



**MINUTES
CHESAPEAKE BAY PRESERVATION AREA BOARD
VIRGINIA BEACH, VIRGINIA
APRIL 24, 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, April 24, 2017.

A motion was made by Mr. McCoy and seconded by Mr. Martin to approve the March 27, 2017 minutes. All voted for the motion except Mr. Jester and Mr. Poole who both were abstained due to their absence from the March meeting. This vote also serves as the official roll call for this meeting. All members were present except Mr. Sobota.

BOARD ACTION: APPROVED MARCH 27, 2017 MINUTES ON APRIL 24, 2017

AYE 6 NO 0 ABSTAIN 2 ABSENT 1

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

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



Applicant James and Ashley Jackson
Address 3724 Albacore Key
Public Hearing April 24, 2017
City Council District Lynnhaven

Agenda
Item

1

Description: GPIN: 1487-49-3876

AGENT: Billy Garrington, Governmental Permitting Consultants

BOARD ACTION: DEFERRED FOR 30 DAYS ON APRIL 24, 2017 UNTIL THE MAY 22, 2017 PUBLIC HEARING

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

There was no opposition present.

A motion was made by Mr. Martin, seconded by Mr. McCoy to defer the variance request for 30 days until the May 22, 2017 public hearing. All voted for the motion.

AYE 8 NO 0 ABSTAIN 0 ABSENT 1

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



Applicant **Amy Angelopoulos**
Address **3937 Meeting House Road**
Public Hearing **April 24, 2017**
City Council District **Bayside**

Agenda
Item

2

Description: GPIN: 1489-13-9923

AGENT: Billy Garrington, Governmental Permitting Consultants

BOARD ACTION: DEFERRED FOR 30 DAYS ON APRIL 24, 2017 UNTIL THE MAY 22, 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. Martin, seconded by Mr. McCoy to defer the variance request for 30 days until the May 22, 2017 public hearing. All voted for the motion.

AYE 8 NO 0 ABSTAIN 0 ABSENT 1

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



Applicant **Jerry and Terry Stronkorb**
Address **436 Sharp Street**
Public Hearing **April 24, 2017**
City Council District **Lynnhaven**

Agenda
Item

3

Description: GPIN: 1497-26-9684

AGENT: Jerry Stronkorb, Homeowner

BOARD ACTION: APPROVED WITH THE 8 CONDITIONS ON APRIL 24, 2017

Board's Findings

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this ordinance and are similarly situated where minor development encroachments have occurred along this tidal feature of the Lynnhaven River within the 100 foot Resource Protection Area.
- 2) The encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant, but rather is necessitated by the fact that these parcels were platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore placing portions of this property within the RPA.
- 3) Given the minimal scope of the project, the variance is the minimum necessary to afford relief.
- 4) The variance is in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood, as the request is reasonable in scope, and not of substantial detriment to water quality due to the use of underdeck treatment as a means of permanent erosion and sediment control measures, nor will it be otherwise detrimental to the public welfare.
- 5) The use of both a stone underdeck treatment and buffer restoration are proposed as a means to manage towards a no net increase in nonpoint source pollution load.
- 6) Finally, the following reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

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.
3. 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.**
4. 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.
5. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **297 square feet x 200 percent = 594 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 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.

6. Under deck treatment of sand and gravel shall be installed.
7. 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.
8. 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.

Jerry Stronkorb, Homeowner 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 Mr. Jones to approve the variance request with the 8 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	AYE
MARTIN	AYE
MCCOY	AYE
MCDANIELS	AYE
POOLE	AYE
SMITH	AYE
SOBOTA	ABSENT



Applicant **Jason and Buffy Barefoot**
Address **4045 Bridgehampton Lane**
Public Hearing **April 24, 2017**
City Council District **Bayside**

Agenda
Item

4

Description: GPIN: 1488-05-7136

AGENT: William Almond

BOARD ACTION: APPROVED WITH THE 4 CONDITIONS ON APRIL 24, 2017

Board's Findings:

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this ordinance and are similarly situated, as similar properties in the vicinity have sheds.
- 2) The application is not based upon conditions or circumstances that are or have been created or imposed by the applicant or his predecessor in title.
- 3) The variance is the minimum necessary to afford relief as the shed is reasonable in size.
- 4) The variance is in harmony with the purpose and intent of this ordinance and not injurious to the neighborhood, not of substantial detriment to water quality, or otherwise detrimental to the public welfare.
- 5) There is a no net increase in nonpoint source pollution load as buffer restoration will be utilized towards the mitigation of stormwater run-off and infiltration on the property.
- 6) Finally, the following reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

CBPA Variance Conditions:

1. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
2. 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.
3. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **150 square feet x 200 percent = 300 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.

4. The conditions and approval associated with this variance are based on the exhibit plan dated January 16, 2017, prepared by WPL. 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 Almond 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 Mr. Jones to approve the variance request with the 4 conditions listed above. All voted for the motion.

AYE 8 NO 0 ABSTAIN 0 ABSENT 1

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

