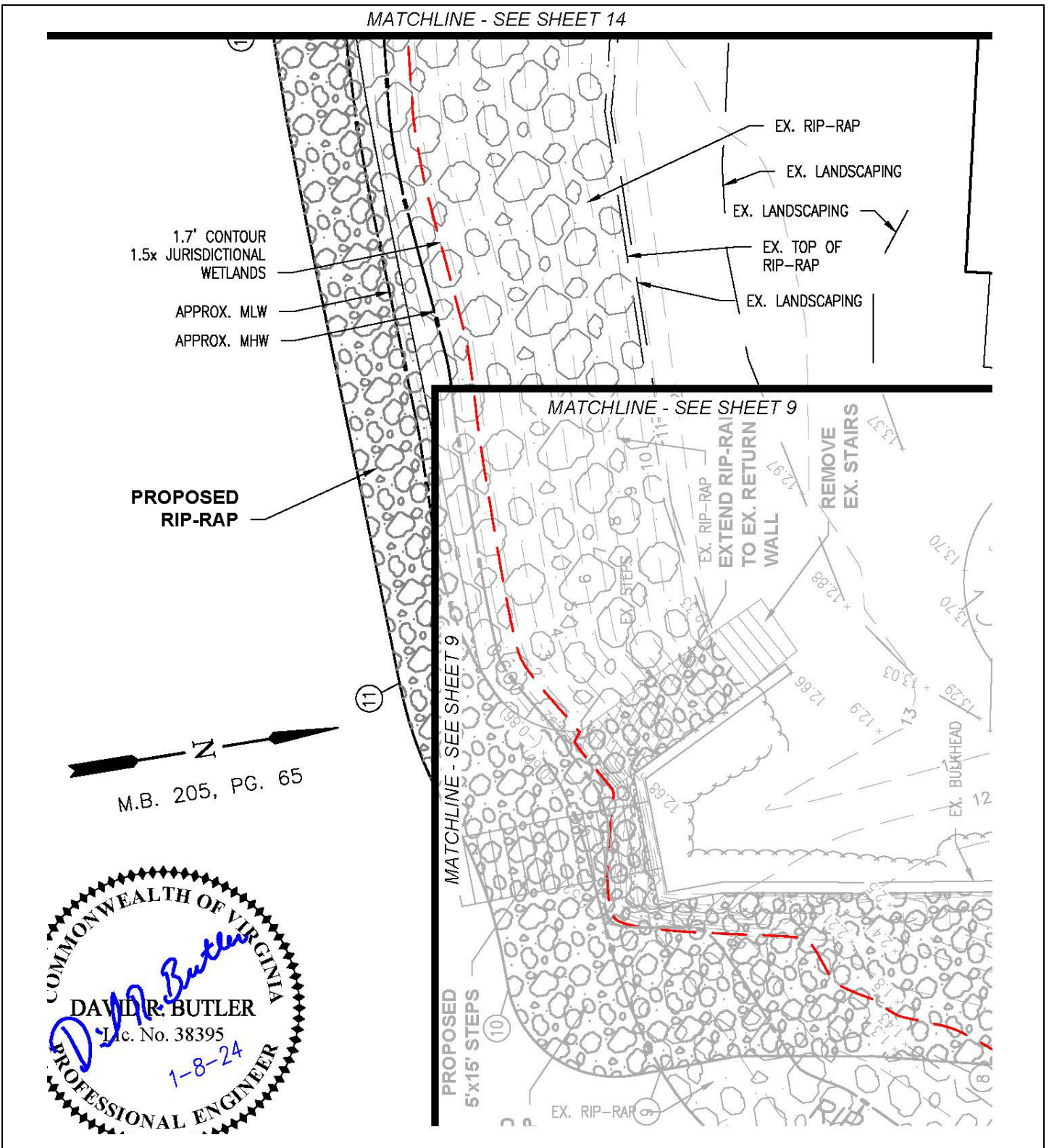


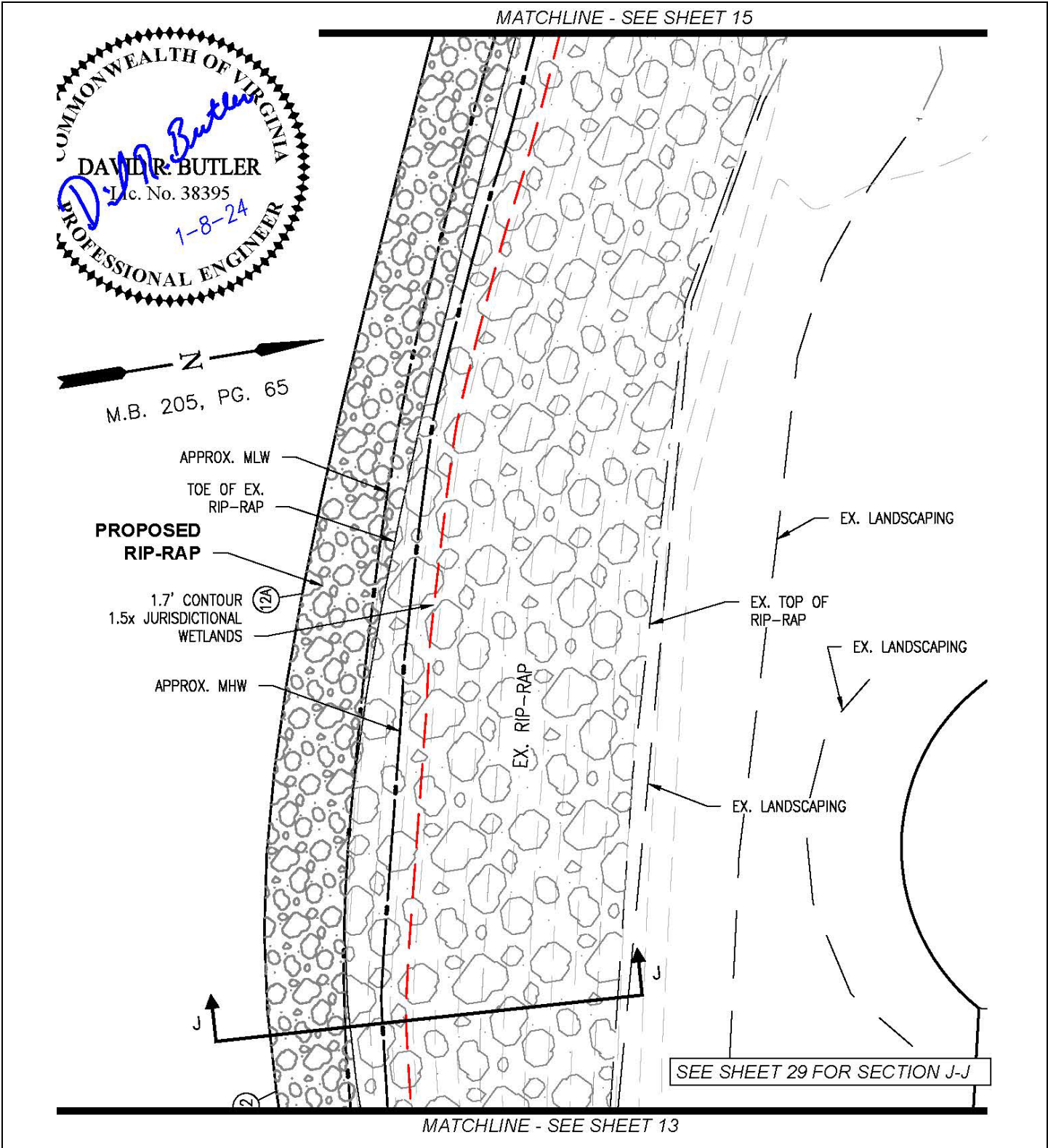


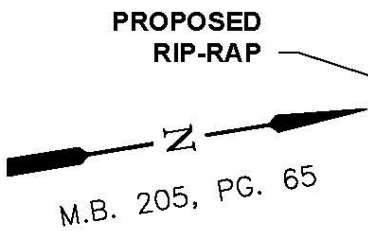
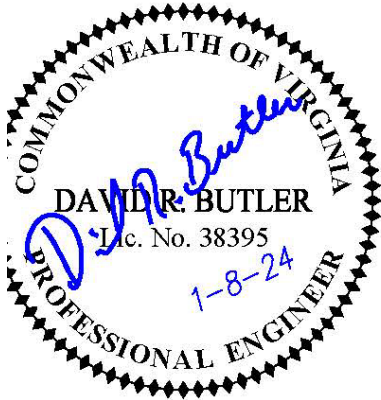












MATCHLINE - SEE SHEET 16

APPROX. MHW

EX. MARSH

PROPOSED
RIP-RAP

EXTEND RIP-RAP
TO EX. RETURN
WALL

TOE OF EX.
RIP-RAP

PROPOSED
5'x27' STEPS

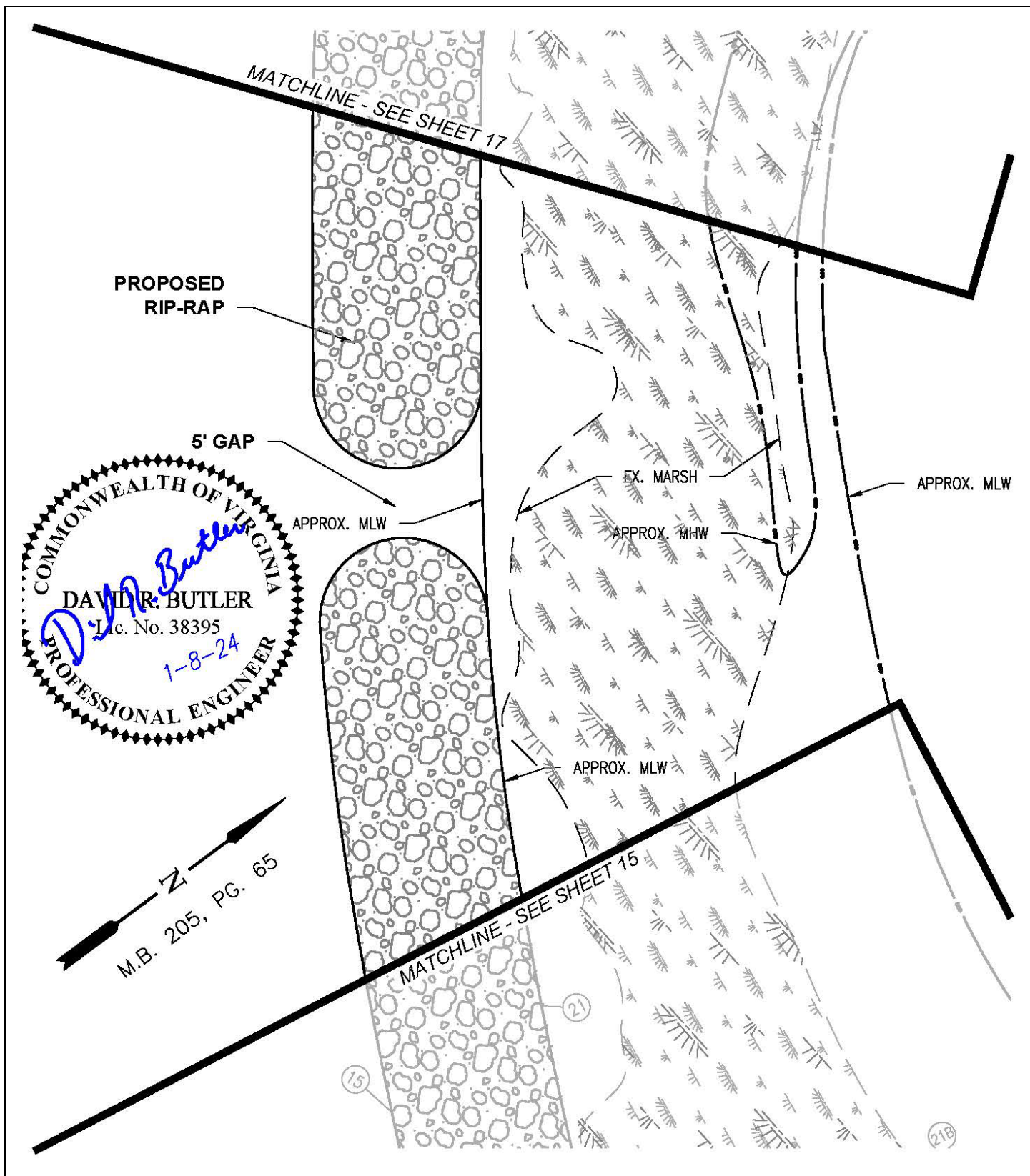
1.7' CONTOUR
1.5x JURISDICTIONAL
WETLANDS

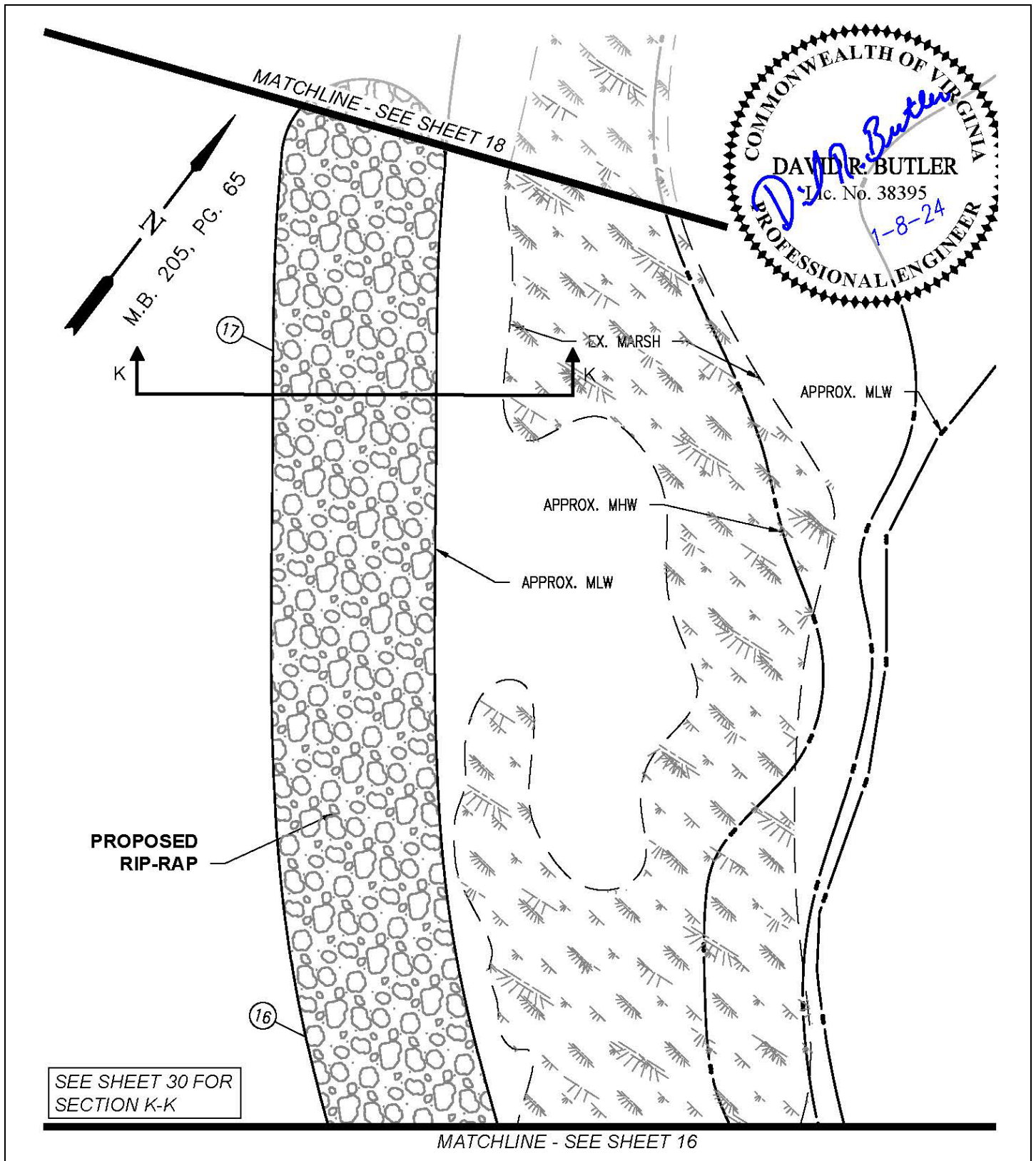
REMOVE
EX. STAIRS

MATCHLINE - SEE SHEET 10

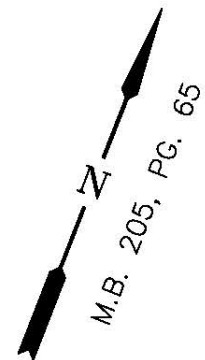
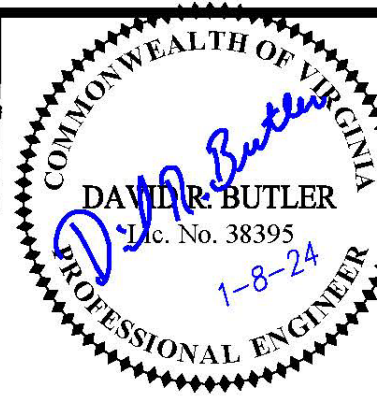
SEE SHEET 31 FOR SECTION L-L

MATCHLINE - SEE SHEET 14

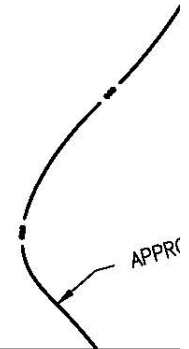
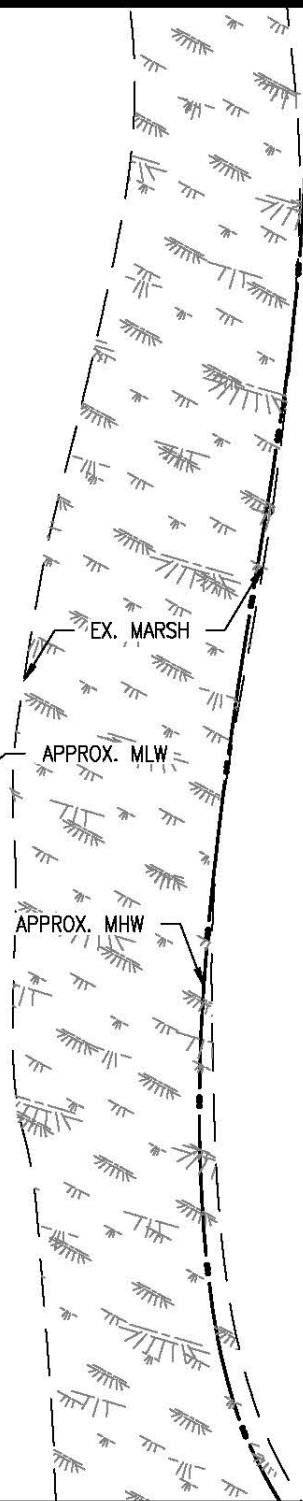
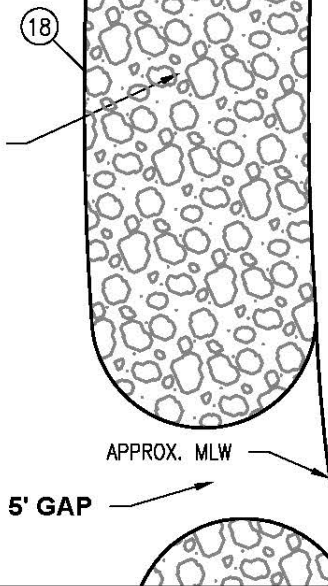




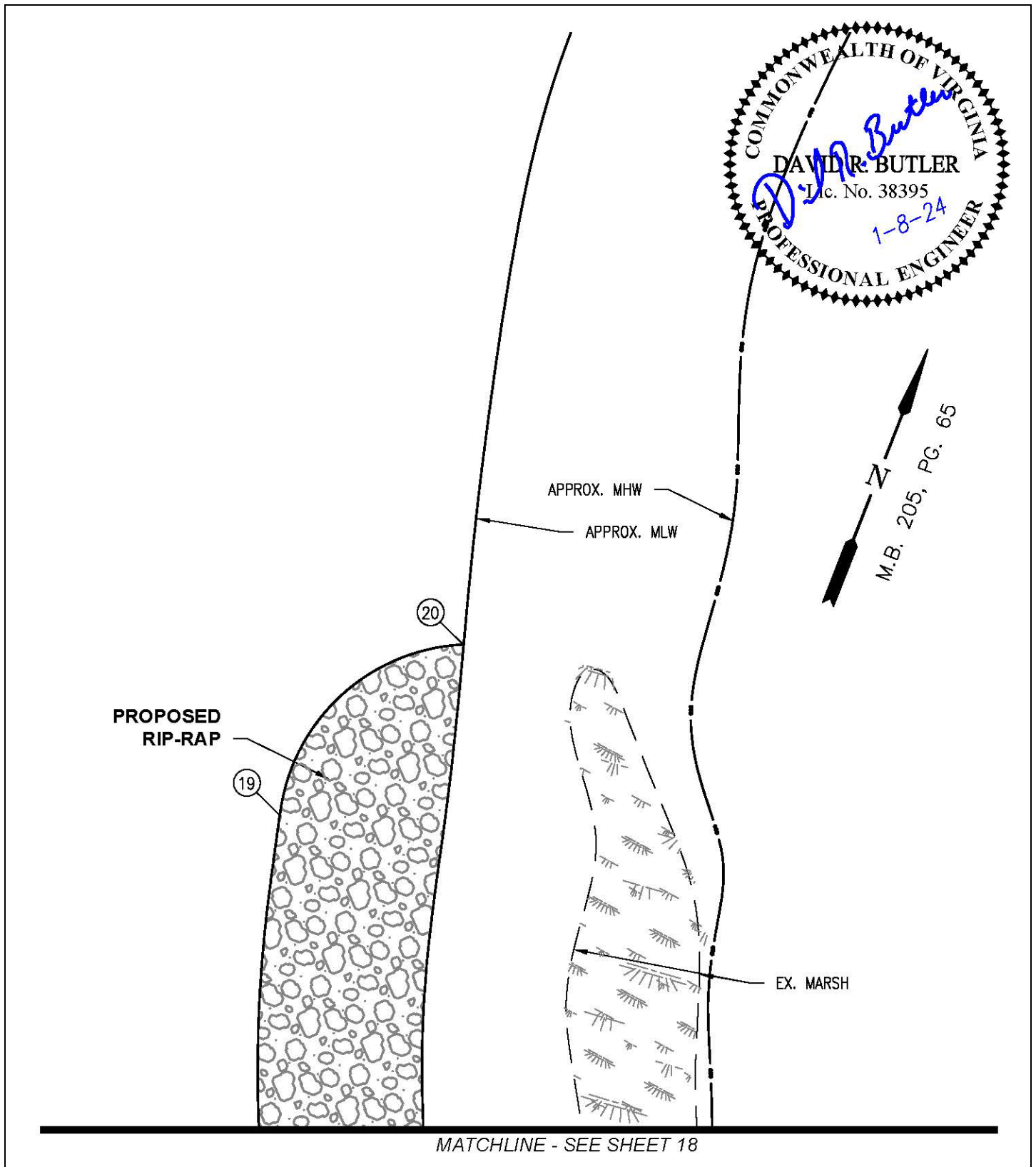
MATCHLINE - SEE SHEET 19



18
PROPOSED
RIP-RAP

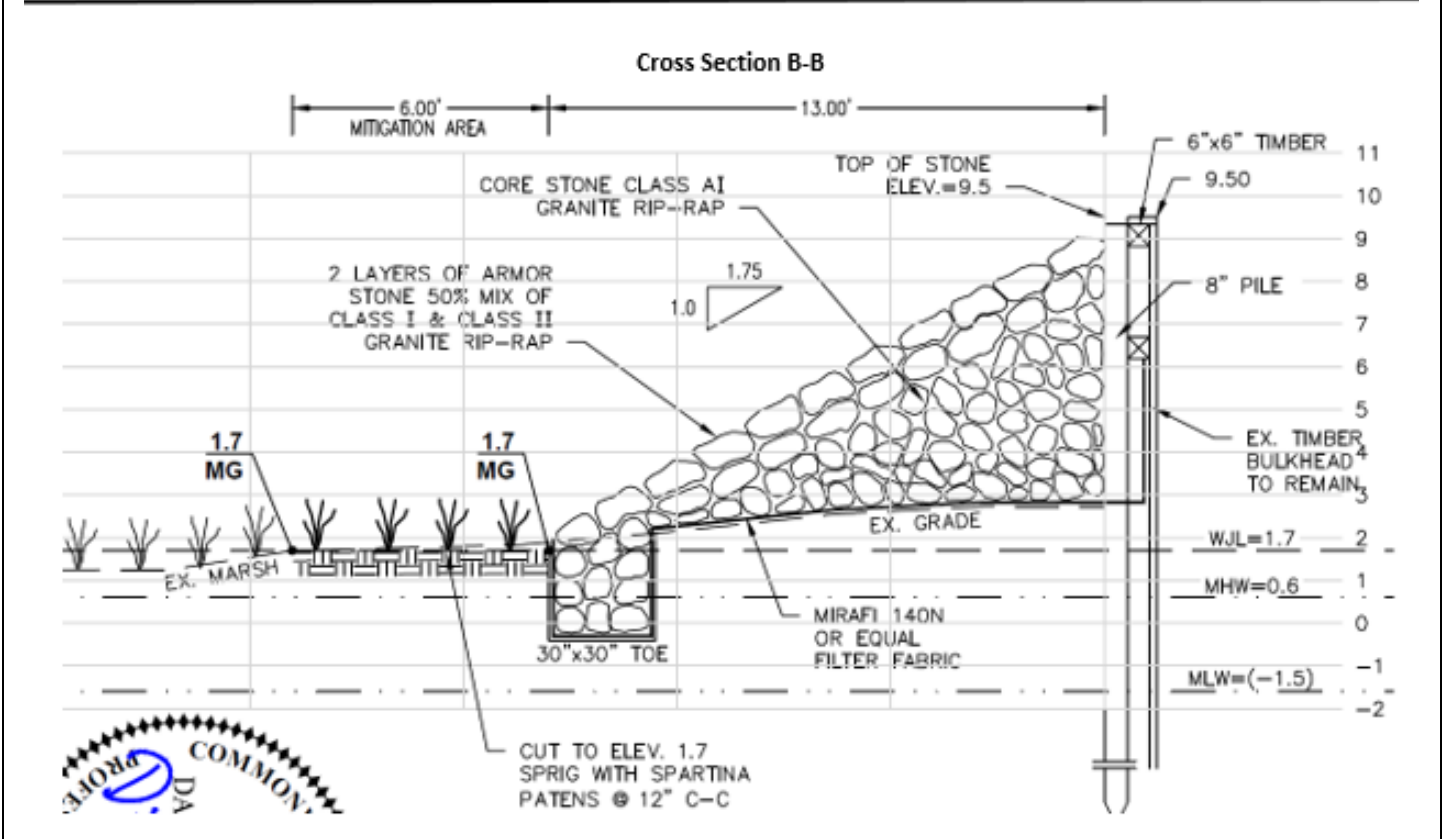
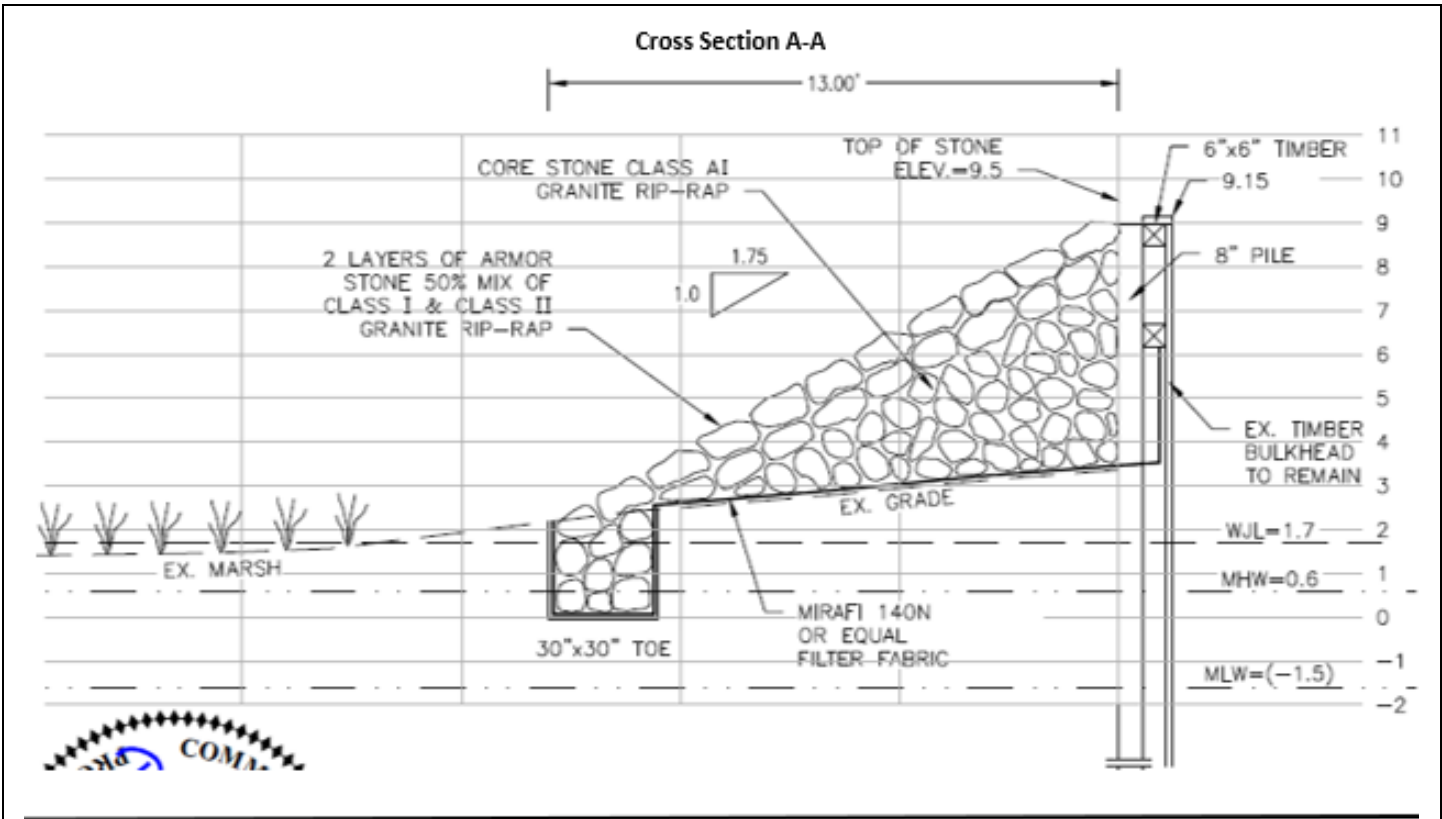


MATCHLINE - SEE SHEET 17

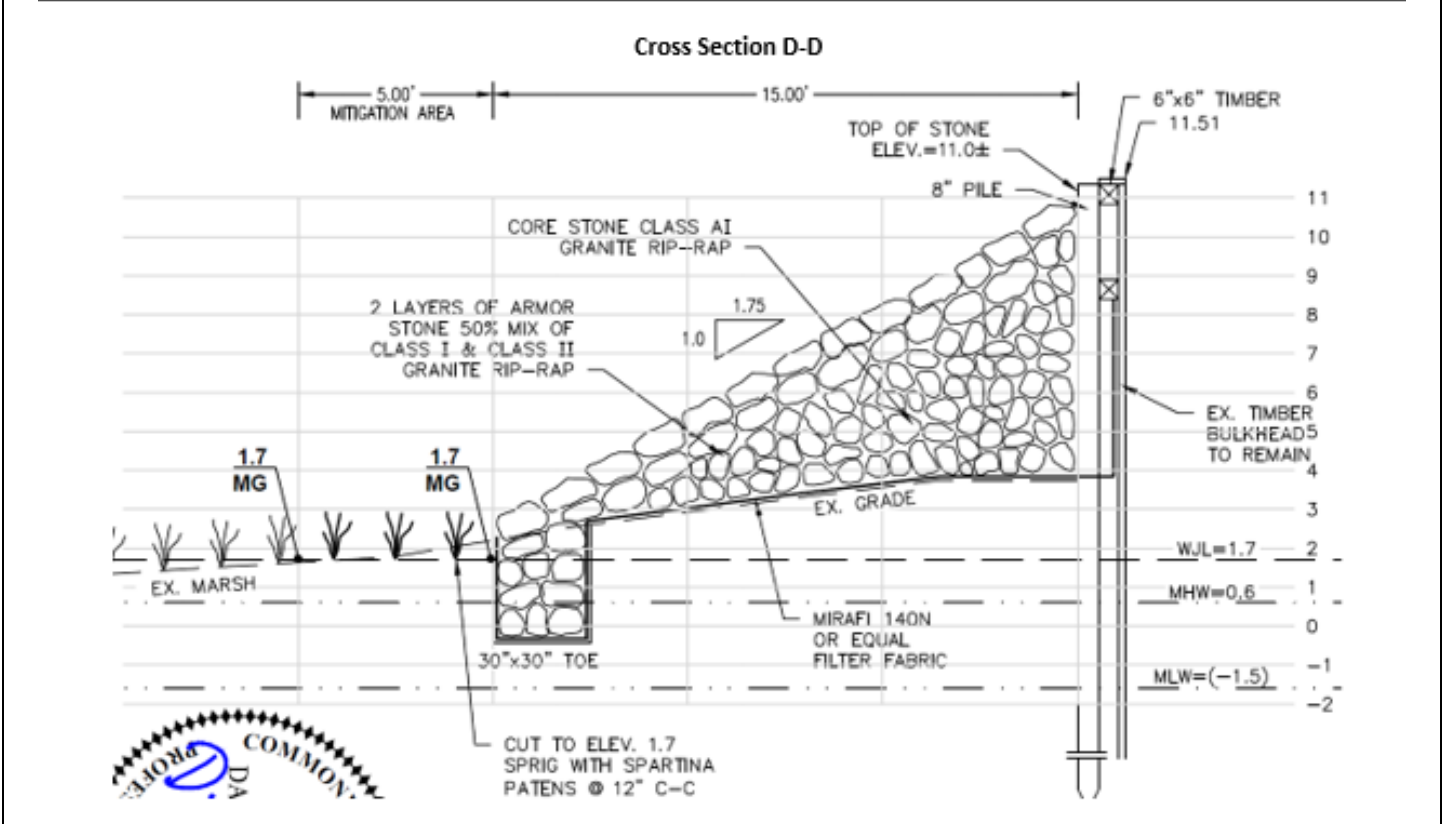
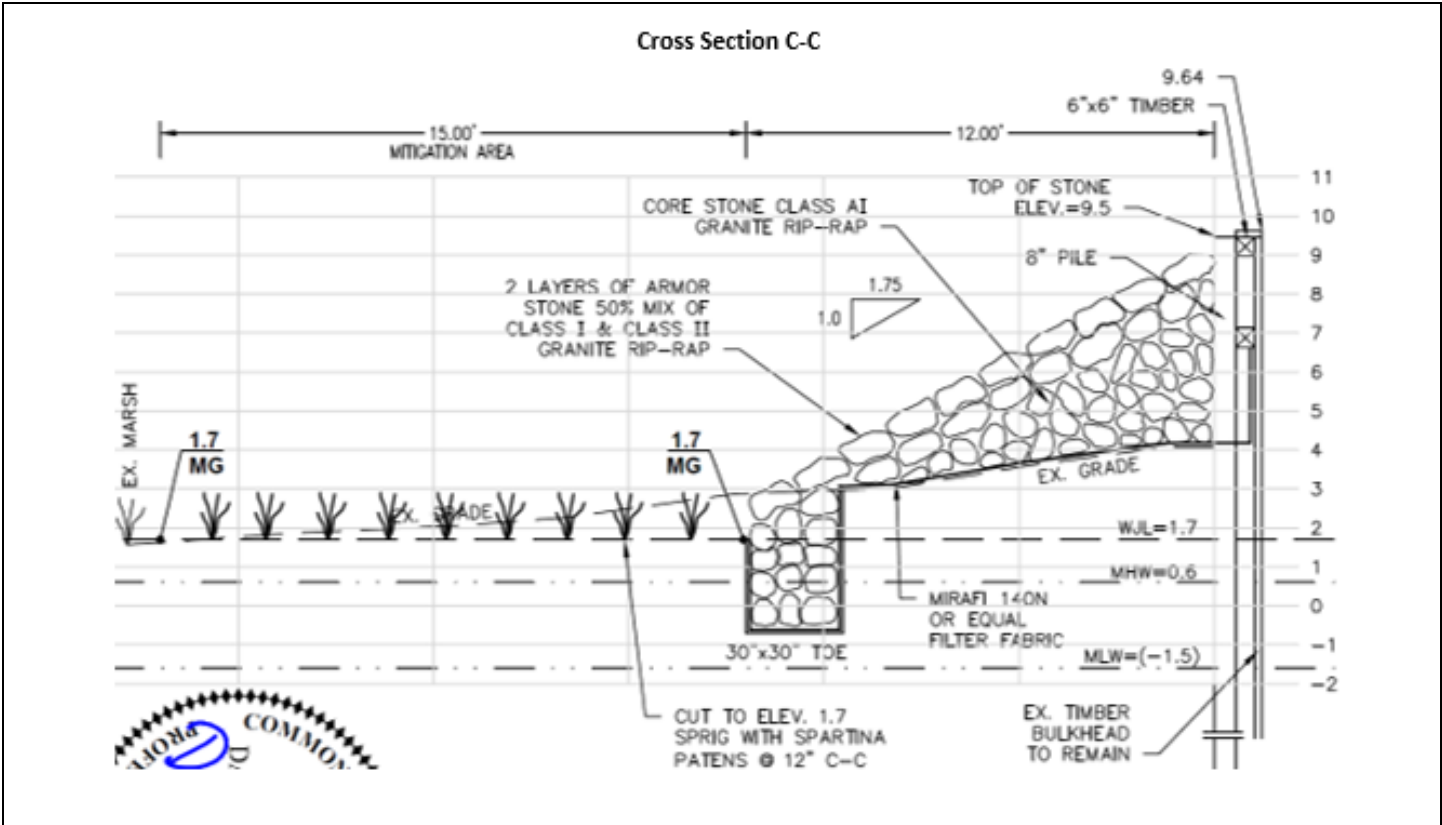


MATCHLINE - SEE SHEET 18

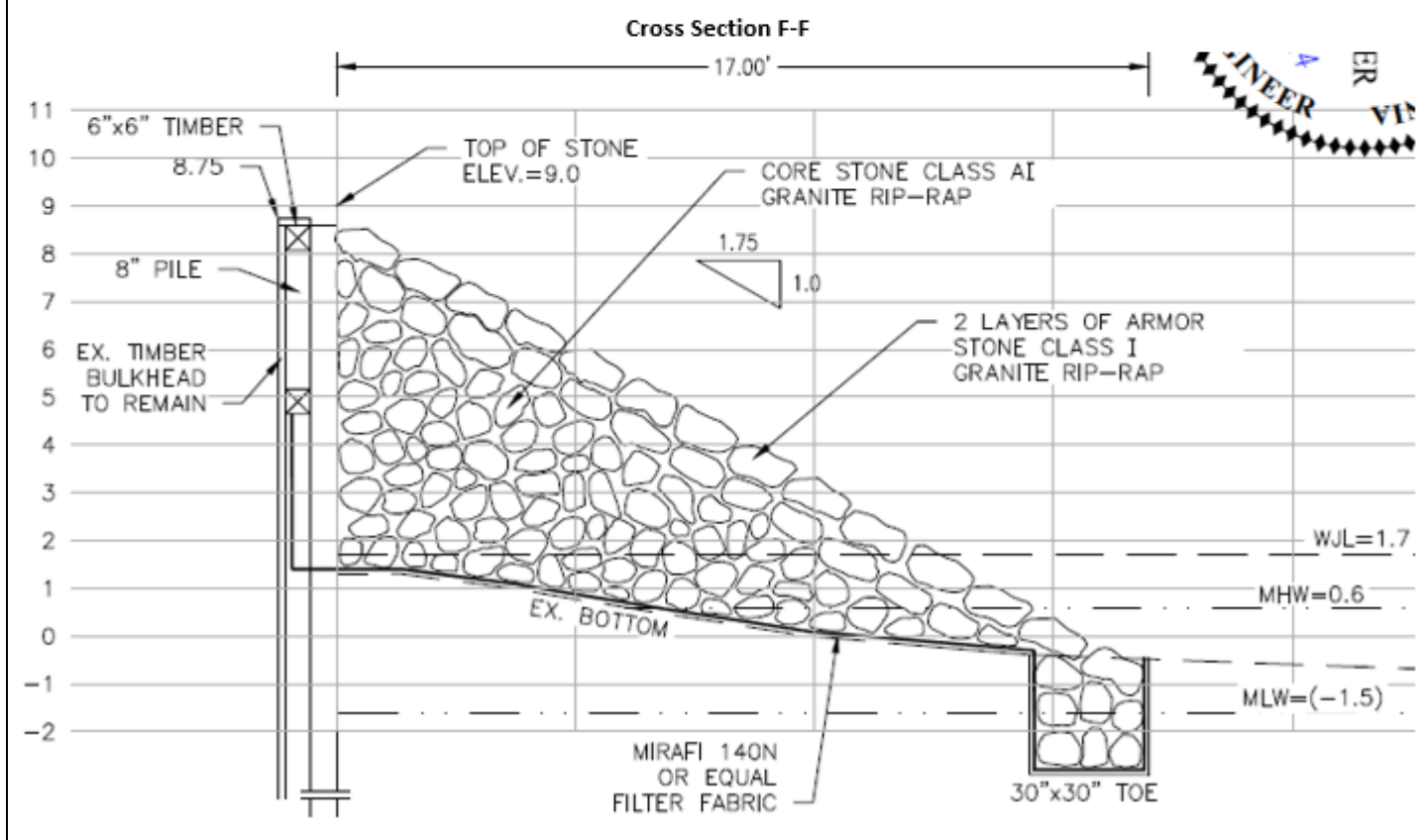
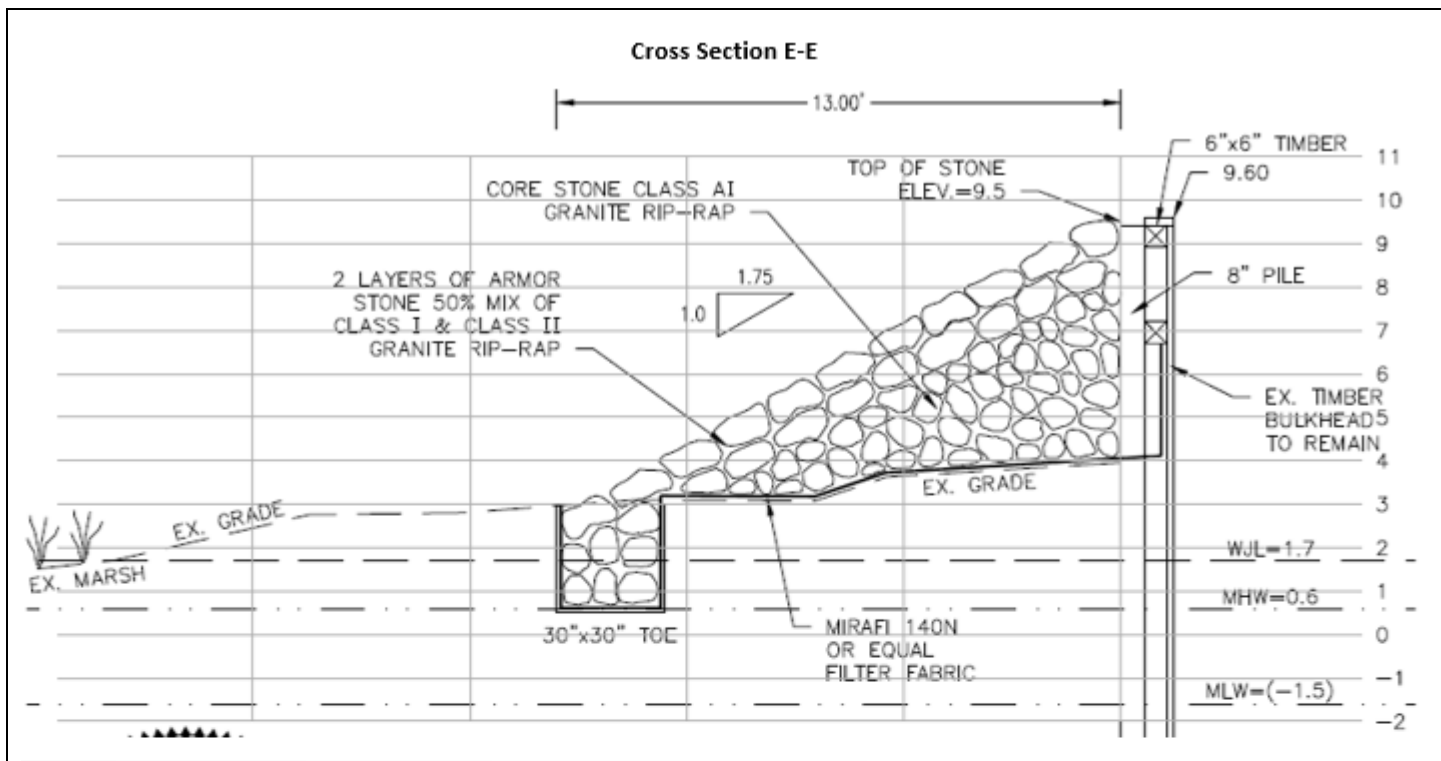
Cross Sections A-A, B-B



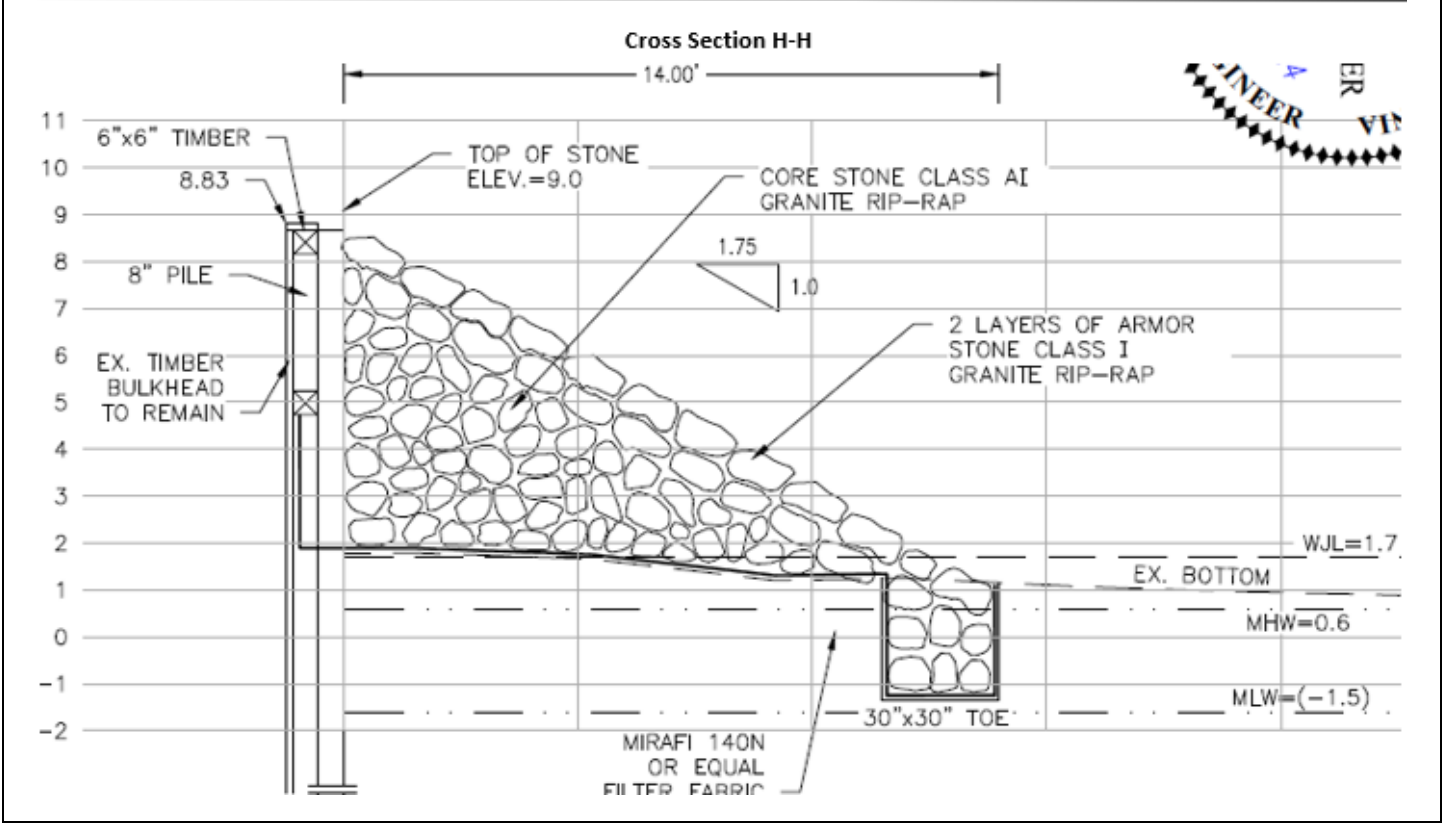
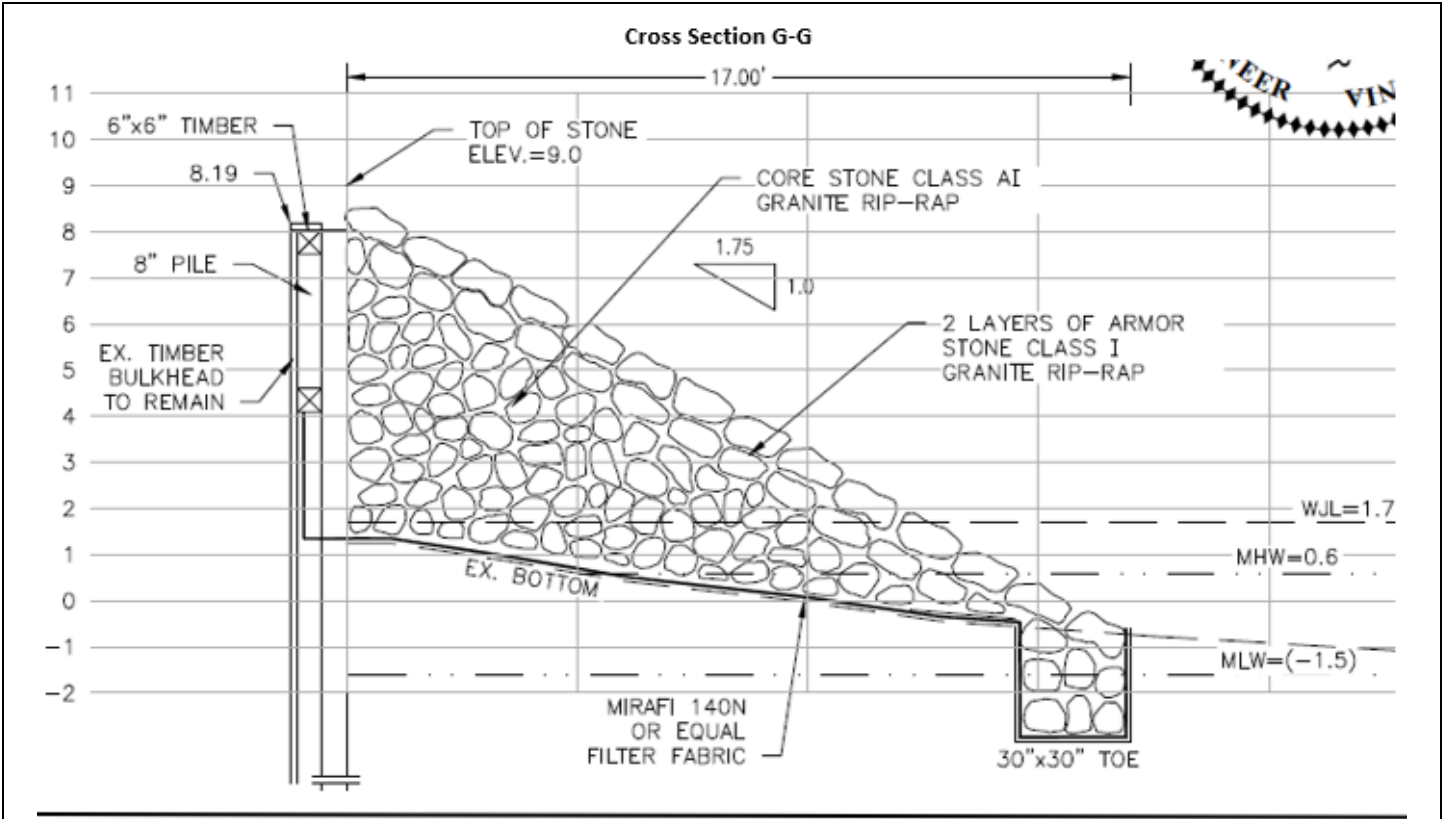
Cross Sections C-C, D-D



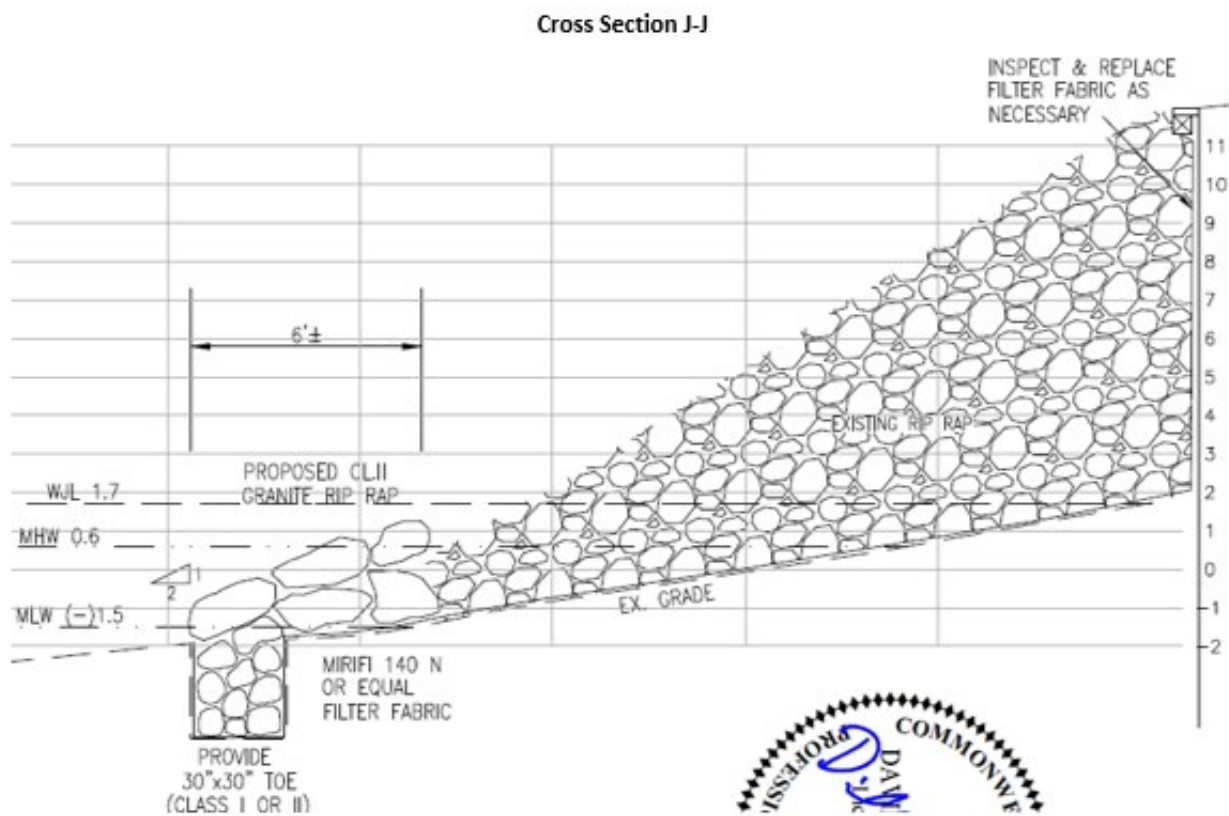
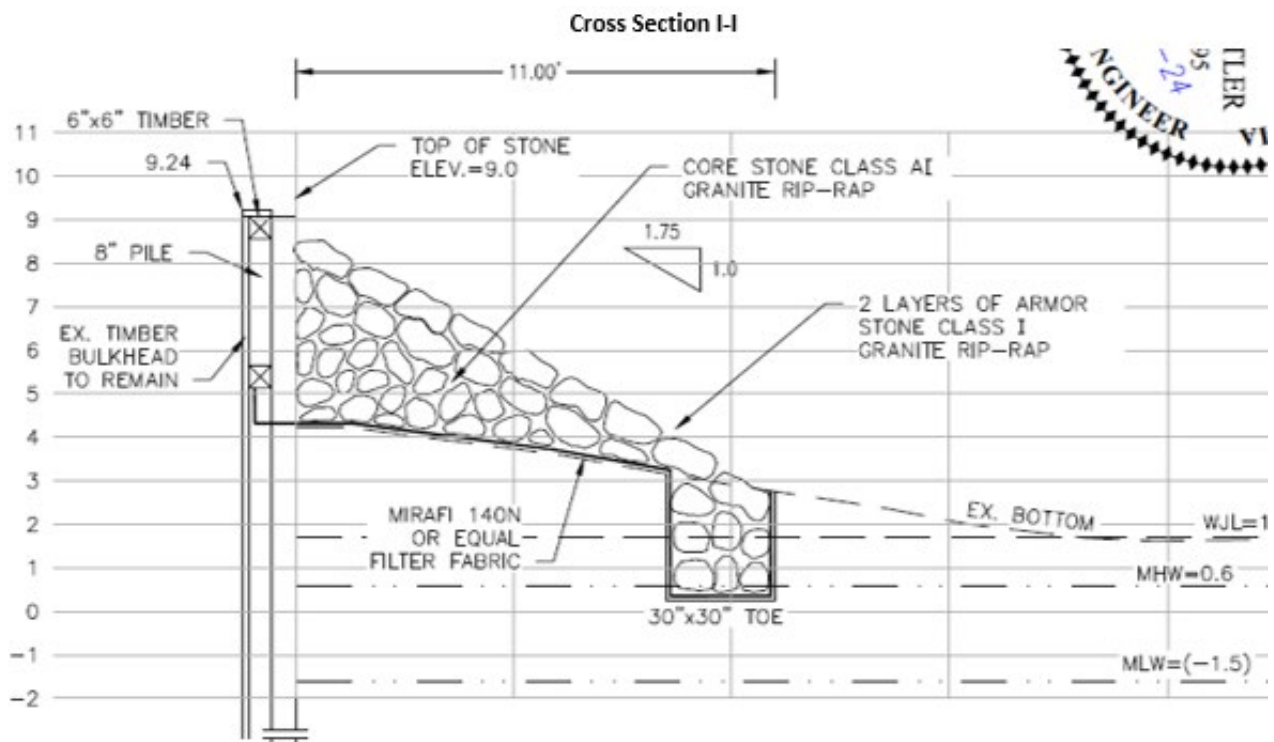
Cross Sections E-E, F-F



Cross Sections G-G, H-H



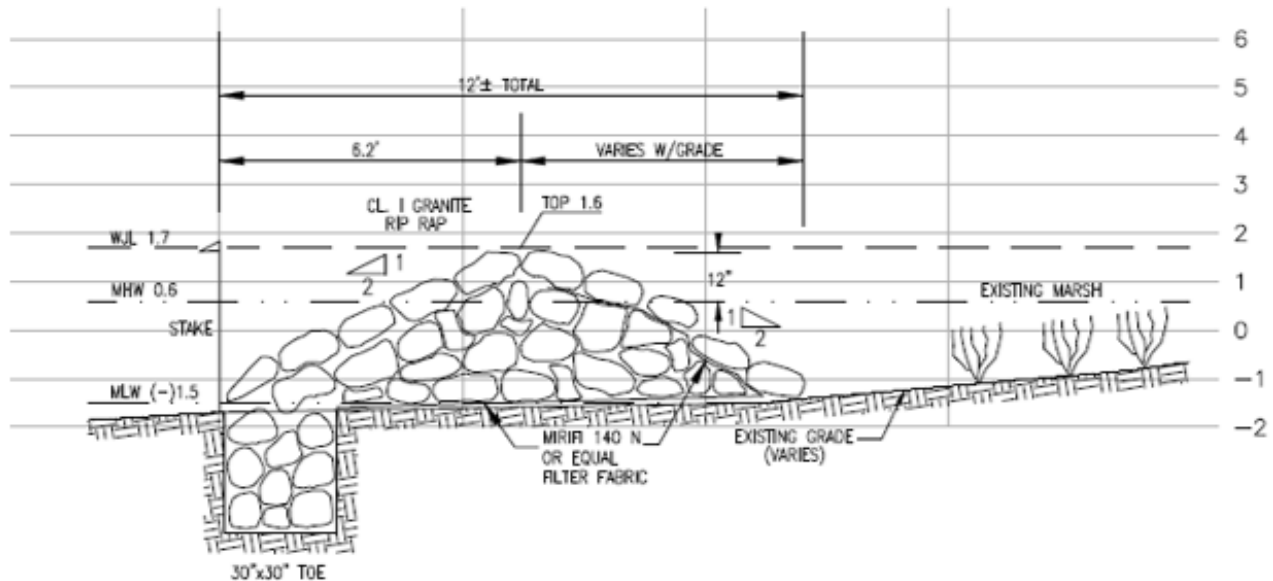
Cross Sections I-I, J-J



Cross Section K-K, L-L

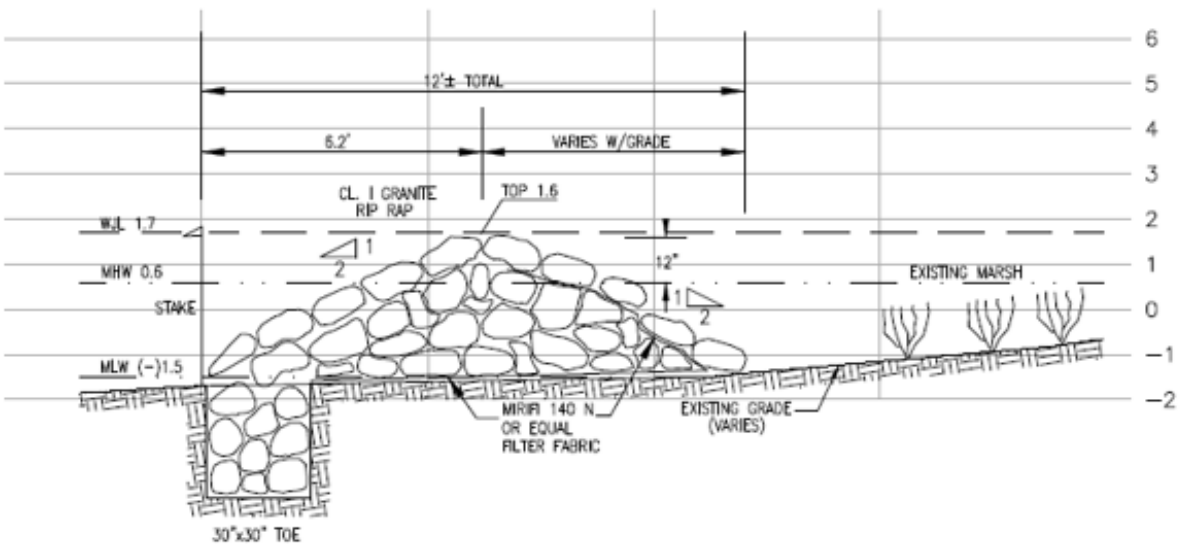
Cross Section K-K

NOTE: EXISTING SHELLFISH PRESENTLY LOCATED IN THE PROPOSED RIP RAP AND SILL FOOTPRINT SHALL BE COLLECTED AND RELOCATED ONTO THE RIP RAP BETWEEN MLW AND MHW.



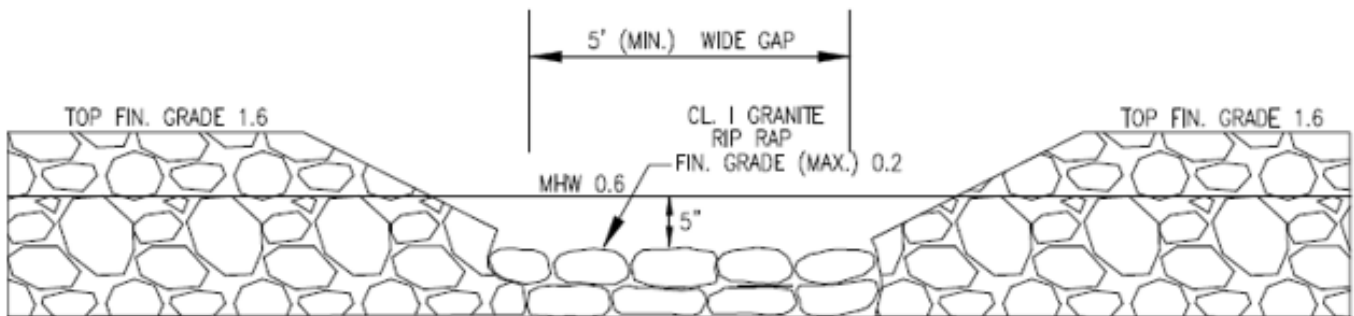
Cross Section L-L

NOTE: EXISTING SHELLFISH PRESENTLY LOCATED IN THE PROPOSED RIP RAP AND SILL FOOTPRINT SHALL BE COLLECTED AND RELOCATED ONTO THE RIP RAP BETWEEN MLW AND MHW.



Extra Section Sill Gap Detail

NOTE: EXISTING SHELLFISH PRESENTLY LOCATED IN THE PROPOSED RIP RAP AND SILL FOOTPRINT SHALL BE COLLECTED AND RELOCATED ONTO THE RIP RAP BETWEEN MLW AND MHW.



Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Disclosure Statement



The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law. The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a City board, commission or other body.

Applicant Disclosure

Applicant Name ANGELA SINESI

Does the applicant have a representative? Yes No

- If yes, list the name of the representative.

Billy GARRINGTON

Is the applicant a corporation, partnership, firm, business, trust or an unincorporated business? Yes ~~No~~

- If yes, list the names of all officers, directors, members, trustees, etc. below. (Attach a list if necessary)

Christopher C. Sinesi, Revocable Trust, Christopher C. Sinesi - Trustee
ANGELA M. SINESI, Revocable Trust, Angela M. Sinesi - Trustee

- If yes, list the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, VA. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

Disclosure Statement



Known Interest by Public Official or Employee

Does an **official or employee of the City of Virginia Beach** have an interest in the subject land or any proposed development contingent on the subject public action? Yes No

- If **yes**, what is the name of the official or employee and what is the nature of the interest?

Applicant Services Disclosure

1. Does the applicant have any **existing financing (mortgage, deeds of trust, cross-collateralization, etc)** or are they **considering any financing** in connection with the subject of the application or any business operating or to be operated on the property?

Yes No

- If **yes**, identify the financial institutions.

Towne Bank

2. Does the applicant have a **real estate broker/agent/realtor** for current and anticipated future sales of the subject property?

Yes No

- If **yes**, identify the real estate broker/realtor.

3. Does the applicant have services for **accounting and/or preparation of tax returns** provided in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the firm or individual providing the service.

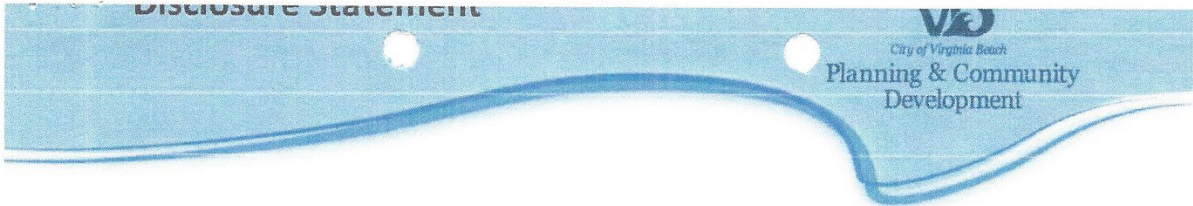
4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property? Yes No

- If **yes**, identify the firm or individual providing the service.

5. Is there any other **pending or proposed purchaser** of the subject property? Yes No

- If **yes**, identify the purchaser and purchaser's service providers.

Disclosure Statement



6. Does the applicant have a **construction contractor** in connection with the subject of the application or any business operating or to be operated on the property? Yes No
- If yes, identify the construction contractor.
- Scott Hodges, Hodges & Hodges Enterprises
7. Does the applicant have an **engineer/surveyor/agent** in connection with the subject of the application or any business operating or to be operated on the property? Yes No
- If yes, identify the engineer/surveyor/agent.
- David Butler, Gallop Surveyors & Engineers
8. Is the applicant receiving **legal services** in connection with the subject of the application or any business operating or to be operated on the property? Yes No
- If yes, identify the name of the attorney or firm providing legal services.

Applicant Signature

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate. I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the meeting of Planning Commission, City Council, VBDA, CBPA, Wetlands Board or any public body or committee in connection with this application.

Angela Sinesi

Applicant Signature

ANGELA SINESI

Print Name and Title

2-23-2024

Date

Is the applicant also the owner of the subject property? Yes No

- If yes, you do not need to fill out the owner disclosure statement.

FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications			
<input type="checkbox"/>	No changes as of	Date	Signature
			Print Name

AS NEEDED, PAGE LEFT BLANK



Application Number: **2024-WTRA-00045**
 Applicant: **Frank M. Kelly, Jr. & Suzanne C. Kelly**
 Public Hearing: **April 15, 2024**
 City Council District: **District 2**

Agenda Item

2

The applicant is requesting a deferral of this application to the Monday, May 20, 2024, Wetlands Board Public Hearing to allow additional time to address Staff's concerns. Staff supports the request to defer.

Applicant's Agent

Robert Simon - Waterfront Consulting, Inc.

Location

2913 Sandpiper Road

GPIN

2433-34-4841

Staff Planner

Heaven Manning

Proposal

To construct a bulkhead and return walls involving wetlands.

Staff Recommendation

Approval as Modified

Waterway

Bass Inlet

Subdivision

Sandbridge

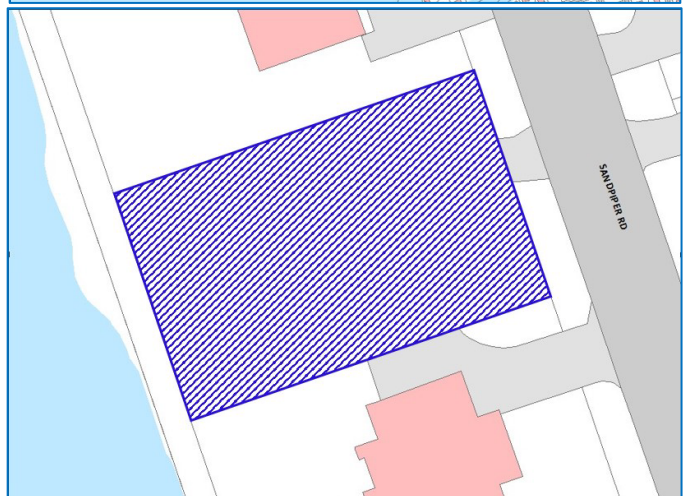
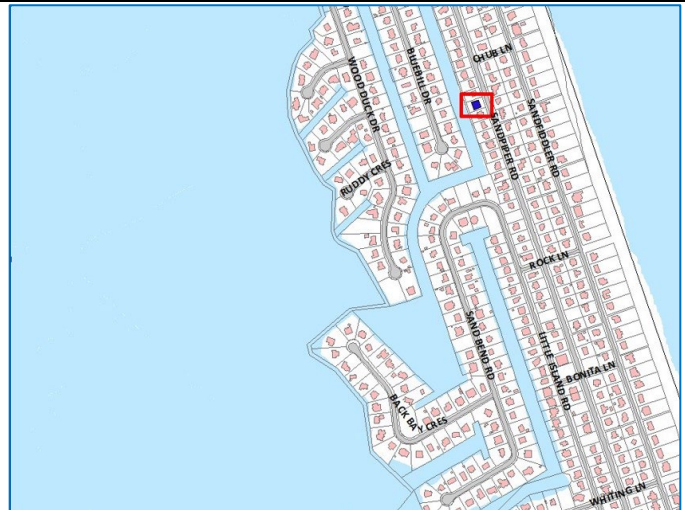
Impacts

Vegetated: 193 square feet

Overall length of proposed structures: 81 linear feet of bulkhead and two 10 linear foot return walls.

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



AS NEEDED, PAGE LEFT BLANK