

Chesapeake Bay Preservation Area Board Agenda

February 24, 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, February 24, 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 City Manager's Conference Room, Room 234 of Building 1 at the Municipal Center. 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.

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 of the items deferred individually. It is important, therefore, if you have an objection to an item being deferred to note your objection as the Board goes through the items being considered for deferral.

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

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

have an objection to an item being placed on the Consent Agenda to note your objection as the Board goes through the items being considered for the Consent Agenda.

Process for the Consent Agenda:

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

3. REGULAR AGENDA: The Board will then proceed with the remaining items on the agenda, according to the following process:

- a. The applicant or applicant's representative will have 10 minutes to present its case.
- b. Next, those who wish to speak in support to the application will have 3 minutes to present their case.
- c. If there is a spokesperson for the opposition, he or she will have 10 minutes to present their case.
- d. All other speakers not represented by the spokesperson in opposition will have 3 minutes.
- e. The applicant or applicant's representative will then have 3 minutes for rebuttal of any comments from the opposition.
- f. There is then discussion among the Board members. No further public comment will be heard at that point. The Board may, however, allow additional comments from the opposition if a member of the Board sponsors the opposition. Normally, you will be sponsored only if it appears that new information is available and the time will be limited to 3 minutes.
- g. The Board does not allow slide or computer generated projections other than those prepared by the 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.**



CHESAPEAKE BAY PRESERVATION AREA BOARD AGENDA

Public Hearing Date **February 24, 2020**

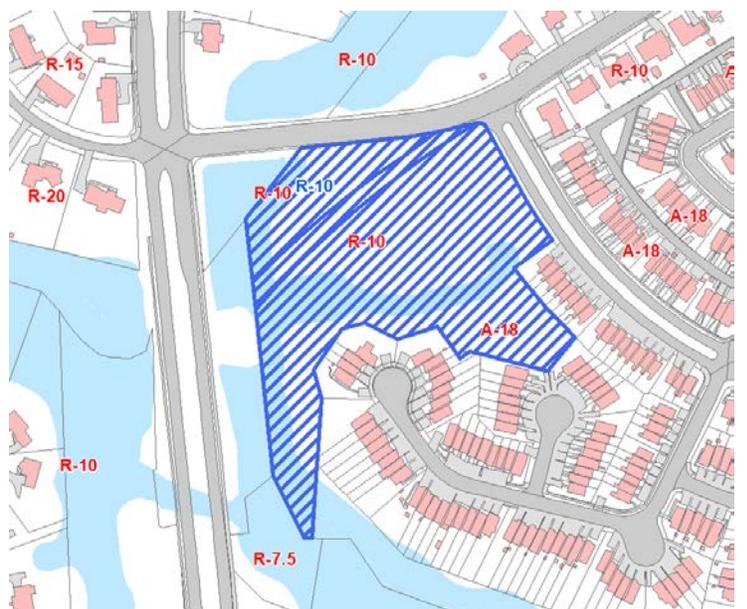
- 9:00 AM INFORMAL STAFF BRIEFING OF PUBLIC HEARING AGENDA ITEMS. STAFF'S BRIEFING IS HELD IN THE CITY MANAGER'S CONFERENCE ROOM.
- 10:00 AM FORMAL REVIEW OF PUBLIC HEARING AGENDA ITEMS. FORMAL REVIEW IS HELD IN THE CITY COUNCIL CHAMBER.

OLD BUSINESS AGENDA ITEMS

1. Olympia Development Co.
 [Applicant]
City of Virginia Beach
 [Property Owner]
Bonney Road
 GPIN 1477-52-4516
 Council District – Lynnhaven
 Accela Record 2019-CBPA-00048
Variance Request – Encroachment into the Resource Protection Area (RPA) buffer for the development of three office buildings and associated infrastructure.
Staff Planner – PJ Scully
Staff Report – page 7



2. 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 27

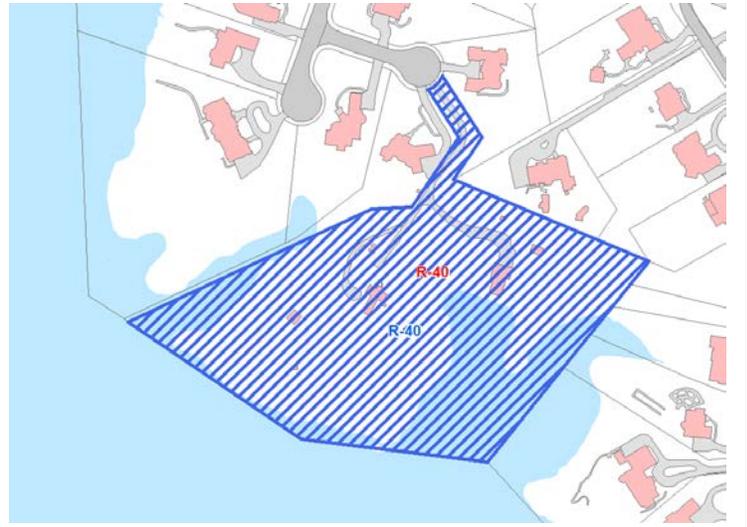


3. Woodhouse Limited Partnership
[Applicant & Property Owner]

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 43

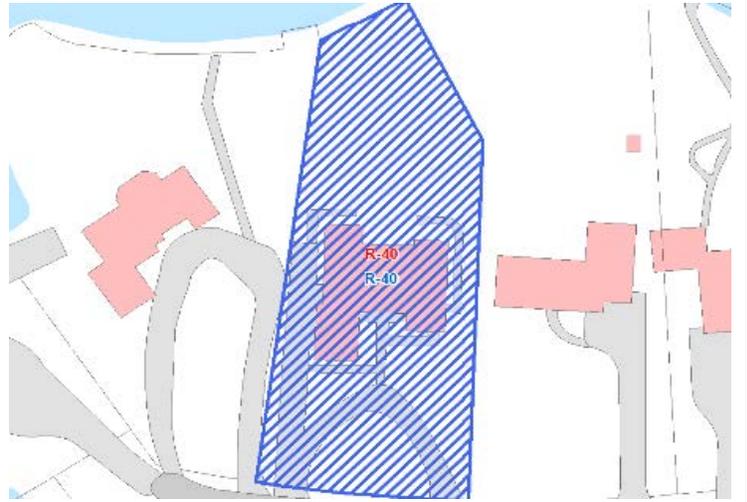


4. Quail Roost 2011 Trust U/A
[Applicant & Property Owner]

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 61



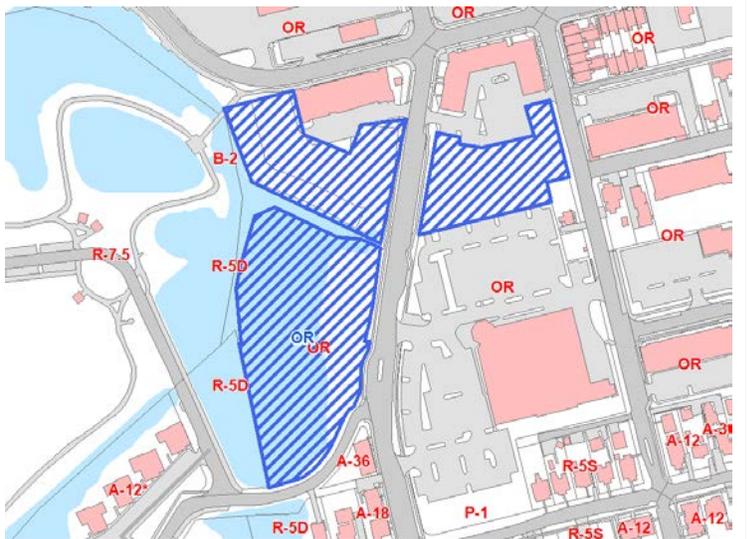
NEW BUSINESS AGENDA ITEMS

5. The Old Beach Village Co., LLC
[Applicant & Property Owner]

2800 & 2901 Baltic Avenue
GPINs 2418-91-3040, 2418-91-3390
and 2418-91-7293
Council District – Beach
Accela Record 2020-CBPA-00001

Variance Request – Modification of the September 27, 2004 Chesapeake Bay Preservation Area (CBPA) variance to encroachment into the Resource Protection Area (RPA) buffer to with an elevated pedestrian bridge to four buildings.

Staff Planner – PJ Scully
Staff Report – page 75



6. South Bay Shore, LLC
 [Applicant]

Caroline Tyler Watson et al.
 [Property Owner]

1047 S. Bay Shore Drive
 GPINs 2418-36-2690
 Council District – Lynnhaven
 Accela Record 2020-CBPA-00002

Variance Request – Encroachment into the Resource Protection Area (RPA) buffer to construct a single-family residence with associated accessory structures and circular driveway.

Staff Planner – PJ Scully
Staff Report – page 103



ADMINISTRATIVE BUSINESS

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 6th, 2020.

- Monday January 27, 2020
- Monday February 24, 2020
- Monday March 23, 2020
- Monday April 6, 2020
- Monday May 4, 2020
- Monday June 1, 2020
- Monday July 6, 2020
- Monday August 3, 2020
- Thursday September 10, 2020
- Monday October 5, 2020
- Monday November 2, 2020
- Monday December 7, 2020

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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 just the 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

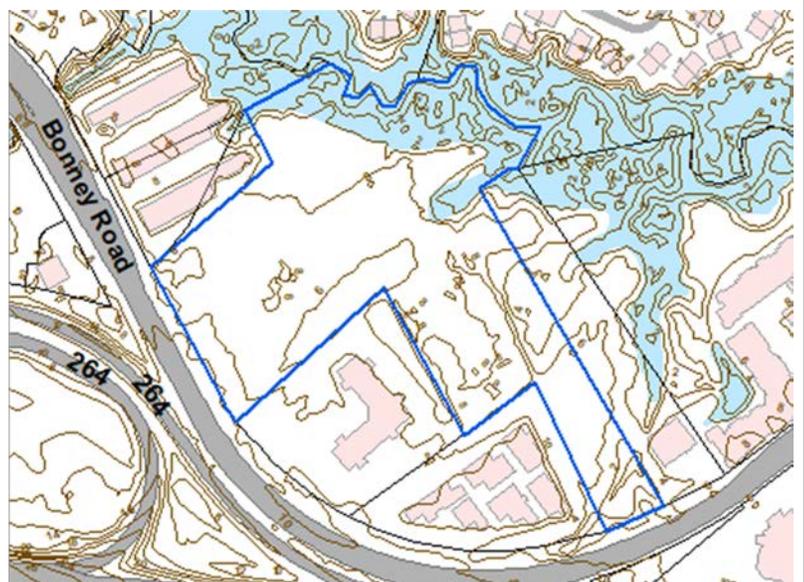
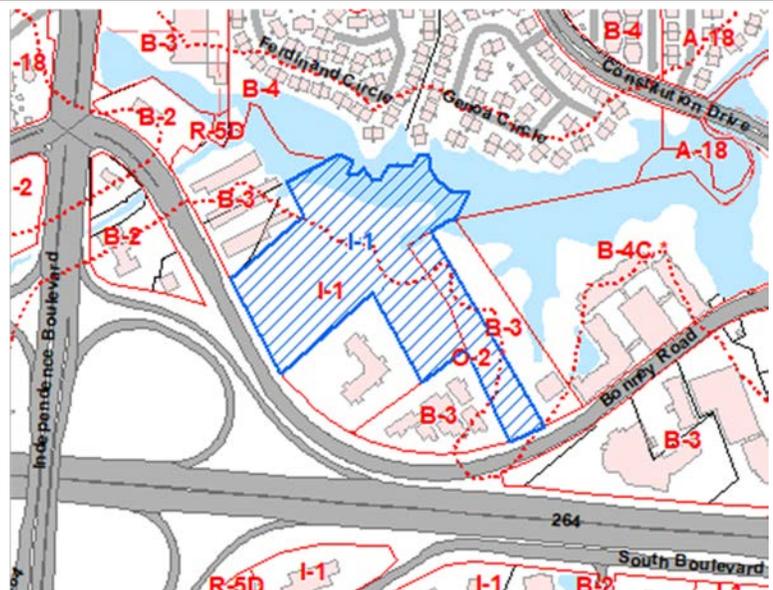
50-foot Seaward Buffer
 50-foot Landward Buffer
 100-foot Variable Width Buffer
 Resource Management Area (RMA)

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

The property is currently owned by the City and has been previously developed. The applicant's Engineer of Record has provided that the "site was formerly home to a Lowe's and a hotel with a parking garage"; and has "indicated the footprints of the prior developments on our CBPA exhibit."

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.

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

- January 27, 2020 CBPA Board Public Hearing

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.

Stormwater Management Methodology

The applicant's agent has provided "that the drainage requirements for the development of property, particularly with respect to the Virginia Runoff Reduction Methodology (the state-wide analysis requirement since July, 2014) will be met as we pursue the design, review, and approval of this project. We expect feedback from the City engineers this week which, we are confident, will confirm our treatment of the existing and proposed land cover conditions per the applicable regulations."

Evaluation and Recommendation

Staff write-up from the January 27, 2020 CBPA Board public hearing.

"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.

Since the January public hearing, Staff met with the applicant, applicant's agent, Engineer of Record, and Department of Economic Development Staff in an attempt to collaborate efforts of the applicant's design team and City Staff. The design team has provided the following completed studies of the site.

- Wetlands identification by Bob Kerr of Kerr Environmental Services Corp. The applicant's Engineer of Record has provided that, *"the wetlands consultant has received an affirmative Jurisdictional Determination on the property; the proposed development and resulting destruction of minimal areas of wetlands can be permitted."*
- Subsurface evaluation by GeoEnvironmental Resources, Inc. The applicant's Engineer of Record indicated that *"the geotechnical engineer has determined that, at 12 of 13 boring locations analyzed, there is construction rubble, presumably left after the demolition of the prior improvements, either at the surface or a couple of inches below it. The remnants of the prior improvements remain as an environmental stain on the property. In addition, a large portion of the property has been used for the last dozen or so years as a construction staging area for the various development activities progressing at our City's Town Center, leaving a denuded area of approximately 4.5 acres in the main area of the property."*
- Historic and current aerials and previous site plan analysis by Brad Martin detailing impervious surface location and existing outfall structures for drainage into Thalia Creek
- Survey and topographic analysis

For the Board's deliberation, the applicant's Engineer of Record 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 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 on 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 of the outcome of those discussions, 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 RCPs 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 *“the drainage requirements for the development of property, particularly with respect to the Virginia Runoff Reduction Methodology (the state-wide analysis requirement since July, 2014) will be met as we pursue the design, review, and approval of this project.”*

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) All areas seaward of the proposed improvements, landward of the Thalia Creek Greenway, and along the eastern property line – approximately 25,500 square feet shall be restored to a riparian buffer ecosystem. Said area shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future.
 - b) On-site mitigation for buffer restoration shall be provided specific to the following quantities of **65 canopy trees and 100 understory trees**. Said quantities shall not be utilized towards other planting requirements within the City’s Landscaping Guide specific to parking lot and foundation landscaping specifications and standards; and landscape screening and buffer specifications and standards. Said quantities shall not be utilized towards other planting requirements within the City’s Landscaping Guide specific to parking lot and foundation landscaping specifications and standards; and landscape screening and buffer specifications and standards
- 4) 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 10 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.
- 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, based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA) and \$5,303.83, based on 25 percent of the remaining required buffer restoration for a grand total of \$10,877.62. 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 February 13, 2020, prepared by Clark Design Group, LLC, checked by Brad Martin. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board.

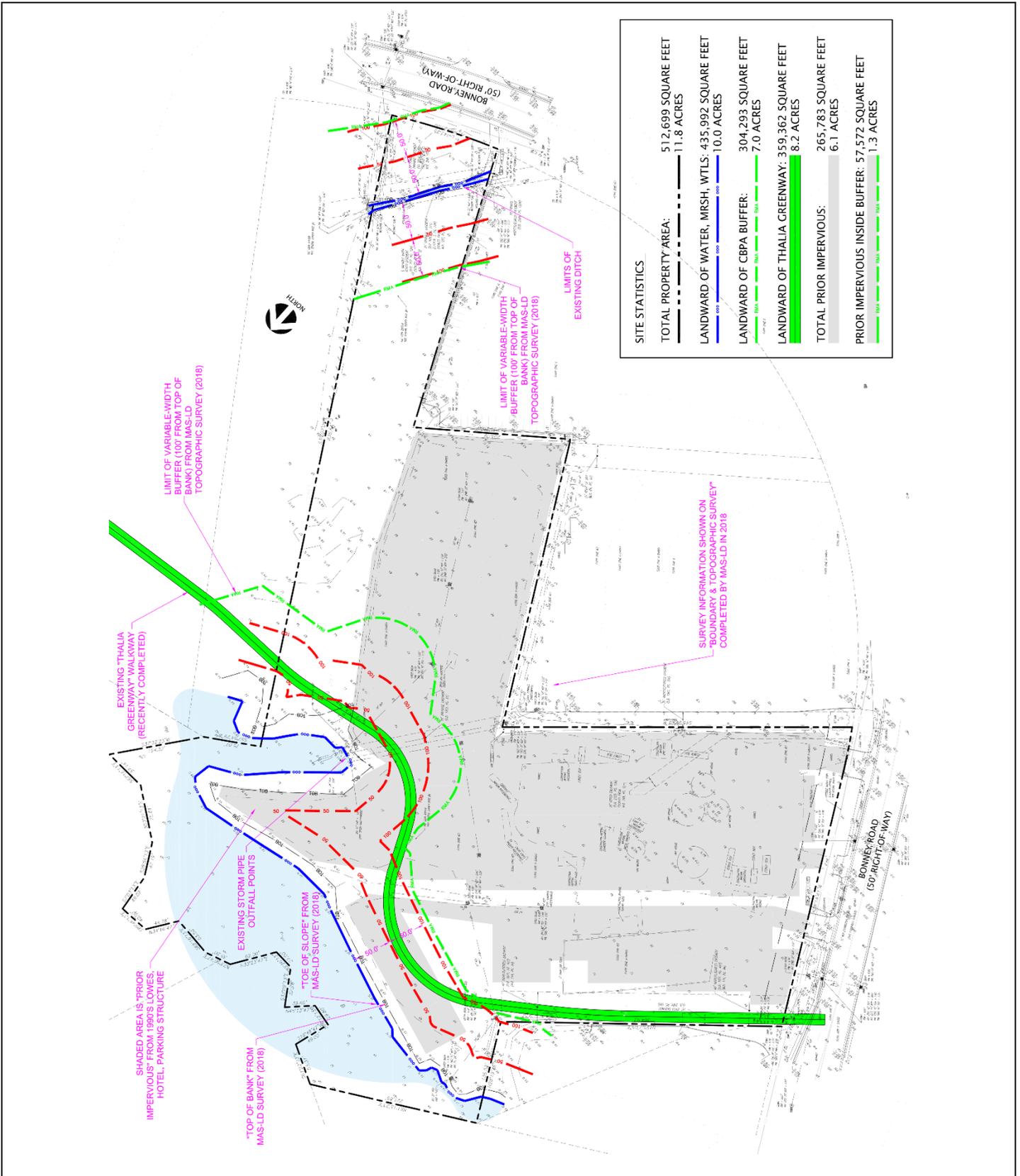
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

***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.

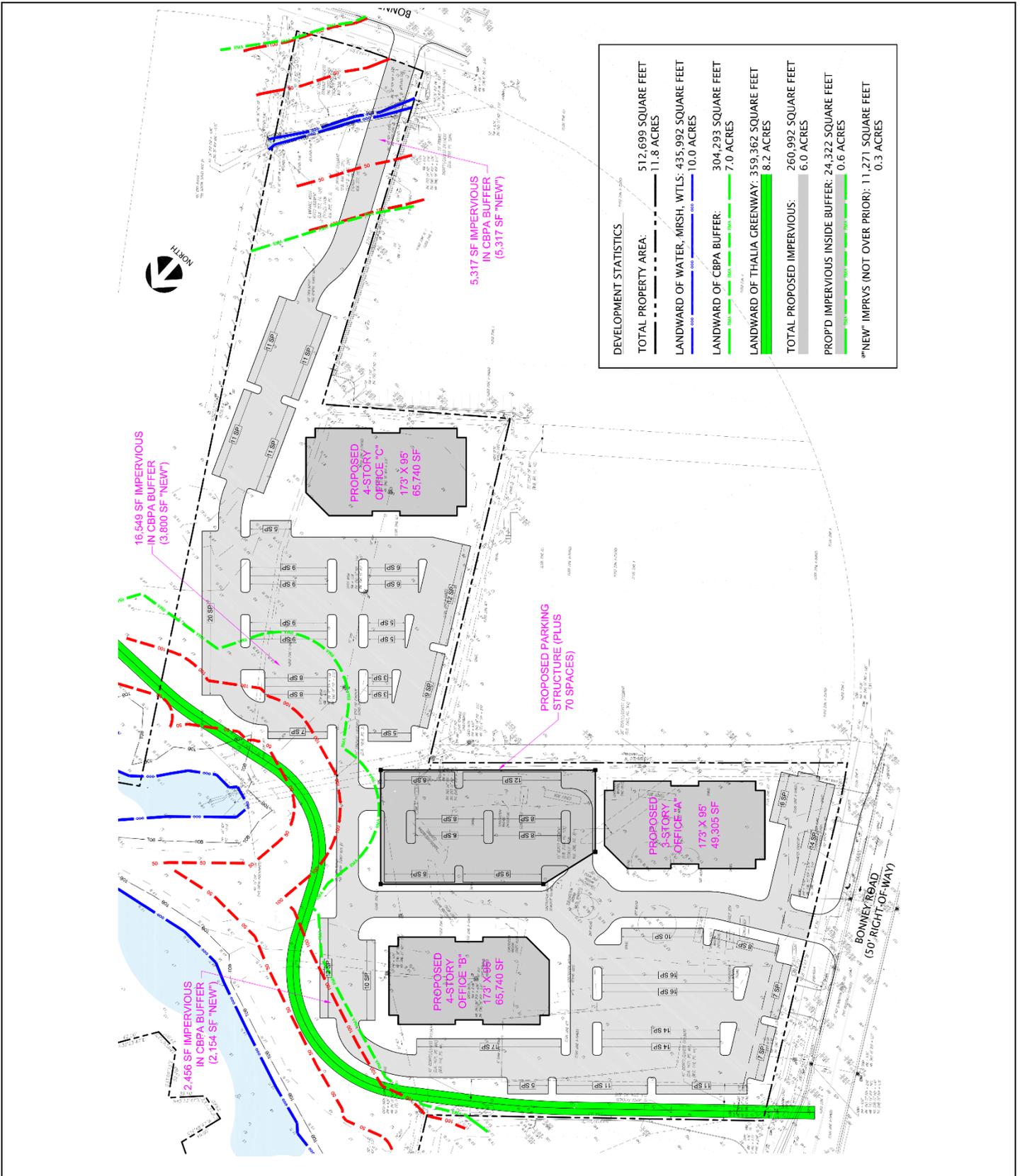
Site Aerial



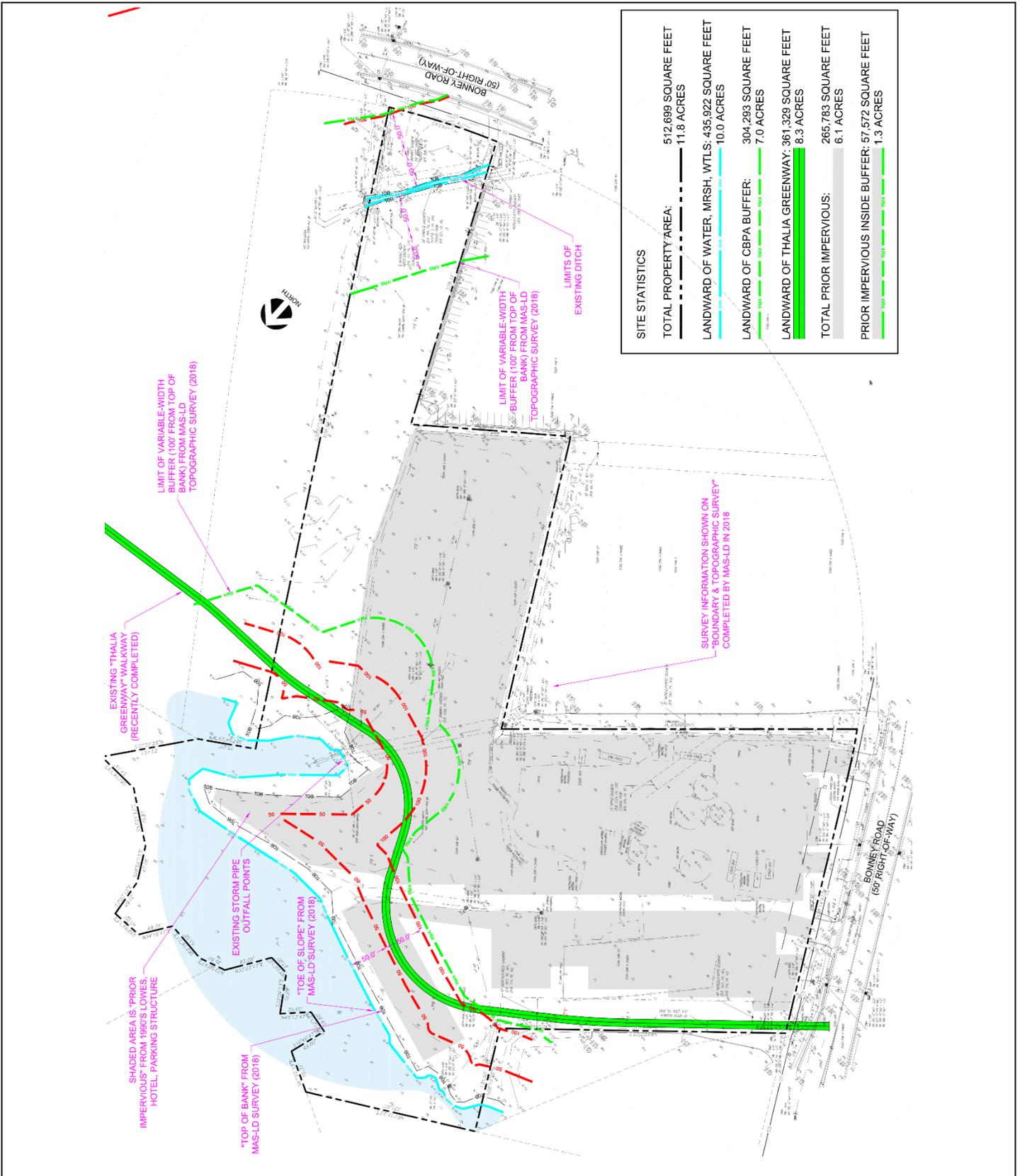
CBPA Exhibit – Existing Conditions provided in the January 27, 2020 Staff Report



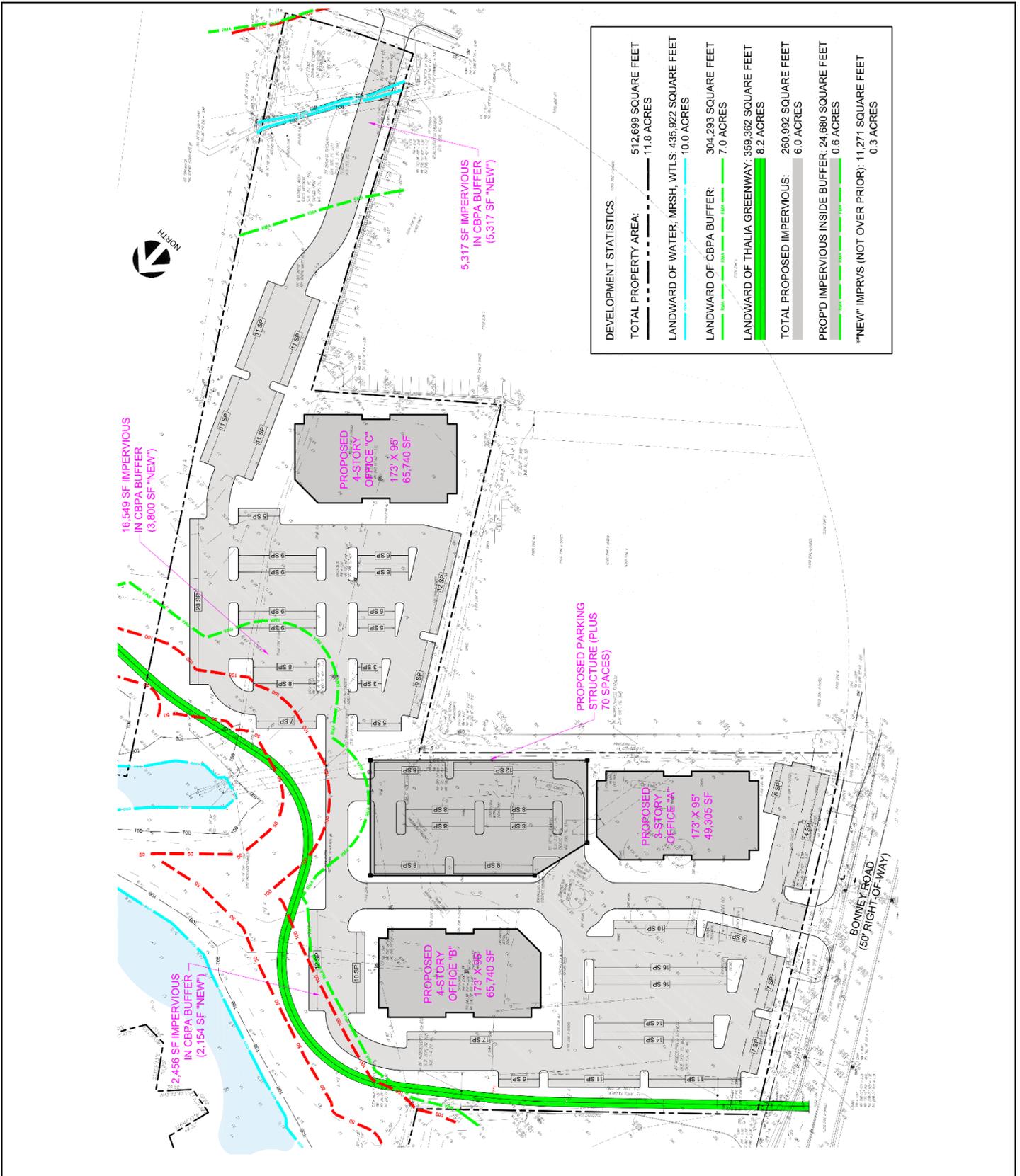
CBPA Exhibit – Proposed Improvements provided in the January 27, 2020 Staff Report



Revised CBPA Exhibit – Existing Conditions



Revised CBPA Exhibit – Proposed Improvements





APPLICANT'S NAME OLYMPIA DEVELOPMENT CORPORATION

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

See next page for information pertaining to footnotes¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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

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

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

SECTION 3. SERVICES DISCLOSURE

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



APPLICANT

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

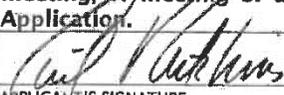
THE CITY OF VIRGINIA BEACH OWNS THE PROPERTY, AND THE INTENT IS FOR THE APPLICANT TO PURCHASE THE PROPERTY AND BUILD THE DEPICTED PROJECT ON IT.



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	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 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?

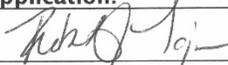
PROPERTY IS CURRENTLY OWNED BY THE CITY OF VIRGINIA BEACH.



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

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

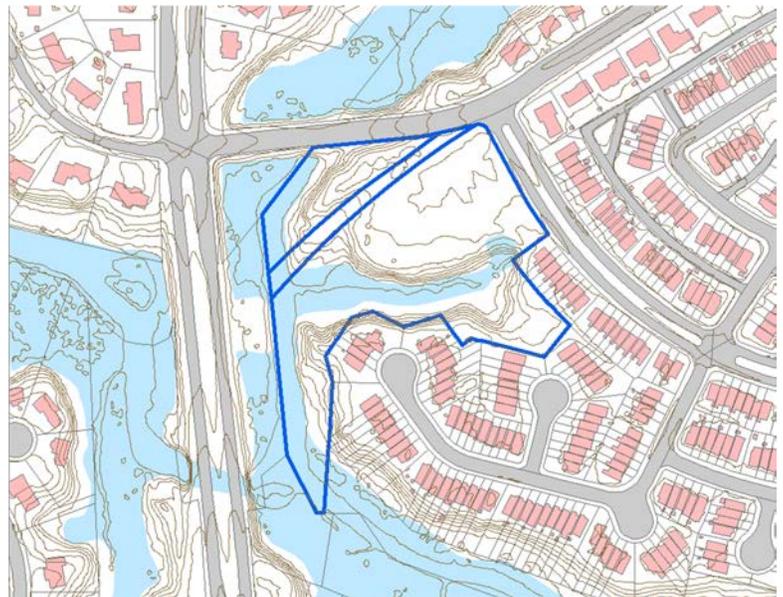
Resource Management Area (RMA)

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



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 30 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 variances 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
- January 27, 2020 CBPA Board Public Hearing

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.

Stormwater Management Methodology

The applicant's agent has indicated in the WQIA for this variance request that "rooftop disconnects allow for sheetflow over pervious surfaces, grass channels and the preservation of the existing riparian buffer" will be utilized as a means to manage stormwater run-off to prevent the variance request from contributing to an increase in nonpoint source pollution load. The retention of the 100-foot buffer 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)]. In addition, Staff has recommended a condition that the proposed driveways for all 5 units be constructed of a permeable pavement system. Staff is of the opinion that the preservation of the 100-foot RPA coupled with the recommended use of permeable pavers to promote infiltration of stormwater into the ground is consistent with the performance standards of the CBPA Ordinance specific to the incorporation of structural or nonstructural urban best management practices [Sec. 106 (A)(3)].

Evaluation and Recommendation

Staff write-up from the January 27, 2020 CBPA Board public hearing.

"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 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."

On February 5, 2020 the Board of Zoning Appeals (BZA) upheld the Zoning Administrator's determination that the proposed multi-family development, the A-18 zoned portion of parcel GPIN 2407-09-6257, cannot be further developed with multi-family dwellings as originally proposed. The applicant has 30 days to appeal the BZA's decision to Circuit Court. As of this writing, the decision has not been appealed.

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's action in 1968 to rezone the property along Wolfsnare Road*

was reflective of single-family developments of that era, particularly in terms of dimensions including depth of lots. Following the rezoning, the lots were subsequently zoned, well in advance of the CBPA regulations.

- 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 that as the Board of Zoning Appeals upheld the Zoning Administrator’s determination, the portion of the property zoned A-18 Apartment District (GPIN 2407-09-6257) cannot be developed with additional multi-family dwellings, thereby ensuring that no additional development can occur on the property. Based on this, the application reflects 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 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 buffer 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.

Should the Board desire to consider this variance request, Staff offers the following 17 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

Recommended Conditions

- 1) A 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) All proposed improvements associated with the 5 single-family residences shall be located within the R10 zoning district and shall not encroach any further seaward than represented on the CBPA Exhibit for this variance request.
- 5) 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.
- 6) The proposed driveway for Unit 5 shall meet the Public Works Specifications and Standards for residential entrances for single-family developments.
- 7) The proposed driveways for all 5 units 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.
- 8) 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.
- 9) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
- 10) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 11) 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.**
- 12) 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.

- 13) 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.
- 14) 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.
- 15) 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.
- 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 \$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.
- 17) 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.

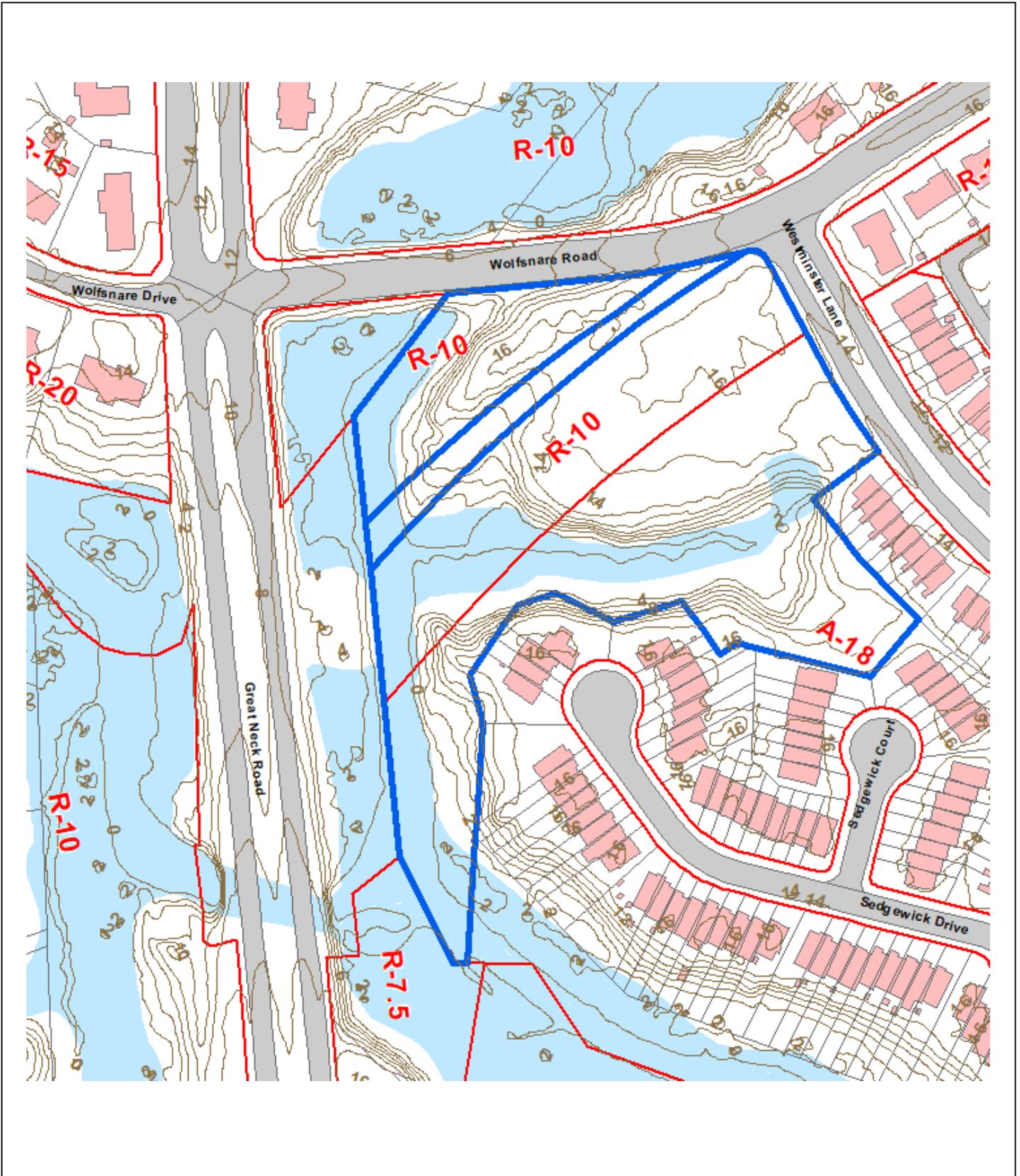
**** NOTE:** The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

*****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.

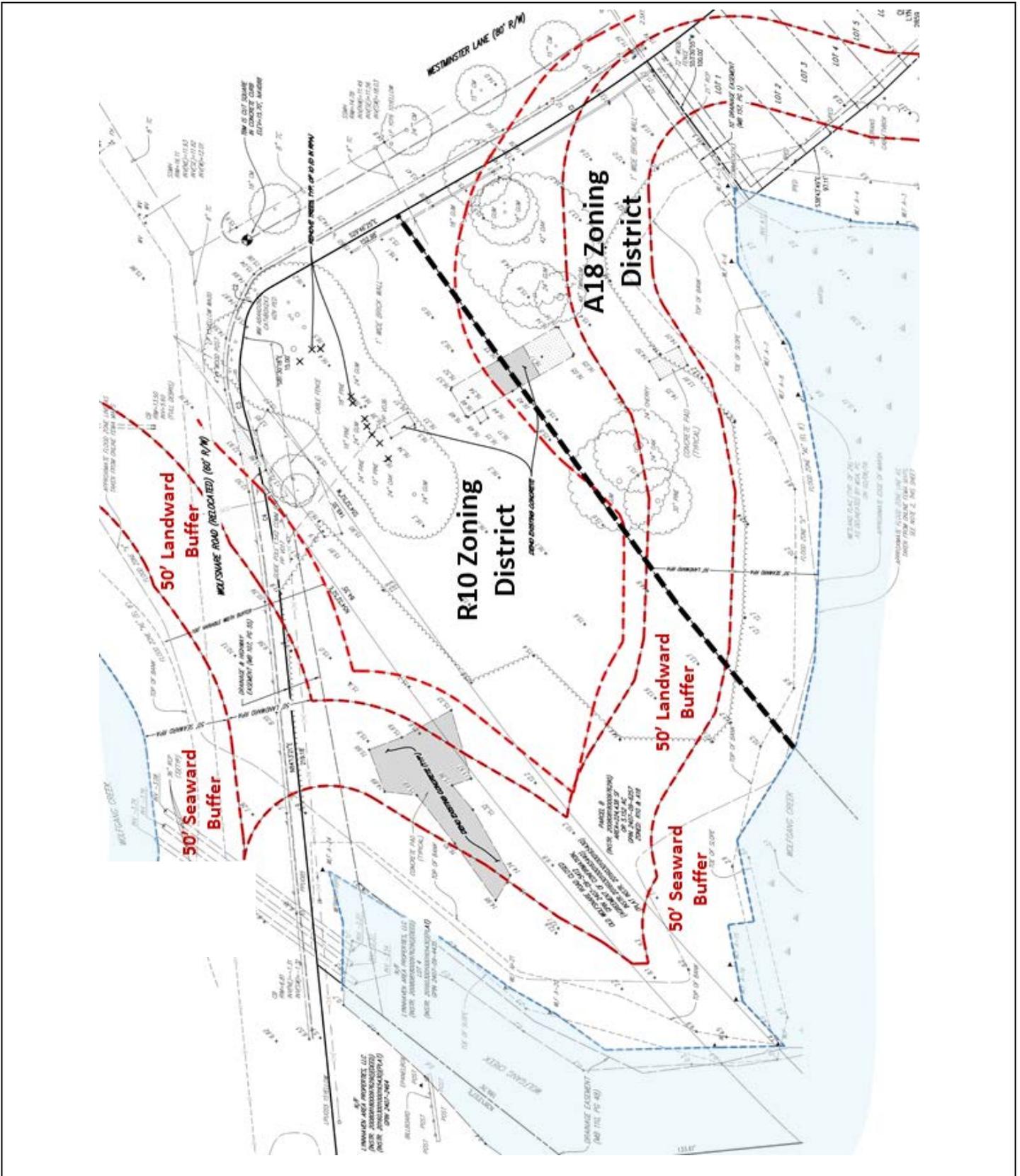
Site Aerial



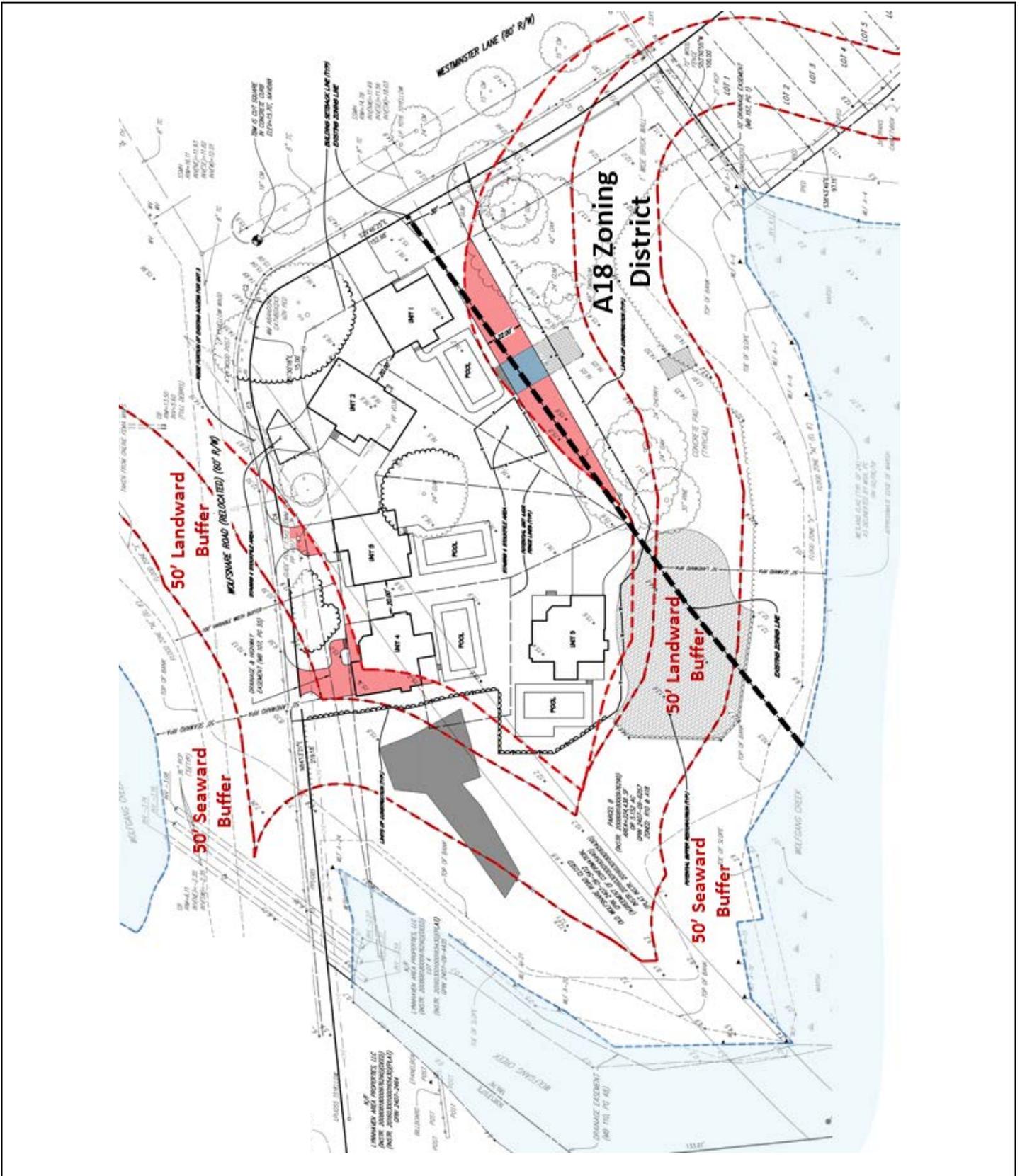
Split Zoning Exhibit – Parcel GPIN 2407096257



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

See attached

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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

(A) List the Property Owner's name: _____

If an LLC, list the member's names:

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

- (B) List the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

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

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SECTION 3. SERVICES DISCLOSURE

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



APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input 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 Sullivan 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.



Applicant & Property Owner **Woodhouse Limited Partnership**
 Address **1805 Estates Court**
 Public Hearing **February 24, 2020**
 City Council District **Lynnhaven**

Agenda Item

3

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

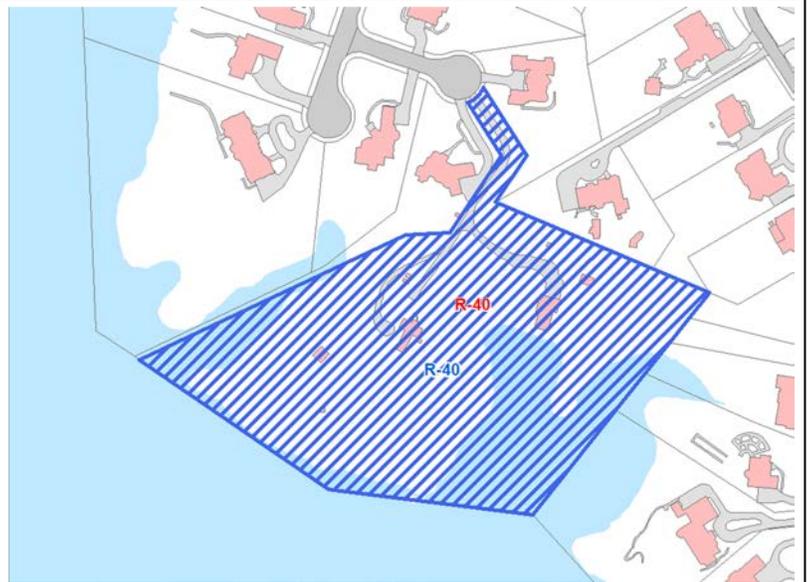
100-foot Variable Width Buffer
 Resource Management Area (RMA)

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

This CBPA variance request has been deferred at the following CBPA Board Public Hearings:

- January 27, 2020 CBPA Board Public Hearing

On 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.

Stormwater Management Methodology

The applicant's agent has indicated in the WQIA for this variance request that "rooftop disconnects allow for sheetflow over pervious surfaces, grass channels and infiltration beds" will be utilized as a means to manage stormwater run-off to prevent the variance request from contributing to an increase in nonpoint source pollution load.

Evaluation and Recommendation

Staff's write-up from the January 27, 2020 CBPA Board public hearing.

"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 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."

The applicant and applicant's agent desires to continue pursuing a 4-lot subdivision of the existing lot. Since the January CBPA Board public hearing, the applicant's agent discussed with Staff the following.

- Utilizing individual stormwater management facilities on each residential lots. The methodology would require each lot to capture and treat stormwater run-off specific to that parcel, placing the stormwater collection and maintenance responsibility on each individual property owner.
- Acknowledging that each lot may be developed individually, providing a specific means to preserving and restoring the 100-foot RPA buffer to a riparian ecosystem that utilizes native plant species.

Staff acknowledges the viability of these items towards the variance request's capability to retain and sustain the existing riparian ecosystem, and the request not contributing to the detriment of water quality. However, the opinion of Staff remains that a 3-lot layout is more appropriate than 4-lots when subdividing, given the location of the existing top of bank feature, specific to the southeastern portion of lot. Staff's position is that the location of the top of bank feature on the southeastern portion of the lot limits this area to approximately 33,000 square feet and that the area located below the top of bank feature is the most sensitive portion of the lot. Given that approximately 10,772 square feet of impervious cover is proposed with the development of Lot 3 and Lot 4 in this area, the estimated percentage of impervious cover would be approximately 33 percent. If this area was limited to approximately 25 percent of impervious cover, the square footage of impervious cover would be approximately 8,250 square feet. Staff is of the opinion that this amount of impervious cover would be more harmonious with the proposed improvements associated with the development of Lots 1 and 2.

Should the Board consider granting this variance request, the following comments relative to the findings of the CBPA Ordinance specific to this variance 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 16 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. Should the Board desire to entertain the request to subdivide the lot into 4 lots, a subsequent set of recommended conditions are offered for the Boards deliberation.

Recommended Conditions (3-lot subdivision)

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 8,250 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. The 100-foot RPA buffer shall be restored for each lot. The mitigation rate for each lot shall be as follows.
 - **Proposed Lot 1 approximately 10,200 square feet of overall impervious cover**
 - **Proposed Lot 2 approximately 15,000 square feet of overall impervious cover**
 - **Proposed Lot 3 approximately 14,500 square feet of overall impervious cover**

Said restoration shall be achieve through native vegetation only and shall receive 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 100-foot 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. 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 \$1,890.62**

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.

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

16. The conditions and approval associated with this variance are based on the exhibit plan dated 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.

Recommended Conditions (4-lot subdivision)

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. The 100-foot RPA buffer shall be restored for each lot. Said restoration shall be achieved through native vegetation only and shall receive 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 100-foot 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. 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.

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

16. The conditions and approval associated with this variance are based on the exhibit plan dated December 4, 2019, prepared by MSA, P.C., signed December 4, 2019 by Nathan A. 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.

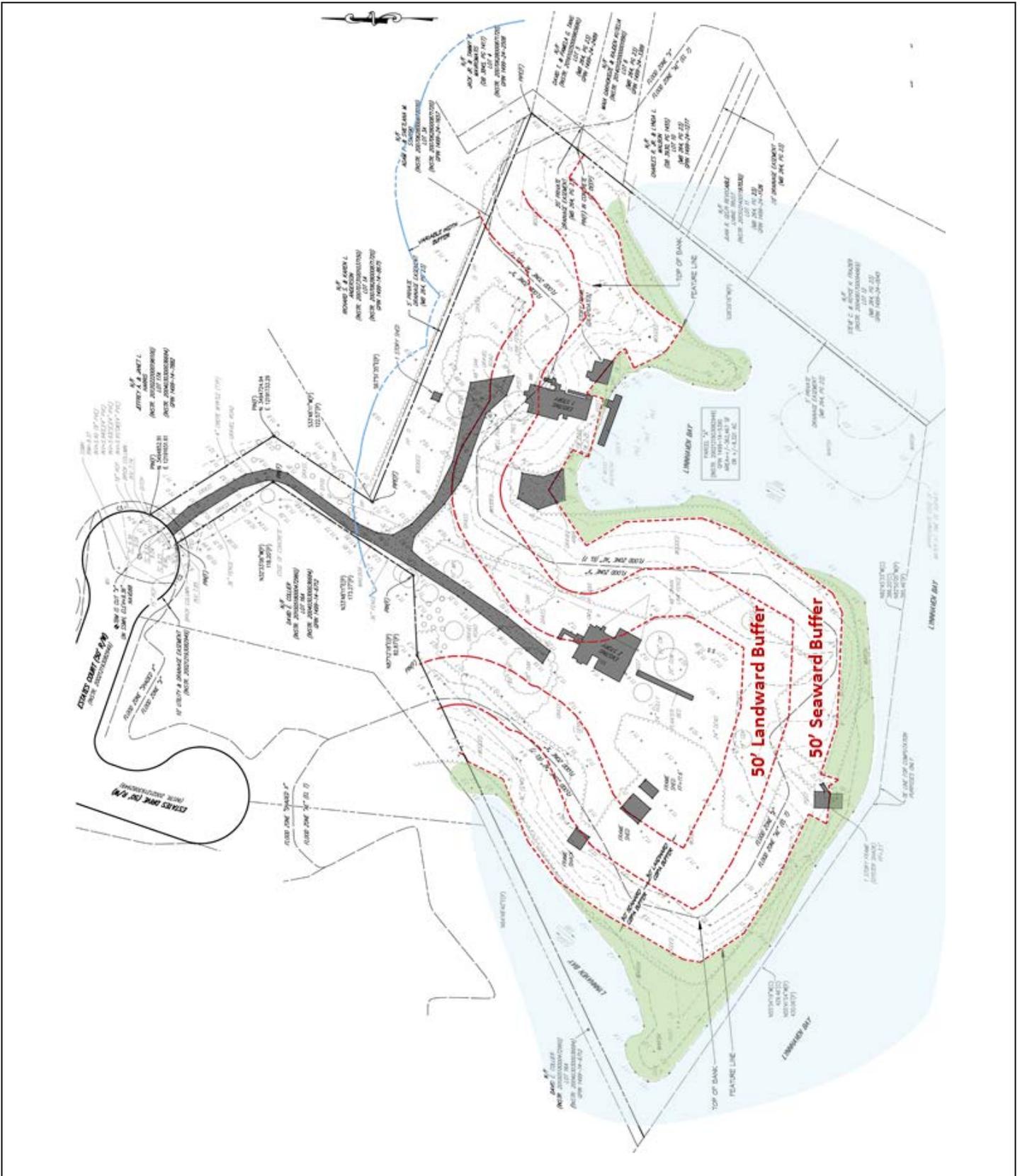
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

***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.

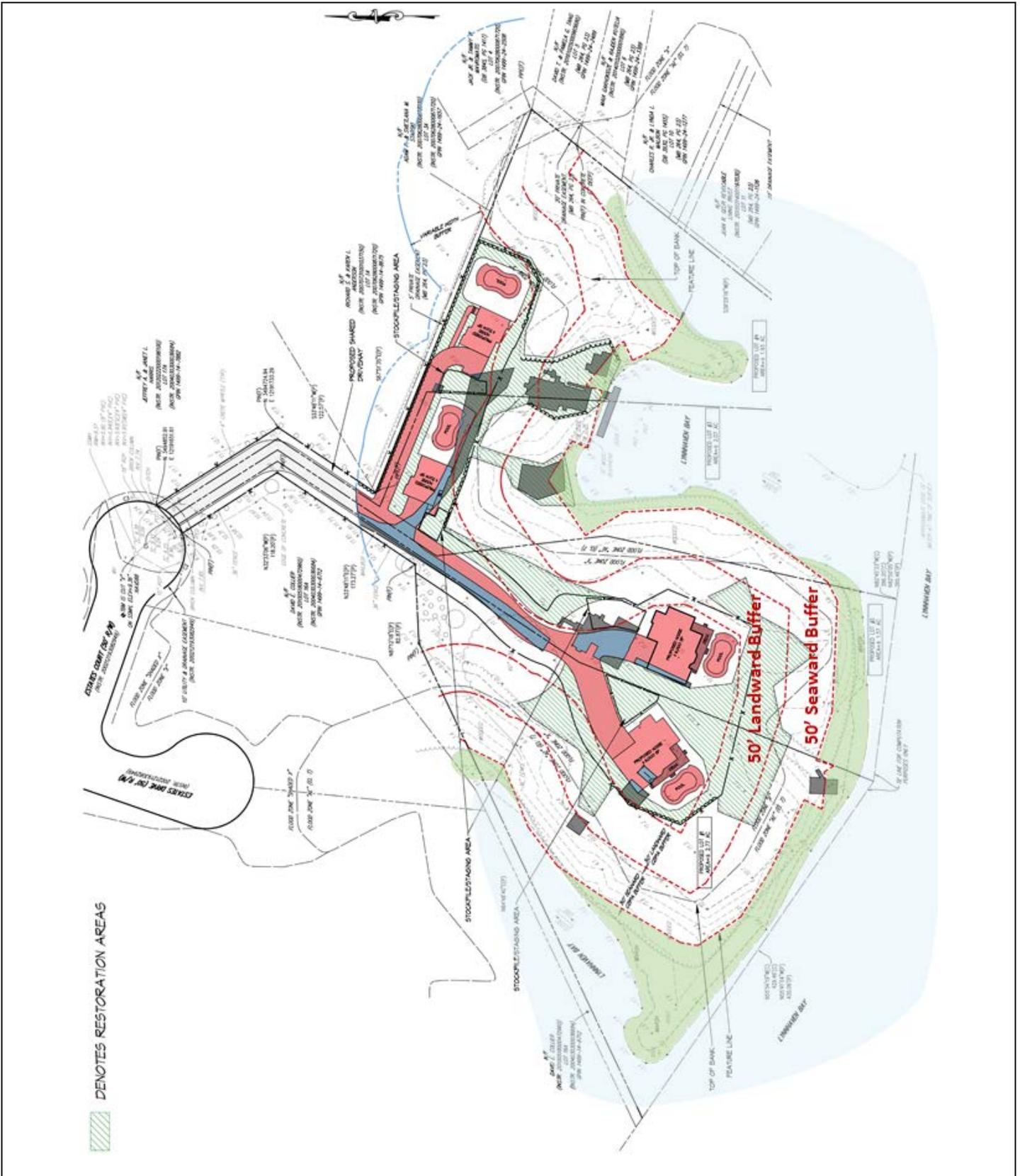
Site Aerial



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).

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

See next page for information pertaining to footnotes¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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

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

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

SECTION 3. SERVICES DISCLOSURE

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



APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input 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?



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

Variance Request

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

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 acre

SITE AREA OUTSIDE OF WATER/WETLANDS

31,100 square feet or 0.714 acre

EXISTING IMPERVIOUS COVER OF SITE

12,182 square feet or 39.2 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

12,821 square feet or 41.2 percent of site

Area of Redevelopment in RPA

587 square feet

Area of New Development in RPA

544 square feet

Location of Proposed Impervious Cover

50-foot Landward Buffer

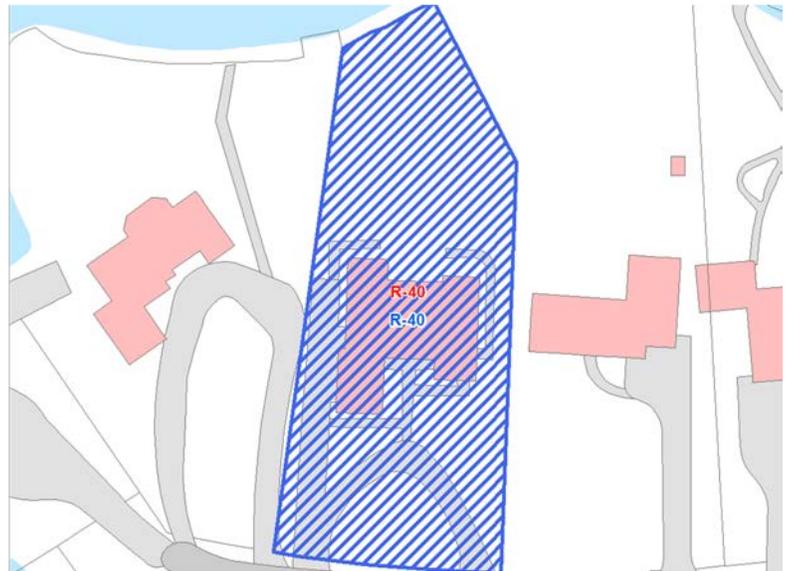
Resource Management Area (RMA)

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approve as conditioned



Summary of Proposal

Demolition Details

- Remove existing pool, patio and walkways
- Remove existing driveway

Construction Details

- Swimming pool with concrete pool patio and cabana
- Concrete driveway
- Detached golf cart garage

CBPA Ordinance Variance History

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

- January 27, 2020 CBPA Board Public Hearing

June 1, 1992 a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for the construction of a single-family residence with the following conditions:

1. *Construction access and staging areas must be clearly identified on the final site plan and must be located outside the treed area. A construction sequence must also be included on the final site plan.*
2. *A site plan must be submitted to the Development Services Center for plan of development review and approval and appropriate bonds posted prior to issuance of a building permit.*

The June 1, 1992 Board granted variance has been acted upon and the associated improvements constructed.

Environmental Conditions

Flood Zone

Multiple Zones: Zone X and AE, Base Flood Elevation (BFE): 7 and 0.2 Percent Annual Chance of Flooding.

Soil Type(s)

Yeopim Series (deep and moderately well-drained soils)

Shoreline

Shoreline is hardened with a wood bulkhead behind a riprap revetment.

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

Stormwater Management Methodology

The applicant's agent has indicated in the Water Quality Impact Assessment (WQIA) for this variance request that "rooftop disconnects allowing for sheetflow over pervious surfaces and infiltration beds" will be utilized as a means to manage stormwater run-off to prevent the variance request from contributing to an increase in nonpoint source pollution load.

Evaluation and Recommendation

The variance request was deferred at the January 27, 2020 Chesapeake Bay Preservation Area (CBPA) Board public hearing. Prior to the deferral, Staff met with the applicant and applicant's agent to discuss the following concerns.

- The increase in the amount of proposed impervious cover (664 square feet) located within the 100-foot Resource Protection Area (RPA) buffer from 39.2 percent to 42.0 percent. Staff's position was that the proposed improvements were not representative of the minimum necessary to afford relief.
- The extent of the proposed improvements and expansion to the existing driveway. Staff understands the needs to address off street parking given the existing width of the public street and the location of the proposed improvements located within the Resource Management Area (RMA) however, did not offer support towards the applicant's desire to expand the existing driveway without entertaining alternative materials to promote infiltration of rainwater given the amount of impervious cover of the lot.
- The lack of an established riparian buffer ecosystem on the lot with the majority of the 100-foot RPA buffer devoted to turf.

The revised CBPA Exhibit for this variance request has been modified as a result of this meeting. A summary of those changes is provided below.

- An approximate 120 square foot reduction in the amount of proposed impervious cover within the 100-foot RPA buffer from 664 square feet to 544 square feet.
- A conversion of approximately 2,071 square feet of concrete paver driveway to a gravel driveway with a paver band proposed to contain the material.
- An increase in the amount of buffer restoration on the lot. Approximately 1,088 square feet is required and the CBPA Exhibit proposes 2,297 square feet or an increase of 1,209 square feet more than required by the CBPA Ordinance.

Should the Board 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 encroachment is similar in nature to the encroachments on the nearby properties and in many cases is less intensive than the neighbors, many of which encroach into the 50' Seaward Buffer. Riparian buffer restoration and stormwater management will be provided, and these requirements are consistent with requirements for similarly situated properties.*" Staff concurs.
- 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 "*but rather is necessitated by the fact that this parcel was platted prior to the adoption of the CBPA Ordinance. The unique shape of the parcel and the location of the existing residential structure with regards to the 50' landward buffer restricts the areas of*

the property where accessory structures can be developed without encroaching. The existing swimming pool and patio currently encroach within the 50' landward buffer." Staff concurs.

- 3) The variance is the minimum necessary to afford relief because *"the proposed swimming pool and amenity space upgrades are due to the shape of the lot, the location of the existing residential structure, the location of the existing pool and the recordation of the plat prior to the adoption of the CBPA Ordinance, all of which are existing conditions that limit the location of the proposed improvements. The proposed improvements are an update to the existing outdoor amenities and meant to modernize these amenities for the 21st Century. These improvements have been limited to the 50' landward buffer; which is currently encroached upon."* Staff concurs.
- 4) The variance is in harmony with the purpose and intent of this ordinance and not injurious to the neighborhood, not of substantial detriment to water quality, or otherwise detrimental to the public welfare because *"the proposed encroachment is similar in nature to encroachments on nearby properties. The proposed development is of a similar character to the surrounding single-family residences and will not be injurious or detrimental to the neighborhood or public welfare. Water Quality will be managed by Riparian Buffer Restoration and Best Management Practices for stormwater."* Staff concurs.
- 5) *"The proposed development will include both riparian buffer restoration, turf reduction, and new stormwater management facilities"* 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 14 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 2,297 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 consisting of a minimum **3 canopy trees, 6 understory trees and 9 small shrubs.**

The required restoration shall be located in the Resource Protection Area as shown on the CBPA Exhibit. 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. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five-foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

- 4) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
- 5) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 6) The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. **Said areas shall be quantified as land disturbance if not occurring on a paved or graveled surface.**
- 7) 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.
- 8) 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.**
- 9) For all trees to be preserved outboard of the limits of construction that are encroached upon, replacement of existing vegetation shall be provided at a 3 to 1 ratio for all unauthorized (damaged or removed) vegetation impacts.
- 10) Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
- 11) No perimeter fill, other than the minimum necessary to facilitate positive drainage away from the proposed improvements is authorized outboard or seaward of the proposed improvements.
- 12) ** As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$124.66 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.
- 13) This variance and associated conditions **are in addition to** the conditions of the Board variance granted June 1, 1992.
- 14) The conditions and approval associated with this variance are based on the exhibit plan dated January 30, 2020, prepared by MSA, P.C., signed January 30, 2020 by Nathan A. 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.

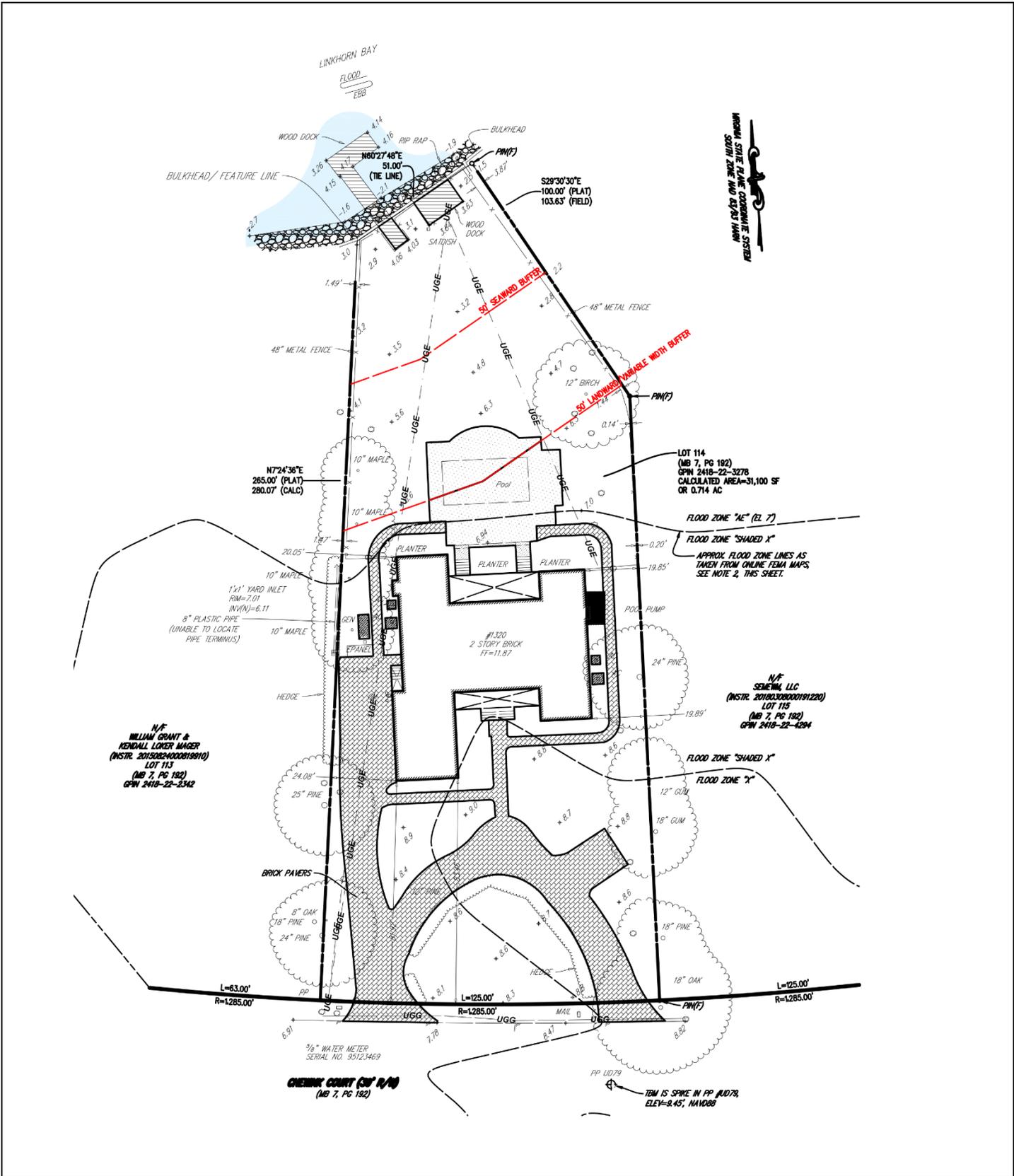
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

***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



CBPA Exhibit – Existing Conditions





APPLICANT'S NAME The Quail Roost 2011 Trust U/A

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: The Quail Roost 2011 Trust U/A
If an LLC, list all member's names:
SAME AS OWNER SEE BELOW

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

(B) List the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes¹ and ²

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: The Quail Roost 2011 Trust U/A
If an LLC, list the member's names: Shari Friedman, Manager & Joseph Anton

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

- (B) List the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

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

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

SECTION 3. SERVICES DISCLOSURE

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



OWNER

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

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

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



CERTIFICATION:

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

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

<i>Shari Friedman, manager</i>	Shari Friedman	12/2/19
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

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

Quail Roost 2011 Trust U/A

Agenda Item 4

Page 74



Applicant & Property Owner **The Old Beach Village Co., LLC**
 Address **2800 & 2901 Baltic Avenue**
 Public Hearing **February 24, 2020**
 City Council District **Beach**

Agenda Item

5

Variance Request

Modification of the September 27, 2004 Chesapeake Bay Preservation Area (CBPA) variance to encroachment into the Resource Protection Area (RPA) buffer to with an elevated pedestrian foot bridge to four buildings.

Applicant's Agent

R.J. Nutter

Staff Planner

PJ Scully

Lot Recordation

Map Book 269, Page 72-75
 Recorded 8/12/1998

GPIN

2418-91-3040, 2418-91-3390 and 2418-91-7293

SITE AREA

238,830 square feet or 5.48 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

171,440 square feet or 3.93 acres

EXISTING IMPERVIOUS COVER OF SITE

5,639 square feet or 3.28 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

105,987 square feet or 61.8 percent of site

Area of Redevelopment in RPA

0 square feet

Area of New Development in RPA

33,363 square feet

Location of Proposed Impervious Cover

50-foot Seaward Buffer

50-foot Landward Buffer

100-foot Variable Width Buffer

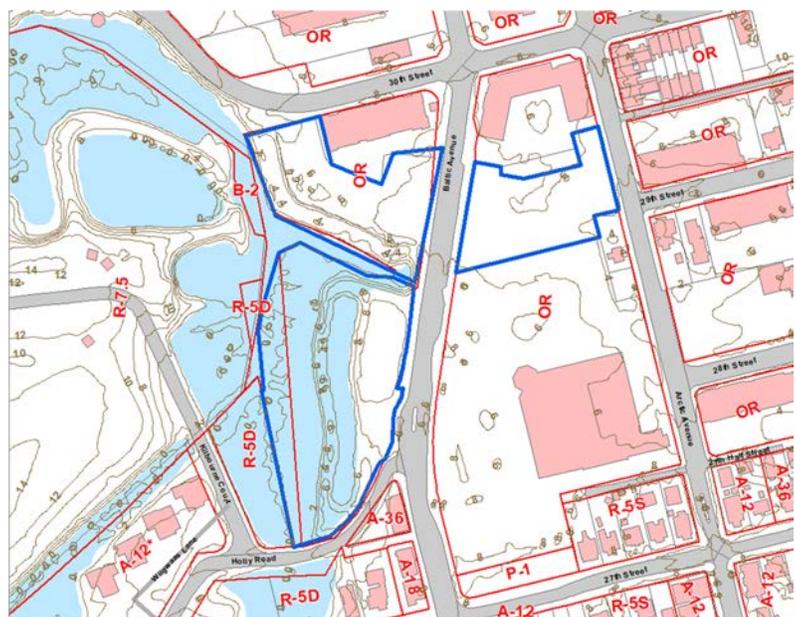
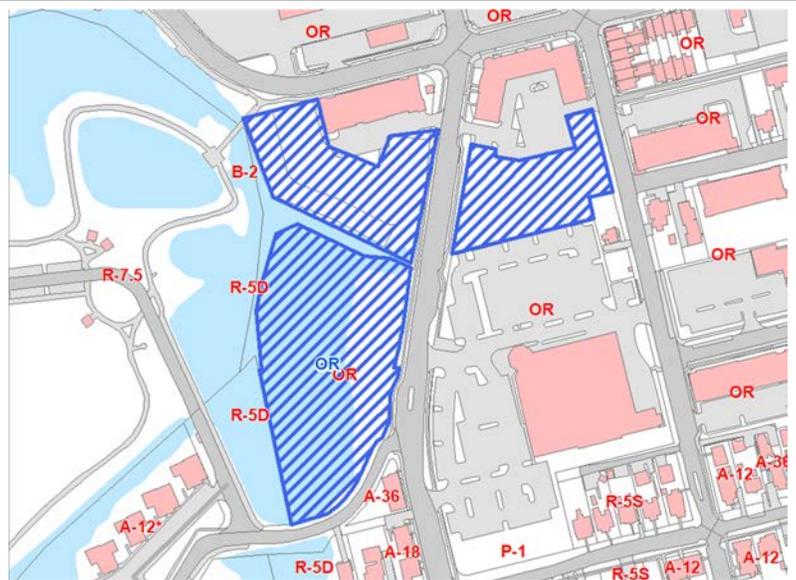
Resource Management Area (RMA)

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Undeveloped lots – 3 in total

Construction Details

- An elevated pedestrian foot bridge to four buildings, a modification of the September 27, 2004 CBPA variance.

CBPA Ordinance Variance History

September 26, 2011 a Chesapeake Bay Preservation Area (CBPA) Board variance application for a commercial building with associated infrastructure was withdrawn.

September 27, 2004 a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for the construction of 6 building residential development with the following conditions.

1. *A pre-construction meeting shall be convened with Civil Inspections prior to any land disturbance.*
2. *Dual 36" erosion and sedimentation control measures (re-enforced silt fences) shall be installed prior to any land disturbance and shall remain in place until such time as vegetative cover is established.*
3. *A heavy duty construction fence, acceptable to Civil Inspections, shall be installed along the aforementioned E & S controls and shall be maintained during all phases of construction.*
4. *Construction limits shall lie a maximum of 8' seaward of improvements associated with the northeastern limits of West Parcel1.*
5. *The construction access way shall be noted on the site plan, as well as the stockpile staging area.*
6. *Stormwater management shall be in substantial compliance with the submitted hardship statement dated August 19, 2004 and site renderings prepared by Landmark Design Group dated June 16, 2004 and June 17, 2004.*
7. ***As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program prior to or concurrent with site plan approval. Payment shall be in the amount of \$309.00 and is based on 25% of the existing and proposed impervious cover (sq. ft.). Said payment shall provide for the equivalent of an approximate 338 sq. ft., 12-inch deep oyster shell plant within the Lynnhaven River Basin.*
8. *Buffer restoration shall be in substantial compliance with the hardship statement dated August 19, 2004 and shall utilize bayscape landscaping principles. Said restoration shall be installed prior to the issuance of any certificate of occupancy. Said condition shall be so noted on the site plan.*
9. *A separate landscape / buffer restoration plan shall be submitted concurrent with the site plan detailing location, number, and species of vegetation to be installed.*
10. *Required trees shall be comprised of 50% evergreen and 50% deciduous species.*

11. *The conditions and approval associated with this variance are based on the site plan dated June 16, 2004, June 17, 2004, August 16, 2004, and October 1, 2004 prepared by Landmark Design Group and CMSS Architects.*

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

The September 27, 2004 CBPA Board variance has not been acted upon in totality.

January 27, 1997 a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for the construction of a Harris Teeter Grocery, wetland mitigation and alteration to a previously approved plan with the following conditions.

1. *The wetlands mitigation proposed at Beach Garden Park shall be in conformance with the "Wetland Mitigation Plan for Baltic Avenue Site" dated December 1996 as submitted with this application.*
2. *The wetlands compensation area, provided to offset the wetland area displaced by the filling of the ditch and roadway improvements as depicted on the submitted concept plan dated November 21, 1996, shall represent a minimum mitigation ratio of 1.736 acres of new tidal wetlands for each acre displaced (1.67 to 1.00). *Spartina alterniflora* plants shall be installed on 18" centers. Detailed planting plans, which reflect the required plant spacing and site preparation, shall be submitted at the time of detailed site plan review along with a planting schedule. A bond or surety shall be posted for the wetland mitigation area and held for a period of two growing seasons.*
3. *Development activity within the seaward 50' portion of the buffer shall be limited to the following: a) site improvements east of Baltic Avenue, as depicted on the submitted concept plan, b) the stormwater facilities, as depicted on the Wetlands Mitigation Plan dated December 1996, c) the pedestrian walkway which adjoins Baltic Avenue, d) riprap revetment and e) widening Baltic Avenue.*
4. *The top-of-bank associated with the stormwater management facilities shall be located a minimum of 15' landward of Little Neck Creek top-of-bank.*
5. *The stormwater management facilities depicted on the concept plan shall include the establishment of nontidal emergent wetland vegetation. The wetland area may be variable in width but shall, at a minimum, be established around the outflow of the pond. The normal pool elevation above the bench shall be no less than 1" and no greater than 6" in depth. A detailed planting plan, which includes plant species, plant spacing, and a planting schedule, shall be submitted to the Planning Department for review at the time of detailed site plan review.*
6. *All areas of the seaward 50' portion of the buffer shall be planted with native herbaceous vegetation. A detailed planting plan depicting plant densities, spacing, and a planting schedule shall be submitted at the time of detailed site plan review for review and approval by Planning Department staff.*
7. *A hydrology study for the proposed development activity shall be submitted to the Planning Department for review and approval prior to the submission of detailed site plans. The hydrology study should include a drainage map, fill plan, predevelopment and post-development stormwater flow, and stormwater calculations pursuant to the requirements of the Chesapeake Bay Preservation Area Ordinance.*
8. *Stormwater associated with a portion of 27th Street, Artic Avenue, and all of Baltic Avenue (relocated) shall be discharged into a best management practice facility.*

9. *The riprap revetment and wetlands mitigation shall be installed prior to or concurrent with any construction activity associated with the project.*

The January 27, 1997 CBPA Board variance has not been acted upon in totality.

November 27, 1995 a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for a commercial development including several commercial buildings, parking lots/garages and stormwater ponds with the following conditions.

1. *The relocation of the top-of-bank and toe of slope shall be in conformance with the "30th Street Wetlands Plan" as submitted with the application (sheets one and two) and referenced to as the "Plan".*
2. *The wetlands compensation area, provided to offset the wetland area displaced by the filling of the ditch as depicted on the submitted Plan, shall represent a minimum mitigation ratio of 167 acres of new tidal wetlands for each acre displaced (1.67 to 1.00). *Spartina alterniflora* plants shall be installed on 18" centers. The wetlands mitigation area, as depicted by cross section A-A on the Plan (sheet two of two), shall be excavated an additional 18" and backfilled with clean sand prior to the installation of plant material. A slow-release fertilizer shall be utilized in each planting cell at the time of installation. Detailed planting plans, which reflect the required plant spacing and site preparation, shall be submitted at the time of detailed site plan review along with a planting schedule. A bond or surety shall be posted for the wetland mitigation area and held for a period of two growing seasons.*
3. *All development activity, with the exception of land disturbance associated with the wetlands mitigation and buffer restoration areas, shall be landward of the 50' portion of the buffer as depicted on the Plan. The entire area between the new top-of-bank and the 50' portion of the buffer shall be restored with vegetation, as depicted on the Plan. All buffer area between the 50' buffer line, as depicted on the Plan, and proposed buildings shall be restored to the maximum extent practicable and in accordance with the Vegetation Plan as described on the Plan. A detailed planting plan depicting plant densities, spacing, and a planting schedule shall be submitted at the time of detailed site plan review for review and approval by Planning Department staff.*
4. *The Best Management Practice Facility depicted on the southwest corner of the property shall include the establishment of nontidal emergent wetland vegetation. The wetland area may be variable in width but shall, at minimum, be established around the outflow of the pond. The normal pool elevation above the bench shall be no less than 1" and no greater than 6" in depth. Cross section B-B on the Plan shall be amended to reflect this bench in the area noted as "storm water BMP". A detailed planting plan, which includes plant species, plant spacing, and a planting schedule shall be submitted to the Planning Department for review at the time of detailed site plan review.*
5. *A hydrology study for the proposed development activity shall be submitted to the Planning Department for review and approval prior to the submission of detailed site plans. The hydrology study should include a drainage map, fill plan, predevelopment and post-development stormwater flow, and stormwater calculations pursuant to the requirements of the Chesapeake Bay Preservation Area Ordinance.*
6. *Stormwater associated with a portion of 27th Street, Artic Avenue, and all of Baltic Avenue (relocated) shall be discharged into a best management practice facility.*

The November 27, 1995 CBPA Board variance was not acted upon.

Environmental Conditions

Flood Zone

Multiple Zones – Zone X and AE, Base Flood Elevation (BFE): 7 and 0.2% Annual Chance of Flooding

Soil Type(s)

Udorthents Series (well-drained and moderately well-drained soils)

Rappahannock Series (deep and poorly drained soils)

Shoreline

The shoreline is in a natural state. The applicant's agent stated within the Water Quality Impact Assessment (WQIA) that no management to the current condition will be provided. Given the prior CBPA variance and existing vegetative conditions, coupled with best management practices in place along the shoreline, Staff is of the opinion that moderate maintenance should be performed along the shoreline. Shoreline management should be 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 50-foot seaward buffer.

Riparian Buffer

Sparsely wooded lot

- Number of existing canopy trees requested for removal within the RPA: 0, as stated in the WQIA for this variance request.
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 0, as stated in the WQIA for this variance request.

Stormwater Management Methodology

The applicant's agent has stated in the WQIA for this variance request that *"the BMPs for the full site development were constructed during phase one and are functioning as intended."* Mitigation measures proposed to address the existing point source pollution *"will be piped to on site BMPs."* The existing BMPs consist of bioretention beds, wet pond and extended detention pond.

Evaluation and Recommendation

Staff met with the Applicant, Engineer of Record, and Architect to discuss the September 27, 2004 Chesapeake Bay Preservation Area (CBPA) variance for this lot with the applicant's desire to include an elevated pedestrian footbridge connecting the proposed buildings. With modifications to the layout and connectivity for the proposed buildings, Staff is of the opinion, exclusive of the proposed pedestrian footbridge, that the overall proposed improvements for the 3 lots is consistent with previous CBPA variance requests regarding the type and location of proposed improvements. This position regarding the revised layout is based off an evaluation in the field that the proposed improvements will be landward of the delineated top of bank and situated within a stable area of the site, thereby avoiding more sensitive areas of the Resource Protection Area (RPA) and existing stormwater management facilities. The applicant's agent has stated in the WQIA that the stormwater management facilities for the full site development were constructed during Phase 1 and are functioning as intended. While a visual analysis of these facilities during the site visit would appear to confirm the statement, Staff has not reviewed any maintenance records associated with the existing facilities. As such, recommended condition 4 is provided below. As for the 2004 CBPA variance conditions, Staff has evaluated those

conditions and provides the recommended below as a means towards the variance request being in harmony with local relief mechanisms, such as buffer restoration, vegetation mitigation for canopy trees, and restoration or enhancement of oyster habitats in the City's watersheds for cases where a development proposal cannot meet the regulatory requirements due to a unique set of circumstances and conditions.

Should the Board 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 *"this request is based on previously approved encroachments from 2005 which are allowed per the previous approval. The proposed new encroachment will be only for an elevated walkway which will connect each building. These connectors will allow residence access to building amenities without having to go outdoors or cross a public street. The new encroachments are necessary for the development to succeed and have been located to provide the minimum amount of disturbance to the RPA Buffer."* Staff is of the opinion, absent of the elevated pedestrian walkways providing water access, that the layout, location, and impacts within the RPA are similar to a commercial pier and traversing the tidal feature at the elevation proposed does not provide the applicant any special privilege that would not be provided to an owner of waterfront property desiring to access tidal waters.
- 2) The applicant provides that *"this variance request is an additional encroachment to a previously approved site plan and is not based on conditions or circumstances created by the applicant. The proposed buildings (although modified) were part of a previously approved plan. While the new encroachments (the proposed pedestrian bridge) will be necessary to create safe pedestrian connections and access to each of the new buildings."* Staff offers that this finding is intended to make sure that an exception request would not give the applicant something that has been denied others in similar situations, and addresses the equity, fairness, and arbitrary and capricious aspects of any exception request and decision. Given the previous CBPA variance requests for this lot and similar developments within the area, Staff is of the opinion that the revised layout of the proposed improvements will not confer upon the applicant any special privileges because of the applicant's effort to develop this lot with a stormwater management plan in place on site, coupled with Staff's recommended conditions below.
- 3) The variance is the minimum necessary to afford relief because, *"the feature line of Little Neck Creek comes all the way to the edge of Baltic Avenue. Therefore, the buffer line extends into the public right-of-way meaning there is no way to locate the pedestrian bridge outside of the RPA Buffer. The building encroachments were previously approved. The proposed encroachment has been located as close to the right-of-way line as possible, however the 50' Seaward Buffer encompasses a portion of Baltic Avenue outside of the site. Therefore, the proposed encroachment has been located to afford the minimum relief necessary."* Given the similarity with the previous variance requests specific to this lot, Staff concurs with the statement provided by the applicant's agent and offers that the encroachment with the elevated pedestrian footbridge provides less of an impact and less land disturbance given the pier construction methodology for the proposed elevated walkway.
- 4) The applicant provides that *"this variance request is for an addition of a pedestrian bridge to the previously approved site plan. The proposed pedestrian bridge will create safe and private connections for the residents of the development to access the building amenities without having to leave buildings. The overall development will be in line with what has been previously approved and will not be injurious or of detriment to the neighborhood or public welfare. The existing stormwater management facilities have been designed to accommodate the development associated with this request and will not be of substantial detriment to*

the water quality. The encroachment has been located to have minimum impacts and is in harmony with the intent of the ordinance.” Staff offers that the guiding purpose of the CBPA Ordinance is to protect water quality and the applicant has provided a means to do so on site through the development of multiple stormwater management facilities.

- 5) As stated in the WQIA, *“the proposed development will utilize the existing BMP's which were designed to accommodate these proposed structures. Bioretention beds, wet ponds, and extended detention ponds will be utilized to provide a no net increase in nonpoint source pollution.”* Specific to this situation, the lot on which the exception request was previous granted by the CBPA Board and in addition to existing stormwater management facilities that have been implemented specific to CBPA Board requirements to compensate for the loss of the pollutant removal aspect of the RPA, Staff offers the following recommended conditions for additional vegetative plantings elsewhere on the lot to boost the functions of the undisturbed RPA.

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

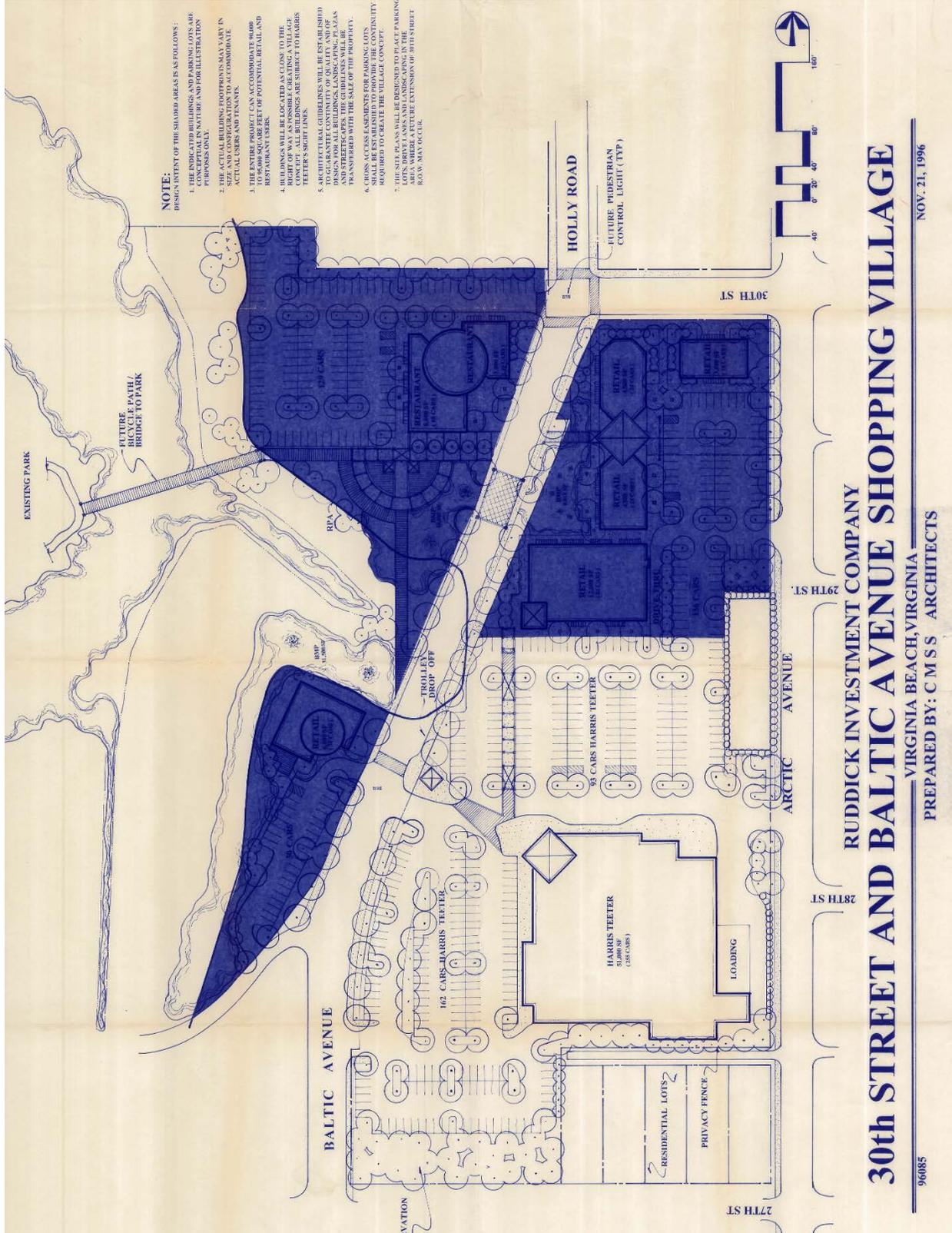
- 1) A Commercial Site Plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
- 2) Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
- 3) Buffer restoration for the lot shall be achieved through the following methods and installed prior to the issuance of the certificate of occupancy or release of the building permit.
 - a) All areas seaward of the proposed improvements, exclusive of the existing BMPs, approximately 12,500 square feet shall be restored to a riparian buffer ecosystem. Said area shall have a mulch layer of organic material 4 inches to 6 inches in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future.
 - b) On-site mitigation for buffer restoration shall be provided specific to the following quantities of **62 understory trees, 62 large shrubs and 124 small shrubs**. Said quantities shall not be utilized towards other planting requirements within the City’s Landscaping Guide specific to parking lot and foundation landscaping specifications and standards; and landscape screening and buffer specifications and standards.
- 4) The conditions of the existing Chesapeake Bay Preservation Area (CBPA) variance, specifically the required stormwater management facilities shall be documented on the revised site plan. Documentation shall describe the health and functionality of said requirements with all records of maintenance performed submitted to the Development Services Center (DSC) for review.
- 5) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.

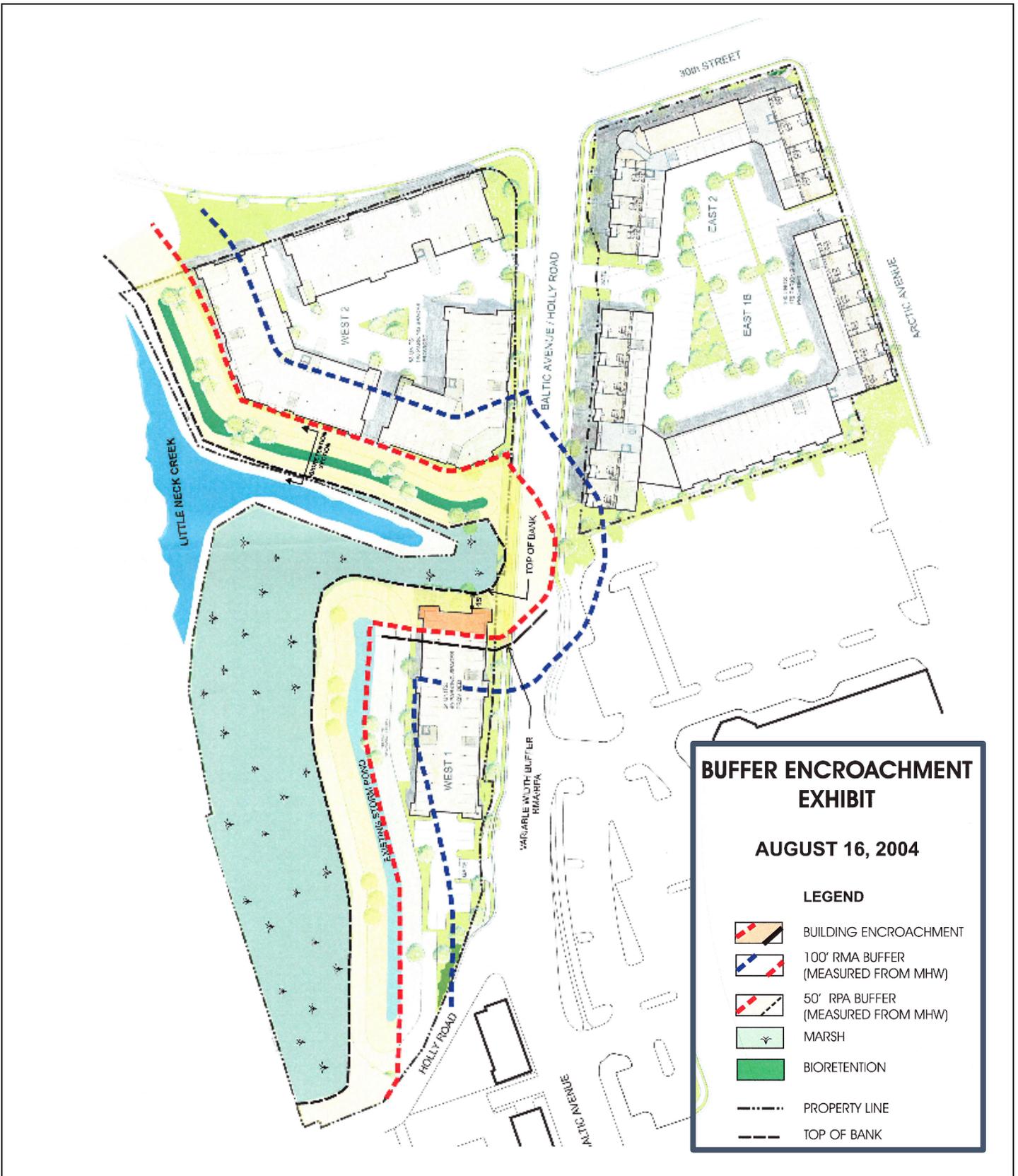
- 6) The proposed surface vehicular parking spaces, those not located within the proposed structures shall be constructed of a permeable pavement system. A detail of the specific permeable paver system and subbase construction shall be provided site plan submitted to the Development Services Center for review and approval
- 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) Double wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be installed along the seaward portion of the project and landward of the existing BMP facilities prior to any land disturbance and shall remain in place until such time as vegetative cover is established.
- 11) 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.
- 12) 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.
- 13) ****** As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$7,645.68 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.
- 14) Moderate maintenance shall 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 50-foot seaward buffer.
- 15) This variance and associated conditions **will supersede** the conditions of the CBPA Board variance granted September 27, 2004.
- 16) The conditions and approval associated with this variance are based on the exhibit plan dated January 6, 2020, prepared by MSA, P.C., signed January 6, 2020 by Nathan A. 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.

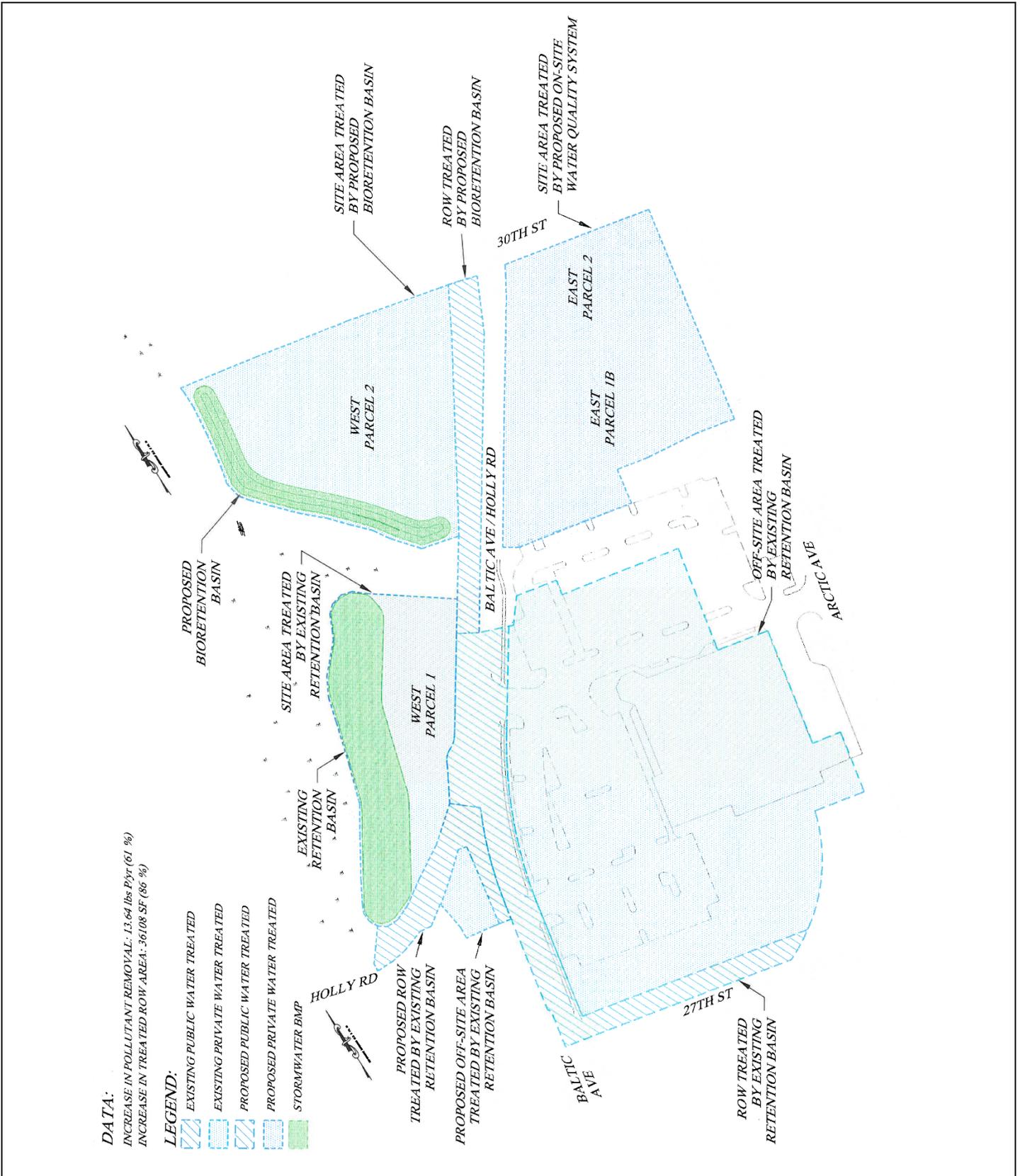
*****NOTE:** The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of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



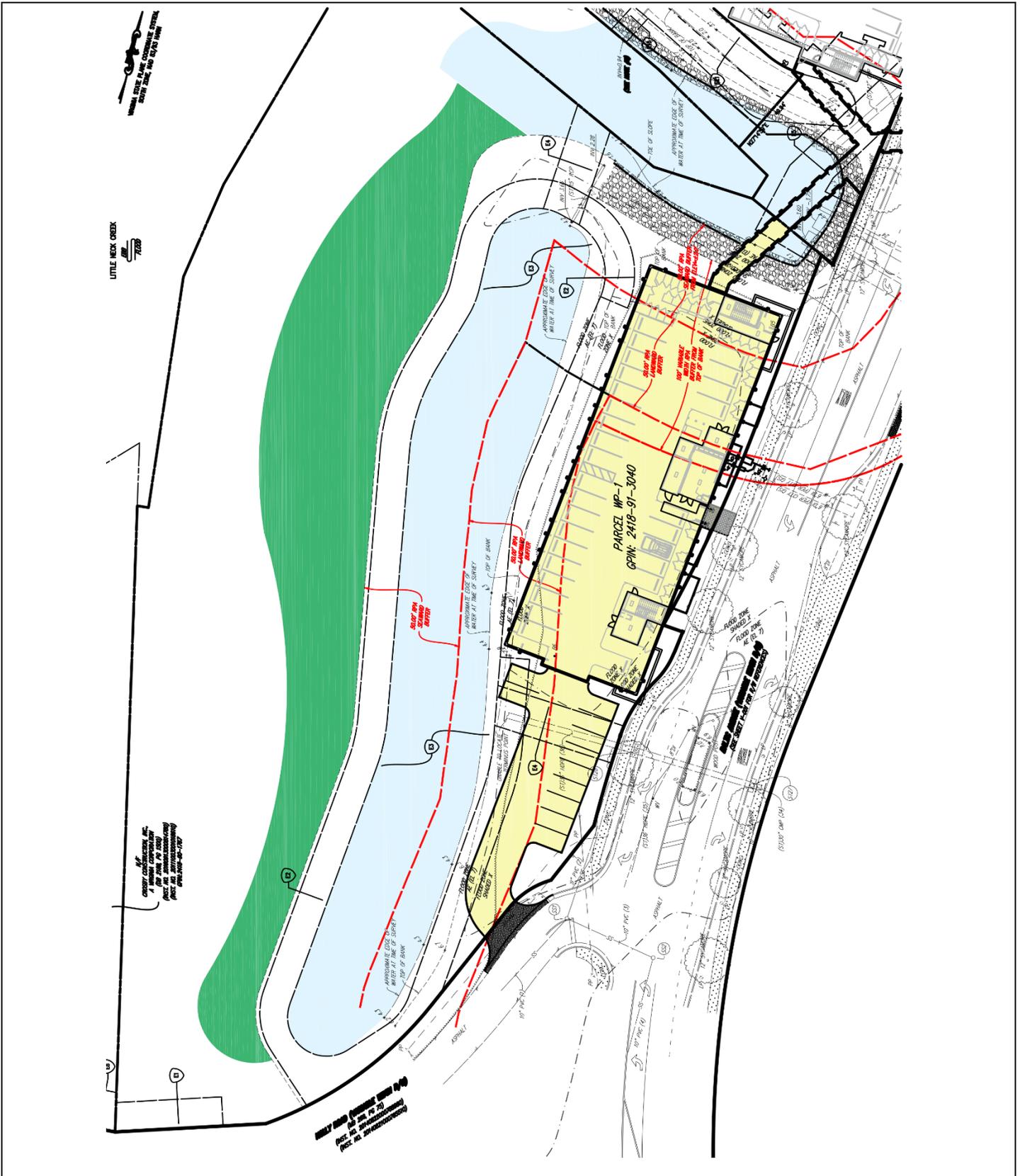




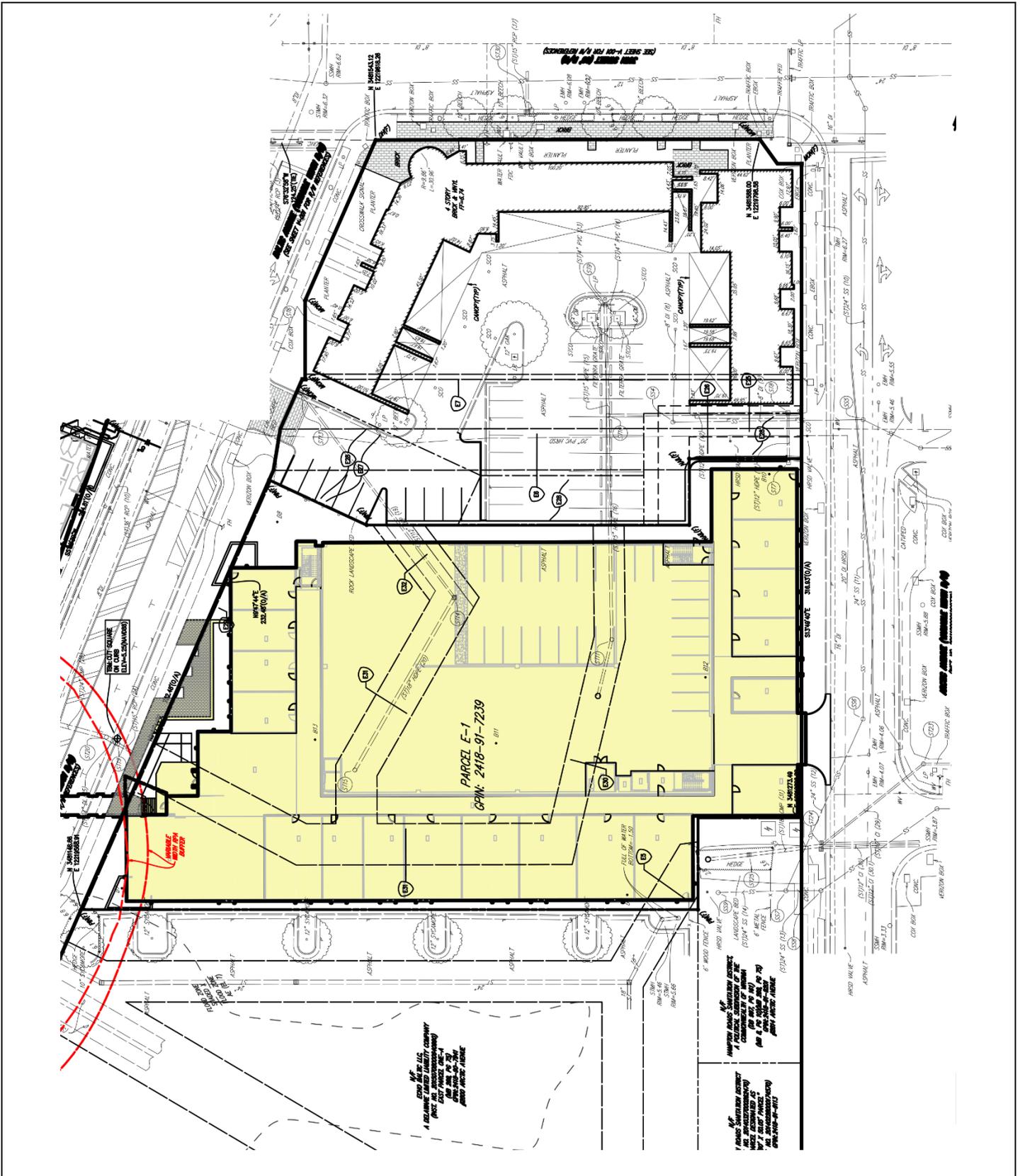
September 27, 2004 CBPA Board Variance Exhibit – Drainage Plan



CBPA Exhibit – Proposed Improvements, Parcel GPIN 2418-91-3040



CBPA Exhibit – Proposed Improvements, Parcel GPIN 2418-91-7239





APPLICANT'S NAME The Old Beach Village Company, 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).

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: The Old Beach Village Company
If an LLC, list all member's names:

Members: Jeffrey W. Ainslie, John W. Ainslie, Jr. Jackson H. Pope

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

(B) List the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the Applicant: *(Attach list if necessary)*

See next page for information pertaining to footnotes¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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

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

- (B) List the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

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

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

SECTION 3. SERVICES DISCLOSURE

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



APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Wall, Einhorn & Chernitzer
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	VIA Design Architects, PC
<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	Ainslie Group, Inc. & Hoy Construction
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	MSA, PC
<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, VHDA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	R. J. Nutter - Troutman Sanders
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Crestline Realty Corp.

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.**

	Jeffrey W. Ainslie	1-1-2020
APPLICANT'S SIGNATURE	PRINT NAME	DATE



OWNER

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Accounting and/or preparer of your tax return	Wall, Einhorn & Chernitzer
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	MSA, PC
<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	Ainslie Group, Inc & Hoy Construction
<input type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	
<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, VHDA
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Ruloff, Swain, Haddad, Morecock, Etal
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Crestline Realty Corp

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
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	Jeffrey W. Ainslie	1-1-2020
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

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Variance Request

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

Applicant's Agent

Eddie Bourdon

Staff Planner

PJ Scully

Lot Recordation

Map Book 7, Page 192
 Recorded 4/26/1926

Map Book 291, Page 34
 Recorded 12/6/2000

GPIN

2418-36-2690

SITE AREA

36,610 square feet or 0.804 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

29,695 square feet or 0.682 acres

EXISTING IMPERVIOUS COVER OF SITE

0 square feet or 0 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

8,905 square feet or 29.9 percent of site

Area of Redevelopment in RPA

0 square feet

Area of Impervious Cover in RPA

8,905 square feet

Location of Proposed Impervious Cover

50-foot Seaward Buffer

50-foot Landward Buffer

100-foot Variable Width Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Undeveloped lot

Construction Details

- Single-family residence with associated walks and circular driveway
- Covered terrace with associated swimming pool and pool surround
- Greenhouse

CBPA Ordinance Variance History

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

Environmental Conditions

Flood Zone

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

Soil Type(s)

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

Shoreline

The shoreline is partially hardened by a vinyl bulkhead that transitions into a vegetated low marsh along the southwestern portion of the lot.

Riparian Buffer

Heavily wooded lot

- Number of existing canopy trees requested for removal within the RPA: 33
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 3 of the 33 trees delineated to be removed with the CBPA Variance request.
- Evaluation of existing canopy tree removal request: Twenty-two (22) of the 33 trees being requested for removal are within the 100-foot Resource Protection Area (RPA) buffer and are approximately 10 feet or less from the proposed improvements. Within the 100-foot RPA, 2 trees have been labeled as dead. Staff is of the opinion that the preservation of the 50-foot seaward buffer, specifically along the southwestern portion of the lot is important with the development of this lot to serve an array of functions, ranging from water quality benefits, soil erosion control, to species preservation. Staff offers that the preservation of the 50-foot seaward buffer and associated forest floor benefits wildlife preservation and tidal headwater functions.

Stormwater Management Methodology

The applicant's agent has stated in the Water Quality Impact Assessment (WQIA) for this variance request that bioretention planting beds will be provided as a best management practice for stormwater run-off mitigation.

Evaluation and Recommendation

The lot was originally platted in 1926, prior to the adoption of the Chesapeake Bay Preservation Area (CBPA) Ordinance; however, it was resubdivided in 2000. The resubdivision of the lot vacated an internal property line, reducing the number of buildable lots from 2 lots to 1 lot and vacated approximately 3,200 square feet of the lot along the northern property line to the adjacent lot. In addition, a visual easement is recorded along the northern property line limiting encroachment of built improvements into said area. An exhibit is provided on page 112 below delineating these restrictive items. Given the visual easement on the lot, the proposed improvements associated with the variance request utilize the front yard and side yard setbacks to the greatest extent practicable. Placement of the dwelling at the front yard setback minimizes the encroachment on this undeveloped lot and preserves the more sensitive portion of the riparian buffer – the natural shore along the southwestern portion of the property. With the accessory structure improvements requested, swimming pool with associated pool surround proposed along the rear of the dwelling, Staff is of the opinion that the placement of these improvements provides merit towards riparian buffer management through soil erosion control which should result in minimal impacts to tidal headwater functions.

With the applicant's awareness and respect towards developing this lot with the intent to preserve portions of the existing riparian ecosystem and the environmental conditions of the existing shoreline stabilized with no visual signs of detrimental erosion present, Staff supports this request and offers 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 been granted so the approval of this request will in no way confer any special privilege to the current owners."* Staff offers that the development of the lot with the proposed encroachments into the 100-foot RPA buffer does not convey a special privilege to the applicant given the extent of redevelopment on adjacent lots within the neighborhood.
- 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 originally platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore placing portions of this property within the RPA. The property has been further encumbered with development restrictions, thus limiting the location of improvements to the areas shown on the CBPA Exhibit.
- 3) The variance is the minimum necessary to afford relief given that *"we feel the best areas for development of this 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 and stepping stone path."* Staff is of the opinion that the amount of development that is proposed with the variance request, coupled with the encroachments into the upper reaches of the 100-foot RPA buffer, provides merit towards the variance request 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, 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 the placement of the proposed improvements provides merit towards riparian buffer management through soil erosion control, which should result in minimal impacts to tidal headwater functions.

- 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 concurs that providing needed maintenance to the preserved riparian buffer and mitigating with the installation of addition plant material into the riparian buffer both offers a management practice that aids in a no net increase in nonpoint source pollution. These are also coupled with the recommended conditions below that include the use of structural best management practices in addition to buffer restoration.

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 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) A maximum of 1,500 square feet of turf is permitted for this property. Said turf shall not be permitted within the 50-foot seaward buffer. All remaining pervious area shall be areas of buffer restoration. Buffer restoration areas shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance to the greatest extent practicable consisting of **11 understory trees, 44 large shrubs, and 66 small shrubs.**

The required restoration shall be installed beginning in the upper limits of the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4 inches to 6 inches in depth. Trees shall not be planted within 15 feet of the shoreline where such planting would result in marsh shading or interference with the integrity of shoreline structures. Salt and flood tolerant plant species shall be planted below the five-foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

- 4) The proposed circular driveway shall not encroach seaward of the delineated top of bank feature.
- 5) The proposed circular driveway, exclusive of the portions adjacent to the garage 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.
- 6) Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.

- 7) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 8) Land disturbance shall be limited to the area necessary to provide for the proposed use or development. Said areas of land disturbance shall be quantified on revised site plan submittals.
- 9) The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. **Said areas shall be quantified as land disturbance if not occurring on a paved or graveled surface.**
- 10) 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.
- 11) 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.
- 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 \$2,040.72 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 27, 2019, prepared by WPL, signed January 3, 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.

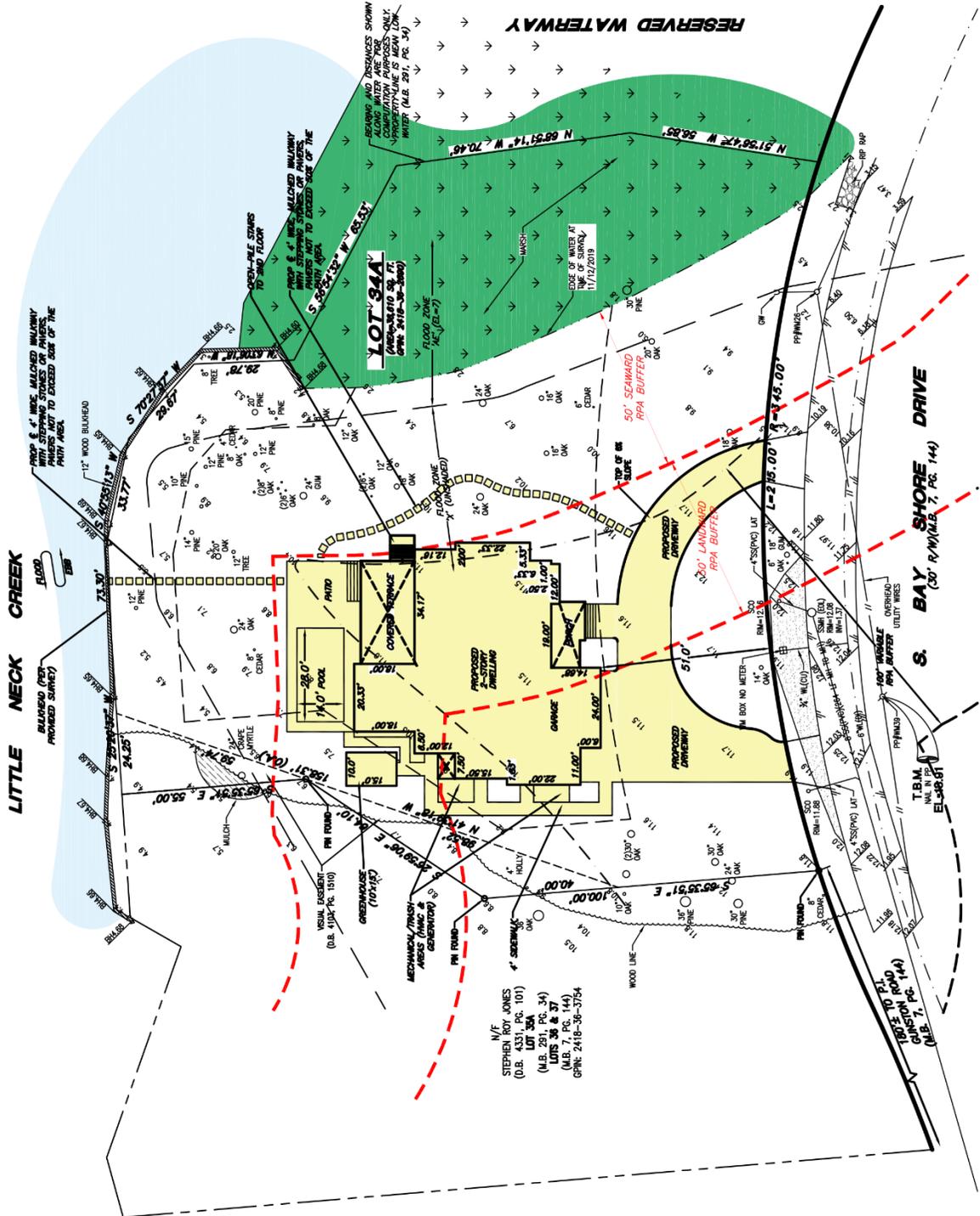
****** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

*******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.

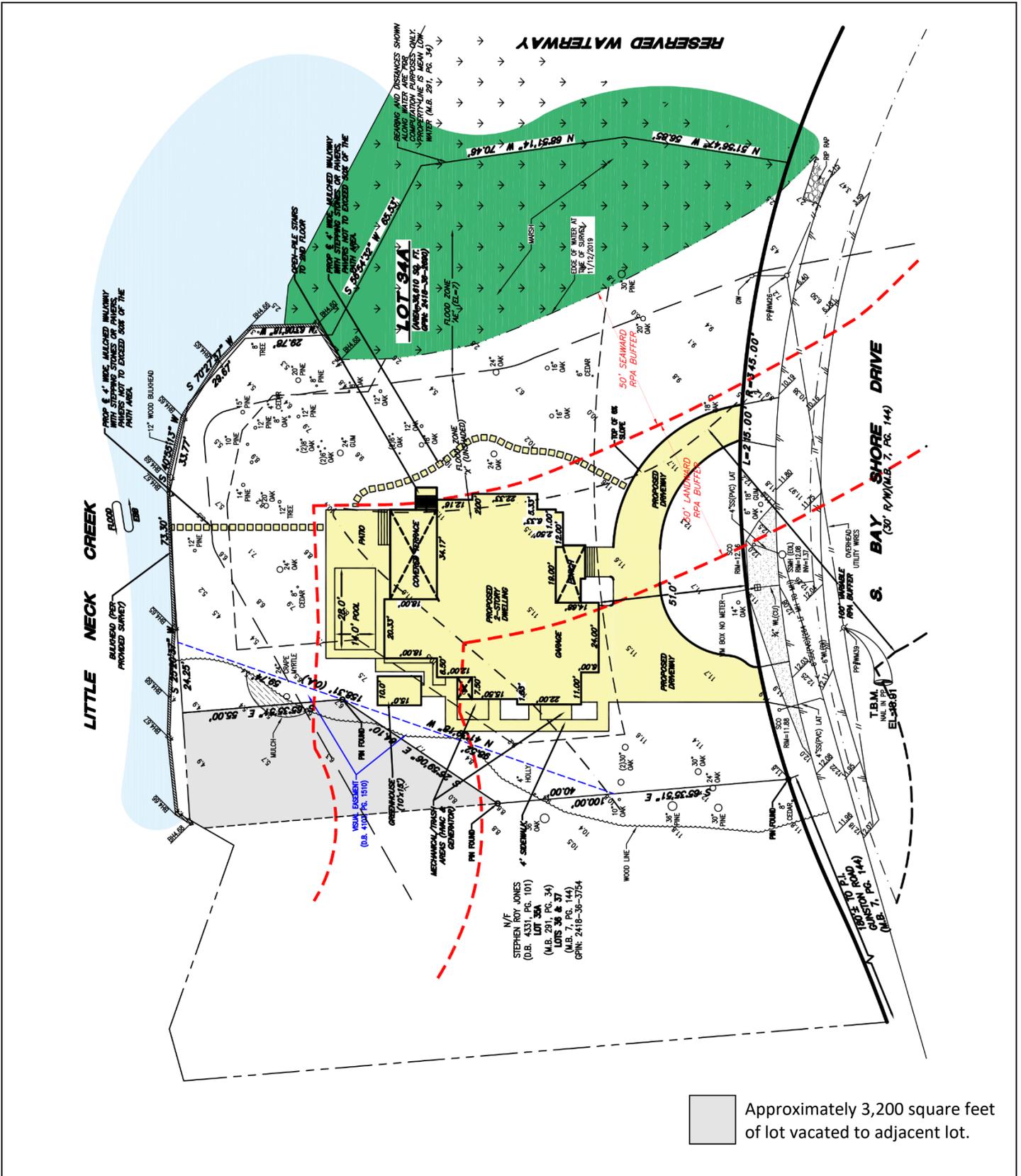
Site Aerial



CBPA Exhibit – Proposed Improvements



CBPA Exhibit – Visual Easement and Resubdivision





APPLICANT'S NAME South Bay Shore 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 Board of Zoning Appeals	Economic Development Investment Program (EDIP)	Nonconforming Use Changes
Certificate of Appropriateness (Historic Review Board)	Encroachment Request	Rezoning
Chesapeake Bay Preservation Area Board	Floodplain Variance	Street Closure
Conditional Use Permit	Franchise Agreement	Subdivision Variance
	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: South Bay Shore LLC
If an LLC, list all member's names:
James P Karides

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

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

See next page for information pertaining to footnotes ¹ and ²



SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

Estate of

(A) List the Property Owner's name: Tyler Caroline Selden Grandy
If an LLC, list the member's names:



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

- (B) List the businesses that have a parent-subsiary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

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

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

SECTION 3. SERVICES DISCLOSURE

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



APPLICANT

YES	NO	SERVICE	PROVIDER (use additional sheets if needed)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Accounting and/or preparer of your tax return	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	Residential Designs, LTD
<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	VB Homes
<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 Morgan Stanley
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Edward Bourdon, Jr. Esquire
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	<i>ONE REALTY ASSOCIATES</i> <i>BHHS TOWNE REALTY</i>

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

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

	James P Karides, Manager	12/20/19
APPLICANT'S SIGNATURE	PRINT NAME	DATE



OWNER

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	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	see applicant
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Wolcott Rivers Gates John Richardson CITE REALTY ASSOCIATES BHHS Towne Realty
<input checked="" 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?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

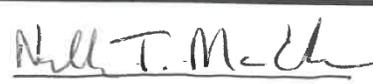
If yes, what is the name of the official or employee and what is the nature of the interest?



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	Sallie C. Tyler	1-3-20
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

-  Nellie T. McBride 1-3-20
-  Caroline T. Watson 1-4-20

AS NEEDED, PAGE LEFT BLANK