Wetlands Board Staff Report

August 19, 2024



Virginia Beach Wetlands Board Public Hearing Procedures

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, August 19, 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@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 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 Heaven Manning via email at *hmanning@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 PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING WITHDRAWN OR DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.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: August 19, 2024

9:00 AM INFORMAL STAFF BRIEFING OF PUBLIC HEARING AGENDA ITEMS
10:00 AM FORMAL REVIEW OF PUBLIC HEARING AGENDA ITEMS

Administrative Agenda Items

- **Approval of the July 15, 2024 Wetlands Board Hearing Minutes**
- **Approval of the Annual Report to City Council**

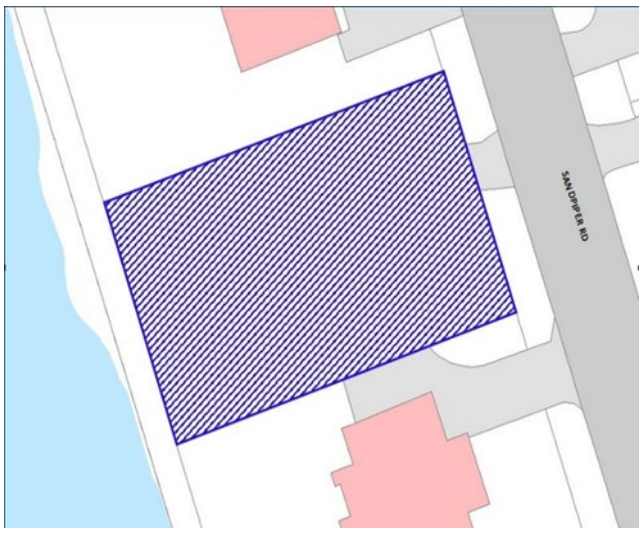
Old Business Agenda items

1: 2024-WTRA-00045
Frank M. Kelly, Jr. & Suzanne C. Kelly [Applicants]
Kelly Family Trust [Owner]

2913 Sandpiper Road
GPIN: 2433-34-4841
City Council: District 2 (Henley)

Waterway – Bass Inlet
Subdivision – Sandbridge

Request: To construct a bulkhead and return walls involving wetlands.



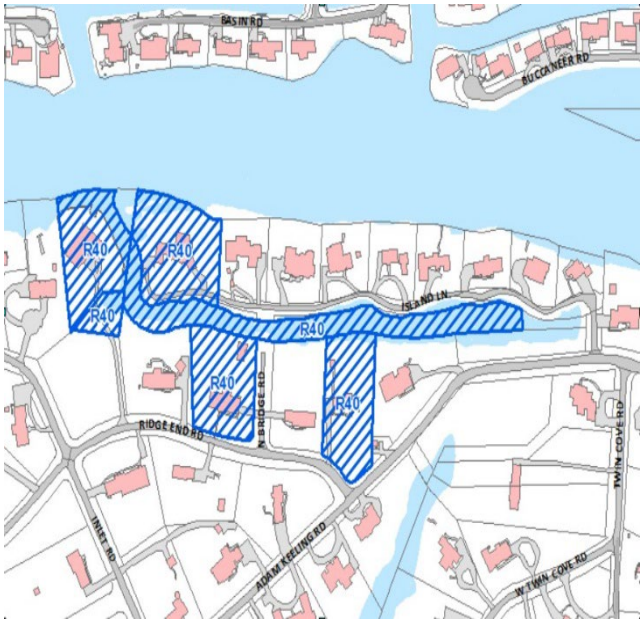
New Business Agenda Items

2: 2024-WTRA-00129
Joseph R. McKnew, James W. Smith III, Thomas McNicholas III, John T. Schmidt [Applicants & Owners]

2000, 2008, and 2016 Ridge End Road, and 3036 Island Lane
GPINs: 1499-17-0167, 1499-07-6188, 1499-07-2550, 1499-07-3306, 1499-07-5561, 1499-17-3382
City Council: District 8 (Taylor)

Waterway – Canal to Long Creek
Subdivision – Great Neck Point

Request: To dredge and plant vegetation involving wetlands.



New Business Agenda Items *(continued)*	
3: 2024-WTRA-00144 **Charles Nash** [Applicant] **Charles Nash Living Trust** [Owner] **704 Crystal Lane** GPIN: 2418-58-9520 City Council: District 6 (Remick) Waterway – Crystal Lake Subdivision – Bay Colony Waterfront **Request:** To construct a rip rap revetment involving wetlands.	

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.

Agenda Item 1

Application Number: 2024-WTRA-00045
Applicant: Frank M. Kelly, Jr. & Suzanne C. Kelly
Wetlands Board Public Hearing: August 19, 2024
City Council: District 2 (Henley)

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

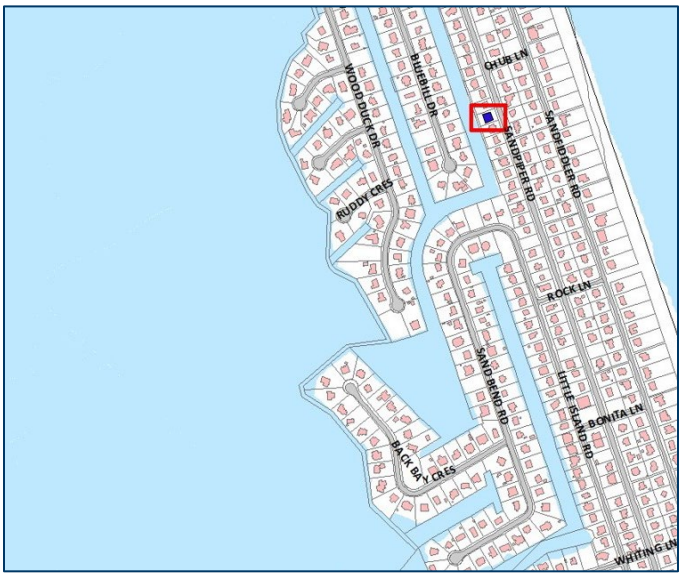
Sandbridge

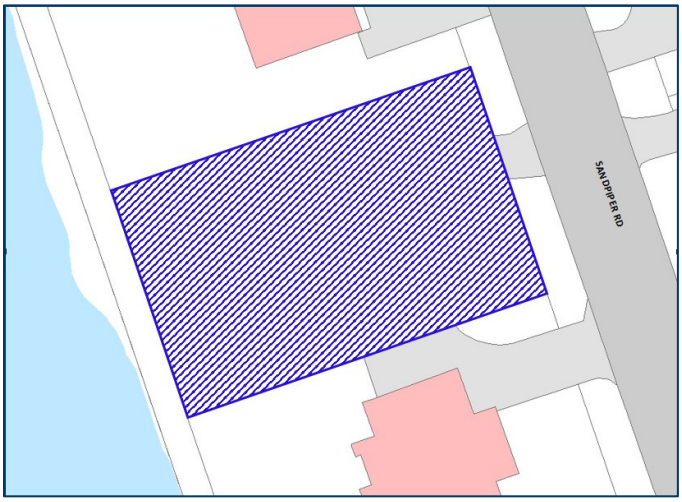
Impacts

Vegetated: 30 square feet
Overall length of proposed structures: 81 linear feet of bulkhead and two 10 linear foot return walls
Volume of Backfill: 10 cubic yards

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee





Wetlands Board Permit History

This application was deferred for 30 days at the April 15, 2024 Wetlands Board hearing and deferred indefinitely at the May 20, 2024 Wetlands Board hearing to resolve a matter of noncompliance. There is an active building permit for the construction of two swimming pools at this property. During construction of the lazy river pool, sand excavated for the pool was regraded along the rear yard. This resulted in unauthorized fill of vegetated wetlands. Staff worked with the applicant's agent to develop a restoration plan to remove the unauthorized sand fill and return the site to pre-construction grades. Based on a site visit conducted June 12, 2024, the matter of noncompliance has been resolved.

This application was deferred for 30 days at the July 15, 2024 Wetlands Board hearing to address a discrepancy with the location of mean high water.

This 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 construct 81 linear feet of vinyl bulkhead and two 10 linear foot return walls. Approximately 10 cubic yards of material will be used for the proposed project. The proposed project will impact 30 square feet of vegetated wetlands. The applicant is proposing to mitigate the wetlands impacts by payment of an in-lieu fee.

Evaluation & Staff Recommendations

The project is in Sandbridge within a man-made canal that connects to North Bay. Staff concurs that the proposed bulkhead is warranted for this property as the shoreline is currently unprotected and exhibiting signs of erosion. The applicant's agent indicated that a living shoreline was not feasible for this property due to the topography of the site, existing improvements on the lot, and the shoreline conditions of the adjacent properties.

This property is located in the Floodplain Subject to Special Restrictions (City of Virginia Beach Floodplain Ordinance, Appendix K, Section 4.10). Filling in the Floodplain Subject to Special Restrictions may be allowed, provided that the fill is for a shoreline stabilization project and the following three criteria are met:

1. A Joint Permit Application is submitted.
2. The alignment of the stabilization structure is along the escarpment or in line with adjacent stabilization structures.
3. Fill must be the minimum necessary to support the stabilization project.

The height of the proposed bulkhead is proposed at elevation 5.2 feet (NAVD 88), which is the same elevation of the bulkheads on the adjacent properties and does not significantly increase the elevation of the property. Staff is of the opinion that the proposed project meets the criteria of Appendix K, Section 4.10 as the project has been aligned along the escarpment and the proposed fill is limited to the area to allow for a straight

alignment of the bulkhead, which is the minimum necessary to support the project. The request to construct the new bulkhead and return walls will not create additional vegetated wetlands. Therefore, to address compensation, Staff supports payment of an in-lieu fee for the 30 Square feet of vegetated wetlands impacts.

To address the vegetated wetlands impacted by the unauthorized sand fill, Staff have added condition 3, below, for the requirement of a wetlands monitoring plan. This is to ensure that the impacted vegetated wetlands continue to grow.

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

1. The proposed project requires an encroachment agreement with the City of Virginia Beach. Such an agreement shall be obtained prior to issuance of a building permit.

2. The L-head platform and appurtenant floating docking platform shall not exceed, in the aggregate, 400 square feet.

3. 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 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.

4. Revised plans shall be submitted to the Virginia Marine Resource Commission 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:

   The project is to construct approximately 81 LF of vinyl bulkhead & (2) 10 LF return walls as shown in the permit drawings.

   The bulkhead will have 0.001 acres of aquatic impact and approximately 10 CYs of fill placed below the plane of MHW.

2. What is the maximum encroachment channelward of mean high water? 2 feet.
   Channelward of mean low water? 0 feet.
   Channelward of the back edge of the dune or beach? N/A feet.

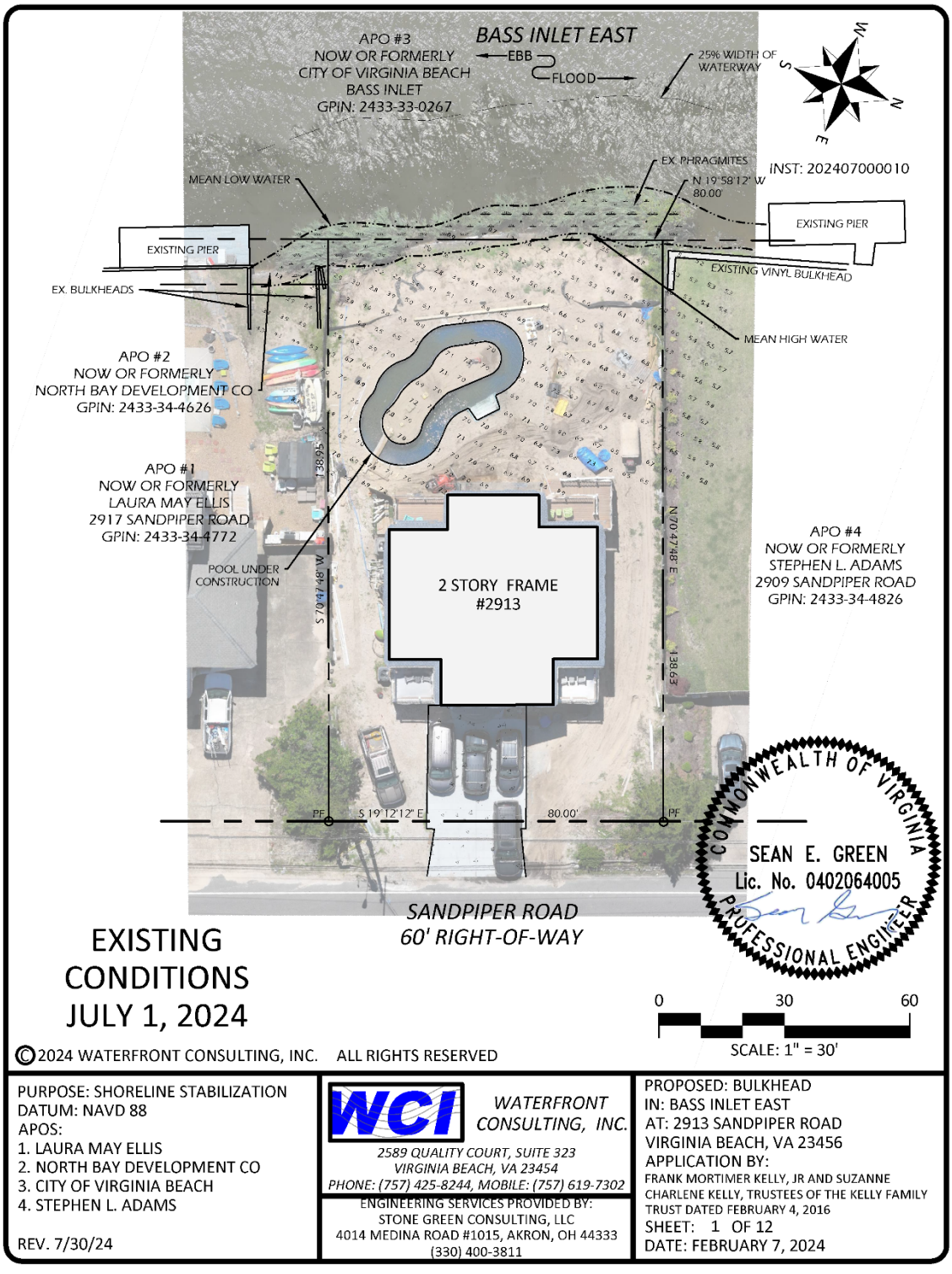
3. Please calculate the square footage of encroachment over:
   - Vegetated wetlands 30 square feet
   - Non-vegetated wetlands 0 square feet
   - Subaqueous bottom 0 square feet
   - Dune and/or beach N/A square feet

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

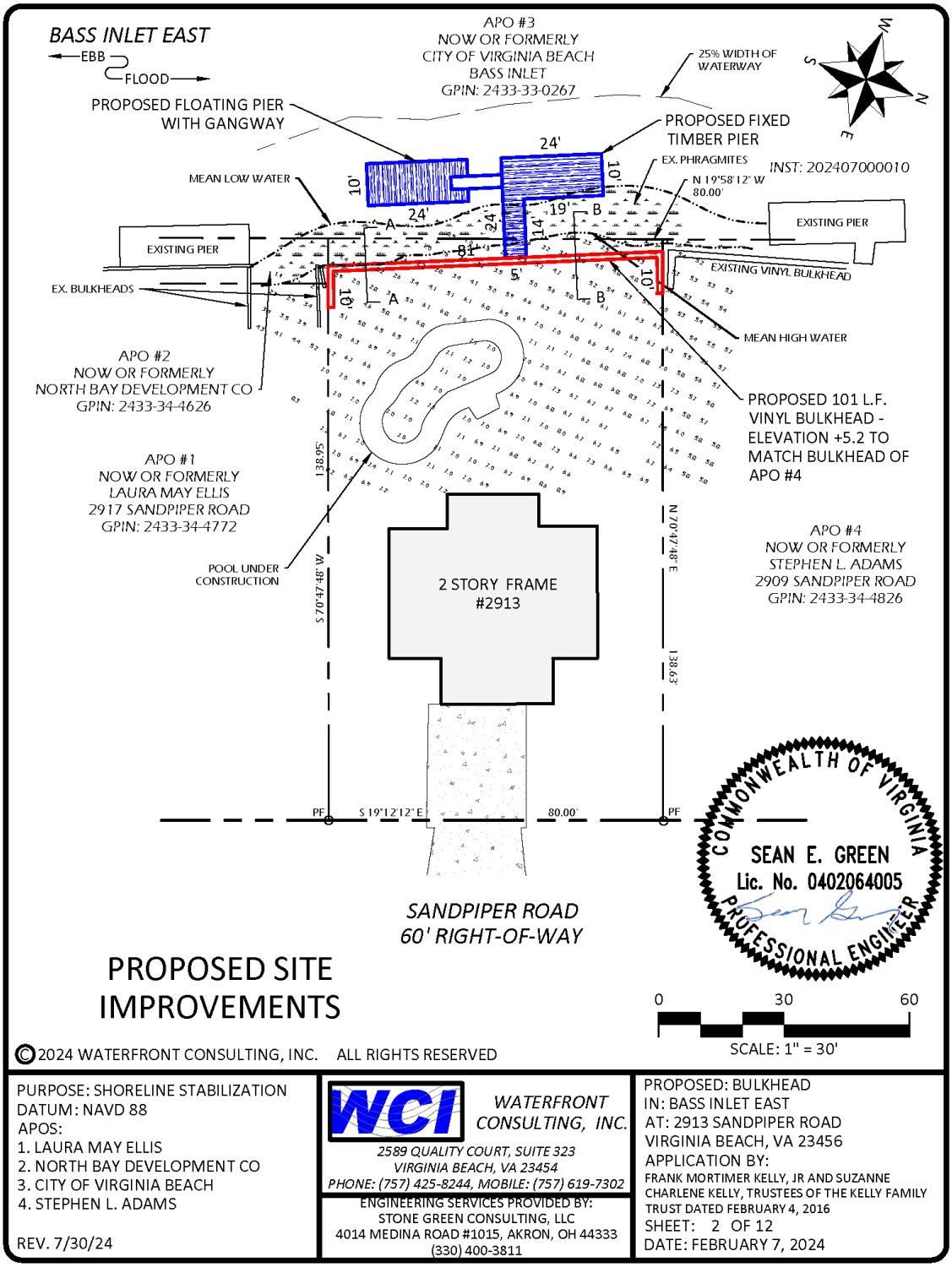
   If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? ■ Yes ____ No.

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

Existing Conditions



Proposed Improvements



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PURPOSE: SHORELINE STABILIZATION
DATUM: NAVD 88
APOS:
1. LAURA MAY ELLIS
2. NORTH BAY DEVELOPMENT CO
3. CITY OF VIRGINIA BEACH
4. STEPHEN L. ADAMS

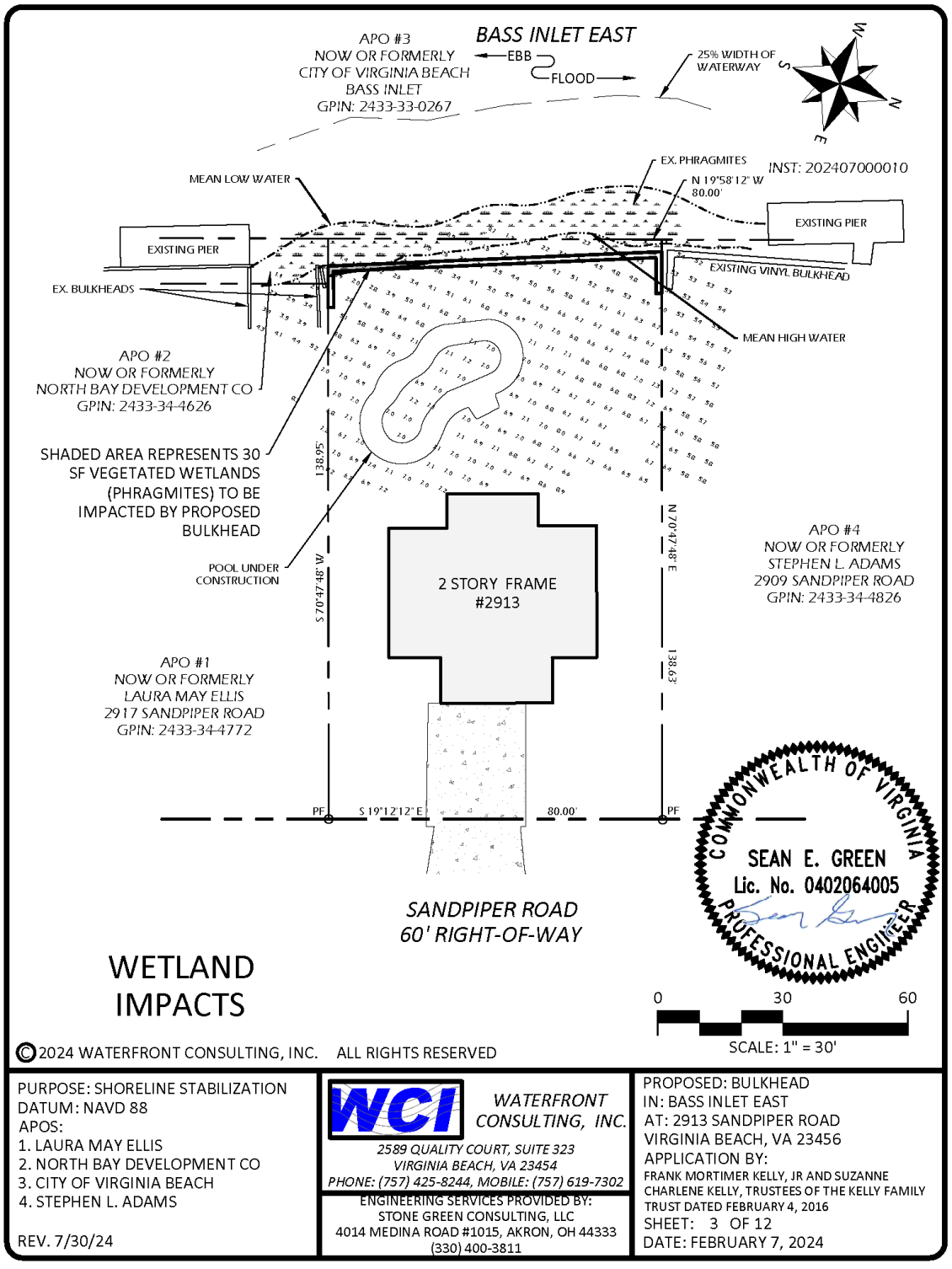
REV. 7/30/24

WCI
WATERFRONT CONSULTING, INC.
2589 QUALITY COURT, SUITE 323
VIRGINIA BEACH, VA 23454
PHONE: (757) 425-8244, MOBILE: (757) 619-7302

ENGINEERING SERVICES PROVIDED BY:
STONE GREEN CONSULTING, LLC
4014 MEDINA ROAD #1015, AKRON, OH 44333
(330) 400-3811

PROPOSED: BULKHEAD
IN: BASS INLET EAST
AT: 2913 SANDPIPER ROAD
VIRGINIA BEACH, VA 23456
APPLICATION BY:
FRANK MORTIMER KELLY, JR AND SUZANNE CHARLENE KELLY, TRUSTEES OF THE KELLY FAMILY TRUST DATED FEBRUARY 4, 2016
SHEET: 2 OF 12
DATE: FEBRUARY 7, 2024

Proposed Wetlands Impacts



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PURPOSE: SHORELINE STABILIZATION
DATUM: NAVD 88
APOS:
1. LAURA MAY ELLIS
2. NORTH BAY DEVELOPMENT CO
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4. STEPHEN L. ADAMS

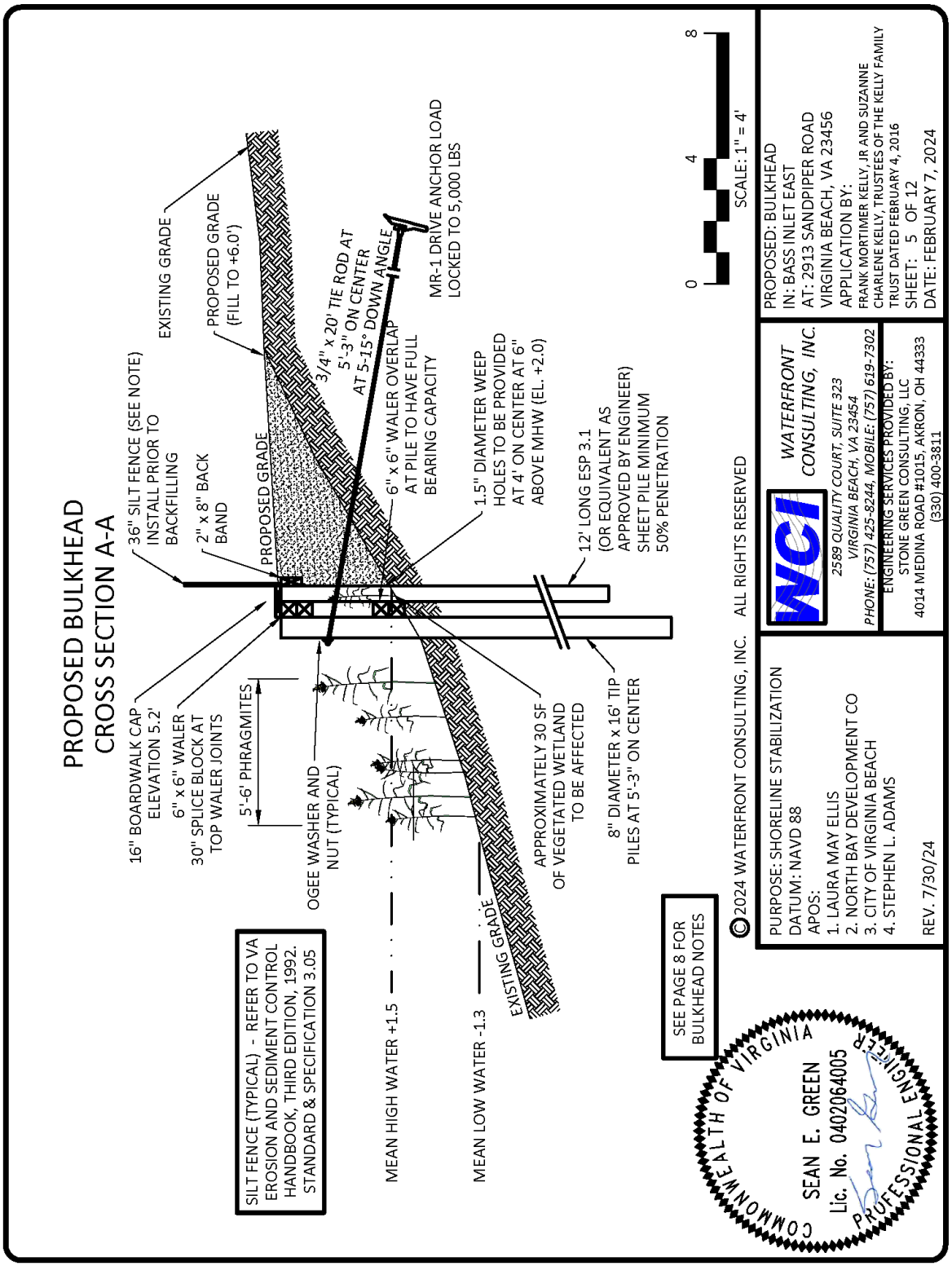
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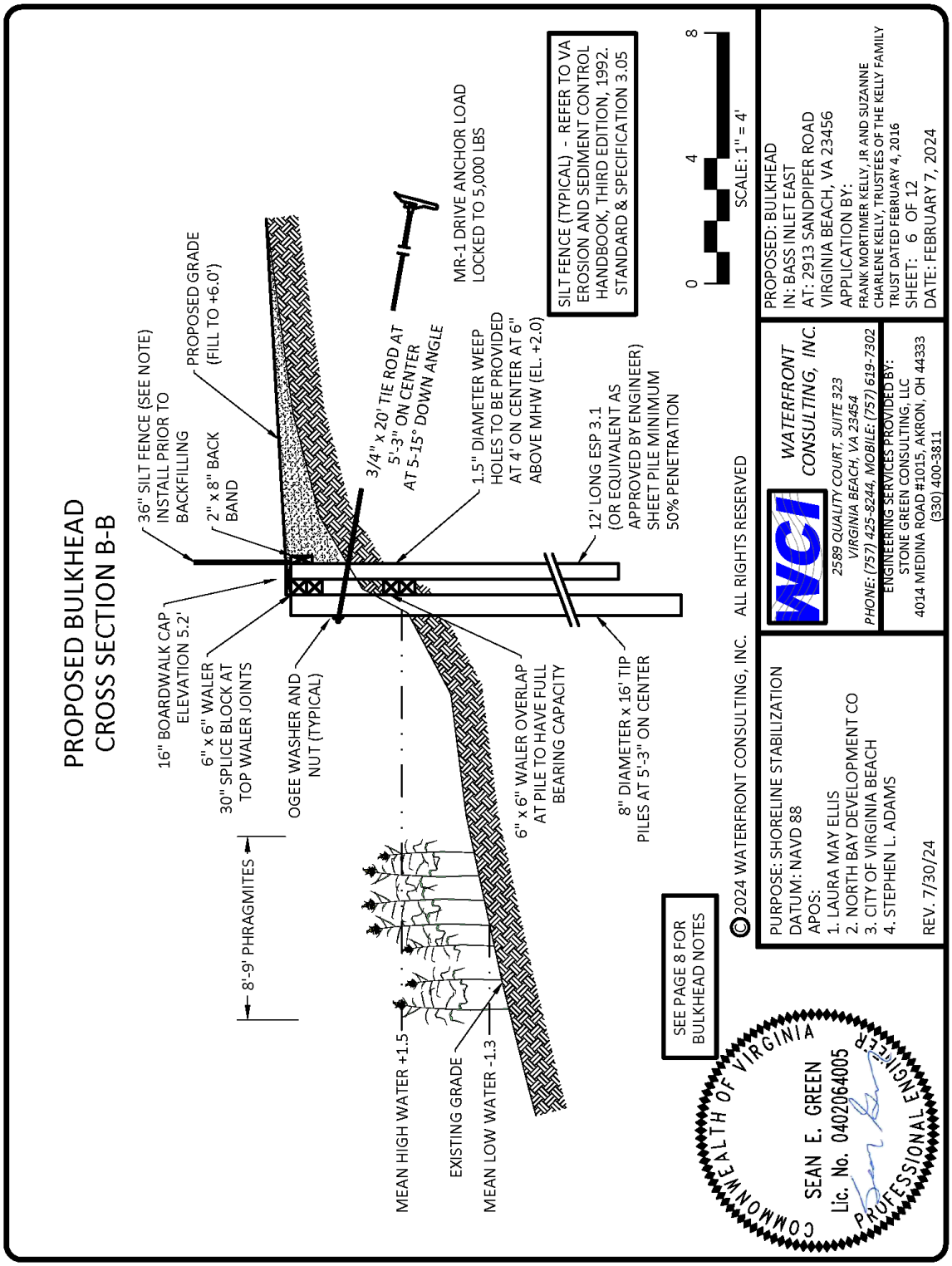
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SHEET: 3 OF 12
DATE: FEBRUARY 7, 2024

Proposed Bulkhead Cross Section A-A



Proposed Bulkhead Cross Section B-B



Site Photos





Site photos





Site Photos





Disclosure Statement

City of Virginia Beach
Planning & Community Development

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 Frank Mortimer Kelly, Jr and Suzanne Charlene Kelly, Trustees of the Kelly Family Trust dated February 4, 2016

Does the applicant have a representative? ■ **Yes** ☐ **No**

- If **yes**, list the name of the representative.

Robert Simon - Waterfront Consulting, Inc.

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)

Frank Mortimer Kelly, Suzanne Charlene Kelly

- If **yes**, list the businesses that have a parent-subsidiary[1] or affiliated business entity[2] relationship with the applicant. (Attach a list if necessary)

[1] "Parent-subsidiary 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-subsidiary 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

City of Virginia Beach
Planning & Community Development

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.

---

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.

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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.

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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.

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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

City of Virginia Beach
Planning & Community Development

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.

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.

   Agent - Robert Simon, Waterfront Consulting, Inc. Engineer -

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.**

Frank M. Kelly Suzanne Kelly

Applicant Signature

Frank Mortimer Kelly, Suzanne Charlene Kelly, Trustees

Print Name and Title

3/18/24

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					
☐	**No changes as of**	**Date**		**Signature**	
				Print Name	

Agenda Item 2

Application Number: 2024-WTRA-00129
Applicant: Joseph R. McKnew, James W. Smith III, Thomas McNicholas III, & John T. Schmidt
Wetlands Board Public Hearing: August 19, 2024
City Council: District 8 (Taylor)

Applicant's Agent

David Kledzik – Marine Engineering, LLC

Location

2000, 2008, and 2016 Ridge End Road, 3036 Island Lane

GPIN

1499-17-0167, 1499-07-6188, 1499-07-2550, 1499-07-3306, 1499-07-5561, 1499-17-3382

Staff Planner

Heaven Manning

Proposal

To dredge and plant vegetation involving wetlands.

Staff Recommendation

Approval as Modified

Waterway

Canal to Long Creek

Subdivision

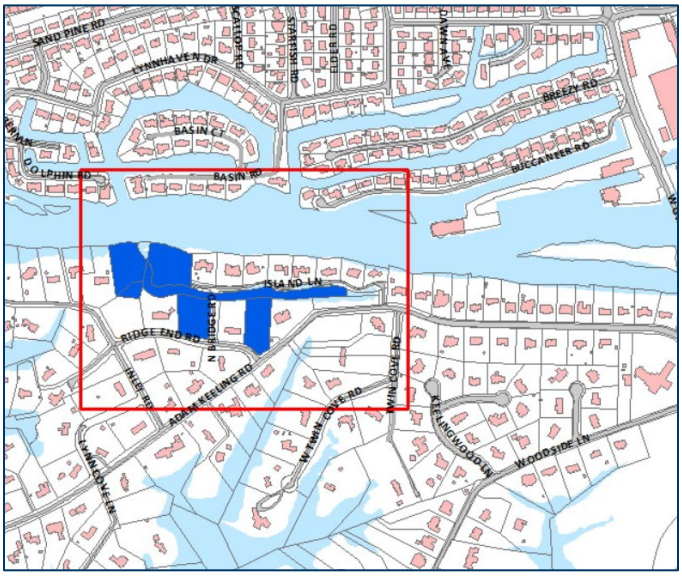
Great Neck Point

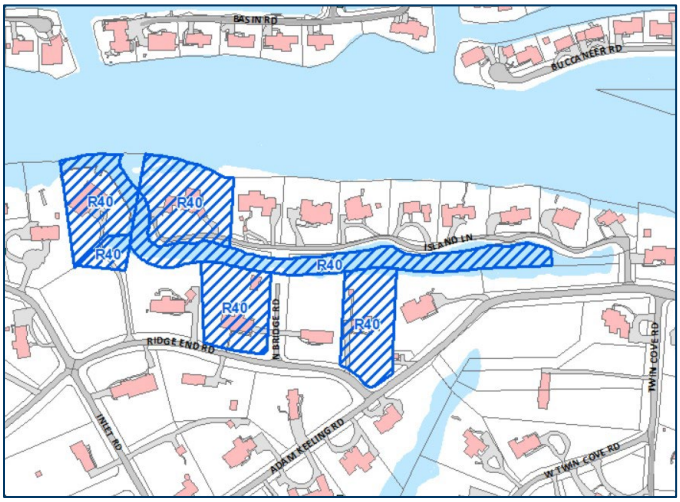
Impacts

Vegetated (4X Buffer): 312 square feet
Non-Vegetated: 113 square feet
Non-Vegetated (2X Buffer): 186 square feet
Subaqueous: 30,672 square feet
Dredge Volume: 2,652 cubic yards

Proposed Mitigation and/or Compensation

On-site and Payment of an in-lieu fee





CBPA Variances & Wetlands Board Permit History

The properties are located in the Chesapeake Bay Watershed. Multiple Chesapeake Bay Preservation Area Board variances may exist on individual properties but should have no bearing on this project. There are no written records or permits documenting dredging activities within this man-made canal. However, the canal has a distinct linear shape suggesting that dredging or excavation has occurred at some time in the past. In addition, multiple and boat lifts exist throughout the canal, suggesting that the canal has been used for recreational boating in previous years.

Summary of Proposal

The project is located in a man-made canal to Long Creek. This is a request to perform dredging by mechanical methods, involving approximately 7 cubic yards of non-vegetated wetlands and 2,645 cubic yards of subaqueous land. The purpose of the proposed project is to provide navigable access to the waterway. The proposed dredge depth is -4 feet (MLW). The proposed dredge project includes dredging an access basin for 2000 Ridge End Road. Dredged material will be excavated via a barge-mounted excavator and the spoils taken by barge to a dredge spoil transfer site located at GPIN 1499-07-3306. Temporary timber matting or gravel are to be used by the excavator to access the hopper barges at the spoil transfer location. Dredge spoils will be transferred into watertight trucks and transported to the Whitehurst Dredged Material Management Area for disposal.

The proposed project will impact 113 square feet of non-vegetated wetlands, 186 square feet of non-vegetated wetlands in the 2X buffer, and 312 square feet of vegetated wetlands in the 4X buffer. At North Bridge Road, there is an old bridge earth embankment at the terminus of the road. The project includes grading back this area from the box cut at a 1:2 slope. Smooth cordgrass, *Spartina alterniflora*, will be planted below 2.25 feet (MLW), and saltmeadow cordgrass, *Spartina patens*, will be planted above 2.25 feet (MLW). Approximately 75 square feet of vegetated wetlands and 140 square feet of non-vegetated wetlands will be created in the mitigation area. The applicants propose to pay an in-lieu fee for the remaining impacts to non-vegetated wetlands.

Evaluation & Staff Recommendations

The applicants have reported that safe navigational access to the canal to Long Creek has become limited. Shoaling and sedimentation have occurred in the canal and are impeding recreational navigation. Dredging is necessary to allow for boating and navigation along the canal. The applicant's agent has designed the proposed project to minimize tidal wetlands impacts to the greatest extent possible, while dredging the minimum necessary to provide for safe navigation. Staff agrees with the method of on-site compensation and the creation of 75 square feet of vegetated wetlands and 140 square feet of non-vegetated wetlands. Staff supports payment of an in-lieu fee for the remaining non-vegetated wetlands impacts.

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

1. A post dredge bathometric survey shall be completed within 90 days of completion of dredging and submitted with the Final Engineers Report to the Department of Planning & Community Development, Waterfront Operations.

2. Following completion of the project, 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 to establish in the mitigation area. 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. The annual vegetation monitoring report shall include the areas of the 4X Buffer. Where the vegetation has been impacted or failed due to the dredging operations, an in-lieu fee payment shall be paid. Areas within the 2X Buffer shall be mitigated through an in-lieu fee payment.

3. A hauling permit shall be applied for and approved by the Development Services Center prior to the issuance of a Wetlands Permit.

4. Revised plans shall be submitted to the Virginia Marine Resource Commission and ultimately approved by the Department of Planning & Community Development, Waterfront Operations 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



N/A

16. BEACH NOURISHMENT (Continued)

Describe the type(s) of vegetation proposed for stabilization and the proposed planting plan, including schedule, spacing, monitoring, etc. Attach additional sheets if necessary.

17. DREDGING, MINING, AND EXCAVATING

FILL OUT THE FOLLOWING TABLE FOR DREDGING PROJECTS

	NEW dredging				MAINTENANCE dredging			
	Hydraulic		Mechanical (clamshell, dragline, etc.)		Hydraulic		Mechanical (clamshell, dragline, etc.)	
	Cubic yards	Square feet	Cubic yards	Square feet	Cubic yards	Square feet	Cubic yards	Square feet
Vegetated wetlands							0	0
Non-vegetated wetlands							7	113
Subaqueous land							2645	30672
Totals							2652	30785

Is this a one-time dredging event? [X] Yes _____ No If "no", how many dredging cycles are anticipated: _____
(____ initial cycle in cu. yds.) (_____ subsequent cycles in cu. yds.)

Composition of material (percentage sand, silt, clay, rock):
Provide documentation (i.e., laboratory results or analytical reports) that *dredged* material from on-site areas is free of toxics. If not free of toxics, provide documentation of proper disposal (i.e., bill of lading from commercial supplier or disposal site).

25% SAND / 75% SILT

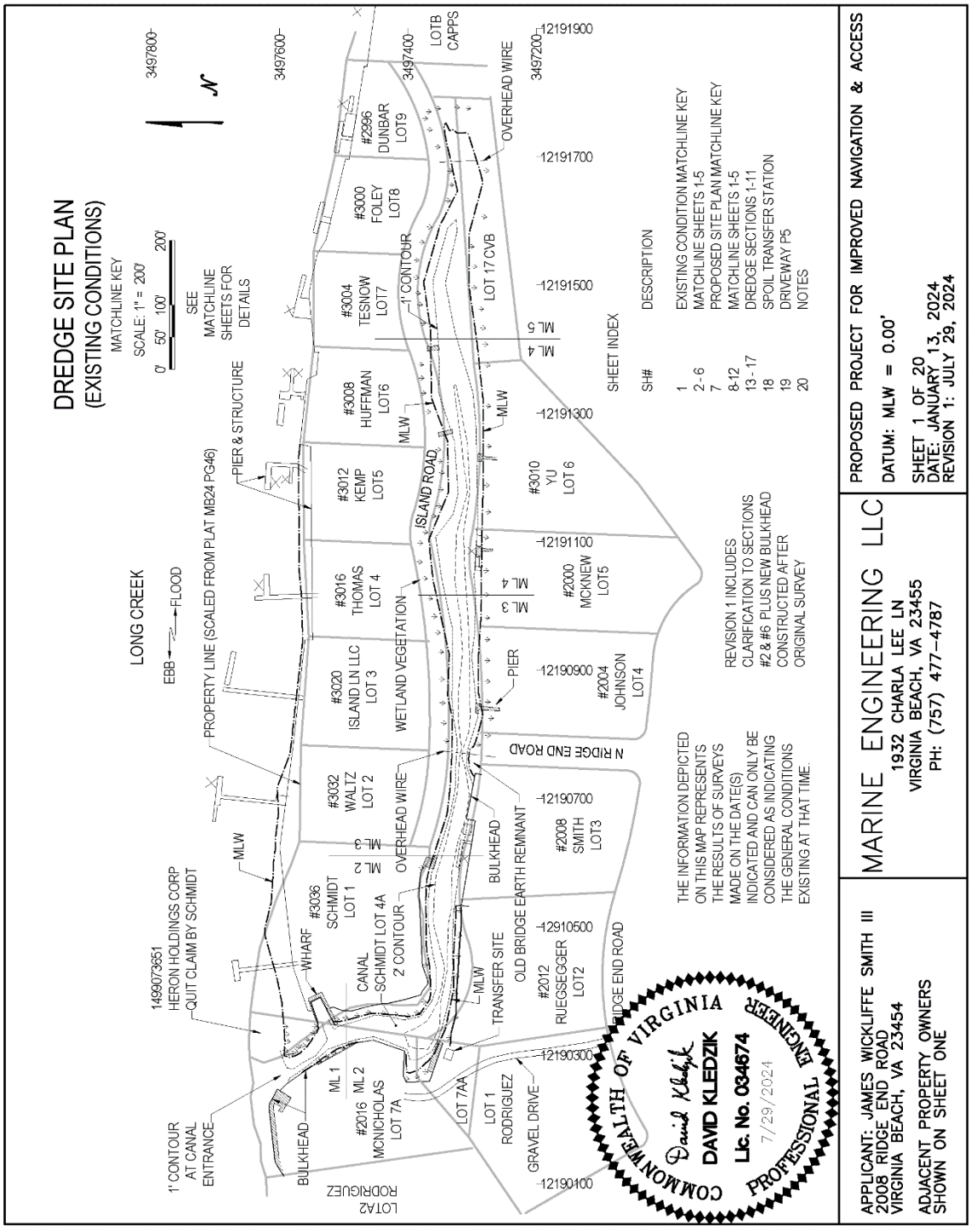
Please include a dredged material management plan that includes specifics on how the dredged material will be handled and retained to prevent its entry into surface waters or wetlands. If on-site dewatering is proposed, please include plan view and cross-sectional drawings of the dewatering area and associated outfall.

Load into barge for On-Site transfer to truck with disposal at approved facility such as Whitehurst DMMA.

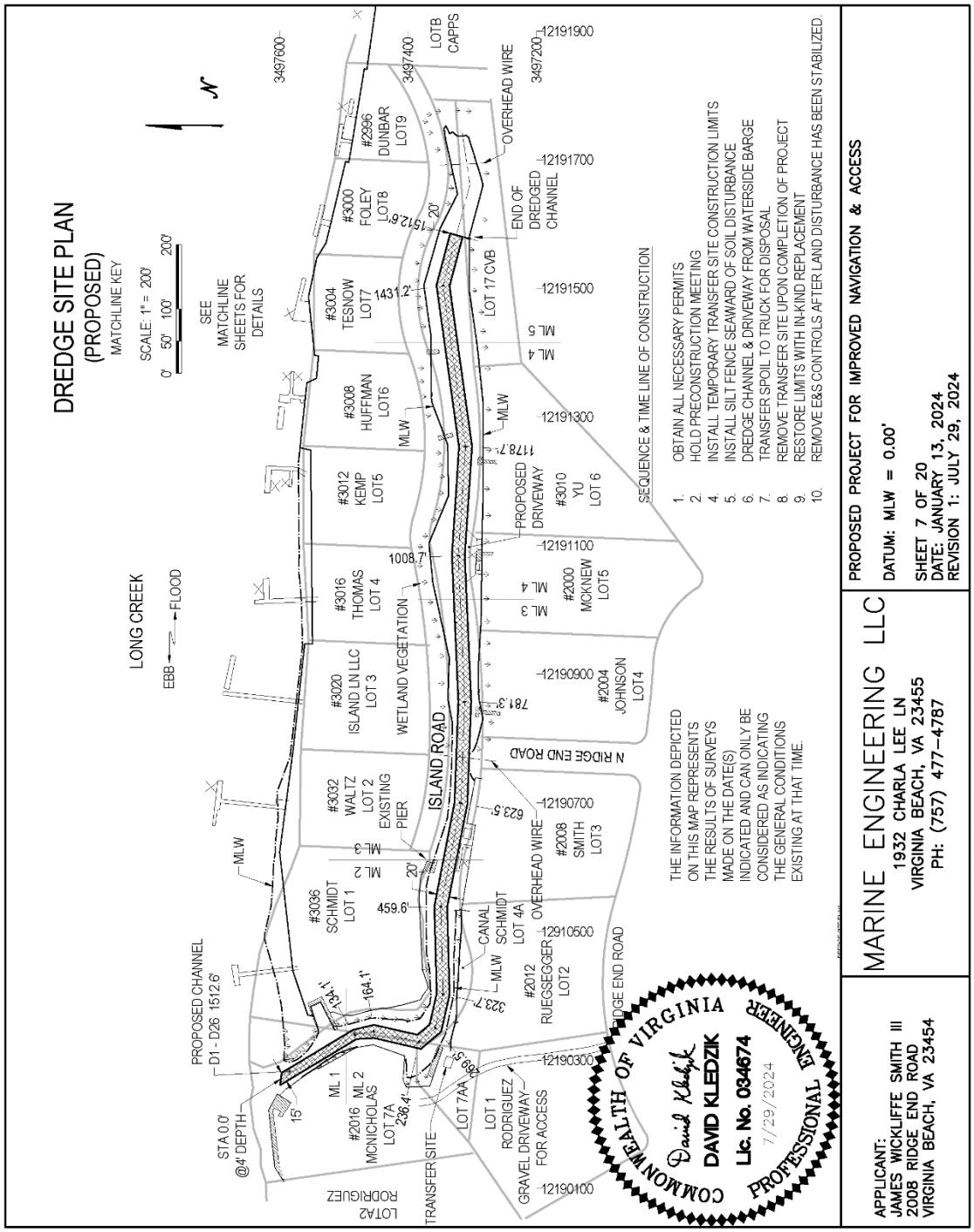
Will the dredged material be used for any commercial purpose or beneficial use? _____Yes X_____No
If yes, please explain:

If this is a maintenance dredging project, what was the date that the dredging was last performed? unknown
Permit number of original permit: unknown *(It is important that you attach a copy of the original permit.)*

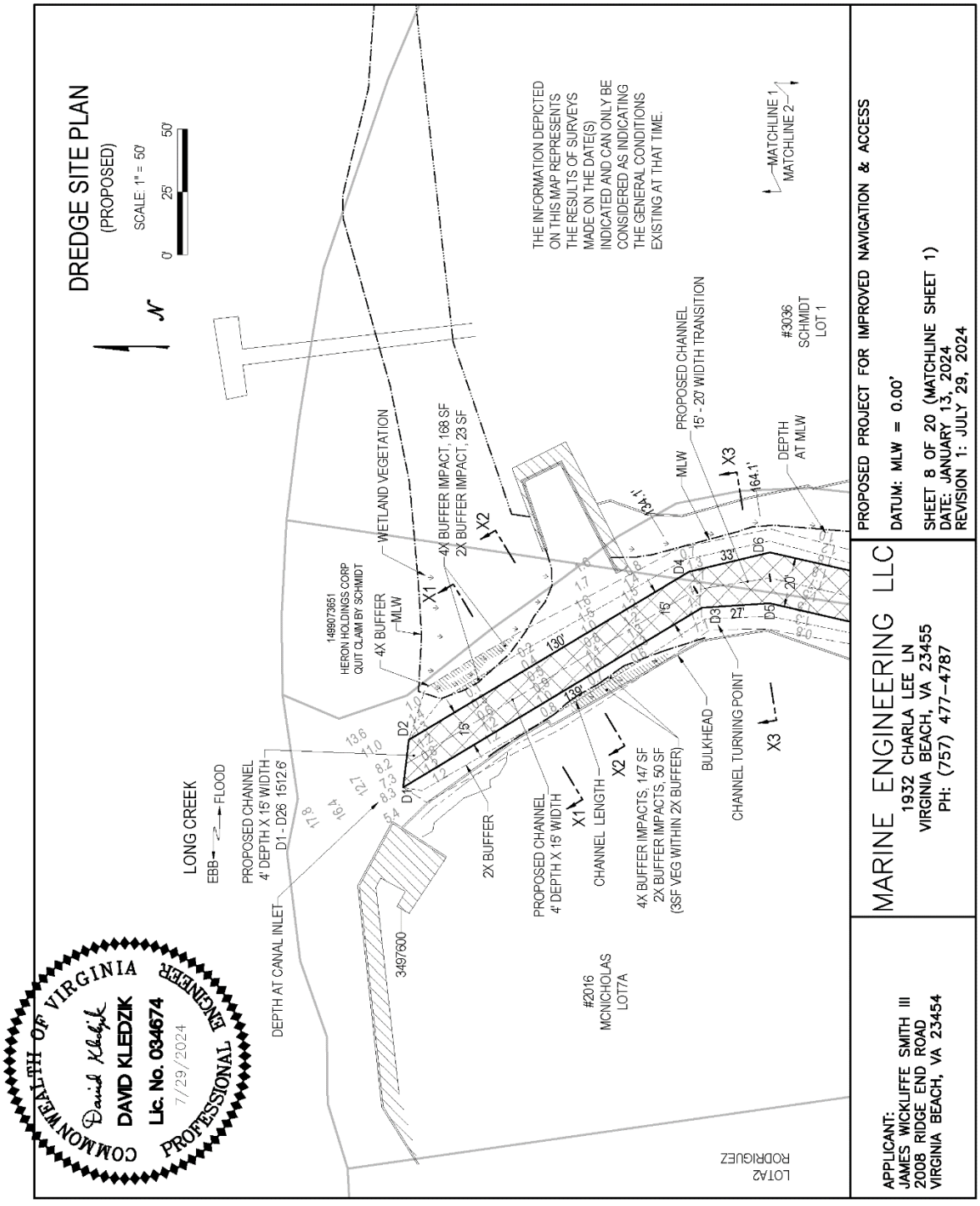
Received by VMRC June 17, 2024 /blh


DREDGE SITE PLAN
(EXISTING CONDITIONS)
MATCHLINE KEY
SCALE: 1" = 200'
0 50' 100' 200'
SEE MATCHLINE SHEETS FOR DETAILS
N
LONG CREEK
EBB
FLOOD
PROPERTY LINE (SCALED FROM PLAT MB24 PG46)
PIER & STRUCTURE
ISLAND ROAD
WETLAND VEGETATION
OVERHEAD WIRE
1' CONTOUR
2' CONTOUR
MLW
BULKHEAD
WHARF
CANAL
TRANSFER SITE
OLD BRIDGE EARTH REMNANT
N RIDGE END ROAD
RIDGE END ROAD
GRAVEL DRIVE
1' CONTOUR AT CANAL ENTRANCE
QUIT CLAIM BY SCHMIDT
HERON HOLDINGS CORP
1499073651
#3036 SCHMIDT LOT 1
SCHMIDT LOT 4A
#2016 MCNICHOLAS LOT 7A
LOT 7AA
LOT 1 RODRIGUEZ
LOT2 RODRIGUEZ
#3032 WALTZ LOT 2
#3020 ISLAND LN LLC LOT 3
#3016 THOMAS LOT 4
#3012 KEMP LOT5
#3008 HUFFMAN LOT6
#3004 TESNOW LOT7
#3000 FOLEY LOT8
#2996 DUNBAR LOT9
#3010 YU LOT 6
#2000 MCKNEW LOT5
#2004 JOHNSON LOT4
#2008 SMITH LOT3
#2012 RUEGSEGGER LOT2
LOT 17 CVB
LOTB CAPPS
ML 2
ML 3
ML 4
ML 5
3497800
3497600
3497400
3497200
12191900
12191700
12191500
12191300
12191100
12190900
12190700
12190500
12190300
12190100
PIER
1' CONTOUR
OVERHEAD WIRE
THE INFORMATION DEPICTED ON THIS MAP REPRESENTS THE RESULTS OF SURVEYS MADE ON THE DATE(S) INDICATED AND CAN ONLY BE CONSIDERED AS INDICATING THE GENERAL CONDITIONS EXISTING AT THAT TIME.
REVISION 1 INCLUDES CLARIFICATION TO SECTIONS #2 & #6 PLUS NEW BULKHEAD CONSTRUCTED AFTER ORIGINAL SURVEY
SHEET INDEX
SH# DESCRIPTION
1 EXISTING CONDITION MATCHLINE KEY
2 - 6 MATCHLINE SHEETS 1-5
7 PROPOSED SITE PLAN MATCHLINE KEY
8-12 MATCHLINE SHEETS 1-5
13 - 17 DREDGE SECTIONS 1-11
18 SPOIL TRANSFER STATION
19 DRIVEWAY P5
20 NOTES
COMMONWEALTH OF VIRGINIA
DAVID KLEDZIK
Lic. No. 034674
7/29/2024
PROFESSIONAL ENGINEER
APPLICANT: JAMES WICKLIFFE SMITH III
2008 RIDGE END ROAD
VIRGINIA BEACH, VA 23454
ADJACENT PROPERTY OWNERS SHOWN ON SHEET ONE
MARINE ENGINEERING LLC
1932 CHARLA LEE LN
VIRGINIA BEACH, VA 23455
PH: (757) 477-4787
PROPOSED PROJECT FOR IMPROVED NAVIGATION & ACCESS
DATUM: MLW = 0.00'
SHEET 1 OF 20
DATE: JANUARY 13, 2024
REVISION 1: JULY 29, 2024
JOB NUMBER 23169

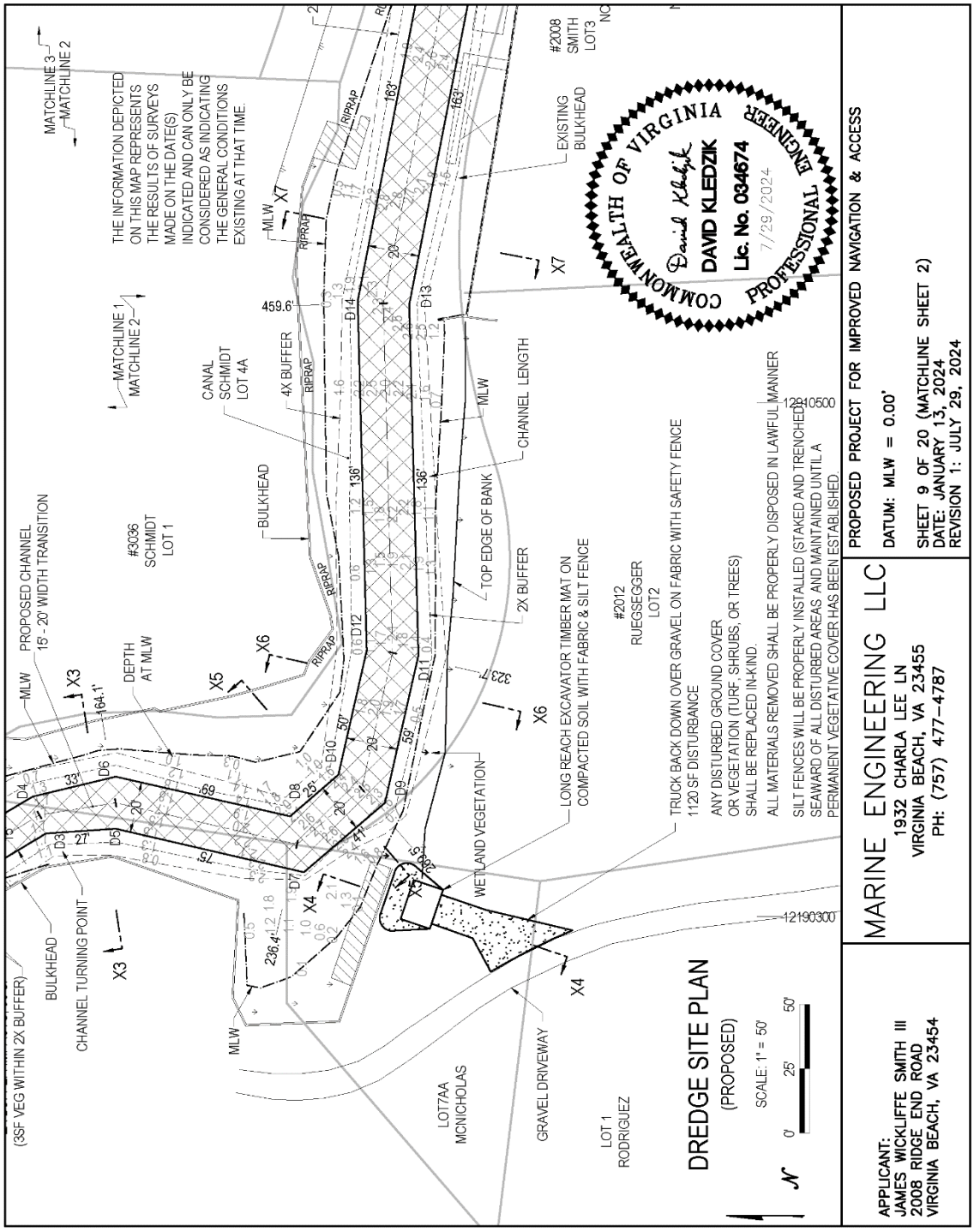
Proposed Dredge Site Plan



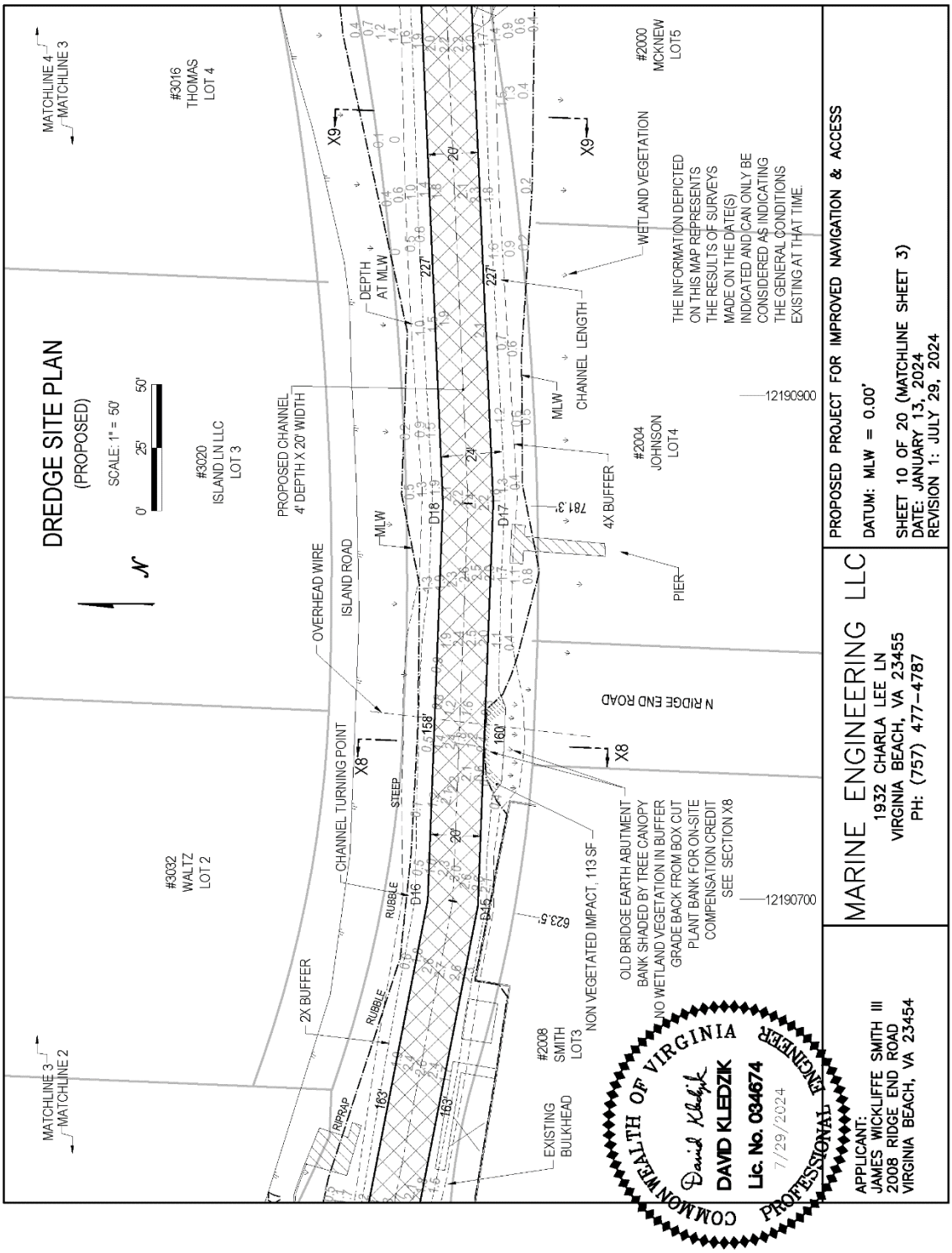
Proposed Dredge, Sheet 8



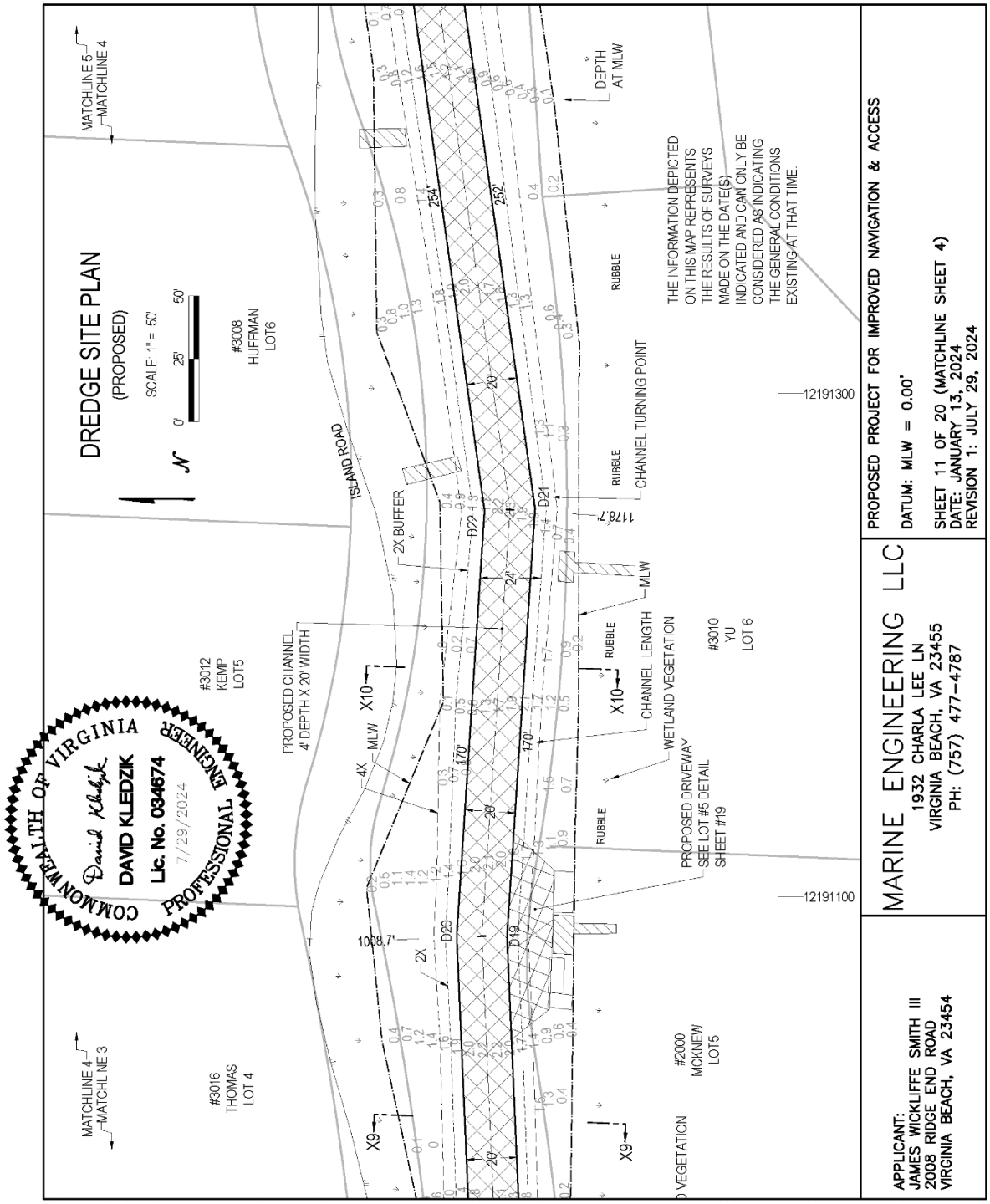
Proposed Dredge, Sheet 9



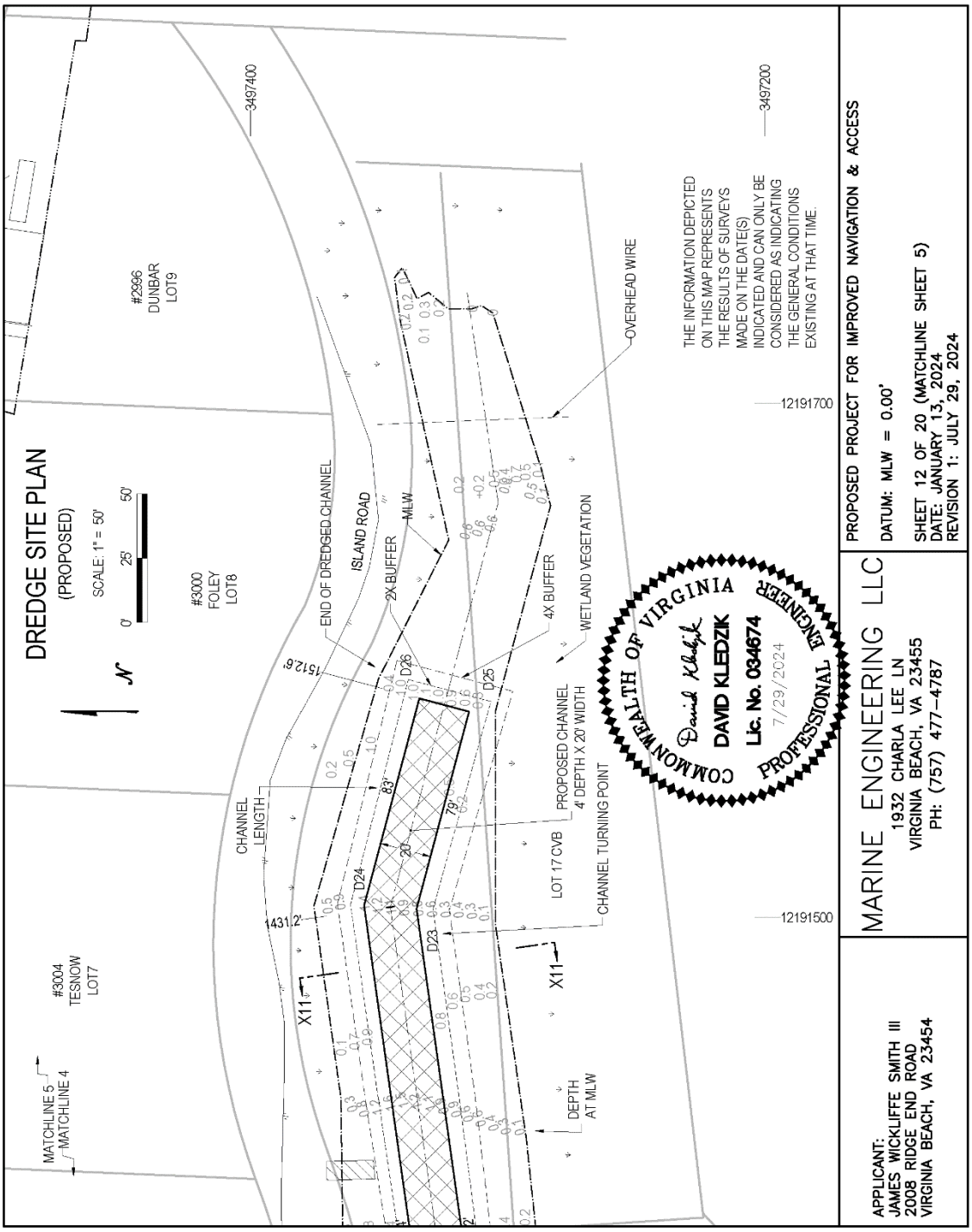
Proposed Dredge, Sheet 10



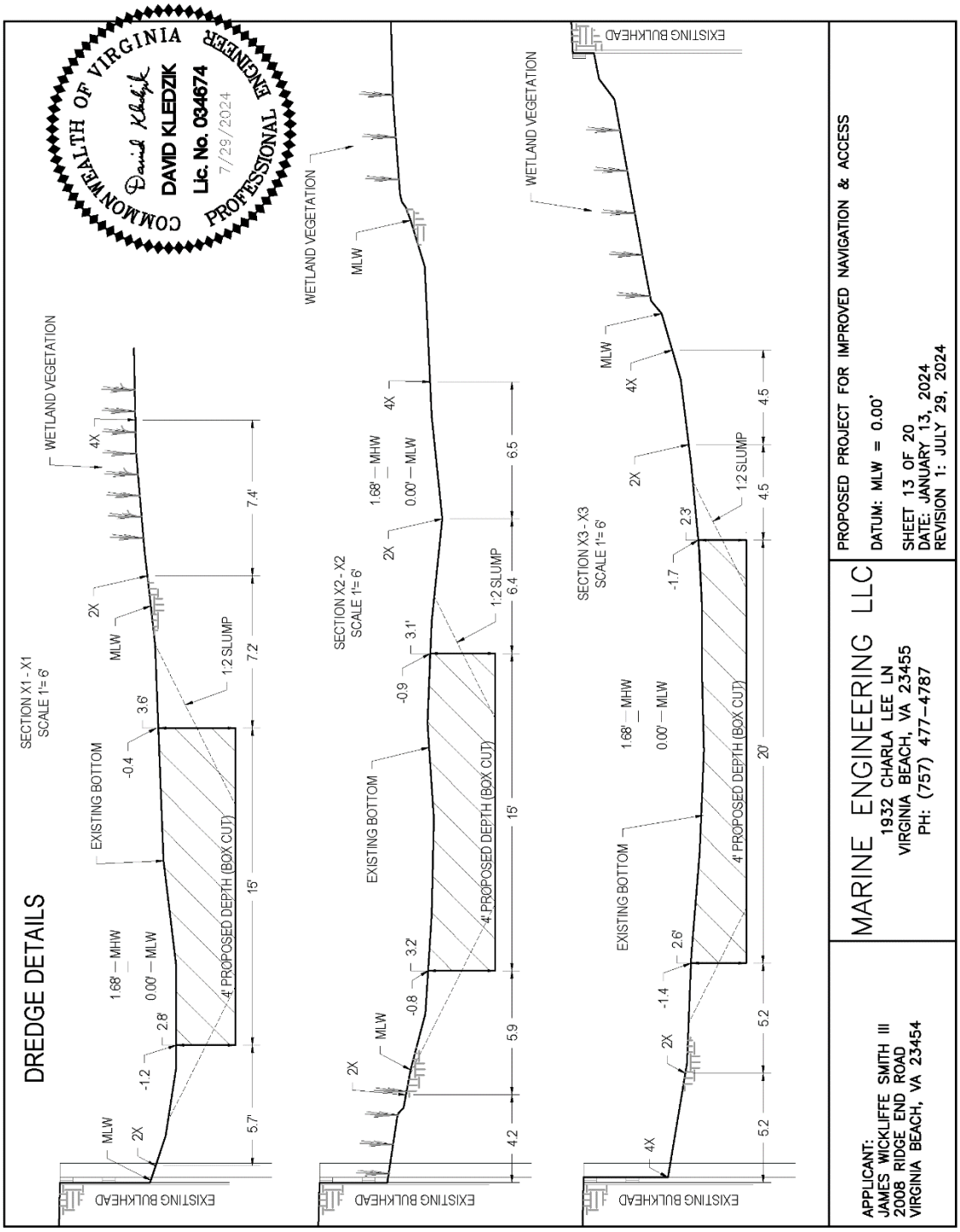
Proposed Dredge, Sheet 11



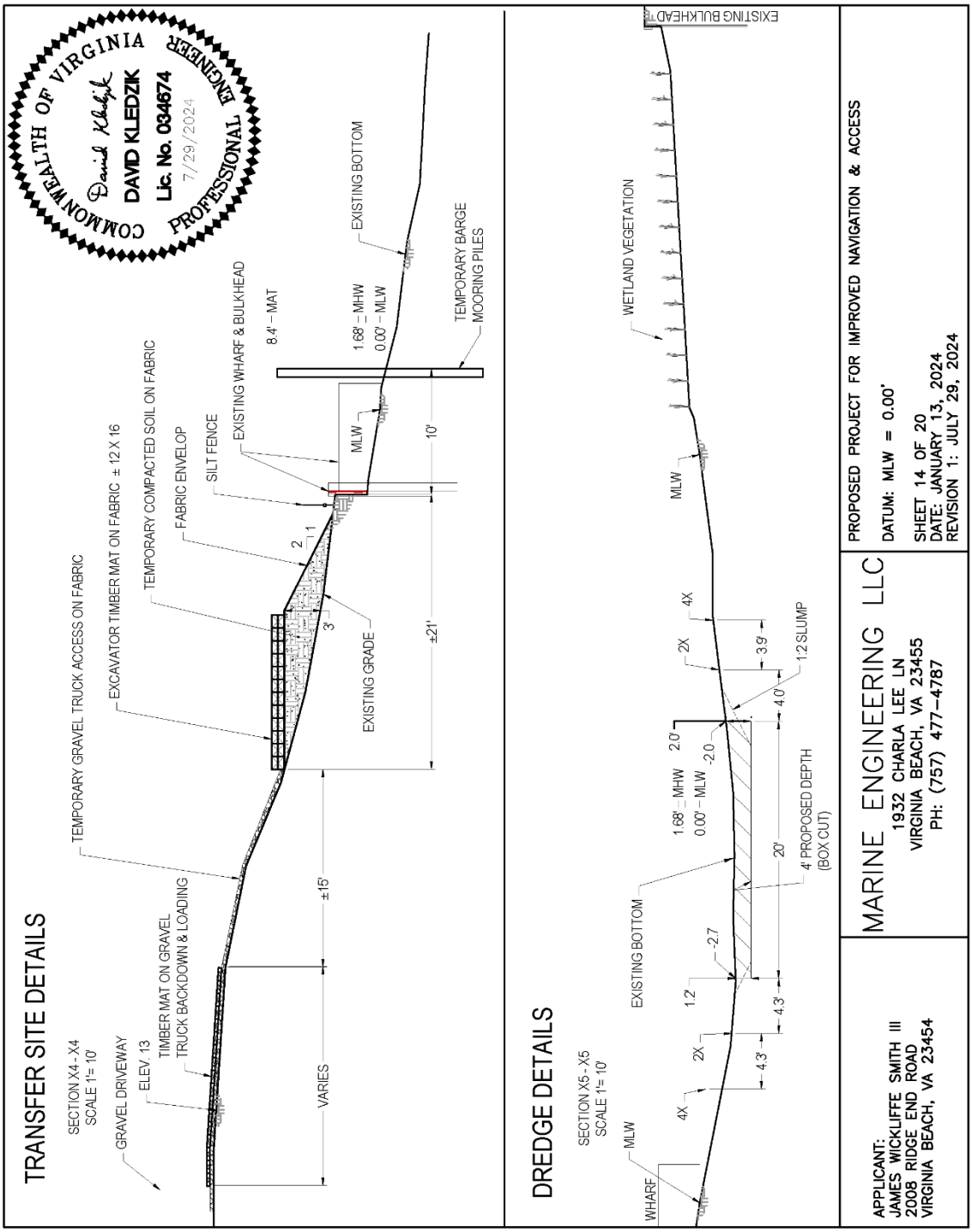
Proposed Dredge, Sheet 12



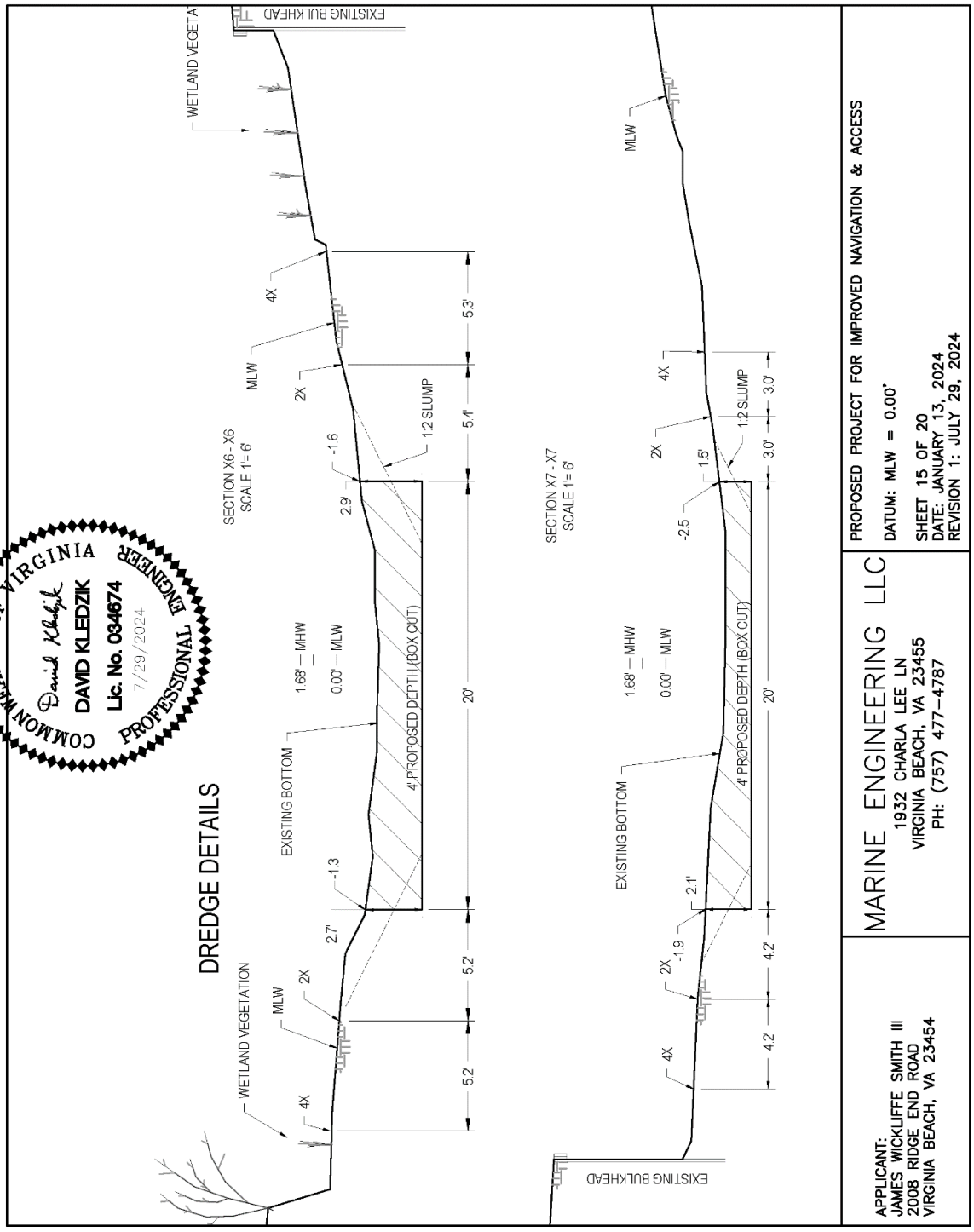
Proposed Dredge, Sheet 13



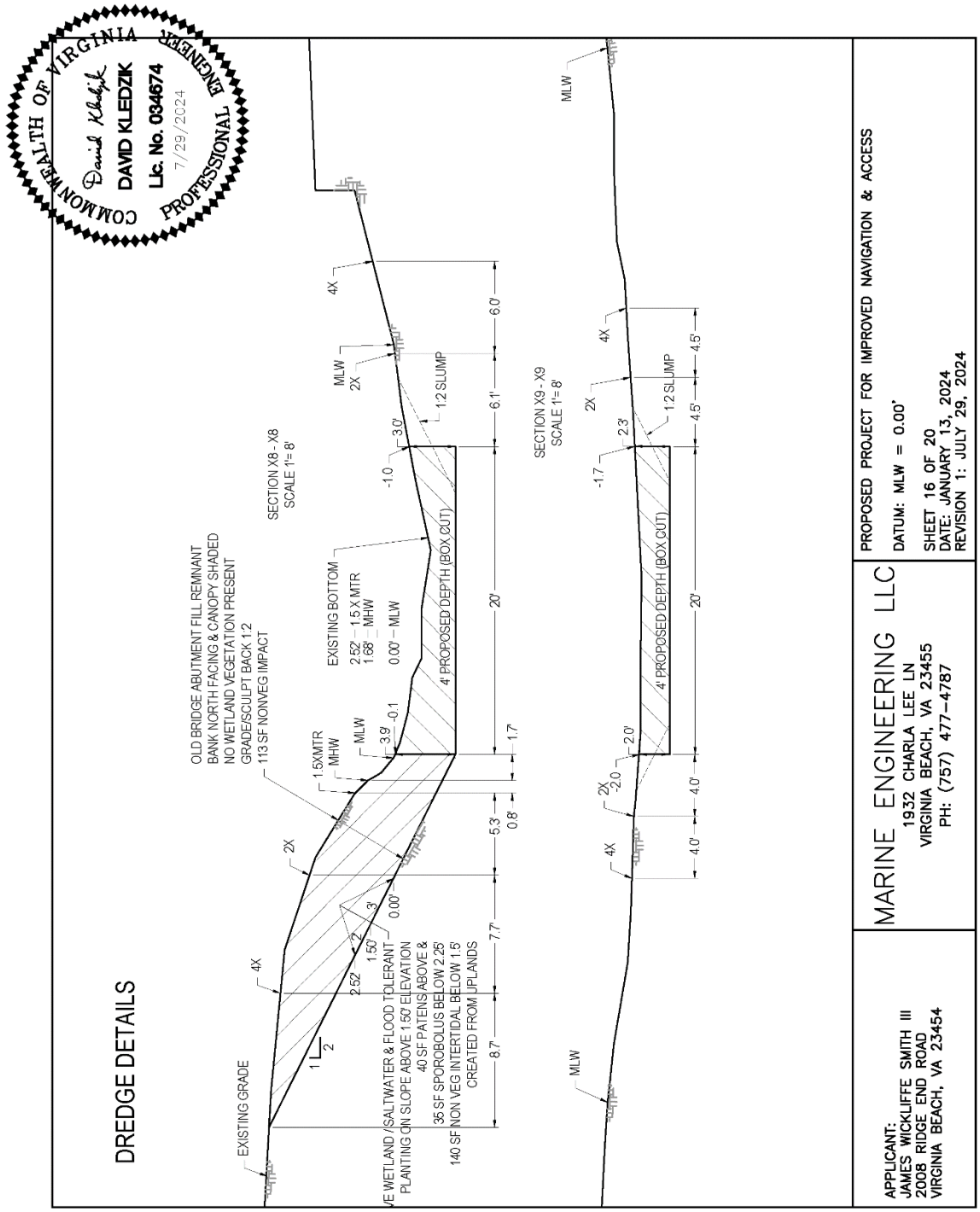
Proposed Dredge, Sheet 14



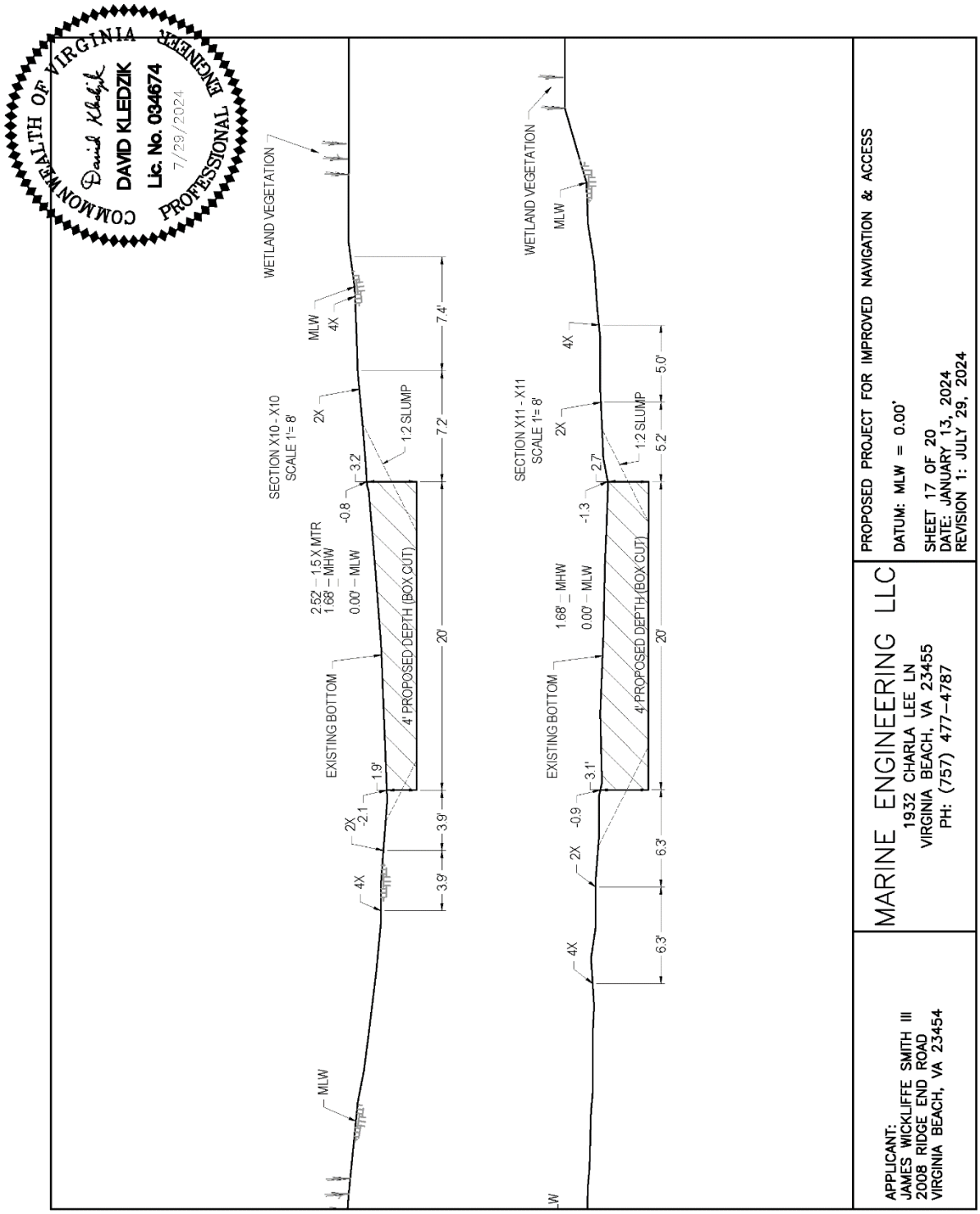
Proposed Dredge, Sheet 15



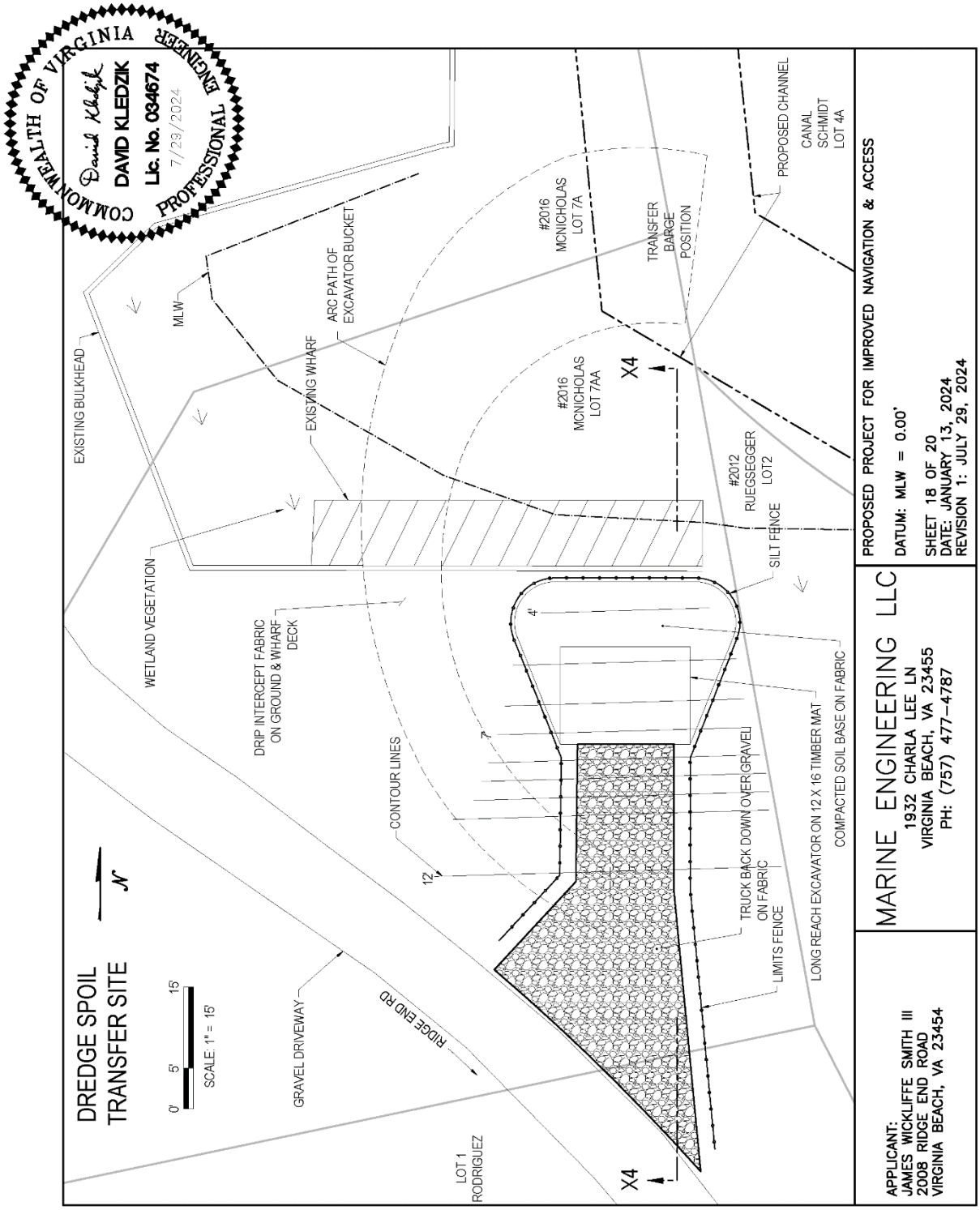
Proposed Dredge, Sheet 16



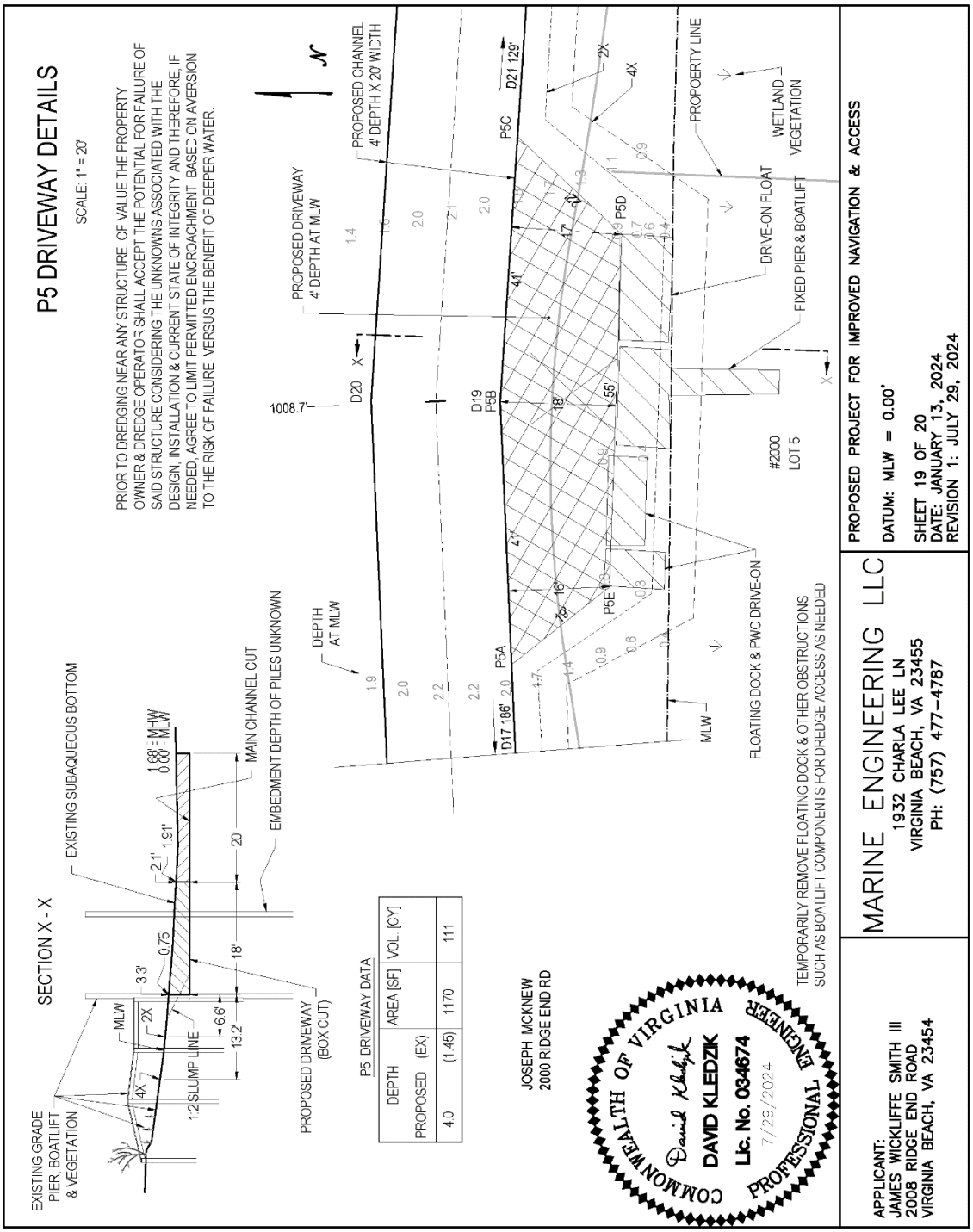
Proposed Dredge, Sheet 17



Proposed Dredge, Sheet 18



Proposed Dredge, Sheet 19



Site Photos





Site photos







Site Photos





Site Photos





Site Photos





Site Photos





CITY OF VIRGINIA BEACH

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. 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, boards, commissions, or other bodies.

SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:
as listed on application Joseph R. McKnew

Is Applicant also the Owner of the subject property? Yes ○ No ◉

If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

Does Applicant have a Representative? Yes ◉ No ○

If yes, name Representative: Marine Engineering LLC, David Kledzick, PE

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes ○ No ◉

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary [1] or affiliated business entity [2] relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes ○ No ◉

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

APPLICANT SERVICES DISCLOSURE

READ: *The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	◉	○	Rocket Mortgage
Real Estate Broker/Agent/Realtor	○	◉	

Disclosure Statement – Page 2 – Signed

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Accounting/Tax Return Preparation	○	◉	
Architect/Designer/Landscape Architect/Land Planner	○	◉	
Construction Contractor	○	◉	
Engineer/Surveyor/Agent	◉	○	Marine Engineering LLC c/o David Kledzik
Legal Services	○	◉	

APPLICANT CERTIFICATION

READ: *I certify that all information contained in this 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 three 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.*

Joseph R. McKnew	[signature]	7/10/24
Applicant Name (Print)	Applicant Signature	Date

[1] *"Parent-subsidiary 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-subsidiary 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.*

FOR CITY USE ONLY:

No changes as of (date): _____

Staff Name (Print)	Staff Signature	Date

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:
as listed on application _____

Is the Owner a corporation, partnership, firm, business, trust, or unincorporated business? Yes ◯ No ◯

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary [1] or affiliated business entity [2] relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes ◯ No ◯

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

READ: *The Owner must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity or individual providing such services must be identified. (Attach list if necessary.)*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	◯	◯	
Real Estate Broker/Agent/Realtor	◯	◯	
Accounting/Tax Return Preparation	◯	◯	
Architect/Designer/Landscape Architect/Land Planner	◯	◯	
Construction Contractor	◯	◯	
Engineer/Surveyor/Agent	◉	◯	Marine Engineering LLC c/o David Kledzik
Legal Services	◯	◯	

PROPERTY OWNER CERTIFICATION

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Property Owner Name (Print)	Property Owner Signature	Date

CITY OF VIRGINIA BEACH

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SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:
as listed on application James Wickliffe Smith III

Is Applicant also the Owner of the subject property? Yes ○ No ◉

If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

Does Applicant have a Representative? Yes ○ No ◉

If yes, name Representative: _____

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes ○ No ◉

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary [1] or affiliated business entity [2] relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes ○ No ◉

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

APPLICANT SERVICES DISCLOSURE

***READ:** The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	◉	○	Regions Bank
Real Estate Broker/Agent/Realtor	○	◉	

Disclosure Statement – Page 2 – Signed

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Accounting/Tax Return Preparation	○	◉	
Architect/Designer/Landscape Architect/Land Planner	○	◉	
Construction Contractor	○	◉	
Engineer/Surveyor/Agent	◉	○	Marine Engineering LLC c/o David Kledzik
Legal Services	○	◉	

APPLICANT CERTIFICATION

READ: *I certify that all information contained in this 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 three 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.*

James Wickliffe Smith III		7-10-2024
Applicant Name (Print)	Applicant Signature	Date

[1] *"Parent-subsidiary 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-subsidiary 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.*

FOR CITY USE ONLY:

No changes as of (date): _____

Staff Name (Print)	Staff Signature	Date

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:
as listed on application _____

Is the Owner a corporation, partnership, firm, business, trust, or unincorporated business? Yes ◯ No ◯

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary [1] or affiliated business entity [2] relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes ◯ No ◯

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

***READ:** The Owner must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity or individual providing such services must be identified. (Attach list if necessary.)*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	◯	◯	
Real Estate Broker/Agent/Realtor	◯	◯	
Accounting/Tax Return Preparation	◯	◯	
Architect/Designer/Landscape Architect/Land Planner	◯	◯	
Construction Contractor	◯	◯	
Engineer/Surveyor/Agent	◉	◯	Marine Engineering LLC c/o David Kledzik
Legal Services	◯	◯	

PROPERTY OWNER CERTIFICATION

***READ:** I certify that all information contained in this 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 three 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.*

Property Owner Name (Print)	Property Owner Signature	Date

Disclosure Statement

City of Virginia Beach
Planning & Community Development

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Applicant Disclosure

Applicant Name THOMAS MCNICHOLAS III

Does the applicant have a representative? ■ **Yes** ☐ **No**

- If **yes**, list the name of the representative.

DAVID KLEDZIK

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)

- If **yes**, list the businesses that have a parent-subsidiary[1] or affiliated business entity[2] relationship with the applicant. (Attach a list if necessary)

[1] "Parent-subsidiary 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-subsidiary 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

City of Virginia Beach
Planning & Community Development

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 providing the service.

     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 company and individual providing the service.

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 and 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 and 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

City of Virginia Beach
Planning & Community Development

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 company and individual providing the service.

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 firm and individual providing the service.

MARINE ENGINEERING LLC & DAVID KLEDZIK

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 firm and individual providing the service.

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.**

Thomas McNichols
Applicant Signature

Tom McNichols
Print Name and Title

2-24-2024
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					
☐	No changes as of	Date		Signature	
				Print Name	

Disclosure Statement

City of Virginia Beach
Planning & Community Development

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 JOHN T SCHMIDT

Does the applicant have a representative? ■ **Yes** ☐ **No**

- If **yes**, list the name of the representative.

DAVID KLEDZIK

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)

- If **yes**, list the businesses that have a parent-subsidiary[1] or affiliated business entity[2] relationship with the applicant. (Attach a list if necessary)

[1] "Parent-subsidiary 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-subsidiary 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

City of Virginia Beach
Planning & Community Development

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 providing the service.

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 company and individual providing the service.

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 and 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 and 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

City of Virginia Beach
Planning & Community Development

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 company and individual providing the service.

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 firm and individual providing the service.

   MARINE ENGINEERING LLC & DAVID KLEDZIK

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 firm and individual providing the service.

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.**

Applicant Signature John T. Schmidt

Print Name and Title JOHN T. SCHMIDT, OWNER

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					
☐	No changes as of	Date		Signature	
				Print Name	

Agenda Item 3

Application Number: 2024-WTRA-00144
Applicant: Charles Nash
Wetlands Board Public Hearing: August 19, 2024
City Council: District 6 (Remick)

Applicant's Agent

Richard Calvert – Calvert Marine

Location

704 Crystal Lane

GPIN

2418-58-9520

Staff Planner

Heaven Manning

Proposal

To construct a rip rap revetment involving wetlands.

Staff Recommendation

Approval as Submitted

Waterway

Crystal Lake

Subdivision

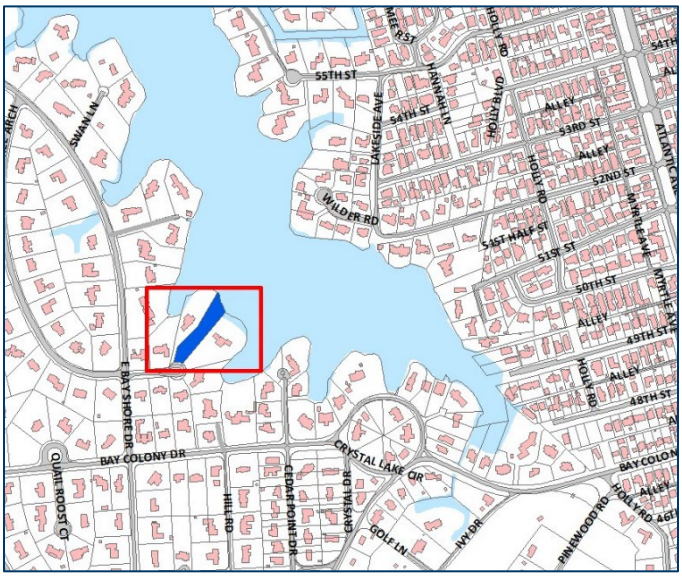
Bay Colony

Impacts

Non-Vegetated: 24 square feet
Subaqueous: 1,325 square feet
Overall length of proposed structures: 164 linear feet of rip rap revetment

Proposed Mitigation and/or Compensation

On-site





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 actions for this property.

There are no known recent Wetlands Board actions found for this property. A Joint Permit Application was submitted in 2021 to install a floating dock and boat lift.

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 164 linear feet of rip rap revetment in front of the existing bulkhead. The rip rap will consist of Class 1 and A1 granite. The primary purpose of the rip rap revetment is to is to reduce erosion along the shoreline while allowing for boating access to the waterway. The proposal includes the replacement of the concrete cap of the bulkhead.

As designed, the proposed project will impact 24 square feet of non-vegetated wetlands. The applicant is proposing to mitigate on-site with 24 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 concrete bulkhead that is currently protecting the property's shoreline by installing 164 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. The applicant's agent provides that a living shoreline is not appropriate for this property due to the proximity of the residence to the bulkhead, height of the existing bulkhead, and the shoreline conditions of the adjacent properties. Staff agrees with the on-site compensation method for the 24 square feet of non-vegetated wetlands impacts conversion to non-vegetated rock habitat.

Accordingly, the Department of Planning and Community Development recommends that the application be **approved as submitted** as shown on the plans titled "New Rip Rap Revetment" sealed June 27, 2024 and received by the VMRC on June 27, 2024.

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:

   The existing bulkhead, concrete, stone and mortar, is deteriorating. There is some wall movement and settling grade behind the wall. The existing residence is within 5 ft. from the existing bulkhead and access is limited. The project shall include placing new Class 1 and A1 granite rip rap in front of the existing bulkhead (164 LF). Filter cloth shall be installed as shown on the drawings prior to the installation of stone. The existing bulkhead shall have a new concrete cap (2" to 8" high) installed atop the existing bulkhead utilizing high strength repair epoxy mortar. The grade behind the wall shall be raised up to 8" (where applicable) in order to match the existing grade. 24 SF of the new revetment shall be placed over existing rip rap in the tidal zone. 8 of the 24 SF, of new granite, shall encroach upon the adjacent property and an agreement for this portion is enclosed. The remaining 1,325 SF will be placed on subaqeous bottom. All work to be completed by barge and no trees to be removed.

2. What is the maximum encroachment channelward of mean high water? 9 feet.
   Channelward of mean low water? 9 feet.
   Channelward of the back edge of the dune or beach? _____feet.

3. Please calculate the square footage of encroachment over:
   - Vegetated wetlands 0 square feet
   - Non-vegetated wetlands 24 square feet
   - Subaqueous bottom 1325 square feet
   - Dune and/or beach 0 square feet

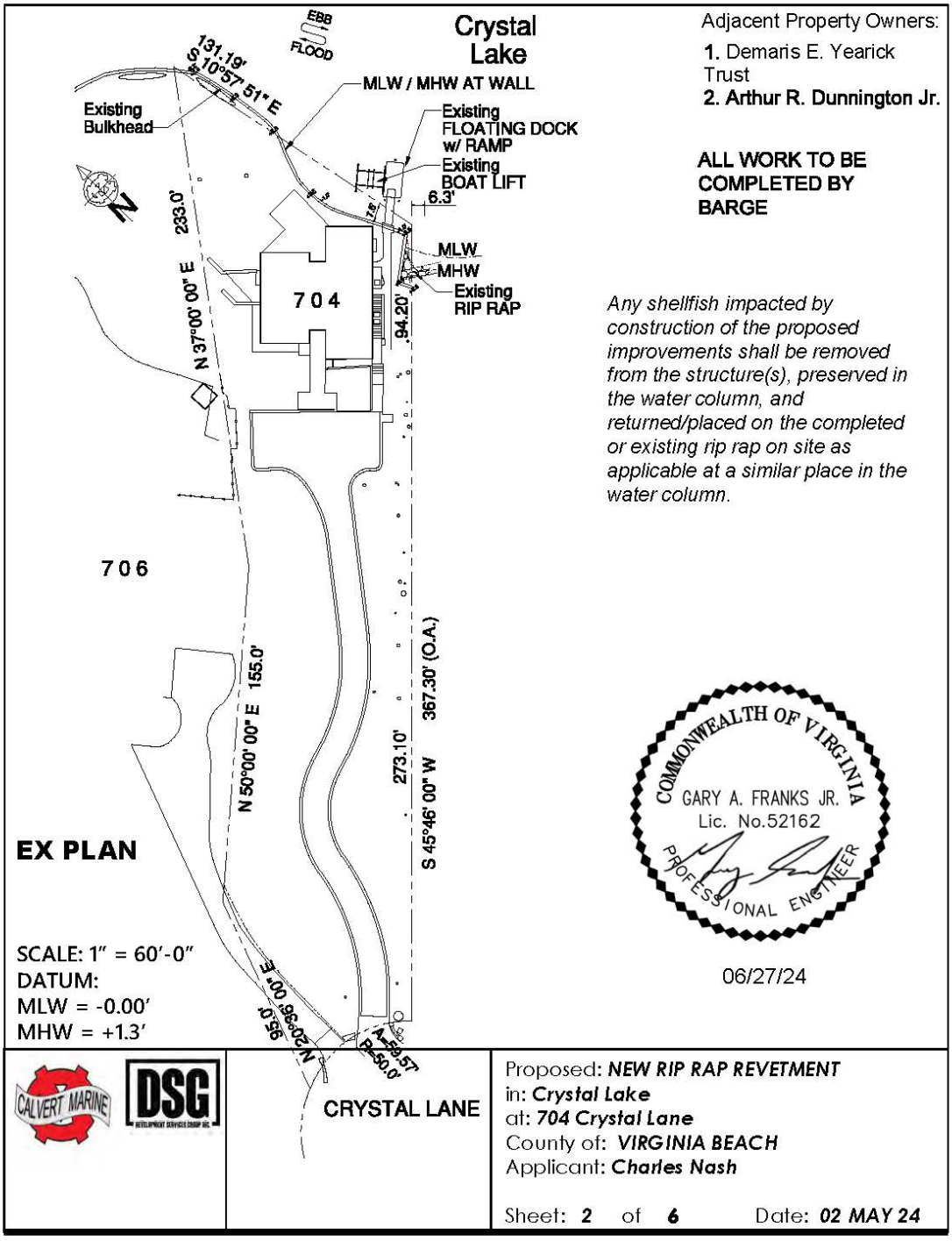
4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? ____ Yes____ No.

   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.

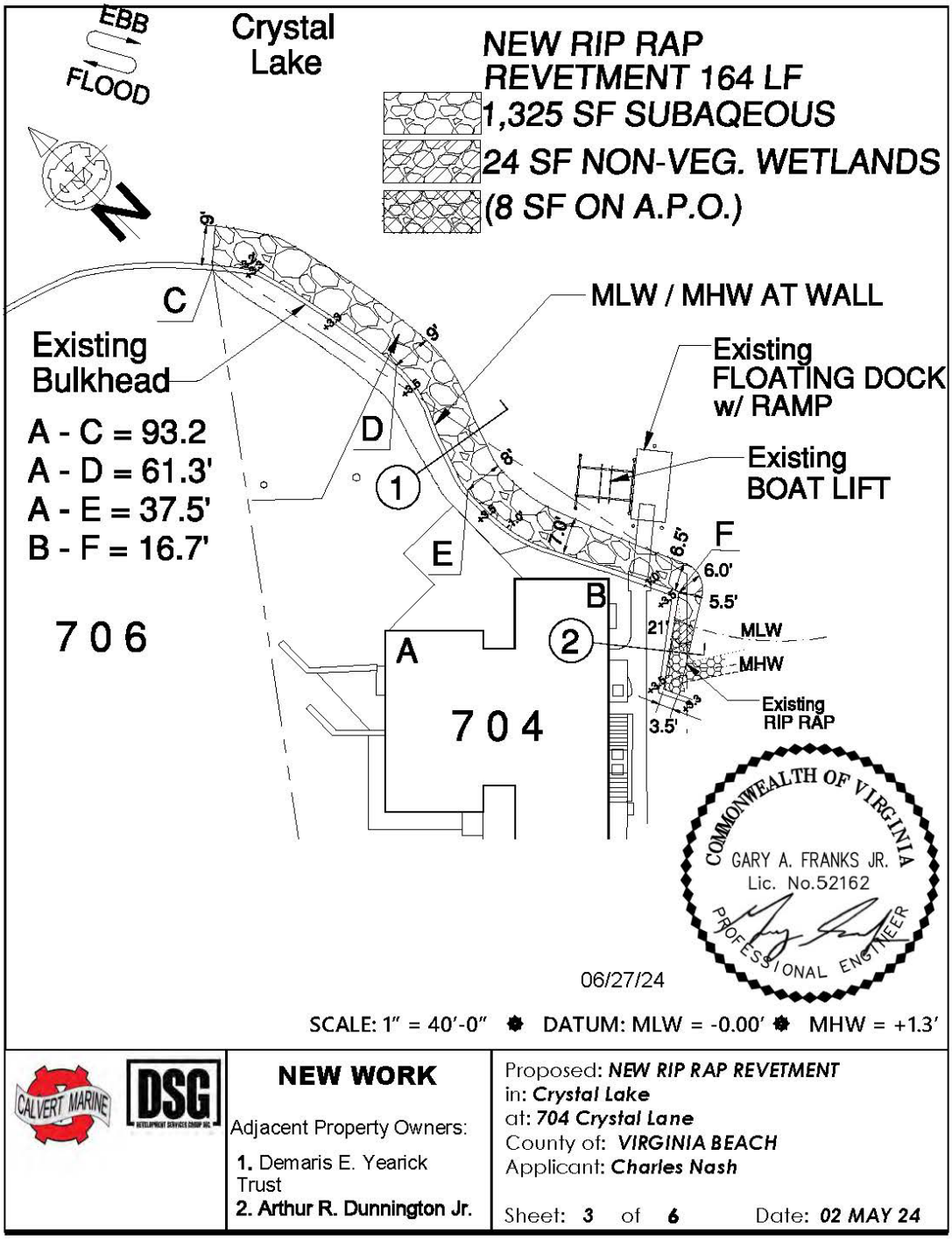
Received by VMRC June 27, 2024 /blh

Existing Conditions



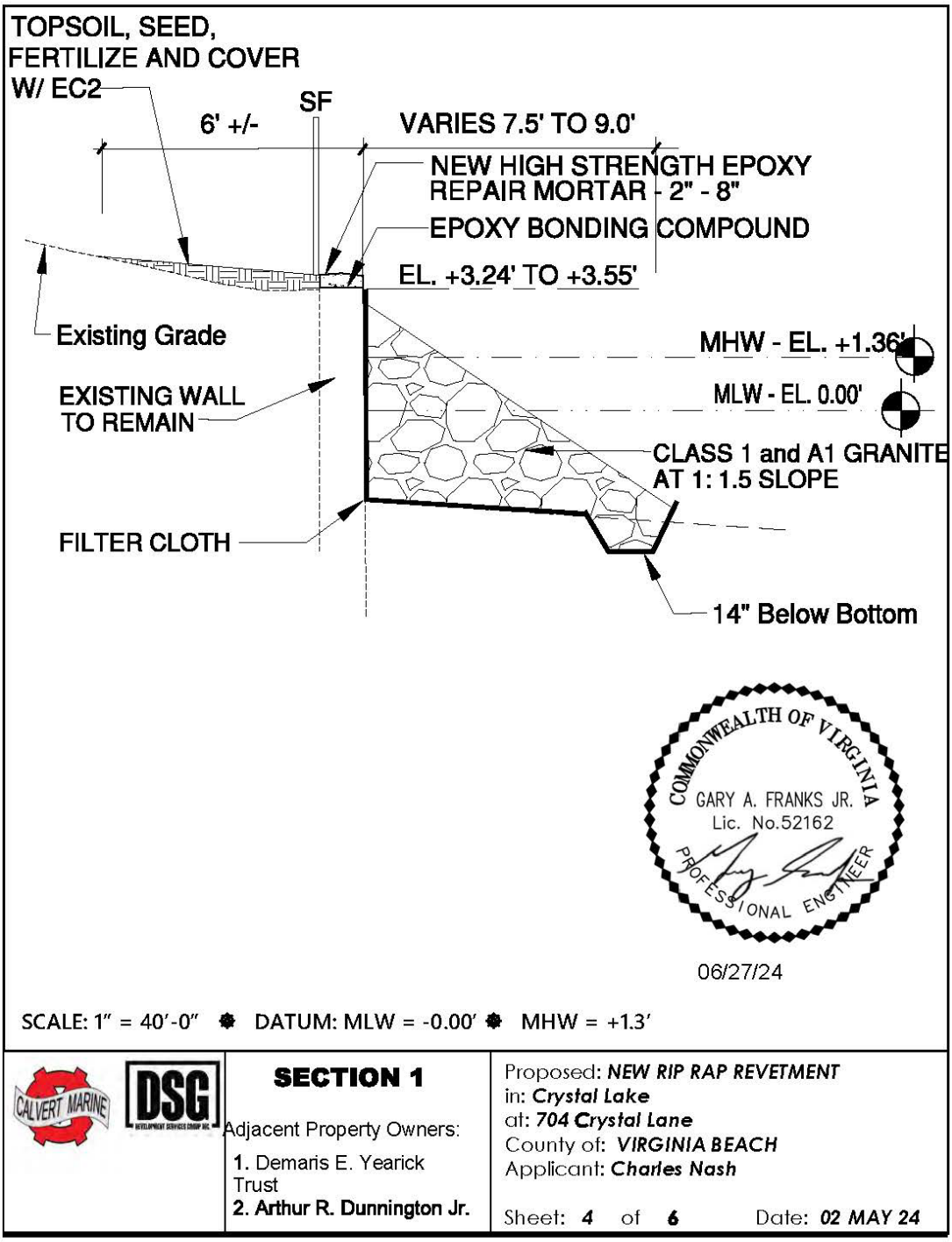
Received by VMRC June 27, 2024 /blh

Proposed Improvements



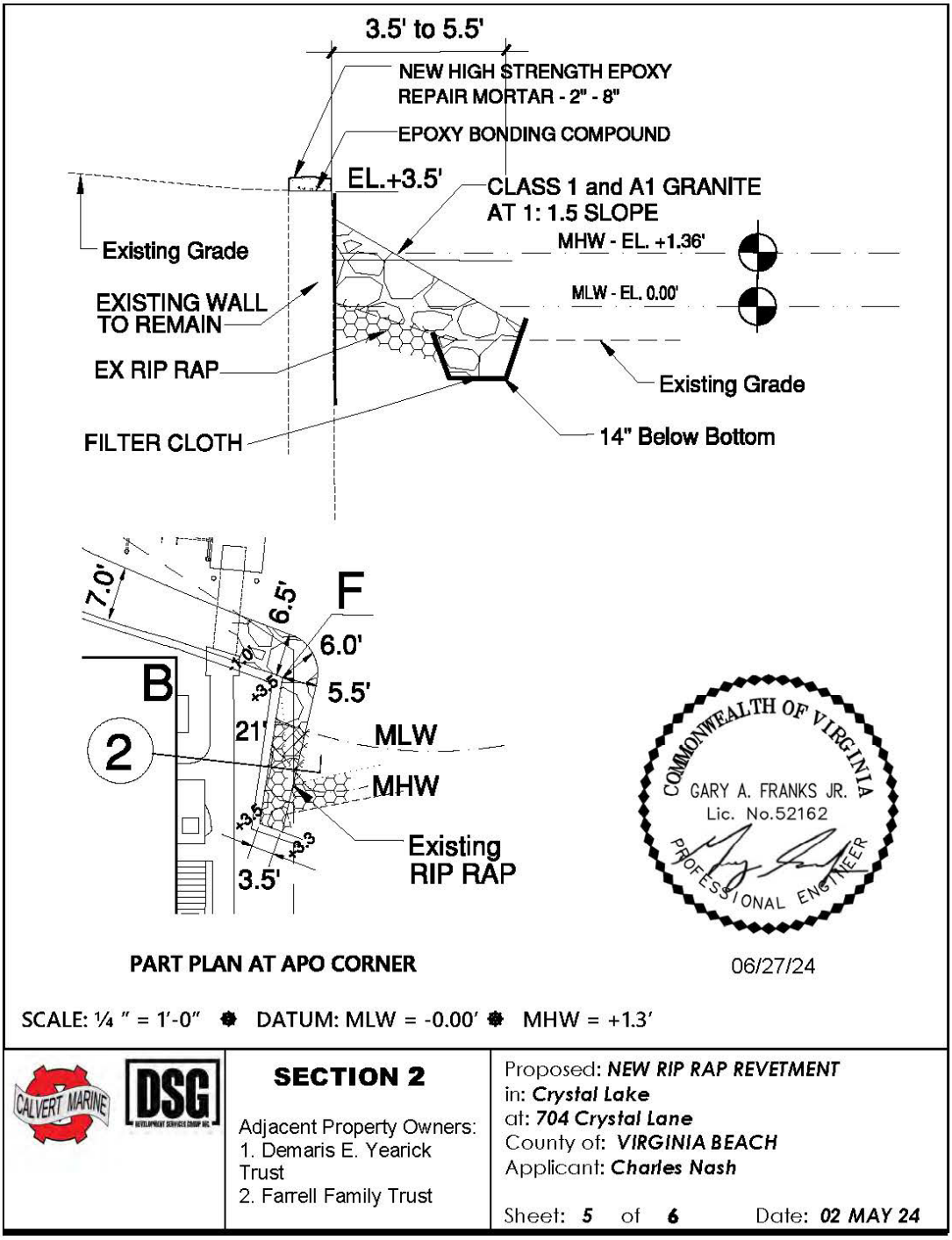
Received by VMRC June 27, 2024 /blh

Rip Rap Section 1



Received by VMRC June 27, 2024 /blh

Rip Rap Section 2



Received by VMRC June 27, 2024 /blh

Site Photos





Site photos





CITY OF VIRGINIA BEACH

Disclosure Statement

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SECTION 1: APPLICANT DISCLOSURE

APPLICANT INFORMATION

Applicant Name:
as listed on application Charles Nash

Is Applicant also the Owner of the subject property? Yes (●) No ( )

If no, Property Owner must complete SECTION 2: PROPERTY OWNER DISCLOSURE (page 3).

Does Applicant have a Representative? Yes (●) No ( )

If yes, name Representative: Calvert Marine

Is Applicant a corporation, partnership, firm, business, trust or unincorporated business? Yes ( ) No (●)

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent- subsidiary [1] or affiliated business entity [2] relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes ( ) No (●)

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

APPLICANT SERVICES DISCLOSURE

READ: *The Applicant must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity and/or individual providing such services must be identified. (Attach list if necessary.)*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	( )	(●)	
Real Estate Broker/Agent/Realtor	( )	(●)	

Received by VMRC June 27, 2024 /blh

SECTION 1: APPLICANT DISCLOSURE *continued*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Accounting/Tax Return Preparation	○	◉	
Architect/Designer/Landscape Architect/Land Planner	○	◉	
Construction Contractor	○	◉	
Engineer/Surveyor/Agent	◉	○	Calvert Marine, Agent
Legal Services	○	◉	

APPLICANT CERTIFICATION

READ: *I certify that all information contained in this 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 three 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.*

Charles Nash		6/17/24
Applicant Name (Print)	Applicant Signature	Date

[1] *"Parent-subsidiary 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-subsidiary 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.*

FOR CITY USE ONLY:

No changes as of (date): _____

Staff Name (Print)	Staff Signature	Date

Received by VMRC June 27, 2024 /blh

Disclosure Statement – Page 3 - Signed

SECTION 2: PROPERTY OWNER DISCLOSURE

PROPERTY OWNER INFORMATION

Property Owner Name:
as listed on application Charles Nash Living Trust

Is the Owner a corporation, partnership, firm, business, trust, or unincorporated business? Yes ◉ No ○

If yes, list the names of all officers, directors, members, or trustees below AND businesses that have a parent-subsidiary [1] or affiliated business entity [2] relationship with the applicant. (Attach list if necessary.)

Does the subject property have a proposed or pending purchaser? Yes ○ No ◉

If yes, name proposed or pending purchaser: _____

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, name the official or employee, and describe the nature of their interest.

PROPERTY OWNER SERVICES DISCLOSURE

READ: *The Owner must certify whether the following services are being provided in connection to the subject application or any business operating or to be operated on the property. The name of the entity or individual providing such services must be identified. (Attach list if necessary.)*

SERVICE	YES	NO	SERVICE PROVIDER *(Name entity and/or individual)*
Financing (mortgage, deeds of trust, cross-collateralization, etc.)	○	◉	
Real Estate Broker/Agent/Realtor	○	◉	
Accounting/Tax Return Preparation	○	◉	
Architect/Designer/Landscape Architect/Land Planner	○	◉	
Construction Contractor	○	◉	
Engineer/Surveyor/Agent	◉	○	Calvert Marine
Legal Services	○	◉	

PROPERTY OWNER CERTIFICATION

READ: *I certify that all information contained in this 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 three 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.*

Charles M Nash TTEE	Charles Nash TTEE	7.7.24
Property Owner Name (Print)	Property Owner Signature	Date