



**MINUTES
CHESAPEAKE BAY PRESERVATION AREA BOARD
VIRGINIA BEACH, VIRGINIA
JANUARY 23, 2017**

Chair Mr. Jester, called to order the **Chesapeake Bay Preservation Area Board** meeting in the City Council Chambers, City Hall Building, Virginia Beach Municipal Center, on Monday, January 23, 2017.

A motion was made by Mr. McCoy and seconded by Mr. Martin to approve the December 21, 2016 minutes. All voted for the motion except Mr. Jester, who abstained due to his absence from that meeting. This vote also serves as the official roll call for this meeting. All members were present except Mr. Jones.

BOARD ACTION: APPROVED DECEMBER 21, 2016 MINUTES ON JANUARY 23, 2017.

AYE 7 NO 0 ABSTAIN 1 ABSENT 1

FRANCE	AYE
JESTER	ABSTAIN
JONES	ABSENT
MARTIN	AYE
MCCOY	AYE
MCDANIELS	AYE
POOLE	AYE
SMITH	AYE
SOBOTA	AYE

Board Members Present: David France, David Jester, Brad Martin, Wayne McCoy, June McDaniels, Richard Poole, Reese Smith, and Dennis Sobota.



Applicant **Bret and Beth Fisher**
Address **703 26th Street**
Public Hearing **January 23, 2017**
City Council District **Beach**

Agenda
Item

1

Description: GPIN: 2417-89-4902-0002

AGENT: Beth Fisher

BOARD ACTION: APPROVED WITH THE 7 CONDITIONS ON JANUARY 23, 2017

CBPA Variance Conditions:

1. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
2. Land disturbance shall be limited to the area necessary to provide for the proposed use or development. Said areas of land disturbance shall be quantified on revised site plan submittals.
3. Construction limits shall lie a maximum of 10 feet seaward of improvements. **Within the RPA, exclusive of limits of construction, areas of existing landscaped beds, trees, areas of existing leaf litter or forest floor, and other naturalized areas, such as shoreline vegetation, may not be removed.**
4. Buffer restoration plantings shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **77 square feet x 200 percent = 154 square feet or 1 canopy trees, 2 understory, and x3 shrubs.**

The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of approximately 50 percent deciduous and 50 percent evergreen species and shall be evenly distributed within the RPA buffer. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

5. This variance and associated conditions **are in addition to** the conditions of the Board variance granted February 28, 2011.
6. The Chesapeake Bay Preservation Area (CBPA) exhibit shall be submitted to the Department of Planning and Community Development, Zoning Division for review and approval prior to the issuance of a building permit.
7. The conditions and approval associated with this variance are based on the exhibit prepared by the applicant and presented to the Board. Said exhibit and conditions shall be submitted to the Department of Planning, Development Services Center for review and approval prior to the issuance of a building permit. The Development Services Center and/or Permits and Inspections may require additional information that may affect the release of a building permit.

Beth Fisher appeared before the Board.

There was no opposition present.

As an item of the consent agenda, a motion was made by Mr. Poole, seconded by Mrs. McDaniels to approve the variance request with the 7 conditions listed above. All voted for the motion.

AYE	8	NO	0	ABSTAIN	0	ABSENT	1
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FRANCE	AYE
JESTER	AYE
JONES	ABSENT
MARTIN	AYE
MCCOY	AYE
MCDANIELS	AYE
POOLE	AYE
SMITH	AYE
SOBOTA	AYE



Applicant **Warren and Wendy Smith**
Address **521 Susan Constant Drive**
Public Hearing **January 23, 2017**
City Council District **Lynnhaven**

Agenda
Item

2

Description: GPIN: 2419-41-8783

AGENT: Billy Garrington, Governmental Permitting Consultants

BOARD ACTION: DEFERRED FOR 60 DAYS ON JANUARY 23, 2017 UNTIL THE MARCH 27, 2017 PUBLIC HEARING

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. McCoy, seconded by Mr. France to defer the variance request for 60 days until the March 27, 2017 public hearing. All voted for the motion.

AYE 8 NO 0 ABSTAIN 0 ABSENT 1

**FRANCE AYE
JESTER AYE
JONES ABSENT
MARTIN AYE
MCCOY AYE
MCDANIELS AYE
POOLE AYE
SMITH AYE
SOBOTA AYE**



Applicant **Grover Baxley**
Address **1800 Duke of York Quay**
Public Hearing **January 23, 2017**
City Council District **Lynnhaven**

Agenda
Item

3

Description: GPIN: 1499-84-4182

AGENT: Grover Baxley

BOARD ACTION: APPROVED WITH 12 CONDITIONS ON JANUARY 23, 2017

CPBA Variance Conditions:

1. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
2. Land disturbance shall be limited to the area necessary to provide for the proposed use or development. Said areas of land disturbance shall be quantified on revised site plan submittals.
3. Wire reinforced 36 inch silt fence, for erosion and sedimentation control measures, shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fence shall be installed as delineated in the field with Civil Inspections.
4. Construction limits shall lie above the top of bank feature. **Within the RPA, exclusive of limits of construction, areas of existing landscaped beds, trees, areas of existing leaf litter or forest floor, and other naturalized areas, such as shoreline vegetation, may not be removed.**
5. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
6. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **237 square feet x 200 percent = 474 square feet.**

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation

& Recreation, Chesapeake Bay Local Assistance: **2 canopy trees, 4 understory, and 6 shrubs.**

The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of approximately 50 percent deciduous and 50 percent evergreen species and shall be evenly distributed within the RPA buffer. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

7. Under deck treatment of sand and gravel shall be installed.
8. No perimeter fill is authorized outboard or seaward of the proposed retaining wall.
9. Fill material placed landward of the proposed retaining wall shall be limited to a maximum depth of 4 inches. Said fill material shall be utilized for minor regrading of eroded areas to facilitate sheetflow drainage and the use of reestablishing vegetative cover.
10. Excavation for the trench associated with the retaining wall footer or base shall be limited to no more than 20 linear feet of trench open at one time. Excavated material shall be placed on the landward side of the trench.
11. The Chesapeake Bay Preservation Area (CBPA) exhibit shall be submitted to the Department of Planning and Community Development, Zoning Division for review and approval prior to the issuance of a building permit.
12. The conditions and approval associated with this variance are based on the exhibit prepared by the applicant and presented to the Board. Said exhibit and conditions shall be submitted to the Department of Planning, Development Services Center for review and approval prior to the issuance of a building permit. The Development Services Center and/or Permits and Inspections may require additional information that may affect the release of a building permit.

Grover Baxley appeared before the Board.

There was no opposition present.

A motion was made by Mr. Martin, seconded by Mr. McCoy to approve the variance with the 12 conditions listed above. All voted for the motion.

AYE 8 NO 0 ABSTAIN 0 ABSENT 1

FRANCE	AYE
JESTER	AYE
JONES	ABSENT
MARTIN	AYE
MCCOY	AYE
MCDANIELS	AYE
POOLE	AYE
SMITH	AYE
SOBOTA	AYE



Applicant **James and Elizabeth Van Scoyoc**
Address **2128 West Kendall Circle**
Public Hearing **January 23, 2017**
City Council District **Lynnhaven**

Agenda
Item

4

Description: GPIN: 1590-70-0281

AGENT: James Van Scoyoc

BOARD ACTION: APPROVED WITH THE 5 CONDITIONS ON JANUARY 23, 2017

CBPA Variance Conditions:

1. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
2. All areas of existing landscaped beds, trees, areas of existing leaf litter or forest floor, and other naturalized areas, such as shoreline vegetation, may not be removed or allowed to revert to turf.
3. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.
4. The Chesapeake Bay Preservation Area (CBPA) exhibit shall be submitted to the Department of Planning and Community Development, Zoning Division for review and approval prior to the issuance of a building permit.
5. The conditions and approval associated with this variance are based on the exhibit prepared by the applicant and presented to the Board. Said exhibit and conditions shall be submitted to the Department of Planning, Development Services Center for review and approval prior to the issuance of a building permit. The Development Services Center and/or Permits and Inspections may require additional information that may affect the release of a building permit.

There was no opposition present.

As an item of the consent agenda, a motion was made by Mr. Poole, seconded by Mrs. McDaniels to approve the variance request with the 5 conditions listed above. All voted for the motion.

AYE 8 NO 0 ABSTAIN 0 ABSENT 1

**FRANCE AYE
JESTER AYE
JONES ABSENT
MARTIN AYE
MCCOY AYE
MCDANIELS AYE
POOLE AYE
SMITH AYE
SOBOTA AYE**



Applicant **Stephanie Bard**
Address **484 Sharp Street**
Public Hearing **January 23, 2017**
City Council District **Lynnhaven**

Agenda
Item

5

Description: GPIN: 1497-37-5319

AGENT: Billy Garrington, Governmental Permitting Consultants

BOARD ACTION: APPROVED WITH 16 CONDITIONS ON JANUARY 23, 2017

CPBA Variance Conditions:

1. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
2. Land disturbance shall be limited to the area necessary to provide for the proposed use or development. Said areas of land disturbance shall be quantified on revised site plan submittals.
3. The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. **Said areas shall be quantified as land disturbance if not occurring on a paved or graveled surface.**
4. Wire reinforced 36 inch silt fence, for erosion and sedimentation control measures, shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fence shall be installed 15 feet from improvements.
5. Construction limits shall lie a maximum of 15 feet seaward of improvements.
6. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
7. A site plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.

8. Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
9. Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
10. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **2,162 square feet x 200 percent = 4,324 square feet.**

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance: **11 canopy trees, 11 understory, 22 large shrubs and 33 small shrubs.**

The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of approximately 50 percent deciduous and 50 percent evergreen species and shall be evenly distributed within the RPA buffer. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

11. Reduce the overall impervious cover of the site to a maximum of 4,588 square feet or 34 percent of the site. The pool decking shall not encroach below the top of bank.
12. The proposed driveway replacement and expansion shall be constructed of a permeable pavement system.
13. No perimeter fill is authorized outboard or seaward of the proposed improvements.

14. ****As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$420.75 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall provide for the equivalent of an approximate 459 square feet, 12 inch deep oyster shell plant within the Lynnhaven River Basin.**
15. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.
16. The conditions and approval associated with this variance are based on the exhibit plan dated November 30, 2016, prepared by WP Large, signed January 5, 2017 by Eric A. Garner. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. McCoy, seconded by Mr. France to approve the variance with the 16 conditions as modified (Modified Condition 11). All voted for the motion.

AYE 8 NO 0 ABSTAIN 0 ABSENT 1

FRANCE	AYE
JESTER	AYE
JONES	ABSENT
MARTIN	AYE
MCCOY	AYE
MCDANIELS	AYE
POOLE	AYE
SMITH	AYE
SOBOTA	AYE



Applicant **Dr. Manuel Armada**
Address **784 Bishopsgate Lane**
Public Hearing **January 23, 2017**
City Council District **Lynnhaven**

Agenda
Item

6

Description: GPIN: 1498-11-3738

AGENT: Billy Garrington, Governmental Permitting Consultants

BOARD ACTION: APPROVED WITH 17 CONDITIONS ON JANUARY 23, 2017

CPBA Variance Conditions:

1. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
2. Land disturbance shall be limited to the area necessary to provide for the proposed use or development. Said areas of land disturbance shall be quantified on revised site plan submittals.
3. The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. **Said areas shall be quantified as land disturbance if not occurring on a paved or graveled surface.**
4. Wire reinforced 36 inch silt fence, for erosion and sedimentation control measures, shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fence shall be installed 15 feet from improvements.
5. Construction limits shall lie a maximum of 15 feet seaward of improvements. **Within the RPA, exclusive of limits of construction, areas of existing landscaped beds, trees, areas of existing leaf litter or forest floor, and other naturalized areas, such as shoreline vegetation, may not be removed.**
6. For all trees to be preserved outboard of the limits of construction that are encroached upon, replacement of existing vegetation shall be provided at a 3 to 1 ratio for all unauthorized (damaged or removed) vegetation impacts.
7. Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline **(to the greatest extent practicable)** of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of

equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.

8. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
9. A site plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
10. Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
11. Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
12. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **1,510 square feet x 200 percent = 3,020 square feet** to the greatest extent practicable with approval of staff.

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance.

The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of approximately 50 percent deciduous and 50 percent evergreen species and shall be evenly distributed within the RPA buffer. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five foot

contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

13. ****As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$345.58 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall provide for the equivalent of an approximate 377 square feet, 12 inch deep oyster shell plant within the Lynnhaven River Basin.**
14. 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.
15. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.
16. This variance and associated conditions **are in addition to** the conditions of the Board variance granted August 28, 1995.
17. The conditions and approval associated with this variance are based on the exhibit plan dated December 30, 2016, prepared by WP Large. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board.

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. Sobota, seconded by Mr. Poole to approve the variance with the 17 conditions as modified (Modified Condition 12). All voted for the motion except Mr. France who voted no.

AYE 7 NO 1 ABSTAIN 0 ABSENT 1

FRANCE	NO
JESTER	AYE
JONES	ABSENT
MARTIN	AYE
MCCOY	AYE
MCDANIELS	AYE
POOLE	AYE
SMITH	AYE
SOBOTA	AYE



Applicant **Homes Associates of Virginia, Inc.**
Address **633 Chesapeake Trail**
Public Hearing **September 26, 2016**
City Council District **Beach**

Agenda
Item

7

Description: GPIN: 1570-62-9150 (Lots 29-30); 1570-62-9198 (Lot 13); 1570-62-9282 (Lot 12); 1570-62-9263 (Lot 11)

AGENT: Rick Scarper

BOARD ACTION: DEFERRED FOR 60 DAYS ON JANUARY 23, 2017 UNTIL THE MARCH 27, 2017 PUBLIC HEARING

Joe Pulley appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. McCoy, seconded by Mr. Martin to defer the variance request for 60 days until the March 27, 2017 public hearing. All voted for the motion.

AYE 8 NO 0 ABSTAIN 0 ABSENT 1

**FRANCE AYE
JESTER AYE
JONES ABSENT
MARTIN AYE
MCCOY AYE
MCDANIELS AYE
POOLE AYE
SMITH AYE
SOBOTA AYE**



Applicant **Andrew and Courtney Revocable Trust**
Address **904 Winwood Drive**
Public Hearing **January 23, 2017**
City Council District **Lynnhaven**

Agenda
Item

8

Description: GPIN: 2418-00-8857

AGENT: Rick Bartlett, Professional Construction Consultants

BOARD ACTION: APPROVED WITH 18 CONDITIONS ON JANUARY 23, 2017

CPBA Variance Conditions:

1. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
2. Land disturbance shall be limited to the area necessary to provide for the proposed use or development. Said areas of land disturbance shall be quantified on revised site plan submittals.
3. The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. **Said areas shall be quantified as land disturbance if not occurring on a paved or graveled surface.**
4. Wire reinforced 36 inch silt fence, for erosion and sedimentation control measures, shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fence shall be installed as delineated per the CBPA Variance Exhibit limits of construction.
5. Construction limits shall be contained within the limits of the delineated silt fence per the CBPA Variance Exhibit. **Within the RPA, exclusive of limits of construction, areas of existing landscaped beds, trees, areas of existing leaf litter or forest floor, and other naturalized areas, such as shoreline vegetation, may not be removed.**
6. Permanent and/or temporary soil stabilization measures shall be applied to all disturbed/denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.

7. A site plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
8. Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
9. Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
10. The conditions of the existing Chesapeake Bay Preservation Area (CBPA) variance, specifically the required stormwater management facilities shall be documented on the revised site plan. Documentation shall describe the health and functionality of said requirements. Prior restoration requirements shall be installed if not present.
11. The delineated best management practice (BMP) east of the swimming pool as represented December 22, 1997 CBPA Exhibit shall be relocated seaward of the proposed retaining wall.
12. The eastern portion of the pool deck expansion, proposed parallel to the length of the pool and starting at the proposed steps shall be eliminate. The proposed steps shall remain as shown.
13. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **1,629 square feet x 200 percent = 3,258 square feet.**

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance: **9 canopy trees, 9 understory, 18 large shrubs and 27 small shrubs.**

The required restoration shall be located starting in the 50 landward portion of the Resource Protection Area, in areas currently devoted to turf and progressing landward. Said restoration shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of approximately 50 percent deciduous and 50 percent evergreen species and shall be evenly distributed

within the RPA buffer. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

14. No perimeter fill is authorized outboard or seaward of the proposed improvements.
15. ****As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$373.08 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall provide for the equivalent of an approximate 407 square feet, 12 inch deep oyster shell plant within the Lynnhaven River Basin.**
16. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.
17. This variance and associated conditions **will supersede** the conditions of the Board variance granted December 22, 1997.
18. The conditions and approval associated with this variance are based on the exhibit plan dated December 5, 2016, prepared by Professional Construction Consultants, signed December 5, 2016 by Richard T. Bartlett. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board.

Rick Bartlett, P.E. of Professional Construction Consultants appeared before the Board representing the applicants.

There was no opposition present.

A motion was made by Mr. Sobota, seconded by Mr. Poole to approve the variance with the 18 conditions listed above. All voted for the motion except Mrs. McDaniels who voted no.

AYE 7 NO 1 ABSTAIN 0 ABSENT 1

**FRANCE AYE
JESTER AYE
JONES ABSENT
MARTIN AYE
MCCOY AYE
MCDANIELS NO**

POOLE	AYE
SMITH	AYE
SOBOTA	AYE



Applicant **Geoffrey Brockelbank and Wayne Dudley, Jr.**
Address **2008 Absalom Drive**
Public Hearing **January 23, 2017**
City Council District **Lynnhaven**

Agenda
Item

9

Description: GPIN: 1499-77-1963

AGENT: Richard Bartlett, Professional Construction Consultants

BOARD ACTION: APPROVED WITH THE 14 CONDITIONS ON JANUARY 23, 2017

CBPA Variance Conditions:

1. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
2. Land disturbance shall be limited to the area necessary to provide for the proposed use or development. Said areas of land disturbance shall be quantified on revised site plan submittals.
3. The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. **Said areas shall be quantified as land disturbance if not occurring on a paved or graveled surface.**
4. Construction limits shall be contained within the limits of the delineated silt fence per the CBPA Variance Exhibit.
5. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
6. A site plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
7. Submitted concurrent with the site plan shall be a separate planting/buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting/buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.

8. Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
9. Buffer restoration shall be installed equal to **400 square feet**.

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance: **1 canopy trees, 2 understory, and 3 shrubs**.

The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of approximately 50 percent deciduous and 50 percent evergreen species and shall be evenly distributed within the RPA buffer. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

10. The existing planting bed in the rear yard shall be replaced.
11. Backfill material shall be well drained sandy material consistent with the properties and characteristics of the Psammets soil series.
12. Gravel downspout intercepts and/or gravel dripline intercepts shall be provided as a means of erosion and sediment control for stormwater run-off from the proposed improvements.
13. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.
14. The conditions and approval associated with this variance are based on the exhibit plan dated December 5, 2016, prepared by Professional Construction Consultants, signed December 5, 2016, by Richard T. Bartlett. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board.

Richard Bartlett, P.E. of Professional Construction Consultants appeared before the Board representing the applicants.

There was no opposition present.

As an item of the consent agenda, a motion was made by Mr. Poole, seconded by Mrs. McDaniels to approve the variance request with the 14 conditions listed above. All voted for the motion.

AYE	8	NO	0	ABSTAIN	0	ABSENT	1
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FRANCE	AYE
JESTER	AYE
JONES	ABSENT
MARTIN	AYE
MCCOY	AYE
MCDANIELS	AYE
POOLE	AYE
SMITH	AYE
SOBOTA	AYE



Applicant **Matthew and Kathy Ligon**
Address **2609 Moss Road**
Public Hearing **January 23, 2017**
City Council District **Lynnhaven**

Agenda
Item

10

Description: GPIN: 1499-67-8831

AGENT: Billy Garrington, Governmental Permitting Consultants

BOARD ACTION: DEFERRED FOR 30 DAYS ON JANUARY 23, 2017 UNTIL THE FEBRUARY 27, 2017 PUBLIC HEARING

Billy Garrington of Governmental Permitting Consultants appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. McCoy, seconded by Mr. France to defer the variance request for 30 days until the February 27, 2017 public hearing. All voted for the motion.

AYE 8 NO 0 ABSTAIN 0 ABSENT 1

FRANCE	AYE
JESTER	AYE
JONES	ABSENT
MARTIN	AYE
MCCOY	AYE
MCDANIELS	AYE
POOLE	AYE
SMITH	AYE
SOBOTA	AYE



Applicant **Michael and Wendelyn Pelton**
Address **1424 laurel View Drive**
Public Hearing **January 23, 2017**
City Council District **Lynnhaven**

Agenda
Item

11

Description: GPIN: 2418-10-0563

AGENT: Wendelyn Pelton

BOARD ACTION: APPROVED WITH THE 7 CONDITIONS ON JANUARY 23, 2017

CBPA Variance Conditions:

1. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
2. Land disturbance shall be limited to the area necessary to provide for the proposed use or development. Said areas of land disturbance shall be quantified on revised site plan submittals.
3. For all trees to be preserved outboard of the limits of construction that are encroached upon, replacement of existing vegetation shall be provided at a 3 to 1 ratio for all unauthorized (damaged or removed) vegetation impacts.
4. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
5. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **272 square feet x 200 percent = 544 square feet.**

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance: **2 canopy trees, 2 understory, 4 large shrubs, and 6 shrubs.**

The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of approximately 50 percent deciduous and 50 percent evergreen species and shall be evenly distributed within the RPA buffer. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

6. Under deck treatment of sand and gravel shall be installed.
7. The conditions and approval associated with this variance are based on the exhibit prepared by the applicant and presented to the Board. Said exhibit and conditions shall be submitted to the Department of Planning, Zoning Division for review and approval prior to the issuance of a building permit. The Zoning Division and/or Permits and Inspections may require additional information that may affect the release of a building permit.

Michael Pelton appeared before the Board.

There was no opposition present.

As an item of the consent agenda, a motion was made by Mr. Poole, seconded by Mrs. McDaniels to approve the variance request with the 7 conditions listed above. All voted for the motion.

AYE	8	NO	0	ABSTAIN	0	ABSENT	1
FRANCE		AYE					
JESTER		AYE					
JONES		ABSENT					
MARTIN		AYE					
MCCOY		AYE					
MCDANIELS		AYE					
POOLE		AYE					
SMITH		AYE					
SOBOTA		AYE					



Applicant **Merle Gilley**
Address **4116 Hermitage Point**
Public Hearing **January 23, 2017**
City Council District **Bayside**

Agenda
Item

12

Description: GPIN: 1489-00-5626

AGENT: Robert Simon

BOARD ACTION: APPROVED WITH 6 CONDITIONS ON JANUARY 23, 2017

CPBA Variance Conditions:

1. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
2. The conditions of the existing Chesapeake Bay Preservation Area (CBPA) variance, specifically the required buffer restoration and stormwater management facilities shall be documented on a revised site plan. Documentation shall describe the health and functionality of said requirements. Prior restoration requirements shall be installed if not present specifically – *Buffer restoration totaling 8,030 sq. ft. shall be installed. Said restoration shall utilize bayscape landscaping principles. The required restoration shall be in areas currently devoted to turf and shall have a mulch layer of organic material 4" – 6" in depth. The required trees shall be evenly distributed throughout the lot to the greatest extent practicable.*
3. A separate landscape / buffer restoration plan shall be submitted to the Development Services Center detailing location, number, and species of vegetation to be installed
4. This variance and associated conditions **are in addition to** the conditions of the Board variance granted September 25, 2006 with the exception of condition 10. Condition 10 has been removed from said variance.
5. A Single Family Dwelling (RPA) Small Projects Site Plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
6. The conditions and approval associated with this variance are based on the exhibit prepared by the applicant and presented to the Board. Said exhibit and conditions shall be submitted to the Department of Planning, Development Services Center for review and approval prior to the issuance of a building permit for the shoreline hardening activities. The Development Services Center and/or Permits and Inspections may require additional information that may affect the release of a building permit.

Robert Simon appeared before the Board representing the applicant.

There was no opposition present.

A motion was made by Mr. McCoy, seconded by Mr. Martin to approve the variance with the 6 conditions listed above. All voted for the motion.

AYE 8 NO 0 ABSTAIN 0 ABSENT 1

FRANCE	AYE
JESTER	AYE
JONES	ABSENT
MARTIN	AYE
MCCOY	AYE
MCDANIELS	AYE
POOLE	AYE
SMITH	AYE
SOBOTA	AYE