



**MINUTES  
CHESAPEAKE BAY PRESERVATION AREA BOARD  
VIRGINIA BEACH, VIRGINIA  
MAY 18, 2020**

In accordance with Virginia Code Virginia § 2.2-3708.2(A)(3), Virginia Code § 15.2-1413 and the City's Continuity of Government Ordinance adopted on March 31, 2020, and Chapter 854 of the 2019 Acts of Assembly as amended, the chair of the Virginia Beach Chesapeake Bay Preservation Area (CBPA) Board called a special meeting for a public hearing to be held on Monday, May 18, 2020, at 10:00 am BY ELECTRONIC COMMUNICATION MEANS which was held virtually with CBPA Board Members, Staff and citizens participating via video/audio conference.

A motion was made by Mr. McCoy and seconded by Mr. Jones to approve the February 24, 2020 CBPA Variance conditions. All voted for the motion except Mr. Dreps who was absent from that virtual meeting due to technical difficulties. This vote also serves as the official roll call for this meeting.

**BOARD ACTION: APPROVED FEBRUARY 24, 2020 MINUTES ON MAY 18, 2020**

**YES 8 NO 0 ABSTAIN 0 ABSENT 1**

<b>DREPS</b>	<b>ABSENT</b>
<b>FRANCE</b>	<b>YES</b>
<b>JESTER</b>	<b>YES</b>
<b>JONES</b>	<b>YES</b>
<b>MCCOY</b>	<b>YES</b>
<b>MCDANIELS</b>	<b>YES</b>
<b>SMITH</b>	<b>YES</b>
<b>STEIER</b>	<b>YES</b>
<b>WALLACE</b>	<b>YES</b>

**Board Members Present: David France, David Jester, Casey Jones, Wayne McCoy, June McDaniels, Reese Smith, Michael Steier, and Al Wallace.**



Property Owner **City of Virginia Beach**  
Applicant **Olympia Development**  
Address **Bonney Road, Parcel GPIN 1477-52-4516**  
Public Hearing **May 18, 2020**  
City Council District **Lynnhaven**

Agenda  
Item

**1**

**Parcel GPIN:** 1477-52-4516  
**Accela Record:** 2019-CBPA-00048  
**Applicant's Agent:** Billy Garrington  
**CBPA Board Action:** APPROVED WITH 18 CONDITIONS ON FEBRUARY 24, 2020

**Board's Findings:**

The variance of The City of Virginia, with Olympia Development as the applicant located at Bonney Road, Parcel GPIN 1477-52-4516 was granted with the following 16 reasonable and appropriate conditions offered towards preventing the variance from causing or contributing to a degradation of water quality based on the following findings, as required in Section 110(H) of the CBPA Ordinance:

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated with the lot being located within the Pembroke Strategic Growth Area (SGA) and is similar to adjacent developments that have utilized the design standards provided by the SGA in addition with requesting a variance to the CBPA Ordinance. Unique to this lot, encroachment into the RPA feature is less than the previous developed conditions of the lot, circa 1991 by approximately 4,791 square feet and is limited within the RPA, unlike other lots within the presence of the Thalia Creek Greenway.
- 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 or predecessor in title because the existing lot was originally platted May 16, 1966 and in 2001 a revised platted was put to record that vacated interior lot lines. With the 2001 recordation, no additional land within the RPA was acquired or modified to create the current configuration of the subject lot.
- 3) The variance is the minimum necessary to afford relief, although the existing improvements have been removed from the lot for approximately 2 decades, the proposed improvements offer a reduction in the amount of encroachment within the RPA feature from 24,322 square feet to 18,001 square feet. The 6,321 square foot reduction in the amount of encroachment within the RPA feature primarily occurs along the northern portion of the lot, adjacent to the Thalia Creek Greenway.
- 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 encroachments are primarily in the areas of existing/prior impervious cover and for the near-perpendicular roadway crossing of the natural ditch."* In addition, 3 areas of underground stormwater storage facilities have been delineated as a component of the proposed stormwater management plan with each underground stormwater

storage facility providing approximately 7,000 cubic feet of storage for a total of 21,000 cubic feet for the site. As of this writing, the applicant's Engineer remains in discussion with Public Works Stormwater Engineering and the Development Services Center (DSC) regarding the analysis and modeling of the watershed specific to this request. With regard to the secondary access off Bonney Road, Staff is of the opinion that impacts to the RPA feature should be limited to the minimum necessary to afford relief as shown on the revised CBPA Exhibit.

- 5) As a means to manage towards a no net increase in nonpoint source pollution, the drainage requirements for the development of property will be met as the applicant pursues the approval of this project. The Board offers that the applicant's attempt with providing 3 areas of underground stormwater storage facilities towards addressing nonpoint source pollutions provides merit for the variance being in harmony with the purpose and intent of the CBPA Ordinance.

**CPBA Variance Conditions:**

- 1) A Commercial 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.
- 2) 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.
- 3) Buffer restoration for the lot shall be achieved through the following methods and installed prior to the issuance of the certificate of occupancy or release of the building permit.
  - a) All areas seaward of the proposed improvements, landward of the Thalia Creek Greenway, and along the eastern property line – approximately 29,403 square feet shall be restored to a riparian buffer ecosystem. Said area 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.
  - b) On-site mitigation for buffer restoration shall be provided specific to the following quantities of **65 canopy trees and 100 understory trees**. Said quantities shall not be utilized towards other planting requirements within the City's Landscaping Guide specific to parking lot and foundation landscaping specifications and standards; and landscape screening and buffer specifications and standards. Said quantities shall not be utilized towards other planting requirements within the City's Landscaping Guide specific to parking lot and foundation landscaping specifications and standards; and landscape screening and buffer specifications and standards
- 4) Proposed improvements shall not encroach any further towards the landward edge of the Thalia Creek Greenway than depicted on the revised CBPA Exhibit.
- 5) Limits of disturbance and location of silt fence shall be as follows.

- a) Encroachment into the RPA buffer associated with the open ditch crossing that removes and redevelops the existing dual 36-inch RCP within the southeastern portion of the lot shall be limited to a double row of wire reinforced 36 inch silt fence, for erosion and sedimentation control measures and shall be installed prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fences shall be installed as delineated per the CBPA Variance Exhibit and shall be staked in the field by the Engineer of Record and reviewed with the Civil Inspector at the pre-construction meeting.
  - b) 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 5 feet landward of the Thalia Creek Greenway.
- 6) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
  - 7) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
  - 8) 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.
  - 9) 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.**
  - 10) 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.
  - 11) 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.
  - 12) 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.
  - 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) Upland backfill material shall not exceed a slope of 1 percent from the elevation of the Thalia Creek Greenway terminating into existing grade.

- 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 \$4,125.22, based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA) and \$1,512.27, based on 25 percent of the remaining required buffer restoration for a grand total of \$5,637.49. Said payment shall be utilized solely for activities that support the restoration or enhancement of oyster habitats in the City’s watersheds, including oyster reefs, oyster beds, or similar related activities that are directly related to restoration or enhancement of oyster habitat in the City.
- 16) The conditions and approval associated with this variance are based on the exhibit plan dated March 9, 2020, prepared by Clark Design Group, LLC, checked by Brad Martin. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board.

**Billy Garrington appeared before the Board representing the applicant.**

**Brad Martin with Clark Design Group, LC appeared before the Board to make commentary.**

**A motion was made by Mr. France, seconded by Mr. McCoy to approve the variance with the 16 conditions as stated in the Staff report. All present voted for the motion.**

**AYE 8 NO 0 ABSTAIN 0 ABSENT 1**

<b>DREPS</b>	<b>ABSENT</b>
<b>FRANCE</b>	<b>YES</b>
<b>JESTER</b>	<b>YES</b>
<b>JONES</b>	<b>YES</b>
<b>MCCOY</b>	<b>YES</b>
<b>MCDANIELS</b>	<b>YES</b>
<b>SMITH</b>	<b>YES</b>
<b>STEIER</b>	<b>YES</b>
<b>WALLACE</b>	<b>YES</b>



Property Owner & Applicant **Karen M. Jefferson LT**  
Address **936 E. Sparrow Road**  
Public Hearing **May 18, 2020**  
City Council District **Kempsville**

Agenda  
Item

**2**

**Parcel GPIN:** 1447-91-3309  
**Accela Record:** 2020-CBPA-00004  
**Applicant's Agent:** Billy Garrington  
**CBPA Board Action:** APPROVED WITH 11 CONDITIONS ON MAY 18, 2020

**Board's Findings:**

The variance of Karen M Jefferson, LT located at 936 E. Sparrow Road was granted with the following 11 reasonable and appropriate conditions offered towards preventing the variance from causing or contributing to a degradation of water quality based on the following findings, as required in Section 110(H) of the CBPA Ordinance:

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated because other properties in the area have similar improvements that provides minimal encroachment in the upper reach of the RPA buffer. Specific to this lot those encroachments do not impact existing vegetation, specifically mature canopy tree cover, and limits land disturbance to the minimum necessary to afford relief.
- 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 given that the overall proposed impervious cover of the lot does not exceed 23 percent and the improvements are proposed directly adjacent to the primary structure.
- 3) The variance is the minimum necessary to afford relief given the amount of land disturbance associated with the proposed improvements and location of the proposed improvements within the RPA 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 with the slope of the lot to the tidal feature being relatively minimal and stabilized with turf offering an effective means in retarding run-off, preventing erosion, and filtering nonpoint source pollution.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load; all existing vegetation is being retained, land disturbance will be limited to the upper reach of the RPA buffer and utilizing an existing hard surface for construction access and stockpiling, and with

run-off produced from the proposed improvements having approximately 70 linear feet of pervious cover to sheet-flow across before draining into tidal waters.

**CPBA Variance Conditions:**

- 1) The conditions and approval associated with this variance are based on the exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board. A Single-Family RPA Small Projects Site Plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit. Land disturbance associated with the proposed improvements at any given time shall not exceeds 2,500 square feet. If at any time land disturbance exceeds 2,500 square feet, Planning Department Staff may issue a stop work order. At that time, a full site development plan in compliance with local and State regulations shall be submitted for review and approval through the Development Services Center (DSC).
- 2) 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.
- 3) Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **1,457 square feet x 200 percent = 2,914 square feet.**

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

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

- 4) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 5) 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.
- 6) 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.**

- 7) Construction limits along the seaward portion of the project shall lie a maximum of 5 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.**
- 8) 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 5 feet from improvements.
- 9) 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.
- 10) 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.
- 11) **\*\*** As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$333.89 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall be utilized solely for activities that support the restoration or enhancement of oyster habitats in the City's watersheds, including oyster reefs, oyster beds, or similar related activities that are directly related to restoration or enhancement of oyster habitat in the City.

**Karen Jefferson appeared before the Board.**

**A motion was made by Mr. McCoy, seconded by Mr. Jones to approve the variance with the 11 conditions as stated in the Staff report. All present voted for the motion.**

**AYE    8        NO    0        ABSTAIN    0        ABSENT    1**

**DREPS            ABSENT**  
**FRANCE          YES**  
**JESTER          YES**  
**JONES            YES**  
**MCCOY           YES**  
**MCDANIELS    YES**  
**SMITH           YES**  
**STEIER          YES**  
**WALLACE        YES**



Property Owner <b>Charles E. &amp; Mary G. White</b> Applicant <b>Stephen Alexander Homes, LLC</b> Address <b>Leeward Shore Drive</b> Public Hearing <b>May 18, 2020</b> City Council District <b>Lynnhaven</b>	Agenda Item  <b>3</b>
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**Parcel GPIN:** 2409-19-8659  
**Accela Record:** 2020-CBPA-00005  
**Applicant’s Agent:** Billy Garrington, Governmental Permitting Consultants  
**CBPA Board Action:** DEFERRED AT THE MAY 18, 2020 CBPA PUBLIC HEARING UNTIL THE JULY 6, 2020 CBPA PUBLIC HEARING

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

**There was no opposition present.**

**A motion was made by Mr. Jones, seconded by Mr. Steier to defer the variance to the July 6, 2020 public hearing. All voted for the motion.**

**AYE 8 NO 0 ABSTAIN 0 ABSENT 1**

<b>DREPS</b>	<b>ABSENT</b>
<b>FRANCE</b>	<b>YES</b>
<b>JESTER</b>	<b>YES</b>
<b>JONES</b>	<b>YES</b>
<b>MCCOY</b>	<b>YES</b>
<b>MCDANIELS</b>	<b>YES</b>
<b>SMITH</b>	<b>YES</b>
<b>STEIER</b>	<b>YES</b>
<b>WALLACE</b>	<b>YES</b>



Property Owner **Christopher & Yasmine Hooper**  
Applicant **Dr. Yugal Behl**  
Address **2916 Gaines Landing**  
Public Hearing **May 18, 2020**  
City Council District **Lynnhaven**

Agenda  
Item

**4**

**Parcel GPIN:** 1499-23-1940  
**Accela Record:** 2020-CBPA-00006  
**Applicant's Agent:** Billy Garrington  
**CBPA Board Action:** APPROVED WITH 18 CONDITIONS ON MAY 18, 2020

**Board's Findings:**

The variance of The City of Virginia, with Olympia Development as the applicant located at Bonney Road, Parcel GPIN 1477-52-4516 was granted with the following 18 reasonable and appropriate conditions offered towards preventing the variance from causing or contributing to a degradation of water quality based on the following findings, as required in Section 110(H) of the CBPA Ordinance:

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated because the proposed improvements are in keeping with the development of the neighborhood and adjacent lots given an aerial review of the lots associated with the 1996 CBPA Variance show similar improvements that the applicants is requesting with this variance application.
- 2) This variance request is not based upon conditions or circumstances that are or have been created or imposed by the applicant given that the existing vegetative cover along the shoreline and well-kept conditions of the existing upland improvements are in harmony with the finding of the Chesapeake Bay Preservation Area (CBPA) Ordinance and the CBPA Board variance granted in 1996.
- 3) The variance is the minimum necessary to afford relief based of the conditions granted by the Board with respect to reducing the overall impervious cover of the proposed improvements.
- 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 development of the neighborhood and adjacent parcels, the site currently does not offer any stormwater mitigation for the bay, however if approved, the proposed redevelopment will be required to have treatment provided between the improvements and the waterway.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load, buffer restoration and bioretention stormwater management will be placed between the improvements and the waterway to capture and treat run-off prior to discharge into the Lynnhaven River. Given the existing topography within the rear yard and the distance the proposed improvements will be from the top of bank feature, the Board is of the opinion that

the required buffer restoration would offer merit towards the creation of a riparian ecosystem within the 100-foot RPA buffer.

**CPBA Variance Conditions:**

- 1) A Single-Family RPA 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.
- 2) 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.
- 3) Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **1,206 square feet x 200 percent = 2,412 square feet.**

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **6 canopy trees, 6 understory trees, 12 large shrubs, and 18 small shrubs.**

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

- 4) The maximum impervious cover of the parcel shall not exceed 13,625 square feet or 36.5 percent of site. Said limits of proposed impervious cover shall not be any further seaward than depicted on the CBPA Exhibit submitted for the subject variance request.
- 5) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
- 6) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 7) 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.

- 8) 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.**
- 9) 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 5 feet from improvements.
- 10) Construction limits along the seaward portion of the project shall lie a maximum of 5 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.**
- 11) 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.
- 12) 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.
- 13) 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.
- 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 \$276.37 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall be utilized solely for activities that support the restoration or enhancement of oyster habitats in the City's watersheds, including oyster reefs, oyster beds, or similar related activities that are directly related to restoration or enhancement of oyster habitat in the City.
- 16) This variance and associated conditions **are in addition to** the conditions of the Board variance granted December 11, 1996.
- 17) The conditions and approval associated with this variance are based on the exhibit plan dated February 4, 2020, prepared by WPL, signed April 30, 2020 by Eric A. Garner. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board.

18) The existing paver walkway to the pier shall be constructed of organic material (mulch), and maximum of 4 feet in width, with stepping stones not to exceed 50 percent of the path area.

**Billy Garrington appeared before the Board representing the applicant.**

**A motion was made by Mr. Jones, seconded by Mr. Wallace to approve the variance with the 18 conditions as amended (Added Condition 18). All present voted for the motion.**

**AYE 5 NO 3 ABSTAIN 0 ABSENT 1**

<b>DREPS</b>	<b>ABSENT</b>
<b>FRANCE</b>	<b>NO</b>
<b>JESTER</b>	<b>NO</b>
<b>JONES</b>	<b>YES</b>
<b>MCCOY</b>	<b>YES</b>
<b>MCDANIELS</b>	<b>NO</b>
<b>SMITH</b>	<b>YES</b>
<b>STEIER</b>	<b>YES</b>
<b>WALLACE</b>	<b>YES</b>