

# Chesapeake Bay Preservation Area Board Agenda

January 27, 2020

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# CHESAPEAKE BAY PRESERVATION AREA BOARD

## NOTICE OF PUBLIC HEARING

The City of Virginia Beach Chesapeake Bay Preservation Area (CBPA) Board will hold a Public Hearing on **Monday, January 27, 2020, at 10:00 a.m.** in the City Council Chamber, Virginia Beach Municipal Center, Virginia Beach, Virginia.

An informal session will be held at 9:00 a.m. in the will be held at the City of Virginia Beach, STiR Office, Large Conference Room 110 b, 2408 Courthouse Drive. During the informal session, 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 CBPA Board Public Hearing held at 10:00 a.m. in the City Council Chamber. **A location map for direction to the STiR Office is provided on page 3 of this report.**

The Staff reviews all of the items on this agenda and offer recommendation for consideration by the 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 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 Department of Planning and Community Development 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 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 Department of Planning and Community Development at (757) 385-4621.**

**2020 Chesapeake Bay Preservation Area Board Informal Hearing Location**

Beginning January 2020, the Informal Staff Briefing for the Chesapeake Bay Preservation Area Board public hearing will be held at the City of Virginia Beach, STiR Office, Large Conference Room.

**STiR Office Address**

City of Virginia Beach, Municipal Center  
2408 Courthouse Drive  
Virginia Beach, 23456



Please refer to the individual Board or Commission webpage for dates and time.

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# CHESAPEAKE BAY PRESERVATION AREA BOARD AGENDA

Public Hearing Date **January 27, 2020**

9:00 AM INFORMAL STAFF BRIEFING OF PUBLIC HEARING AGENDA ITEMS. STAFF'S BRIEFING IS HELD IN THE STIR OFFICE LARGE CONFERENCE ROOM 110.

### 2020 Chesapeake Bay Preservation Area Board Informal Staff Briefings

Beginning January 2020, the Informal Staff Briefing for the Chesapeake Bay Preservation Area Board public hearing will be held at the City of Virginia Beach, STiR Office, Large Conference Room 110 b, 2408 Courthouse Drive.

10:00 AM FORMAL REVIEW OF PUBLIC HEARING AGENDA ITEMS. FORMAL REVIEW IS HELD IN THE CITY COUNCIL CHAMBER.

### 2020 Chesapeake Bay Preservation Area Board Public Hearing Dates

Please note that the public hearing dates for the Chesapeake Bay Board will transition to the first Monday of the month starting Monday, April 6<sup>th</sup>, 2020.

Monday	January 27 <sup>th</sup>	Monday	July 6 <sup>th</sup>
Monday	February 24 <sup>th</sup>	Monday	August 3 <sup>rd</sup>
Monday	March 23 <sup>rd</sup>	Thursday	September 10 <sup>th</sup>
Monday	April 6 <sup>th</sup>	Monday	October 5 <sup>th</sup>
Monday	May 4 <sup>th</sup>	Monday	November 2 <sup>nd</sup>
Monday	June 1 <sup>st</sup>	Monday	December 7 <sup>th</sup>

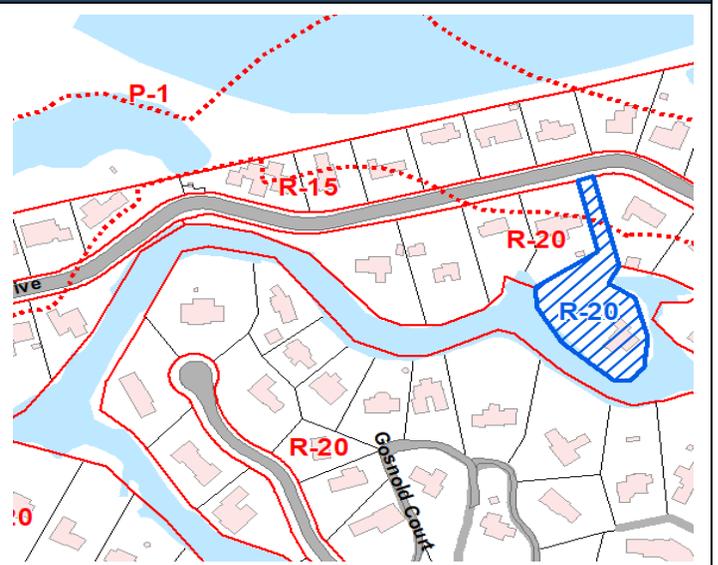
## OLD BUSINESS AGENDA ITEMS

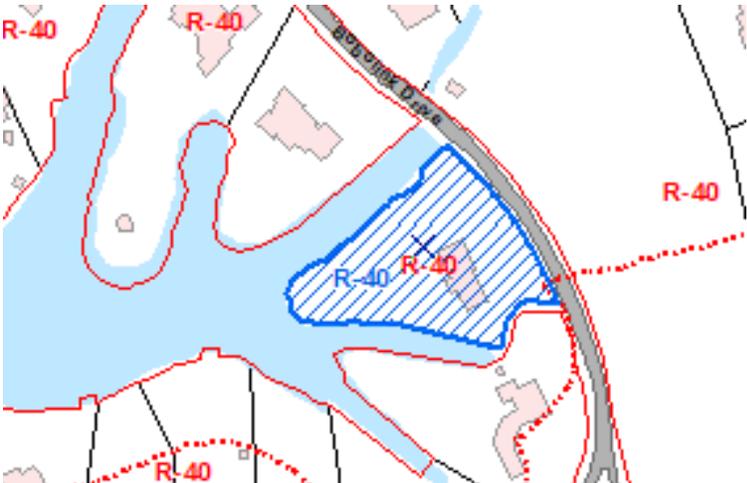
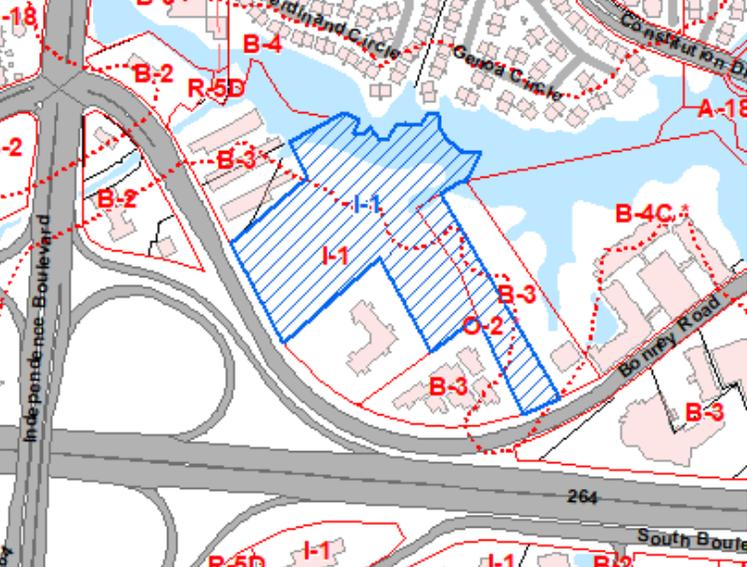
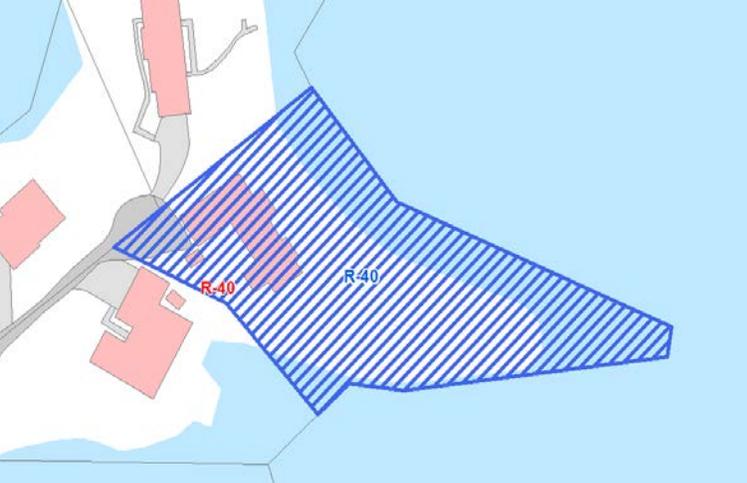
1. **Jeremy & Natalie Biggie**  
[Applicant & Property Owner]

**409 Susan Constant Drive**  
GPIN 2419-61-4826  
Council District – Lynnhaven  
Accela Record 2019-CBPA-00044

**Variance Request** – Encroachment into the Resource Protection Area (RPA) buffer to redevelop the existing driveway and construct a room addition, swimming pool and associated patio area.

**Staff Planner** – PJ Scully  
**Staff Report** – page 9



<p><b>2. Krambias Properties, LLC</b>  [Applicant &amp; Property Owner]</p> <p><b>921 Bobolink Drive</b>  GPIN 2418-22-7567  Council District – Lynnhaven  Accela Record 2019-CBPA-00035</p> <p><b>Variance Request</b> – Encroachment into the Resource Protection Area (RPA) buffer to construct a new single-family residence with associated accessory structures.</p> <p><b>Staff Planner</b> – PJ Scully  <b>Staff Report</b> – page 11</p>	
<p><b>3. Olympia Development Co.</b>  [Applicant]</p> <p><b>City of Virginia Beach</b>  [Property Owner]</p> <p><b>Bonney Road</b>  GPIN 1477-52-4516  Council District – Lynnhaven  Accela Record 2019-CBPA-00048</p> <p><b>Variance Request</b> – Encroachment into the Resource Protection Area (RPA) buffer for the development of three office buildings and associated infrastructure.</p> <p><b>Staff Planner</b> – PJ Scully  <b>Staff Report</b> – page 27</p>	
<p><b>4. Erik &amp; Wei Chen</b>  [Applicant &amp; Property Owner]</p> <p><b>1501 Quail Point Road</b>  GPIN 2418-04-0096  Council District – Lynnhaven  Accela Record 2019-CBPA-00055</p> <p><b>Variance Request</b> – Encroachment into the Resource Protection Area (RPA) buffer to construct a new single-family residence, swimming pool, and driveway.</p> <p><b>Staff Planner</b> – PJ Scully  <b>Staff Report</b> – page 43</p>	

**5. Lynnhaven Area Properties, LLC**  
[Applicant & Property Owner]

**Prop. of Allen E. Perrel, Lot 4 & closed portion of Wolfsnare Road & Wolfsnare Parcel B, Wolfsnare Road**  
GPINs 2407-09-4435, 2407-09-5412 & 2407-09-6257

Council District – Beach  
Accela Record 2018-CBPA-00063

**Variance Request** – Encroachment into the Resource Protection Area (RPA) buffer to construct 5 single-family residences with associated accessory structures.

**Staff Planner** – PJ Scully  
**Staff Report** – page 59



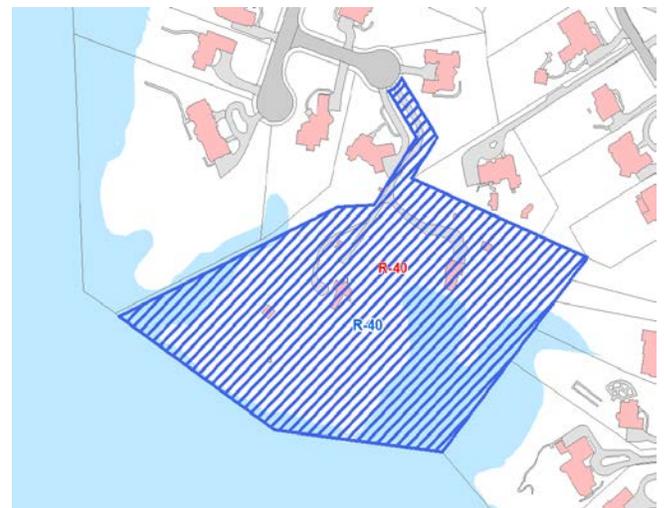
**NEW BUSINESS AGENDA ITEMS**

**6. Woodhouse Limited Partnership**  
[Applicant & Property Owner]

**1805 Estates Court**  
GPINs 1499-14-5390  
Council District – Lynnhaven  
Accela Record 2019-CBPA-00063

**Variance Request** – Encroachment into the Resource Protection Area (RPA) buffer to subdivide the existing lot into 4 new single-family lots with associated primary and accessory structure improvements.

**Staff Planner** – PJ Scully  
**Staff Report** – page 75

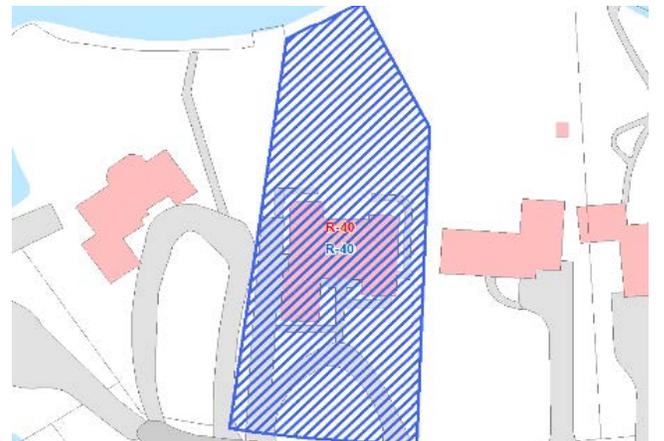


**7. Quail Roost 2011 Trust U/A**  
[Applicant & Property Owner]

**1320 Chewink Court**  
GPIN 2418-22-3278  
Council District – Lynnhaven  
Accela Record 2019-CBPA-00064

**Variance Request** – Encroachment into the Resource Protection Area (RPA) buffer to construct a new pool with associated patio and cabana, new driveway, and install garage.

**Staff Planner** – PJ Scully  
**Staff Report** – page 91

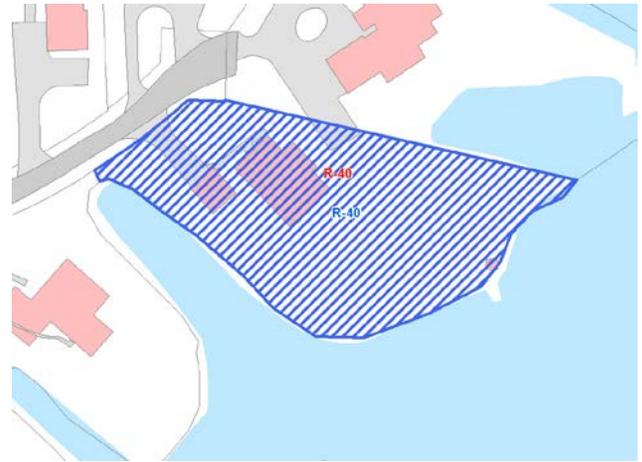


**8. Gregory Law**  
[Applicant & Property Owner]

**1205 Kittiwake Court**  
GPIN 2418-42-4925  
Council District – Lynnhaven  
Accela Record 2019-CBPA-00065

**Variance Request** – Encroachment into the Resource Protection Area (RPA) buffer to remove existing retaining wall and wood deck, expand parking area, construct garage building addition, expand rear wood deck, and construct raise pool and patio with retaining wall.

**Staff Planner** – PJ Scully  
**Staff Report** – page 93





Applicant & Property Owner **Jeremy & Natalie Biggie**  
 Address **409 Susan Constant Drive**  
 Public Hearing **January 27, 2020**  
 City Council District **Lynnhaven**

Agenda Item

**1**

**The applicant is requesting a deferral of this application to the Monday, April, 6<sup>th</sup>, 2020 CBPA Board Public Hearing to allow additional time to address Staff's concerns. Staff supports the request to defer.**

**Variance Request**

Encroachment into the Resource Protection Area (RPA) buffer to redevelop the existing driveway and construct a room addition, swimming pool and associated patio area.

**Applicant's Agent**

Robert Simon

**Staff Planner**

PJ Scully

**Lot Recordation**

Map Book 60, Page 30  
 Recorded 2/28/1964

**GPIN**

2419-61-4826

**SITE AREA**

41,896 square feet or 0.9 acre

**SITE AREA OUTSIDE OF WATER/WETLANDS**

41,896 square feet or 0.9 acre

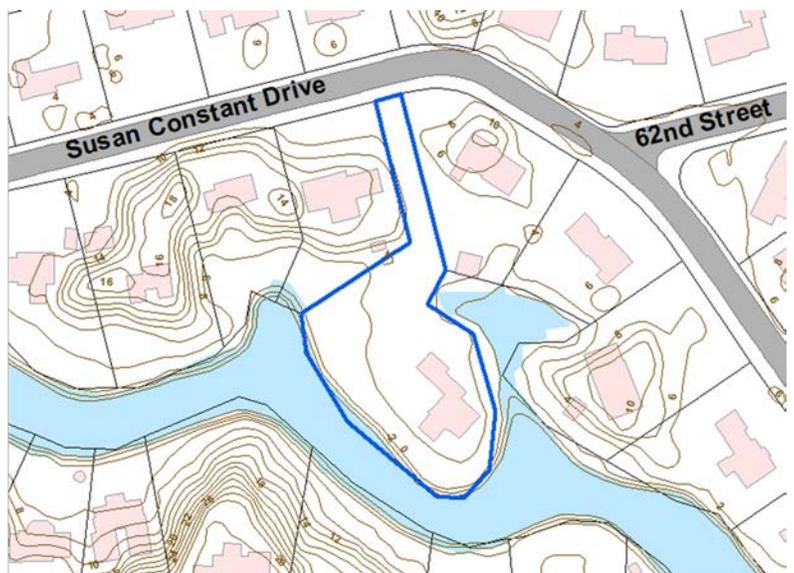
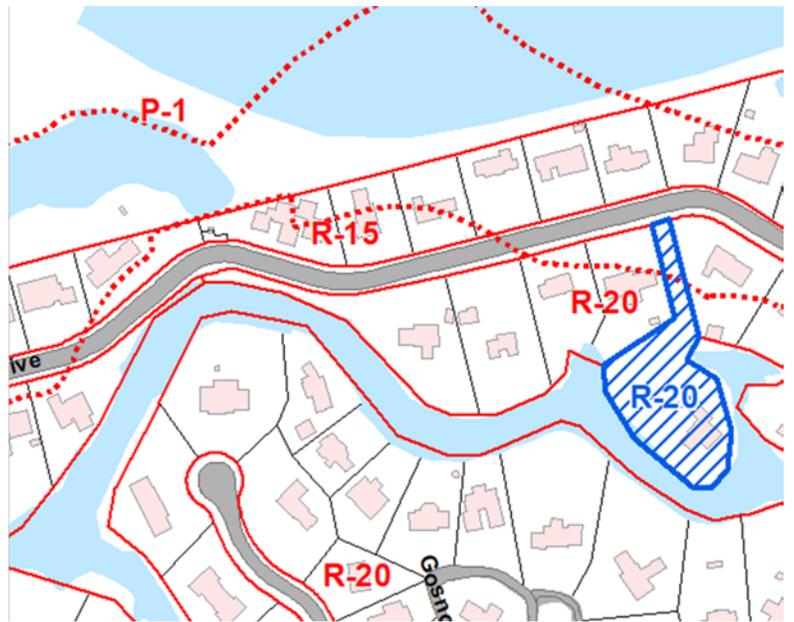
**EXISTING IMPERVIOUS COVER OF SITE**

9,678 square feet or 23.1 percent of site

**Variance Request History**

This variance request was deferred at the following CBPA Public Hearings

- October 28, 2019 Public Hearing
- November 25, 2019 Public Hearing



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**Variance Request**

Encroachment into the Resource Protection Area (RPA) buffer to construct a new single-family residence with associated accessory structures.

**Applicant's Agent**

Eddie Bourdon

**Staff Planner**

PJ Scully

**Lot Recordation**

Map Book 7, Page 192

Recorded 7/30/1926

**GPIN**

2418-22-7567

**SITE AREA**

62,550 square feet or 1.436 acres

**SITE AREA OUTSIDE OF WATER/WETLANDS**

51,417 square feet or 1.180 acres

**EXISTING IMPERVIOUS COVER OF SITE**

6,711 square feet or 13.05 percent of site

**PROPOSED IMPERVIOUS COVER OF SITE**

8,985 square feet or 17.47 percent of site

**Area of Redevelopment in RPA**

4,129 square feet

**Area of New Development in RPA**

4,807 square feet

**Location of Proposed Impervious Cover**

50-foot Seaward Buffer

50-foot Landward Buffer

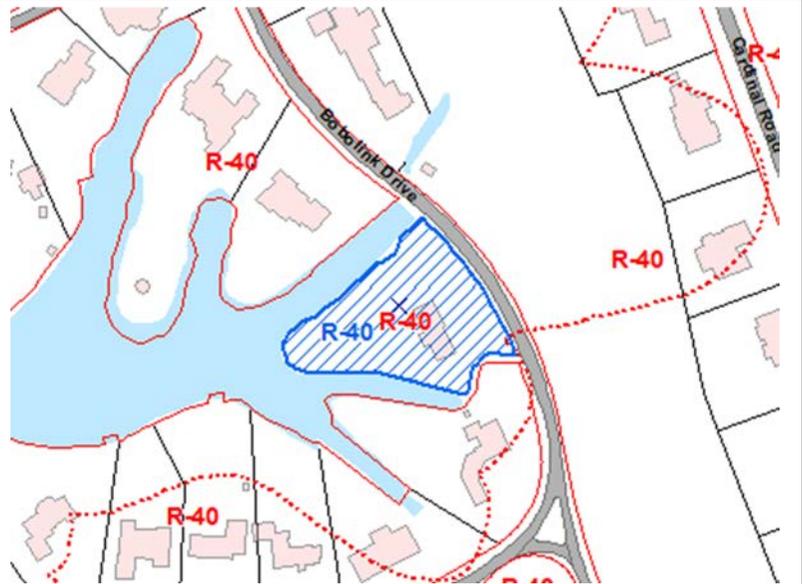
100-foot Variable Width Buffer

**AMOUNT OF LAND DISTURBANCE**

Greater than 2,500 square feet

**Staff Recommendation**

Approval as conditioned



## Summary of Proposal

### Demolition Details

- Demolish existing single-family residence and associated accessory structures

### Construction Details

- Single-family residence with attached garage and single access driveway
- Swimming pool with associated cabana and patio areas

## CBPA Ordinance Variance History

No prior Chesapeake Bay Preservation Area (CBPA) Board variance has been granted for this lot. This CBPA variance request has been deferred at the following CBPA Board Public Hearings.

- August 26, 2019 CBPA Board Public Hearing
- September 23, 2019 CBPA Board Public Hearing
- November 25, 2019 CBPA Board Public Hearing

## Environmental Conditions

### Riparian Buffer

Moderate to sparsely wooded lot

- Number of existing canopy trees requested for removal within the RPA: 15
- Evaluation of existing canopy tree removal request: Staff received a Preliminary Project Request (PPR) in July of 2019 to remove 15 trees from the lot. The arborist report provided detailed description for each tree and generalized in the request that the desire to remove is based off current conditions relative to decay, substantial leans affected by significant grade change, hazardous proximity to the existing single-family residence, and the location of proposed new construction impacting critical root zones. Staff informed the applicant to address the tree removal with the CBPA variance request to redevelop the lot.

### Shoreline

Shoreline has a deteriorated wood bulkhead, partially collapsed in many areas along the southern portion of the lot that transitions into a rip rap revetment along the western and northern portion of the lot. A Wetlands Board application was approved December 16, 2019 to redevelop the existing shoreline. A marsh sill and rip rap revetment was approved along the northern portion of the shoreline with the Wetlands Board modifying the application so that the existing bulkhead along the southern portion of the shoreline will be replaced in-line with a new bulkhead. A copy of the proposed shoreline profile is provided below.

### Soil Type(s)

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

### Flood Zone

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

## Evaluation and Recommendation

The overall request to redevelop the lot, coordinating together both the shoreline and upland improvements provides merit towards the purpose and intent of the Chesapeake Bay Preservation Area (CBPA) Ordinance. First, to protect high quality state waters the applicant has submitted a Joint Permit Application (JPA) that corrects approximately 220 linear feet of on-going shoreline erosion due to a dilapidated bulkhead. The shoreline improvements also redevelop the existing rip rap revetment adding a marsh sill that offers aquatic habitat not currently present on the lot. Second, to filter stormwater run-off and provide rain water infiltration approximately 1,774 square feet of existing impervious cover will be removed from the 50-foot seaward buffer, of which approximately 1,286 square feet is the existing driveway. The existing driveway terminates approximately 10 feet landward of the existing bulkhead and conveys stormwater run-off from approximately 5,640 square feet of upland impervious cover inclusive of Bobolink Drive. By removing the existing driveway, stormwater run-off collected from Bobolink Drive will be conveyed through the existing open swale adjacent to the road offering a longer time of concentration for treatment of pollutants out of the stormwater run-off. In addition, the existing brick retaining wall along the right-of-way will be removed and the bank graded to provide a widened swale. Second, the restoration of the riparian buffer has been conditioned with this variance request to be located within the 50-seaward buffer to the greatest extent practicable with areas of the lot inundated by abnormal high tides or storm surge able to be converted to no-mow zones as a component of the required buffer restoration. As for the request to remove existing canopy tree within the lot, many of the existing canopy trees have abnormal branching variations that deviate from normal canopy shape due to old growth die back, storm damage, and flattening of limb structure. Staff is of the opinion that the decline and lack of a riparian buffer ecosystem is due to the timeframe that this lot was developed with the existing residential structure constructed in 1950. With the lack of trophic vegetation along the shoreline, conditioning the riparian buffer to be restored offers erosion prevention, run-off reduction and filtering of non-point source pollution. Lastly, stormwater management will be required and addressed through best management practices, which will be received in more detail during the final site plan review.

Given the applicant's awareness towards redeveloping this property with the intent to restore environmental conditions, coupled with the extent of site analysis performed associated with this variance request, Staff supports this request. 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 is of the opinion that the redevelopment of lot to correct the on-going shoreline erosion, removal of impervious cover from the 50-foot seaward buffer and recommended conditions that provide merit towards the restoration of a riparian buffer ecosystem do not confer upon the applicant any special privileges with the request to redevelop within the Resource Protection Area (RPA) buffer.
- 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 lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore portions of this lot are within the RPA.
- 3) The variance is the minimum necessary to afford relief given that *"the house was originally built in the 1950's in its current location on the lot, we feel the best areas for expansion/redevelopment for the property is as shown to help avoid additional impacts to the resource. The proposed improvements have been limited to the landward buffer except for minor encroachment for a stairway."* Staff respects the

perspective of the applicant's agent regarding the location of the proposed improvements and is of the opinion that the applicant has developed a CBPA exhibit that offers a respectable retreat of impervious cover within the most sensitive portion of the 50-foot seaward buffer. In addition to collaborating with Staff to reduce the overall proposed impervious cover within the RPA from 10,391 square feet to 8,985 square feet or 17.47 percent of site above water and wetlands, during the deferral process for this variance request.

- 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 bay."* Staff offers that an impervious cover retreat from the 50-foot seaward buffer, redevelopment of the existing shoreline and a buffer restoration plan that restores trophic layers to the riparian buffer ecosystem offers merit to the redevelopment of this lot towards a no net increase in nonpoint source pollution load.
- 5) *"Planting buffer restoration and bioretention stormwater management will be placed between the improvements and the waterway to capture and treat runoff prior to discharging into the bay"* as a means to manage towards a no net increase in nonpoint source pollution load. Staff is of the opinion, given the comments provided above within Staff's evaluation of the variance request and the original structure of the lot being built in 1950, that the environmental conditions – shoreline and canopy cover of this lot are aged and in decline. While the short-term improvements modify the majority of the natural features of the lot, Staff is of the opinion that the long-term benefit will provide better stormwater management in terms of runoff avoided and rainfall interception by introducing younger canopy trees at a rate greater to those being removed.

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

## Recommended Conditions

- 1) A 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: **4,807 square feet x 200 percent = 9,614 square feet.**

The required restoration shall be located in the 50-foot seaward buffer of the Resource Protection Area, in areas currently devoted to turf to the greatest extent practicable and transition landwards as needed to fulfill the required buffer restoration square footage. Areas of the lot inundated by abnormal high tides or storm surge may be converted to no-mow zones as a component of the required buffer restoration. Said buffer restoration areas shall be maintained and not removed or allowed to revert to turf in the future.

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs, grasses and groundcovers suitable for the existing grade elevations and environmental conditions. The following quantities are required: **12 canopy trees, 12 understory trees, 48 shrubs – large and small, and 72 grasses and/or groundcovers**. 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 30 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 redevelopment of shoreline as approved with the Joint Permit Application (JPA) specific to this lot shall be conducted prior to or concurrent with the redevelopment of the upland improvements.
- 5) Upland backfill material shall be limited to the establishment of the rip rap revetment/marsh sill associated with the JPA specific to this lot. Upland backfill material shall not exceed a slope of 1 percent from the elevation of the rip rap revetment and bulkhead terminating into existing grade.
- 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 15 feet from improvements.
- 10) Construction limits along the seaward portion of the project shall lie a maximum of 15 feet seaward of improvements.
- 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) 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.

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 \$1,101.60 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) The conditions and approval associated with this variance are based on the exhibit plan dated August 22, 2018, prepared by WPL, signed January 7, 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.

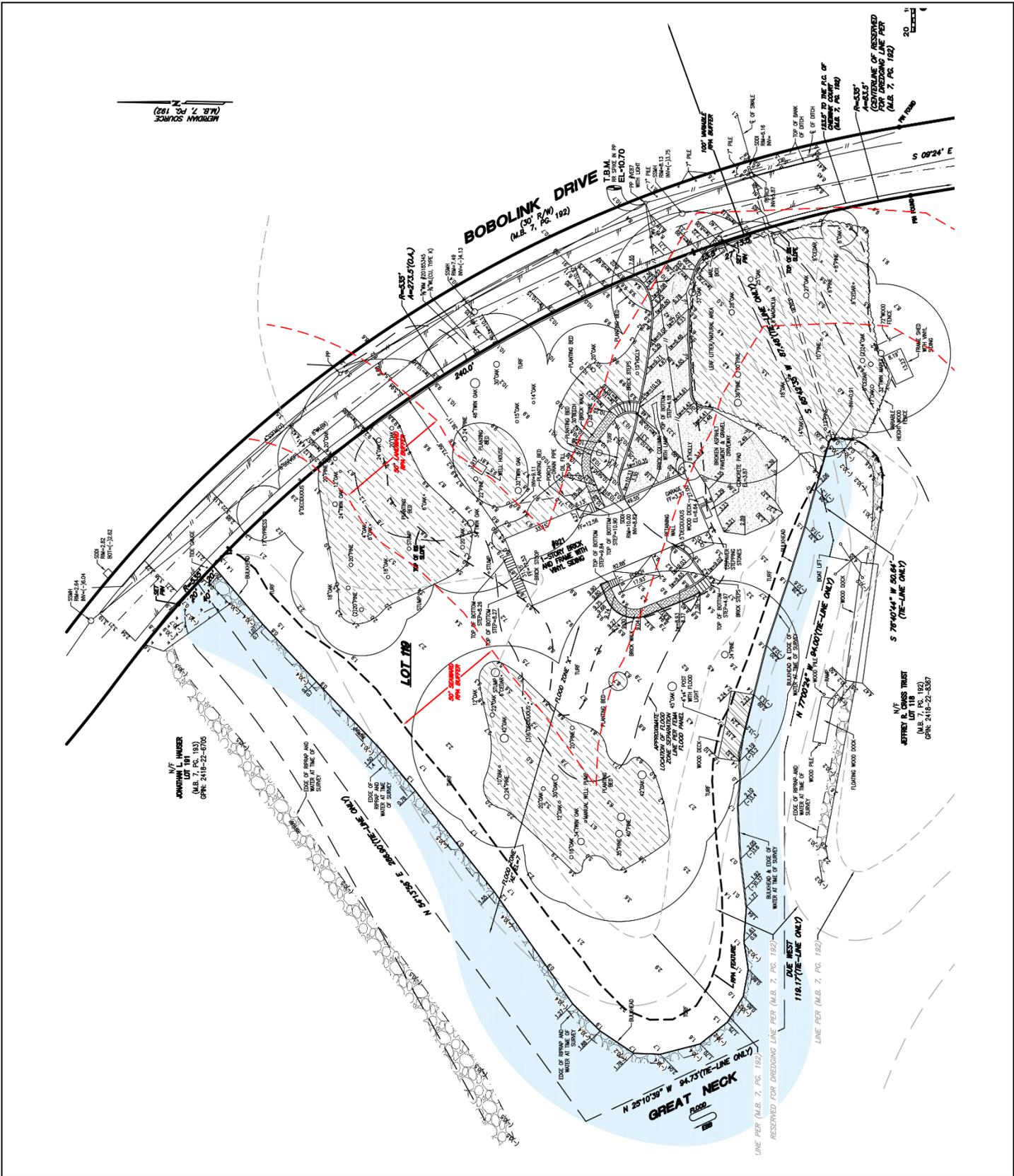
\*\* NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

\*\*\*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.

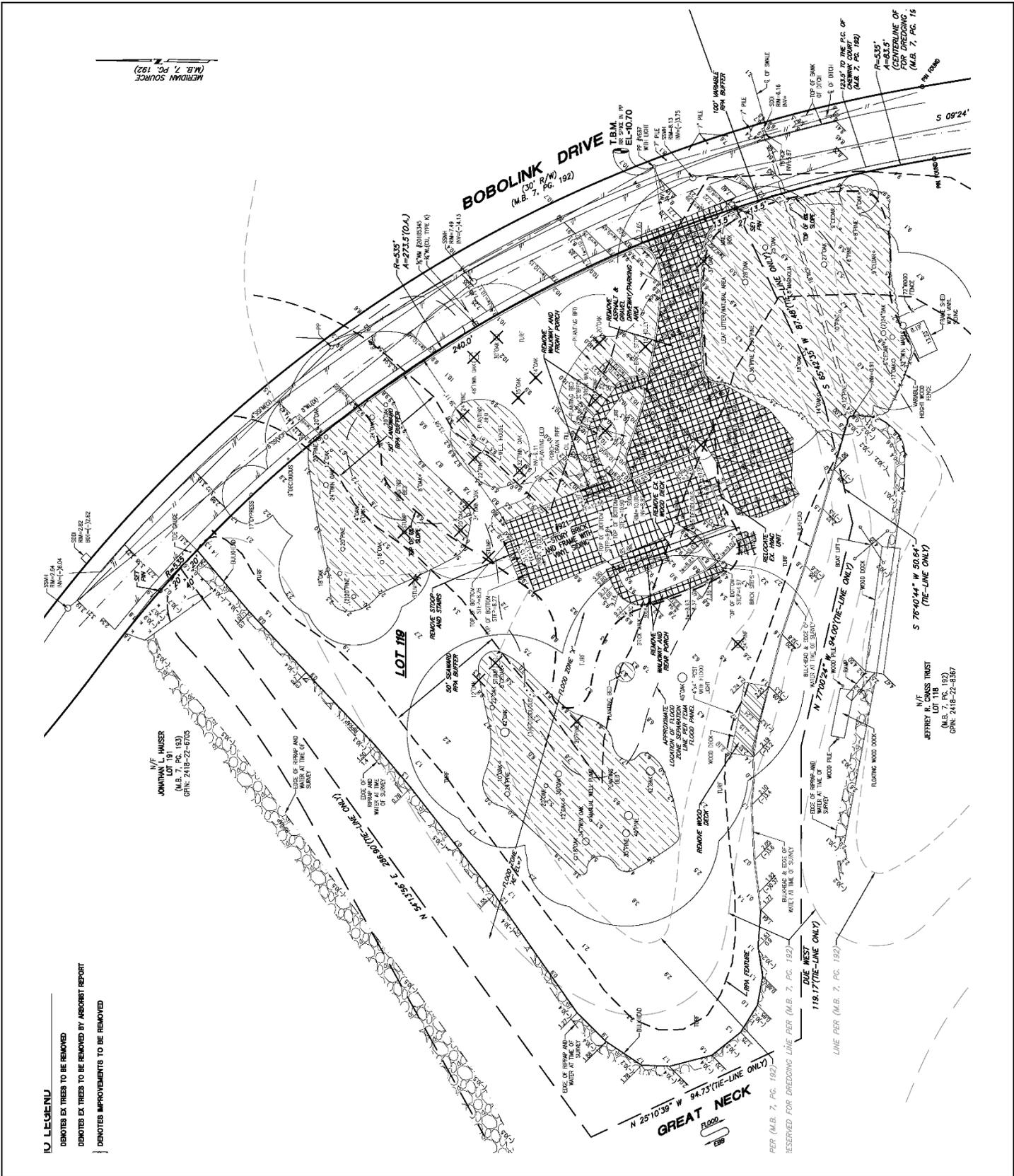
Site Aerial



# CBPA Exhibit – Existing Conditions



# CBPA Exhibit – Demolition Plan



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- DENOTES EX TREES TO BE REMOVED
- DENOTES EX TREES TO BE REMOVED BY AIRBORNE REPORT
- DENOTES IMPROVEMENTS TO BE REMOVED

JANUARY 10, 1933  
 (M.B. 7, PG. 193)  
 CPN: 2418-22-6705

JANUARY 10, 1933  
 (M.B. 7, PG. 193)  
 CPN: 2418-22-6705

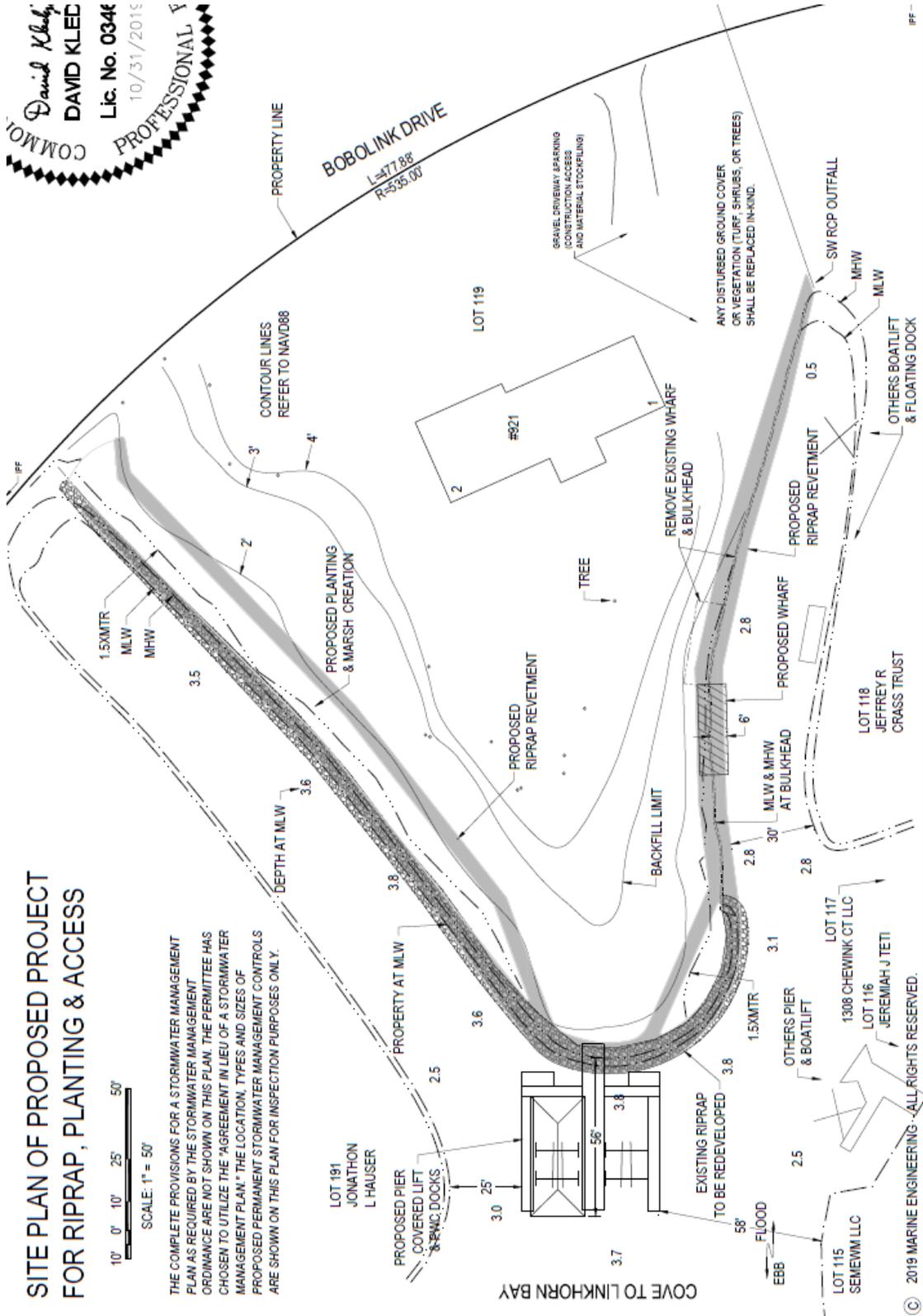


David Kled  
**DAVID KLED**  
 Lic. No. 034f  
 10/31/2018  
**PROFESSIONAL**  
 COMMONWEALTH OF MASSACHUSETTS

**SITE PLAN OF PROPOSED PROJECT  
 FOR RIPRAP, PLANTING & ACCESS**

10' 0' 10' 25' 50'  
 SCALE: 1" = 50'

THE COMPLETE PROVISIONS FOR A STORMWATER MANAGEMENT PLAN AS REQUIRED BY THE STORMWATER MANAGEMENT ORDINANCE ARE NOT SHOWN ON THIS PLAN. THE PERMITTEE HAS CHOSEN TO UTILIZE THE "AGREEMENT IN LIEU OF A STORMWATER MANAGEMENT PLAN" THE LOCATION, TYPES AND SIZES OF PROPOSED PERMANENT STORMWATER MANAGEMENT CONTROLS ARE SHOWN ON THIS PLAN FOR INSPECTION PURPOSES ONLY.



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**APPLICANT'S NAME** Krambias Properties, LLC

**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: Krambias Properties, LLC  
If an LLC, list all member's names:  
George Loizou, Managing Member

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

N/A

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

---

## SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

(A) List the Property Owner's name: Krambias Properties, LLC  
If an LLC, list the member's names: George Loizou, Managing Member

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

N/A

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

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

---

### SECTION 3. SERVICES DISCLOSURE

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



**APPLICANT**

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Battaglia Design (Architect)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	WPL
<input 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)	Towne Bank
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Eddie Bourdon, Esq
<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?

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

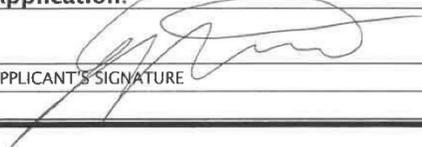
N/A



**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.

	George Loizou	5/29/19
APPLICANT'S SIGNATURE	PRINT NAME	DATE

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

Krambias Properties, LLC

Agenda Item 2

Page 26

**Variance Request**

Encroachment into the Resource Protection Area (RPA) buffer to construct 3 office buildings and associated infrastructure

**Applicant's Agent**

Billy Garrington

**Staff Planner**

PJ Scully

**Lot Recordation**

Map Book 298, Page 9  
 Recorded 8/13/2001

**GPIN**

1477-52-4516

**SITE AREA**

512,699 square feet or 11.8 acres

**SITE AREA OUTSIDE OF WATER/WETLANDS**

435,992 square feet or 10.0 acres

**EXISTING IMPERVIOUS COVER OF SITE**

13,412 square feet or 3 percent of site  
*Above figure represents Thalia Creek Greenway*

**PROPOSED IMPERVIOUS COVER OF SITE**

260,992 square feet or 59.8 percent of site  
*Inclusive of the Thalia Creek Greenway*  
 274,404 square feet or 62.9 percent of site

**Area of Redevelopment in RPA**

0 square feet – current condition  
 57,572 square feet – condition circa 1994

**Area of New Development in RPA**

24,322 square feet

**Location of Proposed Impervious Cover**

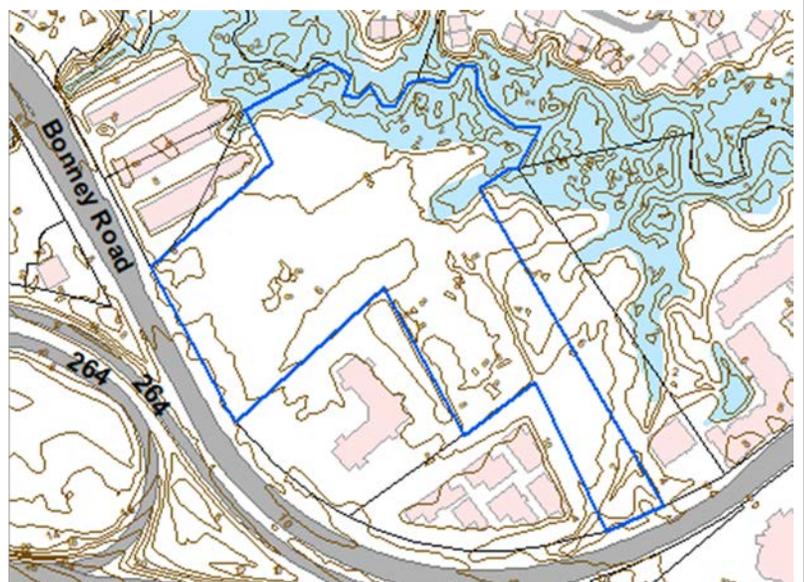
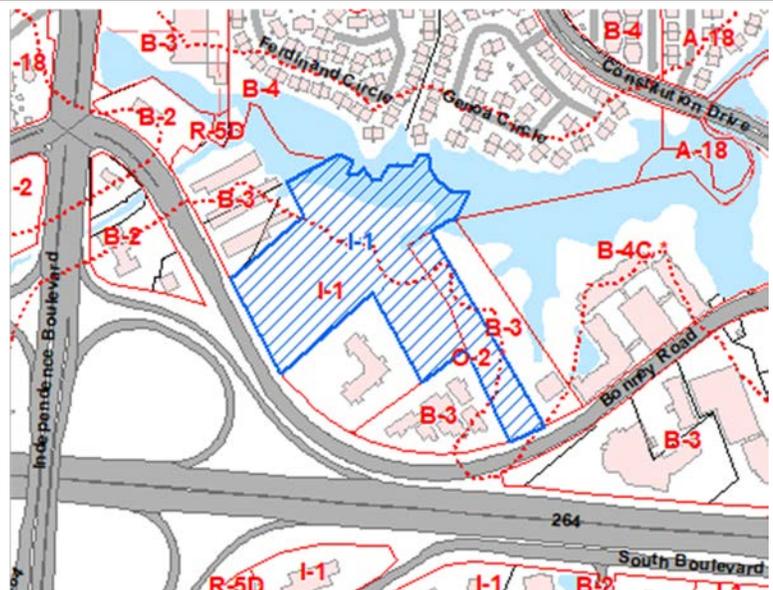
50-foot Seaward Buffer  
 50-foot Landward Buffer  
 100-foot Variable Width Buffer  
 Resource Management Area (RMA)

**AMOUNT OF LAND DISTURBANCE**

Greater than 2,500 square feet

**Staff Recommendation**

Approval as conditioned



## Summary of Proposal

### Demolition Details

- Undeveloped lot

### Construction Details

- Three (3) office buildings with associated parking lots
- Parking structure
- Asphalt entry road – 2 entrances off Bonney Road

## CBPA Ordinance Variance History

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

## Environmental Conditions

### Flood Zone

Multiple Zones – Zone X, 0.2 percent annual chance of flooding and AE, Base Flood Elevation (BFE): 7

### Soil Type(s)

Urban land (unit consists of areas where more than 80 percent of the surface is covered by impervious cover)  
Acredale Series (deep, poorly drained soils)  
Augusta Series (deep, somewhat poorly drained soils)

### Shoreline

Shoreline is in a natural state with an established marsh along the northern portion of the lot that transition into an upland shrub/hardwood ecosystem.

### Riparian Buffer

Moderately to sparsely wooded lot

- **Number of existing canopy trees requested for removal within the RPA:** Specific quantity not provided. The Water Quality Impact Assessment (WQIA) stated that the quantity was “to be determined”.
- **Number of dead, diseased or dying existing canopy trees requested for removal within the RPA:** Specific quantity not provided. The Water Quality Impact Assessment (WQIA) stated that the quantity was “to be determined”.
- **Evaluation of existing canopy tree removal request:** An unspecified number of trees will be impacted by this project. Staff estimates that approximately 18,000 square feet of forested Resource Protection Area (RPA) buffer will be encroached upon with the proposed improvements with most of the tree removal associated with this variance request occurring within the Resource Management Area (RMA) of the Chesapeake Bay watershed.

## Evaluation and Recommendation

The RPA feature along the northern portion of the lot is partially bisected by the Thalia Creek Greenway. Much of the RPA area seaward of the greenway is in a state of shrub/pine forest succession. The areas of succession are specific to

previously developed areas of impervious cover that were demolished and removed around 1994. The RPA feature along the south eastern portion of the lot is an open ditch that is approximately 3 feet deep with dual 36 inch round concrete pipes (RCP) located at both the western end and eastern end of the open ditch. The majority of water conveyed through the open ditch to Thalia Creek is collected run-off from Bonney Road, Interstate 264 and approximately 40 acres of upstream mixed development. The condition of the open ditch is primarily a flat bottom channel approximately 4 to 5 feet wide with moderate amounts of sediment deposition within the channel. Staff is of the opinion that the available transport of sediment within the open ditch was supplied by upland run-off from existing roadways and developments more so than erosion from the existing banks of the open ditch. The prior development of the site consisted of approximately 265,783 square feet or 60.9 percent of the site above water and wetlands, of which 57,572 square feet of impervious cover was within the RPA buffer. The lot has remained undeveloped since the demolition of the improvements.

Currently, approximately 61,852 square feet or 14.1 percent of the lot area outside of water and wetlands is seaward of the Thalia Creek Greenway and will remain in a natural state with no improvement proposed within said area. Of the 260,992 square feet of proposed improvements, 24,322 square feet or 5.5 percent of the lot is within the RPA, of which 10,139 square feet of new impervious cover is within the 100-foot RPA. The remaining 236,670 square feet of new impervious cover is within the Resource Management Area (RMA) of the lot. Along the south eastern portion of the lot, a secondary access road is proposed for ingress/egress off Bonney Road. This portion of the lot is within the upper reach of the RPA with the delineated RPA buffer terminating approximately 80 linear feet away at the existing culvert crossing under Bonney Road. A portion of the access road associated with the proposed improvements will transverse the existing open ditch in this area of the RPA. Staff has met with the applicant's Engineer several times regarding the open ditch crossing, condition of the RPA buffer, and stormwater management requirements for the proposed improvements and upstream analysis. Staff only offers support to a single crossing at the minimum width necessary to comply with the Public Works Specification and Standards (PWSS) of 30 feet in width at the property line transitioning to the minimum drive isle width for commercial developments through the RPA buffer. With regard to the required buffer restoration, Staff expressed two areas of interest when applying the required buffer restoration for new impervious cover within the RPA. First, the area seaward of the Thalia Creek Greenway exists in a natural state with forest succession occurring. Staff is of the opinion that this area should be left in its natural condition and allow regrowth to occur unbidden. Second, the area adjacent to the Thalia Creek Greenway should be utilized for buffer restoration to screen or soften the presence of the proposed improvements from individuals that utilize the greenway. However, selection and location of plant material shall be such that individual safety and security of those individuals utilizing the greenway is not deterred and natural surveillance is provided. As such, Staff has provided a recommended condition below that address the required buffer restoration that address the above interest and implements restoration requirements within the entire lot.

For the Boards deliberation, the applicant's Engineer 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 applicant is purchasing the property from the City with the expressed intention of developing as shown on the exhibit. Proper mitigation measures will be pursued."* Staff offers that the lot falls 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 *"encroachment will not extend into the 50' seaward buffer, but developable areas on the property, including the roadway connection to*

*east Bonny Road, must be optimized for the sale to proceed.*” Staff offers that 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 because *“the extents of the proposed development will not exceed the existing seaward encroachment of the Thalia Greenway.”* Although the existing improvements have been removed from the lot for approximately 2 decades, the proposed improvements offer a reduction in overall impervious cover by approximately 4,791 square feet. When reviewing the encroachment request into the RPA feature, the 24,322 square feet of proposed impervious cover represents 5.5 percent of the lot landward of water and wetlands.
- 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.”* While Staff respects the position of the applicant’s Engineer, the extent of impact to water quality and public welfare is not currently certain. The applicant’s Engineer is in discussion with Public Works Stormwater Engineering and the Development Services Center (DSC) regarding upstream analysis associated with the proposed open ditch crossing. Staff is of the opinion that regardless the outcome of those discussion, impact to the RPA feature associated with the proposed open ditch crossing should be limited to the minimum necessary to afford relief and situated such that the existing dual 36-inch RCP’s are redeveloped for the crossing.
- 5) As a means to manage towards a no net increase in nonpoint source pollution, the applicant’s agent provides that the *“proper stormwater management (quality and quantity) will be provided in accordance with VRRMN regulations with a combination of BMPs and stormwater credit purchase.”* Staff does not support that applicant’s Engineer of Record’s statement pertaining to *“stormwater credit purchase”* towards a means towards a no net increase in nonpoint source pollution. Should the Engineer of Record disagree with Staff’s position, Staff offers that a detailed description of offsite compliance options be provided for Staff review and the Boards deliberation specific to the requirements of City Code, Appendix D – Stormwater Management, Sec 1-14, Offsite compliance options.

Given the above comments, Staff recommends 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 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) Tree mitigation shall be provided at 200 percent of the proposed new impervious cover within the RPA consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia

Department of Conservation & Recreation, Chesapeake Bay Local Assistance and specific to the following quantities of **121 canopy trees and 121 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.

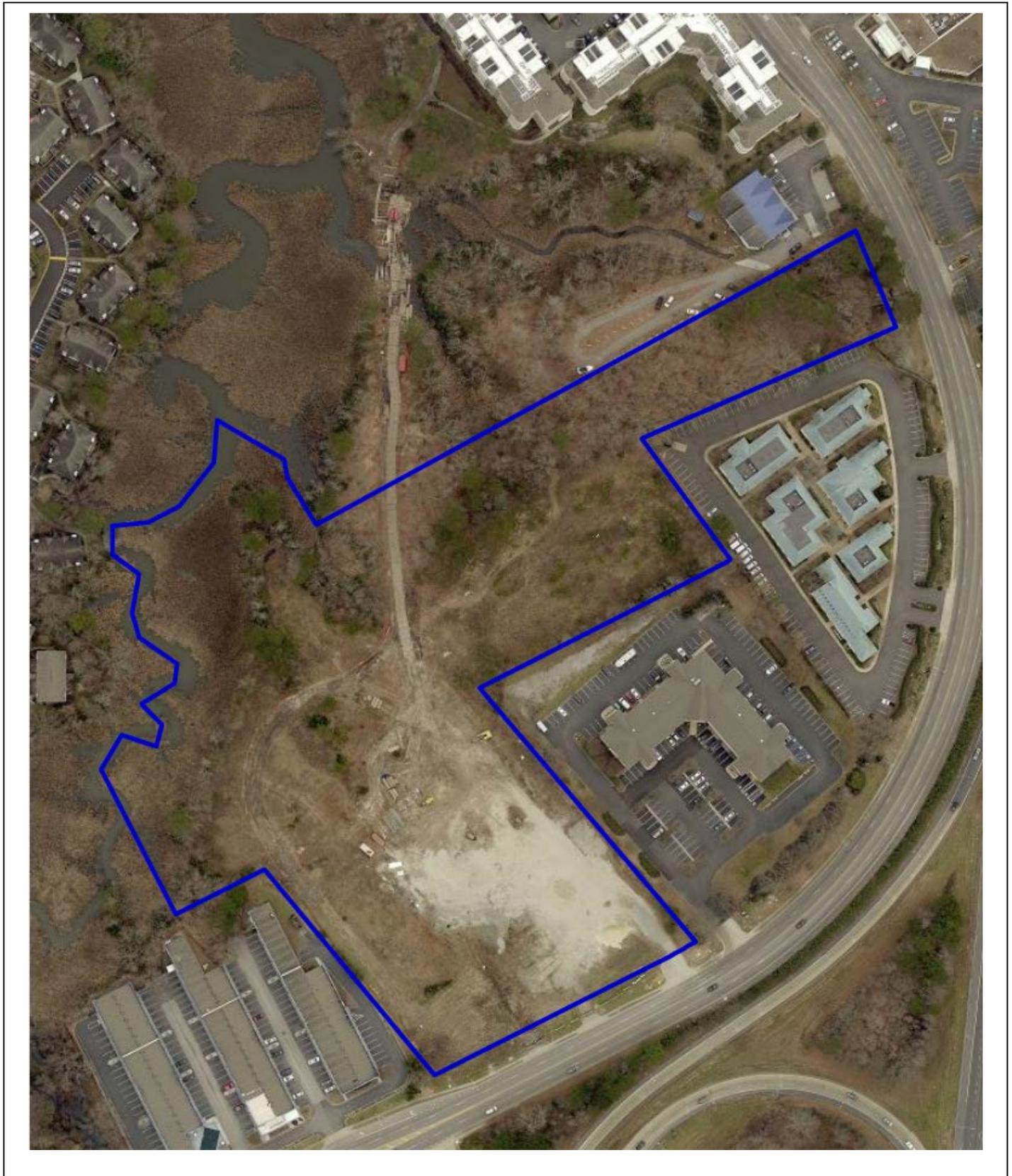
- b) All areas seaward of the proposed improvements, adjacent to the Thalia Creek Greenway, and along the eastern property line shall be restored to a riparian buffer ecosystem. Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance 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.
- 4) 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 distance measured 50 linear feet and running parallel to the western property line. Said encroachment and associated land disturbance shall not exceed 8,900 square feet within the RPA buffer associated with the construction of the access road.
- 5) Proposed improvements shall not encroach within 16 feet from the landward edge of the Thalia Creek Greenway.
- 6) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management, exclusive of Sec. 1-14 allowing for offsite compliance options.
- 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) Wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Along the seaward portion of the project the required silt fence shall be installed 10 feet from improvements.
- 11) Construction limits shall lie a maximum of 10 feet landward of the existing greenway trail.
- 12) 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.
- 13) 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.

- 14) 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.
- 15) 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.
- 16) \*\* 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 \$5,573.79 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.
- 17) The conditions and approval associated with this variance are based on the exhibit plan dated November 25, 2019, 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.

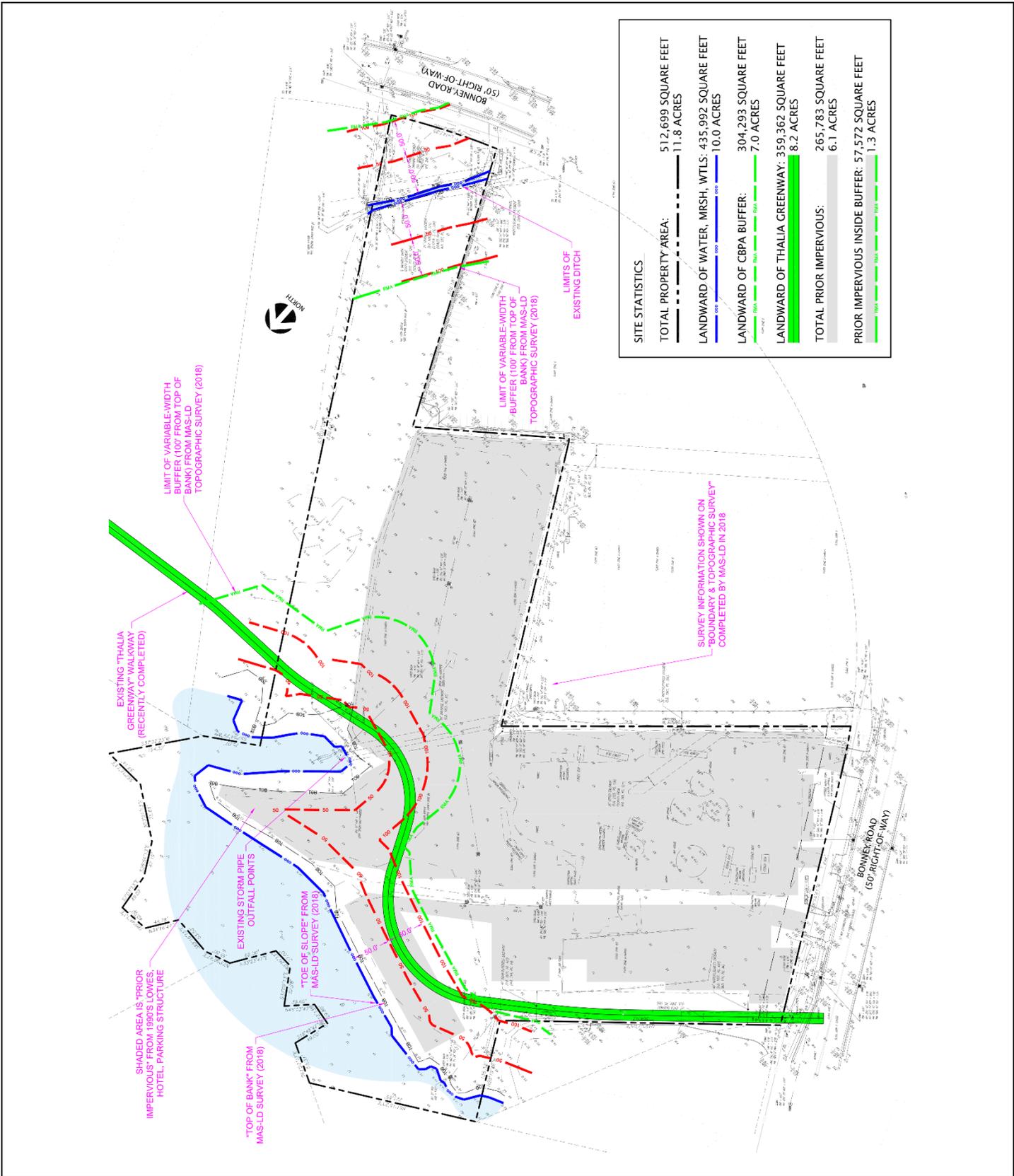
\*\* NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

\*\*\*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.

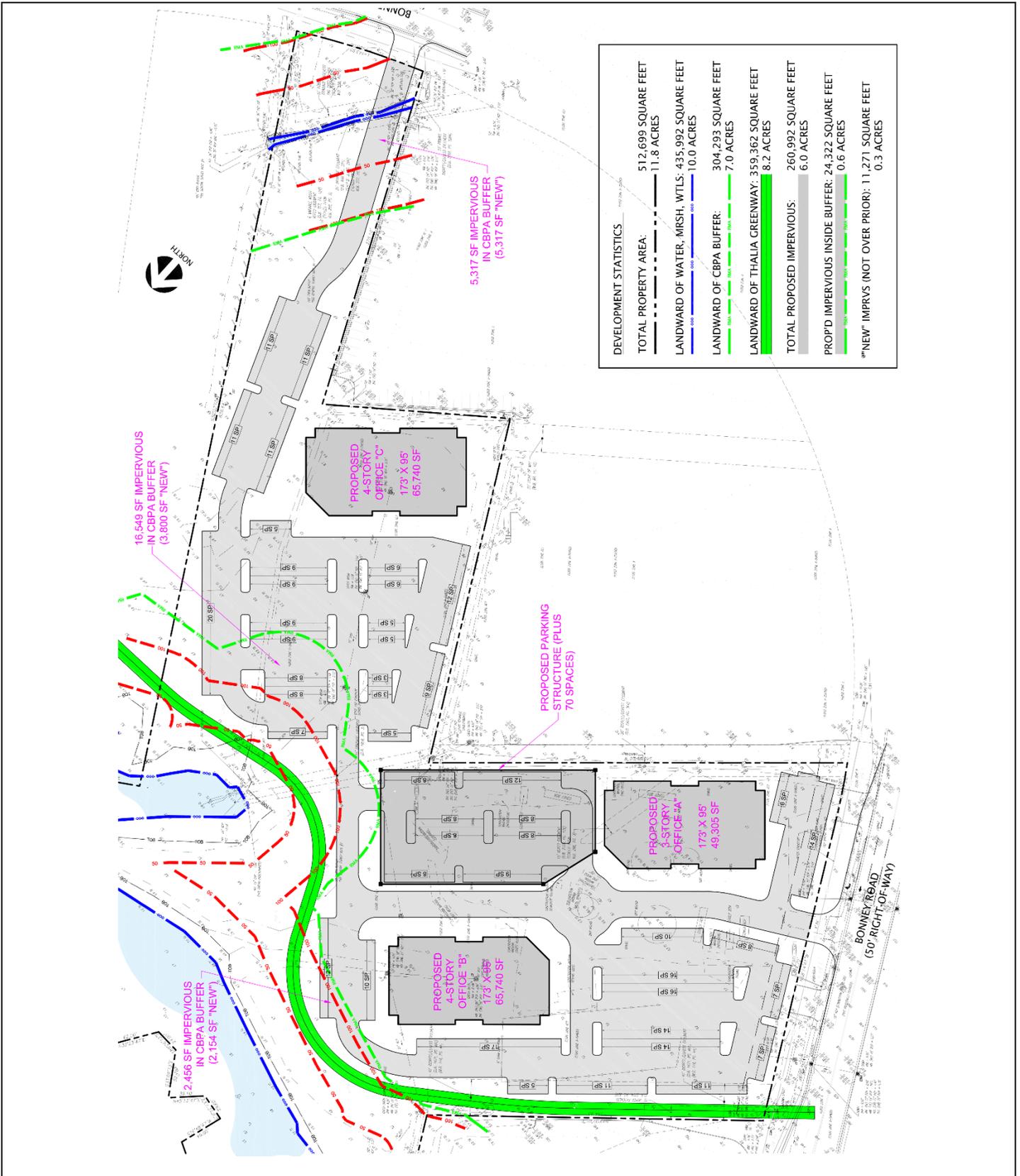
Site Aerial



# CBPA Exhibit – Existing Conditions



# CBPA Exhibit – Proposed Improvements





**APPLICANT'S NAME** OLYMPIA DEVELOPMENT CORPORATION

**DISCLOSURE STATEMENT FORM**

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



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

(A) List the Applicant's name: OLYMPIA DEVELOPMENT COF  
If an LLC, list all member's names:

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

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

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

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## SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

(A) List the Property Owner's name: CITY OF VIRGINIA BEACH  
If an LLC, list the member's names:

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

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

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

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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	BRAD MARTIN, CLARK DESIGN
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

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

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

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

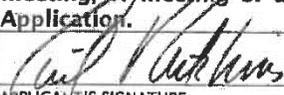
THE CITY OF VIRGINIA BEACH OWNS THE PROPERTY, AND THE INTENT IS FOR THE APPLICANT TO PURCHASE THE PROPERTY AND BUILD THE DEPICTED PROJECT ON IT.



**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.

	Cecil V. Cuthchins	7/3/2019
APPLICANT'S SIGNATURE	PRINT NAME	DATE



## OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	Engineers / Surveyors/ Agents	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	



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

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

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

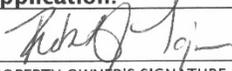
PROPERTY IS CURRENTLY OWNED BY THE CITY OF VIRGINIA BEACH.



**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.

	ROBERT J. TAJAN	1/17/2020
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

**Variance Request**

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

**Applicant's Agent**

Billy Garrington

**Staff Planner**

PJ Scully

**Lot Recordation**

Instrument No. 200209123031729

Recorded 9/12/2002

**GPIN**

2418-04-0096

**SITE AREA**

61,085 square feet or 1.402 acres

**SITE AREA OUTSIDE OF WATER/WETLANDS**

38,334 square feet or 0.88 acres

**EXISTING IMPERVIOUS COVER OF SITE**

5,976 square feet or 15.6 percent of site

**PROPOSED IMPERVIOUS COVER OF SITE**

7,930 square feet or 20.7 percent of site

**Area of Redevelopment in RPA**

3,292.7 square feet

**Area of New Development in RPA**

3,061 square feet

**Location of Proposed Impervious Cover**

50-foot Seaward Buffer

50-foot Landward Buffer

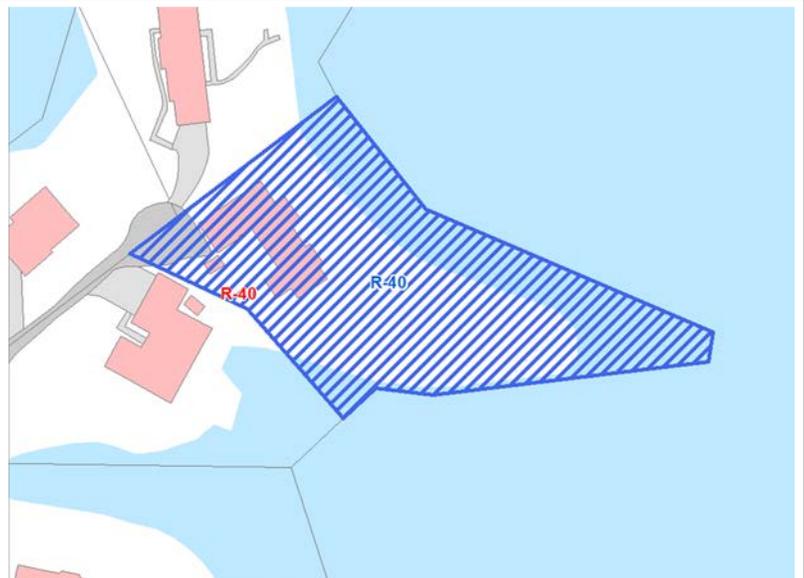
100-foot Variable Width Buffer

**AMOUNT OF LAND DISTURBANCE**

Greater than 2,500 square feet

**Staff Recommendation**

Approval as conditioned



## Summary of Proposal

### Demolition Details

- Demolish existing single-family residence and associated accessory structures

### Construction Details

- Single-family residence with associated walkways (BZA variance required)
- Concrete driveway
- Swimming pool with concrete pool patio
- Retaining wall

## CBPA Ordinance Variance History

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

## Environmental Conditions

### Flood Zone

Multiple Zones – 0.2% Annual Chance of Flooding and AE, Base Flood Elevation (BFE): 8

### Soil Type(s)

Yeopim Series (deep and moderately well-drained soils)

### Shoreline

Shoreline is hardened by a rip rap revetment and wood bulkhead.

### Riparian Buffer

Sparsely wooded lot

- Number of existing canopy trees requested for removal within the RPA: 0
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 0
- Evaluation of existing canopy tree removal request: On May 6, 2019, the applicant submitted a Preliminary Project Request (PPR) for the removal of 12 trees on the lot. Staff issued correspondence stating that the requested tree removal would require a variance to the CBPA Ordinance that must be granted by the CBPA Board. The applicant subsequently removed 7 of the 12 trees without the necessary approval from CBPA Staff. However, the applicant stated to CBPA Staff that a site meeting was held with Civil Inspections during the construction of the adjacent lot and permission was given to remove the 7 trees given the proximity to the existing single-family residence. The trees removed were within the delineated limits of construction, as shown on the CBPA Exhibit.

## Evaluation and Recommendation

The existing riparian buffer on this peninsula shaped lot is sparsely wooded and primarily vegetated by turf grass that gently slopes to the existing bulkhead. Approximately 54 percent of the lot area above water is at or below the 5-foot topographic elevation specific to this lot. The average spot elevation of the existing rip rap revetment is 3.9 feet and is

subject to moderate fetch conditions given the location of this peninsula within Linkhorn Bay. Because of the existing grade elevations of the lot, exposure of the peninsula within Linkhorn Bay, and the removal of existing canopy trees, Staff met with the applicant's agent, Engineer of Record and Landscape Architect to discuss the restoration methods for the lot. Staff is of the opinion that the restoration of the riparian buffer should consider sea level rise, extreme weather events and existing topographic elevations of the lot. Staff recommended that the restoration plan for the peninsula include plant species that will tolerate exposure and vulnerability and provide a long-term solution that addresses the natural migration of the shoreline. A buffer restoration plan to address Staff's opinion has been provided with the variance request by the applicant.

To support the proposed redevelopment of this lot, the applicant's agent has provided the following comments relative to the findings of the CBPA Ordinance specific to this variance request for the Board's deliberation.

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated because *"This subdivision was recorded many years prior to the adoption of the Bay Act and as a result every waterfront home is significantly impacted by the Ordinance. Since the enactment in 1991 numerous homes have made similar variance requests and have been granted, so the approval of this request will in no way confer any special privilege to the current owners."* Staff reviews each variance application based on the unique features, location and scope of a project. Staff is of the opinion that the recommend conditions below, specifically conditions 3, 4, and 13 offer the applicant the ability to redevelop the lot within the provisions of the CBPA Ordinance.
- 2) The applicant's agent provides that the encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant, but rather *"the buffer zones were made a part of the Bay Act and these houses were already in place when it was enacted and the hardship that is now on these properties will never go away."* Staff respects this point of view given the recordation of the lot prior to the adoption of the CBPA Ordinance and City records indicate that the structure was originally constructed in 1960. Staff is of the opinion that the redevelopment will provide needed restoration of the riparian buffer ecosystem on the lot to promote biological benefits within the RPA towards preventing sediment and nutrient erosion into the adjacent waterway.
- 3) *"The minimum necessary is a very arbitrary concept but the Board has routinely granted variances with the understanding that the total impervious cover not exceed 30 percent of the land area which leaves a significant amount of land to be used for buffer restoration and bioretention beds."* Given the challenges of this lot related to the shape and length of the shoreline, Staff commends the applicant for proposing a restoration plan reflective of climate-related drivers such as relative sea level rise, extreme weather events and existing topographic elevations while maintaining the overall impervious cover under 21 percent.
- 4) *"The purpose and intent of the Ordinance is simply water quality, to prevent pollution of the Bay as a result of nonpoint source pollution. Most of these homes currently have no storm water treatment on site. As a result of this variance request the owner will install bioretention beds, buffer restoration in areas currently devoted to turf and even off-site treatment via the Lynnhaven Oyster Heritage Program all to benefit water quality."* Staff concurs with the applicant's agent that the proposed improvements offer an enhancement to stormwater management, will improve water quality with a potential to reduce stormwater runoff velocities from upland improvements, and will promote the infiltration of rainwater with the proper selection of indigenous ground cover adjacent to the existing riprap revetment (especially woody vegetation), all contributing towards preventing sediment and nutrient erosion into the adjacent waterway.
- 5) *"Strict erosion and sedimentation control measures do more to halt non-point source pollution, stock piling materials on existing hard surfaces, single point access way and revegetating any denuded areas all help to*

*limit pollution from entering the adjacent waterways.”* Staff concurs that the construction sequencing for installing the proposed improvements and diligent management of erosion and sediment control measures during all construction activities contributes significantly towards limiting additional non-point source pollution load.

Staff is of the opinion that the redevelopment of this lot is challenging given the existing shoreline and geometry of the uplands. While the variance request is an increase in overall impervious cover on the lot, the applicant’s proposed improvements offer a modest encroachment into the 100-foot RPA buffer. The submitted variance request limits land disturbance to a minimum area necessary to provide for the proposed redevelopment and provides merit towards a long-term reestablishment of environmental features on the lot through riparian buffer restoration that may adapt and migrate naturally.

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

## Recommended Conditions

- 1) A 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 in substantial compliance with the restoration plan dated January 8, 2020, prepared by J. Nelson Landscape Architects, signed January 8, 2020 by Jessica Nelson.
- 4) The proposed retaining wall shall not encroach into the 20-foot ingress and egress easement.
- 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 prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fence shall be installed as delineated per the CBPA Variance Exhibit.
- 10) Construction limits shall be contained within the limits of the delineated silt fence per the CBPA Variance Exhibit. **Within the RPA, exclusive of limits of construction, areas of existing landscaped beds, trees, areas of existing leaf litter or forest floor, and other naturalized areas, such as shoreline vegetation, may not be removed.**

- 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 \$701.47 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) The conditions and approval associated with this variance are based on the exhibit plan dated October 18, 2019, prepared by Gallup Surveyors and Engineers, signed October 18, 2019 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.

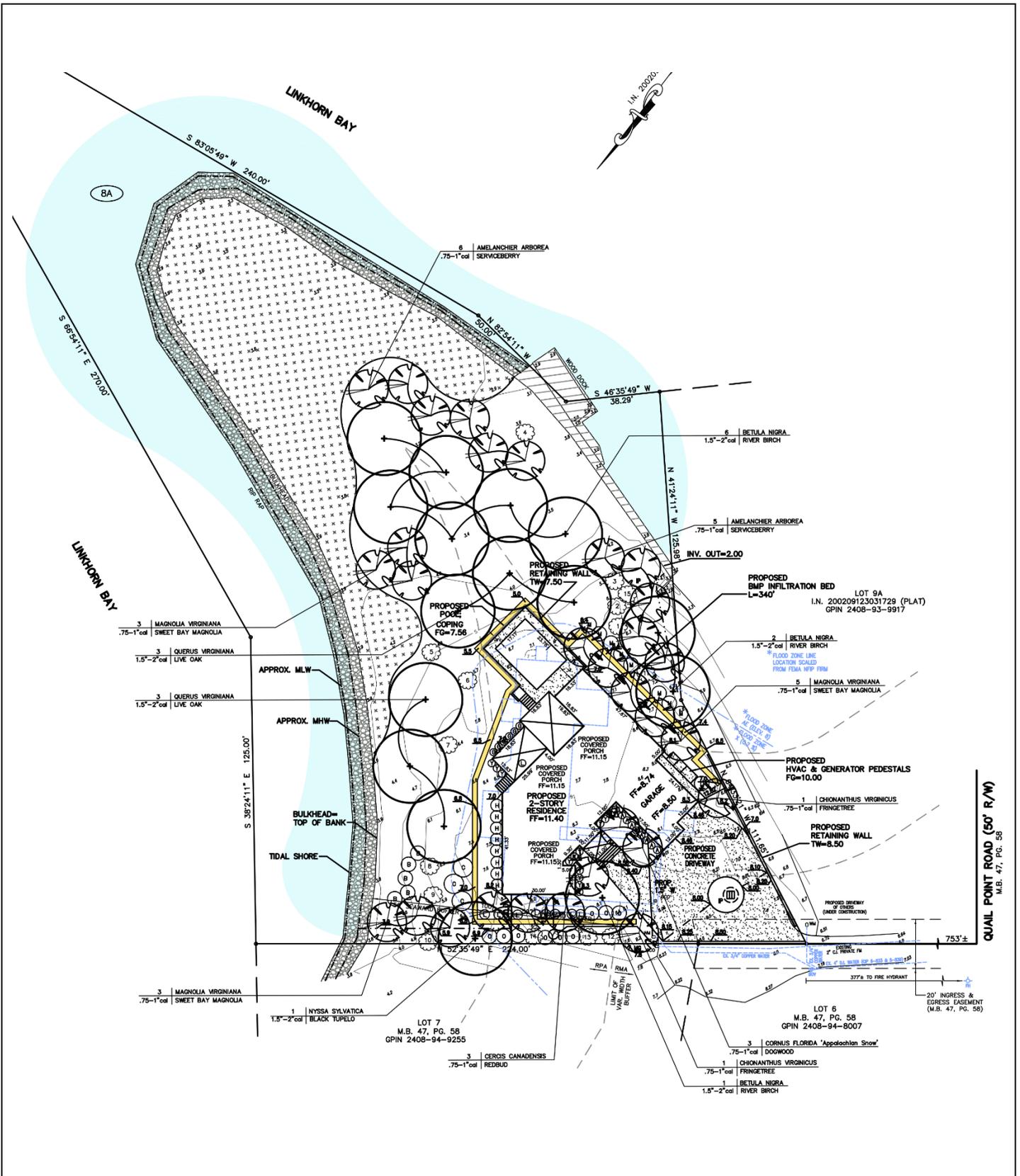
Site Aerial







# CBPA Exhibit – Buffer Restoration Plan







**APPLICANT'S NAME** Wei & Erika Chen

**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: Wei & Erika Chen  
If an LLC, list all member's names:

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

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

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

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## SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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



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

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

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

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

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### SECTION 3. SERVICES DISCLOSURE

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



### APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	BDO/JASON Mckenzie
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Tim Mayfield
<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	TARA Preston
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	Callup / Billy Jamington
<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)	Sawa BANK Chastway Federal
<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?

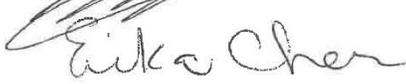


**CERTIFICATION:**

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

	Wei Chen	10/28/19
APPLICANT'S SIGNATURE	PRINT NAME	DATE
	Wei Chen	10/28/19

 Erika Chen      Erika Chen      10-28-19

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

AS NEEDED, PAGE LEFT BLANK

**Variance Request**

Encroachment into the Resource Protection Area (RPA) buffer to construct five (5) single-family residences with associated accessory structures

**Applicant's Agent**

Lisa M. Murphy

**Staff Planner**

PJ Scully

**Lot Recordation**

Map Book 148, Page 4

Recorded 7/2/1975

Map Book 43, Page 36

Recorded 6/17/1957

**GPIN**

2407-09-4435, 2407-09-5412, & 2407-09-6257

**SITE AREA**

123,574 square feet or 2.837 acres (R-10 Zoning)

**SITE AREA OUTSIDE OF WATER/WETLANDS**

93,735 square feet or 1.32 acres (R-10 Zoning)

**EXISTING IMPERVIOUS COVER OF SITE**

3,957 square feet or 4.2 percent of site

**PROPOSED IMPERVIOUS COVER OF SITE**

22,330 square feet or 23.8 percent of site

**Area of Redevelopment in RPA**

434 square feet

**Area of New Development in RPA**

4,024 square feet

**Location of Proposed Impervious Cover**

50-foot Landward Buffer

100-foot Variable Width Buffer

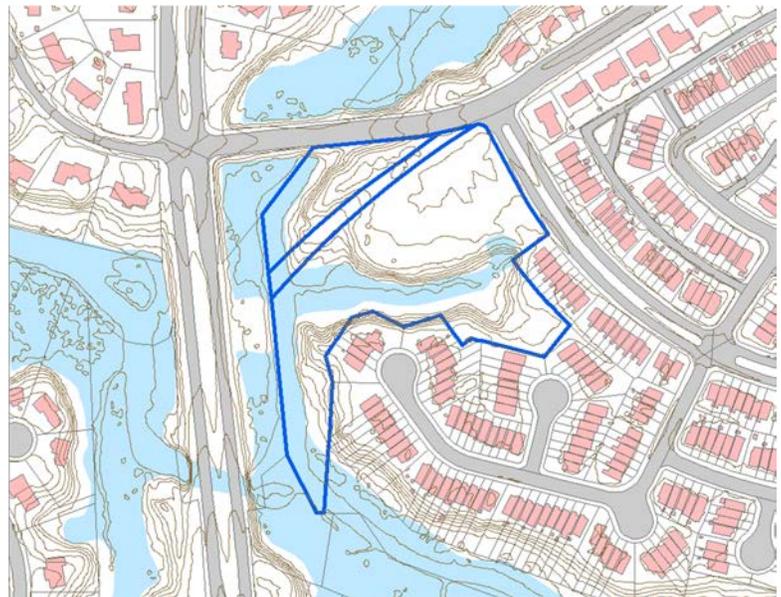
Resource Management Area (RMA)

**AMOUNT OF LAND DISTURBANCE**

Greater than 2,500 square feet

**Staff Recommendation**

Deny as submitted



## Summary of Proposal

### Demolition Details

- Undeveloped lot – 3 parcels in total with split zoning on Parcel GPIN 2407096257 (*R-10 and A-18 Zoning, exhibit provided on page 64 of this Staff report*)

### Construction Details

- Single family residences, 5 in total with associated accessory structures

## CBPA Ordinance Variance History

No prior Chesapeake Bay Preservation Area (CBPA) Board variance have been granted for the subject lots. This CBPA variance request has been deferred at the following CBPA Board Public Hearings.

- January 28, 2019 CBPA Board Public Hearing
- March 25, 2019 CBPA Board Public Hearing, deferred indefinitely

## Environmental Conditions

### Flood Zone

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

### Soil Type(s)

Yeopim Series (deep and moderately well-drained soils)

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

### Shoreline

Shoreline is in a natural state. Moderate maintenance should be performed consistent with the horticultural practices described in the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation regarding woodlot management to remove invasive vines species that are shading vegetative undergrowth and out competing native plant species within the 100-foot RPA buffer.

### Riparian Buffer

Heavily Wooded Lot within the Resource Protection Area (RPA) buffer transitioning to a sparsely wooded lot within the Resource Management Area (RMA) of the Chesapeake Bay watershed.

- **Number of existing canopy trees requested for removal within the RPA: 0**
- **Evaluation of existing canopy tree removal request:** As stated in the Water Quality Impact Assessment (WQIA) the applicant's agent has provided that the trees being requested for removal are within the RMA of the Chesapeake Bay Preservation Area.

## Evaluation and Recommendation

The overall impervious cover proposed for the portion of the property zoned R-10 Residential District, which permits single-family dwelling units, remains relatively the same when compared to the initial CBPA variance exhibit submitted for the January 28, 2019 CBPA Board public hearing. The overall impervious cover proposed with the initial CBPA Lynnhaven Area Properties, LLC

variance exhibit was approximately 19,743 square feet and the overall impervious cover with the revised CBPA variance exhibit is approximately 19,865 square feet. However, the revised CBPA exhibit provides a reduction to the amount of proposed impervious cover within the 100-foot RPA buffer. Of the 4,024 square feet of new impervious cover within the RPA buffer, approximately 153 square feet is located within the upper reach of the 50-foot landwards buffer with the remaining 3,871 square feet located within the variable width buffer of the RPA. The initial CBPA variance exhibit proposed approximately 1,110 square feet of proposed impervious cover within the 100-foot RPA buffer. In addition, impacts to the 100-foot RPA buffer associated with clearing and land disturbance have been reduced with the revised CBPA exhibit by approximately 3,190 square feet – approximately 7,250 square feet associated with the initial CBPA exhibit and approximately 4,060 square feet associated with the revised CBPA exhibit.

With regard to the January 28, 2019 CBPA Board public hearing, the Board also made a motion pertaining to parcel GPIN 2407096257 for the portion of this parcel that is zoned A-18 Apartment District, that prohibits single-family dwellings and permits duplex, townhouse and multi-family dwelling units, to construct 11 two-story attached townhomes with associated access road and parking. Said variance request was deferred in conjunction with this variance request. At the time of this writing, a determination of the Zoning Administrator on the development potential of the A-18 portion of parcel GPIN 2407096257 is being appealed to the Board of Zoning Appeals. That appeal is scheduled for February 2020. The Zoning Administrator provided a determination on November 13, 2019 that stated the following.

**Single-family home development along Wolfsnare Road: The area zoned R-10 residential district along Wolfsnare Road at the northwestern side of Washington Square may be developed with single-family homes. Please see details below.**

- a) *On August 12, 1968, the area encompassing the Washington Square development was rezoned from R-3/R-4 (single-family) districts to R-M (multi-family) district. Included in this approval, a strip of land along Wolfsnare Road, with the depth of a typical residential lot along Wolfsnare Road, would remain zoned for single-family development. Since this approval, Wolfsnare Road was realigned; however, the single-family zoning, now R-10, still remains along the location of the previous Wolfsnare Road alignment.*
- b) *The land encompassed in this R-10 zoning district can be developed as a matter of right with single-family development.*
- c) *It should be noted that this determination is by the Zoning Administrator and is only regarding the ability for development of the land with single-family dwellings at a density permitted under the R-10 zoning district. Additional approvals or board actions may be required, depending on the specific proposal for development.*

**Proposed multi-family development in vacant area zoned A-18 Apartment District near the corner of Wolfsnare Road and Westminster Lane: This property cannot be developed with multi-family dwellings as proposed; land is determined to be included in 1968 Use Permit, to which no additional units are permitted. Please see details below.**

- a) *The subject property, approximately 3.3 acres, was included in the rezoning approved by Council on August 12, 1968. The current zoning of the property is A-18 Apartment District. At the same time as the rezoning application, Council approved a Conditional Use Permit for the development of 164 units. It is staff's belief that these 3.3 acres is included in this use permit, along with the area north of Westminster Lane. The density permitted by this Use Permit has been built-out, therefore additional units may not be constructed.*
- b) *The map showing the meets and bounds included in the 1968 application depicts the subject area, south of Westminster Lane, as "Proposed Channel Dredging," and therefore having no intention of developing.*
- c) *The subject area was intentionally not included in the Conditional Use Permit for multi-family approved by Council on August 21, 1972. This use permit approved the remaining development of the area within Washington Square south and east of the area included in the 1968 use permit. By omission of the subject area, it is staff's contention that the land was in fact a "Proposed Channel Dredging" site and that it remains included under the 1968 Council actions.*

Given that the applicant is pursuing an appeal if this determination for the A-18 portion of parcel GPIN 2407096257, Staff contends that the application should be deferred as a future variance request for this single parcel, while containing 2 different zonings (R-10 and A-18) will be necessary. The CBPA Board as well as the Commonwealth of Virginia, has continued to caution about multiple variances granted on the same parcel. As the applicant is not agreeable to the deferral, Staff is compelled to recommend denial. Staff's recommendation to deny as submitted is based off the potential increase in impervious cover, additional stormwater management planning, the necessity for future variances to the CBPA Ordinance, and possible encroachment request into the RPA buffer associated with this lot. Therefore, for the Board's deliberation, Staff has only provided an evaluation for the R-10 portion of the proposed improvements and provides the recommended conditions below, specifically recommended condition 5 that address current conditions for access to Unit 5.

To further support the variance request to encroach into the RPA buffer with the construction of five (5) single-family residences and associated accessory structures, the applicant's agent has provided the following comments relative to the findings of the CBPA Ordinance specific to this variance request for the Board's deliberation.

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated because, *"the parcel was platted prior to the adoption of the City's CBPA Ordinance. The application of the ordinance places a majority of the property within the RPA and would result in the loss of a large portion of the buildable area on this parcel. The proposed development is in conformance with the surrounding neighborhood and previously granted variances for similar improvements."* Staff offers that City Council acted in 1968 with the rezoning of the lot that a strip of land along Wolfsnare Road, with the depth of a typical residential lot along Wolfsnare Road, remain zoned for single-family development.
- 2) *"The encroachment into the RPA on this parcel is not based on conditions or circumstances that are or have been created or imposed by the Applicant, but rather is necessitated by the fact that this property was platted prior to the adoption of the CBPA Ordinance, which placed a large portion of the buildable portion of the property within the RPA."* Staff concurs that the lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore placing a portion of this lot within the RPA.
- 3) The variance is the minimum necessary to afford relief because, *"the proposed development will result in the net addition of 842 square feet of impervious cover in the RPA. 794 square feet of this is existing impervious to remain. All of the structures have been located within the variable width buffer. With only a small portion of the driveway for Unit 4 encroaching into the 50' Landward Buffer."* Staff acknowledges the applicant's statement; however, cannot support the position that the variance request for parcel GPIN 2407096257 is the minimum necessary to afford relief. It is the applicant's desire to submit a CBPA variance request for the A-18 portion should the appeal to the Zoning Administrators determination be overturned by the Board of Zoning Appeals. As such, this request is premature.
- 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 impervious cover with this project is 32.5% of the overall property outside of water and wetlands, which is the minimum necessary to achieve a reasonable buildable area on this property consistent with other single family homes in the surrounding neighborhood along Wolfsnare Road. There will be no encroachment into the 50 Seaward Buffer or the top of bank. Additionally 3,113 SF of existing concrete foundation in the RPA will be removed."* Staff offers that a minimal encroachment into the 100-foot RPA provides merit towards the variance request being in harmony with the purpose and intent of the Ordinance, that City Council action in 1968 provides merit towards the variance request not be injurious to

the neighborhood, and that the retention of the 100-foot offers merit towards the variance request not being of substantial detriment to water quality based off a 100-foot buffer being deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients [City Code, Appendix F, Sec 106 (B)(3)(a)].

- 5) As a means to manage towards a no net increase in nonpoint source pollution load, *“the proposed development, includes the preservations of the existing riparian buffer, the implementation of buffer creation and restoration, and the implementation of stormwater management facilities. Along with the removal of existing concrete pads in the RPA will provide a means to manage towards a no net increase in nonpoint source pollution load.”* Staff concurs.

Given the above comments, Staff recommends the following 16 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality; however, cautions that until the Board of Zoning Appeals acts on the applicant’s appeal, this variance request is premature.

## Recommended Conditions

- 1) A Multi-Lot 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: **4,024 square feet x 200 percent = 8,048 square feet.**

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **10 canopy trees, 10 understory trees, 20 large shrubs, and 30 small shrubs.**

The required restoration shall be located 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. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

- 4) Exclusive of the driveway apron for proposed Unit 4, there shall be no grading or placement of fill material within the 100-foot RPA buffer associated with the proposed improvements.
- 5) The proposed driveway for Unit 5 shall meet the Public Works Specifications and Standards for residential entrances for single-family developments.
- 6) The limits of construction and associated land disturbance for the removal of the existing concrete within the RPA buffer shall be contained within the footprint of the existing concrete with 1 single point of access permitted. The single point of access shall be achieved through the shortest linear distance through the RPA buffer to minimize impacts to the existing forest floor to the greatest extent practicable.

- 7) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
- 8) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 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) Construction limits shall be contained within the limits of the delineated silt fence per the CBPA Variance Exhibit. Silt fence shall be installed along the landward side of the delineated limits of construction and shall remain in place until such time as vegetative cover is established. **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.**
- 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) 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.
- 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 \$922.16 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) The conditions and approval associated with this variance are based on the exhibit plan dated October 30, 2019, prepared by MSA, PC, signed October 30, 2019 by Nathan Lahy. 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.

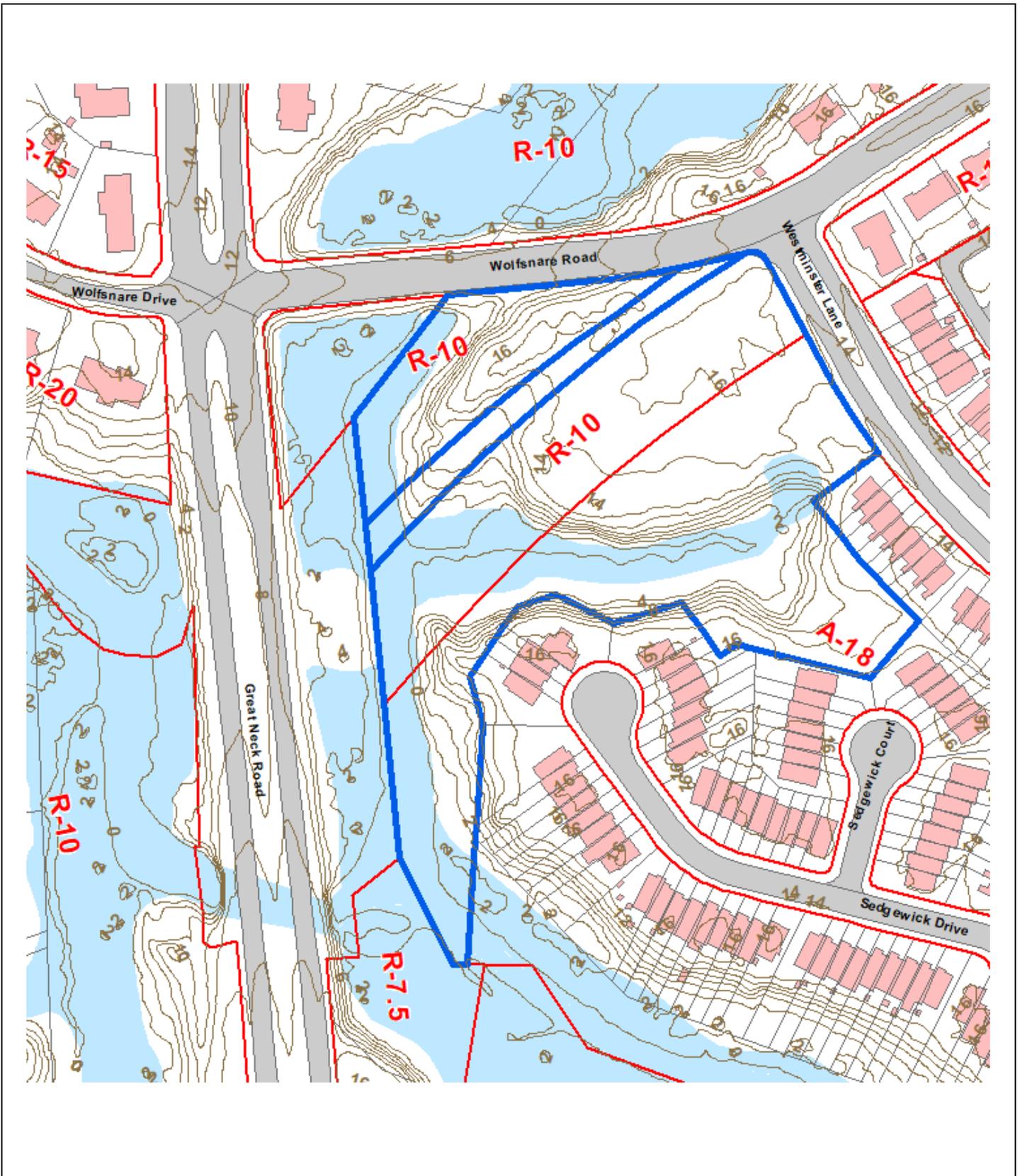
**\*\*** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

**\*\*\***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.

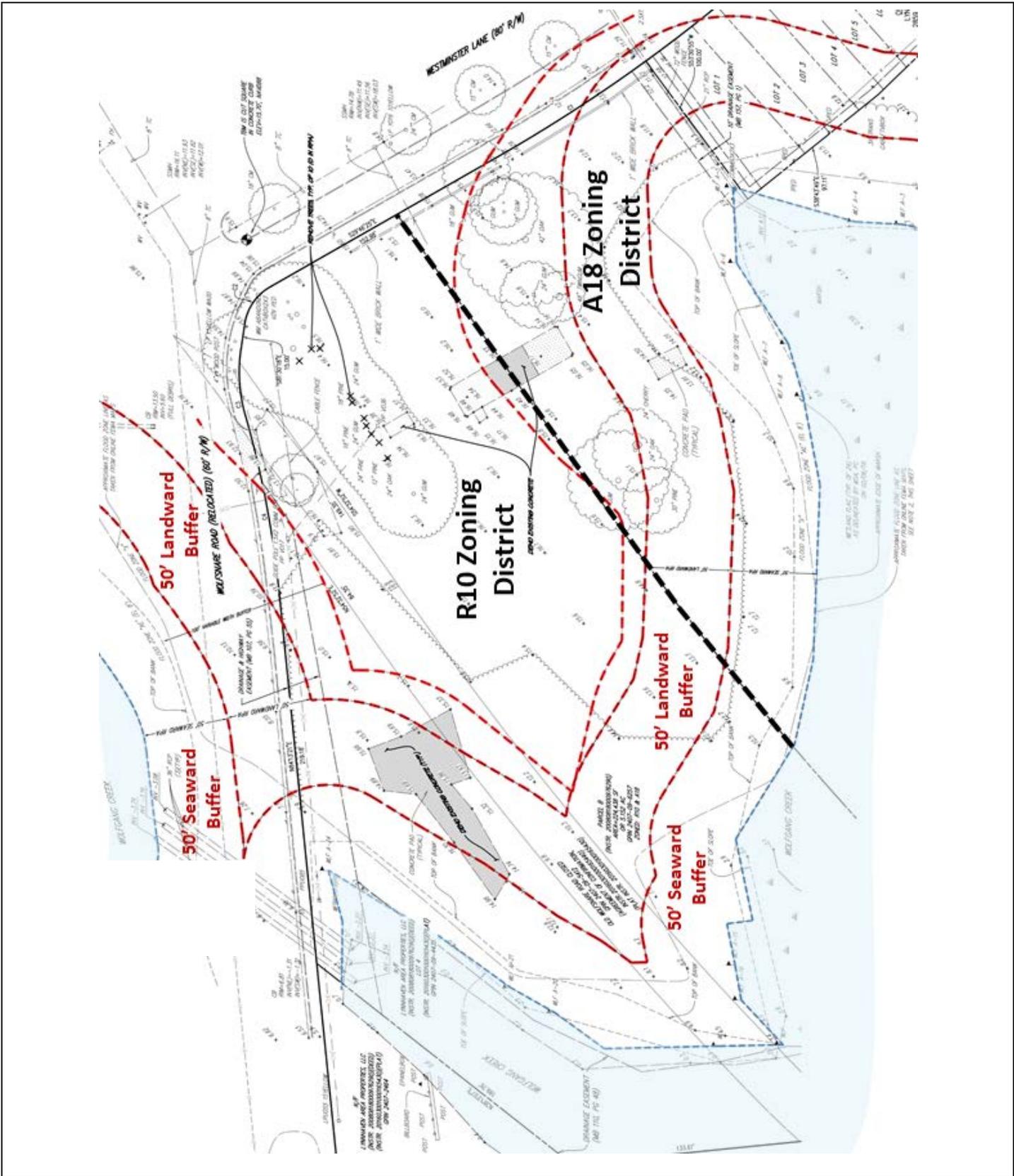
Site Aerial



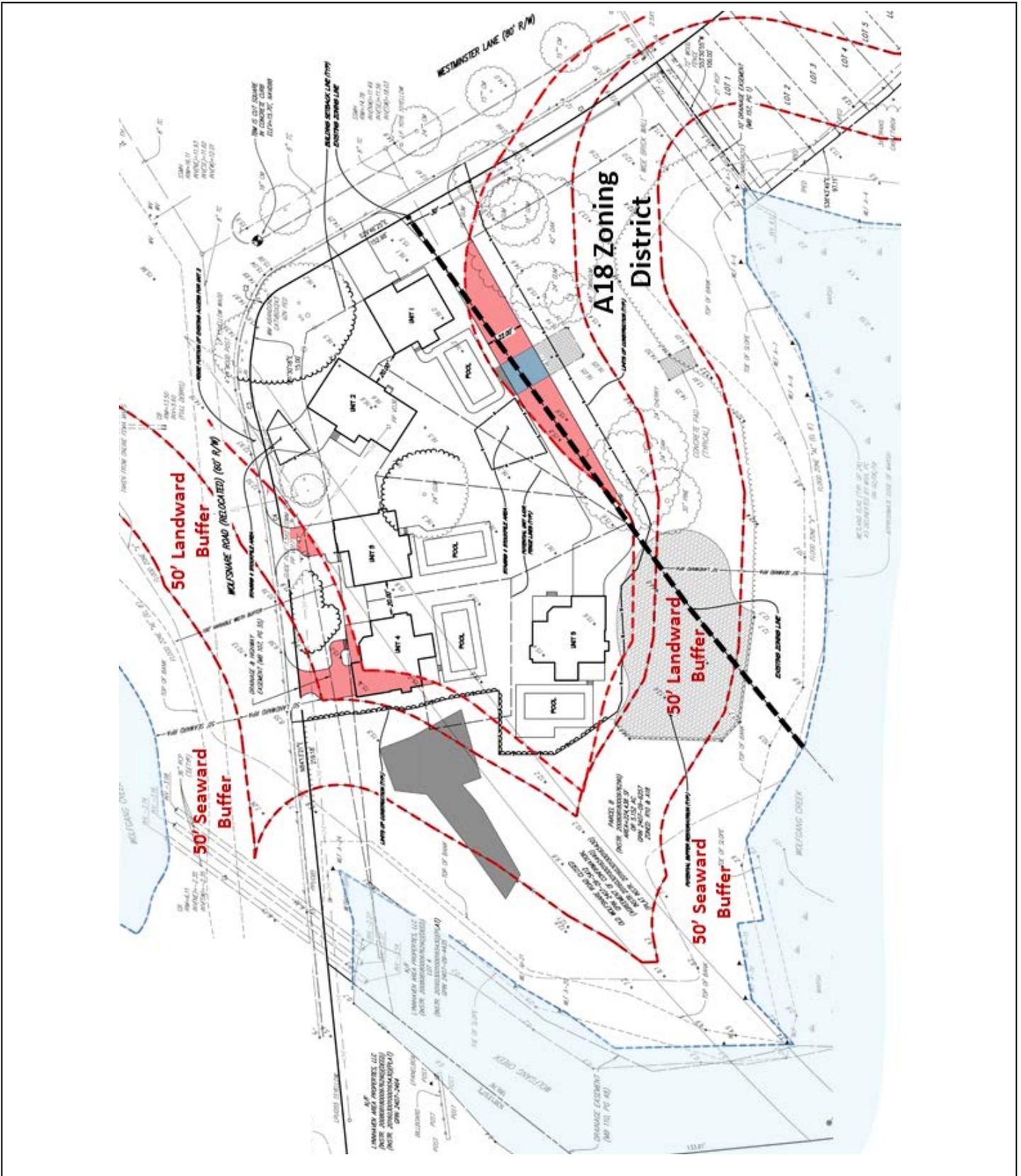
Split Zoning Exhibit – Parcel GPIN 2407096257



**CBPA Exhibit – Existing Conditions**



# CBPA Exhibit – Proposed Improvements





**APPLICANT'S NAME** Lynnhaven Area Properties LLC

**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: Lynnhaven Area Properties LLC

If an LLC, list all member's names:

Cheryl McLeskey

William A Wilcox

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

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

See attached

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

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## SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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

(A) List the Property Owner's name: \_\_\_\_\_

If an LLC, list the member's names:



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

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

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

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

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### SECTION 3. SERVICES DISCLOSURE

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



## APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Linda Sulivan Progressive Designs
<input type="checkbox"/>	<input type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	MSA, PC
<input type="checkbox"/>	<input type="checkbox"/>	Financing (include current mortgage holders and lenders selected or being considered to provide financing for acquisition or construction of the property)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Lisa Murphy, Willcox and Savage PC
<input type="checkbox"/>	<input 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?

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



**CERTIFICATION:**

I certify that all of the information contained in this Disclosure Statement Form is complete, true, and accurate.

I understand that, upon receipt of notification that the application has been scheduled for public hearing, I am responsible for updating the information provided herein two weeks prior to the Planning Commission, Council, VBDA meeting, or meeting of any public body or committee in connection with this Application.

		
APPLICANT'S SIGNATURE	PRINT NAME	DATE
	11/5/18	

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

AS NEEDED, PAGE LEFT BLANK



Applicant & Property Owner **Woodhouse Limited Partnership**  
 Address **1805 Estate Court**  
 Public Hearing **January 27, 2020**  
 City Council District **Lynnhaven**

Agenda Item

**6**

**Variance Request**

Encroachment into the Resource Protection Area (RPA) buffer to re-subdivide the property and create four single-family lots and build four single-family houses with associated pools, pool decks and walkways

**Applicant's Agent**

Nathan Lahy

**Staff Planner**

PJ Scully

**Lot Recordation**

Instrument No. 200212193082949

Recorded 12/19/2002

**GPIN**

1499-14-5390

**SITE AREA**

363,290 square feet or 8.34 acres

**SITE AREA OUTSIDE OF WATER/WETLANDS**

226,856 square feet or 5.21 acres

**EXISTING IMPERVIOUS COVER OF SITE**

18,045 square feet or 7.9 percent of site

**PROPOSED IMPERVIOUS COVER OF SITE**

38,561 square feet or 16.9 percent of site

**Area of Redevelopment in RPA**

5,828 square feet

**Area of New Development in RPA**

26,380 square feet

**Location of Proposed Impervious Cover**

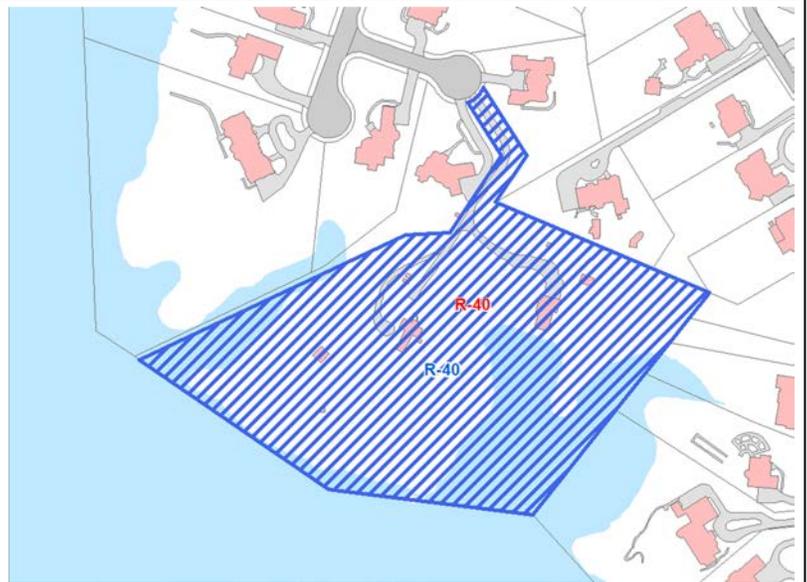
100-foot Variable Width Buffer  
 Resource Management Area (RMA)

**AMOUNT OF LAND DISTURBANCE**

Greater than 2,500 square feet

**Staff Recommendation**

Deny as submitted



## Summary of Proposal

### Demolition Details

- Demolish existing houses and accessory structures

### Construction Details

- 4 lot subdivision to construct single-family residences with associated accessory structures
- Shared concrete driveways

## CBPA Ordinance Variance History

March 26, 2001, a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for the Estates on the Lynnhaven neighborhood, an adjacent 28 lot subdivision to this lot. With the subdivision, access was provided via a 40-foot wide portion of land to this lot from the created Estates Court cul-de-sac.

## Environmental Conditions

### Flood Zone

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

### Soil Type(s)

Tetotum Series (deep, moderately well-drained soils)

Rappahannock Series (deep and poorly drained soils) located below the top of bank

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

### Shoreline

Shoreline is in a natural state.

### Riparian Buffer

Heavily Wooded Lot

- Number of existing canopy trees requested for removal within the RPA: 6
- Number of existing understory trees requested for removal within the RPA: 5
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 1
- Evaluation of existing canopy tree removal request: Trees being requested for removal are within the delineated limits of construction, shown on the CBPA exhibit. The existing canopy trees and established forest floor within the 100-foot Resource Protection Area (RPA) buffer is shown to be preserved with all proposed impervious cover within the variable width buffer of the RPA.

## Evaluation and Recommendation

The configuration of the existing 8.32-acre lot is the result of the March 26, 2001 CBPA variance for the adjacent 28 lot subdivision for the Estates on the Lynnhaven neighborhood, which was platted and recorded in 2002. Access to the proposed 4 lots is provided via a private 40-foot wide portion of land from the existing right-of-way, Estates Court. A Subdivision Variance will be required for all 4 lots, as no direct access to a public street as required for each lot will be

Woodhouse Limited Partnership

Agenda Item 6

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provided. This variance requires action by both the Planning Commission and City Council. Specific to this variance request, encroachment into the RPA may be permitted by an administrative variance when a lot has been recorded between the years 1989 and 2004 in conformity with the Subdivision Ordinance. However, in this case, given that a Subdivision Variance is required for this CBPA variance request, CBPA Board action is required. It should be noted that the applicant's agent has situated the proposed improvements so that encroachment into the RPA buffer with new impervious cover is limited to the variable width buffer of the RPA; however, Staff is of the opinion that the proposal for 4 lots appears to be excessive. In 2016, Staff met with the applicant's agent and engineer and informed them that 3 lots would be more appropriate given the environmental features, particularly the location of the top of bank and associated slope with regard to the cove on the southeastern portion of the property. In addition, as a result of the Subdivision Variance process, the proposed improvements shown on the CBPA exhibit may be modified due to the outcome of that variance process, as well as future owners' preferences. Staff provides that future modifications for CBPA variance requests with encroachments into the 100-foot RPA buffer will not be supported.

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 applicant has proposed to locate all of the new structures outside of the 50' landward buffer. Due to the unique shape of the parcel the only remaining developable area is located within the Variable Width Buffer. All of the proposed lots meet the minimum zoning requirements for R-40 and will not create any special privilege or convenience."* Staff is of the opinion, with regard to encroachment into the RPA buffer, that there will be no special privilege granted to this property owner and that this variance is consistent with the variance granted to the adjacent property owners associated with the 2001 CBPA variance for the 28-lot subdivision of the Estates on the Lynnhaven; however, Staff supports a 3-lot subdivision rather than the 4 lots proposed.
- 2) This variance request is not based upon conditions or circumstances that are or have been created or imposed by the applicant or predecessor in title because *"the encroachment into the RPA on the proposed parcels has been limited to the Variable Width Buffer only and has not been created or imposed by the Applicant, rather it is necessitated by the fact that the Variable Width Buffer encumbers all of the developable area of the site outside of the 50' Landward Buffer. The size of the existing parcel supports the proposed four lots with a sub-division variance required for lot width."* Although the lot was platted after the adoption of the CBPA Ordinance, Staff is of the opinion the applicant has maintained a functional RPA buffer despite the existing encroachments and has complied with the performance standards of the CBPA Ordinance, specifically limiting land disturbance to the area necessary to provide for the proposed use and preserving the existing vegetation to the maximum extent practicable. However, the action to create these lots is self-imposed. As stated above, it is recognized that due to the large size of the property up to 3 new lots would be acceptable to Staff.
- 3) The variance is the minimum necessary to afford relief because *"the existing site area will support 4 single family lots with a shared access drive and subdivision variance for lot width. The location of the proposed structures to only the variable width buffer and the removal of the existing structures within the 50' seaward and 50' landward portions of the buffer and the proposed encroachment totaling just over 14% of the total parcel outside of the wetlands is the minimum necessary to achieve reasonable buildable area."* Staff is of the opinion that impacts of the proposed improvements could be further reduced and could pass the minimum necessary to afford relief test subject to the reduction in the number of proposed lots, and with the applicant's effort to remove existing impervious cover from the 100-foot RPA and limiting all new impervious cover to the variable width 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 have been located outside the most sensitive areas of the site and approximately 2.7 acres of the existing riparian buffer will remain. The proposed residential lots will all meet the zoning standards (a variance will be required for lot width) of the surrounding properties and will be consistent with the surrounding neighborhood. This along with proposed mitigation measures are in harmony with the ordinance and will not have substantial detriment to the water quality or the public welfare.”* The proposed lots cannot meet both the zoning standards and also require a variance, as stated above. Staff does concur and offers and that the retention of the 100-foot provides merit towards the variance request, subject to the reduction in lots, not being of substantial detriment to water quality based off a 100-foot buffer being deemed to achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients [City Code, Appendix F, Sec 106 (B)(3)(a)].
  
- 5) *“The proposed development will preserve approximately 2.7 acres of riparian buffer, the implementation of buffer restoration, and any stormwater management combined with the removal of existing structures will provide a means to manage towards a no net increase in nonpoint source pollution load”* as a means to manage towards a no net increase in nonpoint source pollution load. Staff concurs.

Given the above comments, Staff recommends the following 17 reasonable and appropriate conditions, including the reduction of the variance request from 4 lots to 3 lots, towards preventing the variance from causing or contributing to a degradation of water quality.

## Recommended Conditions

- 1) A presubmittal meeting shall be required with the Development Services Center (DSC) once all variances and approvals have been obtained from the Chesapeake Bay Preservations Area (CBPA) Board, and City Council. Said meeting shall be scheduled prior to submission of the final site plan review.
  
- 2) The maximum number of lots shall be limited to three (3) and impervious cover for each proposed lot shall not exceed the following amount.
  - **Proposed Lot 1** 7,910 square feet of overall impervious cover
  - **Proposed Lot 2** 7,710 square feet of overall impervious cover
  - *Proposed Lot 3* 5,025 square feet of overall impervious cover
  - *Proposed Lot 4* 5,755 square feet of overall impervious cover
  
- 3) There shall be no encroachment of proposed impervious cover, redevelopment of existing impervious cover, or placement of fill material within the 100-foot Resource Protection Area (RPA) buffer.
  
- 4) Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA for each proposed lot. The minimum amount of buffer restoration for each lot shall be as follows.
  - **Proposed Lot 1** 15,820 square feet of buffer restoration
  - **Proposed Lot 2** 15,420 square feet of buffer restoration
  - *Proposed Lot 3* 10,050 square feet of buffer restoration
  - *Proposed Lot 4* 11,510 square feet of buffer restoration

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 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.

- 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 for each individual lot and any associated construction for access, utilities, etc.
- 7) 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.**
- 8) The limits of construction and associated land disturbance for the removal of the existing improvements within the RPA buffer shall be contained within the footprint of the existing improvements with 1 single point of access permitted. The single point of access shall be achieved through the shortest linear distance through the RPA buffer to minimize impacts to the existing forest floor to the greatest extent practicable.
- 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 15 feet from improvements.
- 10) Construction limits shall be contained within the limits of the delineated silt fence per the CBPA Variance Exhibit. Silt fence shall be installed along the landward side of the delineated limits of construction and shall remain in place until such time as vegetative cover is established. **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.**
- 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) \*\* As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval for each individual lot. Payment for each lot shall be in the following amount per lot.

15) The minimum amount of buffer restoration for each lot shall be as follows.

- **Proposed Lot 1**    **\$1,812.70**
- **Proposed Lot 2**    **\$1,766.87**
- *Proposed Lot 3*    *\$1,151.56*
- *Proposed Lot 4*    *\$1,318.85*

Said payment 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) Mature trees exist adjacent to tidal waters, the select removal of lower tree limbs shall be performed thereby permitting sunlight to interface with tidal fringe marsh.

17) The conditions and approval associated with this variance are based on the exhibit plan dated December 4, 2019, prepared by MSA, P.C., signed December 4, 2019 by Nathan A. Lahy. However, a revised plan shall be submitted depicting the reduction from 4 lots to 3 lots addressing all of the conditions above. 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.

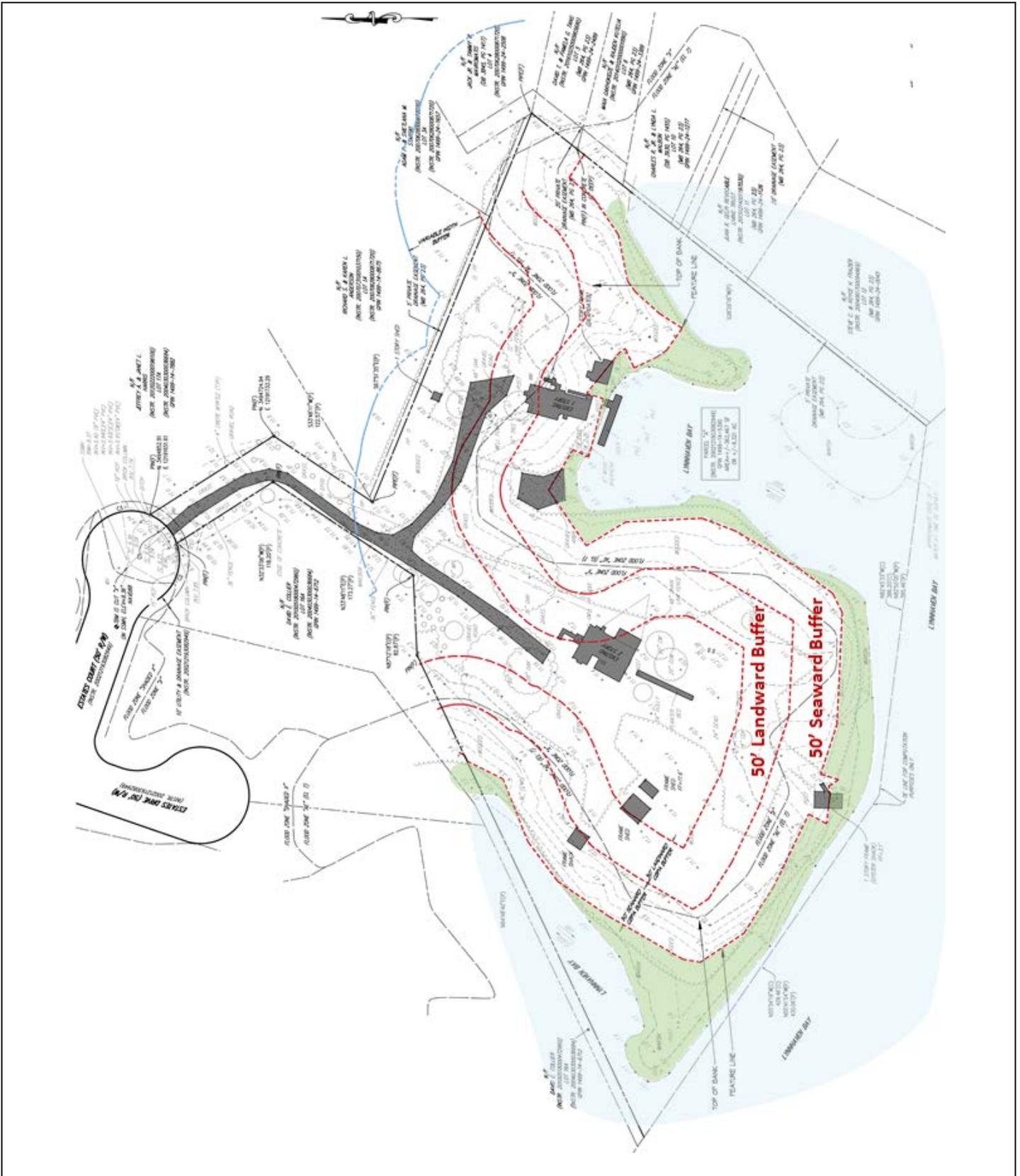
\*\* NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

\*\*\*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.

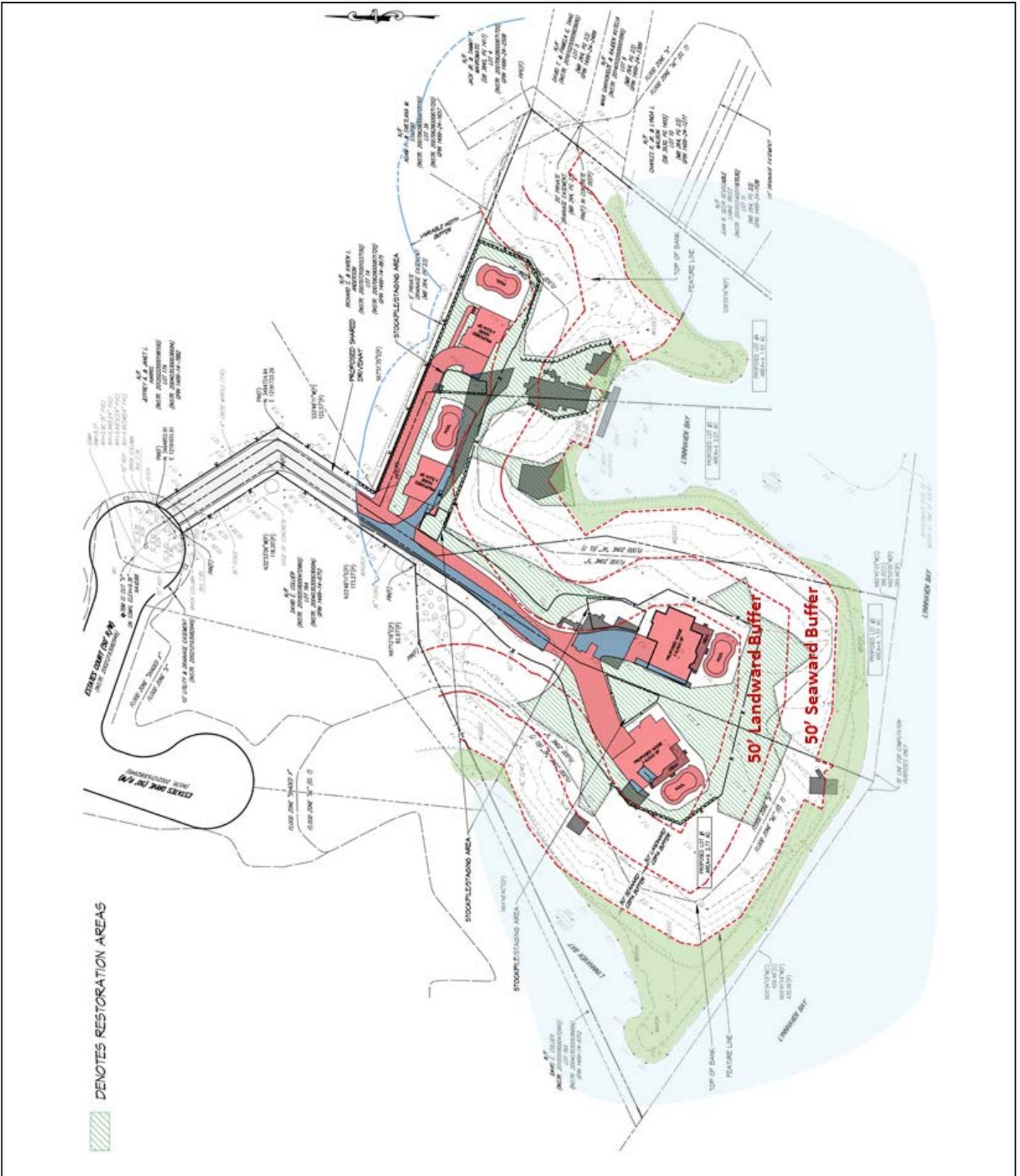
Site Aerial



# CBPA Exhibit – Existing Conditions



# CBPA Exhibit – Proposed Improvements





**APPLICANT'S NAME** Woodhouse Limited Partnership

**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: Woodhouse Limited Partnership  
If an LLC, list all member's names:  
Please see attached list.

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

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

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

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## SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

(A) List the Property Owner's name: Woodhouse Limited Partnership  
If an LLC, list the member's names: Same As Applicant. Please see attached list.

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

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

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

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

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### SECTION 3. SERVICES DISCLOSURE

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



## APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Bourdow, Bowen, & Ellis, P.C. (Midlothian, VA)
<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	MSA, P.C.
<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	Bourdow, Bowen, & Ellis, P.C.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Rebecca Watkins, (Wainwright Real Estate)

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

YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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

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Page 4 of 7



**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>Robert W. Woodhouse</i>	Robert W. Woodhouse	4/27/19
APPLICANT'S SIGNATURE	PRINT NAME	DATE

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

WOODHOUSE LIMITED PARTNERSHIP

Robert W. Woodhouse (Co-General Partner)

Sarah W. Woodhouse (Co-General Partner)

Sarah E. Woodhouse

Robert M. Woodhouse

Amanda Orchowsky

Andrew Orchowsky

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Applicant & Property Owner **Quail Roost 2011 Trust A/U**  
 Address **1320 Chewink Court**  
 Public Hearing **January 27, 2020**  
 City Council District **Lynnhaven**

Agenda Item

**7**

The applicant is requesting a deferral of this application to the Monday, February 24<sup>th</sup>, 2020 CBPA Board Public Hearing to allow additional time to address Staff’s concerns. Staff supports the request to defer.

**Variance Request**

Encroachment into the Resource Protection Area (RPA) buffer to replace the swimming pool and patio area, construct a cabana, and driveway replacement/expansion.

**Applicant’s Agent**

Nathan Lahy

**Staff Planner**

PJ Scully

**Lot Recordation**

Map Book 7, Page 192

Recorded 7/30/1926

**GPIN**

2418-22-3278

**SITE AREA**

31,100 square feet or 0.714 acres

**SITE AREA OUTSIDE OF WATER/WETLANDS**

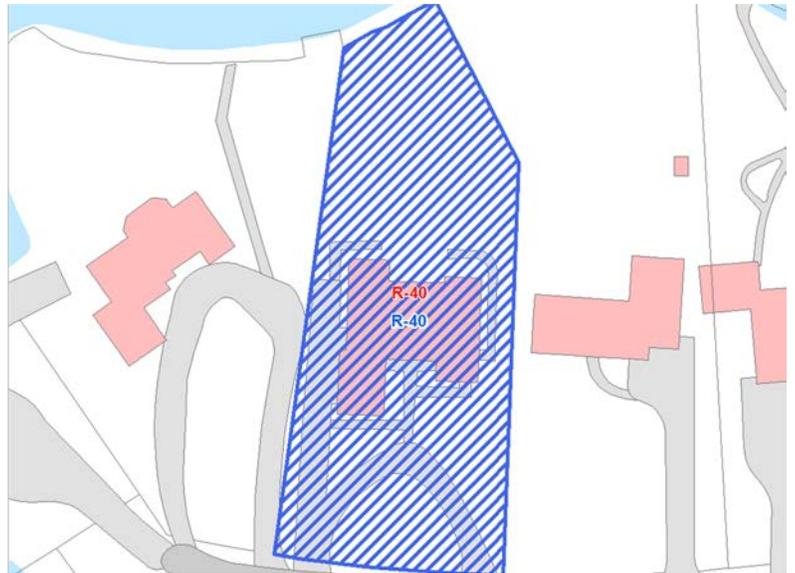
31,100 square feet or 0.714 acres

**EXISTING IMPERVIOUS COVER OF SITE**

12,901 square feet or 38.9 percent of site

**CBPA Ordinance Variance History**

June 1, 1992 a CBPA Board variance was granted for the construction of a single-family residence.



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**Variance Request**

Encroachment into the Resource Protection Area (RPA) buffer to construct a swimming pool with pool surround and patio area, wood deck, retaining walls and driveway expansion

**Applicant's Agent**

Billy Garrington

**Staff Planner**

PJ Scully

**Lot Recordation**

Map Book 7, Page 193

Recorded 7/30/1926

**GPIN**

2418-42-4925

**SITE AREA**

35,216 square feet or 0.808 acres

**SITE AREA OUTSIDE OF WATER/WETLANDS**

32,393 square feet or 0.744 acres

**EXISTING IMPERVIOUS COVER OF SITE**

5,466 square feet or 16.9 percent of site

**PROPOSED IMPERVIOUS COVER OF SITE**

7,269 square feet or 22.4 percent of site

**Area of Redevelopment in RPA**

530 square feet

**Area of New Development in RPA**

1,994 square feet

**Location of Proposed Impervious Cover**

50-foot Seaward Buffer

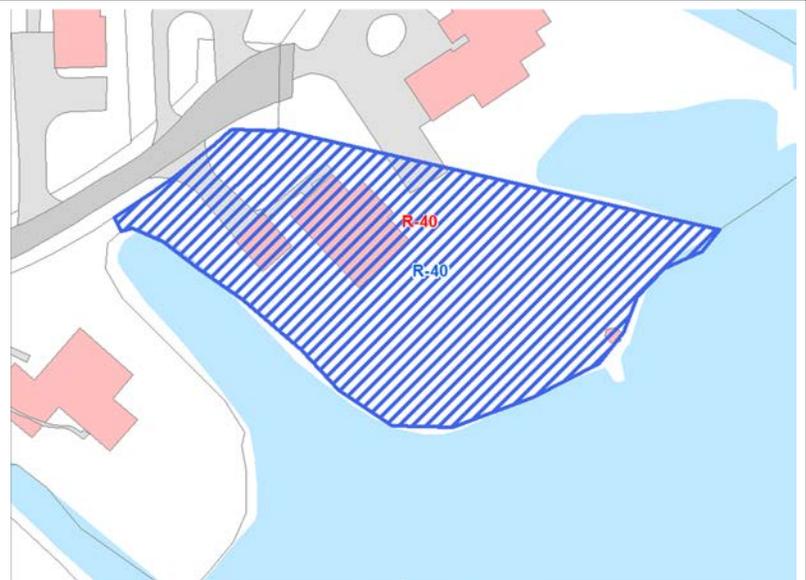
50-foot Landward Buffer

**AMOUNT OF LAND DISTURBANCE**

Greater than 2,500 square feet

**Staff Recommendation**

Approval as conditioned



## Summary of Proposal

### Demolition Details

- Remove existing balcony, wood deck and stairs
- Remove existing retaining wall and stairs
- Remove existing walkway and stairs

### Construction Details

- Swimming pool with retaining wall
- Raised patio with retaining wall
- Wood deck and 2<sup>nd</sup> floor balcony
- Concrete driveway expansion

## CBPA Ordinance Variance History

**On September 27, 2010, a Chesapeake Bay Preservation Area (CBPA) Board Variance was granted for the a driveway replacement, replacement and modification of steps and retaining wall, garage addition, front porch, addition along west side of residence, basement entry relocation, concrete walkways, wood deck, rear porch, and 1st and 2nd story addition over existing wood deck, 2nd story addition over existing residence and relocation of HVAC units, with the following conditions:**

1. *A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.*
2. *Wire re-enforced 36" erosion and sedimentation control measures (silt fences), shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fence shall be installed 10 ft. from proposed improvements. Best management practices for erosion and sediment control shall be employed during restoration activities to protect adjacent wetlands and shorelines of water bodies.*
3. *Prior to the issuance of any certificate of occupancy, or the final release of any permit authorizing a land disturbing activity, all disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations by such methods as, but not limited to, temporary seeding, permanent seeding, sodding or soil stabilization blankets and matting. The Building Code Official may authorize a temporary certificate of occupancy without the required soil stabilization if the failure to stabilize is due to circumstances beyond the control of the permit holder.*
4. *Construction limits shall lie a maximum of 10' outboard of improvements.*
5. *The construction access way shall be noted on the site plan, as well as the stockpile / staging area.*
6. *If and when the shoreline is hardened / rehardened, a rip-rap revetment shall be constructed in lieu of a vertical retaining structure (vinyl, timber or steel bulkhead). The toe of said revetment shall lie at or landward of mean high water or tidal vegetated wetlands, unless the Wetlands Board determines that site specific conditions warrant a more seaward alignment.*
7. *Under deck treatment of sand and gravel shall be installed.*
8. *Areas that are currently in a natural state, shall remain in a natural state to include the forest floor (leaf litter) left intact.*

9. *Where mature trees exist adjacent to tidal waters, the select removal of lower tree limbs shall be performed thereby permitting sunlight to interface with tidal fringe marsh.*
10. *A separate landscape / buffer restoration plan shall be submitted concurrent with the site plan detailing location, number, and species of vegetation to be installed. The landscape plan shall clearly delineate existing naturalized (trees, landscaping and mulched organic surfaces) areas, planting beds, and turf zones.*
11. *A revised site plan shall be submitted to the Department of Planning, Development Services Center for review and approval prior to the issuance of a building permit.*
12. *The conditions and approval associated with this variance are based on the site plan sealed September 3, 2020 by William R. Pritchard, prepared by WPL.*
13. *Stormwater runoff from proposed new impervious cover shall be conveyed to stormwater management facilities. Stormwater facilities shall be installed prior to the certificate of occupancy or release of the building permit.*
14. *All improvements shall be built into the slope with no perimeter fill authorized.*
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 \$187.00 and is based on 25% of the proposed impervious cover within the RPA, inclusive of the variable width portion of the buffer. Said payment shall provide for the equivalent of an approximate 204 sq. ft., 12-inch deep oyster shell plant within the Lynnhaven River Basin.*
16. *Buffer restoration shall be installed equal to 200% of the proposed new impervious cover within the RPA (1,632 sq. ft.) and shall install the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance. The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4" – 6" in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of 50% deciduous and 50% evergreen species and shall be evenly distributed within the RPA buffer. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.*
17. *Buffer restoration shall be installed equal to 100% of the proposed area of redevelopment within the RPA (3,663 sq. ft.) and shall install the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance. The required restoration shall be located within the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4" – 6" in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of 50% deciduous and 50% evergreen species and shall be evenly distributed within the RPA buffer. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit. In lieu of 100% restoration for redevelopment areas, a 10% reduction in pollutant removal load is acceptable via a structural BMP.*
18. *It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.*

**On January 23, 2012, a Chesapeake Bay Preservation Area (CBPA) Board Variance was granted for the construction of wood deck with under deck treatment, 1st floor building addition over existing wood deck, 1st floor addition along eastern side of residence, with the following conditions:**

1. *A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.*
2. *Land disturbance shall be limited to the area necessary to provide for the proposed use or development.*
3. *Wire re-enforced 36" erosion and sedimentation control measures (silt fences), shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fence shall be installed 10 ft. from proposed improvements. Best management practices for erosion and sediment control shall be employed during restoration activities to protect adjacent wetlands and shorelines of water bodies.*
4. *Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline (if possible) of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.*
5. *Prior to the issuance of any certificate of occupancy, or the final release of any permit authorizing a land disturbing activity, all disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations by such methods as, but not limited to, temporary seeding, permanent seeding, sodding or soil stabilization blankets and matting. The Building Code Official may authorize a temporary certificate of occupancy without the required soil stabilization if the failure to stabilize is due to circumstances **beyond the control** of the permit holder.*
6. *Construction limits shall lie a maximum of 10' outboard of improvements.*
7. *The construction access way shall be noted on the site plan, as well as the stockpile / staging area.*
8. *If and when the shoreline is rehardened, a rip-rap revetment shall be constructed in lieu of a vertical retaining structure (vinyl, timber or steel bulkhead). The toe of said revetment shall lie at or landward of mean high water or tidal vegetated wetlands, unless the Wetlands Board determines that site specific conditions warrant a more seaward alignment.*
9. *Under deck treatment of sand and gravel shall be installed.*
10. *Within the RPA, exclusive of limits of construction, areas of existing landscaped beds, trees, areas of existing leaf litter or forest floor, and other naturalized areas, such as shoreline vegetation, may not be removed.*
11. *Where mature trees exist adjacent to tidal waters, the select removal of lower tree limbs shall be performed thereby permitting sunlight to interface with tidal fringe marsh.*
12. *A separate landscape / buffer restoration plan shall be submitted concurrent with the site plan detailing location, number, and species of vegetation to be installed. The landscape plan shall clearly delineate existing naturalized (trees, landscaping and mulched organic surfaces) areas, planting beds, and turf zones.*
13. *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.*
14. *The conditions and approval associated with this variance are based on the site plan dated September 11, 2010 prepared by WP Large sealed December 3, 2011 by William R. Pritchard.*

15. *Stormwater runoff from existing and proposed impervious cover (inclusive of stamped concrete driveway) shall be conveyed to stormwater management facilities. Low maintenance best management practices shall be employed to the maximum extent practicable. Stormwater facilities shall be installed prior to the certificate of occupancy or release of the building permit.*
16. *All improvements shall be built into the slope with no perimeter fill authorized.*
17. *Buffer restoration shall be installed equal to 200% of the proposed new impervious cover within the RPA (646 sq. ft. x 200% = 1,292sq. ft.) and shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance. The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4" – 6" in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of 50% deciduous and 50% evergreen species and shall be evenly distributed within the RPA buffer. Salt and flood tolerant plant species shall be planted below the five-foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.*
18. *Buffer restoration shall be installed equal to 100% of the proposed area of redevelopment within the RPA (2,440 sq. ft. x 100% = 2,440 sq. ft.) and shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance. The required restoration shall be located within the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4" – 6" in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of 50% deciduous and 50% evergreen species and shall be evenly distributed within the RPA buffer. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit. In lieu of 100% restoration for redevelopment areas, a 10% reduction in pollutant removal load is acceptable via a structural BMP.*
19. *\*\*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 \$187.00 and is based on 25% of the proposed impervious cover within the RPA, inclusive of the variable width portion of the buffer. Said payment shall provide for the equivalent of an approximate 204 sq. ft., 12-inch-deep oyster shell plant within the Lynnhaven River Basin.*
20. *This variance and conditions if approved shall supersede the variance and conditions granted September 27, 2010.*

## Environmental Conditions

### Flood Zone

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

### Soil Type(s)

Yeopim Series (deep and moderately well-drained soils)

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

### Shoreline

Shoreline is hardened with a rip rap revetment with a wood border.

## Riparian Buffer

Moderately to sparsely wooded lot

- Number of existing canopy trees requested for removal within the RPA: 3
- Number of existing understory trees requested for removal within the RPA: 1
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 0
- Evaluation of existing canopy tree removal request: Trees being requested for removal are within the delineated limits of construction, shown as approximately 15 feet outboard of the proposed improvements.

## Evaluation and Recommendation

The 2012 Chesapeake Bay Preservation Area (CBPA) variance decreased the overall impervious cover of the lot from 5,730 square feet, or 17.7 percent of the lot above water and wetlands to 5,630 square feet, or 17.4 percent of the lot above water and wetlands. Although the redevelopment of the lot decreased in overall impervious cover, the proposed garage addition encroached further seaward and occurred within the 50-foot seaward buffer. Of the 2012 CBPA variance, the additions to the primary structure and wood deck off the rear of the residence have been built. The current applicant and new property owner desires to construct the addition off the rear of the garage, authorized with the 2012 CBPA Board variance, and has proposed new improvements within the 50-foot landward buffer – proposed patio area, wood deck expansion, swimming pool with associated retaining wall, and driveway expansion.

Staff met with the applicant, applicant's agent and consultant team to discuss the proposed improvements associated with this variance request with the need towards addressing the utilization of existing grade elevations with retaining walls to limit fill and land disturbance within the lower-lying areas of the lot. Also discussed was the introduction of vegetative cover within the RPA buffer, specifically the eastern portion of the lot within the 50-foot seaward buffer. Staff is of the opinion that this area is most susceptible to future inundation and associated hazards given the range of topographic elevation of 2.7 feet to approximately 3.1 feet above sea level. However, this area of the lot offers substantial benefit towards coastal ecosystem migration if properly restored to prevent against increased river nutrient loads, subsequent decomposition of organic matter and hypoxia, and sediment delivery due to upland land use changes within the Lynnhaven River basin. Staff offers that the structural and non-structural elements of the variance request provide merit towards reestablishing the ecological benefit of the coastal ecosystem. Due to these measures, water quality has the potential to improve while allowing the RPA to function as intended by not introducing an extensive amount of fill material or severely altering existing site conditions.

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 property was platted in 1926 prior to the Chesapeake Bay Preservation Act and the proposed improvements are in keeping with the development of the neighborhood and adjacent parcels."* Given the year the plat was recorded for the neighborhood and the similarities of the shoreline with adjacent lots within the RPA, Staff concurs with the statement provided by the applicant's agent.
- 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 property was platted in 1926 and the existing topography and buffers as required by the Chesapeake Bay Preservation Act require the property to seek variance approvals."* Staff concurs that the recordation date of the plat was well in

advance of the adoption of the Chesapeake Bay Act; however, through the variance process, development can occur subject to conditions unique to each application. In this case, the restoration of the shoreline, specifically the eastern-most, low-lying area of the lot is particularly significant to promote future coastal ecosystem migration.

- 3) The variance is the minimum necessary to afford relief because *“the property was platted in 1926 and the house was originally built in the 1950’s in its current location on the lot, we feel the best areas for expansion/redevelopment for the property is as shown to help avoid additional impacts to the resource. The proposed improvements have been limited to the landward buffer except for garage addition approved in 2010.”* Although the location of the proposed improvements, with exception of the driveway expansion, are landward of the 50-foot seaward buffer, Staff has provided recommended conditions, specifically conditions 14 and 15, towards the variance being the minimum necessary to afford relief.
- 4) The variance is in harmony with the purpose and intent of this ordinance and not injurious to the neighborhood, not of substantial detriment to water quality, or otherwise detrimental to the public welfare because *“the proposed improvements are in keeping with the development of the neighborhood and adjacent parcels, if approved, the proposed redevelopment will be required to have additional treatment provided between the improvements and the waterway.”* Staff concurs and has provided recommended conditions for the Board’s deliberation towards nutrient management and discharge from upland improvements via structural and non-structural best management practices.
- 5) *“Redevelopment of the site is being used to the greatest practicable case. The proposed planting buffer restoration and bioretention stormwater management will be placed between the improvements and the waterway to capture and treat run-off discharge into the Bay”* as a means to manage towards a no net increase in nonpoint source pollution load. Given the existing grade elevation along the rip rap revetment and low-lying topography within the seaward buffer, Staff is of the opinion that the required buffer restoration could be manipulated, and a selection of plant species provided to restore the 50-foot seaward buffer into a high marsh/upland woody shrub buffer.

Given the above comments, Staff recommends the following 18 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

## Recommended 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) The conditions of the existing Chesapeake Bay Preservation Area (CBPA) variances, specifically the required buffer restoration and stormwater management facilities shall be documented on the revised site plan. Documentation shall describe the health and functionality of said requirements. Prior restoration requirements shall be installed if not present.
- 3) 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.
- 4) Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **1,994 square feet x 200 percent = 3,988 square feet.**

All of the required restoration shall be located in the 50-foot seaward buffer of the Resource Protection Area, in areas currently devoted to turf and transition landwards as needed to fulfill the required buffer restoration square footage. Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs, grasses and groundcovers suitable for the existing grade elevations and environmental conditions to the greatest extent practicable. Areas of the lot inundated by abnormal high tides or storm surge may be converted to no-mow zones as a component of the required buffer restoration. Said areas will be reviewed by Staff prior to approval.

Buffer restoration areas shall be maintained and not removed or allowed to revert to turf in the future. Trees shall not be planted within 30 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.

- 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 15 feet from improvements.
- 10) Construction limits along the seaward portion of the project shall lie a maximum of 15 feet seaward of improvements. Construction limits shall be contained within the limits of the delineated silt fence per the CBPA Variance Exhibit. **Within the RPA, exclusive of limits of construction, areas of existing landscaped beds, trees, areas of existing leaf litter or forest floor, and other naturalized areas, such as shoreline vegetation, may not be removed.**
- 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) The proposed driveway expansion 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.
- 15) 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.
- 16) \*\* 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 \$456.95 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.
- 17) This variance and associated conditions **are in addition to** the conditions of the Board variance granted January 23, 2012.
- 18) The conditions and approval associated with this variance are based on the exhibit plan dated November 5, 2019, prepared by WPL Site Design, signed December 5, 2019 by Eric Gardner. 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. Deviation from said conditions during site plan review may require re-submittal for Board consideration.

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

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

Site Aerial











**APPLICANT'S NAME** Gregory Law

**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: Gregory Law  
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-subsiidiary <sup>1</sup> or affiliated business entity <sup>2</sup> relationship with the Applicant: *(Attach list if necessary)*

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

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## SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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

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



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

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

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

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

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### SECTION 3. SERVICES DISCLOSURE

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



## APPLICANT

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

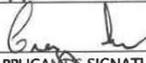
If yes, what is the name of the official or employee and what is the nature of the interest?



**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.

	GREGORY LAW	12/3/19
APPLICANT'S SIGNATURE	PRINT NAME	DATE

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