

Wetlands Board Staff Report

February 22, 2024



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VIRGINIA BEACH WETLANDS BOARD

PUBLIC HEARING PROCEDURES

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Thursday, February 22, 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 **February 22, 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 – COASTAL PRIMARY SAND/DUNE BEACH

1. 2023-WTRA-00263

Westminster-Canterbury on Chesapeake Bay [Applicant & Owner]

Near the intersection of Ocean Shore Ave and Starfish Road
 GPINs 1590-00-9984, 1590-10-0956
 City Council District: District 8

Waterway – Chesapeake Bay
 Subdivision – Westminster-Canterbury on Chesapeake Bay

Request: To construct a pavilion involving coastal primary sand dune/beach.



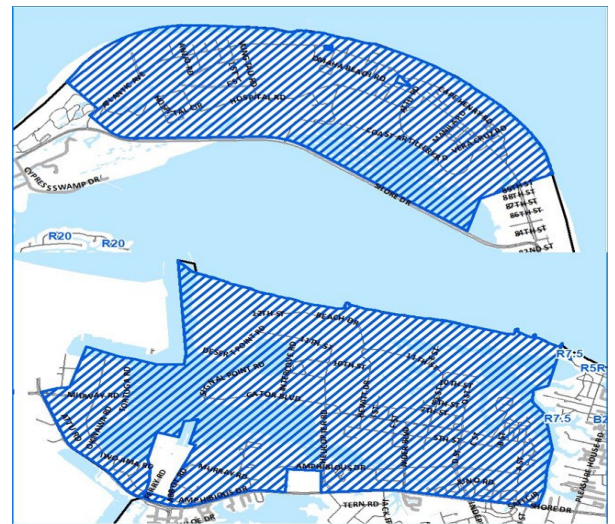
2. 2023-WTRA-00266

Department of the Navy [Applicant & Owner]

JEB Little Creek-Fort Story
 GPINs 2500-87-6520, 1469-79-2860
 City Council District: District 6 & 9

Waterway – Chesapeake Bay
 Subdivision – Fort Story

Request: Temporary excavation of the beach for fixed and or floating piers at the Anzio, Omaha, & Utah Beach Training Areas involving coastal primary sand dune/beach.



NEW BUSINESS – WETLANDS

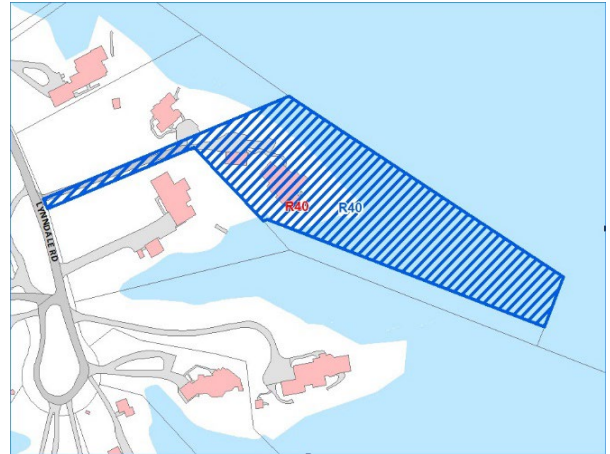
3. 2022-WTRA-00164

Lynnhaven River Now [Applicant]
Jeffrey B. Grimshaw [Owner]

3018 Lynndale Road
GPIN 1498-37-1938
City Council District: District 8

Waterway – Eastern Branch Lynnhaven River
Subdivision – Lynndale Estates

Request: To install coir logs, mussels, place sand, and plant vegetation involving wetlands.



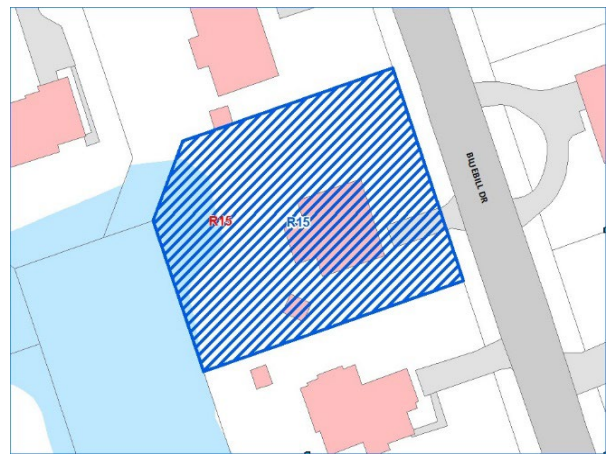
4. 2024-WTRA-00003

Richard J. Puleo [Applicant & Owner]

2805 Bluebill Drive
GPIN 2433-26-4287
City Council District: District 2

Waterway – Bass Inlet
Subdivision – Sandbridge Shores

Request: To construct a bulkhead, rip rap revetment, and modify the boat ramp involving wetlands.



5. 2023-WTRA-00258

James H. & Karen M. Sparks
[Applicants & Owners]

4001 N Witchduck Road
GPINs 1488-18-2894, 1488-18-4815
City Council District: District 8

Waterway – Western Branch Lynnhaven River
Subdivision – Witchduck

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



NEW BUSINESS – WETLANDS (CONTINUED)

6. 2024-WTRA-00006

Meixing & Songjian Chen

[Applicants & Owners]

2109 Windward Shore Drive

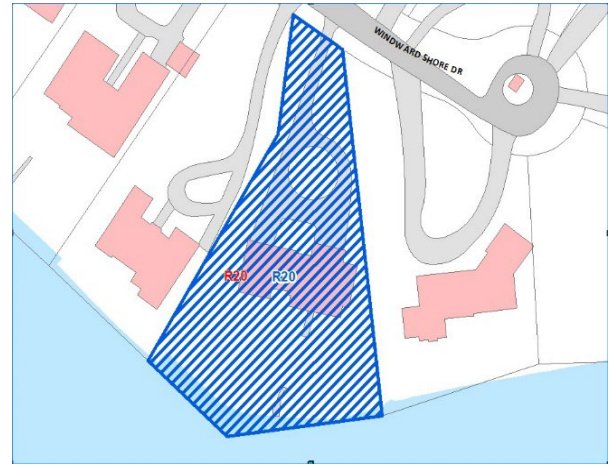
GPIN 2409-38-3339

City Council District: District 8

Waterway – Broad Bay

Subdivision – Bay Island

Request: To construct a rip rap revetment and a return wall involving wetlands and a boathouse.



7. 2024-WTRA-00010

John K. & Sarah S. Hall

[Applicants & Owners]

602 55th Street

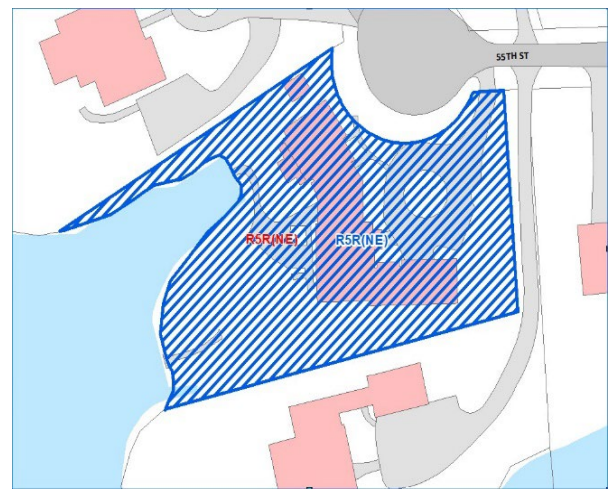
GPIN 2418-69-3730

City Council District: District 6

Waterway – Crystal Lake

Subdivision – North End

Request: To construct a bulkhead involving wetlands.



8. 2023-WTRA-00264

Todd M. & Christine M. Ehrenzeller

[Applicants]

Todd M. Ehrenzeller Trust & Christine M. Ehrenzeller Trust [Owners]

2365 Haversham Close

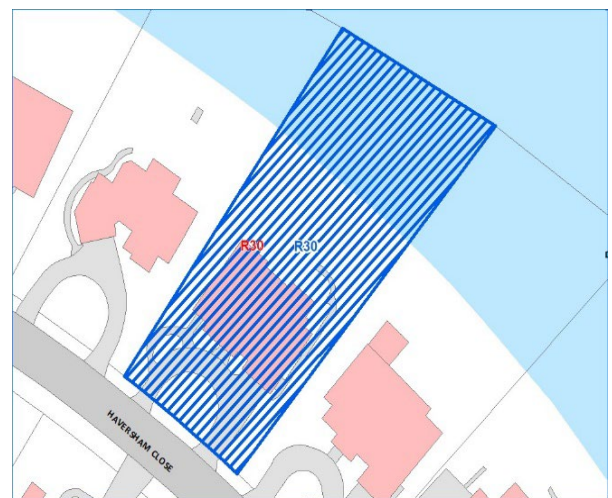
GPIN 2409-15-4415

City Council District: District 8

Waterway – Broad Bay

Subdivision – Broad Bay Point Greens

Request: To install piles involving wetlands.



NEW BUSINESS – WETLANDS (CONTINUED)

9. 2024-WTRA-00009

Matthew A. & Marie A. Ellmer

[Applicants & Owners]

1829 Green Hill Road

GPIN 1499-86-8339

City Council District: District 8

Waterway – Broad Bay

Subdivision – Green Hill Farm

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





Agent

Victoria Holmes
Kimley-Horn & Associates

Location

Near the intersection of Starfish Road and Ocean Shore Avenue

GPIN

1590-00-9984, 1590-10-0956

Staff Planner

Heaven Manning

Proposal

To construct a pavilion involving coastal primary sand dune/beach.

Staff Recommendation

Approval as Submitted

Waterway

Chesapeake Bay

Subdivision

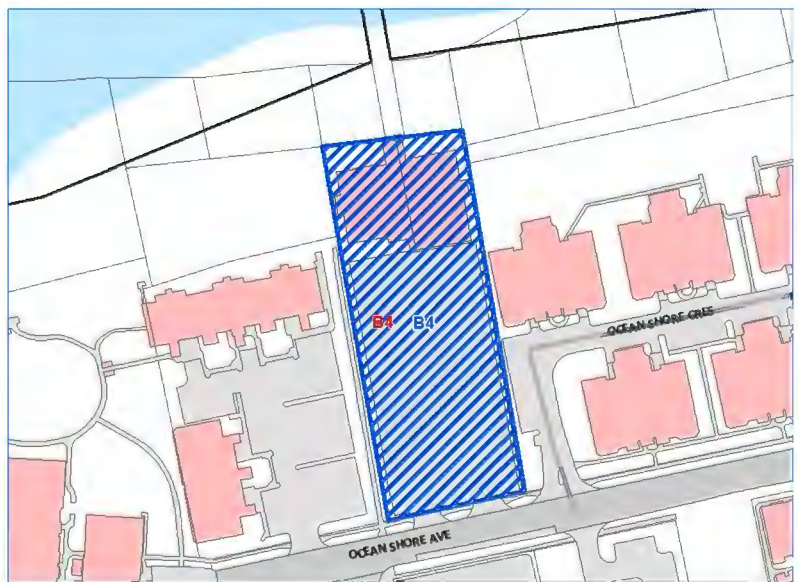
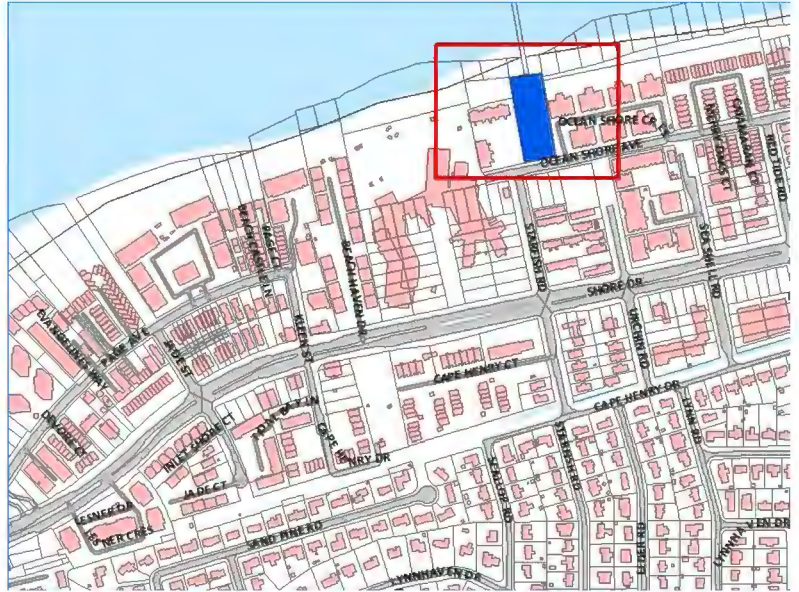
Westminster-Canterbury on Chesapeake Bay

Impacts

Dune/Beach: 6,070 square feet

Proposed Mitigation and/or Compensation

N/A



Site Aerial Map



Part 3 – Appendices (continued)

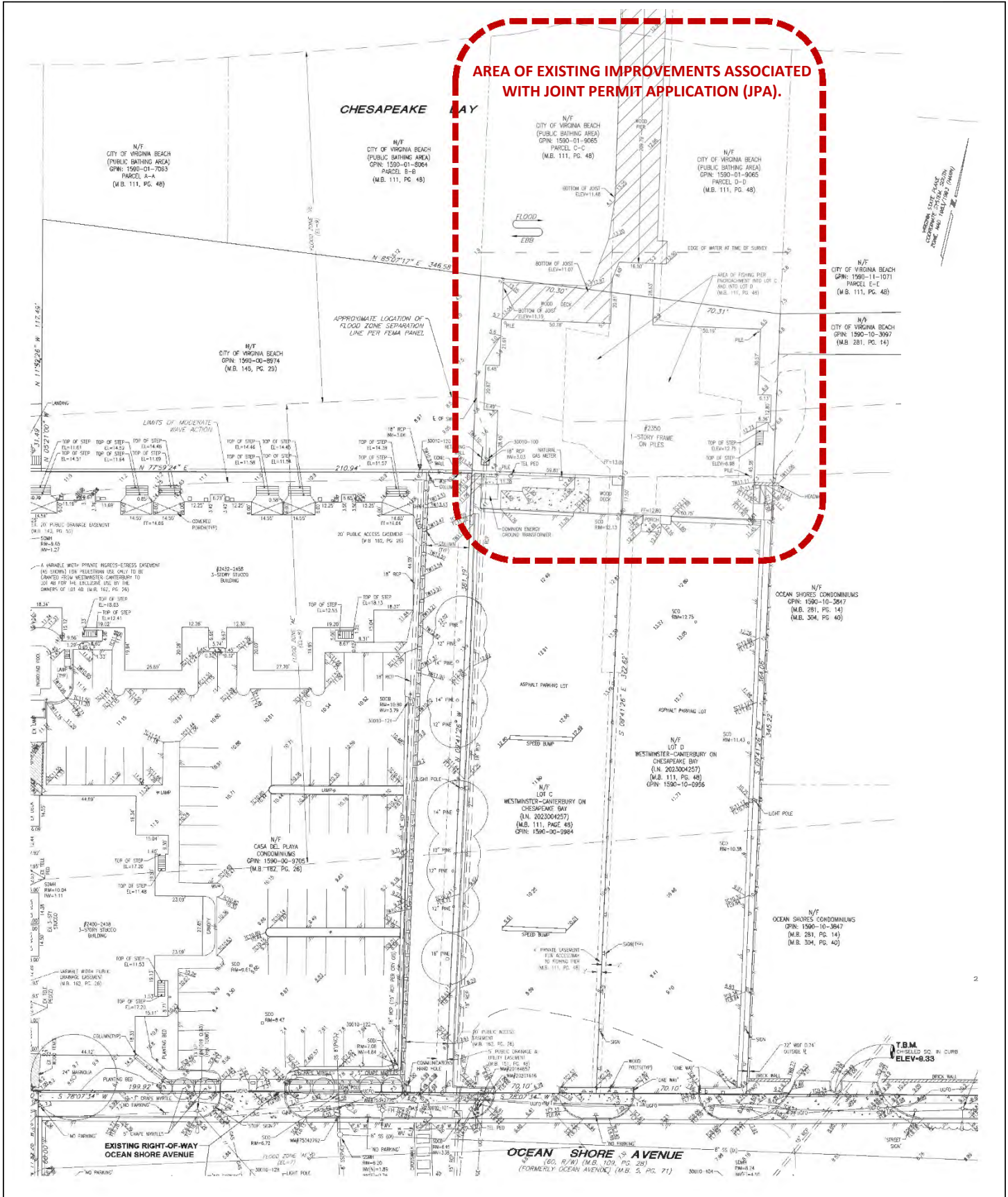
Appendix C: Crossings in, on, over, or under, waters, submerged lands, tidal wetlands and/or dunes and beaches, including but not limited to, bridges, walkways, pipelines and utility lines.

1. What is the purpose and method of installation of the crossing?
Please see environmental support document.
2. What is the width of the waterway and/or wetlands to be crossed
 - from mean high water to mean high water (tidal waters)? N/A feet.
 - from mean low water to mean low water (tidal waters)? N/A feet.
 - from ordinary high water to ordinary high water (non-tidal waters)? N/A feet.
3. For bridges (footbridges, golf cart bridges, roadway bridges, etc.), what is the width of the structure over the tidal wetlands, dunes/beaches and/or submerged lands? N/A square feet.
4. For overhead crossings:
 - a. What will be the height above mean high water? N/A feet.
 - b. If there are other overhead crossings in the area, what is the minimum height? N/A feet.
 - c. If the proposed crossing is an electrical line, please confirm the total number of electrical circuits: N/A
5. For buried crossings, what will be the depth below the substrate? N/A feet. Will the proposed utility provide empty conduits for any additional utilities that may propose to co-locate at a later date? N/A Yes N/A No.
6. Will there be any excavation or fill required for placement of abutments, piers, towers, or other permanent structures on State-owned submerged lands, tidal wetlands, and dunes/beaches? Yes No.

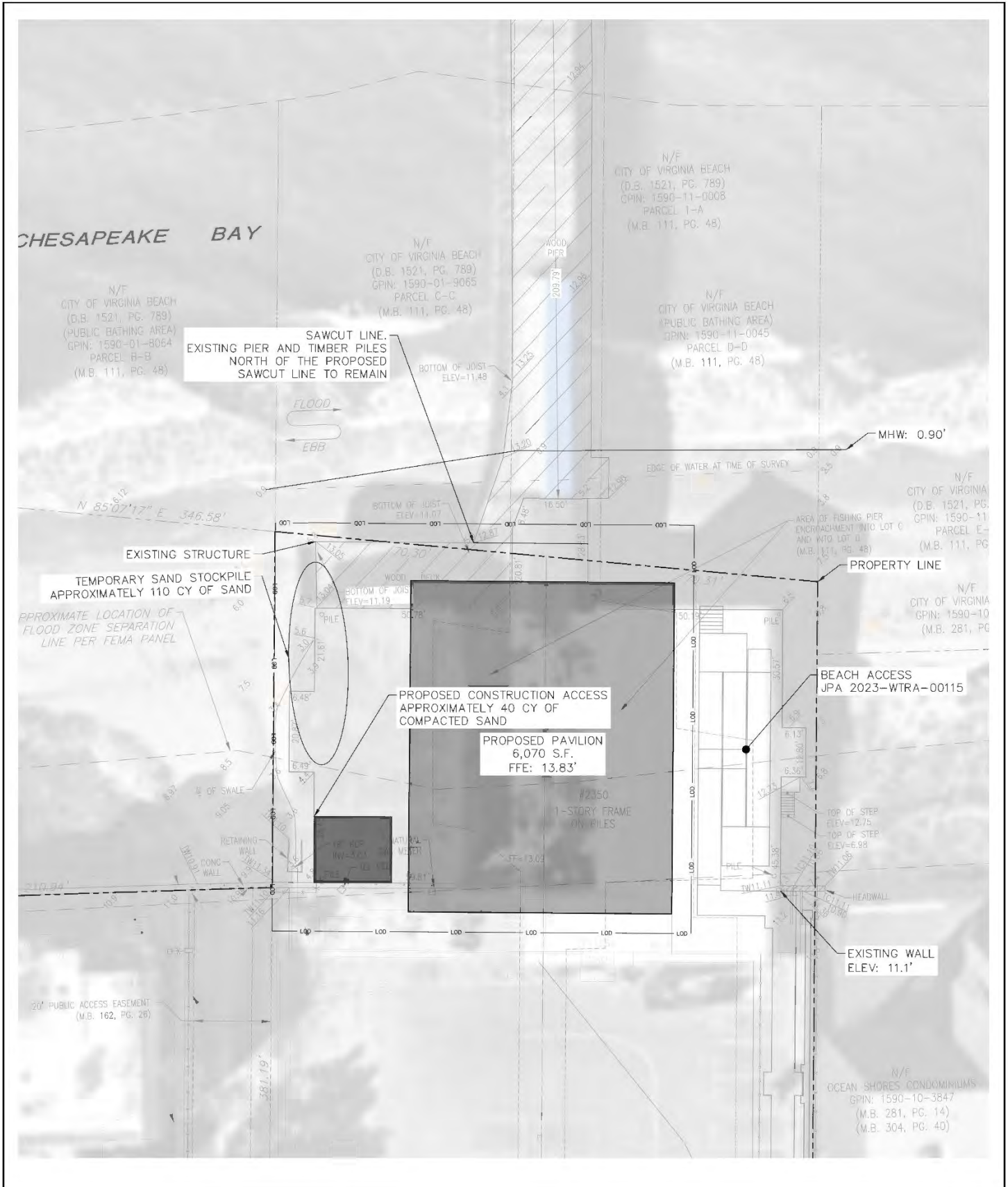
If yes, please provide the following:

- | | |
|---|----------------------------|
| a. Amount of excavation in wetlands | <u> 0 </u> cubic yards |
| | <u> 0 </u> square feet |
| b. Amount of excavation in submerged land | <u> 0 </u> cubic yards |
| | <u> 0 </u> square feet |
| c. Amount of excavation in dune/beach | <u> 150 </u> cubic yards |
| | <u> 675 </u> square feet |
| d. Amount of fill in wetlands | <u> 0 </u> cubic yards |
| | <u> 0 </u> square feet |
| e. Amount of fill in submerged lands | <u> 0 </u> cubic yards |
| | <u> 0 </u> square feet |
| f. Amount of fill in dune/beach | <u> 0 </u> cubic yards |
| | <u> 0 </u> square feet |

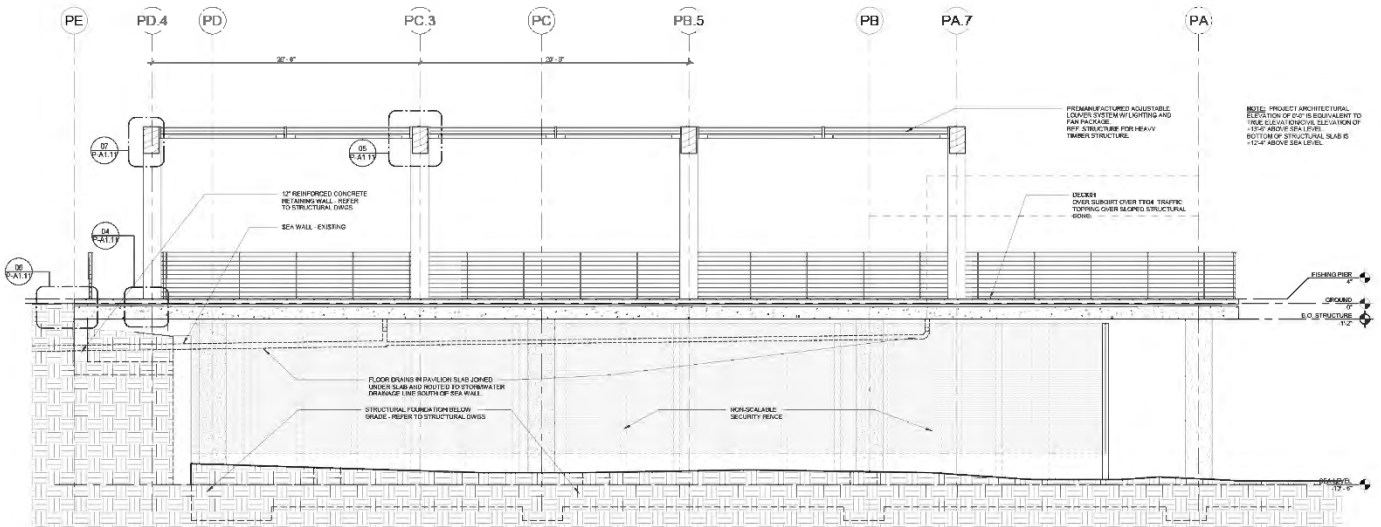
Existing Conditions



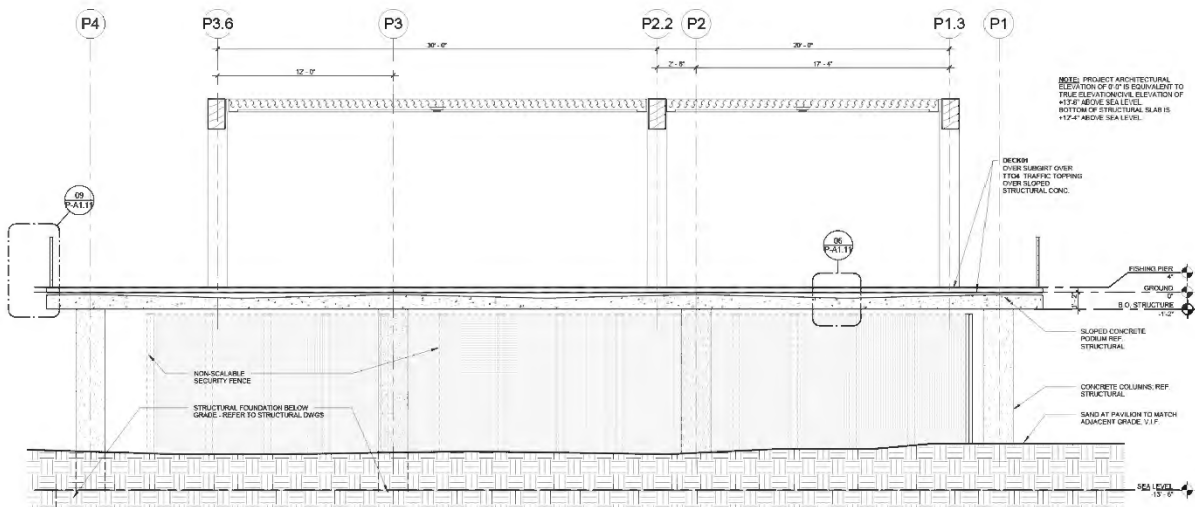
Proposed Improvements, Aerial Overlay



Section Elevation Views, Architectural Drawings



SECTION VIEW – VIEW OF PAVILION LOOKING EAST/WEST



SECTION VIEW – VIEW OF PAVILION LOOKING LANDWARD



AXONOMETRIC PROJECTION – VIEW FROM UPLADS LOOKING TOWARDS THE CHESAPEAKE BAY

Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



Wetlands Board Permit History

The property is located within the Chesapeake Bay Watershed. Staff provides the following recent Joint Permit Application (JPA) items regarding the subject parcels associated with this Wetlands Board application.

- November 15, 2017 The Virginia Marine Resource Commission (VMRC) authorized the removal of approximately 1,100 linear feet of the existing fishing pier. Said removal occurred seaward of mean low water (MLW). No local Wetlands Board approval required with this request.
- September 18, 2023 The Wetlands Board approved the construction of a public beach access walkway with handicap ramp. An appeal of the Wetlands Board decision to the VMRC was upheld on October 24, 2023.

Summary of Proposal

The applicant is proposing to construct a beach pavilion adjacent to the approved public beach access walkway and the proposed expansion of the WCCB campus. The overall square footage area of the proposed pavilion is less than the footprint of the existing Fish House. The proposed pavilion decking will begin north of the existing headwall of the Fish House parking lot and extend over the existing sandy beach within the existing footprint of the Fish House. The overall area of the pavilion 6,070 square feet and will have a finished floor elevation of 13.83 feet above sea level. Twenty-two pilings and sixteen grade beams are proposed underneath the decking. A total of 150 cubic yards of sand is anticipated to be excavated for the installation of the auger cast pilings and grade beams. Approximately 40 cubic yards of the excavated sand will be used for the temporary construction entrance and approximately 110 cubic yards will be placed in a temporary stockpile within WCCB property. Additionally, the remainder of the timber pilings, approximately 93 existing pilings, are proposed for removal for construction of the project.

The applicant's agent noted that the existing Fish House could not be renovated to the applicant's desired specifications because the existing structure is not compliant with the current regulations for the VE flood zone due to the finished floor elevation, as defined in the City of Virginia Beach Floodplain Ordinance. In order to redevelop the structure to be in compliance with the Floodplain Ordinance, the substructure must be rebuilt entirely, thus requiring impacts to the beach. The purpose of the new beach pavilion is to provide a central gathering space for Westminister residents within walking distance of the independent living facilities.

Evaluation & Staff Recommendations

The Coastal Primary Sand Dune Protection Act declares that it is the "policy of the Commonwealth whenever reasonably necessary to preserve and protect coastal primary sand dunes and to prevent their despoliation and destruction and whenever practical to accommodate necessary economic development in a manner consistent with the protection of such features." The existing Fish House is approximately 11,040 square feet. As submitted, the proposed pavilion is approximately 6,070 square feet and the Wetlands Board approved public beach access walkway is approximately 1,158 square feet both of which are within the existing footprint of the Fish House. Given the preference of State policy, to preserve the existing beach and dune vegetation features, the applicant's agent has designed the proposed pavilion and public beach access walkway so that there is an overall reduction of the encroachment on these features by approximately 3,812 square feet.

Accordingly, the Planning and Community Development Staff is of the opinion that the project is consistent with the Commonwealth's stated policy governing coastal primary dunes/beaches and recommends the project be approved as submitted as shown on the project plan set titled Westminister-Canterbury on Chesapeake Bay Pavilion, submitted December 5, 2023 and revised January 29, 2024, prepared by Kimley-Horn & Associates.

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.



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 Westminster-Canterbury on Chesapeake Bay

Does the applicant have a representative? Yes No

• If yes, list the name of the representative:
Mark Borst

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)
Attached

• If yes, list the businesses that have a parent-subsidiary¹ or affiliated business entity² 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.



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The Rev. Liza Hendricks, General Presbyter

5100 Shore Drive, Virginia Beach, VA 23451

Revised 3/9/2023

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 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.

CLA

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.

HKS, Inc., WPL Site Design

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 company and individual providing the service.

The Whiting-Turner Contracting Company

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.

Kimley-Horn and Associates, Inc., WPL Site Design

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.

RUN Law LLC

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

Mark Boerst Vice President of Real Estate Development : G.S.

Print Name and Title

12.6.23

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	

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Agent

Dylan Freeman, Public Works Department
JEBLCFS EV Division

Location

Joint Expeditionary Base Little Creek-Fort Story

GPIN

2500-87-6520, 1469-79-2860

Staff Planner

Whitney McNamara

Proposal

Temporary excavation of the beach for Fixed and/or Floating Piers at the Anzio, Omaha, & Utah Beach Training Area involving a Coastal Primary Sand Dune/Beach

Staff Recommendation

Approval as Submitted

Waterway

Chesapeake Bay

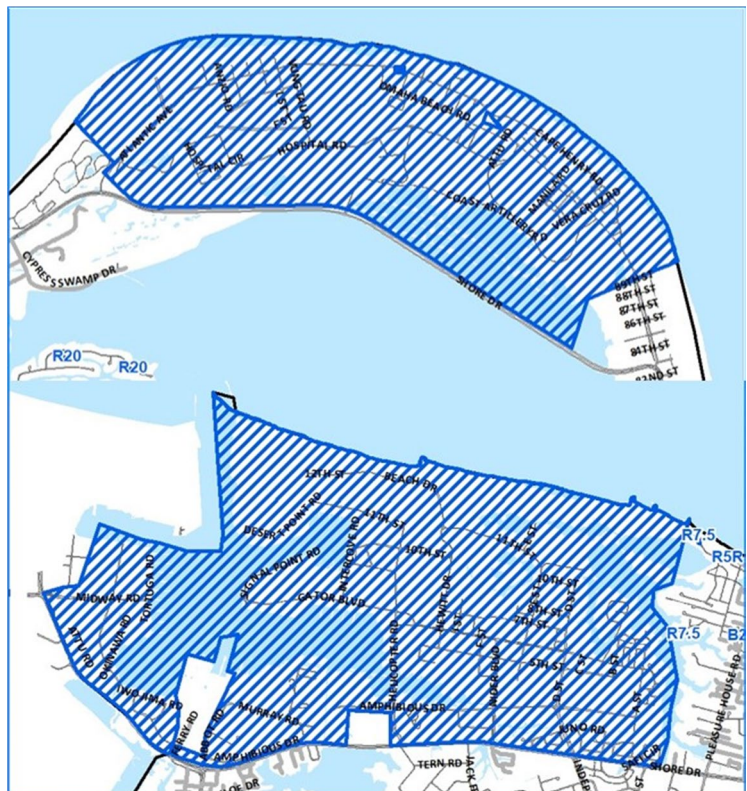
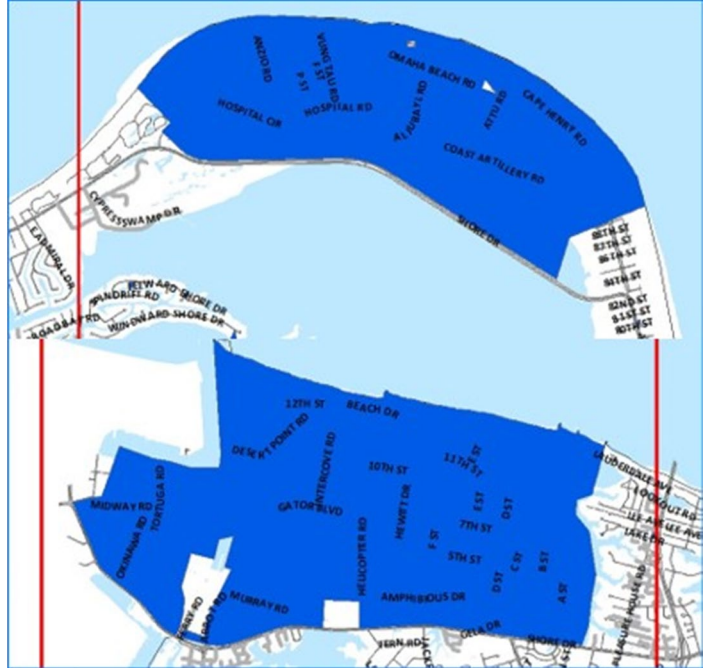
Subdivision

Shore Drive

Impacts

Dune/Beach: 6,400 square feet

Overall length of proposed structure: 1,520 feet



Site Aerial Map



Part 3 – Appendices

Please complete and submit the appendix questions applicable to your project, and attach the required vicinity map(s) and drawings to your application. If an item does not apply to your project, please write "N/A" in the space provided.

Appendix A: (TWO PAGES) Projects for Access to the water such as private and community piers, boathouses, marinas, moorings, and boat ramps. Answer all questions that apply.

1. Briefly describe your proposed project.

Utilize an Amphibious Bulk Liquid Transfer System (ABLTS). This will be conducted twice a year. The ABLTS uses a hose to transfer fresh or salt water from ship to shore.
Construct a temporary Floating Trident pier and/or Floating Causeway no more than 1,500 feet in length.

2. For private, noncommercial piers:

Do you have an existing pier on your property? Yes No

If yes, will it be removed? Yes No

Is your lot platted to the mean low water shoreline? Yes No

What is the overall length of the proposed structure? _____ feet.

Channelward of Mean High Water? _____ feet.

Channelward of Mean Low Water? _____ feet.

What is the area of the piers and platforms that will be constructed over

Tidal non-vegetated wetlands _____ square feet.

Tidal vegetated wetlands _____ square feet.

Submerged lands _____ square feet.

What is the total size of any and all L- or T-head platforms? _____ sq. ft.

For boathouses, what is the overall size of the roof structure? _____ sq. ft.

Will your boathouse have sides? Yes No.

NOTE: All proposals for piers, boathouses and shelter roofs must be reviewed by the Virginia Marine Resources Commission (Commission or VMRC), however, pursuant to § 28.2-1203 A 5 of the Code of Virginia a VMRC permit may not be required for such structures (except as required by subsection D of § 28.2-1205 for piers greater than 100 feet in length involving commercially productive leased oyster or clam grounds), provided that (i) the piers do not extend beyond the navigation line or private pier lines established by the Commission or the United States Army Corps of Engineers (USACE), (ii) the piers do not exceed six feet in width and finger piers do not exceed five feet in width, (iii) any L or T head platforms and appurtenant floating docking platforms do not exceed, in the aggregate, 400 square feet, (iv) if prohibited by local ordinance open-sided shelter roofs or gazebo-type structures shall not be placed on platforms as described in clause (iii), but may be placed on such platforms if not prohibited by local ordinance, and (v) the piers are determined not to be a navigational hazard by the Commission. Subject to any applicable local ordinances, such piers may include an attached boat lift and an open-sided roof designed to shelter a single boat slip or boat lift. In cases in which open-sided roofs designed to shelter a single boat, boat slip or boat lift will exceed 700 square feet in coverage or the open-sided shelter roofs or gazebo structures exceed 400 square feet, and in cases in which an adjoining property owner objects to a proposed roof structure, permits shall be required as provided in § 28.2-1204.

Part 3 – Appendices (continued)

3. **For USACE permits**, in cases where the proposed pier will encroach beyond one fourth the waterway width (as determined by measuring mean high water to mean high water or ordinary high water mark to ordinary high water mark), the following information must be included before the application will be considered complete. For an application to be considered complete:
 - a. The USACE MAY require depth soundings across the waterway at increments designated by the USACE project manager. Typically 10-foot increments for waterways less than 200 feet wide and 20-foot increments for waterways greater than 200 feet wide with the date and time the measurements were taken and how they were taken (e.g., tape, range finder, etc.).
 - b. The applicant MUST provide a justification as to purpose if the proposed work would extend a pier greater than one-fourth of the distance across the open water measured from mean high water or the channelward edge of the wetlands.
 - c. The applicant MUST provide justification if the proposed work would involve the construction of a pier greater than five feet wide or less than four feet above any wetland substrate.

4. Provide the type, size, and registration number of the vessel(s) to be moored at the pier or mooring buoy.

Type	Length	Width	Draft	Registration #
SLWT	90'	21'	2'	Various Vessels
LSV	274'	60'	13'	Various Vessels
LCU	135'	30'	7'	Various Vessels
LCAC	92'	45'	0'	Various Vessels

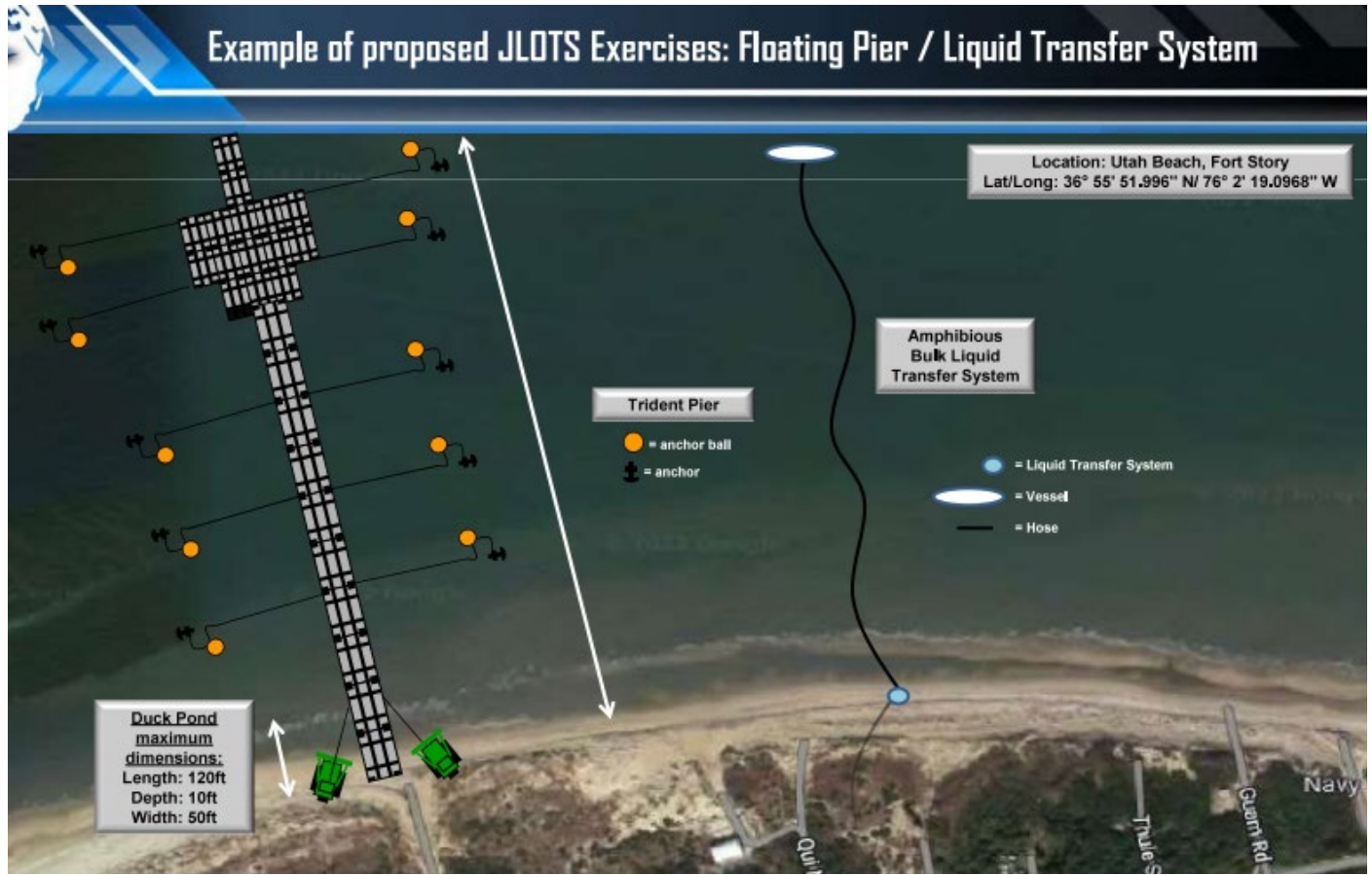
5. For **Marinas, Commercial Piers, Governmental Piers, Community Piers and other non-private piers**, provide the following information:
 - A) Have you obtained approval for sanitary facilities from the Virginia Department of Health? N/A (required pursuant to Section 28.2-1205 C of the Code of Virginia).
 - B) Will petroleum products or other hazardous materials be stored or handled at your facility? Diesel fuel.
 - C) Will the facility be equipped to off-load sewage from boats? N/A.
 - D) How many wet slips are proposed? 0. How many are existing? N/A.
 - E) What is the area of the piers and platforms that will be constructed over
 - Tidal non-vegetated wetlands ~1,000 square feet
 - Tidal vegetated wetlands 0 square feet
 - Submerged lands ~42,000 square feet

6. For **boat ramps**, what is the overall length of the structure? _____ feet.
 - From Mean High Water? _____ feet.
 - From Mean Low Water? _____ feet.

Note: drawings must include the construction materials, method of installation, and all dimensions. If tending piers are proposed, complete the pier portion.

Note: If dredging or excavation is required, you must complete the Standard Joint Point Permit application.

Proposed Improvements



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. There are no known recent Chesapeake Bay Preservation Area (CBPA) Board variances for this property. A Wetlands Board permit was issued in 2014, 2018, and 2021 for the same activities, but the previous permits were extended the maximum number of times before expiring.

Summary of Proposal

This project includes a Navy training exercise that involves alteration of a beach, as defined in the Coastal Primary Sand Dune Zoning Ordinance and accompanying State legislation. In the exercise, the Navy requests to temporarily excavate “duckponds” on federally owned properties (the Fort Story and Little Creek Naval Base beaches), and then construct a temporary Floating Trident Pier or temporary Floating Causeway used for vehicle off-loading for ship-to-shore training. The floating pier is secured onto the beach with anchors attached to bulldozers. In the second exercise, the floating pier has a length of 1,500 feet. The duckpond for this exercise is located in the intertidal zone. The Wetlands Board has previously approved similar requests at these sites in both 2014, 2018, and 2021. Those permits were all extended the maximum number of times, for a total of three years each.

Evaluation & Staff Recommendations

The excavation of the beach is temporary, and all site conditions will be restored to pre-disturbed conditions at the end of the exercises. The area for the excavated sand stockpile is not identified in the application documents. Provided that the excavated sand is not stored on top of existing beach vegetation, Staff supports this request. While sea turtle nests are not common in this area, Staff does recommend that the applicant coordinate with the Navy’s natural resource specialist and the Virginia Aquarium’s standing team to evaluate the project area for any potential loggerhead turtle nesting areas in advance of the exercises.

Due to the project’s minimal impact to the dune and beach resources, the Department of Planning and Community Development Staff recommend the project be **approved as submitted**.

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.



Application Number **2022-WTRA-00164**

Agenda Item

Applicant **Lynnhaven River Now**

Owner **Jeffrey B. Grimshaw**

Public Hearing **February 22, 2024**

City Council District **District 8**

3

Agent

Clay Bernick, Lynnhaven River Now

Location

3018 Lynndale Road

GPIN

1498-37-1938

Staff Planner

Whitney McNamara

Proposal

To install coir logs, mussels, place sand, and plant vegetation involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Eastern Branch Lynnhaven River

Subdivision

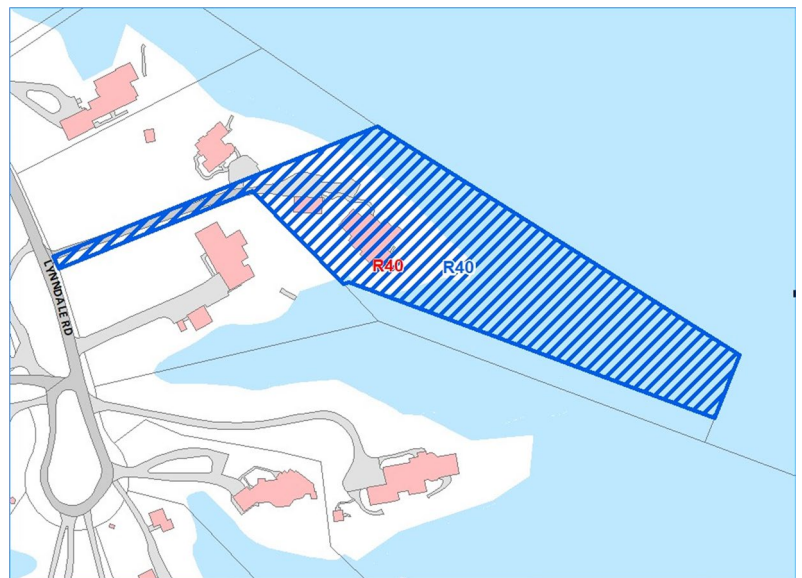
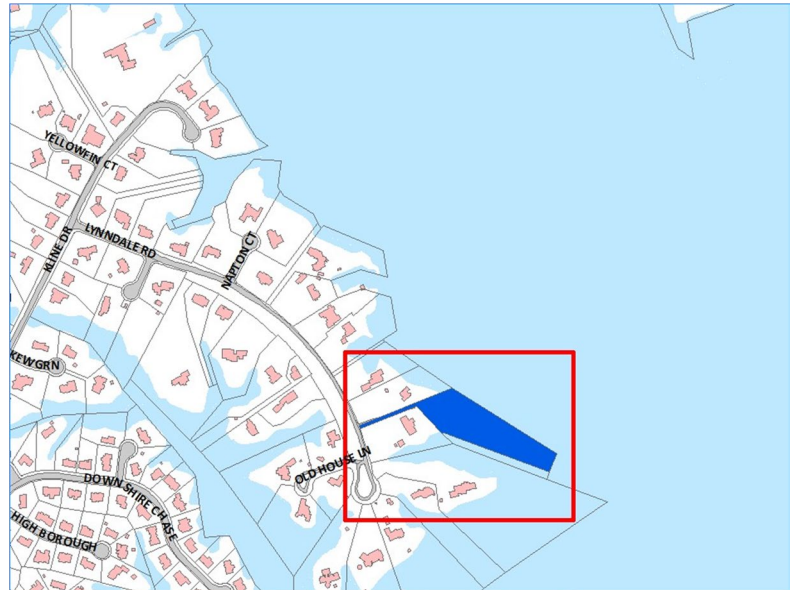
Lynndale Estates

Impacts

Non-Vegetated Wetlands: 100 square feet

Proposed Mitigation and/or Compensation

On-site



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 proposed project consists of 3 demonstration projects at 3 locations as follows:

At locations 1 and 3 work would consist of the following: (1) approximately 30 linear feet of coir logs staked in the intertidal area near the toe of existing tidal vegetated wetlands; (2) approximately 30 square feet of clean sand fill between the staked coir logs and the toe of the eroding tidal vegetated wetlands marsh; (3) sprigging of the sand filled lens with Spartina alterniflora on 1 foot centers; and (4) insertion of locally harvested mussels into the coir logs from willing property owners in the Lynnhaven River watershed.

At location 2 work would consist of the following: (1) approximately 40 linear feet of coir logs staked in the intertidal area near the toe of existing tidal vegetated wetlands; (2) approximately 40 square feet of clean sand fill between the staked coir logs and the toe of the eroding tidal vegetated wetlands marsh; (3) sprigging of the sand filled lens with Spartina alterniflora on 1 foot centers; and (4) insertion of locally harvested mussels into the coir logs from willing property owners in the Lynnhaven River watershed.

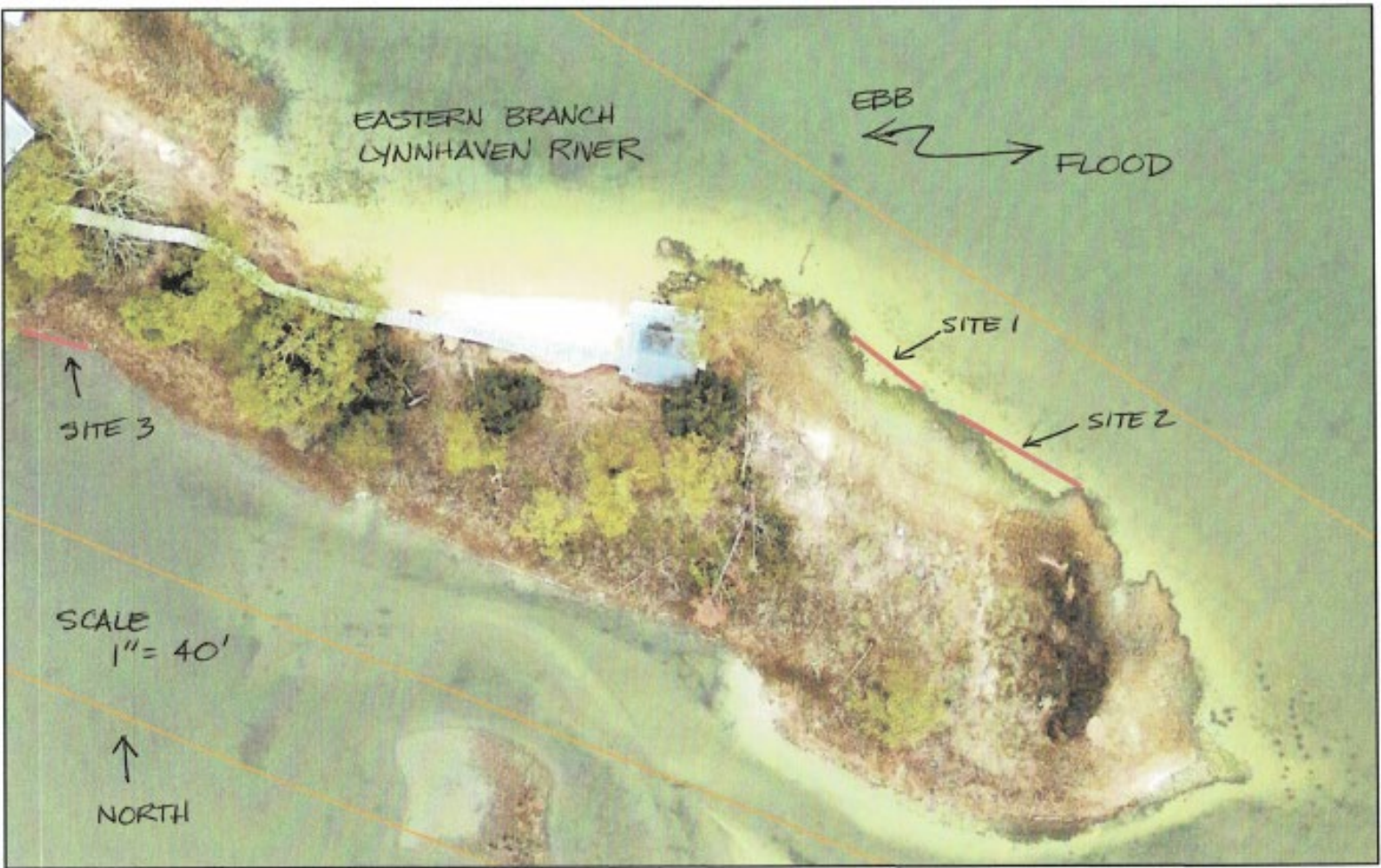
- 2. What is the maximum encroachment channelward of mean high water? 5 feet. Channelward of mean low water? 0 feet. Channelward of the back edge of the dune or beach? 0 feet.
3. Please calculate the square footage of encroachment over:
• Vegetated wetlands 0 square feet
• Non-vegetated wetlands 100 square feet
• Subaqueous bottom 0 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.

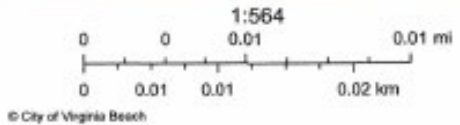
If no, please provide an explanation for the purpose and need for the additional encroachment.

Mussel Restoration SITE MAP



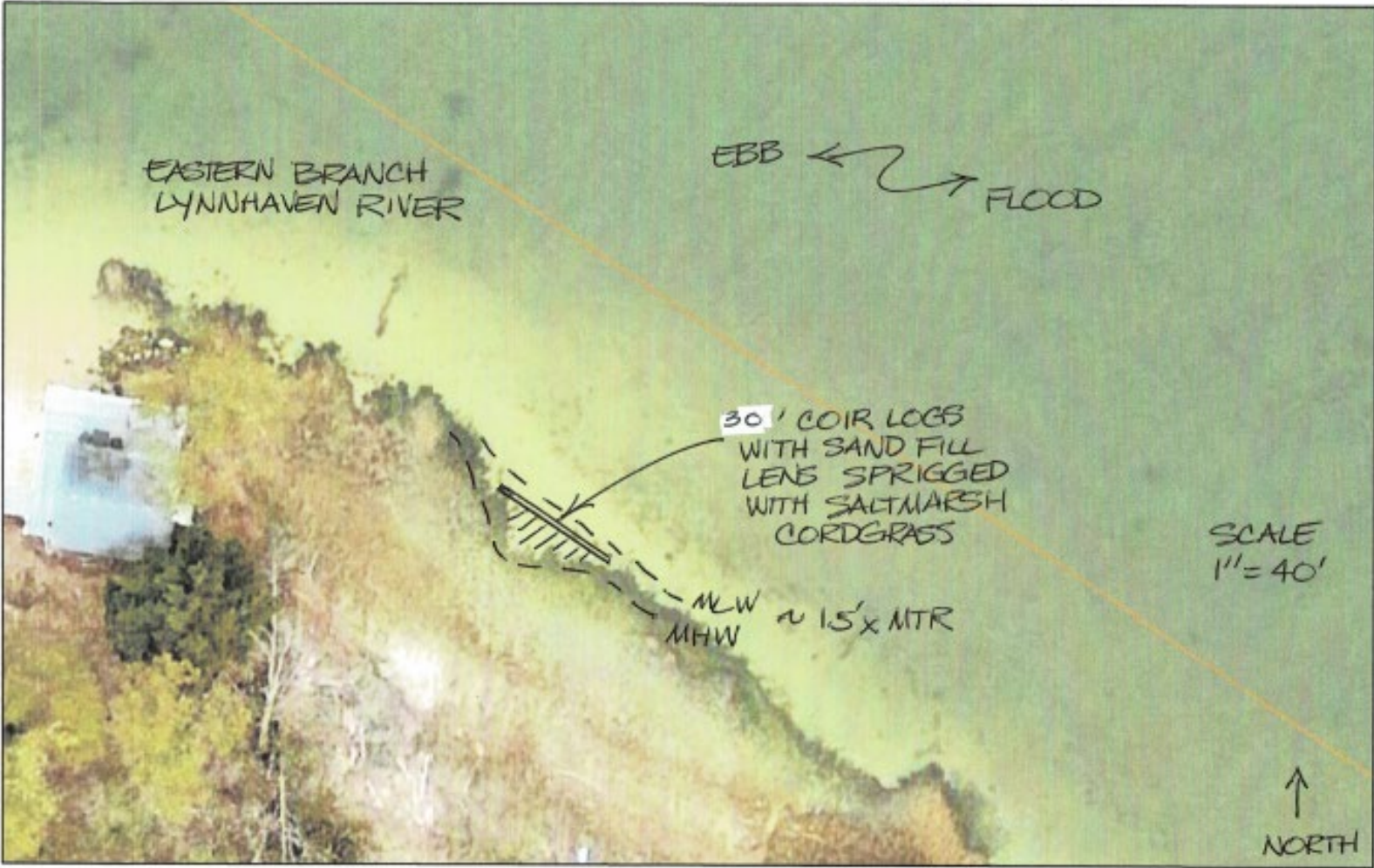
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- Parcels
- Primary
- Primary Address Point Label
- 2023 Aerial Imagery
- Red: Band_1
- Green: Band_2



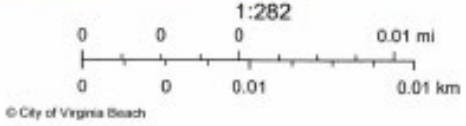
City of Virginia Beach Center for GIS
© City of Virginia Beach |

VBgov City Map SITE 1 PLAN VIEW



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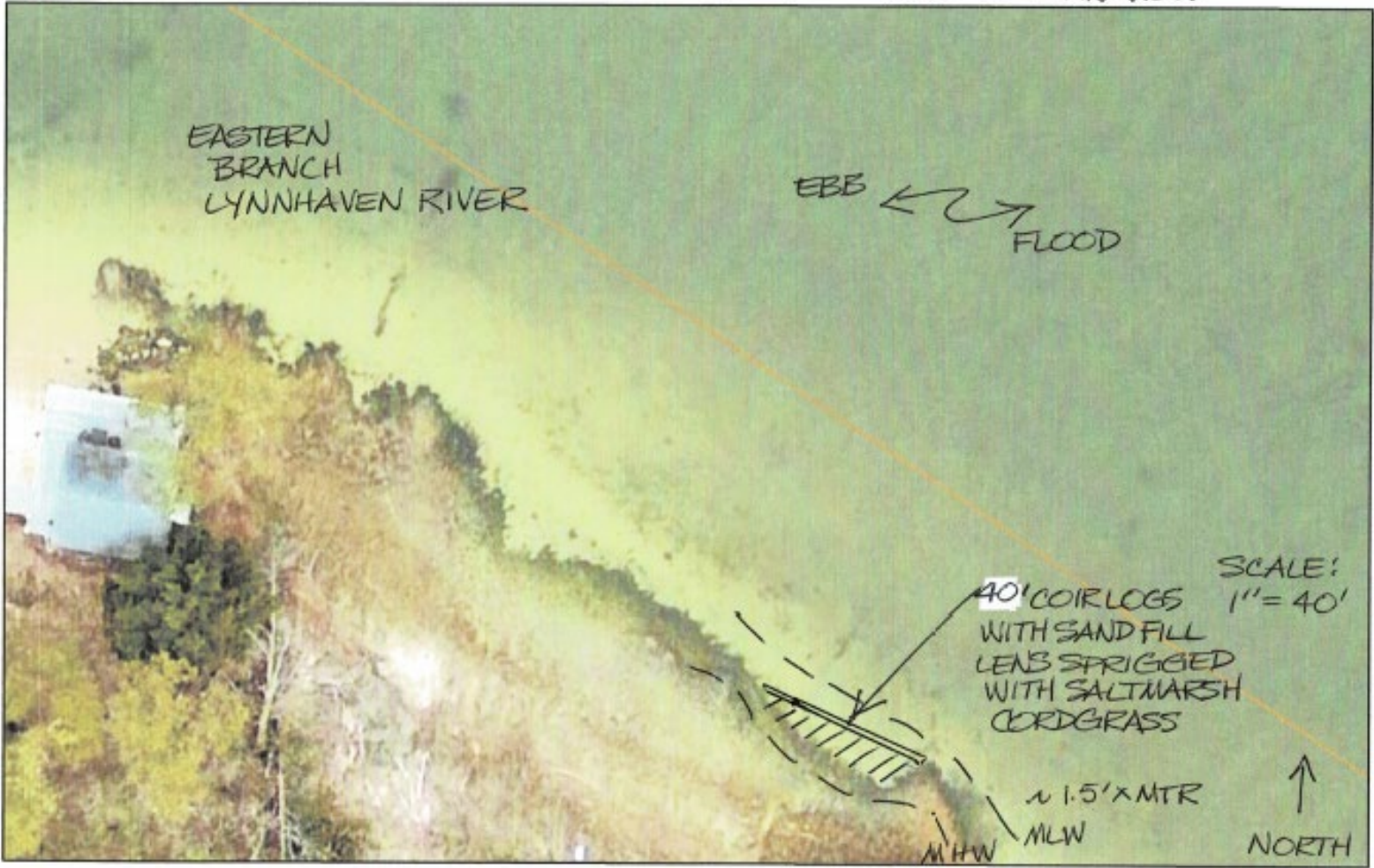
- City Boundary
- 2023 Aerial Imagery
- Green: Band_2
- Parcels
- Red: Band_1
- Blue: Band_3



City of Virginia Beach Center for GIS
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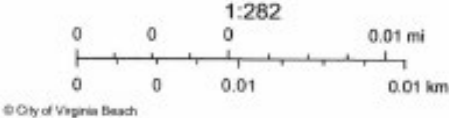
VBgov City Map

SITE 2 PLAN VIEW



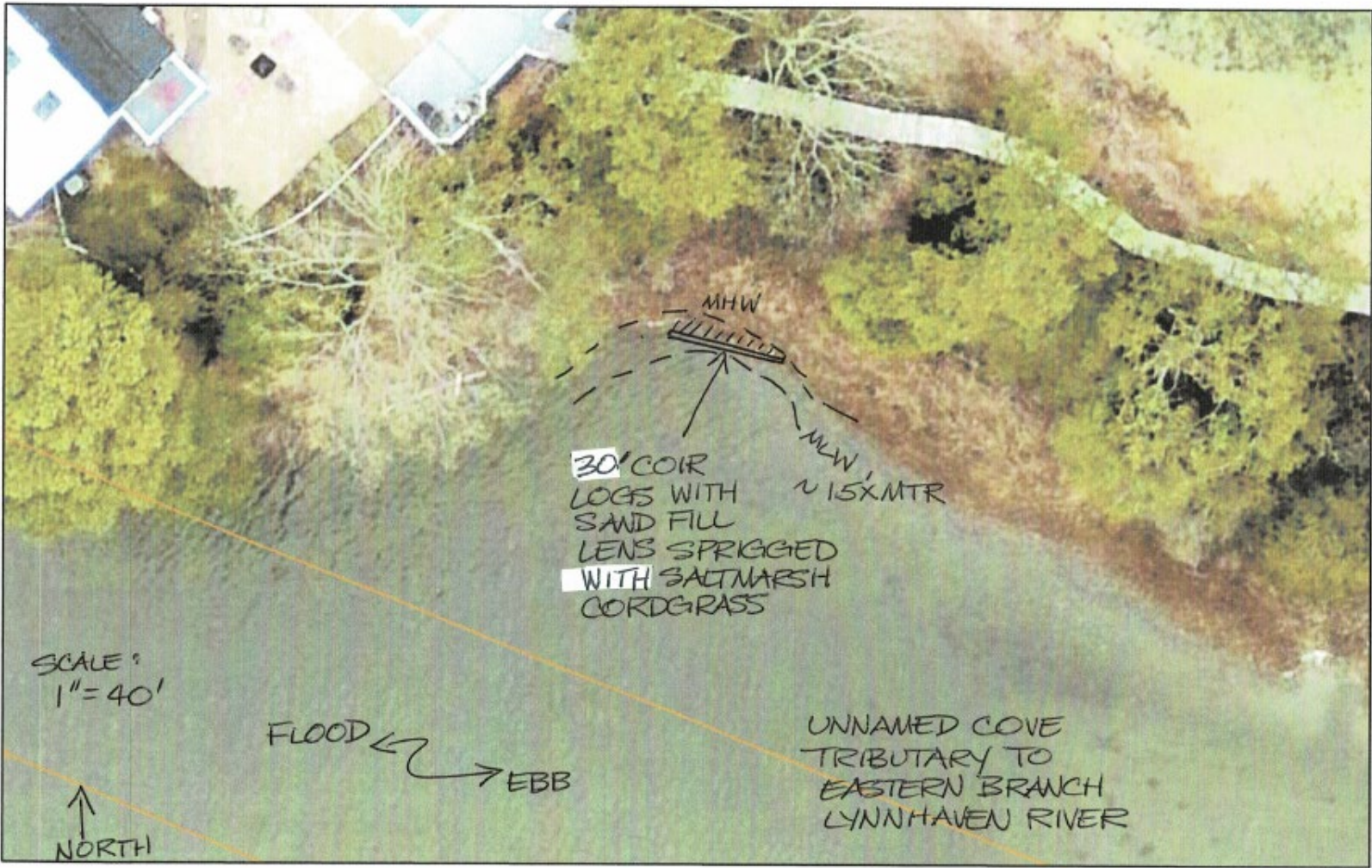
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- City Boundary 2023 Aerial Imagery
- Green: Band_2
- Parcels
- Red: Band_1
- Blue: Band_3



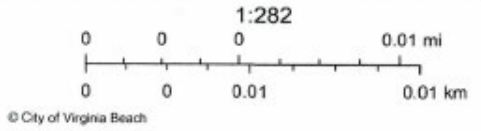
City of Virginia Beach Center for GIS
© City of Virginia Beach

VBgov City Map SITE 3 PLAN VIEW



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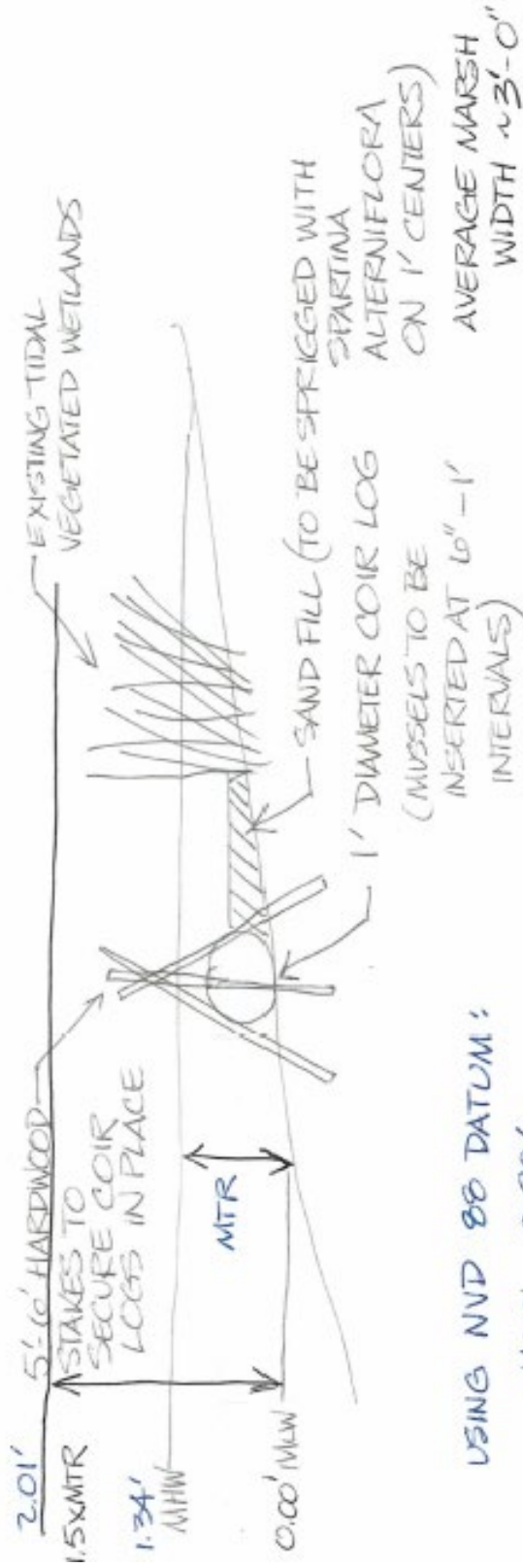
- City Boundary 2023 Aerial Imagery
- Parcels
- Green: Band_2
- Red: Band_1
- Blue: Band_3



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Proposed Cross Section

CROSS SECTION VIEW (NOT TO SCALE), FOR LOCATIONS 1-3
10-24-2023



USING NVD 88 DATUM:
MLW 0.90'
MHW 0.30'
1.5 x MTR 1.00'

AVERAGE MARSH WIDTH ~3'-0"

Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

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

Summary of Proposal

This applicant is proposing to install a living shoreline at three locations experiencing erosion along the shoreline of the property. Two of the locations are located along the portion of the shoreline directly exposed to the Lynnhaven River, while the third location is in a protected cove on the other side of the property. All three locations will include installation of coir logs secured with wooden stakes. Clean sand fill will be placed between the coir logs and the toe of the vegetated wetlands experiencing erosion to achieve the proper grade for a living shoreline. The sand will be sprigged with *Spartina alterniflora*, 1-foot on center. In addition, mussels native to the Lynnhaven River will be inserted into the coir logs as a pilot project to determine feasibility and effectiveness of using mussels as an additional measure to provide protection to the shoreline. The proposed project will impact 100 square feet of non-vegetated wetlands, which will be mitigated on site as a conversion to vegetated wetlands.

Evaluation & Staff Recommendations

The proposed project does not qualify for a Living Shoreline Group 1 or Group 2 general permit due to the extensive fetch from the Chesapeake Bay; however, it meets all other requirements of the general permit. When visiting the site, erosion is evident at all proposed project locations. Staff is supportive of the applicant's request and desire to try and reestablish the vegetated wetlands and prevent further erosion.

Accordingly, the Department of Planning and Community Development Staff recommend the project 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. Goose and/or racoon protection shall be provided as needed until the mussels and vegetation have enough time to establish.

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.

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 LYNNHAVEN RIVER NOW

Does the applicant have a representative? [X] Yes [] No

- If yes, list the name of the representative.

HC BERNICK, III

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)

SEE ATTACHED LIST

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

N/A

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.

**Lynnhaven River NOW
Board of Directors – 2024**

Name Address, E-Mail, Phone	2023 Office	Term of Appointment	Term Ends	Occupation/Business
Craig Cope		Three Years	February 2024	Employed by Harvey Lindsay Commercial Real Estate
Jan Dillard		Three Years	February 2024	Employed by Glenridge Corp.
Andrew Fine	Immediate Past Chairman	Emeritus	Emeritus	Retired from Runnymede Corporation
Karen Forget	Corporate Secretary & Executive Director	Ex-Officio	Ex-Officio	Currently employed by LRNow
Barry Frankenfield		Three years	February 2025	Retired from City of Virginia Beach
Lillie Gilbert		Three years	February 2025	Former Owner Wild River Outfitters Retired
R. Steve Herbert	Vice Chairman	Three years	February 2026	Retired from City of Virginia Beach
Brent James		Three years	February 2024	Retired Naval Officer
George Kotarides		Three years	February 2025	Business Owner: Doughboys
Cathy Maston	Treasurer	Three years	February 2024	Retired from Downtown Norfolk Association
Janet Pawlukiewicz		Three years	February 2025	Retired from US Environmental Protection Agency
Emily Steinhilber		Three years	February 2026	Environmental Defense Fund
Jaketa Thompson		Three years	February 2025	Omnia Unlimited LLC
Bob Wells	Chairman	Three years	February 2025	Former Owner of Virtexco Construction

				Retired
--	--	--	--	---------

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 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



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.

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.

H.C. Bernick, III

Applicant Signature

H.C. BERNICK, III LYNNHAVEN RIVER NOW CONSERVATION PROJECTS COORDINATOR

Print Name and Title

1-9-2024

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	



Agent

Billy Garrington

Location

2805 Bluebill Drive

GPIN

2433-26-4287

Staff Planner

Whitney McNamara

Proposal

To construct a bulkhead, rip rap revetment, and modify the boat ramp involving wetlands

Staff Recommendation

Approval as Modified

Waterway

Bass Inlet

Subdivision

Sandbridge Shores

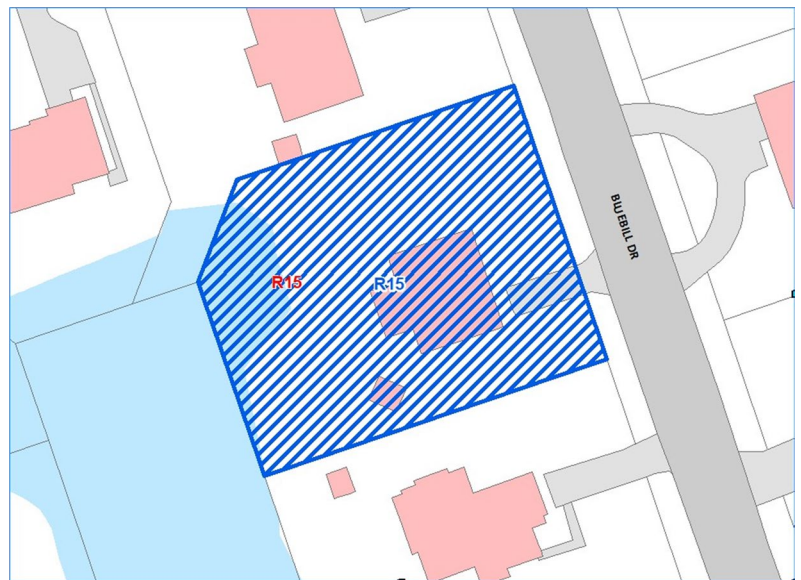
Impacts

Non-Vegetated Wetlands: 196 square feet

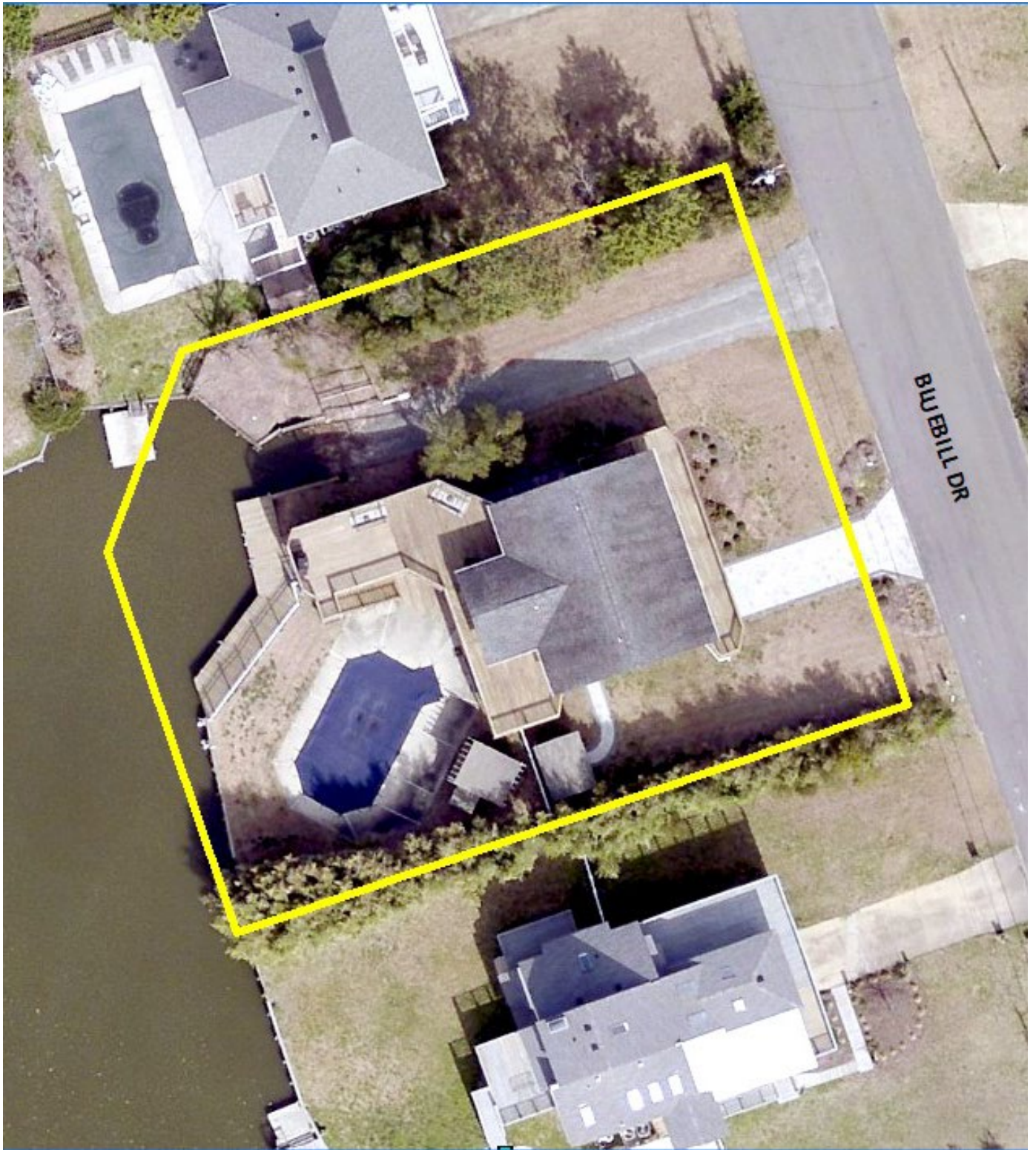
Subaqueous Bottom: 1,162 square feet

Proposed Mitigation and/or Compensation

On-site



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.**

- 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:

Install 96.8 L.F. of class I granite rip rap along the seaward side of an existing serviceable (in good shape) timber bulkhead. Install vinyl sheetpile bulkhead and flexamat to improve an existing boat ramp.

- What is the maximum encroachment channelward of mean high water? _____ feet.
Channelward of mean low water? _____ feet.
Channelward of the back edge of the dune or beach? _____ feet.
- Please calculate the square footage of encroachment over:

• Vegetated wetlands	0	square feet
• Non-vegetated wetlands	196	square feet
• Subaqueous bottom	1,162	square feet
• Dune and/or beach	n/a	square feet

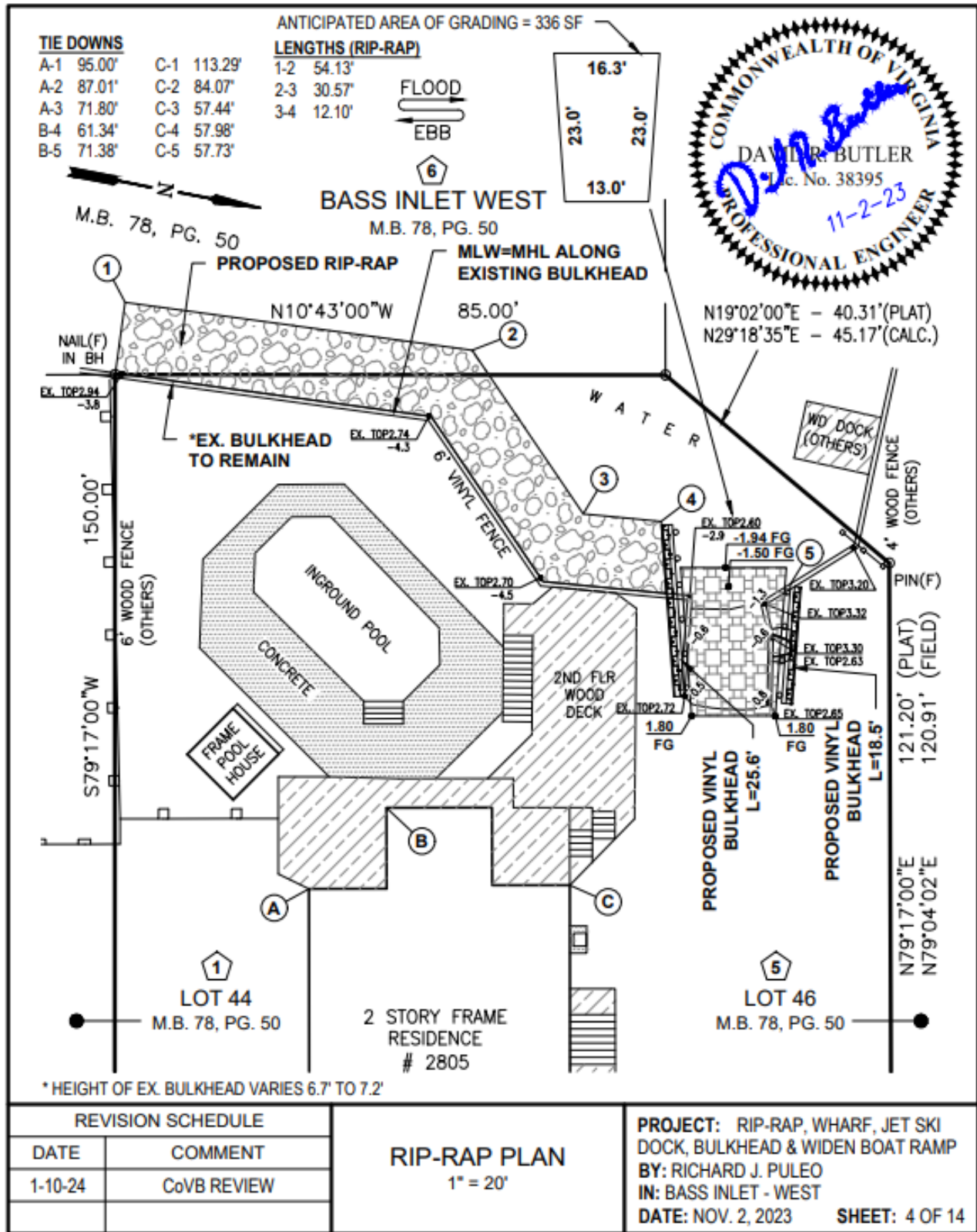
- For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? y Yes ___ No.

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

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

44.1 LF of vinyl sheets are proposed mainly behind(landward)side of an existing wood bulkhead. Rock is being placed in front of existing wood bulkhead. 196 SF non vegetated wetlands will be impacted w/ boat ramp & since ramp area is being widened,there will be 271 SF non vegetated wetlands,post construction. There will be a net increase of 75 SF of non vegetated wetlands.

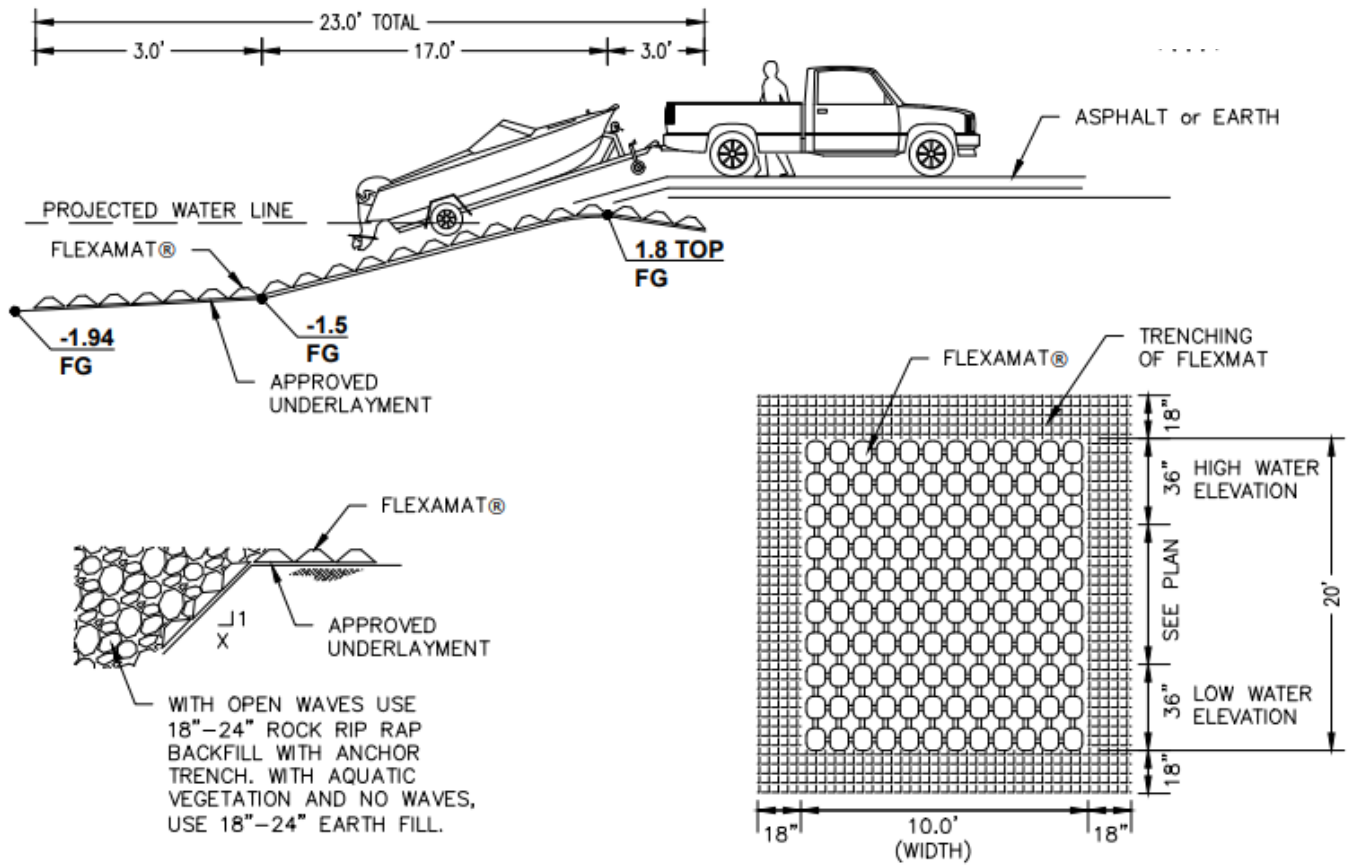
Proposed Improvements



W:\Flor Marine (Puleo, Richard)-2805 Bluebill Drive\Drawings\22-38 JPA Plan.dwg, 1/15/2024 9:45:18 AM, DWG To PDF pcd, 1,1

Boat Ramp Cross Section

AREA OF GRADING = 336 SF
 VOLUME OF EXCAVATION = 12 CY
 (DISPOSE OF IN A LAWFUL MANNER)



Site Photos



Site Photos



Wetlands Board Permit History

A Wetlands Board permit was issued in 2001 to construct a pier and bulkhead and for the boat ramp in 2002.

Summary of Proposal

The applicant is proposing to install rip rap in front of the existing timber bulkhead on subaqueous bottom and make improvements to the existing boat ramp. The footprint of the existing boat ramp will be expanded to a footprint of 23 feet long on each side by 13 feet wide at the top of the ramp located on the shoreline by 16 feet wide at base of the ramp in the water. The existing bulkhead will be removed along the sides of the boat ramp and replaced with vinyl bulkhead. Flexamat is proposed for the bottom of the boat ramp. The proposed boat ramp will require 12 cubic yards of excavation and 336 square feet of grading to match surrounding grades. Wetlands impacts will be mitigated on site with a net increase of 75 square feet of non-vegetated wetlands created by the expansion of the boat ramp.

Evaluation & Staff Recommendations

The existing boat ramp appears to have been originally constructed with consolidated gravel and is in poor condition with clear signs of erosion in both the boat ramp and behind the bulkheads on the sides. The proposed boat ramp design will be an improvement as it will prevent additional gravel from washing into the waterway. A living shoreline is not suitable for this property due to the existing improvements on the lot and the shoreline conditions of the adjacent properties. The property will need an encroachment from Public Works Real Estate prior to construction due to easements running along the side and rear property lines and encroachment into the City-owned waterway in the area where the rip rap will be placed along the bulkhead. Staff agrees with the on-site compensation method for the 196 square feet of non-vegetated wetlands that will remain non-vegetated wetlands with the improvements and expansion of the boat ramp.

Accordingly, the Department of Planning and Community Development Staff recommend the project be **approved as modified** with the following condition:

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

Evaluation & Staff Recommendations

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.

Disclosure Statement



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 Richard J Puleo

Does the applicant have a representative? Yes No

- If yes, list the name of the representative.

Flint Marine

Is the applicant a corporation, partnership, firm, 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)

N/A

- If yes, list the businesses that have a parent-subsidary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

N/A

¹ "Parent-subsidary 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-subsidary 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 facilities, 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.

Received by VMRC December 18, 2023 /blh

Disclosure Statement



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?

N/A

Applicant Services Disclosure

1. Does the applicant have any existing financing (mortgages, deeds of trust, credit collection, 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:

Mr. Cooper

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/interior designer 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.

Flint Marine

5. Is there any other pending or proposed purchase 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.

Flint Marine

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.

Gallup 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.

Applicant Signature

Richard J. Puleo

Applicant Owner

Print Name and Title

12/5/2023

Date

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

- If yes, you do not need to fill out this 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

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Agent

Billy Garrington
 Governmental Permitting Consultants

Location

4001 N Witchduck Road

GPIN

1488-18-2894, 1488-18-4815

Staff Planner

Heaven Manning

Proposal

To construct a bulkhead, rip rap, and return walls involving wetlands.

Staff Recommendation

Approval as Modified

Waterway

Western Branch Lynnhaven River

Subdivision

Witchduck

Impacts

Vegetated: 45 square feet

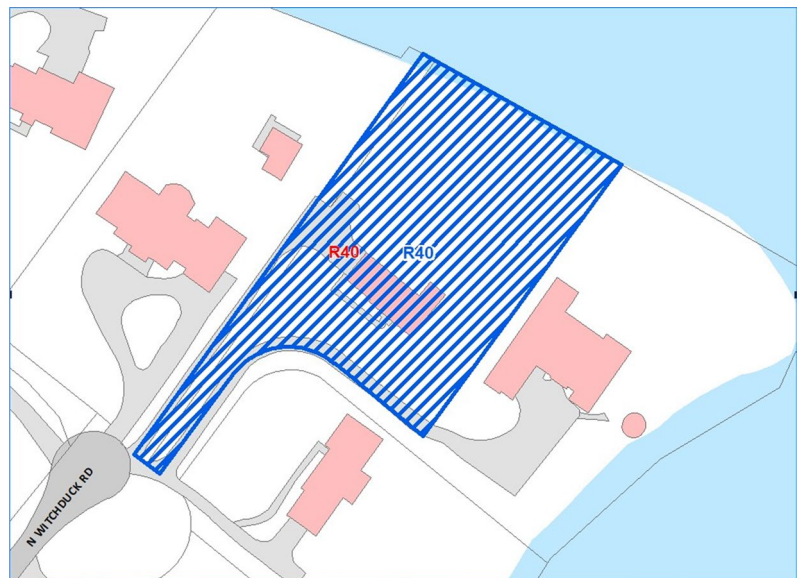
Subaqueous: 561 square feet

Overall length of proposed structure: 187 linear feet of bulkhead, 21 linear feet of return wall, 31 linear feet of return wall

Volume of Backfill: 446 cubic yards

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



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:

Install 186.7 L.F. of pile supported vinyl bulkhead with a 20.9 L.F. return on the west end of the bulkhead and 30.9 L.F. return on the east end of the bulkhead. 45 sq. ft. of vegetated wetlands have formed on the landward side of an existing failed bulkhead and those wetlands will be lost to construction. 446 c.y. of granular fill will be used for the backfill.

Install 3' wide by 2' high section of class I granite rip rap at the base of the proposed bulkhead to help prevent scour. This section of shoreline is in a VE wave zone as depicted on the FEMA flood maps.

- 2. What is the maximum encroachment channelward of mean high water? 3 _____ feet.
Channelward of mean low water? 3 _____ feet.
Channelward of the back edge of the dune or beach? _____ feet.

- 3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands 45 _____ square feet
 - Non-vegetated wetlands 0 _____ square feet
 - Subaqueous bottom 561 _____ square feet
 - Dune and/or beach n/a _____ square feet

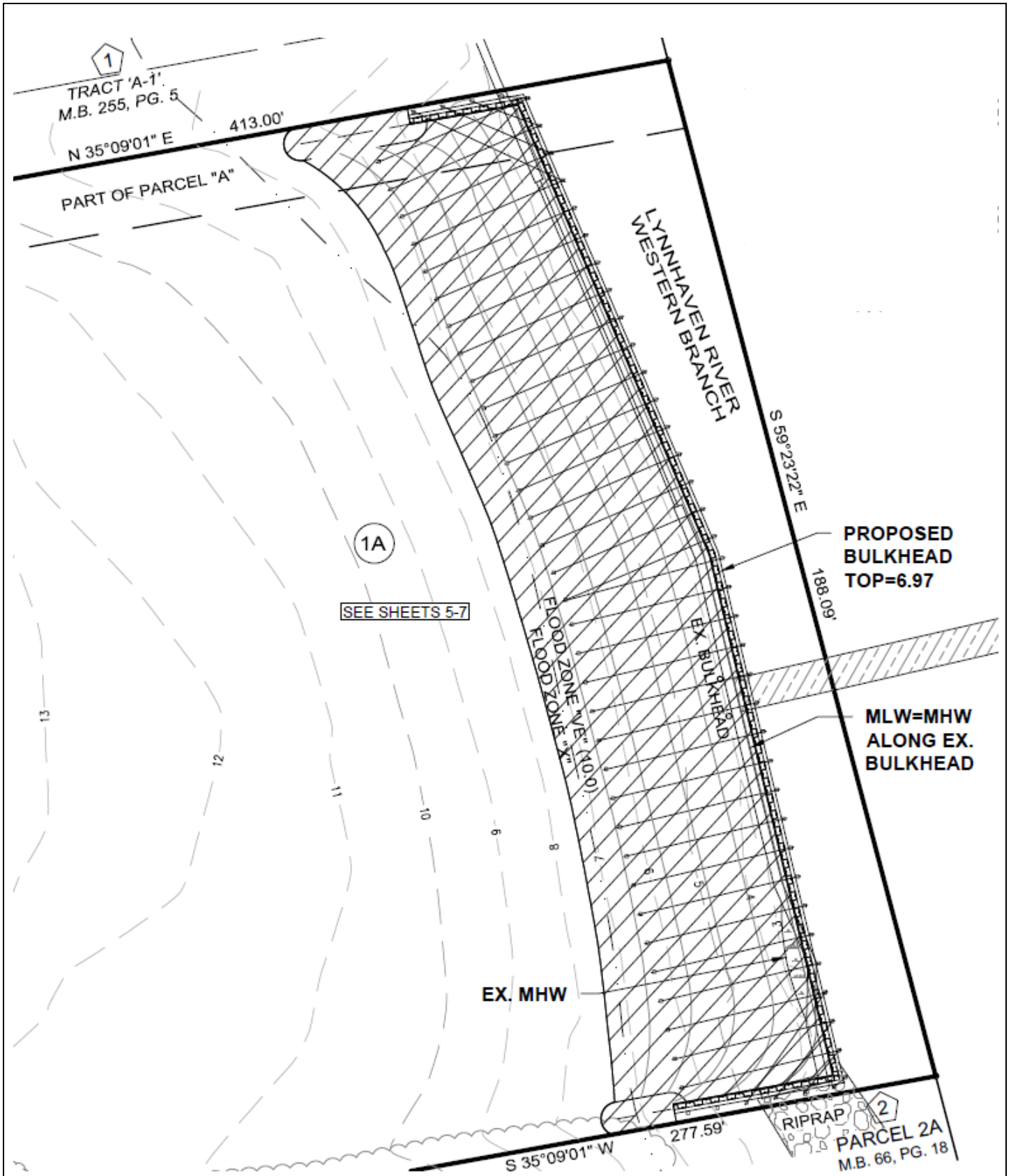
- 4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes No.

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

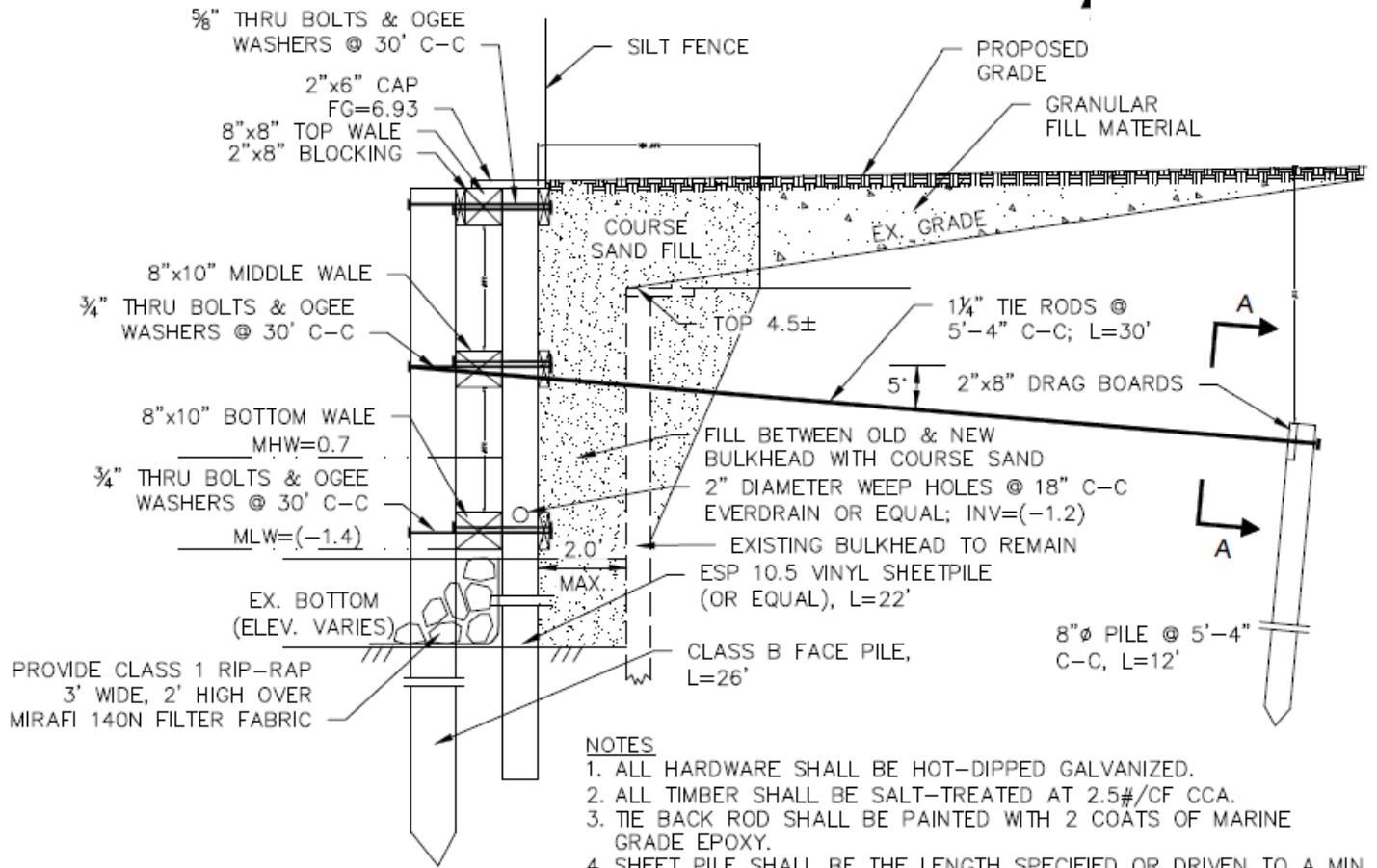
If no, please provide an explanation for the purpose and need for the additional encroachment.

[Empty box for explanation]

Proposed Improvements



Bulkhead Section



NOTES

1. ALL HARDWARE SHALL BE HOT-DIPPED GALVANIZED.
2. ALL TIMBER SHALL BE SALT-TREATED AT 2.5#/CF CCA.
3. TIE BACK ROD SHALL BE PAINTED WITH 2 COATS OF MARINE GRADE EPOXY.
4. SHEET PILE SHALL BE THE LENGTH SPECIFIED OR DRIVEN TO A MIN. OF 50% EMBEDMENT INTO FIRM MATERIAL, WHICHEVER IS GREATEST.
5. LOWER WALES AND WEEP HOLES TO BE INSTALLED DURING A TIDE LOWER THAN SHOWN ON THIS SECTION.
6. PREFORMED DRAINAGE FABRIC SHALL BE MIRAFI 140N OR EQUAL.

Site Photos



Site Photos



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. There are no known recent Chesapeake Bay Preservation Area (CBPA) Board variances found for this property. Due to the height of the proposed bulkhead and the extent of upland fill material associated with the proposed improvements, the applicant submitted a single-family site plan for development in the Resource Protection Area for review by the Development Services Center in November 2023.

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

Summary of Proposal

The applicant proposes to construct 187 linear feet of vinyl bulkhead and two return walls. The return wall on the western side of the bulkhead will be 21 linear feet long, and the return wall along the eastern end of the bulkhead will be 31 linear feet long. The proposed bulkhead will be constructed no more than two feet channelward of the existing bulkhead. Approximately 446 cubic yards of material will be used for the proposed project to grade the yard to match the proposed bulkhead height. The proposed project will impact 45 square feet of vegetated wetlands, which have formed behind the existing bulkhead. The applicant is proposing to pay an in-lieu fee to compensate for the vegetated wetlands impacts.

The proposed project includes the installation of rip rap along the base of the bulkhead to prevent scour. However, impacts associated with the rip rap are limited to subaqueous bottom and are not subject to Wetlands Board approval.

Evaluation & Staff Recommendations

The existing bulkhead has failed and needs to be replaced. There are several areas of erosion that are behind the bulkhead due to the failure of the structure and a pocket of vegetated wetlands has formed where uplands have been eroded. The applicant desires to elevate the proposed bulkhead 2.5 feet above the existing bulkhead to match the bulkhead height of the neighbor's lot to the west.

The applicant's agent indicated that a living shoreline was not suitable for this property due to height of the existing bulkhead, and the property experiences significant fetch and wave action. The request to construct the new bulkhead will not create additional vegetated wetlands. Therefore, to address compensation Staff supports payment of an in-lieu fee for the vegetated wetlands impacts.

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

1. Grass swales shall be installed along both sides of the property where existing grade elevations are modified by the installation of the bulkhead and associated backfill material so that runoff is contained and does not flow onto the adjacent properties.
2. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed and denuded areas landward of the bulkhead once the specified grade elevation is achieved. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
3. A Land Disturbing Activity Plan shall be submitted to the Development Service Center (DSC) for review and approval prior to the issuance of a building permit for activities associated with the Joint Permit Application (JPA).

4. 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.

Disclosure Statement

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 JAMES H. SPARKS

Does the applicant have a representative? Yes No

If yes, list the name of the representative.

BILLIE 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)

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.

Received by VMRC November 16, 2023 /blh

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.
-

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.

HURRICANE MARINE

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.

GALLUP

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.

Applicant Signature

JAMES H. SPARKS OWNER

Print Name and Title

11/13/23

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



Agent

Billy Garrington
 Governmental Permitting Consultants

Location

2109 Windward Shore Drive

GPIN

2409-38-3339

Staff Planner

Heaven Manning

Proposal

To construct a rip rap revetment and return wall involving wetlands and a boathouse.

Staff Recommendation

Approval as Submitted

Waterway

Broad Bay

Subdivision

Bay Island

Impacts

Vegetated: 8 square feet

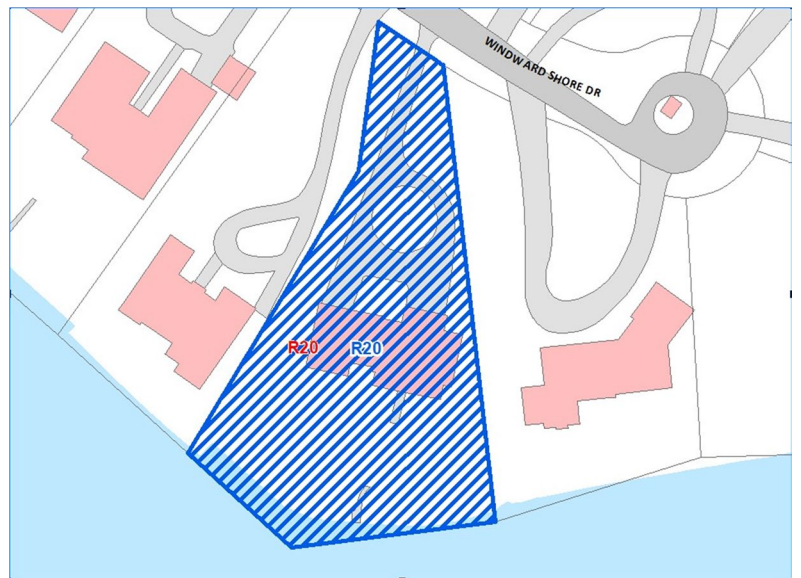
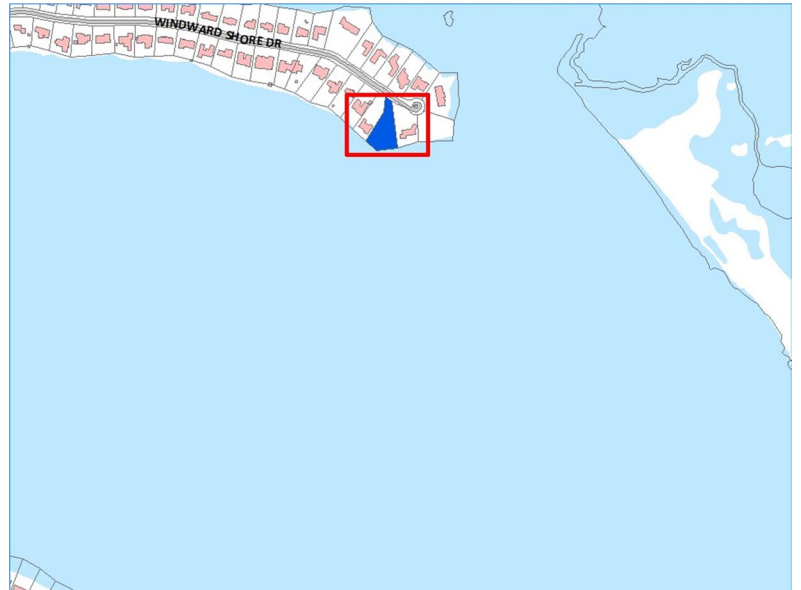
Non-Vegetated: 306 square feet

Subaqueous: 2,046 square feet

Overall length of proposed structure: 213 linear feet of rip rap, 8 linear feet of return wall

Proposed Mitigation and/or Compensation

On-site and Payment of an in-lieu fee



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:

Install 204.6 L.F. of cl. I and II granite rip rap over filter fabric on the seaward side of a failing timber bulkhead. Wetlands impacts are:
1. Non Vegetated 306 sq. ft.
2. Vegetated 8 sq. ft.

Subaqueous impact is 2,046 sq. ft. The volume of stone will be 274.6 cubic yards.

- 2. What is the maximum encroachment channelward of mean high water? 10 feet.
Channelward of mean low water? 10 feet.
Channelward of the back edge of the dune or beach? feet.

- 3. Please calculate the square footage of encroachment over:
• Vegetated wetlands 8 square feet
• Non-vegetated wetlands 306 square feet
• Subaqueous bottom 2,046 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.

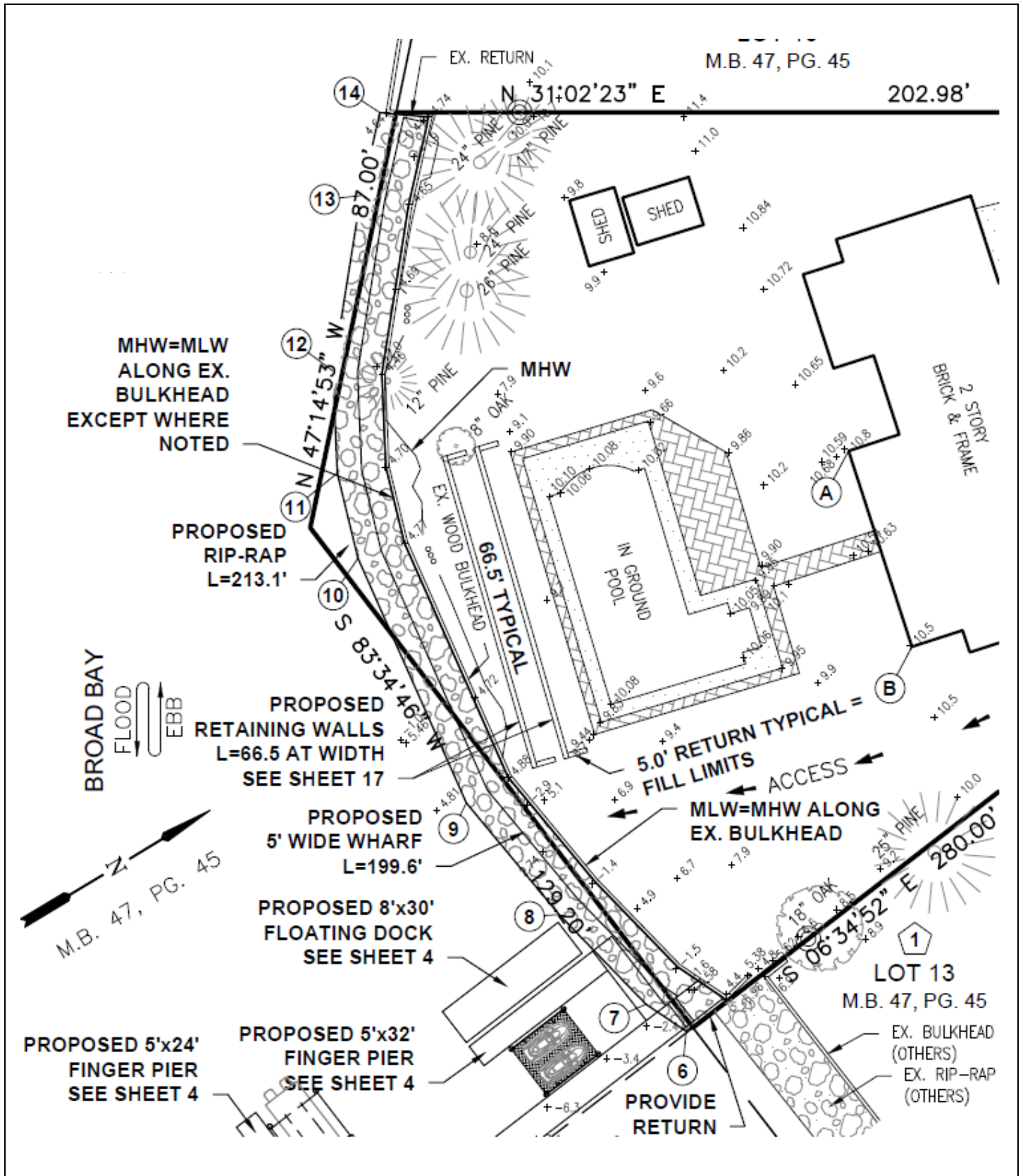
If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? x Yes No.

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

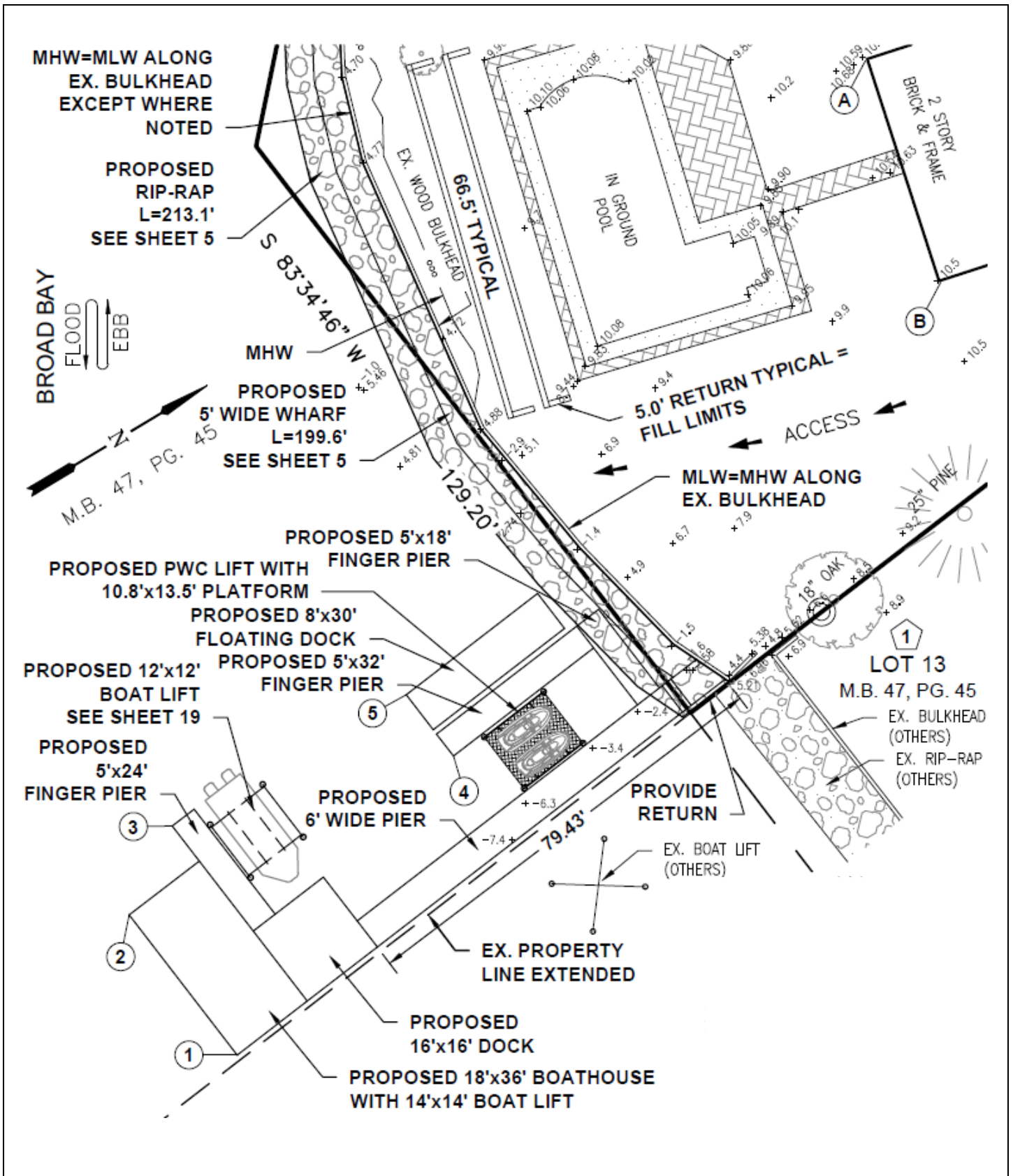
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Received by VMRC December 19, 2023 /blh

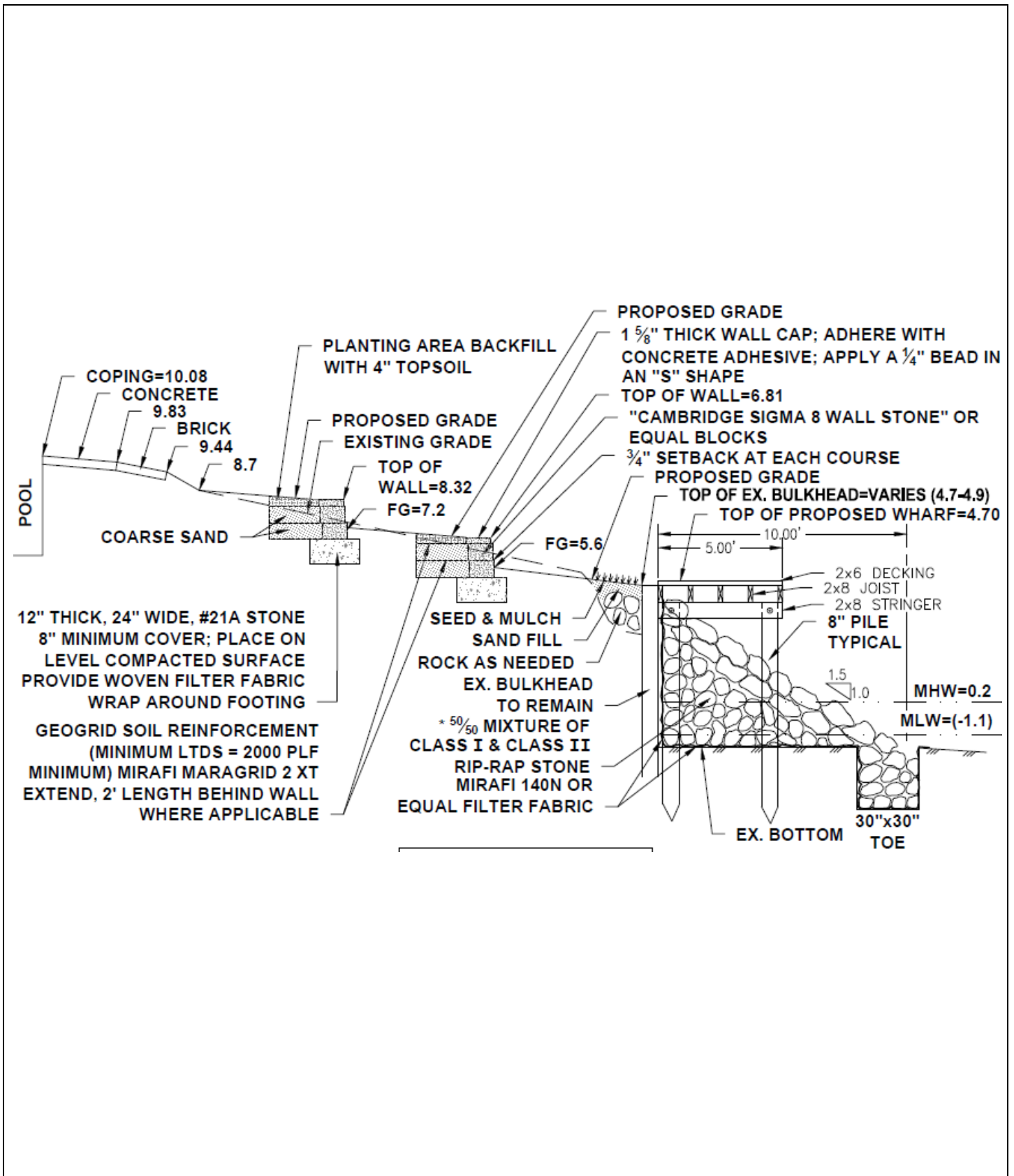
Proposed Improvements



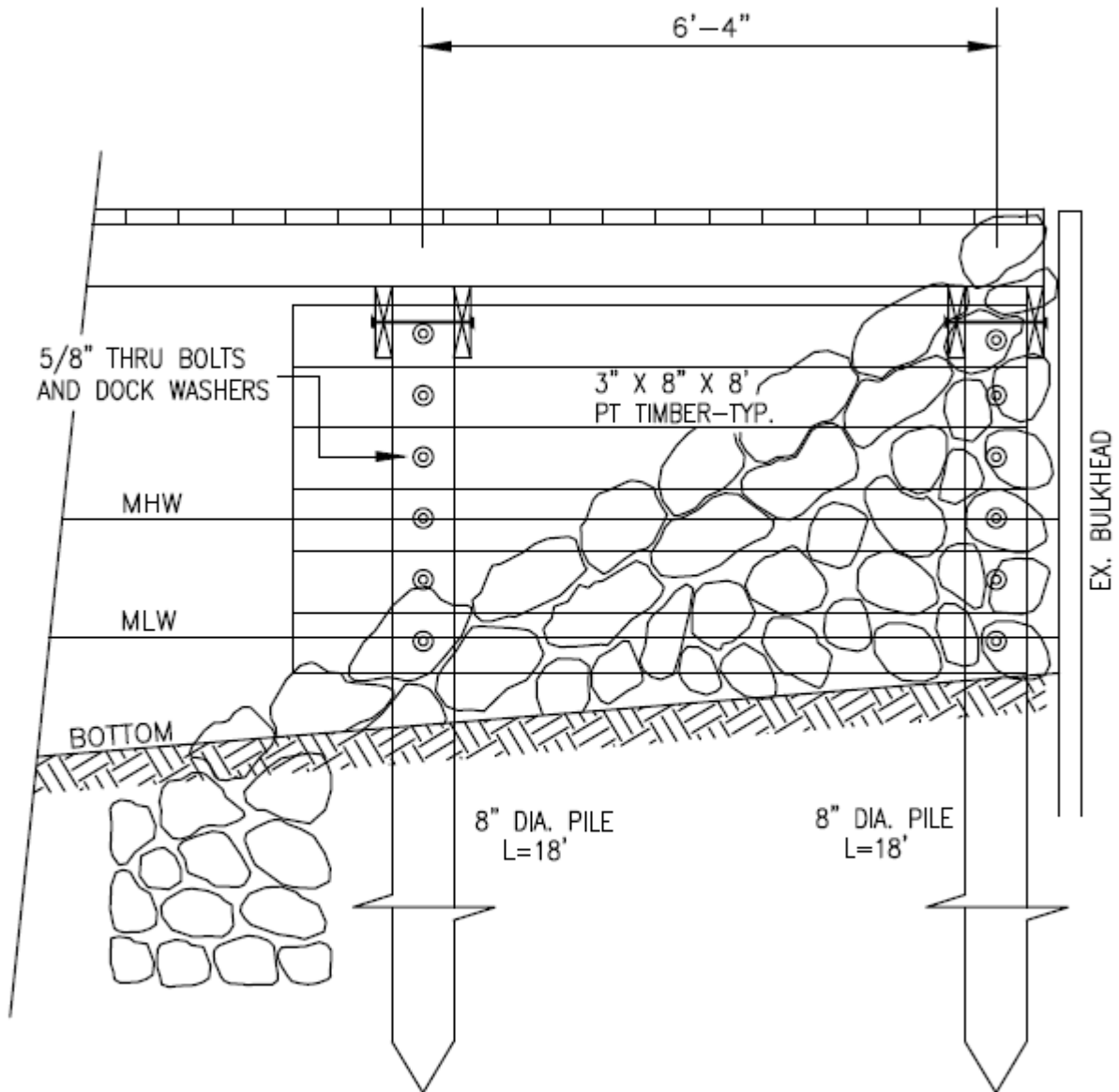
Proposed Pier and Boathouse



Rip Rap Section



Return Wall Section



**TYP. SECTION
RETURN WALL AT
EAST END OF RIP RAP**
1" = 2.5'

Site Photos



Site Photos



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

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

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

Summary of Proposal

The existing bulkhead is showing signs of deterioration along the seaward face of the structure. As such, the applicant proposes to install 213 linear feet of rip rap revetment in front of the existing timber bulkhead and 8 linear feet of return wall at the eastern end of the rip rap. The rip rap will consist of Class I and II granite stone. The primary purpose of the rip rap revetment is to reduce erosion along the shoreline while allowing for boating access to the waterway.

As designed, the proposed project will impact 306 square feet of non-vegetated wetlands and 8 square feet of vegetated wetlands. The applicant proposes payment of an in-lieu fee as compensation for the vegetated wetlands losses and on-site compensation for the conversion of non-vegetated wetlands to non-vegetated rock habitat.

Evaluation & Staff Recommendations

The applicant desires to reinforce the existing timber bulkhead that is currently protecting the property's shoreline by installing 213 linear feet of rip rap channelward of the existing bulkhead. The applicant's agent provided that a living shoreline is not appropriate for this property due to the height of the existing bulkhead, existing improvements on the lot, and the property experiences significant fetch and wave action. Staff agrees with the on-site compensation method for the 306 square feet of non-vegetated wetlands impacts conversion to rock habitat and payment of an in-lieu fee for the impacts to vegetated wetlands given the environmental conditions present.

Accordingly, the Department of Planning & Community Development Staff recommends the application be **approved as submitted**, as shown on the plans titled "Rip Rap, Wharf, Pier, Dock, Finger Piers, Floating Dock, Boathouse, and Boat Lift" sealed November 3, 2023 and received by the VMRC on January 15, 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.

Disclosure Statement

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 Meixing & Songjian Chen

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)

- If yes, list the businesses that have a parent-sub subsidiary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-sub 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-sub 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.

Received by VMRC December 19, 2023 /blh

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.
-

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.

Inlet Marine

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.

Gallup Surveyors & Engineers David Butler

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.

Meixing Chen Songjian Chen

Applicant Signature

Meixing Chen Songjian Chen

Print Name and Title

12/8/23

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

Received by VMRC December 19, 2023 /blh

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Agent

Robert Simon
Waterfront Consulting, Inc.

Location

602 55th Street

GPIN

2418-69-3730

Staff Planner

Heaven Manning

Proposal

To construct a bulkhead involving wetlands.

Staff Recommendation

Approval as Submitted

Waterway

Crystal Lake

Subdivision

North End

Impacts

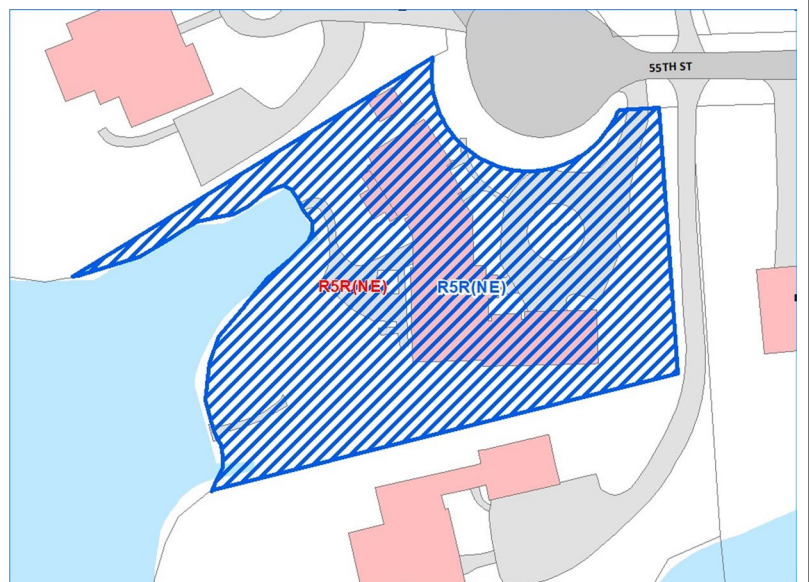
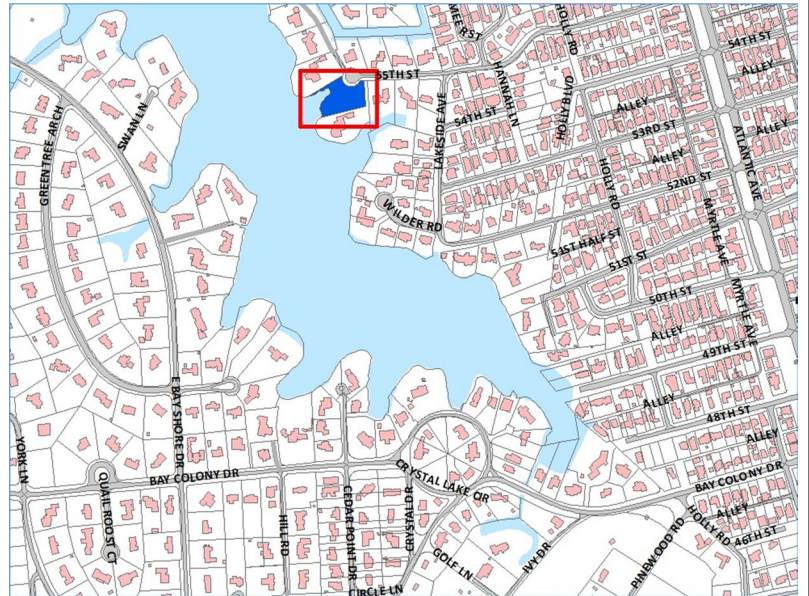
Non-Vegetated: 200 square feet

Overall length of proposed structure: 305 linear feet of bulkhead

Volume of Backfill: 130-150 cubic yards

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



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:

This project involves the construction of 305 linear feet of pile supported vinyl bulkhead to be constructed no more than 2' seaward of the existing bulkhead. The existing bulkhead will remain.

This project involves 190 non-vegetated wetland impacts in the washout area behind the existing bulkhead.

- 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? n/a feet.

- 3. Please calculate the square footage of encroachment over:
 - Vegetated wetlands 0 square feet
 - Non-vegetated wetlands 190 square feet
 - Subaqueous bottom 0 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.

Proposed Improvements

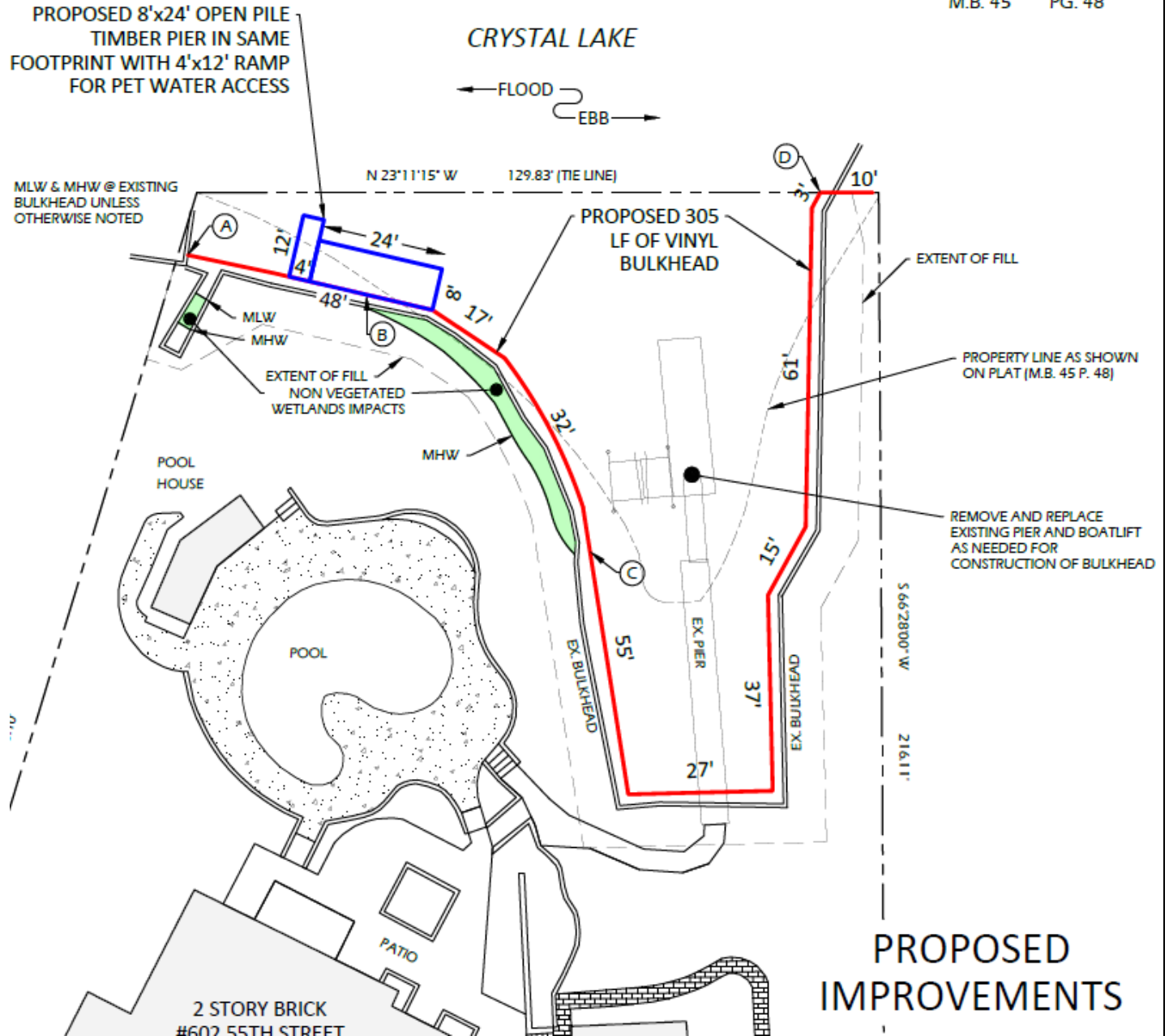
WETLANDS IMPACTS

VEGETATED =	0 SF
NON-VEGETATED =	200 SF
TOTAL =	200 SF

APPROXIMATELY 130-150
CY OF FILL WILL BE USED
FOR THIS PROJECT

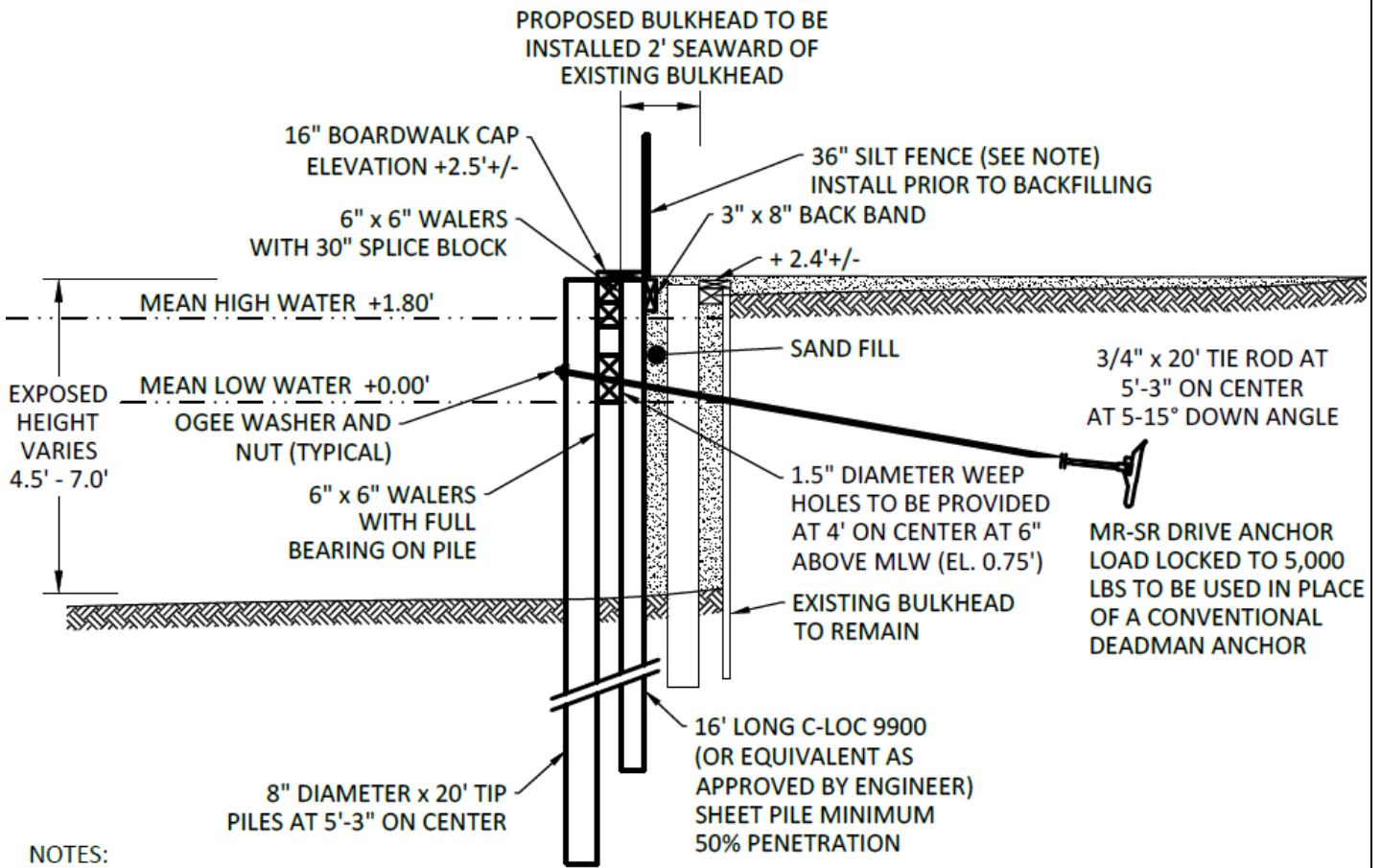


M.B. 45 PG. 48



Bulkhead Cross Section A-B, C-D

**PROPOSED BULKHEAD
CROSS SECTION A-B, C-D**

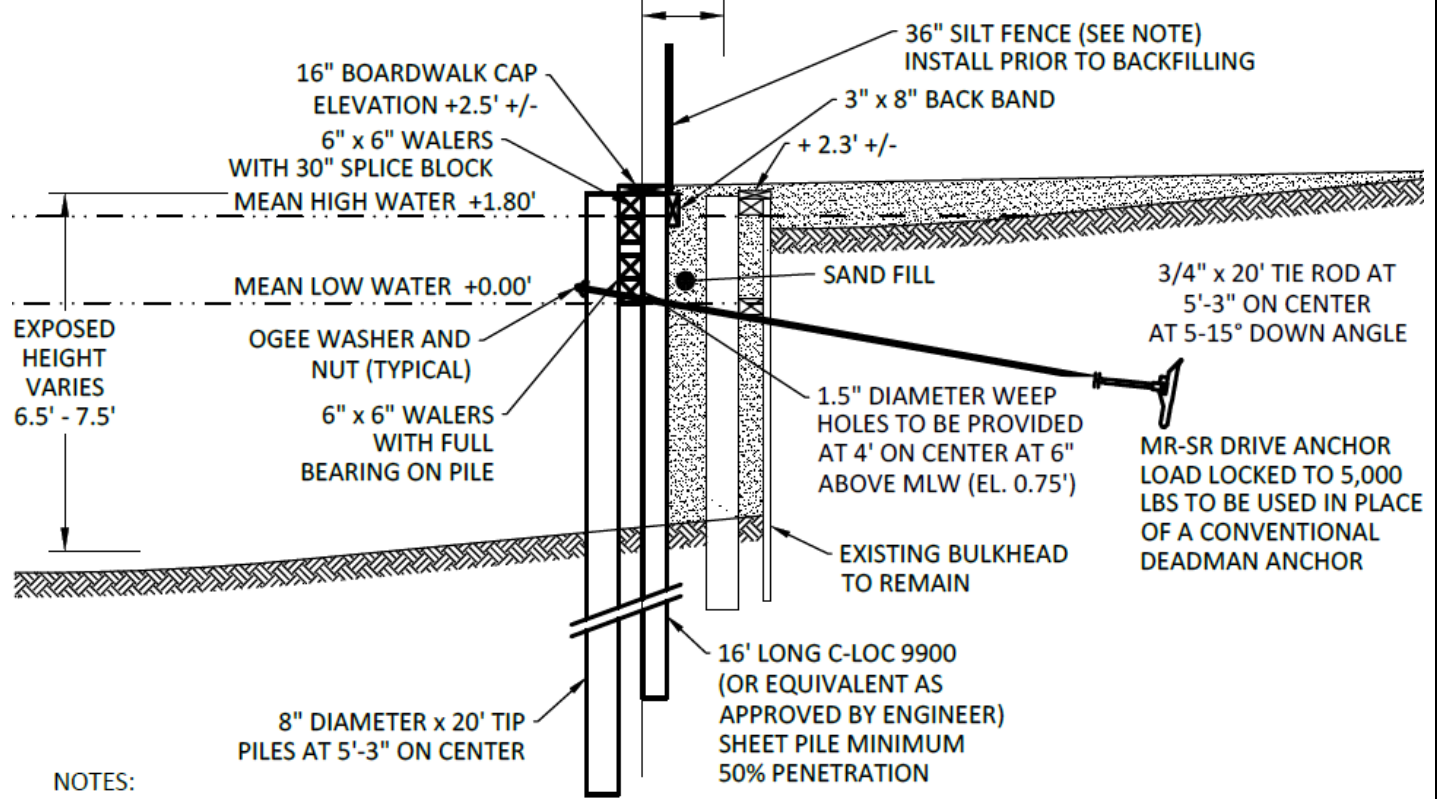


NOTES:

Bulkhead Cross Section B-C

**PROPOSED BULKHEAD
CROSS SECTION B-C**

PROPOSED BULKHEAD TO BE
INSTALLED 2' SEAWARD OF
EXISTING BULKHEAD



Site Photos



Site Photos



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

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

There were no recent Wetlands Board actions found for this property. The following Joint Permit Applications have been submitted for this property:

- 2022 – Request to construct a pier and floating dock.
- 2020 – Request to construct a boatlift.

Summary of Proposal

The applicant is proposing to construct a 305 linear foot vinyl bulkhead with approximately 130-150 cubic yards of backfill. The proposed bulkhead will be constructed no more than two feet channelward of the existing bulkhead. The proposed project will impact 200 square feet of non-vegetated wetlands, which have formed behind the existing bulkhead and for enclosing the existing ramp. The applicant is proposing to pay an in-lieu fee to compensate for the non-vegetated wetlands impacts.

Evaluation & Staff Recommendations

The existing bulkhead has failed and needs to be replaced. There are several areas of erosion that are behind the bulkhead due to the failure of the structure and a large pocket of non-vegetated wetlands has formed where uplands have been eroded. The applicant's agent indicated that a living shoreline was not suitable for this property due to height of the existing bulkhead and heavy boat traffic and associated wake. The request to construct the new bulkhead will not create additional non-vegetated wetlands. Therefore, to address compensation Staff supports payment of an in-lieu fee for the non-vegetated wetlands impacts.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans titled "Proposed Bulkhead, Pier" sealed January 28, 2024 and received by the VMRC on January 29, 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.

Disclosure Statement

DocuSign Envelope ID: 12DC4C56-FD21-4501-9ADE-FCED8A0E47A3

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 John K. Hall

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)

- 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.

Received by VMRC January 2, 2024 /blh

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.
n/a

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.
n/a

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.

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.

DocuSigned by:
John K. Hall

Applicant Signature

John Hall

Print Name and Title

12/28/2023

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	

Received by VMRC January 2, 2024 /blh



Agent

Billy Garrington
 Governmental Permitting Consultants

Location

2365 Haversham Close

GPIN

2409-15-4415

Staff Planner

Heaven Manning

Proposal

To install piles involving wetlands.

Staff Recommendation

Approval as Submitted

Waterway

Broad Bay

Subdivision

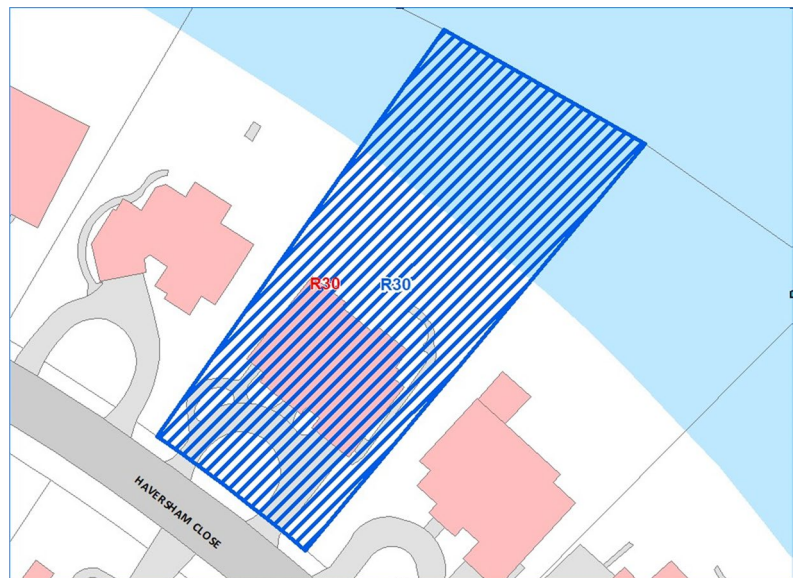
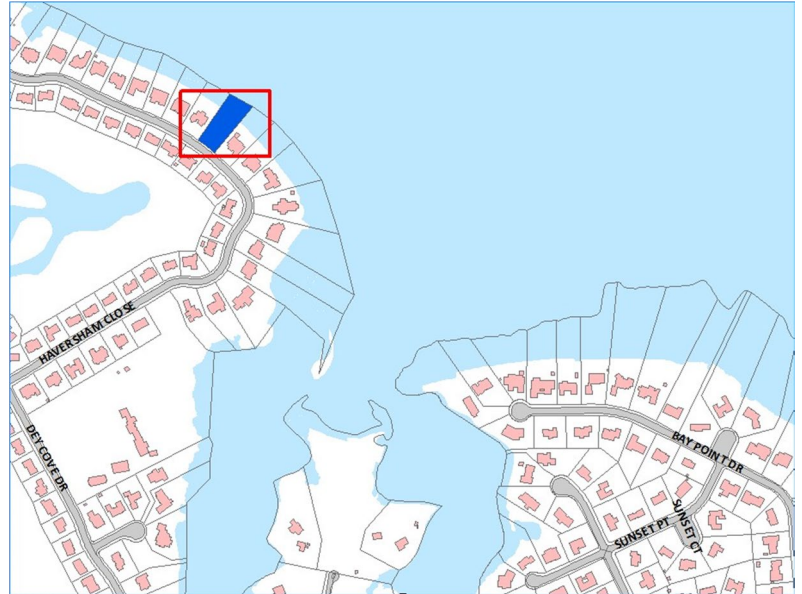
Broad Bay Point Greens

Impacts

Non-Vegetated: 4 square feet

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



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:

Install 21-12" diameter timber piles on the seaward side of an existing timber sheet pile bulkhead to help support the existing bulkhead. Piles will be installed via vibratory hammer from the seaward side via barge. Most of the piles are above mean high water and there is vegetation in the area, however, most of the vegetation is dead matting of existing material and is above the 1.5 x jurisdictional elevation of 0.9

Wetlands impacts will be 3.1 sq. ft. to non vegetated from the installation of 4-12" diameter timber piles. there are no vegetated wetlands impacts.

- 2. What is the maximum encroachment channelward of mean high water? 1 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 0 square feet
 - Non-vegetated wetlands 3.1 (4 piles) square feet
 - Subaqueous bottom n/a 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.

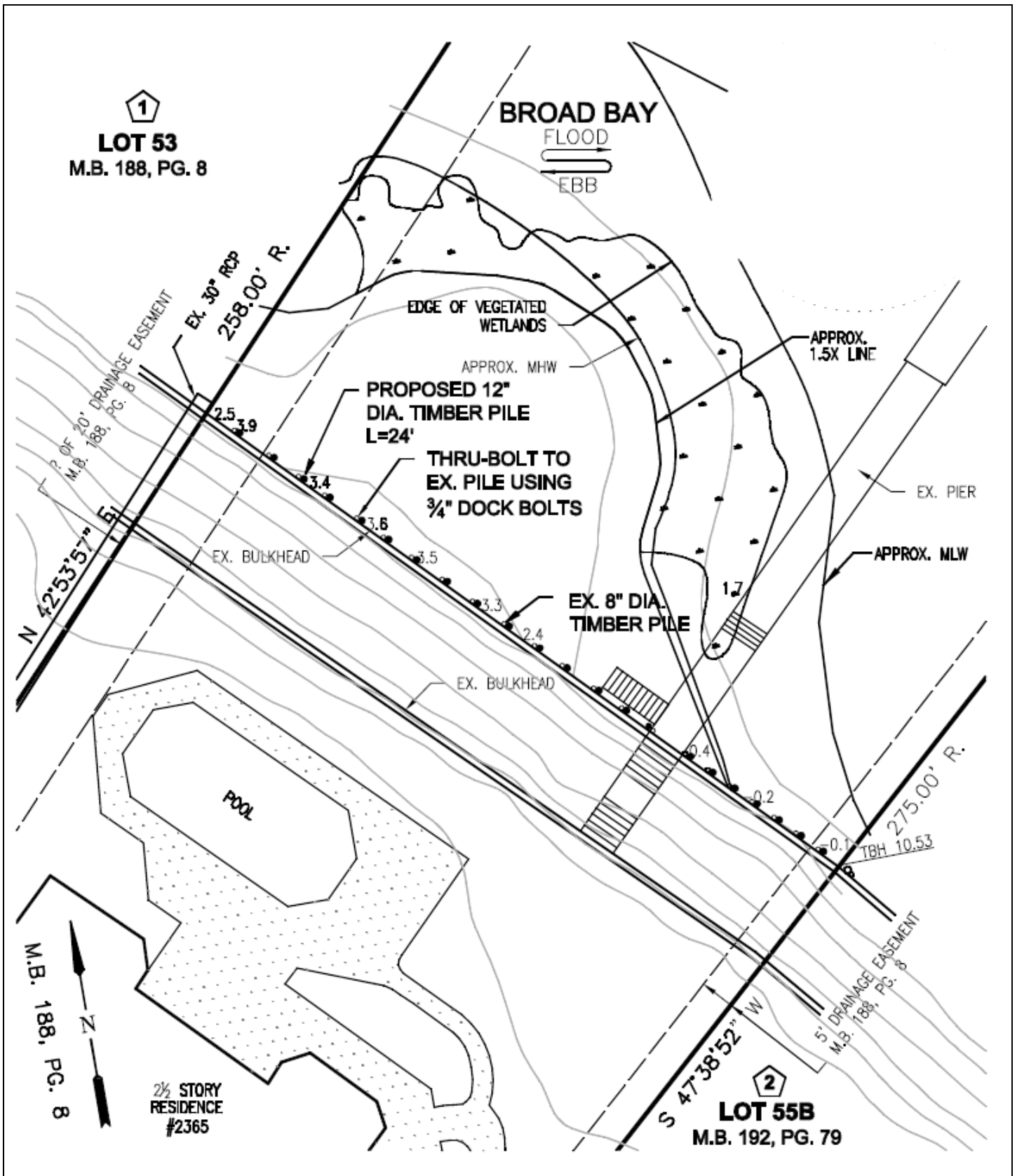
If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

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

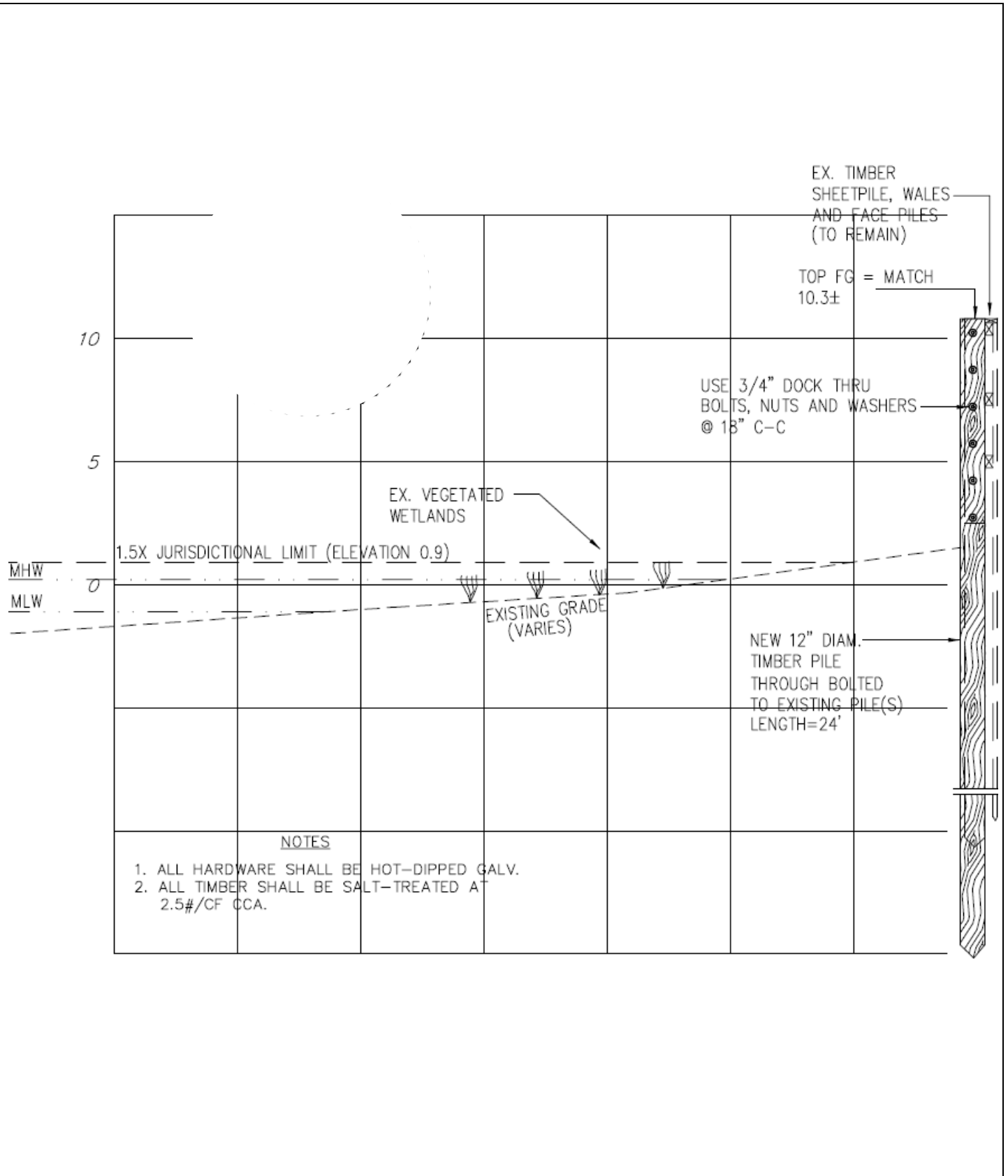
[Empty blue box for explanation]

ADDITIONAL INFORMATION/REVISIONS Received by VMRC January 16, 2024 /blh

Proposed Improvements



Section view



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

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

There were no recent Wetlands Board actions found for this property. In 2017, a Joint Permit Application (JPA) was submitted to complete repairs to the bulkhead and pier.

Summary of Proposal

The applicant proposes to install 22-12" timber piles on the seaward side of the existing timber bulkhead. As designed, five of the proposed piles will impact 4 square feet of non-vegetated wetlands. The applicant is proposing to pay an in-lieu fee to compensate for the non-vegetated wetlands impacts.

Evaluation & Staff Recommendations

The applicant desires to reinforce the existing timber bulkhead that is currently protecting the property's shoreline by installing 22 timber piles on the seaward side of the structure. The proposed piles will serve to reinforce and prolong the life of the existing bulkhead. A living shoreline is not suitable for this property due to height of the existing bulkhead, topography of the site, and the property experiences significant fetch and wave action. The request to install the new piles will not create additional non-vegetated wetlands. Therefore, to address compensation Staff supports payment of an in-lieu fee for the non-vegetated wetlands impacts.

Accordingly, the Department of Planning and Community Development Staff recommends that the application be **approved as submitted** as shown on the plans titled "Proposed Repair Bulkhead" sealed October 5, 2023, and received by the VMRC on January 16, 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.

Disclosure Statement

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 Todd Matthew Ehrenzeller and Christine M. Ehrenzeller Declaration of Trust

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)

Todd Matthew Ehrenzeller and Christine M. Ehrenzeller, Trustees

- If yes, list the businesses that have a parent-subsidiary¹ or affiliated business entity² 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



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.
-

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.

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 Gallup Surveying and 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.

Applicant Signature

Todd Matthew Ehrenzeller, Trustee and Christine M. Ehrenzeller, Trustee

Print Name and Title

1/18/2023

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	

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Agent

David Kledzik
 Marine Engineering, LLC

Location

1829 Green Hill Road

GPIN

1499-86-8339

Staff Planner

Heaven Manning

Proposal

To construct a bulkhead and return walls involving wetlands.

Staff Recommendation

Approval as Modified

Waterway

Broad Bay

Subdivision

Green Hill Farm

Impacts

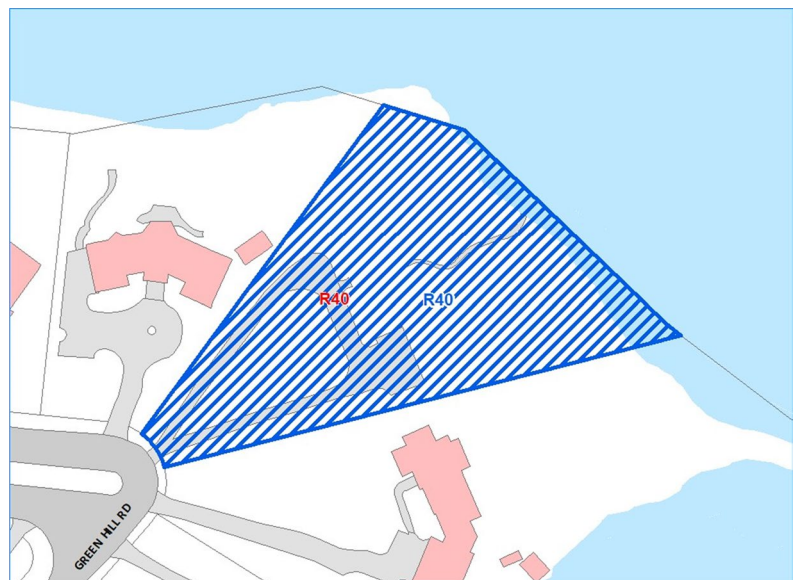
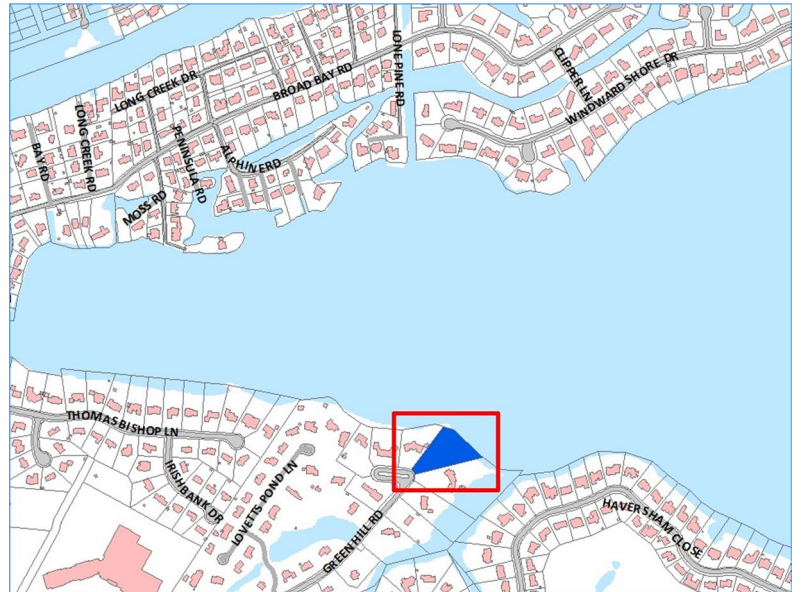
Non-Vegetated: 709 square feet

Overall length of proposed structure: 292 linear feet of bulkhead, two 12 linear foot return walls

Volume of Backfill: 180 cubic yards

Proposed Mitigation and/or Compensation

Payment of an in-lieu fee



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:

Construction of a 292' long vinyl sheet and pile bulkhead (A-G) plus 2 x12' long returnwalls.

Proposed bulkhead alignment impacts
697 SF area below MHW (830 SF below OHW)
180 CY backfill below MHW (215 CY backfill below OHW)

- 2. What is the maximum encroachment channelward of mean high water? 8.1 feet.
Channelward of mean low water? 0 feet.
Channelward of the back edge of the dune or beach? 0 feet.

- 3. Please calculate the square footage of encroachment over:
• Vegetated wetlands 0 square feet
• Non-vegetated wetlands 697 square feet
• Subaqueous bottom 0 square feet
• Dune and/or beach 0 square feet

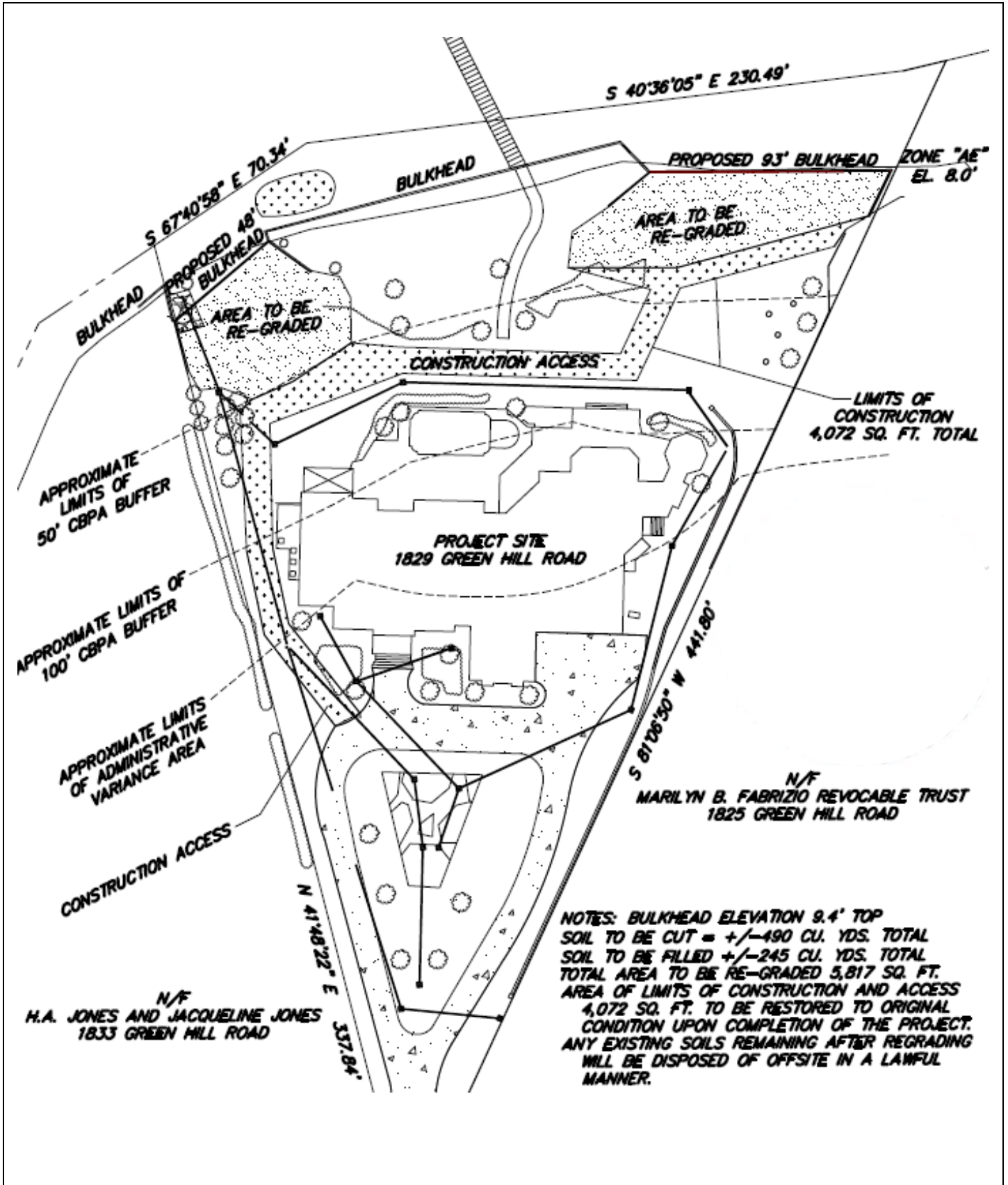
- 4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? x Yes ___ No.

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

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

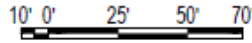
Part of the ATF proposed bulkhead (B-C-D) is 2.8' channelward of existing timber bulkhead.
The new bulkhead proposed (D-E) is less than 2 feet channelward of existing timber bulkhead.

Proposed Improvements – 2022 JPA



Existing Conditions

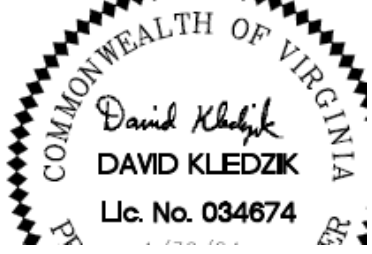
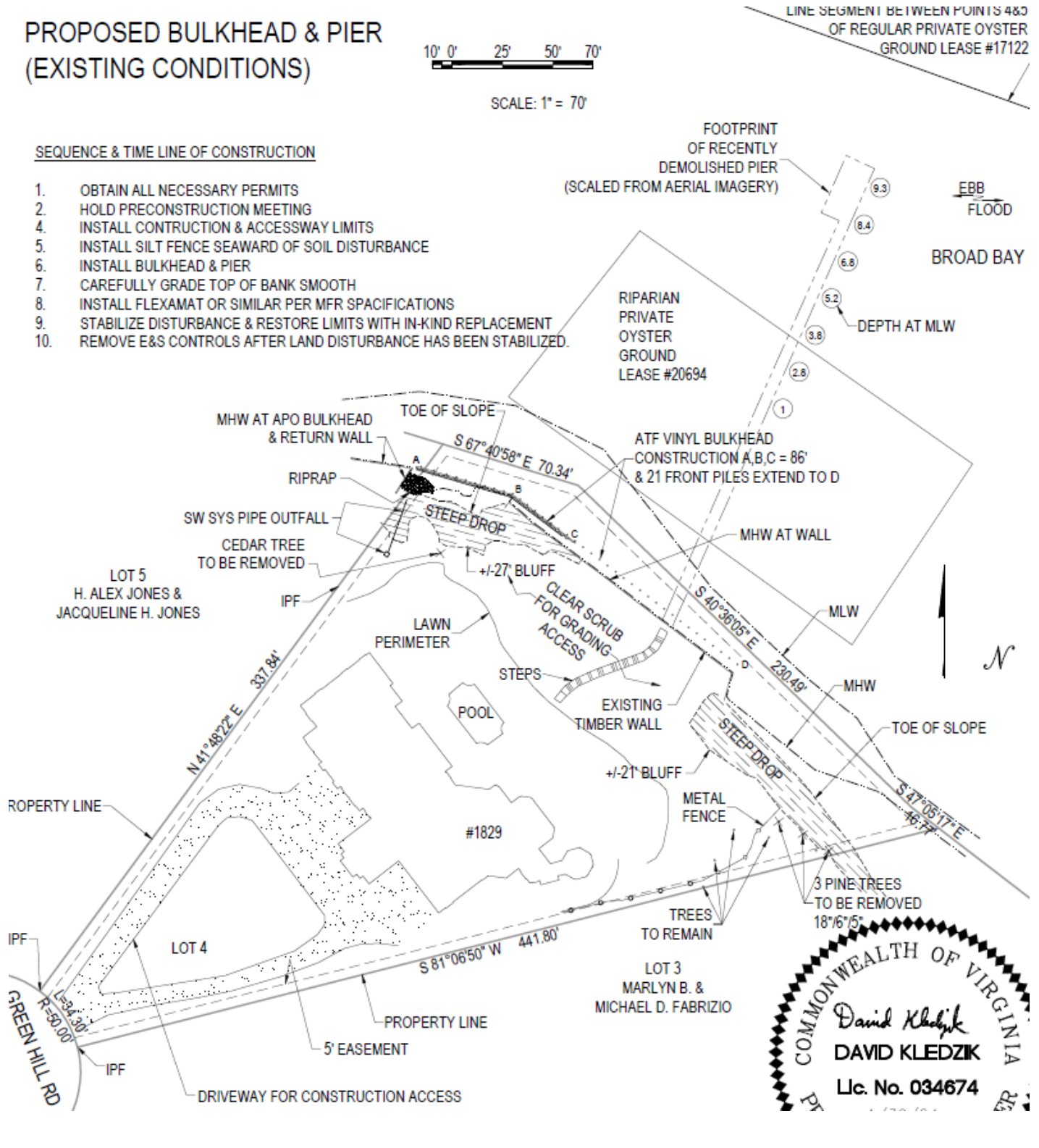
PROPOSED BULKHEAD & PIER (EXISTING CONDITIONS)



SCALE: 1" = 70'

SEQUENCE & TIME LINE OF CONSTRUCTION

1. OBTAIN ALL NECESSARY PERMITS
2. HOLD PRECONSTRUCTION MEETING
4. INSTALL CONSTRUCTION & ACCESSWAY LIMITS
5. INSTALL SILT FENCE SEAWARD OF SOIL DISTURBANCE
6. INSTALL BULKHEAD & PIER
7. CAREFULLY GRADE TOP OF BANK SMOOTH
8. INSTALL FLEXAMAT OR SIMILAR PER MFR SPECIFICATIONS
9. STABILIZE DISTURBANCE & RESTORE LIMITS WITH IN-KIND REPLACEMENT
10. REMOVE E&S CONTROLS AFTER LAND DISTURBANCE HAS BEEN STABILIZED.



Proposed Improvements

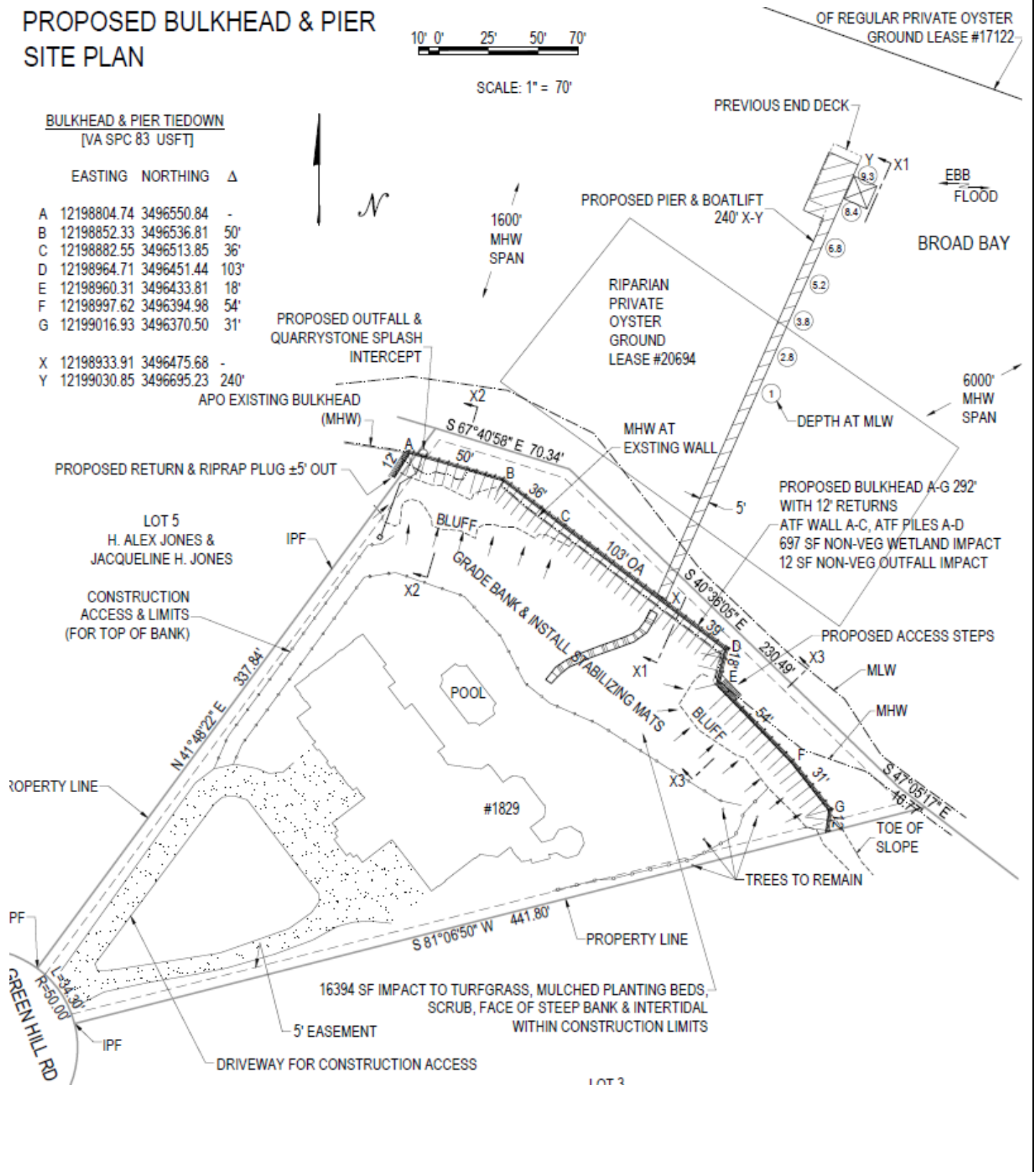
PROPOSED BULKHEAD & PIER SITE PLAN

10' 0" 25' 50' 70'

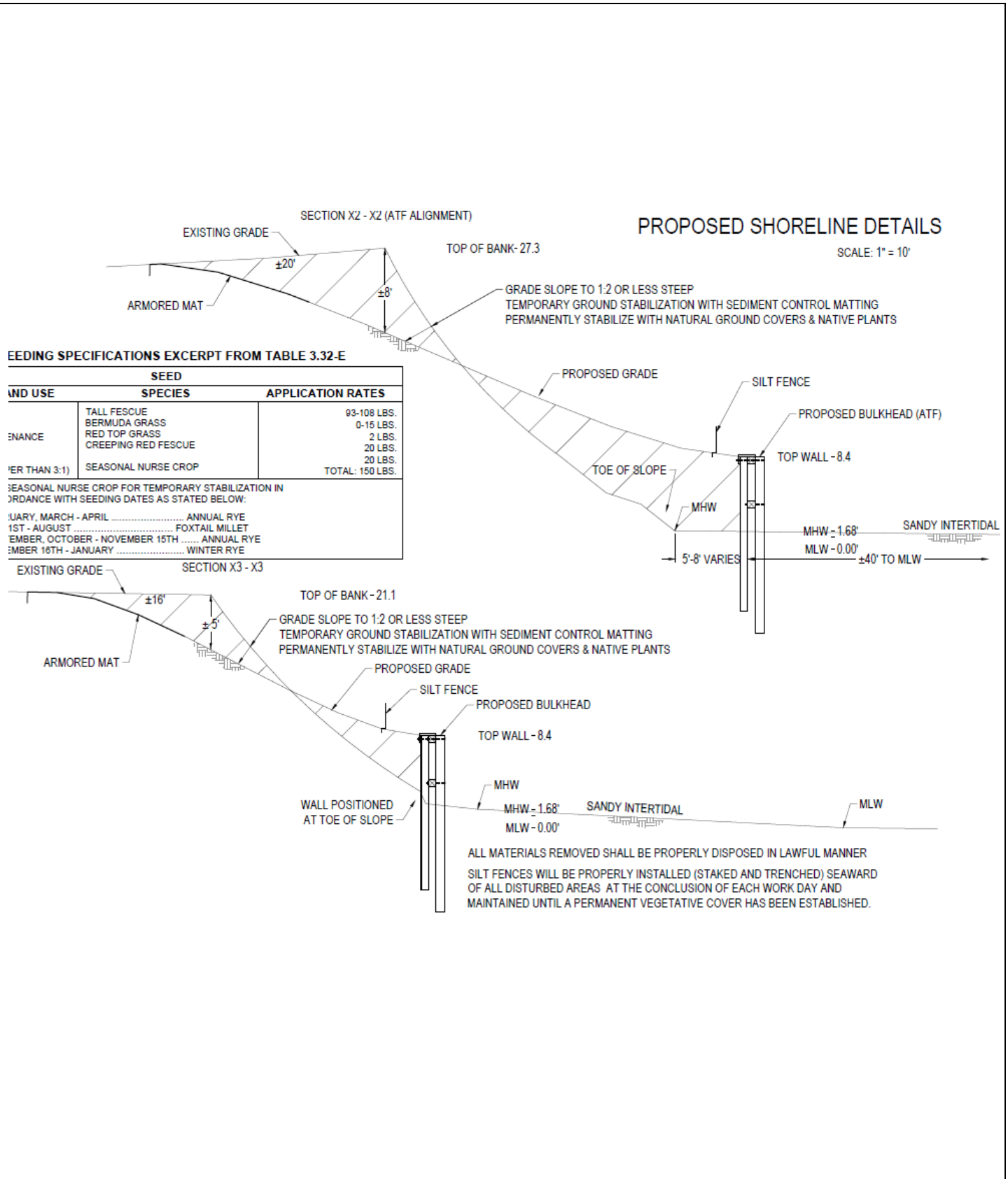
SCALE: 1" = 70'

BULKHEAD & PIER TIEDOWN [VA SPC 83 USFT]

	EASTING	NORTHING	Δ
A	12198804.74	3496550.84	-
B	12198852.33	3496536.81	50'
C	12198882.55	3496513.85	36'
D	12198964.71	3496451.44	103'
E	12198960.31	3496433.81	18'
F	12198997.62	3496394.98	54'
G	12199016.93	3496370.50	31'
X	12198933.91	3496475.68	-
Y	12199030.85	3496695.23	240'



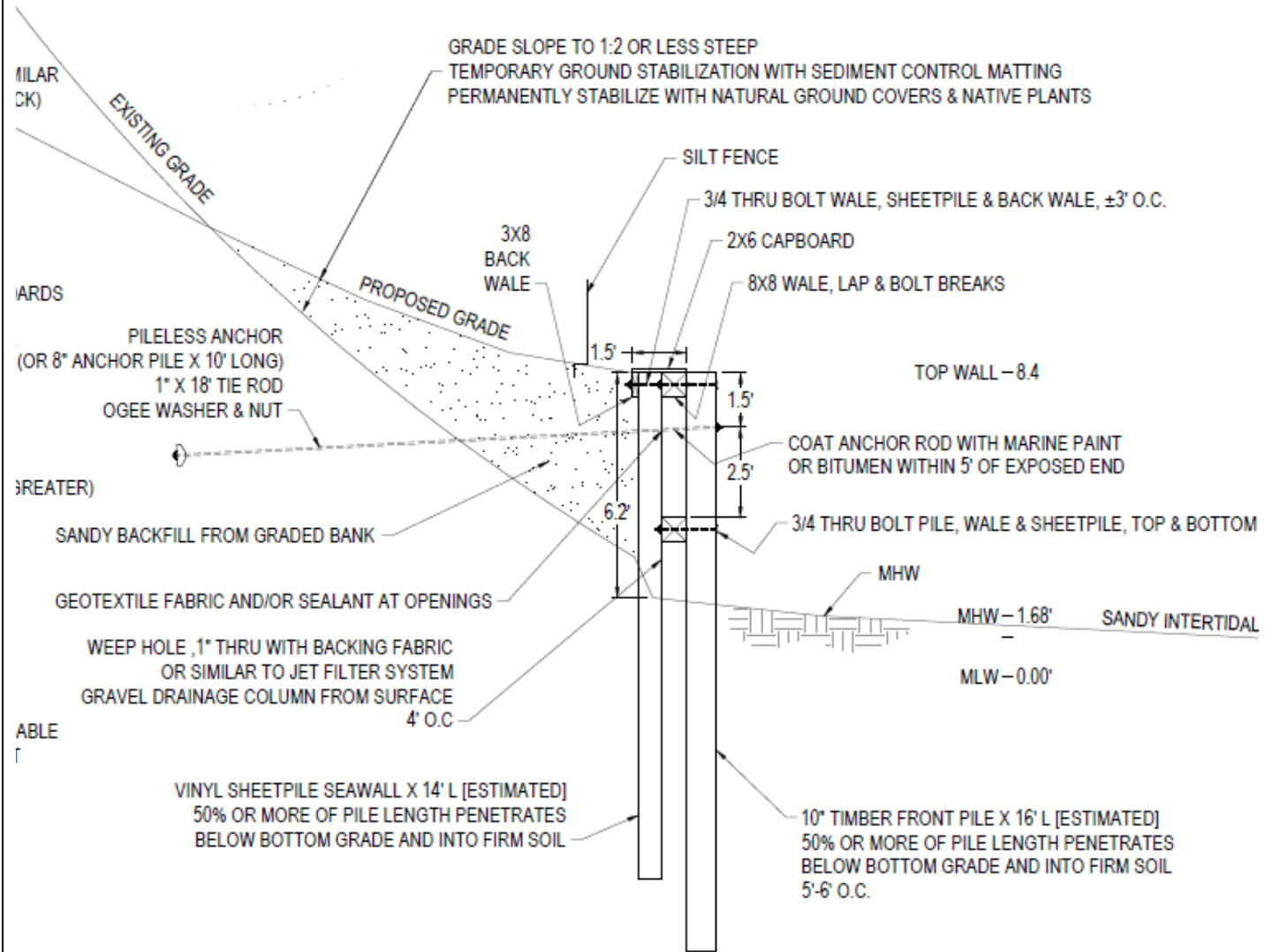
Section X2 – Bulkhead Details



Section X3 – Bulkhead Details

**PROPOSED BULKHEAD
TYPICAL DETAILS
SECTION X3 - X3**

SCALE: 1" = 5'



Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



CBPA Variances & Wetlands Board Permit History

The property is located in the Chesapeake Bay Watershed. A Chesapeake Bay Preservation Area (CBPA) variance request to construct a single-family residence with associated accessory structures was granted December 19, 2014.

There were no recent Wetlands Board actions found for this property. Waterfront Operations reviewed a Joint Permit Application (JPA) for the construction of two sections of bulkhead at each end of the existing bulkhead in April of 2022. The contractor started constructing the bulkhead 2.8 feet channelward of the existing bulkhead, contrary to the authorized plans. The Permits and Inspections Office issued a Stop Work Order for the unauthorized improvements on September 29, 2023. Waterfront Operations issued a Notice to Comply Letter for the unauthorized improvements on October 6, 2023. The current JPA is being submitted for after-the-fact authorization for the bulkhead portions A-C and 21 piles, which extend to portion D, to resolve the matter of non-compliance.

Summary of Proposal

The applicant proposes to construct 292 linear feet of vinyl bulkhead and two 12 linear foot return walls. Approximately 180 cubic yards of backfill material will be used for the proposed project. Sections A-C of the bulkhead and 21 piles which extend to portion D have been constructed 2.8 feet channelward of the existing bulkhead. Portions D-E of the bulkhead will be constructed no more than two feet channelward of the existing bulkhead. The proposed project includes installation of rip rap at the north-western end of the proposed bulkhead for stormwater outfall protection. The proposed project includes removal of four trees to complete the proposed grading of the bank.

As designed, the project will impact 709 square feet of non-vegetated wetlands. The applicant proposes on-site mitigation for the conversion of 12 square feet of non-vegetated wetlands to non-vegetated rock habitat. The applicant proposes payment of an in-lieu fee for the remaining 697 square feet of impacts to non-vegetated wetlands.

Evaluation & Staff Recommendations

The property is characterized by a high, steep bank ranging from 20 to 27 feet in elevation that is held in place by an existing bulkhead. The eastern and western ends of the shoreline are unprotected and exhibiting signs of erosion. The applicant proposes to grade back portions of the existing bank and install 292 linear feet of bulkhead and two 12 linear foot return walls along the shoreline. The graded bank will be stabilized using a stabilizing mat. The applicant seeks after-the-fact authorization for the 86 linear feet of vinyl bulkhead (sections A-C) and 21 piles (sections A-D) 2.8 feet channelward of the existing bulkhead, which has already been installed.

Staff acknowledges the applicant's desire to construct the bulkhead (sections C-D) 2.8 feet channelward of the existing bulkhead. However, this exceeds the standard requirement that a second bulkhead may only be constructed at a maximum of two feet channelward of the existing structure. Therefore, Staff recommends the 21 piles (section C-D) be removed and the alignment of the bulkhead (sections C-E) be revised to two feet channelward of the existing structure, according to the conditions listed below.

The applicant's agent indicated that a living shoreline was not suitable for this property due to topography of the site, and the property experiences significant fetch and wave action. The request to construct the new bulkhead will not create additional non-vegetated wetlands. Therefore, to address compensation Staff supports payment of an in-lieu fee for the non-vegetated wetlands impacts. Staff requests mitigation for the proposed tree removal, see condition 3 below.

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

1. The 21 piles from sections C-D shall be removed and the alignment of the remaining portions of the proposed bulkhead be constructed 2 feet outboard of the existing bulkhead.
2. Mitigation for the 4 canopy trees to be removed is required at a 3:1 ratio (12 new canopy trees to be planted).
3. Land Disturbing Activity Plan shall be submitted to the Development Service Center (DSC) for review and approval prior to the issuance of a building permit for activities associated with the Joint Permit Application (JPA).
4. Revised plans shall be submitted to the Virginia Marine Resources Commission and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

Next Steps

Wetlands Board decisions can be reviewed by or appealed to the Marine Resource Commission. The Marine Resource Commission must receive the appeal request within 10 days of the hearing. Accordingly, no approvals can be issued until at least 10 days after the hearing.

Following the Wetlands Board meeting, applicants and their agents can expect to receive a Board Actions Summary via email.

Within 14 days of the Wetlands Board hearing, applicants and their agents can expect to receive a letter detailing any fees owed, any revisions required, and next steps to obtain their permit.

All questions related to Board decisions or information required to obtain a permit can be directed toward the City of Virginia Beach Planning Department – Waterfront Operations Division at 757-385-8246.

Disclosure Statement

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 MATTHEW A ELLMER

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-subsidary¹ or affiliated business entity² relationship with the applicant. (Attach a list if necessary)

¹ "Parent-subsidary 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-subsidary 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 providing the service.

Bank of America

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.
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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 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



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.

SOUTHSIDE MARINE SERVICES

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

Matthew Ellmer

Print Name and Title

12/20/2023

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	