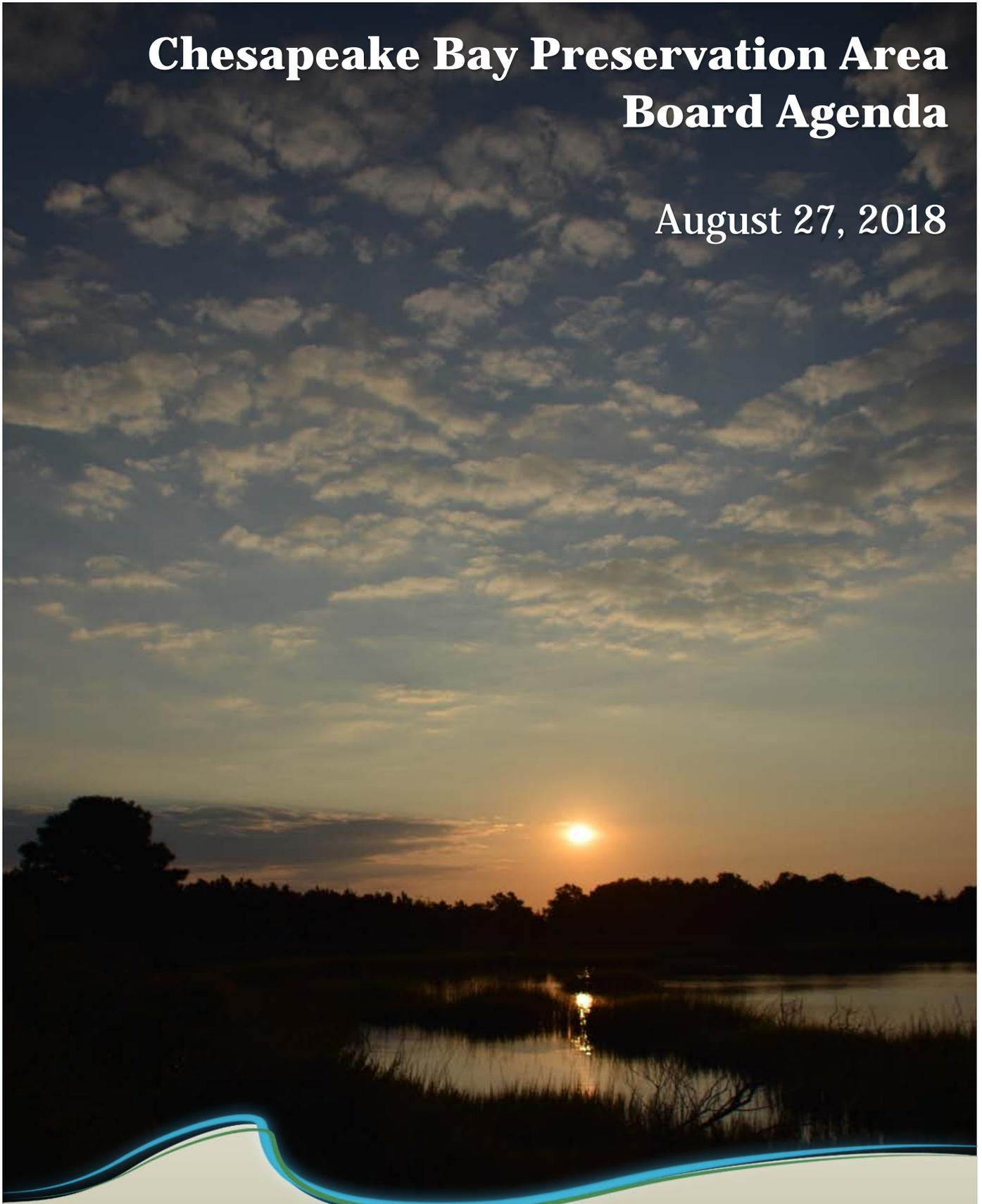


# Chesapeake Bay Preservation Area Board Agenda

August 27, 2018





# CHESAPEAKE BAY PRESERVATION AREA BOARD

## NOTICE OF PUBLIC HEARING

The Virginia Beach Chesapeake Bay Preservation Area Board will hold a Public Hearing on **Monday, August 27, 2018, at 10:00 a.m. in the City Council Chamber**, Virginia Beach Municipal Center, Virginia Beach, Virginia.

An informal session is held at 9:00 a.m. in the City Council Chamber at which time 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 Public Hearing held at 10:00 a.m. in the City Council Chamber.

The staff reviews all of the items on this agenda and offer recommendation for consideration by the Chesapeake Bay Preservation Area Board, in the event they should approve the application. However, it should not be assumed that those conditions constitute all of the conditions that will ultimately be attached to the project. Staff agencies may impose further conditions and requirements applicable to city ordinances.

Those members of the public interested in attending the public hearing should be advised that, for reasons the Board deems appropriate, certain items on the agenda may be heard out of order and that it should not be assumed that the order listed below will be exactly followed during the public hearing.

### **THE FOLLOWING DESCRIBES THE ORDER OF BUSINESS FOR THE PUBLIC HEARING**

(IF YOU DO NOT UNDERSTAND, ASK A STAFF MEMBER SITTING AT THE DESK AT THE FRONT OF THE CHAMBER OR THE STAFF MEMBER AT THE DESK OUTSIDE THE CHAMBER).

1. **DEFERRALS:** The first order of business is the consideration of requests to defer an item. The Board will ask those in attendance at the hearing if there are any requests to defer an item that is on the agenda. PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.

If an item is deferred, a deferral date will be determined at the public hearing. Typically deferrals range from thirty (30) to sixty (60) days or may be deferred indefinitely. The Board will vote on all of the items deferred individually. It is important, therefore, if you have an objection to an item being deferred to note your objection as the Board goes through the items being considered for deferral.

2. **CONSENT AGENDA:** The second order of business is consideration of the "consent agenda." The consent agenda contains those items:
  - a. that the Board believes are unopposed and
  - b. which have a favorable Staff recommendation.

If an item is placed on the Consent Agenda, that item will be heard with other items on the agenda that appear to be unopposed and have a favorable staff recommendation. The Board will vote on all of the items at one time. Once the Board has approved the item as part of the Consent Agenda, the variance request is granted and will not be discussed any further. It is important, therefore, if you have an objection to an item being placed on the Consent Agenda to note your objection as the Board goes through the items being considered for the Consent Agenda.

*Process for the Consent Agenda:*

- The Board will announce the item number and item title being considered for inclusion on the Consent Agenda.
  - The Board will ask if there is anyone in the audience representing the item, and if so, ask them to go up to the podium and state their name for the record.
  - The Board will ask the representative of the item if they are aware of the conditions and if they agree to the conditions.
  - The Board will then ask if there is anyone in the audience in opposition to the item. If you are opposed to the item, stand or raise your hand to let the Board know.
  - If the item is opposed, it will be removed from the consent agenda and heard in its normal place on the agenda.
  - After the Board has gone through all of the items that it believes should be on the Consent Agenda, it will vote at one time for all of the items, announcing the number of each item being voted on. Pay attention to the list of items being voted on.
3. **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 its 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 the opposition if a member of the Board sponsors the opposition. 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.

Those members of the public interested in speaking in support or in opposition to an agenda item shall be limited to 3 minutes in which to address the Board. At the discretion of the CBPA Board Chairman, this time may be increased to 5 minutes. Speakers will be electronically timed.

If you are **physically disabled** or **visually impaired** and need assistance at this meeting, please call the **Planning and Community Development at (757) 385-4621.**

9:00 AM

- **INFORMAL STAFF BRIEFINGS OF PUBLIC HEARING AGENDA ITEMS**

10:00 AM

- **FORMAL REVIEW OF PUBLIC HEARING AGENDA ITEMS**

## OLD BUSINESS AGENDA ITEMS

**1.**

**Constance C. Saunders**

[Property Owner and Applicant]

**Saw Pen Point, Sec. 2, Pt. 2, Lot 13,  
Tree Chop Circle**

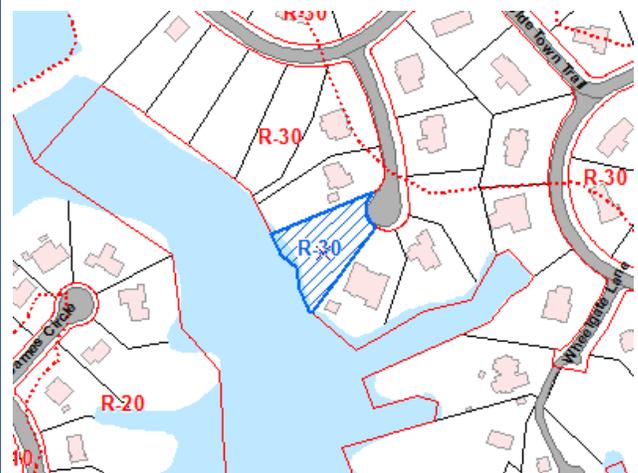
GPIN: 1478-94-3040

COUNCIL DISTRICT – Bayside

Applicant's Agent – Robert Kellam

Staff Planner – PJ Scully

**Page 7**



**2.**

**Patrick L. and Sheryl H. Reynolds**

[Property Owners and Applicants]

**2421 Windward Shore Circle**

GPIN: 1499-98-3029

COUNCIL DISTRICT - Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully

**Page 21**



3.

**South Linkhorn Bay Trust, et. al.**  
[Property Owner]

**Stephen Alexander Homes**  
[Contract Purchaser]

**Lot 196, N. Linkhorn Park Extended,  
York Lane**

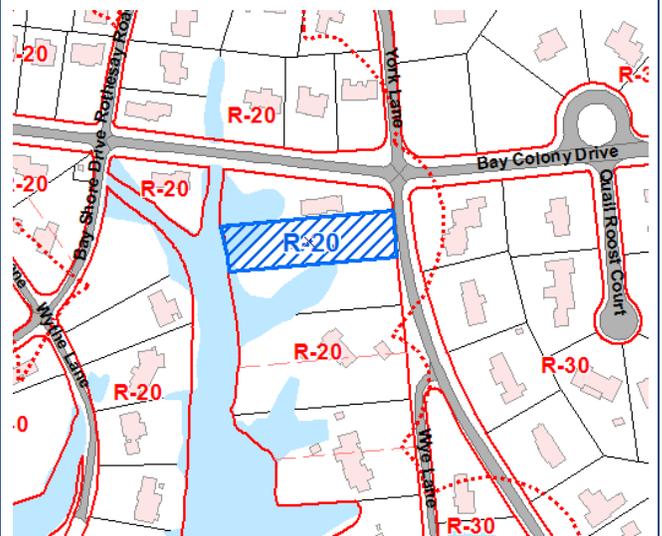
GPIN: 2418-47-4336

COUNCIL DISTRICT – Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully

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4.

**South Linkhorn Bay Trust, et. al.**  
[Property Owner]

**Stephen Alexander Homes**  
[Contract Purchaser]

**Lot 197, N. Linkhorn Park Extended,  
York Lane**

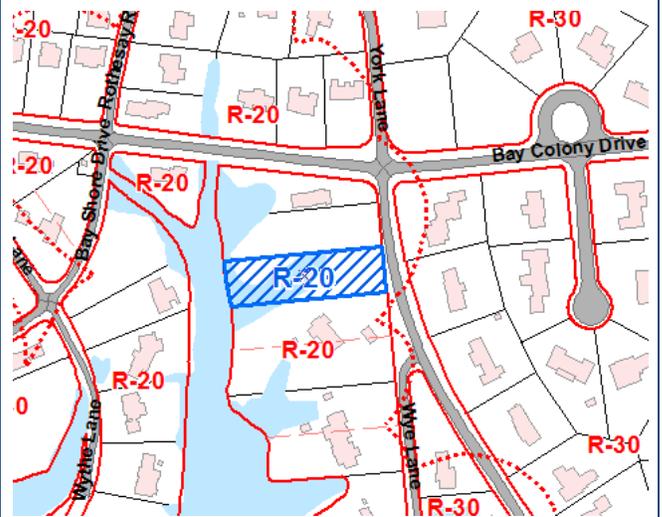
GPIN: 2418-47-4336

COUNCIL DISTRICT – Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully

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## NEW BUSINESS AGENDA ITEMS

5.

**Cory D. Clark**  
[Property Owner and Applicant]

**820 S. Spigel Drive**

GPIN: 1498-51-9219

COUNCIL DISTRICT - Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully

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6.

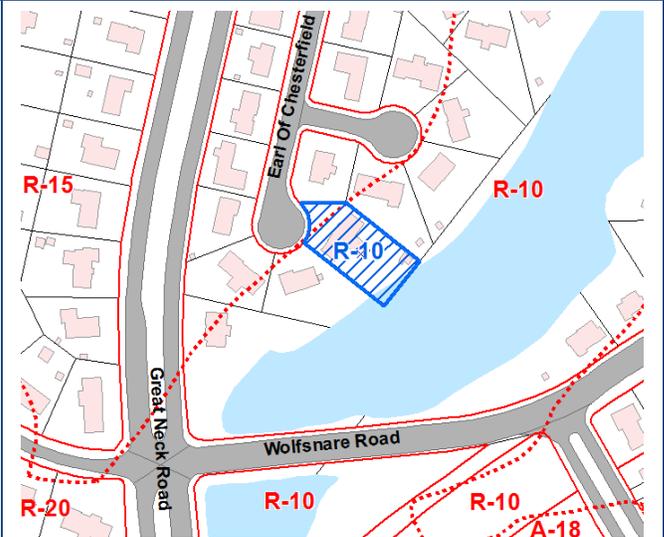
**Patrick and Elizabeth Cremin**  
[Property Owners and Applicants]

**704 Earl of Chesterfield Court**  
GPIN: 2407-09-4961  
COUNCIL DISTRICT - Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully

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7.

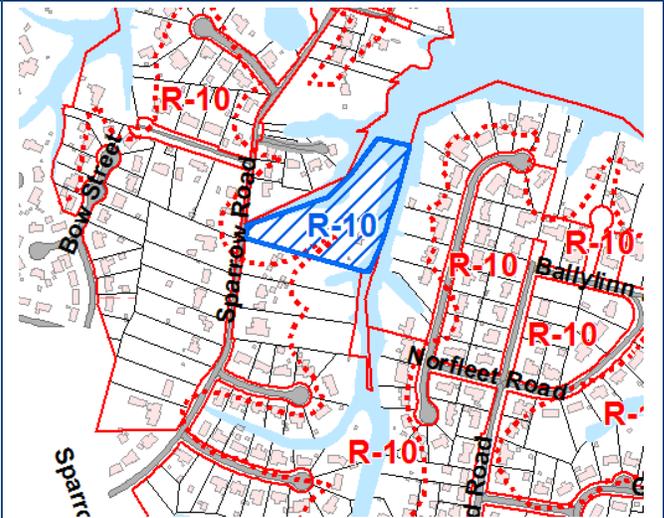
**Gerardo A. Ruiz**  
[Property Owner and Applicant]

**849 E. Sparrow Road**  
GPIN: 1447-80-9425  
COUNCIL DISTRICT - Kempsville

Applicant's Agent – Rick Scarper

Staff Planner – PJ Scully

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8.

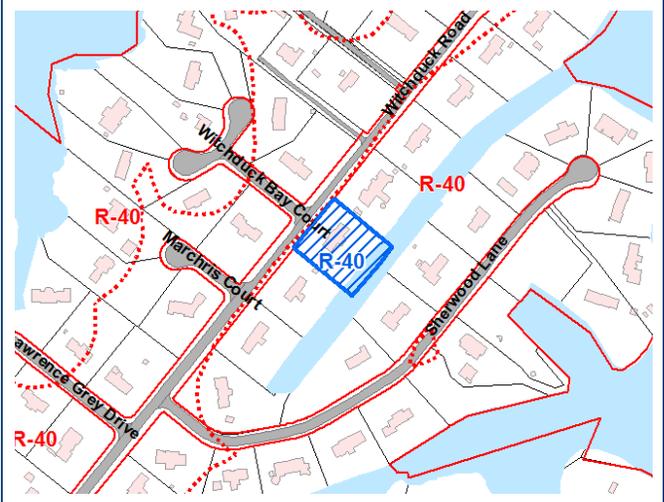
**Mary Majeau and Jospheh Koziol**  
[Property Owner and Applicant]

**4065 N. Witchduck Road**  
GPIN: 1488-07-6832  
COUNCIL DISTRICT - Bayside

Applicant's Agent – Self represented

Staff Planner – PJ Scully

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## DISCLOSURE STATEMENTS – AGENDA ITEMS 3 AND 4

**3.**

**South Linkhorn Bay Trust & et., al.**  
[Property Owner]

**Stephen Alexander Homes**  
[Contract Purchaser]

**Lot 196, N. Linkhorn Park Extended,  
York Lane**

GPIN: 2418-47-4423

COUNCIL DISTRICT - Lynnhaven

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**4.**

**South Linkhorn Bay Trust & et al**  
[Property Owner]

**Stephen Alexander Homes**  
[Contract Purchaser]

**Lot 197, N. Linkhorn Park  
Extended, York Lane**

GPIN: 2418-47-4336

COUNCIL DISTRICT - Lynnhaven

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**Variance Request**

Encroachment into the Resource Protection Area (RPA) with the construction of a single family residence and associated accessory structures.

**Applicant's Agent**

Robert Kellam

**Staff Planner**

PJ Scully

**Lot Recordation**

5/9/1979

Map Book 133, Page 43

**GPIN**

1478-94-3040

**SITE AREA**

30,419.8 square feet or 0.698 acres

**SITE AREA OUTSIDE OF WATER/WETLANDS**

26,089.8 square feet or 0.599 acres

**EXISTING IMPERVIOUS COVER OF SITE**

1,204.1 square feet or 4.61 percent of site

**PROPOSED IMPERVIOUS COVER OF SITE**

7,855 square feet or 30.1 percent of site

**Area of Redevelopment in RPA**

314 square feet

**Area of New Development in RPA**

6,293 square feet

**Location of Proposed Impervious Cover**

50 foot Seaward Buffer

50 foot Landward Buffer

100 foot Variable Width Buffer

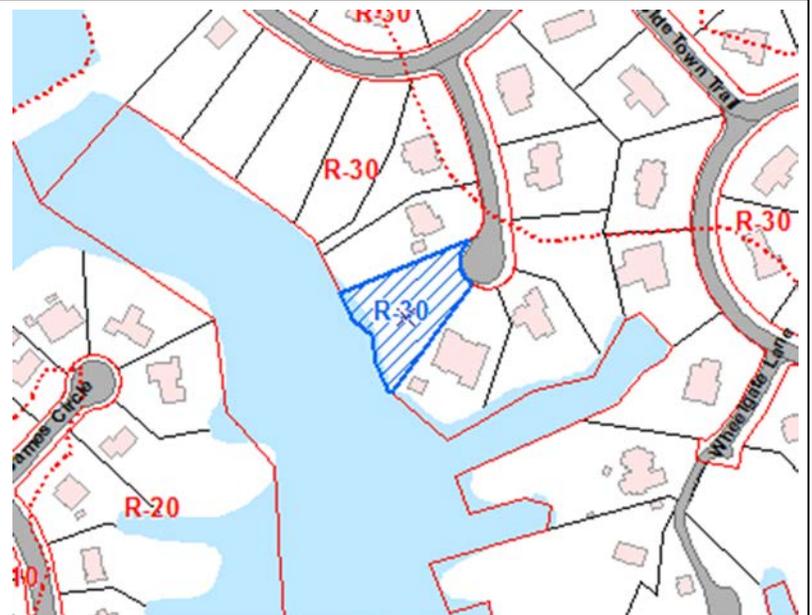
Resource Management Area (RMA)

**AMOUNT OF LAND DISTURBANCE**

Greater than 2,500 square feet

**Staff Recommendation**

Approval as conditioned



## Summary of Proposal

### Demolition Details

- Vacant parcel

### Construction Details

- Single family residence with associated driveway and walkways
- Wood deck

## CBPA Ordinance Variance History

There is no known Chesapeake Bay Preservation Area (CBPA) Board variance history to report.

This variance request was deferred at the June 25, 2018 Chesapeake Bay Preservation Area (CBPA) Board Public Hearing to the August 27, 2018 CBPA Board Public Hearing

## Environmental Conditions

### Flood Zone

Multiple Zones – X and AE, Base Flood Elevation (BFE): 8

### Soil Type(s)

Udorthents Series (well-drained and moderately well-drained soils)  
Rumford Series (highly erodible soils) located below the top of bank

### Shoreline

A Joint Permit Application (JPA) was submitted and a Wetlands Board permit issued in 2015 for a marsh sill with a riprap toe. The shoreline redevelopment improvements have been installed and the Engineer's final inspection form has been submitted to Waterfront Operations. Waterfront Operations has not closed out the building permit for these improvements, as conditions of the approval have not been met. Staff has addressed this concern below within the Recommended Conditions section of this report, specifically condition 12, for the Board's deliberation.

### Riparian Buffer

Sparsely wooded, undeveloped parcel.

- Number of existing canopy trees requested for removal within the RPA: 0
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 0

## Evaluation and Recommendation

Staff write-up from the June 25, 2018 CBPA Board staff report.

*"The applicant for this variance request is the current property owner of the adjacent parcel to the east. The proposed improvements are based off of the applicant's need to construct a single level residence to accommodate current health conditions associated with limited mobility. Staff has discussed these needs and the layout of the proposed improvements with the applicant's Engineer of Record. Staff has identified two areas of concern – the*

Constance C. Saunders

Agenda Item 1

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*condition of the existing shoreline and the overall amount of impervious cover of the parcel. The recommended conditions, specifically conditions 12 and 13, were crafted to address these concerns. The following comments are offered, relative to the findings of the CBPA Ordinance specific to this variance request for the Board's deliberation. These comments are in addition to the responses provided by the applicant's Engineer of Record within the Water Quality Impact Assessment (WQIA)."*

The revised variance request has reduced the wood deck at the rear of the residence by 362 square feet, from 1,137 square feet to 775 square feet. The applicant has also revised the layout of the front walk resulting in a reduction in impervious cover from 32.3 percent to 30.1 percent. With these revisions, the overall impervious cover has been reduced by 576 square feet from 8,431 square feet to 7,855 square feet. With this reduction, the overall variance request has gone from 30.7 percent in overall impervious cover to 30.1 percent.

With the applicant's agent providing the following comments for the Board's deliberation relative to the findings of the CBPA Ordinance specific to this variance request, Staff supports the application as submitted with the 16 recommended conditions below.

- 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 *"This application is for the construction of a single family residence on an in-fill lot. The proposed single family residence is of average size for this neighborhood and the applicant is not proposing additional accessory structures, within the RPA such as a swimming pool with patio, which are typical for this subdivision."* Staff concurs that the proposed size of the residence is in harmony with the development style of the neighborhood, that the proposed improvements are situated in the least sensitive portion of the RPA feature, and that the dwelling is located at the front yard setback. Staff also acknowledges the unique need for the applicant to construct a single level residence for mobility reasons.
- 2) Staff offers that 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 this parcel was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore placing portions of this property is within the RPA.
- 3) *"The applicant has provided that the variance is the minimum necessary to afford relief given the modest size of the primary structure with a minimal request for an accessory structure – wood deck located off of the rear of the proposed primary structure."* Staff is of the opinion, given the triangular shape of the parcel and the applicant's need for a specific layout of the proposed single residence, that this variance request provides merit towards being the minimum necessary to afford relief.
- 4) The applicant has provided that the variance is in harmony with the purpose and intent of the Ordinance and not injurious to the neighborhood, not of substantial detriment to water quality, or otherwise detrimental to the public welfare because *"The intent of the CBPA Ordinance is to protect the seaward 50 foot buffer and not to render existing lots un-buildable."* Staff is of the opinion that the variance request, as submitted, is a detriment to water quality without addressing the current condition of the shoreline concurrent with the development of the proposed upland improvements. Staff only supports this request with the recommended conditions below and specifically condition 12 as it relates to this finding of the CBPA Ordinance.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load and towards preventing the variance from causing or contributing to a degradation of water quality, Staff recommends the following 16 reasonable and appropriate conditions that address the need to correct the current shoreline

condition, the management of stormwater run-off from proposed impervious cover through the means of infiltration, and the restoration of the 100 foot riparian buffer to a vegetated condition of forested trophic layers consistent with those conditions that existed prior to the redevelopment of the shoreline.

## Recommended 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 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.
5. Construction limits shall be contained within the limits of the delineated silt fence per the CBPA Variance Exhibit.
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. 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.
8. 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.
9. 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.
10. Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
11. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **6,293 square feet x 200 percent = 12,586 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 Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **11 canopy trees, 11 understory trees, 33 large shrubs and 45 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.

12. The shoreline shall be repaired and stabilized in accordance with the active Waterfront Construction Permit, authorizing the construction of a riprap revetment and marsh sill for the creation of a living shoreline prior to the release of an approved CBPA Site Plan from the DSC for the upland improvements (single family residence with associated accessory structures).
13. Under deck treatment of sand and gravel shall be installed.
14. No perimeter fill, other than the minimum necessary to facilitate positive drainage away from the proposed improvements is authorized 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 \$1,442.14 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall provide for an oyster shell plant within the Lynnhaven River Basin.
16. The conditions and approval associated with this variance are based on the exhibit plan dated April 4, 2018, revised August 2, 2018, prepared by Kellam Gerwitz, signed August 3, 2018 by Robert Kellam. 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.

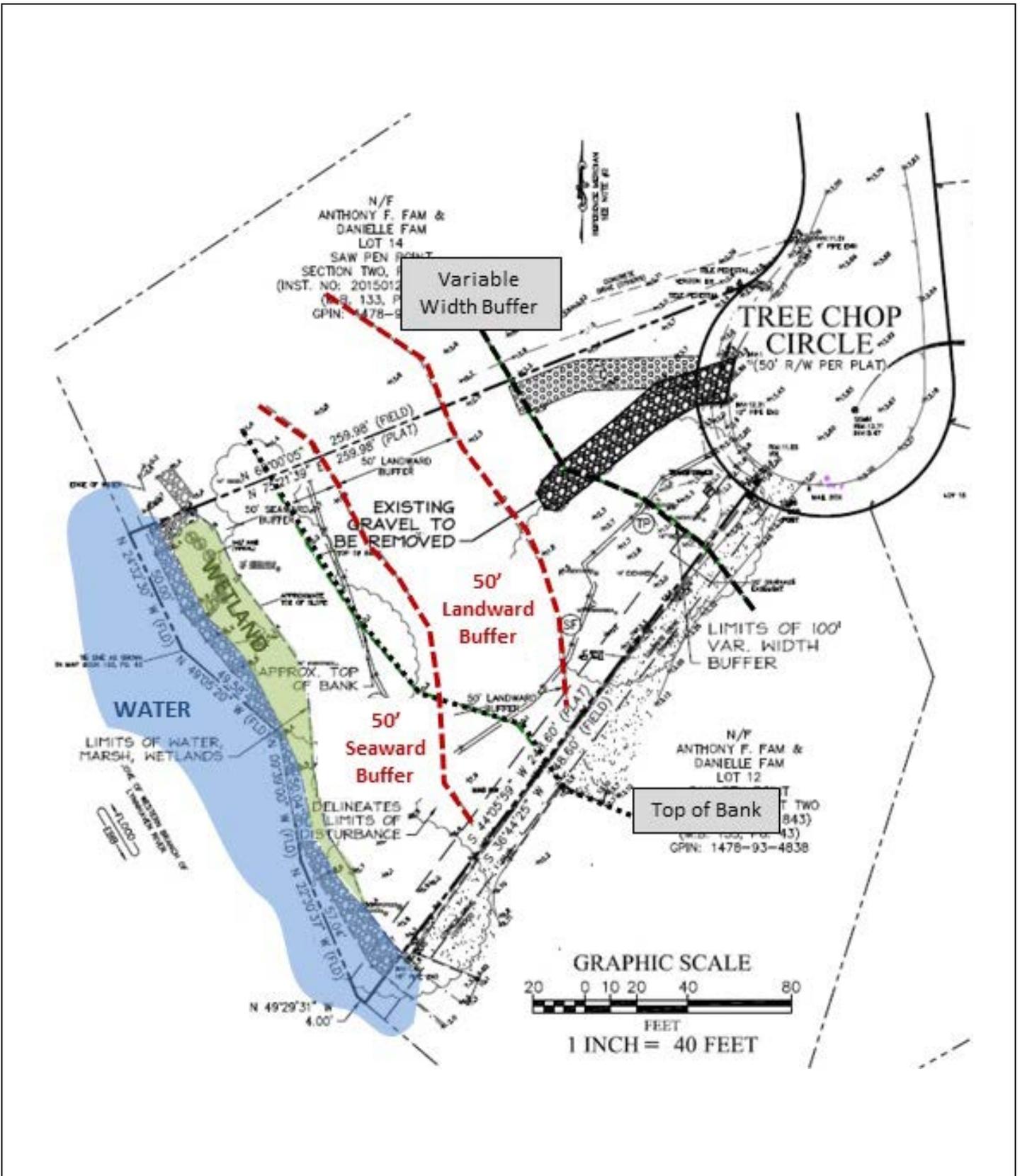
\*\* NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

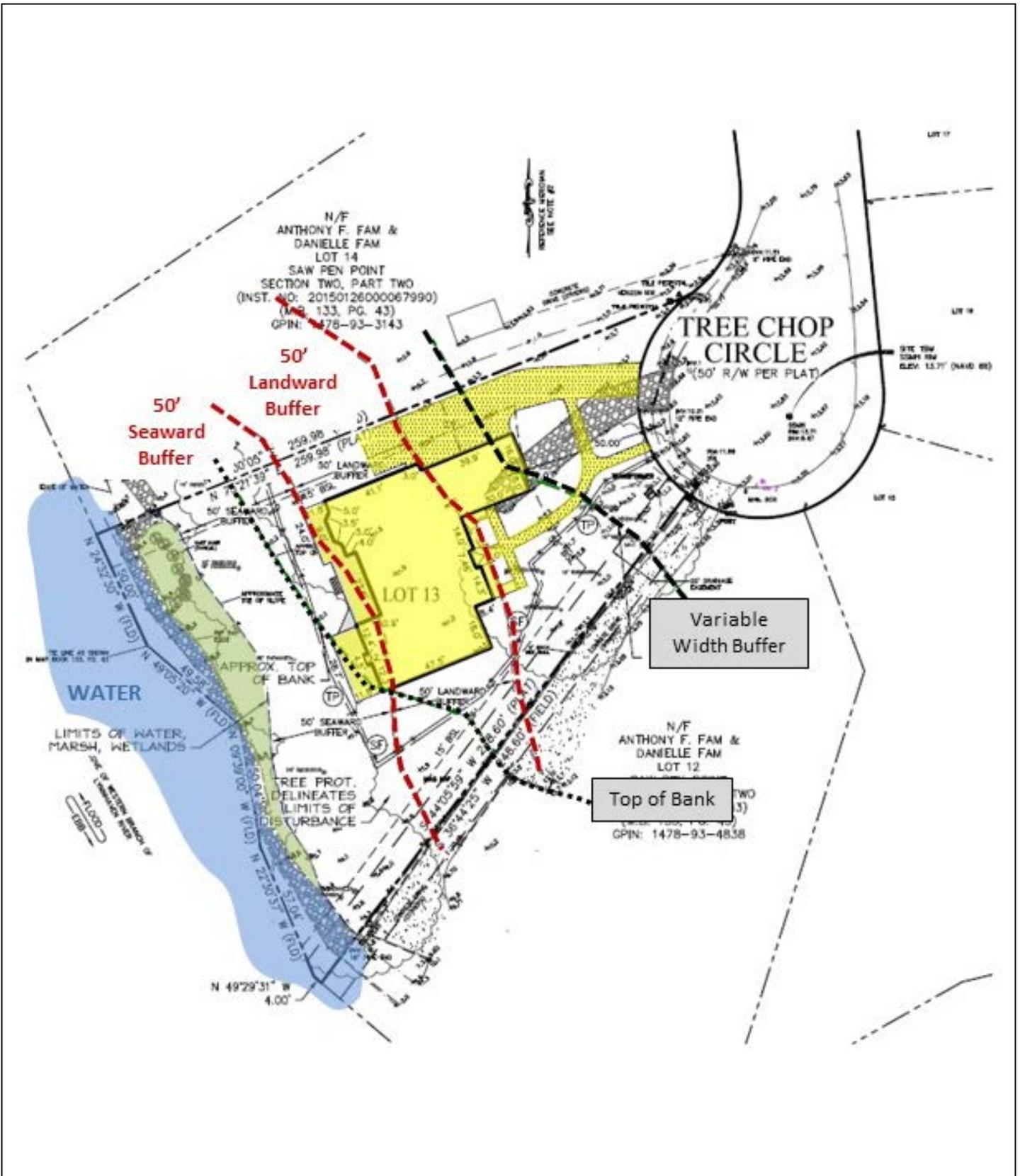
\*\*\*NOTE: The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section 113(E) of the Chesapeake Bay Preservation Area Ordinance.

Site Aerial

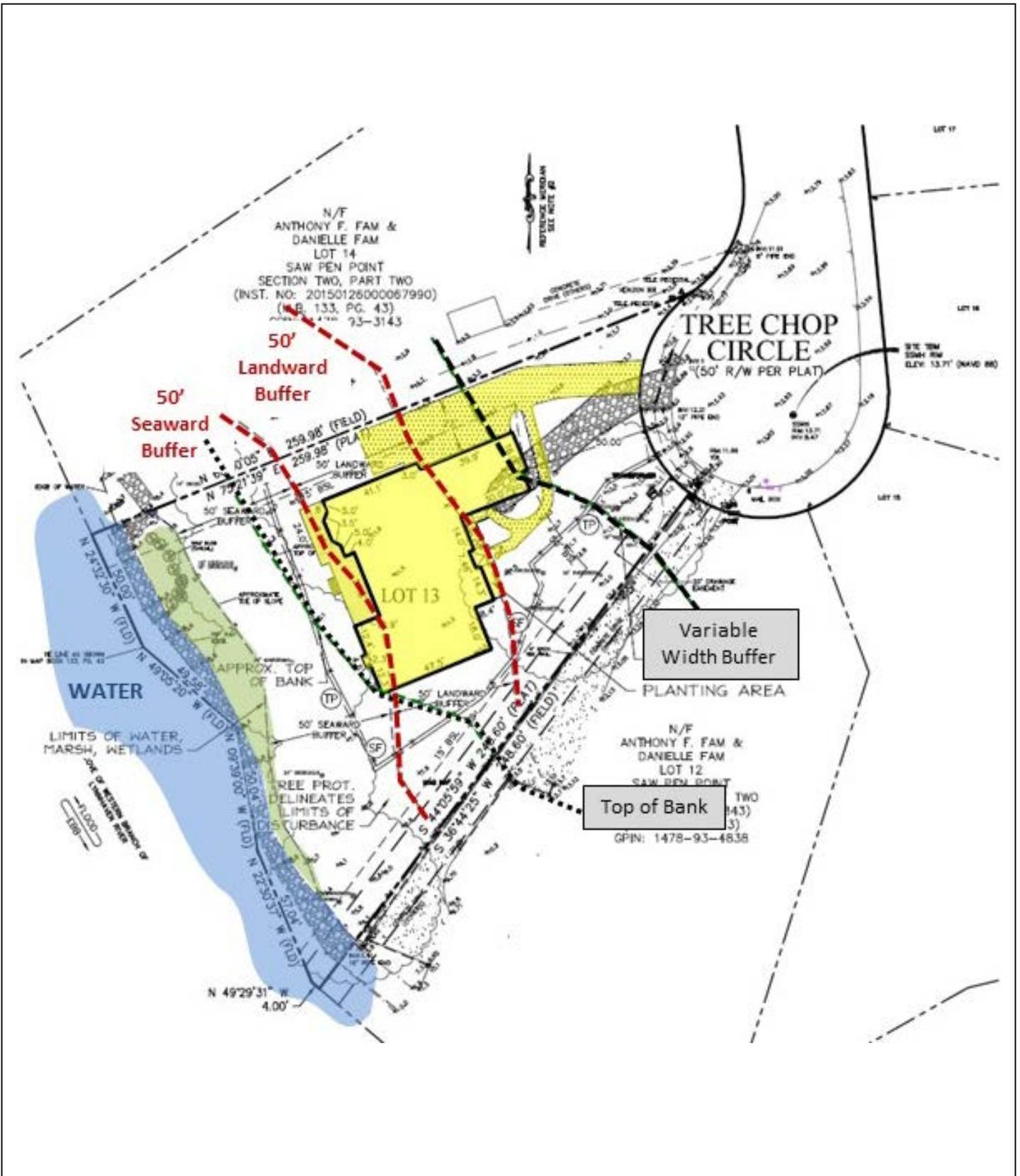


CBPA Exhibit – Existing Conditions





Revised CBPA Exhibit – Proposed Improvements





**APPLICANT'S NAME** Constance C. Saunders

**DISCLOSURE STATEMENT FORM**

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 board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

<b>Acquisition of Property by City</b>	<b>Disposition of City Property</b>	<b>Modification of Conditions or Proffers</b>
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

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.

**SECTION 1 / APPLICANT DISCLOSURE**

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 application(s).

<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	



Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Ms. Connie Saunders  
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>

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## SECTION 2 / PROPERTY OWNER DISCLOSURE

*Complete Section 2 only if property owner is different from Applicant.*

Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: Ms. Connie Saunders  
If an LLC, list the member's names:



If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the Property Owner: *(Attach 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.

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### SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



## APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Kellam Gerwitz, Inc.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

### SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

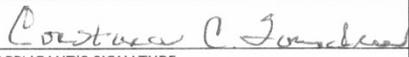
If yes, what is the name of the official or employee and what is the nature of the interest?



**CERTIFICATION:**

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 Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

		5-3-18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

\*Last 2 pages of the Disclosure Statement not provided – Applicant and Owner are the same.

Constance C. Saunders

Agenda Item 1

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Property Owners and Applicants **Patrick L. and Sheryl H. Reynolds**  
 Address **2421 Windward Shore Circle**  
 Public Hearing **August 27, 2018**  
 City Council District **Lynnhaven**

Agenda Item

**2**

The applicant is requesting to defer this application to the October 22, 2018 CBPA Board Public Hearing to allow additional time to address Staff's concerns. Staff supports the request to defer.

**Variance Request**

Encroachment into the Resource Protection Area (RPA) 50 foot seaward, 50 foot landward and variable width buffers– to redevelop and expand the existing swimming pool and patio.

**Variance History**

This variance request was deferred at the June 25, 2018 Chesapeake Bay Preservation Area (CBPA) Board Public Hearing to the August 27, 2018 CBPA Board Public Hearing

**Applicant's Agent**

Billy Garrington

**Staff Planner**

PJ Scully

**Lot Recordation**

9/3/1958  
 Map Book 45, Page 37

**GPIN**

1499-98-3029

**SITE AREA**

25,705 square feet or 0.590 acres

**SITE AREA OUTSIDE OF WATER/WETLANDS**

20,447 square feet or 0.469 acres

**EXISTING IMPERVIOUS COVER OF SITE**

7,323 square feet or 35.8 percent of site



AS NEEDED, PAGE LEFT BLANK



Property Owner **South Linkhorn Bay Trust, et. al.**  
Contract Purchaser **Stephen Alexander Homes**  
Address **Lot 196, N. Linkhorn Park Extended, York Lane**  
Public Hearing **August 27, 2018**  
City Council District **Lynnhaven**

Agenda Item

**3**

**Variance Request**

Consideration to modify Condition 1 of the November 25, 2002 Chesapeake Bay Preservation Area (CBPA) variance.

**Applicant's Agent**

Billy Garrington

**Staff Planner**

PJ Scully

**Lot Recordation**

2/18/1927

Map Book 8, Page 50

**GPIN**

2418-47-4423

**SITE AREA**

37,850 square feet or 0.87 acres

**SITE AREA OUTSIDE OF WATER/WETLANDS**

27,361 square feet or 0.63 acres

**EXISTING IMPERVIOUS COVER OF SITE**

0 square feet or 0 percent of site

**PROPOSED IMPERVIOUS COVER OF SITE**

4,780.8 square feet or 17.47 percent of site

**Area of Redevelopment in RPA**

0 square feet

**Area of New Development in RPA**

4,780.8 square feet

**Location of Proposed Impervious Cover**

50 foot Seaward Buffer

50 foot Landward Buffer

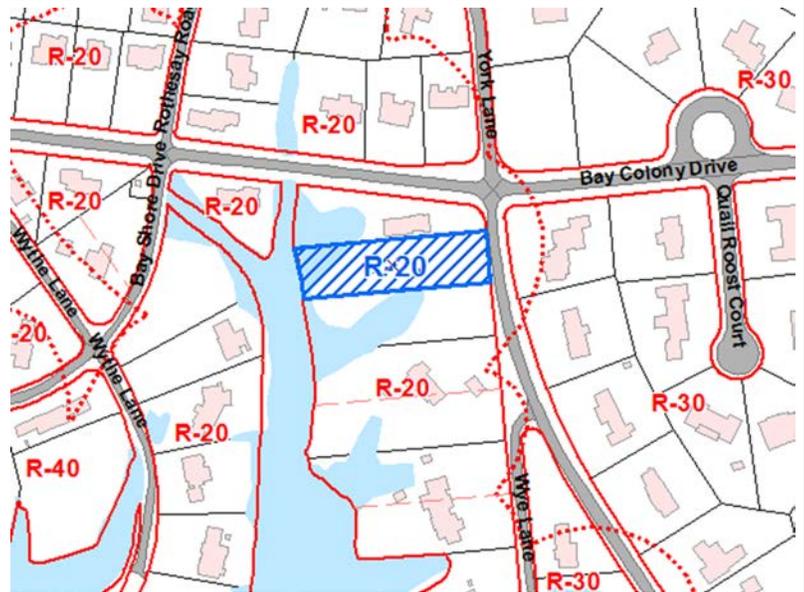
100 foot Variable Width Buffer

**AMOUNT OF LAND DISTURBANCE**

Greater than 2,500 square feet

**Staff Recommendation**

Approval as conditioned



## Summary of Proposal

### Demolition Details

- Undeveloped parcel

### Construction Details

- Single family residence with associated driveway and walks
  - A Board of Zoning Appeals (BZA) variance required for height and encroachment into the front yard setback
- Covered wood deck with paver patio
- Retaining wall – multiple locations

## CBPA Ordinance Variance History

This variance request was deferred at the July 23, 2018 Chesapeake Bay Preservation Area (CBPA) Board Public Hearing to the August 27, 2018 CBPA Board Public Hearing.

**On November 25, 2002, a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for this parcel to construction a single family residence with the following conditions:**

1. *\*\* No portion of any site improvement shall lie within 75' of the designated toe-of-slope / edge of water.*
2. *No portion of the residence or the stormwater management facility shall lie below the existing 5 foot contour elevation.*
3. *All stormwater from impervious cover shall be conveyed to structural stormwater management facilities.*
4. *As offered by the applicant, payment into the Lynnhaven River Oyster Heritage Program based on 25% of proposed impervious cover (789 sq. ft.) Said payment shall be made prior to, or concurrent with site plan approval and shall be in the amount of \$723.00. Said payment shall provide for the equivalent of an approximate 789 square foot, 12-inch deep oyster shell plant within the Lynnhaven River Basin.*
5. *Construction limits, 36" silt fence, shall lie a maximum of 15 feet outboard of improvements. Temporary construction fencing, acceptable to Civil Inspections shall be installed along and adjacent to said construction limits and shall remain in places during all phases of construction.*
6. *A preconstruction meeting is required with Civil Inspections prior to any land disturbance.*
7. *The residence shall be built into the slope with no perimeter fill.*
8. *Tree compensation shall be at a 1:1 ratio.*
9. *All area outboard of construction limits shall be left in a natural state, inclusive of forest floor / leaf litter left intact, and shall be so noted on the site plan.*
10. *If and when the shoreline is hardened, a riprap revetment shall be installed in lieu of a vertical retaining structure (bulkhead). Said condition shall be so noted on the site plan.*
11. *A revised site plan shall be submitted to the Department of Planning, Development Services Center for review and approval prior to the issuance of a building permit.*
12. *If a deck is constructed on the seaward side of the residence, it shall have under deck treatment installed and shall not be enclosed.*

**\*\*NOTE: It is understood that a retreat from wetland resources does not infer justification to permit setback variances. Said condition may warrant a reduction in the size of the residence or redesign.**

The November 25, 2002 Board granted variance has not been acted upon.

## Environmental Conditions

### Flood Zone

Multiple Zones – Zone X and AE, Base Flood Elevation (BFE): 7

### Soil Type(s)

State Series (deep, well-drained soils) located above the top of bank

Rumford Series (highly erodible soils) located below the top of bank

### Shoreline

Shoreline is in a natural state. Maintenance should be performed to remove the fallen canopy tree within the adjacent tidal cove, limb up low hanging branches shading existing tidal marsh, and remove invasive plant species – specifically *Smilax rotundifolia* (Roundleaf Greenbrier).

### Riparian Buffer

Heavily wooded, undeveloped parcel

- Number of existing canopy trees requested for removal within the RPA: 38
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 0
- Evaluation of existing tree removal request: Trees being requested for removal are associated with the area of land disturbance for the construction of the proposed improvements. All trees outboard are shown as being preserved.

## Evaluation and Recommendation

The proposed improvements associated with this variance request have not been modified from those that were represented as the CBPA Exhibit – proposed improvements in the July 23<sup>rd</sup>, 2018 CBPA Board Staff report.

The Staff write-up from the July 23, 2018 CBPA Board Staff report was as follows.

*“This variance request has been submitted for a reconsideration to Condition 1 of the November 25, 2002 Chesapeake Bay Preservation Area (CBPA) variance – “No portion of any site improvement shall lie within 75' of the designated toe of slope/edge of water.” As stated at the end of the 2002 CBPA variance conditions, “It is understood that a retreat from wetland resources does not infer justification to permit setback variances. Said condition may warrant a reduction in the size of the residence or redesign.” Staff is unaware of any reduction in the size of the residence or redesign of the proposed improvements from that which was presented to the CBPA Board at the time of the November 2002 CBPA Public Hearing.*

*Staff met with the applicant and applicant’s agent several times regarding the request to eliminate Condition 1 and indicated during those meetings that Staff is not supportive of an increase in impervious cover nor supportive of further encroachment seaward than what was presented to the Board in 2002. To accommodate Staff’s position of no further encroachment seaward, the applicant has shifted the proposed improvements landward, which will require approval by the Board of Zoning Appeals (BZA) for a front yard setback variance for both the proposed front*

South Linkhorn Bay Trust, et. al.

Agenda Item 3

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porch and a portion of the proposed garage (an approximate 3 ½ feet encroachment). It should be noted that the initial application submitted in June indicated that a BZA variance for the proposed height of the dwelling would be pursued, and the initial variance request noted the need for the variance on the exhibit. The applicant has also reduced the size of the rear patio. The increase in impervious cover is deemed necessary by the applicant due to a defined architectural footprint for the proposed primary structure with associated porches, as well as an increase in the width of the driveway to provide for adequate access and off-street parking. While the applicant has reduced the amount of impervious cover within the 50 foot seaward buffer by approximately 318 square feet, the overall impervious cover of the variance request has increased by 852 square feet from the 2002 CBPA Board exhibit. As for Condition 1, the strict application of “No portion of any site improvement shall lie within 75' of the designated toe of slope/edge of water” reduces the amount of overall buildable area from 3,928 square feet to 2,812 square feet, of which the dimensions of said buildable area measured from the 50 foot front yard setback is approximately 15 feet along the southern portion of the parcel and 54 feet along the northern portion of the parcel, resulting in an awkward “building envelop.”

The applicant’s agent has provided the following comments with respect to the findings of the CBPA Ordinance.

- 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 because *“this subdivision was recorded many years prior to the adoption of the Bay Act and as a result every waterfront home is significantly impacted by the ordinance. Since the enactment in 1991 numerous homes have made similar variance requests and been granted so the approval of this request will in no way confer any special privilege to the current owners.”* Staff respects the applicant’s position; however, Staff is concerned that if approved, this variance request as submitted addresses the applicant’s desire to develop the parcel for sale on a speculative basis, but may result in a subsequent variance request by the final purchaser of the parcel unaware of the discussion and conditions regarding this second variance request.
- 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; *“the buffer zones being made a part of the Bay Act and **these houses** were already in place when it was enacted and the hardship that is now on these properties will never go away.”* Staff adds that this parcel was platted in 1927, prior to the adoption of the Chesapeake Bay Preservation Act and the City’s CBPA Ordinance, therefore placing portions of this property within the 100 foot RPA and the entire parcel within the RPA, as delineated by the City’s variable width buffer.
- 3) The applicant’s agent provides that *“the minimum necessary is a very arbitrary concept but the Board has routinely granted variances with the understanding that the total impervious cover not exceed 30% of the land area which leaves a significant amount of land to be used for buffer restoration and bioretention beds.”* While this variance request is less than 20 percent overall impervious cover of the parcel, Staff is of the opinion that the minimum necessary to afford relief is more in harmony with the proposed improvements associated with the 2002 CBPA variance.
- 4) The applicant’s agent provides that *“the purpose and intent of the ordinance is simply water quality, to prevent pollution on the Bay as a result of non-point source pollution. Most of these homes currently have no storm water treatment on site. As a result of this variance request the owner will install bioretention beds, buffer restoration in areas currently devoted to turf and even off-site treatment via the Lynnhaven Oyster Heritage Program all to benefit water quality.”* Given the size of the parcel, the proximity of the proposed improvements to tidal features, and the parcel being completely in a natural state, Staff is of the opinion that the future property owner’s maintenance of the site and the applicant’s adherence to

construction practices designed to protect the sensitive natural resources on the site will be the ultimate measurement for whether this request will be injurious to the neighborhood, not detrimental to water quality, or otherwise detrimental to the public welfare. The applicant and applicant's agent should address the Board regarding Staff's recommended conditions pertaining to the overall maintenance of the site during construction and how the construction activities and tradesman will be managed as to not provide any additional encroachment or detriment to the remaining portions of riparian buffer to be preserved.

- 5) As a means to manage towards a no net increase in nonpoint source pollution load; *“strict erosion and sedimentation control measures do more to halt non-point source pollution, stock piling materials on existing hard surfaces, single point access way and revegetating any denuded areas all help to limit pollution from entering the adjacent waters.”* Staff has provided specific recommended conditions regarding the potential development of this parcel specific to erosion and sediment control requirements, stormwater requirements, and long term performance standards, such as permeable pavement systems.

As submitted, Staff has expressed concern to the applicant regarding the future sale of this parcel. Given that the environmental features of the parcel encumber all of the uplands, and that the proposed improvements requested by the applicant, specifically the rear patio area being minimized to avoid encroachment within the buffer to the greatest extent practicable, Staff would not support any additional encroachment by future variance requests. Staff has attempted to address this concern, within the recommended conditions below, condition 21 that disclosure to the contract purchaser and any agent of the contract purchaser the content of this Staff report and conditions to any and all potential purchasers of this parcel prior to the sale of the parcel.

Should the Board desire to consider granting this variance request, Staff offers the following 23 recommended conditions relative to the performance standards of the CBPA Ordinance specific to this variance request, as a means towards preventing the variance from causing or contributing to a degradation of water quality.

## Recommended 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 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 and shall be staked in the field by the Engineer of Record and reviewed with the Civil Inspector at the pre-construction meeting.**
4. 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.**
5. The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. Said construction access way, staging area, stockpiling area and contractor parking shall be within the delineated construction limits and the number of parking spaces provided for contractor parking noted on the site plan.

6. Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline 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. **Said protective barriers shall be staked in the field by the Engineer of Record and reviewed with the Civil Inspector at the pre-construction meeting.**
7. No trees outboard of the silt fence / limits of disturbance as shown on the CBPA Exhibit shall be removed. Any additional requests for tree removal shall be reviewed and approved by the CBPA Board.
8. A certified arborist report shall be provided for review during the site plan review process. Said report shall provide written verification as to the disposition of the residual riparian buffer, those portions of the riparian buffer to be restored, minimal pruning and shoreline maintenance practices, and the methodology for the removal of the fallen tree within the tidal cove. Said arborist report shall provide the necessary requirements to ensure that construction activity is not detrimental to the remaining riparian buffer before, during and after the project is complete.
9. 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.
10. 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.
11. 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, and turf zones. Said buffer restoration shall be in substantial compliance with the Buffer Restoration Plan provided as a component of the CBPA Exhibit.
12. Only the eastern portion of the parcel, landward of the proposed single family residence front wall shall be devoted to turf for this parcel. All remaining impervious area shall be areas of buffer restoration. Buffer restoration areas 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 Department of Conservation & Recreation, Chesapeake Bay Local Assistance to the greatest extent practicable.  
  
The required 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. The Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.

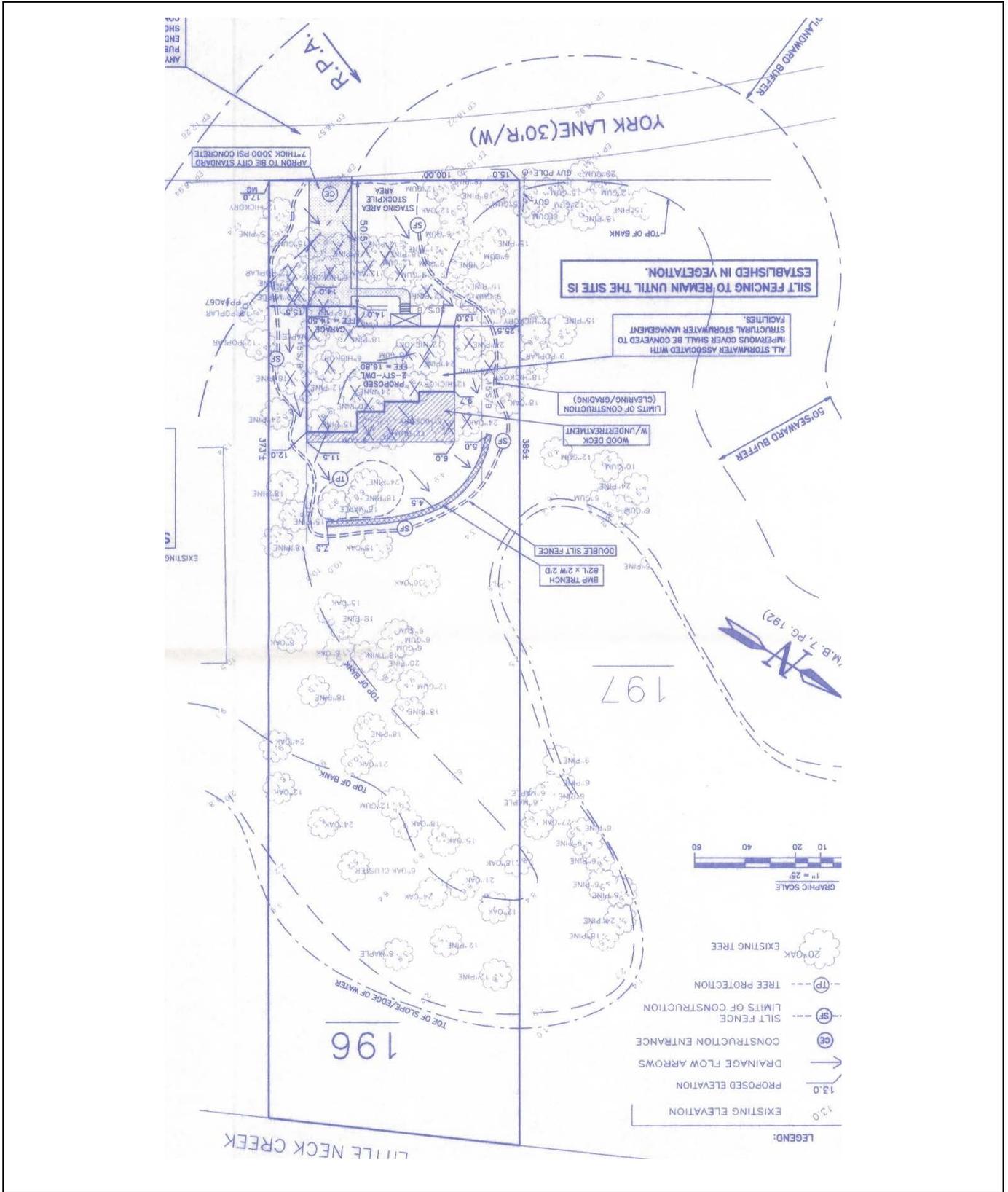
14. All proposed Best Management Practices (BMPs) shall be landward of the 7 foot contour, as shown on the CBPA Exhibit.
15. The proposed 4 foot wide mulch pathway to the edge of water shall be an at-grade pathway. There shall be no excavation or disturbance of the existing riparian buffer canopy tree root system.
16. The proposed covered porches, both front and rear shall be constructed as an open-pile structure with under deck treatment of sand and gravel installed under both structures.
17. The proposed driveway shall be constructed of a permeable pavement system. A detail of the specific permeable paver system and subbase construction shall be provided site plan submitted to the Development Services Center for review and approval.
18. No perimeter fill, other than the minimum necessary to facilitate positive drainage away from the proposed improvements is authorized outboard or seaward of the proposed improvements. There shall be no grading or fill material placed below or seaward of the CBPA Exhibit's delineated Top of Bank (TOB) feature.
19. If and when a stabilization of the shoreline is addressed, the preferred stabilization method shall be in harmony with the Center for Coastal Resources Management Preferred Shoreline BMP recommendations for this parcel. If an alternative is desired that encroaches into the existing tidal shoreline or alters the existing shoreline habitat, CBPA Board review will be required.
20. \*\*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 \$1,095.41 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall provide for an oyster shell plant within the Lynnhaven River Basin.
21. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.
22. The conditions and approval associated with this variance are based on the exhibit plan dated July 12, 2018, prepared by Gallup Surveyors and Engineers, signed July 12, 2018 by Bruce Gallup. 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.
23. The contract purchaser and any agent of the contract purchaser shall disclose the content of Staff report and conditions of this CBPA variance, to any and all potential purchasers of this parcel prior to the sale of the parcel from the applicant.

\*\* NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

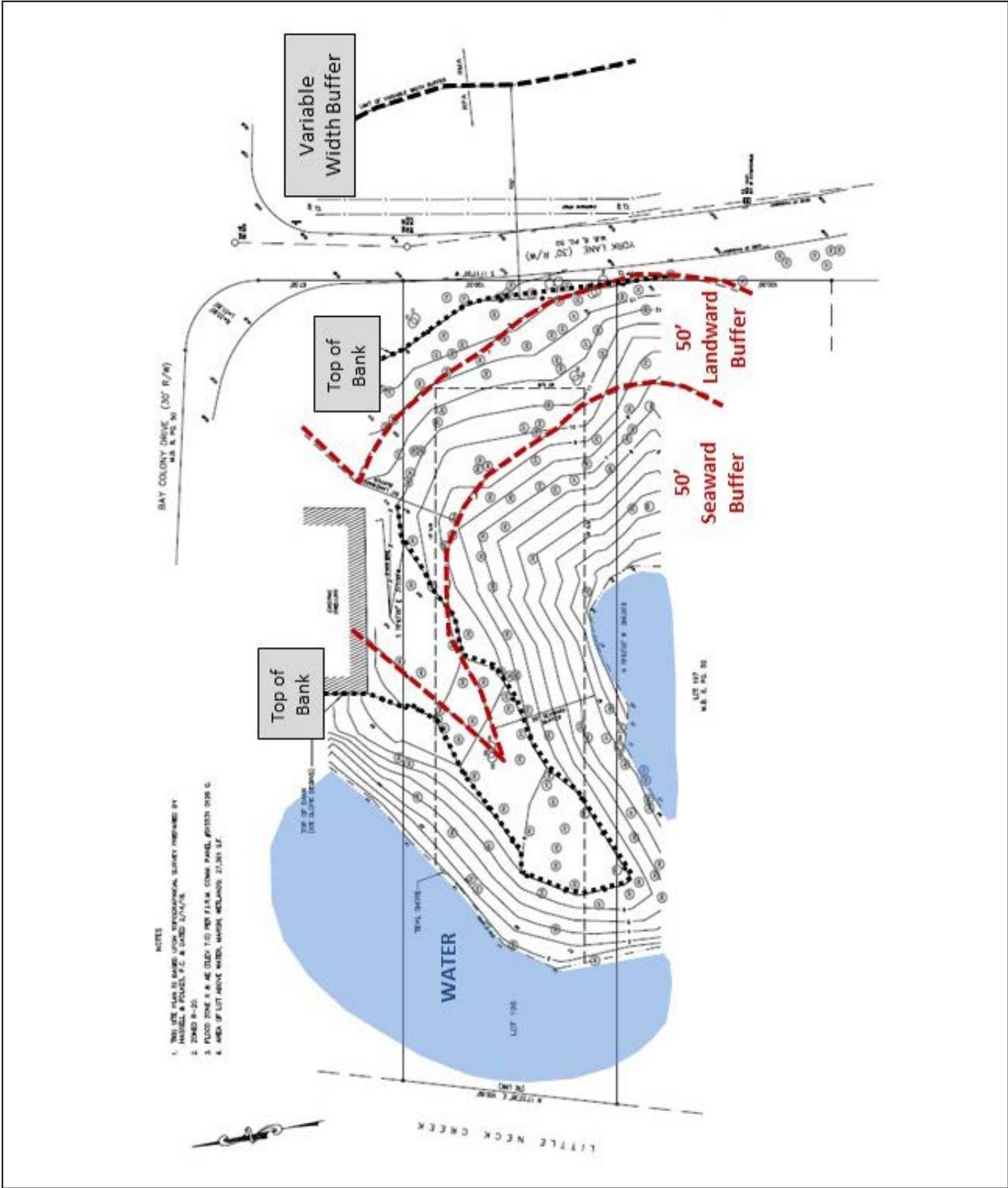
\*\*\*NOTE: The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section 113(E) of the Chesapeake Bay Preservation Area Ordinance.

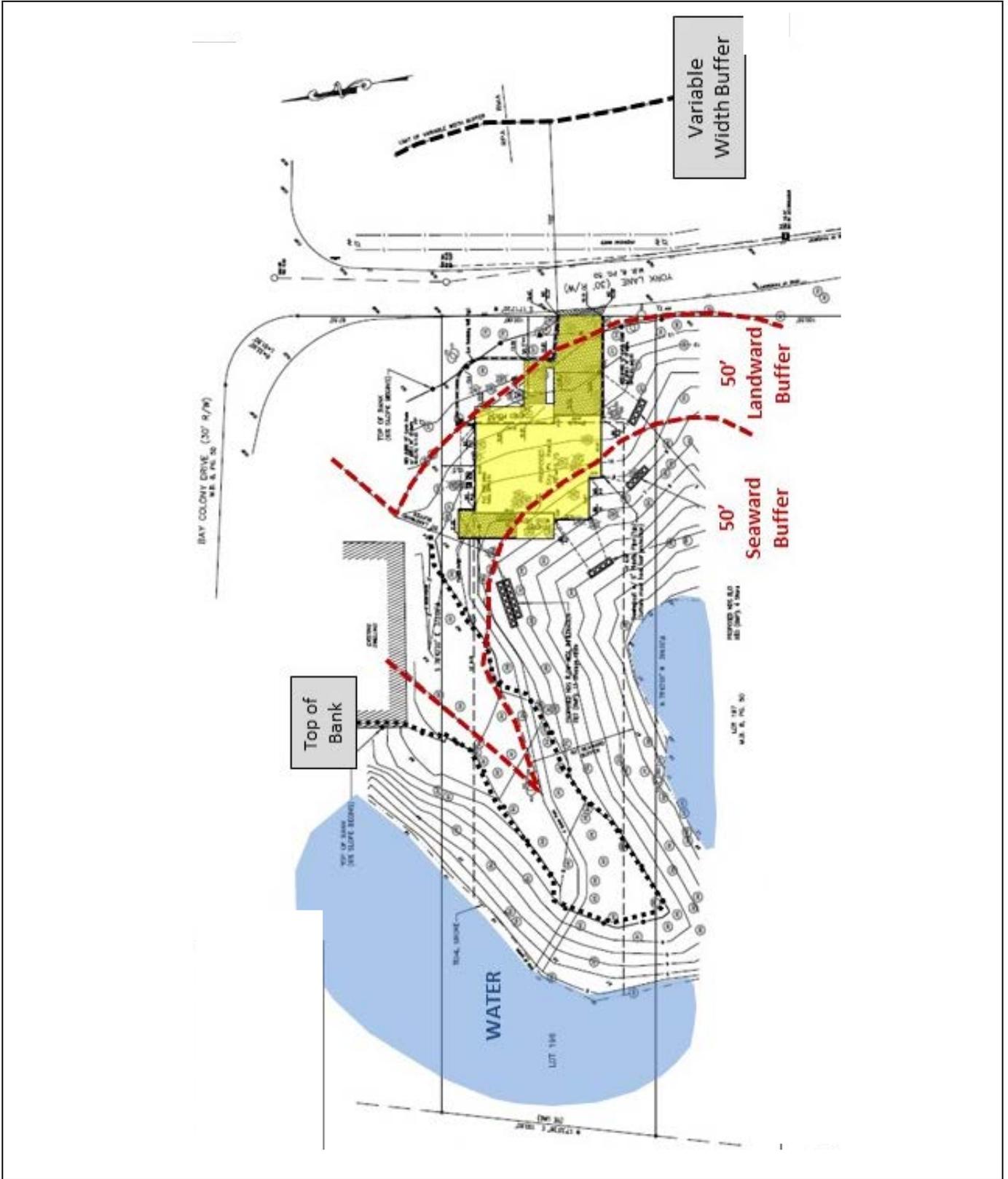
Site Aerial





# CBPA Exhibit – Existing Conditions





The Disclosure Statements for both Agenda Item 3 and Agenda Item 4 may be found at the end of this Staff Report.



Property Owner **South Linkhorn Bay Trust, et. al.**  
 Contract Purchaser **Stephen Alexander Homes**  
 Address **Lot 197, N. Linkhorn Park Extended, York Lane**  
 Public Hearing **August 27, 2018**  
 City Council District **Lynnhaven**

Agenda Item

**4**

**Variance Request**

Consideration to modify Condition 7 of the December 23, 2002 Chesapeake Bay Preservation Area (CBPA) variance.

**Applicant's Agent**

Billy Garrington

**Staff Planner**

PJ Scully

**Lot Recordation**

2/18/1927

Map Book 8, Page 50

**GPIN**

2418-47-4336

**SITE AREA**

37,950 square feet or 0.89 acres

**SITE AREA OUTSIDE OF WATER/WETLANDS**

15,954 square feet or 0.37 acres

**EXISTING IMPERVIOUS COVER OF SITE**

0 square feet or 0 percent of site

**PROPOSED IMPERVIOUS COVER OF SITE**

3,788.9 square feet or 23.8 percent of site

**Area of Redevelopment in RPA**

0 square feet

**Area of New Development in RPA**

3,788.9 square feet

**Location of Proposed Impervious Cover**

50 foot Seaward Buffer

50 foot Landward Buffer

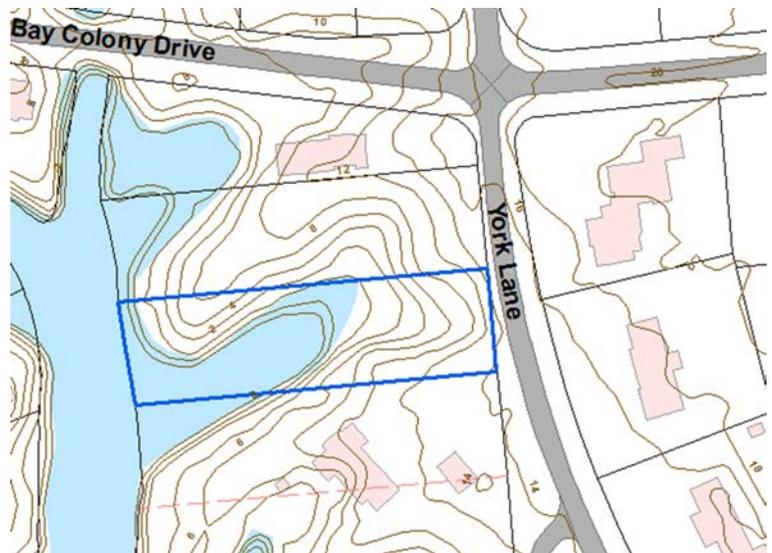
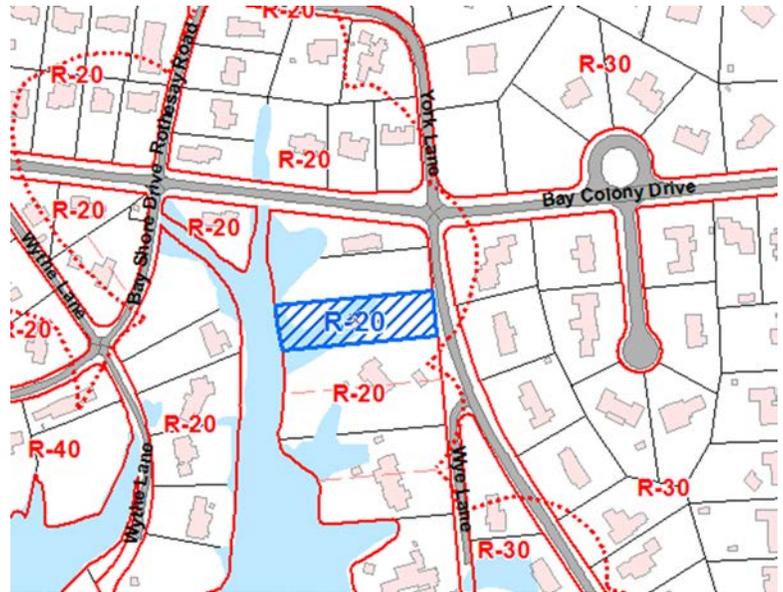
100 foot Variable Width Buffer

**AMOUNT OF LAND DISTURBANCE**

Greater than 2,500 square feet

**Staff Recommendation**

Deny as submitted



## Summary of Proposal

### Demolition Details

- Undeveloped parcel

### Construction Details

- Single family residence with associated driveway and walks
  - A Board of Zoning Appeals (BZA) variance required for height and encroachment into the front yard setback
- Covered wood deck
- Retaining wall – multiple locations

## CBPA Ordinance Variance History

This variance request was deferred at the July 23, 2018 Chesapeake Bay Preservation Area (CBPA) Board Public Hearing to the August 27, 2018 CBPA Board Public Hearing.

**On December 23, 2002, a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for this parcel to construction a single family residence with the following conditions:**

1. *Dual erosion and sedimentation control devices shall be installed prior to any land disturbance and shall be maintained until such time as vegetative cover is established. In addition, a temporary heavy-duty construction fence, acceptable to Civil Inspections, shall be installed adjacent to said E&S Controls and shall remain in place during all phases of construction.*
2. *The project shall be built into the slope. No perimeter fill will be permitted.*
3. *If and when the shoreline is hardened, a rip-rap revetment shall be installed in lieu of a vertical retaining structure (bulkhead). Said condition shall be so noted on the site plan.*
4. *Under deck treatment of sand and gravel shall be installed.*
5. *Stormwater from all impervious cover shall be conveyed to structural stormwater management facilities.*
6. *Construction limits shall lie a maximum of 15' outboard of improvements.*
7. *Structural improvements shall lie no less than 60 feet from the most landward depiction of toe of slope, edge of water.*
8. *Payment into the Lynnhaven Oyster Heritage Program shall be made prior to or concurrent with site plan approval. Said payment shall be based on 25% of the proposed impervious cover (638 square feet) and shall be in the amount of \$585.59. Payment will provide for an approximate 638 square foot, 12 inch deep oyster shell plant within the Lynnhaven River Basin.*
9. *All areas outside construction limits shall be left in a natural state, inclusive of the forest floor (leaf litter) left intact. Said conditions shall be so noted on the site plan.*
10. *Tree compensation shall be at a 1:1 ratio. A minimum of 15 trees shall be installed.*
11. *A pre-construction meeting is required with Civil Inspections prior to any land disturbance.*

12. A revised site plan shall be submitted to the Department of Planning, Development Services Center for review and approval prior to the issuance of a building permit.

The December 23, 2002 Board granted variance has not been acted upon.

## Environmental Conditions

### Flood Zone

Multiple Zones – Zone X and AE, Base Flood Elevation (BFE): 7

### Soil Type(s)

State Series (deep, well-drained soils) located above the top of bank

Rumford Series (highly erodible soils) located below the top of bank

### Shoreline

Shoreline is in a natural state. Maintenance should be performed to remove the fallen canopy tree within the adjacent tidal cove, limb up low hanging branches shading existing tidal marsh, and remove invasive plant species – specifically *Smilax rotundifolia* (Roundleaf Greenbrier).

### Riparian Buffer

Heavily wooded, undeveloped parcel

- Number of existing canopy trees requested for removal within the RPA: 31
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 0
- Evaluation of existing tree removal request: Trees being requested for removal are associated with the area of land disturbance for the construction of the proposed improvements. All trees outboard are shown as being preserved.

## Evaluation and Recommendation

Staff write-up from the July 23, 2018 CBPA Board staff report.

*“This variance request has been submitted for a reconsideration to Condition 7 of the December 23, 2002 Chesapeake Bay Preservation Area (CBPA) variance – “Structural improvements shall lie no less than 60 feet from the most landward depiction of toe of slope, edge of water.” Initially, the current CBPA variance for this parcel was heard in November of 2002 with the adjoining parcel, Lot 196. At that time, the variance request for this parcel, Lot 197, was deferred and a modified CBPA exhibit presented to the CBPA Board. The revised CBPA exhibit was approved in December of 2002 however, Staff has evaluated both the November and December CBPA exhibits presented against condition 7 of the December 2002 variance and neither exhibits comply with the condition 7.*

*Staff met with the applicant and applicant’s agent several times regarding the request to eliminate Condition 7 and indicated during those meetings that Staff is not supportive of an increase in impervious cover nor supportive of further encroachment seaward than what was presented to the Board in November of 2002. To accommodate Staff’s position of no further encroachment seaward, the applicant has shifted the proposed improvements landward, which will require approval by the Board of Zoning Appeals (BZA) for a front yard setback variance for both the proposed front porch and a portion of the proposed single family residence – approximately a 4 foot further encroachment from the initial submittal. It should be noted that the initial application submitted in June indicated that a BZA variance for the proposed height of the dwelling and front yard setback would be pursued, and the initial variance*

South Linkhorn Bay Trust, et. al.

Agenda Item 4

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*request noted the need for the variance on the exhibit. As stated with the previous agenda item, the increase in impervious cover, associated with this variance request is deemed necessary by the applicant due to a defined architectural footprint for the proposed primary structure with associated porches, as well as an increase in the width of the driveway to provide for adequate access and off-street parking. While the applicant has reduced the amount of impervious cover within the 50 foot seaward buffer by approximately 458 square feet, the overall impervious cover of the variance request has increased by 1,384 square feet from the December 2002 CBPA Board exhibit. As for Condition 7, the strict application of no “structural improvements shall lie no less than 60 feet from the most landward depiction of toe of slope, edge of water” reduces the amount of overall buildable area from 3,433 square feet to 2,848 square feet.*

*Although the conditions of the December 2002 CBPA variance impose strict development criteria on this parcel, Staff is of the opinion that just because this parcel was platted prior to the adoption of the City’s CBPA Ordinance and Subdivision Ordinance that the development of the parcel should not solely be debated over the adoption date of these Ordinances but rather the fact that there is approximately 14,200 square feet of upland present from the delineated seaward limits of the 50 foot seaward buffer to the front property line on the R20 parcel.”*

The revised CBPA exhibits represents a 1,028 square foot reduction in the amount of impervious cover presented in the July 2018 Staff Report. However, this revised CBPA exhibit represents a 653 square feet increase in impervious cover above the 2002 CBPA Board approval and also encroaches further into the RPA by approximately 463 square feet. Staff again would like to bring attention that this request, and all prior requests for Lot 197, do not comply with condition 7 of the December 23, 2002 CBPA variance. While Staff commends the applicant for providing a revised CBPA exhibit that reduces the amount of impervious cover and associated land disturbance associated with the proposed improvements presented in the July 2018 CBPA Staff Report, Staff remains of the opinion that just because this parcel was platted prior to the adoption of the City’s CBPA Ordinance and Subdivision Ordinance that the development of the parcel should not solely be debated over the adoption date of these Ordinances, but rather the fact that there is approximately 14,200 square feet of upland present from the delineated seaward limits of the 50 foot seaward buffer to the front property line on the R20 parcel. Staff questions the wisdom of developing this parcel with an approximately 2,245 square foot footprint for a single family residence given the limited amount of uplands with the majority of the parcel’s topography having greater than 6 percent slopes. However, for the Board’s deliberation, the applicant’s agent has provided comments relative to the findings of the CBPA Ordinance specific to this variance request, and believes that the redesign of the proposed improvements will be in harmony with the purpose and intent of the CBPA Ordinance based on the following.

- 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 because *“this subdivision was recorded many years prior to the adoption of the Bay Act and as a result every waterfront home is significantly impacted by the ordinance. Since the enactment in 1991 numerous homes have made similar variance requests and been granted so the approval of this request will in no way confer any special privilege to the current owners.”*
- 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; *“the buffer zones being made a part of the Bay Act and these houses were already in place when it was enacted and the hardship that is now on these properties will never go away.”*
- 3) The applicant’s agent provides that *“the minimum necessary is a very arbitrary concept but the Board has routinely granted variances with the understanding that the total impervious cover not exceed 30% of the land area which leaves a significant amount of land to be used for buffer restoration and bioretention beds.”*

- 4) The applicant's agent provides that *"the purpose and intent of the ordinance is simply water quality, to prevent pollution on the Bay as a result of non-point source pollution. Most of these homes currently have no storm water treatment on site. As a result of this variance request the owner will install bioretention beds, buffer restoration in areas currently devoted to turf and even off-site treatment via the Lynnhaven Oyster Heritage Program all to benefit water quality."*
- 5) As a means to manage towards a no net increase in nonpoint source pollution load; *"strict erosion and sedimentation control measures do more to halt non-point source pollution, stock piling materials on existing hard surfaces, single point access way and revegetating any denuded areas all help to limit pollution from entering the adjacent waters."*

Should the Board desire to consider granting this variance request, Staff offers the following 22 recommended conditions relative to the performance standards of the CBPA Ordinance specific to this variance request, as a means towards preventing the variance from causing or contributing to a degradation of water quality.

## Recommended 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 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 and shall be staked in the field by the Engineer of Record and reviewed with the Civil Inspector at the pre-construction meeting.**
4. 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.**
5. The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. Said construction access way, staging area, stockpiling area and contractor parking shall be within the delineated construction limits and the number of parking spaces provided for contractor parking noted on the site plan.
6. Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline 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. **Said protective barriers shall be staked in the field by the Engineer of Record and reviewed with the Civil Inspector at the pre-construction meeting.**
7. No trees outboard of the silt fence / limits of disturbance as shown on the CBPA Exhibit shall be removed. Any additional requests for tree removal shall be reviewed and approved by the CBPA Board.

8. A certified arborist report shall be provided for review during the site plan review process. Said report shall provide written verification as to the disposition of the residual riparian buffer, those portions of the riparian buffer to be restored, minimal pruning and shoreline maintenance practices, and the methodology for the removal of the fallen tree within the tidal cove. Said arborist report shall provide the necessary requirements to ensure that construction activity is not detrimental to the remaining riparian buffer before, during and after the project is complete.
9. 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.
10. 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.
11. 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, and turf zones. Said buffer restoration shall be in substantial compliance with the Buffer Restoration Plan provided as a component of the CBPA Exhibit.
12. Only the eastern portion of the parcel, landward of the proposed single family residence front wall shall be devoted to turf for this parcel. All remaining impervious area shall be areas of buffer restoration. Buffer restoration areas 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 Department of Conservation & Recreation, Chesapeake Bay Local Assistance to the greatest extent practicable.

The required 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. The Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
14. The proposed covered porches, both front and rear shall be constructed as an open-pile structure with under deck treatment of sand and gravel installed under both structures.
15. The proposed 4 foot wide mulch pathway to the edge of water shall be an at-grade pathway. There shall be no excavation or disturbance of the existing riparian buffer canopy tree root system.
16. The proposed driveway shall be constructed of a permeable pavement system. A detail of the specific permeable paver system and subbase construction shall be provided site plan submitted to the Development Services Center for review and approval.

17. No perimeter fill, other than the minimum necessary to facilitate positive drainage away from the proposed improvements is authorized outboard or seaward of the proposed improvements. There shall be no grading or fill material placed below or seaward of the CBPA Exhibit's delineated Top of Bank (TOB) feature.
18. If and when a stabilization of the shoreline is addressed, the preferred stabilization method shall be in harmony with the Center for Coastal Resources Management Preferred Shoreline BMP recommendations for this parcel. If an alternative is desired that encroaches into the existing tidal shoreline or alters the existing shoreline habitat, CBPA Board review will be required.
19. \*\*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 \$868.08 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall provide for an oyster shell plant within the Lynnhaven River Basin.
20. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.
21. The conditions and approval associated with this variance are based on the exhibit plan dated August 1, 2018, prepared by Gallup Surveyors and Engineers, signed August 1, 2018 by Bruce Gallup. 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.
22. The contract purchaser and any agent of the contract purchaser shall disclose the content of Staff report and conditions of this CBPA variance, to any and all potential purchasers of this parcel prior to the sale of the parcel.

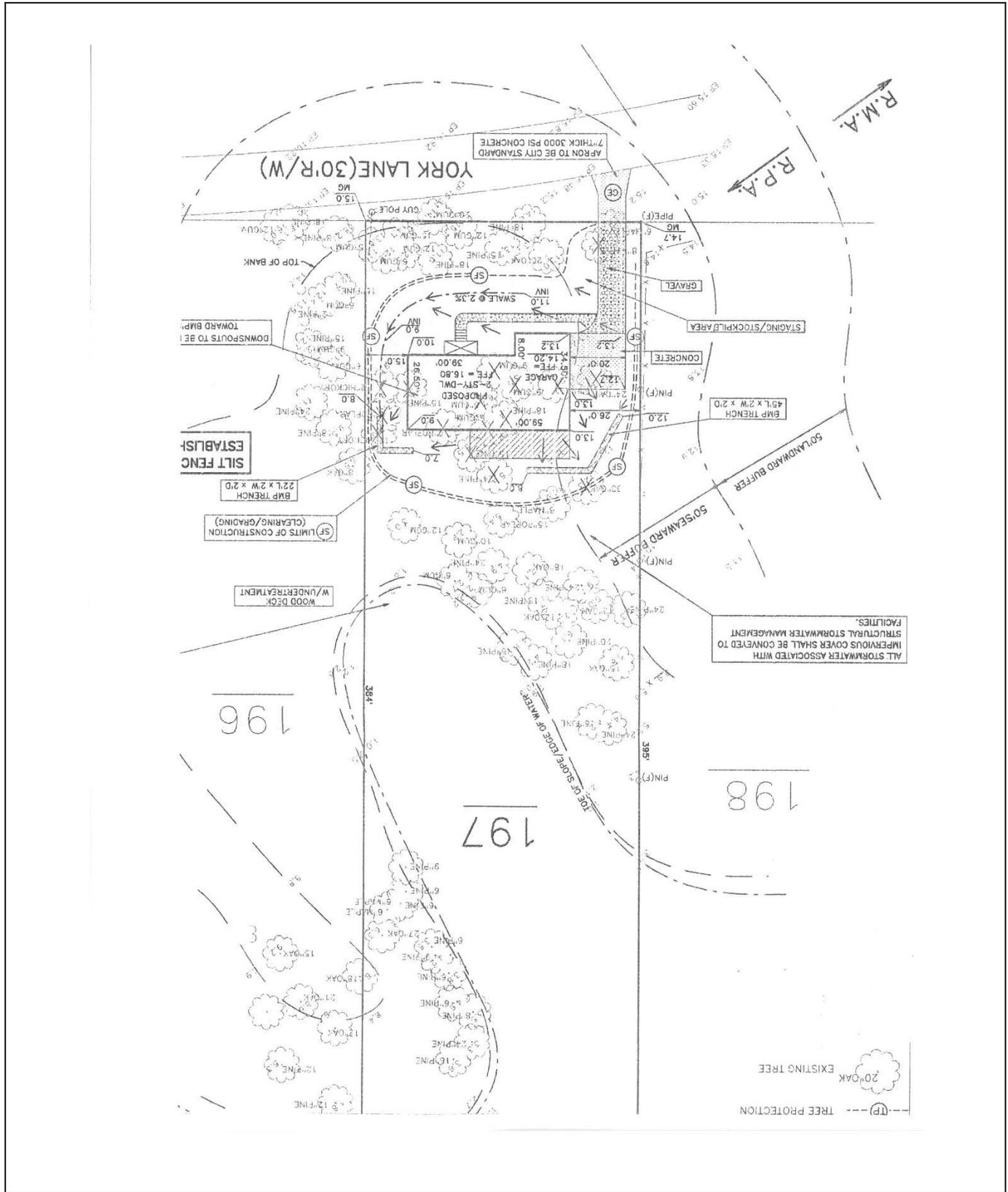
\*\* NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

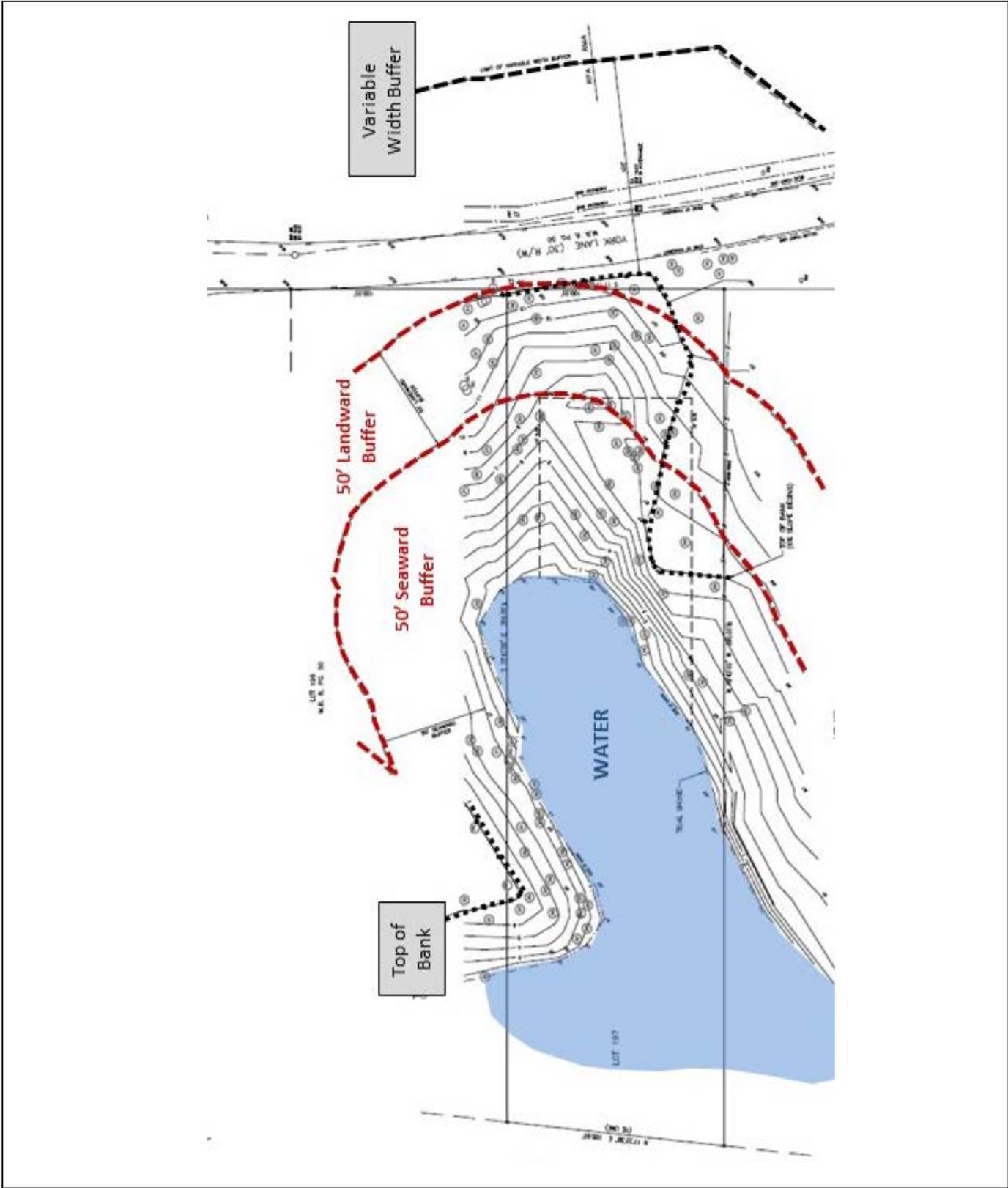
\*\*\*NOTE: The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section 113(E) of the Chesapeake Bay Preservation Area Ordinance.

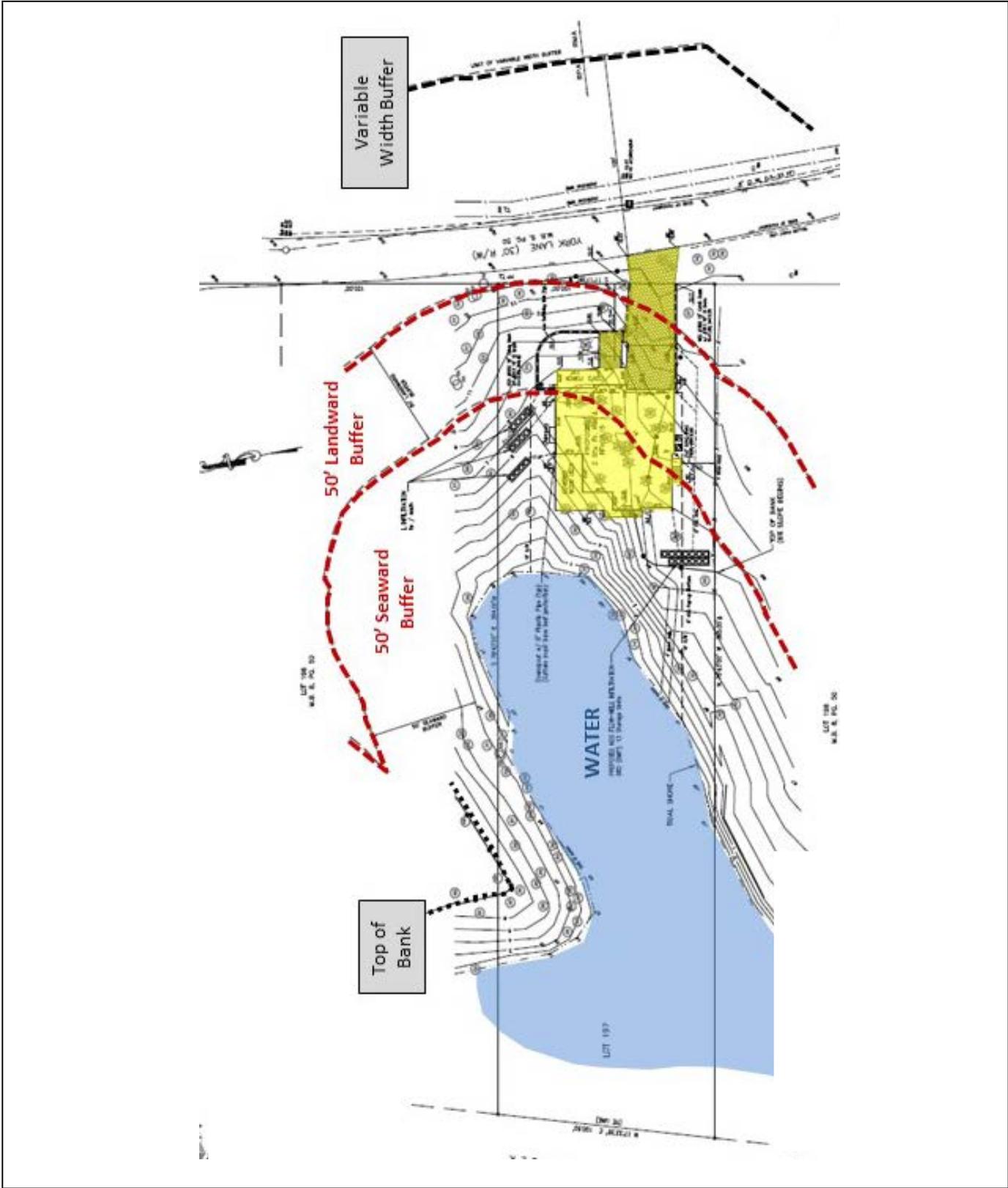
Site Aerial



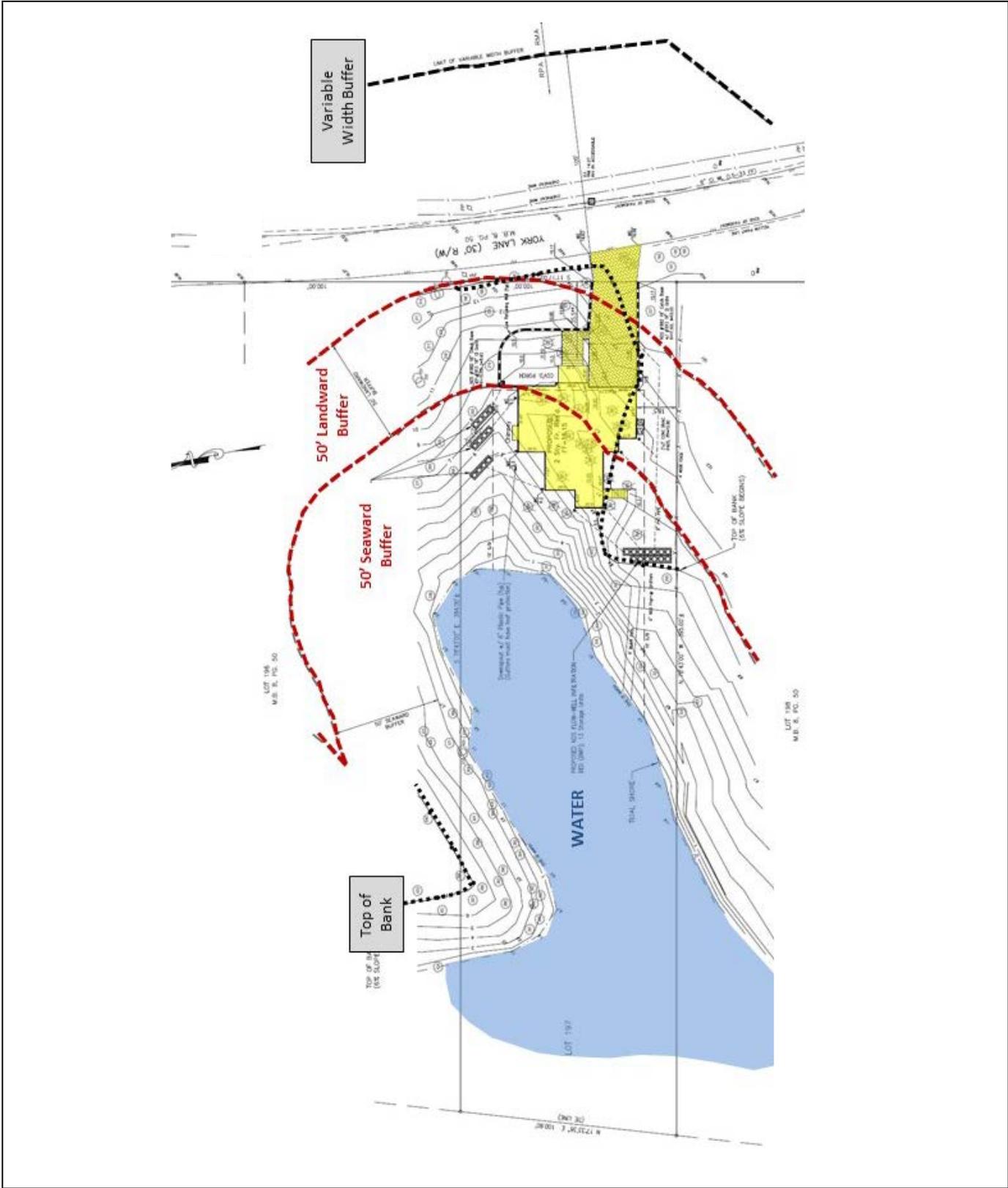








# Revised CBPA Exhibit – Proposed Improvements



The Disclosure Statements for both Agenda Item 3 and Agenda Item 4 may be found at the end of this Staff Report.

**Variance Request**

Encroachment into the Resource Protection Area (RPA) to construct a new single family residence with swimming pool, and circular driveway.

**Applicant's Agent**

Billy Garrington

**Staff Planner**

PJ Scully

**Lot Recordation**

10/8/1959

Map Book 48, Page 19

**GPIN**

1498-51-9219

**SITE AREA**

62,138 square feet or 1.43 acres

**SITE AREA OUTSIDE OF WATER/WETLANDS**

34,391 square feet or 0.78 acres

**EXISTING IMPERVIOUS COVER OF SITE**

0 square feet or 0 percent of site

**PROPOSED IMPERVIOUS COVER OF SITE**

9,710.4 square feet or 28.2 percent of site

**Area of Redevelopment in RPA**

0 square feet

**Area of New Development in RPA**

9,246.4 square feet

**Location of Proposed Impervious Cover**

50 foot Seaward Buffer

50 foot Landward Buffer

100 foot Variable Width Buffer

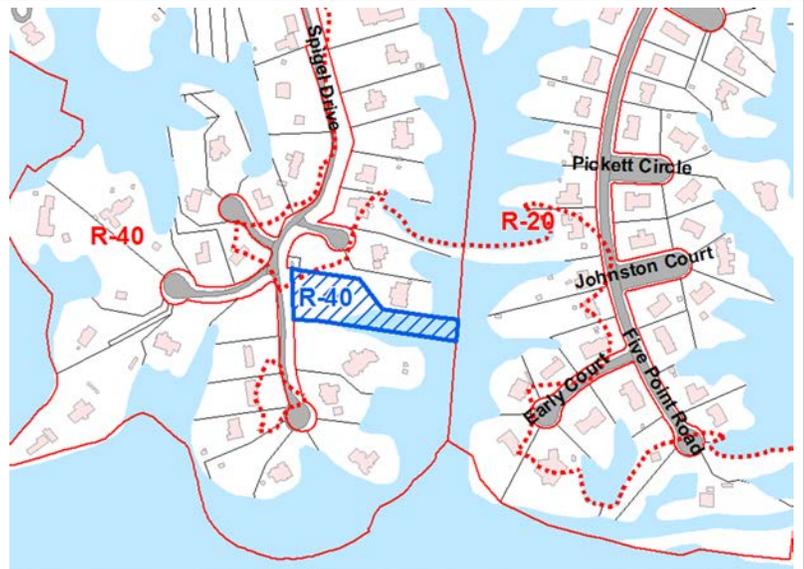
Resource Management Area (RMA)

**AMOUNT OF LAND DISTURBANCE**

Greater than 2,500 square feet

**Staff Recommendation**

Approval as conditioned



## Summary of Proposal

### Demolition Details

- Undeveloped parcel

### Construction Details

- Single family residence with associated walkways
- Swimming pool with equipment
- Circular driveway with associated retaining wall

## CBPA Ordinance Variance History

No Chesapeake Bay Preservation Area (CBPA) Board variance history to report.

## Environmental Conditions

### Flood Zone

Multiple Zones – X and AE, Base Flood Elevation (BFE): 7

### Soil Type(s)

Yeopim Series (deep and moderately well-drained soils)

Rumford Series (highly erodible soils) located below the top of bank

### Shoreline

Shoreline is in a natural state. Moderate maintenance should be performed to limb up low hanging branches shading the existing tidal marsh and select removal of saplings along the southern portion of the parcel.

### Riparian Buffer

Heavily wooded, undeveloped parcel

- **Number of existing canopy trees requested for removal within the RPA:** Undetermined at this time.
- **Evaluation of existing tree removal request:** Staff has provided a condition, recommended condition 4 below to address tree removal associated with the proposed improvements to be delineated no more than 15 feet outboard the proposed improvements.

## Evaluation and Recommendation

The proposed improvements are located at the front yard and side yard setbacks in order to place the improvements as far away from the river as possible. Placing the proposed dwelling against these setbacks and concentrating the encroachment into the 50 foot landward and variable width buffers on this undeveloped parcel preserves the more sensitive portions of the riparian buffer located along and below the top of bank feature. With minimal accessory structure improvements requested – a swimming pool with associated pool surround, Staff is of the opinion that these improvements are situated in the least sensitive portion of the parcel.

For the Board's deliberation, the applicant's agent has provided comments relative to the findings of the CBPA Ordinance specific to this variance request, and believes that the design of the proposed improvements will be in harmony with the purpose and intent of the CBPA Ordinance based on the following.

- 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 because *"this subdivision was recorded many years prior to the adoption of the Bay Act and as a result every waterfront home is significantly impacted by the ordinance. Since the enactment in 1991 numerous homes have made similar variance requests and been granted so the approval of this request will in no way confer any special privilege to the current owners."* Staff concurs.
- 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 because *"the buffer zones being made a part of the Bay Act and these houses were already in place when it was enacted and the hardship that is now on these properties will never go away."* Staff offers that the encroachment is necessitated by the fact that this parcel was 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) The variance is the minimum necessary to afford relief *"the minimum necessary is a very arbitrary concept but the Board has routinely granted variances with the understanding that the total impervious cover not exceed 30% of the land area which leaves a significant amount of land to be used for buffer restoration and bioretention beds."* Staff is of the opinion that the applicant's attempt to avoid the most sensitive areas of land and leaving as much area in a natural state, the entire 50 foot seaward buffer, while building a house in keeping with the size and location of the neighborhood, and locating the improvements at the side and front yard setbacks provides merit to being the minimal necessary given the geometry of the upland area.
- 4) The applicant's agent provides that *"the purpose and intent of the ordinance is simply water quality, to prevent pollution on the Bay as a result of non-point source pollution. Most of these homes currently have no storm water treatment on site. As a result of this variance request the owner will install bioretention beds, buffer restoration in areas currently devoted to turf and even off-site treatment via the Lynnhaven Oyster Heritage Program all to benefit water quality."* Staff offers that the variance is in harmony with the purpose and intent of the Ordinance and not injurious to the neighborhood, not of substantial detriment to water quality, or otherwise detrimental to the public welfare. Based on a site visit to the property, Staff is of the opinion that the topography of the site in relation to the location of the tidal feature, and the applicant's desire to develop the property in a manner that will preserve the existing riparian ecosystem to the greatest extent practicable will not pose a substantial detriment to water quality.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load; *"strict erosion and sedimentation control measures do more to halt non-point source pollution, stock piling materials on existing hard surfaces, single point access way and revegetating any denuded areas all help to limit pollution from entering the adjacent waters."* Staff is of the opinion that if properly coordinated, the applicant's investment in developing the uplands portion of the property with associated buffer restoration and stormwater management, coupled with maintenance to the existing shaded shoreline, will provide a means to manage towards a no net increase in nonpoint source pollution load.

Staff recommends the following 16 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

## Recommended 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 prior to any land disturbance and shall remain in place until such time as vegetative cover is established. **Said silt fence shall be installed no further than 15 feet seaward of the proposed improvements and shall be staked in the field by the Engineer of Record and reviewed with the Civil Inspector at the pre-construction meeting.**
5. Construction limits shall be contained within the limits of the delineated silt fence. **Within the RPA, all areas outside limits of construction shall be left in a natural state to include the forest floor (leaf litter) left intact. Said condition shall be so noted on the site plan.**
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. 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.
8. 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.
9. 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.
10. Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
11. A maximum of 2,500 square feet of turf is permitted for this property. Said turf shall not be permitted within the 50 foot seaward buffer. All remaining impervious area shall be areas of buffer restoration. Buffer restoration areas 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 to the greatest extent practicable.

The required 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.

**12. The pool shall be constructed prior to or concurrent with the residence.**

13. No perimeter fill, other than the minimum necessary to facilitate positive drainage away from the proposed improvements 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 \$2,118.96 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall provide for an oyster shell plant within the Lynnhaven River Basin.

15. 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.

16. The conditions and approval associated with this variance are based on the exhibit plan dated June 26, 2018, prepared by Gallup Surveyors and Engineers, signed June 26, 2018 by Bruce Gallup. 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.

\*\* NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

\*\*\*NOTE: The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section 113(E) of the Chesapeake Bay Preservation Area Ordinance.

# Site Aerial









**APPLICANT'S NAME** Cory D. Clark

**DISCLOSURE STATEMENT FORM**

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 board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

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.

**SECTION 1 / APPLICANT DISCLOSURE**

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 application(s).

<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	



- Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.
- (A) List the Applicant's name: Cory D. Clark  
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>

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## SECTION 2 / PROPERTY OWNER DISCLOSURE

*Complete Section 2 only if property owner is different from Applicant.*

- Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.
- (A) List the Property Owner's name: Cory D. Clark  
If an LLC, list the member's names:



If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Property Owner: *(Attach 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.

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### SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



## APPLICANT

YES	NO	SERVICE	PROVIDER (Use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Art Ross Designs Horton & Dodd, P.C.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Gallup Surveyors & Engineers, Ltd.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

### SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?



**CERTIFICATION:**

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 Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

	<i>Cory D. Clark</i>	6/28/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

\*Last 2 pages of the Disclosure Statement not provided – Applicant and Owner are the same.

AS NEEDED, PAGE LEFT BLANK

**Variance Request**

Encroachment into the 100 foot Resource Protection Area (RPA) with the redevelopment of an existing wood deck and to construct a concrete patio.

**Applicant's Agent**

Self-represented

**Staff Planner**

PJ Scully

**Lot Recordation**

2/5/1968  
 Map Book 74, Page 38

**GPIN**

2407-09-4961

**SMALL PROJECT IN THE RPA**

**PROPOSED IMPERVIOUS COVER**

**Area of Redevelopment in RPA**

268 square feet

**Area of New Development in RPA**

164 square feet

**Location of Proposed Impervious Cover**

50 foot Landward Buffer

**AMOUNT OF LAND DISTURBANCE**

Less than 2,500 square feet

**Staff Recommendation**

Approval as submitted



## Summary of Proposal

### Demolition Details

- Wood deck with stairs
- Concrete pad

### Construction Details

- Wood deck – 12 feet by 24 feet
- Concrete patio – 12 feet by 12 feet

## CBPA Ordinance Variance History

No Chesapeake Bay Preservation Area (CBPA) Board variance history to report.

## Environmental Conditions

### Flood Zone

Multiple Zones – Zone X and AE, Base Flood Elevation (BFE): 8

### Soil Type(s)

Yeopim-Urban Series (deep and moderately well-drained soils)  
Rumford Series (highly erodible soils) located below the top of bank

### Shoreline

Shoreline is in a natural state.

### Riparian Buffer

Sparsely wooded, developed parcel.

- Number of existing canopy trees requested for removal within the RPA: 0
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 0

## Evaluation and Recommendation

The applicant is proposing to replace and slightly expand an existing, deteriorating wooden deck. During the site visit, Staff concurs with the applicant's reasoning of safety concerns given the deteriorating condition of the wood, and is of the opinion that the construction impacts from all of the proposed improvements, including a 120 square foot concrete patio will be negligible. Given the topography of the rear yard and the proposed concrete patio expansion encroaching landward of the existing footprint, Staff supports the 96 square foot increase in impervious cover as not being detrimental to Resource Protection Area features.

The following comments are offered relative to the findings of the CBPA Ordinance specific to this variance request for the Board's deliberation, and Staff has provided the recommended conditions below specific to this variance request.

- 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; *“because the proposed improvements are in keeping with, or less than most homes in the area.”* Staff concurs with the applicant’s statement. The proposed improvements are minimal and occur in areas of existing turf and will not result in any alteration to the existing topography or vegetation.
- 2) Staff provides that 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 this parcel was 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) The variance is the minimum necessary to afford relief *“with both the deck and patio being comparatively small in relation to most homes throughout the area.”* Staff commends the applicant for situating the proposed improvements where previous land disturbance has occurred, and without encroaching further seaward with the proposed patio area.
- 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; *“because it keeps the improvements at a minimum and placed where there are no trees or shrubs to be removed, but large enough to satisfy our needs as a family and homeowner.”* Staff concurs.
- 5) Staff offers that the proposed improvements are not located in the most sensitive portions of the parcel – 50 foot seaward buffer, and that the retention of the existing riparian buffer canopy trees coupled with the existing marsh outboard of the parcel provides a natural means to manage towards a no net increase in nonpoint source pollution load.

Staff recommends the following 5 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

## Recommended Conditions

1. A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
2. Construction limits along the seaward portion of the project 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.**
3. 400 square feet of buffer restoration shall be installed for the proposed new impervious cover within the RPA. 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 Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **1 canopy trees, 3 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. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading. 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 release of the building permit.

4. Under deck treatment of sand and gravel shall be installed.
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, 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.

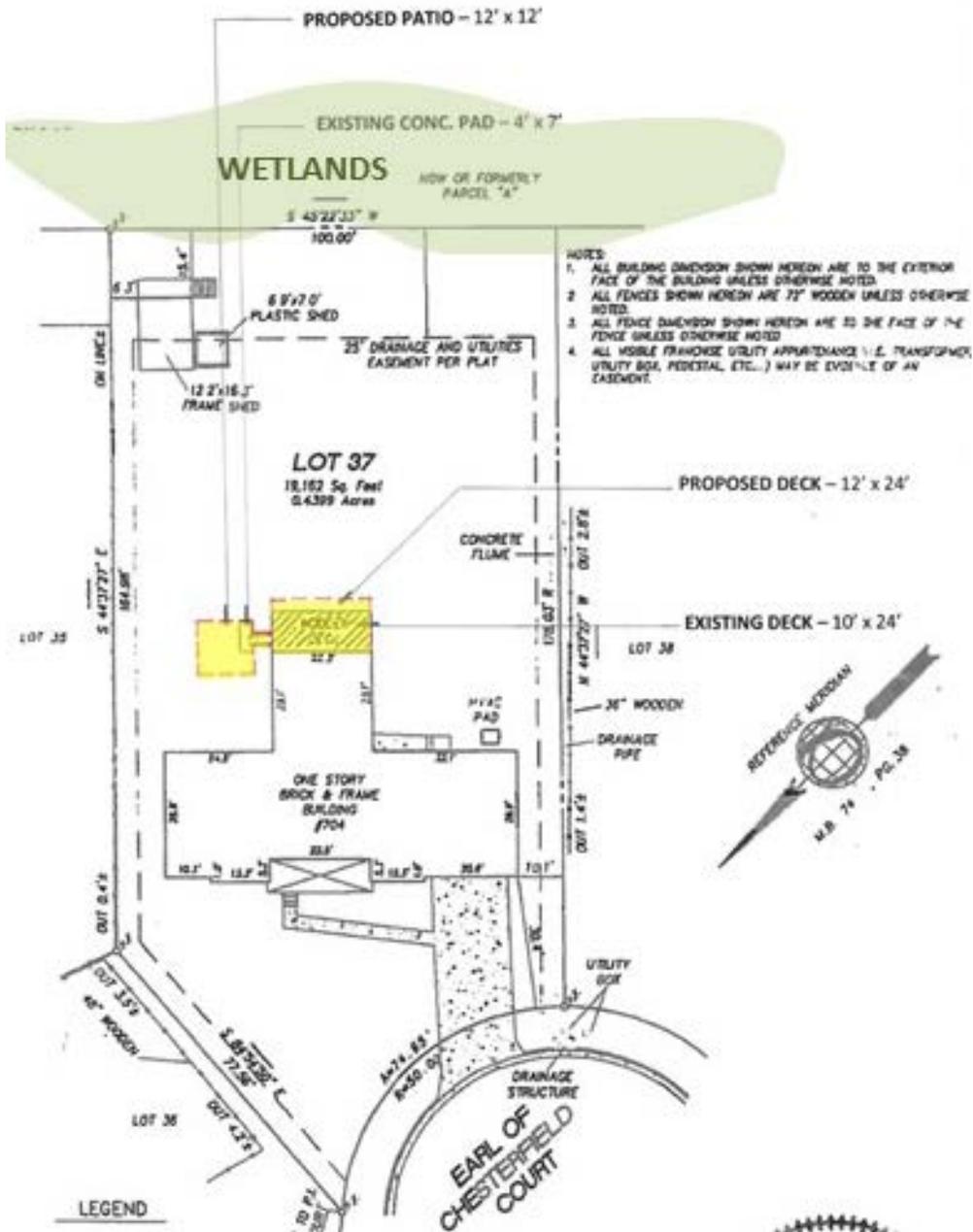
\*\* NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

\*\*\*NOTE: The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section 113(E) of the Chesapeake Bay Preservation Area Ordinance.

Site Aerial



**CBPA Exhibit – Proposed Improvements**



# Disclosure Statement

DocuSign Envelope ID: 2486868A-9AA9-4F3B-A0B2-C334823B851B



**APPLICANT'S NAME** Patrick Joseph Cremin

## DISCLOSURE STATEMENT FORM

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 board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

Acquisition of Property by City	Disposition of City Property	Modification of Conditions or Proffers
Alternative Compliance, Special Exception for	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Board of Zoning Appeals	Encroachment Request	Rezoning
Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

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.

### SECTION 1 / APPLICANT DISCLOSURE

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 application(s).

Page 1 of 7

<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	



- Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Patrick Joseph Cremin  
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsidiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes<sup>1</sup> and <sup>2</sup>

---

## SECTION 2 / PROPERTY OWNER DISCLOSURE

***Complete Section 2 only if property owner is different from Applicant.***

- Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: \_\_\_\_\_  
If an LLC, list the member's names:



If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the Property Owner: *(Attach 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.

---

### SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



## APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	TRITON CONTRACTING SERVICES
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

### SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

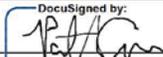
If yes, what is the name of the official or employee and what is the nature of the interest?



**CERTIFICATION:**

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 Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.**

 DocuSigned by: APPLICANT'S SIGNATURE	Patrick Joseph Cremin	7/5/2018 6:52:48 PM EDT
	PRINT NAME	DATE

\*Last 2 pages of the Disclosure Statement not provided – Applicant and Owner are the same.

AS NEEDED, PAGE LEFT

**Variance Request**

Encroachment into the Resource Protection Area (RPA) to construct a single family residence with associated accessory structures, driveway and shed.

**Applicant's Agent**

Rick Scarper

**Staff Planner**

PJ Scully

**Lot Recordation**

2/15/2008

Instrument Number: 20080215000172310

**GPIN**

1447-80-9425

**SITE AREA**

175,870 square feet or 4.07 acres

**SITE AREA OUTSIDE OF WATER/WETLANDS**

112,396 square feet or 2.58 acres

**EXISTING IMPERVIOUS COVER OF SITE**

12,722 square feet or 11.32 percent of site

**PROPOSED IMPERVIOUS COVER OF SITE**

14,118 square feet or 12.56 percent of site

**Area of Redevelopment in RPA**

2,518 square feet

**Area of New Development in RPA**

2,598 square feet

**Location of Proposed Impervious Cover**

50 foot Landward Buffer

100 foot Variable Width Buffer

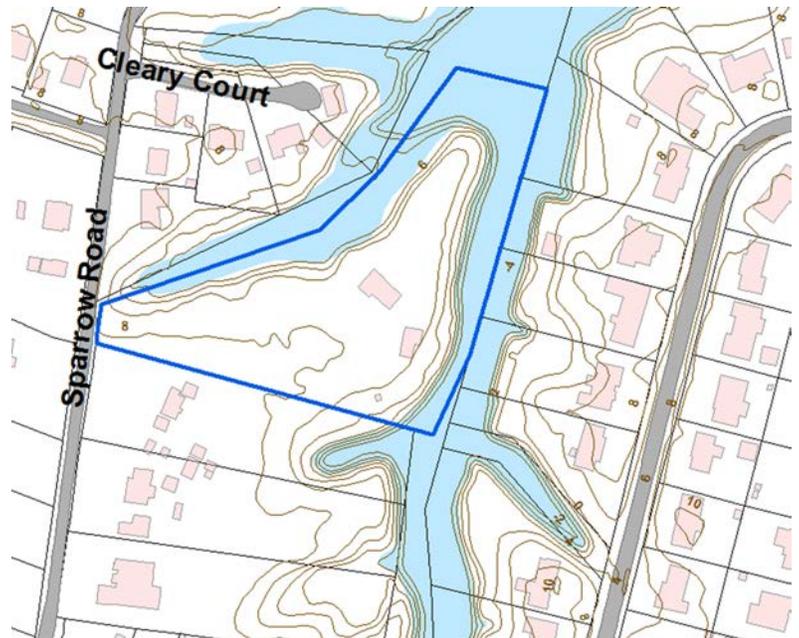
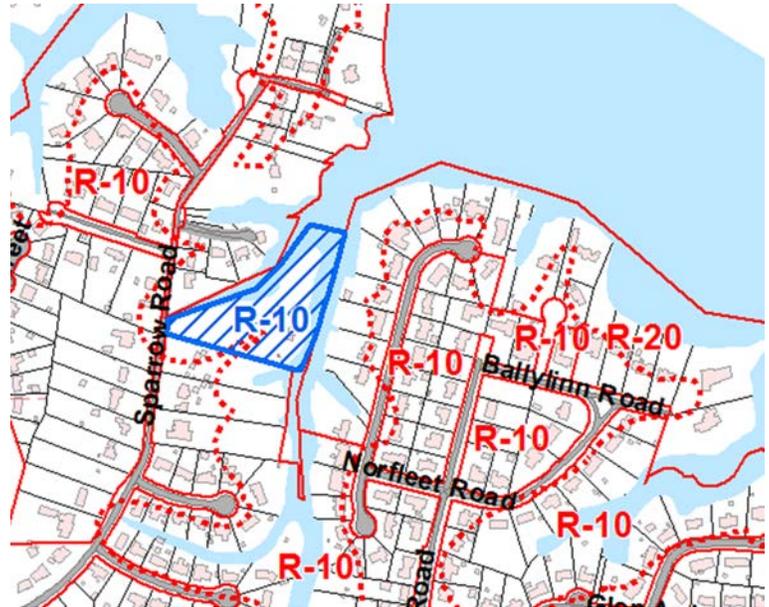
Resource Management Area (RMA)

**AMOUNT OF LAND DISTURBANCE**

Greater than 2,500 square feet

**Staff Recommendation**

Approval as conditioned



## Summary of Proposal

### Demolition Details

- Single family residence – 1 story brick

### Construction Details

- Single family two-story residence with associated walkways and concrete driveway
- Swimming pool with concrete pool surround
- Detached two-story shed

## CBPA Ordinance Variance History

February 27, 2012 a Chesapeake Bay Preservation Area (CBPA) Board variance was denied for subdivision of the existing parcel into two parcels with gravel driveways and building additions.

## Environmental Conditions

### Flood Zone

Multiple Zones – Zone X and 0.2% Annual Chance of Flooding

### Soil Type(s)

Tetotum Series (deep, moderately well-drained soils)

Rumford Series (highly erodible soils) located along the northern portion of the parcel

### Shoreline

Shoreline is partially hardened by a deteriorating bulkhead and a small segment of riprap that transitions into a natural state. The eastern portion of the parcel, at the point of the peninsula is exhibiting signs of erosion due to tidal influence.

### Riparian Buffer

Moderately wooded within the 50 foot seaward buffer transitioning to sparsely wooded within the 50 foot landward buffer and Resource Management Area (RMA).

- Number of existing canopy trees requested for removal within the RPA: 0
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 0
- Evaluation of existing tree removal request: Trees being requested for removal are within the limits of the proposed improvements and in Resource Management Area (RMA).

## Evaluation and Recommendation

A Notice to Comply letter was sent to the current property owner regarding the construction of an unauthorized shed within the RPA. This variance request addresses the issue of noncompliance and the unauthorized shed is being demolished with this variance request.

The variance request proposes to redevelop the majority of this property, which was originally platted in 1961, prior to the adoption of the CBPA Ordinance. The landward retreat of the proposed improvements takes advantage of a small portion of the existing driveway; however, the majority of land disturbance associated with the proposed improvements will be situated on the flat and stable areas of the parcel within the Resource Management Area (RMA) of the Chesapeake Bay Preservation Area (CBPA). An in-depth analysis of impervious cover revealed the following.

- A reduction in impervious cover within the 50 foot seaward buffer by approximately 1,316 square feet.
- A reduction in impervious cover within the 50 foot landward buffer by approximately 3,880 square feet.

Given the applicant's awareness and respect towards redeveloping this property with the intent to preserve and restore environmental conditions, and the extent of site analysis performed associated with this variance request, Staff supports this request coupled with the following comments, provided by the applicant's agent relative to the findings of the CBPA Ordinance specific to this variance request for the Board's deliberation.

- 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 because *"the Bay Act was adopted after the recordation of the subdivision parcel. The applicant has relocated improvements landward of the RPA to the greatest extent practicable."* Staff has reviewed aerial photography of the neighborhood and concurs with the applicant's agent given the extent of impervious cover retreat from the RPA.
- 2) Staff offers that 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 this parcel was 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) The variance is the minimum necessary to afford relief with *"the majority of improvements being relocated to the RMA and post development not being located within the 50 foot seaward portion of the buffer."* Staff concurs.
- 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 given the *"existing impervious cover within the seaward portion of the buffer being removed and the existing mature riparian resource being preserved."* Staff adds that the reduction of impervious cover within both the seaward buffer and landward buffer provides merit towards promoting infiltration and filtering nonpoint source pollution of sediments and nutrients from stormwater sheetflow.
- 5) *"The proposal represents a retreat from receiving tidal waters and preserves the RPA resource features"* as a means to manage towards a no net increase in nonpoint source pollution load. Staff concurs.

Finally, Staff recommends the following 13 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

## Recommended 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, and tree protection barriers shall be installed 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.
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. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **2,598 square feet x 200 percent = 5,196 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 Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **12 canopy trees, 12 understory trees, 24 large shrubs, and 36 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. No perimeter fill, other than the minimum necessary to facilitate positive drainage away from the proposed improvements is authorized outboard or seaward of the proposed improvements.

12. \*\*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 \$595.37 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall provide for an oyster shell plant within the Lynnhaven River Basin.
  
13. The conditions and approval associated with this variance are based on the exhibit plan dated July 3, 2018, prepared by Site Improvement Associates, signed July 3, 2018 by Claude F. Lym. 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.

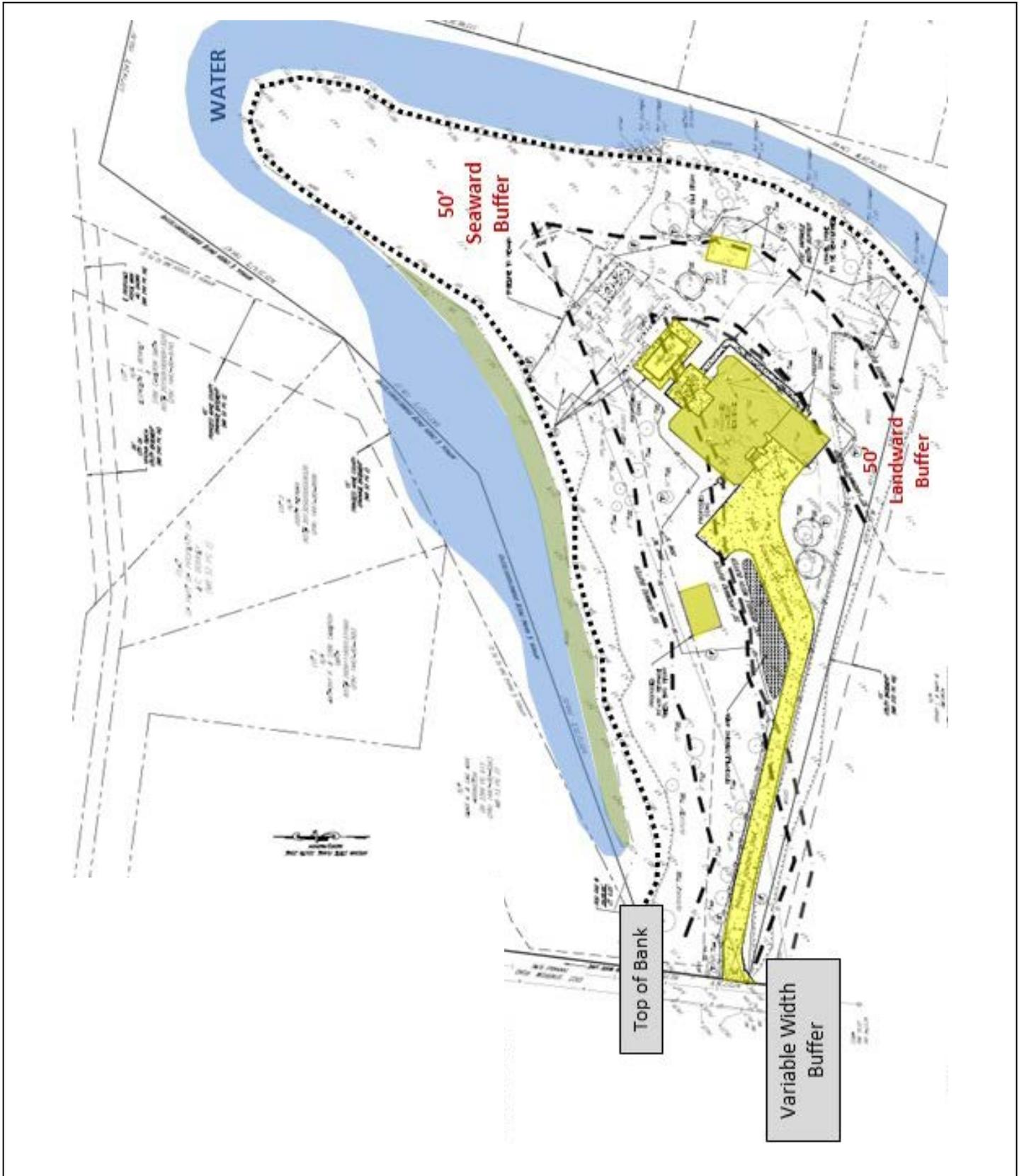
\*\* NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

\*\*\*NOTE: The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section 113(E) of the Chesapeake Bay Preservation Area Ordinance.

Site Aerial



CBPA Exhibit – Proposed Improvements





**APPLICANT'S NAME** Gerardo Ruiz

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Conditional Use Permit	Lease of City Property	Wetlands Board
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<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	



Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: Gerardo A. Ruiz  
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsidiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes<sup>1</sup> and <sup>2</sup>

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## SECTION 2 / PROPERTY OWNER DISCLOSURE

*Complete Section 2 only if property owner is different from Applicant.*

Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.

Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

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## APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	<del>FRANKLIN</del> MARTZA VELAZQUEZ
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Engineers / Surveyors/ Agents</u>	SIA - RICK SCARPER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	FRANKLIN AMERICAN MORTGAGE CO.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

### SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

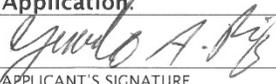
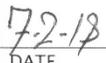
If yes, what is the name of the official or employee and what is the nature of the interest?



**CERTIFICATION:**

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 Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

		
APPLICANT'S SIGNATURE	PRINT NAME	DATE

\*Last 2 pages of the Disclosure Statement not provided – Applicant and Owner are the same.



Property Owners and Applicants **Mary Majeau and Joseph Koziol**  
 Address **4065 N. Witchduck Road**  
 Public Hearing **August 27, 2018**  
 City Council District **Bayside**

Agenda Item

**8**

**Variance Request**

Encroachment into the 100 foot Resource Protection Area (RPA) with the construction of an accessory structure – wood deck.

**Applicant’s Agent**

Self-represented

**Staff Planner**

PJ Scully

**Lot Recordation**

2/25/1968  
 Map Book 65, Page 2 and 3

**GPIN**

1488-07-6832

**SMALL PROJECT IN THE RPA**

**PROPOSED IMPERVIOUS COVER**

**Area of Redevelopment in RPA**

268 square feet

**Area of New Development in RPA**

552 square feet

**Location of Proposed Impervious Cover**

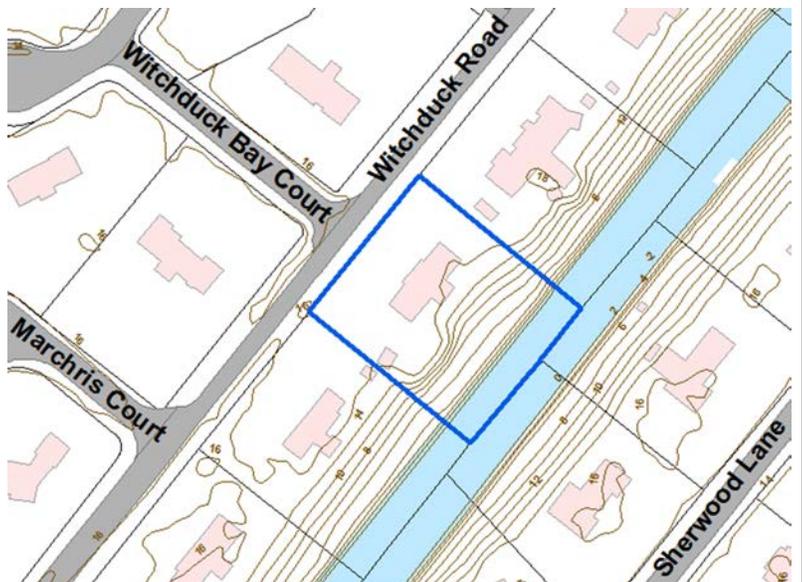
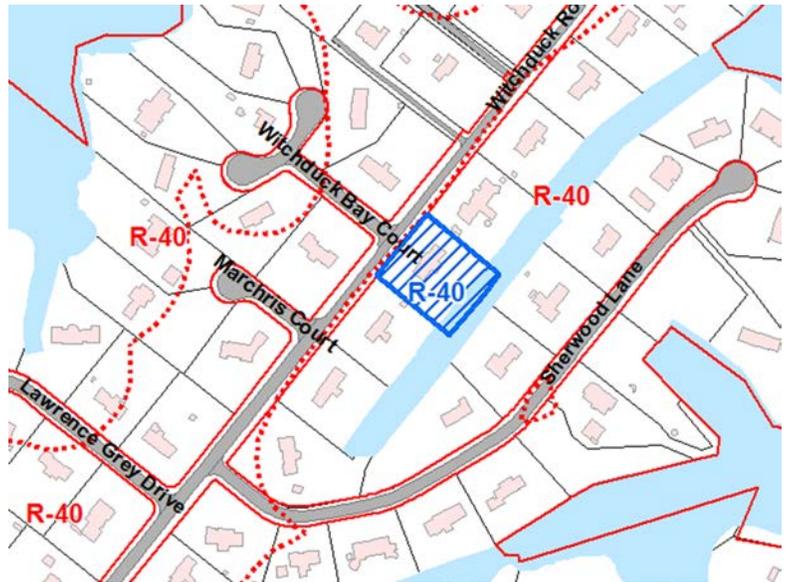
50 foot Landward Buffer

**AMOUNT OF LAND DISTURBANCE**

Less than 2,500 square feet

**Staff Recommendation**

Approval as conditioned



## Summary of Proposal

### Construction Details

- Deck expansion – 12 foot by 45 foot
- Deck over existing concrete patio – 12 foot by 18 foot

## CBPA Ordinance Variance History

No Chesapeake Bay Preservation Area (CBPA) Board variance history to report.

**On June 6, 2013, a Chesapeake Bay Preservation Area (CBPA) Administrative variance was granted to construction a 25 foot by 20 foot room addition with the following conditions:**

1. *All areas outside limits of construction shall be left in a naturalized state to include the forest floor (leaf litter) left intact.*
2. *Within the RPA, 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. *All stormwater from the proposed new impervious cover shall be conveyed to nonstructural stormwater management facilities or bio-retention planting bed BMP.*
4. *Buffer restoration shall be installed equal to 200% of the proposed new impervious cover 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" – 6" in depth. The required trees shall be comprised of 50% deciduous and 50% evergreen species and shall be evenly distributed within the RPA buffer. Salt and flood tolerant plant species shall be planted below the five foot contour to ensure greater survival of the plantings.*

June 6, 2013 Administrative variance has been acted upon and the associated improvements constructed.

## Environmental Conditions

### Flood Zone

Zone X

### Soil Type(s)

State Series (deep, well-drained soils) located above the top of bank  
Rumford Series (highly erodible soils) located below the top of bank

### Shoreline

Shoreline is hardened by a wood bulkhead.

## Riparian Buffer

Sparsely wooded, developed parcel.

- Number of existing canopy trees requested for removal within the RPA: 0
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 0

## Evaluation and Recommendation

During the review process, Staff requested from the applicant an up-to-date physical survey of the parcel. This request was based on the CBPA Board's policy and to ensure compliance with the June 2013 Administrative variance. During the site visit, Staff concluded that the approved room addition associated with said variance appears to be in compliance with the conditions of the administrative variance. At this time, Staff has not received an updated physical survey and has addressed this issue with the recommended condition, condition 7 below.

As for the proposed improvement's impact on the existing riparian buffer, Staff is of the opinion that any potential detriment to water quality will be minimal given the presence of established vegetation between the proposed improvements and the edge of the tidal water.

For the Board's deliberation, the applicant has provided the following comments relative to the findings of the CBPA Ordinance specific to this variance request.

- 1) The variance is the minimum necessary to afford relief with the *"deck sized to provide desired property value."* While this statement is difficult to validate, the proposed wood deck is in keeping with similar improvements within this neighborhood.
- 2) 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 with *"improved preservation of waterfront views and property value without any impacts on water quality."* As stated above, the proposed wood deck is consistent with residential development in the Resource Protection Area (RPA).
- 3) As a means to manage towards a no net increase in nonpoint source pollution load *"buffer area will be provided at two times the size of the deck."* Staff finds this acceptable and has further addressed in the recommended conditions, conditions 5 and 6 below.

To complete the required findings of the CBPA Ordinance not provided by the applicant, Staff offer the following comments for the Board's deliberation.

- 4) 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 the proposed improvements are in keeping with other improvements on adjacent parcels within the neighborhood.
- 5) 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 this parcel was 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.

Should the Board desire to consider granting this variance request, Staff offers the following 7 recommended conditions relative to the performance standards of the CBPA Ordinance specific to this variance request, as a means towards preventing the variance from causing or contributing to a degradation of water quality.

## Recommended 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. Along the seaward portion of the project the required silt fence shall be installed 15 feet from improvements.
4. The conditions of the existing Chesapeake Bay Preservation Area (CBPA) variance, specifically the required buffer restoration and 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.
5. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **552 square feet x 200 percent = 1,104 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 Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **3 canopy trees, 6 understory trees, and 9 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 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. Said restoration shall be installed prior to the 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. A revised and up-to-date physical survey, certified as complete and accurate by persons duly licensed by the Commonwealth of Virginia to practice as such 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.

\*\*\*NOTE: The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section 113(E) of the Chesapeake Bay Preservation Area Ordinance.

Mary Majeau and Joseph Koziol

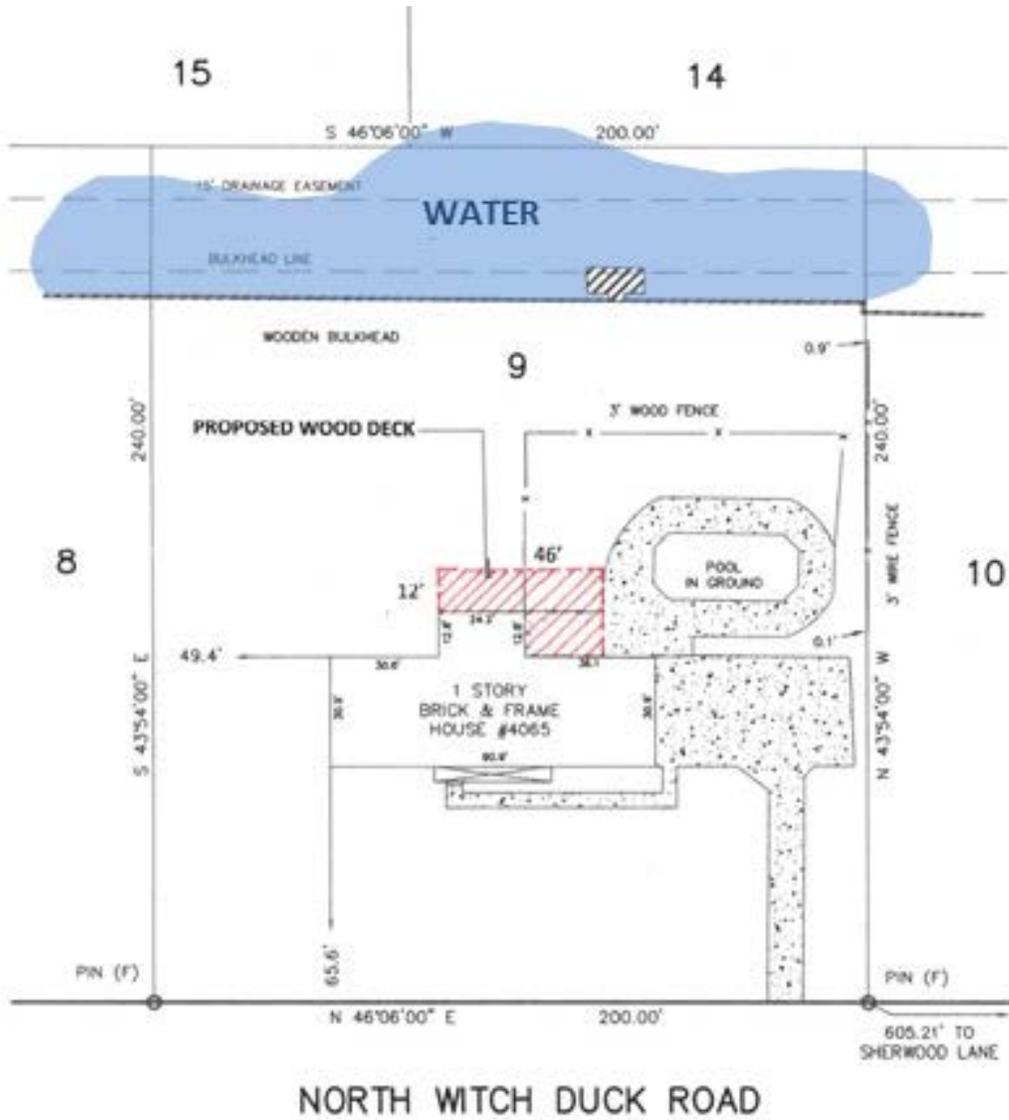
Agenda Item 8

Page 90

Site Aerial



CBPA Exhibit – Proposed Improvements





**APPLICANT'S NAME** Joseph Koziol

**DISCLOSURE STATEMENT FORM**

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Chesapeake Bay Preservation Area Board	Franchise Agreement	Subdivision Variance
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**SECTION 1 / APPLICANT DISCLOSURE**

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<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	



- Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.
- (A) List the Applicant's name: JOSEPH H KOZIOL  
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsidary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>

---

## SECTION 2 / PROPERTY OWNER DISCLOSURE

***Complete Section 2 only if property owner is different from Applicant.***

- Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.
- (A) List the Property Owner's name: \_\_\_\_\_  
If an LLC, list the member's names:



If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

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### SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	BURK BISHOP
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

**SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE**

YES	NO	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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?



**CERTIFICATION:**

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<i>Joseph H Koziol</i>	JOSEPH H. KOZIOL	7/5/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

\*Last 2 pages of the Disclosure Statement not provided – Applicant and Owner are the same.

AS NEEDED, PAGE LEFT



**APPLICANT'S NAME** Grandy Trust FBO Carter Bernert, SunTrust Trustee

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Page 1 of 7



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(A) List the Applicant's name: see attached  
If an LLC, list all member's names:

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(B) List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

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## APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Hassell & Folkes, P.C.
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Billy Garrington / GPC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Susan Pender Laurin Watson Jonathan Decker

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<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?



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	David P. Preston, VP, SunTrust	05/01/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE



**OWNER**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
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	David P. Preston, VP, SunTrust	05/01/18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



**APPLICANT'S NAME** Cyrus W. Grandy V

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 ◆—————◆

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### APPLICANT

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### SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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 <small>dotloop verified                  04/20/18 2:18PM EDT                  M81QLZAM-TLV-HPYV</small>	Cyrus W. Grandy V	
APPLICANT'S SIGNATURE	PRINT NAME	DATE



**OWNER**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
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<i>Cyrus W. Grandy V</i> <small>dotloop verified 04/20/18 3:18PM EDT VXCB-IVCZ-861W-MZVS</small>	Cyrus W. Grandy V	
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



**APPLICANT'S NAME** Grandy Trust FBO Hatch, SunTrust Trustee

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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 application(s).		
<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE: _____
<input type="checkbox"/>	NO CHANGES AS OF	DATE: _____
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE: _____

Page 1 of 7



- Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

(A) List the Applicant's name: see attached  
If an LLC, list all member's names:

If a CORPORATION, list the the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

(B) List the businesses that have a parent-subsiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>

---

## SECTION 2 / PROPERTY OWNER DISCLOSURE

*Complete Section 2 only if property owner is different from Applicant.*

- Check here if the **PROPERTY OWNER IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **PROPERTY OWNER IS** a corporation, partnership, firm, business, or other unincorporated organization, **AND THEN**, complete the following.

(A) List the Property Owner's name: See attached  
If an LLC, list the member's names:



If a Corporation, list the names of all officers, directors, members, trustees, etc. below: *(Attach list if necessary)*

- (B) List the businesses that have a parent-subsiary<sup>1</sup> or affiliated business entity<sup>2</sup> relationship with the Property Owner: *(Attach list if necessary)*

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---

### SECTION 3. SERVICES DISCLOSURE

Are any of the following services being provided in connection with the subject of the application or any business operating or to be operated on the Property. If the answer to any item is YES, please identify the firm or individual providing the service: IF THE OWNER AND APPLICANT ARE DIFFERENT, EACH MUST COMPLETE THE SECTION SEPERATELY



## APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Hassell & Folkes, P.C.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) – identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Gallup Surveyors & Engineers, Ltd.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Billy Garrington / GPC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Susan Pender Laurin Watson Jonathan Decker

### SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?



**CERTIFICATION:**

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 Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.**

	David P. Preston, VP, SunTrust	05/01/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE



**OWNER**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Hassell & Folkes, P.C.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
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	David P. Preston, VP, SunTrust	05/01/18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE





- Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
- Check here if the **APPLICANT IS** a corporation, partnership, firm, business, or other unincorporated organization.

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---

## SECTION 2 / PROPERTY OWNER DISCLOSURE

*Complete Section 2 only if property owner is different from Applicant.*

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### APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Hassell & Folkes, P.C.
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### SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?

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<i>Nelle Tyler McCabe</i>	dotloop verified 05/01/18 11:51AM EDT XTEW-VPB-SAGU-4317H	Nelle Tyler McCabe	
APPLICANT'S SIGNATURE	PRINT NAME	DATE	



**OWNER**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Hassell & Folkes, P.C.
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 <small>dotloop verified 05/01/18 11:51AM EDT VURG-CVZ-0JF-WGCV</small>	Nelle Tyler McCabe	
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE





- Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
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## SECTION 2 / PROPERTY OWNER DISCLOSURE

*Complete Section 2 only if property owner is different from Applicant.*

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### APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Hassell & Folkes, P.C.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
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<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Susan Pender Laurin Watson Jonathan Decker

### SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

If yes, what is the name of the official or employee and what is the nature of the interest?



**CERTIFICATION:**

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	<small>dotloop verified 04/30/18 8:32PM EDT C19T-3F3C-VVDY-VQfN</small>	Sallie Carter Tyler	
APPLICANT'S SIGNATURE	PRINT NAME	DATE	



**OWNER**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Hassell & Folkes, P.C.
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 <small>dotloop verified 04/30/18 8:32PM EDT CHBR-6XG1-KYCW-19DC</small>	Sallie Carter Tyler	
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE





- Check here if the **APPLICANT IS NOT** a corporation, partnership, firm, business, or other unincorporated organization.
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See next page for information pertaining to footnotes <sup>1</sup> and <sup>2</sup>

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## SECTION 2 / PROPERTY OWNER DISCLOSURE

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### APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
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<i>Caroline Tyler Watson</i>	<small>dotloop verified 05/01/18 8:05AM EDT DDAK-WELLH-FBD-MKZD</small>	Caroline Tyler Watson	
APPLICANT'S SIGNATURE		PRINT NAME	DATE



**OWNER**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
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<i>Caroline Tyler Watson</i> <small>dotloop verified 05/07/18 8:05AM EDT 627-0394-3-WP-14200</small>	Caroline Tyler Watson	
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



**CERTIFICATION:**

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PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



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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 Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.**

PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



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