

**Chesapeake Bay Preservation Area
Board Agenda**

November 21, 2018

CHESAPEAKE BAY PRESERVATION AREA BOARD

NOTICE OF PUBLIC HEARING

The Virginia Beach Chesapeake Bay Preservation Area Board will hold a Public Hearing on **Wednesday, November 21, 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**.



CHESAPEAKE BAY PRESERVATION AREA BOARD AGENDA

Public Hearing Date **November 21, 2018**

9:00 AM

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

10:00 AM

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

OLD BUSINESS ITEMS

<p>1.</p> <p>Patrick L. and Sheryl H. Reynolds [Property Owner and Applicant]</p> <p>2421 Windward Shore Circle GPIN: 1499-98-3029 COUNCIL DISTRICT - Lynnhaven</p> <p>Applicant's Agent – Billy Garrington Staff Planner – PJ Scully Page 7</p>	
<p>2.</p> <p>South Linkhorn Bay Trust, et. al. [Property Owner]</p> <p>Stephen Alexander Homes [Contract Purchaser]</p> <p>Lot 196, N. Linkhorn Park Ext., York Lane GPIN: 2418-47-4423 COUNCIL DISTRICT - Lynnhaven</p> <p>Applicant's Agent – Billy Garrington Staff Planner – PJ Scully Page 23</p>	

3.

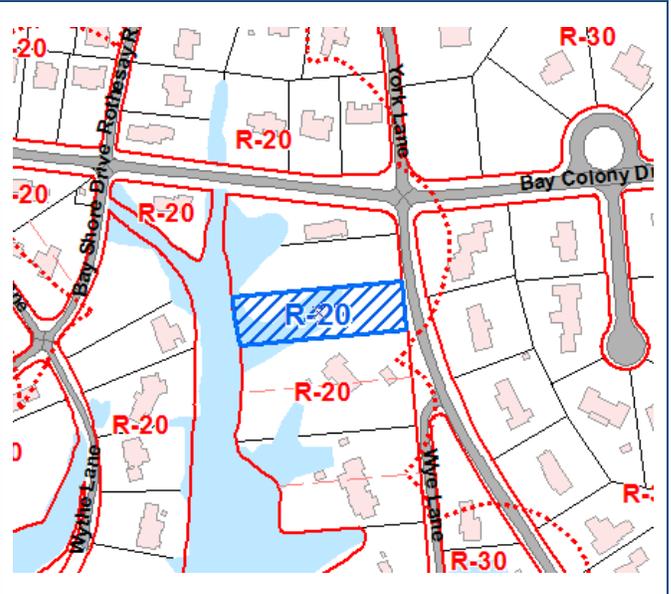
South Linkhorn Bay Trust, et. al.
[Property Owner]

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

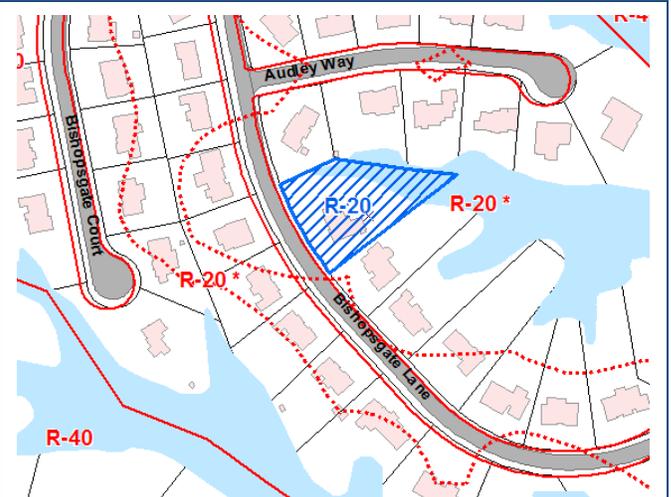
4.

James Garofalo
[Property Owner and Applicant]

816 Bishopsgate Lane
GPIN: 1489-01-6973
COUNCIL DISTRICT - Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully
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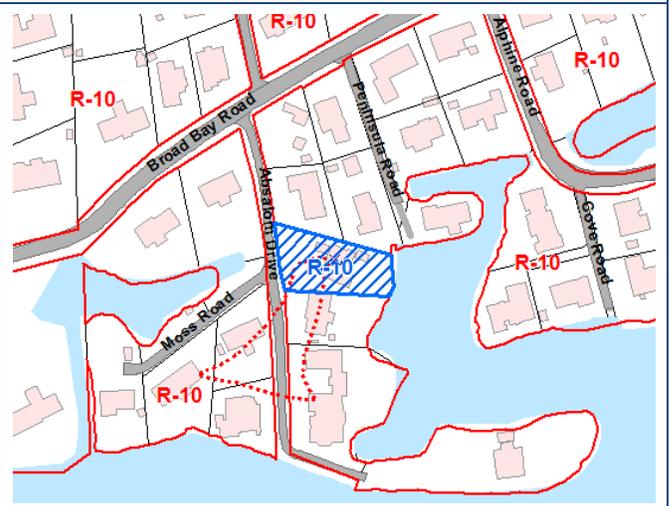
5.

Kruth Family Trust
[Property Owner and Applicant]

2012 Absalom Drive
GPIN: 1499-78-1060
COUNCIL DISTRICT - Lynnhaven

Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully
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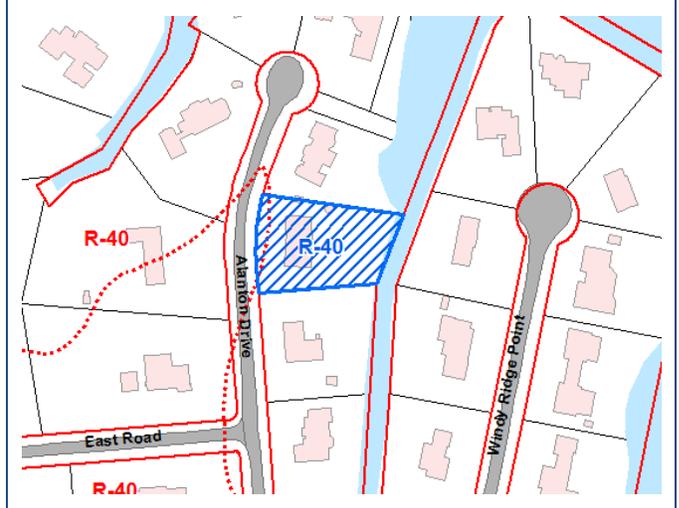
NEW BUSINESS ITEMS - *continued*

6.

Susan and Stanley Parsick
[Property Owner and Applicant]

1836 N. Alanton Drive
GPIN: 2409-53-6066
COUNCIL DISTRICT - Lynnhaven
Applicant's Agent – Billy Garrington

Staff Planner – PJ Scully
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Please make note of the following upcoming CBPA Board Public Hearing dates.

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 Owner and Applicant **Patrick L. and Sheryl H. Reynolds**
Address **2421 Windward Shore Circle**
Public Hearing **November 21, 2018**
City Council District **Lynnhaven**

Agenda Item

1

Variance Request

Encroachment into the Resource Protection Area (RPA) buffer for the redevelopment and expansion of the existing pool area – a modification of the December 20, 2007 CBPA variance exhibit.

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

20,913 square feet or 0.48 acres

EXISTING IMPERVIOUS COVER OF SITE

6,072 square feet or 29.0 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

6,112 square feet or 29.2 percent of site

Area of Redevelopment in RPA

2,175 square feet

Area of New Development in RPA

507 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

- Swimming pool and associated concrete patio area
- Portions of concrete driveway and adjacent gravel area
- Concrete sidewalk from the driveway to the front door
- Brick and concrete porch off of the rear of the residence

Construction Details

- Redevelopment of existing driveway with a permeable paver system
- Redevelopment and expansion of swimming pool and patio area
- Building addition on the rear of the residence
- Permeable paver walkway from the driveway to the front door

CBPA Ordinance Variance History

This variance request was deferred at the following Chesapeake Bay Preservation Area (CBPA) Public Hearings.

- June 25, 2018 CBPA Board Public Hearing to the August 27, 2018 CBPA Board Public Hearing.
- August 27, 2018 CBPA Board Public Hearing to the October 22, 2018 CBPA Board Public Hearing.
- October 22, 2018 CBPA Board Public Hearing to the November 21, 2018 CBPA Board Public Hearing.

December 20, 2007 a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for the demolition of an existing single family residence to construct a two-story single family residence with associated accessory structures within the 100 foot RPA with the following conditions:

1. *A pre-construction meeting shall be convened with Civil Inspections prior to any land disturbance, inclusive of demolition.*
2. *Wire reinforced 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.*
3. *Permanent and / or temporary soil stabilization as determined by staff shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy.*
4. *Construction limits shall lie a maximum of 15' seaward of improvements.*
5. *The construction access way shall be noted on the site plan, as well as the stockpile staging area.*
6. *Stormwater from all impervious cover shall be conveyed to stormwater management facilities.*
7. *All improvements shall be built into the slope with no perimeter fill.*
8. *A turbidity curtain shall be installed at the boat ramp during removal and noted on the site plan. A Joint Permit Application will be required for the removal of the boat ramp.*

9. *If and when the shoreline is hardened, 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. Said condition shall be so noted on the site plan.*
10. *Pool decking shall be installed as noted on the site plan.*
11. *The pool shall be constructed prior to or concurrent with the residence. A retaining wall may be necessary.*
12. *All portions of the existing concrete driveway shall be removed.*
13. *The existing shed and wood deck shall be removed.*
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 \$1,506.00 and is based on 25% of the proposed impervious cover. Said payment shall provide for the equivalent of an approximate 1,643 sq. ft., 12-inch deep oyster shell plant within the Lynnhaven River Basin.*
15. *Areas that are currently in a natural state, shall remain in a natural state to include the forest floor (leaf litter) left intact.*
16. *Buffer restoration totaling 8,215 sq. ft. shall be installed which is equal to 125% of the proposed impervious cover and shall utilize bayscape landscaping principles. The required restoration shall be in areas currently devoted to turf, shall be installed at or above the 5 ft. contour and shall have a mulch layer of organic material 4" – 6" in depth. Said mulched restoration areas shall be maintained as such and not removed or allowed to revert to turf in the future. In addition to the aforementioned buffer restoration area, a minimum of twenty eight (28) trees shall be installed and shall be comprised of 50% deciduous and 50% evergreen species. The required trees shall be evenly distributed throughout the lot to the greatest extent practicable. Said restoration shall be installed prior to the issuance of the certificate of occupancy. Said condition shall be so noted on the site plan.*
17. *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 area (forest floor), planting beds, and turf zones.*
18. *The conditions and approval associated with this variance are based on the site plan dated November 19, 2007, prepared by Gallup Surveyors and Engineers Ltd.*
19. *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.*
20. *It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.*
21. *Any portion of concrete walk located in the seaward portion of the buffer shall be removed and replaced with organic material / stepping stones.*
22. *The portion of the driveway located within the seaward 50' portion of the buffer shall be removed.*

The December 20, 2007 Board granted variance has been acted upon and the associated improvements constructed.

Environmental Conditions

Flood Zone

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

Soil Type(s)

Fripp Series (deep, excessively drained sandy marine and eolian sediment soils)

Shoreline

Shoreline is hardened with a riprap revetment.

Riparian Buffer

Sparsely wooded.

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

Evaluation and Recommendation

The applicant's desire is to redevelop the existing swimming pool and patio area in order to provide a more useable and functional area directly outside of the rear door of the existing single family residence. Of note, the applicant for this variance request was not the applicant associated with the December 20, 2007 CBPA variance.

When the Chesapeake Bay Act was adopted, the Virginia Department of Conservation and Recreation (DCR) produced guidance documents for localities to assist with Chesapeake Bay Preservation Area determinations. One such document dealt with permitted development activities. Permitted development activities were described as:

1. No further encroachment into the RPA,
2. No increase of impervious surface in the RPA, and
3. Redevelopment in the same general location.

Although the proposed improvements associated with this variance request encroach into the 50 foot seaward buffer, the overall impervious cover of the parcel only increases by 40 square feet. The removal of existing improvements is offered to keep the resulting amount of impervious cover in line with the amount that currently exists on the site – 6,072 square feet. In an attempt to balance the requested development in the RPA, the applicant has offered to redevelop existing impervious cover, which includes portions of the existing driveway and front walk, and replace them within a reduced footprint with a more permeable material, such as pavers. In adherence with the performance standards set forth within the Chesapeake Bay Preservation Area Ordinance, which require a no net increase in nonpoint source pollution from new development and redevelopment on previously developed land, Staff supports the use of a permeable paver system towards minimizing impervious surface and promoting infiltration of stormwater into the ground given the underlying sandy soils.

As for item 3 of the above DCR guidance regarding redevelopment in the RPA, the redevelopment of the existing swimming pool is, in Staff's opinion, within the same "general location" of the existing development and the proposed swimming pool is an appropriate design and size. An average sized swimming pool is approximately 14 feet by 28 feet or 392 square feet. For this variance request, the proposed swimming pool is approximately 10 feet in width by 30 feet in length or 321 square feet.

Should the Board desire to consider granting this variance request, the applicant's agent offers the following comments relative to the findings of the CBPA Ordinance specific to this variance request.

- 1) Granting the variance will not confer any special privilege not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated; *"as this subdivision was created many years prior to the adoption of the Bay Act, all of the waterfront lots are impacted by the Bay Act and in many instances avoidance of the buffer is impossible for development."* Staff offers that the proposed improvements within the buffer are in keeping with the size and location of other improvements on parcels within this neighborhood where the majority of buildable area for a residential structure (area within the zoning setbacks) being entirely within the 100 foot RPA buffer.
- 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 fact that the owner did not create the Bay Act and the Board back in 2007 allowed development in the seaward buffer that the new owner wants to reconfigure and it is still in the seaward buffer just as before with a small reduction in impervious cover."* Staff adds 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. Given the shape and the size of this parcel, the regulations associated with the CBPA Ordinance does impose a hardship for the redevelopment of this parcel with approximately three-quarters of the parcel within the 100 foot RPA buffer.
- 3) The variance is the minimum necessary to afford relief as *"the previous variance was conditioned that it was the Board's opinion that it was the maximum impervious cover allowed and the current request reduces that amount by a slight amount. Since we are doing new impervious cover in areas currently pervious we are required to do 200 percent buffer restoration even though we are reducing impervious cover. We also must verify all previous buffer restoration was installed and BMP's are functioning."* While an argument can be made that the proposed improvements are similar to other parcels in the neighborhood, specifically those parcels that have redeveloped or developed within the 50 foot seaward buffer with swimming pools, wood deck and patios, Staff is of the opinion that the overall post-development impervious cover offers merit towards being the minimum necessary to afford relief. The use of a permeable paver system with the redevelopment of the existing driveway provides a means towards preventing a no net increase in nonpoint source pollution load while promoting infiltration of stormwater into the ground given the underlying sandy soils.
- 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 Bay Act was enacted to promote and improve water quality by reducing runoff. The previous home had a boat ramp and driveway that has been removed to limit runoff. We will be installing more buffer restoration and BMP's to treat stormwater to promote water quality plus additional payment to the Oyster program to establish reefs in the watershed."* Staff partially concurs with this comment in that the previous conditions of this parcel prior to its redevelopment were detrimental to water quality with run-off being directly discharged into the adjacent tidal waters via the existing concrete boat ramp.
- 5) *"By reducing the amount of impervious cover and still doing 200 percent buffer restoration we are reducing non-point source run-off. In making sure all previous buffer restoration was installed and prior BMP's functioning we are ensuring water quality will be improved."* Given the location of the proposed improvements and new ownership of the parcel associated with this variance request, Staff has provided recommended conditions below requiring that the existing BMPs be reinstalled and the buffer restoration

associated with the previous variance verified and reinstalled, if absent. This will be in addition to the new BMPs and additional buffer restoration associated with this request.

Should the Board desire to consider granting this variance request, Staff offers 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 within the limits of the existing driveway and noted on the site plan.
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. The required silt fence shall be installed 15 feet from improvements and shall be staked in the field by the Engineer of Record and reviewed with the Civil Inspector at the pre-construction meeting.
5. Construction access shall be contained within the existing driveway and 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. For all trees to be preserved outboard of the limits of construction that are encroached upon, replacement of existing vegetation shall be provided at a 3 to 1 ratio for all unauthorized (damaged or removed) vegetation impacts.
7. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
8. A site plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
9. Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
10. The conditions of the existing Chesapeake Bay Preservation Area (CBPA) variance, specifically the required buffer restoration and stormwater management facilities shall be documented on the revised site plan. Documentation shall describe the health and functionality of said requirements. Prior buffer restoration requirements shall be installed if not present and all required BMP's reinstalled.
11. 1,600 square feet of buffer restoration shall be installed within the RPA.

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **4 canopy trees, 4 understory trees, 8 large shrubs, and 12 small shrubs.**

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

12. The 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.
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 \$116.18 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 **shall supersede** the conditions of the Board variance granted December 20, 2007.
16. The conditions and approval associated with this variance are based on the exhibit plan prepared by Gaddy Engineering Services, signed October 31, 2018 by Michael S. 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.

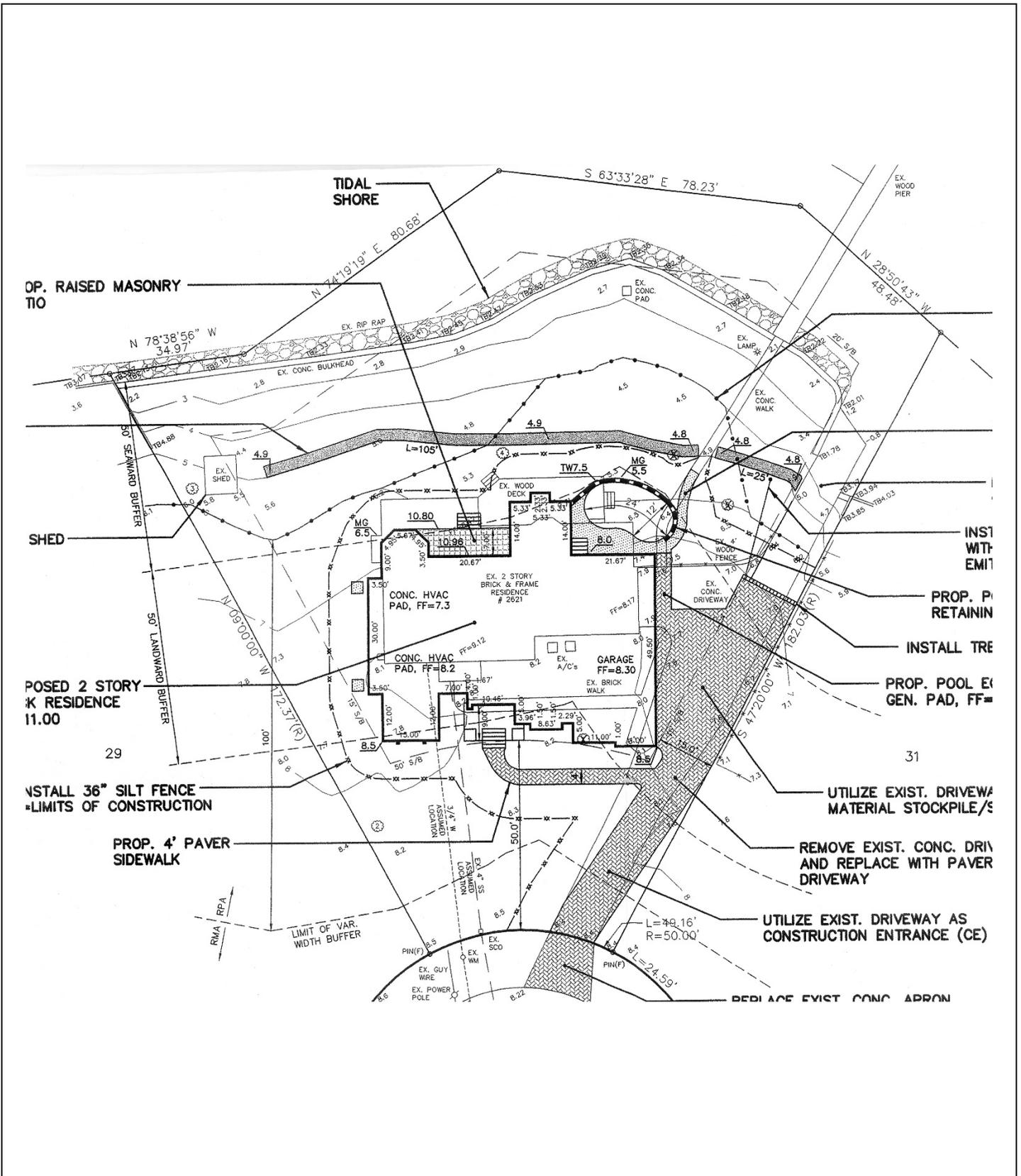
**** NOTE:** The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

*****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.

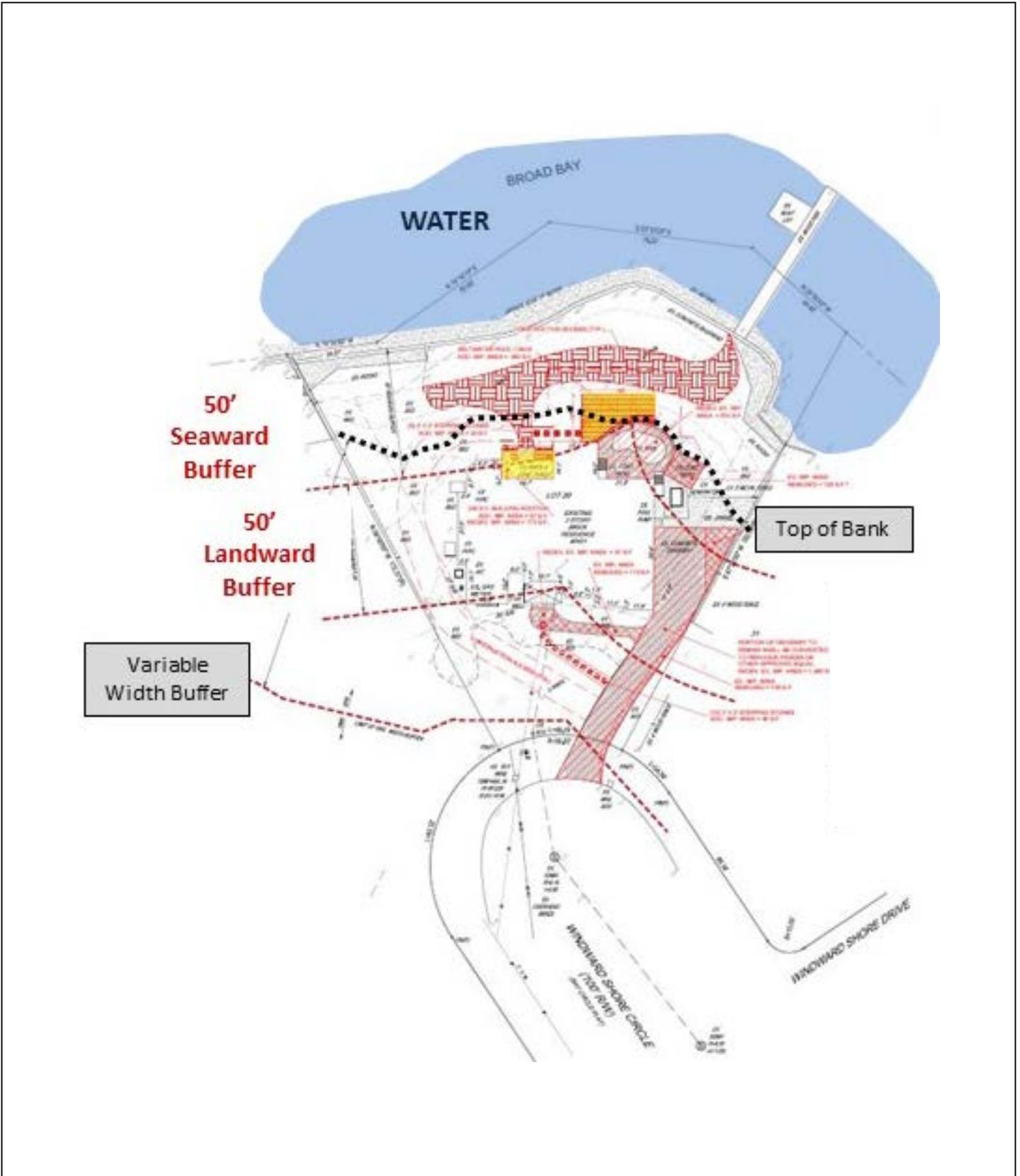
Site Aerial



December 20, 2007 CBPA Board Variance Exhibit



CBPA Exhibit – Proposed Improvements





APPLICANT'S NAME Patrick and Sheryl Reynolds

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: Patrick and Sheryl Reynolds
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.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Gaddy Engineering Services, LLC
<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)	PennyMac Mortgage
<input type="checkbox"/>	<input type="checkbox"/>	Legal Services	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	<i>Bill Cooney Jr</i>

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.

	Patrick L Reynolds	05/05/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

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

Patrick L. and Sheryl H. Reynolds

Agenda Item 1

Page 22



Property Owner **South Linkhorn Bay Trust, et al.**
Contract Purchaser **Stephen Alexander Homes**
Address **Lot 196, N. Linkhorn Park Extended, York Lane**
Public Hearing **November 21, 2018**
City Council District **Lynnhaven**

Agenda Item

2

The applicant is requesting to defer this application to the December 19, 2018 CBPA Board Public Hearing to allow additional time to address Staff's concerns. Staff supports the request to defer.

Variance Request

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

Variance History

This variance request was deferred at the following CBPA Board Public Hearings.

- July 23, 2018 Public Hearing to the August 27, 2018 Public Hearing.
- August 27, 2018 Public Hearing to the October 22, 2018 Public Hearing.
- October 22, 2018 Public Hearing to the November 21, 2018 Public Hearing.

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

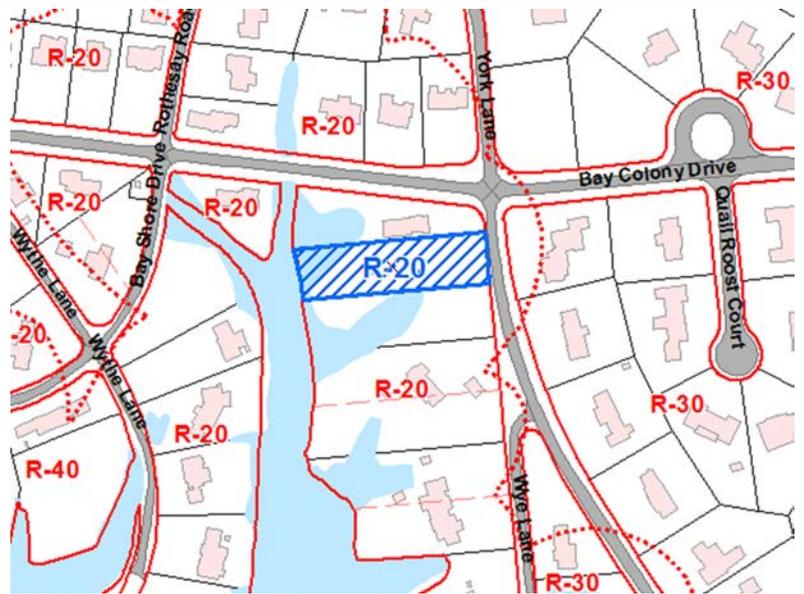
37,850 square feet or 0.87 acres

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



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Property Owner **South Linkhorn Bay Trust, et al.**
Contract Purchaser **Stephen Alexander Homes**
Address **Lot 197, N. Linkhorn Park Extended, York Lane**
Public Hearing **November 21, 2018**
City Council District **Lynnhaven**

Agenda Item

3

The applicant is requesting to defer this application to the December 19, 2018 CBPA Board Public Hearing to allow additional time to address Staff's concerns. Staff supports the request to defer.

Variance Request

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

Variance History

This variance request was deferred at the following CBPA Board Public Hearings.

- July 23, 2018 Public Hearing to the August 27, 2018 Public Hearing.
- August 27, 2018 Public Hearing to the October 22, 2018 Public Hearing.
- October 22, 2018 Public Hearing to the November 21, 2018 Public Hearing.

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

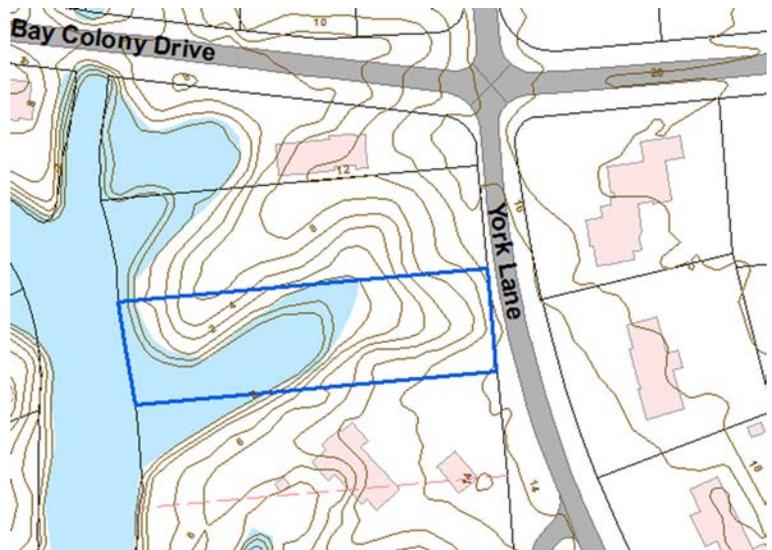
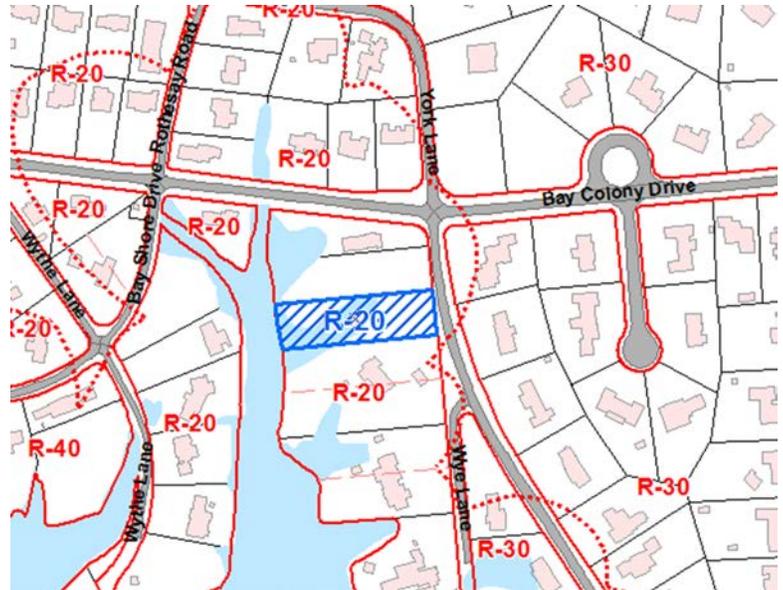
37,950 square feet or 0.89 acres

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



AS NEEDED, PAGE LEFT BLANK

Variance Request

Encroachment into the Resource Protection Area (RPA) to redevelop the existing wood deck and construct an in-ground pool with associated concrete patio, retaining wall, and backfill material.

Applicant's Agent

Billy Garrington

Staff Planner

PJ Scully

Lot Recordation

9/3/1987

Deed Book 2670, Page 1586

GPIN

1498-01-6973

SITE AREA

39,952 square feet or 0.917 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

29,794 square feet or 0.684 acres

EXISTING IMPERVIOUS COVER OF SITE

5,562 square feet or 18.7 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

6,942 square feet or 23.2 percent of site

Area of Redevelopment in RPA

1,380 square feet

Area of New Development in RPA

651 square feet

Location of Proposed Impervious Cover

50 foot Seaward Buffer

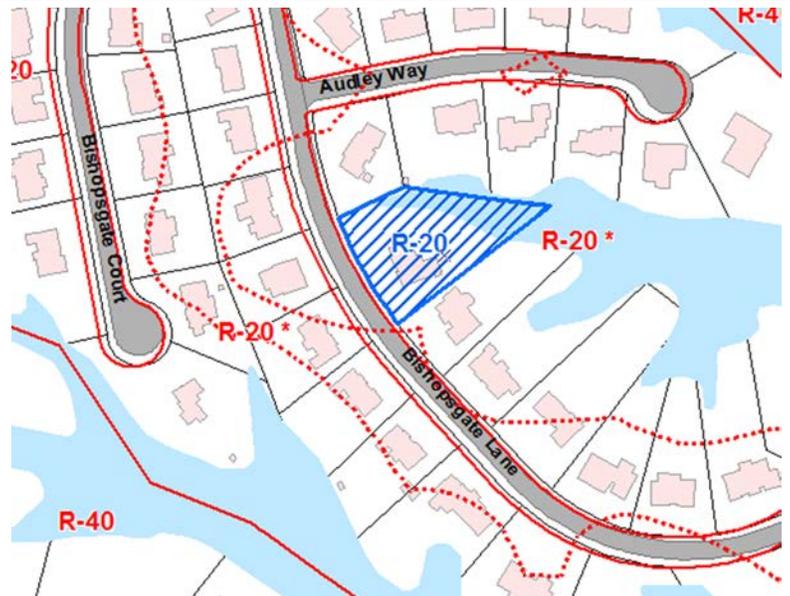
50 foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Wood deck
- Stacked stone wall – 2 in total

Construction Details

- Wood deck – redevelopment of existing wood deck in same footprint
- In-ground pool with proposed concrete patio
- Retaining wall with associated backfill material

CBPA Ordinance Variance History

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

Environmental Conditions

Flood Zone

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

Soil Type(s)

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

Shoreline

Shoreline is in a natural state.

Riparian Buffer

Sparsely to moderately wooded parcel.

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

Evaluation and Recommendation

The majority of the rear yard, where the proposed improvements are located, is either devoted to turf or covered by mulch. Within the mulched areas, vegetative cover is sparse or absent. Given the presence of a top of bank feature and associated grade greater than 6 percent, coupled with presence of run-off channelization within an existing river stone swale, Staff is of the opinion that this application's use of a retaining wall system, contingent upon vegetating the areas outboard of the proposed improvements with buffer restoration, offers a means to maximize erosion and sedimentation control benefits, promote stormwater infiltration, and reduce the velocity of stormwater run-off from the existing single family residence.

The applicant's agent has provided the following comments relative to the findings of the CBPA Ordinance 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 the neighborhood.”* Staff offers that the proposed improvements are similar to other variance requests in the vicinity of this parcel where encroachments were within the 100 foot RPA buffer, landward of the recorded open space easement, and utilized existing naturalized areas to reestablish the forested understory riparian ecosystem.
- 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 as *“these improvements are based on the request to add improvements to the existing dwelling.”* Staff provides 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 applicant provides that the variance is the minimum necessary to afford relief *“based on the proposed improvements being designed to minimize the impacts to the Chesapeake Bay.”* Staff is of the opinion that the utilization of a low retaining wall within the upper reach of the 50 foot seaward buffer offers the potential to manage stormwater sheet flow, similar to a level spreader technique, towards dissipating the energy of stormwater run-off from the upland improvements while spreading the flow to preserve the riparian buffer.
- 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 in keeping with the neighborhood and the owners design of the proposed improvements to minimize the impacts to the Chesapeake Bay.”* Staff concurs. The majority of the proposed improvements are above the top of bank and situated not due to convenience (at the rear exit of the residence) but along the southern portion of the parcel where the existing topography is relatively flat and provides minimal impacts to existing grades and mature vegetation.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load; *“bioretention beds will be placed seaward of the improvements to store and treat the proposed impervious cover prior to being released into the adjacent waterways.”* Staff concurs.

As proposed, Staff supports the application with the recommended 14 conditions below and is of the opinion that said improvements will not prove detrimental to resource protection area features.

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. **All areas outside limits of construction shall be left in a natural state to include the forest floor (leaf litter) left intact. Said condition shall be so noted on the site plan.**
6. For all trees to be preserved outboard of the limits of construction that are encroached upon, replacement of existing vegetation shall be provided at a 3 to 1 ratio for all unauthorized (damaged or removed) vegetation impacts.
7. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
8. A site plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
9. Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
10. Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
11. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **1,380 square feet x 200 percent = 2,760 square feet.**

Said restoration shall achieve the full complement of vegetation consisting of 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 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 understory vegetation is absent within existing mulched areas. 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. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

12. Under deck treatment of sand and gravel shall be installed.
13. ****As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$316.25 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.

14. The conditions and approval associated with this variance are based on the exhibit plan dated September 5, 2018, prepared by WP Large, signed October 2, 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.

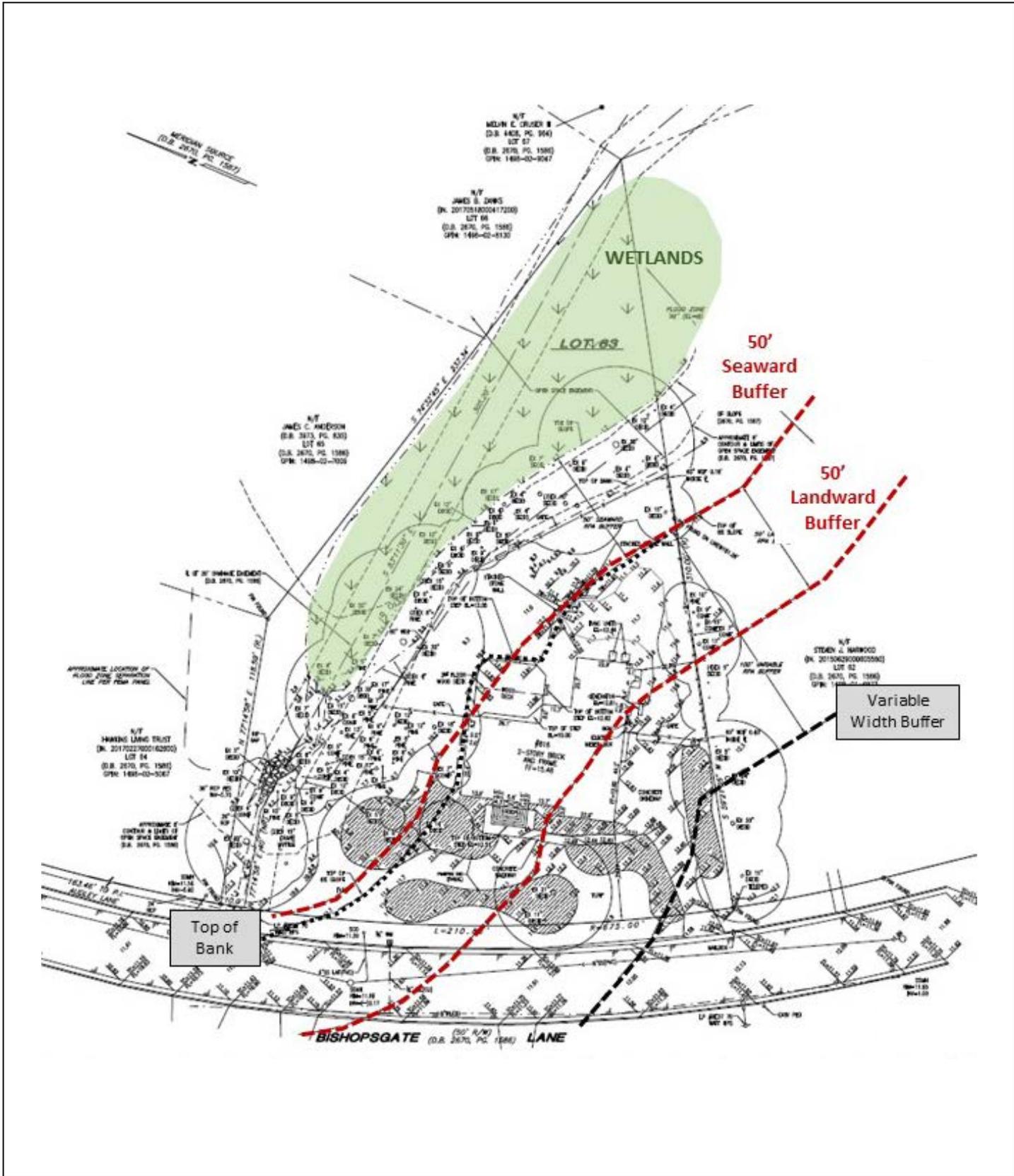
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

***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.

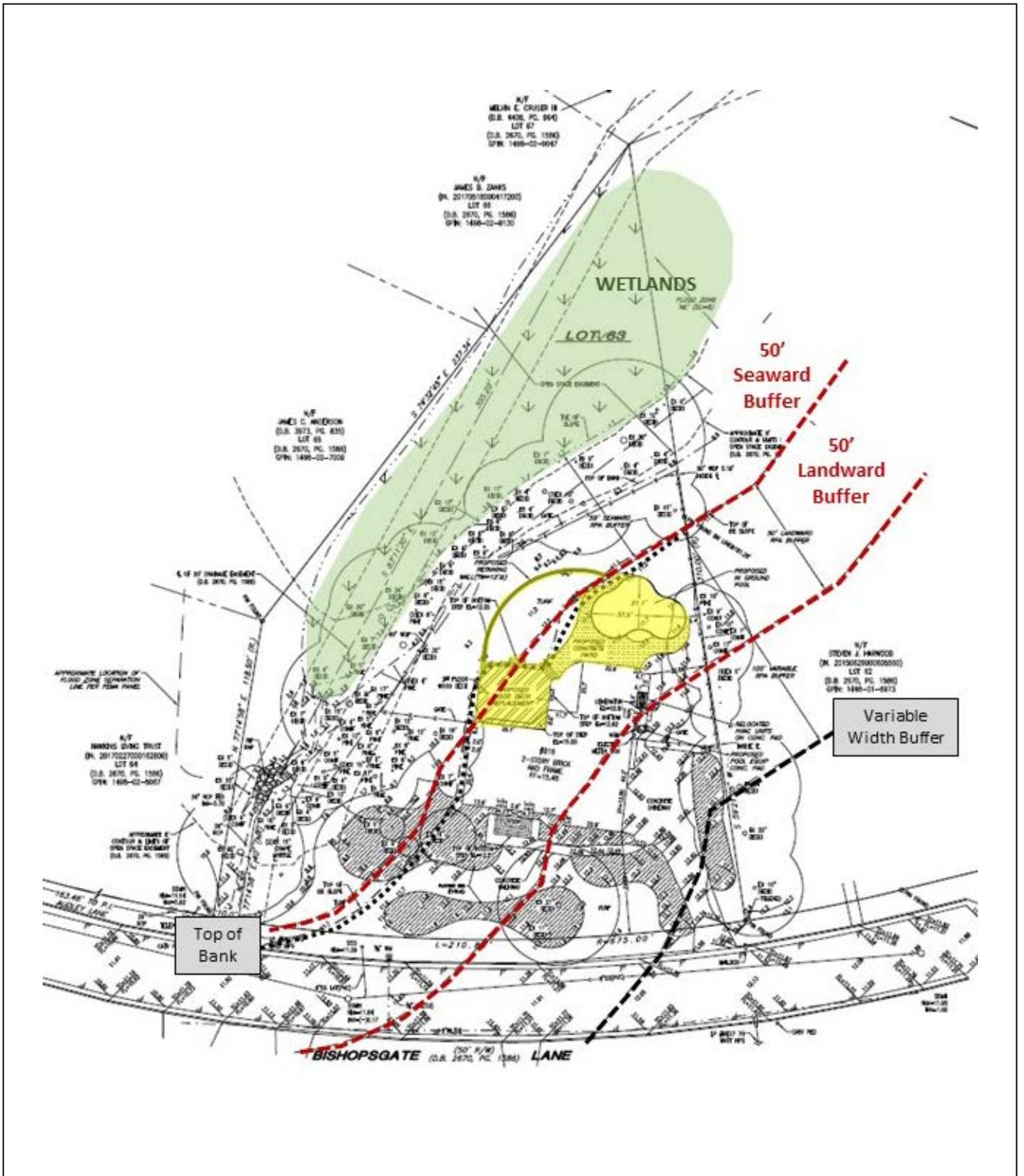
Site Aerial



CBPA Exhibit – Existing Conditions



CBPA Exhibit – Proposed Improvements





APPLICANT'S NAME James Garofalo

DISCLOSURE STATEMENT FORM

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

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

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

SECTION 1 / APPLICANT DISCLOSURE

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

Page 1 of 7

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



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

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

(A) List the Applicant's name: James Garofalo
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)*

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

N/A

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 type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	WPL
<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	Visionscapes Land Design
<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?

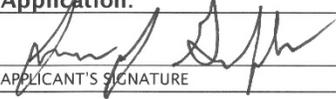
N/A



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.

	James Garofalo	10/03/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

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

AS NEEDED, PAGE LEFT BLANK

Variance Request

Encroachment into the Resource Protection Area (RPA) buffer to redevelop the existing wood deck with associated swimming pool and construct a low retaining wall with associated backfill adjacent to the existing shoreline.

Applicant's Agent

Billy Garrington

Staff Planner

PJ Scully

Lot Recordation

3/27/1952

Map Book 29, Page 48

GPIN

1499-78-1060

SITE AREA

13,926 square feet or 0.32 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

13,926 square feet or 0.32 acres

EXISTING IMPERVIOUS COVER OF SITE

8,414 square feet or 60.4 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

7,236 square feet or 52 percent of site

Area of Redevelopment in RPA

1,365 square feet

Area of New Development in RPA

62 square feet

Location of Proposed Impervious Cover

50 foot Seaward Buffer

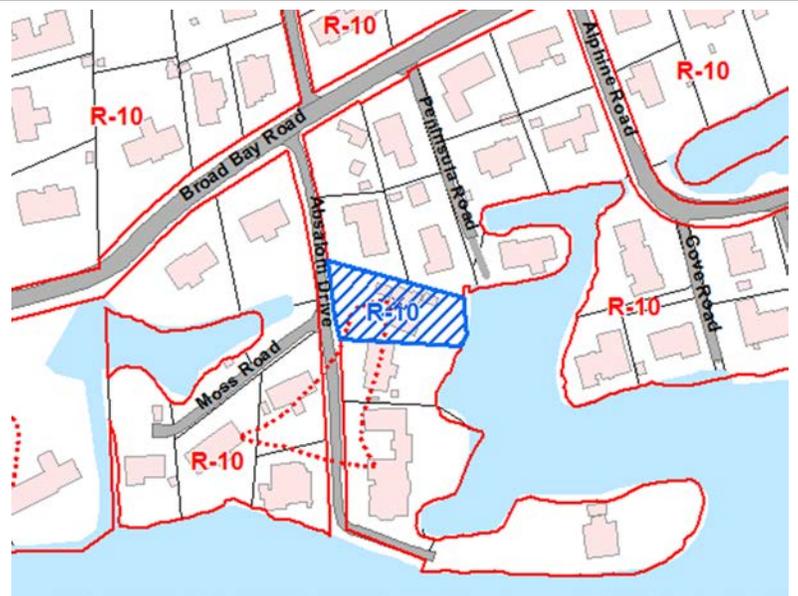
50 foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Swimming pool with associated wood decks
- Brick patio and associated brick walk to the wood wharf
- Wood wharf

Construction Details

- Swimming pool with associated wood decks
- Mulch walkway to shoreline
- Riprap revetment with pressure treated border with associated backfill material
- Bulkhead return wall with CMU retaining wall

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)

Lakehurst Series (deep, moderately drained sandy marine and eolian sediment soils)

Psammets Series (well-drained and moderately well-drained soils, sandy material)

Shoreline

Shoreline is hardened by a timber bulkhead. A Joint Permit Application (JPA) is under review in order to replace the existing bulkhead with a riprap revetment.

Riparian Buffer

No mature riparian forest is present within the parcel.

- Number of existing canopy trees requested for removal within the RPA: 0
- Evaluation of existing tree removal request: Staff is of the opinion that the existing Palm tree to be preserved be relocated with the placement of the fill material and replanted with the proposed grade elevation.

Evaluation and Recommendation

The proposed improvements offer a 1,178 square foot reduction in impervious cover. As a means to evaluate the introduction of fill material into the Resource Protection Area (RPA) for this request, Staff used the following deductive analysis.

- Conservation practices that address landward movement of coastal wetlands due to sea level rise.

- Given value of all existing wetland classes (swamp, cypress swamp, inland fresh marsh, tidal freshwater marsh, transitional marsh, regularly flooded marsh, irregularly flood marsh, flooded and tidal marsh) where present.
- Previously identified non-tidal wetlands converted to tidal wetlands.
- Evaluation of species biodiversity and existing habitat restraints.
- Soil conditions – very poorly drained, poorly drained, somewhat poorly drained, somewhat well drained, well drained, very well drained.

In the absence of a holistic riparian ecosystem on this parcel, the lack of vegetative wetlands, the existing development on the parcel, and routine coastal tidal flooding all warrant consideration towards the proper management of the existing improvements in order to provide water quality maintenance of existing conditions, pollution control, as well as flood and shoreline erosion control. Staff is of the opinion, given the hardened state of the shoreline, the minimal placement of fill to match adjacent grades to the greatest extent practicable in the RPA would provide flood protection without impacting wetlands or water quality.

Should the Board desire to consider granting this variance request, the following comments relative to the findings of the CBPA Ordinance specific to this variance request are offered by the applicant's agent for the Board's deliberation.

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated *"as this variance request is similar to the CBPA variance, recently granted to the property immediately south of this property – fill, pool, and deck."* Staff concurs and offers, as stated above, that the proposed improvements, specifically the placement of fill material is minimal, will match adjacent grades to the greatest extent practicable in the RPA, and will provide flood protection.
- 2) Staff provides the encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant, but rather is necessitated by the fact that this parcel was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance therefore placing portions of this property within the RPA.
- 3) The variance is the minimum necessary to afford relief because *"the applicant has reduced the overall impervious area and is replacing a bulkhead with riprap."* 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; with *"the property being filled to help with flooding problems. A retaining wall will be installed along the north property line to contain the fill and the fill will approximately match the grades along the south side."* Staff is of the opinion that the use of sand as backfill material to a minimal depth along the proposed riprap shoreline that is contained within the parcel, and does not exceed an overall slope of 1 ½ percent, should not pose a substantial detriment to water quality if properly stabilized with vegetative cover that is salt tolerant and adaptive to seasonal tidal inundation.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load *"the overall impervious area is being reduced and landscaping is being added."* Staff concurs.

Staff offers the following 12 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.
5. Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
6. A site plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
7. Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
8. Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
9. Buffer restoration shall be installed equal to 100 percent of the proposed fill material area within the RPA: **1,600 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: **4 canopy trees, 4 understory trees, 8 large shrubs, and 12 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 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. Salt and flood tolerant plant species shall be planted below the five foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

10. Under deck treatment of sand and gravel shall be installed.

11. Backfill material shall be well drained sandy material consistent with the properties and characteristics of the Psammets soil series.

12. The conditions and approval associated with this variance are based on the exhibit plan dated October 4, 2018, prepared by Gallup Surveyors and Engineers, signed October 4, 2018 by David Butler. 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.

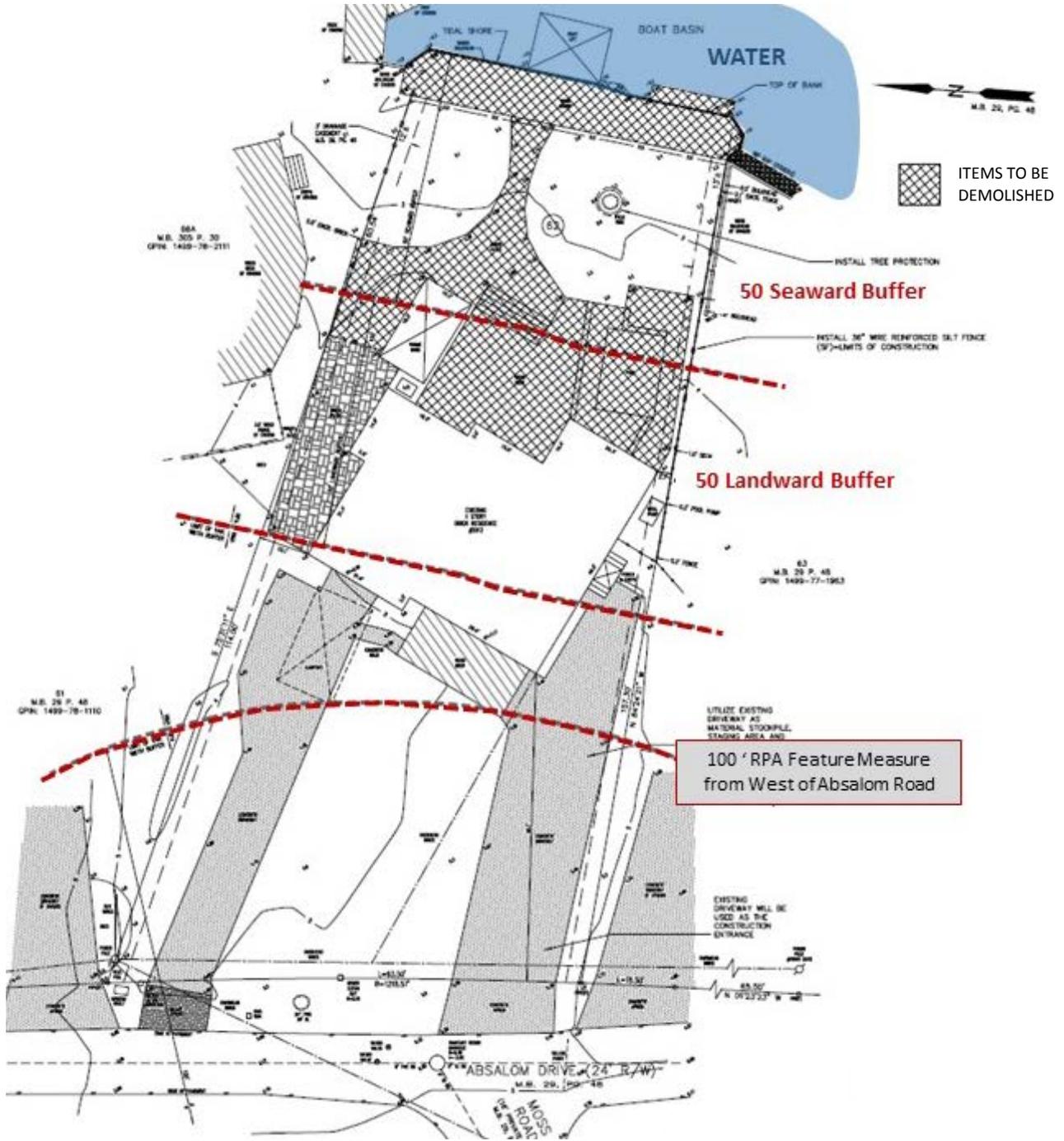
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

***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.

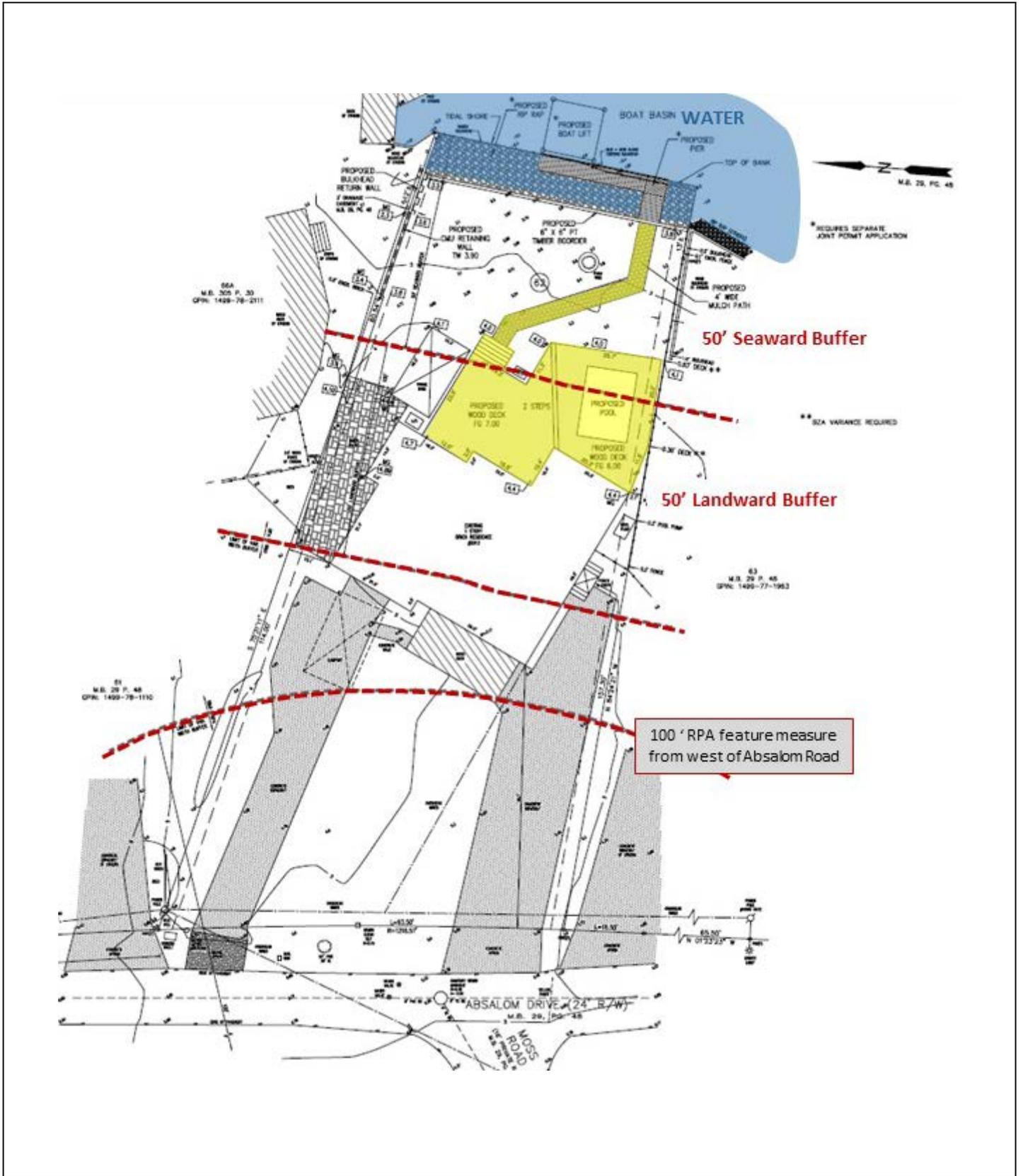
Site Aerial



CBPA Exhibit – Existing Conditions



CBPA Exhibit – Proposed Improvements





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: Geoff Kruth
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: Kruth Family Trust
If an LLC, list the member's names: Geoff Kruth



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 checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Sharon Boldt, CA
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Architect / Landscape Architect / Land Planner	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Gallup; Billy Garrington
<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)	Quicken Loans
<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.**

	Geoff Kruth	10/5/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

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

AS NEEDED, PAGE LEFT

Variance Request

Encroachment into the Resource Protection Area (RPA) buffer to construct a single story addition, sheds, patios, walkways, concrete decks and in ground swimming pool with associated retaining wall.

Applicant's Agent

Billy Garrington

Staff Planner

PJ Scully

Lot Recordation

8/13/1954

Map Book 36, Page 59

GPIN

2409-53-6066

SITE AREA

28,758 square feet or 0.66 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

28,633 square feet or 0.657 acres

EXISTING IMPERVIOUS COVER OF SITE

5,123 square feet or 17.9 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

9,072 square feet or 31.7 percent of site

Area of Redevelopment in RPA

1,038 square feet

Area of New Development in RPA

4,773 square feet

Location of Proposed Impervious Cover

50 foot Seaward Buffer

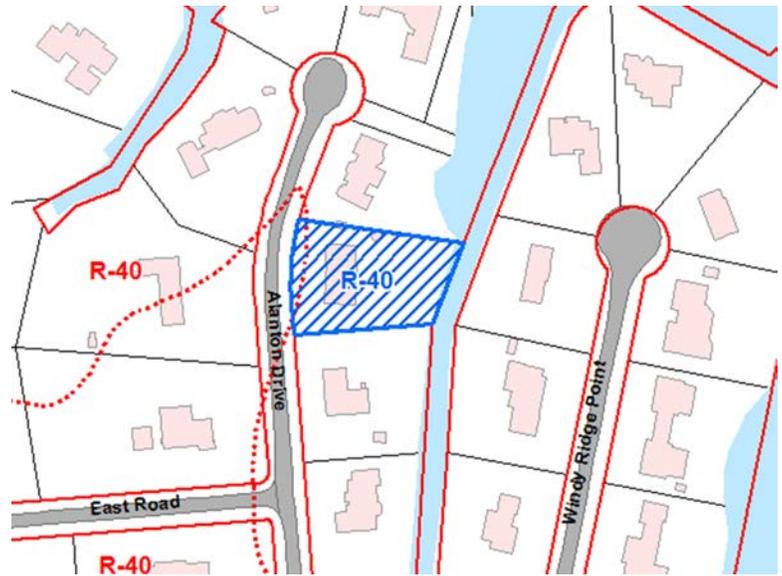
50 foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Front porch and enclosed rear porch
- Brick paver and wood walkways around the residence
- Sheds

Construction Details

- 1-story addition
- Covered front and rear porches
- In-ground pool with associated concrete deck
- Raised concrete deck
- Paver walkways – redevelopment within existing footprints
- Frame sheds – 2 total

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)

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

Shoreline

Shoreline is hardened by a wood bulkhead.

Riparian Buffer

Sparsely wooded parcel.

- Number of existing canopy trees requested for removal within the RPA: 9
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 4
- Evaluation of existing tree removal request: Staff spoke with the arborist involved with the redevelopment of this parcel regarding the removal of the 38 inch Oak, 40 inch Oak, 44 inch Oak, and 12 inch deciduous tree adjacent to the existing residence. Although these trees are within the limits of construction, a field evaluation conducted by the arborist provides that these mature trees have been topped several times and are beginning to die back. Staff supports the request to remove these declining trees and replant the riparian buffer with the required buffer restoration should this variance request be granted.

Evaluation and Recommendation

Staff initially met informally with the applicant, applicant's builder and landscape architect to discuss the proposed project, the intent of the Chesapeake Bay Preservation Area (CBPA) Ordinance and general expectations of the CBPA Board regarding elements of CBPA applications submitted for variance requests. Staff later met with the applicant's agent and Engineer of Record to discuss the proposed improvements as a direct desire of the applicant to redevelop this parcel. A CBPA application was submitted and Staff expressed the following concerns regarding that CBPA exhibit:

- The amount of new development impervious cover, proposed was 4,968 square feet (increasing from 17.9 percent to 35.2 percent of the site).
- The volume or amount of proposed impervious cover within the 50 foot landward buffer, approximately 4,215 square feet (approximately 84 percent of the overall proposed impervious cover).
- Encroachments over the top of bank feature.
- How the required buffer restoration planting bed amount will be satisfied, location of buffer restoration beds, and the sustainability of plant material in regards to the required buffer restoration units.

Since said meeting, the following revisions have been made to this request:

- Reduction in the overall proposed new impervious cover in the RPA from 4,968 square feet or 35.2 percent of the site to 4,773 square feet or 31.7 percent of the site.
- Reduction in the volume or amount of proposed impervious cover within the 50 foot landward buffer by approximately 407 square feet – from 4,215 square feet to 3,808 square feet.

In addition, Staff spoke with the Engineer of Record regarding the required buffer restoration. While the applicant intends to meet the turf conversion portion of the buffer restoration requirements, Staff is having difficulty entertaining any substantial reduction requests in the amount of buffer restoration units, as the parcel is primarily devoted to turf within the 100 foot RPA with minimal canopy tree cover present.

Should the Board desire to consider granting this variance request, the following comments relative to the findings of the CBPA Ordinance specific to this variance request are offered by the applicant's agent for the Board's deliberation.

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated because "*the proposed improvements are in keeping with the development of the neighborhood and adjacent parcels.*" Staff adds that the existing waterway is a manmade channel that was excavated between 1947 and 1958. The majority of the residential structures on the adjacent parcels were constructed between 1968 and 1974.
- 2) Staff offers that the encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant, but rather is necessitated by the fact that this parcel was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore placing portions of this property within the RPA.
- 3) The variance is the minimum necessary to afford relief because "*the house was originally built in the 1960's and near the current zoning standards, therefore the only area for expansion or development is in the rear of the property. The proposed improvements have been limited to the landward buffer except for the pathway to the waterfront.*" Even though the majority of the proposed improvements are limited to the 50 foot landward buffer and the existing residential structure is to remain, Staff is of the opinion that portions of the proposed improvements – specifically the pool deck area are excessive. Staff does acknowledge and respects the fact that the existing topography and slope of the rear yard can be problematic however, Staff is of the opinion that these are not reasons to exceed the minimum necessary to afford relief with the

proposed improvements within the RPA buffer. As such, Staff has recommended condition 13 below that will allow for useable exterior space while maintaining a reasonable amount of overall impervious cover for the parcel.

- 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 with *“the proposed improvements being similar with the redevelopment of the neighborhood and adjacent parcels, the site currently does not offer any stormwater mitigation for the adjacent canal, however if approved, the proposed redevelopment of this parcel will be required to have treatment provided therefore mitigating runoff into the canal.”* Staff is of the opinion that the use of retaining walls with integrated planting areas, maintaining the existing slope (approximately 4 percent or less) within the 50 foot seaward buffer, and keeping fill material seaward of the top of bank feature all offer several means of appropriate planning and design to ensure that the proposed improvements will not be of substantial detriment to water quality.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load, *“the planting of buffer restoration and bio-retention stormwater management will be installed with the proposed improvements to capture and treat run-off prior to discharging into the canal.”* Staff concurs.

Staff offers the following 17 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. 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: **4,773 square feet x 200 percent = 9,546 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: **16 canopy trees, 16 understory trees, 48 large shrubs, and 72 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.

13. The maximum impervious cover of the parcel shall not exceed 8,590 square feet or 30 percent of the parcel outside of water or wetlands.
14. 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.
15. ****As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$1,093.81 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall provide for an oyster shell plant within the Lynnhaven River Basin.**
16. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.

17. The conditions and approval associated with this variance are based on the exhibit plan dated September 12, 2018, prepared by WPL, signed October 30, 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.

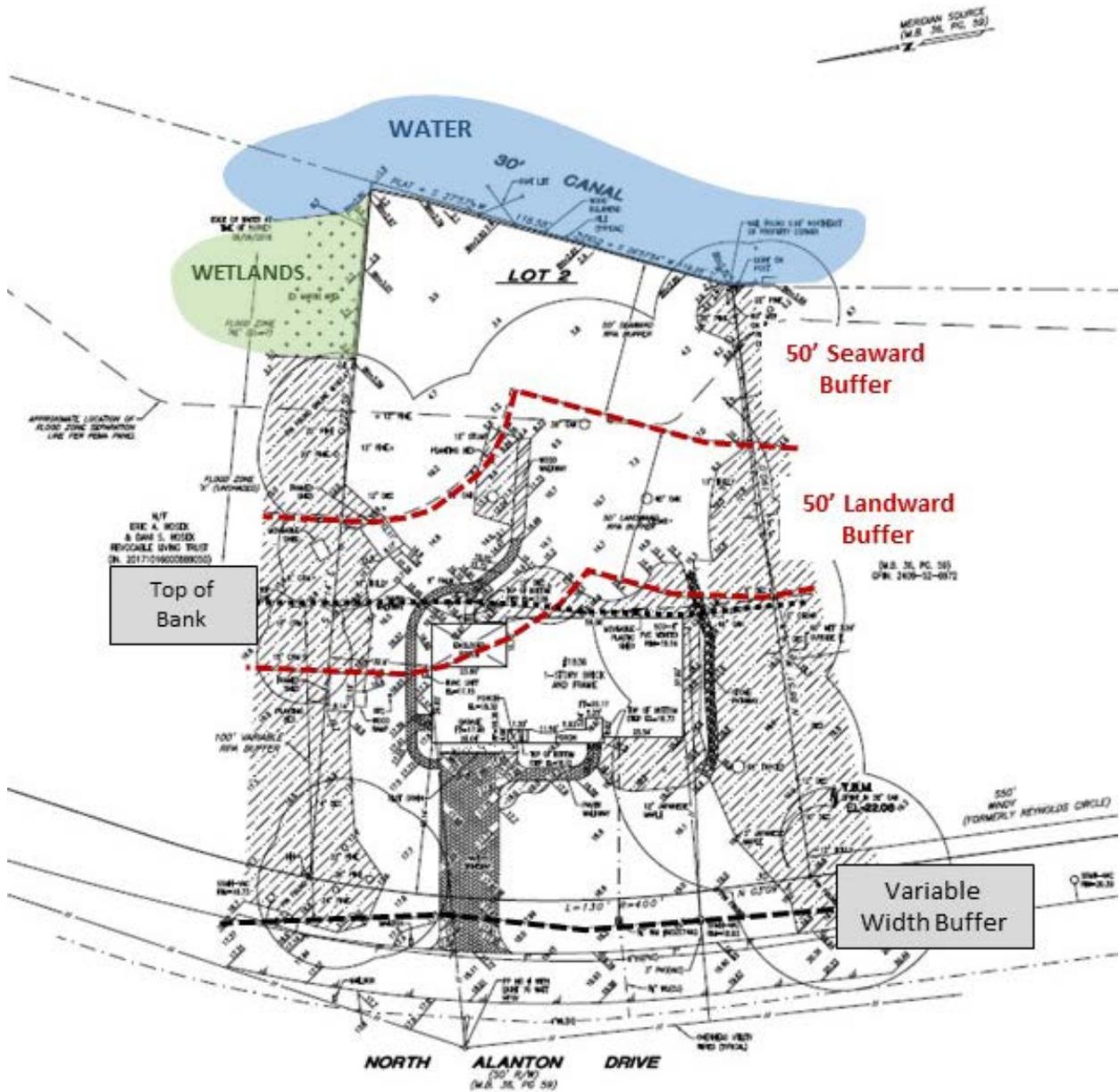
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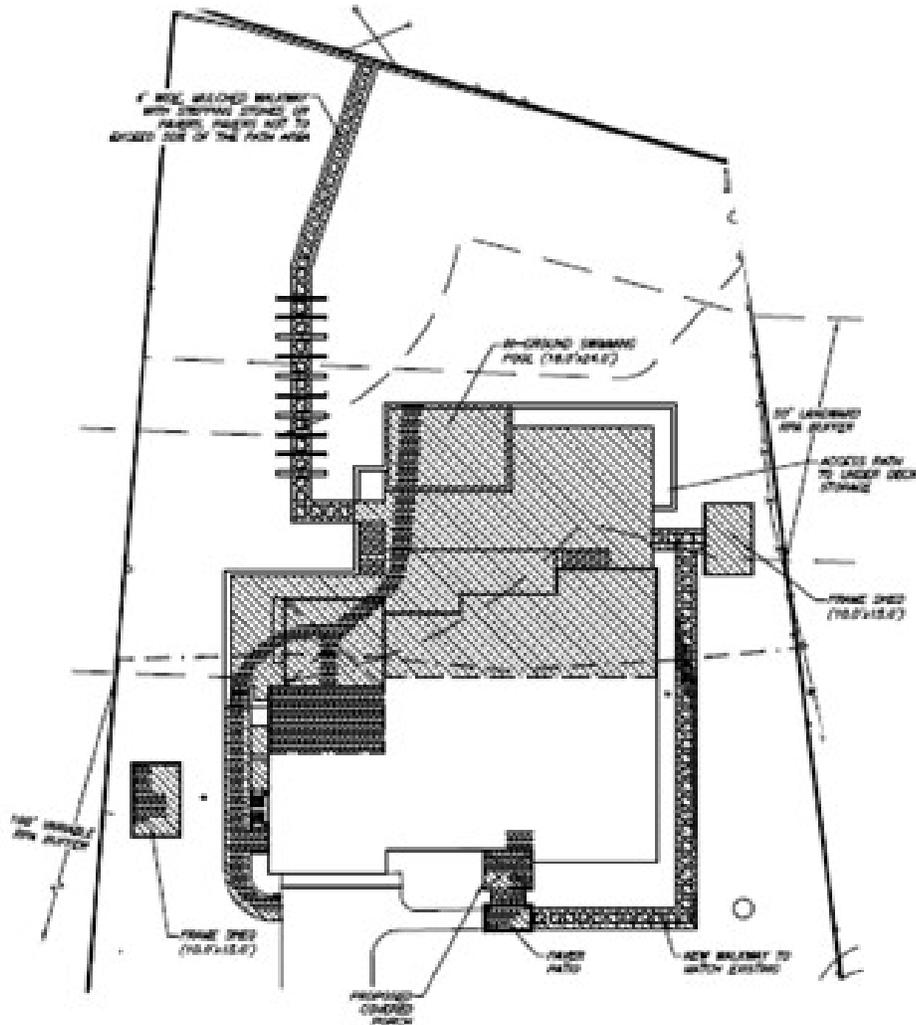
Site Aerial



CBPA Exhibit – Existing Conditions



CBPA Exhibit – Development Overlay Plan



DEVELOPMENT OVERLAY PLAN

LEGEND

-  REDEVELOPMENT IMPERVIOUS AREA IN THE RPA – 1,038 SQ. FT. or 0.024 ACRES
-  NEW IMPERVIOUS AREA IN THE RPA – 4,773 SQ. FT. or 0.110 ACRES



APPLICANT'S NAME Susan & Stanley Parsick

DISCLOSURE STATEMENT FORM

The completion and submission of this form is required for all applications that pertain to City real estate matters or to the development and/or use of property in the City of Virginia Beach requiring action by the City Council or a board, commission, or other body appointed by the City Council. Such applications and matters include, but are not limited to, the following:

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

The disclosures contained in this form are necessary to inform public officials who may vote on the application as to whether they have a conflict of interest under Virginia law.

SECTION 1 / APPLICANT DISCLOSURE

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

Page 1 of 7

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



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

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

(A) List the Applicant's name: Susan & Stanley Parsick
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-subsiary¹ or affiliated business entity² 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.

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N/A

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N/A

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APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Jesse Castano, Jr. PC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	WPL
<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	Cape Henry Builders
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	WPL
<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)	BB&T Mortgage
<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.

<i>Susan Parsick</i>	Susan P Parsick	10/3/18
APPLICANT'S SIGNATURE	PRINT NAME	DATE

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

AS NEEDED, PAGE LEFT BLANK