

**Chesapeake Bay Preservation Area
Board Agenda**

October 22, 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, October 22, 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 ITEMS

1.

Patrick L. and Sheryl H. Reynolds
[Property Owner and Applicant]

2421 Windward Shore Circle
GPIN: 1499-98-3029
COUNCIL DISTRICT - Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully

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2.

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

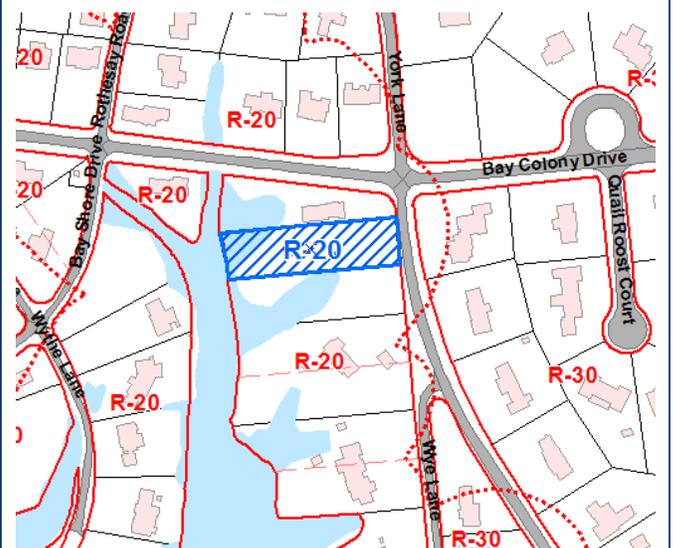
Stephen Alexander Homes
[Contract Purchaser]

Lot 196, N. Linkhorn Park Ext., York Lane
GPIN: 2418-47-4423
COUNCIL DISTRICT - Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully

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3.

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

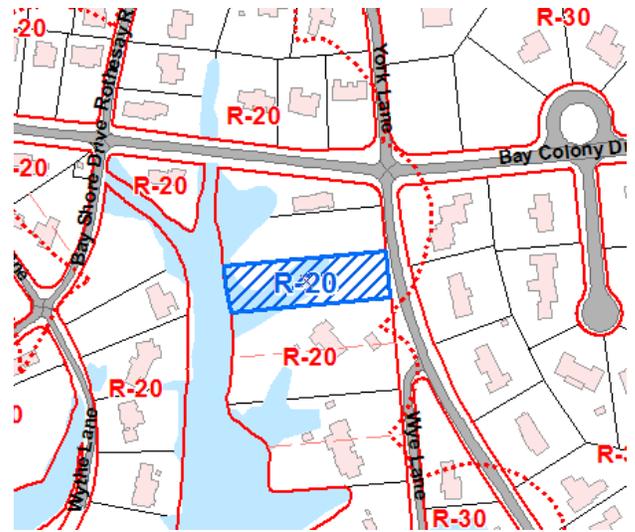
Stephen Alexander Homes
[Contract Purchaser]

Lot 197, N. Linkhorn Park Ext., York Lane
GPIN: 2418-47-4336
COUNCIL DISTRICT - Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully

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NEW BUSINESS ITEMS

4.

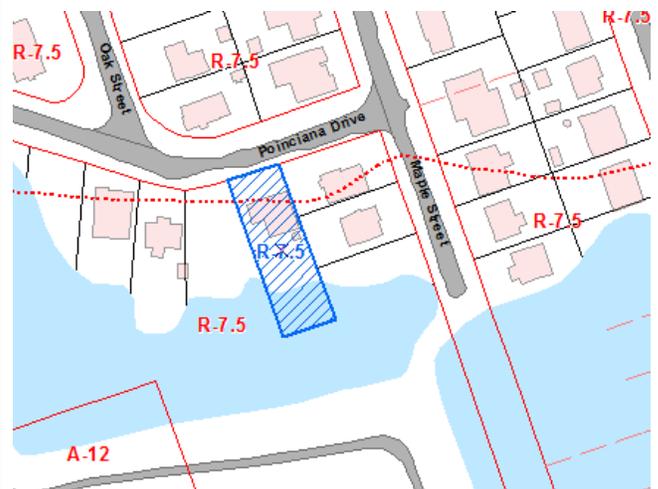
Andrew G and Lori M. Baan
[Property Owner and Applicant]

2711 Poincianna Drive
GPIN: 1499-59-4345
COUNCIL DISTRICT - Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully

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5.

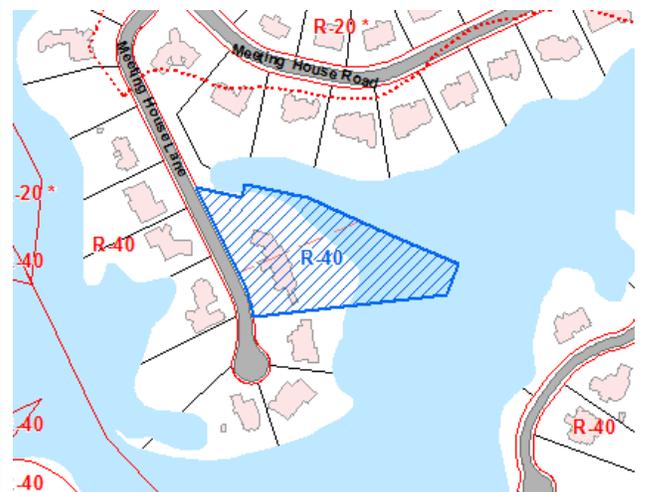
Akhil and Nita Jain
[Property Owner and Applicant]

1612 Meeting House Lane
GPIN: 1489-23-0626
COUNCIL DISTRICT - Bayside

Applicant's Agent – Robert Simon

Staff Planner – PJ Scully

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NEW BUSINESS ITEMS - *continued*

6.

Page S. and Amy A. Johnson
[Property Owner and Applicant]

4013 N. Witchduck Road

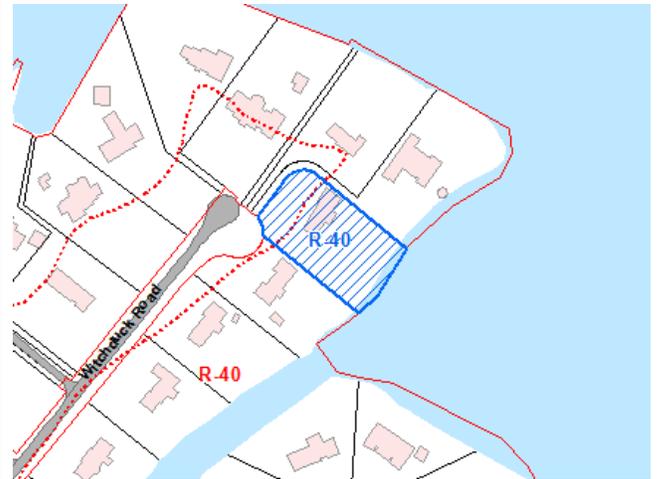
GPIN: 1488-18-3652

COUNCIL DISTRICT - Bayside

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully

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7.

Benjamin and Rebecca Cottrell
[Property Owner and Applicant]

1242 E. Bayshore Drive

GPIN: 2418-59-5194

COUNCIL DISTRICT - Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully

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8.

Robert R. Hummel, et al.
[Property Owner and Applicant]

929 Cardinal Road

GPIN: 2418-33-0147

COUNCIL DISTRICT - Lynnhaven

Applicant's Agent – Self represented

Staff Planner – PJ Scully

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DISCLOSURE STATEMENT – OLD BUSINESS ITEMS 2 and 3

2.

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

Stephen Alexander Homes
[Contract Purchaser]

Lot 196, N. Linkhorn Park Ext., York Lane
GPIN: 2418-47-4423
COUNCIL DISTRICT - Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully

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3.

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

Stephen Alexander Homes
[Contract Purchaser]

Lot 197, N. Linkhorn Park Ext., York Lane
GPIN: 2418-47-4336
COUNCIL DISTRICT - Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully

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UPCOMING CBPA PUBLIC HEARING DATES

Please make note of the following upcoming CBPA Board Public Hearing dates.

WEDNESDAY, November 21, 2018

WEDNESDAY, December 19, 2018

Below are the 2019 Chesapeake Bay Preservation Area (CBPA) Board public hearing dates. Starting in 2019, the CBPA Board informal session will be held at 9:00 a.m. in the City Manager's Conference Room, Building 1, Room 234.

Monday	January 28
Monday	February 25
Monday	March 25
Monday	April 22
Thursday	May 23
Monday	June 24
Monday	July 22
Monday	August 26
Monday	September 23
Monday	October 28
Monday	November 25
Wednesday	December 18



Property Owners and Applicants **Patrick L. and Sheryl H. Reynolds**
 Address **2421 Windward Shore Circle**
 Public Hearing **October 22, 2018**
 City Council District **Lynnhaven**

Agenda Item

1

The applicant is requesting to defer this application to the November 21, 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 **October 22, 2018**
City Council District **Lynnhaven**

Agenda Item

2

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

4,517.7 square feet or 16.5 percent of site

Area of Redevelopment in RPA

0 square feet

Area of New Development in RPA

4,517.7 square feet

Location of Proposed Impervious Cover

50 foot Seaward Buffer

50 foot Landward Buffer

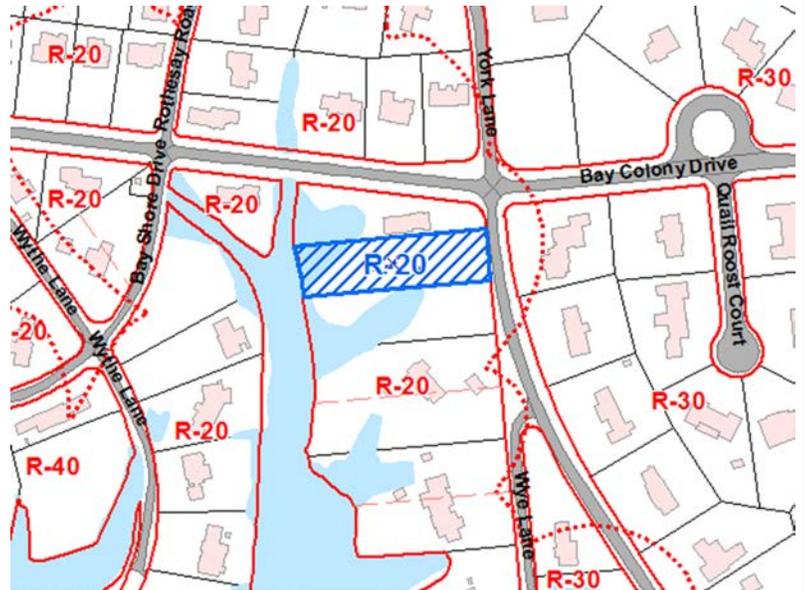
100 foot Variable Width Buffer

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 walk
 - A Board of Zoning Appeals (BZA) variance required for height and encroachment into the front yard setback
- Covered wood deck
- Retaining wall

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

This variance request was deferred for a second time at the August 27, 2018 CBPA Board Public Hearing to the October 22, 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: 39
- 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 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 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."

Minimal modifications to the July 2018 application have been provided with this revised variance request. The impervious cover has been reduced by 263 square feet from 4,780 square feet to 4,517 square feet overall. This reduction in impervious cover has occurred at the rear of the proposed residence with the elimination of a paver patio. However, the size of the proposed covered deck in this area has been increased over the area where the paver patio was proposed with the last variance request. Additional reductions in impervious cover occur at the front walk and driveway with the introduction of paver runners within the driveway. Staff provides the following chronology of impervious cover requests associated with the CBPA variance exhibits for the Board's review.

- November 25, 2002 CBPA variance exhibit 3,238 square feet of impervious cover proposed
- July 23, 2018 CBPA variance exhibit 5,123 square feet of impervious cover proposed
- August 27, 2018 CBPA variance exhibit 4,780 square feet of impervious cover proposed
- October 22, 2018 CBPA variance exhibit 4,517 square feet of impervious cover proposed

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 detriment 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 questions the wisdom of developing this parcel with an approximately 4,517 square feet of impervious cover for a single family residence given that the majority of the parcel's topography has greater than 6 percent slopes at the location of the proposed improvements. In addition, 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, specifically Condition 25 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 25 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. A double row of 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 10 feet from improvements. **Said silt fence 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 and all construction activities shall be contained within the limits of the delineated silt fence.
5. **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 and signs posted along the silt fence in the field noting the requirement that "All areas outside limits of construction shall be left in a natural state to include the forest floor (leaf litter) left intact. No construction activity permitted seaward of the silt fence."**
6. 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.
7. 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.**
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.

13. 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 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. Salt and flood tolerant plant species shall be planted below the five foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

14. The Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
15. All proposed Best Management Practices (BMPs) shall be landward of the 7 foot contour, as shown on the CBPA Exhibit.
16. As depicted on the CBPA Exhibit – Encroachment Limits, page 22 of the Staff report for this variance request, all proposed improvements shall not be located seaward of the 8-foot contour, and in no case shall these improvements be located 55 feet beyond the minimum front yard setback of 50 feet.
17. 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.
18. 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.
19. 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.
20. No perimeter fill 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.
21. 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.
22. **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.
23. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.

24. 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 September 25, 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.

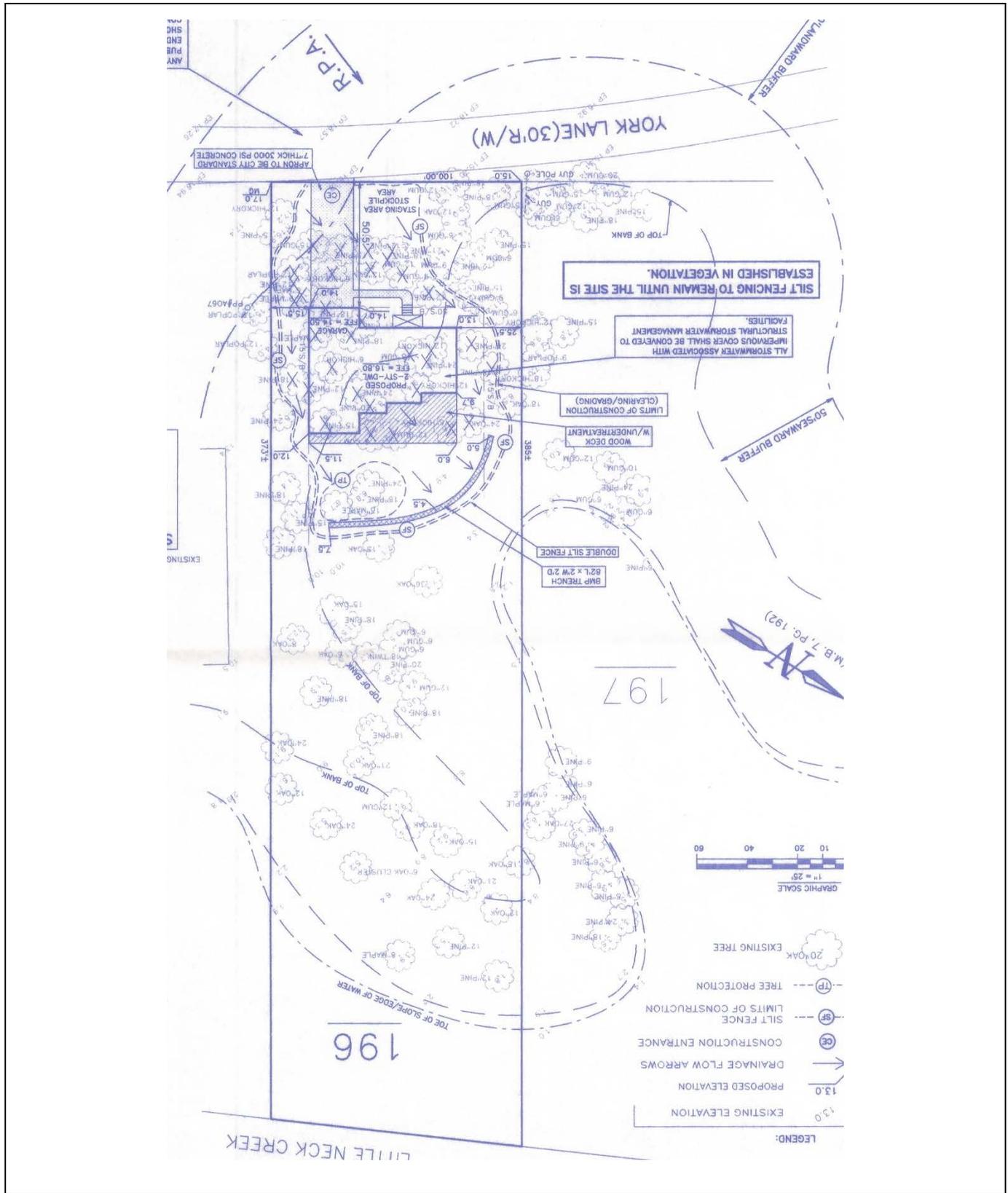
25. The contract purchaser and any agent of the contract purchaser shall disclose the content of Staff report and conditions of this CBPA variance, to any and all potential purchasers of this parcel prior to the sale of the parcel from the applicant.

** 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.

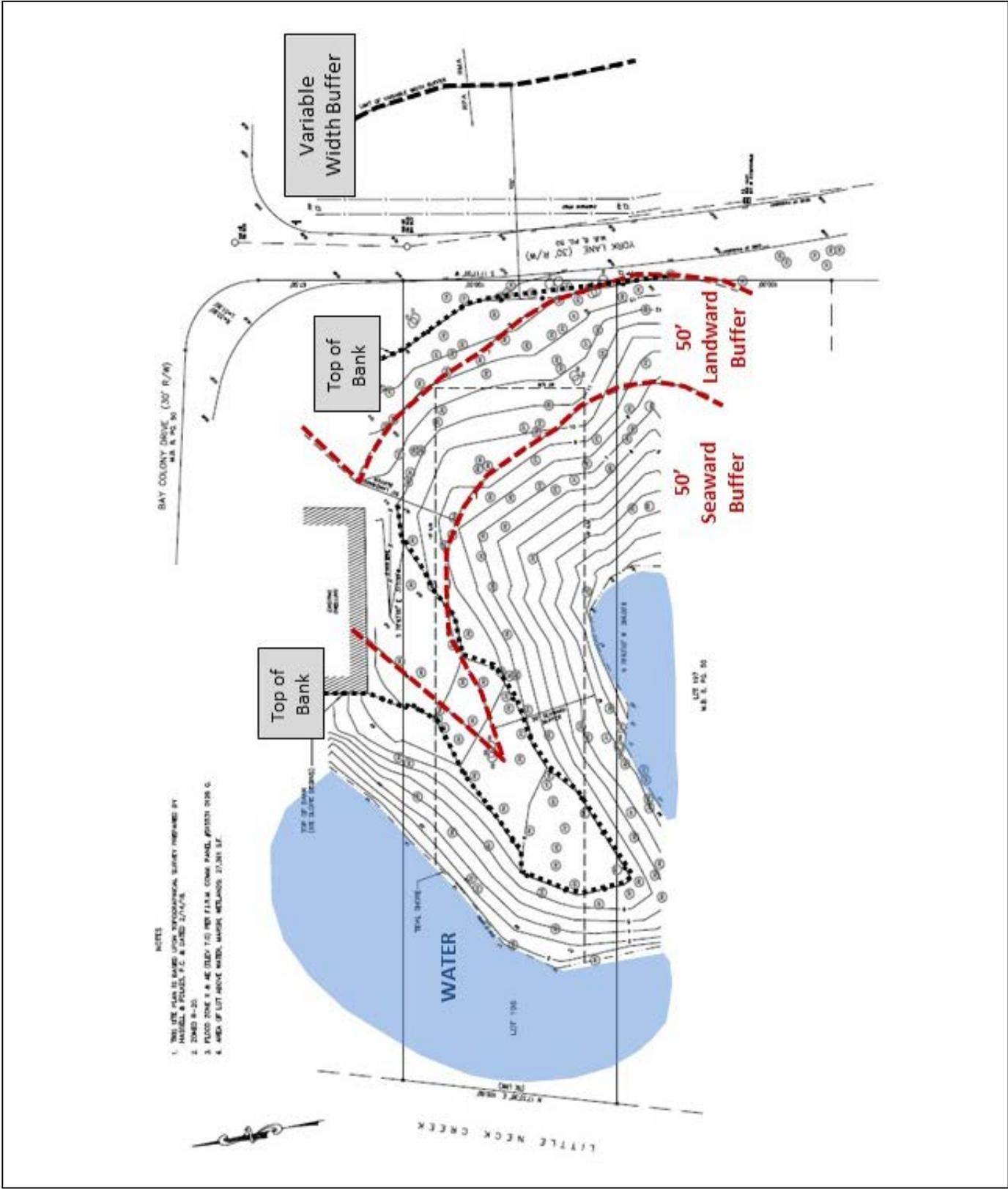
***NOTE: The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section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

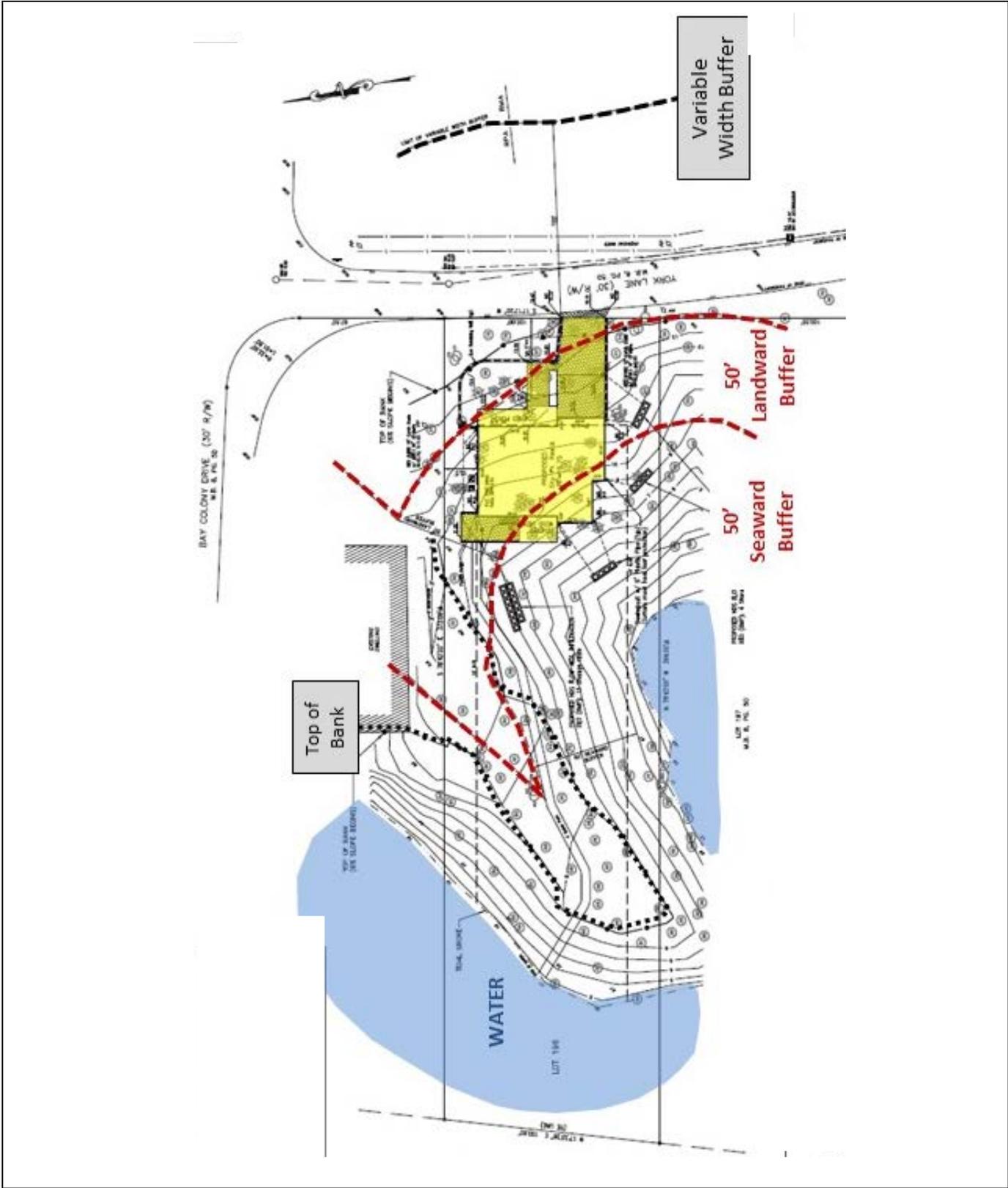
Site Aerial



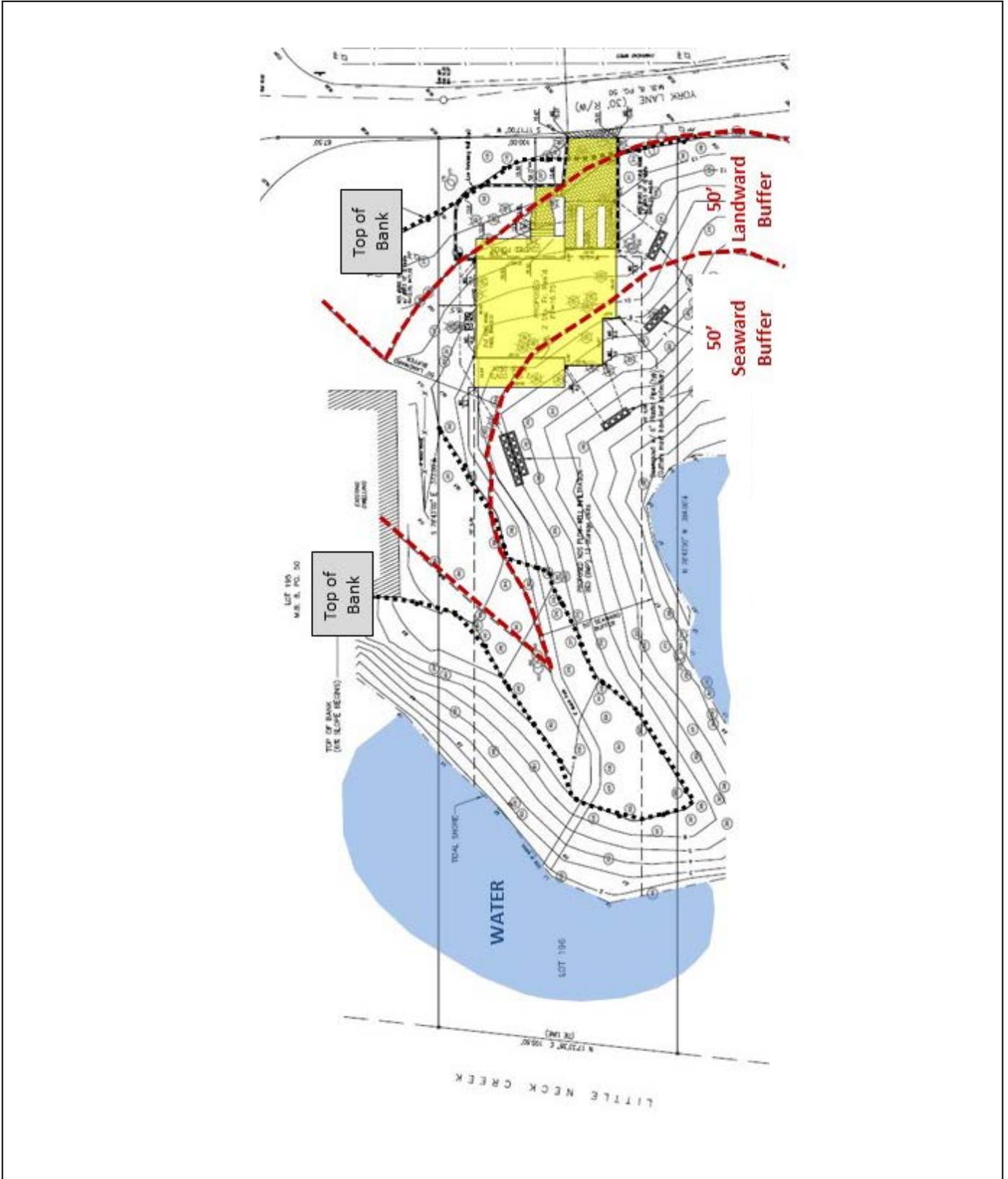


CBPA Exhibit – Existing Conditions

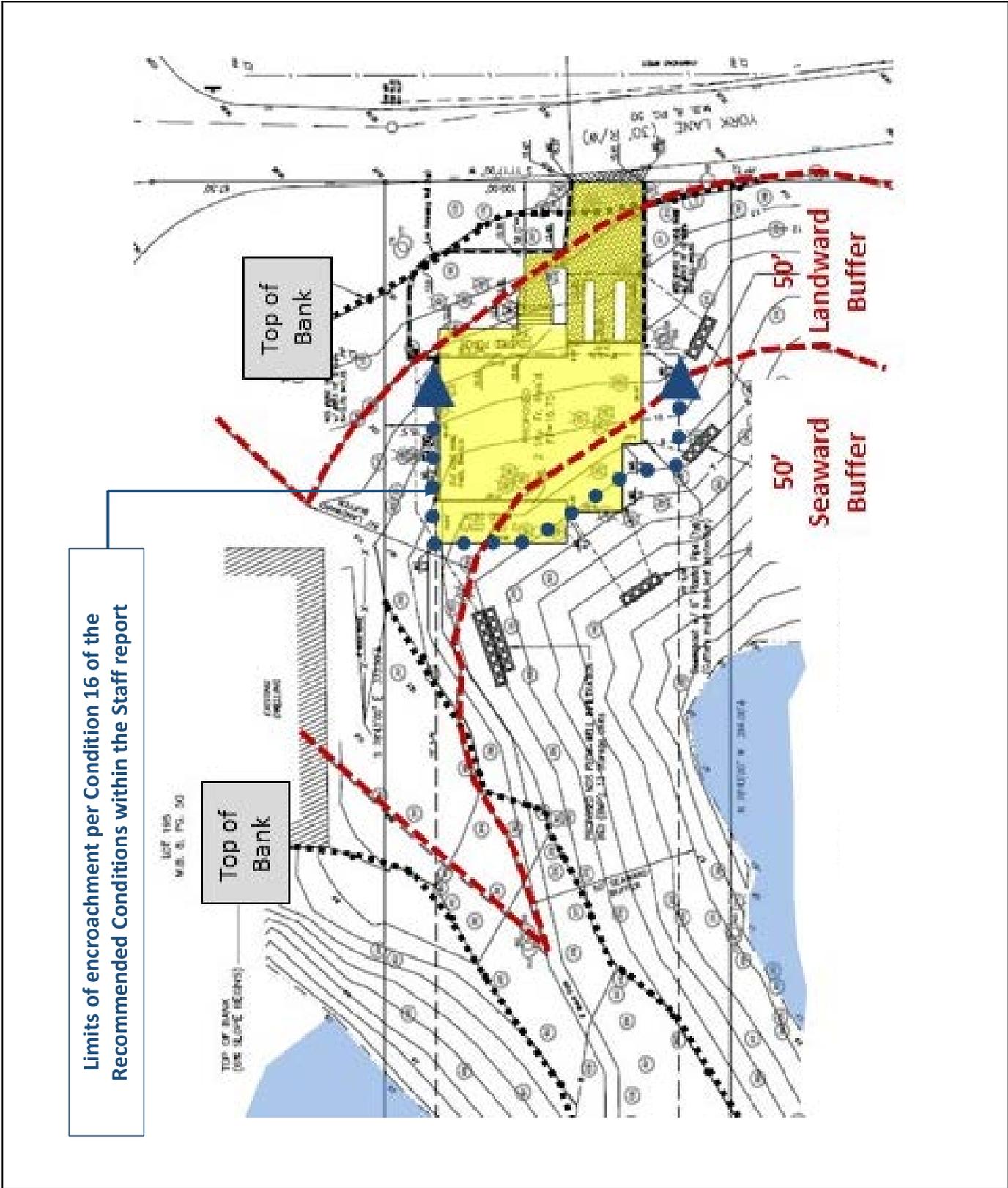




CBPA Exhibit – Proposed Improvements



CBPA Exhibit – Encroachment Limits



Disclosure Statement

The Disclosure Statements for both Agenda Item 2 and Agenda Item 3 may be found at the end of this Staff Report.

AS NEEDED, PAGE LEFT BLANK



Property Owner **South Linkhorn Bay Trust, et al.**
 Contract Purchaser **Stephen Alexander Homes**
 Address **Lot 197, N. Linkhorn Park Extended, York Lane**
 Public Hearing **October 22, 2018**
 City Council District **Lynnhaven**

Agenda Item

3

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

3,509.2 square feet or 21.9 percent of site

Area of Redevelopment in RPA

0 square feet

Area of New Development in RPA

3,509.2 square feet

Location of Proposed Impervious Cover

50 foot Seaward Buffer

50 foot Landward Buffer

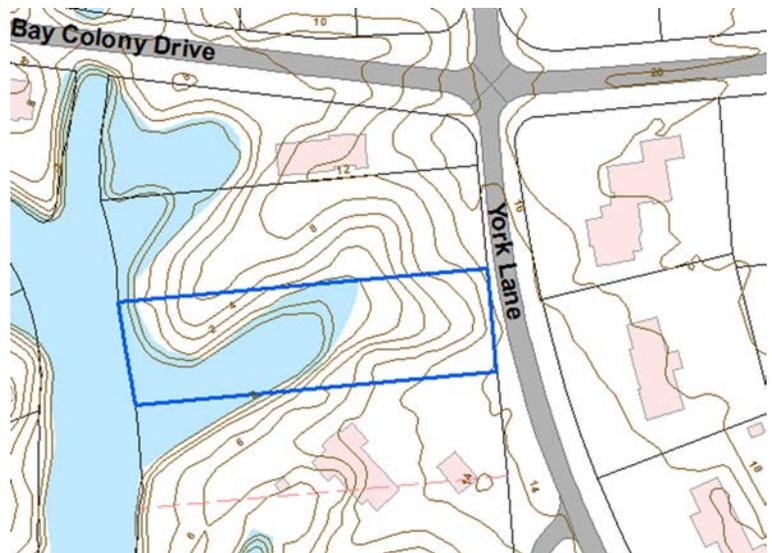
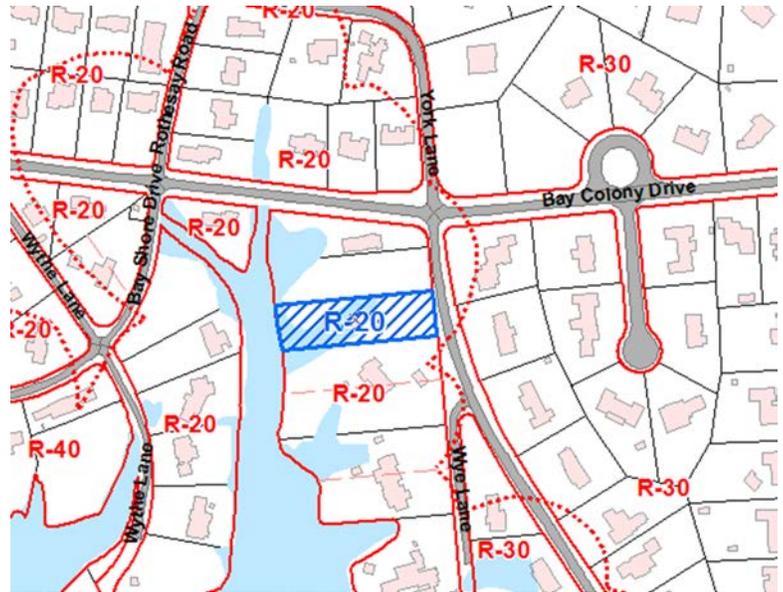
100 foot Variable Width Buffer

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.

This variance request was deferred for a second time at the August 27, 2018 CBPA Board Public Hearing to the October 22, 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

South Linkhorn Bay Trust, et al.

Agenda Item 3

Page 27

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 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.”

Modifications have been provided with this revised plan. The impervious cover has been reduced by 279 square feet from 3,788 square feet to 3,509 square feet overall. The reduction in impervious cover occurs at the driveway with the introduction of paver runners within the driveway and with revisions to the footprint of the proposed residence. The revised footprint to the residence offers an approximate 6 foot retreat of proposed impervious cover encroachment into the buffer and a reduction to the northern portion of the residence by approximately 180 square feet. This revision increases the proposed residence from a 2-story structure to a 3-story structure and encroaches further into the front yard setback with the proposed garage by approximately 8 feet. Staff provides the following chronology of impervious cover requests associated with the CBPA variance exhibits for the Board’s review.

- December 23, 2002 CBPA variance exhibit 3,153 square feet of impervious cover proposed
- July 23, 2018 CBPA variance exhibit 5,135 square feet of impervious cover proposed
revised – 4,817 square feet of impervious cover proposed
- August 27, 2018 CBPA variance exhibit 3,788 square feet of impervious cover proposed
- October 22, 2018 CBPA variance exhibit 3,509 square feet of impervious cover proposed

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 land disturbance associated with the proposed improvements presented in the July 2018 CBPA Staff Report, Staff remains of the opinion that the development of the parcel should not solely be debated over the adoption date of the City’s CBPA Ordinance and the Subdivision Ordinance, 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 a 3 story, approximately 1,870 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 25 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. A double row of 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, the required silt fence shall be installed 5 feet from improvements. **Said silt fence 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 and all construction activities shall be contained within the limits of the delineated silt fence.
5. **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 and signs posted along the silt fence in the field noting**

the requirement that “All areas outside limits of construction shall be left in a natural state to include the forest floor (leaf litter) left intact. No construction activity permitted seaward of the silt fence.”

6. 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.
7. 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.**
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. 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 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. Salt and flood tolerant plant species shall be planted below the five foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

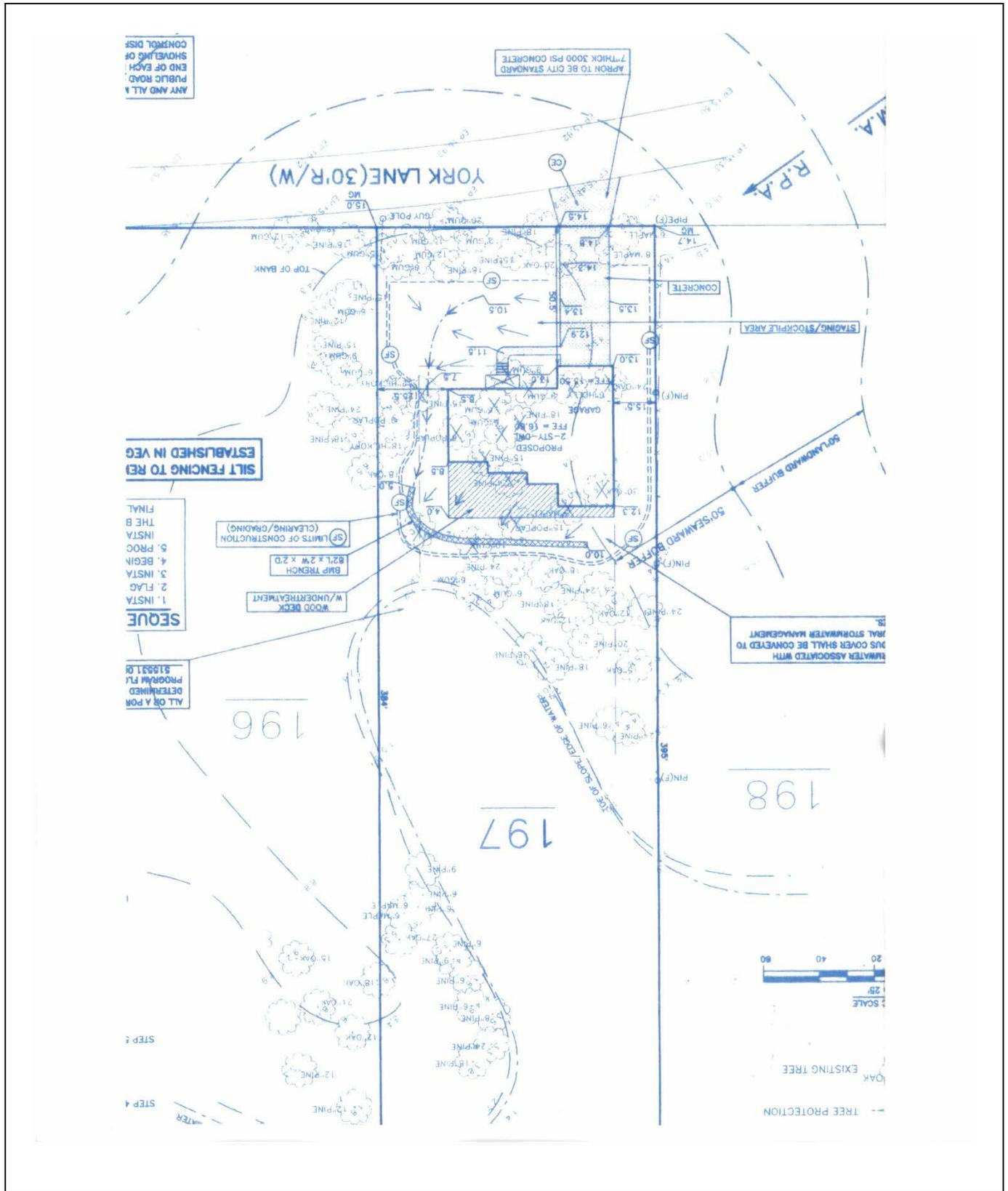
14. The Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
15. All proposed Best Management Practices (BMPs) shall be landward of the 6 foot contour for the northern portion of the parcel and no further than 60 feet from the front yard setback for the southern portion of the parcel, as shown on the CBPA Exhibit.
16. As depicted on the CBPA Exhibit – Encroachment Limits, page 39 of the Staff report for this variance request, all proposed improvements shall lie 50 feet landward of the delineated edge of marsh/tidal shoreline, and in no case shall these improvements be located 50 feet beyond the minimum front yard setback of 50 feet.
17. 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.
18. 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.
19. 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.
20. No perimeter fill 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.
21. 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.
22. **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.
23. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.
24. 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 September 25, 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.
25. 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.

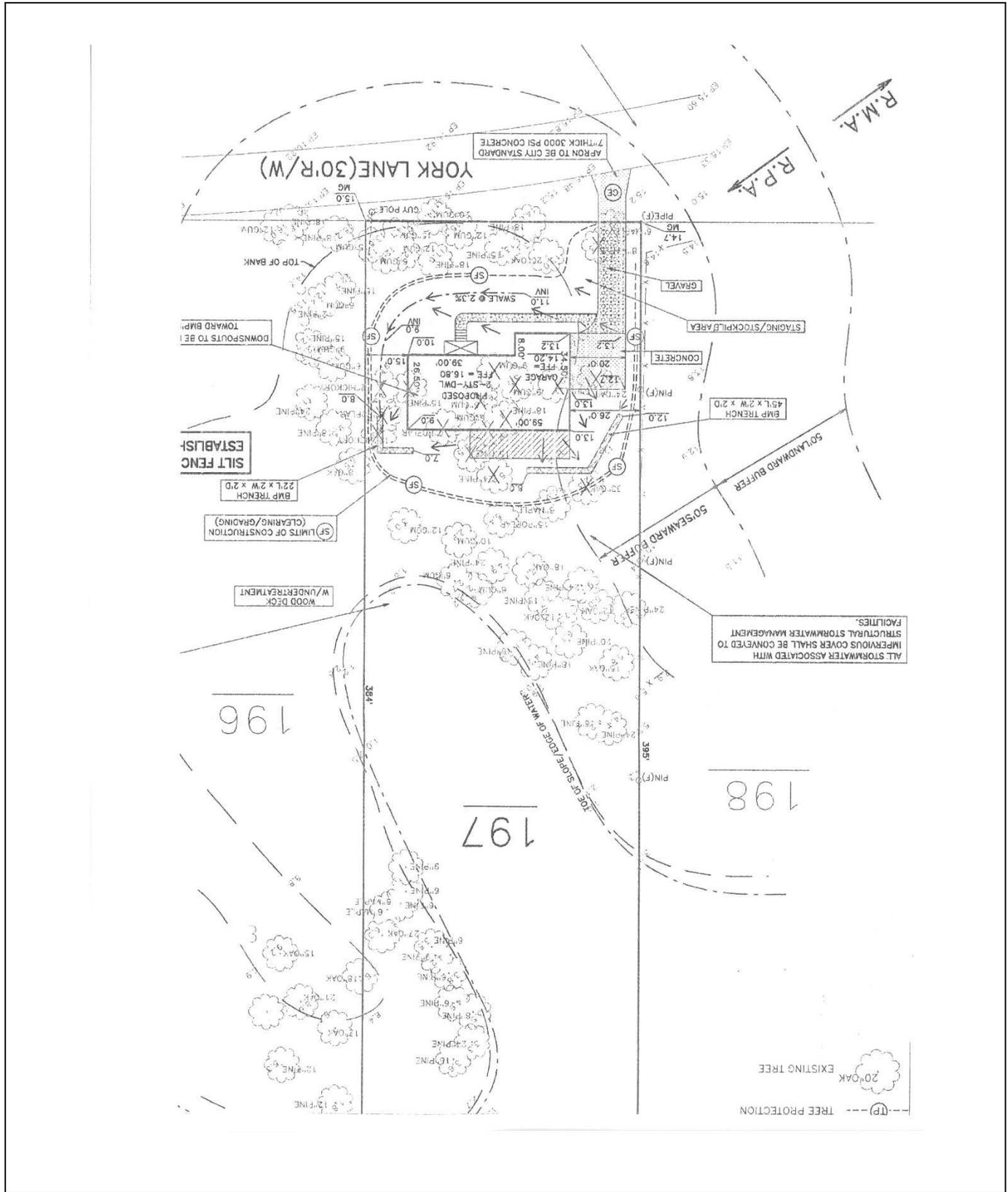
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

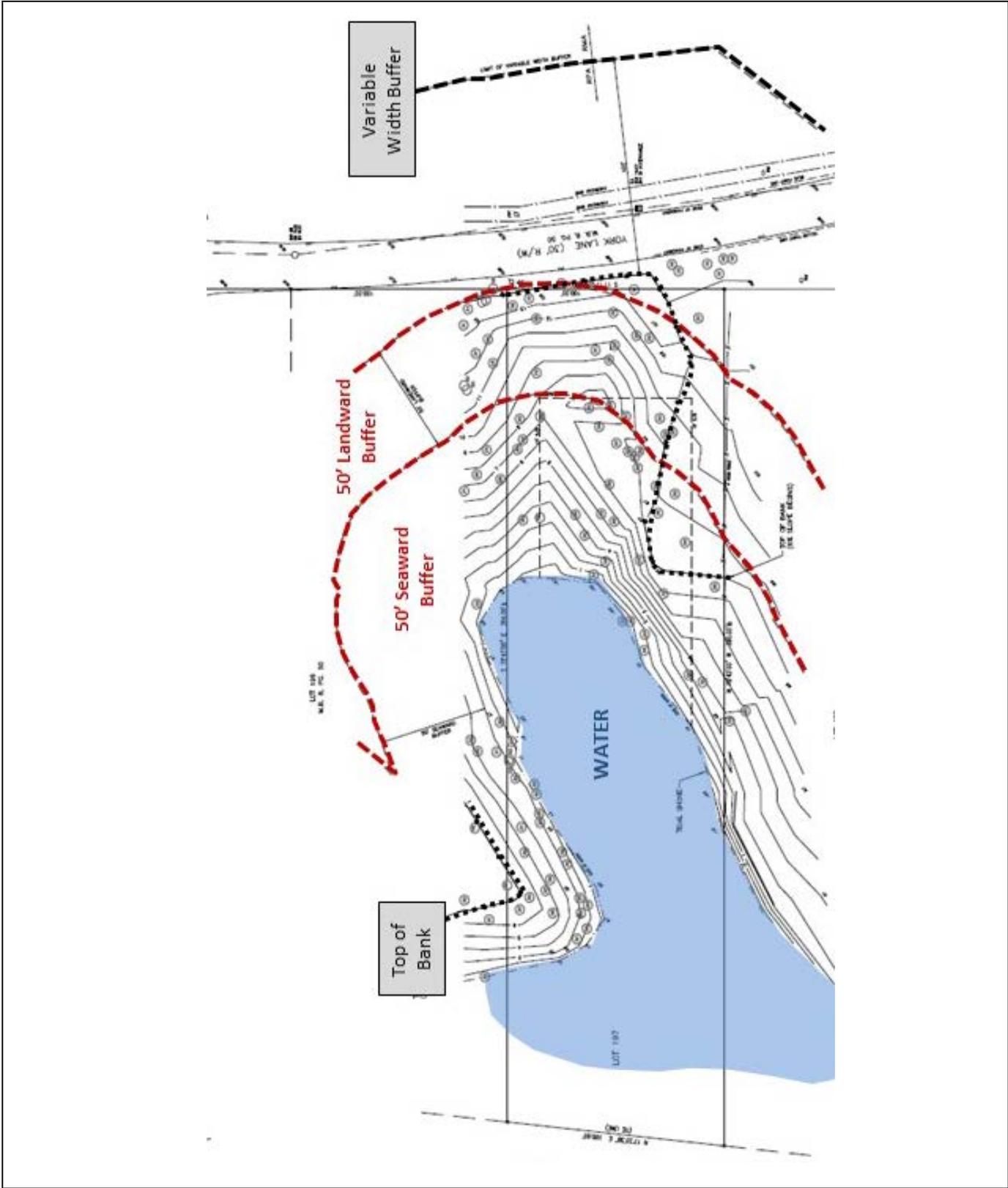
***NOTE: The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section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

Site Aerial

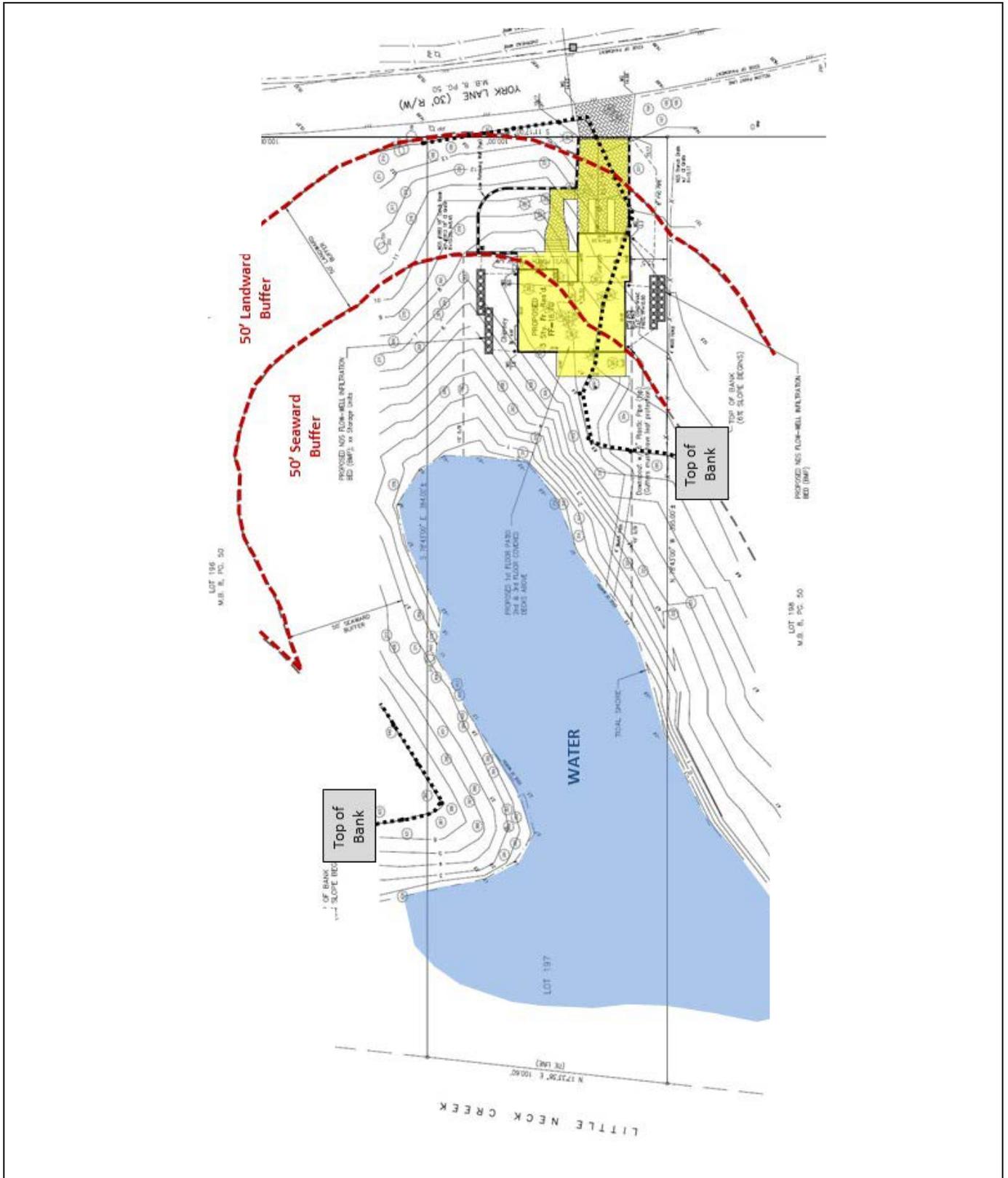


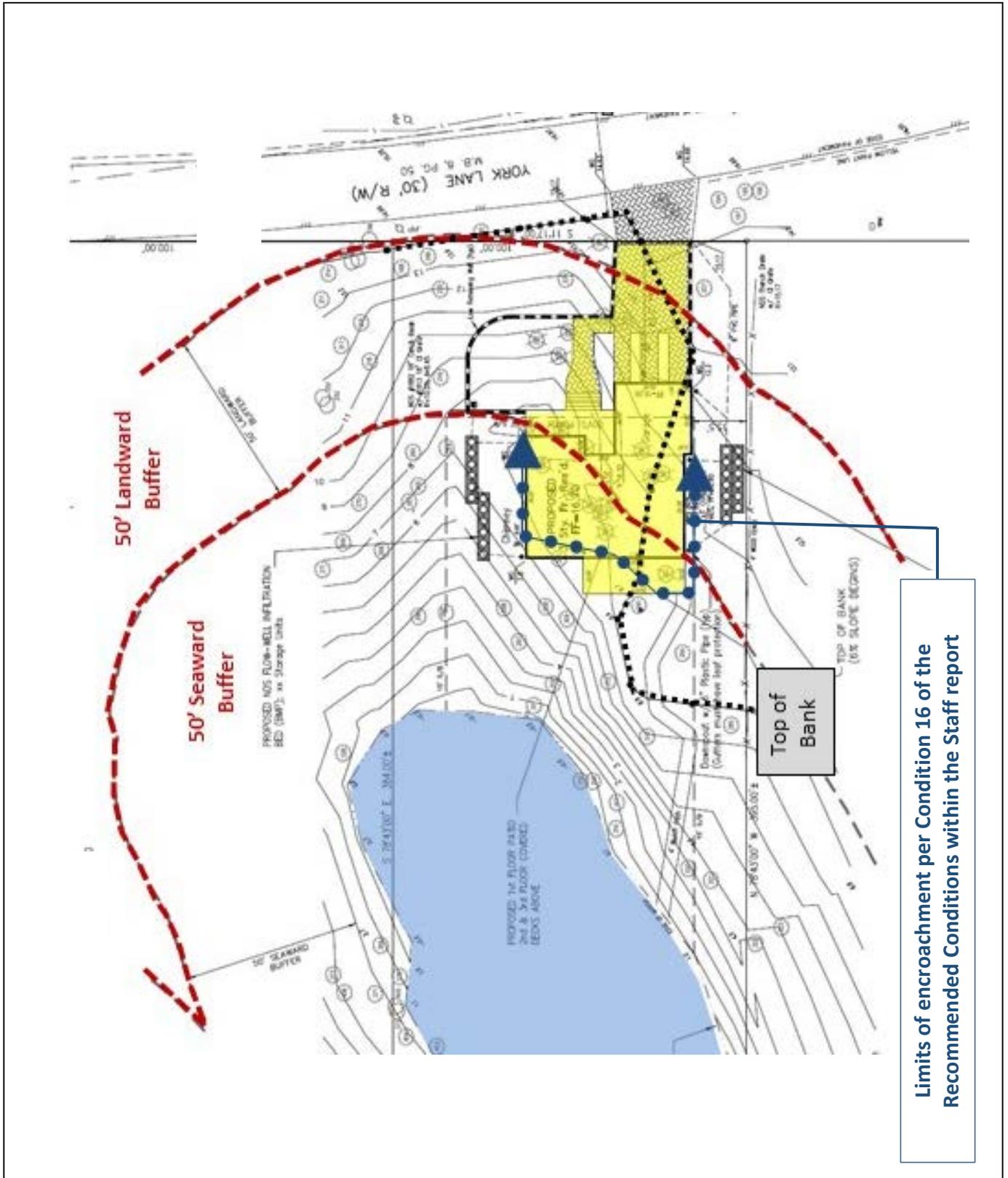






CBPA Exhibit – Proposed Improvements





Limits of encroachment per Condition 16 of the Recommended Conditions within the Staff report

The Disclosure Statements for both Agenda Item 2 and Agenda Item 3 may be found at the end of this Staff Report.



Property Owner and Applicant **Andrew and Lori Baan**
 Address **2711 Poinciana Drive**
 Public Hearing **October 22, 2018**
 City Council District **Lynnhaven**

Agenda Item

4

Variance Request

Encroachment into the Resource Protection Area (RPA) to demolish the existing improvements and construct a single family residence with associated accessory structures.

Applicant's Agent

Mike Gaddy, P.E.

Staff Planner

PJ Scully

Lot Recordation

6/23/1952
 Map Book 32, Page 8A and 8B

GPIN

1499-59-4345

SITE AREA

10,800 square feet or 0.248 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

5,000 square feet or 0.115 acres
 - revised from 7,666 square feet or 0.176 acres

EXISTING IMPERVIOUS COVER OF SITE

2,693 square feet or 53.9 percent of site
 - revised from 35.1 percent

PROPOSED IMPERVIOUS COVER OF SITE

2,951 square feet or 59 percent of site
 - revised from 38.4 percent

Area of Redevelopment in RPA

2,114 square feet

Area of New Development in RPA

295 square feet

Location of Proposed Impervious Cover

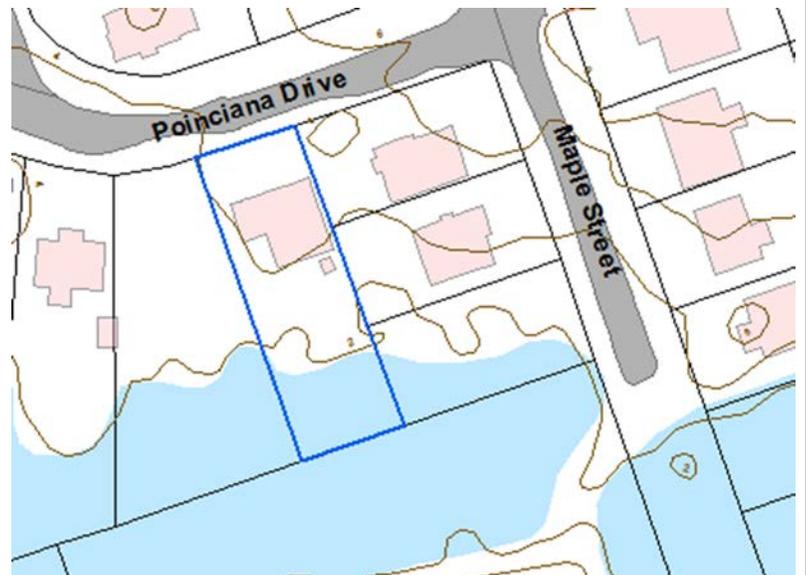
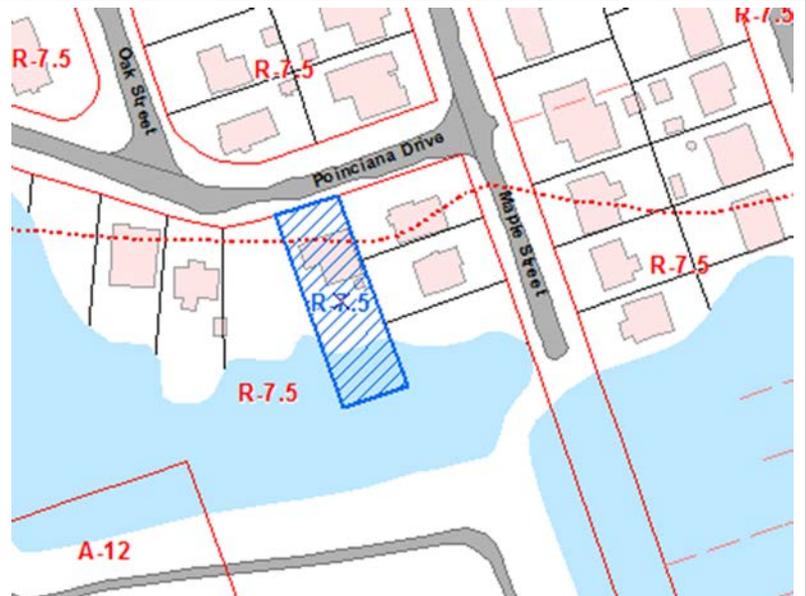
50 foot Seaward Buffer
 50 foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Complete demolition of all upland improvements

Construction Details

- Single family residence on open piles with covered porch, wood deck, and patio area
As submitted, a Board of Zoning Appeals (BZA) variance will be required for the front steps, as they encroach into the front yard setback.

CBPA Ordinance Variance History

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

Environmental Conditions

Flood Zone

Zone AE, Base Flood Elevation (BFE): 7

Soil Type(s)

Newhan-Corolla Series (excessively well-drained, low sand dune soils)

Rappahannock Series (deep and poorly drained soils)

Shoreline

Shoreline is in a natural state with a variety of low marsh and high marsh vegetative species present.

Riparian Buffer

Sparsely wooded parcel

- Number of existing canopy trees requested for removal within the RPA: 0

Evaluation and Recommendation

The initial Resource Protection Area (RPA) delineation for this variance request was measured from the “Edge of marsh at time of survey” line. During the site visit, Staff observed pockets of wetland species – specifically *Spartina patens* and *Distichlis spicata* in addition to a variety of *Setaria* or Foxtail. Although landward of the spring tide range for this area, Staff is of the opinion that the presence of these species, coupled with the topography elevations, indicates the beginning of a transition zone landward of the “edge of marsh at time of survey.” As the result of a discussion with the applicant’s Engineer of Record, the RPA feature is delineated further landward by approximately 40 feet resulting in the increase of impervious cover in the RPA beyond the percentages represented on page 39 of this report.

The new impervious cover encroachment within the RPA is limited to an elevated wood deck. All proposed improvements will remain landward of the existing retaining wall, which will remain. Due to the existing elevations and proximity to the shoreline, the introduction of fill material or manipulation of the existing topography outboard of the existing retaining wall could compromise water quality by removal of the forest floor that provides ecological and

Andrew and Lori Baan

Agenda Item 4

Page 42

biological benefits. Given these environmental conditions, Staff commends the applicant's architect for designing a single family residence on this parcel that redevelops 80 percent of the existing impervious cover and elevates the proposed structures on open piles above base flood elevations as a mean of resiliency and adaptation to patterns of storm surge flooding. Staff is of the opinion that the area seaward of the existing retaining wall be left in a natural state and that the areas in the 50 landward buffer be restored with buffer mitigation plant material suitable to highly permeable, sandy soils. Staff has addressed this opinion with the recommended conditions below, specifically Conditions 4, 5 and 11.

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 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 provides that a high percentage of the proposed improvements will be in areas of existing impervious cover, offer an element of resiliency towards storm surge flooding, and occur landward of the existing retaining wall, resulting in the preservation of the existing natural resources and the topography of the parcel.
- 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 this property within the RPA.
- 3) Given the open pile structure construction method being proposed and approximately 80 percent of the proposed improvements associated with the redevelopment of existing impervious cover, Staff is of the opinion that the variance is the minimum necessary to afford relief.
- 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 the proposed improvements are minimal, provide a mean of resiliency and adaptation to patterns of storm surge flooding, and preserve the existing topography and vegetation to allow for stormwater uptake and filtering and for marsh land migration.
- 5) Staff offers that the proposed improvements are not located in the most sensitive portions of the parcel, and that the retention of the existing riparian buffer canopy trees, coupled with the existing healthy 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 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 along the existing retaining wall.
5. Construction limits shall be contained within the limits of the existing retaining wall. **All areas outside limits of construction shall be left in a natural state to include existing the forest floor (leaf litter) and upland meadow grass / transition area left intact. Said condition shall be so 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 **(to the greatest extent practicable)** of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
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. Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
9. A site plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
10. Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
11. A maximum of 500 square feet of turf is permitted for this parcel. Said turf area shall be restricted to the front yard. Those areas seaward of the 2 foot contour shall be left in a natural state and not mown or converted to turf. All remaining impervious area and landward of the 2 foot contour 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 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. 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.

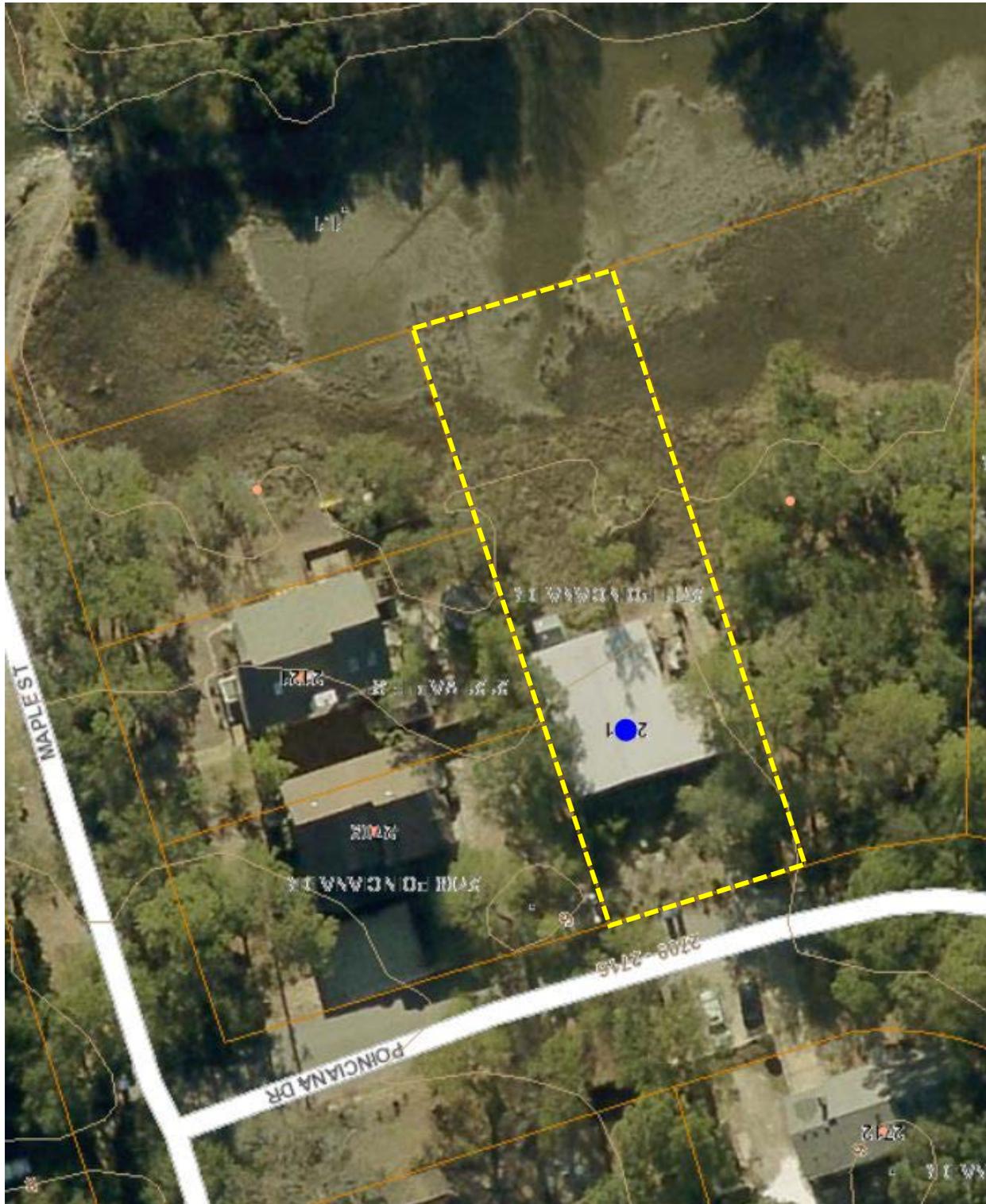
12. No proposed improvements shall be located seaward of the existing wood retaining wall.
13. No perimeter fill is authorized outboard or seaward of the existing wood retaining wall.

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 \$67.60 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. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.
16. The conditions and approval associated with this variance are based on the exhibit prepared by Gaddy Engineering Services, LLC, signed October 8, 2018 by Michael Gaddy. 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.

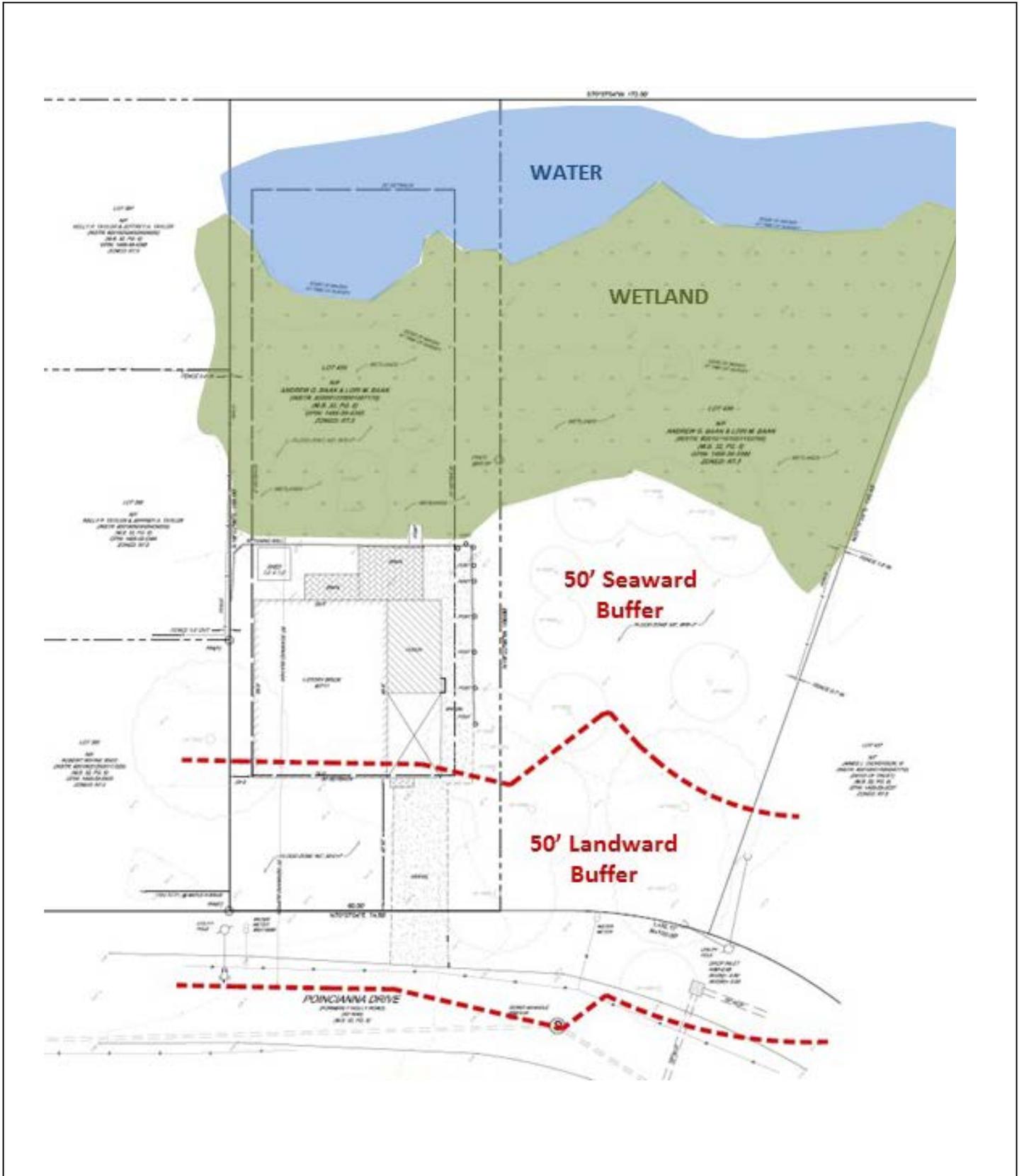
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

***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.

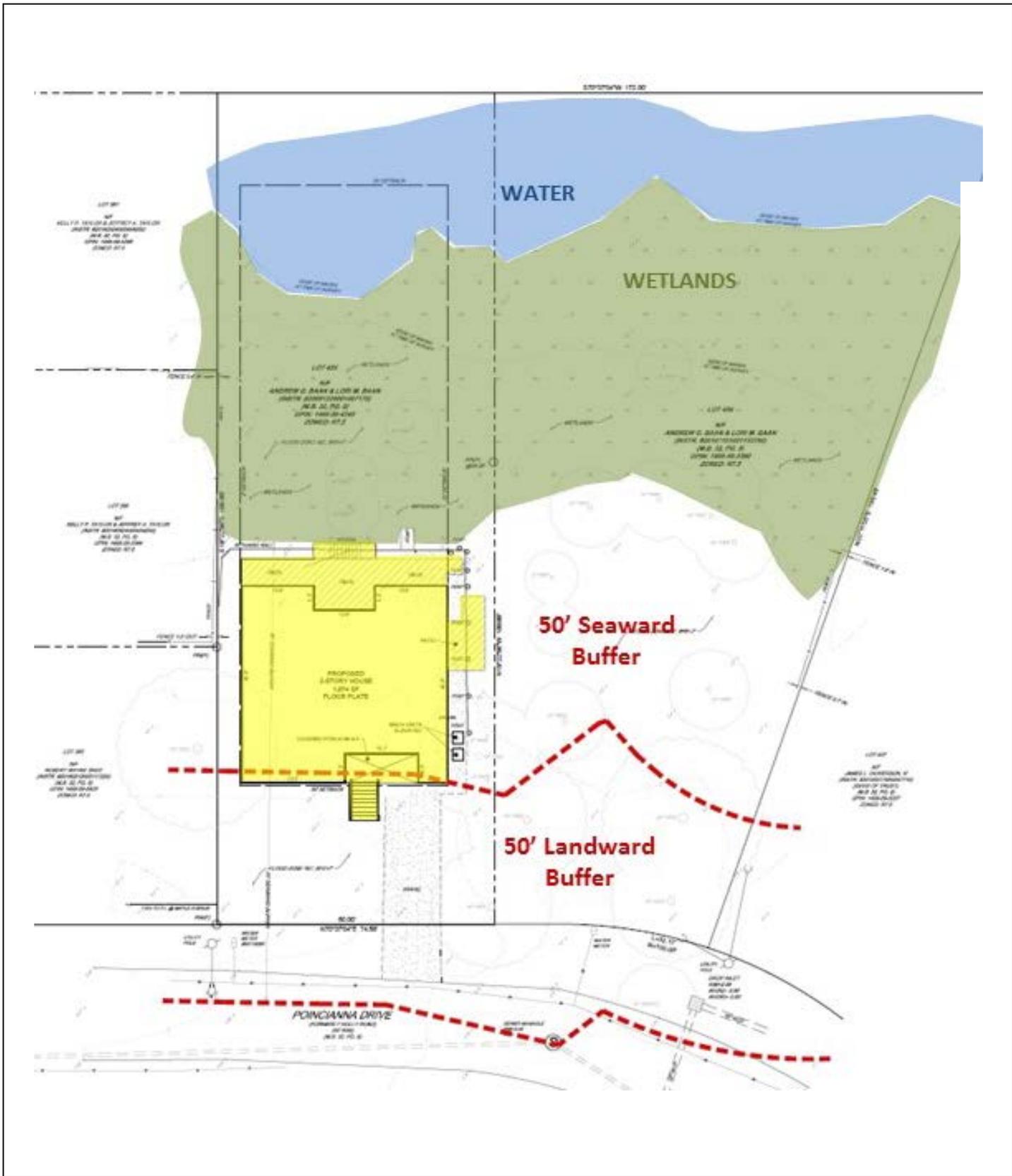
Site Aerial



CBPA Exhibit – Existing Conditions



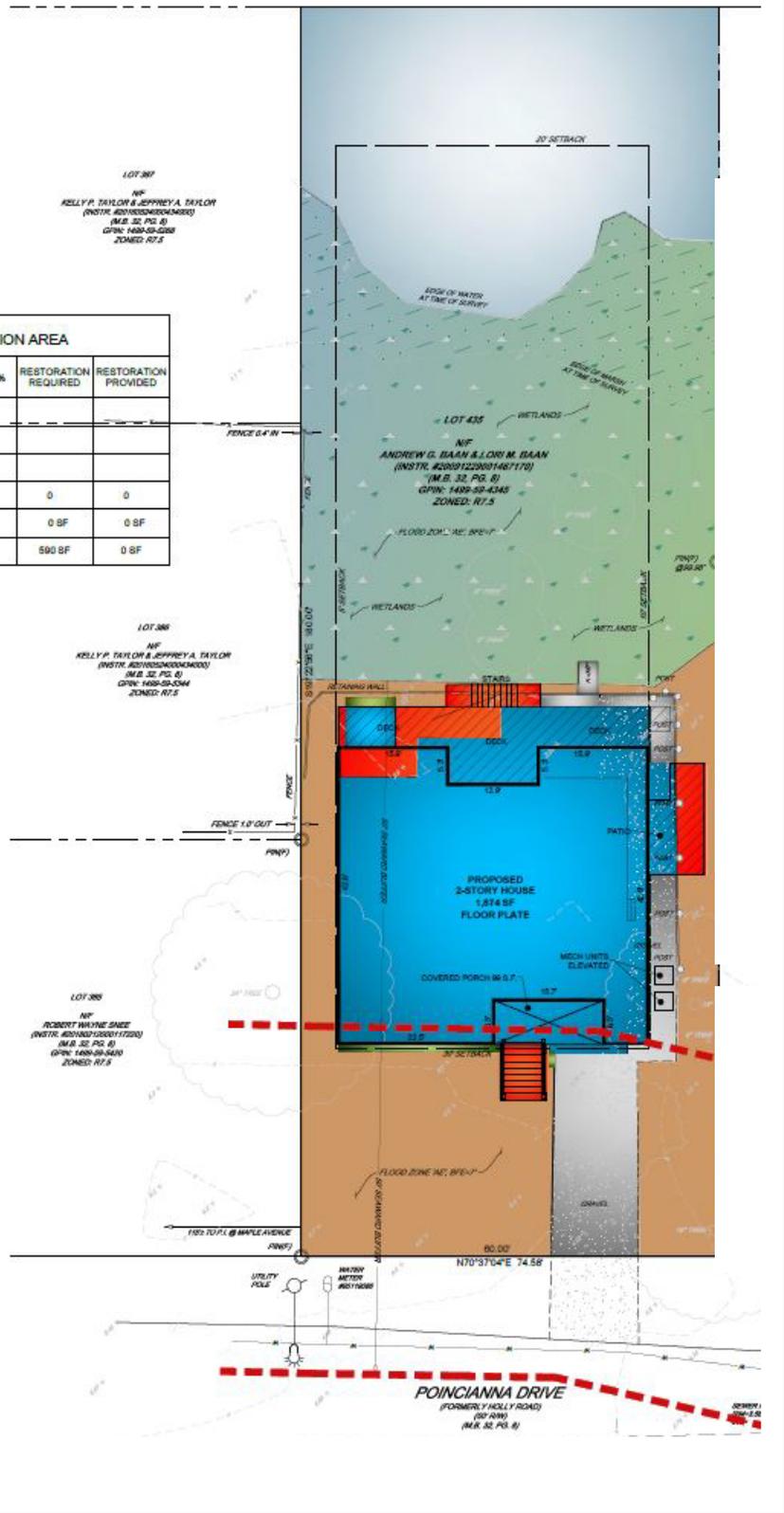
CBPA Exhibit – Proposed Improvements



CBPA Exhibit – Color Analysis

ANALYSIS OF DEVELOPMENT WITHIN THE CBPA RESOURCE PROTECTION AREA							
	LEGEND	EXISTING	PROPOSED	DIFFERENCE	BUFFER%	RESTORATION REQUIRED	RESTORATION PROVIDED
TOTAL IMPERVIOUS AREA		2,893 SF	2,951 SF	215 SF			
IMPERVIOUS COVER DEMOLITION							
IMPERVIOUS CONVERTED TO PERVIOUS		37 SF					
IMPERVIOUS COVER TO REMAIN		542 SF	542 SF	0%	0	0	
'REDEVELOPMENT' NEW OVER OLD		2,114 SF	2,114 SF	0%	0 SF	0 SF	
'NEW IMPERVIOUS		295 SF		200%	590 SF	0 SF	

-  HATCH DENOTES NATURALIZED AREA TO REMAIN
-  COLOR HATCH DENOTES EXISTING MARSH AREAS
-  COLOR HATCH DENOTES EXISTING WETLANDS AREAS
-  DENOTES RPA BUFFER SETBACKS





APPLICANT'S NAME Andrew + Lori Baan

DISCLOSURE STATEMENT FORM

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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: Andrew & Lori Baan (owners)
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 ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes ¹ and ²

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: Andrew and Lori Baan
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-subsiary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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



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	Greg Battaglia
<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	Mike Megge
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Mike Gaddy
<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)	Wells Fargo
<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"/>	

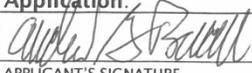
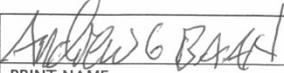
If yes, what is the name of the official or employee and what is the nature of the interest?



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

*Same as owner
below*

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



Property Owners and Applicant **Akhil and Nita Jain**
 Address **1612 Meeting House Lane**
 Public Hearing **October 22, 2018**
 City Council District **Bayside**

Agenda Item

5

Variance Request

Encroachment into the 100 foot Resource Protection Area (RPA) with the expansion of an existing accessory structure – paver patio.

Applicant’s Agent

Robert Simon

Staff Planner

PJ Scully

Lot Recordation

07/27/1990
 Map Book 205, Page 65 - 71

GPIN

1489-23-0626

SITE AREA

111,980 square feet or 2.57 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

62,522 square feet or 1.44 acres

EXISTING IMPERVIOUS COVER OF SITE

17,945 square feet or 28.7 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

18,790 square feet or 30 percent of site

Area of Redevelopment in RPA

3,227 square feet

Area of New Development in RPA

1,172 square feet

Location of Proposed Impervious Cover

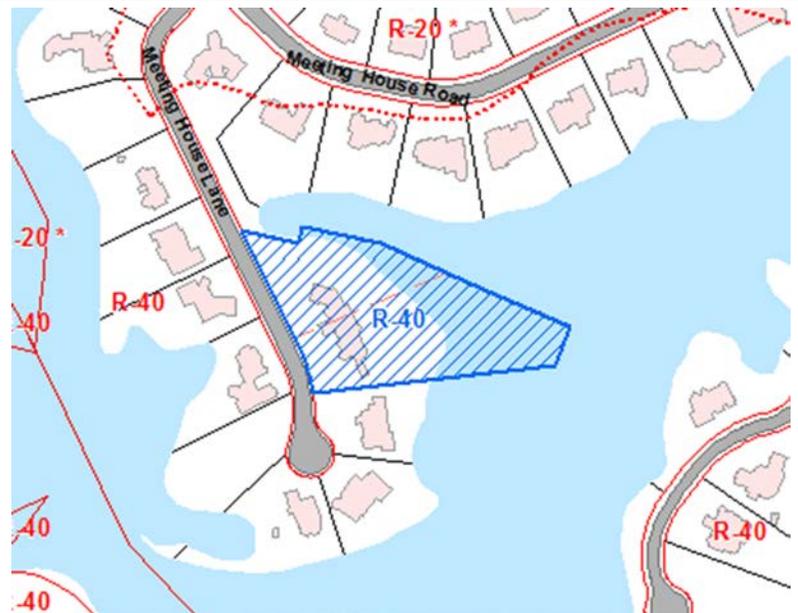
- 50 foot Seaward Buffer
- 50 foot Landward Buffer
- 100 foot Variable Width Buffer
- Resource Management Area (RMA)

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Concrete circular driveway
- Portion of existing concrete patio

Construction Details

- Concrete paver circular driveway
- Paver walkway with associated fire pit
- Paver walkway with associated water feature

CBPA Ordinance Variance History

December 16, 1991 a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for Lots 1, 3-6, 12-14, 16-30, 33-35 and 37-45 in Section Two of the Church Point Farm subdivision with the following conditions:

- 1. The encroachment granted under this variance shall be the minimum necessary for relief. Encroachment upon, or reduction in the width of the buffer area shall be the minimum necessary, as determined by the Chairman of the Chesapeake Bay Preservation Area Review Committee, to accommodate a reasonable construction footprint solely for a principal structure. Once construction is complete, the vacant area within the construction footprint shall be restored with vegetation according to a landscape plan to be submitted with the final site plan. This encroachment will not include changes in grade elevations of the lot by filling or cutting or retaining structures.*
- 2. Each individual lot shall submit a final site plan to the Development Services Center for full plan of development review and approval prior to issuance of a building permit. The proposed development will meet all the other performance standards beyond those specifically waived above. The encroachment granted shall be the minimum necessary to provide for reasonable residential use of the lot. This plan will delineate all areas to be cleared and appropriate measures for revegetation of disturbed areas, inclusive of tree mitigation.*
- 3. Appropriate stormwater, erosion and sediment control and landscape bonds must be posted with the Development Services Center prior to issuance of a building permit*
- 4. The applicant shall file and record such notice for Section Two, Lots 1, 3-6, 12-14, 16-30, 33-35, and 37-45, of Church Point Farm, which reflects the variance granted in such language as shall be approved by the City Attorney's office. Such notice shall be recorded prior to the issuance of any permits under this variance.*

The December 16, 1991 Board granted variance has been acted upon and the proposed improvements constructed.

December 14, 1992 a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for the construction of a single family residence and swimming pool with the following conditions:

- 1. A letter of intent executed by the applicant, identifying the number and species of the proposed understory shrubs and plants in the buffer and steep slopes in lieu of tree mitigation and Landscape Plan shall be submitted.*

2. A revised site plan meeting the above condition shall be submitted to the Planning Department for a plan of development review and appropriate bonds posted prior to the issuance of a building permit.

Environmental Conditions

Flood Zone

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

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.

Riparian Buffer

Sparsely wooded parcel

- Number of existing canopy trees requested for removal within the RPA: 0

Evaluation and Recommendation

The applicant is in the process of redeveloping the existing pool patio, constructed around 1992. The existing pool patio is a stamped concrete surface that exhibits signs of aging and has the potential to be slippery when wet given the smooth finish. The existing concrete pool patio will not be removed with the installation of the new concrete pavers therefore producing minimal land disturbance and limited potential for detrimental erosion to occur. With the redevelopment of this area, the applicant desires to expand portions of the pool patio area for the construction of a water feature and walkway to the existing wood pier. Coupled with the removal of an existing paver patio and portions of the gravel walkway, an approximate 736 square foot reduction of impervious cover within the 50 foot seaward buffer, Staff is of the opinion that the expansions of the pool patio occur in the least sensitive portion of the buffer area – an area with flat topography and situated along the outer perimeter of the 50 foot landward buffer adjacent to the residence.

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 property is mostly redevelopment and the total impervious cover is less than 25 percent.”* Staff concurs.
- 2) *“Given that the RPA buffers encompass the entire rear portion of the parcel due to the geometry and topography of the parcel, any and all maintenance and/or proposed work requests will require a variance for encroachment into the RPA on this lot based upon conditions or circumstances that have been imposed by the creation of this subdivision.”* Staff concurs and offers that the majority of the encroachment is

located within the upper reach of the 50 foot landward buffer and that the applicant has offered a 736 square foot reduction in impervious cover within the 50 seaward buffer.

- 3) The variance is the minimum necessary to afford relief with *“the overall impervious cover associated with the introduction of the proposed improvements being under 25 percent impervious cover for the entire parcel.”* 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 because *“all improvements are on the flat portions of the parcel and BMPs will be installed to treat stormwater runoff where there are none currently.”* Staff concurs and offers that the retention of the existing concrete patio as a base for the concrete pavers limits land disturbance and reduces the potential for detrimental erosion to occur.
- 5) *“Structural BMPs shall be installed”* as a means to manage towards a no net increase in nonpoint source pollution load. Coupled with the required buffer restoration, Staff concurs with the statement made by the applicant’s agent.

Finally, Staff recommends the following 11 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 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.
5. 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.**
6. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **1,172 square feet x 200 percent = 2,344 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: **6 canopy trees, 6 understory trees, 12 large shrubs, and 18 small shrubs.**

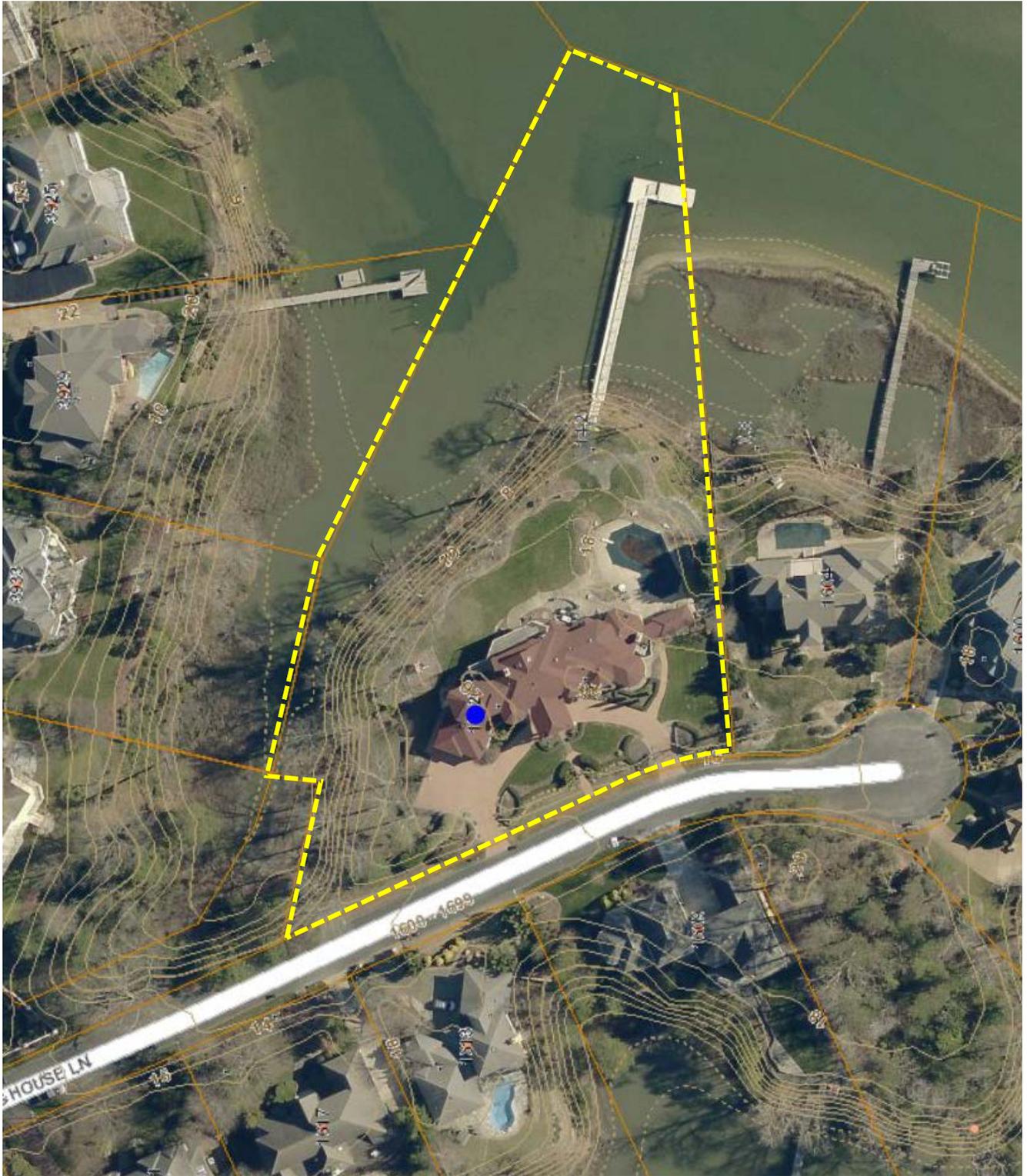
The required restoration shall be located in the 50 foot seaward buffer of the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas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

7. ****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 \$268.58 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.**
8. This variance and associated conditions **are in addition to** the conditions of the Board variance granted December 16, 1991 and December 14, 1992.
9. A Single Family Dwelling (RPA) Small Projects Site Plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
10. Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh
11. The conditions and approval associated with this variance are based on the exhibit plan dated October 3, 2018, prepared by Chesapeake Bay Site Solutions, signed October 5, 2018 by Gregory Milstead. 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.

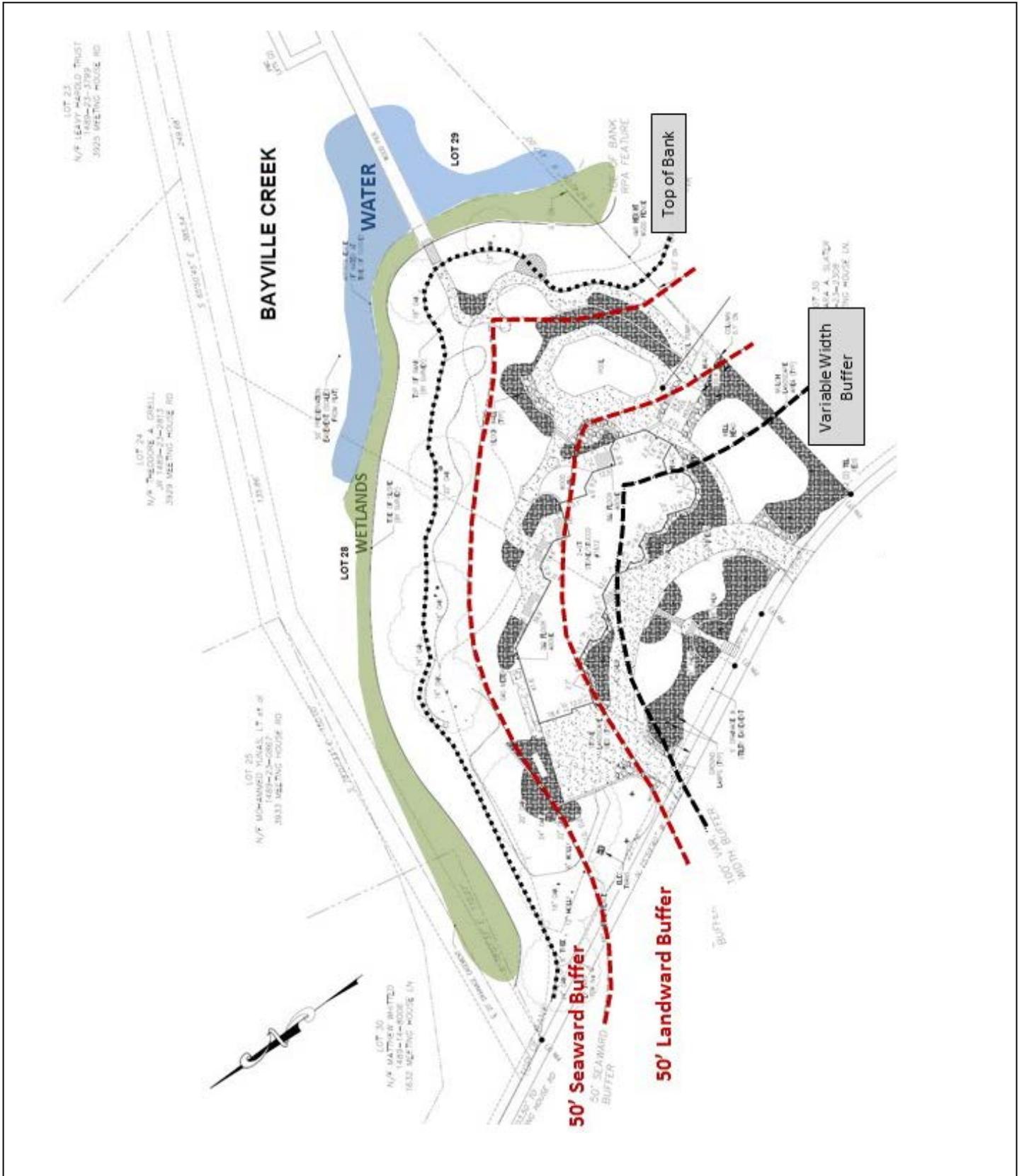
Site Aerial



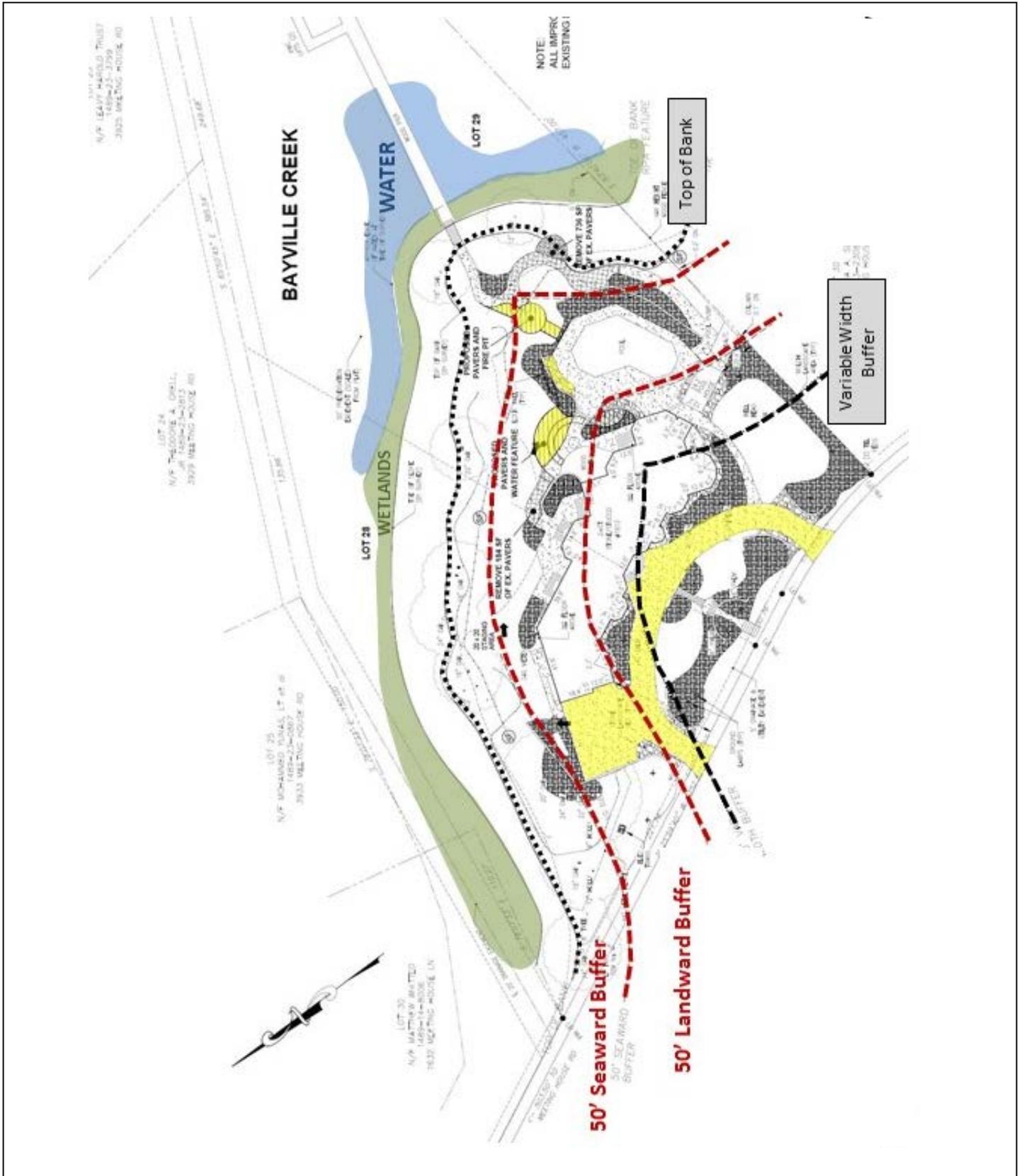
December 14, 1992 Board Variance Exhibit



CBPA Exhibit – Existing Conditions



CBPA Exhibit – Proposed Improvements





APPLICANT'S NAME Akhil Jain

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<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: Akhil Jain
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 ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes ¹ and ²

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-subsiary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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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 checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Wall, Einhorn, and Chernitzer
<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	Dominion Pavers
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	WCI, Chesapeake Bay Site Solutions
<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)	Chase Bank Corp.
<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.

	Akhil Jain	9/17/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

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

Akhil and Nita Jain

Agenda Item 5

Page 68

Variance Request

Encroachment into the Resource Protection Area (RPA) to demolish the existing improvements and construct a single family residence with associated accessory structures.

Applicant's Agent

Billy Garrington

Staff Planner

PJ Scully

Lot Recordation

7/30/1965

Map Book 66, Page 18

GPIN

1488-18-3652

SITE AREA

47,327 square feet or 1.086 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

44,632 square feet or 1.0253 acres

EXISTING IMPERVIOUS COVER OF SITE

6,349 square feet or 14.2 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

10,705 square feet or 23.9 percent of site

Area of Redevelopment in RPA

3,415 square feet

Area of New Development in RPA

4,360 square feet

Location of Proposed Impervious Cover

50 foot Landward Buffer

100 foot Variable Width Buffer

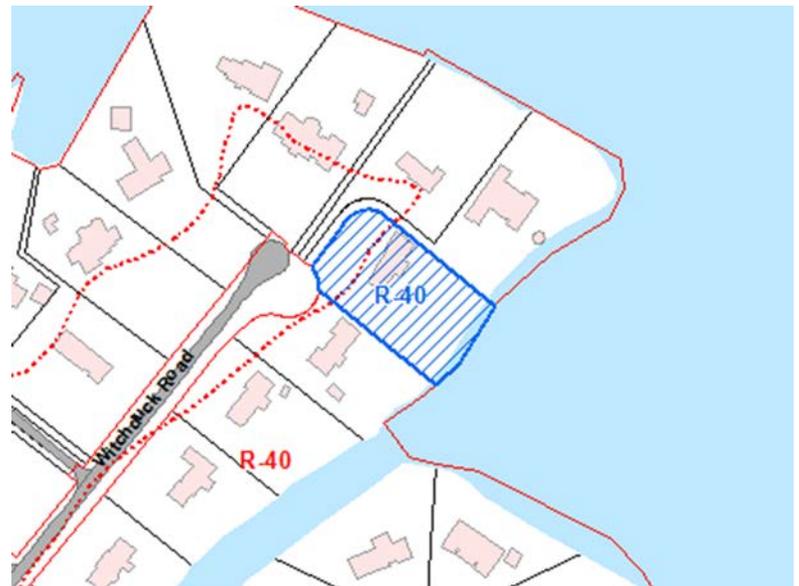
Resource Management Area (RMA)

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Complete demolition of all upland improvements

Construction Details

- Single family residence with associated concrete driveway and walks
- Swimming pool with associated concrete patio areas

CBPA Ordinance Variance History

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

Environmental Conditions

Flood Zone

Multiple Zones – Zone X and VE, Base Flood Elevation (BFE): 10

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 with a wood bulkhead.

Riparian Buffer

Heavily wooded, undeveloped parcel

- Number of existing canopy trees requested for removal within the RPA: 3
- Number of existing understory trees requested for removal within the RPA: 7
- Evaluation of existing tree removal request: The majority of trees being requested for removal are within the delineated limits of construction and considered understory trees based off of species and height at maturity.

Evaluation and Recommendation

The encroachment associated with this variance request is for an accessory structure above the top of bank feature and within the upper reach of the 50 foot landward buffer of the RPA. This parcel was platted in 1965, prior to the adoption of the CBPA Ordinance and has a deed restriction that requires a front yard setback of 65 feet. Given the requirements for encroachments associated with the redevelopment of this parcel – front yard setback and RPA, coupled with the location of the parcel on a cul-de-sac further impacting the front yard setback, Staff is of the opinion that the applicant's placement of the proposed improvements are in harmony with the neighborhood and represent the minimum necessary to afford relief.

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 *"the proposed dwelling and associated improvements are in keeping with the neighborhood."* Staff supports the applicant's statement as mentioned above.
- 2) Staff offers 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. In addition, the deed restriction specific to this parcel increases the minimum front yard setback by 15 feet (from 50 feet to 65 feet), to which the applicant has placed the corner of the proposed improvements at the front yard setback.
- 3) The variance is the minimum necessary to afford relief as *"the owners have designed the proposed improvements to minimize the impact to the Chesapeake Bay and have included bioretention beds within the site to provide for the treatment of stormwater."* Staff concurs.
- 4) As stated above with regards to the parcel being platted in 1965, prior to the adoption of the CBPA Ordinance, and has a deed restriction that requires a front yard setback of 65 feet, Staff is of the opinion 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.
- 5) The applicant states, as a means to manage towards a no net increase in nonpoint source pollution load that *"bioretention beds will be placed seaward of the improvements and treat the proposed impervious cover prior to being released into the adjacent waterway."* Staff supports the applicant's attempt towards the variance request being a no net increase in nonpoint source pollution and has conditioned that the proposed buffer restoration occur in the 50 foot seaward buffer of the RPA as a means to reestablish a nonexistent riparian buffer on the parcel.

Staff supports the application with the 12 recommended conditions below, and is of the opinion that said improvements will not contribute to the degradation of water quality or prove detrimental to the Resource Protection Area.

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 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.

5. 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.**
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: **4,360 square feet x 200 percent = 8,720 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: **10 canopy trees, 10 understory trees, and 20 large shrubs, and 30 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. ****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 \$999.16 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.**
12. The conditions and approval associated with this variance are based on the exhibit plan dated August 14, 2018, prepared by WP Large, signed October 5, 2018 by Eric Garner. The conditions and approval associated with this

variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board.

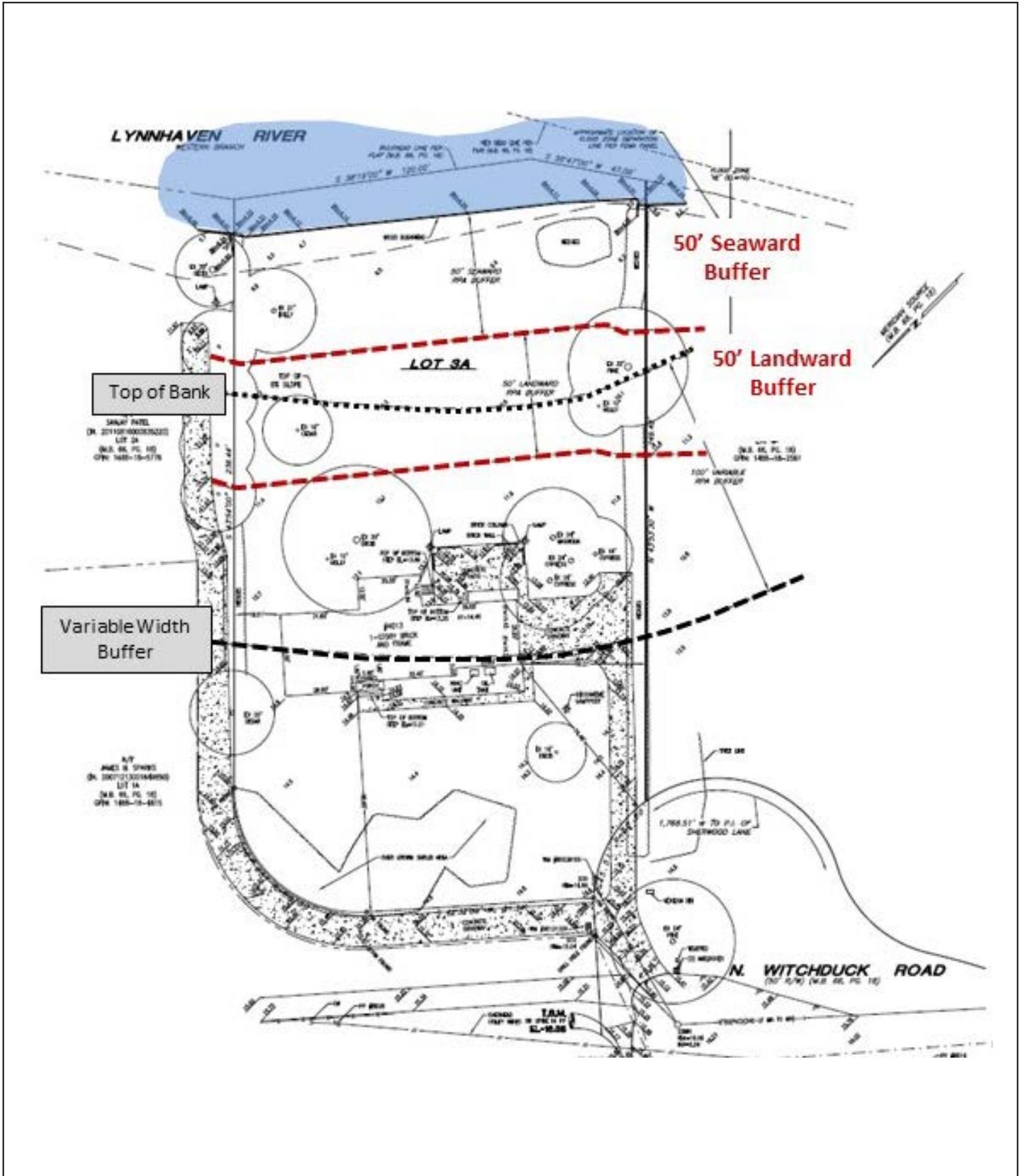
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

***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.

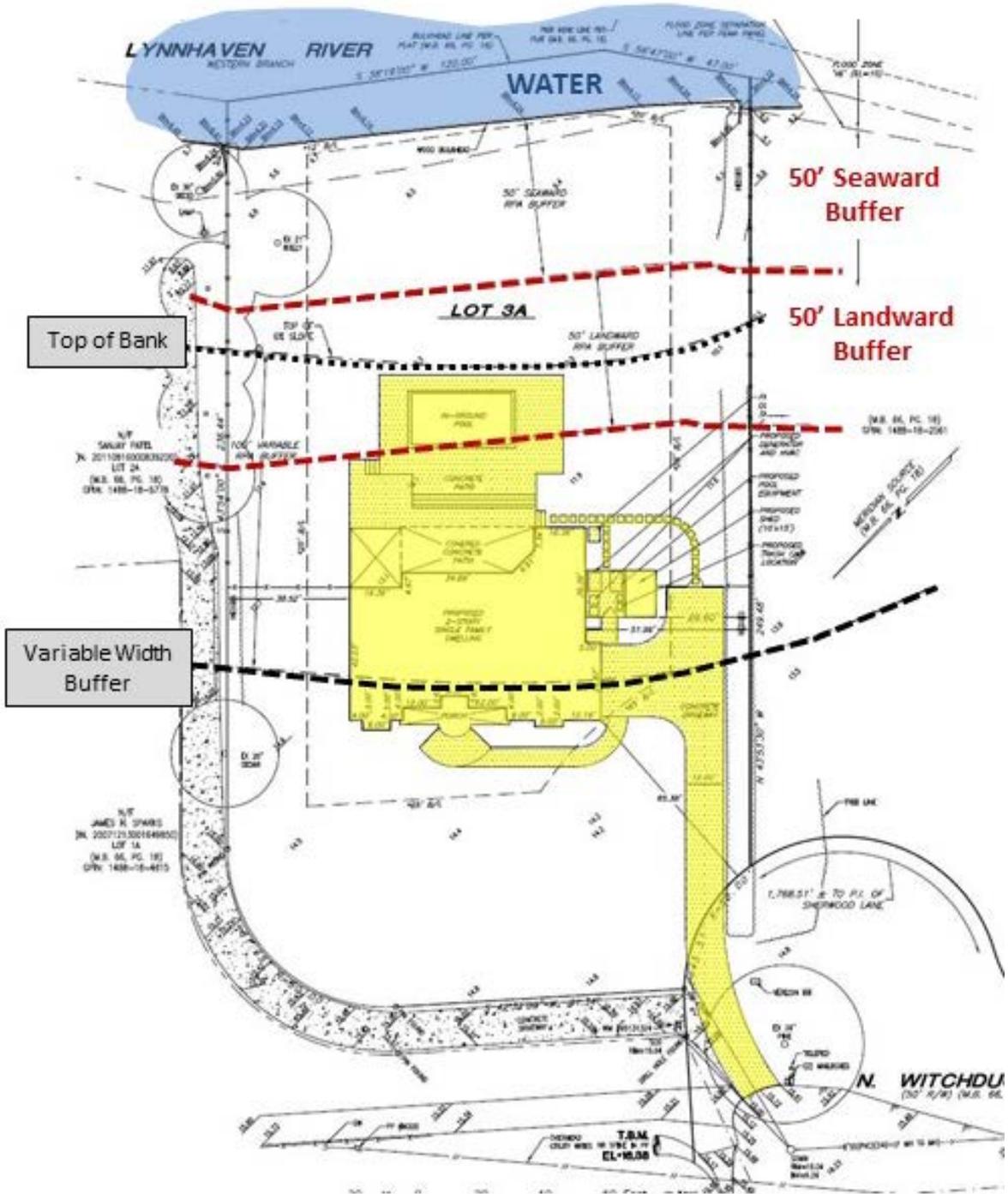
Site Aerial



CBPA Exhibit – Existing Conditions



CBPA Exhibit – Proposed Improvements





APPLICANT'S NAME Page S. Johnson II and Amy A. Johnson

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:	

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: Page S. Johnson II and Amy A. Johnson
If an LLC, list all member's names:
N/A

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

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

See next page for information pertaining to footnotes¹ and ²

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: Page S. Johnson II and Amy A. Johnson
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)*

N/A

(B) List the businesses that have a parent-subsidiary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

N/A

¹ "Parent-subsidiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsidiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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	Sal Lemole
<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	WPL
<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	GPC, Inc. Billy Garrington
<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?

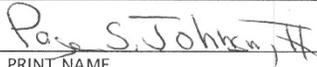
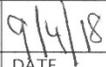
N/A



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.

AS NEEDED, PAGE LEFT BLANK

Variance Request

Encroachment into the Resource Protection Area (RPA) with the redevelopment of an existing wood deck and construction of a swimming pool.

Applicant's Agent

Billy Garrington

Staff Planner

PJ Scully

Lot Recordation

6/12/1964
 Map Book 61, Page 34

GPIN

2418-59-5194

SITE AREA

42,420 square feet or 0.974 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

42,420 square feet or 0.974 acres

EXISTING IMPERVIOUS COVER OF SITE

12,566.2 square feet or 29.6 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

11,661 square feet or 27.5 percent of site

Area of Redevelopment in RPA

4,348.5 square feet

Area of New Development in RPA

1,982.6 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

- Wood deck
- Front porch and associated walkways
- Brick paver and gravel driveway

Construction Details

- Stone patio with associated retaining wall
- Swimming pool
- Covered entry with associated walkway
- Paver driveway with parking area

CBPA Ordinance Variance History

September 24, 2012 a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for the construction of a covered porch with fireplace, a covered deck, and one-story addition with roof top deck with the following conditions:

1. *A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.*
2. *Land disturbance shall be limited to the area necessary to provide for the proposed use or development.*
3. *Wire re-enforced 36" erosion and sedimentation control measures (silt fences), shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fence shall be installed 10 ft. from proposed improvements. Best management practices for erosion and sediment control shall be employed during restoration activities to protect adjacent wetlands and shorelines of water bodies.*
4. *Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline (to the greatest extent practicable) of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.*
5. *Prior to the issuance of any certificate of occupancy, or the final release of any permit authorizing a land disturbing activity, all disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations by such methods as, but not limited to, temporary seeding, permanent seeding, sodding or soil stabilization blankets and matting. The Building Code Official may authorize a temporary certificate of occupancy without the required soil stabilization if the failure to stabilize is due to circumstances beyond the control of the permit holder.*
6. *Construction limits shall lie a maximum of 10' outboard of improvements.*
7. *The construction access way shall be noted on the site plan, as well as the stockpile / staging area.*
8. *Under deck treatment of sand and gravel shall be installed.*

9. *If and when the shoreline is rehardened, a rip-rap revetment shall be constructed in lieu of a vertical retaining structure (vinyl, timber or steel bulkhead). The toe of said revetment shall lie at or landward of mean high water or tidal vegetated wetlands, unless the Wetlands Board determines that site specific conditions warrant a more seaward alignment.*
10. *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.*
11. *A separate landscape / buffer restoration plan shall be submitted concurrent with the site plan detailing location, number, and species of vegetation to be installed. The landscape plan shall clearly delineate existing naturalized (trees, landscaping and mulched organic surfaces) areas, planting beds, and turf zones.*
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.*
13. *The conditions and approval associated with this variance are based on the site plan prepared by Gallup Surveyors and Engineers dated August 1, 2012 and sealed August 2, 2012 by Bruce Gallup.*
14. *Eliminate the construction access to the east of the residence.*
15. *In addition to condition 3 listed above, erosion and sedimentation controls within the western limits of construction shall incorporate soil and root protection. Said method (i.e. wood mats, 6 – 12” of mulch, logging mats, etc.) shall be consistent with the publication Managing Trees during Construction, a companion publication to the ANSI A300 Part 5: Tree, Shrub and Other Woody Plant Maintenance – Soil and Root Protection*
16. **Stormwater runoff from proposed impervious cover and redeveloped portions of the project shall be conveyed to stormwater management facilities. Low maintenance best management practices shall be employed to the maximum extent practicable. Stormwater facilities shall be installed prior to the certificate of occupancy or release of the building permit.*
17. *Buffer restoration shall be installed equal to 200% of the proposed new impervious cover within the RPA (134 sq. ft. x 200% = 268 sq. ft.) and 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. 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 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. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.*
18. *Buffer restoration shall be installed equal to 100% of the proposed area of redevelopment within the RPA (480 sq. ft. x 100% = 480 sq. ft.) and 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 within 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. 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 50% deciduous and 50% evergreen species and shall be evenly distributed within the RPA buffer. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit. In lieu of 100% restoration for redevelopment areas, a 10% reduction in pollutant removal load is acceptable via a structural BMP.

19. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.

The September 24, 2012 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

Shoreline

Shoreline is hardened with a concrete bulkhead.

Riparian Buffer

Moderately wooded parcel

- Number of existing canopy trees requested for removal within the RPA: 2
- Number of existing understory trees requested for removal within the RPA: 2
- Evaluation of existing tree removal request: Given the amount of redevelopment proposed with this variance request, Staff is of the opinion that the tree removal request is minimal to achieve an overall reduction in impervious cover.

Evaluation and Recommendation

The rear portion of the property is a northwest facing slope that is moderately shaded by mature canopy tree cover. No major signs of erosion are present along the shoreline, or within the area of the proposed improvements associated with the stone patio and the retaining wall.

Given the existing topography of the rear yard, the stability of the bank due to vegetative cover, and the underlying soil conditions, Staff supports this application's use of a retaining wall system for the patio and integrated swimming pool. The request represents an overall reduction in impervious cover on the parcel. Staff's support for this variance request is contingent upon limiting land disturbance along the northwest portion of the proposed improvements and stabilizing all the disturbed areas, seaward of the retaining wall located at the rear of the residence, with vegetative cover to maximize erosion and sedimentation control benefits and stormwater infiltration. Staff has addressed this concern with the recommended conditions, specifically Conditions 4, 5, 12 and 13 below.

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 is of the opinion that the applicant's desire to redevelop the existing improvements located along the rear of the residence to the greatest extent practicable and reducing the overall impervious cover of the parcel does 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 the Ordinance and are similarly situated.
- 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 redevelop the existing wood deck within the same footprint to the greatest extent practicable, and the overall reduction in impervious cover provides merit towards this variance request being the minimum necessary to afford relief.
- 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 supports this position and as mentioned above provides specific recommended conditions towards managing the proposed improvements from contributing to a detriment of water quality during the construction phase of this request.
- 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 redeveloping the uplands portion of the property with associated buffer restoration and stormwater management will provide a means to manage towards a no net increase in nonpoint source pollution load.

Finally, 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. A double row of 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 and all construction activities shall be contained within the limits of the delineated silt fence. **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. Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline **(to the greatest extent practicable)** of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
7. 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.
8. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
9. A site plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
10. Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
11. Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
12. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **1,982 square feet x 200 percent = 3,964 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 to the greatest extent practicable.

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

13. 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 \$454.20 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. This variance and associated conditions **will supersede** the conditions of the Board variance granted September 24, 2012.
16. 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 August 14, 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.

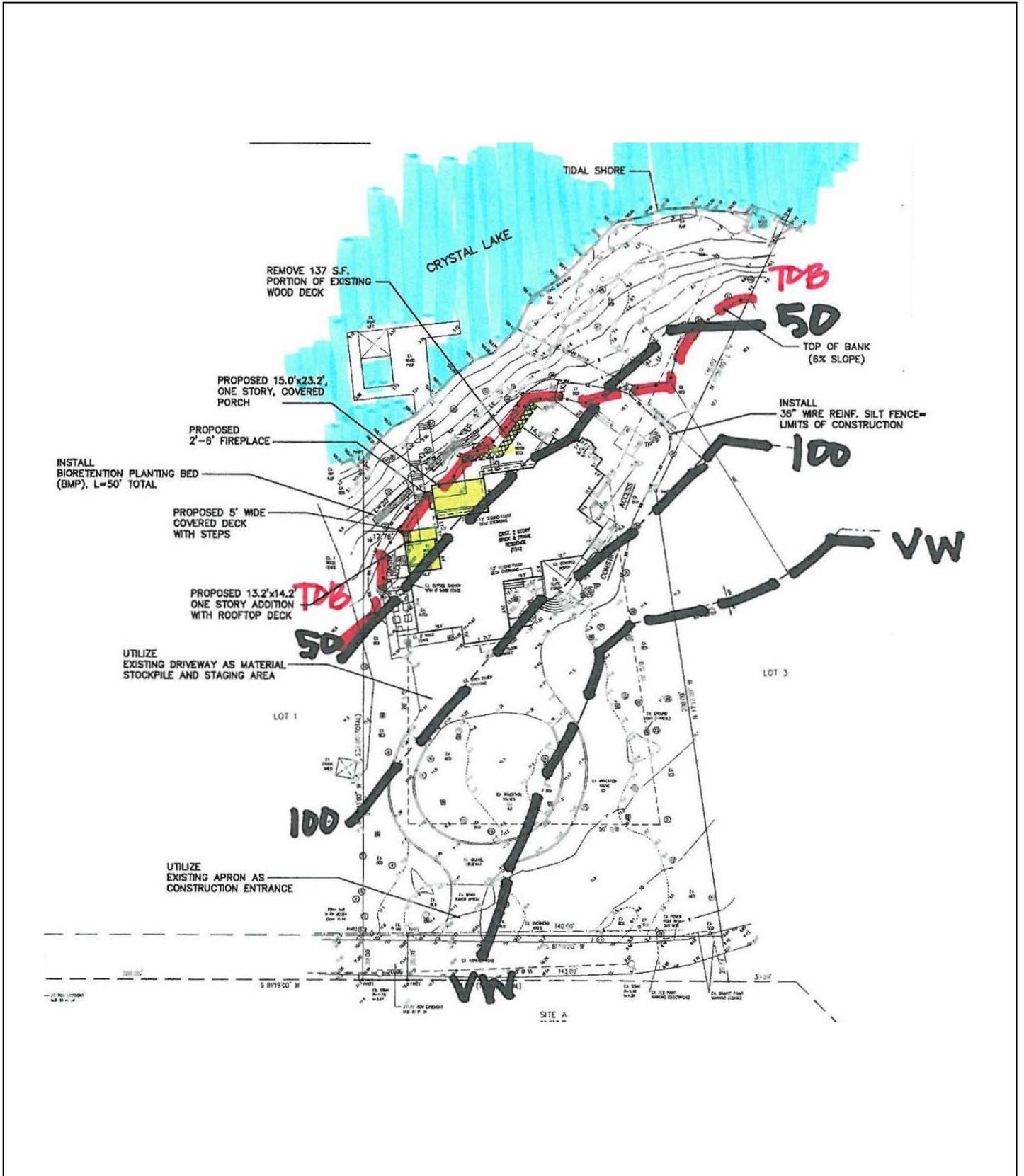
**** NOTE:** The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

*****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.

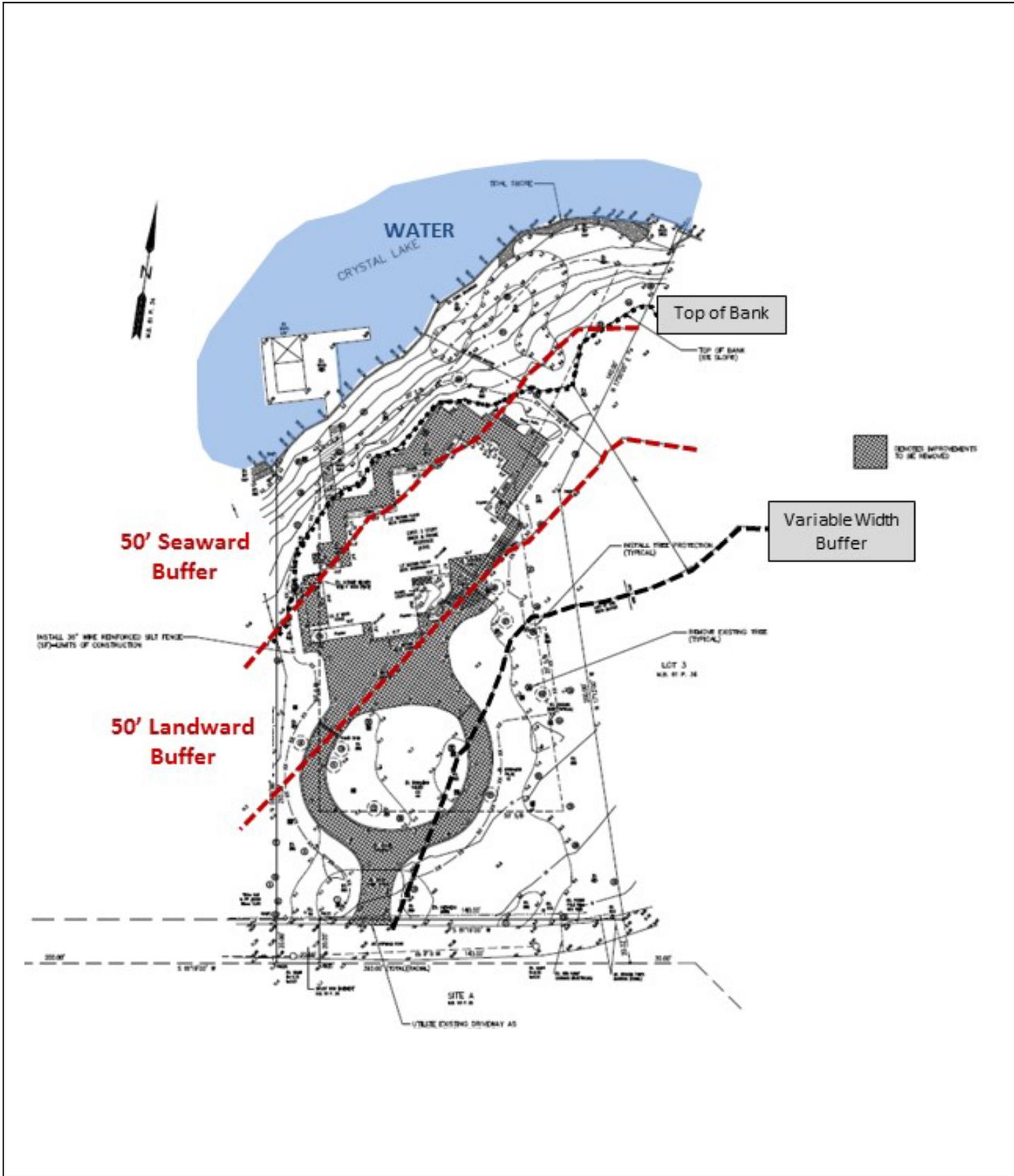
Site Aerial



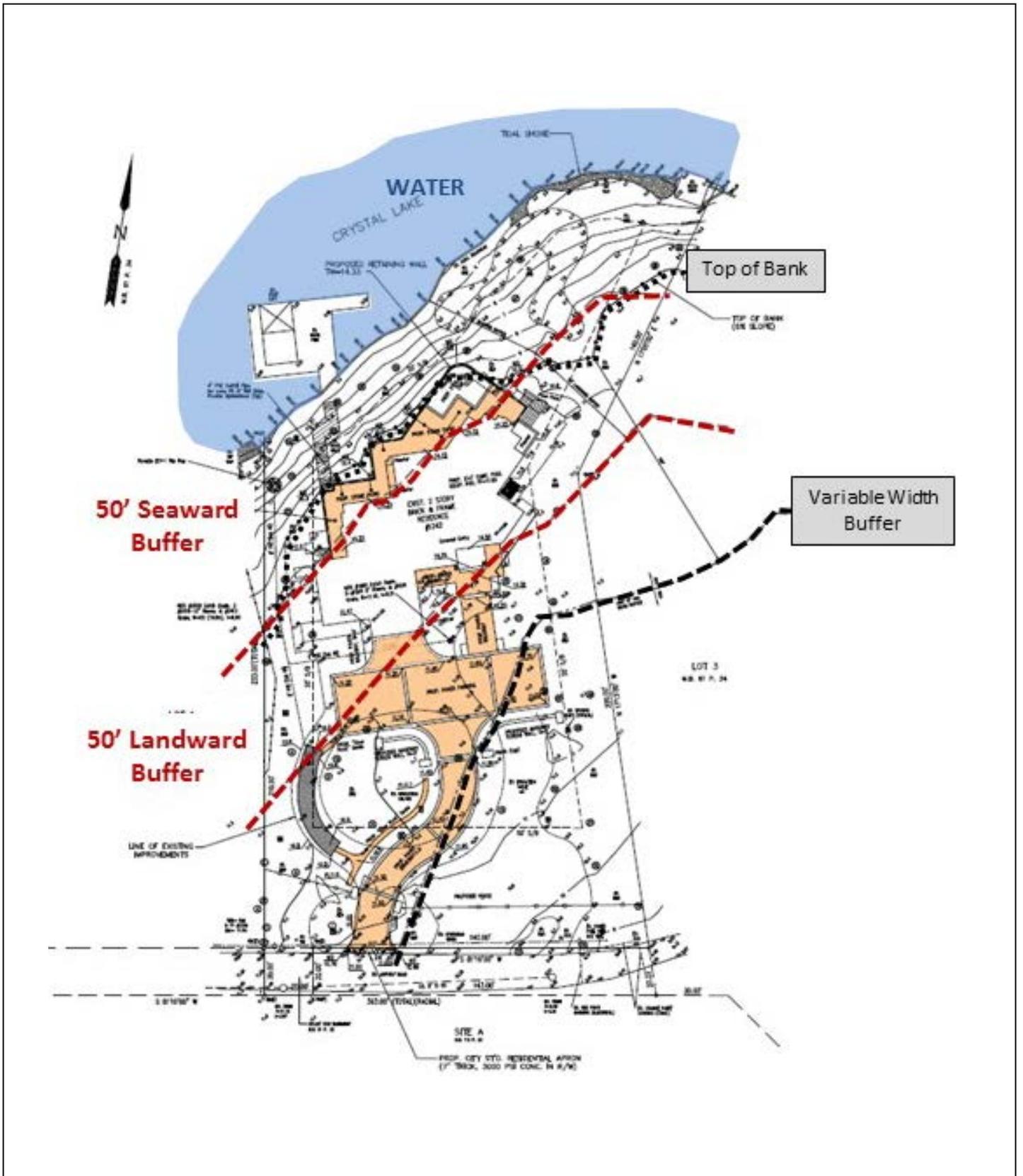
September 24, 2012 Board Variance Exhibit



CBPA Exhibit – Existing Conditions



CBPA Exhibit – Proposed Improvements





APPLICANT'S NAME Benjamin G. Cottrell, V & Rebecca Decker Cottrell

DISCLOSURE STATEMENT FORM

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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: BENJAMIN G COTTRELL II
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 ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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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 ¹ or affiliated business entity ² relationship with the Property Owner: *(Attach list if necessary)*

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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	SISKA-AURAND LANDSCAPE ARCHITECTS
<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
<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"/>	

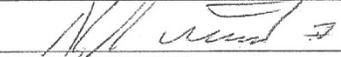
If yes, what is the name of the official or employee and what is the nature of the interest?



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.

	BENJAMIN COTTRELL	9/24/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

*Last 2 pages of the Disclosure Statement not provided – Applicant and Owner are the same.
Benjamin and Rebecca Cottrell
Agenda Item 7
Page 98

Variance Request

Encroachment into the Resource Protection Area (RPA) 100 foot buffer to construct a swimming pool and patio.

Applicant's Agent

Self represented

Staff Planner

PJ Scully

Lot Recordation

9/23/1926

Map Book 7, Page 193

GPIN

2418-33-0147

SITE AREA

32,967.8 square feet or 0.755 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

32,792.8 square feet or 0.751 acres

EXISTING IMPERVIOUS COVER OF SITE

8,852.01 square feet or 27 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

10,262.21 square feet or 31 percent of site

Area of Redevelopment in RPA

0 square feet

Area of New Development in RPA

1,410.2 square feet

Location of Proposed Impervious Cover

50 foot Landward Buffer

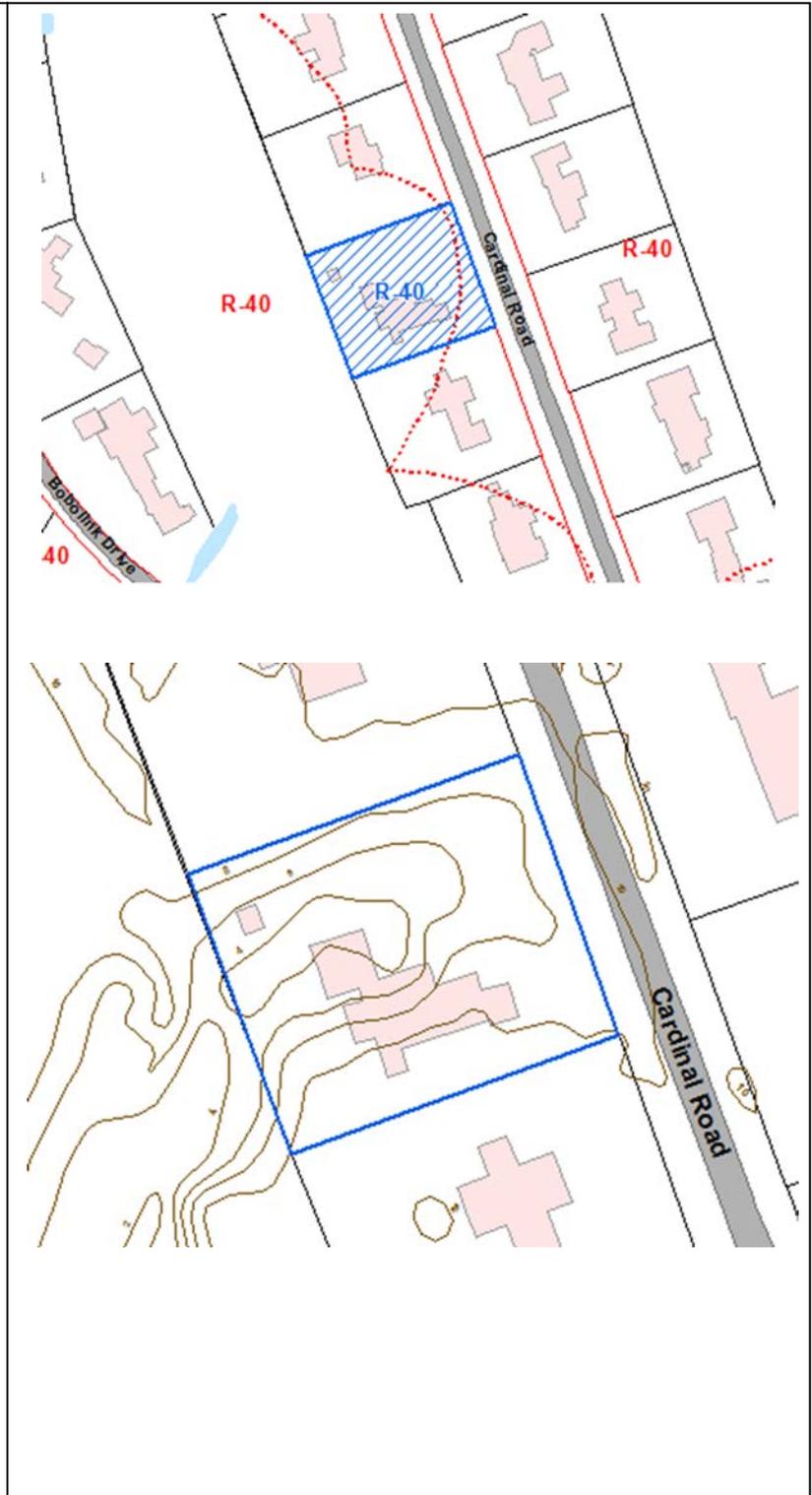
100 foot Variable Width Buffer

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Construction Details

- Swimming pool with concrete pool patio

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): 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.

Riparian Buffer

Moderately wooded parcel.

- Number of existing canopy trees requested for removal within the RPA: 7
- Evaluation of existing tree removal request: Five of the trees being requested for removal are within the delineated limits of construction or accessway to the proposed improvements. The other 2 trees are exhibiting signs of decline.

Evaluation and Recommendation

During the schematic development process for this variance request, Staff consulted with the applicant regarding the location of the proposed improvements, specifically noting that the existing mature canopy trees should be avoided. However, given the location of the 15-inch round concrete pipe (RCP) along the northern property line and associated 20-foot wide permanent drainage easement, development in this part of the lot would potentially situate any proposed improvements further into the RPA and within a more sensitive portion of the parcel. Staff also discussed the amount of impervious cover proposed with regards to the concrete pool surround. It was recommended that areas of possible reductions occur along the seaward side of the swimming pool to ensure that the request be the minimal necessary to afford relief.

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) Given the accessway to the proposed improvements, the location of the parcel being at the upper reach of the RPA, and the presence of the 20-foot wide permanent drainage easement, Staff is of the opinion that

Rusty R. Hummel, et al.

Agenda Item 8

Page 100

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 Area who are subject to the provisions of this Ordinance and are similarly situated.

- 2) The encroachment into the RPA on this parcel 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) Staff is of the opinion that the proposed location of the in-ground pool, the applicant's reduction in the dimensional size of the associated pool patio area, and the proposed improvements being situated directly adjacent to the existing residence, is the minimum necessary to afford relief.
- 4) The variance is in harmony with the purpose and intent of the CBPA Ordinance and will not be injurious to the neighborhood, nor be of substantial detriment to water quality due to the introduction of buffer plantings within a sparsely wooded property, the encroachment into the 100 foot RPA buffer being within the least sensitive portion of the parcel, and site impact associated with the proposed improvements occurring along a relatively flat portion of the parcel within the variable width buffer.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load, the redevelopment of this parcel will be conditioned to comply with the performance standards of the CBPA Ordinance and criteria of the Stormwater Ordinance for a property that currently has no treatment towards nonpoint source pollution reductions.

Staff recommends the following 14 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 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.
5. 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.**

6. Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline **(to the greatest extent practicable)** of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
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: **1,410 square feet x 200 percent = 2,820 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: **7 canopy trees, 7 understory trees, 14 large shrubs and 21 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.

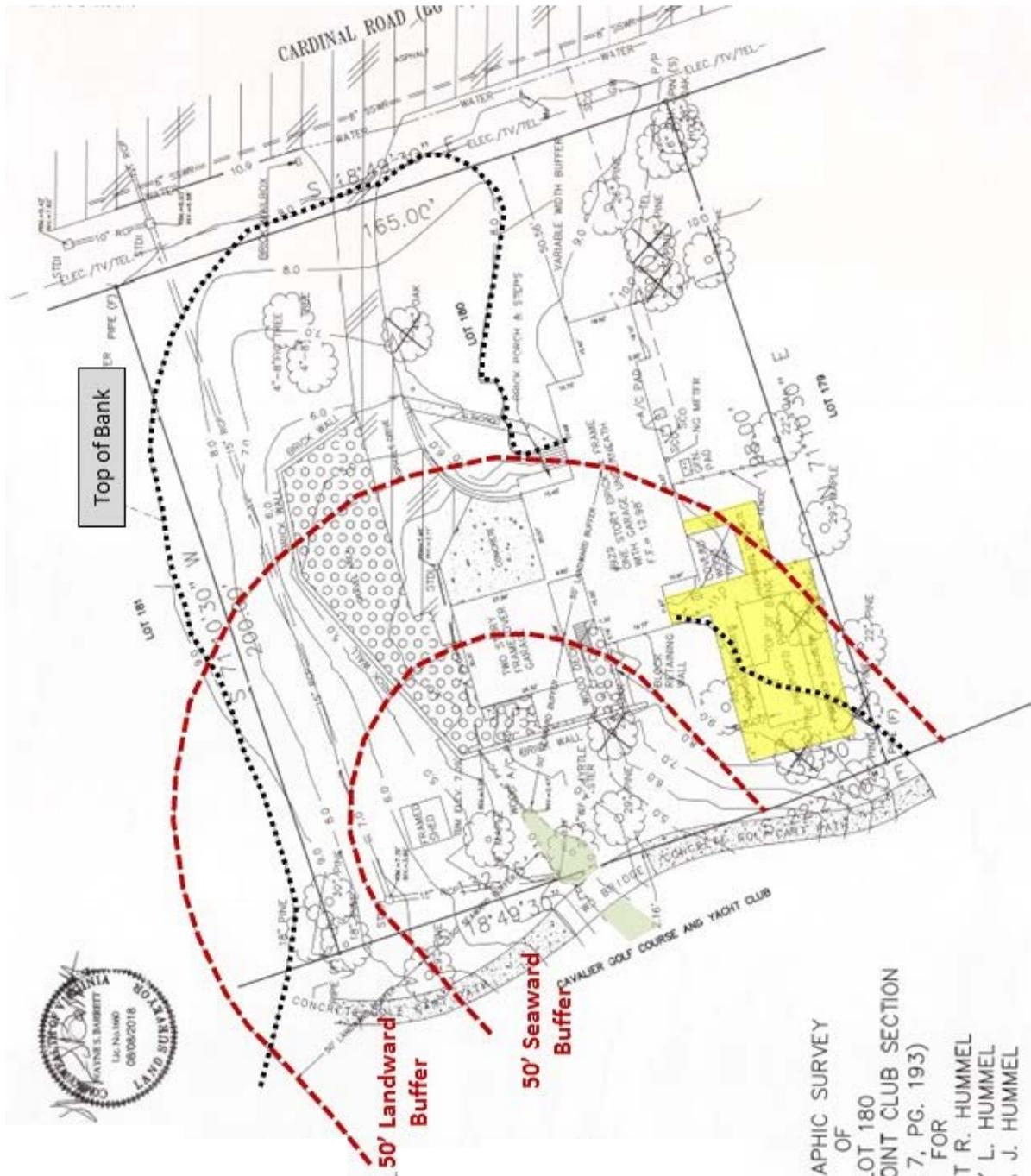
12. ****As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$323.12 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall provide for an oyster shell plant within the Lynnhaven River Basin.**
13. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.
14. The conditions and approval associated with this variance are based on the exhibit plan prepared by S.B. Ballard Construction Company, signed August 8, 2018 by Wayne S. Barrett. 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





TOPOGRAPHIC SURVEY
OF
LOT 180
BIRDBECK POINT CLUB SECTION
(M.B. 7, PG. 193)
FOR
ROBERT R. HUMMEL
KELLY L. HUMMEL
LINDA J. HUMMEL



APPLICANT'S NAME ROBERT HUMMEL

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



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(A) List the Applicant's name: _____
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-subsiary¹ or affiliated business entity² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes¹ and ²

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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 checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	HUMMEL & BUTLER
<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	POOL SPECIALTIES INC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	WAYNE BARRETT LIC# 1060
<input checked="" 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)	BANK OF AMERICA
<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"/>	

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	ROBERT HUMMEL	10/3/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

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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)	
<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

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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)
<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 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)	
<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
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



APPLICANT'S NAME Cyrus W. Grandy V

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: 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-subsidiary ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes ¹ and ²

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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¹ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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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.

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	dotloop verified 04/20/18 2:18PM EDT M81K4ZAM-TLV-HPYV	Cyrus W. Grandy V	
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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<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?

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 <small>dotloop verified 04/20/18 3:18PM EDT VXCB-IVCZ-861LW-MZVS</small>	Cyrus W. Grandy V	
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



APPLICANT'S NAME Grandy Trust FBO Hatch, SunTrust Trustee

DISCLOSURE STATEMENT FORM

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	License Agreement	

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<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-subsidiary¹ or affiliated business entity² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes¹ and ²

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

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¹ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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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)	
<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"/>	

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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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<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Hassell & Folkes, P.C.
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	David P. Preston, VP, SunTrust	05/01/18
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



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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	
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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?
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<i>Nelle Tyler McCabe</i>	<small>dotloop verified 05/01/18 11:51AM EDT XTEW-VPB-SAGU-4317H</small>	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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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.**

	<small>dotloop verified 04/30/18 8:32PM EDT C19T-3F3C-V0D1-VQ7N</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.
<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 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)	
<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?



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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



APPLICANT'S NAME Caroline Tyler Watson

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: 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 ¹ or affiliated business entity ² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes ¹ and ²

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 ¹ or affiliated business entity ² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsiary relationship" means "a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

² "Affiliated business entity relationship" means "a relationship, other than parent-subsiary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that should be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person own or manage the two entities; there are common or commingled funds or assets; the business entities share the use of the same offices or employees or otherwise share activities, resources or personnel on a regular basis; or there is otherwise a close working relationship between the entities." See State and Local Government Conflict of Interests Act, Va. Code § 2.2-3101.

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?

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



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<i>Caroline Tyler Watson</i>	<small>dotloop verified 05/01/18 8:05AM EDT DDAK-WELH-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	
<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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SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES NO

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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