

# Wetlands Board Staff Report

March 18, 2024





# VIRGINIA BEACH WETLANDS BOARD

## PUBLIC HEARING PROCEDURES

A Public Hearing of the Virginia Beach Wetlands Board will be held on **Monday, March 18, 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](http://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](mailto: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](mailto: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 **March 18, 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](http://virginiabeach.gov/wetlands). For information call (757) 385-4621.

<b>NEW BUSINESS – WETLANDS</b>	
<p><b>1. 2024-WTRA-00014</b>  <b>Fabiszewski Family Trust</b>            [Applicant &amp; Owner]</p> <p><b>4300 Calverton Lane</b>            GPIN 1478-88-9565            City Council District: District 9</p> <p>Waterway – Western Branch Lynnhaven River            Subdivision – Thoroughgood</p> <p><b>Request:</b> To construct an Envirolock            revetment involving wetlands.</p>	
<p><b>2. 2024-WTRA-00030</b>  <b>Vijaya L. Gottimukkala Trust</b>            [Applicant &amp; Owner]</p> <p><b>1613 Arrowhead Point</b>            GPIN 1489-11-3852            City Council District: District 9</p> <p>Waterway – Western Branch Lynnhaven River            Subdivision – Thoroughgood</p> <p><b>Request:</b> To construct a rip rap revetment and            rip rap sill involving wetlands.</p>	

## NEW BUSINESS – WETLANDS

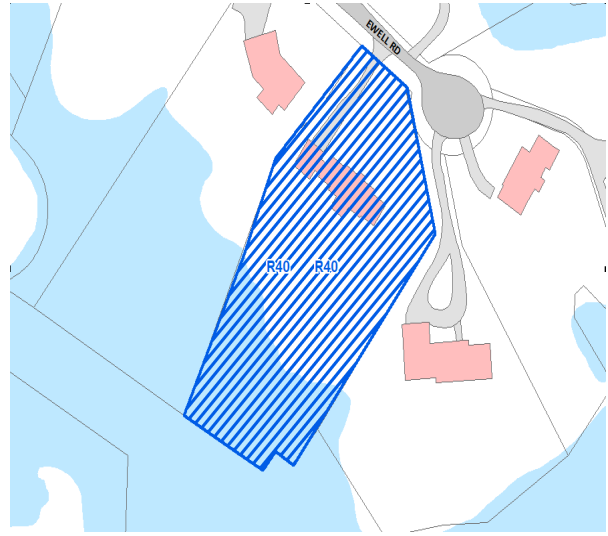
### 3. 2024-WTRA-00023

**John & Kristen Wheeler** [Applicants]  
**Wheeler Joint Revocable Living Trust**  
[Owner]

**4133 Ewell Road**  
GPIN 1478-99-2881  
City Council District: District 9

Waterway – Western Branch Lynnhaven River  
Subdivision – Thoroughgood

**Request:** To construct a rip rap revetment,  
install a coir log, place sand, and plant  
vegetation involving wetlands.





Application Number: **2024-WTRA-00014**  
 Applicant: **Fabiszewski Family Trust**  
 Public Hearing: **March 18, 2024**  
 City Council District: **District 9**

Agenda Item

**1**

**Applicant’s Agent**

Robert Simon - Waterfront Consulting, Inc.

**Location**

4300 Calverton Lane

**GPIN**

1489-81-4025

**Staff Planner**

Heaven Manning

**Proposal**

To construct an Envirolock revetment involving wetlands.

**Staff Recommendation**

Approval as Modified

**Waterway**

Western Branch Lynnhaven River

**Subdivision**

Thoroughgood

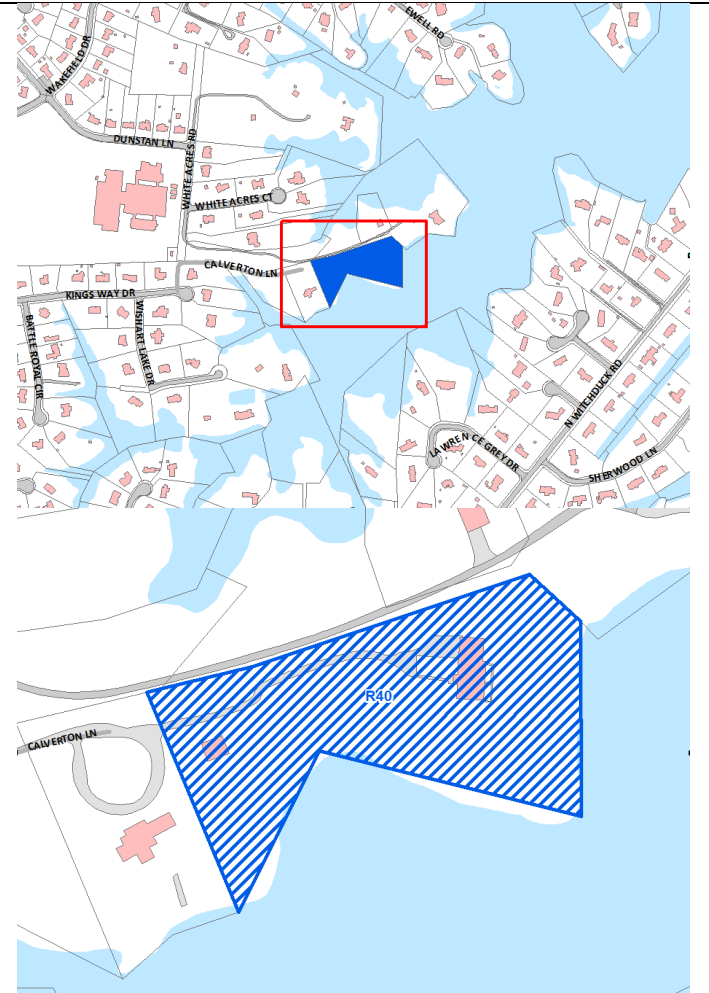
**Impacts**

**Non-Vegetated:** 332 square feet

**Overall length of proposed structures:** 217 linear feet of Envirolock revetment.

**Proposed Mitigation and/or Compensation**

Payment of an in-lieu fee



## CBPA Variances & Wetlands Board Permit History

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

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

## Summary of Proposal

The applicant proposes to install 217 linear feet of Envirolok revetment. The Envirolok system will consist of stacked geotextile bags, which are filled with a mixture of topsoil and sand. The bags will be pinned and anchored in place along the escarpment. Vegetation will be planted along the face of the Envirolok wall. The primary purpose of the Envirolok revetment is to reduce erosion along the shoreline while allowing for boating access to the waterway. As designed, the proposed project will impact 332 square feet of non-vegetated wetlands.

## Evaluation & Staff Recommendations

The shoreline is in a natural state and is exhibiting signs of erosion. A living shoreline was not proposed due to the extensive tree canopy on the property and the proximity of the pool to the water thereby limiting the ability to grade the shoreline. Furthermore, Staff supports the applicant's choice of the Envirolok revetment as the best alternative in large part due to the desire to maintain the established riparian buffer. The request to construct the Envirolok revetment will not create additional non-vegetated wetlands. Therefore, to address compensation Staff supports payment of an in-lieu fee for the 332 square feet of non-vegetated wetlands impacts.

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

1. Submitted concurrent with the revised Joint Permit Application (JPA) shall be a separate planting plan for the redeveloped shoreline detailing location, number, and species of vegetation to be installed within the wall system. The planting plan shall clearly delineate the area to be planted, existing vegetation to be removed within the planting area, and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh. Salt and flood tolerant plant species shall be planted below the five-foot contour to ensure greater survival of the plantings.
2. Mature trees exist adjacent to tidal waters, the select removal of lower tree limbs shall be performed thereby permitting sunlight to interface with tidal fringe marsh. The removal of lower limbs from existing trees shall be coordinated in the field with Waterfront Operations during the preconstruction meeting.
3. Following the installation, an annual vegetation monitoring report shall be submitted to the Department of Planning & Community Development in mid-August for three (3) years. The annual report shall include photographs and a re-vegetation plan for any areas 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.
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

Site Aerial Map



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Part 3 – Appendices (continued)

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

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

- 1. Describe each revetment, bulkhead, marsh toe, breakwater, groin, jetty, other structure, or living shoreline project separately in the space below. Include the overall length in linear feet, the amount of impacts in acres, and volume of associated backfill below mean high water and/or ordinary high water in cubic yards, as applicable:
The project is to remove (2) leaning 18" oak trees and grade the existing bank to construct approximately 217 LF of Envirolok revetment as shown in the permit drawings.
There will be 0.007 acres of aquatic impact and approximately 50 CYs of fill placed below the plane of MHW.

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

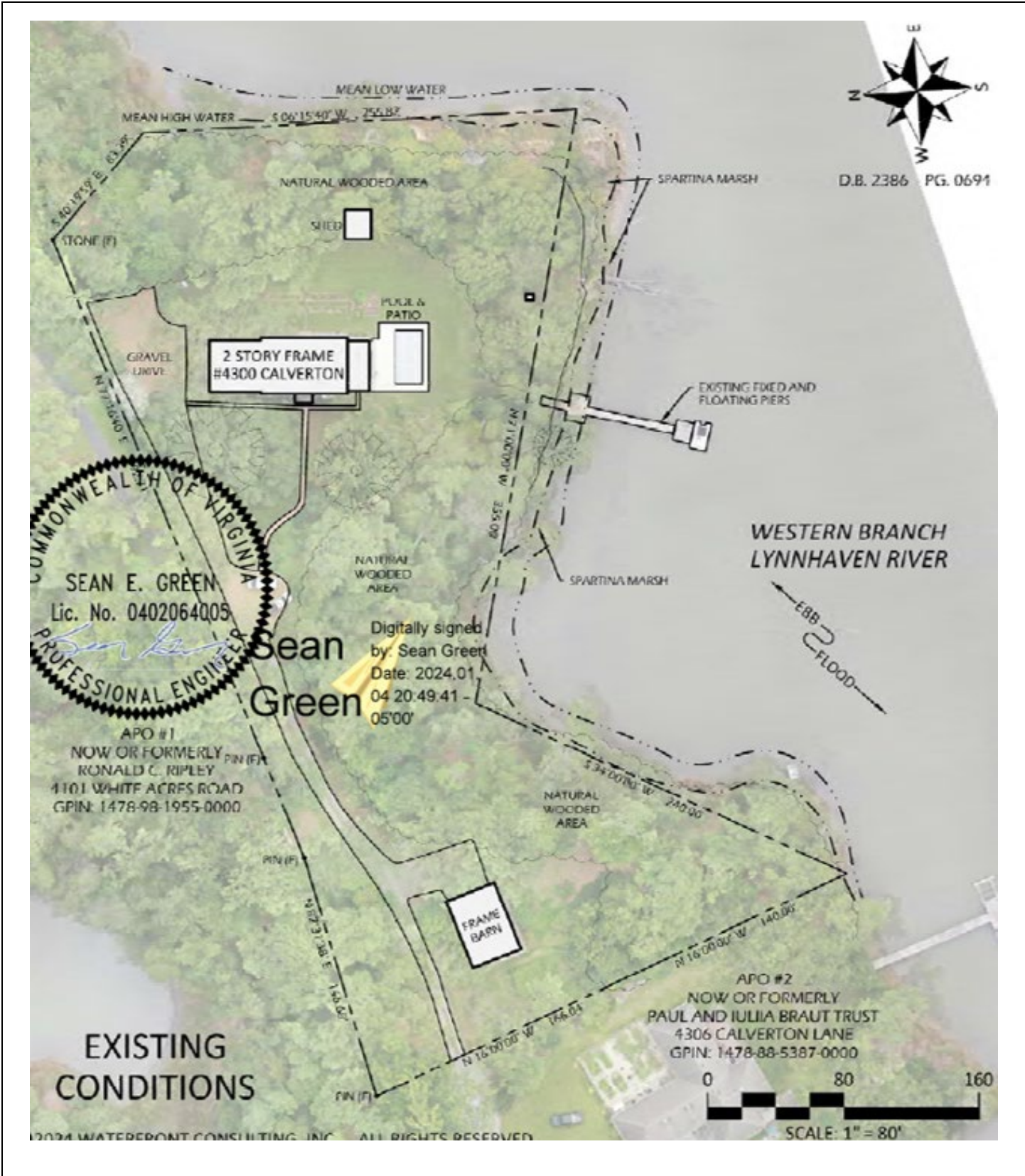
- 3. Please calculate the square footage of encroachment over:
• Vegetated wetlands 0 square feet
• Non-vegetated wetlands 332 square feet
• Subaqueous bottom 0 square feet
• Dune and/or beach N/A square feet

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

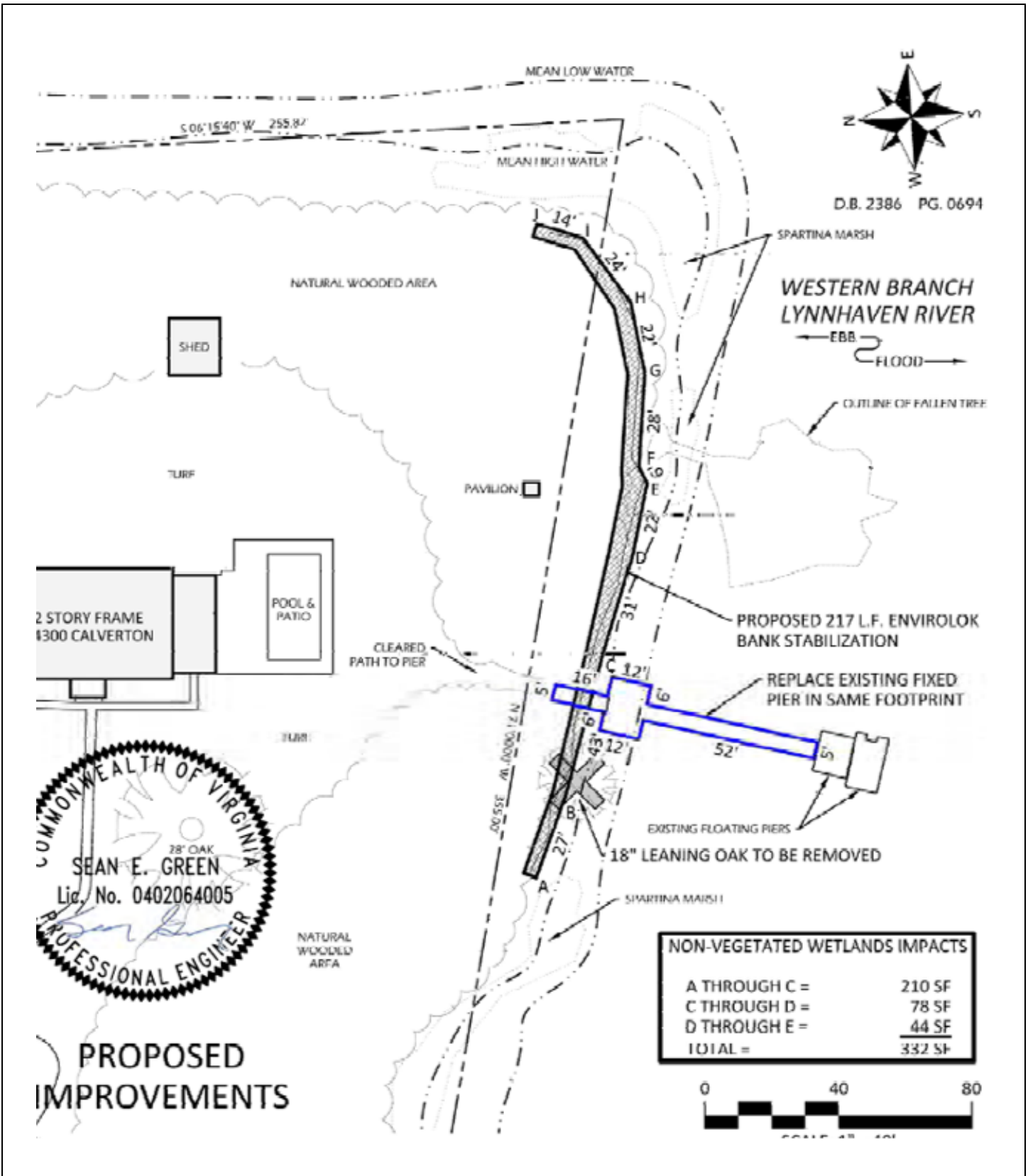
If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

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

# Existing Conditions



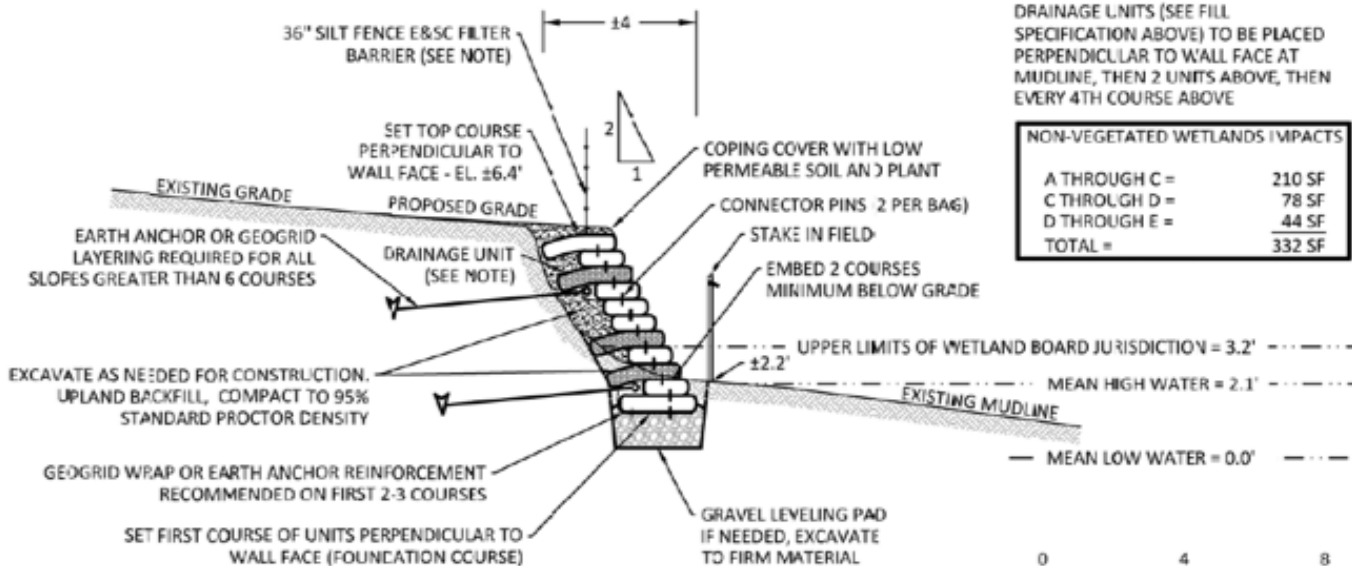
# Proposed Improvements



## PROPOSED IMPROVEMENTS

# Cross Sections A-C, C

## PROPOSED ENVIROLOK CROSS SECTION 'A-C'

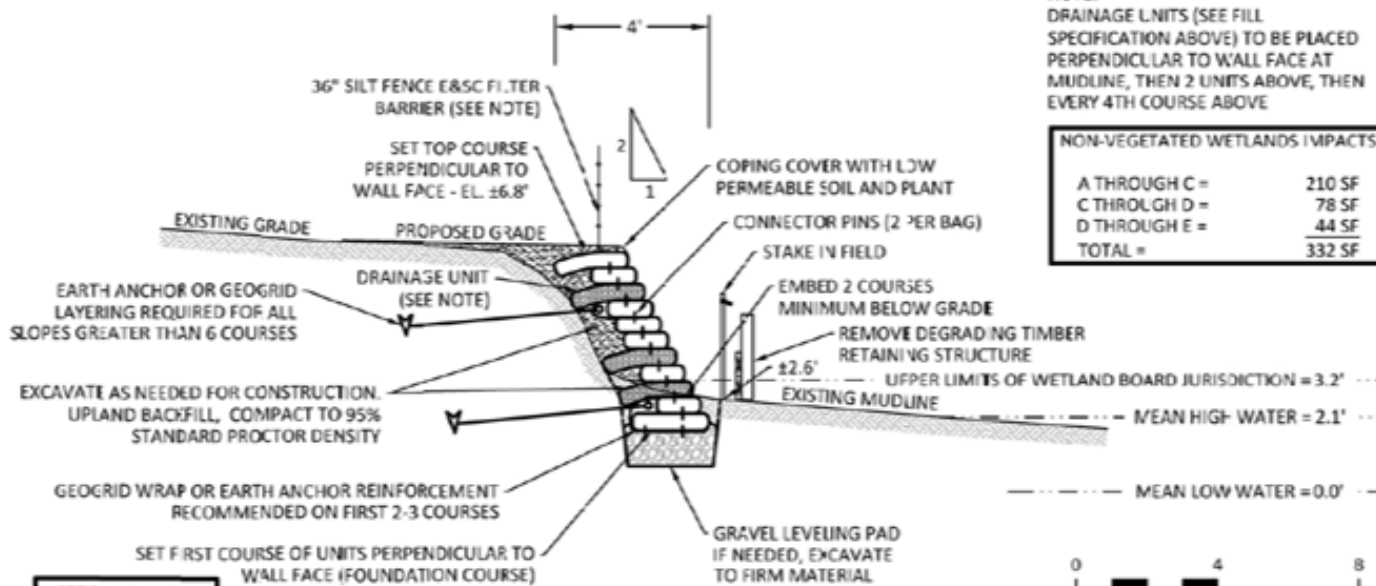


- ENVIROLOK BAG-FILL SPECIFICATION
- FILL VOLUME: 1.25 CF
  - STANDARD UNITS - 80% GRANULAR SAND / 20% TOPSOIL
  - DRAINAGE UNITS - 3/4" CLEAR GRAVEL

NOTE:  
DRAINAGE UNITS (SEE FILL SPECIFICATION ABOVE) TO BE PLACED PERPENDICULAR TO WALL FACE AT MUDLINE, THEN 2 UNITS ABOVE, THEN EVERY 4TH COURSE ABOVE

NON-VEGETATED WETLANDS IMPACTS	
A THROUGH C =	210 SF
C THROUGH D =	78 SF
D THROUGH E =	44 SF
TOTAL =	332 SF

## PROPOSED ENVIROLOK CROSS SECTION AT 'C'



- ENVIROLOK BAG-FILL SPECIFICATION
- FILL VOLUME: 1.25 CF
  - STANDARD UNITS - 80% GRANULAR SAND / 20% TOPSOIL
  - DRAINAGE UNITS - 3/4" CLEAR GRAVEL

NOTE:  
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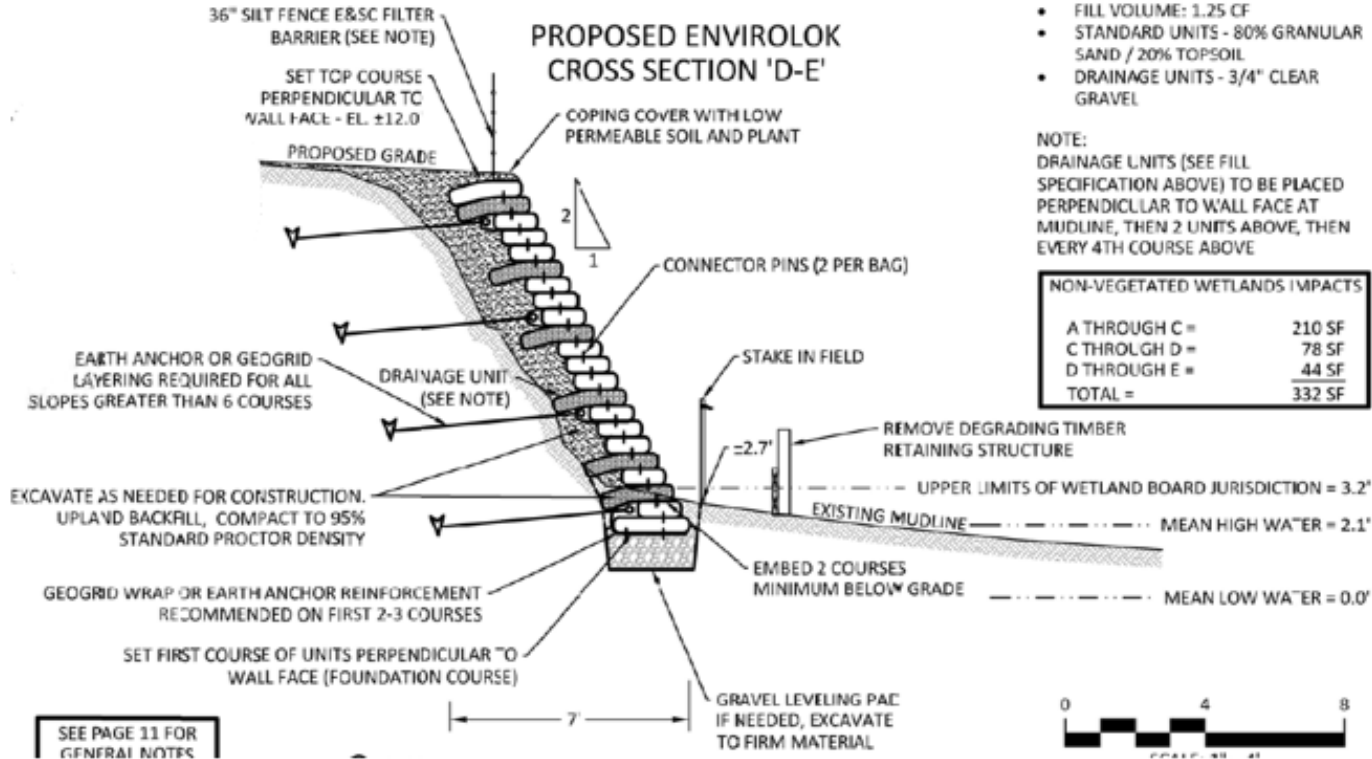
NON-VEGETATED WETLANDS IMPACTS	
A THROUGH C =	210 SF
C THROUGH D =	78 SF
D THROUGH E =	44 SF
TOTAL =	332 SF

# Cross Sections D-E, F

- ENVIROLOK BAG-FILL SPECIFICATION**
- FILL VOLUME: 1.25 CF
  - STANDARD UNITS - 80% GRANULAR SAND / 20% TOPSOIL
  - DRAINAGE UNITS - 3/4" CLEAR GRAVEL

**NOTE:**  
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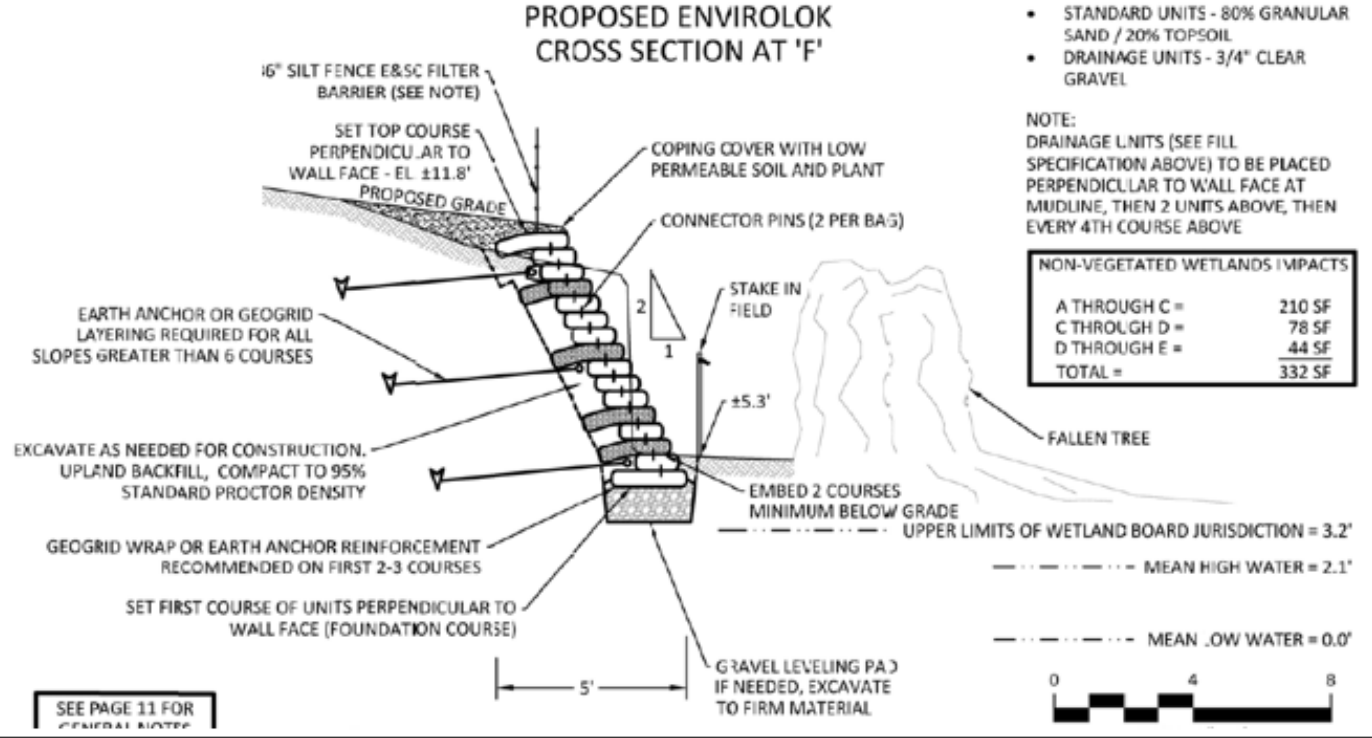
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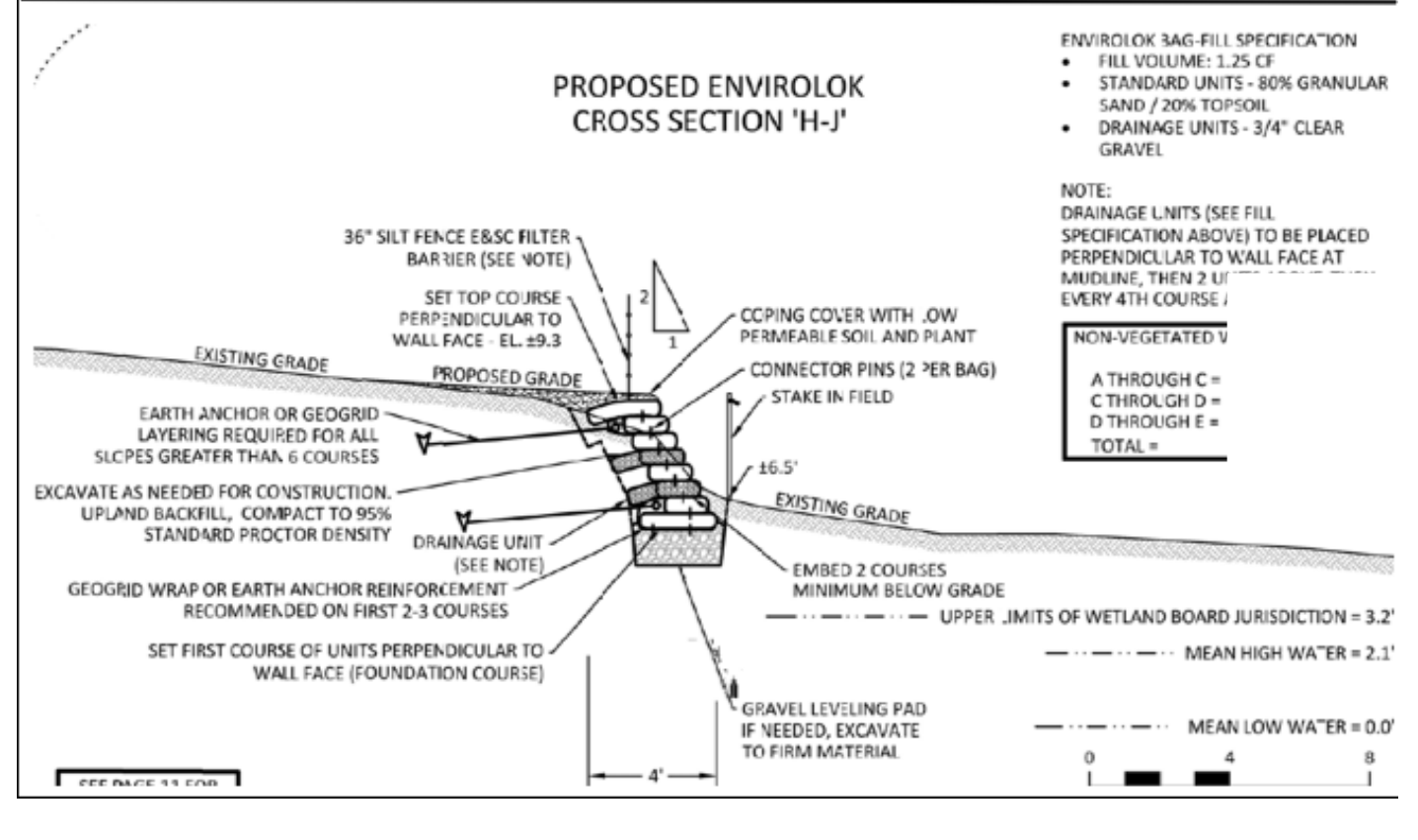
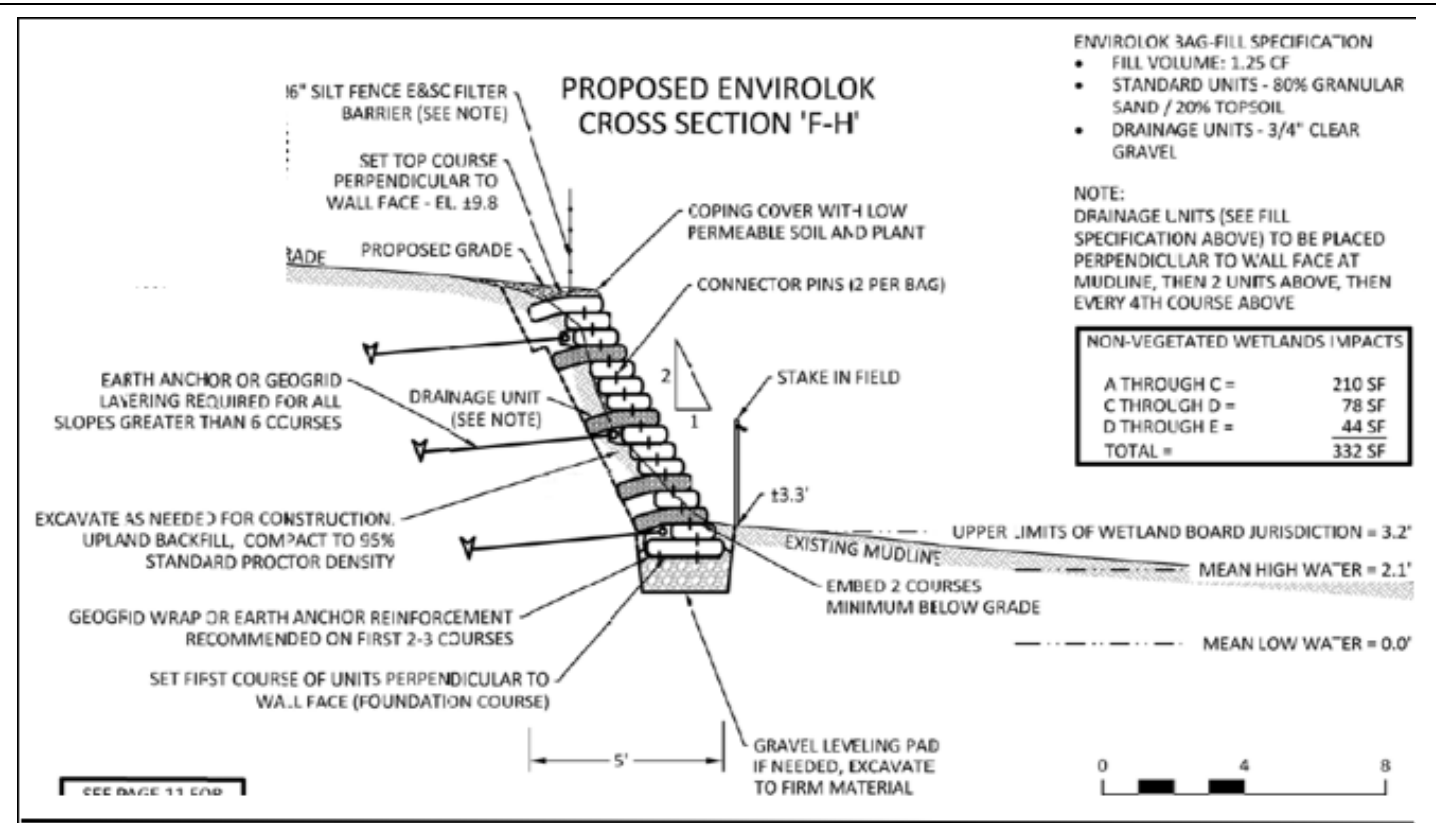
- ENVIROLOK BAG-FILL SPECIFICATION**
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<b>TOTAL =</b>	<b>332 SF</b>



# Cross Sections F-H, H-J





Site Photos



Site Photos



Site Photos



Site Photos



Site Photos



# Disclosure Statement

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## 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 Fabiszewski Family Trust

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)

Primary Successor Trustee Lester Fabiszewski or Nina L. Fabiszewski

- If yes, list the businesses that have a parent-subsidiary<sup>2</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach a list if necessary)

<sup>1</sup> "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.

<sup>2</sup> "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.

Application Revised: August 2023

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1 | Page

Received by VMRC January 8, 2024 /blh

# Disclosure Statement

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## 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.

Wells Fargo Home Mortgage and Truist Bank

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

Yes  No

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

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

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

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

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

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

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

# Disclosure Statement

DocuSign Envelope ID: 9474DF71-0A2B-4D65-84AE-73157275E0A3

## 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 - Sean E. Green, P.E.
- 
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:  
*Lester Fabiszewski*

Applicant Signature

Fabiszewski Family Trust, Primary Successor Trustee Lester Fabiszewski or Nina L. Fabiszewski

Print Name and Title

10/3/2023

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 8, 2024 /blh





Application Number: **2024-WTRA-00030**  
 Applicant: **Vijaya L. Gottimukkala Trust**  
 Public Hearing: **March 18, 2024**  
 City Council District: **District 9**

Agenda Item

**2**

**Applicant's Agent**

Robert Simon - Waterfront Consulting, Inc.

**Location**

1613 Arrowhead Point

**GPIN**

1489-11-3852

**Staff Planner**

Heaven Manning

**Proposal**

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

**Staff Recommendation**

Approval as Modified

**Waterway**

Western Branch Lynnhaven River

**Subdivision**

Thoroughgood

**Impacts**

**Vegetated:** 6 square feet

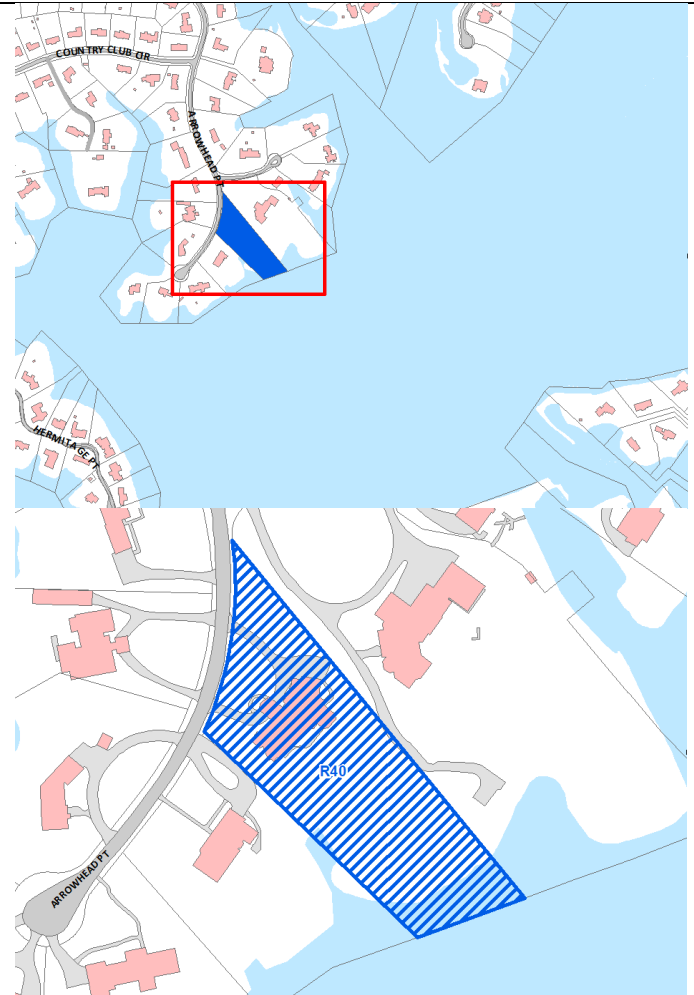
**Non-Vegetated:** 703 square feet

**Subaqueous:** 134 square feet

**Overall length of proposed structure:** 130 linear feet of rip rap revetment, 140 linear feet of rip rap sill.

**Proposed Mitigation and/or Compensation**

On-site and Payment of an in-lieu fee



## 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 an addition to the single-family residence, driveway, garage, pool, and associated decking was granted June 26, 2000.

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

## Summary of Proposal

The applicant proposes to remove the existing failing concrete bulkhead located along the western portion of the shoreline. The shoreline along the southern end of the property is unprotected and exhibiting signs of erosion. The applicant proposes to construct 46 linear feet and 84 linear feet of rip rap revetment. There are 6 marsh elders, *Iva frutescens*, that will be removed to achieve the required grade for the revetment along the western end of the shoreline. At the southern end of the property, 140 linear feet of rip rap sill will be constructed along the seaward edge of the existing fringe marsh. Between the rip rap sill and revetment, the area of existing marsh will be sprigged with *Spartina alterniflora*.

As designed the proposed project will impact approximately 703 square feet of non-vegetated wetlands and 6 square feet of vegetated wetlands. The applicant is proposing to mitigate on-site with 703 square feet of non-vegetated wetlands that will be converted to non-vegetated rock habitat and provide an in-lieu fee payment for mitigation of impacts to vegetated wetlands.

## Evaluation & Staff Recommendations

Staff concurs with the applicant that the proposed rip rap sill and rip rap revetments are warranted for this property. Staff is of the opinion the rip rap sill and rip rap revetments will achieve the desired shoreline stabilization with the least impact on the upland property. The placement of the rip rap sill should protect the existing marsh from accelerated erosion. A living shoreline is not appropriate for entire shoreline because the property experiences significant fetch and wave action. Staff agrees with the on-site compensation method for the 703 square feet of non-vegetated wetlands impacts conversion to non-vegetated rock habitat and payment of an in-lieu fee for the impacts to vegetated wetlands given the environmental conditions present.

During the site visit, Staff observed oysters growing along the shoreline in the area of the proposed rip rap. To address the retention of this resource, Staff provides the recommended condition, condition 1 below.

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

1. Any shellfish located within the footprint of the proposed rip rap sill and rip rap revetments shall be removed, preserved in the water column, and returned/placed on the completed rip rap on site as applicable at a similar place in the water column.
2. 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.

3. 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

Site Aerial Map



Part 3 – Appendices (continued)

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

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

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

The project is to remove the existing stone bulkhead, construct approximately 46 LF & 84 LF of riprap revetment in the upland, and construct approximately 140 LF of riprap sill along the seaward edge of the existing fringe marsh to protect from further erosion.

There will be 0.02 acres of aquatic impact and no fill placed below the plane of MHW.

- 2. What is the maximum encroachment channelward of mean high water? 19 feet. Channelward of mean low water? 3 feet. Channelward of the back edge of the dune or beach? N/A feet.

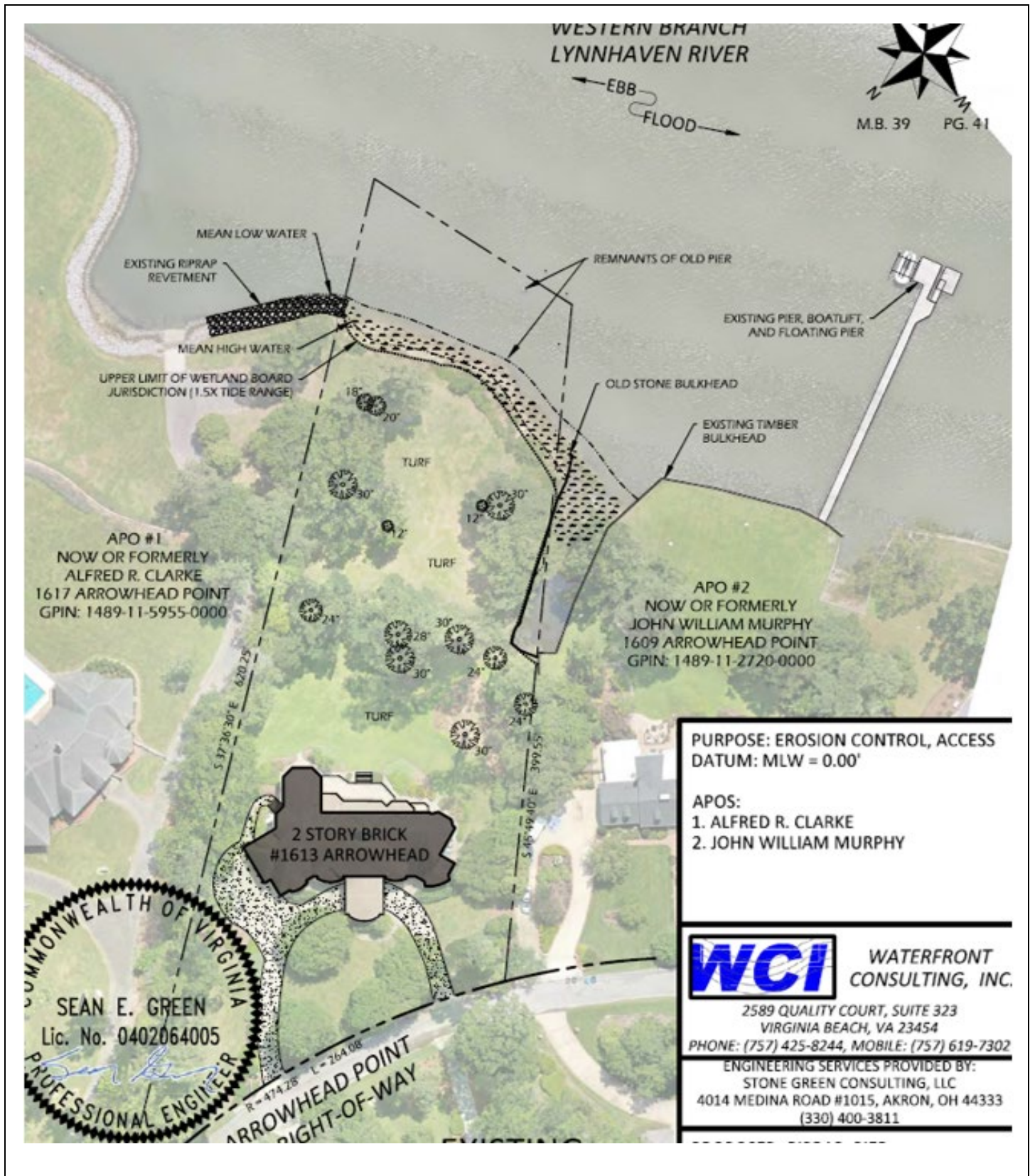
- 3. Please calculate the square footage of encroachment over:
• Vegetated wetlands 6 square feet
• Non-vegetated wetlands 703 square feet
• Subaqueous bottom 134 square feet
• Dune and/or beach N/A square feet

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

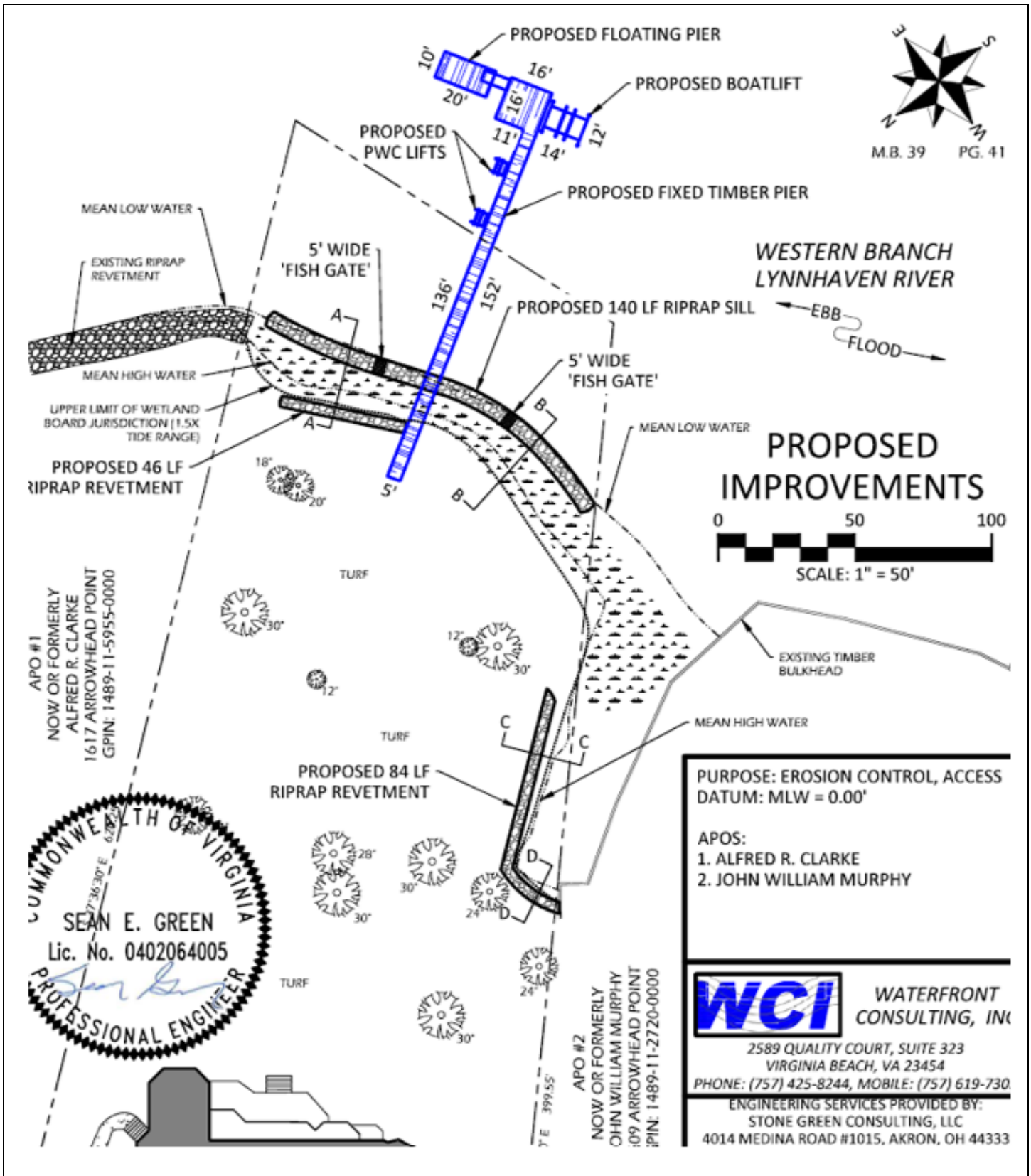
If yes, will the construction of the new bulkhead be no further than two (2) feet channelward of the existing bulkhead? Yes No.

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

# Existing Conditions

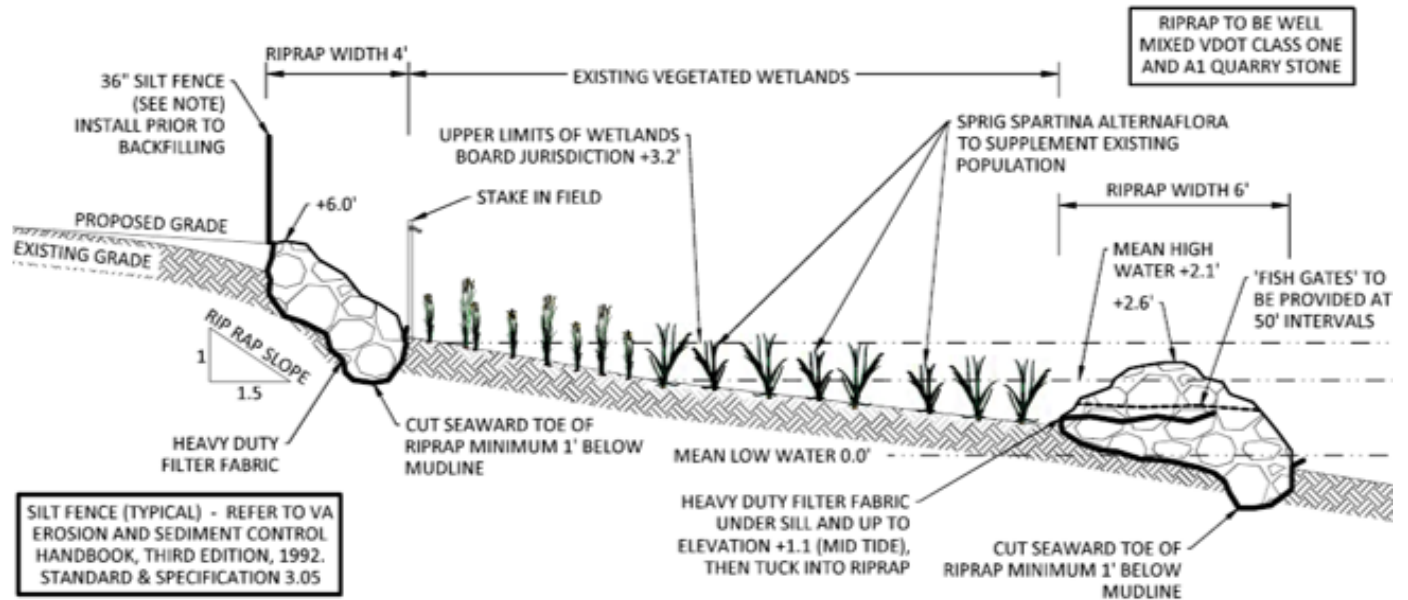


**Proposed Improvements**

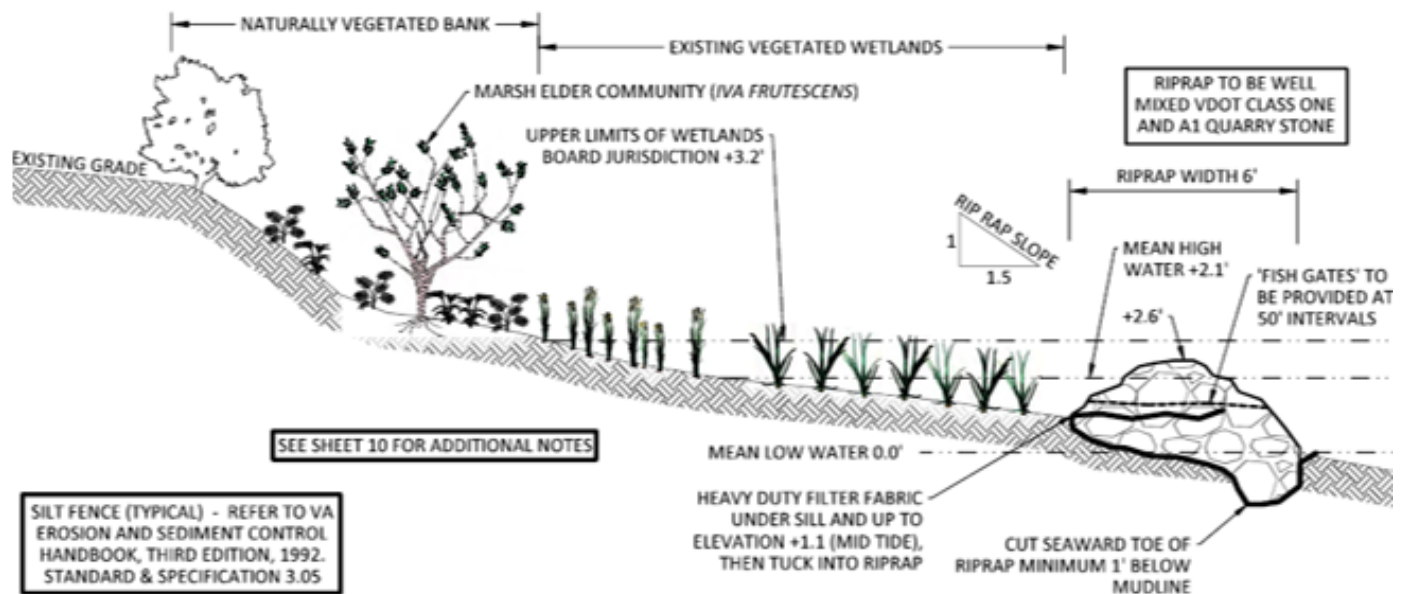


# Cross Sections A-A, B-B

## PROPOSED RIPRAP REVETMENT AND SILL CROSS SECTION A-A



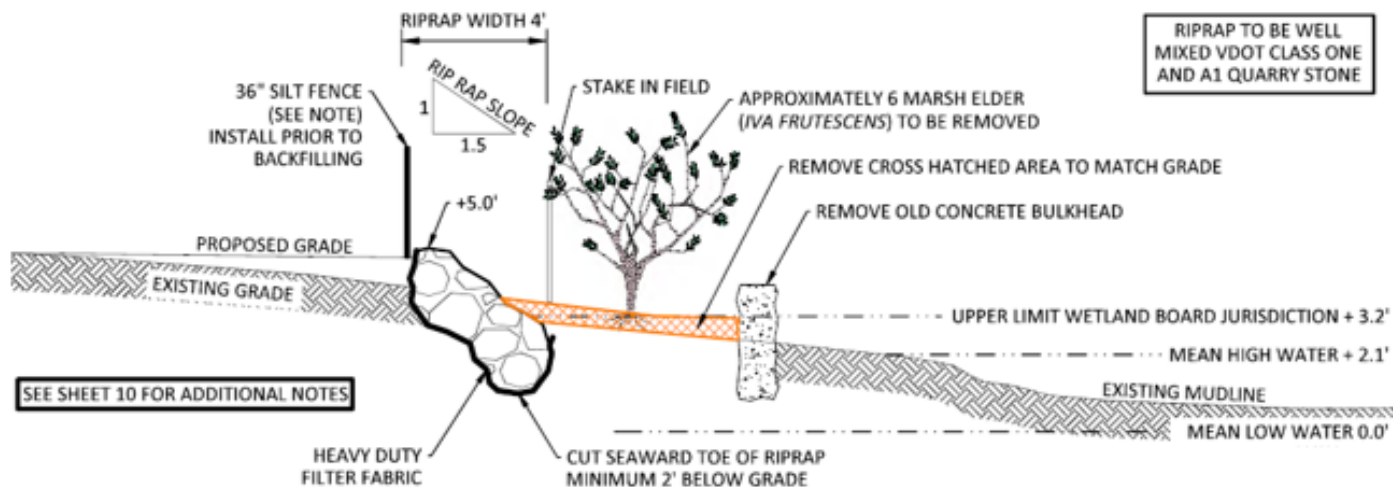
## PROPOSED RIPRAP SILL CROSS SECTION B-B



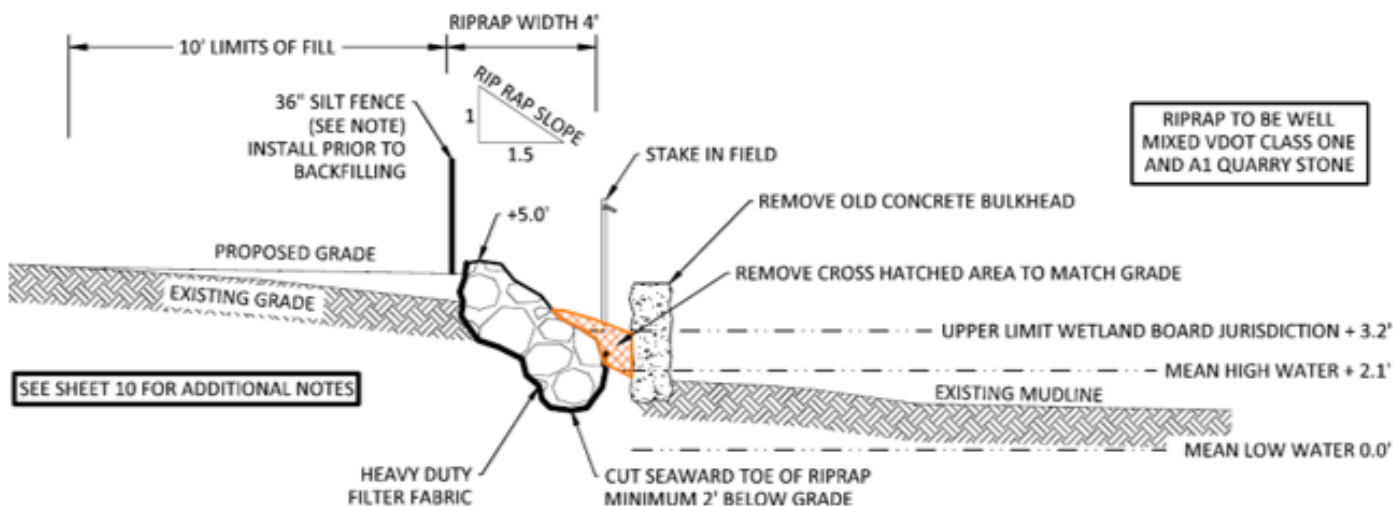


# Cross Sections C-C, D-D

## PROPOSED RIPRAP CROSS SECTION C-C



## PROPOSED RIPRAP CROSS SECTION D-D



Site Photos



Site Photos



Site Photos



Site Photos



# Disclosure Statement

DocuSign Envelope ID: 4C41CF8F-491B-408B-8405-70F0EC9BF730

## 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** Vijaya L. Gottimukkala Trust

**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)

Vijaya Lakshmi Gottimukkala

Maruthi V. Gottimukkala

- If **yes**, list the businesses that have a parent-subsiary<sup>2</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach a list if necessary)

<sup>1</sup> "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.

<sup>2</sup> "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 February 1, 2024 /blh

# Disclosure Statement

DocuSign Envelope ID: 4C41CF8F-491B-408B-8405-70F0EC98F730

## 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.  
No existing Financing
- 

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.  
Cherry, Bekaert & Holland
- 

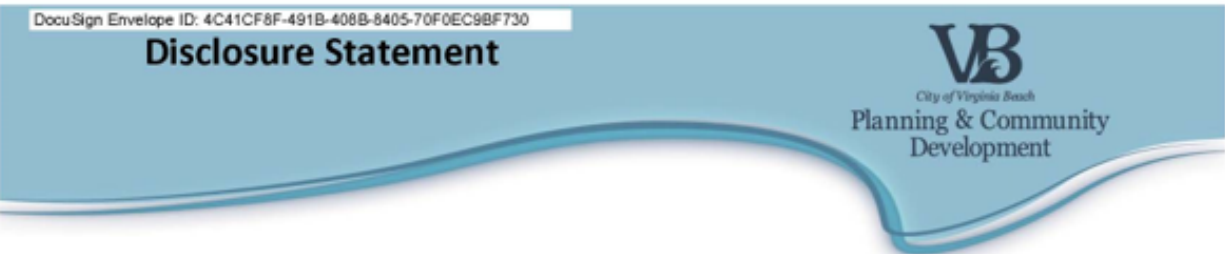
4. Does the applicant have services from an **architect/landscape architect/land planner** provided in connection with the subject of the application or any business operating or to be operated on the property?  Yes  No

- 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 - Sean E. Green, P.E.
- 
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:  
  
7E5A93763C6842F...

**Applicant Signature**  
 Vijaya L. Gottimukkala Trust

**Print Name and Title**  
 1/31/2024

**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	

Received by VMRC February 1, 2024 /blh





Application Number: **2024-WTRA-00023**  
 Applicant: **John & Kristen Wheeler**  
 Public Hearing: **March 18, 2024**  
 City Council District: **District 9**

Agenda Item

**3**

**Applicant’s Agent**

Rich Calvert - Calvert Marine

**Location**

4133 Ewell Road

**GPIN**

1478-99-2881

**Staff Planner**

Heaven Manning

**Proposal**

To construct a rip rap revetment, install a coir log, place sand, and plant vegetation involving wetlands.

**Staff Recommendation**

Approval as Modified

**Waterway**

Western Branch Lynnhaven River

**Subdivision**

Thoroughgood

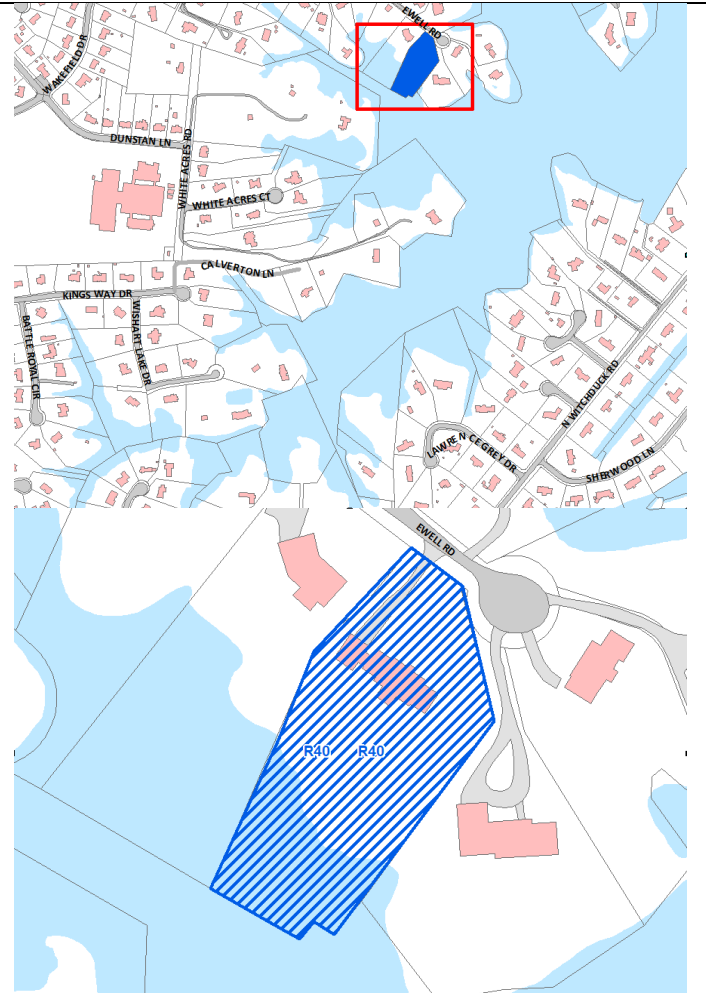
**Impacts**

**Non-Vegetated:** 1,062 square feet

**Overall length of proposed structures:** 211 linear feet of rip rap revetment.

**Proposed Mitigation and/or Compensation**

On-site



## CBPA Variances & Wetlands Board Permit History

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

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

## Summary of Proposal

The southeastern portion of the shoreline has existing concrete rip rap on the seaward side of the existing marsh. The remaining portion of the shoreline is unprotected and exhibiting signs of erosion. The applicant proposes to construct 211 linear feet of rip rap revetment. The rip rap will consist of Class A1 granite. The primary purpose of the rip rap revetment is to reduce shoreline erosion while maintaining access to the waterway.

There are existing vegetated wetlands channelward of the proposed rip rap revetment. These wetlands are to remain and will not be impacted per the submitted Joint Permit Application (JPA). Between the toe of the rip rap revetment and the existing wetlands, the applicant proposes to convert approximately 1,062 square feet of non-vegetated wetlands to vegetated wetlands. An additional 648 square feet of vegetated wetlands and 730 square feet of non-vegetated rock habitat will be created. The vegetated wetlands will be created by the placement of sand and installation of 10 linear feet of coir log. *Spartina alterniflora*, smooth cordgrass, will be planted in areas below mean high water (MHW) elevation, and *Spartina patens*, salt meadow, cordgrass, will be planted in areas above MHW elevation. Four trees will be removed for installation of the rip rap. The applicant proposes to mitigate these trees at a 1:1 ratio.

## Evaluation & Staff Recommendations

Staff concurs with the applicant that the proposed rip rap revetment is warranted for this property, as the majority of the shoreline is currently unprotected and exhibiting signs of erosion. Staff agrees with the method of on-site compensation. Staff is of the opinion that the creation of 648 square feet of vegetated wetlands and the conversion of 1,062 non-vegetated wetlands to vegetated wetlands will add value to the environs by improving the continuity of the vegetated wetlands along the shoreline. In addition, the new vegetated wetlands will reduce the amount of erosion reaching the shoreline due to wind and wave action. Staff accepts the proposed 1:1 ratio for mitigation of trees removed.

While Staff appreciates the applicant's effort to abate shoreline erosion, Staff is of the opinion that a sill along the seaward side of the existing marsh would provide better long-term protection of the existing marsh and shoreline. Staff recommends that the applicant use a sill instead of a rip rap revetment west of the proposed coir log and seaward of the existing vegetated marsh through cross-section locations 3,4, and 5, see condition 1 below.

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

1. The Class A1 granite rip rap proposed west of the "New 12" Coir Log" and landward of the existing vegetated wetlands through cross-section locations 3, 4, and 5 shall be relocated seaward of the existing vegetated wetlands in a manner consistent with the State Code 4VAC 20-1330-40, Specific Criteria with regard to water depth, material weight, height and width of sill, placement to avoid existing vegetated wetlands, and provided the necessary 5-foot-wide gaps specifications.

2. Specify the depth and area of any sand backfill placed behind the granite rip rap sill. Sand backfill shall comply with State Code 4VAC 20 -1330-40, Specific Criteria (I) for grain size and sand placement.
3. Revised plans shall be submitted to the VMRC and shall ultimately be approved by the Department of Planning and Community Development prior to the issuance of a building permit.

## Next Steps

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

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

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

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

Site Aerial Map



Part 3 – Appendices (continued)

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

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

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

There is an existing natural shoreline with some concrete rip rap at the property. The marsh has migrated landward and there is erosion present. The Owner wants to protect their property from further erosion by installing new rip and plantings. The existing pier shall be removed and the area under the pier shall be planted as well. A coir log (12" x 10') shall be installed at the end of the new sand/plantings under the old pier. A new rip rap revetment (211 LF) shall be constructed behind the existing vegetated wetlands for shoreline stabilization. The SLR could impact the property and the Owners would prefer to revetment. Most of the new revetment is behind the ULW line. The area between the existing vegetated wetlands and the new vegetated wetlands shall be planted with Spartina and salt water tolerant native plants. The project will create 648 SF of Vegetated Wetlands and 730 SF on Non-Vegetated Wetlands, as well as converting 1,062 SF of Non-Vegetated Wetlands to Vegetated Wetlands. There will be 4 trees removed that are located where the new work is to be completed. This loss will be mitigated by planting 4 new trees. The work shall be completed by land using a single access route. All debris generated as a result of this project will be legally disposed off Site. All damaged or denuded vegetation shall be replaced in kind. See Appendix A for pile information.

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

- 3. Please calculate the square footage of encroachment over:

Table with 2 columns: Category and Square feet. Rows: Vegetated wetlands (0), Non-vegetated wetlands (1062), Subaqueous bottom (0), Dune and/or beach.

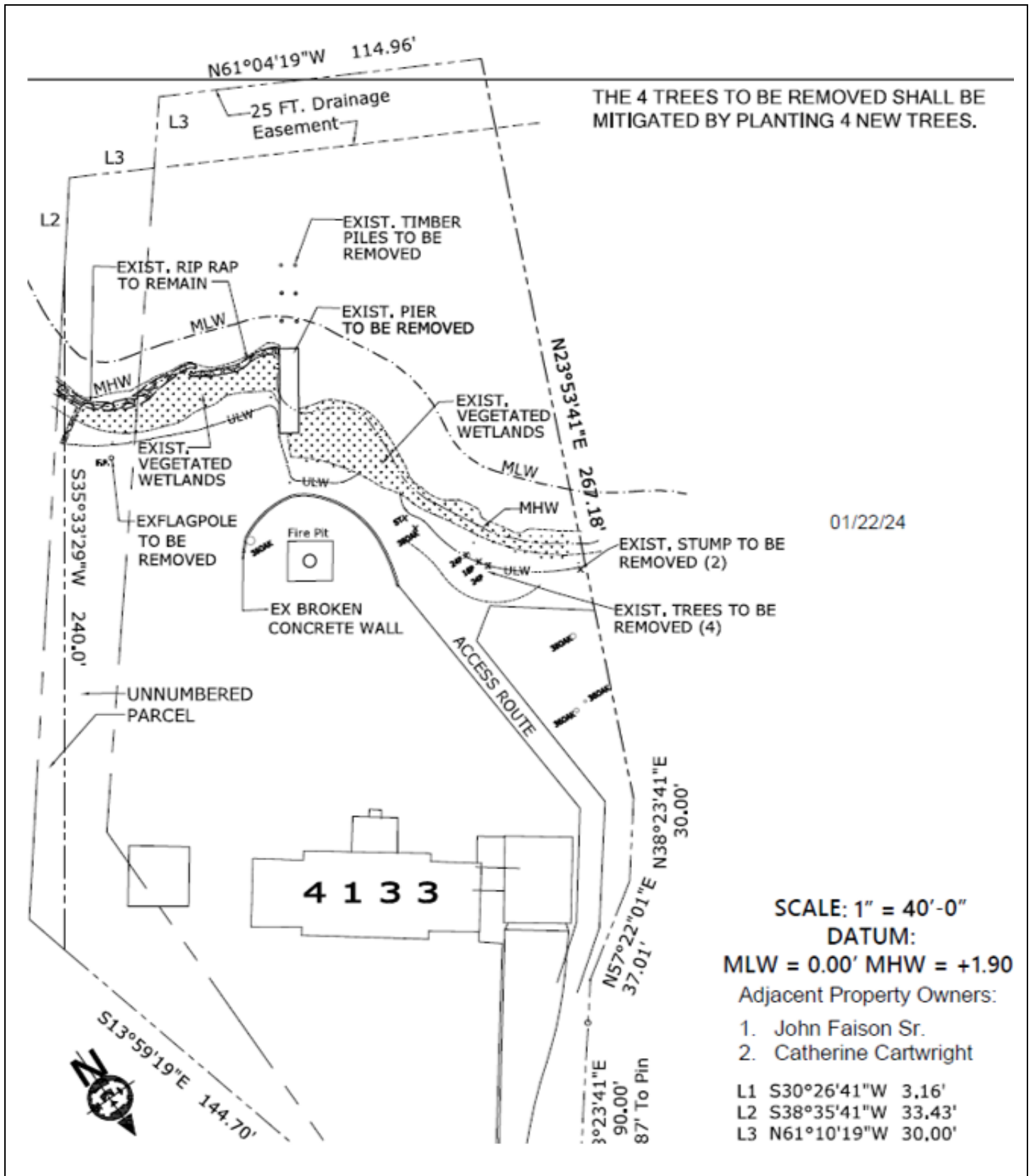
- 4. For bulkheads, is any part of the project maintenance or replacement of a previously authorized, currently serviceable, existing structure? Yes x No.

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

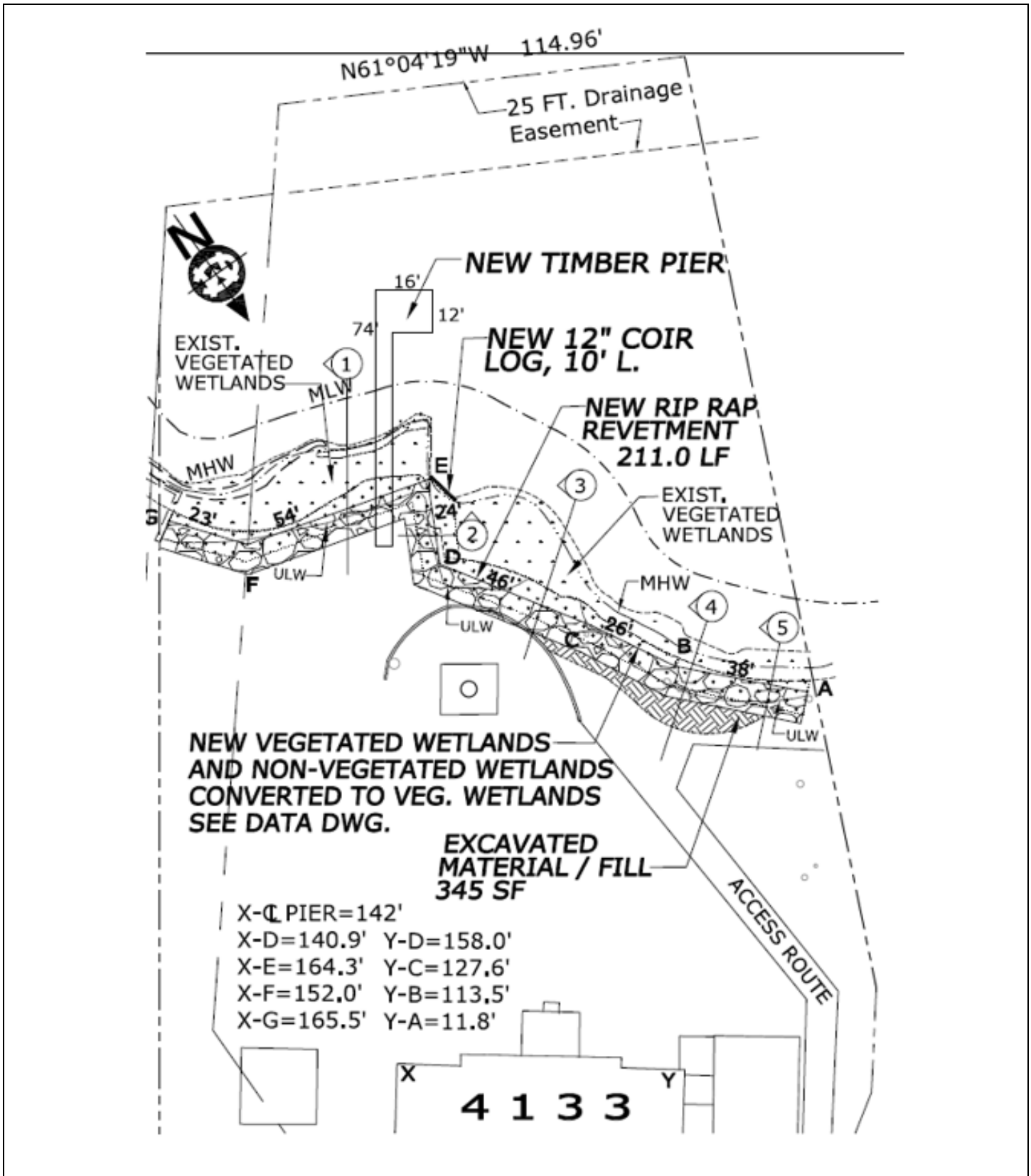
If no, please provide an explanation for the purpose and need for the additional encroachment.

[Empty text box for explanation]

# Existing Conditions



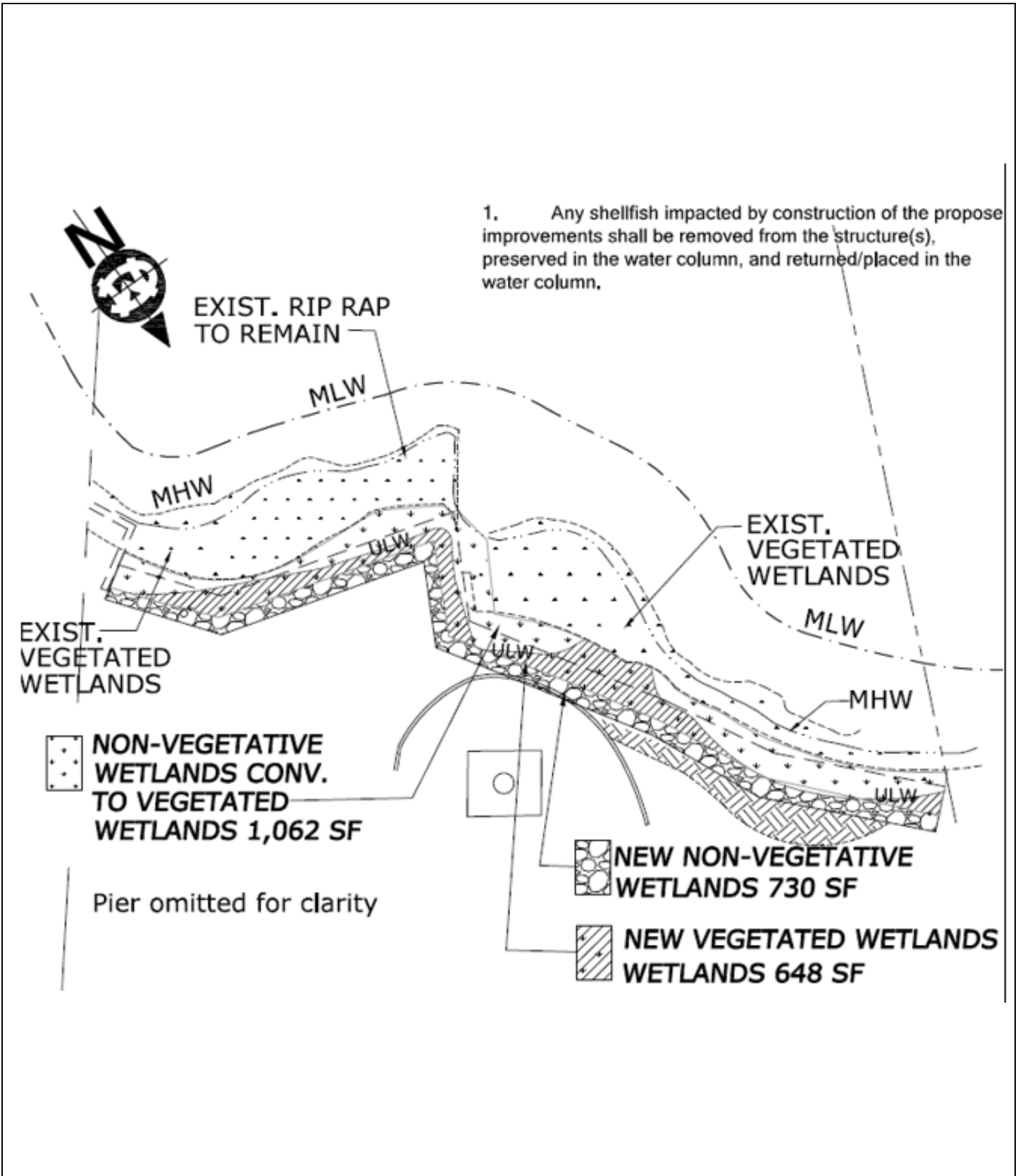
**Proposed Improvements**



- X- $\bar{C}$  PIER=142'
- X-D=140.9' Y-D=158.0'
- X-E=164.3' Y-C=127.6'
- X-F=152.0' Y-B=113.5'
- X-G=165.5' Y-A=11.8'

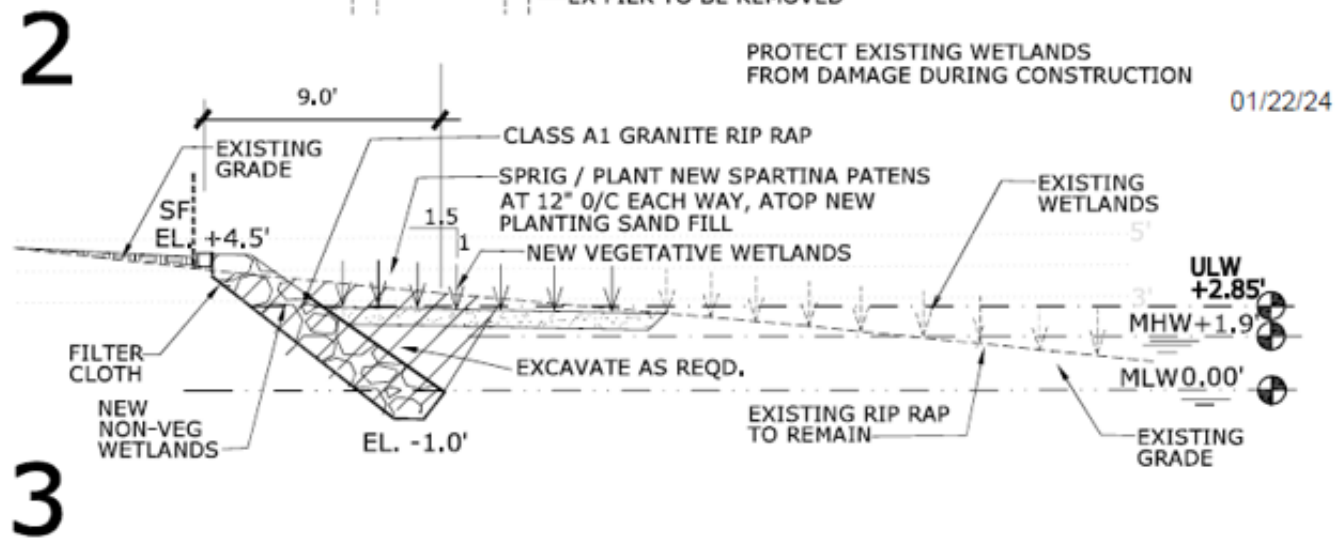
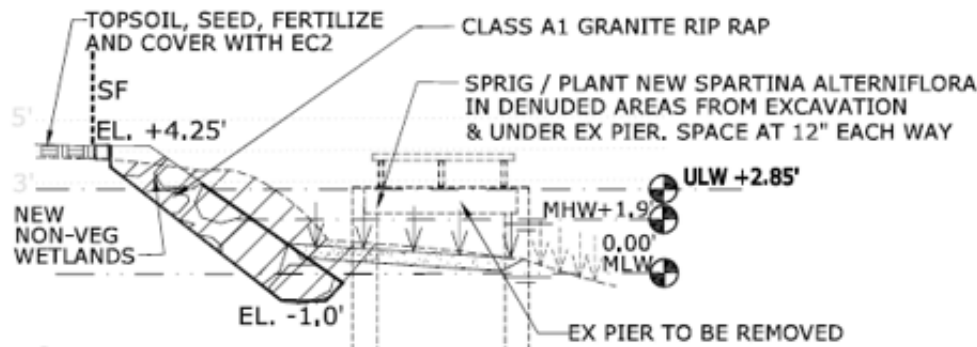
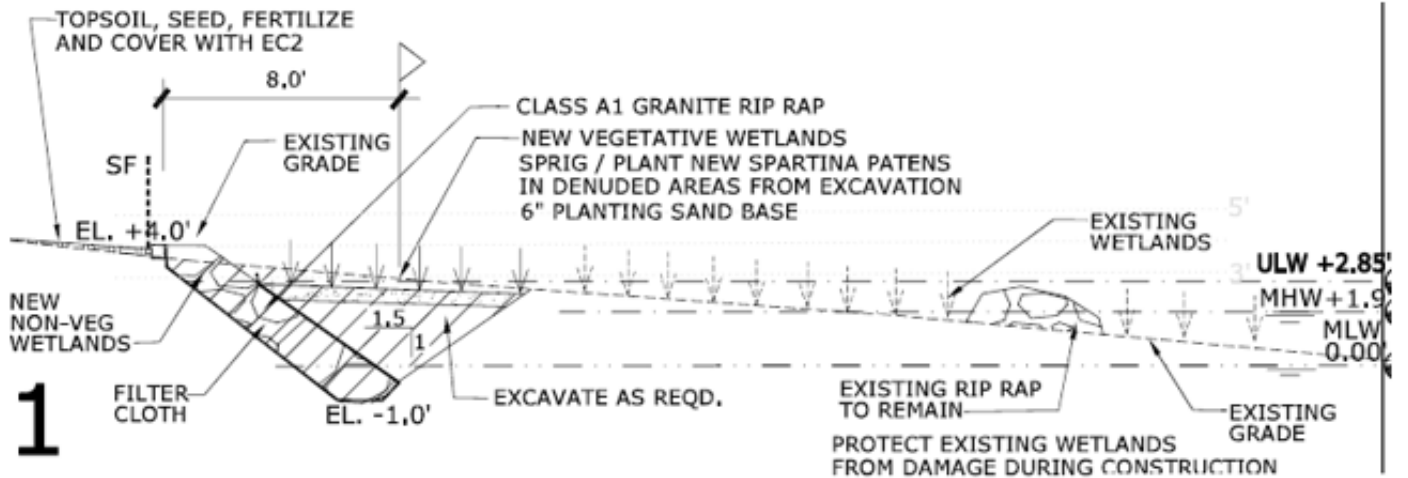
# Proposed Improvements – Rip Rap Enlarged

1. Any shellfish impacted by construction of the propose improvements shall be removed from the structure(s), preserved in the water column, and returned/placed in the water column.

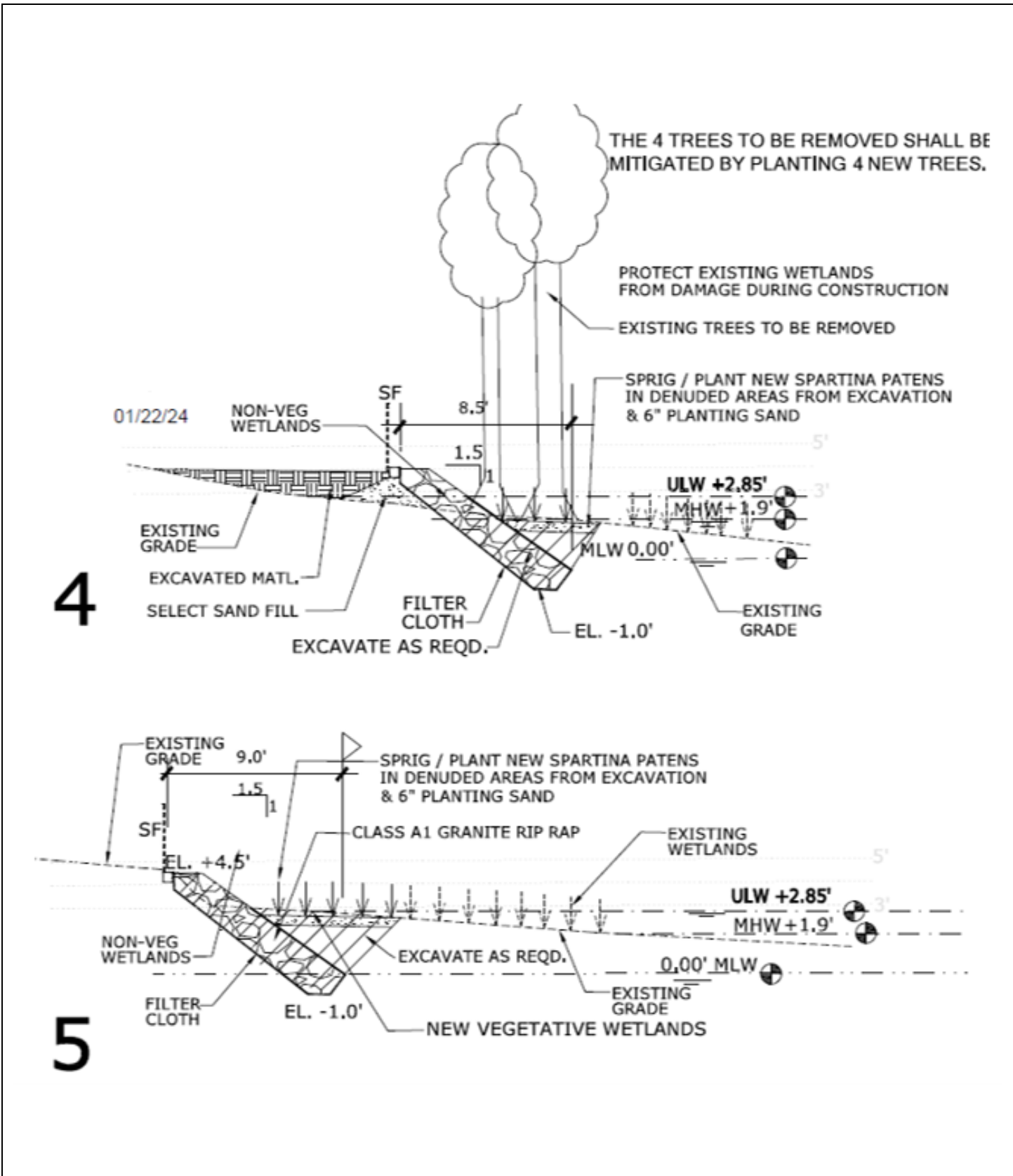




# Rip Rap Sections 1, 2, 3



# Rip Rap Sections 4, 5



Site Photos



Site Photos



Site Photos



## Site Photos



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### Applicant Disclosure

Applicant Name Wheeler Joint Revocable Living Trust

Does the applicant have a representative?  Yes  No

- If yes, list the name of the representative.

Calvert Marine

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)

John Wheeler, Trustee

Kristen Wheeler, Trustee

- If yes, list the businesses that have a parent-sub subsidiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the applicant. (Attach a list if necessary)

<sup>1</sup> "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.

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# Disclosure Statement

## 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.

Sun West Mortgage Company

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

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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.
  
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
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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.

*John A. Wheeler*

Applicant Signature  
 John / Kristen Wheeler, Trustees

Print Name and Title  
 2-12-24

Date

- Is the applicant also the owner of the subject property?  Yes  No
- If **yes**, you do not need to fill out the owner disclosure statement.

**FOR CITY USE ONLY/ All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the applications**

<input type="checkbox"/>	No changes as of	Date	Signature	
			Print Name	